Transportation Reform Series

Metropolitan Policy Program

An Inherent Bias?

Geographic and Racial-Ethnic Patterns of Metropolitan Planning Organization Boards

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Metropolitan planning organizations (MPOs) are often the conduit through which billions of federal and state transportation dollars flow for regional transportation investments. Decisions by MPOs have important ramifications for metropolitan growth patterns and, by implication, social and economic opportunity. Yet, the decisions are made by boards whose members are generally not elected to serve on the MPO. Further, MPOs are not required by law to have representational voting. The potential exists, therefore, for MPO decisions to be biased toward certain constituencies or locales at the expense of others. This policy brief reviews MPOs generally and discusses the variation in MPO voting structures—with implications for potential bias—in 50 large metropolitan areas.

I. Introduction

Among the most important transportation reforms initiated by the federal government in recent decades was the increased focus on metropolitan areas and the devolution of greater responsibility for planning and implementation to metropolitan planning organizations (MPOs).[2] By empowering MPOs to play a more active and authoritative role in transportation planning and programming, these reforms created a policy framework for increased local and regional decisionmaking. By requiring sustained and meaningful public involvement, they also demanded increased sensitivity to the community effects of large-scale public investments.[3]

These were substantial, and long overdue, shifts in the federal program, which for decades had focused on transportation decisionmaking at the state and federal levels alone. Nearly 40 years of such top-down decisionmaking, coupled with a nearly singular focus on highways (as opposed to public transit or other alternative transportation) led to shifting land use and demographic patterns that both directly and indirectly contributed to racial segregation and community fragmentation, leaving central cities, urban, and suburban areas stratified by race and class.[4]

This produced clear winners and losers in metropolitan resource allocation, not only in transportation infrastructure, but in vital access to education, employment, health care, affordable housing, job training, and civic participation. More often than not, the resulting patterns of access and opportunity literally paved the way for the "haves" to fill an increasingly middle-class and auto-dominated suburban periphery, while the "have-nots" were increasingly concentrated, and often stranded, in or near the urban core.[5] The federal reforms in the latter part of the twentieth century were designed, in part, to address these

disparities and help protect against future imbalances. The call for agencies to encourage meaningful public participation to preempt environmental injustice, generally the undue burden placed on low-income and minority neighborhoods in siting public facilities, is one of the strongest charges of the federal reforms.

Yet more than a decade after the federal reforms, the promise of meaningful social equity in transportation policy and planning remains unfulfilled. How can this be explained? The representation in transportation decisionmaking structures may help elucidate an answer.

The voting board members who govern MPOs are typically appointed as elected leaders from member jurisdictions. A common criticism is that they do not represent all metropolitan interests equally.[6] This is significant because MPO boards wield powers to adopt and endorse regional transportation plans, approve budgets, approve agreements, adopt rules, and oversee operating procedures. The plans, budgets, contracts, and agreements approved by MPOs all directly affect the location and extent of transportation investment.

This transportation policy brief assesses the distribution of votes (by location and race-ethnicity) of 50 large MPOs nationwide. Findings demonstrate that, relative to the populations residing in the applicable metropolitan areas, suburban communities and white residents are overrepresented in current MPO decisionmaking. That MPO boards do not reflect the geographic or racial composition of the metropolitan populations they serve should be a cause for concern, especially given that MPOs were intended by the federal framers to be an essential conduit for implementing reforms and ensuring public accountability. Although this brief recommends that MPOs promptly address these problems with board structural and representation changes, it also acknowledges that the problem may stem from representation issues at the local level.

II. Background and Overview

In the United States, MPOs are local government organizations legally charged with coordinating short- and long-range transportation planning for all urbanized areas in the country with more than 50,000 residents.[7] MPOs exist in numerous forms but generally operate as a function of regional councils of government (COGs) or as a subdivision of state departments of transportation (DOTs). Although a few regions around the country established MPOs as early as the 1950s, it was not until the early 1970s that federal transportation laws demanded the creation of regional entities to carry out metropolitan transportation planning. Although the degree of authority given to MPOs waxed and waned in ensuing decades, their overall power remained quite limited until the 1990s, when the reauthorization of the federal law addressed metropolitan decisionmaking directly.[8]

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) made several major changes to the way transportation decisions were made. This legislation gave MPOs unprecedented authority and flexibility to allocate funds for different surface transportation projects. The rules outlining this "suballocation" of funds were designed to put a small, but significant, amount of money directly into the hands of local officials for projects developed cooperatively through the metropolitan planning process. The rules were also designed to increase funds for MPOs' day-to-day operations. When the federal highway program began, road funds were spent solely by state DOTs, which received federal apportionments directly. Beginning with ISTEA, however, metropolitan decisionmakers were given direct authority over a portion of these funds. ISTEA also broadened the membership of the policy-setting boards of MPOs governing large areas and required that they include representatives from local governments in the region, agencies operating major transportation systems, and state officials.

The Transportation Equity Act for the 21st Century (TEA-21) of 1998 tweaked several of the rules governing MPOs. Among other things, it outlined seven criteria to be evaluated in planning highway projects: accessibility, economic development, efficiency, environment,

mobility, safety, and system preservation.[9] These factors were to be "considered" in the metropolitan and statewide planning processes.[10]

More recently, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), signed into law in August 2005, slightly increased the funds for MPOs from 1 percent of the core highway programs to 1.25 percent. It also required the involvement of local residents in the metropolitan transportation planning process and requires greater financial transparency.[11]

Although MPOs gained direct control over only a portion of total federal transportation funds under the new laws, they nevertheless became more influential and the laws helped to standardize their function by giving them uniform responsibilities. However, substantial differences among MPOs remain, as states maintain significant discretion over delegating authority to MPOs within their boundaries. States continue to play the primary role in determining most transportation decisions in metropolitan areas.[12]

In California, for example, the state DOT channels 75 percent of its federal and state transportation program funds directly to MPOs for programming and planning, whereas in states such as North Carolina and Wisconsin, the DOT retains a much greater share of these funds.[13] Although federal requirements do hold MPOs accountable for meeting basic representational criteria, as mentioned above, the specific structure of MPO boards and decisionmaking processes are left to the discretion of the states and local governments.

Beyond transportation, there are other uneven federal prescriptions. Although Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance, the act provides inadequate protection in terms of transportation mobility and access for traditionally underserved populations.[14] In addition, in 2001, the Supreme Court in *Alexander v. Sandoval* ended the ability of private individuals to bring a suit to enforce certain Title VI regulations. Now individuals may only bring lawsuits charging a violation of the Title VI statute in which they must prove that an action was taken intentionally to discriminate, thus limiting the legal options for the public to challenge inequitable delivery of public services.[15]

The social equity provisions of federal transportation policy were extended to obligations by Executive Order 12898, signed in 1994, which directed federal agencies to incorporate environmental justice into their mission by "identifying and addressing the effects of all programs, policies, and activities on minority populations and low-income population."[16] During ISTEA reauthorization and ultimate passage of TEA-21, equity obligations were further reinforced by including stricter public engagement requirements and dedicated funding for programs intended to improve the mobility of residents in minority and low-income communities.[17] The promise for meaningful reform in transportation planning and service provision, in light of these developments, was great in the 1990s. With residential segregation, social isolation, concentrated poverty, and metropolitan fragmentation the partial legacies of past transportation policy, the *need* for reform was equally great.

