

MEMORANDUM OF UNDERSTANDING
RELATING TO THE
COMPREHENSIVE, CONTINUING AND COOPERATIVE TRANSPORTATION
PLANNING PROCESS FOR THE NORTHERN MIDDLESEX METROPOLITAN PLANNING
ORGANIZATION
By and Between the
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
NORTHERN MIDDLESEX COUNCIL OF GOVERNMENTS
LOWELL REGIONAL TRANSIT AUTHORITY

This agreement is made and entered into this 24 day of March, 2021 by and between the Massachusetts Secretary of Transportation and Chief Executive Officer of the Massachusetts Department of Transportation (MassDOT), the Administrator of the Highway Division of MassDOT, the Chairman of the Northern Middlesex Council of Governments (NMCOG), the Chairman of the Lowell Regional Transit Authority (LRTA), the chief elected official from the City of Lowell who serves as the City's representative to NMCOG, a Selectman elected to serve on the NMCOG Council and further elected by the Council to serve as that Town's representative to the Northern Middlesex Metropolitan Planning Organization (NMMPO), and an LRTA Advisory Board member representing a community within the NMMPO boundaries other than the City of Lowell, hereinafter referred to as the NMMPO or Northern Middlesex MPO.

WHEREAS, Chapter 25 of the Acts of 2009, An Act Modernizing the Transportation Systems of the Commonwealth bestowed statutory responsibility on the MassDOT Office of Transportation Planning (OTP) to conduct continuous, cooperative, and comprehensive (3-C) transportation planning activities and programs of state transportation agencies; and

WHEREAS, the MassDOT OTP has the statutory responsibility, under Chapter 6A of the Massachusetts General Laws (MGL), to conduct comprehensive planning for and to coordinate the activities and programs of the state transportation agencies; 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 NMCOG is recognized by the MPO as the officially designated Regional Planning Agency for the Northern Middlesex Region and as such has statutory responsibility for comprehensive, planning including transportation planning, as provided for under the provisions of Chapter 40B of the MGL, Chapter 357 of the Acts of 1972 as amended by Chapter 14 of the Acts of 1974 and Chapter 420 of the Acts of 1989 and, in addition is comprised of a Selectman or City Councilor and Planning Board member of each of its nine member local governments; and

WHEREAS, the Lowell Regional Transit Authority (LRTA) is comprised of chief elected officials or designees of 11 communities which provide transit services to the region's member communities and is also mandated to engage in comprehensive intermodal transportation planning under Chapter 161B of the MGL; and

WHEREAS, the NMCOG, the LRTA, and MassDOT conduct a 3-C transportation planning process with member communities as provided for in 23 United States Code (U.S.C) 134. This process results in plans and programs that, consider all transportation modes and supports community planning and regional goals. These plans and programs lead to the development and operation of an integrated, inter-modal transportation system that facilitates the efficient movement of goods and people. All plans and programs are to consider 23 U.S.C. 134 and all applicable requirements, including the requirements of the 1990 Clean Air Act Amendments and the Americans with Disabilities Act; and

WHEREAS, the MassDOT, the LRTA and the NMCOG on April 29, 1976 signed a Memorandum of Understanding (MOU) agreeing to work together in undertaking the 3-C 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 49 U.S.C. 5303; and

WHEREAS, in 1972 the Governor of the Commonwealth approved the composition of the NMMPO, including the designation of voting members and signatories of the NMMPO, which remains in compliance with all federal legislation, including the Fixing America's Surface Transportation (FAST) act; and

WHEREAS, Section 450.314(a) of Title 23 of the Code of Federal Regulations (CFR) 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 NMMPO 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.

NOW, THEREFORE, the parties do hereby enter into this agreement in order to effectively develop transportation systems, plans and programs.

IT IS HEREBY AGREED:

The Transportation Planning Process for the Northern Middlesex Region shall be a cooperative process among the following voting members:

1. The Secretary and CEO of the MassDOT;
2. The MassDOT Highway Administrator;
3. The Chair of the NMCOG;
4. The Chair of the LRTA;

5. The chief elected official from the City of Lowell elected to serve as the City's representative to the NMCOG;
6. A Selectman from a Northern Middlesex community elected to serve on the Council and further elected by the Council to serve as that community's representative to the NMMPO; and
7. A LRTA Advisory Board member representing a community within the Northern Middlesex MPO boundaries other than the City of Lowell, who may also be an elected official.

There shall be six signatories certifying and endorsing all NMMPO documents and certifications, with the MassDOT Secretary signing for both MassDOT members of the NMMPO.

The NMCOG Chair and NMCOG MPO representative serve a term of one year and are elected by majority vote of the NMCOG. NMCOG representatives are elected through the following process:

1. July: Call for Nominations with a mid-August deadline;
2. September: Ballots are sent to NMCOG Clerk for review;
3. September NMCOG Meeting: Ballots are presented and the Council votes to elect officers; and
4. October NMCOG Meeting: New officers begin one-year term and are deemed official NMMPO members.

The LRTA Advisory Board Chair and LRTA MPO representative serve for a term of one year. The Chair is elected by majority vote of the LRTA Advisory Board at their Annual meeting in June. The Chair then appoints the LRTA MPO representative from the Advisory Board membership.

One representative each from the Federal Highway Administration and the Federal Transit Administration shall be considered ex-officio non-voting members of the Northern Middlesex MPO.

