

ATTACHMENT #2

MEMORANDUM

To: MPO Technical Advisory Committee
From: Scott Bogle, Senior Transportation Planner
Dave Walker, Transportation Program Manager
Date: July 20, 2016
RE: Long Range Plan Update & Schedule Change

Since January staff have been working on an update to the MPO Long Range Transportation Plan to incorporate new requirements under the Fixing America's Surface Transportation (FAST) Act. Thus far the TAC has reviewed draft and revised Plan Goals, preliminary work on objectives and policies, draft chapters on Existing Conditions as well as Key Issues & Challenges. To date we have targeted adoption at the October MPO meeting.

Based on a number of different factors, we are now projecting that the document will be ready for adoption at the MPO meeting in April 2017. One key factor in this is the continued delay in the start-up of the SHRP2 multi-MPO Performance Based Planning project that was intended to provide a basis for selecting performance metrics for the RPC region. Additional factors include temporary or permanent loss of staff working on the project, including the retirement of Tom Falk who has overseen the regional travel demand model used for the scenario planning element, and Scott Bogle who was out the second half of April following hip surgery.

Remaining Long Range Plan elements include the following:

- Complete Existing Conditions element – Remaining work in this section includes the addition of regional demographic and economic data at the front of the chapter, insertion of updated maps, and revised numbering of maps and figures.
- Complete Scenario Planning element – Another iteration of model runs was completed in June and, assuming no further consistency issues, staff is set to begin analysis of the outputs and develop the comparison between the different scenarios. Model links also will be examined for levels of congestion to see if specific locations can be identified as congestion points under multiple future scenarios. This piece of the Long Range Transportation Plan will follow a similar outline as the Scenario Planning chapter in the Regional Master Plan, and will utilize much of the material from that document to form the basis of the needs assessment and future conditions analysis.

- Refine Plan Objectives and select Performance Metrics – Beyond selection of performance measures the plan must include an initial system performance report providing baseline data on each of the performance measures as well as future targets. Full implementation of performance based planning requirements will not technically be required until fall 2017 for MPOs, but state DOTs must have measures in place by spring 2017, and FHWA/FTA expect that process to be completed in consultation with MPOs. RPC will need to identify a preliminary set of performance measures to adopt for this Plan update, and will adjust these following completion of the SHRP2 planning process.
- Needs Assessment – The Key Issues and Challenges section addresses transportation system needs in a broad sense. The Needs Assessment element of the Plan will be more corridor specific, identifying specific areas where data point to needed improvements to address safety or congestion problems. This section will draw on model results as well as crash data and other traffic data, and findings from the CMP and corridor studies.
- Strategies – The strategies and recommendations section from the 2015 Regional Master Plan will form the basis for the strategies section, and we anticipate additional material to respond to new requirements under the FAST Act. At a minimum new material will address the two new planning factors in the 3Cs process: improving resiliency and stormwater management, and enhancement of travel and tourism. Strategies will also draw on findings and recommendations from other recent planning efforts such as Tides to Storms, the Coastal Risks and Hazards Commission, regional transit coordination plans
- Consultation – Staff anticipate presenting the draft plan, and especially the environmental mitigation element, to the state and federal Resource Agency group that meets monthly in Concord and includes NHDES, EPA, NHDHR, Fish and Wildlife and other agencies. In recognition of FHWA and FTA interest in cross-MPO coordination within Urbanized Areas, staff anticipate also conferring with neighboring MPOs on the draft document (SRPC, SNHPC, NRPC, MVPC, SMRPC).
- Solicitation for Long Range Project List – Staff’s original intention was to not conduct a project solicitation as part of this update to the Long Range Plan. That said, RPC will need to solicit for projects for the next Ten Year Plan cycle beginning in January 2017. We are considering moving that project solicitation window up to October/November 2017 to create an opportunity for new projects to be included on the Long Range Project List for adoption in January.

Staff will continue to bring draft elements to the TAC on a monthly basis through the summer and fall. We anticipate having several elements for review at the October MPO Policy Committee meeting, including the updated Scenario Planning and Needs Assessment elements, refined objectives, preliminary work on performance measures.

ATTACHMENT #3

MEMORANDUM

To: MPO Transportation Advisory Committee

From: Dave Walker, Transportation Program Manager

Date: 7/21/2016

RE: **Final Planning Rule & Proposed MPO Coordination and Planning Area Reform rule**

There are a number of rulemaking actions occurring at the federal level that have impacts on the MPO in terms of the work that we do and (potentially) the structure and geographic coverage of the agency. Two of these rules are discussed below.

