

A Report on Rural Planning Organizations

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Report on Rural Planning Organizations

Introduction

The Texas House of Representatives Transportation Committee, Subcommittee on Planning Authorities requested the Texas Department of Transportation's (TxDOT) input on the role of metropolitan planning authorities and the creation of Rural Planning Organizations (RPOs) to address the planning needs of the state's rural areas. TxDOT's Executive Director, Amadeo Saenz, Jr., met with the subcommittee on February 6, 2008. Mr. Saenz stated "This is the time to meet with Metropolitan Planning Organizations (MPOs) and the existing rural planning entities that have been created to see what works and what does not. Through these discussions, perhaps a consensus could be reached and a model for legislation could be created." Representatives of TxDOT and the Texas Transportation Institute (TTI) met with existing organizations similar to RPOs, briefly researched operation of RPOs in other states, and prepared this report on the results of this research.

Federal and State Legislative Requirements for Rural Transportation Planning

Under the current federal legislation, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), states are required to consult with non-metropolitan local officials in transportation planning and programming. Part of the regulation states that transportation projects, outside of metropolitan planning areas, undertaken on the National Highway System with Title 23 funds, and under the Bridge and Interstate Highway Maintenance Programs, shall be selected by the state in consultation with the affected local officials. The form in which this consultation is to take place is not mandated and can vary widely among the states.

According to the National Association of Development Organizations (NADO) website, 30 states have Rural Planning Organizations in existence. There are no Texas-based RPOs listed in their directory.

Legislated Planning Organizations in Texas

Regional Councils or Councils of Government (COGs)

Regional councils, frequently referred to as Councils of Government, but sometimes known as regional planning commissions or development councils, are voluntary associations of governments formed under Chapter 391 (Regional Planning Commissions), Texas Local Government Code. They address problems and planning needs that cross the boundaries of individual local governments or that require regional attention. While regional councils do not

have an explicit role in implementing the Texas Transportation Commission's (commission) transportation objectives, some regional councils serve as the organizational or fiscal agent of an MPO.

Regional services offered by regional councils are varied. Services are undertaken in cooperation with member governments, the private sector, and state and federal partners, and include:

- planning and implementing regional homeland security strategies;
- operating law enforcement training academies;
- providing cooperative purchasing options for governments;
- managing region-wide services to the elderly;
- maintaining and improving regional 9-1-1 systems;
- promoting regional economic development;
- operating specialized transit systems; and
- providing management services for member governments.

In addition, Texas' councils of governments are responsible for regional planning activities that may differ from region to region, but typically include planning for economic growth, water supply, water quality, air quality, transportation, emergency preparedness, and the coordinated delivery of various social services. Many councils of government establish and host region-wide geographical information systems (GIS) as well as databases on regional population, economics, and land-use patterns.

Metropolitan Planning Organizations

A metropolitan planning organization (MPO) is a transportation policy-making organization made up of representatives from local government and transportation authorities. For more than thirty years, the nation's MPOs have been instrumental in drafting and pursuing strategies for improvement of transportation systems. The federal government requires a regional transportation planning process in urbanized areas with more than 50,000 population. The process is carried out by MPOs that have been designated by local governments and the state's governor. The MPO boundaries are determined by agreement between the MPO and the governor. At a minimum, the boundaries are selected to encompass the entire existing urbanized area (as defined by the United State Census Bureau) plus the contiguous area expected to become urbanized within a 20-year forecast period. The responsibilities and funding resources are specifically designated by federal surface transportation law.

MPOs are established to ensure that existing and future expenditures for transportation projects and programs are based on a continuing, cooperative and comprehensive planning process. Federal funding for transportation projects and programs are channeled through this planning organization. MPOs have the ability to look at a metropolitan transportation system and make regional decisions that are best for an entire region. The MPOs share transportation project selection responsibility with TxDOT in accordance with five commission objectives.

There are currently 25 MPOs in Texas' urbanized areas. Each MPO is a decision making forum, responsible for developing short and long-range transportation plans and cooperating with

TxDOT in identifying project priorities for funding. They are also directly responsible for local public involvement requirements. The urban transportation planning requirements are administered by the Transportation Planning and Programming Division of TxDOT with approval by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) of the United States Department of Transportation.

Rural Planning Organizations Nationwide

For planning purposes, rural is generally considered to be an area outside of metropolitan areas which have 50,000 or greater in population. This rural definition includes incorporated areas which are outside of metropolitan area planning boundaries.

Nationally, a rural planning organization (RPO) is generally defined as a voluntary association of local governments which plans rural transportation systems and advises each state's department of transportation (DOT) on rural transportation policy.

RPOs have a variety of objectives, but perhaps most significant is preparing a description of the transportation issues in the region or rural area of the region. Objectives also include the developing and prioritizing of short and long-range regional transportation plans in cooperation with state DOTs, providing a forum for public participation in the transportation planning process, and assisting DOTs in developing and prioritizing projects for inclusion in a Statewide Transportation Improvement Program (STIP). Annual Planning Work Programs (PWPs) identify specific tasks for RPOs to perform and provide budgets that determine the activities of RPO staff. A Rural Transportation Planning Advisory Committee is most often the policy-making body of the RPO.

Thirty states have enabling legislation and organizations similar to RPOs to conduct transportation planning in the non-MPO areas. There is considerable variance among the states since they have different laws and jurisdictional structures. Purposes of their rural planning organizations generally mention assisting DOTs in development and prioritization of short and long-range transportation plans, providing an effective voice for transportation interest in their rural counties and towns, and providing an organized forum for transportation planning processes. They also establish a link to the MPOs and other transportation providers and serve as a local center of contact for transportation needs.

Need for Complementary Planning Organization

There is a gap in the transportation planning process where Texas rural local officials should be able to provide advice and input on shaping the state's transportation planning objectives. While officials of urbanized cities and counties have a structured process through which to participate in future transportation planning, such a structured mechanism does not exist for the vast area of the state characterized as non-metropolitan.

Transportation planning in Texas occurs at the state, regional, and local level through a variety of organizations. The Texas Transportation Commission (commission) is the overarching entity tasked by the legislature with establishing a system of transportation facilities. However, many aspects of transportation planning and specific project selection are entrusted to local officials in a consultative process. Future transportation plans by each planning organization are chosen based on how the implementation of each project reduces congestion, improves economic opportunity and air quality, and increases the value and safety of our transportation assets.

TxDOT operates a decentralized organizational structure using regional districts to carry out the administration of the commission's transportation planning objectives. Federal law requires the creation of MPOs to further enhance local involvement in the implementation of the state's transportation system.

Texas is divided into 25 TxDOT management districts, each headed by a district engineer responsible for overseeing the planning, design, construction, and maintenance of the many roads and bridges in the statewide transportation system. Each district has considerable latitude in setting priorities for design and construction projects, maintenance, and operations activities. In the MPO areas, project selection responsibilities are shared with the MPOs. TxDOT district boundaries were established before the boundaries of COGs and MPOs.

Decisions about transportation in areas outside the MPO boundaries are made by TxDOT district engineers with informal input from local leaders such as county judges, county commissioners, mayors, and city council members. To provide clear and formal inclusion into the transportation planning process to local leaders in such an area, RPOs should be created. In order to accommodate this need most effectively, rulemaking authority for the commission to establish RPOs would be needed.

Similar to an MPO, an RPO could be governed by a policy board composed of local elected officials and TxDOT district engineers within the respective regional council's boundaries, but outside the MPO metropolitan area boundaries (MAB).

An RPO could develop transportation plans and programs for its service area, providing an opportunity for local leaders to play a formal decision-making role in addressing transportation priorities within their region, and give the public a direct way to provide input during the RPOs' planning process and selection of major transportation projects. RPOs could be granted the authority to decide when to use tolling and/or public private partnerships to develop projects.

Given the state's growth trends in population and transportation system usage, Texas faces a major transportation planning challenge not only in terms of congestion in major metropolitan areas, but also in the movement of people and goods through the urban and rural areas of the state. Providing another transportation planning tool for the non-metropolitan areas of the state would allow local leaders to be included in the transportation planning process through a complementary layer.

Existing Rural Planning Organizations in Texas

Cross Plains Rural Transportation Council (CPRTC)

Strictly in an advisory role, the CPRTC was created in August 2001 to ensure that rural communities' transportation needs are addressed, as well as to effect a proactive approach to public involvement in the transportation development processes. CPRTC provides advice, strives to influence the planning and development of rural transportation projects, participates in the planning of important transportation corridors passing through the region, and acts as a cohesive entity, communicating those needs and recommendations to all levels of government. This process allows counties, cities, and rural communities the opportunity to be involved in the early stages of transportation planning. Non-metropolitan areas of nine counties and more than 50 incorporated municipalities in North Central Texas are represented by the council.

TxDOT and TTI staff met with officials of the CPRTC on March 12, 2008 to receive input on the effectiveness of rural transportation planning in their area. It was determined that through this partnership with non-metropolitan local officials, TxDOT and local officials have realized significantly improved mutual understanding of future rural transportation planning needs and have improved ability to modify plans and project construction schedules to meet the needs of the rural areas represented by CPRTC. Identifying locally important projects outside of major metropolitan areas and creating regional unity for priority projects through the development of a regional consensus are positive products of CPRTC. A project prioritization process was developed and is being used for project selection recommendations. CPRTC has provided effective assistance to TxDOT regarding public involvement in decision-making within the planning and programming processes. Members of CPRTC coordinate with their constituents, chambers of commerce and business leaders to make representative decisions for their local areas. This RPO effectively communicates and coordinates with the local MPO (Wichita Falls MPO).

Capital Area Regional Transportation Planning Organization (CARTPO)

The Capital Area Council of Governments (CAPCOG) formed CARTPO in 1999 to address the transportation planning needs of the rural areas within the COG. CARTPO is organized to include the full geographical area of the COG, not only that identified as rural (ie: includes urban cities and Austin MPO area as well). CARTPO was originally created as a response to federal legislation (TEA-21) which called for state DOTs to work with officials in non-metropolitan areas for transportation decision-making. CARTPO reevaluated its role in the transportation planning process in 2006, and formalized its structure and objectives into an adopted set of bylaws in April of 2007.

TxDOT and TTI staff met with CARTPO officials on March 11, 2008 to receive input on the effectiveness of rural transportation planning in their area. CAPCOG provides staff and administrative support for all CARTPO activities. Staff indicated that CARTPO serves as a forum for elected officials to come together on transportation issues to recommend changes in

policy and practice, recommend legislation, recommend regional priorities, direct certain planning and data initiatives, oversee the federally-prescribed local consultation process, and collaborate with the Capital Area Metropolitan Planning Organization (CAMPO). CARTPO has developed a project evaluation and priority establishment processes enabling them to evaluate and recommend projects with a regional impact to TxDOT.

CARTPO membership is composed of voting, non-voting ex-officio, non-voting associate, and staff members. Each county in the 10-county CAPCOG region may choose three elected officials to serve as voting members. Individual counties are encouraged to include at least one municipal representative in their voting membership. Nine other stakeholder organizations participate as non-voting members.

Working with TxDOT, CARTPO has been able to identify rural transportation projects that were ultimately selected for funding by TxDOT.

Brazos Valley Regional Planning Organization

TTI conducted a telephone interview with the transportation director of the Brazos Valley COG (BVCOG) to further identify rural planning efforts in the state. BVCOG established itself as an RPO four years ago and supports transportation planning. The COG Board (Policy Committee) combines with the Regional Transportation Planning Committee (staff level representatives from participating counties, municipalities, and resource agencies) to administer the RPO process. BVCOG furnishes support staff for the rural planning effort and considers COGs to be the logical centers to conduct this planning inside their boundaries. Most actions taken by the RPO have been in the form of resolutions and agreements. They have not engaged in any formal transportation planning or project prioritization processes.

BVCOG recommends that a formal process be established to support transportation planning similar to what they are currently conducting in areas of health, homeland security, housing, and regionally coordinated transit plans. They also suggest an emphasis be placed on formalizing a planning process outside the MPO areas. It is their desire to produce a 25-year rural transportation plan which is coordinated with the local MPO plan (Bryan-College Station Metropolitan Transportation Plan). Unfortunately, BVCOG has not been able to secure funding for the staff dedicated to RPO work. BVCOG staff made a presentation regarding their RPO efforts to the Texas Association of Regional Councils on March 27, 2008.

Funding the Rural Planning Effort

It appears essential that funding of a significant portion of the rural planning effort be derived from other than local sources. One option may be to use a portion of the Federal Planning and Research Funds (SPR) which are apportioned to the state by SAFETEA-LU. Title 23-Highways, Chapter 5-Research and Technology, Section 505-State Planning and Research describes eligible items for state consideration.

If the state considers RPOs to be necessary and reasonable expenditures to perform transportation planning and support the overall transportation planning process, then their funding is an eligible item.

It should be noted that all the activities presently performed by existing RPOs may not be eligible for SPR funding, thus a clear identification of what will be funded with SPR funds is needed. This identification can be accomplished by preparation of an annual Work Program document similar to that currently prepared by MPOs – the Unified Planning Work Program (UPWP) or some other document such as a simplified statement of work. The statement of work identifies planning work proposed for the next one- or two-year period by activity and task in sufficient detail to indicate who will perform the work, the schedule for completion, and documentation of funding sources. An RPO should also prepare an Annual End of Year Performance and Expenditure Report. The State would be able to use these details for documentation of their SPR State Planning Work Program which indicates use of their SPR allocation.

Planning Boundary Issues

Interviews with RPOs indicated that they have experienced no significant difficulty due to the fact that TxDOT district boundaries are not co-terminus with COG boundaries. Sentiment was expressed that planning would be simpler if coordination was required with only one district. Participants recognized that TxDOT districts were aligned to facilitate planning, design, construction, and maintenance of the transportation system and not just the planning elements. TxDOT district boundary realignments were expressed to be “preferable but not essential”.

Other Comments Solicited

In an effort to determine opinions regarding the possibility of creating rural planning organizations, TxDOT staff distributed a questionnaire to MPOs, TxDOT district planning staff, and the Texas Association of Regional Councils (TARC) for input. TARC distributed the questionnaire to each of its 24 Councils of Government and summarized the responses from 18 of those Regional Councils. TTI staff summarized the responses from a total of 14 MPOs. A synthesized summary of responses follows.

1. What are your thoughts on Rural Planning Organizations (RPO)?

TARC: RPOs will be ideally situated to facilitate consultation and cooperation among the rural regions of Texas and the Texas Department of Transportation, resulting in more efficient transportation planning.

MPOs: The majority of MPO comments were generally supportive of the RPO concept and the need for planning in the rural areas which are outside MPO boundaries. Several MPOs expressed concerns that current limited funding availability should not be further diluted through RPO funding. One MPO noted that formation of an RPO should be voluntary. Four MPOs were of the opinion that there is no need for RPOs and they would be duplication of existing planning organizations. One MPO suggested that if RPOs are formed, they should only be tasked with information dissemination and not planning activities.

2. How do you see the RPOs working with the Councils of Governments (COG) and Metropolitan Planning Organizations (MPO)?

TARC: Each of the COG regions will have a different approach to facilitate working relationships with the MPOs in their region in order to best meet the needs of the cities and counties that comprise their member governments. This collaborative effort will allow for cost-sharing and the maximization of planning budgets.

MPOs: Comments in general indicate that there is a strong urban and rural interconnectivity with need for a regional focus. Consultation and coordination will be necessary to assure continuity across the region. Three MPOs continued to suggest that there is no need for RPOs and that existing MPOs, COGs, or TxDOT districts can perform the required rural transportation planning. One MPO recommended that the County Commissioner's Courts be designated as RPOs.

