



METROPOLITAN  
TRANSPORTATION  
COMMISSION

## Agenda Item 4b

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## Memorandum

TO: Legislation Committee

DATE: March 3, 2017

FR: Executive Director

W. I. 1131

RE: H.R. 1346 (Lipinski) & S. 496 (Duckworth) Repeal of Metropolitan Planning Organization (MPO) Planning Rule

### Background

This week, U.S. Representatives Daniel Lipinski (D-IL) and Jason Lewis (R-MN) introduced H.R. 1346 to repeal the “MPO Coordination and Planning Area Reform” regulation, a rule that was finalized during that last weeks of the Obama Administration and that MTC expressed significant concerns about during the rulemaking process. In addition, a bipartisan group of U.S. Senators, led by Senator Tammy Duckworth (D –IL), introduced a companion bill, S. 496. This effort is coordinated with transportation sector stakeholders, including the Association of Metropolitan Planning Organizations (AMPO), as well as relevant Congressional committee leadership. Staff does not anticipate strong opposition to the repeal, given that the rule’s champion– former Transportation Secretary Anthony Foxx – is no longer at the U.S. Department of Transportation and key stakeholders – including national local government associations, MPOs, state departments of transportation and relevant Members of Congress – widely advocated for withdrawal of the rule during the rulemaking process. Congress could act on this legislation in the coming months and as such, sponsors are requesting support for the bipartisan repeal strategy.

### Recommendation: Support

### Discussion

In December 2016, USDOT finalized a rule that would require more than 140 MPOs around the nation to merge with neighboring MPOs. Short of a merger, the MPOs would be required to adopt joint plans and transportation funding priorities. The rule would affect MTC because of the de minimus overlap of MTC’s planning boundary with the Association of Monterey Bay Area Governments (AMBAG) and the Sacramento Area Council of Governments (SACOG), potentially resulting in a 17-county mega planning area with a total population of over 10 million (see maps in Attachment A).

While there are important planning assumptions and considerations that ought to be coordinated between neighboring MPOs, the rule represents a major regulatory overreach. MTC joined with partner MPOs across California to oppose the proposal during the rulemaking process, outlining concerns that the rule could degrade the existing planning process, increase costs, and reduce transparency and accountability to residents in the Bay Area and throughout the state. The final rule allows the Secretary of Transportation to waive implementation under specified conditions, including when all affected MPOs and the governor are in support. However, the concern remains that the ability to retain MTC’s distinct nine-county geography now depends on a discretionary approval from Washington, D.C. Given these concerns, staff recommends the Commission support H.R. 1346 and S. 496 to repeal the rule.

Legislation Committee

March 3, 2016

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**Positions**

**Support**

AMPO

National Association of Regional Councils

**Oppose**

None on file



Steve Heminger

**Attachments:**

- Attachment A: MPO Boundary Rule Map 2016
- Attachment B: MTC, AMBAG and SACOG Letter on the MPO Coordination Rule dated October 21, 2016
- Attachment C: MTC, AMBAG, SACOG, SANDAG, SJCOG, SCAG and CALCOG Letter on the MPO Coordination Rule dated August 25, 2016

