

Tuscaloosa Area Metropolitan Planning Organization (MPO)

Prospectus (A Summary of the Transportation Planning Process)



Developed by the West Alabama Regional Commission

October 29, 2019

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This document is posted at
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October 29, 2019

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This report was prepared as a cooperative effort of the U. S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Alabama Department of Transportation (ALDOT), and local governments in partial fulfillment of requirements in Title 23 USC 134 and 135 (amended by the FAST Act, Sections 1201 and 1202, December 2015.) The contents of this document do not necessarily reflect the official views or policies of the U.S. Department of Transportation.

Tuscaloosa Area Metropolitan Planning Organization Members

Policy Committee

Voting

Donna Aaron- City of Northport Mayor
James D. Brown, ALDOT West Central Region Engineer
Walt Maddox - City of Tuscaloosa Mayor
Rob Robertson - Tuscaloosa County Commission Chairman
Dennis Stripling, WARC Executive Director

Non-Voting

Stanley Allred, West Alabama Rural Planning Organization, Policy Committee Chair
Mark D. Bartlett, Federal Highway Administration
Robert Green, Citizens Advisory Committee Chairman
Katherine Holloway, Technical Coordinating Committee Chairman
D.E. Phillips, Jr., Alabama Department of Transportation
Yvette G. Taylor, PhD, Federal Transit Administration Region 4
Bicycle and Pedestrian Committee Chairman

Technical Coordinating Committee (TCC)

Voting

Doug Behm, University of Alabama Representative
Ashley Crites, Tuscaloosa Planning Director
Brad Darden, Preconstruction Engineer ALDOT West Central Region
Vontra Giles, Federal Highway Administration
Marty Hamner, Trucking Representative
Katherine Holloway for Scott Anders, County Engineer
Michael Hora, ALDOT Bureau of Local Transportation
Russell Lawrence, Tuscaloosa Co. Transit Authority Director
David Norris, West Alabama Regional Commission
Jeff Powell, Airport Manager
Julie Ramm, Northport Planning Director
Wendy Shelby, Director, Tuscaloosa City Engineer
Farrington Snipes, Director, Tuscaloosa Co. Planning Department
Nicole Spivey, Federal Transit Administration
Doug Varnon, Northport City Engineer
Railroad Representative
U.S. Army Corps of Engineers Representative

Non-Voting

Chairman, Tuscaloosa City Planning Commission
Chairman, Northport Planning Commission
Representative, Town of Brookwood
Representative, Town of Coaling
Representative, Town of Coker
Representative, Town of Lake View
Representative, Town of Moundville
Representative, Town of Vance
Representative, Alabama Department of Public Safety (Local Office)
Representative, Northport City Police Department
Representative, Tuscaloosa City Police Department
Representative, Tuscaloosa County Sheriff's Office

Tuscaloosa Area Metropolitan Planning Organization Members (Continued)

Citizens Transportation Advisory Committee (CTAC)

Tuscaloosa City

A.D. Christian
James C. (Jimmy) Hamner
Tommy Nix
Wyman Turner
Charlene Wilkinson

Northport

Lewis (Lew) C. Drummond
Robert Green
Glenn Griffin
Max Snyder
David Leon Tucker

Tuscaloosa County

Jimmie Cain
Lenny Fulmer
Jill Hannah
David Hartin
John Myers
Joe Robinson
Jimmy Stewart

Prepared by the
West Alabama Regional Commission (WARC)
Staff to the MPO

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Section 1

Introduction

The Prospectus is a summary of the Tuscaloosa Area transportation planning process. The Prospectus is intended to serve as an educational and reference tool for government officials and interested individuals.

To be eligible for Federal funds, the Federal Aid Highway Act of 1962 required Urban Areas with populations of at least 50,000 to have a transportation planning process. The Act stated that the planning process was to be continuing, cooperative, and comprehensive. In addition, the Act required plans and programs produced from the process to be consistent with the comprehensive planned development of the area. Subsequent acts retained this language.

Organization

The Tuscaloosa Area transportation planning process is conducted by the Metropolitan Planning Organization (MPO). The MPO is composed of four committees. The Policy Committee is the official decision-making body of the process. The Policy Committee is served by three advisory committees: the Technical Coordinating Committee (TCC), Citizens Transportation Advisory Committee (CTAC), and Bicycle and Pedestrian Committee (BPC). More information on the committees can be found in Section 3.

Metropolitan Planning Area (Study Area)

Metropolitan planning areas are required to include the current Census Bureau-defined urbanized area and the area expected to be urbanized by the forecast year of the long-range transportation plan. The planning area can also be expanded to include "... regional economic development and growth forecasting areas." The Tuscaloosa Area MPO used this option when Tuscaloosa County was adopted as the planning area. All MPO plans and programs are limited to the planning area. Figure 1 depicts the planning area and the urbanized area.

Agreement

The agreement legally delineates the concerned governmental entities, defines the duties of each entity, and outlines the organizational structure. The first agreement was executed in 1963, and the most recent agreement was signed in 2016. The agreement is between the West Alabama Regional Commission, Tuscaloosa County, City of Tuscaloosa, City of Northport, Tuscaloosa County Parking and Transit Authority, and the State of Alabama. Appendix A contains the 2016 agreement.

Legal Reference

The laws regarding Metropolitan Planning Organizations (MPOs) are found in Section 134 of Title 23 of the United States Code and Section 5303 of Title 49 of the United States Code. The Code was superseded or amended by the Fixing America's Surface Transportation (FAST) Act Section 1201, December 2015. The rules that govern metropolitan planning organizations are published in the Code of Federal Regulations (CFRs) as Title 23, Chapter 1, Part 450, Subpart C. The regulations, as printed in the Federal Register, are included in Appendix B.

Transportation Planning Process Coordinator

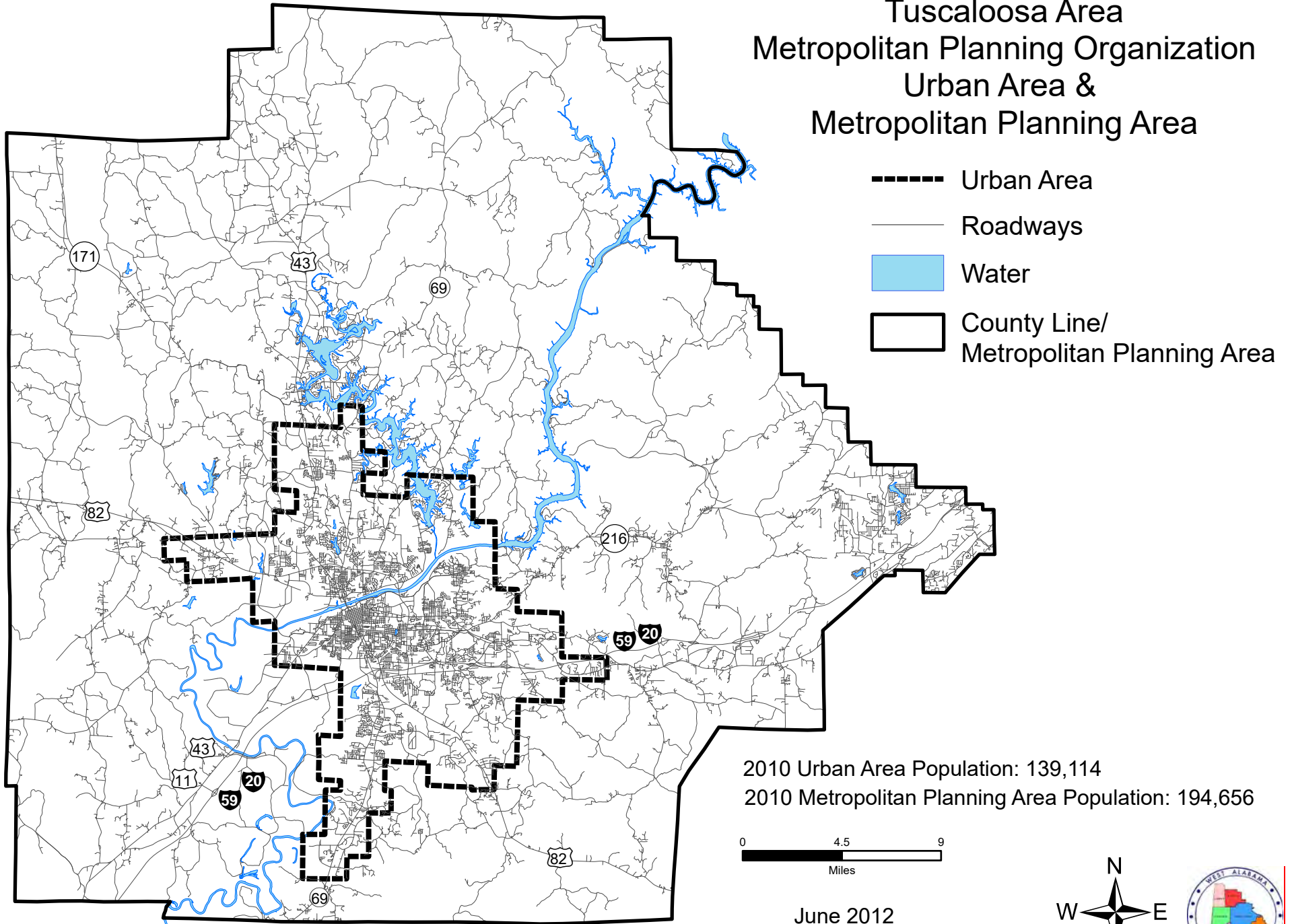
The Executive Director of the West Alabama Regional Commission is the designated Coordinator of the transportation planning process. The Coordinator is responsible for the

overall guidance of the process, as well as the coordination of all data collected from the local area. The Coordinator provides staff and clerical assistance for the planning process from the West Alabama Regional Commission.

West Alabama Regional Commission (WARC) Staff

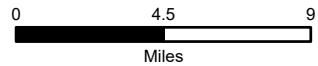
There are over 50 employees at the WARC; however, only three employees work directly with the MPO. These three include the Transportation Planning Director and two Transportation Planners. Five other WARC Employees serve the MPO and the other programs housed at the WARC in an indirect capacity. These include the Executive Director, three Accountants, and an Office Manager.

Tuscaloosa Area Metropolitan Planning Organization Urban Area & Metropolitan Planning Area

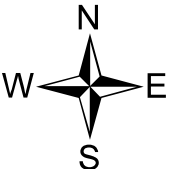


- Urban Area
- Roadways
- Water
- County Line/
Metropolitan Planning Area

2010 Urban Area Population: 139,114
2010 Metropolitan Planning Area Population: 194,656



June 2012



Source:
Basemap: Tuscaloosa Co e-911
Urban Area Boundary: Tuscaloosa Area MPO, Based on the 2010 US Census

Section 2

Products of the Transportation Planning Process

Unified Planning Work Program

The Unified Planning Work Program (UPWP) represents the budget and work tasks necessary to accomplish and maintain the transportation planning process within the Tuscaloosa planning area. The UPWP is developed to coordinate transportation and related planning activities for a cooperative, continuing, and comprehensive process.

The primary objective of the UPWP is the development of an integrated planning program that considers the planning activities of all transportation groups and coordinates these activities to produce a total transportation plan serving all segments of the population. The MPO updates the UPWP annually.

Long-Range Transportation Plan

The Tuscaloosa Area MPO is required to produce a long-range plan every five years. The long-range plan outlines the transportation projects within the Tuscaloosa planning area that need to be completed to fulfill the projected transportation demands by the 20-year forecast date.

The MPO adopted the *2045 Long-Range Transportation Plan* in 2019. The MPO vision statement, goals, and objectives are part of the plan. The projects on the plan are balanced against forecasted revenue and include only those with identified funding. The MPO is scheduled to update the plan in 2024.

