

## AMPO Comparison

Final Rule: Statewide and Nonmetropolitan Planning; Metropolitan Transportation Planning  
Published in the Federal Register – May 27, 2016

NPRM was published in the Federal Register on June 2, 2014  
162 comment letter were submitted to the docket – 51 from MPOs

Effective date – June 27, 2016

Summary of comments - page 34061 of the Federal Register

Section-by-Section Discussion – 34081 of the Federal Register  
Subpart C - Metropolitan Transportation Planning and Programming - 34104

Summary Below– The rule finalizes the planning and some environmental (as related to planning documents) amendments under MAP-21 and the FAST Act

### MAP-21

- Requires States, MPOs, and operators of public transportation to link investment priorities to the achievement of performance targets established to address performance measures in key areas such as safety, infrastructure condition, congestion, system reliability, emissions, and freight movement.
- The final rule establishes that the statewide and metropolitan transportation planning processes must provide for the use of a performance-based approach to decision-making in support of the national goals.
- The final rule requires that States, MPOs, and operators of public transportation establish targets in key national performance areas to document expectations for future performance and that States, MPOs, and operators of public transportation must coordinate targets, to ensure consistency, that they set for key areas.
  - The final rule does not require that States select and establish performance targets in coordination with Federal Lands Management agencies.
  - The final rule requires that for transit-related targets, States and MPOs must coordinate their selection of targets relating to transit safety and transit state of good repair to the maximum extent practicable with operators of public transportation to ensure consistency with other performance-based provisions applicable to operators of public transportation.
- The final rule establishes that MPOs must reflect those targets in the metropolitan transportation plans and that States must reflect those targets in their long-range statewide transportation plans.
- The final rule establishes that the States and MPOs must each describe the anticipated effect of their respective transportation improvement programs toward achieving their targets.
- The final rule establishes that States and MPOs must integrate the goals, objectives, performance measures, and targets from other performance-based plans and processes into their planning processes.
  - Other performance based plans and processes include - the Congestion Mitigation and Air Quality Improvement (CMAQ) Program performance plan, the strategic highway safety plan,

- the public transportation agency safety plan, the highway and transit asset management plans, and the State freight plan.
  - *FHWA and FTA deleted proposed sections that would require the consideration of elements of these plans in the development of the long-range statewide transportation plans, metropolitan transportation plans, TIPs, and STIPs.*
- The final rule establishes that every MPO serving a transportation management area (TMA) must include on its policy board an official (or officials) who is formally designated to represent the collective interests of the operators of public transportation in the metropolitan planning area (MPA) and will have equal decision-making rights and authorities as other officials on its policy board.
- The final rule establishes the **option** for MPOs to use scenario planning during the development of their transportation plans.
- The final rule establishes an optional framework for the States and MPOs to develop programmatic mitigation plans as part of the statewide and the metropolitan transportation planning processes.

### **FAST Act**

- The final rule amends the existing planning regulations to add new planning factors for States and MPOs to consider - Improve resiliency and reliability of the transportation system and reduce or mitigate storm water impacts of surface transportation; and enhance travel, and tourism.
- It adds new parties that States and MPOs shall provide early and continuous involvement opportunities to in the transportation planning process and that States and MPOs shall allow to comment on the long-range statewide transportation plan and the metropolitan transportation plans – public ports; and adds officials responsible for tourism and natural disaster risk reduction to the list of agencies and officials that an MPO should consult with in developing metropolitan transportation plans and TIPs.
- It provides MPO's serving TMA's with an optional framework for developing a congestion management plan.
- The final rule adds consideration of the role intercity buses may play to the long-range statewide transportation plan and the metropolitan transportation plan.
- The final rule makes reducing the vulnerability of the existing transportation infrastructure to natural disasters a part of the metropolitan transportation plan.
- It provides structure for the transit representation on MPOs serving TMA areas.
- The final rule provides a revised new authority for the use of planning information in the environmental review process that States and MPOs may use.

### **Other Notable Provisions in the Final Rule**

- The regulation (450.314) was amended to require that MPOs identify how they will cooperatively implement these performance-based planning provisions with States and operators of public transportation. Rather than requiring a reopening of metropolitan planning agreements as proposed in the NPRM, the final rule provides the option documenting it either as part of the metropolitan planning agreements, or documenting it in some other means outside of the metropolitan planning agreements as determined cooperatively by the MPO(s), State(s), and providers of public transportation.

- Once performance targets are selected by MPOs, MPOs must reflect those targets in their plans. (450.324)
  - In their transportation plans, MPOs would need to describe these performance targets, evaluate the condition and performance of the transportation system, and report on progress toward the achievement of their performance targets.
- Regarding the definition of major modes of transportation as it pertains to the policy board of an MPO - *“MPOs are in the best position to define what constitutes a major mode of transportation in their respective MPAs. The FHWA and FTA will continue to work with each MPO to determine what major modes exist in their MPA so that they are included appropriately in the MPO structure.”*
- Planning and Environmental Linkages: The final rule explicitly recognizes a variety of PEL methods that may be used to integrate planning with environmental reviews by adding a reference to the statutory provisions added by MAP-21 and amended by FAST.
- Programmatic Mitigation - The FHWA and FTA have largely retained the language in the NPRM for these sections, with the exception of a few changes. In sections 450.214 and 450.320, additional language has been added to make it clear that this provision for developing programmatic mitigation plans, as part of the statewide or the metropolitan transportation planning process is **optional**.
  - The final rule added archeological resources to the list of examples of resources in the NPRM that may be identified in a programmatic mitigation plan.
  - The final rule added storm water to the list of examples of resource categories described in the NPRM for existing or planned environmental resource banks that may be identified in a programmatic mitigation plan.
  - The FAST changed “may use” to “shall give substantial weight to” and changes “any other environmental laws and regulations” to “other Federal environmental law” **such that a Federal agency responsible for environmental reviews “shall give substantial weight to” the recommendations in the programmatic mitigation plan when carrying out its responsibilities under NEPA or “other Federal environmental law.”** Sections 450.214(d) and 450.320(d) of the final rule are amended to reflect these changes.
- There is a 2-year phase - On or after May 27, 2018, an MPO may not adopt a metropolitan transportation plan that has not been developed according to the new rule.

### **Costs and Benefits**

**(Detailed analysis is on page 34056 of the Fed Reg notice)**

- FHWA and FTA believe the economic impact is minimal and the benefits of implementation outweigh the costs.
- The annual average total cost for implementing this regulation is estimated to be \$30.9 (highway and transit) million per year.