



Main Office

818 West Seventh Street
12th Floor
Los Angeles, California
90017-3435

t (213) 236-1800
f (213) 236-1825

www.scag.ca.gov

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MEETING OF THE REGIONAL TRANSIT TECHNICAL ADVISORY COMMITTEE

**Wednesday, July 30, 2014
10:00 a.m. – 12:00 p.m.**

**SCAG Ventura County Regional Office
950 County Square Drive, Suite 101
Ventura, CA 93003
Telephone: (805) 642-2800
Fax: (805) 642-2260**

Teleconferencing Available:

**Please RSVP with Ed Rodriguez at Rodrigu@scag.ca.gov
24 hours in advance.**

Videoconferencing Available:

Orange SCAG Office

600 S. Main St, Ste. 906 Orange, CA 92863

LA SCAG Office

818 W 7th Street, 12th Floor Los Angeles CA 90017

Imperial SCAG Office

1405 North Imperial Ave., Suite 1, CA 92243

Riverside SCAG Office

3403 10th Street, Suite 805 Riverside, CA 92501

San Bernardino SCAG Office

1170 W. 3rd St, Ste. 140 San Bernardino, CA 92410

If members of the public wish to review the attachments or have any questions on any of the agenda items, please contact Matt Gleason at (213) 236-1832 or gleason@scag.ca.gov.

SCAG, in accordance with the Americans with Disabilities Act (ADA), will accommodate persons who require a modification of accommodation in order to participate in this meeting. SCAG is also committed to helping people with limited proficiency in the English language access the agency's essential public information and services. You can request such assistance by calling (213) 236-1993. We require at least 72 hours (three days) notice to provide reasonable accommodations. We prefer more notice if possible. We will make every effort to arrange for assistance as soon as possible.

REGIONAL TRANSIT TECHNICAL ADVISORY COMMITTEE AGENDA July 30, 2014

The Regional Transit Technical Advisory Committee may consider and act upon any of the items listed on the agenda regardless of whether they are listed as information or action items. **TIME PG#**

- 1.0 CALL TO ORDER**
(Wayne Wassell, Metro, Regional Transit TAC Chair)

- 2.0 PUBLIC COMMENT PERIOD** - Members of the public desiring to speak on items on the agenda, or items not on the agenda, but within the purview of the Regional Transit Technical Advisory Committee, must fill out and present a speaker's card to the assistant prior to speaking. Comments will be limited to three minutes. The chair may limit the total time for all comments to twenty (20) minutes.

- 3.0 CONSENT CALENDAR**
 - 3.1 Approval Items
 - 3.1.1 Minutes of the January 29, 2014 Regional Transit TAC Meeting 10 4

- 4.0 RECEIVE AND FILE**
 - 4.1 MAP 21 FTA 5310 Program Recipient Designation 7
 - 4.2 Transit Operators' Triennial Reviews and MPO Public Participation Plan 14
 - 4.3 SCAG Title VI Program 16

TRANSIT TECHNICAL ADVISORY COMMITTEE AGENDA July 30, 2014

5.0 INFORMATION ITEMS

5.1	<u>Gold Coast Transit District Designation</u> <i>(Steve Brown, Gold Coast Transit)</i>	20	*
5.2	<u>Draft FY 2011-12 Transit System Performance Report</u> <i>(Matt Gleason, SCAG Staff)</i>	20	18
5.3	<u>2016 RTP/SCS High Quality Transit Corridor / Major Transit Stop Methodology</u> <i>(Steve Fox, SCAG Staff)</i>	20	48
5.4	<u>Federal Policy Guidance on Metropolitan Planning Organization (MPO) Representation of Transit Providers</u> <i>(Philip Law, SCAG Staff)</i>	20	51

6.0 STAFF UPDATE

6.4	<u>Regional Transit TAC Membership List Update</u>	10	
6.5	<u>Caltrans FY 2014-15 5304 Transit Planning For Sustainable Communities Grants</u>	20	

ADJOURNMENT

The next Regional Transit Technical Advisory Committee meeting is tentatively scheduled for Wednesday, October 29, 2014, at SCAG's Los Angeles Headquarters.

* Attachment under separate cover

Regional Transit Technical Advisory Committee (RTTAC)
of the
Southern California Association of Governments

January 29, 2014

Minutes

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE REGIONAL TRANSIT TECHNICAL ADVISORY COMMITTEE (RTTAC). AN AUDIO RECORDING OF THE MEETING IS AVAILABLE FOR LISTENING IN SCAG'S OFFICE.

The Regional Transit Technical Advisory Committee held its meeting at SCAG's office in downtown Los Angeles. The meeting was called to order by Philip Law, SCAG staff.

Members Present:

Lori Abrishami	MTA
Austin Lee	Foothill Transit
Shirley Hsiao	Long Beach Transit
Joyce Rooney	Redondo Beach, Beach Cities Transit
Karen Sakoda	Metrolink

SCAG Staff:

Philip Law
Stephen Fox
Matthew Gleason

1.0 CALL TO ORDER

Philip Law, SCAG staff, called the meeting to order at 10:05 a.m.

2.0 PUBLIC COMMENT PERIOD

No member of the public requested to make a comment.

2.1 Review and Prioritize Agenda Items

There was no prioritization of the agenda.

3.0 CONSENT CALENDAR

3.1 Approval Items

3.1.1 Minutes of the October 30, 2013 Regional Transit TAC Meeting

The Consent Calendar was approved by consensus.

5.0 INFORMATION ITEMS

5.1 Climate Change Adaption Efforts at LA Metro

Cris Liban, Los Angeles Metropolitan Transit Authority (Metro), reported on climate change adaption efforts at Metro. Mr. Liban noted Metro's challenges include an evolving regulatory environment including climate change issues and the need to adapt large projects to future climate impacts. Additionally, cost of operation has increased while available resources are decreasing. Mr. Liban reviewed critical and at risk facilities and noted extreme heat and weather conditions such as precipitation, flooding and winds remain constant challenges. Further, local flood plain maps were reviewed indicating potential future flooding issues.

It was noted operational strategies include pre-emptive maintenance or inspection as well as weather and climate related monitoring. Future work includes a robust asset management system and a process of continual improvement.

5.2 Transit Asset Management Efforts at LA Metro

Randy Lamm, LA Metro, reported on transit asset management efforts at LA Metro, in advance of the FTA Rulemaking on transit Asset Management and definition of the State of Good Repair .

5.3 Foothill Transit Comprehensive Operational Analysis

Austin Lee, Foothill Transit, reported on transit Comprehensive Operational Analysis. Mr. Lee noted a COA looks at optimizing the agency's services and maximizing resources. It reviews service efficiency and examines how effectively the agency meets the transit needs of residents. It was noted the goal is to understand transit users and replicate successes throughout the agency. Additional activities involve insuring services tie-in with the regional transportation system and future projects such as HOT lanes and the Gold Line extension. Mr. Lee further noted the key goal is to increase ridership and to better hone plans for a defined transit network that matches users' needs. The goal of the first two-year phase is to increase ridership 5% to 10%.

5.4 Initial Findings, FY 11-12 System Performance Report

Matt Gleason, SCAG staff, provided an update on FY 11-12 transit system performance report. Mr. Gleason noted in response to MAP-21 there will be an increased focus on performance planning and efforts are underway to annualize performance measure practices. Mr. Gleason stated there are approximately 70 fixed route providers in the region. It was noted this effort seeks to understand the kind of investment the region is making in transit and how an analysis of those investments can be developed into a resource for policy makers and a benchmarking tool for individual transit providers.

Mr. Gleason reviewed the findings and noted travel data was taken from the National Household Travel Survey. It was further noted the SCAG region has one of the highest totals of zero-car households in the country. The operating cost per revenue hour, passenger trip, passenger mile, regional fare box recovery and average fleet vehicle speed was reviewed. Mr. Gleason stated a final report will be available by June 30, 2014 and it will be made available to the RTTAC.

6.0 STAFF UPDATE

6.1 2016 RTP/SCS High Quality Transit Corridors/Transit Priority Area Development

Steve Fox, SCAG staff, provided an update on High Quality Transit Area/Transit Priority Area Development in advance of 2016 RTP/SCS. Mr. Fox sought input from the RTTAC membership as the methodology for designating and vetting high quality transit corridors with the membership.

ADJOURNMENT

The meeting adjourned at 12:05 p.m. The next meeting of the Regional Transit Technical Advisory Committee is May 14, 2014.

REPORT

DATE: July 30, 2014

TO: Regional Transit Technical Advisory Committee (RTTAC)

FROM: Basil Panas, Chief Financial Officer, panas@scag.ca.gov, 213-236-1955

SUBJECT: Federal Transit Administration (FTA) Section 5310 Administration Hybrid Partnership between MPOs and Caltrans

EXECUTIVE DIRECTOR'S APPROVAL:

RECOMMENDED ACTION:

Recommend that the Regional Council approve the Memorandum of Understanding (MOU) between Caltrans and SCAG, and authorize SCAG's Executive Director or his designee to execute the MOU and related agreements to implement the FTA Section 5310 program.

EXECUTIVE SUMMARY:

In January 2014, staff presented information about the Designated Recipients for the FTA Section 5310, Enhanced Mobility of Seniors and Individuals with Disabilities grant program. . Following the naming of Designated Recipients by the Governor on April 23, 2014, the State Department of Transportation (Caltrans) consulted with the California metropolitan planning organizations (MPOs) in regards to a memorandum of understanding (MOU) that defines responsibilities of each agency involved.

BACKGROUND:

Under the terms of Moving Ahead for Progress in the 21st Century (MAP-21), the recipient charged with administering the Section 5310 Program in urbanized areas over 200,000 in population must be officially designated after a process of consultation prior to grant award. SCAG engaged in extensive consultation with Caltrans and the County Transportation Commissions (CTC) in the region, and had agreed that Caltrans would be named as the Designated Recipient for the large urbanized areas within the SCAG region, with the exception of urbanized areas within Los Angeles and Ventura counties. These Designated Recipients were approved by the Governor in the attached letter dated April 23, 2014 (Attachment 1).

During this consultation process, the stakeholders decided in the best interest of the region, to select the option known as the "Administrative Hybrid – Partnership" for the Counties of Orange, Riverside, and San Bernardino. Under this option, Caltrans is the Designated Recipient and is responsible for overall grant program management, including procurement and entering agreements with subrecipients. In coordination with the CTCs, SCAG will be responsible for delivering the locally selected projects and programming decisions to Caltrans. In order to clearly define the responsibilities, Caltrans has requested that the attached MOU is executed between SCAG and Caltrans (Attachment 2).

STRATEGIC PLAN:

This item supports SCAG's Strategic Plan Goal 3: Enhance the Agency's Long Term Financial Stability and Fiscal Management.

REPORT

FISCAL IMPACT:

SCAG is not receiving any FTA Section 5310 program funds, however, SCAG has programmed \$107,383 in Transportation Development Act funds for the Fiscal Year 2014/15 OWP in regards to the Section 5310 grant administration responsibilities.

ATTACHMENT:

MOU No. M-003-15

MAP21 Section 5310 CA Governor Designation Letter

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CALIFORNIA DEPARTMENT OF
TRANSPORTATION AND MPO/LARGE UZA**

Administrative Hybrid – Partnership between Southern California Association of Government, a UZA/MPO, and the California Department of Transportation, Division of Rail and Mass Transportation, for the Federal Transit Administration Section 5310 Program Under Moving Ahead for Progress in the 21st Century.

Overview

The California Department of Transportation (Caltrans), Division of Rail and Mass Transportation (DRMT) has administered the Federal Transit Administration (FTA) Section 5310 grant program since the 1972 as the California Designated Recipient.

Moving Ahead for Progress in the 21st Century (MAP 21), the current federal transportation funding law, allows Metropolitan Planning Organizations (MPOs) or eligible Large Urbanized Area (UZA) agencies to assume all or some of the administrative responsibility traditionally bestowed designated recipients.

Seeking to minimize the effects that MAP 21 administrative transitions could have on the statewide program, a dialogue with Caltrans's 5310 stakeholders took place in the summer of Fiscal Year 2013 to collaboratively determine the best way to honor eligible administrative activities that MAP 21 allows.

This Memorandum of Understanding (MOU) defines responsibilities for one of three options that were identified at the collaborative dialogue. The Option is called the "Administrative Hybrid – Partnership" between UZAs/MPOs and Caltrans. This Option retains Caltrans as the Designated Recipient. However, UZA/MPO project scoring, selection and programming decisions will be delegated to UZAs/ MPOs that chose this option. Caltrans DRMT will continue to support all other program requirements set by the FTA.

A Summary of Responsibilities follows:

Specific MPO Responsibilities:

Establish administrative systems that deliver:

- An application –
 - Caltrans DRMT will provide the Caltrans template that MPOs /UZAs may use if they choose or
 - MPOs/UZAs develop their own project selection criteria that is consistent with their coordinated planning process ensuring that it is fair and equitable, and that all applicants certify and assure that they will comply with all federal-aid requirements, including Title VI, upon project award
- A local call for projects date of October 1, 2014
- Public hearings that are completed before April 1, 2015 (Public Transit Only)
- Project selection that is conducted in accordance with FTA Circular C9070.1G
- Certification that a minimum of 55% of funds shall be made available for Traditional 5310 Projects with priority given to nonprofits; a maximum of 45% of the funds may be allocated to Expanded 5310 projects
- Project selection that is consistent with the FTA Circular C9070.1G and the 5310 Ineligible Expenses Lists attached to this MOU as an Addendum
- Project Selection submitted to Caltrans on the Project Selection template provided by Caltrans
- MPO Certifications and Assurances (template provided by Caltrans) and Resolution to Adopt Project Selection are completed
- Certifications and Assurances and Resolutions submitted with Project Selection to Caltrans on or before February 1, 2015

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CALIFORNIA DEPARTMENT OF
TRANSPORTATION AND MPO/LARGE UZA**

In the event that before a project is funded, Caltrans finds the project ineligible and/or insufficient to carry out the intent of the program, Caltrans reserves the right, in consultation with the MPO to cancel the project.