SH: ggd

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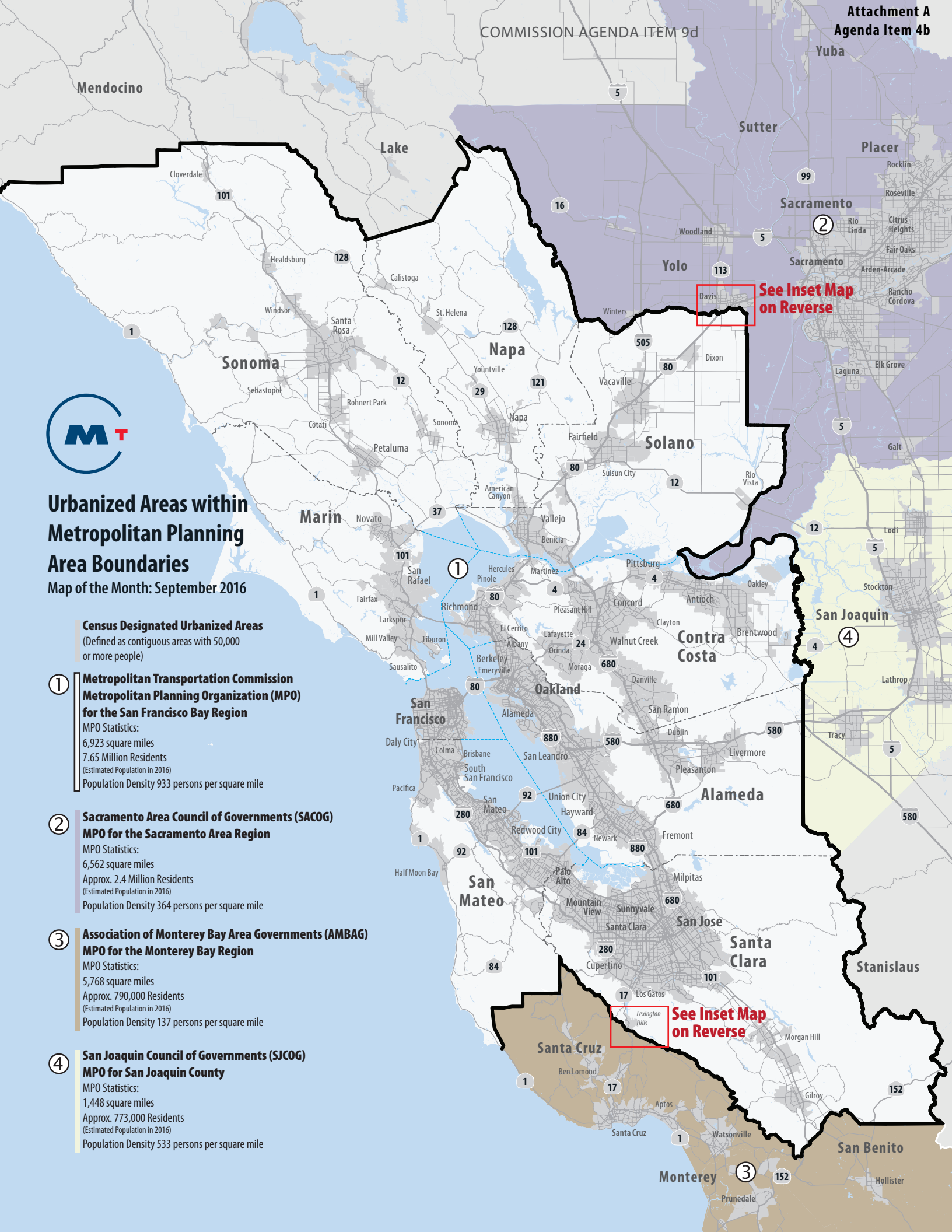


# Urbanized Areas within Metropolitan Planning Area Boundaries

Map of the Month: September 2016

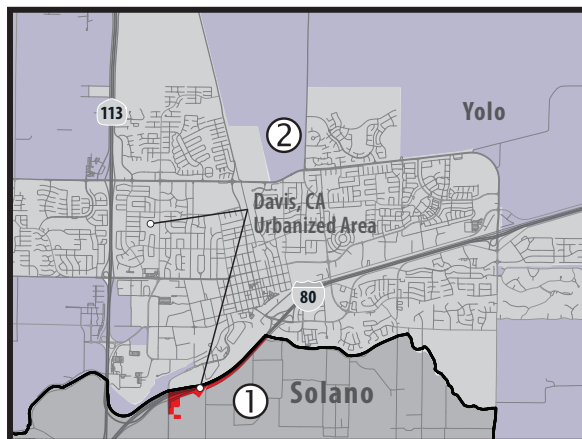
**Census Designated Urbanized Areas**  
(Defined as contiguous areas with 50,000 or more people)

