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August 25, 2016

Stephanie Pollack  
Secretary and Chief Executive Officer  
Massachusetts Department of Transportation  
10 Park Plaza, Suite 3170  
Boston, MA 02116

**Re: Old Colony MPO Planning Certification Review Final Report**

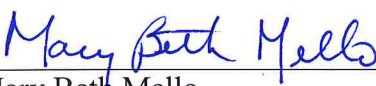
Dear Secretary Pollack:


The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are pleased to submit the final Planning Certification Review Report of the Old Colony Metropolitan Planning Organization.

This report summarizes the various discussions from the site visit and provides a series of commendations and recommendations. As indicated in the report, the FHWA and the FTA have determined that the transportation planning process substantially meets the requirements of 23 CFR Part 450 Subpart C and 49 CFR Part 613. The FHWA and the FTA are therefore jointly certifying the transportation planning process.

The FHWA and FTA would like to thank the Old Colony MPO staff for their participation and look forward to working with them. If you have any questions or comments, please contact Brandon Wilcox at (617) 494-3113 or Leah Sirmin at (617) 494-2459.

Sincerely,

  
\_\_\_\_\_  
Mary Beth Mello  
Regional Administrator  
Federal Transit Administration

  
for \_\_\_\_\_  
Jeffrey H. McEwen, P.E.  
Division Administrator  
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cc: David J. Mohler, OTP Executive Director, MassDOT  
Thomas J. Tinlin, Highway Division Administrator, MassDOT  
Pasquale Ciaramella, Executive Director, OCPC  
Ray Ledoux, Administrator, Brockton Area Transit Authority  
Charles Kilmer, Transportation Manager, OCPC



U. S. Department  
of Transportation

Federal Highway  
Administration

Federal Transit  
Administration

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TRANSPORTATION PLANNING CERTIFICATION REVIEW

*OF THE*

METROPOLITAN PLANNING PROCESS FOR THE BOSTON  
TRANSPORTATION MANAGEMENT AREA

OLD COLONY METROPOLITAN PLANNING  
ORGANIZATION

Final Report – August 2016

Prepared by:

**Federal Highway Administration** – Massachusetts Division  
**Federal Transit Administration** – Region 1

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## **I. INTRODUCTION**

This document describes the review and findings of the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) planning certification review of the transportation planning process in the Boston region, as conducted by the Old Colony Metropolitan Planning Organization (MPO).

### **FEDERAL TRANSPORTATION LAW**

The Old Colony MPO is required by federal law to conduct the metropolitan transportation planning process according to the requirements of the Fixing America's Surface Transportation (Fast) Act, signed into law on December 4, 2015. The United States Department of Transportation (U.S. DOT) is currently in the process of finalizing the Statewide and Metropolitan Planning Final Rule, which will set federal requirements for the transportation planning process. These requirements will update those currently found in 23 CFR Part 450, the metropolitan planning regulations, and will continue to be closely tied with the Clean Air Act Amendments of 1990 through the U.S. Environmental Protection Agency's (EPA) Air Quality Conformity Regulations. *Subsequent to the review, the Final Metropolitan and Statewide Planning Rule was published on May 27, 2016.*

### **TRANSPORTATION PLANNING IN THE REGION**

The Old Colony MPO was formally designated in 1972 and is one of eleven MPOs that serve the Boston, MA-NH-RI urbanized area. The Old Colony MPO also serves a portion of the Barnstable urbanized area, along with two other MPOs in Massachusetts. The Old Colony MPO covers approximately 300 square miles including 17 cities and towns, representing nearly 350,000 residents. A Memorandum of Understanding (MoU) governs the MPO's organizational structure which is comprised of a policy board including four municipal officials, Brockton Area Transit Authority, Old Colony Planning Council, Massachusetts Department of Transportation (MassDOT), along with JTC, FHWA and FTA as ex-officio non-voting members. The Old Colony Planning Council serves as staff to the Old Colony MPO. The first federal certification review of the MPO's metropolitan transportation planning process was conducted in 2006 after the MPO was designated as a Transportation Management Area (TMA) per the 2000 U.S. Census. The latest federal certification review of the Old Colony MPO was completed in 2011.

### **THE CERTIFICATION REVIEW PROCESS**

Federal regulation requires that the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly review and evaluate the transportation planning process conducted in each Transportation Management Area (TMA), defined as an urbanized area with a population over 200,000. This "Certification Review" must be conducted at least once every four years and assesses the extent to which each Metropolitan Planning Organization meets the metropolitan planning regulations and, where applicable, EPA's Air Quality Conformity laws. Certification reviews generally consist of four components: a "desk review" of MPO planning products and documents, a site visit and meeting with the MPO (including a public meeting), a final

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report by the Federal Review Team that summarizes the review and offers findings, and a letter transmitting the report and announcing the findings of the review.

The subjects of a certification review include compliance with federal laws and regulations; the challenges and successes of the planning process; and the cooperative relationship between the MPO, the public, and other transportation planning stakeholders. The certification review process is only one of several methods used to assess the quality of the metropolitan planning process and compliance with applicable statutes and regulations. Other opportunities for review include routine oversight activities such as attendance at meetings, day-to-day interactions, review and approval of work products, and coordination with the MPO on prior certification review recommendations.

Upon completion of the review and evaluation, FHWA and FTA must either

1. Certify that the transportation planning process meets the requirements of 23 United States Code (U.S.C.) 134, 49 U.S.C. 5303, and other associated Federal laws;
2. Certify that the transportation planning process substantially meets Federal requirements with conditions tied to resolution of specific corrective actions;
3. Certify the transportation planning process with conditions and additional project and program restrictions, or;
4. Not certify the planning process and withhold funds if the process does not meet Federal requirements.

## THE 2016 OLD COLONY MPO CERTIFICATION REVIEW

In January 2016, the Review Team initiated this review with a formal notice and requested a list of advanced materials. These materials included documents such as the major 3C planning documents, planning agreements, bylaws, and the Title VI plan. After a comprehensive desk review, the Review Team sent follow-up questions to the MPO in February. These questions are intended to provide further clarification on questions left unanswered during review of the advanced materials. The responses received assisted the Review Team in formulating the agenda for the on-site review in March.

On March 10, 2016, as part of the Old Colony Joint Transportation Committee meeting, the Review Team conducted a public meeting in which members of the public, stakeholders, and staff discussed the planning process of the MPO. On March 15<sup>th</sup>, the Review Team participated in the MPO's Policy Board Meeting to solicit feedback on the planning process from elected officials. Additional written comments were received from various stakeholders and participants in the planning process. Finally, the on-site portion of this review of the MPO was conducted on March 17<sup>th</sup>. MPO staff, MPO board members, Brockton Area Transit (BAT) staff and MassDOT personnel participated in an active and wide-ranging discussion with the Review Team. Staff responded to questions about the planning process in a spirit of good faith and cooperation.

The Review Team appreciates the willingness and cooperation of the MPO staff to assist the Team in preparing for the review. The organizational capacity and professionalism enabled the Review Team to orchestrate a successful certification review and public meeting.

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## ORGANIZATION OF THIS REPORT

This certification review report is organized around key transportation planning topic areas. Each report section presents the legal and regulatory basis for the review topic area, summarizes the observations of the Review Team, and lists the Team's major findings. Findings may include commendations, recommendations, or corrective actions. *Commendations* describe processes and products that are considered notable and identified as best practices. *Recommendations* identify practices that should be implemented to improve processes and planning products that already meet minimum Federal requirements. *Corrective actions* describe items that do not meet the requirements of the transportation statute and regulations—along with the actions that must be taken to attain compliance. Failure to address a corrective action may result in a more restrictive future certification and potential restriction or withholding of Federal funds. When none of the findings are mentioned, the topic area is simply found consistent with federal regulations.

## **II. SUMMARY OF REVIEW FINDINGS**

### RECOMMENDATIONS

#### **Metropolitan Transportation Plan**

In all future updates of the MTP the MPO should include a full discussion of the modeling results, anticipated future demand, and how implementation of the plan will impact that demand and the transportation system within the region. Additionally, the adoption of performance metrics and targets will likely expand the use of the model as a predictive tool for understanding trade-offs among regional investment priorities, further increasing the importance of including a discussion of forecasting processes and results.

In the next MTP update the MPO should ensure the plan establishes clear priorities and includes implementation steps for regional partners to advance any recommended strategies, along with specific capital projects.

#### **Transportation Improvement Program (TIP) and Project Selection Process**

A financial constraint demonstration for all modes (i.e., transit) should be cooperatively developed among MassDOT, BAT and the MPO. This will require the need for an early exchange of financial information and coordination of an acceptable format for all parties.

#### **Financial Planning**

The MPO, MassDOT and transit providers should ensure their planning agreements reflect the joint responsibility of developing financial revenue projections that meet the needs of all parties..

#### **List of Obligated Projects**

The MPO, MassDOT and transit authority should better define their collaborative role in completing the annual listing of obligated projects. Further, the report should contain all the required elements and projects as required in 23 CFR 450.332.

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### **Self-Certifications**

The Review Team recommends the MPO provide due consideration of the self-certification compliance statement to ensure board members have time to review and understand the requirements. This may be done through a discussion of the requirements prior to adoption of the TIP.

### **Congestion Management Process**

In accordance with 23 CFR 450.320(c)(5), the MPO should develop a method to ensure proposed strategies consistently have an identified implementation schedule, implementation responsibilities, and possible funding sources.

### **MPO Organization Structure**

The Old Colony MPO must work with the Boston Region MPO to clearly define and document its metropolitan planning area boundaries to ensure no overlap occurs. In accordance with 23 CFR 450.312(j), once the Governor has approved the MPA boundaries, the MPO should provide a copy of the boundaries to FHWA and FTA for informational purposes,

The MPO should conduct a comprehensive review of local representation on the board, including gathering specific feedback from entities that are not currently voting members, to determine if a change to the voting structure is warranted.

The JTC should develop updated by-laws, consistent with the latest MOU.

The MPO should look for ways to formalize roles and responsibilities for performance-based planning and programming, either in the MPO's MOU or other related documents.

### **Inter-Agency Agreements and Consultation**

The MPO should update its regional inter-agency MOU to include all MPOs in the Boston UZA, as defined by the 2010 U.S. Census.

The Review Team recommends updating the current MOU between the MPOs, MassDOT, the Department of Environmental Protection (DEP), and providers of public transportation, with the intent to recognize the reorganization of the various transportation agencies under the MassDOT umbrella. This agreement was signed in 1996 and there is a need to develop a new MOU that will recognize the roles of all agencies including MassDOT.

### **Intermodal Transportation Coordination**

Transit projects should be programmed on the TIP by the MPO in which a community sits. Transit projects located within the boundary of Plymouth should be reflected on the Old Colony TIP, at a minimum for informational purposes. Additionally, language should be added to the MPO's Metropolitan Planning Agreement committing to increased planning coordination across RTA boundaries.

### **Public Outreach and Public Involvement**

It is unclear if the PPP includes a provision that provides for additional opportunity for public



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comment if their TIP or MTP released for public review differs significantly from the version that was made available to the public. The MPO should include a provision in the PPP that addresses this regulatory requirement.

### **Title VI Notice and Compliant Procedures**

The MPO should test its web site translator to determine if any changes in text formatting would make it more effective. With respect to the MPO's Title VI/Nondiscrimination Complaint Procedures, the MPO should seek the assistance of MassDOT's Title VI Specialist to identify areas for revision in light of the above discussion. For example, the MPO might find it appropriate to delete Section 3.0, "Appeals", but transfer some of the content to Section 2.0, "Resolution," which should also advise complaints that they may file directly with FHWA, as well as FTA, or, simply, U.S. DOT.

### **Title VI and Nondiscrimination Data Collection**

The MPO is encouraged to continue expanding its data collection and analysis to encompass all persons protected under the Environmental Justice Order, Title VI and other nondiscrimination authorities. The MPO should continue to use data relevant to each of its analysis by planning component (i.e., transit or highway) to identify trends or patterns affecting access or equity in the program.

