

CFDA No. 20.205
Subrecipient Unique Entity Identifier: 12055002

**AGREEMENT BETWEEN THE
CITY OF RAPID CITY
AND THE
SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
FOR ACCOMPLISHING THE RAPID CITY AREA
TRANSPORTATION PLANNING PROCESS**

THIS AGREEMENT is entered into by and between the State of South Dakota, acting by and through its Department of Transportation, referred to in this Agreement as the "STATE," and the city of Rapid City, referred to in this Agreement as the "MPO," for the purpose of providing partial funding of the metropolitan planning area study activities scheduled to be performed during calendar year (CY) 2017, as outlined in the CY 2017 Unified Planning Work Program, attached to and made a part of this Agreement by reference, using planning funds available from apportionments made under Title 23, United States Code, Section 104, subsection f(4) and Title 49, United States Code, Section 5303.

BACKGROUND:

1. The Governor of the State of South Dakota has designated the MPO as being responsible for carrying out the provisions of Section 134 of Title 23 of the U.S.C. and Section 5303 of Title 49 of the U.S.C.;
2. Federal-Aid Highway and Transit Planning Funds have been apportioned to the STATE for reimbursement of MPO activities;
3. The MPO, acting on behalf of the local units of government, and the STATE want to cooperate to reach formal agreement on the objectives, organization, work program preparation, and Federal-Aid reimbursements for the Transportation Planning Process; and
4. The MPO and the STATE will prepare a mutually acceptable Unified Planning Work Program which must be adopted by the MPO. .

In consideration of the foregoing, the parties agree as follows:

1. Scope of Work
 - A. The work to be performed under the terms of this Agreement for the Rapid City Metropolitan Transportation Planning Process will be conducted in accordance with the CY 2017 Unified Planning Work Program incorporated in this Agreement by reference as **Attachment E**.
 - B. MPO Responsibilities:
 - 1) The MPO, acting by and through the Executive Policy Committee, is responsible for administration of the planning process in accordance with Section 134 of Title 23 of the U.S.C. and Section 5303 of Title 49 of the U.S.C.
 - 2) The MPO will provide a secretary for the Citizens Advisory Committee, Technical Coordinating Committee and the Executive Policy Committee meetings (held for

purposes of Transportation Planning relative to Section 134 of Title 23 of the U.S.C. and Section 5303 of Title 49 of the U.S.C.) to record committee action and to distribute meeting minutes to committee members and other interested persons.

- 3) The MPO will assure the accomplishment of work activities identified in the Unified Planning Work Program.
- 4) The MPO will schedule and conduct meetings and conferences pertaining only to Transportation Planning relative to Section 134 of Title 23 of the U.S.C. and Section 5303 of Title 49 of the U.S.C.
- 5) The MPO will review work activities and involve the principal participants and other interested groups in a continuing, cooperative, and comprehensive Transportation Planning that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals.
- 6) The MPO will submit technical documents and manuals prepared for use in accomplishing work activities to the Citizens Advisory Committee and the Technical Advisory Committee for its review and comment. Upon completion of the Citizens Advisory Committee's and the Technical Advisory Committee's review, the technical documents and manuals will then be submitted to the Urbanized Development Commission for review and comment.
- 7) The MPO will disseminate information on all documents prepared under this Agreement to the local members for their review and comments.

C. STATE Responsibilities:

- 1) The STATE will administer the funds apportioned to South Dakota in accordance with Federal Highway Administration Policies and procedures for Section 134 Title 23, U.S.C. and Federal Transit Administration Policies and procedures for Section 5303 of Title 49 of the U.S.C.
- 2) The STATE will provide staff assistance to the MPO and other assistance as necessary to implement the Unified Planning Work Program.
- 3) The STATE will transmit to the MPO any documents developed by the STATE that affect the local governmental entities comprising the MPO for review prior to submittal to the Federal Highway Administration and Federal Transit Administration to assure that the local concerns are properly addressed.

2. Duration of Agreement

This Agreement covers the period from January 1, 2017, to December 31, 2017, unless terminated earlier pursuant to the terms of this Agreement.

3. Payment Procedures

- A. The maximum limiting amount will not exceed Five Hundred Eighty-two Thousand Thirty-five Dollars (\$582,035), and cannot be exceeded by the combined vouchering of the participating parties in the Rapid City Transportation Planning Process and for which this Agreement will be effective.

- B. The maximum distribution of Federal Highway Administration Planning Funds is Five Hundred Eighty-two Thousand Thirty-five Dollars (\$582,035), for which this Agreement shall regulate and be accountable for are as follows, until amended, for work in the CY 2017 Unified Planning Work Program.
 - C. The STATE will provide compensation to the MPO on a cost reimbursement basis for the federal-participating share for eligible costs incurred for work activities in the approved CY 2017 Unified Planning Work Program. Compensation for Federal Highway Administration Planning Funds will be on a cost reimbursement basis by payment of 81.95 percent of the total eligible costs incurred for work activities in the approved CY 2017 Unified Planning Work Program and for Federal Transit Administration Planning Funds will be on a cost reimbursement basis by payment of 80 percent of the total eligible costs incurred for work activities in the approved CY 2017 Unified Planning Work Program. Eligible costs are defined in 2 CFR Part 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
 - D. The STATE will make payment to the MPO not more than once every four (4) weeks for costs incurred for services performed under this Agreement. The MPO will submit direct vouchers within twenty (20) days following the end of the period covered by the account. The direct vouchers will be the basis of payment and will include supporting documentation for all allowable costs. Duly authorized representatives of the STATE will provide an interim audit of each voucher. The STATE, upon receipt of the direct vouchers, will provide payment to the MPO of all allowable, documented costs within thirty (30) days of receipt of the voucher. Costs documented at a later date may be reimbursed on a subsequent voucher.
 - E. The MPO agrees that employees of the MPO whose time is directly assignable to the program will keep and sign a time record showing the element of the program, date and hours worked, and title of position.
 - F. The MPO will charge specific work items as contained in the approved CY 2017 Unified Planning Work Program. The MPO will provide the STATE with the MPO'S annual progress report.
4. Federal Award Identification Number and Federal Award Date

The parties understand and agree the federal award identification number (FAIN) and the federal award date will be provided by the STATE to the MPO upon completion of the federal form 292 and submission of the form by the STATE to the Federal Highway Administration (FHWA) and information will also be retained on file with the STATE.

