**Executive Summary**

**RE: Metropolitan Planning Organization Coordination and Planning Area Reform (FHWA-2016-0016)**

* AMPO, NARC, and NADO submitted joint comments the docket.
* We are respectfully requesting that USDOT withdraw this NPRM.
* However, we agree that coordination between MPOs, states, providers of public transportation, and other necessary or interested parties should be carried out to the maximum extent practicable, and we welcome the opportunity to work with USDOT (through workshops, peer exchanges, etc.) to cooperatively determine how best to improve coordination in transportation planning.
* AMPO and AASHTO, and separately AMPO, NADO, and NARC requested a comment extension period of 60 additional days and were denied by USDOT.

**Overarching Concerns**

* From our perspective, 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.
* The requirements of the NPRM are contrary to existing federal law.
* Therefore, the revisions in the NPRM are significant and require Congressional oversight and action if necessary.
	+ Specifically, the mandate of a single plan, single TIP, and a single set of performance targets for a single MPA with more than one MPO are in direct conflict with the statutory requirements under 23USC Section 134.
	+ The current statutory provisions under 23 U.S.C. § 134 have long been interpreted to mean that each MPO prepares a transportation plan and develops a TIP.
	+ At least four subsections of 23 U.S.C. § 134 demonstrate that the statute does not contemplate a mandate requiring multiple MPOs within an MPA to create a single set of planning documents.
* Further, USDOT’s own longstanding interpretation of Section 134 and its recent attempt (GROW AMERICA) to persuade Congress to revise the section to require more unified planning within MPAs reveals USDOT’s recognition that the statute, as written, does not allow USDOT to mandate unified planning. Further, Congress rejected the GROW AMERICA MPO planning changes.

**Specific Concerns**

* The NPRM would cause an unknown number of MPO mergers, yet is silent on how these mergers could conflict with state laws regarding MPO board membership.
* Nothing under current law or regulations would prevent MPOs to merge or jointly develop a single plan, TIP, and performance targets.
* The more likely outcome of mandating MPO mergers or unified planning documents would be to lose the local voice in unworkable megaregions, weaken the voice of some urban areas that are subsumed within larger MPOs, and complicate the planning process.
* While there may be isolated areas where coordination between MPOs, states, and others should be improved, the sweeping revisions of this NPRM are not warranted. USDOT provides no examples of where the coordination concerns stem from, but implies there is a systemic problem.
* There is a lack of comprehensive research defining the breadth and depth of MPO coordination across the nation. Not only does effective collaboration occur under existing authority, there is significant concern that the NPRM could harm ongoing collaboration efforts.
* 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, but one example from Connecticut resulted in $1.7 million in direct costs, required 4,000 staff hours, and took several years to complete.
* The NPRM would likely diminish the local voice in the regional planning process, negatively impact local control of transportation resources, make public engagement more challenging, and cause significant problems for multistate MPOs. The NPRM also conflicts with State law in a number of places.
* The use of Census-designated urbanized areas ignores site-specific planning criteria and demographic data that are the foundation of sound regional and long-term planning.
* MPOs are concerned about the lack of specifics in the NPRM regarding the distribution of future planning funds and the effect on suballocation of Surface Transportation Block Grant Program (STBGP) and other funding.
* The NPRM creates potentially significant conflict with other legislative requirements, in particular the Clean Air Act. The NRPM does little to anticipate these problems or discuss how this proposal will interplay with requirements of the Act.
	+ The regional conformity process is likely to be significantly impacted by the NPRM’s mandates.
* NPRM Will Complicate Transition to Performance Based Planning.