

RESOLUTION NUMBER 897

BY THE ADA COUNTY HIGHWAY DISTRICT BOARD OF COMMISSIONERS:
CAROL A. MCKEE, SHERRY R. HUBER, REBECCA W. ARNOLD, JOHN S.
FRANDEN, AND SARA M. BAKER.

A RESOLUTION PROVIDING FOR THE APPROVAL AND ADOPTION OF ADA COUNTY HIGHWAY DISTRICT'S INTERAGENCY COST SHARE POLICIES AND PROCEDURES.

WHEREAS, Ada County Highway District ("ACHD") is the single countywide highway district in and for Ada County, Idaho created pursuant to Idaho Code, Chapter 14, Title 40, and has exclusive jurisdiction over the public right-of-way; and

WHEREAS, ACHD is a special purpose government whose authority to make expenditures and participate in interagency cost sharing for roadway projects is limited to the specific authority granted under Idaho law.

WHEREAS, pursuant to Idaho Code Section 40-1310 and 40-1415, any roadway project improvements that result in costs outside of ACHD's specific statutory authority are costs that must be paid for by a partnering agency requesting the improvements; and

WHEREAS, the Interagency Cost Share Policies and Procedures is one of three products of the Transportation Land Use Integration Plan ("TLIP") that was developed to clearly define the role of ACHD, cities, the county, urban renewal agencies and other potential partnering agencies in funding both transportation and non-transportation elements on ACHD's road projects and maintain flexibility for ACHD to consider unique aesthetic features of road projects and recognize the desires of the partnering agencies for non-transportation features within their boundaries; and

WHEREAS, the Interagency Cost Share Policies and Procedures establishes clear and equitable policies and procedures for ACHD to cooperate with other partnering agencies within Ada County to include non-transportation components and such as landscaping, specialized pavement and sidewalk treatments, decorative lighting and other aesthetic features beyond the transportation elements that are necessary for safety and mobility; and provide a framework whereby a partnering agency may enter into a cost share partnership with ACHD to fund the incremental costs of these improvements including; design, land acquisition, construction and perpetual maintenance of any requested aesthetic feature and/or non-transportation component on ACHD road projects; and

WHEREAS, Resolution 897 will amend Section 3100, Development of Projects, of the ACHD Policy Manual, and establish a new Section 3109 of the ACHD Policy Manual entitled "Interagency Cost Share Policies and Procedures" and;

WHEREAS, ACHD staff has prepared the Interagency Cost Share Policies and
RESOLUTION 897 – APPROVAL AND ADOPTION OF INTERAGENCY COST SHARE
POLICIES AND PROCEDURES

Procedures for the District Board of Commissioner's consideration, approval, and adoption, as set forth in Exhibit "A" attached hereto; and

WHEREAS, it is in the best interest of the citizens of Ada County, Idaho, for the Ada County Highway District Board of Commissioners to approve and adopt the Interagency Cost Share Policies and Procedures as set forth in Exhibit "A" attached hereto; and

NOW, THEREFORE, BE IT RESOLVED, by the Ada County Highway District Board of Commissioners that it does hereby approve and adopt the "Interagency Cost Share Policies and Procedures" as set forth in Exhibit "A" attached hereto.

BE IT FURTHER RESOLVED that the "Interagency Cost Share Policies and Procedures" shall be incorporated into Section 3109 of the ACHD Policy Manual and shall be in full force and effective immediately upon adoption and approval.

ADOPTED AND APPROVED by the Board of Commissioners of the Ada County Highway District at its regular meeting held on this 27th day of May, 2009.

ADA COUNTY HIGHWAY DISTRICT
BOARD OF COMMISSIONERS

By: Carol A. McKee
Carol A. McKee, President

By: Sherry R. Huber
Sherry R. Huber, 1st Vice President

By: Rebecca W. Arnold
Rebecca W. Arnold, 2nd Vice President

By: John S. Franden
John S. Franden, Commissioner

By: Voted no - refused to sign
Sara M. Baker, Commissioner

3109 INTERAGENCY COST SHARE POLICIES AND PROCEDURES

3109.1 Purpose in Establishing an Interagency Cost Share Policy

The purpose of the cost share policy is to define the role of ACHD, cities, the county, urban renewal agencies and other potential partnering agencies in funding both transportation and "non-transportation" elements of ACHD's road projects. The cost share policy maintains flexibility for ACHD to consider unique features of projects and recognize the desires of the partnering agencies for roadway features within their boundaries. Each partnering agency has its own unique aesthetic vision for its community and the aesthetic features it desires, from landscaped medians, to street trees, to on street parking, to types and dimensions of sidewalks. This policy allows flexibility within the roadway design process, establishes a consistent set of transportation elements that ACHD will fund for all partnering agencies and provide the opportunity for financial participation from each partnering agency to make its own aesthetic vision a reality. This policy is not intended to cover every possible situation in which decisions about cost sharing must occur. This policy is intended to complement the specific authority granted to ACHD pursuant to the Idaho Constitution and Idaho Code, not replace or supersede it. If there is a conflict between this policy and state and/or federal law, state and/or federal law shall control.

