



The Florida Metropolitan Planning Organization Advisory Council

*Mayor Susan Haynie
Chairperson*

MPOAC Governing Board Meeting

Date: Monday, July 18, 2016
Time: Noon – 3:00 p.m.
Location: Loews Don CeSar Hotel, 3400 Gulf Boulevard
St. Pete Beach, FL 33706

Vice-Chair Nick Maddox, Presiding

- 1. Call to Order & Pledge of Allegiance**
 - 2. Approval of Minutes: April 28, 2016 Meeting**
 - 3. Public Comments (non-agenda items)**
 - 4. Executive Director's Report**
 - A. Budget Report**
 - 5. Agency Reports**
 - A. Florida Department of Transportation**
 - B. Federal Highway Administration**
 - 6. Business Items & Presentations**
 - A. Safe Routes to School Program Changes**
 - B. Staff Directors report**
 - C. MPOAC Strategic Plan Working Groups**
 - D. FHWA/FTA Final Planning Rule (issued 05/27/2016)**
 - E. FHWA Notice of Proposed Rulemaking on System, Congestion and Freight Performance (Issued 04/22/2016)**
 - F. FHWA/FTA Notice of Proposed Rulemaking on MPO Coordination and Planning Area Reform (issued 06/27/2016)**
 - 7. Communications**
 - 8. Member Comments**
 - 9. Adjournment**
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Any person who desires or decides to appeal any decision made by this Council with respect to any matter considered at this meeting will need a record of the proceedings. For such purposes, such person may need to ensure that a verbatim record of the proceedings is made which record includes testimony and evidence upon which appeal is to be based.

The needs of hearing or visually impaired persons shall be met by contacting the Council sponsoring such meeting at least 48 hours prior to the meeting. Please contact Brigitte Messina at (850) 414-4037 or by email to brigitte.messina@mpoac.org.

Item Number 2

Approval of Minutes: April 28, 2016

DISCUSSION:

Review and comments from members.

REQUESTED ACTION:

Approval of Meeting Minutes from the April 28, 2016 MPOAC Governing Board Meeting.

ATTACHMENTS:

1. April 28, 2016 MPOAC Governing Board Meeting Minutes

**Florida MPO Advisory Council
Meeting of the Governing Board
April 28, 2016
Draft Meeting Minutes**

GOVERNING BOARD MEMBERS IN ATTENDANCE:

**Mayor Susan Haynie, Chair, Palm Beach MPO
Commissioner Bill Dozier, Bay County TPO
Councilmember Bryan Caletka, Broward MPO
Commissioner Nick Maddox, Capital Region TPA
Commissioner James W. Herston, Charlotte County-Punta Gorda MPO
Councilmember Charles Bare, Florida-Alabama TPO
Commissioner Nick Nicholson, Hernando/Citrus MPO
Commissioner Troy McDonald, Martin MPO
Commissioner Scott Boyd, MetroPlan Orlando
Councilmember Bill Cox, Okaloosa-Walton TPO
Commissioner Nathaniel Birdsong, Polk TPO
Councilmember Pat Patterson, River to Sea TPO
Mayor Willie Charles Shaw, Sarasota/Manatee MPO
Mayor Kathy Meehan, Space Coast TPO
Mr. Darrell Drummond, St. Lucie TPO**

OTHERS IN ATTENDANCE:

**Carl Mikyska, MPOAC Executive Director
Brigitte Messina, MPOAC
Paul Gougelman, MPOAC General Counsel
James Christian, FHWA
Lee Ann Jacobs, FHWA
Karen Brunelle, FHWA
Carmen Monroy, FDOT Office of Policy Planning
Sean Santalla, FDOT Office of Policy Planning
Bob Herrington, Charlotte County-Punta Gorda MPO
Mary Beth Washnock, Florida-Alabama TPO, Okaloosa-Walton TPO, Bay County TPO
Dennis Dix, Hernando/Citrus MPO
Alice Bojanowski, Martin MPO
Harold Barley, MetroPlan Orlando
Cynthia Lambert, MetroPlan Orlando
Elizabeth Whitton, MetroPlan Orlando
Carlos Roa, Miami-Dade MPO
Lois Bollenback, River to Sea TPO
Bob Kamm, Space Coast TPO
David Hutchinson, Sarasota/Manatee MPO
Peter Buchwald, St. Lucie TPO**

Jeff Kramer, CUTR
Alex Carroll, CUTR
Hal Beardall, FCRC Consensus Center
Bob Jones, FCRC Consensus Center
Howard Glassman, Gannet Fleming
Richard Perrin, T.Y. Lin International
Gus Schmidt, T.Y. Lin International
David Porter, SunRail Riders
David Bottomery, Sierra Club
Marty Sullivan, Hillsborough County citizen
Mauricio Rosas, Stop TBX
Liz Johnson, Hillsborough County citizen
Jason Ball, Sunshine Citizens, Inc.
Chris Vela, Sunshine Citizens, Inc.
Adam Metz, Sunshine Citizens, Inc.

1. CALL TO ORDER

Mayor Susan Haynie, Palm Beach MPO, Chair, called the meeting to order at 3:38pm. The Chair welcomed those in attendance and self-introductions were made. All stood for the Pledge of Allegiance.

2. APPROVAL OF MINUTES

Councilmember Charles Bare, Florida-Alabama TPO, moved to approve the minutes of the January 28 joint meetings of the MPOAC Governing Board and Staff Directors' Advisory Committee. Commissioner Nick Maddox, Capital Region TPA, seconded the motion. The motion carried unanimously.

3. PUBLIC COMMENTS

The following people spoke in opposition to the Tampa Bay Express project, a planned system of express toll lanes that will be built as an addition to existing interstate routes in the Tampa Bay Area:

- Chris Vela, 9241 E 11th Avenue, Tampa, FL 33605, who presented a video;
- Adam Metz, 777 N. Ashley Drive, Tampa, FL 33602;
- Liz Johnson, 5708 River Terrace, Tampa, FL;
- Marty Sullivan, 901 Georgia Avenue, Winter Park, FL; and
- Jason Ball, 5802 Idle Forest Place, Tampa, FL.

4. EXECUTIVE DIRECTOR'S REPORT

A. BUDGET REPORT

Mr. Carl Mikyska, MPOAC Executive Director, reported on the MPOAC budget. During the 3rd quarter (January 1 – March 31, 2016), approximately \$153,129 was spent, roughly 29% of the total \$532,048 budget. So far, the MPOAC is operating below budget for the year.

B. FLORIDA LEGISLATIVE UPDATE

Mr. Mikyska provided a legislative update and summarized four bills that passed that are of primary interest to the members:

- **HB7061 Transportation**
 - Authorizes a minimum of \$25 million per year for the Florida Seaport Transportation and Economic Development Program.
 - Transfers ownership of the Pinellas Bayway System from FDOT to the Florida Turnpike.
 - Establishes the Seaport Security Advisory Committee.
 - Changes the maximum population for eligibility in the Small County Outreach Program (SCOP) from 150,000 to 170,000.
 - Establishes Chloe's Law, which requires FDOT to install roadside barriers to shield certain bodies of water where deaths have occurred due to drowning. The law is somewhat flexible in that it authorizes engineers to determine the best solution for improving safety at these locations.
 - Makes several statutory changes to the operation and regulation of autonomous vehicles. Allows drivers of autonomous vehicles operating in fully autonomous mode to use television-like receiving devices such as cell phones. Also requires MPOs to include consideration of automated vehicles in their long range transportation plans.
 - Requires FDOT to study Driver-Assistive Truck Platooning Technology, which helps commercial trucks increase fuel efficiency by following closely behind each other and reducing wind resistance. This study would be conducted in a controlled environment and not in general traffic.
 - Establishes a definition of commercial megacycles and allows local governments to regulate them. Commercial megacycles are exempt from Florida open container laws.
- **HB7027 Transportation**
 - Contains many provisions that are identical to those contained in HB7061.
 - Authorizes FDOT to assume federal responsibilities associated with the NEPA (environmental) review process.

- Grants the Florida Legislative Budget Commission approval authority for work program amendments that exceed \$3 million and add a project or phase.
- Establishes the FDOT Financing Corporation, which enables FDOT to fund projects by issuing bonds and refinancing existing projects. This will allow projects to advance several years. The bill also includes provisions for a Board of Directors, membership and organization, and powers and duties of the organization.
- HB1361 Growth Management
 - Reduces the threshold for sector plans from 15,000 to 5,000 acres.
 - Allows local governments to approve land use changes to “essentially built out” developments as long as there is no net increase in impacts to public facilities.
- SB416 Utilities
 - Shifts the cost of relocation of utilities within the right-of-way from the utility company to the local municipal government.

Mr. Mikyska also provided an update on an attempt by the Florida Board of Professional Engineers (FBPE) to define “traffic engineering.” The FBPE withdrew the definition after receiving several opposition letters from the MPOAC and other organizations and is no longer pursuing a definition. This may be due to case law from North Carolina where dentists were prohibited from defining who could perform teeth whitening.

A member commented that SB416 could have the potential to delay projects due to fiscal constraints.

5. AGENCY REPORTS

A. FLORIDA DEPARTMENT OF TRANSPORTATION

Ms. Carmen Monroy, Director, FDOT Office of Policy Planning, updated the members on the activities of FDOT and brought forward topics of interest to the MPOs.

- Autonomous Vehicle Legislation
 - HB7027 requires that MPOs consider advances in vehicle technology when developing long-range transportation plans. It also requires that FDOT accommodate advances in vehicle technology when updating the Strategic Intermodal System (SIS) Plan. The law becomes effective July 1, 2016. FDOT is working with the MPOAC and individual MPOs to develop guidance for complying with the new law.

- **Statewide Revenue Forecast**
 - Updates to the Statewide Revenue Forecast are required every five years, and the next update is due in 2018. FDOT is beginning to move forward with the forecasting process and is working with the MPOAC to agree upon a methodology. The tentative schedule includes development of the Revenue Forecast Guidebook throughout the month of May and an initial discussion with the October 2016 MPOAC meeting. FDOT plans to begin developing the revenue forecast in January 2018 and release the final version by June 2018.

- **Repurposing Old Federal Earmarks**
 - Per the Fixing America's Surface Transportation (FAST) Act, the state has the authority to repurpose any earmark that was:
 - Designated on or before September 30, 2005;
 - Is less than 10% obligated; or
 - Has been completed and closed with remaining unobligated funds on the earmark.
 - Repurposed federal earmarks must be obligated on a new or existing project in the state within 50 miles of the original earmark designation, and the project must otherwise be eligible under the Surface Transportation Block Grant Program. The Florida DOT will consult with MPOs and other local governments within the geographic boundary of each earmark before making any decisions to repurpose the funds. The amount of unobligated earmarks totals over \$112 million, though only \$52 million of obligation authority is available for this purpose. An FDOT implementation guidance document and a list of projects was distributed to FDOT staff on April 1, 2016 to share with MPOs, local governments, and other interested parties.

