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August 17, 2016

The Hon. Gregory Nadeau
Administrator
U.S. Department of Transportation
Federal Highway Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

The Hon. Carolyn Flowers
Acting Administrator
U.S. Department of Transportation
Federal Transit Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Re: Metropolitan Planning Organization Coordination and Planning Area Reform Notice of Proposed Rulemaking ("NPRM")
Docket No. FHWA-2016-0016
FHWA RIN 2125-AF68; FTA RIN 2132-AB28

Dear Administrator Nadeau and Acting Administrator Flowers:

Hillsborough County, Florida fully supports the stated policy goals of the NPRM to "strengthen coordination of the MPOs and the States and promoting the use of regional approaches to planning and decisionmaking." *See* Supplementary Information: Summary, 81 FR 41473. We agree that the proposed definition of "metropolitan planning area" better aligns with the statutory requirement 23 U.S.C. 134 and 49 U.S.C. 5303, and that the rulemaking as a whole will better achieve the statutory goals and policies articulated by Congress.

We encourage FHWA and FTA to proceed with finalization of the rule in largely the form in which it is proposed. We do, however, request a change to paragraph 23 C.F.R. 450.310(e), that furthers the policy goals stated in the NPRM, is necessary to fully conform to the rule to the requirements of 23 U.S.C. 134 and 49 U.S.C. 5303, and essential to prevent institutional inertia from undermining the implementation of the stated policy objectives of the proposed rule.

Specifically, we recommend that paragraph 23 C.F.R. 450.310(e), be revised as provided in Exhibit A, attached. We believe these changes are necessary to conform to the requirement in 23 U.S.C. § 34(d)(7), which permits more than 1 metropolitan planning organization in a metropolitan planning area "only if the Governor and the existing organization determine that the size and complexity of the

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existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate." 23 U.S.C. § 134(d)(7) only allows more than 1 metropolitan planning organization in a metropolitan planning area when there is agreement between the metropolitan planning organization and the Governor that more than 1 organization is appropriate.

The proposed rule could be interpreted to allow multiple metropolitan planning organizations to persist in a single metropolitan planning area without the determination required by 23 U.S.C. § 134(d)(7) if the Governor and the existing metropolitan planning organization(s) fail to agree or simply fail to act. Accordingly, we believe the proposed rule should be revised so that if the Governor or metropolitan planning organization(s) fail to make the required statutory determination, the redesignation process must be initiated to merge the metropolitan planning organizations. The U.S. Code provides for no other instance when more than 1 metropolitan planning organization is permitted in a metropolitan planning area, so we believe this change is required to conform to the U.S. Code. Perhaps more importantly, this change is essential to expeditiously achieve the benefits of regional planning and perspectives that are so well described in the preamble of the NPRM.

Please note that we have also recommended in Exhibit A, a 6 month deadline for the determination under 23 U.S.C. § 134(d)(7) to occur. The reason we have recommended a deadline is that the proposed rule requires compliance within 2 years. *See* NPRM § 450.340, 81 FR 41485. We understand this requirement to mean that any redesignation required by the proposed 23 C.F.R. § 450.310 must be completed within 2 years. We support this 2 year implementation deadline. However, in order to have sufficient time to complete the redesignation process in 23 C.F.R. § 450.310 and 27 U.S.C. 134(d)(6), a timely determination regarding the number of metropolitan planning organizations in a metropolitan planning area is necessary. For this reason we have recommended a deadline of 6 months. If the Governor and the existing metropolitan planning organizations fail to make a determination by the deadline, the responsible entities can initiate the redesignation process with the expectation of completing the redesignation process within 2 year compliance deadline in the NPRM.

Thank you for the opportunity to comment.

Respectfully,



Commissioner Lesley "Les" Miller, Jr.

Chairman

Hillsborough Board of County Commissioners, District 3

Attachment: Exhibit A

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY FLORIDA
DOCUMENT NO. 16-0883

Exhibit A

§ 450.310

* * *

(e) Except as provided in this paragraph, only one MPO shall be designated for each MPA. More than one MPO may be designated to serve an MPA only if the Governor(s) and the existing MPO(s), if applicable, determine that the size and complexity of the MPA make designation of more than one MPO in the MPA appropriate. In those cases where the Governor(s) and existing MPO(s) determine that the size and complexity of the MPA do make it appropriate that two or more MPOs serve within the same MPA, the Governor and affected MPOs by agreement shall jointly establish or adjust the boundaries for each MPO within the MPA, and the MPOs shall establish official, written agreements that clearly identify areas of coordination, the division of transportation planning responsibilities within the MPA among and between the MPOs, and procedures for joint decisionmaking and the resolution of disagreements. If multiple MPOs were designated in a single MPA prior to this rule or in multiple MPAs that merged into a single MPA following a Decennial Census by the Bureau of the Census, and within 6 months the Governor(s) and the existing MPOs do not determine that the size and complexity ~~do not~~ make the designation of more than one MPO in the MPA appropriate, then those MPOs must merge together in accordance with the redesignation procedures in this section.