The Secretary and CEO of the MassDOT or his/her designee shall chair the NMMPO. The NMMPO may elect other officers as deemed necessary.

It is the intent of this MOU that NMMPO actions are undertaken cooperatively among its members. Votes of the NMMPO shall be by simple majority of those members present, with the exception of votes that would commit a member to fund the implementation of a project or program other than planning activities of the MPO. In such instances, the vote must include an affirmative vote of that member. The chair or any three members are empowered to call a meeting of the NMMPO. To vote on action items, a quorum of four voting NMMPO members required.

RESPONSIBILITIES OF THE NORTHERN MIDDLESEX METROPOLITAN PLANNING ORGANIZATION:

- The NMMPO shall jointly develop, review and endorse required certification documents including the Unified Planning Work Program, Long Range Transportation Plan, and Transportation Improvement Program, as well as such transportation plans, performance measures, certifications and programs as may from time to time be required by federal laws and regulations. In accordance with Title 23 Section 450.314 of the CFR, the NMMPO will jointly develop and make available to the public an Annual Listing of Obligated Projects and financial plans for the regional Transportation Improvement Program, the Long Range Regional Transportation Plan, and the Unified Planning Work Program. The NMMPO will also publish a Title VI report on an annual basis in conjunction with State Title VI reporting requirements.
- In accordance with Title 23 Section 450.316 of the CFR, the NMMPO shall develop a public participation plan, provide adequate public notice and opportunity of public participation activities and review.
- In accordance with Title 23 Section 450.314(h) of the CFR, the NMMPO shall jointly develop and share information related to performance data, the selection of performance targets and the reporting of performance data to be used in tracking progress toward attainment of critical outcomes for the region and the collection of data for the State asset management plan.
- The NMMPO shall be the forum for cooperative transportation decision-making in the Northern Middlesex region. In the development and resolution of basic regional transportation policy, the NMMPO shall seek and consider the advice of all interested parties.
- The NMMPO may adopt rules, bylaws and other procedures as necessary to govern its operation. The MPO rules and bylaws shall be effective when voted by a majority of the MPO members.

RESPONSIBILITIES OF MEMBER AGENCIES:

- The MassDOT will be responsible for the conduct of the NMMPO meetings, reporting on major statewide and inter-regional policies and issues as they develop, and providing appropriate federal and state transportation funds. MassDOT will provide financial planning information and a list of obligated FHWA funds to the NMMPO.
- The MassDOT OTP will be responsible for making appropriate federal transportation planning funds available to the NMCOG by contract to assist in the implementation of the required planning work program as defined in the approved Unified Planning Work Program.
- The NMCOG shall be responsible for comprehensive regional planning and shall provide the technical staff for transportation planning in the Northern Middlesex MPO. NMCOG staff shall be principally responsible for the maintenance of the transportation planning

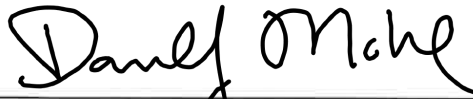
process, and shall serve as the secretary to the NMMPO, serving as official custodian of the NMMPO records.

- The LRTA shall have the duty to develop, finance and contract for the operation of mass transportation facilities and equipment in the public interest consistent with the purposes and provisions of C.161 B of the MGL; and to achieve the maximum effectiveness in complementing other forms of transportation in order to promote the general economic and social well being of the region and the Commonwealth. The LRTA, in addition to its statutory responsibilities of providing mass transportation, will assist in obtaining and ensuring input and participation in public mass transportation planning from local elected officials and the public.
- LRTA staff will provide financial and technical information relevant to development of certification documents.
- The LRTA will provide a listing of federal obligations on an annual basis to the NMMPO as part of MPO requirements and set forth in 23 CFR 450.334
- The LRTA will actively participate in the 3-C transportation planning and programming process will represent the region's concern for public mass transportation needs and the solutions to these transportation issues.

MOU REVIEW AND EXECUTION

It is understood that this Memorandum supersedes all other agreements relative to the Northern Middlesex MPO, including the agreement last executed on March 15, 2011. The signatories shall formally review and reaffirm or revise the contents of this MOU at least every four years or at the request of a majority of the Northern Middlesex MPO members. This will be a specific activity listed in the 3C Process task in the UPWP during the same year as the Regional Transportation Plan update is endorsed. Amendments to the Memorandum, as mutually approved, may be made by written consent of all parties to the agreement. All concerned parties have executed this agreement on the day and year first written above.

NORTHERN MIDDLESEX METROPOLITAN PLANNING ORGANIZATION SIGNATORY PAGE:




Jamey Tesler, Acting Secretary and CEO
Massachusetts Department of Transportation

Date

Jonathan Gulliver, Highway Division Administrator
Massachusetts Department of Transportation

Date



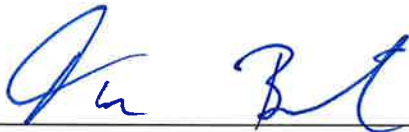
Andrew Deslaurier, Chair
Northern Middlesex Council of Governments

3/29/21

Date

Daniel Rourke, Lowell City Councilor

Date



Tom Bomil, Chair
Lowell Regional Transit Authority

3-29-21

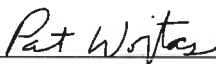
Date



Kevin O'Connor, Town of Tyngsborough
LRTA Advisory Board NMMPO Representative

3/29/2021

Date



Pat Wojtas, Town of Chelmsford
NMCOG MPO Representative

03/25/2021

Date