NORTHWEST ARCTIC BOROUGH ASSEMBLY
RESOLUTION 23-02

A RESOLUTION OF THE NORTHWEST ARCTIC BOROUGH ASSEMBLY TO APPROVE A REGIONAL PLANNING ORGANIZATION AGREEMENT WITH THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, AND FOR RELATED PURPOSES.

WHEREAS: the U.S. Department of Transportation Federal Highway Administration establishes Regional Transportation Planning Organizations (RTPOs) to identify local transportation needs, conduct planning, assist local governments, and support the statewide transportation planning process in non-metropolitan regions of a state, including Rural Alaska and communities off the road system ("Rural Alaska"); and

WHEREAS: pursuant to 49 U.S.C. § 5304 (a)(1) and (e)(1), the State of Alaska is directed to develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State and must cooperate with affected local transportation officials or, if applicable, through regional transportation planning organizations; and

WHEREAS: pursuant to 49 U.S.C. § 5304 (l), to carry out required transportation planning processes, a state may establish and designate regional transportation planning organizations to enhance the planning, coordination, and implementation of statewide strategic long-range transportation plans and transportation improvement programs, with an emphasis on addressing the needs of non-metropolitan areas of the State, including Rural Alaska; and

WHEREAS: the State of Alaska Department of Transportation and Public Facilities (DOT&PF) supports the establishment of RTPOs and Rural Planning Organizations (RPOs) in Alaska and recently designated federal funding in furtherance of this effort; and

WHEREAS: under Resolution 21-65, the Northwest Arctic Borough Assembly expressed its support for the creation of and participation in an RTPO and through Ordinance 22-01, the Borough established an RTPO at Chapter 10.24 of the Borough Code; and

WHEREAS: in order to initiate regional transportation planning in the Borough, DOT&PF has proposed utilization of an RPO, which is a form of RTPO through a three-year cooperative agreement in substantially the same form as attached to this Resolution; and
WHEREAS: through the proposed RPO cooperative agreement and the RTPO framework established at Chapter 10.24 of the Borough Code, the Borough can begin transportation planning activities with its regional partners in order to maximize state and federal funding opportunities through a coordinated regional plan; and

WHEREAS: the Assembly has determined that it is in the Borough’s best interest to approve execution of the RPO cooperative agreement with DOT&PF in substantially the same form as attached to this Resolution and authorizes Mayor Moto to execute any related documents required to carry out this program.

NOW THEREFORE BE IT RESOLVED: the Northwest Arctic Borough Assembly approves the RPO cooperative agreement with DOT&PF in substantially the same form as attached to this Resolution and authorizes Mayor Moto to execute any related documents required to carry out this program.

PASSED AND ADOPTED THIS 28th DAY OF FEBRUARY 2023.

[Signature]
Nathan Hadley, Jr., Assembly President

PASSED AND APPROVED THIS 28th DAY OF FEBRUARY 2023.

[Signature]
Dickie Moto, Sr., Mayor

SIGNED AND ATTESTED TO THIS 28th DAY OF FEBRUARY 2023.

[Signature]
Stella Atoruk, Borough Clerk

ATTEST:

NAB RSN 23-02 RPO Agreement with DOT&PF
COOPERATIVE AGREEMENT
Between State of Alaska DOT&PF and
Northwest Arctic Borough
On the formation of a
Rural Planning Organization

This Cooperative Agreement (hereinafter, “Agreement”) is effective as of this 28th day of February, between the Northwest Arctic Borough (NAB) and the Alaska Department of Transportation (ADOT) for the establishment of a Regional Planning Organization.

Background
Since 2012, with the passage of the Federal Highway law Map-21, The opportunity for states to form Regional Transportation Planning Organizations (RTPO) were made available as an option for non-metropolitan/rural areas to provide meaningful input into Statewide Transportation Improvement Program (STIP), DOT&PF’s surface transportation funding program, and to offer formalized input into DOT&PF’s Long Range Transportation plan and other planning products.

Purpose
The purpose of this Agreement is for the DOT&PF and the NAB to work together on transportation priorities within the Northwest Arctic Census Area, and to increase communication and cooperation in this effort. Forming a Pilot Rural Planning Organization (RPO) will ensure regional and local input by the Northwest Arctic Census Area to identify local transportation needs and allow for better planning, prioritization and decision making to feed into DOT&PF’s capital project development and benefit the region.

RPOs are informal versions of RTPOs. As such they may work on a variety of planning products, including a Regional Long Range Transportation Plan, a Regional Transportation Improvement Program or other list highlighting regional priorities. They may also create an operating agreement and boundary description for the RPO. At the RPO stage, this boundary can be considered flexible and may change over time through discussions and agreement with DOT&PF.

