

August 11, 2006

U.S. Department of Transportation
Dockets Management Facility
Room PL-401
400 Seventh Street, S.W.
Washington, DC 20590

RE: **Docket No. FHWA-2005-22986**
“Notice of Proposed Rulemaking (NPRM); request for comments.”
“*Statewide Transportation Planning; Metropolitan Transportation Planning.*”
Published in the Federal Register Friday, June 9, 2006/Proposed Rules.

Docket Manager:

Introduction:

The following comments are submitted in response to the above NPRM dealing with proposed changes to statewide and metropolitan transportation planning.

The Cincinnati USA Regional Chamber has long had an active interest in transportation planning, projects and policies in metropolitan Cincinnati and Northern Kentucky. The Chamber has 6000 business members for whom safe and efficient transportation is a critical part of a competitive business location within a progressive community.

The Chamber’s Transportation Committee has undertaken a detailed review of the NPRM and developed comments on select Sections of the proposed text. In general, the Transportation Committee is interested in transportation planning that is –

- open and transparent;
- timely – solving problems sooner, not later;
- avoids redundancy among agencies;
- sets deadlines for participants and their work; and,
- requires alignment and reference with available or expected funding resources.

Comments

Subpart C-Metropolitan Transportation Planning and Programming

§450.306 *Scope of the metropolitan transportation planning process.*

In general this Section includes a reasonable set of concepts and topics. The eight planning factors set a good foundation. More specifically, we draw attention to

subparagraph (e), and the proposal to assess “strategies and policies to support homeland security.” We agree: that assessment needs to be part of the local and regional transportation planning process and subsequent project or policy decisions.

The final phrase of (e), however, is somewhat confusing. This phrase reads: “and to safeguard the *personal* security of all motorized and non-motorized users” (emphasis added.) The phrase “personal security” is somewhat confusing, conjuring demands and safeguards that could extend far beyond transportation projects. It might be clearer to use language that matches Planning Factor #2 – “Increase the *safety* of the transportation system for all motorized and non-motorized users” (highlight added). *Safety* imparts a clearer and more traditional goal for transportation safety compared to the never-ending demands that might be forced into consideration regarding the broader reference to “personal security.”

§450.310 *Metropolitan planning organization designation and redesignation.*

After our review, this Section raised questions. The Section would require that “an MPO should be designated, to the extent possible, under specific State legislation...”

- The phrase “*to the extent possible*” needs clarification; it connotes a partial or incomplete legislative or regulatory standing. Again, that’s not clear.
- It was reported to us that in Ohio, the MPOs are already formally positioned within the State’s Revised Code and that experts here do not foresee any changes resulting from the proposed language. That’s probably the case in many other states. If that’s accurate, it might be helpful in the proposed text to reference the fact that some MPOs already have the status recommended by the draft rules and, therefore, they are exempt from the proposed provision. It could be a lengthy and complicated process for an MPO to seek state legislative designation. A final rule should clearly state that MPOs do not have to go through that process if they are already so designated.

§450.316 *Interested parties, participation, and consultation.*

Commendably, this Section seeks to establish an open and widely accessible public participation process for the many different groups affected by transportation activities. We offer the following comments:

- This Section would be strengthened with added reference to *deadlines* and end points that must be met within a process and for the process itself. This would help keep project development on schedule, an obvious benefit for system users and project budgets.
- We strongly support the proposed subparagraph (a)(2), which would require “a summary, analysis and report on the disposition of comments (made) as part of the final metropolitan transportation plan.” If individuals or groups participate in a public process,

indeed the process requires such participation, it seems implicit that participants will have some influence on a final outcome.

- Therefore, the proposal for “a summary, analysis and report on the disposition of comments” should not only be retained in a final Rule, it should be emphasized.
- “A summary, analysis and report” would clarify the reasoning and basis for MPO or agency decisions, offsetting possible concerns that decisions and outcomes are unilateral, or otherwise ignore or conflict with the “significant written and oral comments” received on the draft plan.
- Importantly, subparagraph (2)(a) would require a summary, analysis and report when “significant written and oral comments” are received. We suggest adding that same qualifier to a response: for “significant” comments, the MPO or agency must provide “a *significant* summary, analysis, and report on the disposition of comments.” We suggest that any written or oral comment submitted as part of the planning process or any comment recorded as part of a public record, should be considered as “significant” and requiring a like response.

§450.320 *Congestion management process in transportation management areas.*

In general, this Section contains many good ideas that should be carried forward to the final set of Rules.

- In paragraph (a), for example, we support the call for integrated management of the transportation system.
- The flexibility allowed localities in (b) regarding level of system performance is a characteristic that should be retained in a final rule.
- The suggestion in (b) – calling for multimodal performance measures and strategies – is a forward-thinking idea, as is the call for planners to provide “explicit consideration” to future strategies and improvements that will maintain the functional integrity and safety of new SOV lanes.
- Paragraph (c) proposes a sound analysis of congestion management. It should result in data, interpretation and suggestions for projects and policies that maximize best performance, for the longest time, from a roadway or mix of roads and transit.

§450.322 *Development and content off the metropolitan transportation plan.*

§450.324 *Development and content of the transportation improvement program (TIP).*

We cite these two Sections at the same time because, more specifically, our focus is on paragraph (f)(10) in the first Section and paragraph (h) in the second Section. Both Sections propose a financial plan. These proposals need to be carried over to the final Rule.

It is our opinion that a financial plan is self-justifying – it should automatically be part of any public planning. Financial planning becomes even more urgent when one considers that the Highway Trust Fund may be bankrupt by 2009! Obviously, money and finances must be a central component of any planning document.

As proposed, financial planning would have to include the following:

- All necessary financial resources that are reasonably expected to be available;
- Recommendations for additional financing proposals;
- Strategies to seek new sources of funds; and,
- Financing plans if TCM is required in certain areas.

We suggest that a final Rule should require some standards pertaining to the *detail* and *presentation* for a fiscal plan. For example, a fiscal plan could:

- present a multi-year forecast;
- present planners' current projections for how the top ten projects in a region will be funded, the source of those funds, and how those top projects affect the total pool of funds;
- expected trends in funds and funding if current funding sources are retained;
- funding gaps for the top regional projects and a discussion of possible ways to close those gaps;
- include a glossary of abbreviations and terms;
- contain a relatively equal format of text and numbers, or other quantitative displays, such as charts and graphs;
- it should be logical and transparent;
- it should list major federal, state and local funding groups and include projected sums for each of those groups as well as a “look back” at the historical levels of such funds during the past five years.

§450.332 *Annual listing of obligated projects.*

This is a great proposal and it needs to be included in a final rule. If the following information is not already required in the proposed text, the project list should include the following:

- A definition of the term “obligated”, and, therefore, “unobligated”, if that converse is relevant;
- The list should tell whether an expenditure was for planning, research, engineering, right-of-way, construction, maintenance or any other category of funds and programs that provide insight into the transportation process.
- Estimated dates telling when construction or implementation of a project is expected to start.

- Funding gaps between project expenditures versus total funds needed to complete a project and, for the top fifteen projects, a projection of funding sources/categories expected to cover all costs.
- The list should be grouped, or arranged, by transportation mode.

* * *

We appreciate the chance to comment on this important effort to update and improve the Nation's transportation planning process. If I can answer any questions about the comments and suggestions contained here, please call or e-mail at the number or address listed below.

For the Transportation Committee,

[electronic version unsigned]

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