

# Memorandum of Understanding

September 2, 1998 amended on March 18, 2004 and August 1, 2006 and January 19, 2011 and July 25, 2016

MEMORANDUM OF UNDERSTANDING RELATING TO THE  
COMPREHENSIVE, CONTINUING, COOPERATIVE TRANSPORTATION  
PLANNING AND PROGRAMMING PROCESS AND THE METROPOLITAN PLANNING  
ORGANIZATION  
By and Between the  
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION  
PIONEER VALLEY PLANNING COMMISSION  
PIONEER VALLEY TRANSIT AUTHORITY  
SIX LOCAL ELECTED OFFICIALS

**WHEREAS**, the Executive Office of Transportation (EOT) has the statutory responsibility, under Chapter 6A of the Massachusetts General Laws, to conduct comprehensive planning for and to coordinate the activities and programs of the state transportation agencies; and,

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

**WHEREAS**, the Massachusetts Highway Department (MassHighway) has the statutory responsibility under Chapter 16 of the Massachusetts General Laws for the construction, maintenance and operation of the 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**, Chapter 25 of the Acts of 2009, An Act Modernizing the Transportation Systems of the Commonwealth, moved the functions of the Massachusetts Highway Department, alternatively known as MassHighway, to the Highway Division of the Massachusetts Department of Transportation alternatively known as MassDOT Highway;

**WHEREAS**, the Pioneer Valley Planning Commission (PVPC) is recognized by the MPO as the officially designated regional planning agency for the Pioneer Valley region and as such has statutory responsibility for comprehensive planning, including transportation planning, as provided for under the provisions of Chapter 40B of the Massachusetts General Laws and, in addition, is comprised of local planning board members and/or designees of the chief elected officials of each of its 43 member local governments; and,

**WHEREAS**, the Advisory Board of the Pioneer Valley Transit Authority (PVTA) is composed of the chief elected official or designee of 24 cities and towns that have joined to form and manage a regional transit authority under the provisions of Chapter 161B of the Massachusetts General Laws. PVTA has the statutory responsibility for providing mass transportation on an exclusive basis in the area constituting the authority, to provide mass transportation service under contract in areas outside the authority, and to prepare a program for public mass transportation which includes long and short range planning elements together with implementation schedules for mass transportation improvements; and,

**WHEREAS**, MassDOT, the PVTA and the PVPC on April 12, 1976 signed a Memorandum of Understanding (MOU) agreeing to work together in undertaking the comprehensive, continuing, and cooperative transportation planning process (3C process), required by the United States Department of Transportation under the provisions of Section 134 of Title 23 of the United States Code, as amended, and those of Section 8 of Title 49 of the Federal Transit Act, as amended, and creating the Joint Transportation Committee; and

**WHEREAS**, the Governor of the Commonwealth, in response to the provisions of the Safe Accountable Flexible Efficient Transportation Equity Act: Legacy for Users (SAFETEA-LU) signed into law on August 10, 2005 and rules and regulations related thereto, and in view of the responsibility for the transportation planning and programming process of the four parties to this agreement, hereinafter referred to as the MPO, previously designated representatives from these parties to be the Metropolitan Planning Organization (MPO) for the Pioneer Valley region; and

**WHEREAS**, Section 450.108 of Title 23 of the Code of Federal Regulations provides that, to the extent possible, there be one agreement containing the understanding required by this section with respect to cooperatively carrying out transportation planning and programming among the MPO, State and publicly owned operators of mass transportation services; and,

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

**WHEREAS**, there is a shared interest and desire on the part of the ten signatories to this MOU to expand the membership of the MPO in order to enhance the participation and perspective of the variety of the local governments comprising the Pioneer Valley region.

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

The voting members of the Pioneer Valley Metropolitan Planning Organization shall, upon execution of this revised and updated MOU document, consist of the following officials or their designee or alternate:

- the Secretary of the MassDOT
- the Highway Administrator of the MassDOT
- the Chairman of the Pioneer Valley Planning Commission
- the Chairman of the Pioneer Valley Transit Authority Advisory Board
- **the President and CEO of the Western Massachusetts Economic Development Council (EDC)**
- the Mayors of two of the following three (3) urban core cities within the Pioneer Valley region duly elected as prescribed under the provisions of this MOU document:

Holyoke

Chicopee

Springfield

- the Mayor or a Selectman of one of the following four (4) cities and towns outside of the three core cities within the Pioneer Valley region duly elected as prescribed under the provisions of this MOU document:

Agawam

Southwick

Westfield

West Springfield

- the Mayor or a Selectman of one of the following five (5) cities and towns within the Pioneer Valley region duly elected as prescribed under the provisions of this MOU document:

