

Appendix A—Federal Public Participation Mandates

A.1 TITLE 23, SECTION 450 CODE OF FEDERAL REGULATION (CFR)

A.1.1 §450.316 Interested Parties, Participation, and Consultation

The federal regulations concerning public participation in metropolitan transportation planning decision making are specified in Title 23, Section 450.316, of the Code of Federal Regulations (CFR). These regulations require that public-involvement processes be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement; they leave the choice of methods for facilitating participation to the discretion of each MPO. The regulations specify that public participation processes must provide:

- Adequate notice of involvement opportunities and time for review and comment at key decision points
- Early and continuing opportunities for public involvement
- Timely information on transportation issues and decision-making processes
- Visualization techniques to describe the proposed plans and studies
- Reasonable access to technical and policy information
- Electronically accessible public information on the Web
- Public meetings at convenient and accessible locations and convenient times
- Procedures for demonstrating explicit consideration of and responses to public input
- A process for soliciting and considering the needs of traditionally underserved populations
- Periodic review and evaluation of the participation process
- A public-review period of 45 calendar days, which includes written comment on public participation procedures in the development of the Long-Range Transportation Plan (LRTP) and the Transportation Improvement Program (TIP) before new procedures and any major revisions to existing procedures are adopted
- Coordination with the statewide transportation-planning public-involvement and consultation processes

A.1.2 §450.318

This section specifies the public participation requirements for MPO planning studies and project development.

A.1.3 §450.322

This section specifies the public participation requirements for the development and content of the MPO's LRTP.

A.1.4 §450.324

This section specifies the public participation requirements for the development and content of the MPO's TIP.

A.1.5 §450.334

This section specifies that MPOs certify at least every four years that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements including:

- 23 USC 134, 49 USC 5303 regarding metropolitan transportation planning
- Nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 USC. 7504, 7506 (c) and (d)) and 40 CFR part 93
- Title VI of the Civil Rights Act of 1964, as amended (42 USC. 2000d-1) and 49 CFR part 21
- 49 USC. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity
- Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects
- 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts
- Americans with Disabilities Act of 1990 (42 USC. 12101 et seq.) and 49 CFR parts 27, 37, and 38

- Older Americans Act, as amended (42 USC. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance
- Section 324 of title 23 USC. regarding the prohibition of discrimination based on gender
- Section 504 of the Rehabilitation Act of 1973 (29 USC. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities

A.2 AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

The Americans with Disabilities Act of 1990 states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” Therefore, ADA requires that locations for public participation activities, as well as the information presented, must be accessible to persons with disabilities.

A.3 TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI of the Civil Rights Act of 1964, together with related statutes and regulations, provides 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.” The entire institution, whether educational, private or governmental, must comply with Title VI and related federal civil rights laws, not just the program or activity receiving federal funds.

FTA C 4702.1B (2012), Title VI Requirements and Guidelines for Federal Transit Administration Recipients, provides guidance on promoting inclusive public participation. This circular recommends seeking out and considering the viewpoints of minority, low-income, and LEP populations when conducting public outreach and involvement activities. It identifies the following effective practices for fulfilling the inclusive public participation requirement:

- Schedule meetings at times and locations, that are convenient and accessible for minority and LEP communities
- Employ different meeting sizes or formats
- Coordinate with community- and faith-based organizations, educational institutions, and other organizations to implement public-engagement

strategies to reach out specifically to members of the affected minority and/or LEP communities

- Consider radio, television, or newspaper ads on stations and in publications that serve LEP populations (could also include audio programming on podcasts)
- Provide opportunities for public participation through means other than written communication, such as personal interviews, or audio and video recording devices

A.4 ENVIRONMENTAL JUSTICE

Executive orders and regulations regarding environmental justice (EJ) also include public participation mandates for recipients of federal funds and their subrecipients.

A.4.1 Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994

This executive order states that “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” Traditionally underserved groups such as low-income and minority populations must be identified and given increased opportunity for involvement in order to ensure effective participation.

A.4.2 Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, 2000

This executive order requires that recipients of federal financial aid ensure that their programs and activities that are normally provided in English are accessible to persons with limited English proficiency.

A.4.3 FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients, 2012

The purpose of this circular is to provide recipients and subrecipients of FTA financial assistance with guidance in order to incorporate EJ principles into their plans, projects, and activities. The circular identifies full and fair participation by all potentially affected communities in the transportation decision-making process as one of the guiding principles of EJ. The circular provides strategies and

techniques for public engagement that are intended to help recipients and subrecipients identify the needs and priorities of EJ populations to inform the planning process and help balance the benefits and burdens of transportation decisions.



