

# MEMORANDUM OF AGREEMENT

made as of the 9<sup>th</sup> day of June 2006

## BETWEEN:

**HER MAJESTY THE QUEEN**, in right of Alberta ("Alberta"),  
as represented by the Minister of Infrastructure and Transportation ("Minister")

## OF THE FIRST PART

- and the -

**CITY OF \_\_\_\_\_**

in the Province of Alberta ("City")

## OF THE SECOND PART

**WHEREAS** the Minister and the City entered an agreement effective June 30, 2005 for the Transfer of Federal Gas Tax Revenues under the New Deal For Cities And Communities (Original Agreement).

**WHEREAS** the Minister and the City now wish to amend certain terms of the Original Agreement with respect to supplementary funding to be provided under this agreement (Amending Agreement).

**NOW THEREFORE**, the Minister and the City agree as follows:

1. In this Amending Agreement, unless the context requires otherwise, all terms shall have the meaning given to them as defined below, or as defined in the Original Agreement:
  - I) **"Public Transit Infrastructure"** means tangible capital assets owned by a City primarily for public use or benefit that:
    - a) improve the quality of the environment and contribute to reduced greenhouse gas emissions, or clean air; and
    - b) falls within the category of projects described in Schedule 2 attached.
  - II) **"Transit Funds"** means the funds made available pursuant to this Amending Agreement and includes any interest earned on said funds.
  - III) **"Transit Strategy"** means a plan that provides strategic direction for future development of transit services and could include descriptions of initiatives to address both conventional and specialized transit, establish performance measures to allow the City to assess how it is meeting its transit objectives and outline capital and operating initiatives for meeting its objectives.
  - IV) **"Transportation Demand Management"** means programs, services, tools, policies that enhance, promote and encourage commuter options, reduce traffic congestion such as increased marketing efforts to position transit as an attractive, convenient and economic mode of transportation; improving convenience, safety, accessibility and service for transit users, etc.

2. The following Section 5, V) shall be appended to the Original Agreement:

5, V) For the supplementary Transit Funds:

- a) Payment of the 2005/06 allocation will be made following the execution of this Amending Agreement and the return of one copy of the executed agreement to the Minister.
  - b) Payment of subsequent allocations, if any, will be made following the receipt of all necessary applications and expenditure reports, other information reports, and receipt of funds from the Federal Government.
3. The Transit Funding provided under this Amending Agreement may only be utilized on Public Transit Infrastructure. Such funding shall be in addition to the average regular funding from other grant and non-grant sources.
4. Schedule 1 as attached to this Amending Agreement shall replace Schedule 1 in the Original Agreement.
5. For projects utilizing the Transit Funds provided under this Amending Agreement, Schedule 2 as attached to this Amending Agreement shall replace Schedule 2 of the Original Agreement and Schedule 3 as attached to this Amending Agreement shall supplement and modify Schedule 3 of the Original Agreement.
6. Where the City does not have an existing Transit Strategy consistent with this Amending Agreement, the City shall complete a Transit Strategy that, where relevant, includes Transportation Demand Management measures, and make them available to the public by November 1, 2006.

The parties have therefore executed this Memorandum of Agreement, each by its duly authorized representative(s), on the respective dates shown below.

**HER MAJESTY THE QUEEN** in right of the  
Province of Alberta as Represented by the  
Minister of Infrastructure and Transportation

**The City** as Represented by the Chief  
Elected Official

\_\_\_\_\_  
Ty Lund  
Minister

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## **SCHEDULE 1**

### **FUNDS TO BE TRANSFERRED to**

**CITY OF \_\_\_\_\_**

**This June 9, 2006 Schedule 1 replaces Schedule 1 of the Original Agreement.**

This page contains an outline of the proposed maximum grant eligibility for the Municipality.

Payment of any grant under this program is subject to:

The availability of funding for this program.

Sufficient accepted eligible Municipal Infrastructure Projects.

Completion of financial reports for previous years grants.

Compliance with all other terms of the Memorandum of Agreement.

This proposed schedule may change from time to time. A change in this schedule does not alter any other term of this Memorandum of Agreement.

|               | <b><u>Original NDCC Fund Amount</u></b> | <b><u>Additional Transit Fund Amount</u></b> |
|---------------|---|--|
| In 2005-2006, | \$ _____                                |  |
| In 2006-2007, | \$ _____                                | \$ _____                                     |
| In 2007-2008, | \$ _____                                | \$ _____ (amount subject to adjustment)      |
| In 2008-2009, | \$ _____ (amount subject to adjustment) |  |
| In 2009-2010, | \$ _____ (amount subject to adjustment) |  |

The basis for calculation of the total grant available to the municipality will be the Alberta 2007 Official Population list. The Alberta 2007 Official Population list will incorporate the 2006 federal census. In the interim, the proposed payment schedule is based on an estimate of the 2006 population.

Following publication of the 2007 Official Population List, the total five-year grant allocation for the municipality will be recalculated. The grant amounts for 2008-2009 and 2009-2010 will then be adjusted to reflect the revised calculation and the amounts may either increase or decrease accordingly.

The Transit Fund Amount is \$1,000,000 plus a share of approximately \$120,000,000 based on the 2004 Regular Public Transit Service Passenger Trips as published in or as consistent with the annual Canadian Urban Transit Association Statistical Summary Report.

## **SCHEDULE 2**

### **ELIGIBLE PROJECT CATEGORIES**

**For projects under this amendment, this June 9, 2006 Schedule 2 shall be used in place of Schedule 2 under the Original Agreement.**

Public Transit Infrastructure capital investments include the following, e.g.:

- I) Rapid Transit Infrastructure: light rail, heavy rail additions, subways, transit stations, park and ride facilities, grade separated bus lanes and rail lines;
- II) Rolling Stock: buses (including hybrids, diesel, natural gas, and fuel cell buses), light and heavy rail cars, trolleys, ferries;
- III) Intelligent Transport System (ITS): fare collection, passenger information, maintenance, propulsion and communications technologies, transit priority signalling, passenger and traffic information and transit operation systems, including technology that enhance safety and security of operations;
- IV) Related Capital Infrastructure: transit queue-jumpers and High Occupancy Vehicle (HOV) lanes, storage and maintenance facilities, terminals;
- V) Active transportation infrastructure: and,
- VI) Para transit: rolling stock, fixed capital assets and systems.

## **SCHEDULE 3**

### **ELIGIBLE AND INELIGIBLE COSTS**

**All parts in Schedule 3 of the Original Agreement are applicable to projects under this June 9, 2006 Amending Agreement excepting the following parts which are specifically not eligible expenditures under this amendment:**

Part 1. d) Integrated Community Sustainability Plans.

Part 1.1 Employee and Equipment Costs.

Part 1.2 Administrative Costs.

**For projects under this June 9, 2006 amendment, the following condition is added to Schedule 3:**

Where the Municipality wishes to utilize these funds for investments to enhance the security of its transit infrastructure, the Municipality must provide evidence that these investments satisfy the applicable conditions and requirements imposed by Transport Canada for such federally-funded security projects, including those established under Transport Canada's Passenger Rail and Mass Transit Security Contribution Program.