

**VOLUME II, SECTION V.  
FEDERAL CERTIFICATION  
OF METROPOLITAN TRANSPORTATION PLANNING**

**INTRODUCTION**

The Federal Highway Administration [FHWA] and the Federal Transit Administration [FTA] regularly engage in a joint certification review of the transportation planning process of MPOs. As noted in the chronological review herein above, the ISTEA legislation mandates such certification of MPOs designated as Transportation Management Areas [TMAs] at least every three years.<sup>1</sup> Certification reviews consist of a desk audit of documentation pertaining to the planning process, a site visit, a public meeting, and preparation of a report on the certification review. Should an MPO fail to be certified the FHWA and FTA may withhold all or a part of its federal highway and transit funds, or withhold approval for certain projects. The U.S. General Accounting Office [GAO] has described the certification reviews as “by far the most in-depth assessments of the MPOs’ performance in transportation planning.”<sup>2</sup> However, not until 1998 did the FHWA and FTA develop a standard format for assessing or reporting MPO compliance with its statutory and regulatory obligations; to date, neither agency collects such certification documents in a single location for purposes of analyzing compliance.

We were informed by senior FHWA and FTA officials in Washington, D.C., that because MPOs are so different in organizational structure and state requirements, that comparative analyses between them would be difficult. The form of certification reviews of MPOs was left largely to the discretion of the local federal review team, to tailor the certification review to the particular characteristics of the MPO. We were also informed that, although comparing the certification reviews between one MPO and another would be problematic (since they are not “apples to apples” in structure or certification review form or methodology), that comparing earlier to later certification reviews of the same MPO might be more useful. Finally, we were informed by senior FHWA and FTA officials that negative comments in the certification documents would likely be somewhat more reliable than positive comments, because local review teams would be likely to try to assuage the “sting” of negative comments by offsetting positive observations to some degree.

In addition to the FHWA/FTA joint certification documents, on occasion, the U.S. Department of Transportation’s John A. Volpe National Transportation Systems Center [Volpe Center] prepared a formal, comprehensive “enhanced planning review” [EPR] of selected MPOs. These were designed to be less judgmental and regulatory focused than certification reviews, but, nonetheless, provided a more comprehensive and thorough analysis of MPO performance.

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<sup>1</sup> 23 U.S.C. § 134; 49 U.S.C. Chapter 53.

<sup>2</sup> U.S. General Accounting Office, Urban Transportation: Metropolitan Planning Organizations’ Efforts to Meet Federal Planning Requirements 30 (Sept. 1996).

In this section, we examine the enhanced planning reviews and FWHA/FTA certifications of the metropolitan planning organizations of four cities – Dallas/Ft. Worth, Denver, Phoenix, and Seattle; we also consider reviews of these reviews prepared by other federal agencies, particularly the GAO and an Advisory Commission on Intergovernmental Relations. This essay constitutes a summary of that body of literature (certification reviews, EPRs, and GAO and ACIR reviews)<sup>3</sup>.

### **ENHANCED PLANNING REVIEW OF THE DALLAS-FORT WORTH METROPOLITAN AREA (1996)**

An Enhanced Planning Review of the Dallas-Ft. Worth Metropolitan Area, the North Central Texas Council of Governments [NCTCOG] was issued by the Volpe Center on behalf of FWHA and FTA in July 1996. It found that NCTCOG had successfully implemented comprehensive and coordinated planning processes in the following areas:

- Development and integration of the congestion management system [CMS] into the transportation plan;
- Integration of technical inputs into systems, analysis and decision making;
- Development of a committee structure to support the regional planning process that included policy makers and technical staff members from different jurisdictions and transportation agencies;
- Extensive commitment to air quality analysis;
- Use of geographic information systems as a transportation analysis tool; and
- Incorporation of strong public participation in the major investment study [MIS] process.