Transportation Improvement Program

The Transportation Improvement Program (TIP) is a short-range, financially constrained subset of the long-range transportation plan. However, many projects that are included in the TIP will not be specifically listed in the long-range transportation plan, including some operational, maintenance, enhancement, and transit projects. The projects on the TIP are prioritized over the four-year period covered by the document.

The TIP is redeveloped every four years and financially balanced against expected revenues. ALDOT uses the TIP as a guide in selecting projects for funding in the Tuscaloosa area and in the development of the State Transportation Improvement Program.

Public Involvement Plan

The purpose of the Public Involvement Plan (PIP) is to ensure that the transportation planning process encourages active public participation. It is the vision of the MPO to have a community that understands the transportation planning process and actively participates in the process. The MPO goals outlined in the PIP are to (1) have an open planning process that encourages early and continued public participation; (2) provide complete and timely information regarding the plans, programs, procedures, policies, and technical data produced or used during the planning process to interested parties and the general public; (3) provide timely and adequate public notice of hearings, meetings, reviews, and major document availability; (4) demonstrate consideration and recognition of public input and provide appropriate responses to public input; and (5) encourage participation in the planning process by low-income groups, minorities, persons with disabilities, and the elderly; and to consider the needs of these groups when

developing programs and plans. The PIP describes how the MPO incorporates the public into the process, how public involvement is tracked, and performance is measured.

Bicycle and Pedestrian Plan

The Bicycle and Pedestrian Plan serves as a guide for improving bicycle and pedestrian activity in Tuscaloosa County. The plan includes construction, education, promotion, and policy projects intended to integrate bicycle and pedestrian travel into the existing transportation environment.

The plan was initiated by the MPO to facilitate the development of their transportation plans and programs. However, due to many of the proposed projects falling outside of the authority of the MPO, the MPO intended other agencies and governments to use the plan. The current Tuscaloosa Area Bicycle and Pedestrian Plan was adopted in 2012 and is scheduled to be revised in 2020.

Section 3

Committees

The Tuscaloosa Area transportation planning process is conducted by the Metropolitan Planning Organization (MPO). The MPO is composed of four committees. The Policy Committee is the official decision-making body of the process. The Policy Committee is served by three advisory committees: the Technical Coordinating Committee (TCC), Citizens Transportation Advisory Committee (CTAC), and Bicycle and Pedestrian Committee (BPC). The Policy Committee has the ultimate decision on transportation planning matters. However, the work and recommendations of the advisory committees shape all of the outputs of the transportation planning process. The Bylaws of the Tuscaloosa Area Metropolitan Planning Organization are in Appendix C.

Policy Committee

The Policy Committee serves as the official decision-making body for the Tuscaloosa Area transportation planning process. In this capacity, the Committee determines how federal transportation funds are spent in the planning area. The responsibilities of the committee include providing overall guidance to the planning process, review and approval of all process plans and programs, as well as appointing TCC and CTAC members. The Policy Committee usually meets on the last Monday of even-numbered months. The Policy Committee is composed of 12 members, five voting and seven non-voting. The current MPO membership is listed in Appendix D.

Technical Coordinating Committee

The Technical Coordinating Committee (TCC) provides technical support to the MPO Policy Committee. The TCC reviews MPO documents, studies, reports, plans, and programs; and provides the MPO with recommendations concerning these items. The TCC members evaluate the planning process products from a technical perspective, ensuring that appropriate concerns are addressed, including local planning issues, engineering details, environmental questions, and future growth, among many others. The TCC has the authority to make alternative recommendations for any of the products.

The TCC coordinates the work of the various departments and agencies involved in the transportation planning process. The local governments, the State DOT, and selected other transportation interests are represented on the TCC. The TCC members share information and data that builds and improves the planning processes and products. The TCC members work together to ensure that the transportation projects are coordinated. The TCC usually meets on the third Thursday of even-numbered months.

Citizens Transportation Advisory Committee

The Citizens Transportation Advisory Committee (CTAC) consists of twenty-four citizens from the Tuscaloosa area. The Mayors of Tuscaloosa and Northport and the County Commission Chair each appoint eight members to the committee. The CTAC was established to provide active public participation in the transportation planning process. Prior to the formation of the CTAC, the MPO relied primarily on public meetings for citizen input on transportation planning issues. There are a number of problems with public meetings of this nature, with the most significant obstacle being lack of participation.

Another shortcoming of the public meeting is the knowledge that is required to understand the planning process. While the MPO staff tries to make the process easy to understand, transportation planning is not widely understood. People who are not familiar with the topic are generally not willing to participate. The CTAC provides the MPO with a standing committee of citizens who have a good knowledge of the planning process and can effectively convey public concerns related to transportation in a structured fashion.

The CTAC reviews MPO documents, studies, reports, plans, and programs and provides the MPO with recommendations concerning these topics. The CTAC also informs the MPO of public concerns related to transportation projects and issues. A CTAC member once suggested that the committee members act as antennas in the community, gathering opinions and ideas in the course everyday life and passing the information on to the MPO. The CTAC usually meets on the third Tuesday of even-numbered months.

In addition to the CTAC, the MPO adopted a public involvement plan. The plan describes the MPO public participation goals and lists strategies to encourage public participation in the transportation planning process. The CTAC is included as one of several methods to garner public involvement.

Bicycle and Pedestrian Committee

The MPO (Policy Committee) authorized the formation of the Bicycle and Pedestrian Committee (BPC) in 1997. The committee assists the MPO in developing plans, programs, and projects related to bicycle and pedestrian activities. The BPC consists of individuals from many areas of the community who share a common interest in improving bicycling and walking in Tuscaloosa County. Membership on the committee ranges from professional planners to avid bicyclists. There is no set membership list. Anyone who attends the BPC meetings is considered a member and has voting privileges. The BPC usually meets on the third Monday of even-numbered months.

Appendix A

Transportation Planning Process Agreement

**AN AGREEMENT CONCERNING A
TRANSPORTATION PLANNING PROCESS
FOR THE TUSCALOOSA URBANIZED AREA**

BETWEEN

THE COUNTY OF TUSCALOOSA,

THE MUNICIPALITIES OF TUSCALOOSA AND NORTHPORT,

THE TUSCALOOSA COUNTY PARKING AND TRANSIT AUTHORITY,

THE WEST ALABAMA REGIONAL COMMISSION,

AND

THE STATE OF ALABAMA

Sec. 1-1

An Agreement concerning a Metropolitan Transportation Planning Process for the Tuscaloosa Urbanized Area between the County of Tuscaloosa,

hereinafter referred to as COUNTY;

the municipalities of Tuscaloosa and Northport,

hereinafter referred to as CITIES;

the Tuscaloosa County Parking and Transit Authority,

hereinafter referred to as AUTHORITY;

the West Alabama Regional Commission,

hereinafter referred to as COMMISSION; and

the State of Alabama (acting by and through the Alabama Department of Transportation),

hereinafter referred to as STATE.

Sec. 1-2

- (a) WHEREAS, Section 134 of Title 23 of the United States Code and Chapter 53 Title 49 of the United States Code requires that each urbanized area, as a condition of the receipt of Federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning process (3C) that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals that lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods; and
- (b) WHEREAS, the Federal Transit Administration and Federal Highway Administration have issued on December 4, 2015, new regulations concerning the metropolitan transportation planning process.

Sec. 1-3

NOW, THEREFORE, it is hereby agreed as follows:

- (a) The parties to this Agreement resolve to support a continuing process for the Tuscaloosa Urbanized Area, hereinafter referred to as the "3C PROCESS;" and
- (b) FURTHERMORE, it is understood by the parties to this Agreement that an unwillingness to participate in the "3C PROCESS" may result in the Secretary of Transportation refusing to approve Federal Aid funds for surface transportation within the Tuscaloosa Urbanized Area.
- (c) IT IS agreed and further understood by the parties of this Agreement that by execution of this Agreement upon and on behalf of the STATE, the Governor designates the following as the Policy Committee of the Metropolitan Planning Organization (MPO) for the Tuscaloosa Urbanized Area:
 - (1) The Mayors of the City of Tuscaloosa and the City of Northport;
 - (2) The Chairman of the Tuscaloosa County Commission;
 - (3) Executive Director, West Alabama Regional Commission;
 - (4) West Central Region Engineer, State of Alabama Department of Transportation;
 - (5) Transportation Planning Engineer, State of Alabama Department of Transportation (non-voting);
 - (6) Division Administrator, Federal Highway Administration (non-voting);
 - (7) Chairman of Technical Coordinating Committee (non-voting);
 - (8) Chairman of Citizens Transportation Advisory Committee (non-voting);
 - (9) Chairman of the Bicycle and Pedestrian Committee (non-voting); and
 - (10) Chairman of the West Alabama Rural Planning Organization Policy Committee (non-voting).
- (d) IT IS agreed that any change in the voting membership of the MPO will be at the

request of the MPO and with written approval of the Director of the Alabama Department of Transportation. Written approval of the Director of the Alabama Department of Transportation constitutes designation of MPO membership by the Governor of Alabama as required under Federal regulations when this Agreement is signed by the Governor. The MPO may add non-voting members to the MPO, as it deems appropriate.

- (e) IT IS agreed that overall direction of the "3C PROCESS" will be a function of the MPO as identified herein.

Sec. 1-4

- (a) The responsibilities of the MPO will be as follows:
 - (1) Organize and elect a Chairman, Vice-Chairman and establish its rules of procedure and by-laws.
 - (2) Appoint members to the Technical Coordinating and Citizens Transportation Advisory Committees.
 - (3) Take official action on Technical Coordinating Committee, Citizens Transportation Advisory Committee, and Bicycle and Pedestrian Committee recommendations and other matters pertaining to furthering the planning process.
 - (4) Set the transportation planning area and Federal Aid urban area boundaries.
 - (5) Adopt transportation goals to guide the Tuscaloosa Urbanized Area metropolitan planning process.
 - (6) Endorse the Unified Planning Work Program (UPWP) which documents the transportation-related planning activities to be performed with planning assistance provided under FTA and FHWA Planning Funds from the Fixing America's Surface Transportation Act (FAST Act) and other funding sources.

- (7) Review and endorse the Transportation Plan to confirm its validity and its consistency with current transportation and land use conditions as required by the State and Federal regulations.
 - (8) Adopt a Transportation Improvement Program (TIP) that is updated as required by the State and Federal regulations.
 - (9) Adopt and submit plans and recommendations to participating agencies and local governments.
- (b) IT IS further agreed that the Technical Coordinating Committee, to be appointed by the MPO, will have the following responsibilities:
- (1) Make recommendations to the MPO regarding the documents and materials necessary for the MPO endorsements.
 - (2) Make recommendations to the MPO regarding the elements of the metropolitan planning process necessary to meet the requirement for certification.
- (c) IT IS further agreed that the Citizens Transportation Advisory Committee, to be appointed by the MPO, will have the following responsibilities:
- (1) Make recommendations to the MPO regarding the documents and materials necessary for the MPO endorsements.
 - (2) Make recommendations to the MPO regarding the elements of the metropolitan planning process necessary to meet the requirements for certification.
- (d) IT IS further agreed that a representative of the Bicycle and Pedestrian Committee will have the following responsibilities:
- (1) Make recommendations to the MPO regarding the documents and materials necessary for the MPO endorsements.
 - (2) Make recommendations to the MPO regarding the elements of the metropolitan planning process necessary to meet the requirements for certification.

