

AMENDED AND RESTATED AGREEMENT
between
UTAH TRANSIT AUTHORITY
and
UTAH DEPARTMENT OF TRANSPORTATION
for
THE MOUNTAIN VIEW CORRIDOR PROJECT IMPLEMENTATION FOR PHASE 1
TRANSIT

THIS AMENDED AND RESTATED AGREEMENT (“Agreement”) is made and entered into this ____ day of _____, 2022 (“Effective Date”), between UTAH TRANSIT AUTHORITY, a public transit district organized pursuant to Title 17B Chapter 2a Part 8 of the Utah Code (“UTA”) and UTAH DEPARTMENT OF TRANSPORTATION, an agency of the State of Utah (“UDOT”). UTA and UDOT are each sometimes individually referred to as a “Party” and collectively as the “Parties”.

RECITALS

WHEREAS, the Parties recognize and agree that there is currently a need for improved regional mobility within and through western Salt Lake County and northwestern Utah County (the “Mountain View Corridor” or “MVC”), and that such need will increase as population in those areas continues to grow;

WHEREAS, the Parties desire to expedite implementation of Phase I Transit in the MVC, from the Downtown Salt Lake City (“Downtown”) along 5600 W. to the Old Bingham Hwy TRAX Station;

WHEREAS, on or about November 13, 2008, the Parties entered into an Interlocal Cooperation Agreement (the “2008 Agreement”) for project number SP-067(3)0 as shown in Exhibit A;

WHEREAS, the 2008 Agreement defined, in several phases, a proposed transit project(s) for the MVC;

WHEREAS, the proposed transit project(s) was adopted by UTA (through approval of the 2008 Agreement by the UTA Board of Trustees) as the locally preferred alternative for transit improvements in the corridor (the “Locally Preferred Alternative”) and was referenced in, and made in part of, UDOT’s environmental Record of Decision (ROD) for the MVC;

WHEREAS, the property surrounding the MVC has not developed in accordance with the assumptions contained in the “Vision Scenario” identified by the Parties and other stakeholders as part of the Growth Choices Study referenced in the 2008 Agreement;

WHEREAS, the Locally Preferred Alternative is no longer included in the Long-Range Transportation Plan adopted by the Wasatch Front Regional Council (“WFRC”), the Metropolitan Planning Organization for the region;

WHEREAS, the Parties wish to redefine and restate the Locally Preferred Alternative for the MVC to match the surrounding development and reflect the current Long-Range Transportation Plan;

WHEREAS, the 2008 financial crisis negatively impacted UTA’s ability to implement proposed transit project(s) for the MVC;

WHEREAS, upon further evaluation, the Parties determined a more cost-effective and high ridership transit solution to serve the communities along the project corridor; and

WHEREAS, the Parties intend that this Agreement will replace and supersede the 2008 Agreement in its entirety.

AGREEMENT

NOW, THEREFORE, UTA and UDOT, for and in consideration of the promises and covenants contained in this Agreement, the receipt and sufficiency of which is acknowledged, covenant and agree as follows:

1. Locally Preferred Alternative. The Parties have redefined the Locally Preferred Alternative as an express bus service in the 5600 West corridor between Old Bingham Highway and downtown Salt Lake City, as depicted in the route map attached as Exhibit B. The revised Environmental Impact Statement for the transit portion of MVC is attached as Exhibit C, with the revised ROD included in Exhibit D. An estimated cost range has been provided in Exhibit E. The partnering agreement between UTA and UDOT is included in Exhibit F. **UTA’s Board Policies are included in Exhibit G.**

The Parties intend that the express bus services will: (i) run on a schedule that provides early morning and late night service to the Airport; (ii) connect to current East West bus routes; provide a regional connection from the Red Line to the Airport/Downtown; and (iii) act as a catalyst for land use change by local government partners. The express bus service will include the following characteristics:

- a. **Service Headways: A minimum of 15-minute headways during peak hours and 30-minute headways during weekday non-peak hours is the service goal subject to the following:**
 - i. **UTA Board of Trustees Policy No. 3.2 Service Planning Implementation (included in Exhibit G), will be followed. This policy notes that UTA will conduct a comprehensive analysis of the entire service network associated with each update to the Five-Year Mobility Plan. This includes evaluation**

of existing services against the Authority's established Service Design Guidelines to determine if a service is meeting minimum performance thresholds, which will provide a two-year probation period. If the ridership does not meet standards, UTA may reduce service and will work with UDOT to make necessary adjustments to the environmental documentation. This process includes multiple opportunities for public comment. The projected ridership noted in Exhibit C and Exhibit D will service as a baseline for the Locally Preferred Alternative.

- b. *Hours of Service:* Currently anticipated to approximately match typical hours of service for other Salt Lake County bus routes and will be refined by transit service planners as part of project development.
- c. *Equipment:* Standard 40-foot buses
- d. *New Bus Stops to be Constructed:* New bus stops will be constructed at the following locations along the 5600 West Corridor and will include shelters, benches, and lighting and reader boards for bus arrival times.
 - i. 9000 South
 - ii. 7800 South
 - iii. 7000 South
 - iv. 6200 South
 - v. 5400 South
 - vi. 4700 South
 - vii. 4100 South
 - viii. 3500 South
 - ix. 2700 South
 - x. California Avenue
 - xi. International Center

The new bus stops are identified in the route map attached as Exhibit B. Additional stops may be added by UTA as demand increases.

- e. *Existing Bus Stops to be Used by Express Bus System:* Existing bus stops at the following locations will be utilized.
 - i. Existing stop at the Old Bingham Highway Light Rail station
 - ii. Existing stop at the Salt Lake International Airport
 - iii. Existing stop along North Temple near the State Complex (approximately 1900 West) in Salt Lake City
 - iv. Existing stop near the North Temple Commuter Rail Station in Salt Lake City (approximately North Temple and 400 West)
 - v. Downtown Salt Lake City-stops will be located at existing bus stop locations

The new bus stops are identified in the route map attached as Exhibit B. As part of the project development process, the addition of lighting and reader boards will be evaluated.

- f. *Parking*: Park and ride lots will be provided at the following locations:
 - i. Old Bingham Highway (existing TRAX station park and ride lot)
 - ii. 9000 South
 - iii. 7800 South
 - iv. 6200 South
 - v. 5400 South
 - vi. 3500 South (existing MAX station park and ride lot)
 - g. *Adjustments*: The location and configuration of stations and park and ride lots may be adjusted subsequent to the execution of this Agreement, as UTA deems necessary, in cooperation with UDOT, and as appropriate for the project.
 - h. *Transit Priority*: Bus traffic for 5600 West will be prioritized over passenger vehicles through appropriate operational measures which could include queue jumping at signalized intersections, shoulder running during congestion, and transit signal priority. Where applied, bus operation on shoulder running will use existing shoulders and bus queue jumps will use a shared right turn as the queue jump lane. To allow the bus on shoulder operations from approximately 7000 South to 3100 South, 5600 West will be restriped to reduce the northbound and southbound outside travel lane by approximately 1 foot and add that to the existing shoulder. Additional shoulder improvements, such as signing and removing obstacles, will be provided for approximately one quarter mile upstream of the intersection. To ensure safe and preferential bus operations, buses will drive on shoulders only where and when allowed and at the discretion of the bus operator. Transit priority improvements will be subject to UDOT and UTA review.
 - i. *Adoption by UTA*: By approval of this Agreement, the UTA Board of Trustees hereby adopts such Preferred Transit Alternative as the Locally Preferred Alternative, as depicted in Exhibit B.
2. Construction of Locally Preferred Alternative. The Parties acknowledge that UTA does not currently have funding in place for the Locally Preferred Alternative. Once funding has been secured, UTA and UDOT will coordinate on the design and construction of the Locally Preferred Alternative. Applicable state, local, and federal processes will be followed during implementation. UTA will assume responsibility for the operations of the Locally Preferred Alternative, subject to the securement of operations and maintenance funding.
3. Acquisition of Right of Way. Where 5600 West Street is a state road under UDOT's jurisdiction, subject to the provisions of Utah Admin. Code. R907-80-10, UDOT will grant to UTA, at no cost, the property rights necessary to operate the Locally Preferred

Alternative and/or any phased expansions thereof through ownership in Fee, easement, permit, or agreement. UDOT has previously deeded to UTA three parcels that can be used as park and ride lots for the Locally Preferred Alternative. UTA and UDOT shall continue to work together to identify and transfer additional parcels necessary for the Locally Preferred Alternative in accordance with the terms, conditions and spirit of that certain June 9, 2015 Partnering Agreement (as shown in Exhibit F) separately entered into by and between the Parties. Any properties conveyed by UDOT under this Section shall be used by UTA only for transportation purposes. Additional property and property rights shall be acquired when the Locally Preferred Alternative is funded by either Party through project funds. To establish a public use for conveyance purposes authorized under Utah Admin. Code R907-80-10: (i) UTA's chief executive shall provide a written finding to the Department that the property will be used for a road, other transportation or transit facility (including bicycle paths and sidewalks), a transportation reinvestment zone created pursuant to Utah Code Section 11-13-227, a public building or grounds, or a public park; or (ii) UTA's governing body shall approve a resolution declaring the proposed use of the land qualifies as a valid public use, by a public vote at an open meeting after notice to at least all adjoining landowners who shall have the opportunity to comment on the proposed public use prior to the public vote. Any property rights conveyed from UDOT to UTA under this paragraph shall include a clause in the recorded instrument that specifies title will revert to UDOT if the property ceases to be used for the purpose stated in the deed or easement.

4. Utility Relocation. UDOT agrees that, if it becomes necessary to relocate or protect in place utility facilities in, over, or around 5600 West Street in order to implement the Locally Preferred Alternative (including any phased expansions thereof), UDOT shall, upon the request of UTA, invoke its authority, pursuant to Utah Code Ann. § 72-6-116, to require the utility companies to relocate their facilities in accordance with such statute, and for the utility companies to pay that portion of the cost of relocation allocated to the utility company under such statute. Any portions of the relocation cost allocated to UDOT pursuant to § 72-6-116 shall be included in the project budget.
5. Support for Local Land Use Planning. Recognizing the importance of land use patterns to the success of the Preferred Transit Alternative, the Parties agree to work together (in cooperation with other local stakeholders) to support and encourage efforts by municipalities in the MVC to amend their land use plans and zoning ordinances in a manner supportive of transit.
6. Support for Funding. The Parties agree to work together and support each other's efforts to secure necessary funding for the MVC roadway and the Locally Preferred Alternative.
7. Additional Project Coordination and Cooperation. The Parties agree to work cooperatively to implement the transportation alternatives approved in the amended ROD.
8. Reciprocal Obligations. This Agreement is premised on the Parties' intent that hereafter, UDOT will work in good faith toward implementing the preferred roadway alternative set

forth in the FEIS and subsequent environmental re-evaluations, and UTA will work in good faith toward implementing the preferred transit alternative set forth in the FEIS and subsequent environmental re-evaluations. See Exhibit C for the Environmental Impact Statement Reevaluation. The Parties' obligations with respect to the MVC are intended to be reciprocal and the obligations set forth in this Agreement shall be of no force or effect if the Party seeking to enforce such obligations is not working in good faith toward implementing the preferred roadway or transit alternatives set forth in the FEIS, as applicable.

9. Dispute Resolution. In the event that any disputes arise concerning the interpretation or administration of this Agreement, the Parties shall first make every effort to resolve such disputes through discussions between UDOT's Project Manager, and UTA's Project Manager. Any issues that cannot be resolved at that level shall be elevated for discussion and resolution between, UDOT's Deputy Director and UTA's Chief Service Development Officer. Neither Party may initiate any formal legal action without first exhausting the dispute resolution process described hereunder.
10. Counterparts. This Agreement may be executed in counterparts. In such event, a duly executed original counterpart shall be filed with the keeper of records of each Party pursuant to the Interlocal Act.
11. Governing Law. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.
12. Entire Agreement. This Agreement contains the entire agreement between the Parties, with respect to the subject matter hereof, and no statements, promises, or inducements made by either Party or agents for either Party that are not contained in this written contract shall be binding or valid; and this Agreement may not be enlarged, modified, or altered except in writing, and signed by the Parties.
13. Amended and Restated Agreement. The Parties agree that this Agreement is intended to replace and supersede the terms and conditions of the 2008 Agreement. The Parties agree that the terms and conditions of the 2008 Agreement shall be of no further force and effect unless, and only to the extent that, such terms and conditions are repeated in this Agreement.

Exhibit A

2008 Agreement

Exhibit B

MVC Phase 1 Transit Map

Exhibit C

MVC - 5600 West Transit Component - EIS Re-evaluation

Exhibit D

MVC - 5600 West Transit Component - Revised ROD

Exhibit E

Preliminary Cost Estimate

Exhibit F

2015 Partnering Agreement

Exhibit G

UTA Board Policies

INTERLOCAL COOPERATION AGREEMENT
between
UTAH TRANSIT AUTHORITY
and
UTAH DEPARTMENT OF TRANSPORTATION

[Mountain View Corridor Project Implementation for Transit]

THIS INTERLOCAL COOPERATION AGREEMENT ("Agreement") is made and entered into this 13th day of Nov., 2008 ("Effective Date"), by the between UTAH TRANSIT AUTHORITY, a public transit district organized pursuant to Title 17B Chapter 2a Part 8 of the Utah Code ("UTA") and UTAH DEPARTMENT OF TRANSPORTATION, an agency of the State of Utah ("UDOT"). UTA and UDOT are sometimes referred to as the "Parties".

WITNESSETH:

WHEREAS, the Parties recognize and agree that there is currently a need for improved regional mobility within and through western Salt Lake County and northwestern Utah County (the "Mountain View Corridor" or "MVC"), and that such need will increase as population in those areas continues to grow;

WHEREAS, in recognition of the need for improved mobility in the Mountain View Corridor, in 2003 the Parties began the process of preparing an Environmental Impact Statement in compliance with the National Environmental Policy Act ("NEPA");

WHEREAS, in conjunction with the NEPA scoping process, the Parties conducted a Growth Choices Study, involving representatives from Salt Lake and Utah Counties, 14 cities, four nongovernmental organizations, a school district, two chambers of commerce, and five landowners in the study area (the "Stakeholder Committee"), in order to help identify land use, transportation, and quality of life objectives;

WHEREAS, through the Growth Choices process, the Stakeholder Committee considered how various combinations of land-use and transportation strategies would, by the year 2030, result in different growth and transportation scenarios, and ultimately the Stakeholder Committee collaborated to develop and adopt the "Vision Scenario," which includes a balanced mix of roadway improvements, transit improvements, and land-use changes;

WHEREAS, as the NEPA process has moved forward, the Parties have remained committed to pursuing the strategies identified by the Stakeholder Committee in the Vision Scenario, and have worked together as co-sponsors of the MVC project, with UTA taking the lead in identifying and studying various transit alternatives, and eventually selecting the preferred transit alternative;

WHEREAS, the Parties recognize and agree that the ultimate success of transit in the corridor will depend in large part on the willingness of local governments to make land use changes in accordance with the Vision Scenario, and the Parties intend to support the local governments' efforts to make those changes;

WHEREAS, the Parties desire to expedite implementation of transit in the MVC, from the Salt Lake City International Airport to Herriman, sooner than has previously been contemplated, with the ultimate goal of implementing transit service concurrently with construction of the initial roadway improvements;

WHEREAS, UTA and UDOT are public agencies as defined by the Interlocal Cooperation Act, Utah Code Ann. § 11-13-101, et seq. (the "Interlocal Act"), and are authorized to enter into this Agreement to act jointly and cooperatively to achieve the purposes outlined, herein.

NOW, THEREFORE, UTA and UDOT, for and in consideration of the promises and covenants contained in this Agreement, the receipt and sufficiency of which is acknowledged, covenant and agree as follows:

1. Locally Preferred Alternative. The Mountain View Corridor Final Environmental Impact Statement ("MVC EIS") identified a "Preferred Transit Alternative" for transit in the MVC, generally providing for a transit corridor along 5600 West from 11800 South to I-80, and then along I-80 to the Salt Lake City International Airport, consisting first of bus rapid transit, and later of rail transit. The Preferred Transit Alternative is more particularly described at section 2.4.5.1 and 36.2.1.1 of the MVC EIS and depicted on Exhibit A hereto. By approval of this Agreement, the UTA Board of Trustees hereby adopts such Preferred Transit Alternative as the Locally Preferred Alternative, as depicted on Exhibit A hereto. Notwithstanding the adoption herein of the Locally Preferred Alternative as depicted on Exhibit A, the location and configuration of stations and park and ride lots may be adjusted subsequent to the execution of this Agreement, as UTA deems necessary, in cooperation with UDOT, and appropriate for the project.

2. Development of MVC Transit Component. UTA agrees to assume responsibility for development of the transit component of the MVC, in accordance with the following schedule:

a. Phase 1 – 2007 to 2015:

i. UTA agrees to preserve and/or acquire the right of way necessary for construction and operation of transit along 5600 West from 11800 South to the Airport Line, as contemplated in the Locally Preferred Alternative. UTA will be responsible for the cost of acquiring the necessary right of way, and UTA will acquire the necessary properties incrementally, as funds are available. If there are any areas where alignment shifts are considered as part of the design process (e.g., in the area around I-80 and the Salt Lake International Airport, and in the area south of 11800 South), UTA will acquire the right of way for the transit

line in that section once the alignment issues are resolved. See Paragraph 2.a.v.

- ii. Where 5600 West Street is a state road under UDOT's jurisdiction, UDOT will grant to UTA, at no cost, an easement giving UTA the right to construct and operate its transit system, including TPSS sites and signal cabinets, within the 5600 West Street right of way, including the surface, subsurface, and air space, as necessary to accommodate the transit system.
- iii. UTA and UDOT agree that implementation of the Locally Preferred Alternative will not result in elimination of traffic lanes or turning lanes from 5600 West Street. However, UTA and UDOT agree that 5600 West Street shall be designed as a pedestrian-friendly transit corridor, and in a manner that will minimize the need to acquire additional right of way. Specifically, UDOT agrees that shoulders currently in existence along 5600 West Street from 2700 South to 6200 South will be eliminated and converted to traffic lanes, to replace current traffic lanes that will be used for transit by UTA.
- iv. UTA will not be responsible for the costs of acquiring right of way necessitated by any widening of 5600 West Street not related to the development of the Locally Preferred Alternative; any such costs will be borne by UDOT where 5600 West Street is a state road, and by the respective municipalities with jurisdiction over those portions of 5600 West that are city streets. Where 5600 West Street does not yet exist, UTA will acquire property necessary for the development of transit, but will not acquire any property necessary for creation of 5600 West Street itself.
- v. The parties acknowledge that the Locally Preferred Alternative has not yet progressed to final design, but it is recognized that property acquisitions and the attendant costs may be significantly reduced by situating some portion of the alignment within the I-80 corridor. If UTA, through its design process, proposes to situate part of the alignment within the I-80 corridor, UDOT agrees to work together in good faith with UTA, considering future freeway capacity needs, safety, cost, operational issues, and other relevant factors, to identify a final alignment in the area around I-80 and the Salt Lake City International Airport. The parties agree to resolve any disputes regarding such alignment through the dispute resolution process in paragraph 10 of this Agreement. If the final alignment identified by the parties, or any portion thereof, lies within the I-80 corridor, UDOT, with FHWA approval, will grant to UTA, at no cost, an easement or substantially equivalent property interest giving UTA the right to operate its transit system within such corridor.

- vi. UDOT agrees to grant to UTA, at no cost, properties it owns at 5527 West and 3500 South and at 6176 South and 5600 West, which are depicted on Exhibit B hereto. UTA agrees that the properties will only be used for transportation purposes as public park and ride lots in connection with the Locally Preferred Alternative. Such conveyances will take place within six months of the Effective Date. UDOT will prepare the instruments of conveyance.
- vii. UDOT agrees to grant to UTA, at no cost, a portion of the UDOT-owned property at 5651 West and 5400 South, which is generally depicted on Exhibit B hereto. UTA will identify the portion of the property that it needs for a public park and ride lot within six months of the Effective Date. UDOT will prepare the instrument of conveyance, and will convey such portion to UTA within sixty days after UTA has identified the portion of the property it needs. UTA agrees that such property will only be used for transportation purposes, as a public park and ride lot.
- viii. If UTA identifies other UDOT-owned properties as beneficial to, but not strictly necessary for, the development of the Locally Preferred Alternative (such as properties deemed suitable for transit oriented development), UDOT agrees to notify UTA before marketing such properties for sale, to allow UTA an opportunity to purchase such properties at fair market value, to be determined by independent appraisals after UDOT complies with Utah Code Ann. §78B-6-521.
- ix. In order to preserve the width necessary for the Locally Preferred Alternative right of way, and reduce UTA's property acquisition costs, UDOT agrees that if it disposes of any other property it owns along the 5600 West Street corridor, it will retain ownership of strips of land adjacent to the street. The width of such retained strips shall be determined by UTA and UDOT, taking into consideration design of the transit way, passenger stations, etc.
- x. UDOT further agrees that it will exercise its powers of eminent domain on behalf of UTA, if and to the extent that UTA is unable to acquire needed properties through negotiated transactions. UTA shall pay UDOT's actual costs (excluding overhead costs and costs of UDOT staff time), including the amount paid for the needed properties, if UDOT exercises its powers of eminent domain on behalf of UTA.
- xi. UTA agrees to implement and begin revenue operation of a Type 3 bus rapid transit line (BRT) in the 5600 West corridor between 2700 South Street and 6200 South Street by December 31, 2015.

b. Phase 2 – 2016 to 2025:

- i. UTA agrees to expand the 5600 West Type 3 BRT line to operate along 5600 West, from I-80 to 11800 South, and along I-80 to the Salt Lake City International Airport.

c. Phase 3 – 2025 and beyond:

- i. UTA agrees to upgrade the Phase 2 BRT system to a rail transit line, in accordance with the then-current UTA design criteria.

3. The parties acknowledge that design modifications and alignment shifts for the Locally Preferred Alternative could be considered by UTA during subsequent stages of project development for the transit project. The parties recognize and agree that additional environmental review may be necessary if UTA identifies a final alignment that differs from the Preferred Transit Alternative as defined in the FEIS.

4. Utility Relocation. UDOT agrees that, if it becomes necessary to relocate or protect in place utility facilities in, over, or around 5600 West Street in order to implement any phase of the Locally Preferred Alternative, UDOT shall, upon the request of UTA, invoke its authority, pursuant to Utah Code Ann. § 72-6-116, to require the utility companies to relocate their facilities in accordance with such statute, and for the utility companies to pay that portion of the cost of relocation allocated to the utility company under such statute. UTA shall pay the portion of the cost of relocation allocated to UDOT pursuant to § 72-6-116.

5. System Operation and Maintenance. UTA and UDOT agree to operate and maintain the 5600 West corridor in accordance with the following provisions:

- a. UTA shall be responsible for maintaining that portion of 5600 West Street designated as the transit way, including barrier curbs, transit stations (including landscaping located at the stations), TPSS sites, signal cabinets, and all other facilities ancillary to the transit system. UTA shall have no responsibility to maintain any portion of the street outside the transit way barrier curbs
- b. The parties agree that, prior to commencement of revenue operations along the Locally Preferred Alternative, the parties shall develop a plan for coordinated snow removal from the 5600 West Street corridor. Such plan shall provide a reasonable means for UTA to remove snow from its transit way.
- c. UDOT agrees that traffic signals along 5600 West Street shall be programmed to give signal priority to UTA system vehicles used for the Locally Preferred Alternative over automobile traffic.
- d. UDOT agrees that if it ever submits a recommendation to delete 5600 West Street, or any portion thereof, from the state highway system, such recommendation would include the provisions of this section.

6. Support for Local Land Use Planning. Recognizing the importance of land use patterns to the success of the Preferred Transit Alternative, the Parties agree to work together, and with the Stakeholder Committee, to support and encourage efforts by municipalities in the

MVC to amend their land use plans and zoning ordinances in accordance with the Vision Scenario.

7. Support for Funding. The Parties agree to work together and support each other's efforts to secure necessary funding for the MVC roadway and transit improvements.

8. Additional Project Coordination and Cooperation. The Parties agree to work cooperatively to facilitate the issuance of the Record of Decision on the MVC project, and to work together in good faith to implement the transportation alternatives approved in such Record of Decision.

9. Reciprocal Obligations. This Agreement is premised on the parties' intent that hereafter, UDOT will work in good faith toward implementing the preferred roadway alternative, set forth in the FEIS, and UTA will work in good faith toward implementing the preferred transit alternative set forth in the FEIS. The parties' obligations with respect to the MVC are intended to be reciprocal and the obligations set forth in this Agreement shall be of no force or effect if the party seeking to enforce such obligations is not working in good faith toward implementing the preferred roadway or transit alternatives set forth in the FEIS, as applicable.

10. Dispute Resolution. In the event that any disputes arise concerning the interpretation or administration of this Agreement, the parties shall first make every effort to resolve such disputes through discussions between UDOT's MVC Project Manager, and UTA's 5600 West Transit Project Manager. Any issues that cannot be resolved at that level shall be elevated for discussion and resolution between, UDOT's Deputy Director and UTA's Assistant General Manager. Neither party may initiate any formal legal action without first exhausting the dispute resolution process described hereunder.

11. Interlocal Cooperation Act Requirements. In satisfaction of the requirements of the Interlocal Act, and in connection with this agreement, the parties agree as follows:

This Agreement shall be authorized by resolution of the governing body of each party pursuant to Section 11-13-202.5 of the Interlocal Act;

This Agreement shall be reviewed as to proper form and compliance with applicable law a duly authorized attorney on behalf of each party, pursuant to Section 11-13-202.5 of the Interlocal Act;

A duly executed original counterpart of this Agreement shall be filed with the keeper of records of each party, pursuant to Section 11-13-209 of the Interlocal Act;

Except as otherwise specifically provided herein, each party shall be responsible for its own costs of any action done pursuant to this Agreement, and for any financing of such costs;

No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by the Deputy Director of UDOT and the Assistant General Manager of UTA. No real or personal property shall be acquired jointly by the parties as a result of this Agreement. To the

extent that a party acquires, holds, or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such party shall do so in the same manner that it deals with other property of such party..


12. Counterparts. This Agreement may be executed in counterparts. In such event, a duly executed original counterpart shall be filed with the keeper of records of each party pursuant to the Interlocal Act.

13. Governing Law. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.

14. Entire Agreement. This Agreement contains the entire agreement between the Parties, with respect to the subject matter hereof, and no statements, promises, or inducements, made by either party or agents for either party that are not contained in this written contract shall be binding or valid; and this agreement may not be enlarged, modified, or altered except in writing, and signed by the parties.

IN WITNESS WHEREOF, the Parties have subscribed their names and seals the day and year first above written.

UTAH DEPARTMENT OF
TRANSPORTATION


By: 
11/13/08

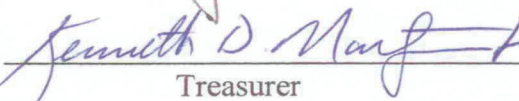
Approved as to Form and Legality:
Attorney General

By: 
Assistant Attorney General

Date: 11/13/2008

UTAH TRANSIT AUTHORITY

By: 
John M. English, General Manager

By: 
Treasurer

Approved as to Form and Legality



UTA Legal Counsel

Date: 10/29/06

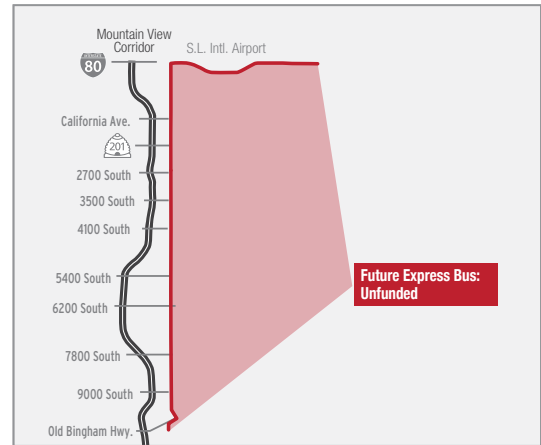
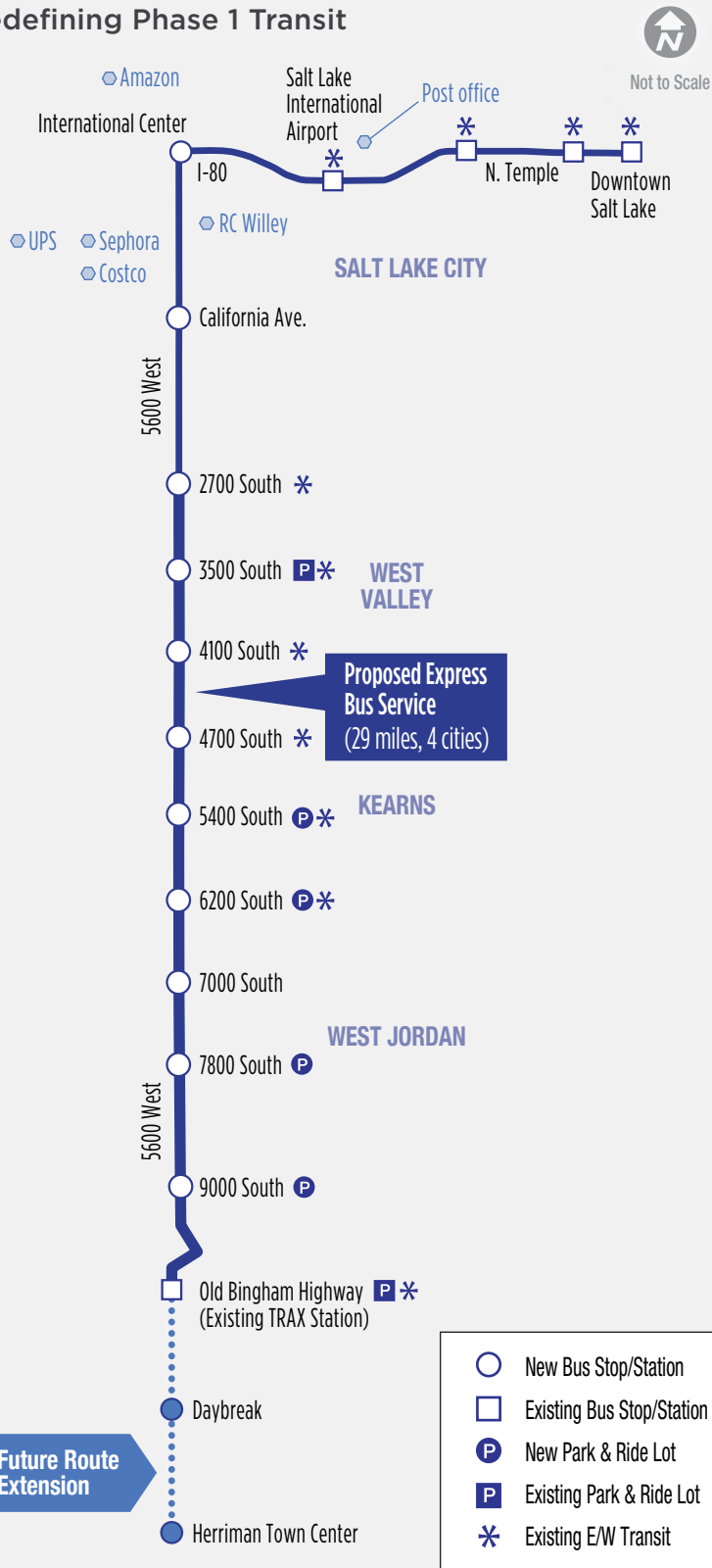
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PROPOSED EXPRESS BUS: PHASE 1 TRANSIT

January 2019

Redefining Phase 1 Transit



Projected Construction Timeline

- Regional Transportation Plan Phase 2 (2025-2034)
 - Need Identified
 - Prioritized for Funding

Estimated Cost

- \$34.5 Million (One Time Capital Cost)
- \$5.6 Million (Yearly Operations Cost)

Key Features

- 29 miles long
- Serves four cities, Salt Lake International Airport and Downtown Salt Lake City
- 2,200-3,900 daily ridership

Key Insights

- When Phase 1 Transit is built and operating, MVC can convert existing roadway intersections into freeway interchanges

Current Activities

- Identify funding to build, operate and maintain the express bus service
- Park and ride lot acquisitions



Watch the Phased Implementation video

udot.utah.gov/mountainview



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

JASON E. DAVIS, P.E.
Deputy Director of Engineering and Operations

TERIANNE S. NEWELL, P.E.
Deputy Director of Planning and Investment

July 18, 2019

Mr. Bryan Adams, P.E.
Region Two Director
Utah Department of Transportation
2010 South 2760 West
Salt Lake City, UT 84104

**Subject: UDOT Project Number S-0085(9), S.R. 85, MVC; Environmental Impact Statement 5600 West Transit Component, Salt Lake County, Utah (PIN 13149)
*Environmental Impact Statement Re-evaluation***

Dear Mr. Adams:

A Final Environmental Impact Statement (Final EIS) and Section 4(f) Evaluation for the Mountain View Corridor (MVC), Salt Lake and Utah Counties, was completed in September 2008 and approved through the issuance of a Record of Decision (ROD) on November 17, 2008 from the Federal Highway Administration (FHWA). The subjects of this EIS Re-evaluation are refinement of the transit alternative that was selected in the ROD (the 5600 West Transit Alternative with Dedicated Right-of-Way Option) and project implementation and phasing.

This memorandum is intended to support a decision on whether a supplemental EIS is required, pursuant to applicable criteria in FHWA's NEPA regulations. The regulations in 23 CFR 771.130(a) provide that a supplemental EIS is required when "(1) Changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS; or (2) New information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS." To support that determination, this memorandum summarizes the proposed refinement to the 2008 ROD selected transit alternative and changes to project implementation and phasing; discusses changes in the affected environment; and considered whether any of the changes in the project and affected environment require a supplemental EIS. The appendices to this memorandum include the supporting technical documentation and reports.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being or have been carried out by UDOT pursuant to 23 USC § 327 and a Memorandum of Understanding (MOU) dated January 17, 2017, and executed by FHWA and UDOT. This Re-evaluation is being processed in accordance with this agreement, and UDOT is the agency responsible for approving the Re-evaluation. Under the assignment MOU, UDOT is responsible for conducting any additional environmental review (including Re-Evaluations) that may be required for projects that were approved by FHWA prior to execution of the assignment MOU.

Background and Need for the Re-evaluation

The overall Selected Alternative in the 2008 ROD included both a roadway alternative (the 5800 West Freeway Alternative) and a transit alternative (the 5600 West Transit Alternative with Dedicated Right-of-Way Option). Since the ROD was issued, this overall alternative has been refined and is referred to as the Refined Selected Alternative. The Refined Selected Alternative includes changes to the Selected Alternative's transit components, namely implementing Express Bus service instead of bus rapid transit (BRT) in Phase 1.

The 2008 ROD was conditioned upon UDOT's compliance with the phased approach to implementing the project as described in Chapter 36, Project Implementation (Phasing), of the Final EIS. The ROD authorized UDOT to proceed with construction of Phases 1 and 2 of the roadway as well as right-of-way acquisition and design for all three phases of the MVC Project as long as the conditions of the phasing were met. The ROD did not authorize construction of Phase 3 of the roadway. The ROD stated that before Phase 3 can be constructed, an additional ROD and potentially additional NEPA review would be required.

The purpose of this Re-evaluation is to address changes to the project phasing. Specifically, the Re-evaluation evaluates changes to **Phase 1** transit implementation of the transit alternative that was selected in the 2008 ROD (the 5600 West Transit Alternative with Dedicated Right-of-Way Option). Phases 2 and 3 transit and project implementation will be addressed after the Phase 1 elements are fully implemented and are not part of this Re-evaluation.

The 2008 ROD's Selected Alternative proposed that transit would be constructed in three phases. As described in the Final EIS and the 2008 ROD, the transit system would have started as Bus Rapid Transit (BRT) in Phase 1 and would have been converted to rail transit in Phase 3. Figure 1 in Appendix A shows the proposed 5-mile transit alignment on 5600 West for Phase 1. Figure 1 also shows the entire Phase 3 transit build-out that was analyzed in the Final EIS (shown as Phase 1 right-of-way preservation).

Table 1 describes the transit elements of the 2008 ROD's Selected Alternative and compares them with the Refined Selected Alternative's Phase 1 transit elements being evaluated in this Re-evaluation.

Table 1. Summary of Transit Phase 1 Changes in Implementation in This Re-evaluation

	Phased Transit Implementation for the 2008 ROD's Selected Alternative	Refined Selected Alternative
Phase 1	<p>Transit Implementation</p> <ul style="list-style-type: none"> • The Utah Transit Authority (UTA) will take all actions necessary to (1) complete Phase 1 of the 5600 West Transit Alternative with Dedicated Right-of-Way Option and begin revenue operation by December 31, 2015, and (2) complete Phase 2 of that alternative and begin revenue operation of that phase by December 31, 2025. • UTA will construct BRT in a fixed guideway (Type 3 bus rapid transit) along 5600 West from 2700 South to 6200 South. As part of Phase 1 activities, UTA also will acquire the necessary right-of-way to construct a fixed-guideway transit system along 5600 West from 11800 South to Interstate 80 (I-80) and along I-80 from 5600 West to the Salt Lake City International Airport. 	<p>Transit Implementation</p> <ul style="list-style-type: none"> • Phase 1 transit will include express bus transit service along the existing 5600 West and North Temple roadway travel lanes from the Old Bingham Highway TRAX station to downtown Salt Lake City.

The transit improvements associated with the 2008 ROD's Selected Alternative included constructing a fixed-guideway transit facility on the existing 5600 West arterial road in Salt Lake County from Herriman to the location where the alignment left 5600 West at the existing railroad crossing north of 700 South and crossed under I-80 at the existing railroad crossing. After crossing under I-80, the alignment turned east along Amelia Earhart Drive. The fixed guideway consisted of an area in the center of the roadway dedicated solely for the use of transit vehicles, with street traffic using general-purpose lanes on the outside of the roadway. Transit stations would have been located in the roadway median. The transit improvements included in the 2008 ROD's Selected Alternative were under the authority of UTA and did not require FHWA's approval.

UDOT started construction of the MVC roadway component of the 2008 ROD's Selected Alternative in 2010 and is in the process of completing Phase 1 of the roadway project. However, UTA has not implemented the Phase 1 transit improvements of the 2008 ROD's Selected Alternative because of (1) a lack of funding and (2) the local municipalities and development have not implemented transit-supportive land use that was consistent with the MVC

Growth Choices process approved by the Cities. Based on the 2008 ROD, for UDOT to move into Phase 2 of the roadway component, Phase 1 of the transit component was to be in revenue operation (anticipated by 2015 in the ROD). Because Phase 1 transit is not in revenue operation and UDOT would like to proceed with Phase 2 roadway construction, UDOT and UTA developed a Refined Selected Alternative for Phase 1 transit implementation that addresses the MVC's purpose and provides improved transit mobility compared to Phase 1 of the 2008 ROD's Selected Alternative (see Table 1 above).

Re-evaluation Analysis

Following is a summary of the main components of the EIS and any changes associated with each component due to the refinements in implementation of and the transit components of the Refined Selected Alternative and previously known and newly identified environmental resources in the project area.

Purpose and Need

As stated in the EIS, the purpose of the MVC Project is to improve regional mobility by reducing roadway congestion and by supporting increased transit availability, supporting local growth objectives, increasing roadway safety, and supporting increased bicycle and pedestrian options. The proposed revisions included with the Refined Selected Alternative do not change the original project concept or project purpose; therefore, the purpose of and need for the project remain valid.

Independent Utility

No additional transportation improvements are necessary for the proposed project to function as intended. The project would not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

Changes from the 2008 ROD's Selected Transit Alternative Incorporated in the Refined Selected Alternative

The elements of the Refined Selected Alternative for the Phase 1 transit implementation are listed below. Where the elements of the Refined Selected Alternative are different than the Phase 1 transit improvements in the 2008 ROD's Selected Alternative, these elements are described in more detail. Detailed figures for the Refined Selected Alternative are provided in Appendix A.

The following list summarizes the attributes of the Express Bus service that is being proposed as part of the Refined Selected Alternative to replace the Phase 1 transit element described in the 2008 ROD's Selected Alternative:

- **Limits of Service:** The Refined Selected Alternative's Express Bus route would be 29 miles long versus the 5 miles of the Phase 1 BRT for the 2008 ROD's Selected Alternative. The Refined Selected Alternative's Express Bus route would serve four cities, while the Phase 1 BRT for the 2008 ROD's Selected Alternative would have served two cities. The Refined Selected Alternative's Express Bus would serve the Salt Lake City International Airport and downtown Salt Lake City; the Phase 1 BRT for the 2008 ROD's Selected Alternative would not.
- **Alignment:** As shown in Figure 2 in Appendix A, the Express Bus would generally run along 5600 West within the existing roadway travel lanes from the Old Bingham Highway light rail station to the International Center and from there to the Salt Lake City International Airport and into downtown Salt Lake City on North Temple. The 2008 ROD's Selected Alternative Phase 1 BRT would have generally run in the middle of 5600 West between 6200 South and 2700 South.
- **Service Headways:** 15-minute headways during weekday peak hours, 30-minute headways during weekday non-peak hours, and 60-minute headways during weekday night-time hours. The 2008 ROD's Selected Alternative Phase 1 BRT headways were not specified.
- **Travel Time:** The Refined Selected Alternative's Express Bus includes several preferential treatment options (see Figure 3 in Appendix A) that could improve travel time (transit signal priority, queue jump, bus on shoulder, or modified bus on shoulder). These preferential treatment options could reduce travel time by 8% to 27% compared to baseline conditions in locations where they are implemented. The 2008 ROD's Selected Alternative Phase 1 BRT would also reduce travel time compared to baseline conditions. The 2008 ROD's Selected Alternative would have more reduction in travel time compared to the Express Bus because it would

be on a dedicated right-of-way between 2700 South and 6200 South.

- **Ridership:** The Refined Selected Alternative's Express Bus ridership is forecasted to be 2,200 to 3,900 per day in 2020, compared to 300 to 600 per day for the Phase 1 BRT for the 2008 ROD's Selected Alternative.
- **Capital Costs and Operation and Maintenance Costs:** The Refined Selected Alternative's Express Bus capital cost would be less than that of the Phase 1 BRT for the 2008 ROD's Selected Alternative. The Refined Selected Alternative's Express Bus operation and maintenance costs per mile would be less than those of the Phase 1 BRT for the 2008 ROD's Selected Alternative.
- **Hours of Service:** Anticipated to approximately match typical hours of service for other Salt Lake County bus routes and to be refined by transit service planners.
- **Equipment:** Standard 40-foot buses.
- **Stops:** Stops are shown in Figure 2 and described below:
 - **New stops** would be provided at the following locations along 5600 West and would include shelters, benches, lighting, and reader boards for bus arrival times:
 - 9000 South
 - 7800 South
 - 7000 South
 - 6200 South
 - 5400 South
 - 4700 South
 - 4100 South
 - 3500 South
 - 2700 South
 - California Avenue
 - International Center
 - **Existing stops** at the following locations will be utilized. Evaluate providing lighting and reader boards at the existing stops.
 - Old Bingham Highway TRAX station
 - Salt Lake City International Airport
 - North Temple near the State Complex (about 1900 West) in Salt Lake City
 - North Temple commuter rail station in Salt Lake City (about North Temple and 400 West)
 - Downtown Salt Lake City stops would be located at existing bus stop locations
- **Parking:** Park-and-ride lots will be provided at the following locations (see Figure 2):
 - Old Bingham Highway (existing TRAX station park-and-ride lot; evaluated in the Final EIS)
 - 9000 South (new)
 - 7800 South (new)
 - 6200 South (evaluated in the Final EIS)
 - 5400 South (evaluated in the Final EIS)
 - 3500 South (existing MAX station park-and-ride lot; evaluated in the Final EIS)
- **Transit Priority:** Express bus traffic for 5600 West would be prioritized over passenger vehicles through appropriate operational measures, which could include queue jumping at signalized intersections, shoulder running (that is, buses driving in the roadway shoulder), and transit signal priority (Figure 3 in Appendix A). Where applied, shoulder running would use existing shoulders, and bus queue jumps would use a shared right-turn and queue-jump lane. To allow shoulder running from about 7000 South to 3100 South, 5600 West would be restriped to reduce the northbound and southbound outside travel lanes by about 1 foot, and that width would be added to the existing shoulder. Additional shoulder improvements, such as installing signs and removing obstacles, would be implemented for about one-quarter mile upstream of the intersection. To ensure safe and preferential bus operations, buses would drive on the shoulders only where and when allowed and at the discretion of the bus driver.
- **Timing:** The improvements listed above would be implemented when funding and permits are obtained.

Environmental Consequences Analysis

UDOT has evaluated the expected impacts to the natural and built environment from the Refined Selected Alternative. The expected impacts of the Refined Selected Alternative would include impacts from Phase 1 transit implementation only. Overall, the Refined Selected Alternative would have fewer impacts to the environment than those analyzed in the Final EIS for the 2008 ROD's Selected Alternative because the entire Express Bus route is within the existing road system. The 2008 ROD's Selected Alternative included about 1.5 miles of new facility on a new alignment. No substantial changes would occur to the natural or built environment as a result of the Refined Selected Alternative that would significantly affect the quality of the human and natural environment. Most of the impacts of these changes are less than those previously disclosed in the MVC Final EIS for the 2008 ROD's Selected Alternative and therefore are not individually or cumulatively significant or significantly different from those described in the 2008 Final EIS and ROD.

