



U.S. Department  
Of Transportation

**Federal Highway  
Administration**

**Federal Transit  
Administration**

**Transportation Planning Certification Review**

*of the*

**Metropolitan Transportation Planning  
Process for the Boston  
Transportation Management Area**

**Boston Region  
Metropolitan Planning Organization**

**Final Report  
July 2011**

Prepared by

Federal Highway Administration  
Massachusetts Division

Federal Transit Administration  
Region I

With Assistance Provided by the  
Volpe National Transportation Systems Center



U.S. Department  
of Transportation

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JUL 19 2011

Jeffrey Mullan, Secretary and CEO  
Massachusetts Department of Transportation  
10 Park Plaza, Room 4150  
Boston, MA 02116-396

**Re: Boston Region Metropolitan Planning Organization  
Transportation Planning Certification Review Final Report**

Dear Secretary Mullan:

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) are pleased to submit the final *MPO Certification Review Report* that documents the recent FHWA/FTA planning certification review of the Boston Regional MPO.

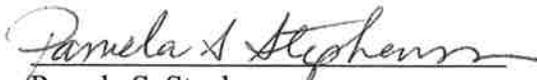
This review of the MPO planning process relied largely upon a site visit conducted by representatives from FHWA and FTA on July 27, 28, and 29<sup>th</sup>, 2010. Significant time was spent with staff from the MPO, the MassDOT and the Massachusetts Bay Transportation Authority (MBTA) to discuss the current status of the MPO's "3-C" planning process.

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

The MPO certification review is one of several methods employed by FHWA and FTA to monitor and assess the metropolitan transportation planning process. Other methods include the review and approval of the MPO's Unified Planning Work Program; review of the MPO's Long-Range Transportation Plan; issuance of the Federal planning finding that the MPO's Transportation Improvement Program resulted from a continuing, cooperative, and comprehensive process; and periodic meeting attendance.

The FHWA and FTA would like to thank Boston Region MPO and MassDOT staff for their participation and look forward to working with them. If you have any questions or comments, please contact William Gordon at (617) 494-3514 or Michael Chong at (617) 494-3275.

Sincerely,



Pamela S. Stephenson  
Division Administrator  
Federal Highway Administration



Mary Beth Mello  
Regional Administrator  
Federal Transit Administration

Enclosure: Boston Regional MPO TMA Certification Review Report

cc: Mr. David Mohler, Executive Director of Planning, MassDOT, w/enclosure  
Mr. Richard Davey, Administrator, Rail and Transit, MassDOT, w/enclosure  
Mr. Frank DePaola, Acting Administrator for Highways, MassDOT, w/enclosure  
Mr. Mark Guenard, MassDOT MPO Liaison, w/enclosure

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## **I. Introduction**

The metropolitan transportation planning process is conducted according to the requirements of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – a Legacy for Users (SAFETEA-LU), signed into law on August 10, 2005. The United States Department of Transportation issued the Statewide and Metropolitan Planning Final Rule on February 14, 2007, setting federal requirements for the transportation planning process. These requirements are presented in 23 CFR Part 450 and 49 CFR Part 613, the Metropolitan Planning Regulations, which are closely tied with the Clean Air Act Amendments of 1990 through the U.S. Environmental Protection Agency's (EPA) Air Quality Conformity Regulations.

The metropolitan planning regulations require that the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly review and evaluate the transportation planning process conducted in each urbanized area or Transportation Management Area (TMA) with a population over 200,000 no less than once every four years. This review assesses the extent to which each Metropolitan Planning Organization meets the requirements of the metropolitan planning regulations and, in air quality non-attainment or maintenance areas, evaluates the process to ensure compliance with the plans and programs of the EPA's Air Quality Conformity regulations. Upon completion of this review, FHWA and FTA may jointly certify with recommendations, certify with corrective actions, or decertify the metropolitan planning process.

Boston, Massachusetts, was designated a TMA on December 27, 1973. The Metropolitan Area Planning Council and the Central Transportation Planning Staff provide staff support to the Boston Region Metropolitan Planning Organization (MPO). This is the fourth review and evaluation of the metropolitan transportation planning process implemented in the Boston, Massachusetts TMA, by the MPO. The first certification review and evaluation of the MPO's metropolitan transportation planning process was conducted in October 1995. This review of the MPO was conducted on July 27, 28, and 29, 2010.

FHWA and FTA find that the MPO and its staff, in cooperation with the Massachusetts Department of Transportation, are conducting a transportation planning process that produces valuable transportation planning products through application of a variety of planning tools. The MPO has processes for public participation that provide direction for developing the Unified Planning Work Program, the Regional Transportation Plan, and the Transportation Improvement Program. The transportation planning process considers a wide range of multimodal alternatives in its transportation studies, and adequately addresses transportation-related air quality issues.

The federal review team conducted a desk review of the major components of the transportation planning process, and explored selected components of the planning process and major U.S. DOT initiatives in depth during an on-site review. Details of the desk review, the MPO input and the on-site review are contained within this report. This report identifies recommendations that should be addressed by the MPO.

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## **II. Certification**

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

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### **III. Summary of Recommendations**

#### **A. Election of Municipal Metropolitan Planning Organization Representatives**

The MPO should consider strategies to encourage municipalities to seek election and to improve MPO representation. Possible approaches may include improving outreach to municipalities to encourage participation; revising municipal membership to include direct sub-regional representation rather than at-large representation; and expanding the number of municipal members.

To be consistent with the metropolitan planning rule, the MPO should consider expanding membership to include officials of public agencies that administer or operate major modes of transportation in the metropolitan area, such as the Cape Ann Transit Authority and the MetroWest Regional Transit Authority.

#### **B. Regional Transportation Plan**

The review team has found that, in general, the RTP was developed in compliance with federal regulations. The planning horizon is appropriately set, the update cycles follow the required timeframes, and the document is financially constrained. The document was found to be in conformance with the State Implementation Plan, and the projects recommended in the RTP do not violate emissions budgets, so a positive air quality conformity finding was made and approved.

The review team recognizes that the MPO used a robust public outreach process. The process solicited input from low-income and minority populations, members of the general public, the business community, economic development interests, MassDOT, the MBTA, and others having some knowledge of the natural and human resources within the region.

The review team finds that the process did not provide the opportunity for direct consultation between MPO staff and state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation. SAFETEA-LU clearly explains that the metropolitan planning process shall include this consultation. The review team believes that this coordination does not have to happen once every four years, leading up to the preparation for the RTP update, and therefore recommends that such direct coordination be scheduled to take place in person, in an environment where MPO staff actually engages representatives from aforementioned agencies to discuss how potential RTP projects impact resources that said agencies have responsibility over and how impacts may be mitigated at the plan level.

#### **C. Climate Change**

The Review Team has concluded that the MPO has begun to address the impacts of climate change through the planning process by endorsing activities that reduce greenhouse gases. Additionally, the MPO is participating on initiatives that seek to lessen the impact of

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transportation investments on air quality through the Transportation Research Board Expert Task Group.

The Review Team recommends that the new RTP include strategies that reduce greenhouse gas emissions and reduce vehicle miles traveled in conjunction with the recommendation of future improvements to the transportation system

#### **D. Livability**

The Review Team has concluded that the MPO has made a concerted effort to address livability through their Walkable Communities programs, Livability Community Workshops for municipalities, and the use of livability as one of several criteria considered in selecting projects for programming in the TIP. The Metropolitan Area Planning Council, an active participant in the regional planning efforts for the region, has worked to direct future efforts toward initiatives that improve livability and enhance sustainable growth.

It is recommended that as the MPO develops its RTP chapter on livability, that the chapter be consistent with the six livability principles promoted by the Department of Housing and Urban Development, the Department of Transportation, and the Environmental Protection Agency.

#### **E. Financial Planning**

In light of funding constraints facing the Commonwealth's transportation agencies, including the concerns expressed in the April 16, 2009 letter from the Regional Transportation Advisory Council (RTAC) to the Secretary of Transportation, more support is needed to substantiate the commitment of sufficient funds to meet needs for the region's plans and programs, specifically in connection with TCMs required for air quality conformity.

The RTP should address how the highway system is to be maintained. As part of the approval of the Fiscal Year 2010 Unified Planning Work Programs, the MPOs were asked to develop a process on how the municipal-owned road network is to be maintained for the RTP. It is recommended that the MPO should use the procedures developed by the Transportation Managers Group pavement subcommittee as a basis for addressing the maintenance of the municipal-owned roadways for the next update of the RTP.

#### **F. Air Quality Conformity / State Implementation Plan**

It is recommended that the Interim Emission Offset submission provide enough time for public input on the proposed offsets. To assist the FTA/FHWA's determination on timely Transportation Control Measure implementation, MassDOT should continue to report on the progress of these activities in the monthly State Implementation Plan report.

#### **G. Congestion Management Process**

The Review Team recommends that the MPO continue to identify ways to monitor and evaluate projects during and after implementation to close the feedback loop in the CMP. It is also

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recommended that continued documentation of the impacts of implemented operation improvements, and if possible, before and after analyses, be conducted. In addition, the MPO is encouraged to evaluate Adaptive Signal Control Strategies as part of planning and traffic operation studies, and to consult the recent document entitled “An Agency Guide on How to Establish Localized Congestion Mitigation Programs,” published by FHWA’s Office of Operations as part of the Bottleneck Reduction Initiative Program.

## **H. Safety and the Planning Process**

The Review Team commends the MPO staff for the MPO’s interactive map that has provided users with descriptions of priority intersections where a safety deficiency has been identified. The interactive tool has also provided useful data for the consideration of projects in the programming of the TIP. The tool is a good example of complying with the SAFETEA-LU’s planning provision of using visualization techniques in TIP development.

The MPO includes safety considerations in all major aspects of transportation planning. There are strong and clear links between the state’s Strategic Highway Safety Plan and the RTP, as well as between the RTP and the TIP. The MPO has advanced projects that meet some of the greatest safety needs in the region.

## **I. Boston Region Metropolitan Planning Agreements**

In accordance with 23 CFR 450.314, the MPO, MassDOT and the transit operator(s) shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the Massachusetts Department of Transportation (MassDOT), and the public transportation operator(s). The written agreement shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the RTP, the Transportation Improvement Program (TIP), and the responsibilities and procedures governing the voting membership of the MPO. This Memorandum of Understanding (MOU) should be in place prior to the development of the Fiscal Year 2012-2015 TIP. Subsequent to the review, the MPO has prepared updated the MOU to address this recommendation from the draft report, and the document is undergoing public review. The Review Team anticipates this recommendation will be met prior to the release of the draft Fiscal Year 2012-2015 TIP.

## **J. Coordination with Transit Authorities**

With the reorganization of the transportation agencies, MassDOT is enhancing its oversight of the regional transit authorities (RTAs). In support of TIP development, MassDOT will work with the RTAs in identifying needs and local funds to advance projects. This assistance should improve regional coordination and the capital programming process.

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## **K. Transportation Improvement Program**

The Review Team commends the staff for developing the MPO's Project Information Form and facilitating public access to programmed projects via the Interactive Map. This allows easy access to project information and addresses SAFETEA-LU's requirement of an enhanced visualization technique in transportation planning.

The Review Team has concluded that the TIP Development Process section provides the reader with helpful information and facilitates a level of understanding on how the TIP is developed. It is also recommended that when a project is programmed using advance construction, a notation should be provided in the project description on each element that the project appears. "Advance Construction Yr-1" should be shown as part of the description for the first year that the project is AC'd, AC Yr-2" should be shown as part of the description for the second year that the project is AC'd, etc.

### ***TIP Target Timeliness***

It is acknowledged that due to funding uncertainties at the federal level, the ability of MassDOT to provide timely targets is challenging. It is recommended that the target information be provided to the MPOs at the earliest convenience for early development of the TIPs once the funding levels are known, and this should provide a reasonable opportunity for cooperative consultation during this process.

### ***Year of Expenditure***

The application of year of expenditure dollars should be clarified in the TIP. The Review Team has concluded that all projects in the TIP be inflated to the year of expenditure, whether they are funded with target or other funds. This recommendation should be addressed and included in the Fiscal Year 2012-2015 Draft TIP.

### ***First Year Programming***

The Review Team has concluded that the criteria the MPO uses to select target projects for the TIP, particularly year one of the TIP, appear to be effective, with a high percentage of obligation. The Review Team recommends that earmark projects follow a similar process, much like the target projects for evaluation prior to programming in the TIP.

The Review Team recommends that the MPO maintain close coordination and communication with each of the member communities that have projects funded with the region's target funds. Particularly close attention should be paid to projects programmed in year one of the TIP.

The Review Team recommends that MPO staff track those projects appearing in year one of the *original* TIP (i.e., prior to any amendments throughout the year), to understand how many year one projects were advertised and how many were not advanced. Staff should also inform the MPO of the reason for original TIP projects not being advertised as expected. This data would be useful to include in the following year's TIP document.

### ***Coordination of the Planning and Environmental Processes***

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Consistent with FHWA's guidance on the planning requirements and their relationship to the National Environmental Policy Act of 1969, each entire project described in a Record of Decision, Finding of No Significant Impact, or Categorical Exclusion shall be consistent with the TIP and RTP prior to the FHWA approval of the environmental document for that project. The MPO should work closely with Environmental Services to ensure that environmental documents that are being prepared for projects have the support and endorsement of the MPO.

***Annual Listing of Obligated Projects***

The Review Team recommends that the MPO publish or otherwise make available an annual listing of obligated projects, in accordance with the MPO's public participation criteria, within 90 days after the beginning of the new fiscal year.

***Universe of Projects Including Bridges***

The Review Team has concluded that the MPO has programmed bridge projects with target funds throughout the FY 2010-2013 TIP. Project listing sheets for each TIP element has showed that more than \$13 million of federal funding was programmed annually using target funds. The Review Team recommends that there be a discussion of the evaluation of projects in Appendix A (Universe of Projects and Evaluation of Projects), since not all projects were evaluated and scored. The intent of this project listing should be explained, clarifying that bridge projects are not financially constrained and therefore are not being advanced at this time.

**L. Public Participation Process**

The Review Team has concluded that the MPO conducts a proactive public outreach process, and recommends that the effectiveness of the procedures and strategies contained in the PPP be periodically reviewed to ensure a full and open participation process.

**M. Title VI, Environmental Justice, and Limited English Proficiency**

The MPO has committed significant resources to address the requirements of the Title VI legislation and the executive orders on Environmental Justice and Limited English Proficiency, and it is recommended that these requirements be periodically reviewed to gauge their effectiveness.

***Title VI Complaint Process***

Although not a requirement, the MPO should consider renaming its complaint process, "Title VI/Nondiscrimination Complaint Procedure." This title acknowledges that the programmatic implications of Title VI extend beyond the original statute and discrete protections based on race, color, national origin. While the submission of complaints may be preferred within a 30-day timeframe, the MPO should extend this period to provide for appeal under MassDOT's procedures, as the primary recipient, and the US DOT's limitation of 180 days. The MPO's current Chair or designated Title VI Coordinator should be named in the policy along with a submission complaint address. It is inappropriate for the MPO to review, in an appeal, any decision or outcome previously rendered. FHWA/FTA recommends that two appeal options be provided: 1) MassDOT Director of Civil Rights; 2) US DOT Office of

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Civil Rights. Furthermore, the procedure should indicate that complaint investigations and resolution are forwarded to MassDOT. FHWA/FTA also recommends that the MPO work collaboratively with the MassDOT Civil Rights Director to review its Title VI Nondiscrimination Notice and Procedures for sufficiency.

### ***Demographic Profile***

A more complete demographic profile should be developed and presented. The MPO should also discuss how this information is utilized to ensure program access, equity, and the appropriateness of its outreach activities.

### ***Access and strategies to identify and meet the needs of protected populations***

Recognizing the specific obligations under Title VI and related statutes, we recommend that the MPO work to establish a separate listing of Title VI/EJ agencies and organizations serving protected groups throughout the region. Regular contact with these entities will help to ensure inclusive public participation and will provide a means to identify benefits and burdens to Title VI/EJ communities at the earliest stages.

The MPO should insert appropriate language into all public notices to apprise disabled and LEP persons of the process by which reasonable accommodations should be requested. The MPO should work collaboratively with the MassDOT Office of Civil Rights to identify appropriate language that encompasses all pertinent requirements.

The MPO should submit information regarding the demographic make-up of its Advisory Council and committees, and articulate its efforts to establish a body representative of the Title VI/EJ demographic within the region. Alternatively, the MPO should state how its Advisory Council has established conduits to ensure adequate representation in each category of persons protected by federal statutes.

### ***Limited English Proficiency***

More commentary concerning what language groups have been identified and how they are notified, as well as how the MPO procures interpretation/translation services are desired. In addition, the MPO has a requirement to identify its “vital” documents and provide translations where doing so would prevent a delay or denial of access to the public participation process. It would be helpful for the MPO to articulate how it determines a need to translate informational pamphlets/booklets and updates to its certification documents

## **N. Freight Planning**

The MPO’s work in the freight area meets the intent of the SAFETEA-LU legislation that specifically calls for the need to address freight movement in the transportation planning process.

## **O. Self-certification**

The Review Team recommends that the MPO develop documentation in support of the required annual self-certification. The FHWA/FTA will assist the MPO in developing this documentation.

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## **IV. Review Meeting Discussion Items**

### **A. Election of Municipal Metropolitan Planning Organization Representatives**

#### **Regulatory Basis**

To carry out the metropolitan transportation planning process, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000. Each metropolitan planning organization that serves a Transportation Management Area (TMA), when designated or redesignated, shall consist of local elected officials, officials of public agencies that administer or operate major modes of transportation in the metropolitan area, and appropriate State transportation officials. Where appropriate, metropolitan planning organizations may increase the representation of local elected officials, public transportation agencies, or appropriate State officials on their policy boards and other committees as a means for encouraging greater involvement in the metropolitan transportation process.

#### **Observations**

Based on the Certification Review conducted in 1995 and continued in 1996, the Boston Region Metropolitan Planning Organization (MPO) was restructured in a Memorandum of Understanding (MOU) dated January 7, 1997, and updated on December 13, 2001, to include the following members:

- Executive Office of Transportation and Construction
- Massachusetts Bay Transportation Authority
- Advisory Board to the Massachusetts Bay Transportation Authority
- Massachusetts Turnpike Authority
- Metropolitan Area Planning Council
- Massachusetts Port Authority
- City of Boston,
- Six elected municipalities (three cities and three towns; at the time, the Cities of Everett, Newton, and Peabody, and the towns of Bedford, Hopkinton, and Framingham)

Based on recommendations from the 2004 Certification Review, the MPO surveyed their municipalities regarding the following issues:

- familiarity with the regional transportation planning process
- level of satisfaction with the planning process
- Transportation Improvement Program project selection criteria
- public participation and outreach efforts
- familiarity with MPO election procedures
- level of satisfaction with the current process for electing municipal MPO representatives
- methods to facilitate the geographical diversity of municipal elected representation
- sufficiency of addressing needs of low-income and minority populations
- adequacy of representation of minority and low-income populations.

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The MPO distributed surveys to all 101-member municipalities; twenty-six responded. Thirteen respondents expressed satisfaction with the election process; however, municipalities from the North Suburban, South Shore, and Three Rivers sub-regions were not satisfied with the planning process and gave a low rating.

Subsequently, the MPO uses several methods as part of its outreach to encourage participation from its member communities, including website-based sharing of information, emails, social media, the use of a Regional Equity program to encourage participation from low-income and minority persons. The MPO also modified its election procedures.

However, throughout the history of elected municipalities serving on the MPO, only 17 of the 101 municipalities have run for election, and only 11 have served on the MPO. Three municipalities – Framingham, Hopkinton, and Newton – have served continually on the MPO since it was restructured in 1997.

At the on-site meeting, one of the MPO members stated that some municipalities have difficulty participating in an election process due to the geographic limitation of three cities and three towns that are eligible for representation on the MPO. Another MPO member stated that North Shore and South Shore municipalities have not traditionally held an elected seat on the MPO until more recently.

The MPO has noted that significant time and resources are required for a municipality to serve as an elected member. Many municipalities have small staffs, and would find it difficult to send a representative to the semi-monthly Transportation Planning and Programming Committee meetings, in addition to participating on MPO sub-committees.

On November 1, 2009, the Commonwealth of Massachusetts implemented a reorganization of its transportation agencies, integrating transportation agencies and authorities into a new entity, the Massachusetts Department of Transportation (MassDOT). MassDOT oversees four new divisions: Highway, Rail and Transit, Aeronautics, and Registry of Motor Vehicles. As part of this reorganization, the Massachusetts Turnpike Authority was dissolved and its duties assumed by the MassDOT Highway Division.

As part of the approval of the Fiscal Year 2010-2013 State Transportation Improvement Program (STIP), FHWA, and FTA directed MassDOT and the Massachusetts' MPOs to develop a new MOU to outline the mutual roles, responsibilities, and procedures governing the voting membership of the MPO. This new relationship would need to be specified in an agreement among all MPO members.

## **Recommendations**

The MPO should consider strategies to encourage municipalities to seek election and to improve MPO representation. Possible approaches may include improving outreach to municipalities to encourage participation; revising municipal membership to include direct sub-regional

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representation rather than at-large representation; and expanding the number of municipal members.

To be consistent with the metropolitan planning rule, the MPO should consider expanding membership to include officials of public agencies that administer or operate major modes of transportation in the metropolitan area, such as the Cape Ann Transit Authority and the MetroWest Regional Transit Authority.

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## **B. Regional Transportation Plan**

### **Regulatory Basis**

Federal regulations require the development of a RTP 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 in addressing current and future transportation demand. [23 CFR 450.322]*

The RTP is to be updated every four years in nonattainment and maintenance areas, and every five years in attainment areas to ensure its consistency with changes in land-use, demographic, and transportation characteristics. The regulation also identifies a number of required elements that must be addressed in the RTP, including:

- Demand analysis [23 CFR 450.322(f)(1)]
- Congestion management strategies [23 CFR 450.322(f)(3), (4), and (5)]
- Pedestrian walkway and bicycle facilities [23 CFR 450.322(f)(8)]
- System preservation [23 CFR 450.322(f)(5)]
- Design concept and scope descriptions of all existing and proposed transportation facilities, in sufficient detail to permit conformity determinations in nonattainment and maintenance areas [23 CFR 450.322(f)(6)]
- A discussion of types of potential environmental mitigation activities and potential areas to carry out these activities [23 CFR 450.322(f)(7)]
- Consultation with State and local agencies responsible for land-use management, natural resources, environmental protection, conservation, and historic preservation, involving comparison of Transportation Plans with State conservation plans or maps or comparison of Transportation Plans with inventories of natural or historic resources [23 CFR 450.322(g)(1) and (2)]
- Transportation and transit enhancements [23 CFR 450.322(f)(9)]

With the passage of SAFETEA-LU, enhancements were made to the requirements of the content of the RTP, including a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities. Other enhancements describe that consultation with State and local agencies responsible for land-use management, natural resources, environmental protection, conservation, and historic preservation, require comparison of the RTP with State conservation plans or maps, and with inventories of natural or historic resources. As part of the RTP development, the plan must include a discussion of types of potential environmental mitigation activities at the plan level; the MPO is not required to engage in mitigation at the

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project level. This discussion must be developed in consultation with federal, tribal, and state wildlife, land management, and regulatory agencies.

## **Observations**

The RTP was written observing a 20-year planning horizon. Because the metropolitan planning area is located within an air quality non-attainment area, the Plan updates take place on a 4-year cycle, in accordance with regulations. During this review, the Boston MPO's RTP is in the process of being updated, with an anticipated MPO endorsement to occur in the summer of 2011. The document was found to be financially constrained. Financial constraint is discussed in further detail in the Financial Constraint section of this document.

The MPO's RTP, *Journey To 2030*, was prepared in consultation with MassDOT's Highway Division, the MBTA, and the Massachusetts Environmental Policy Act (MEPA) Unit of the Executive Office of Environmental Affairs. The region's two other transit operators, MetroWest Regional Transit, and the Cape Ann Transit Authority, were included in the current RTP's development, via the public outreach efforts that were conducted.