Sec. 1-5

- (a) IT IS further agreed that the COMMISSION accepts and has the responsibility for the coordination of the "3C PROCESS" and further has the responsibility to provide the local coordination for all of the member governmental units and agencies as needed to achieve a comprehensive metropolitan planning program.
- (b) IT IS further agreed that the COMMISSION accepts the designation as the recipient of metropolitan planning funds as provided in 23 U.S.C. 104(f) and 49 U.S.C. Chapter 53.
- (c) IT IS further agreed that the COMMISSION will have the following duties and responsibilities:
 - (1) Administration of the study process by the execution of necessary contracts and the provision of financial support necessary for the implementation of the UPWP.
 - (2) Arrange meetings, set agenda, and serve as Secretary for the MPO Policy Committee, Citizens Transportation Advisory Committee, Technical Coordinating Committee, and Bicycle and Pedestrian Committee.
 - (3) Coordinate the development of the documents and material necessary for the MPO endorsements.
 - (4) Conduct the elements of the metropolitan planning process necessary to meet the requirements for certification.
 - (5) Coordinate the implementation of the planning tasks outlined in the UPWP.

Sec. 1-6

- (a) IT IS further agreed that the STATE will have the following responsibilities:
 - (1) Dissemination of information and provision of planning assistance regarding metropolitan planning guidelines.
 - (2) Modeling assistance and necessary technical assistance related to the

metropolitan planning guidelines.

Sec. 1-7

- (a) IT IS recognized by the parties to this Agreement that the COMMISSION performs the functions required by the Office of Management and Budget 2, CFR Chapter I, Chapter II, Part 200 et al. (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Award).
- (b) IT IS envisioned that the membership of the MPO, as set by this Agreement, and the Board of Directors of the COMMISSION, will continually overlap to ensure coordination of the "3C PROCESS" and regional plans.
- (c) IT IS further envisioned that the Executive Director of the COMMISSION, as a member of the MPO, will review proposed programs and projects of the "3C PROCESS" and comment on their relationship to regional planning.
- (d) IT IS agreed that the base data, statistics, and projections developed by the COMMISSION for regional comprehensive planning will be available for determining socio-economic and land use data within the Tuscaloosa metropolitan study area.

Sec. 1-8

- (a) IT IS agreed that the Agreement executed between the County of Tuscaloosa, the City of Tuscaloosa, the City of Northport, West Alabama Regional Commission, Tuscaloosa County Parking and Transit Authority, and the State of Alabama Transportation Department dated December 28, 2007, is hereby terminated and made null and void.
- (b) IT IS agreed that this Agreement may be terminated by any party which provides the remaining parties written notice sixty (60) days in advance of the termination date. Such notice will be provided by registered mail and the termination date will be determined as that date sixty (60) days from date of delivery.
- (c) IT IS further agreed that this Agreement will remain in full force and effect upon

succeeding State Administrations providing a succeeding State Administration does not advise the COUNTY, the CITIES, the AUTHORITY, and the COMMISSION by letter within thirty (30) days after assuming office that this Agreement has been discontinued.

- (d) Nothing shall be construed under the terms of this Agreement by the COUNTY, the CITIES, the AUTHORITY, the COMMISSION, or the STATE that will cause any conflict with Title 23, Section 15 (1) of the laws of the State of Alabama 7/24th Law.
- (e) The COUNTY shall be responsible at all times for all of the work performed under this Agreement and, as provided in Ala. Code § 11-93-2 (1975), the COUNTY shall indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, its officers, officials, agents, servants, and employees.

For all claims not subject to Ala. Code § 11-93-2 (1975), the COUNTY shall indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, and employees from and against any and all damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of, connected with, or related to (1) the work performed under this Agreement; (2) the provision of any services or expenditure of funds required, authorized, or undertaken by the COUNTY pursuant to the terms of this Agreement; or (3) misuse, misappropriation, misapplication, or misexpenditure of any source of funding, compensation or reimbursement by the COUNTY, its officers, officials, agents, servants, and employees.

- (f) Subject to the limitations on damages applicable to municipal corporations under Ala. Code § 11-47-190 (1975), the CITIES shall indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, and employees from and against (1) claims, damages, losses, and expenses, including but not limited to attorney's fees arising out of, connected with, resulting

from or related to the work performed by the CITIES, or their officers, employees, contracts, agents or assigns; (2) the provision of any services or expenditure of funds required, authorized, or undertaken by the CITIES pursuant to the terms of this Agreement; or (3) any damage, loss, expense, bodily injury, or death, or injury or destruction of tangible property (other than the work itself), including loss of use therefrom, and including but not limited to attorney's fees, caused by the negligent, careless or unskillful acts of the CITIES, their agents, servants, representatives or employees, or the misuse, misappropriation, misapplication, or misexpenditure of any source of funding, compensation or reimbursement by the CITIES, their agents, servants, representatives or employees, or anyone for whose acts the CITIES may be liable.

- (g) The AUTHORITY and the COMMISSION will be responsible at all times for the work performed under this Agreement and especially the AUTHORITY and the COMMISSION will protect, defend, indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers, employees, in both their official and individual capacities, and agents of each, from and against any and all claims, actions, damages, loss, liabilities, including attorney's fees and expenses whatsoever or any amount paid in compromise thereof arising out of or in connection with its performance of the work under this Agreement and this Project and from and against these at any time arising out of or in connection with the performed work and Project.
- (h) By entering into this Agreement, the COUNTY, the CITIES, the AUTHORITY, and the COMMISSION are not agents of the STATE, its officers, employees, agents or assigns. The COUNTY, the CITIES, the AUTHORITY, and the COMMISSION are

independent entities from the STATE and nothing in this Agreement creates an agency relationship between the parties.

- (i) By signing this contract, the contracting parties affirm, for the duration of the Agreement, that they will not violate Federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.
- (j) Notwithstanding any provision of this Agreement to the contrary, the parties agree that any safety data or information protected by 23 U.S.C. § 409 and State Law shall be confidential. The parties agree that all crash and traffic data used by the parties for or in transportation improvement plans, highway safety improvement programs and strategic highway safety plans will not be disclosed to third parties without the express written permission of the STATE. The parties agree that the data shall not be referenced, disclosed, discussed or otherwise made public. The provision of the above data by the STATE shall not be considered a waiver of 23 U.S.C. § 409 or State precedent. Upon execution of this Agreement, the parties and their agents, servants, officers, officials and employees in both their official and individual capacities, agree that the data provided pursuant to the above-referenced request shall not be discussed, disclosed, used, published or released without prior written consent of the STATE. If the data in any form should be disclosed, released or published in any manner without the consent of the STATE or should an attempt be made to use the data in an action for damages against the parties, their officials or employees, then access to the data shall terminate immediately. The STATE expressly reserves its right under 23 U.S.C. § 409 and State

precedent to object to the use of the data and any opinions drawn from the data and to recover damages caused by the improper and unauthorized release of the data.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by those persons duly authorized to execute same, to be effective upon its execution by the Governor of Alabama.

ATTEST:

M. L. Vines
Clerk

COUNTY OF TUSCALOOSA

Wanda McCalister
Chairman

ATTEST:

[Signature]
Clerk

CITY OF TUSCALOOSA

[Signature]
Mayor

ATTEST:

[Signature]
Clerk

CITY OF NORTHPORT

[Signature]
Mayor

ATTEST:

[Signature]
Secretary

TUSCALOOSA COUNTY PARKING AND
TRANSIT AUTHORITY

[Signature]
Chairman

ATTEST:

[Signature]
Executive Director

WEST ALABAMA REGIONAL
COMMISSION

[Signature]
Chairman

ATTEST:

[Signature]
Secretary

WEST CENTRAL REGION ENGINEER

[Signature]
West Central Region Engineer

THIS AGREEMENT HAS BEEN LEGALLY REVIEWED
AND APPROVED AS TO FORM AND CONTENT:

BY: Jim Ippolito by J.T.
Chief Counsel, Jim R. Ippolito, Jr.

RECOMMENDED FOR APPROVAL:

Robert J. Jilla
Multimodal Transportation Engineer,
Robert J. Jilla

Don T. Arkle
Chief Engineer, Don T. Arkle, P. E.

STATE OF ALABAMA
ACTING BY AND THROUGH THE
ALABAMA DEPARTMENT OF TRANSPORTATION

John R. Cooper
Transportation Director, John R. Cooper

The foregoing agreement is hereby executed in the name of the State of Alabama and signed by
the Governor on this 7th day of November, 20 16.

Robert Bentley
GOVERNOR OF ALABAMA, ROBERT BENTLEY

Resolution

WHEREAS, an area encompassing the municipalities of Tuscaloosa and Northport, and parts of Tuscaloosa County has been designated as the Tuscaloosa Urbanized Area by the United States Department of Commerce; and

WHEREAS, Section 134 of Title 23 of the United States Code and Chapter 53 of Title 49 of the United States Code require that each urbanized area, as a condition to receive Federal transportation capital or operating assistance, have a comprehensive, cooperative, and continuing transportation planning process (commonly referred to as the "3-C" Process); and

WHEREAS, the Tuscaloosa Area Metropolitan Planning Organization (MPO) is responsible, together with the state, for overseeing and directing the 3-C Process in the Tuscaloosa Urbanized Area; and

WHEREAS, the Chairman (elected official) of the Tuscaloosa County (government) is a voting member of the Metropolitan Planning Organization Policy Committee and the Tuscaloosa County (government) has representatives on the Technical Coordinating Committee and the Citizens Transportation Advisory Committee, which assist the Policy Committee.

NOW, THEREFORE, be it resolved by the Tuscaloosa County (Council/Commission) of the Tuscaloosa County (government) that the Chairman (elected official) be authorized to execute, and the Tuscaloosa County Clerk be authorized to attest, an agreement with the State of Alabama, the West Alabama Regional Commission, Tuscaloosa County, the City of Tuscaloosa, and the Tuscaloosa County Parking and Transit Authority that will enable the Metropolitan Transportation Planning Process for the Tuscaloosa Urbanized Area to continue.

W. Andy McCall
Elected Official

Date: 5-4-16

Attest: J. R. [Signature]
Clerk

RESOLUTION

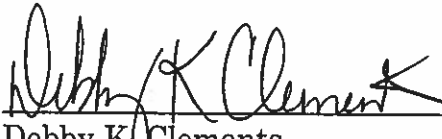
RESOLUTION AUTHORIZING EXECUTE OF AN AGREEMENT CONCERNING
A TRANSPORTATION PLANNING PROCESS FOR THE TUSCALOOSA
URBANIZED AREA BETWEEN THE COUNTY OF TUSCALOOSA, THE
MUNICIPALITIES OF TUSCALOOSA AND NORTHPORT, THE TUSCALOOSA
COUNTY PARKING AND TRANSIT AUTHORITY, THE WEST ALABAMA
REGIONAL COMMISSION AND THE STATE OF ALABAMA
(A16-0277)

BE IT RESOLVED BY THE TUSCALOOSA CITY COUNCIL that the Mayor be, and he is hereby, authorized to execute that certain agreement now before the Council by and between the County of Tuscaloosa, the City of Tuscaloosa, the City of Northport, the Tuscaloosa County Parking and Transit Authority, the West Alabama Regional Commission and the State of Alabama in regards to a transportation planning process for the Tuscaloosa urbanized area on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

STATE OF ALABAMA)
TUSCALOOSA COUNTY)

I, Debby K. Clements, Assistant City Clerk of the City of Tuscaloosa, Alabama, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the City Council of Tuscaloosa at a regular meeting of said Council held on the 1st day of March 2016, as the same appears and remains of record in the record book in the Office of the City Clerk wherein are recorded the minutes of the proceedings of said Council.

IN WITNESS WHEREOF, I have hereunto affixed my signature and the official seal of said City of Tuscaloosa this the 13th day of June 2016.