As part of the Re-evaluation process, UDOT conducted field investigations in 2019 to update the biological resources, waters of the U.S., and cultural resources information within the project footprint. Clearance memos for these field investigations are provided in Appendix B.

The sections below summarize the changes to the environmental impacts from those analyzed in the Final EIS for the 2008 ROD's Selected Alternative as a result of the refinements in implementation of the transit components of the Refined Selected Alternative.

Land Use Impacts

Consistency with Plans. The MVC Final EIS stated that, for the transit alternative that was ultimately selected in the ROD, transit along 5600 West would be generally consistent with local land-use plans and with the Wasatch Front Regional Council's (WFRC) long-range transportation plan. The proposed Express Bus that is part of the Refined Selected Alternative is also consistent with the current local land-use plans and with the current WFRC long-range transportation plan. The current local land-use plans are similar to local land-use plans at the time of the Final EIS. The WFRC long-range transportation plan was amended in January 2018 to officially approve the change to Express Bus on 5600 West.

Direct Land Use Impacts. The Refined Selected Alternative would impact a total of 9.79 acres of urban and suburban land uses. Figures showing the location of the impacted areas are included in Appendix A (Figures 4 to 16). Of these 9.79 acres, only about 1.96 acres are areas of new impact beyond what was previously evaluated for the 2008 ROD's Selected Alternative.

The 1.96 acres of new impact are the two additional park-and-ride lots that are proposed as part of the Refined Selected Alternative: one at 9000 South 5573 West (Appendix A, Figure 4) and the other at 5524 W. Ranches Loop Road (southeast quadrant of 7800 South 5600 West intersection) (Appendix A, Figure 6). These two park-and-ride lots were not evaluated in the Final EIS for the transit alternative that was selected in the 2008 ROD.

The park-and-ride lot at 9000 South and 5600 West on the southeast quadrant would be 0.74 acres and would be located in a vacant field that is adjacent to residential developments in the southeast quadrant of the intersection. The lot would be compatible with the general urban nature of the area along two busy roads. The lot would be consistent with the general commercial-related zoning and proposed future land uses identified by West Jordan City.

The park-and-ride lot at 5524 W. Ranches Loop Road is on the southeast quadrant of the 5600 West and 7800 South intersection and would be 1.22 acres. This park-and-ride lot is located in a planned commercial development. The lot would be compatible with the general urban nature of the area along 5600 West. The lot would be consistent with the general commercial-related zoning and proposed future land uses identified by West Jordan City.

Sequencing Effects on Land Use. The intent of the sequencing in the MVC Final EIS and ROD was to encourage transit-oriented development by introducing high-quality transit before providing the new freeway capacity. The MVC FEIS analysis determined that the sequencing proposed with the 2008 ROD's Selected Alternative was unlikely to affect land use patterns. This conclusion would be the same with the Express Bus proposed with the Refined Selected Alternative.

Additionally, as previously noted, the local municipalities and property owners have not implemented transit-supportive land use that was consistent with the MVC Growth Choices process approved by the Cities. In the time since the MVC ROD was signed, land use adjacent to 5600 West has not had major changes compared to the

existing land use conditions at the time of the MVC FEIS. The land adjacent to the 5600 West corridor is almost fully developed and consists of predominantly lower density residential and commercial land uses. There are not currently transit-oriented high-density mixed use developments along 5600 West corridor. The construction of higher density mixed use developments would require redevelopment given the fully developed condition of the corridor.

In regards to encouraging more transit-oriented development in the future, the proposed Express Bus in the Refined Selected Alternative is likely to be equal or better to the 2008 ROD's Selected Alternative because it provides improved transit service across a broader area.

Project Implementation

The type of transit for Phase 1 implementation has been changed from BRT in a dedicated right-of-way from 6200 South to 2700 South for the 2008 ROD's Selected Alternative to an Express Bus from Old Bingham Highway in West Jordan to downtown Salt Lake City for the Refined Selected Alternative. Details about the Refined Selected Alternative's elements are described in detail in the previous section, Changes from the 2008 ROD's Selected Transit Alternative Incorporated in the Refined Selected Alternative.

Phase 1 of the 5600 West Transit Alternative (the transit alternative selected in the 2008 ROD) was to begin revenue operation on December 3, 2015. In addition, the Phase 1 implementation defined as part of the 2008 ROD's Selected Alternative required UTA to acquire the necessary right-of-way to construct a fixed-guideway transit system along 5600 West from 11800 South to I-80 and along I-80 from 5600 West to the Salt Lake City International Airport. This right-of-way acquisition would not occur with the Refined Selected Alternative. The Refined Selected Alternative would implement Express Bus service.

The Phase 1 BRT and right-of-way acquisition for the 2008 ROD's Selected Alternative would require relocating businesses and residential properties along the alignment, and traffic would be temporarily disrupted during construction. The Refined Selected Alternative would be an Express Bus using 5600 West. No relocations would occur, and there would be only a temporary disruption to traffic on 5600 West to accommodate restriping with the Refined Selected Alternative.

Environmental Consequences Summary

Table 2 summarizes the changes to environmental impacts from the Refined Selected Alternative.

Table 2. Summary of Re-evaluation Environmental Consequences Analysis

Environmental Resource	Changed?		Comments
	Yes	No	
Land Use	X		<p>The Refined Selected Alternative would impact a total of 9.79 acres. Of these 9.79 acres, 1.96 acres are areas of new impact beyond what was previously evaluated in the 2008 ROD's Selected Alternative. The proposed Express Bus park and ride lots at 9000 South and 7800 South were not evaluated as part of the 2008 ROD's Selected Alternative. These parking lots would be consistent with the proposed commercial land uses and zoning identified in the Cities' plans.</p> <p>The Refined Selected Alternative would be consistent with current local land use plans and the current WFRC regional transportation plan.</p> <p>In regards to encouraging more transit-oriented development in the future, the Refined Selected Alternative's Express Bus is likely to be equal or better to the 2008 ROD's Selected Alternative because it provides improved transit service across a broader area.</p>
Farmland		X	No changes identified.
Community Impacts		X	No changes identified.
Environmental Justice		X	No changes identified.
Transportation		X	No changes identified.
Economics		X	No changes identified.

Environmental Resource	Changed?		Comments
	Yes	No	
Joint Development		X	No changes identified.
Pedestrian and Bicyclist Issues		X	No changes identified.
Air Quality		X	No changes identified.
Noise		X	No changes identified.
Water Quality		X	No changes identified.
Ecosystems		X	No changes identified.
Floodplains		X	No changes identified.
Historic, Archaeological, and Paleontological Resources		X	No changes identified.
Hazardous Waste		X	No changes identified.
Visual Resources		X	No changes identified.
Energy		X	No changes identified.
Construction Impacts		X	No changes identified.
Indirect Effects		X	No changes identified.
Cumulative Impacts		X	No changes identified.
Permits, Reviews, and Approvals		X	No changes identified.
Section 4(f) Resources		X	No changes identified.
Sequencing		X	No changes identified.
Project Implementation (Phasing)	X		The type of transit to be implemented for Phase 1 has been changed from BRT in a dedicated right-of-way from 6200 South to 2700 South (2008 ROD's Selected Alternative) to an Express Bus from Old Bingham Highway in West Jordan to downtown Salt Lake City (Refined Selected Alternative). In addition, the Phase 1 implementation for the 2008 ROD's Selected Alternative required UTA to acquire the necessary right-of-way to construct a fixed-guideway transit system along 5600 West from 11800 South to I-80 and along I-80 from 5600 West to the Salt Lake City International Airport. This right-of-way acquisition would not occur with the Refined Selected Alternative.

Public Involvement Efforts

Based on input from UDOT Environmental Services and Region leadership, a 30-day public review and comment period on this Re-evaluation was provided from April 17 to May 16, 2019. This public review included placing the Re-evaluation document on the project website for comment and review, notice in local papers of the Re-evaluation, and notification of parties who previously expressed an interest in the MVC Project.

During the 30-day public review and comment period, UDOT received 26 comments. The comments included support for the Refined Selected Alternative, opposition to transit projects, requests for additional stops on the Refined Selected Alternative's express bus, requests for additional transit improvements or other transit projects, and questions about details about the Refined Selected Alternative's express bus. A copy of the comments received during the public comment period and responses to these comments is provided in Appendix C.

The project team has met with and is continuing to meet with local government staff and officials and other stakeholders to address issues and concerns identified during the design process.

Modification to the 2008 MVC ROD

After the completion of this Re-evaluation process and the public comment period, UDOT intends to revise the MVC ROD dated November 17, 2008. The ROD would be revised to address changes to the 2008 ROD's Selected Alternative and the associated phasing and implementation that are described in this Re-evaluation. UDOT anticipates that the Refined Selected Alternative will be redefined in Section 2.3 (Project Implementation) of the revised ROD as follows:

- **Phase 1 transit implementation**

- To allow UDOT to proceed to Phase 2 construction of the roadway alternative that was selected in the 2008 ROD (the 5800 West Freeway Alternative), the Refined Selected Alternative was developed in consultation with UTA, Utahns for Better Transportation (UBET), Breathe Utah, and affected Cities. The Revised Selected Alternative modifies Phase 1 of the transit alternative selected in the 2008 ROD (the 5600 West Transit Alternative with Dedicated Right-of-Way Option) as follows:
 - Construction of Express Bus transit service from the Old Bingham Highway TRAX station following 5600 West to downtown Salt Lake City including service to the Salt Lake City International Airport.
 - The service would include queue-jumping, shoulder operation, or other options to improve the efficiency of the bus service.
 - The service would include enhanced stops with associated park-and-ride lots on 5600 West. Enhanced stops along 5600 West would include shelters, benches, lighting, and reader boards for bus arrival times.
 - UDOT would acquire the necessary right-of-way for the service as required for Phase 1 transit to be in revenue operation.
 - UDOT would implement a public involvement program at the start of the service to promote and educate its use.
 - Funding for the service would come from UDOT, UTA, and other available sources.

As defined in the ROD, Phase 2 transit includes extending BRT service in a fixed guideway along 5600 West from 6200 South southbound to 11800 South and from 2700 South northbound to I-80 and continuing along I-80 to the airport, while Phase 3 transit includes implementing a rail transit system along the entire length of 5600 West extending from the airport on the north to Herriman to the south. UDOT does not intend to make changes to the Phase 2 or Phase 3 transit alternatives in the revised MVC ROD. Phase 2 and Phase 3 transit will be evaluated as future MVC transit becomes better defined. The revised MVC ROD will be published in the Federal Register.

Conclusion

The Final EIS and Section 4(f) Evaluation for the MVC has been re-evaluated as required by the FHWA regulations in 23 CFR 771 and 774, FHWA Technical Advisory T6640.8A, and the National Environmental Policy Act.

UDOT has evaluated the expected impacts to the natural and built environment from the Refined Selected Alternative. The expected impacts of the Refined Selected Alternative would include impacts from Phase 1 transit implementation only. Overall, the Refined Selected Alternative would have fewer impacts to the environment than those analyzed in the Final EIS for the 2008 ROD's Selected Alternative because the entire Express Bus route is within the existing road system. The 2008 ROD's Selected Alternative included about 1.5 miles of new facility on a new alignment. No substantial changes would occur to the natural or built environment as a result of the Refined Selected Alternative that would significantly affect the quality of the human and natural environment. Most of the impacts of these changes are less than those previously disclosed in the MVC Final EIS for the 2008 ROD's Selected Alternative and therefore are not individually or cumulatively significant or significantly different from those described in the 2008 Final EIS and ROD.

Per 23 CFR 771.130(a), an EIS shall be supplemented whenever (1) changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS or (2) new information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS. UDOT has determined that preparing a supplemental EIS is not necessary since the changes to the proposed action, new information, or new circumstances described in this Re-evaluation do not result in significant environmental impacts that were not evaluated in the EIS.

UDOT Environmental Services requests concurrence that the Re-evaluation has demonstrated that the MVC ROD remains valid and that the proposed resources, impacts, and methodology documented in this environmental Re-evaluation are valid in accordance with 23 CFR 771.129.

Sincerely,



Brandon D. Weston
UDOT Environmental Services Director

Enclosures

EIS Re-evaluation Approval

UDOT Project Number S-0085(9), MVC; 5600 West Transit Component, Salt Lake County, Utah (PIN 13149).

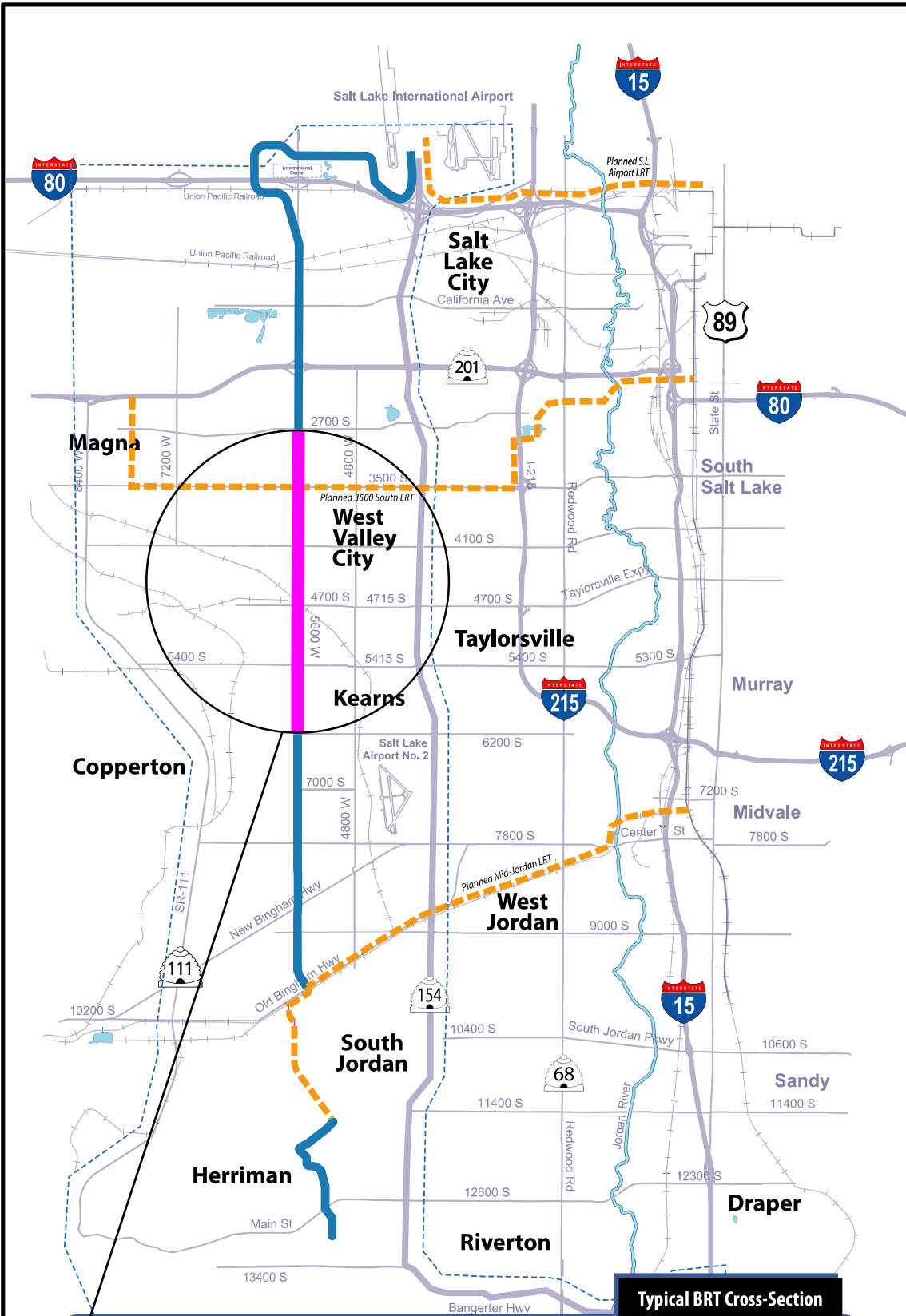


08/26/2019

Bryan Adams, P.E.
Region Two Director
Utah Department of Transportation

Date

Appendix A

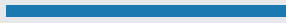


LEGEND:

Transit Implementation
Phase 1 - BRT
(6200 S. to 2700 S.)
From Final EIS 2008



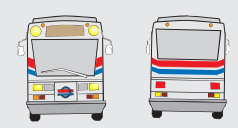
Phase 1 Bus Rapid Transit (BRT)



Phase 1 ROW Preservation



UTA Planned Light Rail (LRT)
and Park and Ride Lots
(Not part of Mountain View Corridor EIS)



PIN 13149
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Typical BRT Cross-Section

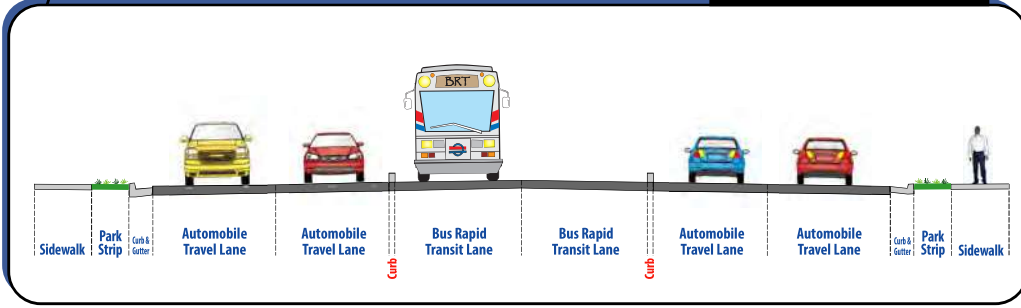
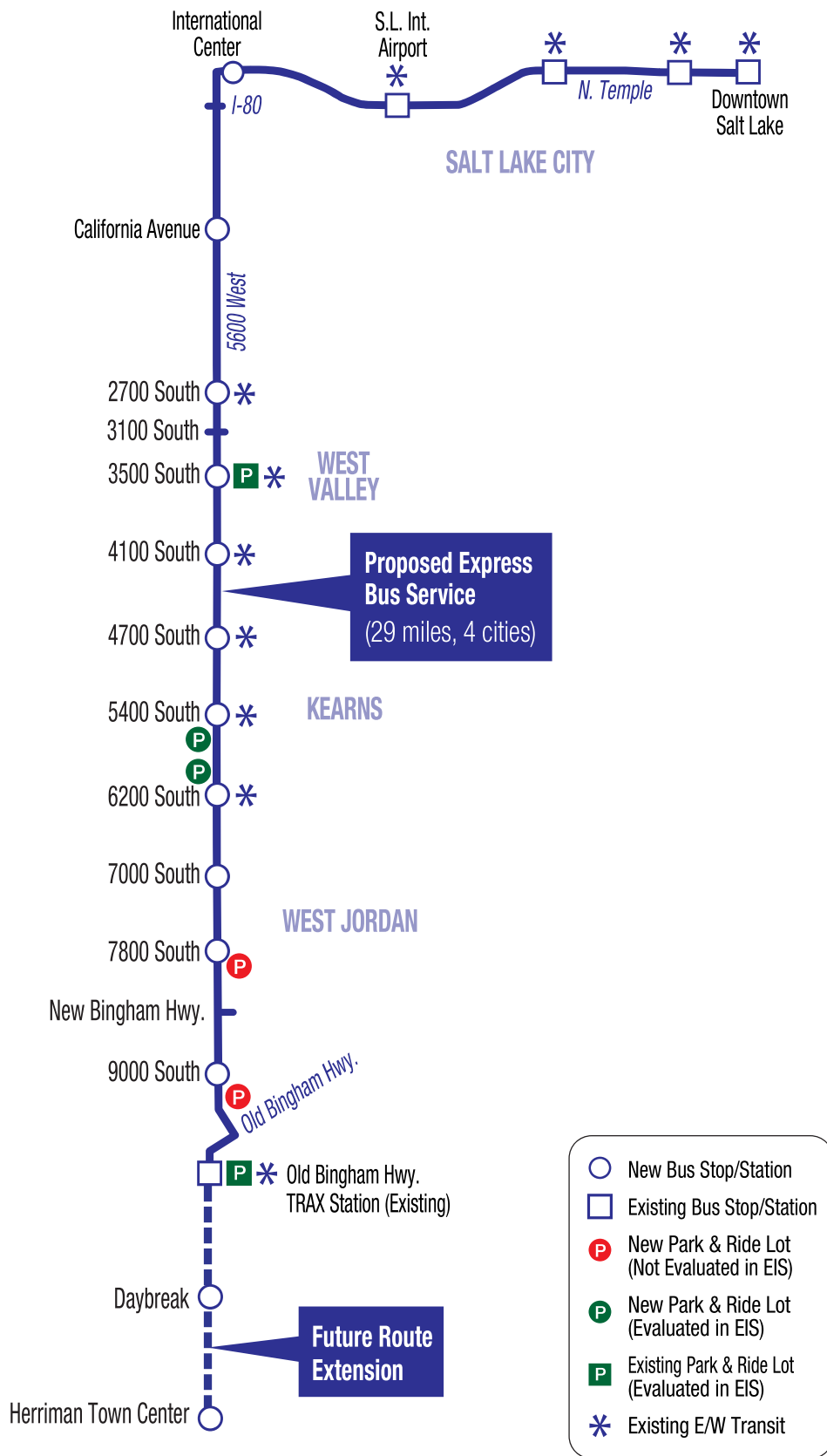
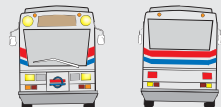


FIGURE 1
Transit Implementation
Phase 1 - BRT
(6200 S. to 2700 S.)
From Final EIS 2008

PROPOSED 5600 WEST EXPRESS BUS SERVICE



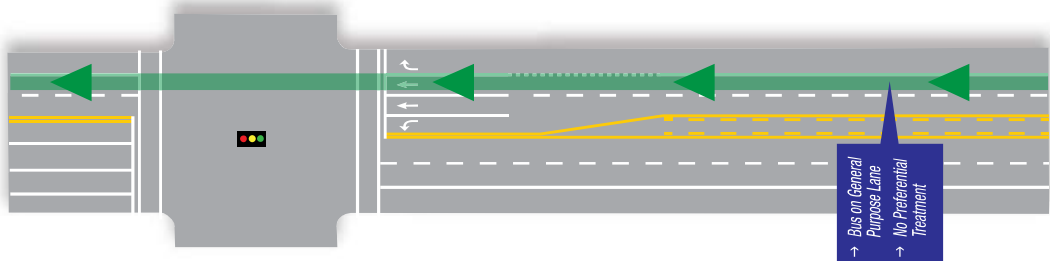
No Scale



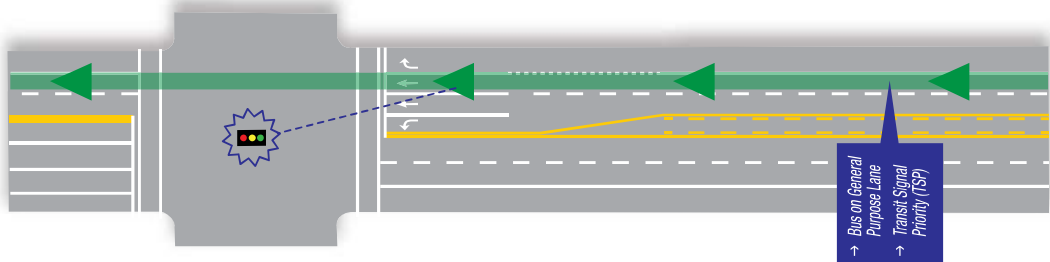
PIN 13149
 Mountain View Corridor;
 5600 West Transit
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FIGURE 2
 Proposed 5600 West
 Express Bus Service

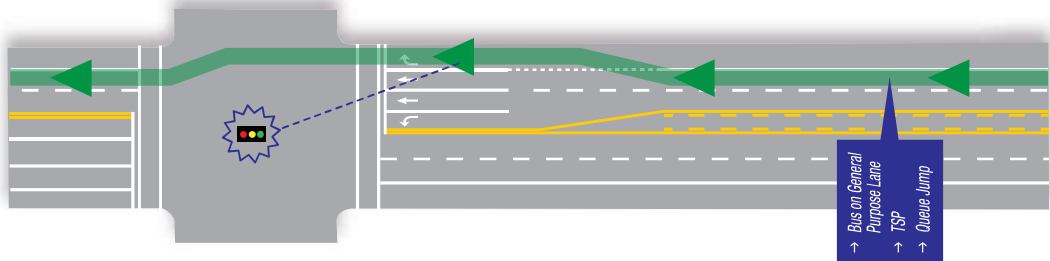
SCENARIO 1
Baseline



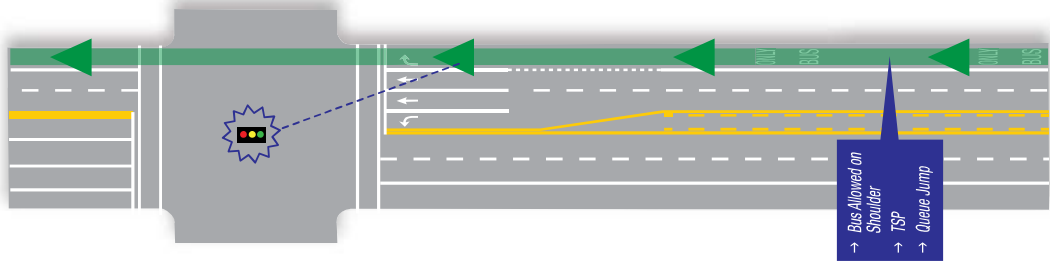
SCENARIO 2
Transit Signal Priority (TSP)



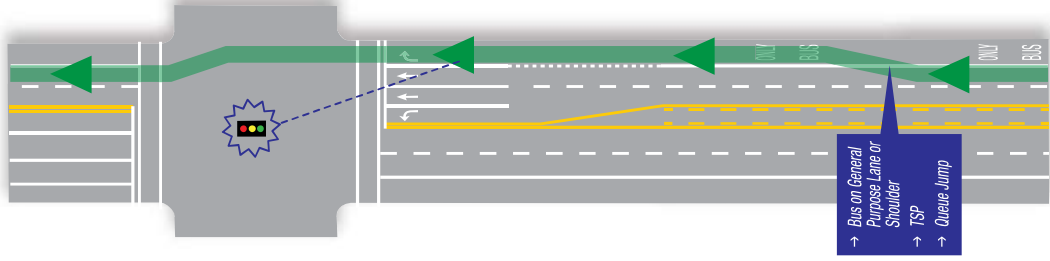
SCENARIO 3
Queue Jump



SCENARIO 4
Bus on Shoulder



SCENARIO 5
Modified Bus on Shoulder







PIN 13149
Mountain View Corridor;
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FIGURE 3
Transit Preferential
Treatment Scenarios
(Peak Direction)







LEGEND:

-  Park and Ride Lot Location: 5573 West 9000 South
-  Bus Shelter (56' x 10')
-  Express Bus (40' x 8')
-  New Park and Ride Lot



KEY MAP:

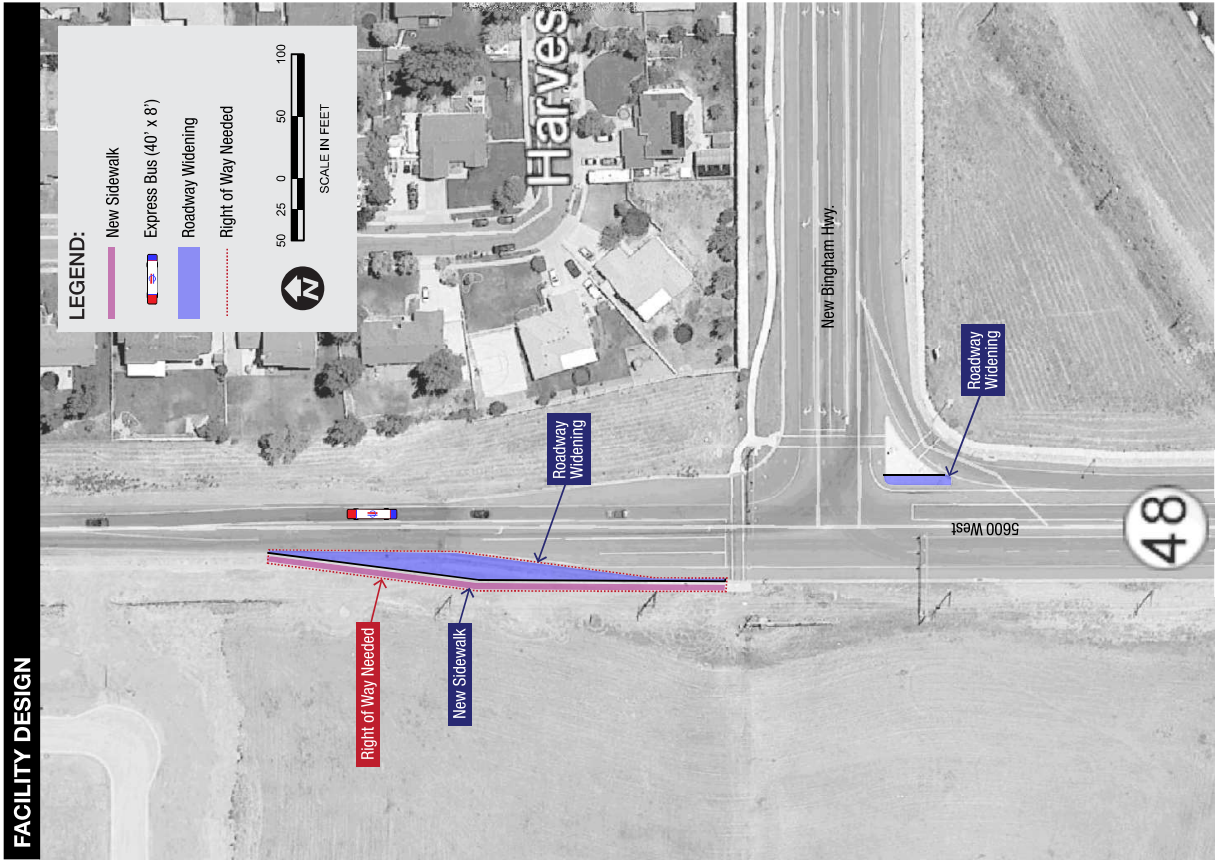


-  New Bus Stop/Station
-  New Park & Ride Lot (Not Evaluated in EIS)
-  New Park & Ride Lot (Evaluated in EIS)
-  Existing Park & Ride Lot (Evaluated in EIS)

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FIGURE 4
 9000 South &
 5600 West

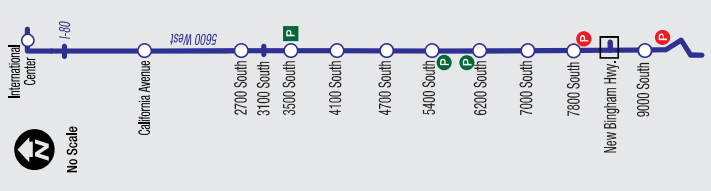
RIGHT OF WAY NEEDED



FACILITY DESIGN



KEY MAP:



- New Bus Stop/Station
- New Park & Ride Lot (Not Evaluated in EIS)
- New Park & Ride Lot (Evaluated in EIS)
- Existing Park & Ride Lot (Evaluated in EIS)

PIN 13149
 Mountain View Corridor;
 5600 West Transit
 Re-evaluation
 March 2019




FIGURE 5
 New Bingham Hwy
 & 5600 West



LEGEND:







Park and Ride Lot Location: 5524 W. Ranches Loop Road

-  Bus Shelter (56' x 10')
-  Express Bus (40' x 8')
-  New Park and Ride Lot



KEY MAP:



-  New Bus Stop/Station
-  New Park & Ride Lot (Not Evaluated in EIS)
-  New Park & Ride Lot (Evaluated in EIS)
-  Existing Park & Ride Lot (Evaluated in EIS)

PIN 13149
 Mountain View Corridor;
 5600 West Transit
 Re-evaluation
 March 2019

FIGURE 6
 7800 South &
 5600 West

KEY MAP:

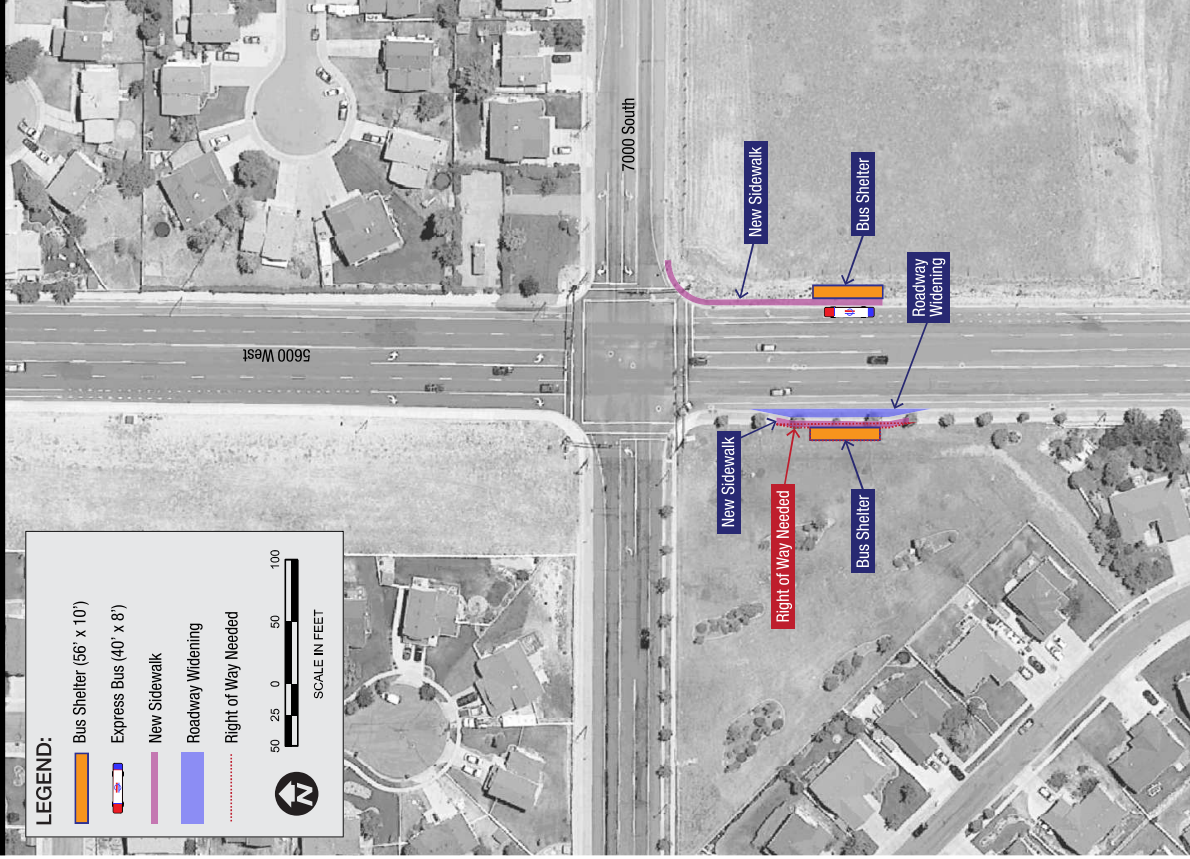


- New Bus Stop/Station
- P New Park & Ride Lot (Not Evaluated in EIS)
- P New Park & Ride Lot (Evaluated in EIS)
- P Existing Park & Ride Lot (Evaluated in EIS)

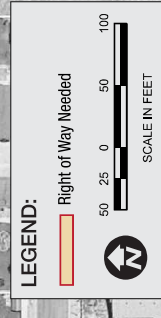
PIN 13149
 Mountain View Corridor;
 5600 West Transit
 Re-evaluation
 March 2019

FIGURE 7
 7000 South &
 5600 West

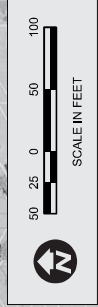
FACILITY DESIGN



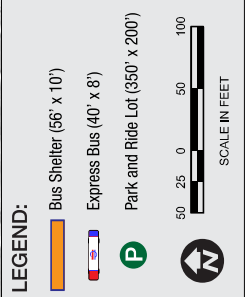
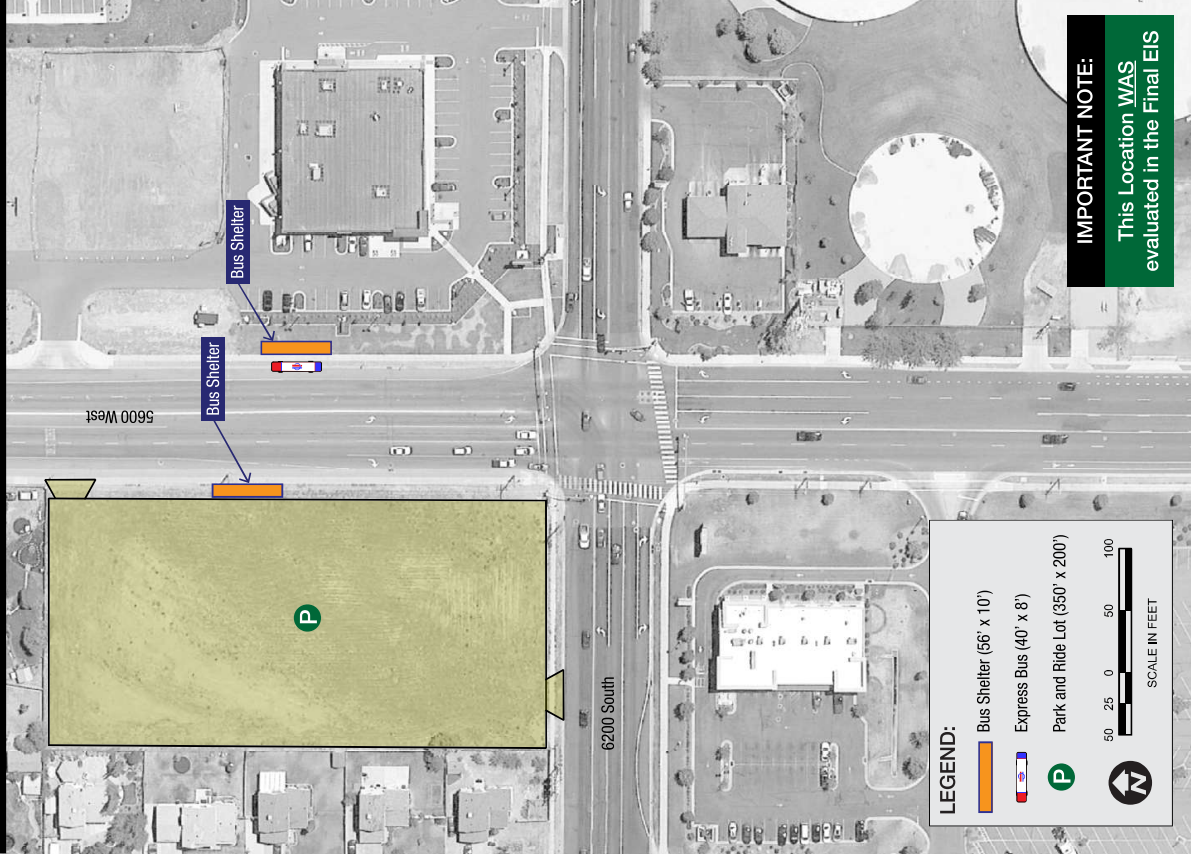
RIGHT OF WAY NEEDED



RIGHT OF WAY NEEDED

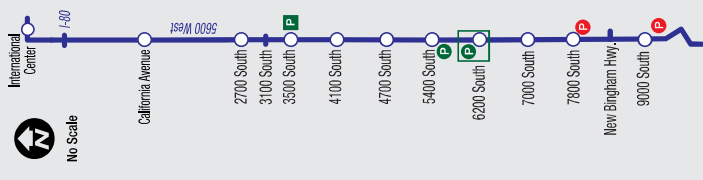


FACILITY DESIGN



IMPORTANT NOTE:
 This Location WAS evaluated in the Final EIS

KEY MAP:



- New Bus Stop/Station
- New Park & Ride Lot (Not Evaluated in EIS)
- New Park & Ride Lot (Evaluated in EIS)
- Existing Park & Ride Lot (Evaluated in EIS)

PIN 13149
 Mountain View Corridor;
 5600 West Transit
 Re-evaluation
 March 2019

FIGURE B
 6200 South &
 5600 West

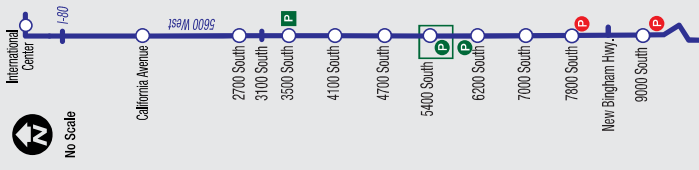
RIGHT OF WAY NEEDED



FACILITY DESIGN



KEY MAP:

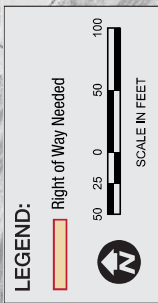


- New Bus Stop/Station
- New Park & Ride Lot (Not Evaluated in EIS)
- New Park & Ride Lot (Evaluated in EIS)
- Existing Park & Ride Lot (Evaluated in EIS)

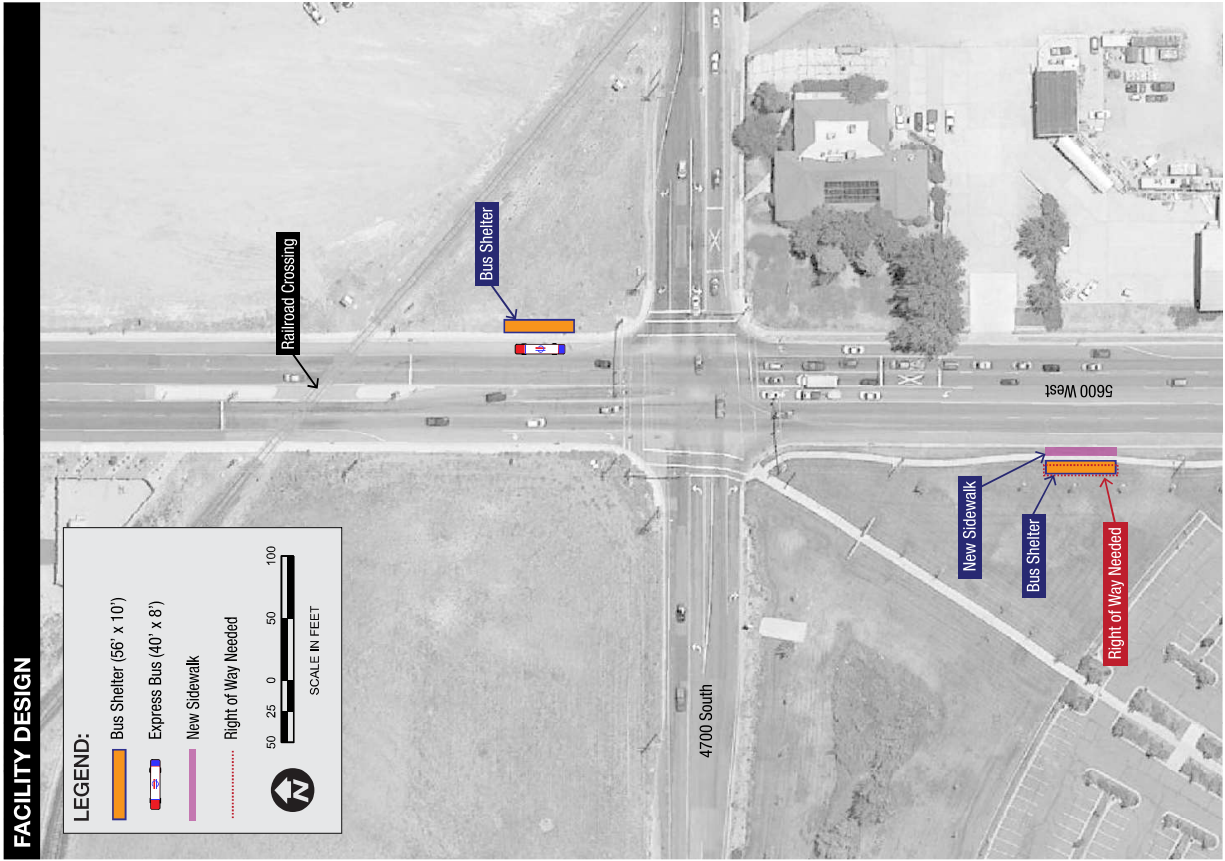
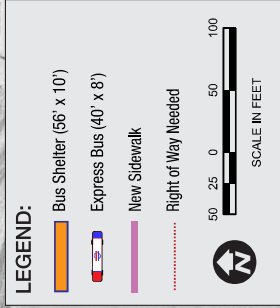
PIN 13149
Mountain View Corridor;
5600 West Transit
Re-evaluation
March 2019

FIGURE 9
5400 South &
5600 West

RIGHT OF WAY NEEDED



FACILITY DESIGN



KEY MAP:

International Center
 California Avenue
 2700 South
 3100 South
 3500 South P
 4100 South
 4700 South
 5400 South P
 6200 South P
 7000 South
 7800 South P
 New Bingham Hwy
 9000 South P

