

## RESOLUTION NO. 2018-11

### **A RESOLUTION of the City Council of the City of Lakewood, Washington, Requesting that the Pierce County Regional Council Add Identified Work Items to Its 2019 Work Plan.**

WHEREAS, Lakewood is a member jurisdiction of the Pierce County Regional Council (PCRC), which was created to ensure planning between Pierce County and its cities and towns is accomplished in a coordinated, consistent manner; and

WHEREAS, the PCRC is comprised of elected officials from Pierce County, each of its 23 cities and towns, and the Port of Tacoma; and

WHEREAS, the primary responsibility of the PCRC is to ensure that the Growth Management Act requirements are coordinated within the County and the region. The PCRC is also a sub-regional council to the Puget Sound Regional Council (PSRC); and

WHEREAS, the PCRC adopts a work program at its annual General Assembly meeting, held in February, that provides guidance for issues the group will be pursuing in its efforts to coordinate down to the municipal level and up to the regional level;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON HEREBY RESOLVES as follows:

**Section 1.** That the policy issues described in Exhibit A related to: sewer capacity, connection and expansion; updating the process and criteria for assigning population targets to cities and towns in Pierce County; and creating a Metropolitan Planning Organization and Regional Transportation Planning Organization within the boundaries of greater Pierce County be presented to the PCRC by City of Lakewood's PCRC elected representative for consideration as part of the 2019 PCRC work program.

**Section 2.** Severability. If any sections, sentence, clause or phrase of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not affect the validity or constitutionality of any

other section, sentence, clause or phrase of this Resolution or its application to any other person, property or circumstance.

**Section 3.** This Resolution shall be in full force and effect thirty (30) days after adoption.

PASSED by the City Council this 20th day of August, 2018.

CITY OF LAKEWOOD



Don Anderson, Mayor

Attest:



Briana Schumacher, City Clerk

Approved as to Form:



Heidi A. Wachter City Attorney

## EXHIBIT A

### SEWER CAPACITY, CONNECTION AND EXPANSION

Historically, the Pierce County Sewer Utility has not proactively planned for or built sewer line expansions in its sewer service area. Rather, private development has been required to extend sewer main lines to its location, with the opportunity to seek at least partial reimbursement via latecomer agreements for oversizing lines to anticipate future development hooking to them. Lakewood supported the recent CPP amendment that added the allowance of an option to mandatory installation of dry sewer lines in urban growth areas when the local jurisdiction has adopted criteria governing that option.

However, there continues to be a concern about cities with existing development served by septic systems not being connected to the regional sewer system. The County Sewer Utility should be authorized and directed to proactively extend sewer service into incorporated areas to provide cities with the ability to mandate connection to sewer, even if the development's septic system is currently functioning.

In addition, the utility should change its capital facility planning policies and practices to "do business as a business," meaning that it should be willing and able to construct sewer extensions into incorporated areas and use funding from surcharges assessed against that city or town in order to do so.

**Lakewood requests that policy direction is developed for consideration and action to update the Pierce County Sewer Utility's capital facility practices to construct sewer lines into existing incorporated areas currently serves by septic systems.**

### Background

As stated in the 2012 Pierce County Unified Sewer Plan:

#### Appendix I Issue 6:

Groundwater serves as the primary source of drinking water for Pierce County. Protection of this resource is vital. Impacts to groundwater recharge, groundwater migration and groundwater contamination all require careful consideration in the design and installation of sewerage facilities.

**Sanitary sewers within urban areas continue to be the most effective way to control groundwater pollution due to overly dense septic systems.**

#### Appendix I Issue Brief 10:

The Unified Sewer Plan sets out the conveyance system improvements that can be incorporated in the Capital Facilities Element of the County Comprehensive Plan. The timing of sanitary sewer capital improvements occurs in the context of annual amendments to the Capital Facilities Element of the County Comprehensive Plan. The Capital Facilities Element includes conveyance facilities set out in the sewerage general plan and ULID projects. Typically, local collection system improvements are not part of the Capital Facilities Element, except for ULID projects. Local collection system

improvements occur as developer constructed extensions or ULID projects. Within Urban Growth Areas, residential construction with on-site sewer systems is permitted when sanitary sewer facilities are outside of 300 feet of a building site. County-Wide Planning Policies, local comprehensive plans, development regulations, and Tacoma-Pierce County Board of Health regulations contain provisions for on-site sewer system use.

The plans and regulations advocate the ultimate connection to sanitary sewers of all development in the Urban Growth Area while providing for new development on temporary or interim on-site sewer systems. The Comprehensive Plan for Pierce County Washington contains policies in the Land Use Element that permit interim on-site septic systems for new development where sanitary sewers are not available.

Sewerage general plans implement broader policies, such as those in State law and regulations, Countywide Planning Policies, the County Comprehensive Plan, city comprehensive plans and Health Department regulations. **If a change in the broad public policy regarding on-site sewer systems in urban areas is desired, the Pierce County County-Wide Planning Policies and individual comprehensive plans and implementing development regulations will have to be amended.** It is not within the purview of a sewerage general plan to resolve such policy questions.

#### Criteria

- RCW 36.94, Sewerage, Water and Drainage Systems
- RCW 70.118, On-Site Sewage Disposal Systems
- Pierce County County-Wide Planning Policies, Urban Growth Areas, 2.4.3,b
- Pierce County Code, Title 19A. Comprehensive Plan for Pierce County Washington, Land Use Element, Urban Growth Areas, Objective 4.

**Local collection system planning will continue but not be added to Pierce County's Wastewater Utility sewerage general plan.**

## **UPDATING THE PROCESS AND CRITERIA FOR ASSIGNING POPULATION TARGETS TO CITIES AND TOWNS IN PIERCE COUNTY**

Per RCW 43.62.035, the State Office of Financial Management is directed to periodically provide a projection with a range of populations to each county. The Pierce County Council is the responsible body for adopting housing and employment targets for Pierce County jurisdictions, subject to appeal to the Growth Management Hearings Board.

There are unique situations for individual jurisdictions that affect their ability accept growth. For instance, in Lakewood, population and employment bases change when the deployment and stationing of soldiers at Joint Base Lewis McChord changes. Secondly, while the 2030 population allocation in Pierce County Ordinance No. 2011-36s for Lakewood is 72,000, city staff has conducted a more recent population projection that concludes the population would only reach 67,000 by that date. In addition, due to environmental constraints, there are areas of the city that cannot be developed at urban densities. As a result, the population and employment targets for the city should be adjusted to reflect these realities.

**Lakewood requests that policy direction be developed for inclusion in the Countywide Planning Policies, individual Comprehensive Plans, and other appropriate documents that provides individual jurisdictions the ability to adjust population and employment targets based on situations or issues outside of their ability to govern.**

### **Background**

Excerpts from 2014 Pierce County CPPs Section re Growth Targets:

The Regional Growth Strategy set forth in VISION 2040 provides guidance for the distribution of future population and employment growth through the year 2040 within the Central Puget Sound Region. This strategy in combination with the Office of Financial Management's population forecasts provide a framework for establishing growth targets consistent with the requirements of the Growth Management Act. Consistent with VISION 2040, these growth targets are the *minimum* number of residents, housing units, or jobs a given jurisdiction is planning to accommodate within the appropriate planning horizon and are informational tools integrated into local land use plans to assist in formulating future residential and employment land needs. These targets are to be developed through a collaborative countywide process that ensures all jurisdictions are accommodating a fair share of growth.

Achievement of the future envisioned by VISION 2040 will be challenging. Jurisdictions in some regional geographies will likely be planning for growth targets that are above or below the policy direction set by the Regional Growth Strategy because they are on a front- or back-loaded growth trajectory toward 2040. In other regional geographies, recent growth has been at such significant odds with the policy direction set by the Regional Growth Strategy (such as recent growth in unincorporated urban Pierce County from 2000 to 2007 has already accounted for more than half of the 40-year growth allocation), that the 2040 goal will likely be exceeded. In such cases, jurisdictions are asked to set growth targets as close to VISION

2040 as reasonably possible in an effort to “bend the trend” of future growth to more closely conform to the Regional Growth Strategy. **If a jurisdiction’s adopted target is lower or higher than expected from a straight-line application of the Regional Growth Strategy, certification by the Puget Sound Regional Council (PSRC) will be based on the actions and measures taken or proposed to be put in place to bend the trend, not just on an assessment of the adopted targets.**

- CPP 1.2.2 Growth targets are the minimum number of residents, housing units, or jobs a given jurisdiction is planning to accommodate within the appropriate planning horizon and are to be developed through a collaborative countywide process that ensures all jurisdictions are accommodating a fair share of growth. These targets are informational tools integrated into local land use plans to assist in formulating future residential and employment land needs.
- CPP 2.1.3 The County shall use a consistent countywide targeting process for allocating population and employment growth consistent with the regional vision, including establishing:
  - a. local employment targets,
  - b. local housing targets based on population projections, and
  - c. local housing and employment targets for each designated regional growth center.
- Pierce Co. Ord 2011-36s:
  - [The] County has the authority, as a regional government, to allocate population and employment to the cities
  - Counties allocate OFM population projections through GMA's "interactive and iterative" process, which includes collaborating with the cities and the towns (see also RCW 36.70A.100 and RCW 36.70A.110);
  - The Pierce County Growth Management Coordinating Committee (GMCC) is a technical subcommittee to the Pierce County Regional Council (PCRC), and the GMCC includes staff representatives from the County and its cities and towns
  - Over a period of several months the GMCC meets to review the proposed population, housing and employment targets for the horizon year; and VISION 2040's regional geography growth shares are considered in the formulation of preliminary horizon year targets
  - Jurisdictions provide documentation to justify deviation from VISION 2040's regional growth shares
  - The draft targets are forwarded to the PCRC for review
- Pierce Co. Ord 2011-36s Ex A:
  - Pierce County will further sub-allocates its urban unincorporated employment target to individual urban service/urban growth areas in consultation with the respective cities and towns.

## **CREATING A NEW METROPOLITAN PLANNING ORGANIZATION WITHIN THE BOUNDARIES OF GREATER PIERCE COUNTY**

Pierce County and its Cities and Towns are members of the Puget Sound Regional Council (PSRC.) The PSRC currently functions as both the Metropolitan Planning Organization (MPO) and Regional Transportation Planning Organization (RTPO) for Snohomish, Kitsap, King and Pierce Counties. PSRC was granted authority over the four-county region via an Interlocal Agreement (ILA) originally signed in 1991 and amended in 1993. There have been no amendments to the ILA since 1993.

Regional transportation and growth planning occurs under both federal and state laws Washington State Department of Transportation. 2017. Regional Transportation Planning. (See <http://www.wsdot.wa.gov/planning/Regional/Default.htm>)

- Under federal transportation laws, an MPO covers an urbanized area and receives federal funding in support of its planning efforts.
- The Washington State Growth Management Act (GMA) created RTPOs, which address both urban and rural areas at no less than a county scale. RTPOs receive state funding in support of their planning efforts.

### **Lakewood requests consideration of the formation of a new Metropolitan Planning Organization and Regional Transportation Planning Organization for Pierce County and its Cities and Towns.**

#### **Background**

In the years since the ILA was last amended, PSRC's responsibility has expanded beyond its original mission. The additional duties have been authorized sequentially by either the General Assembly or Executive Board through the adoption of Vision 2040 and Vision 2040's implementation strategy. PSRC's expanding responsibilities include:

- a. Multi-County Planning Policies
- b. Regional Growth Strategy (RGS) and Growth Shares
- c. Implementation Activities including VISION 2040 Interpretation

In 2009, as part of an implementation activity, the PSRC Executive Board voted to approve Appendix II-B (attached hereto), which included language on "bending the trend" in order to align local growth targets to the regional growth strategy. Compared to the previous standard of aligning the regional plan with local plans, this is an example of a top-down versus bottom-up approach. A bottom-up approach is highlighted in the ILA, but adoption and interpretation of VISION 2040 have changed the relationship of the regional and local plans compared to what was anticipated in the ILA. PSRC's use of VISION 2040 in the 2015 comprehensive plan certification review process gave the appendix more weight than intended or authorized.

According to PSRC, Appendix II-B was considered informational, but was used as a guidepost in PSRC's certification process and referenced frequently in their Plan Review manual. Some of the guidance PSRC provided in conditional certification requirements appeared controversial, such as growth metering or downzoning fast growing jurisdictions and requiring

additional analysis for employment capacity. PSRC's targets went beyond the requirements of GMA. To clarify, PSRC's authority to conduct local plan review and "bend the trend" towards the regional growth strategy was a result of a technical revision in Appendix II-B and approved by the Executive Board. It was NOT voted on by the General Assembly and the impacts affected every jurisdiction within the region.

PSRC has increased its authority beyond the minimum standard of GMA and has assumed roles given to counties and cities under GMA, including:

- a. Population growth estimates;
- b. Land capacity and buildable land methodologies; and
- c. Management of the Region's Urban Growth Areas (UGAs.)

Through incremental change, PSRC's growth targets have superseded what is required by GMA. PSRC is now involved in urban growth boundaries and buildable land methodologies, clearly a Pierce County responsibility. PSRC is continuing to gain authority over roles previously belonging to cities and counties. It is understandable, and outlined in GMA, that PSRC needs to review local plans in order to ensure consistency on a regional level. However, cities and counties in the region should ask: "To what end?"

In 2017, the City of Lakewood commissioned a Regional Planning Organization Options Report as an initial exploration of this topic; it is attached hereto.

