



## URGE YOUR SENATORS AND REPRESENTATIVES TO SUPPORT THE HOUSE LANGUAGE FOR REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS

As part of the SAFETEA-LU surface transportation reauthorization package, the National Association of Development Organizations (NADO) supports modifying the statewide transportation planning guidelines for state DOT collaboration with nonmetropolitan local elected and appointed officials. As the gateway for accessing federal surface transportation funding and decision making, it is important for local officials serving nonmetropolitan areas to have a more clearly defined and enhanced role in the statewide transportation planning and programming framework.

On February 3, the U.S. House Transportation and Infrastructure Committee approved the “American Energy and Infrastructure Jobs Act of 2012”, a five-year, \$262.9 billion bill (H.R. 7). The committee package includes NADO-championed language, based on legislation (H.R. 1565) introduced by Reps. Tim Walz (D-MN) and Richard Hanna (R-NY), to give federal recognition for Regional Transportation Planning Organizations (RTPOs) for areas outside of Metropolitan Planning Organizations (MPOs). The bill is now awaiting action on the House floor.

Under the statewide planning section (Sec. 5204), the House bill strengthens the participation of rural local officials. Specifically, state DOTs may establish and designate Regional Transportation Planning Organizations (RTPOs) to assist with the planning, coordination, and implementation of statewide strategic long-range transportation plans and the statewide transportation improvement program (STIP)—the proposed list or program of federally funded transportation projects. Rather than the current level of “consultation,” long-range transportation plans and the STIP shall be developed in “cooperation” with nonmetropolitan local officials or, if applicable, through RTPOs. States are also required to “cooperate” with nonmetropolitan local officials or, if applicable, through RTPOs on project selection. If a state chooses not to establish or designate RTPOs, the state shall “consult” with affected nonmetropolitan local officials to determine projects that may be of regional significance.

The House bill also sets the threshold for new MPOs at 100,000. Existing MPOs between 50,000 – 200,000 population are grandfathered and can retain their MPO designation unless the governor and units of local government that together represent 75 percent of the affected population agree to terminate the designation. In addition, the House inserted a new provision that would permit the governor to modify an MPO TIP when the MPO and the state fail to agree on programming a project of statewide significance on the Interstate. This is very problematic since a governor may modify the TIP to add the project without the approval or endorsement of the MPO, and the MPO would be required to amend the long-range plan to be consistent with the TIP.

### Four Cs of Federal Transportation Planning Dialogue

Under federal transportation planning rules, the statewide and metropolitan transportation planning processes are guided by four levels of intergovernmental collaboration and outreach.

Each of the following definitions holds a specific meaning that state DOTs must follow with their local government partners.

- **Consideration** means that one or more parties takes into account the opinions, actions, and relevant information from other parties in making decisions or determining a course of action.
- **Consultation** means that one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), consider the views of the other parties and periodically inform them about action(s) taken.
- **Cooperation** means that the parties involved in carrying out the transportation planning and programming processes work together to achieve a common goal or objective.
- **Coordination** means the cooperative development of plans, programs, and schedules among agencies and entities with legal standing and adjustment of such plans, programs, and schedules to achieve general consistency, as appropriate.

On March 14, the U.S. Senate passed “Moving Ahead for Progress in the 21<sup>st</sup> Century” (S. 1813), a two-year, \$109 billion SAFETEA-LU reauthorization measure. The bill aims to maintain existing transportation funding levels adjusted for inflation. In the original Senate Environment and Public Works Committee (EPW) draft of the highway title, the committee proposed to significantly elevate the role of nonmetropolitan local elected officials in the state transportation planning process. However, during the EPW markup, the committee adopted an amendment by Sen. Michael Crapo (R-ID) that reset the state DOT-rural local official relationship to “consultation,” rather than the terms of “coordination” and “cooperation” proposed in the committee’s original text. Meanwhile, the Senate Banking Committee retained similar language to the original EPW proposal as part of the transit planning section.

Since the two main Senate committees with jurisdiction over the statewide and metropolitan planning sections had different language, there was a need to reconcile these competing versions before or during the Senate floor debate. As a result, the bipartisan leadership of EPW and the Banking committees accepted compromise language into the final manager’s amendment that was championed by Sens. Amy Klobuchar (D-MN) and Lamar Alexander (R-TN). The final Senate language on the state-local collaboration in nonmetropolitan areas is based on the current Federal Highway Administration-Federal Transit Administration regulations negotiated previously by the American Association of State Highway and Transportation Officials (AASHTO), National Association of Development Organizations (NADO), and the National Association of Counties (NACo). Specifically, the amendment would:

