

**Authorizing The Ulster County Executive 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**

Referred to: The Public Works, Capital Projects and Transportation Committee (Chairwoman Petit and Legislators Fabiano, Litts, Nolan, and Stewart), and The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Fabiano, Ronk, and Walter)

Chairwoman of the Public Works, Capital Projects and Transportation Committee, Laura Petit, and Deputy Chair Dean J. Fabiano offer the following:

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

WHEREAS, the Ulster County Planning Director requests that the Ulster County Executive be authorized to execute a ten (10) year contract (Contract No C040362). for the period April 1, 2022 through March 31, 2032, in the amount of \$7,613,989 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, with the concurrence of the units of local governments composing and representing the entirety of the Kingston urbanized area has designated the Ulster County Transportation Council (UCTC) as the metropolitan planning organization for the Kingston urbanized area including those portions of the Poughkeepsie-Newburgh, NY urbanized area that reside in Ulster County (hereinafter, “the MPO”); 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”) including, but not limited to those listed below; 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 §134 requires and provides for designated metropolitan planning organizations to develop transportation plans and programs for urbanized areas, including long range plans, transportation improvement programs, and congestion management systems for those areas which constitute transportation management areas under §134; provides for coordination between metropolitan planning organizations, sets forth factors to be considered in planning, sets

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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, 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

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

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WHEREAS, 23 USC §104 further provides that the State shall, in turn, make these funds available to the metropolitan planning organizations 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 UPWP; and

WHEREAS, the MPO 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 MPO and its constituent Member Agencies, has designated the Host Agency to undertake certain transportation planning activities as described in the annual UPWP and thereafter seek reimbursement by NYSDOT for Project work performed by or through the

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 Ulster County Executive is hereby authorized to execute a ten (10) year contract ( Contract No. C040362 and any amendments thereto, for the period from April 1, 2022 to March 31, 2032 in the amount of \$7,613,989.00, with the New York State Department of Transportation to support the Ulster County Transportation Council efforts with the Ulster County Planning Department acting as Host Agency, in the form as filed with the Clerk of the Ulster County Legislature or modified with the approval of the County Attorney, and, be it further

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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 moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:    23                      NOES:    0

Passed Committee: Public Works, Capital Projects and Transportation on February 1, 2022

Passed Committee: Ways and Means on February 8, 2022

**FINANCIAL IMPACT:**

Year	FHWA	FTA	County Match	Total
2022	\$791,686	\$132,498	\$57,761	\$981,945
2023	\$433,274	\$62,987	\$31,016	\$527,278
2024	\$454,938	\$66,137	\$32,567	\$553,642
2025	\$477,685	\$69,444	\$34,196	\$581,324
2026	\$501,569	\$72,916	\$35,905	\$610,390
2027	\$526,647	\$76,561	\$37,701	\$640,909
2028	\$552,980	\$80,390	\$39,586	\$672,955
2029	\$580,629	\$84,409	\$41,565	\$706,603
2030	\$609,660	\$88,629	\$43,643	\$741,933
2031	\$640,143	\$93,061	\$45,825	\$779,029
2032	\$672,150	\$97,714	\$48,117	\$817,981
<b>TOTAL:</b>	<b>\$6,241,361</b>	<b>\$924,746</b>	<b>\$447,882</b>	<b>\$7,613,989</b>
SFY 2022-32 pursuant to formula in accordance with Title 23 United States Code - PH23.16.881, PT23.16.80A				

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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 15<sup>th</sup> Day of February in the year Two Thousand Twenty-Two, 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 17<sup>th</sup> Day of February in the year Two Thousand Twenty-Two.

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

Submitted to the County Executive this  
17<sup>th</sup> Day of February 2022.

Approved by the County Executive this  
24<sup>th</sup> Day of February 2022.

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

|s| Patrick K. Ryan  
Patrick K. Ryan, County Executive