

*MEMORANDUM OF UNDERSTANDING
RELATING TO THE
COMPREHENSIVE, CONTINUING, AND COOPERATIVE
TRANSPORTATION PLANNING AND PROGRAMMING PROCESS FOR
THE OLD COLONY METROPOLITAN PLANNING ORGANIZATION*

By and Between the

*MASSACHUSETTS EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION,
MASSACHUSETTS HIGHWAY DEPARTMENT,
OLD COLONY PLANNING COUNCIL, and
BROCKTON AREA TRANSIT AUTHORITY*

1. INTRODUCTION

WHEREAS, The Executive Office of Transportation and Construction, hereinafter called EOTC, has the statutory responsibility, under Chapter 6A of the General Laws, to conduct comprehensive planning for and to coordinate the activities and programs of the state transportation agencies; and,

WHEREAS, within the Massachusetts Highway Department, has the statutory responsibility under Chapter 16 of the General Laws for the construction, maintenance and operation of state roads and bridges and serves as the principal source of transportation planning in the Commonwealth and is responsible for the continual preparation of comprehensive and coordinated transportation plans and programs; and,

WHEREAS, the Old Colony Planning Council, hereinafter called OCPC is recognized by the MPO as the officially designated regional planning agency for the Old Colony Region and has the statutory responsibility for comprehensive planning, including transportation planning, as provided under the provisions of Chapter 40B of the Massachusetts General Laws and, in addition, is comprised of the chief executive or designee of each of its 15 member local governments; and,

WHEREAS, the Brockton Area Transit Authority, hereinafter called BAT, under the provisions of Chapter 161B of the General Laws, has the statutory responsibility for providing mass transportation by other operators in the area of constituting the authority, to provide mass transportation service under contract in areas outside the authority, and to prepare a program for public mass transportation which includes long and short range planning elements together with implementation schedules for mass transportation improvements; and,

WHEREAS, an organization named the Joint Transportation Committee (JTC) was created by OCPC, under the direction of the Old Colony MPO, to advise the MPO members on policy matters concerning transportation plans and programs, and to provide maximum public participation in the transportation planning and programming process; and,

WHEREAS, the EOTC, the Massachusetts Department of Public Works (now the Massachusetts

Highway Department) and the OCPC on June 1, 1972 signed a Memorandum of Understanding agreeing to work together in undertaking the comprehensive, continuing, and cooperative transportation planning process (3C process), required by the United States Department of Transportation under the provisions of Section 134 of Title XXIII of the United States Code, as amended, and those of Section 4 (a) of the Urban Mass Transportation Act of 1964, as amended, and creating the Joint Transportation Committee; and,

WHEREAS, the Governor of the Commonwealth, in response to the provisions of the Intermodal Surface Transportation Efficiency Act of 1991 (CFR 23 Part 450 and 49 CFR Part 613) as amended, as well as the successor Transportation Equity Act for the 21st Century (TEA-21) signed into law as PL 105-178 on June 8, 1998, and rules and regulations related thereto, and in view of the responsibility for the transportation planning and programming process of the four parties to this agreement, hereinafter referred to as the MPO, previously designated representative from these parties to be the Metropolitan Planning Organization (MPO) for the Old Colony Region; and,

WHEREAS, Section 450.108 of Title 23 of the Code of Federal Regulations provides that, to the extent possible, there be one agreement containing the understandings required by this section with respect to cooperatively carrying out transportation planning and programming among the MPO, State, publicly owned operators of mass transportation services; and,

WHEREAS, the members of the Old Colony MPO 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, local governments, private institutions and other appropriate groups; and,

WHEREAS, there is a shared interest and desire on the part of the four signatories to this MOU to expand the membership of the Old Colony MPO in order to enhance the participation and perspective of the variety of local governments comprising the Old Colony Region

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

2. COMPOSITION OF THE OLD COLONY MPO

The voting members of the Old Colony Metropolitan Planning Organization shall, upon execution of this MOU document, consist of the following officials or their designees:

- The Secretary of the Executive Office of Transportation and Construction
- The Commissioner of the Massachusetts Highway Department
- The President of the Old Colony Planning Council
- The Administrator of the Brockton Area Transit Authority
- The Mayor of the City of Brockton
- The Chief Elected Official of Plymouth
- The Chief Elected Official from two (2) communities, other than Brockton or Plymouth, duly elected by the Old Colony Planning Council, to represent locally elected communities, as prescribed under the provisions of this MOU document.

The Old Colony Planning Council at a full Council meeting shall elect the above cited locally elected community officials to the Old Colony MPO. The electoral process shall be the sole responsibility of the OCPC with full consideration to nominations recommended by the Old Colony Joint Transportation Committee (JTC). This process shall be approved by the Old Colony MPO and periodically reviewed. The term of office shall be two years. The OCPC and the JTC shall make every effort to provide for region-wide geographic balance of the communities represented on the Old Colony MPO.

