

August 18, 2016

Docket Management Facility
US Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Re: Metropolitan Planning Organization Coordination and Planning Area Reform
[Docket No. FHWA-2016-0016; FHWA RIN 2125-AF68; FTA RIN 2132-AB28]

To Whom it May Concern:

The purpose of this letter is to provide comments from the Boston Region Metropolitan Planning Organization (MPO) to the docket regarding the Notice of Proposed Rulemaking (NPRM) for Metropolitan Planning Organization Coordination and Planning Area Reform, as published in the Federal Register, Volume 81, Number 123, on Monday, June 27, 2016.

The Boston Region MPO appreciates the need for the regulatory language (23 CFR Part 450 and 49 CFR Part 613) to reflect the statutory language (23 USC 134 and 49 USC 532) and supports the stated purpose—and hoped for benefits—of the NPRM. We understand that the US Department of Transportation (USDOT) intends the NPRM to strengthen metropolitan planning organizations (MPOs) and their roles in metropolitan transportation planning; emphasize regional decision making to address externalities, such as traffic congestion and air quality; ensure cooperation between MPOs and state departments of transportation (DOTs); make the transportation-planning process more efficient and easier for the public to understand; and achieve economies of scale by pooling resources.

While the Boston Region MPO agrees with the NPRM's goals, it is not clear that the proposed rule changes would result in better outcomes for our region. We believe that our metropolitan transportation planning process is working very well and serving the needs of the region through our existing structure and ongoing cooperation with the state and other Massachusetts MPOs. Further, we believe that there are more effective ways of achieving the stated purpose of the NPRM, most notably through the existing MPO certification review process. When problems with the metropolitan transportation planning process arise, the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) should

highlight them during the certification review process and develop tailored solutions to address the specific issues of concern.

The Boston Region MPO would like to go on record as submitting the following comments regarding the NPRM:

1. The Boston Region MPO does not agree with the need to form a single MPO for the metropolitan planning area (MPA) and does not believe that redrawing existing MPO boundaries would facilitate coordination or efficiency. Although the option of maintaining multiple MPOs still would be available, we believe that keeping that structure under the current provisions of the NPRM would make the planning process less efficient and less comprehensible to the public.
2. The Boston Region MPO does not agree that the NPRM will enhance regional decision making. Our existing structure and planning focus are producing outcomes that are good for the region, support the equitable distribution of resources geographically, ensure transportation equity for underserved populations, and enhance quality of life.
3. The Boston Region MPO does not believe that the provisions in the NPRM will strengthen the voice of MPOs or enhance MPOs' coordination with the state. Existing factors outside the scope of the NPRM that affect the role of Massachusetts MPOs in the metropolitan transportation planning process would not be altered as a result of either forming a single MPO for the MPA, or having MPOs create unified performance measures and planning documents.
4. The Boston Region MPO believes that the timing of this NPRM and the rush to finalize the rule without allowing ample time for comment are not reasonable. The changes proposed could have significant effects on the metropolitan transportation planning process. We believe that USDOT should allow more time for evaluating options, and we question why USDOT is advancing the rule now when other avenues already exist for solving the problems the NPRM is supposed to address.

The reasoning behind these comments is discussed in detail below.

Comment #1: To Merge or Not to Merge?

The main thrust of the NPRM is to align the regulatory definition of the MPA with the statutory definition and emphasize the federal government's preference that each MPA be served by a single MPO to create a more unified regional planning

process. Under the NPRM, the MPA would include, at a minimum, the entire urbanized area (UZA), as defined by the decennial Census, and the contiguous area expected to become urbanized within a 20-year forecast period for the long-range transportation plan (LRTP). However, the NPRM continues to allow areas to maintain multiple MPOs in an MPA if the governor and the MPOs decide it is warranted because of the size and complexity of the MPA.

In areas with multiple existing MPOs, the NPRM offers three strategies for determining MPO boundaries: 1) merge the existing MPOs into one MPO that would produce a single LRTP and transportation improvement program (TIP) for the MPA; 2) maintain multiple MPOs that would coordinate planning to produce a single LRTP and TIP for the MPA; or 3) adjust the existing MPO boundaries so that each MPO serves no more than one MPA.

Ours is a region in which multiple MPOs currently exist within the MPA. Given the size and complexity of our MPA, we do not support the idea of merging into a single MPO. Unlike metropolitan areas in some other more recently settled parts of the country, the Boston MPA is a patchwork of many well-established cities and towns that grew together rather than suburbs that developed as a result of the core area spreading outward. This has resulted in a number of discrete areas within the MPO with their own economic engines that drive transportation patterns.

The existence of multiple, smaller MPOs in areas such as the Boston MPA allows both MPO board members and their staff to be more familiar with local conditions and problems than probably would be possible in a single large MPO. Multiple MPOs also make it easier for members and the public to travel to MPO events and participate directly in the planning process. In addition, multiple MPOs make it easier to achieve geographic equity in the distribution of funds.

