



BY ELECTRONIC MAIL

Office of Sustainable Housing and Communities
Department of Housing and Urban Development
451 7th Street, SW
Room 10180
Washington, D.C. 20410
sustainablecommunities@hud.gov

RE: Docket Number FR-5396-N-01
Sustainable Communities Planning Grant Program; Advance Notice and
Request for Comment, 75 Fed. Reg. 6689 (Feb. 10, 2010)

Dear Sir/Madam:

The Association of Metropolitan Planning Organizations (AMPO) is a nonprofit, membership organization established in 1994 to serve the needs and interests of metropolitan planning organizations (MPOs) nationwide. Federal highway and transit statutes require, as a condition for spending federal highway or transit funds in urbanized areas, the designation of MPOs, which have responsibility for planning, programming, and coordination of federal highway and transit investments. Metropolitan areas are the nation's economic engines. Almost three-quarters of our citizens live and work in these regions, which drive the nation's economy and compete head-to-head with regional economies in other countries. Thank you for the opportunity to provide comments on the proposed Sustainable Communities Planning Grant Program ("Advance Notice").

The Sustainable Communities Planning Grant Program seeks to support "cooperative regional planning efforts that integrate housing, transportation, environmental impact, and economic development." HUD is seeking input regarding "how the Program should be structured in order to have the most meaningful impact on regional planning for sustainable development." In short, MPOs should be essential and required participants in regional sustainable planning.

MPOs are uniquely positioned to participate in, and contribute to achieving the goals of, cooperative regional planning. As practitioners of transportation planning, MPOs have the responsibility and in many instances are required under federal law to conduct coordinated planning with our partners at the state and local levels of government, as well as the general public. Additionally, our members routinely work with representatives and officials responsible for other planning activities including land use, economic development, environmental protection, other modes of transportation, and freight movement. Many of our members go beyond the planning requirements of federal law and work with state and local housing agencies, education officials, and many other affected entities. The grants being proposed under this program could provide the necessary resources and incentives to broaden MPO planning capabilities and produce more coordinated and comprehensive plans.

AMPO would like to comment in response to several of the issues raised in the Advance Notice.

A. Funding Should Be Directed at Enhanced MPO Planning as Well as Funding Implementation Actions

AMPO fully agrees with the agencies' fundamental premise that regional planning ought to be coordinated across the various disciplines, including transportation, housing, social equity, economic development, and environmental protection, in order to achieve a more holistic and sustainable vision for urban communities. However, the type of planning envisioned by the Advance Notice is already being undertaken in many areas. Most frequently, the bottleneck that thwarts regional sustainable planning is not a lack of support for integrated planning or coordination among agencies, but rather a lack of adequate planning funding. Given the perennial erosion of funding to the Highway Trust Fund and recent Congressional budget rescissions, MPOs are experiencing widespread budget shortfalls and layoffs, and often have barely enough resources to complete required federal transportation planning functions -- even though, with expanded funding, MPOs could easily provide the broader planning support needed for successful regional sustainability planning and sustainable development. Accordingly, AMPO recommends that the agencies carefully consider the institutional planning capacity that currently exists within MPOs, and prioritize funding where existing capacity can be efficiently expanded, rather than creating redundant structures or bureaucracies.

Even in areas where MPOs and others have been able to obtain planning funds to support sustainability planning, a continuing impediment is the absence of adequate resources to implement sustainable strategies; therefore, AMPO recommends that a certain portion of Sustainable Communities Grants should be made available to carry out on-the-ground projects, particularly demonstration projects and those that have a catalytic effect on private sector and municipal investment.

B. Cost Share Requirements Should Be Sensitive to Local Financial Pressure and Should Recognize MPO Contributions

With regard to the proposed 80:20 federal-local contribution, AMPO suggests that with the current financial crisis and widespread local and regional budget deficits, many regions may be unable to raise significant funding for coordination of regional planning activities; accordingly, we suggest any mandatory contribution be limited to an absolute minimum, and under no circumstances more than 10%. AMPO does agree with the suggestion in the Advance Notice that in-kind contributions should be recognized. Among other possibilities, the value of planning and modeling services provided by MPOs should be allowed to serve as in-kind contributions.