In addition, the Joint Transportation Committee (JTC) Chairperson, and one representative each from both the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) shall be considered ex-officio, non-voting members of the Old Colony MPO. Designees or alternates are limited to the persons who are directly responsible and accountable to the official Old Colony MPO member that they are representing.

3. FUNCTIONS OF THE OLD COLONY MPO

- A. The Old Colony MPO shall jointly develop, review and endorse annually a Unified Planning Work Program; and a Transportation Improvement Program. Additionally, the Old Colony MPO shall jointly develop, review and endorse at least every three years a Regional Transportation Plan, with a 20-year horizon; as well as such transportation plans and programs as may from time to time be required by federal and state laws and regulations.
- B. The Old Colony MPO shall be the forum for cooperative decision-making by principal elected officials of general-purpose local governments in the Old Colony Region.
- C. In the resolution of basic regional transportation policy, the Old Colony MPO shall seek and consider the advice of all interested parties and the JTC. The Old Colony Planning Council Transportation Staff shall provide the JTC with information and analysis in the form of reports, briefings, and discussions concerning their plans, programs, and priorities so that the JTC can carry out its functions in a timely fashion.
- D. The Old Colony MPO shall appoint the committees it determines necessary to accomplish its business. Committees shall consist of Old Colony MPO members, their designees, the JTC, and transportation providers as appropriate. The Old Colony MPO shall assign duties to the committees.

4. OPERATION OF THE OLD COLONY MPO

- A. The Old Colony MPO shall meet in the Region at least once per year or more often as may be requested by any one of the Signatories.
- B. The Secretary of EOTC or Designee shall chair the Old Colony MPO. In the absence of the Chairman, the Vice-Chairman shall chair the meeting. A Vice-

Chairman of the Old Colony MPO shall be elected for a term of two years and shall be elected from among the non-state permanent members of the Old Colony MPO (City of Brockton, Town of Plymouth, Brockton Area Transit Authority, and Old Colony Planning Council). The Old Colony MPO may elect other officers as deemed necessary.

- C. Votes of the Old Colony MPO, including those on all regional certification documents (i.e. the Transportation Improvement Program (TIP), the Regional Transportation Plan (RTP), the Unified Planning Work Program (UPWP), Air Quality Conformity Determinations, compliance with the Americans with Disabilities Act (ADA), shall be by a simple majority vote of those members present and voting, provided that one of the state agencies shall be included in the majority vote.

5. RESPONSIBILITIES OF EACH SIGNATORY

- A. The EOTC will be responsible for the organizing and conducting Old Colony MPO meetings, including keeping records, reporting major statewide and inter-regional policies and issues as they develop and generally provide leadership for Old Colony MPO. The EOTC will be responsible for making appropriate FTA transit planning funds available to the OCPC by contract to assist in the implementation of the required planning work program as defined in the approved UPWP.
- B. The Massachusetts Highway Department, through the Bureau of Transportation Planning and Development, hereinafter called MassHighway Planning, will be responsible for making appropriate planning funds available to the OCPC by contract to assist in the implementation of the required planning work program as defined in the approved UPWP. MassHighway Planning will also provide the necessary data, technical support and staff support required to assist in fulfilling the transportation planning needs of the Old Colony Region and Commonwealth of Massachusetts.
- C. The OCPC shall be responsible for comprehensive regional planning and shall be the transportation-planning agency for the Old Colony MPO and Old Colony Region. The OCPC shall maintain qualified transportation planning staff, subject to the availability of funds, and shall be principally responsible for the maintenance of the transportation planning process and for the support and operation of the Joint Transportation Committee and Old Colony MPO.
- D. The BAT, in addition to its statutory responsibility of providing mass transportation will assist in obtaining and ensuring input and participation in multimodal transportation planning from local elected officials and the public. The BAT will actively participate in the 3C transportation planning and programming process and will represent the region's concern for public transportation needs and solutions to transportation problems and needs.

- E. The local representatives (Brockton, Plymouth and the locally elected communities) to the Old Colony MPO shall be responsible for articulating a local government perspective of regional transportation problems and the needs for the community or agency for which they represent on the Old Colony MPO.

6. THE OBJECTIVES OF THE 3C PROCESS

- A. The 3C process is a comprehensive continuing and cooperative transportation planning and programming process resulting in plans and programs consistent with the comprehensive planning objectives of the Old Colony Region.
- B. The 3C process is comprehensive, including the effective integration of the various stages and levels of transportation planning and programming for the entire Old Colony Region and examining all modes so as to assure a balanced planning and programming effort. There is a simultaneous analysis of various related non-transportation elements, such as land use, economics, environmental resources and population, to assure consistency within a total comprehensive planning and programming process.
- C. The 3C process is continuing, affirming the necessity to plan for the short and long range, emphasizing the iterative character of the progression from systems planning to project planning and programming and implementation and the necessity for re-evaluating data and plans.
- D. The 3C process is cooperative, requiring effective coordination among public officials at all levels of government, and inviting the wide participation of all parties, public or private, at all stages of the transportation planning process. A key objective of the process is to resolve transportation issues by providing a forum for the resolution of issues. 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 or agencies who, pursuant to statute or under contract, develop, review and/or implement transportation plans, programs and projects.
- E. The 3C process is intermodal and is intended to help provide the 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.

