



MEETING NOTICE & AGENDA

Please be advised that the Volusia Transportation Planning Organization (TPO) REAPPORTIONMENT SUBCOMMITTEE will be meeting on:

DATE: Monday, February 11, 2013
TIME: 9:00 a.m.
PLACE: Volusia TPO Conference Room
2570 W. International Speedway Blvd., Suite 100
Daytona Beach, Florida 32114

Mayor Pro-Tem Leigh Matusick, Presiding Chairperson

I. CALL TO ORDER

II. BUSINESS

- A. Review of the Draft Reapportionment Plan Report *(Contact: Lois Bollenback)(Provided under separate cover)*
- B. Discussion Led by FDOT Regarding TPO Planning Boundaries and Reapportionment *(Contact: Lois Bollenback) (enclosures)*
- C. Set Next Reapportionment Subcommittee Meeting Date *(Contact: Pamela Blankenship)*

III. STAFF COMMENTS

IV. MEMBER COMMENTS

V. ADJOURNMENT

Reapportionment Subcommittee Members:

Mayor Pro Tem Leigh Matusick
Commissioner Rob Gilliland
Council Member Pat Northey
Councilman Gene Emter
Mayor John Masiarczyk

Note: Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the Volusia TPO office, 2570 W. International Speedway Blvd., Suite 100, Daytona Beach, Florida 32114-8145; (386) 226-0422, extension 21 at least five (5) working days prior to the meeting date.

Beverly Beach
Daytona Beach
Daytona Beach Shores
DeBary

DeLand
Deltona
Edgewater
Flagler Beach

Holly Hill
Lake Helen
New Smyrna Beach
Oak Hill

Orange City
Ormond Beach
Pierson
Ponce Inlet

Port Orange
South Daytona
Volusia County

Code of Federal Regulations

TITLE 23: Highways

CHAPTER I: Federal Highway Administration, Department of Transportation

Sec. 450.310 Metropolitan planning organization designation and redesignation.

- (a) To carry out the metropolitan transportation planning process under this subpart, a metropolitan planning organization (MPO) shall be designated for each urbanized area with a population of more than 50,000 individuals (as determined by the Bureau of the Census).
- (b) MPO designation shall be made 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 named by the Bureau of the Census) or in accordance with procedures established by applicable State or local law.
- (c) Each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate MPOs shall, to the extent practicable, provide coordinated transportation planning for the entire MPA. The consent of Congress is granted to any two or more States to:
 - (1) 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 23 U.S.C. 134 and 49 U.S.C. 5303 as the activities pertain to interstate areas and localities within the States; and
 - (2) Establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.
- (d) Each MPO that serves a TMA, when designated or redesignated under this section, shall consist of local elected officials, officials of public agencies that administer or operate major modes of transportation in the metropolitan planning area, and appropriate State transportation officials. Where appropriate, MPOs may increase the representation of local elected officials, public transportation agencies, or appropriate State officials on their policy boards and other committees as a means for encouraging greater involvement in the metropolitan transportation planning process, subject to the requirements of paragraph (k) of this section.
- (e) To the extent possible, only one MPO shall be designated for each urbanized area or group of contiguous urbanized areas. More than one MPO may be designated to serve an urbanized area only if the Governor(s) and the existing MPO, if applicable, determine that the size and complexity of the urbanized area make designation of more than one MPO appropriate. In those cases where two or more MPOs serve the same urbanized area, the MPOs shall establish official, written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among the MPOs.

- (f) Nothing in this subpart shall be deemed to prohibit an MPO from using the staff resources of other agencies, non-profit organizations, or contractors to carry out selected elements of the metropolitan transportation planning process.
- (g) An MPO designation shall remain in effect until an official redesignation has been made in accordance with this section.
- (h) An existing MPO may be redesignated only by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).
- (i) Redesignation of an MPO serving a multistate metropolitan planning area requires agreement between the Governors of each State served by the existing MPO and units of general purpose local government that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).
- (j) For the purposes of redesignation, units of general purpose local government may be defined as elected officials from each unit of general purpose local government located within the metropolitan planning area served by the existing MPO.
- (k) Redesignation of an MPO (in accordance with the provisions of this section) is required whenever the existing MPO proposes to make:
 - (1) A substantial change in the proportion of voting members on the existing MPO representing the largest incorporated city, other units of general purpose local government served by the MPO, and the State(s); or
 - (2) A substantial change in the decisionmaking authority or responsibility of the MPO, or in decisionmaking procedures established under MPO by-laws.
- (l) The following changes to an MPO do not require a redesignation (as long as they do not trigger a substantial change as described in paragraph (k) of the section):
 - (1) The identification of a new urbanized area (as determined by the Bureau of the Census) within an existing metropolitan planning area;
 - (2) Adding members to the MPO that represent new units of general purpose local government resulting from expansion of the metropolitan planning area;
 - (3) Adding members to satisfy the specific membership requirements for an MPO that serves a TMA; or
 - (4) Periodic rotation of members representing units of general-purpose local government, as established under MPO by-laws.

Code of Federal Regulations

TITLE 23: Highways

CHAPTER I: Federal Highway Administration, Department of Transportation

Sec. 450.312 Metropolitan planning area boundaries.

- (a) The boundaries of a metropolitan planning area (MPA) shall be determined by agreement between the MPO and the Governor. At a minimum, the MPA boundaries shall encompass the entire existing urbanized area (as defined by the Bureau of the Census) plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan. The MPA boundaries may be further expanded to encompass the entire metropolitan statistical area or combined statistical area, as defined by the Office of Management and Budget.
- (b) An MPO that serves 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 August 10, 2005, shall retain the MPA boundary that existed on August 10, 2005. The MPA boundaries for such MPOs may only be adjusted by agreement of the Governor and the affected MPO in accordance with the redesignation procedures described in §450.310(h). The MPA boundary for an MPO that serves 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.) after August 10, 2005 may be established to coincide with the designated boundaries of the ozone and/or carbon monoxide nonattainment area, in accordance with the requirements in §450.310(b).
- (c) An MPA boundary may encompass more than one urbanized area.
- (d) MPA boundaries may be established to coincide with the geography of regional economic development and growth forecasting areas.
- (e) Identification of new urbanized areas within an existing metropolitan planning area by the Bureau of the Census shall not require redesignation of the existing MPO.
- (f) Where the boundaries of the urbanized area or MPA extend across two or more States, the Governors with responsibility for a portion of the multistate area, MPO(s), and the public transportation operator(s) are strongly encouraged to coordinate transportation planning for the entire multistate area.
- (g) The MPA boundaries shall not overlap with each other.

- (h) Where part of an urbanized area served by one MPO extends into an adjacent MPA, the MPOs shall, at a minimum, establish written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among and between the MPOs. Alternatively, the MPOs may adjust their existing boundaries so that the entire urbanized area lies within only one MPA. Boundary adjustments that change the composition of the MPO may require redesignation of one or more such MPOs.

- (i) The MPA boundaries shall be reviewed after each Census by the MPO (in cooperation with the State and public transportation operator(s)) to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized area(s), and shall be adjusted as necessary. As appropriate, additional adjustments should be made to reflect the most comprehensive boundary to foster an effective planning process that ensures connectivity between modes, reduces access disadvantages experienced by modal systems, and promotes efficient overall transportation investment strategies.

