

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

THE CONDUCT OF TRANSPORTATION-AIR QUALITY PLANNING
IN THE DEVELOPMENT AND IMPLEMENTATION
OF THE STATE IMPLEMENTATION PLAN

WHEREAS, the Department of Environmental Protection (DEP) has the statutory responsibility, under Chapter 111 of the General Laws, for the control of air pollution and for air quality planning; and

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

WHEREAS, the Executive Office of Transportation and Construction (EOTC) has the statutory responsibility, under Chapter 6A to conduct comprehensive planning for and to coordinate activities and programs of the state transportation agencies and, under Chapter 161A of the General Laws, to prepare the capital investment plans of the Massachusetts Bay Transportation Authority (MBTA) in conjunction with other transportation programs and plans; and

WHEREAS, EOTC has been designated by the Governor as the lead agency in SIP Planning for transportation initiatives, in consultation with the Metropolitan Planning Organizations (MPOs), in accordance with Section 174(a) of the Clean Air Act Amendments of 1990; and

WHEREAS, Metropolitan Planning Organizations have been designated by the Governor in response to the provisions of Title 23 of the U.S.C. Section 134, and Sections 3(a)(2), 4(a), and 5(a)(1) of the Federal Transit Act to carry out the continuing, cooperative and comprehensive urban transportation planning process within the Commonwealth of Massachusetts; and

WHEREAS, MPO membership consists of the EOTC, the Massachusetts Highway Department (MHD), the Regional Transit Authority(s) (RTAs) and the Regional Planning Agency(s) (RPAs) and in the case of the

7/31/96

Boston MPO, the Massachusetts Port Authority (MASSPORT) and the Massachusetts Bay Transit Authority (MBTA) Advisory Board; and

WHEREAS, the Regional Planning Agencies have statutory responsibility for comprehensive planning, including transportation and air quality planning and conduct technical planning activities on behalf of the MPOs; and

WHEREAS, the Regional Transit Authorities have statutory responsibility for providing mass transportation and preparing programs for public mass transportation for improving same; and

WHEREAS, DEP and each MPO previously adopted Memoranda of Understanding which were incorporated as part of the SIP; and

WHEREAS, the entire Commonwealth of Massachusetts has been designated as nonattainment of the National Ambient Air Quality Standard (NAAQS) for the pollutant ozone under section 107(d) of the Clean Air Act Amendments of 1990; and

WHEREAS, motor vehicles contribute significantly to air pollution and growth in vehicle miles travelled (VMT) is expected to continue notwithstanding opportunities for progress in Transportation Systems Management resulting in Air Quality improvement; and

WHEREAS, section 176(c) of the Clean Air Act Amendments of 1990 and sections 109(h) and (j) of Title 23 U.S.C. requires that transportation projects, programs and plans conform to the SIP before they are approved by MPOs and supported or funded by the federal government;

NOW, THEREFORE, this Memorandum of Understanding reflects updated procedures and designations made pursuant to the Clean Air Act Amendments of 1990 and does not supersede the previous SIP commitments and the signatories hereto jointly agree as follows:

I. Roles and Responsibilities

A. DEP

- serves as the lead agency in overall SIP development, coordination and implementation;
- coordinates the overall consultation process for the SIP;
- coordinates with EPA on SIP-related issues;
- provides EOTC and the MPOs with mobile source inputs for air quality modeling of transportation plans, transportation improvement programs (TIPs) and projects;
- conducts conformity reviews of transportation plans, TIPs and projects and issues findings of concurrence or non-concurrence.

7/31/96

B. EOTC

- serves as the lead agency, as the State Transportation Agency, and consults with other MPO members, in SIP planning and implementation for transportation initiatives;
- provides DEP with traffic-related parameters for calculating mobile source emissions of the SIP;
- coordinates overall consultation process for conformity findings of transportation plans and TIPs;
- provides guidance and assistance to MPOs in determining conformity of transportation plans, TIPs and projects, as appropriate;
- reviews MPO transportation plans, TIPs and project air quality conformity determinations for acceptability and content and coordinates submittal to DEP, EPA and DOT;
- performs project-level conformity determinations during the environmental review process under NEPA and MEPA.

C. RPA's

- develop socio-economic projections;
- undertake regional land use planning;
- develop comprehensive regional plans;
- and on behalf of the MPOs:
 - develop regional transportation plans and TIPs;
 - perform regional emissions analysis of transportation plans and TIPs;
 - make conformity findings on transportation plans and TIPs;
 - develop public consultation procedures in accordance with 23 CFR Part 450 Subpart C, Metropolitan Transportation Planning and Programming regulations.

D. MPOs

- endorse products of the transportation planning process requiring federal certification;
- certify Air Quality Conformity findings.

II. Policy, Objectives and Procedures

A. Policy

It is the policy of DEP, EOTC and the MPOs to conduct air quality planning and transportation planning in a coordinated manner in order to ensure that adequate consideration is given to the attainment, maintenance and enhancement of air quality 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 National Ambient Air Quality Standards.

