

113TH CONGRESS
2D SESSION

H. R. 5467

To enhance the capabilities of metropolitan planning organizations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2014

Ms. FRANKEL of Florida (for herself, Mr. CLEAVER, and Mr. CICILLINE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To enhance the capabilities of metropolitan planning organizations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Metropolitan Planning
5 Enhancement Act”.

6 **SEC. 2. CONSOLIDATED AND HIGH PERFORMING METRO-**
7 **POLITAN PLANNING ORGANIZATIONS.**

8 (a) CONSOLIDATION OF METROPOLITAN PLANNING
9 ORGANIZATIONS.—

(1) SECTION 134 AMENDMENT.—Section 134(d)(6) of title 23, United States Code, is amended to read as follows:

“(6) CONSOLIDATION OF METROPOLITAN PLANNING ORGANIZATIONS WITHIN URBANIZED AREAS.—

“(A) LIMITATION ON NEW METROPOLITAN PLANNING ORGANIZATION DESIGNATIONS.—A metropolitan planning organization shall not be newly designated—

“(i) within a metropolitan statistical area if another metropolitan planning organization already exists within the boundaries of the metropolitan statistical area; or

“(ii) outside of a metropolitan statistical area.

“(B) MULTIPLE EXISTING METROPOLITAN PLANNING ORGANIZATIONS.—If multiple existing metropolitan planning organizations are designated within a metropolitan statistical area—

“(i) the metropolitan planning organizations may—

1 “(I) retain their designation as
2 distinct metropolitan planning organi-
3 zations; or

4 “(II) be consolidated by agree-
5 ment between the metropolitan plan-
6 ning organizations;

7 “(ii) the Governor (or Governors) and
8 the existing metropolitan planning organi-
9 zations shall—

10 “(I) revisit a determination to re-
11 main unconsolidated every 10 years,
12 beginning two years after the next de-
13 cennial census; and

14 “(II) provide justification to the
15 Secretary of the continued necessity of
16 the designation of multiple metropoli-
17 tan planning organizations in the
18 area; and

19 “(iii) where multiple metropolitan
20 planning organizations exist within a single
21 metropolitan statistical area, they shall co-
22 operate with one another to—

23 “(I) develop a single transpor-
24 tation improvement plan and a single
25 long-range plan for use by all metro-

politan planning organizations within
the metropolitan statistical area when
developing their individual plans; and
“(II) establish a single set of per-
formance targets that address the per-
formance measures described in sec-
tion 150(c) for use in developing indi-
vidual performance targets in accord-
ance with section 134(h)(2).”.

(2) SECTION 5303 AMENDMENT.—Section
5303(d)(6) of title 49, United States Code, is
amended to read as follows:

“(6) CONSOLIDATION OF METROPOLITAN PLAN-
NING ORGANIZATIONS WITHIN URBANIZED AREAS.—

“(A) LIMITATION ON NEW METROPOLITAN
PLANNING ORGANIZATION DESIGNATIONS.—A
metropolitan planning organization shall not be
newly designated—

“(i) within a metropolitan statistical
area if another metropolitan planning or-
ganization already exists within the bound-
aries of the metropolitan statistical area;
or

“(ii) outside of a metropolitan statis-
tical area.

1 “(B) MULTIPLE EXISTING METROPOLITAN
2 PLANNING ORGANIZATIONS.—If multiple exist-
3 ing metropolitan planning organizations are
4 designated within a metropolitan statistical
5 area—

6 “(i) the metropolitan planning organi-
7 zations may—

8 “(I) retain their designation as
9 distinct metropolitan planning organi-
10 zations; or

11 “(II) be consolidated by agree-
12 ment between the metropolitan plan-
13 ning organizations;

14 “(ii) the Governor (or Governors) and
15 the existing metropolitan planning organi-
16 zations shall—

17 “(I) revisit a determination to re-
18 main unconsolidated every 10 years,
19 beginning two years after the next de-
20 cennial census; and

21 “(II) provide justification to the
22 Secretary of the continued necessity of
23 the designation of multiple metropoli-
24 tan planning organizations in the
25 area; and

“(iii) where multiple metropolitan planning organizations exist within a single metropolitan statistical area, they shall cooperate with one another to—

“(I) develop a single transportation improvement plan and a single long-range plan for use by all metropolitan planning organizations within the metropolitan statistical area when developing their individual plans; and

“(II) establish a single set of performance targets that address the performance measures described in section 150(c) of title 23, United States Code, for use in developing individual performance targets in accordance with subsection (h)(2) and sections 5326(c) and 5329(d) of this title.”.

