



**DRAFT MEMORANDUM OF UNDERSTANDING
RELATING TO THE COMPREHENSIVE, CONTINUING, AND COOPERATIVE
TRANSPORTATION PLANNING PROCESS FOR THE
MERRIMACK VALLEY METROPOLITAN PLANNING ORGANIZATION**

04/23/2025

By and among Representatives of the Following:

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION (MassDOT)
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION - HIGHWAY DIVISION (MassDOT Highway)
MERRIMACK VALLEY PLANNING COMMISSION (MVPC)
MERRIMACK VALLEY REGIONAL TRANSIT AUTHORITY (also called Merrimack Valley Transit [MeVa])
CITY OF HAVERHILL
CITY OF LAWRENCE
COASTAL CORE: AMESBURY, NEWBURYPORT, AND SALISBURY
COASTAL RING: NEWBURY, ROWLEY, AND WEST NEWBURY
CENTRAL RIVER: BOXFORD, GEORGETOWN, GROVELAND, AND MERRIMAC
WESTERN RIVER: ANDOVER, METHUEN, AND NORTH ANDOVER

WHEREAS, the Massachusetts Department of Transportation (MassDOT) has the statutory responsibility, under Chapter 6C of the General Laws, to conduct comprehensive planning for and to coordinate the activities and programs of the state transportation agencies and the Office of Transportation Planning within MassDOT 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 the MassDOT Highway Division has the statutory responsibility under Chapter 16 of the General Laws for the construction, maintenance and operation of state roads and bridges; and

WHEREAS, the 1962 Federal Highway Act, PL-87-146, established that the Secretary of Transportation and the States should cooperate in the development of long-range highway plans and programs of projects and that, in any urban area of more than 50,000 population, the program of projects developed must be based on a continuing, comprehensive transportation planning process that is carried on cooperatively by States and local communities, and in March 1975 Governor Dukakis designated the Executive Office of Transportation, the Massachusetts Department of Public Works, the Merrimack Valley Planning Commission (MVPC) and the Merrimack Valley Regional Transit Authority (MVRTA) as the Council of Signatories for the Merrimack Valley Metropolitan Planning Organization (MVMPO); and

WHEREAS, the MVMPO region is comprised of the communities of Amesbury, Andover, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, Newbury, Newburyport, North Andover, Rowley, Salisbury, and West Newbury; and

WHEREAS, the MVPC is recognized by the MVMPO as the officially designated Regional Planning Agency (RPA) for the Merrimack Valley region and as such has the official statutory responsibility for metropolitan planning and coordination including comprehensive planning and transportation planning, as provided for by Chapter 40B, of the General Laws. The MVPC is comprised of a designee of the mayor, board of selectmen or designee, or planning board or designee for each of the cities and towns that belong to the regional planning agency that covers the area of the MVMPO; and

WHEREAS, the Advisory Board of the MVRTA, known also as Merrimack Valley Transit (MeVa), is comprised of the chief elected official or designee of the 16 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. MeVa 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, the (then) Executive Office of Transportation and Construction (EOTC), and the (then) Massachusetts Department of Public Works (MDPW) and the MVPC signed a Memorandum of Understanding (MOU) on July 26, 1972, the EOTC, MDPW, MVPC and the MVRTA signed an MOU on June 19, 1976, the (then) Executive Office of Transportation and Public Works (EOTPW), the (then) MassHighway, the MVRTA and the MVPC signed an MOU on December 30, 1999, and another MOU on June 10, 2008 along with the Mayors of Lawrence, Haverhill and Amesbury and Selectmen from North Andover, Rowley and Salisbury, and the Massachusetts Department of Transportation (MassDOT), MVPC, the MVRTA, the Mayors of Lawrence, Haverhill and Selectmen from Georgetown, North Andover, Rowley and Salisbury approved an MOU on March 8, 2011, and another MOU on March 22, 2022 to agree 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 created the Merrimack Valley Transportation Committee (MVTC) to advise the MVMPO members on policy matters concerning transportation plans and programs, and to provide rich opportunities for public participation in the transportation planning and programming process; and