- ① Metropolitan Transportation Commission  
Metropolitan Planning Organization (MPO)  
for the San Francisco Bay Region**  
MPO Statistics:  
6,923 square miles  
7.65 Million Residents  
(Estimated Population in 2016)  
Population Density 933 persons per square mile
- ② Sacramento Area Council of Governments (SACOG)  
MPO for the Sacramento Area Region**  
MPO Statistics:  
6,562 square miles  
Approx. 2.4 Million Residents  
(Estimated Population in 2016)  
Population Density 364 persons per square mile
- ③ Association of Monterey Bay Area Governments (AMBAG)  
MPO for the Monterey Bay Region**  
MPO Statistics:  
5,768 square miles  
Approx. 790,000 Residents  
(Estimated Population in 2016)  
Population Density 137 persons per square mile
- ④ San Joaquin Council of Governments (SJCOC)  
MPO for San Joaquin County**  
MPO Statistics:  
1,448 square miles  
Approx. 773,000 Residents  
(Estimated Population in 2016)  
Population Density 533 persons per square mile



## Census Urbanized Areas that Overlap the MTC Metropolitan Area Boundary

### SACOG Urbanized Areas that are partially within the MPO Boundary of MTC



#### Urbanized Area

Davis, CA

Land Area: 23.20 sq mi.

Population in 2016: 74,618

Percent of MPO Land Area: 0.35%

Share of MPO Population: 3.1%

#### Portion Within SACOG MPO Boundary

Land Area: 23 sq mi.

Population in 2016: 74,618

Percent of MPO Land Area: 0.35%

Share of MPO Population: 3.1%

#### Portion Within MTC MPO Boundary

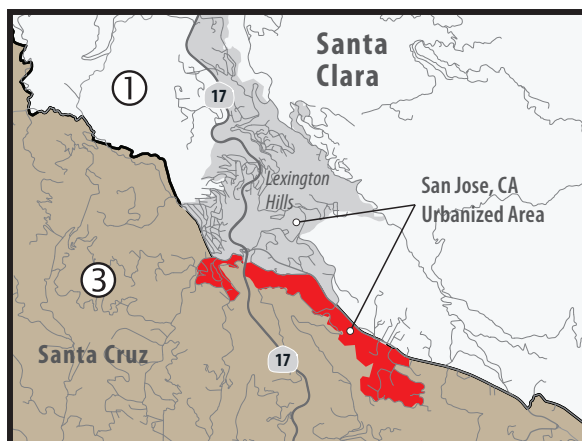
Land Area: 0.20 sq mi.

Population in 2016: 0

Percent of MPO Land Area: 0.003%

Share of MPO Population: 0%

### MTC Urbanized Areas that are partially within the MPO Boundary of AMBAG



#### Urbanized Area

San Jose, CA

Land Area: 453 sq mi.

Population in 2016: 1,780,764

Percent of MPO Land Area: 6.54%

Share of MPO Population: 23.27%

#### Portion Within MTC MPO Boundary

Land Area: 452 sq mi.

Population in 2016: 1,780,139

Percent of MPO Land Area: 6.52%

Share of MPO Population: 23.26%

#### Portion Within AMBAG MPO Boundary

Land Area: 1 sq mi.

Population in 2016: 625

Percent of MPO Land Area: 0.02%

Share of MPO Population: 0.08%

### MPO Boundary Key

#### ① Metropolitan Transportation Commission Metropolitan Planning Organization (MPO) for the San Francisco Bay Region

MPO Statistics:

6,923 square miles

7.65 Million Residents

(Estimated Population in 2016)

Population Density 933 persons per square mile

#### ② Sacramento Area Council of Governments (SACOG) MPO for the Sacramento Area Region

MPO Statistics:

6,562 square miles

Approx. 2.4 Million Residents

(Estimated Population in 2016)

Population Density 364 persons per square mile

#### ③ Association of Monterey Bay Area Governments (AMBAG) MPO for the Monterey Bay Region

MPO Statistics:

5,768 square miles

Approx. 790,000 Residents

(Estimated Population in 2016)

Population Density 137 persons per square mile





October 21, 2016

Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Washington, D.C. 20590

**Re: Docket No. FHWA-2016-0016; FHWA RIN 2126-AF68; FTA RIN 2132-AB 28 —  
Metropolitan Planning Organization Coordination and Planning Area Reform**

Dear Sir or Madam:

The Metropolitan Transportation Commission for the San Francisco Bay Area (MTC), the Sacramento Area Council of Governments (SACOG) and the Association of Monterey Bay Area Governments (AMBAG) thank you for extending the comment deadline on the proposed rule related to modifying Metropolitan Planning Area (MPA) and Metropolitan Planning Organization (MPO) boundaries and planning practices. As we indicated in our August 25<sup>th</sup> comment letter, we believe the proposed rule, while well intended, represents significant federal overreach that could have numerous unintended consequences. We are very concerned that without significant modifications, the rule would greatly undermine the effectiveness and legitimacy of many high-functioning MPOs, including our own.

