

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

By and Among the

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION OF THE MASSACHUSETTS DEPARTMENT OF
TRANSPORTATION
MONTACHUSETT REGIONAL PLANNING COMMISSION
MONTACHUSETT REGIONAL TRANSIT AUTHORITY
CITIES OF FITCHBURG, GARDNER AND LEOMINSTER
MONTACHUSETT METROPOLITAN PLANNING ORGANIZATION SUBREGIONS
1, 2, 3 AND 4

WHEREAS Chapter 25 of the Acts of 2009, An Act Modernizing the Transportation Systems of the Commonwealth, moved the functions of the Executive Office of Transportation, alternatively known as the Executive Office of Transportation and Construction and/or the Executive Office of Transportation and Public Works to the Office of Planning and Programming of the Massachusetts Department of Transportation, alternatively known as MassDOT; and

WHEREAS, the Office of Planning and Programming of the Massachusetts Department of Transportation (MassDOT) has the statutory responsibility, under Chapter 6A of the General Laws, to conduct comprehensive planning for and to coordinate the activities and programs of the state transportation agencies and, under Chapter 161A of the General Laws, to prepare the capital investment program and plans of the MBTA in conjunction with other transportation plans and programs; and

WHEREAS Chapter 25 of the Acts of 2009, An Act Modernizing the Transportation Systems of the Commonwealth, moved the functions of the Massachusetts Highway Department, alternatively known as MassHighway, to the Highway Division of the Massachusetts Department of Transportation alternatively known as MassDOT Highway; and

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

WHEREAS, the Montachusett Regional Planning Commission is composed of the chief elected official or designee, and a Planning Board official of each of the 22 cities and towns that belong to the regional planning agency that covers the area of the Montachusett Metropolitan Planning Organization (Montachusett MPO) and has the statutory responsibility for comprehensive planning, including transportation planning, as provided for by Chapter 40B, Section 9-19, of the General Laws; and

WHEREAS, the Advisory Board of the Montachusett Regional Transit Authority (MART) is composed of the chief elected official or designee of 21 cities and towns that have joined to form and manage a regional transit authority under the provisions of Chapter 161B of the General Laws and 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 includes long and short range planning elements together with implementation schedules for mass transportation improvements; and

WHEREAS, an organization named the Montachusett Joint Transportation Committee (MJTC) was created by MRPC to advise the MPO members on priority and policy matters concerning transportation plans and programs, and to provide maximum public participation in the transportation planning and programming process; and

WHEREAS, the cities of Fitchburg, Leominster, and Gardner are the cities in the Region; and each has a unique and essential role in transportation planning and programming decisions; and

WHEREAS, the general purpose local governments (19 towns) throughout the Region have an important role in transportation planning and programming decisions; and

WHEREAS, the Safe, Accountable, Flexible Efficient Transportation Act - A Legacy for Users (SAFETEA-LU) signed into law as PL109-59 on August 10, 2005 and the joint planning regulations (23 CFR Part 450 and 49 CFR Part 613) of the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) require metropolitan areas to have a continuing, comprehensive, and coordinated transportation planning process (3C) that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals. These plans and programs shall lead to the development and operation of an integrated, Intermodal transportation system that facilitates the efficient, economic movement of people and goods; and

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

NOW, THEREFORE, the members of the Montachusett MPO hereto jointly agree as follows:

The voting members of the Montachusett Metropolitan Planning Organization shall consist of the following officials or their designees:

- the Secretary and Chief Executive Officer of the Massachusetts Department of Transportation
- the Administrator of the Highway Division of the Massachusetts Department of Transportation
- the Chairman of the Montachusett Regional Planning Commission
- the Chairman of the Montachusett Regional Transit Authority*
- the Mayor of the City of Fitchburg
- the Mayor of the City of Gardner
- the Mayor of the City of Leominster
- Four Representatives from the four identified Subregions of towns in the MRPC region

*This member will be represented by one of the Mayors from Fitchburg, Gardner or Leominster.

