



November 10, 2014

VIA ELECTRONIC SUBMITTAL (www.regulations.gov)

U.S. Department of Transportation
Dockets Management Facility
Room W12-140
1200 New Jersey Avenue SE.
Washington, DC 20590

Re: Comments on Notice of Proposed Rulemaking for Additional Authorities for Planning and Environmental Linkages (Docket No. FHWA-2014-0031; FHWA RIN 2125-AF66; FTA RIN 2132-AB21)

Introduction

The Association of Metropolitan Planning Organizations (AMPO) welcomes the opportunity to submit these comments on the notice of proposed rulemaking on Additional Authorities for Planning and Environmental Linkages (PEL), issued by the Federal Highway Administration and the Federal Transit Administration on September 10, 2014.

Comments on PEL Proposal

AMPO has long supported and advocated for streamlining of the transportation planning and environmental review processes for delivery of necessary transportation projects. AMPO testified before Congress in support of amending the law to give local planning decisions greater standing at the Federal review level. In general, AMPO fully endorses the concept of increasing efficiency and reducing overall cost, red tape, and time horizons by using planning products resulting from statewide and metropolitan transportation planning, where appropriate, to support National Environmental Policy Act (NEPA) environmental review of individual transportation projects.

The proposed rule would implement 23 USC 168, which was created by section 1310 of the Moving Ahead for Progress in the 21st Century Act (MAP-21). The new provision would provide additional authority for the use of planning products in the environmental review process required under NEPA. Current transportation planning regulations under 23 CFR 450 [see 450.212, and 450.318] authorize the incorporation of planning documents directly or by reference into subsequent NEPA documents.

The final rule must make clear that existing pre-MAP-21 regulations will continue to be an optional PEL process for MPOs and States.

Areas of Agreement

- We agree with the spirit and intent of 23 U.S.C. § 168 and the PEL NPRM:
 - The proposed rule continues to allow multimodal, systems-level corridor or subarea planning studies, as part of the metropolitan or statewide planning process, to be

incorporated into the project development process consistent with NEPA (**23 CFR 450.318(a)**).

- The proposed rule recognizes the significance and integrity of the transportation planning process and how some of its products may be leveraged to avoid duplicative efforts during the Plan Development Process (PDP) and NEPA review (**23 CFR 450 - Appendix A**).

Challenges, Concern, and Clarification

- Some of the challenges this NPRM poses to MPOs are:
 - The Federal Lead Agency Determination process proposed under 23 CFR 450.212(d) and 318(f) appears to be unduly burdensome on the transportation planning process, and may result in unintended consequences:
 - Adding additional time periods for Federal, State, local and tribal government review, resource agency concurrence, and public comment of a proposed Determination can be taxing to many MPOs, given their existing work programs, schedules, timelines;
 - Providing all local and tribal governments the opportunity to independently approve a planning product is a novel concept to regional planning frameworks and NEPA processes, yet introduces an additional layer of procedure and uncertainty to the planning process, which MPOs may not be readily prepared for;
 - The degree proposed for resource agency engagement, and the procedure for which it is facilitated, could thwart many MPOs from pursuing this opportunity (the reward may not be worth the effort and time);

Thank you for the opportunity to provide our input and comments. We look forward to working with USDOT in making the transportation planning and environmental review process an efficient and workable path to project delivery.

Should you have any questions or seek further input from AMPO on the information provided above, please contact me at (202) 624-3680 or dhardy@ampo.org.



DeLania Hardy, Executive Director