Specific DRMT Responsibilities:

Continue administrative systems that ensure or deliver:

- UZA apportionments are maintained according to FTA notices and/or for apportionment splits determined locally
- UZA's/MPO's Program of Projects are submitted to the California Transportation Commission as information only
- Program of Projects and the Grant Application are submitted to FTA
- Successful Applicant and Procurement workshops
- Execute Standard Agreements with subrecipients
- Ensure subrecipient Certifications and Assurances have been signed and are on file
- Ensure Title VI Plans and DBE Implementation Agreements have been accepted are on file with Caltrans
- Finance management
- Procurement oversight
- Vehicle procurement and inspections
- Project monitoring for compliance with federal requirements and the Caltrans Division of Rail and Mass Transportation State Management Plan
- Asset management and property disposition
- FTA compliance audits
- Invoicing/Reimbursement payment

FTA Section 5310 grant funds will be available to the local agency grantees after DRMT receives final grant approval from FTA to release the funds.

The suspension or cancellation of this MOU must be negotiated between the involved parties, and memorialized in writing.

Approval:

Mark Codey, Acting Chief
Division of Mass Transportation

Date

MPO: Southern California Association of Governm

Hasan Ikhata, Executive Director

Date



OFFICE OF THE GOVERNOR

April 23, 2014

Mr. Leslie Rogers
Regional Administrator, Region IX
Federal Transit Administration
201 Mission Street, Suite 1650
San Francisco, CA 94105

Dear Mr. Rogers:

As Governor of the State of California, I hereby delegate authority of "Designated Recipient" for large urbanized areas of California for the Federal Transit Administration (FTA) Enhanced Mobility of Seniors and Individuals with Disabilities Section 5310 program as outlined in the attachment. Each designated recipient shall administer the program pursuant to the recently enacted federal transportation reauthorization—*Moving Ahead for Progress in the 21st Century* (MAP 21), interim MAP 21 guidance published in the Federal Register on October 16, 2012, and any subsequent program circulars or guidance published by the FTA.

Sincerely,



Edmund G. Brown Jr.

Enclosure: Large UZA – Designated Recipients list

c: **The Honorable Brian P. Kelly, Secretary, California State Transportation Agency**
Mr. Malcolm Dougherty, Director, California Department of Transportation
Mr. Ahron Hakimi, Executive Director, Kern Council of Governments
Mr. Andrew T. Chesley, Executive Director, San Joaquin Council of Governments
Mr. Carlos Yamzon, Executive, Director Stanislaus Council of Governments
Mr. Gary Gallegos, Executive Director, San Diego Association of Governments
Mr. Hasan Ikhata, Executive Director, Southern California Association of Governments
Mr. Mike McKeever, Chief Executive Officer, Sacramento Area Council of Governments
Mr. Steve Heminger, Executive Director, Metropolitan Transportation Commission
Mr. Ted Smalley, Executive Director, Tulare County Association of Governments
Mr. Tony Boren, Executive Director, Fresno Council of Governments

**Large UZA
Designated Recipients List**

<u>Large UZA</u>	<u>Designated Recipient</u>
1) Antioch	Caltrans
2) Concord	Caltrans
3) San Francisco - Oakland	Caltrans
4) San Jose	Caltrans
5) Santa Rosa	Caltrans
6) Indio- Cathedral City County of Riverside	Caltrans
7) Lancaster-Palmdale County Los Angeles	Los Angeles County Metropolitan Transportation Authority (Metro)
8) Los Angeles-Long Beach-Anaheim County of Los Angeles County of Orange County of San Bernardino	Metro Caltrans Caltrans
9) Mission Viejo-Lake Forest-San Clemente County of Orange	Caltrans
10) Murrieta-Temecula-Menifee County of Riverside	Caltrans
11) Oxnard County of Ventura	Ventura County Transportation Commission (VCTC)
12) Thousand Oaks County of Ventura	Ventura County Transportation Commission (VCTC)
13) Riverside-San Bernardino County of Riverside County of San Bernardino	Caltrans Caltrans
14) Santa Clarita County of Los Angeles	Metro
15) Victorville-Hesperia County of San Bernardino	Caltrans
16) Bakersfield	Caltrans
17) Fresno	Fresno COG
18) Modesto	Caltrans
19) Sacramento	Caltrans
20) San Diego	San Diego Association of Governments
21) Stockton	Caltrans
21) Visalia	Caltrans

REPORT

DATE: July 30, 2014

TO: Regional Transit Technical Advisory Committee (RTTAC)

FROM: Philip Law, Manager of Transit/Rail, 213-236-1841, law@scag.ca.gov

SUBJECT: Update on Transit Operators' Triennial Reviews and MPO Public Participation Plan

EXECUTIVE SUMMARY:

As reported previously to the RTTAC regarding triennial reviews conducted in the SCAG region over the past year, the Federal Transit Administration (FTA) issued corrective actions to transit providers who rely on SCAG's Federal Transportation Improvement Program (FTIP) public participation process to satisfy the public participation requirements for their Program of Projects (POP). As a result of SCAG's actions to address the matters identified by FTA, the FTA has since closed out the triennial review findings for these issues for the affected operators in the SCAG region.

There were two separate corrective actions issued by FTA that involved SCAG's planning processes. First, the FTA issued a corrective action requiring the grantee to submit to the FTA model language that will be used in SCAG's Public Participation Plan that notifies the public that the FTIP development process is being used to satisfy the POP requirements. On April 3, 2014, SCAG's Regional Council adopted the 2014 Public Participation Plan, which includes appropriate language to address the FTA requirement. Second, the FTA issued a corrective action requiring FTIP public notices to include language that the proposed POP will be in the final program unless amended, and that a final notice is not published. SCAG has updated its FTIP website to include the required language, and has revised its public notice procedures to include the required language in all future FTIP public notices.

BACKGROUND:

As mandated by Congress in 1982, the Federal Transit Administration (FTA) conducts triennial reviews of recipients of Urbanized Area Formula Program funds to examine grantee performance and adherence to statutory and administrative requirements and policies. One part of the triennial review, called "Planning/Program of Projects," examines basic requirements related to planning, human services transportation, and the Program of Projects (POP). In particular, the requirement for POP is such that, "Each recipient of a Section 5307 grant shall develop, publish, afford an opportunity for a public hearing on, and submit for approval a POP."

In several triennial reviews conducted by FTA over the past year for transit operators within the SCAG region, the FTA identified deficiencies in, and issued corrective actions regarding, how the grantee fulfills the POP requirement. Specifically, these transit operators rely on SCAG's Federal Transportation Improvement Program (FTIP) public participation process to satisfy the public participation requirements for their POP. However, FTA determined that SCAG's Public Participation Plan, a document separate and distinct from the FTIP, does not indicate that the Plan will be used to satisfy the operator's POP requirement. Consequently, FTA issued corrective actions requiring the grantees to submit to the FTA model language that will be used in SCAG's Public Participation Plan that notifies the public that the FTIP development process is being used to satisfy the POP requirements.

REPORT

Based on SCAG's review of the matter, transit operators who are relying on SCAG's FTIP public participation process to satisfy the public participation requirements for their POP, under 49 U.S.C Section 5307, have complied with the requirements set forth in FTA Circular 9030.1E, Ch. V, Section 6 (Circular). This Circular provides that such recipients must ensure the FTIP document explicitly states that public notice of public involvement activities and time established for public review and comment on the FTIP will satisfy the POP requirements of the Section 5307 Program. SCAG has included the required, explicit statement in its 2013 FTIP document (Technical Appendix, Vol. II), and as part of the public notices of availability and hearings for the Draft 2013 FTIP. This Circular does not provide that such statement must be included in the MPO's Public Participation Plan document.

However, in order to address the corrective action with regard to language to be included in SCAG's Public Participation Plan, SCAG included the following model language in its 2014 Public Participation Plan update (p. 32) which was adopted on April 3, 2014: "SCAG's public participation process for the FTIP is intended to satisfy FTA Section 5307 funding recipients' public participation process for the POP." The adopted 2014 Public Participation Plan is available on the SCAG website at: <http://www.scag.ca.gov/participate/Pages/PublicParticipationPlan.aspx>.

Additionally, in a recent triennial review, FTA issued a corrective action regarding FTIP public notices, stating that the grantee must revise the public notice for the FTIP to include the required language that the proposed POP will be in the final program unless amended, and that a final notice is not published. In order to address this corrective action, SCAG provided the appropriate language on the FTIP webpage, and SCAG will include in all future FTIP public review notices the appropriate language to prevent any future FTA findings on this issue. Most recently, SCAG included the following language in its public notice for the Draft 2015 FTIP: "Subsequent to public involvement and adoption, the final 2015 FTIP will function as the final program for the region, unless amended, and a final notice is not published." The Draft 2015 FTIP notice is available on the SCAG website at: <http://ftip.scag.ca.gov/Documents/2015dFTIPnoaph.pdf>.

REPORT

DATE: July 30, 2014

TO: Regional Transit Technical Advisory Committee (RTTAC)

FROM: Philip Law, Manager of Transit/Rail, 213-236-1841, law@scag.ca.gov

SUBJECT: SCAG Title VI Program Update

EXECUTIVE SUMMARY:

Pursuant to Federal Transit Administration (FTA) Circular 47021.B, Metropolitan Planning Organizations (MPOs) such as SCAG must prepare and submit a Title VI program to the FTA every three years or as otherwise directed. SCAG last updated its Title VI program in 2011 and is currently working on the 2014 update. Certain provisions in the Circular may pertain to the RTTAC members and are discussed in detail below. Staff will present the draft Title VI Program update to its Legislative/Communications and Membership Committee (LCMC) on August 19, 2014, and seek Regional Council (RC) approval on September 11, 2014.

BACKGROUND:

The FTA updated its Title VI guidance when it issued the final Circular 4702.1B, which became effective on October 1, 2012, and superseded FTA Circular 4702.1A. The Circular 4702.1B assists grantees in complying with Title VI of the Civil Rights Act of 1964 and provides recipients of FTA financial assistance with instructions and guidance necessary to carry out the U.S. Department of Transportation's Title VI regulations (49 CFR part 21). The Circular is available on the FTA website at: http://www.fta.dot.gov/legislation_law/12349_14792.html.

Direct recipients or primary recipients of federal funds must submit Title VI Programs to FTA and monitor sub-recipients at all tiers. RTTAC members are encouraged to review the Circular "Appendix L" which contains useful flow-charts that describe the Title VI reporting obligations for designated recipients, direct recipients, primary recipients, and sub-recipients.

The Circular requires recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is *selected by the recipient*, to provide a table depicting the racial breakdown of the membership of these committees and a description of efforts made to encourage the participation of minorities on such committees. While the RTTAC is a transit-related, non-elected advisory committee, the RTTAC members are selected by the transit operators, not selected by SCAG. Thus, since SCAG doesn't select the members of the RTTAC, as all transit operators in the region are invited to join and each operator selects their staff representative, SCAG staff's position is that this requirement is not applicable and SCAG does not plan to include such a table in its Title VI program update.

Chapter VI of the Circular identifies and clarifies requirements for MPOs. Specifically in its regional transportation planning capacity, SCAG must prepare:

- A demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate;
- A description of the procedures by which the mobility needs of minority populations are identified

REPORT

and considered within the planning process;

- Demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data, at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the MPO as a designated recipient; and
- An analysis of impacts [from the above charts] that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.

Additional requirements are identified in the Circular regarding program administration, and specifically for MPOs that serve multiple roles, including planning agency, designated recipient, and direct recipient.

REPORT

DATE: July 30, 2014

TO: Regional Transit Technical Advisory Committee

FROM: Matt Gleason, Associate Regional Planner, 213-236-1832, gleason@scag.ca.gov

SUBJECT: Draft FY 2011-12 Transit System Performance Report

EXECUTIVE SUMMARY:

SCAG typically analyzes available performance data to establish existing conditions as part of the Regional Transportation Plan (RTP) development and update. As part of its Fiscal Year 2012-13 Transit/Rail work efforts, staff produced an annual review of transit system performance, and to establish data collection procedures to assist in increased performance monitoring in response to requirements in Moving Ahead for Progress in the 21st Century (MAP-21). Staff have begun work on the FY2011-12 System Performance Report, and will present initial findings.

BACKGROUND:

Since the 1990s, MPOs have been advised by the federal government to consider the performance of their long range planning documents. Moving Ahead for Progress in the 21st Century (MAP-21) the omnibus transportation authorization passed in June 2012, continues to reinforce the importance of performance based planning in the RTP process, while also reinforcing the importance of maintaining a state of good repair for transportation infrastructure and assets. MAP-21 amends 23 U.S.C 150(c) to require MPOs to work in collaboration with transit agencies and state DOTs to establish transit performance measures consistent with performance targets related to state of good repair and safety, as set forth in 49 U.S.C. 5326(c) and 5329(d).

MAP-21 also mandates RTPs must employ performance based planning, that RTPs must include a System Performance Report, and that Transportation Improvement Programs (TIPs) must include “a description of the anticipated progress brought about by implementing the TIP towards achieving the performance targets. MAP-21 mandates the Secretary of Transportation to issue final rules for the establishment of performance targets for transit at the state and MPO levels, following which, states shall have three months to establish targets, and MPOs shall follow in enacting their own targets within 180 days (49 U.S.C. 5326(c)(1)). .

On June 6, 2014 USDOT, FHWA and FTA issued a joint Notice of Proposed Rule Making (NPRM) for Statewide and Nonmetropolitan Planning and for Metropolitan Planning per 23 CFR Part 450 and 49 CFR Part 613. Section 450.340 of the NPRM discusses the phase-in of the new requirements for the metropolitan planning process. Any long range plan adopted more than two years subsequent to the issuance of the final rule shall be subject the performance based planning requirements of MAP-21. Therefore, this rulemaking process will likely not impact the production of the 2016 RTP/SCS; the first plan to be subject to its requirements will be the 2020 RTP/SCS.

DISCUSSION

The purpose of the FY 2010-11 Transit System Performance Report was to provide an incremental step towards producing a System Performance Report for public transportation, or transit, for the 2016 Regional Transportation Plan /Sustainable Communities Strategy (RTP/SCS), and to begin incorporating an annual review of system performance geared towards planning for operations and maintenance into SCAG's transit modal planning practices. There were four key factors the report addressed as an incremental step towards the 2016 RTP/SCS:

1. Providing a framework for understanding the region's large and complex public transportation system, and analyzing its performance at that same level. This includes contextualizing public transportation's role in providing mobility within the region, addressing governance issues, and addressing the geographic distribution of service provision and consumption, in addition to addressing the growing role of rail transit and demand response services in the region
2. Providing a resource that helps policy makers understand the nature and extent of the region's investments in public transportation, the kinds of returns those investments are delivering, and adding to the discussion regarding planning for operations within the context of the production of the 2016 RTP/SCS
3. Providing a benchmarking resource which providers of public transportation can use to compare their system's performance to that of comparable agencies
4. Addressing new Metropolitan Planning provisions contained in Moving Ahead for Progress in the 21st Century (MAP-21), relating to the production of public transportation System Performance Reports in Regional Transportation Plans

Like the FY 2010-11 Transit System Performance Report, the FY2011-12 effort is also an opportunity for transit stakeholders to shape the format by which transit system performance will be measured in the 2016 RTP/SCS. This year's system performance report will feature FY2011-12 data, the baseyear for the 2016 RTP/SCS, but not the performance measures, targets, and standards that emerge from FTA's MAP-21 rulemaking processes. It is currently unclear as to when these rulemaking processes will conclude; as such, the report provides an opportunity for discussing and defining the performance measures to be locally selected and included in the system performance report.

