



**MEMORANDUM**

**TO:** Southwest Washington Regional Transportation Council Board of Directors  
**FROM:** Matt Ransom, Executive Director *MR*  
**DATE:** October 4, 2016  
**SUBJECT:** **Federal Rulemaking Update - MPO Coordination and Planning Area Reform**

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**INTRODUCTION**

In June 2016, FHWA/FTA released draft rulemaking for proposed “reforms” to the process for MPO coordination, and also definition of planning boundaries and organization structures. RTC, in concert with JPACT and other partners, submitted comments to the federal rulemaking docket in August. Since then, FHWA/FTA have re-opened the rulemaking comment process, seeking additional comments on targeted questions. This memo introduces those issues for Board feedback.

**SPECIFIC COMMENT QUESTIONS**

In re-opening the formal comments process, FHWA/FTA are seeking input and comments on the following:

- 1) The impact of the proposed requirement for unified planning products where multiple MPOs serve the same urbanized area.
- 2) The potential exceptions that should be included in the final rule, and criteria for applying such exceptions.
- 3) The expected costs of implementing the proposed rule.

Instructions on the reopened comment period specify that previously submitted comments should not be resubmitted.

**INPUT TO DATE**

RTC provided comments to the docket which specifically addressed Question #2. The exceptions and criteria suggested were coordinated with Metro and are reflected in the letter submitted by Metro’s JPACT.

The specific exception and criteria suggestions put forward by RTC and JPACT are described as follows:

To ensure that bi-state urbanized areas engage in coordinated planning processes (such as those listed above), without requiring consolidation, RTC concurs with Metro and recommends the following change to the proposed rule:

*In situations in which multiple MPOs are located within one urbanized area and are also located in different states the recognized MPOs may continue to operate as separate agencies and with separate planning products. However, multi-state coordination must be represented in a permanent structure such as by-laws, charter amendment, resolution, or a memorandum of understanding in order to avoid changes in coordination. As part of the coordination agreement each state must be represented on Bylaw-recognized decision making committees and boards, with voting rights intact.*

## **ADDITIONAL INPUT**

Since the re-opening of the formal comment process, RTC and Metro staff have consulted on these questions. While it is not possible to anticipate or calculate an exact “impact assessment” of the effects that implementation of the proposed rule, staff provide the following observations which can be refined and presented in a formal comment letter.

**Question 1:** The impact of the proposed requirement for unified planning products where multiple MPOs serve the same urbanized area?

### ***Staff Observations:***

- No efficiencies: Time to develop the RTP and TIP would be greater.
- No efficiencies: TIP: Timing of TIP development different between Metro and ODOT compared with RTC working with WSDOT. Metro develops TIP every 2 years, RTC every year. Metro adopts TIP in December every 2 years, RTC adopts in early October each year to submit to WSDOT so that WSDOT then prepares the STIP. Huge questions regarding how we would align the two processes and timelines. It would affect the 2 state DOTs.
- Loss of local voice and ownership of planning documents as region becomes larger.

*(see Attachment for relevant comments from national associations)*

**Question 2:** The expected costs of implementing the proposed rule?

### ***Staff Observations:***

- Unknown, but higher costs compared to current operations. It is not easy to determine the expected costs but more coordination would be required than we currently have in place and we feel current coordination efforts meets the needs for coordination between the 2 MPOs. Extra coordination adds to additional staff time and costs, yet we get no more funding for this extra work.

*(see Attachment for relevant comments from national associations)*

## **NEXT STEPS**

Following the RTC Board meeting and upon further consultation with Metro staff and other affected stakeholders (WSDOT), RTC staff will prepare a final comment letter and submit to the docket prior to the October 24, 2016 deadline.

## ATTACHMENT

The following observations were submitted by the following national associations in response to the initial comment schedule for the proposed NPRM. Comments submitted on August 25, 2016, by: Association for Metropolitan Planning Organizations; National Association of Regional Councils; and National Association of Development Organizations.

*Our members have concluded this NPRM is highly problematic because:*

- 1. The proposed changes to the planning process will be highly disruptive to existing and ongoing regulatory obligations, and create unknown and potentially problematic conflict with new performance management regulations currently being promulgated by the agencies.*
- 2. The new requirements imposed by the NPRM will force MPOs to spend significant amounts of money, negatively impacting budgets and disrupting tasks to which funding was already designated. That 80 percent of the cost of meeting the NPRMs requirements can be reimbursed from federal funds is inconsequential because no new federal money will be made available. Fulfilling the NPRM's requirements would mean other things don't get done.*
- 3. The additional costs imposed by the NPRM would far outweigh the benefits.*

*AMPO (8/25/16 Comments letter, page 3-4). COSTS*

*The NPRM's mandates are likely to shift significant resources away from MPOs' core planning functions, resulting in potential new financial burdens for MPOs and states, including but not limited to, staffing and administrative costs, technical support, and additional public outreach. Calculating costs is challenging because there have been relatively few mergers of MPOs. However, one example from Connecticut resulted in \$1.7 million in direct costs, required 4,000 staff hours, and took several years to complete.*