

MEMORANDUM of UNDERSTANDING

by and among

Massachusetts Department of Transportation (MassDOT)
Massachusetts Department of Environmental Protection (MassDEP)

BERKSHIRE METROPOLITAN PLANNING ORGANIZATION
BOSTON REGION METROPOLITAN PLANNING ORGANIZATION,
CAPE COD METROPOLITAN PLANNING ORGANIZATION,
CENTRAL MASSACHUSETTS METROPOLITAN PLANNING ORGANIZATION
MERRIMACK VALLEY METROPOLITAN PLANNING ORGANIZATION,
MONTACHUSETT METROPOLITAN PLANNING ORGANIZATION
NORTHERN MIDDLESEX METROPOLITAN PLANNING ORGANIZATION,
OLD COLONY METROPOLITAN PLANNING ORGANIZATION,
PIONEER VALLEY METROPOLITAN PLANNING ORGANIZATION,
SOUTHEASTERN MASSACHUSETTS METROPOLITAN PLANNING ORGANIZATION,
FRANKLIN COUNTY TRANSPORTATION PLANNING ORGANIZATION
MARTHA'S VINEYARD COMMISSION,
NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

Berkshire Regional Transit Authority (BRTA), Brockton Area Transit Authority (BAT),
Cape Ann Transportation Authority (CATA), Cape Cod Regional Transit Authority
(CCRTA), Franklin Regional Transit Authority (FRTA), Greater Attleboro Taunton
Regional Transit Authority (GATRA), Lowell Regional Transit Authority (LRTA), Martha's
Vineyard Transit Authority (VTA), Merrimack Valley Regional Transit Authority
(MVRTA), Metrowest Regional Transit Authority (MWRTA), Montachusett Area
Regional Transit Authority (MART), Nantucket Regional Transit Authority (NRTA),
Pioneer Valley Transit Authority (PVTA), Southeastern Regional Transit Authority
(SRTA), and Worcester Regional Transit Authority (WRTA)

(herein after referred to as the "Parties")

concerning

THE CONDUCT OF AIR QUALITY PLANNING AND COORDINATION FOR TRANSPORTATION CONFORMITY

among

**MassDOT, MassDEP,
METROPOLITAN PLANNING ORGANIZATIONS, and
PUBLIC TRANSPORTATION OPERATORS**

WHEREAS, MassDEP has the statutory responsibility, under Chapter 111 of the General Laws, for the control of air pollution and for overall air quality planning; and

WHEREAS, MassDEP has been designated by the Governor as the lead agency for State Implementation Plan (SIP) air quality planning under Section 174 (a) of the Clean Air Act Amendments (CAAA) of 1990; and

WHEREAS, the CAAA of 1990 included a transportation “conformity” provision stating, “No Federal agency may approve, accept or fund any transportation plan, program or project unless such plan, program or project has been found to conform to any applicable implementation plan in effect under this Act”; and

WHEREAS, CAAA Section 176 (c) and associated regulations establish the criteria and procedures for transportation agencies to demonstrate that air pollutant emissions from metropolitan transportation plans, transportation improvement programs (TIPs) and projects are consistent with the state’s air quality goals in the SIP; and

WHEREAS, through conformity to the purpose of the SIP, Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funding and approvals are given to transportation activities that will not cause new air quality violations, worsen existing air quality violations, or delay timely attainment of the relevant air quality standards, or any interim milestones; and

WHEREAS, certain areas of the Commonwealth of Massachusetts have been, are currently, or will be designated as in nonattainment or in maintenance of the National Ambient Air Quality Standards (NAAQS) for applicable pollutants under section 107 (d) of the CAAA of 1990; and

WHEREAS, MassDOT has the statutory responsibility, under Chapters 6A and 6C of the General Laws, to conduct transportation planning, in coordination with the Metropolitan Planning Organizations (MPOs) and public transportation operators, for a continuing, comprehensive, and cooperative (3C) multimodal transportation planning process as provided for by the Fixing America’s Surface Transportation (FAST) Act of 2015 and its provisions under Title 23 U.S. Code of Federal Regulations (CFR) and Title 49 U.S. CFR; and

WHEREAS, MassDOT, in consultation with the MPOs, conducts planning for transportation-related SIP initiatives under Section 174 (a) of the CAAA of 1990; and

WHEREAS, Transportation Planning Organizations (TPOs) and similar agencies in the Commonwealth outside of metropolitan areas – including the Franklin County Transportation Planning Organization, the Martha’s Vineyard Commission, and the Nantucket Planning and Economic Development Commission – are fully considered and included as MPOs for the purposes of this agreement as they conduct the same 3C multimodal transportation planning process;

WHEREAS, MassDEP and each MPO previously adopted various Memoranda of Understanding which were incorporated into the SIP; and

WHEREAS, the Parties seek to participate in this Memorandum of Understanding (MOU), to the extent that it is not in conflict with any law, existing agreement or procedure, or previous SIP commitments, to effectively coordinate the metropolitan planning processes for the transportation system while improving air quality to protect public health and the environment within the Commonwealth of Massachusetts;

