

Notice of Proposed Rulemaking

Statewide Transportation Planning
Metropolitan Transportation Planning
Overview of Key Elements

Segment I

Overview, Structure of NPRM,
Definitions, and Scope of Planning

Today's Presentation

- Guiding Principles in Rulemaking Effort
- Our Roles / Your Roles / Next Steps
- Key Concepts and Provisions

Guiding Principles

- Complete rulemaking quickly – respecting July 1, 2007 compliance date in SAFETEA-LU
- Minimize areas and levels of controversy
- Use statutory language to the extent possible
- Use “plain language”

Note: The NPRM seeks to implement SAFETEA-LU, TEA-21, and previous guidance

Our Role / Your Role

FTA/FHWA can

- Explain context and rulemaking process
- Describe and offer clarification of language

FTA/FHWA cannot

- Discuss the intent (beyond “implement law”)
- Engage in debate
- Discuss any of this after close of comment period

Your Role – Close Review / Comment to Docket

- Comments should suggest alternative wording
- BOTH positive and critical comments are needed to fairly address all provisions in the Final Rule

Rulemaking Schedule

- NPRM Published June 9, 2006
- Public Outreach early in Comment Period
- Comment Period Closes September 7, 2006
- Target Final Rule Publication: Early 2007
- SAFETEA-LU Phase-In Date: July 1, 2007

NPRM Structure

- Preamble
- Distribution Tables
- Title 23, Part 450
 - Subpart A – Transportation Planning and Programming Definitions
 - Subpart B – Statewide Transportation Planning and Programming
 - Subpart C – Metropolitan Transportation Planning and Programming

NPRM Structure (cont.)

- Title 23, Part 450 (continued)
 - Appendix A – Linking the Transportation Planning and NEPA Processes
 - Appendix B – Fiscal Constraint of Transportation Plans and Programs
- Title 23, Part 500 – Management and Monitoring Systems
- Title 49, Part 613 – Metropolitan and Statewide Planning
- On Docket: Regulatory Cost Analysis and Estimated Reporting Burden Hours

Preamble

- Discussion of prior Rulemaking
- Discussion of “Guiding Principles” and “Approach to Structure of Proposed Regulation”
- “Key Statutory Changes” summarized
- Organization of each section and general structure reflects (mostly unchanged) the existing (Oct. 1993) regulation

Key Definitions and Terms

23 CFR 450.104

- Administrative Modification, Amendment, Update of Transportation Plans, TIPs, and STIPs
- Available and Committed Funding
- Consideration, Consultation, Cooperation, and Coordination
- Coordinated Public Transit Human Services Transportation Plan
- Environmental Mitigation Activities
- Interim Transportation Plan and TIP
- Visualization Techniques

Scope of Planning (Factors):

(23 CFR 450.206 and 23 CFR 450.306)

SAFETEA-LU Made 2 Key Changes:

- Safety/Security de-coupled to emphasize each
- Expanded environmental factor to “promote consistency” with planned growth and economic development

NPRM Implements by:

- Following statutory language
- Examples of how factors can be used in planning
- Continues “not reviewable in court” provision

Strategic Highway Safety Plan

(23 CFR 450.208 / 214 and 23 CFR 450.306 / 322)

- Encourages transportation planning process to be consistent with new Strategic Highway Safety Plan (SHSP)
- Statewide and Metropolitan transportation plans should include a safety element that incorporates or summarizes the priorities, goals, countermeasures, or projects contained in the SHSP

Security in Metropolitan & Statewide Transportation Planning

(23 CFR 450.208 / 214 and 23 CFR 450.306 / 322)

- Transportation Planning should be consistent with Regional Transit Security Strategies
- Statewide and Metropolitan transportation plans should incorporate or summarize emergency relief and disaster preparedness plans, strategies, and policies that support homeland security and safeguard the personal security of all motorized and non-motorized users

Coordination and Scope of Transportation Planning:

(23 CFR 450.208 and 23 CFR 450.306)

- Shall be consistent with applicable ITS Regional Architecture
- Should apply asset management principles and techniques for goals and operational strategies
- Should be consistent with Coordinated Public Transit-Human Services Transportation Plan (not an MPO requirement)
- Should be consistent with Strategic Highway Safety Plan and Regional Transit Security Strategy (as required by Department of Homeland Security)

Coordinated Public Transit-Human Services Transportation Plan

(23 CFR 450.208 and 23 CFR 450.306)

- Coordinated Plan Required Under 3 FTA Programs:
 - a) Elderly/Disabled, b) JARC, c) New Freedom
- Transportation Planning should be consistent with development of Coordinated Plan
- Local officials to determine appropriate “lead,” does not have to be MPO
- Coordinated Plan is different from MPO Transportation Plan
- Solicitation in cooperation with MPOs in Areas >200K
- Projects in applicable transportation plan, TIP, STIP

Segment 2

Participation and Consultation in Planning

MPO Designation / Redesignation (23 CFR 450.310)

- Based upon 1993 Regulation, with follow-on March 30, 2005 FHWA/FTA guidance
- Official agreements reqd among multiple MPOs in UZAs
- Redesignation required if substantial change in
 - Proportion of voting members
 - Decision-making authority or responsibility of MPO
- Redesignation not required as result of
 - New Urbanized Area census designation
 - New members from expanded planning area
 - New members as result of TMA designation
 - Periodic rotation of membership