Appendix B—MPO Memorandum of Understanding

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

**Approved by the Boston Region Metropolitan Planning Organization
July 7, 2011**

**Massachusetts Department of Transportation
Massachusetts Bay Transportation Authority
Advisory Board to the MBTA
Massachusetts Port Authority
Metropolitan Area Planning Council
City of Boston
City of Newton
City of Somerville
Town of Bedford
Town of Braintree
Town of Framingham
Town of Hopkinton**

Effective November 1, 2011

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

1. INTRODUCTION

WHEREAS, the Massachusetts Department of Transportation (MassDOT), formerly the Executive Office of Transportation and Construction, has the statutory responsibility, under Chapter 25 of the Acts of 2009, An Act Modernizing the Transportation Systems of the Commonwealth, 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 its Highway Division, formerly the Massachusetts Highway Department, has the statutory responsibility under this Chapter for the construction, maintenance and operation of state roads and bridges, and also has the responsibility under this Chapter for the ownership, administration, control, operation, and responsibility for maintenance, repair, reconstruction, improvement, rehabilitation, finance, refinancing, use, and policing of the Massachusetts Turnpike and the Metropolitan Highway System in the vicinity of Boston and the surrounding metropolitan area; 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 review and advise the MBTA on its annual operating budget and the Program for Mass Transit; and

WHEREAS, the Metropolitan Area Planning Council (“MAPC”) comprises representatives from each of the 101 cities and towns in the Boston Metropolitan Region, gubernatorial appointees, and representatives of various state, regional, and City of Boston agencies; has statutory responsibility for comprehensive regional planning under MGL Chapter 40B; is the designated Economic Development District under Title IV of the Public Works and Economic Development Act of 1965; and promotes smart growth and regional collaboration in order to implement the current regional plan, *MetroFuture: Making a Greater Boston Region*; 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 (including Logan

Boston Region MPO Memorandum of Understanding

Airport, Hanscom Field, Black Falcon Cruise Terminal, and the Conley Terminal), as may be necessary for the development and improvement of commerce in Boston and the surrounding metropolitan area; and

WHEREAS, the municipalities in the Region, including the City of Boston, as the central city in the Region, and all other municipal governments, have an essential role in transportation planning and programming decisions; and

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); or its successors 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 simultaneous analysis of various related non-transportation elements, such as land use, economic and residential development, demographics, sustainability, and equity 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 are 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 April 2004; 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 REGION METROPOLITAN PLANNING ORGANIZATION (MPO)

The Boston Region MPO consists of the following entities:

- Massachusetts Department of Transportation, with three representatives appointed by the Secretary, at least one of which is from its Highway Division
- Massachusetts Bay Transportation Authority
- Advisory Board to the MBTA
- Massachusetts Port Authority
- Metropolitan Area Planning Council
- City of Boston, with two representatives
- Twelve other municipalities elected from the Boston Region:
 - four at-large (two cities and two towns), and
 - eight (no city or town designation) from, respectively, each of the eight Metropolitan Area Planning Council subregional groups, and
- The Regional Transportation Advisory Council

In addition, the Federal Highway Administration and the Federal Transit Administration are ex-officio, non-voting members.

Each elected municipality shall be represented by its chief elected official or their designee. The terms of office of the elected municipalities shall be three-years, except, in the initial implementation phase, for six members who will have one four year term (as specified in the Updated MPO Membership election Process, dated 6/30/11). The 101 municipalities of the Boston Region will elect the elected municipalities. Permanent member entities of the MPO are not eligible to run for an elected membership.

A. Officers

The Chair of the Boston Region MPO shall be the Secretary of MassDOT or the Secretary's designee. 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 by the MPO members by majority vote. This election shall take place at the first meeting after the election of Boston Region MPO elected municipal representatives.

The Chair or his/her official designee shall: set agenda with the advice and input of the Vice Chair; 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.

B. Records

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

C. Municipal Membership

The City of Boston is a permanent member. The process for nominating and electing the twelve other municipal members shall be approved by the Boston Region 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.

Election procedures should allow all municipalities an opportunity to be elected to the Boston Region MPO. Any changes to the election procedures shall be presented to the Boston Region MPO for approval.

D. The Regional Transportation Advisory Council (Advisory Council)

To accomplish the objectives of the 3-C process, the Boston Region MPO has established a special advisory committee, known as the Regional Transportation Advisory Council (Advisory Council). The Boston Region MPO shall support the Advisory Council by providing financial and staff support through the Boston Region MPO staff. The members of the Boston Region 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 Region 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, community-based organizations, Environmental Justice populations, business and institutional leaders, representatives of cities and towns, and state agencies.

The Advisory Council will best serve the Boston Region 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 Region MPO acknowledges that:

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

Boston Region 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 Region MPO and critical transportation issues generally.

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

E. Voting Rules

Votes of the Boston Region MPO on all certification documents and amendments to these documents shall be a two-thirds majority vote of those present and voting, provided that a quorum, at least twelve member representatives, is present. Other votes will be by majority, and require a quorum.

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

A. Overview

The Boston Region 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 Region MPO by federal and state laws and regulations.

The Boston Region 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 Region MPO shall seek and consider the advice of the Advisory Council. In so doing, the Boston Region 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.

In addition to the advice of the Advisory Council, the MPO shall seek the involvement of members of the public and the many entities and organizations with interests and views relative to the Boston Region’s planning and programming. To facilitate this, the Boston Region MPO will post on its website, at least 48 hours in advance of meetings, all materials related to meeting action items, unless waived by unanimous consent of the Boston Region MPO. The Boston Region MPO will also meet quarterly at locations outside of the City of Boston.