WHEREAS, the Governor of the Commonwealth of Massachusetts, who originally designated the MVMPO in 1975, in response to provisions of the Intermodal Surface Transportation Efficiency Act of 1991 (23 CFR Part 450 and 49 CFR Part 613) as amended, and its successors the Transportation Equity Act for the 21st Century of 1998 (TEA-21) signed into law as PL 105-178 on June 9, 1998, 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, the Moving Ahead for Progress in the 21st Century Act (MAP-21) signed into law as PL 112-141 on July 12, 2012, the Fixing America's Surface Transportation Act (FAST Act) signed into law as PL 114-94 on December 4, 2015, and the Infrastructure Investment and Jobs Act (also known as the Bipartisan Infrastructure Law (BIL) signed into law as PL 117-58 on November 15, 2021 and rules and regulations related thereto, and in view to his/her responsibility for the transportation planning and programming process

of the ten parties to this agreement previously designated representatives from these parties to be the MVMPO and,

WHEREAS, Section 450.310(a) 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 MVMPO 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 the state agencies, local governments, private institutions, other appropriate groups, and the general public;

NOW THEREFORE, the ten members of the MVMPO hereto 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 region. The 3C process examines all modes 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. The process emphasizes 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. The process invites the wide participation of all parties, public or private, at all stages of the transportation planning process; and
- This 3C process is multimodal and is intended to help provide the Merrimack Valley with the ability to maintain, manage, and operate a multimodal transportation system that offers mobility, access, and safety for people and freight consistent with fiscal and environmental resources.

Nothing herein shall be deemed to prohibit the MVMPO from using, through contractual agreements, the staff resources of other local agencies to carry out selected elements of the planning process.

MEMBERSHIP OF THE MERRIMACK VALLEY MPO: The voting members of the MVMPO shall henceforth consist of the following or their designees:

- The Secretary of the Massachusetts Department of Transportation (MassDOT)
- The Administrator of the Highway Division of the Massachusetts Department of Transportation (MassDOT – Highway)
- The Executive Director of the Merrimack Valley Planning Commission
- The Chairperson of the MeVa Advisory Board
- Mayor (or designee) of the City of Lawrence

- Mayor (or designee) of the City of Haverhill
- One designee of the select boards or mayors from each of the following subregions:
 - Coastal Core: Amesbury, Newburyport, and Salisbury
 - Coastal Ring: Newbury, Rowley, and West Newbury
 - River Central: Boxford, Georgetown, Groveland, and Merrimac
 - River West: Andover, Methuen, and North Andover

The process for selecting the four subregion representatives shall be initiated by MVMPO staff. The designees from the four MVMPO subregions will be selected through a cooperative process involving the chief administrators (mayor, town manager, town administrator, or person of similar authority in that subregion) and their respective elected officials. In choosing to designate a representative to act on behalf of the entirety of their subregion, chief administrators should prioritize the selection of individuals with an understanding of the transportation planning process who have demonstrated cooperation across municipal bounds.

For the purposes of ensuring communication within and between subregional parties, each community must identify a point of contact for MVMPO business regardless of their status as voting members of the MVMPO. Failure to designate a point of contact may jeopardize the community's ability to program federal aid projects on the regional Transportation Improvement Program.

The terms for subregional representatives shall be three years and shall take effect on October 1, coincident with the federal fiscal year. Terms shall end September 30 of the final third term year, or, should there be extenuating circumstances related to the identification of a replacement, until a new replacement is designated. Every three years, MVMPO will solicit member communities to determine if there is interest in a change of representation. If member communities suggest interest, MVMPO staff will initiate a selection process to designate new MVMPO subregional representative.

SUBREGIONAL DESIGNEE SELECTION PROCESS: The following steps detail the selection process for MVMPO designees:

- MVMPO staff will contact the chief administrators of a subregion (mayor, town manager, town administrator, or person of similar authority in that subregion) to request each community's nominee for the subregion.
 - A community may choose not to provide a nominee but should provide no more than one nominee for the given selection process.
 - A community's nominee should be endorsed by local elected officials through a community's standard political process (i.e. selectboard, council) prior to submission to MVMPO staff.
- MVMPO staff will then present the totality of nominees to each community's chief administrator for the purposes of completing a ranked choice vote, facilitated by MVMPO staff.
- Should there be a tie in ranked choice preferences, MVMPO staff will work with the two nominees to determine a solution. Should no consensus be reached, a decision will be brought to the MVMPO for a decision.
- Failure to respond to MVMPO staff's correspondence related to nominees or rank choice voting within a reasonable timeframe (typically one month) shall be understood as an abstention from the selection process.

