



U.S. Department of Transportation  
Federal Highway Administration  
Federal Transit Administration

# Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) – Statewide and Metropolitan Planning NPRM

Planning Information Exchange – June 13, 2014

# OVERVIEW

- Statewide and Metropolitan Transportation Planning
  - Existing Requirements
- Joint Planning Notice of Proposed Rulemaking (NPRM)
- Summary of Key Changes
- Related NPRMs
- Benefits of Proposed Rule
- Phase In of Proposed Rule
- Regulatory Impact Assessment

# Polling Questions

- Thank you for providing your input.

# Metropolitan and Statewide Transportation Planning

- Statewide and Metropolitan Planning Requirements
  - 1962 Federal-aid Highway Act
  - Revised and expanded under subsequent legislation
- 23 U.S.C. 134/135 and 49 U.S.C. 5303/5304 require State DOTs and MPOs
  - To undertake a continuous, cooperative, and comprehensive (3-C) multimodal transportation planning process
  - To develop certain planning products as a condition to receipt of Federal transportation funds.
- Proposed revisions based on MAP- 21

# Existing Requirements

## Statewide and Nonmetropolitan Transportation Planning

- States' Transportation Planning Program Requirements
  - Annual or biennial work program
  - Multimodal long-range statewide transportation plan covering a 20-year horizon (LRP)
  - 4-year statewide transportation improvement program (STIP)
    - STIP must be fiscally constrained
    - FTA and FHWA must approve STIP
  - Involve public in development of LRP and STIP
  - Cooperate with MPOs and consult with local officials

# Existing Requirements

## Metropolitan Transportation Planning

- Governor and local elected officials designate MPO for each urbanized area over 50,000
  - Urbanized areas over 200,000 – TMAs
    - transportation management areas (TMAs) have additional requirements
- MPO Planning Program Requirements
  - Annual or biennial work program
  - Agreement with State and providers of public transportation identifying roles and responsibilities
  - Public participation plan
  - Multimodal 20-year fiscally constrained metropolitan transportation plan (MTP)
  - 4-year transportation improvement program (TIP)

# Existing Requirements

## Metropolitan Transportation Planning

- MPOs must
  - Involve public in development of MTP and TIP
  - Prepare MTP and TIP in cooperation with State and providers of public transportation
- Governor must approve TIP
- State must include TIP in STIP without alteration
- FHWA and FTA approve STIP

# Joint Transportation Planning NPRM

- Triggered by changes to the planning process in MAP-21
- Amends Joint Planning Final Rule
  - Issued February 14, 2007 (as a result of SAFETEA-LU)



# Key MAP-21 Changes to Transportation Planning Programs

## Statewide and Nonmetropolitan Planning

- Performance-based approach
- New emphasis on nonmetropolitan transportation planning
  - State DOTs to **cooperate** with nonmetropolitan local officials
  - Option for States to establish RTPOs
- Programmatic Mitigation Plans

# Key MAP-21 Changes to Transportation Planning Programs

## Metropolitan Planning

- Performance-based approach
- MPOs serving TMAs must include representation by providers of public transportation
- Option for MPOs to develop scenario plans
- Programmatic Mitigation Plans

## Other Performance Management Related NPRMs

- Federal-aid Highway Performance Measures Rules
- Update to the Highway Safety Improvement Program Regulations
- Federal-aid Highway Risk-Based Asset Management Rule
- Transit Asset Management Rule
- National and Public Transportation Safety Plans Rule(s)

# Benefits of Proposed Rule

- Increased Transparency
  - Establish performance measures and targets
- Increased Accountability
  - Report on progress toward achieving targets
- Focus Federal-aid program on National Goal Areas
  - Safety, state of good repair, congestion, freight, emissions
- Improved Decision Making
  - Representation by Public Transit on TMA MPO Board
  - State cooperation with local officials
- More efficient use of limited available funds

# Regulatory Impact Analysis

## Estimated Costs of Proposed Changes

- Sampled cost data from 29 MPOs
  - 17 large MPOs and 12 small MPOs
- Assumed State costs comparable to large MPOs
- Assumed new requirements increase cost to develop MTP/LRP and TIP/STIP by 15 percent
  - Conducted interviews with 3 MPOs and 3 States

# Regulatory Impact Analysis

## Estimated Cost of Proposed Changes

- 52 States and 420 MPOs: \$28.3 million/year
- 600 public Transit providers: \$ 2.4 million/year  
\$30.7 million/year
- One time costs:
  - Update MPO agreements \$504,000
  - Changes to TMA MPO board structure \$514,500
- Eighty percent of the costs are eligible for Federal funds

# Regulatory Impact Analysis

Cost of Proposed Changes – 2.6% of Planning Program

- FHWA/FTA planning program: \$1.167 B/year
  - Includes State and local match
- Cost burden: \$30.7 M/year
  - States, MPOs, and public transit providers

# Regulatory Impact Analysis

- Break Even Analysis – Return on Investment
  - Total annual Federal Aid Program: \$48.5 B
    - \$40.0 Billion in FHWA funds
    - \$8.5 Billion in FTA funds
  - Annual cost of proposed changes: \$30.7 M
  - Cost of proposed changes as share of program: 0.064 percent
  - Benefits of regulation exceed costs
    - If return on investment increased by at least 0.064 percent of the combined FHWA and FTA funding programs



# Polling Questions

- Thank you for providing your input.



