



MID-OHIO REGIONAL
MORPC
PLANNING COMMISSION

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Memorandum

TO: Transportation Policy Committee
Transportation Advisory Committee
Community Advisory Committee

FROM: Nick Gill, Transportation Study Director, Interim Senior Director of Programming

DATE: July 25, 2023

SUBJECT: Proposed Resolutions
T-9-23: **“AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CENTRAL OHIO TRANSIT AUTHORITY FOR TRANSIT SUPPORTIVE INFRASTRUCTURE PROGRAM”**

T-10-23: **“RECOGNIZING THE PROPOSED APPORTIONMENT OF SALES TAX REVENUES COLLECTED BY THE CENTRAL OHIO TRANSIT AUTHORITY AS IT RELATES TO THE LINKUS TRANSIT SUPPORTIVE INFRASTRUCTURE PROGRAM FUNDING”**

Launched in 2020, the LinkUS initiative is a collaboration between COTA, the City of Columbus, Franklin County, and the Mid-Ohio Regional Planning Commission (MORPC), (together, the LinkUS Partners) to implement high capacity, rapid transit and to expand integrated mobility solutions across Central Ohio. The LinkUS initiative is advancing several strategies included in the 2020-2050 Metropolitan Transportation Plan (MTP). The MTP strategies LinkUS will contribute to include:

- TRAN 3: Implement high capacity transit service along additional corridors
- TRAN 6: Make neighborhoods transit supportive through infrastructure projects
- BP 7: Ensure neighborhoods and employment locations have high comfort connections for pedestrians and bicyclists to the regional pedestrian, bicycle and transit networks

Much work has been completed over the last three years including a LinkUS Framework (2020), LinkUS State of Mobility report (2021), LinkUS Community Action Plan (2022), and significant project development work on the initial three high-capacity transit corridors. Overall, LinkUS is an \$8 billion mobility and development initiative for Central Ohio’s growing future. More information is available at www.linkuscolumbus.com.

A component of the LinkUS initiative is to increase access to transit through transit supportive infrastructure (TSI). TSI can be described as facilities that improve access to transit such as

William Murdock, AICP
Executive Director

Erik J. Janas
Chair

Chris Amorose Groomes
Vice Chair

Michelle Crandall
Secretary

pedestrian, bicyclist, and other safety and accessibility enhancements. Legislative amendments in 2022 to the Ohio Revised Code Section (ORC) 306.354 provide for MORPC to oversee and administer a TSI Program including the Policies, the development of a Capital Improvement Program (CIP), and Capital Improvement Budget (CIB).

MORPC in partnership with COTA has been leading meetings and workshops over the past year with jurisdictions throughout the COTA service area to develop the structure and process for the TSI program. The work has progressed to the point that MORPC and COTA are ready to formally set up the TSI program per the ORC and have developed an Intergovernmental Agreement (IGA) detailing the roles and responsibilities of each organization in the TSI program administration. Resolution T-9-23 will allow MORPC to enter into an intergovernmental agreement with COTA to administer the TSI Program. COTA approved entering into the IGA at their July board meeting.

The LinkUS Partners have also worked to develop a financial plan for the LinkUS initiative. This plan includes COTA going to the voters in November 2024 to increase its sales tax from the current 0.5% to 1%. The financial plan also established apportionment shares of any future revenues from the proposed sales tax increase for each aspect of the LinkUS initiative. The proportion of the sales tax increase to go towards the TSI program is 27.5%. T-10-23 authorizes the Executive Director to enter into a Memorandum of Understanding (MOU) with COTA recognizing the 27.5% proportion the LinkUS Partners have established for the TSI program.

