



**MEMORANDUM OF UNDERSTANDING**  
**or**  
**MEMORANDUM OF AGREEMENT**

**Purpose**

This policy establishes the type of subjects which are appropriate for a Memorandum of Understanding (MOU)/Memorandum of Agreement (MOA) and defines the authority to sign such memoranda.

**Legal Authority**

Idaho Code 40-317. Transportation cooperative agreements with federal, state and local entities for the construction, improvement and maintenance of any state highway or transportation project.

Idaho Code 49-201(1) (2) and 49-201B. Motor Vehicle Agreement with other states – the Board may enter into agreements, compacts or arrangements with other states for the purpose of conforming procedures for proportional registration of commercial vehicles and other types of reciprocal agreements.

Idaho Code 21-108. Aeronautic Agreements – the Department may enter into any agreement necessary to execute the provisions of the Aeronautics statutes, provided that if federal funds are involved the Department must comply with federal laws and rules or regulations made under applicable federal law.

Idaho Code 67-2326 thru 2333 and 67-2339. General statutory provisions regarding agreements between or among public entities.

Any agreement not covered under Board Policy 4001 established between the Idaho Transportation Department (ITD) and other entities (nations, federal, state, or local governmental agencies, businesses, non-governmental organizations, etc.) are considered an MOU/MOA. Examples include agreements to:

- Document mutually agreed upon procedures;
  - Outline communications and transactions between the two entities;
  - Cooperate to their mutual advantage or aid;
  - Provide services, supplies, capital equipment, and facilities;
  - Establish joint use, ownership, and/or operation;
  - Comply with legal, regulatory and shared strategic objectives; and/or
  - Perform functions in a manner that is in the best accord with geographic, economic, population, and other factors influencing the needs and development of the respective entities.
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The Director or Delegate shall sign all Memorandums of Understanding or Memorandums of Agreement that are established between ITD and outside entities.

Approved by the Board on:

Signed \_\_\_\_\_  
Jerry Whitehead  
Board Chairman

Date \_\_\_\_\_

Version:  
02/14/2018