In addition to these voting members, representatives of the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), Boston MPO, Northern Middlesex MPO, and in New Hampshire, the Rockingham Planning Commission MPO and Nashua MPO shall serve as ex-officio, nonvoting members of the MVMPO.

QUORUM: Five MVMPO members must be present or represented to achieve a quorum and vote on actions.

ALTERNATES: To ensure continuity and transparency, each MVMPO voting member may designate up to two alternates who may vote on his or her behalf. Alternates must be provided to and confirmed by MVMPO staff in writing prior to the meeting in which they will function as an alternate.

VOTING: For an MVMPO action to be approved, a simple majority of those members present must vote in the affirmative, provided that the MassDOT representative shall be included in the majority vote.

CHAIR AND VICE CHAIR: The chairperson of the MVMPO shall be the Secretary of MassDOT. The vice-chairperson of the MVMPO shall be elected from among the local and regional members of the MVMPO. The Vice-Chairperson shall be elected by all members of the MVMPO.

MEETINGS OF THE MVMPO: The chairperson is the official representative of the MVMPO. The chairperson, or any three members of the MVMPO, is empowered to call meetings of the MVMPO.

The MVMPO may meet monthly, or as warranted, to consider and endorse the Transportation Improvement Program, Long Range Metropolitan Transportation Plan, Unified Planning Work Program, Public Participation Plan, Performance Management metrics and target setting, and other MPO documents. To expedite business, some actions may be included on the MVMPO's consent agenda. At any meeting, a MVMPO member may request that an item be pulled from the MVMPO's consent agenda for discussion. Members of the public may also request the chairperson pull an item from the consent agenda for discussion during the MVMPO's standard opportunity for public comment—which shall occur prior to taking action on any item—however, the chairperson may exercise his/her discretion in determining whether such a request is warranted.

MVMPO meetings will generally be held monthly and will be publicly advertised on the MVMPO's webpage, the MVPC events page, and noticed by the clerks of each MVMPO community. Meeting time and location will be confirmed by MVMPO staff in coordination with the MVMPO chairperson. To maximize board member participation, meetings will occur in-person unless otherwise specified based on current business. If virtual meetings are accommodated, staff will notice the meeting with the appropriate forms of public access. Further, if it is determined by the MVMPO chairperson, in consultation with the MVMPO staff, that the monthly meeting is not necessary, then the meeting may be cancelled.

FUNCTIONS OF THE MERRIMACK VALLEY METROPOLITAN PLANNING

ORGANIZATION: The MVMPO shall perform all functions as required in federal or state laws and regulations including jointly developing, reviewing, and adopting an annual Unified Planning Work Program for the region, as well as such documents as the Metropolitan Transportation Plan, the Transportation Improvement Program, and air quality conformity determinations as may from time to time be required of

the MVMPO by federal and state laws and regulations. In performing these tasks, the MVMPO will take the following actions:

Development of Financial Plans for MVMPO's Transportation Improvement Program and Metropolitan Transportation Plan

At least once each federal fiscal year, MVMPO staff will meet with staff from MassDOT's Office of Transportation Planning (OTP) and staff from the Massachusetts Offices of the Federal Highway Administration and Federal Transit Administration to review the financial assumptions that will be used in the development of the MVMPO's Transportation Improvement Program and, in every fifth year (or as otherwise required pursuant to state and federal requirements) its Metropolitan Transportation Plan.

Soon after that meeting, OTP and MeVa will provide MVMPO staff with additional information that will allow staff to meet its requirements for developing a financial plan for the TIP that meets the requirements established in CFR 450.326(j) and for the Metropolitan Transportation Plan as outlined in CFR 450.324.(f)(11). These financial plans shall demonstrate how financial constraint is being met while being able to maintain and operate the existing highway and transit transportation networks.