The Boston Region MPO will consider geographic and demographic equity a goal when approving all certification documents. This means that after other factors, such as need, are used in evaluating and selecting projects, a final view toward geographic and demographic balance and fairness over the span of the document will be applied.

B. Planning and Programming

The Boston Region MPO is responsible for planning and programming financial resources for a multi-modal transportation system for the Boston region by conducting the federal metropolitan planning process (3C Process) for the region, as referenced in Section 1 of this Memorandum. This includes preparation of the fiscally constrained certification documents (Long-Range Transportation Plan, Unified Planning Work Program, and Transportation Improvement Program), and

the Congestion Management Program and other studies supporting MPO decision-making.

The Unified Planning Work Program identifies the transportation planning studies conducted in the region, along with their funding amounts and sources, during a given federal fiscal year.

The Long Range Transportation Plan is the comprehensive transportation planning document for the MPO. It defines transportation visions, establishes goals and policies, and allocates projected revenue to regionally significant programs and projects.

The Transportation Improvement Program lists projects programmed and expected to be funded over the immediate four-year period. It is developed annually.

The Signatories agree to the arrangements outlined in Section 4 for the allocation of federal and state funds. Nothing in this document shall preclude the Boston Region MPO's ability to use the provisions of SAFETEA-LU (and successors) to transfer funds between highway and transit uses.

C. Establishment of Committees and Task Forces

The Boston Region MPO 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 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. 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 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.

4. TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

A. Overview

The Boston Metropolitan Region, made up of urban, suburban and rural communities, requires a balanced approach to transportation investment. The Boston Region MPO shall endorse annually a multi-year spending plan for federal highway and transit funding. This Transportation Improvement Program (TIP) shall reflect a multi-modal transportation program that responds to the needs of the region.

The TIP shall be the result of a cooperative, open, and informed process that balances local, regional, and state input and priorities and applies established Boston Region MPO policies and priorities in a fiscally constrained document. TIP development and programming shall be in full compliance with federal regulations and guidance. The TIP may include projects and programs addressing needs on the Interstate and National Highway Systems, repair of deficient bridges, support of inter- and intra-regional mobility, community projects, multi-modal facilities, bicycle and pedestrian infrastructure, transportation enhancements, clean air and mobility, operations and management, and all forms of transit. The state, regional, and municipal members of the Boston Region MPO shall work in a unified, timely, and cooperative manner to develop and establish priorities for the TIP.

The Boston Region MPO shall maintain two lists of unfunded projects: a First Tier Projects list and a Universe of Projects list. These lists shall be compiled by the Boston Region MPO for information purposes and shall be included annually in an appendix to the TIP.

B. Establishment of Financial Constraint and Development of TIP Targets

Development of the statewide federal aid and non-federal aid highway funding estimate shall be cooperative and shall be discussed with a statewide group representing regional planning agencies and other MPOs; currently the Massachusetts Association of Regional Planning Agencies (MARPA) is this group.

An initial step in the financial constraint and TIP target development process shall be timely transmission to MARPA of federal funding information on obligation authority. In each TIP year, the state will propose its priorities for non-High Priority Projects, mega-projects, statewide infrastructure, change orders, planning, statewide CMAQ expenditures, and other items as needed. The estimated cost of these will be subtracted from the estimates of federal obligation authority of the state to show the estimated amount available for federal funding for MPO targets in the state. This amount and the state match for this funding will be allocated among the MPOs based on the MARPA formula. The Boston Region MPO share of available federal and non-federal aid has provided the Boston Region MPO with 42.97% of available funds since 1991. This will be termed the TIP Target. The resulting targets, federal and state funding levels, and projects and programs and their cost estimates will be discussed with the Boston Region MPO and other members of MARPA at a meeting early in the TIP development process of each year. Boston Region MPO Staff shall accompany MAPC to these MARPA consultation meetings. The state will be responsible for explaining the derived targets and providing additional information as requested.

The Boston Region MPO shall use these numbers as the estimate of available funding. The Boston Region MPO's portion of federal and non-federal aid will be programmed in its constrained TIP and MassDOT shall seek to advertise projects in the region in that amount.

C. Prioritization Criteria

The Boston Region MPO has developed criteria to be used to evaluate projects considered for programming. These criteria are a means to inform the MPO's decisions for all elements of the TIP. These criteria are consistent with and advance the visions and policies adopted for the latest Long-Range Transportation Plan. The criteria shall be reviewed each year and updated and improved as needed.

MassDOT and other member entities implementing federally-funded transportation projects shall consider MPO priorities when setting their priorities.

D. Transit

It is the responsibility of the Boston Region MPO, working with the MBTA, MassDOT Rail and Transit Division, and other transit providers in the region, to coordinate regional transit planning and funding with other transportation modes within the Boston region. This work shall be conducted in full compliance with federal and state regulations. It shall include programming for all federally-funded transit modes and programs, including the federal Job Access and Reverse Commute and New Freedom Programs.

