



August 17, 2016

The Hon. Gregory Nadeau  
Administrator  
U.S. Department of Transportation  
Federal Highway Administration  
1200 New Jersey Ave, SE  
Washington, D.C. 20590

**RE: Metropolitan Planning Organization Coordination and Planning Area Reform Notice of Proposed Rulemaking (Docket No. FHWA-2016-0016)**

Dear Administrator Nadeau:

Forward Pinellas, in its role as the metropolitan planning organization (MPO) for Pinellas County, Florida, offers the following comments on the proposed rule for Metropolitan Planning Organization Coordination and Planning. We applaud the goals of the proposed rule that seek to foster improved regional leadership and coordination in the metropolitan transportation planning process. Regional coordination is essential for economic growth and sustainability in today's increasingly inter-connected world. Florida has long been a leader among states in developing and implementing the structural arrangements necessary to support regional coordination within complex single urbanized areas.

In our region, the West Central Florida MPO Chairs Coordinating Committee (CCC) was officially formed in 1992 following the 1990 census and the Governor's re-designation of the individual county-specific MPOs. This was the first formal regional MPO alliance in Florida. It is established in Florida Statutes and has continued to evolve to ensure a consistent, coordinated and comprehensive planning process within an eight-county dynamic region, resulting in adoption of successive regional long range transportation plans, regional public involvement plans, regional congestion management plans and a conflict/dispute resolution process shared by the six MPOs in the alliance. More recently, the three MPOs within the Tampa-St. Petersburg Urbanized Area established the more focused Transportation Management Area (TMA) Leadership Group to foster collaboration and set regional priorities for the Hillsborough, Pasco and Pinellas County Metropolitan Planning Area. Those efforts have been expanded upon through a tri-county Local Coordinating Board for transportation disadvantaged planning and tri-county Bicycle/Pedestrian Advisory Committee.

Against that backdrop, Forward Pinellas supports elements of the rule that clarify the definition of Metropolitan Planning Area (MPA) and provide for a single set of planning work products for multiple MPOs that choose to remain as separate entities within a single MPA. We do, however, have concerns about the proposed rule and how it may be implemented.

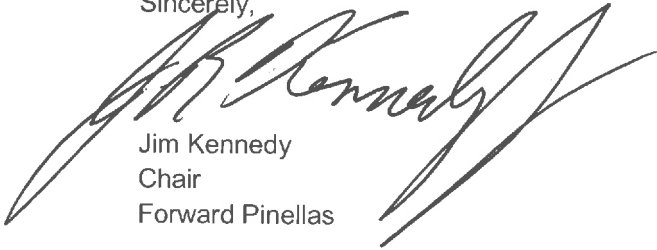
1. The Notice of Proposed Rulemaking (NPRM) provided insufficient time to assess its implications on the MPO's planning process and its partners in the complex Tampa Bay region. The timing of the advertisement during the traditional summer recess month in our region deprived our board of formally discussing the issue, which presented a unique challenge to understanding implications of the rule and preparing a thoughtful response.

2. We are concerned that the proposed rule is a heavy-handed, federal- and state-centric approach to transportation governance. MPOs were created to represent the interests of the local communities in transportation decision-making. If too much emphasis is placed on the regional level, it undermines local authority and smaller local governments risk losing their voice in helping set the transportation agenda. For instance, Forward Pinellas represents 25 local governments in urban, heavily developed Pinellas County. Combined, those smaller coastal communities contribute \$9 billion in economic impact to our region. Neighboring counties within our MPA have a vastly smaller number of local governments each. Further, the proposed rule fails to reflect the fact that states, such as Florida, establish a maximum number of voting members for MPOs and require a minimum number of county commissioners, which could squeeze out the influence of smaller communities in the MPO planning process.
3. Rather than mandate a structure, the final rule should encourage regional leadership by empowering MPOs to work with agency partners to clearly define agency missions, roles and responsibilities in a way that does not remove local authority. States empower MPOs differently. States like North Carolina and Florida give vastly different levels of support and deference to MPO plans and decision-making. Unlike North Carolina, Florida has chosen to generally empower MPOs with the tools, training and responsibilities to set the regional transportation agenda and successfully plan, design and advance multimodal projects from concept to construction. MPO plans are essential and integrated into the statewide and regional transportation funding process. Funding is the critical element that achieves regional planning outcomes. Consideration should be given for clearly defined financial incentives to multiple-MPO regions that demonstrate they have formal mechanisms, shared tools and agreements in place to establish greater regional leadership and a commitment to achieving performance-based outcomes.
4. The final rule should clarify the implementation time frame relative to the next census and the MPO's cycle of adopting its Transportation Plan. While the proposed rule states there is a two-year window for implementation from when the final rule is published, elsewhere the rule references implementation as occurring with development of the Metropolitan Transportation Plan after the next census, which would be sometime after 2020. A two-year implementation window may not allow sufficient time for those MPOs, such as Forward Pinellas and others in Florida, that have MPO apportionment, governance and planning requirements established in state statute.
5. The proposed rule places final decision-making authority in the hands of the governor and US DOT. If the MPOs and governor do not agree on how to achieve the objectives of the proposed rule, the status quo should remain in those MPAs with multiple MPOs that have an established regional alliance responsible for developing a regional transportation plan and setting regional priorities.
6. The proposed rule unlinks the important connection between land use and transportation in favor of a regional MPO framework. In complex urbanized areas like Tampa Bay, the proposed rule further separates the important role transportation plays in local land use decisions and economic development. Forward Pinellas, like other Florida MPOs, was created at a jurisdictional scale of county government to help achieve the state's Growth Management Act provisions in the 1970s. More recently, through a special act of the Florida Legislature, Forward Pinellas unified the MPO and countywide land use agency (Pinellas Planning Council) under a single governing board of 13 elected officials. The synergy created through this unique arrangement could be undone by the proposed rule essentially mandating a multi-county MPO for the planning area.

7. The proposed rule risks further separating MPOs from local community input and places an additional financial burden on local governments and citizens for required travel to advisory committee meetings across a large metropolitan region. That imperils meaningful opportunities for input from members of our Citizens Advisory Committee, Bicycle/Pedestrian Advisory Committee and any of the citizens' committees formed within the 24 municipalities within Pinellas County.

In summary, we believe the proposed MPO Coordination and Planning Area Reform ignores the differences in how states empower MPOs and threatens to further separate the important linkage between metropolitan transportation planning, land use planning and economic development. The Tampa Bay region has a long history of enhanced regional coordination, dating to the early 1990s, and those efforts continue to evolve and grow stronger. Working together as a region, we have achieved success advancing regional transportation projects for roads, bicycle/pedestrian networks and transit projects. While we embrace the goals of the proposed rule, such as creating one set of planning products for a single Metropolitan Planning Area with multiple MPOs, we respectfully request a reconsideration of the specific mechanisms for achieving those goals solely through a consolidated regional governance plan.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Jim Kennedy', is written over the typed name and title.

Jim Kennedy  
Chair  
Forward Pinellas



## *Florida Department of Transportation*

**RICK SCOTT**  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

**JIM BOXOLD**  
SECRETARY

August 17, 2016

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

Re: Docket No. FHWA-2016-0016

Dear Administrators Nadeau and Flowers:

The Florida Department of Transportation (FDOT) is pleased to comment on a Notice of Proposed Rulemaking (NPRM) issued by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) in the June 27, 2016 Federal Register. The NPRM titled "Metropolitan Planning Organization Coordination and Planning Area Reform" proposes revisions to transportation planning requirements.

FDOT has collaborated closely with the Florida Metropolitan Planning Organization Advisory Council (MPOAC). The MPOAC is a statewide planning and policy organization created by the Florida Legislature 30 years ago. We recommend that the MPOAC comments on this rulemaking also be given careful consideration.

Our detailed comments which follow can be summarized as follows:

1. Florida is impacted by the NPRM more than any other state
2. Florida is a model of collaboration with its planning stakeholders
3. There is no clear direction for this NPRM in legislation
4. States and MPOs can follow the intent of the NPRM on their own
5. This rulemaking should be suspended until legislation is enacted that clarifies the Congressional intent
6. The highly prescriptive approach of the NPRM is not good governance consistent with established principles of federalism. FHWA and FTA can practice good governance by suspending the rulemaking

### **1. Florida is Impacted by the NPRM More Than Any Other State**

There are currently 27 metropolitan planning organizations (MPOs) in Florida. This is more than any other state. As determined by FHWA, 22 of these MPOs will be impacted by the proposed rule, more than any other state. As the third most populous state, our population of 20 million people will grow by more than 7 million more people by 2045. Each year more than 106 million

people visit Florida. Clearly, Florida has a great stake in this proposed rulemaking and its perspectives therefore must be closely considered.

