

MEMORANDUM OF UNDERSTANDING
RELATING TO THE
COMPREHENSIVE, CONTINUING, AND COOPERATIVE TRANSPORTATION PLANNING PROCESS
FOR THE SOUTHEASTERN MASSACHUSETTS METROPOLITAN PLANNING ORGANIZATION

By and Between the

Massachusetts Department of Transportation;
Southeastern Regional Transit Authority;
Greater Attleboro-Taunton Regional Transit Authority;
Southeastern Regional Planning and Economic Development District;
Mayors of Attleboro, Fall River, New Bedford, and Taunton;
Four Select Board members (2-3 towns representing Bristol and/or Norfolk County, and 1-2
towns representing Plymouth County)

WHEREAS, the Massachusetts Department of Transportation (MassDOT) Office of Transportation Planning (OTP) has the statutory responsibility, under Chapter 25 of the Acts of 2009, to conduct comprehensive planning for and to coordinate the activities and programs of the state transportation agencies; and,

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

WHEREAS, the Commission of the Southeastern Regional Planning and Economic Development District (SRPEDD) is composed of the chief elected official or designee, and a Planning Board official or designee of each of the 27 member communities of the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO), is recognized as the officially designated regional planning agency for southeastern Massachusetts with the statutory responsibility for comprehensive and transportation planning as provided for in Chapter 40B, Section 9-19 of the General Laws; and

WHEREAS, the Advisory Board of the Greater Attleboro-Taunton Regional Transit Authority (GATRA) is composed of the chief elected official or designee of 28 municipalities that have joined to form a regional transit authority under the provisions of Chapter 25 of the Acts of 2009 (13 communities are not located within the SRPEDD region and are not covered by the SMMPO). GATRA has the statutory responsibility for providing mass transportation on an exclusive basis in the area constituting the authority, to provide mass transportation service under contract in areas outside the authority, and to prepare a program for public mass transportation which included long and shortrange planning elements together with implementation schedules for mass transportation improvements; and

WHEREAS, the Advisory Board of the Southeastern Regional Transit Authority (SRTA) is composed of the chief elected official or designee of ten (10) municipalities that have joined to form a regional transit authority under the provisions of Chapter 25 of the Acts of 2009. SRTA has the statutory responsibility for providing mass transportation on an exclusive basis in the area constituting the authority, to provide mass transportation service under contract in areas outside the authority, and to prepare a program for public mass transportation which included long and short-range planning elements together with implementation schedules for mass transportation improvements; and

WHEREAS, on March 31, 1997 the Office of Transportation Planning (OTP) of the Massachusetts Department of Transportation (formally the Massachusetts Highway Department (MHD), Massachusetts Executive Office of Transportation (EOT) and the Office of Planning and Programming (OPP)), SRTA, GATRA, and SRPEDD signed a Memorandum of Understanding (MOU) agreeing to work together in undertaking the comprehensive, continuing, and cooperative transportation planning process (3C Process) required by the United States Department of Transportation under provisions of section 134 of Title 23 of the United States Code, as amended, and those of Sections 8 of Title 49 of the Federal Transit Act, as amended; and

WHEREAS, the Governor of the Commonwealth, in response to all applicable federal legislation, most recently the provisions of Fixing America's Surface Transportation (FAST) Act (PL 114-94) signed into law on December 4, 2015 and its predecessor acts, notably the Intermodal Surface Transportation and Efficiency Act of 1991 (ISTEA) (23 CFR Part 450.314 and 49 CFR Part 613 as amended) and all rules and regulations related thereto, and in view to the responsibility for transportation planning and programming process of the thirteen (13) parties to this agreement, hereafter referred to as the MPO, previously designated representatives from these parties to be the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO); and

WHEREAS, the members of the SMMPO recognize that transportation planning and programming must be conducted as an integral part of and consistent with the regional planning and development process, and that the process must involve the fullest possible participation by state agencies, local governments, regional authorities; private institutions, and other appropriate groups and the general public; including traditionally underserved communities that are more likely to be disproportionately impacted by transportation projects, programs, services, or other activities; and

NOW THEREFORE, the members of the Southeastern Massachusetts Metropolitan Planning Organization (SMMPO) do hereby jointly agree as follows:

The voting members of the Southeastern Massachusetts Metropolitan Planning Organization shall consist of the following thirteen (13) officials or their designees:

- The Secretary and CEO of the Massachusetts Department of Transportation

- The Administrator of the Massachusetts Department of Transportation Highway Division
- The Chair of the Southeastern Regional Planning and Economic Development District
- The Administrator of the Greater Attleboro-Taunton Regional Transit Authority
- The Administrator of the Southeastern Regional Transit Authority
- The Mayor of the City of Attleboro
- The Mayor of the City of Fall River
- The Mayor of the City of New Bedford
- The Mayor of the City of Taunton
- Four Select Board members representing 4 towns in the SRPEDD region (2-3 towns representing Bristol and/or Norfolk County and 1-2 towns representing Plymouth County).