The Enhanced Planning Review proffered several recommendations for improvement of the transportation planning process in the Dallas-Ft. Worth Metropolitan Area:

- Incorporate and document proactive participation techniques, particularly for the Plan, TIP and system planning;
- Make more realistic assumptions about traditional and non-traditional revenue sources;
- Refine the region’s CMS to cover all current and future congested corridors;
- Incorporate ISTEA’s fifteen factors early in system planning activities, particularly social, environmental and economic effects;

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<sup>3</sup> Id. at 30-31. As referenced previously in this work, several other reviews of the urban transportation planning process exist. Since 1983, urban transportation planning regulations have required that the state and MPO “self-certify” that they are in compliance with the 3-C (continuing, cooperative, and comprehensive) process mandated by statute and regulation. Moreover, the DOT reviews and approves planning work programs for all metropolitan areas, assesses the TIP and TIP amendments for conformity with the state’s air quality plan in meeting federal air quality requirements, and reviews and approves state TIPs.

- Enhance public discussion and documentation of regional growth and development assumptions; and
- Present financial data in a simple comprehensive form in the TIP.<sup>4</sup>

### **FHWA/FTA CERTIFICATIONS OF NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS [NCTCOG] (1996 & 1999)**

The FHWA and FTA jointly certified NCTCOG as meeting applicable federal regulatory requirements on June 28, 1996. They emphasized that the draft Volpe Enhanced Planning Review [EPR] (the final version of which was discussed immediately above) should be “considered a strong confirmation of the exceptional work being done by NCTCOG” and other state and local transportation agencies.<sup>5</sup> Given that the Volpe review had just been completed and was so positive, FHWA and FTA made only three observations. They found that the MPO’s amplification of the ways in which public involvement was enhanced allayed the concerns expressed in the Enhanced Planning Review Report, though the CMS concerns remained. They also noted that the MTP revenue assumptions were either on and/or ahead of schedule or were being discussed by the Regional Transportation Council.

Three years later, on June 28, 1999, NCTCOG was again certified. FHWA and FTA observed that there were *no* corrective actions recommended in the previous planning process review -- in other words, NCTCOG had been given a clean bill of health three years earlier. It was noted that NCTCOG should be commended in five areas: (1) metropolitan transportation plan; (2) intermodal planning; (3) public involvement; (4) air quality; and (5) congestion management system/major investment study. Though FHWA and FTA recommended no corrective action be taken, it had one suggested improvement -- that the MPO explore avenues to meet TEA-21’s requirements regarding “Opportunity for Public Input” for representatives of users of public transit.<sup>6</sup> By far, these are the most positive federal certification reviews of any of the four cities which are the focus of the instant study.

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<sup>4</sup> U.S. Dept of Transportation, Enhanced Planning Review of the Dallas-Fort Worth Metropolitan Area (July 1996).

<sup>5</sup> Letter from Wilbur Hare & E. A. Wueste to Jim Jackson, Chairman of the Regional Transportation Council of the North Central Texas Council of Governments (June 28, 1996).

<sup>6</sup> Letter from Lee Waddleton & C. D. Reagan to Jack Miller, Mayor, City of Denton (June 28, 1999).

## **ENHANCED PLANNING REVIEW OF DENVER REGIONAL COUNCIL OF GOVERNMENTS (1994)**

In 1994, the Volpe Center issued a comprehensive 67-page EPR of the transportation planning process in the Denver metropolitan area. It commended the Denver Regional Council of Governments [DRCOG] in the following areas:

- For including the Regional Transportation District [RTD] and the Colorado Department of Transportation [CDOT] as major participants in its Transportation Committee.
- For developing a short to medium range plan (2015) with financial constraints along with a longer range “vision” plan (2020 and beyond) to guide regional planning and project selection.
- For developing an objective, quantifiable method for evaluating and selecting the Transportation Improvement Program [TIP] proposals and projects, respectively.
- For its efforts to include all significant projects that are funded by local governments within the TIP.
- For monitoring land development trends, levels of traffic and transit service in the region.
- For conducting corridor and sub-area studies that examine a range of transit solutions – solutions that will reduce congestion and air emissions.
- For its efforts to develop a congestion management system.
- For its cooperative and inclusive air quality and transportation planning relationships.
- For working hard at communicating with the public and providing an open planning process.
- For its effective outreach efforts.
- For maintaining a well documented, state-of-the-practice multimodal travel demand modeling process.
- For incorporating many of ISTEA’s 15 factors in its planning process.<sup>7</sup>

The Volpe Center also made the following comments and recommendations to DRCOG, CDOT and RTD:

- Include RTD and CDOT on the Board of Directors, as ISTEA regulations recommend.
- Update the Transportation Planning Prospectus, which was prepared in 1981.
- The priorities or criteria used by its transportation advisory team (known as the Regional Review Team) for selecting tasks to be undertaken for each of the work elements could be documented within the Unified Work Program [UPWP].
- Include all regionally significant transportation planning and management activities in the UPWP, regardless of funding source.