The MPO members will total ten. The Mayor who has been elected Chairman of the Montachusett Regional Transit Authority will be the MART representative to the MPO and is limited to a single vote.

In addition, the Chairman of the Montachusett Joint Transportation Committee (MJTC), representatives of the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Montachusett Comprehensive Economic Development Strategy Committee (CEDS) and the Devens Enterprise Commission are ex-officio, nonvoting members of the Montachusett MPO. Provisions shall be made for the addition of other ex-officio nonvoting members upon their request and subsequent review and approval by the Montachusett MPO.

The four Montachusett MPO Subregion representatives shall be selected to the MPO through a process administered by the MRPC in consultation with the four designated subregions. The selection process shall be the sole responsibility of the MRPC. The term of office of the subregion representatives shall be for three years. This process shall provide an equal opportunity for each town to serve as their respective subregion representative. See Attachment A for a synopsis of the MPO Subregion Representative Selection Process. To the extent possible, terms will be staggered to allow for consistent representation and to prevent a change of all four subregion representatives at the same time. Alternates for the Montachusett MPO Subregion representatives shall also be selected at the same time as the primary representative through the same process administered by the MRPC.

Designees of Montachusett MPO members are limited to persons who are directly responsible and accountable to the official Montachusett MPO member they are

representing and the elected official takes full responsibility of the action of their designee.

Votes of the Montachusett MPO including those on all certification documents (the Transportation Improvement Program (TIP), the Regional Transportation Plan (RTP), the Unified Planning Work Program (UPWP), Air Quality Conformity Determinations, compliance with the Americans With Disabilities Act (ADA) and Prospectus) shall be by a simple majority of those members present and voting, provided that one of the state agencies shall be included in the majority vote and at least six (6) members or designees are present.

The Chair of the MPO shall be the Secretary and CEO of the Massachusetts Department of Transportation. The Vice-Chair shall be elected from the remaining members of the Montachusett MPO. The Montachusett MPO may elect other officers as deemed necessary.

The Chair is the official representative of the Montachusett MPO. Any four members of the Montachusett MPO are empowered to call meetings of the Montachusett MPO.

FUNCTIONS OF THE MONTACHUSETT MPO

- A. The Montachusett MPO shall perform all functions as required in federal or state law including jointly adopting an annual unified transportation planning work program for the Region, as well as such transportation plans, programs and conformity determinations as may from time to time be required of the Montachusett MPO by federal and state laws and regulations.
- B. The Montachusett MPO 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.
- C. In the resolution of basic regional transportation policy, the Montachusett MPO shall seek and consider the advice of the MJTC. In so doing, the Montachusett MPO shall provide the MJTC with information and analysis in the form of reports, briefings and discussion concerning their plans, programs and priorities so that the MJTC can carry out its functions in a timely fashion.
- D. The Montachusett MPO shall appoint the committees it determines necessary to accomplish its business. Committees shall consist of Montachusett MPO members, their designees, the MJTC, CEDS, and transportation providers as appropriate. The Montachusett MPO shall assign duties to the committees.

OBJECTIVES OF THE 3C PROCESS

- A. The 3C process is a comprehensive, continuing and cooperative transportation planning process resulting in plans, programs and operations consistent with the planning objectives of the metropolitan area.
- B. The 3C process is comprehensive, including the effective integration of the various stages and levels of transportation planning and programming for the entire Region and examining all modes so as to assure a balanced planning effort. There is a simultaneous analysis of various related nontransportation elements, such as land use, economic development and demographics to assure consistency within a total planning process.
- C. The 3C process is continuing, affirming the necessity to plan for the short and long range needs of the regional transportation system, emphasizing the interactive character of the progression from systems planning to project planning, programming, operations and implementation. Frequent updating and re-evaluation of data and plans is necessary.
- D. The 3C process is cooperative, requiring effective coordination among public officials at all levels of government, 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.
- E. The 3C process is intermodal and is intended to help provide the Region with the ability to maintain, manage and operate a multimodal transportation system that provides a high level of mobility and safety for people and freight, consistent with fiscal and environmental resources.