In addition, the Chairman of the Joint Transportation Planning Group (JTPG), representatives of the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are ex-officio, non-voting members of the SMMPO.

Four Select Board members shall be elected to the SMMPO by the SRPEDD commission. The nomination and electoral process shall be the sole responsibility of the SRPEDD Commission. The term of office of town representatives shall be for two years. The election process shall provide for a geographic balance of the towns represented on the SMMPO within the region.

SMMPO members unable to attend may send a designee to a meeting who is directly responsible and accountable to the official SMMPO member and organization they are representing. The designee may vote only with written and signed authorization from the SMMPO member provided before or at the time of the meeting. If the SMMPO member designates the same individual to represent them at the SMMPO meetings, the written and signed authorization must be placed on file with the SRPEDD Transportation Department on an annual basis.

Votes of the SMMPO including those on all certification documents including the Transportation Improvement Program (TIP), the Regional Transportation Plan (RTP), the Unified Planning Work Program (UPWP), Air Quality Conformity Determinations, and the Self-Certification shall be by a simple majority of those members present and voting, and at least seven (7) members or designees out of the thirteen (13) members (a quorum) are present.

The Chair of the SMMPO shall be the Secretary and CEO of the Massachusetts Department of Transportation. The Vice Chair shall be elected from among the local members of the SMMPO. The SMMPO may elect other officers as deemed necessary. The Chair is the official representative of the SMMPO. In the absence of the Chair, the Vice Chair shall oversee meetings of the body. The Chair or any four members of the SMMPO are empowered to call meetings of the SMMPO, however, a majority vote or quorum that includes the chair or vice chair is necessary to vote on any action items, in particular those associated with federal certification document activities.

FUNCTIONS OF THE SOUTHEASTERN MASSACHUSETTS MPO

The SMMPO shall perform all functions as required in federal or state law including jointly developing, reviewing and adopting an annual transportation Unified Planning Work Program (UPWP) for the region, the annual Transportation Improvement Program (TIP), the Regional Transportation Plan (RTP) (every four years), and the Public Participation Plan (PPP) (ongoing), and related air conformity determinations as necessary and as required by federal and state laws and regulations.

The SMMPO shall be the forum for cooperative decision making by principal elected officials of general-purpose governments in the region, regional transit authorities, regional commissions, transportation agencies and state transportation officials.

The SMMPO is committed in operating its programs, services and activities in compliance with Title VI of the Civil Rights Act of 1964, Executive Order 12898, 1994 (Environmental Justice), Executive Order 13166, 2000 (Limited English Proficiency), the Americans with Disabilities Act of 1990, and other related federal nondiscrimination laws as well as any applicable state law, regulation or requirement.

The SMMPO, in cooperation with the State and public transportation operators, shall be responsible for the development of financial plans that support the long-range transportation plans and transportation improvement programs, and development of the annual listing of obligated (awarded) projects in accordance with CFR 450.314(a) provisions. This cooperation shall include the sharing of data included in the regional transit authority's Transit Asset Management (TAM) plans and Public Transportation Agency Safety Plans (PTASP).

In the resolution of basic regional transportation policy, the SMMPO shall seek and consider the advice of the Joint Transportation Planning Group (JTPG). In so doing, the SMMPO shall provide the JTPG with information and analyses in the form of plans, programs and priorities so that the JTPG can carry out its function in a timely fashion.

The SMMPO shall appoint the committees it determines necessary to accomplish its business. Committees shall consist of SMMPO members, their designees, the JTPG, and Transportation providers as appropriate. The SMMPO shall assign duties to the committees.

OBJECTIVE OF THE 3C PROCESS

The 3C process is a comprehensive, continuing, and cooperative transportation planning process resulting in plans, programs and operations consistent with the planning objectives of the metropolitan area.

The 3C process is *comprehensive*, including the effective integration of the various stages and levels of transportation planning and programming for the entire region and examining all

modes so as to assure a balanced planning effort. There is a simultaneous analysis of various related non-transportation elements, such as land use, economic development and demographics to assure consistency within a total planning process.

The 3C process is *continuing*, affirming the necessity to plan for the short- and long-range needs of the regional transportation system, emphasizing the iterative character of the progression from systems planning to project planning, programming, operations and implementation. Frequent updating, and reevaluation of data and plans is necessary.

The 3C process is *cooperative*, requiring effective coordination among public officials at all levels of government, and inviting the wide participation of all parties, public or private, at all stages of the transportation planning process. A key objective of the process is to resolve issues and controversies by providing a forum for negotiation and consensus building. At the same time, the process is not intended to operate, and cannot operate, to dilute the ultimate authority or responsibility of those state, regional, or local public officials who, pursuant to statute or under contract, review and/or implement transportation plans, programs and projects.

The 3C process is intermodal and is intended to help provide the region with the ability to maintain, manage and operate a multimodal transportation system that provides a high level of mobility and safety for people and freight, consistent with fiscal and environmental resources.

The 3C Process, in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.

