
**IMPROVING REGIONAL
TRANSPORTATION DECISIONS:
MPOS AND CERTIFICATION**

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ABSTRACT

Metropolitan planning organizations (MPOs) are the bodies designated with performing the planning required by federal highway and transit programs. This planning has become much broader and more ambitious under the surface transportation legislation enacted in 1991 and 1998. Several methods are used to hold MPOs accountable for meeting federal requirements. One of these is a federal certification process. Certification was first required by statute in 1991, and has been extended with very little change for six more years by legislation passed in 1998. This paper examines the MPO certification process, what it has accomplished to date, some of the issues it has raised, and its prospects for improving metropolitan transportation planning further in the future. There appears to be a growing gulf between the expectations of some advocacy groups who believe the certification process should be used more proactively to reach compliance with the full potential of TEA-21 quickly, and many federal, state, and local officials who believe that it will be more effective in the long run to use certification as one of several tools to help build the capacity of MPOs to reach their full potential in a more evolutionary fashion.

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IMPROVING REGIONAL TRANSPORTATION DECISIONS: MPOs AND CERTIFICATION

I. THE MPO CERTIFICATION PROCESS

The *Intermodal Surface Transportation Efficiency Act of 1991* (ISTEA) required that the federal government certify the transportation planning processes in metropolitan areas with urbanized populations of 200,000 or more.¹ These certifications assess how well the required metropolitan planning organizations (MPOs) are working with the transportation-related organizations, local governments, and citizens in their area, as well as with the state departments of transportation (SDOT), to meet the many statutory requirements applicable to the planning process. The certifications must be renewed every three years by joint action of the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) for MPOs to maintain full eligibility for federal highway and transit funding within the larger metropolitan areas.

The *Transportation Equity Act for the 21st Century* (TEA-21)—enacted in 1998 as the successor to ISTEA—extended this certification requirement for six more years with little change. Although TEA-21 softens the requirement to withhold funds in areas that remain uncertified for two or more years, and requires public involvement in the certification process, these two points are consistent with the existing regulations, and there is no discussion of changing them.

The regulations governing the certification process follow the statutory provisions closely, although they also require annual self-certifications of the planning processes in all metropolitan areas (not just the larger ones).² These self-certifications must be made by both the MPOs and SDOTs. The requirements that need to be complied with are listed in the regulations as follows:

- addressing the major issues facing the area;
- the planning regulations and all planning provisions of the federal highway and transit acts;
- specific provisions of ISTEA and TEA-21 concerning involvement of disadvantaged business enterprises;

¹ Currently, 129 of 340 MPOs must be certified. See Appendix for a list of the 129.

² Section 450.334, Code of Federal Regulations.

- applicable provisions of the Clean Air Act, Title VI of the Civil Rights Act, and the Americans with Disabilities Act (ADA); and
- requirements to ensure “conformity” with air quality standards in metropolitan areas that are classified as either “nonattainment” or “maintenance” under the Clean Air Act.³

The MPO certification process is also guided year-to-year by internal communications from headquarters to the field offices of FHWA and FTA. These communications stress items needing priority attention at the time they are issued.

Under the current regulations, FHWA and FTA have the following four options when they finish their certification reviews:

1. full certification of the metropolitan planning process—which allows federally funded programs and projects of any type to be approved in the metropolitan transportation improvement program (TIP) over the next three years in accordance with the continuing planning process;
2. certification subject to specified corrective actions being taken—allowing all projects to move forward in the process as the corrective actions are being taken; this option may take the form of a temporary certification (say for six months or a year, rather than three years as under full certification);
3. limited certification—allowing only certain specified categories of program and project funding to move forward while corrective actions are being taken; or
4. withheld certification—stopping federal approval of funding in whole or in part for funds that are “attributed” by formula for use in the metropolitan area until deficiencies in the planning process are corrected. U.S. DOT has discretion about whether, and to what degree, to withhold funding. ISTEA provided for mandatory withholding of at least 20 percent of attributed funds if the process remained uncertified for two or more years, but TEA-21 omits that provision. However, no metropolitan areas remained uncertified long enough to trigger the mandatory withholding, and no funds have been withheld to date as a result of the certification process. The law provides that any funds that may be

³ “Conformity” is a highly technical judgement that must be made about the estimated effects that transportation plans will have on the air quality of a region in future years. This formal finding of conformity must be made in accordance with joint DOT/EPA regulations before transportation plans and funding programs can be adopted for a region that does not currently meet federal air quality standards. These areas are called “nonattainment” areas. Conformity findings continue to be required for areas that were designated as nonattainment areas, even after they have subsequently met the federal air quality standards. This continuing requirement is meant to help ensure that such areas will not slip back into non-compliance; these areas are called air quality “maintenance” areas.

withheld will be restored to the area when required corrections have been made, if those funds have not lapsed in the meantime.

Under ISTEA, 129 metropolitan planning processes were certified as meeting the requirements of the Act (see list in Appendix).⁴ The certification process began in 1994, and the first round was completed by September 30, 1996.

Although ISTEA established about two dozen requirements for the MPOs to meet,⁵ the first round of certifications emphasized the following six primary areas of concern, which were to be addressed by the federal reviewers in every certification report:

1. public involvement
2. financial planning
3. major investment studies (detailed analyses of intermodal alternatives in transportation corridors needing significant improvements)
4. congestion management
5. air quality compliance
6. "15 factors" that need to be considered in the planning process (including roadway connectivity between urban and rural areas and across international borders; freight movement, enhanced transit service and security; relationships between federally aided and other transportation projects; congestion; preservation of existing transportation facilities and needed rights of way; transportation management needs; life-cycle costs; the social, economic, energy, and environmental effects of transportation decisions; energy conservation; land use planning; and transportation enhancement activities)

The remaining ISTEA requirements for MPOs were to be addressed in the certifications to the extent that the federal reviewers found it necessary. In a sample of certifications examined by the U.S. Advisory Commission on Intergovernmental Relations (ACIR) in 1996, six other concerns were addressed frequently:⁶

- memorandums of understanding between the MPO and other partners in the planning process;
- regional visioning and planning processes;
- transportation improvement programs (TIPs) that schedule the funding of projects over the coming three years;
- intermodal planning that shows how the various types of transportation (such as highways and transit) can work together;
- intergovernmental coordination; and
- structure of MPO policy boards and committees.

The other dozen ISTEA requirements were mentioned less frequently, seldom, or not at all in the certification reports. They were: other management systems; missing deadlines; models/GIS/data; impact on quality of life; transportation/land-use coordination; freight planning; resolving issues; safety; energy conservation; investment analysis; assisting partners; and right-of-way preservation.⁷

MPO certifications are primarily the responsibility of the field offices of FHWA and FTA. They are performed jointly by the two agencies and were signed-off by the two regional administrators in the first round. In some of the early cases, and occasionally in cases where difficult issues arose, headquarters staff also participated in the reviews. The certification process includes the following steps:

- submission of documentation by the MPO to the FHWA and FTA field offices;
- desk reviews of the submissions by the federal team;

⁴ There was some certification experience in the 1970s which was discontinued until ISTEA required it.

