Transit Operators In Metropolitan Transportation Decision Making

Dr. Gian-Claudia Sciara

August 2019

A publication of the USDOT Tier 1 Center:
Cooperative Mobility for Competitive Megaregions
At The University of Texas at Austin

Technical Report Documentation Page

1. Report No. CM2-27	2. Government Accession No.	3. Recipient's Catalog No. ORCID:	
4. Title and Subtitle Representing Public Transportation Providers in Metropolitan Planning		5. Report Date August 2019	
		6. Performing Organization Code	
7. Author Dr. Gian-Claudia Sciara		8. Performing Organization Report No. CM2-27	
9. Performing Organization Name and Address The University of Texas at Austin School of Architecture 310 Inner Campus Drive, B7500 Austin, TX 78712		10. Work Unit No. (TRAIS)	
		11. Contract or Grant No. USDOT 69A3551747135	
12. Sponsoring Agency Name and Address U.S. Department of Transportation Federal Transit Administration Office of the Assistant Secretary for Research and Technology, UTC Program 1200 New Jersey Avenue, SE Washington, DC 20590		13. Type of Report and Period Covered Technical Report conducted September 2018-August 2019	
		14. Sponsoring Agency Code	
15. Supplementary Notes Project performed under a grant from the U.S. Department of Transportation's University Transportation Center's Program.			
16. Abstract This research examines the current institutional factors influencing public transit investment across metropolitan areas. Specifically, it explores federal efforts in recent transportation authorization laws and administrative regulations to bolster transit agency representation on the boards of metropolitan planning organizations (MPOs). Against the backdrop of the debate surrounding those efforts, we report on the first comprehensive inventory of transit agency representation on MPO boards, the bodies responsible for regional transportation planning and spending programs. This work lays a foundation for studying whether board representation for transit providers impacts regional plans and investments in ways that are more transit-focused.			
17. Key Words Metropolitan Planning Organization (MPO), Intermodal Surface Transportation Efficiency Act (ISTEA), transit operator, governing board, voting, non-voting		18. Distribution Statement No restrictions.	
19. Security Classif. (of report) Unclassified	20. Security Classif. (of this page) Unclassified	21. No. of pages 24	22. Price

Form DOT F 1700.7 (8-72) Reproduction of completed page authorized

Acknowledgements

We would like to thank Cooperative Mobility for Competitive Megaregions (CM2), a United States Department of Transportation (USDOT) Tier-1 University Transportation Center (UTC), for funding of this research. In addition, we would like to thank all the MPO respondents who cooperated on this project by providing useful information and documents to build the inventory of MPO database.

Table of Contents

Executive Summary

Over the past quarter century in the U.S., public investment in public transit services and patronage of those services have grown, in some places dramatically. But the role of public transit in metropolitan transportation systems varies from place to place, for both past historical and current institutional reasons. The role of transit agencies in MPO decision-making has been a particular concern. It is expected that transit operator participation in metropolitan transportation planning affects transit investment outcome. In this regard, a significant policy shift was 2012 transportation law MAP-21 which required MPOs for the first time to include transit operators on their voting boards.

However, concerns that public transit operators and their investment needs have been underrepresented in the MPO process are longstanding. Many MPO boards exclude public transit providers from formal membership. There is no comprehensive picture of the means (direct and indirect, formal and informal) transit agencies use to carry their interests in the MPO process. Against the backdrop of the debate surrounding those efforts, this report makes two contributions. First, it examines the USDOT rulemaking process that unfolded after Congress first required MPO board representation for transit in in 2012. Second, we worked to develop the first complete inventory of transit operator presence on MPO boards. Previous studies of MPO governance relied on surveys of staff at a sample of MPOs or a small number of case studies. In contrast, we collect these data ourselves, for all 404 MPOs to the greatest extent possible. The database inventory includes MPO governance attributes, reflecting consideration of non-highway modes (transit, bicycling, walking, and air travel) in the metropolitan planning process.

By inventorying strategic governance data about MPO boards, we find that about 51 percent (of the 340 MPOs captured in our database) have at least one voting seat for transit in their boards. This percentage is higher than previously reported survey data in 2011. Our work provides evidence that transit providers enjoy somewhat increased voting representation on MPO boards in the wake of MAP-21 and FAST Act requirements. Our study also endeavored to distinguish between the different ways in which MPO boards provide voting representation for transit providers (direct or indirect representation). The bylaws of very few MPOs, however, explicitly mention how or which entity should represent transit on the MPO board, making it next to impossible to quantify the incidence of direct and indirect representation. In most instances where

we observed transit provider representation on the board, the seat was occupied by a transit executive or senior employee and clearly a case of direct representation. We found only several cases where bylaws make clear that a transit provider represented indirectly; typically, the system is owned and operated by a municipality or county, and that the elected officials appointed to the MPO board from that jurisdiction also represent the transit agencies.

Apart from having voting rights on the governing board, transit agencies participate in the MPO processes in a number of other ways. In some MPOs, transit operators participate in the board discussion as non-voting members. Our data show that for 8 percent of MPOs (28 of 340), transit providers have at least one non-voting or ex officio seat but no voting seat on the MPO board. Moreover, many MPOs have transit operators on their technical advisory committees, and 46 MPOs (13.5 percent) have dedicated transit committees to guide regional transit planning activities.

Our analysis of the 52 public comments on the proposed guidance suggests that MPOs typically prefer indirect representation for transit, whereby representation for transit is accomplished by a city or county official already on the MPO board. Many MPOs also opposed the suggestion that transit representation be formalized by revising existing bylaws or planning agreements. Modifications made to federal guidance during the rulemaking process as well as textual adjustments made to the MAP-21 successor law, the FAST Act, together show that federal policy remains deferential to traditions that allow MPOs to structure and govern themselves, even though engagement of transit agencies in MPO boards to give the power of decision-making has become an important concern in regional transportation planning.

