



MEMORANDUM

To: CMAP Board

From: CMAP Staff

Date: September 7, 2016

Re: MPO Consolidation Notice of Proposed Rulemaking Update

The U.S. Department of Transportation (DOT) released a proposed rulemaking (NPRM) on June 27, 2016 that could radically change transportation and comprehensive planning processes across northeastern Illinois, northwestern Indiana, and southeastern Wisconsin by merging the metropolitan planning organizations (MPOs) serving those areas. The proposed rule was released with little prior national discussion of the issues, which would have been ripe during Congress' recently finished multi-year transportation law enacted in December 2015.

The proposed rule appears to be on a fast track to being finalized. U.S. DOT permitted a very short 60 day comment period, despite requests to extend the time for public comment from several stakeholders, including the [American Association of State Highway and Transportation Officials](#) (AASHTO), the two leading MPO associations, [Association of Metropolitan Planning Organizations](#) and the [National Association of Regional Councils](#), the leadership of the [U.S. House Transportation Committee](#), and several Members of the Senate and House of Representatives, including [members of the Illinois delegation](#).

CMAP's core concerns with the rule include:

- Existing MPO coordination is already strong in the Chicago Region.
- The U.S. DOT lacks the authority to mandate MPO consolidation, and was not directed to do so by Congress.
- State level coordination is a larger problem than coordination between MPOs.
- The proposed State and MPO governance structure may give too much leverage to individual states with regard to the planning priorities of other states.
- Joint planning products may not produce better, more coordinated planning for required plan documents such as the Transportation Improvement Program, air quality conformity, Unified Planning Work Program, the Public Involvement Plan, and other items that still require information and analysis unique to each state context.

- The MPO coordination rule endangers progress made in each of our regions, and may limit the ability to innovate and implement regional goals within individual state frameworks
- The MPO coordination rule may go beyond the powers of the federal government by overriding state laws governing MPO roles, responsibilities, and composition.
- The U.S. DOT must identify and evaluate alternatives to this rule to accommodate the range of MPO types and capacities, with a particular focus on multistate MPOs.

Building on these points, CMAP distributed a [memo of the rule's potential impacts, talking points against the rule](#), and a [template letter](#) with stakeholders in the region and across the state to educate and stimulate action against the rule. While CMAP would have preferred additional time to draft more meaningful comments to share with the Board prior to submission, [we submitted joint comments](#) with the Northwestern Indiana Regional Planning Commission and the Southeastern Wisconsin Regional Planning Commission. [Chairman Bennett](#) and [Board Member Frank Beal](#) both submitted separate comments as well.

A large group of stakeholders from the region submitted comments opposed to the rule. As of today, nearly 40 of the 514 total comments submitted to the [docket](#), were from every part of the region, including a letter submitted by the [Regional Transit Authority](#) (RTA) and a [joint letter signed by each County Board Chair/Executive and the City of Chicago](#). Almost every comment submitted from across the country has been in opposition to the rule.

Staff will give the Board an overview of the rule and recommend next steps stakeholders in the region can take to oppose the rule and provide alternative paths for the U.S. DOT to consider.

ACTION REQUESTED: Discussion

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