The FY2010-11 analysis focused on agencies who receive FTA 5307 funding, and report data within the National Transit Database's urban operators database. In future years, strategies for analyzing rural operators and agencies not receiving federal formula funds may be pursued.

REPORT

The initial iteration of the report focused on a series of cost efficiency, cost effectiveness, service delivery, mobility, maintenance and productivity measures, similar to MTC’s *MTC Statistical Summary of Bay Area Transit Operators*. The data was analyzed at the mode and agency level, and at the regional level. Staff believes that disaggregated analysis at the agency level can provide a benchmarking resource for transit properties in the SCAG region. Staff is seeking input from partner agencies as to what measures, levels of aggregation, and types of providers are appropriate for consideration in the FY11-12 effort.

Measures Employed in FY2011-12

Performance Concept	Performance Measure
Cost Efficiency	Operating cost per revenue vehicle hour
	Farebox Recovery
Cost Effectiveness	Operating cost per passenger trip
	Operating cost per passenger mile
Service Effectiveness/ Productivity	Passengers per vehicle revenue hour
	Passengers per vehicle revenue mile
Maintenance	Fleet Average Vehicle Age
Mobility/Travel Time	Average Vehicle Speed

Format

The report is organized into three sections. In the FY10-11 effort, Section One, “Public Transportation in the SCAG Region,” discussed the types of transit provided in the region, how service provision is governed, transit’s role in providing mobility, and the external benefits transit provides. The second section, “Regional Performance,” analyzed transit performance at a regional level, addressing the system’s productivity, the financial resources dedicated to the region’s transit system, the geographic distribution of service provision and consumption for Fiscal Year 2011-12 (FY2011-12). This year’s work effort focusses on the changes in demand for transit trips, in the form of demand for longer trips and newer modes. Particular attention is paid to the changing role of demand response transit. The report’s third section, “operator profiles” depicted the individual performance of each of the transit properties in the region that report data within the National Transit Database’s urban operator’s format.

FY 11-12 Transit System Performance Report

Regional Transit Technical Advisory Committee
Southern California Association of Governments

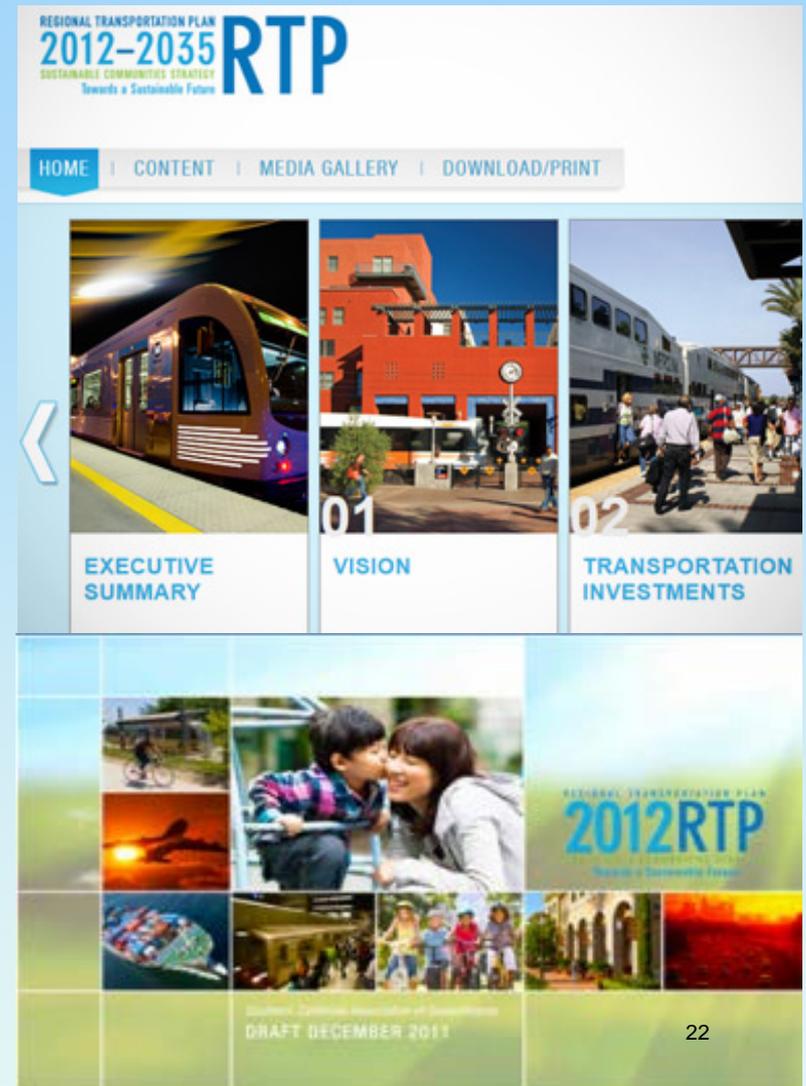
July 30, 2014
Matt Gleason



SOUTHERN CALIFORNIA
ASSOCIATION of GOVERNMENTS

Background

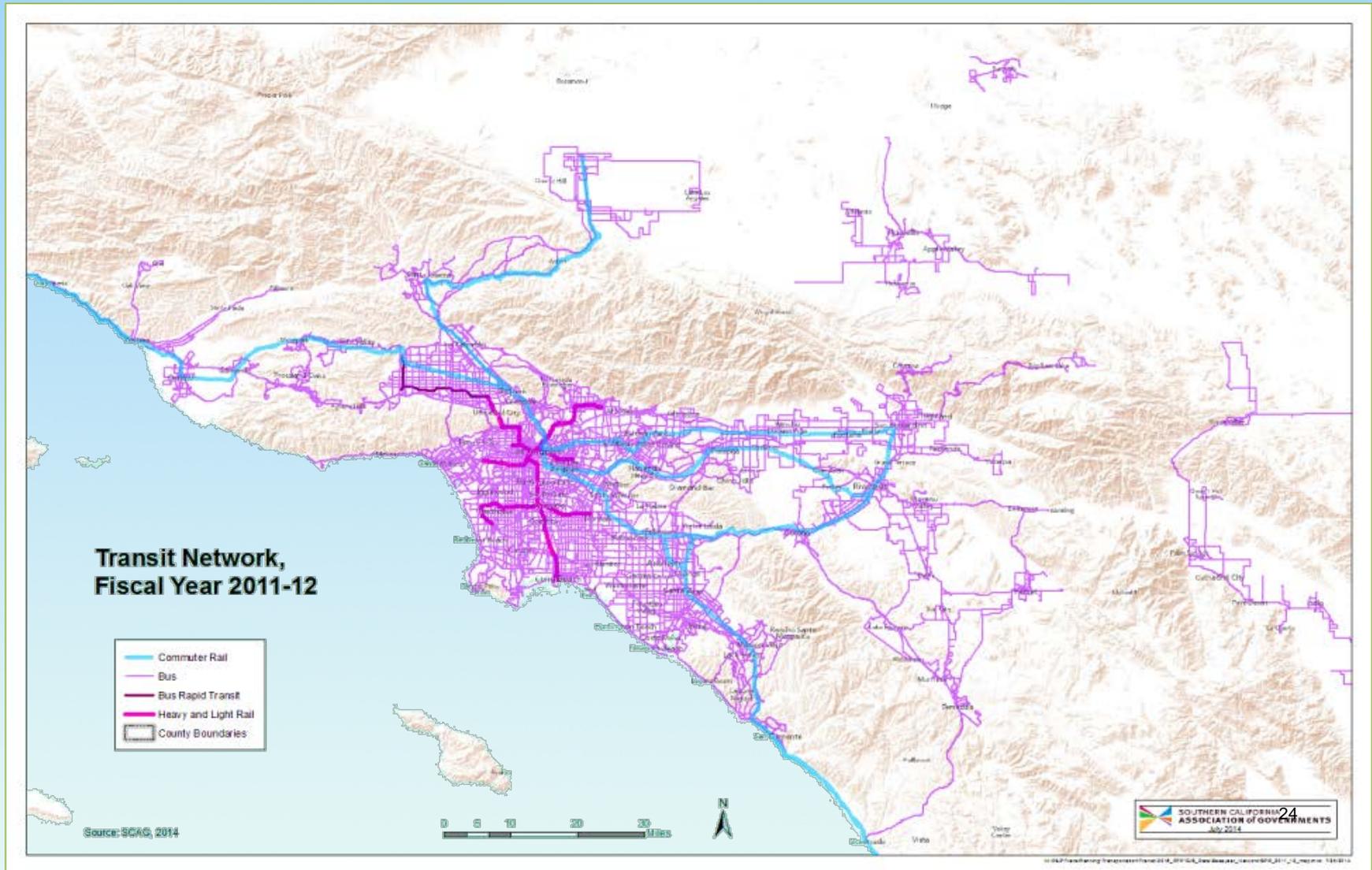
- SCAG has Employed PMs since 1998
 - RTP performance/ existing conditions
 - MAP-21 includes PM provisions
 - FTA and FHWA – Planning for operations
- MAP-21 Planning NPRM
 - Rulemaking will likely not affect 2016 RTP/SCS
 - Requires amendments to Metropolitan Planning Agreements, including to address data collection sharing, and performance target setting



Background

- SCAG Region is very complex environment
 - Nearly 70 providers of some sort of fixed route service
 - Almost 100 transit providers
 - Historically have focused on variety of measures
 - Operators report data to NTD in a variety of manners

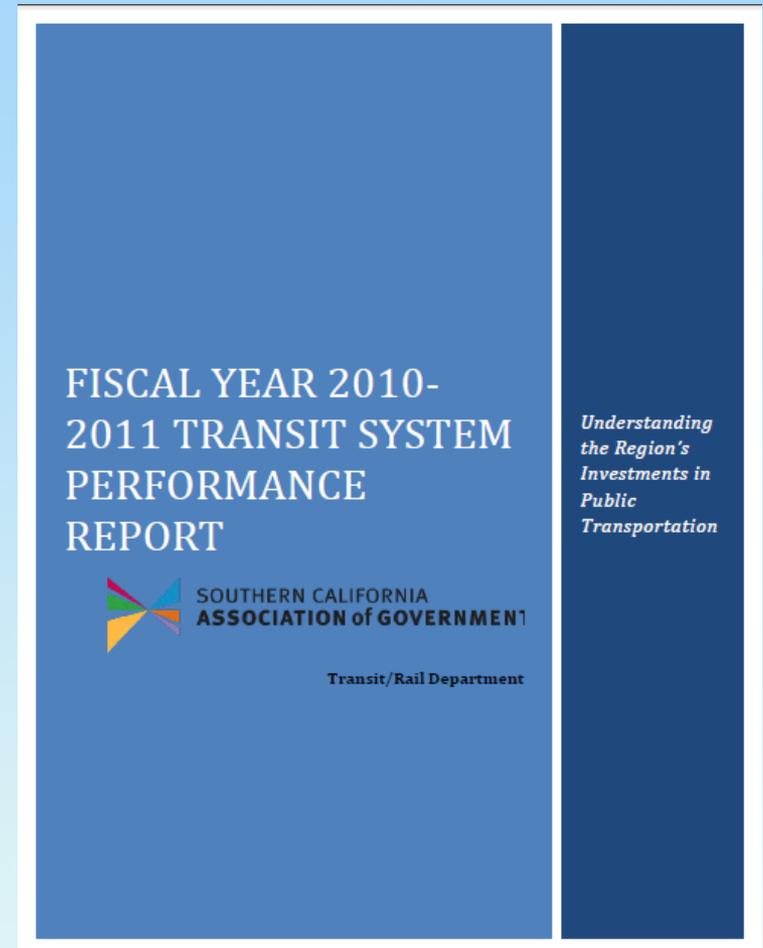
Transit Network, FY2011-12



Background:

Recent Transit Performance Measurement Efforts

- Key Performance Indicator Exercise - 2011
 - Fed into RTP performance measurement
- Peer Regions Performance Benchmarking Exercise - 2011
- FY2010-11 System Performance - 2013
 - Focus on productivity, costs, efficiency



Format of the FY11-12 Transit System Performance Report

Section 1: Public Transportation in the SCAG Region

- Governance
- Transit's role in providing mobility and other external benefits
- Transit sub-modes

Section 2: Regional Performance

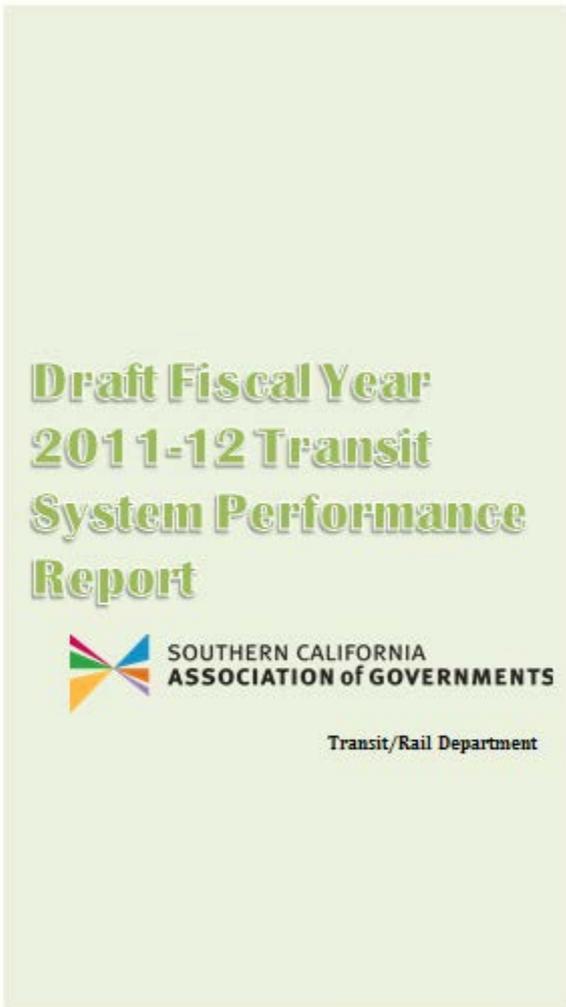
- Assesses regional performance
- Lays out financial performance and productivity