### **Title VI and Nondiscrimination Outreach**

The MPO should conduct a self-assessment regarding its consistency in notifying the public of how to request public meeting accommodations. In all of its public meetings, whether intended to provide an active exchange with the public or merely "open" to the public, the MPO should provide for reasonable accommodations.

### **Limited English Proficiency (LEP)**

The MPO should continue to sustain its work in this area. In this regard, the MPO should continue to seek innovative methods to ensure cost-effective communication and meaningful access to LEP persons. In its next revised Four-factor Analysis, the MPO should articulate more specifically how it is applying the safe harbor provisions, particularly with respect to vital information that is a "one-time" cost and made available without request vs. the type of written information that is periodically revised and more voluminous. The MPO's method for providing this information should be grounded in its Four-factor analysis.

### **Environmental Mitigation**

The Review Team recommends that the MPO include more robust discussions of the resources present in the Old Colony region including the threats to and potential mitigation strategies for each. These discussions would also include maps depicting the locations of the regional environmental resources. The Review Team also recommends that the MPO map projects included in the MTP related to the locations of the various regional environmental resources and use that information to help inform potential mitigation strategies.

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## COMMENDATIONS

### **Intermodal Transportation Coordination**

We recognize the MPO and BAT for their high degree of inter-agency coordination and integration on transit planning efforts.

### **Public Outreach and Public Involvement**

We recognize the MPO for their robust public participation program and outreach in the development of their planning products.

### **Title VI and Nondiscrimination Outreach**

The MPO's development and consistent use of a comprehensive outreach list is notable. This list is based on extensive research of community leaders and organizations that serve the public, including those that serve or represent persons protected by the nondiscrimination statutes and executive orders. The MPO's continuous process to maintain this list as a data source for MassDOT's Title VI Mapping Tool is notable.

### **Limited English Proficiency (LEP)**

The MPO should be commended for its overall efforts and activities to implement the LEP requirements to ensure meaningful access to its planning program and related services.

### **Livability and Sustainability**

Old Colony has taken a lead role in addressing Secretary Foxx's Mayors' Challenge for Safer People, Safer Streets through the Pedestrian Safety Summit in 2014 and ongoing planning implementation of bike and pedestrian safety measures to reduce the disproportionately high number of bicycle and pedestrian fatalities and crashes in the City of Brockton.

## **III. CERTIFICATION ACTION**

The Federal Highway Administration and the Federal Transit Administration have determined that the transportation planning process of the Old Colony Metropolitan Planning Organization portion of the Boston, MA-NH-RI Transportation Management Area substantially meets the requirements of the Metropolitan Planning Rule (23 CFR Part 450 Subpart C and 49 CFR Part 613). The Federal Highway Administration and the Federal Transit Administration are therefore jointly certifying the transportation planning process. This certification report identifies a series of recommendations that are intended to improve the transportation planning process. The Review Team's observations and the basis of these recommendations are detailed further in the report.

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## **IV. KEY METROPOLITAN PLANNING DOCUMENTS AND PROCESSES**

### **A. UNIFIED PLANNING WORK PROGRAM**

#### *REGULATORY BASIS*

MPOs are required to develop Unified Planning Work Programs (UPWPs) in Transportation Management Areas (TMAs) to govern work programs for the expenditure of FHWA and FTA planning and research funds (23 CFR 450.308). 23 CFR 420.111 governs work programs required for the expenditure of FHWA highway planning and research funds. MPOs are required to develop UPWPs in cooperation with the State and public transit agencies. [23 CFR 450.308(c)]

#### *OBSERVATIONS*

The Old Colony MPO's UPWP is developed annually through consultation with the Joint Transportation Committee (JTC), Brockton Area Transit Authority (BAT) and coordination with stakeholders in the region on the needs for planning studies. The MPO also considers local, regional, state, national trends and emphasis areas advocated by FTA and FHWA for potential UPWP tasks.

The major planning activities to be undertaken by the MPO in FY 2016 include corridor studies on Avon and Brockton Route 28, and Duxbury Route 3A, and a Bicycle and Pedestrian Connectivity and Safety Study.

At the on-site review staff discussed their review of Local Technical Assistance studies that are funded by their UPWP Element 3200 task. According to staff, the only community that had not benefitted from planning activity was Hanover which only recently joined the MPO in 2015. However, staff mentioned that a Road Safety Audit /Intersection Transportation Study for Pleasant at Whiting Street in Hanover is planned in FY 2016.

Subsequent to the on-site review, the Review Team asked the staff to prepare a chart that showed the distribution of major UPWP studies by municipality, population, and median household income. The MPO prepared a table that showed the distribution over an 11-year timeframe from FY 2003 to FY 2013 which showed no major disparities. Also, it was acknowledged that there are major studies that cross municipal boundaries and benefit multiple communities.

The FHWA and FTA continue to recognize the importance for each UPWP to address the Planning Factors identified in statute. To the eight existing planning factors the FAST Act added two new factors: Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and Enhance travel and tourism. The MPO should review their practices for ensuring the planning process addresses all factors, and specific UPWP studies to address the new factors should be developed. The Review Team acknowledges The MPO's Climate Change Roadway Drainage and Runoff Report, its inventory of critical infrastructure vulnerable to extreme weather events and climate change, and their stormwater management system mapping.

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## *FINDINGS*

The transportation planning process in the Old Colony region is consistent with the federal requirements for this topic area.

## **B. METROPOLITAN TRANSPORTATION PLAN**

### *REGULATORY BASIS*

Federal regulations require the development of the Metropolitan Transportation Plan (MTP) as a key product of the metropolitan planning process: The metropolitan transportation planning process shall include the development of a transportation plan addressing no less than a 20-year planning horizon. The transportation plan shall include both long-range and short-range strategies/actions that lead to the development of an integrated multimodal transportation system to facilitate the safe and efficient movement of people and goods to address current and future transportation demand. [23 CFR 450.322]

An MPO MTP requires valid forecasts of future demand for transportation services. These forecasts are frequently made using travel demand models, which allocate estimates of regional population, employment and land use to person-trips and vehicle-trips by travel mode, route, and time period. The outputs of travel demand models are used to estimate regional vehicle activity for use in motor vehicle emissions models for transportation conformity determinations in nonattainment and maintenance areas, and to evaluate the impacts of alternative transportation investments being considered in the MTP.

### *OBSERVATIONS*

The current approved Metropolitan Plan (MTP) was adopted in July 2015 and covers years 2016-2040. The plan was the MPO's first time branding the plan, known as MovingU 2040. Public and stakeholder outreach included over 20 meetings and events, a survey provided in four languages, and social media. An ad hoc working group was formed to assist the MPO with developing consensus for a final set of goals, objectives and performance measures. The plan adopts eight goals, each with several objectives, some of which include specific performance measures and targets.

The MTP includes specific roadway projects for the first ten years of the plan. Beyond 2025, the plan indicates all regional discretionary funding "shall continue to be towards operating, maintaining, and improving the highway, bridge transportation." The plan also identifies eight unfunded regionally significant highway projects, proposed for further study.

The MTP's finance plan includes estimated transit funding for BAT over the life of the plan. Within five year time bands, the plan allocates between 70% and 80% of that funding to categories of projects, such as "BAT Fixed Route Bus Replacement, Hybrid Buses & Technologies, AVL, Farebox" and "BAT Ongoing Paratransit Bus Replacement." One unfunded regionally significant transit project is identified- the South Coast Rail Project with an estimated cost of \$2.3 billion.

In addition to a robust discussion of the region's current population, employment, and travel profile, the MTP includes a brief discussion of forecasted population and employment growth as

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developed cooperatively by MassDOT, the Metropolitan Area Planning Council (planning agency for the Boston region), the Boston Region MPO staff, and the University of Massachusetts Donahue Institute. The plan provides these projections without an analysis of future travel impacts. The Old Colony MPO does not maintain its own travel demand model and relies on the statewide model developed by MassDOT, but the MTP did not include any documentation or outputs of modeling that would be useful for understanding how future transportation demand might shape the region's needs over the life of the plan.

Each chapter of the plan concludes with a list of recommendations. These recommendations range from high-level recommendations such as “reduce dependency on fossil fuels” to specific strategies such as “target planning efforts and investments at identified high crash locations.” Dozens of recommendations are included that require the involvement of many different players to implement. The final chapter provides a summary table of these recommendations alongside the goal that they support. However, no implementation strategies, priorities or responsible parties are identified.

### *FINDINGS*

**Recommendation:** In all future updates of the MTP the MPO should include a full discussion of the modeling results, anticipated future demand, and how implementation of the plan will impact that demand and the transportation system within the region. Additionally, the adoption of performance metrics and targets will likely expand the use of the model as a predictive tool for understanding trade-offs among regional investment priorities, further increasing the importance of including a discussion of forecasting processes and results.

**Recommendation:** In the next MTP update the MPO should ensure the plan establishes clear priorities and includes implementation steps for regional partners to advance any recommended strategies, along with specific capital projects.

## C. TRANSPORTATION IMPROVEMENT PROGRAM AND PROJECT SELECTION

### PROCESS

#### *REGULATORY BASIS*

The MPO is required, under 23 CFR 450.324, to develop a Transportation Improvement Program (TIP) in cooperation with the State and public transit operators. The TIP shall cover a period of at least four years, must be updated at least once every four years, and must be approved by the MPO and the governor. If the TIP is updated more frequently, the cycle must be compatible with the State Transportation Improvement Program (STIP) development and approval process. [23 CFR 450.324(a)]

#### *OBSERVATIONS*

The MPO's TIP is developed annually through consultation between BAT, MassDOT, Old Colony Planning Council (OCPC), and municipalities. MassDOT and the regional planning agencies/MPOs also annually meet to discuss development of the TIP and the regional targets. BAT provides operations data and project evaluation on transit projects. Staff's role in TIP development includes

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providing technical analyses, project evaluation outreach, document preparation and fiscal constraint analysis.

The Joint Transportation Committee (JTC) serves as the primary advisory group to the MPO and OCPC. This committee assists with the identification of transportation deficiencies, and provides regular input and review of the TIP. It consists of superintendents and or directors of highway/ department of public works, town planners and engineers. This body provides recommendations to the MPO on which projects should be considered for funding. In making this determination, the JTC uses Transportation Evaluation Criteria (TEC) to prioritize potential projects. This scoring criteria was developed in 2004 and is categorized by the overall goals of the MPO.

On Page 21 of the TIP, the Financial Summary/ Targets of highway and transit projects are shown. The highway financial plan shows the revenues for each year of the TIP, and the costs of the regional projects programmed. However, the transit financial plan does not show the estimated revenues for any of the years of the TIP, but shows costs of the projects programmed. The table should include the transit revenues available to the region which are later described in the plan. Without the direct comparison of transit revenue to programmed projects in the transit financial plan, the Review Team is unable to determine if those projects are financially viable.

The financial constraint tables in the TIP should include all sources of revenue available (federal, state and local). The MPO would benefit from identifying strategies on how unidentified funding will be allocated to meet transportation system needs. A demonstration of financial constraint for transit projects is needed similar to the highway table.

Subsequent to the on-site review, the Review Team asked the staff to prepare a chart that showed the distribution of TIP funded target projects by municipality, population, and median household income. The MPO prepared a table that showed the distribution over a 14-year timeframe from FY 2003 to FY 2016, and there are some municipalities who have not had a target project recently. It is suggested that the staff reach out to municipalities that may have difficulties advancing a Federal-Aid project to see if there are barriers that could hinder the municipal project development process, especially if they have not benefitted from a target or statewide funded project over the last decade.

#### *FINDINGS*

**Recommendation:** A financial constraint demonstration for all modes (i.e., transit) should be cooperatively developed among MassDOT, BAT and the MPO. This will require the need for an early exchange of financial information and coordination of an acceptable format for all parties.

