

Revision Key
for
23 CFR 450.100, 23 CFR 450.200, 23 CFR 450.300

This Revision Key provides a side-by-side comparison of 23 CFR 450.100, 450.200 and 450.300 under the 2007 language versus the language published on May 27, 2016. The chart covers only those regulations that have changed and notes the change for each. Use the table of contents below to go directly to that section of the regulations.

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§ 450.104 Definitions.

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.104	23 CFR 450.104	Amendment means a revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP, or STIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes). Changes to projects that are included only for illustrative purposes do not require an amendment. An amendment is a revision that requires public review and comment, redemonstration of fiscal constraint, or a conformity determination (for metropolitan transportation plans and TIPs involving “non-exempt” projects in nonattainment and maintenance areas). In the context of a long-range statewide transportation plan, an amendment is a revision approved by the State in accordance with its public involvement process.		Amendment means a revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP, or STIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes or changing the number of stations in the case of fixed guideway transit projects). Changes to projects that are included only for illustrative purposes do not require an amendment. An amendment is a revision that requires public review and comment and a redemonstration of fiscal constraint. If an amendment involves “non-exempt” projects in nonattainment and maintenance areas, a conformity determination is required.
23 CFR 450.104	N/A	N/A		Asset management means a strategic and systematic process of operating, maintaining, and improving physical assets, with a focus on both engineering and economic analysis based upon quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and





New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
				sustain a desired state of good repair over the lifecycle of the assets at minimum practicable cost.
23 CFR 450.104	23 CFR 450.104	Congestion management process means a systematic approach required in transportation management areas (TMAs) that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 U.S.C., and title 49 U.S.C., through the use of operational management strategies		Congestion Management Process means a systematic approach required in transportation management areas (TMAs) that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 U.S.C., and title 49 U.S.C., through the use of travel demand reduction and operational management strategies.
23 CFR 450.104	23 CFR 450.104	Environmental mitigation activities means strategies, policies, programs, actions, and activities that, over time, will serve to avoid, minimize, or compensate for (by replacing or providing substitute resources) the impacts to or disruption of elements of the human and natural environment associated with the implementation of a long-range statewide transportation plan or metropolitan transportation plan. The human and natural environment includes, for example, neighborhoods and communities, homes and businesses, cultural resources, parks and recreation areas, wetlands and water sources, forested and other natural areas, agricultural areas, endangered and threatened species, and the ambient air. The environmental mitigation strategies and activities are intended to be regional in scope, and may not necessarily address		Environmental mitigation activities means strategies, policies, programs, and actions that, over time, will serve to avoid, minimize, rectify, reduce or eliminate impacts to environmental resources associated with the implementation of a long-range statewide transportation plan or metropolitan transportation plan.

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		potential project-level impacts.		
23 CFR 450.104	N/A	N/A		Expedited Grant Agreement (EGA) means a contract that defines the scope of a Small Starts project, the Federal financial contribution, and other terms and conditions, in accordance with 49 U.S.C. 5309 (h)(7).
23 CFR 450.104	23 CFR 450.104	Freight shippers means any business that routinely transports its products from one location to another by providers of freight transportation services or by its own vehicle fleet.		Freight shippers means any entity that routinely transport cargo from one location to another by providers of freight transportation services or by their own operations, involving one or more travel modes.
23 CFR 450.104	N/A	N/A		Highway Safety Improvement Program (HSIP) means a State safety program with the purpose to reduce fatalities and serious injuries on all public roads through the implementation of the provisions of 23 U.S.C. 130 , 148 , and 150 including the development of a Strategic Highway Safety Plan (SHSP), Railway-Highway Crossings Program, and program of highway safety improvement projects.
23 CFR 450.104	N/A	N/A		Metropolitan Planning Agreement means a written agreement between the MPO, the State(s), and the providers of public transportation serving the metropolitan planning area that describes how they will work cooperatively to meet their mutual responsibilities in carrying out the metropolitan transportation planning process.

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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.104	N/A	N/A		Performance measure refers to “Measure” as defined in 23 CFR 490.101.
23 CFR 450.104	N/A	N/A		Performance metric refers to “Metric” as defined in 23 CFR 490.101.
23 CFR 450.104	N/A	N/A		Performance target refers to “Target” as defined in 23 CFR 490.101.
N/A	23 CFR 450.104	<i>Project construction grant agreement</i> means an instrument that defines the scope of a project, the Federal financial contribution, and other terms and conditions for funding Small Starts projects as required by 49 U.S.C. 5309(e)(7).	DELETED	N/A
D23 CFR 450.104	N/A	N/A		Public transportation agency safety plan means a comprehensive plan established by a State or recipient of funds under Title 49, Chapter 53 and in accordance with 49 U.S.C. 5329(d) .
23 CFR 450.104	N/A	N/A		Regional Transportation Planning Organization (RTPO) means a policy board of nonmetropolitan local officials or their designees created to carry out the regional transportation planning process.

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.104	N/A	N/A		Scenario planning means a planning process that evaluates the effects of alternative policies, plans and/or programs on the future of a community or region. This activity should provide information to decision makers as they develop the transportation plan.
23 CFR 450.104	N/A	N/A		Transit Asset Management Plan means a plan that includes an inventory of capital assets, a condition assessment of inventoried assets, a decision support tool, and a prioritization of investments.
23 CFR 450.104	N/A	N/A		Transit Asset Management System means a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively, throughout the life cycles of those assets.
23 CFR 450.104	23 CFR 450.104	Visualization techniques means methods used by States and MPOs in the development of transportation plans and programs with the public, elected and appointed officials, and other stakeholders in a clear and easily accessible format such as maps, pictures, and/or displays, to promote improved understanding of existing or proposed transportation plans and programs		Visualization techniques means methods used by States and MPOs in the development of transportation plans and programs with the public, elected and appointed officials, and other stakeholders in a clear and easily accessible format such as GIS- or web-based surveys, inventories, maps, pictures, and/or displays identifying features such as roadway rights of way, transit, intermodal, and non-motorized transportation facilities, historic and cultural resources, natural resources, and environmentally sensitive areas, to promote improved understanding of existing or proposed transportation plans and programs.




Subpart B—Statewide and Nonmetropolitan Transportation Planning and Programming

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
§ 450.200 Purpose				
23 CFR 450.200	23 CFR 450.200	The purpose of this subpart is to implement the provisions of 23 U.S.C. 135 and 49 U.S.C. 5304, as amended, which require each State to carry out a continuing, cooperative, and comprehensive statewide multimodal transportation planning process, including the development of a long-range statewide transportation plan and statewide transportation improvement program (STIP), that facilitates the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight (including accessible pedestrian walkways and bicycle transportation facilities) and that fosters economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution in all areas of the State, including those areas subject to the metropolitan transportation planning requirements of 23 U.S.C. 134 and 49 U.S.C. 5303.		The purpose of this subpart is to implement the provisions of 23 U.S.C. 135 , 23 U.S.C. 150 , and 49 U.S.C. 5304 , as amended, which require each State to carry out a continuing, cooperative, and comprehensive performance-based statewide multimodal transportation planning process, including the development of a long-range statewide transportation plan and STIP, that facilitates the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity bus facilities and commuter van pool providers) and that fosters economic growth and development within and between States and urbanized areas, and take into consideration resiliency needs while minimizing transportation-related fuel consumption and air pollution in all areas of the State, including those areas subject to the metropolitan transportation planning requirements of 23 U.S.C. 134 and 49 U.S.C. 5303 .
§ 450.202 Applicability				
23 CFR 450.202	No Significant Language Change			
§ 450.204 Definitions				

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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.204	<i>No Significant Language Change</i>			
§ 450.206 Scope of the statewide and nonmetropolitan transportation planning process				

