

Federal Update – Planning

23 CFR Part 450 and
49 CFR Part 613

Statewide Transportation Planning;
Metropolitan Transportation Planning

Overview of Rulemaking Schedule

- SAFETEA-LU Passed August 10, 2005
- Planning NPRM Published June 9, 2006
- Extensive Public Outreach with 90-Day Open Docket
- Comment Period Closed September 7, 2006
- Final Rule Published: February 14, 2007
- Final Rule Effective: March 16, 2007
- SAFETEA-LU Compliance Date: July 1, 2007
- YOE Compliance Date: December 11, 2007

Major Comments on NPRM

- 150 sets of correspondence containing more than 1,600 individual comments.
- State DOTs, MPOs/COGs, and advocacy organizations accounted for approximately 85 percent of comments
- 4 Major issues:
 1. Include Fiscal Constraint Guidance in Appendix
 2. Include guidance for Linking Transportation Planning and Project Development/NEPA Processes in Appendix
 3. Schedule for meeting the July 1, 2007, compliance deadline
 4. Coordinated Public Transit-Human Services Transportation Plans

Key Changes from NPRM

Issue: Fiscal Constraint

- Appendix B removed
- Elements of former Appendix B incorporated into rule text:
 - “Year of expenditure dollars” - effective December 11, 2007. *[See 23 CFR 450.216(l), 450.322(f)(10)(iv) and 450.324 (h)]*
 - Systems-level estimates of costs and revenue sources for adequately operating and maintaining federally supported facilities. *[See 23 CFR 450.216(m) and 450.322(i)]*
 - Optional use of “cost ranges/cost bands” beyond first 10 years of the metropolitan transportation plan. *[See 23 CFR 450.322(f)(10)(v)]*

Definitions

- Planning cycles
 - Update
 - Revision
 - Amendment
 - Administrative modification
- Fiscal constraint
 - Reasonably expected to be available
 - Available funds and committed funds
 - Financial plan

Planning Cycles

- Metropolitan transportation plans must be updated at least every four years in air quality nonattainment and maintenance areas. *[see 23 CFR 450.322(c)]*
- Metropolitan transportation plans in attainment areas must be updated at least every five years. *[see 23 CFR 450.322 (i)]*
- STIPs and metropolitan TIPs must be updated at least every four years. *[see 23 CFR 450.216(a) and 450.324(a)]*
- STIPs and TIPs shall cover a period of no less than four years. *[see 23 CFR 450.216(a) and 450.324(a)]*

Topics of Note

- July 1, 2007 Compliance Date
- Participation Plan
- MPO Designation/Re-designation
- Consultation with State, Tribal and local agencies responsible for:
 - Land Use Management; Natural Resources; Environmental Protection; Conservation; and Historic Preservation.
 - Comparison of transportation plans to conservation plans, maps and inventories, if available
- Coordination
- Visualization

Operational and Management Strategies

- Metropolitan transportation plans shall include operational and management strategies to: *[see 23 CFR 450.322(f)(3)]*
 - Improve the performance of existing transportation facilities to relieve congestion
 - Maximize the safety and mobility of people and goods

Congestion Management Process

- Coordination as part of Congestion Management Process (CMP):
 - CMP should result in multimodal system performance measures and strategies *[see 23 CFR 450.320]*
 - Revises 23 CFR 500.109 regarding Congestion Management Systems
 - Key Input to Development of Metropolitan Transportation Plans in TMAs

Congestion and Operations Focus

- Guidebook on Congestion Management Process
- Guidebook on Management and Operations in the Metropolitan Transportation Plan
- Workshops on Management and Operations
- Regional CMP Workshops

Planning and the Environment

- Environmental Mitigation Activities and Consultation
 - Long-range statewide transportation plans/metropolitan transportation plans include a discussion of potential environmental mitigation activities (at the policy and/or strategic-levels). *[see 23 CFR 450.214(j) and 450.322(f)(7)]*
 - Developed in consultation with Federal, State and Tribal wildlife, land management, and regulatory agencies.
 - Allows States/MPOs to establish reasonable timeframes for performing consultation.