5. Travel

All travel by the MPO which will use funds in accordance with this Agreement will be on the basis of the company policy and also subject to preauthorization by the STATE. Estimates of travel by the MPO staff which will use funds in accordance with the Agreement for CY 2017 are identified in the CY 2017 Unified Planning Work Program.

6. Unified Planning Work Program Acceptance and Modification

- A. Changes in the program may be made only after consultation with and approval in writing by the parties to this Agreement, the Federal Highway Administration, and the MPO.
- B. Decisions affecting the composition, scope, and duration of the work will be subject to approval by the parties to this Agreement prior to proceeding with the program.
- C. If, as project work progresses, major changes are deemed necessary, adjustment for pay or modification in the scope of the work will be by a letter supplement to this Agreement.

7. Reports

Reports will be prepared as outlined in the Unified Planning Work Program, reviewed by the participating agencies, and then made available to the MPO.

8. Inspection of Work

The STATE and the MPO will, at all times, be accorded proper facilities for review and inspection of each other's work as outlined in the approved CY 2017 Unified Planning Work Program. In addition, the STATE and the MPO will also, at all times, provide proper facilities for review and inspection of this same work to authorized personnel of the Federal Highway Administration and Federal Transit Administration.

9. Records and Audits

- A. All charges will be subject to audit in accordance with current STATE procedures and CFR Title 48, part 31.2.
- B. The MPO will maintain an accurate cost accounting system for all costs incurred under this Agreement, and costs will be clearly identified with activities performed under this Agreement.
- C. Upon reasonable notice, the MPO will allow STATE or Federal Highway Administration representatives to have access to and the right to examine all records of the MPO related to this Agreement during the MPO'S normal business hours. The MPO will keep all records for a period of three (3) years after the date of final payment by STATE under this Agreement and all other pending matters are closed.
- D. If the MPO expends Seven Hundred Fifty Thousand Dollars (\$750,000.00) or more in federal funds during any MPO calendar year covered under this Agreement, the MPO will be subject to the single agency audit requirements of the U. S. Office of Management and Budget (OMB) Circular regulations found at 2 CFR Part 200. If the MPO expends less than Seven Hundred Fifty Thousand Dollars (\$750,000.00) in federal funds during any MPO calendar year, the STATE may perform a more limited program or performance audit related to the completion of Agreement objectives, the allowability of services or costs and adherence to Agreement provisions.

10. Ownership of Data

Documents and all products of this Agreement are to be the joint property of the STATE and the MPO in the Transportation Planning Process.

11. Publication or Release of Information

- A. The MPO will not copyright material developed under this Agreement without written authorization from the STATE, the Federal Highway Administration, and the Federal Transit Administration. The STATE, the Federal Highway Administration, and the Federal Transit Administration reserve a royalty-free nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, the work under this Agreement for government purposes.
- B. Either party to the Agreement may initiate a request for publication of any report or portion thereof. In the event of failure of agreement between the STATE and the MPO, each party reserves the right to publish independently, in which event nonconcurrence of the other party will be set forth, if requested.
- C. All reports published by the STATE or the MPO will contain a credit reference to the Federal Highway Administration and Federal Transit Administration such as "prepared in Cooperation with the U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration."

12. Claims

The MPO will indemnify the STATE, its officers, agents, and employees against any and all actions, suits, damages, liability, or other proceedings that may arise as the result of performing services under this Agreement. This section does not require the MPO to be responsible for or defend against claims or damages arising from errors or omissions of the STATE, its officers, agents, or employees. It is further agreed that no employee of either party, while engaged in the performance of any work or services, will be considered an employee of the other party, and no claim that may or might arise under the South Dakota Workers' Compensation Act on behalf of said employee, while so engaged on any of the work or services provided to be rendered in this Agreement, will be the obligation or responsibility of the other party.

13. Subcontracting

The MPO, with the MPO'S own staff or by subcontract with other public agencies, will perform work valued at not less than fifty percent (50%) of the contract amount excluding specialized services. The MPO will submit to the STATE all agreements or contracts pertinent to the Work Program and subject to partial reimbursement under this Agreement for review and approval prior to final execution and will be approved by the MPO. All subcontracts must contain all of the provisions of this Agreement.

14. Nondiscrimination/ADA

The MPO will comply with the requirements of Title 49, CFR Part 21 and Title VI of the Civil Rights Act of 1964, the latter identified as **Attachment A**, attached to and made a part of this Agreement. The MPO will submit, upon request, quarterly Title VI (Civil Rights) State of Contractor reports to the STATE. The MPO will provide services in compliance with the Americans With Disabilities Act of 1990, and any amendments.

15. Certification for Grants, Loans, and Cooperative Agreements

The MPO will comply with the requirements identified in **Attachment B**, attached to and made a part of this Agreement.

