

**COOPERATIVE AGREEMENT
FORMING AND EMPOWERING THE
ROCKFORD AREA TRANSPORTATION STUDY**

*November 1, 2001 compilation. Originally adopted,
September 19, 1988 (May 12, 1988 Version).
Subsequent changes footnoted throughout the text.*

This cooperative agreement is made and entered into by the following jurisdictions within the State of Illinois: the City of Rockford, the City of Loves Park, the Village of Machesney Park, the County of Winnebago, and the State of Illinois acting by and through the Illinois Department of Transportation. This Agreement seeks to establish a cooperative intergovernmental framework for the purpose of coordinating and continuing transportation planning in and around the Rockford Urbanized Area.

WITNESSETH THAT:

WHEREAS The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for the 21st Century¹ require that each urbanized area, as a condition to the receipt of Federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the urbanized area; and

WHEREAS the Rockford Area Transportation Study (RATS) has performed comprehensive transportation planning for the Rockford Urbanized Area, in accordance with the above said Federal laws and their precursors, since 1964; and

WHEREAS recent changes in local governmental organization and the legal framework for transportation planning have created a need to expand the membership and clarify the powers and duties of RATS; and

WHEREAS the Governor of Illinois has designated the RATS organization as the Metropolitan Planning Organization (MPO) responsible for carrying out the federally-required planning requirements for the area, in cooperation with the State; and

WHEREAS the laws of the State of Illinois, specifically the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq.², permit two or more governmental units to contract for the purposes set forth; NOW, THEREFORE, IT IS AGREED BY AND AMONG THE PARTIES HEREIN THAT:

1 *Authorizing citation in original document: "23 U.S.C. 134, and Section 8 of the Urban Mass Transportation Act of 1964, as amended".*

2 *Citation revised to reflect current law location.*

ARTICLE 1. NAME

Upon ratification of this cooperative agreement, hereafter referred to as the Agreement or the RATS Agreement, by the legislative authorities of all participating entities, including the City of Rockford, the City of Loves Park, the Village of Machesney Park, and the County of Winnebago (all in Illinois), and the State of Illinois, a joint transportation planning organization called the Rockford Area Transportation Study, hereafter referred to by said name or by the acronym "RATS," is hereby formed with the purposes, powers and structure set forth below.

ARTICLE 2. PURPOSE AND DUTIES OF RATS

RATS is created to perform and carry out a continuing, cooperative, comprehensive transportation planning process for the Rockford Urbanized Area in accordance with applicable Federal laws, policies and procedures, and with the cooperation and assistance of its members and the U.S. Department of Transportation. Unless otherwise specified by subsequent amendments to U.S.C. 134 and 49 U.S.C. 1607, the duties of RATS shall include:

1. The development and maintenance of a transportation plan, including strategies to make more efficient use of existing transportation systems.
2. The development and annual update of a transportation improvement program consistent with the transportation plan.
3. Other planning and project development activities necessary to address transportation issues in the area.
4. The development and annual update of a unified planning work program which coordinates the area's transportation planning activities.

ARTICLE 3. ORGANIZATION AND GENERAL POWERS AND DUTIES

1. RATS shall consist of a Policy Committee, a Technical Committee, and other standing or temporary/special purpose committees as needed to carry out the duties and functions of RATS.
2. RATS planning shall be guided by the Policy Committee which shall have final authority over all matters within the jurisdiction of RATS.
3. The Technical Committee shall be established for the purpose of providing technical advice and recommendations to the Policy Committee, and conducting or overseeing the technical planning functions and duties of RATS.
4. For administrative purposes, a local Lead Agency shall be designated. Unless otherwise changed by the Policy

Committee, the lead Agency for RATS shall be the Rockford Public Works Department³.

5. For further administrative, coordinating and supervisory purposes, a Study Director shall be appointed within the local Lead Agency. Unless otherwise changed by the Policy Committee, the RATS Study Director shall be the City of Rockford Traffic Engineer⁴.
6. The State of Illinois Department of Transportation shall assist the Lead Agency and the Study Director in securing data and source materials necessary to the effective accomplishment of the transportation planning process.

ARTICLE 4. POLICY COMMITTEE

The Policy Committee membership shall be representative of the general purpose units of government in the planning area and particularly those in the Urbanized Area. The Policy Committee shall consist of the following persons or their duly authorized representatives.

1. The Mayor of the City of Rockford,
2. The Mayor of the City of Loves Park,
3. The President of the Village of Machesney Park,
4. The Chairman of the Winnebago County Board,
5. The District Engineer (District 2) of the Illinois Department of Transportation.

