

# Texas Administrative Code

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## TITLE 43

TRANSPORTATION

### PART 1

TEXAS DEPARTMENT OF TRANSPORTATION

### CHAPTER 15

TRANSPORTATION PLANNING AND PROGRAMMING

### SUBCHAPTER A

TRANSPORTATION PLANNING

#### **RULE §15.3**

**Organization, Structure, and Responsibilities of Metropolitan Planning Organizations**

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(a) Purpose. Under 23 U.S.C. §134 and 49 U.S.C. §5303, as implemented by 23 C.F.R. Part 450, Subpart C, a metropolitan planning organization must be designated in each urbanized area, and each MPO must have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs which consider all transportation modes and support metropolitan community development and social goals. This section describes the process for designating MPOs, adding members to an MPO, setting metropolitan planning area boundaries, coordinating metropolitan planning among MPOs, transit operators, and the department, and prescribes the responsibilities of MPOs.

(b) Designations, redesignations, and membership of MPOs.

(1) Designations.

(A) A designation of an MPO shall be by agreement between the governor and local units of government representing 75% of the affected metropolitan population (including the central city or cities as defined by the Bureau of the Census), and shall be carried out in accordance with 23 C.F.R. §450.306. More than one MPO may be designated within an urbanized area only if the governor determines that the size and complexity of the urbanized area makes designation of more than one MPO appropriate.

(B) Existing MPO designations remain valid until a new MPO is designated, unless revoked by the governor and local units of government representing 75% of the population in the area served by the existing MPO in accordance with 23 C.F.R. §450.306(f). The central city must be among those desiring to revoke the MPO designation.

(2) Redesignations.

(A) The designation of a new MPO to replace an existing MPO shall occur by agreement of the governor and affected local units of government representing 75% of the population in the entire metropolitan planning area. The central city(ies) must be among the units of local government agreeing to the redesignation.

(B) Redesignation of an MPO in a multistate metropolitan area requires the approval of the governor and the governor's counterpart in the other state, and of local officials representing 75% of the population in the entire metropolitan planning area. The local officials in the central city must be among those agreeing to the redesignation.

(C) Redesignation of an MPO covering more than one urbanized area requires the approval of the governor and local officials representing 75% of the population in the metropolitan planning area covered by the current MPO. The local officials in the central city(ies) in each urbanized area must be among those agreeing to the redesignation.

(D) If the governor and local officials decide to redesignate an existing MPO, but do not formally revoke the existing MPO designation, the existing MPO remains in effect until a new MPO is formally designated.

(3) Membership of MPOs. Adding membership (e.g., local elected officials and operators of major modes or systems of transportation, or representatives of newly urbanized areas) to the policy body or expansion of the metropolitan planning area does not automatically require redesignation of the MPO. To the extent possible, it is encouraged that this be done without a formal redesignation. The governor and the MPO will review the

previous MPO designation, state and local law, MPO bylaws, and any other relevant documentation to determine if this can be accomplished without a formal redesignation.

(c) Metropolitan planning area boundaries.

(1) Minimum area.

(A) General. Except as otherwise provided in subparagraph (B) of this paragraph, the metropolitan planning area boundary shall, at a minimum, cover the existing urbanized area(s) and the contiguous geographic area likely to become urbanized within the 20 year forecast period covered by the transportation plan, and shall include the boundaries required by 23 C.F.R. §450.308. Metropolitan planning area boundaries shall be limited to the boundaries approved by the governor, and may include new nonattainment areas as agreed to by the governor and the MPO.

(B) Existing nonattainment areas. In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, the boundaries of the metropolitan planning area in existence as of the date of enactment of the Transportation Equity Act for the 21st Century (TEA-21) shall be retained. Future expansion of nonattainment boundaries will be included within the boundaries of the metropolitan planning area to the extent agreed to by the governor and the MPO.

(2) Boundary establishment. The metropolitan planning area for a new urbanized area served by an existing or new MPO shall be established in accordance with this subsection. The current planning area boundaries for previously designated urbanized areas shall be reviewed and modified if necessary to comply with the criteria identified in this subsection.

(3) Coordination with other transportation modes. In addition to the criteria contained in this subsection, the planning areas currently in use for all transportation modes must be reviewed before establishing the metropolitan planning area boundary, and adjusted, if appropriate, in accordance with 23 C.F.R. §450.308.

(4) Approval of boundaries. Approval of metropolitan area boundaries by the FHWA or the FTA is not required. However, metropolitan planning area boundary maps must be provided to the department for further handling with the FHWA and the FTA, after their approval by the governor. Revisions to approved boundaries must also be approved by the governor. The governor and the department must be provided documentation and the rationale supporting any recommended boundary change.