No Scale

○ New Bus Stop/Station
○ New Park & Ride Lot (Not Evaluated in EIS)
○ New Park & Ride Lot (Evaluated in EIS)
○ Existing Park & Ride Lot (Evaluated in EIS)

PIN 13149
 Mountain View Corridor;
 5600 West Transit
 Re-evaluation
 March 2019

FIGURE 10
 4700 South &
 5600 West

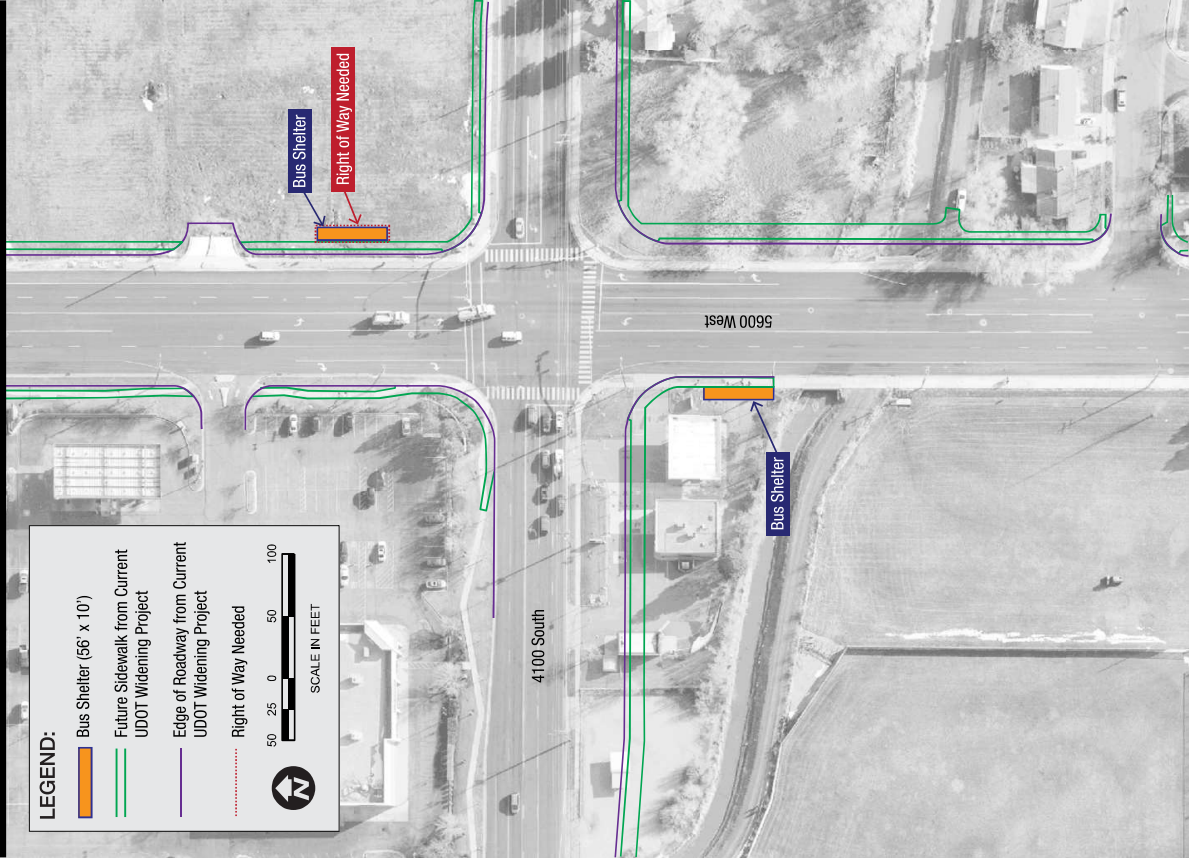
FACILITY DESIGN

LEGEND:

-  Bus Shelter (66' x 10')
-  Future Sidewalk from Current UDOT Widening Project
-  Edge of Roadway from Current UDOT Widening Project
-  Right of Way Needed







SCALE IN FEET



RIGHT OF WAY NEEDED

LEGEND:

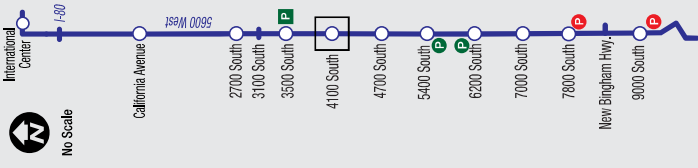
-  Right of Way Needed








SCALE IN FEET



KEY MAP:

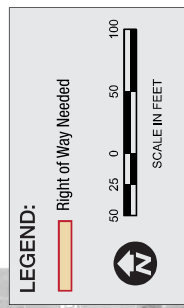


-  New Bus Stop/Station
-  New Park & Ride Lot (Not Evaluated in EIS)
-  New Park & Ride Lot (Evaluated in EIS)
-  Existing Park & Ride Lot (Evaluated in EIS)

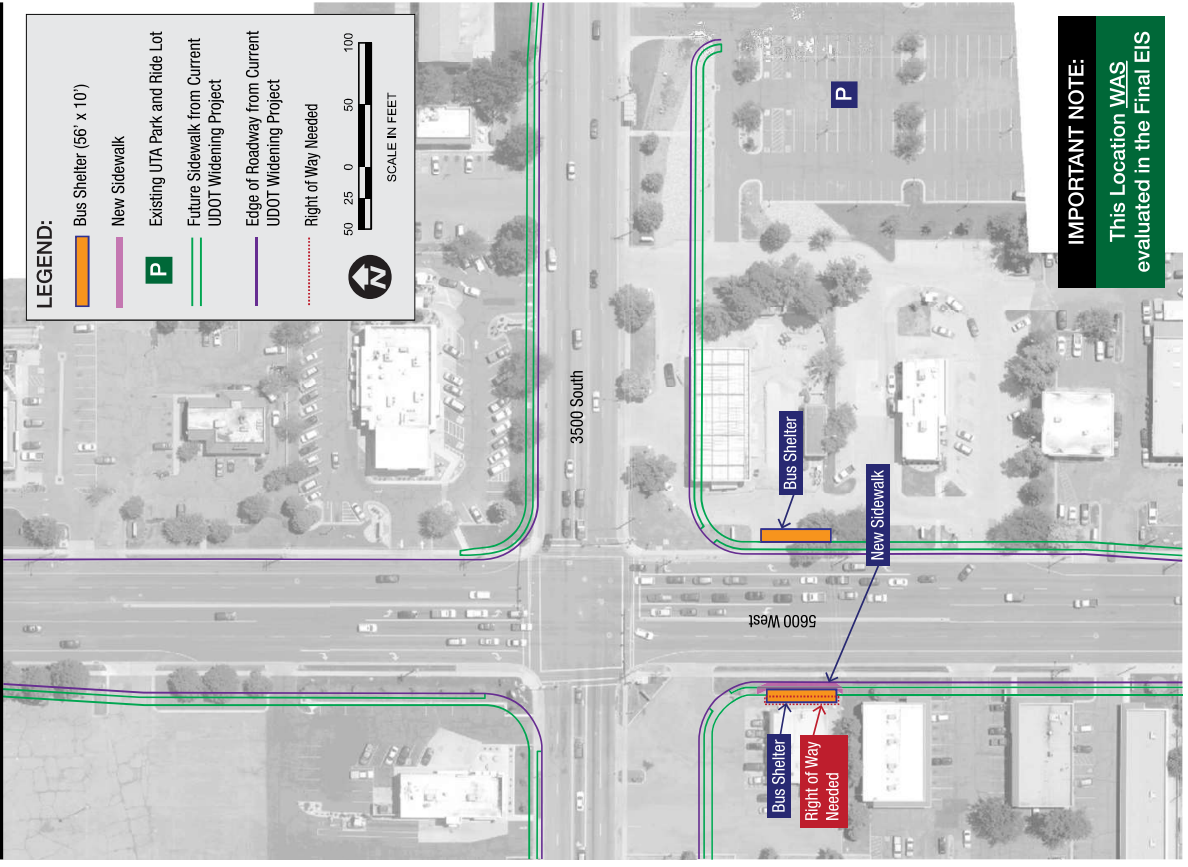
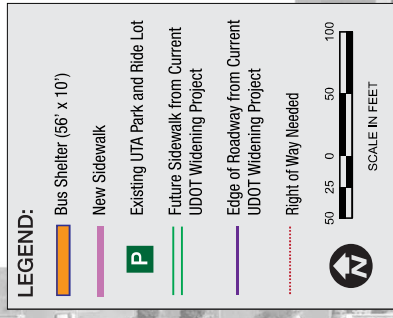
PIN 13149
 Mountain View Corridor;
 5600 West Transit
 Re-evaluation
 March 2019

FIGURE 11
 4100 South &
 5600 West

RIGHT OF WAY NEEDED

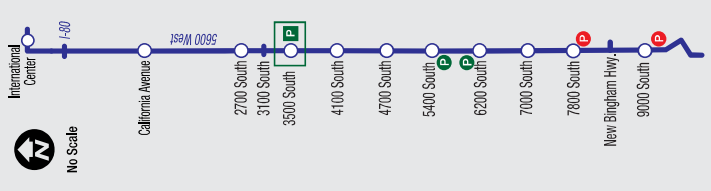


FACILITY DESIGN



IMPORTANT NOTE:
 This Location WAS
 evaluated in the Final EIS

KEY MAP:

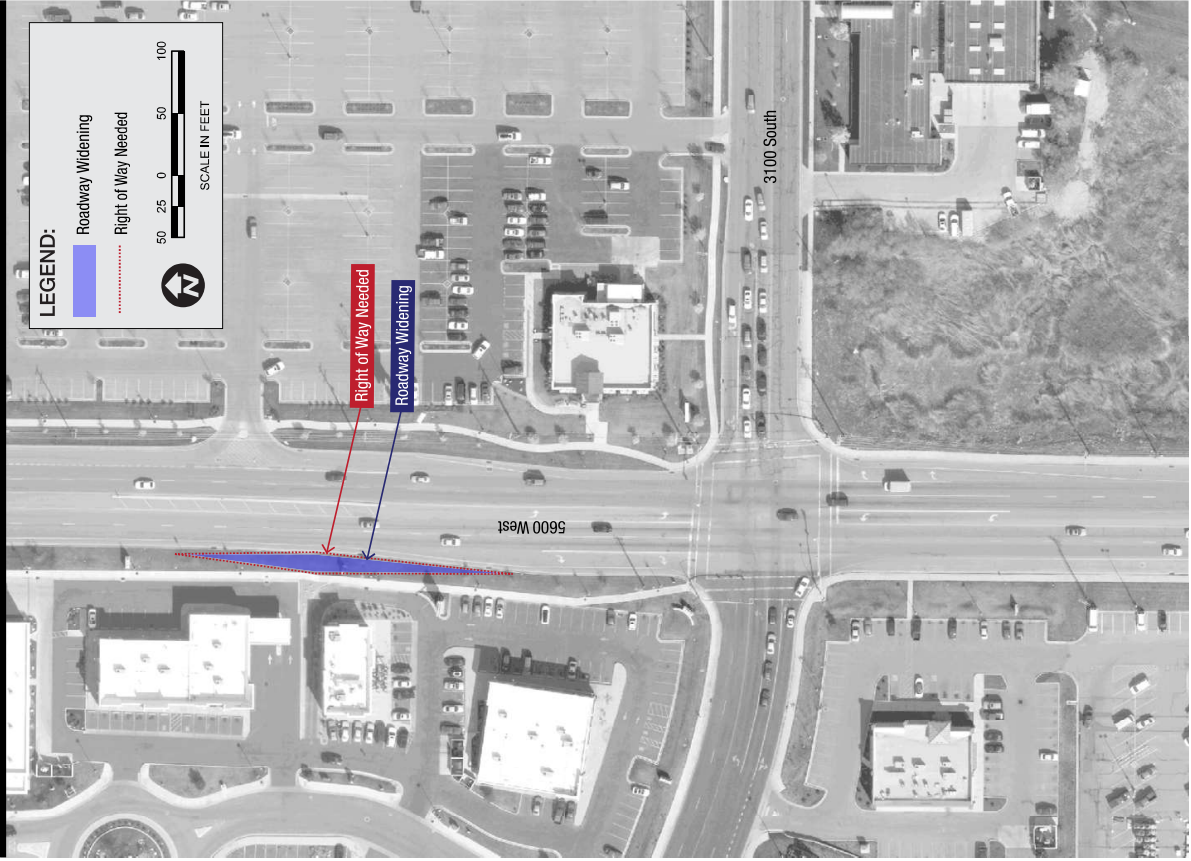


- New Bus Stop/Station
- P New Park & Ride Lot (Not Evaluated in EIS)
- P New Park & Ride Lot (Evaluated in EIS)
- P Existing Park & Ride Lot (Evaluated in EIS)

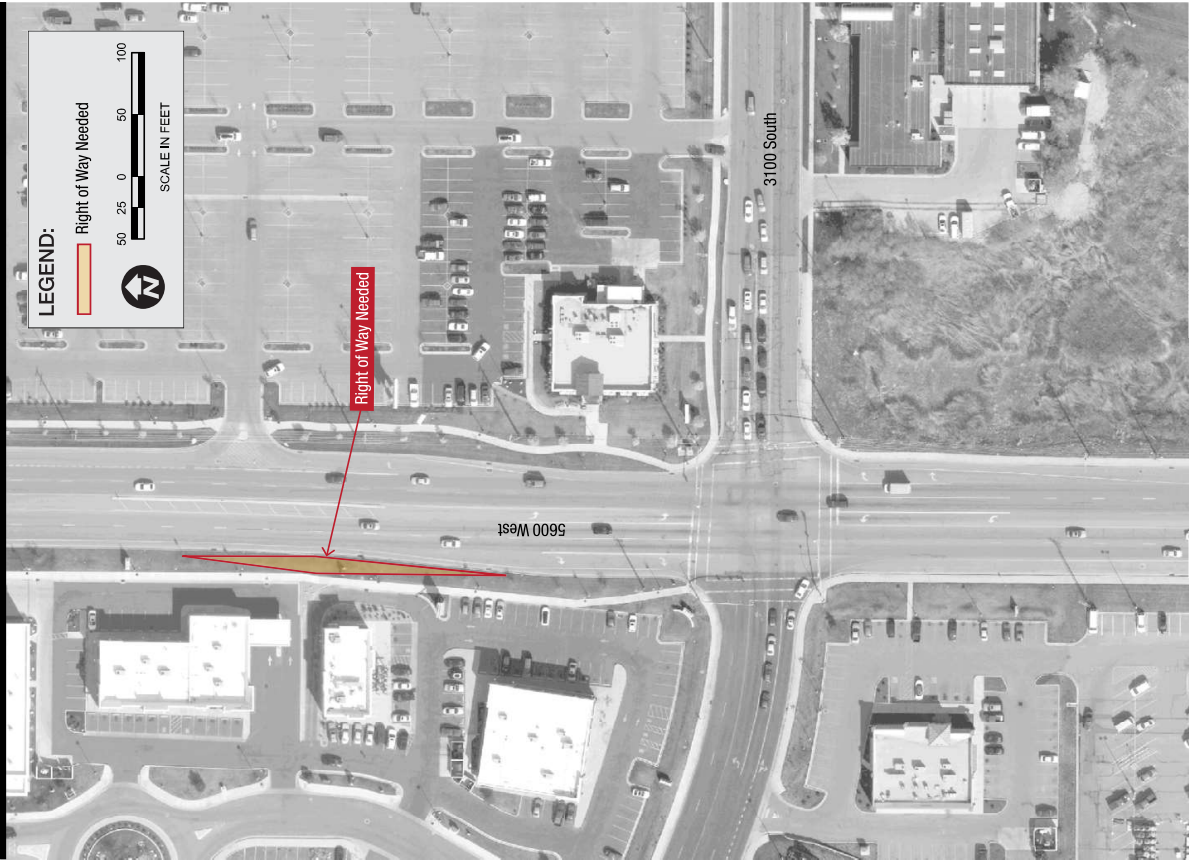
PIN 13149
 Mountain View Corridor;
 5600 West Transit
 Re-evaluation
 March 2019

FIGURE 12
 3500 South &
 5600 West

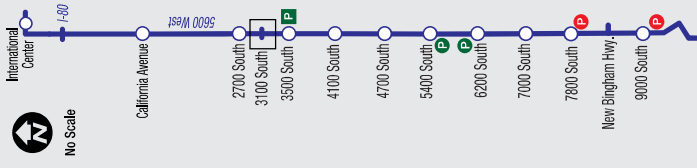
FACILITY DESIGN



RIGHT OF WAY NEEDED



KEY MAP:



- New Bus Stop/Station
- P New Park & Ride Lot (Not Evaluated in EIS)
- P New Park & Ride Lot (Evaluated in EIS)
- P Existing Park & Ride Lot (Evaluated in EIS)

PIN 13149
 Mountain View Corridor;
 5600 West Transit
 Re-evaluation
 March 2019

FIGURE 13
 3100 South &
 5600 West

KEY MAP:

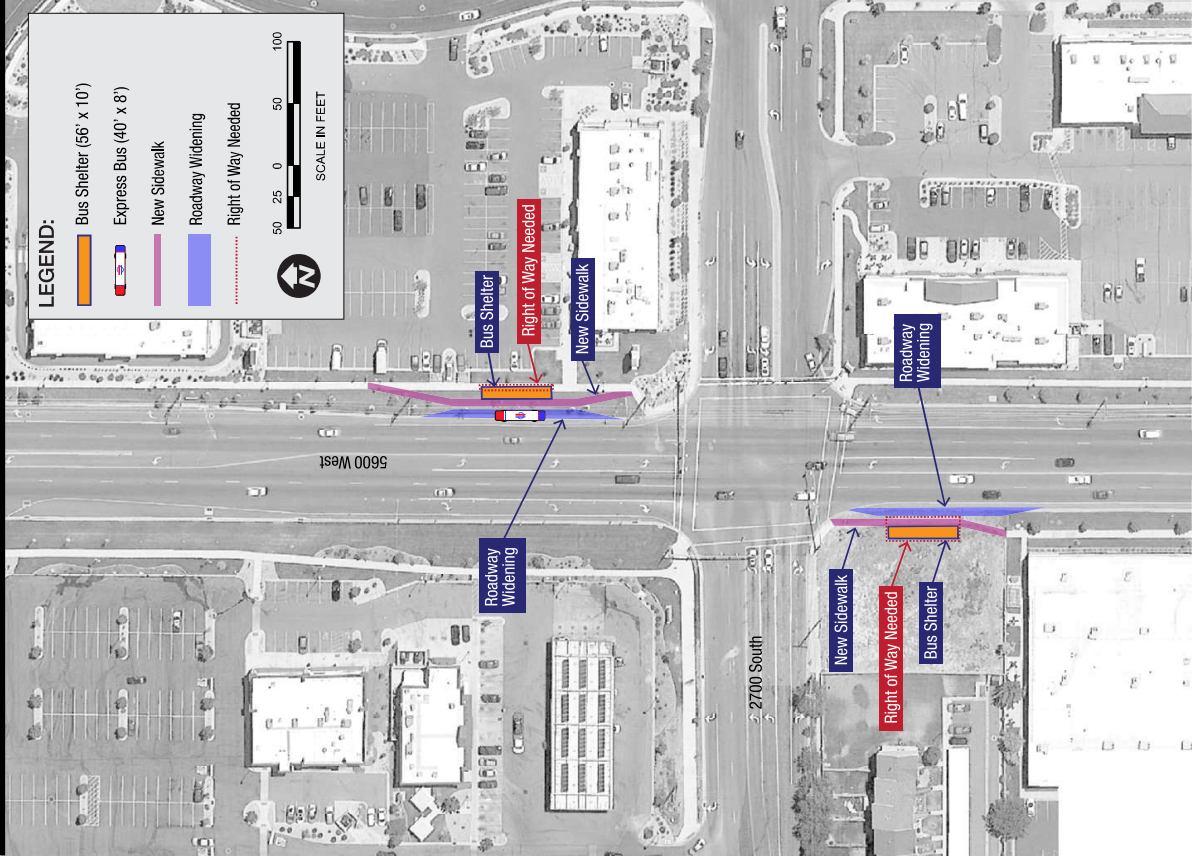


- New Bus Stop/Station
- New Park & Ride Lot (Not Evaluated in EIS)
- New Park & Ride Lot (Evaluated in EIS)
- Existing Park & Ride Lot (Evaluated in EIS)

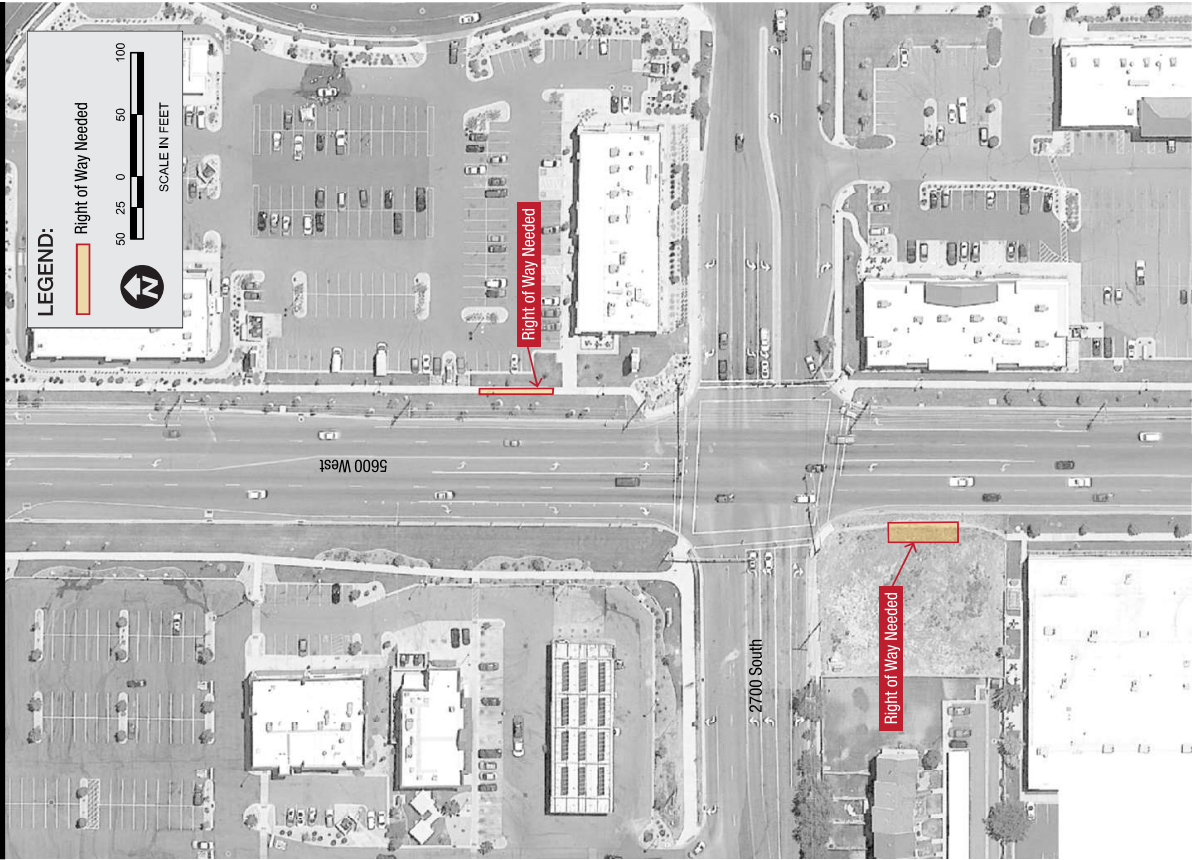
PIN 13149
 Mountain View Corridor;
 5600 West Transit
 Re-evaluation
 March 2019

FIGURE 14
 2700 South &
 5600 West

FACILITY DESIGN



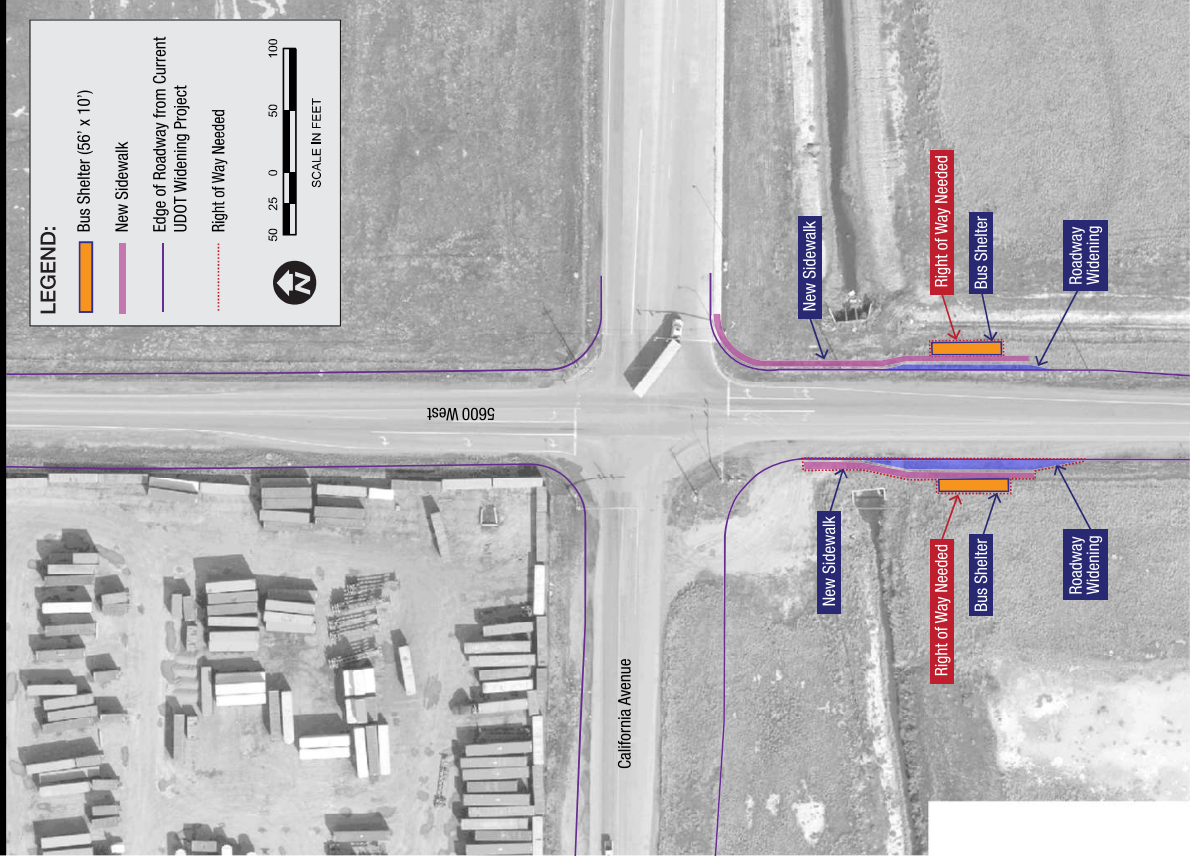
RIGHT OF WAY NEEDED



RIGHT OF WAY NEEDED



FACILITY DESIGN



KEY MAP:

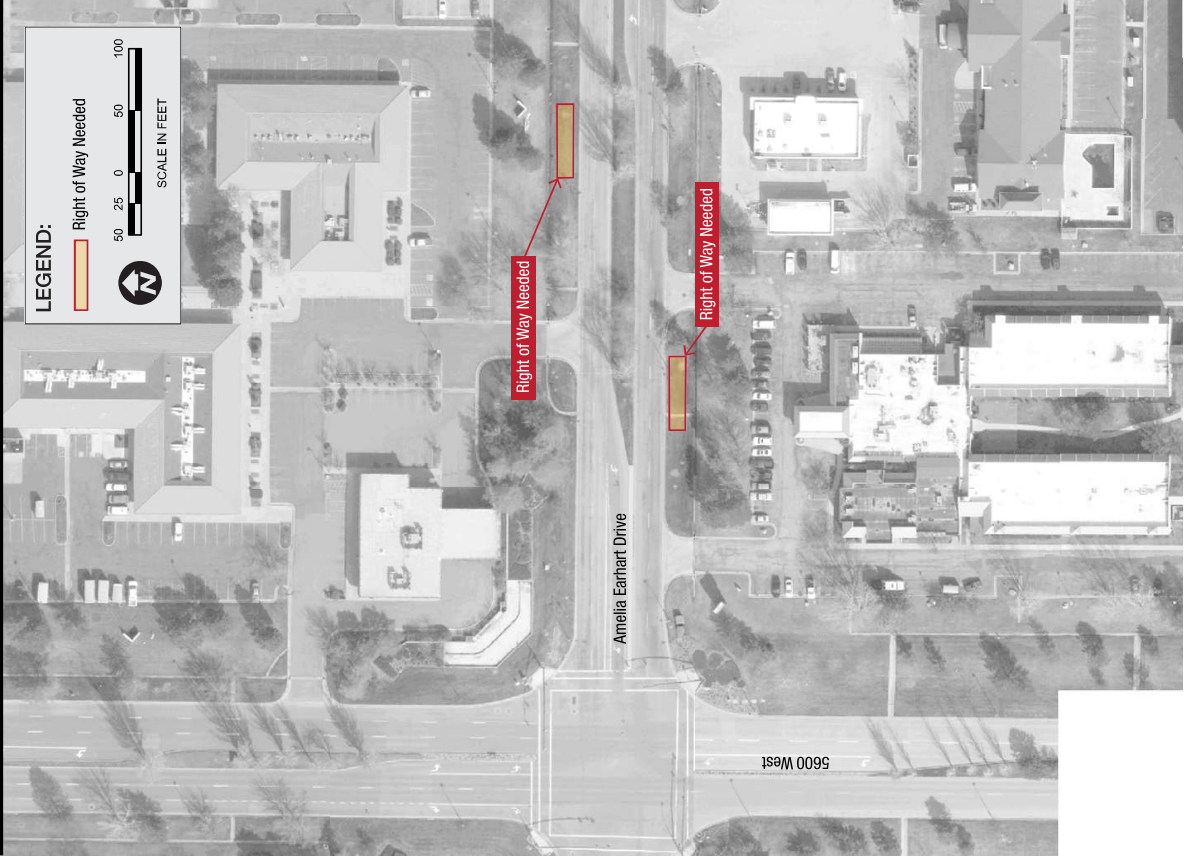


- New Bus Stop/Station
- P New Park & Ride Lot (Not Evaluated in EIS)
- P New Park & Ride Lot (Evaluated in EIS)
- P Existing Park & Ride Lot (Evaluated in EIS)

PIN 13149
 Mountain View Corridor;
 5600 West Transit
 Re-evaluation
 March 2019

FIGURE 15
 California Avenue
 & 5600 West

RIGHT OF WAY NEEDED

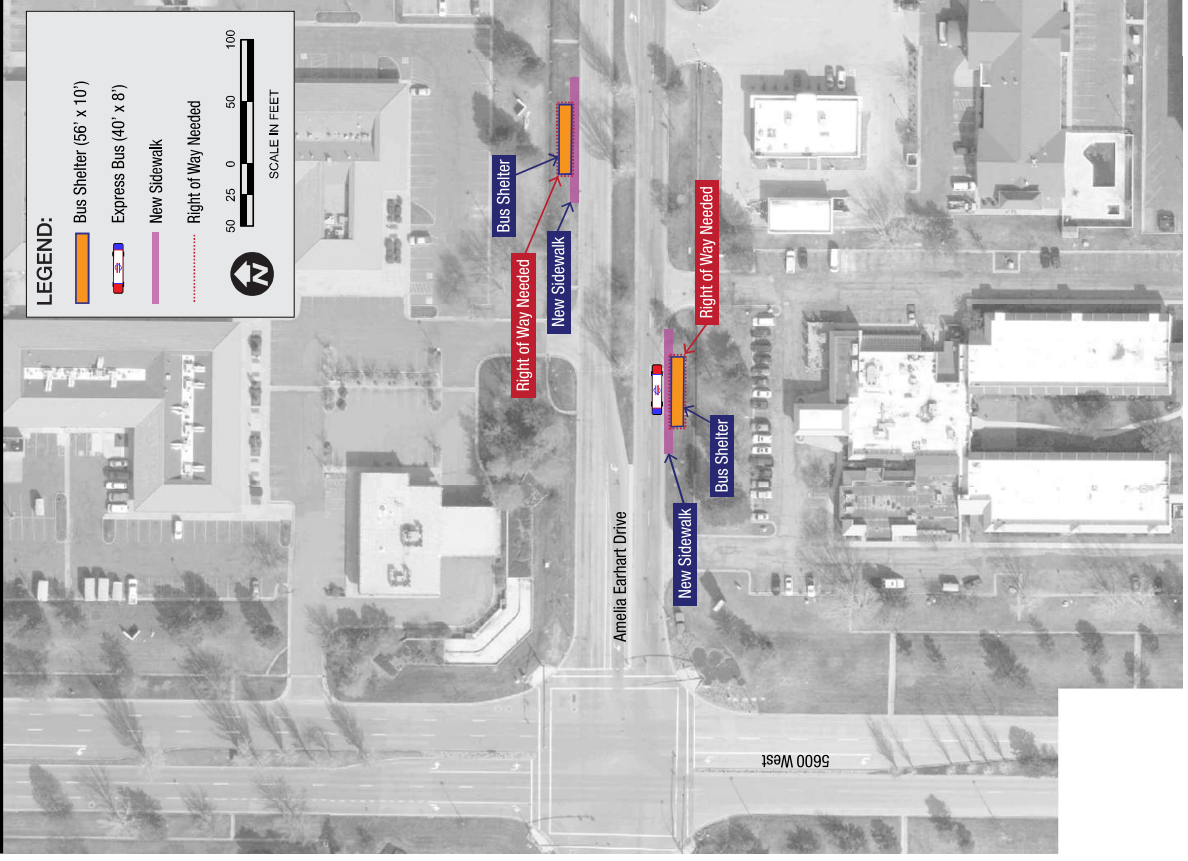


LEGEND:

- Right of Way Needed

50 25 0 50 100
SCALE IN FEET

FACILITY DESIGN

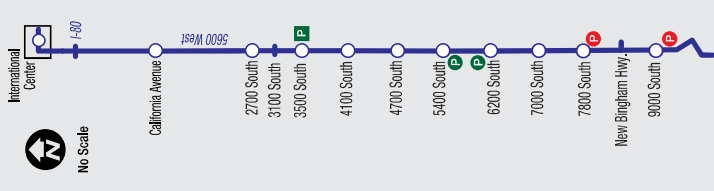


LEGEND:

- Bus Shelter (56' x 10')
- Express Bus (40' x 8')
- New Sidewalk
- Right of Way Needed

50 25 0 50 100
SCALE IN FEET

KEY MAP:



- New Bus Stop/Station
- New Park & Ride Lot (Not Evaluated in EIS)
- New Park & Ride Lot (Evaluated in EIS)
- Existing Park & Ride Lot (Evaluated in EIS)

PIN 13149
Mountain View Corridor;
5600 West Transit
Re-evaluation
March 2019

FIGURE 16
Amelia Earhart Drive
& 5600 West

Appendix B



Cultural and Paleo Clearance with Tier 1 Screening Form

Federally funded projects classified as delegated categorical exclusions are processed in accordance with Stipulation II, Part A and Appendix A of the Memorandum of Understanding, State Assumption of Responsibility for Categorical Exclusions (23 USC §326), by which the UDOT assumes responsibility, assigned by the FHWA, for ensuring compliance with Section 106 of the NHPA and with Section 4(f).

Pursuant to the Third Amended Programmatic Agreement among the FHWA, the Utah SHPO, the ACHP, the USACE Sacramento District, and the UDOT Regarding Section 106 Implementation for Federal-Aid Transportation Projects in the State of Utah, UDOT has taken into account the effects of this undertaking on historic properties and has determined that the finding of effect is No Historic Properties Affected.

Pursuant to the Memorandum of Understanding between the UDOT and the Utah Geological Survey Concerning Agency Responsibilities Pursuant to U.C.A. 79-3-508, the UDOT has taken into account the effects of this undertaking on paleontological resources. If applicable, consultation letter from UGS is included in the environmental document.

PROJECT: PIN 13149—S-0085(9); SR-85, MVC; 7800 South Park & Ride Lot, West Jordan, Salt Lake County

DATE: February 28, 2019

PREPARER: Jonathan Dugmore, M.A.A.; Region 2 Archaeologist

CONTACT: 385-414-2066, jdugmore@utah.gov

PROJECT STIPULATIONS

- 1) Clearance is contingent upon the contractor adhering to the proposed scope of work and remaining within cleared areas. **Notify Region Environmental of any scope changes.**
- 2) *UDOT Standard Specification 01355 Part 3.7, Environmental Clearances by Contractor*
- 3) *UDOT Standard Specification 01355 Part 3.8, Discovery of Historical Archaeological, or Paleontological Objects, Features, Sites or Human Remains.* **Notify Region Environmental immediately of any discoveries during construction.**

PROJECT DESCRIPTION

The 2008 ROD signed by FHWA was conditioned upon UDOT's compliance with the phased approach to implementing the project as described in Chapter 36, Project Implementation (Phasing), of the Final EIS. The ROD authorized UDOT to proceed with construction of Phases 1 and 2 of the roadway as well as right-of-way acquisition and design for all three phases of the MVC Project as long as the conditions of the phasing were met. The ROD did not authorize construction of Phase 3 of the roadway.

The purpose of this Re-evaluation is to address changes to the project phasing. Specifically, the Re-evaluation evaluates changes to Phase 1 transit implementation of the transit alternative that was selected in the 2008 ROD (the 5600 West Transit Alternative with Dedicated Right-of-Way Option). Phases 2 and 3 transit and project implementation will be addressed after the Phase 1 elements are fully implemented and are not part of this Re-evaluation.

SCREENING PROCESS

Screened undertakings have the potential to affect historic properties, but have been determined by UDOT to require no further review or consultation under the Agreements. Screening may include any the following tasks and should be appropriate to the complexity, scale, and location of the undertaking. Documentation of the screening will be included in the project files, quarterly report submitted to SHPO, and environmental document.

Antiquities Project Number: U19HY0069

Literature Review

- Class I literature search (date completed and by whom):
- Records review (i.e. UDSH, UDOT, BLM, etc.): Preservation Pro
- Project plans
- As-built project plans
- Aerial photographs:
- Historic Maps:
- Topographic Maps:
- ROW/Ownership/Parcel Data:
- Other:

Description of search results: The search was confined to the project APE which consists of the southeast quadrant of the intersection of 5600 West and 7800 South in Salt Lake County. The search was conducted by Sheri Ellis of Certus Environmental Solutions. No cultural properties have been identified within the project area at this time.

Field Review

- Pedestrian survey (Class III) (survey interval): 15 meter
- Field review other than Class III (reconnaissance, windshield, etc.):
- Other:
- None

Description of survey results (If no field survey was conducted, explain why not):

Survey for this project was conducted by Sheri Ellis of Certus Environmental Solutions. No cultural properties were identified during the survey.

Supporting Documentation

Reports and/or forms generated from any cultural resource inventories shall be submitted quarterly to the Utah Division of State History (UDSH) for filing.

Title of report: *A Cultural Resource Assessment for the Mountain View Corridor 7800 South Park and Ride Lot, West Jordan, Salt Lake County, Utah.*

Consultation

- Utah SHPO (including APE consultation):
- Certified Local Government (CLG):
- Tribes:
- State/Federal Agencies:
- Knowledgeable Informants:
- Other:
- None:

Description of consultation efforts (If no consultation was done, explain why not):

Native American consultation was previously initiated as part of the previously completed EIS for the project area. As the re-evaluation only includes locations previously cleared under the EIS, consultation was not re-submitted. Originally, letters were sent to the Shoshone-Bannock Tribes, Paiute Indian Tribe of Utah, Northwestern Band of Shoshone Nation, Uintah and Ouray Ute Tribes, and the Skull Valley Band of Goshute Indians (sent May 25, 2003). In addition, notification was also sent to those tribes with whom UDOT has Section 106 Programmatic Agreements: the Confederated Tribes of the Goshute Reservation (sent May 25, 2003).

- Controversy based on historic preservation issues? If yes, consultation with SHPO and UDOT Central Environmental is required. Additional consultation with FHWA may be required.

Finding of Effect

The undertaking will result in the following finding of effect:

- No Historic Properties Affected: no cultural resources present
- No Historic Properties Affected: cultural resources present but none eligible
- No Historic Properties Affected: historic properties present, but are completely avoided by the undertaking and the potential for substantial indirect effects is very low

Description of impacts:

As no cultural resources are present in the APE, the UDOT has determined that this project will result in No Historic Properties Affected

COVER PAGE

**Must Accompany All Project Reports
Submitted to the Utah SHPO**



Report Title: *A Cultural Resource Assessment for the Mountain View Corridor 7800 South Park and Ride Lot, West Jordan, Salt Lake County, Utah*

UDSH Project Number: U19HY0069

Report Date: February 27, 2019

Report Author(s): Sheri Murray Ellis

Record Search Date(s): September 14, 2018

Intensive Acres Surveyed (<15m intervals): 2.9 ac.

USGS 7.5' Series Map Reference(s): Copperton, UT

Org. Project Number: HDR11

County(ies): Salt Lake

Principal Investigator: Sheri Murray Ellis

Field Supervisor(s): Sheri Murray Ellis

Recon Acres Surveyed (<15m intervals): 0 ac.

Sites Reported	Count	Smithsonian Trinomials
Revisits (no updated site forms)	0	
Updates (updated site forms attached)	0	
New recordings (site forms attached)	0	
Total Count of Archaeological Sites in APE	0	
Historic Structures (structures forms Attached)	0	
Total National Register Eligible Sites	0	

*Please list all site numbers per category. Number strings are acceptable (e.g. "42TO1-13; 42TO15"). Cells should expand to accommodate extensive lists.

Checklist of Required Items for Submittal to SHPO

- "Born Digital" Report in a PDF/A format
 - SHPO Cover Sheet
 - File Name is the UDSH Project Number with no hyphens or landowner suffixes
- "Born Digital" Site forms in PDF/A format
 - UASF with embedded maps and photos
 - File name is Smithsonian Trinomial without leading zeros (e.g. 42TO13 not 42TO00013)
 - Photo requirements (including size and quality)
- Archaeological Site Tabular Data
 - Single spreadsheet for each project
 - Follows UTSHPO template (info here: <https://goo.gl/7SLMqj>)
- GIS data
 - Zipped polygon shapefile or geodatabase of survey (if different from APE) or other activity area with required field names and variable intensity denoted
 - Zipped polygon shapefile or geodatabase of site boundaries with a the required field name

Cultural Resources Survey Report

ADMINISTRATIVE INFORMATION

Project Name: A Cultural Resource Assessment for the Mountain View Corridor 7800 South Park-and-Ride Lot, West Jordan, Salt Lake County, Utah		Date of Report: February 27, 2019	
Project Sponsor: UDOT		Division of State History Project #: U19HY0069	
Lead Agency for Section 106: UDOT (as delegated by FHWA)		UDOT Project #: S-0085(9); PIN 13149	Certus Project #: HDR11
Author(s): Sheri Murray Ellis	Certus Environmental Solutions, LLC 655 7 th Avenue Salt Lake City, UT 84103 (801) 230-7260		
Type(s) of Survey: <input checked="" type="checkbox"/> Intensive <input type="checkbox"/> Reconnaissance <input type="checkbox"/> Not Applicable <input type="checkbox"/> Other (describe):			
Methods: Certus employed standard intensive-level archaeological survey techniques using transects spaced no more than 15 meters (50 feet) apart. No historical buildings or structures are located in the survey parcel. As such, no inventory for said resources was conducted.			
Description of the Undertaking: Implementation of the transit option design for the transit system associated with the Mountain View Corridor (MVC) in Salt Lake County would require use of lands not previously evaluated as part of environmental studies associated with the project. These lands would be used for a park-and-ride lot. Construction of the lot would require ground disturbance related to parking facilities, utilities, drainage, and other associated appurtenances. It would also require acquisition of new right-of-way/property and temporary or permanent easements.			
Describe the Project Area, Area of Potential Effects, and Survey Area: The project area is located in the southeast quadrant of the intersection of 5600 West and 7800 South in the southwestern part of the Salt Lake Valley (see Figures 1–3 , attached). The survey area consists of a roughly triangular shaped parcel encompassing approximately 2.9 acres. It is located in Township 2 South, Range 2 West, Section 36 of the Salt Lake Base and Meridian (see Figure 2 , attached). This area is found on USGS 7.5 minute topographic quadrangle Copperton, Utah (see Figure 2 , attached). County Recorder data currently lists private parties as the owners of the land on which the undertaking addressed herein would occur. The area of potential effects (APE) for the proposed transit improvements is expected to be entirely contained within the survey parcel.			
Project Setting: The project area is located in the southwestern part of the Salt Lake Valley along 5600 West and 7800 South—major north-south and east-west corridors respectively. The general area is characterized by limited topographic relief that slopes very gently downward toward the east and northeast toward the Jordan River. Historically, most of the southwestern part of the Salt Lake Valley was rural in nature and characterized by scattered single-family homes on large lots and farmsteads. Development in the area did not occur in earnest until the post-World War II period. Only modern structures constructed within the past 5 years are present on lands surrounding the survey parcel. The survey parcel itself has been subject to intense ground disturbance associated with new parking lots, access roads, and land grading. No undisturbed or “natural” ground surfaces are exposed in the area. Photographic overviews of the survey area are provided below.			



