

Appendix D

RTP Update Process and Compliance

Requirements

Federal

Federal requirements for preparing and updating the metropolitan transportation plan are included in 23 USC 134 and 23 CFR 450. Update frequency varies based on air quality conformity status. The Thurston Region was previously in nonattainment for particulate matter 10 microns or less (PM10) and is now a “maintenance area” in attainment subject to a maintenance plan. [For more information regarding air quality conformity, see Chapter 6 and Appendix H.] On December 4, 2020 the required 20-year maintenance period ended. Based on this standing, federal requirements for updating the metropolitan transportation plan (per 23 CFR 450.324(c) and (l)) are:

- The metropolitan planning organization (MPO) shall review and update the transportation plan at least every five years.
- Updates are to confirm the transportation plan’s validity and consistency with current and forecasted transportation and land use conditions and trends, and to extend the forecast period to at least a 20-year planning horizon.
- The MPO may revise the transportation plan at any time using the procedures in this section without a requirement to extend the horizon year.
- The transportation plan (and any revisions) shall be approved by the MPO and submitted for information purposes to the Governor. Copies of any updated or revised transportation plans must be provided to the FHWA and the FTA.

State

State requirements for preparing and updating the regional long range transportation plan are found in WAC 468-86 and RCW 47.80. Washington State requirements for updating the transportation plan (per RCW 47.80.030 (2) and (3)) are:

- The regional transportation planning organization (RTPO) shall review the regional transportation plan at least every two years for consistency with current conditions.
- The RTPO must forward the adopted plan along with documentation of the biennial review to WSDOT.
- Maintain consistency between the regional transportation plan and countywide planning policies, local comprehensive plans, and the state transportation plan.

Thurston Region

County-wide planning policies for Thurston County require consistency between local comprehensive plans and the regional transportation plan.

- The transportation elements of comprehensive plans adopted by Thurston County and each city and town in the county will be consistent with the Regional Transportation Plan adopted by Thurston Regional Planning Council, in accordance with the provisions of Washington State Growth Management Act. (Policy 9.7)

- The Regional Transportation Plan adopted by Thurston Regional Planning Council will be consistent with the land use elements of comprehensive plans adopted by Thurston County and the cities and towns within Thurston County, and with state transportation plans. To ensure this, the Regional Transportation Plan will be reviewed and updated, if necessary, at least every two years for consistency with these plans. (Policy 9.8)

Revision, Review, and Update Process

Annual Revision

TRPC will consider annual revisions to the RTP. Depending on the content of the revision, it will be either an amendment or an administrative modification.

An amendment requires public review and comment, and redemonstration of fiscal constraint.

An administrative modification is a revision that does not require public review and comment, or redemonstration of fiscal constraint.

Biennial Review

TRPC will review the RTP every year when it considers the annual revision. If TRPC revises the RTP, that revision will serve as documentation for WSDOT to meet TRPC's biennial review requirement. If TRPC finds the

Terminology

Federal regulations applying to statewide and metropolitan transportation planning provide the following definitions (23 CFR 450.104). [February 18, 2016]

Update means making current a long range statewide transportation plan, metropolitan transportation plan, TIP, or STIP through a comprehensive review. Updates require public review and comment, a 20-year horizon year for metropolitan transportation plans and long-range statewide transportation plans, a four-year program period for TIPs and STIPs, demonstration of fiscal constraint (except for long-range statewide transportation plans), and a conformity determination (for metropolitan transportation plans and TIPs in nonattainment and maintenance areas).

Revision means a change to a long range statewide or metropolitan transportation plan, TIP, or STIP that occurs between scheduled periodic updates. A major revision is an “amendment,” while a minor revision is an “administrative modification.”

Amendment means a revision to a long range metropolitan transportation plan that involves a major change to a project included in a metropolitan transportation plan, including the addition or deletion of a project or a major change in project cost, project initiation dates, or a major change in design 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 “non-exempt” projects in nonattainment and maintenance areas).

Administrative modification means a minor revision to a long range statewide or metropolitan transportation plan, Transportation Improvement Program (TIP), or Statewide Transportation Improvement Program (STIP) that includes minor changes to project/project phase costs, minor changes to funding sources of previously included projects, and minor changes to project/project phase initiation dates. An administrative modification is a revision that does not require public review and comment, redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas).

plan is current with no need to revise it for two years in a row, TRPC will document this finding and provide it to WSDOT to meet the biennial review documentation requirement.

Five Year Update

TRPC will update the RTP at least every five years, making it current through a comprehensive review. Updates are to confirm the transportation plan's validity and consistency with current and forecasted transportation and land use conditions and trends, and to extend the forecast period to at least a 20-year planning horizon. Updates require public review and comment, a 20-year horizon year, demonstration of fiscal constraint, and a conformity determination.

Process: TRPC staff will work with the Technical Advisory Committee (TAC), WSDOT, FHWA, FTA, and regional policy makers to identify issues prompting revisions and also to complete a comprehensive review of the plan when preparing the update.

Revisions and updates will be brought to TPB and TRPC for consideration at their regularly scheduled meetings. Public comment will be requested for amendments and updates. Public comments will be compiled for TPB and TRPC review.

TPB will forward a recommendation to TRPC regarding the proposed revision or update, and TRPC will take action.

TRPC-approved revisions to the RTP will be incorporated into the plan and published online.

The revised or updated plan will be provided to WSDOT, FHWA, and FTA. The date of Thurston Regional Planning Council's adoption of the plan will be the new effective date of the plan.

Compliance: TRPC will monitor legislation and guidance to ensure that revisions and updates of the RTP follow and meet all regional, state, and federal transportation planning requirements.

Compliance

Development of a regional long-range transportation plan is shaped by federal and state regulatory requirements – the laws and regulations that set the required content for the plan. Thurston Regional Planning Council (TRPC) is a Metropolitan Planning Organization (MPO) as defined by federal law, and a Regional Transportation Planning Organization (RTPO) as defined by Washington State.

As such, TRPC must comply with the following laws and regulations in developing the long-range transportation plan:

- 23 CFR 450 Subpart C Metropolitan Transportation Planning and Programming
- RCW 47-80 Regional Transportation Planning Organizations
- 468-86 WAC RTPO Planning Standards and Guidelines
- 23 USC 134 (FHWA) & 49 USC 5303 (FTA) Metropolitan Transportation Planning

23 USC 134: Metropolitan transportation planning

From Title 23-Highways Chapter 1-Federal-Aid Highways

§134. Metropolitan transportation planning

49 USC 5303: Metropolitan transportation planning

From Title 49-Transportation Chapter 53-Public Transportation

§5303. Metropolitan transportation planning

Text contains those laws in effect May 29, 2019 (<http://uscode.house.gov>).