Chapter 1. Introduction

Over the past quarter century in the U.S., public investment in public transit services and patronage of those services have grown, in some places dramatically (APTA, 2018). These investments reflect a waxing public policy emphasis on providing alternatives to private vehicle travel. But the role of public transit in metropolitan transportation systems varies dramatically from place to place, for both past historical and current institutional reasons.

This research begins to examine the current institutional factors influencing public transit investment across metropolitan areas. Specifically, it explores federal efforts in recent transportation authorization laws and administrative regulations to bolster transit agency representation on the boards of metropolitan planning organizations (MPOs). Against the backdrop of the debate surrounding those efforts, we report on the first comprehensive inventory of transit agency representation on MPO boards, the bodies responsible for regional transportation planning and spending programs. This work lays a foundation for studying whether board representation for transit providers impacts regional plans and investments in ways that are more transit-focused.

Metropolitan planning organizations (MPO) coordinate and approve transportation planning and spending in US urbanized areas. The organization is comprised of member counties and cities in the metropolitan region and is governed by an appointed board, most members of which hold elected office in the member jurisdictions. State department of transportation (DOT) officials and regional transportation agencies may also sit at the MPO table.

Concerns that public transit operators and their investment needs have been underrepresented in the MPO process are longstanding. Many MPO boards exclude public transit providers from formal membership. Further, where a designated board seat is unavailable to them, transit operators themselves may or may not seek other channels to engage in the regional MPO decision-making processes (Hoover et al., 2004; Lyons et al., 2011; Roisman et al., 2010).

In what was a notable shift in federal policy, the U.S. Congress required in the 2012 transportation law MAP-21 that MPOs include representatives of public transit operators on MPO voting boards. Such instruction to MPO boards was new. Historically, Congress had allowed the local governments comprising MPOs and the state governments that designate them to establish MPO

governing boards as they see fit; the only requirement had been that MPO boards be comprised largely of elected city and county officials in the underlying region.

Over the next several years, as federal administrators developed detailed regulatory guidance to implement the policy, the new requirement ignited significant debate among MPOs, transit agencies, interest groups, and industry observers. This report analyzes this debate, showing how federal administrators veered from a more aggressive interpretation of the requirement for transit representation at first to more modest encouragements for MPOs. It shows how the regulatory process and back-and-forth between federal administrators and regional transportation stakeholders resulted in refinements to the transit representation requirement in next authorization law, the FAST Act, in 2015.

Further, motivated by the changes in MAP-21 and the FAST Act, this research asks to what extent transit operators hold voting seats on the boards of metropolitan planning organizations (MPOs). To do so, it establishes the first complete inventory of transit agency representation on metropolitan planning organizations. It confirms recent survey-based reports that about just over half of MPOs have at least one voting seat for transit. More importantly, our work provides evidence that transit providers enjoy somewhat increased voting representation on MPO boards in the wake of MAP-21 and FAST Act requirements.

Chapter 2. Background

Since the early 1970s, federal transportation law has required that urbanized areas with populations over 50,000 have a state-designated metropolitan planning organization (MPO) to coordinate transportation planning and spending for the region. The MPO and the planning process it conducts are what enable federal transportation dollars to be expended in the region.

Federal law stipulates that MPOs develop a 20-year transportation plan that considers how best to invest in the region's transportation system, emphasizing "those facilities that serve important national and regional transportation functions" (23 USC 134 (i)(2)(A)(i)). The MPO must also develop and approve a short-range Transportation Improvement Plan, or TIP. Like a capital program, the TIP is a prioritized list of regionally significant and other projects to be carried out over the next 4 years; it also includes a financial plan showing the resources expected to support those projects.

The MPO is usually governed by an appointed policy board, most members of which hold elected office in counties or cities in the metropolitan region. Other board members may include officials of public agencies that administer major modes of transportation in the metro region as well as state officials. As of the 2010 decennial census, over 400 MPOs have been designated in urban areas throughout the U.S.

MPOs together approve hundreds of billions in annual US transportation investment through TIPs by some estimates (Gerber & Gibson, 2009). Yet, the extent to which MPOs directly choose what improvements to fund is debated. State DOTs and city and county governments and their transportation agencies are powerful sites for decisions about the federal, state, and local funds that support regional projects (Crabbe, Hiatt, Poliwka, & Wachs, 2005; Lowe, 2014; Sciara, 2017;). State DOTs administer federal and state highway dollars directly, giving them an upper hand in choosing projects; still, they need MPO board cooperation to advance state projects in metro areas (Sciara, 2017).

2.1. ISTEA and Transit's Stake in MPO Participation

Although metropolitan planning organizations had already existed for decades, it was the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991 that gave MPOs more responsibility for regional transportation decision making. For the first time, ISTEA allowed MPOs to allocate federal funds coming to the region, and it required MPO plans and transportation

investment programs to be fiscally constrained, not exceeding available dollars, and to conform with air quality standards. The law also asked MPOs to broaden their regional transportation planning activities, by considering multiple modes and intermodal connections instead exclusively highways and by opening planning and decision making to a broader array of participants (Prendergast 1994; Humphrey 1995).

At the same time, ISTEA also raised the stakes for transit operators to participate in the MPO process. In general, the law's multimodal focus and its attention to air quality opened opportunities for public transportation providers to meet metropolitan needs for access and mobility. In particular, the new policy allowed states DOTs, MPOs, and their local government partners unprecedented flexibility to use federal highway funds for mass transit projects and nontraditional projects.[1] If state DOTs and MPOs could now determine how to distribute federal dollars across highway and transit investments, it would be important for transit operators to participate in their deliberations (Mead 1993, Gage & McDowell 1995, Puentes 2000).