## **2. Florida is a Model of Collaboration With Its Planning Stakeholders**

Prior to the 2010 census and the addition of one more MPO, a total of 22 of Florida's 26 MPOs had entered into formal arrangements to coordinate regional transportation planning activities with one or more neighboring MPOs. Four of those efforts involve three or more MPOs working through a regional association of MPOs, while the rest include two contiguous MPOs working together to coordinate regional transportation planning and decision-making. Six MPOs participate in more than one alliance (Polk TPO, Martin MPO, St. Lucie TPO, Charlotte County-Punta Gorda MPO, Lee County MPO, and Sarasota/Manatee MPO). These regional coordinating efforts of MPOs are listed in the table below including the number of member MPOs, acronym, and formation date for each (as applicable):

<b>MPO Regional Coordinating Efforts</b>			
<i>Name of MPO Alliance</i>	<i>Number of Member MPOs</i>	<i>Acronym</i>	<i>Year Formed</i>
<b>Regional Alliances of MPOs (three or more MPOs working together)</b>			
Central Florida MPO Alliance	6*	CFMPOA	1997
Southeast Florida Transportation Council	3	SEFTC	2005
Treasure Coast Transportation Council	3	TCTC	2006
West Central Florida MPO Chairs Coordinating Committee	6*	CCC	1992
<b>Contiguous MPOs (two MPOs working together)</b>			
Charlotte County-Punta Gorda MPO and Lee County MPO			2010
Charlotte County-Punta Gorda MPO and Sarasota/Manatee MPO			2004
Collier County MPO and Lee County MPO			2004
Martin MPO and St. Lucie TPO			2006
Northwest Florida Regional Transportation Planning Organization		NWFLRTPO	2004

\*Polk TPO is a member of both the CFMPOA and the CCC

Given the widespread existence of regional MPO alliances, many regional transportation planning products have been generated; including but not limited to:

- regional long range transportation plans
- regional goals and objectives
- regional project priority lists
- regional congestion management systems
- regional freight plans
- regional public involvement programs

As a result of regional MPO coordination, a variety of regionally significant transportation projects have been planned, programmed, and constructed all across the state. Regional MPO coordination efforts have also resulted in regional long range transportation plans and numerous joint regional priorities lists that are developed and supported by multiple MPOs.

Examples of regional alliances of three or more MPOs working together are highlighted below:

### ***Central Florida MPO Alliance (CFMPOA)***

The Orlando-Volusia Alliance was formed in 1997 by MetroPlan Orlando and the Volusia County MPO (now the River to Sea TPO) as a regional collaborative to focus on transportation planning issues of mutual interest. In 2001 the Space Coast TPO, the Lake-Sumter MPO, the Ocala-Marion County TPO, and the Polk TPO joined MetroPlan Orlando and the River to Sea TPO to formally establish the Central Florida MPO Alliance (CFMPOA). Below is a list of regional documents produced by the CFMPOA and status of activity.

<b>CFMPOA Documents Produced, Documents in Progress, and Ongoing Activities</b>	
<i>Document/Activity</i>	<i>Progress</i>
2025 Regional Long Range Transportation Plan	Completed
Legislative Priorities List	Ongoing
Myregion.org	Ongoing
Regional Prioritization Priorities and Process Document	Completed
Regional Prioritization Initiative	Ongoing
Regional Tracking the Trends Document	Ongoing

### ***Southeast Florida Transportation Council (SEFTC)***

The three MPOs in Southeast Florida (the Broward MPO, the Miami-Dade Urbanized Area MPO, and the Palm Beach MPO) have been coordinating formally on regional transportation planning issues for many years. Documents of regional significance are listed below.

<b>SEFTC Documents Produced, Documents in Progress, and Ongoing Activities</b>	
<i>Document/Activity</i>	<i>Progress</i>
2035 LRTP	Completed
2040 Regional Transportation Plan	In Progress
Annual Prioritized List of Regional Transportation Projects	Ongoing
Cargo 2040	In Progress
Regional Greenway Plan	In Progress
Regional Performance Standards	In Progress
Regional Public Involvement Plan	Completed
Regional Transit System Plan	In Progress
Southeast Florida Passenger Rail Evaluation	Completed
South Florida Regional Freight Plan	Completed
South Florida East Coast Corridor Study	In Progress

### ***Treasure Coast Transportation Council (TCTC)***

The Ft. Pierce Urbanized Area (UZA) was designated following the 1980 census and the St. Lucie County MPO (now the St. Lucie TPO) was formed to conduct metropolitan transportation planning in that new metropolitan area. Following the 1990 census, the Martin County MPO (now the Martin MPO) and the Indian River County MPO were formed to conduct metropolitan transportation planning for the newly designated Stuart and Vero Beach UZAs. These three Treasure Coast MPOs coordinated informally on regional transportation planning issues during the 1990's and early 2000's, but no formal coordination mechanism was in place.



Between 1990 and 2000, the Ft. Pierce and Stuart UZAs grew and crossed county lines and with the 2000 census, the two UZAs were merged to form the single Port St. Lucie UZA. On April 10th, 2006 the Martin, St. Lucie, and Indian River County MPOs entered into an interlocal agreement to create the Treasure Coast Transportation Council (TCTC). The TCTC was created foremost to secure TRIP funding but it has since come to serve as a forum for formal coordination and communication among agencies and organizations involved in regional transportation planning.

The Council consists of the chair and vice-chair from each MPO Board for a total of six voting members plus three ex-officio, non-voting advisors, one from FDOT District 4, one from the Florida Turnpike Enterprise, and one from the Treasure Coast Regional Planning Council. The administrative duties of the TCTC are performed by each of the three member MPOs on a rotating basis. The TCTC meets annually to coordinate regional planning issues, projects, and funding.

The TCTC developed a document in 2007 detailing the regional project prioritization criteria that was used to develop the Regionally Ranked 2030 Needs Projects document. These documents are listed below.

<b>TCTC Documents Produced, Documents in Progress, and Ongoing Activities</b>	
<i>Document/Activity</i>	<i>Progress</i>
Regional Project Prioritization Criteria Document	Completed
Regionally Ranked 2030 Needs Projects	Completed

### ***West Central Florida MPO Chairs Coordinating Committee (CCC)***

In early 1989, the Hillsborough County MPO and Pinellas County MPO staff directors began meeting to coordinate regional transportation planning and were joined by the Pasco County MPO later that same year. The West Central Florida MPO Chairs Coordinating Committee (CCC) was officially formed in 1992 following the 1990 census and the Governor's re-designation of the MPOs. This was the first formal regional MPO alliance in Florida and the only one to be required in Florida Statute. In 1993, the Spring Hill/Hernando MPO (now Hernando County MPO) joined the CCC and the name was changed to the Tampa Bay Area's Chairman's Coordinating Committee. In 2000, the Polk TPO and the Sarasota/Manatee MPO joined the Tampa Bay Area's Chairman's Coordinating Committee by amendment to Florida Statute (s. 339.175, F. S.) and the name was again changed to the West Central Florida Chairs Coordinating Committee. In 2004, an interlocal agreement was signed by members of the CCC and amended in 2006 to add the Citrus County Board of County Commissioners as a voting member for the purpose of participating in the Transportation Regional Incentive Program.

The voting membership of the CCC Governing Board is comprised of the chairs from six individual MPOs including the Hernando Citrus County MPO, the Hillsborough County MPO, the Pasco County MPO, the Pinellas County MPO, the Polk TPO, and the Sarasota/Manatee MPO. Additional non-voting partner entities of the CCC Board include the Florida Department of Transportation (FDOT) District 1 and 7 Secretaries, a representative from Florida's Turnpike Enterprise, representatives from four Regional Planning Councils (the Central Florida, Southwest Florida, Withlacoochee, and Tampa Bay RPCs), and a representative from the Tampa Bay Area

Regional Transportation Authority (TBARTA). Major modal providers participate on an ad hoc basis.