The MBTA's authorizing legislation directs that every five years the MBTA shall 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 plan is through the five-year fiscally constrained Capital Investment Program (CIP), which is updated annually.

Boston Region MPO regulatory requirements call for development every four years of a 25-year fiscally constrained Long-Range Transportation Plan (LRTP) that defines a comprehensive plan and vision for the region's surface transportation network. Implementation of the LRTP with federal transportation funds is through the Boston Region MPO's fiscally constrained TIP.

The Boston Region MPO and MassDOT and the MBTA will coordinate the parallel planning activities of the PMT/CIP and the LRTP/TIP and provide consistency between planned outcomes. This includes mutual consideration of visions and priorities articulated in each entity's transportation planning documents and project selection process. The MassDOT Rail and Transit Division will coordinate RTA investment with the MPO when setting priorities for programming.

E. Highway, Bridge, Bicycle, and Pedestrian

The TIP shall contain the Boston region's portion of all federal and state aid for each of the TIP's four federal fiscal years. It shall be prepared in accordance with federal regulation. It shall include programming for all roadway, bridge, bicycle, pedestrian projects and programs in the region, including costs for the Central Artery/Tunnel and the Accelerated Bridge Program. It shall include projects and programs that address the needs of truck and rail freight movement in the region.

1. Central Artery/Tunnel Project

The Boston Region MPO shall detail future federal aid payments for the Central Artery/Tunnel Project through FFY 2014 or until federal aid obligations to the project have been met.

2. Accelerated Bridge Program

The Boston Region MPO shall be informed of the commitments to Accelerated Bridge Program funding. All bridges leveraging federal aid via this program shall be listed in the appropriate TIP element. There shall continue to be a section in the TIP that details the amount of federal aid returning to the federal government for payment on this program until such time as full obligation repayment is received.

3. Road and Bridge Program

The Boston Region MPO shall have the ability to program projects for federal and non-federal aid. 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. The fiscal year shall be from October 1st to September 30th for both federal and non-federal aid.

MassDOT Highway Division shall be responsible for administering the road and bridge elements of the TIP, which includes meeting the requirements for implementing them. These requirements include acquiring right of way, obtaining necessary permits and completing design review before or during the federal fiscal year in which projects are programmed so that they can be advertised in the federal fiscal year in which they are programmed.

F. Improvement of TIP-Related Information

1. Overview

All members of the Boston Region 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 critical for the development of the financially constrained TIP. This information also provides a valuable resource for planning by the cities and towns in the region as future funding levels help inform local decision making about whether, or when, to invest local resources in project design and development.

At the same time, the Boston Region 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 Region 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.

2. TIP Project Information and Dissemination

The implementing agencies shall keep the Boston Region MPO informed of project status on a regular basis to support MPO planning and programming and to enable the Boston Region MPO to notify project sponsors of the outstanding issues that could cause the project to be deferred to a subsequent fiscal year. At least quarterly and on request, the implementing agencies shall submit this information to the Boston Region MPO Chair and staff for coordination and for distribution to the MPO members. This information shall include project status and other issues of interest to the MPO members and shall be compiled from all available resources, including municipalities, regional entities, state transportation agencies, and other sources. Boston Region MPO members shall provide needed and relevant information to Boston Region MPO staff for dissemination to the full Boston Region MPO. Staff shall utilize appropriate and up-to-date information systems for maintaining, processing, analyzing, and reporting information.

At the end of the federal fiscal year, the state agencies shall offer a full summary of how projects fared in the previous fiscal year before asking the Boston Region MPO to vote on the new TIP.

Boston Region MPO staff shall have primary responsibility for informing local governments regarding transportation funding and for collecting local input to the Boston Region MPO. All members of the Boston Region MPO, however, shall have a role in informing local governments about transportation aid and the programming process and in considering local input to the Boston Region MPO.

The Boston Region MPO shall discuss and decide on the TIP development process for the upcoming TIP in the first quarter of each federal fiscal year. The process shall be documented in the TIP Development Memorandum to the MPO. The process shall provide for the collection of current information about projects to be considered for programming; review and possible revision of TIP project-selection criteria; application of the criteria in project evaluations; and maintenance of certain lists of projects, such as the set in use at the signing of this Memorandum of Understanding, the “First Tier” set of projects. (The First Tier Project List is in addition to the set of programmed projects and serves as the first resource pool from which to identify projects for programming. This list is comprised of projects that earn a high score based on the evaluation criteria but that might not meet fiscal-constraint standards or immediate-readiness factors.)

5. OPERATIONS PLAN

The Boston Region 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 Region MPO. The Boston Region 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

6. REVIEW OF THIS DOCUMENT

This document shall be reviewed every year, beginning in April, by the Signatories. Upon execution of this Memorandum of Understanding and in an effort to enhance municipal understanding of the Boston Region MPO process, the Boston Region MPO shall circulate this document to the municipalities of the Boston Region MPO. Proposed amendments will be circulated to the public prior to consideration by the Boston Region MPO.

7. 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; the Memorandum dated January 1997; and the Memorandum dated December 2001. However, in the event of any conflicts between this Memorandum and any previous Memoranda, this Memorandum shall prevail.