In the years following ISTEA and its successor legislation, TEA-21 (Transportation Equity Act for the 21st Century, 1998), observers studied whether ISTEA-era promises of more participatory and modally balanced decision making had been realized. Several studies addressed the extent to which transit operators and interests participated and exerted influence in the MPO process. One early assessment of ISTEA by the Institute of Public Administration called attention to the need for improved representation of central cities, urban transit agencies, and neighborhoods in the MPO process (McDowell, 1995, p. 25). Another found that the MPO process had not been opened sufficiently to transit operators (McDowell, 1995, p. 30). Still others noted that ISTEA's flexible funding provisions had been exercised only modestly and that transit operated at a disadvantaging in flexible funding decisions. State DOTs could more easily leverage procedures for transferring funds to transit, and yet were often reluctant to do so (McDowell, 1995, p. 30; Mead 1993).

[1] ISTEA made several federal highway funding programs eligible for transferring; for flexing to transit expenditures, key were the Surface Transportation Program (STP) and the Congestion Mitigation & Air Quality Program (CMAQ). The law also leveled the matching requirements to 20 percent across most highway and transit funding categories, eliminating the matching disincentive that had dampened flexing of highway funds to transit.

2.2. Is Transit at the MPO Table?

From the mid-2000s to early-2010s, the Federal Transit Administration examined in greater depth how public transit operators participate in federally-required transportation planning and decision making. Two studies in particular focused on transit's role in MPOs and metropolitan planning processes in small- to mid-sized regions with populations from 50,000 to 200,00 (Roisman *et al.*, 2010) and in large regions with populations over 200,000, known as Transportation Management Area (TMAs) (Hoover *et al*., 2004). (A third study, less germane to this report, focused on the activity of rural transit providers in state DOT planning for areas not served by an MPO (Lyons et al., 2011).

This research, unambiguously oriented toward best practices, adopted a case-based approach for studying large (25 cases) and small- to medium-sized MPOs (20 cases). It provided numerous examples where a transit operator's active engagement in MPO planning—whether via voting membership or other kinds of participation—resulted in specific tangible gains. In larger regions, these included additional flexible funding and other grant opportunities for transit; the inclusion of significant transit planning components in regional corridor studies; cost-sharing for and transit operator access to regional HOV-lanes; the award of MPO-controlled CMAQ funds for new buses and bus-mounted bicycle racks; and regional transportation technology projects that benefitted transit systems via transit signal priority, real-time arrival and departure information, and electronic fare collection elements (Hoover *et al*., 2004).

In small to mid-sized regions, transit participation in the MPO process also resulted in specific recommendations in federal MPO certification reviews for improving MPO processes to address transit needs; staffing and technical support provided to transit providers by the MPO or its hosting entity; and operational efficiencies negotiated among multiple transit providers (Roisman *et al.*, 2010). Indeed, transit providers' experiences in such regions suggested that

operators who participate minimally in the regional planning process and who fail to participate in metropolitan transportation planning committee work and technical studies in setting a broader policy agenda may be missing important opportunities for long-term rewards (Roisman *et al.*, 2010, p. 3).

The study of large metro regions more explicitly discussed several institutional barriers related to MPO representation that some transit operators said hindered full participation in regional

transportation decision making. Operators observed that MPO members in general (i.e. the local governments, transportation agencies, and other entities on the board) showed greater interest in highway investment than transit. Still others noted in particular that MPO boards failed to adequately represent central city communities, where transit riders are typically concentrated; that transit participation suffered where state DOTs were the MPO's organizational host; and that some state DOTs—which typically hold voting or ex-officio MPO board seats—had little interest in public transit (Roisman *et al.*, 2010, p. 2).

Most directly, however, exclusion from the MPO board was highly problematic, according to some; without a board seat, transit operators lack the associated access to a key forum for funding decisions. Alternatively, many transit providers reported that their engagement with MPO committees and working groups—which does not require a board seat—could "amplify transit's voice" in MPO decisions. Others indicated that, absent a direct voting seat for transit, local officials other on the MPO board could help to "make the case for transit" where strong relationships with providers were present (Roisman *et al.*, 2010, p. 3-4).

Other studies have examined transit agency involvement in regional transportation planning and decision-making. These too having typically drawn from a small set of study areas and used case studies or limited surveys, where the unit of analysis has been the MPO. For instance, Bay (2009) investigated transit agencies' involvement in regional transportation planning decision-making using 12 case studies of regions of different sizes. In a national survey of U.S. MPOs followed by ten case studies, Bond and Kramer (2010) report that roughly 45 percent of responding MPOs[2] (N=133), include a seat on their board to represent a public transit agency. Across all responding MPOs, on average only 0.6 seats per MPO board are reserved for transit operators. A 2016 update to that survey (Kramer et al, 2017) reports that average transit representation remained at 0.6 seats per MPO board, but that the share of MPOs with a board seat for transit increased to 50 percent of responding organizations.

2.3. Other Metropolitan Governance Challenges for Transit

The broader literature on MPO governance suggests other factors beyond board composition that can impact metropolitan planning and policy decisions and that may dilute the interests of public

[2] This study reports a 35 percent response rate among the total 374 MPOs in the U.S.

transit providers. For one, broad reliance on the one vote-one seat model can over-represent suburban jurisdictions in MPO transportation decisionmaking relative to central city communities (Benjamin, Kincaid, & McDowell, 1994; Lewis & Sprague, 1997; Luna, 2015; Nelson, Sanchez, Wolf, & Farquhar, 2004; Sanchez, 2006), and boards skewed toward suburban members may favor highway investments over transit projects serving central city residents and downtowns (Nelson et al., 2004). Few MPOs—only 13 percent according to a 2017 survey—weight board votes to reflect regional population shares. While some MPOs do give more seats to more populous jurisdictions, most MPO bylaws assign one vote per seat and count votes equally (Bond & Kramer, 2010; Kramer *et al.*, 2017).