Debby K. Clements
Assistant City Clerk

RESOLUTION NO 16-74

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT REGARDING THE TRANSPORTATION PLANNING PROCESS FOR THE TUSCALOOSA URBANIZED AREA

WHEREAS, an area encompassing the municipalities of Tuscaloosa and Northport, and parts of Tuscaloosa County has been designated as the Tuscaloosa Urbanized Area by the United States Department of Commerce; and

WHEREAS, Section 134 of Title 23 of the United States Code and Chapter 53 of Title 49 of the United States Code require that each urbanized area, as a condition to receive Federal transportation capital or operating assistance, have a comprehensive, cooperative, and continuing transportation planning process (commonly referred to as the "3-C" Process); and

WHEREAS, the Tuscaloosa Area Metropolitan Planning Organization (MPO) is responsible, together with the state, for overseeing and directing the 3-C Process in the Tuscaloosa Urbanized Area; and

WHEREAS, the Mayor of the City of Northport is a voting member of the Metropolitan Planning Organization Policy Committee and the City of Northport have representatives on the Technical Coordinating Committee and the Citizens Transportation Advisory Committee, which assist the Policy Committee.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF NORTHPORT:

1. The Mayor is hereby authorized to execute, and the City Administrator be authorized to attest, and agreement with the State of Alabama, the West Alabama Regional Commission, Tuscaloosa County, the City of Tuscaloosa, and the Tuscaloosa County Parking and Transit Authority that will enable the Metropolitan Transportation Planning Process for the Tuscaloosa Urbanized Area to continue which is attached as "Exhibit A".

RESOLVED AND DONE this the 11th day of July, 2016

CITY COUNCIL OF THE CITY OF NORTHPORT

BY: _____

Jay Logan, It's President

ATTEST:

Charles T. Swann, Interim City Administrator

S E A L

Reading: July 11, 2016
Motion By: Logan
Second By: Harper

Resolution

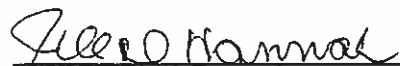
WHEREAS, an area encompassing the municipalities of Tuscaloosa and Northport, and parts of Tuscaloosa County has been designated as the Tuscaloosa Urbanized Area by the United States Department of Commerce; and

WHEREAS, Section 134 of Title 23 of the United States Code and Chapter 53 of Title 49 of the United States Code require that each urbanized area, as a condition to receive Federal transportation capital or operating assistance, have a comprehensive, cooperative, and continuing transportation planning process (commonly referred to as the "3-C" Process); and

WHEREAS, the Tuscaloosa Area Metropolitan Planning Organization (MPO) is responsible, together with the state, for overseeing and directing the 3-C Process in the Tuscaloosa Urbanized Area; and

WHEREAS, the Tuscaloosa County Parking and Transit Authority has a representative on the Technical Coordinating Committee of the Metropolitan Planning Organization.

NOW, THEREFORE, be it resolved by the Tuscaloosa County Parking and Transit Authority that the Transit Authority Chairman be authorized to execute, and the Transit Authority Executive Director be authorized to attest, an agreement with the State of Alabama, the West Alabama Regional Commission, Tuscaloosa County, the City of Tuscaloosa, the City of Northport, and the Tuscaloosa County Parking and Transit Authority that will enable the Metropolitan Transportation Planning Process for the Tuscaloosa Urbanized Area to continue.

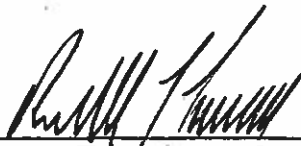


Chairman, Tuscaloosa County Parking and Transit Authority Board

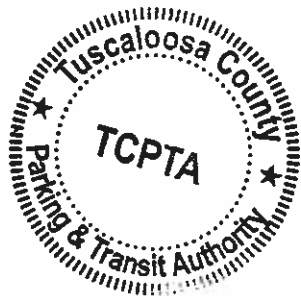
Date:

Aug 23, 2016

Attest:



Executive Director, Tuscaloosa County Parking and Transit Authority Board



Resolution

WHEREAS, an area encompassing the municipalities of Tuscaloosa and Northport, and parts of Tuscaloosa County has been designated as the Tuscaloosa Urbanized Area by the United States Department of Commerce; and

WHEREAS, Section 134 of Title 23 of the United States Code and Chapter 53 of Title 49 of the United States Code require that each urbanized area, as a condition to receive Federal transportation capital or operating assistance, have a comprehensive, cooperative, and continuing transportation planning process (commonly referred to as the "3-C" Process); and

WHEREAS, the Tuscaloosa Area Metropolitan Planning Organization (MPO) is responsible, together with the state, for overseeing and directing the 3-C Process in the Tuscaloosa Urbanized Area; and

WHEREAS, the Executive Director of the West Alabama Regional Commission is a voting member of the Metropolitan Planning Organization Policy Committee and the Commission has a representative on the Technical Coordinating Committee, which assist the Policy Committee.

NOW, THEREFORE, be it resolved by the West Alabama Regional Commission that the Chairman be authorized to execute, and the Executive Director be authorized to attest, an agreement with the State of Alabama, the West Alabama Regional Commission, Tuscaloosa County, the City of Tuscaloosa, the City of Northport, and the Tuscaloosa County Parking and Transit Authority that will enable the Metropolitan Transportation Planning Process for the Tuscaloosa Urbanized Area to continue.



Chairman, West Alabama Regional Commission

Date: 09-22-2016

Attest: 

Executive Director, West Alabama Regional Commission

Appendix B

Metropolitan Transportation Planning Regulations

(c) In nonmetropolitan areas, with the exclusion of specific projects as described in this section, the State shall select projects from the approved STIP in cooperation with the affected nonmetropolitan local officials, or if applicable, through RTPOs described in § 450.210(e). The State shall select transportation projects undertaken on the NHS, under the Bridge and Interstate Maintenance programs in title 23 U.S.C. and under sections 5310 and 5311 of title 49 U.S.C. Chapter 53 from the approved STIP in consultation with the affected nonmetropolitan local officials with responsibility for transportation.

(d) Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects shall be selected from the approved STIP in accordance with the procedures developed pursuant to 23 U.S.C. 201, 202, 203, and 204.

(e) The projects in the first year of an approved STIP shall constitute an “agreed to” list of projects for subsequent scheduling and implementation. No further action under paragraphs (b) through (d) of this section is required for the implementing agency to proceed with these projects. If Federal funds available are significantly less than the authorized amounts, or where there is significant shifting of projects among years, § 450.332(a) provides for a revised list of “agreed to” projects to be developed upon the request of the State, MPO, or public transportation operator(s). If an implementing agency wishes to proceed with a project in the second, third, or fourth year of the STIP, the procedures in paragraphs (b) through (d) of this section or expedited procedures that provide for the advancement of projects from the second, third, or fourth years of the STIP may be used, if agreed to by all parties involved in the selection process.

§ 450.224 Applicability of NEPA to statewide transportation plans and programs.

Any decision by the Secretary concerning a long-range statewide transportation plan or STIP developed through the processes provided for in 23 U.S.C. 135, 49 U.S.C. 5304, 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.*).

§ 450.226 Phase-in of new requirements.

(a) Prior to May 27, 2018, a State may adopt a long-range statewide transportation plan that has been developed using the SAFETEA-LU

requirements or the provisions and requirements of this part. On or after May 27, 2018, a State may only adopt a long-range statewide transportation plan that it has developed according to the provisions and requirements of this part.

(b) Prior to May 27, 2018 (2 years after the publication date of this rule), FHWA/FTA may approve a STIP update or amendment that has been developed using the SAFETEA-LU requirements or the provisions and requirements of this part. On or after May 27, 2018, FHWA/FTA may only approve a STIP update or amendment that a State has developed according to the provisions and requirements of this part, regardless of when the State developed the STIP.

(c) On and after May 27, 2018 (2 years after the publication date of this rule), the FHWA and the FTA will take action on an updated or amended STIP developed under the provisions of this part, even if the State has not yet adopted a new long-range statewide transportation plan under the provisions of this part, as long as the underlying transportation planning process is consistent with the requirements in the MAP-21.

(d) On or after May 27, 2018, a State may make an administrative modification to a STIP that conforms to either the SAFETEA-LU requirements or to the provisions and requirements of this part.

(e) Two years from the effective date of each rule establishing performance measures under 23 U.S.C. 150(c), 49 U.S.C. 5326, or 49 U.S.C. 5329, FHWA/FTA will only approve an updated or amended STIP that is based on a statewide transportation planning process that meets the performance-based planning requirements in this part and in such a rule.

(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, a State may adopt a long-range statewide transportation plan that it has developed using the SAFETEA-LU requirements or the performance-based provisions and requirements of this part and in such a rule. Two years on or after the effective date of each rule establishing performance measures under 23 U.S.C. 150(c), 49 U.S.C. 5326, or 49 U.S.C. 5329, a State may only adopt a long-range statewide transportation plan that it has developed according to the performance-based provisions and requirements of this part and in such a rule.

Subpart C—Metropolitan Transportation Planning and Programming

§ 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.

(a) Funds provided under 23 U.S.C. 104(d), 49 U.S.C. 5305(d), and 49 U.S.C. 5307, are available to MPOs to accomplish activities described in this subpart. At the State's option, funds provided under 23 U.S.C. 104(b)(2) and 23 U.S.C. 505 may also be provided to MPOs for metropolitan transportation planning. At the option of the State and operators of public transportation, funds provided under 49 U.S.C. 5305(e) may also be provided to MPOs for activities that support metropolitan transportation planning. In addition, an MPO serving an urbanized area with a population over 200,000, as designated by the Bureau of the Census, may at its discretion use funds sub-allocated under 23 U.S.C. 133(d)(4) for

metropolitan transportation planning activities.

(b) An MPO shall document metropolitan transportation planning activities performed with funds provided under title 23 U.S.C. and title 49 U.S.C. Chapter 53 in a unified planning work program (UPWP) or simplified statement of work in accordance with the provisions of this section and 23 CFR part 420.

(c) Except as provided in paragraph (d) of this section, each MPO, in cooperation with the State(s) and public transportation operator(s), shall develop a UPWP that includes a discussion of the planning priorities facing the MPA. The UPWP shall identify work proposed for the next 1- or 2-year period by major activity and task (including activities that address the planning factors in § 450.306(b)), in sufficient detail to indicate who (e.g., MPO, State, public transportation operator, local government, or consultant) will perform the work, the schedule for completing the work, the resulting products, the proposed funding by activity/task, and a summary of the total amounts and sources of Federal and matching funds.

(d) With the prior approval of the State and the FHWA and the FTA, an MPO in an area not designated as a TMA may prepare a simplified statement of work, in cooperation with the State(s) and the public transportation operator(s), in lieu of a UPWP. A simplified statement of work shall include a description of the major activities to be performed during the next 1- or 2-year period, who (e.g., State, MPO, public transportation operator, local government, or consultant) will perform the work, the resulting products, and a summary of the total amounts and sources of Federal and matching funds. If a simplified statement of work is used, it may be submitted as part of the State's planning work program, in accordance with 23 CFR part 420.

(e) Arrangements may be made with the FHWA and the FTA to combine the UPWP or simplified statement of work with the work program(s) for other Federal planning funds.

(f) Administrative requirements for UPWPs and simplified statements of work are contained in 23 CFR part 420 and FTA Circular C8100, as amended (Program Guidance for Metropolitan Planning and State Planning and Research Program Grants).

§ 450.310 Metropolitan planning organization designation and redesignation.

(a) To carry out the metropolitan transportation planning process under this subpart, an MPO shall be

designated for each urbanized area with a population of more than 50,000 individuals (as determined by the Bureau of the Census).

(b) MPO designation shall be made by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population, as named by the Bureau of the Census) or in accordance with procedures established by applicable State or local law.

(c) The FHWA and the FTA shall identify as a TMA each urbanized area with a population of over 200,000 individuals, as defined by the Bureau of the Census. The FHWA and the FTA shall also designate any urbanized area as a TMA on the request of the Governor and the MPO designated for that area.