At the on-site review, the Review Team asked what other types of consultation efforts the MPO staff make, specifically in light of SAFETEA-LU's focus on environmental mitigation and consultation with agencies responsible for land use management, natural resources, historic preservation and environmental protection and conservation. Presenters explained that because the RTP does not consider new roadways where there will be potential for impacts to the natural and / or human environment, due to the area approaching build-out condition, there is no reason to meet with various resource agencies to engage in the sharing of information that might help avoid, minimize or even mitigate environmental impacts, at the Plan level. A section of the RTP, called Consultation on Environmental Issues discusses that in response to SAFETEA-LU requirements, GIS maps of many resources were produced, including wetlands, National Heritage and Endangered Species Program Priority Habitats, Historic Places on the Massachusetts Register and Areas of Critical Environmental Concern. The section goes on to say that with this mapping, consultation with the MEPA unit of the Executive Office of Environmental Affairs took place and that a determination was made that MPO staff was reviewing the most important areas of environmental concern. It was not apparent that any direct dialog took place between MPO staff and representatives from agencies like those mentioned, to develop the draft RTP. With this in mind, there was no exchange of information contained in long-range plans and not actual consultation.

Throughout the development of the RTP, a variety of outreach efforts were used. Some activities specifically were held to target traditionally underrepresented persons including people with disabilities, low-income and minority communities, and non-English speaking individuals. Open houses were held as an opportunity to discuss topics addressed in the Plan, as well as to exchange ideas on projects that should be included in the financially constrained section of the Plan. Regional forums were held to elicit views from particular constituencies including local elected officials. Regional Equity and Environmental Justice forums were held for "...professionals working in environmental justice neighborhoods and members of the public to discuss the transportation needs of the low-income and minority neighborhoods." MPO staff

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also met routinely with the Regional Transportation Advisory Council, an entity that provides regular consultation on MPO activities and plans. The RTAC membership includes cities and towns, professional organizations, state and regional agencies, the public, bicycle and advocacy groups, transportation management associations, and the Access Advisory Committee to the MBTA.

The RTP includes a chapter that lists all of the highway and transit projects that are recommended in the Plan. The chapter goes on to overlay these projects onto GIS layers showing various environmental resources, including some mentioned above. These GIS maps, together with colorful charts and graphs generally present important information in an easy to understand format.

MAPC prepared the demographic data with the use of MassDOT projections, for the RTP horizon year, for population and employment. MAPC extracted this data to a community level and to transportation analysis zones that were used in the MPO's travel demand model. The travel demand model area included 63 communities from adjoining MPOs, for a total of 164 communities. The projections were added without modification to ensure consistency with adjoining MPOs' projections.

## **Conclusion**

The review team has found that, in general, the RTP was developed in compliance with federal regulations. The planning horizon is appropriately set, the update cycles follow the required timeframes, and the document is financially constrained. The document was found to be in conformance with the State Implementation Plan and the projects recommended in the Plan do not violate emissions budgets, so a positive air quality conformity finding was made and approved.

The review team recognizes that the MPO used a robust public outreach process. The process solicited input from low-income and minority populations, members of the general public, the business community, economic development interests, MassDOT, the MBTA, and others having some knowledge of the natural and human resources within the region.

The review team finds that the process did not provide the opportunity for direct consultation between MPO staff and state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation. SAFETEA-LU clearly explains that the metropolitan planning process shall include this consultation. The review team believes that this coordination does not have to happen once every four years, leading up to the preparation for the RTP update, and therefore recommends that such direct coordination be scheduled to take place in person, in an environment where MPO staff actually engages representatives from aforementioned agencies to discuss how potential RTP projects impact resources that said agencies have responsibility over and how impacts may be mitigated at the plan level.

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## C. Climate Change

### **Regulatory Basis**

The documents that set out the requirements for undertaking transportation planning include statements regarding the scope of planning processes, required procedures, and required content for metropolitan and statewide transportation planning under both FHWA and FTA. While there are no specific requirements to directly address climate change, recent revisions to legislation have further incorporated energy and environmental considerations. These revisions offer greater opportunities for MPOs and state DOTs to integrate climate change considerations within their planning processes. For example, 23 USC 143(a) states that it is in the national interest to:

*...encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes...*

The goal of minimizing fuel consumption and air pollution can be interpreted as a direct link to climate change and justification for metropolitan transportation planning to consider climate change mitigation strategies. Section 23 USC 135(a) mandates similar consideration of fuel-consumption and air pollution in statewide planning. Additionally, requirements for the examination of the effects of transportation decisions on the environment and energy consumption are reiterated throughout the planning legislation. Energy and environment are one of the eight required planning factors.

The planning regulations also include a number of requirements that generally align with climate change mitigation and adaptation. For example, provisions that relate to efficient management and operation of the transportation system, coordination with land use plans, and congestion mitigation can all related to reducing GHG emissions. For adaptation, the requirements for infrastructure preservation and maintenance, as well as corridor preservation and connectivity of the system, can provide direct avenues for consideration of adaptation strategies in planning.

### **Observations**

The MPO is addressing climate change by endorsing activities that have been linked to reducing greenhouse gas emissions through their Regional Transportation Plan. The MPO and its partners work to reduce GHG emissions in several ways, including funding projects that provide transportation options other than single occupant vehicles, and funding intersection reconstruction projects that result in reduced traffic congestion.

In May 2008, the MPO published a discussion paper entitled “Carbon Dioxide, Climate Change and the Boston Region MPO.” The paper discussed regional trends and the impacts of climate change in the region and highlighted regional, state, and local climate change policy initiatives; the Regional Greenhouse Gas Initiative that created a regional CO<sub>2</sub> cap-and-trade program, the

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Massachusetts Global Warming Solutions Act that recommended limits on GHG emissions, and the City of Boston's Executive Order to Reduce GHG emissions. Several other recommendations were included in the report as next steps, including creation of a more efficient transportation system to reduce VMT and GHG; use of more fuel-efficient and cleaner vehicles; and, investments to support land uses that reduce VMT.

The MPO staff currently participates on a Transportation Research Board (TRB) Expert Task Group that is developing strategies for addressing GHG emissions at key stages within the planning and project development process. These strategies include the RTP development, the Transportation Improvement Program development, corridor planning, and environmental reviews. The Task Group known as "Incorporating GHG Emissions into the Collaborative Decision-Making Process," seeks to identify analysis tools produced by the transportation planning process that will identify gaps for conducting GHG emission analysis.

The MPO plans to create a web-based tool that will depict existing and forecasted VMT data in each of the 101 member municipalities in the region. The tool is expected to be available in 2011.

Like all other MPOs in Massachusetts, the MPO is developing a new RTP, and the FHWA has requested that the document include discussion of the MPO's efforts to address climate change, and strategies to use transportation improvements to lessen air quality impacts.

### **Conclusions and Recommendations**

The review team has concluded that the MPO has begun to address the impacts of climate change through the planning process by endorsing activities that reduce greenhouse gases. Additionally, the MPO is participating on initiatives that seek to lessen the impact of transportation investments on air quality through the TRB Expert Task Group.

The review team recommends that the new RTP include strategies that reduce GHG emissions and reduce VMT in conjunction with the recommendation of future improvements to the transportation system

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## **D. Livability**

### **Regulatory Basis**

There are no federal regulations that outline how livability should be addressed in the metropolitan planning process. However, in June 2009, U.S. Secretary of Transportation Ray LaHood, U.S. Secretary of Housing and Urban Development Shaun Donovan, and U.S. EPA Administrator Lisa P. Jackson announced the new Interagency Partnership for Sustainable Communities to improve access to affordable housing, provide more transportation options, and lower transportation costs while protecting the environment in communities nationwide. The Partnership established six livability principles to act as a foundation for interagency coordination:

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

The U.S. DOT, FHWA, and FTA have initiated a number of programs and approaches to protect the human and natural environment, increase mode choice, improve safety, and foster livable communities. Much of this support has focused on Metropolitan Planning efforts, scenario planning, and programming that links local and state planning. Support has included development and broad promotion of a Context Sensitive Solutions approach; support for walkable communities, traffic calming, and Safe Routes to School; inclusion of land use and economic development factors in transportation planning and in project evaluation criteria for funding transit capital investments; program support and expanded funding eligibilities for TOD; incentives for engaging private investment in joint development projects near transit; to recent policy support for incorporating safe and convenient walking and bicycling facilities into transportation projects to meet the needs of all users and modes. With this in mind, this topic was meant to examine what practices the MPO uses to improve the livability of the region.

### **Observations**

Livability is about tying the quality and location of transportation facilities to broader objectives such as access to good jobs, providing modal choices, sustainable land use, affordable housing, quality schools, and safe streets. Transportation strategies to achieve livability objectives include; addressing safety and capacity issues on all roads through better planning and design, maximizing and expanding new technologies such as Intelligent Transportation Systems (ITS), the use of quiet pavements, and using Travel Demand Management (TDM) approaches to system planning and operations.

While livability gained greater attention at the Federal level recently, the MPO has promoted these ideals through various programs, including the “Walkable Communities” program since

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2003. To date, the MPO has held 43 Walkable Community Workshops in interested communities.

Focusing on improving conditions for walking, the workshops include discussion of pedestrian needs, map review, and walking tours of the specific areas, and discussion of specific challenges and possible solutions. The 2011 year of the TIP includes the Somerville Community Path, a facility that addresses both bike and pedestrian modes.

The MPO is funding the Livability Community Workshops through UPWP. The intent is to address other challenges in the region, including affordability, land use, active transportation modes, economic impacts and access to transit.

Bicycle and pedestrian modes are promoted through the development of the Regional Bicycle Plan and the Regional Pedestrian Plan. The Bicycle Plan discusses on-road and trail developments, proposals, parking availability (racks for bike storage), and connections to transit. The Pedestrian Plan was developed in 2010, and describes existing conditions and methods for improving the walking environment.

The MPO routinely programs numerous transit, infrastructure, transportation demand management and transportation system management projects in the TIP, and livability is one of several criteria considered for programming purposes. These actions provide evidence that the MPO places a high value on projects that enhance livability throughout the region.

*Metro Future*, developed by MAPC, is a regional vision plan intended to encourage a livable, sustainable and economically competitive Boston metropolitan region. It has more than sixty goals and adopts a Smart Growth policy of focusing development in areas where development already exists. The plan is centered on improving the livability of the region through goals for enhancements to sustainability and protection of green spaces and farmland as well as locating development near transit.

MAPC has been collaborating with the Boston Redevelopment Authority and the cities of Chelsea, Everett, Malden, Medford, and Somerville to advance the Mystic River Corridor Strategy project. This project is intended to create a collective vision to improve livability and economic development, and to enhance the river corridor. MAPC is also coordinating with the towns of Braintree and Weymouth to develop a revitalization plan and zoning for Weymouth Landing. Weymouth Landing is a waterfront business district located at the site of a commuter rail station between both towns. The goal is to draft a series of recommendations to enhance the area's livability, including pedestrian amenities, waterfront improvements, and public plazas.

## **Conclusions and Recommendations**

The Review Team has concluded that the MPO has made a concerted effort to address livability through their Walkable Communities programs, Livability Community Workshops for municipalities and the use of livability as one of several criteria considered in selecting projects for programming in the TIP. MAPC, an active participant in the regional planning efforts for the

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region, has worked to direct future efforts toward initiatives that improve livability and enhance sustainable growth.

It is recommended that as the MPO develops its RTP chapter on livability, that the chapter be consistent with the six livability principles promoted by the Department of Housing and Urban Development, the Department of Transportation FHWA and FTA and the Environmental Protection Agency.

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## **E. Financial Planning**

### **Regulatory Basis**

The requirements for financial plans are contained in 23 CFR 450.322(f)(10) for the RTP and 23 CFR 450.324(e, h–k), for the TIP. Separate financial plans should demonstrate how the adopted RTP and TIP can be implemented.

Requirements related to the RTP include the following:

- Revenue estimates are cooperatively developed by the State, the MPO, and public transportation operators.
- Revenue estimates include public and private sources that are committed, available, or reasonably expected to be available within the timeframe anticipated for implementation of the project.
- Revenue estimates may include recommendations for new funding sources, which should be supported by identified strategies for securing their availability.
- System-level estimates of operation and maintenance costs for federally supported facilities and services are taken into account to determine resources remaining available for capital expenditure.
- Cost and revenue estimates incorporate inflation rates reflecting year of expenditure (YOE) dollars.
- Cost estimates should be reviewed and the process and methods (and any assumptions) for determining costs should be documented.
- Cost estimates in the RTP should be reviewed and periodically updated, at least as frequently as each RTP update.
- In air quality areas, include specific financial strategies to ensure the implementation of required air-quality projects like Transportation Control Measures (TCMs).
- Cost estimates for the period beyond the first 10 years can be expressed in terms of ranges or “bands,” as long as sufficient future funding sources are reasonably expected to be available.

Requirements related to the TIP include the following:

- Demonstrate and maintain financial constraint by year.
- Identify estimated total project cost, which may extend beyond the four years of the TIP.
- System-level estimates of operation and maintenance costs for federally supported facilities and services are taken into account when estimating resources remaining available for capital expenditure.
- Cost and revenue estimates incorporate inflation rates to reflect YOE dollars.
- Cost estimates in the TIP should be reviewed and periodically updated, at least as frequently as each TIP update.
- Only projects or phases of projects if full funding can reasonably be expected to be available for the project within the time period anticipated for completion of the project.

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- Eligible TCMs identified in the SIP have priority in the TIP, which shall provide for their timely implementation.
  - Revenue estimates are cooperatively developed by the State, the MPO, and public transportation operators, as set forth in the MPO Agreement.
  - Revenue estimates include public and private sources that are committed, available, or reasonably expected to be available.
  - Includes all projects receiving federal funding and all regionally significant projects that are not federally funded.

## Observations

### ***Regional Transportation Plan, Journey to 2030***

The FHWA and the FTA provided financial constraint guidance that the MPO used in the development of the financial plan. A trend analysis was used for FY 2010 to 2030 to determine revenues projected to be available for highway and transit funding in the MPO's area. The Accelerated Bridge Program financial strategy to account for the structurally deficient bridges was included in the RTP. Major transit projects funded with New Starts/Capital Investment program was also accounted for. Transit and highway financial tables were banded into 2010, 2011-2015, 2016-2020, 2021-2025, and 2026-2030 timeframes. In complying with the Year of Expenditure dollar requirement of SAFETEA-LU, project costs were updated with an inflation rate of 4 percent per year.

The RTP includes the following regarding the Statewide Road and Bridge System,

*“EOT has forecast highway revenues through 2030 for the 13 MPOs in the Commonwealth. Highway revenues consist of federal and state funds made available on an annual basis to the Commonwealth. The projections for the time period 2010-2013 are the targets provided to the MPO by EOT for the TIPs. EOT developed these estimates of expected federal funding provided by the FHWA. The funding levels for 2014 through 2030 are projections from 2013 revenues. The estimate for each year is 3 percent higher than the previous year's funding.”*

*“EOT has projected federal funding based upon current apportionment levels as constrained by federally imposed obligation limits, while state funds are based upon recent trends in non-Central Artery funding. Funding available for the Statewide Road and Bridge Program is determined after deducting the costs of certain programs. These programs include the Central Artery/Tunnel project (CA/T), metropolitan and statewide planning, cost adjustments, and extra work orders. This available funding represents the amount of funding that can be reasonably be expected based upon existing revenue sources, and represents the upper limit for the Plan's financial constraint.”*

EOT has provided guidance for several programs: Regional Major Infrastructure; Statewide Resurfacing, Infrastructure, and Maintenance programs, American Reinvestment and Recovery Act (ARRA); and the Accelerated, Statewide, and Special Bridge Programs. Based on the targets of the Massachusetts Association of Regional Planning Agencies (MARPA), the Boston Region MPO is expected to receive about 43 percent of all highway funds. The statewide bridge funding was based on the number of bridges in the region, which is about 29 percent.

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Resurfacing, infrastructure, and maintenance funding was based on the percentage of National Highway System lane mileage in the region, which is approximately 31 percent of centerline miles in Massachusetts.

The RTP included several tables with information on estimated revenues for various time periods: 2010, 2011-2015, 2016-2020, 2021-2025, and 2026-2030. These are found in Table 12-1 and showed the “Estimated Boston Region MPO Revenue from Existing Sources,” Table 13-3 shows the projected allocation of funding among the “Major Infrastructure” and “Expansion Highway Projects,” and Table 13-4 shows “Highway Bridges with Estimated costs over \$10 million” categories for three different time periods. Table 12-2 showed all of the highway projects that are specifically recommended in plan.

### ***Central Artery***

The RTP reports that the source of the cost and revenue figures for the Central Artery/Tunnel is the Cash Flow Status Report of 2009, and the funding sources are identified in Table 12-3. The project is considered 99 percent complete, and the remaining FHWA obligations that the MPO is required to program for the Grant Anticipation Notes includes \$159 million in FY 2011, \$166 million in FY 2012, \$177 million in FY 2013, and \$184 million in 2014.

***Public Transportation:*** For public transportation, the MBTA Enabling Act of 1999 reformed MBTA finances, establishing dedicated funding sources and requiring that expenses be funded in advance (“Forward Funding”), i.e., expenses would need to conform to a predetermined budget. The financial plan for the MBTA was submitted as part of the Silver Line New Starts proposal, and therefore has been reviewed through FTA’s New Starts assessment process.

The revenue stream from the dedicated sales tax was assumed to increase by 5.9 percent annually from 2007 through 2010, which probably was optimistic and needs revision downward, and 3.9 percent per year from 2011 through 2030, which may also be optimistic given the recent downturn in economic conditions. Assessments to the member MBTA communities are assumed to rise 2.4 percent annually after 2010 and are restricted by law to a maximum of 2.5 percent annually. Therefore, this assumption seems reasonable, although recession-related impacts on the capacity of local communities to afford the projected increases may merit consideration as part of a broader, comprehensive review of the financial plan.

**Capital Revenues:** The funding plan assumes that the state legislature will appropriate additional capital funds for projects required by legal commitments and included in the State Implementation Plan.

### **Conclusions and Recommendations**

In light of the funding constraints facing the Commonwealth’s transportation agencies, including the concerns expressed in the April 16, 2009 letter from the Regional Transportation Advisory Council to the Secretary of Transportation, more support is needed to substantiate the commitment of sufficient funds to meet funding needs for the region’s plans and programs, specifically in connection with TCMs required for air quality conformity.

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The RTP should address how the highway system is to be maintained. As part of the approval of the Fiscal Year 2010 UPWPs, the MPOs were asked to develop a process on how the municipal-owned road network is to be maintained for the RTP. It is recommended that the MPO should use the procedures developed by the Transportation Managers Group pavement subcommittee as a basis for addressing the maintenance of the municipal-owned roadways for the next update of the RTP.

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## **F. Air Quality Conformity / State Implementation Plan for Clean Air**

### **Regulatory Basis**

Section 176 (c)(1) of the Clean Air Act Amendments of 1990 (CAAA) states: *"No metropolitan planning organization designated under section 134 of title 23, United States Code, shall give its approval to any project, program, or plan which does not conform to an implementation plan approved or promulgated under section 110."* The Intermodal Surface Transportation Efficiency Act of 1991 subsequently included provisions responsive to the mandates of the CAAA. Implementing regulations have maintained this strong connection.

Provisions governing air-quality-related transportation planning are incorporated in a number of metropolitan planning regulations rather than being the primary focus of one or several regulations. For MPOs that are air quality nonattainment or maintenance areas, there are many special requirements in addition to the basic requirements for a metropolitan planning process. These include formal agreements to address air-quality-planning requirements, requirements for setting metropolitan planning area boundaries, interagency coordination, RTP content and updates, requirements for the congestion management process, public meeting requirements, and conformity findings on RTPs and TIPs.

### **Observations**

The demonstration of timely implementation of Transportation Control Measures (TCMs) in the State Implementation Plan (SIP) is required for a conformity determination. In accordance with the Environmental Protection Agency's (EPA) final rulemaking approving Massachusetts' Transit System Improvements SIP revision, MassDOT must construct and open to the public the Green Line Extension from Lechmere Station to Medford Hillside and the Green Line Union Square spur of the Green Line Extension to Medford Hillside before December 31, 2014. MassDOT has acknowledged that this project may not be completed or operational by its required schedule date as set forth by the SIP.

MassDOT will need to prepare an Interim Emission Offset to be in place for the duration of the delay. Bus and/or rail improvements are being evaluated for possible implementation during the delay of the Green Line projects. At the time of this writing MassDOT was developing an approach to determine the interim offset measures that would be necessary.

MassDOT plans to submit a petition to delay the projects that will meet the requirements of 310 CMR 7.36(4), including a proposal for the interim offset projects to allow for public comment on the proposal. Based on these comments, MassDOT and the MBTA will modify the proposal if necessary.

### **Recommendation**

It is recommended that the Interim Emission Offset submission provide enough time for public input on the proposed offsets. To assist the FTA/FHWA's determination on timely TCM implementation, MassDOT should continue to report on the progress of these activities in the monthly SIP report.

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## **G. Congestion Management Process**

### **Regulatory Basis**

Among the most significant changes under SAFETEA-LU is the updated requirement for a Congestion Management Process (CMP) in TMAs. The change in name (from Congestion Management System, or CMS) reflects a substantive shift in perspective and practice to address congestion management through a process that provides for effective management and operations of the transportation system as a whole. The result of an effective CMP should be serious consideration and implementation of strategies that advance the most efficient and effective use of existing and future transportation facilities through an objectives-driven, performance-based approach to determining and selecting programs and projects.

The National Highway System Act of 1995 made the ISTEA requirement for all management systems optional, except for the Congestion Management System. SAFETEA-LU has redefined this requirement so that the planning process in a TMA includes a congestion management “process” instead of a “system.” The intent of this change is to reiterate the importance of the CMP to transportation planning and programming, and to fully integrate this requirement into the TMA planning processes. The expectation is that the CMP should be an integral part of developing and linking a RTP and TIP within TMAs. The FHWA and FTA also seek a common set of performance measures and a common set of goals and objectives among the CMP, the RTP, and transportation systems operational and management strategies. Additionally, in air quality non-attainment areas, federal funds cannot be programmed for any project that will significantly increase carrying capacity for Single Occupancy Vehicles unless the project results from a CMP meeting the requirements of the law. The CMP must include:

- Methods to monitor and evaluate the performance of the transportation system,
- A definition of parameters for measuring the extent of congestion and evaluating the effectiveness of strategies,
- A program for data collection and system performance monitoring,
- Identification and evaluation of operational and management strategies as well as travel demand reduction strategies,
- A schedule, identification of responsibilities, and funding source for implementation of strategies, and
- A process for periodic assessment of the implemented strategies.

### **Observations**

The Boston Region MPO has taken significant steps to implement an effective regional CMP. The CMP is integrated with the RTP, TIP, and UPWP, and addresses three main RTP visions: system preservation, modernization, and efficiency; mobility; and safety and security. Several performance measures have been established that relate to the CMP objectives. The CMP performance monitoring data are applied to TIP projects evaluations. Apart from MPO data collection efforts, they also pursue other sources to collect data. Based on the monitoring results the CMP recommends studies to the UPWP for detailed analysis.

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Currently, there are tasks in the UPWP to identify bottlenecks in the highway network causing serious traffic congestion, and another is planned in FY 2011 to concentrate on types of choke points like acceleration/deceleration lanes that are too short, weave distances that are not adequate, and lane drop management. In addition, the MPO conducted work on poor signal timing, bottlenecks, and with traffic incidents and works with partner entities like the city of Boston to evaluate local traffic problems that have broader regional impacts. Of note, the MPO funded the upgrade to the City of Boston traffic management center.

The CMP appears to result in projects being funded through the TIP, and CMP data is included as part of TIP project selection criteria. This is a good practice. The TIP process website and the CMP data site demonstrated at the certification site meeting used the same graphical user interface, enhancing the transparency demonstrated by each site. The CMP data site displayed drop down menus of towns/cities available to the public as an interactive database on most congested intersections, accidents, LOS with photos of intersections, description of geometry, conditions, traffic data etc. The convenient access to information of this quality made possible by the website greatly benefits increased public awareness. However, the CMP does not incorporate information on TIP project implementation, which is a significant part of the process. Monitoring the strategies implemented should be included as part of the process to close the feedback loop and gauge the success of the CMP.

