



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

SOUTHEASTERN MASSACHUSETTS  
METROPOLITAN PLANNING ORGANIZATION

Final Report – September 27, 2017

Prepared by:

**Federal Highway Administration** – Massachusetts Division  
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# TABLE OF CONTENTS

<b>I. Introduction</b> .....	<b>2</b>
Federal Transportation Law .....	2
Transportation Planning in the Region.....	2
The Certification Review Process.....	2
The 2017 Southeastern Massachusetts MPO Certification Review .....	3
Organization of the Report.....	3
<b>II. Summary of Review Findings</b> .....	<b>4</b>
Recommendations.....	4
Commendations.....	6
Corrective Actions .....	6
<b>III. Certification Action</b> .....	<b>7</b>
<b>IV. Key Metropolitan Planning Documents and Processes</b> .....	<b>7</b>
A. Unified Planning Work Program .....	7
B. Metropolitan Transportation Plan .....	8
C. Transportation Improvement Program and Project Selection Process .....	9
D. Financial Planning.....	11
E. List of Obligated Projects.....	13
F. Self-Certifications.....	14
G. Congestion Management Process.....	15
<b>V. Coordinated, Cooperative, and Comprehensive Planning Process</b> .....	<b>16</b>
A. MPO Organizational Structure .....	16
B. Inter-Agency Agreements and Consultation.....	17
C. Intermodal Transportation Coordination.....	19
D. Public Outreach and Public Involvement .....	21
E. Interdisciplinary Consultation.....	22
F. Title VI Notice and Complaint Procedures .....	22
G. Title VI and Nondiscrimination Data Collection and Analysis .....	24
H. Title VI and Nondiscrimination Outreach, Access & Limited English Efficiency (LEP).....	24
<b>VI. Planning Focus Areas</b> .....	<b>26</b>
A. Environmental Mitigation.....	26
B. Performance-Based Planning and Programming.....	27
C. Management and Operations Considerations.....	29
D. Freight Planning.....	29
E. Safety.....	30
<b>Appendix A – Agenda</b> .....	<b>32</b>
<b>Appendix B – List of Participants</b> .....	<b>33</b>
<b>Appendix C – Review Team</b> .....	<b>34</b>
<b>Appendix D – Public Comments</b> .....	<b>35</b>

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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 urbanized area, as conducted by the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO).

### **FEDERAL TRANSPORTATION LAW**

The SMMPO 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. On May 27, 2016, the United States Department of Transportation (U.S. DOT) updated the Statewide and Metropolitan Planning Final Rule, which sets forth federal requirements for the transportation planning process. These requirements are found in 23 Code of Federal Regulation (CFR) Part 450, the metropolitan planning regulations and are closely tied with the Clean Air Act Amendments of 1990 through the U.S. Environmental Protection Agency's (EPA) Air Quality Conformity Regulations.

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

The SMMPO was formally designated as a Transportation Management Area (TMA) in 2000 and is one of eleven MPOs that serve the Boston, Massachusetts (MA)-New Hampshire (NH)-Rhode Island (RI) (Boston, MA-NH-RI) urbanized area. The SMMPO covers approximately 800 square miles including 27 cities and towns, representing approximately 616,000 residents. A Memorandum of Understanding (MOU) governs the SMMPO's organizational structure which is comprised of a policy board of thirteen voting members including the mayors of four municipalities, two Regional Transit Authority representatives, two Massachusetts Department of Transportation (MassDOT) representatives, four sub-regional elected officials and the Chair of the SRPEDD Commission representing the Southeastern Regional Planning and Economic Development District (SRPEDD). FHWA and FTA serve on the SMMPO policy board as ex-officio non-voting members. The Southeastern Regional Planning and Economic Development District (SRPEDD) serves as staff to the SMMPO. The first federal certification review of the SMMPO's metropolitan transportation planning process was conducted in 1996, after it was first designated as representing part of a TMA per the 1990 U.S. Census. The latest federal certification review of the SMMPO was completed in April 2013.

### **THE CERTIFICATION REVIEW PROCESS**

FHWA and 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 report by the Review Team

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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 among 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 2017 SOUTHEASTERN MASSACHUSETTS MPO CERTIFICATION REVIEW**

In January 2017, the Review Team initiated this review with a formal notice and request for a list of advance materials. These materials included documents such as the major Continuing, Comprehensive, Cooperative (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 SMMPO in February. The responses received assisted the Review Team in formulating the agenda for the on-site review, held March, 21, 2017.

During the on-site review, the Review Team engaged SMMPO staff, board members, and MassDOT personnel in a productive and wide-ranging discussion. All who were present participated and responded to questions about the planning process in a spirit of good faith and cooperation. Later the same day, the Review Team conducted a public meeting in which attendees were briefed on the federal planning certification review process. During this meeting, the Review Team also solicited input from attendees who were primarily members of the SMMPO's Policy Board.

## **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 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 steps that should be implemented to improve processes and planning products that already meet

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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 certification or the 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**

Future updates of the MTP should include a full discussion of projected transportation demand over the life of the plan, and how implementation of the plan will affect demand on the transportation system within the region.

#### **Transportation Improvement Program and Project Selection Process**

The SMMPO should revise its approach to municipal outreach and education to increase the number of smaller projects advanced through the metropolitan planning process to address the under-programming of funds. The SMMPO should approach MassDOT District 5 to discuss development of smaller projects to meet this need.

#### **Financial Planning**

As part of its TIP financial plan, the SMMPO should also discuss its practice or policy for the use of advanced construction.

The SMMPO should provide analysis that demonstrates the current level of operations and maintenance funding needed to adequately maintain the system.

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

The SMMPO, in coordination with MassDOT and public transit operators, should create a standalone listing of obligated projects from the previous year and publish it within 90 days after the close of the federal fiscal year. This list of obligated projects should be in a format that is consistent with all requirements of 23 CFR 450.334 and 23 CFR 450.326(g)(1) and (4).

#### **Self-Certifications**

The SMMPO should revise its self-certification statement. Upon publication of revised regulations and with each transportation authorization bill, the SMMPO should review its self-certification compliance statement to ensure it remains consistent with the citations at 23 CFR 450.336.

#### **Congestion Management Process**

The CMP should include procedures for monitoring and evaluating the recommended strategies to determine their effectiveness in improving congestion on roadways identified in the CMP. The CMP

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should include an implementation schedule with responsible parties and potential funding sources.

### **MPO Organizational Structure**

The SMMPO should complete its review and revise or reaffirm its MOU, dated March 15, 2011. Moving forward the SMMPO should establish a regular process (consistent with the MOU) to formally document its review and reaffirm its MOU and bylaws.

### **Intermodal Transportation Coordination**

The Review Team encourages the SMMPO to continue to develop opportunities to improve intra-regional travel through planning coordination among the MPO's two RTAs. The successful Wareham-New Bedford connection could serve as a model for future coordination efforts.

A community's transit projects should be programmed on the TIP of the MPO that the community is a member of. Transit projects located within the boundary of Plymouth should be reflected on the Old Colony TIP, at a minimum for informational purposes. Discussions between GATRA and the MPOs that it provides service within should continue until a resolution is reached on how to best include GATRA's activities in the MPOs' 3C documents. Additionally, language should be added to the SMMPO's Metropolitan Planning Agreement committing to increased planning coordination across RTA and MPO boundaries.

### **Interdisciplinary Consultation**

The SMMPO should proactively engage with the parties it is required to consult, especially environmental resource agencies. Specifically, the SMMPO should incorporate into its next MTP a comparison of the planned projects to available conservation plans or maps, and inventories of natural or historic resources. Potential mitigation strategies resulting from its consultation and comparison of plans should also be incorporated in the next MTP.