Metropolitan Planning Rule

On May 27, 2016, nearly two years after releasing the proposed rule for public comment, the US Department of Transportation published the Statewide and Nonmetropolitan Transportation Planning and the Metropolitan Transportation Planning Final Rule. This most recent rule largely continues the “3C” transportation process that has been in existence since the early 1990’s, however it now includes a required performance driven process as included in the most recent transportation acts (MAP-21 and FAST). The changes that have the largest impact on the work of the MPO are:

Two New Planning Factors: The eight planning factors that have been required to be considered as part of the transportation planning process has been expanded to ten. Now, in addition to considering economic vitality, safety, security, accessibility and mobility, environmental protection, system integration and connectivity, system efficiency, and system preservation, MPOs must also address

(9) Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and

(10) Enhance travel and tourism.

Transportation Plan changes: The implementation of performance based planning adds some requirements to the development of the Long Range Transportation Plan.

- The Plan shall include consideration of the two new planning factors; resiliency and stormwater management, and travel and tourism.
- The Plan shall include a description of measures and targets used to assess the performance of the transportation system

- The Plan shall include a system performance report that is updated to evaluate the condition and performance of the transportation system with respect to the targets included in the Plan.
- The Plan shall include consideration of intercity bus systems, including privately owned, for their impact on congestion, pollution, and energy consumption.
- The Plan may include an optional Scenario Planning effort that looks at the impacts of different investment strategies, population and employment distribution, or other variations in inputs and outcomes. If scenario planning is undertaken, FHWA encourages the MPO to look at both revenue constrained options, as well as those that attempt to improve the conditions for as many performance areas as possible without fiscal constraint.

Transportation Improvement Program changes: There are just two changes to the TIP however these will require a fair amount of work to implement.

- The TIP shall make progress towards achieving the established performance targets
- The TIP shall include a description of the anticipated effect of the TIP toward achieving the performance targets identified in the Long Range Transportation Plan.

Performance Based Planning: Most importantly, the new rule formalizes and requires that the MPO implement a “Performance-based approach” to the transportation planning process that supports the purpose and national goals. The MPO must *establish and use* performance targets in the transportation planning and decision-making progress. At a minimum, the MPO must include the seven national goals in this process, but can expand to other areas if desired. The Seven national goals are:

- (1) **Safety** — To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
- (2) **Infrastructure condition** — To maintain the highway infrastructure asset system in a state of good repair.
- (3) **Congestion reduction** — To achieve a significant reduction in congestion on the National Highway System.
- (4) **System reliability** — To improve the efficiency of the surface transportation system.
- (5) **Freight movement and economic vitality** — To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.
- (6) **Environmental sustainability** — To enhance the performance of the transportation system while protecting and enhancing the natural environment.
- (7) **Reduced project delivery delays** — To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.

States have one year after the publication of each performance management rule to establish measures and targets and MPOs have 180 days after that to establish their measures and targets. Three of the six

Transportation Performance Management Rules have been published this year (see table) and so the countdown has begun on several pieces of implementing performance measures. Although the rule

Performance Area	Anticipated Final Rule	State Implementation	MPO Implementation
Safety Performance Measures	3/15/2016	3/15/2017	9/11/2017
Highway Safety Improvement Program	3/15/2016	3/15/2017	9/11/2017
Statewide and Metro Planning; Non-Metro Planning	5/27/2016	5/27/2017	11/23/2017
Pavement & Bridge Performance Measures	11/2016	11/2017	5/2018
Highway Asset Management Plan	11/2016	11/2017	5/2018
System Performance Measures	Comments on Proposed Rule close 8/20/2016	TBD	TBD

allows the MPO 180 days after the state to set the performance measures and targets, it is clear from FHWA guidance that the intent is for the State and MPO to work together on establishing measures and target setting at the same time and in coordination with each other to ensure that they are “consistent to the maximum extent practicable,” and that the MPOs, the States, and transit agencies,

“shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO (see § 450.306(d)), and the collection of data for the State asset management plan for the NHS” [23 CFR 450.314(h)]

Based on that, and the delay in approval for the SHRP2 grant, the MPO will be needing to work closely with the other New Hampshire MPOs and NHDOT to implement performance measures and targets on a more accelerated schedule than initially anticipated.

Proposed Metropolitan Planning Organization Coordination and Planning Area Reform Rule

On June 27, 2016 FHWA and FTA released a proposed rule to revise the transportation planning rules to “promote more effective regional planning by States and metropolitan planning organizations”. The intent of the rule is that there be unified planning documents for each urbanized area (UZA) as defined by the US Census, even if there are multiple MPOs designated within that urbanized area. The proposed rule and supporting documentation can be found on the federal register website -

<https://federalregister.gov/a/2016-14854>. I have also attached a portion of the NARC analysis of this proposed regulation as that provides a good summary of the rule and the proposed change, as well as an analysis of the impacts on MPOs.