### D. FINANCIAL PLANNING

#### *REGULATORY BASIS*

The metropolitan planning statutes state that the long-range transportation plan and TIP (23 U.S.C. 134 (j) (2) (B)) must include a "financial plan" that "indicates resources from public and private sources that are reasonably expected to be available to carry out the program" and demonstrates fiscal constraint for these documents. Estimates of funds available for use in the financial plan must be developed cooperatively by the MPO, public transportation operator(s), and the State (23 CFR

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450.322). This cooperative process must be outlined in a written agreement that includes specific provisions for developing and sharing information related to the development of financial plans that support the metropolitan transportation plan (23 CFR 450.314).

In addition, the regulations provide that projects in air quality nonattainment and maintenance areas can be included in the first two years of the TIP and STIP only if funds are "available or committed" (23 CFR 450.324 and 23 CFR 450.216). Finally, the Clean Air Act's transportation conformity regulations specify that a conformity determination can only be made on a fiscally constrained long-range transportation plan and TIP (40 CFR 93.108).

### *OBSERVATIONS*

Financial Planning is addressed through both the TIP and MTP documents. The MTP initiates the discussion of financial planning by describing the volatility of projecting future funding availability beyond limited short term federal authorizations. In an attempt to predict how much funding the region will receive the MPO summarizes the amount of advertised projects funded over the past 24 years. This scenario estimates \$12.8 million would be spent annually within the region. Looking forward the actual funding projections as provided by MassDOT assumes the region will receive \$1,843,602,464 of combined highway and transit revenues throughout the life of the plan. The regional target highway portion of revenue is \$302,833,366 or \$12.6 million per year. This amount is comparable to the historic advertised spending within the region and a good indicator of future projections.

To demonstrate transportation needs the Financial Plan describes the MPO's efforts on its Pavement Management System (PMS). The PMS calculates the rate of deterioration of pavement and the implications for the cost of repairs. The MPO has determined that \$213,891,765 will be needed to put 50% of their roadways into Good or Excellent condition within the next 10 years. It is expected that the MPO will only receive approximately half this amount directly through its regional discretionary funds. Approximately \$302 million is directly allocated to the MPO thru 2040 with an average of \$60 million every five years. Projects beyond the first 10 years of the plan have not been identified. The MPO shows approximately \$3 million of unidentified projects in the first 5 years (2016 – 2020) and \$19 million in the second year span (2012-2025). The MTP Financial Plan does not provide any additional funding strategies to accomplish these goals. However to the contrary, the plan illustrates that all available capital funding for highway and bridges has been committed on Table 10-5.

Similarly with the MTP, the revenue estimates shown in the TIP are provided annually by MassDOT. Projects identified in the TIP are applied against a cost inflation factor of 4% annually. The most recent TIP shows a \$7,105,317 surplus of anticipated revenue in comparison to programmed projects. These programmed amounts are supported by a TIP table that lists each individual project. Anticipated revenues are also shown by category however there is a discrepancy as these amounts also include Statewide CMAQ which is not part of the MPO's regional targets. A financial constraint demonstration is also shown for transit projects however this table only shows programmed amounts. Without a direct comparison of revenue apportionment to programmed projects, the TIP cannot demonstrate financial constraint for transit projects. Operations and

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maintenance cost is also shown for both modes however the highway section only shows past spending rather than projecting the upcoming four year amount.

The development of financial planning and sharing of information is required to be outlined in a MPO planning agreement between the MPO, MassDOT and transit operators. Reviewing the latest agreement there is reference to MassDOT's responsibility of providing the necessary data required to support the Old Colony planning process. However specific mention of financial data and the cooperative development process is not outlined. The MTP and TIP describe that MassDOT provides the revenue estimates for the MPO. It is uncertain what level of cooperation exists for developing financial projections between the MPO, State and transit authority.

### *FINDINGS*

**Recommendation:** The MPO, MassDOT and transit providers should ensure their planning agreements reflect the joint responsibility of developing financial revenue projections that meet the needs of all parties.

## E. LIST OF OBLIGATED PROJECTS

### *REGULATORY BASIS*

The MPO, transportation operators and the State must cooperatively develop a listing of projects for which Federal funds have been obligated in the previous year in accordance with 23 CFR 450.332. The listing must include all federally funded projects authorized or revised to increase obligations in the preceding program year and, at a minimum, the following for each project:

- *The amount of funds requested in the TIP;*
- *Federal funding obligated during the preceding year;*
- *Federal funding remaining and available for subsequent years;*
- *Sufficient description to identify the project or phase; and*
- *Identification of the agencies responsible for carrying out the project or phase.*

### *OBSERVATIONS*

Each year the MPO prepares a report that lists federal projects that were obligated the previous fiscal year. The report the Review Team reviewed is entitled "Annual Listing of Projects with Federal Funding Obligated for Federal Fiscal Year 2015" and was released in November 2015. The report was made available to the public through email circulation and posting it on their website. The MPO's public involvement plan makes reference to the requirement but does not include specifics.

The report contains two separate lists of projects. The first list contains projects that were funded through the MPO's Target funds. The second list includes project obligations that occurred statewide. Not all the projects that were shown as obligated were included in the obligation report. The report also is missing projects that were funded through FTA. Required description such as original TIP amount is not shown in the report. Further, the statewide list makes it difficult for the audience to understand which projects are in the Old Colony region.



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The listing of obligated projects is required to be developed cooperatively between the MPO, MassDOT and transit operators. Reviewing the MPO's planning agreement there is a description of data sharing between MassDOT and the MPO. Each year MassDOT provides the obligations report to assist the MPO in publishing. However it is uncertain what level of cooperation exists between the MPO, State and transit authority.

#### *FINDINGS*

**Recommendation:** The MPO, MassDOT and transit authority should better define their collaborative role in completing the annual listing of obligated projects. Further, the report should contain all the required elements and projects as required in 23 CFR 450.332.

### F. SELF-CERTIFICATIONS

#### *REGULATORY BASIS*

The State and the MPO must self-certify to FHWA and FTA that the metropolitan planning process is being carried out in accordance with federal requirements. This self-certification is required under 23 CFR 450.334 to take place at least once every four years, in concurrence with the submittal of the TIP.

#### *OBSERVATIONS*

Each year the Old Colony MPO self-certifies the planning process by completing the Self-Certification Compliance Statement. This statement is prepared by MPO staff and signed by the Old Colony MPO Policy board signatories. The statement includes all the applicable federal requirements as outlined in 23 CFR 450.344. If requested the MPO staff will review and discuss the requirements to their board members. The latest self-certification was completed on July 28, 2015 as part of their annual TIP submission. After reviewing meeting minutes from this date it is unclear whether the certification was completed during this meeting. The MPO has expressed they will also begin enclosing the self-certification statement as part of their current UPWP.

#### *FINDINGS*

**Recommendation:** The Review Team recommends the MPO provide due consideration of the self-certification compliance statement to ensure board members have time to review and understand the requirements. This may be done through a discussion of the requirements prior to adoption of the TIP.

### G. CONGESTION MANAGEMENT PROCESS

#### *REGULATORY BASIS*

The State(s) and the MPO must develop a systematic approach for managing congestion through a process that "provides for safe and effective integrated management and operation of the multimodal transportation system. The Congestion Management Process (CMP) applies to transportation management areas (TMAs) based on a cooperatively developed and implemented metropolitan-wide strategy of new and existing transportation facilities eligible for funding under

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23 U.S.C. and title 49 U.S.C. Chapter 53 through the use of travel demand reduction and operational management strategies.” (23 CFR 450.320(a))

### *OBSERVATIONS*

The MPO utilizes common practices in its congestion management process (CMP), and the CMP is incorporated throughout the planning process, often starting in planning studies and culminating in projects. Congestion is a key consideration in many corridor studies, local highway technical assistance, and transit planning activities. UPWP tasks may examine more specific congestion management strategies such as traffic signal coordination or traffic signal priority for transit.

The defined CMP network is large and includes all federal-aid roads, transit providers, park and ride lots, and commuter rail parking lots in the region. Although a larger road network is included, focus has primarily been on principal arterials and state numbered routes. Similarly, while all transit providers in the region are considered part of the CMP, primary focus has been on BAT services.

Data for all modes is collected and compiled in an annual report including, for roadways, traffic counts, vehicle speeds, heavy vehicle percentages, and volume to capacity ratios. Additional data is collected to provide level of service (LOS) analysis for intersections. For transit, daily ridership and other measures from BAT’s performance dashboard are utilized. Data on the utilization of vehicle and bicycle parking at MBTA commuter rail parking lots and other park and ride facilities around the region is also collected twice a year.

The annual CMP report identifies recommended strategies region-wide as well as strategies for specific major roadways, town centers, intersections, and park and ride lots. Strategies identified include travel demand management, access management, promotion of non-motorized modes, intelligent transportation systems (ITS), public transportation, and highway capacity. The region faces clear challenges when considering added capacity on major regional roads. Most stakeholders recognize limitations on the ability to widen such roads and so are receptive to alternative solutions that may be proposed.

Implementation of the strategies identified in the annual report requires the support of a variety of implementing agencies, though the report does not specify these agencies. Coordination with these agencies is typically initiated at a later stage. This is either when a planning study is begun or, if there is no study, during project development. Prioritization of region-wide strategies and prioritization of the specific congested areas identified in the report is not systematic. Rather, various considerations may influence priorities for the CMP such as which locations have the worst levels of congestion, vocal local communities, or the presence of environmental justice areas. These considerations are not systematically identified and included in the CMP report which limits the MPO’s ability to agree to priorities, schedules and ultimately implementation, through the TIP or through other means.

The effectiveness of CMP strategies is assessed within the annual report using regional metrics such as mode share as well as intersection-specific LOS data. These measures are also incorporated in

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the MTP. The CMP includes an approach for assessing the effectiveness of investments through before and after analyses of projects.

### *FINDINGS*

**Recommendation:** In accordance with 23 CFR 450.320(c)(5), the MPO should develop a method to ensure proposed strategies consistently have an identified implementation schedule, implementation responsibilities, and possible funding sources.

## **V. COORDINATED, COOPERATIVE, AND COMPREHENSIVE PLANNING PROCESS**

### **A. MPO ORGANIZATIONAL STRUCTURE**

#### *REGULATORY BASIS*

Federal legislation (23 U.S.C. 134(d)) requires the designation of an MPO for each urbanized area with a population of more than 50,000 individuals. When an MPO representing all or part of a TMA is initially designated or redesignated according to 23 CFR 450.310(d), the policy board of the MPO shall consist of (a) local elected officials, (b) officials of public agencies that administer or operate major modes of transportation within the metropolitan area, including representation by providers of public transportation, and (c) appropriate State transportation officials. The voting membership of an MPO that was designated or redesignated prior to December 18th, 1991, will remain valid until a new MPO is redesignated. Redesignation is required whenever the existing MPO seeks to substantially change the proportion of voting members representing individual jurisdictions or the State or the decision-making authority or procedures established under MPO bylaws.

The addition of jurisdictional or political bodies into the MPO or of members to the policy board generally does not require a redesignation of the MPO.

#### *OBSERVATIONS*

The Old Colony MPO metropolitan planning area is considered to be contiguous with the Old Colony Planning Council (OCPC) region. OCPC is the regional planning agency which also staffs the MPO, and currently has 17 member communities. However, four of those communities are also members of the Boston Region MPO and the Metropolitan Area Planning Council (MAPC), including two that have joined OCPC just within the last few years. While state provisions may permit communities to be members of multiple regional planning agencies, federal regulation prohibits metropolitan planning areas from overlapping (23 CFR 450.312(g)). Therefore, these communities cannot be represented by multiple MPOs, and the Old Colony MPO should work with the local representatives and the Boston Region MPO to clarify the status of these communities.