⁵ There is no definitive number of planning requirements in ISTEA. However, 24 such requirements were gleaned from the Act, regulations, and initial certifications by the U.S. Advisory Commission on Intergovernmental Relations as a basis for evaluating progress in implementing the Act's planning requirements.

⁶ U.S. Advisory Commission on Intergovernmental Relations, *Planning Progress: Addressing ISTEA Requirements in Metropolitan Planning Areas* (Washington, DC: February 1997), p. 24.

⁷ *Planning Progress*, p. 24.

- a field visit by the federal team to the metropolitan area for up to a week of interviews with MPO staff and policy officials, other state and local officials who interact with the MPO, ordinary citizens, and other affected parties;
- drafting the federal certification report and sending it to the MPO for review and comment;
- further discussions with the MPO, if necessary; and
- issuance of the final certification report jointly by the appropriate field officials of FHWA and FTA.

Many early federal certification reports required minor corrective actions (usually within a specified time), and many made non-binding recommendations for improvement. In addition, a number of the MPOs were commended for having good practices worthy of emulation by others, and several were commended for making good progress toward solving difficult problems identified earlier.⁸ By including non-binding recommendations (that go beyond the legal requirements of the law), and by citing good practices, FHWA and FTA have shown that the certification process can be a positive learning experience, not just a compliance exercise.

When the first round of certifications under ISTEA was completed in the fall of 1996, no certifications were withheld, one was approved for only a six-month period to emphasize the need for improvement, and one was delayed until serious deficiencies were overcome (for which federal assistance was offered).⁹ However, the U.S. General Accounting Office (GAO) concluded from its review of 55 early certifications that three of the certified MPOs had serious deficiencies, and observed that the criteria for certification were not set forth clearly and uniformly enough in the guidance to the federal field offices.¹⁰

Since the certification process takes a significant amount of time and effort by the federal field offices, and must be repeated every three years, the re-certification process began shortly after the first round was completed. One-third of the 129 MPOs subject to certification now are being re-certified each year to smooth the workload for the federal staffs. One of the benefits of this process is that it brings the FHWA and FTA field staffs together on a regular basis to resolve significant issues and get to know each other's programs better.

⁸ ACIR, *Planning Progress*, pp. 21-30 and 41-71.

⁹ Subsequently, an outside facilitator was brought in, and minimal compliance was established.

¹⁰ U.S. General Accounting Office, *Urban Transportation: Metropolitan Planning Organizations' Efforts to Meet Federal Planning Requirements* (Washington, DC: September 1996), p. 3-4.

The primary change in this process made by TEA-21 is the simplification of the “15 factors” (which had actually grown to 16 over time). The new list of factors is shorter—with only seven—and broader:

1. economic vitality
2. safety and security
3. accessibility and mobility
4. quality of life (including the environment and energy conservation)
5. integration and connectivity of the transportation system
6. system management and operation
7. preservation of the existing transportation system

This new list of planning factors also applies to the state transportation planning process (replacing a list of 23), and it is consistent with U.S. DOT’s strategic planning goals and objectives under the *Government Performance and Results Act of 1993* (GPRA). Thus, a more consistent planning framework is emerging across the three levels of government. It is grounded in a new focus on the performance of systems and the growing need for integrated reporting of performance indicators among federal, state, and local transportation agencies.¹¹

TEA-21 also explicitly requires public involvement during the certification reviews. In addition, it requires the Secretary of U.S. DOT to make a finding at least every two years (prior to approving any state TIP) that the planning process producing the state TIP (STIP) is consistent with the federal requirements for both statewide and metropolitan transportation planning. Because the MPOs and the state DOTs must work so closely together under ISTEA and TEA-21, MPO certification reviews frequently comment on state planning roles as well. MPOs also must have their TIPs, long-range plans, air quality conformity plans (in nonattainment areas), and annual unified planning work programs (UPWPs) federally approved at frequent intervals. Thus, certifications are not the only opportunities for holding the MPOs and states accountable for the adequacy of their planning processes.

¹¹ For example, see the recent report on reassessing the long-established Highway Performance Monitoring System: Federal Highway Administration, *Highway Performance Monitoring System Reassessment: Final Report* (Washington, DC: U.S. Department of Transportation, December 1998).

Overall, ISTEA has significantly improved the performance of many MPOs, and TEA-21 is expected to bring more improvements. The certification process has made a substantial contribution to this record of improvement by: (1) validating MPO processes that meet all requirements; (2) sharing good practices and successes among MPOs to help raise the capacity of all MPOs to perform better; (3) assisting deficient and troubled programs to overcome challenges in a problem-solving mode, which sometimes brings in outside help; and (4) enforcing compliance through the possible cut-off of federal funds, which has so far only been threatened. These steps are not mutually exclusive; in fact they frequently are used in combination. Over the nearly eight years since ISTEA was enacted, most MPOs have come a long way toward addressing intermodal, livability, and social equity concerns. Nevertheless, there is still a long way to go, and TEA-21 is expected to continue, even accelerate, the pace of improvement.

II. MAJOR ISSUES IN THE MPO PROCESS

ISTEA and TEA-21 are very ambitious acts. They expanded the metropolitan transportation planning requirements from a simple but quite comprehensive intergovernmental process, described in less than two pages in the *U.S. Code*, to a much more ambitious and complex process spelled out in about seven pages of legislation (see Appendix). The new legislation is elaborated on in metropolitan planning regulations, which now occupy 16 pages in the *Code of Federal Regulations* (see Appendix). The very broad planning factors that must be considered under these new acts have already been listed above. They embody a view of transportation programs as a means of achieving a number of social and environmental goals, the full achievement of which goes far beyond the reach of transportation programs by themselves.

ACIR compared the ISTEA factors to the current frontiers in the planning profession, and found that “ISTEA addresses all of the new goals and processes that have been brought forward by recent advances in planning theory and practice. However, ISTEA allows, accommodates, and encourages most of these advances, rather than requires them.”¹² The new goals that ACIR identified are growth management, sustainable development, and social and environmental justice; the new processes are outcome-oriented performance management, strategic planning, collaborative planning, expanded diversity of planning tools, and expanded diversity of implementation tools.

Now, TEA-21 provides several new initiatives that build on the trend toward greater environmental and social consciousness in transportation programs. Examples include: increases in transportation enhancements money, a new jobs access program designed to help implement the nation’s welfare-to-work goals, and a new \$120 million, six-year Transportation and Community and System Preservation (TCSP) Pilot Program designed to explore innovative ways to integrate transportation and land use decisions to fight urban sprawl.¹³ The Surface Transportation Policy Project (STPP), a coalition of organizations not traditionally at the center of transportation policy, has been responsible for much of this new direction in the statutes, and continues to promote the changes that these acts have started.