# Details of Proposed Regulations

# Performance-based Approach

## **MAP-21 Performance Management Provisions**

- Establish transparent, accountable decision-making framework to identify multimodal capital investments and project priorities
  - States, MPOs and Providers of Public Transportation
- Emphasize sound multimodal planning processes
- Support MAP-21's seven national goals (23 U.S.C. 150(b)) and general transit purposes identified in 49 U.S.C. 5301

# Statewide & Nonmetropolitan Transportation Planning

## Performance-based Approach – State Requirements

- Establish performance targets for USDOT transportation system performance measures established under 23 U.S.C. 150(c) and 49 U.S.C. 5326 and 49 U.S.C. 5329
  - Targets used to track critical outcomes in State
  - Coordinate with MPOs and providers of public transportation in rural areas to ensure consistency in selection of performance targets
- Integrate other State and rural transit provider performance plans into the statewide transportation planning process
  - Goals, objectives, performance measures, and targets
  - Directly or by reference
- Consider measures and targets when developing policies, programs, and investment priorities in LRP and STIP
  - Use to assess performance of transportation system

# Statewide & Nonmetropolitan Transportation Planning

## Performance-Based Approach – State Requirements

- Failure to consider planning factors or performance-based approach is not subject to review by any court in any matter.

# Statewide & Nonmetropolitan Transportation Planning

## Long Range Statewide Transportation Plan

(23 U.S.C. 135(f); 49 U.S.C. 5304(f))

- LRP must be developed in **cooperation** with
  - In nonmetropolitan areas - affected nonmetropolitan officials with responsibility for transportation or, if applicable, through Regional Transportation Planning Organization (RTPO)
    - Law previously required consultation with affected officials
  - In metropolitan areas – with MPOs

# Statewide & Nonmetropolitan Transportation Planning

## Long-Range Statewide Transportation Plan

- Should describe performance measures and targets used to assess performance of transportation system
- Should include a system performance report and subsequent updates that
  - Evaluates the condition and performance of the transportation system
  - Includes progress in meeting the performance targets and in comparison with system performance recorded in previous reports

# Statewide & Nonmetropolitan Transportation Planning

## Statewide Transportation Improvement Program (STIP)

(23 U.S.C. 135(g); 49 U.S.C. 5304(g))

- Must be developed in cooperation with
  - Affected nonmetropolitan local officials with responsibility for transportation or if applicable, through RTPO's, in nonmetropolitan areas
  - MPOs in metropolitan areas
- Must describe anticipated effect of STIP toward achieving performance targets established in LRP to maximum extent practicable
  - Must link investment priorities to those performance targets



# Statewide & Nonmetropolitan Transportation Planning

Regional Transportation Planning Organizations (RTPOs)  
(23 U.S.C. 135(m); 49 U.S.C. 5304(l))

- Optional – State Designation of RTPOs
  - States may establish and designate RTPOs to enhance statewide planning
- States without RTPOs shall cooperate with the affected nonmetropolitan local officials

# Statewide & Nonmetropolitan Transportation Planning

- RTPO Requirements:
  - Must be established as a multi jurisdictional organization of nonmetropolitan local officials and reps of local transportation systems
  - Must establish a policy committee, majority of which are non-metro local officials, and as appropriate, reps from the State, private business, transportation service providers, economic development practitioners and the public in the region. 135(m)(3)
  - Must establish fiscal and administrative agent, such as an existing regional planning and development organization to provide professional planning, management, and administrative support

# Statewide & Nonmetropolitan Transportation Planning

- RTPO Duties-
  - Develop regional long-range multimodal transportation plans and regional TIPs
  - Coordinate local planning, land use and economic development
  - Provide technical assistance to local officials
  - Participate in National, multi-state, State policy and planning development processes
  - Provide a forum for public participation in regional and statewide planning
  - Share plans and programs with neighboring RTPOs and MPOs and tribal organizations



# Statewide & Nonmetropolitan Transportation Planning

Questions on Statewide & Nonmetropolitan Transportation  
Planning?

# Metropolitan Transportation Planning

## **Planning process: performance-driven, outcome based**

(23 U.S.C. 134(c)(1) & (h)(2); 49 U.S.C.5303(c)(1) & (h)(2).)

