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**CRCOG EXECUTIVE COMMITTEE  
NOTICE AND AGENDA  
CRCOG Office, 241 Main Street, 4<sup>th</sup> Floor, Hartford, CT 06106  
Wednesday, August 10, 2016 Noon**

**AGENDA**

1. Roll Call
2. Public Comments
3. Approval of Minutes from May 11, 2016, Handout
4. Chair and Executive Director Remarks and Report
5. Action Item: Resolution Authorizing the Steps Necessary to Create an Ad-Hoc Working Group to Address Crumbling Foundations, Handout
6. Action Item: Approval of CRCOG Comments on Proposed MPO Reform (NPRM), Handout
7. Action Item: Approval of Joint Comments on Proposed MPO Reform (NPRM), Handout
8. Action Item: Resolution Authorizing the Review and Analysis of Northern New England Intercity Rail Initiative, Handout
9. Adjournment

**The next CRCOG Executive Committee meeting  
will be held on October 5, 2016**

# Capitol Region Council of Governments

241 Main St., Hartford, CT 06106  
Phone: (860) 522-2217 FAX: (860) 724-1274  
Web Page: [www.crcog.org](http://www.crcog.org)

## EXECUTIVE COMMITTEE MEETING MINUTES CRCOG Boardroom, 241 Main Street, 4th Floor, Hartford, CT May 11, 2016 Noon

### Attendance

Chip Beckett, Chair  
Jon Colman  
Matthew Hart  
Richard Hines  
Scott Kaupin  
Dave Kilbon  
Marcia Leclerc  
Robert Lee  
Nancy Nickerson  
Scott Shanley  
Ron Van Winkle  
Steve Werbner

### Town/Organization

Glastonbury  
Bloomfield  
Mansfield  
Avon  
Enfield  
East Granby  
East Hartford  
Plainville  
Farmington  
Manchester  
West Hartford  
Tolland

### Staff

Cheryl Assis	CRCOG
Winsome Barnaby	CRCOG
Jennifer Carrier	CRCOG
Mary Ellen Kowalewski	CRCOG
Jennifer March-Wackers	CRCOG
Brittany Stephenson	CRCOG
Lyle Wray	CRCOG
Pauline Yoder	CRCOG

### Guests

Luke Bronin	Hartford
Scott Colby	Plainville

### 1. Roll Call

With a quorum present, Chairperson Chip Beckett called the meeting to order at 12:08 p.m.

## **2. Public Comment**

No public comments.

## **3. Approval of Minutes from March 9, 2016**

**Chairman Beckett requested a motion to adopt the minutes. Jon Colman made a motion to adopt the minutes of the March 9, 2016 Executive Committee meeting. Dave Kilbon seconded. Richard Hines abstained. Motion carried unanimously.**

## **4. Chair and Executive Director Remarks and Report**

Lyle Wray outlined the agenda as well as upcoming meetings including the June 8, 2016 annual meeting and luncheon, the next economic development meeting at the LOB with Penn Professor Burch on June 17, 2016. The topic of the third anchor institutions series will be on how to attract and retain millennials. He shared with the committee a meeting he had with German consul staff member Helmut Lander relating to an upcoming seminar on advanced manufacturing at the LOB in late October or early November. He updated committee on completion of GIS flyover, website development, and Nutmeg network meetings. No further discussion.

Chairperson Beckett reported on a meeting he had with Mayor Luke Bronin and legislative proposals. The committee will plan to have a more effective meeting with legislators in future to ensure legislators understand the needs of the region.

## **5. CRCOG Budget 2016 2017 (FY2016-2017 Budget Highlights)**

Pauline Yoder presented this item to the committee for approval. The budget offers two approaches which includes SGIA funding and a contingency, if funding not received. CRCOG's 2016-2017 budget provides for stable operating revenue for current fiscal year. The outlook for FY2019-2020 is challenging and CRCOG staff recommends review and mitigation measures as necessary beginning FY2018-2019. Pauline answered questions from committee members. No further discussion.

**Jon Colman moved to recommend the budget to the full Board as presented on screen. Dave Kilbon seconded. Motion carried unanimously.**

## **6. Regional Future Options (Handout)**

Lyle Wray introduced this item to the committee which included handouts on previous regional activity. He highlighted the current state of the region and member towns, including lack of growth. He invited the committee to engage in conversation on future options as it related to the pros and cons of regionalism. The discussion resulted in an agreement made by the committee to contact a facilitator to begin developing a paper on solutions for the needs of the region.

## **7. CRCOG Annual Meeting 2016 Planning**

Lyle Wray reminded the committee of the June 8, 2016 annual meeting and luncheon at the Glastonbury Boat House. The guest speaker will be Uconn President Susan Herbst. There were no questions.

## **8. Adjournment**

With no further discussion items, Chairperson Beckett requested a motion to adjourn. **Jon Colman moved to adjourn the meeting. Nancy Nickerson seconded. Motion carried unanimously. Meeting adjourned at 1:57pm.**

**RESOLUTION AUTHORIZING THE STEPS NECESSARY TO CREATE AN AD-HOC  
WORKING GROUP TO ADDRESS CRUMBLING FOUNDATIONS**

**Whereas**, the Capitol Region Council of Governments (CRCOG) has a number of towns that have been impacted by homes and structures with crumbling concrete foundations and;

**Whereas**, towns desire to pursue a working group to help towns and homeowners address issues raised by crumbling foundations;

**Therefore be it resolved**, the CRCOG Executive Committee authorizes the Chair to form an ad-hoc working group of members from elected officials or their appointees to address crumbling foundations including but not limited to: creation of qualified vendors for testing, engineering and remediation; studying funding aid sources, structures and options; and other tasks related to aiding homeowners and towns to address crumbling foundations.

I certify that the above is a true copy of the  
Resolution adopted by the CRCOG Executive  
Committee at its meeting on August 10, 2016.

\_\_\_\_\_  
Lisa Pellegrini  
Capitol Region Council of Governments

\_\_\_\_\_  
Date

## MEMORANDUM

**DATE:** August 1, 2016  
**TO:** Executive Committee  
**FROM:** Lyle Wray, Executive Director  
**SUBJECT:** **Crumbling Concrete Foundations**

As has been reported in the media and was discussed at the last Policy Board meeting, many CRCOG towns -- and a few outside of CRCOG -- have homeowners and others who are experiencing crumbling foundations as a result of pyrrhotite in concrete. A number of towns sent a joint letter to the Governor requesting a number of different items including the creation of a task force.

Many of the affected towns met at CRCOG on July, 2016. One of the results of the meeting was a request to CRCOG to set-up an ad-hoc working group to address issues that would complement state action. For example, CRCOG could create a qualified vendors list for various services related to crumbling foundations, such as inspection services, laboratory testing, structural engineering and remediation. The ad-hoc working group could also study the development of other forms of relief to homeowners based in part on experience with this issue in other areas.

In addition, the towns present at that meeting would like to send another letter to the Governor, signed by as many affected towns as possible supporting the creation of the ad-hoc working group and reiterating the need for action at the state level. A draft of that letter is attached.

The attached resolution creates an ad-hoc working group on crumbling foundations.

August 10, 2016

Governor Dannel Malloy  
State Capitol  
210 Capitol Avenue  
Hartford, CT 06106

**RE: CRUMBLING CONCRETE FOUNDATIONS**

Dear Governor Malloy:

Residents of eastern Connecticut cities and towns impacted by crumbling concrete residential foundations are facing many challenges going forward. The problem as we know it continues to grow on a day by day basis with more people coming forward with deep concerns related to the issue. The undersigned municipalities appreciate and are grateful for the leadership of Lieutenant Governor Wyman and Commissioner Jonathan Harris of the Office of Consumer Protection in the ongoing investigation of the cause of this problem, and the review of possible legal and administrative remedies.

The Capitol Region Council Government (CRCOG) has created an ad-hoc working group to address some of the more immediate issues with regards to crumbling foundations. The undersigned municipalities support CRCOG in the formation of this ad-hoc working group but CRCOG is limited in its reach and resources and authority to act. We would urge your leadership in supporting CRCOG's efforts where appropriate as well as providing us assistance in the formation of legislative proposals to address areas of concern not able to be resolved administratively.

While we feel that the ad-hoc working group we are creating will be able to address some important issues, we continue to request that the State convene a Task Force or Authority made up of qualified State and Municipal Officials, key Legislative Representatives, Staff and other qualified individuals charged with carrying out the recommendations set forth below and ensuring where necessary that legislative proposals are drafted in preparation for the 2017 legislative session. This Task Force or Authority having the official backing of the Governor as well as the full resources of the State Government will be able to best move forward the items listed below.