3. How do you envision the RPO membership?

TARC: RPO membership will vary from region to region but is likely to mirror that of the COG. As a starting point, the membership of each RPO should be comprised of elected officials from the cities and counties within each planning region.

MPOs: Most recommendations included county, city, TxDOT, transit, and other rural stakeholders. Some thought that membership should mirror the COG or mirror the MPO. Although elected officials were mentioned as essential, it was suggested that flexibility be allowed to permit determination of membership at the local level.

4. What do you think about MPO-RPO membership crossover?

TARC: Each region should determine the most workable level of collaboration between the MPO and RPO in an effort to complement each other. Permissive flexibility will allow each region to approach MPO-RPO membership crossover in an appropriate manner.

MPOs: The MPOs recognized the possibility of duplication of memberships but generally did not consider this to be an issue. Response indicated that membership crossover of both rural and urban entities would serve to improve the lines of communication and assure that planning efforts for both the RPO and MPO would be achieved in a coordinated manner.

5. What do you think of RPO-MPO membership crossover?

TARC: The importance of working collaboratively with the MPO is recognized, but the level of involvement will vary from region to region.

MPOs: Again, the MPOs recognized the possibility of duplication of memberships but did not consider this to be an issue. Membership crossover would serve to improve the lines of communication and assure a consultative and coordinated planning effort.

6. Do you think the RPO should be housed within the COG?

TARC: COGs already perform an important role in supporting the State's planning efforts for rural areas. This history ideally positions COGs to house the RPO program. RPOs would benefit from all of the services and economies of scale offered by COGs. Each region's local government representatives should maintain the flexibility to determine the host entity which best meet their needs.

MPOs: Half of those responding suggested that the RPO could be housed within the COG but recommended that flexibility should permit that this be a local decision. Two MPOs indicated that the RPO should not be housed within the COG and one suggested that the RPO be housed at TxDOT with separate planning staff.

7. Do you think that the RPO should be housed separate from the COG?

TARC: Housing the RPO separate from the COG would likely be inefficient and more costly. Each region should be allowed the flexibility to tailor the RPO to best meet its needs.

MPOs: Responses indicated that MPOs were evenly divided about whether the RPO should be housed separate from the COG. Some MPOs continued to suggest flexibility to permit this to be a local decision.

8. How do you feel the RPO should be structured?

TARC: The structure of an RPO should vary depending upon the region. While the structure may vary, in order for the RPOs to provide a forum for rural transportation planning input, flexibility remains critical to overall success in the regions.

MPOs: Most often mentioned in the responses was that the structure should mirror that of the MPOs. They suggested a Policy Committee, a Technical Committee, and a Citizens Advisory Committee with day-to-day operations being conducted by an independent staff. It was again mentioned that this should be flexible to permit local decision based on local need. Other respondents again suggested either lack of need for the RPO or that the RPO be for information dissemination purposes only.

9. What geographical area should the RPO cover?

TARC: RPOs should cover those geographic areas that lie outside the existing MPOs, but should have boundaries identical with the COG regions.

MPOs: Sixty percent of respondents suggested that the geographical area of the RPO should be the same as the COG areas. Twenty percent thought that the boundaries should agree with the TxDOT district boundaries and 20% recommended only that the RPOs include only rural areas.

10. How do you feel about RPOs doing transportation planning for their areas that will be shared with the Texas Transportation Commission?

TARC: While the Transportation Commission is ultimately responsible for transportation planning and prioritization in Texas, RPOs would provide an excellent opportunity for formalized local and regional input into the State's planning and prioritization processes.

MPOs: Several MPOs indicated that transportation planning provided by RPOs would eliminate the void that currently exists in the provision of comprehensive transportation planning in the rural areas. They mentioned that RPO planning will result in a complete picture to the Texas Transportation Commission to identify, quantify, and prioritize resources to address locally identified transportation priorities. Other MPOs continue to explain the lack of need for the RPO process or lack of understanding of what authority would be delegated to the RPOs.

11. Does the fact that the COG boundaries and the TxDOT District boundaries are not identical present a RPO transportation planning concern? How could these concerns be addressed?

TARC: Alignment of the boundaries is preferred, but this challenge can be overcome. COGs and TxDOT representatives have worked closely in the past and will continue to do so in the future despite non-alignment of boundaries.

MPOs: This question was not directed to the MPOs.

12. TxDOT is looking to securing appropriate funding for RPOs. How much yearly funding do you feel it would take to administer and maintain an RPO?

TARC: The amount of funding required for each RPO will vary depending on factors such as the scope of work expected, region size, population, and rural road miles. A formula-driven funding approach is advisable.

MPOs: This question was not directed to the MPOs.

Previous Legislative Efforts

During the 80th Legislature, Regular Session, 2007, H.B. 3783/S.B. 1929 was introduced which, among other things, considered language creating RPOs in state statute. Under proposed Section 201.6013, Transportation Code, RPOs were permitted to be created to cover the area within the boundaries of a COG and outside the boundaries of an MPO if agreed to by local governments that represent at least 75 percent of the affected population. An RPO was tasked with preparing and periodically updating a long-range transportation plan for its service area and making recommendations to the commission concerning the selection of transportation projects or programs. The commission was authorized to delegate the selection of projects to an RPO, but was required to concur with the selections of the RPO before it was effective. Funding for the operation of RPOs was to be made through funds available in the State Highway Fund. The committee substitute for S.B. 1929 as voted out of the Senate Committee did not include any of the above language for the creation of RPOs.

Conclusions and Recommendations

Effective rural transportation planning improves the transportation system by providing a strategic perspective on system investment over an extended period of time. The rural transportation planning process should establish a consistent and meaningful method of making transportation decisions for the non-metropolitan areas of the state. It should also assure that all issues are brought to open discussion. A major product of the rural transportation planning process is a rural transportation strategy or plan. The plan may identify rural transportation deficiencies and propose strategies to address those needs over a 20 to 25 year planning period. A long range financial plan is needed to assure that finances are available to implement the plan.

Regional Councils and RPOs across the nation are filling a much needed gap by developing rural transportation plans and programs for their service areas. They provide the opportunity for local elected officials and leaders a formal decision-making role in addressing transportation priorities within their region. Organized RPO processes offer those in non-metropolitan areas a direct conduit to provide input during the RPO's planning process, and to participate in prioritization of rural transportation projects.

Some Regional Councils in Texas have voluntarily formed and operate Rural or Regional Planning Organizations to help address the rural transportation needs of their region. Texas RPOs are not currently operating under any legislative set guidelines and they do not receive any planning funds from the state. They are self-financed and governed by local officials.

Rulemaking is needed for RPOs in Texas to provide a formalized decision-making structure and coordination with MPOs in development of a regional mobility strategy for their area.

Organization

The Rural Planning Organization should be a formal organization with oversight by a Transportation Policy Board. The board should have flexibility to establish its membership and determine its own structure but ensure equitable representation by member governments.

Agreements

The RPO and TxDOT should cooperatively determine their mutual responsibilities in carrying out the rural transportation planning process. A formal Memorandum of Agreement should be executed to establish the organization and define duties and relationships.

Work Program

RPOs should individually develop a planning work program which becomes the scope of work and authority to be reimbursed for approved transportation planning tasks and work products. The RPOs should be charged with at least three core duties:

- Assist TxDOT in development of a long-range Rural Transportation Plan (RTP) and a prioritized short-range Transportation Improvement Program (TIP) in cooperation with the MPOs;
- Provide a forum for public participation in the rural transportation planning process;
- Provide transportation-related information to local governments and other interested organizations and individuals.

The work program should also develop a documented participation plan that defines a process for providing all interested parties with reasonable opportunities to be involved in the rural transportation planning process.

Annual Performance Report

An RPO should also prepare an Annual Performance and Expenditure Report to document accomplishments of their work program.

Certification Review Process

TxDOT should establish a certification review process, as simple as possible, to assure that the rural transportation planning process is being carried out in accordance with state and federal requirements.

Appendix 1

Hearing Summary – House Transportation Subcommittee on Planning Authorities

Prepared by Cary Choate, Government and Public Affairs Division, TxDOT

The House Transportation Committee Subcommittee on Planning Authorities met on February 6, 2008, to hear invited testimony on the creation of rural planning authorities. All members of the subcommittee, Representative Hill (chair), Representative Macias, and Representative Harless, were present for all or part of the hearing.

Hill stated that the purpose of the hearing was to gather information and to learn how the legislature can help in the transportation planning process, specifically in rural areas.

Terry Simpson, county judge, San Patricio County, discussed the challenges faced by a small, rural county in attempting to implement transportation projects. Simpson stated that even though San Patricio County is an economically disadvantaged county, which reduces their funding obligation for transportation projects to 4.5 percent, a lack of funding is a major obstacle. He stated that he annually budgets \$300,000 for right-of-way (ROW) acquisition, which is frequently insufficient and this pushes back project construction start dates and increases total project costs. Responding to Hill's question of how much additional funding he would need, Simpson stated that an extra \$100,000 per year would be very beneficial to complete the necessary ROW acquisition for project advancement.

Michael Morris, director of transportation, North Central Texas Council of Governments (NCTCOG), stated that the current size of metropolitan planning organizations (MPOs) is too small and should be enlarged. He stated that the current size of the Dallas/Fort Worth (D/FW) MPO does not cover the appropriate geographical area to address future transportation plans. He discussed the proposed 240-mile regional outer loop which would encircle the Dallas-Fort Worth-Arlington, Denton-Lewisville, and McKinney urbanized areas as an example of a major project with parts outside the existing boundaries of the MPO. He proposed expanding the current MPO to encompass 12 of the 16 counties within NCTCOG to address the planning needs of the metropolitan area.

Macias asked about the counties that would not be included in the expanded MPO. Morris responded that some sort of connectivity to the new MPO could be created through Memoranda of Understanding (MOU). He stated that the needs of outlying counties could be handled by setting outcome expectations for the entire COG.

Morris stated that innovative finance tools need to be utilized to leverage federal funds for transportation projects. He stated that the use of toll credits from urban areas should be used to help outlying, rural areas of the state move forward on projects that would otherwise be unfunded. Hill asked whether counties accepting toll credits from more wealthy counties would have to commit actual funding to repay the use of said credits. Morris responded that real monies from counties would only be necessary if the state was unable to commit its matching funds to ensure the draw down of federal funds. He stated that the use of MOU between local entities could provide the necessary framework for this funding mechanism.

Alan Clark, director of transportation and air quality planning, Houston-Galveston Area Council, stated that the existing geographical area of MPOs needs to be expanded. He cautioned, however, that simply enlarging an MPO would not expand its financial resources. Responding to Macias' question about additional funding from included counties, Clark stated that additional federal funding for an expanded MPO would only come from the inclusion of an urbanized area qualified to create its own MPO.

Clark stated that even though there has been an increase in state funding for transportation projects, this increase has not kept pace with the highway cost index, and the local percentage of total project costs has increased. Hill and Clark discussed the revenue sources for local entities' contributions, with Clark stating that the majority of local funding for projects in his area comes from the dedication of sales tax revenue and toll revenue.

Sid Martinez, director, San Antonio-Bexar County MPO (SA-BCMPO), stated that the governing board of his MPO has discussed expanding, and may be required to expand if San Antonio moves from a near non-attainment city to non-attainment status under the Environmental Protection Agency's air quality standards. He said that federal regulations would require SA-BCMPO to either expand to include the entire non-attainment area or enter into MoUs to appropriately manage project planning for the area. He also stated that New Braunfels is about to reach the population level (50,000) to be eligible to create its own MPO, or SA-BCMPO could expand to include the area.

Martinez stated that the Alamo Area COG (AACOG) has discussed the idea of a rural planning organization (RPO) for the area not covered by SA-BCMPO, but did not move forward with any plans due to the lack of a dedicated funding source. Additionally, he stated that SA-BCMPO does fund some rural transportation projects that are selected and managed by AACOG.

Hill and Martinez discussed the creation of an advanced transportation district with a ¼ cent sales tax rate to leverage federal funds and to move forward on some small transportation projects. Hill asked why the district did not impose the full ½ cent tax rate authorized by statute, to which Martinez stated that there was concern that the measure would not have been approved by the voters.

Chris Evilia, director, Waco MPO, stated that outside adding a managed lane on Interstate 35 to generate toll revenue, the Waco area does not have a major transportation facility that can generate money. He said that the legislature can help local entities by giving them the flexibility to use innovative financing methods to fund transportation projects. He suggested the imposition of an impact fee on housing developments to help pay for necessary roadway improvements when rural land is developed into housing communities.

Betty Voits, Capital Area COG (CAPCOG), stated that CAPCOG formed the Capital Area Regional Transportation Planning Organization (CARTPO) in 1999 to address the transportation planning needs of the rural areas within CAPCOG that were not subject to the Capital Area MPO (CAMPO). She stated that CARTPO covers the full geographical area of CAPCOG, not

only that which is identified as rural. Voits explained that by working with TxDOT, CARTPO was able to identify several rural transportation projects that were ultimately selected for funding by the district engineer.

Voits stated that TxDOT district boundaries should be realigned with COG boundaries to provide a more seamless approach to transportation planning. She also stated that RPOs should be codified in state statute, with funding based on each RPOs work plan, as some rural areas have more transportation needs than others.

Roy Gilliard, executive director, El Paso MPO, discussed a recent proposal to the El Paso City Council to construct an additional port of entry from Mexico into the United States to alleviate traffic on the existing Zaragoza Bridge. He stated that constructing a commuter bridge would move passenger traffic off of the Zaragoza Bridge, allowing for a 57 percent increase in commercial traffic. Additionally, he stated that the new bridge could generate between \$15 and \$20 million annually, which could be dedicated to bonding measures to finance area transportation projects.

Gilliard explained two proposed toll projects in the El Paso area, both of which would ease congestion on Interstate 10. Macias asked whether feasibility studies have been conducted for these projects. Gilliard responded that he has seen TxDOT's studies on these projects, and that they will not be 100 percent self-sufficient. Hill commented that El Paso could require commercial trucks to use the toll roads, once constructed.

Amadeo Saenz, executive director, TxDOT, explained the need for a complementary level of transportation planning for rural areas of the state (testimony attached). He stated that outside the MPO organizational structure, TxDOT district engineers perform most transportation planning for rural areas, with some input from local leaders. He discussed the creation of the Cross Plains Rural Transportation Council by TxDOT to bolster local involvement in rural transportation planning. Additionally, he detailed the discussions during the recent legislative session about the proposed codification of RPOs, and explained their governance and funding from available monies in the state highway fund.

Hill, Macias, and Saenz discussed how the creation of RPOs would benefit the planning process, and how RPOs would fit into the existing planning structure. Saenz stated that this is a time to meet with MPOs and the existing rural planning entities that have been created to see what works and what does not. He stated that through discussions, perhaps a consensus could be reached, and a model for legislation could be created. Hill and Saenz discussed the time frame for said meetings, and Saenz agreed to completing a report on the subject by the end of May, 2008.

Hill stated that he anticipated receiving a report on the creation of RPOs, and said that whether the subcommittee met again would be contingent upon the contents of any information submitted to the subcommittee. Hill adjourned the subcommittee.



WRITTEN TESTIMONY

Appendix 2

Amadeo Saenz testimony before House Transportation Committee Subcommittee on Planning Authorities

Planning Authorities: Creation of Rural Planning Authorities

**Testimony Before the
House Transportation Committee
Subcommittee on Planning Authorities**

**Amadeo Saenz Jr., P.E.
Executive Director
Texas Department of Transportation
February 6, 2008**

PLANNING AUTHORITIES: Creation of Rural Planning Authorities

There exists a gap in the transportation planning process for rural local officials to provide advice and input on shaping the state's transportation plan. While officials of urban cities and counties have a structured process through which to participate in future transportation planning, such a mechanism does not exist for the vast area of the state that is characterized as non-metropolitan. The House Transportation Committee Subcommittee on Planning Authorities has asked for agency input on the role of metropolitan planning authorities and the creation of rural planning authorities to address the planning needs of the rural areas of the state.

