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August 26, 2016

The Honorable Anthony Foxx
U.S. Department of Transportation
Docket Management Facility
1200 New Jersey Avenue SE
Washington, DC 20590

Re: Docket Number FHWA-2016-0016-0001

Dear Secretary Foxx,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations with promoting and protecting the civil and human rights of all persons in the United States, we appreciate this opportunity to provide comments in response to the Notice of Proposed Rulemaking on Metropolitan Planning Organization Coordination and Planning Area Reform.

The Leadership Conference on Civil and Human Rightsⁱ supports policies that reduce disparities in the transportation system and promote equity and opportunity for all. We are pleased to see the proposal of a strong rule that promotes maximization of economic opportunity in transportation planning. All too often, the link between transportation decisions and opportunity for our communities is not made explicit, or it is undermined. We applaud the DOT's emphasis on applying a regional perspective during the planning process to ensure that transportation investments reflect the needs and priorities of an entire region rather than permitting states and various Metropolitan Planning Organizations (MPOs) to work in silos, allowing vulnerable communities to fall through the cracks. The Leadership Conference support the intent of this rule to bolster effective, unified regional planning by states and MPOs.

We believe that the proposed rule, as is, is a clear step in the right direction, driving state and local agencies toward a more strategic and intentional use of resources. The proposed rule would facilitate more efficient metropolitan and statewide planning processes that will be more understandable to the public and stakeholders and, ultimately, will redirect resources to projects that address critical regional needs. The Leadership Conference believes that requiring unified planning products for each urbanized area (UZA) is a critical step towards holistic planning that will more likely result in the needs of low-income communities, communities of color, and people with disabilities being addressed in long-term planning.

We strongly support the rule's intention to plan around a 20-year forecast period for urbanization of areas. As of the 2010 Census, approximately 80.7 percent of the U.S. population lived in urban areas.ⁱⁱ This number is projected to continue increasing in coming years. The rule, as designed, takes this demographic trend into consideration, helping to ensure that we are effectively planning for the future needs of our nation's communities.



While we stand in full support of the intent of the proposed rulemaking, we would like to highlight several points that we hope to see addressed in the final rule.

- **Performance targets:** We appreciate the Department's request for a jointly established set of performance targets for each Metropolitan Planning Area (MPA). However, an optimal rule will provide guidance on specific performance measures that states and MPOs should consider while planning how to reach performance targets. We would like to see explicit discussion of what performance targets will be required in unified planning products for each UZA, and encouragement for using performance measures to reach performance targets and collect meaningful data in the final rule.
- **Bi-state urbanized areas:** U.S. DOT should provide additional guidance and technical assistance to bi-state urbanized areas to help them meet the challenges of working across state lines. Without additional support, they may be stymied in making joint decisions and resolving disagreements. We propose that such bi-state MPAs also have the option to apply for a waiver during the implementation period to allow for flexibility where agencies may have to make serious adjustments to their current systems. During the two-year implementation period, the proposed rule will require the restructuring of state and local agencies, followed by the development of unified planning products that drive the functioning of these MPOs. This may present a challenge, especially where MPOs are working to resolve and reorganize across state lines. We ask that the U.S. DOT give these MPAs the opportunity to apply for a waiver to extend the period of implementation.
- **Joint planning agreements:** The Department should establish a clear timeline for the submission of joint planning agreements and establish a requirement that these plans be based on the most recent available census data, so as to be responsive to changing demographics.
- **Oversight for exception:** Considering the size and complexity of some MPAs, we support the exception in 23 U.S.C. §134(d)(7) that allows multiple MPOs to be designated in a single MPA if the governors and MPOs determine there is a need for multiple MPOs within an MPA. However, we would like to see the U.S. DOT to provide more guidance about when multiple MPOs are necessary, and play more of an oversight role in this process, particularly where governors or state agencies have historically made planning decisions that underinvest in UZAs, negatively impacting residents of urbanized areas.

Thank you for the opportunity to comment on the proposed rulemaking. If you have any questions, please contact Emily Chatterjee, Senior Counsel at (202) 466-3648.

Sincerely,

Wade Henderson
President & CEO

Nancy Zirkin
Executive Vice President



ⁱ The Leadership Conference Education Fund, the public education and communications arm of The Leadership Conference on Civil and Human Rights, works with PolicyLink to co-chair the Transportation Equity Caucus. The Transportation Equity Caucus drives transportation policies that advance economic and social equity in America. Today, The Equity Caucus has more than 100 members, comprised of national, state, and local organizations all over the country.

ⁱⁱ https://www.census.gov/newsroom/releases/archives/2010_census/cb12-50.html