The Old Colony MPO currently operates under a memorandum of understanding (MOU) signed in 2011. The 2011 update was completed primarily to account for the creation of MassDOT and the corresponding changes to State representation on the MPO. Under the MOU, the MPO is composed of eight voting members: two representatives of MassDOT, the OCPC, the Brockton Area Transit

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Authority (BAT), the City of Brockton, the Town of Plymouth, and two additional communities to be elected by the Old Colony Planning Council. During the on-site review, staff indicated that the two elected local seats are split with one seat designated for a town with a population of less than 14,000 and the other seat for a town with a population of greater than 14,000; however, this arrangement is not documented in the MOU. FHWA, FTA and the Joint Transportation Committee (JTC) are non-voting members of the MPO. The 2011 MOU was signed by the seven sitting members at the time (one signature representing both MassDOT seats). The two additional community seats on the MPO were, and still currently are, held by the Town of West Bridgewater and the Town of Whitman.

During the on-site review, as well as during a recent MPO meeting, there was discussion if the number of local communities on the MPO board should be increased. Of seventeen communities in the Old Colony region, only four have seats on the board. Additionally, OCPC's representative on the board has the ability to represent local concerns. A number of different models are used across Massachusetts MPOs to determine local representation, and the region should consider what model serves its communities best.

Transit service in the Old Colony region is provided by BAT, a voting MPO member, along with the Greater Attleboro Taunton Regional Transit Authority (GATRA), and some services by the Massachusetts Bay Transportation Authority (MBTA). GATRA provides service within the Town of Plymouth which is a permanent board member as well. The MPO membership satisfies FAST Act requirements for transit representation, but greater coordination between the MPO and transit providers is encouraged and may be documented in a future update of the MOU.

The Joint Transportation Committee (JTC) acts as a technical board and serves in an advisory role to both the MPO and the OCPC boards. JTC members include representatives of all OCPC member communities along with BAT, GATRA, and MassDOT. While staff, MPO members and JTC members provided feedback that the JTC is a smoothly- functioning and productive body, its by-laws date to 1975. Due to their age, these by-laws may not accurately reflect the operations and mission of the JTC as it is today and could be revised to better service to body and the region.

Finally, as performance-based planning and programming is implemented in the region and across the country, it presents an opportunity for planning partners to play collaborative and substantial roles, and agreements such as the MOU provide a means to formalize roles and responsibilities, including how and when in the planning process the partners will agree to metropolitan area goals and associated performance measures and targets.

### *FINDINGS*

**Recommendation:** The Old Colony MPO must work with the Boston Region MPO to clearly define and document its metropolitan planning area boundaries to ensure no overlap occurs. In accordance with 23 CFR 450.312(j), once the Governor has approved the MPA boundaries, the MPO should provide a copy of the boundaries to FHWA and FTA for informational purposes,

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**Recommendation:** The MPO should conduct a comprehensive review of local representation on the board, including gathering specific feedback from entities that are not currently voting members, to determine if a change to the voting structure is warranted.

**Recommendation:** The JTC should develop updated by-laws, consistent with the latest MOU.

**Recommendation:** The MPO should look for ways to formalize roles and responsibilities for performance-based planning and programming, either in the MPO's MOU or other related documents.

## **B. INTER-AGENCY AGREEMENTS AND CONSULTATION**

### *REGULATORY BASIS*

In accordance with 23 U.S.C. 134 and 23 CFR 450, MPOs must consult with agencies and officials responsible for other planning processes when developing TIPs and MTPs, and must carry out a planning process that is "continuing, cooperative and comprehensive" (3C). This includes establishing memorandums of understanding (MOUs) identifying the mutual roles, responsibilities, and procedures governing their cooperative efforts. These agreements must identify the designated agency for air quality planning under the Clean Air Act and address the responsibilities and situations arising from there being more than one MPO in a metropolitan area.

On April 23, 2014, U.S. DOT Secretary Anthony Foxx outlined three Planning Emphasis Areas for 2015. These are not regulations, but rather are topic areas that MPOs and State DOTs are encouraged to focus on when conducting their planning processes and developing their planning work programs. One of these Emphasis Areas is Models of Regional Planning Cooperation, which reads:

"Promote cooperation across MPO boundaries and across State boundaries where appropriate to ensure a regional approach to transportation planning. This is particularly important where more than one MPO or State serves an urbanized area or adjacent urbanized areas. The cooperation could occur through the metropolitan planning agreements..., through the development of joint planning products, and/or by other locally determined means."

### *OBSERVATIONS*

In addition to the 2011 MOU governing the MPO's 3C process (which is discussed in Section V.A: MPO Organizational Structure), the Old Colony MPO is also a part of two other important MOUs:

- A regional inter-agency MOU, dated September 9, 2003, between the Boston-area MPOs- Boston Region MPO, Merrimack Valley MPO, Northern Middlesex MPO, Old Colony MPO, and the Southeastern Massachusetts MPO.
- A commonwealth-wide air quality MOU, dated July 31, 1996, among all of the MPOs, regional transit agencies, and State Departments of Environment and Transportation.

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The 2010 Census updated the Boston urbanized area (UZA) boundary to cover portions of several MPOs not currently part of the regional inter-agency MOU described above. These include Montachusett MPO and Central Massachusetts MPO in Massachusetts; Rockingham Planning Council, Southern New Hampshire Planning Council, and Nashua Regional Planning Council in New Hampshire; and the Rhode Island Statewide Planning Council in Rhode Island. At the time of this review, an update of this regional MOU was underway to address the expanded UZA along with changes to planning requirements and practices since 2003.

The Old Colony MPO is part of an air quality MOU, entitled “Concerning the Conduct of Transportation Air Quality Planning and Implementation of the State Implementation Plan.” This is an agreement among the Massachusetts MPOs, the Massachusetts Department of Environmental Protection (DEP), the Executive Office of Transportation and Construction (now MassDOT), the regional transit authorities, the MBTA, and the Massachusetts Port Authority. This MOU was last signed in 1996 and has not been updated since then.

Although the majority of the Old Colony region is within the Boston UZA, a portion is in the Barnstable UZA which is also served by the Southeast Massachusetts MPO and the Cape Cod MPO. These three MPOs coordinate through the sharing of draft planning documents, ad hoc participation in each other’s MPO and JTC meetings, and coordination on multi-regional planning studies (such as the Cape Cod Canal Area Transportation Study).

#### *FINDINGS*

**Recommendation:** The MPO should update its regional inter-agency MOU to include all MPOs in the Boston UZA, as defined by the 2010 U.S. Census.

**Recommendation:** The Review Team recommends updating the current MOU between the MPOs, MassDOT, the Department of Environmental Protection (DEP), and providers of public transportation, with the intent to recognize the reorganization of the various transportation agencies under the MassDOT umbrella. This agreement was signed in 1996 and there is a need to develop a new MOU that will recognize the roles of all agencies including MassDOT.

### C. INTERMODAL TRANSPORTATION COORDINATION

#### *REGULATORY BASIS*

Federal regulation makes clear the need for coordination across modes during the transportation planning process. According to 23 CFR 450.306, the scope of the metropolitan planning process must include:

- Consideration of both motorized and non-motorized users;
- Enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight; and
- Preparation of the coordinated public transit-human services transportation plan in coordination with the metropolitan transportation planning process.

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MAP-21 clarified and the FAST Act reinforced that the MPO itself must consist of "officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation." (49 USC 5303)

Furthermore, 23 CFR 450.316 calls for a planning process that incorporates input from public transit riders, pedestrians, bicyclists, providers of private transportation, and airports; and 23 CFR 450.322 specifies that the MTP should include consideration of "pedestrian walkways and bicycle facilities."

### *OBSERVATIONS*

During the on-site review, the MPO and Brockton Area Transit (BAT) commented on the high level of coordination between the two agencies. In particular, BAT contracts with the MPO to do most of their planning work and the Administrator of BAT sits as the vice-chair of the MPO. This relationship fosters close communication between the two agencies and makes them aware of each other's activities. MPO staff recently conducted a comprehensive service analysis to assess the performance of existing BAT transit routes and the demand for new routes. Through this process the agency identified low-performing routes that could be improved by adjustment or elimination in favor of service along higher-demand corridors.

Although the Old Colony MPO includes the Town of Plymouth, transit planning and the listing of transit projects for Greater Attleboro Taunton Regional Transit Authority (GATRA) is conducted by the Southeastern Massachusetts MPO.

Citizen input during the public meeting portion of the review revealed there may be ways in which transit service planning could be better aligned with needs. In particular, verbal commenters discussed a need to implement service across RTA boundaries with a particular demand for service between Brockton and the social services available in Taunton.

### *FINDINGS*

**Commendation:** We recognize the MPO and BAT for their high degree of inter-agency coordination and integration on transit planning efforts.

**Recommendation:** Transit projects should be programmed on the TIP by the MPO in which a community sits. Transit projects located within the boundary of Plymouth should be reflected on the Old Colony TIP, at a minimum for informational purposes. Additionally, language should be added to the MPO's Metropolitan Planning Agreement committing to increased planning coordination across RTA boundaries.

## **D. PUBLIC OUTREACH AND PUBLIC INVOLVEMENT**

### *REGULATORY BASIS*

The MPO is required, under 23 CFR 450.316, 23 CFR 450.322(f-g), and 23 CFR 450.324(b) to engage in a metropolitan planning process that creates opportunities for public involvement, participation and consultation throughout the development of the MTP and the TIP.

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## *OBSERVATIONS*

The Old Colony MPO has a robust public participation program. The MPO utilizes open houses, surveys, visioning workshops, advertisements on Portuguese and Spanish radio, and frequently meets with stakeholder organizations to receive input on the transportation planning process. For the MTP known as Moving U 2040, the MPO hosted open houses at the Bridgewater Public Library, Easton Farmers Market and at the BAT Intermodal Centre in Brockton. The visioning workshops were hosted at the Brockton and the Plymouth Main Libraries.

The MPO advertises public comment periods for TIP, MTP, and UPWP as legal advertisements in three of the region's newspapers. The MPO also uses social media (Facebook and Twitter), email blasts, cable access TV, OCPC website, notices posted at public venues including transit centers, Brockton Rox baseball stadium, regional malls, and colleges.

The MPO publishes its announcements for its key documents, which are the MTP, TIP, PPP, Public Hearing Policy, Notice of Protection, Complaint Procedures, and Service Announcements in Portuguese, Cape Verdean Creole, Haitian Creole, and Spanish.

The MPO's Public Participation Plan (PPP) was endorsed in June 2007, amended in October 2009, and updated in March 2011 to include the 3C MOU on the transportation planning and programming process. The PPP describes the public comment periods for the endorsement of the MTP, TIP, UPWP and amendments, and also discusses adjustment/administrative modifications to the MTP. The procedures for administrative modifications of the TIP are shown in the FY 2016-2019 TIP.

The PPP states that the public comment period may be abbreviated under what is considered to be "extraordinary circumstances beyond the MPO's control." 23 CFR 450.316(a)(viii) requires that the MPO provide an additional opportunity for public comment, if the final or amended MTP or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues which interested parties could not have reasonably have foreseen from the public involvement efforts. It is unclear if this provision is provided in the PPP when the documents are released for public review and there are significant changes to the amendment.

## *FINDINGS*

**Commendation:** We recognize the MPO for their robust public participation program and outreach in the development of their planning products.

**Recommendation:** It is unclear if the PPP includes a provision that provides for additional opportunity for public comment if their TIP or MTP released for public review differs significantly from the version that was made available to the public. The MPO should include a provision in the PPP that addresses this regulatory requirement.