We stand ready and willing to work together with the State or independently if necessary to help our residents by ensuring that appropriate consideration be given to the interim relief measures. We again encourage the State to consider the following:

- The establishment of an emergency repair fund to provide a means of interim financial relief for residents currently impacted by crumbling foundations.
- The engagement of qualified analysts to conduct a financial impact study to assess the impacts of the issue of crumbling foundations on communities in eastern Connecticut. This study should include information regarding the effect on the overall economy, the housing market and municipal grand lists, as well as other relevant data and information.
- The support of CRCOG's ad-hoc working group in the development of a uniform method for determining any future reductions in the value of impacted homes, based on recently adopted legislation which applies to this matter.

Governor Dannel Malloy

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- Training which focuses on crumbling foundations for home inspectors, real estate agents and municipal building officials. The State should also continue to develop guides with updated information to provide homeowners with information regarding deteriorating foundations and what to do if they believe they have been affected.
- Research for lower cost interim steps which homeowners could take to ameliorate the concrete deterioration. This advice should include a step-by-step guide for monitoring.
- Continued work with the Commissioners of Insurance and Banking to seek protections from insurance companies that may be raising rates in eastern Connecticut and banks that may be calling line of credit and equity loans for homeowners affected by deteriorating foundations.
- Continued availability of representatives from the Department of Banking and the Insurance Department to talk to affected residents about how to address concerns with their banks and insurance companies.
- Exploration of a means for providing emotional support systems to assist impacted residents with family complications associated with this problem.

Once again, we wish to thank the State of Connecticut for the work it has done so far and look forward to a strong partnership and a closer working relationship to bring relief to our residents in need.

Sincerely,

cc: Lt. Governor Nancy Wyman



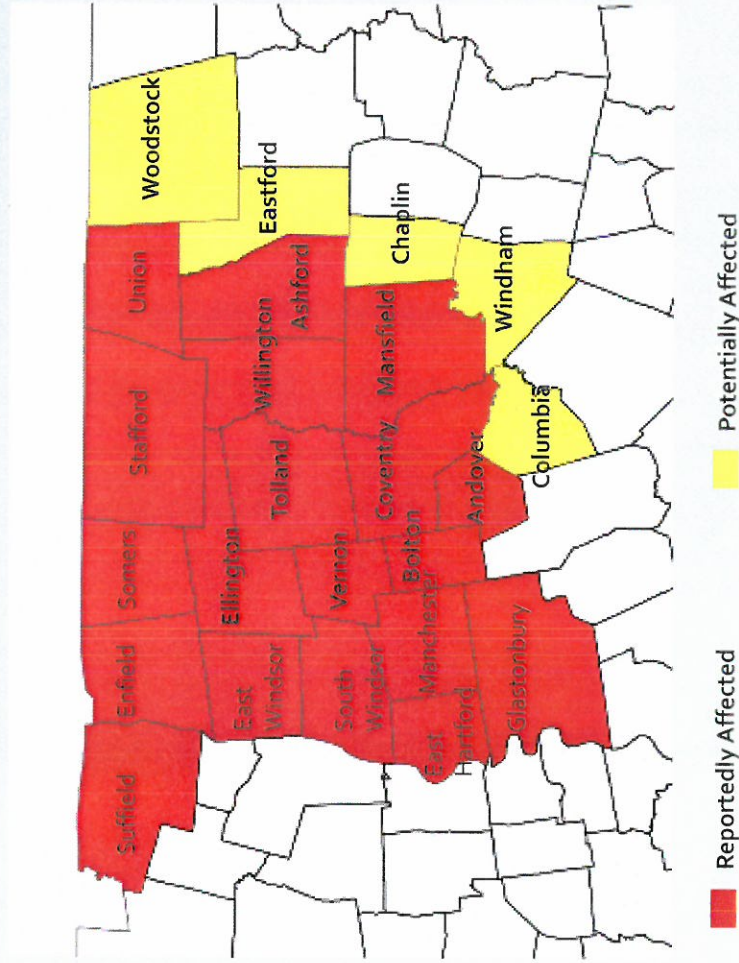
# Crumbling Foundations



Meeting on July 25, 2016

## Who Is Affected?

- All towns within 30 minutes driving distance of the quarry have been affected.
- Some towns outside the 30 minute drive time are affected (Glastonbury and Andover)
- Commercial building could be affected as well
- Walls are where this is often first noticed, but this can affect slabs and footings



## Why Does It Happen?

- Presence of pyrrhotite in the concrete
- Critical element is moisture and the interaction of pyrrhotite with moisture. Homes with small amounts of pyrrhotite (less than 0.3%) still can experience crumbling foundations\*

\*Information from Trois-Rivières, Quebec: Inspector for pyrrhotite issues

## What Does It Cost to Test and Remediate?

- \$3,000 - \$5,000 to test to confirm the presence of pyrrhotite (although other tests may be available – e.g., ultrasound, they are only effective on a limited basis in that they will only work if the crumbling has already started)
- \$100,000 - \$200,000 per home for remediation (the price can be higher dependent on the size of the home)

## What Do We Need to Know?

- How many are affected or could be affected?
  - New York Times reported that the quarry supplied as many as 20,000 homes with concrete
  - Presence of pyrrhotite does not guarantee a problem, but has the potential of a problem
  - Commercial buildings, bridges and other concrete structures such as retaining walls could be affected as well
- What are the long term implications?
  - Reduction in municipal tax will impact mill rates
  - Depressed real estate market in Connecticut's northeast will affect much of the state
  - Long-term economic impacts through a ripple affect from those who are currently affected or will be affected, including businesses and commercial buildings.

## Trois-Rivières, Quebec, Canada

- Similar problem with crumbling foundations as a result of pyrrhotite.
- Construction was between 1996 – 2008
- Estimates of total impacted houses: 1800 confirmed houses (previously 1507). Higher estimates are up to 4000
- Created state funded (and a recent infusion of federal funding) to help homeowners.
- No aid to commercial building owners
- Lost \$13 Million in tax revenue through revaluations (1800 homes)

## Trois-Rivières, Quebec Available Aid for Homeowners

- Insurance Program called “Homeowners’ Guarantee”
  - Construction Guarantee Insurance
  - Private insurance purchased by homeowner on new construction that guaranteed certain aspects of the construction, including the foundation
  - There is no known equivalent in Connecticut
  - Homes remediated: 621
- Pyrrhotite Program
  - Local Program
  - Received State Funding (\$30MM) and recently, Federal Funding (\$30MM)
  - Number of homes remediated: 445, with additional federal funding, expect to help an addition 440 homes

## Trois-Rivières, Quebec Local Program

- Developed in conjunction with the Quebec Housing Corporation (equivalent to the state's housing authority)
- Pays 75% of remediation costs up to \$75,000
- Building must have damage OR have 0.3% or more pyrrhotite as measured by volume
- Must supply two estimates from qualified contractors
- Must be pre-approved through the process before receiving any funding
- Residential foundation or basement rehabilitation only



## What We Can Do?

- Develop a uniform method for determining reductions in assessments for affected homes
  - Assessors are meeting on August 9<sup>th</sup> for a preliminary discussion.
  - It would be helpful for CT OPM to give concurrence to the uniform method so that all the towns will treat this issue in the same manner.
  - Trois-Rivières generally assesses homes at 40% of market value (e.g. a typical 200K house would be valued at 80K), but reviews each case individually to understand extent of the damage (damage may only be to an addition, etc.)

## What We Can Do - continued

- Identify Qualified Inspection and Testing Services
  - RFP for approved laboratory inspection services, potentially at reduced costs
  - Research potential other effective methods of testing
- Develop a Remediation Pricing Index
  - Maximum square footage costs?
  - Qualified contractors?
  - Potential pitfalls with this approach

## What We Can Do - continued

- Pressure on Insurance Companies
  - Anecdotal evidence that some insurance companies will cover loss if presented with lawsuits (unclear under what circumstances, what policies or what conditions)
  - What is the ask to the Insurance Companies?