While our three agencies share borders, the San Francisco Bay Area, the Sacramento region and the Monterey Bay region are unique, distinct areas for which neither a single mega-MPO nor a single unified planning geography makes sense. This letter offers some suggestions about how to revise the rule so as to better address the identified problem of regional planning fragmentation in certain parts of the U.S.

This letter also responds to your specific request for further comments about the impact of unified planning products where multiple MPOs serve the same urbanized area and any exceptions that should be included in the final rule.

**The Challenges of Planning, Programming and Setting Performance Measures at a Mega-Region Level**

Under the draft rule, if the Governor determines that our joint MPA is too large and complex to be governed by one MPO, we would be required to develop a single Transportation Improvement Program (TIP), Regional Transportation Plan (RTP) and unified performance measures for the entire metropolitan planning area (MPA) and establish written agreements that identify coordination processes. In our case, this would result in a 17-county MPA with a total population of 10 million.

Depending on census designations of adjacent urbanized areas in the Sacramento/San Joaquin region, this mega-region could include Stanislaus and Merced COGs as well. We strongly believe that mandating joint planning and programming at this geographic scale would create considerable challenges that would ultimately undermine effective regional planning.

As you know, RTPs are not just vision documents. They are fiscally constrained forecasts of transportation needs and spending plans over 20+ years overlaid on an increasingly sophisticated land use forecast. Virtually every major transportation project in a metropolitan area must be included in an RTP, and ultimately a TIP if the project seeks federal funds or requires federal action. Requiring that such important documents be developed and adopted across multiple agencies would erode MPO accountability by putting decision-making about long-term transportation priorities, projects and performance measures in the hands of governing boards whose members (and constituents) live hundreds of miles away from each other and have little relationship to many of the transportation projects on which they are voting.

### ***Joint-RTP Would Make Conflicts Harder to Resolve, Stifling Hard Choices & Innovation***

We also would note that a joint RTP at a megaregion level would make resolution of challenging trade-offs much more difficult, and likely result in mediocre “lowest common denominator” policy making, rather than effective regional leadership. Due to severe funding shortfalls, RTPs in major metro areas require difficult trade-offs; between key goals and between jurisdictions competing for funding at the statewide, federal and regional level for priority projects. Reaching consensus requires board members to occasionally set aside the near-term needs or aspirations of their local jurisdiction in favor of broader regional goals. This would become far more challenging at a mega-regional geography across multiple MPOs where decision-makers are not serving on the same board and when the leadership and residents of those MPOs do not necessarily understand or identify with all parts of the megaregion.

### **Recommended Threshold Criteria**

In our August letter, we requested that you withdraw the rule so as to allow for greater consideration of options, including a “de minimis” population threshold below which the rule would not apply. Determining an appropriate threshold is certainly more art than science. In the case of AMBAG and MTC, the overlapping geographic area in question includes a population of approximately 606 total, representing 0.08 percent of AMBAG’s population and only 0.01 percent of MTC’s population. The case of MTC and SACOG is even more extreme; the geographic area in question does not include any population (nor is it forecast to in the future) as it is located within a part of the campus of University of California, Davis where no housing is planned. After some consideration, we believe a threshold of 5 percent or 100,000, whichever is higher, would be reasonable. For metropolitan areas with a population below 2 million, the rule would take effect when 100,000 or more people reside in the portion of an urbanized area that is outside an MPO’s boundaries; and for larger metro regions, the threshold would be 5 percent of the MPO’s population. Above this threshold, we believe a reasonable case is to be made that MPOs should consider merger or develop their transportation plans and programming processes in a more coordinated fashion.

