

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	July 15, 2024
Action Required:	Approval of Memorandum of Agreement (MOA) - City of Charlottesville
Presenter:	Steven Hicks, Director of Public Works
Staff Contacts:	Steven Hicks, Director of Public Works
Title:	Resolution to enact a Memorandum of Agreement (MOA) between City of Charlottesville and Virginia Department of Transportation (VDOT)

Background

For years now, the City has suffered - for many reasons - with the quality of management of our locally administered transportation program in partnership with VDOT. The City has been aware of the challenges for some time with the execution of our deliverables on-time and on-budget.

The City is designated as DEFICIENT for not being able to deliver projects on-time and on-budget. As a result, VDOT required the City to submit a Projects Development Improvement Plan (PDIP) known as a corrective action plan that was approved by VDOT in January 2024. Part of the PDIP is VDOT's new Locality Sustained Performance Program (LSPP). The LSPP review is based on each locality's ability to meet the performance targets for three metrics:

1. On-Time
2. Reasonable Progress
3. Fiscal Management.

In the PDIP, the City has also expressed interest in returning locally administered project oversight to VDOT for projects mutually agreeable. The City is in the final phase of developing a Memorandum of Agreement (MOA) should the City choose to transfer certain City's projects for VDOT's oversight. It should be noted, VDOT will require Council approval of a VDOT/City Project Agreement specific to each City project that VDOT manages.

Discussion

The following are the key points of the MOA:

- The purpose of this MOA is to establish communication and coordination procedures between the City and VDOT in instances where VDOT has agreed to administer/lead in administration of specific projects located within the bounds of the City.

- The City and VDOT are jointly committed to improving roadway safety, including pedestrian and bicyclist safety, and we will work collaboratively in the planning, design, and construction of transportation projects.
- For the City, effectiveness is also measured by transportation planning and design that includes consideration of City objectives and emphasizes Urban Design, including multimodal transportation.
- VDOT acknowledges Urban Design elements are necessary and appropriate in the City and that the City will receive incremental, time constrained opportunities for staff and the citizenry to participate in scoping, planning, design, and construction of projects administered by VDOT located within the City's urban environment.
- VDOT Administer the Public Involvement process in accordance with the VDOT Public Involvement Manual. This includes administration of design public hearings. On a project-by-project basis, VDOT will collaborate with the City to determine if a community member information meeting(s) may be used in the public involvement process.
- VDOT facilitate the Right of Way acquisition process on behalf of the City and to the extent it is necessary for VDOT to engage in Right of Way acquisition for a project, VDOT will do so in accordance with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and related regulations and VDOT Right of Way Manual.
- VDOT will be responsible for social, equity, economic, and environmental effects of transportation projects during the planning, development, and construction of transportation projects.
- City to review and provide input and feedback to VDOT relating to construction pick lists/options and special provisions, for incorporation in the terms of contract proposals developed by VDOT. Specifically, provide input and feedback relating to items, materials, aesthetic design features, and acceptable construction items to be included in contract special provisions at project scoping, and throughout development, but in no case other than unforeseen conditions, beyond contract advertisement.
- City upon completion of a project's public hearing, provide a City Council hearing approval resolution. If approval is withheld, denied, or deferred by City Council beyond two consecutive public readings, projects may be brought before the Commonwealth Transportation Board for project cancelation at VDOT's discretion.
- The City acknowledges that upon City Council's consent and approval of a project's public hearing, that a project's scope, schedule, and estimate will only be revised in the event VDOT determines such revision is required.
- Either Party may elect to terminate this MOA by providing 90-day written notice to the other Party, however in the event of any such termination, the terms of this MOA shall continue to apply to any project that is underway at the time of termination unless otherwise agreed by the Parties.

Alignment with City Council's Vision and Strategic Plan

The MOA aligns with Goal 6) **Organizational Excellence** with staff delivering excellent services to the community. Goal 8) **Transportation** by improving the City's transportation systems by providing modes of transportation that increase mobility options that are reliable and affordable for all. Goal 9) **Partnership** by creating meaningful collaborations with partners and key stakeholders, such as the Virginia Department of Transportation.

Community Engagement

Planning projects described within this presentation have their own elements of public and stakeholder engagement, as appropriate for the subject topic of each project.

Budgetary Impact

None

Recommendation

To approve and authorize the City Manager to sign and execute the City and VDOT MOA to allow the flexibility to have VDOT lead in the administration of specific projects on a case-by-case basis for City transportation projects.

Alternatives

None

Attachments

1. VDOT-Charlottesville Project Administration MOA
2. Resolution_VDOT MOA