Survey parcel; view to the east-southeast



Survey parcel; view to the east-northeast

FILE SEARCH

Location of Records Search: Utah Division of State History Preservation Pro online system	Date: February 25, 2019
--------------------------------------------------------------------------------------------------	--------------------------------

Summary of File Search: Certus conducted a search of Utah Division of State History (UDSH) online records, for an area extending 1/2-mile in all directions from the boundary of the survey area parcel. UDSH records current list six prior cultural resource inventories as having occurred in the file search area, including several for the Mountain View Corridor project. The surveys took place between 1989 and 2009 and largely consisted of surveys for roadway and utility improvements. The surveys are summarized below and depicted on **Figure 4**, attached.

Summary of Previous Section 106 Inventories in the file search area

Project #	Description / Survey Organization	Sites in File Search Area
U89BC0481	WyCal Pipeline / BYU Office of Public Archaeology	None
U00ST0740	Williams Pipeline/SWCA	None
U08ST0765	Mountain View Corridor EIS / SWCA	None
U08HO0900	Boulder Canyon Apartments / Bighorn Archaeological Consultants	None
U09ST0339	Mountain View Corridor Supplemental / SWCA	None
U09ST0415	Mountain View Corridor Reevaluation / SWCA	None

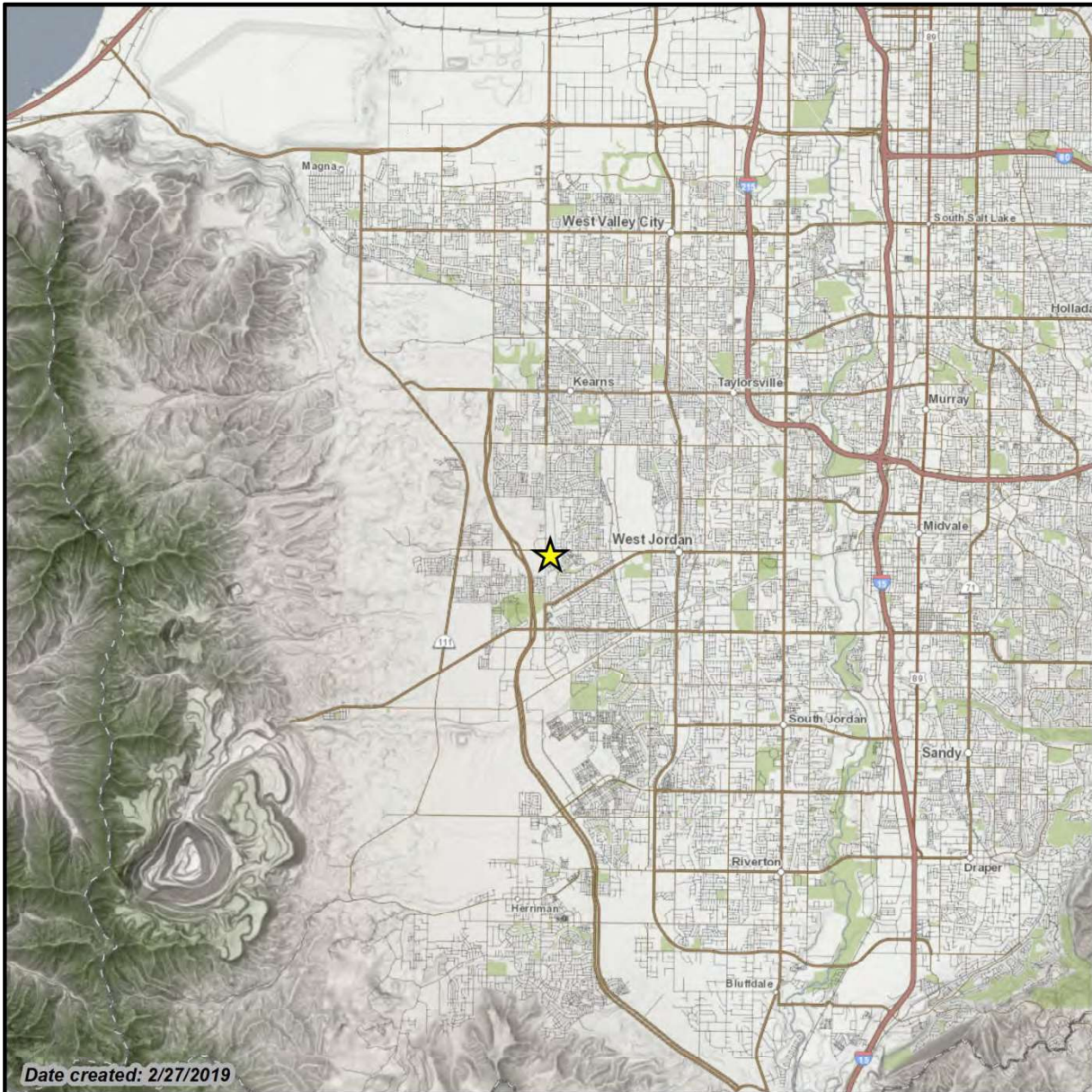
One of the past surveys—U08HO0900—encompassed roughly the western half of the current survey area. This survey was carried out in 2008. Given the small size of the parcel, Certus re-surveyed it as part of the current effort.

No cultural resource sites have been reported for the file search area.


Paleontological Resources Consultation: Consultation with the Utah Geological Survey (UGS) regarding paleontological resources was carried out for the Mountain View Corridor Project as part of the environmental impact statement and previous archaeological surveys. Because the area included in that consultation encompassed the locations of the current survey area, no new consultation was conducted as part of the current effort. During the previous consultation, the UGS noted that no known paleontological localities were present in the area and that the deposits exposed in the area have low potential for yielding significant fossil materials.

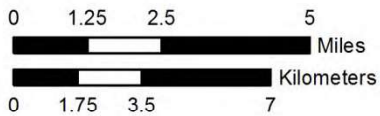
RESULTS and RECOMMENDATIONS

Date of Survey: February 26, 2019	Surveyor: Sheri Murray Ellis P.I. Permit #: 47
Results: Certus did not find any cultural resources during the intensive-level survey of the project parcel.	
Recommendations: No cultural resources are known to be present in the proposed 7800 South 5600 West Park-and-Ride lot addressed herein for the Mountain View Corridor transit option. The UDOT, in consultation with the Utah SHPO, will make a finding of effects for the undertaking under separate cover.	



Mountain View Corridor 7800 South Park and Ride Lot

 Survey Location

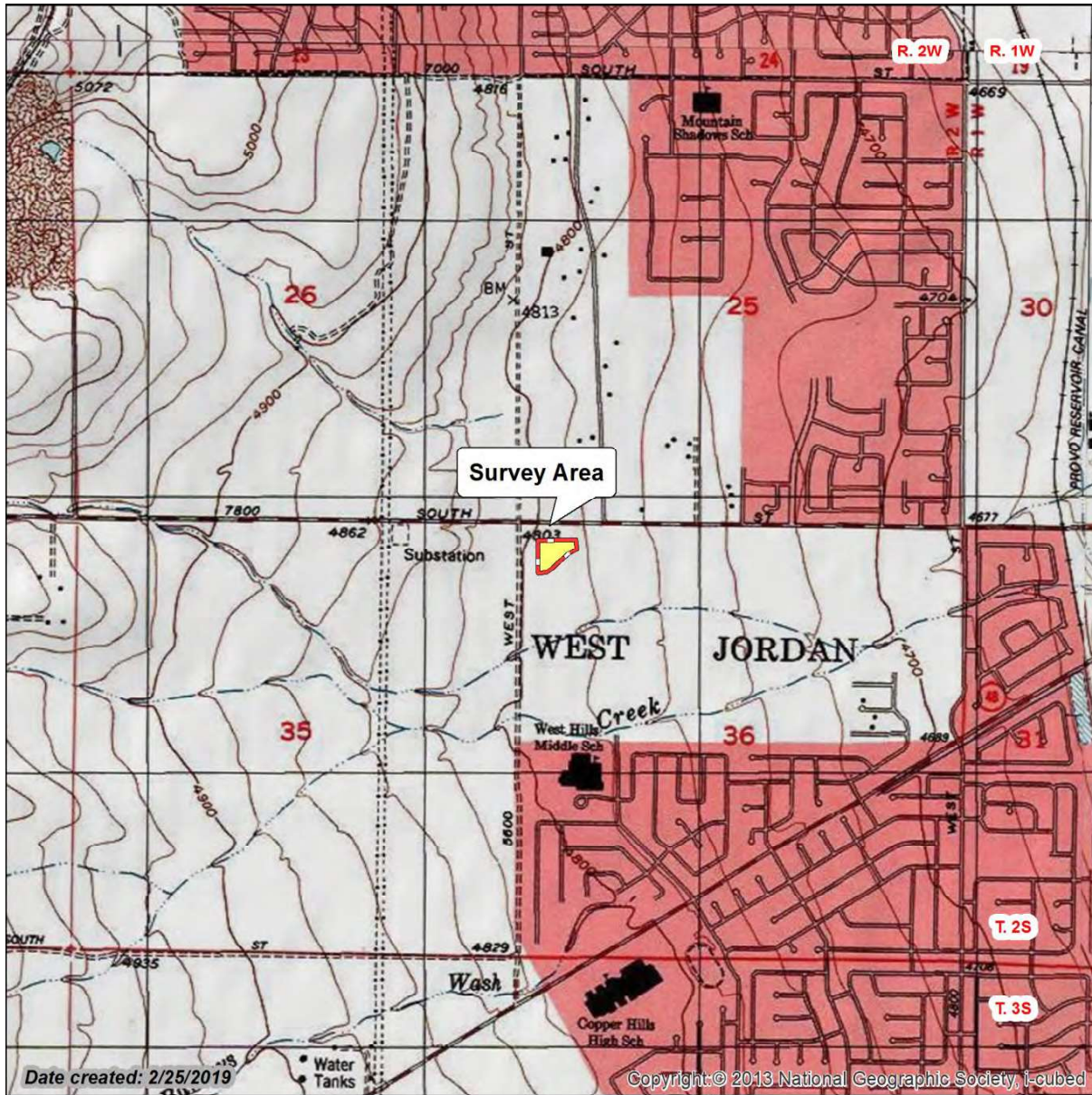


NAD 1983
UTM Zone 12N
1:200,000


Basemap taken from Utah AGRC
Terrain Imagery

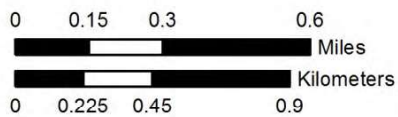


Figure 1. General location of survey



Mountain View Corridor 7800 South Park and Ride Lot

 Survey Area



NAD 1983
UTM Zone 12N
1:24,000

Basemap taken from USGS 7.5'
topographic quadrangle:
Copperton, UT



CERTUS
Environmental
Solutions, LLC



Figure 2. Location of survey; Map 1 of 3

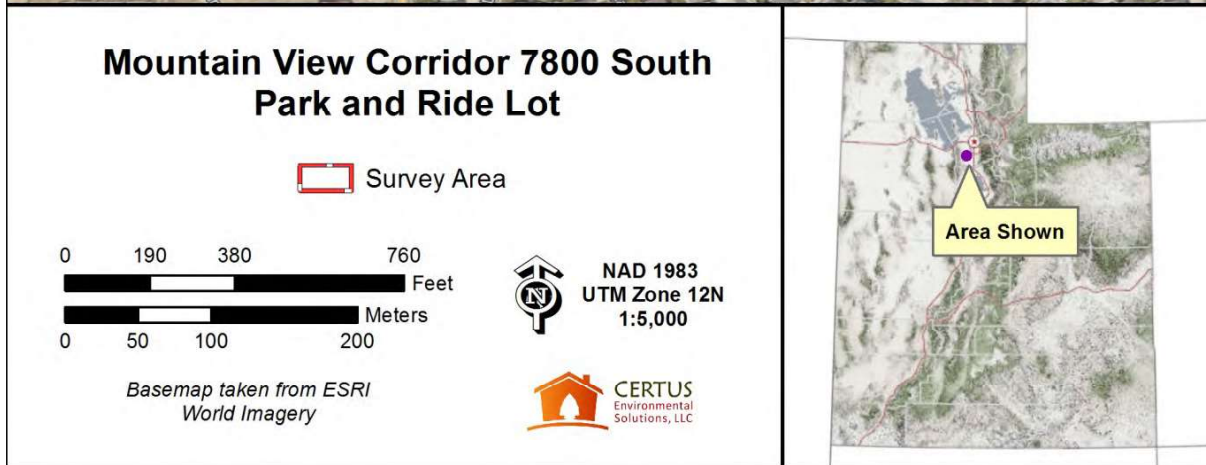
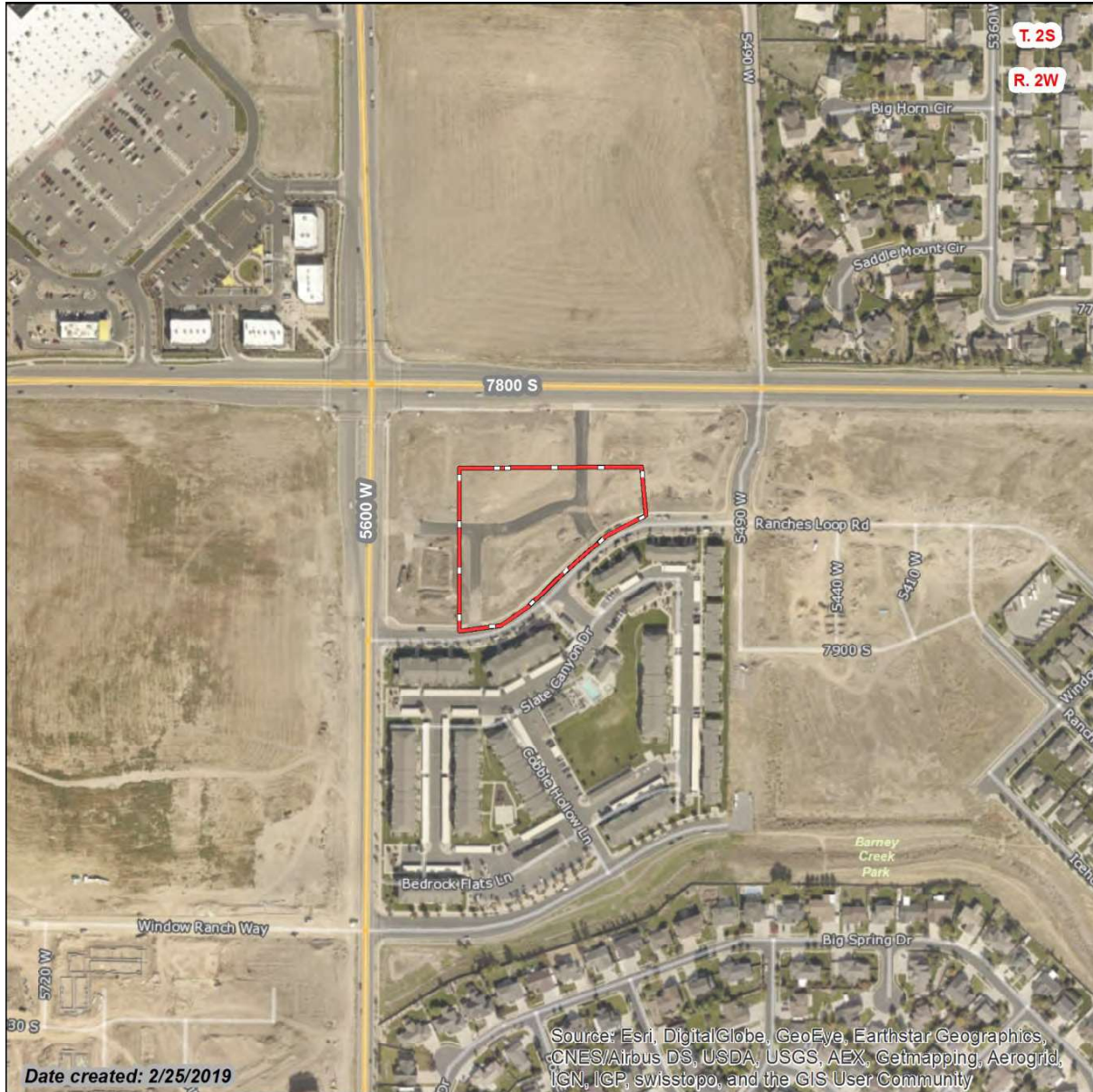
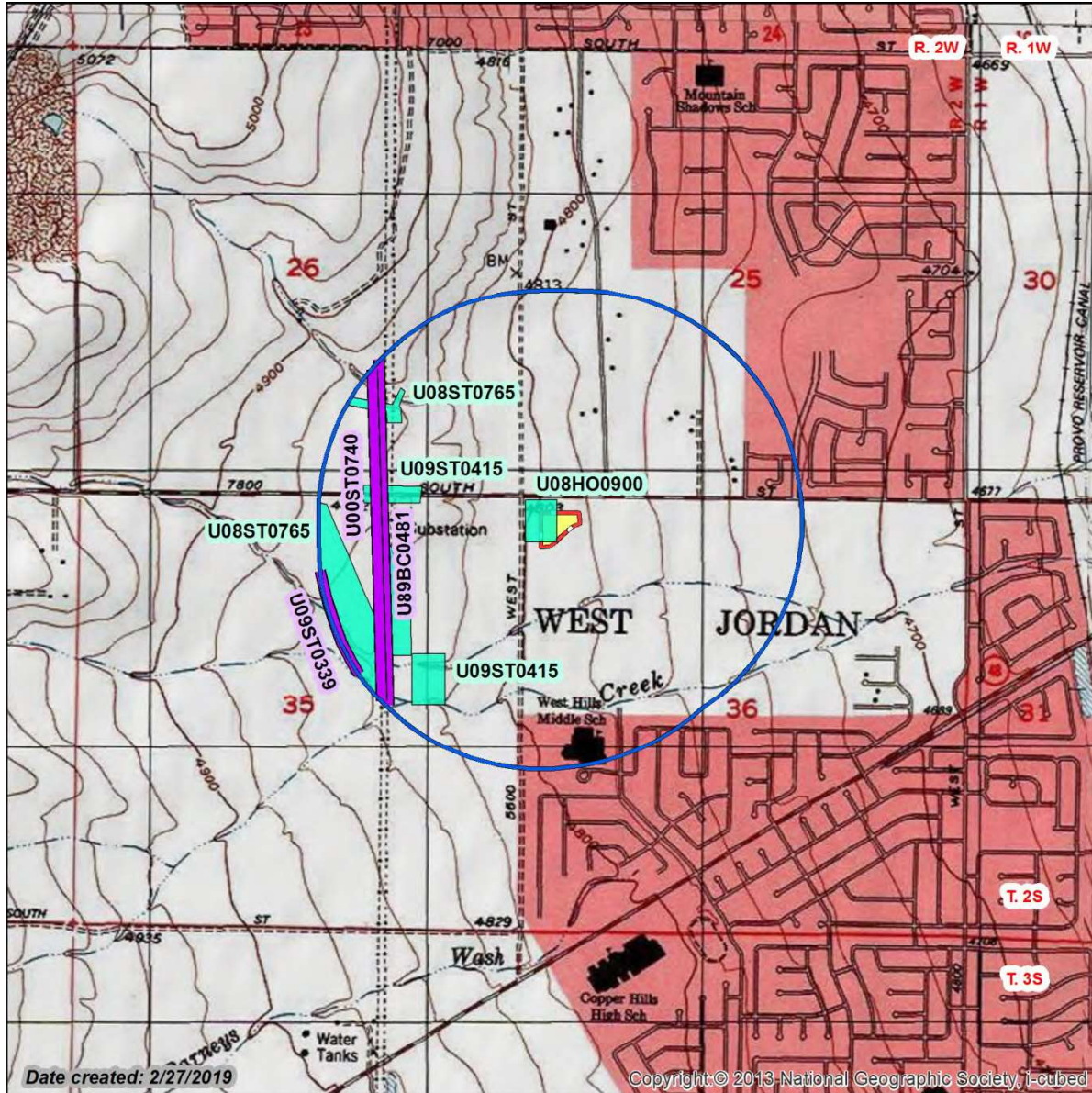


Figure 3. Location of survey; Map 2 of 3



Mountain View Corridor 7800 South Park and Ride Lot

- Survey Area
- Previous Project
- File Search Area
- Previous Project



NAD 1983
UTM Zone 12N
1:24,000

Basemap taken from USGS 7.5'
topographic quadrangle:
Copperton, UT



Figure 4. File search results



Cultural and Paleo Clearance with Tier 1 Screening Form

Federally funded projects classified as delegated categorical exclusions are processed in accordance with Stipulation II, Part A and Appendix A of the Memorandum of Understanding, State Assumption of Responsibility for Categorical Exclusions (23 USC §326), by which the UDOT assumes responsibility, assigned by the FHWA, for ensuring compliance with Section 106 of the NHPA and with Section 4(f).

Pursuant to the Third Amended Programmatic Agreement among the FHWA, the Utah SHPO, the ACHP, the USACE Sacramento District, and the UDOT Regarding Section 106 Implementation for Federal-Aid Transportation Projects in the State of Utah, UDOT has taken into account the effects of this undertaking on historic properties and has determined that the finding of effect is No Historic Properties Affected.

Pursuant to the Memorandum of Understanding between the UDOT and the Utah Geological Survey Concerning Agency Responsibilities Pursuant to U.C.A. 79-3-508, the UDOT has taken into account the effects of this undertaking on paleontological resources. If applicable, consultation letter from UGS is included in the environmental document.

PROJECT: PIN 13149—S-0085(9); SR-85, MVC; 4100 South to SR-201, Salt Lake County

DATE: September 26, 2018

PREPARER: Jonathan Dugmore, M.A.A.; Region 2 Archaeologist

CONTACT: 385-414-2066, jdugmore@utah.gov

PROJECT STIPULATIONS

- 1) Clearance is contingent upon the contractor adhering to the proposed scope of work and remaining within cleared areas. **Notify Region Environmental of any scope changes.**
- 2) *UDOT Standard Specification 01355 Part 3.7, Environmental Clearances by Contractor*
- 3) *UDOT Standard Specification 01355 Part 3.8, Discovery of Historical Archaeological, or Paleontological Objects, Features, Sites or Human Remains. Notify Region Environmental immediately of any discoveries during construction.*

PROJECT DESCRIPTION

Implementation of the transit option design for the transit system associated with the Mountain View Corridor (MVC) in Salt Lake County would require use of lands not previously evaluated as part of environmental studies associated with the project. Construction of the lots would require ground disturbance related to parking facilities, utilities, drainage, and other associated appurtenances. It would also require acquisition of new right-of-way/property and temporary or permanent easements.

SCREENING PROCESS

Screened undertakings have the potential to affect historic properties, but have been determined by UDOT to require no further review or consultation under the Agreements. Screening may include any the following tasks and should be appropriate to the complexity, scale, and location of the undertaking. Documentation of the screening will be included in the project files, quarterly report submitted to SHPO, and environmental document.

Antiquities Project Number: U18HY0630

Literature Review

- Class I literature search (date completed and by whom):
- Records review (i.e. UDSH, UDOT, BLM, etc.): Preservation Pro
- Project plans
- As-built project plans
- Aerial photographs:
- Historic Maps:
- Topographic Maps:
- ROW/Ownership/Parcel Data:
- Other:

Description of search results: The search was conducted by Certus Environmental Solutions and was confined to the project APE which consists of three parcels of land of various sizes totaling 6 acres. They are located near 7600 South and 9000 South. No cultural resources were identified at this time.

Field Review

- Pedestrian survey (Class III) (survey interval): 15 meter
- Field review other than Class III (reconnaissance, windshield, etc.):
- Other:

None

Description of survey results (If no field survey was conducted, explain why not):

Survey for this project was conducted by Certus Environmental Solutions. No cultural properties were identified within the APE. The potential for cultural resources in these areas are low.

Supporting Documentation

Reports and/or forms generated from any cultural resource inventories shall be submitted quarterly to the Utah Division of State History (UDSH) for filing.

Title of report: *A Cultural Resource Assessment for Three Mountain View Corridor Transit Park and Ride Lots, Salt Lake County, Utah.*

Consultation

Utah SHPO (including APE consultation):

Certified Local Government (CLG):

Tribes:

State/Federal Agencies:

Knowledgeable Informants:

Other:

None:

Description of consultation efforts (If no consultation was done, explain why not):

Consultation letters were not submitted for this project since the APE is within an urban setting with previous surface ground disturbance and has very low potential for cultural resources. Consultation letters for the Mountain View Corridor project have been previously sent out as a result of past Environmental documents encompassing this area. In addition, areas which exhibit no demonstrated site potential are excluded from consultation as per programmatic agreements between UDOT and the Confederated Tribes of the Goshute Indian Reservation, the Indian Peaks Band of Paiute Indians, and the Cedar Band of Paiute Indians (2008).

Controversy based on historic preservation issues? If yes, consultation with SHPO and UDOT Central Environmental is required. Additional consultation with FHWA may be required.

Finding of Effect

The undertaking will result in the following finding of effect:

No Historic Properties Affected: no cultural resources present

No Historic Properties Affected: cultural resources present but none eligible

No Historic Properties Affected: historic properties present, but are completely avoided by the undertaking and the potential for substantial indirect effects is very low

Description of impacts:

As no cultural resources are present in the APE, the UDOT has determined that this project will result in No Historic Properties Affected

COVER PAGE

Must Accompany All Project Reports
Submitted to the Utah SHPO



Report Title: *A Cultural Resource Assessment for Three Mountain View Corridor Transit Park and Ride Lots, Salt Lake County, Utah*

UDSH Project Number: U18HY0630

Report Date: September 18, 2018

Report Author(s): Sheri Murray Ellis

Record Search Date(s): September 14, 2018

Intensive Acres Surveyed (<15m intervals): 6 ac.

USGS 7.5' Series Map Reference(s): Copperton, UT

Org. Project Number: HDR07

County(ies): Salt Lake

Principal Investigator: Sheri Murray Ellis

Field Supervisor(s): Sheri Murray Ellis

Recon Acres Surveyed (<15m intervals): 0 ac.

Sites Reported	Count	Smithsonian Trinomials
Revisits (no updated site forms)	0	
Updates (updated site forms attached)	0	
New recordings (site forms attached)	0	
Total Count of Archaeological Sites in APE	0	
Historic Structures (structures forms Attached)	0	
Total National Register Eligible Sites	0	

*Please list all site numbers per category. Number strings are acceptable (e.g. "42TO1-13; 42TO15"). Cells should expand to accommodate extensive lists.

Checklist of Required Items for Submittal to SHPO

- "Born Digital" Report in a PDF/A format
 - SHPO Cover Sheet
 - File Name is the UDSH Project Number with no hyphens or landowner suffixes
- "Born Digital" Site forms in PDF/A format
 - UASF with embedded maps and photos
 - File name is Smithsonian Trinomial without leading zeros (e.g. 42TO13 not 42TO00013)
 - Photo requirements (including size and quality)
- Archaeological Site Tabular Data
 - Single spreadsheet for each project
 - Follows UTSHPO template (info here: <https://goo.gl/7SLMqj>)
- GIS data
 - Zipped polygon shapefile or geodatabase of survey (if different from APE) or other activity area with required field names and variable intensity denoted
 - Zipped polygon shapefile or geodatabase of site boundaries with a the required field name

Cultural Resources Survey Report

ADMINISTRATIVE INFORMATION

Project Name: A Cultural Resource Assessment for Three Mountain View Corridor Transit Park-and-Ride Lots, Salt Lake County, Utah		Date of Report: September 18, 2018	
Project Sponsor: UDOT		Division of State History Project #: U18HY0630	
Lead Agency for Section 106: UDOT (as delegated by FHWA)		UDOT Project #: S-0085(9); PIN 13149	Certus Project #: HDR07
Author(s): Sheri Murray Ellis	Certus Environmental Solutions, LLC 655 7 th Avenue Salt Lake City, UT 84103 (801) 230-7260		
Type(s) of Survey: <input checked="" type="checkbox"/> Intensive <input type="checkbox"/> Reconnaissance <input type="checkbox"/> Not Applicable <input type="checkbox"/> Other (describe):			
Methods: Certus employed standard intensive-level archaeological survey techniques using transects spaced no more than 15 meters (50 feet) apart. No historical buildings or structures are located in any of the survey parcels. As such, no inventory for said resources was conducted.			
Description of the Undertaking: Implementation of the transit option design for the transit system associated with the Mountain View Corridor (MVC) in Salt Lake County would require use of lands not previously evaluated as part of environmental studies associated with the project. Construction of the lots would require ground disturbance related to parking facilities, utilities, drainage, and other associated appurtenances. It would also require acquisition of new right-of-way/property and temporary or permanent easements.			
Describe the Project Area, Area of Potential Effects, and Survey Area: The project area is located along 5600 West in the southwestern part of the Salt Lake Valley. Specifically, the assessment areas are located near 7600 South and 9000 South (see Figure 1 , attached). In total, the survey area comprises three separate parcels encompassing approximately 2.4 hectares (6 acres). It is located in Township 2 South, Range 2 West, Section 26 and Township 3 South, Range 2 West, Section 1 of the Salt Lake Base and Meridian (see Figures 2–4 , attached). These areas are found on USGS 7.5 minute topographic quadrangle Copperton, Utah (see Figure 2 , attached). County Recorder data currently lists private parties as the owners of the land on which the undertaking addressed herein would occur. The area of potential effects (APE) for the proposed transit improvements is expected to be entirely contained within the survey parcels.			
Project Setting: The project area is located in the southwestern part of the Salt Lake Valley along 5600 West—a major north-south corridor serving a series of semi-urban communities. The general area is characterized by limited topographic relief that slopes very gently downward toward the east and northeast toward the Jordan River. Historically, most of the southwestern part of the Salt Lake Valley was rural in nature and characterized by scattered single-family homes on large lots and farmsteads. Development in the area did not occur in earnest until the post-World War II period. Only modern structures constructed within the past 15 years are present on lands surrounding the survey parcels. All three survey parcels have been subjected to past ground disturbance. The parcel near 7600 South has seen extensive recontouring and placement of fill. The two parcels at 9000 South have both seen past grading and dumping of used construction materials, including asphalt and concrete.			

Photographic overviews of the survey areas are provided below.



7600 South survey parcel; view to the north



900 South survey parcel—north; view to the northeast



9000 South survey parcel—south; view to the northeast

FILE SEARCH

Location of Records Search: Utah Division of State History Preservation Pro online system

Date: September 14, 2018

Summary of File Search: Certus conducted a search of Utah Division of State History (UDSH) online records, for an area extending 1/2-mile in all directions from the boundaries of the survey area parcels. Ten (10) prior cultural resource inventories have occurred in the file search area, including several for the Mountain View Corridor project. The surveys took place between 1989 and 2010 and largely consisted of surveys for roadway and utility improvements. The surveys are summarized below and depicted on **Figures 5 and 6**, attached.

Summary of Previous Section 106 Inventories in the file search area

Project #	Description / Survey Organization	Sites in File Search Area
U89BC0481	WyCal Pipeline / BYU Office of Public Archaeology	None
U00ST0740	Williams Pipeline/SWCA	None
U01A10706	2003 Reevaluation for the Kern River Expansion / Alpine Archaeological Consultants	None
U08ST0765	Mountain View Corridor EIS / SWCA	None
U08HO0900	Boulder Canyon Apartments / Bighorn Archaeological Consultants	None
U09ST0339	Mountain View Corridor Supplemental / SWCA	None
U09ST0415	Mountain View Corridor Reevaluation / SWCA	None
U10ST0116	Mountain View Corridor 2010 Updated Alignment / SWCA	None
U10ST0288	5600 West, New Bingham Hwy. to 9000 South / SWCA	None
U10ST0724	Mountain View Corridor, 5400 South & Feulner Park Road / SWCA	None

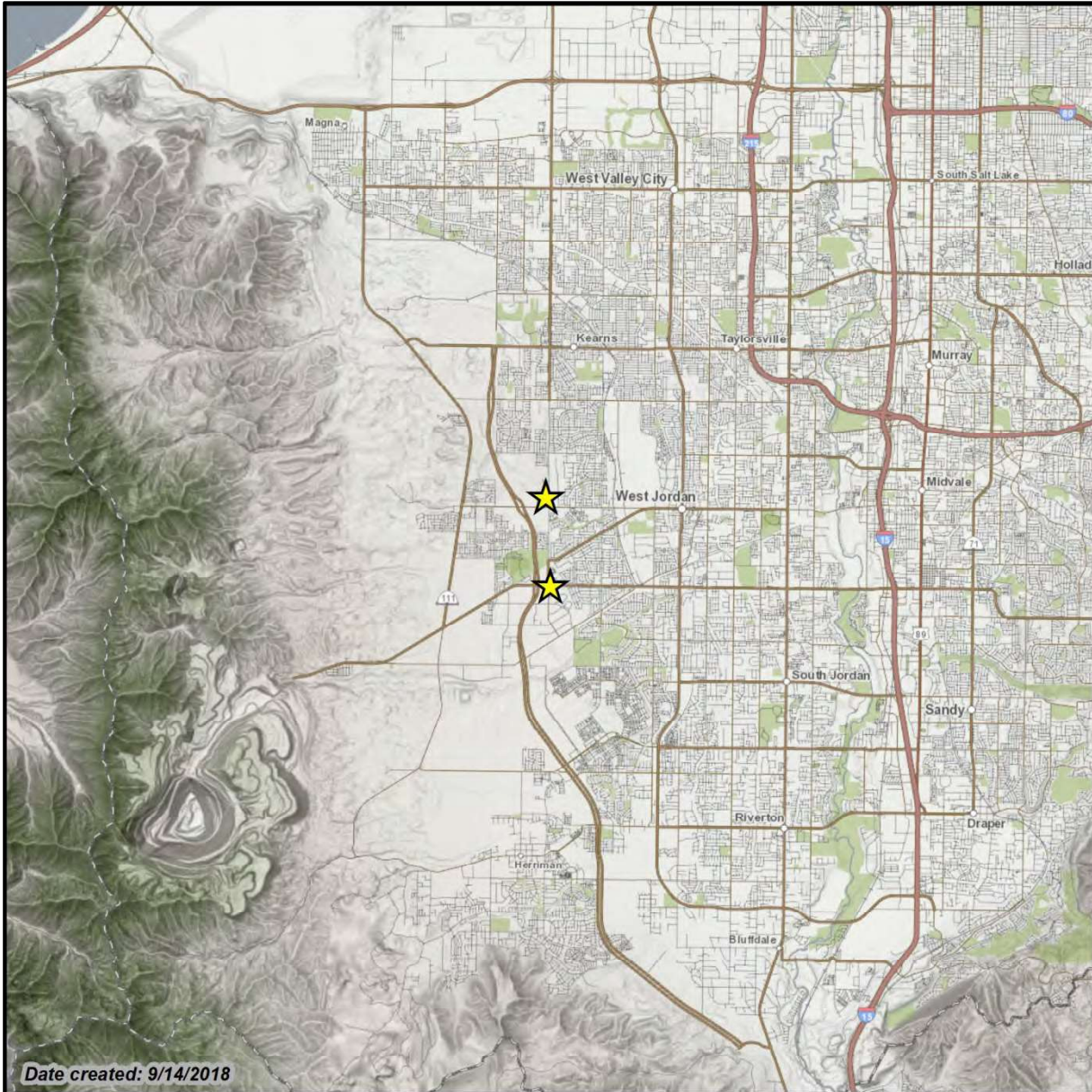
One of the past surveys encompassed the southern survey parcel at 9000 South in its entirety. This survey was carried out in 2010. Given the small size of the parcel, Certus re-surveyed it as part of the current effort.

No cultural resource sites have been reported for the file search area.

Paleontological Resources Consultation: Consultation with the Utah Geological Survey (UGS) regarding paleontological resources was carried out for the Mountain View Corridor Project as part of the environmental impact statement and previous archaeological surveys. Because the area included in that consultation encompassed the locations of the current survey area, no new consultation was conducted as part of the current effort. During the previous consultation, the UGS noted that no known paleontological localities were present in the area and that the deposits exposed in the area have low potential for yielding significant fossil materials.

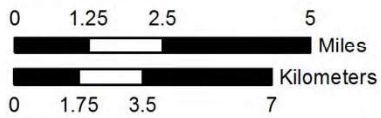

RESULTS and RECOMMENDATIONS

Date of Survey: September 17, 2018	Surveyor: Sheri Murray Ellis P.I. Permit #: 47
Results: Certus did not find any cultural resources during the intensive-level survey of the three project parcels.	
Recommendations: No cultural resources are known to be present in any of the parcels addressed herein for the Mountain View Corridor Transit Park-and-Ride lots. The UDOT, in consultation with the Utah SHPO, will make a finding of effects for the undertaking under separate cover.	