- Require each state DOT to develop and implement a documented process for incorporating the input of local elected and appointed officials from outside the areas of MPOs into statewide transportation plans and investment programs
- Establish a consultation process that must be “separate and discrete” from the state DOT process for obtaining input from the public, giving more weight to local government officials in recognition of their significant transportation responsibilities, including ownership of roads, bridges, airports, and transit systems
- Add a federal definition of a Rural Planning Organization (RPO) as an organization that “is responsible for the planning, coordination, and implementation of statewide transportation plans and programs outside of metropolitan areas, with an emphasis on addressing the needs of rural areas of the state; and is not designated as a tier I MPO, a tier II MPO, or a nonmetropolitan planning organization”
- Within 180 days of the date of enactment and at least every five years thereafter, state DOTs must seek feedback from local officials regarding the consultation process

The final Senate bill (MAP-21) also establishes a new definition for a “nonmetropolitan area” as a small urbanized area between 50,000–200,000, as calculated according to the most recent decennial census, and nonurbanized areas. The Senate sets the population threshold for MPOs at 200,000, with a new multi-step process for existing small urban MPOs in areas between 50,000–200,000 population to maintain their MPO status. During the floor debate, the final Senate version was modified, similar to language advocated by Sen. Jeanne Shaheen (D-NH) and others, by:

- Allowing existing MPOs in areas with 50,000–200,000 population to apply for a Tier II MPO designation to the U.S. DOT Secretary without the approval of the applicable governor
- Allowing MPOs that receive a negative determination from the U.S. DOT Secretary to receive a one-year extension and technical assistance from U.S. DOT to meet the new minimum requirements for Tier II MPOs without the support of the governor
- Requiring the U.S. DOT Secretary to provide a substantive written justification to MPOs that are deemed unqualified to continue as an MPO
- Clarifying the minimum requirements for a Tier II MPO designation: To meet new federal legislation and regulatory standards, the amendment specifies that the MPO must have the “staffing capability,” rather than the “staffing resources,” and the technical capacity to conduct the necessary “travel demand model and forecasting,” rather than “modeling,” for the relevant size of the MPO

<b>Level of Participation for Rural Local Official / Regional Transportation Planning Organizations (RTPOs)</b>			
	<b>Senate Highway Planning Title (S. 1813 – Final Floor Version)</b>	<b>Senate Transit Planning Title (S. 1813 – Final Floor Version)</b>	<b>House T&amp;I Highway and Transit Planning Titles (H.R. 7)</b>
<b>Scope of Planning Process</b>	<i>Consult</i>	<i>Consult</i>	<i>Cooperate</i>
<b>Long-Range Plan</b>	<i>Consult</i>	<i>Consult</i>	<i>Cooperate</i>
<b>STIP Development</b>	<i>Consult</i>	<i>Consult</i>	<i>Cooperate</i>
<b>Project Selection</b>	<i>Cooperate</i> for Nonmetropolitan Planning Organizations <i>Consult</i> for affected nonmetropolitan local officials responsible for transportation	<i>Cooperate</i> for Nonmetropolitan Planning Organizations <i>Consult</i> for affected nonmetropolitan local officials responsible for transportation	<i>Cooperate</i>
<b>RTPO or RPO Definitions</b>	<b><i>Nonmetropolitan Planning Organization</i></b> means an organization that was designated as an MPO before the new law and is not designated as a tier I MPO or tier II MPO  <b><i>Rural Planning Organization</i></b> means an organization responsible for the planning, coordination, and implementation of statewide transportation plans and programs outside of metropolitan areas and is not designated as a tier I MPO, tier II MPO, or a nonmetropolitan planning organization	<b><i>Nonmetropolitan Planning Organization</i></b> means an organization that was designated as an MPO before the new law and is not designated as a tier I MPO or tier II MPO  <b><i>Rural Planning Organization</i></b> means an organization responsible for the planning, coordination, and implementation of statewide transportation plans and programs outside of metropolitan areas and is not designated as a tier I MPO, tier II MPO, or a nonmetropolitan planning organization	<b><i>States may establish and designate Regional Transportation Planning Organizations (RTPOs)</i></b> to enhance the planning, coordination, and implementation of statewide strategic long-range transportation plans and STIP

The latest extension of SAFETEA-LU (P.L. 109-59) will expire on March 31, 2012. Although the Senate passed its version of the surface transportation reauthorization on March 14, it is still very unclear how the House will proceed. Therefore, it is most likely that both chambers will need to approve another short-term extension this month before a multi-year package can be passed by the House, reconciled with the Senate, and signed by the President.

**ACTION NEEDED:** As part of the House-Senate conference committee on the 2012 SAFETEA-LU reauthorization, please urge your Senators and House members to support the House language for state DOT “cooperation” with nonmetropolitan local officials in the statewide transportation planning process, including the establishment of Regional Transportation Planning Organizations for areas outside of MPOs. (See attached committee rosters).

For more information, contact NADO Associate Legislative Director Jennifer Walsh at 202.624.8467 or [jwalsh@nado.org](mailto:jwalsh@nado.org).

