

**MEMORANDUM OF UNDERSTANDING
BETWEEN AND AMONG THE
REGIONAL PLANNING AGENCIES IN THE SAN JOAQUIN VALLEY
AND THE
SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**

THIS MEMORANDUM OF UNDERSTANDING (hereinafter "MOU"), which shall be effective the 9th day of September 2009, between and among the Council of Fresno County Governments, Kern Council of Governments, Kings County Association of Governments, Madera County Transportation Commission, Merced County Association of Governments, San Joaquin Council of Governments, Stanislaus Council of Governments, and Tulare County Association of Governments, herein referred to as regional planning agencies (hereinafter "RPA"s), and the San Joaquin Valley Unified Air Pollution Control District (hereinafter "SJVUAPCD"), hereby enter into this Memorandum of Understanding;

W I T N E S S E T H

WHEREAS, the above listed regional planning agencies are the Metropolitan Planning Organizations from the eight San Joaquin Valley counties, and are responsible for implementing the federal comprehensive transportation planning process, including associated air quality responsibilities; and

WHEREAS, the San Joaquin Valley Unified Air Pollution Control District has the authority to adopt rules and regulations to protect the public health and prevent violations of ambient air quality standards in the San Joaquin Valley Air Basin, which is designated a nonattainment area for the National Ambient Air Quality Standards. The San Joaquin Valley Air Basin includes eight counties: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and the valley portion of Kern; and

WHEREAS, on September 21, 1992 the eight Valley RPAs entered into a Memorandum of Understanding with one another to ensure a coordinated regional approach to transportation and air quality planning efforts; and

WHEREAS, on October 29, 1992 the eight Valley RPAs and the SJVUAPCD entered into a Memorandum of Understanding to ensure a coordinated transportation and air quality planning approach. The parties involved concur that this agreement is in need of revision; and

WHEREAS, on September 21, 2006 the eight Valley RPAs entered into a Memorandum of Understanding to update and solidify the partnership agreed upon in the September 21, 1992 MOU, and to create the San Joaquin Valley Regional Planning Agencies' Policy Council. The parties involved concur that this agreement is in need of amending.

NOW, THEREFORE, BE IT UNDERSTOOD AND AGREED that the formal cooperative relationship between the Valley RPAs and the SJVUAPCD is established and continued to ensure the effectiveness of regional transportation plans, to comply with the requirements of state and federal law, and to contribute toward the attainment of federal and state ambient air quality standards. This Memorandum of Understanding constitutes a statement of the intentions, obligations and policies of the parties involved. Therefore it is agreed that:

1. This Memorandum of Understanding amends that certain agreement entered into the 21st day of September, 2006 between and among the RPAs, to increase the membership of the San Joaquin Valley Regional Planning Agencies' Policy Council by one, in order to accommodate a representative of the SJVUAPCD. No member of the Policy Council shall simultaneously represent both the SJVUAPCD and a RPA.
2. This Memorandum of Understanding supersedes that certain agreement entered into the 29th day of October, 1992 between and among the above listed eight Valley RPAs and the SJVUAPCD.
3. The SJVUAPCD has the lead for air quality planning, but effective air quality strategies require the cooperation and joint actions of the Valley RPAs, other local, regional, state and federal government agencies, and the people of the San Joaquin Valley Air Basin. Toward that end, the Valley RPAs and the SJVUAPCD agree to participate in regularly-scheduled conference calls with local, state and federal agencies including the California Air Resources Board (ARB), the California Department of Transportation (Caltrans), the U.S. Environmental Protection Agency (EPA), the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA) to insure good communication is maintained on issues important to the San Joaquin Valley.
4. The parties involved will comply with the Federal Clean Air Act and related regulations and guidance requiring that transportation-related State Implementation Plan (SIP) development decisions be made through interagency consultation. The parties agree to use the latest planning assumptions and emissions factors, conduct regional emissions analyses, and coordinate on the development of motor vehicle emissions budgets. The Valley RPAs will work with the SJVUAPCD in keeping the Transportation Conformity Rule current with federal requirements and guidance, as appropriate. The SJVUAPCD will also assist the Valley RPAs in obtaining appropriate and timely technical assistance from the ARB.
5. The Valley RPAs and the SJVUAPCD agree that it is in their interest to work closely together and develop joint or consistent policy positions whenever possible when dealing with state and federal air quality and transportation agencies. Each party has the responsibility to notify the other in a timely manner of anticipated or known policy issues with state and federal agencies, and to coordinate their response in an effort to present a unified position.