C. Relationship of Sustainable Grant Activities to Existing Planning Authorities

The Advance Notice indicates that “the final product of a Sustainable Communities Planning Grant will be a Regional Plan for Sustainable Development and/or implementation strategy the meet the requirements of existing HUD, DOT, and EPA programs, such as Consolidated Plans, Long Range Transportation Plans and Stormwater Master Plans.” AMPO recommends that this language be modified to reflect that the Regional Plan for Sustainable Development be “consistent with” (rather than “meet the requirements of”) other planning documents. There are several important policy reasons for this small, but crucial, clarification.

First, the development of long range transportation plans (“LRPs”) is required as a condition of federal transportation funding under title 23 and title 49 U.S.C. In urban areas, this function is delegated exclusively to federally designated MPOs, under which decisionmaking is ultimately vested in local elected officials. A Regional Plan for Sustainable Development and/or implementation strategy funded by a Sustainable Communities Planning Grant would ideally influence the development and adoption of the relevant LRP in a particular urban area, but as a matter of existing federal law, could not substitute for the Congressionally mandated MPO planning process. The power of the Sustainable Development Plan would be to provide aspirational direction for the development of the LRP in order to guide the LRP toward more integrated, coordinated and sustainable regional planning. Requiring the Sustainable Development Plan to simply “meet” the LRP would undermine that guiding purpose. Conversely, if the grant program were to require LRPs to be conformed to the sustainability plan, a tension would arise vis-à-vis federally mandated decisionmaking processes that govern transportation planning.

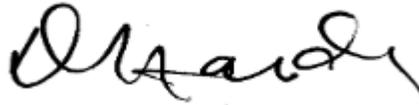
Similarly, transportation plans, under Section 134(i) of title 23 U.S.C. must be fiscally constrained based on anticipated funding resources. As provided in federal transportation regulations, LRPs must include a “financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs.” 23 U.S.C. 134(i); 23 C.F.R. Part 450; 49 U.S.C. 5303(i); 49 C.F.R. Part 613. Requiring the final product of sustainability grants to “meet” this financial requirement under transportation law may not be achievable, particularly if full funding for on-the-ground implementation is not part of the Sustainable Communities Planning Grant. The fiscal constraint requirement is further complicated where the Sustainable Development Plan is made applicable to housing and stormwater plans, with the vast majority of housing decisions made by the private sector and dependent on consumer demand and access to available credit markets.

D. MPOs Should Be Required Partners and Can Serve As the Lead Coordinating Body for Sustainability Planning

Because of the central role of MPOs in metropolitan planning, MPOs can serve as a natural coordinator and eligible recipient of Sustainable Communities Planning Grants. Among other functions, MPOs are required by federal planning statutes to coordinate and/or consult with a wide range of stakeholders and government entities, and employ professional planners with the necessary training and skills to undertake and guide the Sustainable Development planning process contemplated by the HUD grant program. See, e.g., 40 C.F.R. 450.322 (“The MPO shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of the transportation plan.”). MPOs are staffed by professional planners and modelers that will be essential to developing and implementing sustainable communities plans. MPOs also have the institutional experience with administering planning funds and coordinating regional planning activities that will be needed for any sustainable planning efforts. Although MPOs are not typically responsible for stormwater plans, housing programs, or economic development, MPOs do offer the ability to coordinate these functions within a regional partnership.

Because of the expertise and functionality that MPOs offer, and in light of the federal authorities discussed above, AMPO strongly believes that MPOs must be required partners in any regional planning consortium, particularly where sustainable planning activities will affect and/or overlap with regional transportation planning. Indeed, it would be appropriate for MPOs to serve in a “lead agency” capacity with regard to convening, coordinating, and administering regional coalitions. Given appropriate channeling of funding through MPOs, MPOs offer the technical and organizational capacity, as well as the professional

and institutional experience, to overcome what HUD observes are too often “disjointed” and “fragmented” decisionmaking. Capacity should be built with a central coordinating function with requisite experience and training, rather than attempting to replicate such functions in a different body, thus avoiding duplication of costs and further fragmentation of planning efforts. Moreover, MPOs should themselves be eligible grant recipients given their multi-jurisdictional constitution and broad stakeholder relationships.

A handwritten signature in black ink, appearing to read "DeLania Hardy". The signature is fluid and cursive, with a large initial "D" and "H".

DeLania Hardy, Executive Director
Association of Metropolitan Planning Organizations