**Attachments:**

2009 Appendix II-B to PSRC Regional Growth Strategy  
City of Lakewood 2017 Regional Planning Organization Options Report

## Appendix II-B: PSRC Guidance for Aligning Local Growth Targets with the Regional Growth Strategy

The PSRC offers the following guidance to counties and their cities as they work to align their local growth targets with the *Regional Growth Strategy*:

- PSRC recognizes that the path from now to 2040 is three decades long, and that the path to 2040 may not be linear. Jurisdictions in some regional geographies will likely be planning for targets that are above or below the policy direction set by the *Regional Growth Strategy* because they are on a front- or back-loaded growth trajectory toward 2040.
- However, in some regional geographies, recent growth has been at such significant odds with the policy direction set by the *Regional Growth Strategy* (i.e., recent growth from 2000 to 2007 has already accounted for more than half of the 40-year growth allocation), that the 2040 goal will likely not be met. In such cases, jurisdictions are asked to try their best to set any new targets as close to VISION 2040 as reasonably possible.
- In turn, the PSRC will remain flexible by recognizing good faith efforts in its review of targets as guidance for growth and comprehensive plans for consistency with the *Regional Growth Strategy* and VISION 2040 for those regional geographies. The PSRC will also provide guidance and technical assistance to counties and their cities as they work to prepare their targets and plan updates.
- In developing their comprehensive plan updates, jurisdictions will be asked to explain what steps they are taking to “bend the trend” of recent growth to align with the concepts in VISION 2040.
- PSRC’s review and certification of plans will be based on the actions and measures already taken or proposed to be put in place to bend the trend, and not just on an assessment of the targets alone. Jurisdictions whose growth targets are higher or lower than what would be expected from a straight-line application of the *Regional Growth Strategy*, should show the actions and measures that are being undertaken, or it expects to take, to bend the trend.
- Tracking the efforts by counties and their cities as they work to update their targets will help to identify the specific local challenges that may be faced in implementing the *Regional Growth Strategy*. Lessons learned as these processes move forward will be presented to the Regional Staff Committee and Growth Management Policy Board as progress reports for review and discussion.
- Lastly, PSRC will consider whether to revisit the allocations in the *Regional Growth Strategy* following local plans updates and also following target updates as required in the schedule provided in the Growth Management Act. In this way, the practical experiences of local jurisdictions gained from working with the current *Regional Growth Strategy* through upcoming updates can be brought to bear in making informed adjustments to the *Regional Growth Strategy*.

# City of Lakewood



## Regional Planning Organization Options

Prepared by: BERK Consulting

May 22, 2017

Lakewood's elected and appointed officials and City staff wish to acknowledge the numerous individuals who participated and contributed their valuable assistance in the preparation and production of this document.

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BERK Consulting

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# Regional Planning Organization Options

White Paper | May 8, 2017

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## Executive Summary

### PURPOSE

For the City of Lakewood’s consideration, BERK Consulting has prepared this White Paper that explores the creation of Metropolitan Planning Organizations (MPOs) under federal laws and Regional Transportation Planning Organizations (RTPOs) under state laws. The benefits and disadvantages of creating a county-specific MPO and RTPO are qualitatively described in comparison with participation in the multi-county Puget Sound Regional Council (PSRC). An alternative to creating a new agency is to form alliances and create changes in PSRC bylaws, regional plans, and budgets.

Accordingly, this White Paper includes the following sections:

- Background, including applicable laws, PSRC’s regional governance structure, authorities, and evolving role
- Case studies of other Washington counties that have a single county RTPO and MPO
- Options for regional governance, including their benefits and disadvantages

### FORMATION OF PLANNING ORGANIZATIONS

Regional transportation and growth planning occurs under both federal and state laws.<sup>1</sup>

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<sup>1</sup> Washington State Department of Transportation. 2017. Regional Transportation Planning. Available: <http://www.wsdot.wa.gov/planning/Regional/Default.htm>. Accessed: March 13, 2017.

- Under federal transportation laws, an MPO covers an urbanized area and receives federal funding in support of its planning efforts.
- The Washington State Growth Management Act (GMA) created RTPOs, which address both urban and rural areas at no less than a county scale. RTPOs receive state funding in support of their planning efforts.

As noted by the Washington State Department of Transportation, "MPOs and RTPOs serve the same basic transportation planning functions – develop a long-range plan, coordinate transportation planning within a region, and prepare a transportation improvement program."

## PSRC AUTHORITIES AND VISION 2040 UPDATE OPPORTUNITY

PSRC has authority under federal and state laws to serve as an MPO and RTPO and create transportation plans and programs as well as certify local plans as consistent with regional transportation plans to help assure federal and state funds are advancing a coordinated system.

PSRC was granted other authority in the four-county interlocal agreement in 1993 including preparing a regional growth management strategy that "shall be based on and developed from local comprehensive planning and address only regional issues including transportation, open space, air and water quality, economic development and regional facilities." This statement and the mission of PSRC reflect a bottom up approach of developing a regional plan based on local plans. Notably, the description of the strategy does not mention growth targets, land use, or housing.

Additional roles and responsibilities have come with making the regional growth strategy (RGS) include state-required multicounty planning policies, expanding the scope of Vision 2040 to include topics not listed in the Interlocal Agreement, and putting in place a more rigorous certification review in 2015.

In the 24-year history of PSRC since the Interlocal Agreement was put in place, there has been an expanding suite of responsibilities beyond the original PSRC mission and duties to serve as an MPO/RTPO developing transportation plan and developing a growth management plan that is based on local plans. These duties have been authorized sequentially by either the General Assembly or Executive Board through Vision 2040 adoption and associated implementation strategy adoption, rather than revisiting PSRC's mission and duties.

The gap in time between the 2008 Vision 2040 adoption and local plan certification in 2015 means that some jurisdictions recently realized that Vision 2040 has become a higher standard than the requirements of the GMA. It is not clear that the approximately 80 cities and counties understood this policy shift from core duties and deference to local plans to having the RGS effectively control local plans. About 25 percent of the PSRC member communities received conditional certification, which may be an indication of this misunderstanding.

The Vision 2040 update is planned to start in 2017 and extend to 2020. It represents an opportunity to reexamine the scope of Vision 2040 in relation to the PSRC mission and authorities and determine the weight and role of Vision 2040 in local planning. Further, while delegation of implementation measures to the Executive Board is appropriate, delegated responsibilities should be examined for whether they would effectively result in new policies or interpretations. The update should clarify which policies are the minimum for local governments and which are optional; there could be incentives for implementing optional policies.

## REGIONAL GOVERNANCE ALTERNATIVES

Based on the Comprehensive Plan Update certification process, as well as through a pending Centers framework update, Lakewood and other communities have expressed concerns about whether PSRC as a multi-county agency serving over 80 jurisdictions can appropriately balance a "bottom up" approach to planning consistent with the GMA and a "top down" approach that provides a collective vision to guide transportation funding and other resources.

To address regional governance concerns, two alternatives are considered in this White Paper: 1) increasing participation, forming alliances, and seeking amendments to PSRC bylaws and plans or 2) forming a county-specific agency. The two alternatives are qualitatively compared using the criteria of autonomy, collective voice, and resources.

Increasing participation and forming alliances could be a first phase alternative to improve local county outcomes within the current arrangement, maintaining Pierce County's participation in the PSRC as a regional body that maximizes a collective regional voice at the state and federal level. Regarding greater participation at PSRC, this could involve the City of Lakewood, Pierce County, and other cities in the county becoming their own advocates, promoting elected official appointments to some of the standing boards, and encouraging staff to participate in ad-hoc bodies. PSRC could also identify an ombudsman for each county to improve communication.

An alternative to participating in PSRC is to form a county-specific RTP and associated MPO. Because Pierce County, Tacoma as the center city, and 60 percent of cities (~14 in addition to Tacoma) would be needed to form such an agency, this alternative would require extensive effort to assemble a critical mass of support. Given the need to further determine costs and benefits, and multi-year effort to develop agreements with many local cities and Pierce County, forming a county-specific agency could be a long-term or fallback strategy. The preference in federal laws and rules for consolidation of MPOs should also be considered.

## Background

### APPLICABLE LAWS AND DEFINITIONS

Regional transportation and growth planning occurs under both federal and state laws.<sup>2</sup>

- Under federal transportation laws, an MPO covers an urbanized area and receives federal funding in support of its planning efforts.
- The Washington State Growth Management Act (GMA) created RTPs, which address both urban and rural areas at no less than a county scale. RTPs receive state funding in support of their planning efforts.

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<sup>2</sup> Washington State Department of Transportation. 2017. Regional Transportation Planning. Available: <http://www.wsdot.wa.gov/planning/Regional/Default.htm>. Accessed: March 13, 2017.

As noted by the Washington State Department of Transportation, "MPOs and RTPOs serve the same basic transportation planning functions – develop a long-range plan, coordinate transportation planning within a region, and prepare a transportation improvement program."<sup>2</sup>

### Metropolitan Planning Organizations (MPOs) under Federal Laws

MPOs were first authorized through the Federal-Aid Highway Act of 1962, which required a continuing, comprehensive, and cooperative planning process in urbanized areas of 50,000 or more population as a condition of receiving federal transportation funds.<sup>3</sup>

The MPO must meet the following detailed population requirements:

*Designations of metropolitan planning organizations (MPOs) made after December 18, 1991, shall be by agreement among the Governor(s) and units of general purpose local governments representing 75 percent of the affected metropolitan population (including the central city or cities as defined by the Bureau of the Census), or in accordance with procedures established by applicable State or local law. (see Section CFR 450.306 in the Appendix)*

MPOs are governed by a committee or board that includes: local elected officials, officials of public agencies that administer or operate transportation facilities, and state officials. Sometimes there are non-voting members as well. Designation of officials and representatives must be in accordance with local bylaws or enabling statutes. A typical MPO structure is illustrated in Exhibit 1.

MPOs coordinate with the State of Washington Department of Transportation (WSDOT) to prepare multimodal plans and the MPO plans become part of State transportation plans. Planning products required of MPOs include:

- A **Unified Planning Work Program (UPWP)** addresses a one or two-year fiscal year period and provides a statement of work for planning priorities and activities within an MPO, including planning work descriptions, schedules, responsibilities, costs, and sources of funds.<sup>4</sup> To be eligible for federal planning funds, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must approve the MPO's UPWP. <sup>5</sup>

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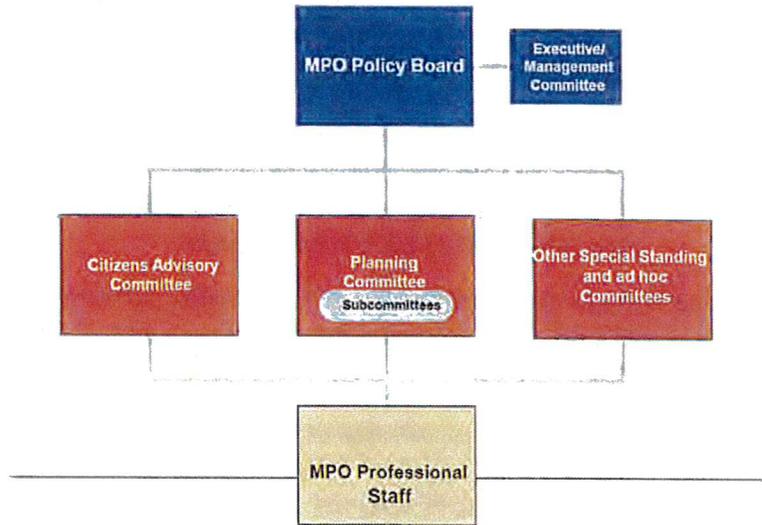
<sup>2</sup> US Department of Transportation. 1988. Excerpt of "Urban Transportation Planning in the United States: An Historic Overview," as reported by Association of Metropolitan Planning Organizations. A Brief History. Available: <http://www.ampa.org/about-us/about-mpos/>. Accessed: March 13, 2017.

<sup>4</sup> Federal Transit Administration. June 23, 2016. Unified Planning Work Program (UPWP). Available: <https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/unified-planning-work-program-upwp>. Accessed: March 13, 2017.

<sup>5</sup> State of Washington Department of Transportation (WSDOT). 2017. Metropolitan Transportation Planning. Available: <http://www.wsdot.wa.gov/planning/Metra/Default.htm>. Accessed: March 13, 2017.

- A **Transportation Improvement Program (TIP)** is prepared for a minimum four-year period and identifies all regionally significant transportation projects. The MPO TIPs are included in the Statewide Transportation Improvement Program (STIP). The STIP is approved by the FHWA and the FTA. WSDOT reviews TIP amendments monthly, and TIP amendments must be approved by the Secretary of Transportation for inclusion into the STIP.<sup>5</sup>
- A **Metropolitan Transportation Plan (MTP)** fulfills federal requirements (49 USC 5303(i)). The MTP must address MPO, state, and public transit objectives and describe how the metropolitan area will manage and operate its multi-modal system that includes transit, highway, bicycle, pedestrian, and accessible transportation. The plan needs to demonstrate how the multimodal system will meet the region's economic, transportation, development, and sustainability goals for a 20-year period under a fiscally constrained framework.<sup>6</sup>

Exhibit 1. Typical MPO Structure



Source: Association of Metropolitan Planning Organizations, MPO 101, 2012

In cooperation with WSDOT, MPO transportation plans must address the urbanized areas (UZAs) comprehensive planned development. In addition, the plans are to address multimodal transportation systems including nonmotorized facilities, and “serve as an intermodal system for the state, metropolitan areas, and the nation.”<sup>5</sup>

MPOs are designated by agreement between the State and local governments representing at least 75 percent of the affected population (including the largest incorporated city, based on population) or per requirements of applicable state law.<sup>7</sup>

An urbanized area with a population of over 200,000 is considered a Transportation Management Area (TMA). “[A]n MPO in a TMA has a stronger voice in setting priorities for implementing projects listed in the transportation improvement program and [is] responsible for additional planning products.”<sup>7</sup>

<sup>6</sup> Federal Transit Administration. June 23, 2016. Metropolitan Transportation Plan (MTP). Available: <https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/metropolitan-transportation-plan-mtp>. Accessed: March 13, 2016.

