

Memorandum of Understanding Relating to the Comprehensive, Continuing, and Cooperative Transportation Planning Process in the Boston Metropolitan Area

Approved by the Boston Region Metropolitan Planning Organization

Massachusetts Department of Transportation
Massachusetts Bay Transportation Authority
MBTA Advisory Board
Massachusetts Port Authority
Metropolitan Area Planning Council
Regional Transportation Advisory Council
City of Boston
City of Beverly
City of Everett
City of Framingham
City of Newton
City of Somerville
Town of Acton
Town of Arlington
Town of Brookline
Town of Burlington
Town of Hull
Town of Wrentham
Town of Norwood
MetroWest Regional Transit Authority
Cape Ann Transportation Authority

Effective xxxx, 2024

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1 INTRODUCTION

WHEREAS, the Signatories recognize that transportation planning and programming must be conducted as an integral part of and consistent with the comprehensive planning and development process, and that the process must involve the fullest possible participation by state agencies, regional entities, local governments, private institutions, and other appropriate groups; and

WHEREAS, the Bipartisan Infrastructure Law (BIL), or its successors, and Federal Highway Administration (FHWA) / Federal Transit Administration (FTA) joint planning regulations (23 CFR Part 450 and 49 CFR Part 613) require metropolitan areas to have a comprehensive, continuing, and cooperative (3C) transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals, and that these plans and programs shall lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods; and

WHEREAS, the objectives of the 3C process are to conduct a comprehensive, continuing, and cooperative transportation planning process resulting in plans, programs, and operations consistent with the planning objectives of the metropolitan area and having the following defining elements:

- A *comprehensive* process effectively integrates the various stages and levels of transportation planning and programming for the entire region and examines all modes so as to assure a balanced planning effort. There is simultaneous analysis of various related non-transportation elements, such as land use, economic and residential development, demographics, sustainability, and equity, within an integrated planning and programming process.
- A *continuing* process affirms the necessity to plan for the short- and long-range needs of the regional transportation system, emphasizing the iterative character of the progression from systems planning to project planning, programming, operations, and implementation. Frequent updating and reevaluation of data and plans is necessary.
- A *cooperative* process requires effective coordination among public officials at all levels of government and invites participation of all parties, public and private, at all stages of the transportation planning process. A key objective of the process is to resolve issues and controversies by providing a forum for negotiation and consensus building. At the same time, the process is not intended to operate, and cannot operate, to dilute

the ultimate authority or responsibility of those state, regional, or local public officials who, pursuant to statute or under contract, review and/or implement transportation plans, programs, and projects.

- *Intermodal* planning is intended to help provide the Boston region with the ability to maintain, manage, and operate a multimodal transportation system that provides a high level of mobility and safety for people and freight, consistent with fiscal and environmental resources.

and

WHEREAS, the Massachusetts Department of Transportation (MassDOT) has the statutory responsibility, under Chapter 25 of the Acts of 2009, An Act Modernizing the Transportation Systems of the Commonwealth, to conduct comprehensive planning for and to coordinate the activities and programs of the state transportation agencies and, under Chapter 161A of the General Laws, to prepare the capital investment program and plans of the MBTA in conjunction with other transportation plans and programs; and its Highway Division has the statutory responsibility under this Chapter for the construction, maintenance and operation of state roads and bridges, and also has the responsibility under this Chapter for the ownership, administration, control, operation, and responsibility for maintenance, repair, reconstruction, improvement, rehabilitation, finance, refinance, use, and policing of the Massachusetts Turnpike and the Metropolitan Highway System in the vicinity of Boston and the surrounding metropolitan area; and

WHEREAS, the Massachusetts Bay Transportation Authority (MBTA) under the provisions of Chapter 161A of the General Laws, has the statutory responsibility to design and construct transit development projects, to determine the character and extent of services and facilities to be furnished, as well as to operate the public transportation system for the area constituting the MBTA; and

WHEREAS, the MBTA Advisory Board (Advisory Board) established under Chapter 161A of the General Laws is composed of the chief executive officer, or designee, from each of the 175 cities and towns within the MBTA district, and is the body authorized by statute to review and advise the MBTA on its annual operating budget and the Program for Mass Transit; and

WHEREAS, the Metropolitan Area Planning Council (MAPC) comprises representatives from each of the 97 cities and towns in the Boston Metropolitan Region, gubernatorial appointees, and representatives of various state, regional, and City of Boston agencies; has statutory responsibility for comprehensive regional planning under Chapter 40B of the General Law; is the designated