A. MPO Structure and Voting Arrangements

Federal regulations require no particular type of organizational or voting board structure for MPOs. That duty is left to the governor, state legislatures, and local officials. In metropolitan areas that cross more than one state, the governors are only encouraged to devise their own agreements or covenants, but they are not directed in any other way to achieve true multistate regional planning.[18] As such, a wide variety of arrangements and forms of MPOs can be found around the country.

An examination by Lewis and Sprague identified four major types of organizing structure for MPOs.[19]

1. ***Councils of government*** (COGs) that operate similarly to a member association of local governments in a given region and obtain certification to perform MPO functions in addition to other COG responsibilities.[20] Typically in these arrangements, each participating local government in a region sends a representative to the COG

board (and by default the MPO board), where he or she serves as a fully voting member, regardless of the size of the local government he or she represents. This is the most prevalent type of MPO in large areas and can be found in metropolitan areas such as Sacramento, Denver, and Washington, D.C. In the sample we culled from nationwide MPOs (see below), slightly more than one-half (26) of the 50 MPOs are COGs.[21]

2. ***Freestanding MPOs*** are devoted solely to transportation planning and do not operate under the purview of any other government body. Typically, governing boards for these types of MPOs are appointed by local or state elected officials, or they may be delegates from local jurisdictions (similar to a COG MPO), such as the Metropolitan Transportation Commission in the San Francisco Bay area. Representatives usually have full voting rights regardless of the size of the local government they represent. Fifteen MPOs in our sample fit this type. Metro, in Portland, OR, is a freestanding MPO whose members are subject to direct regional elections, the only one of its kind in the nation.[22]
3. ***County-level MPOs*** are generally found in areas where a county line encompasses an entire planning area. This type of MPO peaked in the 1980s, after which metropolitan areas added new counties as metropolitan area definitions changed as a result of significant population growth. These types are prevalent in Florida. Four of the five in our sample are in Florida. The fifth is in Indianapolis, which has a consolidated city and county government, out of which the MPO is operated.
4. ***State-run MPOs*** are akin to a field office of transportation planners and engineers, which is largely guided and staffed by the state government. Although these are the least common type of MPO, they are also the oldest type, formed when MPOs were originally intended to be a subset of state planning activities. They are found in four metropolitan areas in our sample: Boston, Providence, Chicago, and Honolulu.

Most MPO boards fall into one of the first two categories, in which votes are apportioned on the basis of one jurisdiction, one vote. This gives each local government the same degree of power in MPO policymaking and allocation as every other body in the region. As such, MPO voting is usually nonproportional or unweighted to population. A suburban community of 30,000 may have the same power to sway regional transportation planning as a central city of 500,000.

Lewis argued that metropolitan bodies such as COGs and MPOs have been structured "toward consensus, with more concern toward representing all local governments on regional boards than on establishing equitable criteria for the representation of the region's population." This, he argues, has created serious malapportionment problems in many regional organizations, including MPOs.[23]

For example, the Southeast Michigan Council of Governments was recently challenged over the representation of voting board members.[24] In particular, constituents were dissatisfied with lower expenditures for transit compared with highways in the Detroit metropolitan region, which they viewed as skewing investments toward sprawl and consumption of rural land. Evidence submitted on behalf of the plaintiffs suggested a significant deviation from proportionality for the eight major jurisdictions within MPO boundaries.[25] These concerns inevitably create tension among competing jurisdictions as MPOs seek to address regional needs.[26]

Some MPOs do allow for weighted voting at the request of their members.[27] In some instances, weights for board member votes are set in proportion to the population being represented. For example, if a metropolitan region has four member jurisdictions with 100,000 persons, each equally weighted vote would account for 25 percent of the overall board vote (assuming full participation). However, if three of the four jurisdictions had 100,000 persons and the fourth had 200,000, the voting weights would instead be 20 percent for the first three and 40 percent for the fourth.

Another method gives jurisdictions additional votes in proportion to size. In the case of the above example, the first three jurisdictions would each have one vote and the fourth

would have two. This method is less effective in creating proportionality when population sizes vary by irregular and uneven population increments. Following the practices of many COGs, split votes are avoided whenever possible. The boards delay addressing controversial issues and avoid weighted voting to maintain an ostensibly collaborative atmosphere among COG members.

Of course, suggesting that equal weighting or proportional voting is commensurate with equal power in policymaking and fund allocation is an oversimplification of regional governance. Nevertheless, these attempts at more equal representation are attractive to many in that they can be quantified in cases in which residents are dissatisfied with board decisions that do not represent their interests.

B. Underrepresentation on MPOs

In the past, researchers have argued that central cities are, for the most part, underrepresented on MPO voting boards. A study 10 years ago by Benjamin, Kincaid, and McDowell found that of 92 percent of surveyed central cities with more than 200,000 residents were underrepresented on boards.[28] They also found that MPOs occasionally made adjustments to reduce imbalances, such as "at-large" public representation based on districts of roughly the same population size, or proportionate voting among representatives based on the populations they represent, or multiple representatives from the same central city or central county, as described above.

The issue of representation is becoming more complicated owing to the expanding duties and complexities of the MPOs themselves. In addition to local elected officials, MPOs are also required to include other transportation partners, often without votes, such as the state DOTs and local or regional transit providers. Structural problems abound for MPOs trying to address both the equity issue of representation implied by one-jurisdiction/one-vote assumptions, and the need to involve important partners in the MPO planning process.

In 1997, the now-defunct U.S. Advisory Commission on Intergovernmental Relations (ACIR) found recurring problems in board governance among MPOs.[29] Approximately one-third of the certification reviews that the ACIR examined cited a need to improve MPO board and committee processes. The final report by the ACIR argued that MPOs must broaden the participation on boards, policy, and technical committees, particularly among representatives from state DOTs and other transportation agencies. The ACIR report also urged that MPOs allow state district offices to register proxy votes for state DOT headquarters staff, and that MPOs move to weighted voting. Subsequent reports suggest that MPOs have responded to earlier criticisms, resulting in improved public participation and attention to questions of social equity.[30]

Recently, the federal emphasis on extensive public involvement has given rise to a constitutional concern over the one-jurisdiction/one-vote board structure. The issue has only become murkier now that new partners from transportation agencies have varying degrees of formal status and voting power on decisionmaking boards. The inclusion of state DOTs, transit agencies, and other transportation providers into the voting mix exacerbates the problem of identifying representation plans that would meet legal requirements. Problems with representation occur with formal voting inequalities among jurisdictions as well as with the more informal decisionmaking processes. Because votes are often unanimous, more substantive deliberations may be occuring in the technical committees and among members of the MPO rather than among elected political leaders.[31]

It is unclear, however, that the courts will intervene on the basis of equitable representation. A key state court decision, *Education/Instruccion, inc. et al. v. Moore*, stated that because a COG did not use general governmental powers, COGs did not perform essential government functions. Therefore, their one-jurisdiction/one-vote procedure did not violate any constitutional standard of fair representation.[32] In the above case, the city of Hartford, CT, argued that it was underrepresented in the COG process. Hartford comprised nearly 24 percent of the metropolitan population, of which nearly 90 percent was black, while

having only five representatives on the 66-member policymaking board (or 7.6 percent of board representation). The court found that the COG was not governed by directly elected political leaders and, therefore, the one-jurisdiction/one-vote structure was not violated. Some may speculate that if MPOs continue to gain power and broader policymaking status, the assumptions of the Connecticut decision must be revisited.

