

**SENATE . . . . . No. 01793**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Karen E. Spilka*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to fairness and equity in regional transportation planning.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol, and Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

# SENATE . . . . . No. 01793

By Ms. Spilka, petition (accompanied by bill, Senate, No. 1793) of Swan, Sannicandro, Walsh and other members of the General Court for legislation relative To fairness and equity In regional transportation planning [Joint Committee on Transportation].

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ SENATE  
□ , NO. 1959 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act relative to fairness and equity in regional transportation planning.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 6A of the General Laws, as appearing in the 2008 official  
2 edition, is hereby amended by adding at the end thereof the following new section:

3 Section 105. Metropolitan planning organizations

4 1. Whereas: The rapid growth in recent decades of many geographic regions of the  
5 state has caused distinct areas with dense residential or workforce populations and substantial  
6 economic activity to be subject to the jurisdiction of more than one metropolitan planning  
7 organization;

8 Whereas: Various transportation projects may cross from the jurisdiction of one metropolitan  
9 planning organization into the jurisdiction of another metropolitan planning organization;

10 Whereas: Distinct areas of dense residential or workforce populations and substantial economic  
11 activity may be contained within the jurisdiction of a single metropolitan planning organization  
12 but have specific, substantial and locally based needs for public infrastructure investment to  
13 maintain economic vitality which require planning efforts focused on the distinct area;

14 Therefore: To more fully accomplish a comprehensive and coordinated intermodal transportation  
15 plan for the Commonwealth, the secretary of housing and economic development and the  
16 secretary of transportation shall develop coordination mechanisms for both sub-regional and  
17 joint transportation planning by metropolitan planning organizations in order to better maintain,  
18 expand and improve transportation within the state.

19           2. The secretary of housing and economic development at the request of a municipality  
20 or, on his own initiative, shall, in consultation with the secretary of transportation identify  
21 distinct geographic areas of economic activity wherein transportation planning for a sub-region  
22 of one or more metropolitan planning organizations would provide more complete and accurate  
23 information for the development of a comprehensive and coordinated transportation plan for the  
24 commonwealth. Identification of cities and towns to be included in a sub-region shall include,  
25 but not be limited to, consideration of:

26                   a. Proximity to the boundary of the jurisdiction of one or more metropolitan  
27 planning organizations;

28                   b. The existence of major roadways and limited access highways;

29 c. Regional commuting patterns;

30 d. The region's economic and industrial base and leading industry clusters,

31 cultural assets and demographic characteristics,

32 including its social and economic cohesiveness;

33 e. Permitting activity and plans for land use changes that require investment

34 in public transportation infrastructure;

35 f. Information from the region's local officials and leading employers that

36 assesses the state of the region's competitiveness

37 and key obstacles to economic growth;

38 g. A request by a municipality to join with others to form a sub-region;

39 h. Evidence of unmet need for transportation planning and investment.

40 3. Where the municipalities identified by the secretary of housing and economic

41 development are all contained within the jurisdiction of a single metropolitan planning

42 organization, that metropolitan planning organization shall designate a sub-region to plan and

43 program transportation projects in the identified communities. Where the municipalities

44 identified by the secretary of housing and economic development are contained within the

45 jurisdiction of more than one metropolitan planning organization, those metropolitan planning

46 organizations whose districts include the municipalities identified by the secretary of housing

47 and economic development for inclusion in a sub-region shall enter into an agreement to act

48 jointly to plan and program transportation projects in the identified communities. The

49 transportation improvement plan developed by any sub-region shall be included in the state  
50 transportation improvement plan.

51           4. Planning and programming for a sub-region shall be conducted by a planning  
52 committee consisting of the secretary of department of transportation; the secretary of housing  
53 and economic development; the commissioner of the Massachusetts highway department; the  
54 director of the regional planning agencies with jurisdiction over the municipalities in the sub-  
55 region; the regional transit authorities serving municipalities in the sub-region; freight rail  
56 companies operating in the sub-region; a representative of each municipality in the sub-region; a  
57 representative of a business association representing major employers in the sub- region and  
58 representatives of municipalities and businesses within the sub region. The secretary of the  
59 department of transportation and the secretary of housing and economic development shall  
60 jointly chair the committee.

61           5. Funds to be programmed by the planning committee shall be a portion of the  
62 allocation of federal funds available to the metropolitan planning organizations to which the  
63 municipalities of the sub-region belong. The secretary of the department of transportation shall  
64 develop a formula for determining the appropriate allocation. In determining the formula, the  
65 secretary of the department of transportation shall include consideration of the following:  
66 economic activity in the sub-region, including payroll and data relating to workforce size; data  
67 from the most recent census regarding commuting patterns; planned land development including  
68 development permissible under any municipality master plans and zoning regulations; existing  
69 transportation infrastructure.

70           6. The metropolitan planning organizations to which the municipalities of the sub-  
71 region belong shall contract with the regional planning agencies which serve the municipalities  
72 in the sub-region to accomplish the transportation planning and programming duties and  
73 administrative functions of the sub-region.

74           SECTION 2. (a) The secretary of the department of transportation and the secretary of  
75 the executive office of housing and economic development shall review the transportation  
76 planning process in the commonwealth and make recommendations for legislative changes to the  
77 general court and the governor. This study shall address, but shall not be limited to, the  
78 following issues:-

79                               (1) the changes to the existing transportation planning process  
80 necessary to comply with Chapter 25 of the Acts of 2009;

81                               (2) the structure of the various metropolitan planning organizations  
82 (MPOs) in the commonwealth, the appropriateness of the

83           existing assignment of municipalities to particular MPOs, the distribution of federal  
84 transportation funds among MPOs and to

85           municipalities within MPOs;

86                               (3) the adequacy of state, local and regional representation on each  
87 MPO;

88                               (4) a comparison of the Massachusetts MPO structure with that of  
89 other states;

90 (5) the method and criteria used in evaluating, choosing, and  
91 implementing transportation infrastructure investments throughout  
92 the Commonwealth including, but not limited to, an examination of the past geographic  
93 distribution of projects in regions and  
94 municipalities and an evaluation of the effect projects have had on the economic  
95 development of their surrounding areas;

96 (6) the consideration of a formal mechanism for coordination  
97 between different regions in the commonwealth to improve efficacy of  
98 transportation planning; and

99 (7) the prescribed federal certification of the commonwealth's  
100 transportation planning procedures as a prerequisite to the receipt  
101 of federal funds and the appropriateness of establishing a state mechanism to evaluate the  
102 effectiveness of the existing  
103 planning process including, but not limited to, how transportation projects align with other  
104 goals of the commonwealth.

105 (b) The secretaries shall report to the House of Representatives, the Senate,  
106 and the Governor, the results of the investigation and study and recommendations, together with  
107 drafts of legislation necessary to carry those recommendations into effect, by filing the same  
108 with clerks of the House of Representatives and the Senate by April 1, 2012.