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<sup>7</sup> U.S. Dept of Transportation, Review of the Transportation Planning Process in the Denver Metropolitan Area 1-6 (1994).

- Future Regional Transportation Plans [RTPs] should be comprehensive, including detailed information about the region's short-term travel management strategies, elderly and handicapped plan, and pedestrian and bikeway plans.
- CDOT needs to indicate the state's regional distribution by funding categories, so as to maximize the flexible funding under ISTEA.
- In cooperation with CDOT and RTD, develop a formal process to evaluate major transportation investments against planning forecasts and the objectives of the region's long-range transportation plan.
- Develop a Geographical Information Software [GIS] capability so as to conduct analyses which combine demographic data, travel and congestion information, and air quality pollution information.
- Develop intermodal and public transportation management systems, as required by ISTEA.
- Expand outreach efforts to include large employers, employer associations, labor organizations, financial, real estate and development associations.
- As experience, time and budget permit, shift away from the mainframe and utilize a micro-computer package for travel demand forecasting.
- Undertake a region-wide home interview travel survey as soon as possible, to update the one taken more than 20 years earlier.
- With RTD, define for the public and the region's politicians the roles of the different plans and program that address transit development so as to establish an inter-relationship between the Transit Development Program, the strategic transit plan, and the regional transportation plan.
- With CDOT and RTD, incorporate right-of-way preservation, efficient freight movement, and transit security, into their planning.
- Further integrate the region's transit, congestion, and air quality planning as part of the RTP development process to allow the region's planning agencies to maximize the use of ISTEA's flexible funding feature.
- Formalize citizen participation activities.
- With RTD, define the roles of the different transit plans and programs.
- RTD's strategic plan should define the rationale and market demand estimates for rapid transit development in certain corridors, and the financial or cost effectiveness measures necessary to justify the investment.
- RTD could expand its performance evaluation and measurement of efficiency and effectiveness of transit service.<sup>8</sup>

### **FHWA/FTA CERTIFICATIONS OF DRCOG (1993, 1995 & 1998)**

In their joint reviews, the FHWA and FTA found that DRCOG's transportation planning process included all federally required activities, was consistent with all federal laws and regulations, and should be certified. In their 1993 review (a one-page

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<sup>8</sup> Id. Several specific recommendations were made for RTD as well. Id. at 4.

document) they “complimented [DRCOG] for its activities and adherence to the provisions of the ISTEA and federal regulations.”<sup>9</sup>

Using the aforementioned 1994 Volpe EPR as a base line, the FHWA and FTA issued a joint recertification of DRCOG in 1995. It commended DRCOG in the following areas:

- Given the importance of integrating land use and transportation planning, undertaking the “Metro Vision 2020” process as part of its long-term planning effort.
- For the cooperative efforts between DRCOG, CDOT and the Pikes Peak Area Council of Governments to develop a congestion management system for Colorado, based on a strong foundation developed through extensive analysis, evaluation, and consultation between the involved parties.
- For the region’s cooperative and inclusive air quality and transportation planning relationships.
- For DRCOG’s “well organized, straight forward” TIP.<sup>10</sup>

The 1995 recertification also made the following recommendations:

- Establish formal procedures to identify all significant regional transportation planning activities to be included in the UPWP, including those carried out by local governments and private or quasi-public agencies.
- Ensure that all modes of surface transport are considered in the planning process; that the transportation plan be formatted in such a way as to integrate the full array of multimodal projects and programs, including transit, bicycle, and pedestrian elements, as well as the ADA Complementary Paratransit Plan [CPP].
- Incorporate the CPP into the transportation plan being developed.
- Determine ways to integrate social, economic, energy and environmental [SEEE] issues early into the transportation planning process, and document the analyses undertaken.
- With CDOT and RTD, upgrade the HPMS data and other traffic data gathering activities (which may include a regional origin-and-destination [O&D] study, to update the one completed in 1971), and consider expanding the O&D study to cover more of the Front Range region.
- Document and clarify in the RTP, or in some other manner, the decision-making process used to evaluate and select corridors/subareas for major investment studies.
- Include bus routes of regional significance in the 2020 RTP.
- With CDOT and RTD, finalize the 2020 transportation plan to ensure it reflects agreements reached on air quality conformity issues and the requirements of the metropolitan planning regulations.

