

Intergovernmental Agreement Between
Illinois Department of Transportation and
Chicago Metropolitan Agency for Planning 4-27-18

This Intergovernmental Agreement (the "Agreement") is entered into this ____ day of _____, 2018 (the "Effective Date"), by and between Illinois Department of Transportation ("IDOT") and the Chicago Metropolitan Agency for Planning.

RECITALS

WHEREAS, IDOT is the State transportation agency responsible for carrying out Federal-aid transportation planning process pursuant to 23 CFR 450 Subpart B and is authorized to take such actions on behalf of the State as necessary to comply with Federal law;

WHEREAS, the Chicago Metropolitan Agency for Planning ("CMAP" or "MPO") is the policy organization responsible for carrying out the metropolitan transportation planning process pursuant to 23 CFR 450 Subpart C and is authorized to take such actions on behalf of the State as necessary to comply with Federal law for this program;

WHEREAS, Article VII, Section 10 of the 1970 Constitution of the State of Illinois authorizes units of government to contract among themselves to obtain or share services and to exercise, combine or transfer any power or function, in any manner not prohibited by law or by ordinance;

WHEREAS, the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq.*, provides additional powers to units of government that work together;

WHEREAS, on May 27, 2016, the Federal Transit Administration ("FTA") and the Federal Highway Administration ("FHWA") published a final rule on Statewide and Nonmetropolitan Transportation Planning and Metropolitan Transportation Planning based on the Fixing America's Surface Transportation (FAST Act);

WHEREAS, the final rule of May 27, 2016 was codified in 23 CFR 450 and established new requirements for State DOTs, MPOs to coordinate and develop a performance-based approach to planning;

WHEREAS, in order to fulfill each Party's responsibilities, the Parties wish to enter into this Intergovernmental Agreement to document the responsibilities of each entity and agree to implement all applicable performance management rules, measures, targets, tracking and reporting requirements, and compliance deadlines;

WHEREAS, the Parties recognize that additional procedures and processes may need to be developed to fulfill each Party's responsibilities. Therefore, the Parties agree to pledge their continued communication, cooperation, and support and agree to amend this IGA, or enter into additional IGAs, as necessary to address new issues as they arise; and

NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, the Parties understand and agree to the following:

ARTICLE I
RIGHTS AND OBLIGATIONS OF THE PARTIES: COOPERATIVELY DEVELOPING AND
SHARING INFORMATION RELATED TO TRANSPORTATION PERFORMANCE
MANAGEMENT DATA – SAFETY DATA

1.01 Pursuant to 23 CFR 490, subparts A and B, IDOT will track and collect data relating to (a) the number of fatalities, (b) the number of serious injuries, (c) the rate of fatalities per 100 million vehicles miles traveled, (d) the rate of serious injuries per 100 million vehicle miles traveled, and (f) number of non-motorized fatalities and non-motorized serious injuries.

1.02 Pursuant to 23 CFR 490, subparts A and B, IDOT will share the safety data as referenced in paragraph 1.01 with the MPO on or before July 1 (18 months after end of subject calendar year) by way of the IDOT safety data portal, http://www.idot.illinois.gov/assets/uploads/files/transportation-system/manuals-guides-&-handbooks/safety/idot_safety_portal_getting_started_overview_guide.pdf. As a public resource, the MPO will have ongoing access to the <https://webapps.dot.illinois.gov/SafetyPortal/>.

1.03 IDOT shall also provide a statewide summary and a summary of the data set referenced in paragraph 1.01 to the MPO as particularized for the subject Metropolitan Planning Area (MPA) on or before July 1 (18 months after end of subject calendar year).

1.04 IDOT will also provide to the MPO the tabular data that was used for calculations related to segments in the Cities and Counties that are included in the MPA boundary on or before July 1 (18 months after end of subject calendar year).

1.05 IDOT will provide, to MPO, its targets 30 days prior to the State target setting deadline for initial input.

1.06 IDOT will set targets annually on August 31 in its Highway Safety Improvement Program Annual Report.

1.07 MPO will provide notice to IDOT as to whether it accepts the State's targets or set its own targets annually not less than 180 days after August 31 by official action of the Policy Committee, unless authority has been delegated to a lesser committee.

1.08 The relevant IDOT county engineers may sponsor MPO access to the data on IDOT's safety portal subsequent to approval of such access by IDOT's Office of Chief Counsel.

1.09 If the MPO determines that it will develop its own targets, it will provide IDOT with those targets and the supplemental data that it will use to develop its own targets. This supplemental data will be provided when target is communicated to IDOT.