MVC Park and Ride Lots

★ Survey Location

NAD 1983
UTM Zone 12N
1:200,000

Basemap taken from Utah AGRC
Terrain Imagery



Figure 1. General location of survey

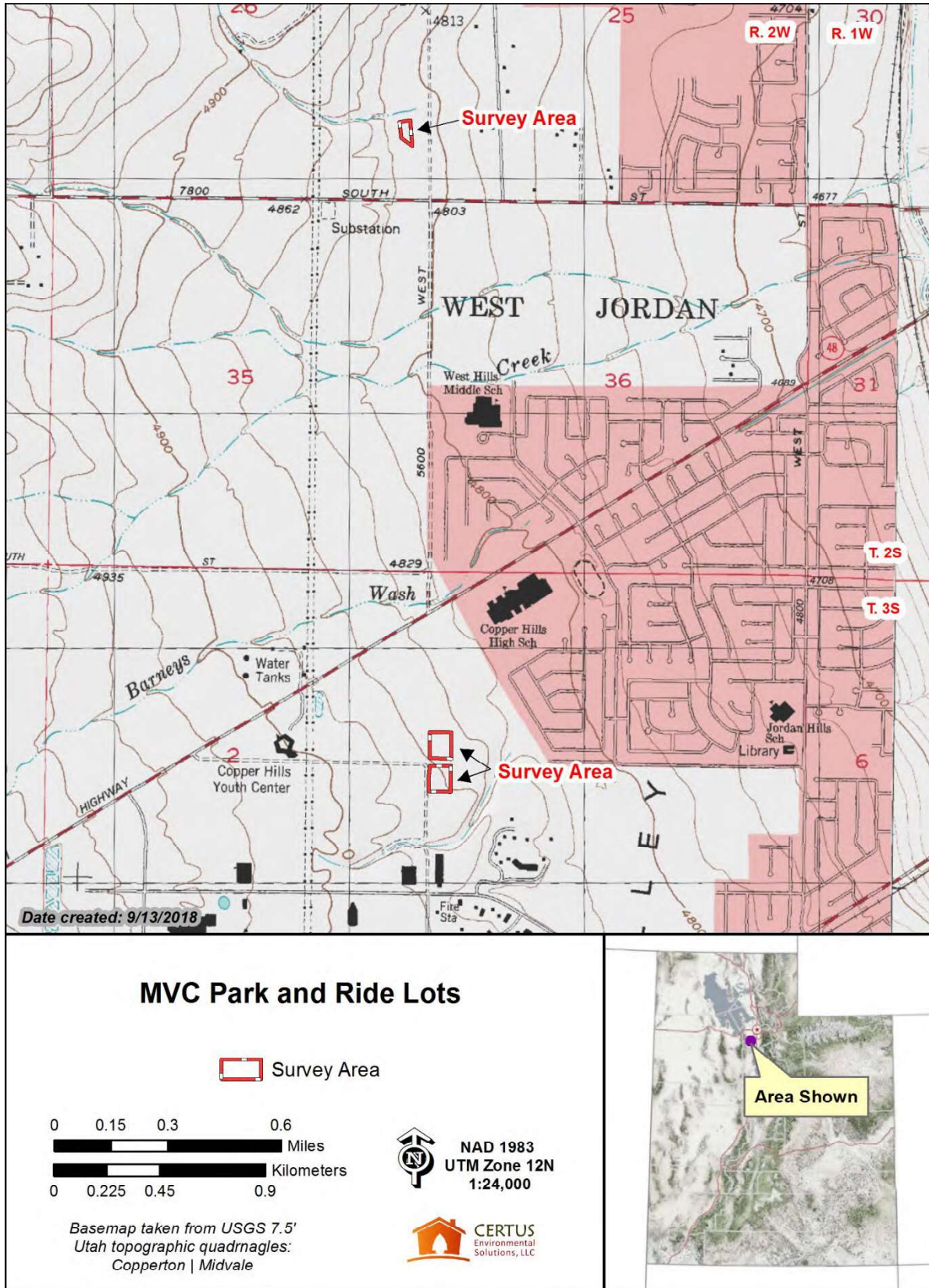


Figure 2. Location of survey; Map 1 of 3

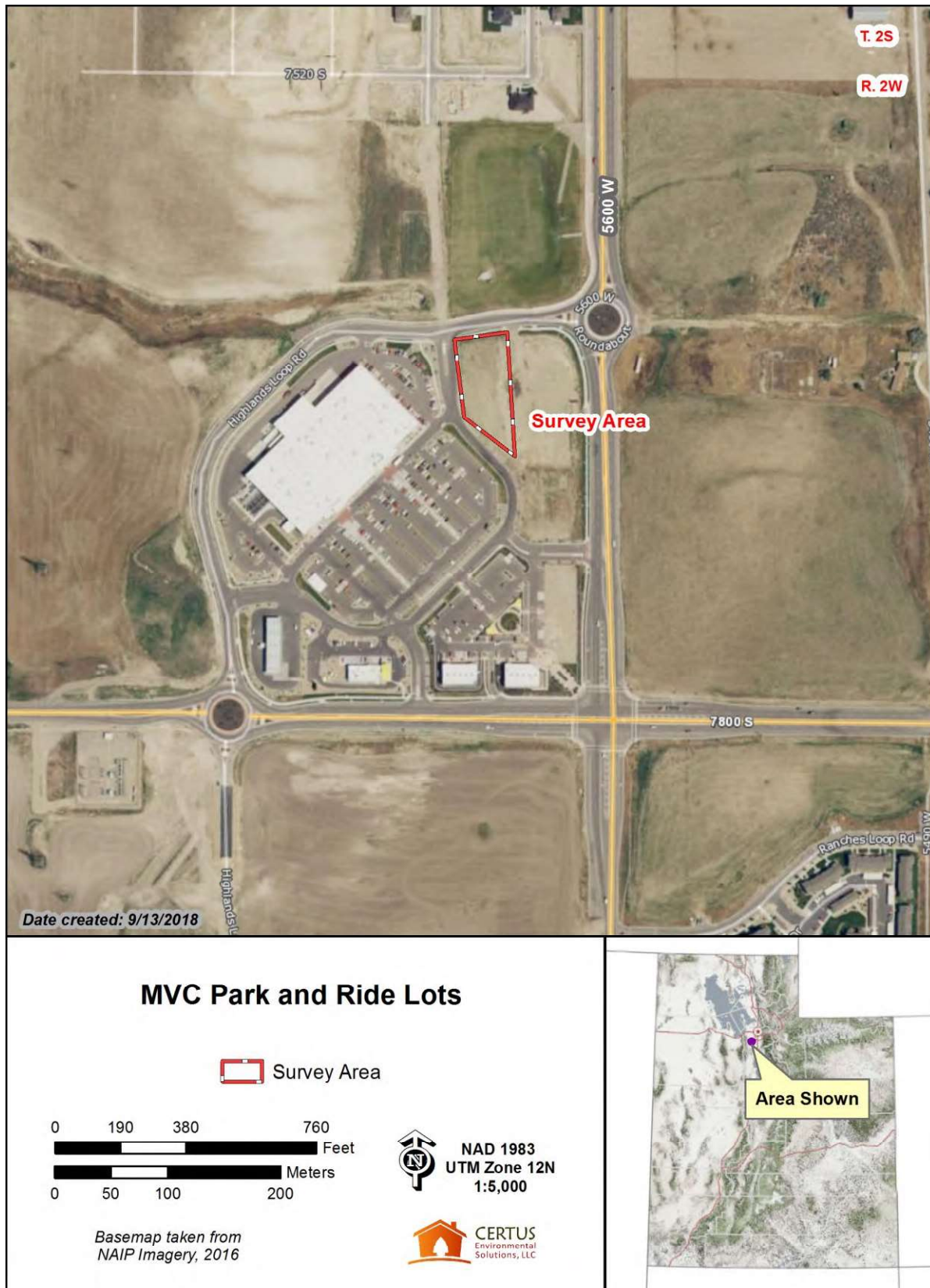


Figure 3. Location of survey; Map 2 of 3

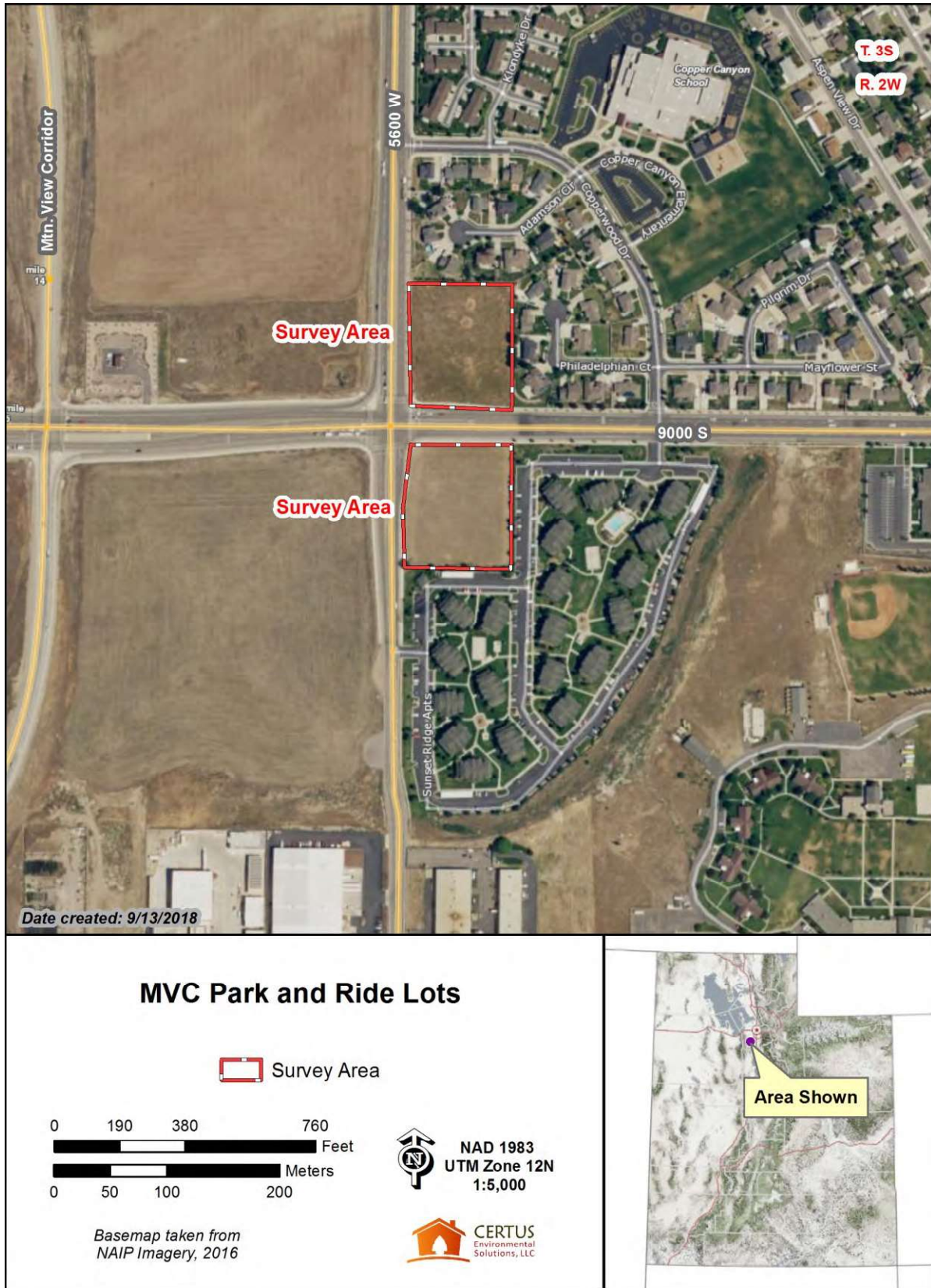


Figure 4. Location of survey; Map 3 of 3

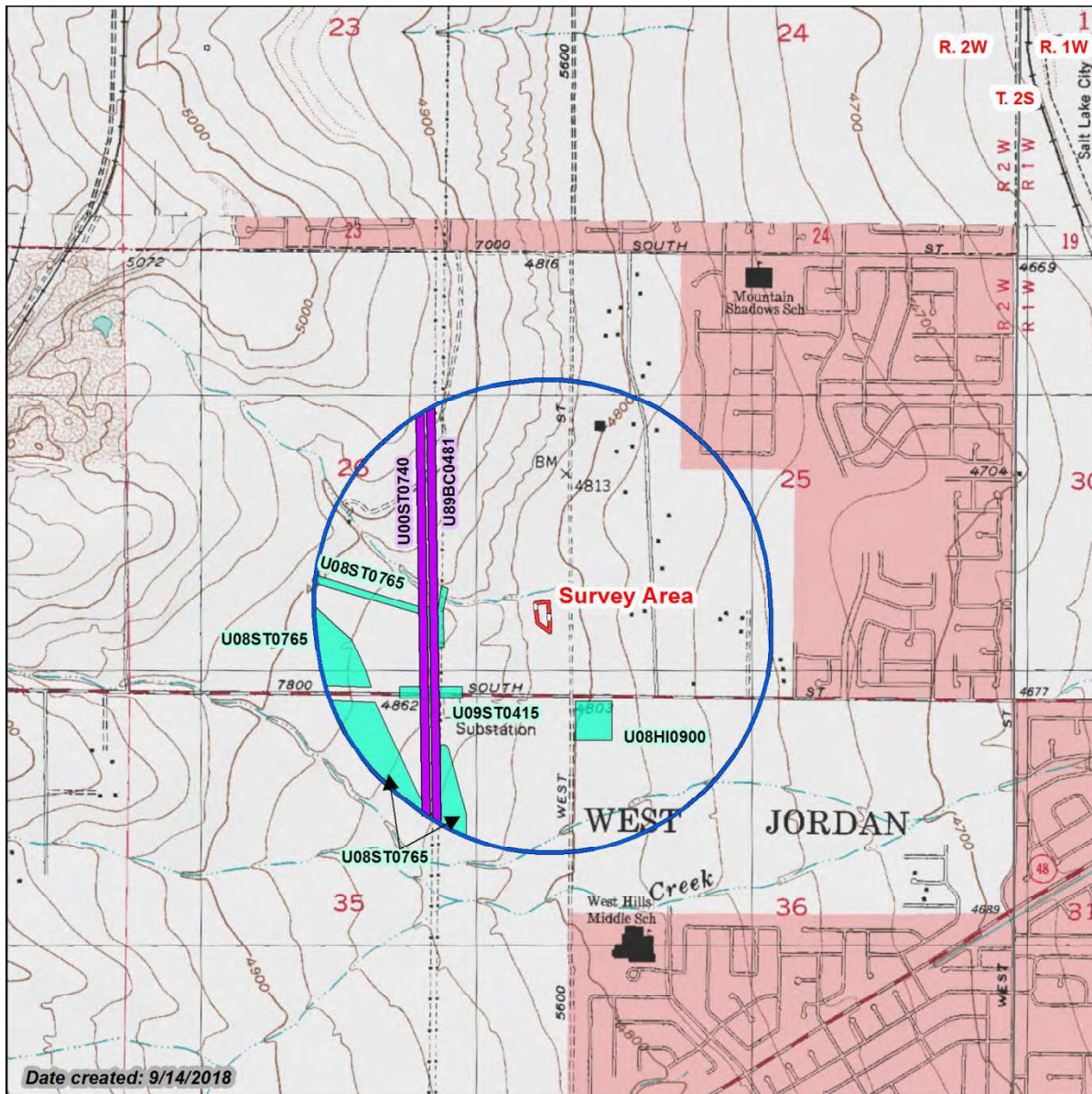


Figure 5. File search results; 7600 South survey area

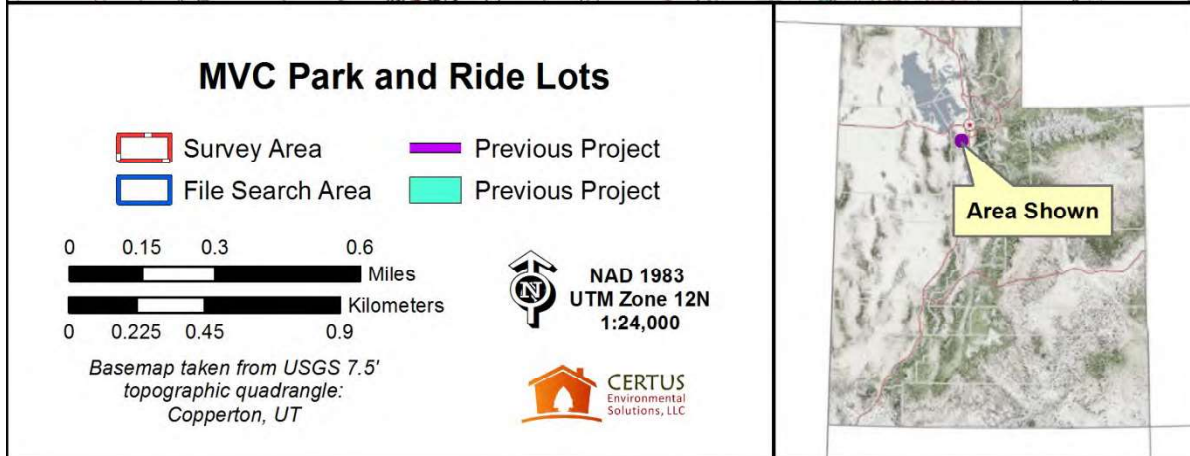
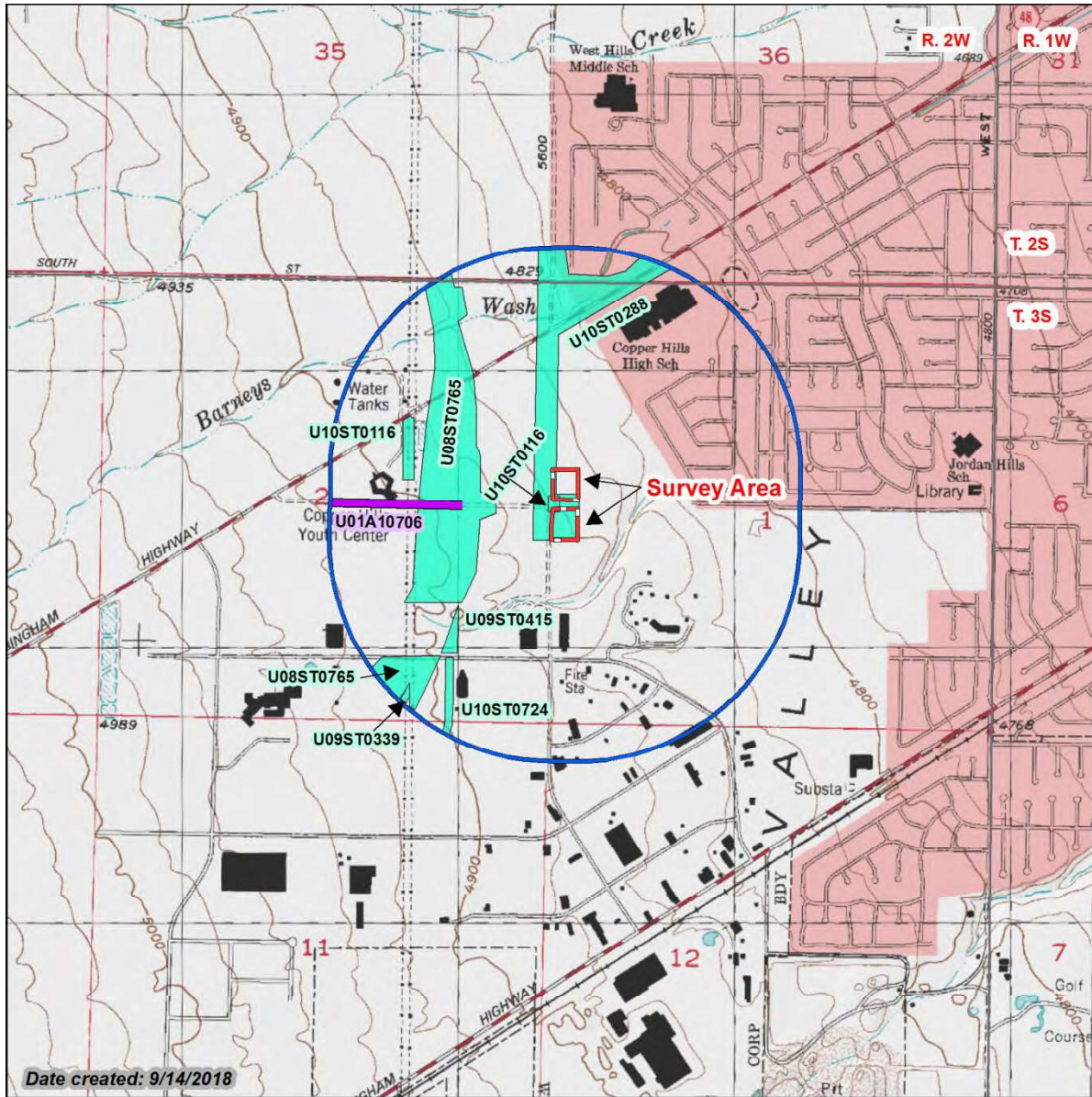


Figure 6. File search results; 9000 South survey areas

MEMORANDUM

UTAH DEPARTMENT OF TRANSPORTATION

Date: Monday, March 11, 2019

To: Elisa Albury
UDOT Environmental Program Manager

From: Rod Hess
UDOT Senior Landscape Architect

Re: **ENVIRONMENTAL REVIEW FOR WATER RESOURCES (MVC, 5600 West; ROW acquisition and Park and Ride areas)**
UDOT Project S-0085(9); SR-85, MVC; EIS 5600 West Transit Re-evaluation (PIN 13149)

Project Scope of Work

The Utah Department of Transportation (UDOT) proposes the re-evaluation of the 5600 West Transit portion of the Mountain View Corridor (MVC), Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation. The EIS/Section 4(f) Evaluation and ROD evaluated the environmental impacts of improving regional mobility on the west side of the Salt Lake Valley in Salt Lake County and in northern Utah County.

This Re-evaluation analyzes the anticipated impacts of the ROW acquisition for express bus service and potential sites for park and ride locations. Following is a conclusion of mitigation commitments regarding the summary of analysis and findings of water resources provided by the MVC environmental team:

Wetland and Water Resources

Based on the analysis of the aquatic resources completed by HDR, consultant to the MVC environmental team, no aquatic resources or Waters of the United States, including wetlands, have been identified within the limits of the additional ROW acquisition or possible park and ride areas of the MVC 5600 West Transit.

Mitigation Commitments:

- 1. None.**



Memorandum

Environmental Services

DATE: October 15, 2018
TO: Elisa Albury, Environmental Program Manager
FROM: Matt Howard, Natural Resources Manager
SUBJECT: S-0085(9) MVC, EIS 5600 West Transit Re-evaluation, PIN 13149

Project Description

In the fall of 2008, a Final Environmental Impact Statement (Final EIS) and Section 4(f) Evaluation for the Mountain View Corridor (MVC), Salt Lake and Utah Counties, was completed (September 2008) and approved through the issuance of a Record of Decision (ROD) (November 17, 2008) from the Federal Highway Administration (FHWA). This memo addresses the EIS reevaluation, which consists of refinements of the transit alternative that was selected in the ROD (the 5600 West Transit Alternative with Dedicated Right-of-Way Option) and project implementation and phasing. Refinements also include a reevaluation of the proposed park and ride locations near 9000 South and 7600 South. At 9000 South, two evaluated sites are being considered. This memo addresses both potential alternatives.

This memo addresses Phase 1 elements of the transit implementation reevaluation. Phases 2 and 3 will be addressed in future memos. The following table, taken from the EIS Reevaluation document, describes the transit implementation changes proposed in Phase 1.

	Phased Transit Implementation for the 2008 ROD's Selected Alternative	Refined Selected Alternative
Phase 1	<p>Transit Implementation</p> <ul style="list-style-type: none"> · The Utah Transit Authority (UTA) will take all actions necessary to (1) complete Phase 1 of the 5600 West Transit Alternative with Dedicated Right-of-Way Option and begin revenue operation by December 31, 2015, and (2) complete Phase 2 of that alternative and begin revenue operation of that phase by December 31, 2025. · UTA will construct BRT in a fixed guideway (Type 3 bus rapid transit) along 5600 West from 2700 South to 6200 South. As part of Phase 1 activities, UTA also will acquire the necessary right-of-way to construct a fixed-guideway transit system along 5600 West from 11800 South to Interstate 80 (I-80) and along I-80 from 5600 West to the Salt Lake City International Airport. 	<p>Transit Implementation</p> <ul style="list-style-type: none"> · Phase 1 transit will include express bus transit service along the existing 5600 West and North Temple roadway travel lanes from the Old Bingham Highway TRAX station to downtown Salt Lake City.

This assessment has been prepared to address potential for occurrence of and impacts to species or habitat listed under the Endangered Species Act (ESA), as well as birds protected by the Migratory Bird Treaty Act (MBTA), and the Bald and Golden Eagle Protection Act (BGEPA).

Greater sage-grouse (*Centrocercus urophasianus*), which are protected by Governor's Executive Order EO/2015/002, are also addressed in this memo.

Project Setting

Phase 1 transit will include express bus transit service along the existing 5600 West and North Temple roadway travel lanes from the Old Bingham Highway TRAX station to downtown Salt Lake City. The reevaluation slightly changes the project footprint to the proposed park and ride locations near 9000 South and 7600 South, and changes the timing of some phases. Recent (2016-2018) aerial images show land use in the vicinity of the project area consists mainly of urban development with pockets of undeveloped open space, agriculture (fallow and active), and semi-natural reseeded areas. Elevation in the vicinity of the project area is +/- 4,200 to 4,800 ft. amsl. Vegetation in the area includes urban landscaping, mixed brush communities, and non-native plant species. The specific project area is in the UDOT ROW, which has been maintained for roadway purposes and on lands that have been identified for acquisition.

Determinations

Threatened and Endangered Species

The U.S. Fish and Wildlife Service's Information, Planning and Consultation database was consulted for species considered to have potential to occur in the vicinity of the project area. In addition, Utah Natural Heritage Program records of occurrence were reviewed for documentation of species occurrences within the vicinity of the project. Other sources, including recent aerial imagery, USFWS Critical Habitat shapefiles, USGS, topographic data and surficial geology shapefiles from the State of Utah were used in the supporting analysis. Table 1 summarizes the findings.

Table 1.

Species	Designated Critical Habitat	Suitable Habitat	Previous Occurrences	Potential for Occurrence	Rationale
Canada lynx (<i>Lynx canadensis</i>)	None Present	None Present- No forested areas	No	None	No identified critical habitat in the state. Canada lynx is found in boreal forest habitat, which is not found within the project area.
Yellow-billed Cuckoo (<i>Coccyzus americanus</i>)	None Present	Foraging habitat present.	No	None	Riparian habitat is not found within the project area.
June Sucker (<i>Chasmistes liorus</i>)	None Present	None within project area	Species occurs in Utah Lake and Provo River, which are not within the project area.	None	Work would not impact aquatic habitat.
Ute Ladies'-tresses (<i>Spiranthes diluvialis</i>)	None Present ¹	None within project area	No	None	The project will not impact any wetland or mesic habitat.

¹This project does not have a federal nexus; protections for plant species listed under the ESA and for critical habitat would not apply.

Migratory Birds, Bald and Golden Eagles

Aside from some mature ornamental and landscape trees, there is little nesting habitat near the project area. Additionally, there are no known occurrences of raptor nests in recent history. The project does not propose to remove or alter potential nesting substrate or alter existing conditions for this area. The area is located where high noise has historically occurred throughout the nesting season. It is unlikely this project would result in direct or indirect take under the BGEPA. This project would not result in direct take under the MBTA and is unlikely to result in indirect take.

Greater Sage-grouse

A review of recent aerial imagery and Utah Sage-grouse Management Area boundaries shows that the project does not occur within a SGMA, nor does it include sage-grouse habitat. The project is not anticipated to negatively affect sage-grouse.

Summary

This assessment satisfies the UDOT's responsibilities under Section 9 of the ESA, the MBTA (50 CFR § 10.12), the BGEPA (16 USC § 668), and Governor's Executive Order EO/2015/002. If additional information or clarification is needed regarding this assessment, please contact me at mattHoward@utah.gov.

Sincerely,

A handwritten signature in blue ink that reads "Matt Howard". The signature is written in a cursive, flowing style.

Matt Howard
Natural Resource Manager

Kilpatrick, Kevin

From: Matt Howard <matthoward@utah.gov>
Sent: Thursday, March 7, 2019 9:01 AM
To: Kilpatrick, Kevin
Cc: Shingleton, Beth; Perkins, Michael; Elisa Albury (ealbury@utah.gov)
Subject: Re: MVC 5600 West Transit Reeval: Request for Updated Wildlife Clearance (UDOT PIN 13149)

I have reviewed the new park and ride locations at 9000 South and 7800 South for UDOT PIN 13149 and find that the conclusions originally reached in my 10/15/2018 clearance memo remain unchanged.

On Mon, Mar 4, 2019 at 1:38 PM Kilpatrick, Kevin <Kevin.Kilpatrick@hdrinc.com> wrote:

Matt,

You previously provided a wildlife clearance for the MVC 5600 West Transit Reevaluation in October 2018 (see attached).

There has recently been a change to the park and ride lot locations proposed as part of the 5600 West Transit Reevaluation.

- The previous park and ride lot locations evaluated two locations at 9000 South and one location at 7600 South.
- The new park and ride lot locations are being proposed are at 9000 South (only one location) and 7800 South. The attached figures show the locations of the current proposed park and ride lots at 9000 South and 7800 South.

All of the other information in your previous memo regarding the project description and project setting sections is still correct.

Mike Perkins, HDR biologist, has reviewed both of these sites and has updated his biological and wetland technical memo. A copy of this memo is also attached.

We request an updated biological clearance memo that reflects this updated information.

Please review this information and let me know if you have any questions.

Thanks for your help,

Kevin Kilpatrick

Transportation NEPA Project Manager

HDR

2825 East Cottonwood Parkway, Suite 200
Salt Lake City, UT 84121-7077
D 801.743.7891 M 801.946.4010
kevin.kilpatrick@hdrinc.com

hdrinc.com/follow-us

--

-Matt Howard
Natural Resource Manager
Utah Department of Transportation
Office: 801-965-4038
Cell: 435-255-1956
matthoward@utah.gov



Technical Memorandum

Date: March 4, 2019
Project: UDOT Mountain View Corridor Project
Subject: Review of Proposed Acquisition Areas and Potential Sites for Park and Ride Lots for Express Bus for Biological and Aquatic Resources

Introduction

HDR, Inc. (HDR) has prepared this memorandum to summarize findings of HDR's biological and aquatic resources review for acquisition areas proposed for express bus services (acquisition areas). The acquisition areas reviewed are identified on a map set document titled: "EXPRESS BUS_Optimized survey area.pdf". In addition, three potential sites for park and ride (P&R) lots were also reviewed (acquisition areas and potential P&R lots jointly referred to as "review areas" in this document). Review for biological resources considered potential habitat for species listed or proposed under the Endangered Species Act (ESA), Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and State of Utah conservation agreement species. Aquatic resources considered that may be subject to regulation under Section 404 of the Clean Water Act include wetlands, streams, ponds, canals, and certain ditches.

None of the review areas include any aquatic resources and none of these areas appear to provide suitable habitat for species listed or proposed under ESA, State of Utah conservation agreement species, or bald or golden eagles. Review areas that are not developed or entirely disturbed could provide nesting habitat for common ground-nesting migratory birds that occur in urbanized areas.

Methods

First, HDR conducted a desktop review of available information including the following:

- U.S. Fish and Wildlife Service (USFWS) Environmental Conservation Online System-Information, Planning, and Conservation System (ECOS-IPaC; <https://ecos.fws.gov/ipac/>), including species listed under ESA, identified by ECOS-IPaC as potentially occurring in or near review areas.
- ESA and conservation agreement species listed for Salt Lake County on the *Utah Sensitive Species List* available at Utah Conservation Data Center website (<https://dwrcdc.nr.utah.gov/ucdc/>).
- National Wetlands Inventory Mapping
- Aerial imagery and mapping including the map set for the review areas

Next, HDR conducted a site visit to identify pertinent existing characteristics of the review areas and determine whether each site includes any of the subject biological or aquatic resources.

Results

None of the review areas include any aquatic resources. Under existing conditions, the review areas are only comprised of uplands that consist of developed areas (parking lots, streets, turf and other landscaping, curb and gutter, or sidewalk), heavily disturbed areas (vegetation removed or covered),

and vegetated areas (fallow and active agricultural fields, weedy fields, and semi-natural reseeded areas).

Resources included by ECOS-IPaC for the review areas include four species listed under ESA: yellow billed cuckoo (*Coccyzus americanus*), June sucker (*Chasmistes liorus*), Canada lynx (*Lynx canadensis*), and Ute ladies'-tresses (*Spiranthes diluvialis*).

June sucker is endemic to Utah Lake and its tributaries, and is raised in hatcheries in Springville and Red Butte Reservoir. Canada lynx only occurs in mixed forests. The distinct western population segment of the yellow-billed cuckoo is listed as threatened and is known to occur in northern Utah. Suitable habitat for this species consists of large areas of multistory, woody riparian habitat. There is no suitable habitat for yellow-billed cuckoo in or adjacent to any of the review areas. Ute ladies'-tresses (ULT) is a threatened orchid species that typically occurs along riparian edges, gravel bars, old oxbows, high flow channels, and moist to wet meadows along perennial streams. It has also been found within subirrigated or spring-fed abandoned stream channels, lakeshores, along irrigation canals, berms, levees, irrigated meadows, excavated gravel pits, roadside barrow pits, reservoirs, and other human-modified wetlands. The review areas do not contain any suitable habitat for ULT because they do not include any of the appropriate mesic habitats that could support this species.

The *Utah Sensitive Species List* includes two species for Salt Lake County that are included by ECOS-IPaC that are listed under ESA: June sucker and western yellow-billed cuckoo. Additionally, four State of Utah conservation species are included for Salt Lake County: Bonneville cutthroat trout (*Oncorhynchus clarkii*), Columbia spotted frog (*Rana luteiventris*), least chub (*Lotichthys phlegethontis*), and northern goshawk (*Accipiter gentilis*). None of the review areas appear to provide suitable habitat for any of these conservation agreement species.

None of the review areas provide suitable nesting or roosting trees or structures for bald or golden eagles. Review areas that are not developed or entirely disturbed could provide nesting habitat for common ground-nesting migratory birds that occur in urbanized areas.

Table 1 provides a summary of existing conditions of each review area as identified in the express bus survey area map set and potential sites for P&R lots.

Table 1. Existing Conditions (Land-use Status) of Review Areas

Map Set Sheet #	Existing Conditions
BT-01	West (west of 5600 West) proposed Park and Ride Lot is entirely upland; appears to be a fallow agricultural field. East strip is a combination of developed and fallow upland.
BT-02	West strip is disturbed upland under power lines next to an agricultural field.
BT-03	No proposed acquisition areas on this map sheet.
BT-04	East proposed Park and Ride Lot consists of disturbed weedy upland area and a fallow upland agricultural field. West strip consists of developed and disturbed upland.
BT-05	West strip is developed turf open space that may be a detention basin. East strip is disturbed, fallow upland.

Map Set Sheet #	Existing Conditions
BT-06	West proposed Park and Ride Lot is a disturbed vacant upland. East strip is developed.
BT-07	West proposed Park and Ride Lot and west strip are both in a disturbed/fallow upland area.
BT-08	West strip is developed. East strip is disturbed upland.
BT-09	West strip is disturbed upland, just north of a canal. East strip is disturbed upland.
BT-10	Both east and west strips are 100% developed.
BT-11	West strip is developed.
BT-12A	West strip is disturbed upland. East strip is developed.
BT-13A	West strip is disturbed upland next to a canal that runs east to west. East strip is upland grassland near the canal and also just west of a flowing ditch that runs south to north.
BT-14A	Both north and south strips are developed (turf grass) and each are next to small drainage ditches that flow east to west.
P&R Site	Existing Conditions
#1 Highlands Loop Rd	Previously disturbed (vegetation cleared) upland. Currently weedy upland vegetation that has been mowed.
#2 NE 9000 S	Disturbed upland. About 50% of the site is vegetated with upland species (about 50% bare ground). Some fill piles.
#3 SE 9000 S (west site)	Fallow upland agricultural field. Mix of alfalfa and weedy species observed.
#4 SE 9000 S (east site)	Fallow upland agricultural field. Mix of alfalfa and weedy species observed.
#5 Ranches Loop Rd	Disturbed upland with vegetation removed.

Appendix C

Comment Response Matrix

Document Title	MVC Draft Transit Reevaluation	Commenter	Public
Document Date	April 2019	Review Date	Public Comment Period: April 17 to May 16, 2019
Item	Comment	Response	QC/ Concurrence
Public Comments			
1.	<p>David Lewis This is all good. I would also like to see the bus continue into the downtown core, with another stop at the University of Utah and final stop at research park.</p>	<p>Thank you for the comment. The proposed route is currently planned to end in downtown Salt Lake. From the downtown transit stop, existing connections to TRAX and other UTA bus routes from downtown to the University of Utah and Research Park are currently available.</p>	
2.	<p>Kim Pavlin The proposed transit will likely cut off left hand turns for southbound traffic on 5600 W. into the shopping plaza and this is obviously a big concern of McDonald's for loss of traffic into the restaurant coming from the North. McDonald's has already been impacted due to the taking to facilitate the construction of the roadway improvements and was told that full movement access to the shopping plaza would not be impacted.</p>	<p>The proposed MVC Phase 1 transit improvements would not modify existing left turn access on 5600 West. Access to McDonald's would not change with the MVC Phase 1 transit improvements.</p>	
3.	<p>Anonymous I would like to know why the bus does not go down Redwood to Riverton?</p>	<p>The MVC transit proposals have been focused along 5600 West because that is the area near where the MVC roadway improvements are also occurring. Additionally, the MVC roadway and transit improvements are intended to reduce delay and congestion in western Salt Lake County. New bus lines or other transit improvements on Redwood Road would be considered a separate projects that address different transit needs. The WFR 2019-2050 RTP includes future projects on Redwood Road as Core Routes in both Phase 1 (2019 to 2030) and Phase 2 (2031 to 2040) through all of Salt Lake County and into Davis and Utah Counties.</p>	
4.	<p>Will Thaler I think the whole project needs to be fast tracked! With the growth both Utah and Salt Lake counties are experiencing and expecting, it's going to be too little too late. I-15 is already overburdened and expanded as much as possible this MVC will share the load with I-15.</p>	<p>Thank you for the comment. The transit projects and other phases of MVC will be constructed as funding and permits are obtained.</p>	

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5.	<p>Bradley North I prefer this proposed Express Bus service over the original BRT system for Phase 1 Transit. I would definitely use the proposed Express Bus service. I would use it to travel from 4700 South to California Avenue as part of my regular commute. I would probably never use the original BRT system since it would end at 2700 South. I hope this proposal for Express Bus service is accepted and implemented.</p>	Thank you for the comment.		
6.	<p>David Madsen While I like the idea of servicing more riders. I am not in favor of abandoning the phase 3 upgrade to light rail. I fear the switch to express buses vs. bus rapid transit will close the door on the commitment to light rail connectivity and service to this part of the valley. Extending the West Valley green line out 3500 South to 5600 West would be a great solution.</p>	There are not currently any proposed changes to MVC Phase 2 or Phase 3 transit, the commitments identified in the MVC ROD still remain. UDOT will evaluate any changes to Phase 2 or Phase 3 transit in the future if necessary after additional review and coordination with UTA, UDOT and UTA anticipate that building the express bus project in Phase 1 will help develop a future market for higher capacity transit projects in the 5600 West corridor.		
7.	<p>Theron Jeppson I prefer the scenario 2 with TSP. I live just south and west of where Hunter High School is located. I frequently (3-4 times per week) ride my bike to work. Which is located near North Temple and Redwood road. I choose 5600 West as my preferred route from my house to the International Center as for much of the way, it has the nice wide shoulders. By allowing the bus the use of the shoulder along 5600 West, it will greatly compromise this being a good bike route alternative. Of which there are very few options between where I live and work.</p>	Thank you for the comment. Final decisions and locations of transit priority options will be made by UTA transit planners. There is, or will be upon completion of MVC construction, a shared use path that accommodates multi-users along the length of Mountain View Corridor located just west of 5600 West. This shared use path can be used as an alternative route for bicycles.		
8.	<p>Merrill Johnson It is about time to get bus service on 5600 West. Make sure you start service at 3:30 am for workers to get to work on time, run later at night to service the swing shift workers to get home. It is a great idea to get people out of cars.</p>	Thank you for the comment. The hours of service are anticipated to approximately match typical hours of service for other Salt Lake County bus routes. UTA transit planners will determine the hours of service on the express bus.		
9.	<p>Andrew Clegg This new Express Bus proposal makes way more sense than a very short BRT line. The BRT would have had very low ridership as it didn't really connect anything. Having an express bus that goes to the International Center, Airport, and downtown offers much better connectivity.</p>	Thank you for the comment.		
10.	<p>Shane Merrill I feel this is a much better plan for transit on 5600 W. There is a little transit and many many people. This is a good first step to move transit to the West side of the valley.</p>	Thank you for the comment.		

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11.	<p>Pat Barton We have been in this area for over 40 years and have seen a consistent pattern with UTA service--East side needs are funded with tax increases; West side service is reduced to cut costs. UTA cuts service and then ridership falls because west side residents find alternative ways to get to work and downtown locations so UTA justifies further service cuts. The refined alternative further cuts service to west side residents who are being taxed to provide premium service for East side ridership. Further all proposals except proposal 4 would only increase congestion on the already impassable traffic on 5600 West during peak hours. Typically it takes 30-60 minutes to travel the stretch of road along 5600 W. from SR 201 to 6200 S northbound between 5 a.m and 9 a.m and southbound between 3 p.m and 6 p.m. Even with MVC in operation, traffic flow along 5600 W. has NOT been improved as promised and traffic on 6000 W. and 6400 W. has increased in volume and velocity which UDOT assured it would not. That being said, the refined alternative seems to be the only feasible action at this point, BUT MARK MY WORDS: this plan will have a negative impact on all neighborhoods in and around 5600 W., 6000 W. and 6400 W. Motorists currently travel 6000 W. and 6400 W. at nearly double existing speed limits, endangering life and property. Congestion on 5600 W makes the road impassable when needed most and adding busses on an express schedule will only make that congestion worse.</p>	<p>The MVC Refined Selected Alternative would provide a new express bus service that does not currently exist and would increase service to the west side of Salt Lake County. This new express bus service would primarily benefit west-side residents and allow for linkages to east-west routes on the west side of Salt Lake County. As described in the reevaluation, the MVC Refined Selected Alternative's 5600 West express bus ridership is forecasted to be 2,200 to 3,900 riders per day in 2020. The Refined Selected Alternative express bus service would not substantially affect delay for personal vehicles that use 5600 West.</p> <p>It is anticipated that the traffic congestion and delay on 5600 West will decrease once the MVC is constructed to SR-201 and I-80, and as future phases of MVC are constructed.</p>	
12.	<p>Adam Christensen As a daily commuter from Saratoga Springs north on Redwood Road I'm concerned that the current improvements aren't what is actually needed to resolve the horrible congestion we face every morning and evening. From my observations not that many people go up Redwood and turn on 2100 N., but many more continue north on Redwood up to Porter Rockwell and get onto Mountain View. What we need to seriously resolve the congestion on Redwood is for Mountain View to connect the whole way through from 2100 N. to Porter Rockwell. What is the timeline UDOT has for starting this segment, and who can we put pressure on to speed that up?</p>	<p>Thank you for the comment. The MVC segment between 2100 North and Porter Rockwell is currently unfunded but is on Phase 1 (2019 to 2030) of the WFRS 2019 to 2050 RTP. This portion of MVC will be constructed when funding is obtained.</p>	
13.	<p>Lawrence DuShane I believe I've lost faith in UTA due to deaths on TRAX and mis-management (corruption?) by administration. We routinely count people on TRAX and they go through the intersection v. people sitting in cars waiting for TRAX. Significantly more people idling their cars waiting for TRAX. Above-ground commuter rail and supporting bus routes will not significantly improve traffic congestion. I think successful models demonstrate that these must go underground. The MVC is already a log jam just as Bangerter is. Please just build the MVC freeway and stop the insanity of building MVC as Bangerter version 1/2. Respectfully, South Jordan resident</p>	<p>Thank you for the comment. UDOT and UTA are working to identify and construct cost-effective multi-modal transportation solutions. MVC is planned to be a freeway after all three phases are completed.</p>	

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14.	<p>Cuong Nguyen</p> <p>It is with such relieve that the State is finally bringing services to the most needed community. West Valley City in general, and particularly on the West side community reside some of the most social/economic challenge residents and public transportation is most needed, yet the State, county, and local government have forgotten this community until now. For this proposal of transit, in addition to bus stop that is included in the plan UTA should consider adding a bus stop at 3100 south. This is the center location of residents on east of 5600 West and west of the new Mountain View Corridor. It is at the center of the shopping as well as the recreational center. By adding a stop on 3100 South, it allows residents in the area to have more options, easy access, and shorter distance to walk to a bus stop. Bus is not only necessary and greatly needed in this community, it also should be convenient so it encourage more usage. The use of public transportation is convenience and easy access. While I don't see the bus schedule, I encourage UTA to strongly consider more frequent bus and run late. This allows for more access and convenient, especially families who have to work long hours and only have a weekend to travel and get into the city. The late schedule allow for more time to go into the city and have enough time to enjoy without worry lack of transportation to go home. In addition, the weekend schedule should be run at regular or even more frequent so to provide family easy access to public transportation, encourage greater use and for family to enjoy life by going into the city using public transportation if they are reliable and not to waste so much time on walking to and waiting for buses. Finally, why not expand the light rail from Fairbourne station to 5600 West and further west to Magna? West Valley City is the 2nd largest city in the State, yet has shorter light rail line than other city. Why? Why spend millions of dollars connect the S line, and now in the process of having a 2nd line while West Valley and the population on further west of the city has the most need yet has limited access to these services. In my view, the UTA and the public transportation has not done its job and serve its purpose to extent possible. I strongly encourage the UTA to explore and expand the public transportation, especially light right into the community that need it the most: West Valley City and further west. I appreciate you reading these comments and I look forward to further development and put these plan to help the community that needed the most services. Thanks, Cuong</p>	<p>Thank you for the comment.</p> <p>Additional bus stops may be evaluated through planning with UTA and Local Government Partners following the UTA Station Addition Policy and UTA's Innovative Mobility Program.</p> <p>The Express Bus is planned to have 15-minute headways during weekday peak hours, 30-minute headways during weekday nonpeak hours, and 60-minute headways during weekday nighttime hours. UTA transit planners will determine the hours of service and final decision on headways for the express bus.</p> <p>Wasatch Front Regional Council and UTA considered the extension of the TRAX Green Line to 5600 West. At this time, a TRAX extension of this line is not in the Long Range Plan, due to cost and low projected ridership numbers. The 2050 Regional Transportation Plan identifies a BRT project in Phase 2 of the plan which upgrades the MAX line as the extension of the Green Line.</p>	

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15.	<p>Jason Shattuck I am looking at the proposed bus stops, and I see a stop at California Street, which there are a lot of business down that street. Then the next stop isn't until the international center. Why is that? I work on 5600 w 300 s, and there are a ton of people that work in the area. A stop at 300 s would be a huge benefit. I know that I would ride the bus if it stopped at 300 s. please consider adding a stop there to benefit the many that work in this area.</p>	<p>Additional bus stops may be evaluated through planning with UTA and Local Government Partners following the UTA Station Addition Policy and UTA's Innovative Mobility Program.</p>	
16.	<p>Linda Hansen Hi all- As an advocate for those with disabilities, I have expressed the necessity of putting a stop at 3100 S. Where are you moving people to? Some people would just like to be able to access shopping at a store. Much of the shopping is at 3100 S and 5600 W. Walmart, Kohl's, Michaels. It's great to move everyone downtown but how about community accessibility for those that live nearby? That would be appreciated. Linda Hansen</p>	<p>Additional bus stops may be evaluated through planning with UTA and Local Government Partners following the UTA Station Addition Policy and UTA's Innovative Mobility Program.</p>	
17.	<p>Wendy Wilson This new plan for Mountain View only eases some of the pain of driving in the Southwest valley of SLC. What about south of Old Bingham Highway? What about the east/west area between the 201 the most southern part of Bangerter? The east/west commute is terrible in that area. I had to go east during the commute yesterday morning. From Mtn. View to Riverton Hospital it should only take a few minutes. It was a good 10 minutes with the traffic. It would have been slower on I3400 S. What is being done to help with east/west traffic in these areas? Send from my iPad</p>	<p>UDOT recognizes that there are many transportation needs in the Salt Lake Valley. The MVC Transit proposal is not intended to solve all transportation needs in southwestern Salt Lake County. Roadway and transit projects are programmed for western Salt Lake County in the 2019-2050 WFRRC Regional Transportation Plan. The RTP can be found at this link: https://wfrfc.org/vision-plans/regional-transportation-plan/2019-2050-regional-transportation-plan/</p>	
18.	<p>Linda Hansen Deseret Industries run by the Church of Jesus Christ of Latter-Day Saints is also on 3100 South and 5600 West. This location gives training and employment to many, many people with disabilities. A bus stop there would help people with disabilities access these essential life skills. Thank you! Linda Hansen</p>	<p>Additional bus stops may be evaluated through planning with UTA and Local Government Partners following the UTA Station Addition Policy and UTA's Innovative Mobility Program.</p>	

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19.	<p>Valerie Otto I strongly support improving public transportation on the west side, I think the express bus sounds like a good idea. It would be ideal if the green line TRAX could be extended to 5600 W too.</p>	<p>Thank you for the comment. Wasatch Front Regional Council and UTA considered the extension of the TRAX Green Line to 5600 West. At this time, a TRAX extension of this line is not in the Long Range Plan, due to cost and low projected ridership numbers. The 2050 Regional Transportation Plan identifies a BRT project in Phase 2 of the plan which upgrades the MAX line as the extension of the Green Line</p>	
20.	<p>Chris Gebhardt In typical UDOT fashion, you are making yet another poor investment in an "express" bus along 5600 West. There is nothing "express" about a bus that stops every 8-10 blocks. It will still take more time to ride this "express" bus than to drive a vehicle directly to the airport or Uber. This will be nothing more than an expensive venture utilized by a very small portion of the population (if any.) I ride FrontRunner every day and was a long time NYC commuter. Mass transit is native to my culture. UDOT has failed at almost every opportunity in Utah to bring true mass transit to the State. From mixing trains and cars with TRAX, making FrontRunner a solely North-South single rail, to having almost no East-West mass transit opportunities, UDOT does not possess the vision, experience, nor insight to truly solve the transportation issues Utah is now facing. This bus route is just another example of failure by a bloated State agency. Chris Gebhardt</p>	<p>Thank you for the comment. UDOT and UTA are working to identify and construct cost-effective multi-modal transportation solutions. As described in the reevaluation, the MVC Refined Selected Alternative's 5600 West express bus ridership is forecasted to be 2,200 to 3,900 riders per day in 2020, which is substantially higher than the 300 to 600 riders per day forecasted for the EIS Selected Alternative's Phase 1 BRT. The 5600 West express bus would have transit priority measures that would allow preference for the bus through signals and in congested areas. The 5600 West express bus would provide a substantial increase in transit service on 5600 West and for western Salt Lake County.</p>	
21.	<p>Phillip Johnson Glad to see the new proposed route on 5600 West, but I'm actually concerned about the lack of East-West routes that go past 5600 West. Will a regular route ever be reinstated on 7800 South? There's a LOT of new housing going up West of the Mountain View Corridor, maybe route 78 could extend farther west.</p>	<p>UDOT recognizes that there are many transportation needs in the Salt Lake Valley. The MVC Transit proposal is not intended to solve all transportation needs in southwestern Salt Lake County. The 2019-2050 WFRRC Regional Transportation Plan does not currently include additional bus routes on 7800 South west of 5600 West in West Jordan. UTA is always evaluating local bus service and may consider improvements to the bus service on 7800 South in the future. The RTP can be found at this link: https://wfrfc.org/vision-plans/regional-transportation-plan/2019-2050-regional-transportation-plan/</p>	

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22.	<p>Shirlene Kohnlein Hello, once again the south end of the valley is left out. This needs to go at least to 13400 South. The majority part of growth on the west side is south of 90th South and yet we have no transit system unless we live on the route between the LDS Riverton Campus and Front Runner. Even then, it's sketchy. I have no way to reach the TRAX station in Daybreak unless I go to Front Runner, take it to South Jordan and catch a bus to Daybreak. It would be faster to ride my bike. If there was a safe route to do it on. I am stuck between Bangerter Highway, 13400 S. and Redwood Road with no safe way to get anywhere. No sidewalk, bike lanes are unsafe with the restriping of Redwood Road between 12600 S and 9000 S. Bus routes are few and far between. Mountain View Corridor is dangerous. Please reconsider and at least try to serve the people who live in the southwest quadrant of the valley. Do Mountain View correct the first time and help us get anywhere. Thank you, Shirlene Kohnlein</p>	<p>UDOT recognizes that there are many transportation needs in the Salt Lake Valley. The MVC Transit proposal is not intended to solve all transportation needs in southwestern Salt Lake County. Many roadway and transit projects are programmed for western Salt Lake County in the 2019-2050 WFRM Regional Transportation Plan. https://wfrf.org/vision-plans/regional-transportation-plan/2019-2050-regional-transportation-plan/</p>	
23.	<p>Scott Lewis The proposed easement along 5600 W and 2700 south is not something I support. As a board member of the HOA that owns this land, the proposed actions greatly affects the value of the land as well as our future development of the land for our community. I am against the proposed re-evaluation and will suggest our board of directors engaged our lawyers to fight this going forward.</p>	<p>Thank you for the comment. UDOT has met with this property owner to discuss the right-of-way and easements needed in this area.</p>	
24.	<p>Bill Baranowski/West Jordan City West Jordan City would like to obtain funding to expand 5600 West south of Dannon Way by at least 10 feet of new right of way to allow for a center turn lane. This section was studied for transit by the City (by Interplan) and the City adopted the wider cross section to allow for more traffic in the future. The city has also adopted the connection of 5600 West into South Jordan by the TRAX station but no funding and little right of way has been preserved to make that possible. Can these important street improvements become part of the Mountain View Transit plan? The intersection of Old Bingham Highway/5600 West is also in need of widening to allow for turning trucks and buses. We are in support of added transit in the City and will help UTA and UDOT to make this possible.</p>	<p>The 5600 West roadway improvements described in this comment are not part of the current MVC Transit proposal and not needed to implement the express bus proposed as part of the Refined Selected Alternative. UDOT encourages West Jordan to work with WFRM to identify funding sources for these projects. UDOT is working to schedule a meeting with West Jordan to review funding options for these desired improvements.</p>	

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25.	<p>Corbin Bennion Mountain View Corridor Team, Have watched the Phase 1 Transit plan on your website and read the newspaper notice. We are the civil engineers on a significant number of industrial projects along the 5600 West corridor between 201 and I-80. Based on the existing and future industrial centers in that area that generate the worker population, it seems that a bus stop should be provided in the 300 South/ 700 South area. There is UPS, Bishops storehouse, RC Willey warehouse, etc. as well numerous other industrial/distribution buildings. Also the worker population center calls for the proposed bus stop at California Ave. to be shifted to 1730 South. Please review where the majority of businesses are located. Thanks, Corbin Bennion, Principal</p>	<p>Additional bus stops may be evaluated through planning with UTA and Local Government Partners following the UTA Station Addition Policy and UTA's Innovative Mobility Program.</p>	
26.	<p>Kathy Van Dame, Policy Coordinator Wasatch Clean Air Coalition</p> <p>Reviewing the document, a few questions came to mind.</p> <p>How will the new Express Bus be funded? The original agreement for BRT was unmet because of funding. Among the purposes of the sequencing was to offer useful transit before habits were set for local traffic on MVC. Environmental benefits were missed in missing the 2015 BRT deadline. We will be missing improvements in transit until the Express Bus is operating.</p> <p>The Express Bus stops on 5600 W are widely spaced. Local riders need service between Express Bus stops. Local riders need access to [for instance] the shopping at 3100 South. How will local bus schedules be integrated with the Express Bus?</p> <p>Thank you for your attention to these comment/questions.</p>	<p>The source of funding for the Express Bus is currently undetermined. UTA, UDOT, and Salt Lake County are discussing options and transit funding sources that could be available for the project.</p> <p>Additional bus stops may be evaluated through planning with UTA and Local Government Partners following the UTA Station Addition Policy and UTA's Innovative Mobility Program.</p> <p>This project allows UTA to better interconnect the east-west transit lines to provide improved local service. Scheduling for the Express Bus will occur at project implementation. The Express Bus scheduling will consider the schedules of connecting/intersecting transit routes and coordinate the Express Bus stops so transfers can be made to connecting transit routes while minimizing delays during the connections.</p>	

Revised Record of Decision

of the
Environmental Impact Statement

Mountain View Corridor Project in
Salt Lake and Utah Counties

by Utah Department of Transportation



UDOT Project No SP-067(3)0

January 9, 2020

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1.0 Decision

The original Record of Decision (ROD) for the Mountain View Corridor (MVC) Project was signed on November 17, 2008. The overall Selected Alternative in the 2008 ROD included both a roadway alternative (the 5800 West Freeway Alternative) and a transit alternative (the 5600 West Transit Alternative with Dedicated Right-of-Way Option). Since the original ROD was issued, this overall Selected Alternative has been refined and is referred to as the Refined Selected Alternative.

