

CITY OF MOAB ORDINANCE NO. 2022-02

AN ORDINANCE AMENDING THE CITY OF MOAB MUNICIPAL CODE TO AUTHORIZE A TRANSIT PILOT PROJECT; AUTHORIZING THE MAYOR TO SIGN VARIOUS CERTIFICATIONS; AND AUTHORIZING PROCUREMENT FOR SYSTEM OPERATORS

The following findings describe the intent and purpose of this ordinance:

a. The City of Moab has experienced increased problems with traffic and congestion due to growth in tourism and visitation. Growth and visitation trends suggest that these problems will increase in the future.

b. The City currently does not have any system of public mass-transit. Utah law authorizes municipalities to construct and operate public transportation systems. U.C.A. § 10-8-14(1)(a), 10-8-86.

c. Many City residents complain about the unavailability of parking, the increase in congestion, and a general decrease in the quality of life.

d. It is in the best interests of the City and its residents that the City implement measures to decrease automobile-dependence for residents and visitors.

e. The City undertook a study for a pilot shuttle transit program denominated as the Moab Area Transit (MAT) and has concluded that such a system is feasible and would be beneficial for the community. Pursuant to Resolution No. 25-2021, dated June 8, 2021, the City committed to the development of a pilot shuttle transit program.

f. Concurrently, the City has entered into a Cooperative Agreement with the Utah Department of Transportation (UDOT), dated October 25, 2021, in which the City has committed to contribute \$700,000 over five years and UDOT has committed to contribute up to \$1,585,000 over the same period to initially fund MAT operations. The City will also seek additional grant funding from the Federal Transit Administration (FTA) under the Rural Transit Funding Program, 49 U.S.C. 5311 (b)(3), or other funding programs.

g. State and federal funding sources require that the City develop transit policies for any system to be developed. It is the intent of this ordinance to establish baseline policies for the MAT and to provide direction for staff implementation.

Therefore, the City of Moab enacts the following addition to the Moab Municipal Code:

CHAPTER 10.16

TRANSIT SYSTEM POLICIES

10.16.010 **Service Area; Scope of Service; Fares.** The City hereby adopts the service area defined in **Exhibit 1** as the initial Service Area for the MAT. From time to time the City Council, with input from affected stakeholders and affected entities, may modify the Service Area.

A. The initial scope of service shall be a micro transit system utilizing a smart-phone application or call-in service to dispatch buses on-demand. There is the potential to implement a

fixed route system at the same time if funding becomes available. The service will operate 10-16 hours per day, year-round, depending upon demand. Transit service shall accommodate disabled riders and comply with applicable para-transit regulations. The scope of service will be reviewed periodically as needed by demand, funding, and stakeholder interest.

B. Fares will be set from time to time by the City Council by resolution. All fares, fees, and other revenues paid to or derived from MAT operations will be used solely for transit system purposes.

10.16.020 **Financial Policies.** It is the intention of the City that the MAT will operate as a separate enterprise within the City, with revenue not less than all expenditures for operating expenses. City staff are directed to develop budget recommendations, accounting policies, and audit procedures to implement this policy. At least annually, staff will provide a financial report to the City Council and UDOT disclosing relevant financial details of the MAT for the preceding year.

10.16.030 **Operator Procurement.** The City authorizes the staff to issue a request for proposals (RFP) soliciting qualified entities for an operations contract with the City. All procurement shall be conducted via a competitive process and all operator contracts are subject to approval by the City Council.

A. All operator contracts shall be subject to the requirements of this Chapter and contain terms and certifications as necessary to assure operator compliance with applicable laws and regulations governing public transit systems.

10.16.040 **Compliance with Laws; Certifications.** MAT will be operated in compliance with all applicable laws and regulations governing public transit systems including, but not limited to, the Federal Transit Law 49 U.S.C. § 5332, applicable non-discrimination, workplace safety, disability access, environmental, procurement, controlled substance testing, property acquisition, or similar laws or regulations. From time to time the City may be required to execute certifications attesting to compliance with applicable laws and regulations as a condition for securing state or federal funding. The City hereby authorizes the Mayor to sign all necessary certifications constituting a condition precedent to obtaining such funding. If, in the judgment of the Mayor, any required certification would either: i) constitute a major departure from the policies of this Chapter; or ii) result in a significant budgetary impact on the MAT; then the Mayor may elect to refer the certification to the City Council for consideration and/or approval.

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PASSED AND APPROVED by a majority of the City of Moab City Council. This ordinance shall take effect immediately upon passage.

SIGNED:

Joette Langianese, Mayor

Date

ATTEST:

Sommar Johnson, Recorder

Attachment: Exhibit 1, Service Area

EXHIBIT 1