The United States Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. It is prepared by the Office of the Law Revision Counsel of the United States House of Representatives.

The content of 23 USC 134 and 49 USC 5303 are nearly identical. The main body of the text below is from 23 USC 134. Footnotes were added with text from 49 USC 5303 where it differs.

This text reflects the requirements of Fixing America's Surface Transportation (FAST) Act approved in December 2015.

(a) Policy.-It is in the national interest-

- (1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight, foster 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 through metropolitan and statewide transportation planning processes identified in this chapter; and¹
- (2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).²

(b) Definitions.-In this section and section 135, the following definitions apply:³

- (1) Metropolitan planning area.-The term “metropolitan planning area” means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under subsection (e).
- (2) Metropolitan planning organization.-The term “metropolitan planning organization” means the policy board of an organization established as a result of the designation process under subsection (d).
- (3) Nonmetropolitan area.-The term “nonmetropolitan area” means a geographic area outside designated metropolitan planning areas.
- (4) Nonmetropolitan local official.-The term “nonmetropolitan local official” means elected and appointed officials of general purpose local government in a nonmetropolitan area with responsibility for transportation.
- (5) Regional transportation planning organization.-The term “regional transportation planning organization” means a policy board of an organization established as the result of a designation under section 135(m).⁴
- (6) TIP.-The term “TIP” means a transportation improvement program developed by a metropolitan planning organization under subsection (j).

¹ From 49 USC 5303: (1) to encourage and promote the safe and efficient management, operation, and development of resilient surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

² From 49 USC 5303: (2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 5304(d).

³ From 49 USC 5303: (b) Definitions.-In this section and section 5304, the following definitions apply:

⁴ From 49 USC 5303: (5) Regional transportation planning organization.-The term “regional transportation planning organization” means a policy board of an organization established as the result of a designation under section 5304(l).

- (7) Urbanized area.-The term “urbanized area” means a geographic area with a population of 50,000 or more, as determined by the Bureau of the Census.

(c) General Requirements.-

- (1) Development of long-range plans and tips.-To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.
- (2) Contents.-The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (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) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.
- (3) Process of development.-The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(d) Designation of Metropolitan Planning Organizations.-

Text omitted. Not specific to the long range plan.

(e) Metropolitan Planning Area Boundaries.-

Text omitted. Not specific to the long range plan.

(f) Coordination in Multistate Areas.-

Text omitted. Not specific to the long range plan.

(g) MPO Consultation in Plan and TIP Coordination.-

- (1) Nonattainment areas.-If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and TIPs required by this section.
- (2) Transportation improvements located in multiple mpos.-If a transportation improvement, funded from the Highway Trust Fund or authorized under chapter 53 of title 49, is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans and TIPs regarding the transportation improvement.⁵

⁵ From 49 USC 5303: (2) Transportation improvements located in multiple mpos.-If a transportation improvement, funded under this chapter or title 23, is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans and TIPs regarding the transportation improvement.

(3) Relationship with other planning officials.-

- (A) In general.-The Secretary shall encourage each metropolitan planning organization to consult with officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities.
- (B) Requirements.-Under the metropolitan planning process, 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 metropolitan area that are provided by-
 - (i) recipients of assistance under chapter 53 of title 49;⁶
 - (ii) governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and
 - (iii) recipients of assistance under section 204.⁷

(h) Scope of Planning Process.-

- (1) In general.-The metropolitan planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will-
 - (A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
 - (B) increase the safety of the transportation system for motorized and nonmotorized users;
 - (C) increase the security of the transportation system for motorized and nonmotorized users;
 - (D) increase the accessibility and mobility of people and for freight;
 - (E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
 - (F) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
 - (G) promote efficient system management and operation;

⁶ From 49 USC 5303: (i) recipients of assistance under this chapter;

⁷ From 49 USC 5303: (iii) recipients of assistance under section 204 of title 23.

- (H) emphasize the preservation of the existing transportation system;⁸
 - (I) improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and⁹
 - (J) enhance travel and tourism.¹⁰
- (2) Performance-based approach.-
- (A) In general.-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 section 150(b) of this title and the general purposes described in section 5301 of title 49.¹¹
 - (B) Performance targets.-
 - (i) Surface transportation performance targets.-
 - (I) In general.-Each metropolitan planning organization shall establish performance targets that address the performance measures described in section 150(c), where applicable, to use in tracking progress towards attainment of critical outcomes for the region of the metropolitan planning organization.¹²
 - (II) Coordination.-Selection of performance targets by a metropolitan planning organization shall be coordinated with the relevant State to ensure consistency, to the maximum extent practicable.
 - (ii) Public transportation performance targets.-Selection of performance targets by a metropolitan planning organization shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d) of title 49.¹³
 - (C) Timing.-Each metropolitan planning organization shall establish the performance targets under subparagraph (B) not later than 180 days after the date on which the relevant State or provider of public transportation establishes the performance targets.

8 From 49 USC 5303: (H) emphasize the preservation of the existing transportation system; and

9 From 49 USC 5303: (I) improve the resiliency and reliability of the transportation system.

10 Not in 49 USC 5303.

11 From 49 USC 5303: (A) In general.-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 section 150(b) of title 23 and the general purposes described in section 5301.

12 From 49 USC 5303: (I) In general.-Each metropolitan planning organization shall establish performance targets that address the performance measures described in section 150(c) of title 23, where applicable, to use in tracking progress towards attainment of critical outcomes for the region of the metropolitan planning organization.

13 From 49 USC 5303: (ii) Public transportation performance targets.-Selection of performance targets by a metropolitan planning organization shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d).