## Top 10 Homeowner's Insurance Companies in CT

	Company	Premiums (in 000's)	Market Share (%)
1	Liberty Mutual	\$171,952	12.20
2	Chubb Ltd. (2)	161,773	11.5
3	Travelers Companies Inc.	134,350	9.5
4	Allstate Corp.	103,590	7.4
5	State Farm Mutual Automobile Insurance	73,026	5.2
6	USAA Insurance Group	71,659	5.1
7	Amica Mutual Insurance Co.	65,995	4.7
8	Nationwide Mutual Group	65,221	4.6
9	Hartford Financial Services	58,839	4.2
10	MetLife Inc.	48,272	3.4

## What We Can Do - continued

- Emergency Repair Fund
  - Trois-Rivières program has not covered all the affected homes, but the program has helped mitigate the problem
  - Administered by?
  - How funded?
- Study and understand the long term economic impact
  - Overall economy
  - Housing market
  - Municipal grand lists, etc.

June 21, 2016

Governor Dannel Malloy  
State Capitol  
210 Capitol Avenue  
Hartford, CT 06106

**RE: CRUMBLING FOUNDATIONS**

Dear Governor Malloy:

Residents of eastern Connecticut cities and towns impacted by crumbling residential foundations are facing many challenges going forward. The undersigned municipalities appreciate and are grateful for the leadership of Lieutenant Governor Wyman and Commissioner Jonathan Harris of the Office of Consumer Protection to investigate the cause of this problem, explore possible means of assisting homeowners and to review possible legal remedies.

The complexity of the issue requires time to thoroughly investigate all details involved, and review is necessary should there be any legal remedies available. We would request that the State immediately convene a working group or authority made up of qualified State and Municipal Officials, key Legislative Representatives, Staff and other qualified individuals charged with carrying out the recommendations set forth below and ensuring where necessary that legislative proposals are drafted in preparation for the 2017 legislative session. It is imperative that the Task Force or Authority receive appropriate Staff assistance from the State, including Legal Counsel, with a set schedule for issuing periodic progress reports. One of the first tasks of this group should be to contact Officials in Quebec, Canada as to steps they have taken over the last five years to address similar problems in their province.

While the State works through its deliberate process, some homeowners have taken action to protect their legal rights and/or have made costly repairs to their failing foundations. We have seen firsthand that impacted homeowners need relief soon and encourage the State of Connecticut to take steps in that direction.

We stand ready and willing to work together with the State to help our residents by ensuring that appropriate consideration be given to the interim relief measures identified in this letter. Some possibilities we encourage the State to consider:

- The State should establish an emergency repair fund to provide a means of interim financial relief for residents currently impacted by crumbling foundations. Many homeowners have had to expend funds for legal assistance related to the problem and/or make repairs to their foundations. Potential sources of funding might include the Small Town Economic Assistance Program, an adjustment to existing fees or surcharges, the Small Cities Grant Fund or Federal resources.

- The State should engage qualified analysts to conduct a financial impact study to assess the impacts of the issue of crumbling foundations on communities in eastern Connecticut. This study should include information regarding the effect on the overall economy, the housing market and municipal grand lists, as well as other relevant data and information.
- The State can support the Capitol Region Council of Governments in convening the Connecticut Assessors Association, local Assessors, Chief Elected Officials and Town Managers to develop a uniform method for determining any future reductions in the value of impacted homes, based on recently adopted legislation which applies to this matter.
- The State should support the Capitol Region Council of Governments in their efforts to identify a list of qualified contractors to conduct inspection services and foundation repairs, including a less expensive testing means; and develop a pricing index including a maximum per square foot cost that qualified contractors can charge homeowners for services.
- The State should provide training which focuses on crumbling foundations for home inspectors, real estate agents and municipal building officials. The State should also continue to develop guides with updated information to provide homeowners with information regarding deteriorating foundations and what to do if they believe they have been affected.
- The State should request information from its consultants on lower cost interim steps which homeowners could take to ameliorate the concrete deterioration which, if proven valid, could include items such as grading slopes away from foundations, cracksealing, waterproofing, curtain drain repair and enhancements and gutter revision. This advice should include a step-by-step guide for monitoring.
- The State should continue to work with the Commissioners of Insurance and Banking to seek protections from insurance companies that may be raising rates in eastern Connecticut and banks that may be calling line of credit and equity loans for homeowners affected by deteriorating foundations.
- We encourage the State to continue to make representatives from the Department of Banking and the Insurance Department available to talk to affected residents about how to address concerns with their banks and insurance companies.
- The State should explore a means for providing emotional support systems to assist impacted residents with family complications associated with this problem.

Governor Dannel Malloy  
Page Three  
June 21, 2016

Once again, we wish to thank the State of Connecticut for the work it has done so far and look forward to a stronger partnership and a closer working relationship to bring relief to our residents in need.

Sincerely,



A handwritten signature in cursive script, appearing to read "Steven Werbner".

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Steven Werbner  
Town Manager



A handwritten signature in cursive script, appearing to read "Christina Mailhos".

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Christina Mailhos  
First Selectman



A handwritten signature in cursive script, appearing to read "John Elsesser".

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John Elsesser  
Town Manager



A handwritten signature in cursive script, appearing to read "Paul M. Shapiro".

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Paul Shapiro  
Mayor

SW/CM/JE/PS/lfb

cc: Lt. Governor Nancy Wyman  
Jonathan Harris, Commissioner, Consumer Protection  
Matthew Hart, Mansfield Town Manager  
Lyle Wray, CRCOG



**RESOLUTION AUTHORIZING THE SUBMISSION OF COMMENTS BY CRCOG FOR THE  
PROPOSED RULE REGARDING METROPOLITAN PLANNING ORGANIZATION REFORMS**

**Whereas**, the United States Department of Transportation (USDOT) has released a proposed rule on “Metropolitan Planning Organization (MPO) Coordination and Planning Area Reform.”

**Whereas**, the rule focuses on redrawing Metropolitan Planning Areas based on U.S. Census Urbanized Areas (UZAs), and then requiring that each UZA have a common MPO (with existing MPOs merging if necessary) or at least a common long-range plan, Transportation Improvement Program and performance targets;

**Whereas**, CRCOG wishes to submit comments regarding this rule generally opposing the rule and requesting local input regarding MPO boundaries and planning;

**Therefore be it resolved**, the CRCOG Executive Committee authorizes the Executive Director to submit comments from CRCOG regarding the proposed rule according to the draft as submitted to the Executive Committee.

I certify that the above is a true copy of the  
Resolution adopted by the CRCOG Executive  
Committee at its meeting on August 10, 2016.

\_\_\_\_\_  
Lisa Pellegrini  
Capitol Region Council of Governments

\_\_\_\_\_  
Date

**SUMMARY & DRAFT COMMENTS – CAPITOL REGION COUNCIL OF GOVERNMENTS**

USDOT NPRM Concerning MPO Coordination and Planning Area Reform

Docket No. – FHWA 2016-0016

Deadline for Comments – August 26, 2016

**Summary of Issue:** The United States Department of Transportation (USDOT) has released a proposed rule on “Metropolitan Planning Organization (MPO) Coordination and Planning Area Reform.” The rule focuses on redrawing Metropolitan Planning Areas based on U.S. Census Urbanized Areas (UZAs), and then requiring that each UZA have a common MPO (with existing MPOs merging if necessary) or at least a common long-range plan, Transportation Improvement Program and performance targets.

**CRCOG’s Concern**

1. The intent of the MPO structure is to enable local input to regional or statewide transportation and planning initiatives. The NPRM as proposed would considerably dilute local input into regional and statewide transportation planning initiatives, disenfranchise urban cores by potentially increasing the weight and power of wealthy suburbs, create additional layers of bureaucracy and complexity in the name of coordination without achieving the desired results from what is being done today.
2. CRCOG has considerable concerns regarding the application of this new rule regarding the boundaries for MPAs as well as contiguous or overlapping MPAs. If applied to its fullest extent (where overlapping or contiguous MPAs are encouraged to merge), the eastern seaboard should have one MPA from Massachusetts to Maryland. CRCOG understands this is not the intent of the rule, but at a minimum, clarification of overlapping and contiguous MPAs is critical for effective application of any rule changes.
  - a. Specifically, the proposed rule encourages merger of the MPAs. But the rule does not address how to comply with the requirements that MPA boundaries encompass the entire UZA in cases where the merger of MPAs is not desired or practical.
  - b. CRCOG believes there are Environmental Justice issues with the application of the boundaries as the new rule stands. For example, in order to comply, without a 10 state merger of MPAs, CRCOG and its neighbors would divide the boundaries of the MPAs to be in the middle of a local jurisdiction (northern East Granby would be in the Springfield MPA and East Granby would be in the Hartford MPA). In addition to unnecessary complexity, this creates considerable Environmental Justice issues by giving seemingly random suburbs double the voice of other jurisdictions in the planning process. This is one practical example, but CRCOG has a number of others within the Hartford/Springfield

area: South Windsor, East Windsor, East Granby, Stafford, Haddam, and there are many more examples throughout the state of Connecticut.

