August 26, 2016

Honorable Gregory G. Nadeau
Administrator, Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Carolyn Flowers
Acting Administrator, Federal Transit Administration
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, DC 20590

SUBJECT: Docket No. FHWA-2016-0016

Dear Administrator Nadeau and Acting Administrator Flowers:

The Charlotte Regional Transportation Planning Organization (CRTPO) serves as the federally recognized metropolitan planning organization for the Charlotte, North Carolina Urbanized Area. The CRTPO is a collaborative and highly interactive forum for conducting the regional transportation planning process for three counties (Iredell, Mecklenburg, Union) in the most populous urban area between Washington, D.C. and Atlanta, GA.

The Notice of Proposed Rulemaking seeks to promote more effective regional planning by states and metropolitan planning organizations (MPOs). It attempts to do so by requiring unified planning products for each urbanized area (UZA), even when multiple MPOs are operating within that urbanized area. It appears USDOT is urging consolidation of neighboring MPOs that share the same metropolitan statistical areas.

The CRTPO supports the goals for the proposed rulemaking and is committed to working with USDOT to enhance the metropolitan planning process. We believe the rulemaking process can lead to even more success in regional transportation planning. But we also recognize a number of challenges could impede that success.

CRTPO offers the following comments related to the proposed rulemaking:

1. The USDOT currently requires adjacent metropolitan planning organizations to enter into agreements with each other to coordinate the transportation planning process between their jurisdictions. USDOT should consider strengthening the existing requirements for the agreements (as currently described in 23 CFR 450.314) as the means to achieve its goals. Doing so may result in improved regional planning efforts without the more challenging process of merging or creating single unified products among several MPOs.

2. Historically, the basis for establishing MPO boundaries has been tied to the Census Bureau’s definition of urbanized areas, which is adjusted routinely following each decennial Census. Given the relatively short time before the 2020 Census, we recommend that the USDOT implement the proposed changes concurrently with the release of the Census Bureau’s
redrawn urbanized area boundaries. Doing so would save MPOs from repeating the complex and time-consuming task twice within a six-year period.

3. As an alternative, yet still concurrent with the Census Bureau process, the USDOT could consider using metropolitan statistical areas (MSA) as the basis for defining metropolitan planning areas and establishing MPO boundaries.

4. The proposed rules should be clarified to ensure flexibility and avoid unintended consequences when defining the metropolitan planning area. For example, in North Carolina the rules could be interpreted to require the preparation of a joint plan and TIP for a 14 county region consisting of two metropolitan statistical areas (Charlotte and Hickory), which happen to touch, but possess significant differences in transportation needs and demands, as well as economic and cultural differences. More flexibility in cases that may cause significant disruptions will result in greater likelihood that USDOT's goals will be met.

5. 10.2% of the total land area of the Charlotte UZA encroaches into the jurisdictions of neighboring MPOs. The most significant of the encroachments is 6.8% of the UZA's land area and the smallest is 0.08%. These minor encroachments have no effect on the ability of the affected MPOs to successfully administer the 3-C process. The USDOT should work with the states and MPOs to develop a threshold at which the proposed joint planning products rule would go into effect and avoid adding requirements where encroachments are minor.

6. Successful collaboration within an MPO depends upon maximum participation by those affected by the organization's decisions. Merging MPOs to create substantially larger MPOs might restrain participation to the largest jurisdictions and leave out smaller jurisdictions that now enjoy a seat at the table. Additional guidance on how to structure effective participation by all jurisdictions within the MPO area would be welcomed.

7. The proposed rules allow for multiple MPOs to exist within a single MPA if it is determined by state governors and MPOs that the MPA would be too large and complex to merge into a single MPO, but a single plan and TIP would be required. Would it not necessarily follow that the "size and complexity" argument used to justify retaining multiple MPOs would extend to the matter of the preparation of MPOs' fundamental products?

8. The phase-in period for the new rules is two years, which would be insufficient especially for large and complex regions. We continue to believe the rule should be implemented following the 2020 Census. Allowing flexibility for larger geographic regions and multi-state MPAs would allow more effective and acceptable implementation of the rules.

9. The USDOT rightly places great emphasis on the need for MPOs to involve the public in meaningful ways. Merging MPOs to create a single large MPO, or the requirement to prepare joint plans and TIPs over sprawling areas with few, if any, economic, social or political ties, could dilute the ability to actively engage the public. The rules should provide direction on expectations for public engagement across more spread out metropolitan planning areas.

10. If implemented as currently structured, a simple TIP amendment for the Charlotte region might require action by as many as five MPO Boards and two State DOTs, slowing the process 4-6 months. Consider removing the requirement for a joint MTIP and allow an MTIP from each MPO.
11. Transportation processes differ from state to state. Flexibility should be provided where MPAs cross state lines to account for significant differences in transportation planning processes that may exist between two or more states. One alternative may be to require more uniformity among states' processes and greater clarity of the roles of states and MPOs.

12. The USDOT should provide training and capacity building opportunities for staff and elected officials to assist with implementing requirements included in the new rules.

13. Additional federal funds to offset the cost of implementing the proposed requirements and processes should be provided to the MPOs.

Sincerely:

[Signature]

James Taylor
Chairman
Charlotte Regional Transportation Planning Organization