- **SUNTrail Network**
 - The purpose of the SUNTrail Network is to develop a statewide system of paved non-motorized trails as a component of the Florida Greenways and Trails System. It receives \$25 million annually from new vehicle tag revenues. The public comment period concluded in March 25, 2016.
 - There is a tiered structure for program funding selection. The Coast-to-Coast Connector was selected as the Top Regional Trail System. The St. Johns River to the Sea Loop was selected as the Second Regional Trail System. Funding will also be available for individual trails, though the individual trail category is still being developed. FDOT Central Office is finalizing the eligibility criteria and will be selecting projects to include in the tentative FDOT Work Program this summer. More information can be obtained by contacting Robin Birdsong, SUNTrail Program Manager, at 850-414-4922 or Robin.Birdsong@dot.state.fl.us. Updates can also be found at www.FloridaSunTrail.com.

- Nonmotorized Transportation Count Data Collection
 - The FDOT Statistics Office is working with a number of partners to collect data on nonmotorized transportation traffic. The intent is to collect bicycle and pedestrian counts statewide and to develop a standard methodology for counting nonmotorized transportation users. FDOT will be sharing the data and methodology with other agencies and stakeholders who wish to better understand how the bicycle and pedestrian network is used. The team is currently performing a literature review and conducting stakeholder workshops. A final report with results of the pilot test is expected to be completed by December 2016. For any questions, members can contact Chris Francis at Chris.Francis@dot.state.fl.us.

B. FEDERAL HIGHWAY ADMINISTRATION

Ms. Lee Ann Jacobs, Planning Team Leader, Office of Project Development at the Federal Highway Administration (FHWA) Florida Division Office, presented a variety of items of interest to the members.

Ms. Jacobs notified the members that the FHWA Florida Division will be hosting an open house at their new offices on June 21, 2016. More details will be provided at a later date.

Ms. Jacobs then discussed some funding opportunities with the members:

- FHWA announced \$60 million in grants for advanced transportation and congestion management technologies. This will fund cutting-edge technologies that will improve transportation safety, efficiency, system performance, infrastructure return on investment, and enhanced use of existing capacity. The new program – Advanced Transportation and Congestion Management Technologies Deployment Program (ATCMTD) – is aimed at addressing concerns outlined in *Beyond Traffic*, the USDOT report issued last year that examines the challenges facing America’s transportation infrastructure over the next three decades, such as growing population and increasing traffic. Applications can be submitted through www.grants.gov, and the deadline is June 3.
- FHWA announced \$15 million in grants under a new program to test alternative revenue mechanisms to help sustain the long-term solvency of the Highway Trust Fund. The Surface Transportation System Funding Alternatives (STSFA) program will fund projects to test the design, implementation, and acceptance of user-based alternative revenue mechanisms. Applications may be submitted through www.grants.gov, and the deadline is May 20.
- FHWA is soliciting pilot proposals for green infrastructure for coastal highway resilience. State Departments of Transportation, Metropolitan Planning Organizations, Federal Land Management Agencies, and Tribes are eligible to apply for funding to perform pilot assessments of green infrastructure techniques for

protecting coastal highways against sea level rise and storm surge. Coastal green infrastructure includes dunes, wetlands, living shorelines, oyster reefs, beaches, and artificial reefs. Eligible projects are those that analyze the feasibility of a green infrastructure solution to protect a coastal roadway section or bridge. It is anticipated that 2 to 4 applied research projects will be selected and funded at approximately \$50,000 to \$100,000 each, with a matching requirement of at least a 20% non-federal share, 50% non-federal share preferred. In-kind contributions may count as match. Informational webinars will be held on May 10 and May 19. Proposals are due to FHWA Division offices on May 25.

Ms. Karen Brunelle, Director, Office of Project Development at the Federal Highway Administration (FHWA) Florida Division Office, also presented a variety of items.

USDOT Secretary Anthony Foxx launched a national conversation called “Bridging the Divide” about how transportation infrastructure can better connect people and communities to opportunity. Secretary Foxx laid out three key principles central to achieving this goal:

1. Transportation connects people to opportunity and can invigorate opportunity within communities. To the greatest extent possible, we should support transportation projects that do both;
2. While we cannot change the past, we can ensure that current and future projects connect and strengthen communities, including areas that have, in the past, been on the wrong side of transportation decisions; and
3. Transportation facilities should be built by, for, and with the communities impacted by them. Development of transportation facilities should meaningfully reflect and incorporate the input of all the people and communities.

USDOT is asking for MPOs and other agencies to share specific examples of how their work is connecting people to opportunity and/or improving communities by emailing opportunity@dot.gov. More information about DOT’s Ladders of Opportunities initiatives can be found at www.transportation.gov/opportunity.

Ms. Brunelle then presented on the Fixing America's Surface Transportation (FAST) Act. FHWA has 34 fact sheets on its website – one for each of the different program areas including metropolitan planning. FHWA also recently released guidance for the selection of critical urban freight corridors and critical rural freight corridors.

On April 22, 2016 the FHWA published a Notice of Proposed Rulemaking (NPRM) to propose national performance management measure regulations to assess the performance of the National Highway System, Freight Movement on the Interstate System, and the Congestion Mitigation and Air Quality Improvement Program. The comment period closes on August 20, 2016. The planning regulations are anticipated to be issued as final in May 2016 and bridge performance measures and highway asset management plan final rules are anticipated to be published in October 2016. Carl Mikyska, MPOAC Executive Director, confirmed that the

MPOAC will be submitting comments on the NPRM and that a draft document will be ready for discussion at the July MPOAC meeting.

Ms. Brunelle then provided an overview of the Highway Safety Improvement Program (HSIP) and Safety Performance Management Measures Final Rules.

- The HSIP is one of the core Federal-aid programs. Its purpose is to achieve a significant reduction in fatalities and serious injuries on all public roads, and it receives a \$2.5 billion annual apportionment. The final rule requires the State to update the Strategic Highway Safety Plan (SHSP) every five years. FDOT is working on an update right now. The HSIP also integrates performance measurement targets. The targets are based on the calendar year and apply to all public roads.
- The Safety Performance Measures Final Rule includes five performance measures, including number of fatalities, rate of fatalities per 100 million VMT, number of serious injuries, rate of serious injuries per 100 million VMT, and number of non-motorized fatalities and non-motorized serious injuries. Five-year rolling averages will be used to set baselines for each of these measures. The rule institutes a process for State DOTs and MPOs to establish and report on their targets and for FHWA to assess whether a State has met their targets or made significant progress toward meeting their targets.
- States must submit annual targets as part of the August 2017 annual HSIP report. Targets must be identical to National Highway Traffic Safety Administration (NHTSA) Highway Safety Plan (HSP) targets for three measures: number of fatalities, rate of fatalities, and number of serious injuries. States may establish additional targets, but they will not be included in FHWA's assessment.
- MPOs must establish targets 180 after the State establishes its targets. The first deadline for establishing targets is February 27, 2018. MPOs can either agree to support the State DOT target or establish a numerical target specific to the MPO planning area. MPO targets will apply to all public roads. MPO targets are reported to the State DOT and must be available to FHWA, if requested.
- In order for State DOTs to be considered as having met or making significant progress toward meeting performance targets, four out of five targets must be better or equal to the established baseline.
- The HSIP and Safety PM Final Rules and the NPRM documents can be found at the following links: <http://www.regulations.gov/#!docketDetail;D=FHWA-2013-0019> and <http://www.regulations.gov/#!docketDetail;D=FHWA-2013-0020>. The new rules are effective April 14, 2016.

6. BUSINESS ITEMS & PRESENTATIONS

A. ELECTION OF VICE-CHAIR

Mayor Haynie opened the floor for nominations for the position of Vice Chair which became vacant. Councilmember Bryan Caletka, Broward MPO, moved to nominate Commissioner Nick Maddox, Capital Region TPA. Councilmember Charles Bare, Florida-Alabama TPO, seconded. Mayor Haynie asked Commissioner Maddox if he would be willing to serve as Vice Chair. Commissioner Maddox responded that he would. The motion carried unanimously.

B. ELECTION OF AT-LARGE EXECUTIVE COMMITTEE MEMBER

Mayor Haynie entertained nominations for the position of At-Large Executive Committee Member, which became vacant as Councilmember Jim Burch, Lee County MPO, recently stepped down from the MPOAC. Commissioner Maddox moved to nominate Councilmember Bryan Caletka, Broward MPO. Councilmember Charles Bare, Florida-Alabama TPO, seconded. Mayor Haynie asked Councilmember Caletka if he would be willing to accept the position. Councilmember Caletka responded that he would. The motion carried unanimously.

C. MPOAC BICYCLE & PEDESTRIAN WORKING GROUP

Mr. Mikyska opened discussion of a proposal to form an MPOAC Bicycle and Pedestrian Working Group. The purpose of the proposed Working Group would be to:

- Improve safety;
- Create a forum for exchanging ideas, best practices, and developing a network of bicycle/pedestrian professionals;
- Provide a knowledge-exchange benefit to smaller-staffed MPOs;
- Review the state of bicycle and pedestrian planning;
- Develop outreach techniques to local communities to develop partnerships; and
- Partner with FDOT district bicycle and pedestrian staff.

Mr. Mikyska then informed the members that the Staff Directors' Advisory Committee had recommended that the MPOAC Governing Board take action to consider the formation of an MPOAC Bicycle and Pedestrian Working Group as part of the development and implementation of the MPOAC Strategic Plan, instead of taking that action independent of that ongoing process. In that way, the formation of a Bicycle and Pedestrian Working Group could be evaluated against other working groups recommended as part of the strategic planning process.

Commissioner Nicholas Nicholson, Hernando/Citrus MPO, moved to add consideration of a Bicycle and Pedestrian Working Group to the development and implementation of the

MPOAC Strategic Plan. Mayor Kathy Meehan, Space Coast TPO, seconded. The motion carried unanimously.

D. APPROVAL OF THE FY 2016/2017–2017/2018 UPWP

Mr. Mikyska provided an overview of the draft Unified Planning Work Program (UPWP) for FY 2016/2017 and 2017/2018. Some changes from the FY 2014/2015 and 2015/2016 UPWP include:

- Formatting and fonts have been modified to make the document more appealing;
- The addition of the Heartland Regional TPO (HRTPO); and
- The addition of the MPOAC Executive Committee.