TRANSPORTATION PLANNING

Currently, transportation planning in Texas occurs at the state, regional, and local level through a variety of organizations. The Texas Transportation Commission (commission) is the overarching entity tasked by the legislature with the furtherance of public road construction and for establishing a system of state highways, but many aspects of transportation planning and specific project selection are entrusted to local officials. Future transportation plans by each planning organization are chosen based on how the implementation of each project reduces congestion, improves economic opportunity and air quality, and increases the value and safety of our transportation assets.

The Texas Department of Transportation (TxDOT) operates a decentralized organizational structure using regional districts to carry out the administration of the commission's transportation plan. Federal law requires the creation of metropolitan planning organizations to further enhance local control in the implementation of the state's transportation footprint.

TxDOT Districts

Texas is divided into 25 TxDOT management districts, each headed by a district engineer responsible for overseeing the planning, construction, and maintenance of the many roads and bridges in the statewide transportation footprint. Each district has considerable latitude in setting priorities for design and construction projects, maintenance, and operations activities.

TxDOT district boundaries are established independent of the statewide standard approach offered by the council of government regional structure or the metropolitan planning organization discussed below.

Metropolitan Planning Organizations

A metropolitan planning organization (MPO) is a transportation policy-making organization made up of representatives from local government and transportation authorities. In the early 1970s, the United States Congress passed legislation that mandated the formation of an MPO for any urbanized area with a population greater than 50,000. Congress created MPOs in order to ensure that existing and future expenditures for transportation projects and programs are based

on a continuing, cooperative and comprehensive planning process. Federal funding for transportation projects and programs are channeled through this planning process.

MPOs differ greatly in various parts of the country and even within states. Some have large staffs, while others may include only a director and a transportation planner. In many urban areas existing organizations like counties or councils of government (COG) also function as MPOs. The MPO role can also be played by an independent organization or a regional government.

MPOs have the unique ability to look at a regional transportation system and make decisions that are best for an entire region. Local elected officials sitting on MPOs frequently are better equipped to make decisions about transportation projects and solve transportation problems within a region than state officials in Austin, because they are closest to their constituencies. The creation and some powers and duties of MPOs are governed by federal law. State statutes recognize the transportation planning role of MPOs and provide them with some powers in addition to those provided under federal law.

Regional Councils

Regional councils, frequently referred to as COGs, but sometimes known as regional planning commissions or development councils, are voluntary associations of governments formed under Chapter 391 (Regional Planning Commissions), Local Government Code, that address problems and planning needs that cross the boundaries of individual local governments or that require regional attention. While regional councils do not have an explicit role in implementing the commission's transportation plan, some regional councils serve as the organizational or fiscal agent of an MPO.

However, the functional boundaries of an MPO may not align completely with the boundaries of the regional council, or may only include a small portion of the area governed by said council. The remaining area is often rural in nature and may not have an official transportation planning entity, as councils are not an official transportation planning entity outside of their roles as MPOs.

NEED FOR A COMPLEMENTARY LAYER

Currently, decisions about transportation in areas outside the MPO boundaries are made by TxDOT district engineers with informal input from local leaders, such as county judges, commissioners, and city council members. In order to provide clear and formal decision making authority to the local leaders in such an area, rural planning organizations (RPOs) should be created by statute.

Creation of Rural Planning Organizations

Similar to an MPO, an RPO would be governed by a board composed of local elected officials and TxDOT district engineers in the area that is inside the boundaries of the COG, but outside of the boundaries of an MPO.

An RPO would develop transportation plans and programs for its service area, providing an opportunity for local leaders to play a formal decision-making role in addressing transportation priorities within their region, and give the public a direct way to provide input during the RPOs planning process and selection of major transportation projects. RPOs could be granted the authority to decide when to use tolling and/or public private partnerships to develop projects and would prioritize funding for transportation within their jurisdiction.

CURRENT RURAL ORGANIZATION

Under the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), the Transportation Equity Act for the 21st Century (TEA-21), and the current Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) states are required to consult with non-metropolitan local officials in transportation planning and programming. The regulation states, in part, that outside metropolitan planning areas, transportation projects undertaken on the National Highway System with Title 23 funds and under the bridge and Interstate Highway maintenance programs shall be selected by the state in consultation with the affected local officials.

The form in which this consultation is to take place is not mandated and can vary widely among the states, and even among TxDOT districts. Independent of statutory requirements, TxDOT created the Cross Plains Rural Transportation Council (CPRTC) in an attempt to bolster local involvement in rural transportation planning. CPRTC provides advice, strives to influence the planning and development of rural transportation projects, participates in the planning of important transportation corridors passing through the region, and acts as a cohesive entity, communicating those needs and recommendations to all levels of government. Non-metropolitan areas of nine counties and 51 incorporated municipalities in North Central Texas are represented by the council.

As there is no state or federal statutory authority to the decisions made by CPRTC, the council's role is advisory only. However, through this partnership with non-metropolitan local officials, TxDOT realized significantly improved mutual understanding of future transportation planning needs and was able to modify plans and project construction schedules to better meet the needs of the rural areas represented by CPRTC. Additionally, the identification of locally important projects outside of major metropolitan areas and the creation of regional unity for priority projects through the development of a regional consensus on future necessary projects were positive products of the formation of CPRTC.

PREVIOUS LEGISLATION

During the 80th Legislature, Regular Session, 2007, H.B. 3783/S.B. 1929 was introduced to, among other things, place restrictions on comprehensive development agreements, increase the state's transportation infrastructure financing tools by limiting diversion and increasing bonding capabilities, and address eminent domain provisions and planning for the Trans-Texas Corridor. The bill also expanded the capabilities of local toll entities and addresses metropolitan planning organization and regional mobility authority governance.

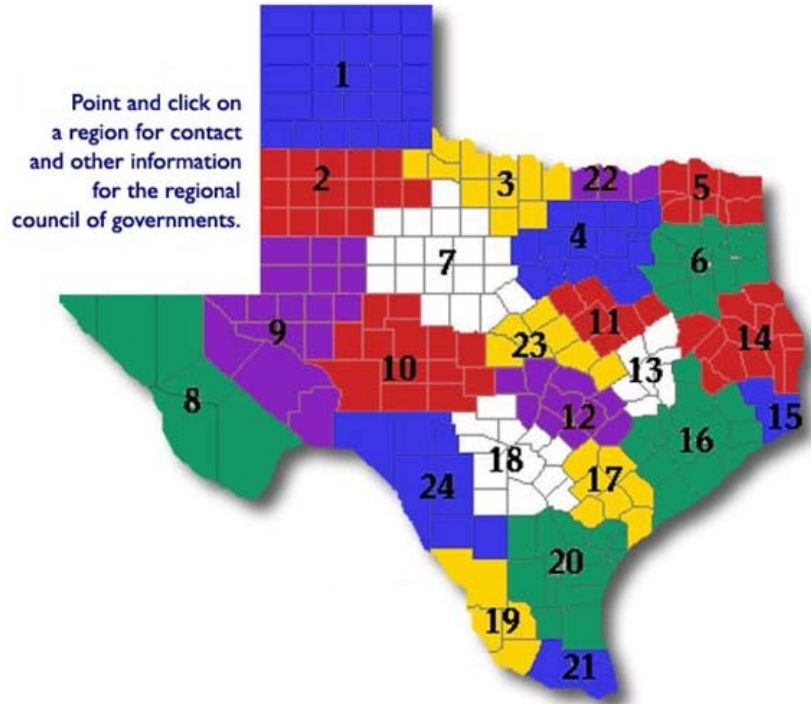
During meetings of the Senate Committee on Transportation and Homeland Security, language creating RPOs in state statute was considered. Under proposed Section 201.6013, Transportation Code, RPOs were permitted to be created to cover the area within the boundaries of a COG and outside the boundaries of an MPO if agreed to by local governments that represent at least 75 percent of the affected population. An RPO was tasked with preparing and periodically updating a long-range transportation plan for its service area and making recommendations to the commission concerning the selection of transportation projects or programs. The commission was authorized to delegate the selection of projects to an RPO, but was required to concur with the selections of the RPO before it was effective. Funding for the operation of RPOs was to be made through funds available in the state highway fund.

The committee substitute for S.B. 1929, as voted out of the Senate Committee on Transportation and Homeland Security, did not include any of the above language for the creation of RPOs. The bill, as passed from committee, only included language authorizing counties or local government corporations to exercise the powers of a regional mobility authority operating under Chapter 370 (Regional Mobility Authorities), Transportation Code, (Proposed Section 284.003, Transportation Code). The bill was voted out of the senate committee, but not placed on the intent calendar.

CONCLUSION

Given the state's growth trends in population and road usage, Texas faces a major transportation planning challenge not only in terms of congestion in major metropolitan areas, but also in the movement of people and goods through the unincorporated, rural areas of the state. Providing another transportation planning tool for the non-metropolitan areas of the state would allow for the inclusion of local leaders of the rural, non-metropolitan areas of the state in the transportation planning process. TxDOT would be able to decrease traffic congestion and improve air quality, safety, and economic opportunity in the state in less time. In addition, it would increase the value of Texas' transportation assets because time and money would be saved when space can be set aside to build needed capacity improvements on existing facilities.

Appendix 3 – Council of Governments Boundaries



<u>Region Name</u>	<u>Number</u>	<u>Abbreviation</u>	<u>Web Site</u>
Alamo Area Council of Governments	18	AACOG	www.aacog.com
Ark-Tex Council of Governments	5	ARK-TEX	www.atcog.org
Brazos Valley Council of Governments	13	BVCOG	www.bvcog.org
Capital Area Council of Governments	12	CAPCOG	www.capcog.org
Central Texas Council of Governments	23	CTCOG	www.ctcog.org
Coastal Bend Council of Governments	20	CBCOG	cbcog98.org
Concho Valley Council of Governments	10	CVCOG	www.cvcog.org
Deep East Texas Council of Governments	14	DETCOG	www.detcog.org
East Texas Council of Governments	6	ETCOG	www.etcog.org
Golden Crescent Regional Planning Commission	17	GCRPC	www.gcrpc.org
Heart of Texas Council of Governments	11	HOTCOG	www.hotcog.org
Houston-Galveston Area Council	16	H-GAC	www.h-gac.com
Lower Rio Grande Valley Development Council	21	LRGVDC	www.lrgvdc.org
Middle Rio Grande Development Council	24	MRGDC	www.mrgdc.org
Nortex Regional Planning Commission	3	NORTEX	www.nortexprc.org
North Central Texas Council of Governments	4	NCTCOG	www.nctcog.dst.tx.us
Panhandle Regional Planning Commission	1	PRPC	www.prpc.cog.tx.us
Permian Basin Regional Planning Commission	9	PBRPC	www.pbrpc.org
Rio Grande Council of Governments	8	RGCOG	www.riocog.org
South East Texas Regional Planning Commission	15	SETRPC	www.setrpc.org
South Plains Association of Governments	2	SPAG	www.spag.org
South Texas Development Council	19	STDC	www.stdc.cog.tx.us
Texoma Council of Governments	22	TEXOMA	www.texoma.cog.tx.us
West Central Texas Council of Governments	7	WCTCOG	www.wctcog.org

http://www.txregionalcouncil.org/display.php?page=regions_map.php

Appendix 4 Texas Local Government Code

LOCAL GOVERNMENT CODE

CHAPTER 391. REGIONAL PLANNING COMMISSIONS

§ 391.001. PURPOSE. (a) The purpose of this chapter is to encourage and permit local governmental units to:

(1) join and cooperate to improve the health, safety, and general welfare of their residents; and

(2) plan for the future development of communities, areas, and regions so that:

(A) the planning of transportation systems is improved;

(B) adequate street, utility, health, educational, recreational, and other essential facilities are provided as the communities, areas, and regions grow;

(C) the needs of agriculture, business, and industry are recognized;

(D) healthful surroundings for family life in residential areas are provided;

(E) historical and cultural values are preserved; and

(F) the efficient and economical use of public funds is commensurate with the growth of the communities, areas, and regions.

(b) The general purpose of a commission is to make studies and plans to guide the unified, far-reaching development of a region, eliminate duplication, and promote economy and efficiency in the coordinated development of a region.

§ 391.002. DEFINITIONS. In this chapter:

(1) "Governmental unit" means a county, municipality, authority, district, or other political subdivision of the state.

(2) "Commission" means a regional planning commission, council of governments, or similar regional planning agency created under this chapter.

(3) "Region" means a geographic area consisting of a county or two or more adjoining counties that have, in any combination:

(A) common problems of transportation, water supply, drainage, or land use;

(B) similar, common, or interrelated forms of urban development or concentration; or

(C) special problems of agriculture, forestry, conservation, or other matters.

§ 391.003. CREATION. (a) Any combination of counties or municipalities or of counties and municipalities may agree, by ordinance, resolution, rule, order, or other means, to establish a commission.

(b) The agreement must designate a region for the commission that:

(1) consists of territory under the jurisdiction of the counties or municipalities, including extraterritorial jurisdiction; and

(2) is consistent with the geographic boundaries for state planning regions or subregions that are delineated by the governor and that are subject to review and change at the end of each state biennium.

(c) A commission is a political subdivision of the state.

(d) This chapter permits participating governmental units the greatest possible flexibility to organize a commission most suitable to their view of the region's problems.

(e) The counties and municipalities making the agreement may join in the exercise of, or in acting cooperatively in regard to, planning, powers, and duties as provided by law for any or all of the counties and municipalities.

§ 391.004. PLANS AND RECOMMENDATIONS. (a) A commission may plan for the development of a region and make recommendations concerning major thoroughfares, streets, traffic and transportation studies, bridges, airports, parks, recreation sites, school sites, public utilities, land use, water supply, sanitation facilities, drainage, public buildings, population density, open spaces, and other items relating to the commission's general purposes.

(b) A plan or recommendation of a commission may be adopted in whole or in part by the governing body of a participating governmental unit.

(c) A commission may assist a participating governmental unit in:

- (1) carrying out a plan or recommendation developed by the commission; and
- (2) preparing and carrying out local planning consistent with the general purpose of this chapter.

§ 391.005. POWERS. (a) A commission may contract with a participating governmental unit to perform a service if:

(1) the participating governmental unit could contract with a private organization without governmental powers to perform the service; and

(2) the contract to perform the service does not impose a cost or obligation on a participating governmental unit not a party to the contract.

(b) A commission may:

- (1) purchase, lease, or otherwise acquire property;
- (2) hold or sell or otherwise dispose of property;
- (3) employ staff and consult with and retain experts; or
- (4)(A) provide retirement benefits for its employees through a jointly contributory retirement plan with an agency, firm, or corporation authorized to do business in the state; or

(B) participate in the Texas Municipal Retirement System, the Employees Retirement System of Texas, or the Texas County and District Retirement System when those systems by legislation or administrative arrangement permit participation.

(c) Participating governmental units may by joint agreement provide for the manner of cooperation between participating governmental units and provide for the methods of operation of the commission, including:

- (1) employment of staff and consultants;
- (2) apportionment of costs and expenses;
- (3) purchase of property and materials; and
- (4) addition of a governmental unit.

§ 391.006. GOVERNING BODY OF COMMISSION. (a) Participating governmental units may by joint agreement determine the number and qualifications of members of the governing body of a commission.

(b) At least two-thirds of the members of a governing body of a commission must be elected officials of participating counties or municipalities.