(d) TMA structure:

(1) Not later than October 1, 2014, each metropolitan planning organization that serves a designated TMA shall consist of:

(i) Local elected officials;

(ii) Officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and

(iii) Appropriate State officials.

(2) An MPO may be restructured to meet the requirements of this paragraph (d) without undertaking a redesignation.

(3) *Representation.* (i) Designation or selection of officials or representatives under paragraph (d)(1) of this section shall be determined by the MPO according to the bylaws or enabling statute of the organization.

(ii) Subject to the bylaws or enabling statute of the MPO, a representative of a provider of public transportation may also serve as a representative of a local municipality.

(iii) An official described in paragraph (d)(1)(ii) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (d)(1) of this section.

(4) Nothing in this section shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities—

(i) To develop the plans and TIPs for adoption by an MPO; and

(ii) To develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

(e) To the extent possible, only one MPO shall be designated for each

urbanized area or group of contiguous urbanized areas. More than one MPO may be designated to serve an urbanized area only if the Governor(s) and the existing MPO, if applicable, determine that the size and complexity of the urbanized area make designation of more than one MPO appropriate. In those cases where two or more MPOs serve the same urbanized area, the MPOs shall establish official, written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among the MPOs.

(f) Nothing in this subpart shall be deemed to prohibit an MPO from using the staff resources of other agencies, non-profit organizations, or contractors to carry out selected elements of the metropolitan transportation planning process.

(g) An MPO designation shall remain in effect until an official redesignation has been made in accordance with this section.

(h) An existing MPO may be redesignated only by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).

(i) For the purposes of redesignation, units of general purpose local government may be defined as elected officials from each unit of general purpose local government located within the metropolitan planning area served by the existing MPO.

(j) Redesignation of an MPO (in accordance with the provisions of this section) is required whenever the existing MPO proposes to make:

(1) A substantial change in the proportion of voting members on the existing MPO representing the largest incorporated city, other units of general purpose local government served by the MPO, and the State(s); or

(2) A substantial change in the decisionmaking authority or responsibility of the MPO, or in decisionmaking procedures established under MPO by-laws.

(k) Redesignation of an MPO serving a multistate metropolitan planning area requires agreement between the Governors of each State served by the existing MPO and units of general purpose local government that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).

(l) The following changes to an MPO do not require a redesignation (as long as they do not trigger a substantial change as described in paragraph (j) of this section):

(1) The identification of a new urbanized area (as determined by the Bureau of the Census) within an existing metropolitan planning area;

(2) Adding members to the MPO that represent new units of general purpose local government resulting from expansion of the metropolitan planning area;

(3) Adding members to satisfy the specific membership requirements described in paragraph (d) of this section for an MPO that serves a TMA; or

(4) Periodic rotation of members representing units of general-purpose local government, as established under MPO by-laws.

(m) Each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate MPOs shall, to the extent practicable, provide coordinated transportation planning for the entire MPA. The consent of Congress is granted to any two or more States to:

(1) Enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under 23 U.S.C. 134 and 49 U.S.C. 5303 as the activities pertain to interstate areas and localities within the States; and

(2) Establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

§ 450.312 Metropolitan planning area boundaries.

(a) The boundaries of a metropolitan planning area (MPA) shall be determined by agreement between the MPO and the Governor.

(1) At a minimum, the MPA boundaries shall encompass the entire existing urbanized area (as defined by the Bureau of the Census) plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan.

(2) The MPA boundaries may be further expanded to encompass the entire metropolitan statistical area or combined statistical area, as defined by the Office of Management and Budget.

(b) An MPO that serves an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 *et seq.*) as of August 10, 2005, shall retain the MPA boundary that existed on August

10, 2005. The MPA boundaries for such MPOs may only be adjusted by agreement of the Governor and the affected MPO in accordance with the redesignation procedures described in § 450.310(h). The MPA boundary for an MPO that serves an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 *et seq.*) after August 10, 2005, may be established to coincide with the designated boundaries of the ozone and/or carbon monoxide nonattainment area, in accordance with the requirements in § 450.310(b).

(c) An MPA boundary may encompass more than one urbanized area.

(d) MPA boundaries may be established to coincide with the geography of regional economic development and growth forecasting areas.

(e) Identification of new urbanized areas within an existing metropolitan planning area by the Bureau of the Census shall not require redesignation of the existing MPO.

(f) Where the boundaries of the urbanized area or MPA extend across two or more States, the Governors with responsibility for a portion of the multistate area, the appropriate MPO(s), and the public transportation operator(s) are strongly encouraged to coordinate transportation planning for the entire multistate area.

(g) The MPA boundaries shall not overlap with each other.

(h) Where part of an urbanized area served by one MPO extends into an adjacent MPA, the MPOs shall, at a minimum, establish written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among and between the MPOs. Alternatively, the MPOs may adjust their existing boundaries so that the entire urbanized area lies within only one MPA. Boundary adjustments that change the composition of the MPO may require redesignation of one or more such MPOs.

(i) The MPO (in cooperation with the State and public transportation operator(s)) shall review the MPA boundaries after each Census to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized area(s), and shall adjust them as necessary. As appropriate, additional adjustments should be made to reflect the most comprehensive boundary to foster an effective planning process that ensures connectivity between modes, improves access to modal systems, and

promotes efficient overall transportation investment strategies.

(j) Following MPA boundary approval by the MPO and the Governor, the MPA boundary descriptions shall be provided for informational purposes to the FHWA and the FTA. The MPA boundary descriptions shall be submitted either as a geo-spatial database or described in sufficient detail to enable the boundaries to be accurately delineated on a map.

§ 450.314 Metropolitan planning agreements.

(a) The MPO, 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, the State(s), and the providers of public transportation serving the MPA. To the extent possible, a single agreement between 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).

(b) The MPO, the State(s), and the providers of public transportation should periodically review and update the agreement, as appropriate, to reflect effective changes.

(c) If the MPA does not include the entire nonattainment or maintenance area, there shall be a written agreement among the State department of transportation, State air quality agency, affected local agencies, and the MPO describing the process for cooperative planning and analysis of all projects outside the MPA within the nonattainment or maintenance area. The agreement must also indicate how the total transportation-related emissions for the nonattainment or maintenance area, including areas outside the MPA, will be treated for the purposes of determining conformity in accordance with the EPA's transportation conformity regulations (40 CFR part 93, subpart A). The agreement shall address policy mechanisms for resolving conflicts concerning transportation-related emissions that may arise between the MPA and the portion of the nonattainment or maintenance area outside the MPA.

(d) In nonattainment or maintenance areas, if the MPO is not the designated agency for air quality planning under section 174 of the Clean Air Act (42

U.S.C. 7504), there shall be a written agreement between the MPO and the designated air quality planning agency describing their respective roles and responsibilities for air quality related transportation planning.

(e) If more than one MPO has been designated to serve an urbanized area, there shall be a written agreement among the MPOs, the State(s), and the public transportation operator(s) describing how the metropolitan transportation planning processes will be coordinated to assure the development of consistent metropolitan transportation plans and TIPs across the MPA boundaries, particularly in cases in which a proposed transportation investment extends across the boundaries of more than one MPA. If any part of the urbanized area is a nonattainment or maintenance area, the agreement also shall include State and local air quality agencies. The metropolitan transportation planning processes for affected MPOs should, to the maximum extent possible, reflect coordinated data collection, analysis, and planning assumptions across the MPAs. Alternatively, a single metropolitan transportation plan and/or TIP for the entire urbanized area may be developed jointly by the MPOs in cooperation with their respective planning partners. Coordination efforts and outcomes shall be documented in subsequent transmittals of the UPWP and other planning products, including the metropolitan transportation plan and TIP, to the State(s), the FHWA, and the FTA.

(f) Where the boundaries of the urbanized area or MPA extend across two or more States, the Governors with responsibility for a portion of the multistate area, the appropriate MPO(s), and the public transportation operator(s) shall coordinate transportation planning for the entire multistate area. States involved in such multistate transportation planning may:

(1) Enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

(2) Establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

(g) If part of an urbanized area that has been designated as a TMA overlaps into an adjacent MPA serving an urbanized area that is not designated as a TMA, the adjacent urbanized area shall not be treated as a TMA. However,

a written agreement shall be established between the MPOs with MPA boundaries including a portion of the TMA, which clearly identifies the roles and responsibilities of each MPO in meeting specific TMA requirements (e.g., congestion management process, Surface Transportation Program funds suballocated to the urbanized area over 200,000 population, and project selection).

(h)(1) The MPO(s), State(s), and the providers of public transportation shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO (see § 450.306(d)), and the collection of data for the State asset management plan for the NHS for each of the following circumstances:

(i) When one MPO serves an urbanized area,

(ii) When more than one MPO serves an urbanized area, and

(iii) When an urbanized area that has been designated as a TMA overlaps into an adjacent MPA serving an urbanized area that is not a TMA.

(2) These provisions shall be documented either:

(i) As part of the metropolitan planning agreements required under (a), (e), and (g) of this section, or

(ii) Documented in some other means outside of the metropolitan planning agreements as determined cooperatively by the MPO(s), State(s), and providers of public transportation.

§ 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.

(a) Pursuant to section 1308 of the Transportation Equity Act for the 21st Century, TEA–21 (Pub. L. 105–178), an MPO(s), State(s), or public transportation operator(s) may undertake a multimodal, systems-level corridor or subarea planning study as part of the metropolitan transportation planning process. To the extent practicable, development of these transportation planning studies shall involve consultation with, or joint efforts among, the MPO(s), State(s), and/or public transportation operator(s). The results or decisions of these transportation planning studies may be used as part of the overall project development process consistent with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*) and associated implementing regulations (23 CFR part 771 and 40 CFR parts 1500–1508). Specifically, these corridor or subarea studies may result in producing any of the following for a proposed transportation project:

(1) Purpose and need or goals and objective statement(s);

(2) General travel corridor and/or general mode(s) definition (*e.g.*, highway, transit, or a highway/transit combination);

(3) Preliminary screening of alternatives and elimination of unreasonable alternatives;

(4) Basic description of the environmental setting; and/or

(5) Preliminary identification of environmental impacts and environmental mitigation.

(b) Publicly available documents or other source material produced by, or in support of, the transportation planning process described in this subpart may be incorporated directly or by reference into subsequent NEPA documents, in accordance with 40 CFR 1502.21, if:

(1) The NEPA lead agencies agree that such incorporation will aid in establishing or evaluating the purpose and need for the Federal action, reasonable alternatives, cumulative or other impacts on the human and natural environment, or mitigation of these impacts; and

(2) The systems-level, corridor, or subarea planning study is conducted with:

(i) Involvement of interested State, local, Tribal, and Federal agencies;

(ii) Public review;

(iii) Reasonable opportunity to comment during the metropolitan transportation planning process and development of the corridor or subarea planning study;

(iv) Documentation of relevant decisions in a form that is identifiable and available for review during the NEPA scoping process and can be appended to or referenced in the NEPA document; and

(v) The review of the FHWA and the FTA, as appropriate.

(c) By agreement of the NEPA lead agencies, the above integration may be accomplished through tiering (as described in 40 CFR 1502.20), incorporating the subarea or corridor planning study into the draft Environmental Impact Statement (EIS) or Environmental Assessment, or other means that the NEPA lead agencies deem appropriate.

(d) Additional information to further explain the linkages between the transportation planning and project development/NEPA processes is contained in Appendix A to this part, including an explanation that it is non-binding guidance material. The guidance in Appendix A applies only to paragraphs (a)–(c) in this section.

(e) In addition to the process for incorporation directly or by reference outlined in paragraph (b) of this section, an additional authority for integrating planning products into the environmental review process exists in 23 U.S.C. 168. As provided in 23 U.S.C. 168(f):

(1) The statutory authority in 23 U.S.C. 168 shall not be construed to limit in any way the continued use of processes established under other parts of this section or under an authority established outside of this part, and the use of one of the processes in this section does not preclude the subsequent use of another process in this section or an authority outside of this part.