- (D) Integration of other performance-based plans.-A metropolitan planning organization 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 chapter 53 of title 49 by providers of public transportation, required as part of a performance-based program.¹⁴
- (3) Failure to consider factors.-The failure to consider any factor specified in paragraphs (1) and (2) shall not be reviewable by any court under this title or chapter 53 of title 49, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a TIP, a project or strategy, or the certification of a planning process.¹⁵
- (i) Development of Transportation Plan.-**
- (1) Requirements.-
- (A) In general.-Each metropolitan planning organization shall prepare and update a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection.
- (B) Frequency.-
- (i) In general.-The metropolitan planning organization shall prepare and update such plan every 4 years (or more frequently, if the metropolitan planning organization elects to update more frequently) in the case of each of the following:
- (I) Any area designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).
- (II) Any area that was nonattainment and subsequently designated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)) and that is subject to a maintenance plan under section 175A of that Act (42 U.S.C. 7505a).
- (ii) Other areas.-In the case of any other area required to have a transportation plan in accordance with the requirements of this subsection, the metropolitan planning organization shall prepare and update such plan every 5 years unless the metropolitan planning organization elects to update more frequently.
- (2) Transportation plan.-A transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:
- (A) Identification of transportation facilities.-

¹⁴ From 49 USC 5303: (D) Integration of other performance-based plans.-A metropolitan planning organization 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 by recipients of assistance under this chapter, required as part of a performance-based program.

¹⁵ From 49 USC 5303: (3) Failure to consider factors.-The failure to consider any factor specified in paragraphs (1) and (2) shall not be reviewable by any court under this chapter, title 23, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a TIP, a project or strategy, or the certification of a planning process.

- (i) In general.-An identification of transportation facilities (including major roadways, public transportation facilities, intercity bus facilities, multimodal and intermodal facilities, nonmotorized transportation facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions.
 - (ii) Factors.-In formulating the transportation plan, the metropolitan planning organization shall consider factors described in subsection (h) as the factors relate to a 20-year forecast period.
- (B) Performance measures and targets.-A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with subsection (h)(2).
- (C) System performance report.-A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in subsection (h)(2), including-
 - (i) progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports; and
 - (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.
- (D) Mitigation activities.-
 - (i) In general.-A long-range transportation plan shall include a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.
 - (ii) Consultation.-The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.
- (E) Financial plan.-
 - (i) In general.-A financial plan that-
 - (I) demonstrates how the adopted transportation plan can be implemented;
 - (II) indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan; and

- (III) recommends any additional financing strategies for needed projects and programs.
- (ii) Inclusions.-The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.
- (iii) Cooperative development.-For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.
- (F) Operational and management strategies.-Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.
- (G) Capital investment and other strategies.-Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure, provide for multimodal capacity increases based on regional priorities and needs, and reduce the vulnerability of the existing transportation infrastructure to natural disasters.
- (H) Transportation and transit enhancement activities.-Proposed 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.¹⁶
- (3) Coordination with clean air act agencies.-In metropolitan areas that are in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by that Act.
- (4) Optional scenario development.-
 - (A) In general.-A metropolitan planning organization 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, in accordance with subparagraph (B).
 - (B) Recommended components.-A metropolitan planning organization that chooses to develop multiple scenarios under subparagraph (A) shall be encouraged to consider-
 - (i) potential regional investment strategies for the planning horizon;

¹⁶ From 49 USC 5303: (H) Transportation and transit enhancement activities.-Proposed 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.

- (ii) assumed distribution of population and employment;
 - (iii) a scenario that, to the maximum extent practicable, maintains baseline conditions for the performance measures identified in subsection (h)(2);
 - (iv) a scenario that improves the baseline conditions for as many of the performance measures identified in subsection (h)(2) 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.
- (C) Metrics.-In addition to the performance measures identified in section 150(c), metropolitan planning organizations may evaluate scenarios developed under this paragraph using locally-developed measures.¹⁷
- (5) Consultation.-
- (A) In general.-In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range transportation plan.
 - (B) Issues.-The consultation shall involve, as appropriate-
 - (i) comparison of transportation plans with State conservation plans or maps, if available; or
 - (ii) comparison of transportation plans to inventories of natural or historic resources, if available.
- (6) Participation by interested parties.-
- (A) In general.-Each metropolitan planning organization shall provide citizens, 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 a carpool program, vanpool program, transit benefit program, parking 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, and other interested parties with a reasonable opportunity to comment on the transportation plan.
 - (B) Contents of participation plan.-A participation plan-

¹⁷ From 49 USC 5303: (C) Metrics.-In addition to the performance measures identified in section 150(c) of title 23, metropolitan planning organizations may evaluate scenarios developed under this paragraph using locally-developed measures.

- (i) shall be developed in consultation with all interested parties; and
 - (ii) shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan.
- (C) Methods.-In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable-
- (i) hold any public meetings at convenient and accessible locations and times;
 - (ii) employ visualization techniques to describe plans; and
 - (iii) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).
- (7) Publication.-A transportation plan involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, approved by the metropolitan planning organization and submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.
- (8) Selection of projects from illustrative list.-Notwithstanding paragraph (2)(E), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(E).

(j) Metropolitan TIP.-

Text omitted. Not specific to the long range plan.

(k) Transportation Management Areas.-

Text omitted. Not specific to the long range plan because TRPC is not a Transportation Management Area.

(l) Report on Performance-based Planning Processes.-

Text omitted. This section outlines requirements for the federal Secretary of Transportation.

(m) Abbreviated Plans for Certain Areas.-

- (1) In general.-Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated transportation plan and TIP for the metropolitan planning area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

- (2) Nonattainment areas.-The Secretary may not permit abbreviated plans or TIPs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

(n) Additional Requirements for Certain Nonattainment Areas.-

Text omitted. Not applicable to the long range plan because TRPC is in attainment and is not a transportation management area.

- (o) Limitation on Statutory Construction.-**Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this title or chapter 53 of title 49.¹⁸

- (p) Funding.-**Funds apportioned under paragraphs (5)(D) and (6) of section 104(b) of this title or section 5305(g) of title 49 shall be available to carry out this section.¹⁹

- (q) Continuation of Current Review Practice.-**Since plans and TIPs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in plans and TIPs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and TIPs described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a plan or TIP described in this section shall not be considered to be a Federal action subject to review under that Act.

(r) Bi-State Metropolitan Planning Organization.-

Text omitted. Not specific to the long range plan.

¹⁸ From 49 USC 5303: (o) Limitation on Statutory Construction.-Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this chapter or title 23.

¹⁹ From 49 USC 5303: (p) Funding.-Funds apportioned under section 104(b)(5) of title 23 or section 5305(g) shall be available to carry out this section.

23 CFR 450 Subpart C: Metropolitan transportation planning and programming

From Title 23-Highways Part 450 -Planning Assistance and Standards

Subpart C: Metropolitan Transportation Planning and Programming

Text contains those regulations in effect May 24, 2019 (<http://www.ecfr.gov/>).

