

**HOUSTON-GALVESTON AREA COUNCIL
INTERGOVERNMENTAL AGREEMENT FOR
VOLUNTARY MOBILE EMISSION REDUCTION PROGRAM**

This Intergovernmental Agreement is made and entered into this ___ day of _____, 2009, by and between the Houston-Galveston Area Council, hereinafter referred to as H-GAC, having its principal place of business at 3555 Timmons Lane, Suite 120, Houston, Texas 77027 and , hereinafter referred to as the Local Government, having its principal place of business at _____
_____.

WITNESSETH:

WHEREAS, H-GAC has developed a plan for voluntary mobile emission reductions for the Houston-Galveston-Brazoria non-attainment area and seeks to enter into agreements with cooperating Local Government to implement voluntary measures in accordance with this Agreement; and

WHEREAS, the Local Government has agreed to implement voluntary mobile emission reduction programs in accordance with the specifications of the Agreement;

NOW, THEREFORE, H-GAC and the Local Government do hereby agree as follows:

1. The Local Government warrants and assures H-GAC that it possesses adequate legal authority to enter into this Agreement. The Local Government's governing body, where applicable, has authorized the signatory official(s) to enter into this Agreement and bind the Local Government to the terms of this Agreement and any subsequent amendments hereto.
2. The Local Government agrees to conduct all activities under this Agreement in accordance with all applicable rules, regulations, directives, standards, ordinances and laws in effect or promulgated during the term of this Agreement.
3. The execution of this Agreement and the rendering of services prescribed by this Agreement do not change the independent status of H-GAC or the Local Government. No provision of this Agreement or act of H-GAC in performance of the Agreement shall be construed as making the Local Government the agent, servant or employee of H-GAC, the State of Texas or the United States Government. Employees of the Local Government are subject to the exclusive control and supervision of the Local Government.

4. The Local Government and H-GAC acknowledge that the area's high level of ozone pollution is the result of emissions generated in the Houston-Galveston-Brazoria Area combined with the area's unique meteorology. The U. S. Environmental Protection Agency (EPA) has classified the Houston-Galveston-Brazoria Area under the Clean Air Act as a "Severe-17" nonattainment area for ozone. EPA's National Ambient Air Quality Standards will result in significant emission reductions and improved public health. This Agreement outlines further efforts that the Local Government will voluntarily make in the Houston-Galveston-Brazoria Area to achieve an additional reduction of emissions that will be granted as a SIP credit under the Voluntary Mobile Source Emission Reduction Program ("VMEP").
5. Local Governments understand that H-GAC has adopted a list of voluntary measures that Local Governments can implement that will result in immediate and real emission reductions and improved public health. Local governments to agree to implement the measures indicated by completing sections 5 (a), 5 (b) and 5 (c) as appropriate. Additional information about the scope of measures that the Local Government intends to implement may be included as appropriate in Attachment A of this Agreement.

(a) Adopt clean fleet policies for on-road vehicles and off-road equipment:

_____ Accelerate fleet turnover (may occur via participation in the H-GAC Clean Vehicle Program or TERP). The Local Government commits to accelerated turnover of at least _____ heavy-duty vehicles which meet the standard for replacement under one of aforementioned vehicle replacement programs.

_____ Promote use of alternative fuels that reduce NOx emissions. Local Government commits to power _____ heavy-duty vehicles and _____ light-duty vehicles for _____ years using an alternative fuel which results in decreased NOx reductions.

_____ Adopt vehicle maintenance procedures which focus on decreasing emissions. Local Government commits to install _____ engine retrofits on _____ heavy-duty vehicles.

(b) Support and encourage alternative commuting methods:

_____ Commit to supporting alternative commuting methods for government employees. Local Government commits to the reduction of _____ employee work trips annually consisting of an average commute length of _____.

_____ Promote alternative commuting methods to citizens within local jurisdictions. Local Government commits to the reduction of _____ constituent work trips annually consisting of an average commute length of _____.

_____ Build new or expand existing bicycle trails or lanes. Local Government commits to an increase in bicycle trails or lanes of _____ miles and a resulting reduction of _____ vehicle miles traveled annually.

- _____ Commit to increased transit service. Local Government commits to an annual increase in transit service miles traveled of _____ and a resultant annual reduction of _____ vehicle miles traveled.
- _____ Offer clean contracting incentives for construction contracts. Local Government commits to a increase of _____ cleaner non-road and _____ cleaner on-road vehicles in service during construction projects and a decrease in non-road vehicle idling by _____ hours annually and on-road vehicle idling by _____ hours annually.
- _____ Adopt interlocal cooperative agreements between jurisdictions for computerized timing of traffic signalization corridors. Local Government commits to increasing average speeds on local and interlocal traffic signalization corridors by _____ miles per hour over a distance of _____ miles.

(c) Weight of evidence measures that improve air quality but are not eligible for emission reductions:

- _____ Adopt a no idling ordinance for the public within Local Government jurisdiction.
- _____ Adopt a no idling or enforcement resolution for government fleets within Local Government jurisdiction.
- _____ Enact design and/or zoning ordinances promoting livable centers and other multi-use developments within Local Government's jurisdiction.
- _____ Enhanced enforcement for Smoking Vehicles Program by encouraging local police to enforce existing smoking vehicle legislation and enforcing vehicle impounding for violators.

6. The parties understand and acknowledge that because of increased cost, the parties agree that Local Government has the flexibility to utilize new technology or other methods not included in the project description to achieve the targeted emission reductions consistent with applicable federal and State laws and regulations.
7. The Local Government, H-GAC, TCEQ, and EPA intend to consult and reasonably share information concerning implementation of this portion of the VMEP, concerning the status of the emissions reduction measures.
8. H-GAC and the Local Government expect that the means necessary to implement voluntary measures or achieve targeted reductions are or will become available. The parties fully expect that Local Government will implement these measures expeditiously as practicable, but not later than 2015. The emission reduction identified by H-GAC through this Agreement will be submitted by H-GAC as support for the VMEP program and included in the State Implementation Plan for ozone attainment.

9. The participating Local Governments and the H-GAC are committed to working together to ensure that the emission reduction measures described in this document are implemented
10. Local governments will use their best efforts to implement these voluntary emission reductions. In the event that any measure outlined in this Agreement cannot be implemented, Local Government may amend or terminate the voluntary commitments under this Agreement upon thirty days written notice.
11. H-GAC and the Local Government agree to reasonably coordinate with one another concerning any communication or publicity regarding the contents of this Agreement.

IN WITNESS WHEREOF, the parties
have executed this Agreement as of __th
day of _____, 20__.

**HOUSTON-GALVESTON AREA
COUNCIL,
a political subdivision of the State of
Texas**

Jack Steele
Executive Director

Local Government Information