The 2008 ROD committed to a phased implementation approach for Selected Alternative. The roadway component and the transit component of the Selected Alternative each consisted of three phases. Under the phased implementation approach as defined in the 2008 ROD, UDOT committed that it would not proceed with Phase 2 of the roadway component (except in a few defined areas) until Phase 1 of the transit component was complete and in revenue operation.

This Revised ROD documents the Utah Department of Transportation's (UDOT) decision to approve the Refined Selected Alternative as the selected alternative for the MVC Project located in Salt Lake and Utah Counties, Utah. This Revised ROD approves the Refined Selected Alternative as described in the Environmental Impact Statement (EIS) Re-evaluation signed by UDOT on August 26, 2019. This ROD revises Phase 1 of the transit component of the Selected Alternative (the 5600 West Transit Alternative with Dedicated Right-of-Way Option) as described in the 2008 ROD (see Figure 1).

As described in 2008 ROD, the Phase 1 transit system would have involved implementing a Bus Rapid Transit (BRT) on a five-mile section of 5600 West. In Phase 2, the BRT system would have been extended to a longer section of 5600 West, and in Phase 3, it would have been converted to light rail transit (LRT) in that corridor. The plan for BRT and ultimately LRT service along 5600 West was based on the assumption that local governments would implement transit-oriented land use along that corridor in accordance with the Growth Choices Vision, a planning document that had been developed in conjunction with the environmental review process for the Mountain View Corridor project.

After the 2008 ROD was issued, UDOT worked cooperatively with the Utah Transit Authority (UTA) to explore implementing a bus rapid transit (BRT) system on 5600 West as envisioned in the 5600 West Transit Alternative with Dedicated Right-of-Way Option. Ultimately, UTA made the decision not to proceed with BRT service on 5600 West, due to the funding constraints as well as local governments' decision not to adopt transit-oriented land use along 5600 West. When it became clear that Phase 1 transit as defined in the 2008 ROD would not be implemented, UDOT initiated a process to consider changing the Phase 1 transit to reflect current land use conditions and travel demand and UTA's funding constraints and priorities. That effort culminated in the 2019 EIS Re-Evaluation, which evaluated the Refined Selected Alternative with a modified Phase 1 transit component.



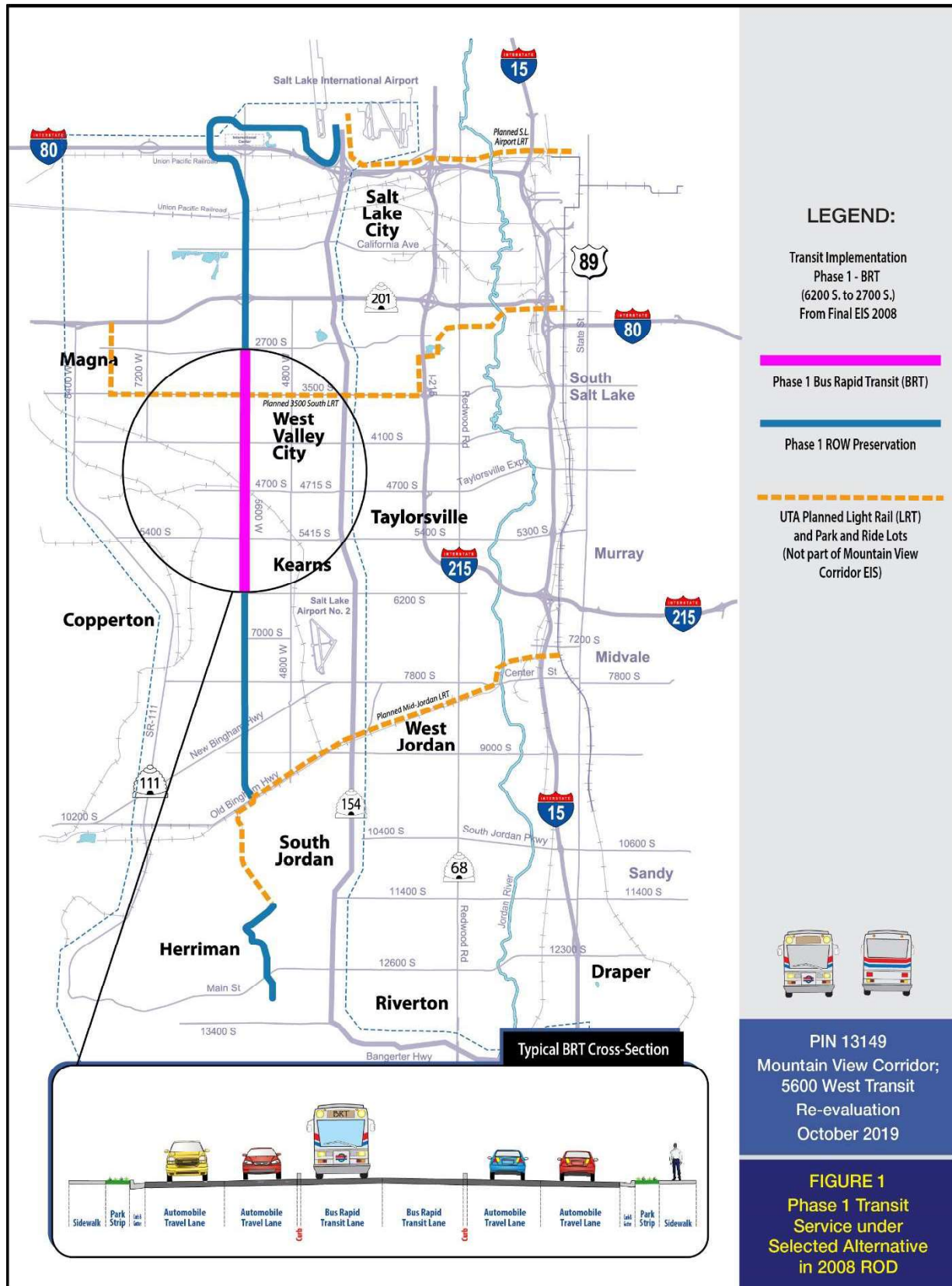
The decision to approve the Refined Selected Alternative for the MVC Project is based on UDOT's review of the entire record including the 2008 MVC Final EIS and the 2019 EIS Re-evaluation as well as technical reports, correspondence, and other information developed as part of the environmental review process for the project.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this action are being, or have been, carried out by UDOT pursuant to 23 United States Code Section 327 and a Memorandum of Understanding (MOU) dated January 17, 2017, and executed by the Federal Highway Administration (FHWA) and UDOT. This Revised ROD is being processed in accordance with this agreement, and UDOT is the agency responsible for approving the Revised ROD. Under the assignment MOU, UDOT is responsible for conducting any additional environmental review that is required for projects that were approved by FHWA prior to execution of the assignment MOU.





Figure 1. Phase 1 Transit Service under Selected Alternative in 2008 ROD





The Selected Alternative and Section 2.3, Project Implementation, identified in the 2008 ROD have been modified as follows.

Refined Selected Alternative for Phase 1 Transit Implementation

To better meet public transit needs in the project study area, while allowing UDOT to proceed to Phase 2 construction of the roadway component of the 2008 Selected Alternative (the 5800 West Freeway Alternative), the Refined Selected Alternative modifies Phase 1 of the transit component of the 2008 Selected Alternative (5600 West Transit Alternative with Dedicated Right-of-Way Option). Instead of BRT service, the Phase 1 transit service would include Express Bus transit service over a longer (29-mile) corridor as follows:

- Construction of Express Bus transit service from the Old Bingham Highway TRAX station following 5600 West to downtown Salt Lake City including service to the Salt Lake City International Airport (see Figure 2).
- The service would include queue-jumping, shoulder operation, or other options to improve the efficiency of the bus service (see Figure 3).
- The service would include enhanced stops with associated park-and-ride lots on 5600 West. Enhanced stops along 5600 West would include shelters, benches, lighting, and reader boards for bus arrival times.
- UDOT would acquire the necessary right-of-way for the service as required for Phase 1 transit to be in revenue operation.
- UDOT would implement a public involvement program at the start of the service to promote and educate the public on its use.
- Funding for the service would come from UDOT, the Utah Transit Authority (UTA), and other available sources.

Figure 2 provides an overview of the 5600 West Express Bus service for the Refined Selected Alternative.





Figure 2. Phase 1 Transit Service under the Refined Selected Alternative in the 2019 EIS Re-evaluation

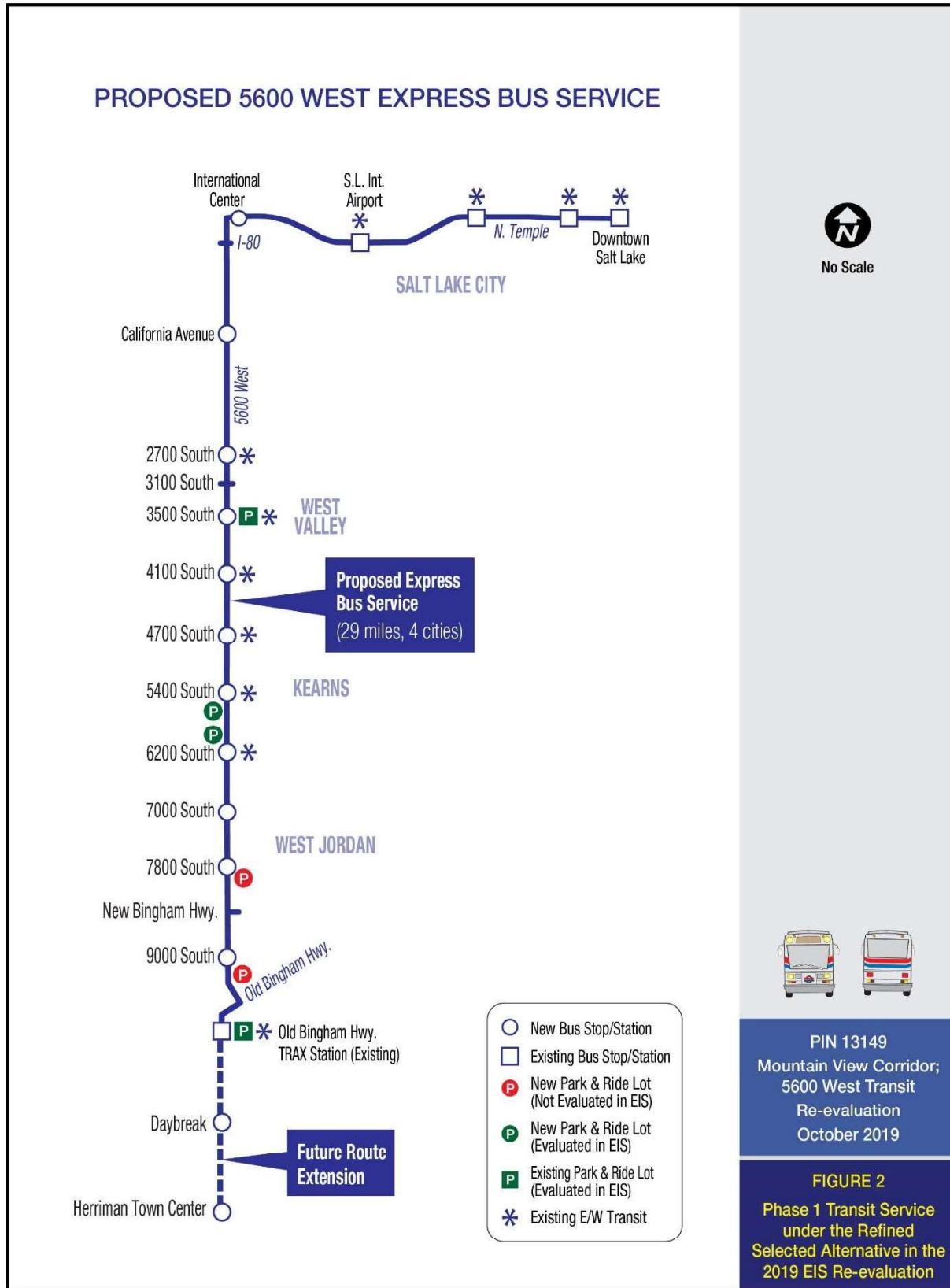
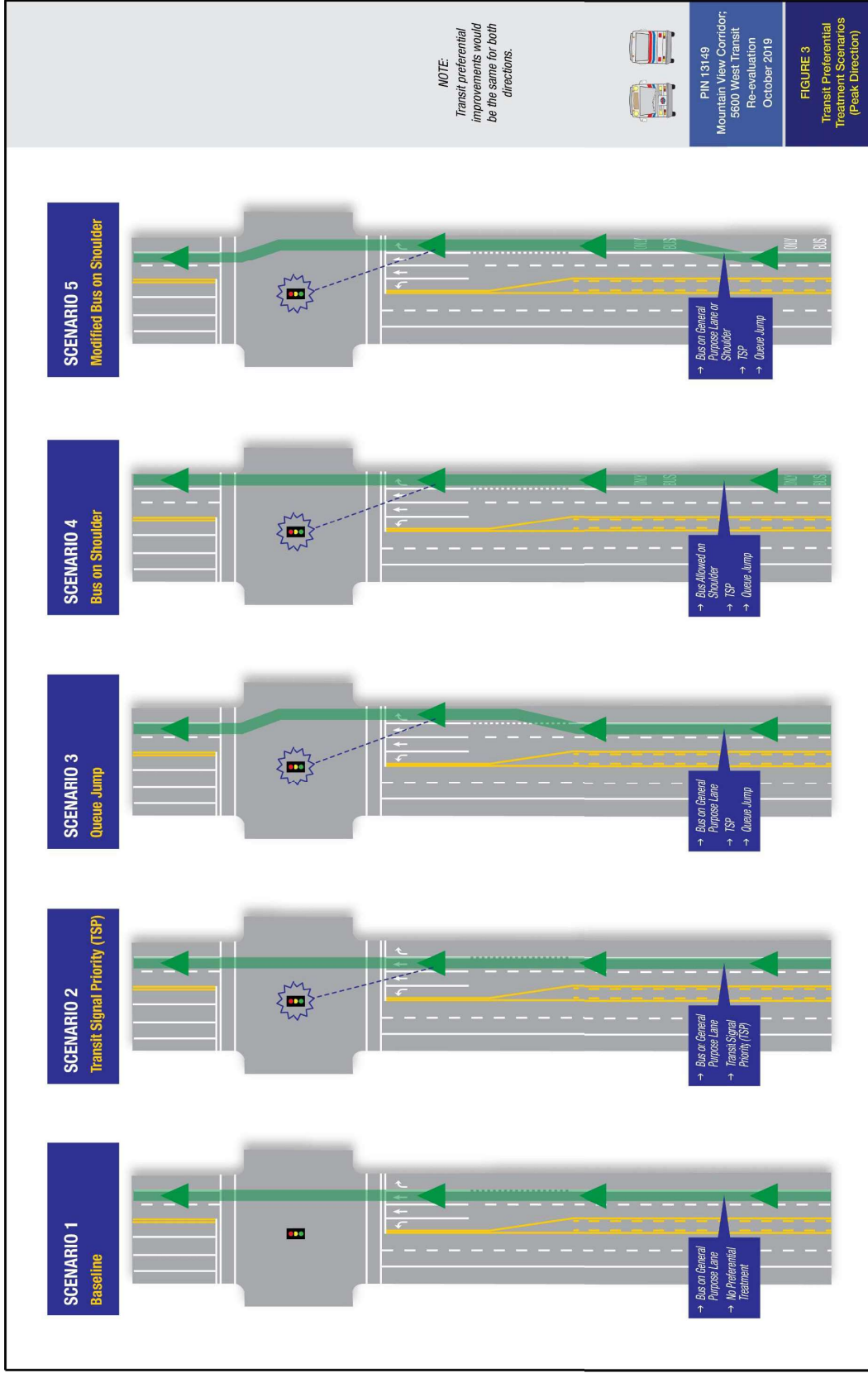


Figure 3. Transit Preferential Treatment Scenarios as Part of Phase 1 Transit Service with the Refined Selected Alternative in the 2019 EIS Re-evaluation



2.0 Refined Selected Alternative Background and EIS Re-evaluation Process

The Refined Selected Alternative includes changes to the Selected Alternative's transit components, namely implementing Express Bus service instead of BRT in Phase 1.

The 2008 ROD was conditioned upon UDOT's compliance with the phased approach to implementing the roadway and transit components of the project as described in Chapter 36, Project Implementation (Phasing), of the Final EIS. The ROD authorized UDOT to proceed with construction of Phase 1 of the roadway immediately, along with right-of-way acquisition for all three phases of the roadway, but conditioned Phase 2 (except in a few limited areas) on implementation of the Phase 1 transit service.¹ The ROD did not authorize construction of Phase 3 of the roadway. The ROD stated that, before Phase 3 could be constructed, an additional ROD and potentially additional National Environmental Policy Act (NEPA) review would be required.

The 2008 ROD's Selected Alternative proposed that transit would be constructed in three phases. As described in the Final EIS and the 2008 ROD, the transit system would have started as BRT in Phase 1 and would have been converted to rail transit in Phase 3. Figure 1 shows the proposed 5-mile transit alignment on 5600 West for Phase 1. Figure 1 also shows the entire Phase 3 transit build-out that was analyzed in the Final EIS (shown as Phase 1 right-of-way preservation).

Table 1 describes the transit elements of the 2008 ROD's Selected Alternative and compares them with the Refined Selected Alternative's Phase 1 transit elements that were evaluated in the EIS Re-evaluation.

¹ See 2008 ROD, p. 19 ("UDOT will not initiate construction of Phase 2 of the roadway until after Phase 1 of transit is in revenue operation, except as follows: UDOT may initiate construction of interchanges on the roadway south of 10200 South if either of the following conditions is met: (1) Phase 1 of transit is in revenue operation, or (2) Phase 1 of the roadway has been completed from 10200 South to the Utah County border and the Mid-Jordan TRAX line is in revenue operation.").

**Table 1. Summary of Transit Phase 1 Changes in Implementation in the EIS Re-evaluation**

	Phased Transit Implementation for the 2008 ROD's Selected Alternative	Phased Transit Implementation for the Refined Selected Alternative
Phase 1	<p>Transit Implementation</p> <ul style="list-style-type: none"> • UTA will take all actions necessary to (1) complete Phase 1 of the 5600 West Transit Alternative with Dedicated Right-of-Way Option and begin revenue operation by December 31, 2015, and (2) complete Phase 2 of that alternative and begin revenue operation of that phase by December 31, 2025. • UTA will construct BRT in a fixed guideway (Type 3 BRT) along 5600 West from 2700 South to 6200 South. As part of Phase 1 activities, UTA also will acquire the necessary right-of-way to construct a fixed-guideway transit system along 5600 West from 11800 South to I-80 and along I-80 from 5600 West to the Salt Lake City International Airport. 	<p>Transit Implementation</p> <ul style="list-style-type: none"> • Phase 1 transit will include Express Bus transit service along the existing 5600 West and North Temple roadway travel lanes from the Old Bingham Highway TRAX station to downtown Salt Lake City.

The transit improvements associated with the 2008 ROD's Selected Alternative included constructing a fixed-guideway transit facility (initially, BRT, and subsequently, LRT) on the existing 5600 West arterial road in Salt Lake County from Herriman to the location where the alignment left 5600 West at the existing railroad crossing north of 700 South and crossed under I-80 at the existing railroad crossing. After crossing under I-80, the alignment turned east along Amelia Earhart Drive. The fixed guideway consisted of an area in the center of the roadway dedicated solely for the use of transit vehicles, with street traffic using general-purpose lanes on the outside of the roadway. Transit stations would have been located in the roadway median. The transit improvements included in the 2008 ROD's Selected Alternative were under the authority of UTA and did not require FHWA's approval.

UDOT started construction of the MVC roadway component of the 2008 ROD's Selected Alternative in 2010 and is in the process of completing Phase 1 of the roadway project. However, UTA has not implemented the Phase 1 transit improvements of the 2008 ROD's Selected Alternative because (1) the funding is not available and (2) the local municipalities have not implemented the transit-supportive land use that would be consistent with the MVC Growth Choices process approved by the Cities.

Under the 2008 ROD, for UDOT to move into Phase 2 of the roadway component north of 10200 South, Phase 1 of the transit component was required to be in revenue operation (anticipated by 2015 in the ROD).² Because Phase 1 transit (BRT service on 5600 West) is not in revenue operation and there is no realistic expectation that UTA will implement BRT service on 5600 West in the foreseeable future, UDOT and UTA developed a Refined

² See 2008 ROD, p. 19 ("UDOT will not initiate construction of Phase 2 of the roadway until after Phase 1 of transit is in revenue operation, except as follows: UDOT may initiate construction of interchanges on the roadway south of 10200 South if either of the following conditions is met: (1) Phase 1 of transit is in revenue operation, or (2) Phase 1 of the roadway has been completed from 10200 South to the Utah County border and the Mid-Jordan TRAX line is in revenue operation.").



Selected Alternative for Phase 1 transit implementation that addresses the MVC's purpose and provides improved transit mobility compared to Phase 1 of the 2008 ROD's Selected Alternative (see Table 1 above).

Phase 2 and 3 transit and project implementation will be addressed after the Phase 1 elements are fully implemented; they were not part of the EIS Re-evaluation.

Review of and Public Comments on the EIS Re-evaluation

The Refined Selected Alternative's changes to the Phase 1 transit elements of the 2008 ROD's Selected Alternative were developed in consultation with UTA, affected Cities, and other stakeholders.

A 30-day public review and comment period on the EIS Re-evaluation for the Refined Selected Alternative's proposed changes to the Phase 1 transit elements of the 2008 ROD's Selected Alternative was provided from April 17 to May 16, 2019. This public review included placing the EIS Re-evaluation document on the project website for comment and review, issuing a notice in local newspapers regarding the EIS Re-evaluation, and notifying parties who previously expressed an interest in the MVC Project.

During the 30-day public review and comment period, UDOT received 26 comments. The comments included support for the changes to Phase 1 transit, opposition to transit projects, requests for additional stops on the Phase 1 transit's Express Bus, requests for additional transit improvements or other transit projects, and questions about the Phase 1 transit's Express Bus.

Approval of the EIS Re-evaluation

The EIS Re-evaluation was signed by UDOT on August 26, 2019. The EIS Re-evaluation document and the comments received during the public comment period are available on the project website at <http://www.udot.utah.gov/mountainview>.

3.0 Statute of Limitations

On behalf of UDOT, FHWA will publish a notice in the Federal Register, pursuant to 23 United States Code Section 139(1), stating that one or more federal agencies have taken final action on permits, licenses, or approvals for this transportation project. After the notice is published, claims seeking judicial review of those federal agency actions will be barred unless such claims are filed within 150 days after the publication date of the notice, or within such shorter time period as is specified in the federal laws pursuant to which judicial review of the federal action is allowed.



4.0 Conclusion

UDOT has determined that the Refined Selected Alternative best meets the transportation needs for the traveling public while effectively considering environmental, safety, and socioeconomic factors. This decision is based on the MVC EIS Re-evaluation approved on August 26, 2019, and the entire MVC Project record. In addition, for the reasons stated in the EIS Re-evaluation, UDOT has determined that the changes approved in the Revised ROD do not require preparation of a supplemental EIS.

In reaching our decision, UDOT has considered all of the issues raised in the record including the information contained in the Draft and Final EISs and the EIS Re-evaluation. Based on the analysis and evaluation and after careful consideration of the input from the public involvement process, UDOT approves the selection of the Refined Selected Alternative.

Date:

01/15/2020

Original signed by:



TeriAnne Newell, Deputy Director
Utah Department of Transportation

Exhibit E: Preliminary Cost Estimate

Preliminary Capital 2024 Cost Estimate: \$35.1M to \$45.1M

Maintenance Costs: \$4.2M - 5M per year

\$35.1M Cost Estimate - WSP

	Qty	Unit	Cost	Total
Buses	18	each	\$ 650,000	\$ 11,700,000
Roadway/Stations	1	total	\$ 2,400,000	\$ 2,400,000
Airport/Downtown Improvements	1	lump	\$ 500,000	\$ 500,000
ROW for stations/parking	1	total	\$ 2,200,000	\$ 2,200,000
Park N Rides	300	stalls	\$ 6,000	\$ 1,800,000
Design/Construction PE/CE (20% of construction)	1	lump	\$ 940,000	\$ 940,000
UTA OH	1	lump	\$ 500,000	\$ 500,000
Subtotal				\$ 20,040,000
Contingency	30%			\$ 6,012,000
Subtotal				\$ 26,052,000
Maintenance Facility Upgrade				\$ 3,600,000
Total				\$ 29,652,000
Inflation to 2020	3.5%			\$ 30,563,820.00
Inflation to 2021	3.5%			\$ 31,633,553.70
Inflation to 2022	3.5%			\$ 32,740,728.08
Inflation to 2023	3.5%			\$ 33,886,653.56
Inflation to 2024	3.5%			\$ 35,072,686.44

	Bus Shelter					Bus Pullout							Queue Jump							Priority	Other	Other	
	Concrete Pad for Station	Excavation	Untreated Base Course	UTA Shelter	Sidewalk	Demo Pavement, C&G, Sidewalk	Sidewalk/Parkstrip	Excavation	Untreated Base Course	Granular Borrow	HMA	Curb and Gutter	Demo Pavement, C&G, Sidewalk	Sidewalk/Parkstrip	Excavation	Untreated Base Course	Granular Borrow	HMA	Curb and Gutter	Signal Priority Upgrade	Restroom	Parking Lot	
	SQ FT	CU YD	CU YD	EA	SQ FT	SQ FT	SQ FT	CU YD	CU YD	CU YD	SQ FT	LN FT	SQ FT	SQ FT	CU YD	CU YD	CU YD	SQ FT	LN FT	Each	Lump	SQ FT	
Old Bingham Hwy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
9000 S	1,120	63.7	20.74	2	600	-	-	-	-	-	-	-	500	-	33.33	9.26	13.89	500	50	1	-	32,800	
New Bingham Hwy	-	-	-	-	-	-	-	-	-	-	-	-	500	2,200	226.67	62.96	94.44	3,400	420	1	-	-	
7800 S	1,120	40.7	20.74	2	1,100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	60,200	
7000 S	1,120	52.4	20.74	-	800	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	
6200 S	1,120	20.7	20.74	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	74,100	
5400 S	1,120	31.1	20.74	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	93,100	
4700 S	1,120	11.1	20.74	2	300	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	
4100 S	1,120	20.7	20.74	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	
3500 S	1,120	39.3	20.74	2	500	500	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	
3100 S	-	-	-	-	-	-	-	-	-	-	-	-	900	-	173.33	48.15	72.22	2,600	460	1	-	-	
2700 S	1,120	-	20.74	2	-	900	2,000	214.07	38.89	58.33	2,100	340	-	-	-	-	-	-	-	1	-	-	
California Ave	1,120	-	20.74	2	-	800	1,800	133.33	18.52	27.78	1,000	290	-	-	-	-	-	-	-	1	-	-	
Amelia Earhart Dr	1,120	37.0	20.74	2	1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Totals	12,320	316.9	228	20	4,300	2,200	3,800	347	57	86	3,100	630	1,900	2,200	433	120	181	6,500	930	12	1	260,200	
Estimated Cost	\$ 6	\$ 20	\$ 40	\$ 50,000	\$ 6	\$ 12	\$ 6	\$ 20	\$ 40	\$ 30	\$ 4.50	\$ 24	\$ 12	\$ 6	\$ 20	\$ 40	\$ 30	\$ 4.50	\$ 24	\$ 50,000	\$ 35,000	\$ 12	
Primary Construction Items	\$ 73,920	\$ 6,338	\$ 9,126	\$ 1,000,000	\$ 25,800	\$ 26,400	\$ 22,800	\$ 6,948	\$ 2,296	\$ 2,583	\$ 13,950	\$15,120	\$ 22,800	\$ 13,200	\$ 8,667	\$ 4,815	\$ 5,417	\$ 29,250	\$ 22,320	\$ 600,000	\$ 35,000	\$ 3,122,400	

Primary Construction Items*		\$ 1,946,750
Mobilization	10%	\$ 194,675
Traffic Control	3%	\$ 58,402
Misc Utilities	5%	\$ 97,337
Misc Drainage	5%	\$ 97,337
Subtotal Construction Items*		\$ 2,394,502
Rounded Construction Cost*		\$ 2,400,000

* Parking Lots under separate subtotal

Assumptions	Unit	Quantity
Roadway Excavation Depth	FT	1.8
Sidewalk Excavation Depth	FT	1
Bus Shelter Excavation Depth	FT	1
Pavement Section		
HMA depth	FT	0.55
Untreated Base Course Depth	FT	0.5
Granular Borrow Depth	FT	0.75
Bus Shelter Concrete Depth		
Bus Shelter Concrete Depth	FT	0.5
Bus Shelter UTBC Depth	FT	0.5
Sidewalk rounded to nearest 100sqft		
Curb & Gutter rounded to nearest 10ft		
Flatwork Demo to nearest 100sf		
UTBC included in price under sidewalk/curb/gutter		
HMA roundup to nearest 100sqft		

\$45.3M Cost Estimate – UTA

Mountain View Corridor Transit project bud.			
	Quantity	Cost per	Total
Buses	18	\$ 650,000	\$ 11,700,000
Stations	39	\$ 250,000	\$ 9,750,000
Maintenance facility	1	\$ 3,000,000	\$ 3,000,000
Park and ride stalls	500	6000	\$ 3,000,000
Design			\$ 3,294,000
UTA overhead			\$ 500,000
Subtotal			\$ 31,244,000
Contingency			\$ 7,811,000.00
Total			\$ 39,055,000.00
Inflation to 2024			\$ 45,275,448.97

Maintenance Cost Estimate - \$4.2M to \$5M per year – UTA

- Scenarios costed for service on 5600 West. UTA has a 30 minute service in its 5 year service plan so the operational cost would be the difference from going to 15 minutes from 30 minutes.

UTA costs extrapolated to 2023:

- \$8.77 per revenue mile
- \$53,000 annual depreciation per vehicle

Level of Service	Vehicles	Annual O&M Cost (Remix)
30-min	8	\$7.11 million
15-min peak; 30-min off-peak	16	\$11.3 million
10-min peak; 30-min off-peak	24	\$15.4 million
10-min peak; 15-min off-peak	24	\$17.4 million

- \$5M is 10% increase of Salt Lake regional district bus budget

PARTNERING AGREEMENT
BETWEEN
UTAH DEPARTMENT OF TRANSPORTATION
AND
UTAH TRANSIT AUTHORITY

THIS MEMORANDUM OF AGREEMENT (the “Agreement”) is made and entered into as of the ____ day of _____ 2015 (the “Effective Date”), by and between the UTAH DEPARTMENT OF TRANSPORTATION, an agency of the State of Utah, (hereinafter “UDOT”) and UTAH TRANSIT AUTHORITY, a public transit district organized pursuant to the laws of the State of Utah (hereinafter “UTA”). UTA and UDOT may be referred to hereafter as an Agency or Agencies, as the context requires.

RECITALS

WHEREAS, UTA and UDOT each play an important role in planning, building, and maintaining the state transportation system; and

WHEREAS, UTA and UDOT desire to enter into this Agreement to better define how they will cooperate and coordinate their respective activities in order to better fulfill their respective roles with respect to the state transportation system.

AGREEMENT

NOW THEREFORE, on the stated Recitals, which are incorporated herein by reference, and for and in consideration of the mutual covenants and agreements hereinafter set forth, the mutual benefits to the Agencies to be derived herefrom, and for other valuable consideration, the receipt and sufficiency of which the Agencies acknowledge, it is hereby agreed as follows:

ARTICLE I — PARTNERING

The Agencies recognize and agree that while they have different responsibilities with respect to the state transportation system, they share the common goal of providing a safe, efficient, and effective transportation system for the traveling public. UTA and UDOT have different statutory mandates, different funding sources, and different regulatory oversight. These differences lead to different priorities and different constraints, which at times may result in issues, disputes and conflicts between the Agencies. The Agencies hereby agree to treat each other as partners in their common goals with respect to the state transportation system, to

accommodate each other's needs when possible, and to cooperate to reduce the overall cost of providing transportation services to the public.

ARTICLE II — ISSUE RESOLUTION

A. **Issue Resolution Process.** Issues between the Agencies may arise from time to time, in a variety of contexts. Commonly, issues arise when one Agency is planning or delivering a project that impacts the other Agency's property or system, or when one Agency needs to perform maintenance activities near the other Agency's system or facilities. But issues may arise in other areas as well. An "issue" may consist of a difference of opinion between UTA and UDOT employees; a request from one agency to the other to modify or waive a standard rule, policy, or practice; or simply a question as to how to address an interface between the Agencies.

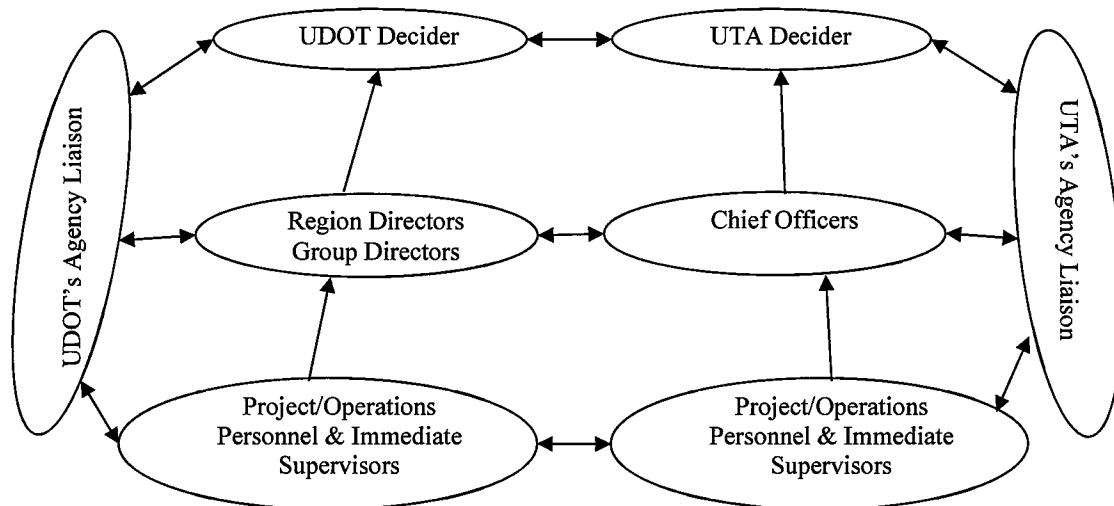
Once an issue is identified, it shall be resolved through the following process:

1) **First Level.** Because issues may arise in different contexts, the first level in the Issue Resolution process will involve different UTA and UDOT personnel depending on the specific issue. Whenever a UTA and UDOT employee identify an issue that they are unable to resolve between themselves, they should consult with their immediate supervisors or managers as soon as reasonably possible, and the supervisors or managers should notify their respective Agency Liaisons of the issue. The supervisors or managers from the respective agencies should discuss the issue and attempt to arrive at a resolution, in coordination with the Agency Liaisons.

2) **Second Level.** Issues that are not resolved at the first level should be promptly escalated to the second level, which consists of the applicable Chief Officer at UTA and the applicable Region or Group Director at UDOT, each of whom shall have authority to bind their respective agency. The Agency Liaisons shall remain involved in the discussions.

3) **Third Level.** Any issues unresolved at the second level in the Issue Resolution process should be promptly escalated to the third and final level, which consists of the UTA Decider and the UDOT Decider. The Agency Liaisons shall remain involved in the discussions. The Deciders shall have the authority to bind their respective agencies.

The Issue Resolution process is summarized in graphical format below:



B. Resolving Issues Efficiently. At all levels of the Issue Resolution process, UTA and UDOT personnel shall work together in good faith to resolve the issue in as efficient a manner as possible by adhering to the following practices:

1) Assemble Information. Assemble all the facts about the issue. Obtain copies of relevant agreements, maps, drawings, etc. that relate to the issue. Consult with people at the agency to understand their positions, perspectives, and constraints. If someone says that something cannot be done, find out why.

2) Understand the Other Side's Perspective. Understand the position and perspective of the other agency, and pass that understanding along to others involved in the Issue Resolution process, specifically including the Agency Liaison. Clearly communicate your agency's position to the other agency.

3) Act with Appropriate Diligence. Understand the level of importance of the issue to both agencies. Identify relevant deadlines, time periods, windows of opportunity, etc. If the issue is urgent for one Agency, it should be deemed urgent for both Agencies.

4) Don't Hold Hostages. Do not use one issue as leverage to secure advantage on another issue. For example, don't withhold approval of one agreement in an attempt to secure approval by the other Agency on another agreement. Evaluate each issue on its own merits.

5) Put it in Writing. Document the resolution of each issue, and make sure all parties understand and agree to the resolution as described. The purpose is not so much to make a formal legal agreement (though that may be warranted in some cases), as to make sure that everyone is on the same page.

C. **Resolving Issues Fairly.** At all levels of the Issue Resolution process, UTA and UDOT personnel shall work together in good faith to resolve issues in as fair a manner as possible by adhering to the partnering principles described above.

D. **Role of Agency Liaisons.** The Agency Liaisons shall act as a clearinghouse for all issues between the Agencies; regardless of where the issue arose or who addressed it previously, the Liaisons should be made aware of all issues and involved in the resolution process. The Liaisons shall meet on a monthly basis, if required (or sooner if necessary) to discuss and attempt to resolve issues between the Agencies.

E. **Identifying Roles.** The current UTA and UDOT Deciders, and the current UTA and UDOT Liaisons are identified in Exhibit A hereto, and may be changed from time to time by written notice to the other Agency. Upon such a change, the Liaisons, with the assistance of legal counsel, shall prepare an updated Exhibit A for execution by the Deciders.

ARTICLE III — PROJECT IMPACTS

A. **Project Impacts Defined.** A “Project Impact,” as the term is used here, means an impact to the facilities, property, or system of one Agency (the “Impacted Agency”), caused by a new project, operational change, or other action undertaken by the other agency (“the Impacting Agency”). A common Project Impact is the need to construct facilities on, or otherwise use or occupy property that is owned by the other agency, such as when UDOT is constructing or widening a roadway across, over, or along a UTA right-of-way, or when UTA is constructing a fixed guideway across, over, or along a UDOT right-of-way.

B. **Avoiding and Minimizing Project Impacts.** The Agencies will each endeavor to design their new projects in such a way as to avoid the property and facilities of the other Agency whenever reasonably possible, and to minimize the impact to the property and facilities of the other agency to the extent reasonably possible. Whenever an Agency anticipates the need to construct a facility or otherwise use or occupy the property of the other Agency, the Agencies shall meet as early in the planning, environmental or design phase as is reasonably practicable in order to discuss design concepts and identify Project Impacts. Design of such projects shall be coordinated by the Agencies in an effort to balance factors such as: safety, cost of the project, cost and safety of maintenance of the project, the need for acquisition of private property, capacity and efficiency of each Agency’s system, and reasonably foreseeable future need for the property by the Impacted Agency.

C. **Accommodating Project Impacts.** Some project impacts, such as new highway/railway crossings, are unavoidable as each Agency builds out its system. The Agencies mutually agree to accept and accommodate unavoidable Project Impacts.

Other impacts, such as encroachments into the other agency’s right-of-way, may be avoidable only at great cost. In the interest of reducing as much as possible the overall cost of providing transportation services to the public, the Agencies mutually agree to accept such impacts to their respective property and facilities whenever reasonably possible. By way of

example only, if one Agency can avoid building a \$1,000,000 retaining wall by extending a fill slope onto property owned by the other Agency that is only worth \$10,000, that is an impact that should usually be accepted and accommodated by the Impacted Agency.

Notwithstanding the foregoing, the Agencies understand and agree that each Agency is subject to specific rules, regulations, and laws pertaining to the use of their property. By way of illustration only, UDOT is required to follow a particular process when adjusting a No Access line, and UTA is typically required to obtain an Incidental Use Permit before allowing third-party use of FTA-funded property. The Agencies agree that neither Agency should be expected to deviate from such rules in order to accommodate the other Agency's project. The Agencies further agree, however, that it is reasonable to expect each other to make good faith efforts – including making inquiries with FHWA, FTA, or other governing authorities about interpretations, exceptions, or variances from applicable rules – in order to better accommodate the other Agency's projects.

D. Paying for Project Impacts. Some Project Impacts have immediate effects, while others might not be an issue until the Impacted Agency expands its system in the future.

1) Current Project Impacts. In general, the Impacting Agency should include in its project, at its cost, whatever features or improvements are made necessary by its Project, as well as whatever features or improvements are reasonably necessary to minimize the impact to the other agency's property and existing system. By way of example only, if a UTA rail project crosses a UDOT roadway, UTA should pay the cost of applicable crossing safety devices such as lights, gates, medians, signage, etc. Conversely, where UDOT crosses an existing UTA rail line with a new roadway, UDOT should bear the costs of the applicable crossing safety devices.

Notwithstanding the foregoing, pursuant to 23 C.F.R. § 646.210, UTA shall share in the cost of grade separation projects that eliminate an existing at-grade crossing at which active warning devices are in place.