### **Title VI and Nondiscrimination Outreach, Access & Limited English Proficiency (LEP)**

The SMMPO should follow the safe harbor provision by consistently translating notices announcing the availability of 3C documents for review and comment in Spanish, Portuguese, and Haitian Creole. Additionally, these documents should be disseminated to agencies identified in the SMMPO's contact list that represent or serve these language groups. With respect to regular SMMPO meeting notices, the Review Team recommends that these notices also be provided in HTML on the SRPEDD website to allow translation using the Google Translator.

The SMMPO should provide a more comprehensive statement on how to request meeting accommodations not only in its emails, but in its meeting notices and agendas. This statement should provide information on how to request reasonable accommodations under the ADA, to included requests for "auxiliary aids and services." The notice should also contain information on how to request language assistance services and that all accommodations are provided "free of charge." The above recommendations should be incorporated into the next update to the SMMPO's four-factor analysis and LAP.

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### **Environmental Mitigation**

The SMMPO should continue to make efforts to address the areas identified under the “general Recommendations for Environmental Coordination in Transportation Planning” section (page 115 of the MTP.)

As part of the environmental coordination efforts described in the MTP, the MPO should document the environmental mitigation discussions that occur with resource agencies. Specifically, if there are planned actions from these discussions, the disposition of those actions should be documented.

### **Performance-Based Planning and Programming**

The Review Team recommends that the SMMPO, MassDOT, and providers of public transportation evaluate existing planning agreements for any necessary updates regarding the roles and responsibilities for performance data, information sharing, target selection, and performance reporting.

## **COMMENDATIONS**

### **Intermodal Transportation Coordination**

The Review Team recognizes the SMMPO’s efforts in facilitating the development of an inter-agency bus connection between the town of Wareham, MA and the city of New Bedford, MA. The bus connection is operated by the SRTA and sponsored by the GATRA. This service was identified as an unmet need in the 2015 MTP, the 2014 SRTA Comprehensive Service Assessment, and the 2015 GATRA Regional Transit Plan.

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

The SMMPO is commended for its creative and innovative approach to engaging the public on a corridor study basis. The SMMPO’s extensive effort to target impacted communities, whether it be going door-to-door, attending in person cultural events with translators, or developing material for distribution, is tailored and carried out in an appropriate context.

### **Freight Planning**

The SMMPO has taken a comprehensive assessment of freight needs in the region including the development of freight scoring criteria. Pending the availability of resources, the SMMPO may consider a periodic update to its Regional Truck Route Study.

## **CORRECTIVE ACTIONS**

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

MassDOT, in cooperation with the neighboring States, MPOs, transportation providers within the Boston UZA, and the Massachusetts Department of Environmental Protection, shall revise the existing Boston UZA MOU (or create a new agreement) reflective of the 2010 Census. Minimally, the resulting agreement shall address the division of responsibilities related to the coordination concerns referenced in the regulations. More specifically and to an appropriate extent, the agreement should address coordination of the following areas: data collection/sharing and analysis,

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including planning assumptions related to population growth, employment, and land use; coordinated decision-making, i.e., for key transportation assets/services spanning MPO and state boundaries; dispute resolution; congestion management process; performance-based planning, reporting, and target-setting. This corrective action shall be completed by December 31, 2018.

### **III. CERTIFICATION ACTION**

FHWA and FTA have determined that the transportation planning process of the SMMPO portion of the Boston, MA-NH-RI TMA, pending the completion of corrective action, substantially meets the requirements of the Metropolitan Planning Rule (23 CFR Part 450 Subpart C and 49 CFR Part 613). FHWA and FTA, therefore, jointly certify the transportation planning process of the SMMPO. This certification shall remain in effect until the next certification review to be completed prior to February 15, 2021. While this report identifies a series of recommendations that are intended to improve the transportation planning process, the corrective actions cited herein are required for compliance with federal regulations. Considering these findings, the SMMPO is also required to submit an action plan as described in the transmittal letter accompanying this report.

### **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 TMAs to govern work programs for the expenditure of FHWA and FTA planning and research funds (23 CFR 450.308). The regulation 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 UPWP is cooperatively developed each spring among members of the MPO and the MPO's Joint Transportation Planning Group (JTPG). MassDOT provides the SMMPO staff with an anticipated budget to develop their planning work priorities for the upcoming year. Input is provided by FHWA, FTA, MassDOT, SMMPO board members, and the public on topics of interest for inclusion in the final document.

The Fiscal Year (FY) 2017 UPWP planning document is organized into four chapters. Activities identified in each chapter are organized by objective, procedures, products, schedule, and budget. The UPWP activities determined for the upcoming year are reflective of the goals and objectives as outlined in the SMMPO's Metropolitan Transportation Plan (MTP). In addition, the SMMPO has made a commitment that one-third of the funding is dedicated to new substantive transportation planning studies in comparison to ongoing MPO activities. An overall schedule is included in the document which shows the anticipated completion of activities throughout the year. In addition, the amount of staff time allocated towards specific transportation planning activities is shown.



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The UPWP includes an historic summary of UPWP products that were completed between FY 2011 and FY 2016. This summary is categorized based on community, project, task, and federal agency (FHWA/FTA). There are 27 community and ten various planning task categories shown. Planning tasks can range from community technical assistance to receiving project funding. The history UPWP projects are categorized based on the ten planning tasks to show the percentage within a community. It can be observed that each community has received at least one UPWP funded study in the past five years. The summary is then compared to towns with known Title VI/Environmental Justice (EJ) populations. However, as the illustration is simply informational, there is no discussion and/or conclusion as to the equitable distribution of the studies conducted in these communities.

### *FINDINGS*

The SMMPO's planning process regarding this topic area is consistent with the applicable federal requirements.

## **B. METROPOLITAN TRANSPORTATION PLAN**

### *REGULATORY BASIS*

Federal regulations require the development of the 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 450.324)

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 MTP was adopted by the SMMPO in July 2015 and covers years 2016-2040. The MTP includes seven goals covering safety, system preservation, congestion reduction, system reliability, environmental sustainability, economic vitality/freight movement, and project development/implementation. The plan is multimodal and incorporates highways, transit, commuter rail, intercity bus, bicycle, pedestrian, airport, and maritime considerations.

Public outreach for the MTP included a survey, which was translated into Spanish and Portuguese. Approximately 150 survey responses were received, including a few responses to the translated versions. Additionally, SMMPO staff met with nearly every Board of Selectmen in the region during MTP development to get input. The SMMPO also hosted three public forums, including two bicycle

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workshops, and developed and distributed posters, pamphlets and cards that included a link to the survey.

The SMMPO has a travel demand model that is maintained in house by SRPEDD staff. The TransCAD model has a base year of 2010 and is primarily used in the MTP and the congestion management process for determining future traffic congestion. The model has been used to support work with other planning partners on the South Coast Rail project. Despite this capability, the MTP does not include a discussion or illustration of what future traffic and congestion will be in the region. Although the model currently does not include transit, the SMMPO is exploring opportunities to develop a transit model.

SRPEDD is currently developing a new regional land use plan. The result of this multi-year planning effort will include three growth scenarios for future land use projections. The three scenarios are no build, smart growth, and climate change. The land use model will provide the region a tool to refine its regional population, housing, and employment inputs for the travel demand model prior to the next MTP update. Additionally, utilizing the land use model, SMMPO staff expect that they will be able to use a scenario planning approach in the next MTP.