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<sup>9</sup> Statement Certifying the Urban Transportation Process in the Denver Region, July 28, 1993.

<sup>10</sup> Letter from Louis Mraz, Jr., and Vincent Schimmoller to Robert Farley, May 5, 1995, and accompanying Certification Review.

- Incorporate in future TIPs, in the form of an informational appendix, a tracking system to identify projects that have been completed, delayed or eliminated from programming since the prior TIP.
- Expand public outreach activities, and make documents explaining the planning process, DRCOG committee structure, and public involvement process as “understandable” as possible.<sup>11</sup>

The joint certification of DRCOG’s planning process by FHWA and FTA in 1998, found that “the transportation process in the Denver-Boulder metropolitan area is dynamic, comprehensive, and very much looking to the future of a fast-growing area. . . . Interaction between the MPO, the regional transit agency, the state department of transportation, the state and local air quality agencies, and local MPO member agencies is frequent, if not continuous, at all levels. . . . While political decisions or economic realities do not always support the choices offered or envisioned in the ‘best laid plans’ and certainly not every player in the transportation decision-making process is satisfied with a particular outcome, the process itself offers a variety of ways for groups and individuals to be involved.”<sup>12</sup>

The FHWA/FTA noted the following responses to recommendations in its prior certification review:

1. *Updating the Prospectus.* DRCOG included a work item in its FY 1999 UPWP to fund the effort to update the prospectus.
2. *Include all significant transportation planning activities in the UPWP.* DRCOG and its planning partners, including local governments, have begun sharing more information on all planning activities which may affect regional transportation system development and operations, and to include transportation activities conducted outside the MPO planning process in the UPWP.
3. *Integration of highway and transit planning and consideration of all modes in the 20-year planning horizon.* Specific action has been taken to improve the integration of highway, transit and other modal planning. The transportation planning agencies are working to develop corridor mobility management plans consisting of multimodal projects and strategies for selected corridors to implement strategies in the CMS. The 2020 RTP will also include regionally significant bus routes, as well as all major surface modes of travel.
4. *Consideration of SEEE issues.* MIS activities have required that project impacts along the studied corridors must be identified and evaluated in the planning process. DRCOG has also undertaken environmental mapping with its GIS.
5. *Complementary Paratransit Plan.* No longer required.

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<sup>11</sup> Certification Review of the Planning Process in the Denver Transportation Management Area (May 1995).

<sup>12</sup> Planning Certification Review of the Denver Management Area (May 14, 1998), accompanying letter from Louis Mraz, Jr., and James Daves to Margaret Carpenter (June 26,, 1998).

6. *Upgrading the HPMS and traffic data collection activities.* At the request and with the financial support of the FHWA, a region-wide travel behavior inventory has been undertaken.
7. *Documentation of the MIS process.* DRCOG has developed a guidance manual to govern its MISs.
8. *Status of the 2020 RTP.* Expected to be adopted by the end of 1998.
9. *TIP tracking system.* Not yet implemented.
10. *Updating and using innovative techniques for public involvement.* Focus groups, citizens' committees, and meetings in nontraditional locations have all been implemented.

The 1998 study identified these as the strengths of DRCOG's process:

- In terms of technical improvements and enhancements, DRCOG was commended for taking the lead in evaluating travel demand modeling software.
- DRCOG took on an extensive data collection project -- a travel behavior inventory -- which "will provide an invaluable source of information for the transportation planning process and system development throughout the Denver region at the local, regional, state, and even national levels."
- The air quality planning process continues to benefit from the active involvement and cooperation of relevant agencies and organizations to avoid future air quality problems.
- DRCOG has considered Intelligent Transportation Systems and safety issues in the planning process, in a "bottoms up" fashion.

