



# **IMPROVING THE COMPETITIVENESS OF HAMPTON ROADS**

## **The Hampton Roads Regional Structure Project Recommendations for the Hampton Roads Metropolitan Planning Organization**

Prepared for the Future of Hampton Roads, Inc.

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SG3A

HAMPTON ROADS REGIONAL STRUCTURE PROJECT

**REPORT OF STUDY GROUP 3A**

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**HAMPTON ROADS METROPOLITAN PLANNING ORGANIZATION (MPO)**

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## HAMPTON ROADS METROPOLITAN PLANNING ORGANIZATION (MPO)

**I. MPO STUDY GROUP TASK.** The Regional Structure Project's draft *Report No. 2* identified a revitalized and strengthened Hampton Roads MPO organization as one element in a proposed future regional structure of governance. The MPO Study Group<sup>1</sup> was tasked to evaluate and make a report on the merits or limitations of this idea.

Members of the MPO Study Group reviewed the relevant federal legislation and other MPO-related literature; conducted interviews with working level stakeholders; conducted individual research; attended a national conference on MPO matters; attended local MPO Policy Board meetings and reviewed local MPO's meeting Minutes, its transportation studies, and other records; and participated in discussion and debate sessions in order to answer assigned questions about the MPO organization.

**We are convinced and conclude** there is significant undeniable evidence of numerous Best Practices not being followed that could, in time, be easily adopted which would serve to strengthen the Hampton Roads MPO. We are convinced that such reforms are essential in order for our regional MPO to be more successful in gaining approval for transportation projects and for gaining the funds necessary for these projects. Marked improvements are possible. The continuing inability to advance the Hampton Roads regional transportation agenda—in 2002 due in part to the failed referendum; again in 2004 when potential transportation legislation was tabled; and again in 2006 with the much discussed transportation impasse—is one parameter that documents the need for a new approach. This and other shortcomings described in this report demand urgent attention. Somehow, we need to revitalize our regional MPO's process and procedures; its external working relationships; and its adherence to federal standards.

**Note:** The MPO Study Group conducted its research from January 2006 through December 2006. This effort was entirely independent of the activities of the state's 2007 General Assembly (GA) session in January and February of 2007. This GA session, however, did produce a new transportation bill (HB-3202) that among other provisions created a Hampton Roads Transportation Authority (HRTA). The findings and recommendations of the Study Group report concerning the Hampton Roads MPO remain entirely valid and are unchanged by the tenets of the new transportation legislation. The new HRTA organization, however, does raise new opportunities as well as new risk in just how this organization will relate to the federally-mandated MPO organization. This report, however, is an MPO report. This report will refer only briefly to the HRTA; a separate research report on Transportation Authorities will be released prior to the next session of the General Assembly.

## II. Core Questions Researched by the MPO Study Group.

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<sup>1</sup> The Regional Structure Project formed eleven study groups in January 2006 to continue research efforts on various sub-elements of regionalism. Study Group 3 was identified as the MPO Study Group.

1. **What is the MPO, why was it formed, and what is its source of authority?** Since 1962, federal highway legislation has required the formation of Metropolitan Planning Organizations in order to bring interrelated regional perspectives and regional decision making to the forefront<sup>2</sup> for the planning and programming of transportation investments, typically measured in billions of dollars<sup>3</sup> annually in most recognized metropolitan areas. Later, the federal highway legislation of 1991 ushered in a significant new era when Congress passed the Intermodal Surface Transportation Efficiency Act (ISTEA) which dramatically strengthened the definition, funding, and authority of MPOs<sup>4</sup>. This was followed with the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) in 1997 which further elevated MPO tasks and responsibilities. The latest legislation, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), was approved by Congress in 2005 and implemented this year which again elevated MPO responsibilities, this time with unique freight-related, new opportunities for Hampton Roads<sup>5</sup>. Locally, Hampton Roads formed two MPOs (Peninsula and South Side) in 1973, and these were merged into today’s HRMPO in 1991.
2. **What is the mission of the MPO?** Three descriptions of the MPO mission follow:

First, MPOs are responsible for “regional transportation governance” in their respective metropolitan areas. For some, this phrase is abstract, but “regional transportation governance” is an important policy concept and, no doubt, an immensely important responsibility. Transportation is the 800 pound gorilla in the room of public service functions. It is the preeminent segment of public infrastructure. For the MPO Boards of Directors, it is a multi-billion dollar responsibility, one with sweeping impact, even controlling impact, over our future economic capacity and our future quality of life.

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<sup>2</sup> Why were MPOs created? In brief, the construction of the Eisenhower Interstate system went well for nearly twenty years, but at some point, Congress and USDOT realized they were making countless mistakes all over the country, many resulting in court cases, such as roads through cemeteries, roads not consistent with local development plans, and much more. They realized they needed “feet on the ground” and better understanding of local, especially urban, conditions and aspirations. For multiple reasons the decision was made to achieve this coordination at the regional rather than at the state or individual jurisdictional levels.

<sup>3</sup> To put this in perspective for Hampton Roads, the well known regional HRSD handles million dollar sanitation piping systems, and the regional SPSA manages hundred thousand dollar trucks, but the regional MPO is responsible for the multi-billion dollar business of planning and programming effectively for the region’s future transportation system.

<sup>4</sup> Annex A-1 at the end of this report provides a general history of the evolution of MPO organizations and the related series of changes to transportation planning that have occurred over the past 42 years, notably the major, even revolutionary, changes of 1991. Federal legislation first mentioned the concept of MPO organizations in 1962 and first required that they be established in 1965.

<sup>5</sup> For information, MPOs are required by and assigned responsibilities in three pieces of federal Congressional legislation, Title 23 (Transportation), Title 49 (Public Transit), and the NEPA (Environmental Protection) Act.

Second, at the practical level and drawing directly from the language of federal legislation<sup>6</sup>, the mission of the MPO is that of planning and prioritizing the region's transportation projects.

Third—more crudely, but at the end of the day—the mission of the MPO is to get regional transportation projects into the budget. You either do, or you do not. As noted earlier, our regional transportation agenda has not been successfully advanced for many years. Competition reigns in the world of transportation. MPOs must compete. They, therefore, must have irrefutable logic in their cost-benefit-based transportation plans in the first place, including transit, and they must have a process in place that provides education and conducts constituency development, that, in turn, enables the MPO and its Board of Directors to persuade and to successfully carry their case forward both to state leaders for approval and to the electorate and stakeholders for active support.

### **3. What are the broader responsibilities of the MPO?**

The detailed list of MPO responsibilities has multiplied, and the status of MPOs has matured nationwide, especially over the last sixteen years—since ISTEA in 1991. Federal highway legislation has gradually, but profoundly, elevated the thought process that must be introduced when developing regional transportation plans. Such plans must be consistent with regional economic development plans; consistent with jurisdictional development plans; promote and assuredly not complicate worker access or low income access to new roads unfairly; comply with regional air quality plans for containing or reducing emissions, and much more. For the MPO Board of Directors, every letter in the acronym of the latest transportation legislation (SAFETEA) carries increased tasks, many with social dimensions to be vetted, and always with economic development issues to be considered. For the MPO Board, transportation is no longer a single dimension issue (civil engineering); it is an enormous multi-dimensional and multi-modal responsibility—making the Board's transportation investment decisions one of the most serious responsibilities that a local elected leader could ever be assigned. Federal guidance accepts and even encourages stretch goals, but also imposes strict fiscal constraint and prioritization requirements for the regional plans that are developed. One could play games here—list projects in a transportation “package” that are not in approved fiscally constrained “plans”—so called gold-watch projects—which only puts real projects at risk. Gone are the days—in most metro areas—when transportation plans were used as pressure points on state legislatures, or developed as “something-for-everyone” plans, or as needs-lists or wish-lists. Strict federal programming guidance requiring fiscally constrained and prioritized plans serves as one federal vehicle designed to achieve responsible, regional reasoning

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<sup>6</sup> Specifically, MPOs are required to develop: (a) an annual Unified Planning Work Plan (UPWP) - an agenda of planning activities which when approved by the Federal Highway Administration (FHWA) is the MPO's authority to receive and expend federal funds; (b) a Long Range Transportation Plan (LRTP) - the prioritized plan for future transportation investments; and (c) a short term regional Transportation Improvement Plan (TIP) - the plan of transportation projects in near term budgets.

when developing regional transportation plans. Unfortunately, our MPO is one of those MPOs that have not adopted these tenets<sup>7</sup>, a serious fault.

4. **What is the MPO's membership, and what are its methods for making decisions?** The Hampton Roads MPO<sup>8</sup> Policy Board (its voting members) includes 17 representatives: one each from Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg (9 cities); and one each from Gloucester, Isle of Wight, James City and York Counties (4 counties); plus one each from two public transportation agencies, the Williamsburg Area Transit and the Transportation District Commission of Hampton Roads; and one each from VDOT and the Hampton Roads Planning District Commission. Voting is majoritarian, non-weighted. Decisions benefit from prior debate and input from all jurisdictions. Thereafter, MPO decisions are binding and are carried forward, and they are not referred back to individual jurisdictions for approval.

5. **How can the MPO's performance be best described?**

Track record. As previously noted, the region's transportation needs were not addressed in the state's 2000, 2002, 2004, or 2006 budget cycles. In contrast, Northern Virginia built the Woodrow Wilson Bridge, the massive Springfield Interchange network, the Dulles highway upgrades and more during those same years. In addition, funds measured in millions for local environmental studies that will expire, and funds spent on prior engineering work could be, or have been, lost. These issues are especially devastating for Hampton Roads. Transportation challenges, such as congestion, capacity, toxicity, and commuter concerns are steadily increasing concurrent with economic and population growth. It appears that U.S population will continue to grow by roughly 30 million each decade, and with the expanding global economy, the rate of growth of imports is exponential. In Hampton Roads, these challenges, especially port-related growth, have been front page news for many years. New MPO procedures or a new paradigm needs to be found. This will require change, but this too will be an immense challenge for there is (at present) little or no apparent recognition that adjustments or change are needed.

6. **What is the reputation of the MPO, and what are its working relationships with other regional and state organizations?**

In general. One measure of an organization's effectiveness is its reputation throughout the community it serves. Of all the regional organizations in Hampton Roads, however, the Hampton Roads MPO is the least well-known. State and local officials have complained that the public does not understand the MPO structure, but virtually nothing is done to remedy this problem. The unwritten (and

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<sup>7</sup> Our MPO Board has refused to advance current plans in a prioritized manner as required in federal law, but rather it forwards our projects list as a "package". The fiscal constraint rule has been a classic issue for decades, but one that gradually gets figured out. Please see the recommendation, Adherence to Federal Guidance, on page 21 for a discussion of this truly central issue.

<sup>8</sup> Commonwealth of Virginia Letter of Designation (LOD), dated October 28, 1996. This LOD updated the earlier 1991 LOD and added Isle of Wight County to the MPO membership.

unintended) policy in place at both the state and regional levels is to ignore this federally mandated organization.

With state and federal agencies. The MPO has good relations at the working and technical levels with VDOT engineers, however, the MPO's working relationships

with the VDOT regional representatives are troubled and sometimes hostile<sup>9</sup>. The working relationships with the regional representatives of the Federal Highway Administration (FHWA) and the Federal Transit Authority (FTA) appear to be more benign than dynamic or productive. FHWA reps, assigned by federal law to be MPO Board members, attend about two-thirds of the MPO Board meetings and no longer have a seat prepared for them at the table<sup>10</sup>, and the FTA regional rep has attended no more than two Board meetings (if that) over the past three years. Benign and troubled relationships produce no benefit. We need the reverse—we need to cultivate allies for those inevitable and competitive budget battles down the road.