Economic Development District under Title IV of the Public Works and Economic Development Act of 1965; and promotes smart growth and regional collaboration in order to implement the current regional plan, MetroCommon 2050; and

WHEREAS, the Massachusetts Port Authority (Massport) has the statutory responsibility, under St. 1956, c. 465 (Appendix to Chapter 91 of the General Laws), to plan, construct, own, and operate transportation and related facilities (including Logan Airport, Hanscom Field, Black Falcon Cruise Terminal, and the Conley Terminal), as may be necessary for the development and improvement of commerce in Boston and the surrounding metropolitan area; and

WHEREAS, the municipalities in the region, including the City of Boston, as the central city in the region, and all other municipal governments, have an essential role in transportation planning and programming decisions; and

WHEREAS, the MetroWest Regional Transit Authority and Cape Ann Transportation Authority, under Chapter 161B of the General Laws, are regional transit authorities that are operating public transportation in the Boston region; and

WHEREAS, the FHWA and FTA released the Transportation Management Area Planning Certification Review Final Report in December 2022;

NOW, THEREFORE, the Signatories hereto jointly agree as follows:

2 COMPOSITION AND ROLES OF THE BOSTON REGION METROPOLITAN PLANNING ORGANIZATION (MPO)

The Boston Region MPO consists of the following entities:

- Massachusetts Department of Transportation, with three representatives appointed by the Secretary, at least one of which is from its Highway Division
- MBTA
- MBTA Advisory Board
- Massachusetts Port Authority
- Metropolitan Area Planning Council
- City of Boston, with two representatives
- Twelve other municipalities elected from the Boston region:
 - four at-large (two cities and two towns), and
 - eight municipalities (either cities or towns), each representing one of the eight Metropolitan Area Planning Council subregional groups
- Regional Transportation Advisory Council
- One regional transportation authority (RTA), from the RTAs operating within the Boston region

In addition, the Federal Highway Administration and the Federal Transit Administration are ex-officio, non-voting members.

Each municipality shall be represented by its chief executive officer or their designee. The terms of office of the elected municipalities shall be three-years, as specified in the Boston Region MPO Municipal Election Procedures. The 97 municipalities of the Boston region will elect the elected municipalities. The municipalities within each subregion will elect the municipality for their subregion. Permanent member entities of the MPO are not eligible to run for an elected membership.

The RTA seat shall be shared between the RTAs in the Boston region, with each RTA serving a two-year term on an alternating basis. Relevant RTAs in the Boston region are the MetroWest Regional Transit Authority and the Cape Ann Transportation Authority. Each RTA shall serve as the other's alternate when not serving as the main representative.

A. Officers

The Chair of the Boston Region MPO shall be the Secretary of MassDOT or the Secretary's designee. The Vice Chair shall be a municipal representative or an official of one of the two regional agencies, the MAPC or the MBTA Advisory Board, and shall be elected to a one-year term by the MPO members by majority

vote. This election shall take place at the first meeting after the election of municipal representatives to the Boston Region MPO.

The Chair or the Chair's official designee shall set agenda with the advice and input of the Vice Chair; call meetings; preside at meetings; and disseminate timely information to members. The Vice Chair or the Vice Chair's official designee shall preside at meetings in the absence of the Chair or the Chair's official designee.

B. Records

The staff to the Boston Region MPO, the Central Transportation Planning Staff (CTPS), shall be the official custodian of the Boston Region MPO records. These records will be prepared and maintained by the Boston Region MPO staff and shall be accessible in a central location.

C. Municipal Membership

The City of Boston is a permanent member with two voting seats. The process for nominating and electing the twelve other municipal members shall be approved by the Boston Region MPO to fulfill the objective of having a diverse membership. The municipal nomination and election process shall be administered by MAPC working jointly with the MBTA Advisory Board.

Election procedures should allow all municipalities an opportunity to be elected to the Boston Region MPO. Any changes to the election procedures shall be presented to the Boston Region MPO for approval.

D. The Regional Transportation Advisory Council (Advisory Council)

The Boston Region MPO supports the Regional Transportation Advisory Council (Advisory Council) to advance public engagement in the 3C planning process. As a public forum that guides MPO planning and decision-making, the Advisory Council includes and elevates diverse perspectives from stakeholders representing areas and interests throughout the region. The Advisory Council's mission is to create space for knowledge-building and productive discussions about regional transportation issues and to advise the development of MPO programs and projects to ensure that they are responsive to public priorities.

To accomplish this, the Advisory Council is guided by the following goals:

1. **Equity.** The Advisory Council membership is comprised of advocacy, community-based, and professional organizations, agencies, and municipalities that increases equitable involvement in the MPO's decision-making process by including and elevating diverse and underrepresented

perspectives, fostering robust dialogue, and supporting engagement in the planning process.

