



U.S. Department
of Transportation

**Federal Transit
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

August 23, 2018

The Honorable Jason Lewis
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Lewis:

Thank you for your letter requesting that the U.S. Department of Transportation review the compliance of the Minneapolis-St. Paul Metropolitan Planning Organization (MPO), known as the Metropolitan Council (Met Council), with Federal requirements for the composition of an MPO.

The Moving Ahead for Progress in the 21st Century Act (23 U.S.C. 134(d)(2)) mandates that an MPO serving a designated transportation management area shall consist of local elected officials; officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including providers of public transportation; and appropriate State officials. These statutory requirements are also reflected in regulation at 23 CFR 450.310(d).

Your letter indicates that the Met Council is comprised entirely of unelected, Governor-appointed members and therefore does not satisfy the MPO composition required by Federal law. As you note, however, for MPOs that already existed as of December 18, 1991, another provision at 23 U.S.C. 134(d)(4) may in certain circumstances permit an exemption from the composition requirements that otherwise apply.

Your letter suggests that the Met Council does not qualify for the 23 U.S.C. 134(d)(4) exemption because the Met Council should be construed to have been redesignated since 1991, due to changes that took place in 1994 through Minnesota State statute regarding the structure and organization of the Met Council. These changes include separation of the MPO from State government; granting the Met Council independent authority to hold, use, and dispose of grants; changing the term lengths of Met Council members to coincide with the Governor's term; and designating that the Members serve at the pleasure of the Governor.

As you are aware, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) previously reviewed the Met Council's compliance with Federal requirements for the composition of an MPO, in response to requests by a coalition of suburban counties in the Met Council's metropolitan planning area. At that time, FHWA and FTA determined that the Met Council was designated as an MPO before December 18, 1991, and has not been redesignated since, thereby allowing an exemption under 23 U.S.C. 134(d)(4) from the

The Honorable Jason Lewis

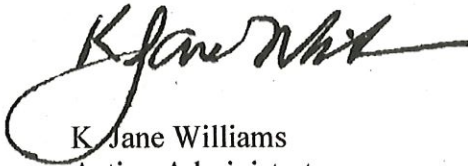
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composition requirements. However, based upon that review, FHWA and FTA required the Met Council to remove references to the Transportation Advisory Board as the MPO.

In light of the important role of MPOs in transportation planning, the concerns you expressed about the effectiveness of the Met Council under its existing governance structure, and the information provided in your letter, additional study is warranted. Accordingly, FHWA and FTA will undertake further review of the Met Council's compliance with Federal requirements for the composition of an MPO.

Your interest in this program is appreciated. I hope that this information is helpful to you. If you need additional assistance, please contact Kelley Brookins, Acting Regional Administrator, FTA Region 5 in Chicago, Illinois, at 312-353-1654, or Arlene Kocher, Division Administrator, FHWA Minnesota Division, at 651-291-6100.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Jane Williams", with a large, sweeping flourish at the end.

K. Jane Williams
Acting Administrator