MPO boundaries are determined by the presence of a Census designated UZA and are supposed to include that urbanized area as well as any surrounding non-urbanized areas that are likely to become urbanized over the next twenty years. Historically this has been interpreted that as long as each community within the UZA is covered by an MPO process, the intent of the rule is being met. In New Hampshire, the MPOs have been designated to be contiguous with the Planning Commission boundaries, and for the most part, this has ensured that each urbanized community was covered by an MPO process. The new interpretation proposed in this rule would require that anytime multiple MPOs are within the same UZA, there would need to be some consolidation, ideally to a single MPO covering the entire UZA. In cases where the size and complexity of the UZA make this difficult, multiple MPOs would be allowed. In instances where multiple MPOs are allowed however, it would require that those MPOs work together to produce a single Long Range Plan and Transportation Improvement Program (TIP) for the UZA as well as common performance measures and targets.

The current RPC region includes portions of two UZAs; the Portsmouth Urbanized Area, which extends beyond our boundaries into Newmarket (SRPC) and into Maine as well, and the Boston Urbanized Area, which touches 17 New Hampshire towns (see map), most of eastern Massachusetts, and extends south into Rhode Island . Assuming that the planning commissions keep their current boundaries, under this proposed rule, the RPC, along with Southern NH Planning Commission, the Nashua Planning Commission, and nine of the ten Massachusetts MPOs would need to produce a unified TIP and Plan for the Boston Urbanized Area. RPC would also need to work with the Southern Maine Planning and Development Commission (SMPDC) and Strafford RPC (SRPC) to produce a single unified TIP and Plan for the Portsmouth Urbanized Area. The other option, a reconfiguration of MPO boundaries along urbanized area boundaries, does not make sense in New Hampshire as it would result in 5 different MPOs based around the 5 urbanized areas, instead of the four that we have now. It would also divorce the MPOs from the current planning commission boundaries creating another set of problems.

Given what we know now, it will be important that the MPO make some comments in opposition to this proposed rule. It is still early in the comment period, but it appears that there is little support for this proposal by State DOTs or MPOs. The American Association of State Highway and Transportation Officials (AASHTO) and the Association of Metropolitan Planning Organizations (AMPO) have cosigned a letter (read it at www.ampo.org) asking for a longer than 60-day comment period, but also outlining some initial reasons why they believe this rule is a poor idea. Their initial take echoes many of the same concerns that staff has, including, impacts on financial and staff resources, intergovernmental relationships, the ability to implement performance based planning, delaying the implementation of the new Metropolitan Planning Rules, and contributing to a disjointed approach to the planning process.

Action

Staff has started to draft comments regarding the proposal based on review of the document, input from Commissioners at the July MPO Policy Committee meeting, input from the staff of other MPOs in the area, comments from other agencies during the July 15th webinar regarding the rule, and the NARC

analysis that is attached to this memo. These draft comments are reflected in the bullet list attached, and center around four basic arguments:

- UZAs are not a sound basis for Transportation Planning
- It creates inefficiencies and additional complexity in New Hampshire
- It will be confusing for the general public
- It disregards current coordination efforts

No action is required of the TAC at this time. However, once a set of comments has been finalized, staff will also look to TAC members and RPC commissioners to submit comments to further reinforce the points being made.

Proposed Metropolitan Planning Organization Coordination and Planning Area Reform Rule

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<https://federalregister.gov/a/2016-14854>

- **UZAs are Not a Sound Basis for Transportation Planning:** The stated goal of the proposed rule is to create “unified planning products for each UZA even if there are multiple MPOs within that urbanized area.” In our view, this goal is based on the false premise that UZAs are a sound geographical basis for regional transportation planning. The FHWA/FTA proposal assumes that UZAs are cohesive and represent a functional transportation planning “region.” That is not the case in all areas, especially at the outer boundaries of large UZAs and where those outer boundaries cross state lines. UZAs are statistical tool defined by algorithm to identify areas of high population density and connectedness to adjacent areas of population density. In some locations where the urbanized areas are isolated from others, they may form a reasonable basis for transportation planning, but in the northeast and New England where UZAs are immediately adjacent to others and no longer relate to historical and political patterns of association, they do not, they are a poor basis for planning. The Boston UZA, for example, encompasses as huge area, including three states and a half dozen or so once separate urbanized areas. The outer most reaches of the UZA have very little connection to the UZA core with respect to transportation needs except for commuting needs, and even that has declined in recent years. In much of New England and the northeast, adjacent UZAs practically merge together, and designations are subject to change (by algorithm) from one Census to the next. In the RPC Region, three of our four largest communities changed UZA designation after the 2010 Census. Tying transportation planning processes and documents to UZAs would create an unstable planning arena. Further complicating this is the fact that there are no unincorporated areas adjacent to urbanized areas in NH and that current MPO planning boundaries are contiguous with community boundaries in New Hampshire. Given that, and the close proximity of the UZAs in New Hampshire, it virtually requires that MPOs trade territory with each Census and again makes consistent long-range planning difficult.
- **Creating unified Plans and TIPs ignores the reality of State boundaries:** Transportation priorities are ultimately sanctioned in a political process whereby funding for those priorities is allocated. Different States and MPOs within States have different project priorities, and legitimately so. It is not likely that a truly ‘unified TIP’ that crosses states and TMAs (such as within the Boston UZA) is achievable other than on paper.
- **The Rule ignores long standing intergovernmental and regional planning relationships:** Current NH MPO boundaries are contiguous with those of the State-designated Regional Planning Commissions (RPCs), and the MPOs are housed within the RPCs. This accomplishes two things: it aligns the MPA boundaries with the existing state-establish regional planning areas, and it fosters the coordination