### **Recommendations**

The Review Team recommends that the MPO continue to identify ways to monitor and evaluate projects during and after implementation to close the feedback loop in the CMP. It is also recommended that continued documentation of the impacts of implemented operation improvements, and if possible, before and after analyses, be conducted. In addition, the MPO is encouraged to evaluate Adaptive Signal Control Strategies as part of planning and traffic operation studies, and to consult the recent document entitled “An Agency Guide on How to Establish Localized Congestion Mitigation Programs,” published by FHWA’s Office of Operations as part of the Bottleneck Reduction Initiative Program.

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## **H. Safety and the Planning Process**

### **Regulatory Basis**

SAFETEA-LU requires MPOs to consider safety as one of 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. Safety was identified in TEA-21 as a planning factor, in combination with security. SAFETEA-LU emphasized the importance of safety by separating safety and security into individual considerations in the planning process, thus highlighting the importance of each issue.

### **Observations**

The MPO's certification documents (RTP, TIP, and UPWP) all show the importance that the MPO has placed on planning studies and the programming of projects that address safety deficiencies.

The RTP includes several safety initiatives that guide the MPO's work related to different transportation modes. Highway safety is addressed through the consideration of MassDOT's Strategic Highway Safety Plan (SHSP). Based on analysis of crashes in Massachusetts, the SHSP has identified seven emphasis areas where the focus is on improvements to reduce fatalities and incapacitating injuries. The RTP discusses highway safety as it relates to high crash locations, focusing on intersection crashes, lane departure crashes, and incident management, through the use of Intelligent Transportation Systems.

Safety is also discussed in the RTP in relationship to the transit system. The MBTA is the largest transit provider in the region, and safety and security for patrons using the MBTA system, as well as equipment, are discussed. Improving communication interoperability is also discussed in the RTP, where MBTA safety and security personnel are able to communicate with the Boston and Cambridge fire and police departments in response to an emergency.

A plan to enhance security throughout the MBTA system, including a project to install additional surveillance cameras, is outlined in the RTP. Cameras will be installed at each station (488 cameras in all), and all new buses that are brought into service will be equipped with surveillance cameras. The RTP also addressed bicycle and pedestrian safety and the availability of the Safe Routes to School Program.

Similar to the link between the SHSP and the RTP, the RTP's safety planning is linked to the TIP, where HSIP funds are programmed on projects in each of the four years of the TIP for a total of \$15 million in federal funds. Recently the Road Safety Audits have been used to collect and analyze data in an effort to identify a crash location's severity, relative to other crash locations. Working with MassDOT, safety projects are programmed on the MPO's TIP with HSIP funds for projects that are supported by crash data.

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Safety is one of several factors considered in the selection of projects. A safety project on Route 2 in Concord (Crosby's Corner) was programmed in the TIP for HSIP design funds in FY 2011, and HSIP construction funds in FY 2012. On MassDOT's Top 200 High Crash Intersection Location list, the project's history showed that this location had experienced 143 crashes per mile, and was ranked as one of the region's most needed safety projects.

The MPO's Journey to 2030 Amended RTP lists the top twenty-five crash locations in the region that occurred between 1991 and 2001, and a safety improvement at one of those locations in Waltham is under construction, in addition to five projects that were constructed as part of the Central Artery Tunnel project.

Project Evaluation Criteria are used to rank projects for consideration in the TIP, and safety is one of several criteria considered in programming decisions. Safety is also considered in the UPWP, and there are studies where the focus is on pedestrian and intersection safety. The need for a safety study often arises through the CMP. Several studies underway in the region include Operational Improvements At Congested And High Crash Locations, Safety And Operational Analyses At Selected Locations, and the Route 126 Corridor Study.

As part of its CMP monitoring, the MPO has collected data on 400 intersections in the region, including signal timing (if signalized), turning movements, traffic volume, bicycle and pedestrian usage, and geometry. The intersections selected for monitoring were based on possible programming for the TIP, high incidences of bicycle and pedestrian crashes, and locations in proximity to MBTA bus routes. Based on the data that was collected and analyzed, improvements were recommended for further study. This data was also entered into the mobility database and was made available on the MPO's website. An interactive map was provided for users to search for intersections of interest and was indexed by municipality, route number, level of service, total crashes, and bicycle and pedestrian crashes. The interactive map is accessible at the following link: [http://bostonmpo.org/apps/mms/mms\\_intersection\\_query.cfm](http://bostonmpo.org/apps/mms/mms_intersection_query.cfm)

### **Commendation**

The Review Team commends the MPO staff for the MPO's interactive map that has provided users with descriptions of priority intersections where a safety deficiency has been identified. The interactive tool has also provided useful data for the consideration of projects in the programming of the TIP. The tool is a good example of complying with the SAFETEA-LU's planning provision of using visualization techniques in TIP development.

### **Conclusions**

The MPO includes safety considerations in all major aspects of transportation planning. There are strong and clear links between the state's SHSP and the RTP, as well as between the RTP and the TIP. The CMP is also a source of information that can be used to evaluate safety studies and TIP prioritization. The MPO has advanced projects that meet some of the greatest safety needs in the region.

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## **I. Boston Region Metropolitan Planning Agreements**

### **Regulatory Basis**

Federal legislation (23 U.S.C. 134) requires the MPO to work in cooperation with the State and public transportation agencies in carrying out a continuing, cooperative, and comprehensive (3C) metropolitan planning process. These agencies determine their respective and mutual roles and responsibilities and procedures governing their cooperative efforts. Federal regulation requires that these relationships be specified in agreements between the MPO and the State and between the MPO and the public transit operators.

### **Observations**

The Review Team reviewed the “Memorandum of Understanding Relating to the Comprehensive, Continuing and Cooperative Transportation Planning Process in the Boston Metropolitan Area” dated December 13, 2001 that was signed by the following agencies; Executive Office of Transportation and Construction, Massachusetts Highway Department Massachusetts Bay Transportation Authority, Advisory Board to the MBTA, Metropolitan Area Planning Council, Massachusetts Turnpike Authority, the Cities of Boston, Everett, Newton, Peabody, and the Towns of Bedford, Framingham, and Hopkinton.

Among the topics that the agreement discusses are the composition and roles of the MPO, functions and roles of the MPO and its committees, the TIP and the development of MPO highway funding targets.

On November 1, 2009, the Commonwealth implemented a reorganization of its transportation agencies, integrating transportation agencies and authorities into a new entity, the Massachusetts Department of Transportation. MassDOT oversees four new divisions: Highway, Rail and Transit, Aeronautics, and Registry of Motor Vehicles. As part of this reorganization, the Massachusetts Turnpike Authority was dissolved and its duties assumed by the MassDOT Highway Division.

As part of the approval of the FY 2010-2013 STIP, FHWA, and FTA directed MassDOT and the MPOs to develop a new Memorandum of Understanding to outline the mutual roles, responsibilities, and procedures governing the voting membership of the MPO. This new relationship would need to be specified in an agreement among all MPO members.

### **Recommendation**

In accordance with 23 CFR 450.314, the MPO, MassDOT and the transit operator(s) shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, MassDOT and the public transportation operator(s). The written agreement shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the RTP, the TIP, and the responsibilities and procedures governing the voting membership of the MPO. This MOU

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should be in place prior to the development of the FY 2012-2015 TIP. Subsequent to the review, the MPO has prepared updated the MOU to address this recommendation from the draft report, and the document is undergoing public review. The Review Team anticipates this recommendation will be met prior to the release of the draft FY 2012-2015 TIP.

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## **J. Coordination with Transit Authorities**

### **Observation**

There are three transit authorities within the Boston MPO area: the Massachusetts Bay Transportation Authority, the MetroWest Regional Transit Authority (MWRTA) and the Cape Ann Transit Authority (CATA). All three participate in the development of the RTP, TIP, and UPWP. The MBTA receives Federal Section 5309 Fixed Guideway Modernization funds (assistance for rail improvements) and all three agencies are recipients of Federal Section 5307 Urban Formula funds (assistance for any capital transit improvement). The distribution of Section 5307 funds for the Boston Urbanized area is based on a split agreement between all transit agencies within the urbanized area including the MBTA, MWRTA, CATA, Montachusett Regional Transit Authority, and the Lowell Regional Transit Authority.

### **Conclusion**

With the reorganization of the transportation agencies, MassDOT is enhancing their oversight of the Regional Transit Authorities (RTAs). In support of TIP development, MassDOT will work with the RTAs in identifying needs and funds to advance projects. This assistance should improve regional coordination and the capital programming process.

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## **K. Transportation Improvement Program**

### **Regulatory Basis**

The MPO is required, under 23 CFR 450.324 to develop a TIP in cooperation with the State and public transit operators. Specific requirements and conditions as specified in the regulations include the following: the TIP shall cover a period of at least four years, must be updated at least every four years, and must be approved by the MPO and the governor. If the TIP is updated more frequently, the cycle must be compatible with the State Transportation Improvement Program development and approval process [23 CFR 450.324(a)]. In nonattainment and maintenance areas subject to conformity requirements (see Section 2.8), FHWA and FTA must jointly make a conformity determination with the MPO on any updated or amended TIP. The TIP shall give priority to eligible TCMs identified in the STIP, and projects included for the first two years shall be limited to those for which funds are available or committed [23 CFR 450.324(i)]. There shall be reasonable opportunity for comment by all reasonable parties in accordance with 23 CFR 450.316(a)(1) and (3); in nonattainment TMAs, there must be an opportunity for at least one formal public meeting during the TIP development process [23 CFR 450.324(b)]. In addition, the TIP must be published or otherwise be made readily available for public review, including in electronically available accessible formats to the maximum extent practicable.

### **Observations**

As required, the MPO's FY 2010-2013 TIP covers a four-year timeframe. It is updated annually and is consistent with MassDOT's update cycle for the STIP. The TIP briefly describes the process that is used for the development of the document, and states that the planning products are consistent with the transportation planning goals for the region. It also discusses financial constraint, project evaluations, federal authorization, apportionment, allocation, and obligation authority.

The TIP is developed through the MPO's consideration of the transportation priorities identified in the RTP, proposed projects submitted for consideration by municipalities and others, deficiencies identified in the CMP, and projects on the current and future years of the TIP. Outreach efforts begin in January of each year and continue through the end of the public review and comment period prior to MPO endorsement. The outreach efforts are targeted to a wide spectrum of the public, including project sponsors, municipalities and other stakeholders.

As a way to assist municipalities in the transmitting information on projects for consideration by the MPO and MassDOT in programming the TIP, the MPO staff has developed an electronic tool that project proponents can use to submit ideas for projects. The Project Information Form allows MassDOT and the MPO to receive project-specific information that enhances understanding of the benefits that will result from implementation of the proposed project. With this understanding, the MPO uses Transportation Evaluation Criteria (TEC) to review projects. The TEC includes several factors: condition of infrastructure, safety, mobility and operations, and issues of regional and local concerns (i.e., environmental justice, land use, economic

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development and the environment). When the evaluation is completed for each proposed project, the project receives a score for all criteria. This score assists the MPO in the prioritization of proposed projects. (MAPC had commented that the projects selected for implementation in TIP are often not consistent with the TEC, and had suggested that there should be greater consistency with the TEC and projects advertised for construction.)

The MPO has a link on its website that includes a database of projects that are programmed on the TIP, and an interactive map showing the municipality, project specific information, and the project identification number. The interactive map can be found at the following link: [http://www.bostonmpo.org/apps/tip/tip\\_query.cfm#](http://www.bostonmpo.org/apps/tip/tip_query.cfm#)

Table 5-1, the Federal-Aid Program, shows federal funds from FY 2010 to 2012, for the Section 5307, and Section 5309 funds authorized for the transit program, and the amount programmed in the TIP. The table also includes the highway funds reflected from the MPO TIP's target (obligation) and the amount programmed. It appears that the financial constraint information for FY 2013 was inadvertently left out of the document; these financial figures should be included in the next update of the TIP.

### **Commendation**

The Review Team commends the staff for developing the MPO's Project Information Form and facilitating public access to programmed projects via the Interactive Map. This allows easy access to project information and addresses SAFETEA-LU's requirement of an enhanced visualization technique in transportation planning.

### **General Conclusions and Recommendations**

The Review Team has concluded that the TIP Development Process section provides the reader with helpful information and facilitates a level of understanding on how the TIP is developed. It is recommended that when a project is programmed using advance construction, a notation should be provided in the project description on each element that the project appears. "AC Yr-1" should be shown as part of the description for the first year that the project is AC'd, AC Yr-2" should be shown as part of the description for the second year that the project is AC'd, etc.

### **Discussion of Particular TIP Issues**

The following sections discuss particular aspects of the TIP: target timeliness; year of expenditure; first year programming; coordination with the environmental process; the annual listing of obligated projects; and, the programming of bridges.

#### ***TIP Target Timeliness***

The responsibility for presenting the TIP target information to the MPO is with MassDOT. The need for timely sharing of this information is important so that the planning regions can program TIP target projects appropriately, with particular emphasis on financial constraint.

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By working with MassDOT and the planning regions, and by attending monthly Transportation Managers Group meetings and quarterly Massachusetts Association of Regional Planning Agencies (MARPA) meetings, it has been observed that MassDOT sometimes has not provided the funding targets to the MPOs in a timely manner. Due to funding uncertainties at the federal level, the ability of MassDOT to provide timely targets has become challenging. In FY 2011, the full year appropriation was not known until April 2011.

It is recommended that the target information be provided to the MPOs at the earliest convenience for early development of the TIPs. This would allow for meaningful consultation and discussion prior to MassDOT decisions regarding funding levels. The Regional Planning Agencies have asked to be engaged in consultation with MassDOT regarding funding levels for the statewide line item categories.

**Conclusions and Recommendations:** It is acknowledged that due to funding uncertainties at the federal level, the ability of MassDOT to provide timely targets is challenging. It is recommended that the target information be provided to the MPOs at the earliest convenience for early development of the TIPs once the funding levels are known, and this should provide a reasonable opportunity for cooperative consultation during this process.

#### ***Year of Expenditure***

Another SAFETEA-LU requirement is use of year of expenditure financial estimates that reflect inflation of project costs beyond the first year of the TIP. MassDOT, in coordination with the state's MPOs, has demonstrated a preference to reduce the value of the region's funding target by 4% per year compounded, while the projects costs are not adjusted to the year of expenditure. This is only used for target projects in the TIP.

The 4% inflation factor should be applied to all project costs beyond year one. In an effort to account for inflation, the FHWA had asked all MPOs to include a brief discussion of how the inflation factor is applied, with the addition of a footnote in the TIP project listing. In the MPO's TIP, the footnote has stated that the "Boston Region MPO Target minus AC projects and ongoing programs is then actualized by 4% for 2011 and 2012." As written, the description is not clear.

Also unclear is whether the 4% inflation factor was applied. In reviewing the first year of the FY 2012 element, AC is applied as follows; "Less AC/programs multiplied by 1.04 for 2011 and 2012" and it is not intuitive whether the 4% inflation rate has been used in a straight-line calculation or whether it has been compounded.

**Conclusions and Recommendations:** The application of year of expenditure dollars should be clarified in the TIP. The Review Team has concluded that all projects in the TIP be inflated to the year of expenditure, whether they are funded with target or other funds. This recommendation should be addressed and included in the FY 2012-2015 Draft TIP.

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### ***First Year Programming***

The MPO uses several criteria to screen and rank target projects for selection and programming in the TIP. The programming criteria are more stringent for the first year than for projects considered for future years. The MPO considers the following factors for programming in the TIP:

- How well a project advances the MPO's policies
- Whether the project addresses a statewide, regional or local priority
- How well a project meets an identified need in the region
- How far along in the Project Development Process the project has advanced
- The past commitment the MPO has shown to the project, if any (for instance, whether or not the project was programmed on the TIP in prior years)
- The cost of the project, relative to the financial constraint of the TIP document

Typically, projects that the MPO would consider for programming in the first year of the TIP have been approved by the MassDOT Highway Division's Project Review Committee (PRC). In addition, a project's readiness affects whether or not it can be obligated and advertised during the TIP's first year; also, the MPO places a more stringent requirement of 75% design approval on first year projects, compared to the minimum of 25% design approval for projects programmed in the other years of the TIP.

The TEC are applied to MPO target projects, resulting in a score for each project. Projects that score highly are candidates for potential programming and are sorted by year of advertising. This is based in large part on the project's readiness, considering right-of-way and environmental permit status, as well as programming status in the current TIP. The financial constraint of the TIP, relative to projects under consideration, is also considered. Throughout this process, coordination typically occurs among the MPO staff, MassDOT, elected officials, and the general public.

The scoring system gives an advantage to projects that are priorities to the state, region or the municipalities, and which address local needs and advance the policies of the MPO. Also, projects that are not advanced in the design phase, as well as projects with unresolved environmental permitting or right-of-way issues, often do not rise to the top of the region's priorities.

Not every programmed project is implemented each year. In FY 2010, the first year of the FY 2010-2013 TIP was amended to remove one project – the South Bay Harbor Trail. This project was one of 16 projects that was not advanced with target funding and affected only 6.80% of target funds. In FY 2009, one project that was to be advanced with target funding as part of the FY 2009-2012 TIP was not advanced. The Cambridge Common Design project was one of 16 target projects that was not obligated. In FY 2008, the MPO amended seven projects from the first annual element of the FY 2008-2011 TIP that were to be obligated with target funding. There were 11 target projects and this change to the TIP affected more than 27% of the target funds for the 2008 element.

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The MPO prepares a new TIP annually, much like other MPOs in the Commonwealth, consistent with the schedule for STIP development. This gives the MPO an opportunity to develop a new universe of projects and to apply the TEC, producing a new set of priority projects.

The MPO has added several earmark projects to the first year of the TIP that typically do not appear to have been approved by PRC and/or to have been evaluated with the TEC. Earmark projects that are not advanced are frequently added to first year of the next TIP update.

***Conclusions and Recommendations:*** The Review Team has concluded that the criteria the MPO uses to select target projects for the TIP, particularly year one of the TIP, appear to be effective, with a high percentage of obligation. The Review Team recommends that earmark projects follow a similar process, much like the target projects for evaluation prior to programming in the TIP.

The Review Team recommends that the MPO maintain close coordination and communication with each of the member communities that have projects funded with the region's target funds. Particularly close attention should be paid to projects programmed in year one of the TIP.

The Review Team recommends that MPO staff track those projects appearing in year one of the *original* TIP (i.e., prior to any amendments throughout the year), to understand how many year one projects were advertised and how many were not advanced. Staff should also inform the MPO of the reason for original TIP projects not being advertised as expected. This data would be useful to include in the following year's TIP document. Appendix C shows the status of FY 2009 target projects; however, it is unclear whether this listing includes projects programmed on the FY 2009 original TIP. This distinction would be helpful in tracking changes that are made to year one projects.

#### ***Coordination of Programming and Environmental Processes***

It has been observed that projects are sometimes advanced through environmental documents prepared by Environmental Services of the Highway Division or MassDOT Planning that have not been included in the TIP or RTP by the MPO.

If time, effort, and funding are expended to advance a project's environmental documentation, the project should have been identified as a regional priority through the MPO planning process. With this in mind, such projects must be included in the financially constrained section of the RTP, as well as the TIP. The incorporation of such projects into these planning documents signifies that the project is a regional priority to the MPO.

***Conclusions and Recommendations:*** Consistent with U.S. DOT's guidance on the planning requirements and their relationship to the National Environmental Policy Act of 1969 (NEPA), each entire project described in a Record of Decision (ROD), Finding of No Significant Impact (FONSI), or Categorical Exclusion (CE) shall be consistent with the TIP and RTP prior to federal approval of the environmental document for that project. The Environmental Services Division, MassDOT Planning, the MBTA, and the MPO should

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coordinate more closely to ensure that environmental documents that are being prepared for projects have the support and endorsement of the MPO.

***Annual Listing of Obligated Projects***

The MPO has been publishing a list of highway projects advertised in the preceding program year. However in accordance with 23 CFR §450.332, the planning regulations specifically require that the list include all federally funded projects authorized or revised to increase obligations in the preceding year. This includes but is not limited to advance construction conversions, highway and transit projects.

***Recommendation:*** The Review Team recommends that this list be published or otherwise made available in accordance with the MPO's public participation criteria in the TIP, and should be made available to the public within 90 days after the start of the new fiscal year.

***Universe of Projects Including Bridges***

Massachusetts MPOs typically have not used target funds to program bridge projects, most likely because there is a separate statewide programming category for bridge projects. Also, some bridge projects are relatively costly when compared to the target fund allocations that the MPOs have for programming.

Given that many bridges serve local, regional, and statewide traffic, and that Massachusetts has a large inventory of structurally deficient, as well as functionally obsolete bridges, it appears reasonable to include bridges in the universe of projects in the TIP development process. MPOs should consider these projects in programming their target funds. With this in mind, the Review Team focused on Appendix A of the FY 2010-2013 TIP, which included the MPO's Universe of Projects, as well as tables with proposed project entries and assessments that were scored based on their evaluation criteria.

There are 157 projects in the universe and the projects are listed by municipality, project ID, and description. On Page 117, the table compares arterial and intersection, bicycle and pedestrian, enhancement, and major highway projects. It includes detailed information, ranging from the estimated cost, design status and community priority. Scores have been assigned to these entries based on need and effectiveness relative to condition, safety, mobility and operations. The projects are also assessed on the basis of the perceived effect that the proposed improvement would have on environmental justice, community character, environmental conditions, land use and economic development conditions in the project area. In reviewing the TIP project listing sheets for each of the four years, the bridge projects were funded with target funds, using National Highway System funds programmed to address the Route 128 Add-a-Lane project.

***Conclusions and Recommendations:*** The Review Team has concluded that the MPO has programmed bridge projects with target funds throughout the FY 2010-2013 TIP. Project listing sheets for each TIP element has showed that more than \$13 million of federal funding was programmed annually using target funds.

The Review Team recommends that there be a discussion of the evaluation of projects in Appendix A (Universe of Projects and Evaluation of Projects), since not all projects were

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evaluated and scored. The intent of this project listing should be explained, clarifying that bridge projects are not financially constrained and therefore are not being advanced at this time.

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## **L. Public Participation Process**

### **Regulatory Basis**

The requirements for public involvement are set forth primarily in 23 CFR 450.316(b)(1) which addresses elements of the metropolitan planning process (see also Transportation Planning Process topic area). Public involvement also is addressed specifically in connection with the Transportation Plan in 450.322 (c) and the TIP in 450.324(c); air quality-related public involvement requirements, which pertain to the Transportation Plan and TIP, also are included in 450.322(c) and 450.324(c).

Requirements related to the planning process generally are summarized in 450.316(b)(1), as follows:

- A proactive process
- Complete information
- Timely public notice of public involvement activities and information about transportation issues and processes
- Full public access to key decisions and time for public review and comment
- Early and continuing public involvement in developing the TIP
- A minimum public comment period of 45 days before adoption or revision of the public involvement process
- Minimum 30-day review period for Transportation Plan, TIP and major amendments in nonattainment areas classified as serious and above
- Explicit consideration and response to public input
- Consideration of the needs of people traditionally underserved by transportation systems, including low-income and minority households; consistency with Title VI of the Civil Rights Act of 1964, including actions necessary to comply with the Americans with Disabilities Act of 1990
- Periodic review of public involvement effectiveness
- Coordination of metropolitan and statewide public involvement processes

The requirements pertaining to the Transportation Plan (450.322(c)) are further elaborated as follows:

- Opportunity for public official and citizen involvement in the development of the Transportation Plan, in accordance with 450.316(b)(1), including involvement in the early stages of Plan development, public comment on the proposed Plan, at least one formal public meeting annually to review planning assumptions and the plan development process

TIP related requirements [450.324 (c)] include:

- Reasonable opportunity for public comment in accordance with the requirements of 450.316(b)(1) and, in nonattainment TMAs, an opportunity for at least one formal public

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meeting during the TIP development process and provision for public review and comment.