With state government. For advocacy or educational purposes, the MPO has a weak working relationship (correspondence or face to face) with the Hampton Roads Legislative Caucus or with the transportation committees of the General Assembly. No doubt, one part of this problem rests with the region's legislative caucus and its terrible inability to develop or adopt a coherent regional agenda. But, it takes two to tango, and our MPO's process that takes no serious steps<sup>11</sup> to include legislators in the plan development process also cripples the chances of our regional transportation agenda gaining the attention it deserves in Richmond.

Fed perspectives. During a national MPO conference<sup>12</sup> last year, FHWA described the three most chronic MPO issues that needed increased attention nationwide. Insufficient institutional stature was one of the three chronic issues. The feds want to assist, but for them, that is difficult if there are low levels of public recognition, awareness, and transparency about the MPO's work. See more on institutional stature in the Recommendations section, page 26. The other two chronic issues noted by the feds that need attention were adherence to fiscal constraint guidance

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<sup>9</sup> It is not the intent of this study to address personalities. Many, however, have openly referred to the strained VDOT-MPO working relations that exist. We dismiss the past, and details aside, this is an issue that must be corrected by the MPO Board of Directors. In contrast, during an interview with the Tri-Cities MPO (Petersburg metro area), one of the predominant themes transmitted was their active and productive working relationships with their regional VDOT representative and staff.

<sup>10</sup> And this results in serious disappointment.

<sup>11</sup> There are ways to bridge the communications gap on transportation matters between the region's state elected leaders and the region's MPO—such as with formal and periodic MPO planning sessions early in the game for legislators; or by having legislators attend key MPO Board meetings; or by conducting public conferences with both legislators and MPO Board members describing for the business community and for the public the status of planning to date, all of which are techniques used elsewhere. Opinions gathered during our study group interviews overwhelmingly declared that our legislative caucus and our MPO are not on the same page. In Northern Virginia, in contrast, this problem has been solved at least for the most part.

<sup>12</sup> The National Academies Transportation Research Board's MPO Symposium, "*The Future Metropolitan Planning Organization: Present and Future*", August 27-29, 2006.

(please see page 21), and staff technical expertise (please see Our strong card, page 20).

### III. DISCUSSION OF THE ISSUES.

#### 1. **Background.**

In order to succeed, MPOs anywhere must effectively convey their goals to many constituents; they must compete for scarce funds and, at least, gain fair share funding. These are not new issues for metro areas, but for the transportation needs of Hampton Roads, they are important challenges requiring MPO attention, if not urgent action.

In one perspective, here is the big picture. Today, there are about 385 MPOs around the country. From considerable comparative analysis, our studied estimate is that there are some 100 MPOs that still need to mature. Nationwide, every year, a few more MPOs catch up with the management momentum started in 1991; they learn Best Practices from national conferences and national professional organizations<sup>13</sup>, and they upgrade their procedures. Our research has concluded that the Hampton Roads MPO is one of those still needing to adopt a variety of Best Practices. Unfortunately, we are one of the largest MPOs<sup>14</sup> left that still needs to upgrade and reform. This will be no easy task. Transportation is an extraordinarily complex, massive, and sometimes arcane subject, a major challenge for any Board of Directors. That is why this report is so long. That is why this report will address so many unexpected Chapters and articles (legal, budgets, fiscal constraint, transit, training, freight, state level factors, ports, etc.). And that is why MPO reform elsewhere became a process requiring several years to accomplish and, most importantly, the very best in MPO Board leadership, training, and commitment.

#### 2. **The Legal Questions.** We have two Catch-22 situations.

First Catch-22: The Secretary of Transportation<sup>15</sup> and regional VDOT leaders will say, unhesitatingly, that it is the MPO, not VDOT that makes transportation planning decisions. Nice words and also consistent with federal intent. However, nowhere has the state given credence to these words—there is no state charter for

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<sup>13</sup> Northern Virginia, Roanoke, Fredericksburg, Charlottesville, and VDOT attended last year's major National Academies Transportation Research Board Conference, titled "*The Future Metropolitan Planning Organization; MPOs Present and Future*", but no Hampton Roads MPO Board or staff representative participated in this event. This one example means little, but interviews indicate this is part of an unfortunate pattern. At least it is a red flag. Further, our MPO is not a member of the national Association of Metropolitan Planning Organizations (AMPO) or of the National Association of Regional Councils (NARC) which has many MPO members from around the country. This is another red flag that deprives us of their national newsletters and other information about MPO Best Practices, transportation planning trends, new revenue sources, and hot button opportunities. Northern Virginia and even the small Tri-Cities MPO (Petersburg metro area) and others are members of AMPO, and the Charlottesville MPO Executive Director serves on the national AMPO Board of Directors.

<sup>14</sup> Per the 1990 national census, Hampton Roads is the 31<sup>st</sup> largest metro area in the country.

<sup>15</sup> Secretary of Transportation, Pierce Homer, during the Q&A session following his briefing to the League of Women Voters of South Hampton Roads' annual dinner, September 2006.

MPOs, no state association of MPOs, no statutory recognition, no state MPO Manual or other written guidance as exists with other states. The historic and well-known tendency for strong levels of VDOT control in past years did little to foster MPO development. Help may be on the way, however. The state is now promoting the concept of devolution in the area of transportation. VDOT has two-thousand fewer employees than just a few years ago, and it is eliminating some 30 % of its physical facilities. Already, there are signs of a new, leaner VDOT<sup>16</sup>, and a VDOT that now needs assistance. Effective MPOs could definitely provide that assistance. The existing Letters of Designation for all the MPOs in the state are very much out of date. Reportedly, VDOT is currently examining these LODs which could serve as one tool in any effort to revitalize the Hampton Roads MPO. Building MPOs with clear lines of authority and with assigned responsibilities is essential and would enhance the state's policy and process of devolution.

Second Catch-22: At the local level, and for decades, Hampton Roads leaders have patched together a PDC-MPO relationship that has become another legal Catch-22 situation. It was a perfectly sound decision in 1973 to subordinate the MPO to the PDC, because federal guidance in the 1970s was woefully inadequate, and no one knew whether or not MPOs would survive the test of time. Following ISTEA in 1991, however, this should have been re-evaluated at both the state and local levels but was not. The Hampton Roads' Letter of Designation pre-dates generations of federal transportation legislation (ISTEA, TEA-21, and SAFETEA); it and its guidance are entirely out of date. MPO authorities and responsibilities have grown substantially since 1991 and now far exceed the authority of the PDC. The PDC's Charter explicitly defines the PDC as a forum wherein decisions arrived at will not be executed by the PDC but are passed back to the individual jurisdictions for their (possible) individual approval and at times of their own choice. Further, and as strongly and repeatedly said by PDC officials, the PDC cannot conduct advocacy which prevents or at least curbs MPO constituency development efforts and other essential tenets of the federally-directed array of public outreach requirements. Thus, the would-be authorities of the MPO provided in federal law are smothered by the statutory and explicitly limited levels of PDC authority—the second legal Catch-22.

Confusion takes its toll. Legal and practical confusion most certainly exists. For many—the MPO is not legal; or the MPO doesn't exist; or the PDC is the MPO; or the PDC Executive Committee is the MPO—and this widespread confusion exists in the ranks of city transportation department staffers up to the top ranks of MPO leadership. This confusion is a source of grave uncertainty and doubt, and a contributor to the unwritten (and unintended) policy of ignoring the MPO.<sup>17</sup>

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<sup>16</sup> Newspaper articles condemning VDOT, once prevalent, are being replaced by articles of accolades both in newspapers and from local government leaders. See, for example, "*Desireable Mixture for Motorista*", *Virginian-Pilot* Editorial, July 20, 2007, an article about the Mixing Bowl transportation project in Northern Virginia that noted this massive project "wound up on time and on budget" and that "the scheduled ribbon-cutting ought to be an occasion for letting go of the mistrust that has saddled Virginia transportation officials in recent years". Other jurisdictional newspaper articles and NVTA Board meeting Minutes have echoed similar remarks.

Locally, the Planning District Commission (PDC) serves as the staff of the MPO<sup>18</sup>

- 3. Competition Reigns.** The entire federal interstate system of highways built more roads in open spaces than in urbanized areas. Someone had to pay for these interstate highways. As an historic rule, tax dollars flow from developed urbanized jurisdictions toward rural low-tax-base areas. No problem with this, but then again, there are limits to this largess. The urbanized regions in Ohio complained in the early 1990s. Amidst a transportation funding crisis and critically needing new roads and road maintenance, they were tired of being the “donor regions” for highways across their state and tired of being left behind. This problem existed elsewhere, and a chorus of states complained. Steadily, the feds responded and issued Minimum Return Guarantee legislation<sup>19</sup> that assured the return to states of at least a certain minimum percentage of the gas taxes collected in their states and regions. This minimum return level has been increased again this year in the latest SAFETEA-LU legislation to 92 percent.

While the feds may assist with such high level legislation, local actions are also essential. First and foremost, one’s own MPO needs to have a strong policy, effective procedures, and the regional will to (fiercely) compete. Local reports have long suggested that Hampton Roads’ transportation needs would be met soon; we are next in line, they say, after Northern Virginia’s Wilson Bridge, their Mixing Bowl, their Dulles roadway, and their expanded Metro Rail projects. Perhaps so, but then again, it seems as if Northern Virginia has new projects in mind—major roadways through Loudon County, rail tunnels under Tyson’s Corner, new HOT lane projects, and Metro all the way to Dulles<sup>20</sup>. At a recent national MPO conference, it was evident that competition reigns between states and even between MPOs within states for fair share support.

How do MPO Boards of Directors and staffs deal with this competition? Our research discovered multiple examples and a well-developed pattern of MPO

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<sup>17</sup> Where MPOs have a hosted structural relationship in other metro areas, it works well when the hosting agency has stature and does not have a low glass ceiling of authority, for example with hosting agencies such as Twin Cities Metro, UNIGOV in Indianapolis, the TPB in Northern Virginia, and in Portland, Louisville, etc. In these situations, the MPO can conduct advocacy, manage a budget, and make binding decisions. Here, the would-be authority of the MPO is trumped by the limits of PDC authority. Both state and local leaders need to untangle this knot. The MPO is a regional body; it would be best, therefore, if the region’s leaders took the lead. The state, however, most definitely needs an effective MPO in Hampton Roads, and so if need be the state may chose to lead.

<sup>18</sup> Commonwealth of Virginia Letter of Designation for the Hampton Roads MPO of October 28, 1996, page 2, “The HRPDC shall provide staffing for the MPO”, as stated also in the earlier 1991 and 1992 versions of this letter. A common management model for this situation stems from a Memorandum of Agreement wherein the hosting organizations transportation staff is “seconded” to the MPO for operations, and the MPO, via contract, funds salaries and, if appropriate, office space and the like.

<sup>19</sup> Minimum Return Guarantee clauses were first introduced in the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) in 1997.

<sup>20</sup> The Examiner (Washington, DC) article, “*Large Transportation Projects Looming in Northern Virginia*” by Joe Rogalsky, July 20, 2007, echoes this competitive effort and identifies some of the larger projects in the queue—finish the Woodrow Wilson Bridge, add two HOT lanes to each loop of the Beltway, add three HOT lanes on the artery going to the Pentagon, add a fourth lane to I-95 southbound, and add to road and rail out to the Dulles airport.

entrepreneurial activities being used around the country—hosting regional conferences with professional brainstorming panels on freight movement, or on highway safety, the regional economy, and workforce mobility. There was an age (late 1970s and early 1980s) when MPO staffs remained in their cubicles, out of sight. That has absolutely ended, and now, the mature and healthy MPO organizations openly declare that half of the work they do is “external activities”. It turns out that our MPO has a superb “internal activities” staff, an enormous strength on which we can build.<sup>21</sup> However, we do not have, and we most certainly need to build an effective external activities staff and to import the competitive Best Practices used elsewhere in this regard.

4. **Fair Share funding.** What is the definition of fair share?