(3) DEFINITIONS.—

(A) HIGHWAY DEFINITION.—Section 134(b) of title 23, United States Code, is amended by—

(i) redesignating paragraphs (1) through (7) as paragraphs (2) through (8); and

1 (ii) inserting before paragraph (2), as
 2 redesignated, the following:

3 “(1) CONSOLIDATED METROPOLITAN PLANNING
 4 ORGANIZATION.—The term ‘consolidated metropoli-
 5 tan planning organization’ means a sole metropoli-
 6 tan planning organization that serves a metropolitan
 7 statistical area.”.

8 (B) TRANSIT DEFINITION.—Section
 9 5303(b) of title 49, United States Code, is
 10 amended by—

11 (i) redesignating paragraphs (1)
 12 through (7) as paragraphs (2) through (8);
 13 and

14 (ii) inserting before paragraph (2), as
 15 redesignated, the following:

16 “(1) CONSOLIDATED METROPOLITAN PLANNING
 17 ORGANIZATION.—The term ‘consolidated metropoli-
 18 tan planning organization’ means a sole metropoli-
 19 tan planning organization that serves a metropolitan
 20 statistical area.”.

21 (b) DESIGNATION OF HIGH-PERFORMING METRO-
 22 POLITAN PLANNING ORGANIZATIONS.—

23 (1) SECTION 134 AMENDMENT.—Section 134 of
 24 title 23, United States Code, as amended by this

1 Act, is further amended by adding at the end the
2 following:

3 “(r) HIGH-PERFORMING METROPOLITAN PLANNING
4 ORGANIZATIONS.—

5 “(1) IN GENERAL.—A metropolitan planning
6 organization that represents an urbanized area with
7 a population of over 200,000 individuals may re-
8 quest a high-performing metropolitan planning orga-
9 nization designation from the Secretary.

10 “(2) CRITERIA.—In making a high-performing
11 metropolitan planning organization designation, the
12 Secretary shall consider—

13 “(A) the extent to which the metropolitan
14 planning organization has an equitable and re-
15 gional approach to decisionmaking;

16 “(B) the extent to which the metropolitan
17 planning organization has incorporated its per-
18 formance targets established pursuant to sec-
19 tion 150 of this title and sections 5303(h)(2),
20 5326(c), and 5329(d) of title 49 into its plan-
21 ning process;

22 “(C) whether the metropolitan planning or-
23 ganization is a consolidated metropolitan plan-
24 ning organization;

“(D) if the metropolitan planning organization is not a consolidated metropolitan planning organization, the extent to which the metropolitan planning organization is coordinating with all other metropolitan planning organizations designated for the same metropolitan statistical area;

“(E) the technical capacity of the metropolitan planning organization; and

“(F) other criteria established by the Secretary in guidance.

“(3) REVIEW.—A designation under paragraph (1) shall stay in effect for 10 years from the date of designation.”.

(2) SECTION 5303 AMENDMENT.—Section 5303 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

“(r) HIGH-PERFORMING METROPOLITAN PLANNING ORGANIZATIONS.—

“(1) IN GENERAL.—A metropolitan planning organization that represents an urbanized area with a population of over 200,000 individuals may request a high-performing metropolitan planning organization designation from the Secretary.