## **Observations**

The Public Participation Plan (PPP) is the foundation for the MPO's engagement with the public. The PPP was approved in 2007 and revised in 2010, and spells out goals and guiding principles for public participation and lays out a plan for accomplishing them.

The MPO has a citizen's advisory group, the Regional Transportation Advisory Council (RTAC) that it relies on for ongoing, informed input. It is supported by the MPO to be a conduit for public input, responsible for generating broad and timely public participation by bringing together representatives of transportation advocacy groups (including freight, accessibility, bicycle, and pedestrian groups), business leaders, municipalities, neighboring MPOs, and regional representatives concerned with land use and development, the environment, the elderly, and persons with disabilities. (There are approximately 56 members.) It provides comments to the MPO on the MPO's work, including the certification documents. The Advisory Council holds monthly public meetings. Special forums, field trips, and focus group sessions may be scheduled at other times and locations. It is a non-voting member of the MPO and a voting member of the MPO's Transportation Planning and Programming Committee. The Advisory Council also has a Freight Committee that is very active in bringing freight issues and planning needs to the attention of the Advisory Council and the MPO.

The MPO holds meetings, small focus groups, and workshops as another way of gathering input from the public. Other outreach activities include visualization tools and maps. The MPO reviews with the public its draft planning materials, including the certification documents. The MPO also takes advantage of public participation activities and input from MPO member entities, including the MBTA.

In addition to the public meetings, the MPO uses its web page and the internet extensively for its public participation. It is the primary location for current information about the MPO and all MPO activities, and for posting certification documents and other reports and studies. An example is the MPO posting of its visions and policies for public review and comment. Its function is to make information available quickly and conveniently. It houses pages and links to reports and studies conducted by the MBTA and other agencies, and hosts the Advisory Council web page. The MPO posts news flashes and announcements. For example, the notice of this Certification Review was posted on July 15, 2010. The web site also serves as an avenue for input with buttons for submitting comments and views, particularly on draft documents and studies. The MPO's website is becoming an important means for providing information to the public and for gathering input. Information on the MPO's election process is housed on its own page on the website.

The MPO has a newsletter that has approximately 3,200 subscribers, some getting the print version, and some getting it by e-mail. The MPO maintains a one-way e-mail list service that distributes information, such as notices of MPO work and public comment periods, to more than 1,700 interested parties in the region. These recipients include local elected officials, legislators,

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environmental agencies and groups, transportation providers, and interested citizens and transportation advocacy groups. Information is also posted on the MPO's website where it can be translated into Spanish, Chinese, Portuguese, Italian, French, and Russian.

Legal notices are published in the region's major newspaper, the Boston Globe, and in Spanish in the region's major Spanish language newspapers, La Semana and ElMundo. Meeting agendas and other materials on the web site make it clear that the MPO holds meetings in accessible locations, that it does not discriminate and has a related compliant procedure that it makes materials available in accessible formats or in other languages.

The MPO has a print and on-line booklet, "Be Informed, Be Involved" in English and Spanish, and print versions of smaller pamphlets on the MPO process and each of the certification documents. These are designed to be distributed at public meetings. Recently, the MPO has begun distributing post cards promoting links to its webpages where the public can find its documents and planning materials.

The PPP has been revised and improved to reflect SAFETEA-LU criteria and guidance from the FHWA and FTA.

The MPO tracks performance in public outreach and the MPO has been able to improve the public participation process continually as the need arises. The web site tracks visitors and the MPO keeps track of attendance at meetings and their comments. This year the MPO has begun to use social media tools such as Twitter and YouTube in its outreach processes.

### **Recommendation**

The Review Team has concluded that the MPO conducts a proactive public outreach process, and recommends that the effectiveness of the procedures and strategies contained in the PPP be periodically reviewed to ensure a full and open participation process.

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## **M. Title VI, Environmental Justice, and Limited English Proficiency**

### **Regulatory Basis**

It has been the long-standing policy of U.S. DOT to actively ensure nondiscrimination under Title VI of the Civil Rights Act of 1964. Title VI states that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Title VI bars intentional discrimination as well as disparate-impact discrimination—that stemming from neutral policy or practice that has the effect of a disparate impact on protected groups. The planning regulations [23 CFR 450.334(a)(3)] require FHWA and FTA to certify that “the planning process...is being conducted in accordance with all applicable requirements of...Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State under 23 U.S.C. 324 and 29 U.S.C. 794.” The Title VI assurance adds gender and physical handicap to characteristics protected against discrimination.

Executive Order 12898, issued in 1994, further amplifies Title VI by providing that “each Federal agency shall make achieving Environmental Justice part of its mission by identifying and addressing, as appropriate, disproportionately high or adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations...” In compliance with this Executive Order, the U.S. DOT Order on Environmental Justice (EJ) was issued in 1997. Furthermore, planning regulations 23 CFR 450.316(a)(1)(vii) require that the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households that may face challenges accessing employment and other services, be sought out and considered.

### **Observations**

The MPO Public Participation Plan reports on its outreach to the Environmental Justice, Limited English Proficiency (LEP), and Americans with Disabilities Act (ADA) populations. The PPP addresses the mechanics of participation in the requirements for review of the TIP, RTP, and UPWP and the review of special studies.

The MPO conducts ongoing outreach and response as part of its EJ program. In particular, MPO staff contact social service organizations serving MPO-identified EJ neighborhoods and request an opportunity to meet with them to discuss the transportation needs of the low income, minority, EJ, and LEP and elderly persons in their neighborhoods. If the organization is not able to meet to discuss these issues, staff distributes a questionnaire to gather this information. In addition, the MPO has posted an on-line survey that can be completed by organizations serving EJ persons or by persons living in EJ neighborhoods as a way of identifying transportation needs of EJ communities and of capturing the public’s views on the planning process. The MPO conducts EJ forums for EJ contacts as part of its regular outreach.

The information from all outreach is collected and presented to the MPO for its information. It is then used in evaluations for projects considered for inclusion in the TIP and the Plan and for developing any studies in the UPWP. The MPO funds its ongoing program and special studies

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each year in its UPWP. The MPO also transmits the issues and needs identified in the outreach to the agencies or municipalities responsible for any response or remedy.

The Access Advisory Committee to the MBTA (AACT) is an organization composed primarily of people with disabilities, senior citizens, and representatives of human services agencies. AACT is an independent organization that works closely with the MBTA to ensure that the Boston region's transportation system is accessible, as well as safe and efficient, as guaranteed by the Americans with Disabilities Act. AACT provides a public forum for discussion of MPO issues and topics, and is invited to participate in the development, review, and comment processes for all certification documents. AACT is a member and regular participant in Regional Transportation Advisory Council meetings. AACT members receive notices and flyers in their regular monthly informational mailings. AACT officials and interested members are also sent notices through MPO information materials, and they often participate in MPO open houses or workshops. The MPO prepares all materials in accessible format, upon request.

## **General Conclusions and Recommendations**

The MPO has committed significant resources to address the requirements of the Title VI legislation and the executive orders on EJ and LEP, and it is recommended that these requirements be periodically reviewed to gauge their effectiveness.

## **Discussion of Particular Title VI, Environmental Justice, and Limited English Proficiency Issues**

### ***Title VI Complaint Process***

The Boston Region MPO's complaint process is posted on its website. The process provides broad coverage for persons protected under Title VI and other pertinent nondiscrimination statutes. The process requires that all complaints be submitted within 30 days from the date alleged discrimination occurred; FHWA/FTA notes that the regulations at 49 CFR Part 21 stipulate 180 days. The process also instructs that complaints shall be submitted to "Mr. Bernard Cohen, Chair." In addition, the MPO Chair responds to complaints within 60 days from the date received. The process does not indicate that investigative findings, regardless of resolution, are submitted to MassDOT. Furthermore, appeals are submitted back to the MPO Chair within 30 days of his/her response; appeals addresses for MassDOT and the US DOT Office of Civil Rights.

***Recommendation:*** Although not a requirement, the MPO should consider renaming its complaint process, "Title VI/Nondiscrimination Complaint Procedure." This title acknowledges that the programmatic implications of Title VI extend beyond the original statute and discrete protections based on race, color, national origin. While the submission of complaints may be preferred within a 30-day timeframe, the MPO should extend this period to provide for appeal under MassDOT's procedures, as the primary recipient, and the US DOT's limitation of 180 days. The MPO's current Chair or designated Title VI Coordinator should be named in the policy along with a submission complaint address. It is inappropriate for the MPO to review, in an appeal, any decision or outcome previously rendered. FHWA/FTA recommends that two appeal options be provided: 1) MassDOT Director of

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Civil Rights; 2) US DOT Office of Civil Rights. Furthermore, the procedure should indicate that complaint investigations and resolution are forwarded to MassDOT. FHWA/FTA also recommends that the MPO work collaboratively with the MassDOT Civil Rights Director to review its Title VI Nondiscrimination Notice and Procedures for sufficiency.

### ***Demographic Profile***

The MPO has not clearly defined the subcategories in its demographic analysis. We note that the MPO's commentary in response to this area indicates that Hispanics may not be considered part of the core minority demographic. This observation was derived from the following statement: "Minority TAZs are those in which the non-white or Hispanic population is greater than 50 percent and includes a minority population of at least 200 people." FHWA/FTA also noted that the data contained in Table-1, "Environmental Justice Area Demographics" did not include statistics for elderly, disabled, and limited English speakers. A more complete demographic is necessary to ensure access, equity, and the avoidance of adverse and disproportionate impacts to all persons protected by statute. Furthermore, these demographics provide an ability to conduct benefit-burden analysis and target outreach activities within the communities and throughout the planning region.

***Recommendation:*** A more complete demographic profile should be developed and presented. The MPO should also discuss how this information is utilized to ensure program access, equity, and the appropriateness of its outreach activities.

### ***Access and strategies to identify and meet the needs of protected populations***

The MPO's response in this area included a number of effective strategies to identify and engage the public, including LEP, low-income, minority, disabled, and elderly populations. With refined demographic information and a more complete listing of the organizations that serve these populations, there would a greater ability to conduct targeted outreach and provide access region-wide with a specific Title VI intent. The MPO states that its one-way listserv contains more than 1,200 contacts for various groups and organizations. This listing may contain organizations that are considered Title VI/EJ constituencies; therefore, it would be appropriate to actively engage these groups and include them as regular "contacts" at Appendix C of the Public Participation Plan.

In its public participation plan, the MPO states that it has ongoing collaboration with the MBTA's Access Advisory Board and Rider Oversight Committee. In addition, the MPO sends its notices to the Massachusetts Commission for the Blind. While these efforts are notable, they appear to relate only to transit planning. There seems to be a greater need for outreach to the disabled communities throughout the region to boost participation in highway planning. The FHWA and FTA note that there are over 150 local commissions on disabilities in Massachusetts, more than 12 of these commissions fall within the Boston Region. None of these commissions appear in the MPO's list of contacts. It was also noted that this list did not contain a conduit for the assisted living communities within the planning area. This channel, in addition to others, might improve contact with the elderly populations throughout the region.

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While the MPO clearly acknowledges its obligation to provide information in accessible formats, including translations in languages other than English, the language used in its public notices could be more specific. Specifically, there was no language in the notices to apprise disabled and LEP persons (or their English-speaking leaders) of the process for requesting language assistance or reasonable accommodations, such as assistive devices or sign language interpreters.

The MPO did not include discussion regarding the actual make-up and efforts to achieve a representative “Title VI” body within its Advisory Council and working committees.

**Recommendations:** Recognizing the specific obligations under Title VI and related statutes, we recommend that the MPO work to establish a separate listing of Title VI/EJ agencies and organizations serving protected groups throughout the region. Regular contact with these entities will help to ensure inclusive public participation and will provide a means to identify benefits and burdens to Title VI/EJ communities at the earliest stages.

The MPO should insert appropriate language into all public notices to apprise disabled and LEP persons of the process by which reasonable accommodations should be requested. The MPO should work collaboratively with the MassDOT Office of Civil Rights to identify appropriate language that encompasses all pertinent requirements.

The MPO should submit information regarding the demographic make-up of its Advisory Council and committees, and articulate its efforts to establish a body representative of the Title VI/EJ demographic within the region. Alternatively, the MPO should state how its Advisory Council has established conduits to ensure adequate representation in each category of persons protected by federal statutes.

#### ***Limited English Proficiency***

While the Boston MPO recognizes a need for language assistance and has undertaken efforts in this area, it is unclear whether the steps taken to provide language access are based on a comprehensive four-factor analysis (in accordance with US DOT’s Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons). With regard to the translation of “vital” documents, the MPO has translated its “Be Informed, Be Involved” booklet in Spanish. However, the language demographic resulting from a four-factor analysis may suggest that translations in other languages are necessary.

**Recommendation:** More commentary concerning what language groups have been identified and how they are notified, as well as how the MPO procures interpretation/translation services are desired. In addition, the MPO has a requirement to identify its “vital” documents and provide translations where doing so would prevent a delay or denial of access to the public participation process. It would be helpful for the MPO to articulate how it determines a need to translate informational pamphlets/booklets and updates to its certification documents.

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## **N. Freight Planning**

### **Regulatory Basis**

SAFETEA-LU legislation specifically calls for the need to address freight movement as part of the transportation planning process (Reference: 23 U.S.C. §134 and 23 CFR §450.306 - Metropolitan transportation planning). Section 134 (a) Metropolitan transportation planning section indicates that:

It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and encourage 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)(as shown below) and section 135(d).

Three of the eight SAFETEA-LU planning factors identified within title 23 U.S.C. include freight-related provisions that should be addressed as part of the metropolitan and Statewide transportation planning process as follows (Reference: 23 U.S.C. §134(h) and §450.306):

(h) SCOPE OF PLANNING PROCESS—

- IN GENERAL.—23 CFR 450.306(a) The metropolitan planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will...
  - (1) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
  - (4) Increase the accessibility and mobility of people and for freight;
  - (6) Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

As part of the MPO participation planning requirements under title 23 U.S.C., the SAFETEA-LU consultation requirements were expanded in order to include freight shippers, as interested parties that should be provided a reasonable opportunity to comment on RTPs and TIPs (Reference: 23 U.S.C. 134 and §450.316).

### **Observations**

The MPO prepared the *Boston Region Freight Study* report in 2007. The study included an inventory of freight transportation infrastructure and operations in the Boston Region MPO area. Stakeholders in the movement of freight were involved in the development of the study through

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extensive interviews. The MPO also funded a freight study through the FFY 2010 UPWP, and the draft FFY 2011 UPWP also includes a freight study to build on the work conducted by the MPO in FFY 2010.

TIP project evaluation includes two freight criteria: (1) Does the project enhance freight movement or operations for regional or local commerce, and (2) Does the project improve the regional truck network?

The MPO reaches out to freight stakeholders through its public outreach activities, outlined in response to questions on the “Public Outreach” section. Freight contacts are included in the MPOInfo e-mail listserve, which is maintained by the MPO staff. The Advisory Council’s membership includes several freight stakeholders, including the Massachusetts Motor Transportation Association, Eastern Massachusetts Freight Rail Coalition, Construction Industries of Massachusetts, and Seaport Advisory Council. These entities, and many other members and interested parties, participate in monthly meetings of the Advisory Council’s Freight Committee. The Freight Committee discusses timely freight issues and organizes field trips that engage the freight community. During the Public Meeting, commenters suggested that the Freight Committee of the Advisory Council has been very active in promoting freight planning and advocating for much more emphasis on freight by MassDOT and the MPO.

JOURNEY TO 2030, the current Long-Range Transportation Plan of the Boston Region MPO, includes a section on freight in the mobility chapter. The MPO’s policies, as stated in JOURNEY TO 2030, promote the efficient movement of freight and make a connection between economic development and freight.

The UPWP includes a freight study focused on improving truck and rail access to the port of Boston, and to evaluate options to increase the share of freight moved by rail, air, and water. The study is intended to provide information needed for understanding and evaluating existing and projected freight activities in the region and to identify freight projects for consideration by the MPO and MassDOT.

## **Conclusion**

The MPO’s work in the freight area meets the intent of the SAFETEA-LU legislation that specifically calls for the need to address freight movement in the transportation planning process.

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## **O. Self-certifications**

### **Regulatory Basis**

Self-Certification of the metropolitan planning process, at least once every four years, is required under 23 CFR 450.334. The State and the MPO shall certify to FHWA and FTA that the planning process is addressing the major issues facing the area and is conducted in accordance with all applicable requirements of 23 CFR 450.300 and

- 23 U.S.C. 134 and 49 U.S.C. 5303 and Sections 174 and 176(c) and (d) of the Clean Air Act (if applicable)
- Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State
- 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity
- Section 1101(b) of SAFETEA-LU and 49 CFR Part 26, regarding involvement of DBE in U.S. DOT-funded planning projects
- 23 CFR Part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts
- ADA and U.S. DOT regulations governing transportation for people with disabilities [49 CFR Parts 27, 37, and 38]
- Older Americans Act as amended, prohibiting discrimination on the basis of age
- Section 324 of Title 23 U.S.C., regarding the prohibition of discrimination based on gender
- Section 504 of the Rehabilitation Act of 1973 and 49 CFR Part 27, regarding discrimination against individuals with disabilities

All other applicable provisions of Federal law (e.g., while no longer specifically noted in a self-certification, prohibition of use of Federal funds for “lobbying” still applies and should be covered in all grant agreement documents (see 23 CFR 630.112).

### **Conclusion and Recommendations**

The Review Team recommends that the MPO develop documentation in support of the required annual self-certification. The FHWA/FTA will assist the MPO in developing this documentation.

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## Appendix A: Summary of Public Comments

This section summarizes the comments of attendees at the Public Meeting for the Boston MPO Certification Review held July 28, 2010. There were seven attendees, all of whom provided oral comments. This document also summarizes the 17 written comments received by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) over the sixteen-day comment period following the meeting (some of which were provided by attendees of the public meeting). Written comments included emails and letters. Copies of actual comments are on file with FHWA/FTA and can be made available upon request. All comments received were considered in the development of the recommendations contained elsewhere in the report.

The comments were classified into the following 14 categories (see Public Input Matrix) and summarized below:

- 1 The MPO and Planning Process is Difficult to Understand .....
- 2 The MPO Structure and Election Process Should be Revised.....
- 3 The Need for Clearer Project Prioritization Criteria and Rankings .....
- 4 Balancing TIP Priorities, Funding Availability, and Project Readiness.....
- 5 The State is not on Schedule to Meet the SIP Commitments .....
- 6 Public Participation Process/RTAC is Ineffective.....
- 7 Communication with MassDOT.....
- 8 Confusion Regarding Planning Documents and Fiscal Constraint.....
- 9 Maintenance vs. New Projects and Fiscal Constraint.....
- 10 Land Use and Climate Change .....
- 11 Transportation Enhancements.....
- 12 Other Comments .....
- 13 Compliments.....
- 14 Project-Specific Comments .....

### **1 The MPO and Planning Process is Difficult to Understand**

Several comments expressed the view that the MPO organizational structure and planning process are overly complicated and not transparent enough for public to understand, making participation from the public and from many of the 101 municipalities very difficult. Some commenters said that even the informational booklet introducing the MPO process lists 26 acronyms – “a veritable alphabet soup for the poor citizen who tries to read it.” The acronyms are also used in meeting announcements on the MPO website, making it difficult for the public to understand what the meetings will be covering and whether they should attend. Additionally,

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some commenters stated that it is unclear exactly how the Boston MPO works with federal, state (like MassDOT), and local government agencies and the public to plan its programs.

A few commenters said that process needs to be better defined and made more predictable. They observed that there appears to be a disconnect between what is planned and what is executed, leaving them unsure why some projects are planned but not funded. Others suggested that it often appears that the system is driven primarily by political considerations rather than an overall vision or deliberative planning processes. One commenter expressed what several alluded to, saying that “the MPO role in selecting and prioritizing funding for transportation projects is extremely complicated and difficult for most people to understand, thus making it difficult to actively participate and comment.” Several echoed this statement and followed it up by saying that the confusion impedes “effective advocacy by those who are not planning insiders.”

## **2 The MPO Structure and Election Process Should be Revised**

Several commenters discussed the current MPO structure and election process, and possible adjustments that could be considered as part of the re-negotiation of the MOU. The comments focused on several issues, such as city vs. town representation, the appropriate balance of state representation, possible representation of new agencies or interest areas, and establishing representation by geographical balance. The key points for each of these sub-categories are highlighted below:

MPO membership could be expanded to represent additional issues and interests, whether through additional public agencies, non-profit advocacy groups, or formal advisory committees. Additional interests include:

- Public health
- Environment
- Business
- Community and economic development
- Freight
- Walking and bicycling

The consolidation of previously separate transportation agencies into MassDOT now leaves the MassDOT with four seats on the MPO. Multiple commenters discussed this change and expressed a feeling that this number of votes is excessive. The creation of MassDOT requires an update to the MOU, which would allow an opportunity to revisit the seats held by MassDOT. Suggestions included replacing at least one of the seats on the MPO now held by state transportation agencies with representation by state or local public health, housing and economic development, and environmental organizations. One commenter expressed concern about the role of MARPA in negotiating the MPO organization, because it is not subject to open meeting laws.

One commenter discussed how the desire to have geographic diversity conflicts with the desire to have equal numbers of cities and towns on the MPO. The rules make many towns ineligible

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to run if there is a city within their subregion holding a seat. This commenter suggested that the MPO consider dropping one or both of these election rules to simplify the election process.

Other questions raised included the following considerations:

- Should there be more municipalities on the MPO?
- Should the Metro West RTA (MWRTA) and/or the Cape Ann RTA (CATA) be added, as typically RTAs are required to be members of their MPOs?
- Should municipalities have a majority on the MPO?
- Should the current voting system be replaced by a simple majority vote?
- Should MassDOT have a vote at all or instead have a veto over final documents?
- Should the state chair the MPO or should the chair be elected from MPO members?
- Should all committees be chaired by state agencies or by other members?

### **3 The Need for Clearer Project Prioritization Criteria and Rankings**

Many comments discussed the need for more clarity and transparency in the project prioritization criteria and project selection process. Several comments said that while the criteria are known, the connection between the evaluation based on the criteria and the projects that are selected is not clear. One commenter suggested that instead of using a rating scale from -3 to +3, the ratings should use a 0 to 10 system and projects should receive an overall score to show how they compare against other projects of the same type. Another commenter suggested that a way to make this work better would be to evaluate and fund projects by type, so that projects of vastly different scale and cost would not directly compete against one another for funds.

Other comments expressed a desire for a clearer connection, quantitative when possible, showing how selected projects and funding decisions will move the region closer to or further away from achieving its broad goals. In particular, one commenter expressed a concern that the effects of project selected in the RTP do not significantly move the region in the direction of achieving its goals. For example, the “build” vs. “no-build” scenarios show no change in automobile mode share and only 0.1% increase in public transportation mode share, despite policies to give priority to projects that enhance public transportation in order to increase the transit mode share and reduce reliance on automobiles. This comment went on to suggest that the MPO list all relevant laws, regulations, and public goals, and then make explicit the assumptions included in projections and development of alternatives. The resulting analysis would describe trade-offs among various options and provide a high-level assessment of the favored options would move the region closer to or away from the goals.

One commenter added that a casual review of the TIP for the last two years shows certain projects receiving a different rating for the same stated policies from year to year, with no explanation as to whether the project changed in scope or the criteria were changed. The commenter requested additional clarification to confirm that the evaluation was not arbitrarily changed.

Commenters suggested that project evaluation and selection more explicitly address topics such as:

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- Greenhouse gas emissions
  - Land use impacts
  - Cost projections (needs to be monitored on an ongoing basis. The full cost for multi-phase projects must be stated up front.)
  - Cost effectiveness
  - Improvement of traffic flow/changes in LOS (for roadway projects)
  - Current roadway traffic, classification, and accident history – for example, a principal arterial would receive priority over a collector roadway.