The CCC Board meets quarterly to discuss regional transportation issues, to develop solutions to those issues, and to ensure a consistent regional planning approach in the West Central Florida region. All administrative duties for the CCC are performed by TBARTA through a contract with the CCC, but the Chair of the CCC rotates annually among each of the voting members. The CCC Staff Directors Coordination Team, comprised of member MPO Directors, FDOT and RPC managers, and staff from other partner agencies, meets bi-weekly to carry-out the regional work program and coordinating process.

The CCC hosts a website (<http://www.regionaltransportation.org/>) where relevant documents and other information, including meeting schedules and minutes, are posted.

The CCC developed the Joint Citizens Advisory Committee (JCAC) to provide public input and a citizen perspective. JCAC members come from the Citizens Advisory Committees of each of the member MPOs.

The 2035 RL RTP, adopted in draft form in November 2009, is the CCC's primary means for coordination in the west central Florida region. The RL RTP was developed using a top down approach in which member MPOs agreed upon the following:

- a regional multi-modal transportation network
- needs on the regional transportation network
- viable regional transportation improvement strategies
- regional goals, objectives and measures of effectiveness
- available revenue sources that could be applied to the regional transportation network
- a fiscally constrained list of regional transportation projects

In essence, the 2035 RL RTP was developed using a long range transportation planning process that would be used by any individual MPO, including public involvement activities and an advisory committee process. Each of the individual member MPO LRTPs contain elements of the RL RTP appropriate for their individual MPO needs, effectively implementing the policies and project priorities of the RLTP. The CCC had delayed the development of the 2040 LRTP so that it could be coordinated with the next TBARTA Master Plan update completed in 2015. This document and other documents of regional significance are listed below.

<b>CCC Documents Produced, Documents in Progress, and Ongoing Activities</b>	
<i>Document/Activity</i>	<i>Progress</i>
2035 Regional Long Range Transportation Plan	Completed
CMP List	Completed
FDOT District 1 and District 7 TRIP Priorities List	Completed
High Priority Regional Transportation Initiatives List	Completed
Regional Multi-Use Trails Element	Completed
Regional Public Participation Plan	Completed



### ***Tampa Bay Transportation Management Area Leadership Group (TMA)***

In the spring of 2013, the three MPOs covering the Tampa-St. Petersburg Urbanized Area (the Hillsborough County MPO, the Pinellas County MPO, and the Pasco County MPO) began to discuss ways to improve Transportation Management Area (TMA) level planning and programming coordination within the context of the broader CCC process. To date, no formal approach has been agreed upon, but the three MPO boards have agreed to establish a working group (to be called the Tampa Bay Transportation Management Area or TBTMA) comprised of three members from each MPO Board. The MPO boards also agreed that TBARTA and FDOT staff should be included in the working group. Further, there is a general consensus among the MPOs that to coordinate transportation planning activities in the larger region, the CCC process should be integrated with TBARTA planning process. In 2014, the TBTMA agreed upon a prioritized list of regional projects for the three MPOs.

Examples of two contiguous MPOs working together are:

**Charlotte County-Punta Gorda MPO and Lee County MPO**

**Charlotte County-Punta Gorda MPO and Sarasota/Manatee MPO**

**Collier County MPO and Lee County MPO**

**Northwest Florida Regional Transportation Planning Organization (NWFLRTPO)**

### ***FDOT-MPO Performance Collaboration Efforts***

On May 6, 2016, FDOT kicked off collaboration efforts with four pilot MPOs. Rather than work with all 27 MPOs to explore data development for performance measures by MPO area, four MPOs were chosen, of varying size and complexity, as a pilot for all MPOs. The MPOs are Gainesville, Hillsborough, Indian River and Broward. The pilot will help FDOT and MPO partners become better prepared to adopt FHWA's national measures of performance across Florida and to determine how to use these measures to support Florida's own performance management needs.

FDOT is also currently planning for the third Florida Metropolitan Planning Partnership (FMPP) group face-to-face annual meeting in September, 2016. The FMPP is the new name of the group consisting of FTA planning team, FHWA Division Office planning team, MPOs and FDOT. A major portion of this one and a half day meeting will be performance measures discussion and target collaboration. FDOT and Florida's MPOs can be showcased nationally as a model of collaboration through FHWA and FTA technical assistance. Replication and adaptation of such best practices may have far greater positive impact than an aggressive regulatory approach.

### **3. There is No Clear Direction for This NPRM in Legislation**

The NPRM states that "since 2007, the language of the regulation has supported the possibility of multiple MPOs within an urbanized area rather than within an MPA. The FHWA and FTA have concluded this 2007 change in the regulatory definition has fostered confusion about the

statutory requirements and resulted in less efficient planning outcomes where multiple TIPs and metropolitan transportation plans are developed within a single urbanized area. This proposed rule is designed to correct the problems that have occurred under the 2007 rule and return to the structure embodied in the rule before the 2007 amendments and envisioned in statute.”

There have been no changes in 23 U.S.C. 134 or 135 for metropolitan and statewide transportation planning in the SAFETEA-LU (2005), MAP-21 (2012) or FAST Act (2015) legislation to warrant the changes in this NPRM. Further, the Final Regulations for planning issued on May 27, 2016 after nearly two years and extensive comments gave no indication that this new rulemaking was forthcoming or needed. Caution and restraint must be objectively exercised so as not to regulate beyond the scope of associated statutes.

#### **4. States and MPOs Can Follow the Intent of the NPRM on Their Own**

During the July 15, 2016 webinar conducted by FHWA and FTA on this NPRM someone asked, “Couldn't all these revisions be accomplished under current law if the MPOs and states, and transit agree?” The response to this question was yes. FDOT will gladly volunteer to pursue further collaboration and consolidation efforts with our MPOs (and FHWA and FTA) and share our results with others. Once again, FHWA and FTA can carry out a highly value-adding approach of encouraging best practices through technical assistance programs.

#### **5. This Rulemaking Should Be Suspended Until Legislation is Enacted That Clarifies the Congressional Intent**

FDOT recommends that this NPRM be suspended and that state DOTs and MPOs be encouraged to pursue regional planning opportunities on a voluntary basis. FHWA and FTA could pursue clarification of the legislative language with the Congressional Committees that have responsibility for federal transportation legislation.

FDOT will continue to work cooperatively with all Florida MPOs and our federal partners to further improve our transportation planning products and the delivery of projects that achieve our Mission in providing a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity and preserves the quality of our environment and communities. The recommended short-term action of suspending the rulemaking can produce a far greater long-term benefit through a federal-state-local collaboration around common goals and how best to achieve them. FDOT offers to be part of such a process.

#### **6. The Highly Prescriptive Approach of the NPRM is Not Good Governance Consistent with Established Principles of Federalism. FHWA and FTA Can Practice Good Governance by Suspending the Rulemaking**

Page 41480 of the NPRM contains the following Federalism Assessment:

*D. Executive Order 13132 (Federalism Assessment)*

The FHWA and FTA have analyzed this NPRM in accordance with the principles and criteria contained in Executive Order 13132. The FHWA and FTA have determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. The FHWA and FTA have also determined that this action does not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

Section 6 of Executive Order 13132 states:

Sec. 6. Consultation.

(a) Each agency shall have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. Within 90 days after the effective date of this order, the head of each agency shall designate an official with principal responsibility for the agency's implementation of this order and that designated official shall submit to the Office of Management and Budget a description of the agency's consultation process.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has federalism implications, that imposes substantial direct compliance costs on State and local governments, and that is not required by statute, unless:

(1) funds necessary to pay the direct costs incurred by the State and local governments in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation,

(A) consulted with State and local officials early in the process of developing the proposed regulation;

(B) in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of the Office of Management and Budget a federalism summary impact statement, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of State and local officials have been met; and

(C) makes available to the Director of the Office of Management and Budget any written communications submitted to the agency by State and local officials.

(c) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has federalism implications and that preempts State law, unless the agency, prior to the formal promulgation of the regulation,

(1) consulted with State and local officials early in the process of developing the proposed regulation;


(2) in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of the Office of Management and Budget a federalism summary impact.