Together, throughout the 1990s, ISTEA and TEA-21 have been pushing the MPOs, transit agencies, and SDOTs to change rapidly in very significant ways. Nevertheless, the nature of these changes has not been clearly spelled out in all cases, and expectations about MPO roles differ substantially among their diverse stakeholders. Thus, a number of issues have been raised that remain unresolved. To understand these issues, it is necessary to examine what the federal legislation expects of the MPOs.

¹² ACIR, *Planning Progress*, p. 13. ISTEA and TEA-21 simply call for these new factors to be “considered” in the metropolitan planning process, and TEA-21 provides that the question of whether the factors have been adequately considered may not be the subject of citizen law suits.

¹³ For an easy-to-read description of the innovations in TEA-21, see Surface Transportation Policy Project, *TEA-21 User’s Guide: Making the Most of the New Transportation Bill* (Washington, DC: 1998).

Changes Sought in MPO Roles

In principle, ISTEA and TEA-21 expect the MPOs to accomplish the following five tasks, which require significant changes in many MPOs:

- 1. Organize to encompass the whole planning area and the governments and other transportation providers serving the metropolitan area.**¹⁴ This has required changes in the boundaries of some MPOs, changes in the composition of the MPO's policy board, and changes in the MPO's committee structure. In some cases, where existing MPOs were close together, growth has merged the areas they serve, and required new coordination agreements or organizational consolidation. The law recognizes these issues, and establishes procedures for working on them, but it does not guarantee that they will be resolved easily. Essentially, the appropriate solution for each area is left up to the local elected officials and the governor.
- 2. Involve all the affected parties.** Customers and the general public must be involved effectively in the planning process, in addition to the elected officials and transportation providers in the planning area. There are many techniques for doing this, and they have been extensively documented.¹⁵ However, they can be expensive and may not bring many benefits unless they are used wisely. The first round of certification reviews gave more attention to this part of the planning process than to any other, and found very significant improvements in many MPOs. For example, some expanded their committee structures to provide more opportunities for participation by more different types of interested parties. Others hired public involvement specialists and consultants to help them do a better job. Still others went out to the people they wanted to involve, instead of expecting everyone to come to the MPO.
- 3. Analyze planning issues and options more thoroughly and credibly.** Many new analytical tools are becoming available, and the range of policy concerns that need analysis is growing rapidly. New tools now being used by increasing numbers of MPOs include geographic information systems (GIS), more powerful and policy-sensitive traffic simulation and air quality models, and Internet access to rapidly expanding databases. New policy concerns now being addressed include environmental justice, land use patterns, welfare-to-work, and environmental protection. These new tools and policy thrusts are beginning to come together creatively in some MPOs that are trying to make a real difference in the livability of their region.

¹⁴ For example, ISTEA required inclusion of transit and freight companies in the planning process, and TEA-21 more specifically requires inclusion of parcel-delivery companies.

¹⁵ Howard/Stein-Hudson Associates, Inc., and Parsons, Brinkerhoff, Quade & Douglas, *Public Involvement Techniques for Transportation Decision-Making*, prepared for the Federal Highway Administration and the Federal Transit Administration (Washington, DC: U.S. Department of Transportation, 1996).

4. **Prepare multimodal plans that achieve desired mobility and access outcomes for both people and goods using the most appropriate combination of transportation modes, and minimizing adverse social, environmental, energy, and economic impacts.** The success of these plans is being measured against the desired levels of performance established in the plans. The improved plans that are beginning to emerge incorporate the results of visioning processes, excellent analysis, flexible funding, and sound policymaking. TEA-21 clearly intends these plans to link transportation programs to issues like land use, job access, air quality, and enhanced livability.

5. **Implement these plans with a much broader set of tools.** Transportation plans traditionally have been capital intensive. Increasingly, however, operations, maintenance, management, incentives for behavior modification, and regulatory options are needed to get desired results. Some MPOs are developing new skills, devising new tools, and assembling a wider array of partners to implement their plans.

These changes are stretching many MPOs almost to the breaking point. Most MPOs now have responsibilities that far exceed their authority. Thus, they need more than ever to form partnerships with others who have authority for the growing number of interdependent governmental and private actions required to make metropolitan areas better places to live.

ACIR's analysis shows that substantial change has occurred in MPOs, along the new directions set by ISTEA and TEA-21, and most MPOs want to make further progress toward these goals.¹⁶ In addition, ACIR's analysis of certification reviews indicates that the federal review teams found commendable practices at one or more MPOs for fulfilling virtually all of the planning requirements in ISTEA.¹⁷ Many MPOs need to make additional changes to catch up with the expectations of ISTEA, and the certification reviews have begun to identify good practices in other MPOs that they could adopt.

Some Unresolved Issues

As far-reaching as ISTEA and TEA-21 are, they leave several issues unresolved, and it will be very difficult for many MPOs to resolve these issues on their own. Even where these organizations fully involve representatives of the SDOT, federal agencies, and transit agencies within their organizational structures, those organizations still may act independently rather than in concert with each other. The certification process may not always have the leverage needed to arrange clear, quick, or easy solutions to all the problems faced in these planning processes where ambiguity exists in the law and a consensus cannot be developed among the participants in the metropolitan planning process. Six examples follow.

¹⁶ U.S. Advisory Commission on Intergovernmental Relations, *MPO Capacity: Improving the Capacity of Metropolitan Planning Organizations to Help Implement National Transportation Policies* (Washington, DC: May 1995).

¹⁷ ACIR, *Planning Progress*, p. 24.

1. Getting MPO policy board and committee structures “right.” ISTEA and TEA-21 have both called for adding opportunities for new players to participate in the transportation planning and programming process. ACIR found that ISTEA resulted in outstanding progress in this regard in 25 percent of MPOs, good progress in many more, but that problems of this type remained in about one-third of the MPOs reviewed.¹⁸ Memberships of policy boards and committees have been expanded, consensus-building processes have been enhanced, non-traditional participants have been recruited, special workgroups and task forces have been established to explore new issue areas, new advisory councils have been set up, and weighted voting has been introduced.

Yet, every metropolitan area has its own transportation needs, political traditions, and power structures to deal with, and existing MPOs often are not politically secure enough to feel that they can take the risks that would be generated by seeking reorganizations and re-designations. Thus, they often are very cautious in organizational matters and have succeeded in establishing a significant amount of grandfathering in the law.

The law allows MPOs to change boundaries and members but does not force the issue in most cases, and TEA-21 makes it harder to split-up existing MPOs. In the law, Congress did not take a position on the issue of population-weighted voting on the MPO policy boards. Although some parties have raised the possibility that MPOs not following such a scheme may be unconstitutionally structured, that is not a settled point of law.¹⁹ In addition, this voting concept tends to run counter to current expansions of MPO boards to include various types of transportation providers and special interests, in addition to the elected officials who represent populations.