In the past, the FTA and FHWA have encouraged the Boston Region MPO to increase representation of local elected officials on the board to strengthen the role of municipalities in the metropolitan transportation planning process. In our most recent certification review, our federal partners recommended that we make a special effort to engage towns and disadvantaged groups that do not currently participate in the process to ensure that their needs are understood and met. The NPRM's emphasis on prioritizing needs on a broader regional scale would seem to be at odds with this past guidance.

Under either the merged-MPO or multiple-MPO scenario, MPO boundaries would need to be adjusted for MPOs to avoid having to coordinate planning for more than one MPA. However, all of the MPOs in Massachusetts have boundaries that are the same as the regional planning agency (RPA) boundaries, and staff to

most of the MPOs are an integral part of their respective RPAs. Therefore, it is unlikely that the MPOs would want to change their boundaries.

Keeping the existing boundaries under the proposed rule would make coordinated planning for each MPA significantly more onerous and unlikely to achieve the hoped for economies of scale. However, changing the boundaries would make the metropolitan transportation planning process confusing to the public, who currently associate MPO geography with the geography of the other planning functions that occur in the RPAs. In addition, changing the MPO boundaries after every decennial Census could be equally disruptive for the public participation process.

Comment #2: Addressing Regional Problems

We believe that the current structure of the Boston Region MPO, as one of multiple MPOs in the MPA, supports regional solutions. In our LRTP, *Charting Progress to 2040*, which was adopted last year, the Boston Region MPO prioritized funding for smaller, operations-and-management projects that support the development of Complete Streets, intersection improvements, bicycle and pedestrian infrastructure, and community transportation. We believe that the programs established in the LRTP will help us address the regional problems of traffic congestion, air quality, and climate change.

If MPOs in this MPA were to merge and pool funding in a single large entity, it is likely that MPO discretionary funding would be spent on a small number of large highway (and transit) projects that serve broader regional needs rather than on the type of projects the current LRTP prioritizes, which address local quality-of-life issues in addition to contributing to regional solutions. In addition, the merging of MPOs would make it even more difficult for the needs of suburban and rural areas to rise to the level of a regional priority.

Regardless of how MPOs are structured within the MPA, the Boston Region MPO feels strongly that coordination across state lines on the LRTP and TIP would be cumbersome and would not contribute to better planning or outcomes.

Comment #3: Strengthening the MPO's Voice

The NPRM summary recognizes that the extent to which MPO voices are heard by the state varies based on numerous factors, one of which is the amount of local control over funding for transportation projects. Although the US Secretary of Transportation believes that the voices of MPOs will be strengthened by having a single coordinated LRTP and TIP for the MPA, this would not change those other factors—like local funding—that affect the level of MPO decision-making authority relative to the state.

In Massachusetts, local governments currently are not allowed to levy taxes for transportation; county government does not exist; the state typically provides the entire “local” match for transportation projects; and the Massachusetts Secretary of Transportation permanently chairs all of the MPOs in the state. Neither merging the MPOs nor coordinating to create a single LRTP and TIP would change any of these dynamics.

Furthermore, having a single coordinated LRTP and TIP for the MPA would not change the fact that federal funding is distributed to states rather than to regions, and states in turn provide funding targets to individual MPOs. Because the funding comes through the state, if the governor and the MPOs decided to maintain multiple MPOs for the MPA, there would be no incentive for the state to create a regional funding pool for the MPA that would be shared by multiple MPOs. In that case, MPOs would still control funding for the priorities in their own regions, even if they were coordinating their planning and documents with other MPOs. Such a scenario would seem to be at odds with the purpose of the NPRM.

Although revisiting the agreement between the Boston Region MPO and the state and developing dispute resolution procedures could be helpful, the underlying factors discussed above that frame the nature of the relationship between the MPO and the state would remain unchanged.

Comment #4: Timing of the NPRM

Given the importance ascribed to this NPRM, it is not clear to us why USDOT has waited for so long to propose the rule changes. The desire to improve the metropolitan transportation planning process is understandable, and the NPRM will strengthen some of the regulatory requirements. However, the federal government already has the tools to address problems in individual MPO regions through the certification process without having to adopt the one-size-fits-all approach proposed in the NPRM.

Also, it is not clear why USDOT is allowing such a short time for those affected by the rule to reflect and comment on its ramifications, which have the potential to disrupt the planning process without reaping any tangible benefits.

Other Concerns

Developing the Unified Planning Work Program (UPWP)

Although the NPRM requires a single LRTP and TIP for an MPA, it is silent with regard to development of the UPWP. If Massachusetts were to maintain multiple MPOs, could they continue to develop UPWPs independently?

Predicting Future Growth

The NPRM requires consideration of the future growth of UZAs when defining MPA boundaries. Predicting future MPA boundaries is challenging, however, in part because the rules for defining UZAs change with every decennial Census. If the requirement is to predict future growth, further guidance from USDOT would be beneficial.

The Boston Region MPO appreciates the opportunity to comment on these issues. We trust that our comments, and those from other MPOs affected by the NPRM, will be seriously considered as USDOT produces a final rule.

Yours truly,

David Mohler, Chairman
Boston Region MPO

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