(2) The statute does not restrict the initiation of the environmental review process during planning.

§ 450.320 Development of programmatic mitigation plans.

(a) An MPO may utilize the optional framework in this section to develop programmatic mitigation plans as part of the metropolitan transportation planning process to address the potential environmental impacts of future transportation projects. The MPO, in consultation with the FHWA and/or the FTA and with the agency or agencies with jurisdiction and special expertise over the resources being addressed in the plan, will determine:

(1) *Scope.* (i) An MPO may develop a programmatic mitigation plan on a local, regional, ecosystem, watershed, statewide or similar scale.

(ii) The plan may encompass multiple environmental resources within a defined geographic area(s) or may focus on a specific type(s) of resource(s) such as aquatic resources, parkland, or wildlife habitat.

(iii) The plan may address or consider impacts from all projects in a defined geographic area(s) or may focus on a specific type(s) of project(s).

(2) *Contents.* The programmatic mitigation plan may include:

(i) An assessment of the existing condition of natural and human environmental resources within the area covered by the plan, including an assessment of historic and recent trends and/or any potential threats to those resources.

(ii) An identification of economic, social, and natural and human environmental resources within the geographic area that may be impacted and considered for mitigation. Examples of these resources include wetlands, streams, rivers, stormwater, parklands, cultural resources, historic resources, farmlands, archeological resources, threatened or endangered species, and critical habitat. This may include the identification of areas of high conservation concern or value and thus worthy of avoidance.

(iii) An inventory of existing or planned environmental resource banks for the impacted resource categories such as wetland, stream, stormwater, habitat, species, and an inventory of federally, State, or locally approved in-lieu-of-fee programs.

(iv) An assessment of potential opportunities to improve the overall quality of the identified environmental resources through strategic mitigation for impacts of transportation projects which may include the prioritization of parcels or areas for acquisition and/or potential resource banking sites.

(v) An adoption or development of standard measures or operating procedures for mitigating certain types of impacts; establishment of parameters for determining or calculating appropriate mitigation for certain types of impacts, such as mitigation ratios, or criteria for determining appropriate mitigation sites.

(vi) Adaptive management procedures, such as protocols or procedures that involve monitoring actual impacts against predicted impacts over time and adjusting mitigation measures in response to information gathered through the monitoring.

(vii) Acknowledgement of specific statutory or regulatory requirements that must be satisfied when determining

appropriate mitigation for certain types of resources.

(b) A MPO may adopt a programmatic mitigation plan developed pursuant to paragraph (a), or developed pursuant to an alternative process as provided for in paragraph (f) of this section through the following process:

(1) Consult with each agency with jurisdiction over the environmental resources considered in the programmatic mitigation plan;

(2) Make available a draft of the programmatic mitigation plan for review and comment by appropriate environmental resource agencies and the public;

(3) Consider comments received from such agencies and the public on the draft plan; and

(4) Address such comments in the final programmatic mitigation plan.

(c) A programmatic mitigation plan may be integrated with other plans, including watershed plans, ecosystem plans, species recovery plans, growth management plans, State Wildlife Action Plans, and land use plans.

(d) If a programmatic mitigation plan has been adopted pursuant to paragraph (b), any Federal agency responsible for environmental reviews, permits, or approvals for a transportation project shall give substantial weight to the recommendations in the programmatic mitigation plan when carrying out its responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) (NEPA) or other Federal environmental law.

(e) Nothing in this section limits the use of programmatic approaches for reviews under NEPA.

(f) Nothing in this section prohibits the development, as part of or separate from the transportation planning process, of a programmatic mitigation plan independent of the framework described in paragraph (a) of this section. Further, nothing in this section prohibits the adoption of a programmatic mitigation plan in the metropolitan planning process that was developed under another authority, independent of the framework described in paragraph (a).

§ 450.322 Congestion management process in transportation management areas.

(a) The transportation planning process in a TMA shall address congestion management through a process that provides for safe and effective integrated management and operation of the multimodal transportation system, based on a cooperatively developed and implemented metropolitan-wide

strategy, of new and existing transportation facilities eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 through the use of travel demand reduction (including intercity bus operators, employer-based commuting programs such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), job access projects, and operational management strategies.

(b) 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.

(c) 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.

(d) The congestion management process shall be developed, established, and implemented as part of the 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:

- (i) Demand management measures, including growth management, and congestion pricing;
- (ii) Traffic operational improvements;
- (iii) Public transportation improvements;
- (iv) ITS technologies as related to the regional ITS architecture; and
- (v) 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.

(e) In a TMA designated as nonattainment area for ozone or carbon monoxide pursuant to the Clean Air Act, Federal funds may not be programmed for any project that will result in a significant increase in the carrying capacity for SOVs (*i.e.*, a new

general purpose highway on a new location or adding general purpose lanes, with the exception of safety improvements or the elimination of bottlenecks), unless the project is addressed through a congestion management process meeting the requirements of this section.

(f) In TMAs designated as nonattainment for ozone or carbon monoxide, the congestion management process shall provide an appropriate analysis of reasonable (including multimodal) travel demand reduction and operational management strategies for the corridor in which a project that will result in a significant increase in capacity for SOVs (as described in paragraph (d) of this section) is proposed to be advanced with Federal funds. If the analysis demonstrates that travel demand reduction and operational management strategies cannot fully satisfy the need for additional capacity in the corridor and additional SOV capacity is warranted, then the congestion management process shall identify all reasonable strategies to manage the SOV facility safely and effectively (or to facilitate its management in the future). Other travel demand reduction and operational management strategies appropriate for the corridor, but not appropriate for incorporation into the SOV facility itself, shall also be identified through the congestion management process. All identified reasonable travel demand reduction and operational management strategies shall be incorporated into the SOV project or committed to by the State and MPO for implementation.

(g) State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process, if the FHWA and the FTA find that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of 23 U.S.C. 134 and 49 U.S.C. 5303.

(h) *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:

(i) Develop regional goals to reduce vehicle miles traveled during peak commuting hours and improve transportation connections between areas with high job concentration and areas with high concentrations of low-income households;

(ii) Identify existing public transportation services, employer based commuter programs, and other existing transportation services that support access to jobs in the region; and

(iii) 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.

§ 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, 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).

(a) The MPO, in cooperation with the State(s) and any affected public transportation operator(s), shall develop a TIP for the metropolitan planning area. The TIP shall reflect the investment priorities established in the current metropolitan transportation plan and shall cover a period of no less than 4 years, be updated at least every 4 years, and be approved by the MPO and the Governor. However, if the TIP covers more than 4 years, the FHWA and the FTA will consider the projects in the additional years as informational. The MPO may update the TIP more frequently, but the cycle for updating the TIP must be compatible with the STIP development and approval process. The TIP expires when the FHWA/FTA approval of the STIP expires. Copies of any updated or revised TIPs must be provided to the FHWA and the FTA. In nonattainment and maintenance areas subject to transportation conformity requirements, the FHWA and the FTA, as well as the MPO, must make a conformity determination on any updated or amended TIP, in accordance with the Clean Air Act requirements and the EPA's transportation conformity regulations (40 CFR part 93, subpart A).

(b) The MPO shall provide all interested parties with a reasonable opportunity to comment on the proposed TIP as required by § 450.316(a). In addition, in

nonattainment area TMAs, the MPO shall provide at least one formal public meeting during the TIP development process, which should be addressed through the participation plan described in § 450.316(a). In addition, the MPO shall publish or otherwise make readily available the TIP for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, as described in § 450.316(a).

(c) The TIP shall be designed such that once implemented, it makes progress toward achieving the performance targets established under § 450.306(d).

(d) The TIP shall include, to the maximum extent practicable, a description of the anticipated effect of the TIP toward achieving the performance targets identified in the metropolitan transportation plan, linking investment priorities to those performance targets.

(e) The TIP shall include capital and non-capital surface transportation projects (or phases of projects) within the boundaries of the metropolitan planning area proposed for funding under 23 U.S.C. and 49 U.S.C. Chapter 53 (including transportation alternatives; associated transit improvements; Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects; HSIP projects; trails projects; accessible pedestrian walkways; and bicycle facilities), except the following that may be included:

(1) Safety projects funded under 23 U.S.C. 402 and 49 U.S.C. 31102;

(2) Metropolitan planning projects funded under 23 U.S.C. 104(d), and 49 U.S.C. 5305(d);

(3) State planning and research projects funded under 23 U.S.C. 505 and 49 U.S.C. 5305(e);

(4) At the discretion of the State and MPO, metropolitan planning projects funded with Surface Transportation Program funds;

(5) Emergency relief projects (except those involving substantial functional, locational, or capacity changes);

(6) National planning and research projects funded under 49 U.S.C. 5314; and

(7) Project management oversight projects funded under 49 U.S.C. 5327.

(f) The TIP shall contain all regionally significant projects requiring an action by the FHWA or the FTA whether or not the projects are to be funded under title 23 U.S.C. Chapters 1 and 2 or title 49 U.S.C. Chapter 53 (e.g., addition of an interchange to the Interstate System with State, local, and/or private funds and congressionally designated projects

not funded under 23 U.S.C. or 49 U.S.C. Chapter 53). For public information and conformity purposes, the TIP shall include all regionally significant projects proposed to be funded with Federal funds other than those administered by the FHWA or the FTA, as well as all regionally significant projects to be funded with non-Federal funds.

(g) The TIP shall include, for each project or phase (e.g., preliminary engineering, environment/NEPA, right-of-way, design, or construction), the following:

(1) Sufficient descriptive material (i.e., type of work, termini, and length) to identify the project or phase;

(2) Estimated total project cost, which may extend beyond the 4 years of the TIP;

(3) The amount of Federal funds proposed to be obligated during each program year for the project or phase (for the first year, this includes the proposed category of Federal funds and source(s) of non-Federal funds. For the second, third, and fourth years, this includes the likely category or possible categories of Federal funds and sources of non-Federal funds);

(4) Identification of the agencies responsible for carrying out the project or phase;

(5) In nonattainment and maintenance areas, identification of those projects that are identified as TCMs in the applicable SIP;

(6) In nonattainment and maintenance areas, included projects shall be specified in sufficient detail (design concept and scope) for air quality analysis in accordance with the EPA transportation conformity regulations (40 CFR part 93, subpart A); and

(7) In areas with Americans with Disabilities Act required paratransit and key station plans, identification of those projects that will implement these plans.

(h) Projects that are not considered to be of appropriate scale for individual identification in a given program year may be grouped by function, work type, and/or geographic area using the applicable classifications under 23 CFR 771.117(c) and (d) and/or 40 CFR part 93. In nonattainment and maintenance areas, project classifications must be consistent with the "exempt project" classifications contained in the EPA transportation conformity regulations (40 CFR part 93, subpart A). In addition, projects proposed for funding under title 23 U.S.C. Chapter 2 that are not regionally significant may be grouped in one line item or identified individually in the TIP.

(i) Each project or project phase included in the TIP shall be consistent with the approved metropolitan transportation plan.

(j) The TIP shall include a financial plan that demonstrates how the approved TIP can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the TIP, and recommends any additional financing strategies for needed projects and programs. In developing the TIP, the MPO, State(s), and public transportation operator(s) shall cooperatively develop estimates of funds that are reasonably expected to be available to support TIP implementation in accordance with § 450.314(a). Only projects for which construction or operating funds can reasonably be expected to be available may be included. In the case of new funding sources, strategies for ensuring their availability shall be identified. In developing the financial plan, the MPO shall take into account all projects and strategies funded under title 23 U.S.C., title 49 U.S.C. Chapter 53, and other Federal funds; and regionally significant projects that are not federally funded. For purposes of transportation 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 Federal-aid highways (as defined by 23 U.S.C. 101(a)(6)) and public transportation (as defined by title 49 U.S.C. Chapter 53). In addition, for illustrative purposes, the financial plan may include additional projects that would be included in the TIP if reasonable additional resources beyond those identified in the financial plan were to become available. Revenue and cost estimates for the TIP 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).