7. FUNCTIONS OF THE JOINT TRANSPORTATION COMMITTEE

In order accomplish the objectives of the 3C process; the MPO has established a special committee known as the Joint Transportation Committee to serve as the Transportation Policy Advisory Group for the Old Colony Region, in accordance with earlier agreements. The functions of the Joint Transportation Committee are:

- A. To advise the Old Colony MPO on matters of policy affecting the conduct of the 3C transportation planning and programming process for the Region.
- B. To advise the Old Colony MPO on such regional transportation documents as may from time to time be required by state or federal laws and regulations.
- C. To provide maximum participation in the transportation planning and programming process by providing a forum to bring the Old Colony MPO together with other public agencies, elected and appointed officials of cities and towns, and citizens concerned with the transportation planning and programming process; thereby facilitating, wherever possible, the consistency of transportation plans and programs for the Old Colony Region with the policies, priorities, and plans of affected state and regional agencies, local communities, private groups and individuals within the Old Colony Region. The Old Colony MPO shall annually determine the membership on the Joint Transportation Committee in a manner that will provide for a widely representative viewpoint and ensure a balanced consideration of transportation issues. Consistent with the provisions of this Memorandum of Understanding the Joint Transportation Committee shall adopt by-laws and other procedures as may be necessary to govern its operation.

8. STAFF AND FINANCIAL RESOURCES FOR PLANNING

Old Colony Planning Council shall be the principal provider of transportation planning services to the Old Colony MPO. From time to time, other parties may provide additional resources through the state planning program and other resources. All transportation planning work undertaken by the OCPC staff shall be in an approved UPWP.

9. EFFECT OF THE MEMORANDUM

This Memorandum grows out of and supersedes the Memorandum of June 1, 1972, and shall become effective upon the date of the signatures of the Secretary of EOTC, the Commissioner of MassHighway, the President of OCPC and the Chairman of BAT. The new members shall sign an addendum signatory sheet, which shall become part of this MOU document. The Signatories shall review the contents of this Memorandum at least every three years at a minimum, and make appropriate changes as may be mutually agreeable.

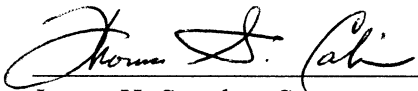
10. CONCERNING MUNICIPAL RECOGNITION OF THIS AGREEMENT

The undersigned acknowledge that the OCPC and the Old Colony MPO must maintain continuing recognition from the Old Colony region's communities for the purposes, objectives, and functions of the transportation and programming process, and the mechanisms required to implement this agreement. To help achieve these continuing recognitions, the MOU shall be reviewed and reaffirmed at least every three years by the members of the Old Colony MPO, with the advice of the JTC. During each review, the document shall be circulated between the mayor(s), and boards of selectmen of the Old Colony region for their review and comment.

11. EXECUTION

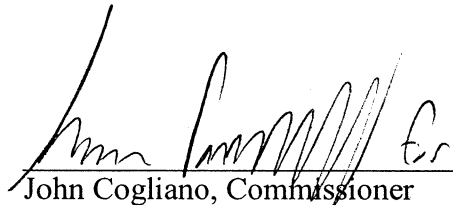
The undersigned recognize the complexity of the transportation planning and programming process and will endeavor to ensure that all personnel involved in their jurisdiction will cooperate fully in carrying out the intent and provisions of this Memorandum of Understanding, and any amendments or additions agreed to by the signatories, such to be in the form of Old Colony MPO approved attachments.

Signatory Certification:



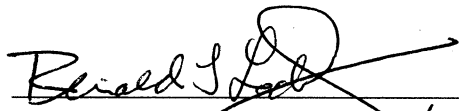
James H. Scanlan, Secretary
Executive Office of Transportation and Construction

December 19, 2002
Date



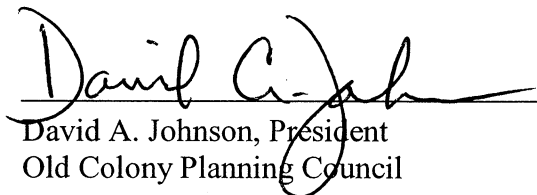
John Cogliano, Commissioner
Massachusetts Highway Department

December 19, 2002
Date



John T. Yunits Jr., Chairman
Brockton Area Transit

December 19, 2002
Date



David A. Johnson, President
Old Colony Planning Council

December 19, 2002
Date