

The Paradox

**Is It Possible in Hampton Roads for Local Leaders on the MPO Board
to Produce Regional Decisions?**

A. Opening Assertions:

1. The MPO in Hampton Roads has not had the benefit of adequate training for decades and has not adopted the array of normal best practices used effectively elsewhere. These shortfalls have been described at length in the federal audit, the consultant's report and other reports over the past two years.
2. In Hampton Roads, we have long standing and highly institutionalized procedures and governance structures that deter or prevent region-based decision making.
3. Uniquely, the MPO is empowered by federal regulations and tasked to conduct the "metropolitan [regional] transportation planning and programming process" in a collaborative manner that results in decisions which presage the future investment and expenditure of tens of millions of dollars of public monies every year. Transportation is the only government function that has federal statutes that require it be addressed in a regional manner.
4. In short, the question is: **How can we get to the point where local leaders can and will make regional decisions?**
5. And, in addition: **Are we ready to do this?** We cannot be naïve about this question, because, bluntly, it calls for a shift of power and authority from the jurisdictions to the regional MPO.

B. A New Period for Hope:

1. No one debates any longer the fact that we need to substantially fix the HRMPO organization.
2. Consultant reports, the federal audit, six months of recent MPO Reform Committee activities, several months of new energy on the MPO's Transportation Technical Committee (TTC), the recent presence of new legal assistance, pointed advice from the Secretary of Transportation, new initiatives and admonitions from regional legislators, and more have contributed to a slowly emerging will to dig deeper and to better understand what held us back. This paper seeks to help this process.

C. Cautions—the reasons for why we have been held back are numerous:

1. They may stem from prior state level actions or from prior local actions.
2. Current practices are so deeply institutionalized that it is nearly impossible to see the fault lines that exist with current procedures. When describing these faults, there is no intent, whatsoever, to find fault. We are simple trying to build on our past.

3. These issues and faults are addressed below in three categories—historic, political and practical—but that is too simple, because these categories are interrelated. In addition, they are complicated and the risks of change without effective new procedures in hand are palpable.

D. Historic Reasons:

1. Local cities and counties have been forced to act on transportation matters on their own simply to survive.

- a. This course of action was adopted by the jurisdictions years ago, because we did not have an effective, visible, well trained, sufficiently informed, publicly recognized and entrepreneurial MPO in Hampton Roads to do the job.
- b. This “jurisdictions take the lead and fight for themselves” process took over. It has become the way we do business. This default process has been perfected and highly polished. For example, it:
 - Avoids, bypasses, or pays perfunctory attention to the MPO (at the transportation working level, the planners declare that they are only tangentially involved with the MPO or that the MPO does its thing and we do our own thing).
 - Leads or even requires the Mayors and City Managers to send their own letters and requests to the Secretary of Transportation, VDOT or anyone any time of the year for projects, some of which were not in the MPO/State/Fed approved regional plans. As a matter of governance, this process borders on chaos. There is no adequate allegiance or support for the MPO, or trust in its work.
- c. This fend-for-yourself course of action has always had its costs. Such jurisdictional unilateralism is unfortunate, because:
 - It prevents gaining the strength of the whole that would more likely come from the weight of a respected regional proposal compared to the smaller dimension local proposal
 - It, unwittingly, incurs and maybe magnifies the level of fratricide and excessive competition between jurisdictions
 - It is not consistent with federal regulations and so any mere jurisdictional effort to seek federal aid dollars or federal permit processing tends to fall to the bottom of the list.
- d. For these concerns, now is not the time to ask the cities and counties to change. Rather, the MPO Board and the MPO Staff must fix the MPO first, and then, the cities and counties can safely begin to change their procedures.

2. The Commonwealth of Virginia very clearly lags other states in its real and public support of the state’s 14 MPO organizations.