Unfortunately, the existing evidence suggests that in many metropolitan areas, current MPO boards simply are not structured to adequately represent the needs of central city residents.[33] Deliberations are primarily technocratic, with the majority of substantive discussion occurring among specialists within technical committees who arrive at a consensus to serve to the elected officials on MPO boards. Further, those officials represent jurisdictions that range widely in residential population. Given the massive decentralization of white metropolitan residents in recent decades, a one-jurisdiction/one-vote structure may systematically disempower people of color.

The following sections empirically test this supposition that geographic representation reflects spatial segregation by race and ethnicity—and thus unequal access to regional governance decisions.

III. Methods

This survey examines MPOs in 50 large metropolitan areas to assess the structure of MPO boards and expose the relative extent to which board members under- or overrepresent their jurisdictions on the basis of population size.[34] To collect information on these agencies, a list of MPOs and their websites was assembled using the Association of Metropolitan Planning Organizations (AMPO) directory, which is the national industry (or "member") association of MPOs nationwide.[35]

We relied on a website content analysis of MPO board structure and voting member characteristics because no comprehensive source of information exists about MPO board members, plans, or activities, other than listings of organizations and basic demographics of their constituencies. Most of the selected MPOs' websites included board member rosters as well as plans and other supporting documents for transportation planning activities. In cases in which data were unavailable on individual MPO websites, we called the organizations.[36]

We determined population size and racial composition for each metropolitan area by county or municipal jurisdiction using the Census 2000. By comparing demographic information with the specific voting board structure of the MPO representing it, it was possible to determine the degree of citizen representation on each MPO board. Balanced representation is defined as every resident having his or her interests represented in the planning and decisionmaking process.[37]

Several different dimensions of MPO board structure and representation are analyzed. First, we compare a board's size with its regional population, followed by a comparison of the geographic distribution of MPO member jurisdiction representatives and their population sizes. One way to assess the representation of each board member is to compare the proportion of total votes he or she represents (i.e., the member's vote divided by the total number of voting board members). This provides the relative weight of each member's vote in a one-jurisdiction/one-vote structure. This weight is calculated by dividing each jurisdiction's vote by the total number of voting jurisdictions on the board.

The relative weight of votes on a per capita basis is quite different, however, from a per jurisdiction basis, given that the number of people in a given jurisdiction can vary dramatically, even within the same region. The population weighted value of a board member's vote is calculated by dividing the population size of a given jurisdiction represented on the board with the total population within the MPO's planning area. A deviation between the per-jurisdiction and per capita voting weights indicates an imbalance in citizen representation and is the focus of this research.

To investigate the degree of geographic bias in current MPO voting structure, compared the proportion of urban and suburban votes while holding constant the number of nonlocal votes. Because nonlocal votes do not represent particular populations, they cannot be included when applying weights on the basis of population size. Therefore, the proportion of nonlocal votes was held constant for each of the 50 MPOs while weighting the votes representing urban and suburban areas only. The role of nonlocal votes on geographic representation is not addressed here, but should be explored in more depth in subsequent research to better understand overall issues of representation by MPO boards.

We classified all MPO jurisdictions as either urban or suburban to compare levels of geographic representation. For purposes of this analysis, jurisdictions deemed urban were those adjacent to urban cores (that is, an urbanized area [UA] as defined by the U.S. Census) of the metropolitan region represented by the MPO. Census definitions of urban rely on thresholds of population size and minimum population density, methods that do not correspond with a core and periphery distinction we use here. Counties were classified suburban when the majority of the county population was low-density or nearing rural densities, even though a part of the county may hold an urban population. An example is Prince George's County, MD, near Washington. Virtually all of the population density is located in only two concentrated areas and thus the county was classified as suburban. On the other hand, jurisdictions other than counties with MPO boards within Prince George's County, such as College Park, MD, were classified as urban owing to its proximity to the urbanized area of Washington. Meanwhile, Bowie, MD, being more distant from the core urbanized area of Washington, was classified as suburban.

To investigate the degree of racial representation in current MPO voting structures, we document the percentage of board members who are racial or ethnic minorities for each MPO in our sample. In addition, we calculated the percentage of racial minorities who are represented by a nonwhite voting board member by dividing the total number of racial minorities in jurisdictions (i.e., cities and counties) represented by nonwhite board members by the total MPO population. MPOs with high percentages of white board members should obviously have low rates of minority representation. It is also possible that high rates of minority representation will correspond with high levels of segregation if large numbers of racial minorities are concentrated within few jurisdictions (or districts) such as central cities.

IV. Findings

Several important findings emerge on the make-up of MPO boards, central among them, MPO boards underepresent both urbanized areas and racial minorities.

The MPO boards examined average 26 voting members each. They range from as few as seven in Greater Buffalo and Portland Metro to as many as 92 in Dayton's (OH) Miami Valley Regional Planning Commission. Board size is clearly not correlated with the population size of the jurisdiction. This is an artifact of the one-jurisdiction/one-vote system, in which a jurisdiction's number of residents does not directly determine the number of voting board representatives per jurisdiction, as well as cases in which MPOs are effectively state-run entities.

The outliers among the MPO board sizes and population sizes are Dayton's Miami Valley Regional Planning Commission (RPC) and Columbus' Mid-Ohio RPC. As Table 1 shows, these two MPOs have considerably higher per capita representation than the average of 1.5 board members per 100,000 residents. Interestingly, although municipal fragmentation is well studied and more prevalent in the Northeast and Midwest, there are generally no clear geographic trends with respect to fragmentation of MPO boards.

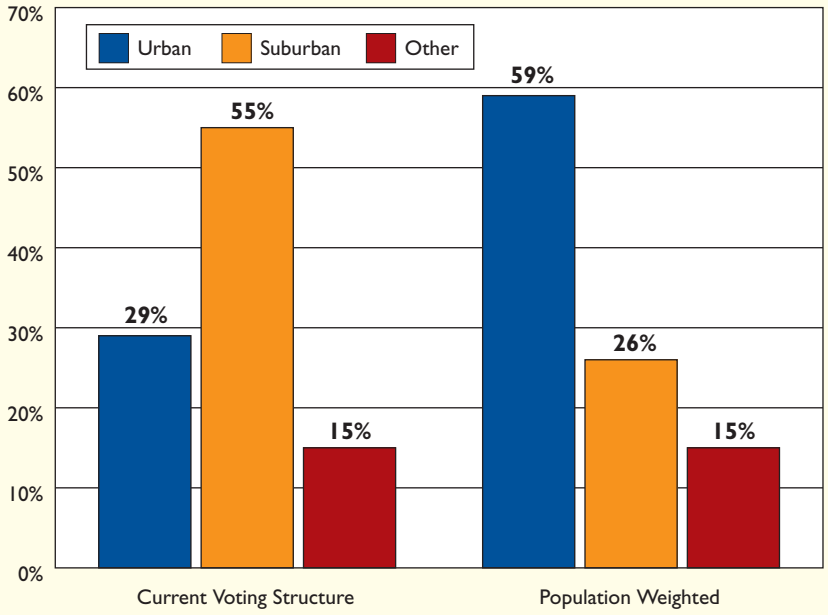
The analysis also finds that participation by nonlocal representatives (regional, state, and federal) on each board also increased the number of voting board members by an average of three per MPO board. In seven MPOs, the boards each consisted of more than 40 percent nonlocal votes, while only 12 of the 50 boards had none.

Table 1. MPOs of 50 large metropolitan areas, 2004, ranked by board members per capita.