- c. The rule assumes that UZAs will grow in the regions. Although this may be true in other areas across the country, this is not the reality in Connecticut where populations in many suburbs are declining. Many of the towns that are currently in Hartford's UZA (assuming the census methodology does not change) are likely to remain the same in size or reduce in its UZA footprint and may not be in a UZA in 20 years. At a minimum, the rule should allow the determination by MPOs and forecasting such that reduction in the UZA is taken into account.
3. Census-defined urbanized areas are statistical constructs that do not account for regional travel sheds, transportation facilities and services, and congestion patterns. Furthermore, the factors and methodologies for determining urbanized area boundaries change with every new Census, so there may not be consistency in defining UZAs from one census to the next.  
23 US Code 134 e defining the boundaries of the MPA clearly states that a change in the urbanized area does not require the MPO to change its boundaries (23 US Code 134 e (3)). The current CFR reflects the flexibility of the MPA boundaries implicit in the code. Although the new rule allows for MPOs to remain the same, the rule allows for no flexibility regarding the MPA boundaries.
4. MPOs reflect local decision-making with federal regulations vesting municipalities with the authority to set and define their jurisdictional boundaries. This process has created long established interrelations based on how best to plan and invest in their transportation infrastructure. This has resulted in the potential of having multiple MPOs within a single UZA and in some cases multiple UZAs within one MPO. The proposed rules would continue to allow more than one MPO to operate in an MPA, but it requires that the Governor and the existing MPOs determine if the size and complexity of the planning area warrants multiple MPOs within a MPA. However, the proposed rules are silent on what happens if the Governor and the MPOs do not agree. The proposed rules create the potential for a conflict but offers no resolution.
5. The proposed rule serves no clear purpose, as MPO mergers and preparation of common planning documents are both allowed under current regulations for those areas where such actions are deemed appropriate. The proposed rule would force an unnecessary, cumbersome and likely unbeneficial "one size fits all" approach on a wide range of MPOs.
6. The proposed rule would create a logistical and political nightmare for many MPOs, especially those in complex, multi-state metro areas. In the CROG region, there would need to be coordination into a single document with five MPOs in multiple UZAs across state boundaries.
7. The proposed solution is not necessary, as coordination between MPOs already occurs. There are many excellent models of regional cooperation, including the existing coordination between CROG and the Pioneer Valley Planning Commission through a MOU, as well as the partnerships they have undertaken for the New Haven

Springfield Rail line (which is inclusive of 3 MPOs along that corridor). These types of arrangements provide the flexibility needed to coordinate regional planning without subjecting MPOs to the intense political pressure of having to satisfy multiple state administrations.

8. The proposed rule assumes that the coordination, mergers, redesignation and creation of combined documents will not require additional staffing or funding. It may be true that the MPOs may be able to comply with the rule without additional funding, but this rule is a huge undertaking for the affected MPOs. The consequence will be that valuable transportation planning work will be delayed or not completed while staff focuses on complying with the rule.
9. Implementing the rule two years before the next census is impractical and would, potentially, create the need for two redesignations within a four year time period. At a minimum, the Long Range Transportation Plans, performance metrics and other combined documents that would have been painstakingly combined and coordinated by 2019, would have to be overhauled after the 2020 census.
10. CRCOG does not believe a 2 year time period to complete the implementation is practical. Given that the MPO redesignations that CRCOG just undertook took two years to complete, CRCOG believes that with the addition cross-MPO and cross-state agreements, as well as the need to combine and coordinate performance metrics and long range transportation plans, the implementation timeline should be extended. In some cases, the timeline would be out of the MPO's control. For example, state compacts or agreements may need to be revised and updated and that would put the MPOs at the mercy of the timeline of the department of transportations between respective states.
11. Larger MPOs and/or common planning efforts would make it more difficult for the general public to understand how their MPO functions and how the MPO Board represents their interests. The very real and legitimate interests of many parts of MPO regions risk becoming "lost in the shuffle" of the very large scales proposed by the rule, and public outreach in general would be less effective. Although some of proposed a single state MPO for the state of Connecticut, CRCOG strongly believes that local knowledge and input is key to the success of many transportation planning projects. With a potential single multi-state MPO, local knowledge and input in these important processes.
12. The rule hinders integrated planning processes. Although the rule is designed to increase coordination in transportation planning issues, it further divorces transportation planning from other planning efforts, such as land use, economic development, emergency preparedness and hazard mitigation, all of which are inter-related with transportation planning.

### **Alternatives and Suggestions**

1. CRCOG would propose a complete and full withdrawal of the rule.

2. If withdrawal of the rule is not possible, CRCOG would request at a minimum the elimination of the rule requiring common planning documents between MPOs that share urbanized areas.
3. If the rule is not withdrawn, CRCOG would request the following:
  - a. Delay implementation of the rule to at least after the 2020 census' urbanized areas are published.
  - b. Allow for additional time (3 or 4 years) for full implementation of the rule. Having recently completed a redesignation process, CRCOG's experience is that either redesignation, the combination of planning products, and the negotiation of multiple agreements must be done in stages in order for planning work not to fall by the wayside.
  - c. Allow flexibility for overlapping UZAs or contiguous UZAs in determining the appropriate MPO and MPA boundaries.
  - d. Allow for jurisdictions that are primarily rural or are expected to become rural in the next 20 years, be allowed to not be in the MPA or MPO.
  - e. Allow for jurisdictions that are contiguous or bordering multiple UZAs to be able to choose the MPA in which to align because of local political, geographic, or other concerns not applied in the census considerations.
  - f. Encourage MPO coordination through voluntary agreements, as is currently in place with CRCOG and PVPC as well as between CRCOG, NVCOG and RiverCOG.

### **Conclusion.**

CRCOG requests a complete withdrawal of the rule. Local/metropolitan regional decision making is key to successful transportation planning and to integration with land use and economic development. The new rule hampers this very important function. CRCOG strongly urges withdrawal of the rule or a complete restructuring of the rule to allow for local/metropolitan regional determination of the planning region as well as retention of local input into the transportation planning process.

# MPO Coordination NPRM

## Outline of Potential Talking Points/Areas of Commentary

*(revised per multi-MPO teleconference - 7.20.16)*

## Current Coordination Activities

- The “3C” process and regs which govern it already encourage coordination within and between MPAs
- Voluntary MPO coordination in metropolitan regions is occurring and evolving under the current regulations
  - NY-NJ-CT Metropolitan Area Planning (MAP) Forum and its NY-CT Coastal Corridor Alliance
  - NJ-PA *Planning at the Edge*
  - CT statewide MPO coordination
  - NJDOT Complete Team initiative
- Coordination is currently based on voluntary planning agreements
  - Data & analytical coordination
  - Planning products
  - Studies and boundary projects
- Proposed rules may undermine these efforts and add complexity, rather than efficiency
- There ARE alternatives, which are outlined below

## Metropolitan Planning Area (MPA) Definition

- Census urbanized area geography is designated federally while MPO designations are locally-driven
- Census urbanized area geography is not consistently reflective of transportation realities; it is a statistical construct that:
  - Does not account for regional travel sheds or for air quality non-attainment areas
  - Can be disruptive to rural planning organizations
- The NPRM's "encouragement" of combining contiguous urbanized areas within MPAs needs to be clarified

## MPA Definition (continued)

- Contiguous urbanized areas can lead to unwieldy MPAs
  - For example, contiguous urbanized areas currently stretch across eight states from:
    - The Baltimore-Washington region in Virginia and Maryland; through
    - The Philadelphia region in Pennsylvania and New Jersey and New York City region in New Jersey, New York and Connecticut; and into
    - The New Haven and Hartford regions in Connecticut and the Springfield region in Connecticut and Massachusetts
  - Additionally, twenty-year forecast boundaries can result in overlapping urbanized areas and bring in other nearby but not currently contiguous urbanized areas, increasing complexity

## Planning Process Concerns

- A two year phase-in period will be inadequate for multi-state MPAs and/or multi-MPO MPAs
- Census geography can change over time, thus introducing additional instability and uncertainty into MPO planning processes
- Federal formula funding distribution may not correlate well with MPAs that combine urbanized areas, multi-state MPAs and/or multi-MPO MPAs
  - Fiscal constraint and project will be further complicated in these areas
  - TIP-STIP relationships will be further complicated in these areas
- Program management in multi-state MPAs and/or multi-MPO MPAs will be unwieldy