#### **4 Balancing TIP Priorities, Funding Availability, and Project Readiness**

Several comments addressed changes to the TIP and the process for adding or removing projects throughout the year, based on available funding and project readiness. While this practice has the benefit of making use of all available funding for Massachusetts projects, changes often must be made very quickly and sometimes lead to funding lower priority projects which happen to be ready. The MPO has over 200 municipal projects in its “universe of projects,” which totals over \$1 billion in costs. The commenter’s expressed concern that the changes in funding priorities are not considered using the same criteria as regular project decisions, and that the accelerated process may give municipalities the expectation that any construction-ready project could be funded immediately, given sufficient political support, even if it does not meet the regular project criteria. The commenters recommended that the MPO prioritize projects so that, if project A is bumped for non-readiness, there is an unambiguous, public list of projects with readiness, funding needs and project priority from which the successor project is chosen.

Several comments also focused on the project selection process for the "Accelerated Bridge Program" and ARRA, which also happened very quickly and had limited involvement of the MPO. In the rush to identify projects that were shovel ready, the projects moved forward for ARRA funding were not subject to the typical screening process. The commenters used this as an example of the benefit to having a prioritized list of projects that would be ready to advertise for construction, so that the selection process would be clear and transparent, and avoid perception that political considerations outweigh technical merits.

MAPC recommended better communication and coordination (and possibly a new section in the MOU) between the MPO and the MassDOT Highway Division, so that Project Need Forms are evaluated according to Boston MPO TIP criteria before the MassDOT Project Review Committee meets. This would help ensure that projects moving forward meet MPO criteria, and provide better information and support to communities dedicating their own scarce resources to begin project design.

One comment also discussed the challenges associated with programming High Priority Projects (HPPs), or earmarks, and how they can distort project prioritization. This has become less of an issue since recent Congressional changes regarding earmarks, but it is still the case that projects receiving HPP funds for planning have an inflated priority relative to their transportation value--it's politically difficult to reject "free money." The commenter requested that FHWA/FTA

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acknowledge the extreme difficulty faced by the MPO in refusing money, particularly for HPP projects, and supply guidelines to support the MPO in maintaining prioritization.

## **5 The State is not on Schedule to Meet the SIP Commitments**

Several comments expressed concern that the SIP commitments, particularly the Green Line Extension, are not going to be met and that the delay until at least October 2015 is unlawful. However, several comments did appreciate the MPO for deciding to “flex” \$258 million in highway funding to three transit projects: \$185 million for the Green Line Extension, \$11.7 million for the Assembly Square Orange Line Station and \$61.1 for the Wonderland South Parking Garage in Revere

One commenter suggested that the commitment to spend \$25 million to design the Red/Blue Connector is a waste of money, as there is little chance that the project will be built in the next ten years. The commenter would rather that the state need to defend a lawsuit to remove it, if necessary, and spend the remaining money creating jobs on smaller construction projects.

## **6 Public Participation Process/RTAC is Ineffective**

Several comments discussed the current framework for public participation and concerns about the effectiveness of engaging the public at large, as well as the Regional Transportation Advisory Council (RTAC). Regarding the RTAC, commenters expressed concern that the current structure and process are ineffective. There were also questions as to the degree to which input from RTAC is really used, and the effectiveness of the RTAC in synthesizing a single voice of the “public.” One suggestion was to expand the RTAC to include more advocates for environmental protection, public health, smart growth as well as transportation, to be consistent with recent state laws and regulations. Another commenter suggested a review of best practices, working group, and/or facilitated regional workshop or peer exchange, to examine other models for obtaining stakeholder input to modify or enhance current RTAC process and structure.

Several comments discussed the need for additional perspectives outside of the MPO/RTAC “establishment.” They commended the MPO on improvements to the outreach process over the past several years, especially the web site and more consistent outreach to the communities and the public in terms of notices, workshops, and open houses. MAPC lauded the MPO staff for significant improvements in public outreach, using new technologies and holding more public events to make the process more accessible. Its letter also provided a reminder that the region must be vigilant in better engaging low-income communities of color and transit dependent populations. Other commenters also expressed a need for finding ways to listen to the public on their terms. Suggestions included scheduling meetings at times and locations more convenient for the general public, and having public members of the TPPC hold office hours in the district/towns they represent (this would be more effective if representation were regionally-based). Other suggestions included employing technologies such as Cable TV, You Tube videos, PowerPoint presentations, and conference call sessions, in order to reach a different audience and allow convenient participation.

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Some commenters discussed the need for more flexibility and welcoming of public comment during MPO meetings. Other commenters expressed that there is fair and open discussion and the public attending the meetings are always welcome and invited to speak and contribute.

## **7 Communication with MassDOT**

Multiple comments focused on the issue of timely flow of information from MassDOT. The MAPC letter indicated that this issue has been raised in past certification reviews and was part of the negotiated MOU in 2001, and that the MPO is often given very little advance notice regarding cost changes, available funding, and recommendations before key decision-making meetings. The MAPC letter went on to say that it is a challenge to conduct good planning that involves the public and municipal input when critical information is provided so late, and the result is that there may not be sufficient time to shift resources to other priority projects. This may lead to a perception that the Highway Division is essentially pre-determining MPO priorities by deciding which projects to make ready, and which projects to delay. MAPC contended that this was also an issue recently with programming the funds from the Recovery Act, and that most project recommendations were provided the day of the meeting with little opportunity to object or amend the recommendation.

Other commenters suggested the following:

- The MassDOT Highway Division should provide more regular updates to the MPO on the status of projects, and at least quarterly, as outlined in the MOU on pages 13 and 14 section 6 “Improvement of TIP-related Information.”
- The MPO would greatly benefit from regular updates by the Highway Division of planned projects at the 75% level or deemed by the Division to be a priority. The MPO should then create a short-list of projects that the Highway Division should move toward readiness with extra attention.
- The new MOU should include a requirement that for all MPO and subcommittee meetings, materials must be posted at least 48 hours in advance of a meeting for an item to be considered. This should include the agenda, critical funding information, and – perhaps most importantly – recommended projects.

A new MOU is required as part of the consolidation of state transportation agencies into MassDOT. The MOU is required as part of the Federal certification process, and must be completed by September 30, 2010. One commenter expressed concern that MassDOT had not communicated that deadline to the MPO and did not appear to be making a good faith effort to meet the September 30<sup>th</sup> deadline.

## **8 Confusion Regarding Planning Documents and Fiscal Constraint**

Several comments addressed issues related to the multiple regional planning documents, the process for designing and preparing new projects, and associated issues related to fiscal constraint.

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One commenter described confusion about planning at the state, regional, and sub-regional level, and fiscally constrained planning versus non-fiscally constrained planning. For example, the 2008 Massachusetts Bicycle Transportation plan and the 2007 MPO Regional Bicycle Plan assign priorities to projects, which do not always match those assigned by the MPO for funding. The TIP guidelines indicate that projects are required to show consistency with the statewide Bicycle Transportation Plan and the regional plan, though the priorities in the other studies may not be the same as the MPO TIP priorities. These subtle distinctions can be confusing to the general public, and lead to the perception that some projects not funded under fiscal constraint are being “delayed,” or that prioritization is arbitrary. The commenter suggested that the MPO clarify which documents are fundamental in the planning process, and which are considered as informational only. Projects would not be required to be consistent with conflicting standards, and a tie-breaking mechanism would be described.

Other comments addressed the MPO’s current project backlog and the difficulty of proposing and planning new projects, for which there is very limited funding. This leads to municipalities spending scarce resources on planning and preparing initial design documents for projects that may wait for several years or decades, at which point the planning must be significantly changed or revisited, again at substantial cost to the municipalities. The commenters offered several suggestions for improving the information provided to municipalities regarding project submission and fiscal realities:

- The MPO should realistically gauge the capacity for construction over the next decade and discourage communities from planning and submitting for the TIP projects which are not likely to receive construction funding.
- Urgent new projects should be included by removing less-urgent projects from consideration for the TIP, and these decisions should be publicly announced.
- The MPO should require (and communicate up front) that projects which are not implemented within a decade of their submission to the MPO must have their plans reviewed and updated.
- The MPO should indicate clearly whether advancement to a 25% design approved by MassDOT guarantees future funding for project construction, and (if so) the expected timeframe.
- The balance of MPO funding for maintenance of existing infrastructure, as opposed to new construction, should be clearly stated in the TIP and used in setting limits for new construction. Each project should indicate whether it addresses maintenance or expansion needs.

## **9 Maintenance vs. New Projects and Fiscal Constraint**

Several comments discussed the realities of the tight fiscal situation and the tension between needing to address serious maintenance issues affecting the current system while still providing a vision of the future system and finding ways to reduce automobile travel and emissions. MAPC’s letter expressed that funding constraints have led the MassDOT Highway Division to pressure the MPO to prioritize major state-owned assets over municipal priority projects that are part of the federal aid eligible system. This contributes to a concern that the priority for state of good repair on part of the system will leave out improvements to local arterials running through

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town centers that have great potential for quality of life enhancement, sustainable mixed-use development, and bicycle and pedestrian accommodations. Other recommendations (from multiple commenters) included the following:

- The state and MPO should set an adequate “regional target” for regional and municipal priority projects that can advance livability and be maintained even in challenging financial times. Once this target is set, the MPO policy committee should be involved in a pro-active manner in setting project selection criteria, determining priority projects to be included in the RTP, and selecting projects to be included in the TIP.
- The MPO should give particular weight to projects which have no political constituency, such as maintenance, and focus on the critical need for reliable infrastructure.
- The MPO should focus on on-road bicycle accommodations before off-road, as they are much more cost effective.
- MassDOT should provide a report back to the MPO on how project funds are actually spent.

## **10 Land Use and Climate Change**

A few comments addressed the connections between transportation planning and land use and climate change. The comments referenced recent statewide and regional laws and policies and called for stronger incorporation into the regional planning process. In its letter, MAPC recommended increased emphasis on incorporating land use into transportation planning and prioritizing projects that advance MetroFuture and the federal Livability Principles, the Global Warming Solutions Act and GreenDOT emission reduction targets. This might include regular review of Regional Transportation Plan and TIP development and an evaluation of how TIP funding is being spent to accomplish the goals. Other comments also specifically referenced inclusion of greenhouse gas emissions analysis and the relevance of GreenDOT targets.

## **11 Transportation Enhancements**

Several comments expressed concern that the Boston MPO and the state do not use the full amount of Transportation Enhancements (TE) funding allowed through SAFETEA-LU. The commenters stated that the statewide accumulated underfunding of TE is now over \$100 million, and the state ranks at the bottom of all states in its use of TE funds. The commenters suggested that FHWA require that states use 10% of obligation authority of STP for TE, rather than 10% of appropriations, in order to better meet the spirit of the legislation. One commenter also suggested that MassDOT consider forming a Bicycle-Pedestrian Department, with staff with relevant expertise, to institute such policy successfully.

## **12 Other Comments**

Several comments could not be classified under the other categories:

- The challenge of balancing urban core and broader regional needs

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- A recommendation that FTA and FHWA attend Boston MPO meetings and provide guidance on how to embrace the federal DOT active transportation vision to transportation planning and funding.
  - Particular attention needs to be given to addressing environmental justice in funding active transportation corridors across the region to connect with public transportation.
  - The Freight Committee of the Advisory Council has been very active in promoting freight planning and advocating for much more emphasis on freight by MassDOT and the MPO. The freight issue is so important that thought should be given to providing a seat on the MPO to a nonprofit freight advocacy group. The Freight Committee has been considering the formation of just such an organization.

### **13 Compliments**

Several comments complimented the MPO and staff, in particular for their improvements to public outreach and staff responsiveness to public comments. Specifically, comments appreciated the website, TRANSReport newsletter, and the online TIP database. Commenters also appreciated the time that MPO staff takes to respond to specific issues or projects, explaining the issues to concerned citizens.

Another commenter appreciated the TPPC, saying it “is diligent and fair in its approach to the transportation planning process and addressing the challenges of prioritizing among equally needed and worthy transportation projects in the region in the face of insufficient Federal and State funding.”

### **14 Project-Specific Comments**

Several comments related to specific projects. These are briefly summarized and bulleted below:

Route 24N between Route 139 and I-93/128

- This area experiences a lot of congestion during the morning commute. The commenter requested a large park and ride lot with bus service connections to the MBTA.

Somerville Community Path Extension

- The Community Path extension through EJ neighborhoods in Somerville is an important link in the regional network and provides access to EJ communities.
- The Community Path should be designed, funded, and built along with the Green Line Extension all the way to Lechmere, because the Path cannot be designed and built without sharing infrastructure, right-of-way, and heavy construction with the GLX.
- MassDOT has committed funds for engineering design for a portion of the Path but not full design and no construction commitment. The path represents only approximately 2% of the GLX cost
- City of Somerville has applied for TIGER II funds for the Path – will have to provide the 20% match. MassDOT has agreed to pay for a portion of the construction as the match, but it is unclear if this is conditional on winning the grant. MassDOT is now saying that they hope to fund the Path extension.

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#### Green Line Extension to Somerville and Medford

- The commenters are glad that MassDOT is moving forward with preliminary engineering, but would have liked greater public involvement in developing the SOW for design and construction.
- Concern that the contract for preliminary engineering was not made public or publicly advertised for bid. The commenter requests that the contract be made public and require a sub with more light rail experience to work with VHB.
- Recommend that MassDOT have a formal public process and a timeline for resolving the remaining questions about the maintenance yard, the location of the Brickbottom station, the route of the Community Path past Washington St. and plan for the new Lechmere station, where a citizens group – the East Cambridge Planning Team -- has come forward with an alternate plan.
- In light of MassDOT's announcement of the GLX delay to 2015, the commenter recommends that the full design and construction of the Community Path, all the way to Lechmere, be part of the mitigation for the SIP delay.
- Concern that the GLX does not go to Route 16 in phase 1 – it terminates more than a mile short at College Avenue, a change from the plans of the last 5 years.

#### Bruce Freeman Rail Trail

- Given other infrastructure needs and state of good repair, the commenters urge the MPO not to fund construction of the Bruce Freeman Rail Trail.
- Concern about the design for a paved trail rather than stone dust, in a wetland and wildlife area.
- Concern that project will be primarily recreational and not transportation – therefore will not decrease carbon emissions or encourage alternative modes.

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**Appendix B - On-site Review Agenda**

**Transportation Certification Review**  
**Boston Metropolitan Planning Organization**

July 27, 28, and 29, 2010

**AGENDA**

**Tuesday, July 27, 2010**

**Location: Second Floor, Conf Rm #2/3**

- |   |                 |
|---|-----------------|
| 1. Introduction   | 9:00 - 9:30 am  |
| 2. Election Process of Local MPO Representatives                          | 9:30 - 10:30 am |
| • Steps Taken to Address Recommendations from Prior Review                |                 |
| Break   | 10:30–10:45 am  |
| 3. Regional Transportation Plan (RTP) and SAFETEA-LU                      | 10:45–12:00 pm  |
| • Environmental Mitigation  |                 |
| • New Consultations   |                 |
| • Consistency With Planned Growth   |                 |
| Working Lunch – Presentation on Climate Change and Livability             | 12:00–1:00 pm   |
| 4. RTP / Finance Plan / O+M for Highway and Transit                       | 1:00 - 2:45 pm  |
| • Overview of the RTP Finance Plan  |                 |
| • Determination of State of Good Repair                                   |                 |
| • Overview of the CIP   |                 |
| • Coordination of the Project Development and the Environmental Processes |                 |
| • Integration of the MBTA's PMT and CIP with the MPO's RTP and TIP        |                 |
| • Programming of Major Projects   |                 |
| Break   | 2:45 – 3:00 pm  |
| 5. RTP / AQ Conformity / State Implementation Plan (SIP)                  | 3:00 – 4:30 pm  |
| • Presentation of TCMs  |                 |
| ○ Scope, Schedule/Milestones, Cost and Financial Plan                     |                 |
| ○ TCMs Schedule Delays  |                 |
| • Schedule for Development and Implementation of Offsets                  |                 |
| ○ Determination of Air Quality Benefits Due to TCMs Delay                 |                 |
| ○ Identification of Possible Offsets                                      |                 |
| ○ Implementation Schedule of Offsets                                      |                 |
| ○ Communication / Monthly SIP Progress Report                             |                 |

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**Wednesday, July 28, 2010**

**Location: MPO Conference Room  
Suite 2150**

1. Congestion Management Process (CMP) 9:00 – 10:00 am
2. Safety and the Planning Process 10:00-11:00 am
3. Boston Region’s Metropolitan Planning Agreements 11:00-12:00 am
  - Update of Agreements – Voting Structure
  - Coordination with Other MPOs within the TMA
  - Discussion and Coordination of Projects that Cross MPO Boundaries
- Lunch 12:00-1:00 pm
4. Coordination with Transit Authorities 1:00 – 2:00 pm
  - Presentation of Existing Coordination
  - Identification of Short and long Term Goals
  - Schedule for Improvement
  - Communication for Progress Reports/Monthly MPO meetings
- Break 2:00 – 2:15 pm
5. Transportation Improvement program (TIP) 2:15 – 4:00 pm
  - SAFETEA-LU Requirements
  - TIP Target Timeliness
  - Use of Advance Construction Programming
  - Year of Expenditure
  - Criteria for First Year TIP Programming
  - Issues of First Year Programming
  - Coordination of the Project Development and the Environmental Processes
  - Universe of Projects Including Bridges
  - Documentation of Self Certification
  
- Public Meeting – Opportunity for Public Comment on the Boston Region’s Transportation Planning Process 6:30 – 8:30 pm

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**Thursday, July 29, 2010**

**Location: Second Floor, Conf Rm #2/3**

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|--|-----------------|
| 1. Public Participation Process (PPP)        | 9:00 – 10:45 am |
| • Overview of the Process                    |                 |
| • Amendment Process and Effectiveness        |                 |
| • Update on Environmental Justice            |                 |
| • Limited English Proficiency Wed am         |                 |
| Break  | 10:45–11:00 am  |
| 2. Freight Planning                          | 11:00-12:00 pm  |
| • Overview of Freight Planning in the Region |                 |
| • Consistency with MassDOT's Efforts         |                 |
| Lunch  | 12:00 – 1:00 pm |
| 3. Close Out                                 | 1:00 – 1:30 pm  |

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**Appendix C - Boston Region MPO Agreements**

**MEMORANDUM OF UNDERSTANDING RELATING TO  
THE COMPREHENSIVE, CONTINUING AND  
COOPERATIVE  
TRANSPORTATION PLANNING PROCESS IN THE  
BOSTON METROPOLITAN AREA**

**By and Among**

**Executive Office of Transportation and Construction  
Massachusetts Highway Department  
Massachusetts Bay Transportation Authority  
Advisory Board to the MBTA  
Metropolitan Area Planning Council  
Massachusetts Port Authority  
Massachusetts Turnpike Authority  
City of Boston  
City of Everett  
City of Newton  
City of Peabody  
Town of Bedford  
Town of Framingham  
Town of Hopkinton**

**December 13, 2001**

*Boston MPO Memorandum of Understanding*

**MEMORANDUM OF UNDERSTANDING RELATING TO THE COMPREHENSIVE,  
CONTINUING AND COOPERATIVE TRANSPORTATION PLANNING PROCESS IN  
THE BOSTON METROPOLITAN AREA**

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## 1. INTRODUCTION

WHEREAS, the Executive Office of Transportation and Construction ("EOTC") 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, the Massachusetts Highway Department ("MassHighway") 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 Massachusetts Bay Transportation Authority ("MBTA") under the provisions of Chapter 161A of the General Laws, has the statutory responsibility to design and construct transit development projects, to determine the character and extent of services and facilities to be furnished, as well as to operate the public transportation system for the area constituting the MBTA; and

WHEREAS, the Advisory Board to the MBTA ("Advisory Board") established under Chapter 161A of the General Laws is composed of the chief elected official, or designee, from each of the 175 cities and towns within the MBTA district, and is the body authorized by statute to approve the MBTA's annual operating budget and the Program for Mass Transit; and

WHEREAS, the Massachusetts Turnpike Authority ("MassPike"), existing pursuant to Chapter 81A of the General Laws, is authorized to own, construct, maintain, repair, reconstruct, improve, rehabilitate, finance, refinance, use, police, administer, control and operate the Massachusetts Turnpike and the Metropolitan Highway System in the vicinity of Boston and the surrounding metropolitan area; and

WHEREAS, the Metropolitan Area Planning Council ("MAPC") is composed of the chief executive or designee of each of the 101 cities and towns in the Boston Metropolitan Area Planning District ("Region"), and has the statutory responsibility, under Chapter 40B of the General Laws, for comprehensive regional planning in the Region, and is the Boston Metropolitan Clearinghouse under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Intergovernmental Cooperation Act of 1968, and Title I of the National Environmental Policy Act of 1969 and is the designated Economic Development District under the provisions of Title IV of the Public Works and Economic Development Act of 1965; and

WHEREAS, the Massachusetts Port Authority ("Massport") has the statutory responsibility, under St. 1956, c. 465 (Appendix to Chapter 91 of the General Laws), to plan, construct, own, and operate transportation and related facilities as may be necessary for

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the development and improvement of commerce in Boston and the surrounding metropolitan area; and

WHEREAS, the City of Boston is the central city in the Region and has a unique and essential role in transportation planning and programming decisions; and

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

WHEREAS, the Intermodal Surface Transportation Efficiency Act of 1991 ("ISTEA") and the Transportation Equity Act for the 21<sup>st</sup> Century ("TEA-21") and Federal Highway Administration ("FHWA") / Federal Transit Administration ("FTA") joint planning regulations (23 CFR Part 450 and 49 CFR Part 613) require metropolitan areas to have a comprehensive, continuing, and cooperative transportation planning process ("3-C") 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;

WHEREAS, the Objectives of the 3-C Process are:

- a comprehensive, continuing, and cooperative transportation planning process resulting in plans, programs and operations consistent with the planning objectives of the metropolitan area.
- 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.
- 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 re-evaluation of data and plans is necessary.
- 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.

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- intermodal and is intended to help provide the Boston 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;

WHEREAS, in response to the FHWA/FTA Transportation Planning Certification Review Final Report of March 15, 2001; and

WHEREAS, the Signatories 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, regional entities, local governments, private institutions and other appropriate groups;

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

**2. COMPOSITION AND ROLES OF THE BOSTON METROPOLITAN PLANNING ORGANIZATION (MPO)**

The Boston MPO consists of the following entities:

- Executive Office of Transportation and Construction
- Massachusetts Highway Department
- Massachusetts Bay Transportation Authority
- Advisory Board to the MBTA
- Massachusetts Turnpike Authority
- Metropolitan Area Planning Council
- Massachusetts Port Authority
- City of Boston and
- Six other municipalities elected from the Boston Region

In addition, the Regional Transportation Advisory Council (Advisory Council), formerly known as the Joint Regional Transportation Committee (JRTC), the Federal Highway Administration and the Federal Transit Administration are ex-officio, non-voting members.

Three of the six municipalities shall be cities and three shall be towns, under the definitions of the Massachusetts General Laws. The municipalities shall be elected and represented by chief elected officials or their designees.

**A. Officers**

The Chair of the Boston MPO shall be the Secretary of the Executive Office of Transportation and Construction or the Secretary's designee.

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**B. Records**

The Central Transportation Planning Staff (CTPS) shall be the official custodian of the Boston MPO records. These records will be prepared and maintained by the CTPS, and shall be accessible in a central location.

**C. Transportation Planning and Programming Committee (Planning and Programming Committee)**

The Planning and Programming Committee is a standing committee of the Boston MPO, composed of all members, or their designees, and the Advisory Council. The Planning and Programming Committee shall support the Boston MPO in a number of ways including, but not limited to the following: supervise preparation and acceptance of documents, reports, and technical studies; recommend and support public outreach process; review and approve work scopes and reports; review and approve administrative, budgetary, personnel and fiscal matters and supervise preparation of certification documents and recommend these documents and other actions to the Boston MPO for final approval.