The FHWA/FTA recertification team made the following recommendations:

- The transportation planning agencies should continue and expand their efforts to improve traffic data collection.
- For purposes of traffic management and public information, the status of significant transportation projects listed in the TIP should be tracked.

### **FHWA/FTA CERTIFICATIONS OF THE MARICOPA ASSOCIATION OF GOVERNMENTS (1995 & 1998)**

In their joint certification review of Maricopa Association of Governments (MAG) issued April 1995, FHWA and FTA certified the Phoenix planning process as substantially meeting federal regulatory requirements.<sup>13</sup> The federal agencies made the following recommendations:

1. Though MAG and its local and state partners were satisfactorily implementing ISTEAs' fifteen factors, MAG should prepare a discussion paper to indicate how the

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<sup>13</sup> 23 CFR Parts 450 & 613. Letter from Louis Mraz, Jr. & David Densmore to John DeBloske, Secretary, Maricopa Ass'n of Governments (May 10, 1995), and accompanying federal certification review.

planning factors are being incorporated in its studies and plans, including the Long Range Transportation Plan;

2. The Complementary Paratransit Plan, prepared by the Regional Public Transportation Authority [RPTA] pursuant to the Americans With Disabilities Act, should be formally incorporated into the region's overall transportation plan;
3. The five year Short Range Transit Plan, developed cooperatively by MAG and RPTA and their local and state partners, should have the same horizon year as the overall transportation plan, while maintaining the short range transit plan as the initial three to five years of the overall transportation plan;
4. The financial plan in the Long Range Transportation Plan should be updated to reflect current funding conditions, including an analysis of the cost of the plan and anticipated revenue;
5. MAG and its local and state partners should begin developing procedures for implementing Major Investment Studies to define the roles and responsibilities of the various local, state and federal agencies, for none had been initiated or planned at the time of the review; and
6. The coordination, consultation and cooperation matrix developed by the Arizona Department of Transportation [ADOT], MAG and the Arizona Department of Environmental Quality [ADEQ] should be explicitly adopted by the City of Phoenix Transit and the RPTA.<sup>14</sup>

In their 1998 joint certification review, FHWA and FTA reviewed MAG's compliance with the above six recommendations.<sup>15</sup> They found that MAG had taken appropriate steps to address the first four recommendations. Recommendation 5 had not been completed; however FHWA and FTA recommended that action not be taken to implement this recommendation by MAG until federal regulations had been promulgated to implement TEA-21. FHWA and FTA believed implementation of recommendation 6 would help working relationships between Phoenix and RPTA.

FHWA and FTA commended MAG in the following areas:

- MAG's long range Transportation Plan is multimodal, based on a 20-year horizon, and had been updated annually to incorporate revised land-use, population, travel and financial projections;
- To help public and private development be pedestrian friendly, MAG developed pedestrian design elements in cooperation with a pedestrian working group;
- MAG and ADOT worked jointly to develop an accurate revenue forecast for tax and cost purposes;
- A freight representative was added to the Transportation Review Committee;
- MAG and RPTA had coordinated light rail transit stations to provide access to Sky Harbor International Airport;

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<sup>14</sup> FHWA & FTA, Certification Review of the Planning Process in the Phoenix Transportation Management Area (April 1995)

<sup>15</sup> Letter from Robert Hollis & Leslie Rogers to James Bourey, Executive Director, Maricopa Ass'n of Governments (July 29, 1998), and accompanying federal certification review.

- By including participation by ADOT and RPTA, MAG's models of surface transportation and transit allow for consistency between the agencies; and
- MAG had made commendable efforts in human services and welfare to work programs.