Simply put, FDOT does not believe that the Consultation requirements of Executive Order 13132 have been met. The American Association of State Highway and Transportation Officials conducts multiple meetings each year in which FHWA and FTA officials are provided an opportunity to discuss matters such as this. Also, each state has a Division Office of FHWA which meets with the state DOT and MPOs in that state. The early consultation with state DOTs and MPOs in the process of developing this NPRM simply did not take place. Executive Order 13132 is an important and timely document even after nearly two decades since its issuance in 1999. It can be an invaluable resource for a federal-state dialogue about strengthening our intergovernmental approaches to be both more effective and efficient.

The foundation for rulemaking (and for any other federal-state-local policy or program) must be an understanding and application of federalism principles to ensure that our intergovernmental relationship is as effective and efficient as possible.

We appreciate the opportunity to comment on this Notice of Proposed Rulemaking. Thank you. Please do not hesitate to contact us in regards to any of our comments. Mr. David Lee should be your primary point of contact at (850) 414-4802 or david.lee@dot.state.fl.us

Sincerely,



Jim Boxold  
Secretary

JB/dl

Docket Management Facility  
United States Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

RE: Docket Number FHWA-2016-0016  
FHWA RIN 2125-AF68; FTA RIN 2132-AB28  
Notice of Proposed Rulemaking (NPRM); Request for Comments  
*Metropolitan Planning Organization Coordination and Planning Area Reform*  
As published in the Federal Register, Monday, June 27, 2016

Secretary Foxx,

On behalf of the 27 member Metropolitan Planning Organizations (MPOs) of the Florida MPO Advisory Council (MPOAC), I want to thank you for the opportunity to comment on the proposed metropolitan planning organization coordination and planning area reform rules. While we agree that MPO coordination and geography are important aspects of transportation planning decision making (as demonstrated by the extensive and formalized MPO coordination efforts found in Florida), we do not believe that the proposed rules will result in improved planning decisions or more efficient processes. Rather, we believe that the one-size-fits all approach of the proposed rules will make transportation planning less accessible to the general public by increasing MPOs' size and scope. This would also mute the voice of locally elected officials in the metropolitan transportation planning process and undermine the original purpose for the creation of MPOs, which was to provide for local input in transportation decision making. We, therefore, stand strongly in opposition to the proposed metropolitan planning organization coordination and planning area reform rules and respectfully request that they be withdrawn without further action.

While we have a number of comments to the proposed rule (enumerated later in this letter), our primary concerns are the lack of a clearly defined, evidence-based "problem" with existing MPO coordination efforts and a cookie cutter "solution" which would be extremely difficult, if not impossible, to enact in Florida without creating nonsensical metropolitan planning area (MPA) boundaries.

Numerous declarative statements are made in the proposed rule regarding the believed issues with existing MPO coordination efforts across the country and the supposed improvements the proposed rule will make. However, none of those perceived problems or proposed cures are supported by objective research findings. The problems of poor coordination between existing MPOs and the necessity to "right-size" planning geography has not been the subject of conference panels, research papers, peer-to-peer exchanges or any of the typical mechanisms used by the federal agencies (the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA)) to highlight and resolve issues they see in planning practice, giving the proposed rule an "out of the blue" quality. In fact, language relating to MPO coordination and geography remained unchanged in the final metropolitan transportation planning rules issued on May 27, 2016.

The proposed “solution” to this perceived lack of coordination is to force MPOs in the same urbanized areas (UZAs) to either merge or adopt a unified plan and program. In states like Florida, increases in population density have led the US Census Bureau to consolidate formerly separate UZAs over time. However, these UZA consolidations do not take into account transportation complexity, land use patterns, economic development patterns or other factors that make a UZA the appropriate area for conducting metropolitan transportation planning and programming. In fact, in many areas of Florida, now-consolidated UZAs stretch out for miles and link areas that have limited connections to each other in any meaningful planning metric (e.g. travel patterns, culture and identity, demographics, etc.). The fact that MPAs must also include areas expected to be part of the UZA based on 20-year growth projections further exacerbates this problem. The proposed rule doubles-down on this approach by strongly encouraging consolidation of MPAs for areas where UZAs are contiguous. In Florida, where UZAs are contiguous up and down both coasts and across the I-4 corridor, identifying appropriate boundaries between MPAs will be nearly impossible and result in MPO processes that will not in any way correspond to what the local populations consider to be their metropolitan area.

We have no doubt that MPO coordination across the country could be improved, particularly between MPOs in the same urbanized area. However, we strongly believe that any proposed rules should be based on objective research and that any potential solutions should be flexible enough to fit the local planning and regulatory context of each metropolitan area. We would support voluntary, incentive-based approaches to solving any identified problems.

The concept of voluntary coordination is something that Florida MPOs have been implementing for a number of years with great success at both the state and MPO level. FHWA even recognized the successes of MPO coordination in Florida through the Every Day Counts program (EDC-3 Innovations) in 2016. The South East Florida Transportation Council (SEFTC) was highlighted as a best practice for multi-MPO cooperation and collaboration for their ongoing and formalized planning efforts that include freight planning and coordinated identification of project priorities. In fact, 22 of Florida’s 27 MPOs (all those with a neighboring MPO) have entered into written agreements to coordinate with one or more nearby MPOs on a voluntary basis. Of those, 17 are members of formal MPO alliances that include three or more MPOs (see Table 1). Many transportation planning products have been generated, including but not limited to:

- Long-range transportation policy plans covering multiple MPO areas
- Shared goals and objectives
- Collaborative Shared project priority lists
- Congestion management processes covering multiple MPO areas
- Multi-county freight plans



Table 1. MPO Regional Coordinating Efforts in Florida

Name of MPO Alliance	Number of Member MPOs	Acronym	Year Formed
<b>Regional Alliances of MPOs (three or more MPOs working together)</b>			
Central Florida MPO Alliance	6*	CFMPOA	1997
Southeast Florida Transportation Council	3	SEFTC	2005
Treasure Coast Transportation Council	3	TCTC	2006
West Central Florida MPO Chairs Coordinating Committee	6*	CCC	1992

\*Polk TPO is a member of both the CFMPOA and the CCC

Additionally, all 27 Florida MPOs belong to the Florida MPO Advisory Council (MPOAC), which is a statewide forum for collaboration and statewide transportation policy development. The MPOAC meets quarterly and provides regular opportunities for the Florida DOT, FHWA and FTA to provide updates of national and statewide significance. This voluntary collaboration demonstrates that MPOs in Florida recognize the value of speaking with a collective voice on transportation issues at a statewide level. This has been demonstrated in a variety of ways including the development of financial guidelines for MPO plans and, in partnership with the Florida DOT, an estimate of unfunded statewide transportation needs in Florida's urbanized areas. As a result, the funding allocated by the Florida legislature for transportation has been growing and exceeded \$10 billion for the current state fiscal year.

Clearly, Florida already recognizes the value of partnerships and collaboration. We would like to see a process where MPOs are not forced to merge or forcibly coordinate, but rather are encouraged with incentives to develop partnerships that suit their unique metropolitan areas. We are open to several ideas and would suggest that any incentives offer additional funding beyond FHWA and FTA planning funds. We would be happy to assist USDOT and other states by sharing our experiences in Florida and assisting other areas in establishing voluntary cooperative planning agreements and structures.

Additional MPOAC comments to the proposed metropolitan planning organization coordination and planning area reform rules are stated below. Chief concerns include:

### **Lack of Authority in Law**

As stated in the proposed rule, the interpretation of the terms Urbanized Area (UZA) and Metropolitan Planning Area (MPA) has stood for many years. We cannot find a requirement in federal law stating that neighboring MPOs sharing a UZA need to produce joint documents (Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP)) unless the definition is rewritten as proposed. In that case, we believe that the definition is being rewritten to achieve a goal that is beyond the original intent of Congress. We, therefore, contend it is an act of administrative overreach, and potentially not a legal action by USDOT. We ask USDOT to provide a legal opinion that demonstrates Congressional intent in this area and provides authority for USDOT to undertake the actions proposed in this rulemaking.

### **Loss of Coordination Between Transportation and Other Planning Processes**

One of the primary functions of MPOs, as is clearly illustrated in federal law through the planning factors, is to coordinate transportation planning with other forms of planning. MPA boundaries in our state are frequently drawn to correspond to the same geography as other planning processes, particularly land use planning. By forcing MPO planning and programming documents to be adopted for a larger geographic area than is currently the case in many areas of Florida, this proposal will dramatically complicate the ability to coordinate transportation planning with land use, economic development and other planning processes. Any rule on MPO coordination should maintain flexibility in the designation of MPA boundaries to allow MPOs to “right size” for this important planning coordination function.