The Interagency Cost Share Policy may apply to the following partnering agencies:

1. Cities
2. Counties
3. Urban Renewal Agencies
4. Idaho Transportation Department
5. Neighboring counties and highway districts
6. School districts
7. Utilities
8. Regional Public Transportation Authority (VRT)
9. Metropolitan Planning Organization (MPO) or Transportation Management Agency (TMA)

Some projects may require ACHD and a partnering agency to partner with private entities, such as developers or private utilities, to fund both transportation and non-transportation elements of a project.

3109.2 ACHD Statutory Responsibilities

As a special purpose government, ACHD's authority to make expenditures is limited to the specific authority granted under Idaho law. ACHD may only participate in interagency cost sharing for roadway projects to the extent that its participation complies with the specific powers granted to it by the Idaho Legislature as provided for in Idaho Code. ACHD is statutorily authorized in making expenditures on road improvements which include the design, construction, reconstruction and maintenance of highways and public rights-of-way, including drainage. ACHD is prohibited from exercising its powers of eminent domain to acquire private property unless the improvement to the right-of-way is consistent with ACHD's statutory authority and a public necessity as defined by established engineering industry standards.

There are two separate chapters in Title 40 of the Idaho Code related to powers granted to ACHD:

1. Chapter 13 – Powers of ACHD outside cities; and
2. Chapter 14 – Powers of ACHD within cities.

ACHD's powers are best summarized under applicable sections of I.C. §§ 40-1310 and 40-1415. Any project improvements that result in costs outside ACHD's specific statutory mandated powers are costs that must be paid for by the partnering agency requesting the improvements.

3109.3 Transportation Components

Pursuant to Idaho law, ACHD may fund the following transportation components:

1. Travel Lanes - Through or turn lanes for the purpose of vehicular movements;
2. Bike Lanes - Facilities for bicycle use within the curb-to-curb section of urban roadways or along shoulders of rural roadways;
3. Curbs and Gutter - Infrastructure for storm water conveyance on urban cross-sections;
4. Sidewalks - Facilities for the safe movement of pedestrians; including related safety buffers;
5. Paved Medians - Facilities installed for purposes of motorist safety, access management and traffic flow;
6. Retaining Walls - Facilities for buttressing of slopes as a result of roadway design;
7. Highway Lighting - Illumination for the primary benefit to the motorist;

8. Traffic Control Devices - Traffic signals, flashing beacons, signage, striping and intelligent transportation system facilities;
9. Drainage - Storm water structures where necessary for motorist safety and maintenance.

3109.3.1 Alternative Transportation

1. ACHD accommodates standard pedestrian and bicycle facilities in roadway and intersection projects, as defined by ACHD's Livable Street Design Guide or other cross-section policies.
2. Issues related to construction, placement or relocation of transit structures in the right-of-way shall be addressed through the Cooperative Agreement for Transit Structures between ACHD and Valley Regional Transit.

3109.3.2 Intelligent Transportation System

Funding for ITS projects off of the ACHD system may be managed by ACHD, but will require full funding or local match from the agency on whose system the project exists.

3109.3.3 Storm Water Quality

ACHD is responsible for design, construction, and reconstruction of storm water drainage where necessary for motorist safety or right-of-way maintenance. If ACHD determines that an agency's request for a project will have an adverse affect on storm water quantity or quality, the requesting agency, at its sole cost shall be responsible for mitigating any such adverse effects.

3109.4 Non-Transportation Components

Road project elements over which ACHD has no statutory authority, must be coordinated with the appropriate land use and/or public transportation agency.

3109.4.1 Aesthetic Features

A partnering agency may request the inclusion of aesthetic features for roadway projects in the ACHD Five-Year Work Plan. Aesthetic features may include, but are not limited to, landscaping, specialized pavement or sidewalk treatments, decorative lighting, and other non-transportation component features.