#### *FINDINGS*

**Recommendation:** Future updates of the MTP should include a full discussion of projected transportation demand over the life of the plan, and how implementation of the plan will affect demand on the transportation system within the region.

### C. TRANSPORTATION IMPROVEMENT PROGRAM AND PROJECT SELECTION PROCESS

#### *REGULATORY BASIS*

The SMMPO is required, under 23 CFR 450.326, 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 SMMPO 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.

#### *OBSERVATIONS*

The SMMPO's TIP is developed annually through consultation with the SRPEDD Commission, the Joint Transportation Planning Group (JTPG), MassDOT, transit operators Southeastern Regional Transit Authority (SRTA) and Greater Attleboro Taunton Regional Transit Authority (GATRA), neighboring MPOs, the State of Rhode Island, and the public. In February of each year, the TIP development cycle begins with an annual meeting ("TIP Day") held by MassDOT. This forum is used to discuss project readiness and the latest program guidance, as well as matters of coordination among MPOs.

The SMMPO's public participation process for the draft TIP included a 30-day public comment period that began on June 21, 2016 and ended on July 21, 2016. Leading up to this period, the JTPG

fully vetted the draft TIP during four meetings held from January 13, 2016 to June 8, 2016. Despite the best efforts to get public feedback, the only record of comment from the period June 21 to July 21 appeared in the minutes from an SMMPO meeting held on July 26, 2016. In these minutes, the SMMPO reported that it received two comments, a guidance letter from MassDOT concerning its evaluation of the TIP and an email from FHWA. During the on-site review, it was discussed that the public participation section of the TIP could contain more information about the process to solicit comments and the use of social media to facilitate public participation. This additional information would help clarify the SMMPO's efforts to solicit comment and provide opportunity to participate outside of the public meeting forum.

The SMMPO uses project evaluation criteria to identify the anticipated impacts, both positive and negative, of each potential project. Project evaluation criteria scores range from -84 for a project that would have adverse impacts to +87 for a project with the most public benefit. While project readiness is a factor in project selection and prioritization, scoring is used to prioritize when there are several projects ready to be programmed, but funds are limited. Similarly, when the TIP is amended, project readiness remains a factor in project selection and project scores are most relevant when there are several potential replacement projects at the same stage of readiness.

The SMMPO's scoring criteria consider a wide range of indicators that support the MTP performance measure goals and objectives, including Safety, System Preservation, Congestion Reduction, System Reliability, Environmental Sustainability, Economic Vitality and Freight Movement, and Project Development and Implementation. While scoring gives the highest priority to safety, significant consideration is also given to projects that impact or serve Title VI and EJ communities. The table below illustrates the relationship between TIP evaluation criteria and MTP performance goals:

<b>Evaluation Criteria</b>	<b>MTP Performance Goals Supported</b>
Community Impact & Support	Environmental Sustainability, Economic Vitality, Project Development, and Implementation
Maintenance & Infrastructure	System Preservation, System Reliability, Freight Movement, Project Development, and Implementation
Safety & Security	Safety, System Reliability
Mobility/Congestion	Congestion Reduction, System Reliability, Freight Movement
Livability/Sustainable Development	Environmental Sustainability, System Reliability
Environmental & Climate Change	Environmental Sustainability, System Reliability

TIP projects are drawn from the list of projects originating in the MTP, so the TIP clearly serves as a tool to deliver the long-range plan. Projects are prioritized at each stage of development until determined to be ready for programming in the TIP. Based on project readiness and scoring, the SMMPO programs projects that are within a size and scope conducive to funding under its regional

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targets. Larger projects, such as major highway and bridge projects, are funded by MassDOT. The TIP project listings for each year of the program are consistent with the information requirements including sufficient project details, cost, and the responsible agency. The TIP also contains an illustrative project list, identifying MassDOT approved, TIP eligible projects in the pipeline for funding. This list is contained in the “Future Element” in Attachment 8 of the TIP.

Despite its outreach efforts to municipalities, the SMMPO has been challenged in having enough smaller projects ready to be programmed into the TIP, which has been a major contributing factor to under-programming. It was discussed during the on-site review that having a greater number of smaller projects would help fill the current programming gap that is preventing the SMMPO from meeting its annual funding targets. However, SMMPO staff claimed that project cost estimates typically increased, so they viewed the under-programmed amount as a necessary buffer to allow such increases. In the four-year period 2017 to 2020, the median under-programmed amount was equal to 9.9% of the SMMPO’s total target funds (or \$1.92 Million). When staff were asked about what they felt was an acceptable amount of under-programming, they stated, “two million dollars.”

With regard to making federal-aid projects appealing to municipalities, the SMMPO strives to encourage, educate, and assist municipalities in the development of small projects to be advanced through the metropolitan planning process. For example, the SMMPO provides a funding guide to its communities that explains the project initiation process. The SMMPO also assists towns with safety and congestion studies, including traffic counts and travel demand modeling necessary to identify and demonstrate project needs. The SMMPO also provides communities with signal warrant analysis to determine project need and federal-aid eligibility.

In 2015, the SMMPO held a project development workshop to educate municipal officials about the planning and project development process. Currently, MassDOT, through its Local Training and Assistance Program, is developing an updated version of this workshop and it will soon become available statewide. The SMMPO anticipates bringing this training to Southeastern Massachusetts as soon as it becomes available.

## *FINDINGS*

**Recommendation:** The SMMPO should revise its approach to municipal outreach and education to increase the number of smaller projects advanced through the metropolitan planning process to address the under-programming of funds. The SMMPO should approach MassDOT District 5 to discuss development of smaller projects to meet this need.

## 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 SMMPO, public transportation operator(s), and the State (23

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CFR 450.324). 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 450.326 and 23 CFR 450.218). 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*

In developing the TIP each year, the SMMPO relies on the latest financial estimates provided by MassDOT. These estimates are provided during early spring and take into account the latest federal and state financial assumptions including project inflation cost, year of expenditure calculations and statewide debt service obligations. Development of the TIP financial plans is jointly carried out by MassDOT, the SMMPO, and public transit providers. These cooperatively developed revenue estimates for the latest TIP were approved by the SMMPO on March 9, 2016.

The financial constraint tables developed for the FY 2017- 2021 TIP show four years of highway and transit projects. The fifth year shown is considered illustrative from the federal perspective and is used to assist the State in developing their Capital Improvement Program (CIP). The highway section is categorized by funding sources and indicates the maximum (and suggested minimum) amounts available for programming projects. While the narrative portion of the FY2017-2021 TIP financial plan lacked a description of how the revenues in the Tables 4 through 6 were derived, a more detailed description for the highway element was provided in the FY 2018-2022 TIP. This description includes an explanation of anticipated revenues and how they are allocated.

Also, the TIP financial plan does not provide commentary about the SMMPO's practice or policy for the use of advanced construction as a means of innovative funding. Regarding system maintenance, while the tables at Appendix H of the TIP show the funds allocated to Operations and Maintenance, there is no discussion or analysis that compares this level of funding to the estimated amount of funding that would be required to adequately maintain the system. Further commentary regarding the current condition of assets (Interstate and non-Interstate National Highway System) and the estimated cost to maintain these assets at or above fair condition is desirable.

In the FY 2017-2021 TIP, transit funds for GATRA and SRTA were shown programmed for all years. However, there was no clear description of anticipated revenues and assumptions used to demonstrate financial constraint of the TIP for transit projects.

In the FY 2017-2021 TIP, it was also noted that the tables did not show the split of state and federal funds allocated to the program. While these amounts can be found in the project listing tables, the overview of revenues depicted in Table 4 should specify the source of non-federal match that makes up the "Total Funds Available." In its FY 2018-2022 TIP, the SMMPO provided more

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detailed tables showing the split between federal and state funding allocations, as well as other non-federal matching funds.