Metro area	MPO	Type	Number of voting board members	Board members per 100,000 residents
Dayton	Miami Valley Regional Planning Commission	COG	92	9.8
Columbus	Mid-Ohio RPC	COG	72	5.8
Oklahoma City	Association of Central Oklahoma Governments	COG	33	3.9
Richmond	Richmond RPDC	COG	28	3.5
Indianapolis	Indianapolis MPO	County-level	37	3.2
Rochester	Genesee Transportation Council	Freestanding	32	2.7
New Orleans	Regional Planning Commission	COG	26	2.4
Nashville	Nashville Area MPO	Freestanding	24	2.3
Denver	Denver Regional COG	COG	18	2.2
Louisville	Kentuckiana Regional Planning and Development Agency	COG	18	1.9
Memphis	Memphis MPO	Freestanding	19	1.9
Sacramento	Sacramento Area COG	COG	33	1.9
Cleveland	Northeast Ohio Areawide Coordinating Agency	COG	38	1.8
Kansas City	Mid-America Regional Council	COG	29	1.8
Providence	Rhode Island Statewide Planning Program	State-run	17	1.7
West Palm Beach	Palm Beach County MPO	County-level	17	1.6
Cincinnati	Ohio-Kentucky-Indiana Regional COG	COG	27	1.5
Honolulu	Oahu MPO	State-run	13	1.5
Jacksonville	First Coast MPO	Freestanding	13	1.5
San Antonio	San Antonio-Bexar County MPO	Freestanding	19	1.5
Salt Lake City	Wasatch Front Regional Council	COG	18	1.4
Tampa	Hillsborough County MPO	County-level	13	1.4
Fort Lauderdale	Broward County MPO	County-level	19	1.3
Orlando	Metroplan Orlando	Freestanding	19	1.3
Clearwater	Pinellas County MPO	County-level	11	1.2
Atlanta	Atlanta Regional Commission	COG	38	1.1
Detroit	Southeast Michigan COG	COG	51	1.1
Miami	Miami Urbanized Area	Freestanding	22	1.1
Milwaukee	Southeastern Wisconsin RPC	COG	21	1.1
Norfolk	Hampton Roads Planning District Commission	COG	16	1.0
Phoenix	Maricopa Association of Governments	COG	31	1.0
Seattle	Puget Sound Regional Council	COG	30	.9
St. Louis	East-West Gateway Coordinating Council	COG	21	.9
Washington, D.C.	Metro Washington COG	COG	32	.8
Houston	Houston Galveston Area Council	COG	25	.7
San Diego	San Diego Association of Governments	COG	20	.7
Buffalo	Greater Buffalo-Niagara Regional Transportation Council	Freestanding	7	.6
Las Vegas	Regional Transportation Commission of Southern Nevada	Freestanding	8	.6
Minneapolis	Metropolitan Council of Twin Cities	Freestanding	17	.6
Boston	Boston MPO	State-run	14	.5
Los Angeles	Southern California AOG	COG	76	.5
Portland, OR	Metro (Portland Area)	Freestanding	7	.5
Baltimore	Baltimore Regional Transportation Board	Freestanding	8	.3
Chicago	Chicago Area Transportation Study	State-run	20	.3
Dallas	North Central Texas COG	COG	13	.3
Newark	North Jersey Transportation Planning Authority	Freestanding	20	.3
Philadelphia	Delaware Regional Valley Regional Planning Commission	COG	52	.3
Pittsburgh	Southwestern Pennsylvania Commission	COG	16	.3
San Francisco	Metropolitan Transportation Commission	Freestanding	19	.3
New York	New York Metropolitan Transportation Council	Freestanding	9	.1
	Average		25.6	1.4

Source: Author's analysis of MPO data

Figure 1. Differences between unweighted and population weighted voting on MPO boards (2004)



Source: Author's analysis of MPO data

Of the 50 MPOs examined, 29 percent of board votes represent urban jurisdictions, 55 percent represent suburban jurisdictions, and 15 percent represent other, nonlocal entities. Yet 56 percent of residents in these metropolitan areas live in urban jurisdictions, while only 44 percent of residents live in suburban areas. Thus, current MPO voting structures significantly underrepresent the urban populations of large MPOs. This finding confirms previous findings that urban areas nationally are underrepresented on MPO boards.[38]

As discussed earlier, most MPO boards have representatives from local jurisdictions and counties, as well as other regional, state, and federal entities. Of interest to this study is the geographic balance of voting, because it reflects the potential distribution of policy and decisionmaking outcomes. A recent study with a sample of 20 large MPOs found that the ratio of urban to suburban votes was correlated with the allocation of transportation funds between highway and transit modes. For each additional suburban voter on an MPO board, between 1 and 7 percent fewer funds were allocated to transit in MPO budgets.[39] Along these lines, we compare the mix of urban and suburban votes, illustrating the potential underinvestment from current MPO voting structures.

If MPO board votes were weighted in proportion to the populations they represent, urban votes would compose nearly two-thirds of all board votes while suburban areas would represent nearly one-third. In other words, when population-based weights are employed, the relative weight and significance of urban votes doubles—from 29 percent to 59 percent. Figure 1 illustrates the changes between the unweighted voting, which is how virtually all MPOs are currently structured, and weighted voting.

Table 2 shows significant differences between unweighted and weighted votes by population size. Low absolute deviations, such as those for MPOs in Philadelphia, Jacksonville, Washington, and San Francisco, suggest that current board voting structures are relatively balanced in terms of population size and geographic representation. On the other hand, the

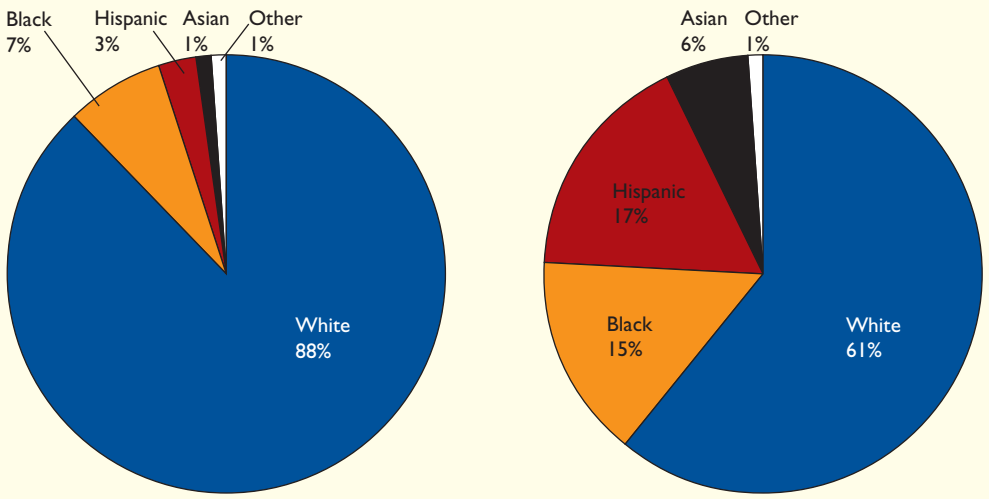
Table 2. Urban vs. suburban share (%) of MPO votes by unweighted and population-weighted voting, 2004, by urban difference