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## E. TITLE VI NOTICE AND COMPLAINT PROCEDURES

### *REGULATORY BASIS*

It has been the long-standing policy of U.S. DOT to actively ensure nondiscrimination under Title VI of the Civil Rights Act of 1964. Title VI states that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” Title VI bars intentional discrimination (i.e., disparate treatment) as well as disparate-impact discrimination stemming from neutral policy or practice that has the effect of a disparate impact on protected groups based on race, color, or national origin. The planning regulations [23 CFR 450.334(a)(3)] require the MPO to self-certify that “the planning process . . . is being carried out in accordance with all applicable requirements of . . . Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21.” More specifically, the following authorities address the requirements for Notification and Complaint Procedures: 49 CFR 21.9(d); 28 CFR 35.107; 23 CFR 200.9 (b)(3); FTA C4702.1B, Chapter III, 5 & 6.

### *OBSERVATIONS*

The MPO has adopted MassDOT’s Title VI Notice to Beneficiaries. This is a comprehensive notification that includes a description of both Federal and State protections against discrimination. This notice contains all pertinent information and is prominently displayed and easily accessed on the MPO’s website. The notice also contains embedded links to PDF and HTML translations in three prevalent languages: Haitian Creole, Portuguese, and Spanish. The text beside each of these links specifies the language translation. These language titles are in English; however, the web site translator at the top the screen was effective in translating these link titles in Portuguese and Spanish, however, not Haitian Creole. These link titles are very helpful, as they point LEP persons to the documents translated in their native language. The Review Team also found that the web site translator’s overall effectiveness in converting page content to a chosen language was very poor. Only page headers, tabs, and a few words within the body of each page were translated.

The MPO has a comprehensive Title VI/Nondiscrimination complaint process. The process is provided through a link on the same page as its Title VI/Nondiscrimination Notice. The process indicates that its purpose is to determine whether or not there is cause for a violation under Title VI. Specifically, Section 2.0, states, “The purpose of an investigation is to determine whether there is a reason to believe that a failure to comply with Title VI of the Civil Rights Act of 1964 has occurred.” Further, Section 3.0 briefly describes a process to appeal the MPO’s response. In that section, there is a notification of the right to submit an appeal to MassDOT or the U.S. DOT. Finally, Section 4.0, entitled “Resolution”, advises complainants of their right to submit a complaint only to the FTA if matters are not resolved to their satisfaction.

Discussion: While the FTA requires its recipients and subrecipients to conduct complaint investigations, this implies that the recipient’s obligation is to conduct a fact-finding inquiry and resolve matters that impede equity and public access, or the implementation of the recipient’s program or policy. FHWA retains, but may at times delegate, its authority to conduct fact-finding inquiries, which calls for a more collaborative process. Like FTA, FHWA expects its recipients who

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directly receive complaints to conduct fact-finding inquiries aimed at identifying and resolving policy or program impediments. Where those local procedures have been unsuccessful in satisfactorily addressing the allegations, complainants are free to file allegations with U.S. DOT or the applicable operating administration.

We note that the obligation to conduct such fact-finding inquiries should not be confused with an official investigative finding under Title VI, which is a federal concern. With this in mind, the extent of an MPO's investigative efforts should be to identify and eliminate potential discrimination short of a finding of compliance or non-compliance.

### *FINDINGS*

**Recommendation:** The MPO should test its web site translator to determine if any changes in text formatting would make it more effective. With respect to the MPO's Title VI/Nondiscrimination Complaint Procedures, the MPO should seek the assistance of MassDOT's Title VI Specialist to identify areas for revision in light of the above discussion. For example, the MPO might find it appropriate to delete Section 3.0, "Appeals", but transfer some of the content to Section 2.0, "Resolution," which should also advise complaints that they may file directly with FHWA, as well as FTA, or, simply, U.S. DOT.

## F. TITLE VI AND NONDISCRIMINATION DATA COLLECTION AND ANALYSIS

### *REGULATORY BASIS*

All recipients must collect and analyze data to determine the extent to which they are serving or impacting the public. This fundamental requirement was established in the U.S. Department of Justice's Title VI regulation at 28 CFR 42.406, and, further, in U.S. DOT's implementing regulations at 49 CFR 21.9(b). The FHWA Title VI regulations at 23 CFR 200.9(b)(4) and the FTA Circular C4702.1B, Chapter V, 2.e., also contain specific requirements for data collection and analysis. It should be noted that data collection and analysis is essential to implementing a system for both project and program level reviews to determine if any impediments exists with regard to access or equity.

### *OBSERVATIONS*

The MPO's data collection and analysis protocols are consistent with its statutory and program obligations. The MPO continues to expand its data profile and map layers beyond the minority and low-income demographic. Specifically, the MPO has developed layers to identify disabled and LEP populations, and has committed to developing additional layers consistent with other characteristics protected by statute, such as age and sex. Collectively, these layers will be used to inform public outreach efforts and to identify trends or patterns, as indicated by its Equity and Distribution Analysis.

We further acknowledge the MPO's continued efforts to develop its Title VI-based project distribution analyses (to identify the proximity, frequency, value, and nature of projects vis-à-vis statistically significant population concentrations of the Title VI protected categories - race, color,

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or national origin (including limited English proficiency), and disability for transit related projects, with the addition of age and sex for highway related projects).

### *FINDINGS*

**Recommendation:** The MPO is encouraged to continue expanding its data collection and analysis to encompass all persons protected under the Environmental Justice Order, Title VI and other nondiscrimination authorities. The MPO should continue to use data relevant to each of its analysis by planning component (i.e., transit or highway) to identify trends or patterns affecting access or equity in the program.

## G. TITLE VI AND NONDISCRIMINATION OUTREACH AND ACCESS

### *REGULATORY BASIS*

As part of the planning and project development processes, seeking out and considering the needs of traditionally underserved, including Title VI /EJ populations, as well as providing timely notification to ensure ample opportunity to participate, is required. The following authorities address these requirements: 23 CFR 450.316(a)(1)(ii), 23 CFR 450.316(a)(1)(vii); 23 CFR 771.111(h)(2)(iv); FTA C4702.1B, Chapter III, 8.

### *OBSERVATIONS*

The MPO public participation process is ongoing and includes mechanisms to ensure timely public notice, access, and opportunity to participate. From the earliest stages of plan development, the MPO's process contemplates outreach and public involvement, including the traditionally underserved people and communities.

To achieve this end, the MPO develops and maintains an outreach/contact list entitled the Transportation Advisory Network (TAN). This list is updated on an ongoing basis. The list includes contacts for all known organizations and stakeholders that serve or represent those protected by Title VI, other nondiscrimination statutes, and executive orders. Further, the list is used to inform these entities of the MPO's activities, such as public meetings, availability of documents, and solicitations for comment. The list is also linked to MassDOT's Title VI Mapping Tool. This tool is in its final stage of development and includes a feature that will ultimately allow the public to download an extensive listing of community-based organizations and transportation related contacts within a selected geography.

The MPO is cognizant of its obligation to make documents and public meetings accessible to those with disabilities. The MPO has a 6-page document that outlines these obligations and includes a checklist covering a broad range of meeting access concerns. One of these concerns is a statement that describes how and when to request meeting accommodations to allow meaningful opportunity to participate by disabled persons, as well as those who are LEP. However, some of the public meeting notifications we reviewed did not contain this information.

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## *FINDINGS*

**Commendation:** The MPO's development and consistent use of a comprehensive outreach list is notable. This list is based on extensive research of community leaders and organizations that serve the public, including those that serve or represent persons protected by the nondiscrimination statutes and executive orders. The MPO's continuous process to maintain this list as a data source for MassDOT's Title VI Mapping Tool is notable.

**Recommendation:** The MPO should conduct a self-assessment regarding its consistency in notifying the public of how to request public meeting accommodations. In all of its public meetings, whether intended to provide an active exchange with the public or merely "open" to the public, the MPO should provide for reasonable accommodations.

## H. LIMITED ENGLISH PROFICIENCY (LEP)

### *REGULATORY BASIS*

The Limited English Proficiency Executive Order 13166, issued August 11, 2000, directs federal agencies to evaluate services provided to Limited English Proficient (LEP) persons and implements a system that ensures that LEP persons are able to meaningfully access the services provided consistent with and without unduly burdening the fundamental mission of each federal agency. Additionally, each federal agency shall ensure that recipients of federal financial assistance provide meaningful access to their Limited English Proficiency applicants and beneficiaries.

### *OBSERVATIONS*

The MPO has a documented Language Assistance Plan (LAP) dated "2016."

This plan is based on the MPO's analysis using the Four-factors set forth in U.S. DOT guidelines. The MPO's Language Assistance Plan (LAP) substantially complies with the requirement to provide meaningful access, and the MPO's efforts to translate and make available key documents/vital information in three of the most prevalent LEP languages is notable, as evidenced throughout its web site. The MPO's LAP contemplates future efforts to develop its resource network and more efficient means for providing language access to LEP persons throughout the region.

During the on-site review, discussion ensued concerning how the *safe harbor* provision applies. For clarification, there seemed to be a misunderstanding that written translations under the *safe harbor* provision only obligated a recipient to provide written translations of "vital" documents to the language groups exceeding the thresholds (5% or 1,000 people) upon request. Notwithstanding its option to adopt this provision, a recipient nonetheless has an obligation to provide meaningful access to its programs and services, whereas the *safe harbor* option presumes that a recipient is automatically making written translations of "vital" documents available without request. On the other hand, the overarching obligation to provide meaningful access entails a case-by-case determination as to the reasonableness to provide language services, including translations that may not be provided under the safe harbor provision. That said, even when applied correctly, use of the safe harbor provision does not replace the requirement to provide meaningful access.

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## *FINDINGS*

**Commendation:** The MPO should be commended for its overall efforts and activities to implement the LEP requirements to ensure meaningful access to its planning program and related services.

**Recommendation:** The MPO should continue to sustain its work in this area. In this regard, the MPO should continue to seek innovative methods to ensure cost-effective communication and meaningful access to LEP persons. In its next revised Four-factor Analysis, the MPO should articulate more specifically how it is applying the safe harbor provisions, particularly with respect to vital information that is a “one-time” cost and made available without request vs. the type of written information that is periodically revised and more voluminous. The MPO’s method for providing this information should be grounded in its Four-factor analysis.

## **VI. PLANNING FOCUS AREAS**

### **A. ENVIRONMENTAL MITIGATION**

#### *REGULATORY BASIS*

The specific requirements for environmental mitigation are set forth in connection with the MTP in 23 CFR 450.322 (f) (7). However, the basis for addressing environmental mitigation is detailed in sections addressing consultation (23 CFR 450.316 (a) (1) (2) (3) and (b) – Interested parties, participation, consultation; 23 CFR 450.322 (g) (1) (2), (i), and (j) – Development and content of the metropolitan transportation plan.

#### *OBSERVATIONS*

Early on in the MTP development process the MPO reaches out to resource agencies at the federal, state, and local levels. Resource agencies are invited to MTP development meetings and workshops in the form of Joint Transportation Committee (JTC) meetings, open houses, and visioning workshops. Resource agencies are also given the opportunity to review/comment on the MTP. Recommendations received through consultation with these agencies are often included in the MTP. One example of a recommendation included in the MTP came from the Conservation Law Foundation, who recommended minimizing the use of road salt and sand to promote better protection of water resources and the environment surrounding highways.

In an effort to reduce the size of the MTP, the environmental discussion included in the 2016-2040 edition has been substantially reduced compared to the 2012 edition. A large component of the 2012 MTP that is not present in the 2016 MTP are robust sections regarding Land Use, Water Resources, and Wildlife Habitats. In the 2012 MTP, these sections included visuals depicting the locations of various environmental resources within the Old Colony region, as well as detailed discussion about those resources and the various regional threats to each. These sections also included detailed discussion on the various related federal/state laws and potential mitigation measures.

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The 2016 MTP breaks down the environment into four areas: Air, Land, Water, and Wildlife. The discussions of these four areas are very brief and often reference Massachusetts in general, rather than focusing specifically on resources present in the Old Colony region. The MTP also includes some very general recommendations for environmental mitigation strategies.

