

TECHNICAL MEMORANDUM

DATE: November 30, 2023

TO: Boston Region MPO Board Members

FROM: Ad Hoc Committee Members

RE: Recommendation on the process to update the Boston Region MPO Memorandum of Understanding

In 2023, the Boston Region Metropolitan Planning Organization (MPO) board members approved a set of updates to the Memorandum of Understanding Relating to the Comprehensive, Continuing, and Cooperative Transportation Planning Process in the Boston Metropolitan Area (MOU), which became effective on September 1, 2023. This represented a partial update to the MOU, addressing a corrective action cited in the 2022 Federal Certification Review Final Report and a subset of other recommended and suggested updates. In order to address the remaining recommendations and identify other areas for modification, the Boston Region MPO elected to establish an ad hoc committee to make a recommendation to the full board on the process for further updating the MOU. This committee met three times in 2023, in August, September, and October.

The ad hoc committee members recommend that the ad hoc committee purview be updated and extended as the **MOU Update Committee** to carry out the process of deliberating and proposing further updates to the MOU. The structure of the MOU Update Committee is described in Section One of this memorandum.

The topics to be updated in the MOU are identified in Section Two. The topics are grouped based on anticipated processes, which may vary depending on the topic. For example, some topics could be updated through a staff-led process, while others, such as those related to agency collaboration, should engage the full board and the agencies the board collaborates with.

Section Three offers context for each topic area and an initial outline for how each topic area grouping may be addressed by the committee. As the MOU Update Committee engages in these processes, it will also consider and recommend related updates needed for the MPO's Operations Plan to maintain consistency across documents.

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1 MOU UPDATE COMMITTEE STRUCTURE AND OVERALL PROCESS

The ad hoc committee recommends that the ad hoc committee become an MOU Update Committee with the assigned task of carrying out the processes recommended in this memorandum to update the MOU. Similar to the ad hoc committee, the MOU Update Committee would be expected to have a limited term for its work and present its recommendations to the full board for consideration and approval.

The current ad hoc committee members recommend that the MOU Update Committee be composed of the same or similar members that have so far participated in the three ad hoc committee meetings leading to this recommendation. The following are the current eight members of the ad hoc committee:

- Tom Bent, Inner Core Committee, City of Somerville (chair of the ad hoc committee)
- Derek Krevat, Massachusetts Department of Transportation (MassDOT), Office of Transportation Planning
- John Romano, MassDOT, Highway Division
- Brian Kane, Massachusetts Bay Transportation Authority (MBTA) Advisory Board
- Eric Bourassa, Metropolitan Area Planning Council (MAPC)
- Lenard Diggins, Regional Transportation Advisory Council (Advisory Council)
- Jen Rowe, City of Boston
- Dennis Giombetti, MetroWest Regional Collaborative, City of Framingham

The ad hoc committee recommends that the Boston Region MPO board members vote to approve the establishment and composition of the new MOU Update Committee at the November 30, 2023, Annual Meeting.

The MOU Update Committee would meet approximately monthly for the next nine months to one year, with an anticipated completion of its work culminating in a recommended updated MOU to the full board by the end of December of 2024.

The MOU Update Committee should be expected to keep the full MPO board aware of its progress by providing a minimum of quarterly updates. The ad hoc committee recommends that the introductory meeting of the MOU Update Committee be held in December of 2023 or January of 2024 and focus on the following activities, at a minimum:

- Review federal regulations regarding MOUs, peer MPO MOUs, and the topics in this memorandum
- Propose a work plan and schedule for updates to the full MPO board

The MOU Update Committee should work with staff to determine an engagement strategy, given that the MOU is relevant to the Boston region. The primary audience for this engagement includes all the municipalities in the Boston region. Board members are also encouraged to engage their communities about the proposed updates to the MOU by informing elected officials and through attendance at relevant subregional meetings. Engagement about the draft revised MOU will follow the Public Engagement Plan model, including a public review period.

2 MOU UPDATE TOPICS

The following list of topics to be updated in the MOU reflects those identified in the federal certification review final report as well as those identified through other recent forums such as the Administration and Finance Committee meetings to develop the MPO's Operations Plan. In the process of addressing the following topics, the MOU Update Committee may elect to remove, add, or modify topics.