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23 CFR 450.206(a)(9)	N/A	N/A		(9) Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and
23 CFR 450.206(a)(10)	N/A	N/A		(10) Enhance travel and tourism.
23 CFR 450.206(c)	N/A	N/A		<p>(c) <i>Performance-based approach.</i> (1) The statewide transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decisionmaking to support the national goals described in 23 U.S.C. 150(b) and the general purposes described in 49 U.S.C. 5301.</p> <p>(2) Each State shall select and establish performance targets in coordination with the relevant MPOs to ensure consistency to the maximum extent practicable. The targets shall address the performance areas described in 23 U.S.C. 150(c), and the measures established under 23 CFR part 490, where applicable, to use in tracking progress toward attainment of critical outcomes for the State. States shall establish performance targets that reflect the measures identified in 23 U.S.C. 150(c) not later than 1 year after the effective date of the DOT final rule on performance measures. Each State shall select and establish targets under this paragraph in accordance with the appropriate target setting framework</p>




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				<p>established at 23 CFR part 490.</p> <p>(3) In areas not represented by an MPO, the selection of public transportation performance targets by a State shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with the performance targets that public transportation providers establish under 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d).</p> <p>(4) A State shall integrate into the statewide transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in this section, in other State transportation plans and transportation processes, as well as any plans developed pursuant to chapter 53 of title 49 by providers of public transportation in areas not represented by an MPO required as part of a performance-based program. Examples of such plans and processes include the HSIP, SHSP, the State Asset Management Plan for the National Highway System (NHS), the State Freight Plan (if the State has one), the Transit Asset Management Plan, and the Public Transportation Agency Safety Plan</p> <p>(5) A State shall consider the performance measures and targets established under this paragraph when developing policies, programs, and investment priorities reflected in the long-range statewide transportation plan and statewide transportation improvement program.</p>

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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.206(d)	23 CFR 450.206(c)	No Significant Language Change		
23 CFR 450.206(e)	23 CFR 450.206(d)	No Significant Language Change		
§ 450.208 Coordination of planning process activities.				
23 CFR 450.208(a)(4)	23 CFR 450.208(a)(4)	(4) Consider the concerns of local elected and appointed officials with responsibilities for transportation in non-metropolitan areas;		(4) Cooperate with affected local elected and appointed officials with responsibilities for transportation, or, if applicable, through RTPOs described in section 450.210(d) in nonmetropolitan areas;
23 CFR 450.208(e)	23 CFR 450.208(e)	(e) States may apply asset management principles and techniques in establishing planning goals, defining STIP priorities, and assessing transportation investment decisions, including transportation system safety, operations, preservation, and maintenance.		(e) In carrying out the statewide transportation planning process, States should apply asset management principles and techniques consistent with the State Asset Management Plan for the NHS and the Transit Asset Management Plan, and Public Transportation Agency Safety Plan in establishing planning goals, defining STIP priorities, and assessing transportation investment decisions, including transportation system safety, operations, preservation, and maintenance.
23 CFR 450.208(f)	N/A	N/A		(f) For non-NHS highways, States may apply principles and techniques consistent with other asset management plans to the transportation planning and programming processes, as appropriate.
23 CFR 450.208(g)	23 CFR 450.208(f)	No Significant Language Change		
23 CFR 450.208(h)	23 CFR 450.208(g)	No Significant Language Change		
N/A	23 CFR 450.208(h)	(h) The statewide transportation planning process should be consistent with the Strategic Highway Safety Plan, as specified in 23 U.S.C. 148, and other transit safety	DELETED	N/A

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		and security planning and review processes, plans, and programs, as appropriate.		
§ 450.210 Interested parties, public involvement, and consultation.				


New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.210(a)(3)	N/A	N/A		(3) With respect to the setting of targets, nothing in this part precludes a State from considering comments made as part of the State's public involvement process.
23 CFR 450.210(b)	23 CFR 450.210(b)	(b) The State shall provide for non-metropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The State shall have a documented process(es) for consulting with non-metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range statewide transportation plan and the STIP. Although the FHWA and the FTA shall not review or approve this consultation process(es), copies of the process document(s) shall be provided to the FHWA and the FTA for informational purposes.		(b) The State shall provide for nonmetropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The State shall have a documented process(es) for cooperating with nonmetropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range statewide transportation plan and the STIP. Although the FHWA and the FTA shall not review or approve this cooperative process(es), the State shall provide copies of the process document(s) to the FHWA and the FTA for informational purposes.
23 CFR 450.210(d)	N/A	N/A		(d) To carry out the transportation planning process required by this section, a Governor may establish and designate RTPOs to enhance the planning, coordination, and implementation of the long-range statewide transportation plan and STIP, with an emphasis on addressing the needs of nonmetropolitan areas of the State. In order to be treated as an RTPO for purposes of this Part, any existing regional planning


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				<p>organization must be established and designated as an RTPPO under this section.</p> <p>(1) Where established, an RTPPO shall be a multijurisdictional organization of nonmetropolitan local officials or their designees who volunteer for such organization and representatives of local transportation systems who volunteer for such organization.</p> <p>(2) An RTPPO shall establish, at a minimum:</p> <p>(i) A policy committee, the majority of which shall consist of nonmetropolitan local officials, or their designees, and, as appropriate, additional representatives from the State, private business, transportation service providers, economic development practitioners, and the public in the region; and</p> <p>(ii) A fiscal and administrative agent, such as an existing regional planning and development organization, to provide professional planning, management, and administrative support.</p> <p>(3) The duties of an RTPPO shall include:</p> <p>(i) Developing and maintaining, in cooperation with the State, regional long-range multimodal transportation plans;</p> <p>(ii) Developing a regional TIP for consideration by the State;</p> <p>(iii) Fostering the coordination of local planning, land use, and economic development plans with State, regional, and local transportation plans and programs;</p> <p>(iv) Providing technical assistance to local officials;</p>

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				(v) Participating in national, multistate, and State policy and planning development processes to ensure the regional and local input of nonmetropolitan areas; (vi) Providing a forum for public participation in the statewide and regional transportation planning processes; (vii) Considering and sharing plans and programs with neighboring RTPOs, MPOs, and, where appropriate, Indian Tribal Governments; and (viii) Conducting other duties, as necessary, to support and enhance the statewide planning process under § 450.206. (4) If a State chooses not to establish or designate an RTPO, the State shall consult with affected nonmetropolitan local officials to determine projects that may be of regional significance.
§ 450.212 Transportation planning studies and project development.				

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23 CFR 450.212(d)	N/A	N/A		<p>(d) In addition to the process for incorporation directly or by reference outlined in paragraph (b) of this section, an additional authority for integrating planning products into the environmental review process exists in 23 U.S.C. 168. As provided in 23 U.S.C. 168(f):</p> <p>(1) The statutory authority in 23 U.S.C. 168 shall not be construed to limit in any way the continued use of processes established under other parts of this section or under an authority established outside this part, and the use of one of the processes in this section does not preclude the subsequent use of another process in this section or an authority outside of this part.</p> <p>(2) The statute does not restrict the initiation of the environmental review process during planning.</p>
§ 450.214 Development of programmatic mitigation plans.				




New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.214	N/A	N/A		<p>§ 450.214 Development of programmatic mitigation plans.</p> <p>(a) A State may utilize the optional framework in this section to develop programmatic mitigation plans as part of the statewide transportation planning process to address the potential environmental impacts of future transportation projects. The State in consultation with FHWA and/or FTA and with the agency or agencies with jurisdiction and special expertise over the resources being addressed in the plan, will determine:</p> <p>(1) <i>Scope.</i> (i) A State may develop a programmatic mitigation plan on a local, regional, ecosystem, watershed, statewide or similar scale.</p> <p>(ii) The plan may encompass multiple environmental resources within a defined geographic area(s) or may focus on a specific type(s) of resource(s) such as aquatic resources, parkland, or wildlife habitat.</p> <p>(iii) The plan may address or consider impacts from all projects in a defined geographic area(s) or may focus on a specific type(s) of project(s).</p> <p>(2) <i>Contents.</i> The programmatic mitigation plan may include:</p> <p>(i) An assessment of the existing condition of natural and human environmental resources within the area covered by the plan, including an assessment of historic and recent trends and/or any potential threats to those resources.</p> <p>(ii) An identification of economic, social, and natural and human environmental resources</p>

