

Adopted Rejected

# COMMITTEE REPORT

YES: 9  
NO: 1

**MR. SPEAKER:**

*Your Committee on Roads and Transportation, to which was referred House Bill 1367, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, delete lines 7 through 42, begin a new paragraph and insert:
- 2 **"Chapter 7.8. Policy Boards**
- 3 **Sec. 1. As used in this chapter, "general board" refers to the**
- 4 **members of a metropolitan planning organization designated in an**
- 5 **agreement entered into between the governor and the applicable**
- 6 **units of general purpose local government under 23 CFR**
- 7 **450.310(b).**
- 8 **Sec. 2. As used in this chapter, "metropolitan planning**
- 9 **organization" has the meaning set forth in 23 U.S.C. 134(b) and 49**
- 10 **U.S.C. 5303(b).**
- 11 **Sec. 3. As used in this chapter, "policy board" refers to a policy**
- 12 **board elected under section 6 of this chapter.**
- 13 **Sec. 4. As used in this chapter, "review panel" refers to the**
- 14 **policy board review panel established by section 12 of this chapter.**
- 15 **Sec. 5. This chapter applies to metropolitan planning**
- 16 **organizations that serve urbanized areas in Indiana. However, if**

1 a metropolitan planning organization serves urbanized areas  
 2 located in more than one (1) state, this chapter applies to the  
 3 metropolitan planning organization only with respect to the  
 4 urbanized area in Indiana.

5 Sec. 6. (a) A metropolitan planning organization shall elect from  
 6 among its eligible members, as determined under subsection (c), by  
 7 the affirmative votes of a majority of the members of the  
 8 metropolitan planning organization, a policy board that:

9 (1) consists of not more than eighteen (18) members; and

10 (2) to the extent possible, represents seventy-five percent  
 11 (75%) of the affected population in the urbanized area served  
 12 by the metropolitan planning organization.

13 (b) Subsection (a)(1) does not apply to a metropolitan planning  
 14 organization:

15 (1) that serves an urbanized area with population greater than  
 16 thirty-three percent (33%) of the population of the state of  
 17 Indiana; or

18 (2) that:

19 (A) serves urbanized areas located in more than one (1)  
 20 state; and

21 (B) is organized and incorporated in a state other than  
 22 Indiana.

23 (c) To be eligible for election to a policy board under subsection  
 24 (a), a member of a metropolitan planning organization must:

25 (1) satisfy all requirements established by federal law; and

26 (2) have professional experience in at least one (1) of the  
 27 following areas:

28 (A) Engineering.

29 (B) Transportation planning.

30 (C) Economic development.

31 (D) Public financial management.

32 (E) Transportation project management.

33 An individual who is an executive (as defined in IC 36-1-2-5) is  
 34 considered to have the required professional experience under  
 35 subdivision (2)(C) or (2)(D).

36 (d) The policy board shall serve as the decision making body of  
 37 the metropolitan planning organization.

38 (e) If a vacancy occurs in a position on the policy board, a

1        **successor shall be elected from among the members in the same**  
 2        **manner as the member whose position has been vacated.**

3        **Sec. 7. (a) Members of a metropolitan planning organization**  
 4        **who are not elected to the policy board of the metropolitan**  
 5        **planning organization under section 6 of this chapter shall serve as**  
 6        **members of the general board of the metropolitan planning**  
 7        **organization.**

8        **(b) The bylaws of the metropolitan planning organization must**  
 9        **establish the working relationship between the policy board and**  
 10       **the general board, including:**

11        **(1) areas of responsibility under applicable federal laws and**  
 12        **regulations; and**

13        **(2) decision making abilities.**

14       **Sec. 8. Beginning July 1, 2012, and not later than July 1 of each**  
 15       **year thereafter, the policy board shall develop and publish a**  
 16       **statement of work that complies with 23 CFR 450.308 and contains**  
 17       **the following:**

18        **(1) A listing and description of major work areas and**  
 19        **categories.**

20        **(2) A comprehensive budget, listing of revenue sources, cost**  
 21        **allocation plan, and anticipated cash flow for the overall work**  
 22        **plan.**