Mr. Buchwald informed members that the MPOAC Staff Directors' Advisory Committee recommended adoption of the draft UPWP with the following amendments:

- Task 2.5 relating to the formation of an MPOAC Bicycle and Pedestrian Working Group folded into Task 4.5, MPOAC Strategic Plan and Implementation; and
- The MPOAC Bicycle and Pedestrian Working Group concept be broadened to include the concept of Complete Streets.

Commissioner Nicholas Nicholson, Hernando/Citrus MPO, moved to adopt the UPWP as amended. Councilmember Charles Bare, Florida-Alabama TPO, seconded. Mr. Mikyska asked for an amendment allowing him to make any changes as requested by the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the Florida Department of Transportation (FDOT) during their review of the draft UPWP. Commissioner Maddox asked that the Governing Board be notified of any updates. The motion maker and seconder had no objection to the amendment. The motion carried unanimously.

E. APPROVAL OF A NEW CONTRACT FOR LEGAL SERVICES WITH PAUL GOUGELMAN

Mr. Mikyska provided an overview of the new contract:

- There was no change in the hourly rate;
- The new contract is more detailed regarding work Mr. Paul Gougelman, MPOAC General Counsel, performs for the MPOAC. It includes a scope of work listing typical work products;
- It explains how billable hours will be determined for partial hours and phone calls;
- It details who retains records; and
- It identifies other lawyers in the firm who are specialists in particular areas of law.

Commissioner Troy McDonald, Martin MPO, moved to approve the contract for legal services with Paul Gougelman. Mayor Kathy Meehan, Space Coast TPO, seconded. The motion carried unanimously.

F. MPOAC STRATEGIC PLAN UPDATE

Mr. Hal Beardall, FCRC Consensus Center, presented the first draft of the MPOAC Strategic Plan. His presentation highlighted changes made at the previous Strategic Directions Advisory Committee (SDAC) Meeting as well as changes recommended by the Staff Directors' Advisory Committee.

The SDAC conducted several surveys over the past few months, including a survey of the MPOAC Governing Board, the MPOAC Staff Directors' Advisory Committee, and MPOAC partners, including FDOT. Key elements of the draft Strategic Plan are as follows:

- **MPOAC Mission**
 - The MPOAC improves transportation planning and education by engaging and equipping its members to deliver results through shared innovations, best practices, enhanced coordination and communication, and advocacy.
- **Guiding Principles in Developing the Strategic Plan:**
 - Maximize the role of the MPOAC in transportation policy, planning and education.
 - Serve as a state transportation leader and agent of positive change.
 - Empower and enable individual members to do their jobs better.
 - Provide opportunities for MPOAC members to participate in committee and workgroup efforts to enhance the organization's mission and impact.
 - Evaluate organizational effectiveness in implementing goals/objectives/actions.
- **Goals, Objectives, and Actions**
 - **Goal A: Communication and Sharing Best & Successful Practices**
 - **Objective 1: The MPOAC will convene working groups to determine how best to share information on best practice and successful innovations with members and other interested parties.**
 - Establish an MPOAC best practice working group to determine how best to share information on best practices and successful innovations with members and other interested parties.
 - **Development of new MPOAC operational and topical best practices workshops.**
 - Operational: e.g. Federal certification reviews, member orientation best practices, budgeting/funding, business and strategic planning, benefit procurement, etc.
 - Topical: e.g. automated/connected vehicles, technology/data management, public participation, sunshine/ethics, etc.

- Establish an MPOAC Bike & Pedestrian Working Group to share information and best practices in coordination with the State, including complete streets.
 - Objective 2: The MPOAC will implement effective internal and external communication and coordination strategies with members and other organizations.
 - Create an MPOAC Communications Workgroup
 - MPOAC quarterly meeting format
 - Opportunity for MPOAC member participation on committees and workgroups
- Goal B: Leadership Training and Education
 - Objective 1: The MPOAC will increase participation in the MPAOC Institute as the core leadership and educational program.
 - Continue to support the delivery and update of the MPOAC Institute
 - Expand participation in the MPOAC Institute
 - Exporting MPOAC Institute components to partner organizations
 - Objective 2: Develop an MPOAC-sponsored training program.
 - Establish an MPOAC Training Workgroup
 - Identify national training opportunities
 - Assess online training strategies
 - Consider a “train the trainers” approach to staff training
- Goal C: Advocacy for Policy and Planning
 - Objective 1: The MPOAC will take steps to develop a stronger relationship with the Florida Transportation Commission
 - MPOAC representative on the FTC
 - MPOAC presentations to FTC
 - Strengthen MPOAC and FTC coordination
 - Objective 2: Optimize the MPOAC relationship with the FDOT Central Office and the Districts to advance shared goals and member missions and programs
 - Document FDOT/MPOAC relationship
 - Regular briefings/updates with FDOT
 - Update FDOT/MPOAC procedures
 - Enhance the relationship of MPOAC and Districts
 - Objective 3: Strengthen the MPOAC relationship and coordination with USDOT to advance member missions and programs.
 - Enhance the MPOAC and USDOT relationship
 - Objective 4: Enhance coordination on advocacy for transportation policy and planning with partners and other organizations.
 - Coordinate advocacy
 - MPOAC/FAC partnership on certification
 - FLC/FAC education opportunities

- MPOAC involvement in AMPO and NARC committees

Mr. Mikyska noted that, given the number of action items in the Strategic Plan, it would be helpful for individual MPOs to donate staff time to certain projects to avoid an increase in the MPOAC budget.

Mr. Buchwald informed members that the Staff Directors' Advisory Committee recommended adoption of the MPOAC Strategic Plan with the following amendments:

- Adding "and advocacy" to the MPOAC mission statement;
- Changing "working group" in Goal A, Objective 1 to plural;
- Adding "Create a Bicycle and Pedestrian Working Group" as an action item under Goal A, Objective 1;
- Adding "MPO advisory committees" as an example in Goal B, Objective 1, Action C;
- Rewording the language in Goal C to say "The MPOAC will advocate and collaboratively lead effective local, regional and statewide transportation policy and planning"; and
- Replacing "FHWA" with "USDOT" in Goal C, Objective 3, Action A.

Commissioner Maddox moved to approve the MPOAC Strategic Plan, as amended. Commissioner McDonald seconded. The motion carried unanimously.

G. 2017 MEETING LOCATIONS

Mr. Mikyska informed members that the Staff Directors' Advisory Committee recommended the following meeting locations for 2017:

- January 2017 in South Florida, in conjunction with the Broward MPO Complete Streets event;
- April 2017 in Orlando;
- July 2017 at a location to be determined, in coordination with the Floridians for Better Transportation annual conference; and
- October 2017 in Northwest Florida, in coordination with the annual Emerald Coast Transportation Symposium (hosted by the West Florida Regional Planning Council).

Commissioner Maddox moved to adopt the 2017 meeting locations as recommended by the Staff Directors' Advisory Committee. Commissioner Bill Dozier, Bay County TPO, seconded. The motion carried unanimously.

H. REPORT AND RECOMMENDATIONS FROM THE STAFF DIRECTORS' ADVISORY COMMITTEE MEETING

All reports and recommendations from the Staff Directors' Advisory Committee meeting were addressed in the previous agenda items.

7. COMMUNICATIONS

Mr. Mikyska noted two communications items in the agenda packet:

- Weekly Legislative Updates from the Executive Director; and
- Resolutions supporting the MPOAC Legislative Policy Positions from the Florida-Alabama TPO, the Okaloosa-Walton TPO, and the Bay County TPO.

8. MEMBER COMMENTS

Mayor Haynie allowed new members to introduce themselves:

- Commissioner Bill Dozier, Bay County TPO, introduced himself and noted that he is acting as the alternate for Commissioner Rodney Friend; and.
- Councilmember Bill Cox, Okaloosa-Walton TPO, introduced himself and noted that he was temporarily filling the empty MPOAC Governing Board seat previously held by Councilmember Jim Wood.

Mayor Willie Charles Shaw, Sarasota/Manatee MPO, thanked the MPOAC, Jeff Kramer, Scott Paine, Hal Beardall, and Karen Seggerman for providing the MPOAC Institute Training. He noted that it was a very valuable experience.

Mayor Haynie thanked Harold Barley, MetroPlan Orlando, for hosting the MPOAC meeting.

9. ADJOURNMENT

The meeting was adjourned at 5:20pm. The next meeting of the MPOAC Governing Board will be held on July 18, 2016 at the Loews Don CeSar Hotel on St. Pete Beach, FL.

Item Number 3

Public Comments

DISCUSSION:

Recommendations or comments by the public.

REQUESTED ACTION:

As may be desired.

ATTACHMENT:

None

Item Number 4

Executive Director's Report

DISCUSSION:

Mr. Carl Mikyska, MPOAC Executive Director, will be presenting the following items for discussion:

- A. Budget Report: April 1, 2016 –June 30, 2016

REQUESTED ACTION:

As may be desired.

ATTACHMENTS:

- 1. Budget report: April 1, 2016 –June 30, 2016

**Florida Metropolitan Planning Organization Advisory Council
FY 2015/2016 Budget
July 1, 2015 to June 30, 2016**

Category	Annual Allocation	1st Qtr Expenditures 7/1/15-9/30/15	2nd Qtr Expenditures 10/1/15-12/31/15	3rd Qtr Expenditures 1/1/16-3/31/16	4th Quarter Expenditures 4/1/16-6/30/16	Expenditures to Date	Remaining Balance
Salaries/Benefits	\$ 200,000	\$ 42,152	\$ 40,464	\$ 47,584	\$ 69,800	\$ 200,000	\$ -
Expense	\$ 57,000						
Travel	\$ 30,000	\$ 4,006	\$ 2,825	\$ 265	\$ 3,500	\$ 10,596	\$ 19,404
Meetings	\$ 21,000	\$ 7,783	\$ 5,306	\$ 2,229	\$ -	\$ 15,318	\$ 5,682
Administrative	\$ 4,080	\$ 849	\$ 563	\$ 1,502	\$ 1,166	\$ 4,080	\$ -
Membership Dues *	\$ 1,920	\$ 1,920	\$ -	\$ -	\$ -	\$ 1,920	\$ -
Contracted Services	\$ 22,000						
General Counsel	\$ 22,000	\$ -	\$ 5,412	\$ 7,973	\$ 8,615	\$ 22,000	\$ -
Transportation Planning	\$ 165,000						
Univ. South FL (CUTR)	\$ 80,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 80,000	\$ -
MPOAC Institute	\$ 85,000	\$ 10,200	\$ 13,600	\$ 31,450	\$ 29,750	\$ 85,000	\$ -
Strategic Plan	\$ 79,048						
Florida State University	\$ 79,048	\$ -	\$ 14,280	\$ 35,826	\$ 28,942	\$ 79,048	\$ -
Total Federal Funds	\$ 523,048	\$ 86,910	\$ 102,450	\$ 146,829	\$ 161,773	\$ 497,962	\$ 25,086
Advocacy Activities							
Local Funds	\$ 9,000	\$ -	\$ -	\$ 6,300	\$ 2,700	\$ 9,000.00	\$ -
Total Budget	\$ 532,048	\$ 86,910	\$ 102,450	\$ 153,129	\$ 164,473	\$ 506,962	\$ 25,086

* FBT, FPTA, ITSFL

Item Number 5A

Agency Reports – Florida Department of Transportation

DISCUSSION:

Mr. Jim Wood, Director, Office of Policy Planning at FDOT will update the members on the activities of FDOT and bring forward topics of interest to the MPOs.