The preponderance of local elected officials that is characteristic of most MPO boards may also work against the interests of regional transit operators. In a survey of the 100 largest MPOs, Gerber and Gibson found that, on average, 74 percent of board seats were held by elected representatives (2009). By examining projects in the MPOs' capital programs (TIPs), they learned that boards dominated by local elected representatives were more likely to make investments favoring local interests, while boards with more non-elected public managers produce more regionally-oriented policy decisions (2009). They reason that elected city and county officials, sensitive to electoral pressures, may emphasize high-visibility projects supported by local constituents and short-term opportunities for credit claiming (Feiock and Kim, 2000). In contrast, a transit executive or agency board member sitting on the MPO, less vulnerable to such pressures, may more readily back long-term, region-serving projects. This could be especially true where the agency operates service across multiple jurisdictions.

Characteristics of the underlying region – such as size, level of local government fragmentation, demographic heterogeneity, and wealth – can influence regional decision-making too (Gerber & Gibson, 2009; Foster, 2000, 2001), and thus may shape a transit operator's ability to be influential on the MPO board. For example, local representatives may become less likely to share power or collaborate on regional issues, like transit, as the region becomes more heterogeneous in terms of race, income, or political affiliation (Foster, 2000; Gerber, Henry, & Lubell, 2013). More decentralized and fragmented MPOs face similar challenges. The organizational relationship, funding mechanism, political priorities of local government towards transportation policies become complex when one single MPO includes multiple states, multiple regional agencies and multiple transit operators (Bay, 2009). Institutional structure of regional transportation planning

also determines how transit gets priority in regional decision-making. For example, transit ridership is closely associated to land use patterns. MPOs those conduct scenario planning in regional scale and housed by COG/regional agencies are more likely to effectively link transit planning and investments to local land use decisions (Bay, 2009).

Chapter 3. Materials and Methods

This study makes two contributions. First, it examines the USDOT rulemaking process that unfolded after Congress first required MPO board representation for transit in in 2012. We sought to document the views articulated by different stakeholders about board representation and the compromises ultimately reached to clarify how board representation requirements could be satisfied. To do this, we reviewed all comments (52) filed in the docket for the proposed administrative rulemaking. Using content analysis, we identified themes and tensions common across the submissions.

Second, we worked to develop the first complete inventory of transit operator presence on MPO boards. Previous studies of MPO governance, described above, have relied on surveys of staff at a sample of MPOs or a small number of case studies to gather board structure details. In contrast, we collect these data ourselves, for all 404 MPOs to the greatest extent possible.

Our study of transit representation on MPO boards belongs to a wider database inventory of MPO governance attributes, reflecting consideration of non-highway modes (transit, bicycling, walking, and air travel) in the metropolitan planning process. To begin, the research team drafted a list of relevant variables measuring attributes of interest; these addressed board membership, MPO committees, and technical aspects of regional modeling capabilities. To develop the database, our team of research assistants followed an iterative process in an initial pilot phase; as we built the database, we repeatedly refined the target variables and coding protocol for each until we had a set of variables and respective coding options that matched the information typically available from MPOs, that we could apply consistently, and that could accommodate the MPO universe and its well-known heterogeneity. Next, we populated the database one MPO by one. We worked from the complete Federal Highway Administration list of MPOs[1], which we organized as a stratified sample by MPO population size; this ensured during database construction that MPOs included to date always formed a representative sample of MPOs by size. The FHWA data already included general information like MPO location, population, and designation year.

We collected targeted governance information largely from MPO websites and relevant downloadable documents. To discern entities represented on boards, board size, voting and non-voting members, and MPO committees, we consulted online board rosters and administrative documents, including bylaws and memoranda of understanding (MOUs). Bylaws and MOUs typically provided more nuanced information, for instance whether a transit agency was represented directly or indirectly on the MPO board. Planning documents like the Unified Planning Work Program (UPWP) and Long Range Transportation Planning (LRTP) also proved useful in some cases. Where information or documents were missing from MPO websites or where no website existed, we emailed the MPOs directly to request board membership lists and other documents, including bylaws. In a subset of such cases (64 MPOs), our requests went unanswered, even after a second or third try, and these are not included in the inventory.

Chapter 4. Results and Discussion

We report our results in the next two sections. The first describes the rulemaking process and contesting views of the need for transit representation. The second reports on the contours of transit representation as revealed in the survey.

4.1. Competing Concerns about Transit Representation on MPO Boards

The MAP-21 legislation passed in 2012 stated that the policy board of large MPOs "shall consist of" local elected officials; officials of major transportation agencies, "including representation by providers of public transportation," and state officials. This prescription for MPO board composition was largely familiar, but the language requiring the inclusion of public transit representatives on MPO boards was new and unusually specific. Transportation stakeholders in metropolitan regions across the US took notice.

To convey more concretely how MPOs should implement the new policy, the FTA and FHWA proposed policy guidance the following year. This guidance was even more specific, requiring MPOs to include a "specifically designated representative" (SDR) for transit who should be a transit agency executive, senior staff, or transit board member employed by the agency represented. Further, MPOs should revise their bylaws and planning agreements to reflect how that representative was established and how that person would work to introduce transit concerns for board consideration. The new board member could be added without MPO redesignation, a process requiring formal approval from the Governor and local governments in the region.

Our analysis of the 52 public comments on the proposed guidance suggests that transit providers and MPOs had decidedly different interpretations of the policy and proposed implementation steps. While responding MPOs almost universally expressed support for having transit "participate" or be "included" or "engaged" in the MPO process, they almost as uniformly rejected the notion that Congress or federal administrators should or even could require them to appoint a dedicated representative for transit. Many transit operators, however, welcomed the direction, anticipating it would "help ensure that transit-related issues and interests are appropriately and meaningfully represented in MPO decision making."

Many MPOs also opposed the suggestion that transit representation be formalized by revising existing bylaws or planning agreements. Doing so would be cumbersome and unnecessary, and in many cases would trigger changes to state statutes structuring individual MPOs, they explained. Far fewer transit agencies commented on this provision, though a few clearly supported it.