**1. Planning and Programming Committee Officers and Responsibilities**

The Chair shall be appointed by the Secretary of EOTC. The Vice Chair shall be a municipal representative or an official of one of the two regional agencies and shall be elected to a one-year term.

The Chair or his/her official designee shall: set agenda; call meetings; preside at meetings; and disseminate timely information to members. The Vice Chair or his/her official designee shall preside at meetings in the absence of the Chair or his/her official designee.

**2. Election of Vice Chair**

Members shall elect a Vice Chair by majority vote. An interim Vice Chair shall be elected at the first meeting of the Planning and Programming Committee after formal adoption of this document. Beginning June 2002, a Vice Chair shall be elected at the first meeting after the election of Boston MPO municipal representatives and every year thereafter.

**D. Municipal Membership**

The City of Boston is a permanent member. The process for nominating and electing the six other municipal members shall be approved by the Boston MPO to fulfill the objective of having a diverse membership. The municipal nomination and election process shall be administered by MAPC working jointly with the Advisory Board to the MBTA.

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The Planning and Programming Committee shall establish a committee to review existing election procedures and recommend changes as necessary to ensure that these procedures allow all municipalities an opportunity to be elected to the Boston MPO. Any changes to the election procedures shall be presented to the Boston MPO for approval prior to February 15, 2002.

**E. The Regional Transportation Advisory Council (Advisory Council)**

To accomplish the objectives of the 3-C process, the Boston MPO has established a special advisory committee, known as the Advisory Council. The Boston MPO shall support the Advisory Council by providing financial and staff support through the Boston MPO staff. The members of the Boston MPO shall support the Advisory Council individually by rendering institutional support and also by attending the Advisory Council meetings, as practical.

In setting policy and work priorities for said staff, the Boston MPO shall be advised by the Advisory Council and, subject to overall work priorities, shall provide information and analysis to the Advisory Council to assist the Advisory Council in advising on issues arising out of the 3-C process.

The principal mission of the Advisory Council is to foster broad and robust participation in the transportation planning process by bringing together concerned citizens and groups, business leaders, representatives of cities and towns, and state agencies.

The Advisory Council will best serve the Boston MPO and the public by acting as a primary mechanism for public input to the transportation planning process. To accomplish the Advisory Council mission, the Boston MPO acknowledges that:

- the Advisory Council is defined as a principal public outreach and education arm of the Boston MPO;
- The Chair of the Advisory Council will also chair the standing Public Participation Committee of the Boston MPO; and
- The Advisory Council shall coordinate the implementation of the public participation plan in cooperation with the agencies and staffs as designated in the Unified Planning Work Program (UPWP).

Boston MPO staff will provide ongoing support to the Advisory Council Chair to:

- Implement the Public Participation Plan and
- Further educate members of the public regarding activities of the Boston MPO and critical transportation issues generally.

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Within one year of the final approval of this document, the Advisory Council will recommend revised by-laws outlining the structure and governance of the Advisory Council to the MPO for its approval.

It is expected that the Advisory Council will participate in all Boston MPO meetings. The Advisory Council Chair or his/her designee shall have the opportunity to be represented on all committees appointed by the Boston MPO and shall have full voting rights on these committees.

Any additional specific revised functions, duties, and membership of the Advisory Council, proposed by the Boston MPO, shall be determined in cooperation with the Advisory Council.

**F. Voting Rules**

Votes of the Boston MPO and the Planning and Programming Committee, including those on all certification documents and consideration of amendments to this document shall be a two-thirds majority vote of those present and voting, provided that one of the state agencies controlled by the Governor and one of the elected municipalities shall be included in the two-thirds vote and a quorum of at least three state agencies, four municipalities, and one regional agency is present.

**3. FUNCTIONS AND ROLES OF THE BOSTON MPO AND ITS COMMITTEES**

**A. Overview**

The Boston MPO shall perform all functions as required by 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 Boston MPO by federal and state laws and regulations.

The Boston MPO shall be the forum for cooperative decision making by principal elected officials of general purpose governments in the Boston region, and shall endeavor to provide the federal government the views of "responsible local officials" of the region where called for under federal law with respect to the initiation of certain transportation programs and projects.

In the resolution of basic regional transportation policy, the Boston MPO shall seek and consider the advice of the Advisory Council. In so doing, the Boston MPO shall provide the Advisory Council with information and analysis in the form of reports, briefings, and discussion concerning their plans, programs, and priorities so that the Advisory Council can carry out its functions in a timely fashion.

**B. Planning and Programming**

The Boston MPO is responsible for planning and programming financial resources for a multi-modal transportation system for the Boston region.

The signatories agree to the arrangements outlined in Sections 4 through 6 for the allocation of federal and state funds. Nothing in this document shall preclude the Boston MPO's ability to use the provisions of ISTEA and TEA-21 (and its successors) to transfer funds between highway and transit uses.

**C. Establishment of Committees and Task Forces**

The Boston MPO, either directly or through the Planning and Programming Committee, shall appoint committees it determines necessary and task forces to accomplish its business and assign duties to them.

**D. Central Transportation Planning Staff (CTPS)**

The Boston MPO agencies shall contribute resources in the form of funds, staff, and other contributions, to support a unified inter-agency transportation planning staff, known as the Central Transportation Planning Staff ("CTPS"), to assist in carrying out the Region's 3-C process under the policy control of the Boston MPO.

CTPS shall provide planning services to the Boston MPO. From time to time, other parties may provide additional resources through the state planning program and through other resources. All work undertaken for the Boston MPO shall be in an approved UPWP. All work funded through federal financing for metropolitan transportation planning under 23 USC 104(f) and 49 USC 5338(g)(1) shall be approved by the Boston MPO in accordance with applicable rules provided that the cities and towns shall have a substantial role in the development of the UPWP particularly in the activities specified for metropolitan planning funds.

Since CTPS is not an agency, the Boston MPO retains a fiduciary agent for all of the Boston MPO's financial resources. MAPC is currently the fiduciary agent. While the CTPS staff shall be defined legally as employees of the fiduciary agent, they shall be administered according to policies established by the Boston MPO subject to applicable federal, state and local laws and regulations and to the availability of funds.

At any time during which the fiduciary agent is a member of the Boston MPO, the role and actions of the fiduciary agent are distinguished from its role and actions as a policy member of the Boston MPO in that the fiduciary agent shall be limited to implementing actions of the Boston MPO subject to the applicable federal, state and local laws, and regulations and to the availability of funds.

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The Boston MPO shall indemnify and hold the fiduciary agent harmless from liabilities occurring out of actions taken under its normal administration of the Boston MPO's activities. The Boston MPO and the fiduciary agent shall enter into an agreement detailing the financial and legal obligations of each party as determined by the Boston MPO.

All work not subject to federal transportation rules governing metropolitan planning funds must be approved by the Boston MPO for inclusion in the UPWP. CTPS may be selected by the sponsoring agency or other parties to deliver transportation planning services using these funds. The Boston MPO shall approve such requests provided it determines: 1) that CTPS has sufficient resources to complete such work in a capable and timely manner; and 2) that by undertaking such work, CTPS neither delay completion nor reduce the quality of other work in the UPWP.

**4. TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

**A. Overview**

The Metropolitan Boston region, made up of urban, suburban and rural communities, requires a balanced approach to transportation investment. The Boston MPO shall produce a TIP that reflects the region's needs for projects on the Interstate and National Highway System, repair of deficient bridges, support of inter- and intra-regional mobility, community projects, multi-modal facilities, transportation enhancements, and all forms of transit. The five state agencies, two regional entities and seven local members of the Boston MPO shall work in a unified, timely, and cooperative manner to develop and establish priorities for the TIP.

The Planning and Programming Committee shall present the transportation program list to the Boston MPO following release by the Planning and Programming Committee and public review. The Boston MPO shall consider the Planning and Programming Committee recommendations in formulating the region's TIP.

The Boston MPO shall maintain a list of unfunded projects. These lists shall be compiled by the Boston MPO for information purposes and shall be included in an appendix to the TIP.

**B. Prioritization Criteria**

The Boston MPO/Planning and Programming Committee shall designate a task force to develop and establish criteria for prioritizing projects as a means to inform their decisions for the annual and multi-year TIP. These criteria shall be developed in a manner consistent with and supportive of the policies adopted for the latest RTP and will be subject to approval by the Boston MPO. In undertaking its task, the Task Force shall analyze existing evaluations tools developed by other MPOs and by federal agencies and review the existing "Rules of the Game"

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document (September 25, 1996), which outlines procedures for initiating, selecting, programming, deferring, and substituting TIP projects.

The Task Force shall meet at least twice a month to develop by March 30, 2002, an agreed upon set of clearly defined rules and criteria for project prioritization prior to its use in the development of the FY2003-2008 TIP. The criteria shall be used as a means to make informed decisions on project selection. The Task Force shall develop selection priority criteria for all project types currently programmed on the TIP. The Task Force shall also recommend a time line for TIP development by the Boston MPO/Planning and Programming Committee and the process and timing of prioritizing projects.

**C. Transit**

It is the responsibility of the Boston MPO, working with the MBTA and other transit providers in the region, to coordinate regional transit planning and funding with other transportation modes within the Boston Region.

Federal regulations, 23 CFR Part 450 and 49 CFR Sec. 5303-5305, and Chapter 161A of the Massachusetts General Laws specify the Boston region's framework for transit capital planning.

The MBTA's authorizing legislation directs the MBTA every five years to prepare and submit to the Massachusetts General Court its Program for Mass Transportation (PMT), a long-range, fiscally unconstrained plan that outlines a vision for regional mass transit and a process for prioritizing infrastructure investments. Implementation of this "long range" plan is through the five-year fiscally constrained Capital Investment Program (CIP), which is updated annually.

Boston MPO regulatory requirements call for development every three years of a 25-year fiscally constrained Regional Transportation Plan (RTP) that defines a comprehensive plan and vision for the region's surface transportation network. Implementation of the RTP with federal transportation funds is through the Boston MPO's fiscally constrained Transportation Improvement Program (TIP), which is updated annually and specifies a multi-year spending plan for federal highway and transit dollars.

It is also the responsibility of the Boston MPO to coordinate the parallel planning activities of the PMT/CIP and the RTP/TIP. Towards that end, and to ensure the full environmental and transportation benefits of a robust transit system, the Boston MPO agrees to the following:

- The MBTA will prepare the PMT, which will articulate a vision of transit's role, customers, and future.
- The MBTA, as a member of the Boston MPO, will actively involve the Boston MPO in the development of the overall goals/vision/prioritization of the PMT to ensure consistency with the RTP.

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- EOTC will provide estimates of federal transit funding designated for the Boston Region or operating agencies.
- The Boston MPO will prepare the RTP, which will articulate a vision and comprehensive plan for the region's surface transportation network.
- The Boston MPO will actively involve the MBTA in the selection of transit projects for the RTP and the TIP based on the vision and priorities established in the PMT and RTP.
- The MBTA will use the vision articulated in the PMT and RTP to develop the CIP.
- The Boston MPO, in programming federal dollars in the TIP, shall do so consistent with the priorities the Boston MPO has established in its RTP.
- At least quarterly and on request, the MBTA will submit a TIP Project Status Report to the Boston MPO Chair for coordination and distribution to MPO members.

**D. Highway**

**1. Central Artery/Tunnel Project**

The Boston MPO shall take no action to jeopardize or prohibit the scheduled completion of a Central Artery/Tunnel Project awarded contract, or which would prohibit the Project from fulfilling its obligations with respect to the mitigation commitments. The Boston MPO shall be informed of the request for Central Artery funding concurrently with the development of the highway and transit portions of the TIP. The Massachusetts Turnpike Authority shall provide information, details, and data supporting the request to the Boston MPO as it develops the TIP.

The Boston MPO shall endorse the state's proposal to program annually federal and state highway funds (hereinafter referred to as the "program"), as needed, for the Central Artery in accordance with the sources and magnitude of highway funding in the most recently approved Central Artery Finance Plan.

Other funding to meet the financing requirements of the Central Artery from state authorities shall be included in the TIP for informational purposes when such funds are committed and available. A letter of intent or other written statement by the responsible official or body having control of the funds will constitute a commitment of funds.

Further, if federal law provides for the use of currently inaccessible unobligated balances in prior federal apportionments in annual programming documents, the State shall have the ability to apply these balances to the overall Central Artery financing subject to the following condition. No unobligated balances from urban area earmarks shall be used for the Central Artery without the Boston MPO's expressed written permission.

**2. Statewide Road and Bridge Program**

The Massachusetts Highway Department is committed to maintaining a Statewide Road and Bridge Program, exclusive of the Central Artery/Tunnel Project, that will include a sufficient number of advertised projects that shall result in a minimum annual expenditure of \$400 million for construction activities and specific transportation projects as defined below through state fiscal year 2005, provided that adequate federal and state funds are made available.

The Statewide Road and Bridge Program is thus defined as transportation activities consisting of the following components:

**Construction Activities, including:**

- construction or reconstruction of roads and bridges;
- construction contract legal settlements;
- construction of enhancement projects;
- construction of Massachusetts Highway Department-funded projects by cities or towns (by agreement);
- acquisition of rights-of-way and relocations required for Massachusetts Highway Department-funded construction projects;
- direct environmental mitigation related to transportation projects including remediation and site cleanup.

Transportation Project Activities programmed in TIPs, including the following non-construction activities:

- Congestion Mitigation and Air Quality (CMAQ) projects recommended by the CMAQ Consultation committee;
- Transportation Demand Management programs;
- Federal aid programming by the Boston MPO to support environmental documents related to transportation projects;
- Transportation Enhancements and Federal Transit Administration transfers.

EOTC and MassHighway will provide a quarterly report on project advertising and a quarterly cash expenditure report to Regional Planning Agencies and other Boston MPO members. The fourth quarter report will take the form of a year-end summary.

The State, acting through MassHighway, shall discuss and work in consultation with the Regional Planning Agencies and other Boston MPO members on the development of annual estimates of state transportation funds that are reasonably expected to be available to support the Statewide Road and Bridge Program as it is defined in the June 7, 2000 Memorandum of

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Understanding. This forecast will be developed in a manner similar to, and on a schedule compatible with, the development of annual federal funding targets.

**3. Regional Road and Bridge Program**

The TIP shall be approved annually as outlined below and shall also contain the Boston region's portion of non-artery aid for each of the next three fiscal years from the date of approval, in accordance with federal rules. The fiscal year shall be from October 1st to September 30th for both federal and non-federal aid. The fact that the Central Artery is located in the City of Boston shall not be used as an equity criterion.

The Boston MPO shall endorse annually a one-year list of non-federal aid projects in an amount which, when combined with the non-artery federal aid program, will meet the Boston MPO's share of the annual statewide program as determined by the formula developed by MARPA and accepted by EOTC and MassHighway, which includes reservations for "mega-projects" and the "statewide infrastructure program," among other agreed-upon categories.

The Boston MPO will have the ability to program projects for federal and non-federal aid. The Boston MPO shall vote annually on a TIP that reflects a transportation program list that responds to the needs of the region. The TIP will be the result of a cooperative, open, and informed process that balances local, state, and regional input and applies established Boston MPO policies and priorities in a fiscally constrained document.

Projects will be selected for the federal and non-federal aid highway program based on an agreed upon set of clearly defined rules and reasonable expectations that the projects will meet the necessary requirements to implement them. These requirements include acquiring right of way, obtaining necessary permits and completing design review before or during the fiscal year for which they are programmed. MassHighway will be responsible for administering the road and bridge elements of the TIP.

**5. DEVELOPMENT OF MPO HIGHWAY FUNDING TARGETS**

The process of developing the statewide federal aid and non-federal aid (NFA) highway funding estimate shall be cooperative and shall be discussed with a statewide group representing Regional Planning Agencies and other MPO members. MassHighway will present an overall estimate of funding needed for programs and projects in support of the Statewide Road and Bridge Program, such as emergency work, statewide and district infrastructure, regional mega-projects, change orders and other road and bridge projects as needed or required. Based on estimates of total funding available, and that needed for related programs and projects as noted above, MassHighway shall derive a statewide estimate of

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available non-federal funding. The allocation of the resulting statewide NFA estimate shall be based on consultation with a statewide group representing Regional Planning Agencies (RPAs) and other MPO members.

In each year, the state proposes number allocations for non-High Priority Projects (HPP) mega-projects, statewide infrastructure, change orders, planning, CMAQ, and CTAP. The estimates, including the amount of funding available for Boston MPO programming, will be made available to the Boston MPO members in advance of the MARPA consultation sessions. At least two members of the Boston MPO will accompany MAPC to the MARPA meeting, where consultations regarding amounts allocated to the above categories of projects takes place in a statewide forum.

The Boston MPO share of available federal and non-federal aid is derived through the MARPA formula, which, since 1991 has provided the Boston MPO with 42.97% of available funds. The Boston MPO's share of federal and non-federal aid shall be programmed in a constrained TIP. The ability to include non-federal funds in a TIP does not in any respect imply the application of federal standards, regulations or related requirements to state-funded projects, programs or initiatives.

In each TIP, the state estimates the amounts of NFA that will be available statewide. These estimates are refined each year, but provide a reasonable basis for estimating the available NFA funds for the Boston MPO region. (See Appendix A for information on funding levels of the past five years. See Appendix B for state projections of available funds through 2005.)

The Boston MPO recognizes that state implementing agencies occasionally need to advance state-funded projects not programmed in the TIP. The state is responsible for providing a statewide non-federal aid budget for such contingencies and will present the budget to the RPAs and any Boston MPO member at the annual meeting. When implementing such additional discretionary non-federally-funded projects within the region that are not in the Boston MPO TIP, MassHighway shall notify and confer with the Boston MPO as soon as possible before the construction advertising date. Further, MassHighway shall discuss planned and advertised projects at regular meetings with the Boston MPO and include this information in its quarterly reports to the Massachusetts Association of Regional Planning Agencies ("MARPA").

## **6. IMPROVEMENT OF TIP-RELATED INFORMATION**

### **A. Overview**

All members of the Boston MPO recognize the importance of delivering timely, accurate and reliable information on projects and on the levels of transportation funding expected to be available to the region. This information is most important in financially constrained documents such as the TIP and the RTP. It also provides a valuable resource for planning by the cities and towns in the region. The Boston MPO further recognizes that future funding levels help inform local

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decision making about whether, or when, to invest local resources in project design and development. The Boston MPO will act to ensure that regional priorities are met and that programmed funding remains in the region.

At the same time, the Boston MPO recognizes that funding levels may be affected by circumstances beyond its control, such as changes in state or federal authorizations or appropriations; increased need for emergency or security-related expenditures; legislative requirements, or other unanticipated events. While the Boston MPO recognizes these contingencies may affect funding, it nonetheless needs to deliver a regional transportation program based on good project information and a realistic assessment of available funds.

**B. TIP Project Information and Dissemination**

The implementing agencies shall keep the Boston MPO informed of project status on a regular basis in order to enable the Boston MPO to notify project sponsors of the outstanding issues that could cause the project to be deferred into the following fiscal year. If the Boston MPO determines that the project would not be ready in time, it will then identify substitute projects of equivalent value and the implementing agencies will use best efforts to obligate funding toward them by the end of the federal fiscal year. At least quarterly and on request, the implementing agencies will submit this information to the Boston MPO Chair for coordination and distribution to the MPO members.

The Boston MPO shall receive a full accounting of TIP project status throughout the year in regular, written reports to the Boston MPO. At the end of the fiscal year, the state agencies will offer a full summary of how projects fared in the previous fiscal year before asking the Boston MPO to vote on the new TIP.

The Boston MPO Staff, or other party as designated in the UPWP, will provide relevant, timely, and comprehensive information to all Boston MPO and Planning and Programming Committee members on issues of interest, including project planning, design, and construction status information. Said Staff will derive and generate these data using all available resources, including communities, regional entities, state transportation agencies, and other sources. All Boston MPO members will provide needed and relevant information to Boston MPO staff for dissemination to the Boston MPO. Said Staff will utilize appropriate and up-to-date information systems for maintaining, processing, analyzing, and reporting information.

All members of the Boston MPO, including but not limited to MAPC, as well as the Boston MPO staff, shall continue to have the responsibility for informing local governments about transportation aid and for considering local input to the Boston MPO. The Boston MPO shall develop and endorse additional procedures for initiating, selecting, programming, deferring, and substituting TIP projects. These procedures, along with those for all other certification documents, shall be contained in the revised operations plan.

**C. Financial Constraint and Consistency**

EOTC and MassHighway recognize that cities and towns desire consistency and predictability in the Boston MPO process, and especially with regard to knowing that the TIP is a reasonable predictor of available funding and project implementation. EOTC and MassHighway fully support these goals, and also wants the regional TIP (and STIP) to be credible documents.

EOTC and MassHighway will develop federal and non-federal aid targets in an open, candid, and cooperative statewide setting. The state will be responsible for explaining the derived targets and providing additional information as requested. The region can use these numbers as a best estimate of available funding and EOTC and MassHighway will seek to advertise projects to the region in that amount.

MassHighway, as the designated recipient of Title 23 federal highway funds, uses a process for consulting with Metropolitan Planning Organizations regarding projected funding levels for future fiscal years. The following procedures will expand upon that consultation and tailor it to the needs of the Boston MPO by expanding and updating the "Financial Constraint" chapter of the annual TIP. The chapter will now include:

1. An overview of current and projected state and federal transportation funds available on a statewide basis through the final annual program year of the TIP. This information shall be presented to the Boston MPO by March 15<sup>th</sup> of each year.
2. A description of the state-wide consultation process for deriving regional federal-aid "targets" and non-federal aid sources programmed by the Boston MPO.
3. A more detailed breakdown of funding expected to be available to the Boston MPO, including non-federal aid. This breakdown shall include the provision of funding estimates for federal and non-federal aid for the first, second, and third years of the Boston MPO TIP. The total highway funding amount to be programmed in the first year of the proposed TIP shall be the amount listed for that year in the Financial Constraint chapter of the adopted TIP. This amount will include Central Artery, non-Artery federal-aid highway funds, and non-federal aid. The amount programmed in the TIP can only be changed by a recommendation of the Planning and Programming Committee and a vote of the Boston MPO under the rules in the "Voting Rules" section of this document. If, based on the estimates of total funding available, and discussions with other Massachusetts RPAs and Boston MPO members as discussed above, MassHighway believes that the current year's highway total needs to be changed, it will present the information it used to reach this conclusion to the Planning and Programming Committee and Boston MPO members. The Planning and

## *Boston MPO Memorandum of Understanding*

Programming Committee may recommend and Boston MPO members may vote to change the amount programmed in the TIP based on MassHighway's recommendation, or may request that MassHighway revise its estimate of the amount available for programming by the Boston MPO. The Boston MPO will take into account any changes in funding available in the Statewide Road and Bridge Program.

4. A statement by the Boston MPO committing to disseminating available and projected funding levels before the TIP is developed.
5. A commitment by EOTC and MassHighway to provide the Boston MPO with timely and accurate information about any changes to the funding estimate.
6. A statement by the Boston MPO committing to provide information on any changes in funding levels through a variety of media, including notices on the Boston MPO web site, direct communication with the cities and towns in the region, and other methods designed to reach a broad spectrum of Boston MPO participants, including low income and minority populations.
7. The provision of funding estimates through the last year of the TIP organized by federal and state funding category, accompanied by a description of the intended use and any restrictions associated with funding types.
8. A year-end report to the Boston MPO on advertisements, obligations, construction starts, and expenditure on MassHighway projects in the region. The report will include projects that were programmed but not advertised, if any.

## **7. OPERATIONS PLAN**

The Boston MPO shall adopt a revised operations plan, which shall detail the operations of the transportation planning system and the preparation of all certification documents for the Boston MPO. The Boston MPO shall be responsible for fully complying with all federal and state regulations governing the 3-C transportation planning process in the Boston metropolitan area.

The plan should, at a minimum, address the following functional areas:

- Administration and Finance;
- Programming;
- Policy; and
- Technical Products.

