

**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

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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 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 21st 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.

- 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 (RTAC), 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.

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 RTAC. 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.

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 (RTAC)

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

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

The principal mission of the RTAC 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 RTAC 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 RTAC mission, the Boston MPO acknowledges that:

- RTAC is defined as a principal public outreach and education arm of the Boston MPO;
- The Chair of the RTAC will also chair the standing Public Participation Committee of the Boston MPO; and
- The RTAC 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 RTAC 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.

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

It is expected that the RTAC will participate in all Boston MPO meetings. The RTAC 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 RTAC, proposed by the Boston MPO, shall be determined in cooperation with the RTAC.

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 RTAC. In so doing, the Boston MPO shall provide the RTAC with information and analysis in the form of reports, briefings, and discussion concerning their plans, programs, and priorities so that RTAC 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.

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” 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.
- 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 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 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 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 15th 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 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 RTAC. Upon execution of this Memorandum of 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.

Boston MPO Memorandum of Understanding

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.

EXECUTED on the Thirteenth day of December 2001.

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