Attachment: Resolutions T-9-23 and T-10-23

RESOLUTION T-9-23

“AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CENTRAL OHIO TRANSIT AUTHORITY FOR TRANSIT SUPPORTIVE INFRASTRUCTURE PROGRAM”

WHEREAS, the 2020-2050 Metropolitan Transportation Plan (MTP) establishes a set of regional transportation goals and objectives, and recommends strategies, including projects, that will maintain, manage, and develop Central Ohio’s transportation system through 2050; and

WHEREAS, specific strategies in the MTP include: Implement high capacity transit service along additional corridors; make neighborhoods transit supportive through infrastructure projects; ensure neighborhoods and employment locations have high comfort connections for pedestrians and bicyclists to the regional pedestrian, bicycle and transit networks; and

WHEREAS, the LinkUS initiative is a collaboration between the Central Ohio Transit Authority (COTA), the City of Columbus, the Mid-Ohio Regional Planning Commission (MORPC), and Franklin County (together, the LinkUS Partners) to implement high capacity, rapid transit and expand integrated mobility solutions across Central Ohio; and

WHEREAS, a subset of the LinkUS initiative is to improve transit service and to increase access to transit through transit supportive infrastructure (TSI), which COTA is enabled to fund pursuant to Ohio Revised Code (ORC) Section 306.354; and

WHEREAS, Ohio Revised Code Section 306.354 enables MORPC to administer the Transit Supportive Infrastructure Program for COTA within the COTA service boundary; and

WHEREAS, COTA and MORPC have agreed as part of the LinkUS Program to implement a TSI program as outlined in the attached Intergovernmental Agreement (IGA) for purposes of connecting the Central Ohio community to the existing and future expanded transit system; and

WHEREAS, as outlined in the IGA, MORPC administration of the program will include the TSI Policy including TSI committees, guidelines and evaluation of projects, development of TSI Capital Improvement Program (CIP) and TSI Capital Improvement Budget (CIB); and

WHEREAS, the Community Advisory Committee at its July 31, 2023 meeting, and the Transportation Advisory Committee at its August 2, 2023 meeting recommended approval to the Transportation Policy Committee; now therefore

BE IT RESOLVED BY THE TRANSPORTATION POLICY COMMITTEE OF THE MID-OHIO REGIONAL PLANNING COMMISSION:

- Section 1. That it supports the continued collaboration between the LinkUS Partners to develop and implement the LinkUS initiative to improve multimodal transportation and economic opportunity throughout Central Ohio.
- Section 2. That it authorizes the Executive Director to enter into the Intergovernmental Agreement attached between the Mid-Ohio Regional Planning Commission and the Central Ohio Transit Authority for the administration of the LinkUS Transit Supportive Infrastructure Program.
- Section 3. That the executive director is authorized to take such other action and execute and deliver such other documents as, acting with the advice of legal counsel, he

shall deem necessary and appropriate to carry out the intent of this resolution.

Section 4. That this Commission finds and determines that all formal deliberations and actions of this Commission concerning and relating to the adoption of this resolution were taken in open meetings of this Commission.

Erik J. Janas, Chair

MID-OHIO REGIONAL PLANNING COMMISSION

Effective date: August 10, 2023
Submitted by: Nick Gill, Transportation Study Director, Interim Senior Director of
Programing
Prepared by: John Gardocki, Transit & Mobility Manager, Programing
Authority: Ohio Revised Code Section 713.21
For action date: August 10, 2023
Attachment: TSI Intergovernmental Agreement

**MASTER TRANSIT SUPPORTIVE INFRASTRUCTURE AGREEMENT BETWEEN CENTRAL OHIO
TRANSIT AUTHORITY AND MID-OHIO REGIONAL PLANNING COMMISSION**

The Central Ohio Transit Authority (**COTA**) and the Mid-Ohio Regional Planning Commission (**MORPC**) agree to this Master Transit Supportive Infrastructure Agreement (the **Agreement**) as of August 10, 2023.

BACKGROUND

A. The Mid-Ohio Regional Planning Commission will develop a transit supportive infrastructure program (the **Program**) under the LinkUS Initiative Action Plan in partnership with COTA.

B. Under the Transit Supportive Infrastructure Program, COTA will provide funds from the new sales tax initiative to fund the program.

C. MORPC serves as the program administrator for the Transit Supportive Infrastructure Program as defined by Ohio Revised Code Section 306.354.

D. In consideration of the mutual obligations and duties described in this Agreement, COTA and MORPC agree to the terms and conditions of this Agreement.

AGREEMENT

Section 1. Definitions.

In addition to the terms defined elsewhere in the body of this Agreement, capitalized terms used in this Agreement where the rules of grammar would not otherwise require capitalization are defined in the attached **Exhibit A**.

