

# Regional Transportation Plan & Congestion Management Process Updates

## MEMORANDUM

TITLE: Tech Memo 1: RTP and CMP Introduction and Regulatory Framework

DATE: March 14, 2024

TO: Central Lane MPO RTP-CMP Technical Advisory Committee

FROM: Kelly Clarke, Principal Transportation Planner, Central Lane MPO

SUBJECT: Introduce the CLMPO RTP and CMP and their regulatory framework

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# 01. INTENT

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The Central Lane Metropolitan Planning Organization (CLMPO) is updating its 2045 Regional Transportation Plan (RTP) and Congestion Management Process (CMP). The intent of this memo is to:

- Describe the RTP and CMP
- Outline the project timeline
- Present the federal code requirements that must be met and/or considered

# 02. RTP

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## 2045 RTP

The CLMPO 2045 RTP is the long-range transportation planning document for Lane County's urban area; comprised of the cities of Eugene, Springfield, and Coburg. It represents a coordinated planning process between CLMPO and the local jurisdictions and presents the region's goals for a multimodal transportation system that will accommodate forecasted population and economic growth through a 2045 horizon year. The RTP supports policy direction and priorities consistent with local, state, and federal requirements and planning documents to guide the project, programs, plans, and management strategies for the regional transportation system through 2045.

The 2045 RTP is compliant with the requirements of the federal transportation act in place at the time of its adoption: the Fixing America's Surface Transportation (FAST) Act of 2015. The 2045 RTP supports forecasted land use, population, and employment growth allocations with a fiscally constrained list of projects and strategies. The 2045 RTP is also the CLMPO's first to establish a performance-based planning and programming framework to achieve the region's goals and measure progress along the way.

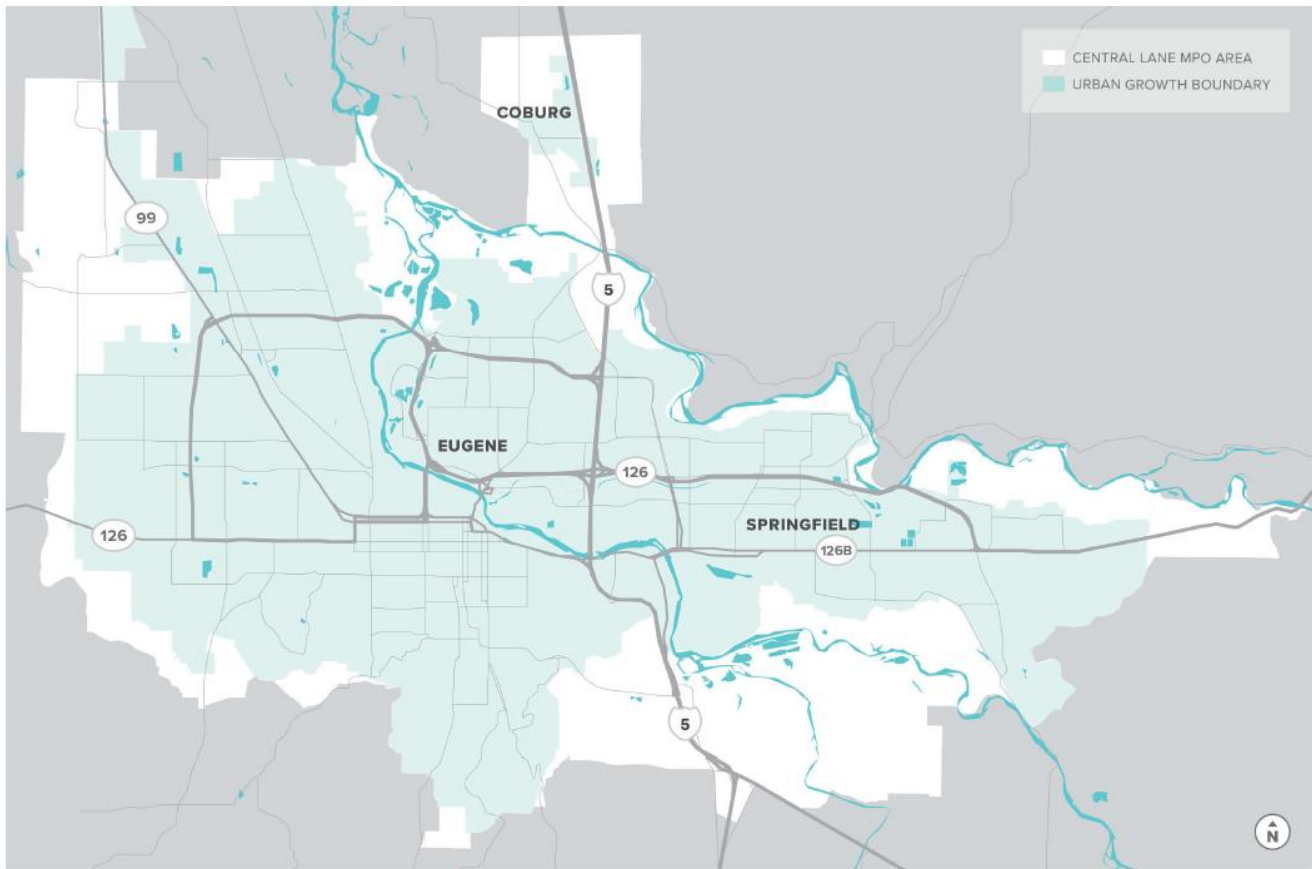
The 2045 RTP contains the following chapters and appendices:

- Chapter 1: Setting the Stage
- Chapter 2: Goals, Objectives, and Performance Measures
- Chapter 3: Regional Assessment
- Chapter 4: Financial Framework
- Chapter 5: Regional Projects
- Chapter 6: Measuring Plan Outcomes
- Chapter 7: The Future of the Region

- Appendix A: Consultation and Cooperation
- Appendix B: Congestion Management Process
- Appendix C: Factor 9 White Paper
- Appendix D: Factor 10 White Paper
- Appendix E: RTP Public Involvement Plan
- Appendix F: RTP Outreach Summary
- Appendix G 2020 Travel Barriers Survey

- Appendix H: Environmental Analysis
- Appendix I: RTP Air Quality Conformity Determination
- Appendix J: Illustrative Project List
- Appendix K: Travel Model Estimation Report
- Appendix L: Land Use Model Documentation

FIGURE 1. CLMPO PLANNING AREA



## 2049 RTP

CLMPO is federally required to update its RTP every 4 years.

*The Metropolitan Policy Committee (MPC) adopted the 2045 RTP January 6, 2022. This date set the clock to begin the 4 year update cycle. Accordingly, CLMPO's next RTP must be adopted by MPC by January 6, 2026.*

This update process will be a holistic update of the RTP's chapters and the underlying data and analysis. The 2045 RTP will be updated to have a 2049 horizon year with a 2022 base year.

Key phases and phase components of the update process will be:

PHASE	PHASE COMPONENTS
<p><b>TRAVEL AND LAND USE MODELS; DATA INVENTORY AND UPDATE</b></p>	<ul style="list-style-type: none"> <li>• Employment data disaggregation</li> <li>• Inventory data needed</li> <li>• Update base and future year data (pop, emp, school, etc)</li> <li>• Update travel network (motorized, non-motorized)</li> <li>• Update external data (travel to/from, through)</li> <li>• Land use model, enhancements, calibrate, validate, run</li> <li>• Travel model calibrate, validate</li> <li>• Travel model run</li> <li>• Existing conditions data update (TDM, TSMO, safety, env, transit, etc.)</li> </ul>
<p><b>CONTRACTING</b></p>	<ul style="list-style-type: none"> <li>• Travel Barriers Survey</li> <li>• Public Outreach</li> </ul>
<p><b>INVEST EVALUATION</b></p>	<ul style="list-style-type: none"> <li>• Audit RTP</li> <li>• Evaluate with INVEST tool</li> </ul>
<p><b>PUBLIC OUTREACH</b></p>	<ul style="list-style-type: none"> <li>• Public Outreach #1: Travel Barriers Survey, online workshop, etc.</li> <li>• Public Outreach #2:</li> <li>• Public Outreach #3:</li> <li>• MPC, Advisory Group(s) throughout</li> <li>• Interagency Consultation</li> </ul>
<p><b>REFINE GOALS AND OBJECTIVES</b></p>	<ul style="list-style-type: none"> <li>• Refine goals</li> <li>• Refine objectives</li> </ul>
<p><b>PERFORMANCE BASED PLANNING AND PROGRAMMING</b></p>	<ul style="list-style-type: none"> <li>• Establish PBPP framework</li> <li>• Performance measures - local, federal</li> <li>• Evaluate current RTP direction with PMs (connect with CFEC)</li> <li>• System performance report</li> </ul>
<p><b>SYSTEM GAPS AND NEEDS ANALYSIS; REVENUE BASE AND FUTURE</b></p>	<ul style="list-style-type: none"> <li>• System needs and gaps analysis</li> <li>• Revenue base and future</li> <li>• Other revenue sources - potential</li> <li>• O&amp;M cost projections</li> </ul>

PHASE	PHASE COMPONENTS
CALL FOR PROJECTS, PROGRAMS, STUDIES	<ul style="list-style-type: none"> <li>• Establish RTP project criteria</li> <li>• Agencies submit projects</li> <li>• Compile and map projects</li> <li>• Outreach</li> </ul>
DEVELOP CONSTRAINED RTP	<ul style="list-style-type: none"> <li>• Evaluate projects against revenue forecast</li> <li>• Finalize list</li> </ul>
MEASURE INVESTMENTS	<ul style="list-style-type: none"> <li>• Regional performance measures</li> <li>• Federal performance measures</li> <li>• Federal System Performance Report</li> </ul>
ENVIRONMENTAL ANALYSIS	<ul style="list-style-type: none"> <li>• Analysis of identified areas</li> <li>• RTP impacts analysis</li> </ul>
AIR QUALITY CONFORMITY DETERMINATION	<ul style="list-style-type: none"> <li>• Coordinate with LRAPA</li> <li>• Analysis of air quality</li> <li>• Report on criteria</li> <li>• Project list and maps</li> </ul>
FINALIZE DRAFT RTP - ADOPTION PROCESS	<ul style="list-style-type: none"> <li>• Compile reports from each phase - draft, edit, review, repeat</li> <li>• Final draft</li> <li>• Outreach</li> <li>• MPC</li> </ul>

## CERTIFICATION REVIEW

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are required to jointly review, evaluate, and certify the transportation planning process in all Transportation Management Areas (TMAs), to determine if the process meets the Federal planning requirements. TMA's are MPO's with a population over 200,000. FHWA and FTA must jointly certify the metropolitan transportation planning process in TMAs at least once every four years. Certification of the planning process is a prerequisite to the approval of Federal funding for transportation projects in urbanized areas. The certification review is also an opportunity to make recommendations that enhance the metropolitan transportation planning process to make well-informed capital and operating investment decisions. FHWA and FTA conducted its review of CLMPO through the summer of 2023 and issued its Certification Review Final Report September 28, 2023. The report contains corrective actions, and commendations on all parts of the CLMPO process areas. The corrective actions, recommendations,

and commendations specific to the 2045 RTP, including the performance based planning and programming framework, are:

### Corrective Actions

None

### Recommendations

- The Federal Review Team recommends additional attention to re-enforcing the connection among plan goals, objectives, performance measures and project identification as part of the next RTP update.
- The Federal Review Team recommends additional RTP financial plan improvements to include:
  - Expand detail on revenue assumptions to cover M&O costs and integrate the analysis with capital projects to reflect all regional transportation investments in summarizing fiscal constraint.
  - Provide more detail and justification on how the year of expenditure rate(s) were established for the short and long-term.
  - Include additional discussion on advancing policy options to address funding shortfall and discuss consequences of not covering unfunded project needs.
- The Federal Team recommends that CLMPO, as part of the next RTP update, develop a system performance report evaluating the condition and performance of the transportation system with respect to the performance targets, including progress achieved in comparison to baseline data and how changes in regional policies and investments have impacted achievement of performance targets.
- The Federal Team recommends additional improvements to fully develop the performance-based planning and programming element as part of the next RTP update and new TIP, including more closely linking performance targets with investment priorities.

