



September 19, 2013

The Honorable Anthony Foxx  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Secretary Foxx:

Congratulations on your confirmation and swearing in as our nation's 17<sup>th</sup> Secretary of Transportation. The undersigned national organizations represent elected officials of cities and counties, and metropolitan and regional planning organizations. We share a common interest in metropolitan and regional transportation planning, and we look forward to working with you during your tenure.

We are writing to share our recommendations on provisions in Moving Ahead for Progress in the 21<sup>st</sup> Century Act, MAP-21, (Section 134 (d)(2) of Title 23) regarding representation of public transportation providers on Metropolitan Planning Organizations (MPOs).<sup>1</sup> We offered our concerns with this provision to former Secretary LaHood, as well as Administrator Peter Rogoff and Congressional staff. We look forward to working with your office as guidance is developed.

Specifically, as you promulgate new rules and/or policy guidance on this matter, we wanted to share our view that, in most instances, transit providers are already represented on their respective MPOs. For some MPOs, transit providers are represented directly by local elected officials, who serve both on the governing board of the MPO, as well as the board of a local transit provider. In other instances, elected officials on the MPO governing boards represent local jurisdictions that own and/or operate, or are part of the governing structure of a transit provider. These representations by local elected officials fully satisfy the new law. MPOs are formed to

---

<sup>1</sup> As amended by the Moving Ahead for Progress in the 21st Century Act ("MAP-21") transportation reauthorization statute, Pub. L. 112-141, 126 Stat. 405 (July 6, 2012), parallel provisions in 23 U.S.C. § 134(d)(2) and 49 U.S.C. § 5303(d)(2) read, with the italicized phrase having been added by MAP-21:

**2) Structure.**— Not later than 2 years after the date of enactment of MAP-21, each metropolitan planning organization that serves an area designated as a transportation management area shall consist of—

**(A)** local elected officials;

**(B)** officials of public agencies that administer or operate major modes of transportation in the metropolitan area, *including representation by providers of public transportation*; and

**(C)** appropriate State officials.

be a body of local governments, so local official representation of transit providers on the MPO board is appropriate for a voting seat.

As these provisions were developed and debated in Congress, it was clear that the intent was to ensure that every MPO take into account the views of public transportation providers in planning and project selection decisions. It is an objective we support. MPOs have historically been strong advocates for public transportation in their communities. That said, it is our view that most MPOs already meet the intent of MAP-21 regarding transit representation.

As you promulgate new guidance, we urge you to allow individual MPOs the opportunity to demonstrate how they are complying with the intent of these provisions. In addition, we urge you to provide flexibility to allow MPOs to develop their own plan to implement any needed changes. Acknowledging that redesignation of, or changes to MPO membership, will ensure implementation of the new law, we would ask that mandating that a transit representative seat be a voting member be considered a last resort since we expect the Department's guidance will prompt MPOs to make changes to their board representation where needed.

Our associations stand ready to assist in providing any information that might be helpful to your efforts and to assist our members with meaningful inclusion of transit planning issues through a MPOs work.

Sincerely,



DeLania Hardy, Executive Director  
Association of Metropolitan Planning Organizations



Joe C. McKinney, Executive Director  
National Association of Development Organizations



Fred Abousleman, Executive Director  
National Association of Regional Councils