Fair share of dollars available. For transportation matters, population is the primary parameter used in determining the allocation of funds as well as eligibility for programs and grants. Hampton Roads has about 22% of the state’s population. Transportation experts argue<sup>22</sup>, however, that fair share should not be so heavily weighted on population alone but should also be based on “worth” and “complexity”. As an economic engine for the state and beyond, Hampton Roads is certainly a high-worth metro area, so perhaps our fair share should be above 22%. In addition, Hampton Roads with its tunnels, bridges, ports, intermodal, and military facilities is, without question, one of the nation’s most complex (and strategically important) regions for transportation planning, and a region where transportation bears directly on heightened homeland security issues. With this logic, Hampton Roads should receive at least 22% of available funding, or better more than that, perhaps 25 or 26%. This year, it is estimated that Hampton Roads will receive 19%, one of the highest levels ever. We will receive 12% of Virginia’s FY-07 transit funding<sup>23</sup>. Regional legislators at a transportation conference at ODU (September 2006) went unchallenged when they estimated that Hampton Roads would gain about 100 million if the General Assembly approved a 1.0 billion transportation package. That 10% fraction does not reflect the population, complexity, needs, or worth of the region’s transportation system. We do not benefit from the special category listings in federal legislation that have earmarked priority (off the top) funding for Appalachia roads and highways or for Interstate-81 transportation plans.<sup>24</sup> Hampton Roads should be a special listing; at least we should gain a greater fair share return. This should be seen as being in the best

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<sup>21</sup> During report pre-briefing sessions, more than one Mayor and others noted that we have the best transportation studies (which is true), but it just seems that we cannot get the ball through the goal posts, meaning, get the projects approved in Richmond. Through best practices, this can be addressed.

<sup>22</sup> As discussed at last year’s Transportation Research Board’s MPO Conference, August 2006, by transportation experts including the attending VDOT representatives.

<sup>23</sup> Virginia Department of Rail and Public Transit’s Table of FY07 Grants by Construction Districts as approved July 2006.

<sup>24</sup> PDC officials have noted that Hampton Roads Port Authority and the airport gain additional monies for transportation in addition to monies received through the normal transportation funding process. This may be true, and it warrants further examination, but it does not seem to correct the fair share mismatch that otherwise exists.

interests of the Commonwealth of Virginia as much or even more than being in the interests of Hampton Roads.

Fair share of gas taxes returned. From HRPDC and ODU interviews, it was estimated that Hampton Roads over the long term regains about 80%<sup>25</sup> of the state and federal gas taxes collected in the region. Much of Virginia, including Northern Virginia, regains more than 80% of its gas taxes. It is possible that we are the largest donor region in the state. We, like other urbanized metro areas, will always be a donor region, but it is the level of donor-ship that needs to be examined. It is possible to gain fair share of available dollars (say 25%) and still be a donor region.

In sum. Fair share is a subject that needs additional research. Our study did not have access to the data required to complete this research, but there are clear indicators that our MPO and this region could do more in the competitive battles that occur every year for scarce dollars as measured both by percent of available dollars obtained, and the percent of taxes regained.

5. **The new Hampton Roads Transportation Authority (HRTA).** How will the new state-created HRTA relate to the existing federally-mandated MPO? As noted earlier, this report addresses the MPO organization and its need and potential for reform. A second research paper on the practicalities of Transportation Authorities, such as the HRTA, will follow. Only briefly, therefore, this paragraph acknowledges the new HRTA organization and provides some minimum hypothesis about its potential working relationships with the MPO. At the risk of brevity, three possible structural relationship ideas follow (other descriptions are possible). For now, those three possible end results are:
  - a. Separate organizations. Per HB-3202 legislation, the HRTA's core function is to impose and collect prescribed regional fees and taxes and (in time) to manage and collect toll revenues. The HRTA is called a Transportation Authority; more accurately, it is a Tolling Agency, a term used often elsewhere. For this report, names matter not. Revenue collection agencies (for Transportation) are important bodies responsible for a wide spectrum of financial management—revenue collection, financial investment, bond issuance and management of (in the projected case of the HRTA) very large sums of money—they are indeed very important organizations. In a larger picture, they serve as the banker for the MPO—tasked by fed and state direction to develop the plans and priorities for transportation and to make the investment decisions thereto. In this model, the MPO and the HRTA are separate (but interdependent) organization—they work regionally as a team. Both must be healthy organizations in every respect—well known, well understood, and the object of respect and admiration by the participating communities, pertinent interest groups, and citizens.

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<sup>25</sup> From interviews, this 80% fraction is the figure most often cited. PDC official have also stated that Northern Virginia regains nearly 100% of their collected tax dollars. The 80% figure for Hampton Roads is a soft number, however, because it varies over the years, and is based on an older study. Reportedly, the PDC plans to redo its older study of this issue. We suggest the business community join this study effort.

- b. A merged organization. There are organizational models wherein the MPO and the Tolling Agency are one and the same organization. This too is a viable end result. The state created HRTA could in the future be designated as the MPO by revising the current Governor’s Letter of Designation. This results in multiple obvious efficiencies. Some, on the other hand, seek to keep the fiduciary responsibilities associated with managing large sums of money separate from the complex technical and political process of long range future planning.
- c. The de facto option. Continue with the existing confused MPO structure and allow the HRTA to assume MPO-like authorities and responsibilities resulting in a de facto MPO structure.

These are complicated topics. This paper urges MPO reform for Hampton Roads. A revitalized and strengthened Hampton Roads MPO would function well in either scenarios (a) or (b) above—we suggest no preference of one option over the other—both would work. The Hampton Roads PDC has served as a de facto MPO for many years with the unfortunate results described throughout this paper. It would seem unwise to tumble into the option (c) above and start another period of years with a new and again confusing de facto structure. So, now let us turn to reform recommendations.

#### IV. RECOMMENDATIONS

Four groups of recommendations follow:

- (1) Strengthen the MPO Structure
- (2) Strengthen MPO Procedures
- (3) Strengthen the MPO’s Institutional Stature
- (4) Fix the Underlying Legal Problems

##### 1. **Strengthen the structure of the Hampton Roads MPO: (both Board and Staff)**

###### a. **Structurally, somehow, Bridge the Communications Gap Between Decision Makers in Richmond and Hampton Roads.**

The MPO’s Board of Directors and our regional legislative caucus need to realize this is absolutely essential. Federal law recognizes this need and requires state-regional “collaboration”. This requirement for collaboration has historic roots and is immutable<sup>26</sup>. At the same time, regional transportation is an MPO and a regional responsibility. Therefore, the MPO should lead and ensure this collaboration takes place. Without an adequate level of genuine MPO-state rapport, our many recent years of not advancing the region’s transportation agenda will only continue, and

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<sup>26</sup> The initial federal legislation that required MPO organizations was quickly challenged in the late 1960s by several states, the legal outcome of which produced a compromise solution that has stood the test of decades of time since then. That solution included state acknowledgment that the feds could require such organizations and federal acknowledgment of the preeminent authority of state governments for matters within their states. Every re-issue of federal transportation legislation in its opening paragraphs calls attention to this level of state authority and, accordingly, requires a planning process that is CCC (Collaborative, Continuous, and Comprehensive), the key being collaboration between state and regional leaders, a theme often repeated in USDOT and FHWA literature.

this will be the case with or without the new Transportation Authority. Any MPO-led process of bridging the communications gap will require creativity and determination. Ideas follow:

- Conduct formal, regularly scheduled, and serious joint transportation planning sessions for state elected leaders and the MPO's Board of Directors, and/or
- Fund and conduct highly professional periodic regional transportation conferences (at least annually) with national transportation experts brought in to participate in the panel discussions and the decision-making workshop sessions that contribute to the region's final plans, and/or
- More formally, and as permissible in federal law, invite and add state legislators to serve on the MPO's Board of Directors<sup>27</sup>.

Variations of these ideas are used elsewhere<sup>28</sup>. The point is clear; state and local conversation on at least this one subject of governance—transportation—is imperative. From such formal conversation, an idea of best regional tactics could develop, something definitely needed for those biennial transportation budget battles where competition reigns. Bridging the communications gap would yield an elevated degree of mutual awareness and trust which, from interviews, we judge to be sorely needed.

**b. Add the Virginia Port Authority to the MPO Policy Board.**

Transportation systems adjacent to commercial shipping ports are not capable of handling the three-to-ten fold increase in imports that are projected<sup>29</sup>. Congestion in West Coast ports has triggered planning for new ports in Mexico and Canada to handle Asian imports, some of which have already been shifted to routes taking these imports to East Coast ports. East Coast ports that avoid costly transportation congestion problems will win out as measured by cost per container to be off-loaded and put onto freely moving road or rail ways. Taming congestion reduces business costs and also reduces the adverse social impacts of clogged truck traffic running through neighborhood areas. The potential of fifty-five foot dredged channels in Hampton Roads means (and will mean) nothing if other port area

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<sup>27</sup> The bi-state MPO serving Northern Virginia has legislators on its Board of Directors. As a point of future interest, the Northern Virginia Transportation Authority (NVTA) has legislators on its Board of Directors as voting members; our HRTA also has legislators, but as non-voting members

<sup>28</sup> The Greater Richmond Chamber of Commerce two months ago managed a regional transportation conference enabling its regional MPO to deliver its goals, plans and logic. The Northern Virginia MPO put legislators on its Board of Directors some twenty years ago. Any of these activities described above will do more than change the chairs on the deck. To some degree, the very MPO agenda will change. Current Board members will adjust and learn. Legislators, in whatever role, will do the same. Within a few years, however, the General Assembly would be aware of our regional thinking, and our full MPO Board would know more than is presently the case about what are the possible funding limits (including stretch goal limits) that are available, and what are the newest legislative policy initiatives that warrant special attention.

<sup>29</sup> One of John Vickerman's warnings is about the costly congestion problems that will become evident within the next decade because of the inability of roads and rail to deal with increased imports in a cost effective way. He claims that 70% of a container's movement costs go to land transit and 30% go to ocean transit. See American Association of Port Authorities' Executive Management presentation, May 2, 2005.

transportation networks can do the job cheaper and faster. The nexus of surface transportation issues (an MPO concern) and freight movement issues (a Port Authority concern) has become a major new center of attention.

Our research did not include a study of ports, but it became abundantly clear that ports (maritime ports or airports) were topics that heavily influenced MPO activities and a region's transportation agenda. The public also wants to believe there is fair coordination and fair funding of transportation systems both for its own as well as freight needs. Public skepticism is very high as concerns the worry that they might or will be paying to support port related truck traffic, and this concern needs attention. Visible and effective Port Authority and MPO interaction is essential. Their effective coordination is often a win-win coalition. For elected local leaders, commercial growth begets congestion and increased costs, and for the port's local leaders, their involvement and, when appropriate, their insights and resources contribute to solutions and reduced freight handling costs. Any such coordination or resulting policy decisions need to be transparent for the benefit of pertinent interest groups and citizens in general. Rumors, we discovered, exist that suggest the Port Authority will fund a "spur" in support of the region's broad highway construction hopes. That would be fine, but this is the second best way to handle such announcements—with transparency, the Board could enter such funds into its fiscally-constrained planning.

Just a few case examples tell the story—all stories the subject of public announcements, press releases, and/or press coverage. The Port of New York contributes to its region's transportation fund.<sup>30</sup> The Greater Richmond regional transportation conference highlighted the role of their airport in transportation decisions and priorities<sup>31</sup>. The first panel session at the NARC's Freight Movement recent conference<sup>32</sup> was titled "MPOs and Port Authorities". The Greater Atlanta MPO managed the freight movement panel discussion at last year's Transportation Research Board conference on MPO procedures<sup>33</sup> and dramatized their plans in support of the Port of Savannah. Port leaders are often members of MPO Policy Boards. Northern Virginia's bi-state MPO and the region's airport authority have adopted dramatically new working relationships in order to advance the many Dulles corridor road and railway projects including coordinated planning, funding support and ownership of some rights of way. Countless other anecdotes attest to the importance of ports to the planning and decision-making of any future regional transportation systems.