### *FINDINGS*

**Recommendation:** The Review Team recommends that the MPO include more robust discussions of the resources present in the Old Colony region including the threats to and potential mitigation strategies for each. These discussions would also include maps depicting the locations of the regional environmental resources. The Review Team also recommends that the MPO map projects included in the MTP related to the locations of the various regional environmental resources and use that information to help inform potential mitigation strategies.

## B. LIVABILITY AND SUSTAINABILITY

### *REGULATORY BASIS*

Federal statute encourages land use-transportation linkages through the requirement that MPOs must coordinate transportation planning process with agencies responsible for “planned growth,” resource management, and other planning activities in the region (23 CFR 450.316). Furthermore, metropolitan planning regulations (23 CFR 450.306) require that the scope of the transportation planning process include consideration of both “motorized and non-motorized users”, and that planning must “Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.”

In addition, the Federal Partnership for Sustainable Communities (consisting of U.S. DOT, EPA, and HUD) has identified six "livability principles" to guide stakeholder agencies:

- Provide more transportation choices;
- Promote equitable, affordable housing;
- Enhance economic competitiveness;
- Support existing communities;
- Coordinate policies and leverage investment; and
- Value communities and neighborhoods

### *OBSERVATIONS*

The Old Colony MPO is involved in a variety of livability and sustainability efforts at all levels: local, regional and state. In reading Old Colony’s UPWP and long range plan as well as through listening at the public meeting and discussions with the MPO’s staff it is clear that the MPO places a heavy emphasis on bicycle and pedestrian infrastructure and safety. In particular they work with MassBike and Walk Boston to address safety through road safety audits and connections by approaching existing infrastructure from a pedestrian point of view which is evident through their “Bicycle- Pedestrian Connectivity and Livability Study”.

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UPWP tasks include assessments of vulnerabilities and negative risks that climate change effects or extreme weather events pose to the region's transportation infrastructure. These vulnerabilities and risks are seriously considered when planning future improvements and adaptation strategies are created that will enable the region to implement improvements appropriately.

The Commonwealth of Massachusetts is also spearheading ambitious efforts to address climate change. The Global Warming Solutions Act (GWSA), signed into law in August of 2008, created a framework for reducing GHG emissions. The GWSA sets a target of 25% reduction in GHG emissions by 2020 (relative to 1990 levels) and 80% by 2050. Implementation of the GWSA is outlined in the Massachusetts Clean Energy and Climate Plan for 2020, which outlines policies for reducing transportation GHG emissions. These policies include smart growth and sustainable land use planning to reduce VMT, as well as MassDOT's GreenDOT initiative. The Old Colony MPO shares these goals and is committed to assisting the Commonwealth through the adopted policies and projects identified in the MTP and TIP.

GreenDOT defines sixteen sustainability goals aimed at reducing the environmental impact of the commonwealth's transportation system. These include three transportation policy and planning goals: design a multi-modal transportation system, promote healthy transportation and livable communities and triple bicycling, transit and walking mode share.

Furthermore, the latest federal reauthorization (the FAST Act) has added resiliency to the list of factors that must be considered as part of the planning process. (FAST Act, Sec. 1201 & Sec. 1202)

### *FINDINGS*

**Commendations:** Old Colony has taken a lead role in addressing Secretary Foxx's Mayors' Challenge for Safer People, Safer Streets through the Pedestrian Safety Summit in 2014 and ongoing planning implementation of bike and pedestrian safety measures to reduce the disproportionately high number of bicycle and pedestrian fatalities and crashes in the City of Brockton.

## C. PERFORMANCE-BASED PLANNING AND PROGRAMMING

### *REGULATORY BASIS*

Performance based planning and programming (PBPP) refers to the application of performance management within the planning and programming processes of transportation agencies to achieve desired performance outcomes for the multimodal transportation system. This includes a range of activities and products undertaken by a transportation agency together with other agencies, stakeholders, and the public as part of a 3C (cooperative, continuing, and comprehensive) process. It includes development of: metropolitan transportation plans (MTPs), other plans and processes (including those Federally-required, such as Strategic Highway Safety Plans, Asset Management Plans, the Congestion Management Process, Transit Agency Asset Management Plans, and Transit Agency Safety Plans, as well as others that are not required), and programming documents, including State and metropolitan Transportation Improvement Programs (STIPs and TIPs). PBPP attempts to ensure that transportation investment decisions are made—both in long-term planning and short-term programming of projects—based on their ability to meet established goals.

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Moving Ahead for Progress in the 21st Century (MAP-21) placed increased emphasis on performance management within the Federal-aid highway program and transit programs, and requires use of performance-based approaches in statewide, metropolitan, and non-metropolitan transportation planning, and the Fixing America's Surface Transportation Act (FAST) continued this emphasis. As the rulemaking process to implement PBPP is progressing in tandem with this particular certification review, this discussion topic is important to create awareness and help practitioners transition to these approaches in their own planning and programming activities.

### *OBSERVATIONS*

The Old Colony MPO has begun incorporating PBPP concepts into its planning processes. The MPO first included performance measures in its previous 2012 MTP. MovingU 2040, the region's MTP adopted in 2015, further developed the region's approach to PBPP and includes goals, objectives and performance measures with targets.

Development of PBPP framework as part of latest MTP update process generated much discussion and feedback from participating parties, and many of the members and stakeholders involved were still learning about PBPP processes. Ultimately, an ad hoc working group convened, including MPO and JTC members as well as other interested parties, to make recommendations. The goals, objectives, performance measures and targets that were ultimately adopted through the MTP reflect the result of this process. The group aimed to adopt measures and targets that were compatible with those of other agencies such as MassDOT and BAT. Trend data was also analyzed to anticipate if proposed targets were attainable.

Potential TIP projects are scored against Transportation Evaluation Criteria (TEC) that include elements such as effect on travel time and connectivity/access and air quality/climate effects. The criteria in the TEC have some tie to the goals, objectives, measures and targets in the latest MTP although the TIP project criteria have not been updated since prior its adoption. The TEC could be adjusted to further address PBPP needs by more directly aligning project evaluation and selection process with the MTP's goals, objectives and measures.

PBPP is addressed to some extent in the prioritization of TIP projects. The criteria includes elements such as travel time and connectivity/access and air quality/climate effects. For example, the MTP has a PBPP goal of allocating 50% of TIP funding to projects that significantly improve bike/ped facilities and there is the TIP criteria that gives consideration for these improvements. However while several performance measures are identified, these will need to be eventually more directly linked to project criteria and selection.

MPO staff currently anticipates that reporting on progress toward targets will occur through a variety of venues, such as the annual CMP report, the annual TIP update, etc. However, staff acknowledges that there may be an opportunity to consolidate reporting with a more user-friendly approach, similar to the reporting dashboard now utilized by BAT. The Review Team encourages the MPO to explore such options; dashboards, especially those that incorporate visualization, are great tools for accountability and transparency as well as for informing decision making.



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The MPO should continue to proactively pursue its good-faith efforts to implement performance-based planning in cooperation with MassDOT, the transit agency, and other MPOs, despite the absence of a final rulemaking on the subject from FHWA/FTA. FHWA and FTA will work with the MPO upon passage of the final rulemaking to reconcile any discrepancies between the federal rule and MPO practices. The evolution towards performance based planning and programming in Old Colony seems to be well underway. The Review Team encourages the MPO staff to enhance these types of activities and continue a vigorous conversation on PBPP with its members and other stakeholders.

#### *FINDINGS*

The transportation planning process in the Old Colony region is consistent with the federal requirements for this topic area.

### D. MANAGEMENT AND OPERATIONS CONSIDERATIONS

#### *REGULATORY BASIS*

Federal statute 23 U.S.C. 134 (h)(1)(G) requires the metropolitan planning process to include the consideration of projects and strategies that will “promote efficient system management and operation.” Furthermore, 23 U.S.C. 134(i)(2)(F) specifies that “Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods” be included in the MTP.

#### *OBSERVATIONS*

The MPO has proposed several operations and maintenance strategies throughout their 2016-2040 MTP. These strategies are presented as either performance measures or policy statements and are spread throughout the document. For instance, the Highway chapter presents the recommendation for addressing congestion within the region. Specific performance measures include of measuring congestion levels annually, monitoring utilizing rates park & ride lots and increasing pre-emptive signaling for emergency vehicles. In broader terms, the recommendations also include many policy statements such supporting Intelligent Transportation Systems (ITS), encouraging Access Management techniques and promoting Transportation Management Associations (TMAs). The Air Quality chapter also promotes the same policies but also mentions mode shift goals and encouraging High Occupancy Vehicle lanes. In the MTP Summary chapter, these management and operational strategies are presented in the conclusion of the MTP under the third Goal: Regional Mobility and Congestion Management. While these strategies are good concepts to support, the MPO fails to address concrete steps for improving mobility throughout the region. Many of the policy statements the MPO has identified are concepts the MPO can advocate but not directly influence or measure.

#### *FINDINGS*

The transportation planning process in the Old Colony region is consistent with the federal requirements for this topic area.

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## E. FREIGHT PLANNING

### *REGULATORY BASIS*

23 U.S.C. 134 (a) and 23 CFR 450.306(4), 450.316(a), 450.316(b), 450.104 - Metropolitan transportation planning section indicates that:

*It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation related fuel consumption and air pollution through metropolitan and Statewide transportation planning processes; and encourages the continued improvement and evolution of the metropolitan and Statewide transportation planning processes by MPOs, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).*

### *OBSERVATIONS*

Freight transportation needs are addressed through multiple facets the MPO planning process. The Metropolitan Transportation Plan which was endorsed in 2015 has identified three performance measures on freight. These performances are outlined under the goals “Economic Vitality” which is mentioned at the beginning of the document. In addition to these performance metrics the MPO has proposed several objectives and recommended actions to address freight concerns throughout the document. Some examples include increasing private sector participation, geometric improvements and feasibility studies to increase rail and air cargo shipments. Several of these regional issues have been incorporated in the MTP since first being identified through Freight & Goods Movement Study. This study was completed in 2015 through the use of PL funding in the 2014 UPWP. The MPO coordinated with freight stakeholders by partnering with the Metro South Chamber of Commerce which is a member of Old Colony’s economic development committee. Through this study the MPO examined freight volume flows, safety and congestion to come up with a list of freight constraints within the region. Between these two efforts, the MPO is looking to implement the freight recommendations through its UPWP and TIP programming process. Freight is also given additional consideration for points awarded through the MPO’s TIP project selection criteria.

### *FINDINGS*

The transportation planning process in the Old Colony region is consistent with the federal requirements for this topic area.

## F. SAFETY

### *REGULATORY BASIS*

49 U.S.C. 5303 requires MPOs to consider safety as one of the eight planning factors. As stated in 23 CFR 450.306, the metropolitan transportation planning process provides for consideration and implementation of projects, strategies, and services that will increase the safety of the transportation system for motorized and non-motorized users.

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### *OBSERVATIONS*

Brockton has experienced a significant number of motorist and pedestrian crashes in recent years, over 100 and this has resulted in a number of fatalities. Based on the large number of pedestrian crashes, MassDOT's Safe Routes to School Program provided pedestrian safety training at 10 Brockton public schools in the city.

The MPO staff is an active participant in MassDOT's Road Safety Audits (RSA) in the region, and the MPO staff also conducts RSAs at the request of member municipalities. Staff also intends to prepare a Bicycle and Pedestrian Connectivity and Safety Plan in FY 2016 that will assess the connectivity and safety conditions of pedestrian and bicycle facilities, evaluate ADA compliance, review access to schools including EJ populations and transit facilities.

The MPO's Safety Management System (SMS) includes the development of annual regional listings of high hazard intersections and corridors, safety analyses for the Transportation Evaluation Criteria applications, crash rate processing, and studies for communities seeking requests for highway safety studies. The SMS also develops generalized recommendations regarding geometric, speeds reductions, traffic calming techniques, vegetation clearing, signage consolidation, pavement markings, pedestrian ramps and crossing, roundabouts and signalizations to address safety deficiencies. As part of developing a system of safety performance measures and thresholds, staff intends to include percentage reduction in crash rate, percent reduction in the number of injury crashes, and a percent reduction in crashes involving fatalities. As part of the MPO's annual reporting, a list of safety specific projects will be identified for consideration in project development.