Finally, many MPOs insisted that they be given "the flexibility to negotiate who may most appropriately represent transit providers on the MPO policy board;" almost all bristled at the narrow definition of eligible transit representatives in the proposed guidance. MPOs should be free, in particular, to meet the requirement if it were filled by a local elected official who already is on the board and represents a jurisdiction that hosts a transit system.

This objection to the guidance cuts to the question of direct or indirect representation for transit on the MPO board. In the former instance, the seat represents the provider exclusively, whether occupied by a transit executive, a transit board member, or perhaps a local elected official from the municipal or county government that funds or operates the transit system but who is added to the board only to represent that system. In the latter case, indirect representation, the seat represents both the local government and the transit provider; that is, the board member wears two hats. In contrast, a number of transit agencies opposed the "two hats" approach. Some noted strongly that inherent conflicts separated city and county officials and transit interests, and thus that allowing local elected to speak for transit was not advisable.

Comments from the Memphis Area Transit Authority deserve notice for completely sidestepping the debate surrounding transit's specifically designated representative. Instead, the authority suggested that a far more profound change for this suburban-dominated MPO and its transit system: a population-weighted board and voting structure. Though a majority of residents live in older central areas, the MPO's one seat-one vote structure "allows suburban interests with smaller populations to 'out-vote' the larger population included in the City of Memphis. This results in more funding going to less needed highway projects in newly developed areas that extend further from the urban core and less funding available for transit and other multi-modal uses."

Ultimately, the final guidance issued by FHWA and FTA in 2014 back-pedaled on some of its earlier elements. Specific transit representatives were still required, per Congressional direction, but the guidance could only discourage, not preclude, MPOs from having local officials on the board wear a second hat for transit. Also, the final guidance did not try to compel MPOs to revise their bylaws or MOUs in the end; instead, it encouraged them to use these, a board

resolution, or other documentation to define how they would meet the transit representation requirements, select a representative, and define the representative's responsibilities.

The more cautious approach of this final guidance was echoed by the FAST Act the next year. The Act added more specific language definitively permitting a public transit representative to wear a second hat on the MPO board for a local municipality. The law also now explicitly stated that an MPO shall determine the officials of transportation agencies and transit representative, clarifying that MPOs themselves – not Congress or federal bureaucrats – should define their own voting boards.

4.2 Inventory of MPO Governance and Transit Provider Representation

We successfully included all target variables in our database for 84 percent (340) of the 404 MPOs. Figure 1 shows the 340 distributed by 2010 regional population size; MPOs with partial or missing information were excluded. The population size of MPO service areas varies widely, from the smallest MPO, West Memphis Area Transportation Study, at just over 42,000, to the largest, the Southern California Association of Governments, at over 18 million. Half of the 340 MPOs serve areas with populations under 200,000. These are mostly newly formed MPOs, reflecting growth that pushes small urbanizing areas above the federal threshold triggering MPO formation. Of MPOs established since 2000, 57 percent have populations fewer than 100,000, and nearly 93 percent, fewer than 200,000.

The other half of MPOs serve populations over 200,000 population and thus are designated Transportation Management Areas (TMAs), with authority to directly allocate flexible STP and—in non-attainment areas—CMAQ funds. Most larger MPOs (85) serve regions between 200,000 and 500,000. About 40 MPOs serve regional populations over 1 million, with the majority in the 1-2 million range. Just more than a handful serve areas over 5 million.