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				<p>within the geographic area that may be impacted and considered for mitigation. Examples of these resources include wetlands, streams, rivers, stormwater, parklands, cultural resources, historic resources, farmlands, archeological resources, threatened or endangered species, and critical habitat. This may include the identification of areas of high conservation concern or value, and thus worthy of avoidance.</p> <p>(iii) An inventory of existing or planned environmental resource banks for the impacted resource categories such as wetland, stream, stormwater, habitat, species, and an inventory of federally, State, or locally approved in-lieu-of-fee programs.</p> <p>(iv) An assessment of potential opportunities to improve the overall quality of the identified environmental resources through strategic mitigation for impacts of transportation projects, which may include the prioritization of parcels or areas for acquisition and/or potential resource banking sites.</p> <p>(v) An adoption or development of standard measures or operating procedures for mitigating certain types of impacts; establishment of parameters for determining or calculating appropriate mitigation for certain types of impacts, such as mitigation ratios, or criteria for determining appropriate mitigation sites.</p> <p>(vi) Adaptive management procedures, such as protocols or procedures that involve</p>

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				<p>monitoring actual impacts against predicted impacts over time and adjusting mitigation measures in response to information gathered through the monitoring.</p> <p>(vii) Acknowledgment of specific statutory or regulatory requirements that must be satisfied when determining appropriate mitigation for certain types of resources.</p> <p>(b) A State may adopt a programmatic mitigation plan developed pursuant to paragraph (a), or developed pursuant to an alternative process as provided for in paragraph (f) of this section through the following process:</p> <p>(1) Consult with each agency with jurisdiction over the environmental resources considered in the programmatic mitigation plan;</p> <p>(2) Make available a draft of the programmatic mitigation plan for review and comment by appropriate environmental resource agencies and the public;</p> <p>(3) Consider comments received from such agencies and the public on the draft plan; and</p> <p>(4) Address such comments in the final programmatic mitigation plan.</p> <p>(c) A State may integrate a programmatic mitigation plan with other plans, including, watershed plans, ecosystem plans, species recovery plans, growth management plans, State Wildlife Action Plans, and land use plans.</p> <p>(d) If a programmatic mitigation plan has been adopted pursuant to paragraph (b), any Federal agency responsible for environmental reviews, permits, or approvals for a</p>

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				<p>transportation project shall give substantial weight to the recommendations in the programmatic mitigation plan when carrying out its responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (NEPA) or other Federal environmental law.</p> <p>(e) Nothing in this section limits the use of programmatic approaches for reviews under NEPA.</p> <p>(f) Nothing in this section prohibits the development, as part of or separate from the transportation planning process, of a programmatic mitigation plan independent of the framework described in paragraph (a) of this section. Further, nothing in this section prohibits the adoption of a programmatic mitigation plan in the statewide and nonmetropolitan transportation planning process that was developed under another authority, independent of the framework described in paragraph (a).</p>
§ 450.216 Development and content of the long-range statewide transportation plan.				

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23 CFR 450.216	23 CFR 450.214	See Changes Below		
23 CFR 450.216(d)	23 CFR 450.214(d)	(d) The long-range statewide transportation plan should include a safety element that incorporates or summarizes the priorities, goals, countermeasures, or projects contained in the Strategic Highway Safety Plan required by 23 U.S.C. 148.		(d) The long-range statewide transportation plan should integrate the priorities, goals, countermeasures, strategies, or projects contained in the HSIP, including the SHSP, required under 23 U.S.C. 148 , the Public Transportation Agency Safety Plan required under 49 U.S.C. 5329 (d), or an Interim Agency Safety Plan in accordance with 49 CFR part 659, as in effect until completion of the Public Transportation Agency Safety Plan.
23 CFR 450.216(f)	N/A	N/A		(f) The statewide transportation plan shall include: (1) A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with § 450.206(c); and (2) A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in § 450.206(c), including progress achieved by the MPO(s) in meeting the performance targets in comparison with system performance recorded in previous reports.
23 CFR 450.216(g)	23 CFR 450.214(f)	<i>No Significant Language Change</i>		
23 CFR 450.216(h)	23 CFR 450.214(g)	(g) For non-metropolitan areas, the long-range statewide transportation plan shall be developed in consultation with affected non-metropolitan officials with responsibility for transportation using the		(h) For nonmetropolitan areas, the State shall develop the long-range statewide transportation plan in cooperation with affected nonmetropolitan local officials with responsibility for transportation or, if


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		State's consultation process(es) established under §450.210(b).		applicable, through RTPOs described in § 450.210(d) using the State's cooperative process(es) established under § 450.210(b).

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23 CFR 450.216(i)	23 CFR 450.214(h)	<i>No Significant Language Change</i>		
23 CFR 450.216(j)	23 CFR 450.214(i)	<i>No Significant Language Change</i>		
23 CFR 450.216(k)	23 CFR 450.214(j)	<i>No Significant Language Change</i>		
23 CFR 450.216(l)	23 CFR 450.214(k)	(k) In developing and updating the long-range statewide transportation plan, the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed long-range statewide transportation plan. In carrying out these requirements, the State shall, to the maximum extent practicable, utilize the public involvement process described under §450.210(a).		(l) In developing and updating the long-range statewide transportation plan, the State shall provide: (1) To nonmetropolitan local elected officials, or, if applicable, through RTPOs described in § 450.210(d), an opportunity to participate in accordance with § 450.216(h); and (2) To individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, private providers of transportation (including intercity bus operators, employer-based cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed long-range statewide transportation plan. In carrying out these requirements, the State shall use the public involvement process described under § 450.210(a).

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23 CFR 450.216(m)	23 CFR 450.214(l)	(l) The long-range statewide transportation plan may (but is not required to) include a financial plan that demonstrates how the adopted long-range statewide transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. In addition, for illustrative purposes, the financial plan may (but is not required to) include additional projects that would be included in the adopted long-range statewide transportation plan if additional resources beyond those identified in the financial plan were to become available.		(m) The long-range statewide transportation plan may include a financial plan that demonstrates how the adopted long-range statewide transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. In addition, for illustrative purposes, the financial plan may include additional projects that the State would include in the adopted long-range statewide transportation plan if additional resources beyond those identified in the financial plan were to become available. The financial plan may include an assessment of the appropriateness of innovative finance techniques (for example, tolling, pricing, bonding, public-private partnerships, or other strategies) as revenue sources.
23 CFR 450.216(n)	23 CFR 450.214(m)	No Significant Language Change		
23 CFR 450.216(o)	23 CFR 450.214(n)	No Significant Language Change		
23 CFR 450.216(p)	23 CFR 450.214(o)	No Significant Language Change		
23 CFR 450.216(q)	23 CFR 450.214(p)	No Significant Language Change		
§ 450.218 Development and content of the statewide transportation improvement program (STIP).				


New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.218	23 CFR 450.216	See Changes Below		
23 CFR 450.218(c)	23 CFR 450.216(c)	(c) For each non-metropolitan area in the State, the STIP shall be developed in consultation with affected non-metropolitan local officials with responsibility for transportation using the State's consultation process(es) established under §450.210.		(c) For each nonmetropolitan area in the State, the State shall develop the STIP in cooperation with affected nonmetropolitan local officials with responsibility for transportation or, if applicable, through RTPOs described in § 450.210(d) using the State's consultation process(es) established under § 450.210(b).
23 CFR 450.218(g)	23 CFR 450.216(g)	(g) The STIP shall include capital and non-capital surface transportation projects (or phases of projects) within the boundaries of the State proposed for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 (including transportation enhancements; Federal Lands Highway program projects; safety projects included in the State's Strategic Highway Safety Plan; trails projects; pedestrian walkways; and bicycle facilities), except the following that may (but are not required to) be included:		(g) The STIP shall include capital and non-capital surface transportation projects (or phases of projects) within the boundaries of the State proposed for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 (including transportation alternatives and associated transit improvements; Tribal Transportation Program projects, Federal Lands Transportation Program projects, and Federal Lands Access Program projects; HSIP projects; trails projects; and accessible pedestrian walkways and bicycle facilities), except the following that may be included: (1) Safety projects funded under 23 U.S.C. 402 and 49 U.S.C. 31102 ; (2) Metropolitan planning projects funded under 23 U.S.C. 104 (d) and 49 U.S.C. 5305 (d); (3) State planning and research projects funded under 23 U.S.C. 505 and 49 U.S.C. 5305 (e); (4) State planning and research projects funded with Surface Transportation Program funds; (5) Emergency relief projects (except those involving substantial functional, locational, or