ARTICLE 5. TECHNICAL COMMITTEE MEMBERSHIP

Unless otherwise expanded or modified by further action of the Policy Committee, the Technical Committee shall consist of one duly authorized representative from the following transportation planning or implementing agencies with responsibility in the urban area:

1. Rockford Community Development Department, Planning Division;
2. Illinois Department of Transportation;
3. Rockford Public Works Department;
4. Rockford Mass Transit District;
5. City of Loves Park Planning Department;
6. Village of Machesney Park Planning Department;
7. Winnebago County Highway Department;
8. Winnebago County Planning and Economic Development Department; and

3 *Lead agency changed from the Rockford Community Development Department to the Rockford Public Works Department – Policy Committee Resolution 2000-1, January 27, 2000.*

4 *Study Director changed from the Planning Coordinator of the Rockford Community Development Department to the City of Rockford Traffic Engineer – Policy Committee Resolution 2001, January 27, 2000*

9. Greater Rockford Airport Authority
10. Village of Cherry Valley⁵
11. Boone County Highway Department⁶
12. Belvidere/Boone Regional Planning Commission⁷
13. Loves Park Public Works Department⁸
14. Ogle County Highway Department (non voting member)⁹
15. ~~Winnebago County Paratransit System¹⁰~~
16. ~~Loves Park Transit System¹¹~~.

ARTICLE 6. POWERS AND DUTIES OF THE POLICY COMMITTEE

1. The RATS Policy Committee and the Illinois Department of Transportation (IDOT) shall jointly share the responsibility for developing and maintaining the transportation plans and programs as required by State and Federal law. To the extent possible and depending upon State and Federal appropriations, IDOT shall make funding available to RATS for the purpose of carrying out these responsibilities.
2. The Policy Committee shall have the authority to determine membership changes or additions on the Technical Committee in accordance with terms set forth below.
3. The Policy Committee shall have the power to establish and appoint members to other temporary or special purpose committees as needed to carry out the duties of RATS. Membership on these committees may consist of individuals or come from organizations not otherwise represented on the Technical or Policy Committees. The business of said temporary or special

5 *Added by Policy Committee Resolution 95-2, January 26, 1995.*

6 *Added by Policy Committee Resolution 95-11, November 16, 1995.*

7 *Added by Policy Committee Resolution 95-11, November 16, 1995.*

8 *November 30, 2000 – unanimous motion of the Policy Committee replaces the Loves Park Transit System with the Loves Park Public Works Department as a voting member of the Technical Committee.*

9 *Appointed as a non-voting member of the Technical Committee in the mid-1980s.*

10 *Agency dissolved. Removed by Policy Committee Resolution 96-10, June 26, 1996.*

11 *Loves Park Transit System officially dissolved on June 30, 2000.*

purpose committee shall be conducted in a manner similar to that outlined for the Technical Committee and as further directed by the Policy Committee.

4. The Policy Committee shall annually elect a Chairman and a Vice Chairman from its membership, said election to occur in June of each year. The Chairman of the Policy Committee shall not be the District Engineer of the Illinois Department of Transportation.
5. The Policy Committee shall have the authority to designate or change the Lead Agency for RATS, and to designate or change the Study Director for RATS.
6. The Policy Committee shall have the authority to enact by-laws governing or directing the activities and procedures of RATS and expanding upon the terms of this Agreement, provided such by-laws do not conflict with the terms of this Agreement.
7. Subject to approval by the Policy Committee, RATS is empowered to enter into contracts and agreements with units of Federal, State and local government, private corporations, not-for-profit organizations, partnerships and individuals for purposes within the authority of RATS.
8. Subject to approval of the Policy Committee, RATS is empowered to receive grants, loans, gifts, bequests and funding from Federal, State, and local units of government, and from public and private sources. All said funding shall be coordinated annually through the Unified Work Program (UWP).
9. The Policy Committee shall endorse and maintain the transportation plan, and shall annually review and endorse the transportation improvement plan and the unified planning work program.
10. The Policy Committee shall direct and oversee the planning process to ensure the following in accordance with applicable Federal laws: involvement of appropriate public and private transportation providers; nondiscrimination on the basis of age, race, color or national origin; appropriate involvement of minority business enterprises; adequate plans and provisions for the transportation-handicapped; adequate plans and provisions to control and reduce air pollution.

ARTICLE 7. POWERS AND DUTIES OF THE TECHNICAL COMMITTEE

1. The Technical Committee shall provide technical advice and recommendations to the Policy Committee on all matters pertaining to the technical planning functions of RATS and on other related matters referred to them by the Policy Committee.
2. The Technical Committee shall establish and appoint members to other temporary or special purpose committees as needed to carry out the duties of the Technical Committee. Membership on these committees may consist of individuals or come from organizations not otherwise represented on the Technical or Policy Committees. The business of said temporary or special purpose committees shall be conducted in a manner similar to that outlined for the Technical Committee and as further directed by the Technical Committee.