### Commendations

2045 RTP document is well written and formatted to communicate a significant amount of information and data to a broad audience. The use of icons to demonstrate the connection to plan goals throughout the document was a particularly effective way to orient the reader.

This update effort will address the recommendations issued and will continue to incorporate the items identified in the commendations.

## 03. CMP

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The Congestion Management Process (CMP) is a combined effort of the Central Lane MPO and partner agencies: the Cities of Eugene, Springfield, and Coburg, Lane County, Lane Transit District, and ODOT. The CMP document lays out the process used by CLMPO to manage congestion. Congestion management is the application of strategies to improve transportation system performance and reliability by reducing the adverse impacts of vehicular congestion on the movement of people and goods. A CMP is a systematic and regionally accepted approach for managing vehicular congestion that provides accurate, up-to-date information on transportation system performance and assesses alternative strategies that meet state and local needs. The CMP is reflective of regional congestion issues as well as regional goals and objectives that are specific to the Central Lane MPO area.

FHWA requires all MPOs that have urban areas with a population of over 200,000, designated as TMAs, to have a CMP. According to Code of Federal Regulation (CFR), 23CFR450.320(a) and (b), TMAs shall cooperatively address congestion management through a process that provides for a safe and effective integrated management and operation of the multimodal transportation system...through the use of travel demand reduction and operational management strategies.

## CERTIFICATION REVIEW

### Corrective Actions

To fully meet the requirements of 23 CFR 450.322, CLMPO must update the CMP by January 2026 to specifically address the following requirements:

- Per 23 CFR 450.322(d)(5), document an implementation schedule including responsibilities for advancing CMP strategies and establish a link between the CMP, the RTP, and the TIP project prioritization and funding processes.
- Per 23 CFR 450.322(d)(6), develop and implement a process for periodic assessment of the effectiveness of CMP strategies to achieve system-level effectiveness and ensure implemented strategies are addressing congestion as intended.

### Recommendations

The Federal Review Team recommends that CLMPO continue to update the CMP, including:

- Expand definitions of key terms such as 'travel time reliability' and other transportation system data description terms,
- Describe how selected CMP strategies are chosen in impact corridors, and
- Use more modal 'quality of service' measures, such as transit, bike, and pedestrian.

### Commendations

None

This update effort will address the corrective actions and recommendations issued.



# 04. PROJECT TIMELINE

The following is a snapshot of the project timeline. A full timeline of the work plan is attached.

FIGURE 2. PROJECT TIMELINE

	2024												2025											
	Jan	Feb	March	Ap	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	Ap	May	June	July	Aug	Sept	Oct	Nov	Dec
Travel and land use models; Data inventory and update																								
Contracting																								
Templates																								
INVEST Evaluation																								
Public Outreach																								
Refine Goals and Objectives																								
Performance Based Planning and Programming																								
System Gaps and Needs Analysis; Revenue Base and Future																								
Call for Projects, Programs, Studies																								
Develop Constrained RTP																								
Measure Investments																								
Environmental Analysis																								
Air Quality Conformity Determination																								
Finalize Draft RTP - Adoption Process																								
Congestion Management Process																								

# 05. FEDERAL REQUIREMENTS

An MPO is a governmental entity federally required in urban areas with a population of 50,000 persons or more. As an MPO, CLMPO is charged with providing a comprehensive, continuous, and cooperative (3-C) regional transportation planning process for Lane County’s urban center and ensures this process guides federal spending on transportation. MPOs have three main priorities that must be met in order to maintain the flow of federal transportation dollars, MPOs. They are:

1. Maintain a Long-Range Transportation Plan (Regional Transportation Plan)
2. Develop a Transportation Improvement Program
3. Develop a Unified Planning Work Program

This project will serve to maintain the CLMPO Regional Transportation Plan. Failure to adopt an RTP that meets the requirements from the Code of Federal Regulations (CFRs) within established timelines will result in restricted or loss of federal funding.