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<sup>30</sup> The New York Port Authority Board of Commissioner's Press Release No. 51-2006 of July 27, 2006 announced a one billion (and up to two billion) dollar contribution to its local region's Transportation Authority in support of a Trans-Hudson Express Tunnel project, a revenue source the MPO is able to use in developing its fiscally-constrained, prioritized transportation plans.

<sup>31</sup> Greater Richmond Area MPO Regional Priority Transportation Projects briefing at the Chamber of Commerce '07 Transportation Conference, May 30, 2007.

<sup>32</sup> "Gateways to Prosperity", the 3<sup>rd</sup> National Association of Regional Councils (NARC) Freight and Goods Movement Seminar, December 4-5, 2006.

<sup>33</sup> The National Academies Transportation Research Board's conference, *MPOs: Present and Future*, August, 2006, Washington, DC.

Port Authority membership on MPO Boards is not uncommon. They may serve as voting members on the MPO Policy Board or as non-voting, advisory members on the general MPO Board. In any case, senior, comprehensive, and genuine Port Authority participation in key freight transportation advisory committees and the like, often as Chairs or as voting members on these committees, warrants close attention. The economic value of good freight mobility impacts the region's entire economic strength.

Since 1991, freight mobility has been one of the responsibilities of MPO organizations; it is time to obtain Port Authority participation at the policy level as a member of the Hampton Roads MPO Policy Board.

**c. Add the Virginia Department of Rail and Public Transit (VDRPT) to the MPO Policy Board.**

Federal highway legislation went intermodal in 1991<sup>34</sup>. This placed public transit on the MPO list of responsibilities, and it requires MPOs to include (and integrate) regional public transit projects into their regional transportation documents. MPO staffs receive Federal Transit Authority (FTA) administrative funding for this purpose. While Hampton Roads has 22% of the state's population, this year's FY-07 VDRPT budget allocates only 12% of its funds to this region. Next year's federal funding for public transit will increase by 16% compared to a roads and highways funding increase of 5%. These days, transit is a hot button issue in the world of transportation.

It is said that the threshold for viable public transit occurs with a population of 800,000. The south side of Hampton Roads alone exceeds one million. Since the mid-1990s, MPO-sponsored metro area light rail initiatives have been launched in scores of metro areas with some systems already groundbreaking on second (and even third) phase rail and bus extension systems for their core projects. Intuitively, Hampton Roads should have been in the queue before Dallas, Phoenix and perhaps other light rail systems, because we have less sprawl; we have definable high density employment pockets; and we have existing and projected congestion crunches, all factors that go into transit viability calculations. The City of Norfolk is to be highly commended for its successful pursuit of a light rail project. It would have been more fortunate, however, if the Norfolk light rail system was carried on FTA rolls as the first segment of an MPO-sponsored "starter light rail for the region", one with the obvious advance planning and advance funding wedges for future extensions that such a regional project would have carried. Nonetheless, this project will still need supporting systems—new feeder bus routes (and busses),

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<sup>34</sup> For the first time and pursuant to the federal ISTEA highway legislation in 1991, MPOs were assigned responsibilities in two pieces of federal legislation—Title 23 (Transportation), and Title 49 (Public Transit). It took time for MPOs to assimilate these new transit responsibilities, but, gradually, this has occurred for most MPOs around the country. Per federal law, we do have the local public transit agency representatives serving as voting members on our MPO Board of Directors. A review of MPO meeting minutes, however, indicates very few (if any) instances where the transit agency has delivered a presentation (which they would like to do) or where transit has been a primary agenda item. No doubt, latent opportunities exist in this area. If for no other reason, transit is a hot button topic that attracts grants and support. The watchword is—Woe be to the MPO that does not optimize transit development.

park & ride facilities, and much else throughout the Hampton Roads metro area. This is a project of definite interest for the Hampton Roads MPO Board of Directors and a project warranting acceleration, and the authoritative assistance of an engaged VDRPT voting member representative. We already have one VDOT representative on the Hampton Roads MPO Policy Board; it is time to add the VDRPT representative.

From local interviews, we often heard that Virginia Beach and others did not support a regional light rail project. From MPO-related literature, in contrast, we learned that such projects require pre-planning that includes considerable public education and documentation, including maps, crafted for the commuter and the homeowner. Producing persuasive factoids such as, for example—in high congestion situations, there is a tipping point whereupon a small percentage of cars taken off the road will have considerable impact in taming congestion both now and as the years go forward. If the business community and the citizens of Dallas—pick up truck heaven—became convinced that transit was worth their investment of scarce dollars, our MPO should seek similar support. Transit has always been a challenge for Virginia. New VDRPT leadership in Richmond is currently advancing a promising and entrepreneurial new policy—instead of pursuing transit on the basis of “needs” (we need this), the planning process is now being based upon “merits”<sup>35</sup>, for example, gaining this regional bus route or this light rail segment will reduce emissions by xxx tons per year; will reduce congestion at the four points of highest peak congestion by yyy percent every day; reduce commuting time by an average of zzz hours per week; reduce gas consumption by vvv dollars per year, etc. Hampton Roads needs transit—VDRPT can help the MPO Board of Directors.

**d. Constituency Development—Add Transportation Advisory Committee Chairs to the MPO Board of Directors as non-voting members.**

Why? Federal guidance encourages MPOs to establish Transportation Advisory Committees (TACs) in a way that best suits the character, traditions, and needs of their respective regions. Transportation management literature and conferences underscore and further encourage this idea for multiple reasons; (1) for constituency development purposes; (2) to have additional vehicles in place for stakeholder and public education; (3) to have a formal method for gaining professional insight and input; (4) to assist MPO efforts to effectively advance their transportation agenda; and (5) to just get a competitive edge.

A model TAC situation: A common solution consists of creating several TACs as a professional advisory structure that is layered somewhere above the working level Transportation Technical Committee and below the policy-responsible MPO Board of Directors. In the long run, this concept with its institutional component could prove to be the most important of all recommendations in this report. In brief, this mid-level, professional structure could include a Business TAC, A Citizen’s TAC, a

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<sup>35</sup> An idea and process developed by Matthew Tucker, the Commonwealth’s relatively new Director of VDRPT, as was described by Charles (Chip) Badger, Deputy Director, during a public session of the Public Transit Alliance of Hampton Roads in Norfolk, Spring 2007.

Freight Movement TAC, a Road Safety TAC, an Economic TAC, or others. In all cases, these Committees would have duly appointed memberships—highly accomplished professionals and caring citizens appointed by the MPO Board. Each Committee Chairperson would be a non-voting member of the MPO Board and encouraged to participate in discussions, thus providing a degree of checks and balances to the decision-making process that does not now exist. The Committees would have individual supporting Bylaws, an annual agenda, and the obligation to provide their Committee’s formal recommendations to the MPO Board of Directors at least once per year.<sup>36</sup>

How do we compare? Presently, our MPO has no Transportation Advisory Committees—none—no external professional input into the MPO Board meeting process at the strategic, policy and financial levels. We do have a superb TTC (Transportation Technical Committee) at the working level, but Best Practices call for more. Building a formal TAC structure would not be difficult. In the long run, again, this could be the most important reform initiative described in this report.

**e. Strengthen the Hampton Roads MPO staff.**

Our strong card. As required by federal law, our MPO has formed a Transportation Technical Committee (TTC)—in fact, our TTC is exceptionally talented and nothing less than outstanding. It has deservedly earned national admiration for its rigorous transportation studies. The core of this strength lies with the engineering and working level transportation officials, both public and private, from all thirteen jurisdictions of the Hampton Roads MPO. Converting this strength into awareness and effective support from community leaders, legislators, stakeholders, other elites, and from the general public, however, is another matter. From interviews we learned that several mayors and Board members are bewildered—we have great studies, but we cannot effectively carry our transportation agenda forward—why? This needs major attention.

Times have changed. Today is nothing like it was some twenty years ago, yet we have not changed our Executive Director structure. The current dual (or triple) hatting of the PDC Executive Director has resulted in occupational overload. The Hampton Roads MPO is understaffed at the top and transportation needs a dedicated, high-powered (full time) coach. By far, however, the largest MPO staffing change concerns staff activities. There was an era when MPO staffs were in their cubicles, out of sight. That has profoundly changed since 1991. Openly, MPOs now report that half of what they do involves “external” activities. Around the country, the vibrant MPOs elevated their public outreach and government relations staffing throughout the 1990s. More recently, and with the advent of so

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<sup>36</sup> While these features are used beneficially elsewhere and considered to be basic best-practices, some in Hampton Roads consider all this to be too bureaucratic. With the need to strengthen the effectiveness and institutional stature of the Hampton Roads MPO abundantly clear, however, the formation of this layer of input and support is crucial and warrants examination. After a few years, such an approach is certain to breed more confident understanding, more allies, and more support during the biennial budget battles in Richmond.

many new revenue sources for transportation, they have been adding legal and financial management personnel to their staffs.

Two recommendations follow:

First, hire a new, dedicated MPO Manager to run MPO operations (perhaps to work for the PDC Executive Director). In perspective, and as the 31<sup>st</sup> largest metro area in the country, the Hampton Roads MPO faces challenges, measured in billions of dollars and as significant as those of some state Departments of Transportation. Not at all extreme, this warrants hiring a dedicated MPO Manager with decades of proven experience in both federal and state level transportation matters, a cost and a pattern that have become a normal procedure for many MPOs<sup>37</sup>.

Second, and under his tutelage, put in place or hire additional public affairs, legal, and financial personnel skilled in federal legislation in order to launch an “external” activities staff and its work.

These two staff upgrades—hiring a deeply experienced dedicated Transportation Manager and building an external activities staff—deserve urgent examination.

## **2. Strengthen MPO Procedures:**

- a. **Adhere to federal transportation planning guidance.** Two issues follow—fiscal constraint and project prioritization:

First, fiscal constraint—the hard (bedrock) requirement for fiscally constrained transportation plans—has been, admittedly, a classic issue for MPO Boards for decades. This topic dominates the Frequently Asked Questions (FAQs) on the USDOT/FHWA websites; it consumes hours of discussion at national conferences, always with patient federal explanations for every possible question (do special tax districts count, etc.). At the same time, it is a policy that gradually gets figured out by MPO Boards. The feds simply cannot and will not support plans that imply undue financial pressure on states or jurisdictions for funding projections that are not supported by “reasonably to be expected” revenue sources. For the businessman who understands budgeting, fiscal constraint is simply a realistic programming requirement, one that supports stretch goals, one that permits a sufficient degree of budgeting tactics and one that is reasonable enough to permit debate and compromise. The most recent FHWA Audit of our MPO gave many high marks, especially for the high level of staff technical expertise that we have recognized earlier in this paper. This FHWA Audit<sup>38</sup>, however, condemned our non-adherence to fiscal constraint procedures—stating that “there were issues related to

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<sup>37</sup> Be prepared—this may result in a salary inversion situation. Such is the case with a football coach and a university president, or as with our local port authority and its inversed VIT and VPA salaries, or elsewhere.

<sup>38</sup> “Hampton Roads MPO Fourth Triennial Certification Review”, dated September 2004, conducted by FHWA and FTA for USDOT. This Audit addressed Hampton Roads’ MPO procedures during its development then of the 2026 Long Range Transportation Plan and provided guidance for correcting procedures. Our more recent procedures for developing the next 2030 Long Range Transportation Plan, however, have not changed.

coordination and cooperation between MPO, State, and Federal agencies...” and that “The process (used) was emblematic of the difficult transition from “wish list” planning to reality—to establish greater trust with the public”. In the late 1990s, the Greater Atlanta MPO was de-certified by FHWA for one important reason—non-adherence to fiscal constraint guidance—with resultant considerable loss of funding. This is not a small issue.