16. Certification for Debarment, Suspension and Other Responsibility Matters

The MPO will comply with the requirements identified in **Attachment C**, attached to and made a part of this Agreement.

17. Compliance with SDCL § 1-56-10

The MPO will comply with all requirements imposed by South Dakota Codified Law (SDCL) § 1-56-10. The MPO has signed "State of South Dakota Grant Recipient or Subrecipient Attestation" to this effect, which is attached as **Attachment D** and made a part of this Agreement.

18. Termination

Either party may terminate this Agreement by providing thirty (30) days' written notice to the other.

19. Availability of Funds

The payment of public funds under this Agreement is subject to the availability of MPO Federal Highway Administration and Federal Transit Administration Planning Funds appropriated by Congress.

20. Notice

Any notice or communication required under this Agreement will be in writing and sent to the following addresses:

South Dakota Department of Transportation
Attn: Brad Remmich
700 East Broadway Avenue
Pierre, South Dakota 57501

city of Rapid City, South Dakota
Attn: Patsy Horton
300 Sixth Street
Rapid City, SD 57701

21. The MPO has designated the city of Rapid City, South Dakota's Mayor as the MPO'S authorized representative and has empowered the Mayor with the authority to sign this Agreement on behalf of the MPO. A copy of the city of Rapid City's Commission minutes or resolution authorizing the execution of this Agreement by the Mayor on behalf of the MPO as the MPO'S authorized representative is attached to this Agreement as **Attachment F**.


SIGNATURE PAGE FOLLOWS

The parties have caused this Agreement to be executed by their proper officers and representatives.

City of Rapid City

State of South Dakota
Department of Transportation

By: 
Steve Allender

By: 
Darin P. Bergquist

Its: Mayor

Its: Secretary

Date: 11-22-16

Date: 12/19/16

Attest:

Recommended By:


City Finance Officer/Clerk

 12/19/16
Michael Behm, Director Planning and Engineering

(City Seal)

Approved as to Form:


City Attorney

Rapid City Metropolitan Planning Organization

By: 
Robert Heidgerken

Its: Chairman, Executive Policy Committee

Date: 12/15/16

ATTACHMENT A

STATE OF SOUTH DAKOTA
DEPARTMENT OF TRANSPORTATION
STANDARD TITLE VI / NONDISCRIMINATION ASSURANCES
APPENDIX A & E
MARCH 1, 2016

During the performance of this Agreement, the MPO, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices, when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

During the performance of this Agreement, the MPO, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252)(prohibits discrimination on the basis of race, color, national origin), and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601)(prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.)(prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.) as amended (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, (42 U.S.C. § 6101 et seq.), as amended (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (49 USC § 471, Section 47123), as amended(prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209)(Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

ATTACHMENT B

CERTIFICATION FOR GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The MPO certifies, to the best of MPO'S knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the MPO, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The MPO will require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000.00, and that all such subrecipients will certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification will be subject to a civil penalty of not less than \$10,000.00 and not more than \$100,000.00 for each such failure.

ATTACHMENT C

CERTIFICATION FOR DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

The MPO, as a recipient of Federal Highway Administration and Federal Transit Administration funds, certifies to the best of its knowledge and belief that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses listed in paragraph (2) of this certification; and
4. Have not within a three year period preceding this application had one or more public transactions (federal, state or local) terminated for cause or default.

The MPO certifies that if it becomes aware of any later information that contradicts the statements of paragraph (1) through (4) above, it will promptly inform Federal Highway Administration or South Dakota Department of Transportation.

ATTACHMENT D

State of South Dakota Grant Recipient or Subrecipient Attestation

By completing this form, you, the recipient or subrecipient, attest to meeting the following requirements per SDCL § 1-56-10:

- (1) A conflict of interest policy is enforced within the recipient's or subrecipient's organization;
- (2) The Internal Revenue Service Form 990 has been filed, if applicable, in compliance with federal law, and is displayed immediately after filing on the recipient's or subrecipient's website;
- (3) An effective internal control system is employed by the recipient's or subrecipient's organization; and
- (4) If applicable, the recipient or subrecipient is in compliance with the federal Single Audit Act, in compliance with SDCL § 4-11-2.1, and audits are displayed on the recipient's or subrecipient's website.

If you, the recipient or subrecipient, have concerns regarding the requirements listed above, please contact your state agency representative before signing this form.

Printed Name of Person Completing Form:

Patsy Horton

Printed Title of Person Completing Form:

Long Range Planning Mgr

Signature of Person Completing Form:

Patsy Horton

Date:

11/8/16

Attachment E

Rapid City Area Metropolitan Planning Organization

2017 UNIFIED PLANNING WORK PROGRAM



Prepared by the
City of Rapid City, City of Box Elder,
City of Summerset, City of Piedmont,
Pennington County, Meade County,
South Dakota Department of Transportation

In cooperation with the
U.S. Department of Transportation
Federal Highway Administration
Federal Transit Administration

“The preparation of this report has been financed in part through grants from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation, under Metropolitan Planning Program, Section 104(f) of Title 23, U.S. Code. The contents of this report do not necessarily reflect the official views or policy of the U.S. Department of Transportation.”

Rapid City Area Metropolitan Planning Organization provides services without regard to race, color gender, religion, national origin, age or disability, according to the provisions contained in SDCL 20-13, Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, as amended, the Americans With Disabilities Act of 1990 and Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994.

Any person who has questions concerning this policy or who believes they have been discriminated against should contact Patsy Horton, Rapid City Area Metropolitan Planning Organization Title VI Coordinator at 394-4120.