Overall, the TIP is financially constrained; however, as discussed in Section IV.C. above, the Review Team observed an average of \$1.9 in million remaining target funds for the duration of the TIP. Further, there were two funding categories with no projects programmed because the SMMPO was unable to satisfy the program eligibility requirements.

In the MTP, financial planning is introduced by a narrative describing the latest financial climate in the Commonwealth of Massachusetts. The MTP provides an in-depth description of State policy changes, and funding initiatives that affect the SMMPO in developing its 20-year funding projections. Such changes include MassDOT's CIP program, the Accelerated Bridge Program bond repayments, and State Chapter 90 funding. Given these assumptions, the SMMPO endorsed the MTP financial plan on June 23, 2015. The MTP includes the latest project estimate assumptions including a 4% inflation factor. For projects shown outside the current TIP years, the MTP demonstrates financial constraint in 5-year groupings. Federal, state, and local transit funding sources are also described, and the assumptions made for the growth of these revenue streams over the life of the plan are documented.

#### *FINDINGS*

**Recommendation:** As part of its TIP financial plan, the SMMPO should also discuss its practice or policy for the use of advanced construction.

**Recommendation:** The SMMPO should provide analysis that demonstrates the current level of operations and maintenance funding needed to adequately maintain the system.

### E. LIST OF OBLIGATED PROJECTS

#### *REGULATORY BASIS*

MPOs, 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 450.334. 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*

The annual listing should provide a means to compare projects (or project phases) obligated with those proposed for obligation. The UPWP indicates that the requirements for the list of obligated projects are represented by Task 1.5 Development of the TIP. The Review Team reviewed the TIP and could find some of the required elements. However, the information regarding federal funds is

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not consistent with the FHWA or FTA requirements. Some of the required elements for the annual list of obligated projects were difficult to compare or not evident. These elements include federal funding obligated during the preceding year, federal funding remaining and available for subsequent years, and a sufficient description to identify the project or phase. The information was not organized in a format that was easy for the public to understand and consistent with regulatory requirements. While the team notes the SMMPO's inclusion of a previously advertised project list in its FY 2018-2022 TIP, this list does not contain all pertinent information. Additionally, the listing of obligated projects was not published within 90 days after the end of the fiscal year.

### *FINDINGS*

**Recommendation:** The SMMPO, in coordination with MassDOT and public transit operators, should create a standalone listing of obligated projects from the previous year and publish it within 90 days after the close of the federal fiscal year. This list of obligated projects should be in a format that is consistent with all requirements of 23 CFR 450.334 and 23 CFR 450.326(g)(1) and (4).

## F. SELF-CERTIFICATIONS

### *REGULATORY BASIS*

The State and MPOs 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 450.336 to take place at least once every four years, in concurrence with the submittal of the TIP.

### *OBSERVATIONS*

Each year, as part of their annual TIP development process, the SMMPO certifies that its planning process was carried out in accordance with the applicable requirements by completing the Self-Certification compliance statement. This statement includes an endorsement page for signature by SMMPO Board members. The self-certification process is completed annually at the SMMPO meeting where the TIP and UPWP are endorsed. The specific citations are read and discussed with the SMMPO board members prior to each endorsement. The endorsement page is typically signed by at least seven members as part of the SMMPO's meeting agenda. The number of signatures reflects a simple majority of those present, as required by the SMMPO's Memorandum of Understanding (MOU) dated March 15, 2011. The latest self-certification and endorsement was completed on July 26, 2016.

The certification statement includes the ten applicable federal requirements outlined in 23 CFR 450.336, with one exception, citation "5." The certification has not been revised to reflect the citations in the Final Rule for 23 CFR 450.336, which was published on May 27, 2016.

### *FINDINGS*

**Recommendation:** The SMMPO should revise its self-certification statement. Upon publication of revised regulations and with each transportation authorization bill, the SMMPO should review its self-certification compliance statement to ensure it remains consistent with the citations at 23 CFR 450.336.

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## G. CONGESTION MANAGEMENT PROCESS

### *REGULATORY BASIS*

The State(s) and the SMMPO 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 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 450.322)

### *OBSERVATIONS*

The SMMPO’s CMP is described in detail as part of the MTP. The CMP is developed in a three-step approach by identifying mobility problems, developing measures, and implementation. The scope of the CMP includes congested corridors, intersections, and park and ride lots. The monitoring of congestion at rail commuter parking lots has been removed from the last CMP. To measure congestion, the SMMPO relies on regional databases, local insight knowledge, and a travel demand model. Congestion is measured by a volume/capacity (V/C) ratio and is categorized using a Level of Service index. The SMMPO states a V/C of .80 is considered “congested” for the region.

The CMP includes a listing of 70 locations with congestion issues. The CMP has been updated regularly through each MTP revision with various roadways and intersections being added or removed from the list. The listing of congested locations is categorized based on their status (underway, pending, TBD). A status and individual narrative describe recommended actions for each project. It is, however, unclear how the congested locations are prioritized and resources are dedicated for improvement. The SMMPO monitors and advocates the needs for each location, but ultimately it is the responsibility of communities and MassDOT.

The CMP concludes with eight recommended action steps, including the consideration of three immediate congestion studies. While not directly linked to the CMP, the MTP includes a performance measure for conducting two studies every five years to address congestion.

The CMP recommends strategies for Intelligent Transportation Systems (ITS) improvements, global positioning system (GPS)/automatic vehicle location (AVL) system upgrades, and land use strategies. However, it is unclear how these strategies would tie back to specific congestion issues and how they would be monitored for effectiveness. The CMP does not include the consideration of public transportation congestion, employer based commuter programs, and private transportation providers to improve congestion in the region.

### *FINDINGS*

**Recommendation:** The CMP should include procedures for monitoring and evaluating the recommended strategies to determine their effectiveness in improving congestion on roadways identified in the CMP. The CMP should include an implementation schedule with responsible parties and potential funding sources.



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## **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 SMMPO currently operates under an MOU signed on March 15, 2011. The 2011 update was completed primarily to account for the creation of MassDOT and the corresponding changes to State representation on the SMMPO. The MOU serves as an operating agreement for all members of the MPO.

Under the MOU, the SMMPO is composed of 13 voting members: the MassDOT Secretary and MassDOT Highway Division Administrator, the Chair of the SRPEDD Commission, the Administrator of GATRA, the Administrator of SRTA, the Mayor of Attleboro, the Mayor of Fall River, the Mayor of New Bedford, the Mayor of Taunton, and four selectmen representing four municipalities in the MPO. Per the SRPEDD Commission bylaws amended in 2014, two selectmen are elected every year to serve a two-year term on the SMMPO.

SRPEDD is the regional planning agency for Southeastern Massachusetts which is comprised of 27 member communities. SRPEDD serves as staff to the SMMPO.

The JTPG is the primary advisory body to the SMMPO. This body assists with the identification of transportation needs, priorities, and provides regular input to the planning process. Further, the JTPG provides a forum for public participation through broad engagement of member communities. Its membership consists of elected officials and planning board officials or their designees, SRPEDD At-Large Commissioners, private transportation providers, and interested citizens across all 27 member communities.