### **Complications of State Open Government Laws**

Florida has very strong and very specific open government laws that require the vast majority of transportation planning related discussions and decisions to be made during noticed meetings. These laws pertain not only to members of decision-making bodies such as MPO governing boards, but also to all MPO advisory committees (i.e. technical advisory committees, bicycle/pedestrian advisory committees, freight advisory committees), most of which are comprised of local and state agency employees. As written, the proposed rule would greatly complicate coordinating decision-making processes across political boundaries in states with strong open government laws by requiring MPO planning processes to cover increasingly large areas. This would be particularly true for transit agencies that are currently covered by different MPOs, but would be covered by the same MPO under the proposed rule, dramatically limiting their ability to communicate with decision makers outside of publicly noticed meetings.

### **Loss of Local Perspective**

The original motive behind the creation of MPOs was to incorporate the local perspective into transportation decisions that up until that time were made exclusively by state DOTs. This proposal will result in fewer, but much larger, MPO areas where the decision-making process will be further removed from communities and the people for whom MPOs were originally intended to provide engagement opportunities.

### **Negative Impacts to Low-Income and Minority Communities**

MPOs are required to actively encourage the participation of transportation-disadvantaged populations and to continuously monitor and improve outreach techniques for that purpose. When larger MPOs hold meetings, they may try to either meet in a centralized location or move about the larger region. This would result in many citizens having to travel further to engage in the transportation planning and programming process in person and will have a substantial impact on low-income and minority populations who may have limitations in terms of time, money, or mobility. We anticipate that the USDOT response will be that good public involvement will prevent this issue. We counter that participating in

an MPO governing board meeting in person is more meaningful than any other form of participation. The additional travel that would result from this rule will create a barrier for low-income and minority populations to participate. We find it very concerning that USDOT would propose a rule that would potentially disengage individuals whom MPOs spend so much time and effort reaching.

### **Larger MPOs Will Not Necessarily Create Better Planning**

As discussed earlier in these comments, we believe that the result of this proposed rule will be fewer and significantly larger MPOs that will not necessarily cover a geography that makes sense from a planning or programming perspective. This, in turn, will result in fewer creative solutions to address localized issues. Small MPOs provide customized transportation planning and solutions to their areas. As MPOs grow, they become less familiar with each individual sub-area of their region and less able to fully appreciate the impacts of their transportation decisions on local communities. MPOs were created to give a local voice to transportation planning. State DOTs are not always able to fully appreciate all of the individualized urban concerns due to the fact that they operate on a much larger scale and scope than individual MPOs. This NPRM, if implemented, will create MPOs that are larger than some states due to the contiguous nature of Florida's UZAs. Florida already has five (5) MPOs with larger populations than the five (5) smallest states. This seems counter to the original purpose for creating MPOs.

### **Polycentric and Monocentric Regions: Not All UZAs are Alike**

Each UZA or group of contiguous UZAs has a specific character and nature. Some areas grew from a singular, easily-identified, urban core outward (like an amoeba) and are generally monocentric regions. These monocentric regions grew organically from a core over long periods of time and the entire area generally shares a common identity. Other areas started as individual urbanized areas, each with their own identifiable urban core, which grew together (like interlocked fingers) and now comprise a single, census-defined UZA with multiple long-established urban cores. These are polycentric regions, which are quite different from monocentric regions in a variety of ways that are important to transportation planning and programming. For example, many polycentric areas in Florida have multiple commercial airports, multiple transit agencies, multiple expressway authorities, multiple seaports and multiple intermodal logistic centers. These polycentric areas do not share an identity and, though connected through a fluke of population density, continue to behave like a series of separate areas. As such, we do not believe that a one-size-fits-all approach to transportation planning is appropriate and propose that the federal agencies promulgate rules that allow for flexible and voluntary approaches to coordinated planning and programming. Such an approach would allow polycentric regions to address transportation issues of universal concern in a collaborative manner through visioning efforts and general policy plans that guide and inform individual MPO planning and programming processes.

### **The Term “Region” is Not Defined**

The word “region” is used repeatedly in the NPRM, but is not defined in the proposed rule or 23 CFR 450. “Region” may mean different things to different people.

### **The Proposed Rule Gives Governors “Veto” Power over MPOs**

In a case where a governor will accept nothing other than merger of existing MPOs, the proposed rule would give the governor what amounts to veto power over the decision to allow MPOs to remain separate, creating a powerful weapon for that governor. The proposed rule states that most MPOs are not meeting the federal MPA boundary requirements and presumably would have to establish a new planning boundary or face receiving a corrective action during their next Transportation Management Area (TMA) certification review for not serving the entire MPA. The MPO could not re-establish its planning boundary to correct the deficiency identified in the certification review without approval from the governor. This rulemaking would give the governor the ability to compel MPO mergers by waiting out the process until a federal certification review. The affected MPOs would be forced to choose between being de-certified by FHWA/FTA for not serving the entire MPA or going along with a coerced merger if the governor decides that is what he/she wants. This proposed rule gives undue influence to the governor in these cases.

### **Factual Statements Made in NPRM Need Verification**

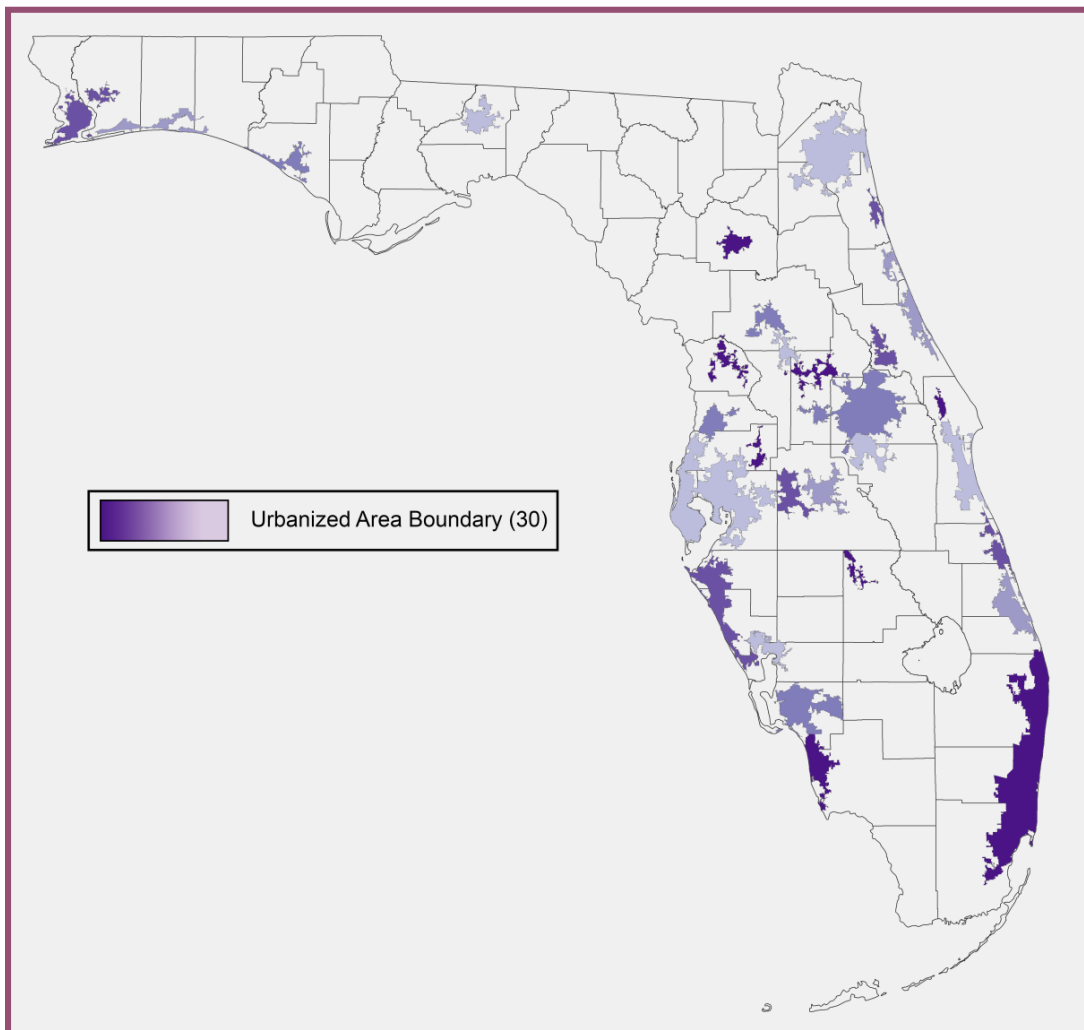
As previously mentioned, a number of declarative statements are made in the proposed rule without explanation of how these statements are known to be factual. There are no citations of completed research, peer exchanges, or studies to establish the veracity of the statements, and the lack of proof leaves the reader unsure of what is actual fact. Examples include:

- A statement that economies of scale would be achieved by combining MPOs (page 41474).
- A statement that the proposed rule will correct problems that have occurred under the 2007 rule (what problems are we referring to?) (Page 41475).
- A declaration that planning has become inefficient in MPAs with multiple MPOs (page 41475).
- “However, it is the opinion of the Secretary of Transportation that there must be adequate cooperation between states and MPOs.” (Page 41476).
- USDOT states that multiple separate MPOs jointly developing unified planning products should not create a large burden and in some cases reduce overall planning costs (Page 41480).
- A declaration that the costs to the affected MPOs should be minimal (Page 41480).

### **Appropriateness of Census Data and related Census Policies to set UZAs**

The proposed rule does not address how changing policies within the US Census Bureau could impact the structure and size of MPOs in the future. It is important to note that the

US Census Bureau creates their data and UZA boundaries without regard to the needs and uses of the transportation community. Therefore, the results of census policies may have significant unintended impacts on transportation decision making. We note that the decennial census of 2010 did not merge any UZAs due to a policy decision that any named area identified in the 2000 census as a UZA would continue in 2010 to be an independently named UZA (please see the August 24, 2011 Federal Register, page 53041, middle column). This policy may not carry forward into future census efforts, which could cause Florida eventually to have one UZA along the entire Atlantic Coast (see Figure 1). The Atlantic Coast is a high growth area of our state, and the multiple existing MPOs will continue to have connected UZAs. It is conceivable that Florida could have one UZA that extends from Miami-Dade to Jacksonville, a distance of about 400 miles. We maintain that an MPO of this size would not be nonsensical and unable to effectively or efficiently conduct a metropolitan planning process that represents local interests and engages local communities. Perhaps it is time to reconsider the census-defined urbanized area as the sole basis for MPO geography and for the necessity of an MPO process.



*Figure 1. 2010 Florida Urbanized Area Boundaries.*

### **Establishing One Performance Target per UZA**

Establishing joint performance targets for MPOs within a common UZA ignores the fact that within a UZA there are often different priorities and characteristics among the multiple sub-areas and MPOs. In the case of a large UZA with multiple MPOs we could have an example where transit usage and the transit system is very different in one MPO than in the other MPOs. For example, the UZA that covers Southeast Florida includes four separate MPOs (Miami-Dade, Broward, Palm Beach, and Martin). Miami-Dade MPO has a well-developed transit system, with rail and bus rapid transit, whereas Martin County is much lower density and offers only paratransit services. Establishing a single performance target would be difficult because one target would not fairly represent all areas of the UZA. A low target may work well for a suburban area like Martin, but be well under the actual performance of an urban center, like Miami-Dade. Conversely, a target designed for an urban area would result in the suburban areas consistently failing to meet the target. We recommend that in the case of multiple MPOs, the UZA be allowed to set multiple targets that are specific to each MPO.

### **Two (2) Years to Implement Is Not Enough Time**

The proposed rule requires that this change be implemented in two (2) years. The MPOAC does not believe that this time frame is reasonable given the multiple moving parts involved in this decision. In Florida, for example, not only would multiple MPOs and the State need agree to a course of action, but changes to state law would also be required, a process completely out of the control of the MPOs and governor. Additionally, this would require negotiating membership on a combined board, merging of staffs, and presumably in some cases may require state DOTs to alter their field office/district boundaries to better align with new MPO boundaries. All of this takes time and any changes would be best aligned with new census data when the 2020 census UZA boundaries are released.

Thank you again for the opportunity to comment on the proposed metropolitan planning organization coordination and planning area reform rules. We look forward to our continued work with the FHWA and FTA and our transportation partners at the state and local levels to plan and implement our nation's transportation system. Please feel free to call me at 850-414-4062 should you have any questions.

Sincerely,

Mayor Susan Haynie  
MPOAC Chair

Carl Mikyska  
Executive Director



# BOARD OF COUNTY COMMISSIONERS

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County Attorney

Peggy Caskey  
County Internal Auditor

August 17, 2016

The Hon. Gregory Nadeau  
Administrator  
U.S. Department of Transportation  
Federal Highway Administration  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

The Hon. Carolyn Flowers  
Acting Administrator  
U.S. Department of Transportation  
Federal Transit Administration  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

Re: Metropolitan Planning Organization Coordination and Planning Area Reform Notice of Proposed Rulemaking ("NPRM")  
Docket No. FHWA-2016-0016  
FHWA RIN 2125-AF68; FTA RIN 2132-AB28

Dear Administrator Nadeau and Acting Administrator Flowers:

Hillsborough County, Florida fully supports the stated policy goals of the NPRM to "strengthen coordination of the MPOs and the States and promoting the use of regional approaches to planning and decisionmaking." *See* Supplementary Information: Summary, 81 FR 41473. We agree that the proposed definition of "metropolitan planning area" better aligns with the statutory requirement 23 U.S.C. 134 and 49 U.S.C. 5303, and that the rulemaking as a whole will better achieve the statutory goals and policies articulated by Congress.

We encourage FHWA and FTA to proceed with finalization of the rule in largely the form in which it is proposed. We do, however, request a change to paragraph 23 C.F.R. 450.310(e), that furthers the policy goals stated in the NPRM, is necessary to fully conform to the rule to the requirements of 23 U.S.C. 134 and 49 U.S.C. 5303, and essential to prevent institutional inertia from undermining the implementation of the stated policy objectives of the proposed rule.

Specifically, we recommend that paragraph 23 C.F.R. 450.310(e), be revised as provided in Exhibit A, attached. We believe these changes are necessary to conform to the requirement in 23 U.S.C. § 34(d)(7), which permits more than 1 metropolitan planning organization in a metropolitan planning area "only if the Governor and the existing organization determine that the size and complexity of the

Post Office Box 1110 • Tampa, Florida 33601

Phone (813) 272-5660

HillsboroughCounty.org

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Metropolitan Planning Organization Coordination and Planning Area Reform Notice of Proposed Rulemaking ("NPRM")

Docket No. FHWA-2016-0016

FHWA RIN 2125-AF68; FTA RIN 2132-AB28

Page 2 of 2

existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate." 23 U.S.C. § 134(d)(7) only allows more than 1 metropolitan planning organization in a metropolitan planning area when there is agreement between the metropolitan planning organization and the Governor that more than 1 organization is appropriate.

The proposed rule could be interpreted to allow multiple metropolitan planning organizations to persist in a single metropolitan planning area without the determination required by 23 U.S.C. § 134(d)(7) if the Governor and the existing metropolitan planning organization(s) fail to agree or simply fail to act. Accordingly, we believe the proposed rule should be revised so that if the Governor or metropolitan planning organization(s) fail to make the required statutory determination, the redesignation process must be initiated to merge the metropolitan planning organizations. The U.S. Code provides for no other instance when more than 1 metropolitan planning organization is permitted in a metropolitan planning area, so we believe this change is required to conform to the U.S. Code. Perhaps more importantly, this change is essential to expeditiously achieve the benefits of regional planning and perspectives that are so well described in the preamble of the NPRM.

Please note that we have also recommended in Exhibit A, a 6 month deadline for the determination under 23 U.S.C. § 134(d)(7) to occur. The reason we have recommended a deadline is that the proposed rule requires compliance within 2 years. See NPRM § 450.340, 81 FR 41485. We understand this requirement to mean that any redesignation required by the proposed 23 C.F.R. § 450.310 must be completed within 2 years. We support this 2 year implementation deadline. However, in order to have sufficient time to complete the redesignation process in 23 C.F.R. § 450.310 and 27 U.S.C. 134(d)(6), a timely determination regarding the number of metropolitan planning organizations in a metropolitan planning area is necessary. For this reason we have recommended a deadline of 6 months. If the Governor and the existing metropolitan planning organizations fail to make a determination by the deadline, the responsible entities can initiate the redesignation process with the expectation of completing the redesignation process within 2 year compliance deadline in the NPRM.