1 “(2) CRITERIA.—In making a high-performing
2 metropolitan planning organization designation, the
3 Secretary shall consider—

4 “(A) the extent to which the metropolitan
5 planning organization has an equitable and re-
6 gional approach to decisionmaking;

7 “(B) the extent to which the metropolitan
8 planning organization has incorporated its per-
9 formance targets established pursuant to sec-
10 tion 150 of title 23, United States Code, sub-
11 section (h)(2), and sections 5326(c) and
12 5329(d) of this title into its planning process;

13 “(C) whether the metropolitan planning or-
14 ganization is a consolidated metropolitan plan-
15 ning organization;

16 “(D) if the metropolitan planning organi-
17 zation is not a consolidated metropolitan plan-
18 ning organization, the extent to which the met-
19 ropolitan planning organization is coordinating
20 with all other metropolitan planning organiza-
21 tions designated for the same metropolitan sta-
22 tistical area;

23 “(E) the technical capacity of the metro-
24 politan planning organization; and

1 “(F) other criteria established by the Sec-
2 retary in guidance.

3 “(3) REVIEW.—A designation under paragraph
4 (1) shall stay in effect for 10 years from the date
5 of designation.”.

6 (c) SURFACE TRANSPORTATION INCENTIVE
7 FUNDS.—Section 133(d)(1) of title 23, United States
8 Code is amended to read as follows:

9 “(1) CALCULATION.—The funds apportioned to
10 a State under section 104(b)(2) shall be obligated as
11 follows:

12 “(A) SUBALLOCATED FUNDS.—50 percent
13 of the funds for a fiscal year shall be obligated
14 under this section, in proportion to their rel-
15 ative shares of the population of the State—

16 “(i) in urbanized areas of the State
17 with an urbanized area population over
18 200,000;

19 “(ii) in urban areas of the State with
20 a population of 5,000 to 200,000; and

21 “(iii) in areas of the State with a pop-
22 ulation of fewer than 5,000.

23 “(B) STATEWIDE FUNDS.—25 percent of
24 the funds for a fiscal year may be obligated in
25 any area of the State.

1 “(C) HIGH-PERFORMING METROPOLITAN
2 PLANNING ORGANIZATIONS.—

3 “(i) IN GENERAL.—25 percent of the
4 funds for a fiscal year shall be obligated
5 under this section in urbanized areas
6 under subparagraph (A)(i) that are served
7 by high-performing metropolitan planning
8 organizations (as designated by the Sec-
9 retary under section 134(r) or section
10 5303(r) of title 49, United States Code).
11 Any funds remaining under this clause
12 shall be obligated in any area of the State
13 under subparagraph (B).

14 “(ii) AMOUNT.—The amount to be ob-
15 ligated under clause (i) in an urbanized
16 area served by a high-performing metro-
17 politan planning organization shall equal
18 50 percent of the amount to be obligated
19 in that urbanized area under paragraph
20 (4) and is in addition to the amount under
21 such paragraph.”.

22 (d) TRANSPORTATION ALTERNATIVES INCENTIVE
23 FUNDS.—Section 213(c)(1) of such title is amended to
24 read as follows:

1 “(1) CALCULATION.—The funds reserved to a
2 State shall be obligated as follows:

3 “(A) SUBALLOCATED FUNDS.—50 percent
4 of the funds for a fiscal year shall be obligated
5 under this section to any eligible entity in pro-
6 portion to its relative share of the population of
7 the State—

8 “(i) in urbanized areas of the State
9 with an urbanized area population over
10 200,000;

11 “(ii) in urban areas of the State with
12 a population of 5,000 to 200,000; and

13 “(iii) in areas of the State with a pop-
14 ulation of fewer than 5,000.

15 “(B) STATEWIDE FUNDS.—25 percent of
16 the funds for a fiscal year may be obligated in
17 any area of the State.

18 “(C) HIGH-PERFORMING METROPOLITAN
19 PLANNING ORGANIZATIONS.—

20 “(i) IN GENERAL.—25 percent of the
21 funds for a fiscal year shall be obligated
22 under this section in urbanized areas
23 under subparagraph (A)(i) that are served
24 by high-performing metropolitan planning
25 organizations (as designated by the Sec-

retary under section 134(r) or section 5303(r) of title 49, United States Code). Any funds remaining under this clause shall be obligated in any area of the State under subparagraph (B).

“(ii) AMOUNT.—The amount to be obligated under clause (i) in an urbanized area served by a high-performing metropolitan planning organization shall equal 50 percent of the amount to obligated in that urbanized area under paragraph (3) and is in addition to the amount under such paragraph.”.