Amherst	Easthampton	Hadley
Northampton	South Hadley	

- a Selectman of one of the following fourteen (14) suburban and rural towns within the Pioneer Valley region duly elected as prescribed under the provisions of this MOU document:

Belchertown	Brimfield	East Longmeadow
Granby	Hampden	Holland
Longmeadow	Ludlow	Monson
Palmer	Pelham	Wales
Ware	Wilbraham	

- a Selectman of one of the following seventeen (17) suburban and rural towns within the Pioneer Valley duly elected as prescribed under the provisions of this MOU document:

Blandford	Chester	Chesterfield
Cummington	Goshen	Granville
Hatfield	Huntington	Middlefield
Montgomery	Plainfield	Russell
Southampton	Tolland	Westhampton
Williamsburg	Worthington	

In addition, the Joint Transportation Committee (JTC) Chairman, and one representative each from the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the five (5) alternate community MPO representatives, and one representative each from both the Massachusetts Highway Department District One and District Two Offices shall be considered ex-officio, non-voting members of the Pioneer Valley MPO. Alternate members shall be additional chief elected officials from each of the above-cited categories of communities and he/she shall be eligible to attend, participate and vote at MPO meetings in the event that the primary member cannot attend.

## **I. Nomination and Election Process for the Six Locally Elected MPO Members**

The above-cited community officials shall be elected to the MPO by the Pioneer Valley Planning Commission at a full Commission meeting. The electoral process shall be conducted using a regional caucus approach for each of the five local officials. PVPC will host meetings in each MPO tier to identify and recommend local officials interested in participating on the MPO. The term of office for each community representative to the Pioneer Valley MPO shall be for two years. At the first election, two Selectmen shall be elected for a one-year term, and two for a full two-year term. In the event that a current MPO member from one of the local tiers chooses not to run for reelection or is not reelected to office, the alternate member shall automatically assume the duties of the member. The PVPC will seek to fill any vacant alternate MPO member slot(s) through a search process carried out in consultation with the Joint Transportation Committee (JTC) and ultimately confirmed by an affirmative vote of the Commission. Once the Commission has successfully completed the election process, the proposed new municipal MPO member or members will be brought before the MPO for acceptance by an affirmative vote of a majority of its members.

## **II. Voting**

Votes of the Pioneer Valley MPO, including all those affecting regional certification documents (e.g. the Transportation Improvement Program [TIP], the Regional Transportation Plan [RTP], the Unified Planning Work Program [UPWP], Air Quality Conformity Determinations, compliance with the Americans With Disabilities Act [ADA]), shall be by a simple majority of those MPO members present and voting, provided that one of the state agencies shall be included in the majority vote and at least five (5) members or designee/alternates are present.

## **III. MPO Chair and Vice-Chair**

The Chair of the MPO shall be the Secretary of MassDOT. The Vice-Chair of the MPO shall be either the Chair of the PVPC or the Chair of the PVTA Advisory Board and will be elected for a term of two years by a majority vote of the regional agency and local community members of the MPO. The Vice-Chair is empowered to call a meeting of the MPO with the support of at least three (3) other Pioneer Valley MPO members.

## **IV. The Objectives of the 3C Process**

- A. The 3C process is a comprehensive, continuing and cooperative transportation planning and programming process resulting in transportation plans and programs consistent with the comprehensive planning objectives of the Pioneer Valley region.
- B. The 3C process is comprehensive, including the effective integration of the various stages and levels of transportation planning and programming for the entire Pioneer Valley region and examining all modes so as to assure a balanced planning and programming effort. There is a simultaneous analysis of various related non-transportation elements, such as land-use, housing, economics, environmental resources and population, in order to assure consistency within an integrated and comprehensive planning and programming process.
- C. The 3C process is continuing, affirming the necessity to plan for both the short- or long-range future, emphasizing the iterative character of the progression from systems planning to project planning and programming and implementation and the necessity for re-evaluating data and plans on a periodic basis.
- D. The 3C process is 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 transportation issues by providing a forum for the resolution of concerns and disputes. 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 or agencies who, pursuant to statute or under contract, develop, review and/or implement transportation plans, programs and projects.

