

## Notice of Proposed Rulemaking on Statewide and Metropolitan Planning

Issue	Current Provisions	New TEA-21 Requirements	Intended Outcomes	Proposed Regulations (Excerpts)
State Consultation with Local Officials	<ul style="list-style-type: none"> <li>Reasonable opportunity for public officials to comment on plan and STIP development [§450.212]</li> <li>Consultation with local officials on project selection in non-metropolitan areas [§450.104]</li> </ul>	Section 1204 revises 23 U.S.C. 135(e)(2)(B) to require development of process in consultation with affected local officials for consultation on development of State plan.	<ul style="list-style-type: none"> <li>Increased involvement of non-metropolitan local officials in the planning process will better reflect concerns of rural America in transportation decisions</li> <li>Increased opportunity for rural economic development</li> </ul>	<ul style="list-style-type: none"> <li>§1410.212 Participation by interested parties. Requires establishing process for consultation with non-metropolitan local officials in state-wide transportation plans and state-wide transportation improvement programs. Broadens §450.212 to include all facets of participation.</li> <li>§1410.104 Consultation. Minor changes from §450.104.</li> </ul>
Revenue Forecasts	Cooperative development of revenue estimates available for plan and TIP development [§450.322(b)(10)]	Section 1203 modifies 23 U.S.C. 134 (g)(3)(B) to direct that a cooperative process be established by the State and MPOs for estimating revenues available to support metropolitan plans.	<ul style="list-style-type: none"> <li>MPOs have better financial information for planning and programming</li> <li>A more open and understandable process for revenue forecasting to facilitate full buy-in by all participants</li> <li>Greater clarity for financial information assumptions and options</li> <li>Flexibility for State DOT, MPO and transit operator(s) in cooperatively developing estimates</li> <li>Enhanced cooperation among State and local officials on planning for needed investments</li> </ul>	§1410.322(b)(10) Transportation plan content. Directs that transportation plans include a financial plan that incorporates revenue forecasts. Essentially reinforces existing §450.322(b)(10) provisions, consistent with new TEA-21 language.
Consolidation of Planning Factors	§450.208 lists 23 factors for statewide planning; §450.316 lists 16 metropolitan factors	Sections 1203 and 1204 modify 23 U.S.C. 134 and 135, respectively, by establishing 7 new planning factors, replacing the existing 23 (statewide) and 16 (metropolitan) planning factors mandated by ISTEA.	<ul style="list-style-type: none"> <li>Streamline and simplify planning factors</li> <li>Rely on legislative language to guide planning process</li> <li>Use non-regulatory approaches to promote good practices</li> <li>Support local application of planning factors to fit local circumstances</li> <li>State and local consideration of a full range of planning factors, as applicable, in the local context</li> </ul>	§1410.208 (statewide) and §1410.316 (metropolitan) list the new factors: Economic vitality; safety and security; accessibility and mobility; environment and energy; intermodalism; efficiency; and preservation of the existing transportation system
Safety	No provisions	Sections 1203 and 1204 name safety as one of seven planning factors to be addressed in developing transportation plans.	<ul style="list-style-type: none"> <li>Safer transportation systems</li> <li>Emphasis on safety in transportation plans, programs and projects</li> <li>Reliance on localized application with FHWA/FTA providing training, good practices and other specialized activity</li> <li>Increase safety issue awareness and visibility for local decision-makers</li> <li>Greater safety issue awareness/consideration in transportation decisions</li> </ul>	§§1410.208 and 1410.316 list safety as one of the seven new planning factors.
20-Yr. Plan Horizon	Plan must have at least a 20-year horizon at time of adoption by MPO or State [§450.322]	TEA-21 continues existing ISTEA legislative requirement for 20-year forecast period.	<ul style="list-style-type: none"> <li>Meet statutory requirement for 20-year plans</li> <li>Maintain completeness and utility of plans for decision-making</li> <li>Eliminate problems with conformity findings</li> </ul>	§1410.322(e) refines existing §450.322 with respect to definition of “20-year horizon”; no major changes.
TIP Extensions	FHWA and FTA may grant extensions in extraordinary circumstances [§450.324]	No new legislative provisions.	<ul style="list-style-type: none"> <li>Reflect the requirements and limitations of the law reasonably</li> <li>Provide effective mechanisms for administering Federal transportation programs</li> </ul>	§1410.324 revises TIP extension policy — no extensions permitted in non-attainment or maintenance areas; extensions up to 180 days permitted in attainment areas.
ITS Tech. Investments†	No provisions  † Linkage to ITS rule	Section 5206(e) directs that all ITS projects funded with highway trust monies be consistent with national ITS architecture, standards, and protocols	<ul style="list-style-type: none"> <li>ITS investments that work together (interoperable)</li> <li>ITS technology investments routinely included in transportation plans, programs and projects</li> <li>Mainstreaming of ITS investments as part of alternatives considered for transportation system improvements</li> <li>Enhanced interagency cooperation in management and development</li> </ul>	§1410.214(a)(3) and §1410.322(b)(11-13) support integrated ITS development — an ITS Integration Strategy. §1410.310 stipulates terms of agreement between MPOs, State DOTs, operators and other agencies on implementation of Integration Strategy.