Metro Area	MPO	Unweighted			Population Weighted			Urban Difference*
		Urban (%)	Suburban (%)	Other (%)	Urban (%)	Suburban (%)	Other (%)	(%)
Sacramento	Sacramento Area COG	18	76	6	67	27	6	49
Las Vegas	Regional Transportation Commission of Southern Nevada	50	50	0	97	3	0	47
Memphis	Memphis MPO	16	79	5	63	32	5	47
San Diego	San Diego Association of Governments	40	60	0	86	14	0	46
Houston	Houston Galveston Area Council	24	52	24	69	7	24	45
Salt Lake City	Wasatch Front Regional Council	17	83	0	59	41	0	42
Cleveland	Northeast Ohio Areawide Coordinating Agency	32	61	8	70	22	8	38
Fort Lauderdale	Broward County MPO	47	47	5	85	10	5	38
Oklahoma City	Association of Central Oklahoma Governments	45	55	0	82	18	0	37
Detroit	Southeast Michigan COG	24	71	6	60	34	6	36
Indianapolis	Indianapolis MPO	30	57	14	66	20	14	36
Milwaukee	Southeastern Wisconsin RPC	14	86	0	49	51	0	35
Minneapolis	Metro Council of Twin Cities	47	47	6	80	17	3	33
Pittsburgh	Southwestern Pennsylvania Commission	13	63	25	46	29	25	33
St. Louis	East-West Gateway Coordinating Council	29	57	14	61	25	14	32
Los Angeles	Southern California AOG	49	50	1	80	19	1	31
Kansas City	Mid-America Regional Council	41	48	10	70	20	10	29
Rochester	Genesee Transportation Council	28	63	9	57	34	9	29
Cincinnati	Ohio-Kentucky-Indiana Regional COG	19	37	44	46	10	44	27
Boston	Boston MPO	21	29	50	46	4	50	25
Columbus	Mid-Ohio RPC	38	61	1	61	38	1	23
New Orleans	Regional Planning Commission	19	77	4	41	55	4	22
Atlanta	Atlanta Regional Commission	26	74	0	47	53	0	21
Chicago	Chicago Area Transportation Study	15	25	60	36	4	60	21
Norfolk	Hampton Roads Planning District Commission	44	56	0	65	35	0	21
Seattle	Puget Sound Regional Council	30	40	30	50	20	30	20
Baltimore	Baltimore Regional Transportation Board	25	63	13	44	43	13	19
Phoenix	Maricopa Association of Governments	65	19	16	84	0	16	19
Dallas	North Central Texas COG	31	69	0	47	53	0	16
Denver	Denver Regional COG	27	73	0	41	59	0	14
Richmond	Richmond RPDC	25	57	18	34	48	18	9
Dayton	Miami Valley Regional Planning Commission	13	55	32	20	48	32	7
Portland, OR	Metro (Portland Area)	29	57	14	34	52	14	5
Jacksonville	First Coast MPO	38	31	31	41	28	31	3
Philadelphia	Delaware Regional Valley Regional Planning Commission	17	50	33	20	47	33	3
Orlando	Metroplan Orlando	21	68	11	23	66	11	2
Washington, D.C.	Metro Washington COG	41	56	3	43	54	3	2
Clearwater	Pinellas County MPO	91	0	9	91	0	9	0
Honolulu	Oahu MPO	46	0	54	46	0	54	0
Nashville	Nashville Area MPO	0	88	13	0	87	13	0
Providence	Rhode Island Statewide Planning Program	18	0	82	18	0	82	0
Newark	North Jersey Transportation Planning Authority	15	65	20	13	67	20	-2
San Francisco	Metropolitan Transportation Commission (San Francisco)	11	37	53	8	39	53	-3
Louisville	Kentuckiana Regional Planning and Development Agency	6	67	28	1	71	28	-5
New York	New York Metropolitan Transportation Council	22	56	22	8	70	22	-14
Tampa	Hillsborough County MPO	23	46	31	7	62	31	-16
Buffalo	Greater Buffalo-Niagara Regional Transportation Council	29	29	43	12	45	43	-17
San Antonio	San Antonio-Bexar County MPO	32	21	47	13	40	47	-19
Miami	Miami Urbanized Area	32	59	9	3	88	9	-29
West Palm Beach	Palm Beach County MPO	59	35	6	9	85	6	-50
	Average	**29**	**55**	**15**	**59**	**26**	**15**	**30**

** The urban and suburban differences are the same in magnitude but in opposite directions to reflect balancing in either direction. In addition, representation by "other" (nonlocal) representatives remained constant.*

Source: Author's analysis of MPO data

Figure 2. Racial/Ethnic Composition of MPO Voting Board Members and Current Composition of the Corresponding Metropolitan Areas



MPO Board Makeup **Metropolitan Area Makeup**

Source: Author's analysis of MPO data

Houston, Las Vegas, Memphis, and Salt Lake City MPOs are the least balanced. We find no consistent relation between the proportions of nonlocal board members who represent regional, state, or federal interests in skewing the balance of urban versus suburban voting. The question remains, however, of the degree to which the votes from state DOT and federal agencies affect the outcomes of MPO voting and planning activities.

Our analysis also finds that in addition to underrepresenting urbanized areas, MPO boards also underrepresent racial minorities and overrepresent white constituents. Of all voting members from the 50 selected MPO boards, 88 percent are white, while about 7 percent of all board members were black, 3 percent were Hispanic, and 1 percent were Asian/Pacific Islanders. Other racial and ethnic groups represent less than 1 percent of all voting board members (see Figure 2). In contrast, in 2000, the overall racial-ethnic composition of the populations these MPOs serve, on average, was 61 percent white, 15 percent black, and 17 percent Hispanic, and 6 percent Asian. Current demographic trends show that the proportion of nonwhite residents in metropolitan areas continues to increase, suggesting that the issue of underrepresentation of minorities by MPO boards will become even more challenging in years to come.

More than one-fourth (13 of 50) of the MPO boards were 100 percent white (see Table 3). Ten others had boards that were more than 80 percent white. The most racially-ethnically diverse were the Oahu MPO (69 percent nonwhite) and the Miami (FL) Urbanized Area MPO (54 percent nonwhite). The boards with the largest percentage of black members were the MPOs in Miami (32 percent), Washington, D.C. (22 percent), and Philadelphia (17 percent). Overall, we found only a slight correlation between the racial-ethnic composition of MPO boards and the racial-ethnic characteristics of their jurisdictions.

Table 3. Board sizes of 50 large MPOs and their racial-ethnic characteristics, 2004,by percentage of nonwhite residents represented by nonwhite members