Though the 1998 review encouraged MAG to update its Title VI Plan to expand public involvement, to update its coordination, consultation and cooperation matrix to reflect shifting roles and responsibilities, and to lead the region in development of ITS architecture, the most significant "corrective action" or "recommended improvement" identified by FHWA and FTA focused on ADOT rather than MAG:

Federal Regulations Part 450.324 require the MPO to develop a transportation improvement program for the metropolitan area in cooperation with the State and public transit operators. The Federal Regulations then require that the TIP be approved by MAG and the Governor and be included without modification in the State Transportation Improvement Program (Part 450.216 and 450.328). For MAG to develop the TIP, Part 450.216 requires ADOT to provide MAG estimates of available Federal and State Funds which MAG can utilize in developing the TIP. ADOT is required to provide reasonable and timely estimates of available Federal and State funds on an annual basis for the MAG Region. The estimate of funds is essential for the MAG planning process to proceed in developing and selecting projects for the TIP and Long Range Plan and to conduct the federally required air quality conformity analysis.<sup>16</sup>

#### **ENHANCED PLANNING REVIEW OF THE SEATTLE-TACOMA-EVERETT METROPOLITAN AREA (1996)**

An Enhanced Planning Review for the Puget Sound Regional Council [PSRC] was issued in May 1996.<sup>17</sup> It found that PSRC and its partner agencies established a process that integrates transportation within its broader environmental and socioeconomic context. That process resulted in innovative planning approaches, including a Freight Mobility Round Table, plans for a network of bicycle and pedestrian facilities, an incentive program to encourage alternatives to the use of the single occupancy vehicle, and incorporation of land use and environmental considerations as fundamental elements of transportation planning. It found PSRC to have engaged in proactive public involvement, technically sound air quality planning, and aggressive development of its transportation forecasting capabilities.

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<sup>16</sup> FHWA & FTA, Certification Review of the Planning Process in the Phoenix Transportation Management Area (April 8-9, 1998).

<sup>17</sup> U.S. Dept of Transportation, Enhanced Planning Review of the Seattle-Tacoma-Everett Metropolitan Area (May 1996).

One area identified for improvement was the need to strengthen PSRC's role in programming of transit and state-administered funds. Development of the TIP would be more effective if its open and systematic process were extended to projects selected by the State and transit agencies from funding sources other than the MPO-controlled STP and CMAQ funds. Comprehensive financial planning will be enhanced by the integration of programs administered by the transit agencies and the State.

## **FHWA & FTA CERTIFICATION OF THE PUGET SOUND REGIONAL COUNCIL (1996)**

In its certification of the Puget Sound Regional Council (PSRC), the FHWA and FTA noted that the recently completed Volpe Enhanced Planning Review revealed that "PSRC was meeting or exceeding the regulatory requirements in a particular area; for example, in public involvement, air quality conformity, or travel forecasting . . . ." They further commended the MPO:

PSRC has clearly demonstrated an outstanding, continuing, cooperative, and comprehensive transportation planning process. PSRC's planning process is distinguished by technically sound and innovative approaches to transportation planning in a complex metropolitan planning area.<sup>18</sup>

FHWA and FTA observed that PSRC's Agreements and MOUs with the Washington State Department of Transportation [WSDOT] and local agencies preceded ISTEA and did not adequately reflect ISTEA principles. They urged PSRC to conclude agreements with WSDOT and the local transit providers which reflected ISTEA's requirements and responsibilities that were more than an agreement to cooperate, such as the agreement it had concluded with the Regional Transit Authority. They also recommended that the agreement with WSDOT specifically address the Marine Division's role in regional transport planning, or in the alternative, conclude a separate agreement between PSRC and the Marine Division.<sup>19</sup>

With respect to the PSRC's Transportation Improvement Program [TIP], FHWA and FTA noted it should clearly identify the total capital cost (including the federal and non-federal share) of completing the project even when it could not be completed within the three-year time frame. They urged PSRC to continue working with WSDOT to resolve the operational issues and ensure consistency between the TIP and STIP.

With respect to PSRC's Major Investment Studies [MIS], FHWA and FTA recommended that PSRC take a proactive role in ensuring that MIS meetings are open and inclusive.<sup>20</sup> PSRC was also advised to amend its "Inventory of Major Investment

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<sup>18</sup> Letter from Leon Witman & Helen Knoll to Mary McCumber, Executive Director, Puget Sound Regional Council (Sept. 13, 1996).

<sup>19</sup> Id. at 3.

<sup>20</sup> 23 CFR § 450.318(b).