Section 3: Operator Profiles

- Depicts the individual performance of each of the transit properties in the region that report data within the National Transit Database's urban operator's format.
- By sub-modes

Format of the FY11-12 Transit System Performance Report

- Discussions of legislative context moved into appendix pending MAP-21 rulemaking
- Section 2 focusses more on changes to transit travel demand, 1991-2012



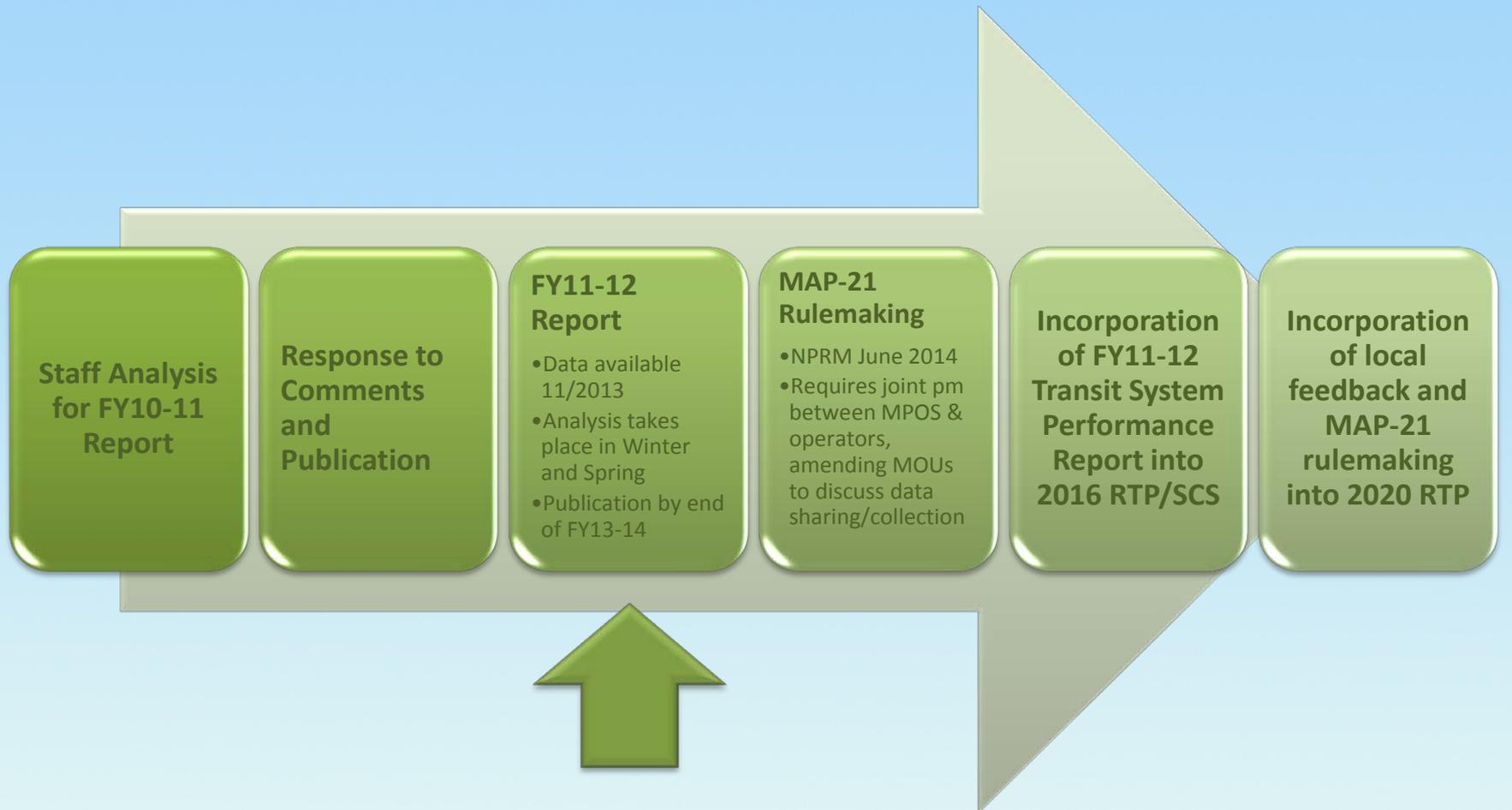
**Draft Fiscal Year
2011-12 Transit
System Performance
Report**



Transit/Rail Department

*Understanding
the Region's
Investments in
Public
Transportation*

Transit System Performance Report Process



FY12-13

Summer FY13-14

FY14-15

FY17-18

National Transit Database

Operators included in analysis

These operators are included in the system performance report

- Provide higher levels of service
- Frequently cross jurisdictional boundaries
- Receive FTA 5307 Funds
- Mix of modes
 - Fixed Route
 - Demand Response
 - Rail

County	Agency		
Los Angeles	Access Services Inc., of Los Angeles	LADOT	Montebello Bus Lines
	Antelope Valley Transportation Authority	Foothill Transit Agency	Norwalk Transit System
	Arcadia Transit	Gardena Municipal Bus Lines	Santa Clarita Transit
	Commerce Transportation	LACMTA (Metro)	Santa Monica's Big Blue Bus
	Culver City Bus	Long Beach Transit	Torrance Transit
Orange	Laguna Beach Municipal Transit	OCTA	
Riverside	Corona Cruiser and Dial-a-Ride	Riverside Transit Agency	SunLine Transit Agency
San Bernardino	Omnitrans	Victor Valley Transit Authority (VVTA)	
Ventura	Gold Coast Transit	Thousand Oaks Transit	Ventura Intercity Transit Authority (VISTA)

Measures

- Staff recommend the following measures be used in the report
- Mix of cost efficiency/effectiveness, productivity, and speed/mobility

Performance Concept	Performance Measure
Cost Efficiency	Operating Cost/Revenue Hour
	Farebox Recovery
Cost Effectiveness	Operating Cost/Passenger Trip
	Operating Cost/Passenger Mile
Service Effectiveness/ Productivity	Passengers/Revenue Hour
	Passengers/Revenue Mile
Maintenance	Fleet Average Vehicle Age
Mobility/Travel Time	Average Vehicle Speed

Goals of the FY11-12 Transit System Performance Report

Framework for understanding the region's transit investments

- Mobility
- Governance
- Service Provision and Consumption

Resource for Policy Makers

- Investments and Returns
- Planning for Operations

Benchmarking Resource for Operators

MAP-21

- Address performance planning provisions
- Initial step toward transit system performance report for 2016 RTP/SCS

Transit in the SCAG Region, FY11-12: Service Provision and Consumption



Service Provided

- Total Revenue Service Hours: 20,052,658
- Total Directional Route Miles: 18,696
- Total Vehicle Revenue Miles: 293,205,799



Service Consumed - Trips

- Total Passenger Trips: 716,122,989
- Per Capita Transit Trips: 38.95



Service Consumed - Miles

- Total Passenger Miles: 3,794,122,850
- Per Capita Passenger Miles: 206.39

Regional System Performance 1991-2012

Key Trends

Ridership

- Total +27%
- Per Capita +2.7%

Service

- Route Miles +53%
- Vehicle Revenue Hours +68%
- Vehicle Revenue Miles +92%

Productivity

- Passengers per Vehicle Revenue Hour -24%
- Passengers per Vehicle Revenue Mile -34%

Costs

- Cost per Vehicle Revenue Hour +11%
- Cost per Passenger Trip +47%
- Cost per Passenger Mile +15%

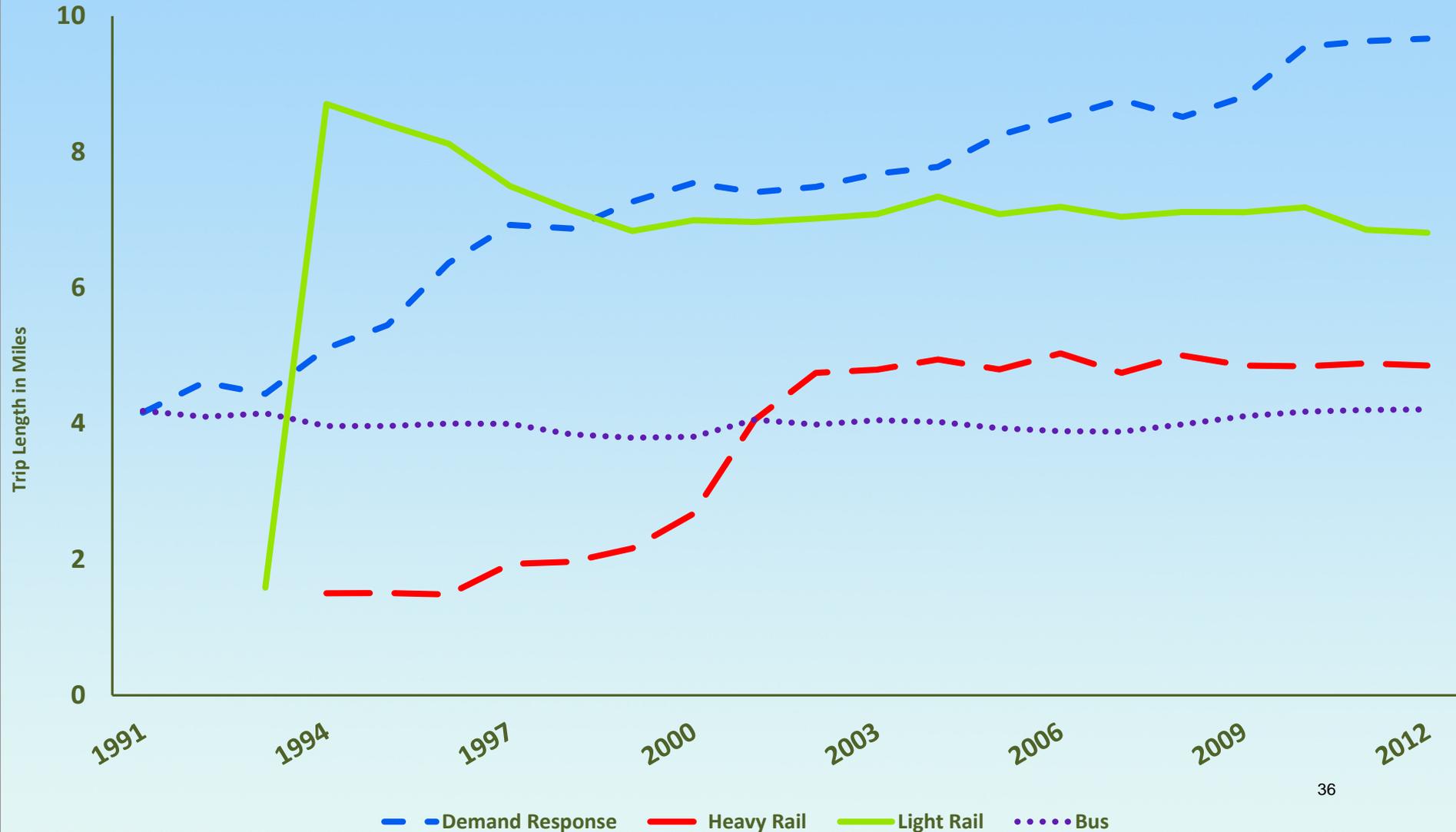
Total Service Hours 1991-2012



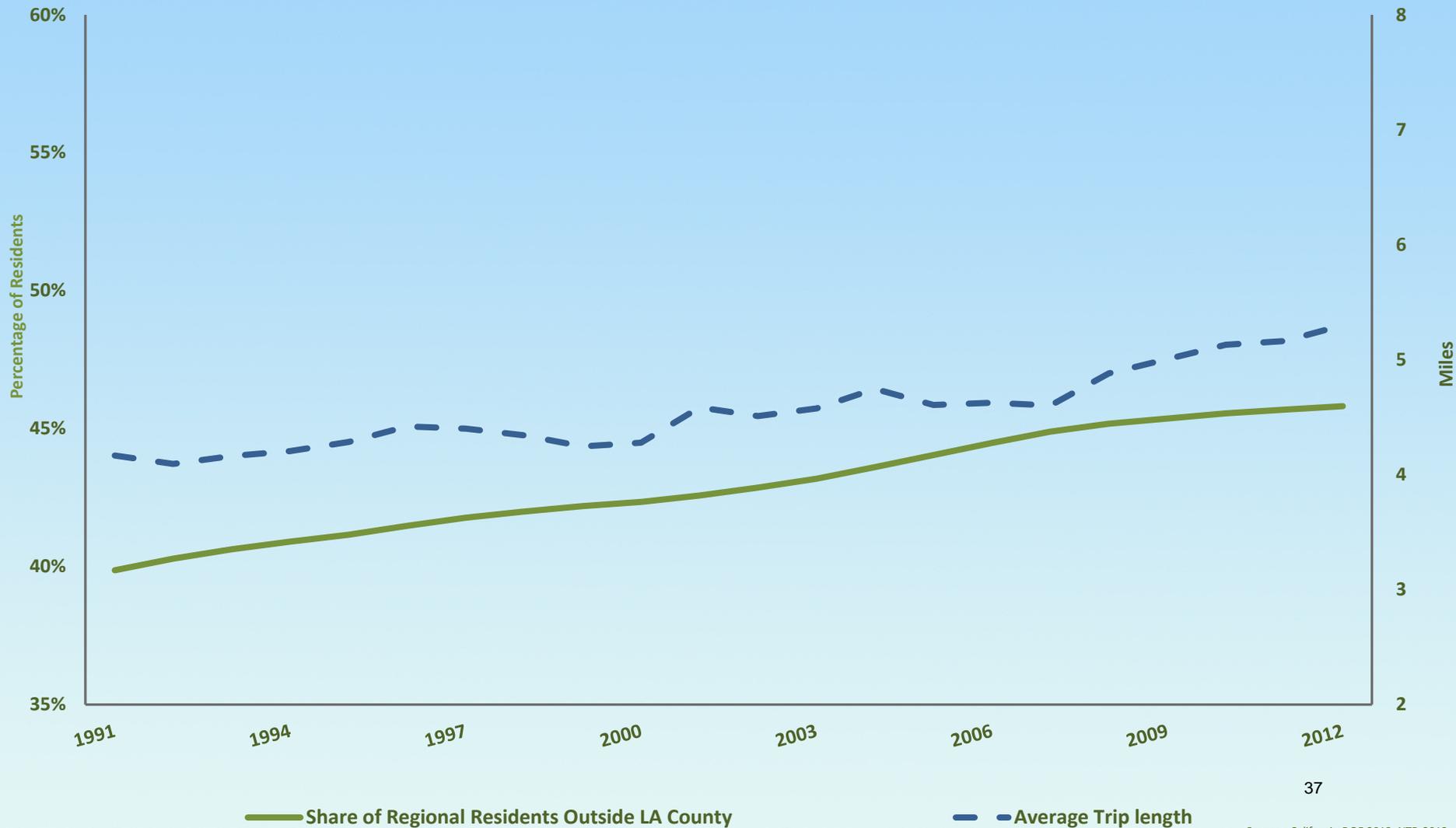
Other Key findings

- Fixed route bus service dominates all measures
- Although per capita trips are stable, trips length are increasing
- Service expansions have cut into productivity
- Demand Response is growing as a percentage of all service
- Trips length increases occur as passengers switch to more expensive modes
 - This leads to a situation where cost per trip is growing three times faster than cost per pmt
 - Demand response trip lengths have doubled since 1991

