

MEMORANDUM OF UNDERSTANDING

March 29, 2011

MEMORANDUM OF UNDERSTANDING RELATING TO THE COMPREHENSIVE, CONTINUING, COOPERATIVE TRANSPORTATION PLANNING AND PROGRAMMING PROCESS FOR THE BERKSHIRE REGION

By and Between the

**Massachusetts Department of Transportation
Berkshire Regional Planning Commission
Berkshire Regional Transit Authority
City of Pittsfield
City of North Adams
And Four Subregional Representatives from Berkshire County**

WHEREAS, the Massachusetts Department of Transportation (MassDOT), formerly known as EOTC, has the statutory responsibility under Chapter 6A of the Massachusetts General Laws, to conduct comprehensive planning for and to coordinate activities and programs of the state transportation agencies and the Office of Transportation Planning in MassDOT serves as the principal source of transportation planning for state-level transportation projects and works in coordination with regional planning agencies in the Commonwealth; and

WHEREAS, MassDOT 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 Berkshire Regional Planning Commission (BRPC) is recognized by the MPO as the officially designated regional planning agency for the Berkshire region and as such has statutory responsibility for the coordinated and orderly development of the region, including regional growth planning and transportation planning as provided for under the provisions of Chapter 40B of the Massachusetts General Laws and which serves as the principal source of transportation planning for local and regional transportation projects. The BRPC is comprised of local planning board members and alternates or representatives of the chief elected officials of each of its 32 member local governments; and,

WHEREAS, the Advisory Board of the Berkshire Regional Transit Authority (BRTA) is comprised of the chief elected officials or designee of 23 cities and towns that have joined to form a regional transit authority under the provisions of Chapter 161B of the Massachusetts General Laws. The BRTA has the statutory

responsibility for providing public transportation on an exclusive basis in the area constituting the authority, to provide public transportation including long and short range planning elements together with implementation schedules for public transportation improvements; and,

WHEREAS, MassDOT, BRPC, and BRTA, the original signatories to a May 24, 1976 MOU executed an agreement on August 17, 2005 to expand the membership of the Berkshire MPO to 10 members, including one representative each from the Cities of Pittsfield and North Adams, and four representatives from the thirty surrounding town governments composing the Berkshire area.

WHEREAS, Section 450.310 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 and programming among the MPO, State and publicly owned providers of public 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 regional 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 members of the Berkshire Metropolitan Planning Organization do hereby jointly agree as follows:

OBJECTIVES OF THE FEDERAL 3C TRANSPORTATION PLANNING PROCESS

- The 3C process is comprehensive, including the effective integration of the various stages and levels of transportation planning and programming for the entire Berkshire region and examining all modes so as to assure a balanced planning and programming effort.
- The 3C process is continuing, affirming the necessity to plan for the short and long range needs of the regional transportation system, emphasizing the interactive character of the progression from systems planning to project planning, programming, operations and implementation.
- 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.

FUNCTIONS OF THE BERKSHIRE MPO

- The Berkshire MPO shall perform all functions as required in federal or state laws and regulations including jointly developing, reviewing and adopting the region's annual transportation Unified Planning Work Program, the Regional Transportation Plan, the Transportation Improvement Program and air quality conformity determinations.

- In meeting the provisions of the federal 3C process, the Berkshire MPO assumes the responsibility for the transportation planning process which may include: initiation of studies, evaluation and recommendation of transportation improvements and the programming of funds for transportation projects in the region for which funding is sought for implementation. While transportation studies may be conducted by other entities from time to time, the Berkshire MPO shall monitor their progress and make the final decision for any regionally significant project to be included in the Regional Transportation Plan.
- The Berkshire MPO shall be the forum for cooperative decision making by officials of local government, regional planning commission, regional transit authority and state officials representing state transportation agencies.