Metropolitan Planning Boundaries

(23 CFR 450.312)

- May expand to be consistent with growth and economic development forecast areas
- Agreement on division of planning responsibilities between MPOs if the urbanized area served by one MPO extends into the planning area of another (23 CFR 450.314)

Participation Plan

(23 CFR 450.316)

MPOs shall produce a Participation Plan:

- Developed in consultation with interested parties, with a 45-day comment period
- Identifies procedures, strategies, and desired outcomes for
 - Visualization techniques to be employed
 - Electronically accessible formats and means for public information

Similar Statewide Public Involvement Process (23 CFR 450.210)

Consultation

- Definitions proposed for “Consultation,” “Coordination,” “Consideration,” and “Cooperation” (23 CFR 450.104)
- Multiple references to consultation with State, Tribal and local agencies, as set forth in SAFETEA-LU [23 CFR 450.214(i) and 23 CFR 450.316(b) and 23 CFR 450.322(g)]
- No change to requirements for consultation with non-metropolitan local elected officials. [23 CFR 450.210(b)]

Visualization

(23 CFR 450.210 and 23 CFR 450.316)

- New SAFETEA-LU requirement with emphasis on promoting improved understanding of transportation plans and programs
- Recognizes range of capabilities and needs
- Clear, easily accessible format, like maps, pictures, displays

Planning Studies and Project Development

(23 CFR 450.212 and 23 CFR 450.318)

- Addresses TEA-21 requirement (Section 1308) for Secretary of Transportation to eliminate the major investment study as a separate requirement and, as appropriate, integrate the requirement into the transportation planning and NEPA process
- Included as Appendix A, based on February 22, 2005 FHWA/FTA program guidance
- Proposal is voluntary and permissive:
 - May conduct corridor/subarea planning study
 - May offer results for use in NEPA
 - Study results may be incorporated into NEPA

Metropolitan and Statewide Transportation Plans: Environmental Mitigation (23 CFR 450.214 and 23 CFR 450.322)

- Metropolitan/Statewide Transportation Plans discuss potential mitigation activities and areas (at policy or strategic level – *not* project specific)
- Developed in consultation with Federal, State, Tribal Wildlife, Land Management, Regulatory Agencies
- Allows States and MPOs to establish reasonable timeframes for performing this consultation

Segment 3

Plan/Program Details and Next Steps

Congestion Management Process

(23 CFR 450.320)

Congestion Management Process in TMAs:

- Retains CMS requirement
- Should result in multimodal system performance measures and strategies that can be reflected in transportation plan and TIP
- SOV provisions retained

Operations / Management Strategies

(23 CFR 450.214 and 322)

- Coordination of strategies as part of Congestion Management Process (23 CFR 450.320)
- Shall be Included in Metropolitan Transportation Plan:
 - Performance of existing facilities
 - Relieve vehicular congestion
 - Maximize safety and mobility of people and goods
- Should be Included in Long-Range Statewide Transportation Plan

Transportation Plan/Program Update Cycles

(23 CFR 450.214 and 23 CFR 450.322)

- 4-Year Update in nonattainment and maintenance areas for transportation plans, TIPs, and STIPs
- “Effective dates” identified
- TIPs and STIPs are 4-Year Programs

Fiscal Constraint

- Consistent with FHWA/FTA Interim Guidance on Fiscal Constraint (issued June 2005), included as Appendix B
- Retains provision that projects included in the first 2 years of TIP/STIP in air quality nonattainment and maintenance areas shall be limited to those for which funds are “available/committed”
- Comments invited on the following issues:
 - Should “available/committed” be demonstrated in TIP/STIP amendments for the year of amendment and one subsequent?
 - Should MPOs prepare an “agreed to” project list annually at beginning of each year in 4-year TIP/STIP or only first year?
 - Should STIP/TIP amendment be required to move a project between years in the TIP/STIP?

Annual List of Obligated Projects

[23 CFR 450.332]

- Emphasizes current requirement – calls for explicit mention of bike and pedestrian
- Listing shall be a cooperative effort of MPO, State, and Transit Operator
- Cooperative Approach Documented in MPO Agreement (23 CFR 450.314)

Phase-In of SAFETEA-LU Requirements

(23 CFR 450.224 and 338)

All State/FHWA/FTA actions on transportation plans and programs taken on or after July 1, 2007 must comply with SAFETEA-LU

- Transportation Plan/TIP/STIP Updates or Amendments
- Conformity Determinations

NPRM Public Outreach

- July 13, 2006: CTE National Broadcast
<http://cte.ncsu.edu/CTE/TechTransfer/Teleconferences>
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- Outreach Sessions
 - July 19, 2006, Atlanta, GA
 - July 21, 2006, New York, NY
 - July 24, 2006, Kansas City, MO
 - August 1, 2006, San Francisco, CA
 - August 7, 2006, Chicago, IL
 - August 9, 2006, Boston, MA

Comments: Formal/Official

- 90-day comment period ends Sept 7, 2006
- No Extensions Expected
- Send comment via Mail, Delivery, or Web
USDOT, Documents Management Facility
Room PL-401, 400 Seventh St, SW
Washington, D.C. 20590
- Docket No. FHWA-2005-22986
- FAX to (202) 493-2251
- Submit via Web to <http://dms.dot.gov>