REQUESTED ACTION:

As may be desired.

ATTACHMENT:

None

Item Number 5B

Agency Reports – Florida Division of Federal Highway Administration

DISCUSSION:

Ms. Karen Brunelle, Director, Office of Project Development and Ms. Lee Ann Jacobs, Planning Team Leader will present the following items:

- A. Announcements
- B. Legislation and Regulations
 - a. TPM Planning NPRM presentation
 - b. Planning Regulation presentation

REQUESTED ACTION:

As may be desired.

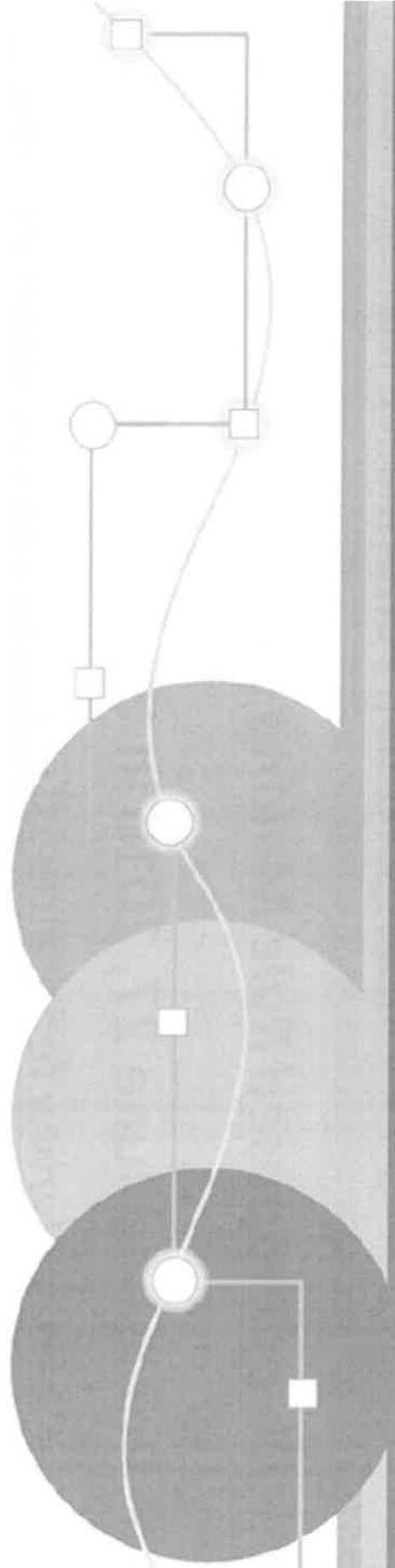
ATTACHMENT:

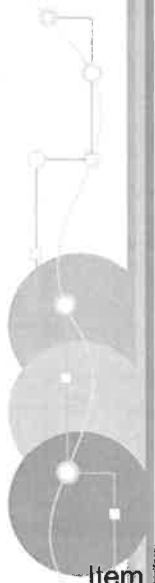
1. Power Point presentation – MPO Coordination and Planning Area Reform presentation.

Transportation Performance Management Metropolitan Planning Organization (MPO) Coordination and Planning Area Reform Notice of Proposed Rule Making (NPRM)

July 18, 2016

Federal Highway Administration





Notice of Proposed Rule Making (NPRM)

- Published June 27, 2016 in the Federal Register
 - <https://www.federalregister.gov/articles/2016/06/27/2016-14854/metropolitan-planning-organization-coordination-and-planning-area-reform>
- FHWA and FTA seeking public comment on proposed changes to the planning regulation in 23 CFR 450.



Changes to the Definition of Metropolitan Planning Area (MPA)

- Would clarify that the MPA must include the entire urbanized area, plus the contiguous area forecast to become urbanized within the 20 year planning horizon.
 - In practice, MPA has been synonymous with the MPO boundary.
 - In statute, MPA is intended to be the entire urbanized area.
 - In complex areas, the statute envisions there could be multiple MPOs within one MPA.

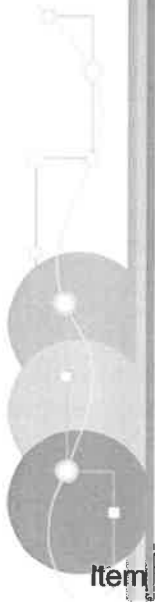




Multiple MPOs in the MPA

- Governors and MPOs would determine whether multiple MPOs are warranted within a single Metropolitan Planning Area(MPA).
- Based on the size and complexity of the area.





Multiple MPOs in an MPA

- Would jointly develop planning products including a single metropolitan long range transportation plan (LRTP), Transportation Improvement Program (TIP), and performance targets.





Planning Agreements

- Would be required to maintain a current planning agreement to improve coordination.
- Would include a dispute resolution process.
- Would require coordination on analyses of areas within the MPA.





Submit comments to:

www.regulations.gov

FHWA 2016-0016

<https://www.regulations.gov/docket?rpp=100&so=DESC&sb=docId&po=0&D=FHWA-2016-0016>

Comments must be received on or before August 26, 2016.



FHWA and FTA Webinar

- Will be scheduled to discuss content.
- Date: TBD



Transportation Performance Management

FHWA TPM Rulemaking Schedule

Performance Area	NPRM	Comments Due	Final Rule
Safety Performance Measures	March 11, 2014	Closed June 30, 2014	Published March 15, 2016
Highway Safety Improvement Program	March 28, 2014	Closed June 30, 2014	Published March 15, 2016
Statewide and Metro Planning; Non-Metro Planning	June 2, 2014	Closed October 2, 2014	Published May 27, 2016
Pavement and Bridge Performance Measures	January 5, 2015	Closed May 8, 2015	Anticipated November 2016
Highway Asset Management Plan	February 20, 2015	Closed May 29, 2015	Anticipated November 2016
Performance of the NHS, Freight, and CMAQ Measures	April 22, 2016	Open until August 20, 2016	TBD

Item Number 6

Business Items & Presentations

DISCUSSION:

Various action items and topics for discussion will be presented. The topics include:

- A. Safe Routes to School Program Changes
- B. Staff Directors meeting format and bylaws revision
- C. MPOAC Strategic Plan Working Groups
- D. FHWA/FTA Final Planning Rule (issued 05/27/2016)
- E. FHWA Notice of Proposed Rulemaking on System, Congestion and Freight Performance (issued 04/22/2016)
- F. FHWA/FTA Notice of Proposed Rulemaking on MPO Coordination and Planning Area Reform (issued 06/27/2016)

REQUESTED ACTIONS:

As may be desired.

ATTACHMENTS:

- 1. Final MPOAC Strategic Plan
- 2. FHWA comparison chart showing changes implemented by the Final Planning Rule
- 3. Summary sheet of the FHWA Notice of Proposed Rulemaking on System, Congestion and Freight Performance
- 4. Summary sheet of the FHWA/FTA Notice of Proposed Rulemaking on MPO Coordination and Planning Area Reform
- 5. USDOT list of MPOs affected by the FHWA/FTA Notice of Proposed Rulemaking on MPO Coordination and Planning Area Reform

MPOAC STRATEGIC DIRECTIONS PLAN

Adopted April 28, 2016

MPOAC MISSION STATEMENT

The MPOAC improves transportation planning and education by engaging and equipping its members* to deliver results through shared innovations, best practices, enhanced coordination, communication and advocacy.

GUIDING PRINCIPLES IN DEVELOPING THE MPOAC STRATEGIC PLAN

- A. Maximize the role of the MPOAC in transportation policy, planning and education.
- B. Serve as a state transportation leader and agent of positive change.
- C. Empower and enable individual M/TPOs to do their jobs better
- D. Provide opportunities for MPOAC members (MPO elected officials and staff) to participate in committee and workgroup efforts to enhance the organization's mission and impact.
- E. Evaluate MPOAC's organizational effectiveness in implementing the strategic goals, objectives & actions

GOAL A: THE MPOAC WILL SUPPORT THE SHARING OF BEST PRACTICES, AND HELP COORDINATE AND COMMUNICATE WITH MEMBERS AND OTHER ORGANIZATIONS.

OBJECTIVES:

- 1. THE MPOAC WILL CONVENE WORKING GROUPS TO DETERMINE HOW BEST TO SHARE INFORMATION ON BEST PRACTICES AND INNOVATIONS WITH MEMBERS AND OTHER INTERESTED PARTIES.**

Actions

- a) **Establish an MPOAC best practice working group** to develop a process for:
 - Identifying MPOAC best practices & successes. Vetting and establishing a repository of best practices and successful strategies, and consider branding a set of MPOAC best practices and successful strategies.
 - Implementation of new MPOAC operational and topical best practices workshops. The working group will recommend the design, funding/budget, administration and marketing of an MPOAC best practices workshop. These should include
 - Operational- e.g. Federal certification reviews, member orientation process best practices, budgeting/funding, business and strategic planning, benefit procurement, etc.; and
 - Topical- e.g. automated/connected vehicles, technology/data management, public participation, sunshine/ethics, etc., that can be presented in workshops.
 - Recognition of Innovation. Consider the creation of a recognition or awards program as part of the best practices workshops.

- b) **Establish a MPOAC Bike and Pedestrian working group** to share information and best practices in coordination with the State, including complete streets.

2. THE MPOAC WILL IMPLEMENT EFFECTIVE INTERNAL AND EXTERNAL COMMUNICATION AND COORDINATION STRATEGIES WITH MEMBERS AND OTHER ORGANIZATIONS.