MEMBERSHIP OF THE BERKSHIRE MPO

The membership of the Berkshire Metropolitan Planning Organization shall consist of the following ten (10) State, Regional, City and Town officials or their alternates:

- Secretary and CEO, MassDOT
- Administrator, MassDOT Highway Division
- Chair of the Berkshire Regional Planning Commission
- Chair of the Berkshire Regional Transit Authority
- Mayor of the City of Pittsfield
- Mayor of the City of North Adams
- One Selectperson from a town within each of the following four sub-regions:
 - North Sub-region (Adams, Clarksburg, Florida, New Ashford, Savoy, Williamstown)
 - North-Central Sub-region (Cheshire, Dalton, Hancock, Hinsdale, Lanesborough, Peru, Windsor)
 - Southeast Sub-region (Becket, Lee, Lenox, Monterey, New Marlborough, Otis, Sandisfield, Tyringham, Washington,)
 - Southwest Sub-region (Alford, Egremont, Great Barrington, Mount Washington, Richmond, Sheffield, Stockbridge, West Stockbridge)

The first six members on the above list shall be permanent ex-officio members. The four sub-regional members shall be elected by caucuses comprised of designated representatives from the Select Board within each sub-region. These caucuses shall be open to the public. The term of office for each sub-regional member and alternate shall be two years, starting on August 1 of the year elected. The names of the newly elected sub-regional members and alternates shall be submitted to the MPO by August 1 of each year. In the event a sub-regional seat is vacated prior to the full term of the appointee, and the alternate is not able to complete the member's term, the MPO shall act to fill the vacated seat at the earliest opportunity.

Alternate members from the four sub-regions shall be selected in the same manner and the same term as the official member from the sub-region, provided that an alternate must be from a different town in the same sub-region as the member he/she is representing. In the event that the official member is unable to complete his/her term, the alternate will complete the member's term.

By November 1 of every third year, the Secretary and CEO of MassDOT and the MassDOT Administrator shall each present to the Berkshire Region MPO a list of not more than three representatives (designated by title) appointed by him/her, any one of which may vote as his/her designee. These shall be persons who are directly responsible and accountable to the official member they represent.

The Berkshire Regional Planning Commission and the Berkshire Regional Transit Authority shall each choose a standing alternate from within their respective organizations.

The Mayors of Pittsfield and North Adams shall each present to the MPO by February 1, semi-annually following city elections, a list of not more than three persons appointed by him/her, any of which may vote as his/her respective designee. These shall be persons who are directly responsible and accountable to the official member they represent. In the event there is a change in the office of Mayor outside of the schedule noted above, the MPO shall act to update this information at the earliest opportunity.

The Chair of the Transportation Advisory Committee and a representative from both the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) shall be considered ex-officio, non-voting members of the MPO.

CHAIR AND VICE CHAIR

The Chair of the MPO shall be the MassDOT Secretary and CEO or his/her designee. In the absence of the Chair, the Vice Chair shall oversee the conduct of the meeting. The Chair shall be authorized to sign all certification documents on behalf of the entire membership following an affirmative vote or endorsement by the full MPO. A record of said vote shall be provided in the MPO meeting minutes.

The Vice Chair shall be elected annually from the MPO membership by the eight local and regional members, with no limitation on the number of consecutive terms for which a vice chair may be re-elected. Alternates will not be eligible for the Vice Chair position.

MEETINGS OF THE BERKSHIRE MPO

The Berkshire Metropolitan Planning Organization shall meet a minimum of every three months. Additional meetings may be called as needed by the Chair or any three other members.

QUORUM AND VOTING

A quorum of the Berkshire MPO shall consist of six voting members of the membership. Lack of a quorum shall not prevent an officially called meeting from coming to order and discussing or passing a motion to continue said meeting to a later date.

A vote to accept a motion relative to the Regional Transportation Plan and the Transportation Improvement Program shall be by an affirmative vote of the majority of members present, provided that it includes the affirmative vote of the implementing agency (defined as MassDOT for highway projects, the BRTA for transit projects and MassDOT for Commuter Rail projects).

