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Executive Summary

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An Assessment of

The New York State MPOs During the TEA Era

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Executive Summary

At the time of its enactment, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) was hailed as a watershed for metropolitan transportation planning. The spirit and tone of ISTEA implied that much would change about the way transportation planning and decision-making occurs in metropolitan areas. Nearly two decades since ISTEA was enacted, however, state departments of transportation (DOTs) and metropolitan planning organizations (MPOs) in New York and across the nation have arguably achieved mixed results in implementing the requirements and achieving the expectations created by the Act and subsequent “TEA era” laws. As a result, there is renewed pressure for changes to the federal transportation program structure. (Note: throughout this report, ISTEA, TEA-21 - the Transportation Equity Act for the 21st Century (1998) and SAFETEA-LU - the Safe Accountable Flexible Efficient Transportation Act – A Legacy for Users (2005) will be referred to collectively as the “TEA era” laws or TEA acts; and the period from 1991 to the present as the “TEA era”).

With another surface transportation authorization act and the potential for major federal program changes on the near-term horizon, the New York State MPOs determined that now is an appropriate time to debrief their members and policy partners regarding the progress made in metropolitan planning during the TEA era. To this end, the Association of New York State MPOs (NYSMPO) authorized a self-assessment survey of all the New York State MPOs, detailed case studies of two MPOs – the Poughkeepsie-Dutchess County Transportation Council (PDCTC) and the New York Metropolitan Transportation Council (NYMTC) – and a targeted case study of the New York State DOT (NYSDOT) with respect to their experiences, accomplishments and challenges during the TEA era. The assessment is intended to examine the full TEA era time period, while acknowledging that the process is dynamic and there have been significant changes in recent years.

What is NYSMPO?

NYSMPO is a voluntary coalition of the state’s thirteen MPOs working together toward common goals. It is comprised of a diverse group of organizations, representing very large urban areas like New York City as well as small urban areas such as Elmira and Glens Falls. By identifying common interests and needs, the NYSMPOs work on transportation-related planning and research initiatives to help member MPOs provide top quality transportation planning expertise to the public throughout the State.

Overall MPO Experiences

The TEA acts have had broad impacts on New York State MPOs. By and large, the MPOs are positive about these influences and their experiences during the TEA era. The TEA era led to real and substantial changes to metropolitan planning in New York State and the MPOs can point to many achievements

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over the last 16 years that are a direct result. Global examples of TEA act impacts and the successes they have engendered include:

- In contrast to the declining influence of the federal government in many other regional planning areas, the TEA acts have provided federal support and created expectations for the growing role of MPOs. Each iteration of the TEA acts has enhanced the role for MPOs in areas such as land use planning and development of alternative modes; as a result, New York's MPOs have become more mature and capable organizations.
- ISTEA demanded an open planning process with active outreach to the public and involvement of elected officials in decision-making. The MPOs in each of New York State's 13 metropolitan areas provide an important and significant resource for stakeholders and citizens seeking to improve and enhance collaborative public/private visioning, policy-making, and targeted implementation for livability, sustainability, and economic health. Additionally, MPOs have had a growing role providing substantial assistance to local governments to help them address planning and development needs in a regional context.
- The MPO process facilitates exploration of a broad range of issues, policies, principles, and strategies at the regional level, which have enabled the New York State MPOs to assert their regional responsibilities to identify and quantify comprehensive transportation needs through technically defensible work. Planning and programming activities are now more transparent and participatory, plans and TIPS have become more "real" and meaningful, and projects and programs are being implemented that would likely not have been funded in prior eras.
- The TEA era MPO model finds common ground and embraces regional policy exploration occurring outside the MPO span of authority. In particular, the metropolitan planning practices that have evolved over the TEA era have led to approaches that engage regional economic development entities, environmental groups, business CEOs, university presidents, chambers of commerce, neighborhood associations, and regional empowerment groups in the planning process.
- The roles, responsibilities, and interests of New York State's MPOs have clearly grown beyond pre-ISTEA levels. Today, New York's MPOs play a significant role in a wide range of transportation planning areas, including freight, pedestrian/bicycle facilities, and safety. Commensurate with this growth, MPO capabilities to perform a greater range of activities, either through in-house staff or by managing consultants, have expanded.