Actions

- a) **Create an MPOAC Communications Workgroup** to assess the current internal and external communications strategies and recommend how to improve and provide additional opportunities for communicating among members, serving as a clearinghouse of information and communicating with other organizations. The Workgroup should consider the use of tools such as: an email blast; share point website; quarterly newsletters; and improving/upgrading the MPOAC website as a more interactive site.
- b) **MPOAC Quarterly Meeting Format.** The Workgroup should review the MPOAC quarterly meeting format and consider whether it might be adjusted to better serve as a vehicle for communication and sharing of best practices (*e.g. opportunity for video streaming, etc.*).
- c) **Opportunity for Member Participation.** The Workgroup should review ways to enhance the opportunity for member participation in and communication about the existing MPOAC committees and workgroups.

GOAL B: THE MPOAC WILL EXPAND LEADERSHIP TRAINING AND EDUCATION TO ENGAGE MEMBERS AND BUILD COMPETENCE.

OBJECTIVES:

1. THE MPOAC WILL INCREASE PARTICIPATION IN THE MPOAC INSTITUTE AS THE CORE LEADERSHIP AND EDUCATIONAL PROGRAM.

Actions

- a) **Continue to support the delivery and update of the MPOAC Institute.** Support the historic funding and support of the MPOAC Institute.
- b) **Expand Participation in the MPOAC Institute.** Develop recommendations regarding the cost/benefits of expanding participation in the MPOAC Institute and in developing an advanced MPOAC Institute for graduates of the MPOAC Institute
 - Require members of the MPOAC Governing Board to participate in an MPOAC Institute program.
 - Recommend members strongly encourage their chairs to participate in the MPOAC Institute as a requirement for serving.
- c) **Exporting MPOAC Institute components.** Explore how to feature and expand components of the Institute in other organizational settings (e.g. best practices workshop, a la FAC certification program, MPOAC quarterly meetings, MPO advisory committees, etc.)

2. DEVELOP AN MPOAC SPONSORED TRAINING PROGRAM

Actions

- a) **Establish an MPOAC Training Workgroup** to develop recommendations regarding member and staff training and education strategies and topics, the funding and development, and the sharing of member standardized training materials.
- b) **National Training Opportunities.** Explore opportunities, in coordination with FDOT, AMPO and NARC to bring member and staff training programs by national organizations to Florida.
- c) **Online Training.** Explore the applicability and cost effectiveness of delivery vehicles such as online digital web-based distance learning.
- d) **Train the Trainers Approach.** Explore the development of a “train the trainers” workshop to enable member staff to offer training to their staff.

GOAL C: THE MPOAC WILL ADVOCATE AND COLLABORATIVELY LEAD EFFECTIVE LOCAL, REGIONAL AND STATEWIDE TRANSPORTATION POLICY AND PLANNING.

OBJECTIVES:

1. The MPOAC will take steps to develop a stronger relationship with the Florida Transportation Commission

Actions

- a) **MPOAC Representative on the FTC.** Make it a MPOAC legislative priority to include a MPOAC representative as a member of the FTC.
 - b) **MPOAC Presentations to the FTC.** MPOAC should make regular update presentations at each FTC meeting.
 - c) **Strengthen MPOAC & FTC Coordination.** Strengthen the coordination between the FTC and MPOAC including offering expertise and advice on matters related to effective local and regional transportation policy and planning.
- #### 2. Optimize the MPOAC relationship with the FDOT Central Office and the Districts to advance shared goals and member missions and programs

Actions

- a) **Document FDOT/MPOAC Relationship.** Document the existing Central office staff relationship in terms of information flow, roles and responsibilities.
- b) **Regular Briefings/Update with FDOT.** Establish regular briefing and update meetings with the MPOAC Executive Director and the FDOT Secretary and the Office of Policy and Planning staff to provide regular communication on issues impacting the MPOAC and

its members and strengthen the relationship.

- c) **Update FDOT/MPOAC Procedures.** Work with FDOT to establish a formal endorsement procedure with the MPOAC for all documents that pertain to the administration of MPOs.
- d) **Enhance the relationship of MPOAC and Districts** on local and regional transportation policy and projects by encouraging the participation of District representatives and liaisons in MPOAC meetings, best practice workshops and other MPOAC activities.

3. Strengthen the MPOAC relationship and coordination with USDOT to advance member missions and programs

Actions

- a) **Enhance the MPOAC & FHWA Relationship.** Work with USDOT to strengthen FHWA relationship with the MPOAC and members beyond the Four Year Reviews, by participating in the FHWA annual audit process and communicating on more regular basis to clarify issues and review areas of emphasis.

4. Enhance coordination on advocacy for transportation policy and planning with partners and other organizations

Actions

- a) **Coordinate Advocacy.** Enhance coordination on advocacy with the Florida League of Cities, Florida Association of Counties, Florida Regional Councils Association as well as other transportation associations through regular meetings with the Executive Director.
- b) **MPOAC/FAC Partnership on Certification.** Continue to provide an MPOAC Institute module for the FAC Certification process
- c) **FLC/FAC Education Opportunities.** Explore with the FLC and FAC opportunities for the MPOAC to provide education and information on MPOs.
- d) **MPOAC Involvement in AMPO and NARC Committees.** The MPOAC Executive Director should serve on appropriate NARC and AMPO committees where there is not currently Florida representation.

**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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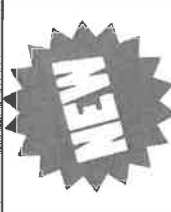

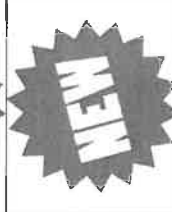


§ 450.104 Definitions.

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.104	23 CFR 450.104	<p>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/phase initiation dates, or a 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.</p>		<p>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/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.</p>
23 CFR 450.104	N/A	N/A		<p>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</p>





New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.104	23 CFR 450.104	<p>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</p>		<p>sustain a desired state of good repair over the lifecycle of the assets at minimum practicable cost.</p> <p>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.</p>
23 CFR 450.104	23 CFR 450.104	<p>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</p>		<p>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.</p>

June 17, 2016


New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.104	N/A	scope, and may not necessarily address potential project-level impacts. 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 <u>49 U.S.C. 5309(h)(7)</u> .
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 <u>23 U.S.C. 130, 148, and 150</u> 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.

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 <u>49 U.S.C. 5329(d)</u> .
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.

June 17, 2016

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.104	N/A	N/A		<p>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.</p>
23 CFR 450.104	N/A	N/A		<p>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.</p>
23 CFR 450.104	N/A	N/A		<p>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.</p>
23 CFR 450.104	23 CFR 450.104	<p>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</p>		<p>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.</p>

Subpart B—Statewide and Nonmetropolitan Transportation Planning and Programming



New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
<p>§ 450.200 Purpose</p> <p>23 CFR 450.200</p>	<p>23 CFR 450.200</p>	<p>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 improvement plan and statewide transportation 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.</p>		<p>The purpose of this subpart is to implement the provisions of <u>23 U.S.C. 135, 23 U.S.C. 150, and 49 U.S.C. 5304</u>, 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 <u>23 U.S.C. 134 and 49 U.S.C. 5303</u>.</p>
<p>§ 450.202 Applicability</p>				
<p>23 CFR 450.202</p>	<p>No Significant Language Change</p>			
<p>§ 450.204 Definitions</p>				


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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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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
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.



<p>23 CFR 450.206(c)</p>	<p>N/A</p>	<p>N/A</p>	<p> <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 <u>23 U.S.C. 150(b)</u> and the general purposes described in <u>49 U.S.C. 5301</u>. (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 <u>23 U.S.C. 150(c)</u>, 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 <u>23 U.S.C. 150(c)</u> 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 established at 23 CFR part 490. (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 <u>49 U.S.C. 5326(c)</u> and <u>49 U.S.C. 5329(d)</u>. (4) A State shall integrate into the statewide transportation planning process, directly or</p></p>
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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.206(d)				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
23 CFR 450.206(e)	23 CFR 450.206(c)	<i>No Significant Language Change</i>		(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.
§ 450.208	23 CFR 450.206(d)	<i>No Significant Language Change</i>		

Coordination of planning process activities.

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
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) N/A	No Significant Language Change (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 and security planning and review processes, plans, and programs, as appropriate.	DELETED	N/A

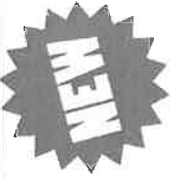
§ 450.210 Interested parties, public involvement, and consultation.

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.210(a)(3)	N/A	N/A		<p>(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.</p>
23 CFR 450.210(b)	23 CFR 450.210(b)	<p>(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.</p>		<p>(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 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.</p>

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 organization must be established and designated as an RTPO under this section.

(1) Where established, an RTPO 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.

(2) An RTPO shall establish, at a minimum:

(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

(ii) A fiscal and administrative agent, such as an existing regional planning and development organization, to provide professional planning, management, and administrative support.


(3) The duties of an RTPO shall include:

(i) Developing and maintaining, in cooperation with the State, regional long-range multimodal transportation plans;

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
				<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> <p>(v) Participating in national, multistate, and State policy and planning development processes to ensure the regional and local input of nonmetropolitan areas;</p> <p>(vi) Providing a forum for public participation in the statewide and regional transportation planning processes;</p> <p>(vii) Considering and sharing plans and programs with neighboring RTPOs, MPOs, and, where appropriate, Indian Tribal Governments; and</p> <p>(viii) Conducting other duties, as necessary, to support and enhance the statewide planning process under § 450.206.</p> <p>(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.</p>

§ 450.212 Transportation planning studies and project development.

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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
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 <u>23 U.S.C. 168</u>. As provided in <u>23 U.S.C. 168(f)</u>:</p> <p>(1) The statutory authority in <u>23 U.S.C. 168</u> 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.				

23 CFR 450.214



N/A

N/A

§ 450.214 Development of programmatic mitigation plans.
(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:
(1) *Scope.* (i) A State may develop a programmatic mitigation plan on a local, regional, ecosystem, watershed, statewide or similar scale.
(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.
(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).
(2) *Contents.* The programmatic mitigation plan may include:
(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.
(ii) An identification of economic, social, and natural and human environmental resources within the geographic area that may be impacted and considered for mitigation.