Studies” to correct the inaccuracy contained therein proclaiming that RTA is exempt from MIS requirements: it is not exempt.<sup>21</sup>

## **GAO REPORT ON MPO TRANSPORTATION PLANNING (1996)**

As of January 1996, the FHWA and FTA had reviewed 55 MPOs, of which 23 were certified without qualification, 31 were certified subject to certain corrective action being taken, and one certification was held in abeyance because of significant areas of noncompliance. The U.S. General Accounting Office [GAO], an investigatory arm of Congress, reviewed these 55 certification reports and found them of limited usefulness in assessing trends or problem areas in the ISTEA planning process for two reasons: (1) DOT had not developed standard criteria for assessing or reporting MPO compliance; and (2) three MPOs had been conditionally certified despite the finding of significant deficiencies in their transportation planning processes.<sup>22</sup> Because of the absence of uniformity in reporting requirements – a nationwide lack of consistency -- they differed in format, depth and content. As a consequence, there was no practical way of comparing one MPO with another, and some difficulty in assessing the progress that MPOs are making in meeting ISTEA’s planning requirements.<sup>23</sup> The GAO recommended that the Secretary of Transportation direct the FHWA and FTA to develop reporting formats for assessing and reporting on MPOs’ compliance with their planning requirements, so as to enable DOT to determine the existence of any nationwide deficiencies in the planning process, the causes of such deficiencies, and the extent to which MPOs have made progress in meeting their planning requirements.<sup>24</sup> The GAO concluded, “the results of the certification reviews cannot be used to develop a reliable understanding of the MPOs’ progress in meeting ISTEA’s planning requirements.”<sup>25</sup> (In response to the GAO’s recommendation, the FHWA and FTA in 1998 adopted a common format, which consisted of a succinct outline of the core areas to be discussed in the written reports.<sup>26</sup>

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<sup>21</sup> Letter from Leon Witman & Helen Knoll to Mary McCumber, Executive Director, Puget Sound Regional Council (Sept. 13, 1996).

<sup>22</sup> U.S. General Accounting Office, Urban Transportation: Metropolitan Planning Organizations’ Efforts to Meet Federal Planning Requirements 3 (Sept. 1996).

<sup>23</sup> Id. at 34.

<sup>24</sup> Id. at 6, 35.

<sup>25</sup> Id. at 30.

<sup>26</sup> FHWA/FTA Memorandum of February 3, 1998, to FTA/FHWA Planning and Program Development Directors. The following consists of the entire text of the “FTA/FHWA Joint Format for Planning Certification Reports”:

- I. Introduction and Background Information
  - A. Description of the Planning Area and Membership in the MPO
  - B. Participation in the Review
  - C. Major Regional Issues and Priority Planning Activities (As identified by the region and the Federal Review team)
- I. Recommended Actions from Previous Review and Response by Metropolitan Planning Partners
- II. Overview of Findings from Current Planning Process Review
- III. General Discussion
  - A. Notable Strengths
  - B. Corrective Action and/or Recommended Improvements

However, neither agency collects the reports in a central location in order to analyze them.)

In its 1996 study, the GAO also surveyed 13 MPOs (including the Phoenix and Dallas/Ft. Worth MPOs) to ascertain how ISTEA had impacted them. Though the MPOs surveyed found ISTEA's requirements challenging, all 13 found ISTEA's public participation requirement desirable and beneficial to the planning process. Effective public outreach was found to inform the public of key regional transportation issues, ensure that planning includes projects truly needed by the public, and identify "problem" projects early in the planning process.<sup>27</sup>

All MPOs surveyed also supported the requirement that TIPs be financially constrained, though they found it among ISTEA's most challenging obligations, requiring regional consensus as to which programs would be listed on the TIP, and requiring reasonable estimates of available funds from the state departments of transportation.<sup>28</sup> Some found the failure of the states to provide reliable estimates of available revenue a hurdle in developing financially constrained TIPs. The Dallas/Ft. Worth MPO reported that it had a significant dispute with the state DOT because a freeway improvement advocated by the state had not been included in the financially constrained TIP.<sup>29</sup> But because the TIP is financially constrained, its credibility and "implementability" is much enhanced.<sup>30</sup> Some states surveyed opposed the continuation of ISTEA's requirements of public participation, financial constraint, and project selection.<sup>31</sup>