- (j) Following MPA boundary approval by the MPO and the Governor, the MPA boundary descriptions shall be provided for informational purposes to the FHWA and the FTA. The MPA boundary descriptions shall be submitted either as a geo-spatial database or described in sufficient detail to enable the boundaries to be accurately delineated on a map.

Chapter 2

METROPOLITAN PLANNING ORGANIZATION FORMATION AND MODIFICATION

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2.1 PURPOSE

This chapter explains how a Metropolitan Planning Organization (MPO) is formed and its membership is apportioned in metropolitan areas. This chapter describes the establishment of transportation planning boundaries, areas, and designations. The chapter contains the requirements for cooperative agreements between the Department and the MPOs.

2.2 AUTHORITY

23 U.S.C. 134(d) and (e); 49 U.S.C. 5303(d)(e) (United States Code); 23 C.F.R. 450.310 (Code of Federal Regulations) and 339.175(2), F.S. (Florida Statutes); describe the requirements for the designation and redesignation of MPOs.

23 U.S.C. 134(d)(2); 23 C.F.R. 450.310(d); 49 U.S.C. 5303(d)(2); and 339.175 (3) and (4) F.S.; 339.176 F.S.; describes voting membership and membership apportionment of the MPO.

23 U.S.C. 134(e); 49 U.S.C. 5303(e); 23 C.F.R. 450.312; and 339.175(2)(c)(d) F.S.; outline the requirements and process for the establishment of transportation planning boundaries on an MPO.

23 C.F.R. 450.314; and 339.175(2)(b) and (10) F.S., describe the types of agreements necessary to implement the metropolitan transportation planning process.

339.175(6)(d) and (e), F.S., specify the establishment of MPO technical and citizens advisory committees.

Proposed Urban Area Criteria for the 2010 Census; Notice, Bureau of the Census, Department of Commerce, Federal Register August 24, 2010, pages 52174-52184.

Qualifying Urban Areas for the 2010 Census; Notice, Bureau of the Census, Department of Commerce, Federal Register March 27, 2012, pages 18625-18669.

2.3 SCOPE

This chapter may be used by Department and MPO staff as a guideline for the formation of an emerging MPO and changes to an existing MPO's membership plan and boundaries. In addition, staff from District and Central Office planning offices, MPO(s), and Federal Highway Administration (FHWA) planning offices may find this chapter useful.

2.4 REFERENCES

Article VIII of the Florida Constitution Section 6(e), provides for home rule and charter counties.

125.011(1), F.S., defines “county”.

163.01, F.S., The Florida Intergovernmental Cooperation Act of 1969, providing for interlocal agreements.

Procedure No. 525-020-310-f, General Interest Roadway Data, establishes District and Transportation Statistics Office responsibilities, requirements, and standards for data collection, verification and management, quality assurance and quality control, and basic reporting of general interest roadway data in the Roadway Characteristics Inventory (RCI) database.

Procedure No. 525-020-311-a, Federal Highway Administration Urban Boundary and Federal Functional Classification, defines the procedures and responsibilities for designating urban boundaries and determining federal functional classification designations for all public roads.

Samples of the four core agreements used by the MPOs are available at: <http://infonyet/tlofp/> (The language in the samples may be adjusted with the advice and guidance of the District general counsel to address an individual MPO’s needs.)

- **Form No. 525-010-01 - Interlocal Agreement for Creation of the Metropolitan Planning Organization**
- **Form No. 525-010-02 - Transportation Planning Funds Joint Participation Agreement, Source.**
- **Form No. 525-010-03 - Intergovernmental Coordination and Review and Public Transportation Coordination Joint Participation Agreement.**
- **Form No. 725-030-06 - Public Transportation Joint Participation Agreement.**
- **Form No. 725-030-06E-Exhibits-Public Transportation Joint Participation Agreement.**

2.5 CENSUS DESIGNATION OF URBANIZED AREAS

Every 10 years the U. S. Bureau of the Census conducts a census of the population and housing of the United States of America. Based on census data, the Bureau of the Census designates urbanized areas throughout the United States.

For urbanized areas with a population of more than 50,000 individuals, Federal law requires the Governor and local governments that represent at least 75 percent of the population, including the incorporated city with the largest population, to designate a MPO **[23 U.S.C. 134(d); 23 CFR 450.310(b)]**. A new urbanized area meeting the population threshold may be incorporated into an existing MPO and this is encouraged by the Department. To the extent possible, only one MPO shall be designated for each urbanized area or group of contiguous urbanized areas. More than one MPO may be designated in an urbanized area when the Governor and the existing MPO determine that the size and complexity of the area makes designation of more than one MPO appropriate **[23 U.S.C. 134 (d)(6); 23 CFR 450.310(e)]**. If more than one MPO is

designated for an urbanized area, then coordinated transportation planning will be needed.

As a result of the decennial census, new urbanized areas may be designated by the Bureau of the Census and the boundaries of existing MPOs may be affected. 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 MPO [23 U.S.C. 134 (e)(3)]. Furthermore, the designation of a new urbanized area does not necessarily require that a new MPO be formed. The new urbanized area may be combined with or integrated into an existing MPO. An existing MPO should review the census data to assess potential changes in its boundaries or governing board membership.

2.5.1 MPO Designations

When the Florida Department of Transportation's Office of Policy Planning receives the official list of urbanized areas from the Bureau of the Census, it will transmit that information to each District, along with applicable urbanized area boundary maps and urbanized area population information (including appropriate geographic identification). The Districts will then provide the information to the MPOs and to affected local governments within the new urbanized areas to assist in MPO redesignation and/or formation. The Office of Policy Planning shall keep the Districts informed on all census information affecting new and existing urbanized areas.

When the Bureau of the Census designates a new urbanized area that is not within or overlaps an existing MPO planning area boundary, the District will provide the census information at the time it notifies all local governmental entities (e.g., cities and counties), administrators or operators of major modes of transportation, local and regional planning agencies, and, where applicable, Native American Tribal governments, of a meeting to discuss the designation of a MPO to represent the new urbanized area. While all local governments partially or entirely within the new urbanized area should be invited to attend, participation by the largest incorporated city, as defined by the Bureau of the Census, is very important since MPO designation and redesignation requests must be agreed upon by the largest incorporated city. The District should schedule meetings to fully acquaint the emerging MPO with federal and state requirements.

Previously designated MPOs should review the information to determine whether the membership on the MPO policy body and/or other committees maintains the appropriate level of representation. More than one M.P.O. may be designated within an existing metropolitan planning area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing metropolitan planning area makes the designation of more than one M.P.O. for the area appropriate. [339.175(2)(a)(2), F.S.; 23 CFR 450.310(e)]

If the census information indicates that urbanized areas of separate MPOs have become a single urbanized area, the affected MPOs should consider consolidating into

a single MPO. If the MPOs and Governor agree that the MPOs will remain separate, the affected MPOs should agree to develop and implement a coordinated planning process. This process should result in, but not be limited to, the following: a Regional Long Range Transportation Plan covering the combined metropolitan planning area that will serve as the basis for the Transportation Improvement Programs of each MPO, a coordinated project prioritization and selection process, a regional public involvement process and a coordinated air quality planning process if in a non-attainment area.