NOW, THEREFORE, the Parties jointly agree as follows:

Article 1. Transportation/Air Quality Planning and Coordination Responsibilities

General Agreement

1. The Parties recognize an obligation to cooperate in coordinating transportation/air quality planning matters of shared interest and regulation across agencies for the benefit of the Commonwealth's residents, businesses, and visitors.
2. It is the policy of the Parties to conduct transportation and air quality planning in a coordinated manner in order to ensure that adequate consideration is given to the attainment, maintenance and enhancement of air quality standards throughout the transportation planning and development process and to ensure that decisions on transportation facilities are consistent with the SIP to attain and maintain the NAAQS.
3. The Parties agree to seek involvement of all signatories in the development and timely implementation of control strategies, with a particular emphasis on transportation control measures to be included in the SIP, as necessary, to meet CAAA requirements.
4. If inconsistencies or conflicts arise, the relevant parties shall meet and employ their best efforts to develop a satisfactory resolution. (See Article 2.)

Responsibilities of All Parties

5. The Parties agree to maintain an ongoing consultative and cooperative process for determining conformity of transportation plans, programs and projects to the SIP, ensuring that decisions made on improvements to transportation facilities and programs help to attain and maintain the NAAQS.
6. Exchange information and expertise in matters of mutual concern and interest related to transportation and air quality. Each agency agrees to ensure the notification of meetings concerned with matters of such mutual interest, and to provide opportunities for collaboration on such plans, projects, studies and other

research with each of the parties sharing the applicable local areas, transportation corridors, service routes, non-attainment or maintenance areas, states and larger regional areas.

7. The Parties agree to follow the consultation process established under the MassDEP Transportation Conformity regulation, 310 CMR 60.03 (Conformity to the State Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act).

MassDEP Responsibilities

8. Serves as the lead agency in overall SIP development, coordination, and implementation.
9. Coordinates the overall SIP consultation process.
10. Coordinates with EPA on SIP-related issues.
11. Provides MassDOT and the MPOs with mobile source inputs for air quality modeling of regional transportation plans, TIPs and projects.
12. Develops Motor Vehicle Emissions Budgets for use in conformity findings, through input and coordination with MassDOT, the MPOs, Public Transportation Operators and other applicable stakeholders.
13. Conducts conformity reviews of regional transportation plans, TIPs and projects and issues findings of concurrence or non-concurrence to MassDOT, US EPA, FHWA and FTA.

MassDOT Responsibilities

14. Serves as the lead agency for the overall consultation process for conformity findings of transportation plans and TIPS.
15. Provides guidance and assistance to the MPOs in determining conformity of regional transportation plans, TIPs, and projects as appropriate.
16. Reviews MPO regional transportation plans, TIPs and project air quality conformity determinations for acceptability and content and coordinates submittal to MassDEP, US EPA and US DOT.
17. Performs project-level conformity determinations during the environmental review process under NEPA and MEPA.

18. Performs Non-Attainment area emission analyses of collective regional transportation plans and TIPs, and present results of conformity tests to applicable emission budgets.
19. Develops state and regional socio-economic projections for transportation planning purposes in collaboration with (and with input from) the MPOs and state agency stakeholders.
20. Shares, coordinates, and develops as applicable, other estimates, projections, and planning assumptions related to vehicle travel, transit, travel of other modes, congestion, land use and economic activity for long-range planning applications related jointly to transportation and air quality.
21. Coordinates the collection and analysis of data regarding travel patterns in Massachusetts. Examples include traffic counts, household surveys, “big data” acquisition (e.g., mobile device and GPS-based origin-destination data or travel speed data).
22. Provides MassDEP with available estimates and projections of travel demand (including vehicle miles traveled) by various categories and travel-related parameters for calculating mobile source emissions needed for SIP planning.
23. Serves as the lead agency, in consultation with other MPO members, MassDEP, the public transportation providers and other stakeholders, in SIP planning and implementation for transportation initiatives pursuant to section 174(a) of the CAAA.

MPOs' Responsibilities

24. Develop regional transportation plans and TIPs.
25. Consider air quality impacts in the development of comprehensive regional transportation plans and TIPs.
26. Develop public consultation procedures in accordance with 23 CFR Part 450 Subpart C, Metropolitan Transportation Planning and Programming regulations.
27. Make, certify and endorse air quality conformity findings for regional transportation plans and TIPs.
28. Collaborate and coordinate with MassDOT and stakeholders on the development of state and regional socio-economic projections for transportation planning purposes.
29. Develop or update municipal-level socio-economic projections for transportation planning purposes for each of their respective planning regions from regional totals developed collaboratively with MassDOT and other stakeholders.

Public Transportation Operators (RTAs) Responsibilities

30. Coordinate with MassDOT, other regional transit authorities, and relevant MPOs as appropriate to share service information, ridership data, and other data for use in the planning process, including for determining transit use assumptions in the air quality emissions modeling process.
31. Coordinate with MassDOT, other regional transit authorities, and relevant MPOs on planning and programming for investments, including transit services, within the applicable service area or across RTA boundaries.