(k) The TIP shall include a project, or a phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project. In nonattainment and maintenance areas, projects included in the first 2 years of the TIP shall be limited to those for which funds are available or committed. For the TIP, financial constraint shall be demonstrated and maintained by year and shall include sufficient financial information to demonstrate which projects are to be implemented using

current and/or reasonably available revenues, while federally supported facilities are being adequately operated and maintained. In the case of proposed funding sources, strategies for ensuring their availability shall be identified in the financial plan consistent with paragraph (h) of this section. In nonattainment and maintenance areas, the TIP shall give priority to eligible TCMs identified in the approved SIP in accordance with the EPA transportation conformity regulations (40 CFR part 93, subpart A) and shall provide for their timely implementation.

(l) In cases that the FHWA and the FTA find a TIP 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 TIP that does not reflect the changed revenue situation.

(m) Procedures or agreements that distribute suballocated Surface Transportation Program funds to individual jurisdictions or modes within the MPA by pre-determined percentages or formulas are inconsistent with the legislative provisions that require the MPO, in cooperation with the State and the public transportation operator, to develop a prioritized and financially constrained TIP and shall not be used unless they can be clearly shown to be based on considerations required to be addressed as part of the metropolitan transportation planning process.

(n) As a management tool for monitoring progress in implementing the transportation plan, the TIP should:

(1) Identify the criteria and process for prioritizing implementation of transportation plan elements (including multimodal trade-offs) for inclusion in the TIP and any changes in priorities from previous TIPs;

(2) List major projects from the previous TIP that were implemented and identify any significant delays in the planned implementation of major projects; and

(3) In nonattainment and maintenance areas, describe the progress in implementing any required TCMs, in accordance with 40 CFR part 93.

(o) In metropolitan nonattainment and maintenance areas, a 12-month conformity lapse grace period will be implemented when an area misses an applicable deadline, according to the Clean Air Act and the transportation conformity regulations (40 CFR part 93, subpart A). At the end of this 12-month

grace period, the existing conformity determination will lapse. During a conformity lapse, MPOs may prepare an interim TIP as a basis for advancing projects that are eligible to proceed under a conformity lapse. An interim TIP consisting of eligible projects from, or consistent with, the most recent conforming metropolitan transportation plan and TIP may proceed immediately without revisiting the requirements of this section, subject to interagency consultation defined in 40 CFR part 93. An interim TIP containing eligible projects that are not from, or consistent with, the most recent conforming transportation plan and TIP must meet all the requirements of this section.

(p) Projects in any of the first 4 years of the TIP may be advanced in place of another project in the first 4 years of the TIP, subject to the project selection requirements of § 450.332. In addition, the MPO may revise the TIP at any time under procedures agreed to by the State, MPO(s), and public transportation operator(s) consistent with the TIP development procedures established in this section, as well as the procedures for the MPO participation plan (see § 450.316(a)) and FHWA/FTA actions on the TIP (see § 450.330).

§ 450.328 TIP revisions and relationship to the STIP.

(a) An MPO may revise the TIP at any time under procedures agreed to by the cooperating parties consistent with the procedures established in this part for its development and approval. In nonattainment or maintenance areas for transportation-related pollutants, if a TIP amendment involves non-exempt projects (per 40 CFR part 93), or is replaced with an updated TIP, the MPO and the FHWA and the FTA must make a new conformity determination. In all areas, changes that affect fiscal constraint must take place by amendment of the TIP. The MPO shall use public participation procedures consistent with § 450.316(a) in revising the TIP, except that these procedures are not required for administrative modifications.

(b) After approval by the MPO and the Governor, the State shall include the TIP without change, directly or by reference, in the STIP required under 23 U.S.C. 135. In nonattainment and maintenance areas, the FHWA and the FTA must make a conformity finding on the TIP before it is included in the STIP. A copy of the approved TIP shall be provided to the FHWA and the FTA.

(c) The State shall notify the MPO and Federal land management agencies when it has included a TIP including

projects under the jurisdiction of these agencies in the STIP.

§ 450.330 TIP action by the FHWA and the FTA.

(a) The FHWA and the FTA shall jointly find that each metropolitan TIP is consistent with the metropolitan transportation plan produced by the continuing and comprehensive transportation process carried on cooperatively by the MPO(s), the State(s), and the public transportation operator(s) in accordance with 23 U.S.C. 134 and 49 U.S.C. 5303. This finding shall be based on the self-certification statement submitted by the State and MPO under § 450.336, a review of the metropolitan transportation plan by the FHWA and the FTA, and upon other reviews as deemed necessary by the FHWA and the FTA.

(b) In nonattainment and maintenance areas, the MPO, as well as the FHWA and the FTA, shall determine conformity of any updated or amended TIP, in accordance with 40 CFR part 93. After the FHWA and the FTA issue a conformity determination on the TIP, the TIP shall be incorporated, without change, into the STIP, directly or by reference.

(c) If an MPO has not updated the metropolitan transportation plan in accordance with the cycles defined in § 450.324(c), projects may only be advanced from a TIP that was approved and found to conform (in nonattainment and maintenance areas) prior to expiration of the metropolitan transportation plan and meets the TIP update requirements of § 450.326(a). Until the MPO approves (in attainment areas) or the FHWA and the FTA issue a conformity determination on (in nonattainment and maintenance areas) the updated metropolitan transportation plan, the MPO may not amend the TIP.

(d) In the case of extenuating circumstances, the FHWA and the FTA will consider and take appropriate action on requests to extend the STIP approval period for all or part of the TIP in accordance with § 450.220(b).

(e) If an illustrative project is included in the TIP, no Federal action may be taken on that project by the FHWA and the FTA until it is formally included in the financially constrained and conforming metropolitan transportation plan and TIP.

(f) Where necessary in order to maintain or establish operations, the FHWA and the FTA may approve highway and transit operating assistance for specific projects or programs, even though the projects or programs may not be included in an approved TIP.

§ 450.332 Project selection from the TIP.

(a) Once a TIP that meets the requirements of 23 U.S.C. 134(j), 49 U.S.C. 5303(j), and § 450.326 has been developed and approved, the first year of the TIP will constitute an “agreed to” list of projects for project selection purposes and no further project selection action is required for the implementing agency to proceed with projects, except where the appropriated Federal funds available to the metropolitan planning area are significantly less than the authorized amounts or where there are significant shifting of projects between years. In this case, the MPO, the State, and the public transportation operator(s) if requested by the MPO, the State, or the public transportation operator(s) shall jointly develop a revised “agreed to” list of projects. If the State or public transportation operator(s) wishes to proceed with a project in the second, third, or fourth year of the TIP, the specific project selection procedures stated in paragraphs (b) and (c) of this section must be used unless the MPO, the State, and the public transportation operator(s) jointly develop expedited project selection procedures to provide for the advancement of projects from the second, third, or fourth years of the TIP.

(b) In metropolitan areas not designated as TMAs, the State and/or the public transportation operator(s), in cooperation with the MPO shall select projects to be implemented using title 23 U.S.C. funds (other than Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects) or funds under title 49 U.S.C. Chapter 53, from the approved metropolitan TIP. Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects shall be selected in accordance with procedures developed pursuant to 23 U.S.C. 201, 202, 203, and 204.

(c) In areas designated as TMAs, the MPO shall select all 23 U.S.C. and 49 U.S.C. Chapter 53 funded projects (excluding projects on the NHS and Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program) in consultation with the State and public transportation operator(s) from the approved TIP and in accordance with the priorities in the approved TIP. The State shall select projects on the NHS in cooperation with the MPO, from the approved TIP. Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects shall be selected in accordance with procedures developed

pursuant to 23 U.S.C. 201, 202, 203, and 204.

(d) Except as provided in § 450.326(e) and § 450.330(f), projects not included in the federally approved STIP are not eligible for funding with funds under title 23 U.S.C. or 49 U.S.C. Chapter 53.

(e) In nonattainment and maintenance areas, priority shall be given to the timely implementation of TCMs contained in the applicable SIP in accordance with the EPA transportation conformity regulations (40 CFR part 93, subpart A).

§ 450.334 Annual listing of obligated projects.

(a) In metropolitan planning areas, on an annual basis, no later than 90 calendar days following the end of the program year, the State, public transportation operator(s), and the MPO shall cooperatively develop a listing of projects (including investments in pedestrian walkways and bicycle transportation facilities) for which funds under 23 U.S.C. or 49 U.S.C. Chapter 53 were obligated in the preceding program year.

(b) The listing shall be prepared in accordance with § 450.314(a) and shall include all federally funded projects authorized or revised to increase obligations in the preceding program year, and shall at a minimum include the TIP information under § 450.326(g)(1) and (4) and identify, for each project, the amount of Federal funds requested in the TIP, the Federal funding that was obligated during the preceding year, and the Federal funding remaining and available for subsequent years.

(c) The listing shall be published or otherwise made available in accordance with the MPO’s public participation criteria for the TIP.

§ 450.336 Self-certifications and Federal certifications.

(a) For all MPAs, concurrent with the submittal of the entire proposed TIP to the FHWA and the FTA as part of the STIP approval, the State and the MPO shall certify at least every 4 years that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements including:

(1) 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart;

(2) In nonattainment and maintenance areas, sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506(c) and (d)) and 40 CFR part 93;

(3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d–1) and 49 CFR part 21;

(4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;

(5) Section 1101(b) of the FAST Act (Pub. L. 114–357) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in DOT funded projects;

(6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;

(7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) and 49 CFR parts 27, 37, and 38;

(8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;

(9) Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and

(10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

(b) In TMAs, the FHWA and the FTA jointly shall review and evaluate the transportation planning process for each TMA no less than once every 4 years to determine if the process meets the requirements of applicable provisions of Federal law and this subpart.

(1) After review and evaluation of the TMA planning process, the FHWA and FTA shall take one of the following actions:

(i) If the process meets the requirements of this part and the MPO and the Governor have approved a TIP, jointly certify the transportation planning process;

(ii) If the process substantially meets the requirements of this part and the MPO and the Governor have approved a TIP, jointly certify the transportation planning process subject to certain specified corrective actions being taken; or

(iii) If the process does not meet the requirements of this part, jointly certify the planning process as the basis for approval of only those categories of programs or projects that the FHWA and the FTA jointly determine, subject to certain specified corrective actions being taken.

(2) If, upon the review and evaluation conducted under paragraph (b)(1)(iii) of this section, the FHWA and the FTA do not certify the transportation planning process in a TMA, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the MPO for projects

funded under title 23 U.S.C. and title 49 U.S.C. Chapter 53 in addition to corrective actions and funding restrictions. The withheld funds shall be restored to the MPA when the metropolitan transportation planning process is certified by the FHWA and FTA, unless the funds have lapsed.

(3) A certification of the TMA planning process will remain in effect for 4 years unless a new certification determination is made sooner by the FHWA and the FTA or a shorter term is specified in the certification report.

(4) In conducting a certification review, the FHWA and the FTA shall provide opportunities for public involvement within the metropolitan planning area under review. The FHWA and the FTA shall consider the public input received in arriving at a decision on a certification action.

(5) The FHWA and the FTA shall notify the MPO(s), the State(s), and public transportation operator(s) of the actions taken under paragraphs (b)(1) and (b)(2) of this section. The FHWA and the FTA will update the certification status of the TMA when evidence of satisfactory completion of a corrective action(s) is provided to the FHWA and the FTA.