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				<p>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 monitoring actual impacts against predicted impacts over time and adjusting mitigation</p>

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
				<p>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> <ol style="list-style-type: none"> (1) Consult with each agency with jurisdiction over the environmental resources considered in the programmatic mitigation plan; (2) Make available a draft of the programmatic mitigation plan for review and comment by appropriate environmental resource agencies and the public; (3) Consider comments received from such agencies and the public on the draft plan; and (4) Address such comments in the final programmatic mitigation plan. <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 transportation project shall give substantial weight to the recommendations in the</p>


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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
				<p>programmatic mitigation plan when carrying out its responsibilities under the National Environmental Policy Act of 1969 (<u>42 U.S.C. 4321 et seq.</u>) (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.


New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
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 <u>23 U.S.C. 148</u> , the Public Transportation Agency Safety Plan required under <u>49 U.S.C. 5329(d)</u> , 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)	No Significant Language Change		


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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
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 State's consultation process(es) established under §450.210(b).		(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 applicable, through RTPOs described in § 450.210(d) using the State's cooperative process(es) established under § 450.210(b).
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>		


New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.216(l)	23 CFR 450.214(k)	<p>(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).</p>		<p>(l) In developing and updating the long-range statewide transportation plan, the State shall provide:</p> <p>(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</p> <p>(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).</p>

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
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)	<i>No Significant Language Change</i>		
23 CFR 450.216(o)	23 CFR 450.214(n)	<i>No Significant Language Change</i>		
23 CFR 450.216(p)	23 CFR 450.214(o)	<i>No Significant Language Change</i>		
23 CFR 450.216(q)	23 CFR 450.214(p)	<i>No Significant Language Change</i>		
§ 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).


New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.218(g)	23 CFR 450.216(g)	<p>(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:</p>		<p>(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:</p> <p>(1) Safety projects funded under <u>23 U.S.C. 402</u> and <u>49 U.S.C. 31102</u>;</p> <p>(2) Metropolitan planning projects funded under <u>23 U.S.C. 104(d)</u> and <u>49 U.S.C. 5305(d)</u>;</p> <p>(3) State planning and research projects funded under <u>23 U.S.C. 505</u> and <u>49 U.S.C. 5305(e)</u>;</p> <p>(4) State planning and research projects funded with Surface Transportation Program funds;</p> <p>(5) Emergency relief projects (except those involving substantial functional, locational, or capacity changes);</p> <p>(6) Research, development, demonstration, and deployment projects funded under <u>49 U.S.C. 5312</u>, and technical assistance and standards development projects funded under <u>49 U.S.C. 5314</u>;</p> <p>(7) Project management oversight projects funded under <u>49 U.S.C. 5327</u>; and</p> <p>(8) State safety oversight programs funded under <u>49 U.S.C. 5329</u>.</p>

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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
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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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.222	23 CFR 450.220	<i>See Changes Below</i>		
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	<i>No Significant Language Change</i>		
§ 450.226 Phase-in of new requirements.				




<p>23 CFR 450.226</p>	<p>23 CFR 450.224</p>	<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. (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. (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. (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. (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. (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. (e) Two years from the effective date of each rule establishing performance measures</p>
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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
				<p>under <u>23 U.S.C. 150(c)</u>, <u>49 U.S.C. 5326</u>, or <u>49 U.S.C. 5329</u>, 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 <u>23 U.S.C. 150(c)</u>, <u>49 U.S.C. 5326</u>, or <u>49 U.S.C. 5329</u>, 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 <u>23 U.S.C. 150(c)</u>, <u>49 U.S.C. 5326</u>, or <u>49 U.S.C. 5329</u>, 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)	<p>(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</p>		<p>(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</p>
§ 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.

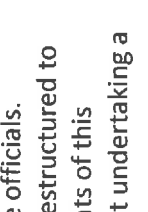
<p>23 CFR 450.306(d)</p>	<p>N/A</p>	<p>N/A</p>		<p>(d) <i>Performance-based approach.</i> (1) The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decisionmaking to support the national goals described in <u>23 U.S.C. 150(b)</u> and the general purposes described in <u>49 U.S.C. 5301(c)</u>. (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), <u>49 U.S.C. 5326(c)</u>, and <u>49 U.S.C. 5329(d)</u> 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 <u>23 U.S.C. 150(c)</u> 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 <u>49 U.S.C. 5326(c)</u> and <u>49 U.S.C. 5329(d)</u> shall be coordinated, to the maximum extent practicable, with public transportation providers to ensure consistency with</p>
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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
				<p>the performance targets that public transportation providers establish under <u>49 U.S.C. 5326(c)</u> and <u>49 U.S.C. 5329(d)</u>.</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 <u>23 U.S.C. 119(e)</u> and the Transit Asset Management Plan, as discussed in <u>49 U.S.C. 5326</u>;</p> <p>(ii) Applicable portions of the HSIP, including the SHSP, as specified in <u>23 U.S.C. 148</u>;</p> <p>(iii) The Public Transportation Agency Safety Plan in <u>49 U.S.C. 5329(d)</u>;</p> <p>(iv) Other safety and security planning and review processes, plans, and programs, as appropriate;</p>

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.306(e)	23 CFR 450.306(c)			(v) The Congestion Mitigation and Air Quality Improvement Program performance plan in <u>23 U.S.C. 149(l)</u> , 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(f)	23 CFR 450.306(d)	No Significant Language Change		
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


New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
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)	<p>(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.</p>		<p>(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.</p>
§ 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.

<p>23 CFR 450.310(d)</p>	<p>23 CFR 450.310(d)</p>	<p>(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.</p>		<p>(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 a provider of public transportation may also serve as a representative of a local municipality. (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. (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</p>
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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.310(i)	23 CFR 450.310(j)	<i>No Significant Language Change</i>		agency with multimodal transportation responsibilities— (i) To develop the plans and TIPs for adoption by an MPO; and (ii) To develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.
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 <u>23 U.S.C. 134</u> and <u>49 U.S.C. 5303</u> 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.

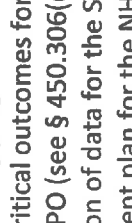
§ 450.312 Metropolitan planning area boundaries.


New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.312(a)	23 CFR 450.312(a)	<p>(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.</p>		<p>(a) The boundaries of a metropolitan planning area (MPA) shall be determined by agreement between the MPO and the Governor.</p> <p>(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.</p> <p>(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.</p>



New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.312(i)	23 CFR 450.312(i)	<p>(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 efficient overall transportation investment strategies.</p>		<p>(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.</p>
<p>§ 450.314 Metropolitan planning agreements.</p>				

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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)	No Significant Language Change		
23 CFR 450.314(d)	23 CFR 450.314(c)	No Significant Language Change		
23 CFR 450.314(e)	23 CFR 450.314(d)	No Significant Language Change		
23 CFR 450.314(f)	23 CFR 450.314(d)	No Significant Language Change		
23 CFR 450.314(g)	23 CFR 450.314(f)	No Significant Language Change		

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.314(h)	N/A	N/A		<p>(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:</p> <ul style="list-style-type: none"> (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 been designated as a TMA overlaps into an adjacent MPA serving an urbanized area that is not a TMA. <p>(2) These provisions shall be documented either:</p> <ul style="list-style-type: none"> (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.

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.316(b)	23 CFR 450.316(b)	<p>(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) 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:</p>		<p>(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 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:</p>
<p>§ 450.318 Transportation planning studies and project development.</p>				

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 <u>23 U.S.C. 168</u> . As provided in <u>23 U.S.C. 168(f)</u> : (1) The statutory authority in <u>23 U.S.C. 168</u> 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

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
N/A	23 CFR 450.318(e)	<p>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.</p> <p>(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.</p>	DELETED	N/A
§ 450.320 Development of programmatic mitigation plans.				

<p>23 CFR 450.320</p>	<p>N/A</p>	<p>N/A</p>	<p>§ 450.320 Development of programmatic mitigation plans. (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: (1) <i>Scope.</i> (i) An MPO may develop a programmatic mitigation plan on a local, regional, ecosystem, watershed, statewide or similar scale. (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. (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). (2) <i>Contents.</i> The programmatic mitigation plan may include: (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>
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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
				<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, historical 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</p>


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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
				<p>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 draft plan; and</p>

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
				<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 (<u>42 U.S.C. 4321 et seq.</u>) (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 was developed under another</p>

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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
§ 450.322 Congestion management process in transportation management areas.				

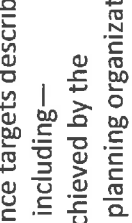
New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.322	23 CFR 450.320	See Changes Below		
23 CFR 450.322(a)	23 CFR 450.320(a)	(a) The transportation planning process in a TMA shall address congestion management through a process 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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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
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;		

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.324(f)(3) and (4)	N/A	N/A		<p>(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).</p> <p>(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—</p> <p>(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</p> <p>(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 achieve the identified performance targets.</p>
23 CFR 450.324(f)(5)-(7)	23 CFR 450.322(f)(3)-(5)	No Significant Language Change		


New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
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 <u>23 U.S.C. 101(a)</u> , and associated transit improvements, as described in <u>49 U.S.C. 5302(a)</u> , 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>		



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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.324(h)	23 CFR 450.322(h)	<p>(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 plans and strategies and policies that support homeland security (as appropriate) and safeguard the personal security of all motorized and non-motorized users.</p>		<p>(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 Plan in accordance with 49 CFR part 559, 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.</p>

<p>23 CFR 450.324(i)</p>	<p>N/A</p>	<p>N/A</p>		<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. (1) An MPO that chooses to develop multiple scenarios under this paragraph (j) is encouraged to consider: (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. (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 part 490, MPOs may evaluate scenarios</p>
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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
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 bicycle transportation facilities, users of pedestrian walkways and other interested parties with a reasonable opportunity to comment on the transportation plan using the participation plan developed under §450.316(a).		developed under this paragraph using locally developed measures. (i) 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)	<i>No Significant Language Change</i>		
23 CFR 450.324(l)	23 CFR 450.322(k)	<i>No Significant Language Change</i>		
23 CFR 450.324(m)	23 CFR 450.322(l)	<i>No Significant Language Change</i>		
§ 450.326 Development and content of the transportation improvement program (TIP).				