ARTICLE II
RIGHTS AND OBLIGATIONS OF THE PARTIES: COOPERATIVELY DEVELOPING AND
SHARING INFORMATION RELATED TO TRANSPORTATION PERFORMANCE
MANAGEMENT DATA – PAVEMENT AND BRIDGES

2.01 Pursuant to 23 CFR Part 490, subparts A, C, and D, IDOT will track and collect data related to (a) the percentage of Interstate pavement in good condition, (b) the percentage of Interstate pavement in poor condition, (c) the percentage of non-Interstate National Highway System (NHS) pavement in good condition, (d) the percentage of non-interstate NHS pavement

in poor condition, (e) the percentage of NHS bridge deck (sq. ft.) in good condition, and (f) the percentage of NHS bridge deck (sq. ft.) in poor condition. The pavement measures and the calculation of the performance management measures will be in accordance with 23 CFR Parts 490.307 and 490.313.

2.02 Pursuant to 23 CFR Part 490, subparts A, C, and D, IDOT will share the Interstate pavement and bridges data referenced in paragraph 2.01 with the MPO on or before May 1st of each year through <http://www.idot.illinois.gov/transportation-system/Network-Overview/highway-system/index>, the GIS download site. The data will include a shapefile depicting the physical location and condition of Interstate, NHS roadways and NHS bridges.

2.03 If the MPO determines that it will develop its own targets, it will provide IDOT with the supplemental data that it will use.

2.04 IDOT will provide, to MPO, its targets 30 days prior to the State target setting deadline for initial input.

2.05 IDOT will set targets for two years (initial year is 2020 and every two years after) and four years (initial year is 2024 and every two years after) by May 20, 2018.

2.06 The MPO, by its official Policy Committee action, will provide notice to IDOT as to whether it accepts IDOT's target or will set its own target not less than 180 days after IDOT sets its targets, unless the Policy Committee has delegated authority to a lesser committee.

ARTICLE III

RIGHTS AND OBLIGATIONS OF THE PARTIES: COOPERATIVELY DEVELOPING AND SHARING INFORMATION RELATED TO TRANSPORTATION PERFORMANCE MANAGEMENT DATA – SYSTEM PERFORMANCE

3.01 Pursuant to 23 CFR Part 490, subparts A, E, F, G, and H, IDOT will obtain data related to (a) the percentage of person-miles traveled on the Interstate that are reliable, (b) the percentage of person-miles traveled on the non-Interstate NHS that are reliable, (c) Truck Travel Time Reliability Index, (d) annual hours of peak hour excessive delay per capita, (e) the percentage of non-single occupancy vehicle travel, and (f) the total emission reductions. Data related to (d), (e) and (f) of this section applies only to non-attainment areas. Data is being used to allow the MPO to conduct analyses to support transportation investments.

3.02 IDOT will provide regular access to a technological tool that will provide MPO the ability to obtain and analyze data set forth in Section 3.01(a) – (c) to confirm the DOT's target or set their own target.

3.03 If the MPO determines that it will develop its own targets, it will provide IDOT with the supplemental data that it will use.

3.04 IDOT will provide, to MPO, its targets two weeks prior to the State target setting deadline for initial input.

3.05 IDOT will set targets for two years (initial year is 2020 and every two years after) and four years (initial year is 2024 and every two years after) by May 20, 2018.

3.06 The MPO will either indicate if it accepts IDOT's target or set its own target not less than 180 days after IDOT sets their targets by official Policy Committee action, unless the Policy Committee has delegated authority to a lesser committee.

ARTICLE IV PERFORMANCE TARGET SETTING

4.01 After receipt of the draft statewide performance targets from IDOT, the MPO will have thirty days to review the draft statewide performance targets and will provide comments on statewide targets.

4.02 The MPO will collaborate with IDOT for purposes of agreeing upon the draft statewide performance targets and will either adopt IDOT's targets or set its own targets within 180 days subsequent to IDOT's issuance of the draft statewide performance targets.

ARTICLE V REPORTING OF PERFORMANCE TARGETS

5.01 IDOT will report final statewide targets for transportation systems performance data related to safety by August 31 of each year in the HSIP Annual Report.

5.02 IDOT will report final statewide targets for transportation performance management data related to pavement and bridges by October 1 every two years in the State Performance Report, 23 CFR 450.216(f).

5.03 IDOT will report final statewide targets for transportation performance management data related to system performance by October 1 every two years in the State Performance Report, 23 CFR 450.216(f).

5.04 Should MPO set a quantifiable target for the MPO planning area, MPO will provide to IDOT any supplemental data used in determining said target.