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				capacity changes); (6) Research, development, demonstration, and deployment projects funded under 49 U.S.C. 5312 , and technical assistance and standards development projects funded under 49 U.S.C. 5314 ; (7) Project management oversight projects funded under 49 U.S.C. 5327 ; and (8) State safety oversight programs funded under 49 U.S.C. 5329 .
23 CFR 450.218(m) and (o)	23 CFR 450.216(m)	No Significant Language Change		
23 CFR 450.218(n)	23 CFR 450.216(n)	No Significant Language Change		
23 CFR 450.218(p)	23 CFR 450.216(o)	No Significant Language Change		
23 CFR 450.218(q)	N/A	N/A		(q) A STIP shall include, to the maximum extent practicable, a discussion of the anticipated effect of the STIP toward achieving the performance targets identified by the State in the statewide transportation plan or other State performance-based plan(s), linking investment priorities to those performance targets.
§ 450.220 Self-certifications, Federal findings, and Federal approvals.				
23 CFR 450.220	23 CFR 450.218	No Significant Language Change		
§ 450.222 Project selection from the STIP.				

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23 CFR 450.222	23 CFR 450.220	See Changes Below		
23 CFR 450.222(c)	23 CFR 450.220(c)	(c) In non-metropolitan areas, transportation projects undertaken on the National Highway System, under the Bridge and Interstate Maintenance programs in title 23 U.S.C. and under sections 5310, 5311, 5316, and 5317 of title 49 U.S.C. Chapter 53 shall be selected from the approved STIP by the State in consultation with the affected non-metropolitan local officials with responsibility for transportation.		(c) In nonmetropolitan areas, with the exclusion of specific projects as described in this section, the State shall select projects from the approved STIP in cooperation with the affected nonmetropolitan local officials, or if applicable, through RTPOs described in § 450.210(e). The State shall select transportation projects undertaken on the NHS, under the Bridge and Interstate Maintenance programs in title 23 U.S.C. and under sections 5310 and 5311 of title 49 U.S.C. Chapter 53 from the approved STIP in consultation with the affected nonmetropolitan local officials with responsibility for transportation.
23 CFR 450.222(d)	23 CFR 450.220(d)	(d) Federal Lands Highway program projects shall be selected from the approved STIP in accordance with the procedures developed pursuant to 23 U.S.C. 204.		(d) Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects shall be selected from the approved STIP in accordance with the procedures developed pursuant to 23 U.S.C. 201 , 202 , 203 , and 204 .
§ 450.224 Applicability of NEPA to statewide transportation plans and programs.				
23 CFR 450.224	23 CFR 450.222	No Significant Language Change		
§ 450.226 Phase-in of new requirements.				





New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.226	23 CFR 450.224	<p>(a) Long-range statewide transportation plans and STIPs adopted or approved prior to July 1, 2007 may be developed using the TEA-21 requirements or the provisions and requirements of this part.</p> <p>(b) For STIPs that are developed under TEA-21 requirements prior to July 1, 2007, the FHWA/FTA action (<i>i.e.</i>, STIP approval) must be completed no later than June 30, 2007. For long-range statewide transportation plans that are completed under TEA-21 requirements prior to July 1, 2007, the State adoption action must be completed no later than June 30, 2007. If these actions are completed on or after July 1, 2007, the provisions and requirements of this part shall take effect, regardless of when the long-range statewide transportation plan or the STIP were developed.</p> <p>(c) The applicable action (see paragraph (b) of this section) on any amendments or updates to STIPs or long-range statewide transportation plans on or after July 1, 2007, shall be based on the provisions and requirements of this part. However, administrative modifications may be made to the STIP on or after July 1, 2007 in the absence of meeting the provisions and requirements of this part.</p>		<p>(a) Prior to May 27, 2018, a State may adopt a long-range statewide transportation plan that has been developed using the SAFETEA-LU requirements or the provisions and requirements of this part. On or after May 27, 2018, a State may only adopt a long-range statewide transportation plan that it has developed according to the provisions and requirements of this part.</p> <p>(b) Prior to May 27, 2018 (2 years after the publication date of this rule), FHWA/FTA may approve a STIP update or amendment that has been developed using the SAFETEA-LU requirements or the provisions and requirements of this part. On or after May 27, 2018, FHWA/FTA may only approve a STIP update or amendment that a State has developed according to the provisions and requirements of this part, regardless of when the State developed the STIP.</p> <p>(c) On and after May 27, 2018 (2 years after the publication date of this rule), the FHWA and the FTA will take action on an updated or amended STIP developed under the provisions of this part, even if the State has not yet adopted a new long-range statewide transportation plan under the provisions of this part, as long as the underlying transportation planning process is consistent with the requirements in the MAP-21.</p> <p>(d) On or after May 27, 2018, a State may make an administrative modification to a STIP that conforms to either the SAFETEA-LU requirements or to the provisions and requirements of this part.</p>

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				<p>(e) Two years from the effective date of each rule establishing performance measures under 23 U.S.C. 150(c), 49 U.S.C. 5326, or 49 U.S.C. 5329, FHWA/FTA will only approve an updated or amended STIP that is based on a statewide transportation planning process that meets the performance-based planning requirements in this part and in such a rule.</p> <p>(f) Prior to 2 years from the effective date of each rule establishing performance measures under 23 U.S.C. 150(c), 49 U.S.C. 5326, or 49 U.S.C. 5329, a State may adopt a long-range statewide transportation plan that it has developed using the SAFETEA-LU requirements or the performance-based provisions and requirements of this part and in such a rule. Two years on or after the effective date of each rule establishing performance measures under 23 U.S.C. 150(c), 49 U.S.C. 5326, or 49 U.S.C. 5329, a State may only adopt a long-range statewide transportation plan that it has developed according to the performance-based provisions and requirements of this part and in such a rule.</p>

Subpart C—Metropolitan Transportation Planning and Programming

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
§ 450.300 Purpose.				
23 CFR 450.300(a)	23 CFR 450.300(a)	(a) Sets forth the national policy that the MPO designated for each urbanized area is to carry out a continuing, cooperative, and comprehensive multimodal transportation planning process, including the development of a metropolitan transportation plan and a transportation improvement program (TIP), that encourages and promotes the safe and efficient development, management, and operation of surface transportation systems to serve the mobility needs of people and freight (including accessible pedestrian walkways and bicycle transportation facilities) and foster economic growth and development, while minimizing transportation-related fuel consumption and air pollution; and		(a) Set forth the national policy that the MPO designated for each urbanized area is to carry out a continuing, cooperative, and comprehensive performance-based multimodal transportation planning process, including the development of a metropolitan transportation plan and a TIP, that encourages and promotes the safe and efficient development, management, and operation of surface transportation systems to serve the mobility needs of people and freight (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers) fosters economic growth and development, and takes into consideration resiliency needs, while minimizing transportation-related fuel consumption and air pollution; and
§ 450.302 Applicability.				
23 CFR 450.302	No Significant Language Change			
§ 450.304 Definitions.				
23 CFR 450.302	No Significant Language Change			
§ 450.306 Scope of the metropolitan transportation planning process.				