THE JOINT TRANSPORTATION PLANNING GROUP

In order to provide for the accomplishment of the objectives of the 3C process, the SMMPO recognizes a special advisory committee known as the Joint Transportation Planning Group (JTPG) as the Transportation Policy Advisory Group for the region. The principal mission of the JTPG is to foster broad and robust participation in the transportation planning process by maintaining a forum that brings together representatives of cities and towns, citizens concerned with the transportation planning process, other public agencies and transportation providers, thereby facilitating, wherever possible, the consistency of transportation plans and programs for the region with the policies, priorities, and plans of affected state and regional agencies, local communities, private groups and individuals within the region.

It is expected that the JTPG will participate in all SMMPO meetings and will have the opportunity to comment and advise on matters being discussed. The JTPG Chairperson or one of the three Vice Chairpersons shall be on any advisory committees created by the SMMPO and shall have full voting rights.

STAFF AND FINANCIAL RESOURCES FOR PLANNING

SRPEDD staff shall provide the planning services to the SMMPO. From time to time other parties may provide additional resources through the state planning program and through other resources. All transportation planning work undertaken by the SMMPO staff shall be included in an approved UPWP.

REVIEW OF THE MEMORANDUM

This Memorandum of Understanding (MOU) supersedes the MOU of June 19, 2018 and becomes effective on the date that all of the thirteen (13) listed Parties affix their signatures to this document. The MOU shall provide for a continuing dialog between state and local officials requiring that a review and reaffirmation of the MOU every three years by the members of the SMMPO, with the advice of the JTPG. At that time, the SRPEDD Transportation Staff will make necessary edits, refinements, updates and additions, and other changes as necessary and mutually agreeable, present the revised MOU to the SMMPO for endorsement consideration, and record the results of the review in the minutes of the meeting at which the review is conducted. Interim updates may also be required based on new federal guidance, including any new national transportation legislation.

MOU EXECUTION

This Memorandum shall become effective upon the authorized signatures of all of the following:

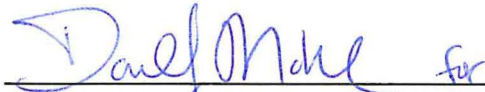
- the Secretary and CEO of the Massachusetts Department of Transportation
- the Administrator of the Massachusetts Department of Transportation Highway Division
- the Chair of the Southeastern Regional Planning and Economic Development District
- the Administrator of the Southeastern Regional Transit Authority
- the Administrator of the Greater Attleboro-Taunton Regional Transit Authority
- the Mayors of Attleboro, Fall River, New Bedford and Taunton
- the current representatives from four (4) Select Boards of communities within the SRPEDD region

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

Revised: October 19, 2021

**Southeastern Massachusetts Metropolitan Planning Organization
Endorsement of the MEMORANDUM OF UNDERSTANDING RELATING TO THE
COMPREHENSIVE, CONTINUING, AND COOPERATIVE (3C) TRANSPORTATION PLANNING
PROCESS**

Member Signature Page

 for

Jamey Tesler, SMMPO Chair, Secretary and CEO,
Massachusetts Department of Transportation (MassDOT)

11/24/21

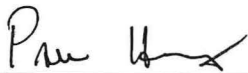
Date

 for

Jonathan L. Gulliver, Administrator
MassDOT Highway Division

11/1/21

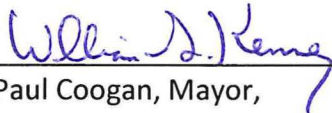
Date



Paul Heroux, Mayor,
City of Attleboro

10/22/21

Date



FOR Paul Coogan, Mayor,
City of Fall River

10-28-21


Date

 for

Jonathan Mitchell, Mayor,
City of New Bedford

10/28/2021

Date


Shaunna O'Connell, Mayor,
City of Taunton

*WILLIAM D. ROTH, JR.
EX. DIR. DEED*


10/27/21
Date


Shawn McDonald, Select Board Member,
Town of Dartmouth

10/28/2021
Date


Dean Larabee, Select Board Member,
Town of Berkley

10/28/21
Date


Robert Espindola, Select Board Member,
Town of Fairhaven

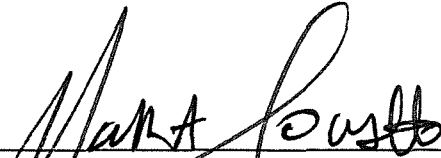
10-28-2021
Date


Mark Germain, Select Board Member,
Town of Middleborough

10-28-2021
Date

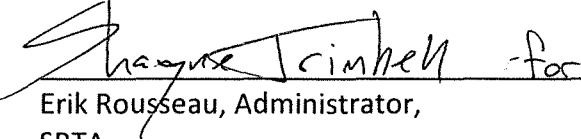

Alan Slavin, SMMPO Vice Chair and
Chair, SRPEDD Commission

10-28-2021
Date



Mark Sousa, Administrator,
GATRA

11-12-21
Date



Erik Rousseau, Administrator,
SRTA

2021-10-28
Date

The Signatories of the SMMPO (or their designees) took this action at a public meeting of the SMMPO on October 19, 2021. The endorsement became final on the date of the final signature.