of transportation planning with other regional planning issues like land use, natural resources, climate change, and resiliency planning in the state. This allows the MPO to efficiently leverage outside expertise to tackle the complex interdisciplinary problems of the current transportation planning process, as well as further integrating transportation planning with local and regional land use and development planning. Requiring New Hampshire MPOs to separate from the RPCs by requiring a boundary change makes the planning process less effective and creates an entity with planning boundaries that do not match up with any others.

- **At times, the Census Bureau has changed their method of defining Urbanized Areas:** Transportation planning geography based on these boundaries means they become subject change from external sources and lack the stability needed for long-term planning. Given the proximity of the urbanized areas in southern NH, the probability is high that a change in the definition or underlying algorithms of urbanized areas will result in a new configuration of those UZAs. Recent iterations of the Census have seen one New Hampshire UZA split into two (Portsmouth-Dover-Rochester split into Portsmouth and Dover-Rochester), communities split between multiple urbanized areas (Auburn, Derry, East Kingston, Pelham), and communities shifting between urbanized areas (Exeter, Hudson, Windham) simply based on the Census Bureau modifying the definition of urbanized areas. This also makes it difficult to predict changes in the UZA over time.
 - **New Rule adds a 5th planning area in NH to cover the Boston UZA:** There are currently four MPOs in NH serving the 5 UZAs. The Boston Urbanized area extends into 17 communities in New Hampshire and is currently portioned to three of the four MPOs based on regional planning commission boundaries. Potentially, the new rule could result in the Boston UZA communities becoming their own MPO. While this is somewhat unlikely, no matter how many MPOs are in the state, the rule would require that 5 Long Range Transportation Plans and TIPs cover an area that 4 do now.

The rule also allows multiple separate MPOs to exist within a single UZA if the Governor and MPOs find that they are necessary due to size and complexity. Even so, multiple separate MPOs within one UZA will be required to have unified planning products (Long Range Plan, TIP, Performance Measures). This unification process is likely to create major inefficiencies and additional work load with unclear benefits as it will require a 5th LRTP, TIP, and performance measures and targets to cover the area that is currently covered by 4. Currently each MPO in New Hampshire is responsible for one Long Range Plan and TIP which are aligned with its planning area. Creating unified planning documents would double or in some cases triple the work effort:
 - RPC MPO would be responsible LRPs and TIPs (Portsmouth UZA, Boston UZA).
 - NRPC MPO would be responsible for two: Nashua and Boston
 - SRPC MPO would be responsible for two: Dover-Rochester and Portsmouth
 - SNHPC would be responsible for three: Manchester, Nashua, Boston
 - **This complicates the implementation of Performance Based Planning:** MPO based performance measures and targets are required to be implemented at about the same time as MPOs would be required to conform to this new proposed rule, potentially changing the planning area boundaries. Current staff levels would make accomplishing both tasks at the same time extremely difficult given the need to maintain all of the other work that we are required to do.
 - **MPO Redesignation is time-consuming:** The redesignation of the Salem-Plaistow-Windham and Seacoast MPOs into the Strafford and Rockingham MPOs required well over a year of effort from
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the staff and communities of both planning commissions. It also requires willing parties, in that communities representing 75% of the population need to approve the change in boundaries, including the “central city” of the UZA.

- **State Boundaries Complicate the process:** Defining a shared set of performance measures for a UZA that crosses state lines is likely to be problematic, as performance metrics and targets for say transit service and pedestrian access relevant to Boston’s urban core are not likely to be appropriate for outer suburbs like Methuen, MA (currently in the MVPC MPO), let alone ex-urban Pelham or South Hampton New Hampshire. City and state resources that will be needed to achieve targets defined primarily for urban Boston (such as for transit) do not exist in New Hampshire.
- **Coordination is already occurring:** While single documents are not produced for each UZA, the MPOs in New Hampshire already coordinate the development of the TIPs and the Metropolitan Transportation Plans ensuring that all urbanized areas are covered in a consistent manner. In addition, those MPOs that border with Maine and Massachusetts coordinate with the adjacent MPOs in those states as well for transit planning, the Congestion Management Process, and other efforts.
- **Fragments & Limits Public Involvement:** The background explanation to the rule suggests that a single or unified planning process within a UZA “will enable individuals within the region to better engage in the planning process and facilitate their efforts to ensure that the growth trajectory matches their vision and goals”. We find no basis for this assertion in the rule and consider it more likely that individual engagement with a ‘mega’ UZA like Boston will be harder, not easier. It is hard to imagine an individual from southern New Hampshire having better access and engagement with a single MPO covering the entire Boston UZA, than with a smaller MPO covering a discrete portion of the UZA.