The prevailing thought among MPOs is that they are consensus-building organizations, so the greater their diversity, the better positioned they are to bring the responsible and affected parties together. Even those MPOs that have provisions for weighted voting seldom use it, because they see it as a divisive mechanism, rather than one that can bring the region together. TEA-21 allows the governor and local elected officials to agree on an appropriate arrangement.

Still, the basic concept is that the MPOs represent local officials and other local interests in a regionwide forum that can interact creatively and constructively with the SDOT to bring added value to transportation planning within the nation’s complex metropolitan areas. In contrast to this concept, the MPOs in such areas as Boston, New York, and Chicago continue to be state agencies. Such anomalies tend to perpetuate organizational tensions.

2. Sharing power with the state. Where the federal legislation has given MPOs authority to take the lead in selecting projects for federal funding (in the areas of 200,000 population or more), it has also provided veto authority to the governor and the state DOT. Although these larger MPOs also have authority to veto state projects in their area, the

¹⁸ ACIR, *Planning Progress*, pp. 26, 42-43.

¹⁹ Paul G. Lewis, “Regionalism and Representation: Measuring and Assessing Representation in Metropolitan Planning Organizations,” *Urban Affairs Review*, vol. 33, no. 6, July 1998, pp. 839-853.

reality is that the state receives and manages all the federal transportation money, as well as large amounts of state transportation money in most cases, and the state political leverage generally is far greater than the MPO's. Also, in some states, the legislature determines many of the transportation priorities, similar to how the U.S. Congress earmarks projects in legislation without regard for the metropolitan planning process.

At a more technical level, federal requirements that MPOs fiscally constrain their plans and funding programs and track and report on the status of programmed projects depend very largely on state cooperation in making future funding estimates and information on the status of state projects available to the MPOs. Some states have been better than others in making such information available.

3. Dividing up scarce resources. TEA-21 increases the amount of federal funds for highway and transit programs by about 40 percent overall, and guarantees returns to the states of at least 90 percent of their recent share of the federal trust fund revenues. Nevertheless, one analysis of the patterns of spending by the states suggests that they favor their rural areas over urban areas on a per capita basis, while most urban areas continue to experience significant shortfalls in the funds available to meet their growing congestion problems.²⁰

TEA-21 continues the ISTEA requirement that SDOT and MPO planning and programming of projects be constrained by the amounts of federal, state, local, and public-private partnership revenues estimated to be reasonably available over the period of the plan (20 years) or TIP (three years). Since the states continue to receive and manage the federal-aid funds, including those designated for use in the metropolitan areas, and are increasing the amounts of state revenues available, the state estimates of future funding availability are crucial to the MPO planning and programming processes. Delays and inadequacies in receiving these estimates from the states have been described as significant problems in many metropolitan certifications under ISTEA. Some states have been reluctant to estimate future revenues available to sub-areas within the state, fearing that such estimates would be seen as commitments that could limit the planning and funding flexibility of the state in future years. To help overcome this problem, TEA-21 requires a cooperative estimating process among the SDOTs, MPOs, and transit providers. However, it is still unclear how this will work.

Complaints about the fiscal constraint provisions in ISTEA inhibiting long-range planning too much were addressed in TEA-21 by a provision allowing "illustrative" proposals to be included in plans so they could be brought forward more quickly if and when new financing becomes available. This has become a very controversial provision in debates over how to draft the new planning regulations to implement this provision.²¹

²⁰ Surface Transportation Policy Project, *TEA-21 User's Guide: Making the Most of the New Transportation Bill* (Washington, DC: 1998), p. 41.

²¹ "Federal Highway Administration and Federal Transit Administration TEA-21 Planning and Environmental Provisions: Options for Discussion," draft paper distributed at the Refocusing Planning for the 21st Century: Planning Conference, Washington, DC: February 10, 1999, pp. 4-5.

4. Going public early and often. “Citizen participation” has been required in the federal highway and transit programs for many years, but its traditional pattern was to invite comments near the end of the process when plans had already been drafted and it was too late to have much influence. Under ISTEA, that pattern began to change. Now, increasing numbers of MPOs are reaching out to get affected parties actively “involved” at much earlier stages of the planning, when basic assumptions and goals are being established, visions are being formed, planning analyses are being prepared, and alternative proposals are being evaluated and compared. Good practice includes active outreach to hard-to-reach parties and the use of non-technical means of communicating with them.²² Much remains to be done along these lines in many MPOs, and it may require costly work elements added to the UPWPs.

5. Addressing impacts. Among the factors to be considered in the MPO planning process (as well as in the statewide planning process) are the potentially adverse impacts of transportation proposals on the environment, energy consumption, quality of life, and the efficiency of transportation systems. Included are such concerns as environmental justice and taming urban sprawl.

Some of these factors raise contentious issues that do not have clear solutions, but the legislation clearly instructs the MPOs to wrestle with them. When Congress considered what to do about urban sprawl in TEA-21, for example, it ended up authorizing a relatively small, open-ended demonstration program, called the Transportation and Community and System Preservation Pilot (TCSP), to see what might evolve from it. The ambitious and undefined nature of these planning factors, and the fear of some project funders that too much planning may restrict their discretion, led to a provision in TEA-21 that prohibits inadequate consideration of these factors from being contested in court.

6. Relating adjoining MPOs. About 40 metropolitan areas cross state lines, and over half of them are not served by a single interstate MPO.²³ In addition, several metropolitan areas within a single state are served by multiple MPOs. In these multiple-MPO areas, formal relationships must be established among the MPOs, by memorandums of agreement. Whether these relationships go beyond attending each other’s meetings, or having an occasional joint meeting, is an issue that is not settled by the law, but it could be considered in the certification reviews, where good practices may be recommended even if not required. Where these multiple organizations are within a single state, the SDOT could be expected to assist in coordinating their activities. An example is Florida’s Tampa Bay Area where the SDOT runs the travel models for all four county MPOs together.

²² Examples of techniques for doing this are included in Howard/Stein-Hudson, et. al., *Public Involvement Techniques for Transportation Decision-Making*.

²³ National Academy of Public Administration, *Building Stronger Communities and Regions: Can the Federal Government Help?* (Washington, DC: March 1998), pp. 15-16.

III. OTHER ACCOUNTABILITY MECHANISMS

Accountability for the use of federal-aid funds is not a new subject. Advance approval of plans that use such funds has been traced back to the Smith-Lever Act of 1914, which established the agricultural extension program. By 1937, when V.O. Key wrote the first major study of the federal grant system, advance federal approval of plans had become “a method of primary importance.”²⁴ In 1964, ACIR counted 43 federal-aid programs from 15 different agencies affecting local government planning and using federally required planning as part of the process for holding grantees accountable for the proper use of funds.²⁵

This experience with other ways of addressing program accountability provides ideas that may enrich the evaluation of MPO certifications. Two examples follow—one from the 1970s, and one from the 1990s.

