

# Welcome to *The Planning Exchange*



TRANSPORTATION PLANNING INFORMATION EXCHANGE

# STATEWIDE & NONMETROPOLITAN & METROPOLITAN TRANSPORTATION PLANNING

FINAL RULE: External FHWA/FTA  
WEBINAR for STAKEHOLDERS

July 13, 2016



*THE PLANNING EXCHANGE*

# A Message From

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# Today's Presenters

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# Today's Agenda

1. Overview of MAP-21 and FAST
  2. Overview of the Planning Final Rule  
(NPRM to the Final Rule)
    - a. What hasn't changed
    - b. What has changed
    - c. What is new (FAST Act)
  3. Your Role and Next Steps
- Questions and Answers Throughout



# At Last....a Final Rule

## **SAFETEA-LU (Aug. 10, 2005)**

- Previous Final Planning Rule (Feb. 14, 2007)

## **MAP-21 (July 6, 2012)**

- Planning NPRM (June 2 – Oct. 2, 2014)
- PEL NPRM (Sept. 10 – Nov. 10, 2014)

## **FAST (Dec. 4, 2015)**

- Final Planning Rule (May 27, 2016)



## ***FHWA TPM Rulemaking Schedule***

Performance Area	NPRM	Comments Due	Final Rule
Safety Performance Measures	March 11, 2014	<u>Closed</u> June 30, 2014	Published March 15, 2016
Highway Safety Improvement Program	March 28, 2014	<u>Closed</u> June 30, 2014	Published March 15, 2016
Statewide and Metro Planning; Non-Metro Planning	June 2, 2014	<u>Closed</u> October 2, 2014	Published May 27, 2016
Pavement and Bridge Performance Measures	January 5, 2015	<u>Closed</u> May 8, 2015	Anticipated November 2016
Highway Asset Management Plan	February 20, 2015	<u>Closed</u> May 29, 2015	Anticipated November 2016
Performance of the NHS, Freight, and CMAQ Measures	April 22, 2016	<u>Open</u> until August 2016 120 days	TBD

## ***FTA Performance Management Rulemaking Schedule***

Performance Area	NPRM	Comments Due	Final Rule
Statewide and Metro Planning; Non-Metro Planning	June 2, 2014	<u>Closed</u> October 2, 2014	Published May 27, 2016
Public Transportation Safety Program	August 14, 2015	<u>Closed</u> October 13, 2015	Under Development
National Public Transportation Safety Plan	February 5, 2016	<u>Closed</u> April 5, 2016	Under Development
Public Transportation Agency Safety Plan	February 5, 2016	<u>Closed</u> April 5, 2016	Under Development
Transit Asset Management Plan	September 30, 2015	<u>Closed</u> November 30, 2015	Under Development





# Planning NPRM

- Planning NPRM (June 2 – Oct. 2, 2014)
  - 162 individual comment letters
  - 51 MPO, 36 State DOT, 27 advocacy orgs., 18 RPO, 16 transportation associations, 9 public transit agency, 2 public, 2 local gov., 1 Tribal gov.
  - Approximately 1000 individual comments
- PEL NPRM (Sept. 10 – Oct. 10, 2014)
  - 38 individual comment letters
  - 14 State DOT, 9 MPO, 5 advocacy, 4 public, 3 transportation associations, 2 public transit, 1 RPO
  - Approximately 100 individual comments



# Final Rule Benefits

- Increases transparency and accountability
- Establishes performance based planning framework and target setting
- Reports on progress toward achieving targets
- Focuses Federal-aid program on National Goal Areas



Safety, state of good repair, congestion, reliability, freight, environmental sustainability, project delivery

# Final Rule Benefits

- Expands TMA MPO Board Representation with Public Transit
- Fosters State cooperation with local officials
- Promotes efficient use of limited available funds
- Ultimately...***Improves Decision Making***



# Roles and Responsibilities - Performance Management Framework

## MAP-21 and FAST Act

- Establishes National Performance Goal Areas (Public Law)