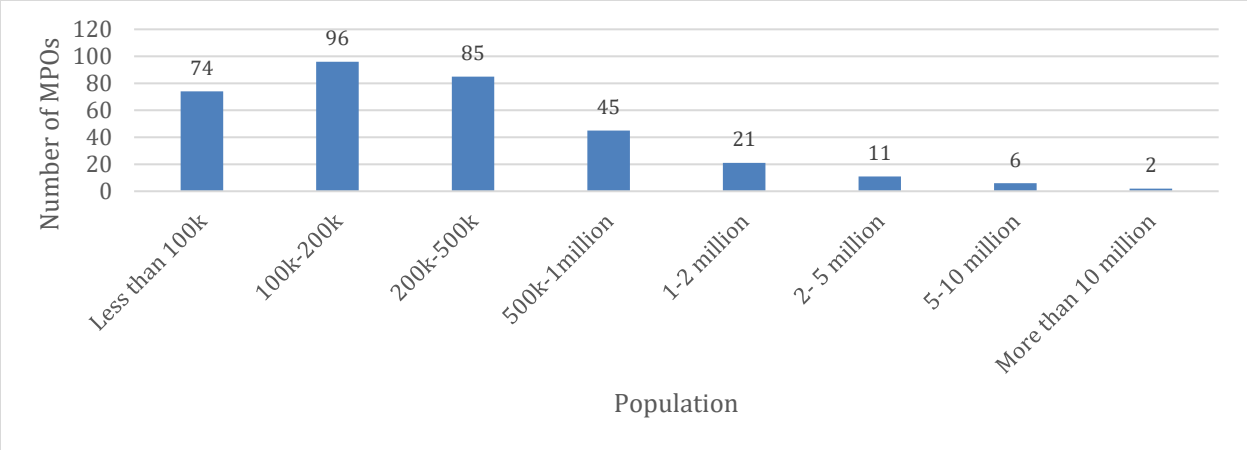

FIGURE 1 MPOs by Population Size

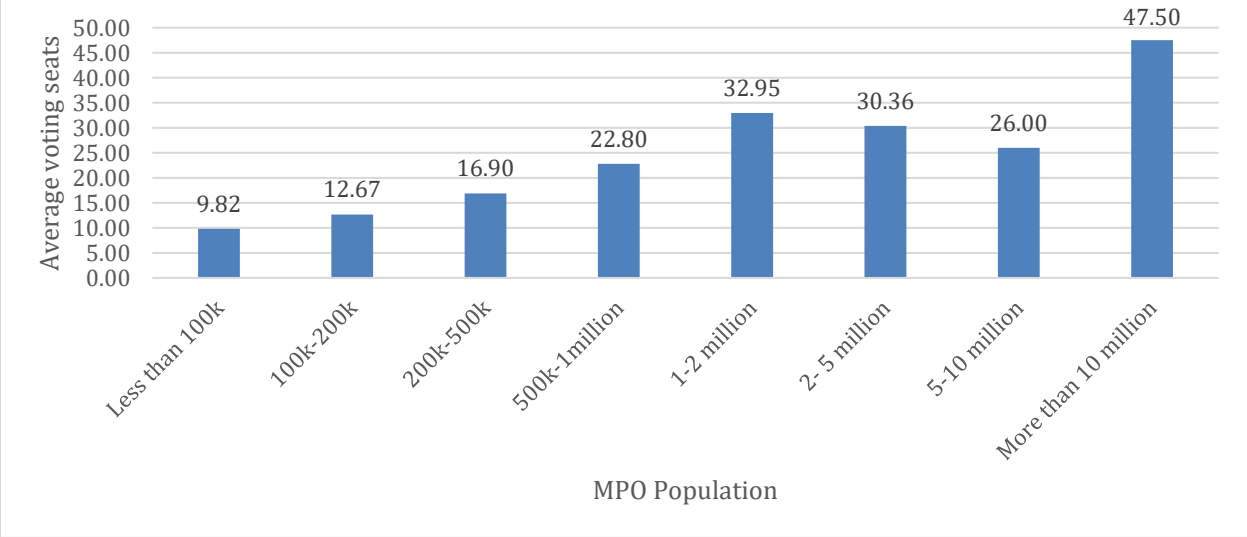

FIGURE 2 Average Voting Board Size of MPOs by Regional Population

TABLE 1 Voting Board Size across MPOs Serving Different Populations

MPO Area Population	Frequency	Percent	Voting board size
Less than 100k	74	21.7	9.8
100k-200k	96	28.2	12.7
200k-500k	85	25.0	16.9
500k-1million	45	13.2	22.8
1-2 million	21	6.2	33.0
2-5 million	11	3.2	30.4
5-10 million	6	1.8	26.0
More than 10 million	2	0.6	47.5
Total	340	100.00	

Together, the governing boards of all 340 MPOs together have 5,676 voting seats; the smallest board has 3 voting seats while the largest has 112. MPO boards most commonly (141) have between 10 and 20 voting members. The average board has 17 members, skewed above the median by a few very large outlier boards. As Figure 2 shows, board size generally inclines upward with population, likely reflecting the addition of board members as the MPO service area grows. In regions under 100,000 in population, average board size is under 10, while regions over 10 million have 48 members board on average.

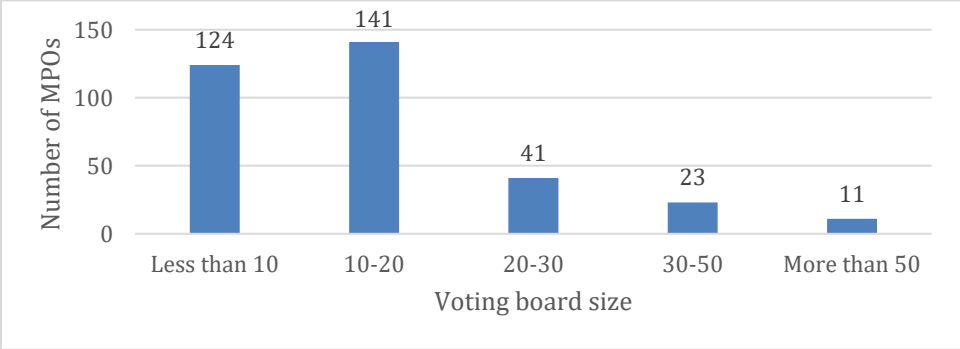

FIGURE 3 Size of MPO Board (Voting Members Only)

We examined whether MPOs were hosted by COGs (Council of Governments) or other regional agencies and found 62 percent of MPOs are. MPOs that are TMAs, particularly the larger among them, are more likely to be part of a COG or regional agency than non-TMA MPOs. Those MPOs within COGs tend to have larger voting boards; over 90 percent of MPOs with voting boards over 50 members are within COGs or regional agencies (Table 2).

Table 1 Voting Board Size among MPOs

Board size	MPOs not within COG/regional agency	MPOs in COG/regional agency	Total
Less than 10	92 (74.2%)	32 (25.8%)	124
10-20	88 (62.4%)	53 (37.6%)	141
20-30	23 (56.1%)	18 (43.9%)	41
30-50	5 (21.7%)	18 (78.3%)	23
More than 50	1 (9.1%)	10 (90.9%)	11
Total	209 (61.5%)	131 (38.5%)	340 (100.00%)

TABLE 3 MPOs within COGs / Regional Agencies

MPO area population	MPOs not within COG/regional agency	MPOs in COG/regional agency	Total
Less than 100k	61 (82.4%)	13 (17.6%)	74
100k-200k	62 (64.6%)	34 (35.4%)	96
200k-500k	49 (57.0%)	37 (43.0%)	86
500k-1 million	17 (38.6%)	27 (61.4%)	44
1-2 million	14 (66.7%)	7 (33.3%)	21
2- 5 million	3 (27.3%)	8 (72.7%)	11
5-10 million	2 (33.3%)	4 (66.7%)	6
More than 10 million	1 (50.0%)	1 (50.0%)	2
Total	209 (61.5%)	131 (38.5%)	340 (100.00%)

As shown in Table 3, of the 340 MPOs captured in our database, half (173 or nearly 51 percent) have at least one voting seat for transit on their governing boards. This share is higher than the 45 percent reported in 2011 by Bond and Kramer but consistent with 2017 survey results reported by Kramer et al. Transit providers are more likely to have a voting seat among larger TMA MPOs (nearly 60 percent) than among non-TMAs (only 42 percent). Transit representation is generally positively associated with MPO size, except in the case of MPOs serving very large population centers (2 million and over) where the share of boards with voting transit members declines, as shown in Table 4.)