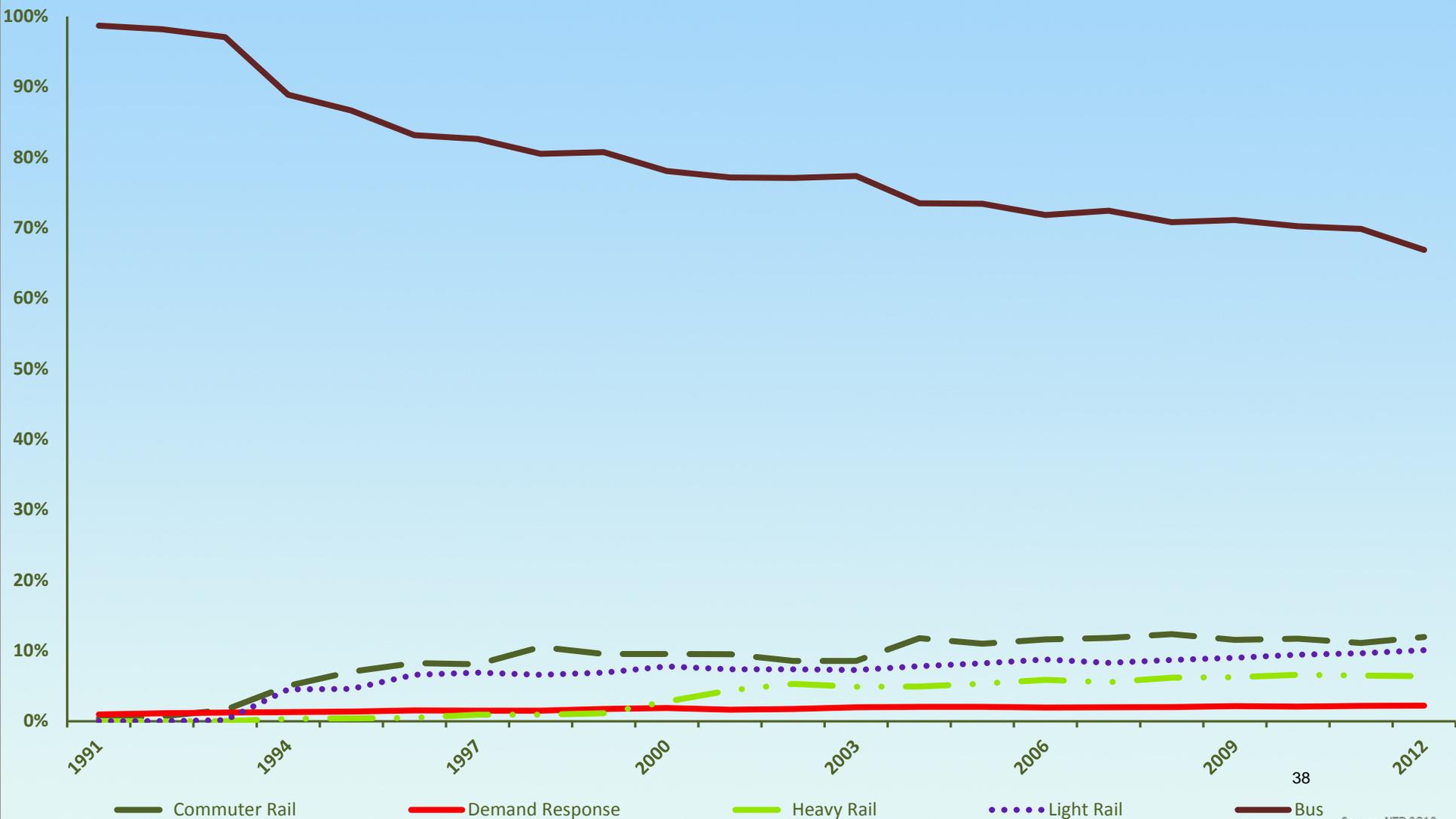
Average Trip Length By Mode Excluding Commuter Rail, 1991-2012



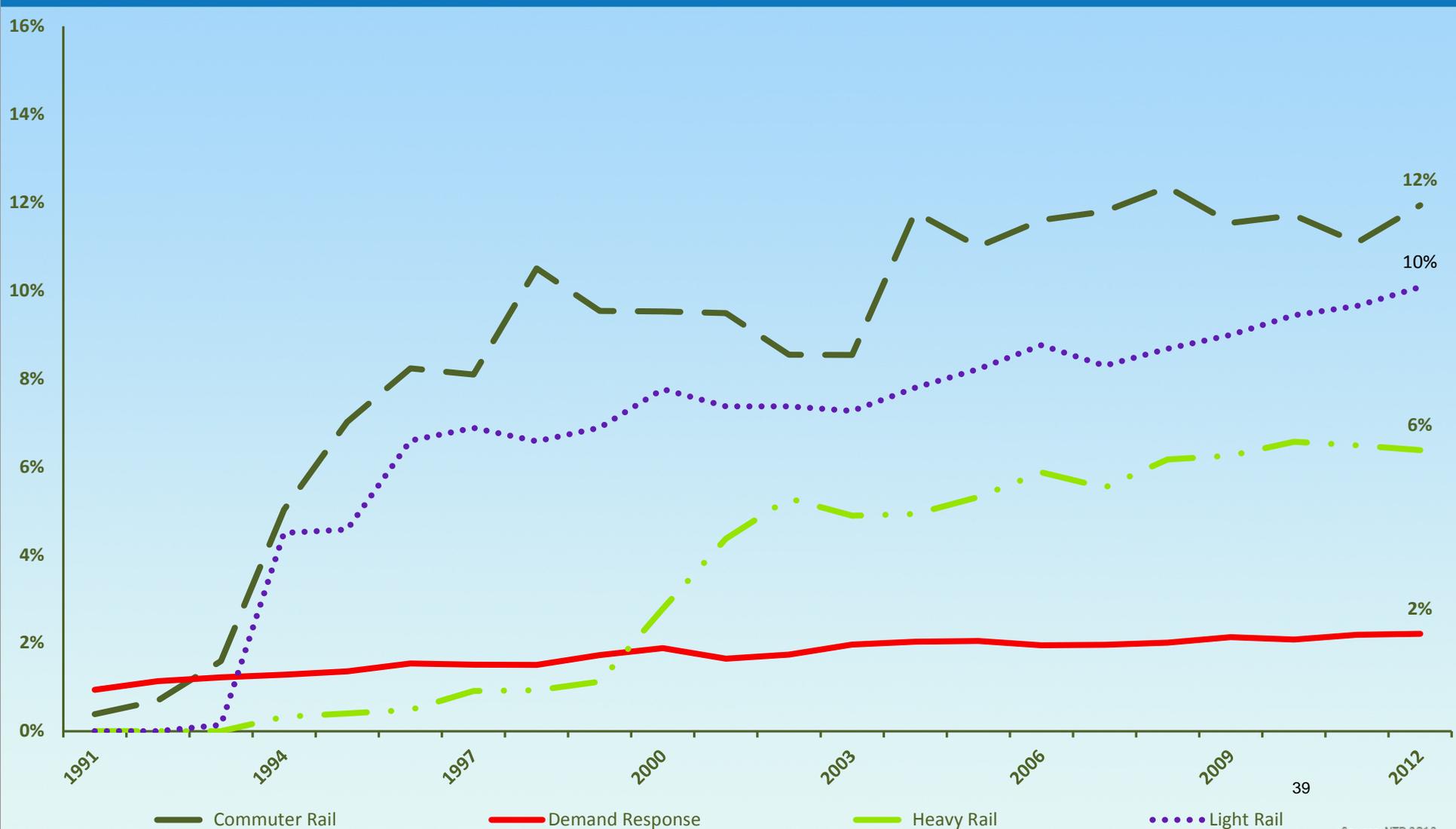
Average Trip Length and Residential Distribution by County, 1991-2012



Modal Share of Passenger Miles, 1991-2012



Modal Share of Passenger Miles Excluding Bus, 1991-2012



Demand Response is Rapidly Growing as a Portion of all transit Service

Figure 12: Share of Total Vehicle Revenue Hours by Mode, 2012

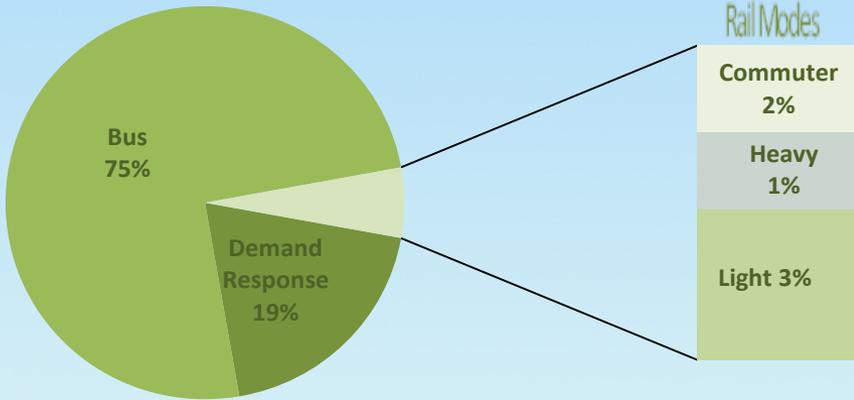
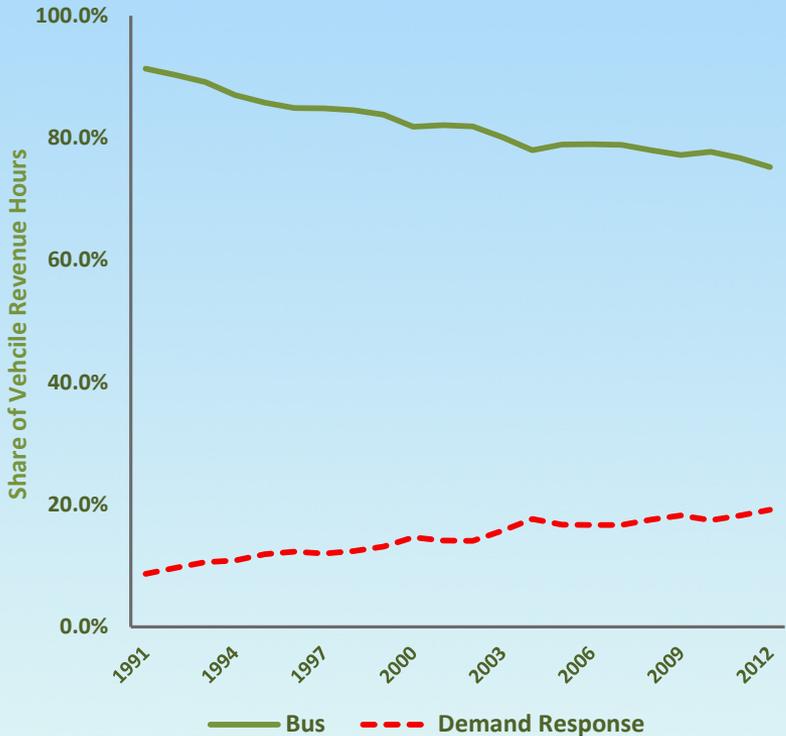


