

**Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The New York State Department Of Transportation To Fund The Ulster County Transportation Council With the Ulster County Planning Department As Host Agency – Department Of Planning**

Referred to: The Economic Development, Tourism, Housing, Planning and Transit Committee (Chairman Briggs and Legislators Allen, Archer, Bartels, Litts, Maio, and Maloney), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Belfiglio, Briggs, Gregorius, Maio, Maloney, and Richard Parete)

Chairman of the Economic Development, Tourism, Housing, Planning, and Transit Committee, Thomas J. Briggs, and Deputy Chairman James F. Maloney offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Planning; and

WHEREAS, the Planning Director requests that the Chairman of the Ulster County Legislature be authorized to execute an seven-year contract (Contract No.2015-250) for the period April 1, 2015 through March 31, 2021, in the amount of \$4,734,469.00 with the New York State Department of Transportation to support the efforts of the Ulster County Transportation Council (UCTC) with the Ulster County Planning Department acting as Host Agency; and

WHEREAS, the Governor of the State of New York, with the concurrence of the units of local governments composing and representing the entirety of the Kingston urbanized area and portions of Ulster County, including those portions of the Poughkeepsie-Newburgh, NY urbanized area that reside in Ulster County, has designated the Ulster County Transportation Council (UCTC) as the Metropolitan Planning Organization (MPO) for the Kingston urbanized area and portions of Ulster County including those portions of the Poughkeepsie-Newburgh, NY urbanized area that reside in Ulster County; and

WHEREAS, the UCTC is a consortium of governmental agencies and transportation providers that acts through Member Agencies for purposes of necessary financial and contractual arrangements; and

WHEREAS, the UCTC and its constituent Member Agencies, has designated the Ulster County Planning Department to act as Host Agency to undertake certain transportation planning activities as described in an annual Unified Planning Work Program and thereafter seek reimbursement by NYSDOT for work performed by or through the Host Agency; and

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WHEREAS, 23 USC §134 requires and provides for designated MPO's to develop transportation plans and programs for urbanized areas, including long range plans, transportation improvement programs (TIP), and congestion management systems for those areas which constitute transportation management areas under §134; provides for coordination between MPO's, sets forth factors to be considered in planning, sets requirements for federal certification of the metropolitan planning process, provides for MPO consultation in Transportation Plan and TIP coordination and also provides for the selection of projects from TIPs, authorizes abbreviated plans and programs for smaller urbanized areas, and imposes additional requirements for certain non-attainment areas, under §134; and

WHEREAS, the United States has provided Federal funds to the State for the purpose of carrying out Federal-Aid Highway and public transit projects pursuant to various Transportation Acts as administered by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA); and

WHEREAS, the New York State Highway Law authorizes the Commissioner to use federal aid available under the Federal-aid highway acts; and

WHEREAS, 23 USC §142, authorizes, and provides that Federal funds apportioned under 23 USC §104 shall be available to finance high occupancy vehicle (HOV) lane, "park and ride" facility, and other projects on federal-aid highways, in order to encourage the use of buses to increase the traffic capacity of Federal-aid systems; carry out any capital transit project eligible for assistance under chapter 5303 of Title 49, provide access and coordination between intercity and rural bus service, and provide connections between highway transportation and other modes of transportation; and

WHEREAS, 23 USC §142 also makes Federal Highway Trust Fund moneys and Federal funds apportioned under 23 USC §104 and administered by the FTA, available for capital improvements to carry out any capital transit project eligible for assistance under chapter 5303 of Title 49, provide access and coordination between intercity and rural bus service, and to provide connections between highway transportation and other modes of transportation; and

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WHEREAS, 23 USC §142 also provide for the accommodation of passenger, commuter, or high speed rail, magnetic levitation system, and other types of highway and non-highway public mass transit facilities within the existing rights-of-way of federal-aid highways, if such accommodation will not adversely affect automotive safety; and authorize federal approval of the use of sums apportioned under 23 USC §142; and

WHEREAS, 23 USC §142(d) and 49 USC app §1607 provide that the designated projects carried out in an urbanized area shall be subject to the metropolitan planning requirements of 23 USC §134; and

WHEREAS, 23 USC §104 provides for the apportionment of certain FHWA and FTA Federal-aid funds to the State for the purpose of carrying out the provisions of 23 USC §134 as described above; and

WHEREAS, 23 USC §104 further provides that the State shall, in turn, make these funds available to the MPO's designated by the Governor and by units of local government representing no less than 75% of the affected population, as being responsible for carrying out the provisions of 23 USC §134 for each urbanized area; and

WHEREAS, the MPO determines the distribution and appropriate use of FHWA and FTA funds for the metropolitan area as provided by 23 USC §105 and §134, and applicable Federal and State regulations, as described in the annual Unified Planning Work Program; and

WHEREAS, the Ulster County Planning Department has the necessary staffing and appropriate office space, equipment and other resources to enable it to act as Host Agency for UCTC; now, therefore, be it

RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized to execute a seven-year contract (Contract No. 2015-250) and any amendments thereto, for the period from April 1, 2015 to March 31, 2022 in the amount of \$4,734,469.00, with the New York State Department of Transportation to support the Ulster County Transportation Council efforts with the Planning Department acting as Host Agency, in the form as filed with the Clerk of the Ulster

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County Legislature or modified with the approval of the County Attorney; and, be it further

RESOLVED, that if the funding for this Program is eliminated the Ulster County Planning Department will no longer continue to act as Host Agency,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 23                  NOES: 0

Passed Committee: Economic Development, Tourism, Housing, Planning and Transit on March 11, 2015

Passed Committee: Ways and Means on March 11, 2015

**FINANCIAL IMPACT:**

\$595,212.00- BUDGETED 2015 REVENUE DOLLARS

\$620,080.00-ANTICIPATED 2016 REVENUE DOLLARS

\$646,191.00-ANTICIPATED 2017 REVENUE DOLLARS

\$673,607.00-ANTICIPATED 2018 REVENUE DOLLARS

\$702,395.00-ANTICIPATED 2019 REVENUE DOLLARS

\$732,622.00-ANTICIPATED 2020 REVENUE DOLLARS

\$764,360.00-ANTICIPATED 2021 REVENUE DOLLARS

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 17<sup>th</sup> Day of March in the year Two Thousand and Fifteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 20<sup>th</sup> Day of March in the year Two Thousand and Fifteen.

/s/ Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

Submitted to the County Executive this  
20<sup>th</sup> Day of March, 2015.

Approved by the County Executive this  
26<sup>th</sup> Day of March, 2015.

/s/ Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature

/s/ Michael P. Hein  
Michael P. Hein, County Executive