§ 391.007. DETAIL OR LOAN OF AN EMPLOYEE. (a) A state agency or a governmental unit may detail or loan an employee to a commission.

(b) During the period of the detail or loan, the employee continues to receive salary, leave, retirement, and other personnel benefits from the lending agency or governmental unit but works under the direction and supervision of the commission.

(c) The detail or loan of an employee may be on a reimbursable or nonreimbursable basis as agreed by the lending agency or governmental unit and the commission. The detail or loan expires at the mutual consent of the lending agency or governmental unit and the commission.

§ 391.008. REVIEW AND COMMENT PROCEDURES. (a) In a state planning region or subregion in which a commission has been organized, the governing body of a governmental unit within the region or subregion, whether or not a member of the commission, shall submit to the commission for review and comment an application for a loan or grant-in-aid from a state agency, and from a federal agency if the project is one for which the federal government requires review and comment by an areawide planning agency, before the application is filed with the state or federal government.

(b) For federally aided projects for which an areawide review is required by federal law or regulation, the commission shall review the application from the standpoint of consistency with regional plans and other considerations as specified in federal or state regulations and shall enter its comments on the application and return it to the originating governmental unit.

(c) For other federally aided projects and for state-aided projects, the commission shall advise the governmental unit on whether the proposed project for which funds are requested has regionwide significance.

(d) If the proposed project has regionwide significance, the commission shall determine whether it is in conflict with a regional plan or policy. It may consider whether the proposed project is properly coordinated with other existing or proposed projects within the region. The commission shall record on the application its view and comments, transmit the application to the originating governmental unit, and send a copy to the concerned federal or state agency.

(e) If the proposed project does not have regionwide significance, the commission shall certify that it is not in conflict with a regional plan or policy.

§ 391.009. ROLE OF STATE AUDITOR, GOVERNOR, AND STATE AGENCIES. (a) To protect the public interest and promote the efficient use of public funds, the governor, with the technical assistance of the state auditor, may draft and adopt:

- (1) rules relating to the operation and oversight of a commission;
- (2) rules relating to the receipt or expenditure of funds by a commission, including:
 - (A) restrictions on the expenditure of any portion of commission funds for certain classes of expenses; and
 - (B) restrictions on the maximum amount of or percentage of commission funds that may be expended on a class of expenses, including indirect costs or travel expenses;
- (3) annual reporting requirements for a commission;
- (4) annual audit requirements on funds received or expended by a commission from any source;

(5) rules relating to the establishment and use of standards by which the productivity and performance of each commission can be evaluated; and

(6) guidelines that commissions and governmental units shall follow in carrying out the provisions of this chapter relating to review and comment procedures.

(a-1) The governor may draft and adopt rules under Subsection (a) using negotiated rulemaking procedures under Chapter 2008, Government Code.

(a-2) Based on a risk assessment performed by the state auditor and subject to the legislative audit committee's approval for inclusion in the audit plan under Section 321.013, Government Code, the state auditor's office shall assist the governor as provided by Subsection (a).

(b) The governor and state agencies shall provide technical information and assistance to the members and staff of a commission to increase, to the greatest extent feasible, the capability of the commission to discharge its duties and responsibilities prescribed by this chapter and to ensure compliance with the rules, requirements, and guidelines adopted under Subsection (a).

(c) In carrying out their planning and program development responsibilities, state agencies shall, to the greatest extent feasible, coordinate planning with commissions to ensure effective and orderly implementation of state programs at the regional level.

§ 391.0091. STATE AGENCY CONSULTATION WITH REGIONAL PLANNING COMMISSIONS. (a) In this section, "service" includes a program.

(b) If a state agency determines that a service provided by that agency should be decentralized to a multicounty region, the agency shall use a state planning region or combination of regions for the decentralization.

(c) A state agency that decentralizes a service provided to more than one public entity or nonprofit organization in a region shall consult with the commission for that region in planning the decentralization. The commission shall consult with each affected public entity or nonprofit organization.

(d) A state agency, in planning for decentralization of a service in a region, shall consider using a commission for that service to:

(1) achieve efficiencies through shared costs for:

- (A) executive management;
- (B) administration;
- (C) financial accounting and reporting;
- (D) facilities and equipment;
- (E) data services; and
- (F) audit costs;

(2) improve the planning, coordination, and delivery of services by coordinating the location of services;

(3) increase accountability and local control by placing a service under the oversight of the commission; and

(4) improve financial oversight through the auditing and reporting required under this chapter.

(e) This section does not apply to a service:

(1) that continues to be operated by a state agency through a regional administrative office of that agency; or

(2) for which the state agency determines that a law, rule, or program policy makes use of the geographic area of a single county or adjacent counties more appropriate.

§ 391.0095. AUDIT AND REPORTING REQUIREMENTS. (a) The audit and reporting requirements under Section 391.009(a) shall include a requirement that a commission annually report to the state auditor:

- (1) the amount and source of funds received by the commission;
- (2) the amount and source of funds expended by the commission;
- (3) an explanation of any method used by the commission to compute an expense of the commission, including computation of any indirect cost of the commission;
- (4) a report of the commission's productivity and performance during the annual reporting period;
- (5) a projection of the commission's productivity and performance during the next annual reporting period;
- (6) the results of an audit of the commission's affairs prepared by an independent certified public accountant; and
- (7) a report of any assets disposed of by the commission.

(b) The annual audit of a commission may be commissioned by the commission or at the direction of the governor's office, as determined by the governor's office, and shall be paid for from the commission's funds.

(c) A commission shall submit any other report or an audit to the state auditor and the governor.

(d) If a commission fails to submit a report or audit required under this section or is determined by the state auditor to have failed to comply with a rule, requirement, or guideline adopted under Section 391.009, the state auditor shall report the failure to the governor's office. The governor may, until the failure is corrected:

- (1) appoint a receiver to operate or oversee the commission;
- or

- (2) withhold any appropriated funds of the commission.

(e) A commission shall send to the governor, the state auditor, the comptroller, and the Legislative Budget Board a copy of each report and audit required under this section or under Section 391.009. The state auditor may review each audit and report, subject to a risk assessment performed by the state auditor and to the legislative audit committee's approval of including the review in the audit plan under Section 321.013, Government Code. If the state auditor reviews the audit or report, the state auditor must be given access to working papers and other supporting documentation that the state auditor determines is necessary to perform the review. If the state auditor finds significant issues involving the administration or operation of a commission or its programs, the state auditor shall report its findings and related recommendations to the legislative audit committee, the governor, and the commission. The governor and the legislative audit committee may direct the commission to prepare a corrective action plan or other response to the state auditor's findings or recommendations. The legislative audit committee may direct the state auditor to perform any additional audit or investigative work that the committee determines is necessary.

§ 391.00951. REPORT TO SECRETARY OF STATE. (a) In this section, "colonia" means a geographic area that:

- (1) is an economically distressed area as defined by Section 17.921, Water Code;
- (2) is located in a county any part of which is within 62 miles of an international border; and
- (3) consists of 11 or more dwellings that are located in close proximity to each other in an area that may be described as a community or neighborhood.

(b) To assist the secretary of state in preparing the report required under Section 405.021, Government Code, the commission on a quarterly basis shall provide a report to the secretary of state detailing any projects funded by the commission that provide assistance to colonias.

(c) The report must include:

- (1) a description of any relevant projects;
- (2) the location of each project;
- (3) the number of colonia residents served by each project;
- (4) the exact amount spent or the anticipated amount to be spent on each colonia served by each project;
- (5) a statement of whether each project is completed and, if not, the expected completion date of the project; and
- (6) any other information, as determined appropriate by the secretary of state.

(d) The commission shall require an applicant for funds administered by the commission to submit to the commission a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. If a colonia does not have a classification number, the commission may contact the secretary of state or the secretary of state's representative to obtain the classification number. On request of the commission, the secretary of state or the secretary of state's representative shall assign a classification number to the colonia.

§ 391.010. CONFLICT OF INTEREST IN PROVISION OF LEGAL SERVICES. (a) A member of the governing body of a commission or a person who provides legal services to a commission may not:

- (1) provide legal representation before or to the commission on behalf of a governmental unit located, in whole or in part, within the boundaries of the commission; or
- (2) be a shareholder, partner, or employee of a law firm that provides those legal services to the governmental unit.

(b) A person who violates Subsection (a) may not receive compensation or reimbursement for expenses from the commission or governmental unit.

§ 391.011. FUNDS. (a) A commission does not have power to tax.

(b) A participating governmental unit may appropriate funds to a commission for the costs and expenses required in the performance of its purposes.

(c) A commission may apply for, contract for, receive, and expend for its purposes a grant or funds from a participating governmental unit, the state, the federal government, or other source.

(d) A commission may not expend funds for an automobile allowance for a member of the governing body of the commission if the member holds another state, county, or municipal office.

§ 391.0115. RESTRICTIONS ON COMMISSION TRAVEL COSTS. (a) In reimbursing commission personnel for travel expenses, a commission may not expend funds for travel in excess of the amount of money that may be expended for state personnel under the General Appropriations Act or travel regulations adopted by the comptroller, including any restrictions on mileage reimbursement, per diem, and lodging reimbursement rates.

(b) A member of the governing body of a commission may not be reimbursed from state-appropriated funds, including federal funds, for official travel in an amount in excess of the rates set for travel by state board and commission members. If a hotel is unable or unwilling to provide a commission or its officers or employees a rate equivalent to the rate provided to state employees or if a negotiated conference rate for an

officially sanctioned conference or meeting exceeds the applicable state reimbursement rate for lodging, a commission may reimburse for lodging expenses at the rates of the expenses incurred.

(c) A commission may not expend any funds for the purchase of alcoholic beverages or entertainment.

(d) A commission may purchase goods or a service only if the commission complies with the same provisions for purchasing goods or a service that are equivalent to the provisions, including Chapter 252, applying to a local government.

(e) A commission may not spend an amount more than 15 percent of the commission's total expenditures on the commission's indirect costs. For the purposes of this subsection, the commission's capital expenditures and any subcontracts, pass-throughs, or subgrants may not be considered in determining the commission's total direct costs. In this subsection, "pass-through funds" means funds, including subgrants or subcontracts, that are received by a commission from the federal or state government or other grantor for which the commission serves merely as a cash conduit and has no administrative or financial involvement in the program, such as contractor selection, contract provisions, contract methodology payment, or contractor oversight and monitoring.

(f) In this section, "indirect costs" means costs that are not directly attributable to a single action of a commission. The governor shall use the federal Office of Management and Budget circulars A-87 and A-122 or use any rules relating to the determination of indirect costs adopted under Chapter 783, Government Code, in administering this section.

§ 391.0116. RESTRICTIONS ON EMPLOYMENT. (a) An employee of a commission when using state-appropriated funds, including federal funds, is subject to the same rules regarding lobbying and other advocacy activities as an employee of any state agency.

(b) The nepotism provisions of Chapter 573, Government Code, apply to a commission.

§ 391.0117. SALARY SCHEDULES. (a) For each fiscal year, a commission shall adopt a salary schedule containing a classification salary schedule for classified positions and identifying and specifying the salaries for positions exempt from the classification salary schedule.

(b) The salary schedule adopted by the commission may not exceed, for classified positions, the state salary schedule for classified positions as prescribed by the General Appropriations Act adopted by the most recent legislature. A commission may adopt a salary schedule that is less than the state salary schedule.

(c) A salary for a position classified under the salary schedule may not exceed the state salary that has been approved by the state auditor's office and paid by the state for comparable work.

(d) A position may only be exempted from the classification salary schedule adopted by the commission if the exemption and the amount of salary paid for the exempt position is within the range determined appropriate for state exempt positions by the state auditor.

(e) A commission shall submit to the state auditor the commission's salary schedule, including the salaries of all exempt positions, not later than the 45th day before the date of the beginning of the commission's fiscal year. If the state auditor, subject to the legislative audit committee's approval for inclusion in the audit plan under Section 321.013, Government Code, has recommendations to improve a commission's salary schedule or a portion of the schedule, the state auditor shall report the recommendations to the governor's office. The governor's office may not allow the portion of

the schedule for which the state auditor has recommendations to go into effect until revisions or explanations are given that are satisfactory to the governor based on recommendations from the state auditor.

(f) This section does not apply to a commission if the most populous county that is a member of the commission has an actual average weekly wage that exceeds the state actual average weekly wage by 20 percent or more for the previous year as determined by the Texas Workforce Commission in its County Employment and Wage Information Report.

§ 391.012. STATE FINANCIAL ASSISTANCE. (a) To qualify for state financial assistance, a commission must:

- (1) have funds available annually from sources other than federal or state governments equal to or greater than half of the state financial assistance for which the commission applies;
- (2) comply with the regulations of the agency responsible for administering this chapter;
- (3) offer membership in the commission to all counties and municipalities included in the state planning region;
- (4) include any combination of counties or municipalities having a combined population equal to or greater than 60 percent of the population of the state planning region;
- (5) include at least one full county;
- (6) encompass an area that is economically and geographically interrelated and forms a logical planning region; and
- (7) be engaged in a regional planning process.

(b) Within funds available and in accordance with rules issued by the office of the governor, a commission may use state financial assistance to:

- (1) promote intergovernmental cooperation by coordinating regional plans and programs with member governments, nonmember governments, state agencies which impact the region, and, where state agencies have regional office structures, state agency regional offices;
- (2) function as a regional review agency under the Texas Review and Comment System pursuant to state and federal statutes and regulations;
- (3) leverage commission dues, local funds, and state funds to obtain maximum federal funding assistance and private funding for the state and the region;
- (4) provide assistance to local governments;
- (5) assist state agencies and organizations in developing local and regional input for state plans, in planning for the successful implementation of state programs at the regional level as required in Section 391.009(c), in preparing for and conducting state-sponsored hearings and public meetings, and in disseminating state-generated information and educational materials; and
- (6) provide assistance to state agencies and organizations in developing, implementing, and assessing state programs and services within the region as needed.

(c) A commission that qualifies for state financial assistance is eligible annually for an amount determined as follows:

- (1) \$1,000 for each dues-paying member county;
- (2) an additional 10 cents per capita for the population of dues-paying member counties and municipalities; and
- (3) the amount necessary to assure that the total amount available to the commission is no less than \$50,000.

(d) If state appropriations are more than the amount necessary to fund the level of financial assistance generated by this formula, the governor shall increase the funding for which each commission is eligible in

proportion to the amount it would have been eligible to receive in Subsection (c).

(e) If state appropriations are less than the amount necessary to fund the level of financial assistance generated by the formula in Subsection (c) above:

(1) No commission shall receive less than annual financial assistance of \$50,000, as long as financial assistance available to all commissions remains at or above the level of assistance allocated in fiscal year 2003.

(2) If available annual financial assistance is less than the amount allocated in fiscal year 2003, assistance to all commissions shall be reduced proportionally from the assistance they would have received at the fiscal year 2003 funding level.

(f) For the purposes of this section, the population of a county is the population outside all dues-paying member municipalities.

§ 391.013. INTERSTATE COMMISSIONS. (a) With the advance approval of the governor, a commission that borders another state may:

(1) join with a similar commission or planning agency in a contiguous area of the bordering state to form an interstate commission; or

(2) permit a similar commission or planning agency in a contiguous area of the bordering state to participate in planning functions.

(b) Funds provided a commission may be commingled with funds provided by the government of the bordering state.

§ 391.014. INTERNATIONAL AREAS. With the advance approval of the governor, a commission that borders the Republic of Mexico may spend funds in cooperation with an agency, constituent state, or local government of the Republic of Mexico for planning studies encompassing areas lying both in this state and in contiguous territory of the Republic of Mexico.

§ 391.015. WITHDRAWAL FROM COMMISSION. A participating governmental unit may withdraw from a commission by majority vote of its governing body unless it has been otherwise agreed.

