

MEMO

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TO: Chairman Sharkey, Vice-Chairman Filchak, and Members of the Advisory Commission on Intergovernmental Relations (ACIR)

DATE: November 21, 2023

SUBJECT: Memo on Notes from the ACIR MPO Study Special Meeting from the MPO Directors

The four ACIR members who also serve as executive directors of five of the state's Metropolitan Planning Organizations (MPOs) respectfully submit to the Commission notes and recommendations based on their attendance at the ACIR Special Meeting held on November 14, 2023. At this meeting, ACIR members heard from and questioned representatives from the Connecticut Division of the Federal Highway Administration (FHWA), the Governor's Office, the Connecticut Department of Transportation (CTDOT), the Chair of the RiverCOG MPO, the national Association of MPOs (AMPO), and a national scholar on MPOs from the University of South Florida. These notes are provided to inform the MPO Consolidation Study required under Special Act No. 23-13.

(1) Recommend a minimum population to be represented by a Metropolitan Planning Organization (MPO)

The minimum resident population of a Metropolitan Planning Organization has been set by the U.S. Congress in 23 U.S. Code §134 at 50,000 persons. The federal experts who spoke at the special meeting explained that federal law is controlling and that states do not have the authority to set differing population thresholds for MPOs.

The presentations indicated that MPOs range in population, and that Connecticut's MPOs are not outliers nationally. All MPOs in the state have populations many times the minimum population size prescribed by federal law.

We recommend that consistency with federal law be maintained.

(2) Recommend metropolitan planning organizations that can be consolidated or reconfigured to represent a larger population

Per 23 U.S. Code §134, an existing MPO may only be redesignated by the agreement of the local governments comprising the metropolitan planning areas involved and the governor of the respective state(s). Neither party may redesignate MPOs unilaterally. Federal law requires agreement of the governor(s) and local governments representing at least 75% of the population of the existing MPO(s), including the support of the most populous local government in the MPO(s), to be in agreement in order to effectuate a redesignation of one or more MPO(s).

The experts indicated that under federal law, the authority for MPO (re)designation is reserved for local governments (of which 132 in Connecticut are served by an MPO) and state governors.

Examples were provided of a diverse array of MPO arrangements that fulfill federal requirements in a consistent and efficient manner. The experts did not suggest any particular arrangement, nor did they give compelling arguments for organizational consolidation or reconfiguration. The national scholar noted that MPOs in Connecticut were not unusual in their configuration. FHWA gave information on resources available to MPOs to support the planning process; AMPO and the MPO scholar gave examples of inter-MPO coordination, both informal and formal.

As explained below, we do not see any compelling reason to recommend a different configuration or reorganization of the state's MPOs. We did not hear any feedback on specific benefits of mergers or reconfiguration of existing MPOs. Multiple speakers warned that mergers or reconfigurations at this time could prove counterproductive, as the affected MPOs would focus on reconfiguration rather than on obtaining federal discretionary grants.

(3) Identify the potential consistencies, efficiencies and benefits to the state and municipalities as a result of consolidating metropolitan planning organizations

MPOs are overseen by the United States Department of Transportation (USDOT), and USDOT is responsible for ensuring MPOs are operating consistent with the requirements of federal law. FHWA noted that it conducts quadrennial recertifications of MPOs and has (and has exercised) the authority to order corrective actions if they are not consistent with federal law or regulation. The experts did not indicate that any MPOs in Connecticut had lost certification, or were currently operating in a manner inconsistent with federal law or requirements.

No clear efficiencies or benefits that would result from a consolidation of MPOs were identified by any of the presenters, including the FHWA, the Governor's Office, and the CTDOT. However, some of the presenters mentioned some unspecified benefits. AMPO and the national scholar indicated that consolidation of MPOs nationwide had precedent but was uncommon. In contrast, the presenters noted that cooperation, including formal arrangements among MPOs, was a common although variable process across the nation, and that these could provide benefits to

Connecticut. Interest was expressed by ACIR members in exploring these collaborative arrangements.