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Annual List of Projects	No provisions	Section 1203 modifies 23 U.S.C. 134(h)(7)(B); requires MPO to provide an annual listing of projects for which funds have been obligated in the previous year.	<ul style="list-style-type: none"> <li>• Allow planning partners flexibility in planning design</li> <li>• Encourage greater public information concerning proposed funding actions</li> <li>• Support better programming and minimizing amendments</li> </ul>	§1410.324(n)(5) requires an annual listing of projects.
FHWA/FTA on STIP	Existing regulations require finding that planning process is being implemented consistent with the planning regulations [§450.220]	Section 1204 requires a finding by the Secretary that the STIP comes from a planning process that meets statutory requirements	<ul style="list-style-type: none"> <li>• Improve transportation planning process by identifying areas for focused improvement</li> <li>• Provide a recurring basis for positive reinforcement of effective planning processes and earlier identification of weaknesses</li> </ul>	§1410.322(b) prescribes that STIP approval will either be conditional or unconditional, depending on the results of the planning finding.
Environmental Justice†	<ul style="list-style-type: none"> <li>• MPO and State must self-certify consistency of plans and programs with Title VI of the Civil Rights Act</li> <li>• Each MPO and State must have a public involvement process in order to “seek out and consider the needs of those traditionally under-served by existing transportation systems, including but not limited to low-income and minority households”</li> <li>• No specific FHWA/FTA requirements articulated for supporting analyses</li> </ul>	<ul style="list-style-type: none"> <li>• Clarifies and extends Title VI expectations regarding required data collection, analyses, and public involvement processes for transportation plans, TIPs and projects</li> <li>• Puts greater emphasis on the participation of low-income persons, the elderly, persons with disabilities, and minority communities in planning, programming, and project development</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce disproportionate impacts of transportation investments on minorities and low-income groups</li> <li>• Clarify and ensure Title VI application in planning and project development processes</li> <li>• Earlier identification and analysis of community impacts of transportation investments</li> <li>• Effective inclusion and engagement of minority and low-income groups in transportation decisionmaking</li> <li>• Early identification of impacts that can be mitigated (reduction of adverse impacts) and equitable application of mitigation actions</li> </ul>	<ul style="list-style-type: none"> <li>• §1420.111 Environmental justice. “Proposed actions shall be developed in a manner to avoid or mitigate disproportionately high and adverse human health or environmental effects ... on low-income and minority populations ... ”</li> <li>• §1420.113 Avoidance, minimization, mitigation, and enhancement responsibilities.</li> <li>• §1420.212 Participation by interested parties.</li> <li>• §1420.316 Transportation planning process and plan development.</li> </ul>
Planning/Project Development†	<ul style="list-style-type: none"> <li>• Participating agencies (State DOT, MPO, transit operator) cooperatively decide on need for and prepare MIS investments [§450.318]</li> <li>• Planning analyses usable in NEPA process but often ignored</li> </ul>	Section 1308 directs elimination of separate MIS requirement and calls for integrating it with analyses in the planning and environmental (NEPA) rules.	<ul style="list-style-type: none"> <li>• Better transportation plans with stronger consideration of environmental and economic impacts at early, systems level</li> <li>• Consideration of environmental impacts at plan stage enables streamlined decisionmaking in project development</li> <li>• Documentation of planning actions, at participants’ discretion, to support more NEPA streamlining</li> <li>• Smoother hand-off from planning to project development</li> <li>• Increased participation of environmental (resource and permit) agencies</li> </ul>	<ul style="list-style-type: none"> <li>• §1410.220 Funding of planning process. [Revision of §450.218.]</li> <li>• §1410.318 Relation of planning and project development processes. [Revision of §450.318.]</li> <li>• Environment rule adds language that links actions in planning with NEPA process based on review at initial NEPA stages</li> </ul>
Air Quality Conformity	Several provisions in the planning and NEPA rules reinforce conformity and tie to EPA’s conformity regulations	No new TEA-21 provisions; conformity is a requirement of the Clean Air Act.	<ul style="list-style-type: none"> <li>• Clarify procedures; eliminate inconsistencies between EPA, DOT rules</li> <li>• Establish common definitions of key terms</li> <li>• Ensure timely processing of conformity definitions</li> <li>• Avoid areas falling into lapse without knowing it</li> <li>• Provide more certainty on plan/TIP update calendar</li> </ul>	§1410.210 Coordination of planning process activities; §1410.312 Planning process organizational relationships; §1410.314 Planning tasks and unified work program; §1410.322 Transportation plan content; §1410.324 Transportation improvement program content.
<p>† Linkage to NEPA rule</p>				