### *FINDINGS*

The transportation planning process in the Old Colony region is consistent with the federal requirements for this topic area.

## G. SECURITY PLANNING

### *REGULATORY BASIS*

Federal legislation has separated security as a stand-alone element of the planning process (both metropolitan and statewide planning). Prior to SAFETEA-LU, safety and security were combined into one planning factor. Decoupling the two concepts in SAFETEA-LU signified a heightened importance of *both safety and security* to transportation decision-making. The regulations also state that the degree and consideration of security should be based on the scale and complexity of many different local issues. Each MPO and State DOT is challenged to develop a holistic approach based on area-specific assets, resources, and environment.

### *OBSERVATIONS*

The MTP recommends increased security at transportation facilities, including park-and-ride lots that serve commuter rail and intercity bus service. The MPO believes that bicycle parking at transit facilities is underperforming in some locations due to the limited number of bicycle parking racks that restricts the number of people biking to transit stations. Also, a lack of shelters for bicycles may

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deter bicyclists from parking their bikes at these facilities. To increase ridership, the staff recommends the installation of bicycle lockers at Brockton MBTA station and at the BAT Intermodal Center.

In FY 2006 the MPO prepared a Continuity of Operations Plan (COOP) for BAT. It is suggested that staff gauge the interest of BAT to see if it is worthwhile to update this 10-year old plan.

The MPO and the OCPC have played a leading role in working with regional partners in developing pre-disaster mitigation plans, and identifying components of the transportation system vulnerable to disasters. OCPC received a FEMA grant to develop the Natural Hazard Mitigation Plan for the region. The plan is very thorough and comprehensive and was directed by a multidisciplinary team that included fire and police chiefs, and emergency management directors from OCPC's communities. Among the natural hazards identified that were viewed to have the potential to impact the Old Colony region based on past occurrences included flooding, hurricanes and tropical storms, tornadoes, winter storms, coastal erosion and shoreline change, wildfires and major urban fires, earthquakes, landslides, tsunamis, and extreme temperatures. However, the biggest natural hazards in the region are flooding, hurricanes, tropical and winter storms.

A community hazard vulnerability/risk assessment was prepared for each OCPC community that included history and population, land statistics, commercial and open space areas; list of critical facilities including security, government, services, bridges and dams, water, energy, telecommunications and EPA Tier II hazardous chemical sites; list of flood-prone areas, flooding vulnerability assessment; and natural hazard assessment.

### *FINDINGS*

The transportation planning process in the Old Colony region is consistent with the federal requirements for this topic area.

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## APPENDIX A – AGENDA

### Old Colony Metropolitan Planning Organization Transportation Planning Certification Review

70 School Street, Brockton, MA  
March 17, 2016

#### Agenda

**8:45-9:00**     **Introductions & Opening Remarks**

**9:00-10:00**    **MPO Organizational Structure and Governance**

**10:00-10:30**   **Metropolitan Planning Process and Key Documents**

- Unified Planning Work Program (UPWP)
- Congestion Management Process (CMP)

**10:30-10:45**   **15-Minute Break**

**10:45-12:00**   **Metropolitan Planning Process and Key Documents (cont.)**

- Metropolitan Transportation Plan (MTP)
- Transportation Improvement Program (TIP) & Project Programming
  - Connection to other planning documents (LRTP, Capital Investment Plan, Program for Mass Transportation)
  - Project selection and prioritization processes (MPO Target Project selection, transit project selection, etc.)

**12:00-1:00**    **Lunch Break**

**1:00-2:00**     **Public Participation, Consultation & Coordination Processes**

- Periodic assessment of process effectiveness
- How public input informs the decision-making process
- Transit and other Intermodal Transportation Planning Coordination
- Regional Cooperation (Adjacent Boston TMA and Barnstable TMA)
- Interdisciplinary Consultation (land use, housing, environment, economic development, etc)

**2:00-2:30**     **Title VI, LEP and Program Access Initiatives**

**2:30-2:45**     **15-Minute Break**

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**2:45-3:45      Planning Focus Areas**

- Safety
- Climate Change Mitigation and Adaptation
- Freight
- Environmental Mitigation
- Hot Topics

**3:45-4:45      BAT Discussion**

**4:45-5:00      Final Thoughts and Wrap up**

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## APPENDIX B – LIST OF PARTICIPANTS

<b>Name</b>	<b>Town/Affiliation</b>
Paul Chenard	OCPC
Charles Kilmer	OCPC
Bill McNulty	OCPC
Shawn Bailey	OCPC
Ray Guarino	OCPC
Brandon Wilcox	FHWA
Jimmy Pereira	OCPC
Nikki Tishler	MassDOT OTP
Kristin Wood	FTA
Kevin Wright	FHWA
Leah Sirmin	FHWA
Michael Chong	FHWA
Peggy Griffin	FTA
Pat Ciaramella	OCPC
Eric Arbeene	OCPC
Daniel Salvucci	Whitman BOS
Reinald Ledoux	BAT
Robert Moran	Brockton
Kathy Riddell	BAT
Kelly Forrester	BAT
Linda Sacchetti	BAT
Paul Mission	SRPEDD
Kyle Mowatt	OCPC
Greg Sobczynski	MassDOT ODCR
Miles Walters	MBTA
Glenn Cannon	Cape Cod Commission
Lourenco Dantas	CTPS/Boston MPO

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## APPENDIX C – FEDERAL REVIEW TEAM

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## **APPENDIX D – PUBLIC COMMENTS**



One Massasoit Blvd., Brockton, MA 02302-3996 ~ (508) 588-9100 ~ FAX: (508) 427-1255  
900 Randolph Street, Canton, MA 02021-1372 ~ (781) 821-2222 ~ FAX: (781) 575-9428  
49 Union Street, Middleborough, MA 02346-2245 ~ (508) 947-6737 ~ FAX: (508) 947-6761

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BY: FHWA

3 March 2016

The Federal Highway Administration (FHWA)  
The Federal Transit Administration (FTA)

In the early 1970's, Mayor Richard Wainwright appointed me Vice Chairman of the Brockton Manpower Planning Board. Thus began a long and continuing relationship with the Old Colony Planning Council. The Executive Director in those days was Dan Crane, one of the finest gentlemen I have had the good fortune to meet. His successor, Pat Ciamarella, is cut from the same cloth.

Having served on many boards in this region over the years, I have an array of vantage points from which to assess the overall performance of the OCPC in Southeastern Massachusetts and beyond. I have not the slightest reservation in stating categorically the OCPC, under the leadership of Pat Ciamarella, is the most professional, most accomplished, most pleasant group of people with whom I have ever worked. Pat and his entire team, but particularly major-domo, Charlie Kilmer, are aces.

Massasoit Community College is not an official member of the OCPC, the Joint Transportation Committee, nor the Metropolitan Planning Organization. However, so welcoming and inclusive are these groups, any casual, albeit knowledgeable, observer would be hard pressed to note the distinction between formal members and interested parties. The OCPC has played a principal role in advancing many of the College's most significant priorities, especially our largest infrastructural concern: the Crescent St. /Rt. 27/Massasoit Blvd. /Quincy St. intersection project.

Thank you for giving me the opportunity to make these comments. If you have any questions, please contact me at 508-588-9100 x1106 / [psheppard@massasoit.mass.edu](mailto:psheppard@massasoit.mass.edu)

Phillip A. Sheppard  
Executive Director, External Affairs  
Massasoit Community College



## CELEBRATING 38 YEARS OF SERVICE

March 7, 2016

Ms. Pamela Stephenson, Division Administrator  
55 Broadway 10<sup>th</sup> Floor  
Cambridge, Ma 02142

Dear Ms. Stephenson:

On behalf of the Cape Verdean Association of Brockton, I write this letter in full support of the initiatives held and managed by the Old Colony Planning Council. As you know, the Council was formed in response to a growing need of local communities to be able to address the multitude of problems that cross over local boundaries such as air and water pollution, transportation deficiencies and economic distress.

As you may also know, the Cape Verdean Association founded in 1977 is a not-for-profit community based organization whose mission is provides services to Cape Verdeans and other ethnic and immigrant groups in the Greater Brockton area. Our primary purpose is to serve the members of the Immigrant community living in the greater Brockton areas, with a special emphasis on the needs of the youth and the elderly. We endeavor to provide quality social services, defend one's rights and interests while trying to restore the level of dignity, honesty and pride which are identified elements of the good Immigrant name throughout the world. The Cape Verdean Association also represents the largest ethnic group in city, according to the Brockton Public Schools a third (1/3) of its 17,000 student population is of Cape Verdean descent and residing in the City of Brockton.

The Old Colony Council has had a long partnership with our Association in various capacities over the years. We have pledged to work alongside them to best inform the community about its mission, to get the community involved in the Route 28 (our fiscal location) Corridor Study and to get an overall assessment about the public transportation strengths and weaknesses in our city. We look forward to continue to build on our relationship with Old Colony Planning Council and the communities it serves.

Feel free to contact me with any questions or concerns with regards to this recommendation.

Respectfully yours,

Moises Rodrigues, Executive Director

**From:** [Kochan, Timothy \(DOT\)](#)  
**To:** [Sirmin, Leah \(FHWA\)](#)  
**Cc:** [Haznar, Pamela \(DOT\)](#); [Travers, Bill \(DOT\)](#); [Wadsworth, Trey \(DOT\)](#)  
**Subject:** Federal Certification of the Old Colony Planning Council's Transportation Planning Process  
**Date:** Friday, March 25, 2016 2:24:01 PM  
**Importance:** High

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Hello Leah:

MassDOT District 5 is pleased to submit comments relative to our perception of how Old Colony Planning Council transportation staff performs per their efforts to conduct a regional transportation planning process. I just realized our comments are tardy but we're hoping you can include them in your final report to the Old Colony folks. Our comments largely relate to what we consider to be some of the key tenets of the regional planning process:

Public Participation Process – District 5 feels that Exec. Director Pat Ciaramella, Asst. Exec. Director Charlie Kilmer and staff are very conscientious and inclusive in all aspects of conducting public outreach. We commonly participate in the JTC and MPO meetings in addition to serving on special task forces where we work closely with the region to provide input and coordination with various regional efforts. Staff is particularly adept at providing adequate advance notice and outreach, eliciting and documenting public comment, and summarizing major points, emphases and desires of their member communities in the development of plans, programs and policies.

Safety related project planning – Staff undertakes a thoughtful and comprehensive data driven process for determining and ranking hazardous locations on an ongoing basis within the region. Staff engages in an inclusive process to elicit input from the District office, JTC representatives, member communities, task forces and the public at large in an effort to determine short term and long term priorities for study and implementation.

The Metropolitan Transportation Plan (MTP) - We feel staff does an impressive job of combining a robust outreach and data collection process to develop a Long Range Plan that serves as a blueprint for developing needed projects, programs and policies. Staff does a great job of addressing safety, bike and ped transportation, the regional highway system and security needs among others, which serve as inputs to mitigating deficiencies within the regional transportation network. We also feel their public outreach efforts in this regard are extensive, inclusive and cooperative.

-  
Transportation Improvement Program (TIP) – District 5 is in close contact with Charlie and the region's OTP representative to periodically discuss the design status, cost changes and preferred program year of all projects contained in the TIP. District 5 works closely with Charlie and Pat to ensure active projects data and status are as close to real time as possible. By maintaining open and close communication with the region in this regard, we feel Charlie does an admirable job of coordinating with District 5 in terms of planning, programming and managing the TIP document. The TIP is a regular agenda item at the JTC meetings. Charlie does an outstanding job of stimulating discussion and informing the public of changes in the status of projects and the potential impact on the TIP in terms of the need for potential adjustments and amendments.