The Performance Effectiveness Program

By the 1970s, regional councils of governments and regional planning commissions were using about three dozen federal-aid programs, and running into overlapping federal planning requirements and multiple audit and reporting requirements. To help coordinate these requirements, improve the performance of the regional organizations, and reduce the duplicate efforts required to deal with so many different federal agencies, the National Association of Regional Councils (NARC) began promoting an effort called the Performance Effectiveness Program (PEP). It was based on periodic self-studies by regional councils. These studies were assisted by outside peers from other regional councils and federal agencies, and they resulted in a program for improving a council’s effectiveness. This approach was demonstrated in several regional councils, and it has much in common with the MPO certification process.²⁶

The main differences between PEP and MPO certification are that PEP emphasized greater involvement of the regional officials in improving their own planning process and brought in representatives of multiple federal agencies to be part of the review and help to build cross-program synergies. In contrast, an MPO certification review is a more legally oriented eligibility determination made by a strictly federal team of outside reviewers drawn from FHWA and FTA alone. It deals only with eligibility for the specific surface transportation programs of FHWA and FTA, not with any of the other programs for which the MPO might be responsible (such as economic development, environmental protection, job training, growth management, or housing and community development).

²⁴ V. O. Key, Jr., *The Administration of Federal Grants to States* (Chicago: Public Administration Service, 1937), p. 369.

²⁵ U.S. Advisory Commission on Intergovernmental Relations, *Impact of Federal Urban Development Programs on Local Government Organization and Structure* (Washington, DC: U.S. Government Printing Office, 1964).

²⁶ For an example of how this approach worked, see State of Texas, Office of the Governor, *Performance Effectiveness Program for Texas Regional Councils*, Final Report (Austin, Texas: 1973).

These other concerns reach far beyond the direct responsibilities of transportation agencies, but they are the “stuff” of which the MPO planning factors are made. In addition, other federal agencies are in many cases using the same organizations that DOT is using to address their own concerns. For example:

- 171 MPOs are also multifunctional regional councils.
- 46 of those are also rural transportation planning organizations.
- 103 provide federal-aid clearinghouse reviews.
- 78 perform responsibilities as federally sponsored economic development districts.
- 21 run Small Business Administration programs.
- 21 run Labor Department job training programs .
- 16 are transit service providers.²⁷

These types of connections were promoted vigorously by the federal government in the 1970s, but they do not figure at all in the MPO certification process, or in the process of designating MPOs (except to the extent that they may be brought in by state and local officials).

GPRA requires every federal agency to describe how it works with other federal agencies to improve program performance when responsibilities stretch across organizational lines. Safety, energy conservation, the economy, welfare-to-work, and the environment are some examples where DOT should explore the potential for regional alliances to improve performance. The certification process, if thought of as an opportunity to promote good practice, rather than as a regulatory requirement, could encourage these types of interagency synergies.

The Association of Metropolitan Planning Organizations (AMPO) is interested in reviving the PEP, and there is also interest in reviving the 1970s’ federal policy of designating regional councils as the preferred mechanisms for administering multiple federal programs with regional dimensions that are operating in the same area.²⁸

The Government Performance and Results Act

²⁷ National Association of Regional Councils, *Directory of Regional Councils in the United States: 98* (Washington, DC: NARC, May 1998).

²⁸ Association of Metropolitan Planning Organizations, *AMPO Voluntary Peer Review and Assessment Program* (Washington, DC: 1995). This concept is also part of the proposal for AMPO’s Metropolitan Excellence Initiative developed in 1998. Bruce D. McDowell, “The ISTEA Model of Region-Building,” *The Regionalist*, Volume 3, Numbers 1 and 2, Fall 1998, pp. 55-63.

GPRA requires all federal departments and agencies to prepare three basic documents:

1. long-range strategic plans (SPs) that set forth their outcome-oriented goals and objectives over at least a five-year period;
2. annual performance plans (APPs) that establish short-term performance targets; and
3. annual performance reports (APRs) that track actual achievements compared with targets.

All three documents must be submitted to Congress as the basis for program reauthorizations and appropriations.

GPRA's strategic management system is being implemented now. The initial strategic and annual performance plans have been submitted; the second round of APPs was submitted in February and March 1999 (following the President's budget); and the initial APRs are due in March 2000.

The implications of this new system for MPOs could be striking, although they have not yet been spelled out. U.S. DOT is one of the leaders among federal agencies in developing SPs and APPs and is working hard to be a leader in the APRs as well.

As an agency with services delivered mostly by state and local governments, DOT's performance is highly dependent on the performance of its grantees, including the MPOs. Thus, improving the performance of MPOs (as well as SDOTs and transit agencies) is as essential to achieving DOT's outcome goals as it is to improving DOT's own performance. To make GPRA work as intended, common goals, performance measures, and performance reporting systems need to be shared between DOT and all its planning and service delivery partners.²⁹ The kind of partnership concept embodied in the MPOs—where everyone with a vital interest comes together at the same table—is ready-made to establish this shared operation. It is not a matter of regulating (or forcing this to happen) as much as it is a matter of establishing good practices that can prove beneficial to all the interdependent parties.

GPRA also places renewed emphasis on the need to tackle some of the government's goals on an interagency basis. Many of the obvious candidates for this approach should involve DOT. Examples include the war on drugs, the fight against sprawl, environmental protection, environmental justice, welfare reform, and economic development. However, it is difficult to make headway on interagency coordination without some supra-departmental coordination authority. For example, a recent study by the National Academy of Public Administration (NAPA) shows that the drug

²⁹ Bruce D. McDowell, "The Results Act: Implications for Managing Federal Grants," *Assistance Management Journal*, vol. 8, no. 4, Summer 1998, pp. 1-10.

war was able to make some progress under the drug czar in the White House (even with 57 agencies involved), while other attempts at coordinating much smaller groups of agencies foundered without such leadership.³⁰

³⁰ National Academy of Public Administration, *Helpful Practices in Improving Government Performance* (Washington, DC: June 1998), pp. B1-B31.

IV. COMPETING VIEWS OF MPO CERTIFICATION PURPOSES

It is fairly clear from the language of TEA-21 that the purpose of MPO certification is to confirm the continued eligibility of MPOs and their regions for receipt of federal highway and transit funds. In addition, however, the first round of certification reports made numerous suggestions to the MPOs about how they could improve their operations, going beyond the minimum required to maintain their certification. Many of these suggestions were derived from federal officials' observations of what some of the other MPOs were doing. In addition, FHWA and FTA sponsored 13 "enhanced planning reviews" of large MPOs, as well as an analysis of 57 MPO certification reviews, and a synthesis of planning progress made by the MPOs under ISTEA to help find the good practices that MPOs should be using.³¹ Thus, one might say that DOT has gone beyond a simple "compliance approach" to certification, adding a capacity-building dimension.³²

From its research for FHWA, ACIR concluded that what would most help the implementation of the metropolitan planning legislation would be to:

- Educate more than regulate.