THE MONTACHUSETT JOINT TRANSPORTATION COMMITTEE

In order to provide for the accomplishment of the objectives of the 3C process, the Montachusett MPO recognizes a special advisory committee known as the Montachusett Joint Transportation Committee (MJTC) as the Transportation Policy Advisory Group for the Region. The principal mission of the MJTC 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 MJTC will participate in all Montachusett MPO meetings and will have the opportunity to, whenever possible, review, comment and advise the MPO on matters being discussed. The MJTC Chairperson or the Vice Chairperson shall be on various advisory committees created by the Montachusett MPO if possible.

STATE / LOCAL INTERESTS

The Montachusett MPO is responsible for planning and programming financial resources for a multi-modal transportation system for the Region. Nothing in the MOU shall preclude the Montachusett MPO's ability to use the provisions of SAFETEA-LU (and its successors) to transfer funds between highway and transit uses.

The TIP for the region shall contain a regional priority list of federal aid highway and transit projects in addition to a list of non-federal aid highway projects. Federal and non federal aid funds can be used for eligible state and municipal projects.

STAFF AND FINANCIAL RESOURCES FOR PLANNING

MRPC staff shall provide the planning services to the Montachusett MPO. 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 MRPC staff shall be in an approved UPWP.

REVIEW OF THE MEMORANDUM

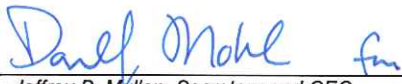
This Memorandum of Understanding shall provide for a continuing dialog between state and local officials requiring that a review and reaffirmation of the MOU will be conducted as deemed appropriate by the members of the Montachusett MPO. Upon each review, the document shall be circulated among all mayors, Boards of Selectmen, and the MJTC for their review and recommendations.

This Memorandum shall become effective upon the authorized signatures of the MPO as indicated below:

- the Secretary and Chief Executive Officer of the Massachusetts Department of Transportation
- Administrator of the Highway Division of the Massachusetts Department of Transportation
- the Chair of the Montachusett Regional Planning Commission
- the Chair of the Montachusett Regional Transit Authority Advisory Board
- the Mayors of the cities of Fitchburg, Gardner and Leominster
- the Four MPO Subregion Representatives

EXECUTED on the 13th day of April 2011.

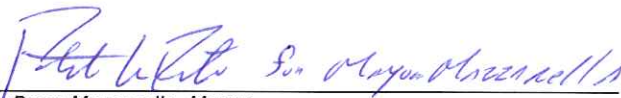
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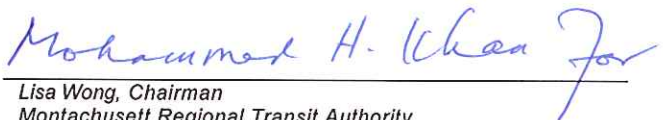
Jeffrey B. Mullan, Secretary and CEO
Massachusetts Department of Transportation



Victor Koivumaki, Chairman
Montachusett Regional Planning Commission



Dean Mazzarella, Mayor
City of Leominster



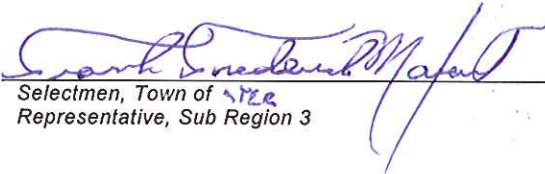
Lisa Wong, Chairman
Montachusett Regional Transit Authority

Mark Hawke, Mayor
City of Gardner

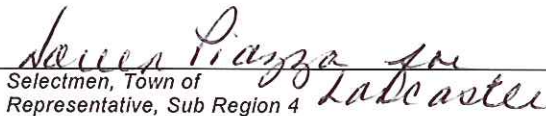
Selectmen, Town of
Representative, Sub Region 1