Second, prioritized transportation project lists. Our MPO Board has refused to advance current plans in a prioritized manner as required in federal law, but rather forwards our list of primary projects as a “package”. Political clamor has its place, but at some point realism reigns, and it will govern what is in the federally-supported MPO plan or in the state’s CTB-supported plan. As businessmen know, this is basic—you cannot sell sound bites to your clients (or to the public) if they are not real.<sup>39</sup>

### How can we comply?

It has taken some MPO Boards of Directors up to ten years to come to grips with these issues, especially that of fiscally constrained planning. The stories are described in literature and discussed at conferences. Seasoned MPO leaders, for example, describe why and how they develop two long range transportation plans, one being the programmatic plan that adheres to fiscal constraint guidance, and the other called their “aspirations” plan (of what should come next), or their “futures” plan. Many MPOs, including several in Virginia, have re-titled their LRPs to be CLRPs (Constrained Long Range Plans)<sup>40</sup> just to acknowledge the bedrock character of this issue. We need, and our local interest groups and the public need to see both plans—the CLRP and the “futures plan—in the full light of day. Adhering to fiscally constrained planning guidance in no way stems the ability to pursue stretch goals.

As noted earlier and pursuant to federal law, the regional FHWA representative is a non-voting member of the MPO Board of Directors. Years ago, that representative used to sit at the table with Board members during MPO Board meetings. Unfortunately, this procedure, for whatever reason, is no longer being carried out which deprives the Board of invaluable input and guidance. Just what is the federal (FHWA (and FTA)) role? FHWA must approve MPO TIPs and UPWPs. They must provide a “conformity determination” on an MPO’s LRTP which itself is not a

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<sup>39</sup> Lessons on this are legendary. In the 1980s, the Navy pursued an A-12 aircraft package, allocated funds, and placed it in the budget (part way). This partial program went on for years, consuming dollars (that reduced dollars for current things) and earmarking future dollars, but never enough for the A-12 “package”. Then bang, Congress canceled the program, the earmarked future dollars went back to DOD, and the previous spent dollars could not be recouped. A more recent Navy aircraft carrier bungled budget in the early 90s similarly cost much and took a few years to correct. The tools of “trust and transparency”, open discussion, and formal procedures are essential to prevent such unwitting losses—this is the reason why most MPOs (and the Commonwealth) call their long range plans CLRPs. The MPO Board of Directors needs training for and needs to do these things.

<sup>40</sup> The Code of Virginia used the term CLRP in the list of responsibilities assigned to the Northern Virginia Transportation Authority; Tri-Cities MPO uses the term, and the bi-state MPO serving Northern Virginia has been explaining the process for years in their MPO Newsletters (see their November 2006 newsletter).

comment on the list of projects, but what is a statement of determination that the plan and process conforms to federal law. The LRTP cannot go forward without an FHWA “conformity determination”. FHWA objectives are to be helpful—they want improved roads as much as anyone. The FHWA roles include stewardship (ensure efficient and effective use of public funds entrusted to the federal government) and oversight (ensure compliance with federal laws, regulations, and policies). FHWA does not simply track progress. The new SAFTEA-LU legislation, effective July 1, 2007, lowered the monetary threshold for Major Projects for which FHWA must provide elevated oversight from \$1 billion dollars to \$500 million dollars or greater<sup>41</sup>. In a significant way, the Hampton Roads MPO needs to engage and team with FHWA (and with FTA).

- b. **Develop and use an MPO Budget.** Sanitation systems in the region, costing millions of dollars per year, are managed by the well known HRSD organization. Their annual budgets are distinct and available to community leaders and the public. The budgets and financial reports for regional transportation research and planning, however, are merged with other PDC programs in a common budget. For many years it was believed that the MPO did not have contracting or any other financial accounting authority, but that was a mistake—Virginia had provided that authority in obscure legislation<sup>42</sup> to MPOs in 1994. For some observers, all this makes no difference. On the other hand, the facts are that the MPO receives money<sup>43</sup>, and it spends money. Pursuant to the state’s MPO letter of designation, the PDC provides staffing and office space for the MPO. Except for smaller MPOs, it is common in such hosted-MPO situations for the MPO to execute a contract for these services. Reportedly, our MPO does pay overhead costs. Transportation is too big an issue for any financial uncertainties (or worse) to exist at all. Based on a small random sample, when other mid and large size MPOs were asked, “Do you have an MPO budget?”, the response was one-hundred percent Yes. Distinct and visible accounting of transportation funding helps to underscore the scope and importance of the MPO, and it is what nearly all MPOs in mid-size metro areas do around the country no matter what their structural or hosting arrangements are. It is time for us to do the same.

- c. **Elevate the discussion, and Get on TV.**

Board meetings. The study group reviewed MPO Minutes for the past three plus years and found that SAFETEA-LU, perhaps the most important policy topic since August 2005, had been briefed once. In contrast, the topic of Boomerang Busses had been briefed at least six times. A number of MPO meeting agendas cover but one or two items resulting in lost opportunities to discuss regional policy, tactics,

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<sup>41</sup> See FHWA Interim Guidance Memorandum of January 27, 2006, page 2, by J. Richard Capka, Acting Director FHWA.

<sup>42</sup> Commonwealth Code of Virginia Title 33.1-23.03:01, “MPOs as defined under Title 23 U.S.C. 134 ... shall be authorized to issue contracts ... to the full extent permitted by federal law”.

<sup>43</sup> Annually, the Hampton Roads MPO directly receives funding from certain transportation funding accounts (such as PL, 5303, specific grants). For certain other federal funds managed by VDOT, the Hampton Roads MPO controls where and for what projects these funds will be used (such funds as CMAQ at about \$15M per year and RSTP at about \$25M per year).

and strategy. The attendance at MPO Board meetings is sparse for the two federally required FHWA and FTA regional representatives. The FTA representative rarely attends (estimated at once each two years)<sup>44</sup> and the FHWA representative, while prone to attend, scans the agenda and attends only when it might be meaningful. In one sense, these are additional lost opportunities. Recognizing we certainly need their support, the ideal would be to encourage their attendance and to request (even task) these Board members to make presentations, provide training, and participate in strategy discussions. Similarly, the transit agency representatives assigned to the MPO Policy Board should be tasked a few times per year to make presentations that describe the latest in FTA policy and potential new opportunities; their public transit plans and financial prospects; and to elicit discussion on regional transit (regional bus and light rail) goals. Likewise, another primary beneficiary of the region's roads, the Port Authority, should be invited to present the results of their research, concerns and recommendations for the region's transportation network to the MPO Board of Directors. In addition and as discussed earlier in this report, the best practices tool of having Transportation Advisory Committee (TAC) Chairs serving as Board members would broaden the basis for decision-making. Presently, however, very few of these techniques or procedures are utilized. In all cases, they would elevate the discussion. By definition, they bring assistance, and, yes, thorny issues to the forefront. These measures would boost Board member knowledge and confidence, and they could boost that intangible, yet needed sense of transparency and trust. These mechanisms constitute a form of effective public outreach. They produce informed stakeholders in the community who can help carry the mail.

Looking ahead. Quality MPO Board meetings should be televised, a trend emerging elsewhere. Transportation is the preeminent public infrastructure. Set a target date; put the MPO Board meetings on TV, say, by July 2008, or earlier.

**d. Establish an MPO Training Program.**

What, why, and for whom. If our MPO Board of Directors takes on the process of MPO reform, formal training (a process itself) should become one of the first things they do. MPO reform, we noted earlier, will take several years. Training, therefore, will be an investment for and give leverage to the process. Technically, the MPO working staff, we noted earlier, is exceptionally strong. Therefore, an MPO training program should be designed primarily for the members of the MPO Board. The training program must ensure that Board members are informed about the history, purpose, current law, fiscal range of authority, and responsibilities assigned to MPOs in federal law. The training program must ensure Board members are fully aware of fiscally constrained planning requirements and fully aware of emerging trends. In short—know the business, its past, present, and

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<sup>44</sup> To be fair, please note that our region's FTA representative is now in Philadelphia, a long way from Hampton Roads. Still, this issue should be examined. It is not unreasonable to imagine a Memorandum of Agreement that schedules the FTA representative to participate once (or twice) per year in Hampton Roads MPO Policy Board meetings. That same agreement could also schedule plans for addressing transit-related or training topics to be on the long-term agenda for these Board meetings. For information, the other federal FHWA representative for Hampton Roads is in Richmond which poses no similar difficulties.

future. During interviews, a majority of present and past Board members commenting on this topic believed training was very sorely needed.

Training sources. FHWA could be a source of quality training.<sup>45</sup> Consultant transportation experts will probably be needed sometime during any long term MPO reform process. Several local initiatives could easily be started—(a) join the national MPO and transportation professional organizations<sup>46</sup>, and distribute their periodic newsletters to every Board member; (b) distribute MPO Newsletters from competitive MPOs or peer-MPOs<sup>47</sup> to all Board members, (c) send three or four Board members to a national transportation planning conference each year, requiring a report and briefing of their findings, (d) schedule FHWA lessons on the thorny subjects of fiscal constraint and prioritization, on the new requirements in SAFETEA legislation, and on emerging topics such as new revenue sources, (e) consider developing Board member experts on a few selected topics who will address these topics at the policy, financial, and strategic levels to go along with the staff’s technical assessments.

- e. **Tune in to hot button issues.** “Skate to where the puck will be” is a Wayne Gretzky cliché. It applies, however, to the fast-moving, dynamic, multi-faceted, and complicated business of transportation planning.

On-going Hot Buttons—Public Transit and Freight Movement. Public transit and freight movement were topics much strengthened in the 1991 federal highway legislation and topics that were put squarely on the shoulders of MPO organizations. This was the advent of intermodal transportation logic. Such new policies take time to gestate. Generally, transit did not get traction in the world of MPO activities until about 1996, and freight movement did not gain broad attention until about 2001. For many real world reasons, these two subjects continue to be hot button transportation topics<sup>48</sup>. They are subjects where policy momentum exists and where funding is up. Essentially, they are required agenda items for any national (or local) transportation conference<sup>49</sup>. In the broad scheme of things, they

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<sup>45</sup> For many years, FHWA conducted a Transportation Planning Capacity Building (TPCB) training program with an on-site traveling executive level seminar option for MPO Board members, but unfortunately, after some 15 years, this program appears to have ended. FHWA does have another MPO peer-to-peer training program that we have not assessed, and there may be other FHWA resources that could be examined.

<sup>46</sup> The national Association of Metropolitan Organizations (AMPO) and the National Association of Regional Councils (NARC) are two organizations, for example, that regularly address MPO matters. The AMPO’s newsletter, *Metros*, is a quarterly publication.

<sup>47</sup> The Northern Virginia’s bi-state MPO Newsletter, *TPB News*, is superb (a must-read for our MPO Board members), and is a monthly product and an example of a competitive-MPO’s efforts. For similar size metro areas or metro areas with ports, there are several peer-MPO newsletters that could be reviewed on a regular basis—the Indianapolis MPO Newsletter, *TeMPO*, is a 28-page monthly product and especially comprehensive.

<sup>48</sup> For transit, over 30 light rail systems are currently being developed, and this year, federal transit funding has increased by 16%, more than three times the increase in funding for roads. For freight movement, the image of burgeoning imports looms and the newest highway legislation (SAFETEA-LU) has increased its focus on freight movement, added inter-modal connectors as a facility to be placed in regional plans, and increased funding for freight movement research.

<sup>49</sup> For example, the Delaware Valley MPO (Philadelphia, Camden metro area), and the Greater Atlanta MPO (includes the port city of Savannah) provided impressive freight movement presentations at the National

may not represent the region's largest projects, but they demand attention. To be competitive, they must be addressed with some extra depth and energy.