1. If a partnering agency requests an aesthetic feature on an ACHD project that is beyond ACHD's statutory funding authority, the partnering agency will be required to provide for 100% of the costs of the non-transportation component improvements including design, land acquisition, construction and perpetual maintenance.

2. If a partnering agency elects to enhance a necessary transportation component of an ACHD project with an aesthetic feature, ACHD may provide a funding credit to the partnering agency that contributes towards the cost of the requested aesthetic feature under the following conditions: (1) the credit can only be applied toward enhancing a necessary transportation component and; (2) the aesthetic feature cannot diminish or eliminate the function of a transportation component; (3) the amount of the credit will not be greater than ACHD's avoided cost of the transportation component determined by ACHD; (4) the credit can only be applied on the same project; (5) credits will not be allowed for avoided costs associated with changes to number of travel lanes, lane widths or transportation components required for motorist or pedestrian safety. The terms of a credit will be specified in a project-specific interagency cost share agreement.
3. The partnering agency shall be solely responsible to provide for the ordinary and necessary maintenance, repair and operation of any aesthetic features installed in the right-of-way in perpetuity. If the partnering agency fails to ensure maintenance of the aesthetic features, ACHD may, after reasonable efforts working the partnering agency to cure the default, as specified in the applicable interagency agreement, elect to remove and replace the aesthetic features with the hardscape or other materials consistent with standard ACHD practice. All costs associated with aesthetic removal and replacement will be borne by the partnering agency. Failure of the partnering agency to ensure maintenance of aesthetic features may jeopardize the partnering agency's ability to secure cost sharing agreements on ACHD projects until defaults are corrected and ACHD's expenses associated with aesthetic feature removal and replacement have been fully reimbursed.

3109.4.2 Medians

Medians can be provided for aesthetics.

1. ACHD Development Policy, Transportation Research Board guidelines, and/or established engineering industry standards, will be used to determine the need for medians for access management and safety.
2. If a partnering agency requests medians that are not justified for traffic management based upon established engineering industry standards, then the requesting agency shall be required to provide 100% of the costs of the median, including, design, additional land acquisition, construction and maintenance.

3. ACHD is responsible for the cost of medians for traffic management which can be met with hardscaping.
4. A partnering agency is responsible for the installation and maintenance of aesthetic features in a median.
5. The decision to install aesthetic medians will require public involvement and applicable land use jurisdiction support. ACHD has sole discretion with regard to installation of medians.

3109.4.3 Pedestrian/Bicycle Facilities

Communities may desire pedestrian/bicycle facilities that are beyond ACHD's Livable Street Design Guide or other cross-section policies .

1. In the pedestrian area, ACHD shall provide a buffer space to meet ADA requirements as defined in the Livable Street Design Guide. ACHD will pay for right-of-way to provide a pedestrian safety buffer up to a total of 6' of buffer space, if a city or partnering agency agrees to provide or ensure installation and maintenance of landscaping in the applicable space. On certain roadways, larger pedestrian zones/features may be justified at ACHD's expense if it can be demonstrated that it is needed for pedestrian safety and otherwise complies with the public necessity requirements for eminent domain as set forth in the Idaho Constitution Art. I, § 13 and Idaho Code § 7-701 et seq.
2. If a partnering agency requests additional bicycle and pedestrian facilities that are beyond ACHD's Livable Street Design Guide or other cross-section policies, the agency is required to provide 100% of the costs for additional improvements, including design, land acquisition and construction.

3109.4.4 On-Street Parking

ACHD shall fund the right-of-way, construction, and maintenance of on-street parking where appropriate on arterials for ACHD projects. On-street parking on collectors and local roads will come from dedications, consistent with existing ACHD policy. On-street parking for arterials will come from dedications when required as a condition of development approval. On-street parking must be approved by ACHD.

3109.4.5 Federally-Funded Projects

1. Federal and State laws, rules and policies determine what level of non-transportation elements should be included in STP-TMA projects.

2. The match paid by partnering agencies on a project that combines both transportation and non-transportation elements shall be proportionate to the share of the non-transportation elements of the project.
3. STP-Enhancement projects may require additional discussion and negotiation as non-transportation features are generally components of such projects.

3109.4.6 Mitigation

1. Site specific mitigation may include specialized treatments such as sound walls, berms and other project components whose purpose is to mitigate traffic impacts within the project area. These requests stem from studies, project-specific outreach, planning efforts, and city requests.
2. Funding of mitigation, beyond that negotiated on a property by property basis during ACHD right-of-way acquisition process, will be handled on a case by case basis in consultation with partnering agencies during project development and with written approval of the Commission.