(e) OBLIGATION AUTHORITY.—Section 133(f) of such title is amended—

(1) in paragraph (1), by—

(A) striking “A State” and inserting “Except as provided in paragraph (2), a State”; and

(B) striking “fiscal years 2011 through 2014” and inserting “fiscal years after fiscal year 2014”;

(2) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following:

1 “(2) HIGH-PERFORMING METROPOLITAN PLAN-
2 NING ORGANIZATIONS.—

3 “(A) IN GENERAL.—A State that is re-
4 quired to obligate in an urbanized area under
5 subsections (d)(1)(A)(i) and (d)(1)(C)(i) shall
6 make available to such urbanized area on an
7 annual basis an amount of obligation authority
8 distributed to the State for Federal-aid high-
9 ways and highway safety construction programs
10 for use in the area that is equal to the amount
11 obtained by multiplying—

12 “(i) the amount of funds that the
13 State is required to obligate in the area
14 under such subsections; and

15 “(ii) the ratio specified in paragraph
16 (1)(B).

17 “(B) AVAILABILITY.—The obligation au-
18 thority that a State makes available to an ur-
19 banized area under subparagraph (A) shall re-
20 main available for a period of four fiscal
21 years.”; and

22 (3) in paragraph (3), as redesignated, by strik-
23 ing “paragraph (1)” and inserting “paragraphs (1)
24 and (2)”.

1 (f) DISTRIBUTION OF METROPOLITAN PLANNING
2 FUNDS.—Section 104(d)(2)(A) of such title is amended—

3 (1) in clause (i), by striking “; and” and insert-
4 ing “;”;

5 (2) by redesignating clause (ii) as clause (iii);
6 and

7 (3) by inserting after clause (i) the following:

8 “(ii) prioritizes the needs of high-per-
9 forming metropolitan planning organiza-
10 tions (as designated by the Secretary
11 under section 134(r) or section 5303(r) of
12 title 49, United States Code); and”.

13 (g) TECHNICAL CORRECTION.—Subsection 133(h)(1)
14 of such title is amended by striking “for each of fiscal
15 years 2013 through 2014” and inserting “each fiscal
16 year”.

17 **SEC. 3. PARTICIPATION OF PUBLIC PORT AUTHORITIES.**

18 (a) SECTION 134 AMENDMENT.—Section
19 134(i)(6)(A) of title 23, United States Code, is amended
20 by inserting “public ports,” before “freight shippers”.

21 (b) SECTION 135 AMENDMENT.—Section 135(g)(3)
22 of title 23, United States Code, is amended by inserting
23 “public ports,” before “freight shippers”.

1 (c) SECTION 5303 AMENDMENT.—Section
 2 5303(i)(6)(A) of title 49, United States Code, is amended
 3 by inserting “public ports,” before “freight shippers”.

4 (d) SECTION 5304 AMENDMENT.—Section
 5 5304(g)(3) of title 49, United States Code, is amended
 6 by inserting “public ports,” before “freight shippers”.

7 **SEC. 4. STRENGTHENING THE STATEWIDE AND NONMETRO-**
 8 **POLITAN PLANNING PROCESS.**

9 (a) SECTION 135 AMENDMENT.—Section 135 of title
 10 23, United States Code, is amended—

11 (1) in subsection (f)(5) by striking “may” and
 12 inserting “shall”;

13 (2) in subsection (f)(7)—

14 (A) by striking “should” and inserting
 15 “shall”; and

16 (B) by striking the final “;” and inserting
 17 “.”;

18 (3) in subsection (g)(5)(F)(i) by striking “may”
 19 and inserting “shall”; and

20 (4) by striking subsection (g)(8) and inserting
 21 the following:

22 “(8) CERTIFICATION PROCESS.—

23 “(A) IN GENERAL.—At least once every 4
 24 years the Secretary shall certify that each State
 25 has met the requirements of—

1 “(i) this section; and

2 “(ii) other Federal laws, regulations,
3 and orders applicable to the statewide and
4 nonmetropolitan and the metropolitan
5 planning processes.