THE TRANSPORTATION ADVISORY COMMITTEE

In order to facilitate the implementation of the 3C process and the functions of the Berkshire MPO, a standing committee, known as the Transportation Advisory Committee (TAC), has been established to advise the Berkshire MPO. TAC membership is selected, through the Berkshire MPO, in a manner that provides for the involvement of local government officials, transportation professionals and other representatives of transportation providers, user groups, and other relevant interests, and that provides for a broad based transportation planning perspective of its participants. Its principal mission is as follows:

1. To advise the Berkshire MPO on all matters of policy affecting the conduct of the region's 3C transportation planning and programming process.
2. To put forth recommendations to the MPO on such regional transportation work activities, plans, studies, project priorities and financial constraints as may be required for the effective operation of the Berkshire MPO.
3. To provide maximum participation in the transportation planning and programming process by creating a forum and other opportunities to bring together officials of local government, public agencies, transportation providers, interest groups and residents for open dialogue and the exchange of views on current transportation issues.

The Chair of the TAC has the responsibility to report to the MPO regarding the TAC's consensus regarding an issue, along with a summary of the considerations involved in the decision, will present any majority and minority reports resulting from the TAC's deliberations, and provide complete and accurate descriptions of the various points of view and options available.

Each Select Board or Mayor shall select a representative from their Town or City to serve on the TAC. In addition, the TAC shall nominate representatives of other organizations to serve on the TAC to encourage participation among a broad range of transportation interests and transportation modes.

Representatives from business, environmental, historic, bicycle, transit, airport, human service and other organizations shall be considered. These nominees,

and others, will be considered by the MPO and may be appointed to the TAC from time to time. State and federal agencies shall be encouraged to participate on the TAC as ex-officio, non-voting members.

The TAC shall develop and update organizational by-laws subject to approval by the Berkshire MPO.

RESPONSIBLE AGENT FOR REGIONAL TRANSPORTATION PLANNING

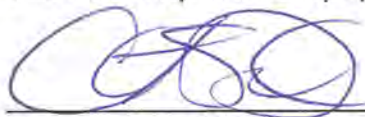
The Berkshire Regional Planning Commission shall be, by state designation and consistent with applicable federal transportation laws, the primary transportation planning staff for the Berkshire MPO and serves as the principal source of transportation planning for local and regional transportation projects. The BRPC shall maintain a qualified staff of transportation professionals, subject to the availability of federal and state funds. It shall be responsible to the MPO for the maintenance of the 3C transportation planning process and shall conduct transportation planning on behalf of the MPO, including coordination of the sub-regional member selection process and staff support for the operation of the Transportation Advisory Committee.

REVIEW OF MEMORANDUM

This Memorandum of Understanding supersedes the MOU of August 17, 2005 and shall become effective upon the date of the signatures of all MPO members. The Signatories shall formally review the contents of this MOU every five years at a minimum, make appropriate changes as may be necessary and mutually agreeable, and record the results of the review in the minutes of the meeting at which the review is conducted. At the time of the review, the MOU and any proposed changes shall be circulated among all the Select Boards, the Mayors, and the town managers/administrators of the Region for their review.

EXECUTION

The undersigned recognize the complexity of the transportation planning and program process and will endeavor to ensure that all personnel involved in their jurisdiction will cooperate fully in carrying out the intent and provisions of this MOU, and any amendments or additions agreed to by the signatories. The MPO shall develop and adopt procedures in order to implement this MOU.

 for Jeffrey Mulla 29 Mar 11
Secretary and CEO Date
MassDOT

 30 March 2011
Chair Date
Berkshire Regional Planning Commission

Sandra Lamb
Advisory Board Chair
Berkshire Regional Transit Authority

4/14/11
Date

for Bruce Colangelo
Mayor,
City of Pittsfield

3/29/11
Date

Don J. East
Mayor,
City of North Adams

4/6/11
Date

Ronald Turbin
Towns Representative,
North

March 29, 2011
Date

Thomas J. Szepaniak
Towns Representative,
North Central

3/29/11
Date

A. Turbin
Towns Representative,
Southeast

3/29/11
Date

John
Towns Representative,
Southwest

3/29/2011
Date