TABLE 4 MPOs with Voting Seats for Transit Provider(s)

Transit representation	Number of MPOs	Percentage
MPOs with transit seats	**173**	**50.9%**
Percentage of seats held by transit providers		
≤ 5.0%	52	15.3%
5.01%-10.0%	74	21.8%
10.01-15.0%	33	9.7%
More than 15.0%	14	4.1%
MPOs without transit representation	**167**	**49.1%**
Total	**340**	**100%**

Table 5 Transit Voting Representation by MPO Regional Population

		Number of MPOs (%)		
		Transit not represented	**Transit represented**	**Total**
Non-TMA		**98 (57.6%)**	**72 (42.4%)**	**170**
	Less than 100k	44 (59.5%)	30 (40.5%)	74
	100k-200k	54 (56.3%)	42 (43.8%)	96
TMA		**69 (40.6%)**	**101 (59.4%)**	**170**
	200k-500k	37 (43.5%)	48 (56.5%)	85
	500k-1 million	17 (37.8%)	28 (62.2%)	45
	1-2 million	5 (23.8%)	16 (76.2%)	21
	2- 5 million	5 (45.5%)	6 (54.6%)	11
	5-10 million	4 (66.7%)	2 (33.3%)	6
	More than 10 million	1 (50.0%)	1 (50.5%)	2
Total		167 (49.1%)	173 (50.9%)	340

Our study also endeavored to distinguish between the different ways in which MPO boards provide voting representation for transit providers. As revealed in the federal rulemaking process after MAP-21, a transit provider representative may hold an MPO voting seat directly or indirectly. The bylaws of very few MPOs, however, explicitly mention how or which entity should represent transit on the MPO board, making it next to impossible to quantify the incidence of direct and indirect representation. In most instances where we observed transit provider representation on the board, the seat was occupied by a transit executive or senior employee and clearly a case of direct representation.

We found only several cases where bylaws make clear that a transit provider represented indirectly; typically, the system is owned and operated by a municipality or county, and that the elected officials appointed to the MPO board from that jurisdiction also represent the transit agencies. The Southeastern Wisconsin Regional Planning Commission bylaws, for example, specifiy that the six county executives who represent counties that administer or operate transit public transit systems in the region have the responsibility to represent transit needs in their respective jurisdictions. Similarly, in Stanislaus Council of Governments, one county supervisor indirectly represents transit in the policy committee. The council's Joint Power Agreement says, "The members of the StanCOG Policy Board shall designate from among their members a public transportation provider representative. Such representative shall be a member(s) who represents a jurisdiction that operates public transit, either directly or through a contractual or other arrangement. Member(s) shall serve

in a dual capacity as the representative of its jurisdiction as well as a designated representative of the interests of public transportation providers"[2].

Apart from having voting rights on the governing board, transit agencies participate in the MPO processes in a number of other ways. In some MPOs, transit operators participate in the board discussion as non-voting members. Our data show that for 8 percent of MPOs (28 of 340), transit providers have at least one non-voting or *ex officio* seat but no voting seat on the MPO board. Moreover, many MPOs have transit operators on their technical advisory committees, and 46 MPOs (13.5 percent) have dedicated transit committees to guide regional transit planning activities.

Chapter 5. Conclusion

Despite their challenges, metropolitan planning organizations are an important locus of decision making on transportation funding in metro regions. This is especially true in large metro regions, where 1991 federal transportation policy ISTEA put new flexible federal funds in play explicitly for MPOs and to encourage more multimodal investments.

Existing research suggests that transit operators and regional transit services could benefit in substantial ways by being influential players in MPO planning. However, a number of institutional barriers have contributed to a more modest role for transit in the MPO forum. Limited formal representation on MPO voting boards is one such challenge.

Motivated by changes in federal policy regarding MPOs and transit's role within MPOs that have unfolded since 2012, this report has provided an in-depth look at the issue of transit provider representation within the federally required metropolitan planning process. In 2012 Federal law MAP-21, MPOs were required to provide for transit representation on their voting boards. No research has established the extent to which such representation has been accomplished or how; instead, information about MPO board structures has largely been drawn from surveys and case studies.

By inventorying strategic governance data about MPO boards, we find that more definitively that transit voting representation on MPOs is somewhat higher than previously reported and that transit representation has increased when compared to survey data from 2011. It is also possible that transit's influence extends further, if indirect representation on the MPO board could be clearly identified. We found only several cases where MPO documents show that a transit provider is represented indirectly.

The debate surrounding implementation of MAP-21's requirements for transit representation suggest that MPOs typically prefer indirect representation for transit, whereby representation for transit is accomplished by a city or county official already on the MPO board. This model leaves MPOs' delicately balanced power dynamics intact. Yet, indirect representation relies on the existence of healthy working relationships between transit providers and city and county officials. It also assumes that the transit operators and the municipalities they serve (or are administered or operated by) always share common interests in transportation decisions.

The indirect model of transit representation reflects recent trends in metropolitan governance literature to emphasize horizontal collaborative relationship; yet, some suggest that "such emphasis on horizontal collaborative relationships is overly optimistic" and that individual stakeholders in regional governance need to exercise vertical power (Weir et al., 2009, p. 460). In the case of transit operators, the ability to vote on the board to influence regional plans and investments made by state DOTs and other local governments matters. Although transit agencies might maintain some kinds of formal and informal networks with MPOs and other partner organizations, such kind of regional transportation networks alone cannot lead to a big change unless the key stakeholders gain power in authoritative decision making (Weir et al., 2009).