The District shall schedule meetings to fully acquaint the emerging and existing MPOs with federal and state requirements. The following topics should be discussed:

- (1) Census population;
- (2) The Governor's process for submitting a Membership Apportionment Plan for review and approval/disapproval by the Governor and subsequent designation (or redesignation) of a MPO by the Governor;
- (3) The required legal agreements for formation, organization, transportation planning and funding;
- (4) The establishment of bylaws and procedures;
- (5) Delineation of boundaries for the MPO Planning Area;
- (6) The District should explain what funding is available after designation: the Metropolitan Planning (PL) Funds and Federal Transit Administration (FTA) Section 5303 funds.
- (7) All federal regulations concerning the formation and responsibilities of a MPO;
- (8) All state laws and rules that govern the organization, operation and responsibilities of MPOs;
- (9) All procedures, handbooks and manuals used by the Department to assist MPOs in meeting the requirements for federal and state funding purposes and fulfilling the requirements of the transportation planning process in a metropolitan planning area;
- (10) All departmental procedures, software and user manuals concerning the development and validation of travel demand forecasting models using the Florida Standard Urban Transportation Model Structure (FSUTMS) or any other Department approved travel demand forecasting model;
- (11) The overall role of the Department, including any pertinent planning documents (e.g., Florida Transportation Plan, Strategic Intermodal System) and specific District contact persons; and
- (12) The role of the MPO and its intergovernmental relationships with state and local governments, regional planning agencies and other transportation and land use agencies.

Each new MPO must be fully operational no later than six months following its designation [\[339.175\(2\)\(e\), F.S.\]](#).

2.6 MEMBERSHIP APPORTIONMENT PLAN

Federal law and regulation, for the most part, allows the State and units of local government to determine the composition of the MPO [\[23 U.S.C. 134\(d\)\(2\)\]](#). That process is addressed in State statute and is referred to as “apportionment” [\[339.175\(4\), F.S.\]](#). The Governor apportions the membership of the MPO with the agreement of the affected local governments [\[339.175\(4\)\(a\)\]](#). The Governor reviews the composition of MPOs subsequent to each decennial census. Each existing and emerging MPO must submit a membership apportionment plan that meets the requirements of [339.175\(3\), F.S.](#), [339.175\(4\), F.S.](#), and [23 C.F.R. 450.310](#).

2.6.1 MPO Membership

Voting Membership

The MPO voting membership, as reflected in the Membership Apportionment Plan, must consist of no less than five members with a maximum of nineteen apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general purpose local government as required by federal rules and regulations [\[339.175\(3\)\(a\), F.S.\]](#). In determining the composition of the MPO board:

- 1) County commissioners shall compose not less than one-third of the voting membership of the MPO. In cases where the MPO has more than fifteen voting members with a five member county commission or the MPO is comprised of nineteen members with a six member county commission, the county commissioners can comprise less than one-third of the voting members. In the two situations outlined above, all county commissioners must be members of the board.
- 2) All voting members shall be elected officials of general purpose local governments, except that a MPO may include as part of its apportioned voting members a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, and/or an official of the Spaceport Florida Authority. As used in [339.175\(3\)\(a\), F.S.](#), the term “elected official” excludes constitutional officers such as sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials.
- 3) The county commission shall compose not less than twenty percent of the voting membership of the MPO Board if an official of an agency that operates or administers a major mode of transportation has been appointed to the MPO [\[339.175\(3\)\(a\), F.S.\]](#).

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- 4) Any authority or agency created by law to perform transportation functions that is not under the jurisdiction of a local government represented on the MPO shall be provided voting membership on the MPO [\[339.175\(3\)\(b\), F.S.\]](#).

The Governor may also provide that MPO members who represent municipalities on a MPO Board may alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the MPO [\[339.175\(4\)\(b\), F.S.\]](#).

Any county chartered under Subsection [6\(e\), Article VIII](#) of the Constitution of the State of Florida may elect to have its county commission serve as the MPO Board if the MPO jurisdiction is wholly contained within the county. In addition to the entire county commission, the MPO established under this provision must include four additional voting members to the MPO, one elected official representing a municipality within the county, one must be an expressway authority member, one non-elected individual residing in the unincorporated portion of the county, and one school board member [\[339.175\(3\)\(d\), F.S.\]](#).

In addition, the voting membership of any MPO whose geographical boundaries include any county as “county”, e.g. charter county, is defined in [125.011\(1\), F.S.](#), must include an additional voting member appointed by that city’s governing body for each city with a population of 50,000 or more residents [\[339.176, F.S.\]](#). (Currently only applies to Miami Dade County MPO)

Federal law requires that the voting membership of a MPO board in a transportation management area (TMA) must include:

- 1) local elected officials,
- 2) officials of agencies administering major transportation systems (such as rail, airports, ports, and transit), and
- 3) appropriate state officials [\[23 USC 134\(d\)\(2\)](#) and [23 C.F.R. 450.310\(d\)\]](#).

Florida law requires that these transportation agencies be given voting membership on the MPO, regardless of TMA status, if such agencies are performing functions that are not under the jurisdiction of a general purpose government represented on the MPO. If such operators of major modes of transportation are represented by elected officials from general purpose governments that are on the MPO, the MPO will establish the process by which the interests of these operators are expressed [\[339.175\(3\)\(b\), F.S.\]](#).

Non-Voting Membership

The Department will be a technical advisor to the MPO and will be represented by the District Secretary or designee. Non-voting advisors may be appointed by the MPO as deemed necessary [\[339.175\(4\)\(a\), F.S.\]](#). Representatives of major military installations, upon their request, shall be appointed as non-voting members of the MPO [\[339.175 \(4\)\(a\), F.S.\]](#).

In those urbanized areas that include tribal reservation lands, it would be beneficial to the transportation planning process to coordinate with the tribal council's appropriate Native American tribal government and invite them to participate in the metropolitan transportation planning process.

Alternate Members

At the request of the majority of the affected units of general-purpose local government comprising a MPO, they and the Governor shall cooperatively agree upon and prescribe who may serve as an alternate member and agree on a method for appointing alternate members. This method will be included as part of the MPOs interlocal agreement or bylaws. The alternative member may vote at any MPO Board meeting in place of the regular member if the regular member is not in attendance [\[339.175\(4\)\(b\), F.S.\]](#).

Board Member Terms

The MPO Board members shall serve four-year terms. The membership of any public official automatically terminates upon the member's leaving his or her elected or appointed office for any reason, or it may be terminated by a majority vote of the entity's governing board. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional four-year terms. The MPO Board members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the MPO may serve terms up to 4 years as provided in the MPO interlocal agreement [\[339.175\(4\)\(b\), F.S.\]](#).

2.6.2 Membership Apportionment Plan Content

The MPO Membership Apportionment Plan shall include the following:

- 1) The proposed MPO membership with an explanation of the methodology used to determine the proposed apportionment.
- 2) A map of the metropolitan planning area boundary identifying all eligible entities for MPO membership.
- 3) Resolutions of support from local governments, transportation authorities, and any other eligible entity proposed for membership.

Under state law, a chartered county with over 1 million population may elect to reapportion the membership of the MPO whose jurisdiction is wholly within the county [\[339.175\(3\)\(c\), F.S.\]](#). The charter county may exercise this option if:

- 1) The MPO approves the reapportionment Plan by a three-fourths vote of its membership;
- 2) The MPO and charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that MPO; and
- 3) The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to MPO membership.

Any chartered county that elects to exercise this option must notify the Governor in writing. This may be addressed in a cover letter accompanying the MPO Membership Apportionment Plan [\[339.175\(3\)\(c\), F.S.\]](#).