6 “(B) FAILURE TO MEET CERTIFICATION.—

7 If a State does not meet such certification, the
8 Secretary may withhold up to 20 percent of the
9 funds attributable to such State for projects
10 funded under this title and chapter 53 of title
11 49.

12 “(C) RESTORATION OF FUNDS.—The with-
13 held funds shall be restored to the State at such
14 time as the State process is certified by the
15 Secretary.

16 “(D) PUBLIC INVOLVEMENT.—In making
17 the certification determinations under this para-
18 graph, the Secretary shall provide for public in-
19 volvement appropriate to the State under re-
20 view.”.

21 (b) SECTION 5304 AMENDMENT.—Section 5304 of
22 title 49, United States Code, is amended—

23 (1) in subsection (f)(5) by striking “may” and
24 inserting “shall”;

1 (2) in subsection (f)(7) by striking “should”
2 and inserting “shall”;

3 (3) in subsection (g)(5)(F)(i) by striking “may”
4 and inserting “shall”; and

5 (4) by striking subsection (g)(8) and inserting
6 the following:

7 “(8) CERTIFICATION PROCESS.—

8 “(A) IN GENERAL.—At least once every 4
9 years the Secretary shall certify that each State
10 has met the requirements of—

11 “(i) this section; and

12 “(ii) other Federal laws, regulations,
13 and orders applicable to the statewide and
14 nonmetropolitan and the metropolitan
15 planning processes.

16 “(B) FAILURE TO MEET CERTIFICATION.—

17 If a State does not meet such certification, the
18 Secretary may withhold up to 20 percent of the
19 funds attributable to such State for projects
20 funded under this title and chapter 53 of title
21 49.

22 “(C) RESTORATION OF FUNDS.—The with-
23 held funds shall be restored to the State at such
24 time as the State process is certified by the
25 Secretary.

1 “(D) PUBLIC INVOLVEMENT.—In making
2 the certification determinations under this para-
3 graph, the Secretary shall provide for public in-
4 volvement appropriate to the State under re-
5 view.”.

6 **SEC. 5. REMOVAL OF THE CONGESTION MANAGEMENT**
7 **PROCESS.**

8 (a) SECTION 134 AMENDMENT.—Section 134 of title
9 23, United States Code, as amended by this Act, is further
10 amended—

11 (1) by striking subsection (k)(3) and redesign-
12 nating subsections (k)(4) and (k)(5) as subsections
13 (k)(3) and (k)(4), respectively; and

14 (2) by striking subsection (n) and redesignating
15 subsections (o) through (r) as subsections (n)
16 through (q), respectively.

17 (b) SECTION 135 AMENDMENT.—Section 135 of title
18 23, United States Code, is amended by striking subsection
19 (j) and redesignating subsections (k) through (m) as sub-
20 sections (j) through (l), respectively.

21 (c) SECTION 5303 AMENDMENT.—Section 5303 of
22 title 49, United States Code, as amended by this Act, is
23 further amended—

1 (1) by striking subsection (k)(3) and redesignig-
 2 nating subsections (k)(4) and (k)(5) as subsections
 3 (k)(3) and (k)(4), respectively; and

4 (2) by striking subsection (n) and redesignating
 5 subsections (o) through (r) as subsections (n)
 6 through (q), respectively.

7 (d) SECTION 5304 AMENDMENT.—Section 5304 of
 8 title 49, United States Code, is amended by striking sub-
 9 section (i) and redesignating subsections (j) through (l)
 10 as subsections (i) through (k), respectively.

11 **SEC. 6. PUBLIC INVOLVEMENT IN PLAN DEVELOPMENT.**

12 (a) SECTION 134 AMENDMENT.—Section 134(i) of
 13 title 23, United States Code, is amended—

14 (1) in paragraph (4), by inserting after sub-
 15 paragraph (C) the following:

16 “(D) PUBLIC INVOLVEMENT.—Metropoli-
 17 tan planning organizations shall offer interested
 18 parties, such as those described in paragraph
 19 (6), a reasonable opportunity to participate in
 20 the development and consideration of sce-
 21 narios.”; and

22 (2) in paragraph (6), by striking “comment on
 23 the transportation plan” and inserting “provide
 24 input during the development and implementation of
 25 the transportation plan”.