The presenters indicated that organizational consolidation would take two to three years or longer to accomplish and could entail significant cost. It was noted that mergers can result in staff attrition (a particular concern during a time of labor shortages in the field) and that, with the unprecedented growth in federal infrastructure funding, the present may not be a good time to pursue reorganization (which could pull MPO staff attention away from applying to discretionary grants). AMPO noted that Connecticut has a lot to be proud of, including performing in the top quartile of states with respect to discretionary federal transportation funding in recent years, and in the top decile as regards overall highway system performance.

The Governor's office stated that MPO reorganization could potentially benefit the state in facilitating the implementation of a state carbon reduction initiative for the 2030 timeframe. FHWA noted that USDOT is currently in a rulemaking for greenhouse gas reductions in the transportation sector and cautioned that seeking to reconfigure MPOs for state policies, before federal carbon reduction regulations are promulgated, could be problematic. MPOs would be legally mandated to implement any federal regulations, which may differ from state policies. Relatedly, the national scholar pointed out that Colorado, which was identified as a model by the Governor's office for the Connecticut initiative, has pursued its carbon reduction strategy without any MPO consolidation.

CTDOT stated that it carries out air quality modeling for the entire state. They stated it may be a useful discussion to see if MPOs could support this work with their own air quality modeling, as is done by MPOs in some other states; however MPOs would need more funding if they were to assume such a responsibility. CTDOT clarified that it is not in favor of devolving this responsibility to the MPOs.

The RiverCOG Chair mentioned that for the last ten years the state's MPOs have been programming their federal funds on state facilities and priorities and have been receiving state money through the Local Transportation Capital Improvement Program (LoTCIP) in exchange. Since federal money is already programmed on a statewide basis on state priorities, consolidation of MPOs would not benefit the state in increased coordination of transportation investments.

AMPO and the national scholar identified a range of approaches that MPOs across the nation employ to coordinate with other jurisdictions and to address issues that go beyond their borders. AMPO and the national scholar also spoke to the wide variety of organizational forms of MPOs, and that each had pros and cons. It was noted that there seemed to be a movement toward "all-in-one" organizations which may be beneficial from the perspective of interdisciplinary planning (e.g., integrating transportation with housing, economic development, land use). Connecticut incorporates this model as each of the state's eight (8) MPO's is hosted by a council of governments (COG), allowing both the MPOs and the COGs to share and deploy resources effectively and efficiently. Connecticut's combined COG/MPO structure also contributes to a

more holistic approach to planning, combining the disciplines of transportation, land use, economic development, housing, environmental, and community planning.

(4) Identify any barriers that the state or municipalities may encounter while planning, and during, the consolidation of metropolitan planning organizations

MPO mergers are rare. AMPO indicated there are over 400 MPOs nationwide. Of this group, according to the experts, three mergers have taken place: Hampton Roads Region of Virginia in the 1980's, RiverCOG in Connecticut in 2014, and Rio Grande Valley MPO in Texas in 2019. Federal law requires the agreement of local governments to undertake any such redesignation.

According to the national scholar, local governments generally do not want to relinquish power or their votes. Without such a desire, redesignation will not occur.

The RiverCOG MPO Chair emphasized that, based on his experience, it is essential to start with chief elected officials to build trust and cooperation in order to successfully realize an MPO merger. He stated the bottom up process was essential for RiverCOG's MPO merger. The Chair observed that RiverCOG CEOs saw it in their municipalities' interests to merge their respective MPOs. The MPO Chair did not express any interest nor did he see any benefit to a further consolidation for his agency.

(5) Identify any state resources that can assist municipalities to overcome any such barrier

No state resources were identified. FHWA and AMPO identified themselves as technical resources for MPO assistance. The national experts spoke to the "continuing, cooperative, and comprehensive (3-C)" planning process that the federal government, states, and MPOs engage in collectively.

(6) Include transition planning to address the staffing and funding needs of metropolitan planning organizations that are consolidated or reconfigured

FHWA has resources that may be of use to MPOs, including for organization and operations. AMPO can also be helpful in this regard. The national scholar provided a list of references that MPO may consult.

RiverCOG MPO chair identified the uncertainty created by a consolidation as undermining staff retention (a serious concern given the difficulty of recruitment).

CTDOT identified a shortage of staff, including 200 engineer positions. AMPO indicated that MPOs currently face similar hiring challenges.