<sup>7</sup> Federal Transit Administration. June 23, 2016. Metropolitan Planning Organization (MPO). Available: <https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/metropolitan-planning-organization-mpo>. Accessed: March 13, 2017.

MPOs in Washington State are illustrated in Exhibit 2. The Puget Sound Regional Council, Spokane Regional Transportation Council, Southwest Washington Regional Transportation Council, and Benton-Franklin Council of Governments are considered TMAs. Urbanized areas in the central Puget Sound subject to designation under an MPO are identified in Exhibit 3 (see yellow shaded areas).<sup>8</sup>

A Federal Register notice in 2012 designated TMAs based on the 2010 U.S. Census. The "Seattle" UZA/TMA was listed as having a population of 3.06 million residents.

Per federal rules there is a preference to have fewer UZAs/TMAs than more, but the State can determine that it's appropriate based on size and complexity:

*To the extent possible, only one MPO shall be designated for each UZA or group of contiguous UZAs. More than one MPO may be designated within an UZA only if the Governor(s) determines that the size and complexity of the UZA make designation of more than one MPO appropriate. (see Section CFR 450.306 in the Appendix)*

Some federal rules were developed in December 2016 by FHWA and FTA to promote consolidation of MPOs within the same urbanized areas, and this could hinder the ability to create a separate organization.

*The rule revises the definition of "Metropolitan Planning Area" (MPA) to align with its statutory definition, and requires the MPA to include the entire urbanized area. Where there are multiple MPOs in a single MPA, the rule would also require that those MPOs and their states' governors decide whether to consolidate, adjust their boundaries, prepare unified planning products, or request an exemption. DOT received more than 600 comments on the NPRM, and made changes to the rule to address feedback from stakeholders and the public. For example, the final rule includes an exception that allows multiple MPOs in an MPA to continue to generate separate planning products under certain circumstances. The final rule also extends the compliance deadline, so that states and MPOs have more time to lay the groundwork for the changes necessary to comply with the rule.<sup>9</sup>*

In March 2017, legislation was introduced from Democrats and Republicans to remove this rule.<sup>10</sup>

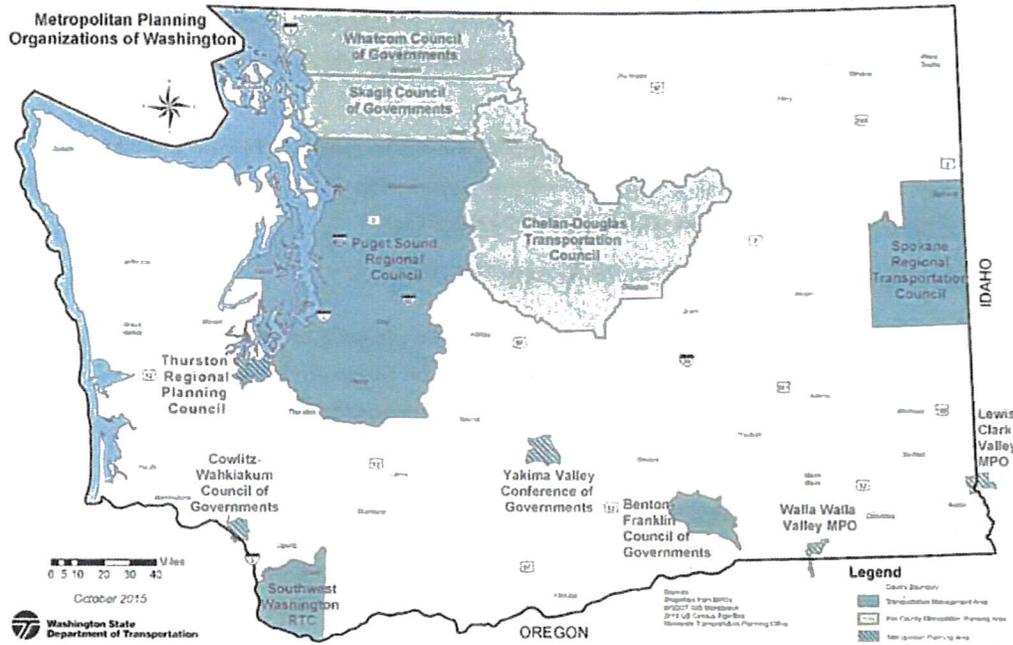
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<sup>8</sup> Federal Register, July 18, 2012. Designation of Transportation Management Areas. Available: <https://www.federalregister.gov/documents/2012/07/18/2012-17514/designation-of-transportation-management-areas>. Accessed: April 13, 2017.

<sup>9</sup> FTA, December 15, 2016. Metropolitan Planning Organization Coordination and Planning Area Reform. <https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/metropolitan-planning-organization-coordination-and>. Accessed: April 14, 2017.

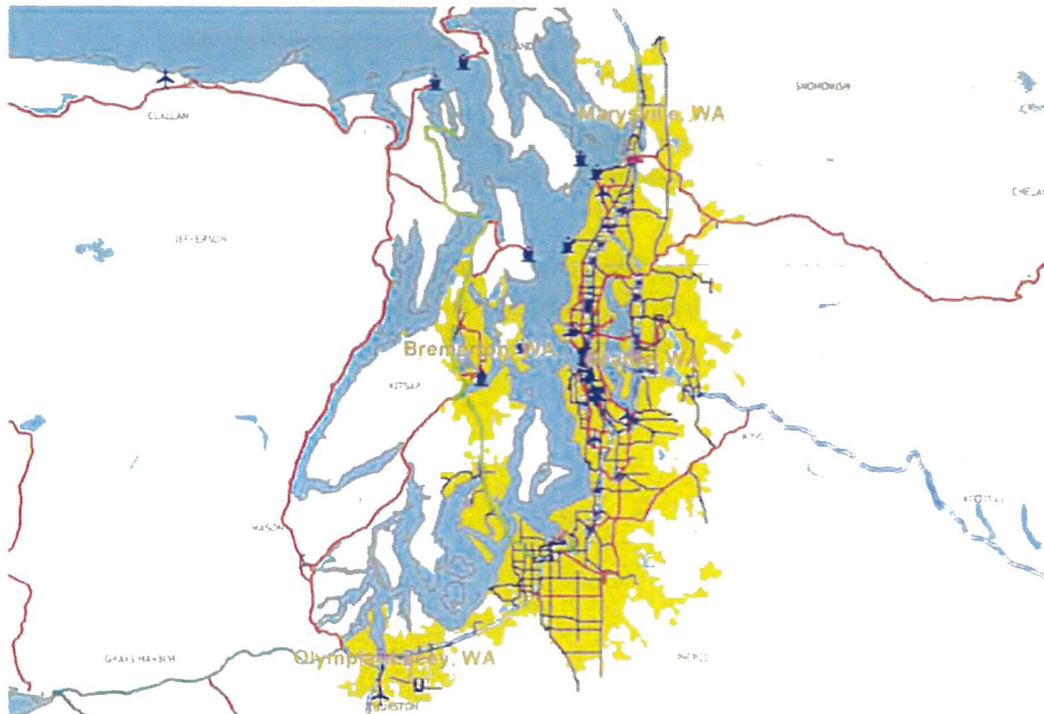
<sup>10</sup> RT&S. Mischa Wanek-Libman, editor. Bills to repeal MPO consolidation rule enter Congress. Available: <http://www.rtands.com/index.php/track-maintenance/off-track-maintenance/bill-to-repeal-mpo-consolidation-rule-enters-congress.html>. Accessed: April 14, 2017.

**Exhibit 2. Metropolitan Planning Organizations in Washington State: October 2015**



Source: WSDOT, October 2015

**Exhibit 3. Urbanized Areas 2010 (Yellow), U.S. Census Bureau, Federal Highway Administration**



Source: U.S. Department of Transportation, Federal Highway Administration, 2017

## Regional Transportation Planning Organizations Under State Law

Washington state authorizes Regional Transportation Planning Organizations (RTPOs) in RCW 47.80. RTPOs are voluntary associations encompassing at least one county and have a population of at least 100,000, a population of at least 75,000 with a Washington State ferry terminal, or contain a minimum of three counties.

Within the RTPO boundary, the member government population should represent 60 percent of the number of cities and towns and a minimum of 75 percent of the population of cities and towns. Where an MPO exists, RTPOs are the same organization as the designated MPOs.

The RTPO must meet the following requirements as verified by WSDOT:

*The legislature hereby authorizes creation of regional transportation planning organizations within the state. Each regional transportation planning organization shall be formed through the voluntary association of local governments within a county, or within geographically contiguous counties. Each organization shall:*

*(1) Encompass at least one complete county;*

*(2) Have a population of at least one hundred thousand, have a population of at least seventy-five thousand and contain a Washington state ferries terminal, or contain a minimum of three counties; and*

*(3) Have as members all counties within the region, and at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.*

*The state department of transportation must verify that each regional transportation planning organization conforms with the requirements of this section.*

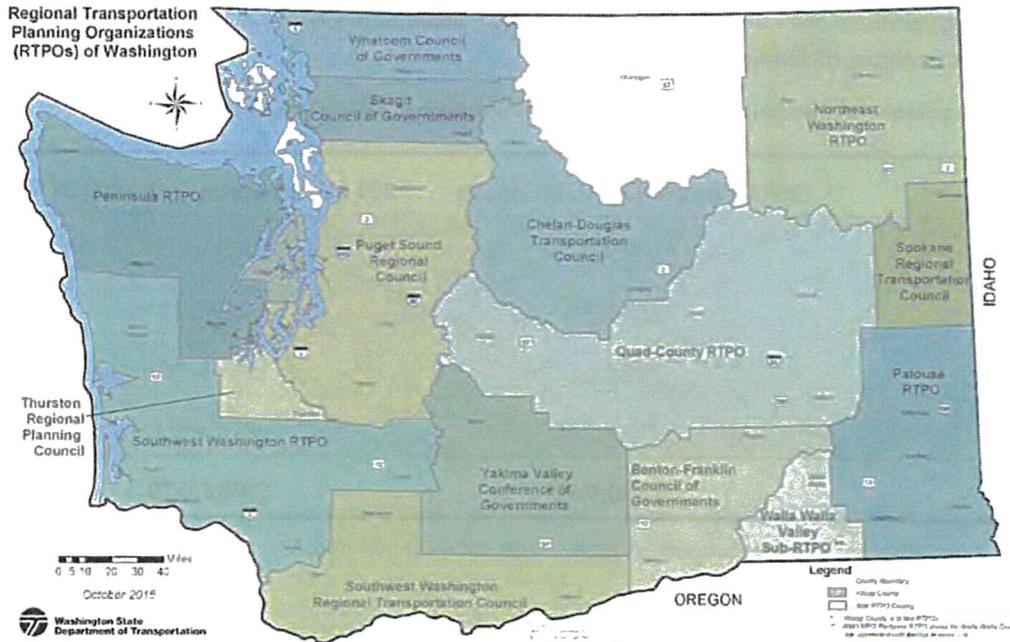
*In urbanized areas, the regional transportation planning organization is the same as the metropolitan planning organization designated for federal transportation planning purposes.  
(RCW 47.80.020)*

Currently, there are 15 RTPOs covering 37 of the 39 counties in Washington; the two counties that are not part of an RTPO are Okanogan and San Juan<sup>11</sup> ( See Exhibit 4). Okanogan County is considering formation of an RTPO if legislation is approved allowing a county of 40,000 to form one.<sup>12</sup>

<sup>11</sup> WSDOT. 2017. Regional Transportation Planning. Available: <https://www.wsdot.wa.gov/planning/Regional/Default.htm>. Accessed: March 13, 2017.

<sup>12</sup> See Senate Bill Report, SB 5649, available: <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bill%20Reports/Senate/5649%20SBR%20TRAN%2017.pdf>. Accessed: March 24, 2017.

**Exhibit 4. Regional Transportation Planning Organizations in Washington State**



Source: WSDOT, October 2015

RTPOs have a duty to adopt a regional transportation strategy and regional transportation plan consistent with adopted countywide planning policies, local comprehensive plans, and state transportation plans. RTPOs also certify that countywide planning policies and the transportation element of local comprehensive plans are consistent with the regional transportation plan. Further, they develop and maintain a six-year Regional Transportation Improvement Program. (RCW 47.80.023)

RTPOs must create a transportation policy board that provides policy advice. The board must include representatives of major employers within the region, the department of transportation, transit districts, port districts, and member cities, towns, and counties within the region. (RCW 47.80.040)

WSDOT biennially allocates appropriations to RTPOs consistent with RCW 47.80.050:

- (1) A base amount per county for each county within each regional transportation planning organization, to be distributed to the lead planning agency;
- (2) An amount to be distributed to each lead planning agency on a per capita basis; and
- (3) An amount to be administered by the department of transportation as a discretionary grant program for special regional planning projects, including grants to allow counties which have significant transportation interests in common with an adjoining region to also participate in that region's planning efforts.

