



ASSOCIATION OF
METROPOLITAN
PLANNING
ORGANIZATIONS

April 14, 2020

The Honorable Elaine L. Chao
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Chao,

On behalf of the Association of Metropolitan Planning Organization's (AMPO), I am writing to thank you for your strong leadership and immediate actions to mitigate and assist with the widespread challenges raised by the COVID-19 pandemic.

The nation's metropolitan planning organizations (MPOs) serve a critical role in the stewardship of the country's transportation network. MPOs are working closely with their localities and stakeholders to ensure that vital transportation options continue to remain available while ensuring that public health is not compromised. In addition, many MPOs are being called upon by local and state elected officials to conduct important analysis related to travel behavior and monitor other significant impacts caused by the COVID-19 pandemic.

MPOs will also serve an important role in the economic recovery through the efficient and prioritized expenditure of infrastructure funds. However, as MPOs navigate these unprecedented circumstances there are serious concerns over regulatory requirements and deadlines that could potentially lead to project delay among other challenges. Therefore, we are requesting that the Administration and the U.S. Department of Transportation provide much needed regulatory relief.

Specifically, we ask that you please consider the following actions:

- Develop guidance through the Federal Highway Administration, Federal Transit Administration, and other agencies to **liberally grant extensions to organizations for requirements** such as long-range transportation plan (LRTP) approvals, Unified Planning Work Program (UPWP), FTA triennial reviews, quadrennial certifications,

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invoice processing, and other relevant deadlines that occur during fiscal year's 2020 and 2021.

- **Authorize the ability for administrative TIP and UPWP amendments.** This will allow the MPOs to add new studies, consulting work or data purchases and budget related to the COVID-19 pandemic as these costs may exceed 5% of the existing budget. In addition, allow for flexible carry-over of any unspent 2020 planning funds directly into the 2021 budget year. These actions would not require a formal MPO meeting per the adopted and federally-required Public Involvement Plans. This provision is only permitted during the time period that a state-level emergency declaration is in effect.
- **Extend deadlines for discretionary grant programs,** including obligation deadlines, so recipients are not penalized with the loss of their grant due to an extended period of slowdown or stoppage of required work.
- Develop guidance through FHWA and FTA to **provide maximum flexibility in regards to public involvement requirements,** allowing for distribution of materials on the internet or through other reasonable distribution methods, and allowing for gathering of comments electronically as sufficient under such requirements for the duration of the national state of emergency and until Federal, State, and local health officials agree that it is safe for public gatherings to recommence.
- Develop guidance through FHWA and FTA to **allow, pursuant to federal law, a MPOs policy board to meet electronically or telephonically** during the period in which a national disaster is declared. Policy boards meeting in this way should be able to vote and otherwise make decisions as if they were meeting in person. Further, **grant emergency powers to an organization's Executive Director or Board Chairperson** to approve documents on behalf of the MPO as needed.
- **Ease lapsing requirements** if a State can demonstrate that an impact of the national emergency declaration is the proximate cause of the funding lapse.
- Provide **flexibility to states and MPOs to update required performance targets and set new targets** as appropriate to adequately reflect the anticipated conditions. Further, **allow for or automatically grant extensions of performance target setting deadlines** as appropriate, including the MPO CMAQ Performance Plan which is currently due on October 1, 2020.
- **Consider changes to procurement processes** that will be necessary if whole offices are teleworking, such as allowing for electronic signatures.

In addition, working with our fellow stakeholder organizations, AMPO will be advocating for the following legislative action:

- **Utilize the Surface Transportation Block Grant Program (STBGP)** (23 U.S.C. § 133) under the federal-aid highway program and public transportation program for

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stimulus spending. **Distribute this funding using existing formulas and sub-allocation procedures** under 23 U.S.C. § 133. **Remove local match requirements** so federal funds can cover 100% of project costs.

- **Allow funds provided in a stimulus bill to be used as the local share funds for any program**, including Surface Transportation Block Grant Program, Congestion Mitigation and Air Quality, and Metropolitan Planning. Allowing new funds to be used to match other program funds will help to ensure swift project delivery.
- **Waive all restrictions under 49 U.S.C. § 5307 on the use of funds for operating expenses for the remainder of fiscal year 2020 and fiscal year 2021.** During this period, **allow federal funds to be used for 100 percent of project costs.**

As the MPOs continue to navigate these uncertain times, it is of the utmost importance that there is a clear national message as it relates to regulatory relief and guidance. We would greatly appreciate the U.S. DOT's leadership in this regard. AMPO and its members look forward to working with the U.S. DOT to assist in supporting and implementing these relief efforts to ensure that we are able to respond to the challenges presented by the COVID-19 pandemic in the most efficient and effective ways possible.

If you have any questions about the issues raised in this letter or otherwise please contact Bill Keyrouze, Interim Executive Director, at 202-624-3683 or bkeyrouze@ampo.org.

Sincerely,



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President, Association of Metropolitan Planning Organizations



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