Figure 13: Modal Share of Service Provided in the SCAG Region 1991-2012



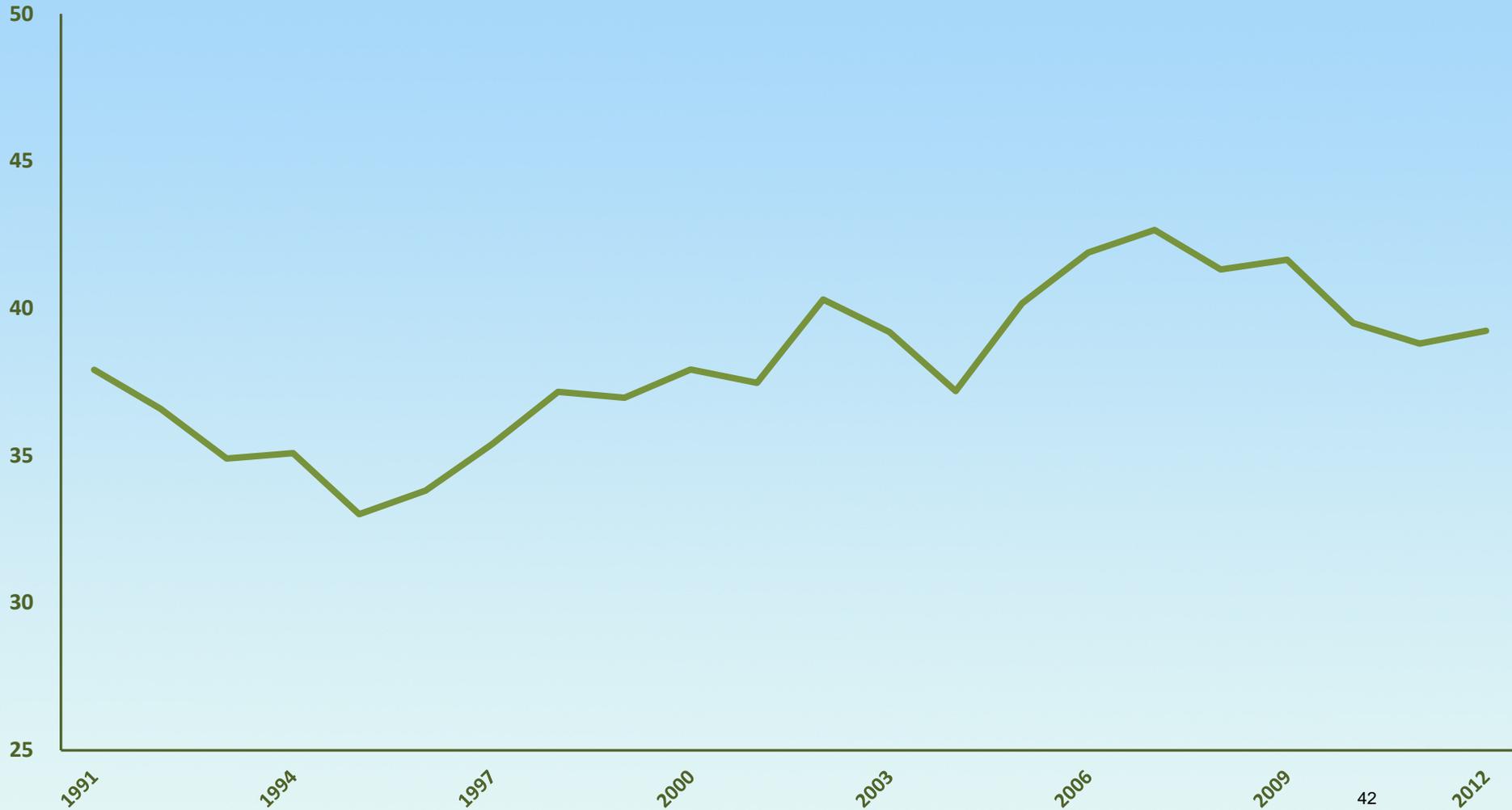
Source: NTD 2012

Demand Response is Rapidly Growing as a Portion of all transit Service

- DR mode share stable since 1991
 - .95% to 1.17%,
 - share of PMT has risen from .94% to 2.21.%
- DR costs not over represented by mode share due to low ops costs



Per Capita Trips 1991-2012



Per Capita Trip Trends

- Per Capita trips were adopted as a key measure in 2001 y the TC and RTTF – 34.9 was the target
- Per Capita Trips grew in the 2000s, and declined due to recession
- After spending \$50 billion on transit in the last 20 years, per capita trips are 2% higher than 1991

Future Work Efforts

- Maintenance measures have proven difficult due to inconsistencies in the reporting. Staff will continue to look into maintenance expense measures
- Subsequent to the completion of the rail availability analysis, staff will also look into incorporating land uses measures into system performance analysis

Comment Period

- Closes October 1, 2014
- SCAG is actively seeking comments from operators and CTCs
- Comment process will provide foundation for 2016 RTP/SCS transit performance assessment



Questions?



For more information, please contact:

Matt Gleason – gleason@scag.ca.gov

(213)-236-1832

www.scag.ca.gov/transit/



REPORT

DATE: July 30, 2014

TO: Regional Transit Technical Advisory Committee (RTTAC)

FROM: Steve Fox, Senior Regional Planner, 213-236-1855, fox@scag.ca.gov

SUBJECT: **2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) High-Quality Transit Corridor (HQTC) and Major Transit Stop Methodology**

SUMMARY:

This report briefs RTTAC members on SCAG’s 2016 RTP/SCS HQTC and Major Transit Stop Methodology and external vetting process.

BACKGROUND:

The Sustainable Communities and Climate Protection Act of 2008, SB 375, created residential or mixed-use residential projects that may be exempt from, or subject to a limited review of, CEQA. The bill specifically states that these “transit priority projects” should:

- contain at least 50 percent residential use, based on total building square footage and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75;
- provide a minimum net density of at least 20 dwelling units per acre; and
- be within one-half mile of a major transit stop or high-quality transit corridor (HQTC).

A project is considered to be within one-half mile of a major transit stop or HQTC if all parcels within the project have no more than 25 percent of their area farther than one-half mile from the stop or corridor and if not more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the stop or corridor.

SB 743 was signed into law last year and provides further opportunities for CEQA exemption and streamlining to facilitate transit oriented development (TOD). Specifically, certain types of projects within “transit priority areas” (TPAs) can benefit from a CEQA exemption if they are also consistent with an adopted specific plan and the regional Sustainable Communities Strategy (SCS). In addition, aesthetic and parking impacts of certain infill projects within a TPA shall not be considered a significant impact on the environment. The State Office of Planning and Research (OPR) is tasked to develop guidelines for streamlined CEQA analysis for transportation impacts of projects within TPAs (draft guidelines due by July 1, 2014). Finally, SB 743 also provides congestion management plan relief for a larger infill opportunity zone.

Statute Language

Gov’t Code 65088.1(e) “High-quality transit corridor” means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

PRC 21064.3 "Major transit stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a

frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

PRC 21099 (a)(7) "Transit priority area" means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.

SCAG HQTC/Major Transit Stop Definition and Methodology

An internal working group of SCAG staff was convened earlier this year to determine the HQTC and major transit stop methodology for the 2016 RTP/SCS. Issues discussed included: 1) interpretation of the statute, 2) identification of the HQTCs and major transit stops based on various characteristics and parameters, 3) mapping methodology, and 4) the external vetting process and timeline.

In addition to internal discussions, staff also contacted Sacramento Area Council of Governments (SACOG), the Bay Area Metropolitan Transportation Commission (MTC), San Diego Association of Governments (SANDAG), and OPR. It was determined that at least a couple of issues--such as whether or not to include express route alignments along freeways as HQTCs, or whether or not to average the combined frequency of multiple-line corridors to determine HQTC eligibility—were being addressed differently among the state's major MPOs. Based on consultation with OPR, the SCAG internal working group has agreed to the following methodology for the 2016 RTP/SCS.

Multiple-Route Corridors. HQTCs must have at least one bus route with 15-minute or better service. If a certain corridor or arterial has more than one route operating along it for a defined length, and none of the routes has 15-minute or better frequency, then averaging the frequency of the different routes for a given segment along this corridor that would result in arriving at a better than 15-minute service, is not within the intent of statute.

Route Alignment Buffering. The entire route alignment of a service that operates at better than 15-minute service must be included as a HQTC. This includes express bus services even when they are running along freeways and are not accessible via stops on the freeway right-of-way. (OPR agreed that this may not be consistent with the spirit of the law, but this is the direction they gave the working group.)

Peak Periods. For purposes of determining a HQTC or major transit stop, both the a.m. and p.m. peak periods must be used. These periods are at the discretion of the MPO or transit agency. For example, SCAG uses an a.m. peak period of 6:00 a.m. to 9:00 a.m. and a p.m. peak period of 3:00 p.m. to 7:00 p.m. The total population of a transit line's trips during this seven-hour period will be used to determine average frequency of service.

Major Transit Stop. Where bus transit services intersect, each of the intersecting services must have 15-minute or better headways. (All rail stations are considered major transit stops no matter what the frequency of service.)

Intersecting Service Transfer Zones. For purposes of transferring between perpendicular services, SCAG is setting a 500-foot buffer to determine a major transit stop. A 500-foot buffer was chosen as this distance is assumed to be a reasonable limit that a transit patron would walk to transfer between buses. This issue is not addressed in statute, and is at the discretion of the MPO or transit agency. For example, MTC uses a

REPORT

200-foot buffer for this purpose.

External Vetting Process

SCAG's HQTC/major transit stop methodology as described above will be vetted with external stakeholders including transit operators, the Regional Transit Technical Advisory Committee (RTTAC), the county transportation commissions (CTCs), and the SCAG Technical Working Group (TWG). This subject will be agendaized at relevant meetings.

SCAG staff will prepare 15-minute or better frequency tables based on the 2012 base year of the 2016 RTP/SCS and share these with transit operators to accurately inventory transit services that are candidates for HQTCs/major transit stops. Any differences will be documented in a spreadsheet. SCAG staff will then produce a final draft 2012 base year HQTC/major transit stop data set and maps for transit operator and CTC staff review. Transit provider and CTC staff will be given 30-45 days to respond back to SCAG with comments. Written responses with final resolution for the 2012 network will be documented.

As part of the development of the 2016 RTP/SCS, SCAG staff will coordinate with the CTCs and transit operators for input and verification on corridors and services they would like to include for 15-minute or better frequency for future years through the plan horizon of 2040.

Once the Final Draft HQTC/major transit stop maps are acceptable to transit operator and CTC staff, SCAG will send a formal letter documenting the HQTC/major transit stops, including methodology and process, to transit agency and CTC executive staff.

NEXT STEPS:

SCAG staff will incorporate RTTAC feedback into the methodology as appropriate and begin working with transit and commission partners on the 2016 RTP/SCS HQTC and major transit stop mapping in the next couple of months.

REPORT

DATE: July 30, 2014

TO: Regional Transit Technical Advisory Committee (RTTAC)

FROM: Philip Law, Manager of Transit/Rail, 213-236-1841, law@scag.ca.gov

SUBJECT: Federal Policy Guidance on Metropolitan Planning Organization (MPO) Representation of Transit Providers

EXECUTIVE SUMMARY:

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) jointly issued final policy guidance on implementation of provisions of the Moving Ahead for Progress in the 21st Century Act (MAP-21) that require representation by providers of public transportation in each Metropolitan Planning Organization (MPO) that serves a Transportation Management Area (TMA) by October 1, 2014. This report summarizes the policy guidance and SCAG staff's process for addressing the requirement. Staff will bring forward recommendations to the Regional Council for approval at its September 11, 2014 meeting.

BACKGROUND:

MAP-21 establishes a performance management framework that facilitates performance-based planning and programming. MPOs are also given new transit-related responsibilities to establish performance targets with respect to transit state of good repair and transit safety, and to address these targets in their Regional Transportation Plans (RTPs) and Transportation Improvement Programs (TIPs). Accordingly, MAP-21 requires representation by providers of public transportation in each MPO that serves an area designated as a TMA (defined as an urbanized area with a population of over 200,000 individuals as determined by the 2010 Census). The FTA and FHWA jointly issued proposed policy guidance on MPO representation on September 30, 2013. SCAG staff provided comments to FTA and FHWA on the proposed guidance, and informed the TC at its November 7, 2013 meeting.

On June 2, 2014, the FTA and FHWA jointly issued final guidance (see attached) requiring representation by “providers of public transportation” (hereinafter referred to as “public transportation representative”) on each MPO serving an area designated as a TMA by no later than October 1, 2014. The intent is for the public transportation representative, once designated, to have equal decision-making rights and authorities as other members on the MPO’s Board. The role of the public transportation representative is to consider needs of all eligible providers of public transportation in the metropolitan planning area and to address those issues that are relevant to the responsibilities of the MPO. The public transportation representative should be an elected or appointed member of the provider’s board of directors or a senior officer of the provider (e.g., chief executive officer or general manager). The public transportation representative should not also represent other entities on the MPO Board.

MPOs have flexibility to determine the most effective process for selecting the public transportation representative. For MPOs serving a TMA that has multiple providers of public transportation, selection of the public transportation representative must be done in a cooperative manner with all eligible providers (defined in the final policy guidance as those providers who are eligible to be a designated recipient, a direct recipient, or a sub-recipient of the Urbanized Area Formula funding program). The MPO must document

REPORT

the cooperative selection process, and the MPO must formally adopt the structure of including a public transportation representative on the MPO Board through a resolution, bylaws amendment, a metropolitan planning agreement or other documentation, as appropriate.

This matter was discussed by the executives of the six (6) County Transportation Commissions (CTCs) and SCAG at their monthly Chief Executive Officers (CEOs) meeting on June 20, 2014. The CEOs recommended that there be one public transportation representative appointed to the Regional Council (RC) to represent the transit interests of all the operators in the SCAG region. The representative would serve a two-year appointment consistent with the two-year term for existing RC members. The position would rotate among the six (6) counties, and the appropriate CTC would make the two-year appointment subject to the SCAG President's official appointment. Given that it is the largest transit operator in the SCAG region, the CEOs also recommended that a representative from the Los Angeles County Metropolitan Transportation Authority serve as the initial public transportation representative appointed to the RC.

This matter will be discussed with the Regional Transit Technical Advisory Committee (RTTAC) at its July 30, 2014 meeting. It will also be transmitted to the SCAG Transportation Committee on August 7, 2014. SCAG staff will then bring forward a recommendation to the Regional Council on September 11, 2014, on how to best implement the new rules.

open or closed when the person who will be exposed approaches the equipment and the text shall be at least 10 millimeters (height). Labeling on the device must include the following statement:

Attention: This sunlamp product should not be used on persons under the age of 18 years.

(B) Manufacturers shall provide validated instructions on cleaning and disinfection of sunlamp products between uses in the user instructions.

(ii) *Sunlamp products and UV lamps intended for use in sunlamp products.* Manufacturers of sunlamp products and UV lamps intended for use in sunlamp products shall provide or cause to be provided in the user instructions, as well as all consumer-directed catalogs, specification sheets, descriptive brochures, and Web pages in which sunlamp products or UV lamps intended for use in sunlamp products are offered for sale, the following contraindication and warning statements:

(A) “Contraindication: This product is contraindicated for use on persons under the age of 18 years.”

(B) “Contraindication: This product must not be used if skin lesions or open wounds are present.”

(C) “Warning: This product should not be used on individuals who have had skin cancer or have a family history of skin cancer.”

(D) “Warning: Persons repeatedly exposed to UV radiation should be regularly evaluated for skin cancer.”

(c) *Performance standard.* Sunlamp products and UV lamps intended for use in sunlamp products are subject to the electronic product performance standard at § 1040.20 of this chapter.

Dated: May 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–12546 Filed 5–29–14; 11:15 am]

BILLING CODE 4160–01–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 613

Federal Highway Administration

23 CFR Part 450

[Docket No. FTA–2013–0029]

Policy Guidance on Metropolitan Planning Organization (MPO) Representation

AGENCIES: Federal Transit Administration (FTA) and Federal Highway Administration (FHWA), DOT.