- Create a common understanding among all the partners about what the legislation requires in a practical working sense.

- Create a closer, more trusting working relationship among all the partners in the MPO process.

³¹ ACIR, Planning Progress.

³² FHWA and FTA also provide other capacity-building services such as research studies, technical publications, training programs, and conferences.

To implement this three-part conclusion, ACIR made the following recommendations to U.S. DOT (only summarized here).³³

- Establish a more comprehensive capacity-building program for metropolitan planning organizations.
- Consider reorganizing its training, research, and field units to enable it to deliver a more unified, coherent, effective, and efficient multimodal capacity-building program.
- Couple its MPO capacity-building program with a program to reduce regulatory burdens on the MPOs and their partners in the cooperative transportation planning process.
- Support a mediation, conciliation, and peer-review service.
- Enlist the SDOTs in helping to strengthen the MPOs.

As the GAO report cited earlier suggests, DOT is taking a fairly soft line in holding the MPOs (and the associated SDOTs) accountable for meeting the legislative requirements for certification and the broader intent of ISTEA and TEA-21. This is consistent with the drumbeat from state and local governments, and others, over the past two decades in support of reducing federal paperwork and regulatory burdens, unfunded mandates, and bureaucratic intrusiveness. Within the federal government, it is now considered inappropriate to regulate state and local governments to a greater extent than required by law.³⁴ The SDOTs, acting through their national association—the American Association of State Highway and Transportation Officials (AASHTO)—have pressed this point consistently in policy statements and discussions with DOT.

One of the new features of TEA-21 is the addition of alternatives to a cut-off of federal funds in metropolitan areas that do not have a current certification. Such a cut-off is politically very difficult to sustain, and has not occurred even in areas that are out of compliance with the Air Quality Act. Instead, additional federal rules kick in to require that federal funds be spent in limited ways designed to correct the non-compliance problem. This approach may make it easier for DOT to achieve compliance with obvious and serious deficiencies, but few would expect a large number of certifications to be withheld even under these rules; political pressures likely would be too strong to resist. Withholding funds is a last resort, used very sparingly in general, and not at all up to now as a result of the MPO certification process.

³³ ACIR, *MPO Capacity*, p. iv.

³⁴ See the *Unfunded Mandate Reform Act of 1995* and related executive orders.

It is likely to be the imprecisely defined issues requiring fundamental social reforms where the process of certifying the metropolitan planning process may be least adequate to achieve as much as many might like. Containing urban sprawl is an example. Making funds available for voluntary attempts to address such issues, through the small-scale TCSP discretionary grant program, is a first practical step, and providing research or training to support such voluntary activity could be a second step. Then, expanding and intensifying federal capacity-building support for MPOs could be used to help get results, without resorting to the certification sanctions option. This could be facilitated by establishing an Internet-based learning network among MPOs, as FHWA is doing now through AMPO, to spread good practices without using financial sanctions.

Going further, however, might well require: (1) stronger planning regulations; (2) congressional or presidential leadership; (3) an organized interagency policy coordination effort led by the White House; or (4) new legal and political initiatives by citizen advocates and special interest groups.³⁵ That degree of leadership might support the withholding of MPO certifications (and federal highway and transit funds) for failure to perform effectively on such controversial issues as urban sprawl, policy board restructuring, and environmental justice. There are indications, now, that some local citizen groups and national advocacy groups, such as the Center for Community Change and STPP, believe that the FHWA/FTA certification process has been too lax. They are beginning to push for the federal agencies to sanction MPOs that significantly under-perform in relation to TEA-21 goals. This would send a strong signal that the certification process is not just a rubber stamp, but a vitally important tool for improving growth and development patterns, air quality, and access to jobs. In their view, applying stiff sanctions to a few of the least compliant MPOs may be sufficient to increase the seriousness with which all MPOs take the certification process.

Those who recall the last major federal efforts to combat sprawl some 20 years ago are skeptical about the effectiveness of federal administrative action to intervene in fundamental political and legal contests of will between the federal, state, and local governments. For example, urban impact statements were required for federally funded projects in the late 1970s under an executive order by President Jimmy Carter, and Carter's 1980 National Urban Policy Report sought to consistently orchestrate the programs of several federal agencies to favor downtown development over suburban expansion. The first requirement was not legislatively based, and the second was based on only a very general responsibility for reporting to Congress. Both efforts were short lived.

President Clinton's public-private Council on Sustainable Development (PCSD) worked on this issue for six years (1993-1999), raising its political visibility significantly and more fully developing numerous dimensions of the concepts of

³⁵ A draft of revised statewide and metropolitan transportation planning regulations is expected to be published in the *Federal Register* for comment in Fall 1999.

Some have argued that the air quality controls linked to the federal highway and transit programs are anti-sprawl devices, but all they do is deny federal funding for new single-occupancy-vehicle (SOV) highway capacity in certain cases; they do not stop development or determine where or how it occurs. Decisions about the location and timing of development are made through zoning, subdivision controls, growth boundary laws, adequate public facilities ordinances, and other such tools not exercised by transportation agencies—and not even available to local governments in many cases.

sprawl and sustainability.³⁶ Nevertheless, major new funding and legislative initiatives to follow up on this work have yet to be achieved.

A clear legislative basis for such fundamental federal policy shifts could accelerate action on the issue of smart growth. If recent elections in the states, where a number of anti-sprawl candidates and ballot issues won, are sustained in the future, they could signal the type of policy shift that would support bolder use of the TEA-21 certification process. Currently, however, only about a dozen states provide their local governments with the types of growth management tools needed to begin coordinating transportation and land use in a serious way.³⁷

³⁶ See, for example, PCSD, *Sustainable America: A New Consensus for Prosperity, Opportunity, and a Healthy Environment for the Future* (Washington, DC: U.S. Government Printing Office, February 1996); PCSD, *Sustainable Communities Task Force Report* (Washington, DC: Fall 1997); and PCSD, *Towards a Sustainable America, Final Report* (Washington, DC: May 1999).

³⁷ David L. Callies, "The Quiet Revolution Revisited: A Quarter Century of Progress," in American Planning Association, *Modernizing State Planning Statutes: The Growing Smart Working Papers*, Vol.1, PAS Report 462/463, (Chicago: APA, March 1996), pp. 19-26.

V. IMPROVING MPO PERFORMANCE

A basic federal goal for MPOs should be improved performance. The certification process is one of several tools that can be used for that purpose. Its use probably can be enhanced, but certifications by themselves may be inadequate to get the most out of the MPOs.

Thus, two further questions should be considered. First, what can be done to improve MPO certifications? Second, what other steps should the federal government take to improve MPO performance? These questions are addressed next.