Notice of Proposed Rulemaking: Metropolitan Planning Organization Coordination and Planning Area Reform (Docket# FHWA-2016-0016)

July 19, 2016

Summary

On June 27, 2016 the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) jointly released a Notice of Proposed Rulemaking (NPRM) that would make potentially significant changes to the structure and functioning of a large number of the nation's Metropolitan Planning Organizations (MPOs). Titled "Metropolitan Planning Organization Coordination and Planning Area Reform," this NPRM would change the codified definition of "metropolitan planning area" (MPA) to require that each of the nation's urbanized areas (UZAs) be contained in its entirety within a single MPA. Further, in cases where more than one MPO exists within an MPA, the NPRM would require that the MPOs either merge or be required to produce a unified set of planning documents (metropolitan transportation plan, transportation improvement plan, and performance targets) for the entire UZA.

The Basics of the Proposed Rule

The NPRM's stated goal is "to result in unified planning products for each urbanized area (UZA), even if there are multiple MPOs designated within that urbanized area." To accomplish this, the NPRM revises the existing *regulatory* definition of Metropolitan Planning Area (MPA) to reflect an existing *statutory* requirement that a MPA contain, at a minimum, the entire urbanized area (UZA) and the area expected to become urbanized in the next 20 years.

The changes the NPRM would make to the definition of MPA are reflected here:

*Metropolitan Planning Area (MPA) means the geographic area determined by agreement between the MPO(s) for the area and the Governor, **which must at a minimum include the entire urbanized area and the contiguous area expected to become urbanized within a 20-year forecast plan, and may include additional areas in which the metropolitan transportation planning process is carried out.***

As the previous paragraph indicates, the current regulatory definition of MPA is a "geographic area determined by agreement between the MPOs for the area and the Governor." The changes made by the NPRM would align the definition of a MPA with existing US Code, at 23 USC 134(e)(2)(A), which states that each MPA's area "shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan."

Existing US Code, at 23 USC 134(d)(7), does not state directly that each MPA may have only one MPO, instead implying this to be true based on the inclusion of an exception that allows more than one MPO under the stated circumstance. The current statute reads: "More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the

size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.”

This statutory definition of a MPA has existed since passage of ISTEA in 1991, yet has never been reflected in the regulatory definition. In 2007, USDOT updated the planning regulations after passage of SAFETEA-LU to reflect the state of practice of having multiple MPAs in the same urbanized area, multiple MPOs within an urbanized area, and used the term MPA synonymously with the boundaries of an MPO. This NPRM seeks to clarify that MPA boundaries are not meant to be synonymous with MPO boundaries.

In addition, USDOT outlined in the 2007 regulations a process where two or more MPOs exist in the same UZA, requiring “a written agreement among the MPOs, the State(s), and the public transportation operator(s) describing how the metropolitan transportation planning process will be coordinated *to assure the development of consistent metropolitan transportation plans and TIPs* across the MPA boundaries...” (emphasis added).

To repair what it now perceives as its own mistakes and misinterpretations in the 2007 regulations, USDOT is proposing a potentially disruptive and likely expensive modification in this NPRM (as detailed below).

Changes Proposed by the NPRM

First, the nation’s MPAs would need to be reconsidered in light of the UZAs and redrawn – by agreement between the Governor(s) and effected MPO(s) – to meet the requirements outlined in the NPRM. Namely, that an MPA boundary would cover, at a minimum, the entire urbanized area plus the area expected to be urbanized in the next 20 years.¹ This could include merging existing MPAs where multiple exist within a UZA.

Once the MPA boundaries are redrawn, the next steps would be carried out where more than one MPO exists within the same MPA:

- Since FHWA does not have the authority to require MPOs to merge, the MPOs are instead encouraged (but not required) to merge. To make the determination of whether a merger or some other allowable action is most appropriate, the relevant Governor(s) (this consideration applies across state lines where applicable) and existing MPOs would first answer whether each felt that the “size and complexity of the MPA make the designation of multiple MPOs appropriate.”
 - If they jointly determine that it is *not* appropriate to have more than one MPO, the MPOs must either:
 1. Merge; OR
 2. Adjust the MPO jurisdictions so there is only MPO in an MPA
 - If they jointly determine that it *is* appropriate to have more than one MPO, the remaining MPOs must together:

¹ The UZA is a designation of the Census Bureau (though Census uses the abbreviation UA). The additional area expected to become urbanized in the next twenty years would be a calculation conducted by the MPOs themselves, according to the agencies in their recent webinar about this topic.