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.306(a)	23 CFR 450.306(a)	(a) The metropolitan transportation planning process shall be continuous, cooperative, and comprehensive, and provide for consideration and implementation of projects, strategies, and services that will address the following factors:		(a) To accomplish the objectives in § 450.300 and § 450.306(b), metropolitan planning organizations designated under § 450.310, in cooperation with the State and public transportation operators, shall develop long-range transportation plans and TIPs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.
23 CFR 450.306(b)(9) and (10)	N/A	N/A		(9) Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and (10) Enhance travel and tourism.
23 CFR 450.306(c)	N/A	N/A		(c) Consideration of the planning factors in paragraph (b) of this section shall be reflected, as appropriate, in the metropolitan transportation planning process. The degree of consideration and analysis of the factors should be based on the scale and complexity of many issues, including transportation system development, land use, employment, economic development, human and natural environment (including Section 4(f) properties as defined in 23 CFR 774.17), and housing and community development.
23 CFR 450.306(d)	N/A	N/A		(d) <i>Performance-based approach.</i> (1) The metropolitan transportation planning process shall provide for the establishment and use of a


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				<p>performance-based approach to transportation decisionmaking to support the national goals described in 23 U.S.C. 150(b) and the general purposes described in 49 U.S.C. 5301(c).</p> <p>(2) <i>Establishment of performance targets by metropolitan planning organizations.</i> (i) Each metropolitan planning organization shall establish performance targets that address the performance measures or standards established under 23 CFR part 490 (where applicable), 49 U.S.C. 5326(c), and 49 U.S.C. 5329(d) to use in tracking progress toward attainment of critical outcomes for the region of the metropolitan planning organization. (ii) The selection of targets that address performance measures described in 23 U.S.C. 150(c) shall be in accordance with the appropriate target setting framework established at 23 CFR part 490, and shall be coordinated with the relevant State(s) to ensure consistency, to the maximum extent practicable. (iii) The selection of performance targets that address performance measures described in 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d) shall be coordinated, to the maximum extent practicable, with public transportation providers to ensure consistency with the performance targets that public transportation providers establish</p>



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				<p>under 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d).</p> <p>(3) Each MPO shall establish the performance targets under paragraph (d)(2) of this section not later than 180 days after the date on which the relevant State or provider of public transportation establishes the performance targets.</p> <p>(4) An MPO shall integrate in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans developed under 49 U.S.C. chapter 53 by providers of public transportation, required as part of a performance-based program including:</p> <p>(i) The State asset management plan for the NHS, as defined in 23 U.S.C. 119(e) and the Transit Asset Management Plan, as discussed in 49 U.S.C. 5326;</p> <p>(ii) Applicable portions of the HSIP, including the SHSP, as specified in 23 U.S.C. 148;</p> <p>(iii) The Public Transportation Agency Safety Plan in 49 U.S.C. 5329(d);</p> <p>(iv) Other safety and security planning and review processes, plans, and programs, as appropriate;</p> <p>(v) The Congestion Mitigation and Air Quality Improvement Program</p>

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				performance plan in 23 U.S.C. 149 (l), as applicable; (vi) Appropriate (metropolitan) portions of the State Freight Plan (MAP-21 section 1118); (vii) The congestion management process, as defined in 23 CFR 450.322, if applicable; and (viii) Other State transportation plans and transportation processes required as part of a performance-based program.
23 CFR 450.306(e)	23 CFR 450.306(c)	<i>No Significant Language Change</i>		
23 CFR 450.306(f)	23 CFR 450.306(d)	<i>No Significant Language Change</i>		
N/A	23 CFR 450.306(e)	(e) In carrying out the metropolitan transportation planning process, MPOs, States, and public transportation operators may apply asset management principles and techniques in establishing planning goals, defining TIP priorities, and assessing transportation investment decisions, including transportation system safety, operations, preservation, and maintenance, as well as strategies and policies to support homeland security and to safeguard the personal security of all motorized and non-motorized users.	DELETED	N/A

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23 CFR 450.306(g)	23 CFR 450.306(f)	No Significant Language Change		
23 CFR 450.306(h)	23 CFR 450.306(g)	No Significant Language Change		
23 CFR 450.306(i)	23 CFR 450.306(h)	No Significant Language Change		
§ 450.308 Funding for transportation planning and unified planning work programs.				
23 CFR 450.308(a)	23 CFR 450.308(a)	(a) Funds provided under 23 U.S.C. 104(f), 49 U.S.C. 5305(d), 49 U.S.C. 5307, and 49 U.S.C. 5339 are available to MPOs to accomplish activities in this subpart. At the State's option, funds provided under 23 U.S.C. 104(b)(1) and (b)(3) and 23 U.S.C. 105 may also be provided to MPOs for metropolitan transportation planning. In addition, an MPO serving an urbanized area with a population over 200,000, as designated by the Bureau of the Census, may at its discretion use funds sub-allocated under 23 U.S.C. 133(d)(3)(E) for metropolitan transportation planning activities.		(a) Funds provided under 23 U.S.C. 104 (d), 49 U.S.C. 5305 (d), and 49 U.S.C. 5307 , are available to MPOs to accomplish activities described in this subpart. At the State's option, funds provided under 23 U.S.C. 104 (b)(2) and 23 U.S.C. 505 may also be provided to MPOs for metropolitan transportation planning. At the option of the State and operators of public transportation, funds provided under 49 U.S.C. 5305 (e) may also be provided to MPOs for activities that support metropolitan transportation planning. In addition, an MPO serving an urbanized area with a population over 200,000, as designated by the Bureau of the Census, may at its discretion use funds sub-allocated under 23 U.S.C. 133 (d)(4) for metropolitan transportation planning activities.
§ 450.310 Metropolitan planning organization designation and redesignation.				



New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.310(c)	23 CFR 450.306(i)	(i) The FHWA and the FTA shall designate as a transportation management area (TMA) each urbanized area with a population of over 200,000 individuals, as defined by the Bureau of the Census. The FHWA and the FTA shall also designate any additional urbanized area as a TMA on the request of the Governor and the MPO designated for that area.		(c) The FHWA and the FTA shall identify as a TMA each urbanized area with a population of over 200,000 individuals, as defined by the Bureau of the Census. The FHWA and the FTA shall also designate any urbanized area as a TMA on the request of the Governor and the MPO designated for that area.
23 CFR 450.310(d)	23 CFR 450.310(d)	(d) Each MPO that serves a TMA, when designated or redesignated under this section, shall consist of local elected officials, officials of public agencies that administer or operate major modes of transportation in the metropolitan planning area, and appropriate State transportation officials. Where appropriate, MPOs may increase the representation of local elected officials, public transportation agencies, or appropriate State officials on their policy boards and other committees as a means for encouraging greater involvement in the metropolitan transportation planning process, subject to the requirements of paragraph (k) of this section.		(d) TMA structure: (1) Not later than October 1, 2014, each metropolitan planning organization that serves a designated TMA shall consist of: (i) Local elected officials; (ii) Officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and (iii) Appropriate State officials. (2) An MPO may be restructured to meet the requirements of this paragraph (d) without undertaking a redesignation. (3) <i>Representation.</i> (i) Designation or selection of officials or representatives under paragraph (d)(1) of this section shall be determined by the MPO according to the bylaws or enabling statute of the organization. (ii) Subject to the bylaws or enabling statute of the MPO, a representative of

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				<p>a provider of public transportation may also serve as a representative of a local municipality.</p> <p>(iii) An official described in paragraph (d)(1)(ii) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (d)(1) of this section.</p> <p>(4) Nothing in this section shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities—</p> <p>(i) To develop the plans and TIPs for adoption by an MPO; and</p> <p>(ii) To develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.</p>



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23 CFR 450.310(i)	23 CFR 450.310(j)	<i>No Significant Language Change</i>		
23 CFR 450.310(j)	23 CFR 450.310(k)	<i>No Significant Language Change</i>		
23 CFR 450.310(k)	23 CFR 450.310(i)	<i>No Significant Language Change</i>		
23 CFR 450.310(m)	N/A	N/A		(m) Each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate MPOs shall, to the extent practicable, provide coordinated transportation planning for the entire MPA. The consent of Congress is granted to any two or more States to: (1) Enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under 23 U.S.C. 134 and 49 U.S.C. 5303 as the activities pertain to interstate areas and localities within the States; and (2) Establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.
§ 450.312 Metropolitan planning area boundaries.				