The United States Code of Federal Regulations (CFR) is the codification of the general and permanent rules and regulations (sometimes called administrative law) published in the Federal Register by the executive departments and agencies of the federal government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

This text reflects the requirements of the Fixing America's Surface Transportation (FAST) Act approved in December 2015, which requires the use of a performance-based approach to decision-making.

§450.300 Purpose.

The purposes of this subpart are to implement the provisions of 23 U.S.C. 134, 23 U.S.C. 150, and 49 U.S.C. 5303, as amended, which:

- (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
- (b) Encourages continued development and improvement of metropolitan transportation planning processes guided by the planning factors set forth in 23 U.S.C. 134(h) and 49 U.S.C. 5303(h).

§450.302 Applicability.

The provisions of this subpart are applicable to organizations and entities responsible for the transportation planning and programming processes in metropolitan planning areas.

§450.304 Definitions.

Except as otherwise provided in subpart A of this part, terms defined in 23 U.S.C. 101(a) and 49 U.S.C. 5302 are used in this subpart as so defined.

§450.306 Scope of the metropolitan transportation planning process.

- (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.
- (b) 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:
 - (1) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
 - (2) Increase the safety of the transportation system for motorized and non-motorized users;
 - (3) Increase the security of the transportation system for motorized and non-motorized users;
 - (4) Increase accessibility and mobility of people and freight;
 - (5) Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
 - (6) Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
 - (7) Promote efficient system management and operation;
 - (8) Emphasize the preservation of the existing transportation system;
 - (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.
- (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.

- (d) Performance-based approach.
- (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 23 U.S.C. 150(b) and the general purposes described in 49 U.S.C. 5301(c).
 - (2) Establishment of performance targets by metropolitan planning organizations.
 - (i) Each metropolitan planning organization shall establish performance targets that address the performance measures or standards established under 23 CFR part 490 (where applicable), 49 U.S.C. 5326(c), and 49 U.S.C. 5329(d) 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 23 U.S.C. 150(c) 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 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d) shall be coordinated, to the maximum extent practicable, with public transportation providers to ensure consistency with the performance targets that public transportation providers establish under 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d).
 - (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.
 - (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:
 - (i) The State asset management plan for the NHS, as defined in 23 U.S.C. 119(e) and the Transit Asset Management Plan, as discussed in 49 U.S.C. 5326;
 - (ii) Applicable portions of the HSIP, including the SHSP, as specified in 23 U.S.C. 148;
 - (iii) The Public Transportation Agency Safety Plan in 49 U.S.C. 5329(d);
 - (iv) Other safety and security planning and review processes, plans, and programs, as appropriate;
 - (v) The Congestion Mitigation and Air Quality Improvement Program performance plan in 23 U.S.C. 149(l), 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.
- (e) The failure to consider any factor specified in paragraph (b) or (d) of this section shall not be reviewable by any court under title 23 U.S.C., 49 U.S.C. Chapter 53, subchapter II of title 5, U.S.C. Chapter 5, or title 5 U.S.C. Chapter 7 in any matter affecting a metropolitan transportation plan, TIP, a project or strategy, or the certification of a metropolitan transportation planning process.
- (f) An MPO shall carry out the metropolitan transportation planning process in coordination with the statewide transportation planning process required by 23 U.S.C. 135 and 49 U.S.C. 5304.
- (g) The metropolitan transportation planning process shall (to the maximum extent practicable) be consistent with the development of applicable regional intelligent transportation systems (ITS) architectures, as defined in 23 CFR part 940.
- (h) Preparation of the coordinated public transit-human services transportation plan, as required by 49 U.S.C. 5310, should be coordinated and consistent with the metropolitan transportation planning process.
- (i) In an urbanized area not designated as a TMA that is an air quality attainment area, the MPO(s) may propose and submit to the FHWA and the FTA for approval a procedure for developing an abbreviated metropolitan transportation plan and TIP. In developing proposed simplified planning procedures, consideration shall be given to whether the abbreviated metropolitan transportation plan and TIP will achieve the purposes of 23 U.S.C. 134, 49 U.S.C. 5303, and this part, taking into account the complexity of the transportation problems in the area. The MPO shall develop simplified procedures in cooperation with the State(s) and public transportation operator(s).

§450.308 Funding for transportation planning and unified planning work programs.

Text omitted. Not specific to the long range plan.

§450.310 Metropolitan planning organization designation and **redesignation**.

Text omitted. Not specific to the long range plan.

§450.312 Metropolitan Planning Area boundaries.

Text omitted. Not specific to the long range plan.

§450.314 Metropolitan planning agreements.

Text omitted. Not specific to the long range plan.

§450.316 Interested parties, participation, and consultation.

- (a) The MPO shall develop and use a documented participation plan that defines a process for providing 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 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, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.
 - (1) The MPO shall develop the participation plan in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:
 - (i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;
 - (ii) Providing timely notice and reasonable access to information about transportation issues and processes;
 - (iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;
 - (iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;
 - (v) Holding any public meetings at convenient and accessible locations and times;
 - (vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;
 - (vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;
 - (viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues that interested parties could not reasonably have foreseen from the public involvement efforts;
 - (ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and
 - (x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

- (2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93, subpart A), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.
 - (3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.
- (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:
- (1) Recipients of assistance under title 49 U.S.C. Chapter 53;
 - (2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and
 - (3) Recipients of assistance under 23 U.S.C. 201-204.
- (c) When the MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.
- (d) When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.
- (e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under §450.314.

§450.318 Transportation planning studies and project development.

Text omitted. Not specific to the long range plan.

§450.320 Development of programmatic mitigation plans.

Text omitted. Not specific to the long range plan.

§450.322 Congestion management process in transportation management areas.

Text omitted. Not specific to the long range plan.

§450.324 Development and content of the metropolitan transportation plan.

