

Memorandum of Understanding (MOU)

Mark-up of section that describes the Boston Region MPO Fiduciary Agent Agreement

Actions:

1. *Revise the **MOU text** that discusses that the Boston Region MPO has a **fiduciary agent** (focus of this document)*
 2. *Revise the **fiduciary agreement** – the "whereases" marked up in summer 2022*
 3. *Revise the **fiduciary agreement appendix** – operational detail/cooperation on finance, legal, procurement, human resources.*
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Text from certification review

Update the description of and reference to the fiduciary agent agreement, providing clear distinction between MAPC and Central Transportation Planning Staff (CTPS)

Draft Text from the Boston Region MPO Memorandum of Understanding

D. Central Transportation Planning Staff (CTPS)

The Boston Region 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 Region MPO.

CTPS shall provide planning services to the Boston Region 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 Region 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 Region 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 Region MPO retains a fiduciary agent for all of the Boston Region MPO's financial resources. MAPC is currently the fiduciary agent.

The CTPS as staff shall be defined legally as employees of the fiduciary agent, they shall be administered according to policies established by the Boston Region 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 Region MPO, the role and actions of the fiduciary agent are distinguished from its role and actions as a policy member of the Boston Region MPO in that the fiduciary agent shall be limited to implementing actions of the Boston Region MPO subject to the applicable federal, state and local laws, and regulations and to the availability of funds.

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

All work not subject to federal transportation rules governing metropolitan planning funds must be approved by the Boston Region 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 Region MPO shall approve such requests provided it determines that: 1) CTPS has sufficient resources to complete such work in a capable and timely manner; and 2) by undertaking such work, CTPS neither delays completion nor reduces the quality of other work in the UPWP.