The first set of topics are those which MPO staff could initiate and propose the content of the updates without much consultation with board members or other agencies. These topics include the following:

- Update the description of the objectives of the 3C process and other editorial wording changes
- Update the voting rules to eliminate any ambiguity about the majority needed for specific types of votes
- Update the paragraph about geographic and demographic equity in selecting projects to better reflect the goals of the MPO
- Revise the Transportation Improvement Program (TIP) section and other sections to include the appropriate level of detail in the MOU relative to the Operations Plan
- Establish a new review cycle and process

The following topics areas for updates will likely engage the MOU Update Committee and other entities in slightly different processes:

- Document the role of regional transit authorities (RTAs) in decision-making
- Revise the description of the role of the Regional Transportation Advisory Council

- Update the description of and reference to the fiduciary agent agreement, providing clear distinction between MAPC and Central Transportation Planning Staff (CTPS)
- Refine descriptions of agency collaboration:
 - Further elaborate the process for collaboratively establishing “Financial Constraint and Development of TIP Targets,” including reference to the target-funding formula
 - Provide further context for anticipated coordination related to the Program for Mass Transportation, Capital Investment Program, Transportation Improvement Program, and Long-Range Transportation Plan
- Establish expectations for board member education and development related to MPO activities by potentially
 - establishing annual or other coordination with MPOs across the state, and
 - establishing board participation in the annual conference for MPOs held by the Association of MPOs (AMPO).

3 RECOMMENDED UPDATE PROCESSES

The following subsections contain additional context about topics areas for updates as well as initial guidance for addressing updates in each topic area. This context and guidance stems from the discussions of the ad hoc committee members who met in August, September, and October of 2023. These recommended processes are a starting point, which the MOU Update Committee may revise as their work is initiated and carried out.

3.1 Staff-led content updates

Some of the recommended updates are those that staff could review, propose, and revise, likely without significant debate from board members before approval. By proposing revisions before board approval occurs, board members may identify where they believe further deliberation is needed. The following update topics are likely to be handled in this manner:

- Update the description of the objectives of the 3C process and other editorial wording changes
- Update the voting rules to eliminate any ambiguity about the majority needed for specific types of votes
- Update the paragraph about geographic and demographic equity in selecting projects to better reflect the goals of the MPO
- Revise the TIP section and other sections to include the appropriate level of detail in the MOU relative to the Operations Plan
- Establish a new review cycle and process

Table 1
Actions to Update Staff-Led Content

Step	Action	Forum
1	Staff review text and draft track changes edits	Word documents
2	Staff summarize recommendations to the MOU Update Committee for input and feedback	MOU Update Committee meeting
3	Staff make edits to proposed changes and bring them back to the MOU Update Committee	Word documents/MOU Update Committee meeting
4	The proposal is brought to the full MPO board for deliberation and a vote	Word documents/Two board meetings

3.2 Establish the roles of RTAs in decision-making

The 2022 Federal Certification Review Final Report included a recommendation that the Boston Region MPO “formally establish how the MPO intends to have the interests of the RTAs represented.” The relevant RTAs in the Boston region are MetroWest Regional Transit Authority (MWRTA) and Cape Ann Transportation Authority (CATA). This recommendation followed an earlier certification review recommendation in 2015 that stated the MPO should work with CATA and MWRTA to ensure that these providers of public transportation are represented on the MPO board in a way that is satisfactory to all parties.

In 2019, the board members discussed this recommendation and, after deliberation, asked staff to propose a format for and pilot a Transit Working Group with broader representation from all types of transit providers in the region.¹ Staff piloted this working group, which garnered significant interest. Staff surveyed the working group attendees and found there was not a clear interest from those attendees in formalizing the Transit Working Group membership along with expected representation on the Boston Region MPO board. In the meantime, MWRTA in particular has continued to advocate for a voting seat on the board and the 2022 recommendation was issued, leading to the need for further deliberation and consideration for how to address the recommendation.

¹ For more information see the “About the Development of the Transit Working Group” section on the MPO Transit Working Group page of the MPO’s website at <https://www.ctps.org/transit-working-group>.

Table 2
Actions to Update RTA Representation

Step	Action	Forum
1	MOU Update Committee meets with the RTAs, in compliance with the Open Meeting Law, to discuss needs, requests, and capacity to engage in MPO activities	Virtual public MOU Update Committee meeting with CATA and MWRTA
2	Staff summarize requests and options for MOU Update Committee members for input and feedback	Word document
3	Further action determined by MOU Update Committee and board members (further deliberation, decisions, etc.) until a verbal consensus is reached	MOU Update Committee meetings
4	Staff draft updates to reflect the committee’s consensus	Word document
5	MOU Update Committee votes to bring the updated form of RTA representation to the full board	MOU Update Committee meeting
6	The proposal is brought to the full MPO board for deliberation and a vote. RTAs are invited to attend and make comments.	Two MPO board meetings

3.3 Revise the description of the role of the Advisory Council

The narrative in the 2022 Federal Certification Review Final Report noted that the role the Advisory Council plays in supporting the achievement of the MPO’s public engagement goals has not historically been clear, despite emphasis on this role stated in the MOU. The language in the MOU also does not fully reflect the current activities of the Advisory Council. Staff have been coordinating with the leadership of the Advisory Council to develop a vision for the role of the group and its relationship to the MPO board and engagement activities. The intent for the MOU is to clearly define goals for the Advisory Council and its role while keeping language about specific mechanisms vague. Staff and Advisory Council leadership should develop a written proposal first for the consideration of the MOU Update Committee and then send it to the full board.