## Planning Process Concerns (continued)

- The relationship of MPAs that combine urbanized areas, multi-state MPAs and/or multi-MPO MPAs to air quality non-attainment areas could potentially create complexities in transportation conformity
  - Analytical tools will likely be unable to accommodate larger areas without costly enhancements
- Performance management is only meaningful in coherent travelsheds
  - Analytical tools for measurement and forecasts will likely be unable to accommodate larger areas without costly enhancements



## Responsiveness to the Public

- Larger entities and scales do NOT improve responsiveness
  - Planning at a larger scale will be at an even greater remove from local concerns and issues

## Alternative Models for Coordination

- Planning agreements among neighboring MPOs in redefined MPAs can establish:
  - Coordination of planning data, analytics and assumptions
  - Joint data collection, modelling and forecasting
  - Reciprocal listing of “boundary” studies and projects
  - MPA overview sections to be included in all individual MPO plans that would provide:
    - System inventory and travelshed
    - Socio-economic/demographic and travel forecasts
    - Critical corridors and regionally-significant “boundary projects”
    - Joint funding initiatives
- Pursue better megaregional coordination through the I-95 Corridor Coalition framework

## Other Changes to Recommend

- Exemption for MPOs established prior to ISTEA (same as planning rule exemption in GROW AMERICA bill)
- Special designations for “high performing” MPOs (per GROW AMERICA bill)
  - High-Performing MPOs are those that coordinate well with other MPOs in the region, consider performance goals as part of their planning, have equitable approaches to decision making, and demonstrate high technical capacity
  - Cap MPO changes at an MPA population of 1 million

**RESOLUTION AUTHORIZING THE SUBMISSION OF JOINT COMMENTS FROM CRCOG  
AND OTHER ORGANIZATIONS FOR THE PROPOSED RULE REGARDING  
METROPOLITAN PLANNING ORGANIZATION REFORMS**

**Whereas**, the United States Department of Transportation (USDOT) has released a proposed rule on "Metropolitan Planning Organization (MPO) Coordination and Planning Area Reform."

**Whereas**, the rule focuses on redrawing Metropolitan Planning Areas based on U.S. Census Urbanized Areas (UZAs), and then requiring that each UZA have a common MPO (with existing MPOs merging if necessary) or at least a common long-range plan, Transportation Improvement Program and performance targets;

**Whereas**, CRCOG wishes to submit joint comments with other Councils of Governments (COGs) and MPOs in the state regarding this rule generally opposing the rule and requesting local input regarding MPO boundaries and planning;

**Therefore be it resolved**, the CRCOG Executive Committee authorizes the Executive Director to submit comments from CRCOG regarding the proposed rule generally following the draft as submitted to the Executive Committee along with any necessary edits as negotiated with other COGs and MPOs.

I certify that the above is a true copy of the  
Resolution adopted by the CRCOG Executive  
Committee at its meeting on August 10, 2016.

\_\_\_\_\_  
Lisa Pellegrini  
Capitol Region Council of Governments

\_\_\_\_\_  
Date

**The Honorable Gregory G. Nadeau  
Administrator  
Federal Highway Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590**

**And**

**The Honorable Carolyn Flowers  
Acting Administrator  
Federal Transit Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590**

### **SUMMARY & DRAFT COMMENTS**

**Capitol Region Council of Governments  
Connecticut Metropolitan Council of Governments  
Lower Connecticut River Council of Governments  
Naugatuck Valley Council of Governments  
Northeastern Connecticut Council of Governments  
Northwest Hills Council of Governments  
South Central Regional Council of Governments  
Southeastern Connecticut Council of Governments  
Western Connecticut Council of Governments**

**USDOT NPRM Concerning MPO Coordination and Planning Area Reform  
Docket No. – FHWA 2016-0016  
Deadline for Comments – August 26, 2016**

**Summary of Issue:** The United States Department of Transportation (USDOT) has released a proposed rule on “Metropolitan Planning Organization (MPO) Coordination and Planning Area Reform.” The rule focuses on redrawing Metropolitan Planning Areas based on U.S. Census Urbanized Areas (UZAs), and then requiring that each UZA have a single MPO (with existing MPOs merging if necessary) or at least a single, shared Metropolitan Transportation Plan, Transportation Improvement Program and performance targets for each UZA.

The undersigned MPOs and Councils of Governments object strenuously to the proposed rule and would like to comment on a number of significant items affecting our agencies.

## Issues

1. The proposed rule would undermine the fundamental role of Metropolitan Planning Organizations - to provide a vehicle for local input into planning decisions, in-particular by removing the prerogative of elected officials to determine logical, functional transportation planning regions. A core function of MPOs is to inform and involve local decision-makers. The proposed rule would enforce irrelevant geographies and geographic scales on local governments and elected officials. In effect, under the proposed rule, the U.S. Census Bureau will choose the local officials and governments to be involved in the metropolitan planning process, instead of elected officials determining what makes sense for their region and constituents. The imposed scoping of planning products into covering statistically-defined UZAs and/or creation of larger MPOs will impede public involvement, dilute local input, and will not ensure that the right decision-makers are at the table. The intent of the law establishing MPOs was to enable local input in regional decisions. We believe this rule goes against that original intent.
2. MPOs are required by 23 U.S.C. § 134 (c) (3) to ensure that their work is “continuing, cooperative, and comprehensive.” We believe the proposed rule conflicts with this statutory requirement in several ways:
  - 2.1. Continuing – The methodologies of the U.S. Census Bureau, which change every ten years and cannot be predicted in advance, will dictate whether an UZA and therefore an MPO, will exist in the future. What is the value of a long-range Metropolitan Transportation Plan (MTP) when there is no certainty that the MPO will exist beyond the next decennial census to fund or implement the plan? Furthermore, there is no statutory or regulatory mechanism that will ensure that the funding decisions of a former MPO will be honored by a much larger successor MPO.
  - 2.2. Cooperative – The proposed rulemaking creates an adversarial situation by conflicting with MPOs continuation provisions in 23 U.S.C. § 134 (d) (4) and (5). If an MPO wishes to maintain existing MPA boundaries, the rule would require gubernatorial agreement. The rule provides no substantive conflict resolution process for if there is no agreement between the MPO(s) and governor(s). The resulting conflict could destroy the cooperative relationships that MPOs have built with their states and neighboring MPOs over the decades. A stalemate could escalate into political tactics to force redesignation votes from local elected officials or MPOs refusing to approve amendments to the TIP for state projects.
  - 2.3. Comprehensive – By disregarding political boundaries, the rule will create MPAs that are independent from every other geographic jurisdiction and divide logical and functional planning units. The irrelevant, and ~~seemingly in many cases,~~ arbitrary geography of UZAs will force many MPOs into a transportation planning silo separated from the municipal, regional, and state boundaries within which economic development, emergency preparedness, disaster recovery, environmental management, and land use are planned. We believe the proposed rule makes the type of comprehensive transportation envisioned in recent transportation bills more difficult.

3. U.S. Census Bureau-defined UZAs do not take into account the defining elements of a regional transportation system, in particular: road and highway networks, transit routes and services, travel patterns (including commuting and freight), and water-based transportation.
  - 3.1. The methodology for determining UZAs changes with every census. In Connecticut, the primary driver for changes in UZAs has not been population growth and land development, but adjustments to the census' methodology. In 2000, for example, the Census Bureau made significant changes to the UZA formula. These resulted in the merger of the New Britain-Bristol UZA into the Hartford UZA. The underlying [economics](#) [economy](#) and population had not changed significantly prior to the UZAs being merged. The primary driver was the change in the methodology by the Census Bureau.
  - 3.2. UZA boundaries can change and, since 1990 have changed, with each decennial census. The proposed rule would require potential change in MPAs and MPOs every decade. The resulting instability, where MPA boundaries and MPO membership (and existence) change every ten years, conflicts with and undermines an MPO's core function of creating a Metropolitan Transportation Plan with a 30-year horizon.
  - 3.3. The Census Bureau is clear that the UZAs are not intended for planning purposes and, that if agencies use them for non-statistical programs, that UZA geography be assessed for appropriateness for the program and that modifications be considered to better align the UZA for the purposes of the program. USDOT, during in its July 15, 2016 webinar, confirmed that no such assessment or modification had been done.
  - 3.4. The Census Bureau methodology for creating UZAs makes the assumption that undeveloped land is rural, when in highly urbanized areas of the country most undeveloped land actually provides essential urban services such as water supply and recreation space. The barriers created by these "rural" lands [cuts](#) suburbs off from their central cities, and may assign those municipalities to more distant central cities, with which they have far weaker associations.
4. The new rule has potential implications for Title VI and Environmental Justice, and it appears that these implications have not been fully explored. These include, for instance:
  - 4.1. If the governor(s) and MPOs agree that the MPOs' boundaries need not change because of the complexity of the region, MPAs and MPOs may have incongruent boundaries. Jurisdictions in the MPOs, then, may have a vote on Metropolitan Transportation Plans and projects that are not in their MPA. In addition, municipalities with parts in two UZAs would be in two MPAs. The rule creates many instances of this scenario in Connecticut and could give outlying suburbs and exurbs, which lie on the fringe of multiple metropolitan regions, a voice on two MPO policy boards, while jurisdictions located in the urban core will have only one voice on one MPO policy board. In Connecticut, these suburban and exurban municipalities are consistently less racially and ethnically diverse and wealthier than the central cities and UZA as a whole.
  - 4.2. The MPO mergers that would result from the proposed rule would disproportionately impact cities that were formerly central cities and now take on the role of secondary or