### **Cost of Proposal**

We have chosen not to comment at length on cost, in the interest of focusing the conversation on the draft rule’s policy and decision-making implications. However, it should be stated that a merger of our organizations could cost in the tens of millions of dollars in one-time costs associated with a reorganization. This would include hiring consultants to assist with staffing integration as well as the

significant time and expense associated with changing our governance statutes in Sacramento. Joint planning and programming, on the other hand, would cost at least \$3 million in one-time expenses, along with an estimated \$850,000 in additional staffing associated with modeling and increased public outreach. These latter costs would also apply to a merged organization.

Thank you once again for extending the comment deadline and seeking additional information to inform your deliberations. Should you have any questions, please feel free to contact any of our Planning Directors as noted below:

MTC — Ken Kirkey, 415-778-6790, [kkirkey@mtc.ca.gov](mailto:kkirkey@mtc.ca.gov)

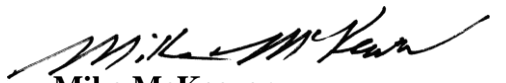
SACOG—Matt Carpenter, 916-321-9000, [mcarpenter@sacog.org](mailto:mcarpenter@sacog.org)

AMBAG— Heather Adamson, [hadamson@ambag.org](mailto:hadamson@ambag.org)

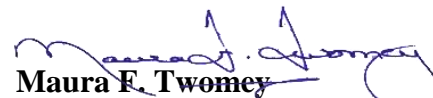
Sincerely,



**Steve Heminger**  
Executive Director, MTC



**Mike McKeever**  
Chief Executive Officer, SACOG



**Maura F. Twomey**  
Executive Director, AMBAG



METROPOLITAN  
TRANSPORTATION  
COMMISSION



SOUTHERN CALIFORNIA  
ASSOCIATION OF GOVERNMENTS

August 25, 2016

Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Washington, D.C. 20590

**Re: Docket No. FHWA-2016-0016; FHWA RIN 2126-AF68; FTA RIN 2132-AB 28 —  
Metropolitan Planning Organization Coordination and Planning Area Reform**

Dear Sir or Madam:

The Association of Monterey Bay Area Governments (AMBAG), the Metropolitan Transportation Commission for the San Francisco Bay Area (MTC), the Sacramento Area Council of Governments (SACOG), the San Diego Association of Governments (SANDAG), the San Joaquin Council of Governments (SJCOC), and the Southern California Association of Governments (SCAG) respectfully submit the following joint comments in response to the proposed rule related to modifying Metropolitan Planning Area (MPA) and Metropolitan Planning Organization (MPO) boundaries and planning practices.

The rule appears to be a well-intentioned effort to address fragmented regional planning in parts of the U.S. where there are multiple MPOs within one metropolitan region. However, its current wording significantly overreaches; in our cases, it replaces effective regional planning with mega-regional planning on a geographic scale that is simply too large and unmanageable from a governance and transportation planning and programming perspective.

The changing of MPO boundaries regularly on a decennial basis would create confusion, unsteady policy making, and political instability in regional decision making. Additionally, the use of forecasts for population growth and location as the basis for present-day rule making and coordination procedures would be unworkable and potentially inequitable as these forecasts would be performed by each MPO, introducing wide variability in how such a forecast-based rule would be implemented throughout the nation. Moreover, the threshold requiring that an MPO take action — a shared urbanized area (UZA) — is far too low. We recommend U.S. DOT withdraw the NPRM and instead submit an Advance Notice of Proposed Rulemaking (ANPRM) seeking input on a broad range of options for addressing the challenge of multiple MPOs within one metropolitan/urbanized area. In the event that this path is not taken, we recommend revisions to the rule so as to: 1) focus action in the regions where consolidation of MPOs or integrated planning and programming is clearly warranted, and 2) provide greater flexibility in how to comply.