## PUGET SOUND REGIONAL COUNCIL (PSRC)

PSRC is a four-county MPO and RTPO including King, Kitsap, Pierce, and Snohomish counties and their cities. The four county populations are noted in Exhibit 5. Kitsap County also participates in the Peninsula RTPO, but only receives its share of funding from PSRC.<sup>13</sup>

**Exhibit 5. Puget Sound Regional Council Member Counties and Population: 2010 and 2016**

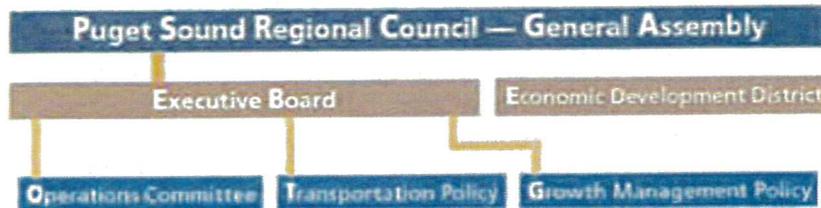
County	2010 Population U.S. Census	2016 Population Estimate OFM
King	1,931,249	2,105,100
Kitsap	251,133	262,590
Pierce	795,225	844,490
Snohomish	713,335	772,860
<b>Total</b>	<b>3,690,942</b>	<b>3,985,040</b>

Source: State of Washington Office of Financial Management (OFM) 2016; BERK Consulting 2017

### Regional Governance Structure

PSRC is led by a General Assembly. PSRC's governance structure is shown in Exhibit 6.<sup>14</sup>

**Exhibit 6. PSRC Organizational Chart**



Source: Puget Sound Regional Council, 2017

Every member of PSRC is a voting member of the General Assembly; members include all mayors, county executives, commissioners, and councilmembers of PSRC member jurisdictions.<sup>15</sup> Statutory members include ports, WSDOT, and the Washington State Transportation Commission.

The General Assembly votes on major decisions such as adoption of regional plans (VISION 2040, Destination 2040), establishes the two-year budget, and elects new officers. The General Assembly will meet next on May 31, 2017.<sup>16</sup>

<sup>13</sup> Peninsula Regional Transportation Planning Organization (RTPO). About. Available: <http://www.wsdot.wa.gov/partners/prtpo/about.htm>. Accessed: March 24, 2017.

<sup>14</sup> More information about PSRC boards and members is found here: <http://www.psrc.org/about/boards/>.

<sup>15</sup> See full list of members, here: <http://www.psrc.org/about/members>.

<sup>16</sup> See schedule, here: [http://www.psrc.org/assets/12328/Meeting\\_Schedule\\_2017.pdf](http://www.psrc.org/assets/12328/Meeting_Schedule_2017.pdf).

The Executive Board is composed of elected officials representing member agencies and representatives of statutory members; standing members include representatives from each county and the cities of Everett, Seattle, and Tacoma. The Executive Board is chaired by the PSRC President, meets monthly, and serves as the governing board. The Executive Board carries out delegated powers and responsibilities between meetings of the General Assembly. It appoints the Executive Director. The President is responsible for directing the Executive Director and the staff and making reports to the General Assembly and Executive Board.

The President and Vice President of PSRC are elected by the General Assembly and must be from different counties. The President conducts the annual meeting of the General Assembly and chairs the Executive Board as described above. The Vice President presides if the President is unable, and chairs the Operations Committee.

The other referenced boards and their duties include:

- Operations Committee: Reviews and makes recommendations to the Executive Board on the budget and work program
- Transportation Policy Board: Makes recommendations on key transportation issues to the Executive Board
- Growth Management Policy Board: Makes recommendations on key growth management issues to the Executive Board
- Economic Development Board: Responsible for regional economic development planning and collaborates with various private and public sector agencies. Directs the activities of the regional Economic Development District (EDD), the federally designated economic development district for the central Puget Sound.

## Voting

The General Assembly votes on the annual work program and budget, and amendment of regional growth management and transportation strategies as well as amendment of bylaws. A quorum is defined as one-half of the member jurisdictions, representing at least 50 percent of the regional population. Two-thirds of those present must vote affirmatively to approve the budgets, bylaws, and regional plans. Votes on other items by the General Assembly can be passed by simple majority. The General Assembly uses weighted votes based on population to make decisions. Weights as of 2015 are shown in Exhibit 7.

- Counties are entitled to fifty percent (50%) of their respective county's total vote.
- Cities' votes are based on their respective share of the total incorporated population of their county.
- Tribal representatives' votes are based on their respective share of the region's population.
- The vote of statutory members are based on applicable statutes or per the Executive Board.

**Exhibit 7: General Assembly Weighted Voting, 2015 Shares**

MEMBER TYPE	WEIGHTED VOTE
County Votes	498.30
Cities Votes	498.30
Tribal Votes	3.40
Statutory Members	153.00
<b>Total</b>	<b>1153.00</b>

Source: Puget Sound Regional Council, 2016

More than two counties' population is needed to achieve two-thirds of the weighted votes for the most significant items before the General Assembly. However, as can be seen with the population weights in Exhibit 8, King County and its cities' shares together equal almost half.

Exhibit 8. General Assembly Weighted Voting 2015: Counties and Major Cities (Washington State Top 20)

Agencies	Weighted Vote
<b>Counties and Cities</b>	
King County	261.17
Seattle	97.87
Bellevue	19.95
Kent	18.16
Federal Way	13.41
Kirkland	12.33
Auburn (All)	12.07
Redmond	8.74
Sammamish	7.39
Other King County Cities	69.72
<b>King County Total</b>	<b>520.81</b>
Kitsap County	33.37
Bremerton	15.25
Other Kitsap Cities	18.13
<b>Kitsap County Total</b>	<b>66.75</b>
Pierce County	106.98
Tacoma	48.99
Lakewood	14.14
Other Cities	41.65
<b>Pierce County Total</b>	<b>211.76</b>

Agencies	Weighted Vote
Snohomish County	96.78
Everett	24.46
Marysville	14.83
Other Cities	61.23
<b>Snohomish County Total</b>	<b>197.30</b>
<b>Tribal Members</b>	
The Suquamish Tribe	0.22
Muckelshoot Indian Tribal Council	0.71
Puyallup Tribe of Indians	2.47
<b>Tribal Total</b>	<b>3.40</b>
<b>Statutory Members</b>	
Port of Bremerton	3
Port of Seattle	50
Port of Tacoma	30
Port of Everett	10
WSDOT	30
WSTC	30
<b>Total Statutory Members</b>	<b>153</b>
<b>GRAND TOTAL</b>	
	<b>1153.0</b>
<i>Two Thirds of Possible Votes</i>	768.7
<i>Half of Possible Votes</i>	576.5

Source: PSRC 2016

The General Assembly attendance for 2015 and 2016 is summarized in the table below, as well as the 2015 weighted vote total. About two-thirds of the member cities and counties sent representatives in 2015 and 2016. The population represented was about 94% of the region. King County jurisdictions represented the greatest share of weighted votes at the meeting. The agenda topics for the meetings were the adoption of the budget and work program. In 2016, an additional topic was the creation of a new regional economic strategy.

**Exhibit 9. Example General Assembly Voting Representation 2015 and 2016**

Quorum Attendees	Total Representatives		Number of Jurisdictions		Weighted Voting - 2015		
	2015	2016	2015	2016	Total Possible	Vote Count	Percent of Possible
King County	38	40	26	25	520.8	510.9	98%
Kitsap County	15	17	5	5	66.8	66.8	100%
Pierce County	14	13	7	8	211.8	171.5	81%
Snohomish County	29	24	12	10	197.3	181.9	92%
Other Quorum Attendees	8	8	6	6	156.4	150.2	96%
<b>Total</b>	<b>104</b>	<b>102</b>	<b>56</b>	<b>54</b>	<b>1,153.0</b>	<b>1,081.2</b>	<b>94%</b>

Source: PSRC 2017; BERK 2017

The Executive Board is made up of elected officials, and has standing members including each county and the cities of Everett, Seattle, and Tacoma. Other statutory and local government members are appointed based on an interlocal agreement. All actions of the Executive Board are by majority vote.

**PSRC Authorities**

PSRC has authority under federal and state laws to accomplish the following:

- Serve as an MPO under federal law to prepare a Metropolitan Transportation Plan, Transportation Improvement Program, and a Unified Work Program. (23 U.S. Code § 134)
- Serve as an RTPO under state law to prepare a regional transportation strategy, plan, and improvement program consistent with adopted countywide planning policies, local comprehensive plans, and state transportation plans. RTPOs also certify that countywide planning policies and the transportation element of local comprehensive plans are consistent with the Regional Transportation Plan. (Chapter 47.80 RCW)

The Interlocal Agreement (March 11, 1993) adopted by the PSRC General Assembly describes the mission and duties of PSRC as follows:

- **Mission.** The mission of the Regional Planning Agency is to preserve and enhance the quality of life in the central Puget Sound area. In so doing, it shall prepare, adopt, and maintain goals, policy [ies], and standards for regional transportation and regional growth management in the central Puget Sound area, in accordance with federal and state law and based on local comprehensive plans of jurisdictions within the region. The agency shall ensure implementation in the region of the provisions of state and federal law which pertain to regional transportation planning and regional growth management.
- **Functions and Authorities** are excerpted below:
  - **Transportation.** Produce a Regional Transportation Plan (RTP), as prescribed by federal and state law and regulations and based on local comprehensive planning. The RTP will establish planning direction for regionally significant transportation projects, as defined in state law and shall be consistent with the regional growth management strategy.

- **Growth Management.** The agency shall maintain VISION 2020 as the adopted regional growth management strategy. The regional growth management strategy shall be based on and developed from local comprehensive planning and address only regional issues including transportation, open space, air and water quality, economic development, and regional facilities.
- **Countywide Comprehensive Plans.** One year after adoption of this Agreement, a process for the regional review of countywide plans (which reflect city and county comprehensive plans) for consistency with the adopted regional growth strategy and/or the regional transportation plan shall be considered by the governing Board of the new Regional Council.
- **Regional Data Base Development.** The agency shall provide for establishment and maintenance of a regional data base.
- **Technical Assistance.** As requested, the agency shall provide technical assistance to local, state, and federal governments through regional data collection and forecasting services, consistent with the mission and functions of the agency.
- **Discussion Forum.** The agency may provide a forum for discussion among local and state officials and other interested parties of common regional issues.

The mission states that the regional plan needs to be based on the "local comprehensive plans of jurisdictions within the region." Notably, the duties on growth management mention the regional growth strategy (RGS) shall be based on and developed from local comprehensive planning and address only regional issues of transportation, open space, air and water quality, economic development, and regional facilities. Not mentioned are: growth targets, land use, or housing.

#### *Changing PSRC Objectives and Relationship to Local Plans*

In the 24-year history of the PSRC since the Interlocal Agreement was put in place, there has been an expanding suite of responsibilities beyond the original PSRC mission and duties to serve as an MPO/RTPO developing transportation plan and developing a growth management plan that is based on local plans and focuses on regional issues. These duties have been authorized sequentially by either the General Assembly or Executive Board through Vision 2040 adoption and associated implementation strategy adoption, rather than revisiting the mission and duties. The expanded duties included:

- **Multicounty Planning Policies:** Not listed in the Interlocal Agreement, but based on the GMA and the authority that the General Assembly gave to PSRC in 1992, Vision 2020 served as multicounty planning policies. (RCW 36.70A.210(7)) GMA does not require that multicounty planning policies be housed in a MPO/RTPO regional plan. PSRC member agencies agreed to having the Vision 2020 policies serve that purpose. This is the beginning of the RGS taking on more meaning under local plan reviews.
- **RGS and Growth Shares:** The RGS is embodied in Vision 2040. It was adopted in Resolution A-08-04 and superseded Vision 2020. The RGS promotes focused growth within urban growth areas and particularly urban centers. The RGS creates a hierarchy of cities across the four counties and regional growth centers and manufacturing industrial centers. It sets growth shares by counties and by the hierarchy of cities. Metropolitan cities, core cities, and larger cities take the most growth and small cities and unincorporated UGAs take less growth. There are no city-specific growth targets in

the plan. Yet, through the certification process jurisdictions that planned for more growth than their County-City negotiated allocation were considered inconsistent with the RGS. Those that didn't match growth capacity to targets were also considered inconsistent with the RGS. See below.

- **Implementation Activities Delegated including Vision 2040 Interpretation:** The resolution adopting Vision 2040 delegated authority for technical amendments to the plan – including city reclassification – to the Executive Board. The Executive Board was also given authority to make amendments to implementation actions and measures. Implementation activities led to interpretations that are stricter than the interlocal agreement or GMA would call for. Some implementation activities are highlighted below:
  - Appendix II-B Bend the Trend to the RGS: While considering several city reclassifications in 2009, PSRC also developed guidance on targets via Appendix II-B on Aligning Local Growth Targets with the RGS. In that document, PSRC's certification is to be based on "actions and measures... to bend the trend" of recent growth to align with VISION 2040, and "not just on an assessment of the target alone" The purpose of Appendix II-B was to support County-City growth target negotiations that had an original completion date of 2011.<sup>17</sup> Appendix II-B is considered informational in some documents<sup>18</sup> but also considered a yardstick in some certification results in 2015, including identifying where cities were inconsistent with the RGS policies, County-City negotiated targets or buildable land capacity.<sup>19</sup> Its use in certification review gives Appendix II-B more weight than intended or authorized.
  - Certification and Plan Review: Certification is primarily required to ensure the transportation element is consistent with the regional transportation plan (RCW 47.80). PSRC's Plan Review Manual adds to required certification review a RGS consistency review. The June 2015 Plan Review Manual was developed after the GMA countywide growth allocation processes (adopted in 2011 in Pierce County). Offering a strict interpretation of the RGS later during local plan adoption caused concerns that PSRC interpretations were in effect resulting in amended regional policies.