23        **(3) A listing of planned work elements (planning projects) that**  
 24        **includes the following with respect to each element:**

25        **(A) A summary.**

26        **(B) A listing of deliverables, including:**

27        **(i) anticipated outcomes;**

28        **(ii) resulting action items; and**

29        **(iii) performance measures for continued**  
 30        **implementation and monitoring.**

31        **(C) A development and implementation schedule.**

32        **(D) A budget.**

33        **(E) Application of at least one (1) planning factor set forth**  
 34        **in 23 CFR 450.306(a).**

35       **Sec. 9. (a) Beginning September 1, 2012, and not later than**  
 36       **September 1 of each year thereafter, the policy board shall publish**  
 37       **on the metropolitan planning organization's Internet web site and**  
 38       **submit to the review panel an annual completion report that**

- 1 contains the following information from the preceding state fiscal  
2 year:
- 3 (1) Planned work elements (planning projects).
  - 4 (2) Work elements actually completed during the preceding  
5 calendar year.
  - 6 (3) A summary of deliverables for each work element listed  
7 under subdivision (1) or (2).
  - 8 (4) The final cost of each work element listed under  
9 subdivision (2) with a comparison to the amount budgeted for  
10 the work element.
  - 11 (5) A summary of deliverables for each work element listed  
12 under subdivision (1) or (2).
  - 13 (6) Progress on action items for each work element listed  
14 under subdivision (1) or (2).
  - 15 (7) A summary report of:
    - 16 (A) the performance measure used during the development  
17 and implementation of each work element listed in  
18 subdivision (1) and (2); and
    - 19 (B) any performance measures used as a result of  
20 completed work elements listed in subdivision (2).
  - 21 (8) An updated summary report of performance measures  
22 listed in a summary report previously submitted under  
23 subdivision (7).
  - 24 (9) A review of all air quality analyses, the uses of the  
25 congestion management process, and any mitigation measures  
26 that were enacted.
  - 27 (10) An update on the policy board's anticipated metropolitan  
28 transportation plan and transportation improvement  
29 program, including development and adoption schedules.
  - 30 (11) Progress and updates on any studies or reports completed  
31 by the metropolitan planning organization.
  - 32 (12) A copy of the policy board's participation plan developed  
33 under section 10 of this chapter.
  - 34 (13) A description of any support and assistance provided to  
35 local public agencies in the development of asset management  
36 systems and sound practices.
- 37 (b) A metropolitan planning organization, through its policy and  
38 general boards, shall provide assistance to local public agencies

1 within the metropolitan planning organization in developing and  
2 maintaining asset management practices.

3 **Sec. 10.** The policy board shall develop a participation plan in  
4 consultation with interested parties to provide the interested  
5 parties reasonable opportunity to comment on issues before the  
6 policy board. The participation plan must provide for streamlined  
7 communications among the policy board, the general board, the  
8 metropolitan planning organization, elected officials, the Indiana  
9 department of transportation, the Federal Highway  
10 Administration, and other interested stakeholders.

11 **Sec. 11.** Beginning October 1, 2011, and not later than October  
12 1 of each odd numbered year thereafter, the policy board, in  
13 coordination with the Indiana department of transportation and  
14 other affected transit operators, shall review and update the  
15 written agreement required under 23 CFR 450.314 to determine  
16 the agreement's:

- 17 (1) conformity with applicable federal and state statutes; and
- 18 (2) inclusion of best planning practices.

19 **Sec. 12. (a)** The policy board review panel is established. The  
20 review panel consists of the following five (5) members:

- 21 (1) The commissioner of the Indiana department of  
22 transportation or the commissioner's designee.
- 23 (2) The director of LPA/MPO and Grants Administration of  
24 the Indiana department of transportation.
- 25 (3) Two (2) members elected from the membership of the  
26 Indiana Metropolitan Planning Organizations Council.
- 27 (4) One (1) member appointed by the governor.