Section 2. Term.

The Transit Supportive Infrastructure Program's first term shall commence August 10, 2023 (the **Commencement Date**) and shall end, when terminated by both parties (the **Termination Date**).

This Agreement shall be effective from its date through and including the Termination Date.

Section 3. Transit Supportive Infrastructure Program Funding.

(a) *COTA Sales Tax*. The Central Ohio Transit Authority Board of Trustees will be

asking voters to approve a new funding solution to pay for transit resources within their service area boundary at a date to be determined. Current 0.25% permanent and 0.25% ten-year renewal sales tax receipts fund COTA operations. A new request to COTA service area voters would make a full 1.0% sales tax collection permanent. COTA will provide funding for the Transit Supportive Infrastructure program based on revenue received from the new increased levy, if passed.

(b) *Additional Funding Sources.* Eligible entities for program funding will/may utilize other local, state, private, or federal resources to fund their projects above and beyond Transit Supportive Infrastructure funding.

Section 4. Transit Supportive Infrastructure Program Administration Costs.

The annual administrative costs of the Transit Supportive Infrastructure Program are hereby determined to be:

2023 - \$0

2024 - \$100,000

2025 - \$200,000

2026 and subsequent years administrative costs will be subjected to a 3.0% annual increase in rate.

The discounted rate for 2023 and 2024 reflects the limited amount of work due to the sales tax increase not going before COTA service area voters.

COTA will be expending a portion of the Transit Supportive Infrastructure funding for transit authority TSI administration and auditing purposes.

If COTA's service area changes during the term of this agreement, the parties agree to negotiate in good faith the Transit Supportive Infrastructure program administrative costs.

Section 5. Payment of Transit Supportive Infrastructure Program Administrative Costs.

MORPC shall bill installments of the cost of the Transit Supportive Infrastructure Program administrative costs to COTA January 1 of each year beginning in 2024 (each a Bill Date). COTA shall remit payment by February 1.

COTA shall utilize local match for administrative costs in 2024. Subsequent bills from MORPC to COTA will only be sent if the COTA Sales Tax Levy passes in the November 2024 General Election. This agreement will automatically terminate if the COTA sales tax ballot initiative or any part of the ballot initiative related to Transit Supportive Infrastructure fails or is subsequently removed and/or terminated unless COTA and MORPC mutually agree in

writing to continue the agreement.

Section 6. COTA Service Plan.

COTA will provide a service plan to be utilized by the Transit Supportive Infrastructure Committees to plan the five-year capital improvement plan. The COTA Short Range Transit Plan (**SRTP**) will be provided to the Committees every two years as COTA updates it to be used in the merit criteria for project selection. Exhibit C of the agreement shall include a map of the COTA service area, fixed route system, and the most current SRTP.

Section 7. Transit Supportive Infrastructure Committees.

The Transit Supportive Infrastructure Program will be made up of governing bodies including a Leadership Committee (**LC**), Technical Working Groups (**TWG**), and a Technical Coordinating Committee (**TCC**) to carry out various duties as assigned.

The COTA Board will approve the committee structure guidelines as set forth in Exhibit B. If municipalities outside of COTA's current service area join the COTA service area and subsequent sales tax zone, COTA shall determine how to incorporate them into the Transit Supportive Infrastructure committee structure if at all.

Section 8. Transit Supportive Infrastructure Definition and Guidelines.

The definition and project eligibility guidelines for the program will be decided on by the LinkUS partners and Transit Supportive Infrastructure entities through a collaborative approach. The document shall be included as Exhibit D and updated at least every four years alongside the development of the CIB and CIP.

Should there be a discrepancy about project appropriateness to meet the definition, the ultimate approval shall be up to the COTA.

Section 9. Capital Improvement Plan and Capital Improvement Budget.

A Capital Improvement Plan (**CIP**) and Capital Improvement Budget (**CIB**) shall be maintained by MORPC administrative staff dedicated to the Transit Supportive Infrastructure Program.

Section 10. COTA Staff Responsibilities.

COTA shall provide a main point of contact to coordinate administrative efforts

between MORPC and the COTA Board of Trustees.

