

MEMORANDUM OF UNDERSTANDING RELATING TO THE
COMPREHENSIVE, CONTINUING AND COOPERATIVE TRANSPORTATION
PLANNING PROCESS IN THE NORTHERN MIDDLESEX REGION

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 15th day of March, 2011 by and between the Chairman of the Northern Middlesex Council of Governments, a Selectman representing the Northern Middlesex Council of Governments, the Lowell Regional Transit Authority (LRTA), the Lowell Regional Transit Authority Advisory Board Member, the Massachusetts Department of Transportation (MassDOT) and the Lowell City Council, hereinafter referred to as the Northern Middlesex Metropolitan Planning Organization (MPO or Northern Middlesex MPO). The Northern Middlesex MPO is the official policy making and decision making body for regional transportation matters concerning the communities of Billerica, Chelmsford, Dracut, Dunstable, Lowell, Pepperell, Tewksbury, Tyngsborough and Westford. All actions of the Northern Middlesex MPO are to be conducted in accordance with the latest MPO endorsed Public Participation Plan for the Northern Middlesex Region.

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 MassDOT; 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 Northern Middlesex Council of Governments, the Lowell Regional Transit Authority, Massachusetts Department of Transportation (MassDOT) conduct a continuing, comprehensive and cooperative transportation planning process with member communities as provided for by the Transportation Equity Act for the 21st Century, Section 3004 and Section 1203 and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) signed into law as PL 109-59 on August 10, 2005. 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 the requirements of the 1990 Clean Air Act Amendments and the Americans with Disabilities Act; and

WHEREAS, the Northern Middlesex Council of Governments 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 Massachusetts General Laws, 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 Massachusetts Department of Transportation (MassDOT) Office of Transportation Planning and Programming 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 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 Lowell Regional Transit Authority 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 161 B of the Massachusetts General Laws; and

WHEREAS, the Massachusetts Department of Transportation Highway Division 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

WHEREAS, the Massachusetts Department of Transportation, the Massachusetts Department of Transportation Highway Division, the Lowell Regional Transit Authority and the Northern Middlesex Council of Governments on April 29, 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 (JTC); and

WHEREAS, the Governor of the Commonwealth, in response to the provisions of the Transportation Equity Act for the 21st Century, and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and rules and regulations related thereto and in view of the responsibility for the transportation planning and programming process of the parties to this agreement, previously designated representatives from those parties to be the Metropolitan Planning Organization for the Northern Middlesex 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;

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

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

IT IS HEREBY AGREED:

1. The Transportation Planning Process for the Northern Middlesex Region shall be a cooperative process among the Chairman of the Northern Middlesex Council of Governments, the Chairman of the LRTA, the Massachusetts Department of Transportation Highway Division Administrator and the Secretary of the Massachusetts Department of Transportation the chief elected official from the City of Lowell elected to serve as the City's representative to the Northern Middlesex Council of Governments; a Selectman elected to serve on the Council and further elected by the Council to serve as that town's representative to the Northern Middlesex MPO; and an 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. The additional Northern Middlesex Council of Governments Selectman and LRTA Advisory Board representative shall serve for a term of one year. The body shall hereafter be known as the Northern Middlesex Metropolitan Planning Organization. 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.
2. The MPO 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 and programs as may from time to time be required by federal laws and regulations.
3. The MPO shall be the forum for cooperative transportation decision-making in the Northern Middlesex region.
4. In the resolution of basic regional transportation policy, the MPO shall seek and consider the advice of all interested parties; and
5. The Secretary of the Massachusetts Department of Transportation or his/her designee shall chair the MPO. A vice chairman of the MPO shall be elected annually by the regional and local representatives of the Northern Middlesex MPO. Either the chairman or vice-chairman, in the absence of the chairman, can conduct meetings of the MPO.
6. It is the intent of this MOU that MPO actions are undertaken cooperatively among its members. Votes of the Northern Middlesex MPO shall be by simple majority of those members present and voting with the exception of MPO 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 MPO.

7 The MPO shall 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.

8 The Massachusetts Department of Transportation will be responsible for the organization and conduct of the MPO meetings, reporting major statewide and inter-regional policies and issues as they develop, and providing appropriate federal transit planning funds.

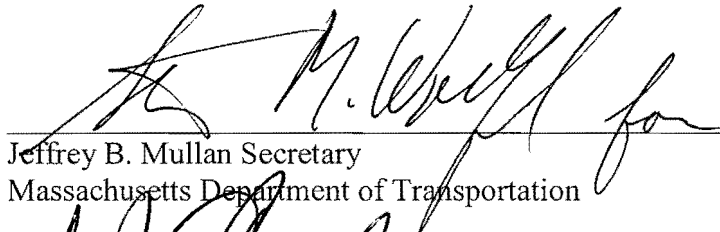
9 The Massachusetts Department of Transportation Office of Transportation Planning and Programming will be responsible for making appropriate federal transportation planning funds available to the Northern Middlesex Council of Governments by contract to assist in the implementation of the required planning work program as defined in the approved Unified Planning Work Program.

10 The Northern Middlesex Council of Governments shall be responsible for comprehensive regional planning and shall provide the staff for transportation planning in the Northern Middlesex MPO. Northern Middlesex Council of Governments shall be principally responsible for the maintenance of the transportation planning process, and shall serve as the secretary to the MPO, serving as official custodian of the MPO records,

11 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 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. The LRTA will actively participate in the 3-C transportation planning and programming process and will represent the region's concern for public mass transportation needs and the solutions to these transportation issues.

It is understood that the Memorandum supersedes all other agreements relative to the Northern Middlesex MPO. The signatories shall formally review and reaffirm or revise the contents of this MOU at least every three years or at the request of a majority of the Northern Middlesex MPO members. 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
Memorandum of Understanding**



Jeffrey B. Mullan Secretary
Massachusetts Department of Transportation

3/15/11


Date



Stephen Themelis, Chairman
Northern Middlesex Council of Governments

3/15/11

Date



Patrick Murphy, City Councilor
City of Lowell

3/15/11

Date

Arthur Doyle, Chairman
Lowell Regional Transit Authority

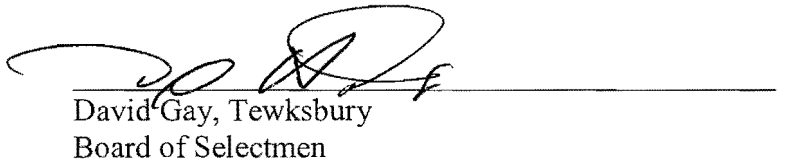
Date



Pat Wojtas, Chelmsford
Lowell Regional Transit Authority

3/15/2011

Date



David Gay, Tewksbury
Board of Selectmen

3/15/11

Date