ACTION: Policy guidance.

SUMMARY: The FTA and FHWA are jointly issuing this guidance on implementation of provisions of the Moving Ahead for Progress in the 21st Century Act (MAP–21), that require representation by providers of public transportation in each metropolitan planning organization (MPO) that serves a transportation management area (TMA) no later than October 1, 2014. The purpose of this guidance is to assist MPOs and providers of public transportation in complying with this new requirement.

DATES: Effective June 2, 2014.

FOR FURTHER INFORMATION CONTACT: Dwayne Weeks, FTA Office of Planning and Environment, telephone (202) 366–4033 or Dwayne.Weeks@dot.gov; or Harlan Miller, FHWA Office of Planning, telephone (202) 366–0847 or Harlan.Miller@dot.gov.

SUPPLEMENTARY INFORMATION:

Introduction

The FTA and FHWA are jointly issuing this policy guidance on the implementation of 23 U.S.C. 134(d)(2)(B) and 49 U.S.C. 5303(d)(2)(B), as amended by sections 1201 and 20005 of MAP–21, Public Law 112–141, which require representation by providers of public transportation in each MPO that serves an area designated as a TMA by October 1, 2014.¹ A TMA is defined as an urbanized area with a population of over 200,000 individuals as determined by the 2010 census, or an area with a population of fewer than 200,000

individuals that is designated as a TMA by the request of the Governor and the MPO designated for the area.² As of the date of this guidance, of the approximately 420 MPOs throughout the Nation, approximately 210 MPOs serve an area designated as a TMA. The FTA and FHWA will issue a joint notice of proposed rulemaking to amend 23 CFR part 450 and 49 CFR part 613 to make these planning regulations consistent with these and other current statutory requirements. Once FTA and FHWA issue a final rule amending the planning regulations, MPOs must comply with the requirements in those regulations.

To increase the accountability and transparency of the Federal-aid highway and Federal transit programs and to improve project decisionmaking through performance-based planning and programming, MAP–21 establishes a performance management framework. The MAP–21 requires FHWA to establish, through a separate rulemaking, performance measures and standards to be used by States to assess the condition of the pavements and bridges, serious injuries and fatalities, performance of the Interstate System and National Highway System, traffic congestion, on-road mobile source emissions, and freight movement on the Interstate System.³ The MAP–21 also requires FTA to establish, through separate rulemakings, state of good repair and safety performance measures, and requires each provider of public transportation to establish performance targets in relation to these performance measures.⁴

To establish performance targets that address these performance measures, States and MPOs must coordinate their targets with each other to ensure consistency, to the maximum extent practicable.⁵ For transit-related performance targets, States and MPOs must coordinate their targets relating to safety and state of good repair with providers of public transportation to ensure consistency with other performance-based provisions applicable to providers of public transportation, to the maximum extent practicable.⁶ An MPO must describe in its metropolitan transportation plans the performance measures and targets used to assess the performance of its transportation system.⁷ Statewide and metropolitan transportation

¹ “Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, each metropolitan planning organization that serves an area designated as a transportation management area shall consist of . . . officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation.” 49 U.S.C. 5303(d)(2)(B). See also 23 U.S.C. 134(d)(2)(B).

² 23 U.S.C. 134(k)(1); 49 U.S.C. 5303(k)(1).

³ 23 U.S.C. 150(c).

⁴ 49 U.S.C. 5326(b), (c), 5329(b), (d).

⁵ 23 U.S.C. 134(h)(2); 49 U.S.C. 5303(h)(2).

⁶ 23 U.S.C. 134(h)(2); 49 U.S.C. 5303(h)(2).

⁷ 23 U.S.C. 134(i)(2)(B); 49 U.S.C. 5303(i)(2)(B).

improvement programs (STIPs and TIPs) must include, to the maximum extent practicable, a description of the anticipated effect of the program toward achieving the performance targets established in the statewide or metropolitan transportation plan, linking investment priorities and the highway and transit performance targets.⁸ These changes to the planning process will be addressed in FHWA and FTA's anticipated joint rulemaking amending 23 CFR part 450 and 49 CFR part 613.⁹

As part of its performance management framework, MAP-21 assigns MPOs the new transit-related responsibilities described above, i.e., to establish performance targets with respect to transit state of good repair and transit safety and to address these targets in their transportation plans and TIPs. Representation by providers of public transportation in each MPO that serves a TMA will better enable each MPO to define performance targets and to develop plans and TIPs that support an intermodal transportation system for the metropolitan area. Including representation by providers of public transportation in each MPO that serves an area designated as a TMA is an essential element of MAP-21's performance management framework and will support the successful implementation of a performance-based approach to transportation decisionmaking.

The FTA conducted an On-Line Dialogue on the MAP-21 requirement to include representation by providers of public transportation in each MPO that serves an area designated as a TMA from March 5 through March 29, 2013. Through this forum, FTA received input from MPOs, local elected officials, transit agencies, and the general public, with over 3,000 visits to the Web site. Over 100 ideas were submitted from 340 registered users who also provided hundreds of comments and votes on these ideas. Participants discussed the complex nature of MPOs and the advantages of providing flexibility for MPOs and providers of public transportation to decide locally how to include representation by providers of public transportation in the MPO.

To assist MPOs and providers of public transportation in understanding and satisfying the new requirement by the statutory deadline, FTA and FHWA issued proposed policy guidance for review and comment on September 30,

2013, with a 30-day comment period, under Docket Number FTA-2013-0029.¹⁰ The FTA and FHWA received 53 individual responses that contained approximately 160 comments. This guidance incorporates FTA and FHWA's responses to those comments.

Summary Discussion of Comments Received in Response to the Proposed Guidance

The proposed guidance sought comments on several specific issues: (1) The specifically designated representative; (2) the eligibility of representatives of providers of public transportation to serve as specifically designated representatives; (3) the cooperative process to select a specifically designated representative in MPOs with multiple providers of public transportation; (4) the role of the specifically designated representative; and (5) restructuring the MPOs to include representation by providers of public transportation.

The FTA and FHWA received 53 individual responses that contained approximately 160 comments: 25 MPOs, 10 providers of public transportation, 9 individuals, 4 trade associations, 4 others (including municipalities and advocacy organizations), and a State department of transportation. Several comments were outside the scope of this guidance and are therefore not addressed in this guidance. For example, some comments were specific to a situation in a particular metropolitan area. Where appropriate, FTA has reached out to the commenters to address their concerns. Comments pertaining to the guidance and FTA and FHWA's responses are discussed below.

The Need for Guidance in General

The FTA and FHWA received 19 comments supporting the need for policy guidance to implement MAP-21's changes to 23 U.S.C. 134(d)(2)(B) and 49 U.S.C. 5303(d)(2)(B). These commenters agreed that policy guidance would provide needed direction on how MPOs and providers of public transportation may meet the MAP-21 requirements for representation of providers of public transportation on MPOs.

The FTA and FHWA received three comments that stated the change in language to 23 U.S.C. 134(d)(2)(B) and 49 U.S.C. 5303(d)(2)(B) does not warrant policy guidance because of the long history of granting MPOs latitude in deciding the composition of their policy boards. Moreover, these comments stated that the responsibilities added by

the new language can be addressed through the existing certification review process and do not warrant additional guidance.

The FTA and FHWA have determined that policy guidance is necessary to provide direction to MPOs and providers of public transportation on how to meet this new statutory provision within the 2-year time frame.

A Specifically Designated Public Transportation Representative

Twenty-three commenters expressed concurrence with the proposed guidance that the intent of the MAP-21 provision to include "representation by providers of public transportation" is that representatives of providers of public transportation, once designated, should have equal decisionmaking rights and authorities as the other members that are on the policy board of an MPO that serves a TMA. Thirteen commenters indicated that they did not support that interpretation of the provision and urged FTA and FHWA to provide flexibility to allow MPOs to include transit representation in ways that would fit the unique circumstances of each metropolitan area. Two of these commenters asserted that MAP-21 did not change a local jurisdiction's authority to assign voting rights to policy board members. One commenter stated there is no basis in law for requiring MPOs to alter their board compositions. Many asserted that including public transit agencies as non-voting members or on MPO technical or policy committees is adequate to satisfy 23 U.S.C. 134(d)(2)(B) and 49 U.S.C. 5303(d)(2)(B). A few commenters stated that a policy or technical committee would be more appropriate for transit decisionmaking, as MPO policy boards deal with many issues outside of transportation.

The clear intent of this legislative provision is to ensure that providers of public transportation are represented on the MPO board and should have equal decisionmaking rights and authorities as the other members that are on the policy board of an MPO that serves a TMA. Contrary to the conclusions of some of the commenters, 23 U.S.C. 134(d)(2) and 49 U.S.C. 5303(d)(2) expressly provide that MPOs serving TMAs must alter their board compositions, if necessary, in order to attain the statutorily required structure. Congress amended 23 U.S.C. 134(d)(2)(B) and 49 U.S.C. 5303(d)(2)(B) to provide that, among other mandatory MPO members, MPOs serving an area designated as a TMA specifically "shall consist of . . . representation by providers of public transportation." Congress also amended 23 U.S.C.

⁸ 23 U.S.C. 134(j)(2)(D); 49 U.S.C. 5303(i)(2)(D) (TIPs) and 23 U.S.C. 135(g)(4); 49 U.S.C. 5304(g)(4) (STIPs).

⁹ FHWA RIN 2125-AF52; FTA RIN 2132-AB10.

¹⁰ 78 FR 60015 (Sept. 30, 2013).

134(d)(5)(B) and 49 U.S.C. 5303(d)(5)(B) to provide that an MPO “may be restructured to meet the requirements of paragraph (2) without undertaking a redesignation.” Additionally, the Conference Report accompanying MAP–21 states, “The conference committee requires the structure of all Metropolitan Planning Organizations include officials of public agencies that administer or operate public transportation systems within two years of enactment.”¹¹ Congress also made clear that the term *metropolitan planning organization* refers to “the policy board” of the organization, not its advisory or non-decisionmaking elements.¹²

Multiple MPOs that serve areas designated as TMAs commented that 23 U.S.C. 134(d)(3) and 49 U.S.C. 5303(d)(3) exempt them from having to comply with 23 U.S.C. 134(d)(2) and 49 U.S.C. 5303(d)(2) because the MPOs are acting pursuant to authority created under State law that was in effect on December 18, 1991. The exemption has existed in statute in some form since 1991. The FTA and FHWA’s long-standing interpretation of this provision is that an exemption from the MPO structure requirements is only appropriate for an MPO where (1) the MPO operates pursuant to a State law that was in effect on or before December 18, 1991; (2) such State law has not been amended after December 18, 1991, as regards to the structure or organization of the MPO; and (3) the MPO has not been designated or re-designated after December 18, 1991. An MPO that claims an exemption should self-certify its exempt status with FTA and FHWA as part of the MPO certification process described at 23 CFR 450.334 or through some other documentation.

With respect to who should be eligible to represent providers of public transportation on the MPO, two commenters, including a transit industry trade association, requested that FTA and FHWA establish that the representative “must” be an elected official on the policy board of a provider being represented or a direct representative employed by a provider being represented. Another commenter expressed concern that the proposed qualifications of the representative were too specific. A few commenters requested that, in addition to the representative being an officer of a provider of public transportation or an elected official that serves on the board of directors of the provider of public transportation, the representative may

also be a non-elected member appointed to the board of directors of the provider of public transportation. The FTA and FHWA concur that an appointed member of a public transportation provider’s board of directors also can serve as a representative of providers of public transportation on the MPO. In keeping with FTA and FHWA’s goal of providing flexibility to MPOs, the representative should be either a board member (elected or appointed) or officer of a provider of public transportation being represented on the MPO. The guidance remains suggestive rather than mandatory in this respect.

Fourteen entities requested that the guidance state definitively that a representative of providers of public transportation cannot fulfill multiple roles on an MPO board, for example, due to that person’s position as a local elected official or an appropriate State official. These commenters asserted that an “MPO board member cannot simultaneously represent multiple organizations” and that an elected official who is appointed to the MPO as a representative of that official’s local government does not necessarily represent the interests of transit, even if he or she happens to be on the public transportation provider’s board. Eight commenters asserted that the presence on the MPO of local elected officials should fully satisfy the new requirement. Seven commenters sought clarity generally on this provision. The FTA and FHWA agree that this proposed provision needed clarification. The policy guidance states that a public transportation representative on an MPO should not serve as one of the other mandatory MPO members set forth in 23 U.S.C. 134(d)(2) and 49 U.S.C. 5303(d)(2). For example, a member of an MPO board whose assignment comes by virtue of his or her position as an elected official should not also attempt to serve as a representative of providers of public transportation on the MPO board.

A few commenters highlighted the potential conflict that could arise when a representative of providers of public transportation is the subordinate of another MPO board member and the superior board member’s and the public transportation providers’ interests do not align. Two commenters noted that when a local government is the provider of public transportation, that local government effectively would be given an additional vote, upsetting a carefully constructed balance on the MPO. Another commenter noted that a conflict could result when a public transportation provider other than the

designated recipient¹³ serves as the representative of the providers of public transportation on the MPO board. The FTA and FHWA appreciate that recommending a separate and distinct representative of providers of public transportation could introduce a conflict or upset a carefully constructed balance on the MPO. However, 23 U.S.C. 134(a)(2) and 49 U.S.C. 5303(a)(2) state that “it is in the national interest . . . to encourage the continued improvement and evolution of the metropolitan and statewide planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators.” The MAP–21’s establishment of a performance-based approach to transportation decisionmaking evolves and improves the metropolitan and statewide planning processes, increasing the accountability and transparency of the Federal surface transportation program and improving project decisionmaking. The inclusion of a representative of providers of public transportation in each MPO that serves a TMA is a critical element of MAP–21’s performance management framework as it will enable the MPO to establish balanced performance targets and improve its ability to develop plans and programs that support an intermodal transportation system for the metropolitan area. As such, it contributes to the continued improvement and evolution of the cooperative and collaborative metropolitan planning process.

Three commenters suggested that the term FTA and FHWA used to refer to a public transportation representative on an MPO board, “specifically designated representative,” implied a role and responsibilities that differed from other members of the MPO board or “create[d] a subclass of board member.” This was not the intention of the proposed guidance. The guidance affirms that a representative of providers of public transportation on an MPO that serves a TMA, once designated, should have equal decisionmaking rights and authorities as the other members that are on the policy board of an MPO that serves a TMA. The FTA and FHWA

¹³ The term “designated recipient” means “(A) an entity designated, in accordance with the planning process under sections 5303 and 5304, by the Governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5336 to urbanized areas of 200,000 or more in population; or (B) a State or regional authority, if the authority is responsible under the laws of a State for a capital project and for financing and directly providing public transportation.” 49 U.S.C. 5302(4).