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)	No Significant Language Change		
23 CFR 450.326(e)	23 CFR 450.324(c)	No Significant Language Change		
23 CFR 450.326(f)	23 CFR 450.324(d)	No Significant Language Change		
23 CFR 450.326(g)	23 CFR 450.324(e)	No Significant Language Change		
23 CFR 450.326(h)	23 CFR 450.324(f)	No Significant Language Change		
23 CFR 450.326(i)	23 CFR 450.324(g)	No Significant Language Change		
23 CFR 450.326(j)	23 CFR 450.324(h)	No Significant Language Change		
23 CFR 450.326(k)	23 CFR 450.324(i)	No Significant Language Change		
23 CFR 450.326(l)	23 CFR 450.324(o)	No Significant Language Change		
23 CFR 450.326(m)	23 CFR 450.324(j)	No Significant Language Change		


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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
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

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
23 CFR 450.326(n)	23 CFR 450.324(l)	<i>No Significant Language Change</i>		
23 CFR 450.326(o)	23 CFR 450.324(m)	<p>(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.</p>		<p>(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.</p>
23 CFR 450.326(p)	23 CFR 450.324(n)	<i>No Significant Language Change</i>		
§ 450.328 TIP revisions and relationship to the STIP.				
23 CFR 450.328	23 CFR 450.326	<i>No Significant Language Change</i>		
§ 450.330 TIP action by the FHWA and the FTA.				

June 17, 2016

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
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.				

<p>23 CFR 450.340</p>	<p>23 CFR 450.338</p>	<p>§450.338 Phase-in of new requirements. (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. (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. (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 transportation planning process is</p>		<p>§ 450.340 Phase-in of new requirements. (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. (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. (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 transportation plan under the provisions of this part, as long as the</p>
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New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
		<p>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>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 <u>23 U.S.C. 150(c)</u>, <u>49 U.S.C. 5326</u>, and <u>49 U.S.C. 5329</u> 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 <u>23 U.S.C. 150(c)</u>, <u>49 U.S.C. 5326</u>, or <u>49 U.S.C. 5329</u>, 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 performance measures under <u>23 U.S.C. 150(c)</u>, <u>49 U.S.C. 5326</u>, or <u>49 U.S.C.</u></p>

June 17, 2016

New Regulatory Citation	Previous Regulatory Citation	Previous Regulatory Language	Change	New Regulatory Language
				<p><u>5329</u>, 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>

FHWA Notice of Proposed Rulemaking on System, Congestion and Freight
Performance (Issued 04/22/2016) Summary

Comments are due by August 20, 2016

Executive Summary

- The NPRM is 109 pages long
- Most requirements affect FDOT, comparatively minor role for MPOs
- There would be some required MPO and State DOT coordination

System Performance

- Looks at reliable travel times
- Peak Hour travel times (only in areas of 1 Million population)
- Considers interstate system and non-interstate NHS

Freight Movement Performance

- Only on interstate system
- Looks at reliable travel times

Congestion Mitigation and Air Quality Improvement (CMAQ) Performance

- Will not affect Florida at this time
- Florida is meeting all National Ambient Air Quality Standards

Green House Gases (GHG) Proposal

- NPRM suggests GHG could be a transportation performance metric
- Asks many questions and asks for suggestions
- Very few details on USDOT intention going forward, more questions than answers.

Data Collection and Sources

- Data comes from probes (GPS units, Bluetooth, Permanent Count Stations, ITS).
- Data collection is to be done by Florida DOT and submitted to USDOT
- USDOT reviews data for accuracy/completeness
- FHWA gives the final data back to the states so they can report it.
- Florida DOT has data for all roadway segments affected by this NPRM

Target Setting

- States set targets first, MPOs set targets 180 days later
- MPOs and State must coordinate target setting

Proposed General MPOAC Comments

MPOAC supports the efforts of the USDOT to measure the performance of the transportation system.

- Performance measures will tell a national story
- We will have comparable data across regions and the nation
- We expect the data will show a need for increased funding nationally

We, and others, must recognize that this effort only measures certain aspects of the total system and it does not reflect the overall values of society.

Green House Gases (GHG) are not mentioned in either the FAST Act or MAP-21. The GHG proposal is vague and due to the complex nature of airborne pollutants, this issue should be issued as its own NPRM to allow for full consideration by the transportation industry. Having the GHG in with Performance Measures distracts attention away from this important issue.

We ask that USDOT proceed cautiously as over-reliance on the performance measures may create unintended consequences. To insure that performance measures remain relevant would be to conduct a re-evaluation every 5 years of the performance measures in partnership with States and MPOs. Also, the measures consider transportation but do not account for many influencing factors that affect transportation usage.

The measures as written would reward slow implementation of effective, large-scale strategies that may be low cost to implement in relation to their impact. The measures and target review methodology needs to be adjusted to recognize benefits from strategies over longer timeframes than is proposed in the NPRM.

The final rule needs to explicitly state that performance measures are informational but shall not be used to unduly influence or force transportation decisions. All transportation decision making must remain local.

Performance measures should not be used to determine federal funding levels to States or MPOs. Doing so would punish States that have managed their transportation systems well and provided their own funding sources above the required federal match.

Performance measures and results of data shall not be used in MPO certification reviews or Statewide assessments to create corrective actions or recommendations. This would create a de facto federal project prioritization and undermine the reason for MPOs and State DOTs to exist.

The NPRM and data sets need to recognize separately general purpose interstate lanes and managed lanes. Currently the two are measured as one unit even though the two perform very differently and will produce very different data.

FHWA Notice of Proposed Rulemaking on Metropolitan Planning Organization
Coordination and Planning Area Reform (Issued 06/27/2016) Summary

Comments are due by August 26, 2016

Executive Summary

- The NPRM is 13 pages long
- Would affect 142 (about 1/3) of MPOs nationally, 22 in Florida
- Would be effective 2 years after the final rule is published.

What

- USDOT (FHWA & FTA) is proposing revisions to the transportation planning regulations to “promote more effective regional planning by States and metropolitan planning organizations (MPO)”.
- Metropolitan Planning Area (MPA) boundaries must include the entire Urbanized Area (UZA) and contiguous area expected to become urbanized within 20 years
- Per USDOT they are attempting to “right-size” metropolitan transportation planning, unify planning products within each UZA, and create clear lines of communication, responsibility and processes, especially where multiple MPOs are designated within a single UZA and it’s 20 year forecasted planning area.

How

- The MPA must include the entire urbanized area (UZA) and contiguous area expected to become urbanized within 20 years.
- The MPA is based upon the UZA, not the boundaries of a MPO or county in the case where more than one MPO exists in a UZA or MPA.
- Multiple MPOs within a single MPA must merge, or.....
- Multiple MPOs may serve a single MPA if warranted by the size and complexity of the MPA. This must be agreed upon by the MPOs and Governor.
- To ensure that planning products reflect the regional needs of the entire urbanized area there are requirements for unified planning products for the MPA. These include:
 - **jointly established** performance targets within an MPA,
 - **a single** metropolitan transportation plan for the entire MPA and
 - **a single** Transportation Improvement Program (TIP) for the entire MPA
- Metropolitan planning agreements must include coordination strategies and dispute resolution procedures between the States and the MPOs and, MPO to MPO for those sharing UZA boundaries.
- Planning data must be consistent between States and MPOs.

Proposed General MPOAC Comments

We agree that coordination between MPOs sharing a UZA or are abutting each other is beneficial to all parties and citizens within the affected area. We continue to promote and encourage voluntary, but not required, regional coordination. MPOAC does not see where in legislation USDOT has the authority to undertake this rulemaking.

The word "region" is used repeatedly in the NPRM but is not defined anywhere.

There are a number of declarative statements in this NPRM that make claims of improvements. There is not an explanation of how these statements were proven to be fact through research, peer exchanges, etc.

This NPRM is a thinly veiled attempt to require MPOs to consolidate. MPOs in some regions coordinate extensively and formally across boundaries, allowing them to address issues at multiple levels effectively.

MPA boundaries in Florida are frequently drawn to correspond to the same level as other planning processes, particularly land use planning. This proposal dramatically complicates the ability to coordinate transportation planning with land use, economic development and other planning processes which are planning factors in federal law and one of the main reasons for MPOs to exist and why the federal planning regulations have maintained flexibility related to the designation of appropriate boundaries. This will significantly de-localize the MPO process which is the opposite of why MPOs were created.

The NPRM as written would greatly complicate the ability to coordinate decision making processes across political boundaries in states with strong public disclosure laws. This could be particularly difficult for transit agencies that could now be covered by one combined MPO.

Combined MPOs would need to collectively decide upon the new board membership. In states where state legislation caps the number of board members, this collaborative process will likely take quite a while to sort through. Individuals who were serving on the individual MPO Boards will not all get to serve on the new combined Board due to the state restriction on the number of board seats.

Aligning the due dates of Long Range Transportation Plans for a newly combined MPO may create a potential financial burden on the new MPO. LRTPs are expensive and many MPOs save money over the course of several years to pay for their LRTP consultants and public involvement efforts. A newly designated MPO would presumably have to develop a new LRTP 5 years from the date of the oldest LRTP contained within the MPA boundary. This may be only 2 or 3 years from the newest LRTP contained within the MPA and there may not be enough combined funding available for the new LRTP.

Forecast of Metropolitan Planning Organizations (MPOs) Affected by Joint Planning Provisions in Proposed Rule

This list was prepared using MPO boundary information provided to FHWA, and displayed in FHWA's HEPGIS System (<http://hepgis.fhwa.dot.gov/fhwagis/ViewMap.aspx?map=MPO+Boundaries|MPO+Boundary#>), as of April 20, 2016. The list does not reflect MPO boundary changes reported after that date.