Appendix 5
Unedited Notes from CPRTC Meeting on 3/12/08

Cross Plains Regional Transportation Council (CPRTC)
INFORMATION GATHERING MEETING
Unedited Notes

March 12, 2008 - Bowie City Hall

James Cantwell, Bowie City Manager
Tammy Marlow, TxDOT Wichita Falls District
Danny Brown, TxDOT Wichita Falls District
Cary Choate, TxDOT Government and Public Affairs Division
Fred Marquez, TxDOT Transportation Planning and Programming Division
Montie Wade, Texas Transportation Institute
Bill Frawley, Texas Transportation Institute

Cantwell - We knew maintenance foremen and AEs, getting along, but not really knowing each other –

John Barton was TxDOT Area Engineer and on Bowie City Council; moved to WFS – had city council experience; began get-togethers of counties within COG and WFS district – to talk and compare ideas for District office to keep outlying cities up on what District is doing – get input/feedback; then came an organization – CPRTC – some meetings held at WFS training office; then had formal quarterly meetings, in conjunction with COG monthly meetings – at COG facilities, bringing in reps of COG members and WFS MPO; caught on in District office – they began bringing descriptions of what they were doing – led to development of prioritized projects list;

Through working together, we would look at District project list and other perceived needs from outlying cities and counties were brought together; Brown came up with system of project prioritization at CPRTC level, then tying into District priorities – overall list included projects already on TxDOT's list, as well as local ideas. Included on- and off-system, mostly on-system projects.

Brown – we wanted to know what needs existed in rural areas – tried to talk about regional needs, instead of locally specific needs; started of locally specific, but has evolved into a regional process. We announce at a CPRTC meeting that we will be receiving project nominations – they can fill out a form that we give them; CPRTC has no funding, so TxDOT does all the analysis work – gladly, because of the benefits we get out of the process.

Cantwell – TxDOT provides traffic counts and other information that helps us make voting decisions on the project ranking.

Brown – Individuals who have turned in nominations have the chance at a meeting to speak/make presentations about their projects, then use a form on which you can check “high”, “medium,” or “low” priority for each project (voting members of CPRTC do this); TxDOT summarizes votes; TxDOT looks very highly upon the highest ranked projects to include them in the TIP – have to explain to CPRTC why they wouldn’t be.

Not a lot of time is spent on priority criteria – we assigned weighted values to high, medium, and low votes. It’s working very well with a simple process right now. It puts responsibility on TxDOT to explain priorities and emphases – bridges, safety, etc.

Marquez – how is this different from pre-CPRTC?

Brown – AE’s were involved before and knew most of the local needs.

We have 3 steps – CPRTC priorities; MPO priority process is very similar; WFS District puts together letting schedule based heavily upon these priority lists; then have public involvement – explaining how lists were created based upon priorities.

AASHTO award presented to CPRTC recently

No bylaws, but keep very good minutes of each meeting – including decisions about who can vote; bylaws may be helpful in the future.

Membership – 1 rep from each municipality in COG (including Wichita Falls) and county judge or designee – each gets 1 vote; all counties come from/congruent with WFS district

Choate – is it challenging to work with multiple COGs

Cantwell – we accept that there are multiple COGs

Brown – we meet on days when NORTEX county judges all come together for a meeting anyway; Cooke County tries to meet with that schedule

It might be beneficial to have one group that includes MPO and RPO as a joint effort; there used to be a liason committee – supported the Falls Flyover project that was inside the WFS MPO – a statement/resolution from CPRTC – didn’t take away any funds that would have been spent in rural areas.

TxDOT staff does all of the administrative work, because the CPRTC has no funding

It would be very good if there was someone (part-time) at NORTEX to do the administrative work, because we continually have to explain that this is not TxDOT’s committee/group (I should be answering to them); we have CPRTC letterhead and Mr. Cantwell signs outgoing correspondence to show it is from CPRTC; we ask at each meeting what members want to hear about at the next meeting – we answer to that

We probably wouldn’t need a planner at CPRTC’s level

Cantwell – again, there is a very independent nature among the rural area around here – we take care of what we need to do

Brown – we are used to working across COG boundaries, because of water district boundaries, etc.

Choate – Saenz has charged Barton with also looking at potential changes to TxDOT district boundaries – how would changes affect you?

Cantwell – it would bring my AE back to town

Brown – I can see a big advantage to our districts lining up with the COGs – though there are many other issues to also consider; Cooke County/Gainesville is much more similar to DFW, due to its growth – if it were in a COG/RPO with the DFW area, it would be with similar type counties

Wade – it sounds like district boundaries are not an issue that keeps the CPRTC process from working; there are many other functions districts perform that just planning

Brown – that’s correct – it’s working. Consider Jack County – it is rural like most of our areas – it would fit in well with WFS district – it is currently in the FTW district

Marquez – so, if you were told you were picking up Cooke County, you would have to take on the mentality of another urban growth area?

Brown – yes, I would have to begin thinking about I-35 and its growth

One additional thought – I believe the CPRTC participants see that their priorities mean something

Cantwell – at least we stay better informed about what is happening – there is more coordination and contact and we understand each other

Brown – previously, we thought we knew the rural needs; now we know we do; right now, I can’t move a project forward inside the MPO without their approval; do we want something like that for the rural areas? I like the way it is working now – it is incumbent upon me to take their priorities seriously when making the final list.

Choate – how do you differentiate between county roads and FM roads – grades, shoulder widths, etc?

Brown – it is primarily an ownership issue

Wade – there is no standard to which a county road has to be built; all state roads have to be built to certain standards; in fact, some counties could fix multiple county roads for what the match on one state-standard project would cost

Other Issues:

When was CPRTC officially formed?

- August 2001

The prioritized project listing produced by CPRTC can be well described as an “Indefinite Needs Plan” – some are immediate needs, some are more futuristic

Appendix 6
Unedited Notes from CARTPO Meeting on 3/11/08

Capital Area Regional Transportation Planning Organization (CARTPO)
INFORMATION GATHERING MEETING
Unedited Notes

March 11, 2008 - CAPCOG OFFICES in Austin, Texas

Betty Voights, CAPCOG
Shawn Moran, CAPCOG
Cary Choate, TxDOT-Government and Public Affairs Division GPA
Fred Marquez, TxDOT-Transportation Planning and Programming Division
Montie Wade, Texas Transportation Institute
Bill Frawley, Texas Transportation Institute

Marquez: Mr. Saenz has directed us to investigate RPOs operations in Texas.

Wade: Reviewed history, responsibilities, and bylaws obtained via website.

Voights: TEA-21 text came out; locals complained about not having input into TxDOT's process. Someone (FHWA?) contracted a study to find out how states were going to handle rural input – found TxDOT wasn't planning anything (response in a survey from the study). I suggested we do one through CAPCOG. Originally to include seven rural counties; MPO official asked about including Travis County. Vice-chair of MPO is on CARTPO board.

Shawn: More informal approach at first, but TxDOT's funding restrictions led us to formalize the structure of CARTPO more.

Voights: We began by doing educational presentations; first call for projects led to more formal structure; picked up steam as locals came to consensus on priorities; took list to Transportation Commission in 2003; TTC funded top project on list (in Lee County).

The next year, we had list of 12 or so projects, the AUS DE found funding for several of the top projects – was glad to avoid having to go county to county and coordinate.

The following year, TTC didn't want delegations coming to them anymore.

Shawn: Some friction has developed through the current funding shortfall, because TxDOT can't fund top projects like in the past.

Wade: As a result of TEA-21 text, TxDOT put into Texas Administrative Code that each district would develop its own public involvement process.

Voights: The TEA-21 language was a very minor impetus for the formation of CARTPO.

Wade: Mr. Saenz has hinted that there may be some funding for RPOs in the future.

Voights: Funding will be important to the future success of RPOs. Without it, we are more of an administrative function. Shawn, about 2 years ago, began to show the importance of having county transportation plans – TxDOT has offered to help develop them. TxDOT asked CARTPO to prioritize which counties should be first.

Shawn: Without funding, we have had to start at the county plan level; they may be able to lead to a regional plan.

Voights: I wanted out counties to be able to use bill 873 authorizations regarding land use and transportation planning.

Shawn: This has helped to obtain ROW before it gets too expensive.

Executive Order 12372 (used to be A95) – only get a letter after the fact – TRACs process – not funded

Choate: Is regional approach (to include MPO) a better approach, than just rural?

Voights: For us, yes. The MPO is not very regional. We have Bastrop and Caldwell Counties that desperately need transportation planning and the MPO couldn't do it – SH 130, for example. You might want to have some metro area reps as ex-officio members of the RPO.

Shawn: Having the MPO as part of the RPO helps prepare the areas that will become urbanized to be integrated into the MPO.

Marquez: How much input does CARTPO have in the MPO process?

Voights: Only on a limited, informal process.

Choate: Should there be a more formal process?

Shawn: We feel there should be.

Voights: At the very least, there needs to be coordination between the RPO and the MPO. We have reps from Hays and Williamson Counties on the RPO board; they happen to be on the MPO policy committee. You might want to have slots for MPO policy committee members on the RPO board and visa-versa. Another process would be a coordination effort between the MPO and RPO through which each board has to sign off on each other's plans.

Voights: At a recent retreat with 22 of the 24 COGs, all 22 said RPOs would be a good idea.

Wade: Could you envision multiple RPOs within a COG?

Voights: Yes, especially in COGs where rural counties are not all contiguous. We would actually like to have the MPO and RPO housed together, even if they don't merge, for the economies of scale – staff sharing.

Shawn: There is currently no planning going on in the SH 130 corridor through Bastrop and Caldwell Counties – there is no funding available for it. There has been some desire, but no structure for it.

Marquez: What kind of elements do the county plans have?

Shawn: They are multi-modal.

Voights: The Area Engineers are busy; counties are approving plats for development; nobody is paying any attention to entrances and exits to developments; there is a need for access management. There are fatalities waiting to happen – driveways on S-curves, for example.

There is no zoning in counties. There could be some access management.

Frawley: Counties can put conditions on plat approvals regarding access to properties.

Voights: Counties need to be able to determine where arterials and collectors will be located through a transportation plan, then they could determine where access could be located.

Voights: If we had more funding, we would be doing plans for all of our counties. Remember, the RPO is a committee of the COG. The COG brings expertise on the issues (land use, economic development, etc) that help shape a transportation plan.

Chapter 380/381 sales tax reimbursement process being used in Bastrop County to help develop arterial road. Another county is using a TIF to build a road.

Economic development is the most important tool – you can give tax abatements and ask for anything you want in return.

If you want to minimize the financial impacts on TxDOT, have the COGs be the RPOs.

I recently made the suggestion to codify the RPOS and fund us on a specific work plan.

Ray Perryman's recent report has compelling arguments for COG boundaries – a metro area in the middle, surrounded by a commuter shed.

The more TxDOT districts you have in a COG, the more coordination and related expenses you have – including as it relates to RPOs.

U.S. Dept of Commerce funds us to do regional economic development plans – they include transportation issues.

Marquez: How detailed are those transportation issues?

Voights: They are not detailed, because we don't have staff to do modeling and other analyses – we recognize that there are issues out there.

Fayette County is the only county in CAPCOG that is not in the TxDOT AUS district. The YKM district has other priorities, so coordination with the GEO-Map project has been different in Fayette County.

Wade: How much funding is dedicated to the RPO?

Voights: There is not dedicated funding to the RPO, but the staff planner is paid for by CAPCOG membership fees. The planning department is funded by up to seven different sources.

Shawn: If we had more funding, we could do more coordination with the AUS district to ensure that regional projects don't fall through the cracks.

Voights: There should be an ultimate decision as to what RPOs will do – specific tasks and goals – and the work plan should be tied to funding. There should be a certain amount that COGs get, depending on what is done.

Shawn: The work plan is important because the State will give money and in some cases, COGs do what they want and there is not necessarily consistency among the products.

Voights: We can't do much transportation planning without dedicated funding – we get funding from various sources – and are only allowed to use those funds on specific work. Our local dues are only \$190,000 – out of a \$16 million budget! That is what we have discretion with. Some of the dues money has to go toward match on federal programs that the State doesn't provide.

The COGs that have MPOs can do even more with economies of scale, such as staff sharing.

It would take about \$90,000 for us to have a Planner II, including overhead and benefits.

Marquez: What do you see being the work plan for RPOs – Work Program, TIP, etc?

Shawn: A project listing and prioritization process would be the first step; perhaps more in-depth planning efforts could follow.

Wade: Pubic involvement would have to be a key element, also.

Frawley: You could have a basic process of developing a list of prioritized projects, using a public participation process, that feeds into the TxDOT district TIP. Then if certain counties need in-depth transportation planning, there could be efforts directed to that.

Shawn: Maybe there could be a competitive grant application process for the county plans.

Voights: Each RPO could have a process that meets their needs; we have a weighted process that is similar to TxDOT's.

Talk to Jim Reed who runs CTCOG to get his experience on working with multiple TxDOT districts.

Wade: What has worked and what hasn't worked for you?

Voights: We have been fortunate – nothing we have tried hasn't worked. We continually wave the regional flag. It's not about urban or rural, it's really about regional.

CARTPO board has 3 from each county and some ex-officio members. Call for project votes are 1 per county, other votes are 1 per present member.

Frawley: Do you receive call for project responses from with the MPO boundary?

Voights: If a project came from the metropolitan area, it would be subject to an advocacy vote.

Shawn: Our proposed process that we would like to formalize is:

- The counties will list out all of their projects and flag regional ones;
- all projects go to area engineers;
- regional ones go to CARTPO with comments;
- regional ones are prioritized by CARTPO and given to district engineer. [Ed Collins would be able to answer questions about projects being on- or off-system.]

Voights: The local officials are somewhat beholden to the DEs, because if they are not nice to the DEs, they won't get their projects funded.

Wade: I could see the RPOs developing a public participation process that replaces the one that the district has, that would get more people at the local level.

Marquez: How would Austin becoming non-attainment affect you?

Voights: It will depend on EPA's implementation process. The air quality planning may become a statewide process by TCEQ. There are new coal plants going into locations outside of our area and we aren't allowed to consider them, even though we are affected by them.

Shawn: The rural counties that have a regional route (US 290 in Lee County serving Austin and Houston) can't put the money down and it's not attractive enough for a private sector company to come do it – shadow tolling.

Voights: Lee County's entire budget is \$12 million – there is no way they could put money into it. They should not even have to be considered, given the route really serves connecting Austin and Houston.

Marquez: Do you provide cost estimates for the projects that are submitted?

Voights: TxDOT develops the cost estimates for us.

Marquez: Do any cities or counties offer funding for projects?

Shawn: Some offer local funding.

Voights: There is not a process to consider local funding in the prioritization process.

There is not a long-range project list, but one could be helpful as the process evolves.

Choate: How many of the public come to regular meetings?

Shawn: Only several, typically.

Voights: We will get a lot of city managers at the meetings. CARTPO board is considered an advisory committee of CAPCOG, so there are no advertising requirements for meetings. If the overall RPO process is expanded, advertising meetings would probably be a good idea.

Other Issues:

When was the CARTPO concept first developed?

- About a year before it was formed.

When was CARTPO officially formed?

- 1999

By what authority?

- Saw the need and did it.

Who were the champions?

- Voights told local officials there needed to be a mechanism to meet and work on various issues; after a couple of years, they said they were ready to go to the next step.
- Austin Area Research Organization has been a big supporter, as have been other business groups.

Do you know of any other RPOs – still in existence or started and now defunct?

- Brazos Valley COG has one – Michael Parks
- Lower Rio Grande Valley Development Council may be starting one – Ken Jones

Does CARTPO work with federal, state, and/or local funded projects?