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General Acronyms

ADA	Americans with Disabilities Act of 1990. Mandates changes in building codes, transportation, and hiring practices to prevent discrimination against persons with disabilities. This act affects all existing and new public places, conveyances, and employers. The significance of ADA in transportation will be most apparent in transit operations, capital improvements, and hiring practices.
CAC	Citizens' Advisory Committee of the Metropolitan Planning Organization
CIP	Capital Improvement Program
EPC	Executive Policy Committee of the Metropolitan Planning Organization
FAST Act	Fixing America's Surface Transportation Act
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GIS	Geographic Information Systems
L RTP	Long Range Transportation Plan
MAP-21	Moving Ahead for Progress in the 21 st Century. This two-year highway bill was approved in the year 2012, and carries on the previously established emphasis towards developing a balanced transportation system, including public transit, bicycle and pedestrian modes, and environmental and social consequences.
MPO	Metropolitan Planning Organization
PL	Metropolitan Planning Funds that have been set aside for transportation planning activities in Urbanized Areas. Funding is on an 81.95% - 18.05% federal/local basis.
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. This five year highway bill was approved in August of 2005 and authorizes the Federal surface transportation programs for highways, highway safety, and transit for the 5-year period 2005-2009.

SDDOT	South Dakota Department of Transportation
SECTION 5307	Federal Program for capital improvements, i.e. terminals, shelters, mechanical equipment other than buses, computers, office equipment, etc. These funds, formerly known as Section 9 funds, have been available since FY 1984 through the Urban Mass Transportation Act of 1964 as amended by the Federal Transit Act of 1991. They provide resources for planning, capital and operating assistance. The match on planning and capital is 80% federal and 20% local; while the operating subsidy is 50% federal and 50% local.
SECTION 5310	These funds, formerly known as Section 16 funds, are available through the Urban Mass Transportation Act of 1964 as amended. This authorizes capital grants to non-profit organizations to assist in providing transportation for the elderly and the handicapped. FTA provides 80% of the costs for equipment, and the 20% match must come from other than federal funds.
SECTION 5339	A formula program that provides funding for capital projects to replace, rehabilitate, and purchase buses and bus-related equipment, and to construct bus-related facilities. This program was established under Moving Ahead for Progress in the 21st Century (MAP-21), replacing the previous Section 5309 discretionary program established under the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).
TAZ	Traffic Analysis Zone
TCC	Technical Coordinating Committee of the Metropolitan Planning Organization
TIP	Transportation Improvement Program
UPWP	Unified Planning Work Program

Introduction

The purpose of the Unified Planning Work Program (UPWP) is to describe the annual activities, planning studies, and products to be developed by the Metropolitan Planning Organization (MPO) over a one-year period. The UPWP identifies who will be involved with the work tasks and the anticipated product or outcome. The UPWP also identifies funding for these tasks which includes total programmed expenditures for each one. The MPO and its coordinating agencies work together to define work activities which will be performed over the year. The City of Rapid City oversees this work program in accordance with the agreements among the City of Rapid City, the City of Box Elder, the City of Summerset, the City of Piedmont, Pennington County and Meade County. The South Dakota Department of Transportation (SDDOT), Ellsworth Air Force Base, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) and the local school districts also participate in the development of the UPWP as members of the Technical Coordinating Committee.

Input from local entities is pursued during the development of the UPWP to ensure all transportation issues within the Rapid City MPO boundary are considered. A boundary map is included for reference. It is important to obtain input from the FHWA, FTA, the SDDOT, the City of Rapid City, the City of Box Elder, the City of Summerset, Pennington County, Meade County and Rapid Transit to ensure the work program covers all aspects of transportation.

Once the state allotments have been established by the FHWA and the FTA, the MPO funding allocation is developed by the SDDOT in conjunction with the South Dakota MPOs. The FHWA and FTA approve the allocation amount and a contract is entered between the MPOs and the SDDOT to conduct the work tasks found in the UPWP.

Metropolitan Planning Organization Structure

Effective transportation planning requires coordination and integration of all modes of travel. Good planning also involves input from the community to ensure common goals and community interests are addressed. The MPO process includes citizens, technical experts and elected officials in adopting planning documents. The organizational structure consists of the Citizens' Advisory Committee (CAC), the Technical Coordinating Committee (TCC), and the Executive Policy Committee (EPC). This structure allows input from all three groups for transportation decisions.

The CAC is comprised of private citizens whose involvement concerning transportation issues provides valuable input into the planning process. This committee ensures that the public is included in the transportation planning process and that public interests are considered in regional transportation decisions. Membership of the CAC consists of nine voting members representing various sections of the Rapid City Area MPO community. The current membership of this committee is as follows:

Citizens' Advisory Committee Members		
Dave Kallemeyn, Rapid City	Bob Burns, Piedmont	Chad Ratigan, Underserved
Matt Kammerer, Meade County	Matthew Fitting, Bicycling	Kathy McDaniel, Bicycling
Ray Dvorak, Rapid City	Mike Pendo, Underserved	Adeline Kalmbach, Rapid City
Wes Rick, Box Elder	Tom Raymond, Minority	John Boylan, Meade County

The TCC consists of planners, engineers, safety officials, airport officials, school officials and representatives from federal and state agencies who all provide technical review and guidance to the MPO. This group makes recommendations to the EPC concerning the adoption and approval of all transportation plans and programs such as the Long Range Transportation Plan, the Transportation Improvement Program, and various reports, studies and plans developed for the MPO. The current active membership of the TCC is as follows:

Technical Coordinating Committee Members
Rapid City Community Planning and Development Services Department, Long Range Planning;
Rapid City Public Works Department, Engineering Division;
Rapid City Public Works Department, Traffic Engineer;
Rapid City Public Works Department, Street Division;
Rapid City Public Works Department, Urban Systems Engineer;
Rapid City Public Works Department, Rapid Transit Manager;
Rapid City Regional Airport Administration;
Rapid City Police Department, Traffic Division;
Rapid City Community Planning and Development Services Department, Current Planning;
Rapid City School District;
Pennington County Planning Department;
Pennington County Drainage Coordinator;
Pennington County Highway Department;
Pennington County Sheriff's Office;
Meade County Director of Equalization;
Meade County Sheriff's Department;
Meade County Highway Department;
Meade County Transportation Committee;
Meade School District 46-1;
City of Box Elder Planning Department;
City of Box Elder Public Works Department;
City of Box Elder Police Department;
City of Summerset Finance Office;
City of Summerset Mayor;
Douglas School District;
Ellsworth Air Force Base;
SDDOT, Division of Planning and Engineering;
SDDOT, Office of Local Transportation Programs;
SDDOT, Division of Operations, Regional Engineer;
*FHWA

* Denotes non-voting membership

The EPC is the decision making body of the MPO and is composed of locally elected officials, representatives from federal and state agencies, and other agencies interested in transportation planning for the region. The primary function of this group is to ensure federal guidelines are followed and that the development of the regional transportation

system follows a coordinated, continuing, cooperative and comprehensive process. The current membership of the EPC includes the following:

Executive Policy Committee Members
Mayor, City of Rapid City
Mayor, City of Box Elder
Vice-Chairman, Pennington County Commission
Representative, Pennington County Commission
Chairman, Meade County Commission
Representative, Meade County Commission
Representative, Rapid City Council
Representative, Box Elder City Council
Representative, Rapid City Regional Airport
Representative, South Dakota Transportation Commission
*SDDOT – Division of Planning and Engineering
*Federal Highway Administration
*Ellsworth Air Force Base

* Denotes non-voting membership

The three committees operate under the Federal regulations established by the Fixing America's Surface Transportation Act (FAST Act). These regulations define the procedures and organization of the MPO process.

Federal Guidelines – FAST Act Considerations

Included with FAST Act are ten (10) factors required for consideration in the planning process. The UPWP includes work tasks to be accomplished over the fiscal year which will address these requirements. These ten (10) factors include:

The FAST Act Planning Factors include:

1. Support the economic vitality of the metropolitan area 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 the 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 throughout the metropolitan region, for people and freight;
7. Promote efficient system management and operation;
8. Emphasize the preservation of the existing transportation system;
9. Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts on surface transportation; and
10. Enhance travel and tourism.

Federal Fiscal Year 2017 Planning Emphasis Areas

FAST Act Implementation

Transition to Performance Based Planning and Programming. The development and implementation of a performance management approach to transportation planning and programming that supports the achievement of transportation system performance outcomes.

Models of Regional Planning Cooperation

Promote cooperation and coordination across MPO boundaries and across State boundaries where appropriate to ensure a regional approach to transportation planning. This is particularly important where more than one MPO or State serves an urbanized area or adjacent urbanized areas. This cooperation could occur through the metropolitan planning agreements that identify how the planning process and planning products will be coordinated, through the development of joint planning products, and/or by other locally determined means. Coordination across MPO and across State boundaries includes the coordination of transportation plans and programs, corridor studies, and projects across adjacent MPO and State boundaries. It also includes collaboration among State DOT(s), MPOs, and operators of public transportation on activities such as: data collection, data storage and analysis, analytical tools, and performance based planning.

Ladders of Opportunity

Access to essential services - as part of the transportation planning process, identify transportation connectivity gaps in access to essential services. Essential services include housing, employment, health care, schools/education, and recreation. This emphasis area could include MPO and State identification of performance measures and analytical methods to measure the transportation system's connectivity to essential services and the use of this information to identify gaps in transportation system connectivity that preclude access of the public, including traditionally underserved populations, to essential services. It could also involve the identification of solutions to address those gaps.

Funding

Each section of the UPWP indicates the entities responsible for participating in the transportation planning activities, or work activities, to be completed. FHWA Title 23 U.S.C. Section 104, subsection d(2) and FTA Title 49 U.S.C Section 5303 authorize grant funds to be appropriated for public transportation planning activities. SDDOT requested and received permission from FTA to transfer FTA planning funds to FHWA planning funds as part of the consolidated planning grant program. Planning (PL) funds budgeted in the UPWP are provided through an agreement between SDDOT and the City of Rapid City acting as the fiscal agent for the MPO. Funding amounts are based on the estimated 2016 allocation and distribution formula as agreed upon by the MPOs and SDDOT; and are matched by the entity utilizing the funds. The current matching ratios are as follows:

Federal planning (PL) funds: 81.95%
 Local match: 18.05%

A comprehensive budget is contained at the back of this document. The budget sheet identifies individual tasks, programmed funds for each task and the funding source. All UPWP activities may allow contracts with outside parties upon receipt of approval of the SDDOT and the EPC.

As part of the budgeting process, there are times when Meade County and Pennington County initiate countywide transportation related studies. To ensure that those agencies can utilize PL funds for that portion within the Metropolitan Planning Area, the proportion that is eligible shall be determined by the percentage of County vehicle miles traveled (VMT), (the number of miles vehicles travel over a given time period), within the Metropolitan Planning Area, based on the most current data. Based on the 2015 data, 34% of a proposed Meade County transportation activity within the MPO is eligible for PL funding and 64% of a proposed Pennington County transportation planning related activity within the MPO is eligible for PL funding.