The CFRs governing this update are:

- Title 23 – Highways – Parts 450 and 771
- Title 49 – Transportation – Part 613

This section provides all of the federal RTP requirements. The key framework is that the RTP must:

- *Be updated every four years;*
- *Provide a minimum 24-year plan horizon at adoption;*
- *Support federal planning factors and goals;*
- *Establish and use a performance based planning and programming approach;*
- *Identify long-range transportation goals and specific long- and short-range investment strategies across all modes of transportation to support meeting those goals;*
- *Support regional land use and economic development policies and plans;*

- *Demonstrate fiscal constraint for all funded projects;*
- *Demonstrate air quality conformity; and*
- *Reflect a broad set of public and stakeholder input.*

While the CFRs governing RTPs have not substantively changed over several eras of legislation, the MAP-12/FAST Act did bring some major changes. The 2045 RTP addressed these changes but the 2049 update will continue to integrate these new requirements. They are:

- Two New Planning Factors – 1) Improve resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and 2) enhance travel and tourism.
- Performance-Based Planning Approach – MPOs are required to integrate the goals, objectives, performance measures, and targets described in other performance-based plans into their RTPs.
- Assessment of Capital Investment and Other Strategies – RTPs are required to include an assessment of capital investment and other strategies to: 1) preserve the existing and projected future transportation infrastructure, 2) provide for multimodal capacity increases based on regional needs and priorities, and 3) reduce vulnerability of the existing infrastructure to natural disasters.
- Consideration of Public Transportation Facilities and Intercity Bus Facilities – RTPs must also consider the role of intercity bus systems, including systems that are privately owned and operated, in reducing congestion, and including transportation alternatives.
- Interested Parties, Public Participation, and Consultation – In addition to the interested parties listed, MPOs must also provide public ports with a reasonable opportunity to comment on the RTP. MPOs should also consult with officials responsible for tourism and natural disaster risk reduction when developing RTPs and FTIPs.
- Optional Scenario Planning – MPOs may use scenario planning during the development of RTPs.

## CODE OF FEDERAL REGULATIONS

The following is a summary of the federal requirements for RTPs. This section is organized to follow the CFRs numerically.

### §450.300 PURPOSE

The MPO 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) and foster economic growth and development, and takes into consideration resiliency needs, while minimizing transportation-related fuel consumption and air pollution.

## §450.306 SCOPE OF THE METROPOLITAN TRANSPORTATION PLANNING PROCESS

### *Planning Factors*

The long-range transportation plan must be developed through a performance-driven, outcome-based approach to planning. The 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 (regional) 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.

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)<sup>1</sup>, and housing and community development.

### *Performance-Based Approach*

The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision making to support national goals<sup>2</sup> and to use in tracking progress towards attainment of critical outcomes for the region.

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<sup>1</sup> *Section 4(f) Property.* Section 4(f) property means publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance.

*Use.* Except as set forth in §§774.11 and 774.13, a “use” of Section 4(f) property occurs:

- (1) When land is permanently incorporated into a transportation facility;
- (2) When there is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose as determined by the criteria in §774.13(d);  
or
- (3) When there is a constructive use of a Section 4(f) property as determined by the criteria in §774.15.

<sup>2</sup> 23 U.S.C. 150(b)

(b) National Goals.— It is in the interest of the United States to focus the Federal-aid highway program on the following national goals:

- (1) Safety.— To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
- (2) Infrastructure condition.— To maintain the highway infrastructure asset system in a state of good repair.
- (3) Congestion reduction.— To achieve a significant reduction in congestion on the National Highway System.
- (4) System reliability.— To improve the efficiency of the surface transportation system.
- (5) Freight movement and economic vitality.— To improve the National Highway Freight Network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.
- (6) Environmental sustainability.— To enhance the performance of the transportation system while protecting and enhancing the natural environment.