Congress and federal administrators, however, have been reluctant to create opportunities for more vertical transit influence at the expense of MPO and local discretion. Modifications made to federal guidance during the rulemaking process as well as textual adjustments made to the MAP-21 successor law, the FAST Act, together show that federal policy remains deferential to traditions that allow MPOs to structure and govern themselves, even though engagement of transit agencies in MPO boards to give the power of decision-making has become an important concern in regional transportation planning.

References

American Public Transportation Association. (2018). *APTA Public Transit Factbook*. Retrieved from https://www.apta.com/wp-content/uploads/Resources/resources/statistics/Documents/FactBook/2018-APTA-Fact-Book.pdf

Bay, P. N. (2009). *TCRP Project J-11/Task 6 Draft Final Report: Role of Transit Agencies in the Regional Transportation Planning Process*. Retrieved from Washington, D.C.: http://www.apta.com/resources/reportsandpublications/Documents/TCRP_J11_Agencies_Role_in_Regional_Planning_Process.pdf

Benjamin, S. B., Kincaid, J., & McDowell, B. (1994). MPOs and weighted voting. Intergovernmental Perspective, 20 (2), 31 – 35. Retrieved from http://www.library.unt.edu/gpo/acir/ACIRbib/acir_serial_publications.htm

Bond, A., & Kramer, J. (2010). Governance of Metropolitan Planning Organizations: Board Size, Composition, and Voting Rights. *Transportation Research Record, 2174*, 19-24. Doi: 10.3141/2174-03

Feiock, R. C., & Kim, J. H. (2001). Form of government, administrative organization, and local economic development policy. Journal of Public Administration Research and Theory, 11(1), 29-50.

Foster, K. (2000). *Smart governance, smart growth*. In Cambridge, MA: Lincoln Institute of Land Policy, Conference Paper.

Foster, K. A. (2001). *Regionalism on purpose*. Lincoln Institute of Land Policy.

Gage, R. W., & McDowell, B. D. (1995). ISTEA and the Role of MPOs in the New Transportation Environment: A Midterm Assessment. *Publius: The Journal of Federalism, 24*(3), 133-154.

Gerber, E. R., & Gibson, C. C. (2009). Balancing Regionalism and Localism: How Institutions and Incentives Shape American Transportation Policy. *American Journal of Political Science, 53*(3), 633-648. doi:10.1111/j.1540-5907.2009.00391.x

Gerber, E. R., Henry, A. D., & Lubell, M. (2013). Political Homophily and Collaboration in Regional Planning Networks. *American Journal of Political Science, 57*(3), 598–610. doi:10.1111/ajps.12011

Hoover, J., McDowell, B. D., & Sciara, G.-C. (2004). *Transit at the Table: A Guide to Participation in Metropolitan Decisionmaking* (FTA-VA-90-1004-1). Retrieved from Federal Transit Administration: https://www.planning.dot.gov/Documents/TransitAtTable.pdf

Humphrey, T. (1995). *Synthesis of Highway Practice 217: Consideration of the 15 Factors in the Metropolitan Planning Process* (NCHRP Synthesis 217). National Cooperative Highway Research Program (NCHRP), Transportation Research Board, National Research Council.

Kramer, J., Carroll, A., Karimi, B., Bond, A., & Lee, C. (2017). *MPO Staffing and Organizational Structures*. Retrieved from Federal Highway Administration, U.S. Department of Transportation: https://www.planning.dot.gov/documents/MPOStaffing_and_Org_Structures.pdf

Lewis, P. G. , & Sprague , M. (1997). *Federal transportation policy and the role of metropolitan planning organizations in California*. San Francisco: Public Policy Institute of California.

Lowe, K. (2014). Bypassing Equity? Transit Investment and Regional Transportation Planning. *Journal of Planning Education and Research, 34*(1), 30-44. doi:10.1177/0739456X13519474

Luna, M. (2015). Equity in Transportation Planning: An Analysis of the Boston Region Metropolitan Planning Organization. *The Professional Geographer, 67*(2), 282-294. doi:10.1080/00330124.2014.935160

Lyons, W., Morse, L., & Rasmussen, B. (2011). *Transit at the Table III: A Guide to Effective Participation in Statewide Decisionmaking for Transit Agencies in Non-Urbanized Areas*. Retrieved from Federal Transit Administration: https://www.planning.dot.gov/documents/TransPlanning/TAT_III_FinalReport.pdf

Mead, K. (1993). *Surface Transportation: Funding Limitations and Barriers To Cross-Modal Decision Making* (GAO/T-RCED-93-25). Retrieved from U.S. General Accounting Office: https://www.gao.gov/products/T-RCED-93-25

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

Nelson, A. C., Sanchez, T. W., Wolf, J. F., & Farquhar, M. B. (2004). Metropolitan Planning Organization Voting Structure and Transit Investment Bias: Preliminary Analysis with Social Equity Implications. *Transportation Research Record*(1895), 1-7. doi:10.3141/1895-01

Prendergast, J. (1994). MPOs Become VIPs. *Civil Engineering, 64*(4), 40-43.

Puentes, R. (2000). *Flexible Funding for Transit: Who Uses It?* Retrieved from The Brookings Institution: https://www.brookings.edu/wp-content/uploads/2016/06/flexfunding.pdf

Roisman, R. I., Kennedy, S. M., Spielberg, F., McCollom, B., & Southern, V. J. (2010). *Transit at the Table II: A Guide to Participation in Metropolitan Transportation Decisionmaking for Transit Agencies in Small- and Medium-Sized MPOs*. Retrieved from Federal Transit Administration: https://www.planning.dot.gov/documents/TransPlanning/TransTableII.pdf

Sanchez, T. W. (2006). *An Inherent Bias? Geographic and Racial-Ethnic Patterns of Metropolitan Planning Organization Boards*. Retrieved from The Brookings Institution: https://www.brookings.edu/research/an-inherent-bias-geographic-and-racial-ethnic-patterns-of-metropolitan-planning-organization-boards/