tertiary satellite city. Although structures may exist in larger, established MPOs to address Title VI and Environmental Justice mandates and concerns, there is nothing in the rule governing MPO mergers. Smaller MPOs that are absorbed into larger MPOs will have no leverage to ensure that local issues and concerns, including Title VI and Environmental Justice, will be honored by the new much larger MPO.

5. In the last two years, Connecticut has led the nation in MPO changes. Since 2014, Connecticut has had one MPO merger, three MPO redesignations, and one MPO dissolution. In addition, two MPOs have functionally integrated, with a single host agency. All of Connecticut's MPO changes were voluntary and were accomplished under existing rules and statutes. USDOT has not contacted Connecticut's MPOs to learn from our experiences.
  - 5.1. There will be significant costs to MPO mergers/redesignations during the compliance periods. The formation of the Lower Connecticut River Valley Council of Governments from the voluntary merger of Connecticut River Estuary Regional Planning Agency and Midstate Regional Planning Agency cost approximately \$1.7 million in staff time and direct costs.
  - 5.2. An implementation timeline of two years is very aggressive given the extent of the required changes, including mergers, redesignations, and coordination agreements. Lower Connecticut River Valley Council of Government's merger took four years, despite being a voluntary merger.
  - 5.3. We anticipate considerable resources will need to be redirected to the creation, merging and separation of Metropolitan Transportation Plans and existing planning documents. In addition, coordinating Transportation Improvement Programs (TIPs) across borders and negotiating within multi-state MPOs and MPAs will be a learning experience and will take resources to implement and negotiate properly. The proposed rulemaking makes no clear provisions for new multi-state MPOs and the need for the additional time, work, and state-legislation associated with their creation.
  - 5.4. Given the potential for UZA changes following the 2020 census, many MPOs could face a second set of mergers/redesignations within a span of only four years. For many MPOs in Connecticut, this would constitute a third restructuring in less than a decade. A history of UZA mergers in Connecticut following census, makes such restructurings likely.
  - 5.5. The proposed regulation gives no incentive for rural municipalities that contain small portions of a UZA to join MPOs, leading to compliance issues. Specifically, these primarily rural municipalities may not want to be part of an MPO and pay consequent dues. By requiring the MPO be inclusive of these municipalities, an MPO could be out of compliance if the municipality chooses not to join. Most MPO-related projects and services do not reach these municipalities, and these municipalities will see little benefit in joining the MPO. In Connecticut, at least one community that recently chose to leave its MPO, and there are a number of others who, we anticipate, will not want to join an MPO despite being overlapped by a UZA.

- 5.6. The rule does not have a resolution mechanism for when governor(s) and MPOs disagree on whether area is “complex” enough for two or more MPOs in a single UZA. The local elected officials that comprise the MPO policy board will not have any leverage on the governors, besides refusing to grant their approval to projects and air quality determinations. Such a conflict would be disastrous to the cooperative metropolitan planning process.
6. The proposed rule is unnecessary, at least in Connecticut and the tri-state New York metro area. MPOs in this state and area already coordinate extensively, both formally and informally, on a regular basis. The NPRM fails to account for the high level of coordination already occurring among MPOs:
  - 6.1. MPOs in Connecticut already participate in a number of high level coordination activities with each other and with MPOs in our bordering states of New York, Massachusetts, and Rhode Island. These include interregional planning initiatives, inter-MPO voluntary agreements regarding funding and planning, regular, frequent coordination meetings, and support and planning of various projects across MPO boundaries.
  - 6.2. This proposed rule would add unnecessary complexity to the planning process. Municipalities divided into multiple MPA will need to be members of multiple MPOs and be included in multiple Metropolitan Transportation Plans and Transportation Improvement Programs. These artificial and seemingly arbitrary geographies will confuse local officials and members of the public alike, hindering their involvement. In addition, the proposed rule provides no new funding for the addition work needed to create cross-coordinating MTPs and TIPs, particularly across state boundaries, where MPOs will be working with multiple state departments of transportation and multiple ways of doing business.
  - 6.3. If the rule were applied as suggested by USDOT during its webinars (with contiguous MPAs merging), there could be one MPA from Massachusetts to Maryland consisting of eight states. Encouraging the creation of mega-MPOs does not learn from history and the failed Tri-State Regional Planning Commission, which was dissolved due to overextension and unworkability in 1981. The creation of very large MPOs may not be a workable or desirable solution in parts of the country with a strong home rule history.
7. We believe the regulation conflicts with existing statutes, including the requirements of 23 U.S. Code § 134 (c) and (j), which state that each MPO must create its own MTP and TIP. The proposed rulemaking would contradict this by requiring MPOs to jointly create a single MTP and per UZA. Under the proposed rulemaking, MPOs sharing an UZA would not have their own MTP or TIP.



## Alternative Proposals

We request withdrawal of the NPRM completely. Local governments, via their elected officials, should be afforded maximum flexibility in defining logical planning areas that are based on local and regional conditions, transportation facilities and systems, travel sheds, congestion patterns, and demographic and travel forecasts. The Census Bureau's UZAs should not be used as the determinants for metropolitan planning. If a resolution must be sought, it should come through a legislative, rather than rulemaking process.

If withdrawal is not granted, we would propose the following:

1. Extend the public comment period to 180 days to allow MPOs, members of Congress, states, communities of concern, and other critical stakeholders ample time to comment and propose modifications to the proposed rule. This is especially critical given that this comment period overlaps with the final set NPRM for MAP-21 and FAST Act.
2. Preserve elected officials' power to determine appropriate MPO or MPA boundaries based on their local understandings of what constitutes a logical planning region – rather than basing such determinations on a statistical construct not intended for such purposes.
3. Delay of implementation of the rule until after the 2020 census to avoid the unnecessary cost and disruption of repeated mergers or redesignations.
4. Exempt municipalities with little territory within a UZA from having to join an MPO, when those municipalities are expected to remain predominately rural for the next 20 years.
5. Exempt MPOs that can demonstrate that their organizations have been pursuing significant increased coordination and efficiency within the past three years.
6. Extend the implementation timeline to three years following the decennial census to enable orderly implementation and limit unnecessary cost and disruption.
7. Investigate incentives such as funding bonuses to achieve voluntary MPO mergers under existing regulations and statutes.
8. Modify the rule to include proven strategies that increase MPO coordination and other tools such as cross-acceptance procedures to realize better coordination.

## Conclusion

We request a complete withdrawal of the rule. Having led the country in significant MPO changes, Connecticut's COGs are experts on the real cost and consequences of MPO dissolutions, mergers, and redesignations. These activities will not be completed at "minimal cost." The work needed to accomplish these MPO transformation will disadvantage and handicap specific regions of the country, as they will have to dedicate staff and resources towards multiple MPO mergers during the next five years, at the expense of transportation planning services and responsibilities. The rule undermines the 3-Cs of continuing, cooperative, and comprehensive transportation planning and for affected MPOs replaces it with a more temporary, adversarial, and self-contained transportation planning practice.