**Table 3
Actions to Update the Advisory Council Role**

Step	Action	Forum
1	Staff engage Advisory Council to discuss and establish new proposed text	Multiple meetings
2	Staff summarize recommendations to committee members for input and feedback	Word document/MOU Update Committee
3	Staff make edits to proposed changes until the MOU Update Committee reaches consensus about text to recommend to the board	Word document/MOU Update Committee meeting
4	The proposal is brought to the full MPO board for deliberation and a vote	Word document/Two board meetings

3.4 Update reference to the Fiduciary Agent Agreement

MAPC and CTPS are collaborating on producing a new draft Fiduciary Agent Agreement for eventual presentation to the MPO board. The new agreement includes a description of the financial, human resource, and legal support provided by the fiduciary agency and expectations for both MAPC and CTPS staff in these efforts. The ad hoc committee also requested that this topic area include providing a clear distinction between MAPC and CTPS.

**Table 4
Actions Toward a New Fiduciary Agent Agreement**

Step	Action	Forum
1	Develop draft Fiduciary Agent Agreement	CTPS and MAPC
2	Review and vote to bring the Fiduciary Agent Agreement to the full board for approval	MOU Update Committee meeting
3	The proposal is brought to the full MPO board for deliberation and a vote	Two board meetings

3.5 Refine descriptions of agency collaboration

The MOU contains several references to collaboration and coordination between agencies and organizations including the Massachusetts Association of Regional Planning Agencies (MARPA), MBTA, and MassDOT regarding fiscal targets and

major planning activities. These references should be reviewed and discussed, with clarity added when feasible:

- Further elaborate the process for collaboratively establishing “Financial Constraint and Development of TIP Targets,” including reference to the target-funding formula
- Provide further context for anticipated coordination related to the Program for Mass Transportation, Capital Investment Program, Transportation Improvement Program, and Long-Range Transportation Plan coordination

**Table 5
Actions to Update Agency Collaboration**

Step	Action	Forum
1	Staff and MassDOT document existing collaboration channels and processes	Word document
2	MOU Update Committee consults TIP Process, Readiness, and Engagement Committee to determine if additional avenues of collaboration are required	MOU Update Committee or TIP Process, Readiness, and Engagement Committee meeting
3	MOU Update Committee votes to recommend new language on agency collaboration	MOU Update Committee meeting
4	The proposal is brought to the full MPO board for deliberation and a vote	Two board meetings

3.6 Establish expectations for board member education and development

Board member learning and professional development is not currently a topic in the MOU; however, board members have expressed interest at times in peer exchanges, exposure to other MPOs, attendance in the AMPO annual conference, and other development activities. The 2022 Federal Certification Review Final Report contained a specific recommendation related to broadening the information and training opportunities available to the board members about current best practices in transportation planning. Expectations or intent regarding information and training opportunities and board member development could be incorporated into the MOU. The following two topics were recommended by the ad hoc committee to consider in an MOU update:

- Establish annual or other coordination with MPOs across the state
- Establish board participation in the AMPO annual conference

Table 6
Actions to Update Board Member Development

Step	Action	Forum
1	Staff to solicit board input and develop proposed options for board member development	Word document
2	MOU Update Committee meets with other MPOs in the state to discuss best practices for board member development	MOU Update Committee or attendance at other MPO board meetings
3	MOU Update Committee votes to recommend new language on board member development	MOU Update Committee
4	Board approves new language along with the rest of the updated MOU	MPO board meeting

The Boston Region Metropolitan Planning Organization (MPO) operates its programs, services, and activities in compliance with federal nondiscrimination laws including Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, and related statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of race, color, or national origin (including limited English proficiency), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives federal assistance. Related federal nondiscrimination laws administered by the Federal Highway Administration, Federal Transit Administration, or both, prohibit discrimination on the basis of age, sex, and disability. The Boston Region MPO considers these protected populations in its Title VI Programs, consistent with federal interpretation and administration. In addition, the Boston Region MPO provides meaningful access to its programs, services, and activities to individuals with limited English proficiency, in compliance with U.S. Department of Transportation policy and guidance on federal Executive Order 13166.

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A complaint form and additional information can be obtained by contacting the MPO or at http://www.bostonmpo.org/mpo_non_discrimination.

To request this information in a different language or in an accessible format, please contact

Title VI Specialist
Boston Region MPO
10 Park Plaza, Suite 2150
Boston, MA 02116
civilrights@ctps.org

By Telephone:

857.702.3700 (voice)

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