



Government Relations & Public Affairs Committee

August 29, 2014

Update on U.S. Department of Transportation Requirement for Transit Representation in Metropolitan Planning Organization Structure

Issue: Should SACOG take any action in response to the Federal Transit Administration (FTA) guidance on MAP-21 implementation?

Recommendation: Staff does not have a recommendation, but the Government Relations & Public Affairs Committee may choose to make a recommendation to the Board.

Discussion: The *Moving Ahead for Progress in the 21st Century Act* (MAP-21) requires representation by providers of public transportation on the governing board for each metropolitan planning organization (MPO) that serves a transportation management area (TMA) no later than October 1, 2014.

The purpose of the requirement is to ensure the important role for public transit providers in planning, establishing performance targets for transit state of good repair and transit safety, performance monitoring, and prioritizing transportation investments.

In 2013, the FTA issued draft policy guidance and sought public comment. SACOG staff responded to the draft guidance, stating that SACOG already complies with the MAP-21 requirement. Staff noted that under SACOG's Board structure a minimum of five Board members also serve on the governing boards of transit providers in the region. This is due to the fact that of the 14 transit agencies in the region, five are governed by a city council or board of supervisors. Many SACOG Board members also typically serve on the boards of other transit operators. At present, 12 SACOG Board members serve on such governing boards. Staff also outlined to the FTA the important role of the Transit Coordinating Committee and SACOG's close coordination with transit providers. A copy of the comment letter is attached.

Notwithstanding our comment letter, and similar comment letters by other MPOs in California and throughout the country, the FTA issued final guidance in June stating that the representation requirement could not be met by a board member that also represents a local agency. If this guidance were to become law, SACOG would need to amend its joint powers agreement to modify the board structure. However, the FTA guidance does not have the force of law and does not propose any consequences for not following the guidance. In June, the FTA also issued a Notice of Proposed Rulemaking seeking comment on proposed new federal regulations that would have the force of law. SACOG staff is coordinating with other major MPOs in California to comment on these rules.

Options:

- Do nothing: SACOG's board structure already ensures representation of transit providers.
- Establish a new committee: The Board Chair has the authority, without amending the Board's rules, to establish a new board standing or ad hoc committee that could provide policy advice or recommendations to the Board. Under the Rules for SACOG, the committee may be made up of Board members or official representatives of member agencies.

- Amend the Rules for SACOG: By motion, the Board has the authority to adopt more formal modifications to existing Rules to provide additional transit-focused policy discussions. These could include any or all of the following.
 - Appoint a specific “transit representative” each year from the existing Board members that represents transit providers, with direction to that representative to bring forward transit-focused issues or recommendations.
 - Establish a transit-focused subcommittee of the Board that would meet to discuss planning, establishing performance targets for transit state of good repair and transit safety, performance monitoring, and prioritizing transportation investments, and bring policy issues and recommendations to the full Board. There are at least three options for the composition of this subcommittee: (1) current SACOG Board members; (2) elected or appointed representatives of transit providers; or (3) a combination of SACOG Board members and representatives of transit providers.
 - Establish an annual Board calendar with planned special transit-focused Board agendas.
- Begin the process of amending SACOG’s joint powers agreement to add separate new board members representing transit providers.
- Begin the process of amending SACOG’s joint powers agreement to segregate MPO functions into an MPO Board and maintain SACOG’s existing Board for all other purposes.

Approved by:

Mike McKeever
Chief Executive Officer

MM:KT:gg
Attachment

Key Staff: Kirk Trost, Chief Operating Officer/General Counsel, (916) 340-6210
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October 30, 2013

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building, Ground Floor, Room W-12-140
Washington, DC 20590-0001

RE: Proposed Policy Guidance on Metropolitan Planning Organization
Representation
[Docket No. FTA—2013—0029]

Dear Sir or Madam:

The Sacramento Area Council of Governments (SACOG) welcomes and appreciates the opportunity to provide comments on the Proposed Policy Guidance on Metropolitan Planning Organization Representation jointly issued by the Federal Transit Administration and the Federal Highway Administration.

SACOG supports, and fully endorses the provisions of the Moving Ahead for Progress in the 21st Century Act (MAP-21), establishing a performance management framework for public transportation. Moreover, SACOG is committed to working in our region to implement the performance-based planning and programming envisioned by MAP-21, and to link investment priorities with performance targets in support of our national goals.