7/31/96

B. Objectives

It is the objective of DEP, EOTC and the MPOs to:

seek involvement of all signatories in the development of the mobile source emissions inventory/budget including estimates of vehicle miles traveled (VMT), VMT growth rates, speeds, and transportation-related inputs to mobile emissions models

seek involvement of all signatories in the development of control strategies with a particular emphasis on transportation control measures (TCMs) to be included in the SIP, as necessary, to meet Clean Air Act requirements

ensure TCMs in the SIP are implemented in a timely manner

maintain an ongoing consultative and cooperative process for determining conformity of transportation plans, programs and projects to the SIP

C. Procedures

EOTC and the MPOs will continue to participate on the DEP SIP Steering Committee established to meet the public participation requirements of the Clean Air Act.

The signatories agree to establish and participate on a subcommittee convened by the SIP Steering Committee which will meet semi-annually, and as needed, to address mobile source emissions budget development, dispute resolution within nonattainment areas and the development and implementation of the SIP including TCMs designed to meet air quality goals. DEP will use this opportunity to report to the subcommittee on the status of SIP revisions and related matters. DEP will attend appropriate meetings of the MPOs and their constituent agencies and related groups.

This MOU will be reviewed periodically by the signatories and when appropriate be an agenda item of the aforementioned meetings of the MPOs.

The signatories agree to follow the consultation process established under the Massachusetts Transportation Conformity regulation, 310 CMR 60.03.

7/31/95

III. Effect of the Memorandum

This Memorandum of Understanding shall become effective upon signature by the Commissioner of the Department of Environmental Protection, the Secretary of the Executive Office of Transportation & Construction and all other MPO member signatories.

Department of Environmental Protection:

David S. Strickland 1/6/97
Commissioner Date

Executive Office of Transportation and Construction:

James P. Standa 3/18/97
Secretary Date

Massachusetts Highway Department:

Robert J. Sullivan 1/15/97
Commissioner Date

Regional Planning Agencies:

Berkshire County Regional Planning Commission

Robert J. Sullivan 8/9/96
Chair Date

Cape Cod Commission

Gregory J. Sullivan 8/8/96
Chair Date

Central Massachusetts Regional Planning Commission

Charles F. Sheenough 8/16/96
Chair Date

Franklin County Commission

Margaret Street 12/10/96
Chair Date

Metropolitan Area Planning Council

William J. Chitt 8/28/96
Chair Date

Montachusett Regional Planning Commission

Robert W. Smith 9/16/96
Chair Date

Martha's Vineyard Commission

Thomas J. Kelly 11/21/95
Chair Date

Merrimack Valley Planning Commission

Roberto 10/24/96
~~Vice~~ Chair Date

Northern Middlesex Council of Governments

William J. King 9/26/96
Chair Date

Nantucket Planning and Economic Development Commission

Mac Hall Seal Nov 4, 1996
Chair Date

Old Colony Planning Council

John H. March 9/19/96
Chair Date

Pioneer Valley Planning Commission

William C. Dwyer 8-9-96
Chair Date

Southeastern Regional Planning and Economic Development District

Karl E. Linn 9-11-96
Chair Date

Regional Transit Authorities:

Berkshire Regional Transit Authority

Edward M. Kelly 8-9-96
Chair Date

Brockton Area Transit

David Toland
Chair for *Mayor [unclear]*

9/18/96
Date

Cape Cod Regional Transit Authority

Joseph [unclear]
For Chair *Robert Brady*

8/8/95
Date

Franklin Regional Transit Authority

[Signature]
Chair

12-11-96
Date

Greater Attleboro-Taunton Regional Transit Authority

Robert G. [unclear]
Chair

9/5/96
Date

Greenfield-Montague Transportation Area

E. [unclear]
Chair

12/19/96
Date

Lowell Regional Transit Authority

[Signature]
Chair

9/20/96
Date

Martha's Vineyard Transit Authority

Peter J. [unclear]
Chair

11/21/96
Date

Massachusetts Bay Transportation Authority

[Signature] for PJM
General Manager

8/20/96
Date

Merrimack Valley Regional Transit Authority

[Signature]
Chair

10-17-96
Date

Monachusett Regional Transit Authority

[Signature]
Chair

5/16/96
Date

7/31/96

Nantucket Regional Transit Authority

Arthur L. Schroeder 6 November 96
Chair Date

Pioneer Valley Regional Transit Authority

Paul J. Hunt 8-9-96
Chair Date

Southeastern Regional Transit Authority

Edward H. Lambert 9/3/96
Chair Date

Worcester Regional Transit Authority

Richard D. Carney 8-14-96
Vice Chair Date

Massachusetts Port Authority

Carson 8-28-96
Chair Date

Massachusetts Bay Transit Authority Advisory Board

Chas. M. Lopez August 28, 1996
Chair Date