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.312(a)	23 CFR 450.312(a)	(a) The boundaries of a metropolitan planning area (MPA) shall be determined by agreement between the MPO and the Governor. At a minimum, the MPA boundaries shall encompass the entire existing urbanized area (as defined by the Bureau of the Census) plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan. The MPA boundaries may be further expanded to encompass the entire metropolitan statistical area or combined statistical area, as defined by the Office of Management and Budget.		(a) The boundaries of a metropolitan planning area (MPA) shall be determined by agreement between the MPO and the Governor. (1) At a minimum, the MPA boundaries shall encompass the entire existing urbanized area (as defined by the Bureau of the Census) plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan. (2) The MPA boundaries may be further expanded to encompass the entire metropolitan statistical area or combined statistical area, as defined by the Office of Management and Budget.
23 CFR 450.312(i)	23 CFR 450.312(i)	(i) The MPA boundaries shall be reviewed after each Census by the MPO (in cooperation with the State and public transportation operator(s)) to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized area(s), and shall be adjusted as necessary. As appropriate, additional adjustments should be made to reflect the most comprehensive boundary to foster an effective planning process that ensures connectivity between modes, reduces access disadvantages experienced by modal systems, and promotes		(i) The MPO (in cooperation with the State and public transportation operator(s)) shall review the MPA boundaries after each Census to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized area(s), and shall adjust them as necessary. As appropriate, additional adjustments should be made to reflect the most comprehensive boundary to foster an effective planning process that ensures connectivity between modes, improves access to modal systems, and promotes efficient overall transportation investment strategies.



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		efficient overall transportation investment strategies.		
§ 450.314 Metropolitan planning agreements.				

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.314(b)	N/A	N/A		(b) The MPO, the State(s), and the providers of public transportation should periodically review and update the agreement, as appropriate, to reflect effective changes.
23 CFR 450.314(c)	23 CFR 450.314(b)	<i>No Significant Language Change</i>		
23 CFR 450.314(d)	23 CFR 450.314(c)	<i>No Significant Language Change</i>		
23 CFR 450.314(e)	23 CFR 450.314(d)	<i>No Significant Language Change</i>		
23 CFR 450.314(f)	23 CFR 450.314(d)	<i>No Significant Language Change</i>		
23 CFR 450.314(g)	23 CFR 450.314(f)	<i>No Significant Language Change</i>		
23 CFR 450.314(h)	N/A	N/A		(h)(1) 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)), and the collection of data for the State asset management plan for the NHS for each of the following circumstances: (i) When one MPO serves an urbanized area, (ii) When more than one MPO serves an urbanized area, and (iii) When an urbanized area that has



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				been designated as a TMA overlaps into an adjacent MPA serving an urbanized area that is not a TMA. (2) These provisions shall be documented either: (i) As part of the metropolitan planning agreements required under (a), (e), and (g) of this section, or (ii) Documented in some other means outside of the metropolitan planning agreements as determined cooperatively by the MPO(s), State(s), and providers of public transportation.
§ 450.316 Interested parties, participation, and consultation.				

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.316(a)	23 CFR 450.316(a)	(a) The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.		(a) The MPO shall develop and use a documented participation plan that defines a process for providing individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.
23 CFR 450.316(b)	23 CFR 450.316(b)	(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable)		(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the


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		with such planning activities. In addition, metropolitan transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:		maximum extent practicable) with such planning activities. In addition, the MPO shall develop the metropolitan transportation plans and TIPs with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:
§ 450.318 Transportation planning studies and project development.				

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.318(d)	N/A	N/A		(d) Additional information to further explain the linkages between the transportation planning and project development/NEPA processes is contained in Appendix A to this part, including an explanation that it is non-binding guidance material. The guidance in Appendix A applies only to paragraphs (a)-(c) in this section.
23 CFR 450.318(e)	N/A	N/A		(e) In addition to the process for incorporation directly or by reference outlined in paragraph (b) of this section, an additional authority for integrating planning products into the environmental review process exists in 23 U.S.C. 168 . As provided in 23 U.S.C. 168 (f): (1) The statutory authority in 23 U.S.C. 168 shall not be construed to limit in any way the continued use of processes established under other parts of this section or under an authority established outside of this part, and the use of one of the processes in this section does not preclude the subsequent use of another process in this section or an authority outside of this part. (2) The statute does not restrict the initiation of the environmental review process during planning.
N/A	23 CFR 450.318(d)	(d) With the prior approval of the State and the FHWA and the FTA, an MPO in an area not designated as a TMA may prepare a simplified	DELETED	N/A

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		statement of work, in cooperation with the State(s) and the public transportation operator(s), in lieu of a UPWP. A simplified statement of work would include a description of the major activities to be performed during the next one- or two-year period, who (e.g., State, MPO, public transportation operator, local government, or consultant) will perform the work, the resulting products, and a summary of the total amounts and sources of Federal and matching funds. If a simplified statement of work is used, it may be submitted as part of the State's planning work program, in accordance with 23 CFR part 420.		
N/A	23 CFR 450.318(e)	(e) Additional information to further explain the linkages between the transportation planning and project development/NEPA processes is contained in Appendix A to this part, including an explanation that it is non-binding guidance material.	DELETED	N/A
§ 450.320 Development of programmatic mitigation plans.				

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.320	N/A	N/A		<p>§ 450.320 Development of programmatic mitigation plans.</p> <p>(a) An MPO may utilize the optional framework in this section to develop programmatic mitigation plans as part of the metropolitan transportation planning process to address the potential environmental impacts of future transportation projects. The MPO, in consultation with the FHWA and/or the FTA and with the agency or agencies with jurisdiction and special expertise over the resources being addressed in the plan, will determine:</p> <p>(1) <i>Scope.</i> (i) An MPO may develop a programmatic mitigation plan on a local, regional, ecosystem, watershed, statewide or similar scale.</p> <p>(ii) The plan may encompass multiple environmental resources within a defined geographic area(s) or may focus on a specific type(s) of resource(s) such as aquatic resources, parkland, or wildlife habitat.</p> <p>(iii) The plan may address or consider impacts from all projects in a defined geographic area(s) or may focus on a specific type(s) of project(s).</p> <p>(2) <i>Contents.</i> The programmatic mitigation plan may include:</p> <p>(i) An assessment of the existing condition of natural and human environmental resources within the area covered by the plan, including an assessment of historic and recent</p>


New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
				<p>trends and/or any potential threats to those resources.</p> <p>(ii) An identification of economic, social, and natural and human environmental resources within the geographic area that may be impacted and considered for mitigation. Examples of these resources include wetlands, streams, rivers, stormwater, parklands, cultural resources, historic resources, farmlands, archeological resources, threatened or endangered species, and critical habitat. This may include the identification of areas of high conservation concern or value and thus worthy of avoidance.</p> <p>(iii) An inventory of existing or planned environmental resource banks for the impacted resource categories such as wetland, stream, stormwater, habitat, species, and an inventory of federally, State, or locally approved in-lieu-of-fee programs.</p> <p>(iv) An assessment of potential opportunities to improve the overall quality of the identified environmental resources through strategic mitigation for impacts of transportation projects which may include the prioritization of parcels or areas for acquisition and/or potential resource banking sites.</p> <p>(v) An adoption or development of standard measures or operating procedures for mitigating certain types of impacts; establishment of</p>


New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
				<p>parameters for determining or calculating appropriate mitigation for certain types of impacts, such as mitigation ratios, or criteria for determining appropriate mitigation sites.</p> <p>(vi) Adaptive management procedures, such as protocols or procedures that involve monitoring actual impacts against predicted impacts over time and adjusting mitigation measures in response to information gathered through the monitoring.</p> <p>(vii) Acknowledgement of specific statutory or regulatory requirements that must be satisfied when determining appropriate mitigation for certain types of resources.</p> <p>(b) A MPO may adopt a programmatic mitigation plan developed pursuant to paragraph (a), or developed pursuant to an alternative process as provided for in paragraph (f) of this section through the following process:</p> <p>(1) Consult with each agency with jurisdiction over the environmental resources considered in the programmatic mitigation plan;</p> <p>(2) Make available a draft of the programmatic mitigation plan for review and comment by appropriate environmental resource agencies and the public;</p> <p>(3) Consider comments received from such agencies and the public on the</p>

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				<p>draft plan; and</p> <p>(4) Address such comments in the final programmatic mitigation plan.</p> <p>(c) A programmatic mitigation plan may be integrated with other plans, including watershed plans, ecosystem plans, species recovery plans, growth management plans, State Wildlife Action Plans, and land use plans.</p> <p>(d) If a programmatic mitigation plan has been adopted pursuant to paragraph (b), any Federal agency responsible for environmental reviews, permits, or approvals for a transportation project shall give substantial weight to the recommendations in the programmatic mitigation plan when carrying out its responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 <i>et seq.</i>) (NEPA) or other Federal environmental law.</p> <p>(e) Nothing in this section limits the use of programmatic approaches for reviews under NEPA.</p> <p>(f) Nothing in this section prohibits the development, as part of or separate from the transportation planning process, of a programmatic mitigation plan independent of the framework described in paragraph (a) of this section. Further, nothing in this section prohibits the adoption of a programmatic mitigation plan in the metropolitan planning process that</p>



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				was developed under another authority, independent of the framework described in paragraph (a).
§ 450.322 Congestion management process in transportation management areas.				

