

August 22, 2016

Via Electronic Mail: <http://www.regulations.gov>

The Honorable Anthony R. Foxx
Secretary
United States Department of Transportation
Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue SE.
Washington, DC 20590

RE: Metropolitan Planning Organization Coordination and Planning Area Reform
Docket Number: FHWA-2016-0016

Dear Secretary Fox,

I am writing on behalf of the Conservation Law Foundation (CLF) to express our opposition to the U.S. Department of Transportation's (USDOT) Notice of Proposed Rulemaking (NPRM) on Metropolitan Planning Organization (MPO) Coordination and Planning Area Reform published on June 27, 2016.

Congress created MPOs in order to ensure that expenditures of governmental funds for transportation projects and programs are based on a continuing, cooperative, and comprehensive planning process. MPOs are needed to facilitate collaboration of local and state governments, stakeholders, and individuals in the planning process, the result of which is expected to reflect a region's shared vision for its future. In other words, federal transportation funds should be spent in a manner that has a basis in metropolitan region-wide plans developed through intergovernmental collaboration, rational analysis, public participation, and consensus-based decision making. There are currently 409 MPOs, 142 of which would be affected by the proposed rule.

CLF is a nonprofit, member-supported organization dedicated to conserving natural resources, protecting public health, and promoting thriving communities for all in New England. CLF has a long history of working on behalf of its members to create a more affordable, accessible, sustainable, and equitable transportation system that reduces greenhouse gas emissions. CLF staff members consistently attend meetings at five MPOs in Massachusetts (Boston Region, Central Massachusetts, Merrimack Valley, Old Colony, and Southeastern Massachusetts) and, on occasion, those of MPOs in Rhode Island, Maine, Vermont, and New Hampshire. As such, CLF may be in a unique position to provide insight on this NPRM as we are distinct from, yet closely involved with, several MPOs across the state of Massachusetts, as well as the New England region.

The NPRM's stated purpose is to strengthen the coordination of MPOs and states, emphasize a regional perspective during the planning process, strengthen the voice of the MPOs in the

transportation process, and facilitate efficient, comprehensible transportation planning processes that are more focused on projects that address critical regional needs. CLF agrees with these goals but is concerned that the NPRM would ultimately have the opposite effect in our region. This would be the case even if the MPOs elected not to merge. The requirement for MPOs within the same urbanized area (UZA) to jointly develop a single metropolitan transportation plan, a single transportation improvement program (TIP), and a jointly established set of performance targets for the entire UZA and contiguous area expected to become urbanized within a 20-year forecast period alone would have that effect.

Such a mandate would hinder the ability of individual MPOs to coordinate with states. The Boston UZA, for example, includes some, or all, of seven MPOs in eastern Massachusetts (including the five CLF consistently attends), three MPOs in New Hampshire, and one MPO in Rhode Island. Based on our deep and longstanding experience with MPOs, we predict that it would be difficult and time-consuming for individual MPOs to coordinate with each other for the development of every unified planning product, including every amendment, let alone with state departments of transportation (DOTs). Managing the relationships with DOTs across state lines would be even more challenging, and perhaps impossible for an individual MPO, if a conflict arises, as such conversations would likely occur at a higher and more political level.

Therefore, these functions would likely fall on the state DOTs, reducing the MPOs involvement and power. A further shift in power from the MPOs to the state would be countervailing to the goals set out in the NPRM and damaging to the regional nature of the transportation planning process. Moreover, under current law, MPOs already often coordinate across neighboring areas and MPO boundaries voluntarily, when necessary or prudent. Some collaborate across state lines, even beyond the ones which would be included in the proposed rule. The Central Massachusetts MPO, for example, already coordinates with an MPO in Connecticut while the Merrimack Valley MPO collaborates with MPOs in New Hampshire.

Likewise, the perspective of individual municipalities would likely get lost as a result of the creation of larger MPOs, or the mandate to develop certification documents across a large geographic areas and many MPOs. In a recent Boston MPO meeting, a representative from one of the smaller municipalities commented that his town was already a small fish in a big pond, and if this NPRM took effect, the town would become a small fish in an ocean. His concern is well founded; the Boston MPO already encompasses 101 cities and towns, spans 1,405 square miles, and includes more than three million Massachusetts residents, nearly 50 percent of the state's population. The Southeastern Massachusetts MPO encompasses 27 cities and towns, spans 808 square miles, and includes 600,000 Massachusetts residents. If these MPOs and nine others merged, the new MPO would encompass 388 towns, span 8,622 square miles, and include over 7.4 million people, thereby creating an MPO with a population close to that of Switzerland but only about half the land area of the European nation. Even without merger, if MPOs were required to conduct their development of certification documents together, the opportunity for smaller municipalities to be heard would decrease considerably, reducing the regional perspective so important to transportation planning.



Smaller MPOs are closer to, and therefore better at, engaging with their communities, which provides for a more meaningful exchange of ideas and information. As such, an increase in MPO size would result in a decrease in public engagement and participation. As MPOs increase in size, attending public meetings becomes more challenging due to larger distances between the communities in the MPO and the meeting location. This would reduce attendance from residents of affected communities during important decision-making processes and further limit public involvement. We are concerned that as a result the perspectives and needs of environmental justice and rural communities would be minimized as the MPO's focus becomes broader.

The NPRM would also create an additional and unnecessary layer of process to transportation planning documents. If the eleven MPOs in the Boston UZA retain their current planning processes and procedures, the requirement to combine these planning documents would result in additional time and expense with no distinct benefit from a transportation planning perspective. Any potential efficiencies gained would be largely outweighed by the inefficiencies created by the proposed reforms.

CLF appreciates USDOT's efforts in trying to improve transportation planning through better MPO coordination and planning area reform, but transportation planning in the densely settled northeast, based on our own experience, would not only not benefit from the proposed changes, but would be set back significantly. We suspect that other parts of the country find themselves in the same position. In this context, it is worth noting that in the not too distant future, it is conceivable that there will be a contiguous urbanized area from Washington, DC to Boston. Under those circumstance, the proposed MPO reforms would end the regional nature of transportation planning. By trying to align the regulations with statutory provisions concerning the metropolitan planning area boundaries, a requirement which has been ignored for nearly two decades without any negative ramifications, this proposed rule would seriously hamper the ability of many MPOs to engage in truly regional transportation planning. CLF believes that rather than blindly implementing the requirement of an 18-year old statute, it would make more sense to seek a legislative correction to match the current approach, rather than advance the proposed reforms.

Thank you for the opportunity to provide comment. If you have any questions, I can be reached by phone at (617) 850-1739 or by email at rmares@clf.org.

Respectfully submitted,

A handwritten signature in blue ink that reads "Rafael Mares".

Rafael Mares
Vice President and Program Director
Healthy Communities and Environmental Justice