## **8. REVIEW OF THIS DOCUMENT**

This document shall be reviewed at least once every three years by the Signatories, with the advice of the Advisory Council. Upon execution of this Memorandum of

*Boston MPO Memorandum of Understanding*

Understanding and in an effort to enhance municipal understanding of the Boston MPO process, the Boston MPO shall circulate this document to the communities of the Boston MPO. Proposed amendments will be circulated to the public prior to consideration by the Boston MPO.

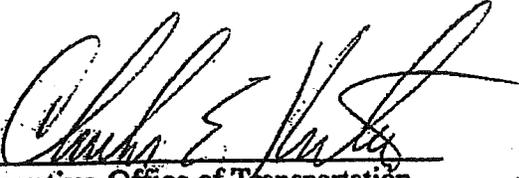
**9. EFFECT OF MEMORANDUM**

This Memorandum follows from: the Memorandum dated January 1973 and its Supplement dated March 1974; the Memorandum dated June 1976 and its Supplement dated May 1984; and the Memorandum dated November 1982; and the Memorandum dated January 1997. However, in the event of any conflicts between this Memorandum and any previous Memoranda, this Memorandum shall prevail.

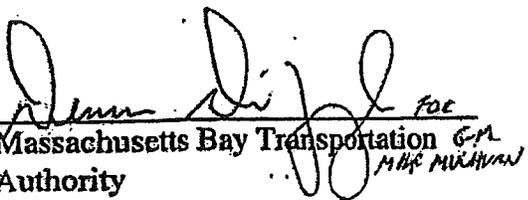
This Memorandum shall become effective upon the authorized signatures of the Secretary of the Executive Office of Transportation and Construction, the Commissioner of Massachusetts Highway Department, the General Manager of the Massachusetts Bay Transportation Authority, the Chairman of the MBTA Advisory Board, the Chief Executive Officer of the Massachusetts Turnpike Authority, the President of the Metropolitan Area Planning Council, the Chairman of Massachusetts Port Authority, the Mayor of the City of Boston, the Mayor of the City of Everett, the Mayor of the City of Newton, the Mayor of the City of Peabody, the Chairman of the Board of Selectmen of the Town of Bedford, the Chairman of the Board of Selectmen of the Town of Framingham, and the Chairman of the Board of Selectmen of the Town of Hopkinton.

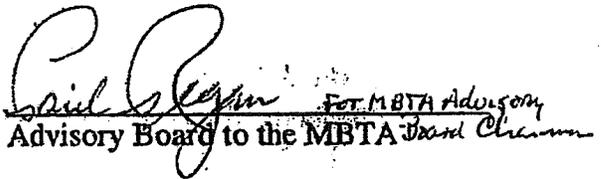
MEMORANDUM OF UNDERSTANDING RELATING TO THE COMPREHENSIVE,  
CONTINUING AND COOPERATIVE TRANSPORTATION PLANNING PROCESS IN  
THE BOSTON METROPOLITAN AREA

EXECUTED on the Thirteenth day of December 2001.

  
Executive Office of Transportation  
and Construction

  
Massachusetts Highway Department

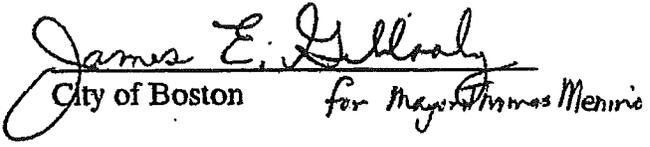
  
Massachusetts Bay Transportation Authority  
for  
MAYOR MICHAEL MITCHELL

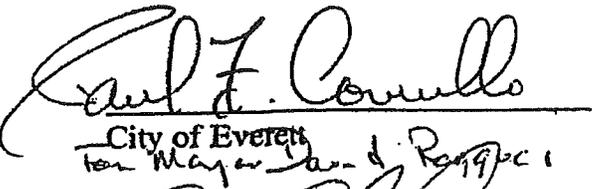
  
Advisory Board to the MBTA Board Chairman  
for MBTA Advisory

  
Metropolitan Area Planning Council

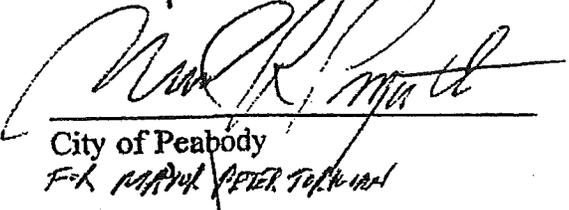
  
Massachusetts Port Authority

  
Massachusetts Turnpike Authority

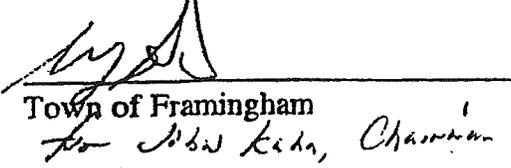
  
City of Boston  
for Mayor Thomas Menino

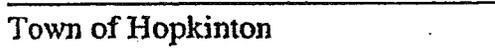
  
City of Everett  
for Mayor David Ruggie

  
City of Newton

  
City of Peabody  
for Mayor Peter Toland

  
Town of Bedford

  
Town of Framingham  
for John Kohn, Chairman

  
Town of Hopkinton

**THE COMMONWEALTH of MASSACHUSETTS**

***METROPOLITAN PLANNING ORGANIZATION  
MEMORANDUM of UNDERSTANDING***

by and between

BOSTON METROPOLITAN PLANNING ORGANIZATION,  
MERRIMACK VALLEY METROPOLITAN PLANNING ORGANIZATION,  
NORTHERN MIDDLESEX METROPOLITAN PLANNING ORGANIZATION,  
OLD COLONY METROPOLITAN PLANNING ORGANIZATION,  
SOUTHEASTERN MASSACHUSETTS METROPOLITAN PLANNING ORGANIZATION,

concerning

THE EFFECT of the URBANIZED AREA DESIGNATIONS of the 2000 CENSUS  
on CERTIFICATION REQUIREMENTS  
in METROPOLITAN PLANNING ORGANIZATIONS

WHEREAS, the United States Bureau of the Census has designated urbanized areas in accordance with the 2000 Census; and

WHEREAS, the Boston Urbanized Area has been expanded as a result of the 2000 Census, and now incorporates portions of contiguous existing Metropolitan Planning Organizations; and

WHEREAS, the Metropolitan Planning Organizations conduct a continuing, comprehensive and cooperative transportation planning process as provided for by the Transportation Equity Act for the 21<sup>st</sup> Century, Section 3004 and Section 1203; and

WHEREAS, the Governor of the Commonwealth, in response to the provisions of Title 23 CFR and Title 49 CFR federal planning regulations, has designated the parties to this agreement to be the Metropolitan Planning Organizations for the regions within the Boston Urbanized Area; and

WHEREAS, the Regional Planning Agencies are recognized by the Metropolitan Planning Organizations (MPO) as having statutory responsibility for comprehensive planning including transportation planning, as provided for under Massachusetts General Laws and, in the Boston region, the Central Transportation Planning Staff provides primary staff support to the Boston Metropolitan Planning Organization; and

WHEREAS, the current regional planning area boundaries will be maintained, and the Metropolitan Planning Organizations will continue transportation planning activities within these boundaries; and

WHEREAS, the five Metropolitan Planning Organizations in the Boston Urbanized Area will undertake continuing transportation planning activities to promote coordinated and comprehensive transportation plans and programs and will strive for consistency in plans and policies for the transportation system in the Boston Urbanized Area; and

NOW THEREFORE, this Memorandum of Understanding reflects the intent of the affected Massachusetts Metropolitan Planning Organizations within the Boston urbanized area to coordinate transportation planning by and between each of the signatory MPOs and the Boston MPO as follows:

1. Membership by each signatory MPO to a contiguous signatory MPO regional transportation advisory committee
2. Provision of draft certification documents and other relevant planning documents
3. Notification of meetings and other relevant activities identified in their respective Public Participation Programs
4. Invitation to attend Metropolitan Planning Organization meetings
5. Modification of respective MPO Memoranda of Understanding to include a representative of the adjoining Metropolitan Planning Organization to participate as an ex-officio, non-voting member

Signed:



Dennis DiZoglio, Chairman  
Boston Metropolitan Planning Organization  
Transportation Planning & Programming Committee



**MERRIMACK  
VALLEY  
PLANNING  
COMMISSION**

**MERRIMACK VALLEY METROPOLITAN  
PLANNING ORGANIZATION  
ENDORSEMENT**

**METROPOLITAN PLANNING  
ORGANIZATION MEMORANDUM OF  
UNDERSTANDING**

**Stephen L. Colyer**  
Chairman

**Robert Lavoie**  
Vice Chairman

**Alex Evangelista**  
Secretary

**Kevin Hagerty**  
Treasurer

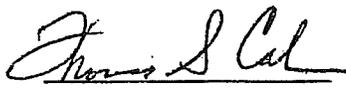
**Richard Borden**  
Asst. Treasurer

**Gaylord Burke**  
Executive Director

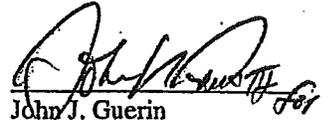
We, the undersigned Council of Signatories for the Merrimack Valley Metropolitan Planning Organization hereby endorse the attached **Metropolitan Planning Organization Memorandum of Understanding** by and between the Boston, Merrimack Valley, Northern Middlesex, Old Colony and Southeastern Massachusetts Metropolitan Planning Organizations concerning the effect of the urbanized area designation of the 2000 Census on Certification requirements in Metropolitan Planning Organizations.

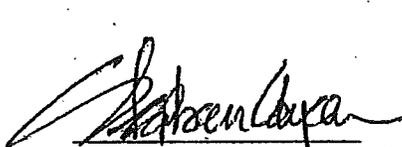
Serving the  
communities of:

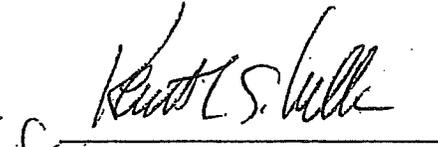
- Amesbury
- Andover
- Boxford
- Georgetown
- Groveland
- Haverhill
- Lawrence
- Merrimack
- Methuen
- Newbury
- Newburyport
- North Andover
- Rowley
- Salisbury
- West Newbury

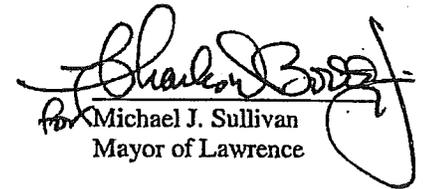
  
Thomas Cahir  
Assistant Secretary - EOTC

  
Ted Van Nahl  
Chairman - MVRTA Advisory Board

  
John J. Guerin  
Mayor of Haverhill

  
Stephen Colyer  
Chairman - MVPC

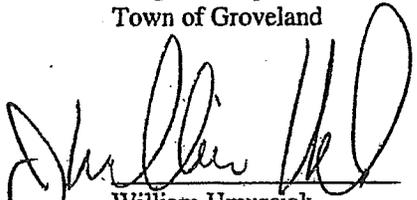
  
John Cogliano  
Commissioner - MHD

  
Michael J. Sullivan  
Mayor of Lawrence

Greg Labrecque  
Town of Groveland

Bruce Saunders  
Newbury Selectmen

Alan Lavender  
City of Newburyport

  
William Hmurciak  
Town of North Andover

**NORTHERN MIDDLESEX METROPOLITAN PLANNING ORGANIZATION**

**ENDORSEMENT OF THE METROPOLITAN PLANNING ORGANIZATION  
MEMORANDUM OF UNDERSTANDING CONCERNING THE EFFECT OF THE URBANIZED AREA  
DESIGNATIONS OF THE 2000 CENSUS ON CERTIFICATION REQUIREMENTS**

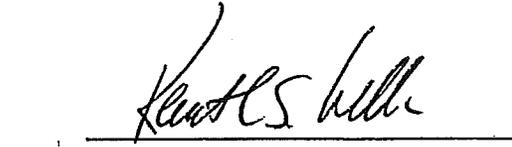
This document will certify that the Northern Middlesex Metropolitan Planning Organization, at its meeting of September 4, 2003, hereby approves the endorsement of the Metropolitan Planning Organization Memorandum of Understanding Concerning the Effect of the Urbanized Area Designations of the 2000 Census on Certification Requirements. The MOU is being endorsed in accordance with the 3C Transportation Planning Process.

  
for Daniel A. Grabauskas, Secretary  
Executive Office of Transportation  
and Construction

9/04/03  
Date

  
Ellen Rawlings, Chairman  
Town of Billerica

9/04/03  
Date

  
John Cogliano, Commissioner  
Massachusetts Highway Department

9/4/03  
Date

  
Daniel Tenczar, City Councillor  
City of Lowell

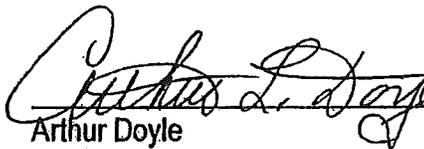
9/4/03  
Date

  
Jimmy B. Good, Chairman  
Lowell Regional Transit Authority

9/4/03  
Date

Thomas Moran, Selectman  
Town of Chelmsford

Date

  
Arthur Doyle  
Billerica Representative  
Lowell Regional Transit Authority

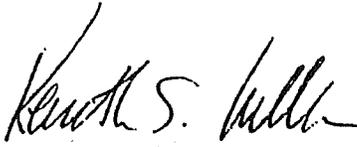
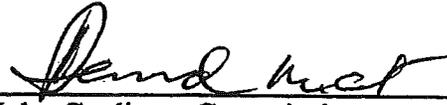
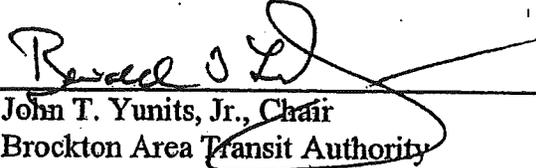
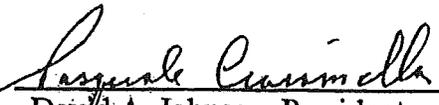
9/4/03  
Date

**Old Colony  
Metropolitan Planning Organization**

**CERTIFICATION OF THE  
MEMORANDUM OF UNDERSTANDING**

This is to certify that the signatories of the Old Colony Metropolitan Planning Organization (OCMPO), at its MPO meeting on September 9, 2003, hereby approves and endorses the Memorandum of Understanding concerning the effect of the Urbanized Area Designations of the 2000 Census on Certification Requirements in MPOs.

**Signatory Certification:**

for	 _____	9/9/03 _____ Date
for	 _____	9/9/03 _____ Date
for	 _____	9.9.03 _____ Date
for	 _____	9-9-03 _____ Date

Daniel A. Grabauskas, Secretary  
Executive Office of Transportation & Construction

John Cogliano, Commissioner  
Massachusetts Highway Department

John T. Yunits, Jr., Chair  
Brockton Area Transit Authority

David A. Johnson, President  
Old Colony Planning Council

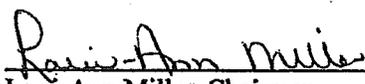
SOUTHEASTERN MASSACHUSETTS METROPOLITAN PLANNING ORGANIZATION  
SRPEDD

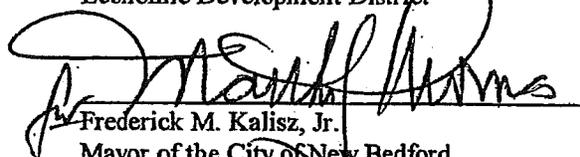
SMMPO CERTIFICATION OF THE  
MEMORANDUM OF UNDERSTANDING

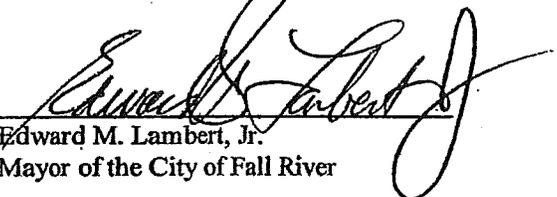
The Southeastern Massachusetts Metropolitan Planning Organization (SMMPO) hereby certifies that it endorses the Memorandum of Understanding concerning the effect of the Urbanized Area Designations of the 2000 Census on Certification Requirements in MPOs.

  
for Daniel A. Grabuaskas, Secretary  
Executive Office of Transportation and Construction

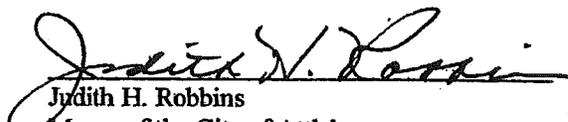
for   
John Cogliano, Commissioner  
Massachusetts Highway Department

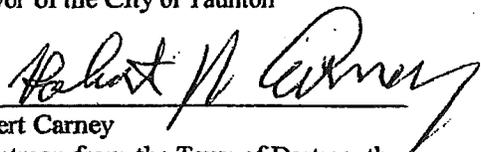
  
Lorri-Ann Miller, Chairman  
Southeastern Regional Planning and  
Economic Development District

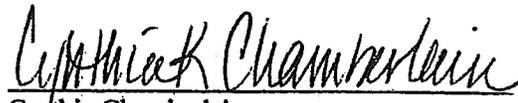
for   
Frederick M. Kalisz, Jr.  
Mayor of the City of New Bedford

  
Edward M. Lambert, Jr.  
Mayor of the City of Fall River

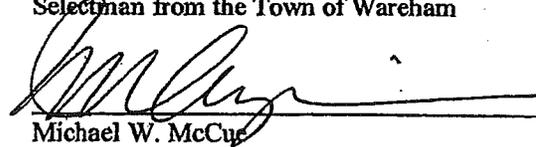
Thaddeus M. Strojny  
Mayor of the City of Taunton

  
Judith H. Robbins  
Mayor of the City of Attleboro

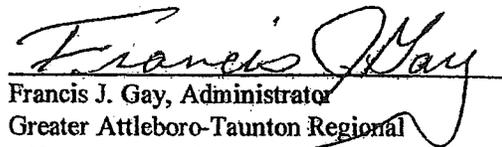
  
Robert Carney  
Selectman from the Town of Dartmouth

  
Cynthia Chamberlain  
Selectman from the Town of Wareham

Robert Kimball, Jr.  
Selectman from the Town of Norton

for   
Michael W. McCue  
Selectman from the Town of Mansfield

Louis D. Pettine, Administrator  
Southeastern Regional Transit Authority

  
Francis J. Gay, Administrator  
Greater Attleboro-Taunton Regional  
Transit Authority

The Signatories of the SMMPO (or their designees) took this action at a public meeting of the MPO on September 3, 2003.

THE COMMONWEALTH OF MASSACHUSETTS

MEMORANDUM OF UNDERSTANDING

by and between

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

MASSACHUSETTS EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION

MASSACHUSETTS METROPOLITAN PLANNING ORGANIZATIONS

concerning the

THE CONDUCT OF TRANSPORTATION-AIR QUALITY PLANNING  
IN THE DEVELOPMENT AND IMPLEMENTATION  
OF THE STATE IMPLEMENTATION PLAN

WHEREAS, the Department of Environmental Protection (DEP) has the statutory responsibility, under Chapter 111 of the General Laws, for the control of air pollution and for air quality planning; and

WHEREAS, DEP has been designated by the Governor as the lead agency for State Implementation Plan (SIP) planning under Section 174(a) of the Clean Air Act Amendments of 1990; and

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

WHEREAS, EOTC has been designated by the Governor as the lead agency in SIP Planning for transportation initiatives, in consultation with the Metropolitan Planning Organizations (MPOs), in accordance with Section 174(a) of the Clean Air Act Amendments of 1990; and

WHEREAS, Metropolitan Planning Organizations have been designated by the Governor in response to the provisions of Title 23 of the U.S.C. Section 134, and Sections 3(a)(2), 4(a), and 5(a)(1) of the Federal Transit Act to carry out the continuing, cooperative and comprehensive urban transportation planning process within the Commonwealth of Massachusetts; and

WHEREAS, MPO membership consists of the EOTC, the Massachusetts Highway Department (MHD), the Regional Transit Authority(s) (RTAs) and the Regional Planning Agency(s) (RPAs) and in the case of the

7/31/96

Boston MPO, the Massachusetts Port Authority (MASSPORT) and the Massachusetts Bay Transit Authority (MBTA) Advisory Board; and

WHEREAS, the Regional Planning Agencies have statutory responsibility for comprehensive planning, including transportation and air quality planning and conduct technical planning activities on behalf of the MPOs; and

WHEREAS, the Regional Transit Authorities have statutory responsibility for providing mass transportation and preparing programs for public mass transportation for improving same; and

WHEREAS, DEP and each MPO previously adopted Memoranda of Understanding which were incorporated as part of the SIP; and

WHEREAS, the entire Commonwealth of Massachusetts has been designated as nonattainment of the National Ambient Air Quality Standard (NAAQS) for the pollutant ozone under section 107(d) of the Clean Air Act Amendments of 1990; and

WHEREAS, motor vehicles contribute significantly to air pollution and growth in vehicle miles travelled (VMT) is expected to continue notwithstanding opportunities for progress in Transportation Systems Management resulting in Air Quality improvement; and

WHEREAS, section 176(c) of the Clean Air Act Amendments of 1990 and sections 109(h) and (j) of Title 23 U.S.C. requires that transportation projects, programs and plans conform to the SIP before they are approved by MPOs and supported or funded by the federal government;

NOW, THEREFORE, this Memorandum of Understanding reflects updated procedures and designations made pursuant to the Clean Air Act Amendments of 1990 and does not supersede the previous SIP commitments and the signatories hereto jointly agree as follows:

I. Roles and Responsibilities

A. DEP

serves as the lead agency in overall SIP development, coordination and implementation;  
coordinates the overall consultation process for the SIP;  
coordinates with EPA on SIP-related issues;  
provides EOTC and the MPOs with mobile source inputs for air quality modeling of transportation plans, transportation improvement programs (TIPs) and projects;  
conducts conformity reviews of transportation plans, TIPs and projects and issues findings of concurrence or non-concurrence.

7/31/96

B. EOTC

- serves as the lead agency, as the State Transportation Agency, and consults with other MPO members, in SIP planning and implementation for transportation initiatives;
- provides DEP with traffic-related parameters for calculating mobile source emissions of the SIP;
- coordinates overall consultation process for conformity findings of transportation plans and TIPS;
- provides guidance and assistance to MPOs in determining conformity of transportation plans, TIPS and projects, as appropriate;
- reviews MPO transportation plans, TIPS and project air quality conformity determinations for acceptability and content and coordinates submittal to DEP, EPA and DOT;
- performs project-level conformity determinations during the environmental review process under NEPA and MEPA.

C. RPAs

- develop socio-economic projections;
- undertake regional land use planning;
- develop comprehensive regional plans;
- and on behalf of the MPOs:
  - develop regional transportation plans and TIPS;
  - perform regional emissions analysis of transportation plans and TIPS;
  - make conformity findings on transportation plans and TIPS;
  - develop public consultation procedures in accordance with 23 CFR Part 450 Subpart C, Metropolitan Transportation Planning and Programming regulations.

D. MPOs

- endorse products of the transportation planning process requiring federal certification;
- certify Air Quality Conformity findings.

II. Policy, Objectives and Procedures

A. Policy

It is the policy of DEP, EOTC and the MPOs to conduct air quality planning and transportation planning in a coordinated manner in order to ensure that adequate consideration is given to the attainment, maintenance and enhancement of air quality throughout the transportation planning and development process and to ensure that decisions on transportation facilities are consistent with the SIP to attain and maintain the National Ambient Air Quality Standards.

7/31/96

B. Objectives

It is the objective of DEP, EOTC and the MPOs to:

seek involvement of all signatories in the development of the mobile source emissions inventory/budget including estimates of vehicle miles traveled (VMT), VMT growth rates, speeds, and transportation-related inputs to mobile emissions models

seek involvement of all signatories in the development of control strategies with a particular emphasis on transportation control measures (TCMs) to be included in the SIP, as necessary, to meet Clean Air Act requirements

ensure TCMs in the SIP are implemented in a timely manner

maintain an ongoing consultative and cooperative process for determining conformity of transportation plans, programs and projects to the SIP

C. Procedures

EOTC and the MPOs will continue to participate on the DEP SIP Steering Committee established to meet the public participation requirements of the Clean Air Act.