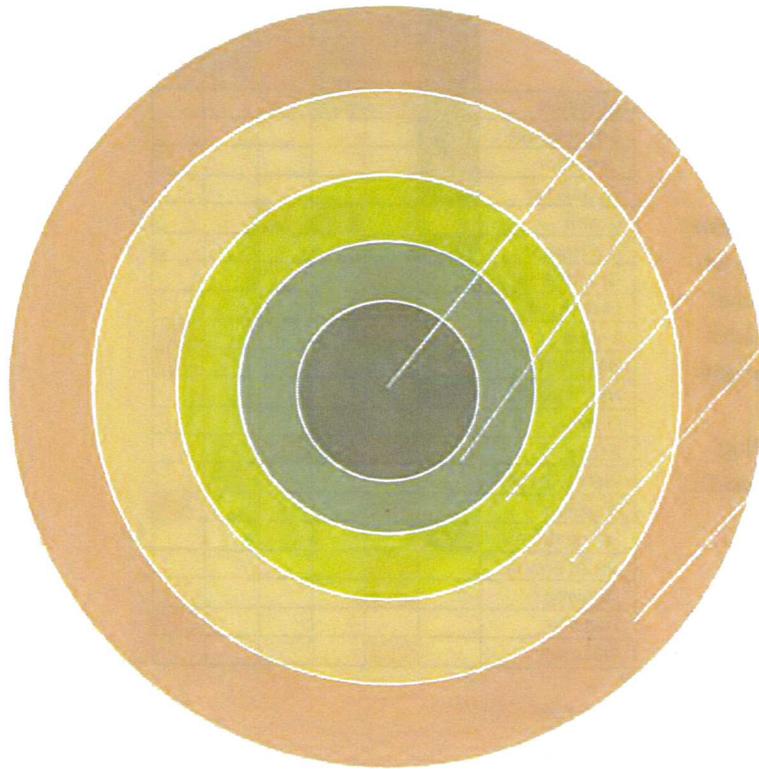
In summary, the gap in time between the Vision 2040 adoption in 2008 and local plan certification in 2015 mean that many jurisdictions only recently realized that Vision 2040 has become a higher standard than the requirements of the GMA. It is not clear that the approximately 80 cities and counties understood this policy shift from core duties and deference to local plans to having the RGS effectively control local plans. About 25 percent of PSRC's member communities received conditional certification which may illustrate a difference in understanding.

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<sup>17</sup> Bakkena, Ben, personal communication, May 4, 2017.

<sup>18</sup> Puget Sound Regional Council. July 21, 2016. Memo: Josh Brown, Executive Director, to Executive Board. "Conditional Certification Questions."

<sup>19</sup> See the PSRC Plan Review & Certification Recommendation (Revised April 28, 2016) for Pierce County: <https://www.psrc.org/sites/default/files/pierce-county-compplan-2015-certification-adopted.pdf>.



1993 Interlocal Agreement

- 1) Create Transportation Plans as MPO/RTPO
- 2) Develop RGS based on local plans and focusing on regional issues

1993 Vision 2020 serves as multicounty planning policies

2008 Vision 2040 RGS with multicounty planning policies and growth shares

2009 Vision 2040 Amendment of cities classifications plus an informational appendix promoting "bend the trend" of local plans to RGS instead of RGS based on local plans

2015 Certification Review - apply stricter interpretation of Vision 2040 policies compared with GMA

**Exhibit 10. Expanding PSRC Planning Responsibilities after 1993 Interlocal Agreement**

Examples of increased authorities beyond a minimum standard of GMA, and assuming roles given to counties and cities under GMA are as follows:

- Vision 2040 uses population shares that differ from negotiated County-City projections and are given greater weight than required under GMA. For example, growth targets are considered floors not ceilings in GMA case law, but PSRC considers plans that exceed growth targets to be of concern.
- Vision 2040 describes land capacity as a county-city activity, but PSRC gave conditional certification to communities that had capacities that did not appear to support targets. Counties have a role under GMA to develop buildable land methodologies and to work with cities on results.

- PSRC is beginning to manage the Region's Urban Growth Areas (UGAs) through the emphasis of bending the trend to VISION 2040 and growth targets that differ from GMA and Countywide Planning Policies. GMA indicates that management of UGAs is a county role.

About 20 jurisdictions – or about 25 percent of member cities and counties – were given conditional certification<sup>20</sup> due to growth not in alignment with VISION 2040 or other matters found in the certification review (see Exhibit 11). To be certified, some agencies were given specific tasks or given guidance on a range of measures to bring plans into alignment. Some of the guidance appeared to be controversial such as growth metering or downzoning in fast-growing jurisdictions, e.g. Bonney Lake or Covington. Some required additional funding to be allocated to analysis, such as Lakewood's employment capacity analysis.

In "Taking Stock 2016: Regional and Local Perspectives on Local Plan Updates and VISION 2040 Implementation" (PSRC March 2017), PSRC published results of a survey of local governments after certification. While jurisdictions found value in PSRC comments and a willingness to work through the plan review and certification process, challenges included:

- Confusion about the respective roles of PSRC, Washington State Department of Commerce, and the Growth Management Hearings Board, particularly regarding scope of review (VISION 2040, GMA), approval or certification role.
- Plan submittal procedures were not clear.
- PSRC seen as more "top-down." For some local jurisdictions, VISION 2040 and the ensuing certification process felt more top-down than previous rounds of local planning under VISION 2020.
- Comment letters not consistent with certification reports. There were cases where the comments in the letter sent in response to draft plans did not match the recommendations and conditions included in

Exhibit 11. Summary of Conditionally Certified Plans

Jurisdiction	Metres	Capacity	Bike/Ped	Finance	RGS	Consistency
Arlington						
Bonney Lake						
Carnation						
Covington						
Duvall						
Gig Harbor						
Granite Falls						
Lakewood						
Milton						
Newcastle						
North Bend						
Orting						
Pacific						
Pierce County						
Puyallup						
Snoqualmie						
South Prairie						
Stanwood						
Tukwila						
Wilkeson						

Source: PSRC 2017

<sup>20</sup> This means that certification included one or more pending conditions. Conditional certification allows eligibility for transportation funding while plan review and amendment is accomplished based on certification conditions.

the certification report. Primarily, this was an issue as the Growth Management Planning Board provided further guidance on criteria related to alignment of local plans with growth targets.

- Distinction between requirements and recommendations unclear. Some cities saw a lack of clarity in the comment letters and certification reports regarding what were requirements for certification versus "only" recommendations.
- Costs of responding to PSRC comments and certification actions. Addressing certification conditions and non-certification issues alike create costs for local governments with limited resources, especially where it involves complex issues.

PSRC is considering several steps to improve technical assistance and certification review:

- Provide information early regarding countywide and local plan expectations, well ahead of future updates to Countywide Planning Policies and comprehensive plans. Consider an update to the Plan Review Manual and Checklist to improve clarity and address concerns raised in Taking Stock 2016.
- Provide proactive "hands-on" technical assistance, particularly for small towns.
- Update and improve certification procedures.
- Consider options for making certification determinations earlier in the planning process, such as within the state 60-day review period in which the Washington State Department of Commerce reviews and provides input on plans.
- Work with counties and cities to address common certification issues ahead of next plan updates.
- Address and clarify issues related to Small Cities' conditional certifications in VISION 2040 update, including the role of countywide growth targets, and what criteria will be used to review local plan updates for certification.

These suggested steps appear to acknowledge flaws in the application of certification and ways to improve the process. This Taking Stock 2016 evaluation of the certification process does not address the overall scope of PSRC growth management activities.

#### *Vision 2040 Update and Reexamination*

The Vision 2040 update is planned to start in 2017 and go through 2020. It represents an opportunity to reexamine the scope of Vision 2040 in relation to the PSRC mission and authorities and determine the weight and role of Vision 2040 in local planning. Further, while delegation of implementation measures to the Executive Board is appropriate, delegated responsibilities should be examined for whether they would effectively result in new policies or interpretations. The update should clarify which policies are the minimum for local governments and which are optional; there could be incentives for implementing optional policies.

Ad-hoc groups that support examination and evaluation of Vision 2040 provide an important sounding board for what has worked well and what could be improved – e.g. Regional Centers Framework Update Project 2016 (issued 2/2017) or Taking Stock 2016 (issued 3/2017). However, results of these assessments should be examined for implicit narrowing of policy options in the Vision 2040 update.

For example, the Regional Centers Stakeholder Working Group recommendations are to change the hierarchy of Regional Centers. Depending on how this is implemented, the potential changes in Center

hierarchy (tiers, scales, and other factors) could change the allocation of funding and further reinforce centers in King County and Seattle that have more resources, with less funding allocated to communities like Lakewood that have sizable populations but need more investment to advance revitalization. This is described further in the Regional Resource Distribution white paper. The Stakeholder Working Group's recommendations also assume no change in status for JBLM as a regional growth center. The Regional Centers Framework Update report indicates that the Centers review process will conclude with the Growth Management Policy Board and PSRC Executive Board. If there is a fundamental shift in Centers it should receive wider review through the General Assembly.

## Examples

Example counties in Washington state that have populations of at least 200,000 and are represented by a one-county RTPO are described in this section. Two single counties in California with MPOs of at least 400,000 and military bases are also described.

Exhibit 12. Regional Planning Agencies with Single Counties

FEATURE	SPOKANE RTC	THURSTON RPC	YAKIMA VALLEY COG	SANTA BARBARA CAG	SAN DIEGO ASSOC. OF GOVERNMENTS
Total 2016 County Population <sup>a</sup>	492,530	272,690	250,900	444,900	3,275,084
Annual Operating Budget <sup>b</sup>	\$1,360,979	\$3,888,499	\$3,335,303	\$5,256,700	\$43,555,178
Operational Budget per Capita	\$2.76	\$14.26	\$13.29	\$11.82	\$13.30
Voting Rules	Simple majority of quorum <sup>c</sup>	Simple majority of quorum <sup>d</sup>	Simple majority of quorum	Simple majority	Majority of quorum and majority of weighted vote <sup>e</sup>
Eligible Voting Members	County and cities based on population size, employer, transit, airport, WSDOT, WSTC.	County, cities, towns, tribes, school districts, water alliance, port, PUD, transit	County and cities/towns	County and eight cities in the county. County has 5 votes; each city gets 1 vote.	18 cities and the County
Voting Members (Number)	14	16	15	13	19
FTEs	10.7	17	10	20	222
Military and Civilian Employees	5,800	Part of JBLM <sup>f</sup>	Part of JBLM <sup>f</sup>	18,000	100,000
Website	<a href="http://www.srtc.org">www.srtc.org</a>	<a href="http://www.trpc.org">www.trpc.org</a>	<a href="http://www.yvcog.org">www.yvcog.org</a>	<a href="http://www.sbcag.org">www.sbcag.org</a>	<a href="http://www.sandag.org">www.sandag.org</a>

a. 2016 population estimates from Washington Office of Financial Management and 2015 estimates from the California Department of Finance.

b. FY 2017 work program or operations budget, excluding capital facilities.

- c. The SRTC allows a simple majority by quorum. If a quorum is not present, they may do an electronic vote by email, which must be a simple majority of all voting members.
- d. The TRPC works on a simple majority of quorum basis, but two or more members can call for an optional vote in which Thurston County is weighted at 1/4 of the total vote and larger jurisdictions are given more than one vote.
- e. Weighted vote is based on percent of total population, but adjusted so that all member agencies get at least one vote and the maximum number of votes for any member agency is 40.
- f. JBLM has 46,800 military population and 16,300 civilian workforce for a total of 63,100 military employees. Denny Miller Associates, Hyjek & Fix, Inc. and Gordon Thomas Honeywell. December 2012. Retaining and Expanding Military Missions: Washington State's Importance and Opportunities for the Department of Defense in Achieving Its Strategic Initiatives. Available: [http://www.ofm.wa.gov/reports/mil\\_report.pdf](http://www.ofm.wa.gov/reports/mil_report.pdf). Accessed: March 20, 2017.

PSRC has about 77 full time equivalent employees, and a 2017 operating budget of \$27,731,000, which would be a per capita population expenditure of about \$6.96, an efficient amount compared to the examples in Exhibit 12.

## SPOKANE REGIONAL TRANSPORTATION COUNCIL

Spokane Regional Transportation Council (SRTC) is lead agency for transportation planning services in Spokane County, including serving MPO and RTPO regional transportation planning functions and addressing air quality conformity. It is adjacent to the Kootenai MPO that plans for Kootenai County and Coeur d'Alene in Idaho. Spokane County is home to Fairchild Air Force Base and installation that employs approximately 5,800 civilian and military personnel.