## **V. Functions of a Transportation Planning Advisory Group**

In order to accomplish the objectives of the 3C process, the Pioneer Valley MPO has established a special committee known as the Joint Transportation Committee, to serve as the Transportation Policy Advisory Group for the Pioneer Valley region, in accordance with earlier agreements. The primary functions of the Joint Transportation Committee are:

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- A. To advise the MPO on matters of policy affecting the conduct of the 3C transportation planning and programming process for the Pioneer Valley region.
  - B. To advise the MPO on such regional transportation documents as may from time to time be required by state or federal laws and regulations.
  - C. To provide maximum participation in the transportation planning and programming process by providing a forum to bring the MPO together with other public agencies, elected and appointed officials of cities and towns, and citizens concerned with the transportation planning and programming process; thereby facilitating, wherever possible, the consistency of transportation plans and programs for the Pioneer Valley region with the policies, priorities, and plans of affected state and regional agencies, local communities, private groups and individuals within the Pioneer Valley region. The MPO shall annually determine the membership on the Joint Transportation Committee in a manner that will provide for a widely representative viewpoint and ensure a balanced consideration of transportation issues. Consistent with the provisions of this Memorandum of Understanding, the Joint Transportation Committee shall adopt bylaws and other procedures as may be necessary to govern its operation.
  - D. To nominate the six (6) local chief elected officials and alternates, recommended to serve as Pioneer Valley MPO members, which will be followed by an election conducted by the Pioneer Valley Planning Commission. Alternates are encouraged to regularly attend Pioneer Valley MPO meetings as ex-officio members in addition to the six (6) primary community MPO members

## **VI. Functions of the Metropolitan Planning Organization**

- A. The MPO shall jointly develop, review and annually endorse as appropriate a Planning Work Program which includes a Unified Planning Work Program; a Transportation Plan; a Transportation Improvement Program, as well as such transportation plans and programs as may from time to time be required by federal and state laws and regulations.
- B. The MPO, shall be the forum for cooperative transportation decision-making in the Pioneer Valley region.
- C. In the resolution of basic regional transportation policy, the MPO shall seek and consider the advice of all interested parties.

## **VII. Operation of the MPO**

- A. The MPO shall meet in the Pioneer Valley region at least once per year.
- B. The Secretary of the MassDOT, or his/her designee, shall chair the MPO. A Vice-Chairman of the MPO shall be elected for a term of two years from one of the two regional agency chairs (either PVPC or PVTA) who serve on the MPO. The Vice-Chairman shall be elected by the regional and local community representatives to the Pioneer Valley MPO.
- C. Either the Chairman or Vice-Chairman can conduct meetings of the MPO.

## **VIII. Responsibilities of Each Signatory**

- A. The MassDOT will be responsible for organizing and conducting MPO meetings, including maintaining records, reporting major statewide and inter-regional policies and issues as they develop and generally provide leadership for the MPO.

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- B. The MassDOT through the Office of Planning will be responsible for making appropriate planning funds available to the PVPC by contract to assist in the implementation of the required planning work program as defined in the approved Unified Planning Work Program (UPWP) the Office of Planning will also provide the necessary data, technical support and staff support required to assist in fulfilling the transportation planning needs of the Pioneer Valley region and the Commonwealth.
  - C. The PVPC shall be responsible for comprehensive regional planning and shall be the lead-planning agency for the Pioneer Valley region and its MPO. The PVPC shall maintain qualified transportation planning staff, subject to the availability of funds, and shall be principally responsible for the maintenance of the transportation planning process and for the support and operation of the Joint Transportation Committee and the MPO.
  - D. The PVTA, in addition to its statutory responsibility of providing mass transportation, will assist in obtaining and ensuring input and participation in multimodal transportation planning from local elected officials and the general public. The PVTA will actively participate in the 3C transportation planning and programming process and will represent regional concerns relative to public transportation problems and needs.
  - E. Each community representative to the MPO shall be responsible for articulating a local government perspective of regional transportation problems and needs for the category of community (i.e. urban core cities, urban centers, suburban towns, or rural towns) for which he/she is elected to represent on the Pioneer Valley MPO.

#### **IX. Effect of the Memorandum**

This Memorandum of Understanding grows out of and supersedes the Memorandum of September 2, 1998, and shall become effective upon the date of a majority of the signatures from the MPO members including the Secretary of ,MassDOT , the Chairman of PVPC, the Chairman of the PVTA and the six existing community MPO members. -In addition, this signatory sheet-shall become a part of the final updated MOU document. The signatories shall review the contents of this Memorandum every three years at a minimum, and make appropriate changes as may be necessary and are agreed upon by a majority of the signatories of the MPO. MassDOT, PVPC and PVTA must all vote with the majority in order for a change to be enacted.

#### **X. Concerning Municipal Recognition of this Agreement**

The undersigned Signatories to this Memorandum acknowledge the MPO must maintain continuing recognition from the Pioneer Valley region's cities and towns of the purposes, objectives, and functions of the transportation planning and programming process, as well as the mechanisms required to implement this agreement. To help achieve this continuing recognition, the MOU shall be reviewed and reaffirmed once every three years by the members of the Pioneer Valley MPO, with the advice of the JTC. During each review, the document shall be circulated among all mayors, boards of selectmen, and city and town managers-in the Pioneer Valley region for their review and comment.