1. Produce unified planning documents so each UZA has only one LRTP, TIP, and set of performance targets; AND
 2. Establish a written agreement that defines procedures for joint decision-making, including a process for resolving disagreements, and outlines planning responsibilities within the MPA.
- The NPRM is basically silent, however, on what happens in cases when there is disagreement between the parties about whether it is appropriate to have more than one MPO within an MPA. This disagreement could have major implications, in particular for the existing MPOs.

In addition to the coordination requirements between MPOs within the same MPA as outlined above, the NPRM also states that “States and MPOs demonstrate evidence of cooperation, including the existence of an agreed upon dispute resolution process.” To accomplish this, the NPRM adds new language on the State-MPO relationship:

- Where states are presently “encouraged to rely” upon MPO data and analysis, the NPRM adds a new requirement that the State and MPOs “shall coordinate on information, studies, or analyses for portions of the transportation system located in metropolitan planning areas.”
- The NPRM also adds a new requirement that there be a current metropolitan planning agreement between State(s), MPO(s) and operators of public transportation, which will “identify coordination strategies that support cooperative decisionmaking and the resolution of disagreements.”

The NPRM would also trigger a round of redrawing MPA boundaries after each Decennial Census, when the Census Bureau designates areas that reach 50,000 in population as new UZAs and may combine UZAs that have grown adjacent to each other. In the case of combined UZAs, the NPRM would require that the MPAs also be combined so that the UZA is fully contained within just one MPA. This in turn would also trigger the appropriateness consideration by the Governor(s) and MPO(s) in instances where this results in multiple MPOs in the same MPA. In cases where new UZA’s are designated, and the newly designated UZA is within an MPA, it remains permissible to create a new MPO, but such a move would seem unlikely. There are no guidelines for these instances in the proposed rule, but the newly created MPO would be immediately required to create unified planning documents with the existing MPOs. This would only add to the complexity of creating the unified planning documents and would likely discourage the creation of a new MPO under these circumstances. For this reason, it is very likely that this NPRM would reduce the number of new MPOs created in the future.

Finally, the NPRM revises the definition of “metropolitan planning agreement,” “metropolitan transportation plan,” and “transportation improvement program” to reflect the new requirements outlined in the NPRM itself, namely that these planning documents may be prepared by one or more MPOs for the MPA.

Analysis

For the effected MPOs, these requirements could be extremely disruptive. The NPRM raises a number of potential concerns:

- **One Size:** While the NPRM may fix a perceived problem in one part of the country, it could have substantial negative impacts in other parts. It will be up to the nation's MPOs to outline what these problems are, but we are hearing many concerns about how this NPRM could negatively impact the planning process. Each region is unique and therefore each requires a localized approach to these issues. With a blanket approach, there are likely to be unintended consequences, and it is possible this NPRM could be a hindrance to regional planning more than a help.
- **Complexity and Cost:** As evidenced by recent experience in Connecticut, merging MPOs is a complex, time-consuming, and expensive proposition even when both parties are willing participants. The same will also be true for organizations that find themselves creating a planning process to develop unified planning documents. This is compounded further for multi-state MPOs, which may require the agreement of as many as four governors to proceed. The NPRM anticipates that these are minor changes that will impose minimal cost, but the evidence we have suggests otherwise.
- **Statutory Authority:** There is some question as to whether portions of the NPRM exceed the statutory authority of the agencies. This NPRM would add a requirement, not found in current statute, requiring the creating of unified planning documents. US Code, at section 134(i)(1)(A), states: "Each metropolitan planning organization shall prepare and update a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection." (emphasis added).
- **Already Allowable:** Under current law, many MPOs are working across jurisdictional boundaries to coordinate their planning for the benefit of citizens. These examples indicate that there is likely no need for a major new federal requirement. The agencies would do better developing incentives that would encourage greater collaboration in areas where it might be lacking.
- **Process Concerns:** This NPRM was released during the summer, when the boards of many MPOs do not meet, which makes it much harder to educate the local elected officials that serve on MPO boards. Local elected officials should have the full opportunity to consider the implications of this NPRM, but the agencies have already declined a request to extend the commenting period. In addition, the comment period for this NPRM overlaps almost completely with the comment period for another highly complex rule, the final system performance rule.
- **General Uncertainty:** This rule has already caused a great deal of uncertainty among the nation's MPOs. There are questions surrounding the impact on TMAs, the phase-in of the rule, the potential for creation of new MPOs in the future and more. Many of these issues are likely to be reflected in comments to the docket, but there is adequate concern about what this NPRM means for MPOs over the next decade, and how much their process may be interrupted where they are required to change their process as a result of the changes proposed.

