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Town of Yacolt
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City of White Salmon
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C-TRAN
Washington DOT
Port of Vancouver
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Port of Skamania County
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Oregon DOT
14th Legislative District
17th Legislative District
18th Legislative District
20th Legislative District
49th Legislative District

October 24, 2016

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

RE: Federal Docket No. FHWA-2016-0016

Dear Secretary Foxx:

Thank you to the U.S. Department of Transportation for extending the comment period on the Metropolitan Planning Organization (MPO) Coordination and Planning Area Reform Notice of Proposed Rule Making to allow additional comments addressing the impacts of the proposal regarding unified planning products, potential exceptions, and expected costs of implementation.

As MPO for the Clark County, Washington, portion of the greater Portland (Oregon) region, Southwest Washington Regional Transportation Council (RTC) previously provided comments to the docket which specifically addressed potential exceptions to be included in the final rule (MPO Coordination Docket Comments Letter - RTC 20160825, posted August 29, 2016). The exceptions and criteria suggested were coordinated with Metro and are reflected in the letter submitted by Oregon Metro Council and the Joint Policy Advisory Committee (JPACT) posted to the docket on August 19, 2016.

Potential Exceptions:

The specific exceptions and criteria suggested by RTC and JPACT are described as follows:

To ensure that multi-state urbanized areas engage in coordinated planning processes, without requiring consolidation, RTC concurs with Metro and recommends the following change to the proposed rule:

In situations in which multiple MPOs are located within one urbanized area and are also located in different states, the recognized MPOs may continue to operate as separate agencies and with separate planning products. However,

multi-state coordination must be represented in a permanent structure such as by-laws, charter amendment, resolution, or a memorandum of understanding in order to avoid changes in coordination. As part of the coordination agreement each state must be represented on Bylaw-recognized decision making committees and boards, with voting rights intact.

Through the years, RTC and Metro have enjoyed successful coordination that does not require a mandated consolidation. Representatives of our respective MPOs sit on joint advisory committees and decision-making bodies with full voting privileges as required by charter and/or by-laws. Technical staff and elected officials from both MPOs meet frequently to coordinate regional transportation planning issues, and the Bi-State Coordination Committee was established to focus on coordinated bi-state issues. We feel that in the case of the Portland/Vancouver urbanized area, it is best to encourage jurisdictional coordination rather than force a consolidation that will potentially cause legal challenges and political gridlock.

ADDITIONAL INPUT

With the re-opening of the comment period, RTC would offer the following additional input and observations:

Proposed Requirement for Unified Planning Products Where Multiple MPOs Serve The Same Urbanized Area

The proposed rule does not provide specifics regarding the extent to which the planning products will need to be unified; the range could be from complete unification to simply stapling the documents together. If complete unification is the requirement, then RTC's decision makers raise the concern that their local voices will be lost in documents that cover a larger planning area. Even the seemingly simple task of stapling two documents together in our bi-state region is not as simple as it might at first appear. One of the stated goals of the MPO Coordination NPRM is to effect greater efficiencies, but there are no efficiencies to be enjoyed when the time to develop the TIP and RTP is going to take longer and will be more complex.

Unified Transportation Improvement Program Concerns:

- Metro and RTC have different timelines for development of respective MPO Transportation Improvement Programs (TIPs), and Oregon and Washington have different timelines for developing the State Transportation Improvement Programs (STIPs), which would be difficult to work with in producing a unified Metro/RTC TIP. Currently, RTC develops a TIP annually and adopts in early October of each year, whereas Metro develops a TIP about every two years.

- TIP amendments would take longer to process and could lead to significant project delays if there had to be complete TIP unification.
- RTC and Metro have different project selection criteria to prioritize projects for programming of funds in the TIP which would be difficult to reconcile if a completely unified TIP is required.
- Coordination of federal funds for TIP programming between multiple states is going to be very difficult to achieve considering the different budget processes, timelines and priorities between the two states.
- The two regions already coordinate on bi-state corridor projects.

Unified Regional Transportation Plan (RTP) Concerns:

- In the RTP process, the region establishes its vision and goals as well as transportation investment priorities. Transportation plans support the land use vision within the respective regions. In Washington State, comprehensive planning from the local level upward has its basis in the state's Growth Management Act, codified in the Revised Code of Washington. The State of Oregon has a different statutory basis. If RTPs were to be unified, it would be a challenge to reconcile the different planning approaches.

The Expected Costs of Implementing the Proposed Rule

The costs of implementing the proposed rule are difficult to estimate because there is no specificity regarding to what extent the proposed new planning products will need to be unified; expectations could range from completely coordinated products and processes to stapling documents together.

RTC estimates it could take (at a minimum) up to 2 additional FTEs at a cost of over \$150,000 per year to meet the additional coordination responsibilities having to work between two state Governors, two state legislatures, and local jurisdictions operating under different state statutory and policy directives. Updated and more complex agreements will need to be put into place, including the proposed dispute resolution process. This will require legal counsel review and added expense. Without additional staff, current staff would have to take time away from their current tasks to fulfill the requirements of the proposed rule which would be distracting, inefficient and burdensome. In a time of constrained budgets, there is insufficient capacity to add staff.

Further, the proposed two year transition period does not provide sufficient time to institute all of the new planning provisions. Our most recent experience in updating the Metropolitan Transportation Planning Agreement between the MPO, WSDOT and local transit agency took close to 2 years to complete given the time taken to have State Attorney General review of iterative document drafts and coordination between the three agencies party to the MOA.

RTC urges you to consider the suggestions included in this letter. RTC has concerns that the proposed new rules would not offer increased efficiencies in the metropolitan transportation planning process. If the US DOT is intent on moving forward with the MPO Coordination rulemaking then it is imperative that exceptions are made for multi-state urbanized areas to allow for coordinated planning processes while offering flexibility to meet the needs of their states and constituencies.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MAR', is positioned above the typed name.

Matt Ransom
Executive Director
Southwest Washington Regional Transportation Council