Thanks for the opportunity to comment. We request that our comments be considered for

incorporation into your certification review of the Old Colony RPA.

Sincerely,

Tim

**Timothy J. Kochan**

MassDOT Highway Division - District 5

Transportation Planner and Bicycle/Pedestrian Coordinator

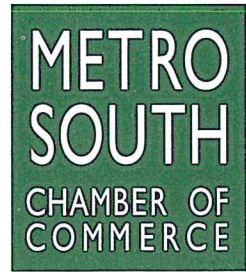
Phone: 508 884-4254

**Timothy J. Kochan**

MassDOT Highway Division - District 5

Transportation Planner and Bicycle/Pedestrian Coordinator

Phone: 508 884-4254



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February 26, 2016

Pamela Stephenson, Division Administrator  
FHWA  
55 Broadway, 10<sup>th</sup> Floor  
Cambridge, MA 02142

Mary Beth Mello, Regional Administrator  
FTA  
55 Broadway, Suite 920  
Cambridge, MA 02142

Dear Ms. Stephenson and Ms. Mello,

On behalf of the Metro South Chamber of Commerce, I am pleased to provide these comments and observations in support of the metropolitan planning process conducted by the Old Colony Planning Council (OCPC).

As regional partners, the Metro South Chamber of Commerce and the OCPC have collectively worked together for well over 20 years to address the economic development and transportation needs of the region. The OCPC consistently provides a forum for stakeholders to discuss and determine transportation improvements for the region. As an example, the OCPC recently participated in our Multi-Cultural Business Forum and Business Hours Event.

Additionally, the OCPC is always willing and able to provide technical assistance and guidance on local and regional transportation issues. Current efforts involving bicycle and pedestrian safety, and corridor improvements for Route 123 in Brockton are both timely and beneficial.

In closing, I observe that the region is well served by the efforts of Old Colony Planning Council, and I encourage a favorable review. Thank you for your consideration of these comments.

Sincerely,

Chris Cooney, CCE  
President and CEO

**Metro South Chamber of Commerce**

Sixty School Street • Brockton, MA 02301-4087 • (508) 586-0500 • Fax (508) 587-1340 • [www.metrosouthchamber.com](http://www.metrosouthchamber.com)

*A Nationally Accredited Five Star Chamber*

To: Pamela Stephenson  
Division Administrator  
US Dept. of Transportation

From: Michele Thibeault  
Grant Coordinator  
Brockton Police Department

Subj: Old Colony Planning Council

Date: March 3, 2016

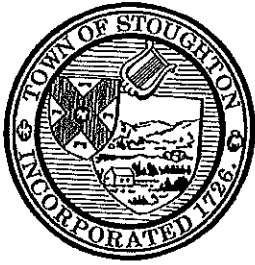
Cc: Capt. Robert DiBari, Traffic Commissioner, Brockton Police Department

In response to your request for feedback on the Old Colony Planning Council's planning process, we are happy to offer our thoughts.

The Brockton Police Department has been successfully working with the Old Colony Planning Council to address pedestrian safety issues over the past two years. The Old Colony Planning Council has successfully submitted for and has gotten approved funding for police overtime to conduct safety awareness and education of pedestrians using crosswalks throughout our city at different times of the day and early evening. Since the intent of these funds is not punitive but rather educational, the response by the community to our questions about why they don't cross streets safely has been very educational for us as well as being an overall positive interaction with a pedestrian. All these type of efforts increase our community's trust of police and improve our ability to address the underlying causes of pedestrian accidents. Overall the experience has been very positive.

The Old Colony Planning Council has been a pleasure to work with as they quickly make our department aware of potential grant funding; they convene timely grant meetings to discuss outcomes and outputs; and are also prompt in returning grant funds submitted with our reimbursement requests.





# TOWN OF STOUGHTON

-Engineering Department-

Town Hall  
10 Pearl Street, 2<sup>nd</sup> Floor  
Stoughton, MA 02072

March 3, 2016

U.S. Department of Transportation  
ATTN: Pamela Stephenson, Division Administrator  
55 Broadway, 10<sup>th</sup> Floor, Cambridge, MA 02142  
Cambridge, MA 02142

**RE: Public Meeting – Transportation Planning Process**  
Old Colony Metropolitan Planning Organization (MPO)

Dear Pamela,

I am writing this letter relative to the upcoming Public Meeting for the review of the Old Colony MPO as I am unable to attend the meeting.

The Old Colony MPO has been a HUGE asset to the Town of Stoughton. I can only speak for myself, but the service we receive from this group is above and beyond what is expected. Their work is always performed in a professional, organized and timely manner. It would be nearly impossible to complete a majority of the transportation and transit planning projects in Town without the professional assistance of the Old Colony MPO.

Specifically, we have received various types of local technical assistance including bottleneck studies, corridor studies, bicycle and pedestrian safety studies for the downtown and town-wide, roadway safety audits for problem intersections, infrastructure needs assessments, attendance and representation at every Stoughton Transportation Task Force meeting, professional assistance regarding the South Coast Rail project and GIS mapping. Additionally, the Old Colony MPO provides coordination of the Community Septic Management Program. The reports that are provided for all projects are very informative and easy for the public to follow. This group has a way of making sometimes complicated issues easy to comprehend.

I have no negative comments towards the Old Colony MPO and I fully support their efforts. We look forward to working with them on many future projects.

Respectfully,

Marc J. Tisdelle, P.E.  
Town Engineer  
Town of Stoughton



**From:** [Paul Cripps](#)  
**To:** [Sirmin, Leah \(FHWA\)](#)  
**Subject:** OCPC  
**Date:** Monday, February 29, 2016 10:56:27 AM

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Good morning,

I have been informed that a letter from my office in support for the Old Colony Planning Council may be helpful for this organization.

First, I will identify my office as the Plymouth County Development Council and Convention and Visitors Bureau. We serve as the Regional Tourism Council for Plymouth County including 26 Towns and the City of Brockton.

The OCPC has been a valued partner for many years! They are “key” in the yearly Transportation Breakfast Meeting, a meeting that commonly brings the heads of transportation from the State to meet with 100 Plymouth County professionals from leadership positions in transportation, real estate, tourism and other interested businesses. The OCPC has been working with our towns on roadway planning including a “Transportation Committee” that is studying the effects of our soon to happen 400<sup>th</sup> commemoration in 2020. This event would be a total disaster without careful transportation fulfillment and OCPC is working with Plymouth and surrounding towns to maximize efficiency.

This group is involved in the community and present in the “front row seats” as we move ahead to the new challenges as the South Shore continues its development. With Massachusetts wealth moving to Plymouth County and the new business that stem from this, planning is so important that we get “it” done the right way the first time! There usually is not a second chance to do the right thing.

Sincerely,

Paul Cripps, Executive Director  
Plymouth County Development Council  
& CVB

## Old Colony MPO Planning Certification Review

### Comments Welcome

The federal review team will accept written comments on the Old Colony Metropolitan Planning Organization (MPO) transportation planning process up until March 25, 2016. You may submit them on the form below, or send your comments via mail to the addresses below.

Ms. Pamela Stephenson  
Division Administrator  
Federal Highway Administration  
55 Broadway, 10<sup>th</sup> Floor  
Cambridge, MA 02142

Ms. Mary Beth Mello  
Regional Administrator  
Federal Transit Administration  
55 Broadway, Suite 920  
Cambridge, Massachusetts 02142

The Review Team will also accept comments via e-mail addressed to [leah.sirmin@dot.gov](mailto:leah.sirmin@dot.gov) and/or [kristin.wood@dot.gov](mailto:kristin.wood@dot.gov).

**I have been a participant on the JTC Representing Town of Plymouth for several years and submit these comments for the review. The staff at OCPC has performed numerous traffic studies for the town at my request. OCPC is currently conducting Road Safety Audit for one of the intersections in our Town. The studies are well prepared and thoughtful. They have also been helpful in assisting the town with TIP project development. Some examples of projects include the Samoset Street and the Taylor Avenue project. The JTC meetings provide a good forum where people involved in the many different levels of transportation come together and talk about common issues and work towards developing guidance that is helpful to all.**

Name & Address [Sid Kashi, PE, MPS, Plymouth Town Engineer and JTC Vice Chairman, 11 Lincoln Street, Plymouth, MA, 02360](#)

3225 MAIN STREET • P.O. BOX 226  
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD  
COMMISSION

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(508) 362-3828 • Fax (508) 362-3136 • [www.capecodcommission.org](http://www.capecodcommission.org)

March 16, 2016

Ms. Pamela Stephenson, Division Administrator  
Federal Highway Administration  
55 Broadway, 10<sup>th</sup> Floor  
Cambridge, MA 02142

Re: Old Colony Metropolitan Planning Organization Federal Certification Review

Dear Ms. Stephenson,

In my role as staff to the Cape Cod Metropolitan Planning Organization (MPO), I frequently work the Old Colony MPO and their staff. I see Old Colony as one of the model MPOs in the Commonwealth and a strong partner of the Cape Cod MPO.

The Old Colony MPO has been a leader in many areas of transportation planning including their work in the area of public participation and inclusiveness of their planning process. Old Colony MPO staff has always been open in sharing initiatives they have piloted in an effort to advance the transportation planning process for all regions.

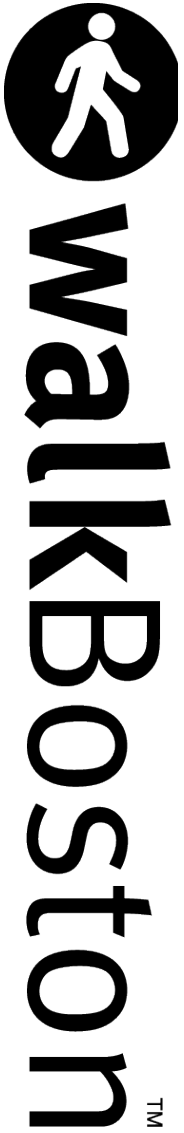
Inter-regional collaboration is vital in dealing with the large-scale transportation challenges facing our Commonwealth. The Old Colony MPO has worked collaboratively on a number of projects with the Cape Cod MPO and has always been a good planning partner. One such project is MassDOT's ongoing Cape Cod Canal Transportation Study to which the Old Colony Planning Council has provided important input as a Working Group member. Identifying a long-term solution for dealing with the two functionally obsolete highway bridges over the Cape Cod Canal is important to emergency access, safety, community connectivity, and economic activity in both regions.

Thank you for the opportunity to comment on this certification review. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

Glenn Cannon, P.E.  
Cape Cod Commission Director of Technical Services





March 14, 2016

Pamela Stephenson, Division Administrator  
Federal Highway Administration  
55 Broadway, 10<sup>th</sup> floor  
Cambridge, MA 02142

Mary Beth Mello, Regional Administrator  
55 Broadway, Suite 920  
Cambridge, MA 02142

RE: Old Colony Metropolitan Planning Organization (MPO) Transportation Planning Process

WalkBoston has had the opportunity to work with Old Colony Planning Council through the MassDOT Bicycle and Pedestrian Safety and Awareness Program. The City of Brockton was selected as one of the first sixteen communities to implement the program. OCPC was instrumental in conducting a successful walk assessment in downtown Brockton. OCPC was also a key participant in mobilizing meetings with elected officials, MassDOT and other concerned parties to address the disproportionate number of pedestrian fatalities on its streets.

WalkBoston staff found OCPC staff to be knowledgeable, flexible and highly motivated to improve the walking conditions in the City of Brockton. We have an ongoing relationship with OCPC staff and continue to consult with them on improving walking throughout their jurisdiction.

Please feel free to contact us with any questions you may have about our interactions with OCPC. We look forward to continuing our work with them through the MassDOT Bicycle and Pedestrian Safety and Awareness Program and other related efforts.

Sincerely,

Stacey Beuttell, AICP  
Program Director, WalkBoston