

## APPENDIX B: 2014 FEDERAL GUIDANCE ON INCLUSION OF PUBLIC TRANSPORTATION PROVIDERS ON MPO BOARDS

In 2014, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) released guidance to help Metropolitan Planning Organizations (MPO) implement Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) legislative provisions regarding the inclusion of providers of public transportation boards serving transportation management areas (TMA).<sup>1</sup> MAP-21 stipulates that within two years of its enactment, which occurred in 2012, each MPO that serves a TMA shall consist of local elected officials, appropriate state officials, and “officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation.”<sup>2</sup> These provisions were continued as part of the Fixing America’s Surface Transportation (FAST) Act, which also stipulated that a representative of a transit provider may also represent a local community on the MPO board.

The full guidance document, “Policy Guidance on Metropolitan Planning Organization (MPO) Representation,”<sup>3</sup> was published in the Federal Register on June 2, 2014. Pertinent elements of this federal guidance include the following:

- “To satisfy 23 U.S.C. 134(d)(2)(B) and 49 U.S.C. 5303(d)(2)(B), a representative of a provider of public transportation that operates in a TMA should be eligible to be a designated recipient, a direct recipient, or a sub-recipient of the Urbanized Area Formula funding program.” (page 31218)

In the preamble to the policy guidance, FHWA and FTA note, “The FTA and FHWA recommend selecting a representative from among those public transportation providers that are eligible to receive Urbanized Area Formula funding because most Federal transit funding planned by MPOs serving TMAs is awarded under this program, and an eligible recipient of Urbanized Area Formula funding will be in the best position to represent transit interests on the MPO.” (page 31217)

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<sup>1</sup> Federal agencies define a transportation management area (TMA) as an urbanized area with a population of more than 200,000 individuals as determined by the 2010 census, or an area with a population of fewer than 200,000 individuals that is designated as a TMA by the request of the Governor and the MPO designated for the area. The Boston Region MPO area meets the criteria for being a TMA.

<sup>2</sup> See Title 23 US Code (USC) Part 134(d)(2) and 49 USC Part 5303(d)(2).

<sup>3</sup> US Department of Transportation—Federal Highway Administration and Federal Transit Administration. “Policy Guidance on Metropolitan Planning Organization (MPO) Representation.” Federal Register, Volume 79, Number 105, June 2, 2014. <https://www.govinfo.gov/content/pkg/FR-2014-06-02/pdf/2014-12163.pdf>.

*Note: the MBTA, which has a seat on the MPO board, receives approximately 90 percent of Urbanized Area Formula (Section 5307) funding that comes to the Boston Urbanized area, which covers the Boston region, other parts of Eastern Massachusetts, and portions of New Hampshire and Rhode Island. MetroWest Regional Transit Authority receives approximately 1.1 percent of this funding, while Cape Ann Transportation Authority receives approximately 0.3 percent of this funding. Other Massachusetts RTAs that operate in the region also receive Boston Urbanized Area Section 5307 funding. Five agencies receive approximately 8.4 percent of the funding that comes to the Boston Urbanized Area. These agencies report their investments in other MPO Transportation Improvement Programs.*

- “An MPO serving a TMA should formally establish through a board resolution the role and responsibilities of a representative of providers of public transportation, including, at a minimum, that the transit representative should (1) consider the needs of all eligible providers of public transportation in the metropolitan planning area and to address those issues that are relevant to the responsibilities of the MPO, and (2) have equal decision-making rights and authorities as the other members that are on the policy board of an MPO that serves a TMA.” (page 31219)
- “There are multiple providers of public transportation within most TMAs. An MPO that serves an area designated as a TMA that has multiple providers of public transportation may need to cooperate with the eligible providers to determine how the MPO will meet the requirement to include representation by providers of public transportation. There are various approaches to meeting this requirement. For example, an MPO may allocate a single board position to eligible providers of public transportation collectively, providing that one representative of providers of public transportation must be agreed upon through a cooperative process. The requirement for representation might also be met by rotating the board position among all eligible providers or by providing all eligible providers with proportional representation. However the representation is ultimately designated, the MPO should formally adopt the revised structure through a board resolution, bylaws, a metropolitan planning agreement, or other documentation, as appropriate.” (page 31219)