## USDOT

- Establishes National Performance Measures (Final Rules)

## State DOTs, MPOs, Providers of Public Transportation

- Establish performance targets

## State DOTs and MPOs

- Include performance targets in their plans
- Link investment priorities to performance targets
- Report on progress



# WHAT HAS NOT CHANGED (NPRM TO FINAL RULE)



# What Has Not Changed: Establishment of Performance Targets

## States shall:

- set performance targets ***within 1-year*** of the effective date of the DOT final rule on performance measures for the performance areas described in 23 U.S.C. 150(c) and 23 CFR part 490. (450.206(c)(2))

## Each MPO shall:

- set performance targets ***not later than 180-days after*** the State or public transportation provider establishes performance targets. (450.306(d)(3))



# What Has Not Changed: Coordination on Performance Targets

## States and MPOS shall coordinate:

- when selecting targets addressing the performance areas under 23 U.S.C. 150(b) and 23 CFR 490 **to ensure consistency** to the maximum extent practicable. (450.206(c)(2), 450.306(d)(2)(ii))

## MPOs shall coordinate:

- to the maximum extent practicable with public transportation providers when setting performance targets required under 49 U.S.C. 5326(c) and 5329(d). (450.306(d)(3)(iii))



## What Has Not Changed: Integration

**States and MPOs shall *integrate* into the statewide and the metropolitan transportation planning processes, directly or by reference:**

- the goals,
- objectives,
- performance measures, and targets

...described in other State transportation plans and processes as well as any plans developed under 49 U.S.C. chapter 53 by providers of public transportation.

(450.206(c)(4), 450.306(d)(4))





# What Has Not Changed: MTPs

## **MPO Metropolitan Transportation Plan shall include:**

- a description of the (Federally required) performance measures and performance targets used in assessing the performance of the transportation system. (450.324(f)(3))
- a system performance report evaluating the condition and performance of the transportation system with respect to the (Federally required) performance targets including progress achieved by the MPO the performance targets. (450.324(f)(4))

MPOs that voluntarily elect to conduct scenario planning shall describe how the preferred scenario has improved performance of the transportation system. (450.324(f)(4)(ii))



# What Has Not Changed: TIP/STIPs

## STIP/TIPs shall:

- include (to the maximum extent practicable) a description of the anticipated effect of the STIP and TIP toward achieving the performance targets identified by the State in the long-range statewide transportation plan and by the MPO in the MTP (450.218(q), 450.326(d))
- link investment priorities in the TIP/STIP to achievement of performance targets in the plans (450.218(q), 450.326(d))



# What Has Not Changed: RTPOs

- A Governor **may** establish and designate RTPOs to enhance statewide (nonmetropolitan) planning. (450.210(d))
- States without RTPOs **shall cooperate** with the affected nonmetropolitan officials when conducting statewide planning. (450.210(b))
- States with RTPOs **shall cooperate** with the RTPO when conducting statewide planning. (450.216(h), 450.218(c))



# What Has Not Changed: MPO Structure

## ***MPO Structure*** (450.310)

- **Within two years of enactment of MAP-21, (by Oct. 1, 2014) 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



## What Has Not Changed: Scenario Planning

- An MPO may voluntarily elect to develop multiple scenarios for consideration as part of the development of the MTP. (450.324(i))
- Section 450.324(i) contains an optional framework for MPO's to consider when conducting scenario planning.
- MPOs that voluntarily elect to conduct scenario planning shall describe how the preferred scenario has improved performance of the transportation system. (450.324(f)(4)(ii))



## What Has Not Changed: Programmatic Mitigation Plans

- 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.