2. **Accountability.** The Advisory Council focuses on bringing transparency and greater accountability to encourage the MPO's decision-making to be consistent with the vision and goals established in the Long-Range Transportation Plan.
3. **Engagement.** The Advisory Council has an empowered role in the development and implementation of the MPO's Public Engagement Program and Plan and coordinates with staff on public education efforts.

To support the Advisory Council's mission and goals, the administration and facilitation of the Advisory Council is managed and funded through the Boston Region MPO's Public Engagement Program. MPO staff provide educational opportunities for Advisory Council members to effectively engage with MPO work and maintain timely connections between the Advisory Council and the MPO planning process, including by creating engagement opportunities at key decision-making points, evaluating the impact of the Advisory Council's engagement in the planning process, and coordinating on implementation of the Public Engagement Plan.

In advancement of its own education and awareness of issues facing the MPO, the Advisory Council holds a seat on the MPO board and on all standing and ad-hoc committees.

E. Voting Rules

Votes of the Boston Region MPO on all certification documents, including amendments and adjustments to these documents, shall be a two-thirds majority vote of those present and voting, provided that a quorum of at least twelve member representatives is present. Other votes will be by simple majority and require a quorum.

3 FUNCTIONS AND ROLES OF THE BOSTON REGION MPO AND ITS COMMITTEES

A. Overview

The Boston Region MPO shall be the forum for cooperative decision-making by principal elected officials of general-purpose governments in the Boston region and shall endeavor to provide the federal government the views of “responsible local officials” of the region where called for under federal law with respect to the initiation of certain transportation programs and projects.

The Boston Region MPO shall perform all functions as required by federal or state law, including adopting an annual unified transportation planning work program for the region, as well as such transportation plans, programs and conformity determinations as may from time to time be required of the Boston Region MPO by federal and state laws and regulations.

In the resolution of regional transportation policy, the Boston Region MPO shall seek and consider the advice of the Advisory Council. In so doing, the Boston Region MPO shall provide the Advisory Council with information and analyses in the form of reports, briefings, and discussions concerning their plans, programs, and priorities so that the Advisory Council can carry out its functions in a timely fashion.

The Boston Region MPO shall consider demographic equity when approving all certification documents. The MPO strives to eliminate transportation-related disparities borne by people in disadvantaged communities. This means that the MPO aims to select projects that provide benefits to and reduce burdens felt by these communities. Additionally, the MPO identifies opportunities to advance demographic equity through studies and programs when funded in Unified Planning Work Program (UPWP).

The MPO shall also consider the geographic distribution of projects when selecting which to fund, with a view toward geographic balance of projects throughout the region where feasible.

In addition to the advice of the Advisory Council, the MPO shall seek the involvement of members of the public and the many entities and organizations with interests and views relative to the Boston Region MPO’s transportation planning and programming. To facilitate this, the Boston Region MPO will post on its website, at least 48 hours in advance of meetings, all materials related to meeting action items, unless waived by unanimous consent of the Boston Region MPO board. The Boston Region MPO shall strive to offer multiple forums for

board meetings throughout the year, including virtual meetings (if allowed by law) and in-person meetings. If all MPO meetings are held in person, the Boston Region MPO shall strive to hold quarterly meetings each year in different locations throughout the region.

B. Planning and Programming

The Boston Region MPO is responsible for planning and programming financial resources for a multimodal transportation system for the Boston region by conducting the federal metropolitan planning process (3C process) for the region. This process includes preparing the fiscally constrained certification documents (Long-Range Transportation Plan, Unified Planning Work Program, and Transportation Improvement Program), implementing the Congestion Management Process, and conducting other studies and programs supporting MPO decision-making.

The Boston Region MPO, in cooperation with the State and public transportation operators, shall be responsible for the development of financial plans that support the Long-Range Transportation Plans and Transportation Improvement Programs, and, in accordance with CFR 450.314(a) provisions, development of the annual listing of obligated (awarded) projects for which funds under 23 U.S.C. or 49 U.S.C. Chapter 53 were obligated in the preceding program year. This cooperation shall include the sharing of data included in the regional transit authorities' Transit Asset Management (TAM) plans and Public Transportation Agency Safety Plans (PTASPs). The list of obligated projects shall be developed within 90 days following the end of the program year and promptly published on the MPO's website for the Transportation Improvement Program.

The Boston Region MPO shall develop the Unified Planning Work Program to identify the transportation planning studies that will be conducted in the region, along with their funding amounts and sources, for each given federal fiscal year.