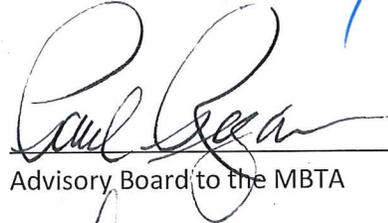
This Memorandum shall be effective as of November 1, 2011. Elected Municipal Signatories as of the date of the approval of this Memorandum shall serve in the new appropriate at-large or subregional designations established by this memorandum, until the end of their current term.

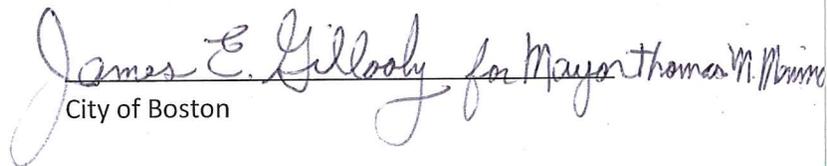
MEMORANDUM OF UNDERSTANDING RELATING TO THE COMPREHENSIVE, CONTINUING, AND COOPERATIVE TRANSPORTATION PLANNING PROCESS IN THE BOSTON METROPOLITAN AREA

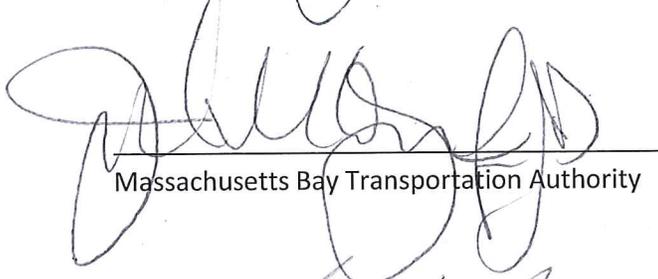
EXECUTED on the third day of November 2011, by member-entity representatives or designees.