(7) Identify any conclusions that can be drawn from the configuration of metropolitan planning organizations in other states,

AMPO reported that Connecticut is performing better than average (75th percentile or higher), on a per capita basis, on almost all federal transportation funding programs, and that the performance of the state's highway system ranks among the best in the country (#5).

AMPO and the MPO scholar stated "if you've seen one MPO, you have seen one MPO." Nationwide, there are over 400 MPOs, and they vary in size, configuration, and operations, but they all follow the same federal laws and are held to the same standards. Federal law ensures national consistency and efficiency in the metropolitan planning process but while allowing local governments to determine the institutional arrangements and regional priorities.

MPOs in Connecticut are average to above-average with respect to resident population as compared to MPOs across the nation. The MPO scholar presented statistics on board size and staffing; by these metrics MPOs in Connecticut are consistent with the rest of the nation. The MPO scholar noted that very large MPOs are uncommon (and can skew the statistics).

FHWA does not take a position on the population-size of an individual MPO beyond what is in federal law, namely that an MPO is required in each Census-designated urbanized area of at least 50,000 residents. Federal law allows for more than one MPO per area when local governments and the governor agree to it. The MPO scholar noted that urbanized areas change from census to census and that many MPOs share urbanized areas. FHWA noted that in cases where the urbanized area exceeds a population of 200,000 persons, it is designated as a Transportation Management Area (TMA). If the TMA is shared, a written agreement among the MPOs in the TMA is required to provide for coordination among the MPOs. The MPO scholar also noted that bi-state MPOs exist in some places where urbanized areas cross state boundaries. MPOs also sometimes encompass rural areas (in some cases, can be quite expansive).

The MPO scholar noted similarities between MPOs in Connecticut and in Florida and spoke to strategies that Florida MPOs have used to support coordination. These reportedly work well, have endured, and may serve as a model for other states. AMPO identified a range of options used by MPOs nationwide for interregional coordination.

As referenced above, Connecticut's MPOs are hosted by Councils of Governments. This is a common arrangement, and one that (slowly) appears to be growing more popular as metropolitan planning activities expand, in part driven by changes in federal law, to include subject areas beyond traditional transportation planning (including greenhouse gasses, electrification, broadband, tourism, and housing). "All-in-one" MPO hosting can support interdisciplinary planning by breaking down agency silos. (On the other hand, in a much larger host agency, such as a county or city, it can result in the MPO functions getting lost in the mix.)

AMPO and the MPO scholar stated that there are many examples of MPOs collaborating including creating statewide MPO organizations, coordinating along corridors, and sharing documents, responsibilities, and/or staff. Inter-MPO coordination structures in Florida were discussed as examples. The MAP Forum, which engages MPOs in the Greater New York area, including seven (7) Connecticut MPOs, was mentioned as one such example.

Other Recommendations and Observations

MPOs should review the references provided by the national experts and identify best practices that can be implemented locally, to support coordination among MPOs in Connecticut but also with MPOs in neighboring states – and conversely, MPOs in other states may also be able to learn from success stories in Connecticut. In particular, AMPO is interested in sharing Connecticut’s innovative LoTCIP program with federal funding swap with MPOs and State DOTs nationally.

The LEAN process that CTDOT and the MPOs jointly initiated has resulted in positive outcomes and provides a framework for continuous improvement, including adoption and implementation of best practices identified above. Connecticut MPOs and COGs meet monthly with CTDOT to coordinate projects, programs and services. In addition, Connecticut MPOs and COGs meet regularly with OPM, CTDEEP, and other state and national entities to coordinate the implementation of the recently awarded Climate Pollution Control Grants (CPRG). Both of these forums are consistent with best practice.

There is a strong network of government, nonprofit, and academic experts who can assist MPOs. MPOs, if they are not already doing so, should take advantage of these resources.

Connecticut’s MPOs have been very successful in receiving federal transportation funds under the Infrastructure Investment and Jobs Act (IIJA). However, that does not mean that we cannot do even better. The state, the regions, and municipalities should review ACIR’s recommendations to improve access to federal funds. In particular, ACIR recommends that the state establish an infrastructure bank, as Rhode Island has done, to assist municipalities and COGs/MPOs with funding the non-federal match required by many federal infrastructure grant programs.