SRTC includes 14 voting members and three non-voting members. Voting members represent a variety of interests.

- The Spokane Transit Authority, the Spokane Airport Board, WSDOT, and the Washington State Transportation Commission have one member each.
- One member is an elected official that represents all jurisdictions with populations under 5,000. Three members are elected officials from small towns with populations up to 50,000 people.
- Each jurisdiction with a population between 50,000 to 100,000 gets one member.
- Jurisdictions over 100,000 get two members.
- One member represents a major employer, with preference given to a private sector transportation provider.
- Non-voting members include one representative of the rail industry, the chair of the SRTC's Transportation Advisory Committee, and the chair of SRTC's Transportation Technical Committee.

## THURSTON REGIONAL PLANNING COUNCIL

The Thurston Regional Planning Council (TRPC) acts as MPO and RTPO for Thurston County and it also coordinates some regional growth management and environmental planning. It provides GIS and transportation modeling to all jurisdictions and contracts with jurisdictions to provide outreach services and provides smaller jurisdictions with planning services.

Members include county and city governments in Thurston County, representing a wide range of community sizes. Voting members also include a variety of public agencies including school districts, utility providers, transit, and local tribes. Non-voting members include stakeholders such as the Thurston County Economic Development Council (EDC), fire district, library, and the Evergreen State College.

Located adjacent to the southwest of PSRC, it has prepared the JBLM/I-5 Congestion Relief Action Plan. JBLM is addressed in the Regional Transportation Plan "What Moves You" with the following recommendations:

*Coordinate with partners outside the region, such as the South Sound Military & Communities Partnership, Joint Base Lewis-McChord, the Regional Catastrophic Planning Team, and the Puget Sound Regional Council, as well as statewide organizations like the Washington State Rideshare Organization, the Agency Council on Coordinated Transportation, transit agencies such as Sound Transit, and the Commute Trip Reduction Board. Activities may range from general communication and coordination to active involvement in relevant plans and processes.*

JBLM is identified in countywide planning policies regarding economic development. The Countywide Planning Policies are developed through TRPC and adopted by Thurston County's Board of County Commissioners.

*Economic Development and Employment, Policy 7.4 Acknowledge and look for opportunities to engage with regional economic drivers such as state government, the Port of Olympia, and Joint Base Lewis-McChord. Coordinate economic development efforts as well with other jurisdictions, the Economic Development Council, Chambers of Commerce, and other affected groups.*

## YAKIMA VALLEY CONFERENCE OF GOVERNMENTS

The Yakima Valley Conference of Governments (YVCOG) is a regional planning organization for 14 cities/towns and Yakima County. It serves as MPO and RTP and also coordinates a regional response to homelessness and provides local governments with planning-related services. It is in central Washington and is not adjacent to another MPO. Membership is offered to any general or special purpose government agency in or near the Yakima County area, but only incorporated towns/cities within the boundaries of the YVCOG and the County are voting members.

## SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS

The Santa Barbara County Association of Governments (SBCAG) is a single county MPO that fulfills a variety of regional planning functions, including the distribution of local, state, and federal transportation funds and addressing regional planning issues related to housing needs, airport compatible land use planning, growth planning, and coordination with adjacent regional planning agencies. It is located immediately adjacent to the Southern California Association of Governments that coordinates the greater Los Angeles area. Santa Barbara County is home to Vandenberg Air Force Base, the third largest Air Force Base in the country, employing approximately 18,000 active military personnel and civilians.

Membership in SBCAG is made up of representatives from County government and each of the eight cities in the county. Each city gets one vote and the County gets five votes, one for each of the elected member of the Santa Barbara County Board of Supervisors. Non-voting members include state elected officials and Caltrans. Although the cities of Santa Barbara and Santa Maria represent almost half of the population in the county, the other six cities represent a variety of jurisdictions ranging from under 5,000 to approximately 50,000 people.

## SAN DIEGO ASSOCIATION OF GOVERNMENTS

The San Diego Association of Governments (SANDAG) is a public agency that coordinates regional decision making for San Diego County. In addition to acting as the MPO for regional transportation funding, it also addresses regional plans for growth, public safety, environmental concerns, economic development, and airport access. It also coordinates with other regional agencies and with Mexico on border planning. San Diego County is home to over 17 military bases and installations, for a total military and civilian employment of approximately 100,000 people.

Members of SANDAG include 18 cities and the County. About half of the jurisdictions are large cities over 100,000 in population, with the City of San Diego the largest by far at approximately 1.3 million. The other half of the members represent smaller and medium sized cities.

## Regional Governance Alternatives

Based on the Comprehensive Plan Update certification process, as well as through a pending Centers framework update, Lakewood and other communities have expressed concerns about whether PSRC as a multi-county agency serving over 80 jurisdictions can appropriately balance a "bottom up" approach to planning consistent with GMA and a "top down" approach that provides a collective vision to guide transportation funding and other resources.

To address regional governance concerns, two alternatives are considered: 1) forming alliances and seeking amendments to PSRC bylaws and plans or 2) forming a county-specific agency. These two alternatives are described below and evaluated qualitatively regarding how well the alternatives offer:

- Autonomy
- Collective Voice
- Resources: Staff and Funding

### 1. FORM ALLIANCES AND PROPOSE CHANGES TO PSRC

Currently it takes votes by more than two counties and their cities to successfully change PSRC bylaws, regional plans, and budget. To influence change, Lakewood and other Pierce County communities could seek alliances with Kitsap and Snohomish Counties, as well as other voting agencies. Areas of common concern could include:

- Adding military facilities as a part of the regional growth centers strategy to be eligible to compete in the regional competition for transportation funds (see Regional Resource Distribution White Paper).
- The process by which transportation projects are selected, including the number of regionally significant projects allowed to be considered (see Regional Resource Distribution White Paper).

- Revising funding criteria to further address the measurable benefit of a transportation project on the regional transportation system,<sup>21</sup> return on investment, equity, and other factors to rebalance funding decisions (see Regional Resource Distribution White Paper).
- Changing the bylaws in terms of weighted voting, ensuring the Vision 2040 update is scoped consistent with the Interlocal Agreement, changing regional plan certification review processes, or other procedural matters.

Increasing participation and forming alliances with other communities would require discussions with elected and appointed officials and staff resources to develop positions and attain agreement, particularly ahead of annual General Assembly meetings, and to influence the Executive Board on an ongoing basis. Existing organizations could be leveraged to help accomplish the formation of alliances, including the Pierce County Regional Council (PCRC), South Sound Military and Communities Partnership, and other parallel organizations in other counties.

## 2. FORM COUNTY-SPECIFIC AGENCY

An alternative to participating in the PSRC is to form a county-specific RTPO and associated MPO. Steps are shown below. Because Pierce County, Tacoma as the center city, and 60 percent of cities (~14 in addition to Tacoma) would be needed to form such an agency, this alternative would require extensive effort to assemble a critical mass of support.



The formation of a county-specific agency would maximize local autonomy to create a regional growth and transportation plan that fits local governments in Pierce County. Funding could be directed to communities based on locally-developed criteria. On the other hand, a county-specific agency could lessen the impact of a collective regional voice in the Puget Sound, which may lessen its influence with the federal and state governments that provide funding.

If this option is pursued, more analysis would be needed to determine the short- and long-term costs and potential benefits of forming such an agency. Issues would include cost of administration, cost of developing and maintaining regional growth and transportation plans, competitiveness for funding, and other factors.

<sup>21</sup> As described in the Regional Resource Distribution White Paper, SANDAG has an elaborate evaluation system that applies explicit and specific performance standards to potential projects to measure their impact on achieving the policy goals of its regional plan.

Some discretionary funding streams could potentially increase or decrease depending on whether Pierce County were competitive on its own compared to the PCRC. For example, Washington State distributes funds to RTPOs through a base amount regardless of size, a per capita amount, and a discretionary competitive grant amount for special regional planning projects (RCW 47.80.050). It is possible that there could be a potential increase or decrease in amount awarded through discretionary grant programs for special regional planning projects.<sup>22</sup>

WSDOT describes projects of regional significance as follows:<sup>23 24</sup>

*Regionally Significant projects are those that are on a facility which serves regional transportation needs (such as access to and from the area outside the region; major activity centers in the region; major planned developments such as new retail malls, sports complexes or employment centers; or transportation terminals) and are normally included in the modeling of the regional transportation network. At a minimum, this would include all principal arterial highways and all fixed guideway transit facilities that offer a significant alternative to regional highway travel.*

As noted in the Regional Resource Allocation white paper, there is a cap on the regionally significant projects that are in competition at the PSRC, and there could be more opportunity for projects in consideration of the state's discretionary grants through a separate MPO/RTPO.

In terms of relationships with state agencies, it appears that WSDOT collaborates with all MPOs and RTPOs since the MPO and RTPO plans roll up into state plans and programs (e.g. unified State Transportation Improvement Program), which is necessary for attaining federal and state funds.

In Washington state, there are no counties of Pierce County's size that have formed a single-county RTPO organization. Island County recently formed an RTPO after splitting off from the Skagit-Island RTPO.<sup>25</sup> Okanogan is in the process of forming a county-specific agency if legislation passes.<sup>12</sup> The Benton-Franklin MPO/RTPO recently achieved TMA status, and would have altered their organizational duties. Though smaller, Pierce County could consult with these counties to identify lessons learned.

## EVALUATION OF ALTERNATIVES

The two alternatives described in this paper are qualitatively compared using the criteria of autonomy, collective voice, and resources. Forming alliances could be a first phase alternative to try to improve local

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<sup>22</sup> One example of two MPOs in a shared urbanized area is found in Richmond/Tri-Cities, Virginia. In that example, Virginia has developed an agreement with the two MPOs to share funds based on population proportion using the most recent census. Other examples of abutting MPOs in a single urbanized area are found in North Carolina and potentially other locations. Generally, key issues would be how to equitably distribute the money, whether all the projects need to appear in all the TIPS, and ensuring that the smaller share is large enough to fund a project before the funds expire. (Personal Communication, David Hyder, Tri-Cities Area MPO, April 21, 2017; and Personal Communication, Paul Agnew, AICP, George Washington Regional Commission/Fredericksburg Area MPO, April 18, 2017).

<sup>23</sup> WSDOT. 2015. Annual Statewide Transportation Improvement Program (STIP) Review. Available: <http://www.wsdot.wa.gov/NR/rdonlyres/A018F877-E55A-4470-A14E-ADDD240AD1F0/0/2015STIPTrainingPresentation.pdf>. Accessed: April 13, 2017.

<sup>24</sup> WSDOT. 2012. NEW Web-Based Statewide Transportation Improvement Program (STIP). Available: <http://www.wsdot.wa.gov/NR/rdonlyres/4648B428-26FF-4350-B6D7-168B8FC1FC2E/0/STIPTrainingManual.pdf>. Accessed: April 13, 2017.

<sup>25</sup> See article: <http://www.whidbeynewstimes.com/news/governor-signs-measure-allowing-county-rtpo/>.

county outcomes within the current arrangement, maintaining Pierce County's participation in the PSRC as a regional body that maximizes a collective regional voice at the state and federal level.

Regarding greater participation at PSRC, this could involve the City of Lakewood, Pierce County, and other cities in the county becoming their own advocates, promoting elected official appointments to some of the standing boards, and encouraging staff to participate in ad-hoc bodies. PSRC could also identify an ombudsman for each county to improve communication.

Given the need to further determine costs and benefits, and multi-year efforts to develop agreements with many local cities and Pierce County, forming a county-specific agency could be a long-term or fall back strategy. Further, it appears that the federal laws and rules promote fewer MPOs for contiguous UZAs/TMAs.

Exhibit 13. Evaluation of Alternative Regional Governance Approaches

FEATURE	PARTICIPATE FORM ALLIANCES	FORM COUNTY AGENCY	COMMENTS
Autonomy	±	+	A county-specific agency would provide more local control and autonomy.
Collective Voice	+	±	The collective voice with the current PSRC structure – as enhanced through stronger alliances – could be more competitive at the state and national level for funding.  Continuing with PSRC would be more straightforward regarding multicounty planning policies. If forming a county-specific agency, there would still be a need to prepare multicounty planning policies with King and Snohomish counties that would result in some complexity if there were two organizations.
Resources: Efficient RTPO Administration	±	-	As a large organization, PSRC attracts talented staff, would likely have greater capacity to seek more funding options, and can spread costs of administration more efficiently.
Resources: Increased Local Funding	Improved Position, Amount Undetermined	Potential for Increased County-specific Funding, Requires Further Evaluation	This topic would require more evaluation to fully understand the costs and benefits.
Legend:	Low: -	Moderate: ±	High: +

# Appendix. Supplemental Information – Population and Statutory Items

## PIERCE COUNTY POPULATION AND MPO/RTPO REQUIREMENTS

There are 24 cities with territory in Pierce County, though only 23 have population. Some are partially in the County (three jurisdictions). The number of jurisdictions that would be needed to form a MPO or RTPO would equal 15 (60% of cities) if all 24 are counted. To achieve the 75% of population, or about 634,000, there would be sufficient population just with the County, Tacoma, and Lakewood, but given that 60% of cities would be needed, more population would be achieved.