- Check with Ed Collins at AUS to verify.

Where is the staff physically located?

- At CAPCOG – they are all CAPCOG staff; there are no “CARTPO” staff.

Who is the fiscal agent for CARTPO?

- *CARTPO is a function of CAPCOG.*

How would “success” best be defined for CARTPO?

- Consensus on regional project list on a continuing basis through an on-going process.
- The counties learning from each other.

What was the biggest challenge/obstacle to success?

- We weren’t rigidly following our bylaws – we had too many non-elected officials involved – some staying involved after they were no longer in office. Having elected officials comprise the voting members of the board – 3 per county – gives everyone involved a stake in the process.

What has been the key(s) to success?

- See above.

Appendix 7

Text from the Senate committee substitute for S.B. No. 1929, 80th Legislative Session.

Sec. 472.039. RURAL PLANNING ORGANIZATIONS. (a) In this section:

(1) "Local government" means a county or municipality.

(2) "Regional planning commission" means a regional planning commission, council of governments, or other entity created under Chapter 391, Local Government Code.

(3) "Rural planning organization" means a planning organization created in accordance with this section.

(b) To perform the transportation planning process required by this section, local governments that represent at least 75 percent of the affected population may create a rural planning organization that includes an area that is located within the boundaries of a regional planning commission and outside the boundaries of a metropolitan planning organization. If a rural planning organization is created, the regional planning commission shall administer the rural planning organization on behalf of the units of local government.

(c) A rural planning organization is governed by a board of directors composed of local elected officials and the district engineer of each department district any part of which is located within the boundaries of the rural planning organization.

(d) The rural planning organization shall send notice of its creation to the commission as soon as practicable following creation.

(e) The department may use money in the state highway fund to fund the operations of a rural planning organization.

(f) A rural planning organization may enter into an agreement with the department to develop transportation plans and programs for the area served by the rural planning organization. The process for developing the transportation plans and programs must provide for consideration of all modes of transportation and must be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(g) A rural planning organization may enter into an agreement with the department to prepare and update periodically a long-range transportation plan for the area served by the rural planning organization. Before approving a long-range transportation plan, a rural planning organization shall provide to residents living within its boundaries, affected public agencies, and other interested parties a reasonable opportunity to comment on the long-range transportation plan. A rural planning organization shall make each long-range transportation plan available for public review and shall deliver each plan to the commission at the time and in the manner established by the commission.

(h) A rural planning organization may provide to the commission recommendations for the selection of transportation projects, systems, or programs to be undertaken within the boundaries of the rural planning organization.

(i) The commission may delegate the selection of a project, system, or program under Subsection (h) to the rural planning organization but the commission must agree with the organization's selection before the selection becomes effective.

(j) A rural planning organization is subject to the open meetings law, Chapter 551, Government Code.

Appendix 8 Cumulative Questionnaire Response from the Texas Association of Regional Councils of Government

The Texas Association of Regional Councils submits the following information on behalf of the 24 Texas Councils of Government (COG). The answers below are an effort to summarize responses to a questionnaire distributed to each region on behalf of TxDOT on April 1, 2008. Eighteen of the twenty-four COGs replied.

1. What are your thoughts on Rural Planning Organizations (RPO)?

The designation of RPOs in Texas offers a more formal opportunity to enhance participation of rural elected officials in transportation and policy discussions. Rural elected officials and stakeholders will be empowered to come together to plan, coordinate, and prioritize their regions' unique transportation solutions. RPOs will be ideally situated to facilitate consultation and cooperation among the rural regions of Texas and the Texas Department of Transportation, resulting in more efficient transportation planning.

2. How do you see the RPOs working with the Councils of Governments (COG) and Metropolitan Planning Organizations (MPO)?

Each of the COG regions will have a different approach to facilitate working relationships with the MPOs in their region in order to best meet the needs of the cities and counties that comprise their member governments. The regional councils will facilitate RPO, MPO and COG communication and foster cooperation in an effort to meet the comprehensive transportation needs of their entire region and ultimately the State of Texas. With funding cutbacks on the immediate horizon, this collaborative effort will allow for cost-sharing and the maximization of planning budgets.

3. How do you envision the RPO membership?

RPO membership will vary from region to region but is likely to mirror that of the COG. As a starting point, the membership of each RPO should be comprised of elected officials from the cities and counties within each planning region. In addition, TxDOT district representatives, senior local government professional staff, and state elected officials from the region may participate. Other stakeholders in the region may also have an interest in membership and each region should decide its membership based upon its own transportation and planning needs.

4. What do you think about MPO-RPO membership crossover?

The COGs' responses recognize that coordination with and involvement of the MPOs, where they exist, will be essential to the success of the RPO. Each region should determine the most workable level of collaboration between the MPO and RPO in an effort to complement each other. For example, some regions recommended the MPO be represented with an ex-officio member on the RPO governing/policy body while some suggested that the MPO representative serve on a technical or advisory committee. It is important to note that there are other that

regions do not contain an MPO. Permissive flexibility will allow each region to approach MPO-RPO membership crossover in an appropriate manner.

5. What do you think of RPO-MPO membership crossover?

The extent of cross-over between RPO-MPO memberships will again vary from region to region. Although MPO decisions are made with a specific geographic area in mind, effective MPO-member communication with RPO members and vice versa will keep the stakeholders better apprised of transportation activities and priorities within the region. The importance of working collaboratively with the MPO is recognized, but the level of involvement will vary from region to region.

6. Do you think the RPO should be housed within the COG?

Statutorily, pursuant to Local Government Code Section 391, COGs are charged by the State to serve as the planning entities for the Governor's 24 planning regions. Accordingly the COGs embody substantial experience, knowledge, and working relationships that have been developed through years of regional planning in a variety of areas. As such, COGs already perform an important role in supporting the State's planning efforts for rural areas, a role characterized by regional councils routinely providing a forum for public input and for consensus-building among county governments and among communities within the regions. This history ideally positions COGs to house the RPO program and become an even more effective resource in the State's transportation planning efforts. RPOs would benefit from all of the services and economies of scale offered by COGs in the same way that an MPO benefits from inclusion in a COG. In addition, COG boundaries reflect an economic region that usually corresponds with existing travel and commuting patterns. Finally, as widely beneficial as this prospect is, each region's local government representatives should maintain the flexibility to determine the host entity which best meet their needs.

7. Do you think that the RPO should be housed separate from the COG?

Housing the RPO separate from the COG would likely be inefficient and more costly. Each region should be allowed the flexibility to tailor the RPO to best meet its needs.

8. How do you feel the RPO should be structured?

Based upon the responses received from the 24 COGs the structure of an RPO should vary depending upon the region. For example, some regions may adopt a structure similar to an MPO which would include a policy board, a program advisory committee, and a citizens' advisory committee. Other regions may choose to adopt a transportation advisory committee to make recommendations to a governing board made up of elected officials and other stakeholders from the region. Additionally, a region may choose an RPO structure in which the COG governing board serves in an oversight capacity to the RPO, with the COG staff supporting this function. While the structure may vary, in order for the RPOs to provide a forum for rural transportation planning input, flexibility remains critical to overall success in the regions.

9. What geographical area should the RPO cover?

Ideally, RPOs should cover those geographic areas that lie outside the existing MPOs, but should have boundaries identical with the COG regions as a means of providing seamless coordination and planning.

10. How do you feel about RPOs doing transportation planning for their areas that will be shared with the Texas Transportation Commission?

Transportation planning provided by an RPO would eliminate the gap that may currently exist in comprehensive transportation planning. This will result in a more complete statewide picture for the Texas Transportation Commission's efforts to identify and prioritize resources to address locally identified transportation goals. While the Transportation Commission is ultimately responsible for transportation planning and prioritization in Texas, RPOs would provide an excellent opportunity for formalized local and regional input into the State's planning and prioritization processes. This would also maximize efficiency and coordination among TxDOT and rural cities and counties currently not being served by an MPO. RPOs should have the same relationship with the Texas Transportation Commission that MPOs now have.

11. Does the fact that the COG boundaries and the TxDOT District boundaries are not identical present a RPO transportation planning concern? How could these concerns be addressed?

The COGs responding to the survey indicate that the fact not all COG boundaries and TxDOT District boundaries align is a definite planning concern and could present issues. Alignment of the boundaries is preferred, but this challenge can be overcome. If the boundaries are not aligned, coordination and planning is more difficult and it is more complicated to develop a seamless delivery of services and planning. Local relationships with district engineers would be strengthened if multiple districts did not overlap in a COG region. In addition, it would be more efficient to align the boundaries in order to facilitate ongoing coordination efforts between TxDOT and the COGs. Nonetheless, COGs and TxDOT representatives have worked closely in the past and will continue to do so in the future despite non-alignment of boundaries.

12. TxDOT is looking to securing appropriate funding for RPOs. How much yearly funding do you feel it would take to administer and maintain an RPO?

This question is difficult to answer at this time and the amounts estimated by the COGs varied. The amount of funding required for administration, facilitation, and/or planning for each RPO will vary depending on factors such as the scope of work expected, region size, population, and rural road miles. A formula-driven funding approach is advisable and could be similar to current MPO funding which is based on an authorized scope of work related to a variety of tasks.

Appendix 9 Summary Questionnaire Responses from MPOs and TxDOT Districts

General Comments not associated with particular questions:

Abilene MPO

Included below are my comments concerning your questions. Due to the time limitations, I have not been able to poll the Abilene MPO Board on this issue. I am copying the Board on this response so that they will be aware of the matter.

Waco District

In the Waco District, The Central Texas Council of Governments (CTCOG) established the Central Texas Rural Planning Organization (CTRPO) on April 25, 2002. They have not been active as far as I know - no scheduled meetings. I have attached the CTCOG Resolution authorizing the formation of the RPO and membership for 2007. I requested the membership and By-laws for the organization and only received the membership. To my knowledge, I don't believe the By-laws have been formulated or approved by the CTCOG.

Survey Responses:

1. What are your thoughts on Rural Planning Organizations (RPO)?

Abilene MPO

RPOs are a good idea but formation and membership should be a voluntary. I do question how staffing would be accomplished, especially if the RPOs are expected to carry out analytical activities.

Amarillo MPO

We believe RPOs are a duplication of existing services currently provided by MPOs and/or local TxDOT districts. In addition, the new RPOs will create new competition for limited planning dollars.

Bryan-College Station MPO

In our particular region, there would be no overlap between the MPO & RPO. However, as a contiguous area, it would be important to maintain a communication and coordination in activities and priorities.

Corpus Christi MPO

There needs to be flexibility in defining the MPO study area so that the appropriate rural areas are included - the solution to a problem is not to create another bureaucracy that will compete for the limited and declining financial resources currently available or to place unfunded mandates on rural counties or the Council of Governments. TxDOT Districts and some of the Council of Governments provide a forum for rural transportation planning.

Harlingen-San Benito MPO

This type of organization is a plus since the MPO doesn't really take into consideration the "rural" areas outside of their MAB. But due to the funding situation, would it be wise to create an entire new organization and fund it appropriately? The questions then begs to be asked, Instead of the creation of the RPO would it be more efficient and economical to have the RPO be a component of the MPO?

Hidalgo County MPO

RPO's present an opportunity to provide for efficient planning in those areas that fall outside of the planning boundaries of MPO's but still lie within COG boundaries.

Laredo MPO

In general, it is our belief that if formed, RPOs should be organizations whose primary purpose should be that of an information conduit between the public, decision-makers, and the assorted stakeholder agencies. RPOs should not be tasked with accomplishing planning activities.

Longview MPO

In light of the current funding crisis, it is not practical nor feasible to create new organizations when the current ones can't be funded at adequate levels. Where will the transportation planning funds for RPOs come from? Why are RPOs needed; what is the underlying reason?

Midland-Odessa MPO

RPO's apparently provide a valuable forum for enhanced communication between the state transportation officials and urban and rural local government officials.

North Central Texas COG MPO

We support the concept of forming RPOs in meeting the need for strategic transportation planning and coordination in the rural portions of our region.

San Angelo MPO

I do not see the reason behind the creation of a new entity - transportation planning should be something that MPOs, TxDOT, and the COGs accomplish together. Transportation is facing a funding crisis and the creation of a new entity would seem to add to the burden.

San Antonio MPO

Given the right amount of responsibility and authority, RPO's can be extremely successful. They complement the process very well when located adjacent to an MPO.

Sherman-Denison MPO

I think the state should start with a little bit rather than taking on similar authorities and responsibilities of the MPOs in one fell swoop. It will be hard and costly to start from scratch to running full force all at once. So my initial conclusion is that the state should start with an advisory or technical committee, which is usually effective and certainly less costly.

Indeed, HGAC staff discussed that the American Association of MPOs (AMPO) is wrestling with the idea that maybe cities of 50,000 are too small to deal with all the responsibilities of SAFETEA-LU. I certainly disagree, but that is another story.

Naturally my second thought turns to the method of funding such an organization, no matter what its size, given our recent funding uncertainties for the MPOs. Hopefully any funding will be consistent with their responsibilities and be from the Texas Legislature and not from some existing pot that is already strapped to meet its requirements. I suppose the funding could come from the local governments, ensuring their participation but then they are already hurting financially and not all rural areas are created equal.

Third what would be their geographical area - just a county or TxDOT District or COG area? Here, it would appear that the easy yet cost effective and efficient method would be to at least organize the RPOs along an existing boundary. Both TxDOT and COGs already deal with a lot of rural areas (well except the larger MPOs/Districts which may have little "rural" areas). I can see advantages and disadvantages to each of the selections.

Victoria MPO

Do not think that another planning organization should be added. It could create another agency that would be pulling down planning resources which are already limited. What about having a non-engineering function within the District Office? Establish a true Planning & Programming office within the District that could coordinate this effort.

2. How do you see the Metropolitan Planning Organizations (MPO) working with the RPOs?

Abilene MPO

RPOs and MPOs should consult and ideally coordinate to ensure the continuity of transportation systems across regions and planning boundaries.

Amarillo MPO

In a consultation format as required by SAFETEA-LU.

Bryan-College Station MPO

In our particular region, there would be no overlap between the MPO & RPO. However, as a contiguous area, it would be important to maintain a communication and coordination in activities and priorities.

Corpus Christi MPO

If there is an RPO, they must be included in the overall planning process through collaboration, coordination and cooperation.

Harlingen-San Benito MPO

The RPOs and MPOs should be working closely together to communicate and overcome any communication obstacles that might arise from urban sprawling and economic development.

Hidalgo County MPO

RPO's, COG's and MPO's working cooperatively will most definitely be beneficial to all three (3) entities in efforts to meet the comprehensive transportation needs of the entire region. With funding cutbacks on the immediate horizon, this collaborative effort would allow for cost sharing opportunities allowing for limited budgets to be maximized to the fullest.

Laredo MPO

After much discussion we decided that in the case of counties within which no MPO is present, the local Commissioners Court should be designated the RPO, with the local TxDOT office providing the necessary staff support. County's within which an MPO is present, and whose MPO Policy Board membership is comprised of some percentage of County representatives, the MPO itself should be designated the RPO.

Longview MPO

Both agencies would need to regularly dialogue and cooperatively work together to efficiently accomplish regional planning. They would be required to interface cooperatively during a variety of projects, such as travel demand modeling where the network is seamed together. In many areas of Texas, the reality in some areas is that the rural folks are skeptical and are at odds with urban folks. It's a territorial issue and a very delicate one.

Midland-Odessa MPO

I believe there is a strong interconnectivity between urban and rural areas, and very important to incorporate urban and rural plans and input into a region-wide focus on transportation. The RPO and MPO can coordinate and share population projection data, and coordinate public transportation services to prevent gaps and overlaps for maximum efficiency. There could be some sharing of technical assistance for regional long range planning. The MOTOR MPO developed the Regional Service Plan which coordinates public transportation delivery in the 17-county Permian Basin region. The MOTOR MPO provides ongoing support to a Regional Service Planning Committee.