28 A member appointed under subdivision (4) may vote only in the  
29 event of a tie.

30 (b) The review panel shall select a chairperson from among the  
31 members of the review panel.

32 (c) A member shall serve without a salary but may be  
33 reimbursed for expenses, other than travel expenses, actually  
34 incurred in connection with the member's duties, as provided in the  
35 state travel policies and procedures established by the Indiana  
36 department of administration and approved by the budget agency.

37 **Sec. 13.** Not later than December 1 of each year, the review  
38 panel shall establish a list of planning emphasis areas, including

1 performance measures and the use and examination of national  
 2 best practices. In establishing the list, the review panel shall  
 3 cooperate with:

- 4 (1) the policy boards;
- 5 (2) the Indiana department of transportation;
- 6 (3) the Federal Highway Administration; and
- 7 (4) the Federal Transit Administration.

8 Sec. 14. (a) Not later than January 15 of each year, each policy  
 9 board shall publish on the metropolitan planning organization's  
 10 Internet web site and submit to the review panel a listing of  
 11 obligated projects. The listing must provide a program delivery  
 12 status report by funding category for projects selected by the  
 13 metropolitan planning organization. The status report must  
 14 contain the following information:

- 15 (1) A description of the project.
- 16 (2) The amount listed in the metropolitan planning  
 17 organization's transportation improvement plan.
- 18 (3) The actual amount obligated for the project.
- 19 (4) The available balance of the metropolitan planning  
 20 organization's funds.

21 Selected projects may include the congestion mitigation and air  
 22 quality improvement (CMAQ) program, the surface transportation  
 23 program (STP), transportation enhancements (TE) activities, and  
 24 highway safety programs.

25 (b) Not later than January 1 of each year, the Indiana  
 26 department of transportation shall provide project obligation data  
 27 to each policy board to facilitate compliance with this section.

28 Sec. 15. (a) The review panel shall review an annual completion  
 29 report submitted under section 9 of this chapter. Not later than  
 30 November 15 of the year in which the completion report is  
 31 submitted, the review panel shall issue its findings to the policy  
 32 board and the governor.

33 (b) If the review panel issues a finding that a policy board has  
 34 failed to comply with one (1) or more requirements of this chapter,  
 35 the review panel may recommend one (1) or more of the following  
 36 penalties to the governor:

- 37 (1) Report the finding of noncompliance to, and recommend  
 38 additional review and action by, the Federal Highway

- 1           **Administration.**
- 2           **(2) Withhold up to one hundred percent (100%) of funds that**
- 3           **are:**
- 4               **(A) in the custody of a department or agency of the state,**
- 5               **including the treasurer of state and the auditor of state;**
- 6               **and**
- 7               **(B) made available by the state to a metropolitan planning**
- 8               **organization, including to a county or unit that is a**
- 9               **member of the metropolitan planning organization, for**
- 10              **projects approved by the board of the metropolitan**
- 11              **planning organization.**
- 12           **(c) A policy board that is subject to a penalty under subsection**
- 13           **(b) shall:**
- 14               **(1) take immediate steps to remedy the noncompliance; and**
- 15               **(2) submit a revised completion report to the review panel for**
- 16               **additional review.**
- 17           **(d) If, after reviewing a revised completion report submitted**
- 18           **under subsection (c)(2), the review panel determines that a policy**
- 19           **board has adequately addressed the review panel's findings of**
- 20           **noncompliance, the review panel shall recommend that the**
- 21           **governor remove any penalties imposed on the policy board.**
- 22           **Sec. 16. A provision of this chapter that conflicts with a federal**
- 23           **law, rule, or regulation governing metropolitan planning**
- 24           **organizations is void.**
- 25           **Sec. 17. Not later than January 1, 2012, the parties to an**
- 26           **agreement that designates a metropolitan planning organization**
- 27           **shall amend or otherwise modify the agreement to comply with this**

- 1 **chapter."**
- 2 Delete pages 3 through 6.
- 3 Page 7, delete lines 1 through 5.  
(Reference is to HB 1367 as introduced.)

**and when so amended that said bill do pass.**

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Representative Soliday