Background and Introduction

Situated above the Arctic Circle, the Northwest Arctic Borough (NAB) sub-region includes extensive coastline, lakes, rivers, tundra, and mountains. The NAB is the second largest borough in Alaska, comprising approximately 36,000 square miles along the Kotzebue Sound, Wulik, Noatak, Kobuk, Selawik, Buckland and Kugruk Rivers. With no road connections to the contiguous highway system, this sub-region relies on aviation and maritime transportation for the movement of people and goods. Thawing permafrost, coastal erosion, flooding, and less predictable winters challenge the region’s people and infrastructure.
Roughly, 7,715 people in eleven communities call the Northwest Arctic Borough home. Census data declares the Borough disadvantaged in Clean Energy and Energy Efficiency, Health Burdens and Workforce Development. The Red Dog Mine has long been an economic engine for the region and new mining prospects in the Ambler Mining District provide future economic opportunities and possible road connection to the Dalton Highway. Tourism is also a growing part of the economy with significant potential.

Aligning with the goal of the NAB 2030 Comprehensive Plan, the development of a Rural Planning Organization would help, “Prepare for economic, military and transportation opportunities in the Arctic.”

Roles and Responsibilities

Through this Agreement, NAB agrees to:

- Collaborate with and provide the DOT&PF with information regarding its transportation and economic planning activities in the region;
- Work to establish an operating agreement and draft boundary map for the RPO; provide this map to DOT&PF;
- Form a Policy Committee comprised of key regional transportation stakeholders;
- Undertake long-range transportation planning for the RPO area;
- Review current projects that are in planned/design with DOT&PF and prioritize by importance;
- Complete the evaluation of transportation needs and priorities for projects in the region, to be shared with the DOT&PF.

Alaska Department of Transportation (hereinafter referred to as DOT&PF) agrees to the following:

Through this Agreement, the DOT&PF agrees to:

- Provide technical assistance and oversight to the NAB as it works on RPO requirements;
- Participate in RPO Board meetings to provide technical support and assistance to help furthers its work, commitments, and goals at meetings, in person or virtually
- Identify and promote unique RPO solutions;
- Work to change statutes and regulations to promote RTPO formation in the state;
- Provide a base level of funding for administration and planning efforts, according to a funding schedule that DOT&PF will provide. Beyond the base funding level of 30K per annum, the concept is that the as the RPO takes on additional planning duties, those duties will come with additional compensation. Funding received will depend on
elements like road miles, population, and the planning projects the pilot RPO elects to complete and will be implemented under a separate agreement.

**Party’s Duties and Commitments:**

The parties agree to cooperate in good faith and collaborate on the RPO formulation. The parties to this agreement agree that this collaborative relationship will ultimately improve the State of Alaska’s transportation system.

The parties agree to cooperate in good faith and to coordinate on transportation funding opportunities, including on federal discretionary grants and other funding options (e.g., congressionally directed funding, state or bond funding, etc.), with the goal of securing some external discretionary grants to the area.

**Applicable Law:**
This Agreement shall be governed and construed in accordance with the applicable laws of Alaska and the United States of America.

**Term:**
The term of this Agreement shall commence from the date first mentioned above and will remain in force for a minimum period of three (3) years or upon signing. Either party may remove themselves from the terms this Agreement by a 60-day notice in writing to the other party. This Agreement can be renewed upon the mutual consent of both the parties.

**Miscellaneous:**

a. This Agreement between both the parties constitutes the entire Agreement and understanding of the parties hereto, and supersedes all previous agreements and understandings, weather oral or written, between the parties with respect to the matters set forth herein.

b. Any notice or communication permitted or required hereunder shall be in writing and shall be deemed sufficiently given if hand delivered, if sent by email followed by certified or registered (or equivalent) mail, return receipt requested, or if sent by electronic facsimile with printed confirmation of receipt (including the copy of the transmission) to the respective parties as set forth on the signature page hereof, or such other address as either party may notify the other in writing.

c. This Agreement shall be binding upon and inure to the benefit of each of the parties hereto and their respective successors, legal representatives, and assigns.

d. This Agreement may be executed in any number of counterparts, each of which together shall constitute one and the same original document.
e. No provisions of this Agreement may be amended, modified, or waived, except in writing, signed by both the parties.

f. The parties are bound as soon as the signatures are appended. Signed fax and scanned electronic copies including emails of the document with an original signature affixed shall be deemed to be "ORIGINAL" and shall be legally binding to both parties.

IN WITNESS WHEREOF, both the parties have signed and executed this Cooperative Agreement on the day and year first above written.

Northwest Arctic Borough (NAB):

Dickie Moto, Mayor, Northwest Arctic Borough:

Signature: [Signature] Date: [2-28-23]

Alaska Department of Transportation (DOT&PF)

Judy Chapman, Deputy Director of Planning, DOT&PF

Signature: [Signature] Date: [2-28-23]