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 (Public Transportation) by providers of public transportation, required as part of a performance-based program including:

1. The State asset management plan<sup>3</sup> 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;
2. Applicable portions of the HSIP, including the SHSP, as specified in 23 U.S.C. 148;
3. The Public Transportation Agency Safety Plan in 49 U.S.C. 5329(d);
4. Other safety and security planning and review processes, plans, and programs, as appropriate;
5. The Congestion Mitigation and Air Quality Improvement Program performance plan in 23 U.S.C. 149(l), as applicable;
6. Appropriate (metropolitan) portions of the State Freight Plan (MAP-21 section 1118);
7. The congestion management process, as defined in 23 CFR 450.322 (Congestion Management Process in Transportation Management Areas), if applicable; and
8. Other State transportation plans and transportation processes required as part of a performance-based program.
  - a. TIP - shall be designed such that once implemented, it makes progress toward achieving the performance targets. § 450.326
  - b. TIP - shall include, to the maximum extent practicable, a description of the anticipated effect of the TIP toward achieving the performance targets identified in the metropolitan transportation plan, linking investment priorities to those performance targets. § 450.326

### *Coordination*

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 (Statewide and Nonmetropolitan Transportation Planning) and 49 U.S.C. 5304 (Statewide and Nonmetropolitan Transportation Planning).

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 \(Intelligent Transportation System Architecture and Standards\)](#).

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(7)Reduced project delivery delays.— To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.

<sup>3</sup> The following are the benefits of applying transportation asset management during the planning process:

1. Maximize transportation system performance.
2. Improve customer satisfaction.
3. Minimize life-cycle costs.
4. Mitigate system vulnerabilities.
5. Match service provided to public expectations.
6. Make more informed, cost-effective program decisions and
7. Better use of existing transportation assets.

Additional information is available from the FHWA at: <http://www.fhwa.dot.gov/infrastructure/asstmgmt/tpamb.cfm>

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.

#### **§450.324 DEVELOPMENT AND CONTENT OF THE METROPOLITAN TRANSPORTATION PLAN.**

##### *Transportation Plan Planning Horizon and Integrated Multimodal Transportation System*

Transportation plan shall have no less than a 20-year planning horizon as of the effective date. Planning factors must be considered and 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.

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.

The MPO shall review and update the transportation plan at least every 4 years in air quality nonattainment 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.

##### *Data*

The MPO, the State, and the public transportation operator 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.

##### *RTP Required Content*

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.
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—

- a. Progress achieved by the MPO in meeting the performance targets in comparison with system performance recorded in previous reports, including baseline data; and
  - b. 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)<sup>4</sup>, as appropriate;
  9. Projects need to include 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 RTP. The discussion may focus on policies, programs, or strategies, rather than at the project level. The MPO shall develop the

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<sup>4</sup> Associated transit improvement.—The term “associated transit improvement” means, with respect to any project or an area to be served by a project, projects that are designed to enhance public transportation service or use and that are physically or functionally related to transit facilities. Eligible projects are—

- (A) historic preservation, rehabilitation, and operation of historic public transportation buildings, structures, and facilities (including historic bus and railroad facilities) intended for use in public transportation service;
- (B) bus shelters;
- (C) functional landscaping and streetscaping, including benches, trash receptacles, and street lights;
- (D) pedestrian access and walkways;
- (E) bicycle access, including bicycle storage shelters and parking facilities and the installation of equipment for transporting bicycles on public transportation vehicles;
- (F) signage; or
- (G) enhanced access for persons with disabilities to public transportation.