ATTACHMENT #4

Transportation Alternatives Program 2016 Application Round

Letters of Intent Received from RPC Region Communities

#	Municipality	Description	Estimated Project Cost	Estimated TAP Request
LOI-41	Exeter	Sidewalk improvements on Winter Street, Spring Street and Epping Road, including crossing improvements at two locations on Epping Road	\$ 585,000	\$ 468,000.0
LOI-31	Greenland	Sidewalk along Portsmouth Avenue (NH151) and Post Road (NH151) connecting town center with school, library and town park/ball field	\$ 400,000	\$ 320,000.0
LOI-40	Hampton	School zone sidewalk improvements along Winnacunnet Road (NH101E) and High Street (NH27)	\$ 900,000	\$ 720,000.0
LOI-56	Kingston	School zone and town center sidewalk improvements on Main Street between Town Hall and D.J. Bakie elementary school	\$ 50,000	\$ 40,000.0
LOI-47	North Hampton/ LBH Village District	Sidewalk and walking path improvements along Ocean Blvd and Sea Road in three locations	\$ 410,000	\$ 328,000.0
LOI-44	New Castle	Shoulder bicycle route and sidewalks on NH1B	\$ 500,000	\$ 400,000.0
LOI-12	Plaistow	Construct 2800' of sidewalk in Village Center District on both sides of NH121A from railroad tracks to crossing of Little River, building on earlier SRTS sidewalk construction.	\$ 800,000	\$ 640,000.0
LOI-17	Portsmouth	Islington Street improvements between Maplewood Ave and US1 including sidewalk and crosswalk improvements and traffic calming	\$ 1,500,000	\$ 800,000.0
LOI-17	Portsmouth	Maplewood Avenue Complete Streets project including sidewalk widening, bike lanes, crosswalk improvements and traffic calming between Congress and Vaughan Streets	\$ 1,300,000	\$ 800,000.0
LOI-17	Portsmouth	Crosswalk and pedestrian actuated signal improvements along US1 from Elwyn Road to Ocean Road	\$ 750,000	\$ 600,000.0
LOI-22	Salem	Sidewalk and bicycle lane construction on Veterans Memorial Parkway (VMP) from Geremonty Drive to Lawrence Road, and from Salem Bike/Ped Corridor to existing stretch of sidewalk on VMP.	\$ 1,000,000	\$ 800,000.0
LOI-38	Seabrook	Segment of NH Seacoast Greenway rail trail on state-owned Hampton Branch rail corridor from State line to Walton Road	\$ 580,000	\$ 464,000.0
LOI-13	Stratham	Construct sidewalk and bike lane improvements on Winnicut Road from NH33 to Tansy Lane (900'), and on NH33 from Winnicut to Piper's Landing (450'). Also includes street lighting, landscaping and bike racks.	\$ 550,000	\$ 440,000.0
Totals			\$ 9,325,000	\$ 6,820,000