***Rule Applies Too Broadly, Ignoring Significant Regional Differences and Identities.*** In our view, federal transportation planning requirements should encourage the boundaries of MPOs to conform to what the residents and businesses would naturally consider to be the “region,” rather than mandate changes on the basis of census-designated geographic areas. The AMBAG, MTC, SACOG, SJCOC, SANDAG and SCAG, regions each have distinct regional identities:



AMBAG is primarily a rural, agricultural region, distinct from the heavily urbanized MTC region that it abuts. It consists of three counties (Monterey, San Benito and Santa Cruz) with a combined population of 732,708, based on the 2010 U.S. Census. Given its more rural and coastal character, AMBAG is in attainment for federal air quality, whereas MTC, SACOG and SJCOG have long struggled with attainment and are all currently considered nonattainment areas.

By state law, MTC's geography includes nine counties (Alameda, Contra Costa, Marin, Napa, San Mateo, San Francisco, Santa Clara, Solano and Sonoma) and 101 cities. The census identifies 12 urbanized areas (five large and seven small) within the Bay Area and a population of over 7 million. MTC serves as the Bay Area's MPO as well as its state-designated Regional Transportation Planning Agency (RTPA), with project selection and funding authority for various state and regional funding programs. Six of the nine Bay Area counties have a population greater than 500,000, with three of them exceeding 1 million. The San Francisco Bay Area air basin is designated as a nonattainment area for ozone and fine particulate matter.

SACOG is a combination of urban, suburban and rural areas, with a land area about the same as MTC's (6562 square miles vs. 6923 square miles, respectively) but at 2.4 million, its population is less than one-third of the Bay Area's. SACOG serves as the MPO for the counties of El Dorado, Placer, Sacramento, Sutter, Yolo, Yuba and the 22 cities within. It is responsible for transportation planning and programming of state and federal funds, air quality conformity and housing allocations. SACOG is the RTPA administering regional funding programs only for Sacramento, Sutter, Yolo, and Yuba Counties. El Dorado and Placer Counties have separate RTPAs, with whom SACOG regularly coordinates. The SACOG region is a nonattainment area for various criteria pollutants such as ozone and particulate matter.

By state law, SANDAG is a one-county MPO comprised of the 18 cities and county government of San Diego and serves also as the region's RTPA, Regional Transportation Commission (RTC) and Local Sales Tax Authority for the *TransNet* half-cent sales tax measure. The region includes the San Diego UZA, which makes up most of the western one-third of the region, and two urban clusters, with rural villages and open space making up the eastern two-thirds of the region, for a total land area of 4,261 square miles. The region has a total population of over 3.2 million and is expected to grow by another million in the next 35 years. The San Diego air basin is designated as a nonattainment area for the federal ozone standard.

SJCOG is the RTPA, MPO, and Local Sales Tax Authority for the half-cent sales tax measure. SJCOG covers one county, San Joaquin County, comprised of the rural communities in the County of San Joaquin and the urban/suburban cities of Stockton, Lodi, Manteca, Tracy, Ripon, Escalon, and Lathrop. The county's land area is 1,448 square miles and is the home of 773,000 residents. It is the fastest growing county in California. The San Joaquin region is a non-attainment area and its air quality conformity process requires coordination of 7 other valley COGs making up the San Joaquin Valley air basin, a coverage of over 27,000 square miles.

SCAG is a six county MPO (Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura) comprised of 191 cities in Southern California. SCAG is the largest MPO in the United States. The SCAG region consists of a combination of urban, suburban, and rural areas, with a total land area of 38,140 square miles. The 2010 Census identified 13 urbanized areas within the SCAG region with a combined population of more than 17 million, which represented 96 percent of the total

population of the region. SCAG encompasses multiple air basins, most of which are classified as non-attainment for some criteria pollutants.

***Threshold for Rule's Applicability is Too Low*** The proposed rule subjects our six regions to the required changes despite the fact that, in each case, the shared urbanized area represents a miniscule share of either region's total population:

- In the case of AMBAG and MTC, the geographic area in question is just 0.68 square miles and includes a population of approximately 606. This represents 0.08 percent of AMBAG's population and only 0.01 percent of MTC's population. In terms of land area, it is equally miniscule, representing 0.01 percent of AMBAG's land area and only 0.0001 percent of MTC's.
- The case of MTC and SACOG is even more extreme; the geographic area in question does not include *any* population (nor is it forecast to in the future) as it is located within a part of the campus of University of California, Davis where no housing is planned. From a land area perspective, it represents an equally tiny share of each region — 0.00012 percent.
- In the case of SACOG and SJCOG, there was extensive work in developing a planning and programming agreement specific to the Lodi-Galt UZA, which is forecast to overlap with the San Joaquin Council of Governments (SJCOG) over the next 20 years. In the 2000 Census, this UZA intersected the two MPOs' boundaries, leading to development of a planning and programming agreement for the UZA area (composed of two separate cities within two separate counties across the MPO boundaries). However, the 2010 Census redefined the UZA boundaries, eliminating the overlap and the need for the prior agreement. This leapfrogging back and forth from census to census underscores the pitfalls of setting a requirement for institutional or planning requirements that hinge on the basis of existing and 20-year forecast UZA boundaries.
- In the case of SCAG and SANDAG, the Mission Viejo/Lake Forest/San Clemente urbanized area consists of 150.6 square miles, 8.3 square miles of which falls in San Diego County. The total urbanized area population is 583,681, with the San Diego portion of the urbanized area population approximately 8,100. This geographic area is zoned for military use as it is part of the Marine Corps Base, Camp Pendleton. This area represents 0.25 percent of SANDAG's population and only 0.04 percent of SCAG's population. In terms of land area, it is also very small, representing 0.20 percent of SANDAG's land area and only 0.02 percent of SCAG's.

In each of these examples, any MPO coordination issues resulting from these small jurisdictional overlaps would be much easier to solve through interagency processes already in place than to subject our agencies to burdensome new regulations or inefficient boundary adjustments.

***A Solution in Search of a Problem: Our Regions Have a History of Effective Collaboration*** While there may be parts of the U.S. where regional cooperation could be improved and consolidation, or at a minimum, greater collaboration, is warranted, our regions do not fall into that category and have a history of working effectively across jurisdictional boundaries.

The Bay Area and Monterey Bay regions have a history of collaboration on transportation and air quality issues. For instance, over 15 years ago, MTC and the Santa Cruz Regional Transportation Commission initiated the “Safe on 17” roadway safety program, consisting of joint funding of additional California Highway Patrol on Highway 17, a narrow and dangerous highway connecting Santa Clara and Santa Cruz counties.

Likewise, MTC and SACOG have worked very closely together on transportation and air quality related planning and programming for many years. A portion of Solano County is in the Sacramento air basin, governed by SACOG. Solano County, however, remains part of the MTC region and MTC has responsibility for the planning and programming process in the county. Due to this overlap, MTC and SACOG entered into a memorandum of understanding for developing a programming and air quality conformity process for this area over 22 years ago. Under the terms of the MOU:

- SACOG is responsible for including the area in its conformity analysis and in the development of the State Implementation Plan (SIP) for the Sacramento air basin.
- MTC is required to consult with SACOG on any projects proposed for its RTP that are located in the overlapping area.
- MTC ensures that projects funded by Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds applicable to the overlapping are consistent with SACOG’s SIP.

In 2015, MTC, SACOG and SJCOG signed a Memorandum of Understanding for an MPO Partnership in which the three agencies will:

- Coordinate the Regional Transportation Plans/Sustainable Communities Strategies of the organizations to optimize the performance of the plans and make efficient the work effort required to produce them;
- Participate in joint data gathering and analysis, research, planning, service delivery and policy-making activities to enhance the quality of life and economic prosperity of the three regions; and
- Continually update and analyze data and research on the geography of the three regions.

SACOG and SJCOG have also over the years worked together on transportation, goods movement, and Transportation Demand Management planning, given that Interstate 5 and SR 99 connect the two regions. Additionally, elected officials from both SACOG and SJCOG comprise the Capitol Valley Regional Service Authority for Freeways and Expressways (SAFE) Board for the SACOG and SJCOG regions.

Similarly, SANDAG and SCAG have a history of regional planning collaboration and coordination. For years, the two agencies have formally met on a quarterly basis to discuss coordination activities related to planned infrastructure improvements, grant opportunities, and other long range planning efforts. In context of this NPRM, SANDAG and SCAG have enacted a 2013 Memorandum of Agreement to deal with one of the SCAG UZAs extending across the SANDAG Metropolitan Planning Area (MPA) boundary as a result of Census 2010.

