

TO REPEAL THE RULE ISSUED BY THE FEDERAL HIGHWAY ADMINISTRATION AND THE FEDERAL TRANSIT ADMINISTRATION ENTITLED “METROPOLITAN PLANNING ORGANIZATION COORDINATION AND PLANNING AREA REFORM”

APRIL 6, 2017.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 1346]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 1346) to repeal the rule issued by the Federal Highway Administration and the Federal Transit Administration entitled “Metropolitan Planning Organization Coordination and Planning Area Reform”, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

CONTENTS

	Page
Purpose of Legislation .....	2
Background and Need for Legislation .....	2
Hearings .....	2
Legislative History and Consideration .....	3
Committee Votes .....	3
Committee Oversight Findings .....	3
New Budget Authority and Tax Expenditures .....	3
Congressional Budget Office Cost Estimate .....	3
Performance Goals and Objectives .....	4
Advisory of Earmarks .....	4
Duplication of Federal Programs .....	4
Disclosure of Directed Rule Makings .....	5
Federal Mandate Statement .....	5
Preemption Clarification .....	5
Advisory Committee Statement .....	5
Applicability of Legislative Branch .....	5
Section-by-Section Analysis of Legislation .....	5
Changes in Existing Law Made by the Bill, as Reported .....	5

## PURPOSE OF LEGISLATION

H.R. 1346 would repeal the Metropolitan Planning Organization Coordination and Planning Area Reform rule.

## BACKGROUND AND NEED FOR LEGISLATION

On December 20, 2016, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) issued the final rule “Metropolitan Planning Organization Coordination and Planning Area Reform” (81 Fed. Reg. 93448). This rule significantly alters transportation planning regulations, in an attempt to promote more effective regional planning by States and metropolitan planning organizations (MPOs). Among other changes, the rule requires MPOs in the same urbanized area to merge, adjust their boundaries, or produce a single, unified set of plans to guide transportation investments. The final rule includes a waiver process, subject to approval by the Secretary, from some of the joint planning requirements if an area can demonstrate suitable coordination.

The rule exceeds the planning requirements set forth in statute. Section 134 of title 23 and section 5303 of title 49, United States Code, establish MPOs and describe their responsibilities in the transportation planning process. These sections require MPOs to prepare long-range plans and Transportation Improvement Plans (TIPs) and outline how MPOs should work with other entities, such as state departments of transportation, as they develop these plans. These sections also require the Secretary of Transportation to encourage each Governor of a state with a portion of a multistate metropolitan area and the appropriate MPOs to provide coordinated transportation planning for the entire metropolitan area. However, these sections of law do not mandate that MPOs within the same urbanized area produce a single TIP, or long-range plan.

MPOs and state transportation officials have expressed concerns with the rule’s requirement that force MPOs to merge, adjust boundaries, or consolidate planning documents. Urbanized areas can span several states and hundreds or thousands of square miles. By forcing MPOs to merge or consolidate TIPs, the rule takes local transportation investment decisions out of the hands of local authorities.

The rule also stands to drive up administrative costs and burdens on MPOs. FHWA and FTA estimate that the rule could require more than 140 MPOs to merge. If those MPOs all merged, FHWA and FTA estimate the costs associated with merging, including developing dispute resolution processes and making transportation conformity adjustments under the Clean Air Act, could exceed \$340 million over four years.

H.R. 1346 repeals the Metropolitan Planning Organization Coordination and Planning Area Reform rule and nullifies any changes to federal regulations made as a result of such rule.

## HEARINGS

No hearings were held on H.R. 1346.

## LEGISLATIVE HISTORY AND CONSIDERATION

On March 2, 2017, Congressmen Daniel Lipinski (D–IL) and Jason Lewis (R–MN) introduced H.R. 1346.

On March 29, 2017, the Committee on Transportation and Infrastructure met in open session and ordered the bill reported favorably to the House by voice vote with a quorum present.

## COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with consideration of H.R. 1346.

## COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 1346 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, April 5, 2017.*

Hon. BILL SHUSTER,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1346, a bill to repeal the rule issued by the Federal Highway Administration and the Federal Transit Administration entitled "Metropolitan Planning Organization Coordination and Planning Area Reform."

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sarah Puro.

Sincerely,

KEITH HALL.

Enclosure.

*H.R. 1346—A bill to repeal the rule issued by the Federal Highway Administration and the Federal Transit Administration entitled “Metropolitan Planning Organization Coordination and Planning Area Reform”*

H.R. 1346 would repeal a December 2016 rule issued by the Department of Transportation (DOT) that requires transportation planning organizations, known as Metropolitan Planning Organizations (MPOs), to change how they operate.

Under current law, areas with a population greater than 50,000 are required to have an MPO in order to receive federal funds for certain transportation programs. The DOT rule requires some MPOs to consolidate and requires other MPOs to coordinate their planning documents. Neither the rule issued by DOT nor the bill repealing it would change the level of funding distributed to MPOs. As a result, CBO estimates that enacting the bill would have no effect on the federal budget.

Enacting H.R. 1346 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 1346 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1346 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. CBO expects that, under the rule, MPOs will incur administrative costs to comply with the rule’s requirements, such as developing new transportation plans for metropolitan areas. Based on information from DOT, CBO estimates that MPOs would spend about \$80 million less per year over the 2018–2021 period if the legislation is enacted because they would no longer need to comply with the rule’s requirements.

The CBO staff contacts for this estimate are Sarah Puro (for federal costs) and Jon Sperl (for the effect on state and local governments). The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

#### PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to repeal Metropolitan Planning Organization Coordination and Planning Area Reform rule.

#### ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

#### DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 1346 establishes or reauthorizes a program of the federal govern-

ment known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, 115th Cong. (2017), the Committee finds that enacting H.R. 1346 does not direct the completion of a specific rule making within the meaning of section 551 of title 5, United States Code.

#### FEDERAL MANDATE STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 1346 does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

#### APPLICABILITY OF LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

#### SECTION-BY-SECTION ANALYSIS OF LEGISLATION

##### *Section 1. Repeal*

Section 1 repeals the Metropolitan Planning Organization Coordination and Planning Area Reform rule and nullifies any changes to federal regulations made as a result of such rule.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 1346 makes no changes in existing law.