5.05 MPO will also provide documentation related either to its own target or to its support of the statewide target. Such documentation shall be provided in the form of a resolution or meeting minutes and must have been approved by the MPO Policy Committee unless delegation of authority to accept or set different targets to a lower committee or staff is documented.

5.06 IDOT will submit statewide targets and the MPO targets to the FHWA portal, <https://www.fhwa.dot.gov/tpm/>.

ARTICLE VI REPORTING PERFORMANCE TARGETS USED IN TRACKING PROGRESS TOWARD ATTAINMENT OF CRITICAL OUTCOMES FOR THE MPO REGION

6.01 The Parties will work collaboratively to report on the efficacy of the performance targets within the State's Statewide Transportation Improvement Program (STIP) and Long-Range Transportation Plan (LRTP) as well as MPO's Transportation Improvement Program (TIP) and Metropolitan Transportation Plan (MTP).

6.02 IDOT will develop, with input from MPO, a system performance report (with subsequent updates) evaluating the condition and functioning of the transportation system, including the progress achieved by the MPO in meeting the performance targets adopted after May 27, 2018, pursuant to 23 CFR 450.216(f).

6.03 The MPO will also provide a report on performance (with subsequent updates) that will include an evaluation of the condition and performance of the transportation system and the progress achieved by the MPO in meeting the performance targets.

6.04 The MPO will provide, in its metropolitan transportation plan, a comparison to baseline data of any previous metropolitan transportation plan. If MPO developed multiple scenarios, it will provide a discussion on whether the preferred scenario improved the conditions and performance of the transportation system and how changes in local policies and investments may have impacted the costs necessary to achieve the identified performance targets in any metropolitan transportation plan, amended or adopted no later than two years after the effective date of each performance management final rule (23 CFR 450.324 (g)(4)).

6.05 The MPO will include, in its transportation improvement program, an analysis of the anticipated effect of the TIP toward achieving the performance targets identified in the metropolitan transportation plan, linking investment priorities to those performance targets for any TIP amended or adopted no later than two years after the effective date of each performance management final rule (23 CFR 450.326(d)).

6.06 IDOT and MPO will report on the targets and performance of those targets as consistent with the requirements established by the FHWA and FTA on National Performance Management Measures (23 CFR 490) and Transit Asset Management (49 CFR 625; 49 CFR 673).

ARTICLE VII NOTICES

7.01 Any notice required by this Agreement shall be deemed properly given to the party to be notified at the time it is personally delivered or mailed by certified mail, return receipt requested, to the party's address or via email. The mailing and email addresses of each party are below, and either party may change its address for receiving notices pursuant to this Agreement.

**ILLINOIS DEPARTMENT
OF TRANSPORTATION**
Bureau Chief, Planning
Office of Planning and Programming
2300 S. Dirksen Parkway
Springfield, Illinois 62764
Holly.Ostdick@illinois.gov

**Chicago Metropolitan Agency for
Planning**
Deputy Executive Director Policy &
Programming
233 S. Wacker Drive, Suite 800
Chicago, Illinois 60606
DPP@cmap.illinois.gov

ARTICLE VIII WAIVER

8.01 Neither the failure of either party to exercise any power given to it hereunder or to insist upon strict compliance by the other party with its obligations hereunder, and no custom or practice of the Parties at variance with the terms hereof, shall constitute a waiver of either party's right to demand exact compliance with the terms hereof.

**ARTICLE IX
MODIFICATIONS**

9.01 No modification to this Agreement shall be effective until approved by the Parties in writing.

**ARTICLE X
COUNTERPARTS**

10.01 This Agreement may be signed in two or more counterparts, each of which shall be treated as an original but which, when taken together, shall constitute one and the same instrument.

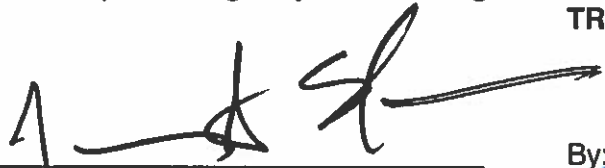
IN WITNESS THEREOF, the Parties have passed and approved this Agreement on the day and date appearing before their respective signatures.

Dated: 05.04.18

Dated: 5/4/18

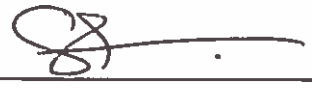
Chicago Metropolitan Agency for Planning

**ILLINOIS DEPARTMENT OF
TRANSPORTATION**

By: 
CMAP MPO Policy Committee Secretary

By: 
Erin Aleman, Director
Office of Planning and Programming

Attest: 
Name: Sherry Kane
Title: EA

Attest: 
Name: Sherry Kane
Title: EA

Dated: 5.4.18

Dated: 5.4.18