

# DRAFT ISSUE PAPER ON REDESIGNATING MPO

## **Introduction**

There are several key paragraphs of the proposed metropolitan planning regulations covering the redesignation of a Metropolitan Planning Organization (MPO). The citations here are from the proposed regulations issued in the June 9, 2006 federal register. While these regulations are not currently in force, it is anticipated that final regulations will be issued in February 2007. Except where indicated otherwise, the paragraphs cited are expected to remain as described in the proposed regulations as they have not been the subject of significant comment to United States Department of Transportation (USDOT).

## **Redesignation: Who must be represented on an MPO?**

Section 450.310 covers the designation and redesignation of an MPO. Since there already exists an MPO in northeastern Illinois, any substantial change in the MPO would require redesignation. The first paragraph of significance is 450.310(d) which states:

When an MPO that serves a TMA<sup>1</sup> is designated or redesignated, the MPO shall include local elected officials, officials of agencies that administer or operate major modes of transportation, and appropriate State transportation officials.

This paragraph determines who must be on a redesignated MPO. The word “shall” is used indicating that these are not optional officials. There are several significant consequences of this paragraph. First, although the board makeup of the Chicago Metropolitan Agency for Planning (CMAP) currently has several local elected officials, the Regional Planning Act does not specify that appointees to the board be local elected officials. It is conceivable that the CMAP board may at some time in the future be comprised entirely of non-elected officials. Local elected officials may have to be added to the CMAP board in order for it to act as the MPO. The question remains how many “local elected officials” are required and does a local elected official’s designee satisfy the requirement?

The second group identified as having to be included on a redesignated MPO is “officials of agencies that administer or operate major modes of transportation.” While it appears certain agencies would be included such as the Regional Transportation Authority (RTA), Metra, Pace, the Chicago Transit Authority (CTA) and the Illinois State Toll Highway Authority (the Tollway), it is unclear whether the intent of this section is to include the counties who operate a significant transportation system, the rail and highway freight sector, and/or providers of private transportation services such as bus and taxi companies.

Finally, it is clear that the Illinois Department of Transportation (IDOT) must be included as a member of a redesignated MPO.

In summary, in order to satisfy the federal requirement of paragraph 450.310(d), at a minimum, the following six agencies would have to be added to the CMAP board to make MPO decisions:

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- IDOT
- RTA
- Metra
- Pace
- CTA
- Tollway

Potential additional members could include:

- All counties
- Representatives of counties
- Representatives of municipalities
- Railroads
- Representatives of private providers of transportation services

The next paragraph that is relevant in any discussion of redesignation is 450.310 (h) which states:

An MPO designation shall remain in effect until an official redesignation has been made in accordance with this section.

The significance of this paragraph is that the Policy Committee will remain as the MPO until such time as USDOT recognizes a different agency as the redesignated MPO. There will be no risk of lost or delayed federal funding during an MPO redesignation process.

### **Redesignation: Who Decides?**

The next paragraph germane to the redesignation issue is 450.310 (i) covering the process to effect a redesignation. This paragraph states:

An existing MPO may be redesignated only by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).

A change in the MPO from the Policy Committee to the CMAP board can only be done with the agreement of the Governor and units of general purpose local government as described above. The only real question here is the process involved in securing this agreement. In the mid 1980s when Governor Thompson named the Policy Committee as the MPO, the Council of Mayors, in conjunction with the various councils of government, was the vehicle used to secure the agreement among the units of general purpose local government. A possible option now could be the Metropolitan Mayors Caucus, which was not in existence in the mid-1980s. Also, the role of counties has never been clarified in the redesignation process. Whatever means is selected to secure this agreement, what is clear is that the city of Chicago plus other units of general purpose local government that together represent 75 percent of the region's population,

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would have to agree to redesignate the MPO. Finally, the Governor would have to concur with this redesignation.

The next paragraph in the proposed federal planning regulations further explains the redesignation process. Paragraph 450.310 (k) states:

For the purposes of redesignation, units of general purpose local government may be defined as either:

- (1) The local elected officials currently serving on the MPO; or
- (2) The elected officials from each unit of general purpose local government located within the metropolitan planning area served by the existing MPO.

450.310 (k)(1) is a new addition to the metropolitan planning regulations and difficult to imagine as appropriate given the membership of the current MPO. A number of agencies and individuals, including the Policy Committee, mentioned this part of the proposed regulations during the comment period. There may be a revision to this section in the final regulations. What this does point out, however, is the fact that USDOT expects that there be a substantial number of local elected officials represented on the MPO.

## **Redesignation: Why redesignate?**

The final relevant paragraph on MPO redesignation is 450.310 (l) which states:

Redesignation of an MPO is required whenever the existing MPO determines that:

- (1) There is a substantial change in the proportion of voting members on the existing MPO representing the largest incorporated city, other units of general purpose local government served by the MPO, and the State(s); or
- (2) There is a substantial change in the decisionmaking authority or responsibility of the MPO, or in decisionmaking procedures established under MPO by-laws.

A change in the designation of the MPO to the CMAP board, regardless of the members added to satisfy the requirements of 450.310, would require the redesignation process be satisfied by a new agreement between the Governor and the requisite units of general purpose local government.

## **Redesignation: Options for northeastern Illinois.**

There are three basic options available to reconcile the MPO situation in northeastern Illinois.

The first option is to expand the CMAP board to include the agencies required by federal regulations. As noted above, this number could range from a low of six to a high of fourteen or more, resulting in a CMAP board membership in the range of twenty-one to twenty-nine. In order to effect this change, the CMAP's enabling legislation would have to be changed, and the region would have to proceed through the redesignation process,

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securing the agreement of the Governor and the prescribed units of local government (local governments, including the city of Chicago, that together represent at least 75% of the affected population).

The second option is leaving the CMAP board membership as is, expanding it only for actions required by the MPO. When such actions are required, the CMAP board would be expanded by the federally mandated agencies as discussed above. This expansion could be done on some regular schedule such as alternate meetings, or on an as needed basis. In either case, the redesignation process would have to be satisfied. However, there may not be a need to amend CMAP's enabling legislation since it could be argued that the makeup of the MPO board is being changed, not the CMAP board.

The third option is to leave the CMAP board and Policy Committee intact, with the Policy Committee continuing to serve as the federally designated MPO. An agreement between the CMAP board and the Policy Committee could be enacted to ensure that no Policy Committee action regarding the region's transportation plans and programs could be approved absent the approval of the CMAP board. Such an arrangement could be structured to meet federal metropolitan planning requirements. Since all Policy Committee member agencies are members of the Transportation Committee, which will be responsible for developing the region's transportation plans and programs, their involvement would go far beyond what could be described as a "rubber stamp" of CMAP's plans and programs. This institutional structure is not unusual nationally and would not require either a redesignation or changes to CMAP's enabling legislation.

### **Conclusion**

It is hoped that the three options presented for discussion above and the review of proposed federal regulations illuminate the MPO designation issue. The CMAP board and the Policy Committee are currently working in concert as defined by the Memorandum of Understanding to coordinate and integrate the region's planning for land use and transportation in an open and collaborative process.

<sup>1</sup>Transportation management area (TMA) means an urbanized area with a population over 200,000, as defined by the Bureau of the Census and designated by the Secretary of Transportation. Northeastern Illinois is a TMA.