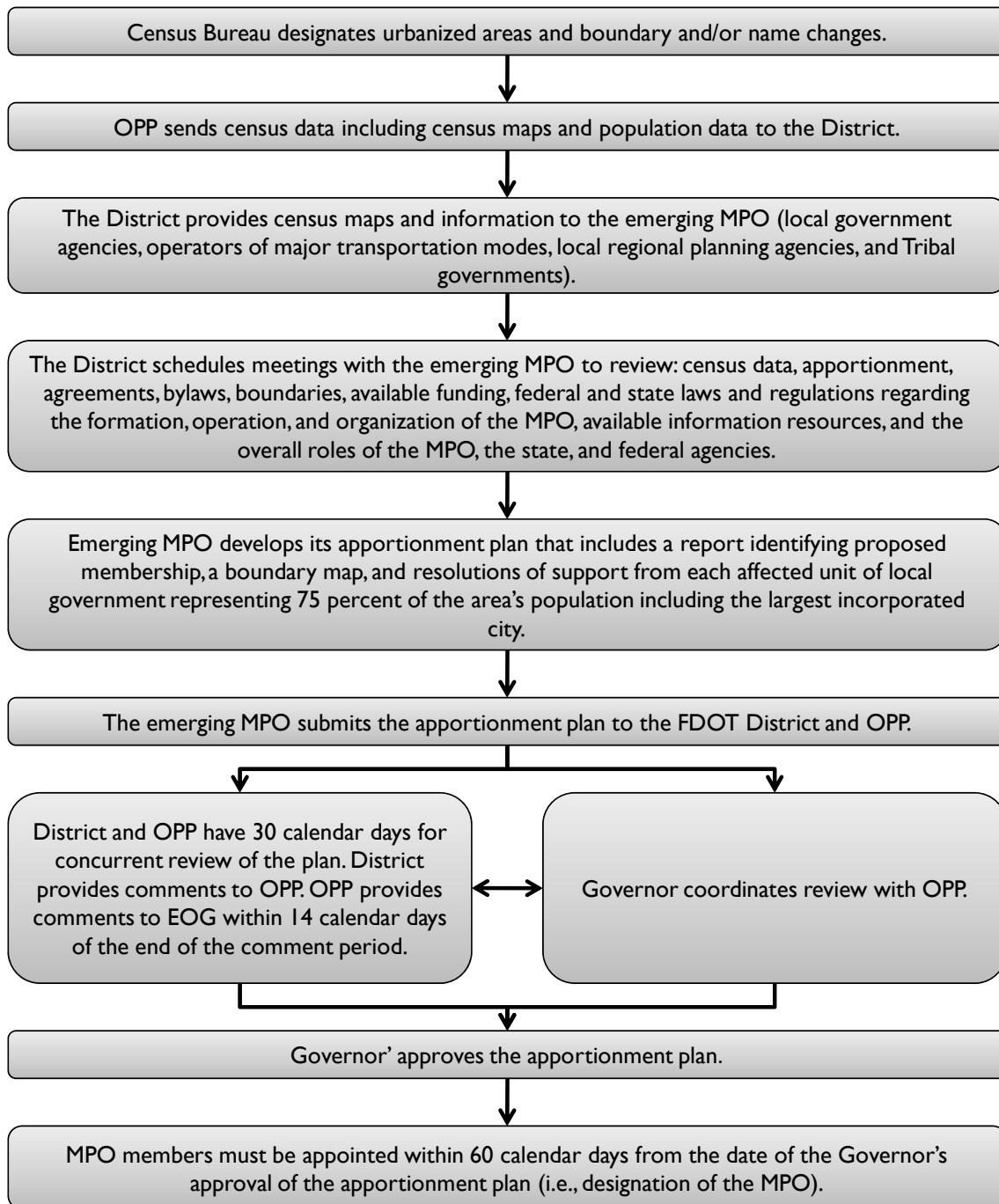
2.6.3 Membership Apportionment Plan Review

The MPO submits the membership apportionment plan to the Florida Department of Transportation Office of Policy Planning's MPO Statewide Coordinator. The MPO shall at the same time provide copies of the plan to the District Planning Manager or designee. The District planning staff and the Office of Policy Planning will have 30 calendar days from the date of receipt to concurrently review the MPO Membership Apportionment Plan for consistency with federal and state requirements. At the end of the 30-day review period, the District will provide comments to the Office of Policy Planning. Within 14 calendar days after the end of the 30-day review period the Department will provide a recommendation to the Policy Coordinator in the Transportation and Economic Development unit of the Executive Office of the Governor. The recommendation will be for the Governor either to approve or disapprove the proposed Membership Apportionment Plan. The Governor's approval of the Apportionment Plan constitutes official designation of the MPO as required by [23 U.S.C. 134\(d\)\(4\)](#) and [339.175\(3\), F.S. and 339.175\(4\), F.S.](#)

2.6.4 Governor's Action on Plan

If the Governor approves the Apportionment Plan, the MPO should appoint representatives to serve on the board within 60 days after the Governor has approved the proposed Membership Apportionment Plan. If a governmental entity fails to fill an assigned appointment to an MPO within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity [\[339.175\(4\)\(c\), F.S.\]](#). If the Governor should disapprove the proposed Membership Apportionment Plan, the District shall assist in addressing the issues identified by the Governor. **Figure 2A** shows the process for developing the Membership Apportionment Plan.

Figure 2A
DEVELOPING THE APPORTIONMENT PLAN



2.7 REDESIGNATION AND REAPPORTIONMENT

A MPO may be redesignated by agreement between the Governor and local units of government representing 75 percent of the population in the area served by the existing MPO, including the largest incorporated city [\[23 C.F.R. 450.310\(h\)\]](#).

[23 C.F.R. 450.310\(k\)](#) requires redesignation whenever an MPO (1) makes a substantial change in the proportion of its voting members, or (2) makes a substantial change in the decision making authority or responsibility of the MPO or in decision making procedures established in the MPOs by-laws. According to [23 C.F.R. 450.310\(l\)](#), the following changes do not require formal redesignation as long as the changes are not substantial:

- 1) Identification of a new urbanized area (as determined by the Bureau of the Census) within an existing metropolitan planning area;
- 2) Adding members to the MPO that represent new units of general purpose local government resulting from expansion of the metropolitan planning area;
- 3) Adding members to satisfy the specific membership requirements for a MPO that serves a TMA;
- 4) Periodic rotation of members representing units of general purpose local government, as established under MPO by-laws.