Listing of Obligated Projects

Pursuant to 23 CFR 450.314(a) and 23 CFR 450.334, early in each federal fiscal year (i.e., after October 1st), MassDOT's OTP will provide MVMPO staff with a list of projects that received federal transportation funding obligations during the preceding federal fiscal year. This information will include the identification of the project, the amount of each obligation, the date that this obligation occurred, and any amounts remaining to be spent on the project.

For transit projects, early in each federal fiscal year the MeVa will provide MVMPO staff with a list of those grants that were approved by the Federal Transit Administration (FTA) in the preceding federal fiscal year and the amount of funding that was obligated. This information will include the name and number of the grant and the date that the grant was approved by FTA.

Performance Based Planning

Under 23 CFR 450.314(h)(1), "...MPO(s), State(s), and providers of public transportation shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO (see § 450.306(d)), and the collection of data for the State asset management plan for the NHS..."

Articles 1- 6 of the Performance-Based Planning and Programming Agreement between the MPOs in Massachusetts, the Regional Transit Authorities in Massachusetts, the MBTA and MassDOT details the mutual responsibilities of carrying out performance-based planning and programming among applicable metropolitan planning organizations, states, and public transportation operators outlines the steps that each party must take to meet the performance-based planning and programming requirements in accordance with 23 CFT 450 and established federal guidance.

Project Development

The MVMPO shall be the forum for cooperative transportation decision making by officials of local government, regional transit authorities, regional commissions and state officials representing state transportation agencies. In this capacity, it will consider and recommend regionally significant studies, designs, permits, and projects for MVPC, MassDOT and MeVa. Each MVMPO member may provide a list of significant projects it considers important and the MVMPO shall use this information as part of their consideration when developing recommendations for prioritizing significant planning and project programming activities in the region.

Other Duties

In meeting the provisions of the federal 3C process, the MVMPO 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 MVMPO shall monitor their progress and make the final decision for any regionally significant project to be included in the Metropolitan Transportation Plan.

Delegation of Responsibility and Committees

The MVMPO shall appoint the committees it determines necessary to accomplish its business. Committees shall consist of MVMPO members, their designees, transportation providers, and—as appropriate—public stakeholders. MVMPO shall assign duties to the committees, or delegate this responsibility to staff as appropriate.

RESPONSIBLE AGENT FOR REGIONAL TRANSPORTATION PLANNING: The MVPC shall supply, by state designation and consistent with applicable federal transportation laws, the primary transportation planning staff for the MVMPO and serves as the principal source of transportation planning for local and regional transportation projects. The MVPC shall maintain a qualified staff of transportation professionals, subject to the availability of federal and state funds. It shall be responsible to the MVMPO for the maintenance of the 3C transportation planning process and shall conduct transportation planning on behalf of the MVMPO, including coordination of the sub-regional member selection process. The Executive Director of the MVPC is authorized to sign correspondences on behalf of and at the request of the MVMPO.

REVIEW OF THE MEMORANDUM: This MOU supersedes the MOU of March 22, 2022 and shall become effective upon the date of the signatures of the Secretary of MassDOT, the chairperson of the MVPC, the chairperson of the MeVa Advisory Board, the mayors from Lawrence and Haverhill and the seated representative from each the four MVMPO subregions. The signatories shall formally review the contents of this MOU every five years, with the option to review it more often if needed, make appropriate changes as necessary and mutually agreeable. At the time of the review, the MOU and any proposed changes shall be circulated among all the mayors, selectboards, and the city and town managers and/or administrators of MVMPO communities for their review.

AMENDMENT OF THIS MOU: This MOU may be amended at any meeting of the MVMPO by a two-thirds majority, where at least a quorum of members is present and voting, and provided that a copy of the proposed amendment has been sent to all members at least 30 calendar days in advance of said meeting.