SD Road Miles – 2015 Data		
	VMT	%
Meade		
Within MPO	11,845,484	34%
Outside MPO	23,351,250	66%
Total	35,196,734	100%
Pennington		
Within MPO	54,743,205	64%
Outside MPO	31,241,303	36%
Total	85,984,508	100%

An Annual Report, prepared within 90 days after the end of each calendar year, will contain the financial statements of the Rapid City MPO's UPWP. The report will include a summary of staff activities accomplished over the previous year.

2017 UPWP Work Activities

Personnel Services

These UPWP activities directly relate to a comprehensive, cooperative and continuing planning process emphasized within FAST Act, one that promotes, preserves and produces an efficient intermodal transportation system, supporting economic development while improving security and safety.

2017 Work Activities:

1. Staff will participate in the 2017 Rapid City Area MPO Transportation Planning Certification Process. The SDDOT will conduct a certification review with the MPO

on an as-needed basis. The EPC will self-certify the local transportation planning process. Environmental justice compliance will be addressed as part of the certification review.

2. Staff will coordinate the execution of the annual planning agreements among the SDDOT, City of Rapid City, City of Box Elder, City of Summerset, City of Piedmont, Meade County and Pennington County.
3. Staff will coordinate and develop the 2018 Rapid City Area MPO UPWP. The cost of staff time, public notices, and printing costs will be included in this activity.
4. Staff will coordinate with the SDDOT to consolidate all consultant contracts and unobligated funding into the current UPWP.
5. Staff will prepare yearly demographic profiles based on best available information (2010 US Census Bureau and local building permit data) to enhance the environmental justice requirements.
6. Staff will prepare the update to the Fugitive Dust Plan as needed.
7. Staff will continue updating and revising MPO planning documents as needed including, but not limited to, the Participation Plan, the Operations Plan, the Bikeway/Walkway Plan, the Coordinated Public Transit – Human Services Transportation Plan, the Functional Classification Map, the Transportation Improvement Program, including amendments, and the Long Range Transportation Plan.
8. Staff will maintain the MPO's accounting and vouchering system, whereby participants in the local transportation planning process are reimbursed for eligible transportation planning work activities.
9. Staff will monitor work activities outlined in the 2017 UPWP and submit vouchers either monthly or quarterly for reimbursement of eligible transportation planning work activities.
10. Staff will monitor the implementation of grant activities and present UPWP budget amendments as necessary.
11. Staff will attend committee meetings, transportation planning meetings, and public meetings throughout the planning year. Staff will discuss and distribute information regarding the transportation planning process and transportation improvements.
12. Staff will continue to participate in regular meetings with non-profit transportation providers to assist with the development, implementation and monitoring of the Coordinated Public Transit-Human Services Transportation Plan.
13. Staff will undertake supporting activities of the MPO committees and the planning process including, but not limited to, coordinating and staffing meetings, open

houses and public hearings, developing committee agendas and taking meeting minutes, assembling and distributing meeting packets, posting and publishing public notices, developing reports and documents, managing committee membership, maintaining the Transportation Planning website, and distributing information.

14. Staff will attend/participate in various training courses, conferences, seminars, workshops and other activities related to professional development. The cost of training, travel and lodging, including staff time will be included in this activity. In-state and out-of-state travel must be approved by the SDDOT via written travel request and justification in advance of the event. E-mail correspondence is an acceptable form of transmittal.
15. Staff will participate in FHWA, FTA, and/or SDDOT training opportunities and events which pertain to the operations and planning process of the Rapid City Area MPO.
16. Staff, when requested, will assist member agencies of the MPO with the development of their Comprehensive Plans. Assistance provided under the UPWP will be limited to land use assessments, street plan updates, tasks associated with the development of the travel demand model and the preparation of GIS generated maps.
17. Staff will assist communities within the MPO in the preparation of GIS maps for land use data on an as-needed basis.
18. Staff will develop, monitor and maintain the GIS database and TAZ data for the MPO area.
19. Staff will participate in agency professional memberships and subscriptions related to transportation planning.
20. Staff will review USDOT regulations, guidance, and circulars, and review best practices information, from other sources, to ensure compliance with regulations.
21. Staff will maintain inventories of transportation information required for transportation planning. Specific inventories include traffic counts and turning movement counts. New data will be gathered and existing inventories will be updated and shall be available for MPO functions.
22. MPO member agencies may maintain inventories of data necessary for transportation planning. Inventories may include traffic counts, turning movement counts and crash statistics. This data will be collected and updated for MPO use.
23. Traffic information, inventories and data gathering efforts will be coordinated with staff and transportation specialists from the SDDOT.

24. Staff will cooperate with SDDOT efforts to expand the Global Positioning System (GPS) control for South Dakota. As GPS data becomes available, it will continue to be used to establish accurate GIS position data.
25. Staff will maintain and update geographic information systems base inventory maps of the natural and man-made resources, features, and environmentally sensitive areas that could be adversely affected by changes in the region's transportation system. GIS staff will continue to expand the use of coordinate geometry to input plat information.
26. Staff will continue to add land use and socio-economic data to the GIS database.
27. City and County staff will review proposed land use changes and developmental proposals to determine their anticipated effects on the existing and future transportation system.
28. Staff will update socio-economic data, prepare socio-economic forecasts, and prepare the residential land use reports.
29. Staff will collect data needed to conduct transportation planning tasks identified in the UPWP.
30. Staff will conduct public involvement activities as identified in the Participation Plan.
31. Staff will maintain the travel demand forecasting model and use the updated model to review transportation decisions.
32. Staff will analyze impacts related to land use and transportation system coordination on a corridor/study area basis.
33. Staff will prepare the public transportation portion of the CIP and the 2018-2021 TIP. The TIP shall include the four-year plan for proposed capital and operating expenditures for public transportation and will identify potential funding sources. The TIP will be developed, adopted, and distributed in compliance with all federal, state, and local requirements. The TIP shall include all transportation improvements planned by the member agencies within the Rapid City Metropolitan Planning Area for 2018-2021, including both federal and non-federal funded projects.
34. Staff will evaluate all transportation improvement projects for consistency with the LRTP. All transportation improvement projects will be reviewed for their impacts on intermodal facilities and routes within the urbanized area and the region and for consistency with the LRTP.
35. Staff will account for life-cycle costs when comparing project estimates with projected financial resources.