A MPO seeking redesignation must submit a Reapportionment Plan that meets the same requirements and go through the same review and approval process as outlined in [Section 2.6](#). The District shall assist the MPO and provide the MPO with guidance relating to the proposed plan. The proposed MPO Reapportionment Plan must include the following in order to be reviewed by the Department and the Governor:

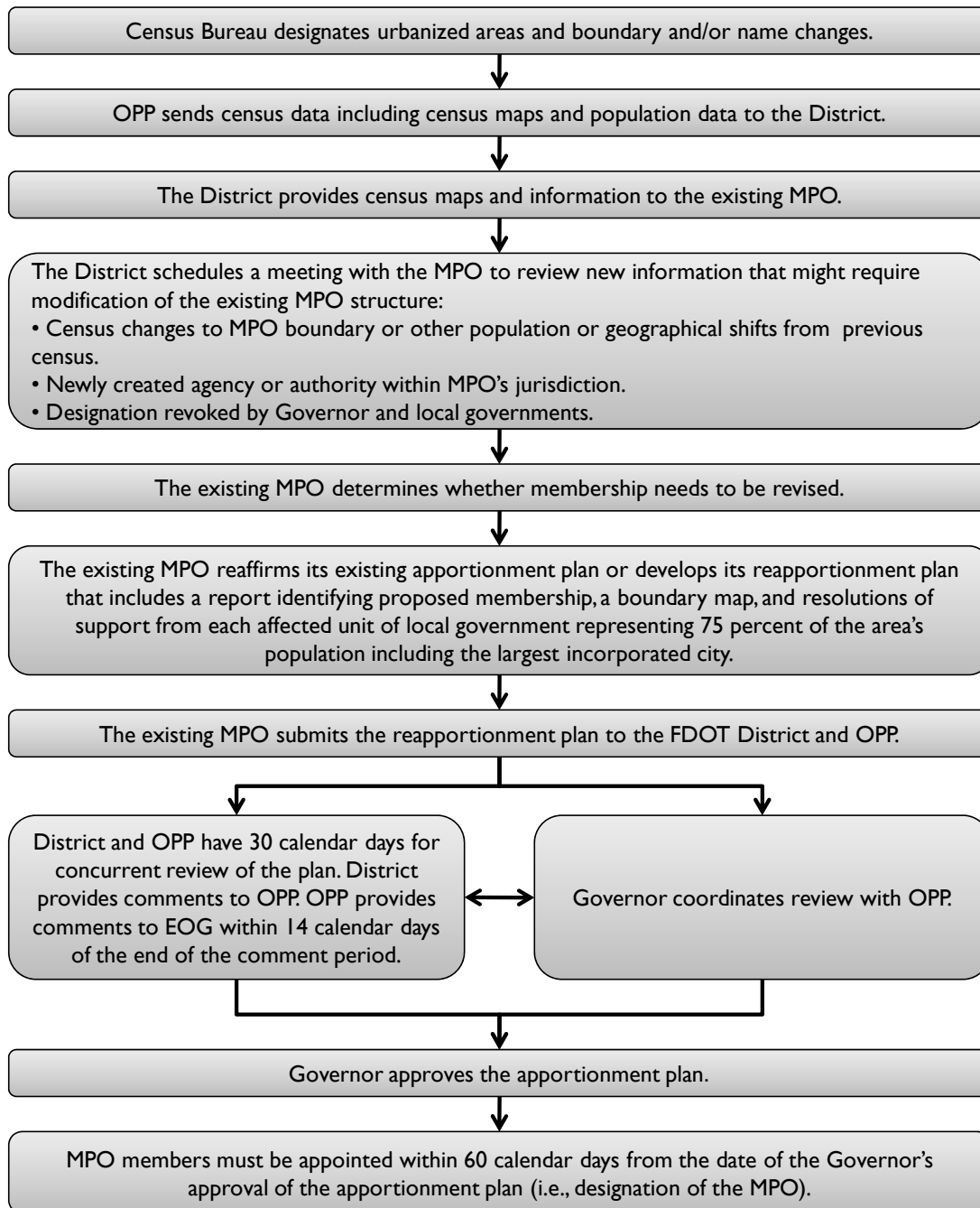
- 1) A report that identifies the current MPO Membership;
- 2) A report that identifies the proposed MPO membership and the methodology used to determine the proposed changes;
- 3) A map of the metropolitan planning area boundary; this is the official area from which membership is to be equitably drawn from, taking into account geographic and population equity; and
- 4) Resolutions of support from each of the affected local units of government representing at least 75 percent of the population within the metropolitan area. The largest incorporated city must be among the units of local government agreeing to the redesignation.

If a chartered county with over 1 million population elects, pursuant to [339.175\(3\)\(c\), F.S.](#), to reapportion the membership of a MPO (whose jurisdiction is wholly in the county) then written notice must be provided to Governor. Existing MPO designations remain valid until a MPO is redesignated [\[23 C.F.R. 450.310\(g\)\]](#).

2.7.1 Governor Action on Membership Reapportionment

If the Governor approves the Reapportionment Plan, the MPO should appoint or remove, as appropriate, representatives to serve on the board within 60 days after completion of an amended interlocal agreement. The interlocal agreement should be updated to incorporate the changes made in the approved membership apportionment plan. The MPO shall notify the District when these membership changes are made. If the Governor disapproves the proposed Redesignation Plan, the District shall contact the MPO to assist in addressing the issues identified by the Governor. **Figure 2B** shows the MPO membership reapportionment process.

Figure 2B
MPO REAPPORTIONMENT PROCESS



2.8 EXECUTION OF INTERLOCAL AGREEMENT

The responsibilities of each agency involved in assisting the MPO in implementing the metropolitan transportation planning process shall be clearly identified by agreement between the parties [23 C.F.R. 450.314(a), 339.175(2)(b), and 339.175(10)(a), F.S.]. This is accomplished through the execution of an interlocal agreement (Form No. 525-010-01) pursuant to the Florida Interlocal Cooperation Act of 1969 [163.01, F.S.]. The parties to this interlocal agreement shall be the Department and the governmental entities designated by the Governor for MPO membership including non-voting members [339.175(2)(b), F.S.]. Representatives of the Department shall serve as non-voting advisers to the Board. Additional non-voting advisors may be appointed by the MPO “as deemed necessary” [339.175(4)(a), F.S.]. The parties to the required planning agreements, and their roles and responsibilities, are detailed in 23 C.F.R. 450.314 and 339.175(10).

After the new MPO has been designated by the Governor, or modifications to the existing MPO have been approved by the Governor, the District shall hold a meeting with the responsible staff of the MPO to discuss the execution of a new or updated interlocal agreement. The interlocal agreement is a standard document that has been drafted specifically to address the metropolitan transportation planning requirements identified in federal and state law and regulations.

Though not required by law, it is highly recommended that each signatory to the agreement be accompanied by a resolution from that municipality or agency. The interlocal agreement should indicate if a member government is to represent other local governments on the MPO, and if the voting membership is to rotate annually. The District shall request the District legal staff to review the agreement before forwarding it to the MPO for execution. The text of all standard interlocal agreements shall not be modified in any manner that impacts the Department or changes the statutory duties and responsibilities of the MPO without prior written permission of the District Secretary. Any changes to the standard interlocal agreement need to be coordinated with the District legal counsel and the Office of Policy Planning.

Copies of the approved interlocal agreement shall be distributed to the MPO, the District, the Office of Policy Planning, and each signatory to the agreement. Copies of the interlocal agreement must be filed with the Clerk of the Circuit Court in each county in which a party to the agreement is located. The District legal office shall ensure that the interlocal agreement is filed in the county in which the District office is located.

The interlocal agreement is usually a one-time agreement that is reviewed and updated at least every 5 years or sooner when MPO membership changes [339.175(10)(a), F.S.]. Whenever an interlocal agreement is updated, the MPO serves as the coordinating body for agreement review, negotiations and execution among all parties. The MPO provides copies of the updated agreement to all signatories for filing purposes.

An emerging MPO, upon execution of the interlocal agreement, must immediately establish bylaws for the conduct of daily business and decision making. These bylaws are essential for the emerging MPO to operate during this critical period of formation. Once the MPO is formally designated, the bylaws should be revised as needed and adopted again by the MPO. Each District and emerging MPO should coordinate and mutually agree to a timetable suitable for the MPO to be fully operational within six months from its designation.