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.322	23 CFR 450.320	See Changes Below		
23 CFR 450.322(a)	23 CFR 450.320(a)	(a) The transportation planning process in a TMA shall address congestion management through a process that provides for safe and effective integrated management and operation of the multimodal transportation system, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 through the use of travel demand reduction and operational management strategies.		(a) The transportation planning process in a TMA shall address congestion management through a process that provides for safe and effective integrated management and operation of the multimodal transportation system, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 through the use of travel demand reduction (including intercity bus operators, employer-based commuting programs such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), job access projects, and operational management strategies.
23 CFR 450.322(b) and (c)	23 CFR 450.320(b)	<i>No Significant Language Change</i>		
23 CFR 450.322(d)	23 CFR 450.320(c)	<i>No Significant Language Change</i>		
23 CFR 450.322(e)	23 CFR 450.320(d)	<i>No Significant Language Change</i>		
23 CFR 450.322(f)	23 CFR 450.320(e)	<i>No Significant Language Change</i>		
23 CFR 450.322(g)	23 CFR 450.320(f)	<i>No Significant Language Change</i>		

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.322(h)	N/A	N/A		<p>(h) <i>Congestion management plan.</i> A MPO serving a TMA may develop a plan that includes projects and strategies that will be considered in the TIP of such MPO.</p> <p>(1) Such plan shall:</p> <p>(i) Develop regional goals to reduce vehicle miles traveled during peak commuting hours and improve transportation connections between areas with high job concentration and areas with high concentrations of low-income households;</p> <p>(ii) Identify existing public transportation services, employer based commuter programs, and other existing transportation services that support access to jobs in the region; and</p> <p>(iii) Identify proposed projects and programs to reduce congestion and increase job access opportunities.</p> <p>(2) In developing the congestion management plan, an MPO shall consult with employers, private and nonprofit providers of public transportation, transportation management organizations, and organizations that provide job access reverse commute projects or job-related services to low-income individuals.</p>
§ 450.324 Development and content of the metropolitan transportation plan.				



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23 CFR 450.324	23 CFR 450.322	See Changes Below		
23 CFR 450.324(f)(1)	23 CFR 450.322(f)(1)	(f) The metropolitan transportation plan shall, at a minimum, include: (1) The projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan;		(f) The metropolitan transportation plan shall, at a minimum, include: (1) The current and projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan;
23 CFR 450.324(f)(3) and (4)	N/A	N/A		(3) A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with § 450.306(d). (4) A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in § 450.306(d), including— (i) Progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports, including baseline data; and (ii) For metropolitan planning organizations that voluntarily elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to

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				achieve the identified performance targets.


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23 CFR 450.324(f)(5)-(7)	23 CFR 450.322(f)(3)-(5)	<i>No Significant Language Change</i>		
23 CFR 450.324(f)(8)	23 CFR 450.322(f)(9)	(9) Transportation and transit enhancement activities, as appropriate; and		(8) Transportation and transit enhancement activities, including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated, and including transportation alternatives, as defined in 23 U.S.C. 101 (a), and associated transit improvements, as described in 49 U.S.C. 5302 (a), as appropriate;
23 CFR 450.324(f)(9)	23 CFR 450.322(f)(6)	<i>No Significant Language Change</i>		
23 CFR 450.324(f)(10)	23 CFR 450.322(f)(7)	<i>No Significant Language Change</i>		
23 CFR 450.324(f)(11)	23 CFR 450.322(f)(10)	<i>No Significant Language Change</i>		
23 CFR 450.324(f)(12)	23 CFR 450.322(f)(8)	<i>No Significant Language Change</i>		
23 CFR 450.324(g)	23 CFR 450.322(g)	<i>No Significant Language Change</i>		
23 CFR 450.324(h)	23 CFR 450.322(h)	(h) The metropolitan transportation plan should include a safety element that incorporates or summarizes the priorities, goals, countermeasures, or projects for the MPA contained in the Strategic Highway Safety Plan required under 23 U.S.C. 148, as well as (as appropriate) emergency relief and disaster preparedness		(h) The metropolitan transportation plan should integrate the priorities, goals, countermeasures, strategies, or projects for the metropolitan planning area contained in the HSIP, including the SHSP required under 23 U.S.C. 148 , the Public Transportation Agency Safety Plan required under 49 U.S.C. 5329 (d), or an Interim Agency Safety

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		plans and strategies and policies that support homeland security (as appropriate) and safeguard the personal security of all motorized and non-motorized users.		Plan in accordance with 49 CFR part 659 , as in effect until completion of the Public Transportation Agency Safety Plan, and may incorporate or reference applicable emergency relief and disaster preparedness plans and strategies and policies that support homeland security, as appropriate, to safeguard the personal security of all motorized and non-motorized users.

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.324(i)	N/A	N/A		<p>(i) An MPO may, while fitting the needs and complexity of its community, voluntarily elect to develop multiple scenarios for consideration as part of the development of the metropolitan transportation plan.</p> <p>(1) An MPO that chooses to develop multiple scenarios under this paragraph (i) is encouraged to consider:</p> <ul style="list-style-type: none"> (i) Potential regional investment strategies for the planning horizon; (ii) Assumed distribution of population and employment; (iii) A scenario that, to the maximum extent practicable, maintains baseline conditions for the performance areas identified in § 450.306(d) and measures established under 23 CFR part 490; (iv) A scenario that improves the baseline conditions for as many of the performance measures identified in § 450.306(d) as possible; (v) Revenue constrained scenarios based on the total revenues expected to be available over the forecast period of the plan; and (vi) Estimated costs and potential revenues available to support each scenario. <p>(2) In addition to the performance areas identified in 23 U.S.C. 150(c), 49 U.S.C. 5326(c), and 5329(d), and the measures established under 23 CFR</p>


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				part 490, MPOs may evaluate scenarios developed under this paragraph using locally developed measures.
23 CFR 450.324(j)	23 CFR 450.322(i)	(i) The MPO shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan using the participation plan developed under §450.316(a).		(j) The MPO shall provide individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cashout program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan using the participation plan developed under § 450.316(a).
23 CFR 450.324(k)	23 CFR 450.322(j)	No Significant Language Change		
23 CFR 450.324(l)	23 CFR 450.322(k)	No Significant Language Change		
23 CFR 450.324(m)	23 CFR 450.322(l)	No Significant Language Change		
§ 450.326 Development and content of the transportation improvement program (TIP).				