The Boston Region MPO shall develop the Long-Range Transportation Plan (LRTP), which is the comprehensive transportation planning document for the MPO. It defines transportation visions, establishes goals and policies, and allocates projected revenue to regionally significant programs and projects. The visions, goals, and objectives of the LRTP inform the Boston Region MPO's investment programs and the evaluation of projects funded through those programs. The process for developing the LRTP and its connection to the MPO's other plans and programs is further articulated in the Boston Region MPO's Operations Plan.

The Boston Region MPO shall develop the Transportation Improvement Program, which lists projects programmed and expected to be funded over the immediate five-year period. It is developed annually.

The Signatories agree to the arrangements outlined in Section 4 for the allocation of federal and state funds. Nothing in this document shall preclude the Boston Region MPO's ability to use the provisions of the BIL (and successors) to transfer funds between highway and transit uses.

C. Establishment of Committees and Task Forces

The Boston Region MPO shall appoint committees and task forces to accomplish its business and assign duties to them, as it deems necessary. The Boston Region MPO's Operations Plan documents the process for appointing committees and task forces.

D. Central Transportation Planning Staff (CTPS)

The Central Transportation Planning Staff (CTPS) is the staff to the Boston Region MPO, with the primary responsibility of carrying out the region's 3C process under the policy control of the Boston Region MPO board. As such, CTPS's work shall be funded through all applicable federal financing for metropolitan transportation planning under 23 USC 104(f) and 49 USC 5338(g)(1).

Since CTPS is not an independent agency, the Boston Region MPO retains a fiduciary agent. This fiduciary agent also provides business services for a fee to CTPS in the areas of finance, human resources, procurement, and legal counsel. CTPS, as staff to the MPO, shall be defined legally as employees of the fiduciary agent and, as such, they shall be administered according to employment policies established by CTPS leadership in cooperation with the fiduciary agent, subject to applicable federal, state, and local laws and regulations and to the availability of funds.

While the Boston Region MPO retains a fiduciary agent to legally employ its staff, CTPS shall carry out its work consistent with the vision, goals, and policies of the Boston Region MPO board and subject to federal regulations guiding MPOs.

At any time during which the fiduciary agent is a member of the Boston Region MPO, as is the current fiduciary agency MAPC, the role and actions of the fiduciary agent are recognized as distinct from its role and actions as a policy member of the Boston Region MPO. When engaged in policy decisions for the Boston Region MPO, the fiduciary agency must act in the best interests of the Boston Region MPO and its members.

The Boston Region MPO shall indemnify and hold the fiduciary agent harmless from liabilities occurring out of actions taken under its normal administration of the Boston Region MPO's activities. The Boston Region MPO and the fiduciary agent shall enter into an agreement detailing the financial and legal obligations of each party as determined by the Boston Region MPO. CTPS and the fiduciary agent shall mutually develop and maintain an administrative appendix to this agreement detailing the financial, human resources, procurement, and legal services to be provided to CTPS by the fiduciary agent.

As long as the requirements of the 3C process are being met per applicable rules for metropolitan planning funds, staff to the Boston Region MPO may carry out additional work funded by other parties with additional resources. All work undertaken for the Boston Region MPO shall be in an approved UPWP, regardless of whether additional resources to fund that work are subject to federal rules governing metropolitan planning funds. All work not subject to federal rules governing metropolitan planning funds must be approved by the Boston Region MPO for inclusion in the UPWP if the level of effort meets the threshold mutually agreed upon by the Chair and Vice Chair. The Boston Region MPO shall approve such requests unless there is a concern that staff do not have sufficient resources to carry out the work without delaying completion or reducing the quality of other work in the UPWP.

4 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

A. Overview

The Boston Region MPO shall annually endorse a multiyear spending plan for federal highway and transit funding. This Transportation Improvement Program (TIP) shall reflect a multimodal transportation program that responds to the diverse needs of the region.

The TIP shall be the result of a cooperative, open, and informed process that balances local, regional, and state input and priorities and applies established Boston Region MPO policies and priorities in a fiscally constrained document. TIP development and programming shall be in full compliance with federal regulations and guidance. The TIP may include projects and programs addressing needs on the Interstate and National Highway Systems, repair of deficient bridges, support of inter- and intra-regional mobility, community projects, multimodal facilities, bicycle and pedestrian infrastructure, transportation enhancements, clean air and mobility, operations and management, and all forms of transit. The state, regional, and municipal

members of the Boston Region MPO shall work in a unified, timely, and cooperative manner to develop and establish priorities for the TIP.