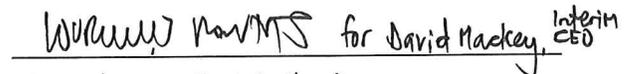

Massachusetts Department of Transportation

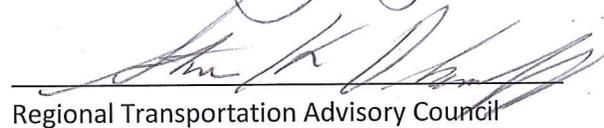

Metropolitan Area Planning Council


Advisory Board to the MBTA

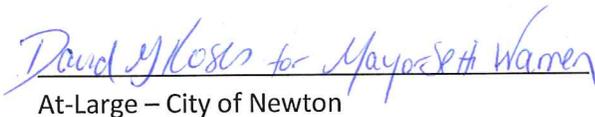

City of Boston


Massachusetts Bay Transportation Authority


Massachusetts Port Authority


Regional Transportation Advisory Council


At-Large – City of Everett

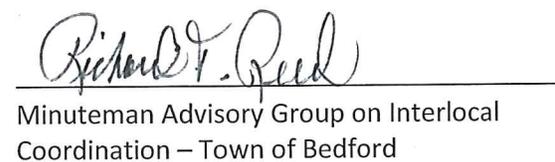

At-Large – City of Newton


At-Large – Town of Arlington


At-Large – Town of Lexington

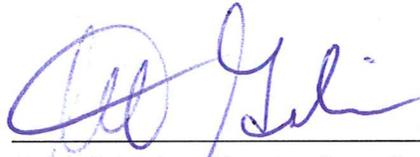

Inner Core – City of Somerville


MetroWest Growth Management Committee –
Town of Framingham

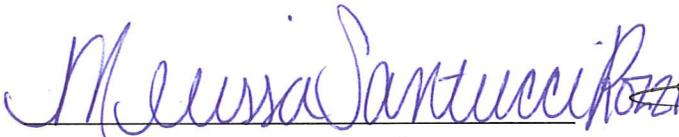

Minuteman Advisory Group on Interlocal
Coordination – Town of Bedford



North Shore Task Force – Town of Beverly



North Suburban Planning Council – City of
Woburn



South Shore Coalition – Town of Braintree



SouthWest Advisory Planning Committee –
Town of Medway



Three Rivers Interlocal Council – Town of
Norwood

Appendix C—MPO-Sponsored Meetings and MPO Meetings Outside of Boston

Date	Location	Equity Populations Focus?	Type of Event	Participants	Topics Discussed
January 12, 2016	Chelsea	No	TIP and UPWP workshop	General public	UPWP and TIP development
February 17, 2016	Cambridge	No	350MA member meeting	350MA	Introduction to the MPO
August 22, 2016	Boston	No	MBTA ROC member meeting	MBTA Rider Oversight Committee	Introduction to the MPO
November 9, 2016	Wakefield	No	NSPC subregional meeting	NSPC subregion	UPWP and TIP development
November 10, 2016	Holliston	No	MWRC subregional meeting	MWRC subregion	UPWP and TIP development
November 15, 2016	Norwood	No	TRIC subregional Meeting	TRIC subregion	UPWP and TIP development
November 15, 2016	Danvers	No	NSTF subregional meeting	NSTF subregion	UPWP and TIP development
November 16, 2016	Boston	No	ICC subregional meeting	ICC subregion	UPWP and TIP development
November 17, 2016	Hingham	No	SSC subregional meeting	SSC subregion	UPWP and TIP development
December 1, 2016	Boston	No	MBTA ROC member meeting	MBTA Rider Oversight Committee	UPWP and TIP development
December 13, 2016	Sherborn	No	SWAP subregional meeting	SWAP subregion	UPWP and TIP development
December 15, 2016	Natick	No	MWRC subregional meeting	MWRC subregion	UPWP and TIP development
January 5, 2017	Concord	No	MAGIC subregional meeting	MAGIC subregion	UPWP and TIP development
April 26, 2017	Boston (Park Plaza)	No	MPO Open House	Public	TIP draft program
May 16, 2017	Boston (Park Plaza)	No	MPO Open House	Public	UPWP draft program
September 19, 2017	Norwood	No	TRIC subregional Meeting	TRIC subregion	L RTP, UPWP, and TIP development

Date	Location	Equity Populations Focus?	Type of Event	Participants	Topics Discussed
October 10, 2017	Wrentham	No	SWAP subregional meeting	SWAP subregion	L RTP, UPWP, and TIP development
October 26, 2017	Hingham	No	SSC subregional meeting	SSC subregion	L RTP, UPWP, and TIP development
November 2, 2017	Concord	No	MAGIC subregional meeting	MAGIC subregion	L RTP, UPWP, and TIP development
November 9, 2017	Reading	No	NSPC subregional meeting	NSPC subregion	L RTP, UPWP, and TIP development
November 9, 2017	Peabody	No	NSTF subregional meeting	NSTF subregion	L RTP, UPWP, and TIP development
November 14, 2017	Natick	No	MWRC subregional meeting	MWRC subregion	L RTP, UPWP, and TIP development
November 28, 2017	Westborough	No	495 MetroWest Partnership Transportation Committee meeting	495 MetroWest Partnership Transportation Committee	L RTP, UPWP, and TIP development
November 29, 2017	Cambridge	No	L RTP workshop	LivableStreets Advocacy Committee	L RTP Needs Assessment
January 3, 2018	Brookline	Yes	L RTP workshop	TRIPPS	L RTP Needs Assessment
January 17, 2018	Boston	No	ICC subregional meeting	ICC subregion	L RTP, UPWP, and TIP development
February 15, 2018	Boston	No	MBTA ROC member meeting	MBTA Rider Oversight Committee	L RTP, UPWP, and TIP development
March 27, 2018	Boston (downtown)	Yes	Boston Summit on Disabilities	People with a disability	Transportation needs for people with a disability
March 28, 2018	Foxborough	No	Bridging Transportation Gaps in Neponset Valley Forum	TRIC region	L RTP needs assessment
May 1, 2018	Malden	Yes	L RTP Workshop	Boston North Regional Coordinating Council	L RTP Needs Assessment
May 21, 2018	Boston (Roxbury)	Yes	DI/DB policy working group	Project stakeholders and general public	DI/DB policy

Date	Location	Equity Populations Focus?	Type of Event	Participants	Topics Discussed
June 5, 2018	Boston (Roxbury)	Yes	DI/DB policy working group	Project stakeholders and general public	DI/DB policy
June 26, 2018	Boston (Roxbury)	Yes	DI/DB policy public workshop	General public	DI/DB policy
July 17, 2018	Boston (Roxbury)	Yes	DI/DB policy working group	Project stakeholders and general public	DI/DB policy
November 13, 2018	Norwood	No	TRIC subregional meeting	TRIC subregion	L RTP, UPWP, and TIP development
November 15, 2018	Burlington	No	NSPC subregional meeting	NSPC subregion	L RTP, UPWP, and TIP development
November 27, 2018	Westborough	No	495 MetroWest Partnership Transportation Committee meeting	495 MetroWest Partnership Transportation Committee	L RTP, UPWP, and TIP development
November 28, 2018	Boston	No	ICC subregional meeting	ICC subregion	L RTP, UPWP, and TIP development
November 29, 2018	Natick	No	MWRC subregional meeting	MWRC subregion	L RTP, UPWP, and TIP development
December 4, 2018	Norwood	Yes	Neponset Valley RCC Meeting	Neponset Valley Coordinating Council	Coordinated Plan development
December 11, 2018	Milford	No	SWAP subregional meeting	SWAP subregion	L RTP, UPWP, and TIP development
December 12, 2018	Boston	Yes	Boston Area RCC meeting	Boston Area RCC	Coordinated Plan development
December 18, 2018	Danvers	No	NSTF subregional meeting	NSTF subregion	L RTP, UPWP, and TIP development

DI/DB = Disparate Impact and Disproportionate Burden. ICC = Inner Core Committee. L RTP = Long-Range Transportation Plan. MAGIC = Minuteman Advisory Group on Interlocal Coordination. MWRC = MetroWest Regional Collaborative. NSPC = North Suburban Planning Council. NSTF = North Shore Task Force. RCC = Regional Coordinating Council. ROC = Rider Oversight Committee. SSC = South Shore Coalition. SWAP = South West Advisory Planning Committee. TIP = Transportation Improvement Program. TRIC = Three Rivers Interlocal Council. TRIPPS = Transportation Resources, Information, Planning & Partnerships for Seniors. UPWP = Unified Planning Work Program.