36. Staff will continue the collecting and entering data into the pavement management system. The Rapid City Engineering Services Division staff will take the lead on collecting, entering and maintaining the pavement management system.
37. Staff will continue to analyze crash statistics city-wide. A critical rate analysis method to identify high crash locations and program safety improvements is employed by the Rapid City Engineering Services Division. This process will be continued and the Crash Statistics and Analysis Report will be produced.
38. Staff will evaluate potential and existing safety issues for pedestrians and vehicles.
39. Staff will evaluate and monitor the transit system's operational characteristics in order to identify necessary changes. Staff will identify short-range improvements to the public transportation system and will continue to analyze the feasibility of various transit and paratransit service options.
40. Staff will coordinate with agencies with an interest in the areas of land use management, environmental resources, environmental protection, conservation, and historic preservation.
41. Staff will provide for consideration and implementation of projects, strategies, and services to increase the ability of the transportation system to support homeland security and to safeguard the personal security of all motorized and non-motorized users.
42. A year-end summary of work and financial activities will be provided to the SDDOT via the Annual Report.
43. Staff will prepare an annual listing of obligated projects in accordance with the FAST Act.
44. Staff may participate in activities associated with the transportation planning process which are not described in this UPWP only with prior agreement of the SDDOT. These activities will need to meet the comprehensive, cooperative, and continuing transportation planning process.
45. Staff will undertake the required activities necessary to administer, manage and complete the projects and studies identified in the 2017 Work Activities under Professional Services/Consultants contained herein.
46. Staff will implement the LRTP.
47. Staff will verify that the public transportation implications of the Americans with Disabilities Act (ADA) are being pursued through the ADA Transition Plan. The Transition Plan will also include transit stops.
48. Staff will implement all requirements of the FAST Act.

49. Staff will work with the MPO agencies to implement the transition into Performance Based Planning and Programming.
50. Staff will work with the MPO agencies to promote cooperation and coordination across MPO boundaries and across State boundaries where appropriate to ensure a regional approach to transportation planning.
51. Staff will work with the MPO agencies to implement Ladders of Opportunity in order to access essential services as part of the transportation planning process, identify transportation connectivity gaps in access to essential services.
52. Staff will continue monitoring and updating the critical data components related to the following: TAZ update, travel demand modeling, network development, model validation, development of socio-economic data and development and update of inputs into the travel demand model.
53. Staff will conduct and coordinate the development and approval of transportation-related comprehensive planning, to include land use and major street plans for developing areas within the Metropolitan Planning Area.
54. Staff may complete other transit-related planning activities and special studies as approved by the transportation planning committees.

Professional Services/Consultants

These activities address both identified and unanticipated problems and needs that occur during the course of the work program year. Contractual services with consultants or other professionals to conduct studies and other UPWP activities shall be identified by a corresponding program year.

2017 Work Activities:

1. Staff will complete preliminary work on Request for Proposals and other necessary documentation. Request for Proposals will be distributed, consultant selection procedures will be followed, and contracts will be prepared and executed. Staff will be responsible for contract preparation, contract execution, and project management.
2. Staff will request approval from the MPO committees of the implementation of special studies as identified in the UPWP. Work under this task may include coordination of meetings, budget preparation, and special analysis.
3. Staff will undertake required activities necessary to administer, manage and complete the following projects and studies to the extent of budgeted funding:
 - a. Complete a Metropolitan Planning Organization website
 - b. Complete a feasibility study to create a regional transit service

- c. Complete the US 16 / US 16B / Catron Blvd intersection study
- d. Complete the Meade County corridor study between Erickson Ranch Road and Haines Avenue
- e. Complete the Interstate corridor study for I-90 between Exit 61-67
- f. Complete the North Elk Vale Corridor Study
- g. Complete the traffic analysis and corridor study for Cambell Street from Omaha Street to East North Street.