- a. For the purposes of this paper, we shall be brief in describing this topic. There are state level problems that hinder the forthright development of MPO organizations statewide. Hampton Roads has the largest MPO inside the state, and so we are

adversely impacted the most by these state level shortcomings. At the same time, as described in this paper, in the federal audit and in the recent consultant's report, we have much work and many changes to effect as we import new best practices and as we report on the required corrective actions as required by the federal audit. In short, we need to attend to issues on the home front first, before trying to improve state level policies that need attention:

- The state's MPO organizations are but barely mentioned (4 lines of text) in the states statutory Code of Virginia which deprives MPOs of sufficient recognition or guidance. This is not a small issue and is the source of much hesitance and discouragement. In contrast, many other states have robust and supporting statutory language (6 to 10 pages).
- The state has no State Association of MPOs that could serve as a clearinghouse of useful and emerging information for the state's 14 MPO organizations whereas such valuable organizations have been developed elsewhere. Perhaps there was a day in the past that VDOT did not really require much assistance from its MPOs, but for this writer, it seems that this has changed and that VDOT really does need the support of effective and capable MPO organizations.
- The state produces and pays great attention to a Six Year Improvement Program (SYIP) which is not recognized by USDOT. The state also produces a four year State Transportation Improvement Program (STIP) as required by USDOT, FHWA and FTA, and this document includes each MPO's Transportation Improvement Program (TIP) data. The STIP, however, is barely referred to. At best, it is a perfunctory exercise. The extremely hard work that MPOs invest in developing their federally-required TIP documents is, therefore, not robustly used by the state.

E. Political Reasons:

- 1. Local leaders are elected to do local things.** Local leaders have campaigned exhaustively inside their local city or county boundaries. They are intimately familiar with the issues. They have near full knowledge about the facts and are comfortable making the decisions or the trade-offs necessary to advance or slow down decisions. In short, these local leaders are local experts, but then, they are sent to the regional MPO Board and tasked (with no training whatsoever) to make regional decisions. This is a Catch-22 situation, and we can only have empathy for and acknowledge that, at the personal level and professionally, this is a near-impossible situation (at present).
- 2. Citizens fear, or otherwise object to giving to the region.** The general public's desire to recall the virtues of local town hall meetings and their desire to keep government close at hand at the city and county level rather than at some new larger regional level are ideals that need to be recognized. At the same time, the prosperity and quality of life of any jurisdiction, its leaders and its citizens will depend in measurable ways upon the health and welfare of the region. We are all in the same boat. Where this is especially important is in the area of transportation—regional transportation.

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- a. Transportation is the only government function or government service, not crime, wetlands or anything else that has federal statutes that require that it be approached and managed at the regional level. It is the law. And, they even have a federally-mandated organization responsible for this, namely the MPO.
 - b. Thus, citizens have a vested interest in, and local leaders have a duty and responsibility to their citizens to not harm the effectiveness of the region's transportation system. What I mean here is that indifference to or any failure to promote and professionalize the region's MPO and its planning and programming functions does cause harm. That therefore, will further harm the region's transportation system and the interests of its citizens.
- 3. Limited Horizons and Isolationist Activities.** Although elected to a local office, and although living in a neighborhood, when it comes to transportation, our local leaders must, to some minimum degree, have a regional perspective. Without that we will only have cruel competition between jurisdictions; situations where jurisdictions can and do close regionally significant bridges on their own; and worse.
- 4. The Passive Staff.** In the pre-1991 early day history of MPO organizations nationwide, it was accepted that MPO staffs were technical transportation planning agencies. But, that has changed, and here in Hampton Roads, we need to adjust:
- a. The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 gave a wide range of responsibilities to the nation's MPO organizations, and most MPOs (not ours) have been adjusting ever since. In a recent WHRO discussion program, one MPO Board member acknowledged that the idea of the MPO being a "technical-only" institution was one of our most important mistakes over the past many years. He is right:
 - The MPO Staff and its duties need to be reviewed. A paradigm shift may be in order. New hires may be needed. For example, persons with MPO experience and first-hand knowledge of federal transportation legislation are required in order to build the trust needed and to reach the day when jurisdictions will support the MPO rather than avoid it.
 - The staff's passive notions that "we can only do what the localities tell us to do" need to be curbed. Regional criteria need to be advanced.
 - The organization's notions that "we cannot conduct advocacy" need to end. Substantial new methods that ensure public and professional inputs are obtained and considered need to be put into place. These norms are fully described in federal legislation. Late note: The new MPO Reform Committee is developing plans for Advisory Committees, an expanded Board membership, and public and professional venues for its work.
- 5. Misinformation.** The MPO Staff and MPO planning and programming operations are funded primarily by the federal government. This needs to be better recognized in order to offset the frequent public view that the jurisdictions (the citizens) are paying for the MPO and its staff.