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The current MOU provides for review and reaffirmation every three years. Upon each review, the document is circulated to all mayors, boards of selectmen, and the city and town managers throughout the SMMPO's planning area. Although the SMMPO has recently begun a review of its MOU, this review should have been completed and documented on or before March 15, 2014, which is three years from the date of the initial endorsement. The review of the MOU examined the selection process of representatives for all transportation modes and populations. The SMMPO concluded that this process has been effective in providing adequate opportunity and representation throughout the SMMPO's planning area and, therefore, will not be modified

In its response to the Review Team's preliminary questions, the SMMPO stated that it is coordinating the current review of its MOU and bylaws with the update to the Boston Urbanized Area (UZA) MOU. The Review Team notes that given that these MOUs differ significantly in their purpose, revisions to one should not be contingent upon revisions to the other.

### *FINDINGS*

**Recommendation:** The SMMPO should complete its review and revise or reaffirm its MOU, dated March 15, 2011. Moving forward the SMMPO should establish a regular process (consistent with the MOU) to formally document its review and reaffirm its MOU and bylaws.

## 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 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, United States Department of Transportation Secretary Anthony Foxx outlined three Planning Emphasis Areas for federal fiscal year 2016. These are not regulations, but rather are topic areas that MPOs and State departments of transportations are encouraged to focus on when conducting their planning processes and developing their planning work programs. One of these Planning 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."

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## *OBSERVATIONS*

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

- Boston Urbanized Area MOU - A regional inter-agency agreement dated September 9, 2003, between the Massachusetts MPOs in the Boston UZA that include the 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 MPOs in Massachusetts, regional transit agencies, and the MA Departments of Environmental Protection and Transportation.

The 2010 Census updated the Boston UZA boundary to cover portions of several MPOs not currently part of the Boston Urbanized Area MOU. Given the implications of recent Census data, the following planning agencies should be added to the Boston UZA MOU: Montachusett MPO, Central Massachusetts MPO, Rockingham Planning Council, Southern New Hampshire Planning Council, Nashua Regional Planning Council, and the Rhode Island State Planning Council. It is also noted that the current Boston Urbanized Area MOU does not substantively address the matters of coordination cited in the planning regulations (23 CFR 450.314). While MassDOT has initiated discussion, and expressed its intent to revise the Boston UZA MOU, this marks the beginning of a major undertaking that will require further collaboration and input among the MPOs, transit operators, and States involved.

The SMMPO's planning area boundaries contain the New Bedford UZA in its entirety, as well as portions of three other UZAs—Boston, Providence and Barnstable. Since portions of three UZAs fall within the boundaries of other MPOs, written coordination agreements are required. Notwithstanding the lack of sufficiency of its current written agreements, the SMMPO has a demonstrated history of coordination among its neighboring MPOs, as well as MPOs within the Boston UZA and statewide.

The SMMPO's written agreement with the Rhode Island Division of Planning and State Planning Council sets forth the general framework for cooperation in the planning process, such as the sharing of data necessary to ensure consistency in the development of travel demand modeling along boundaries. Based on the discussion that ensued during the on-site portion of this review, it was clear that there has been ongoing collaboration between these agencies concerning the matters covered in their agreement. Although the agreement does not include the proper signatories and a discussion of all matters of coordination to comply with 23 CFR 450.314(e)& (h)(1), it does embody the spirit and intent of the requirement. Since the planned update of the Boston UZA MOU contemplates more detail concerning matters of coordination and will include the Rhode Island MPO, updating and maintaining the existing agreement with the Rhode Island Division of Planning may be unnecessary.

The SMMPO shares planning responsibility along with the Old Colony MPO for portions of the Barnstable UZA for which the Cape Cod MPO (CCMPO) is primarily responsible. While there is no

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written agreement that addresses pertinent matters of coordination among the three MPOs, the Review Team notes a history of ongoing cooperation and coordination. Specifically, SMMPO and the CCMPO have worked together on transit matters, such as establishing transfer points and consistency in fare structures. They have also shared resources and sought assistance from each other concerning a variety of topics. Additionally, they have coordinated travel demand modeling and transportation studies of assets along their boundaries, specifically around the Cape Cod Canal.

### *FINDINGS*

**Corrective Action:** MassDOT, in cooperation with the neighboring States, MPOs, transportation providers within the Boston UZA, and the Massachusetts Department of Environmental Protection, shall revise the existing Boston UZA MOU (or create a new agreement) reflective of the 2010 Census. Minimally, the resulting agreement shall address the division of responsibilities related to the coordination concerns referenced in the regulations. More specifically and to an appropriate extent, the agreement should address coordination of the following areas: data collection/sharing and analysis, including planning assumptions related to population growth, employment, and land use; coordinated decision-making, i.e., for key transportation assets/services spanning MPO and state boundaries; dispute resolution; congestion management process; performance-based planning, reporting, and target-setting. This corrective action shall be completed by December 31, 2018.

## C. Intermodal Transportation Coordination

### *REGULATORY BASIS*

Federal regulation makes clear the need for coordination across modes during the transportation planning process. Per 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.

Moving America Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) clarified and the FAST Act reinforced that an 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 450.324 specifies that the MTP should include consideration of "pedestrian walkways and bicycle facilities."

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## *OBSERVATIONS*

During the on-site review the SMMPO, SRТА, and GATRA commented on the high level of coordination among the three agencies. The Administrators of GATRA and SRТА are both voting members of the SMMPO and are also voting members of the JTPG. GATRA and SRТА recently entered a partnership to provide fixed route service between Wareham, MA and New Bedford, MA. SMMPO staff recently conducted a comprehensive inventory of the region's bus stops. The SMMPO noted that a Bus Stop Capital Improvement Plan will be developed based on the data collected.

The SMMPO is actively working with the Rhode Island Public Transit Authority (RIPTA) to identify potential transit crossings from Massachusetts into Rhode Island and vice versa. The SMMPO is actively pursuing agreements between the two regional transit authorities (RTA) and RIPTA to restore and maintain interstate service that is currently only provided through private carriers and the Massachusetts Bay Transit Authority commuter rail.

The SMMPO actively works to enhance the integration and connectivity of the transportation system across and between modes. The SMMPO completed a bicycle parking program in communities throughout the region. Both GATRA and SRТА buses are outfitted with bicycle racks, which allows passengers to easily transfer between modes. The SMMPO is in the process of producing a Regional Bike Plan with a goal of connecting Providence to Cape Cod through a bicycle and pedestrian path. The SMMPO recently completed an inventory of potential sign locations for the interim South Coast Bikeway/East Coast Greenway Route from Swansea, MA to Wareham, MA with the East Coast Greenway Alliance based in Providence, RI.

GATRA's service area extends beyond the SMMPO boundaries, including portions of the neighboring Old Colony MPO and the Boston Region MPO. In practice, however, all GATRA projects have only been shown in the SMMPO planning documents, regardless of location. Consequently, although the town of Plymouth, MA is located within the Old Colony MPO, transit planning and the listing of transit projects proposed in Plymouth for GATRA is conducted by the SMMPO. During the review, SMMPO staff indicated that discussions have begun with GATRA and neighboring MPOs to develop a more transparent and effective method to include GATRA in their 3C documents.

## *FINDINGS*

**Commendation:** The Review Team recognizes the SMMPO's efforts in facilitating the development of an inter-agency bus connection between the town of Wareham, MA and the city of New Bedford, MA. The bus connection is operated by the SRТА and sponsored by the GATRA. This service was identified as an unmet need in the 2015 MTP, the 2014 SRТА Comprehensive Service Assessment, and the 2015 GATRA Regional Transit Plan.

**Recommendation:** The Review Team encourages the SMMPO to continue to develop opportunities to improve intra-regional travel through planning coordination among the MPO's two RTAs. The successful Wareham-New Bedford connection could serve as a model for future coordination efforts.