Thank you for the opportunity to comment.

Respectfully,



Commissioner Lesley "Les" Miller, Jr.  
Chairman

Hillsborough Board of County Commissioners, District 3

Attachment: Exhibit A

BOARD OF COUNTY COMMISSIONERS  
HILLSBOROUGH COUNTY FLORIDA  
DOCUMENT NO. 16-0883

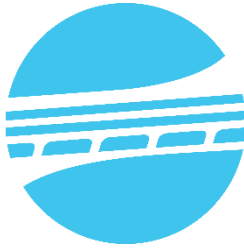


## Exhibit A

§ 450.310

\* \* \*

(e) Except as provided in this paragraph, only one MPO shall be designated for each MPA. More than one MPO may be designated to serve an MPA only if the Governor(s) and the existing MPO(s), if applicable, determine that the size and complexity of the MPA make designation of more than one MPO in the MPA appropriate. In those cases where the Governor(s) and existing MPO(s) determine that the size and complexity of the MPA do make it appropriate that two or more MPOs serve within the same MPA, the Governor and affected MPOs by agreement shall jointly establish or adjust the boundaries for each MPO within the MPA, and the MPOs shall establish official, written agreements that clearly identify areas of coordination, the division of transportation planning responsibilities within the MPA among and between the MPOs, and procedures for joint decisionmaking and the resolution of disagreements. If multiple MPOs were designated in a single MPA prior to this rule or in multiple MPAs that merged into a single MPA following a Decennial Census by the Bureau of the Census, and within 6 months the Governor(s) and the existing MPOs do not determine that the size and complexity ~~do not~~ make the designation of more than one MPO in the MPA appropriate, then those MPOs must merge together in accordance with the redesignation procedures in this section.



# Hillsborough MPO

## Metropolitan Planning for Transportation

Commissioner Lesley "Les" Miller, Jr.  
Hillsborough County  
MPO Chairman

Councilman Harry Cohen  
City of Tampa  
MPO Vice Chairman

Paul Anderson  
Tampa Port Authority

Commissioner Kevin Beckner  
Hillsborough County

Wallace Bowers  
HART

Mayor Frank Chillura  
Temple Terrace

Trent Green  
The Planning Commission

Commissioner Ken Hagan  
Hillsborough County

Joe Lopano  
Hillsborough Co. Aviation Authority

Mayor Rick A. Lott  
City of Plant City

Councilman Guido Maniscalco  
City of Tampa

Councilwoman Lisa Montelione  
City of Tampa

Commissioner Sandra Murman  
Hillsborough County

Cindy Stuart  
Hillsborough County School Board

Joseph Waggoner  
Expressway Authority

Commissioner Stacy R. White  
Hillsborough County

Beth Alden, AICP  
Executive Director

August 2, 2016

Mr. Gregory G. Nadeau  
Federal Highway Administrator  
Federal Highway Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

### RE: Notices of Proposed Rule-Making

- Docket No. FHWA-2013-0054 "National Performance Management Measures"
- Docket No. FHWA-2016-0016 "MPO Coordination and Planning Area Reform"

Dear Mr. Nadeau,

The Hillsborough County Metropolitan Planning Organization (MPO) is pleased to provide comments on the Federal Highway Administration's (FHWA's) above notices of proposed rule-making.

We support the effort of the FHWA to implement system performance measures, in partnership with State DOTs and MPOs. We believe that these measures provide a uniform way of identifying both strengths and weaknesses of the national transportation system, increase accountability and transparency of the Federal-Aid Highway Program, and improve decision-making through performance-based planning and programming. It is in this context that we offer the following general comments for your consideration.

- **Congestion/System Performance:** An overarching concern of the rule is its reliance on the existing way traffic congestion is measured. The move toward connectivity to promote economic opportunities is overlooked. The focus on delay to measure congestion does not take into account transit, cycling, walking or carpooling trips. In addition, the freight standard of



**Plan Hillsborough**  
[planhillsborough.org](http://planhillsborough.org)  
[planner@plancom.org](mailto:planner@plancom.org)  
813 - 272 - 5940  
601 E Kennedy Blvd  
18<sup>th</sup> floor  
Tampa, FL, 33602

50mph may not be an appropriate goal in an urban community. The attached document from T4America summarizes these concerns.

- Air Quality: Currently all metropolitan areas in Florida are in compliance of the national ambient air quality standards (NAAQS). However, depending on the final standard for ozone expected to be released October 2016, there is a possibility the Tampa Bay area could exceed the standard. The Hillsborough County MPO recognizes the importance of good air quality to our communities and the transportation system, and recommends that FHWA's air quality performance measures reflect the importance of good air quality in borderline nonattainment areas.

We also fully support the FHWA's effort to improve regional planning and interjurisdictional coordination in metropolitan areas. Tampa Bay is a complex metropolitan area, with several urban centers around a large body of water, and four neighboring urbanized areas that have already grown into ours and crossed county boundaries. To reflect this large and complex economic region, the Hillsborough MPO has signed interlocal agreements for transportation planning and dispute resolution with our multiple neighbors, and has repeatedly sponsored regional (eight-county) long range transportation plans, public participation programs, priority-setting efforts, and congestion management performance studies. Following the 2010 Census, we formed a new Transportation Management Area (TMA) Leadership Group to provide additional focus on the three urban core counties of the region, and we streamlined our eight-county planning program by merging it with that of the recently-created Tampa Bay Regional Transportation Authority. We encourage FHWA to consider and support the regional transportation planning organizations that are already in place rather than mandating new ones.

We appreciate the opportunity to provide these comments and look forward to working with the Florida Department of Transportation in the implementation of the final rules.

Sincerely,

Beth Alden  
MPO Director

Cc: Carl Mikyska, MPO Advisory Council



CITY OF ST. PETERSBURG

CITY OF ST. PETERSBURG, FLORIDA

Office of the Mayor

RICK KRISEMAN, Mayor

August 23, 2016

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

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

RE: Metropolitan Planning Organization Coordination and Planning Area Reform - Notice of Proposed Rulemaking [Docket No. FHWA-2016-0016; FHWA RIN 2125-AF68; FTA RIN 2132-AB28]

Dear Administrator Nadeau and Acting Administrator Flowers:

On behalf of the City of St. Petersburg, I appreciate the opportunity to provide input on the Notice of Proposed Rulemaking (NPRM) for Metropolitan Planning Organization Coordination and Planning Area Reform. We support the U.S. Department of Transportation's efforts to improve the transportation planning process by strengthening the coordination of MPOs and States and promoting the use of regional approaches to planning and decision-making. We agree that it is important to apply a regional perspective during the planning process, to ensure that transportation investments reflect the needs and priorities of an entire region. We are concerned, though, that new federal requirements will negatively impact a well-established regional transportation planning process that well-serves the unique needs of the Tampa Bay region.

Metropolitan planning organizations have been established for each county in the Tampa Bay region due to its size and complexity. The three counties in the Tampa-St. Petersburg Urbanized Area, which include Pinellas, Hillsborough and Pasco, have different transportation needs and land use patterns. Traditional development patterns exist in certain parts of the region such as in St. Petersburg and Tampa, where redevelopment and economic development initiatives have been emphasized. St. Petersburg and Tampa have established road networks and bus service, and are seeking funding for premium transit projects. Rural areas exist in other parts of the region, primarily within Hillsborough and Pasco Counties. Growth management and the careful coordination of transportation and land use planning is particularly important to these areas to reduce urban sprawl and protect rural communities.



We are concerned that a regional MPO for the Tampa-St. Petersburg Urbanized Area, or a larger number of counties would be difficult to administer. Forward Pinellas, the MPO for Pinellas County, represents 24 other local governments besides St. Petersburg, and has made it challenging to ensure that the voices of all our local governments are heard within Pinellas County. It would be far more difficult to ensure that all local governments are fairly represented on a regional MPO board, especially representation from our beach communities that play a significant role in our local economy yet are incorporated in several distinct municipalities. Forward Pinellas, which also serves as our local land use planning agency, already has 13 elected officials, some of which represent several local governments. The City, as that largest jurisdiction within Pinellas County, currently enjoys having two representatives on the 13-member board. A regional MPO would require more officials to represent a larger number of local governments, and it's not clear that the City of St. Petersburg would even be afforded a single seat on a regional MPO board as envisioned through the proposed rule change. It is important to note that the maximum number of board members for MPOs in Florida is 19 as established by the Florida Statutes. And while the Miami-Dade Urbanized Area MPO has been permitted to exceed the 19 member cap, we believe that 19 members is too large a number to conduct an effective meeting.