¹¹ H.R. Conf. Rep. 112–557 (2012).

¹² 23 U.S.C. 134(b)(2); 49 U.S.C. 5303(b)(2).

recognize that the term “specifically designated representative” generated considerable confusion. Consequently, the terms “representative of providers of public transportation” and “public transportation representative” replace it in the guidance.

Providers of Public Transportation

Eight commenters stated that to require the representative of providers of public transportation to be a direct recipient of the Urbanized Area Formula funding program is too restrictive, arguing that many large urbanized areas allocate transit funding through sub-recipients that would be precluded from participating in the MPO process. Four additional commenters interpreted this language to mean that a city or county that is not a direct recipient would be precluded from being able to represent transit interests on the MPO board. One commenter asserted that “all public transportation agencies within the MPO should be eligible to serve in this important role.”

The FTA and FHWA agree that the use of the term “direct recipient” was overly restrictive. The policy guidance clarifies that the representative of providers of public transportation on an MPO that serves an area designated as a TMA should be a provider of public transportation in the metropolitan planning area and a designated recipient, a direct recipient, or a sub-recipient of Urbanized Area Formula funding, or another public transportation entity that is eligible to receive Urbanized Area Formula funding. The FTA and FHWA recommend selecting a representative from among those public transportation providers that are eligible to receive Urbanized Area Formula funding because most Federal transit funding planned by MPOs serving TMAs is awarded under this program, and an eligible recipient of Urbanized Area Formula funding will be in the best position to represent transit interests on the MPO.

Process for the Selection of Public Transportation Representatives

Three providers of public transportation expressed support for the proposed policy that MPOs that serve an area designated as a TMA should cooperate with providers of public transportation and the State to amend their metropolitan planning agreements to include the cooperative process for selecting representatives of providers of public transportation on the MPO board. Conversely, while agreeing that MPOs should use a cooperative process to select representatives of providers of

public transportation, eight MPOs encouraged either the elimination or the softening of this policy recommendation, which would be “an unnecessary burden” that is not needed to meet the goals of MAP-21.

The metropolitan planning agreement is a productive mechanism that facilitates the working relationships among MPOs, States, and providers of public transportation as they fulfill their metropolitan transportation planning requirements. Regulations require that MPOs, States, and public transportation operators cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process and that these responsibilities be clearly identified in written agreements among the MPO, the State, and the public transportation operators serving the metropolitan planning area.¹⁴ The process to select representatives of the providers of public transportation for the MPO board is one of the mutual responsibilities of the MPO, the State, and the providers of public transportation. Thus, FTA and FHWA encourage, but do not require, MPOs, States, and providers of public transportation to amend their metropolitan planning agreements to document the process for selecting representatives of providers of public transportation. However, given the statutory deadline of October 1, 2014, and the expectation that MPOs, States, and providers of public transportation may need to update their agreements to address the MAP-21 performance management requirements once finalized through rulemaking, the policy guidance clarifies that an MPO board resolution, or other documentation, adopting the process to select representatives of providers of public transportation should be sufficient.

While the guidance recommends that MPOs formally adopt some kind of process for the selection of public transportation representatives, the guidance does not prescribe a specific selection process. This guidance affords the flexibility for providers of public transportation, States, and MPOs to determine the process to select representatives of providers of public transportation for the MPO policy board. This could include the selection of representatives by the providers of transit services themselves, as suggested by one commenter who said that “it should be up to the transit agencies to select whom they want to represent their interests [and] the vote for this representative should occur solely between the transit operators, and

should be completely independent of the MPO board and staff’s decision making.” By analogy, in many urbanized areas, providers of public transportation engage with each other to select a designated recipient or to allocate Urbanized Area Formula funds that have been apportioned to the urbanized area. The guidance clarifies that MPOs, States, and providers of public transportation have the flexibility to determine the most effective process that best serves the interests of the metropolitan planning area.

Role of the Public Transportation Representative

Four commenters expressed concern that the requirement to specify the role and responsibilities of the representative of providers of public transportation would place restrictions on the role of the transit representative. This is not the intent. In the guidance, FTA and FHWA recommend that MPOs establish, at a minimum, that a representative must consider the needs of all eligible public transportation providers that provide service in the metropolitan planning area and, in exercising this responsibility, the representative should have equal decisionmaking rights and authorities as the other members that are on the policy board of an MPO that serves a TMA. This guidance is intended to recommend a base level for effective representation and is not intended to restrict the role of a transit representative on an MPO.

While one commenter expressed support for the proposal that MPOs serving TMAs should amend their bylaws to describe the collaborative process of selecting representatives of providers of public transportation and the role the selected representative should play “because it would help ensure that transit-related issues and interests are appropriately and meaningfully represented in MPO decision-making,” 10 commenters expressed strong concern, claiming that the proposal was unnecessary, onerous, and that it had no basis in law. The proposed policy guidance did not propose to require MPOs to establish or amend bylaws, but only recommended such action. The FTA and FHWA have retained in the policy guidance that MPOs should amend their bylaws, if the MPO has them, to provide that a public transportation representative should consider the needs of all eligible public transportation providers that provide service in the metropolitan planning area and that, in exercising this responsibility, the representative should have equal decisionmaking rights and

¹⁴ 23 CFR 450.314.

authorities as the other members that are on the policy board of an MPO that serves a TMA. The guidance also recommends that an MPO could affirm these two policies in a board resolution or other documentation.

Restructuring MPOs To Include Representation by Providers of Public Transportation

Eighteen commenters expressed support for the proposal that an MPO that serves a TMA that has multiple providers of public transportation should cooperate¹⁵ with the eligible providers to determine how the MPO will include representation by providers of public transportation on its policy board. The example methods that FTA and FHWA described in the proposed guidance included having all providers represented by a single board position, rotating the board position among several providers, or proportional representation of all eligible providers on the board. Many commenters proposed that representation should not be limited to a single transit representative. Thirteen commenters proposed that all providers of public transportation that operate in a TMA should be given representation on the MPO board. One commenter opined that “each transit agency/provider should have a vote in matters before the MPO rather than having several transit providers share a single vote.” Another commenter suggested that “the best approach is one that rotates the board position among all eligible providers.” Still another commenter proposed that “all efforts be made to include the largest providers of public transportation in a region” as this policy would “ensure that the majority of public transportation users were represented in [the] MPO decision making process.”

The FTA and FHWA acknowledge that there are multiple ways to include representation of providers of public transportation on MPO boards and note that many MPOs currently do so. For example, the Regional Transportation Council of the North Central Texas Council of Governments (NCTCOG); the Portland, Oregon, MPO (JPACT); the Miami Valley Regional Planning Commission; the National Capital Region Transportation Planning Board that serves the Washington, DC, metropolitan area; and the Ozarks Transportation Organization in Springfield, Missouri, all cited their

¹⁵ Cooperation means that “the parties involved in carrying out the transportation planning and programming processes work together to achieve a common goal or objective.” 23 CFR 450.104.

inclusion of transit representatives as voting members on their MPO boards.

An MPO serving one of the Nation’s newest TMAs, the Portland Area Comprehensive Transportation System (PACTS) MPO in Portland, Maine, accommodates representation by providers of public transportation on the MPO policy board through a cooperative process. As documented in the PACTS bylaws, seven providers of public transportation serve on the Transit Committee of PACTS. The PACTS Transit Committee identifies a representative from the seven providers to serve on the Policy Committee, the Technical Committee, the Planning Committee, and the Executive Committee, and to represent transit for the entire metropolitan planning area. The representatives serve for 2 years and may serve successive terms.

The policy guidance provides MPOs, States, and providers of public transportation with the flexibility to determine the most effective arrangement to best serve the interests of the metropolitan planning area.

Policy Guidance

Representatives of Providers of Public Transportation

By October 1, 2014, MPOs that serve an area designated as a TMA must include “(A) local elected officials; (B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and (C) appropriate State officials.”¹⁶ The requirement to include “representation by providers of public transportation” is a new requirement under MAP-21. The intent of this provision is that representatives of providers of public transportation, once designated, should have equal decisionmaking rights and authorities as the other members that are on the policy board of an MPO that serves a TMA. This expectation reflects the long-standing position of FHWA and FTA with respect to statutorily required MPO board members.

A representative of providers of public transportation should be an elected or appointed member of the provider’s board of directors or a senior officer of the provider, such as a chief executive officer or a general manager.

A representative of providers of public transportation should not also attempt to represent other entities on the MPO. For example, if a local elected official is also a member of the board of directors of a provider of public

¹⁶ 23 U.S.C. 134(d)(2); 49 U.S.C. 5303(d)(2).

transportation and the elected official represents his or her local jurisdiction’s interests on the MPO, the local official should not also serve as a representative of public transportation providers generally.

An MPO is exempt from the structure requirements of 23 U.S.C. 134(d)(2) and 49 U.S.C. 5303(d)(2) if (1) the MPO operates pursuant to a State law that was in effect on or before December 18, 1991; (2) such State law has not been amended after December 18, 1991, as regards the structure or organization of the MPO; and (3) the MPO has not been designated or re-designated after December 18, 1991. An MPO that claims an exemption should self-certify its exempt status with FTA and FHWA as part of the MPO self-certification process described at 23 CFR 450.334 or through some other documentation.

Eligible Providers of Public Transportation

To satisfy 23 U.S.C. 134(d)(2)(B) and 49 U.S.C. 5303(d)(2)(B), a representative of a provider of public transportation that operates in a TMA should be eligible to be a designated recipient, a direct recipient, or a sub-recipient of the Urbanized Area Formula funding program.

Process for the Selection of Representatives of Providers of Public Transportation

To select representatives of providers of public transportation, MPOs, States, and providers of public transportation have the flexibility to determine the most effective process that best serves the interests of the metropolitan planning area. The FTA and FHWA encourage MPOs that serve an area designated as a TMA to amend their metropolitan planning agreements in cooperation with providers of public transportation and the State to include the cooperative process they have developed to select representatives of providers of public transportation for inclusion on the MPO board. The Metropolitan Transportation Planning rule at 23 CFR 450.314 provides for metropolitan planning agreements in which MPOs, States, and providers of public transportation cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. Alternatively, an MPO should formally adopt the cooperative selection process through a board resolution or other documentation.

Role of a Representative of Providers of Public Transportation

A representative of providers of public transportation should consider the needs of all eligible public transportation providers that provide service in the metropolitan planning area. In exercising this responsibility, the representative should have equal decisionmaking rights and authorities as the other members that are on the policy board of an MPO that serves a TMA. An MPO serving a TMA should formally establish through a board resolution the role and responsibilities of a representative of providers of public transportation, including, at a minimum, that the transit representative should (1) consider the needs of all eligible providers of public transportation in the metropolitan planning area and to address those issues that are relevant to the responsibilities of the MPO, and (2) have equal decisionmaking rights and authorities as the other members that are on the policy board of an MPO that serves a TMA.

To the extent that an MPO has bylaws, the MPO should, in consultation with transit providers in the TMA, develop bylaws that describe the establishment, roles, and responsibilities of transit representatives. These bylaws should explain the process by which the public transportation representative will identify transit-related issues for consideration by the MPO policy board and verify that transit priorities are considered in planning products to be adopted by the MPO. In TMAs with multiple providers of public transportation, the bylaws also should outline how representatives will consider the needs of all eligible providers of public transportation and address issues that are relevant to the responsibilities of the MPO.

Restructuring MPOs To Include Representation by Providers of Public Transportation

Title 23 U.S.C. 134(d)(5)(B) and 49 U.S.C. 5303(d)(5)(B) provide that an MPO may be restructured to meet the law's representation requirements without having to secure the agreement of the Governor and units of general purpose government as part of a redesignation.

There are multiple providers of public transportation within most TMAs. An MPO that serves an area designated as a TMA that has multiple providers of public transportation may need to cooperate with the eligible providers to determine how the MPO will meet the

requirement to include representation by providers of public transportation. There are various approaches to meeting this requirement. For example, an MPO may allocate a single board position to eligible providers of public transportation collectively, providing that one representative of providers of public transportation must be agreed upon through a cooperative process. The requirement for representation might also be met by rotating the board position among all eligible providers or by providing all eligible providers with proportional representation. However the representation is ultimately designated, the MPO should formally adopt the revised structure through a board resolution, bylaws, a metropolitan planning agreement, or other documentation, as appropriate.

Apart from the requirement for representation on the MPO's policy board, an MPO also may allow for transit representation on policy or technical committees. Eligible providers of public transportation that do not participate on the MPO's policy board may hold positions on advisory or technical committees.

The FHWA and FTA encourage MPOs, States, local stakeholders, and providers of public transportation to take this opportunity to determine the most effective governance and institutional arrangements to best serve the interests of the metropolitan planning area.

Issued on: May 21, 2014.

Therese McMillan,

Deputy Administrator, Federal Transit Administration.

Gregory G. Nadeau,

Deputy Administrator, Federal Highway Administration.

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BILLING CODE 4910-22-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[TD 9662]

RIN 1545-BJ31

Designation of Payor To Perform Acts Required of an Employer; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to final regulations (TD 9662) that were published in the

Federal Register on Monday, March 31, 2014 (79 FR 17860) relating to section 3504 of the Internal Revenue Code (Code) providing circumstances under which a person (payor) is designated to perform the acts required of an employer and is liable for employment taxes with respect to wages or compensation paid by the payor to individuals performing services for the payor's client pursuant to a service agreement between the payor and the client.

DATES: This correction is effective on June 2, 2014, and is applicable March 31, 2014.

FOR FURTHER INFORMATION CONTACT: Jeanne Royal Singley at (202) 317-6798 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are subject of this document are under section 3504 of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 9662) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, 26 CFR part 31 is corrected by making the following correcting amendments:

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT THE SOURCE

■ **Paragraph 1.** The authority citation for part 31 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 31.3504-2 [Corrected]

■ **Par. 2.** In § 31.3504-2, paragraph (e)(9) *Example 9*, the language “Corporation U” is removed and the language “Corporation V” is added in its place.

Martin V. Franks,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2014-12614 Filed 5-30-14; 8:45 am]

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