3109.5 Notice of Interest

Partnering agencies should indicate possible interest in non-transportation elements during ACHD's annual request for jurisdiction priorities for the Five-Year Work Plan (FYWP). A partnering agency should indicate such interest in a letter to the ACHD Commission indicating project priorities. However, partnering agencies may indicate such interest at any time by a letter to the ACHD Commission, subject to the limitations in Section 3109.6 below.

3109.6 Project Development

During project development, ACHD will provide interested partnering agencies the opportunity to identify desired aesthetic features and adopt an interagency cost share agreement. ACHD will develop the project consistent with the terms and conditions of an adopted interagency cost share agreement. General project timelines will be indicated in the FYWP. These timelines are subject to change through the annual update of the FYWP, project development and the budget.

1. When the first project design phase is initiated, (concept design or design) ACHD will involve the partnering agencies who have indicated an interest in writing to identify and evaluate alternatives and determine desired aesthetic/non-transportation features

2. ACHD establishes a detailed scope of work for the project design prior to initiating design work. Partnering agencies will be afforded the opportunity to review and comment on the scope of work for project design to ensure desired non-transportation features are included.
3. If an agency indicates interest in possible participation after a consultant design agreement has been signed, or requests changes to non-transportation features outside the current design scope of work, the partnering agency will be solely responsible for any additional design costs resulting from their request.
4. At the conclusion of concept design, and prior to initiating design, ACHD and the partnering agency shall enter into an interagency cost sharing agreement to outline cost share and other responsibilities for the project. Some projects proceed to design without a separate concept design phase. In these cases, ACHD and the partnering agency shall determine the desired features and enter into an interagency cost sharing agreement early in the design process.
5. If an agency declines to enter into an interagency cost sharing agreement, the project may be delayed, or project design may proceed without incorporating the partnering agencies' desired features. Any additional costs that result from a partnering agency declining to enter into an interagency cost sharing agreement, and later requesting additional features; shall be borne by the partnering agency.
6. Partnering agency requests after project design is complete will require full compensation from the partnering agency for design or other changes in the project. ACHD will work with the partnering agency to incorporate design features that are feasible, however not all requests, including those fully funded by the requesting agency, may be able to be accommodated due to site specific design constraints, status of land acquisition, the project schedule, and other feasibility issues.

3109.6.1 Acceleration of Project Construction

1. Agencies may request project construction prior to ACHD adopted programming.
2. If a partnering agency supplements ACHD funding for the transportation elements of a project, ACHD awards the project points for non-ACHD funding in the prioritization of project ranking.

3. If the partnering agency makes a project a top request of the agency, ACHD awards the project points for the partnering agency request in the prioritization of project ranking. A high-ranking request is also considered during the annual Five-Year Work Plan and budget updates, with efforts made to accommodate the request within other funding and schedule considerations.

3109.6.2 Acceleration through Cooperative Projects

The ACHD Commission may enter into cooperative agreements with developers to construct projects through public-private partnerships with funding arrangements negotiated on a case-by-case basis.

1. ACHD will use the adopted Master Street Map and seek local land use jurisdiction input to identify desired non-transportation features when a development agreement is proposed.
2. ACHD will notify the applicable land use jurisdiction of a proposed development agreement and the land use jurisdiction will have at least 30 days, from the date of notification of the proposed development agreement, to indicate their desire to become a partnering agency for non-transportation features.
3. Partnering agencies desiring non-transportation aesthetic features will have the opportunity to become a party to the cooperative agreement between ACHD and the developer. The partnering agency's cost share responsibilities for the aesthetic non-transportation features will be negotiated upon terms consistent with this cost share policy, and set forth in the cooperative development agreement.
4. Partnering agencies seeking cooperative projects for ACHD system improvements outside of the normal development review process shall contact ACHD to initiate discussion and case by case negotiation of appropriate cost share.

3109.7 Intergovernmental Agreement

Pursuant to Idaho Code 67-2332, ACHD may enter into intergovernmental agreements with other public agencies for the purpose of performing any governmental service, activity, or undertaking which each public agency is authorized by law to perform. Proposed project timeframes, anticipated project completion dates, payment and/or reimbursement provisions, as well as other duties and obligations of the parties, shall be negotiated in terms and conditions that are consistent with this cost share policy and set forth in a written intergovernmental agreement. The agreement shall be adopted by both the ACHD Commission and the partnering agency's governing body.

