

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

By and Between the

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION,
BROCKTON AREA TRANSIT AUTHORITY,
OLD COLONY PLANNING COUNCIL,
THE MAYOR OF BROCKTON,
THE CHIEF ELECTED OFFICIAL OF PLYMOUTH, AND
THE CHIEF ELECTED OFFICIAL FROM TWO (2) COMMUNITIES, OTHER THAN BROCKTON OR
PLYMOUTH, DULY ELECTED BY THE OLD COLONY PLANNING COUNCIL, TO REPRESENT
LOCALLY ELECTED COMMUNITIES, AS PRESCRIBED UNDER THE PROVISIONS OF THIS MOU**

1. INTRODUCTION

WHEREAS, the Massachusetts Department of Transportation (MassDOT) has the statutory responsibility, under Chapter 25 of the Acts of 2009, An Act Modernizing the Transportation Systems of the Commonwealth, to conduct comprehensive planning for and to coordinate the activities and programs of the state transportation agencies; and

WHEREAS, the Massachusetts Department of Transportation-Highway Division (MassDOT-Highway Division) has the statutory responsibility under Chapter 25 of the Acts of 2009, An Act Modernizing the Transportation Systems of the Commonwealth for the construction, maintenance and operation of state roads and bridges and serves as the principal source of transportation in the Commonwealth; and

WHEREAS, the Old Colony Planning Council, hereinafter called OCPC, is recognized by the MPO as the officially designated regional planning agency for the Old Colony Region and has the statutory responsibility for comprehensive planning, including transportation planning, as provided under the provisions of Chapter 40B of the Massachusetts General Laws and, in addition, is comprised of the chief executive or designee of each of its 17 member local governments; and

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

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

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

WHEREAS, the Governor of the Commonwealth, in response to the provisions of the Intermodal Surface Transportation and Efficiency Act of 1991 (23 CFR Part 450 and 49 CFR Part 61.3 as amended, as well as the successor Transportation Equity Act (TEA 21) signed into law as PL 105-178 on June 9, 1998, and the successor Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) signed into law as PL 109-59 on August 10, 2005, and the successor Moving Ahead for Progress in the 21st Century Act (MAP-21) PL 112-141 signed into law on July 6, 2012 and the successor Fixing America's Surface Transportation (FAST) Act PL 114-94 signed into law on December 4, 2015 and rules and regulations related thereto, and in view to the responsibility for transportation planning and programming process of the eight (8) parties to this agreement, hereafter referred to as the MPO, previously designated representatives from these parties to be the Old Colony Metropolitan Planning Organization (OCMPO); and

WHEREAS, 23 CFR 450.310 of the Code of Federal regulations provides that, to the extent possible, there be one agreement containing the understanding required by this section with respect to cooperatively carrying out transportation planning and programming among the MPO, State and publicly owned operators of mass transportation services; and

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

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

2. COMPOSITION OF THE OLD COLONY MPO

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

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

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

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

3. FUNCTIONS OF THE OLD COLONY MPO

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

JTC, and transportation providers as appropriate. The Old Colony MPO shall assign duties to the committees.

4. OPERATION OF THE OLD COLONY MPO

- A. The Old Colony MPO shall meet in the Region at least twice per year or more often as deemed necessary.
- B. The Secretary of MassDOT or Designee shall chair the Old Colony MPO. In the absence of the Chairman, the Vice-Chairman shall chair the meeting. A Vice-Chairman of the Old Colony MPO shall be elected for a term of two years and shall be elected from among the non-state permanent members of the Old Colony MPO (City of Brockton, Town of Plymouth, Brockton Area Transit Authority, and Old Colony Planning Council). The Old Colony MPO may elect other officers as deemed necessary.
- C. A quorum of the Old Colony MPO shall consist of five (5) voting members. Lack of a quorum shall not prevent an officially called meeting from coming to order, discussing agenda items, and, if agreed to by a majority of voting members in attendance, continuing later. Votes of the Old Colony MPO, including those on all regional certification documents (i.e. the Transportation Improvement Program (TIP), the Long Range Transportation Plan (LRTP), the Unified Planning Work Program (UPWP), Air Quality Conformity Determinations, compliance with the Americans with Disabilities Act (ADA), shall be by simple majority vote, provided that a quorum is present, and that the affected implementation agency (MassDOT - Highway Division for highway and bridge projects, BAT for regional transit projects, and MassDOT for commuter rail projects) is included in the affirmative vote.

5. RESPONSIBILITIES OF EACH MPO SIGNATORY

- A. The MassDOT will be responsible for organizing and conducting Old Colony MPO meetings, including keeping records and reporting major statewide and inter-regional policies and issues, as they develop and generally provide leadership for the Old Colony MPO. The MassDOT will be responsible for making appropriate FTA transit planning funds available to the OCPC by contract to assist in the implementation of the required planning work program as defined in the approved UPWP.
- B. The MassDOT, through the Office of Transportation Planning, will be responsible for making appropriate planning funds available to the OCPC by contract to assist in the implementation of the required planning work program as defined in the approved UPWP. The Office of Transportation Planning will also provide the necessary data, technical support, and staff support required to assist in fulfilling the transportation planning needs of the Old Colony Region and Commonwealth of Massachusetts.
- C. The OCPC shall be responsible for comprehensive regional planning and shall be the transportation planning agency for the Old Colony MPO and Old Colony Region. The OCPC

shall maintain qualified transportation planning staff, subject to the availability of federal and state funds, be responsible for the operation and maintenance of the 3C transportation planning process, and shall conduct transportation planning on behalf of the Old Colony MPO, and shall be principally responsible for the support and operation of the Old Colony JTC and Old Colony MPO.