This is not to say that the promise of ISTEA has come to fruition as completely as hoped or that the adaptations necessary for each iteration of TEA legislation have always gone smoothly and swiftly. The changes engendered by ISTEA have occurred more gradually than expected. Cooperation between the New York State MPOs and NYSDOT is generally good, characterized by shared expertise among technical staff and recognition of the proper roles of MPOs in local, regional, and statewide activities. However, there are still inter-jurisdictional tensions, mostly due to pressures from limited capital funding that affect funding allocation and/or project selection issues and outcomes, but also due to issues related to

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programming authority. Perhaps most significantly, the growing scarcity of state and federal capital funding has limited the ability of MPOs to implement transportation plans to overcome problems or seize opportunities specific to their regions. In addition, while the level and depth of involvement by MPO members has clearly improved, member participation is still inconsistent for some MPOs and there are still incompatibilities between MPO and member agency planning processes that create barriers to more integrated regional planning. Finally, the ability to connect transportation and land use decisions is another area where most MPOs have struggled to perform their intended or desired role.

TEA Act Impacts on New York State MPOs

New York State's MPOs entered the TEA era as reasonably strong organizations in contrast to MPOs in most other states, and enjoyed a comparatively healthier relationship with the state DOT. At the time of ISTEA enactment, New York's MPOs had already defined transportation planning roles, established metropolitan planning/programming processes, and developed institutional capacity. The changes that have occurred in New York's MPOs over the TEA era can thus be characterized as more evolution than revolution.

Organization and Administration

- MPO Governance – The ability of MPOs to customize their governance structure, responsibilities, and authority to meet unique regional needs is working well and is a reflection of the flexibility provided by the TEA acts and the informal status of MPOs in State law.
- Planning Resources – All New York MPOs have seen significant growth in the real size of their Unified Planning Work Programs (UPWPs). Annual UPWP budgets for New York State MPOs have increased two- to four-fold during the period from 1992-2008, while aggregate inflation was 82% over the same period. Additionally, planning and programming responsibilities and the technical capabilities of agency staff have grown and led to greater credibility for the MPOs, both within their regions as well as with NYSDOT and federal agencies. Planning resources, however, are typically not provided at a level appropriate for the scale of issues, especially when compared to the funding levels provided for project development work.
- Decision-making – Agencies have generally noted a more vested interest and stronger willingness of members to transcend parochial interests and make decisions that reflect the best interests of their regions as a whole.
- Certification Processes – The MPOs that are Transportation Management Areas (TMAs), and thus have (now quadrennial) reviews performed by FHWA and FTA, see certification as a valuable process that provides meaningful input and helps MPOs maintain their relevancy.

General Planning Activities

- Public/Stakeholder Involvement – The TEA acts have increased the breadth of interests that now participate in transportation planning activities, and greatly expanded the role stakeholders

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and citizens play in planning and programming processes. In addition, New York's MPOs have taken full advantage of the Internet and related tools to enhance their public outreach activities.

- Transportation – Land Use Coordination – New York's MPOs have attempted to influence regional land use through their planning processes with varying success. The most notable case is the Capital District Transportation Committee, which has pushed the envelope and received national recognition for its successful work in this area.
- Modal Planning – MPOs cited growing involvement leading or supporting a wide range of planning studies in areas such as transit, aviation, ports, bicycle/pedestrian, freight, and safety, with an intermodal perspective that builds a transportation system more than simply improving individual modes. The "new partners" of the TEA era have successfully advocated for planning studies and investments to serve regional interests and needs.
- New York MPOs Work Together – By pooling financial resources through NYSMPO, New York's 13 MPOs conduct research and training programs (shared cost initiatives) that benefit all MPOs.