2.9 EXECUTION OF OTHER REQUIRED AGREEMENTS

The District shall meet with the MPO to develop each of the standard agreements discussed below. The District shall process each standard agreement after approval by all parties and approved by the MPO through a resolution. The District shall coordinate the review of the agreement with District legal staff and the Department's Comptroller's Office, if needed, before transmitting it for execution. The language contained in all standard agreements shall not be modified in any manner that impacts the Department or changes the statutory duties and responsibilities of the MPO without the District legal staff concurrence and prior expressed written permission of the District Secretary. Any changes to the standard agreements need to be coordinated with the Office of Policy Planning. The District shall request that the MPO approve each agreement and that an appropriate number of copies of the agreement be provided to the Department. The MPO will return all signed versions to the District for Department approval. The District Secretary (or designee) must sign each agreement, thereby executing the agreement for the Department.

One original of the agreement shall be sent to each of the following: the MPO; the District; the Office of Policy Planning, including the MPO Statewide Coordinator; and to each signatory as needed. For joint participation agreements, two copies of the executed agreement should be provided to the Comptroller's Office. The same process applies whenever an agreement is updated.

2.9.1 Transportation Planning Funds Joint Participation Agreement (Form 525-010-02)

The Transportation Planning Funds Joint Participation Agreement establishes the cooperative relationship between the MPO and the Florida Department of Transportation to accomplish the transportation planning requirements of state and federal law [339.175(10(a)(1), F.S. and 23 C.F.R. 450.314(a)]. Specifically, this agreement accomplishes three things. (1) It provides federal financial assistance to the MPOs for transportation related planning activities as found in the Unified Planning Work Program (UPWP); (2) it establishes the terms and conditions for accepting that federal assistance; and (3) it creates the framework of cooperation between the Florida Department of Transportation and the MPO for development of the UPWP. This agreement must be reviewed and updated as necessary, every five years.

2.9.2 Intergovernmental Coordination and Review and Public Transportation Coordination Joint Participation Agreement (Form 525-010-03)

Florida Statutes require MPOs to execute agreements with the regional intergovernmental coordination and review agencies and the operators of public transportation systems [339.175(10(a)(2), F.S. and 339.175(10(a) (3) F.S.]. Form 525-010-03 consolidates these two requirements into one agreement. Typically, the intergovernmental coordination and review agencies are the Regional Planning Councils (RPCs) created under Section 186.504, F.S. The agreement shall describe the process for coordination of MPO planning and programming activities and how transportation planning and programming activities will be a part of the comprehensive planned development of the metropolitan area. This agreement also defines the process for fulfilling the clearinghouse requirements for federally funded activities. This agreement shall be reviewed and updated as necessary, every five years.

2.9.3 Public Transportation Joint Participation Agreement (Form 725-030-06) (Exhibits Form 725-030-06E)

To fund its public transportation programs using Federal Transit Administration (FTA) planning funds, the designated MPO may choose to enter into a joint participation agreement with the Department. This agreement provides "state funding" to the MPO to assist in meeting the local match requirements under the Federal Transit Act. It outlines certain administrative and program requirements that must be met to receive state funds for FTA match purposes. The agreement can also be used by MPOs for acceptance of Surface Transportation Program (STP) urban attributable funds (SU) for planning activities. These agreements are executed annually and differ in how the Department chooses to provide the "state match," which may be cash; in-kind services; or both. At this time, the soft-match option used for FHWA Metropolitan Planning (PL) funds is not applicable for FTA planning funds.

2.9.4 Interstate Compact

Each Governor of a multi-state metropolitan area is encouraged to provide coordinated transportation planning for the entire metropolitan area in cooperation with the MPO. The states may enter into agreements or compacts for cooperative efforts and mutual assistance in support of metropolitan planning activities. By agreement, the Governors may establish agencies to implement the compacts or agreements [23 C.F.R. 450.314(e)(1)].

2.9.5 Multiple MPOs in One Urbanized Area

If there is more than one MPO designated for an urbanized area, Federal Regulation requires that there be a written agreement between the MPOs, the State, and the public transportation operator(s) describing how they will coordinate the planning process. That process should reflect, to the maximum extent possible, coordinated data

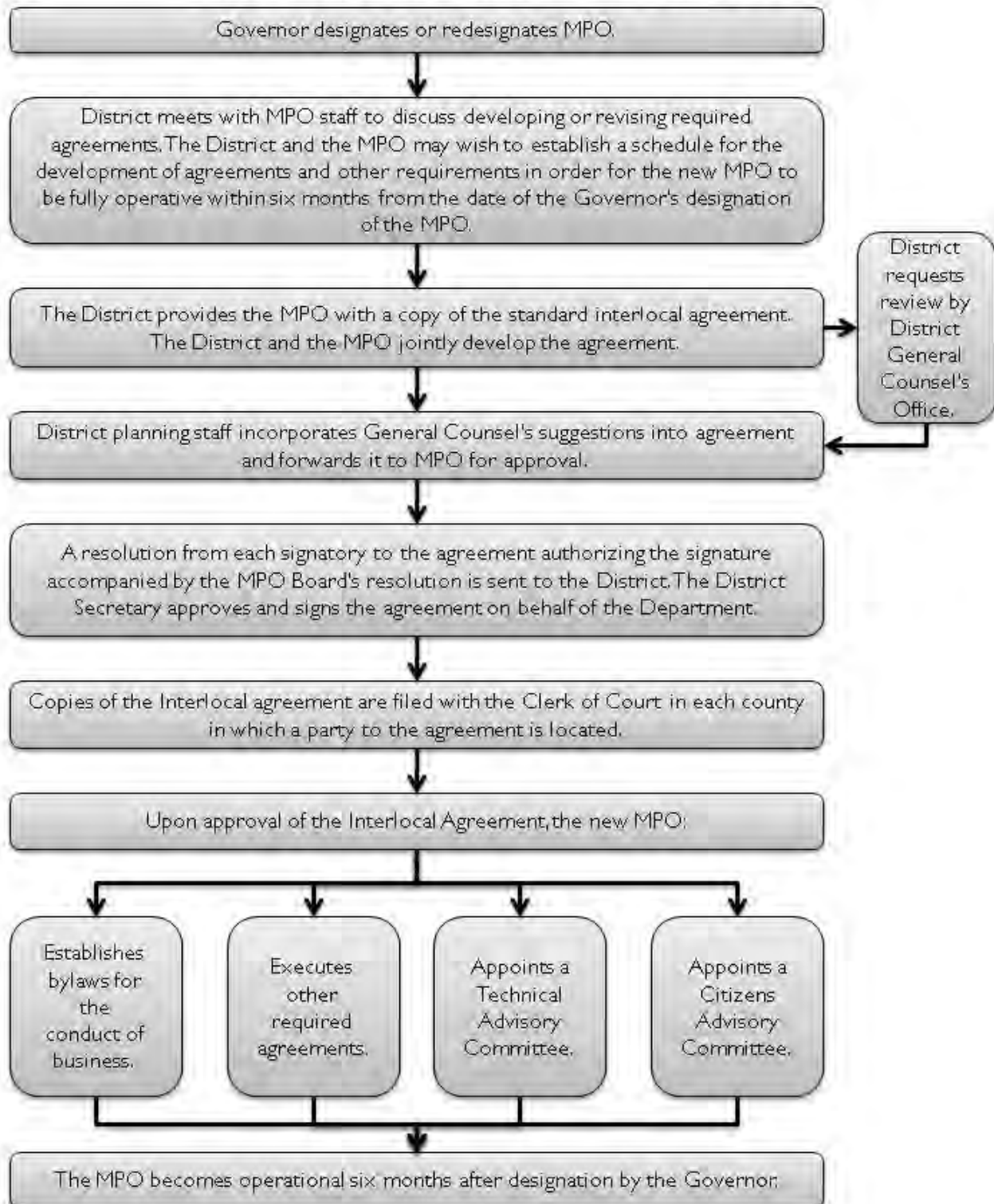
collection, analysis, and planning assumptions. Alternatively, the regulation allows for the MPOs to create a single LRTP and TIP for the entire urbanized area [23 C.F.R. 450.314(d)].