- (a) The metropolitan transportation planning process shall include the development of a transportation plan addressing no less than a 20-year planning horizon as of the effective date. In formulating the transportation plan, the MPO shall consider factors described in §450.306 as the factors relate to a minimum 20-year forecast period. In nonattainment and maintenance areas, the effective date of the transportation plan shall be the date of a conformity determination issued by the FHWA and the FTA. In attainment areas, the effective date of the transportation plan shall be its date of adoption by the MPO.
- (b) The transportation plan shall include both long-range and short-range strategies/actions that provide for the development of an integrated multimodal transportation system (including accessible pedestrian walkways and bicycle transportation facilities) to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.
- (c) The MPO shall review and update the transportation plan at least every 4 years in air quality nonattainment and maintenance areas and at least every 5 years in attainment areas to confirm the transportation plan's validity and consistency with current and forecasted transportation and land use conditions and trends and to extend the forecast period to at least a 20-year planning horizon. In addition, the MPO may revise the transportation plan at any time using the procedures in this section without a requirement to extend the horizon year. The MPO shall approve the transportation plan (and any revisions) and submit it for information purposes to the Governor. Copies of any updated or revised transportation plans must be provided to the FHWA and the FTA.
- (d) In metropolitan areas that are in nonattainment for ozone or carbon monoxide, the MPO shall coordinate the development of the metropolitan transportation plan with the process for developing transportation control measures (TCMs) in a State Implementation Plan (SIP).
- (e) The MPO, the State(s), and the public transportation operator(s) shall validate data used in preparing other existing modal plans for providing input to the transportation plan. In updating the transportation plan, the MPO shall base the update on the latest available estimates and assumptions for population, land use, travel, employment, congestion, and economic activity. The MPO shall approve transportation plan contents and supporting analyses produced by a transportation plan update.
- (f) The metropolitan transportation plan shall, at a minimum, include:
 - (1) The current and projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan;
 - (2) Existing and proposed transportation facilities (including major roadways, public transportation facilities, intercity bus facilities, multimodal and intermodal facilities, nonmotorized transportation facilities (e.g., pedestrian walkways and bicycle facilities), and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions over the period of the transportation plan.

- (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).
- (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—
 - (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
 - (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.
- (5) Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods;
- (6) Consideration of the results of the congestion management process in TMAs that meet the requirements of this subpart, including the identification of SOV projects that result from a congestion management process in TMAs that are nonattainment for ozone or carbon monoxide.
- (7) Assessment of capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure, provide for multimodal capacity increases based on regional priorities and needs, and reduce the vulnerability of the existing transportation infrastructure to natural disasters. The metropolitan transportation plan may consider projects and strategies that address areas or corridors where current or projected congestion threatens the efficient functioning of key elements of the metropolitan area's transportation system.
- (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 23 U.S.C. 101(a), and associated transit improvements, as described in 49 U.S.C. 5302(a), as appropriate;
- (9) Design concept and design scope descriptions of all existing and proposed transportation facilities in sufficient detail, regardless of funding source, in nonattainment and maintenance areas for conformity determinations under the EPA's transportation conformity regulations (40 CFR part 93, subpart A). In all areas (regardless of air quality designation), all proposed improvements shall be described in sufficient detail to develop cost estimates;
- (10) A discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the metropolitan transportation plan. The discussion may focus on policies, programs, or strategies, rather than at the project level. The MPO shall develop the discussion in consultation with applicable Federal, State, and Tribal land management, wildlife, and regulatory agencies. The MPO may establish reasonable timeframes for performing this consultation;

- (11) A financial plan that demonstrates how the adopted transportation plan can be implemented.
- (i) For purposes of transportation system operations and maintenance, the financial plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain the Federal-aid highways (as defined by 23 U.S.C. 101(a)(5)) and public transportation (as defined by title 49 U.S.C. Chapter 53).
 - (ii) For the purpose of developing the metropolitan transportation plan, the MPO(s), public transportation operator(s), and State shall cooperatively develop estimates of funds that will be available to support metropolitan transportation plan implementation, as required under §450.314(a). All necessary financial resources from public and private sources that are reasonably expected to be made available to carry out the transportation plan shall be identified.
 - (iii) The financial plan shall include recommendations on any additional financing strategies to fund projects and programs included in the metropolitan transportation plan. In the case of new funding sources, strategies for ensuring their availability shall be identified. 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 for projects in the plan.
 - (iv) In developing the financial plan, the MPO shall take into account all projects and strategies proposed for funding under title 23 U.S.C., title 49 U.S.C. Chapter 53 or with other Federal funds; State assistance; local sources; and private participation. Revenue and cost estimates that support the metropolitan transportation plan must use an inflation rate(s) to reflect “year of expenditure dollars,” based on reasonable financial principles and information, developed cooperatively by the MPO, State(s), and public transportation operator(s).
 - (v) For the outer years of the metropolitan transportation plan (i.e., beyond the first 10 years), the financial plan may reflect aggregate cost ranges/cost bands, as long as the future funding source(s) is reasonably expected to be available to support the projected cost ranges/cost bands.
 - (vi) For nonattainment and maintenance areas, the financial plan shall address the specific financial strategies required to ensure the implementation of TCMs in the applicable SIP.
 - (vii) For illustrative purposes, the financial plan may include additional projects that would be included in the adopted transportation plan if additional resources beyond those identified in the financial plan were to become available.
 - (viii) In cases that the FHWA and the FTA find a metropolitan transportation plan to be fiscally constrained and a revenue source is subsequently removed or substantially reduced (i.e., by legislative or administrative actions), the FHWA and the FTA will not withdraw the original determination of fiscal constraint; however, in such cases, the FHWA and the FTA will not act on an updated or amended metropolitan transportation plan that does not reflect the changed revenue situation.

- (12) Pedestrian walkway and bicycle transportation facilities in accordance with 23 U.S.C. 217(g).
- (g) The MPO shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of the transportation plan. The consultation shall involve, as appropriate:
 - (1) Comparison of transportation plans with State conservation plans or maps, if available; or
 - (2) Comparison of transportation plans to inventories of natural or historic resources, if available.
- (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 659, 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.
- (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 (i) 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 developed under this paragraph using locally developed measures.

- (j) 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).
- (k) The MPO shall publish or otherwise make readily available the metropolitan transportation plan for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.
- (l) A State or MPO is not required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (f)(11) of this section.
- (m) In nonattainment and maintenance areas for transportation-related pollutants, the MPO, as well as the FHWA and the FTA, must make a conformity determination on any updated or amended transportation plan in accordance with the Clean Air Act and the EPA transportation conformity regulations (40 CFR part 93, subpart A). A 12-month conformity lapse grace period will be implemented when an area misses an applicable deadline, in accordance with 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 can prepare an interim metropolitan transportation plan as a basis for advancing projects that are eligible to proceed under a conformity lapse. An interim metropolitan transportation plan consisting of eligible projects from, or consistent with, the most recent conforming transportation plan and TIP may proceed immediately without revisiting the requirements of this section, subject to interagency consultation defined in 40 CFR part 93, subpart A. An interim metropolitan transportation plan 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.