Capital Resources

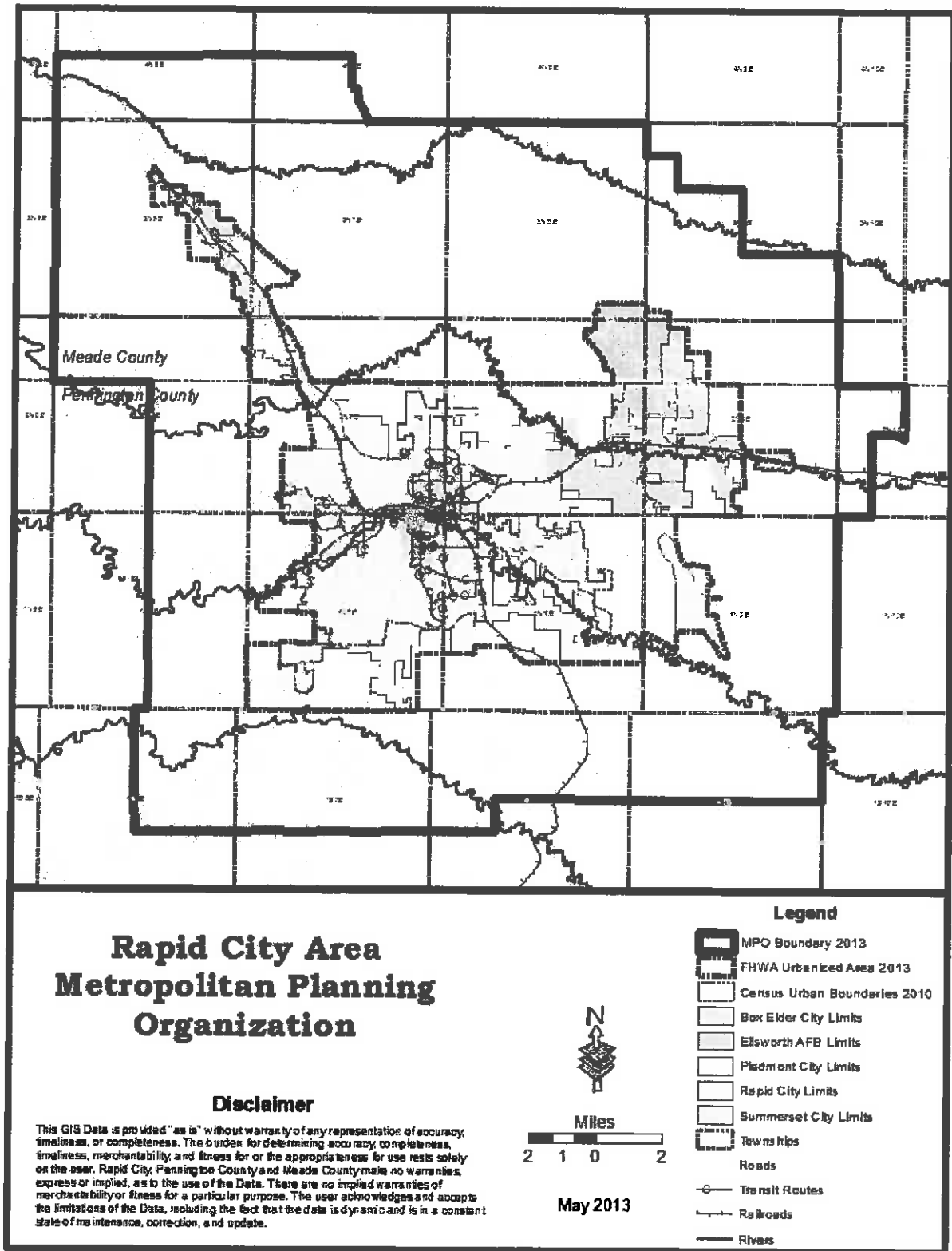
These activities include the capital investments necessary to carry out the transportation planning process.

1. The following will be acquired, as needed, to support the transportation planning process: computer hardware, software (including the Travel Demand Model software and all software upgrades) and peripheral devices; printing and plotting devices; recording equipment; traffic counters; public notices; reference materials; and commercial printing and printing supplies.*

*Note: All capital purchases will be reviewed by SDDOT prior to acquisition. A letter (or e-mail) of justification for the requested purchase and the cost of the requested purchase must be submitted to SDDOT. A minimum of three quotes must be provided if the requested item is not going to be purchased in accordance with the State Purchasing Contract. FHWA approval is required for any item over \$5,000.

2017 UPWP BUDGET

	City of Box Elder	City of Rapid City	Pennington County	Meade County	SDDOT	Total
Personnel Services		\$457,232				\$457,232
Professional Services/ Consultants	\$11,000	\$189,000	\$48,000		\$150,000	\$398,000
Capital Resources		\$5,000				\$5,000
Total Cost	\$11,000	\$651,232	\$48,000		\$150,000	\$860,232
Federal Amount 81.95%	\$9,015	\$533,685	\$39,336		\$122,925	\$704,960
Local Match 18.05%	\$1,985	\$117,547	\$8,664			\$128,197
SDDOT Local Match 18.05%					\$27,075	\$27,075
Total Cost	\$11,000	\$651,232	\$48,000		\$150,000	\$860,232



**PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota**

November 21, 2016

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, November 21, 2016 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Ritchie Nordstrom, Darla Drew, Jason Salamun, Amanda Scott, Steve Laurenti, Jerry Wright, Lisa Modrick, John Roberts and the following Alderpersons arrived during the course of the meeting: NONE; and the following were absent: Charity Doyle and Brad Estes

Staff members present included: Finance Officer Pauline Sumption, Assistant City Attorney Wade Nyberg, Police Chief Karl Jegeris, Interim Public Works Director Dale Tech, Parks and Recreation Director Jeffrey Biegler, Risk Manager Trevor Schmelz and Administrative Coordinator Heidi Weaver-Norris.

ADOPTION OF AGENDA

Motion was made by Scott, second by Laurenti to adopt and amend the agenda to include Item 95A, Property Tax Abatement discussion per the Finance Officer. Motion carried to adopt the agenda as amended.

Motion was made by Salamun, second by Drew and carried to approve Items 2-42 as they appear on the Consent Items with the exception of Items 14, 21, 27, 28, 29, 33, 34, 37, 40 and 41.

39. No. 16TP025 – Authorize Mayor and Finance Officer to Sign Agreement Between the City of Rapid City and the SDDOT for Accomplishing the Rapid City Area Transportation Planning Process in the Amount of \$582,035