The newest Hot Buttons—Cross border and Coterminous transportation planning. Cross-border MPO (bi-state) transportation planning is a topic of growing interest, one already encouraged and supported by the feds. North Carolina legislators care about what we do with Route 17 and Dominion Boulevard. We have thousands of daily commuters arriving from Camden and Gates Counties. Coterminous MPO (or near-coterminous) transportation planning is another topic of growing interest and one very likely to become a requirement in the next federal legislation. Some MPOs already do these two things. The Fredericksburg and Northern Virginia MPOs have executed a Memorandum of Agreement that assures neither will be surprised, that both are aware of each other's plans, etc. The Baltimore and Northern Virginia MPOs and others have done the same. During our own MPO Board meetings, we have seen the need for such coordination here, for example, as the debate regarding Route 460 proceeds.

The next Hot Buttons—New Transportation Revenue Sources and Transportation Security. Policies on the following topics remain unsettled. For these topics, however, there is little doubt that change is coming and with it, both opportunity and challenge. New revenue sources are inevitable, and this topic is one of the next hot buttons. The old ways (transportation-related taxes) of paying for roads is no longer sufficient. This is a long story that we will not get into here, except to say, there are dozens of new revenue sources being examined, some already in federal and state legislation—PPTAs, PABs, HOT lanes, Special Tax Districts, Impact fees, Proffer requirements, Regional fees and taxes, Variable Congested-based Tolling, and more. Transportation Security is another next hot button topic. In concert with the Department of Homeland Security (DHS), security has been added in SAFETEA-LU as a new and separate planning factor that must be used when developing metropolitan transportation plans. DHS has indicated it will likely develop regional offices some day in the future. The wheels are turning, and likely, MPO Boards will soon see more of, and will have to regularly manage and plan on this.

Hampton Roads could be, or may be required to be, a principle player in several of these surging transportation topics—coterminous MPO arrangements, cross-border MPO arrangements, security, freight mobility, and transit. Being on the cutting edge could produce reputation and needed revenue.

### **3. Strengthen the MPO's Institutional Stature:**

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Academies Transportation Research Board's MPO Symposium, *"The Future Metropolitan Planning Organization: Present and Future"*, August 27-29, 2006.

- a. **Act like an MPO organization.** Following considerable (and impressive) debate, the Hampton Roads MPO approved its draft long range transportation plan in June 2005<sup>50</sup>. In doing so, the MPO Policy Board had to defeat counter motions to table the plan and to pass it back to respective jurisdictions yet again for review. This was a solid, collective, regional action. Then, however, the proposal to send this major achievement, their proposed transportation plan, under MPO letterhead to the General Assembly prior to its forthcoming session or to the Commonwealth Transportation Board was defeated. Here, the opportunity to act as an integral organization was lost. Other MPOs, including in Virginia, do this.

One of the most important strengths of federally-mandated MPO organizations is the convening authority power that it derives from this legislation, but this strength was not exercised. As they say, use it or lose it.

**b. Trust and Transparency—the best way to achieve Institutional Stature**

The budget this year for national surface transportation amounts to \$295 billion dollars, more if you add national aviation and rail budgets. This almost parallels the nation’s defense budget—it is huge. The impact of transportation on our daily and future lives and economy is similarly huge. Transportation is a government responsibility for all levels of government; it is the preeminent public infrastructure and an enormous public service responsibility.

It is only natural, therefore, that stringent rules be involved in the process of deciding how to allocate these public investments. Far more than for most government functions, transportation requires that the planning and decision-making processes be replete with considerable and genuine transparency and trust. This report refers to several of the Best Practices that contribute to trust and transparency for the benefit of interests groups and the general public. For some, such procedures are costly, cumbersome, and time consuming, but that is not accurate. Nothing can save time or produce more efficient results than to have an MPO that is admired in the community<sup>51</sup>. Such public comprehension of proposed plans and the rationale for those plans is a source of incalculable support. With it, you move forward; without it, you don’t move.

- c. **Shine light on the MPO in every possible yet reasonable way.** Nationwide, MPOs do this in various ways. Many have logos; many have mottos, e.g., “We Plan to Get You There”. Most have their own websites, their own letterhead stationery, their own Policies and Procedures Manuals (a training manual for Board members), and their own Bylaws, carefully updated following each new federal

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<sup>50</sup> Minutes of Hampton Roads MPO Board meeting, June 15, 2005.

<sup>51</sup> During an interview with Jerry Bridges, the new Port Director, he described the image of the MPO in the Oakland area of California as being one where it is a matter of “high esteem” to be on the MPO’s Board of Directors and that such an assignment was a “coveted position”. Other MPOs enjoy high levels of respect as well. Here, few are aware of the Hampton Roads MPO—some people think they are on the Board, but they are not; and some cities have decided that this position is one for their junior council member. The purpose of footnotes such as this is not to find fault but to dramatize how easy it will be to take corrective actions once the MPO Board of Directors decides that it is time for profound MPO reform. See also footnote 53 on page 31.

legislation package and/or to include other emergent state or federal opportunities. We have none of these attributes. Their transportation studies are clearly identified as MPO studies as approved by their MPO Policy Boards, but here, the term MPO is not used, and the PDC Board is listed on these reports and studies, not the MPO Board who actually voted on the document. Elsewhere, federal and local audits in many cases are posted on their websites for regional awareness of strengths and weaknesses. In a few cases and as a new trend, the MPO Policy Board meetings are televised. They join the major national transportation and MPO-related professional organizations, but we do not. Board members and staffers participate in the conferences and workshops sponsored by these national transportation organizations for several reasons—(1) to remain abreast of new legislative opportunities, the rapidly developing new revenue mechanisms being used for transportation, and other hot topics and trends; or (2) to promote the training and exposure of selected Policy Board and even staff members. This process helps build transit, freight, road safety board member cutting-edge experts. The Hampton Roads MPO manages a superb regional technical committee, but it does not do most (or any) of the foregoing mentioned topics.

#### **4. Fix the Legal Underlying Problems.**

- a. All of our prior discussion addressed matters of concern and suggestions for leaders throughout Hampton Roads. This topic—the legal basis of the MPO organization—requires state-level attention with, of course, local participation, input, and support. The state’s letter of designation in 1991 that established the Hampton Roads MPO was sent, as required, to the federal government (FHWA and FTA offices). This step registered the MPO in federal files and thus permitted administrative funding for MPO staffing and research to flow, and it permitted periodic federal certifications to be scheduled, etc. This letter of designation identified the MPO’s geographic boundaries, identified MPO Board members, and designated the PDC to serve as (or provide) the staff of the MPO. At the outset and thinking in legal terms, one question comes immediately to mind—who works for whom? The legal answer is that the PDC works for the MPO, but that is not what we do. Rather, our MPO is hosted by and works for the PDC, an arrangement adopted years ago, but a de facto, not a de jure arrangement. Back in the 1970s for many reasons, nearly all MPOs started out this way—no one was sure then if this MPO idea would develop or survive. The trigger for change occurred with the 1991 federal transportation legislation (ISTEA) that markedly clarified and advanced the roles, functions, and direct federal funding of MPO organizations.
- b. Nationwide, some 15 to 20 states have echoed federal law and have statutorily created regional transportation bodies (political sub divisions) in their states, and numerous other states have statutorily acknowledged the existence of MPO organizations by granting contracting authorities, public right-of-way purchasing authorities, or the like. Virginia is one of the few states that is silent on the topic, an omission with devastating results. One can understand the frustration of local MPO staffers—the state does not recognize or support us; we don’t count; it’s us against them. Our research is not able to determine the precise cause of this confusion—

some say it was due to an ultra strong VDOT<sup>52</sup> that did not want to relax control to regional entities in 1991 and during the 1990s. But drawing on interviews, confusion most certainly exists—the MPO is not legal; the MPO doesn't exist; the PDC is the MPO; the PDC Executive Committee is the MPO—and this widespread confusion exists in the ranks of city transportation department staffers up to the top ranks of MPO leadership.

- c. This absence of legal clarity for the MPO organization suffocates organizational confidence, and this must be corrected. When an MPO can say it is a state-established body **and** that it has been designated by the state to be the federally-mandated MPO, then it has both state and federal legal clarity; its state charter follows the tenets of federal law; it adds unique state-level parameters as may be appropriate; and it endorses (assigns) the federal mandate functions to the MPO. This is basic and not difficult to achieve. The statutory steps require action by the state's General Assembly, and the MPO designation steps will require action by the Governor's office. Such actions will require close coordination, and they assume that a working relationship between MPO regional bodies and the state's VDOT staff have been agreed to. In the end, as well, and to be effective, it will require that local leaders acknowledge and act with the understanding that transportation is henceforth a regional issue, driven entirely by regional cost-benefit analysis and not one driven by jurisdictional preferences.
- d. Rhetorically, one could have asked years ago, why not just designate the PDC as the MPO, because that is, de facto, what we seem to be doing? This, indeed, would have solved a thousand problems, but to do so would require changing the charter of the PDC which risks changing the charters of all 21 PDCs in the state, and that risks impacting the Virginia Development Act that created the PDCs in the first place. The PDCs are superb organizations throughout the state and among them; the Hampton Roads PDC is exceptional.
- e. Rhetorically again, one could ask tomorrow, why not just designate the new Hampton Roads Transportation Authority (HRTA) as the MPO? Again, this could solve a thousand problems, and this may be possible. But, then again, do not jump to any quick conclusions here. The new transportation legislation is but a few months old, and much work needs to be done—defining funding flows, defining bond issuance procedures, defining working relationships, drafting a Charter, deciding on project implementation procedures, and gaining public admiration and support, for example—before the HRTA organization begins imposing and collecting fees and taxes in 2008. Several key issues pertain, especially the question (or wisdom) of merging tolling and fee collection agency roles with those

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<sup>52</sup> VDOT was once the third largest DOT in the nation, but we are far from being the third largest state. VDOT was exceptionally strong during the 1990s and was viewed then by some as the “fourth arm of government”. In that mode, the tendency of “we need no help” may have contributed to the non-interest in promoting regional planning. This, of course, is conjecture, but yet there may be a kernel of cause here for the slow (or no) development of MPO organizations. As noted earlier, this situation has changed. VDOT has markedly down-sized in staff and facilities, and the state has adopted devolution as a new transportation policy. VDOT is looking for assistance which healthy and learned MPOs can provide.

of planning agency roles that need to be addressed. This question must be addressed in the most transparent and trust-building way possible.

- f. Today, confusion reigns; there are three organizations in Hampton Roads working on transportation planning—the MPO, the PDC, and the TDC (the Transportation District Commission, known as HRT). We must take remedial actions soonest to prevent increasing this level of confusion with the addition of the HRTA, the fourth organization working on matters of regional transportation planning. The risks here are high, but our study group sees an even higher opportunity here to solve a crippling legal problem.
- g. This fourth recommendation—fix legal problem—calls upon state intervention. At the same time, it seems necessary that such actions must be initiated by local, regional leaders. There are at least two reasons for this, (1) the reform of most of the egregious shortcomings of our MPO rest in the hands of local leaders, and (2) during interviews with state (VDOT, VDRPT, Secretariat’s office) and with federal (regional FHWA) officials, the opinions were that considerable improvements are needed and they could most definitely assist, but that their involvement would only come about when-and-if asked. The policies for these state and federal officials is to give great deference to local elected leaders, to not engage and appear to be forcing change unless clearly and publicly asked to do so. As several have suggested, we may have some local misplaced pride that deters asking for help, or that believes we are the best; we need no help. The point is that MPO reform must start here in Hampton Roads.

## V. Conclusions:

### A. Quick Summary of the Preceding Four Sets of Recommendations:

1. **Strengthen MPO Structure** – Achieve state and regional collaboration; Add the Port Director and a VDRPT representative to the Board; Establish Transportation Advisory Committees with Chairs as Board members; and Strengthen the MPO staff.
2. **Strengthen MPO Procedures** – Adhere to federal transportation guidance; Develop and use an MPO budget; Elevate the discussion of transportation matters; Conduct training for MPO Board members; and Tune into transportation hot-button issues.
3. **Strengthen the MPO’s Institutional Stature** – Act as an MPO; Adopt methods of Trust and Transparency; and Shine light on the MPO.
4. **Fix the Underlying Legal Problems** – Reconcile and clarify the roles and mission of multiple transportation management organizations in Hampton Roads, and untangle the two Catch-22 situations.