**MEMORANDUM**

**DATE:** August 1, 2016  
**TO:** CRCOG Policy Board Members  
**FROM:** Lyle Wray, Executive Director  
**RE:** **USDOT Notice of Proposed Rulemaking**

On June 27, 2016, the United State Department of Transportation (USDOT) published a Notice of Proposed Rulemaking (NPRM). The NPRM would make significant regulatory changes to how Metropolitan Planning Organizations (MPOs) are established and operate. The proposed regulations constitute a major departure from over 50 years of practice. In particular, the rules would:

- Eliminate local self-determination in the definition of transportation planning regions (also known as Metropolitan Planning Areas (MPA) which are different from the MPOs). Instead, regions would be defined by a methodology developed by the U.S. Census Bureau. The methodology does not factor in economic relationships or transportation patterns.
- Result in significantly larger planning regions that dilute local influence over transportation planning and the programming of federal transportation funds. The planning regions that result may be centered outside of the state of Connecticut.
- Result in multiple MPAs for CRCOG with some towns within CRCOG in two MPAs. CRCOG would divide into two MPAs: Hartford MPA and Springfield MPA. Some of CRCOG towns would be part of the Springfield MPA, others part of Hartford and a few in both.
- Result in the need for CRCOG to coordinate a single transportation plan across four other COGs or MPOs. MPOs would be required to create single transportation planning documents (such as the Long Range Transportation Plan (LRTP) and the Transportation Improvement Program (TIP)) for the MPA. This would require CRCOG to work with at least four other existing MPOs or COGs to create the long range transportation plan for the Hartford MPA and work with Pioneer Valley (PVPC) for a bi-state TIP and LRTP for the Springfield MPA separate from the other CRCOG towns.
- Create the potential for significant change in MPOs and consolidations after every Census. These include two potential consolidations by 2022 as well as one each decade thereafter.

The NPRM may be viewed here: <http://bit.ly/296gYd6>. USDOT is accepting comments on the proposed rule until August 26, 2016.

This issue is on the agenda for the Executive Committee on Wednesday, August 10, 2016 at 12:00 PM (noon).

A comprehensive list of questions and answers may be found on the following pages.

## Questions and Answers

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Urbanized Area .....	6
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## Impact of the Proposal

### **1. What would the proposed regulations do?**

The proposed regulations would shift authority for the determination of planning regions and the creation of MPOs from local municipalities to the U.S. Census Bureau and state governors.

Current practice (and federal law) is:

- An MPO may only be established (“designated”) through the agreement of local governments (representing 75% of the population of an area, including the central city) and the Governor of the respective state.
- An MPO that has been designated continues until such time as local governments (representing 75% of the population of an area, including the central city) and the Governor of the respective state agree to change that designation.

The proposed regulations would make changes to these long-standing practices as follows:

- Require the Metropolitan Planning Area encompass the entire Urbanized Area (a statistical unit defined by the Census Bureau) and, if possible, merge or redesignate all jurisdictions within the urbanized area into one MPO.
- The exception to requiring merging or redesignation would be if MPOs and Governor(s) of all involved state(s) agree not to merge the MPOs.
- The rule is silent on whether MPOs would be out of compliance if MPOs and the governor do not agree with the Governor(s) regarding merger or redesignation. Potentially, MPOs could be found to be out of compliance with the regulations and could potentially lose their certification and funding.

### **2. What would this mean for MPOs?**

Because the proposed regulations are triggered on their finalization, as well as when UZAs are adjusted (which the Census Bureau does after every decennial census), the regulations would produce one, and potentially two, mergers or redesignations by 2022 for affected MPOs. After that, they could result in up to one merger per decade.

### **3. How many MPOs are affected?**

Of the over 400 MPOs, approximately 1/3 are affected by this new rule. It is possible that after the 2020 census, additional MPOs would be affected as well.

**4. What is the impact of the proposed regulation in Connecticut?**

In Connecticut, all MPOs and COGs are affected. Towns that are currently not part of an MPO (such as Burlington), will be required to be part of the MPA, and consequently, have to be incorporated into an MPO, or an exception granted. Currently there are no exceptions in the regulations.

Under the proposed regulations, unless the governor and the MPO agree to the continuation of the MPOs and COGs in their current form, Connecticut MPO's would either have to undergo significant MPO boundary redesignation or could be found to be out of compliance with the regulations. This would occur again after the 2020 census.

**5. What does this mean for CRCOG?**

If the Governor and the MPOs agree that a merger is not required, CRCOG would have to coordinate two LRTPs and TIPs with multiple COGs for the Springfield MPA and the Hartford MPA. As part of the Springfield MPA, in conjunction with PVPC, CRCOG would be required to update provide input into a single long range transportation plan (LRTP) and TIP. As part of the Hartford MPA, CRCOG would have to coordinate with Naugatuck Valley COG, Northwest Hills COG and River COG for a single LRTP and TIP.

The following towns would be part of the Springfield MPA: Enfield, and Windsor Locks

The following towns would be part of both the Hartford MPA and the Springfield MPA: East Granby, East Windsor, Somers, Suffield, Windsor

The following towns would have to be incorporated into the Hartford MPA: Barkhamstead, Burlington, Bristol, Cromwell, Haddam, Middletown, New Hartford, Portland, Plymouth, Thomaston (These are towns from NVCOG, Northwest Hills COG, and River COG)

The implementation of the complexities of the rule, such as who can vote on the Springfield MPA TIP and who can vote on the Hartford MPA TIP is unclear in the rule, but DOT stated that it would have to be worked out in the agreements across the MPOs along with any conflict resolution processes.

**After the 2020 Census**, there may be significant changes in the UZAs. The formula in which the Census Bureau determines the UZA changes with each census so it is impossible to predict with certainty where the boundaries of future UZAs may fall. It is possible, however, that the Hartford-Springfield UZAs could merge into one, or even merge into the New York UZA.

Under the proposed regulation, an even larger New York UZA would require one MPA with one long range transportation plan and one TIP across four or five states and include CRCOG (the current New York UZA crosses 3 state boundaries but does not touch CRCOG).

**6. How can we plan effectively if MPOs or MPAs are restructured every ten years?**

This has been very unclear. The proposed regulation does not change the requirement that long range transportation plans cover a period of 30 years.

## Costs and Funding

### **1. Will we receive additional funding as a consequence of this regulation?**

No. The funding distribution formula has not changed and the funding levels have not changed. CRCOG views this as an unfunded mandate, and given the recent experience at redesignation, CRCOG anticipates significant resources will have to be dedicated to this effort.

### **2. How much would it cost to merge the MPOs or coordinate single LRTPs and TIPs for the MPAs?**

Our past experience and those of the neighboring COGs that merged recently is that the cost will be significant. USDOT estimates that "costs to the affected MPOs should be minimal." CRCOG staff disagrees with this statement. Although additional staff may technically not be required to comply with the rule, planning work done by that staff will be left by the wayside.

### **3. Will USDOT provide funding to support compliance costs?**

No. USDOT estimates minimal costs for compliance.

## Timeframe

### **1. Didn't USDOT just release a new set of regulations for MPOs?**

Yes. USDOT published a comprehensive rule on May 27, 2016. That rule did not include the proposed regulations.

### **2. Why didn't that rule include these changes? Why did USDOT announce another rule change one month later?**

CRCOG staff does not know why.

### **3. Why is USDOT proposing the change to a long-standing practice now?**

There is no official reason for the proposed regulations. There has been speculation by some that the proposed rule change is related to the DOT Secretary's past experiences with MPOs, but there is no official confirmation of that.

### **4. How long is the comment period?**

60 days. The comments are due August 26. Comment periods for complex regulations such as this can be up to 180 days.

### **5. Can we get an extension?**

Requests for extensions from NARC, NADO, AMPO, AASHTO have been unofficially denied. CRCOG along with all the other COGs in the state and PVPC have jointly requested an extension but CRCOG staff does not anticipate extension requests being granted.

### **6. Will Congress review the proposed regulations?**

No. The congressional recess does not end until after the close of the comment period. USDOT can finalize the rule any time after August 26<sup>th</sup>.

## Legality and Current CRCOG Coordination

### **1. Is the rulemaking driven by any changes to federal law?**

No.

### **2. Do the proposed regulation change the law?**

No. The requirement that MPO(s) and the Governor agree on any changes in designation remains in effect as well as the largest city and 75% population representation rule for substantia redesignations or mergers.

### **3. Doesn't this proposed regulation conflict with the law?**

CRCOG staff believes there are some inconsistencies with the law and the proposed regulations, especially related to requirements for MPOs to change their boundaries and the possibility of being out of compliance if MPOs do not agree with the governor regarding whether boundary changes are necessary.

