

Metropolitan Planning Organizations: A Nexus Between Federal Highway Funding and Local Land Use Planning

The University of Texas School of Law
2017 Land Use Conference
Tom Nuckols
Director, Land Use Division
Travis County Attorney's Office

1

What does federal highway funding have to do with land use planning?

- Land use planning and transportation are connected.
 - Transportation systems steer where future development will occur, affect development density and other community characteristics, affect housing affordability and economic development patterns, etc.
- We remain an auto-centric society, so land use planning remains heavily auto-centric.
 - County and city subdivision and site plan regulations and review processes continue to focus heavily on various requirements for local roadways.

2

Federally-funded highways can affect land use as much *or more* than local roadways.

- Counties and cities control when, how and where local roads are built
 - They control funding for roads (e.g., public improvement district bonds, voter-approved general obligation bonds, non-voter-approved certificates of obligation, etc.).
 - They have regulatory control over roads (development exactions, plat approval, site plan approval, etc.).
- Since it affects land use, should also have some measure of local control over federal highway funding.

3

The Basics of Federal Highway Funding

- Administered by State Departments of Transportation (DOTs).
- Process
 - Congress periodically enacts a transportation bill that includes the dollar amounts that are ***anticipated*** to be sent to state DOTs based on formulas set by law.
 - The ***actual*** amounts sent to state DOTs are included in Congress' annual federal budget.

4

The Basics of Federal Highway Funding (cont.)

- Process (cont.)
 - The appropriated federal funding is then distributed to state DOTs.
 - State DOTs then spends or distributes the federal funding for individual projects.
 - There is typically a requirement for local matching funds for each project.
- ***Under federal law, state DOTs may only spend/distribute federal transportation funding in accordance with local transportation plans approved by the Metropolitan Planning Organization.***

5

Metropolitan Planning Organizations (MPOs)

- Federal law requires creation of an MPO for each “Urbanized Area” (UA) with a population of over 50,000.
 - The MPO is created by agreement of the governor and units of general purpose local government representing at least 75% of the urbanized area’s population.
- The MPO is governed by a “Transportation Policy Board” (TPB) consisting of local elected officials, officials of public agencies administering major modes of transportation, and appropriate state officials.

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Metropolitan Planning Organizations: A Nexus Between Federal Highway Funding and Local Land Use Planning

Also available as part of the eCourse

[2017 Land Use eConference](#)

First appeared as part of the conference materials for the
21st Annual Land Use Conference session

"Metropolitan Planning Organizations and Urban Transportation Planning"