**Recommendation:** A community's transit projects should be programmed on the TIP of the MPO that the community is a member of. Transit projects located within the boundary of Plymouth

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should be reflected on the Old Colony TIP, at a minimum for informational purposes. Discussions between GATRA and the MPOs that it provides service within should continue until a resolution is reached on how to best include GATRA's activities in the MPOs' 3C documents. Additionally, language should be added to the SMMPO's Metropolitan Planning Agreement committing to increased planning coordination across RTA and MPO boundaries.

## D. PUBLIC OUTREACH AND PUBLIC INVOLVEMENT

### *REGULATORY BASIS*

An MPO is required, under 23 CFR 450.316, 23 CFR 450.324, and 23 CFR 450.326 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.

### *OBSERVATIONS*

The SMMPO's Public Participation Plan (PPP) was endorsed in June 2016. The PPP describes the public comment periods for the endorsement of the MTP, TIP, UPWP and amendments, and also discusses adjustment and administrative modifications to the MTP. The procedures for administrative modifications of the TIP are shown in the FY 2017-2020 TIP. While the PPP process is followed, the SMMPO has not typically received many public comments on their 3C documents. The MTP includes an appendix documenting public outreach conducted. However, both the TIP and MTP could better summarize and document the disposition of comments.

The SMMPO has a robust public participation process on individual corridor studies, and tailors the approach used based on several factors including staff knowledge of the area and needs of the entity who requested the study. The SMMPO may adjust the public involvement approach during a study as needed. On a project level basis, some examples of outreach the SMMPO undertakes include:

- Going door to door with flyers and talking to residents one on one
- Attending cultural markets and events with a translator
- Attending neighborhood fairs, civic group meetings, faith based events, job fairs and business expos
- Publishing articles in local news sources, including news outlets serving minority, low-income and limited English proficiency (LEP) populations
- Tailoring information to the audience being targeted- for example coloring books for kids on bike safety.

For regional programs information is disseminated through the SMMPO's:

- Website
- Facebook
- Twitter
- Newsletter- distributed by email

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## *FINDINGS*

**Commendation:** The SMMPO is commended for its creative and innovative approach to engaging the public on a corridor study basis. The SMMPO's extensive effort to target impacted communities, whether it be going door-to-door, attending in person cultural events with translators, or developing material for distribution, is tailored and carried out in an appropriate context.

## E. INTERDISCIPLINARY CONSULTATION

### *REGULATORY BASIS*

The federal regulations at 23 CFR 450.316(b-e) describe ways in which the transportation planning process should be coordinated with other agencies and processes. This requires MPOs to consult with other agencies responsible for planning activities when developing MTPs and TIPs. The regulations 23 CFR 450.324(f)(10) & (g) further elaborates on this requirement, specifically as it relates to environmental mitigation. An MPO should engage in a consultation that includes comparison of the MTP with State conservation plans or maps, if available, or comparison of the MTP with inventories of natural or historic resources, if available.

### *OBSERVATIONS*

The SMMPO is open to requests for consultation from state, tribal, local and federal land management agencies responsible for land-use management, natural resources, environmental protection, conservation, and historic preservation. Additionally, as a regional planning agency, SRPEDD complies with regulatory consultation requirement under laws such as Section 106. To address the requirement for consultation with environmental resource agencies in the MTP process, the SMMPO relies on SRPEDD staff who regularly coordinate with resource agencies on a wide variety of studies and projects. However, there does not appear to have been focused discussion on the development of the MTP and potential mitigation activities. The MTP does not include a comparison with any conservation plans, maps, or inventories of resources. Other regions have experimented with focus groups or environmental workshops, as well as targeted one-on-one outreach to relevant agencies to address this need. The SMMPO has begun to explore these and similar options for incorporation into the next MTP update.

## *FINDINGS*

**Recommendation:** The SMMPO should proactively engage with the parties it is required to consult, especially environmental resource agencies. Specifically, the SMMPO should incorporate into its next MTP a comparison of the planned projects to available conservation plans or maps, and inventories of natural or historic resources. Potential mitigation strategies resulting from its consultation and comparison of plans should also be incorporated in the next MTP.

## F. 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

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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 450.336 require an 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 SMMPO has a Title VI Notice to Beneficiaries which includes a description of both federal and state protections against discrimination. It contains all pertinent information, including the name and contact information of the Title VI Coordinator, and is prominently displayed and easily accessed on SRPEDD’s website. The notice is also posted in common areas, such as the SRPEDD conference room and at public meeting locations. It is also included in public meeting notices. The Title VI Notice to Beneficiaries has also been translated and made available in the three most prominent languages spoken throughout the planning area: Spanish, Portuguese, and Haitian Creole.

The SMMPO also has a comprehensive Title VI complaint process and complaint form that are easily accessed through its website. The process and form have been translated in Spanish, Portuguese, and Haitian Creole. The process also reflects appropriate consideration of state and federal roles. During the on-site review, it was discussed that the process seems to indicate that a complainant would be notified upfront of his/her right to file a complaint with other agencies. While it’s appropriate to provide this notification in the process, the SMMPO may consider examining the complaint first with MassDOT to determine if it constitutes a complete and prima facie case. At this stage in the process, the SMMPO would have the relevant information needed to properly route the complaint. Additionally, discussion on efforts to informally resolve complaints regardless of any concurrent investigation by MassDOT or FHWA is desirable. These distinctions are critical, as FHWA does not delegate authority to recipients to investigate themselves or make findings under Title VI. These and other matters were recently addressed in FHWA Guidance. MassDOT and the FHWA, MA-Division Office are working to clarify these matters with the goal of developing a uniform complaint process to be adopted by all Massachusetts MPOs.

### *FINDINGS*

The SMMPO’s planning process regarding this topic area is consistent with the applicable federal requirements, pending further guidance.



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## G. 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 28 CFR 42.406, and, further, in U.S. DOT's implementing regulations at 49 CFR 21.9(b). The FHWA Title VI regulations 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 monitoring to determine if any impediments exist regarding access or equity.

### *OBSERVATIONS*

The SMMPO's data collection and analysis protocols are consistent with Title VI and the Environmental Justice Executive Order (EO12898). Specifically, the SMMPO maintains data profiles of its populations protected by Title VI and other federal nondiscrimination statutes, as well as EO12898. In combination with its contact list, the SMMPO uses this data to conduct equity analysis and to target its outreach efforts for inclusive public engagement.

The SMMPO's equity analysis methodology is sound and serves as an effective program monitoring tool to determine any potential disparity in the distribution of program funds. Based on the demographic make-up of all communities and the location of transportation investments, the analysis suggests that there is no potential disparity. However, a narrative interpretation of the data along with the SMMPO's conclusions is desirable.

### *FINDINGS*

The SMMPO's planning process regarding this topic area is consistent with the applicable federal requirements.

## H. TITLE VI AND NONDISCRIMINATION OUTREACH, ACCESS & LIMITED ENGLISH PROFICIENCY (LEP)

### *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 SMMPO public participation process is ongoing and includes mechanisms to ensure timely public notice, access, and opportunity to participate. In the earliest stages of planning, the SMMPO's process contemplates outreach and public involvement, including consideration of traditionally underserved communities.

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The SMMPO has developed a contact list with over 500 entries. This list is based on a review of individuals, stakeholders, and diverse groups representing the demographics across the region. This list has been shared and incorporated into MassDOT's Title VI outreach tool Engage, which is in its final stages of development. The list is updated periodically and revisions are shared with MassDOT. In short, the contact list is extensive and used to identify and reach communities to ensure reasonable opportunity for participation.