B. **Imminently Doable.** MPO improvements—most of the recommendations in this report<sup>53</sup>—will not be particularly difficult to achieve at the local level, because

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<sup>53</sup> Annex A-2 contains a list of recommended action items displayed in three levels—items to be addressed at the state level, at the regional/local level, and by the general public.

supporting MPO legislation, and assured federal funding for both staff and research, and countless examples of other MPO effective best practices are available. Making these improvements, however—as led, we suggest, by the Hampton Roads Mayors and Chairs Caucus—would require a genuine commitment for MPO reform.

C. **Only Hampton Roads needs major attention.** All MPOs are challenged—their responsibilities are very demanding and often frustrating. In Virginia, there are only two major MPOs serving regional areas with well over one million people, representing half of the state’s citizens and over half of the state’s economy—Northern Virginia and Hampton Roads. Other MPOs in Virginia are also very important and two or three of them are large enough to meet the Transportation Management Area (TMA) designation that permits eligibility for certain transportation funding programs. In the main, all of these other MPOs are doing fine given the scope of their requirements<sup>54</sup>. For the Commonwealth, it is incredibly important that the two big MPOs of Northern Virginia and Hampton Roads function well. Northern Virginia has a few advantageous safety nets—the National Capitol Region Council of Government (called WASHCOG) provides oversight and assistance; they have a bi-state MPO that engenders additional support; and they have a previously-established, state-chartered Northern Virginia Transportation Authority with explicit MPO-like authorities. The Hampton Roads MPO has none of these safety nets which should concern and gain the attention of the Hampton Roads Legislative Caucus as well as the locally elected leadership in Hampton Roads. As described in the Recommendations of this report, the new Hampton Roads Transportation Authority may launch discussion and research into federal transportation methods, and thus offer some new opportunity to revitalize the MPO and to deal with these issues.

D. **Finally, the opportunity has arrived that should permit MPO reform.** This study does not suggest blame anywhere. Our team completely dismisses the past. There are other MPOs around the country who have not yet caught the fever of 1991 and who have not yet come of age. This situation is not abnormal.

Deciding to do something about it only happens when certain factors—such as a series of failures, new requirements, or new opportunities—align themselves to dictate reform. We believe this situation has arrived in that we have seen years of not advancing the regional agenda; we have lost funds on expired EIS and other studies; the public is concerned about congestion and traffic delays, and now, we have the arrival of a new Transportation Authority with its attendant set of new funding opportunities. In a larger overall picture, Hampton Roads is blessed with an exceptionally talented set of City Mayors, County Chairs and supporting Council members. Honesty and selfless dedication at the leadership level in

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<sup>54</sup> The Roanoke, Fredericksburg, Charlottesville, Northern Virginia regional MPOs all attended last year’s major Transportation Research Board’s splendid conference (*MPOs: Present and Future*), but Hampton Roads did not attend. The Fredericksburg MPO has its own website, its own Transportation Manager, a coterminous MOA with the NoVA MPO (we do not do these things); one of the state’s MPO Executive Directors is on the national Board of the national Association of Metropolitan Planning Organizations (AMPO) (we are not even a member of AMPO), for example.

Hampton Roads has to be the envy of any other metro area in the nation. This talent can build a proud, capable, 22<sup>nd</sup> Century MPO organization for Hampton Roads.

- E. **Alarmingly, the necessity for MPO reform is immense.** The policy of ignoring the MPO is a dead end. It is impossible to continue to ignore federal legislation forever. Once the process to revitalize the MPO starts, the learning curve—about national transportation trends, the basics of transportation competition, the wide realm of unique transportation program funding opportunities, and the techniques of safe and effective public outreach procedures—will steadily grow. The ingrained regional instincts that will result such as “let’s generate trust and transparency while going forward”<sup>55</sup> and “let’s ensure we have quality regional, state and fed collaboration” will be invaluable. Our region must develop this ingrained understanding of the federally-led and extremely complex process of planning and programming for transportation systems. This level of core comprehension will be needed not only by the MPO but also by any other transportation organization in the region such as the new HRTA or the existing TDCHR. It simply does not matter what transportation organization is doing what—they all need to have these ingrained instincts (in depth understanding of federal regulations) to accomplish anything. This will apply to the new HRTA as well. As one leading businessman in the area aptly said, “Don’t fight the feds; join them as a team”.
- F. **Regional is not a four letter word; it is a three letter word.** In Hampton Roads, the leadership (and the general public) needs to recognize that nationwide, one, and only one, chunk of public infrastructure has gone regional, and that is transportation. There have been a few other federal programs that required regional coordination over the years on an off-and-on basis. None of these even comes close to the 40 plus years and omnipresent regional requirements of federal transportation legislation, and this will not change. The reason is simple—the impacts of transportation are enormous as are the multi-billion dollar costs for this type of infrastructure. Transportation planning is beyond the scope and ability of any one jurisdiction, anywhere, to manage or control. Transportation has gone regional; it is no longer a jurisdictional, and certainly not a parochial, issue. Deciding to study the subject in this “regional” way, and deciding to conduct genuine “regional cost-benefit analyses” and to do so only in this “regional” way, has become essential. When it comes to transportation, regional is a three letter word—It is the LAW.

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<sup>55</sup> As noted earlier, this paper will be followed by a second paper that discusses the practicalities of regional Transportation and Tolling Agencies. Following the state’s recent HB-3202 transportation plan, the Northern Virginia Transportation Board’s next meeting made a commitment to ensuring trust and transparency as they went forward with the new requirement to vote for and impose and collect fees and taxes. Instinctively, these words were followed by deeds—open Board meetings, multiple specially-scheduled town hall meetings, five study groups commissioned to work with interest groups and to develop reports (three of which independently stressed quality public outreach), press releases, and FAQ sheets for distribution, all accomplished well before their scheduled date for voting on the fees and taxes. We, too, can learn these instincts.

**G. The purpose of this MPO Study Group.**

From page 1, the opening question was, Should the MPO be revitalized and strengthened? Unequivocally, the answer is **Yes, Revitalize.**

The idea of revitalizing and strengthening the Hampton Roads MPO as one element in the Regional Structure Project’s proposed future regional structure of governance has considerable merit and is strongly supported. Indeed, a recognized and effective MPO could contribute to the broader Regional Structure Project endeavors, or as one author, Myron Orfield, has concluded: ***“Responsible for planning and programming transportation investments, metropolitan planning organizations [MPOs] are the most widespread form of regional governance in the United States today”***<sup>56</sup>.

H. **End Note.** Transportation (for public roads and public transit and also for freight movement) is one of the very few topics that, inextricably, have sweeping, even controlling, impact on the future of a region, including its economic development, quality of life, wage scale trends, efficient land use, and much else. MPO reform could launch a new “Go for the Gold” era for Hampton Roads.

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<sup>56</sup> Myron Orfield, one of the nation’s leading practitioners on matters of regionalism, in *American Metropolitcs: The New Suburban Reality*, (The Brookings Institution Press, Washington, D.C., 2002), p. 137

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**ANNEX: A-1**

**Metropolitan Planning Organizations – A General History**

Nationwide, Metropolitan Planning Organizations find their roots in the national Interstate Highway System started by President Eisenhower in 1956. Some fifteen years into this massive effort, it was time to re-address the planning and management procedures in place. Along the way in this remarkable American construction effort, conflicts arose that needed attention. The relentless effort—some called it the “build-and-be-damned” approach, had begun to put federal objectives in conflict with community and economic development plans of local governments, or it was seen as favoring certain localities over others. It was evident that local plans and voices needed to be acknowledged.

In an effort to generate local and regional coordination, the Federal Highway Act of 1965 required that metropolitan areas establish a Metropolitan Planning Organization that would develop regional transportation plans for their metropolitan area. This was not an option; this was obligatory. In passing such legislation, Congress was encouraging, if not requiring, regional cooperation. This was the very beginning of “devolving” the essence of transportation responsibilities from the federal level down to government levels that would best manage the attendant issues. For scores of reasons, the need for this devolution process and the process itself have grown, and this will not be stopped or reversed.

The initial 1965 legislation requiring the creation of MPO organizations may have been visionary, but it was woefully short on specifics. It seemed to be an idea about future management rather than legislation describing required actions. As their assigned tasks, MPOs were required to develop (1) an annual Unified Planning Work Plan (UPWP), an agenda of its planning activities; (2) a Long Range Transportation Plan (LRTP), the plan for future transportation investments; and (3) a short term regional Transportation Improvement Plan (TIP), a prioritized plan of projects in near term budgets. Importantly, the legislation provided funding from the Highway Trust Fund for MPO administration and research expenses, and to support the efforts required to stir genuine regional cooperation in assessing needs and creating the required plans. Still, the legislation in those early days was weak in terms of defining the MPO organization. Only a few MPO organizations thrived across the 1970s and early 1980s; some proved useful; and many remained invisible to the public eye. Starting in 1991, however, at least for many MPO organizations, this abruptly changed.

For matters of transportation, the federal highway legislation of 1991 ushered in a significant new era when Congress passed the Intermodal Surface Transportation Efficiency Act (ISTEA). This was followed with the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) in 1997. The latest legislation, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act-A Legacy for Users (SAFETEA-LU), was approved by Congress last year, which means the process will continue with yet new mandated requirements and, yes, with new opportunities for MPO organizations.

The fourteen year legacy of ISTEA and TEA-21 was substantial. The interstate highway legislation was transformed profoundly from a “highways” program (roads) to a “transportation” program (multi-modal) and from a program “to move vehicles” to a program “to move people and goods”. ISTEA, especially, started the process of sub-

allocating funds and decision-making down to the metro level. It required that public transit be as comprehensively addressed as roads and highways, and it required MPOs to manage a comprehensive public affairs program to assure transparency of their decision-making processes and to broadly inform their regional citizens. TEA-21 expanded this latter topic, requiring a formal public participation process and enhanced procedures enabling accessibility of planning information to the public.

To bring actions closer to the everyday issues of municipal leaders, ISTEA provided funding for, and required MPOs to develop, a congestion management and air quality (CMAQ) program as an adjunct to MPO plans. Recognizing that vehicular traffic is the largest single source of regional pollution; that traffic congestion is a major source of such pollution; and that congestion was the primary irritant of today's commuters and their leaders, this CMAQ requirement was a win-win-win concept. Air quality management had long been a regional project, and only at the metro or MPO level could both transportation and transportation-induced pollution be effectively managed. This definitely devolved authority down to the metropolitan level, where it belonged, and it empowered MPO structures thus assisting in their development and in their relevance to the public. In short the federal government intended to terminate its funding for roads that begot pollution, while simultaneously funding environmental projects designed to curb pollution.

More importantly ISTEA and TEA-21 transformed transportation planning from a "single discipline" (engineering) to a "multidiscipline" set of issues, now involving matters of public governance. MPO leaders had to consider both community development and regional economic development plans; they had to show there was no disproportionate impact on low income populations in their metropolitan area. The region's workforce, and thus the region's economy, was being impacted by transportation decisions. Stated as an expression of the sense of the Congress, transportation projects had to be linked to the needs of the general workforce and economic development. Accordingly, ISTEA and TEA-21 included requirements that concepts such as reverse-commuting, traffic monitoring, access-to-jobs projects, freight handling, and public transit be examined and included in the MPO decision-making and project selection processes for transportation planning. Again, the federal government intended to terminate its funding for roads that complicated the travel of workers while simultaneously funding welfare-to-work programs designed to assist the workforce. In sum, and when viewing transportation as a means of communications, and as essential for prosperity, transportation-related decisions were to be based on a mixture of economic, social, workforce, and environmental requirements as well as on matters of engineering.