- a. Federal funding does require a state match and a local match in order to obtain the federal money in the first place. The local fraction of MPO costs ends up being about 10 % of the organization's total costs. In Hampton Roads this sum is drawn from the 82 cents per-resident assessment paid to the PDC. That small fraction is actually paid to the MPO, and this needs to be clearly portrayed in regional financial reports.
- b. The citizens and the jurisdictions are not directly funding the entire MPO function. Instead, they are relatively minor contributors, yet they are major benefactors.

F. Practical Reasons:

- 1. The lack of MPO Training.** All audits, consultants and reports have urged formal MPO Board and MPO Staff training.
 - a. Nothing will give greater confidence to and increased leverage to the new MPO Reform process than valid MPO training that addresses roles, responsibilities, financial resources, required federal planning factors, and federal policies.
 - b. The Federal Highway Transportation Administration (FHWA) has an executive level travelling seminar that would be a good first primer for this objective. FHWA and the national Association of MPOs can provide additional lessons and materials.
 - c. The MPO Staff needs to assemble a first-class MPO Board Book for MPO Board and Advisory Committee members with key legal and programming documents.
- 2. The Absence of Objective Criteria that has allowed Jurisdiction-Only Perspectives to Guide the Process.**
 - a. As described above, the absence of a credible MPO for decades forced jurisdictions to act on their own, and they do so now in well developed methods. This will be very difficult to change; it will take time.
 - b. For regional transportation decision-making, some say, we need to go from the political-only approach to a balanced political and reasoned approach. This is a valid argument.
 - c. The presence of objective criteria that are MPO Board-approved and that must be used in the process will serve as a counterweight to today's situation that uses jurisdictional perspectives only. Here, federal legislation helps and provides eight required federal transportation factors that must be addressed when developing regional transportation plans. At the local level we could weight those factors and/or add two or three more regional factors to reflect the unique needs of Hampton Roads.
 - d. Such rigor provides not only a counterweight to the jurisdictional only or loudest voice process for making decisions; it also brings reasoning to the fore. In addition, it breeds both jurisdictional and public trust that will be important to the MPO in the subsequent budget battles that it will confront.

3. Old MPO Board and MPO Committee Structures and the Admission of External Information into the Process.

- a. The memberships of the MPO Board and Committees (all public bodies) need to be designed in ways that best enable the MPO to make quality and respected regional decisions.
 - The MPO Board should have the authority to appoint members to and to appoint the Chairman of the Advisory Committees that the MPO creates. In this fashion, it is relatively clear that these members work only for the MPO and report to the MPO. In the past such members were appointed by the jurisdictions. Thus their allegiance was to the jurisdictions. Such members were less engaged and almost always only narrowly engaged.
- b. The MPO Board and its Advisory Committees must have external, professional members (non-voting if necessary) that can provide professional input that is germane to and essential for any valid transportation decision-making process.
 - The new MPO Reform Committee has started to engage on this subject, and it is a subject that needs very careful attention. Past practices that permitted MPO meetings to be conducted without state and federal representatives; that did not develop or use any specialized Advisory Committees; and that minimized external Board memberships and maximized jurisdictional representatives all need to be replaced.