(450.214, 450.320)



# What Has Not Changed: Phase-In 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.

(450.226, 450.340, 450.206(c)(2), (450.306(d)(3))



# BREAK: QUESTIONS AND ANSWERS





# WHAT HAS CHANGED (NPRM TO FINAL RULE)



# What Has Changed: Definitions

Definitions for ***local official*** and for ***major modes of transportation*** are deleted from the final rule. (450.104)

Minor edits to the definitions for ***conformity*** and ***consideration***. (450.104)



# What Has Changed: Performance Measures and Targets

Requirement for State to coordinate with Federal Lands Management Agencies when selecting performance targets is ***eliminated***. (450.206(c))

Statewide plan ***shall***

- include a description of the performance measures & targets and a systems performance report assessing the performance of the transportation system (previously ***should***). (450.216(f)(1&2))



# What Has Changed: Asset Management

- Transportation planning process:
  - States **should** apply asset management principles consistent with the State Asset Management Plan for the NHS and the Transit Asset Management Plan and the Public Transportation Safety Plan in the statewide transportation planning process (**shall** is changed to **should**). (450.450.208(e))
  - **Elimination** of requirement that the STIP/TIP and the SLRP/MTP be informed by the financial plan and the investment strategies from the State Asset Management Plan for the NHS and the transit asset management plans. (450.216(n), 450.218(o), 450.326(m), 450.324(f)(7))



# What Has Changed: Metropolitan Planning Agreements (450.314(h))

**The MPO(s), State(s), and the providers of public transportation *shall jointly agree upon and develop* specific written provisions for cooperatively developing and sharing information related to:**

- transportation performance data,
- the selection of performance targets,
- the reporting of performance targets,
- the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO (see § 450.306(d)), & the collection of data for the State asset management plan for the NHS



# What Has Changed: Metropolitan Planning Agreements (cont.)

Such agreements shall be documented as part of the metropolitan planning agreement **or in some other form jointly agreed to by the MPO(s), State(s), and provider(s) of public transportation.**

(450.314(h))



# What's Changed - Planning and Environmental Linkages (450.218(d), 450.318(e))

## **FAST Act changes to optional statutory PEL process:**

- Adds purpose and need and preliminary screening of alternatives and elimination of unreasonable alternatives to the list of planning decisions that can be used in the environmental review process.
- Replaces the requirement for concurrence of other participating agencies with relevant expertise with a smaller universe of cooperating agencies with responsibility for permitting, review, or approval.



# What's Changed - Planning and Environmental Linkages (450.212(d) and 450.318(e))

## FAST Act changes to optional statutory PEL process:

- Eliminates the requirement for duplicative approval (by the State, all local and tribal governments, and MPO(s) where the project is located) by replacing it with the planning product was developed through a planning process conducted pursuant to Federal law.

## Final Planning Rule:

- Adds a reference to optional statutory PEL authority under 23 U.S.C. 168
- Retains all previous authorities for PEL





# What's Changed: Programmatic Mitigation Plans

- MAP-21 created an optional framework at 23 U.S.C. 169 for the use of programmatic mitigation plans under NEPA reviews. The FHWA/FTA joint NPRM proposed regulatory text to implement the provision in 450.214 and 450.320.
- The FAST Act made the following changes to the programmatic mitigation plan provision located at 23 U.S.C. 169, specifically under paragraph (f):
  - Instead of saying that a Federal agency “may use” the recommendations of a programmatic mitigation plan, the statute now says that agencies “shall give substantial weight to” them
  - Adds text “or other Federal environmental law” to the end of 23 USC 169(f), which previously had only called out NEPA
- The FHWA/FTA joint final rule captures these two FAST Act changes to 23 U.S.C. 169(f) in the final regulatory text at 450.214(d) and 450.320(d).