Metro area	MPO	Number of voting board members	Board members per 100,000 residents	Percent of board members who are white	Percent nonwhite residents represented by nonwhite members
Honolulu	Oahu MPO	13	1.5	31	100
Denver	Denver Regional COG	18	2.2	78	54
Miami	Miami Urbanized Area	22	1.1	45	54
Detroit	Southeast Michigan COG	51	1.1	78	52
Memphis	Memphis MPO	19	1.9	84	48
Washington, D.C.	Metro Washington COG	32	.8	78	47
San Antonio	San Antonio-Bexar County MPO	19	1.5	79	43
Columbus	Mid-Ohio RPC	72	5.8	89	38
Los Angeles	Southern California AOG	76	.5	79	31
Atlanta	Atlanta Regional Commission	38	1.1	87	29
New Orleans	Regional Planning Commission	26	2.4	88	28
Chicago	Chicago Area Transportation Study	20	.3	90	27
Fort Lauderdale	Broward County MPO	19	1.3	79	24
Orlando	Metroplan Orlando	19	1.3	79	23
Clearwater	Pinellas County MPO	11	1.2	91	21
Philadelphia	Delaware Regional Valley Regional Planning Commission	52	.3	94	21
Seattle	Puget Sound Regional Council	30	.9	90	21
St. Louis	East-West Gateway Coordinating Council	21	.9	90	21
Cleveland	Northeast Ohio Areawide Coordinating Agency	38	1.8	92	19
Norfolk	Hampton Roads Planning District Commission	16	1.0	88	19
Richmond	Richmond RPDC	28	3.5	89	18
Houston	Houston Galveston Area Council	25	.7	92	17
Tampa	Hillsborough County MPO	13	1.4	92	17
Newark	North Jersey Transportation Planning Authority	20	.3	90	16
Minneapolis	Metropolitan Council of Twin Cities	17	.6	82	15
Portland, OR	Metro (Portland Area)	7	.5	86	15
Phoenix	Maricopa Association of Governments	31	1.0	77	14
Kansas City	Mid-America Regional Council	29	1.8	93	13
Rochester	Genesee Transportation Council	32	2.7	81	7
Sacramento	Sacramento Area COG	33	1.9	88	5
Dallas	North Central Texas COG	13	.3	85	3
San Diego	San Diego Association of Governments	20	.7	95	3
Dayton	Miami Valley Regional Planning Commission	92	9.8	95	2
West Palm Beach	Palm Beach County MPO	17	1.6	88	2
Oklahoma City	Association of Central Oklahoma Governments	33	3.9	91	1
Baltimore	Baltimore Regional Transportation Board	8	.3	100	0
Boston	Boston MPO	14	.5	100	0
Buffalo	Greater Buffalo-Niagara Regional Transportation Council	7	.6	100	0
Cincinnati	Ohio-Kentucky-Indiana Regional COG	27	1.5	100	0
Indianapolis	Indianapolis MPO	37	3.2	100	0
Jacksonville, FL	First Coast MPO	13	1.5	100	0
Las Vegas	Regional Transportation Commission of Southern Nevada	8	.6	100	0
Louisville	Kentuckiana Regional Planning and Development Agency	18	1.9	100	0
Milwaukee	Southeastern Wisconsin RPC	21	1.1	100	0
Nashville	Nashville Area MPO	24	2.3	100	0
New York	New York Metropolitan Transportation Council	9	.1	100	0
Pittsburgh	Southwestern Pennsylvania Commission	16	.3	100	0
Providence	Rhode Island Statewide Planning Program	17	1.7	82	0
Salt Lake City	Wasatch Front Regional Council	18	1.4	100	0
San Francisco	Metropolitan Transportation Commission	19	.3	84	0
	Average	**25.6**	**1.4**	**88**	**30**

**Note: The urban and suburban differences are the same in magnitude but in opposite directions to reflect balancing in either direction. In addition, representation by "other" (non-local) representatives remained constant.*

Finally, only 16 of the selected 50 MPOs reported using some type of weighted voting structure, and even then, several did not use the method consistently. The 16 MPOs that used (or can request) weighted voting had a slightly higher average imbalance between urban and suburban votes than those that did not weight votes (see Table 4 for a list of these 16 MPOs).

Source: Author's analysis of MPO data

Table 4. MPOs using weighted voting, 2004

Metro	MPO	Always weighted?	How weighted
Cleveland	Northeast Ohio Areawide Coordinating Agency	No	Current population data
Detroit	Southeast Michigan COG	No	Current population data
Jacksonville	First Coast MPO	Yes	Additional votes to certain jurisdictions
Kansas City	Mid-America Regional Council	Yes	Additional votes to certain jurisdictions
Las Vegas	Regional Transportation Commission of Southern Nevada	Yes	Additional votes to certain jurisdictions
Los Angeles	Southern California Association of Governments	Yes	Additional votes to certain jurisdictions
Norfolk	Hampton Roads Planning District Commission	Yes	Additional votes to certain jurisdictions
Richmond	Richmond Regional Planning District Commission	Yes	Additional votes to certain jurisdictions
Sacramento	Sacramento Area COG	Yes	Additional votes to certain jurisdictions
Salt Lake City	Wasatch Front Regional Council	Yes	Additional votes to certain jurisdictions
San Antonio	San Antonio-Bexar County MPO	Yes	Additional votes to certain jurisdictions
San Diego	San Diego Association of Governments	No	Current population data
San Francisco	Metropolitan Transportation Commission	Yes	Additional votes to certain jurisdictions
Seattle	Puget Sound Regional Council	No	Current population data
Tampa	Hillsborough County MPO	Yes	Additional votes to certain jurisdictions
Washington, D.C.	Metro Washington COG	No	Current population data

Source: Author's analysis of MPO data

Although the racial and ethnic composition of voting members is an indirect measure of adequate public participation and representation, it may serve as an indicator of the degree to which minorities have a voice in regional policymaking. To illustrate the disparities in racial representation, Table 3 shows that for the selected 50 MPOs, only 30 percent of nonwhite residents were represented by nonwhite MPO board members, on average.

Of the 16 MPOs that weighted voting, 11 weighted votes by providing larger jurisdictions with additional votes. An additional vote (or votes) for a particular jurisdiction, however, only roughly corresponds with the additional proportion of metropolitan population that the jurisdiction represents. The other five MPOs used current population data to modify the weight of board votes in proportion to the number of residents represented by the board member's jurisdiction.

In practice, however, weighted votes are rare even among these MPO boards. The Metropolitan Washington COG has employed weighted votes only about a half-dozen times in the last 15 years. The most recent case involved a controversial suburban highway—the Intercounty Connector—in Montgomery and Prince George's counties, MD. Cleveland's Northeast Ohio Areawide Coordinating Agency had not used weighted board votes during the past five years. This board requires a 72-hour notice if a board member requests a weighted vote and in at least one case, the notice period allowed board members enough time to resolve opposing views prior to imposing the weighted vote process at a public meeting.[40]

On closer examination, it appears that although some MPOs reported weighted voting structures, the most frequently used methods—additional votes for certain larger jurisdictions—may be crude approximations of proportionality. On the other hand, the more accurate method of creating proportionality by using population-based weights is seldom used by MPOs. Additional research could examine the voting records of particular MPO boards to compare the potential differences in decisionmaking outcomes given greater proportionality.

VI. Implications and Recommendations

The question of geographic and racial representation by MPO boards is essentially a question of public participation, and this policy brief shows that challenges remain in achieving this end.[41] Federal transportation law requires state DOTs and MPOs to increase the role of the public in the transportation planning process. "Early and continuous" public involvement has become an increasingly important element of environmental and social justice challenges.[42] During extensive outreach by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) prior to implementing TEA-21's planning and environmental provisions, the public raised concerns of equity, environmental justice, and Title VI requirements. Suggestions on public involvement included increasing stakeholder and public participation; developing strategies to identify and better engage culturally diverse groups in transportation planning and decisionmaking; and withholding planning certification unless the public involvement process included underserved communities.[43]

TEA-21's public involvement provision requires that state departments of transportation and MPOs "seek out and consider the needs of those traditionally underserved by existing transportation systems including, but not limited to, low-income and minority households."[44] Yet, greater efforts are needed to increase participation levels of historically underrepresented populations. There are no procedures for reviewing whether state departments of transportation and MPOs are adequately implementing this requirement and, although the FWHA may withhold payment of funds to enforce this regulation, we could identify few such cases.

Although it remains a rarely used and very blunt instrument, conditional certifications of MPOs—in Indiana, Illinois, Alabama, Florida, and California—have been applied until certain actions were taken. For example, the MPO for Montgomery, AL, had no minorities on its board even though blacks make up 40 percent of the local population. During a challenge to its MPO certification, the FHWA and FTA discovered that, among other improprieties, the MPO had a citizen's advisory committee that was never convened.[45] As a result, the MPO received conditional recertification and was given 12 months to comply with federal regulations. The MPO subsequently satisfied the FTA conditions and was fully recertified. However, local citizen groups such as the Montgomery Transportation Coalition remain dissatisfied with these efforts.[46]

It should be noted that elected representation and public participation compose a two-pronged conception of representative bureaucracy, providing public access to elected officials and to administrative processes. It is important that bureaucracies reach out and provide access to decisionmaking through administrative processes. This is particularly true in cities that emerged in the twentieth century and lack strong precinct, ward, or neighborhood level political organizations that are found in the Midwest and Northeast.