North Central Texas COG MPO

We envision the MPO and RPO working in a collaborative fashion within our 16-county region, with opportunities to share information and resources.

San Angelo MPO

I believe that the MPOs along with TDOT and the COGs could do the work without the creation of new entities and it would be redundant to create them.

San Antonio MPO

There needs to be a close working relationship if this is truly going to be a regional collaborative process.

Sherman-Denison MPO

Here this would be "relatively" easier, at least in our case, to coordinate between the MPO and the RPO if the RPOs were organized along COG boundaries. Again given that the COGs already do planning / grant coordination for rural governments and in some cases cities.

Victoria MPO

Really will depend on the role of the RPO and its functions (Charges). What is an RPO going to accomplish? What is the need of the RPO?

3. How do you envision the RPO membership?

Abilene MPO

I would envision that counties would each have a representative and that municipalities, with some restrictions, would have representation. I would expect that affected TxDOT districts and rural transit providers would be represented as well.

Amarillo MPO

A committee format based within a COG or other regional planning organization, with members from county judges or other rural transportation stakeholders.

Bryan-College Station MPO

Comprised of an elected official (i.e. County judge) from each county served.

Corpus Christi MPO

If there are RPO's they should include elected leaders (County Judges - selected municipal leaders) and representatives of other modal interests (rural transit, freight, etc.)

Harlingen-San Benito MPO

RPO membership should include local elected leaders as well as the County Manager, TXDOT representation and citizen participation.

Hidalgo County MPO

It seems logical and beneficial for the RPO membership to mirror that on the COG in which they are housed.

Laredo MPO

See Question #2.

Longview MPO

The membership should consist of mainly elected officials and should be decided at a local level by those in the rural areas.

Midland-Odessa MPO

There should be representatives from both urban and rural counties in the region.

North Central Texas COG MPO

Similar to our MPO structure, we envision the RPO to be made up of cities and counties located in the RPO area, TxDOT Districts, transportation providers, and any special districts as needed.

San Angelo MPO

It would include basically the same as the MPOs or COGs.

San Antonio MPO

The RPO membership should be structured similar to that of the MPO's. It should be local elected officials and operators of major modes of transportation.

Sherman-Denison MPO

Again this would be easier if the RPO membership were just to take on the COG boundaries and maybe even representation. But they may need to allocate some voting representatives along population density. But this may not be a difficult issue, since we are discussing "rural" (i.e. less populated) areas.

Victoria MPO

Again, would really depend on the function and charge of the RPO?

4. What do you think about MPO-RPO membership crossover?**Abilene MPO**

In most cases, there will be some counties that will be partially metropolitan and partially rural. The county representatives could serve on each organization in these cases.

Amarillo MPO

Depending on the geographical area there may be duplication of memberships.

Bryan-College Station MPO

Again, I believe the priorities are vastly different and the monies should focus on serving the larger populations in the MPO area.

Corpus Christi MPO

Clearly coordination with urban planning interests is critical since travel demand is not constrained to either an urban or rural area but actual participation should be determined at the local level.

Harlingen-San Benito MPO

Only in an ex-officio capacity.

Hidalgo County MPO

Membership crossover of both entities would only serve to better improve the lines of communications and assure that planning efforts for both the RPO and MPO would be achieved in a fluid like manner.

Laredo MPO

See Question #2.

Longview MPO

There will be some cross-over, however, it should be limited.

Midland-Odessa MPO

I think this would provide excellent opportunity for sharing information and coordinating transportation planning for the region.

North Central Texas COG MPO

We don't believe this would be needed in our region if the RPO is housed within the Council of Governments (see response below).

San Angelo MPO

Redundant.

San Antonio MPO

I think that should only occur in a non-voting/ex-officio structure. That would provide cross-membership without creating a conflict of interest.

Sherman-Denison MPO

No Response.

Victoria MPO

It would make sense to have membership crossover. That would help with coordination and use of resources.

5. What do you think about RPO-MPO membership crossover?

Abilene MPO

Same answer as previous question. In most cases, there will be some counties that will be partially metropolitan and partially rural. The county representatives could serve on each organization in these cases.

Amarillo MPO

Depending on the geographical area there may be duplication of memberships.

Bryan-College Station MPO

No Response.

Corpus Christi MPO

It would be in all parties interest to form collaboration however, in the form that is best suited to the local agencies e.g. representatives of our COG are active ad-hoc members of our Technical and Policy Committees -- but they are not voting members.

Harlingen-San Benito MPO

Only if ex-officio capacity.

Hidalgo County MPO

Membership crossover of both entities would only serve to better improve the lines of communications and assure that planning efforts for both the RPO and MPO would be achieved in a fluid like manner.

Laredo MPO

Please see above responses.

Longview MPO

There will be some cross-over, however, it should be limited.

Midland-Odessa MPO

I think this, too, would provide excellent opportunity for sharing information and coordinating transportation planning for the region.

North Central Texas COG MPO

We don't believe this would be needed in our region if the RPO is housed within the Council of Governments (see response below).

San Angelo MPO

Redundant.

San Antonio MPO

Same as above.

Sherman-Denison MPO

This might be a good idea, but I foresee several difficulties, especially with RPO Board members being on the MPO Board, given the difficulties already inherent in selecting MPO Board membership.

A better and easier alternative would be to include RPO / MPO membership on their respective technical committees.

Victoria MPO

It would make sense to have membership crossover. That would help with coordination and use of resources.

6. Do you think that the RPO should be housed within the Council of Government (COG)?

Abilene MPO

The COG seems a natural and appropriate structure for such organizations, unless the specifics of local geography and/or planning boundaries indicate otherwise. No other existing regional administrative structure seems more appropriate and creation of whole new entities appears inefficient.

Amarillo MPO

Yes, for the most effective coverage.

Bryan-College Station MPO

No, with TxDOT, as separate planning staff.

Corpus Christi MPO

That should be a local decision - some COG's have no transportation staff, management or administrative experience.

Harlingen-San Benito MPO

No, I don't believe that the RPO should be housed within the Council of Government.

Hidalgo County MPO

Yes.

Laredo MPO

No.

Longview MPO

The COG seems to be the ONLY option. It's the only multi-county organization that I'm aware of. Utilize existing agencies and streamline governmental services.

Midland-Odessa MPO

I do not see a problem with this if there is close coordination with the MPOs. We have the Permian Basin Regional Planning Commission which currently addresses regional matters relating to aging, criminal justice, emergency communications, homeland security, solid waster, and work force development.

North Central Texas COG MPO

Yes, we believe the Council of Governments provides the ready made framework throughout the State for Regional Planning Organizations, bringing forth the institutional and administrative framework in a cost effective manner needed to support a RPO process.

San Angelo MPO

N/A

San Antonio MPO

Yes. Most COG's have a rural focus to them. An RPO would be a natural fit.

Sherman-Denison MPO

Again, I think this would be both the easiest and more effective way of doing business, if not the most cost effective way.

Victoria MPO

Several MPOs are housed within a Council of Governments. If within a Council of Governments would still mean Planning Dollars would have to be further divided to account for the position.

7. Do you think that the RPO should be housed separate from the COG?

Amarillo MPO

No.

Abilene MPO

Only if the specifics of local geography and/or planning boundaries indicate that an RPO should function in more than one COG area and local politics preclude the use of either COG as an effective host.

Bryan-College Station MPO

Yes.

Corpus Christi MPO

Again - that is dependent on local circumstances e.g. our COG has no transportation staff and the MPO serves as their technical support on issues related to transportation such as the regional transportation coordination study.

Harlingen-San Benito MPO

I believe that the RPO should be housed separately from the COG.

Hidalgo County MPO

No.

Laredo MPO

Yes.

Longview MPO

No.

Midland-Odessa MPO

With the knowledge that I have of how an RPO works, I am not certain that it would need to be housed separate from the COG.

North Central Texas COG MPO

No, the Council of Governments structure provides huge economies of scale in information and resources that would be passed on to support the RPO planning process.

San Angelo MPO

N/A

San Antonio MPO

This is also possible, but it probably makes more sense to house them within the COG.

Sherman-Denison MPO

Maybe - We all know that not every structure will fit every group. Texas is a BIG place! It may be good to assign RPOs to a specific boundary, to ensure everyone is covered, but I know it will be a challenge not to force citizens into a specific box, that just may not fit or be in their best interest.

Victoria MPO

Same as above.

8. How do you feel the RPO should be structured?

Abilene MPO

No opinion.

Amarillo MPO

Using a committee format.

Bryan-College Station MPO

With representatives from each county and the transit provider.

Corpus Christi MPO

The MPO form is a good model with technical and policy committees and an independent staff.

Harlingen-San Benito MPO

The RPO should be structured similarly to an MPO structure. A Policy Committee composed of local elected officials and TXDOT members. This committee will be responsible for making Policy that will affect the RPO planning region. The MPO should be serving as a non-voting member on this committee.

A Technical Advisory Committee that is composed of local area Planners, County Managers, Town Managers, Transit Providers, local Transportation Committee Representatives, TXDOT Engineers, and Economic Development Officials. This committee will be responsible for making technical recommendations to the Policy Committee.

A Citizens Advisory Committee that acts as an advisory committee to the Policy Committee, as well to meet the public involvement criteria.

Hidalgo County MPO

RPO structures could mirror MPO structures.

Laredo MPO

Please See Questions #1 and #2

Longview MPO

Utilize the planning staff within the existing COG and allow the local areas to decide upon Policy Board membership.

Midland-Odessa MPO

The RPO should be made up of representatives from both urban and rural counties in the region. Members could meet once a month to discuss regional transportation projects. Coordination with the MPOs would be very important as many rural areas are rapidly urbanizing as a result of the growth and sprawl of an adjacent metropolitan area. There can be significant challenges when these areas are incorporated into an existing metropolitan planning process.

North Central Texas COG MPO

Similar to our MPO structure, the RPO would be made up of a Policy Committee composed of local elected officials representing the Cities and Counties within the RPO planning area, the TxDOT District Offices, and the Rural Transportation Providers. The Council of Governments and its Executive Board would serve as the fiscal agent for the RPO, handling the fiduciary responsibilities.

San Angelo MPO

N/A

San Antonio MPO

If this is referring to membership, see #3 above. If we are talking about staff, it should probably be similar to an MPO. This could be a reimbursable program with a designated fiscal agent covering the costs up front.

Sherman-Denison MPO

I think this should be left up to the locals, as much as possible given whatever requirements the state places on the RPO. Definitely the RPO needs to have elected officials who can make decision for the citizens and prioritize projects within that area.

Victoria MPO

Depends on the purpose and function of the RPO?

9. What geographical area should the RPO cover?

Abilene MPO

The same area as the COG excepting areas within the boundaries of a metropolitan planning organization.

Amarillo MPO

The rural areas.

Bryan-College Station MPO

The TxDOT counties, as delineated by the current local district offices.

Corpus Christi MPO

We do not need another layer of jurisdictions - the COG areas were used for the regional transit plans and that appears to have worked well - therefore; COG areas excluding any existing MPO areas or areas that will become MPO's would be appropriate.

Harlingen-San Benito MPO

The RPO should cover the designated” rural” areas based on the definition for planning purposes.

Hidalgo County MPO

RPO planning areas should cover those geographical areas that lie outside of the Urbanized Area but fall within the Council of Government boundaries.

Laredo MPO

Counties

Longview MPO

Same counties as the local COG.

Midland-Odessa MPO

Counties within the region.

North Central Texas COG MPO

The RPO should include the rural counties within our COG region and outside our Metropolitan Planning Area..

San Angelo MPO

N/A

San Antonio MPO

If the RPO's are following COG boundaries, it makes sense to have them cover the area outside of the MPO, but within the COG.

Sherman-Denison MPO

See discussion above - COG boundaries, at least to me seem to make the best use of existing infrastructure.

Victoria MPO

TxDOT Area Office Level and/or District Level. Depending on the functions and growth of the area.

10. How do you feel about RPOs doing transportation planning for their areas that will be shared with the Texas Transportation Commission?

Abilene MPO

I feel that local participation and "buy-in" to transportation decisions is important regardless of the density of population. I hope that RPOs may serve as mechanism that will bring nonmetropolitan areas to the same realization that has occurred to a very large degree among Texas MPOs, that Texas is ultimately one large community and that cooperation among entities within regions and cooperation among regions across Texas are both essential to efficient transportation systems for our large community.

Amarillo MPO

If RPOs are created, the Texas Transportation Commission must consider input from both MPOs and RPOs to provide equitable input from all transportation stakeholders regardless of population density.

Bryan-College Station MPO

No opinion.

Corpus Christi MPO

Information developed in the local areas needs to be shared with all local agencies (particularly the TxDOT Divisions) prior to submitting it to the Commission which appears to welcome local input.

Harlingen-San Benito MPO

I don't see too much of a problem with this.

Hidalgo County MPO

Transportation Planning provided by an RPO would eliminate the void that currently exists in the provision of comprehensive transportation planning. This will result in a complete picture for the Texas Transportation Commission to identify, quantify, and prioritize resources to address locally identified transportation priorities.

Laredo MPO

As mentioned in our response to Question #1, we do not believe RPO should be tasked with planning activities. Again, we believe they would prove most valuable in gathering public comment and disseminating transportation related information.

Longview MPO

If the RPOs are “sharing” an area with the Commission, then why create them in the first place? TxDOT is unable to continue their rural planning responsibilities.

Midland-Odessa MPO

I would see no problem if information has been shared with partners. I consider the MPOs to be a partner to the RPOs. The RPOs seem like a good idea, particularly at a time we are attempting to maximize our cost effectiveness/efficiencies in all areas of transportation planning, development and services, and as many urban/metropolitan areas are experiencing significant growth.

North Central Texas COG MPO

We envision the RPO planning emphasis to have a focus on limited strategic planning, coordination of rural public transportation operations and statewide corridor planning to work in consultation and cooperation with TxDOT.

San Angelo MPO

The Transportation system is in a funding crunch and without sufficient funding transportation planning will become a minimum task-split among several entities without a concise plan. As stated previously, I believe that MPOs, TxDOT, and the COGs can accomplish this task for the entire region and function in the RPO's capacity.

San Antonio MPO

It makes sense if the same authority is given to MPO's.

Sherman-Denison MPO

This gets back to the question of what will be their authority and responsibilities. Who will the RPOs be responsible - to the Transportation Commission or to their citizens?

Victoria MPO

No Response.

Appendix 10 Example of Rules from the State of Washington

(Washington State's RPO Administrative Code)

468-66-150

Title 468 WAC: Transportation, Department of

(b) For allowing or suffering any sign to remain in a condition of disrepair or unreasonable state of repair after the expiration of thirty days following written notification thereof.

(c) For maintaining any sign, for which a permit has been issued, in violation of any provision of the act or these regulations after the expiration of thirty days following written notification thereof.

(d) For any convictions of a violation of the act or any of these regulations, any permit held by the convicted person may be revoked whether or not such violation is related to the sign for which the permit is revoked.

(e) For maintaining a discontinued sign as defined in WAC 468-66-010(6).

(2) Notice whenever required herein shall be given to the person entitled thereto by registered mail at the last known address of such person which shall be such address as may be on file with the department, if any, otherwise the last address of such person shown by the tax records of the county in which the real property upon which the sign in question is maintained.

(3) Computation of time when dependent upon giving of notice shall relate to the day of mailing such notice rather than the day of receipt.