**Exhibit 14. Pierce County and Cities Population: 2015 and 2016**

Jurisdiction	2010 Population Census	2016 Population Estimate
Pierce County	795,225	844,490
Unincorporated Pierce County	366,738	392,260
Incorporated Pierce County	428,487	452,230
Auburn (part)	7,419	9,720
Bonney Lake	17,374	20,000
Buckley	4,354	4,550
Carbonado	610	635
DuPont	8,199	9,330
Eatonville	2,758	2,925
Edgewood	9,387	9,735
Enumclaw (part)	0	0
Fife	9,173	9,910
Fircrest	6,497	6,625
Gig Harbor	7,126	9,065
Lakewood	58,163	58,800
Milton (part)	6,137	6,625
Orting	6,746	7,535
Pacific (part)	92	55
Puyallup	37,022	39,850
Roy	793	805
Ruston	749	935
South Prairie	434	435
Steilacoom	5,985	6,170
Sumner	9,451	9,705
Tacoma	198,397	206,100
University Place	31,144	32,230
Wilkeson	477	490

Source: Office of Financial Management, 2016

## PSRC Membership and Withdrawal

Section XII of the Interlocal Agreement allows withdrawals from the PSRC by giving 6 months' notice prior to the annual assessment of dues. The City of Lakewood's Fiscal Year 2018 Dues are \$17,163 and its Fiscal Year 2019 Dues are \$17,850. This includes the City's participation in the PSRC and the Central Puget Sound Economic Development District (CPSEDD). Most of the dues are associated with PSRC.

A. Any member shall have the right to withdraw from this Interlocal Agreement by giving written notice, six months prior to the annual assessment, to the Executive Board.

B. The members agree that withdrawal will not absolve them of responsibility for meeting financial and other obligations of annual contracts or agreements which exist between the State of Washington or the federal government and the Regional Planning Agency at the time of withdrawal.

C. Upon termination of this Agreement any money or assets in possession of the Regional Planning Agency after payment of all liabilities, costs, expenses, charges validly incurred under this agreement, shall be returned to all contributing governments in proportion to their assessment determined at the time of termination. The debts, liabilities, and obligations of the Regional Planning Agency shall not constitute a debt, liability or obligation of any member agency.

## MPO Formation and Duties

Federal law provides for the formation and duties of metropolitan transportation planning organizations:

23 U.S. Code § 134 - Metropolitan transportation planning

(a) **POLICY.**—It is in the national interest—

(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight, foster economic growth and development within and between States and urbanized areas, and take into consideration resiliency needs while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).

(b) **DEFINITIONS.**—In this section and section 135, the following definitions apply:

(1) **METROPOLITAN PLANNING AREA.**—

The term "metropolitan planning area" means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under subsection (e).

(2) **METROPOLITAN PLANNING ORGANIZATION.**—

The term "metropolitan planning organization" means the policy board of an organization established as a result of the designation process under subsection (d).

(3) **NONMETROPOLITAN AREA.**—The term "nonmetropolitan area" means a geographic area outside designated metropolitan planning areas.

(4) **NONMETROPOLITAN LOCAL OFFICIAL.**—The term "nonmetropolitan local official" means elected and appointed officials of general purpose local government in a nonmetropolitan area with responsibility for transportation.

(5) **REGIONAL TRANSPORTATION PLANNING ORGANIZATION.**—The term "regional transportation planning organization" means a policy board of an organization established as the result of a designation under section 135(m).

(6) **TIP.**—The term "TIP" means a transportation improvement program developed by a metropolitan planning organization under subsection (j).

(7) **URBANIZED AREA.**—The term "urbanized area" means a geographic area with a population of 50,000 or more, as determined by the Bureau of the Census.

**(c) GENERAL REQUIREMENTS.**—

(1) **DEVELOPMENT OF LONG-RANGE PLANS AND TIPS.**—To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.

(2) **CONTENTS.**—The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

(3) **PROCESS OF DEVELOPMENT.**—The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

**(d) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.**—

(1) **IN GENERAL.**—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as determined by the Bureau of the Census); or

(B) in accordance with procedures established by applicable State or local law.

**(2)STRUCTURE.**—Not later than 2 years after the date of enactment of MAP-21, each metropolitan planning organization that serves an area designated as a transportation management area shall consist of—

(A)local elected officials;

(B)officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and

(C)appropriate State officials.

**(3)REPRESENTATION.**—

(A)*In general.*—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

(B)*Public transportation representative.*—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

(C)*Powers of certain officials.*—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2).

**(4)LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities—

(A)to develop the plans and TIPs for adoption by a metropolitan planning organization; and

(B)to develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

**(5)CONTINUING DESIGNATION.**—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (6).

**(6)REDESIGNATION PROCEDURES.**—

(A)*In general.*—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing planning area population (including the largest incorporated city (based on population) as determined by the Bureau of the Census) as appropriate to carry out this section.

(B)*Restructuring.*—A metropolitan planning organization may be restructured to meet the requirements of paragraph (2) without undertaking a redesignation.

(7) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—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.

(e) METROPOLITAN PLANNING AREA BOUNDARIES.—

(1) IN GENERAL.—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor.

(2) INCLUDED AREA.—Each metropolitan planning area—

(A) 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; and

(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

(3) IDENTIFICATION OF NEW URBANIZED AREAS WITHIN EXISTING PLANNING AREA BOUNDARIES.—

The designation by the Bureau of the Census of new urbanized areas within an existing metropolitan planning area shall not require the redesignation of the existing metropolitan planning organization.

(4) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—

(A) In general.—Notwithstanding paragraph (2), except as provided in subparagraph (B), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) as of the date of enactment of the SAFETEA-LU, the boundaries of the metropolitan planning area in existence as of such date of enactment shall be retained.

(B) Exception.—The boundaries described in subparagraph (A) may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (d)(6).

(5) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of the SAFETEA-LU, as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

(A) shall be established in the manner described in subsection (d)(1);

(B) shall encompass the areas described in paragraph (2)(A);

(C) may encompass the areas described in paragraph (2)(B); and

(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.

**(f) COORDINATION IN MULTISTATE AREAS.—**

**(1) IN GENERAL.—**The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

**(2) INTERSTATE COMPACTS.—**The consent of Congress is granted to any 2 or more States—

**(A)** to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

**(B)** to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

**(3) RESERVATION OF RIGHTS.—**The right to alter, amend, or repeal interstate compacts entered into under this subsection is expressly reserved.

**(g) MPO CONSULTATION IN PLAN AND TIP COORDINATION.—**

**(1) NONATTAINMENT AREAS.—**If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and TIPs required by this section.

**(2) TRANSPORTATION IMPROVEMENTS LOCATED IN MULTIPLE MPOS.—**If a transportation improvement, funded from the Highway Trust Fund or authorized under chapter 53 of title 49, is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans and TIPs regarding the transportation improvement.

**(3) RELATIONSHIP WITH OTHER PLANNING OFFICIALS.—**

**(A) In general.—**The Secretary shall encourage each metropolitan planning organization to consult with officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities.

**(B) Requirements.—**Under the metropolitan planning process, transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the metropolitan area that are provided by—

**(i)** recipients of assistance under chapter 53 of title 49;

**(ii)** governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and

(iii) recipients of assistance under section 204.

**(h) SCOPE OF PLANNING PROCESS.—**

**(1) IN GENERAL.—**The metropolitan planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will—

- (A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- (B) increase the safety of the transportation system for motorized and nonmotorized users;
- (C) increase the security of the transportation system for motorized and nonmotorized users;
- (D) increase the accessibility and mobility of people and for freight;
- (E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- (F) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- (G) promote efficient system management and operation;
- (H) emphasize the preservation of the existing transportation system;
- (I) improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and
- (J) enhance travel and tourism.

**(2) PERFORMANCE-BASED APPROACH.—**

**(A) In general.—**The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decisionmaking to support the national goals described in section 150(b) of this title and the general purposes described in section 5301 of title 49.

**(B) Performance targets.—**

**(i) Surface transportation performance targets.—**

**(I) In general.—**Each metropolitan planning organization shall establish performance targets that address the performance measures described in section 150(c), where applicable, to use in tracking progress towards attainment of critical outcomes for the region of the metropolitan planning organization.

**(II) Coordination.—**Selection of performance targets by a metropolitan planning organization shall be coordinated with the relevant State to ensure consistency, to the maximum extent practicable.

(ii) **Public transportation performance targets.**—Selection of performance targets by a metropolitan planning organization shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d) of title 49.

(C) **Timing.**—Each metropolitan planning organization shall establish the performance targets under subparagraph (B) not later than 180 days after the date on which the relevant State or provider of public transportation establishes the performance targets.

(D) **Integration of other performance-based plans.**—A metropolitan planning organization shall integrate in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans developed under chapter 53 of title 49 by providers of public transportation, required as part of a performance-based program.

(3) **FAILURE TO CONSIDER FACTORS.**—The failure to consider any factor specified in paragraphs (1) and (2) shall not be reviewable by any court under this title or chapter 53 of title 49, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a TIP, a project or strategy, or the certification of a planning process.

(i) **DEVELOPMENT OF TRANSPORTATION PLAN.**—

(1) **REQUIREMENTS.**—

(A) **In general.**—Each metropolitan planning organization shall prepare and update a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection.

(B) **Frequency.**—

(i) **In general.**—The metropolitan planning organization shall prepare and update such plan every 4 years (or more frequently, if the metropolitan planning organization elects to update more frequently) in the case of each of the following:

(I) Any area designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

(II) Any area that was nonattainment and subsequently designated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)) and that is subject to a maintenance plan under section 175A of that Act (42 U.S.C. 7505a).

(ii) **Other areas.**—In the case of any other area required to have a transportation plan in accordance with the requirements of this subsection, the metropolitan planning organization shall prepare and update such plan every 5 years unless the metropolitan planning organization elects to update more frequently.

(2) **TRANSPORTATION PLAN.**—A transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:

(A) **Identification of transportation facilities.**—

*(i) In general.—An identification of transportation facilities (including major roadways, public transportation facilities, intercity bus facilities, multimodal and intermodal facilities, nonmotorized transportation facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions.*

*(ii) Factors.—In formulating the transportation plan, the metropolitan planning organization shall consider factors described in subsection (h) as the factors relate to a 20-year forecast period.*

*(B) Performance measures and targets.—A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with subsection (h)(2).*

*(C) System performance report.—A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in subsection (h)(2), including—*

*(i) progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports; and*

*(ii) for metropolitan planning organizations that voluntarily elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.*

*(D) Mitigation activities.—*

*(i) In general.—A long-range transportation plan shall include a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.*

*(ii) Consultation.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.*

*(E) Financial plan.—*

*(i) In general.—A financial plan that—*

*(I) demonstrates how the adopted transportation plan can be implemented;*

*(II) indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan; and*

*(III) recommends any additional financing strategies for needed projects and programs.*

*(ii) Inclusions.—The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.*

(iii) **Cooperative development.**—For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

(F) **Operational and management strategies.**—Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.

(G) **Capital investment and other strategies.**—Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure, provide for multimodal capacity increases based on regional priorities and needs, and reduce the vulnerability of the existing transportation infrastructure to natural disasters.

(H) **Transportation and transit enhancement activities.**—Proposed transportation and transit enhancement activities including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated.

(3) **COORDINATION WITH CLEAN AIR ACT AGENCIES.**—In metropolitan areas that are in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by that Act.

(4) **OPTIONAL SCENARIO DEVELOPMENT.**—

(A) **In general.**—A metropolitan planning organization may, while fitting the needs and complexity of its community, voluntarily elect to develop multiple scenarios for consideration as part of the development of the metropolitan transportation plan, in accordance with subparagraph (B).

(B) **Recommended components.**—A metropolitan planning organization that chooses to develop multiple scenarios under subparagraph (A) shall be encouraged to consider—

(i) potential regional investment strategies for the planning horizon;

(ii) assumed distribution of population and employment;

(iii) a scenario that, to the maximum extent practicable, maintains baseline conditions for the performance measures identified in subsection (h)(2);

(iv) a scenario that improves the baseline conditions for as many of the performance measures identified in subsection (h)(2) as possible;

(v) revenue constrained scenarios based on the total revenues expected to be available over the forecast period of the plan; and

(vi) estimated costs and potential revenues available to support each scenario.

*(C)Metrics.—In addition to the performance measures identified in section 150(c), metropolitan planning organizations may evaluate scenarios developed under this paragraph using locally-developed measures.*

**(5)CONSULTATION.—**

*(A)In general.—In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range transportation plan.*

*(B)Issues.—The consultation shall involve, as appropriate—*

- (i)comparison of transportation plans with State conservation plans or maps, if available; or*
- (ii)comparison of transportation plans to inventories of natural or historic resources, if available.*

**(6)PARTICIPATION BY INTERESTED PARTIES.—**

*(A)In general.—Each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan.*

*(B)Contents of participation plan.—A participation plan—*

- (i)shall be developed in consultation with all interested parties; and*
- (ii)shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan.*

*(C)Methods.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—*

- (i)hold any public meetings at convenient and accessible locations and times;*
- (ii)employ visualization techniques to describe plans; and*
- (iii)make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).*

**(7)PUBLICATION.—***A transportation plan involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, approved by the metropolitan planning organization and submitted for*

information purposes to the Governor at such times and in such manner as the Secretary shall establish.

**(8) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.**—Notwithstanding paragraph (2)(E), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(E).

**(1) METROPOLITAN TIP.**—

**(1) DEVELOPMENT.**—

**(A) In general.**—In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the metropolitan planning area that—

- (i) contains projects consistent with the current metropolitan transportation plan;
- (ii) reflects the investment priorities established in the current metropolitan transportation plan; and
- (iii) once implemented, is designed to make progress toward achieving the performance targets established under subsection (h)(2).