Even in advance of the Notice of Proposed Rulemaking, local governments and organizations in the Tampa Bay region have developed the means necessary to effectively coordinate our transportation plans, programs and projects. The Tampa Bay Area Regional Transportation Authority (TBARTA) was created by the Florida State Legislature in 2007 to develop and implement a Regional Transportation Master Plan for the seven-county West Central Florida region consisting of Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas and Sarasota Counties. More recently, the three counties in the urbanized area established a Transportation Management Area (TMA) Leadership Group to coordinate plans and establish regional priorities which has been very effective. I would say again that I appreciate the opportunity to comment on the proposed rule, and note that we believe the existing regional transportation planning structure is most appropriate for our region, and allows St. Petersburg and other smaller communities to have our voices heard with the best outcomes achieved.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Kriseman", with a stylized flourish at the end.

Rick Kriseman, Mayor

Cc: Jim Kennedy, Chair, Forward Pinellas  
Whit Blanton, Executive Director, Forward Pinellas

August 26, 2016

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

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

Re: Docket No. FHWA-2016-0016

Dear Administrators Nadeau and Flowers:

The Tampa Bay Partnership (Partnership) is pleased to provide comments on the Notice of Proposed Rulemaking (NPRM) issued by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) in the June 27, 2016 Federal Register. The Partnership, a multi-county regional business leadership and advocacy organization, supports the revisions to regional transportation planning structure and outcomes outlined in the NPRM titled "Metropolitan Planning Organization Coordination and Planning Area Reform."

In the context of a national economy wherein the 100 largest metropolitan economies – while constituting in combination one-eighth of the country's land mass – are home to two-thirds of the U.S. population and generate three-fourths of national gross domestic product,<sup>i</sup> planning structures and processes that ignore economic geography represented by metropolitan statistical area (MSA) boundaries in lieu of structures built around political geography represented by component county (or sub-county) boundaries do not maximize economic prosperity nor do they necessarily connect citizens to economic opportunity. Indeed, one need look no further than the 20 largest MSAs in the nation to see that the general trend in these major markets is to forgo county-level planning areas and organizations in favor of structures that reflect the economic region. Of these 20 major markets, only South Florida and Tampa Bay yield to political geography.

The emergent Tampa Bay region has seen its share of alternative coordinating agreements for transportation planning. Since 1993, the Metropolitan Planning Organizations (MPOs) in the Tampa Bay Region have convened as the Chairs Coordinating Council (CCC). Initially independent, the CCC recently merged into the Tampa Bay Area Regional Transportation Authority (TBARTA) – itself an organization created to yield a regional long range transportation plan. Lately, the Tampa Bay Transportation Management Area Leadership Group (TMA) – consisting of the three core Tampa Bay counties of Hillsborough, Pasco, and Pinellas – has entered the mix of regional transportation planning agencies. The TMA is charged with developing regional consensus priorities, with a focus on major cross-county

Street, Suite 700

Fax: (813) 872-9356

4300 W. Cypress

Tampa Bay, FL 33607  
Phone: (813) 878-2208

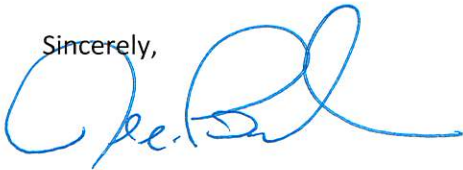
[www.TampaBay.org](http://www.TampaBay.org)

transportation markets and movements, and promoting a unified voice for the Tampa Bay region insofar as transportation priorities are concerned.

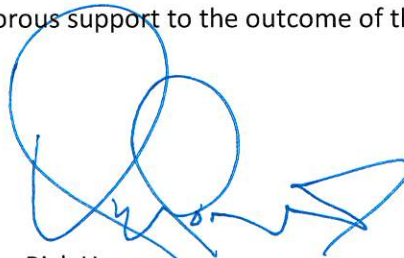
Despite these alternative structures, one can argue that Tampa Bay's good intentions in regional planning have produced many meetings, documents, and acronyms – but fewer concrete results benefitting the regional economy. The likely reason is that the alternative structures, while useful for conversation and contemplation, divorce discussion from financial and political reality. With no certification or authority to produce federally required planning documents such as the Long Range Transportation Plan and Transportation Improvement Program, the duty and financial resources to do so falls to the county-level MPOs where the influence of ward politics – and more bluntly the stark difference between the election and transportation planning/construction cycles – permeates the decision-making.

In an economy where each county is dependent on the others for workforce and opportunity, we submit that organic economic geography should take precedence over arbitrary political geography in the transportation planning process. We appreciate the opportunity to provide comment on the referenced NPRM, and anticipate that we will provide vigorous support to the outcome of the final ruling.

Sincerely,



Allen Brinkman  
Chair, Tampa Bay Partnership



Rick Homans  
President & CEO, Tampa Bay Partnership

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<sup>i</sup> Alan Berube and Amy Liu, "Achieving an advanced economy that works for all: The Brookings Metropolitan Policy Program in 2016 and beyond." January 6, 2016





**Committee on Transportation and Infrastructure**  
**U.S. House of Representatives**

**Bill Shuster**  
**Chairman**

**Washington, DC 20515**

**Peter A. DeFazio**  
**Ranking Member**

Christopher P. Bertram, Staff Director

August 24, 2016

Katherine W. Dedrick, Democratic Staff Director

The Honorable Anthony Foxx  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Washington, DC 20590

Re: Docket No. FHWA-2016-0016

Dear Secretary Foxx:

We write to express our concern with the U.S. Department of Transportation's (U.S. DOT) Notice of Proposed Rulemaking (NPRM) on "Metropolitan Planning Organization Coordination and Planning Area Reform." Given the significant impact that this proposed rule will have on the planning process, we urge you to extend the comment period and withdraw or significantly alter the NPRM.

While we have substantive concerns about the impact of the NPRM, our overriding objection is that the NPRM exceeds the planning requirements adopted by Congress. Section 134 of title 23 and section 5303 of title 49, United States Code, set forth the responsibilities of metropolitan planning organizations (MPO) where more than one MPO represents an urbanized area. These sections require MPOs to coordinate long-range plans and Transportation Improvement Plans (TIPs) where transportation improvements are located in areas served by multiple MPOs. These sections also require the Secretary to encourage each Governor of a state with a portion of a multistate metropolitan area and the appropriate MPOs to provide coordinated transportation planning for the entire metropolitan area. Congress has not mandated that MPOs within the same urbanized area produce a single TIP, long-range plan, or performance targets in past surface transportation reauthorization bills, including in the most recently passed Fixing America's Surface Transportation Act (P.L. 114-94; FAST Act).

The NPRM represents a serious overreach by the Administration, exceeds what is required in statute, and is contrary to Congressional intent. For any urbanized area represented by more than one MPO, the affected MPOs and the Governor(s) would be placed in the position of having to choose to either merge, develop unified planning documents, or realign MPO boundaries. The NPRM also proposes to require unified planning documents in urbanized areas that cross state

lines. We find it especially troubling that a rulemaking of this significance is being pushed through at such a lightning pace in order to be completed before the end of this Administration.

It is our understanding that numerous stakeholders have requested additional time to comment on the NPRM. We urge you to extend the comment period and withdraw or significantly alter the NPRM. In addition, we encourage you to focus the U.S. DOT's resources on finalizing the outstanding rulemakings as required by Moving Ahead for Progress in the 21st Century Act (P.L. 112-141; MAP-21) and the FAST Act. Thank you for your attention to this matter.

Sincerely,



Bill Shuster  
Chairman  
Committee on Transportation  
and Infrastructure



Sam Graves  
Chairman  
Subcommittee on Highways  
and Transit



Peter A. DeFazio  
Ranking Member  
Committee on Transportation  
and Infrastructure



Eleanor Holmes Norton  
Ranking Member  
Subcommittee on Highways  
and Transit