Appendix D—Definitions of Acronyms, Initialisms, and Abbreviations

3C process = continuing, comprehensive, and cooperative transportation planning process
A&F = Administration and Finance
ADA = Americans with Disabilities Act
Advisory Council = Regional Transportation Advisory Council
CFR = Code of Federal Regulations
CIP = Capital Investment Program
CMAQ = Congestion Mitigation and Air Quality Improvement Program
CMP = Congestion Management Process
CTPS = Central Transportation Planning Staff
EJ = Environmental Justice
FAST Act = Fixing America's Surface Transportation Act
FHWA = Federal Highway Administration
FTA = Federal Transit Administration
HTML = Hypertext Markup Language
ICC = Inner Core Committee
LAP = Language Assistance Plan
LEP = Limited English Proficiency
LRTP = Long-Range Transportation Plan
MAGIC = Minuteman Advisory Group on Interlocal Coordination
MAPC = Metropolitan Area Planning Council
MARPA = Massachusetts Association of Regional Planning Agencies
MassDOT = Massachusetts Department of Transportation
MBTA = Massachusetts Bay Transportation Authority
MetroWest = MetroWest Regional Collaborative
MOU = Memorandum of Understanding
MPO = Metropolitan Planning Organization
NSPC = North Suburban Planning Council
NSTF = North Shore Task Force
PDF = Portable Document Format
PMT = The MBTA's Program for Mass Transportation
RSS = Rich Site Summary
SAFETEA-LU = The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SSC = South Shore Coalition
STIP = State Transportation Improvement Program
SWAP = Southwest Advisory Planning Committee

TE = Transportation Equity
TIP = Transportation Improvement Program
TRIC = Three Rivers Interlocal Council
UPWP = Unified Planning Work Program
USC = United States Code
USDOT = United States Department of Transportation

Appendix E—Public Comment Letters and Responses

April 9, 2019

To: Annette Demchur
Boston Region Metropolitan Planning Organization
10 Park Plaza, Suite 2150
Boston MA, 02116

From: LivableStreets Alliance

Re: Draft Boston Metropolitan Planning Organization Public Participation Plan

Dear Ms. Demchur,

Thank you for inviting public comment on this draft of the Public Participation Plan. For over 13 years, LivableStreets Alliance has advocated for streets that connect people to the places where they live, work and play.

Our current programs include advocating for:

- **Emerald Network:** our vision for a 200-mile system of greenways in Greater Boston
- **Vision Zero:** the effort to systematically improve traffic safety in cities and towns
- **Better Buses:** systemwide improvements to optimize and prioritize bus transit

We were happy to see the steps the Boston Region MPO has taken to improve opportunities for public participation. Based on the plan, the proposed changes are supported by online engagement tools aimed at keeping people up to date; including a new twitter presence, a blog, and improved information visualizations. Activating these channels is an important step to make the Transportation Improvement Program (TIP) and Long Range Transportation Plan (LRTP) processes better known to the public, however, we are concerned that these improvements do not go far enough to justify shortening the comment period from 30 to 21 days. More intensive ways of collecting feedback are needed to ensure that people understand and are aware of these processes.

In 2017, the MPO presented a similar proposal to shorten the public comment period. However, community members and the MPO Advisory Board both raised concerns. Therefore, we were surprised to see this idea on the table again, with seemingly no additional changes. It is unclear what motivated this proposal.

One of our concerns is that the improvements do not improve access to the public in a meaningful way. The majority of the improvements are limited to those with online access. While online content is accessible for many, those who are the most vulnerable users, including low

income residents, many seniors, and some people with disabilities, may not have the skills or know-how to access these materials and comment in a meaningful way.

The perceived benefits of social media and emails are that they can reach large numbers of people quickly and provide information without the need to show up to meetings. However, with only 3,200 email addresses and 1,035 followers on Twitter, these numbers fall far below a meaningful percent of the population in the 97 cities and towns within the Boston MPO region.

We want to stress the importance of consulting within the communities when developing these various transportation funding plans. These are important opportunities for communities to be able to fund large capital projects but the language, metrics, and processes behind determining and allocating funding for these projects is neither written or presented in terms that will be easily understood by the average person. This severely limits the potential for the majority of people to comprehend and comment on projects within their communities. More meaningful engagement is needed in order to help people understand the process, why these projects matter, and share their comments.

Given the complexity of how these processes work, it is important to provide this information in person, in easily understood language for the general public, and allow opportunities for questions. The meetings highlighted in this plan as most directly related to the TIP and Unified Planning Work Program (UPWP) are information sessions. These information sessions are explicitly noted to be “geared to representatives who prepare their municipality’s or other entity’s official inputs” (p. 34). We are disappointed to see the meetings being presented only in this way. According to the Federal Public Participation Mandate, the onus is on the MPO to ensure that the public has early and continuing involvement. Given the location, timing, and content of these meetings, we do not believe these information sessions adequately address the needs of the public to be informed. We urge you to be more proactive in your outreach by going to the public, not requiring them to come to the MPO.