**(B) Opportunity for comment.**—In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

**(C) Funding estimates.**—For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

**(D) Updating and approval.**—The TIP shall be—

- (i) updated at least once every 4 years; and
- (ii) approved by the metropolitan planning organization and the Governor.

**(2) CONTENTS.**—

**(A) Priority list.**—The TIP shall include a priority list of proposed Federally supported projects and strategies to be carried out within each 4-year period after the initial adoption of the TIP.

**(B) Financial plan.**—The TIP shall include a financial plan that—

- (i) demonstrates how the TIP can be implemented;
- (ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;
- (iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

(iv) may include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

(C) **Descriptions.**—Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project.

(D) **Performance target achievement.**—The transportation improvement program shall include, to the maximum extent practicable, a description of the anticipated effect of the transportation improvement program toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to those performance targets.

**(3) INCLUDED PROJECTS.**—

(A) **Projects under this title and .**—A TIP developed under this subsection for a metropolitan area shall include the projects within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.

(B) **Projects under chapter 2.**—

(i) **Regionally significant projects.**—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

(ii) **Other projects.**—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

(C) **Consistency with long-range transportation plan.**—Each project shall be consistent with the long-range transportation plan developed under subsection (i) for the area.

(D) **Requirement of anticipated full funding.**—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project or the identified phase within the time period contemplated for completion of the project or the identified phase.

(4) **NOTICE AND COMMENT.**—Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

**(5) SELECTION OF PROJECTS.**—

(A) **In general.**—Except as otherwise provided in subsection (k)(4) and in addition to the TIP development required under paragraph (1), the selection of Federally funded projects in metropolitan areas shall be carried out, from the approved TIP—

(i) by—

(l) in the case of projects under this title, the State; and

(ii) in the case of projects under chapter 53 of title 49, the designated recipients of public transportation funding; and

(ii) in cooperation with the metropolitan planning organization.

(B) *Modifications to project priority.*—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.

(6) *SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.*—

(A) *No required selection.*—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

(B) *Required action by the secretary.*—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.

(7) *PUBLICATION.*—

(A) *Publication of tips.*—A TIP involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

(B) *Publication of annual listings of projects.*—

(i) *In general.*—An annual listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the cooperative effort of the State, transit operator, and metropolitan planning organization for public review.

(ii) *Requirement.*—The listing shall be consistent with the categories identified in the TIP.

(k) *TRANSPORTATION MANAGEMENT AREAS.*—

(1) *IDENTIFICATION AND DESIGNATION.*—

(A) *Required identification.*—The Secretary shall identify as a transportation management area each urbanized area (as defined by the Bureau of the Census) with a population of over 200,000 individuals.

(B) *Designations on request.*—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

(2) *TRANSPORTATION PLANS.*—In a transportation management area, transportation plans shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transportation operators.

**(3) CONGESTION MANAGEMENT PROCESS.—**

**(A) In general.—**Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section shall address congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49 through the use of travel demand reduction (including intercity bus operators, employer-based commuting programs such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), job access projects, and operational management strategies.

**(B) Schedule.—**The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section but no sooner than 1 year after the identification of a transportation management area.

**(C) Congestion management plan.—**A metropolitan planning organization serving a transportation management area may develop a plan that includes projects and strategies that will be considered in the TIP of such metropolitan planning organization. Such plan shall—

**(i)** develop regional goals to reduce vehicle miles traveled during peak commuting hours and improve transportation connections between areas with high job concentration and areas with high concentrations of low-income households;

**(ii)** identify existing public transportation services, employer-based commuter programs, and other existing transportation services that support access to jobs in the region; and

**(iii)** identify proposed projects and programs to reduce congestion and increase job access opportunities.

**(D) Participation.—**In developing the plan under subparagraph (C), a metropolitan planning organization shall consult with employers, private and nonprofit providers of public transportation, transportation management organizations, and organizations that provide job access reverse commute projects or job-related services to low-income individuals.

**(4) SELECTION OF PROJECTS.—**

**(A) In general.—**All Federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under this title (excluding projects carried out on the National Highway System) or under chapter 53 of title 49 shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator.

**(B) National highway system projects.—**Projects carried out within the boundaries of a metropolitan planning area serving a transportation management area on the National Highway System shall be selected for implementation from the approved TIP by the State in cooperation with the metropolitan planning organization designated for the area.

**(5) CERTIFICATION.—**

**(A) In general.—**The Secretary shall—

(i) ensure that the metropolitan planning process of a metropolitan planning organization serving a transportation management area is being carried out in accordance with applicable provisions of Federal law; and

(ii) subject to subparagraph (B), certify, not less often than once every 4 years, that the requirements of this paragraph are met with respect to the metropolitan planning process.

**(B) Requirements for certification.—**The Secretary may make the certification under subparagraph (A) if—

(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

(ii) there is a TIP for the metropolitan planning area that has been approved by the metropolitan planning organization and the Governor.

**(C) Effect of failure to certify.—**

(i) **Withholding of project funds.—**If a metropolitan planning process of a metropolitan planning organization serving a transportation management area is not certified, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization for projects funded under this title and chapter 53 of title 49.

(ii) **Restoration of withheld funds.—**The withheld funds shall be restored to the metropolitan planning area at such time as the metropolitan planning process is certified by the Secretary.

**(D) Review of certification.—**In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

**(I) REPORT ON PERFORMANCE-BASED PLANNING PROCESSES.—**

**(1) IN GENERAL.—**The Secretary shall submit to Congress a report on the effectiveness of the performance-based planning processes of metropolitan planning organizations under this section, taking into consideration the requirements of this subsection.

**(2) REPORT.—**Not later than 5 years after the date of enactment of the MAP-21, the Secretary shall submit to Congress a report evaluating—

**(A)** the overall effectiveness of performance-based planning as a tool for guiding transportation investments;

**(B)** the effectiveness of the performance-based planning process of each metropolitan planning organization under this section;

**(C)** the extent to which metropolitan planning organizations have achieved, or are currently making substantial progress toward achieving, the performance targets specified under this section and whether metropolitan planning organizations are developing meaningful performance targets; and

(D) the technical capacity of metropolitan planning organizations that operate within a metropolitan planning area with a population of 200,000 or less and their ability to carry out the requirements of this section.

(3) PUBLICATION.—The report under paragraph (2) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.

(m) ABBREVIATED PLANS FOR CERTAIN AREAS.—

(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated transportation plan and TIP for the metropolitan planning area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or TIPs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

(n) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

(1) IN GENERAL.—Notwithstanding any other provisions of this title or chapter 53 of title 49, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), Federal funds may not be advanced in such area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles unless the project is addressed through a congestion management process.

(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (e).

(o) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this title or chapter 53 of title 49.

(p) FUNDING.—Funds apportioned under paragraphs (5)(D) and (6) of section 104(b) of this title or section 5305(g) of title 49 shall be available to carry out this section.

(q) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and TIPs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in plans and TIPs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and TIPs described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a plan or TIP described in this section shall not be considered to be a Federal action subject to review under that Act.

(r) BI-STATE METROPOLITAN PLANNING ORGANIZATION.—

**(1) DEFINITION OF BI-STATE MPO REGION.**—In this subsection, the term "Bi-State MPO Region" has the meaning given the term "region" in subsection (a) of Article II of the Lake Tahoe Regional Planning Compact (Public Law 96-551; 94 Stat. 3234).

**(2) TREATMENT.**—For the purpose of this title, the Bi-State MPO Region shall be treated as—

(A) a metropolitan planning organization;

(B) a transportation management area under subsection (k); and

(C) an urbanized area, which is comprised of a population of 145,000 in the State of California and a population of 65,000 in the State of Nevada.

**(3) SUBALLOCATED FUNDING.**—

**(A) Planning.**—In determining the amounts under subparagraph (A) of section 133(d)(1) that shall be obligated for a fiscal year in the States of California and Nevada under clauses (i), (ii), and (iii) of that subparagraph, the Secretary shall, for each of those States—

(i) calculate the population under each of those clauses;

(ii) decrease the amount under section 133(d)(1)(A)(iii) by the population specified in paragraph (2) of this subsection for the Bi-State MPO Region in that State; and

(iii) increase the amount under section 133(d)(1)(A)(i) by the population specified in paragraph (2) of this subsection for the Bi-State MPO Region in that State.

**(B) STBGP set aside.**—In determining the amounts under paragraph (2) of section 133(h) that shall be obligated for a fiscal year in the States of California and Nevada, the Secretary shall, for the purpose of that subsection, calculate the populations for each of those States in a manner consistent with subparagraph (A).

The designation and redesignation of a metropolitan planning organization is addressed in federal rules in Section CFR 450.306 regarding the Federal Aid Policy Guide, and indicates that it requires a center city (e.g. Tacoma)<sup>26</sup> plus 75 percent of the area population, and Governor approval.

(a) Designations of metropolitan planning organizations (MPOs) made after December 18, 1991, shall be by agreement among the Governor(s) and units of general purpose local governments representing 75 percent of the affected metropolitan population (including the central city or cities as defined by the Bureau of the Census), or in accordance with procedures established by applicable State or local law. To the extent possible, only one MPO shall be designated for each UZA or group of contiguous UZAs. More than one MPO may be designated within an UZA only if the Governor(s) determines that the size and complexity of the UZA make designation of more than one MPO appropriate.

<sup>26</sup> <https://www.census.gov/population/estimates/metro-city/cencty.txt>

(b) The designation shall clearly identify the policy body that is the forum for cooperative decisionmaking that will be taking the required approval actions as the MPO.

(c) To the extent possible, the MPO designated should be established under specific State legislation, State enabling legislation, or by interstate compact, and shall have authority to carry out metropolitan transportation planning.

(d) Redesignation (designation of a new MPO(s) to replace an existing MPO) shall occur by agreement of the Governor and affected local units of government representing 75 percent of the population in the entire metropolitan area. The central city(ies) must be among the units of local government agreeing to the redesignation.

(e) Nothing in this subpart shall be deemed to prohibit the MPO from utilizing the staff resources of other agencies to carry out selected elements of the planning process.

(f) Existing MPO designations remain valid until a new MPO is redesignated, unless revoked by the Governor and local units of government representing 75 percent of the population in the area served by the existing MPO (the central city(ies) must be among those desiring to revoke the MPO designation), or as otherwise provided under State or local procedures. If the Governor and local officials decide to redesignate an existing MPO, but do not formally revoke the existing MPO designation, the existing MPO remains in effect until a new MPO is formally designated.

(g) Redesignation of an MPO in a multistate metropolitan area requires the approval of the Governor of each State and local officials representing 75 percent of the population in the entire metropolitan planning area. The local officials in the central city(ies) must be among those agreeing to the redesignation.

(h) Redesignation of an MPO covering more than one UZA requires the approval of the Governor and local officials representing 75 percent of the population in the metropolitan planning area covered by the current MPO; the local officials in the central city(ies) in each urbanized area must be among those agreeing to the redesignation.

(i) The voting membership of an MPO policy body designated/redesignated subsequent to December 18, 1991, and serving a TMA, must include representation of local elected officials, officials of agencies that administer or operate major modes or systems of transportation, e.g., transit operators, sponsors of major local airports, maritime ports, rail operators, etc. (including all transportation agencies that were included in the MPO on June 1, 1991), and appropriate State officials. Where agencies that operate other major modes of transportation do not already have a voice on existing MPOs, the MPOs (in cooperation with the States) are encouraged to provide such agencies a voice in the decisionmaking process, including representation/membership on the policy body and/or other appropriate committees. Further, where appropriate, existing MPOs should increase the representation of local elected officials on the policy board and other committees as a means for encouraging their greater involvement in MPO processes. Adding such representation to an MPO will not, in itself, constitute a redesignation action.

(j) Where the metropolitan planning area boundaries for a previously designated MPO need to be expanded, the membership on the MPO policy body and other committees, should be reviewed to ensure that the added area has appropriate representation.

*(k) Adding membership (e.g., local elected officials and operators of major modes or systems of transportation, or representatives of newly urbanized areas) to the policy body or expansion of the metropolitan planning area does not automatically require redesignation of the MPO. To the extent possible, it is encouraged that this be done without a formal redesignation. The Governor and MPO shall review the previous MPO designation, State and local law, MPO bylaws, etc., to determine if this can be accomplished without a formal redesignation. If redesignation is considered necessary, the existing MPO will remain in effect until a new MPO is formally designated or the existing designation is formally revoked in accordance with the procedures of this section.*

## RTPO Formation

The formation of an RTPO requires the voluntary membership of the County and 60 percent of the cities and towns in the region representing at least 75 percent of the cities' and towns' population. WSDOT needs to verify the consistency with the requirements at RCW 47.80.020.

*The legislature hereby authorizes creation of regional transportation planning organizations within the state. Each regional transportation planning organization shall be formed through the voluntary association of local governments within a county, or within geographically contiguous counties. Each organization shall:*

*(1) Encompass at least one complete county;*

*(2) Have a population of at least one hundred thousand, have a population of at least seventy-five thousand and contain a Washington state ferries terminal, or contain a minimum of three counties; and*

*(3) Have as members all counties within the region, and at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.*

*The state department of transportation must verify that each regional transportation planning organization conforms with the requirements of this section.*

*In urbanized areas, the regional transportation planning organization is the same as the metropolitan planning organization designated for federal transportation planning purposes.*