B. Establishment of Financial Constraint and Development of TIP Targets

Development of the statewide federal aid and non-federal aid highway funding estimate shall be cooperative and shall be discussed with a statewide group representing regional planning agencies and other MPOs; currently the Massachusetts Association of Regional Planning Agencies (MARPA) is this group. Details on the TIP target development process can be found in the MPO's Operations Plan.

C. Prioritization Criteria

The Boston Region MPO has developed criteria to be used to evaluate projects considered for programming. These criteria are a means to inform the MPO's decisions for all elements of the TIP. These criteria are consistent with and advance the visions and policies adopted for the latest Long-Range Transportation Plan. The criteria shall be reviewed each year and updated and improved as needed.

MassDOT and other member entities implementing federally funded transportation projects shall consider MPO priorities when setting their priorities.

D. Transit

It is the responsibility of the Boston Region MPO, working with the MBTA, MassDOT Rail and Transit Division, and other transit providers in the region, to coordinate regional transit planning and funding with other transportation modes within the Boston region. This work shall be conducted in full compliance with federal and state regulations. It shall include programming for all federally funded transit modes and programs. The Boston Region MPO shall develop a fiscally constrained 20-to-25-year visioning document for the region's surface transportation network, the Long-Range Transportation Plan (LRTP), every four years. The visions established in the LRTPs are implemented through the TIP, which is updated annually.

The MBTA is required to submit a long-range fiscally unconstrained visioning document of the region's mass transit, the Program of Mass Transportation (PMT), to the Massachusetts General Court every five years. This visioning is implemented in the five-year, fiscally constrained Capital Investment Program (CIP), which is updated annually.

The Boston Region MPO, MassDOT, and the MBTA will coordinate the parallel planning activities of the PMT and CIP and the LRTP and TIP, and provide consistency between planned outcomes. This includes mutual consideration of visions and priorities articulated in each entity's transportation planning documents and project selection process. The MassDOT Rail and Transit Division will coordinate RTA investments with the MPO when setting priorities for programming.

E. Highway, Bridge, Bicycle, and Pedestrian

The TIP shall contain the Boston region's portion of all federal and state aid for each of the TIP's five federal fiscal years. It shall be prepared in accordance with federal regulation. It shall include programming for all roadway, bridge, bicycle, pedestrian projects and programs in the region. It shall include projects and programs that address the needs of truck and rail freight movement in the region.

5 OPERATIONS PLAN

The Operations Plan complements this Memorandum of Understanding by describing the process by which the Boston Region MPO and its staff conduct the transportation planning process, maintain collaboration and information sharing between pertinent agencies, and prepare certification documents for the Boston Region MPO.

The plan addresses the following functional areas:

- Elections process
- Boston Region MPO board officers
- Board member responsibilities
- Standing and ad hoc committees
- Regional Transportation Advisory Council
- MPO work
- MPO Executive Director hiring process, evaluation, and compensation
- Agency information sharing
- Maintenance of Operations Plan

6 REVIEW OF THIS DOCUMENT

Every four years immediately following the federal certification review process, or at the discretion of a majority vote of board members, the Memorandum of Understanding shall be reviewed in full and modified as needed. Revisions to this Memorandum of Understanding may be discussed in committee format, at the discretion of the MPO board, but revisions shall be reviewed by the full MPO board and approved with a majority vote.

Upon execution of this Memorandum of Understanding and in an effort to enhance municipal understanding of the Boston Region MPO process, the Boston Region MPO shall circulate this document to the municipalities of the Boston Region MPO. Proposed amendments will be circulated to the public prior to consideration by the Boston Region MPO.

7 EFFECT OF MEMORANDUM

This Memorandum follows from the Memorandum dated January 1973 and its Supplement dated March 1974; the Memorandum dated June 1976 and its Supplement dated May 1984; and the Memorandum dated November 1982; the Memorandum dated January 1997; the Memorandum dated December 2001; the Memorandum dated July 7, 2011; and the Memorandum dated September 1, 2023. However, in the event of any conflicts between this Memorandum and previous Memoranda, this Memorandum shall prevail.

This Memorandum shall be effective as of **xxxx**, 2024. Elected Municipal Signatories as of the date of the approval of this Memorandum shall serve in the appropriate at-large or subregional designations established by this memorandum, until the end of their current term.

MEMORANDUM OF UNDERSTANDING RELATING TO THE COMPREHENSIVE, CONTINUING, AND COOPERATIVE TRANSPORTATION PLANNING PROCESS IN THE BOSTON METROPOLITAN AREA

EXECUTED by member-entity representatives or designees.