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. The MVMPO shall develop and adopt procedures, as necessary, to implement this MOU.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION (MassDOT)

Signature	Name (Printed)	Date
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MASSACHUSETTS DEPARTMENT OF TRANSPORTATION - HIGHWAY DIVISION (MassDOT Highway)

Signature	Name (Printed)	Date
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MERRIMACK VALLEY PLANNING COMMISSION (MVPC)

Signature	Name (Printed)	Date
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MERRIMACK VALLEY REGIONAL TRANSIT AUTHORITY (also called Merrimack Valley Transit [MeVa])

Signature	Name (Printed)	Date
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CITY OF HAVERHILL

Signature	Name (Printed)	Date
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CITY OF LAWRENCE

Signature	Name (Printed)	Date
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COASTAL CORE: AMESBURY, NEWBURYPORT, AND SALISBURY

Signature	Name (Printed)	Date
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COASTAL RING: NEWBURY, ROWLEY, AND WEST NEWBURY

Signature	Name (Printed)	Date
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RIVER CENTRAL: BOXFORD, GEORGETOWN, GROVELAND, AND MERRIMAC

Signature	Name (Printed)	Date
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RIVER WEST: ANDOVER, METHUEN, AND NORTH ANDOVER

Signature	Name (Printed)	Date
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APPENDIX A – MERRIMACK VALLEY METROPOLITAN PLANNING ORGANIZATION’S MEMORANDUM OF UNDERSTANDING PUBLIC PARTICIPATION HISTORY AND FUTURE INTENT

February 26, 2025

Beginning in the spring of 2024, staff initiated a process to update the Merrimack Valley Metropolitan Planning Organization’s (MVMPO’s) Memorandum of Understanding (MOU). Aside from minor textual clean-ups, the primary rationale for the update was fourfold:

- Reassessing and/or confirming the structure of subregional representation;
- Defining a process to select subregional board representatives;
- Detailing who may serve as an alternate to the MVMPO; and
- Addressing mechanisms to improve public access to MVMPO’s decision-making process.

This appendix contextualizes the fourth item—public access to MVMPO’s decision making—and details the Board’s intent for the following fiscal year (FFY26).

In March 2022, MVMPO ratified its previous MOU. This previous version references a body called the Merrimack Valley Transportation Committee (MVTC). The MVTC was a form of what is popularly known throughout the state as a ‘Joint Transportation Committee’ (JTC). Many similar bodies exist serving other MPOs across the state, each with differing levels of activity and effectiveness. The intent of such bodies is to increase the opportunity for diverse perspectives in the transportation planning process. As such, the 2022 MOU documents MVTC’s stated purpose as follows:

- *To advise the MVMPO on matters of policy affecting the conduct of the 3C transportation planning and programming process for the Region;*
- *To put forth recommendations on such regional transportation work activities, plans, studies, project priorities and financial constraints as may be required for the effective operation of the MVMPO; and*
- *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 individuals experienced in economic development, freight, commuter rail, smart growth, environmental issues, housing, regional planning and other interest groups and residents for open dialogue and the exchange of views on current transportation issues.*

While well intended, MVTC met sparingly on an ad-hoc basis due to staff capacity and was generally attended by self-selected individuals already involved in the transportation planning process. Because of this, the group neither effectively expanded participation nor elevated the diversity transportation perspectives reflective of what one might expect of the larger public.

During the subject MOU’s (2025) amendment planning process, staff suggested MVMPO consider the addition of At-Large advocate seats on the board as voting members. Staff suggested that these seats could reflect areas of topical advocacy interest, including multimodal transportation (active transportation and transit), historically disadvantaged communities, and housing/economic development, among other options. As the planning process continued, the majority opinion of MVMPO held that to expand access and decision-

making to non-government official representatives, MVMPO staff should first focus efforts on educating those interested in transportation planning about the regional planning process, with the hope that such persons could develop a knowledge base to be fluent in the process, and a desire to remain involved. Particular MVMPO members frequently cited the *Community Transportation Leaders* program run by the Greater Portland Council of Governments as a model to develop future engaged participants—potentially as voting board members.

In January 2025, MVMPO held a planning retreat to, among several purposes, inform the development of its 2026 Unified Planning Work Program for FFY26. Staff noted that developing an effective community engagement program would take intention and time. MVMPO agreed that the development of a training program, potentially like the Greater Portland Council of Governments program could be developed in FFY26, and that in the meantime, references to the ineffective MVTC should be removed from the MOU.