(5) Use of suballocated Surface Transportation Program funds. If a portion of a nonattainment or maintenance area (as defined by the CAAA) is excluded from the metropolitan planning area boundary, the Surface Transportation Program funds suballocated to urbanized areas greater than 200,000 in population may not be used for projects outside the metropolitan planning area boundary.

(d) Metropolitan planning area agreements.

(1) Planning contract. The responsibilities for cooperatively carrying out transportation planning (including corridor and subarea studies) and programming shall be clearly identified in the planning contract between the department and the MPO.

(2) MPO-transit operator planning agreement. There shall be a written agreement between the MPO and operators of publicly owned transit services that specifies cooperative procedures for carrying out transportation planning (including corridor and subarea studies) and programming as required by this subchapter.

(3) Agreements in nonattainment MPOs. If the metropolitan planning area does not include the entire nonattainment or maintenance area (as defined by the CAAA), there shall be a written agreement among the department, TCEQ, affected local agencies, and the MPO describing the process for cooperative planning and analysis of all projects outside the metropolitan planning area, but within the nonattainment or maintenance area. The agreement shall be in accordance with the requirements of 23 C.F.R. §450.310.

(4) Coordination of planning processes. If more than one MPO has authority within a metropolitan planning area or a nonattainment or maintenance area, there shall be a written agreement, consistent with the

requirements of 23 C.F.R. §450.310, between the department and the MPOs describing how the processes will be coordinated to assure the development of an overall transportation plan for the metropolitan planning area. In metropolitan planning areas that are nonattainment or maintenance areas, the agreement shall include the TCEQ and any local air quality agencies.

(5) Existing agreements. For all requirements specified in paragraphs (1)-(4) of this subsection, existing agreements shall be reviewed for compliance and reaffirmed or modified as necessary to ensure participation by all appropriate modes.

(e) Responsibilities of MPOs.

(1) General. The MPO in cooperation with the department and with operators of publicly owned transit services shall be responsible for carrying out the metropolitan transportation planning process in accordance with 23 C.F.R. Part 450 and this subchapter. The MPO, the department, and transit operators shall cooperatively determine their mutual responsibilities in the conduct of the planning process, including corridor refinement (e.g., feasibility and major investment) studies. They shall cooperatively develop the Unified Planning Work Program, metropolitan transportation plan, and transportation improvement program. In addition, the development of the metropolitan transportation plan and transportation improvement program shall be coordinated with other providers of transportation (e.g., sponsors of regional airports, maritime port operators, and rail freight operators).

(2) Metropolitan transportation plan. The MPO shall approve the metropolitan transportation plan and its periodic updates.

(3) Metropolitan transportation improvement program. The MPO and the governor shall approve the metropolitan transportation improvement program and any amendments. If the governor delegates this authority, the executive director shall approve the metropolitan transportation improvement program and any amendments found to be in accordance with §15.7(h) of this title (relating to Transportation Improvement Programs).

(4) Coordination with State Implementation Plan development. In nonattainment or maintenance areas, the MPO shall coordinate the development of the transportation plan with the State Implementation Plan (SIP) development process, including the development of any transportation control measures (TCMs). The MPO shall develop or assist in developing the TCMs. The MPO shall not approve any metropolitan transportation plan or transportation improvement program which does not conform with the SIP, as determined in accordance with EPA conformity regulations.

(5) Metropolitan planning in areas with multiple MPOs. If more than one MPO has authority in a metropolitan planning area (including multistate metropolitan planning areas) or in an area which is designated as nonattainment or maintenance for transportation related pollutants, the MPOs, the governor, and the governor's counterpart in any other involved state shall cooperatively establish the boundaries of the metropolitan planning area (including the 20 year planning horizon and relationship to the nonattainment or maintenance areas) and the respective jurisdictional responsibilities of each MPO. The MPOs shall consult with each other and the states to assure the preparation of integrated plans and transportation improvement programs for the entire metropolitan planning area. While an individual MPO metropolitan transportation plan and transportation improvement program may be developed separately, each plan and transportation improvement program must be consistent with the plans and transportation improvement programs of other MPOs in the metropolitan planning area. For the overall metropolitan planning area, the individual MPO planning process shall reflect coordinated data collection, analysis, and development. In those areas where this provision is applicable, coordination efforts shall be initiated and the process and outcomes documented in subsequent transmittals of the Unified Planning Work Program and various planning products (e.g., the metropolitan transportation plan and transportation improvement program) to the department for further transmittal to the FHWA and the FTA.

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**Source Note:** The provisions of this §15.3 adopted to be effective January 1, 1998, 22 TexReg 12081; amended to be effective November 21, 2002, 27 TexReg 10760