2016 TAP LETTER OF INTEREST DISTRIBUTION

Legend

 RPC BOUNDARIES

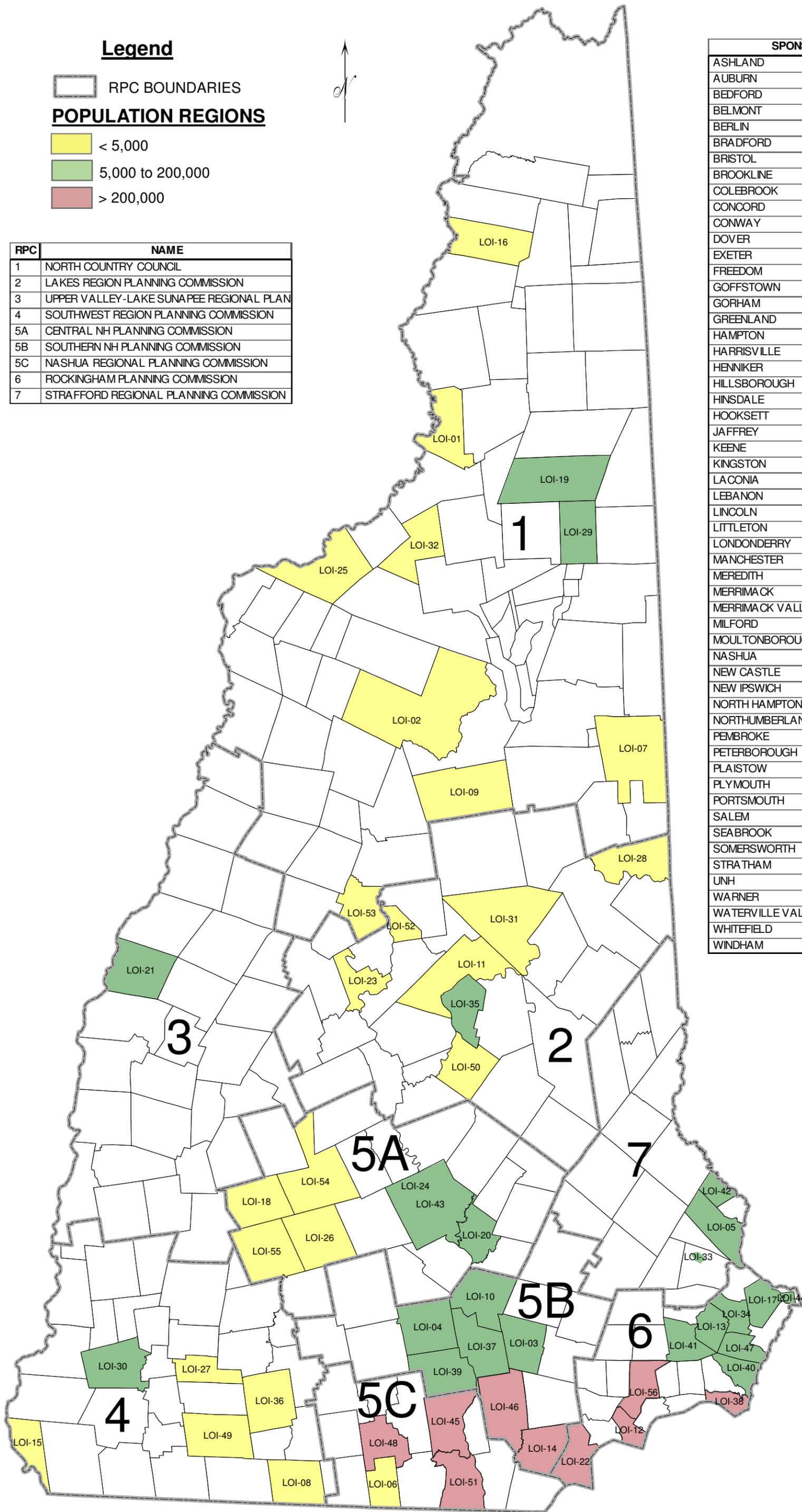
POPULATION REGIONS

 < 5,000

 5,000 to 200,000

 > 200,000

RPC	NAME
1	NORTH COUNTRY COUNCIL
2	LAKES REGION PLANNING COMMISSION
3	UPPER VALLEY-LAKE SUNAPEE REGIONAL PLAN
4	SOUTHWEST REGION PLANNING COMMISSION
5A	CENTRAL NH PLANNING COMMISSION
5B	SOUTHERN NH PLANNING COMMISSION
5C	NASHUA REGIONAL PLANNING COMMISSION
6	ROCKINGHAM PLANNING COMMISSION
7	STRAFFORD REGIONAL PLANNING COMMISSION



SPONSOR	LOI
ASHLAND	LOI-52
AUBURN	LOI-03
BEDFORD	LOI-39
BELMONT	LOI-50
BERLIN	LOI-19
BRADFORD	LOI-18
BRISTOL	LOI-23
BROOKLINE	LOI-06
COLEBROOK	LOI-16
CONCORD	LOI-43
CONWAY	LOI-07
DOVER	LOI-05
EXETER	LOI-41
FREEDOM	LOI-28
GOFFSTOWN	LOI-04
GORHAM	LOI-29
GREENLAND	LOI-34
HAMPTON	LOI-40
HARRISVILLE	LOI-27
HENNIKER	LOI-26
HILLSBOROUGH	LOI-55
HINSDALE	LOI-15
HOOKSETT	LOI-10
JAFFREY	LOI-49
KEENE	LOI-30
KINGSTON	LOI-56
LACONIA	LOI-35
LEBANON	LOI-21
LINCOLN	LOI-02
LITTLETON	LOI-25
LONDONDERRY	LOI-46
MANCHESTER	LOI-37
MEREDITH	LOI-11
MERRIMACK	LOI-45
MERRIMACK VALL SCH DIST	LOI-24
MILFORD	LOI-48
MOULTONBOROUGH	LOI-31
NASHUA	LOI-51
NEW CASTLE	LOI-44
NEW IPSWICH	LOI-08
NORTH HAMPTON	LOI-47
NORTHUMBERLAND	LOI-01
PEMBROKE	LOI-20
PETERBOROUGH	LOI-36
PLAISTOW	LOI-12
PLYMOUTH	LOI-53
PORTSMOUTH	LOI-17
SALEM	LOI-22
SEABROOK	LOI-38
SOMERSWORTH	LOI-42
STRAHAM	LOI-13
UNH	LOI-33
WARNER	LOI-54
WATERVILLE VALLEY	LOI-09
WHITEFIELD	LOI-32
WINDHAM	LOI-14