### **4. Does CRCOG coordinate with its neighbors?**

Yes. There is extensive coordination among Connecticut COGs/MPOs as well as with PVPC. Ongoing collaboration includes:

- MOUs and agreements across all neighboring COGs regarding various aspects of transportation planning
- Collaboration on interregional projects

### **5. Do the proposed regulations guarantee that my projects will stay in the pipeline?**

The regulations are silent on this. It is unclear whether an MPO can be held to decisions made by another MPO. An MPO may change plans or programs at any point however federal money assigned to an urbanized area must be spent within that area per federal regulations.

## Urbanized Area

### **1. *What is an urbanized area (UZA)?***

The Census Bureau creates UZAs largely on the basis of population density and proximity. Dense areas that are contiguous or are close to each other are grouped into one UZA. The Census Bureau uses a formula based on density and proximity that determines the UZA. The UZA does not take into account local information and is purely a statistical construct.

### **2. *Why do UZAs change?***

UZAs can change with population density. UZAs can appear when towns become cities; likewise, they can disappear when cities shrink. When UZAs grow together, as in the case of twin cities, they can merge into one.

UZAs can also change when the Census Bureau adjusts its methods. UZAs are not set by humans but by a formula; since 1990 the Census Bureau has used three different formulas to determine UZAs. Each formula has been more spatially expansive than the last. In 2000, for example, the Census Bureau made significant changes to the UZA formula, resulting in the New Britain and Bristol UZAs being merged into Hartford.

### **3. *Why have UZAs changed in Connecticut?***

Given the relative lack of growth in Connecticut, it appears that a key, if not the primary, driver, of much of the change in UZAs in the state has not been new development but changes to the formula used by the Census Bureau.

### **4. *Are we letting a formula decide what a logical region for transportation planning is?***

Under the proposed regulations, yes.

### **5. *Is the formula designed for transportation planning?***

No. The formula does not consider economic relationships or transportation patterns.

### **6. *Is this an appropriate use of UZAs?***

Per the Census Bureau: "In delineating [UZAs] the Census Bureau does not take into account or attempt to meet the requirements of any nonstatistical uses of these areas or their associated data. Nonetheless, the Census Bureau recognizes that other government agencies use the [UZAs] for allocating program funds, setting program standards, and implementing aspects of their programs. [Each agency that uses UZAs] for such nonstatistical purposes should be aware that the changes to the urban area criteria might affect the implementation of [its] programs.... it is that agency's responsibility to ensure that the classification is appropriate for such use. In considering the appropriateness of the classification for use in a nonstatistical program, the Census Bureau urges each government agency to consider... modifications of the results of implementing the [UZA] classification specifically for the purposes of its program."

CRCOG staff understands that this means there is a limit to how UZAs can be applied and does not believe this is an appropriate use of UZAs.

### ***7. Can we override or seek exceptions to these formulas?***

No. Input is only possible during the Census Bureau's development of a new formula for UZA determination every ten years and UZAs cannot be changed once they have been determined. Because it is a strictly statistical construct, the shapes of the UZAs, especially along the eastern seaboard, may or may not relate to actual local needs and relationships.

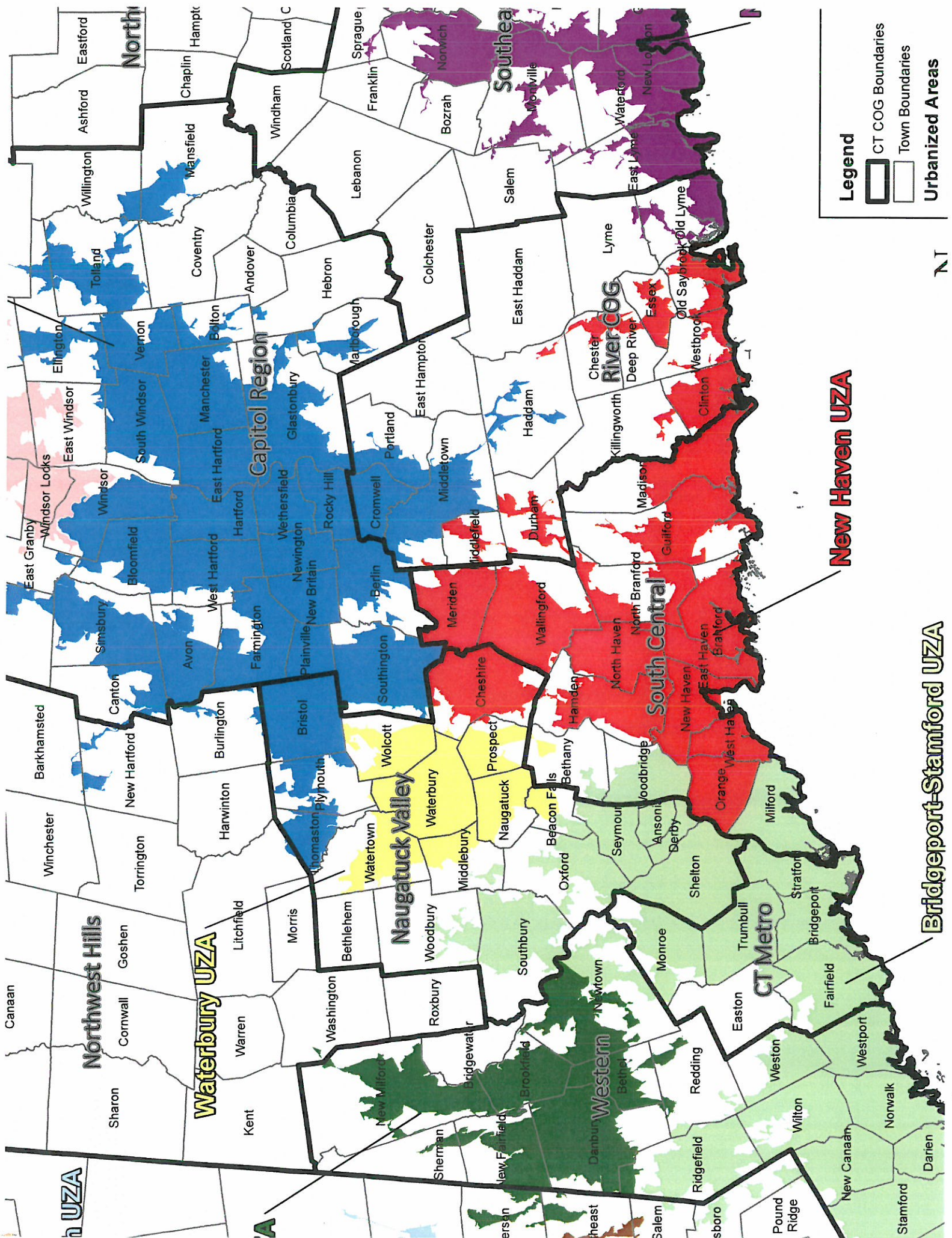
The best approach in seeking exceptions would be to:

- Change the code that defines MPAs and UZAs
- Change the regulation to allow for flexibility in determining the MPO and MPA boundaries.

## **Conclusion**

CRCOG staff believes this rule will be extremely detrimental to the region and expects significant resources to be expended in the rule's implementation. CRCOG staff proposes requesting a complete withdrawal of the rule. Local/metropolitan regional decision making is key to successful transportation planning and integration with land use and economic development. The new rule hampers this very important function. CRCOG staff's primary concern is to allow for local/metropolitan regional determination of the planning region as well as retention of local input into the transportation planning process.





**Legend**

- CT COG Boundaries
- Town Boundaries
- Urbanized Areas

**Bridgeport-Stamford UZA**

**New Haven UZA**

NT

**RESOLUTION AUTHORIZING THE REVIEW AND ANALYSIS OF NORTHERN NEW  
ENGLAND INTERCITY RAIL INITIATIVE**

**Whereas**, CRCOG is interested in advancing rail connection with Boston and other parts of New England including the capital region:

**Whereas**, Massachusetts Department of Transportation has published a Northern New England Intercity Rail Initiative (NNEIRI) Study;

**Whereas**, CRCOG and Pioneer Valley Planning jointly wish to review and analyze the assumptions and results of the study, as well as conduct additional research and analysis refining and updating the cost benefit analysis;

**Therefore be it resolved**, the CRCOG Executive Committee authorizes the Executive Director to jointly pursue with PVPC the desired analysis or similar product in so much as the cost to CRCOG does not exceed \$4,000.

I certify that the above is a true copy of the  
Resolution adopted by the CRCOG Executive  
Committee at its meeting on August 10, 2016.

\_\_\_\_\_  
Lisa Pellegrini  
Capitol Region Council of Governments

\_\_\_\_\_  
Date