STATE	MPO NAME	CITY	2010 Census Population
AR	West Memphis Area Transportation Study	West Memphis	42,214
AZ	Yuma MPO	Yuma	195,807
CA	Association of Monterey Bay Area Governments	Marina	732,667
CA	Merced County Association of Governments	Merced	255,366
CA	Metropolitan Transportation Commission	Oakland	7,150,828
CA	Southern California Association of Governments	Los Angeles	18,051,203
CA	Stanislaus COG	Modesto	514,453
CT	Capital Region COG	Hartford	973,959
CT	Greater Bridgeport / Valley MPO	Bridgeport	406,161
CT	Housatonic Valley MPO	Brookfield	224,621
CT	Lower Connecticut River Valley MPO	Old Saybrook	175,636
CT	Naugatuck Valley Council of Governments	Waterbury	360,488
CT	South Central Regional COG	North Haven	569,816
CT	South Western MPO	Stamford	363,963
CT	Southeastern Connecticut COG	Norwich	286,711
DC	National Capital Region Transportation Planning Board	Washington	5,068,540
DE	Dover / Kent County MPO	Camden	167,364
DE	Wilmington Area Planning Council	Newark	639,457
FL	Bay County Transportation Planning Organization	Pensacola	168,852
FL	Broward MPO	Fort Lauderdale	1,748,066
FL	Charlotte County - Punta Gorda MPO	Port Charlotte	161,230
FL	Collier MPO	Naples	321,518
FL	Florida-Alabama Transportation Planning Organization	Pensacola	434,625
FL	Hernando County MPO	Brooksville	313,992
FL	Hillsborough County MPO	Tampa	1,228,761
FL	Indian River County MPO	Vero Beach	136,368
FL	Lake-Sumter MPO	Leesburg	390,298
FL	Lee County MPO	Fort Myers	616,576
FL	Martin County MPO	Stuart	146,846
FL	METROPLAN Orlando	Orlando	1,837,385
FL	Miami-Dade MPO	Miami	2,569,420
FL	Ocala - Marion County Transportation Planning Organization	Ocala	331,558
FL	Okaloosa-Walton Transportation Planning Organization	Pensacola	214,967
FL	Palm Beach MPO	West Palm Beach	1,320,134
FL	Pasco County MPO	New Port Richey	465,394
FL	Pinellas County MPO	Clearwater	915,810
FL	Polk County Transportation Planning Organization	Bartow	602,278
FL	Sarasota-Manatee MPO	Sarasota	700,837
FL	Space Coast Transportation Planning Organization	Viera	541,274
FL	St. Lucie Transportation Planning Organization	Fort Pierce	277,097
GA	Atlanta Regional Commission	Atlanta	4,818,052
GA	Gainesville-Hall MPO	Gainesville	179,642
GA	Greater Dalton MPO	Dalton	102,451
GA	Macon Area Transportation Study	Macon	167,347
GA	Warner Robins Area Transportation Study	Warner Robins	148,283

STATE	MPO NAME	CITY	2010 Census Population
IL	Rockford Metropolitan Agency for Planning	Rockford	308,390
IL	The Chicago Metropolitan Agency for Planning	Chicago	8,453,793
IN	Columbus Area MPO	Columbus	83,571
IN	Indianapolis MPO	Indianapolis	1,518,800
IN	Madison County COG	Anderson	140,839
IN	Michiana Area COG	South Bend	464,490
IN	Northwest Indiana Regional Planning Commission	Portage	771,648
KY	Ashland Area MPO	Grayson	86,444
MA	Boston Region MPO	Boston	3,159,512
MA	Cape Cod MPO	Barnstable	215,881
MA	Central Massachusetts MPO	Worcester	556,910
MA	Merrimack Valley MPO	Haverhill	333,357
MA	Montachusett MPO	Fitchburg	236,482
MA	Northern Middlesex MPO	Lowell	286,951
MA	Old Colony MPO	Brockton	288,628
MA	Pioneer Valley MPO	West Springfield	621,823
MA	Southeastern Massachusetts MPO	Taunton	616,689
MD	Baltimore Regional Transportation Board	Baltimore	2,684,661
ME	Kittery Area Comprehensive Transportation System	Springvale	48,680
MI	Battle Creek Area Transportation Study	Springfield	93,998
MI	Bay City Area Transportation Study	Bay City	85,050
MI	Genesee County Metropolitan Planning Commission	Flint	425,788
MI	Kalamazoo Area Transportation Study	Kalamazoo	277,100
MI	Midland Area Transportation Study	Midland	90,645
MI	Saginaw Metropolitan Area Transportation Study	Saginaw	200,170
MI	Southeast Michigan COG	Detroit	4,703,593
MI	Southwest Michigan Planning Commission	Benton Harbor	127,004
NC	Burlington-Graham MPO	Burlington	162,718
NC	Cabarrus-Rowan MPO	Concord	316,427
NC	Capital Area MPO	Raleigh	1,071,012
NC	Charlotte Regional Transportation Planning Organization	Charlotte	1,098,657
NC	Gaston Cleveland Lincoln MPO	Gastonia	181,096
NC	Greensboro Urban Area MPO	Greensboro	370,025
NC	High Point Urban Area MPO	High Point	200,492
NC	Winston-Salem Urban Area MPO	Winston-Salem	397,772
NH	Nashua Regional Planning Commission	Nashua	204,393
NH	Rockingham Planning Commission	Exeter	191,906
NH	Southern New Hampshire Planning Commission	Manchester	261,258
NH	Strafford Regional Planning Commission	Dover	146,865
NJ	North Jersey Transportation Planning Authority	Newark	6,579,801
NJ	South Jersey Transportation Planning Organization	Vineland	594,419
NY	New York Metropolitan Transportation Council	New York	12,367,508
NY	Orange County Transportation Council	Goshen	372,815
NY	Poughkeepsie-Dutchess County Transportation Council	Poughkeepsie	297,508
NY	Ulster County Transportation Council	Kingston	182,491
OH	Akron Metropolitan Area Transportation Study	Akron	713,314
OH	Brook-Hancock-Jefferson Metropolitan Planning Commission	Steubenville	124,458
OH	Clark County-Springfield Transportation Study	Springfield	138,335
OH	Eastgate Regional COG	Youngstown	448,970
OH	Licking County Area Transportation Study	Newark	138,039
OH	Miami Valley Regional Planning Commission	Dayton	832,161

STATE	MPO NAME	CITY	2010 Census Population
OH	Mid-Ohio Regional Planning Commission	Columbus	1,426,183
OH	Northeast Ohio Areawide Coordinating Agency	Cleveland	2,071,325
OH	Ohio-Kentucky-Indiana Regional Council of Governments	Cincinnati	1,981,230
OH	Policy Committee of the Erie Regional Planning Commission	Sandusky	82,976
OH	Stark County Area Transportation Study	Canton	375,541
OR	Portland Area Comprehensive Transportation System	Portland	1,499,844
PA	Adams County Transportation Planning Organization	Gettysburg	101,407
PA	Delaware Valley Regional Planning Commission	Philadelphia	5,626,318
PA	Harrisburg Area Transportation Study	Harrisburg	571,842
PA	Lackawanna-Luzerne Transportation Study	Scranton	535,334
PA	Lancaster County Transportation Coordinating Committee	Lancaster	519,430
PA	Lebanon County MPO	Lebanon	111,189
PA	Lehigh Valley Transportation Study	Allentown	663,158
PA	Northeastern Pennsylvania Planning Alliance MPO	Pittston	440,670
PA	Reading Area Transportation Study	Reading	411,440
PA	Shenango Valley Area Transportation Study	Hermitage	116,638
PA	Southwestern Pennsylvania Commission	Pittsburgh	2,574,953
PA	Susquehanna Economic Development Association Council of Government	Lewisburg	375,261
PA	York Area MPO	York	434,962
PR	Aguadilla MPO	Santurce	316,151
PR	San Juan MPO	Santurce	2,241,853
PR	UZA's MPO	Santurce	1,156,412
RI	State Planning Council	Providence	1,052,527
SC	Greenville-Pickens Area Transportation Study	Greenville	547,397
SC	Rock Hill-Fort Mill Area Transportation Study	Rock Hill	174,406
SC	Spartanburg Area Transportation Study	Spartanburg	222,968
TN	Bristol MPO	Bristol	93,307
TN	Chattanooga-Hamilton County/North Georgia Transportation Planning C	Chattanooga	436,669
TN	Johnson City Metropolitan Transportation Planning Organization	Johnson City	139,408
TN	Kingsport MTPO	Kingsport	125,260
TN	Memphis Urban Area MPO	Memphis	1,077,697
TX	Alamo Area MPO	Jefferson City	1,976,167
TX	Brownsville MPO	Reading	226,282
TX	Harlingen-San Benito MPO	Lancaster	156,063
UT	Mountainland Association of Governments	Orem	514,972
UT	Wasatch Front Regional Council	Salt Lake City	1,561,348
VA	Fredericksburg Area MPO	Fredericksburg	275,639
VA	Richmond Area MPO	Richmond	934,060
VA	Tri Cities Area MPO	Petersburg	149,029
WA	Southwest Washington Regional Transportation Council	Vancouver	425,363
WI	Janesville Area MPO	Janesville	77,940
WI	Southeastern Wisconsin Regional Planning Commission	Waukesha	2,019,767
WI	State Line Area Transportation Study	Beloit	69,441
WV	BCKP Regional Intergovernmental Council	South Charleston	248,546
WV	Belmont-Ohio-Marshall Transportation Study	Wheeling	147,952
WV	KYOVA Interstate Planning Commission	Huntington	201,199

Item Number 7

Communications

Email from Bryna Helfer, FHWA Office of the Secretary

REQUESTED ACTION:

As may be desired.

ATTACHMENTS:

1. Email from Bryna Helfer, FHWA Office of the Secretary, inviting Carl Mikyska to a White House Roundtable Discussion

Mikyska, Carl

From: Helfer, Bryna (OST) <bryna.helfer@dot.gov>
Sent: Friday, July 01, 2016 1:29 PM
To: Mikyska, Carl - MPOAC
Subject: ; FOR CARL MIKYSKA- Invitation from US Transportation Secretary Anthony Foxx



***U.S. Transportation Secretary Anthony Foxx invites you to join us
for***

A Roundtable on MPOwerment

Strategies to Advance Regional Transportation Priorities

July 12, 2016

1:30 p.m.-- 2:30 p.m.

White House

*Eisenhower Executive Office Building
Room 350*

During this roundtable discussion, participants will engage in an interactive dialogue on the opportunity for expanding regional planning and investments that will ultimately strengthen the economic growth and vitality for citizens in communities across the country.

Immediately following this small roundtable discussion, we also invite you to join Secretary Foxx for a USDOT 50th Anniversary Forum focused on “Investing in our 21st Century Transportation System”, which will also be held at the EEOB in the Indian Treaty Room from 3:00 p.m.- 4:30 p.m.

Please RSVP and PROVIDE SECURITY INFORMATION for both the Roundtable and the 50th Anniversary Forum

CLICK LINK OR COPY URL Into BROWSER

Roundtable: <https://events.whitehouse.gov/form?rid=6Y7BKC8YJ6>

Forum: <https://events.whitehouse.gov/form?rid=W4H7P734BM>

This invitation is non-transferable.

Bryna Helfer

Deputy Assistant Secretary for Public Engagement
Senior Advisor on Accessibility and Workforce Development

Office of the Secretary
U.S. Department of Transportation

Bryna.helfer@dot.gov

202-507-1450

Item Number 8

Member Comments

DISCUSSION:

Comments or recommendations by MPOAC members.

REQUESTED ACTION:

As may be desired.

ATTACHMENT:

None

Item Number 9

Adjournment

The next meeting of the MPOAC Governing Board will be held on Thursday, October 6, 2016.

The MPOAC Governing Board Meeting will begin at Noon and conclude at 3:00PM.