The signatories agree to establish and participate on a subcommittee convened by the SIP Steering Committee which will meet semi-annually, and as needed, to address mobile source emissions budget development, dispute resolution within nonattainment areas and the development and implementation of the SIP including TCMs designed to meet air quality goals. DEP will use this opportunity to report to the subcommittee on the status of SIP revisions and related matters. DEP will attend appropriate meetings of the MPOs and their constituent agencies and related groups.

This MOU will be reviewed periodically by the signatories and when appropriate be an agenda item of the aforementioned meetings of the MPOs.

The signatories agree to follow the consultation process established under the Massachusetts Transportation Conformity regulation, 310 CMR 60.03.

7/31/96

III. Effect of the Memorandum

This Memorandum of Understanding shall become effective upon signature by the Commissioner of the Department of Environmental Protection, the Secretary of the Executive Office of Transportation & Construction and all other MPO member signatories.

Department of Environmental Protection:

*David B. Lusk* 1/6/97  
Commissioner Date

Executive Office of Transportation and Construction:

*Samuel P. Davis* 3/18/97  
Secretary Date

Massachusetts Highway Department:

*William J. Sullivan* 1/15/97  
Commissioner Date

Regional Planning Agencies:

Berkshire County Regional Planning Commission

*Robert S. Suda* 8/9/96  
Chair Date

Cape Cod Commission

*Gary S. Sullivan* 8/9/96  
Chair Date

Central Massachusetts Regional Planning Commission

*Charles F. Greenough* 8/16/96  
Chair Date

Franklin County Commission

*Margaret Strickland* 12/10/96  
Chair Date

Metropolitan Area Planning Council

*Will J. C. [Signature]* 8/24/96  
Chair Date

Montachusett Regional Planning Commission

Robert W. Shubb  
Chair

8/16/96  
Date

Martha's Vineyard Commission

Thomas J. Ryan  
Chair

11/21/95  
Date

Merrimack Valley Planning Commission

Roberto  
Vice-Chair

10/24/96  
Date

Northern Middlesex Council of Governments

William J. King  
Chair

7/26/96  
Date

Nantucket Planning and Economic Development Commission

Mac Wall Seal  
Chair

Nov 4, 1996  
Date

Old Colony Planning Council

John H. Math  
Chair

9/19/96  
Date

Pioneer Valley Planning Commission

William C. Dwyer  
Chair

8-9-96  
Date

Southeastern Regional Planning and Economic Development District

Karl E. Hill  
Chair

9-11-96  
Date

Regional Transit Authorities:

Berkshire Regional Transit Authority

Edward M. Kelly  
Chair

8-9-96  
Date

Brockton Area Transit

David T. Leonard 9/18/96  
Chair for Mayor John T. Yaworski Date

Cape Cod Regional Transit Authority

For Joseph Roberts 8/8/96  
Chair Robert Brody Date

Franklin Regional Transit Authority

[Signature] 12-11-96  
Chair Date

Greater Attleboro-Taunton Regional Transit Authority

Robert G. Nunes 9/5/96  
Chair Date

Greenfield-Montague Transportation Area

E. William Smith 12/19/96  
Chair Date

Lowell Regional Transit Authority

George C. Edwards 9/20/96  
Chair Date

Martha's Vineyard Transit Authority

Peter J. Tobols 11/21/96  
Chair Date

Massachusetts Bay Transportation Authority

[Signature] for PJM 8/28/96  
General Manager Date

Merrimack Valley Regional Transit Authority

[Signature] 10-17-96  
Chair Date

Montachusett Regional Transit Authority

[Signature] 5/16/96  
Chair Date

7/31/96

Nantucket Regional Transit Authority

Arthur L. Desrocher      6 November 96  
Chair      Date

Pioneer Valley Regional Transit Authority

Paul J. Hunt      8-9-96  
Chair      Date

Southeastern Regional Transit Authority

Edward H. Lambert      9/3/96  
Chair      Date

Worcester Regional Transit Authority

Richard D. Carney      8-16-96  
Vice Chair      Date

Massachusetts Port Authority

Carson      8-28-96  
Chair      Date

Massachusetts Bay Transit Authority Advisory Board

Chas. H. ...      August 28, 1996  
Chair      Date

*Brockton Area Transit Authority  
155 Court Street, Brockton, MA 02302-4608  
telephone 508-588-2240  
fax 508-584-1437  
Linda M. Balzotti, Advisory Board Chairperson  
Reinald G. Ledoux, Jr., Administrator*

**bat**

April 16, 2010

*Sent via Fax, Original to Follow*

Mr. Richard H. Doyle, Regional Administrator  
Federal Transit Administration  
55 Broadway - Kendall Sq.  
Cambridge, MA 02142

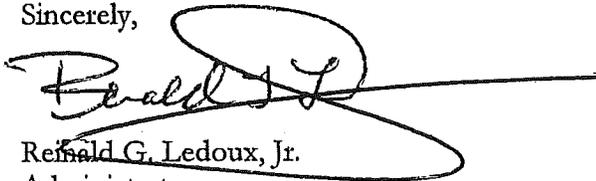
Attn: Mr. Noah Berger

Dear Mr. Doyle:

Please find attached a copy of the signed "Split Letter Agreement" related to the 42%-5/12<sup>th</sup> distribution of Federal Transit Administration funds for the Boston Urbanized Area. The agreement is the result of a collegial effort of all the designated recipients which demonstrates an understanding and keen awareness of the transportation needs of each region within the urbanized area.

Again, thank you for your continued support. Please do not hesitate to call me if any questions should arise or if I can be of any assistance.

Sincerely,

  
Reinald G. Ledoux, Jr.  
Administrator

RGL/kjp  
Attachment(s)

cc: Jeffrey Mullan, MassDOT	James H. Scanlan, LRTA	Edward Carr, MWRTA
David Mohler, MassDOT	Joseph Cosgrove, MBTA	Christopher Morgan, NH DOT
Paul Talbot, CATA	Richard A. Davey, MassDOT	Alfred J. Mosiola, RIPTA
Francis J. Gay, GATRA	Joseph Costanzo, MVRTA	Mark Therrien, RIPTA

**Commonwealth of Massachusetts  
Boston Urbanized Area  
Memorandum of Understanding**

This "Memorandum of Understanding" (MOU), dated March 2010, constitutes the complete and binding agreement between the Boston Urbanized Area (UZA) Designated Recipients with regard to the partial (42%-5/12<sup>th</sup>) distribution of Federal Fiscal Year (FFY) 2010 Section 5307 Urban Formula Funds:

Designated Recipients

Mass Bay Transportation Authority (MBTA)  
Brockton Area Transit (BAT)  
Lawrence-Haverhill (MVRTA)  
Lowell, MA-NH (LRTA)  
Taunton, MA-RI (GATRA)  
Gloucester, Rockport (CATA)  
NH DOT – includes (COAST)  
Rhode Island (RIPTA)  
Metro West Regional Transit Authority (MWRTA)

It is agreed that the currently available 42% (\$61,293,427) Section 5307 funding made available to the Boston UZA which is based on the FFY2009 Section 5307 funding level will be distributed according to the June 2009 "Memorandum of Understanding" (MOU). The remaining distribution will be distributed based upon a newly executed agreement at a future date.

Further, the following Designated Recipients agree to negotiate separate agreements, if not already in place, to distribute a portion of the funds made available to them under this agreement with area "sub-recipients" as follows:

<u>Designated Recipient</u>	<u>Sub-Recipient</u>
N.H. D.O.T.	COAST

Further, all Designated Recipients agree that they will be responsible for the following administrative requirements with regard to the funding made available to them under this agreement:

Appropriation shall be net of any federal adjustments or take-down

Grant filing and execution

Grant reporting requirements

Grant Program requirements

Twenty-percent (20%) grant matching requirement

One-percent (1%) System Enhancement set-aside MBTA to meet UZA set-aside (\$612,934) and the MBTA will be responsible for the reporting requirements.

Designated Recipients can exceed the ten-percent (10%) share for the provision of ADA services provided that the UZA aggregate amount does not exceed the ten-percent (10%) limit for the Boston Urbanized Area.

Further, all parties agree that this MOU covers only FFY2010 Section 5307 funding made available to the Boston UZA and does not cover prior "carryover" Section 5307 funding, unless previously stipulated, nor does it cover any other federal funding that may be available to any of the Designated Recipients through other sources. The Parties agree that this MOU is binding and in force for FFY2010 only and that, a new and separate agreement will be negotiated for FFY2011 and beyond.

Boston Urbanized Area – 42% FFY2010 Split Agreement

Designated Recipient	FFY2009 Proportional Distribution	FFY2010 42% Partial Apportionment (\$61,293,427)
Mass Bay Transportation (MBTA)	.898236	\$55,055,962
Brockton (BAT)	.019284	1,181,985
Lawrence-Haverhill (MVRTA)	.036048	2,209,505
Lowell (LRTA)	.023870	1,463,074
Taunton (GATRA)	.004928	302,054
NH DOT	.004489	275,146
Rhode Island (RIPTA)	0	0
Gloucester-Rockport (CATA)	.003384	207,416
Metro West (MVRTA)	<u>.009761</u>	<u>598,285</u>
	1.000000	\$61,293,427.00

Agreed to by the undersigned authorized agency representative:

Massachusetts Bay Transportation Authority

By: \_\_\_\_\_

Date: \_\_\_\_\_

New Hampshire DOT

By: \_\_\_\_\_

Date: \_\_\_\_\_

Brockton Area Transit Authority

By: \_\_\_\_\_

Date: March 3, 2010

Greater Attleboro Reg. Transit Authority

By: \_\_\_\_\_

Date: \_\_\_\_\_

Merrimack Valley Regional Transit Authority

By: \_\_\_\_\_

Date: \_\_\_\_\_

Rhode Island Public Transit Authority

By: \_\_\_\_\_

Date: \_\_\_\_\_

Lowell Regional Transit Authority

By: \_\_\_\_\_

Date: \_\_\_\_\_

Cape Ann Transit Authority

By: \_\_\_\_\_

Date: \_\_\_\_\_

Metro West Regional Transit Authority

By: \_\_\_\_\_

Date: \_\_\_\_\_

Boston Urbanized Area – 42% FFY2010 Split Agreement

Designated Recipient	FFY2009 Proportional Distribution	FFY2010 42% Partial Apportionment (\$61,293,427)
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Lowell (LRTA)	.023870	1,463,074
Taunton (GAFRA)	.004928	302,054
NH DOT	.004489	275,146
Rhode Island (RIPTA)	0	0
Gloucester-Haverport (CATA)	.003384	207,416
Metro West (MVRTA)	<u>.002761</u>	<u>598,285</u>
	1.000000	\$61,293,427.00

Agreed to by the undersigned authorized agency representative:

Massachusetts Bay Transportation Authority  
By: \_\_\_\_\_

New Hampshire DOT  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Brockton Area Transit Authority  
By: \_\_\_\_\_

Greater Attleboro Reg. Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Merrimack Valley Regional Transit Authority  
By: \_\_\_\_\_

Rhode Island Public Transit Authority  
By: *Alfred J. Monaco*

Date: \_\_\_\_\_

Date: *4/19/2010*

Lowell Regional Transit Authority  
By: \_\_\_\_\_

Cape Ann Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Metro West Regional Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Boston Urbanized Area -- 42% FFY2010 Split Agreement

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Lowell (LRTA)	.023870	1,463,074
Taunton (GATRA)	.004928	302,054
NH DOT	.004489	275,146
Rhode Island (RIPTA)	0	0
Gloucester-Rockport (CATA)	.003384	207,416
Metro West (MVRTA)	.009761	598,285
	<u>1.000000</u>	<u>\$61,293,427.00</u>

Agreed to by the undersigned authorized agency representative:

Massachusetts Bay Transportation Authority  
By: \_\_\_\_\_

New Hampshire DOT  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Brockton Area Transit Authority  
By: \_\_\_\_\_

Greater Attleboro Reg. Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Merrimack Valley Regional Transit Authority  
By: *Joseph J. Costanzo, Administrator*

Rhode Island Public Transit Authority  
By: \_\_\_\_\_

*[Handwritten Signature]*  
Date: *3/5/2010*

Date: \_\_\_\_\_

Lowell Regional Transit Authority  
By: \_\_\_\_\_

Cape Ann Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Metro West Regional Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

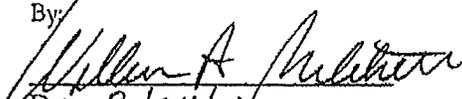
Boston Urbanized Area – 42% FFY2010 Split Agreement

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NH DOT	.004489	275,146
Rhode Island (RIPTA)	0	0
Gloucester-Rockport (CATA)	.003384	207,416
Metro West (MWRTA)	<u>.009761</u>	<u>598,285</u>
	1.000000	\$61,293,427.00

Agreed to by the undersigned authorized agency representative:

Massachusetts Bay Transportation Authority

By:

  
Date: 3/24/10

New Hampshire DOT

By:

\_\_\_\_\_  
Date: \_\_\_\_\_

Brockton Area Transit Authority

By:

\_\_\_\_\_  
Date: \_\_\_\_\_

Greater Attleboro Reg. Transit Authority

By:

\_\_\_\_\_  
Date: \_\_\_\_\_

Merrimack Valley Regional Transit Authority

By:

\_\_\_\_\_  
Date: \_\_\_\_\_

Rhode Island Public Transit Authority

By:

\_\_\_\_\_  
Date: \_\_\_\_\_

Lowell Regional Transit Authority

By:

\_\_\_\_\_  
Date: \_\_\_\_\_

Cape Ann Transit Authority

By:

\_\_\_\_\_  
Date: \_\_\_\_\_

Metro West Regional Transit Authority

By:

\_\_\_\_\_  
Date: \_\_\_\_\_

Boston Urbanized Area - 42% FFY2010 Split Agreement

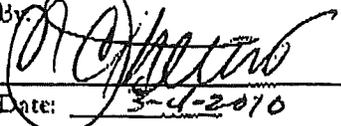
Designated Recipient	FFY2009 Proportional Distribution	FFY2010 42% Partial Apportionment (\$61,293,427)
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Taunton (GATRA)	.004928	302,054
NH DOT	.004489	275,146
Rhode Island (RIPTA)	0	0
Gloucester-Rockport (CATA)	.003384	207,416
Metro West (MVRTA)	<u>.009761</u>	<u>598,285</u>
	1.000000	561,293,427.00

Agreed to by the undersigned authorized agency representative:

Massachusetts Bay Transportation Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

New Hampshire DOT

By:   
Date: 3-4-2010

Brockton Area Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Greater Attleboro Reg. Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Merrimack Valley Regional Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Rhode Island Public Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Lowell Regional Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Cape Ann Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Metro West Regional Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Boston Urbanized Area – 42% FFY2010 Split Agreement

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Taunton (GATRA)	.004928	302,054
NH DOT	.004489	275,146
Rhode Island (RIPTA)	0	0
Gloucester-Rockport (CATA)	.003384	207,416
Metro West (MWRTA)	<u>.009761</u>	<u>598,285</u>
	1.000000	\$61,293,427.00

Agreed to by the undersigned authorized agency representative:

Massachusetts Bay Transportation Authority

By: \_\_\_\_\_

Date: \_\_\_\_\_

Brockton Area Transit Authority

By: \_\_\_\_\_

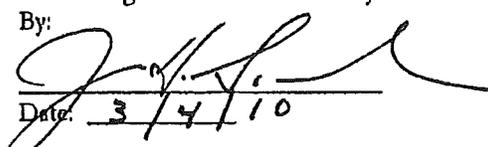
Date: \_\_\_\_\_

Merrimack Valley Regional Transit Authority

By: \_\_\_\_\_

Date: \_\_\_\_\_

Lowell Regional Transit Authority

By: 

Date: 3/4/10

Metro West Regional Transit Authority

By: \_\_\_\_\_

Date: \_\_\_\_\_

New Hampshire DOT

By: \_\_\_\_\_

Date: \_\_\_\_\_

Greater Attleboro Reg. Transit Authority

By: \_\_\_\_\_

Date: \_\_\_\_\_

Rhode Island Public Transit Authority

By: \_\_\_\_\_

Date: \_\_\_\_\_

Cape Ann Transit Authority

By: \_\_\_\_\_

Date: \_\_\_\_\_

Boston Urbanized Area – 42% FFY2010 Split Agreement

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Metro West (MWRTA)	<u>.009761</u>	<u>598,285</u>
	1.000000	\$61,293,427.00

Agreed to by the undersigned authorized agency representative:

Massachusetts Bay Transportation Authority  
By: \_\_\_\_\_

New Hampshire DOT  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Brockton Area Transit Authority  
By: \_\_\_\_\_

Greater Attleboro Reg. Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Merrimack Valley Regional Transit Authority  
By: \_\_\_\_\_

Rhode Island Public Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Lowell Regional Transit Authority  
By: \_\_\_\_\_

Cape Ann Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Metro West Regional Transit Authority  
By: \_\_\_\_\_

  
Date: 3/2/10

Boston Urbanized Area – 42% FFY2010 Split Agreement

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Metro West (MWRTA)	<u>.009761</u>	<u>598,285</u>
	1.000000	\$61,293,427.00

Agreed to by the undersigned authorized agency representative:

Massachusetts Bay Transportation Authority  
By: \_\_\_\_\_

New Hampshire DOT  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Brockton Area Transit Authority  
By: \_\_\_\_\_

Greater Attleboro Reg. Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

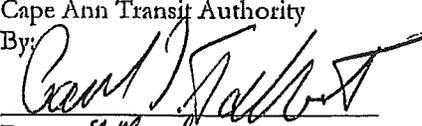
Merrimack Valley Regional Transit Authority  
By: \_\_\_\_\_

Rhode Island Public Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Lowell Regional Transit Authority  
By: \_\_\_\_\_

Cape Ann Transit Authority  
By: 

Date: \_\_\_\_\_

Date: 9 March 2010

Metro West Regional Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Boston Urbanized Area – 42% FFY2010 Split Agreement

Designated Recipient	FFY2009 Proportional Distribution	FFY2010 42% Partial Apportionment (\$61,293,427)
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NH DOT	.004489	275,146
Rhode Island (RIPTA)	0	0
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Metro West (MVRTA)	<u>.009761</u>	<u>598,285</u>
	1.000000	\$61,293,427.00

Agreed to by the undersigned authorized agency representative:

Massachusetts Bay Transportation Authority  
By: \_\_\_\_\_

New Hampshire DOT  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Brockton Area Transit Authority  
By: \_\_\_\_\_

Greater Attleboro Reg. Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: 3/9/10

Merrimack Valley Regional Transit Authority  
By: \_\_\_\_\_

Rhode Island Public Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Lowell Regional Transit Authority  
By: \_\_\_\_\_

Cape Ann Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Metro West Regional Transit Authority  
By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

---

## **Appendix D - List of Participants**

### **July 27**

#### MPO Members:

David Anderson, MassDOT  
Thomas Bent, City of Somerville  
Eric Bourassa, Metropolitan Area Planning Council  
Joe Cosgrove, Massachusetts Bay Transit Authority (MBTA)  
Lourenço Dantas, Massachusetts Port Authority  
Ginger Esty, Town of Framingham  
Jim Gallagher, Metropolitan Area Planning Council  
Jim Gillooly, City of Boston  
Thomas Kadzis, City of Boston  
David Koses, City of Newton  
David Mohler, MassDOT  
Mary Pratt, Town of Hopkinton  
Richard Reed, Town of Bedford  
Paul Regan, MBTA Advisory Board  
John Romano, MassDOT Highway Division  
Melissa Santucci, Town of Braintree  
Laura Wiener, Regional Transportation Advisory Council

#### MPO Staff:

Cathy Buckley  
Michael Callahan  
Maureen Kelly  
Robin Mannion  
Anne McGahan  
Hayes Morrison  
Sean Pfalzer  
Karl Quackenbush  
Susan Schwartz  
Arnie Soolman  
Mary Ellen Sullivan  
Jong Wai Tommee  
Alicia Wilson  
Pam Wolfe

#### Observers:

Anna Biton, U.S. DOT, Volpe  
Donald O. Cooke, U.S. Environmental Protection Agency  
Joe Crowley, Massachusetts General Hospital  
Mike Lawton, FHWA  
Kate Lowe, Cornell University  
Marlene R. Meyer, WECA

---

Bill Moisuk, Principal Planner, Central Massachusetts Regional Planning Commission  
Steve Olanoff, Regional Transportation Advisory Council  
Karen Pearson, MassDOT Office of Transportation Planning  
Julia Pulidindi, National League of Cities  
Ellin Reisner, Somerville Transportation Equity Partnership  
Wig Zamore, Somerville Transportation Equity Partnership and Mystic View Task Force

## **July 28**

### **MPO Members:**

David Anderson, MassDOT  
Thomas Bent, City of Somerville  
Eric Bourassa, Metropolitan Area Planning Council  
Joe Cosgrove, Massachusetts Bay Transit Authority (MBTA)  
Lourenço Dantas, Massachusetts Port Authority  
Ginger Esty, Town of Framingham  
Jim Gallagher, Metropolitan Area Planning Council  
Jim Gillooly, City of Boston  
Thomas Kadzis, City of Boston  
David Koses, City of Newton  
Schuyler Larrabee, Regional Transportation Advisory Council  
David Mohler, MassDOT  
Mary Pratt, Town of Hopkinton  
Richard Reed, Town of Bedford  
Paul Regan, MBTA Advisory Board  
John Romano, MassDOT Highway Division  
Melissa Santucci, Town of Braintree  
Marie Rose, MassDOT  
Laura Wiener, Regional Transportation Advisory Council

### **MPO Staff:**

Michael Callahan  
Maureen Kelly  
Robin Mannion  
Anne McGahan  
Hayes Morrison  
Sean Pfalzer  
Karl Quackenbush  
Susan Schwartz  
Arnie Soolman  
Mary Ellen Sullivan  
Jong Wai Tommee  
Alicia Wilson  
Pam Wolfe

---

Observers:

Lynn Ahlgren, MetroWest Regional Transit Authority  
Louise Baxter, T Riders Union  
Anna Biton, U.S. DOT, Volpe  
Mary Ellen Blunt, Central Massachusetts Regional Planning Commission  
Donald O. Cooke, U.S. EPA  
David Dahlbacka, Mystic View Task Force  
John Englert, MassDOT  
Charles Kilmer, Old Colony Planning Council  
Anthony Komornick, Merrimack Valley Planning Commission  
Kate Lowe, Cornell University  
Maaza Mekuria, CCP/ADEC  
Paul Mission, Southeastern Regional Planning and Economic Development District  
Alan Moore, Friends of the Community Path  
Steve Olanoff, Regional Transportation Advisory Council  
Karen Pearson, MassDOT Office of Transportation Planning  
Julia Pulidindi, National League of Cities  
Ellin Reisner, Somerville Transportation Equity Partnership  
Grace Shepard, Metropolitan Area Planning Council  
Lynn Weissman, Friends of the Community Path  
Beverly Woods, Northern Middlesex Council of Governments  
Wig Zamore, Somerville Transportation Equity Partnership and Mystic View Task Force

**July 29**

MPO Members:

Thomas Bent, City of Somerville  
Eric Bourassa, Metropolitan Area Planning Council  
Lourenço Dantas, MassPort  
Jim Gallagher, Metropolitan Area Planning Council  
Mary Pratt, Town of Hopkinton  
Marie Rose, MassDOT

MPO Staff:

Maureen Kelly  
Bill Kuttner  
Robin Mannion  
Anne McGahan  
Elizabeth Moore  
Hayes Morrison  
Sean Pfalzer  
Karl Quackenbush  
Susan Schwartz  
Arnie Soolman  
Mary Ellen Sullivan

---

Jong Wai Tommee  
Alicia Wilson  
Pam Wolfe

Observers:

Ann Carpenter, Pacer International  
Sandra Kunz, Metropolitan Area Planning Council representative, Town of Braintree  
Angela Manerson, Access Advisory Committee to the MBTA  
Karen Pearson, MassDOT Office of Transportation Planning  
Julia Pulidindi, National League of Cities

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