



**ASSOCIATION OF
METROPOLITAN
PLANNING
ORGANIZATIONS**

December 5, 2008

Board of Directors 2008

President
Honorable John Rowell
Fargo-Moorhead Metro COG
Fargo, ND

Vice President
Lon Wyrick
Thurston RPC
Olympia, WA

Secretary
Steve Heminger
MTC
Oakland, CA

Treasurer
Tyler Meyer
Greensboro MPO
Greensboro, NC

Honorable Phil Mendelson
MWCOC - TPB
Washington, DC

Honorable William Crosby
B-C-D COG
North Charleston, SC

Honorable Rex Burkholder
Metro
Portland, OR

Honorable Joe Pickett
El Paso MPO
El Paso, TX

Lucie Ayer
Hillsborough County MPO
Tampa, FL

Dear Representative:

We, the undersigned, are writing to urge you to protect metropolitan transportation planning funding from a misinterpretation of budget rescission provisions in recently enacted energy legislation. President Bush signed into law the Energy Independence and Security Act of 2007 ("EISA"), Pub. L. 110- 140, on December 19, 2007. Included in EISA are provisions that require any rescission of federal budget authority to be spread across all core programs. This was enacted to prevent budget rescission from being solely applied to Congestion Mitigation Air Quality (CMAQ) funds, as is the practice by some states.

Current interpretations by some state departments of transportation and the Federal Highway Administration (FHWA) include planning as a separate "program" subject to funding rescissions. Since planning funds are derived as a percentage set aside from core programs, this position threatens to undermine the ability of many metropolitan areas to meet federal requirements for transportation planning. Some MPOs are now facing the hard reality of staff reductions. Prior to enactment of EISA, states had not rescinded planning funds. We believe that alongside critical programs like safety, the practice until recently pointed to the importance of planning in the very nature that the funds were not repealed.

AMPO has asked FHWA to issue guidance to the States acknowledging the statutory standing of planning under Title 23 as a funding set aside and not as a separate program subject to additional rescissions over and above reductions to core programs. FHWA reiterated its interpretation that rescissions apply to core programs and planning apportionments. However, FHWA noted that State Planning and Research (SPR) funds are not subject to rescission. SPR and planning funds support similar activities although one is at the state level and the other at the metropolitan level.

We urge Congress to clarify the fact that metropolitan planning should be excluded from the programmatic rescissions required under the Energy Independence and Security Act of 2007 by amending the last sentence of Section 1132(a) of the Energy Independence and Security Act of 2007, Pub. L. 110-140, to read as follows.

"Planning funds distributed under chapter 1 of title 23 shall not be considered a program for which funds are apportioned for purposes of this paragraph and shall not be subject to rescission under this section or other rescission of apportioned funds."

We urge congress to take timely action on this issue. We look forward to working with you.

1029 Vermont Avenue, NW, Suite 710 Washington, DC 20005
Phone: 202.296.7051 | Fax: 202.296.7054
Web: www.ampo.org | Email: staff@ampo.org

*...the transportation advocate for metropolitan regions...
committed to enhancing MPOs' abilities to improve metropolitan transportation systems...*

Suzanne Burnette
Executive Director
Lee-Russell Council of Governments
Opelika, AL

Ken O'Donnell
Director
Bi-State Metropolitan Planning Organization
Fort Smith, AR

Muhammad Amin Ulkarim
Director
Jonesboro Metropolitan Planning
Organization
Jonesboro, AR

Mack Luckie
Executive Director
Yuma Metropolitan Planning Organization
Yuma, AZ

Steven Heminger
Executive Director
Metropolitan Transportation Commission
Oakland, CA

Jennifer Schaufele
Executive Director
Denver Regional Council of Governments
Denver, CO

Cliff Davidson
Executive Director
North Front Range Metropolitan Planning
Organization
Fort Collins, CO

Todd Hollenbeck
Director
Regional Transportation Planning Office
Grand Junction, CO

Howard Glassman
Executive Director
Florida MPO Advisory Council
Tallahassee, FL

Charles Krautler
Executive Director
Atlanta Regional Commission
Atlanta, GA

Matthew J. Stoll
Executive Director
Community Planning Association of
Southwest Idaho (COMPASS)
Meridian, ID

Steve Ernst
Director
Rockford Metropolitan Agency for Planning
Rockford, IL

Harvey S. Bloom
Director
Baltimore Regional Transportation Board
Baltimore, MD

Andrew Clements
Director
St. Joseph Area Transportation Study
Organization
St. Joseph, MO

Jacob Snow
General Manager
Regional Transportation Commission of
Southern Nevada
Las Vegas, NV

Vicki Guarino
Manager
Rogue Valley Metropolitan Planning
Organization
Central Point, OR

Barry Seymour
Executive Director
Delaware Valley Regional Planning
Commission
Philadelphia, PA

Jeff Welch
Director
Knoxville Regional Transportation Planning
Organization
Knoxville, TN

Karen Owen
Director
Longview Metropolitan Planning
Organization
Longview, TX

Andrew Canon
Director
Hidalgo County Metropolitan Planning
Organization
Weslaco, TX

Chuck Chappell
Executive Director
Wasatch Front Regional Council
Salt Lake City, UT

Lowell Elmer
Director
Dixie Transportation Planning Office
Five County Association of Governments
St. George, UT

Steve Harvey
Director
Cowlitz-Wahkiakum Council of Governments
Kelso, WA

Lon D. Wyrick
Executive Director
Thurston Regional Planning Council
Olympia, WA

Bob Drewel
Executive Director
Puget Sound Regional Council
Seattle, WA

J. Page Scott
Executive Director
Yakima Valley Conference of Governments
Yakima, WA

Tom Mason
Director
Cheyenne Metropolitan Planning
Organization
Cheyenne, WY