The SMMPO is cognizant of its obligation to make documents and public meeting locations accessible to those with disabilities, as well as LEP persons. The SMMPO conducts on-site evaluations of all meeting locations to ensure they are accessible to those with disabilities. Further, the SMMPO makes available "I speak" cards and assistive listening devices without request. In the event that an LEP person(s) was to appear at a meeting without prior notice or request for language assistance, the SMMPO has access to a telephonic interpretation service, as well as Google translate on tablets. While this is not the preferred method for interpreting meeting content, it is a good alternative that would provide a reasonable level of assistance under the circumstances.

The SMMPO has an updated 2016 Language Access Plan (LAP) that can be accessed through its website. The SMMPO has also identified its resources for providing interpreter and translation services, and it has trained staff in the use of these services. While the SMMPO's LAP is substantive and includes a current four-factor analysis; however, it is silent on its application of the safe harbor provision of the U.S. DOT LEP guidance. Further, there is no discussion in the analysis that would provide a reasonable basis for not treating public notices as vital documents and translating them consistently, without request, in the *safe harbor* languages – Spanish, Portuguese, and Haitian Creole. While the SMMPO has in good faith developed a plan and trained its staff, its application of the safe harbor provision and methods to provide ongoing meaningful access should be set apart and clearly described.

When the SMMPO is conducting a meeting, study or survey within a specific area with a nearby LEP population, it routinely translates its notice and any pertinent outreach materials. On the other hand, regular MPO meeting announcements include statements written in the *safe harbor* languages offering translations of the notice upon request. The Review Team noted that the emails to which these notices or agendas are attached typically contained a statement to the effect that "...every effort will be made to provide accommodation or language assistance..." However, the statement did not contain the standard language prescribed by MassDOT or the regulations concerning the nature of American with Disabilities Act (ADA) accommodations or language assistance and that such assistance would be provided at "no charge." With regard to the translation of MPO meeting announcements for TIP amendments or the review and solicitation of comments pertaining to 3C documents (TIP, UPWP, MTP), the SMMPO does not consistently translate these without a request.

With regard to information access, the SMMPO has done well to provide links to a multitude of documents on its website. Since the majority of information on its website is contained within linked documents typically provided in PDF format, the Google Translator has very limited utility for LEP users, as well as vision impaired persons using less sophisticated and older screen readers. To improve access to these documents, the SMMPO may consider developing more HTML page

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content throughout its website. For example, a page containing substantive HTML descriptions of 3C documents with document links below them would improve access for LEP and vision impaired persons. These descriptions would essentially serve as executive summaries, providing the reader with an outline of program content. This allows LEP persons to identify the location of the information they are seeking and facilitates any further request for translation. The Review Team notes that aside from providing basic descriptions and translations for one-time or low cost documents containing vital information, the SMMPO is obligated to take reasonable steps to provide meaningful access for all LEP persons. Consequently, language access requirements extend beyond the translation of *vital* documents; therefore, a process to ensure all requests for translation or interpretation services are carefully considered and addressed based on available resources.

### *FINDINGS*

**Recommendation:** The SMMPO should follow the safe harbor provision by consistently translating notices announcing the availability of 3C documents for review and comment in Spanish, Portuguese, and Haitian Creole. Additionally, these documents should be disseminated to agencies identified in the SMMPO's contact list that represent or serve these language groups. With respect to regular SMMPO meeting notices, the Review Team recommends that these notices be provided in HTML on the SRPEDD website to allow translation using the Google Translator.

**Recommendation:** The SMMPO should provide a more comprehensive statement on how to request meeting accommodations not only in its emails, but in its meeting notices and agendas. This statement should provide information on how to request reasonable accommodations under the ADA, to included requests for "auxiliary aids and services." The notice should also contain information on how to request language assistance services and that all accommodations are provided "free of charge." The above recommendations should be incorporated into the next update to the SMMPO's four-factor analysis and LAP.

## **VI. PLANNING FOCUS AREAS**

### **A. ENVIRONMENTAL MITIGATION**

#### *REGULATORY BASIS*

The specific requirements for environmental mitigation are set forth at 23 CFR 450.324 (f)(10). However, the requirements for addressing environmental mitigation are described at 23 CFR 450.316 (a) (1) (2) (3) and (b) – Interested parties, participation, consultation; 23 CFR 450.324 (g) (1) (2), and (j) – Development and content of the metropolitan transportation plan.

#### *OBSERVATIONS*

The MTP has a chapter on Environmental Coordination and Climate Change. Within this section of the MTP, the SMMPO clearly identifies resource agencies, a discussion on types of potential environmental mitigation activities, such as storm water runoff, stream continuity, flood inundation study, and potential areas to carry out these activities. An example of this would be the locations identified by the Geographic Roadway Runoff Inventory Program database as amended. The MTP

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demonstrates that decision-makers understand that there are environmental factors that must be considered when developing projects and have listed projects to illustrate how these goals are implemented. However, the MTP could better reflect the consultation process with federal, state, and tribal land management and other regulatory agencies. In addition, the MTP should include discussion on the project development program and how environmental factors influence project selection, including consideration of existing conservation plans, maps, and an inventory of resources.

While the MTP lists the resource agencies and the types of assistance they provide, the document does not include reasonable timeframes or guidelines to foster an integrated approach. Additionally, tribal consultations were not included in the list of stakeholders.

### *FINDINGS*

**Recommendation:** The SMMPO should continue to make efforts to address the areas identified under the “general Recommendations for Environmental Coordination in Transportation Planning” section (page 115 of the MTP.)

**Recommendation:** As part of the environmental coordination efforts described in the MTP, the MPO should document the environmental mitigation discussions that occur with resource agencies during the consultation phase. Specifically, if there are planned actions from these discussions, the disposition of those actions should be documented.

## **B. 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 process. It includes the development of MTPs and other plans and processes, such as Strategic Highway Safety Plans (SHSP), Transportation Asset Management Plans, Congestion Management Process, Transit Agency Asset Management Plans, Transit Agency Safety Plans, and programming documents, including the STIP and the TIP. 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.

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 FAST Act continued this emphasis. The final rule on Statewide and Nonmetropolitan/Metropolitan Transportation Planning, effective June 27, 2016, laid out the framework for implementation of a performance-driven, outcome-based approach. The final rule requires that States, MPOs, and operators of public transportation establish targets in key national performance areas to document expectations for future performance and that States, MPOs, and operators of public transportation must coordinate

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the targets that they set for key areas. It further establishes that MPOs must reflect those targets in the MTPs and that States must reflect those targets in their long-range statewide transportation plans. The final rule establishes that the States and MPOs must each describe the anticipated effect of their respective transportation improvement programs toward achieving their targets. As of the date of this report, US DOT has published final rules establishing performance measures for safety, pavement and bridge condition, congestion, system reliability, emissions, freight, and transit asset management; the MPO must establish targets for each of these measures. As MAP-21 contained new performance-related provisions requiring States, MPOs, and operators of public transportation to develop other performance-based plans and processes, the final rule also establishes that States and MPOs must integrate the goals, objectives, performance measures, and targets of those other performance-based plans and processes into their planning processes.

### *OBSERVATIONS*

The MTP established a performance-based transportation planning framework focused on seven regional goals, which closely align with the national goal areas established in MAP-21. The framework includes a series of objectives, performance measures, and performance targets for each goal. The performance measures range broadly from the programming of target funds and conducting UPWP studies to improving asset condition and vehicle miles traveled reduction. The goals established in the MTP are consistent with the TIP evaluation criteria that are used to score projects.