COTA roles include, but are not limited to, the following:

- Federal compliance with the FTA and FHWA
- Financial structure to coordinate grants/reimbursements
- Compiling grant agreements with each subrecipient
- Providing COTA service area maps and the Short-Range Transit Plan for development to the MORPC liaison
- Subrecipient compliance
- COTA Board coordination
- Participation in all Transit Supportive Infrastructure committees and administrative functions
- Submit annual sales tax revenue collections for development of the CIB

Section 11. MORPC Staff Responsibilities.

MORPC is responsible for overseeing the administration of the program.

MORPC roles include but are not limited to the following:

- Coordination with COTA Transit Supportive Infrastructure liaison
- Administering and overseeing the Transit Supportive Infrastructure program
- Convening all Transit Supportive Infrastructure committees
- Guiding the committees to recommend Transit Supportive Infrastructure policies/guidelines
- Developing and maintaining the CIB and CIP
- Developing the data and evaluation criteria for project selection

MORPC commits to one (1) full-time staff member to administer the program as well as additional staff support from the Programming, Data & Mapping, and Communications & Engagement teams.

Section 12. COTA Board of Trustees Responsibilities.

The COTA Board is responsible for approving the policies and guidelines, the CIP, and the CIB. COTA staff will negotiate individual contracts granting municipalities the funds to implement Transit Supportive Infrastructure projects. The COTA Board will have the power to approve or decline the individual contracts granting municipalities the funds to implement Transit Supportive Infrastructure projects.

Section 13. MORPC Transportation Policy Committee Responsibilities.

The Transportation Policy Committee will review and incorporate the Transit Supportive Infrastructure Program into the metropolitan transportation planning process and associated documents, specifically, the Transportation Improvement Program, as appropriate.

[Signature Page Immediately Follows]

THE CENTRAL OHIO TRANSIT AUTHORITY

By: _____

Name: Joanna M. Pinkerton

Title: President/ CEO

THE MID-OHIO REGIONAL PLANNING COMMISSION

By: _____

Name: William Murdock

Title: Executive Director

[Signature Page to Master Transit Supportive Infrastructure Program Agreement]

EXHIBIT A

Definitions

- A. **COTA** means, Central Ohio Transit Authority
- B. **MORPC** means, Mid-Ohio Regional Planning Commission
- C. **Agreement** means memorandum of understanding between COTA and MORPC for the Transit Supportive Infrastructure Program
- D. **Program** means the agreed upon policies, structure, and guidelines for transit supportive infrastructure
- E. **Commencement Date** means the official start date of the agreement between COTA and MORPC
- F. **Termination Date** means the date COTA and MORPC agree to terminate the agreement together.
- G. **Fund** Those funds provided by COTA, and any other entity for Transit Supportive Infrastructure to MORPC for the purposes listed in this Agreement.
- H. **Bill Date** means the annual date MORPC will bill COTA for administrative costs
- I. **S RTP** means the COTA Short Range Transit Plan
- J. **LC** means the Leadership Committee
- K. **TWG** means the Technical Working Group
- L. **TCC** means the Technical Coordinating Committee
- M. **CIP** means the Capital Improvement Plan
- N. **CIB** means the Capital Improvement Budget
- O. **Notice Address** means:

As to COTA:	Central Ohio Transit Authority 33 North High Street Columbus, Ohio 43215 Attn: Joanna M. Pinkerton
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As to MORPC:	Mid-Ohio Regional Planning Commission
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111 Liberty Street, Suite 100
Columbus, Ohio 43215
Attn: William Murdock

EXHIBIT B**COTA Transit Service Area Map****EXHIBIT C****COTA Short-Range Transit Plan (SRTP)****EXHIBIT D****Ohio Revised Code**

HB 338 of the 134th General Assembly

(C) A regional transit authority to which this section applies may do any of the following:

(2) Use the proceeds of a tax levied under section 5739.023 of the Revised Code for the general construction or maintenance of roads, bridges, greenways, pathways, bikeways, or pedestrian underpasses or overpasses related to the provision of service by the regional transit authority that do not otherwise constitute a transit facility;

(D) Prior to funding projects described in division (C)(2) of this section, a regional transit authority shall enter into agreements with the applicable counties, municipal corporations, and townships located within the regional transit authority's territorial boundaries to fund such projects.