Improve the MPO Certification Process

TEA-21 provides at least two new legislative levers to help improve the MPO certification process:

1. requiring public involvement in the certification reviews as a matter of statute
2. requiring a federal finding every two years that the statewide transportation planning process complies with both the statewide and metropolitan planning requirements

These two provisions could be used to tighten-up the certification process and help build community support for MPO changes that may be difficult to make politically. Although public involvement in the certification reviews was required administratively under ISTEA, TEA-21 gives this practice greater legitimacy, and insulates it against pressures to push it into the background if it generates uncomfortable issues. Citizen groups in some areas are using their access to the certification process when they meet with the federal review teams to press their views about the adequacy of their MPOs. In at least one recent case, citizen action appears to have caused remedial action by the federal government with respect to composition of an MPO policy board and access by the public to decision-makers and decisions.³⁸ These are crucial issues in the effort to broaden MPO governance to encompass the types of customer-oriented goals enunciated in TEA-21. It takes the direct involvement of elected officials and citizens to shift the thinking of policy boards from paving roads and operating transportation systems to pursuing smart growth, sustainability, livability, job access, and social equity. During the second round of MPO certifications, citizen views are being sought earlier in the process.

³⁸ FHWA/FTA, "Report of the Federal Review Team on the Second Joint Certification Review of the Post-ISTEA Transportation Planning Process in the Baltimore-Annapolis Metropolitan Area," December 15, 1998.

In addition, the findings about SDOT compliance with federal planning requirements, to be made by the Secretary of U.S. DOT, provide additional opportunities for the federal government to help mediate the sometimes rough relationships between SDOTs and MPOs. For example, federal help may be needed to improve a state's sharing of fiscal constraint estimates and project status information with MPOs.

A new administrative factor has appeared, however, that could adversely affect the certification process. Under pressure from Congress to streamline its field structure, FHWA has disbanded its nine regional offices. Meanwhile, FTA maintains its old system of ten regional offices, since it has no other field structure and does not have enough staff to decentralize any further.³⁹ FHWA's field structure now rests in its division offices, which are at the state level. Thus, a mismatch has been created between FHWA and FTA, and the advantages of running certifications out of an FHWA regional office that spanned several states and could easily transfer good practices across the broader area may have been lost.

In place of its nine regional offices, however, FHWA did create four national resource centers, located in four of its former regional office cities. These resource centers have personnel who may be called on to assist the division offices and others. However, they have no administrative responsibilities, and must create a useful niche for themselves.

Meanwhile, the FHWA lead for metropolitan certifications will be in the single-state division offices. It may be more difficult for them to deal with interstate issues and to have the breadth of experience to deliver best-practice advice to MPOs and others in the MPO process. A division office also may have a relationship too close to the SDOT in its state to deal with it effectively on tough political issues that divide the SDOT and an MPO. While bringing in an expert from a national resource office might help with a best-practices case, such a person is less likely to be helpful in resolving state-local turf issues. A mediation role might be helpful, but there may be more need to rely on headquarters for decisionmaking in these kinds of situations.

The stimulus of federal findings often is necessary to jar loose the comfortable practices of the past that may no longer be needed. This may be a particular help in leveling the playing field for an MPO that does not have the political clout on its own to negotiate successfully with the SDOT.

Extend MPO Certifications to the Smaller MPOs

The federal government does not certify the majority of MPO processes, those in areas with populations below 200,000. In those smaller areas, the MPOs and SDOTs certify the process themselves, and public involvement does not necessarily occur in the self-certification process. This removes much of the pressure for MPOs, transit agencies, and

³⁹ In Federal Region III, for example, FTA has only 3 planners to deal with several dozen MPOs, while FHWA has 4 planners for every 5 MPOs.

SDOTs to change how they do business in these areas, and raises the issue of whether the federal government should be involved.

This suggestion is opposed by those who believe that requiring the smaller areas to be certified would unnecessarily increase federal workloads and administrative burdens on small MPOs. However, once the larger MPOs have made the changes needed to meet federal requirements, there may be less need to spend time helping them. Some therefore argue that the time saved there could go to helping MPOs in the smaller areas, and the larger ones could be switched to a peer-review system aimed more at going beyond mere compliance with the law, toward more ambitious best practices.

Provide a More Complete Capacity-Building Program for All MPOs

ACIR recommended in 1995, after studying the early years of ISTEA implementation by MPOs, that U.S. DOT establish a comprehensive capacity-building program for all MPOs. Such a program could include mediation, conciliation, and peer-review services, among other components.⁴⁰ In ACIR's view, such a program should be supported by unified intermodal training, research, and modally balanced field staffs that would be more frequently and practically available to the MPOs than is the case now. Another factor that may be helpful to consider in the MPO certification process is the use of standards for adequately credentialed personnel and up-to-date computers, software, and other essential equipment and facilities. Such standards are a common component of accreditation programs for such institutions as universities and hospitals.

Provide Federal Partners to MPOs

Federal field personnel who can represent both highway and transit programs, and perhaps also the various modes of freight transportation, should attend MPO meetings regularly, actively participate in MPO deliberations, help to bridge gaps between the MPO and SDOT and between the states in interstate areas, and help make the link back to federal strategic planning. In this kind of role, they would be in a position to be part of the MPO process rather than just an outside observer prone to second-guess the results after the fact. It would be expected that the federal member(s), being a full participant, would abide by the MPO decisions, unless the MPO's actions were clearly in violation of federal law. This approach could reduce paperwork and delays in the work of the MPOs and help make MPO decisions less subject to being overturned upon later review.

⁴⁰ ACIR, *MPO Capacity*, pp. 7-14.

Many federal employees might need a culture change to fit into this new role. It is very different from the typical compliance-checking role that is common today. Guidelines for taking on such a role have been prepared by the National Academy of Public Administration.⁴¹

Necessary changes aside, there is evidence that such a process could work. In the Chicago area, which has one of only four relatively new joint FHWA-FTA metropolitan offices, the federal highway and transit representatives have been attending and participating in MPO meetings regularly, along with SDOT representatives. As a result, the revised plan and new TIP prepared by one of the region's MPOs were approved by both the state and the federal government within five days after they were adopted by the MPO.⁴² This quick action was unprecedented and was a dramatic turn-around from recent experience in that region.

⁴¹ National Academy of Public Administration, *Principles for Federal Managers of Community-Based Programs* (Washington, DC: August 1997).

⁴² Interview by author with James E. Ranfranz, executive director of the Northwestern Indiana Regional Planning Commission, March 20, 1999.

VI. OPTIONS FOR MOVING FORWARD

The MPO certification process is being administered as a combination of minimum requirements for compliance with policies that are clearly legislated by Congress with a modest capacity-building program. As the law changes, the certification process can be expected to keep pace.