#### **U.S. ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS' REPORT ON MPO TRANSPORTATION PLANNING (1997)**

In 1997, at the request of the FHWA, a U.S. Advisory Commission on Intergovernmental Relations [ACIR] issued a report entitled "Planning Progress: Addressing ISTEA Requirements in Metropolitan Planning Organizations."<sup>32</sup> It evaluated the 57 certification and 13 enhanced planning reviews available as of May 1996, including those described above. Of the 57 certifications examined, 10 were approved unconditionally, 29 required changes of a minor nature, 17 were given non-binding suggestions for improvement, and only one received an interim certification requiring a major modification of its process.

In its analysis of federal reviews of large MPOs, ACIR focused on six emphasis areas. Its conclusions with respect to each of these six were as follows:

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C. FHWA/FTA Action

<sup>27</sup> U.S. General Accounting Office, *Urban Transportation: Metropolitan Planning Organizations' Efforts to Meet Federal Planning Requirements* 16 (Sept. 1996).

<sup>28</sup> *Id.* at 20.

<sup>29</sup> *Id.* at 21.

<sup>30</sup> *Id.* at 22.

<sup>31</sup> *Id.* at 27.

<sup>32</sup> U.S. Advisory Commission on Intergovernmental Relations, *Planning Process: Addressing ISTEA Requirements in Metropolitan Planning Organizations* (Feb. 1997).

1. PUBLIC INVOLVEMENT PROGRAMS received the largest number of recommendations for improvement (71%), and the largest number of commendations (57%).
2. FINANCIAL PLANNING was a significant problem in only two MPOs, but only 13% were commended for good practices.
3. MAJOR INVESTMENT STUDIES were recommended for improvement in 59% of the cases, while only 11% of MPOs were commended for outstanding practices.
4. CONGESTION MANAGEMENT SYSTEMS drew commendations (38%) almost as often as recommendations for improvement (43%).
5. AIR QUALITY CONFORMITY, which is relevant only in designated non-attainment and maintenance areas, drew twice as many recommendations for improvement (40%) as commendations (20%).
6. ISTEA's 15 factors drew little comment.<sup>33</sup>

According to ACIR, several of the cities in this study drew praise from the FHWA/FTA review teams for commendable activities, as follows:

- Denver and Colorado Springs were cited as examples of MPOs with good congestion management system procedures, saying “The CMS development process is well under way due to the initiative, cooperation and consultation among the parties involved.”
- Denver and Seattle were cited as examples of having good intergovernmental coordination procedures. Denver’s MPO process was recognized as providing local officials, special interests, private sector representatives, and the public the opportunity to determine “the direction that growth and development could and should take in the area over the next 30 years.”
- Seattle’s approach to planning reflected the state’s traditional “bottom up” decision making process, where local jurisdictions lead the process of regional coordination.
- Seattle was cited as an MPO with good intermodal planning procedures and good freight planning procedures in establishing a Regional Freight Mobility roundtable as a starting point for assessing commodities movements as a part of the planning process.
- Seattle was cited as an example of having good land use/transportation coordination procedures in establishing a linkage between land use priorities and transportation improvements by establishing investment priorities among projects included on the supplementary list to the long-range plan.
- Seattle was identified as an MPO with good quality of life (SEEE) procedures in emphasizing the relationship of transportation to socioeconomic conditions and the physical environment.

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<sup>33</sup> Id. at 21-29.

- Seattle was recognized as having good public involvement procedures by developing two-way channels of communication, including electronic bulletin boards and information hotlines.
- The Dallas/Ft.Worth MPO was cited as an example of having good air quality conformity procedures, prepared to provide technical assistance to any counties that may be included in the nonattainment area, and to act as an advocate to the public and the state for clean air.
- Dallas/Ft. Worth was cited as an example of having good MPO board and committee procedures by bringing all localities and transportation providers into the planning process.
- Dallas/Ft. Worth was cited as an example of good computer models/GIS/data programs in its innovative techniques including transit multi-path, automated walk link generation, and methods for creating region wide micro-simulation networks.<sup>34</sup>

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<sup>34</sup> Id. at 41-72.