(1) The regional transit authority shall submit each agreement for approval to the governing board of the applicable designated metropolitan planning organization.

(2) The metropolitan planning organization shall, on at least an annual basis, review and approve or deny any agreement submitted to it by an affirmative vote of its governing board and shall notify the regional transit authority of the approval or denial.

(3) The regional transit authority shall expend funds only as authorized in an approved agreement

RESOLUTION T-10-23

“RECOGNIZING THE PROPOSED APPORTIONMENT OF SALES TAX REVENUES COLLECTED BY THE CENTRAL OHIO TRANSIT AUTHORITY AS IT RELATES TO THE LINKUS TRANSIT SUPPORTIVE INFRASTRUCTURE PROGRAM FUNDING”

WHEREAS, the LinkUS initiative is a collaboration between the Central Ohio Transit Authority (COTA), the City of Columbus, the Mid-Ohio Regional Planning Commission (MORPC), and Franklin County (together, the LinkUS Partners) to implement high capacity, rapid transit and expand integrated mobility solutions across Central Ohio; and

WHEREAS, a subset of the LinkUS initiative is to improve transit service and to increase access to transit through transit supportive infrastructure (TSI); and

WHEREAS, Section 306.30 to 306.50 of the Ohio Revised Code (ORC) vests the COTA Board of Trustees with the power to oversee COTA, including service planning, financial management and to levy and collect sales tax revenue within its service boundary, which is currently levied at a combined 0.5% rate; and

WHEREAS, the LinkUS initiative is expected to be funded, in part, by a sales tax increase at a rate to be finalized and approved by electors within the COTA service area; and

WHEREAS, any tax increase proposed by the COTA Board of Trustees must be approved by electors within the transit service boundary pursuant to Section 306.70 of the ORC; and

WHEREAS, ORC Section 306.354 allows for sales tax revenue to be use for transit supportive infrastructure; and

WHEREAS, T-9-23 authorizes MORPC to enter into an Intergovernmental Agreement with COTA to administer the TSI program which helps move forward specific transit, bike, and pedestrian related strategies included in the 2020-2050 Metropolitan Transportation Plan; and

WHEREAS, the LinkUS Partners, in creating the financial plan for the LinkUS initiative, established apportionment shares of any future revenues from the proposed sales tax increase for each aspect of the LinkUS initiative, including 27.5% of the increased sales tax for the TSI Program; and

WHEREAS, MORPC and COTA have created a Memorandum of Understanding (attached) documenting the 27.5% proportion of an increased sales tax to the LinkUS TSI program; and

WHEREAS, the Community Advisory Committee at its July 31, 2023 meeting, and the Transportation Advisory Committee at its August 2, 2023 meeting recommended approval to the Transportation Policy Committee; now therefore

BE IT RESOLVED BY THE TRANSPORTATION PLOICY COMMITTEE OF THE MID-OHIO REGIONAL PLANNING COMMISSION:

Section 1. That it supports the continued collaboration between the LinkUS Partners to develop and implement the LinkUS initiative to improve multimodal transportation and economic opportunity throughout Central Ohio

Section 2. That it authorizes the Executive Director to sign a Memorandum of Understanding establishing 27.5% of the collections from the proposed sales tax increase to be dedicated to the LinkUS TSI Program in consideration of MORPC's administration of the LinkUS TSI Program.

Section 3. That this set proportion remains in effect for the duration of the program unless modified in scope, amount, or time as agreed upon by the LinkUS Partners and approved by the COTA Board of Trustees and the MORPC Commission.

Section 4. That the Transportation Policy Committee finds and determines that all formal deliberations and actions of this Commission concerning and relating to the adoption of this resolution were taken in open meetings of this Commission.