2) Future Project Impacts. In addition to (or instead of) Project Impacts that have immediate effects, other Impacts might not be an issue until the Impacted Agency expands its system in the future. For example, UTA may be able to construct a Bus Rapid Transit project in the open median of a UDOT highway with little current impact, but in so doing may impair UDOT's ability to add additional traffic lanes in the future. Conversely, UDOT may be able to construct a new highway at-grade across an inactive UTA rail corridor with little current impact, but in so doing may increase UTA's cost of constructing and operating a rail line in that corridor in the future when the rail corridor becomes active.

In the case of impacts to future projects, the Agencies will draw a distinction between future projects that are on a Metropolitan Planning Organization's financially constrained Long Range Plan (LRP), and those projects that are not on a financially constrained LRP. Such determination will be made as of the time that the current, impacting project is funded.

a. *Projects on a LRP.* The Impacting Agency should be responsible for impacts to future projects that are included on a LRP. For such future costs, the Impacting Agency may either:

- i. Expend funds as part of the current project to avoid future impacts (e.g., building a bridge structure long enough to accommodate a future road or rail widening underneath);
- ii. Agree to remove or alter its facility in the future to eliminate the impact (e.g., promising to lengthen the bridge structure in the future, when the future road or rail widening takes place);
- iii. Agree to pay the Impacted Agency the cost of resolving impacts in the future, when the future project is undertaken by the Impacted Agency (e.g., promising to pay the Impacted Agency to lengthen the bridge in the future, as part of the road or rail widening project); or
- iv. Any combination of the above.

Projects not on a LRP. Projects that fall into this category will be elevated to the Agency Decider of each agency.

E. Agency License Agreements and Project Impacts. If the Project Impact includes the need to construct facilities on, or otherwise use or occupy property that is owned by the other Agency, the Agencies shall address responsibility concerning Project Impacts in an Agency License Agreement in the form attached hereto as Exhibit B. Where the project only has current Project Impacts, no changes or additions need be made to the language of the standard form Agency License Agreement; the features and improvements necessary to address current Project Impacts should be included in the approved design drawings.

Similarly, where the project has future Project Impacts, but the Impacting Agency has elected to address those impacts by designing its current project to avoid those Project Impacts (pursuant to paragraph D.2.a.i, above), no changes or additions need be made to the language of the standard form Agency License Agreement.

Where, however, the Impacting Agency must take action or expend funds in the future in order to address future Project Impacts (whether pursuant to paragraph D.2.a.ii, D.2.a.iii, D.2.a.iv, or D.2.b), the Agencies shall set forth those responsibilities in the Special Conditions section of the Agency License Agreement, along with any other terms particular to the project.

At the option of the Licensee (the Impacting Agency), the Agencies shall execute a recordable Memorandum of Agency License Agreement in the form attached hereto as Exhibit C. The Licensee shall be responsible for preparing legal descriptions and for recording the Memorandum of Agency License Agreement.

If the Project Impact does not involve the need to construct facilities on, or otherwise use or occupy property that is owned by the other Agency, the Agencies shall address responsibility concerning Project Impacts in an agreement prepared with the assistance of Agency counsel.

ARTICLE IV — PROPERTY EXCHANGES

The Agencies frequently need to acquire property — typically small parcels — from each other. In an effort to reduce the accounting paperwork associated with these small transactions, the Agencies hereby establish a ledger of costs attributable to property conveyances (the “Ledger”), to be maintained as described herein.

A. Applicability of Ledger. The Ledger applies only to properties transferred in fee simple from one Agency to the other. The Agencies will not charge each other for permits, licenses, or less-than-fee property transfers (*see* Article VI, *infra*). Only transportation-related assets and improvements are permitted on the Ledger. No single line-item on the Ledger may be for an amount greater than Five Hundred Thousand Dollars (\$500,000).

In extraordinary circumstances, the Ledger may be used to account for costs other than property transactions, such as when one agency performs work for the benefit of the other agency. The Ledger shall not be used for such purpose when the benefitting agency has a funded project to pay for such work.

B. Ledger Entries. For each separate property interest to be conveyed from one agency to the other, the Agency conveying the property interest will prepare a Property Interest Exchange Form, in the form attached as Exhibit D hereto. Upon review and execution by the Agency Liaisons, the property interest will be entered on the Ledger. Each entry on the Ledger shall consist of a description of the property interest conveyed, and the cost attributable to that property interest (including, where applicable, the value of improvements located on such property). Only the Agency Liaisons are authorized to make entries on the Ledger. The Agency Liaisons will meet to discuss each transaction, review supporting documentation, and to approve each entry, and in any event will meet at least annually to review the Ledger.

Each Agency will execute necessary documentation to effect the transfer of the property, including deeds or instruments of conveyance in recordable form.

C. Determining Value. The value of properties greater than \$250,000 will be determined by an independent appraiser mutually acceptable to both Agencies. For properties worth less than \$250,000, the Agencies may agree on a value acceptable to both Agencies; and if no such value can be agreed upon, the property interest will be submitted for independent appraisal as described above. This value will be used on the Ledger.

D. Balancing the Ledger. A running balance will be maintained on the Ledger. It is anticipated that the Ledger will, within the ongoing scope of UDOT and UTA projects, fluctuate in and out of balance. In the event either Agency believes the differential on the Ledger is too great, the Agency Liaisons shall meet and discuss adequate means of bringing the Ledger closer to a balance; this discussion will include a reasonable time frame to bring the balance down. Additionally, either Agency may, by written notice to the other, place a temporary moratorium on any additional items being placed on the side of the Ledger that is currently greater than the other side, until such time as the Ledger has returned closer to balance, at which time the Agency imposing the moratorium will give written notice of the lifting of the moratorium.

E. Adoption of Existing Ledger. The Agencies acknowledge and agree that they have been maintaining a Ledger, as described herein, pursuant to that certain Amendment No. 7 to Cooperative Agreement dated January 25, 2011 (the “Ledger Agreement”). The Agencies hereby adopt the existing Ledger, attached hereto as Exhibit E, and agree to use it as the starting point for the Ledger to be maintained as described herein. This Agreement supersedes and replaces the Ledger Agreement, which is of no further force or effect.

ARTICLE V — EXISTING UNLICENSED FACILITIES

From time to time the Agencies may discover that an existing Agency facility was placed on the property of the other Agency without a formal agreement (or the formal agreement cannot be located), but without objection from the Agency that owns the property. In such cases, at the request of either Agency, the Agency Liaisons shall coordinate with appropriate Agency personnel to facilitate the execution of an Agency License Agreement in order to document permission for the facility to remain in place.

Pending execution of an Agency License Agreement to license the facility, the Agencies shall treat the facility as if it is licensed by, and subject to, an Agency License Agreement in the form attached hereto as Exhibit B. Specifically, the Licensee shall abide by the provisions of the Agency License Agreement regarding limitations on access to the facility for maintenance purposes, and the Licensor shall process requests for Rights of Entry and/or Permits as if an Agency License Agreement were already in place.

ARTICLE VI — FEES

The Agencies agree that they will not charge each other application fees, administrative fees, review fees, permit fees, right-of-entry fees, license fees, or other fees typically assessed against third parties in association with entry or license requests. Notwithstanding the foregoing, the Agencies may (but are not required to) charge each other for actual costs incurred due to the other Agency’s project, such as charging for flagging and contracted inspectors.

ARTICLE VII — REIMBURSEMENT FOR PROJECT WORK

From time to time, one Agency may agree to perform work, through its own forces or through contractors, that is part of the other Agency’s project scope. This may occur, for instance, where the Impacted Agency has particular expertise (or a firm under contract with a particular expertise) with an element of the Impacting Agency’s project, or where the Impacted Agency prefers more direct control over the work on its property or system, or where the work can be performed more efficiently by the Impacted Agency due to project timing or other reasons.

In such cases, the Agencies shall document the Impacted Agency's agreement to perform the work, and the terms on which reimbursement will be made by the Impacting Agency. An example of a simple reimbursement agreement is attached hereto as Exhibit F, but because such agreements may arise in a variety of contexts, the Agencies shall consult with their respective legal counsel to ensure that all applicable requirements are met. Such agreements shall be in compliance with all applicable state and federal law, including regulations governing allowable costs.

One common situation arises when UDOT performs work on, over, or around a UTA-owned rail corridor, and UTA provides flagging services. In such cases, the Agencies may document UDOT's reimbursement obligation as a special condition to the Agency License Agreement (or, if no additional property is being licensed, as a special condition to the Right of Entry) containing an itemized estimate of the costs of flagging services in conformance with 23 CFR Part 140, Subpart I.

ARTICLE VIII — GRADE CROSSINGS

The Agencies recognize and agree that pursuant to Utah Code Ann. § 54-4-14 through 54-4-16, UDOT has certain authority over such matters as the establishment, regulation, installation, maintenance, and operation of public highway-railroad crossings, and apportionment of the costs therefor. UDOT exercises such authority through its Office of the Chief Railroad Engineer. The Agencies agree that the Chief Railroad Engineer shall make decisions on crossing design — such as whether a new crossing should be grade-separated or not — based on considerations of public safety, and without preference for or against UDOT, UTA, or any interested third parties.

ARTICLE IX - MISCELLANEOUS

A. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their officers, employees, representatives, successors and assigns.

B. This Agreement is executed by the parties under current interpretation of any and all applicable federal, state, county, municipal, or other local statutes, ordinances, or laws. Furthermore, each and every separate division hereof shall have independent and severable status from each other division, or combination thereof, for the determination of legality, so that if any separate division herein is determined to be unconstitutional, illegal, violative of trade or commerce, in contravention of public policy, void, invalid or unenforceable for any reason, that separate division shall be treated as a nullity but such holding or determination shall have no effect upon the validity or enforceability of each and every other division, or other combination thereof.

C. All notices, requests, demands and other communications hereunder shall be in writing and shall be deemed given if personally delivered or mailed, certified mail, return receipt

requested, or sent by overnight carrier to the addresses set forth herein. Addresses for notice may be changed by giving ten (10) days written notice of the change in the manner set forth herein.

D. This contract may be terminated without cause by either party, upon sixty (60) days prior written notice being given the other party.

If to UTA:

Utah Transit Authority
Attn: Senior Program Manager/Project Development
669 West 200 South
Salt Lake City, UT 84101

With a Copy to:

Utah Transit Authority
Attn: General Counsel
669 West 200 South
Salt Lake City, UT 84101

If to UDOT:

Utah Department of Transportation
Attention: Statewide Utilities & Railroads Engineer
4501 South 2700 West
Box 148380
Salt Lake City, UT 84114-8380

With a Copy to:

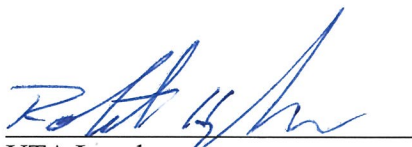
Utah Department of Transportation
Attention: Assistant Attorney General
4501 South 2700 West
Box 141200
Salt Lake City, UT 84114-1200

E. This Agreement shall constitute the entire agreement and understanding of the Agencies with respect to the subject matter hereof, and shall supersede all offers, negotiations and other agreements with respect thereto. Any amendment to this Agreement must be in writing and executed by an authorized representatives of each Agency. This Agreement may be executed in any number of counterparts and by each of the Agencies hereto on separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute but one and the same instrument. Any signature page of this Agreement may be detached from any counterpart and reattached to any other counterpart hereof. The facsimile transmission of a signed original of this Agreement or any counterpart hereof and the retransmission of any signed facsimile transmission hereof shall be the same as delivery of an original.

F. This Agreement shall apply to all future projects. Previous agreements shall remain in effect. The Agencies agree to review and supplement or amend this Agreement as necessary, and further agree to comprehensively review the effectiveness of this Agreement no later than three (3) years from the Effective Date. Such review shall be coordinated by the Agency Liaisons.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed in duplicate as of the Effective Date.

Reviewed and Approved as to Form for
UTA:



UTA Legal
UTA Contract No.: 15-1249

Recommended for Approval:

By: 

Statewide Utilities & Railroads Engineer

Date: 19 May 2015

Approved as to Form:

By: 

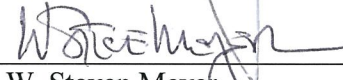
Assistant Attorney General

Date: 5/19/2015

UTAH TRANSIT AUTHORITY

By: 

Michael Allegra
President/CEO

By: 

W. Steven Meyer
Chief Development Officer

**UTAH DEPARTMENT OF
TRANSPORTATION**

By: 

Carlos Braceras
Executive Director

Date: 5/19/15

EXHIBIT A

UDOT/UTA Personnel Chart

As of the execution of this Exhibit A – UDOT/UTA Personnel Chart, the applicable roles are filled by the following people:

UDOT Decider	Shane Marshall	
UTA Decider	Steve Meyer/Jerry Benson	Typically, Steve Meyer will serve as the UTA Decider. If, however, Steve Meyer was involved in the Second Level of the Issue Resolution process (acting as Chief Development Officer), then Jerry Benson will serve as the UTA Decider.
UDOT's Agency Liaison	Richard Manser	
UTA's Agency Liaison	Grey Turner	

The Deciders are authorized to amend or update the personnel listed herein by executing a new Exhibit A.

Notice of an amended or updated UDOT/UTA Personnel Chart shall be mailed to the following:

UDOT:

Utah Department of Transportation
Attn: Statewide Utilities & Railroads Engineer
4501 South 2700 West
Box 148380
Salt Lake City, UT 84114-8380

With a copy to:

Utah Department of Transportation
Attn: Assistant Attorney General
4501 South 2700 West
Box 141200
Salt Lake City UT 84114-1200

UTA:

Utah Transit Authority
Attn: Grey Turner
669 West 200 South
Salt Lake City, Utah 84101-1014

With a copy to:

Utah Transit Authority
Attn: General Counsel
669 West 200 South
Salt Lake City, Utah 84101-1014

UDOT Decider

UTA Decider

EXHIBIT B

**FORM OF AGENCY LICENSE AGREEMENT
AGENCY LICENSE AGREEMENT**

This AGENCY LICENSE AGREEMENT (“Agreement”) is entered into between the Utah Department of Transportation, an agency of the State of Utah (“UDOT”) and Utah Transit Authority, a public transit district organized pursuant to the Utah Public Transit District Act (“UTA”). UDOT and UTA may be referred to hereafter as an Agency or Agencies, as the context requires.

General:	[Brief description of Project, Facility, and Property]
Contract:	[Licensee’s Contract No.]
Project:	[Licensee’s Project No.]
Licensor:	[Identify Licensor – UTA or UDOT]
Licensee:	[Identify Licensee – UTA or UDOT]
Property:	[Specifically identify Property subject to License]
Facility:	[Specifically describe Licensed Facility]
Emergency Access Manager:	UTA TRAX Control 801-287-5455 (TRAX light rail corridors) UTA Rail Traffic Control 801-502-2899 (FrontRunner right-of-way) UDOT Operations Center 801-887-3700
Effective Date:	[Write this in after Agreement is fully executed]

1. **Rights Granted.** Licensor hereby grants to Licensee a non-exclusive License to place and keep the Facility on the Property, in the location shown in the Design Plans, attached hereto as Exhibit A.
 - a. *Construction Access.* Licensee or its Contractor shall be required to apply to Licensor for a Right of Entry and/or Track Access Permit, or Encroachment Permit to enter the Property for the purpose of constructing or installing the Facility. Licensor will grant such Right of Entry and/or Permit on reasonable terms and conditions. Licensee shall not enter Licensor’s property without a permit and agrees to comply with the conditions of the permit.
 - b. *Maintenance Access.* Whenever Licensee or its Contractor needs to enter the Property for the purpose of inspecting, maintaining, or repairing the Facility, Licensee shall apply to Licensor for a Right of Entry and/or Permit for such purpose, and Licensor shall grant such Right of Entry and/or Permit on reasonable terms and conditions.

Licensee does not need to apply for a Right of Entry and/or Permit for inspection, maintenance, and repair activities that pose no safety risk and can be safely performed within areas of the Property such as areas designated for

public pedestrian use, areas separated from highway or rail traffic by a fence, or areas separated from the Licensor's use by a grade separated structure, so long as the Licensee's activities pose no risk (e.g., falling debris or damage to structure). Additionally, Licensee does not need to apply for a Right of Entry and/or Permit for maintenance activities undertaken in a manner similar to allowed use of the Licensed Property by the public such as, for example, driving a snowplow or a paint truck over a grade crossing in compliance with traffic control devices.

- c. *Timing*. Except in the event of an emergency, Licensee shall request permission from Licensor (in the manner described in subparagraphs (a) and (b) above) at least ten days prior to performing Construction or Maintenance within the Property.
 - d. *Emergency Access*. Licensee shall have the right to enter the Property if necessary to protect against imminent and serious injury or damages to persons or property. Licensee shall take all precautions necessary to ensure that such emergency entry does not compromise the safety of Licensor, the general public, or of any person or party that also uses the Property (such as freight operators in the case of UTA Property). Licensee must notify the Emergency Access Manager prior to entering the Property.
2. Construction. Licensor has had the opportunity to review and approve the Design Plans, and Licensee shall construct the Facility in a good and workmanlike manner, and in accordance with the Design Plans attached as Exhibit A, and the Work Plans (if any), attached hereto as Exhibit B. Licensor's review and approval of the Design Plans is for Licensor's benefit alone and shall not be construed as an affirmation that the Design Plans are adequate for the purposes of Licensee or others.
3. Design Changes. If the design or location of the Facility changes after the execution of this Agreement for any reason, (whether because the Agreement was executed before design was final, or because conditions in the field required a change, or due to maintenance, repair, or replacement activities in the future), Licensee shall submit the proposed changes to Licensor for review and approval. Such approval shall not be unreasonably withheld, conditioned, or delayed, and may be formalized in a letter or other documentation of approval short of an amendment to this Agreement.
4. Maintenance. Licensee shall be responsible for maintaining, repairing, and replacing the Facility as necessary to keep it in good and serviceable condition.
5. Costs. Construction and Maintenance of the Facility will be performed at Licensee's sole cost and expense.
6. Construction and Maintenance Conditions. All Construction and Maintenance activities of Licensee shall be subject to the following terms and conditions:
 - a. *Observation*. Licensor shall have the right, but not the obligation, to observe all Construction and Maintenance activities, and to suspend such activities

upon notification to Licensee if Licensor reasonably believes that such activities (i) are not in compliance with the Design Plans or Work Plans, (ii) pose a safety risk, or (iii) pose a risk to the Property or to Licensor's facilities, or to the operations conducted thereon.

- b. *Utilities.* Licensee shall properly locate all utilities in the area of the Construction or Maintenance activities, and shall not damage or interfere with any such utilities.
 - i. *Fiber in Union Pacific Railroad Corridors.* Where the Property consists of UTA rail corridor owned or formerly owned by UPRR, Licensee shall be solely responsible for contacting UNION PACIFIC RAILROAD COMPANY during normal business hours (7:00 a.m. to 9:00 p.m. Central Time, Monday through Friday, except holidays) at 1-800-336-9193 (also a 24-hour, 7-day number for emergency calls) and for determining if fiber optic cable is buried near the location of the Facility.
- c. *Compliance with Law.* Licensee shall construct and maintain the Facility in compliance with all regulations promulgated by any governmental authority including, without limitation, the regulations of the Federal Railroad Administration, the Occupational Safety and Health Administration and the Utah Department of Transportation. Licensee shall also Construct, Maintain and operate the Facility in compliance with all applicable environmental laws.
- d. *Contaminated Soils.* The Property may have contaminated soils. Licensee shall characterize any soil excavated on the Property that appears to be contaminated based on odor or visual appearance, and if such characterization confirms the presence of contamination, Licensee shall properly dispose of such soils in conformance with all applicable laws.
- e. *Release of Contamination.* If any hazardous substances (specifically including but not limited to fuel) are released or spilled on the Property during Licensee's construction or maintenance activities, Licensee shall remediate the affected area in accordance with all applicable laws.

- 7. No Warranties. Licensor licenses the Property as-is, with no warranties as to condition or title, and subject to any outstanding superior rights previously conveyed or granted to third parties by Licensor or Licensor's predecessors in interest, and the right of Licensor to renew and extend the same.
- 8. Relocation. Licensor shall remain the owner of the Property on which the Facility is constructed and this Agreement does not give Licensee any property rights in the Property, except as specified in this Agreement. If, after the effective date of this Agreement, Licensor needs to use the Property for its purposes, or if Licensor reasonably determines that the Facility is a hazard or interferes with Licensor's purposes, then Licensor may order the removal, reconfiguration, or relocation of the Facility at Licensor's sole cost and expense.

See Exhibit C, Special Conditions, for any specific provisions relating to relocation or allocation of responsibility for impacts to Licensor's future projects. Such terms override any conflicting terms in this paragraph 8.

9. Access to Property by Licensor. The Licensor remains the owner of the Property, and generally the Licensor retains all rights with respect to the Property. When, however, the Facility poses safety risks to persons on or near the Facility (such as roadways, rail lines, or bus rapid transit lanes), the Licensor (or its Contractor) shall seek a Right-of-Entry and/or Permit from the Licensee before entering the Property for construction, inspection, maintenance, or replacement purposes. Licensor shall abide by the terms of such permits, specifically including applicable safety procedures.

Such permits shall be granted as expeditiously as possible by the Licensee, in recognition that Licensor remains the owner of the Property. In no event may Licensee require Licensor to pay any fees or costs associated with such entry, including costs of flagging and inspectors contracted by Licensee. Licensee may require Licensor's Contractor to obtain insurance in accordance with Licensee's then-current insurance requirements.

Licensor does not need to apply for a Right of Entry and/or Permit for inspection, maintenance, and repair activities that pose no safety risk and can be safely performed within areas of the Property such as areas designated for public pedestrian use, areas separated from highway or rail traffic by a fence, or areas separated from the Licensee's use by a grade separated structure, so long as the Licensor's activities pose no risk (e.g., falling debris or damage to structure). Additionally, Licensor does not need to apply for a Right of Entry and/or Permit for maintenance activities undertaken in a manner similar to allowed use of the Licensed Property by the public such as, for example, driving a snowplow or a paint truck over a grade crossing in compliance with traffic control devices.

10. Third Party Rights. This License applies only to the Property. Licensee shall be solely responsible for obtaining any property rights, easements, licenses, franchises, or other rights from third parties that are necessary to construct or maintain the Facility.
11. Future Third Party Facilities. Licensor shall not grant easements, licenses, franchises, or other interests in the Property that would interfere with Licensee's Facility or Licensee's use of the Property. Licensor further agrees to notify Licensee of any requests for easements, licenses, franchises or other interests in the Property, and to provide Licensee with an opportunity to review and approve such requests, which review and approval shall not be unreasonably delayed, conditioned or withheld.
12. Insurance. Licensor and Licensee are both self-insured, and agree to maintain such self-insurance programs adequately funded to cover the risks and obligations arising from this Agreement. If a contractor is to perform work on the Property, Licensor may require such contractor to obtain insurance in accordance with Licensor's then-current insurance requirements.

13. Indemnity. Licensee agrees to protect, defend, release, indemnify and hold harmless Licensor and any successors, officials, agents and employees of Licensor from and against any and all claims, demands, judgments, costs, and expenses (“Losses”) resulting from: (a) negligence on the part of Licensee or any employees, officials, agents or contractors of Licensee related to the design, construction, maintenance or other work performed by or on behalf of Licensee on the Facilities within the Property; and (b) negligence on the part of Licensee or any employees, officials, agents or contractors of Licensee in the use of the Facilities within the Property, or (c) Licensee’s breach of any provision of this Agreement. Licensee’s indemnity obligation shall not extend to Losses to the extent that such Losses are due to Licensor’s negligence or willful misconduct.
14. Governmental Immunity. Both Agencies are governmental entities as defined by the Governmental Immunity Act of Utah, U.C.A. §63G-7-101 *et seq.*, and nothing in this Agreement shall be deemed of waiver of any of the defenses or protections afforded by such Act.
15. General Provisions.
- (a) *Waiver*. Failure of either Agency at any time to require performance of any provision of this Agreement shall not limit the Agency’s right to enforce the provision. Waiver of any breach of any provision shall not be a waiver of any succeeding breach of the provision or a waiver of the provision itself or any other provision.
 - (b) *Entire Agreement*. This Agreement supersedes and replaces all written and oral agreements previously made or existing between the Agencies regarding the subject matter hereof. Any amendment to this Agreement must be in writing and executed by an authorized representative of each Agency.
 - (c) *Counterparts*. This Agreement may be executed in any number of counterparts and by each of the Agencies hereto on separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute but one and the same instrument
 - (d) *Applicable Law*. This Agreement shall be construed, applied and enforced in accordance with the laws of the State of Utah.
16. Special Conditions. Special conditions to this Agreement, if any are attached hereto as Exhibit “C” (Exhibit “C” is attached hereto and hereby incorporated into and made a part of this Agreement by reference).

[signatures on following page]

IN WITNESS WHEREOF, the Agencies hereto have caused this Agreement to be executed in duplicate as of the date first herein written.

UTAH TRANSIT AUTHORITY

APPROVED AS TO FORM:

UTA Legal

By: _____

By: _____

**UTAH DEPARTMENT OF
TRANSPORTATION**

Recommended for Approval:

By: _____
Region Utility and Railroad Coordinator

By: _____
Region Director

Date: _____

Date: _____

Reviewed by:

UDOT Comptroller's Office

By _____
Statewide Utilities & Railroads Engineer

By: _____
Contracts Administrator

Date: _____

Date: _____

Approved as to Form:

By _____
Assistant Attorney General

Date: _____

Exhibit A

Design Plans

[attach approved design drawings]

Exhibit B

Work Plans

[if there are special rules or conditions about the method or manner of work, attach them here]

Exhibit C

Special Conditions

[if there are other special conditions, attach them here]

Examples of Special Conditions:

- Specific design or work requirements that are not reflected in the Design Drawings or Work Plans, or which the Licensor wants to emphasize.
- Specific notices or procedures, such as with regard to known or suspected contaminated soils.
- Allocation of responsibility for addressing or paying for future Project Impacts (see generally Article III of the MOA). Such provisions generally act as an exception to the Relocation provisions in paragraph 8 of this Agreement.

EXHIBIT C

FORM OF RECORDABLE MEMORANDUM OF AGENCY LICENSE AGREEMENT

When Recorded, Return to:

[Licensee's Address]

MEMORANDUM OF
AGENCY LICENSE AGREEMENT
(Description of impact: e.g., "highway widening" or "grade crossing")

*[List the following items:
Parcel No. XXXXX
Project No, etc.
Location
Contract No.]*

This Memorandum of Agency License Agreement is entered into by UTAH TRANSIT AUTHORITY, a public transit district organized pursuant to the laws of the State of Utah ("UTA") and UTAH DEPARTMENT OF TRANSPORTATION, an agency of the State of Utah ("UDOT").

1. By that certain Agency License Agreement (the "Agreement"), dated as of _____, between UDOT and UTA, *[identify Licensor]* ("Licensor") granted a license to *[identify Licensee]* ("Licensee") for *[briefly describe project and the licensed facilities]* (the "Facilities"). The License was granted to construct, maintain and operate the Facilities. All provisions of the Agreement are incorporated herein by reference.
2. The dimensions and specifications of the Facilities are set forth in the Agreement. The legal description, including the plans of the Facilities, of the property impacted are set forth on Exhibit "A", (the "License Area") attached hereto and incorporated by reference.
3. Construction means the initial installation of the Facilities in the License Area, as well as any subsequent reconstruction, relocation, restoration or rehabilitation of the Facilities.
3. Maintenance means the performance of any repair, restoration, rehabilitation, refurbishment, retrofitting, inspection, monitoring, observation, testing or similar work with respect to the Facilities.

4. Licensee has the right to enter the License Area in the event of any emergency to make repairs necessary to protect against imminent and serious injury or damages to persons or property. Licensee is required to notify the Licensor's Emergency Access Manager of the emergency access and the work being performed prior to entering the License Area. Otherwise, Licensee shall request permission from Licensor at least ten days or shorter period as approved by Licensor prior to performing any Construction or Maintenance.
5. Subject to the provisions in the Agreement and in the Partnering Agreement dated _____, the rights granted pursuant to the Agreement shall be subject and subordinate to the prior and continuing right and obligation of Licensor, to fully use the License Area, including the right and power of Licensor to construct, maintain, repair, renew, use, operate, modify, or relocate new or existing facilities upon, along, above, or across any or all parts of Licensor's property.
6. The foregoing grant is also subject to the outstanding superior rights previously conveyed or granted to third parties by Licensor, or its predecessors in interest, and the right of Licensor to renew and extend the same.

DATED this ____ day of _____, 20__.

[Insert appropriate signature and notary blocks]

EXHIBIT D

FORM OF PROPERTY INTEREST EXCHANGE FORM

PROPERTY INTEREST EXCHANGE FORM

The following property interest will be conveyed from [*UDOT to UTA*] [*UTA to UDOT*]

[*INSERT DESCRIPTION*]

The agreed-upon value of this property interest, to be entered on the UDOT/UTA Ledger, is \$_____ [not to exceed \$500,000]. Any supporting documentation (including any appraisal or other estimate of value) for this value has been made available to both parties, attached below, the parties acknowledge acceptance of the same.

Dated this ____ day of _____, 20__

UTAH TRANSIT AUTHORITY

UTAH DEPARTMENT OF TRANSPORTATION

By: _____

By: _____

Attached documents: [insert list of documents]

EXHIBIT E

Ledger as of Effective Date:

UDOT - UTA PROPERTY EXCHANGE COST LEDGER (Amendment No. General-7 to Cooperative Agreement, signed Jan 25, 2011)										
Exchange Number	Description	UDOT Region	From	To	Value	Date Signed	UDOT Owes	UTA Owes		
1	Increased Future Bridge Maintenance Due to Proximity of LRT Bridge over I-215 in West Valley City	2	UDOT	UTA	\$200,000	19-Jan-12		\$200,000		
2	Extended CommuterRail Structures Over I-215 in Murray	2	UTA	UDOT	\$250,000	12-Apr-12	\$375,000			
3	I-80 TRAX Parcels (13)	2	UDOT	UTA	\$125,000	12-Apr-12		\$125,000		
4	Reconstruct North Temple Storm Drain Box Built Around Questar Gas Main	2	UTA	UDOT	\$72,207	12-Apr-12	\$72,207			
5	Betterment of I-80 Sign Bridge Replaced by Airport LRT Project	2	UTA	UDOT	\$97,500	23-Aug-12	\$97,500			
6	SR-201 Parcels for West Valley LRT Project	2	UDOT	UTA	\$126,500	Pending		\$126,500		
							Running Total		\$544,707	\$451,500
							Balance		\$93,207	(\$93,207)

EXHIBIT F

FORM OF PROJECT REIMBURSEMENT AGREEMENT

This PROJECT REIMBURSEMENT AGREEMENT (“Agreement”) is entered into between the Utah Department of Transportation, an agency of the State of Utah (“UDOT”) and Utah Transit Authority, a public transit district organized pursuant to the Utah Public Transit District Act (“UTA”). UDOT and UTA may be referred to hereafter as an Agency or Agencies, as the context requires.

RECITALS

WHEREAS, [*identify Agency*] (the “Project Agency”) is engaged in a project to [*describe project*] (hereafter, the “Project”);

WHEREAS, [*identify Agency*] (the “Work Agency”) has agreed to perform, or to cause its contractor to perform, certain work for the Project consisting of [*briefly describe scope of work*] (hereafter, the “Work”), at the Project Agency’s sole cost and expense; and

WHEREAS, the Agencies desire to enter into this Agreement to define their respective roles and responsibilities with respect to the Project.

AGREEMENT

NOW, THEREFORE, on the stated recitals, and for good and valuable consideration, the Agencies agree as follows:

1. **WORK.** The Work Agency [*“agrees to perform” or “agrees to cause its contractor to perform”*] [*describe services to be performed*], as more particularly set forth on the Scope of Work attached hereto as Exhibit A.
2. **ESTIMATED COST.** An itemized estimate of the cost of the Work is attached hereto as Exhibit B.
3. **SPECIAL PROVISIONS.** The Project Agency has fully disclosed to the Work Agency special requirements imposed on the Work, or for reimbursement of the Work, by Project conditions, state or federal regulations, to ensure that the Work is performed and documented in a manner that can be reimbursed. Special requirements and any applicable state and federal requirements are attached to this Agreement as Exhibit C.
4. **INVOICING.** The Work Agency shall submit invoices to the Project Agency as the Work progresses, reflecting Work that has been completed. The Work Agency shall provide the Project Agency with documentation supporting the invoice, reasonably acceptable to the Project Agency. The Project Agency will pay the Work Agency promptly upon receipt and approval of a complete, properly supported invoice for the Work.

IN WITNESS WHEREOF, the Agencies hereto have caused this Agreement to be executed in duplicate as of the date first herein written.

UTAH TRANSIT AUTHORITY

APPROVED AS TO FORM:

UTA Legal

By: _____

By: _____

**UTAH DEPARTMENT OF
TRANSPORTATION**

Recommended for Approval:

By: _____
Region Utility and Railroad Coordinator

By: _____
Region Director

Date: _____

Date: _____

Reviewed:

UDOT Comptroller's Office

By _____
Statewide Utilities & Railroads Engineer

By: _____
Contracts Administrator

Date: _____

Date: _____

Approved as to Form:

By _____
Assistant Attorney General

Date: _____



UTAH TRANSIT AUTHORITY



Utah Transit Authority Board Policies:

1.1 Process for Establishing Board Policies

1.2 Ethics

2.1 Financial Management

2.2 Contract Authority and Procurement

3.1 Advertising and Naming

3.2 Service Planning Implementation

3.3 Capital Development Project Implementation

4.1 Fares

4.2 Public Records

5.1 Transit-Oriented Development

5.2 Real Property



Process For Establishing Board Policies

Board of Trustees Policy No. 1.1

Application: Board of Trustees and Local Advisory Council

- I. Purpose: The purpose of this policy is to establish the process for the adoption of Board policies and for the approval of UTA policies that fall under the responsibility of the Executive Director.

- II. Policy:
 - A. The Board will adopt Board policies pursuant to the following process.
 1. At the Board's request, the Executive Director or designee will draft a proposed policy.
 2. The Executive Director will present the proposed policy to the Board for discussion and direction.
 3. The Executive Director or Board Trustees will consult with the Local Advisory Council regarding the proposed policy.
 4. The Executive Director will present the proposed policy to the Board for final adoption by resolution.

 - B. The Board will review UTA policies pursuant to the following process.
 1. The Executive Director will submit the proposed UTA policy to the Board for review.
 2. The Board will approve the proposed UTA policy in its consent agenda or direct the Executive Director to make further revisions to the proposed policy.

 - C. Exceptions to UTA Policies.
 1. Effective upon the approval of this policy, exceptions to UTA Policies will be approved by the Board of Trustees at a Board of Trustees meeting.
 2. The Board of Trustees may delegate authority to approve exceptions to UTA policies.
 3. Any UTA policy exception relating to the Executive Director or a chief officer will be approved by the Board.

Cross References: Utah Code Ann. §17B-2a-808.1(2)(t).

Revision/Review History:

Date of Local Advisory Council Consultation	Board of Trustees Approval (Resolution Number)	Action
6-12-2019	R2019-06-01	Revised and renumbered from Board Policy No. 4.1.3 – Process for Establishing Board Policies to Board Policy 1.1 – Process for Establishing Board Policies.



Ethics

Board of Trustees Policy No. 1.2

Application: Board of Trustees and Local Advisory Council

I. Purpose: The individuals comprising the Authority's Board of Trustees and the Local Advisory Council commit themselves to observe high professional and ethical standards in order to maintain public confidence in the integrity of the Authority. The purpose of this policy is to set forth standards of ethical conduct for Trustees and Members.

II. Definitions:

- A. "Compliance Officer" means an individual appointed by the Executive Director to carry out the responsibilities identified in this Policy.
- B. "Conflict of Interest" means a personal or economic interest, outside employment, outside interest or other circumstance or relationship that impairs the ability to discharge duties in an ethical manner consistent with the best interests of the Authority.
- C. "Ethics Officer" means the individual appointed by the Board of Trustees to act in that capacity on behalf of the Authority.
- D. "Member" means an individual appointed to the Local Advisory Council.
- E. "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, grand parent, and grandchild, including in-laws, step relations and relationships through adoption, as well as individuals in a personal relationship of a romantic or intimate nature.
- F. "Trustee" means an individual appointed to the Authority's Board of Trustees.

III. Policy:

A. Ethical Standards

- 1. Members, Trustees, the Executive Director, Chief Officers, and employees of the Authority will comply with applicable statutory ethical requirements, including those set forth in the Utah Public Officers' and Employees' Ethics Act.
- 2. Trustees, as employees of the Authority, will also comply with UTA Policy 1.1.11 – Ethics and Ethics Reporting.

B. Conflicts of Interest

- 1. Members and Trustees will promptly disclose any Conflicts of Interest in writing to the applicable Chair and to the Authority's Ethics Officer.

2. The Ethics Officer will notify the appointing jurisdiction of a Member or Trustee in writing of any Conflicts of Interest disclosed or identified.
3. In the event a Member or Trustee becomes aware of a Conflict of Interest during or immediately prior to a Board of Trustees meeting or Advisory Council meeting, the Member or Trustee will verbally disclose the Conflict of Interest. The disclosure will be reflected in the meeting minutes.
4. A Member or Trustee having a Conflict of Interest will recuse himself or herself from deliberations and votes related to the Conflict of Interest and leave the meeting for the duration of that issue being discussed
5. If a Member or Trustee discloses a Conflict of Interest on an issue being considered and does not voluntarily recuse himself or herself, the Board of Trustees or Advisory Council, as applicable, may, by simple majority vote to:
 - a. Determine if the Member or Trustee with the Conflict of Interest will be recused from voting on the particular issue;
 - b. Determine if the Member or Trustee with the Conflict of Interest will participate in a discussion on the particular issue;
 - c. Determine if the Member or Trustee with the Conflict of Interest will leave the meeting room during discussions on the particular issue; or
 - d. Determine other conditions or actions as appropriate.
6. A Member or Trustee's ownership of investment property within a 0.5 mile radius, as the crow flies, from any FrontRunner, TRAX station, or transit-oriented development will be considered to be a Conflict of Interest requiring disclosure. The ownership of investment property within a 0.5 mile radius of a bus stop is not considered to be a Conflict of Interest.

C. Nepotism

1. The Authority will not hire Relatives of current Trustees and Members.
2. If a Trustee or Member is appointed and has a Relative who currently works for the Authority, the Trustee and Member will disclose the relationship to their appointing authority and take steps to mitigate any Conflict of Interest following their appointment. If the Trustee or Member fails to mitigate the Conflict of Interest regarding the Relative, the Board of Trustees or the Local Advisory Council may take any of the actions described in Section B(5).

D. Code of Conduct

1. As set forth in the Authority's Bylaws, Members and Trustees will complete and submit an Annual Certification of Code of Conduct prior to being seated and at least annually thereafter on October 31. If October 31 falls on a Saturday or Sunday, the Code of Conduct will be due on the Monday following October 31.
2. The Ethics Officer, in consultation with the Compliance Officer, will revise the Annual Certification of Board Member Code of Conduct as needed.

E. Financial Disclosure Report

1. As set forth in the Authority's Bylaws, Members and Trustees will complete and submit a Financial Disclosure Report prior to being seated and at least annually thereafter on October 31. If October 31 falls on a Saturday or Sunday, the Financial Disclosure Report will be due on the Monday following October 31.

2. Members and Trustees will submit a revised Financial Report within ten business days if there is a material change in the information previously disclosed in the most recently completed Financial Report.
3. The Ethics Officer and Compliance Officer will review Financial Disclosure Reports for Conflicts of Interest. If Conflicts of Interest have been disclosed, the Ethics Officer and Compliance Officer will attempt to resolve them with the Member or Trustee. If the issue cannot be resolved, the Ethics Officer will submit the disclosure to the Chair of the Board of Trustees and the Chair of the Local Advisory Council. If the issue involves the Chair of the Board of Trustees or the Chair of the Local Advisory Council, the Ethics Officer will submit the disclosure to the Audit Committee.
4. The Ethics Officer will notify the appointing jurisdiction of a Member or Trustee in writing of any Conflicts of Interest disclosed in the Financial Disclosure Report.
5. Financial Disclosure Reports will be classified as public records under the Government Records Access and Management Act.
6. The Authority's Ethics Officer, in consultation with the Compliance Officer, will revise the Financial Disclosure Report as needed.

F. Ethics Complaints

1. Ethics complaints alleging violations of the Utah Public Officers' and Employees' Ethics Act against Trustees, Members, the Executive Director, Chief Officers, and employees will be referred to the Political Subdivision Ethics Review Commission for resolution.
2. Ethics complaints involving Trustees, Members, the Executive Director, Chief Officers, and employees that do not allege violations of the Utah Public Officers' and Employees' Ethics Act or do not meet the requirements for a complaint under the standards of the Political Subdivision Ethics Review Commission will be investigated by the Ethics Officer or an independent investigator appointed by the Ethics Officer, if necessary. The Ethics Officer will submit written findings of investigations involving Trustees and Members to the Chair of the Board of Trustees and the Chair of the Local Advisory Council. If the investigation involves the Chair of the Board of Trustees or the Chair of the Local Advisory Council, the Ethics Officer will submit the written findings of the investigation to the Audit Committee. The Executive Director will designate an investigator to investigate ethics complaints against the Ethics Officer.
3. Following the receipt of written findings of an ethics investigation from the Ethics Officer or the Political Subdivision Ethics Review Commission, the Local Advisory Council or the Board of Trustees may consider the adoption of a resolution of public censure and/or a resolution recommending the removal of a Member or Trustee as determined by a majority vote at a regularly scheduled meeting. If a resolution is adopted, a copy will be forwarded to the appropriate appointing authority.

- IV. Cross References: Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. §67-16-101; Political Subdivisions Ethics Review Commission Utah Code Ann. §63A-15-103; UTA Policy 1.1.11 - Ethics and Ethics Reporting.

Revision/Review History:

Date of Local Advisory Council Consultation	Board of Trustees Approval (Resolution Number)	Action
6-12-2019	R2019-06-01	Combined Board Policy Nos. 4.1.13 – Nepotism, 4.1.10 – Annual Certification of Board Member Code of Conduct, 2.1.9 – Financial Disclosure/Conflict of Interest, 4.4.1 – Actual and Potential Conflicts of Interest, and 4.4.7 – Ethics Review Commission into Board Policy 1.2 – Ethics.

Financial Management

Board of Trustees Policy No. 2.1

Application: Board of Trustees and Local Advisory Board

- I. Purpose: The purpose of this policy is to provide financial oversight of the Authority; plan for its long-term financial needs; maintain and protect Authority assets and infrastructure; and develop, communicate, and implement appropriate internal controls regarding financial and risk management.

- II. Policy:
 - A. Reserves
 1. The Authority will maintain the following reserves:
 - a. General operating reserves, including the risk reserve, funded at a level equal to at least twelve percent (12%) of the Authority's budgeted operating expense, excluding non-operating expense, to be used as a working capital account throughout the year. The Treasurer will manage the use of the funds in the general operating reserve.
 - b. Service stabilization reserve funded at a level equal to three percent (3%) of the Authority's budgeted operating expense, excluding non-operating expense, to be used to avoid service reductions at such times as the Authority faces a revenue shortfall or cost overrun due to extraordinary circumstances. The Board of Trustees must give its prior approval before funds in the service stabilization reserve are used.
 - c. Bond reserves funded at a level required by bond covenants to be used for the payment of debt service in the event that the Authority fails to make scheduled bond principal and interest payments. The Board of Trustees must give its prior approval before funds in the bond reserve are used.
 - d. Capital replacement reserve to reach a level equal to one percent (1%) of the property, facilities, and equipment cost as reported in the comprehensive annual financial report to be used for capital repair or replacement costs due to extraordinary circumstances. The Board of Trustees must give its prior approval before funds in the capital replacement reserve are used.
 2. The Board of Trustees may establish other reserves and make additional contributions to existing reserves.
 3. Reserve balances will be reported on the Authority's monthly financial statements.

4. Upon the use of any service stabilization, bond or capital replacement reserves, the Board of Trustees will, by resolution, establish a timeline for the full reimbursement of the reserves within 60 months after their first use and begin to restore reserves used no later than 24 months after their first use.

B. Grants

1. The allocation of anticipated formula fund grants will be determined during the annual budget process.
2. Any discretionary grant pursued by the Authority will be consistent with the Authority's mission and strategic priorities.
3. The Executive Director will notify the Board of Trustees if a discretionary grant of \$200,000 or more is being sought.

C. Investments

1. The Board of Trustees will, after consultation with the Advisory Council, control investment of all Authority funds and funds held as part of the Authority's retirement system, and employee deferred compensation 457 plans.
2. The Authority's Pension Committee will manage the investment of the Authority's retirement system and employee deferred compensation 457 plan funds pursuant to the Pension Committee's Investment Policy, which shall be reviewed and approved by the Board of Trustees prior to adoption.
3. The Treasurer will manage the investment of all non-retirement Authority funds in compliance with applicable laws.

D. Debt

1. The Board of Trustees will, after consultation with the Advisory Council and with the approval of the State Bond Commission, approve all bond issuances.
2. The Board of Trustees will approve contracts for bond counsel, financial advisors, and bond underwriters.
3. The Board of Trustees will approve the method of sale for each bond issuance.
4. The Board of Trustees will, after consultation with the Advisory Council, approve the issuance of all other financial instruments.
5. The Executive Director will manage the debt and other financial instruments issuance processes.