Due to the proposed adjustments to the comment period, we think it is necessary to make further improvements to the Public Participation Plan. We suggest adding specific metrics to ensure that the MPO is reaching an adequate number of members of the public and the ability to adjust processes based on successful public engagement and understanding. These metrics could include a specific percent of the population reached or the creation of representational guidelines, to ensure an equitable subset of the population is engaged.

In addition to having a wide enough reach, we also strongly suggest clarifying the purpose of the TIP, LRTP, and UPWP. We recommend simplifying the messaging to get across the main points, and presenting this material in a diverse set of ways to reach the largest number of people possible. While members of the public don’t need to weigh in on specific project budgets

or metrics for project determination, they can and should be able to understand the process, the various proposed projects, and share their input.

Thank you for considering our comments. We look forward to seeing an expansion of a robust and inclusive public participation process.

Sincerely,

Kristiana Lachiusa
Community Engagement Coordinator
LivableStreets Alliance



BOSTON REGION METROPOLITAN PLANNING ORGANIZATION

Stephanie Pollack, MassDOT Secretary and CEO and MPO Chair
Annette Demchur and Scott A. Peterson, Co-interim Executive Directors, MPO Staff

April 29, 2019

Ms. Kristiana Lachiusa
Community Engagement Coordinator, LivableStreets Alliance
70 Pacific Street
Cambridge, Massachusetts 02139

Re: Comment On Draft Boston Metropolitan Planning Organization (MPO) Public Participation Plan

Dear Ms. Lachiusa:

Thank you for commenting on the 2019 draft amendment to the MPO's Public Participation Plan (Plan). The Massachusetts Department of Transportation (MassDOT) requested that all MPOs in the state reduce the public comment periods for their main certification documents—the Transportation Improvement Program (TIP), Unified Planning Work Program (UPWP), and the Long-Range Transportation Plan (LRTP)—from 30 to 21 days. The Boston Region MPO approved this change only for the TIP; the public review period for the UPWP and LRTP remain at 30 days. This change to the TIP review period was requested for two main reasons:

1. To better align with the development of MassDOT's two main capital plans—the Capital Investment Plan and the State Transportation Improvement Program (STIP), the latter of which is a compilation of all of the regional TIPs
2. To create a more efficient timeline for MPOs to approve project changes that need to be reflected in the STIP prior to the project being advertised for construction

If you would like more detail about this change and why it was requested, please do not hesitate to contact me.

As MPO staff, we have found that working to build relationships with stakeholder groups and encouraging them to engage early and often in the certification document development process is the most meaningful way to provide the public

with real opportunities to influence the content of the final LRTP, TIP, and UPWP documents. While the MPO welcomes input throughout the development process for each of its certification documents, we particularly encourage participation in the beginning stages of development. For the TIP and UPWP, this is in the fall and winter of each year, when staff conducts outreach to project and study proponents and evaluates projects. While the TIP and UPWP are on an annual cycle, the LRTP cycle is every four years. The LRTP uses input from the TIP and UPWP process in the first two years of the cycle, and staff ramps up its outreach for the LRTP Needs Assessment and final document in the final two years of the four-year cycle. The official public comment period for each document is important, however, comments submitted at that time are more likely to inform the next year or next plan's process rather than influencing changes to the individual document.

TIP amendments vary in their content and often do not impact projects funded by the MPO's regional target funds. Sometimes, they simply reflect the receipt of grants or the addition of information that was not available when the original document was finalized. As staff, we have found that for amendments, the difference between allowing 30 and 21 days for comment had no impact on the volume of comments we receive. We acknowledge that there are ways we could improve communications around the meaning and impact of TIP amendments.

MPO staff are currently in the process of hiring a new Executive Director as well as a Public Outreach Planner. Currently, one staff member works half the time on communications and the other half on administrative support to the MPO board. Our plan is to expand the work of public participation, engagement, and external communications as new hires fill these positions with new strategies and improved capacity to reach members of the public in their communities. These new and expanded efforts will be documented in our next Plan update.

In anticipation of updating the Plan, MPO staff are experimenting with new approaches such as the adoption of public comment management software to make it easier to measure the effectiveness of our efforts and help ensure that we are reaching a diverse cross-section of the population in our region. We are also pursuing collaboration with the public processes conducted by MPO member agencies like MassDOT and the Massachusetts Bay Transportation Authority. We are working to update our outreach materials, improve our website, and build relationships with agencies and advocacy groups that can magnify the impact we have. LivableStreets is a valuable partner in this work, and we look forward to collaborating with you to amplify public awareness and understanding of the MPO process.

Thank you for your feedback on this important document.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette Demchur". The signature is fluid and cursive, with a large initial "A" and a distinct loop at the end.

Annette Demchur
Interim Co-Executive Director
Central Transportation Planning Staff