All this is hugely important. In essence, transportation as an issue was "devolving" down from the federal level and "transforming" itself into a multi-disciplined issue, both at the same time. Necessarily, the role and expectation of MPO-driven decision making had to and was expanded in these legislative acts.

ISTEA and TEA-21 provided more stringent requirements for metropolitan transportation planning. The goals went beyond the 1965 level of fostering collegial regional cooperation which was useful but which far too often produced only a wish-list

compilation of transportation projects on a full consensus basis (something for everybody). From now on, transportation plans had to be “fiscally constrained”. The transportation plans were not to serve as a mechanism to place pressure on state or federal authorities (which was a phase that some MPOs went through, and some still do); the plans had to depict “reasonably expected” funding streams for the proposed projects. The legislation called for practical and fiscal realism in the planning process, nothing less.

That transportation plans now had to be coordinated with or consider other local economic, social, and environmental plans is an end result fitting for the ISTEA-defined concept of requiring publicly-elected representatives to be the voting members of the MPO Policy Boards. Finally, in 1991, requiring publicly-elected persons to be the voting board members provided the legitimacy necessary for such broad responsibilities.

Here in Hampton Roads we formed two MPO organizations in 1973, one for the Peninsula and one for the Southside. The two MPOs were merged into a single Hampton Roads MPO in 1991. In 1992, the Hampton Roads MPO boundaries were expanded to include Isle of Wight County. Today, the Hampton Roads MPO Policy Board (the voting membership) includes 17 representatives: one each from Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg (9 cities), and one each from Gloucester, Isle of Wight, James City and York Counties (4 counties), plus one each from two public transportation agencies, the Williamsburg Area Transit and the Transportation District Commission of Hampton Roads, and one each from VDOT and the Hampton Roads Planning District Commission.

MPO organizations have evolved significantly over the past forty years. Responsible for “transportation governance” for their region, many MPOs, given their successes, have served as the progenitor for other productive actions of regional cooperation. Indeed, one of the nation’s leading practitioners of local governance, Myron Orfield, has concluded that *“Responsible for planning and programming transportation investments, metropolitan planning organizations [MPOs] are the most widespread form of regional governance in the United States today”*.

Ray Taylor

September 2006

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**Annex: A-2 An Action Items Check-Off List**

**AT THE STATE LEVEL, for Legislators, the Secretariat's Office, or VDOT as appropriate:  
What state-level practical actions would help?**

1. Fix the legal problem—provide basic statutory status to the Hampton Roads MPO.
2. Reconcile and clarify the roles and mission of multiple transportation organizations (MPO, PDC, PDC Executive Committee, TDC, and HRTA) in Hampton Roads and clarify their respective reporting lines of authority.
3. Provide clear guidance to MPOs consistent with federal legislation. Maximize therein the authorities of and opportunities for, MPOs that are available in this legislation.
4. Update and very much modernize the state’s MPO letters of designation.
5. Task and challenge MPO activities. Participate in MPO Board meetings.
6. Promote (require) the formation of Transportation Advisory Committees.
7. Produce a state level Manual for MPOs (see Ohio and elsewhere).
8. Provide professional training for MPO Boards. Especially teach the federal concepts of fiscal constraint, the prioritizing of projects, and the programming of transportation projects.
9. Urge, and then approve additional Board members for the Hampton Roads MPO Board, certainly those few who are principal beneficiaries and stakeholders of a sound, regional transportation network such as the Port Authority.
10. Assist with (increase) federal participation in MPO Board meetings.
11. Consider a state level Association of MPOs (see Florida and elsewhere). Conduct at least one annual State MPO conference per year.
12. Use the MPO to enhance the state’s relatively new policy of devolution.
13. Include and highlight MPO activities on the VDOT and VDRPT websites.
14. Establish policy for and require minimum levels of formal coordination between coterminous or near coterminous MPOs and also between cross-border MPOs.
15. From a state perspective, only the Hampton Roads MPO needs especial attention. The MPO for Northern Virginia (the only other metro area with a population over one million) has built in safety nets—a bi-state MPO structure with considerable policy support from WASHCOG, an existing Transportation Authority, existing Bylaws, etc., —and the state’s other smaller metro areas are doing fine given the scope of their requirements.
16. Compare and analyze existing MPO boundaries and VDOT Regional District boundaries. Consider altering either boundary—at least for the two major metro areas in the state—in order to improve coordination and prevent distractions.
17. Should the HRTA organization be formed, reconcile the concept of a Regional Tolling Authority with that of a Regional Transportation Authority and with that of an MPO.

**AT THE REGIONAL LEVEL, for the Mayors & Chairs, the CAOs, & MPO Board members:  
What regional and local-level practical actions would help?**

1. Recognize that federal law requires regional transportation plans, that regional transportation planning, and the investment decisions of public funds that are made, require regional reasoning.
2. Revitalize the MPO's public outreach agenda:
  - a. Find a way, whatever it takes, to schedule regular conversations between state elected and local elected leaders on regional transportation planning matters. State leaders have state interests and funding authorities, and local leaders understand local traditions, trends, and the region's economic and community development plans. As in football, the front line needs to huddle with the backfield or the region's tactics and strategies will not work out.
  - b. Invest in and develop a regular pattern of MPO regional conferences to serve as a forum for visiting national transportation experts, as a venue for local stakeholders to conduct panel discussion, and as a public venue for the MPO to transmit its plans and policies.
  - c. Develop a robust constituency development program (see item 4 below).
  - d. Develop a periodic MPO newsletter that serves to educate the public and principle stakeholders about the MPO and its activities.
  - e. Hold MPO press conferences at key times of the year (New Plan Proposals or Plan Approvals, to announce approval of the Annual UPWP with its approved and funded MPO tasks for the coming year), etc., and hold Public Hearings as described in federal legislation.
  - f. Make plans for and commence TV broadcasting of monthly MPO Board meetings. Set a date for this as a confidence-building measure and to achieve transparency.
2. Strengthen the MPO Board. Consider adding Port Authority and VDRPT representatives to the MPO Board of Directors for reasons outlined in this report. Consider adding legislators to the Board (at least, debate this idea). Consider expanding the MPO Boundary Area to include Southampton County and a county in North Carolina, and add the Chairs of Transportation Advisory Committees (see below) to the MPO Board as non-voting Advisory Board members.
3. Build a constituency development process to include the formal creation of Transportation Advisory Committees (TACs), each with MPO Board-appointed members, its own formal Bylaws, and each with a Chair who provides an Annual Report and who serves as a non-voting member of the MPO Board of Directors. Move in the direction of building an MPO External Activities capacity that could use the existing strong internal activities staff to improve the overall ability to collect inputs from, and to educate, the public, and to become persuasive in Richmond.
4. Address MPO budget and accounting. Consider using an independent MPO budget. Segregate PDC and MPO tasks in the federally-mandated Unified Work Planning Program (UPWP) document and publicly announce each year's new UPWP goals and plans. Such efforts should assist jurisdictions better understand the purpose of their respective investments and dues for matters of transportation.

5. Build professional capacity and augment training for members of the MPO. Learn more about and come to grips with the federal definitions of fiscal constraint, project prioritization and programming. Establish coterminous MPO formal working relationships. Establish cross-border MPO formal working relationships. Invite others—FTA, FHWA, VPA, HRT, national Association of MPOs (AMPO) leaders, etc.—to visit and provide selected briefings or lessons to the MPO Board. Consider forming an MPO Executive Committee or Standing Committees to divide up the immense amount of work to be done and to develop topical experts among the MPO Board of Directors.
6. Shine light on—do some branding for the MPO. Consider adopting an independent MPO website, or at least, segregate MPO transportation matters from other material on the PDC website. Post federal certifications and local financial reports on the website. Draft a set of MPO Bylaws. Identify MPO studies as such and list MPO Board members rather than PDC Board members on MPO studies and reports. And consider obtaining MPO stationary, an MPO logo, and an MPO motto.

**AND FOR THE GENERAL PUBLIC including business and citizen stakeholders:  
What citizen, public-level practical actions would help?**

1. Recognize that regional is not a four letter word. As a public infrastructure issue, recognize that transportation planning (including investment decisions) has gone regional and that regional transportation planning has been required by federal law for over 40 years.
2. Realize that this is so, because planning for the region’s future transportation network (roads, freight, transit, etc.) is now absolutely beyond the capacity or ability of any one jurisdiction to manage.
3. Give support to reasoned regional solutions. Demand logical and irrefutable regional cost-benefit analysis support for the plans developed, and then give full regional support in every way possible to help advance the region’s planning agenda. This is vital, because in the world of transportation, competition reigns. A strong case (cost-benefit analysis based) and strong region wide (stakeholder and citizen) support are essential.
4. Recognize that regional transportation is a core public service. Volunteer for duty on Transportation Advisory Committees. Volunteer to attend local MPO regional conferences
5. Learn about nationwide transportation financing trends—the robust return of tolling; the need for beneficiaries (as well as users) to contribute to transportation funding needs; the need for gas taxes (a user fee) but also, on a percentage basis, the proven decline of this revenue source.
6. Remain abreast of and help seek fair share funding for the Hampton Roads region—fair share being a function of population, economic worth to the state, and complexity of the region’s transportation network. Hampton Roads has 22% of the state’s

population. It is a major economic engine for the state, and it is highly complex. Do the math.

7. Within the business community, consider forming a regional, non-profit, think tank transportation alliance that would assess and contribute to the transportation planning process. Study the Northern Virginia Transportation Alliance (NVTA, [www.nvta.org](http://www.nvta.org)) organization, for example.
8. Amongst the public, think long term. Think big picture (how do we not become a cul-de-sac), and support regional efforts to effectively compete and win on the basis of merit.

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**ANNEX: A-3**

**List of Acronyms**

AMPO	Association of Metropolitan Planning Organizations
CMAQ	Congestion Management and Air Quality
DHS	Department of Homeland Security
FHWA	Federal Highway Administration
FTA	Federal Transit Authority
GA	General Assembly
HRT	Hampton Roads Transit
HRTA	Hampton Roads Transportation Authority
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
L RTP	Long Range Transportation Plan
MPO	Metropolitan Planning Organization
NARC	National Association of Regional Councils
PAB	Public Activity Bonds
PDC	Planning District Commission
PL	Planning (fund line)
PPP	Private Public Partnership
PPTA	Private Public Transportation Act of 1995
RSTP	Regional Surface Transportation Project
SAFETEA-LU	Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users of 2005
TACs	Transportation Advisory Committees
TDCHR	Transportation District Commission of Hampton Roads
TE	Transportation Enhancement
TEA-21	Transportation Equity Act for the 21 <sup>st</sup> Century of 1997
TIFIA	Transportation Innovative Financing Infrastructure Act
TIP	Transportation Improvement Plan
TMA	Transportation Management Area
TPCB	Transportation Planning Capacity Building
UPWP	Unified Planning Work Plan
USDOT	U.S. Department of Transportation
VDOT	Virginia Department of Transportation
VDRPT	Virginia Department of Rail and Public Transit
WAT	Williamsburg Area Transit

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## **MPO Study Group Participants**

### NOTES:

- Ray Taylor is the author of this report, and he is solely responsible for its content.
- In most cases, Study Group participants were involved only during certain periods of the overall one year study group effort.
- The Study Group's meetings and collective efforts concluded before last year's session of the General Assembly.
- This report has been briefed over the past three months to various leaders throughout Hampton Roads most often in on-on-one, or small group sessions, and to a few larger groups. Over 600 persons have participated in these courtesy pre-briefing sessions. Requests for additional briefings are welcome.

### **Participants**

Ray Taylor, Study Group Chairman; President, Future of Hampton Roads  
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Durwood Curling, Former City Manager, Chesapeake  
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Robert Sharak, Staff, Hampton Roads Partnership  
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### **Observers**

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