Erik Janas, Chair

MID-OHIO REGIONAL PLANNING COMMISSION

Effective date: August 10, 2023

Submitted by: Nick Gill, Transportation Study Director, Interim Senior Director of Programming

Prepared by: John Gardocki, Transit & Mobility Manager, Programming

Authority: Ohio Revised Code Section 713.21

For action date: August 10, 2023

Attachment: Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING BETWEEN CENTRAL OHIO TRANSIT AUTHORITY (COTA) AND MID-OHIO REGIONAL PLANNING COMMISSION (MORPC)

This Memorandum of Understanding (MOU) between the Mid-Ohio Regional Planning Commission (MORPC) and the Central Ohio Transit Authority (COTA) represents a mutual understanding and continuing partnership to financially support the Transit Supportive Infrastructure (TSI) program as part of the overall LinkUS initiative (LinkUS).

1.0 PARTIES

This understanding is between MORPC and COTA, which individually may be referred to as a “Party” or collectively as “Parties” to this MOU.

2.0 BACKGROUND AND PURPOSE

- 2.1** LinkUS is a collaboration between MORPC, COTA, the City of Columbus, and Franklin County (together, the LinkUS Partners) to implement high capacity, rapid transit and expand integrated mobility solutions across Central Ohio. A subset of the LinkUS initiative is to improve transit service and to increase access to transit through transit supportive infrastructure (TSI), which COTA is enabled to fund pursuant to Ohio Revised Code (ORC) Section 306.354.
- 2.2** MORPC serves as the program administrator for the TSI Program as defined by ORC Section 306.354. The terms and conditions governing the administration of the program are executed in a separate master service agreement between MORPC and COTA.
- 2.3** LinkUS is expected to be funded, in part, by a sales tax increase at a rate to be finalized and approved by electors within the COTA service area. ORC Section 306.35(H) enables COTA to levy and collect sales tax revenue within its service boundary, which is currently levied at a combined 0.5% rate. Any tax increase proposed by the COTA Board of Trustees must be approved by electors within the transit service boundary pursuant to Section 306.70 of the ORC.
- 2.4** The LinkUS Partners, in creating the financial plan for LinkUS, established apportionment shares of any future revenues from the proposed sales tax increase for each program in the LinkUS initiative. The TSI Program was planned to be funded through allocating 27.5% of the sales tax increase above the current rate from the 2024 approval of the 0.5% levy increase.

3.0 SPECIFIC RESPONSIBILITIES OF THE PARTIES

- 3.1** COTA will be paying MORPC administration costs as spelled out in the IGA. COTA will be expending funds in the administration of the TSI program. Both sets of costs will come out of the 27.5% of the additional 0.5% sales tax revenue collections, if approved by voters in the 2024 election.
- 3.2** COTA will allocate the remaining portion of the 27.5% of the additional 0.5% sales tax revenue collections, if approved by voters in the 2024 election, to the TSI Program. This does not apply to the prior 0.25% permanent sales tax or the prior 0.25% temporary sales tax that is being made permanent.
- 3.3** Through this MOU, MORPC acknowledges and supports the establishment of the TSI Program and that this portion of the 27.5% of the additional sales tax revenue will be allocated to the TSI Program.

4.0 TERMS OF MEMORANDUM

- 4.1** This MOU shall commence upon execution by all parties, but funds shall not be allocated unless and until the 2024 approval of the 0.5% levy increase.
- 4.2** This MOU shall automatically terminate if part or all of the COTA levy measure is changed, amended, or overturned by the Board of Elections, the Ohio Secretary of State, any Court, or any other governmental entity with the ability to do so, including, but not limited to the state legislature.

- 4.3 This MOU shall automatically terminate if state law changes in any way that may directly impact COTA’s ability to fund or operate the TSI program.
- 4.4 This MOU shall be construed and interpreted and the rights of the parties determined in accordance with the laws of the State of Ohio.
- 4.5 This MOU constitutes the entire agreement among the parties, and no changes or modifications to this MOU shall be made unless agreed to by all parties to this MOU in writing. Specifically, any changes to the 27.5% allocation referenced in Section 2.4 must also be approved by the COTA Board of Trustees and MORPC Commission.
- 4.6 This MOU may be amended by a separate writing signed by all of the parties. Each amendment shall be incorporated as if fully rewritten into this agreement.

5.0 AUTHORIZING SIGNATURES AND DATES

 Mid-Ohio Regional Planning Commission
 William Murdock
 Executive Director

 Central Ohio Transit Authority
 Joanna M. Pinkerton
 President/CEO

Date: _____

Date: _____