1 (b) SECTION 135 AMENDMENT.—Section
2 135(f)(3)(A)(ii) of title 23, United States Code, is amend-
3 ed by striking “comment on the transportation plan”; and
4 inserting “provide input during the development of the
5 transportation plan”.

6 (c) SECTION 5303 AMENDMENT.—Section 5303(i) of
7 title 49, United States Code, is amended—

8 (1) in paragraph (4), by inserting after sub-
9 paragraph (C) the following:

10 “(D) PUBLIC INVOLVEMENT.—Metropoli-
11 tan planning organizations shall offer interested
12 parties, such as those described in paragraph
13 (6), a reasonable opportunity to participate in
14 the development and consideration of sce-
15 narios.”; and

16 (2) in paragraph (6), by striking “comment on
17 the transportation plan” and inserting “provide
18 input during the development and implementation of
19 the transportation plan”.

20 (d) SECTION 5304 AMENDMENT.—Section
21 5304(f)(3)(A)(ii) of title 49, United States Code, is
22 amended by striking “comment on the proposed plan”;
23 and inserting “provide input during the development of
24 the transportation plan”.

1 **SEC. 7. PERFORMANCE-BASED PROJECT SELECTION.**

2 (a) SECTION 134 AMENDMENT.—Section
3 134(j)(2)(D) of title 23, United States Code, is amended
4 to read as follows:

5 “(D) PERFORMANCE TARGET ACHIEVE-
6 MENT.—In adding projects to a transportation
7 improvement program, a metropolitan planning
8 organization shall create a process to evaluate
9 and select each project or collection of projects
10 based on the project’s (or collection of projects’)
11 inclusion of elements that are known to sup-
12 port, or will foreseeably support outcomes that
13 will achieve the performance targets established
14 in the metropolitan transportation plan by the
15 metropolitan planning organization in accord-
16 ance with subsection (h)(2)(B).”.

17 (b) SECTION 135 AMENDMENT.—Section 135(g)(4)
18 of title 23, United States Code, is amended to read as
19 follows:

20 “(4) PERFORMANCE TARGET ACHIEVEMENT.—
21 In adding projects to a State transportation im-
22 provement program, a State shall create a process to
23 evaluate and select each project or collection of
24 projects based on the project’s (or collection of
25 projects’) inclusion of elements that are known to
26 support, or will foreseeably support, outcomes that

1 will achieve the performance targets established in
2 the long-range statewide transportation plan in ac-
3 cordance with subsection (f)(7)(A).”.

4 (c) SECTION 5303 AMENDMENT.—Section
5 5303(j)(2)(D) of title 49, United States Code, is amended
6 to read as follows:

7 “(D) PERFORMANCE TARGET ACHIEVE-
8 MENT.—In adding projects to a transportation
9 improvement program, a metropolitan planning
10 organization shall create a process to evaluate
11 and select each project or collection of projects
12 based on the project’s (or collection of projects’)
13 inclusion of elements that are known to sup-
14 port, or will foreseeably support outcomes that
15 will achieve the performance targets established
16 in the metropolitan transportation plan by the
17 metropolitan planning organization in accord-
18 ance with section 134(h)(2)(B) of title 23.”.

19 (d) SECTION 5304 AMENDMENT.—Section
20 5304(g)(4) of title 49, United States Code, is amended
21 to read as follows:

22 “(4) PERFORMANCE TARGET ACHIEVEMENT.—
23 In adding projects to a State transportation im-
24 provement program, a State shall create a process to
25 evaluate and select each project or collection of

1 projects based on the project's (or collection of
2 projects') inclusion of elements that are known to
3 support, or will foreseeably support, outcomes that
4 will achieve the performance targets established in
5 the long-range statewide transportation plan in ac-
6 cordance with section 135(f)(7)(A) of title 23.''.

7 **SEC. 8. EFFECTIVE DATE.**

8 This Act and the amendments made by this Act are
9 effective October 1, 2014, and apply only to projects and
10 other activities for which obligations or expenditures are
11 first approved on or after that date.