ARTICLE 8. POWERS AND DUTIES OF THE LEAD AGENCY AND THE STUDY DIRECTOR

1. The Study Director shall supervise and coordinate the activities of RATS and act, on behalf of the Lead Agency, as the administrative and financial agent for RATS.
2. The Study Director shall be the Chairman of the Technical Committee and shall designate alternates to act as Technical Committee Chairman in his absence.
3. The designated Lead Agency shall be responsible for the administrative and adjutant services of RATS, including record keeping, correspondence, local funding disbursement and management, document maintenance, general information dissemination to the public, and other supportive services to and directed by the RATS Committees.
4. The designated Lead Agency shall schedule meetings, prepare agendas, issues notices, prepare minutes and generally ensure that all meetings are conducted in accordance with the Illinois Open Meetings Act.
5. The designated Lead Agency shall provide preliminary assurance, as needed, of matching funds sufficient to capture available State and Federal subsidies available for transportation planning purposes (with actual match to be provided by agencies or entities using said funds).
6. After approval of the Policy Committee, the designated Lead Agency shall enter contracts, as needed, with the State of Illinois Department of Transportation to capture and utilize subsidies available for transportation planning purposes.

ARTICLE 9. MEETINGS, VOTING, MISCELLANEOUS

1. The Policy Committee shall meet regularly on the Thursday¹² following the fourth Tuesday of each month. In regard to Policy Committee meetings, the Policy Committee Chairman or, in the absence of the Chairman, the Vice Chairman shall have the authority to cancel or reschedule meetings, to call special or emergency meetings, to continue meetings, or to change the schedule of regular meetings, as needed to conduct the business of RATS.
2. The Technical Committee shall meet regularly on the Thursday following the third Tuesday of each month. In regard to Technical Committee meetings, the Chairman of the Technical Committee shall have the authority to cancel or reschedule meetings, to call special or emergency meetings, to continue meetings or to change the schedule for regular meetings, as needed to conduct the business of RATS.
3. A quorum of the Policy or Technical Committees and/or any other temporary or special purpose committee established under the powers established herein shall consist of a majority of the committee's members, respectively, unless otherwise determined by the Policy or Technical Committee.
4. Policy Committee actions on issues which determine the use or allocation of Federal funds shall require a majority vote of not less than the total number of Policy Committee members minus one (1). Unless otherwise more strictly specified in other parts of this Agreement, all other issues shall be decided by a simple majority vote of the quorum present for the meeting.
5. Formal minutes shall be kept of all meetings of the Policy Committee, Technical Committee and other special standing or temporary committees.
6. All meetings shall be open to the public, held in places accessible to the handicapped, and conducted in accordance with the Illinois Open Meetings Act.
7. Voting and representation through another person authorized to act for a member (proxy) is permitted on the Policy Committee. Authorization must be in the form of a written statement from the official member giving proxy. Such authorization may be permanent or limited at the discretion of the official member granting proxy. Absentee voting is not allowed.

12 *Unanimous motion at the January 22, 1992 Policy Committee meeting moved the regular meeting date from Wednesdays to Thursdays.*

8. Proxy voting and representation is permitted on the Technical Committee, to the extent needed. Written authorization is not required, but new persons or persons not normally representing member agencies shall announce which member agency they are authorized to represent at the start of the meeting. Absentee voting is not provided for and no single person may represent or vote for more than one member agency at any given meeting.
9. The business of the Policy and Technical Committee meetings shall be conducted in accordance with the following and in the same order of priority to avoid conflict: (1) the terms of this Agreement, (2) applicable by-laws of RATS, if any, and (3) Roberts Rules of Order.
10. Major Policy Committee actions shall be made in the form of written resolutions approved or denied through formal motions at the meetings. At the discretion of the Chairman, simpler Policy Committee actions or directions to the Technical Committee, Study Director or staff may be made in the form of motions. All official actions and the votes thereon shall be recorded in the minutes. Most Technical Committee actions will be in the form of motions which make recommendations or deliver information to the Policy Committee.

ARTICLE 10. SUGGESTED MEMBERSHIP CRITERIA AND TERMS - POLICY COMMITTEE

New members may be added to the Policy Committee by simple amendment to this Agreement whereby the amendment is unanimously agreed to and ratified by the legislative authorities of all participating entities. However, it is agreed the following criteria are suggested when considering new Policy Committee membership:

1. The new entity should be an incorporated village or city within the Rockford Urbanized Area.
2. The entity should contain within the corporate limits of its jurisdiction at least five (5) percent of the total population of the Rockford Urbanized Area according to the most recent U.S. Census of Population.
3. The entity should have responsibility (ownership or maintenance) for three (3) road miles or more with Federal route designation on the latest Federal Aid Five-Year Classification Map and have responsibility (financial participation) for three (3) miles or more of daily fixed route transit service within its limits. (A transit route mile shall be defined as the total directional miles over which transit vehicles travel while in revenue service. If vehicles travel in both directions on a two-way roadway, each side of the roadway is counted only once, regardless of how many buses or vehicles

pass over a segment of roadway in a given time.)