6. The Valley RPAs will take the lead in compliance with Section 108(f)(1) of the Federal Clean Air Act in developing the transportation control measure (hereinafter "TCM") component of air quality plans (State Implementation Plans or SIPs). The Valley RPAs will consult with their member jurisdictions to facilitate consensus on implementing measures to address transportation related sources of air pollution. The Valley RPAs have limited legal authority to implement emission reduction measures directly, but will seek commitments from member jurisdictions, as appropriate, for inclusion in air quality plans. The Valley RPAs will submit an analysis and recommendation concerning which TCMs are reasonably available control measures for formal consideration by the SJVUAPCD.
7. The Valley RPAs will take the lead in establishing and maintaining transportation conformity in the Valley as required by Section 176 (c) of the federal Clean Air Act, [42 U.S.C. 7506(c)] and U.S Environmental Protection Agency (40 CFR parts 51 and 93). The Valley RPAs will work to ensure that regulatory requirements are met and federal funding and approval are given to highway and transit projects that are consistent with and conform to the air quality goals established by the SIP. Conforming transportation plans, programs, and projects will not cause new air quality violations, worsen existing violations, or delay timely attainment of the National Ambient Air Quality Standards.
8. The Valley RPAs will coordinate with the SJVUAPCD in updating the status of implementing local agency transportation control measures described in adopted air quality plans (State Implementation Plans or SIPs).
9. The Valley RPAs and SJVUAPCD will work together in addressing state and federal initiatives such as greenhouse gas emission reductions as well as future air quality regulations. The parties recognize the importance and the expertise necessary to develop comprehensive local and regional approaches. The parties involved agree to dedicate staff resources as needed to cooperatively address state and federal requirements, while still meeting individual core mission elements such as protecting public health and delivering safe and efficient transportation projects.
10. The Valley RPAs will determine the allocation of Congestion Mitigation and Air Quality (CMAQ) funds to projects in a manner consistent with federal law and through locally developed project selection criteria. The Valley RPAs will consult with the SJVUAPCD on project selection.
11. The Valley RPAs and the SJVUAPCD will continue the coordination to develop a Valley-wide initiative (San Joaquin Valley Regional Blueprint Process) to provide more efficient and effective transportation systems and land use patterns through the integration of transportation, housing, land use, economic development and environmental protection elements; and to ensure continuity of air quality planning approaches throughout the Valley.
12. The parties involved agree to discuss key issues related to air quality and delivery of transportation projects. If staff level coordination is not adequate to achieve a unified position, either party has the option of bringing issues to senior management attention.

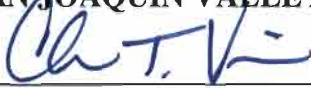
13. In order to reduce and resolve conflicts that may arise between the SJVUAPCD and the Valley RPAs in a timely manner, each party agrees to establish an issues resolution coordination procedure within its own organization. Each party will designate a policy-level staff person as the point of contact or "issues coordinator". When either party believes a conflict exists or is emerging, it is their responsibility to alert the other party through their issues coordinators. Each party will choose its own manner of communicating internally, but communications between the parties will be coordinated through the issues coordinators. If staff level coordination is not adequate to achieve a common position, either party has the option of bringing issues to senior management attention.

INDEMNIFICATION

The parties shall mutually indemnify, defend, and save harmless each other, their officers, agents, and employees from and against any and all claims and losses whatsoever occurring or resulting from their respective performance of this MOU.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed by their respective officers to be effective on the date first above written.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT



Councilmember Chris Vierra, Chairman




Seyed Sadredin, Executive Director
Air Pollution Control Officer

COUNCIL OF FRESNO COUNTY GOVERNMENTS

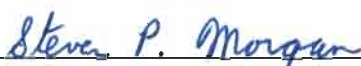


Mayor Trinidad M. Rodriguez, Chairman



Tony Boren, Executive Director

KERN COUNCIL OF GOVERNMENTS

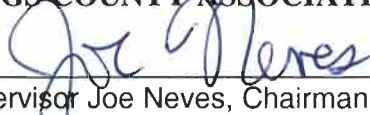


Mayor Steven P. Morgan, Chair




Ronald E. Brummett, Executive Director

KINGS COUNTY ASSOCIATION OF GOVERNMENTS



Supervisor Joe Neves, Chairman



Terri King, Executive Director

MADERA COUNTY TRANSPORTATION COMMISSION

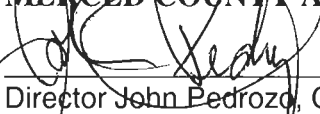


Supervisor Max Rodriguez, Chairman




Patricia Taylor, Executive Director

MERCED COUNTY ASSOCIATION OF GOVERNMENTS



Director John Pedrozo, Chairman




Jesse Brown, Executive Director

SAN JOAQUIN COUNCIL OF GOVERNMENTS

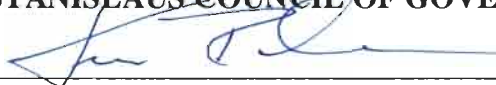


Mayor Larry Hansen, Chairman



Andrew T. Chesley, Executive Director

STANISLAUS COUNCIL OF GOVERNMENTS



Mayor Jim Ridenour, Vice Chair



Vince Harris, Executive Director

TULARE COUNTY ASSOCIATION OF GOVERNMENTS



Supervisor Mike Ennis, Chairman

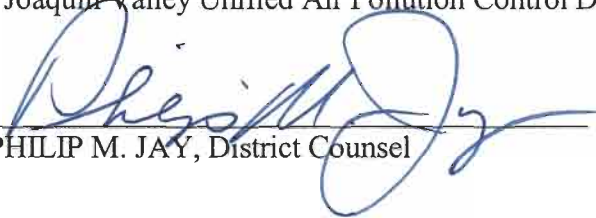


Ted Smalley, Executive Director

APPROVED AS TO LEGAL FORM:
KEVIN BRIGGS, Interim County Counsel

By 
JANELLE E. KELLEY, Assistant County Counsel

San Joaquin Valley Unified Air Pollution Control District

By 
PHILIP M. JAY, District Counsel