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

Text omitted. Not specific to the long range plan.

§450.328 TIP revisions and relationship to the STIP.

Text omitted. Not specific to the long range plan.

§450.330 TIP action by the FHWA and the FTA.

Text omitted. Not specific to the long range plan.

§450.332 Project selection from the TIP.

Text omitted. Not specific to the long range plan.

§450.334 Annual listing of obligated projects.

Text omitted. Not specific to the long range plan.

§450.336 Self-certifications and Federal certifications.

Text omitted. Not specific to the long range plan.

§450.338 Applicability of NEPA to metropolitan transportation plans and programs.

Any decision by the Secretary concerning a metropolitan transportation plan or TIP developed through the processes provided for in 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

§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.e., 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 underlying transportation planning process is consistent with the requirements in the MAP-21.
- (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.
- (e) Two years from the effective date of each rule establishing performance measures under 23 U.S.C. 150(c), 49 U.S.C. 5326, and 49 U.S.C. 5329 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.

- (f) Prior to 2 years from the effective date of each rule establishing performance measures under 23 U.S.C. 150(c), 49 U.S.C. 5326, or 49 U.S.C. 5329, 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 23 U.S.C. 150(c), 49 U.S.C. 5326, or 49 U.S.C. 5329, 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.
- (g) A newly designated TMA shall implement the congestion management process described in §450.322 within 18 months of designation.

Appendix A to Part 450—Linking the Transportation Planning and NEPA Processes

Text omitted. This section provides additional information about the transportation planning process and using NEPA in project development. The long range plan is specifically exempt from NEPA, as stated in §450.338 above.

RCW 47.80: Regional Transportation Planning Organizations

Text contains those laws in effect May 30, 2019, <http://apps.leg.wa.gov/rcw/>.

The Revised Code of Washington (RCW) is the compilation of all Washington State permanent laws now in force. It is a collection of Session Laws (enacted by the Legislature, and signed by the Governor, or enacted via the initiative process), arranged by topic, with amendments added and repealed laws removed. It does not include temporary laws such as appropriations acts.

From Title 47 Public Highways and Transportation

§80 Metropolitan transportation planning

RCW 47.80.010 Findings—Declaration.

The legislature finds that while the transportation system in Washington is owned and operated by numerous public jurisdictions, it should function as one interconnected and coordinated system. Transportation planning, at all jurisdictional levels, should be coordinated with local comprehensive plans. Further, local jurisdictions and the state should cooperate to achieve both statewide and local transportation goals. To facilitate this coordination and cooperation among state and local jurisdictions, the legislature declares it to be in the state's interest to establish a coordinated planning program for regional transportation systems and facilities throughout the state.

RCW 47.80.011 Legislative intent.

The legislature recognizes that recent legislative enactments have significantly added to the complexity of and to the potential for benefits from integrated transportation and comprehensive planning and that there is currently a unique opportunity for integration of local comprehensive plans and regional goals with state and local transportation programs. Further, approaches to transportation demand management initiatives and local and state transportation funding can be better coordinated to insure an efficient, effective transportation system that insures mobility and accessibility, and addresses community needs.

The legislature further finds that transportation and land use share a critical relationship that policymakers can better utilize to address regional strategies.

Prudent and cost-effective investment by the state and by local governments in highway facilities, local streets and arterials, rail facilities, marine facilities, nonmotorized transportation facilities and systems, public transit systems, transportation system management, transportation demand management, and the development of high capacity transit systems can help to effectively address mobility needs. Such investment can also enhance local and state objectives for effective comprehensive planning, economic development strategies, and clean air policies.

The legislature finds that addressing public initiatives regarding transportation and comprehensive planning necessitates an innovative approach. Improved integration between transportation and comprehensive planning among public institutions, particularly in the state's largest metropolitan areas is considered by the state to be imperative, and to have significant benefit to the citizens of Washington.

RCW 47.80.020 Regional transportation planning organizations authorized.

Text omitted. Not specific to the long range plan.

RCW 47.80.023 Duties.

Each regional transportation planning organization shall have the following duties:

- (1) Prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional transportation plan.
- (2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with countywide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.
- (3) Certify by December 31, 1996, that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

- (4) Where appropriate, certify that countywide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.
- (5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively, and any recommended programs or projects identified by the agency council on coordinated transportation, as provided in *chapter 47.06B RCW, that advance special needs coordinated transportation as defined in *RCW 47.06B.012. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be funded. The program shall be updated at least every two years for the ensuing six-year period.
- (6) Include specific opportunities and projects to advance special needs coordinated transportation, as defined in *RCW 47.06B.012, in the coordinated transit-human services transportation plan, after providing opportunity for public comment.
- (7) Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.
- (8) Review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.
- (9) Work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.
- (10) Submit to the agency council on coordinated transportation, as provided in *chapter 47.06B RCW, beginning on July 1, 2007, and every four years thereafter, an updated plan that includes the elements identified by the council. Each regional transportation planning organization must submit to the council every two years a prioritized regional human service and transportation project list.

RCW 47.80.026 Comprehensive plans, transportation guidelines, and principles.

Text omitted. Not specific to the long range plan.

RCW 47.80.030 Regional transportation plan—Contents, review, use.

- (1) Each regional transportation planning organization shall develop in cooperation with the department of transportation, providers of public transportation and high capacity transportation, ports, and local governments within the region, adopt, and periodically update a regional transportation plan that:

- (a) Is based on a least cost planning methodology that identifies the most cost-effective facilities, services, and programs;
- (b) Identifies existing or planned transportation facilities, services, and programs, including but not limited to major roadways including state highways and regional arterials, transit and nonmotorized services and facilities, multimodal and intermodal facilities, marine ports and airports, railroads, and noncapital programs including transportation demand management that should function as an integrated regional transportation system, giving emphasis to those facilities, services, and programs that exhibit one or more of the following characteristics:
 - (i) Crosses member county lines;
 - (ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;
 - (iii) Significant impacts are expected to be felt in more than one county;
 - (iv) Potentially adverse impacts of the facility, service, program, or project can be better avoided or mitigated through adherence to regional policies;
 - (v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance; and
 - (vi) Provides for system continuity;
- (c) Establishes level of service standards for state highways and state ferry routes, with the exception of transportation facilities of statewide significance as defined in RCW 47.06.140. These regionally established level of service standards for state highways and state ferries shall be developed jointly with the department of transportation, to encourage consistency across jurisdictions. In establishing level of service standards for state highways and state ferries, consideration shall be given for the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local commuters using state facilities;
- (d) Includes a financial plan demonstrating how the regional transportation plan can be implemented, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques to finance needed facilities, services, and programs;
- (e) Assesses regional development patterns, capital investment and other measures necessary to:
 - (i) Ensure the preservation of the existing regional transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit, railroad systems and corridors, and nonmotorized facilities; and
 - (ii) Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods;