3109.8 Procedures for Participation Prior to Project Development

Any agency requesting ACHD consideration shall follow the following procedure:

3109.8.1 Master Street Map and Future Acquisitions Map

Partnering agencies may indicate their desire for additional right-of-way for non-transportation elements at any time by concurrent ACHD and applicable land use jurisdiction adoption of a right-of-way width to accommodate the desired elements in ACHD's Master Streets Map and the land use jurisdiction's Future Acquisitions Map. Such adoption indicates the partnering agency is willing to provide funding for the additional features consistent with this policy and any interagency agreements.

1. If a partnering agency and ACHD agree on the features for a roadway during a planning effort (e.g. comprehensive plan update, subarea or corridor planning, etc) they will indicate their commitment to cost share by adopting an interagency agreement and will each adopt the appropriate right of way width into ACHD's Master Street Map and the land use jurisdiction's Future Acquisitions Map.
2. ACHD will seek financial participation from the partnering agency when development applications present an opportunity for early right-of-way acquisition.
3. If the partnering agency declines to participate in early right-of-way acquisition, ACHD will acquire right-of-way for the basic footprint, as defined in ACHD's Livable Street Design Guide or other cross-section policies. Partnering agencies will be provided a second opportunity to purchase, at the partnering agency's cost, additional right-of-way during the right-of-way phase of ACHD's capital projects development provided that ACHD and the partnering agency enter into an interagency cost sharing agreement during the design phase.
4. If ACHD enters into a cooperative development agreement for improvements in the public right-of-way, ACHD will include the additional right-of-way and desired aesthetic features adopted in the Master Street Map.

3109.9 Projects for Economic Development and Land Use Goals

1. Projects of this nature typically evolve out of city area-specific planning efforts and include projects and initiatives beyond the transportation system needs and priorities identified by ACHD.

2. Funding expectations for such projects are to be clearly spelled out and resolved during the planning process prior to presenting the project to the Commission for adoption.

3109.10 Exceptions

The Commission reserves the right to consider exceptions from this policy on a case-by-case basis and in accordance with Idaho law.

1. The Commission may approve roadway design features that differ from the standard policies by adopting a concept design that specifies the alternative features.
2. A partnering agency may propose an exception during negotiation of a project specific interagency agreement. The agency proposing an exception should provide a justification for Commission consideration.
3. If there is an existing project specific interagency agreement, a partnering agency may propose an amendment to such agreement proposing an exception, with justification for Commission consideration.

3109.11 Project Cost Responsibilities

ITEM	ACHD COST	PARTNERING AGENCY
Design	Standard Design	Design of Amenities
Right-of-Way	Project specific design dimensions or Livable Street Design Guide basic street section if typology adopted by ACHD and jurisdiction in Master Street Map or ACHD Capital Improvement Plan -subject to public necessity requirements for eminent domain as set forth in the Idaho Constitution Art. I, § 13 and Idaho Code § 7-701 et seq.	Extra Right of Way (ROW) for amenities as outlined in policy, including damages, buyouts and associated legal costs
Through and Center Turn Lanes, Curb and Gutter, Utility Strip	Project specific design dimensions or Livable Street Design Guide dimensions if typology adopted by ACHD and jurisdiction in Master Street Map or ACHD Capital Improvements Plan	None
Medians	If needed for traffic safety & operations, with hardscape	Upgraded hardscape or landscaping and irrigation if median is needed for traffic management. All ROW, construction, and maintenance if median is for aesthetics only
Buffer Zone	As specified in the Livable Street Design Guide for the basic pedestrian zone; 6' ROW if partnering agency chooses to landscape -subject to public necessity requirements for eminent domain as set forth in the Idaho Constitution Art. I, § 13 and Idaho Code § 7-701 et seq.	Landscape costs, construction and ROW in excess of 6'; perpetual maintenance of landscaping
Bike Lanes	5' unless constrained in a built environment, then determined during project design	Greater than 5' unless otherwise specified in an adopted plan
Sidewalks	5'	Greater than 5' unless otherwise specified in an adopted plan
On Street Parking	ROW, design, construction and maintenance on ACHD arterial projects	Dedicated by the partnering agency or developer for collectors and local roads. Dedicated by developer for arterials when required as a condition of development approval.
Illumination (lighting)	Primarily of benefit to motorists	Energy and Maintenance costs, Pedestrian lighting