4. The Old Invisible and Obscure MPO.

- a. For decades, very few people ever heard about the MPO in Hampton Roads or ever knew that we had such an institution. It was, however, first formed in 1973. The policy and the reputation of obscurity must be modified.
 - The HRMPO has long been buried underneath the Hampton Roads Planning District Commission (PDC). This is another one of those major institutional faults that we have learned to live with (despite its costs) for far too long.
 - Finally and fortunately, the recent adverse federal audit has demanded distinction between the MPO and the PDC. The MPO Reform Committee has started to do this, but, still well buried beneath the surface, much more clarity and distinction between the two organizations is required in order to obtain an effective MPO. A policy of separation was adopted in some regions to cope with the issues. If need be, we should recognize that there is no downside and no loss to that policy or the policy of having two professional organizations instead of having lingering confusion when the MPO, itself, is trying to manage the future investment and expenditure of tens of millions of dollars every year.
- b. In contrast, the MPO organization needs to go to the other far end of the spectrum of visibility. The MPO needs to become The One Place where regional transportation matters are addressed.

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- Trust and transparency are essential and, by the intent of federal law, trust and transparency must be pursued. In the federal mind, the MPO process and its resultant decisions presage the investment and expenditure of large sums of federal public monies every year, and this process can only proceed with requisite public involvement and public awareness.
 - In addition, the process itself produces plans and programs that are then the subject of fierce competition at the state budget decision-making level. An open, trusting and transparent process is also a constituency-development process which can only improve the region's competitive stance. The constituency development process does not just happen because you think you have trust and transparency. This constituency development process needs to be carefully and laboriously designed by the MPO Board. It will flow from the MPO's revised Board membership, from the MPO's new Advisory Committees and the assignments given to these Committees in their respective Committee Bylaws, and much more.
- c. In the end, the MPO must develop an entirely new entrepreneurial manner of doing business. This, by the way, was the number one recommendation of a report on MPOs in the next fifty years delivered at a recent national Transportation Research Board Symposium on MPOs today and in the future.
- d. **And in the end as well, the MPO needs to earn the reality of being The One Place where all matters of regional transportation are discussed. This One Place concept would:**
- Replace the present process of having transportation letters sent any time by any jurisdiction or Chamber of Commerce without copy to the MPO that request federal transportation funds or request projects that are not in hard-fought and already fed-approved plans.
 - Be the one and primary place where any bridge closings on regionally significant roads or other major transportation system changes are discussed and approved.
 - Be the one and primary place that legislators, the ports or other regional leaders would turn to for advice first before launching legislative and any other major stakeholder proposals. Witness today that our MPO was not asked and has not provided advice concerning several Bills before the General Assembly today that will substantially impact our own MPO and our own regional transportation plans. In the future, our MPO must lead, or as someone put it: "If you are not controlling your [regional transportation] destiny, someone else is doing it for you".
 - Be the one place and the one organization that jurisdictions defer authority to when it comes to all policy and programming matters of regional (not urban) transportation.

G. Conclusions:

1. The answer to the “Can we make regional decisions?” question is YES. It is possible for local leaders on the MPO Board to make regional decisions.
 - a. As a minimum, however, it will require two or more years of hard work to reach that capability. This work needs to take place on two levels:
 - Our local leaders and the MPO Policy Board of Directors need to develop their Vision for the Future and a set of MPO Goals for the MPO organization.
 - The MPO Board and the MPO Staff need to adopt and then perfect numerous new best practices:
 - They need to build an entirely new external-relations-capability at the staff level, one that has an entrepreneurial bent and other skills.
 - Per the federal audit and consultant’s report, we are “starting from scratch”.
 - The issues are numerous. They are complicated, and they are all interrelated.
2. We need a Vision and new Goals, and than lots of stamina and dedication to build the Confidence and Trust needed before jurisdictions can safely step away from their current level of unilateral transportation-related activities.

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