- (f) Sets forth a proposed regional transportation approach, including capital investments, service improvements, programs, and transportation demand management measures to guide the development of the integrated, multimodal regional transportation system. For regional growth centers, the approach must address transportation concurrency strategies required under RCW 36.70A.070 and include a measurement of vehicle level of service for off-peak periods and total multimodal capacity for peak periods; and
 - (g) Where appropriate, sets forth the relationship of high capacity transportation providers and other public transit providers with regard to responsibility for, and the coordination between, services and facilities.
- (2) The organization shall review the regional transportation plan biennially for currency and forward the adopted plan along with documentation of the biennial review to the state department of transportation.
 - (3) All transportation projects, programs, and transportation demand management measures within the region that have an impact upon regional facilities or services must be consistent with the plan and with the adopted regional growth and transportation strategies.

RCW 47.80.040 Transportation policy boards.

Text omitted. Not specific to the long range plan.

RCW 47.80.050 Allocation of regional transportation planning funds.

Text omitted. Not specific to the long range plan.

RCW 47.80.060 Executive board membership.

Text omitted. Not specific to the long range plan.

RCW 47.80.070 Statewide consistency.

In order to ensure statewide consistency in the regional transportation planning process, the state department of transportation, in conformance with chapter 34.05 RCW, shall:

- (1) In cooperation with regional transportation planning organizations, establish minimum standards for development of a regional transportation plan;
- (2) Facilitate coordination between regional transportation planning organizations; and
- (3) Through the regional transportation planning process, and through state planning efforts as required by RCW 47.01.071, identify and jointly plan improvements and strategies within those corridors important to moving people and goods on a regional or statewide basis.

RCW 47.80.080 Majority vote on state matters.

Text omitted. Not specific to the long range plan.

RCW 47.80.090 Regional transportation planning organizations—Electric vehicle infrastructure.

Text omitted. Not applicable because Thurston County's population is less than 1 million.

RCW 47.80.902 Captions not part of law—1994 c 158.

Text omitted. Not specific to the long range plan.

RCW 47.80.904 Effective date—1994 c 158.

Text omitted. Not specific to the long range plan.

468-86: WAC RTPO Planning Standards and Guidelines

From Title 468 Department of Transportation

§86 WAC RTPO Planning Standards and Guidelines

Text contains those regulations in effect May 30, 2019, <http://apps.leg.wa.gov/wac/>.

The Washington Administrative Code (WAC) are the codes (regulations or rules) that are adopted by State agencies to enact State legislation and the Revised Code of Washington. Like legislation and the Constitution, regulations are a source of primary law in Washington State. The WAC codifies the regulations and arranges them by subject or agency.

Part One: Purpose/Authority

468-86-010 Authority.

The regional transportation planning program was authorized by the 1990 legislature as part of the state's Growth Management Act. The program is contained in chapter 47.80 RCW, with funding appropriations made as part of the Department of Transportation Appropriations Act.

468-86-020 Purpose/intent.

- (1) The regional transportation planning program creates a formal mechanism for local governments and the state to coordinate transportation planning for regional transportation facilities. The act authorized the creation of regional transportation planning organizations (RTPO) by local governments to coordinate transportation planning among jurisdictions and develop a regional transportation plan. The regional transportation planning program is available to all counties and cities statewide (RCW 47.80.020).

- (2) The legislature has authorized a grant program to fund this work. The department has the authority to administer this grant program, and to develop in cooperation with the RTPOs:
 - (a) Minimum planning standards for the development of a regional transportation plan;
 - (b) The RTPO regional transportation improvement program;
 - (c) Planning guidelines and principles;
 - (d) Certification standards for the transportation portion of local comprehensive plans and county-wide planning policies;
 - (e) The adoption of LOS standards on state transportation facilities; and
 - (f) RTPO regional transportation strategies.
- (3) The purpose of the minimum planning standards is to guide RTPOs in the use of the regional transportation planning grants, and in the development of planning products under the program. Work proposed by each regional transportation planning organization shall be included in a work program that demonstrates adherence to the planning standards within this chapter. The intent of the department is to provide guidance that is sufficient to ensure a minimum level of consistency across the state, while providing flexibility for regions to meet specific mobility needs.
- (4) The department will achieve this purpose through the establishment of these rules and through the cooperative development and maintenance of a set of RTPO planning standards and guidelines. Copies of these standards and guidelines will be available through the department's transportation planning office.

Part Two: General Requirements

468-86-030 Definitions.

"Consistency" means that no feature of a plan or regulation is incompatible with any other feature of a plan or regulation. Consistency is indicative of a capacity for orderly integration or operation with other elements in a system.

"Department" means the department of transportation (WSDOT).

"Least cost planning" means a process of comparing direct and indirect costs of demand and supply options to meet transportation goals and/or policies where the intent of the process is to identify the most cost-effective mix of options.

"Level of service" means an established minimum capacity for both transit and regional arterials that must be provided per unit of demand or other appropriate measure of need.

"Organization" means regional transportation planning organization (RTPO).

"Region" means the area that includes the local jurisdictions that comprise the regional transportation planning organization.

“Urbanized area” means those areas designated as such by the U.S. Bureau of the Census.

“Urban growth areas” means those areas designated by a county pursuant to RCW 36.70A.110.

468-86-040 Determining the region.

Text omitted. Not specific to the long range plan.

468-86-050 Establishing the organization.

Text omitted. Not specific to the long range plan.

468-86-060 Relationship to MPOs.

Text omitted. Not specific to the long range plan.

468-86-070 Designation procedures.

Text omitted. Not specific to the long range plan.

Part Three: Regional Transportation Plan

468-86-080 Least-cost planning methodology.

The methodology shall consider direct and indirect costs and benefits for all reasonable options to meet planning goals and objectives. The methodology shall treat demand and supply resources on a consistent and integrated basis. The regional transportation planning organizations shall consult the guidelines set forth by the department for implementing a least-cost planning methodology. Regional transportation plans should incrementally incorporate least-cost planning methodologies as these concepts are developed. The regional transportation plan adopted after July 1, 2000, shall be based on a least-cost planning methodology appropriate to the region.

