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August 26, 2016

U.S. Department of Transportation
Docket Operations, M-30
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590

To Whom It May Concern:

The California Department of Transportation respectfully submits the enclosed comments on Docket No. FHWA-2016-0016 FHWA RIN 2126-AF68; FTA RIN 2132-AB28 Metropolitan Planning Organization Coordination and Planning Area Reform.

Sincerely,

Kome Ajise

for MALCOLM DOUGHERTY
Director

Enclosure
Metropolitan Planning Organization Coordination and Planning Area Reform Comments

California Department of Transportation's Comments on the MAP-21 Notice of Proposed Rulemaking on the Metropolitan Planning Organization (MPO) Coordination and Planning Area Reform Comments

The California Department of Transportation recommends that the U.S. Department of Transportation (U.S. DOT) withdraw the Notice of Proposed Rulemaking (NPRM) and instead submit an advance notice of proposed rulemaking seeking input on a broad range of options for addressing the challenge of multiple Metropolitan Planning Organizations (MPO)s within one metropolitan/urbanized area. As the NPRM is currently written, it would negatively impact California MPOs by replacing regional planning with mega-regional planning on a geographic scale that is too large and unmanageable from a governance, transportation planning and programming perspective. In the event that this is not feasible, we recommend revisions to the rule so as to: 1) focus action in the regions where consolidation of MPOs or integrated planning and programming is clearly warranted; and 2) provide greater flexibility in how to comply.

The NPRM Applies Too Broadly, Ignoring Significant Regional Differences and Identities. Federal transportation planning requirements should encourage the boundaries of MPOs to conform to what the residents and businesses would naturally consider to be the "region," rather than mandate changes on the basis of census-designated geographic areas. California MPOs have established distinct regional identities.

The Threshold for the Rule's Applicability is Too Low. The proposed rule subjects California MPOs to the required changes despite the fact that many California MPOs share an urbanized area that represents a miniscule share of either region's total population:

California Regions Have a History of Effective Collaboration. We are aware that there are parts of the U.S. where lack of regional cooperation is a problem and consolidation, or at a minimum, greater collaboration, is warranted. California regions do not fall into that category and have a history of working well together.

The NPRM Should Provide Greater Flexibility. Under the terms of the proposed rule, MPOs with a shared Urbanized Area (UA) have three options:

1. Merge so that their geography fully encompasses the UA.
2. Modify their boundaries so that existing and 20-year projected UAs are fully contained within one MPO.
3. Seek agreement from the Governor that the Metropolitan Planning Area (MPA) is too large and too complex to be governed by one MPO. If approved:
    a. Establish written agreements that identify coordination processes, division of transportation planning responsibilities and procedures for joint decision making and dispute resolution; and
    b. Develop a single Transportation Improvement Programs (TIP), Regional Transportation Plans (RTP) and performance measures for the entire MPA.

The first two options would require state legislation. By requiring joint RTP/TIP development and unified development of performance measures, Option 3 would separate the relationship between board members and the geography they serve. For example, representatives of a rural region —with a population of less than 57,000—would have decision-making authority over projects and performance measures applicable to an urbanized region even though such

representatives are not experienced in serving on the MPO board that governs a highly urbanized area. This lack of accountability between board members and the residents and businesses affected by their decisions could negatively impact public trust in MPO decisions. In addition, expanding the geographic scope of an MPO's decision-making authority beyond its actual boundary, would only make debates over projects and performance measures even more difficult to resolve.

Efficient Use of Federal Funds. The U.S. DOT seeks comments on how to ensure the federal funds are used efficiently by State DOTs and MPOs. The California State Fiscal Year and the Federal Fiscal Year (FFY) do not coincide, which forces Caltrans and the California MPOs to operate on federal funding estimates. Receiving the final federal allocations for the Consolidated Planning Grant (FHWA PL and Partnership Planning and FTA 5305 funds) earlier in the FFY would decrease the impacts to the State budget and reimbursement process.

Conclusion

We recommend U.S. DOT withdraw the NPRM and instead submit an advance notice of proposed rulemaking seeking input on a broad range of options for addressing the challenge of improving regional collaboration. In the event that this is not feasible, we recommend greater flexibility so that an MPO would be in compliance if it enters into a written agreement with each MPO with whom it shares a UA detailing how it will collaborate on population and land-use forecasts for the shared urbanized area for the RTP and consult with each other on performance measures and the planning and programming of transportation projects that affect both MPOs. The California Association of Council of Governments will also be submitting comments supporting the same recommendaitons.