

113TH CONGRESS
2^D SESSION

S. 2761

To amend title 23, United States Code, to permit the consolidation of metropolitan planning organizations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2014

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to permit the consolidation of metropolitan planning organizations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Local Empowerment
5 Act”.

6 **SEC. 2. CONSOLIDATED AND HIGH PERFORMING METRO-**
7 **POLITAN PLANNING ORGANIZATIONS.**

8 (a) HIGHWAYS.—

9 (1) APPORTIONMENT.—Section 104(d)(2)(A) of
10 title 23, United States Code, is amended—

1 (A) in clause (i), by striking “; and” and
2 inserting a semicolon;

3 (B) by redesignating clause (ii) as clause
4 (iii); and

5 (C) by inserting after clause (i) the fol-
6 lowing:

7 “(ii) prioritizes the needs of high per-
8 forming metropolitan planning organiza-
9 tions (as designated by the Secretary
10 under section 134(r) or section 5303(r) of
11 title 49); and”.

12 (2) SURFACE TRANSPORTATION PROGRAM.—
13 Section 133 of title 23, United States Code, is
14 amended—

15 (A) in subsection (d), by striking para-
16 graph (1) and inserting the following:

17 “(1) CALCULATION.—Of the funds apportioned
18 to a State under section 104(b)(2)—

19 “(A) 50 percent for a fiscal year shall be
20 obligated under this section, in proportion to
21 their relative shares of the population of the
22 State—

23 “(i) in urbanized areas of the State
24 with an urbanized area population of more
25 than 200,000;

1 “(ii) in urban areas of the State with
2 an urban area population of not fewer than
3 5,000 and not more than 200,000; and

4 “(iii) in areas of the State with an
5 area population of fewer than 5,000;

6 “(B) 25 percent for a fiscal year may be
7 obligated under this section in any area of the
8 State;

9 “(C)(i) 25 percent for a fiscal year shall be
10 obligated under this section, in proportion to
11 their relative shares of the population of the
12 State, in urbanized areas described in subpara-
13 graph (A)(i) that have a high performing met-
14 ropolitan planning organization (as designated
15 by the Secretary under section 134(r) or section
16 5303(r) of title 49); and

17 “(ii) the amount of the funds obligated to
18 each urbanized area described in clause (i)
19 shall—

20 “(I) be equal to 50 percent of the
21 amount of the funds obligated to the ur-
22 banized area under subparagraph (A)(i);
23 and

1 “(II) be in addition to the funds obli-
2 gated to the urbanized area under sub-
3 paragraph (A)(i); and

4 “(D) any funds not obligated under sub-
5 paragraph (C) for a fiscal year shall be obli-
6 gated under this section, in proportion to the
7 relative shares of the population of the State, in
8 any area of the State under subparagraph
9 (B).”;

10 (B) in subsection (f)—

11 (i) in paragraph (1)—

12 (I) by striking “A State” and in-
13 serting “Except as provided in para-
14 graph (2), a State”;

15 (II) by striking “section
16 104(b)(3)” and inserting “section
17 104(b)(2)”; and

18 (III) by striking “2011 through
19 2014” and inserting “2015 through
20 2018”;

21 (ii) by redesignating paragraph (2) as
22 paragraph (3);

23 (iii) by inserting after paragraph (1)
24 the following:

1 “(2) HIGH PERFORMING METROPOLITAN PLAN-
2 NING ORGANIZATIONS.—

3 “(A) IN GENERAL.—A State that is re-
4 quired to obligate in an urbanized area under
5 subsections (d)(1)(A)(i) and (d)(1)(C) funds ap-
6 portioned to the State under section 104(b)(2)
7 shall make available to the urbanized area for
8 each fiscal year during the period described in
9 paragraph (1) an amount of obligation author-
10 ity distributed to the State for Federal-aid
11 highways and highway safety construction pro-
12 grams for use in the area that is equal to the
13 amount obtained by multiplying—

14 “(i) the amount of funds that the
15 State is required to obligate in the area
16 under subsections (d)(1)(A)(i) and
17 (d)(1)(C); and

18 “(ii) the ratio described in paragraph
19 (1)(B).

20 “(B) AVAILABILITY.—The obligation au-
21 thority described in subparagraph (A) shall re-
22 main available for a period of 4 fiscal years.”;
23 and

1 (iv) in paragraph (3) (as so redesignig-
 2 nated), by striking “paragraph (1)” and
 3 inserting “paragraphs (1) and (2)”; and
 4 (C) in subsection (h)(1), by striking “of
 5 fiscal years 2013 through 2014” and inserting
 6 “fiscal year”.