468-86-090 Regional transportation goals and objectives.

The regional transportation planning program is meant to foster an ongoing transportation planning and decision-making process that actively plans for the improvement of regional transportation systems and coordinates this process among jurisdictions. The goals and objectives of the regional transportation plan should incorporate existing transportation related county-wide planning policies or multicounty transportation related planning policies where adopted and adhere to the following principles:

- (1) Build upon applicable portions of the existing local comprehensive plan and process and promote the establishment of a regional perspective into the local comprehensive plan;
- (2) Encourage partnerships between federal, state, local and tribal governments, special districts, the private sector, the general public, and other interest groups during conception, technical analysis, policy development, and decision processes in developing, updating, and maintaining the regional transportation plan;
- (3) Ensure early and continuous public involvement from conceptual planning through decision making;

- (4) Shall be ongoing, and incorporate short and long range multimodal planning activities to address major capacity expansion and operational improvements to the regional transportation system;
- (5) Use regionally coordinated, valid and consistent technical methods and data should be used in identifying and analyzing needs;
- (6) Consider environmental impacts related to the development of regional transportation policies and facilities and;
- (7) Address the policies regarding the coordination of transportation planning among regional jurisdictions, including the relationship between regional transportation planning, local comprehensive planning and state transportation planning.

Within these principles, regions shall develop their own ongoing planning process for the development and refinement of the regional transportation plan, and provide a forum for the discussion of regional transportation planning issues.

468-86-100 Regional transportation strategy.

Each regional transportation planning organization shall develop a regional transportation strategy. The strategy should identify alternative transportation modes within the region and recommend policies to:

- (1) Address each transportation mode;
- (2) Address intermodal connections between modes; and
- (3) Address transportation demand management where required.

The regional transportation strategy is intended to guide development of the regional transportation plan and any periodic updates.

Adopted multicounty and county-wide planning policies and policies from local comprehensive plans that are regional in scope and regionally consistent should provide the basis for the regional transportation strategy. The regional transportation strategy should be periodically reviewed and updated as necessary to reflect changing priorities or to maintain regional consistency.

468-86-110 Needs, deficiencies, data requirements, and coordinated regional transportation and land use assumptions.

- (1) The following components shall be developed and incorporated in the RTP:
 - (a) An inventory of existing regional transportation facilities and services, including physical, operational, and usage characteristics of the regional transportation system;
 - (b) An evaluation of current facilities and services, comparing current usage, and operational characteristics to level of service standards, and identification of regional transportation needs;

- (c) Forecasts of future travel demand, based on the regional transportation strategy and local comprehensive plans;
 - (d) Identification of future regional transportation system deficiencies, comparing future travel needs for movement of people and goods to available facilities and services; and
 - (e) Coordinated common regional assumptions (growth, population, employment, mode split, etc.,) among local jurisdictions for the development of all transportation models to ensure consistency within the RTPO, and:
 - (i) These common regional assumptions shall recognize the planning requirements of the state's Growth Management Act, and;
 - (ii) Be consistent with population forecasts prepared by the office of financial management.
- (2) Performance monitoring. An integral part of the regional transportation plan is monitoring the performance of the regional transportation system over time. This information is necessary to determine the success of plan implementation and the effect of the desired improvements on the performance of the regional transportation system. Each RTPO shall describe their performance monitoring system in the regional transportation plan. The performance monitoring measures shall include traffic volumes and vehicle miles of travel (VMT) at a minimum and can include, but are not limited to, travel time, speed, safety standards and other measures. Performance monitoring measures should be coordinated and measurable on a consistent basis throughout the RTPO.
- (3) Regional development patterns and investments. The regional transportation plan shall include a general assessment of regional development patterns and investments. This analysis is intended to provide direction and background information for updates of the regional transportation plan. The RTP updates shall be based upon a general retrospective discussion of current land use and transportation patterns and their relationship to the region's goals and objectives and elsewhere in the regional transportation plan. Current and projected development patterns and the expected magnitudes and time frame in which these developments are expected to occur should be reviewed and evaluated against the regional growth and transportation strategies. If the regional growth and transportation strategies have changed or current and projected development can be shown to be inconsistent, the plan should be updated to reflect these changes, or development policies should be updated to assure consistency and continuity of transportation and land use issues within the region. The region's interrelationships between growth and transportation should be discussed along with strategies such as access control, development of heritage corridors, and other measures designed to maintain current and proposed development patterns consistent with the regional transportation plan and the transportation and land use elements of local comprehensive plans.

468-86-120 Financial component.

The financial component shall include the following:

- (1) An analysis of funding capacity including an inventory of revenue sources for regional transportation improvements, and probable funding levels available for regional transportation improvements from each source;

- (2) Probable funding comparisons with identified current and future needs, including identified funding shortfalls; and
- (3) If funding shortfalls are identified, an analysis of additional funding resources to make up the shortfall, or a reassessment of the regional transportation strategies, at a minimum, to ensure that transportation needs fall within probable funding levels.

468-86-130 Proposed future transportation network.

Based upon the identified needs and probable funding levels within the region, the proposed future transportation network defines specific facility or service improvements, transportation system management strategies, and demand management strategies proposed for implementation on the regional transportation system. The plan shall identify priority levels for these improvements to guide local jurisdictions and the state in implementation and development of the regional transportation improvement program.

468-86-140 High capacity transit and public transportation interrelationships.

Within those RTPOs where there is an existing or proposed high capacity transit system, the regional transportation plan shall discuss the relationship between the high capacity transit system and conventional public transit system. This could include policies to maintain coordinated arrivals and departures of interconnecting routes, coordination with other multimodal transportation centers, and other strategies targeted at improving these intermodal relationships over time.

Part Four: Certification

468-86-150 Certification.

- (1) By December 31, 1996, each RTPO shall certify, that the transportation element of all comprehensive plans for cities and counties planning under the Growth Management Act:
 - (a) Reflect the transportation guidelines and principles established in the regional transportation plan;
 - (b) Are consistent with the adopted regional transportation plan; and
 - (c) Conform with the requirements of RCW 36.70A.070.
- (2) Each RTPO shall also certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.
- (3) Regions shall cooperatively define and establish measures and processes to determine regional consistency with the adopted regional transportation plan.

Part Five: Transportation Improvement Program

468-86-160 Regional transportation improvement program.

Text omitted. Not specific to the long range plan.

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