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. Financial Plan<sup>5</sup> means documentation required to be included with a metropolitan transportation plan and TIP (and optional for the long-range statewide transportation plan and STIP) that demonstrates the consistency between reasonably available and projected sources of Federal, State, local, and private revenues and the costs of implementing proposed transportation system improvements. The financial plan must include:
  - a. 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<sup>6</sup>).
  - b. For the purpose of developing the metropolitan transportation plan, the MPO, public transportation operator, and State shall cooperatively develop estimates of funds that will be available to support metropolitan transportation plan implementation, as required under §450.314(a)<sup>7</sup>. 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.
  - c. 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.
  - d. In developing the financial plan, the MPO shall take into account all projects and strategies proposed for funding under title 23 U.S.C. (Highways), title 49 U.S.C. Chapter 53 (Public Transportation) 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(s), State(s), and public transportation operator(s).
  - e. **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.**

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<sup>5</sup> Financially constrained or Fiscal constraint means that the metropolitan transportation plan, TIP, and STIP includes sufficient financial information for demonstrating that projects in the metropolitan transportation plan, TIP, and STIP can be implemented using committed, available, or reasonably available revenue sources, with reasonable assurance that the federally supported transportation system is being adequately operated and maintained. For the TIP and the STIP, financial constraint/fiscal constraint applies to each program year. Additionally, projects in air quality nonattainment and maintenance areas can be included in the first 2 years of the TIP and STIP only if funds are “available” or “committed.”

<sup>6</sup> Public transportation.—The term “public transportation”

(A) means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income

<sup>7</sup> The MPO(s), the State(s), and the providers of public transportation shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO(s), the State(s), and the providers of public transportation serving the MPA. To the extent possible, a single agreement among all responsible parties should be developed. The written agreement(s) shall include specific provisions for the development of financial plans that support the metropolitan transportation plan (see § 450.324) and the metropolitan TIP (see § 450.326), and development of the annual listing of obligated projects (see § 450.334).

- f. 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.
  - g. 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.
  - h. 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.
  - i. A State or MPO is not required to select any project from the illustrative list of additional projects included in the financial plan. (§450.324(m))
12. Pedestrian walkway and bicycle transportation facilities in accordance with 23 U.S.C. 217(g)<sup>8</sup>.

### *Consultation*

The MPO(s) 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.

### *Highway Safety Improvement Program (Safety Plan)*

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.

### *Scenario Planning*

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.

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<sup>8</sup> 23 U.S.C. 217(g)

(1) In general.— Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

(2) Safety considerations.— Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians. Safety considerations shall include the installation, where appropriate, and maintenance of audible traffic signals and audible signs at street crossings.



1. An MPO that chooses to develop multiple scenarios under this paragraph is encouraged to consider:
  - a. Potential regional investment strategies for the planning horizon;
  - b. Assumed distribution of population and employment;
  - c. 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;
  - d. A scenario that improves the baseline conditions for as many of the performance measures identified in §450.306(d) as possible;
  - e. Revenue constrained scenarios based on the total revenues expected to be available over the forecast period of the plan; and
  - f. 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.

#### *Public Comment (Public Participation Plan)*

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

#### *Conformity Determination*

In nonattainment and maintenance areas for transportation-related pollutants, the MPO(s), 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.

All **regionally significant projects** must be included in an RTP air quality conformity determination by the MPO and FHWA regardless of its funding source.

Regionally significant project means a transportation project (other than projects that may be grouped in the TIP and/or STIP or exempt projects as defined in EPA's transportation conformity regulations (40 CFR part 93, subpart A)) that is on a facility that serves regional transportation needs (such as access to and from the area outside the region; major activity centers in the region; major planned developments such as new retail malls, sports complexes, or employment centers; or transportation terminals) and would normally be included in the modeling of the metropolitan area's transportation network. At a minimum, this includes all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel.

## **§ 450.322 CONGESTION MANAGEMENT PROCESS IN TRANSPORTATION MANAGEMENT AREAS**

### *Congestion Management Process*

The transportation planning process in a TMA shall address congestion management through a process that provides for safe and effective integrated management and operation of the multimodal transportation system, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 through the use of travel demand reduction (including intercity bus operators, employer-based commuting programs such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), job access projects, and operational management strategies.