7 (3) METROPOLITAN TRANSPORTATION PLAN-
 8 NING.—Section 134 of title 23, United States Code,
 9 is amended—

10 (A) in subsection (b)—

11 (i) by redesignating paragraphs (1)
 12 through (7) as paragraphs (2) through (8),
 13 respectively; and

14 (ii) by inserting before paragraph (2)
 15 (as so redesignated) the following:

16 “(1) CONSOLIDATED METROPOLITAN PLANNING
 17 ORGANIZATION.—The term ‘consolidated metropoli-
 18 tan planning organization’ means a sole metropoli-
 19 tan planning organization that serves a metropolitan
 20 statistical area.”;

21 (B) in subsection (d), by striking para-
 22 graph (6) and inserting the following:

23 “(6) CONSOLIDATION OF METROPOLITAN PLAN-
 24 NING ORGANIZATIONS IN URBANIZED AREAS.—

1 “(A) LIMITATION ON NEW METROPOLITAN
2 PLANNING ORGANIZATIONS.—A metropolitan
3 planning organization shall not be designated—

4 “(i) within a metropolitan statistical
5 area if another metropolitan planning or-
6 ganization already exists within the bound-
7 aries of the metropolitan statistical area;

8 or

9 “(ii) outside the boundaries of a met-
10 ropolitan statistical area.

11 “(B) MULTIPLE EXISTING METROPOLITAN
12 PLANNING ORGANIZATIONS.—If more than 1
13 existing metropolitan planning organizations
14 are designated within a metropolitan statistical
15 area—

16 “(i) each metropolitan planning orga-
17 nization may—

18 “(I) retain the designation as a
19 metropolitan planning organization; or

20 “(II) agree to be consolidated
21 with the other metropolitan planning
22 organizations;

23 “(ii) the existing metropolitan plan-
24 ning organizations and the applicable Gov-
25 ernors may—

1 “(I) beginning on January 1,
2 2022, and once every 10 years there-
3 after, revisit the agreement described
4 in clause (i)(I); and

5 “(II) submit to the Secretary a
6 justification of the continued necessity
7 of that agreement; and

8 “(iii) each metropolitan planning or-
9 ganization shall cooperate with every other
10 metropolitan planning organization to—

11 “(I) develop a single transpor-
12 tation improvement plan and a single
13 long-range plan to be used by each
14 metropolitan planning organization
15 when developing individual plans of
16 the metropolitan planning organiza-
17 tion; and

18 “(II) establish a single set of per-
19 formance targets that address the per-
20 formance measures described in sec-
21 tion 150(c) to be used in developing
22 individual performance targets of the
23 metropolitan planning organization in
24 accordance with subsection
25 (h)(2)(B).”; and

1 (C) by adding at the end the following:

2 “(r) HIGH PERFORMING METROPOLITAN PLANNING
3 ORGANIZATIONS.—

4 “(1) IN GENERAL.—A metropolitan planning
5 organization designated for an urbanized area with
6 a population of more than 200,000 individuals may
7 request that the Secretary designate the metropoli-
8 tan planning organization as a high performing met-
9 ropolitan planning organization.

10 “(2) CRITERIA.—In making a designation
11 under paragraph (1), the Secretary shall consider—

12 “(A) the extent to which the metropolitan
13 planning organization has an equitable and re-
14 gional approach to decisionmaking;

15 “(B) the extent to which the metropolitan
16 planning organization has incorporated the per-
17 formance targets established pursuant to sec-
18 tion 150 and sections 5303(h)(2), 5326(e) and
19 5329(d) of title 49 into the planning process;

20 “(C) whether the metropolitan planning or-
21 ganization is a consolidated metropolitan plan-
22 ning organization;

23 “(D) if the metropolitan planning organi-
24 zation is not a consolidated metropolitan plan-
25 ning organization, the extent to which the met-

1 ropolitan planning organization is coordinating
2 with all other metropolitan planning organiza-
3 tions designated for the same metropolitan sta-
4 tistical area;

5 “(E) the technical capacity of the metro-
6 politan planning organization; and

7 “(F) any other guidance established by the
8 Secretary.

9 “(3) REVIEW.—A designation under paragraph
10 (1) shall be effective for the period beginning on the
11 date on which the designation is made and ending
12 on the date that is 10 years after the date on which
13 the designation is made.”.

14 (4) TRANSPORTATION ALTERNATIVES.—Section
15 213(c) of title 23, United States Code, is amended
16 by striking paragraph (1) and inserting the fol-
17 lowing:

18 “(1) CALCULATION.—Of the funds reserved in
19 a State under this section—

20 “(A) 50 percent for a fiscal year shall be
21 obligated under this section to any eligible enti-
22 ty in proportion to their relative shares of the
23 population of the State—

1 “(i) in urbanized areas of the State
2 with an urbanized area population of more
3 than 200,000;

4 “(ii) in urban areas of the State with
5 an urban area population of not fewer than
6 5,000 and not more than 200,000; and

7 “(iii) in areas of the State with an
8 area population of fewer than 5,000;

9 “(B) 25 percent for a fiscal year may be
10 obligated under this section in any area of the
11 State;

12 “(C)(i) 25 percent for a fiscal year shall be
13 obligated under this section in urbanized areas
14 described in subparagraph (A)(i) that have a
15 high performing metropolitan planning organi-
16 zation (as designated by the Secretary under
17 section 134(r) or section 5303(r) of title 49);
18 and

19 “(ii) the amount of the funds obligated to
20 each urbanized area described in clause (i)
21 shall—

22 “(I) be equal to 50 percent of the
23 amount of the funds obligated to the ur-
24 banized area under subparagraph (A)(i);
25 and

1 “(II) be in addition to the funds obli-
 2 gated to the urbanized area under sub-
 3 paragraph (A)(i); and

4 “(D) any funds not obligated under sub-
 5 paragraph (C) for a fiscal year shall be obli-
 6 gated under this section in any area of the
 7 State under subparagraph (B).”.