E. Financial Reporting

1. UTA's books and accounts will be maintained with generally accepted accounting principles set by the Governmental Accounting Standards Board for governmental enterprise funds.
2. The Chief Financial Officer will prepare and present to the Board a summary of investments, investment activity, and investment performance compared to benchmarks as soon as practical after the end of each calendar quarter.

3. The Chief Financial Officer will present monthly financial statements stating the Authority's financial position, revenues, and expenses to the Board of Trustees as soon as practical. Monthly and year-to-date budget versus actual reports will be included in the monthly financial report to the Board.
4. Other required financial reports, including the National Transit Database and State Transparency, will be prepared in accordance with federal and state reporting requirements and made on a timely basis.

F. Risk Management

1. The Executive Director will submit an annual report to the Board of Trustees on the status of the Authority's risk management program.
2. The Authority will maintain Public Officials Errors and Omissions Insurance in an amount determined to adequately protect the Authority.
3. The Executive Director will, as necessary, procure other insurance to compensate for losses that would adversely affect the Authority.

G. Internal and External Controls

1. The Authority will maintain a system of internal controls to safeguard its assets against loss, check the accuracy and reliability of its accounting data, and promote operational efficiency.
2. The Chief Internal Auditor will develop an internal audit program that complies with the International Standards for the Professional Practice of Internal Auditing.
3. The Treasurer is responsible for the opening and closing of bank accounts and ensuring that only authorized users are provided access to bank accounts.
4. As provided for in the Authority's Bylaws, the Board of Trustees will select a qualified independent auditing firm to conduct an annual financial audit. The auditing firm will present the results of its annual audit to the Authority's Audit Committee and the Board of Trustees.

H. Long-term Financial Planning

1. The Executive Director will develop a long-term (20 years or longer) financial plan incorporating the Board of Trustees' strategic plan, identifying the Authority's long-term financial challenges and proposed solutions based upon reasonable projections of revenue and expense including operations and maintenance, reasonably anticipated new funding programs, capital expansion, maintenance of a state of good repair of existing assets, asset replacement, and debt issuance. The Executive Director will update the long-term financial plan three times a year.
2. The Board of Trustees will review the long-term financial plan annually and report it to the State Bonding Commission.

I. Budgeting

1. As provided for in the Authority's Bylaws, the Authority will prepare an annual budget and the Board of Trustees, after consultation with the Advisory Council, will approve the budget.
2. The Board of Trustees may amend or supplement the budget at any time after its adoption.
3. The Executive Director may make administrative adjustments to an adopted budget without Board of Trustee approval as long as those changes will not have a significant policy impact or affect budgeted year-end fund balances.

J. Capital

1. The Executive Director will develop a five-year capital plan and update it every year for inclusion in the annual budget process discussions and approvals. The five-year capital plan will be fiscally constrained and will maintain all assets at a state of good repair to protect the Authority's capital investment and minimize future maintenance and replacement costs.

K. Travel

1. The Board of Trustees will approve work-related international travel for the Authority's employees in a public meeting.

Revision/Review History:

Date of Local Advisory Council Consultation	Board of Trustees Approval (Resolution Number)	Action
6-12-2019	R2019-06-01	Combined Board Policy Nos. 1.26 – Debt Service Reserve and Rate Stabilization Fund, 2.1.8 – Service Stabilization Fund, 2.2.1 – Asset Protection, 2.2.3 – Insurance and Indemnification, 2.3.2 – Financial Conditions and Activities, and 2.3.3 - Budgeting into Board Policy 2.1 – Financial Management.



Contract Authority and Procurement

Board of Trustees Policy No. 2.2

Application: Board of Trustees and Local Advisory Council

I. Purpose: The purpose of this policy is to establish the authority, duties, and responsibilities of the Board of Trustees and Chief Procurement Officer related to the Authority's procurement activities. It also establishes contracts, change orders, and disbursements that must be approved by the Board of Trustees.

II. Definitions:

A. "Chief Procurement Officer" means the individual designated by the Board to oversee the Authority's procurement related activity.

III. Policy:

A. Delegation of Authority

1. The Board of Trustees designates the Chief Financial Officer as the Authority's Chief Procurement Officer.

2. The Chief Procurement Officer will establish policies and procedures to ensure the Authority's procurements are carried out in compliance with applicable state and federal laws and the Authority's policies.

3. The Chief Procurement Officer will establish a Code of Conduct to govern the actions and performance of all Authority employees and designated agents of the Authority engaged in procurement activities.

B. Procurement Protest Appeals

1. The Chief Procurement Officer will review and decide procurement protests submitted by vendors.

2. An appeal of the Chief Procurement Officer's decision on a procurement protest must be submitted in writing to the Board of Trustees within five business days following the date of the decision.

3. The Board of Trustees will review the appeal and the decision of the Chief Procurement Officer, hear information from the appellant and the Chief Procurement Officer, and issue a final determination in writing to the Chief Procurement Officer and the appellant.

C. Former Employees

1. The Authority may procure goods and services from former employees after one year of separation. The Authority may procure goods and services from former employees within the first year of separation under the following conditions:

a. There is no personal or organizational conflict of interest

- b. The term of the contract does not exceed six months
- c. The amount obligated does not exceed \$25,000
- d. The procurement conforms to applicable laws
- e. The Executive Director provides written notification to the Board of Trustees in advance.

- 2. The Board of Trustees must approve procurement of any goods or services with entities that hire former employees or who are represented by former employees within the twelve months following the employee's separation from UTA if the situation creates a Conflict of Interest as determined by the Chief Procurement Officer.

D. Contract, Change Order, and Disbursement Authority

- 1. The Board of Trustees will review and approve contracts that exceed a total value of \$200,000 over the life of the contract, including any option years.
- 2. The Board of Trustees will review and approve the following contract change-orders:
 - a. change orders that increase the total contract value to \$200,000 or more
 - b. change orders for contracts with a total value over \$200,000 that increase the total contract by 15% or more
 - c. all change orders over \$200,000
- 3. The Board of Trustees will review and approve payment disbursements with a value of \$200,000 or more. The Board may preapprove disbursements equal to or great than \$200,000 by resolution.
- 4. The Executive Director may approve change orders, contracts, and disbursements described above in order to meet an urgent need for goods and services prior to approval by the Board of Trustees if the Authority will sustain serious injury if the change order, contract, or disbursement is not approved immediately. The Executive Director will report the approval of any change order, contract, or disbursement resulting from an urgent need to the Board of Trustees at its next scheduled meeting.

- IV. Cross References: UTA Policies 1.1.11 – Ethics and Ethics Reporting; 1.2.2 – Technology Hardware and Software Procurement Policy; 1.2.3 – Purchase Card Policy; 1.2.4 – Health Insurance Requirements in UTA Design and Construction Contracts; 3.1.1 – Spending Authority Policy; 3.1.6 – Contracting Authority Policy; 1.1.7 – Procurement and Contracting Code of Conduct; 1.2.2 – Procurement Standing Operating Procedure.

Revision/Review History:

Date of Local Advisory Council Consultation	Board of Trustees Approval (Resolution Number)	Action
6-12-2019	R2019-06-01	Combined Board Policy Nos. 1.2.4 – Procurement, 2.1.5 – Procurement, 3.3.2 – Procurement, and 4.5.1 – Procurement Appeal into Board Policy 2.2 – Contract Authority and Procurement.



Advertising and Naming

Board of Trustees Policy No. 3.1

Application: Board of Trustees and Local Advisory Council

I. Purpose: The Board of Trustees allows for advertising on the Authority's facilities, vehicles, and electronic media in compliance with contractual agreements, local ordinances, and State and federal laws to provide information to the public and to generate additional revenue to support the Authority's public transit operations. This policy establishes the standard for advertising appearing on the Authority's vehicles and facilities. It also establishes the process for naming stations, facilities, and service brands.

II. Policy:

A. Advertising

The agency will not allow advertising on Authority vehicles, electronic media, or transit facilities that:

1. Is false, misleading, or deceptive
2. Promotes or depicts an illegal activity, good, or service
3. Contains explicit sexual material, obscene material, or material harmful to minors as set forth in state law
4. Promotes alcohol in a manner inconsistent with federal and state law
5. Promotes tobacco products in a manner inconsistent with federal and state law
6. Depicts violence, anti-social behavior, sexual conduct, nudity, or sexual excitement as those terms are defined in state law
7. Includes language that is obscene, vulgar, indecent, or profane
8. Promotes or depicts materials, instruments, devices, items, products, or paraphernalia that are designed for use in connection with sexual conduct as defined in state law
9. Contains images or information that demeans an individual or group of individuals on account of race, color, religion, national origin, gender, age, disability, or sexual orientation
10. Constitutes libel as defined in state law
11. Is inconsistent with any contractual agreement between the Authority and any governmental entity
12. Promotes subject matter other than that relating to a commercial transaction or relating to a product or service sponsored by a governmental entity located in the state of Utah that does not otherwise conflict with the Authority's mission and goals
13. Is contrary to any applicable local ordinance

B. Naming of Authority Stations, Facilities, and Service Brands

1. The Board of Trustees will approve naming of stations, facilities, and service brands.
2. The Authority will select primary station names that assist customers in navigating its transit system, such as names that incorporate geographical coordinates.
3. The Authority will select secondary station names that relate to geographical landmarks, public activities, or names that have historical or cultural significance to the immediate area in which the station is located.
4. The Authority will not name any stations, facilities, or service brands after any individual, either living or deceased.

C. The Board of Trustees will approve requests for sponsorships.

Revision/Review History:

Date of Local Advisory Council Consultation	Board of Trustees Approval (Resolution Number)	Action
6-12-2019	R2019-06-01	Combined Board Process Policy Nos. 2.1.6 – Naming of Authority Rail Stations, Facilities and Branding of Service, 1.2.2 – Advertising, and 2.1.3 – Advertising into Board Policy 3.1 – Advertising and Naming.



Service Planning Implementation

Board of Trustees Policy No. 3.2

Application: Board of Trustees and Local Advisory Council

- I. Purpose: The purpose of this policy is to establish a uniform process for planning, implementing, and managing the Authority's transit service planning to ensure transparency and collaboration with communities, regional partners, and stakeholders.
- II. Definitions:
 - A. Transit Service Planning means the act of identifying, evaluating and implementing public transit services on all modes including bus, demand-response, paratransit and rail.
 - B. Change Day means the three regularly-scheduled dates in April, August and December of each year, at which time the Authority implements changes in transit service.
 - C. Metropolitan Planning Organization ("MPO") means an organization designated to carry out the metropolitan transportation planning process.
- III. Policy: The approval and implementation of the Authority's Service Planning process will proceed as described below and on Exhibit A.
 - A. Regional Transportation Plans ("RTPs")
 1. RTPs are the plans developed by each of the Wasatch Front MPOs (Wasatch Front Regional Council and Mountainland Association of Governments) that set the direction and long-term vision for the Wasatch Front's transportation system, in coordination with future growth assumptions. Their primary purpose is to phase the implementation of major transportation investments and to guide federal funding priorities.
 2. The RTPs are developed through collaborative processes with input from state, regional, and local leaders. The Authority will participate in the development of the RTPs by identifying transit needs and providing technical expertise and scenario planning tools.
 3. The RTPs include major roadway, transit, and active transportation projects. Transit projects identified in the RTPs include both rail-based (commuter, light rail) and significant bus enhancements (bus rapid transit, core route). The RTPs do not include local bus, demand-response transit, or paratransit modes, although ongoing funding of capital and operating expenses of these services is assumed and accounted for in the RTP as programmatic elements.

4. Projects in the RTPs are categorized into funding phases and anticipated timelines. The RTPs rely on assumed new revenues that create a fiscal constraint of what projects can be implemented in each phase. If a project is in the first phase of an RTP, the Authority will begin working with stakeholders to further evaluate and determine whether the project should move towards funding and implementation.
5. The RTPs are updated every four years and approval authority resides with the MPO technical and policy committees.

B. Five-Year Mobility Plan

1. The Authority will collaborate with counties and local municipalities on a two-year cycle to prepare and update a Five-Year Mobility Plan.
2. The Five-Year Mobility Plan will serve as a rolling, annual work plan that guides the Authority's service planning decisions.
3. The Five-Year Mobility Plan will include all modes within the Authority's portfolio, as well as active transportation initiatives, and will be financially constrained by available funding levels or planned use of committed new revenues.
4. During the Five-Year Mobility Plan phase, the Authority will facilitate a collaborative process in which the counties, local municipalities, and members of the community participate in workshops to establish transit service goals, explore various service network design scenarios, and coalesce around a vision for the Authority's service. This direction will be captured and presented in a Draft Five-Year Mobility Plan.
5. The Authority will conduct a second round of outreach to solicit community feedback on the draft Five-Year Mobility Plan. This step will include consultation with each County within the Authority's service area.
6. Feedback received on the draft Five-Year Mobility Plan will be considered and incorporated, as appropriate, into a final Five-Year Mobility Plan.
7. The Authority's Local Advisory Council will review the Five-Year Mobility Plan, and make a recommendation to the Board of Trustees for approval of the Plan with any suggested revisions.
8. Final approval authority of the Five-Year Mobility Plan lies with the Authority's Board of Trustees.

C. Annual Service Changes

1. The Authority will review the Five-Year Mobility Plan annually to develop implementation plans for changes to its service.

2. Prior to moving forward with any recommended service changes, the Authority will consult with any affected local governments to discuss the Five-Year Mobility Plan and the associated implementation measures being considered. If substantial concerns or questions are raised, the recommended service changes will be postponed and reconsidered in the next update to the Five-Year Mobility Plan.
 3. The Authority will conduct a public hearing on any major service changes in compliance with its policies and federal requirements. If substantial concerns are raised during this phase, the proposed service changes may be modified to address the concerns or may be postponed and reconsidered in the next update to the Five-Year Mobility Plan.
 4. The Authority will conduct a Title VI Service and Fare Equity analysis in compliance with its policies and federal requirements to determine if the proposed service changes pose disproportionate impacts to protected classes. The Board of Trustees will approve the Title VI analysis and determine if the implementation of the proposed service changes should proceed.
 5. If no substantial concerns are raised, the Authority will proceed with a comprehensive production process which includes schedule creation, bus and operator assignments, run-cutting and compliance with collective bargaining agreements, marketing and promotions, bus stop and on-street changes, printed and electronic information.
- D. Service Implementation. Transit service implementation occurs at the designated service Change Days. These Change Days occur three times per year: in April, August, and December. The April and December Change Days are reserved for seasonal ski service. The August Change Day is targeted for all other changes to timing, routing, as well as addition or reductions of service as outlined in the Five-Year Mobility Plan.
- E. Comprehensive System Analysis
1. The Authority will conduct a comprehensive analysis of the entire service network associated with each update to the Five-Year Mobility Plan. This includes evaluation of existing services against the Authority's established Service Design Guidelines to determine if a service is meeting minimum performance thresholds.
 2. At the conclusion of this analysis, the Authority will determine whether a service not meeting minimum standards should be modified, discontinued, or receive additional marketing promotion. Similarly, services meeting or exceeding performance standards will be evaluated to determine if they warrant additional resources, frequency, or span.
 3. Recommendations from the Comprehensive System Analysis will be incorporated into the next update to the Five-Year Mobility Plan.

Cross References:

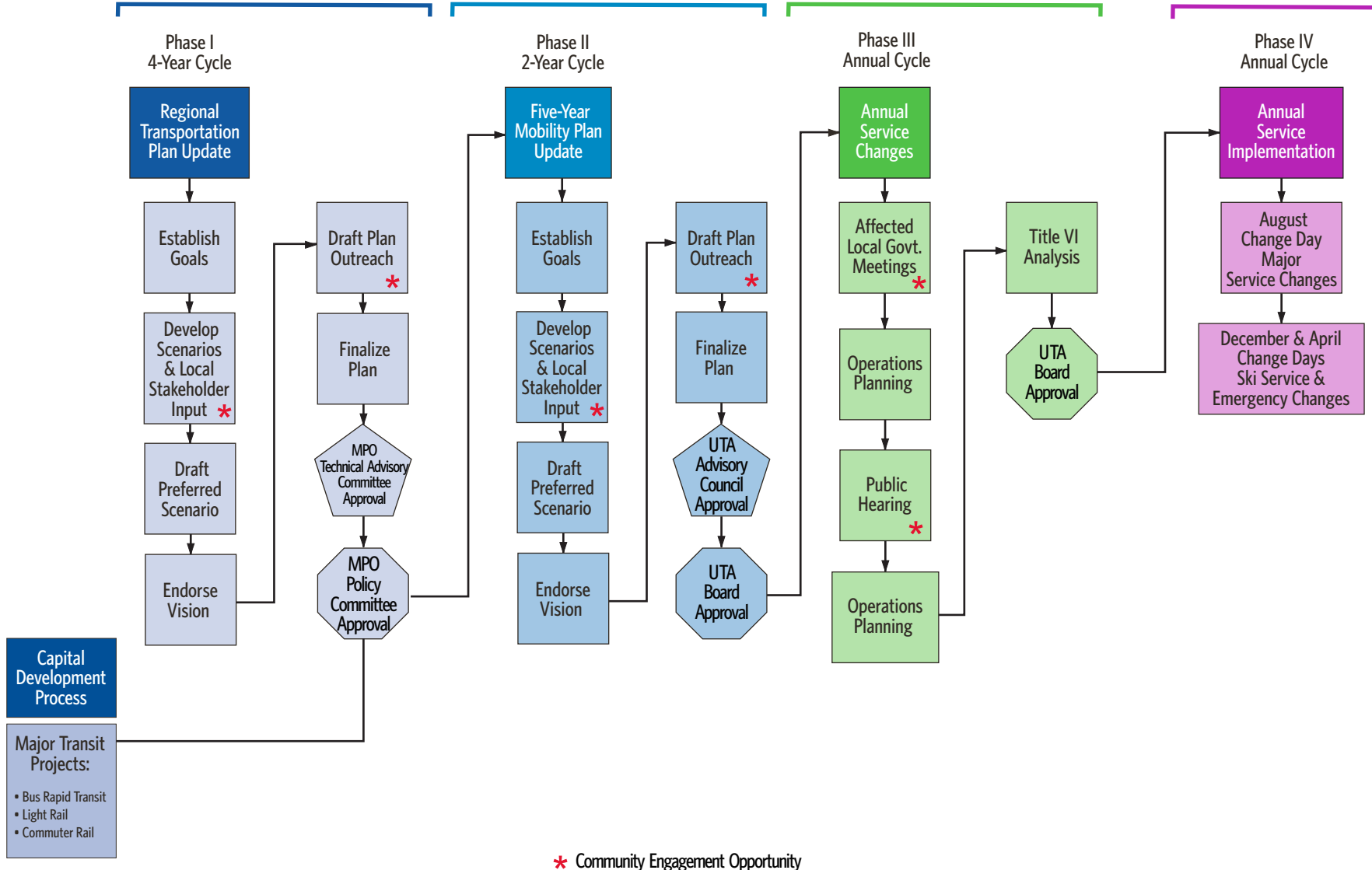
Revision/Review History:

Date of Local Advisory Council Consultation	Board of Trustees Approval (Resolution Number)	Action
2-20-2019	R2019-02-03	Revised to reflect process changed, renamed, and renumbered from Executive Limitations Policy No. 2.1.4 – Changes to Levels of Service and Routing to Executive Limitations Policy No. 1.4.2 – Service Planning Implementation.
	R2019-06-01	Renumbered and renamed from Executive Limitations Policy No. 1.4.2 – Service Planning Implementation to Board Policy No. 3.2 – Service Planning Implementation; reformatted and revised to reflect name change from Local Advisory Board to Local Advisory Council.

Exhibit A

UTA Service Planning and Implementation Process

Strategic Planning Service Planning Operations Planning Implementation



Capital Development Project Implementation

Board of Trustees Policy No. 3.3

Application: Board of Trustees and Local Advisory Council

I. Purpose: This policy establishes how Capital Development projects are advanced from the planning study phase through development and implementation. It also establishes the process by which the Local Advisory Council and the Board of Trustees approve Capital Development projects.

II. Definitions:

A. “Capital Development Project” means a project that creates new assets that:

1. Expand transit service through construction of new or extended rail lines or bus rapid transit systems (including associated acquisition of new revenue service vehicles); or
2. Involve the construction of new or replacement transit-related facilities that include structures (e.g. maintenance facilities, pedestrian bridges, parking structures) or other major infrastructure components (intermodal centers, bus hubs); and
3. Are not transit-oriented development projects.

For purposes of this policy, Capital Development Projects do not apply to ongoing maintenance, state of good repair, safety and security, or information technology projects, unless those projects fit into the definition of Capital Development Projects.

B. “Capital Plan” means a plan for a Capital Development Project that includes the following information: project overview, purpose and needs, ridership and benefits, initial cost estimates, and funding potential.

III. Policy: The planning, construction, and approval of the Authority’s Capital Development projects will proceed as described below and on Exhibit A.

A. Systems Planning. During the systems planning process, the Authority considers the long range regional transportation plans developed by the Metropolitan Planning Organizations (MPOs), local master plans and transportation plans, community needs, and community support for potential capital projects. This visioning effort leads to the identification of specific projects to be studied further.

B. Project Study.

1. During the project study phase, the Authority identifies the purpose of a project and assesses the need for and the benefits of a project. The Authority also evaluates initial cost estimates and funding potential and develops a proposed Capital Project description.

2. The Authority will present the proposed Capital Project description to the Local Advisory Council and the Board of Trustees for informational purposes as it advances to the development phase.

C. Environmental Analysis.

1. After a proposed Capital Project moves to the development phase, the Authority begins the environmental analysis and conceptual engineering for the project. The environmental process identifies a preferred alternative, including alignment and mode and/or site selection. Capital and operating and maintenance cost estimates are also refined and developed. Public and stakeholder involvement will occur throughout the environmental analysis phase.

2. Once the local partners and the affected MPO each approve the locally-preferred alternative (LPA) for the project, a Capital Project Plan will be prepared.

3. The Capital Project Plan will include the LPA, the project's impacts, benefits, and costs, and a funding plan that identifies local funding partners, grant opportunities, and other funding sources. The Capital Project Plan will be presented to the UTA Advisory Board for its approval. It will then advance to the UTA Board of Trustees for its approval and to the federal funding agency if federal funding is being sought.

D. Funding. Any funding agreements between local partners will be approved by the UTA Board of Trustees. Applicable grant applications will be initiated at this time.

E. Procurement.

1. After funding is secured, the Authority may begin procurement efforts, select project designers and contractors, and initiate the purchase of vehicles and equipment.

2. All contracts will be approved in accordance with the policies of the Board of Trustees.

F. Design/Construction. Once design is underway, the Authority is authorized to acquire necessary rights of way, begin project construction, and commence operation after the appropriate activation steps are completed.

Cross References:

Revision/Review History:

Date of Local Advisory Council Consultation	Board of Trustees Approval (Resolution Number)	Action
2-20-2019	R2019-02-04	Revised, renamed, and renumbered from Ends Policy No. 1.4.2 – Planning, Designing, Funding and Construction of

		Transportation Infrastructure and Services to Policy 1.4.2 – Capital Development Project Implementation.
	R2019-06-01	Reformatted, renumbered to Board Policy 3.3, and revised to reflect name change from Local Advisory Board to Local Advisory Council.

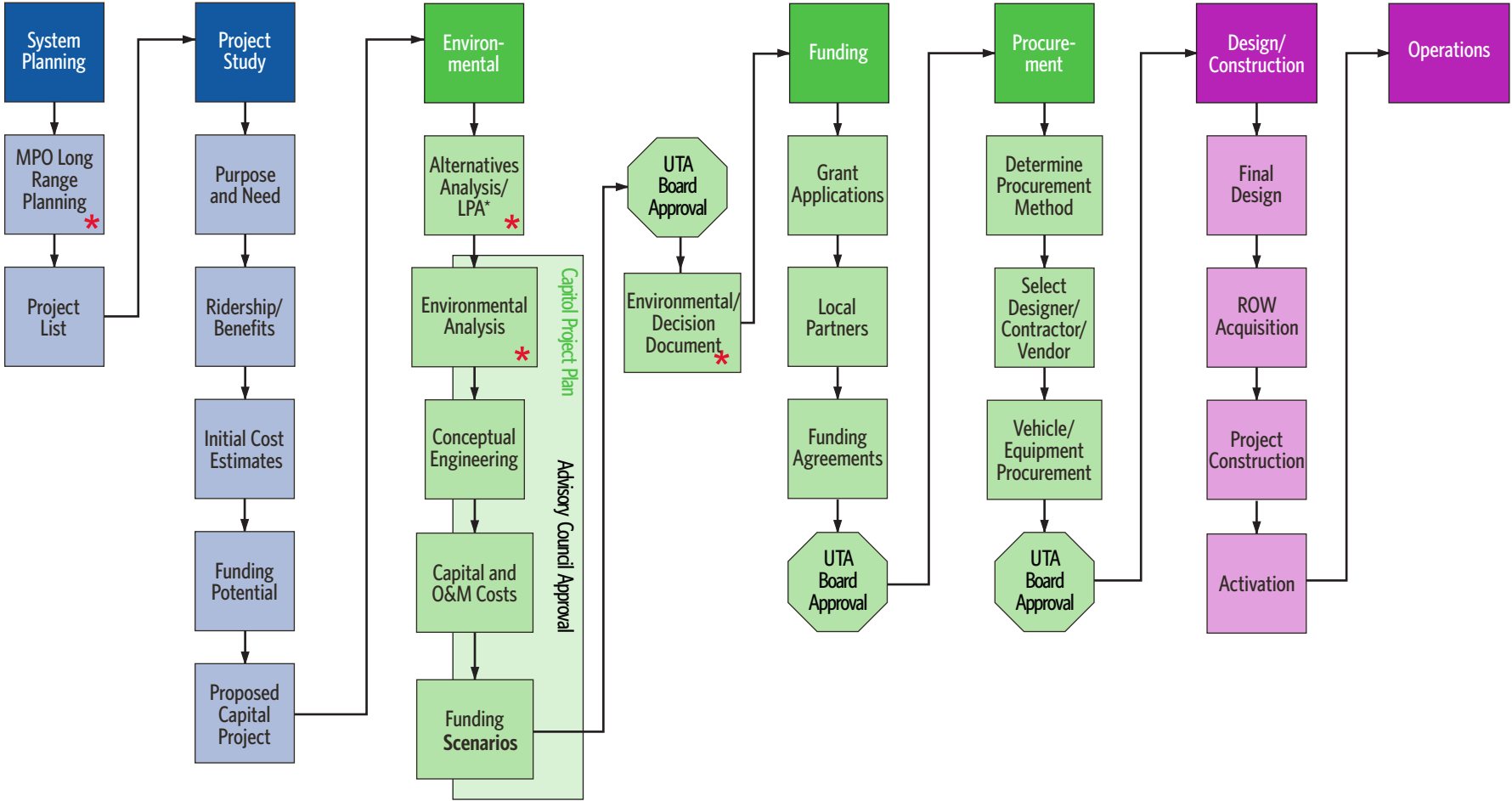
Exhibit A

UTA Capital Development Project Implementation Process

Planning

Development

Implementation



* Community Engagement Opportunity
 *LPA = Locally Preferred Alternative





Fares

Board of Trustees Policy No. 4.1

Application: Board of Trustees

I. Purpose: The purpose of this policy is to establish and maintain an effective fare system for the Authority.

II. Definitions:

“Charter Service” is transportation provided by the Authority at the request of a third party for the exclusive use of a bus or van for a negotiated price.

“Complimentary Passes” are free passes granting access to the Authority’s transportation services.

“Complimentary Service” is free transportation service provided by the Authority for which no fares or operation costs are collected.

“Sponsored Fare” means transportation fares paid for in part or in full by a third party for service that is not Charter Service.

“Sponsored Service” means transportation service paid in part or in full by a third party for service that is not Charter Service.

III. Policy:

A. The Board of Trustees will evaluate and establish the Authority’s base fare rates in compliance with federal and state requirements.

B. The Executive Director will present the following to the Board of Trustees for approval:

1. Special fare rates including pilot programs, promotions, bulk fare purchases, period pass fare products, specially priced programs and products, and pre-paid fare products
2. Discounts to base fare rates
3. Market segments or groups that are exempt from fare payment
4. Adoption of new fare media and modifications to existing fare media
5. Requests for Charter Service
6. Requests for Sponsored Fare
7. Requests for Sponsored Service
8. Requests for Complimentary Service

C. The Executive Director will provide notice to the Board of Trustees of the following:

1. The status of Education Pass negotiations with public colleges and universities

2. The status of negotiations for bulk pass purchases over \$200,000
3. Requests for complimentary passes that exceed \$5,000
4. Fare suspensions or reductions resulting from a declared emergency

D. The Board of Trustees may delegate approval authority under this Policy to a designee.

IV. Cross References: 49 U.S. Code §5307; 42 U.S. Code §12101 et seq.; 49 CFR Part 604; 49 U.S. Code §5323(d); FTA Circular 4703.1; Americans with Disabilities Act; Public Transit District Act; UTA Policy 4.2.1 – Emergency and Disaster Preparedness.

Revision/Review History:

Local Advisory Council Review	Board of Trustees Review	Resolution	Action



Public Records

Board of Trustees Policy No. 4.2

Application: Board of Trustees and Local Advisory Council

- I. Purpose: The purpose of this policy is to describe the Authority's commitment to the Governmental Records Access and Management Act ("GRAMA"), establish the appeals process for GRAMA Requests that have been denied, and identify the provisions of GRAMA that do not apply to the Authority due to its status as a political subdivision.
- II. Definitions:
 - A. "GRAMA Request" means a request for records submitted under the provisions of the Governmental Records Access and Management Act.
- III. Policy:
 - A. Requests for Records
 1. To request records from UTA, a requester must submit a written request to an Authority Records Officer on forms provided by the Authority or submit an electronic request to GRAMA@rideuta.com or openrecords.utah.gov. Requests must include the information required by GRAMA.
 2. Requested records will be classified and produced in compliance with the provisions of GRAMA.
 - B. Appeal Process
 1. A requester or interested party may appeal the Authority's denial of a GRAMA Request to the Authority's Executive Director within thirty days of the decision.
 2. If the Executive Director denies the appeal, the requester or interested party may appeal the decision to the State Records Committee within thirty days of the Executive Director's decision.
 - C. Fees
 1. Changes to the Authority's GRAMA Fee Schedule, available on the Authority's website, will be approved by the Board of Trustees.
 2. Individuals requesting records may inspect public records free of charge during the Authority's business hours.
 - D. Applicability of GRAMA

As a political subdivision, the following sections of GRAMA do not apply to the Authority.

 1. 63G-2-104. Administrative Procedures Act not applicable.

2. Title 63G, Chapter 4, Administrative Procedures Act, does not apply to this chapter except as provided in Section 63G-2-603.
3. 63G-2-208. Public repository of legislative email.
4. 63G-2-702. Applicability to the judiciary.
5. 63G-2-703. Applicability to the Legislature.

IV. Cross References: Governmental Records Access and Management Act, Utah Code, §63G-2-101, *et seq.*

Revision/Review History:

Date of Local Advisory Council Consultation	Board of Trustees Approval (Resolution Number)	Action
6-12-2019	R2019-06-01	Revised, renumbered, and renamed from Board Policy No. 4.4.8 – Records Access and Management Policy to Board Policy 4.2 – Public Records.



Transit Oriented Development

Board of Trustees Policy No. 5.1

Application: Board of Trustees and Local Advisory Council

- I. Purpose: The purpose of this policy is to establish a uniform method of planning, implementing, and managing the Authority’s involvement in transit-oriented development projects in a manner that is transparent and includes communities, regional partners, and stakeholders.

- II. Definitions:
 - A. Affordable Housing Group (“AHG”) means a group consisting of representatives from state, regional, and/or local housing organizations, and representatives from the community.

 - B. Design Review Committee (“DRC”) means the multi-disciplinary committee responsible for reviewing Master Plans and Site Designs proposed by development partners. The DRC consists of representatives from various departments within UTA, as well as other stakeholders as necessary.

 - C. Transit-Oriented Development (“TOD”) means a mixed-use development center occurring near a transit station, designed to increase access to and from transit.

 - D. Metropolitan Planning Organization (“MPO”) means an organization designated to carry out the metropolitan transportation planning process.

- III. Policy: The approval and implementation of the Authority’s TOD projects will proceed as described below and on Exhibit A.
 - A. TOD System Analysis
 1. The Authority will prioritize its TOD efforts by identifying which station areas are most ready for development through a TOD System Analysis tool.

 2. This tool will examine each station within the transit system, based on objective criteria and in collaboration with the MPOs, and prioritize stations according to their readiness. The criteria will include, but not be limited to, land availability, market readiness, accessibility, and public support.

 3. The TOD System Analysis tool will provide decision-makers with rankings describing each site’s overall readiness as a TOD site, its readiness as a site with potential to catalyze TOD where it does not currently exist, and its appropriateness as a location for affordable housing.

 4. The Authority will utilize findings from the TOD System Analysis tool to inform future development efforts.

5. The Authority will report the findings of the TOD System Analysis to the Board of Trustees at least once a year and on an as-needed basis.

B. Station Area Plan

1. The Authority will collaborate with local municipalities to prepare Station Area Plans for areas around transit hubs.
2. Station Area Plans are intended to be a guide for the Authority and the applicable municipality to plan infrastructural improvements, affordable housing, ordinance amendments, and design guidelines.
3. During the Station Area Plan phase, the Authority and the applicable community will discuss affordable housing needs within the station area. Recommendations may be included in the Station Area Plan. Implementation of affordable housing, if applicable, will be addressed during the Master Plan phase.
4. The Station Area Plan will be acknowledged by the applicable city and will be approved by the Local Advisory Council and the Board of Trustees prior to procurement of a development partner for the associated site.

C. Conceptual Layout and Procurement

1. The Authority will prepare conceptual layouts, developer criteria, and/or design standards, derived from the findings of the applicable Station Area Plan. These materials will be used to inform developer procurements and design reviews.
2. Upon site selection and authorization from the Board of Trustees, the Authority will issue a Request for Qualifications and Proposals (“RFQ-P”) to solicit developers whose skills and expertise align with the vision identified in the Station Area Plan.
3. Responses to RFQ-Ps will be evaluated by a selection committee made up of UTA and city personnel, as well as other stakeholders as deemed necessary. Based on the evaluations, the selection committee will select a development partner for the project.
4. The Authority will enter into an exclusive negotiation period, appropriate for the size and scope of the TOD project, with the selected development partner.

D. Master Plan

1. The Authority will create Master Plans for TOD projects in collaboration with city staff, UTA personnel, its development partners, consultants, and contractors (the “Development Team”) to ensure that the ultimate build-out of

the TOD site is consistent with the regional growth vision and applicable Station Area Plans.

2. If the Station Area Plan recommends residential uses for UTA property, the Development Team will meet with an Affordable Housing Group, organized appropriate to the needs of the applicable community, to discuss opportunities to incorporate affordable housing.
3. The Master Plan will provide a general description of the development program for all phases of development, site layout, development phasing, and projected schedule.
4. The Master Plan will be accompanied by a corresponding Master Development Agreement which will establish general terms between UTA and its development partner and will govern all phases of development.
5. If applicable, the Development Team will create a project that meets the requirements and intent of the FTA's Joint Development program. Prior to development, the Authority's staff will obtain FTA approval for proposals at sites involving federal funds.
6. The Master Plan and the Master Development Agreement will be approved by the Board of Trustees before the Development Team may seek additional approvals.

E. Site Design

1. The Development Team will generate Site Designs as individual phases of development are identified and readied for construction. Site Designs will include the final footprint and orientation of buildings, streets, plazas, amenities, landscaping, and other features to be constructed within the scope of that phase.
2. The Design Review Committee will ensure that proposals adhere to UTA's general TOD Design Guidelines, meet requirements set forth in the RFQ-P, reflect the community's interests, and protect the transit-critical functions of the site. DRC reviews will complement and augment the existing city review process.

F. Financial Analysis

1. The Authority and its development partners will produce a Financial Analysis for individual development phases including the development pro forma, loan terms, and the applicable legal instrument (Operating Agreement, Ground Lease Agreement, or other), to formalize the terms of the proposed phase of development.

2. The Financial Analysis will be reviewed by the Authority’s TOD, legal, and executive staff, as well as a third-party expert consultant, to ensure that the terms are market feasible, ethical, and compliant with applicable policy. The findings from the third-party expert review will be provided to the UTA Board of Trustees.
 3. The Financial Analysis and the terms of the applicable legal instrument will be approved by the Board of Trustees prior to execution of the applicable legal instrument.
- G. Construction Management. During construction, the Authority will coordinate construction efforts between UTA, its development partner, general contractor, and city staff to reasonably mitigate any negative effects to transit operations and the Authority’s patrons due to construction activities.
- H. Property Management
1. After construction is complete, the Authority will ensure compliance with all applicable agreements, track revenue distributions, and confirm that policies, procedures, and Federal obligations are met.
 2. All revenue generated by FTA-approved Joint Development projects will be treated as Program Income.
 3. All one-time revenues generated by a major capital event, such as a sale or refinancing, of a TOD project may be reserved and used for future TOD-supportive capital expenditures.

Cross References: TOD Strategic Plan

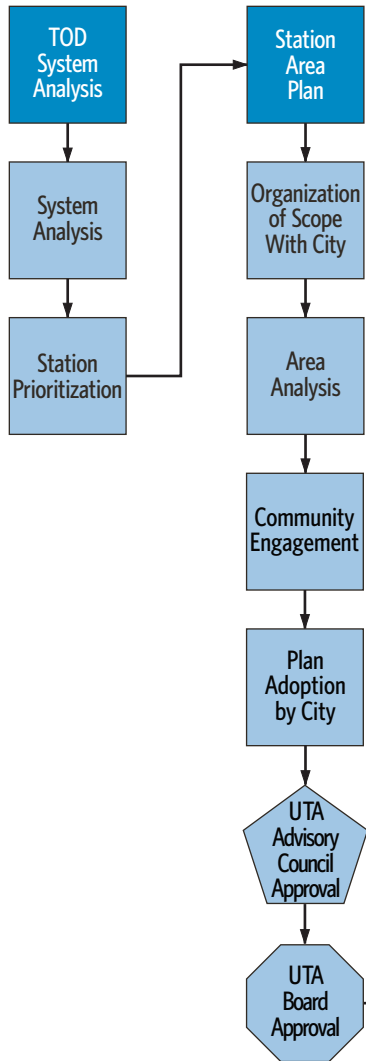
Revision/Review History:

Date of Local Advisory Council Consultation	Board of Trustees Approval (Resolution Number)	Action
2-20-2019	R2019-01-04	Revised to reflect process changes
	R2019-06-01	Renumbered and renamed from Executive Limitations Policy 2.2.4 – Transit Oriented Development to Board Policy No. 5.1 – Transit Oriented Development; revised to reflect name change from Local Advisory Board to Local Advisory Council.

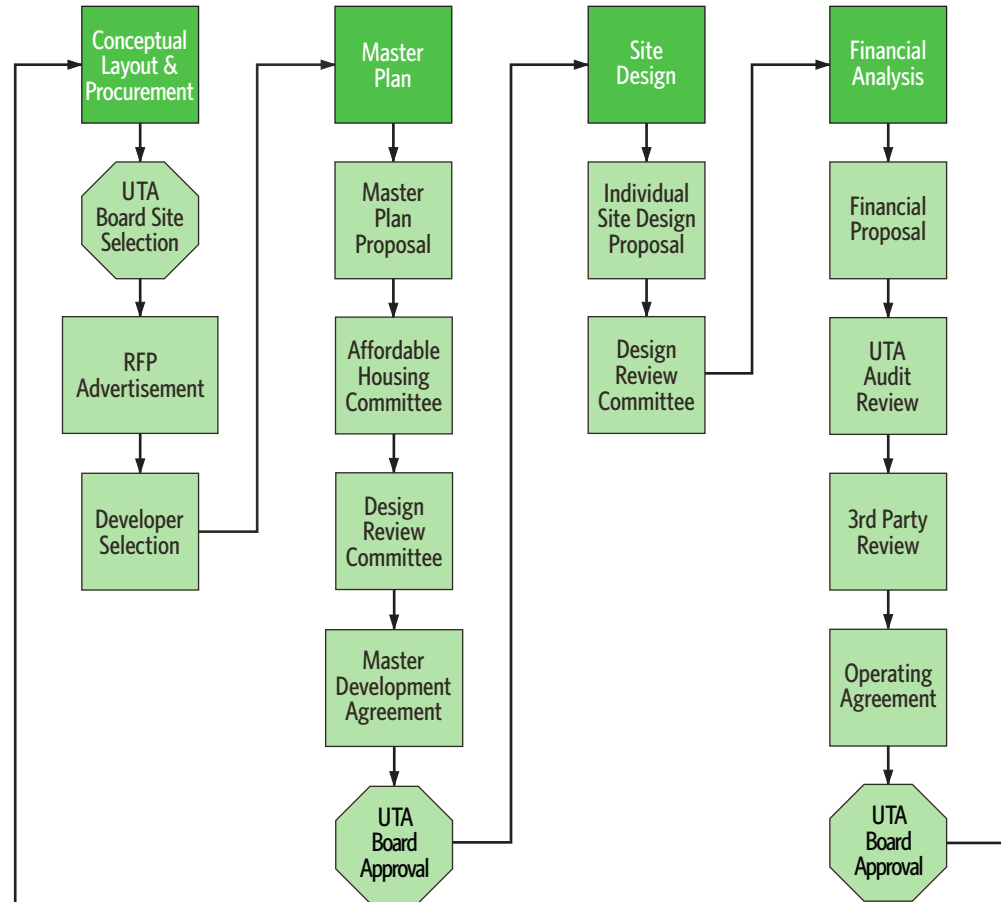
Exhibit A

UTA TOD Planning and Development Process

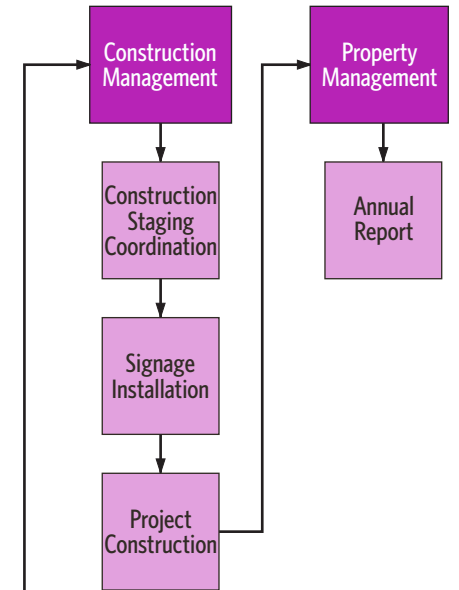
Planning



Implementation



Management





Real Property

Board of Trustees Policy No. 5.2

Application: Board of Trustees and Local Advisory Council

- I. Purpose: The purpose of this policy is to guide the acquisition, disposition, encumbrance, or other commitment or contracts for control or use of the Authority's real property.

- II. Definitions:
 - A. "Approved Capital Project" means a capital project approved by the Board of Trustees that includes a budget and a series of deliverables contemplating the purchase, sale, or use of real property.

 - B. "Real Property Transaction" means the acquisition, disposition, encumbrance, or other commitment or contract for the control or use of the Authority's real property.

- III. Policy:
 - A. Real Property Transactions
 1. The Board of Trustees will approve Real Property Transactions that:
 - a. have an aggregate value of \$200,000 or more, except when authority has been delegated for an Approved Capital Project as described in paragraph A(3) below
 - b. cause the Real Property Transaction line item in an Approved Capital Project budget to be exceeded
 - c. must be acquired through the use of eminent domain
 - d. result in a purchase price that exceeds the fair market value plus an administrative settlement permitted by federal regulations
 - e. convey property rights that interfere with the Authority's intended use of the property, transit operations, or continuing control of the property as required by federal regulations
 - f. result in the contracted sale or revenue amount previously approved by the Board of Trustees to decrease by fifteen percent (15%) or more
 - g. result in the contracted purchase or payment amount previously approved by the Board of Trustees to increase by fifteen percent (15%) or more
 - h. are for the acquisition, disposition or development of real property for the purpose of transit-oriented development

 2. The Board of Trustees will approve Real Property Transactions of \$1 million or greater by resolution.

3. The Board of Trustees may establish parameters by resolution that delegate authority to the Executive Director to approve Real Property Transactions of \$200,000 or more that have been included in an Approved Capital Project budget.
- B. Classification of Real Property
1. The Authority will classify real property as Transit Critical, Transit-Oriented Development, or Surplus.
 2. The Board of Trustees will approve the following reclassifications of real property:
 - a. Transit Critical to Transit-Oriented Development
 - b. Transit Critical to Surplus
 - c. Transit-Oriented Development to Surplus
- C. Annual Report
- The Executive Director will present an annual report to the Board of Trustees that includes an inventory of the Authority’s real property and a list of property acquisitions and dispositions occurring since the previous year’s report.

Cross References: UTA Policy 3.1.1; UTA Transit-Oriented Development Strategic Plan.

Revision/Review History:

Date of Local Advisory Council Consultation	Board of Trustees Approval (Resolution Number)	Action
6-12-2019	R2019-06-01	Combined Board Policy Nos. 1.4.1a – Property – Acquisition, 2.2.2 – Property, and 1.4.1b – Property – Encumbrance into Board Policy 5.2 – Real Property.