SACOG also supports the important role expressed in the Policy Guidance for our public transit partners in establishing performance targets for transit state of good repair and transit safety, and the strategies to meet those targets in our long-range transportation plans and transportation improvement programs. Indeed, SACOG has long recognized the important role of our transit partners in planning, target setting, performance monitoring, and prioritizing our transportation investments. For this reason, SACOG has integrated transit agency representation into its planning and decision-making processes. A Transit Coordinating Committee (TCC) was established by the SACOG Board over 20 years ago to assist in federal planning and oversight of transit activities in the region, and is codified through memoranda of understanding between SACOG and each transit agency. The TCC includes the executives of 14 transit operators in the six-county region, who collaborate with SACOG under a formal charge to advise the SACOG Board. The TCC meets monthly, and works closely with SACOG staff on transit planning, programming, and project selection decisions. The TCC also provides input on SACOG's Overall Work Programs; provides input on transportation plan work plans, scenarios, and project lists; reviews and comments on draft transportation plans; helps craft processes and criteria used to allocate public transportation funds in the region; reviews and comments on draft transportation

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Sacramento
Sacramento County
Sutter County
West Sacramento
Wheatland
Winters
Woodland
Yolo County
Yuba City
Yuba County

improvement programs; shares information on changes to federal and state transit programs and funding sources, and their potential impacts on regional transit services; coordinates vehicle procurements; helps resolve funding issues and problems facing members; and helps develop regional transit-related projects and studies.

In addition to regional coordination through the TCC, SACOG staff also works with individual transit operators to provide support and technical assistance with operations and capital planning, revenue projections, developing short-range transit plans, programming, and implementing transit projects. Roles and responsibilities between SACOG and individual transit operators receiving regionally programmed FTA funds are described in detail in memoranda of understanding that are consistent with, and complementary to, the TCC charge outlining regional coordination efforts.

SACOG's governance structure also provides effective representation of transit providers in the SACOG region. Under SACOG's joint powers agreement adopted pursuant to California Government Code sections 6500 et seq., each of the 22 cities and 6 counties in our region has at least one elected official representative on our Board of Directors. The City of Sacramento has two city council representatives, and the County of Sacramento has three supervisor representatives. The Director of District Three of the California Department of Transportation (Caltrans) also serves on our Board in a non-voting capacity. The joint powers agreement establishes a carefully considered and crafted voting structure to ensure fair, equitable, and accountable regional representation. Specifically, Board action requires an affirmative vote by the following: (1) Board members representing a majority of the regional population; (2) Board members representing a majority of the cities; and (3) Board members representing a majority of the counties. Of the 14 transit agencies in the SACOG region, there are five that are both direct recipients of the Urbanized Area Formula Funding programs and are governed by a city council or board of supervisors. Therefore, SACOG's Board always has a minimum of five members that also serve on the governing board of a qualified transit provider under the Proposed Policy Guidance (Section 5307 recipients). In addition, many of our Board members are also appointed to the boards of other transit operators. At present, there are a total of 12 SACOG Board members that also serve on a transit agency board.

We appreciate the acknowledgement in the Proposed Policy Guidance of the need to allow flexible approaches to meet the requirements of MAP-21, and that such requirements can be met through bylaw modifications. In light thereof, SACOG believes that it can meet these requirements by working with the qualified transit providers in our region, our member jurisdictions, and our Board to do the following: (1) ensure that our Board continues to have members that serve on the governing bodies of qualified public transit providers; (2) adopt bylaws that establish a cooperative process, consistent with the Proposed Policy Guidance, to annually designate a member of our Board serving on the governing body of a qualified public transit provider to act as a "specifically designated representative"; (3) adopt bylaws that establish a process for the "specifically designated representative" to ensure the identification of transit-related issues and priorities for consideration by the full Board, and to ensure Board consideration of the needs of qualified providers of public transportation in the region. We

believe that the adoption of such Board bylaws would preclude the need to amend any metropolitan planning agreements as suggested by the Guidance.

While we believe that the foregoing meets the letter and spirit of MAP-21 and the Proposed Policy Guidance, we would appreciate further clarity in the Guidance to confirm this interpretation, and we would appreciate the elimination of any suggestion that the amendment of our planning agreements is required by the Guidance.

Thank you for the opportunity to provide input on the Proposed Policy Guidance. If you have any questions, please contact Kirk Trost, SACOG General Counsel/Chief Operating Officer, at (916) 340-6210 or ktrost@sacog.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike McKeever". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mike McKeever
Chief Executive Officer

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