8 (b) TRANSPORTATION.—Section 5303 of title 49,
 9 United States Code, is amended—

10 (1) in subsection (b)—

11 (A) by redesignating paragraphs (1)
 12 through (7) as paragraphs (2) through (8), re-
 13 spectively; and

14 (B) by inserting before paragraph (2) (as
 15 so redesignated) the following:

16 “(1) CONSOLIDATED METROPOLITAN PLANNING
 17 ORGANIZATION.—The term ‘consolidated metropoli-
 18 tan planning organization’ means a single metropoli-
 19 tan planning organization that serves a metropolitan
 20 statistical area.”;

21 (2) in subsection (d), by striking paragraph (6)
 22 and inserting the following:

23 “(6) CONSOLIDATION OF METROPOLITAN PLAN-
 24 NING ORGANIZATIONS IN URBANIZED AREAS.—

1 “(A) LIMITATION ON NEW METROPOLITAN
2 PLANNING ORGANIZATIONS.—A metropolitan
3 planning organization shall not be designated—

4 “(i) within a metropolitan statistical
5 area if another metropolitan planning or-
6 ganization already exists within the bound-
7 aries of the metropolitan statistical area;

8 or

9 “(ii) outside the boundaries of a met-
10 ropolitan statistical area.

11 “(B) MULTIPLE EXISTING METROPOLITAN
12 PLANNING ORGANIZATIONS.—If more than 1
13 existing metropolitan planning organizations
14 are designated within a metropolitan statistical
15 area—

16 “(i) each metropolitan planning orga-
17 nization may—

18 “(I) retain the designation as a
19 metropolitan planning organization; or

20 “(II) agree to be consolidated
21 with the other metropolitan planning
22 organizations;

23 “(ii) the existing metropolitan plan-
24 ning organizations and the applicable Gov-
25 ernors may—

1 “(I) beginning on January 1,
2 2022, and once every 10 years there-
3 after, revisit the agreement described
4 in clause (i)(II); and

5 “(II) submit to the Secretary a
6 justification of the continued necessity
7 of that agreement; and

8 “(iii) each metropolitan planning or-
9 ganization shall cooperate with every other
10 metropolitan planning organization to—

11 “(I) develop a single transpor-
12 tation improvement plan and a single
13 long-range plan to be used by each
14 metropolitan planning organization
15 when developing individual plans of
16 the metropolitan planning organiza-
17 tion; and

18 “(II) establish a single set of per-
19 formance targets that address the per-
20 formance measures described in sec-
21 tion 150(c) of title 23 to be used in
22 developing individual performance tar-
23 gets of the metropolitan planning or-
24 ganization in accordance with sub-

1 section (h)(2)(B) and sections
2 5326(e)(2) and 5329(d).”; and

3 (3) by adding at the end the following:

4 “(r) HIGH PERFORMING METROPOLITAN PLANNING
5 ORGANIZATIONS.—

6 “(1) IN GENERAL.—A metropolitan planning
7 organization designated for an urbanized area with
8 a population of more than 200,000 individuals may
9 request that the Secretary designate the metropoli-
10 tan planning organization as a high performing met-
11 ropolitan planning organization.

12 “(2) CRITERIA.—In making a designation
13 under paragraph (1), the Secretary shall consider—

14 “(A) the extent to which the metropolitan
15 planning organization has an equitable and re-
16 gional approach to decisionmaking;

17 “(B) the extent to which the metropolitan
18 planning organization has incorporated the per-
19 formance targets established pursuant to sec-
20 tion 150 of title 23 and sections 5303(h)(2),
21 5326(e) and 5329(d) into the planning process;

22 “(C) whether the metropolitan planning or-
23 ganization is a consolidated metropolitan plan-
24 ning organization;

1 “(D) if the metropolitan planning organi-
2 zation is not a consolidated metropolitan plan-
3 ning organization, the extent to which the met-
4 ropolitan planning organization is coordinating
5 with all other metropolitan planning organiza-
6 tions designated for the same metropolitan sta-
7 tistical area;

8 “(E) the technical capacity of the metro-
9 politan planning organization; and

10 “(F) any other guidance established by the
11 Secretary.

12 “(3) REVIEW.—A designation under paragraph
13 (1) shall be effective for the period beginning on the
14 date on which the designation is made and ending
15 on the date that is 10 years after the date on which
16 the designation is made.”.

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