

American Planning Association

Association of Commuter Transportation

Association of Metropolitan Planning Organizations

National Association of City Transportation Officials

National Association of Development Organizations

National Association of Regional Councils

July 23, 2009

The Honorable Victor Mendez
Administrator
Federal Highway Administration
Room E87-314
1200 New Jersey Ave. S.E.
Washington, DC 20590-9898

Dear Administrator Mendez:

On behalf of metropolitan planning organizations (MPOs) and other organizations performing essential transportation planning and program coordination services for local officials across the nation, we are writing to express serious concerns about proposed rescissions of metropolitan transportation planning resources.

Specifically, we wish to ensure that recent rescissions of transportation funding, attributable to the fiscal year 2009 appropriations, do not erode these essential planning functions by rescinding metropolitan planning funds (known as "PL" funds), which are legally not subject to rescission.

Metropolitan planning organizations perform essential planning and program coordination services of America's critical transportation infrastructure systems. MPOs implementation of American Recovery and Reinvestment Act resources makes them all the more essential to ensuring federal resources are administered in an efficient and accountable manner.

Moreover, MPOs are providing increased leadership in reducing greenhouse gases and other environmental efforts, and may have additional planning responsibilities in these areas, as illustrated by the recent passage by the U.S. House of Representatives of the American Clean Energy and Security Act of 2009 (H.R. 2998 § 222), which would require MPOs to establish "targets and strategies" to reduce greenhouse gases through transportation planning activities.

The rescission of MPO PL funds would result in unfunded federal and state mandates related to air quality, congestion management, transit planning, long range transportation planning, public involvement and other processes required to be undertaken throughout the transportation project development cycle. The level of effort required to comply with the federal planning requirements is substantial and does not diminish whether the jurisdiction has 10 or 110 capital projects to be funded.

Importantly, planning is done far in advance of actual construction and often planning dollars are already spent or committed for planning resources such as MPO staff and modeling. PL dollars are very limited under current funding. Rescission of PL funds in 2008 has already forced loss of jobs, layoffs, delays in planning and project delivery, and inability to continue critical planning tasks.

At the very least, PL funds set aside from the Surface Transportation Program should be protected from rescission pursuant to the express exemption in the Omnibus Appropriations Act, which provides that "such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109-59; and the first sentence of section 133(d)(3)(A) of such title." *See* Omnibus Appropriations Act of 2009,

Pub. L. 111-08, 123 Stat. 924 (Mar. 11, 2009). FHWA should direct States that the proportion of PL funds attributable to those programs are not subject to rescission and may not be reduced in any way.

Because rescission of PL funds would be contrary to Congressional intent and would seriously undermine the transportation planning process at a critical juncture of America's economic recovery, we respectfully request that FHWA issue guidance to division offices and States clarifying the rescission mechanism and directing that PL funds not be reduced pursuant to the statutory mandate of EISA.

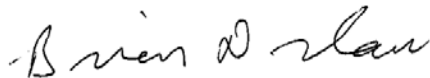
Sincerely,



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