- D. The BAT, in addition to its statutory responsibility of providing mass transportation, will assist in obtaining and ensuring input and participation in multimodal transportation planning from local elected officials and the public. The BAT will actively participate in the 3C transportation planning and programming process and will represent the region's perspective and concern for public transportation needs and solutions to transportation problems and needs.
- E. The local representatives (Brockton, Plymouth, and the locally elected communities) to the Old Colony MPO shall be responsible for articulating a local government perspective of regional transportation problems and the needs for the community or sub-area for which they represent on the Old Colony MPO.

6. THE OBJECTIVES OF THE 3C PROCESS

- A. The 3C process is a comprehensive, continuing, and cooperative transportation planning process resulting in plans, programs, and operations consistent with the planning objectives of the metropolitan area.
- B. The 3C process is comprehensive, including the effective integration of the various stages and levels of transportation planning and programming for the entire region and examining all modes to assure a balanced, equitable, and nondiscriminatory planning and programming effort. There is a simultaneous analysis of various related non-transportation elements, such as land use, economic development, and demographics to assure consistency within a total planning process.
- C. The 3C process is continuing, affirming the necessity to plan for the short and long range needs of the regional transportation system, emphasizing the iterative character of the progression from systems planning to project planning, programming, operations, and implementation. Frequent updating and reevaluation of data and plans is necessary.
- D. The 3C process is cooperative, requiring effective coordination among public officials at all levels of government, and inviting the wide participation of all parties, public or private, across demographics, at all stages of the transportation planning process. A key objective of the process is to resolve issues and controversies by providing a forum for negotiation and consensus building. At the same time, the process is not intended to operate, and cannot operate, to dilute the ultimate authority or responsibility of those state, regional, or local public officials who, pursuant to statute or under contract, review and/or implement transportation plans, programs and projects.

- E. The 3C process is intermodal and is intended to help provide the Region with the ability to maintain, manage, and operate a multimodal transportation system that provides a high level of mobility and safety for people and freight, consistent with fiscal and environmental resources.
- F. The 3C Process in cooperation with the State and public transportation operators shall develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State. Furthermore, the metropolitan transportation planning process shall include financial plans that support the long-range transportation plan and transportation improvement program and provide an annual listing of obligated projects.

7. FUNCTIONS OF THE OLD COLONY JOINT TRANSPORTATION COMMITTEE

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

- A. To advise the Old Colony MPO on matters of policy affecting the conduct of the 3C transportation planning and programming process for the Region.
- B. To advise the Old Colony MPO on regional transportation documents as may from time to time be required by state or federal laws and regulations.
- C. To foster broad and robust participation in the transportation planning and programming process by maintaining a forum that brings together representatives of municipalities, citizens concerned with the transportation planning and programming process, other public agencies, and transportation providers, thereby facilitating, wherever possible, the consistency of transportation plans and programs for the Old Colony Region with the policies, priorities, and plans of affected state and regional agencies, local communities, private groups and individuals within the Old Colony Region. Consistent with the provisions of this Memorandum of Understanding, the Old Colony JTC shall adopt by-laws and other procedures as may be necessary to govern its operation.

8. STAFF AND FINANCIAL RESOURCES FOR PLANNING

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

9. EFFECT AND REVIEW OF THE MEMORANDUM

This Memorandum supersedes the Memorandum of March 15, 2011. The MOU shall provide for a continuing dialog between state and local officials requiring that a review and reaffirming of the MOU every three years by the members of the Old Colony MPO, with the advice of the Old Colony JTC. Upon each review, the document shall be circulated to all chief elected officials of the Old Colony region for their review and comment.

10. CONCERNING MUNICIPAL RECOGNITION OF THIS AGREEMENT

The undersigned acknowledge that the OCPC and the Old Colony MPO must maintain continuing recognition from the Old Colony region's communities for the purposes, objectives, and functions of the transportation and programming process, and the mechanisms required implementing this agreement.

11. MOU EXECUTION

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


Signatory Certification:


Stephanie Pollack, Secretary and CEO
Massachusetts Department of Transportation

8/21/18
Date

The Honorable Bill Carpenter, Mayor
City of Brockton

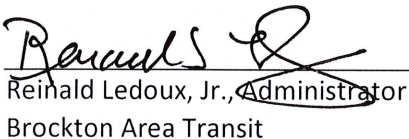
Date


Jonathan Gulliver, Highway Administrator
Massachusetts Department of Transportation

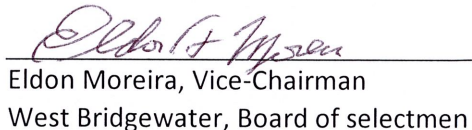
8-21-18
Date


Kenneth Tavares, Chairman
Plymouth, Board of Selectmen

8/21/18
Date


Reinald Ledoux, Jr., Administrator
Brockton Area Transit

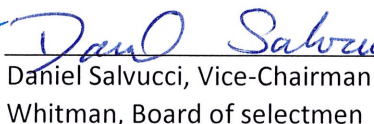
8-21-18
Date


Eldon Moreira, Vice-Chairman
West Bridgewater, Board of selectmen

8/21/18
Date


Frank Staffier, President
Old Colony Planning Council

8-21-18
Date


Daniel Salvucci, Vice-Chairman
Whitman, Board of selectmen

8/21/18
Date