2.10 APPOINTMENT OF TECHNICAL AND CITIZENS' ADVISORY COMMITTEES

The District shall assist the MPO as requested in the appointment of a technical advisory committee (TAC) pursuant to **339.175(6)(d), F.S.** The TAC shall include planners, engineers, representatives from local public transit authorities, aviation authorities and port authorities or representatives of aviation Departments, public transit departments and seaport departments of municipal or county governments, the school superintendent (or designee) of each county covered by the MPO, and other appropriate representatives of affected local governments. State and federal agency representatives whose actions are transportation related should also serve on the technical advisory committee. TAC members serve at the pleasure of the MPO.

Pursuant to **339.175(6)(e), F.S.**, the MPO, with the cooperation of the District, must appoint a citizens' advisory committee that reflects a broad cross-section of local residents. There must be adequate representation of minorities, the elderly and the disabled. A MPO, with Department, FHWA, and FTA concurrence, may adopt an alternate program or mechanism that ensures adequate citizen involvement in the transportation planning process. **Figure 2C** on the following page provides an overview of the agreement process.

Figure 2C
AGREEMENT DEVELOPMENT PROCESS



2.11 TRANSPORTATION PLANNING BOUNDARIES

2.11.1 Boundary Process

23 C.F.R. 450.312 addresses the Federal requirements for metropolitan planning area (MPA) boundaries. After each Census, the MPO reviews its boundary in cooperation with the State and public transportation operator(s). The final boundary shall be determined by agreement between the MPO and the Governor. At a minimum, the boundary must include the urbanized area and the contiguous area expected to become urbanized within a 20 year period. The boundary may be further expanded to encompass the entire metropolitan statistical area (MSA) or consolidated metropolitan statistical area (CMSA) as defined by the Bureau of the Census.

The MPA boundary may encompass more than urbanized area, and it may be adjusted to coincide with regional economic development areas. The identification of a new urbanized area within an existing MPA boundary does not require redesignation of the MPO, but it may require a reapportionment of the membership.

The jurisdictional boundaries of MPOs should not overlap. If part of an urbanized area that is served by one MPO extends into the boundary of another MPO, the MPOs must sign a written agreement that identifies the areas of coordination and division of responsibilities between the MPOs. In other words, the agreement should make clear which MPO will take responsibility for that portion of the urbanized area.

Where the urbanized area extends across two or more States, the Governors of those states may enter into agreements or compacts and may establish a joint MPO to coordinate transportation planning for the area [**23 C.F.R. 450.312(f)** and **23 C.F.R. 450.314(e)**].

2.11.2 Transportation Planning Boundaries

The following section describes the transportation planning boundaries applicable to the MPO:

1) Census Urbanized Area

An urbanized area (UA) consists of densely settled territory that contains 50,000 or more people. The U.S. Census Bureau delineates UAs to provide a better separation of urban and rural territory, population, and housing in the vicinity of large places. UAs are designated based on urbanized area population. The Bureau of the Census' 2010 census urbanized areas boundaries consist of TIGER/Line files showing boundaries, names, and codes of urbanized areas and are available at www.census.gov/geo/www/tiger/index.html.

2) Metropolitan Planning Area

The Metropolitan Planning Area, also referred to as the Planning Boundary or Area, must include the existing Census Urbanized Area(s) and the contiguous area expected to become urbanized within the 20-year forecast period, and may

encompass the entire Metropolitan Statistical Area (MSA) or Consolidated Metropolitan Statistical Area (CMSA) as defined by the Bureau of the Census.

The Metropolitan Planning Area can include all or part of a given county, including areas that due to their growth characteristics may be anticipated to become urbanized within the next 20 years. The District, in consultation with the MPO, shall review and make recommendations on areas outside the projected 20-year area. FHWA should be consulted in such expansions, with supporting documentation that justifies the expansion being attainable.

3) FHWA Urbanized Area (*Adjusted Census Urbanized Area Boundary*)

This boundary is included in the MPO Handbook for informational purposes only. This boundary does not need to be included on the maps submitted with the apportionment plan. The FHWA Urbanized Area is a recognized boundary that encompasses the entire Census Urbanized Area and surrounding geographic area as agreed upon by the Department, the FHWA and the MPO. The boundary incorporates the land necessary to produce a simple, easily identifiable boundary and may include residential, educational, industrial, and adjacent commercially developed areas and nearby major transportation facilities expected to become urbanized in 5 years. The FHWA Urbanized Area Boundary is used by the Department and the FHWA for data reporting purposes including designation of highways by federal functional classification. It is also used by the Department in determining highway levels of service and access management. For more information on FHWA Urbanized Area boundaries, please consult FDOT [Procedure 525-020-311](#).

2.11.3 Metropolitan Planning Area (MPA) Boundary Designations

The Census Urbanized Area Boundaries are revised and delineated by the U.S. Bureau of the Census based on the Decennial Census of Population and Housing. The U.S. Bureau of the Census makes all census and mapping data that determine the Census Urbanized Area Boundary available to the Department's Office of Policy Planning. This information will be provided by the Office of Policy Planning to the District Planning Offices within 30 calendar days of receipt. The District shall, within 30 calendar days of receipt, provide this information to the MPO, or if a MPO has not yet been formed, to the general purpose local governments within the Census Urbanized Area, for the purpose of establishing or updating existing boundaries.

Within 120 calendar days of receipt of the decennial census information, the MPO shall create or revise a preliminary map in consultation with the District showing the Metropolitan Planning Area Boundaries. Information used to develop the map shall include, but not be limited to:

- 1) The Census-based criteria and data assumptions (i.e., population estimates provided by the Bureau of Economic and Business Research, University of

Florida) used to determine the 20-year growth area for drawing the Metropolitan Planning Area Boundary.

- 2) Documentation used to support the inclusion of any geographic areas for Metropolitan Planning Area funding purposes that are not expected to be urbanized within the next 20 years.

The MPO will adopt the Metropolitan Planning Area Boundary Map when it adopts its Membership Apportionment Plan. The MPO shall submit the two documents to the Office of Policy Planning's MPO Statewide Coordinator and the District Planning Manager or designee in accordance with the review procedure set out in **Section 2.6.3**. In accordance with **23 C.F.R. 450.312(j)**, FHWA and FTA do not approve the Metropolitan Planning Area Boundary Map. However, the Office of Policy Planning will forward 1 hard copy and 1 electronic copy of the map each to FHWA and FTA after its approval by the MPO and the Governor.