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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.326	23 CFR 450.324	See Changes Below		
23 CFR 450.326(c)	N/A	N/A		(c) The TIP shall be designed such that once implemented, it makes progress toward achieving the performance targets established under § 450.306(d).
23 CFR 450.326(d)	N/A	N/A		(d) The TIP shall include, to the maximum extent practicable, a description of the anticipated effect of the TIP toward achieving the performance targets identified in the metropolitan transportation plan, linking investment priorities to those performance targets.
23 CFR 450.326(b)	23 CFR 450.324(b)	<i>No Significant Language Change</i>		
23 CFR 450.326(e)	23 CFR 450.324(c)	<i>No Significant Language Change</i>		
23 CFR 450.326(f)	23 CFR 450.324(d)	<i>No Significant Language Change</i>		
23 CFR 450.326(g)	23 CFR 450.324(e)	<i>No Significant Language Change</i>		
23 CFR 450.326(h)	23 CFR 450.324(f)	<i>No Significant Language Change</i>		
23 CFR 450.326(i)	23 CFR 450.324(g)	<i>No Significant Language Change</i>		
23 CFR 450.326(j)	23 CFR 450.324(h)	<i>No Significant Language Change</i>		
23 CFR 450.326(k)	23 CFR 450.324(i)	<i>No Significant Language Change</i>		
23 CFR 450.326(l)	23 CFR 450.324(o)	<i>No Significant Language Change</i>		
23 CFR 450.326(m)	23 CFR 450.324(j)	<i>No Significant Language Change</i>		


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N/A	23 CFR 450.324(k)	<p>(k) For the purpose of including projects funded under 49 U.S.C. 5309 in a TIP, the following approach shall be followed:</p> <p>(1) The total Federal share of projects included in the first year of the TIP shall not exceed levels of funding committed to the MPA; and</p> <p>(2) The total Federal share of projects included in the second, third, fourth, and/or subsequent years of the TIP may not exceed levels of funding committed, or reasonably expected to be available, to the MPA.</p> <p>(l) As a management tool for monitoring progress in implementing the transportation plan, the TIP should:</p> <p>(1) Identify the criteria and process for prioritizing implementation of transportation plan elements (including multimodal trade-offs) for inclusion in the TIP and any changes in priorities from previous TIPs;</p> <p>(2) List major projects from the previous TIP that were implemented and identify any significant delays in the planned implementation of major projects; and</p> <p>(3) In nonattainment and maintenance areas, describe the progress in implementing any required TCMs, in accordance with 40 CFR part 93.</p>	DELETED	N/A

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23 CFR 450.326(n)	23 CFR 450.324(l)	No Significant Language Change		
23 CFR 450.326(o)	23 CFR 450.324(m)	(m) During a conformity lapse, MPOs may prepare an interim TIP as a basis for advancing projects that are eligible to proceed under a conformity lapse. An interim TIP consisting of eligible projects from, or consistent with, the most recent conforming metropolitan transportation plan and TIP may proceed immediately without revisiting the requirements of this section, subject to interagency consultation defined in 40 CFR part 93. An interim TIP containing eligible projects that are not from, or consistent with, the most recent conforming transportation plan and TIP must meet all the requirements of this section.		(o) In metropolitan nonattainment and maintenance areas, a 12-month conformity lapse grace period will be implemented when an area misses an applicable deadline, according to the Clean Air Act and the transportation conformity regulations (40 CFR part 93 , subpart A). At the end of this 12-month grace period, the existing conformity determination will lapse. During a conformity lapse, MPOs may prepare an interim TIP as a basis for advancing projects that are eligible to proceed under a conformity lapse. An interim TIP consisting of eligible projects from, or consistent with, the most recent conforming metropolitan transportation plan and TIP may proceed immediately without revisiting the requirements of this section, subject to interagency consultation defined in 40 CFR part 93 . An interim TIP containing eligible projects that are not from, or consistent with, the most recent conforming transportation plan and TIP must meet all the requirements of this section.
23 CFR 450.326(p)	23 CFR 450.324(n)	No Significant Language Change		
§ 450.328 TIP revisions and relationship to the STIP.				
23 CFR 450.328	23 CFR 450.326	No Significant Language Change		
§ 450.330 TIP action by the FHWA and the FTA.				

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23 CFR 450.330	23 CFR 450.328	No Significant Language Change		
§ 450.332 Project selection from the TIP.				
23 CFR 450.332	23 CFR 450.330	No Significant Language Change		
§ 450.334 Annual listing of obligated projects.				
23 CFR 450.334	23 CFR 450.332	No Significant Language Change		
§ 450.336 Self-certifications and Federal certifications.				
23 CFR 450.336	23 CFR 450.334	No Significant Language Change		
§ 450.338 Applicability of NEPA to metropolitan transportation plans and programs.				
23 CFR 450.338	23 CFR 450.336	No Significant Language Change		
§ 450.340 Phase-in of new requirements.				

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.340	23 CFR 450.338	<p>§450.338 Phase-in of new requirements.</p> <p>(a) Metropolitan transportation plans and TIPs adopted or approved prior to July 1, 2007 may be developed using the TEA-21 requirements or the provisions and requirements of this part.</p> <p>(b) For metropolitan transportation plans and TIPs that are developed under TEA-21 requirements prior to July 1, 2007, the FHWA/FTA action (<i>i.e.</i>, conformity determinations and STIP approvals) must be completed no later than June 30, 2007. For metropolitan transportation plans in attainment areas that are developed under TEA-21 requirements prior to July 1, 2007, the MPO adoption action must be completed no later than June 30, 2007. If these actions are completed on or after July 1, 2007, the provisions and requirements of this part shall take effect, regardless of when the metropolitan transportation plan or TIP were developed.</p> <p>(c) On and after July 1, 2007, the FHWA and the FTA will take action on a new TIP developed under the provisions of this part, even if the MPO has not yet adopted a new metropolitan transportation plan under the provisions of this part, as long as the underlying</p>		<p>§ 450.340 Phase-in of new requirements.</p> <p>(a) Prior to May 27, 2018, an MPO may adopt a metropolitan transportation plan that has been developed using the SAFETEA-LU requirements or the provisions and requirements of this part. On or after May 27, 2018, an MPO may not adopt a metropolitan transportation plan that has not been developed according to the provisions and requirements of this part.</p> <p>(b) Prior to May 27, 2018 (2 years after the publication date of this rule), FHWA/FTA may determine the conformity of, or approve as part of a STIP, a TIP that has been developed using SAFETEA-LU requirements or the provisions and requirements of this part. On or after May 27, 2018 (2 years after the publication date of this rule), FHWA/FTA may only determine the conformity of, or approve as part of a STIP, a TIP that has been developed according to the provisions and requirements of this part, regardless of when the MPO developed the TIP.</p> <p>(c) On and after May 27, 2018 (2 years after the issuance date of this rule), the FHWA and the FTA will take action (<i>i.e.</i>, conformity determinations and STIP approvals) on an updated or amended TIP developed under the provisions of this part, even if the MPO has not yet adopted a new metropolitan</p>

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
		<p>transportation planning process is consistent with the requirements in the SAFETEA-LU.</p> <p>(d) The applicable action (see paragraph (b) of this section) on any amendments or updates to metropolitan transportation plans and TIPs on or after July 1, 2007, shall be based on the provisions and requirements of this part. However, administrative modifications may be made to the metropolitan transportation plan or TIP on or after July 1, 2007 in the absence of meeting the provisions and requirements of this part.</p> <p>(e) For new TMAs, the congestion management process described in §450.320 shall be implemented within 18 months of the designation of a new TMA.</p>		<p>transportation plan under the provisions of this part, as long as the underlying transportation planning process is consistent with the requirements in the MAP-21.</p> <p>(d) On or after May 27, 2018 (2 years after the publication date of this rule), an MPO may make an administrative modification to a TIP that conforms to either the SAFETEA-LU or to the provisions and requirements of this part.</p> <p>(e) Two years from the effective date of each rule establishing performance measures under 23 U.S.C. 150(c), 49 U.S.C. 5326, and 49 U.S.C. 5329 FHWA/FTA will only determine the conformity of, or approve as part of a STIP, a TIP that is based on a metropolitan transportation planning process that meets the performance based planning requirements in this part and in such a rule.</p> <p>(f) Prior to 2 years from the effective date of each rule establishing performance measures under 23 U.S.C. 150(c), 49 U.S.C. 5326, or 49 U.S.C. 5329, an MPO may adopt a metropolitan transportation plan that has been developed using the SAFETEA-LU requirements or the performance-based planning requirements of this part and in such a rule. Two years on or after the effective date of each rule establishing</p>

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				<p>performance measures under 23 U.S.C. 150(c), 49 U.S.C. 5326, or 49 U.S.C. 5329, an MPO may only adopt a metropolitan transportation plan that has been developed according to the performance-based provisions and requirements of this part and in such a rule.</p> <p>(g) A newly designated TMA shall implement the congestion management process described in § 450.322 within 18 months of designation.</p>