In 2017, the SMMPO produced its first annual performance measures report, providing an update on the status of the measures and targets identified in the MTP. During the review, staff indicated there was a disconnect between selecting the measures and setting targets during the MTP process and subsequently reporting on those measures and progress toward targets. The Review Team recognizes that both the MTP and the annual report are the region's first exploration of the PBPP process since passage of MAP-21. The SMMPO is learning what works well for the region and what does not. The Review Team fully anticipates that the SMMPO will continue to refine and improve its approach, in cooperation with its partners.

The SMMPO continues to coordinate with MassDOT, providers of public transportation, and adjacent planning partners to establish a performance-driven, outcome-based approach to planning and decision-making that supports the seven national goals and the performance measures under 23 CFR Part 490. As federal performance measures are implemented, the SMMPO should remain proactive in ensuring it has the necessary procedures in place for sharing data, selecting targets, and performance reporting.

### *FINDINGS*

**Recommendation:** The Review Team recommends that the SMMPO, MassDOT, and providers of public transportation evaluate existing planning agreements for any necessary updates regarding the roles and responsibilities for performance data, information sharing, target selection, and performance reporting.

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## C. 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 SMMPO addressed the operational and management needs for the region through two MTP goals: Congestion Reduction and Safety. The Congestion Reduction goal promotes the reduction of congestion for all modes of transportation. The SMMPO established four performance measures and targets to optimize the performance of the system for vehicle congestion, non-motorized transportation, transit, and rail. In support of this goal, the CMP is used to manage vehicle congestion in the region with congestion being defined as a V/C ratio of 0.80. Signal timing, lane configurations and turning movement data is also collected. The Signalized Intersection Database maintains a list of antiquated pre-timed signals that are recommended to be updated to actuated signal technology to improve mobility. The Safety MTP goal addresses operations and maintenance considerations through three objective and respective performance measures and targets. The SMMPO collects the number of fatalities and serious injuries for motorist, bicyclist and pedestrian crashes. A MPO maintains a comprehensive listing of intersections where operational improvements are needed to improve safety. In addition, the SMMPO has made efforts to record the effect of seasonal flooding in ten locations throughout the region that can have safety implications for the traveling public.

The MTP includes several recommendation steps on actions the SMMPO can take to improve operations and maintenance needs in the region. The SMMPO supports the expansion of ITS strategies, AVL services for transit, access management practices and increased passenger rail services.

### *FINDINGS*

The SMMPO’s planning process regarding this topic area is consistent with the applicable federal requirements.

## D. FREIGHT PLANNING

### *REGULATORY BASIS*

The regulations at 23 U.S.C. 134 (a) and 23 CFR 450.306(b) (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

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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*

The SMMPO has taken a comprehensive approach to integrate freight into the planning process. A multimodal approach to freight is identified in the MTP and covers maritime ports, highways, rail and airports. The MTP discusses major freight projects of regional significance including the New Bedford Harbor, Route 6 bridge replacement, and various rail capacity improvements. While the SMMPO explores the multimodal needs of freight in the region, highways are the greatest contributor with 96% of freight being transported by commercial trucking per MassDOT Freight Plan.

In 2009, the SMMPO completed a Regional Truck Route study which has informed many of the recommendations in the MTP. Through this study, the SMMPO has identified its local freight designed routes for the region. A listing of intermodal connectors, bridge height restrictions, congested truck routes and geometric limitations are also identified. Through these efforts, the SMMPO has developed a prioritization process to score freight projects, which has been incorporated into its overall TIP scoring criteria. The TIP currently has two scoring categories for evaluating freight projects that provide up to six points out of eighty-seven possible points. In addition, the MTP has established a goal and performance measure for improving freight which focuses on reducing delays and improving safety along freight routes.

#### *FINDINGS*

**Commendation:** The SMMPO has taken a comprehensive assessment of freight needs in the region including the development of freight scoring criteria. Pending the availability of resources, the SMMPO may consider a periodic update to its Regional Truck Route Study.

## E. SAFETY

#### *REGULATORY BASIS*

The statutory requirement at 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.

#### *OBSERVATIONS*

The SMMPO has integrated safety considerations into their planning efforts, as found in their adopted MTP safety goals, objectives, and performance measures. These goals support the reduction of fatalities and serious injuries in the region and represent all users of the system. Transit safety measures are also represented with the intent to reduce transit crashes per every 100,000 miles. Safety data is collected using state sources provided by MassDOT. The SMMPO has been an active partner with MassDOT in helping the state meet its goals as outlined in the SHSP.

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The SMMPO publishes a listing of its 100 Most Dangerous Intersections with data supplied by MassDOT. Since the last reporting, the number of overall crashes has decreased 9.5%. The SMMPO is committed to improving safety by conducting annual Road Safety Audits and programming priority projects that maximize use of HSIP target funds in each year.

*FINDINGS*

The SMMPO's planning process regarding this topic area is consistent with the applicable federal requirements.



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## APPENDIX A – AGENDA

### FHWA/FTA Transportation Planning Certification Review (2017)

#### Southeastern Massachusetts Metropolitan Planning Organization (SMMPO)

88 Broadway Taunton, MA

March 21, 2017

#### Agenda

- 8:30-8:45**     **Introductions & Opening Remarks** (15 min)
- 8:45-9:15**     **SMMPO/SRPEDD Showcase** (30 min)
- Activities/Accomplishments
  - Products/Services
  - Future
- 9:15-9:45**     **MPO Organizational Structure and Governance** (30 min)
- 9:45-10:30**   **Public Participation, Civil Rights and Consultation** (45 min)
- 10:30 – 10:45*   *Break* (15 min)
- 10:45 – 11:30** **Transit Planning and Coordination** (45 min)
- 11:30-12:00** **MPO Regional Coordination** (30 min)
- 12:00-1:00*     *Lunch Break* (60 min)
- 1:00-2:00**     *SMMPO/SRPEDD Meeting and FHWA/ FTA certification public input session*
- 2:00 – 2:15*     *Transition/Break* (15 min)
- 2:15 – 4:15**   **Metropolitan Planning Key Documents** (120 min)
- Metropolitan Transportation Plan (MTP)
  - Transportation Improvement Program (TIP)
  - *Break* (15 min)
  - Unified Planning Work Program (UPWP)
- 4:15-4:45**     **Performance Based Planning Discussion** (30 min)
- 4:45-5:00**     **Final Thoughts and Wrap up** (15 min)

## APPENDIX B – LIST OF PARTICIPANTS

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Luis DeOliveria	SRPEDD
Guoqiang Li	SRPEDD
Erik Rousseau	SRTA
Stacy Forte	GATRA
Angie Azevedo	SRPEDD
Stephanie Lenhardt	SPREDD
Lilia Cabral -Bernard	SRPEDD
Lisa Estrela-Pedro	SRPEDD
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Paul Mission	SRPEDD
Ryan Bartlett	FTA
Mary Ellen DeFrias	SRTA
Leah Sirmin	FTA
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Jacqueline Jones	SRPEDD
Jen Chaves	SRPEDD
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Kyle Richard	SRPEDD
Gabe Sherman	MassDOT
Brandon Wilcox	FHWA
David Chandler	FHWA
Jason Dvelis	FHWA
Jon Chase	City of Taunton
Greg Sobczynski	MassDOT
Nikki Tishler	MassDOT
William McNulty	Old Colony Planning Council
Jared Rhodes	RI State Planning Council
Jeff Walker	SRPEDD
Kristin Wood	FTA

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## APPENDIX C – REVIEW TEAM

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## **APPENDIX D – PUBLIC COMMENTS**

No public comments were received.