# BREAK: QUESTIONS AND ANSWERS



# WHAT'S NEW

## Key Changes (NPRM to the Final Rule) Resulting from the FAST Act



# What's New: Planning Factors

- **Two new planning factors** (450.206(a)(9 & 10) and 450.306(b)(9 & 10))
  - Improve the ***resiliency and reliability*** of the transportation system and ***reduce or mitigate stormwater*** impacts of surface transportation
  - Enhance ***travel and tourism***



# What's New – Other Provisions

- Adds ***public ports and intercity bus operators*** to the list of interested parties that States and MPOs shall provide early and continuous public involvement opportunities as part of the transportation planning process. (450.210(a)(1)(i), 450.316(a))
- MPOs should consult with ***agencies and officials responsible for tourism and natural disaster risk reduction*** in developing plans and TIPs. (450.316(b))
- Adds ***“takes into consideration resiliency needs”*** to the purposes of statewide and metropolitan planning. (450.200 and 450.300(a))



# What's New – TMA MPO Structure (FAST Act) (23 CFR 450.310(d)(3))

- Designation or selection of officials or representatives shall be determined by the MPO according to the bylaws or enabling statute of the organization.
- Subject to the bylaws or enabling statute of the MPO, a representative of a provider of public transportation may also serve as a representative of a local municipality.
- An official shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials.



# What's New – Congestion Management Process (CMP)

- Requirement for the CMP for TMA's is retained and largely unchanged (450.322)
- Requirement for CMP analysis of new SOV capacity in non-attainment areas in TMA's is retained (450.322(f))
- An MPO serving a TMA **may develop a congestion management plan** (450.322(h)).
- Provides examples of employer-based travel demand reduction strategies: **intercity bus, employer based programs - carpool, vanpool, transit benefits, parking cash-out, telework** (450.322(a)).
- Add **job access projects** as a CMP strategy (450.322(a))



# What's New

## Metropolitan and Statewide Plans

- MTP shall include and assessment of capital investment and other strategies to preserve the existing and future transportation system and ***reduce the vulnerability of the existing transportation infrastructure to natural disasters*** (450.324(f)(7))
- Metro (shall) and Statewide Plans (should) – ***include consideration of intercity buses*** (450.216(b), 450.324(f)(2))





# BREAK: QUESTIONS AND ANSWERS



# YOUR ROLE AND NEXT STEPS

**For State DOTs, MPOs, and  
Public Transportation  
Operators**



# Forthcoming Planning Guidance

- Phase-in of new requirements
- Coordination on target setting
- State and MPO long-range plan – System Performance Report
- STIP/TIP description of the anticipated effect toward achieving performance targets in the Statewide and metro plans.



# What Should I Do Now?

- **Download and become familiar with the new Planning Rule**
  - Planning Final Rule
    - <https://www.federalregister.gov/articles/2016/05/27/2016-11964/statewide-and-nonmetropolitan-transportation-planning-metropolitan-transportation-planning>
- **New rule effective: June 27, 2016**



# What Should I Do Now?

## Start and facilitate conversations with/between:

- FHWA Division Office(s)
- FTA Regional Office
- State DOT(s)
- MPO(s)
- Providers of Public Transportation



# What Should I Do Now?

- Review your (State and MPO) transportation planning processes
- Assess needs for improvements/enhancements
- Develop a strategy for implementation



# What Should I Do Now?

## Become familiar with available resources

### *Training*

- NHI/NTI Federal Transportation Planning (Late Summer)
- NHI/NTI Performance Based Planning/Programming (Late Fall)
- NHI Target Setting (Late Fall)
- NHI Data Management for TPM (Winter 2017)
- TPM Implementation/Corporate Maturity Model (Organizational Assessment) Workshop (Early Fall)
- FHWA PEL Workshop (Being Updated; Late Fall)



## What Should I Do Now?

### Utilize and Participate in DOT resources and communication venues

- PBPP Guidebook Series
- Capacity Building Peer Exchanges
- Transportation Planning Information Exchange (TPIE) Webinar Series





# What Should I Do Now?

Let Your FHWA Division or FTA Region Know:

- What questions or additional needs you have



# BREAK: QUESTIONS AND ANSWERS



# For more information

## DOT Websites:

- FHWA/FTA Capacity Building Program  
<http://www.planning.dot.gov/>
- FHWA Transportation Performance Management  
<http://www.fhwa.dot.gov/TPM/>



# Contact Information

**Contact your FHWA Division or FTA Regional Office.**

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