Planning and the Environment

(Continued)

- Linking Planning and NEPA *[see 23 CFR 450.212 and 450.318(b)]*
 - Included as Appendix A, based on February 22, 2005 FHWA/FTA program guidance
 - Fulfills 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

Linking Planning and NEPA

- Workshops held in 24 states
- Focus State assistance
 - CO: geospatial analysis of transportation plans
 - MD: geo-spatial analysis tool
 - PA: inter-agency GIS workshop
 - CA: Linking Planning and NEPA workshop
 - HI: Planning, Environment, CSS, CIA, workshop

Planning and Environment Linkages

- PEL website
(environment.fhwa.dot.gov/integ/index.asp)
- “Information resource” report on how to implement PEL, SAFETEA-LU 6001 provisions
- EO 13274 Integrated Planning case studies
- Integration of CSS in the Transportation Planning Process
- Linking Conservation and Transportation Planning Workshops
- Eco-Logical Grant Solicitation

Travel Forecasting Initiatives

- TMIP Technical Synthesis Series
- TMIP web-based workshops
- TRANSIMS Deployment
- NAS Report on Travel Forecasting State of the Practice



Fiscal Constraint

- Fiscal constraint required for STIPs, TIPs, and metropolitan transportation plans (MTP)
- Retains provision that projects included in the first two years of the TIP/STIP in air quality nonattainment and maintenance areas shall be limited to those for which funds are “available or committed.” *[see 23 CFR 450.324(i) and 450.216(m)]*
- MTP and years 3 and 4 of TIP/STIP – funds must be reasonable expected to be available.

Fiscal Constraint (Continued)

- Key themes from NPRM Appendix B in Rule language *[See 23 CFR 450.216(l), 450.322(f)(10)(iv) and 450.324 (h)]*
 - “Year of expenditure” dollars, as of December 11, 2007
 - MPOs may use “cost ranges/cost bands” for the outer years of the metropolitan transportation plan
 - Systems-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways

Annual List of Obligated Projects

- Reflects expanded requirement to specifically include bicycle and pedestrian projects. *[see 23 CFR 450.332]*
- Annual listing shall be cooperatively developed by the State, public transportation operator(s), and the MPO
- Cooperative effort between to be set forth in an Agreement *[see 23 CFR 450.314]*

Lessons Learned

- Bias –
 - There is a tendency to overestimate traffic forecasts in the planning process.
 - There is a tendency to underestimate project costs during the planning and programming processes.
 - Tendency for over programming of TIPs and STIPs.
 - There is a tendency for the planning process to be “stove piped”.

Lessons Learned

- There is often a lack of “consistency” in how planning and programming cost estimates are generated.
- There is often limited coordination between Division planners, financial managers, and engineers.
- There is often limited coordination between the State DOT and MPOs on funding revenues and cost estimates.

Helpful Tips

- Update project cost estimates with each TIP/STIP and MTP update.
- Contingencies – use them in the cost estimation process even at the plan level.
- Cost bands and ranges – use them in the out years of the plan to account for uncertainty and risk.
- Cost bands and ranges communicate the level of project uncertainty and risk to the public, elected officials, and others.
- Consistency – Use consistent procedures and process to develop cost estimates.

Helpful Tips

- Compare cost estimates to past experience.
- Compare “apples to apples” – use “year of expenditure” dollars consistently to account for reasonable inflation factors.
- In the absence of local inflation data for planning and programming estimates, use of 4.0% is acceptable.
- Coordination – Coordinate planning cost estimates with other experts (engineers and specialists).

Helpful Tips

- Documentation – Outcomes of meetings and agreements should be documented, make sure all parties understand the procedures that were used to develop revenue and project cost estimates. Assumptions and background information.
- Independent Reviews – When possible undertake an independent review of cost and revenue estimates and processes.

Helpful Hints

- Use project financial plan information when available (TIP/STIP and MTP updates)
- Continuity – cost estimates developed in planning should transition into the programming process where they are further refined, then on to NEPA, final design/PS&E, and construction.
- When possible use the same cost estimator or cost estimation team throughout.

Questions?



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