



## MEMORANDUM

**TO:** Transportation Planning Board  
**FROM:** Eric Randall, TPB Transportation Engineer  
**SUBJECT:** MPO Coordination and Planning Area Reform Final Rule  
**DATE:** January 27, 2017

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This memorandum provides an overview of the recent federal rulemaking for Metropolitan Planning Organizations (MPOs). A final rule for Metropolitan Planning Organization Coordination and Planning Area Reform<sup>1</sup> was published on December 20, 2016. The rule is an initiative of US DOT Secretary Foxx and federal agencies to revise transportation planning regulations to “promote more effective regional planning by States and metropolitan planning organizations (MPOs)”.

Previously, the TPB was briefed on the initial Notice of Proposed Rulemaking (NPRM), published on June 27, 2016. The TPB submitted formal comments in response to this NPRM on August 26, 2016. A notice of additional questions and an extension for comment was published on September 23, 2016, and TPB also submitted formal comments in response to this detailed request on October 24, 2016. This final rule reflects a number of changes from the proposed rulemaking in response to comments received from many stakeholders.

### OVERVIEW OF MPO COORDINATION AND PLANNING AREA REFORM FINAL RULE

This rule establishes additional requirements that the TPB must now meet in order to be compliant with federal law. While the implementation of this rule is not immediate, TPB staff will be working with our Federal partners, with our State Departments of Transportation and our neighboring MPOs to take the necessary steps in order to achieve compliance within a timely manner. At a minimum, there will be additional coordination and staff time necessary to become compliant at a cost which has yet to be determined.

The goal of the revisions is to better align the planning regulations with statutory provisions concerning the establishment of metropolitan planning area (MPA) boundaries and the designation of MPOs. To achieve this purpose, the rulemaking incorporates the 23 U.S.C. 134 requirements that the boundaries of MPAs at a minimum include an urbanized area in its entirety and include the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan. The rule includes new coordination and decisionmaking requirements for MPOs that share an MPA, to better ensure that transportation investments reflect the needs and priorities of an entire region.

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<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-12-20/pdf/2016-30478.pdf>

## REQUIREMENTS OF THE FINAL RULE

Requirements of the final rule include the following:

- Metropolitan Planning Area (MPA) boundaries must include the entire Urbanized Area (UZA) and contiguous area expected to become urbanized within 20 years.
  - *As the rule applies to the Washington Urbanized Area, the rule conceivably could require the creation of a new metropolitan planning area (MPA) spanning at least six state-level jurisdictions from Virginia to New Jersey (see Attachment 1).*
- A single MPO would conduct the metropolitan planning activities for an MPA (as defined above) unless, the Governor(s) (and Mayor) and the affected MPOs make an exception and establish multiple MPOs (or maintain the current MPO structures).
  - *The basis for an exception is a determination that the size and complexity of the MPA merits multiple MPOs. TPB staff feel that a case could be made to pursue such an exception.*
- In MPAs where more than one MPO is designated, those MPOs within the MPA shall develop unified planning products, including:
  1. jointly develop a single metropolitan transportation plan (e.g., CLRP);
  2. jointly develop a single transportation improvement program (TIP) for the MPA; and
  3. jointly establish the performance targets for the MPA to address the new federal performance-based planning and programming (PBPP) requirements.
  - *An exception to the unified planning products requirement may be approved by the Secretary if the affected Governor(s) and all MPOs in the MPA submit a joint written request and justification to FHWA and FTA that (1) explains why it is not feasible for the MPOs to produce unified planning products for the MPA, and (2) demonstrates how each MPO is already achieving the goals of the rule through an existing coordination mechanism with all other MPOs in the MPA that achieves consistency of planning documents. TPB staff feel that a case could be made to pursue such an exception.*
- Metropolitan planning agreements would have to be updated among other things to include coordination strategies and dispute resolution procedures between the States and the MPOs and between adjacent MPOs.
- The final rule phases in implementation of these coordination requirements and the requirements for MPA boundary and MPO jurisdiction agreements, with full compliance not required until the next Metropolitan Transportation Plan (e.g., TPB's CLRP) update occurring on or after the date 2 years after the date the U.S. Census Bureau releases its notice of Qualifying Urban Areas following the 2020 census; leading to a likely implementation date in 2024.
- In response to the many comments submitted in response to the proposed rule, the FHWA and FTA state in the final rule that further guidance or actions will be forthcoming on MPA boundary setting, twenty-year growth projections, cooperation with the Census Bureau on Urbanized Area (UZA) designation; and situations for the exceptions to the unified planning products requirement.

### MPO and Urbanized Area Boundaries 2010 Census (smoothed)