### *System Performance*

The development of a congestion management process should result in multimodal system performance measures and strategies that can be reflected in the metropolitan transportation plan and the TIP.

The level of system performance deemed acceptable by State and local transportation officials may vary by type of transportation facility, geographic location (metropolitan area or subarea), and/or time of day. In addition, consideration should be given to strategies that manage demand, reduce single occupant vehicle (SOV) travel, improve transportation system management and operations, and improve efficient service integration within and across modes, including highway, transit, passenger and freight rail operations, and non-motorized transport. Where the addition of general purpose lanes is determined to be an appropriate congestion management strategy, explicit consideration is to be given to the incorporation of appropriate features into the SOV project to facilitate future demand management strategies and operational improvements that will maintain the functional integrity and safety of those lanes.

### *Congestion Management Process Requirements*

The congestion management process shall be developed, established, and implemented as part of a metropolitan transportation planning process that includes coordination with transportation system management and operations activities. The congestion management process shall include:

1. Methods to monitor and evaluate the performance of the multimodal transportation system, identify the underlying causes of recurring and non-recurring congestion, identify and evaluate alternative strategies, provide information supporting the implementation of actions, and evaluate the effectiveness of implemented actions;
2. Definition of congestion management objectives and appropriate performance measures to assess the extent of congestion and support the evaluation of the effectiveness of congestion reduction and mobility enhancement strategies for the movement of people and goods. Since levels of acceptable system performance may vary among local communities, performance measures should be tailored to the specific needs of the area and established cooperatively by the State(s), affected MPO(s), and local officials in consultation with the operators of major modes of transportation in the coverage area, including providers of public transportation;
3. Establishment of a coordinated program for data collection and system performance monitoring to define the extent and duration of congestion, to contribute in determining the causes of congestion, and evaluate the efficiency and effectiveness of implemented actions. To the extent possible, this data collection program should be coordinated with existing data sources (including archived operational/ITS data) and coordinated with operations managers in the metropolitan area;
4. Identification and evaluation of the anticipated performance and expected benefits of appropriate congestion management strategies that will contribute to the more effective use and improved safety of existing and future transportation systems based on the established performance measures. The following categories of strategies, or combinations of strategies, are some examples of what should be appropriately considered for each area:
  - a. Demand management measures, including growth management, and congestion pricing;
  - b. Traffic operational improvements;
  - c. Public transportation improvements;
  - d. ITS technologies as related to the regional ITS architecture; and
  - e. Where necessary, additional system capacity.
5. Identification of an implementation schedule, implementation responsibilities, and possible funding sources for each strategy (or combination of strategies) proposed for implementation; and
6. Implementation of a process for periodic assessment of the effectiveness of implemented strategies, in terms of the area's established performance measures. The results of this evaluation shall be provided to decision makers and the public to provide guidance on selection of effective strategies for future implementation.

Congestion Management Process is an "8 Step" process, as follows:

1. Develop Congestion Management Objectives;
2. Identify Area of Application;
3. Define System or Network of Interest;
4. Develop Performance Measures;
5. Institute System Performance Monitoring Plan;
6. Identify and Evaluate Strategies;
7. Implement Selected Strategies and Manage Transportation System; and
8. Monitor Strategy Effectiveness.

#### *Optional Congestion Management Plan*

A MPO serving a TMA may develop a plan that includes projects and strategies that will be considered in the TIP of such MPO.

1. Such plan shall:

- a. Develop regional goals to reduce vehicle miles traveled during peak commuting hours and improve transportation connections between areas with high job concentration and areas with high concentrations of low-income households;
  - b. Identify existing public transportation services, employer based commuter programs, and other existing transportation services that support access to jobs in the region; and
  - c. Identify proposed projects and programs to reduce congestion and increase job access opportunities.
2. In developing the congestion management plan, an MPO shall consult with employers, private and nonprofit providers of public transportation, transportation management organizations, and organizations that provide job access reverse commute projects or job-related services to low-income individuals.