2.11.4 Key Elements of MPA Boundary Maps

All Metropolitan Planning Area boundary maps should be developed at a scale that best meets the needs of the urbanized area. All boundary maps, in addition to the aforementioned boundaries, shall clearly designate the following information:

- 1) Names of all urban areas;
- 2) Graphic scale and north arrow;
- 3) Major city or county designated routes and route numbers;
- 4) Interstate, U.S. and state highway route numbers;
- 5) Locations and names of all major waterways;
- 6) Locations and names of railroads;
- 7) Location of intermodal transfer facilities;
- 8) Locations of transit facilities;
- 9) Demarcation of transit service area;
- 10) Locations and names of airports and seaports;
- 11) A legend; including the date the map was initially approved and the date of the revision; and
- 12) Boundary highways should be designated as either inside or outside the Census Urbanized Area Boundary, or the Metropolitan Planning Area Boundary.

2.11.5 Modification of MPA Boundary Maps

Requests for modification to the Metropolitan Planning Area boundary may be initiated by the MPO or the District. During the interim years, the Office of Policy Planning periodically releases census population information developed by the Bureau of Economic and Business Research Department at the University of Florida. This information can be used to modify Transportation Planning Boundaries.

Any changes to the relevant MPO boundaries may require the MPO to review and/or revise its voting apportionment, Long Range Transportation Plan, Transportation Improvement Program, Unified Planning Work Program, and all existing agreements and documents, as necessary.

Florida Statutes

Title XXVI: Public Transportation
Chapter 339: Transportation Finance and Planning

339.175 Metropolitan planning organization.- -

(1) PURPOSE.—

It is the intent of the Legislature 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 and foster economic growth and development within and through urbanized areas of this state while minimizing transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan transportation planning processes identified in this section. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs 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.

(2) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. To the extent possible, only one M.P.O. shall be designated for each urbanized area or group of contiguous urbanized areas. More than one M.P.O. may be designated within an existing urbanized area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing urbanized area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. designated in a manner prescribed by Title 23 of the United States Code shall be created and operated under the provisions of this section pursuant to an interlocal agreement entered into pursuant to s. 163.01. The signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership

on the M.P.O. Each M.P.O. shall be considered separate from the state or the governing body of a local government that is represented on the governing board of the M.P.O. or that is a signatory to the interlocal agreement creating the M.P.O. and shall have such powers and privileges that are provided under s. 163.01. If there is a conflict between this section and s. 163.01, this section prevails.

(c) The jurisdictional boundaries of an M.P.O. shall be determined by agreement between the Governor and the applicable M.P.O. The boundaries must include at least the metropolitan planning area, which is the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.

(d) 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. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

(e) The governing body of the M.P.O. shall designate, at a minimum, a chair, vice chair, and agency clerk. The chair and vice chair shall be selected from among the member delegates comprising the governing board. The agency clerk shall be charged with the responsibility of preparing meeting minutes and maintaining agency records. The clerk shall be a member of the M.P.O. governing board, an employee of the M.P.O., or other natural person.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

3) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a 5-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose local governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of

an agency that operates or administers a major mode of transportation, or an official of Space Florida. As used in this section, the term “elected officials of a general-purpose local government” shall exclude constitutional officers, including sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials. County commissioners shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general-purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.’s where transportation authorities or agencies are to be represented by elected officials from general-purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(c) Any other provision of this section to the contrary notwithstanding, a chartered county with over 1 million population may elect to reapportion the membership of an M.P.O. whose jurisdiction is wholly within the county. The charter county may exercise the provisions of this paragraph if:

1. The M.P.O. approves the reapportionment plan by a three-fourths vote of its membership;
2. The M.P.O. and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area; and
3. The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to M.P.O. membership.

Any charter county that elects to exercise the provisions of this paragraph shall notify the Governor in writing.

(d) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(4) APPORTIONMENT.—

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area. At the request of a majority of the affected units of general-purpose local government comprising an M.P.O., the

Governor and a majority of units of general-purpose local government serving on an M.P.O. shall cooperatively agree upon and prescribe who may serve as an alternate member and a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. The method shall be set forth as a part of the interlocal agreement describing the M.P.O.'s membership or in the M.P.O.'s operating procedures and bylaws. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting advisers to the M.P.O. governing board. Additional nonvoting advisers may be appointed by the M.P.O. as deemed necessary; however, to the maximum extent feasible, each M.P.O. shall seek to appoint nonvoting representatives of various multimodal forms of transportation not otherwise represented by voting members of the M.P.O. An M.P.O. shall appoint nonvoting advisers representing major military installations located within the jurisdictional boundaries of the M.P.O. upon the request of the aforesaid major military installations and subject to the agreement of the M.P.O. All nonvoting advisers may attend and participate fully in governing board meetings but may not vote or be members of the governing board. The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reappoint it as necessary to comply with subsection (3).

(b) Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (3)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (3)(a) may serve terms of up to 4 years as further provided in the interlocal agreement described in paragraph (2)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of the entity's governing board represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

(c) If a governmental entity fails to fill an assigned appointment to an M.P.O. within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity.

Florida Statutes

Title XXVI: Public Transportation
Chapter 339: Transportation Finance and Planning

339.176 Voting membership for M.P.O. with boundaries including certain counties. - -

In addition to the voting membership established by s. 339.175(3) and notwithstanding any other provision of law to the contrary, the voting membership of any Metropolitan Planning Organization whose geographical boundaries include any county as defined in s. 125.011(1) must include an additional voting member appointed by that city's governing body for each city with a population of 50,000 or more residents.

MAP-21: Moving Ahead for Progress in the 21st Century Act

Subtitle B--Performance Management

SEC. 1201. METROPOLITAN TRANSPORTATION PLANNING.

(a) In General- Section 134 of title 23, United States Code, is amended to read as follows:

“§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 and foster economic growth and development within and between States and urbanized areas, 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.

MAP-21: Moving Ahead for Progress in the 21st Century Act

“(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 and bicycle transportation facilities) 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.

MAP-21: Moving Ahead for Progress in the 21st Century Act

“(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) 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.

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“(4) 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 (5).

“(5) 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.

“(6) 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

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“(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)(5).

“(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

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“(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

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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, 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;

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“(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; and

“(H) emphasize the preservation of the existing transportation system.

“(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 in section 5301(c) 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

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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.

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“(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, transit, multimodal and intermodal facilities, nonmotorized transportation facilities, and intermodal connectors) that should function as an integrated metropolitan

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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.

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“(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 and provide for multimodal capacity increases based on regional priorities and needs.

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“(H) TRANSPORTATION AND TRANSIT ENHANCEMENT ACTIVITIES- Proposed transportation and transit enhancement activities.

“(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

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“(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, freight shippers, providers of freight transportation services, private providers of transportation, 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.

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“(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)(C), 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)(C).

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“(j) 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.

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“(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 CHAPTER 53 OF TITLE 49- 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.

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“(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--

“(I) 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.

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“(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

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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 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.

“(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.

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“(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.

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“(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.

“(l) 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 of less than 200,000 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.

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“(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, 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 set aside under section 104(f) 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

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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.'

(b) Study on Metropolitan Planning Scenario Development-

(1) IN GENERAL- The Secretary shall evaluate the costs and benefits associated with metropolitan planning organizations developing multiple scenarios for consideration as a part of the development of their metropolitan transportation plan.

(2) INCLUSIONS- The evaluation shall include an analysis of the technical and financial capacity of the metropolitan planning organization needed to develop scenarios described in paragraph (1).