As this policy brief also makes clear, many MPO boards effectively overrepresent newly expanding suburban interests at the expense of central cities and inner suburbs. One might expect a time lag between increased population outside central cities and the redesignation of the MPO policy board that would adjust for the population change, but because racial and ethnic representation is implicit to geographic representation, racial and ethnic minorities continue to struggle for acceptable representation on transportation boards and commissions.[47]

In view of these disparities, it is clear that more attention should be given the issue of MPO representation at all levels of government, and within the transportation research community.

On the federal level, certification and recertification of MPO compliance is a critical area in which the government can and sometimes does play a significant role. Certification is one method of holding MPOs accountable for meeting federal requirements. In addition, MPOs and state DOTs must conduct self-certification reviews annually. They must examine how they undertake planning regulations, consider the seven planning criteria, involve

disadvantaged business enterprises, meet Civil Rights and Americans with Disabilities Act provisions, and review and meet air conformity standards. The FHWA can classify MPOs into one of four categories: 1) full certification, 2) certification subject to specific corrective actions, 3) limited certification, and 4) withheld certification. This process may be directly focused at board membership and voting mechanisms.

In addition, governors and state legislators should consider population weighted voting for their MPOs. Because state governments and governors are responsible for structuring MPO boards, it is also wholly appropriate for them to monitor the fairness of MPO board voting processes. States are more familiar with the circumstances of their metropolitan areas and could be more responsive to the needs for board adjustment and restructuring. This may also help to align MPO transportation plans with statewide transportation system goals. The issue remains, however, that MPO boards (especially in the COG model) are composed of officials elected or appointed at the local level. The challenge then becomes how local jurisdictions can achieve demographically representative officials.

It is also in the best interest of MPOs to proactively address issues of fairness in board membership and decisionmaking, especially as it relates to allocating transportation funds. Many MPO policies are guided by either Title VI of the Civil Rights Act or Executive Order 12898 in determining whether proposed transportation investments are biased toward particular areas within metros and demographic groups.[49] Many of these existing policies outline specific strategies for public participation in planning. In addition, MPOs could protect themselves against legal challenges such as those faced by the Southeast Michigan Council of Governments by taking a more proactive approach to issues of citizen representation and public engagement. Successful challenges may either be the impetus to improve MPO processes or if ignored, could undermine MPO effectiveness.

On the local level, leadership training programs targeting racial minorities can help to recruit minority representatives. Nonprofit organizations such as the United Way have established development programs to promote minority participation on community boards and councils, similar to programs that encourage business ownership through leadership activities. Leadership training programs such as United Way's Project Blueprint assist nonprofit organizations to "become more inclusive, responsive and reflective of the culturally diverse communities which they serve."[50] Minorities receive training in board meeting management, parliamentary procedures, strategic planning, community relations, communications, financial management, and human resource management. The objective of the three-month intensive training is to prepare candidates to serve on nonprofit boards of directors. Programs focused on MPOs and member jurisdictions could be especially helpful in identifying, recruiting, training, and placing minorities on boards, especially those boards identified during the recertification process.

It is also incumbent upon community-based groups that assist transportation agencies to improve outreach strategies to identify culturally diverse groups and facilitate their involvement. These efforts are greatly needed to support the information dissemination about transportation and related land use impacts. Mechanisms are needed that formally recognize these coalitions as community representatives on MPO advisory committees and decisionmaking boards. In addition, MPOs, local governments, researchers, and community-based organizations need funds for more data collection and analysis about transportation access to basic needs such as health care, jobs, affordable housing, and public education.

This policy brief highlights several directions for the research community. One useful supplement may be to examine the race and ethnicity of local elected officials in a given region, as this is the pool from which MPOs board membership is generally drawn. It could be the case, however, that minority local officials are more focused on other policies such as housing and economic development, or more inclined toward parochial issues, thus forgoing the opportunity to serve on MPO boards.

The role of nonlocal MPO board members should also be investigated. It may be that these members—such as metropolitan transit agencies—serve to enhance decisionmaking

that supports urban places or minority communities.[51] Other members, such as state DOTs, may undermine these groups. Further analyses could examine the voting records of those MPO boards that employ weighted voting to identify are any important deviations from those places that do not use weighted voting.

Recent evidence shows that although most of the U.S. population lives in metropolitan areas, states still spend more on transportation needs in nonmetropolitan places.[52] More analysis is needed to determine whether economies of scale in urban areas (up to congestion constraints) allow states to spend less proportionately on transportation needs in metropolitan areas or whether a systematic bias exists in the way funds are distributed. Regional governance structures for transportation promise the ability to better tailor transportation investment decisions to local contexts and needs. Proper representation on MPO boards may be the key to opening transportation planning and investment decisions to traditionally underserved metropolitan populations, such as impoverished persons of color within in central cities.

Other remaining questions not explored here concern the role of MPO planning analyses and technical committees.[53] Are planning analysis and representative boards substitutes or complements within the MPO structure? Is it sufficient to have thorough data collection, analysis, and monitoring of equity outcomes at the metropolitan scale despite nonrepresentative board members, or do representative boards (and their consequent voting) more directly influence policy and decisionmaking that affect distributional equity? Finally, does the combination of planning analyses and representative boards have synergistic effects that provide a greater potential for addressing the needs of traditionally underserved populations?

V. Conclusion

Given the prior history of the effects of state and metropolitan decisionmaking on urban places and minority communities, it may come as little surprise that MPOs do not reflect the geographic distribution or racial diversity of their residents. The issue of under-representation pervades policy and decisionmaking at nearly every level and function of government.[54] The focus of this policy brief is at a scale where there are direct and observable impacts on the underrepresented and raises questions about whether disproportional representation on MPO boards results in the inequitable distribution of transportation investments between urban and suburban areas.

Endnotes

1. Thomas Sanchez is associate professor of Urban Affairs and Planning and fellow with the Metropolitan Institute at Virginia Tech.

2. See Bruce Katz, Robert Puentes, and Scott Bernstein, "Getting Transportation Right for Metropolitan America." In B. Katz and R. Puentes, *Taking the High Road: A Metropolitan Agenda for Transportation Reform* (Washington: Brookings, 2005).

3. Bruce McDowell and Sheldon Edner, "Federalism and Surface Transportation," *Publius: The Journal of Federalism*, 32 (1) (2002): 7–24.

4. The federal government did initiate programs supporting mass transit in central cities in the 1960s and 1970s.

5. See Robert Bullard, Glenn S. Johnson, and Angel O. Torres, *Highway Robbery, Transportation Racism and New Routes to Equity* (Cambridge, MA: South End Press, 2004).

6. Gerald Frug, "Beyond Regional Government," *Harvard Law Review* 115 (1) (2002): 1766–1836.

7. Code of Federal Regulations 23, sec. 134 (b)(1).

8. See Robert Puentes and Linda Bailey, "Improving Metropolitan Decision Making in Transportation: Greater Funding and Devolution for Greater Accountability." In B. Katz and R. Puentes, *Taking the High Road: A Metropolitan Agenda for Transportation Reform* (Washington: Brookings, 2005).