**U.S. Senate**  
**Committee on Environment and Public Works**  
*(Oversight of Highway Title of SAFETEA-LU)*

**Majority:**

**Barbara Boxer (D-CA), Chairman**

Max Baucus (D-MT)\*

Thomas R. Carper (D-DE)\*

Frank R. Lautenberg (D-NJ)\*

Benjamin L. Cardin (D-MD)\*

Bernard Sanders (I-VT)\*

Sheldon Whitehouse (D-RI)\*

Tom Udall (D-NM)\*

Jeff Merkley (D-OR)

Kirsten E. Gillibrand (D-NY)

**Minority:**

**James M. Inhofe (R-OK), Ranking Member**

David Vitter (R-LA)\*

John Barrasso (R-WY)\*

Jeff Sessions (R-AL)\*

Mike Crapo (R-ID)\*

Lamar Alexander (R-TN)

Mike Johanns (R-NE)\*

John Boozman (R-AR)\*

*\*Member of the Senate EPW Subcommittee on  
Transportation and Infrastructure*

**U.S. Senate**  
**Committee on Banking, Housing, and Urban Affairs**  
*(Oversight of Transit Title of SAFETEA-LU)*

**Majority:**

**Tim Johnson (D-SD), Chairman**

Jack Reed (D-RI)\*

Charles E. Schumer (D-NY)\*

Robert Menendez (D-NJ)\*

Daniel K. Akaka (D-HI)\*

Sherrod Brown (D-OH)\*

Jon Tester (D-MT)\*

Herb Kohl (D-WI)\*

Mark R. Warner (D-VA)

Jeff Merkley (D-OR)\*

Michael F. Bennet (D-CO)\*

Kay Hagan (D-NC)

**Minority:**

**Richard C. Shelby (R-AL), Ranking Member**

Mike Crapo (R-ID)\*

Bob Corker (R-TN)\*

Jim DeMint (R-SC)\*

David Vitter (R-LA)

Mike Johanns (R-NE)

Patrick J. Toomey (R-PA)\*

Mark Kirk (R-IL)\*

Jerry Moran (R-KS)\*

Roger F. Wicker (R-MS)\*

*\*Member of the Senate Banking Subcommittee on Housing,  
Transportation and Community Development*

**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
*(Oversight of Highway and Transit Titles of SAFETEA-LU)*

**Majority:**

***John L. Mica (R-FL), Chairman\****

Don Young (R-AK)\*  
Thomas E. Petri (R-WI)\*  
Howard Coble (R-NC)\*  
John J. Duncan, Jr. (R-TN)\*  
Frank A. LoBiondo (R-NJ)\*  
Gary G. Miller (R-CA)\*  
Timothy V. Johnson (R-IL)\*  
Sam Graves (R-MO)\*  
Bill Shuster (R-PA)\*  
Shelley Moore Capito (R-WV)\*  
Jean Schmidt (R-OH)\*  
Candice S. Miller (R-MI)\*  
Duncan Hunter (R-CA)  
Andy Harris (R-MD)\*  
Rick Crawford (R-AR)\*  
Jaime Herrera Beutler (R-WA)\*  
Frank Guinta (R-NH)\*  
Randy Hultgren (R-IL)  
Lou Barletta (R-PA)\*  
Chip Cravaack (R-MN)  
Blake Farenthold (R-TX)\*  
Larry Bucshon (R-IN)\*  
Billy Long (R-MO)\*  
Bob Gibbs (R-OH)\*  
Patrick Meehan (R-PA)  
Richard Hanna (R-NY)\*  
Jeff Landry (R-LA)  
Steve Southerland (R-FL)\*  
Jeff Denham (R-CA)  
James Lankford (R-OK)  
Reid Ribble (R-WI)  
Chuck Fleischmann (R-TN)

**Minority:**

***Nick J. Rahall, II (D-WV), Ranking\****

Peter A. DeFazio (D-OR)\*  
Jerry F. Costello (D-IL)  
Eleanor Holmes Norton (D-DC)  
Jerrold Nadler (D-NY)\*  
Corrine Brown (D-FL)  
Bob Filner (D-CA)\*  
Eddie Bernice Johnson (D-TX)\*  
Elijah E. Cummings (D-MD)\*  
Leonard L. Boswell (D-IA)\*  
Tim Holden (D-PA)\*  
Rick Larsen (D-WA)  
Michael Capuano (D-MA)\*  
Tim Bishop (D-NY)  
Michael H. Michaud (D-ME)\*  
Russ Carnahan (D-MO)  
Grace F. Napolitano (D-CA)\*  
Daniel Lipinski (D-IL)  
Mazie Hirono (D-HI)\*  
Jason Altmire (D-PA)\*  
Tim Walz (D-MN)\*  
Heath Shuler (D-NC)\*  
Steve Cohen (D-TN)\*  
Laura Richardson (D-CA)\*  
Albio Sires (D-NJ)\*  
Donna F. Edwards (D-MD)\*

*\*Member of the House Transportation and Infrastructure  
Subcommittee on Highways and Transit*