However, under current conditions, it may be difficult for this process to substitute for needed clarifications in the law, or become a mechanism for stretching the law beyond the common understandings of it in Congress and among the many diverse partners who are working together in the metropolitan areas. As U.S. DOT went into the field to listen to its constituencies for six months following enactment of TEA-21—to prepare for writing implementation regulations—one of the recurring themes it heard was the need for flexibility. One of the principal ways this theme was expressed was “A preference for guidance rather than rules, and rules only when required by statute.”⁴³

A strengthened capacity-building program supplementing the certifications may be able to move many MPOs far beyond mere compliance with the minimum requirements of the law. FHWA and FTA should consider teaming up to significantly strengthen their MPO capacity-building efforts and support improved MPO performance in the metropolitan areas and in the state legislatures, where much of the authority for development controls rests. This is an important part of the job that lies ahead.

Some of the options that might be considered as part of such an effort follow.

- **Setting a Tone.** The intent of TEA-21 is pretty clear, even if the requirements are not. TEA-21 is exceedingly ambitious in its intent, and is one of the best-funded federal programs in the community development and quality-of-life fields. It expects transportation organizations (including SDOTs and MPOs, plus many others) to consider and respond to many issues (such as congestion mitigation, welfare-to-work, land use planning, air quality, and livability). These considerations call on MPOs and SDOTs to “think beyond the pavement.” TEA-21 programs represent an opportunity to reach far beyond just transportation alone to improve America. Therefore, DOT should voice its commitment to forging these new frontiers and set forth an integrated plan of research, training, information sharing, field presence, and certification reviews designed to facilitate and reinforce MPO efforts to respond creatively to the less understood, and more controversial, planning factors in the law. The Transportation Research Board (TRB) should consider establishing a separate committee on metropolitan planning, and U.S. DOT should consider launching a new series of “Searching for Solutions” policy discussions to highlight this initiative.

⁴³ Sarah J. Siwek and Donald H. Camph, “Listening to America: Report on the U.S. Department of Transportation’s Outreach on Implementation of the Transportation Equity Act for the 21st Century (TEA-21),” <http://www.dot.gov/tea21/listamer.htm>, Page 2 of 15.

The “solutions” discussions could be modeled after the series used by FHWA to address many of the new ideas in ISTEA. Priority topics should include:

- continued emphasis on effective public involvement and incentives to reward excellence in this activity, including the involvement of faith-based organizations and effective representation of low-income people;
- potentials for fielding a “One DOT” team to partner consistently and intermodally with each MPO on a regular basis, overcoming the large disparity between the number of FHWA and FTA planners in the field;
- appropriate training of DOT personnel to carry out their MPO certification responsibilities effectively;
- making best use of FHWA’s four national resource centers to support the certification process;
- rethinking MPO roles to move them from a mechanism for coordinating diverse governmental transportation investments to a more inclusive and entrepreneurial model in which a wider array of both public and private investors are sought as partners;
- exploring potential means of making transportation decision processes more readily accessible and understandable to local officials and other constituencies so their quality and impact can be more fully and fairly judged;
- devising means for incorporating integrated outcome goals and performance measures into the GPRA-required strategic plans, annual performance plans; and

- annual performance reports of DOT's partner federal agencies and grant recipients.

- **Systematic Search for Good Practices.** The commendations noted in the first round of federal certification reviews were a first step in identifying noteworthy MPO practices, and solutions to common certification deficiencies, that could be shared among all MPOs. However, these practices were not systematically collected or disseminated, and no effort was made to publicly recognize the MPOs that excelled. This is a lost opportunity. Especially in light of the termination of the regional offices of FHWA, a more formal system of knowing what is going on across the nation is needed. Fewer FHWA personnel will have the opportunity to learn about the practices that are occurring in multiple states. One or more of the national resource centers, or AMPO, or TRB, or some other organization, or a combination of such organizations could take on this assignment to everyone's benefit.

- **Active Development of Good Practices.** If there are gaps in the good practices existing among the MPOs, special research should be commissioned or work groups of experts, advocates, and MPO practitioners should be convened to help fill those gaps. It is also important to provide peer review of practices to help ensure that they are sound and are likely to work well in a variety of places.

- **Intentional Capacity-Building for Everyone.** Providing non-binding recommendations for improvement in the federal certification reviews is a good start. It should be built upon. Follow-up steps should be suggested and facilitated to make it easier for MPOs to grow into new roles. Especially for the smaller MPOs, the "distance learning" concept should be developed to help overcome their money and "time away from the office" problems. Alternatively, training scholarships could be provided on the basis of need. In addition, training and information resources especially geared to the needs of elected officials are needed. ACIR found that DOT makes available a great deal of research and training, but much of it is not readily available to many MPOs.⁴⁴

- **Enlist the National Resource Centers.** As these new FHWA offices seek to find productive roles in their new organizational environment, one possible role is that of "portable expert" in the TEA-21 planning factors and other areas of concern in certifications. Certification teams then would have reliable resources to call on when they find special needs among the MPOs. Different resource centers might specialize in different topics of critical concern, so they can develop greater depth.

- **Strengthen Interagency Partnerships.** DOT should take the initiative in developing a series of relationships with other federal departments and agencies in program areas that are strongly related to DOT goals. The DOT relationships with EPA (on air quality conformity and wetlands permitting) and with the Corps of Engineers (on wetlands permitting) might be models that could be applied to policy

⁴⁴ ACIR, *MPO Capacity*, pp. 7-9.

fields such as welfare-to-work, economic development, sustainable development, and environmental and social justice. These partnerships should be pursued in the context of establishing common outcome goals and performance measures among agencies, as contemplated by GPRA. PCSD made a beginning on this in its reports, and left behind a continuing organization to work on it further.⁴⁵

The certification process provides a regular opportunity, at least every three years, for DOT to reassess the planning processes in large metropolitan areas, and suggest how further improvements could be made. The greater the resources it can bring to bear in a practical way on focused issues related to the TEA-21 planning factors, the greater the progress that might be expected to be made toward implementing this very ambitious law.

⁴⁵ Interagency Working Group on Sustainable Development Indicators, Washington, DC. The Federal Geographic Data Committee (FGDC) also may be helpful.

APPENDIX A
LIST OF ACRONYMS

AASHTO	American Association of State Highway and Transportation Officials
ACIR	U.S. Advisory Commission on Intergovernmental Relations
ADA	Americans with Disabilities Act
AMPO	Association of Metropolitan Planning Organizations
APP	annual performance plan
APR	annual performance report
DOT	U.S. Department of Transportation
EPA	U.S. Environmental Protection Agency
FGDC	Federal Geographic Data Committee
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GAO	U.S. General Accounting Office
GIS	geographic information system
GPRA	Government Performance and Results Act of 1993
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
MIS	major investment study
MPO	metropolitan planning organization
NAPA	National Academy of Public Administration
NARC	National Association of Regional Councils
PCSD	President's Council on Sustainable Development
PEP	performance effectiveness program
SDOT	state department of transportation
SP	strategic plan
STIP	state transportation improvement program
STPP	Surface Transportation Policy Project
TCSP	Transportation and Community and System Preservation Program
TEA-21	Transportation Equity Act for the Twenty-First Century
TIP	transportation improvement program (for a metropolitan area)

UPWP unified planning work program (for an MPO)