[Statutory Authority: Chapter 47.42 RCW, 97-17-010 (Order 170), § 468-66-150, filed 8/7/97, effective 9/7/97. Statutory Authority: RCW 47.42.060, 86-01-063 (Order 99), § 468-66-150, filed 12/17/85. Statutory Authority: 1977 ex.s. c 151, 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-66-150, filed 12/20/78. Formerly WAC 252-40-110.]

Chapter 468-86 WAC

RTPO PLANNING STANDARDS AND GUIDELINES

WAC

468-86-010	Authority.
468-86-020	Purpose/intent.
468-86-030	Definitions.
468-86-040	Determining the region.
468-86-050	Establishing the organization.
468-86-060	Relationship to MPOs.
468-86-070	Designation procedures.
468-86-080	Least-cost planning methodology.
468-86-090	Regional transportation goals and objectives.
468-86-100	Regional transportation strategy.
468-86-110	Needs, deficiencies, data requirements, and coordinated regional transportation and land use assumptions.
468-86-120	Financial component.
468-86-130	Proposed future transportation network.
468-86-140	High capacity transit and public transportation interrelationships.
468-86-150	Certification.
468-86-160	Regional transportation improvement program.

WAC 468-86-010 Authority. The regional transportation planning program was authorized by the 1990 legislature as part of the state's Growth Management Act. The program is contained in chapter 47.80 RCW, with funding appropriations made as part of the Department of Transportation Appropriations Act.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5, 97-09-046 (Order 169), § 468-86-010, filed 4/15/97, effective 5/16/97.]

WAC 468-86-020 Purpose/intent. (1) The regional transportation planning program creates a formal mechanism for local governments and the state to coordinate transportation planning for regional transportation facilities. The act authorized the creation of regional transportation planning organizations (RTPO) by local governments to coordinate transportation planning among jurisdictions and develop a regional transportation plan. The regional transportation planning program is available to all counties and cities state-wide (RCW 47.80.020).

(2) The legislature has authorized a grant program to fund this work. The department has the authority to administer this grant program, and to develop in cooperation with the RTPOs:

(a) Minimum planning standards for the development of a regional transportation plan;

(b) The RTPO regional transportation improvement program;

(c) Planning guidelines and principles;

(d) Certification standards for the transportation portion of local comprehensive plans and county-wide planning policies;

(e) The adoption of LOS standards on state transportation facilities; and

(f) RTPO regional transportation strategies.

(3) The purpose of the minimum planning standards is to guide RTPOs in the use of the regional transportation planning grants, and in the development of planning products under the program. Work proposed by each regional transportation planning organization shall be included in a work program that demonstrates adherence to the planning standards within this chapter. The intent of the department is to provide guidance that is sufficient to ensure a minimum level of consistency across the state, while providing flexibility for regions to meet specific mobility needs.

(4) The department will achieve this purpose through the establishment of these rules and through the cooperative development and maintenance of a set of RTPO planning standards and guidelines. Copies of these standards and guidelines will be available through the department's transportation planning office.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5, 97-09-046 (Order 169), § 468-86-020, filed 4/15/97, effective 5/16/97.]

WAC 468-86-030 Definitions. "Consistency" means that no feature of a plan or regulation is incompatible with any other feature of a plan or regulation. Consistency is indicative of a capacity for orderly integration or operation with other elements in a system.

"Department" means the department of transportation (WSDOT).

"Least cost planning" means a process of comparing direct and indirect costs of demand and supply options to meet transportation goals and/or policies where the intent of the process is to identify the most cost-effective mix of options.

"Level of service" means an established minimum capacity for both transit and regional arterials that must be provided per unit of demand or other appropriate measure of need.

"Organization" means regional transportation planning organization (RTPO).

"Region" means the area that includes the local jurisdictions that comprise the regional transportation planning organization.

"Urbanized area" means those areas designated as such by the U.S. Bureau of the Census.

"Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-030, filed 4/15/97, effective 5/16/97.]

WAC 468-86-040 Determining the region. Local governments should decide the geographic extent and composition of their region. The region should reflect common transportation concerns and a willingness among the local governments to work together in a cooperative planning process.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-040, filed 4/15/97, effective 5/16/97.]

WAC 468-86-050 Establishing the organization. (1) A regional transportation planning organization is a voluntary association of local governments within the region. It shall be a formal organization formed through an interlocal agreement that establishes the organization, defines duties and relationships, and includes a transportation policy board. The establishment of a technical advisory committee (TAC) is recommended. The RTPO must determine its own structure to ensure equitable and acceptable representation by member governments. Regions are encouraged to seek native American tribal involvement.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-050, filed 4/15/97, effective 5/16/97.]

WAC 468-86-060 Relationship to MPOs. The federal government requires a regional transportation planning process in urbanized areas with over fifty thousand population. This process is carried out by metropolitan planning organizations (MPOs) that have been jointly designated by local governments and the state. The intent is that the regional transportation planning program be integrated with the metropolitan planning organization program in these urbanized areas. RCW 47.80.020 requires that RTPOs shall be the same organization as that designated as the MPO. The regional transportation planning program provides the opportunity for transportation planning in rural areas within the RTPO. The department intends to jointly administer these two programs.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-060, filed 4/15/97, effective 5/16/97.]

WAC 468-86-070 Designation procedures. (1) Local governments desiring participation in the regional transportation planning program must submit an RTPO designation package to WSDOT. This information is necessary for WSDOT to verify that the RTPO meets the requirements of RCW 47.80.020. This package shall contain the following items:

(a) A description of the region;

(b) A formal designation of the RTPO, in the form of a resolution or other legal declaration;

(c) A list of all RTPO member local governments;

(d) A copy of the interlocal agreement that will govern RTPO operations;

(e) A formal designation by the RTPO of the lead planning agency; and

(f) A description of the RTPO's transportation policy board.

(2) WSDOT has the responsibility of verifying that RTPOs designated by local governments meet the state requirements. The most recent annual OFM population data will be used to verify population figures. WSDOT will review the RTPO designation package, make a finding of verification, and concur with or deny the local designation. Once verified, the RTPO may proceed in carrying out its duties and may receive regional transportation planning formula grants. If significant changes are made in the structure of the RTPO, WSDOT may request that another designation package be submitted for verification review.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-070, filed 4/15/97, effective 5/16/97.]

WAC 468-86-080 Least-cost planning methodology. The methodology shall consider direct and indirect costs and benefits for all reasonable options to meet planning goals and objectives. The methodology shall treat demand and supply resources on a consistent and integrated basis. The regional transportation planning organizations shall consult the guidelines set forth by the department for implementing a least-cost planning methodology. Regional transportation plans should incrementally incorporate least-cost planning methodologies as these concepts are developed. The regional transportation plan adopted after July 1, 2000, shall be based on a least-cost planning methodology appropriate to the region.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-080, filed 4/15/97, effective 5/16/97.]

WAC 468-86-090 Regional transportation goals and objectives. The regional transportation planning program is meant to foster an ongoing transportation planning and decision-making process that actively plans for the improvement of regional transportation systems and coordinates this process among jurisdictions. The goals and objectives of the regional transportation plan should incorporate existing transportation related county-wide planning policies or multicounty transportation related planning policies where adopted and adhere to the following principles:

(1) Build upon applicable portions of the existing local comprehensive plan and process and promote the establishment of a regional perspective into the local comprehensive plan;

(2) Encourage partnerships between federal, state, local and tribal governments, special districts, the private sector, the general public, and other interest groups during conception, technical analysis, policy development, and decision processes in developing, updating, and maintaining the regional transportation plan;

(3) Ensure early and continuous public involvement from conceptual planning through decision making;

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(4) Shall be ongoing, and incorporate short and long range multimodal planning activities to address major capacity expansion and operational improvements to the regional transportation system;

(5) Use regionally coordinated, valid and consistent technical methods and data should be used in identifying and analyzing needs;

(6) Consider environmental impacts related to the development of regional transportation policies and facilities and;

(7) Address the policies regarding the coordination of transportation planning among regional jurisdictions, including the relationship between regional transportation planning, local comprehensive planning and state transportation planning.

Within these principles, regions shall develop their own ongoing planning process for the development and refinement of the regional transportation plan, and provide a forum for the discussion of regional transportation planning issues.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-090, filed 4/15/97, effective 5/16/97.]

WAC 468-86-100 Regional transportation strategy. Each regional transportation planning organization shall develop a regional transportation strategy. The strategy should identify alternative transportation modes within the region and recommend policies to:

- (1) Address each transportation mode;
- (2) Address intermodal connections between modes; and
- (3) Address transportation demand management where required.

The regional transportation strategy is intended to guide development of the regional transportation plan and any periodic updates.

Adopted multicounty and county-wide planning policies and policies from local comprehensive plans that are regional in scope and regionally consistent should provide the basis for the regional transportation strategy. The regional transportation strategy should be periodically reviewed and updated as necessary to reflect changing priorities or to maintain regional consistency.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-100, filed 4/15/97, effective 5/16/97.]

WAC 468-86-110 Needs, deficiencies, data requirements, and coordinated regional transportation and land use assumptions. (1) The following components shall be developed and incorporated in the RTP:

(a) An inventory of existing regional transportation facilities and services, including physical, operational, and usage characteristics of the regional transportation system;

(b) An evaluation of current facilities and services, comparing current usage, and operational characteristics to level of service standards, and identification of regional transportation needs;

(c) Forecasts of future travel demand, based on the regional transportation strategy and local comprehensive plans;

(d) Identification of future regional transportation system deficiencies, comparing future travel needs for movement of people and goods to available facilities and services; and

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(e) Coordinated common regional assumptions (growth, population, employment, mode split, etc.) among local jurisdictions for the development of all transportation models to ensure consistency within the RTPO, and:

(i) These common regional assumptions shall recognize the planning requirements of the state's Growth Management Act, and;

(ii) Be consistent with population forecasts prepared by the office of financial management.

(2) **Performance monitoring.** An integral part of the regional transportation plan is monitoring the performance of the regional transportation system over time. This information is necessary to determine the success of plan implementation and the effect of the desired improvements on the performance of the regional transportation system. Each RTPO shall describe their performance monitoring system in the regional transportation plan. The performance monitoring measures shall include traffic volumes and vehicle miles of travel (VMT) at a minimum and can include, but are not limited to, travel time, speed, safety standards and other measures. Performance monitoring measures should be coordinated and measurable on a consistent basis throughout the RTPO.

(3) **Regional development patterns and investments.**

The regional transportation plan shall include a general assessment of regional development patterns and investments. This analysis is intended to provide direction and background information for updates of the regional transportation plan. The RTP updates shall be based upon a general retrospective discussion of current land use and transportation patterns and their relationship to the region's goals and objectives and elsewhere in the regional transportation plan. Current and projected development patterns and the expected magnitudes and time frame in which these developments are expected to occur should be reviewed and evaluated against the regional growth and transportation strategies. If the regional growth and transportation strategies have changed or current and projected development can be shown to be inconsistent, the plan should be updated to reflect these changes, or development policies should be updated to assure consistency and continuity of transportation and land use issues within the region. The region's interrelationships between growth and transportation should be discussed along with strategies such as access control, development of heritage corridors, and other measures designed to maintain current and proposed development patterns consistent with the regional transportation plan and the transportation and land use elements of local comprehensive plans.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-110, filed 4/15/97, effective 5/16/97.]

WAC 468-86-120 Financial component. The financial component shall include the following:

(1) An analysis of funding capacity including an inventory of revenue sources for regional transportation improvements, and probable funding levels available for regional transportation improvements from each source;

(2) Probable funding comparisons with identified current and future needs, including identified funding shortfalls; and

(3) If funding shortfalls are identified, an analysis of additional funding resources to make up the shortfall, or a

reassessment of the regional transportation strategies, at a minimum, to ensure that transportation needs fall within probable funding levels.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-120, filed 4/15/97, effective 5/16/97.]

WAC 468-86-130 Proposed future transportation network. Based upon the identified needs and probable funding levels within the region, the proposed future transportation network defines specific facility or service improvements, transportation system management strategies, and demand management strategies proposed for implementation on the regional transportation system. The plan shall identify priority levels for these improvements to guide local jurisdictions and the state in implementation and development of the regional transportation improvement program.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-130, filed 4/15/97, effective 5/16/97.]

WAC 468-86-140 High capacity transit and public transportation interrelationships. Within those RTPOs where there is an existing or proposed high capacity transit system, the regional transportation plan shall discuss the relationship between the high capacity transit system and conventional public transit system. This could include policies to maintain coordinated arrivals and departures of interconnecting routes, coordination with other multimodal transportation centers, and other strategies targeted at improving these intermodal relationships over time.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-140, filed 4/15/97, effective 5/16/97.]

WAC 468-86-150 Certification. (1) By December 31, 1996, each RTPO shall certify, that the transportation element of all comprehensive plans for cities and counties planning under the Growth Management Act:

- (a) Reflect the transportation guidelines and principles established in the regional transportation plan;
 - (b) Are consistent with the adopted regional transportation plan; and
 - (c) Conform with the requirements of RCW 36.70A.070.
- (2) Each RTPO shall also certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.
- (3) Regions shall cooperatively define and establish measures and processes to determine regional consistency with the adopted regional transportation plan.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-150, filed 4/15/97, effective 5/16/97.]

WAC 468-86-160 Regional transportation improvement program. (1) Each RTPO shall compile a regional transportation improvement program (TIP) at least once every two years. The regional TIP shall:

- (a) Be developed on a cooperative basis by local government agencies, public transit agencies, and the department of transportation within each region;
- (b) Consist of a list of regionally significant transportation projects and programs including projects proposed for construction and transportation demand management mea-

asures proposed to be implemented during each year for the next six-year period;

(c) Consist of regionally significant projects included in the local six-year transit development plans and six-year comprehensive transportation programs required by RCW 35.58.2795, 35.77.010, and 36.81.121 for transit agencies, cities, towns, and counties;

(d) Include all proposed WSDOT projects in the region;

(e) Include only projects consistent with the regional transportation plan;

(f) Include a financial section outlining:

(i) Sources of funding reasonably expected to be received for each year of the ensuing three-year period; and

(ii) All assumptions and explanations supporting the expected levels of funding consistent with information included in the financial component of the regional transportation plan.

(2) The six-year regional TIP developed by each RTPO is intended for use as a planning document and shall be available at the lead planning agency office of the RTPO.

[Statutory Authority: RCW 47.80.070 and SHB 1928, Section 5. 97-09-046 (Order 169), § 468-86-160, filed 4/15/97, effective 5/16/97.]

Chapter 468-105 WAC

PUBLIC ADVISORY ELECTIONS FOR SELECTED STATE TRANSPORTATION FACILITIES

WAC

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- 468-105-070 Public advisory elections.
- 468-105-080 Public advisory election results.

WAC 468-105-020 Definitions. For the purpose of implementing RCW 47.46.030 (3) through (11) relative to the process for conducting public advisory elections on selected transportation facilities, the following definitions apply:

(1) "Affected project area" means a geographic area of the state impacted by the imposition of tolls or user fees that is defined and established by the department following a public comment period and a recommendation by the public private local involvement committee. The affected project area is a geographic portion of the state which is depicted in a map.

(2) "City" means any jurisdiction formed under Titles 35 and 35A RCW including any first class city (RCW 35.01.010), second class city (RCW 35.01.020), town (RCW 35.01.040) or code city (RCW 35A.01.035).

(3) "County auditor" shall have the same meaning as provided in RCW 29.01.043.

(4) "Department" means the Washington state department of transportation.

(5) "Initial affected project area" means a geographic area of the state that is defined by the department as a result of a comprehensive analysis of traffic patterns and economic impacts created by the imposition of tolls or user fees to finance a proposed project.

Appendix 11 TxDOT Districts and COGs Map