Selectmen, Town of ~~Westminster~~
Representative, Sub Region 2



Selectmen, Town of ~~West~~
Representative, Sub Region 3



Selectmen, Town of
Representative, Sub Region 4 ~~Lancaster~~

ATTACHMENT A

MONTACHUSETT METROPOLITAN PLANNING ORGANIZATION SUBREGION REPRESENTATIVE SELECTION PROCESS

Based upon input solicited from the Montachusett Joint Transportation Committee (MJTC), the Montachusett Regional Planning Commission (MRPC) and the Montachusett Metropolitan Planning Organization (MMPO), the following process has been established for the purpose of selecting representatives for the four identified Montachusett MPO Subregions. This process shall be monitored and administrated by the MRPC in accordance with the Montachusett MPO Memorandum of Understanding dated February 4, 2009.

MONTACHUSETT MPO SUBREGION COMPOSITION

- Subregion 1: Athol, Hubbardston, Petersham, Phillipston, Royalston, Templeton, Winchendon
- Subregion 2: Ashburnham, Ashby, Groton, Townsend, Westminster
- Subregion 3: Ayer, Harvard, Lunenburg, Shirley
- Subregion 4: Clinton, Lancaster, Sterling

SUBREGION REPRESENTATIVE SELECTION PROCESS

The process to identify and select the subregion representative is as follows:

- **Process - Initial**
 1. Establish “White Paper” on MPO, its role, makeup and representative responsibilities.
 2. Present “White Paper” to communities Chief Elected Officials (CEO) through:
 - Individual meetings with communities;
 - Entire Montachusett Region; or
 - Subregional special meetings.
 3. Solicit from CEO’s potential candidates to represent subregion on MPO. At the same time, solicit from CEO’s potential designee for community MPO representative candidate.
 4. Convene special meetings or caucuses of CEO’s to review, discuss and select subregion MPO representative and alternate. The alternate will be from a different community than the selected MPO representative. Special caucus meeting to be held for:
 - Entire Montachusett Region; or
 - MPO Subregions (individually or multi-regional).
 5. Official designees for the Representative and the Alternate will be identified at the selection/caucus meetings.
 6. Subregions to determine process for communication/liaison with member communities regarding MPO proceedings.

- **Process – Follow-up**

1. Six months prior to expiration of the term for the MPO Subregion Representative and Alternate, CEO’s within the subregion will be notified.
2. Solicit from CEO’s potential candidates to represent subregion on MPO. At the same time, solicit from CEO’s potential designee for community MPO representative candidate.
3. Convene special meetings or caucuses of CEO’s to review, discuss and select subregion MPO representative and alternate. The alternate will be from a different community than the selected MPO representative. Special caucus meeting to be held for:
 - Entire Montachusett Region; or
 - MPO Subregions (individually or multi-regional).
4. Official designees for the Representative and the Alternate will be identified at the selection/caucus meetings.
5. Subregions to determine process for communication/liaison with member communities regarding MPO proceedings.

MRPC as staff to the MPO can provide support to Representatives regarding scheduling of meetings, distribution of information and/or materials, etc.

OTHER ITEMS/ISSUES

- **Voting Structure**

Each MPO Subregion may cast only one vote regardless of the number of representatives from that Subregion that are present at a meeting when a vote occurs. In the event that more than one representative from a single MPO Subregion is present at a meeting where a vote is to occur, the official voting preference will follow in the order indicated below:

1. MPO Subregion Representative
2. MPO Subregion Representative Designee
3. MPO Subregion Alternate
4. MPO Subregion Alternate Designee

- **Term Length**

The length of term of each MPO Subregion Representative will be for 3 years. The Subregion Representative selection process will be staggered among the four subregions to allow for continuity of experience and service. Example:

		Months								
		1 to 12	13 to 24	25 to 36	37 to 48	49 to 60	61 to 72	73 to 84	85 to 96	97 to 108
Subregion 1		Term 1			Term 2			Term 3		
Subregion 2		Term 1			Term 2			Term 3		
Subregion 3		Term 1			Term 2			Term 3		
Subregion 4		Term 1			Term 2			Term 3		