- Supports seven National Goals and general transit purposes identified in MAP-21
- MPOs must establish performance targets to address USDOT-established performance measures
  - Not later than 180 days after the date the State or public transportation provider establishes performance targets
  - Coordinate selection of performance targets with relevant State and providers of public transportation to ensure consistency to maximum extent practicable
  - Use targets to track progress towards attainment of critical performance outcomes for MPO region
  - May adopt locally defined performance measures and targets

# Metropolitan Transportation Planning

## Performance-based Approach

- MPO must integrate other performance based plans
  - Either directly or by reference
  - Goals, objectives, performance measures, and targets
- Is not reviewable in court
- MPOs update planning agreements to reflect performance-based planning requirements

# Metropolitan Transportation Planning

## Metropolitan Transportation Plan (MTP)

(23 U.S.C. 134(i); 49 U.S.C. 5303(i))

- Describe transportation system performance measures and respective performance targets
- Include system performance report and subsequent updates evaluating the condition and performance of the transportation system:
  - Discuss progress achieved by MPO in meeting performance targets in comparison with system performance recorded in previous reports
- For MPOs that elect to develop multiple scenarios:
  - Include an analysis of how preferred scenario improves transportation system condition and performance

# Metropolitan Transportation Planning

## **Transportation Improvement Program**

(23 U.S.C. 134(h)(2); 49 U.S.C 5303(h)(2))

- Contains projects consistent with MTP
- Reflects investment priorities from the MTP
- Designed to make progress toward achieving transportation system performance targets
- Describes anticipated effect of the TIP toward achieving the performance targets established in the MTP
- Links investment priorities to performance targets



# Metropolitan Transportation Planning

## MPO Structure: New Provision

(23 U.S.C. 134(d); 49 U.S.C. 5303(d))

- Within two years of enactment of MAP-21, MPOs serving TMA areas shall consist of:
  - Local elected officials
  - Officials of public agencies that operate major modes of transportation **including representation by providers of public transportation**
  - Appropriate State officials
  - MPO does not need to re-designate to meet this provision

# Metropolitan Transportation Planning

## Representation by Providers of Public Transportation

- Applicable to MPOs serving TMAs
- Joint Guidance published in the Federal Register on June 2, 2014
- Guidance provides that representatives of providers of public transportation:
  - Have equal decision-making rights and authorities
  - Be elected or appointed board members or senior officer of transit provider
  - Operate in TMA and be eligible recipient of Urbanized Area Formula Funds
  - Be selected through a cooperative process.

# Metropolitan Transportation Planning

## Optional Scenario Development

(23 U.S.C. 134(i); 49 U.S.C.5303(i))

- Considerations
  - Potential regional investment strategies for planning horizon
  - Assumed distribution of population and employment
  - Scenario that maintains baseline conditions
  - Scenario that improves baseline conditions
  - Revenue constrained scenarios based on total revenue reasonably expected to be available
  - Estimated costs and potential revenues available to support each scenario
- May evaluate scenarios using locally developed measures in addition to the USDOT established performance measures



# Metropolitan Transportation Planning

Questions on Metropolitan Transportation Planning?

# Programmatic Mitigation Plans

- Sec. 1311 – Development of Programmatic Mitigation Plans (as part of the statewide or metropolitan planning process)
- A State or MPO, in consultation with agencies with jurisdiction over protected environmental resources, may develop programmatic mitigation plan(s) as part of its planning process. The programmatic mitigation plan(s) may inventory existing or planned environmental resource mitigation and identify potential environmental impacts and potential avoidance or mitigation opportunities.

# Planning and Environmental Linkages

- A separate NPRM will be issued jointly by FHWA and FTA to implement the PEL provisions of MAP-21 Section 1310 on the use of planning products in environmental review

# Phase In of New Requirements

- Changes unrelated to performance management – Updates or amendments to TIPS, STIPs, and plans adopted on or after 2 years after the date of the final planning rule must reflect the new emphasis
- Changes related to performance management – Updates or amendments to TIPS, STIPs, and plans adopted or amended two years after the effective date of the performance management rules must comply.
- States have 1 year from the effective date of the PM rule(s) to establish targets. MPOs have 180 days to set targets after the State sets targets.
- By Oct. 1, 2014 MPOs serving a TMA shall include representation by providers of public transportation

# Polling Questions

- Thank you for providing your input.



# PLANNING NPRM Docket

- [www.regulations.gov](http://www.regulations.gov)
- Planning NPRM Docket Number  
FHWA-2013-0037
- <http://federalregister.gov/a/2014-12155>
- 92-Day Comment Period (June 2, 2014 –  
September 2, 2014)

# Contacts

## FHWA

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## FTA

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- Website - <http://fta.dot.gov/map21/>

# Additional Resources

- MAP-21 Web Site  
[www.fhwa.dot.gov/map21](http://www.fhwa.dot.gov/map21)
- Performance-based Planning and Programming  
[http://www.fhwa.dot.gov/planning/performance\\_based\\_planning/](http://www.fhwa.dot.gov/planning/performance_based_planning/)
- FHWA Safety Program website  
<http://safety.fhwa.dot.gov/>
- Transportation Performance Management Web Site  
[www.fhwa.dot.gov/tpm](http://www.fhwa.dot.gov/tpm)

# PLANNING NPRM

- Questions?