9. Federal Highway Administration, "Metropolitan Planning Fact Sheet" (1998).

10. TEA-21's additional funding did not hold states accountable for their performance regarding these factors. In fact, TEA-21 prohibits inadequate consideration of these factors from being contested in court. Code of Federal Regulations 23, sec. 134(f)(2)(A-G); 23 sec.135(c)(2) (2002).

11. Federal Highway Administration, "Reauthorization Side-By-Side Comparison of Highway Provisions" (2005).

12. See McDowell and Edner, "Federalism and Surface Transportation," for a detailed examination of federalism and the nation's surface transportation program.

13. Puentes and Bailey, "Improving Metropolitan Decisions."

14. Thomas W. Sanchez, Rich Stolz, and Jacinta S. Ma, "Moving to Equity: Addressing Inequitable Effects of Transportation Policies on Minorities." (Cambridge, MA: The Civil Rights Project at Harvard University, 2003).

15. 532 U.S. 275, 121 S.Ct. 1511 (2001).

16. Federal Transit Administration, "An Overview of Transportation and Environmental Justice" (2000), available at **www.fhwa.dot.gov/environment/ej2000.htm**.

17. Sanchez, Stolz, and Ma, "Moving to Equity."

18. Code of Federal Regulations 23, sec. 134(a-d).

19. Paul G. Lewis and Mary Sprague, "Federal Transportation Policy and the Role of Metropolitan Planning Organizations in California" (San Francisco: Public Policy Institute of California,1997).

20. A recent survey of 413 MPOs (with a 25 percent return rate) found that one-third represent a council of governments. One-half of the MPOs that responded to that survey serve populations under 200,000. The survey also found that 56 percent of the respondents' MPOs were not stand-alone but were hosted by another agency. Amy O'Leary, "Draft Results Summary: Survey on Organizational Structures of Public Involvement in Metropolitan Planning Organizations" (Washington: Transportation Research Board, Committee on Public Involvement in Transportation, 2004).

21. Some analysts contend that because of their status and charters, some MPOs identified as COGs are not actually COGs at all. See McDowell and Edner, "Federalism and Surface Transportation," p. 16.

22. Metro not only is the designated MPO in the Portland metropolitan area, but is also responsible for land use, open space, and solid waste management.

23. Paul G. Lewis, "Regionalism and Representation: Measuring and Assessing Representation in Metropolitan Planning Organizations," *Urban Affairs Review* 33 (6) (1998): 839–854.

24. Jennifer Brooks, "Unrest Plagues Regional Board," *The Detroit News*, January 25, 2004, p. 1C.

25. Joe Grengs, unpublished affidavit for Moses vs. SEMCOG, State of Michigan (Third Circuit Court) 2004; and "Fighting for Balanced Transportation in the Motor City," *Progressive Planning* 163 (1) (2005): 8–10.

26. Francis Francois, "State Perspective, Institutional Aspects of Metropolitan Transportation Planning" (conference proceedings) (Washington: Transportation Research Board,1995).

27. Andrew R. Goetz, Paul S. Dempsey, and Carl Larson, "Metropolitan Planning Organizations: Findings and Recommendations for Improving Transportation Planning," *Publius: The Journal of Federalism* 32 (1) (2002): 87–106.

28. Seth B. Benjamin, John Kincaid, and Bruce McDowell, "MPOs and Weighted Voting," *Intergovernmental Perspective* 20 (2) (1994): 31–35.

29. U.S. Advisory Commission on Intergovernmental Relations, "Planning Progress: Addressing ISTEA Requirements in Metropolitan Planning Areas" (1997).

30. Goetz, Dempsey, and Larson, "Metropolitan Planning Organizations"; and Bruce McDowell, "Improving Regional Transportation Decisions: MPOs and Certification" (Washington: Brookings Institution, 1999).

31. Lewis, "Regionalism and Representation."

32. 503 F2d 1187, 1974

33. Julie Hoover, Bruce McDowell, and Gian-Claudia Sciara, "Transit at the Table: A Guide to Participation in Metropolitan Decision Making"(Washington: U.S. Department of Transportation, Federal Transit Administration, 2004).

34. Note that MPO boundaries do not precisely line up with the metropolitan area rankings. The New York metropolitan area includes MPOs in both New York and Newark/northern New Jersey. The Tampa-Clearwater, Miami-Fort Lauderdale, and Washington-Baltimore metropolitan areas are also represented here by two MPOs. These incongruities do alter the ranking list slightly.

35. Association of Metropolitan Planning Organizations, "Profiles of Metropolitan Planning Organizations" (2005).

36. Our research and data collection was conducted between June and September 2004 and has been subsequently updated where possible.

37. Lisa S. Nelson, Mark D. Robbins, and Bill Simonsen, "Introduction to the Special Issue on Governance," *Social Science Journal* 35 (4) (1998): 478–491.

38. McDowell, "Improving Regional Transportation Decision"; and Lewis, "Regionalism and Representation."

39. Arthur C. Nelson, Thomas W. Sanchez, James F. Wolf, and Mary Beth Farquhar, "Metropolitan Planning Organization Voting Structure and Transit Investment Bias: Preliminary Analysis with Social Equity Implications," *Journal of the Transportation Research Board* 1895 (2004): 1–7.

40. Code of Regulations of Northeast Ohio Areawide Coordinating Agency, Article IV, Section 4.2, 2002.

41. See also Sanchez, Stolz, and Ma "Moving to Equity."

42. Katz, Puentes, and Bernstein, "Getting Transportation Right."

43. Federal Highway Administration and Federal Transit Administration, "TEA-21 Planning and Environmental Provisions: Options for Discussion" (1999). In addition, the 2004 TRB survey found that three-quarters of the MPOs they surveyed have staff members trained in outreach to low-income, minority, or underrepresented groups.

44. The exact language of the regulation governing state departments of transportation is slightly different, requiring "a process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households which may face challenges accessing employment and other amenities." See, Code of Federal Regulations 23, sec. 450.

45. Montgomery Transportation Coalition, "Report on the Montgomery MPO: The Case Against Re-certification" (2001).

46. For an assessment of the Milwaukee MPO's adherence to environmental justice laws see Karyn Rotker, "Opposition to Federal MPO Certification of the Southeast Wisconsin Regional Planning Commission" (Washington: American Civil Liberties Union, 2004).

47. See e.g., Bullard, Johnson, and Torres, *Highway Robbery.*

48. McDowell, "Improving Regional Transportation Decisions."

49. Thomas W. Sanchez and James F. Wolf, "Environmental Justice and Transportation Equity: A Review of Metropolitan Planning Organizations" (Cambridge, MA: The Civil Rights Project at Harvard University, 2005).

50. See United Way of Summit County (OH), "Project Blueprint for Volunteer Diversity," available at **www.uwsummit.org/ProjectBlueprint/Project_Blueprint.htm**.

51. A recent U.S. Department of Transportation report urges transit agencies to take advantage of the provisions that allow them to participate in the activities of the MPO. See Hoover, McDowell, and Sciara, "Transit at the Table."

52. Robert Puentes and Ryan Prince, "Fueling Transportation Finance: A Primer on the Gas Tax." In B. Katz and R. Puentes, *Taking the High Road: A Metropolitan Agenda for Transportation Reform* (Washington: Brookings, 2005).

53. Sanchez and Wolf, "Environmental Justice."

54. Bernard Grofman, Lisa Handley, and Richard G. Niemi. *Minority Representation and the Quest for Voting Equality* (Cambridge University Press, 1992).

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