Programming

- Fiscal Constraint – New York State MPOs initially had less trouble with the process changes required by ISTEA than MPOs in other states because of longstanding policies limiting over-programming. The challenges have grown over time as cost inflation and limited revenues have put increasing pressure on the ability of transportation agencies to deliver the planned program.
- Program Categories – The MPOs give a mixed review to the new focused categories established by the TEA acts. The programs have enabled multimodal projects that would not have been completed and led to greater interest in MPO decision-making, but they often provide insufficient funding to have real impacts and effectively dilute funding for core activities.
- Project Selection Processes – The TEA acts have generally helped project screening processes become more meaningful, include stronger analytical rigor, and have better transparency.
- Funding Flexibility – The flexibility features established by ISTEA have led to increased funds programmed for transit, although several MPO officials feel more could be accomplished across programs.

Long Range Transportation Planning

- Types of Plans – New York's MPOs, have embraced the flexibility provided by the TEA acts to adopt planning structures that meet local needs through a wide range of plan approaches.
- Fiscal Constraint – New York's MPOs in partnership with NYSDOT and regional transit operators have struggled to develop reasonable revenue forecasts to provide a basis for fiscal constraint for their long range transportation plans (LRTPs) and comply with TEA act requirements. This primarily reflects the uncertainty of looking out twenty or more years. However, once revenue forecasts are established and adopted, members generally recognize the need to keep estimated plan costs within projected totals, which has led to better plans.

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- Plan Implementation – Effective planning requires close connection to project implementation. New York’s MPOs have had mixed success implementing long range plans; one challenge has been the difficulty aligning regional and statewide investment priorities, which has become more of an issue as revenue has tightened. Greater accountability of designers to the MPO regarding project objectives, scope, and cost could help create a smooth handoff between planning and the project development process.

NYS DOT’s Metropolitan Planning Activities

As with New York State’s MPOs, NYSDOT was less affected by new ISTEA mandates than agencies in other states due to the requirements and practices that were already in place in New York State. In fact, prior to ISTEA, New York’s MPOs already included NYSDOT along with other key players such as local governments and transit agencies on their policy boards (unlike MPOs in many other states).

Additionally, New York’s history of MPO action only when consensus exists necessitated an atmosphere of collaboration with NYSDOT and others at the MPO table, even before passage of ISTEA. Nonetheless, NYSDOT officials do feel that the TEA acts have greatly enhanced the stature of the State’s MPOs and led to changes in both NYSDOT’s approach to metropolitan planning and its relationship with the MPOs.

Examples of changes include the following:

- Since ISTEA, NYSDOT has played a strong participatory role in the development of MPO LRTPs as a member of MPO policy and/or technical committees.
- Due in part to NYSDOT’s decentralization efforts, but also in response to the increased MPO role engendered by ISTEA, NYSDOT’s region offices have now assumed a larger role in TIP development.
- While relevant prior to ISTEA, MPO LRTPs have become more meaningful and critical inputs to the NYSDOT LRTP, and MPOs have provided more substantial input on draft statewide LRTPs.
- The TEA acts have required more integration of statewide and metropolitan planning in areas such as coordination of LRTPs, the Strategic Highway Safety Plan, and Intelligent Transportation System (ITS) architectures.
- The direct contact and access MPOs have with local stakeholders has made them invaluable partners to NYSDOT in its statewide planning activities; NYSDOT increasingly enlists MPOs as partners to garner consideration and understanding of program decisions by local interests.
- The need to identify funding offsets for all State Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP) changes, or otherwise balance anticipated program costs and revenues, have expanded the rigor of the programming process and the on-going importance of the STIP and TIPs.

Study Observations

As noted above, the overall impression of New York's MPOs and NYSDOT is that the TEA era has been generally positive and real progress has been made toward achieving the "ISTEA vision." New York's approach to MPOs – with NYSDOT, local government, and transportation providers serving as equals on MPO boards – coupled with NYSDOT's desire to fulfill the spirit of federal legislation, provides a strong foundation for MPO success. National best practices are quite evident in New York, from those in the smallest urban areas to the substantial progress made in the nation's largest metropolitan region.