Article 2. Process for Dispute Resolution

Each Party will ensure appropriate cooperation and consultation on plans, programs, and projects affecting two or more parties. If inconsistencies or conflicts arise, the Parties shall meet and employ their best efforts to develop a satisfactory resolution at the lowest staff level possible and in a timely manner. Disputes not resolved at the staff level will be addressed at the executive level. After exhausting all efforts to address an unresolved matter, the Parties in dispute agree to apprise US EPA, FHWA and FTA.

Article 3. Amendment, Termination, and Supersession of Agreement

MassDOT, on behalf of the Parties hereto, is the designated custodian of this MOU. As such, MassDOT shall be responsible for coordinating reviews and executing all amendments, including discussion and consultation forums related to its content.

This MOU will be reviewed at least once every four years.

This MOU may be amended, whenever deemed appropriate, by endorsement of all Parties. Any party to this MOU may propose an amendment at any time. The Parties agree to consult to determine the extent and appropriateness of such proposed amendments.

This MOU does not replace or supersede any other current or previous planning agreements, MOUs or SIP commitments, or any portions thereof, unless otherwise stated herein.

This MOU supersedes the 1996 agreement titled “THE COMMONWEALTH OF MASSACHUSETTS MEMORANDUM OF UNDERSTANDING by and between MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION, MASSACHUSETTS EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION, MASSACHUSETTS METROPOLITAN PLANNING ORGANIZATIONS concerning THE CONDUCT OF TRANSPORTATION-AIR QUALITY PLANNING IN THE DEVELOPMENT AND IMPLEMENTATION OF THE STATE IMPLEMENTATION PLAN”

CERTIFICATION of

THE CONDUCT OF AIR QUALITY PLANNING AND COORDINATION FOR
TRANSPORTATION CONFORMITY among MassDOT, MassDEP, METROPOLITAN
PLANNING ORGANIZATIONS, and PUBLIC TRANSPORTATION OPERATORS

The below signatories hereby certify and endorse this 2019 Memorandum of Understanding concerning agreements and responsibilities in The Conduct of Air Quality Planning and Coordination for Transportation Conformity among MassDOT, MassDEP, Metropolitan Planning Organizations, and Public Transportation Operators. This MOU is effective upon the latest signature by MassDEP, MassDOT, and the RTAs.

Stephanie Pollack, Secretary and CEO
Massachusetts Department of Transportation (MassDOT);
Chair, Boston Region Metropolitan Planning Organization (BRMPO);
Berkshire Metropolitan Planning Organization (BMPO);
Cape Cod Metropolitan Planning Organization (CCMPO);
Central Massachusetts Metropolitan Planning Organization (CMMPO);
Franklin County Transportation Planning Organization (FCTPO);
Martha's Vineyard Commission (MVC);
Merrimack Valley Metropolitan Planning Organization (MVMPO);
Montachusett Metropolitan Planning Organization (MMPO);
Nantucket Planning and Economic Development Commission (NPEDC);
Northern Middlesex Metropolitan Planning Organization (NMMPO);
Old Colony Metropolitan Planning Organization (OCMPO);
Pioneer Valley Metropolitan Planning Organization (PVMPO); and
Southeastern Massachusetts Metropolitan Planning Organization
(SMMPO)

Date

Martin Suuberg, Commissioner
Massachusetts Department of Environmental Protection (MassDEP)

Date

Robert Malnati, Administrator
Berkshire Regional Transit Authority (BRTA)

Date

Reginald G. Ledoux, Jr., Administrator
Brockton Area Transit Authority (BAT)

Date

Paul Talbot, Administrator
Cape Ann Transportation Authority (CATA)

Date

Thomas Cahir, Administrator
Cape Cod Regional Transit Authority (CCRTA)

Date

Tina Cote, Administrator
Franklin Regional Transit Authority (FRTA)

Date

Frank Gay, Administrator
Greater Attleboro Taunton Regional Transit
Authority (GATRA)

Date

Jim Scanlon, Administrator
Lowell Regional Transit Authority (LRTA)

Date

Angela Grant, Administrator
Martha's Vineyard Transit Authority (VTA)

Date

Joe Costanzo, Administrator
Merrimack Valley Regional Transit Authority (MVRTA)

Date

Ed Carr, Administrator
Metrowest Regional Transit Authority (MVRTA)

Date

Mohammed Khan, Administrator
Montachusett Area Regional Transit Authority (MART)

Date

Paula Leary, Administrator
Nantucket Regional Transit Authority (NRTA)

Date

Sandra Sheehan, Administrator
Pioneer Valley Transit Authority (PVTA)

Date

Erik Rousseau, Administrator
Southeastern Regional Transit Authority (SRTA)

Date

Dennis Lipka, Administrator (Acting)
Worcester Regional Transit Authority (WRTA)

Date