

RTC's Draft Comments on A Proposed Rule by the Federal Highway Administration and the Federal Transit Administration on Metropolitan Planning Organization Coordination and Planning Area Reform issued on 06/27/2016

The Honorable Anthony Foxx Secretary of Transportation
United States Department of Transportation 1200 New Jersey Avenue, SE
Washington, DC 20590

August xx, 2016

Dear Secretary Foxx:

Thank you for the opportunity to comment on the proposed rulemaking regarding MPO Coordination and Planning Area Reform issued on June 27, 2016. As MPO for the Clark County, Washington, portion of the greater Portland (Oregon) region, Southwest Washington Regional Transportation Council (RTC) generally welcomes rules aimed at promoting more effective coordination in regional transportation planning.

However, while supporting the goals of the proposed rulemaking, RTC has major concerns regarding the reform language requiring urbanized areas to have one MPO or unified planning documents when the urbanized area includes two or more states. Meeting these proposed new requirements would present significant political and practical challenges for our bi-state region with different land use authorities, governance structures and different state mandated requirements for RTC operating in the state of Washington and Metro operating in the state of Oregon. Trying to reconcile these differences would likely result in a slowed planning process, less efficiency and may result in lower quality planning products.

Over the years, RTC and Metro have enjoyed close coordination as two MPOs working in partnership in neighboring states to conduct regional transportation planning. RTC would like to be able to continue this close coordination rather than a mandated consolidation as proposed in the MPO Coordination and Reform NPRM. RTC agrees with Metro's recommendation that there should be an exemption from the Coordination and Planning Area Reform rule for multi-state urbanized areas if certain criteria are met. These criteria could include USDOT requiring specific MPO coordination measures within multi-state regions through charter amendments, by-laws, representation on standing committees, or memorandum of understanding between the coordinating MPO partners. Examples of RTC's current coordination with Oregon State's Metro are provided below and serve as specific coordination measures USDOT could require.

RTC's current coordination with Metro allows each MPO to work within their respective state's goals, structures, and authorities, while ensuring there is sufficient coordination across state boundaries to achieve regional transportation planning goals and outcomes. RTC and Metro currently use the following measures and practices to maintain strong bi-state coordination:

- **Coordinated Transportation Decision Making:** To ensure bi-state coordination in the metropolitan region's transportation decision-making, the RTC Board of Directors includes a Metro Councilor and a representative of the Oregon Department of Transportation. Board representation is included in RTC's By-laws. The RTC Board is involved in periodic updates to RTC's Regional Transportation Plan (RTP), and Transportation Improvement Program (TIP), and review of ongoing studies and financial issues affecting transportation planning in the region. On Metro's Joint Policy Advisory Committee on Transportation (JPACT), the State of Washington is represented with three seats traditionally filled by two locally elected officials and an appointed official from the Washington Department of Transportation (WSDOT). These three representatives have full voting rights on all decisions. All transportation-related actions (including Federal MPO actions) are recommended by JPACT to the Metro Council. JPACT is involved in periodic updates to the Regional Transportation Plan (RTP), Metropolitan Transportation Improvement Program (MTIP), and review of ongoing studies and financial issues affecting transportation planning in the region.
- **Regional Policy Making:** RTC's Regional Transportation Advisory Committee (RTAC) includes two representatives from the state of Oregon; one from Metro and one from Oregon Department of Transportation (ODOT). RTAC provides recommendations on MPO decisions to the RTC Board of Directors. RTAC membership, including the two Oregon members, is included in the RTAC By-laws. The equivalent Metro Committees, the Metro Policy Advisory Committee (MPAC) and the Transportation Policy Advisory Committee (TPAC) provide recommendations to JPACT and the Metro Council. These two committees were established by Metro Charter to provide a vehicle for local government involvement in Metro's growth management planning activities and both councils include two officials from Clark County, Washington.
- **Standing Bi-State Coordination Committee:** Based on a recommendation from the I-5 Transportation & Trade Partnership Strategic Plan, the Bi-State Transportation Committee became the Bi-State Coordination Committee in early 2004. The Bi-State Coordination Committee is made up of representatives from Metro, Multnomah County, the cities of Portland and Gresham, TriMet, ODOT, the Port of Portland, Southwest Washington Regional Transportation Council (RTC), Clark County, C-Tran, Washington State Department of Transportation (WSDOT) and the Port of Vancouver. The standing Committee meets quarterly and is charged with reviewing and coordinating all issues of bi-state significance for transportation and land use. The Bi-State Coordination Committee has its own charter and is included in the bylaws of both MPOs; RTC and Metro.
- **Delineation of Roles:** A Memorandum of Understanding between Southwest Washington Regional Transportation Council (RTC) and Metro delineates areas of responsibility and coordination for the two MPOs. The MOU includes a requirement for review, and if warranted, update to the MOU every three years and was last executed in June 2015.

To ensure that bi-state urbanized areas engage in coordinated planning processes (such as those listed above), without requiring consolidation, RTC concurs with Metro and recommends the following change to the proposed rule:

In situations in which multiple MPOs are located within one urbanized area and are also located in different states the recognized MPOs may continue to operate as separate agencies and with separate planning products. However, multi-state coordination must be represented in a permanent structure such as by-laws, charter amendment, resolution, or a memorandum of understanding in order to avoid changes in coordination. As part of the coordination agreement each state must be represented on Bylaw-recognized decision making committees and boards, with voting rights intact.

RTC, as an agency, is supportive of the general concept and principles of the proposed Metropolitan Planning Organization Coordination and Planning Area Reform. Our comments and position, like those of Metro, focus on the issue of MPO consolidation in urbanized areas that cross state boundaries. Through the years RTC and Metro have enjoyed successful coordination that does not require a mandated consolidation. Representatives of our respective MPOs sit on advisory committees and decision-making bodies with full voting privileges as required by charter and/or by-laws. Technical staff and elected officials from both MPOs meet frequently to coordinate regional transportation planning issues and the Bi-State Coordination Committee was established to focus on coordinated bi-state issues. In the case of the Portland/Vancouver urbanized area it is best to encourage jurisdictional coordination rather than force a consolidation that will potentially cause legal challenges and political gridlock.

RTC urges you to consider the suggestion included in this letter, to ensure that bi-state urbanized areas have coordinated planning processes and the flexibility to meet the needs of their state and constituencies.

Sincerely,