Given the successes New York State's MPOs and NYSDOT have achieved in advancing the practice of planning in the TEA era, it appears that sweeping changes in federal law are not necessary to facilitate the ability of MPOs to continue making progress. Many improvements in MPO planning practice are within the purview of NYSDOT and the MPOs themselves to accomplish through revised policies or practices. Specific issue areas where revised policies or other actions should be considered include the following:

- Issue #1: Administration of Fiscal Constraint and TIP Amendments – Programming and the associated issue of fiscal constraint are major concerns on the part of all New York State MPOs. Clearly, the current situation is overly burdensome and the time utilized in working out issues could be better spent on more productive planning activities.
- Issue #2: CMAQ Program Effectiveness – The CMAQ Program is both popular and unconventional (i.e., not system based), but not every MPO is eligible for CMAQ funding and the use of CMAQ funds tends to be driven more by eligibility considerations than planning. The three-year limit to CMAQ funding for projects is a constraint on program achievement.
- Issue #3: FTA Funding in Multi-MPO TMAs – The Federal Transit Administration's (FTA) methodology for implementing several of its grant programs apportion funding to TMAs, but there is no clear direction on how grants should be allocated within TMAs that have multiple MPOs, which can lead to regional tensions.
- Issue #4: Earmarking/Demonstration Projects – The trend toward increasing earmarks tends to override MPO programming processes and often creates false expectations that projects can be implemented when adequate funding actually is not available.
- Issue #5: Improving Transportation-Land use Linkages – As regional bodies in a home-rule state, New York's MPOs have differing approaches and different levels of effectiveness both influencing land use decisions and linking land use and transportation.
- Issue #6: Inconsistency of FTA and FHWA Programs – New York's MPOs noted their frustration with the inconsistencies in regulatory and administrative requirements, and with the lack of interagency coordination in dealing with the Federal Highway Administration (FHWA) vs. FTA. The different requirements can slow project and program implementation and often confuse local agencies. They also can create barriers to flexing funds, as agencies do not want to deal with additional requirements.

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- Issue #7: Changes in Requirements for MPOs – There is the potential for reauthorization to modify the responsibilities for MPOs, change the population thresholds that mandate the presence of an MPO, and/or assign additional responsibility to MPOs in larger urban areas. There is a need recognized in New York as in the rest of the nation to better reconcile MPO responsibilities with both their authority and their resources. The abilities and resources of the smallest MPOs in New York are particularly stretched today in light of the growth in responsibilities (e.g. environmental justice, ITS/operations, etc.) without corresponding growth in resources.
- Issue #8 : NYSDOT-MPO Programming Coordination – Differences between NYSDOT’s schedule for developing its Capital Program and the MPO cycle for developing TIPs lead to coordination challenges and create inconsistencies that require added effort to align programs.
- Issue #9: Program Streamlining – The large number of targeted programs can both lead to inefficient investment and spread scarce federal funding so thin as to be ineffective. Additionally, many of federal programs come with burdensome federal requirements that further limit cost-benefit trade-offs. This is compounded by the current treatment of fiscal constraint, which has led to constraining the STIP by fund source, by year, and by geographic area. The flexibility promised by TEA legislation has been severely curtailed by this treatment.

Concluding Remarks

New York State MPOs are generally very positive with regard to their accomplishments over the TEA era and about the impacts ISTEA, TEA-21, and SAFETEA-LU have had on metropolitan planning. The State’s MPOs clearly have emerged and grown as “brokers, leaders, and consensus builders” for transportation decision-making in their regions. Most agencies also report significant success in fostering regional cooperation and in bringing new and different stakeholders to the table. A number of those interviewed characterized the TEA era changes as having resulted in a new mindset about transportation needs, planning, and decision-making.

The TEA era led to real and substantial changes to metropolitan planning in New York State. Just as each iteration of the TEA acts has implied a stronger role for MPOs in areas like land use planning and development of alternative modes, New York’s MPOs have become more mature and capable organizations. Planning and programming activities are now more transparent and participatory. Plans and TIPs/STIPs have become more “real” and meaningful. MPOs are incorporating a broader set of issues into planning and projects and programs are being implemented that would likely not have been funded in prior eras. Arguably, these accomplishments go a long way in reflecting the spirit of ISTEA with respect to transportation planning processes, products, and outcomes.