4. The existing members and the petitioning entity must reach mutual agreement regarding voting powers and any other factors considered relevant. Decisions on issues involving the use of Federal funds should continue to require a majority approval of no less than the total Policy Committee membership, minus one.
5. The entity desires membership and makes a formal written request to the Policy Committee for consideration of membership.

ARTICLE 11. NEW MEMBERSHIP CRITERIA AND TERMS - TECHNICAL COMMITTEE

Technical Committee membership may occasionally need to be changed or added to in response to changes in local government structure or changes in transportation planning emphasis. The Policy Committee, by unanimous agreement of its members, shall have the authority, without qualification, to change or add Technical Committee members. The Policy Committee may also appoint new Technical Committee members by simple majority vote if the entity meets all of the following criteria:

1. The entity provides transportation services or has comprehensive land use and/or transportation planning responsibility totally or partially within the Rockford Urbanized Area.
2. The entity is eligible to receive, directly or indirectly, funds from the U.S. Department of Transportation and/or the U.S. Environmental Protection Agency.
3. The entity is able to contract with other entities, either as an autonomous entity itself or as an empowered department or agency of an autonomous entity.
4. The entity is: (a) a special purpose unit of government; or (b) a city or village that provides transportation services or facilities as part or all of its functions; or (c) a not-for-profit corporation whose chartered function under the laws of the State is to provide transportation.

ARTICLE 12. EQUAL OPPORTUNITY ASSURANCE

The participants of this Agreement hereby certify that as a condition of receiving Federal financial assistance to conduct transportation planning activities, the participants will ensure that:

1. No person on the basis of age, race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. RATS will compile, maintain, and submit in a timely manner Title VI information required by UMTA Circular 4702.1et seq., and in compliance with the U.S. Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
3. RATS will make it known to the public that the person or persons alleging discrimination on the basis of age, race, color, or national origin, as it relates to the provision of transportation services and transit-related benefits, may file a complaint with the Federal Transit Administration¹³ and/or the U.S. Department of Transportation.

ARTICLE 13. SEVERABILITY

If any one or more of the provisions of this Agreement, or subsequent by-laws which may be added to direct or govern the activities of RATS, or subsequent application thereof are declared unconstitutional or contrary to law by a court of competent jurisdiction, such ruling shall not affect any other provision of this Agreement not specifically included in such ruling or which can be given effect without the unconstitutional or invalid provision or application; and to this end, the provisions of this Agreement are declared severable.

ARTICLE 14. RATIFICATION, AMENDMENT AND TERMINATION

1. Ratification of this Agreement shall be made by the Mayors, President, Chairman, or Director of the Cities, Village, County, or Department of Transportation, as appropriate, when so empowered by formal action of the appropriate member organization.
2. Amendment to this Agreement shall be made in the same manner as initial ratification.
3. Additional parties of this Agreement may participate through adoption of an authorizing resolution or ordinance similar to those adopted by the original mem-

bers: each current party to the Agreement must authorize participation of additional members through adoption of a resolution.

4. This Agreement shall become effective upon ratification and shall supercede all prior agreements for cooperative transportation planning in the Rockford Urbanized Area.
5. This Agreement shall remain in force continuously and shall be automatically renewed on each succeeding June 30th following initial ratification unless a member presents written notice of intention to terminate the Agreement at least six months prior to the annual automatic renewal date. Regardless of the above, this Agreement may be terminated or amended at any time upon unanimous mutual consent of the members.

ARTICLE 15. EFFECT ON PREVIOUS ACTIONS, POLICIES, AND PLANS

In as much as RATS has been in existence and has conducted transportation planning for the Rockford Urban Area since 1964, this Agreement is intended to reestablish the authority of RATS to continue said transportation planning. In that regard, all plans, policies, procedures, studies, resolutions and other official actions previously adopted or established by and through the RATS organization in existence prior to this Agreement, and not in conflict with this Agreement, shall continue to remain in effect until further definitive action is taken by RATS to add to, alter, or nullify all or any part of said previous official actions. Further, any policies, resolutions or official actions or part thereof in conflict with the terms of this Agreement are hereby repealed to the extent of their conflict or inconsistency.

Original document was signed by authorized officials from Rockford, Loves Park, Machesney Park, Winnebago County and the Illinois Department of Transportation on September 19, 1988.

¹³ *New name of the Urban Mass Transportation Administration.*