***Rule Should Provide Greater Flexibility*** Even if DOT sets a threshold narrowing the rule’s applicability, from a broader policy perspective, we have concerns about the rule’s rigidity. Under the terms of the proposed rule, MPOs with a shared UZA have just three options:

1. Merge so that their geography fully encompasses the UZA.
2. Modify their boundaries so that existing and 20-year projected UAs are fully contained within one MPO.
3. Seek agreement from the Governor that the MPA is too large and too complex to be governed by one MPO. If approved:
  - a. Establish written agreements that identify coordination processes, division of transportation planning responsibilities and procedures for joint decision making and dispute resolution
  - b. Develop a single Transportation Improvement Programs (TIP), Regional Transportation Plans (RTP) and performance measures for the entire MPA.

In the case of MTC and SANDAG, as well as many other MPOs across the nation, the first two options would require state legislation, which is fraught with political risk and uncertainty as to the final board structure.

The alternative option detailed in #3 above is also not acceptable. By requiring joint RTP/TIP development and unified development of performance measures, the rule would sever the relationship between board members and the geography they serve. For example, representatives of San Benito County—with a population of less than 57,000—would have decision-making authority over projects and performance measures applicable to the Bay Area even though such representatives have no experience serving on the MPO board that governs the highly urbanized Bay Area.

The requirement for joint development and adoption of the RTP/TIP reduces accountability between board members and the residents and businesses affected by their decisions that could undermine public trust in MPO decisions. In addition, by expanding the geographic scope of an MPO's decision-making authority beyond its actual boundary, engaging the public would become much more challenging and debates over projects and performance measures would become even more difficult to resolve.

#### ***Rule Should Provide Greater Clarity Regarding the August 10, 2005 Nonattainment Provision***

We also seek clarification on the rule's nonattainment area provision in §450.312 (3)(b), which states that MPA boundaries shall be retained for nonattainment areas that existed on August 10, 2005. Since many of the MPO air basins within California are in nonattainment, this provision conflicts with the main premise of the NPRM which states that MPAs must contain all contiguous sections of a UZA within a single MPA. Does this mean that MPOs whose MPA boundaries include nonattainment areas established as of August 10, 2005 can maintain their existing MPA boundaries without approval of the Governor? If so, would such MPOs also be permitted to continue to prepare single planning documents, despite the fact that their boundaries may include UZAs contained within multiple MPAs?

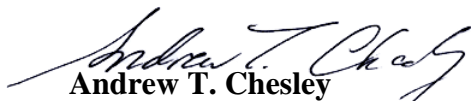
#### **Conclusion**

We recommend U.S. DOT withdraw the NPRM and instead submit an ANPRM seeking input on a broad range of options for improving regional collaboration. Should U.S. DOT opt to proceed with the rulemaking despite our significant concerns, we recommend setting, after consultation with MPOs, a meaningful, above "de minimis," population threshold that the smaller overlapping area must comprise of either of the intersecting MPO's population so that the rule is more narrowly tailored to those specific places of concern. (We would acknowledge that identifying an appropriate population-based threshold is difficult, which underscores the merit of withdrawing the rule to allow



for a more thorough consideration of options.) We also recommend greater flexibility so that an MPO would be in compliance if it enters into a written agreement with each MPO with whom it shares a UZA detailing how it will collaborate on population and land-use forecasts for the shared urbanized area for the RTP and consult with each other on performance measures and the planning and programming of transportation projects that affect both MPOs.

Sincerely,



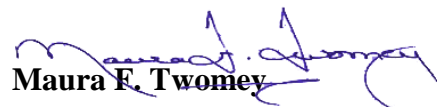
**Andrew T. Chesley**  
Executive Director, SJCOG



**Steve Heminger**  
Executive Director, MTC



**Hasan Ikhrata**  
Executive Director, SCAG




**Maura F. Twomey**  
Executive Director, AMBAG



**Gary L. Gallegos**  
Executive Director, SANDAG



**Bill Higgins**  
Executive Director, CALCOG



**Mike McKeever**  
Chief Executive Officer, SACOG