§ 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

Background and Overview

This Appendix provides additional information to explain the linkage between the transportation planning and project development/National Environmental Policy Act (NEPA) processes. It is intended to be non-binding and should not be construed as a rule of general applicability.

For 40 years, the Congress has directed that federally funded highway and transit projects must flow from metropolitan and statewide transportation planning processes (pursuant to 23 U.S.C. 134–135 and 49 U.S.C. 5303–5306). Over the years, the Congress has refined and strengthened the transportation planning process as the foundation for project decisions, emphasizing public involvement, consideration of environmental and other factors, and a Federal role that oversees the transportation planning process but does not second-guess the content of transportation plans and programs.

Despite this statutory emphasis on transportation planning, the environmental analyses produced to meet the requirements of the NEPA of 1969 (42 U.S.C. 4231 *et seq.*) have often been conducted *de novo*, disconnected from the analyses used to develop long-range transportation plans, statewide and metropolitan Transportation Improvement Programs (STIPs/TIPs), or planning-level corridor/subarea/feasibility studies. When the NEPA and transportation planning processes are not well coordinated, the NEPA process may lead to the development of information that is more appropriately developed in the planning process, resulting in duplication of work and delays in transportation improvements.

The purpose of this Appendix is to change this culture, by supporting congressional intent that statewide and metropolitan transportation planning should be the foundation for highway and transit project decisions. This Appendix was crafted to recognize that transportation planning processes vary across the country. This document provides details on how information, analysis, and products from transportation planning can be incorporated into and relied upon in NEPA documents under existing laws, regardless of when the Notice of Intent has been published. This Appendix presents environmental review as a continuum of sequential study, refinement, and expansion performed in transportation planning and during project development/NEPA, with information developed and conclusions drawn in early stages utilized in subsequent (and more detailed) review stages.

The information below is intended for use by State departments of transportation (State DOTs), metropolitan planning organizations (MPOs), and public transportation operators to clarify the circumstances under which transportation planning level choices and analyses can be adopted or incorporated into the process required by NEPA. Additionally, the FHWA and the FTA will work with Federal environmental, regulatory, and resource agencies to incorporate the principles of this Appendix in their day-to-day NEPA policies and procedures related to their involvement in highway and transit projects.

This Appendix does not extend NEPA requirements to transportation plans and programs. The Transportation Efficiency Act for the 21st Century (TEA-21) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) specifically exempted transportation plans and programs from

NEPA review. Therefore, initiating the NEPA process as part of, or concurrently with, a transportation planning study does not subject transportation plans and programs to NEPA.

Implementation of this Appendix by States, MPOs, and public transportation operators is voluntary. The degree to which studies, analyses, or conclusions from the transportation planning process can be incorporated into the project development/NEPA processes will depend upon how well they meet certain standards established by NEPA regulations and guidance. While some transportation planning processes already meet these standards, others will need some modification.

The remainder of this Appendix document utilizes a "Question and Answer" format, organized into three primary categories ("Procedural Issues," "Substantive Issues," and "Administrative Issues").

I. Procedural Issues

1. In what format should the transportation planning information be included?

To be included in the NEPA process, work from the transportation planning process must be documented in a form that can be appended to the NEPA document or incorporated by reference. Documents may be incorporated by reference if they are readily available so as to not impede agency or public review of the action. Any document incorporated by reference must be "reasonably available for inspection by potentially interested persons within the time allowed for comment." Incorporated materials must be cited in the NEPA document and their contents briefly described, so that the reader understands why the document is cited and knows where to look for further information. To the extent possible, the documentation should be in a form such as official actions by the MPO, State DOT, or public transportation operator and/or correspondence within and among the organizations involved in the transportation planning process.

2. What is a reasonable level of detail for a planning product that is intended to be used in a NEPA document? How does this level of detail compare to what is considered a full NEPA analysis?

For purposes of transportation planning alone, a planning-level analysis does not need to rise to the level of detail required in the NEPA process. Rather, it needs to be accurate and up-to-date, and should adequately support recommended improvements in the statewide or metropolitan long-range transportation plan. The SAFETEA-LU requires transportation planning processes to focus on setting a context and following acceptable procedures. For example, the SAFETEA-LU requires a "discussion of the types of potential environmental mitigation activities" and potential areas for their implementation, rather than details on specific strategies. The SAFETEA-LU also emphasizes consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies.

However, the Environmental Assessment (EA) or Environmental Impact Statement

(EIS) ultimately will be judged by the standards applicable under the NEPA regulations and guidance from the Council on Environmental Quality (CEQ). To the extent the information incorporated from the transportation planning process, standing alone, does not contain all of the information or analysis required by NEPA, then it will need to be supplemented by other information contained in the EIS or EA that would, in conjunction with the information from the plan, collectively meet the requirements of NEPA. The intent is not to require NEPA studies in the transportation planning process. As an option, the NEPA analyses prepared for project development can be integrated with transportation planning studies (see the response to Question 9 for additional information).

3. What type and extent of involvement from Federal, Tribal, State, and local environmental, regulatory, and resource agencies is needed in the transportation planning process in order for planning-level decisions to be more readily accepted in the NEPA process?

Sections 3005, 3006, and 6001 of the SAFETEA-LU established formal consultation requirements for MPOs and State DOTs to employ with environmental, regulatory, and resource agencies in the development of long-range transportation plans. For example, metropolitan transportation plans now "shall include a discussion of the 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 [transportation] plan," and that these planning-level discussions "shall be developed in consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies." In addition, MPOs "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," and that this consultation "shall involve, as appropriate, comparison of transportation plans with State conservation plans or maps, if available, or comparison of transportation plans to inventories of natural or historic resources, if available." Similar SAFETEA-LU language addresses the development of the long-range statewide transportation plan, with the addition of Tribal conservation plans or maps to this planning-level "comparison."

In addition, section 6002 of the SAFETEA-LU established several mechanisms for increased efficiency in environmental reviews for project decision-making. For example, the term "lead agency" collectively means the U.S. Department of Transportation and a State or local governmental entity serving as a joint lead agency for the NEPA process. In addition, the lead agency is responsible for inviting and designating "participating agencies" (*i.e.*, other Federal or non-Federal agencies that may have an interest in the proposed project). Any Federal

agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a participating agency by the lead agency unless the invited agency informs the lead agency, in writing, by the deadline specified in the invitation that the invited agency:

(a) Has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and (c) does not intend to submit comments on the project.

Past successful examples of using transportation planning products in NEPA analysis are based on early and continuous involvement of environmental, regulatory, and resource agencies. Without this early coordination, environmental, regulatory, and resource agencies are more likely to expect decisions made or analyses conducted in the transportation planning process to be revisited during the NEPA process. Early participation in transportation planning provides environmental, regulatory, and resource agencies better insight into the needs and objectives of the locality. Additionally, early participation provides an important opportunity for environmental, regulatory, and resource agency concerns to be identified and addressed early in the process, such as those related to permit applications. Moreover, Federal, Tribal, State, and local environmental, regulatory, and resource agencies are able to share data on particular resources, which can play a critical role in determining the feasibility of a transportation solution with respect to environmental impacts. The use of other agency planning outputs can result in a transportation project that could support multiple goals (transportation, environmental, and community). Further, planning decisions by these other agencies may have impacts on long-range transportation plans and/or the STIP/TIP, thereby providing important input to the transportation planning process and advancing integrated decision-making.

4. What is the procedure for using decisions or analyses from the transportation planning process?

The lead agencies jointly decide, and must agree, on what processes and consultation techniques are used to determine the transportation planning products that will be incorporated into the NEPA process. At a minimum, a robust scoping/early coordination process (which explains to Federal and State environmental, regulatory, and resource agencies and the public the information and/or analyses utilized to develop the planning products, how the purpose and need was developed and refined, and how the design concept and scope were determined) should play a critical role in leading to informed decisions by the lead agencies on the suitability of the transportation planning information, analyses, documents, and decisions for use in the NEPA process. As part of a rigorous scoping/early coordination process, the FHWA and the FTA should ensure that the transportation planning results are appropriately documented, shared, and used.

5. To what extent can the FHWA/FTA provide up-front assurance that decisions and additional investments made in the transportation planning process will allow planning-level decisions and analyses to be used in the NEPA process?

There are no guarantees. However, the potential is greatly improved for transportation planning processes that address the “3-C” planning principles (comprehensive, cooperative, and continuous); incorporate the intent of NEPA through the consideration of natural, physical, and social effects; involve environmental, regulatory, and resource agencies; thoroughly document the transportation planning process information, analysis, and decision; and vet the planning results through the applicable public involvement processes.

6. What considerations will the FHWA/FTA take into account in their review of transportation planning products for acceptance in project development/NEPA?

The FHWA and the FTA will give deference to decisions resulting from the transportation planning process if the FHWA and FTA determine that the planning process is consistent with the “3-C” planning principles and when the planning study process, alternatives considered, and resulting decisions have a rational basis that is thoroughly documented and vetted through the applicable public involvement processes. Moreover, any applicable program-specific requirements (e.g., those of the Congestion Mitigation and Air Quality Improvement Program or the FTA’s Capital Investment Grant program) also must be met.

The NEPA requires that the FHWA and the FTA be able to stand behind the overall soundness and credibility of analyses conducted and decisions made during the transportation planning process if they are incorporated into a NEPA document. For example, if systems-level or other broad objectives or choices from the transportation plan are incorporated into the purpose and need statement for a NEPA document, the FHWA and the FTA should not revisit whether these are the best objectives or choices among other options. Rather, the FHWA and the FTA review would include making sure that objectives or choices derived from the transportation plan were: Based on transportation planning factors established by Federal law; reflect a credible and articulated planning rationale; founded on reliable data; and developed through transportation planning processes meeting FHWA and FTA statutory and regulatory requirements. In addition, the basis for the goals and choices must be documented and included in the NEPA document. The FHWA/FTA reviewers do not need to review whether assumptions or analytical methods used in the studies are the best available, but, instead, need to assure that such assumptions or analytical methods are reasonable, scientifically acceptable, and consistent with goals, objectives, and policies set forth in long-range transportation plans. This review would include determining whether: (a) Assumptions have a rational basis and are up-to-date and (b) data, analytical methods,

and modeling techniques are reliable, defensible, reasonably current, and meet data quality requirements.

II. Substantive Issues

General Issues To Be Considered

7. What should be considered in order to rely upon transportation planning studies in NEPA?

The following questions should be answered prior to accepting studies conducted during the transportation planning process for use in NEPA. While not a “checklist,” these questions are intended to guide the practitioner’s analysis of the planning products:

- How much time has passed since the planning studies and corresponding decisions were made?
- Were the future year policy assumptions used in the transportation planning process related to land use, economic development, transportation costs, and network expansion consistent with those to be used in the NEPA process?
 - Is the information still relevant/valid?
 - What changes have occurred in the area since the study was completed?
 - Is the information in a format that can be appended to an environmental document or reformatted to do so?
 - Are the analyses in a planning-level report or document based on data, analytical methods, and modeling techniques that are reliable, defensible, and consistent with those used in other regional transportation studies and project development activities?
 - Were the FHWA and FTA, other agencies, and the public involved in the relevant planning analysis and the corresponding planning decisions?
 - Were the planning products available to other agencies and the public during NEPA scoping?
 - During NEPA scoping, was a clear connection between the decisions made in planning and those to be made during the project development stage explained to the public and others? What was the response?
 - Are natural resource and land use plans being informed by transportation planning products, and vice versa?

Purpose and Need

8. How can transportation planning be used to shape a project’s purpose and need in the NEPA process?

A sound transportation planning process is the primary source of the project purpose and need. Through transportation planning, State and local governments, with involvement of stakeholders and the public, establish a vision for the region’s future transportation system, define transportation goals and objectives for realizing that vision, decide which needs to address, and determine the timeframe for addressing these issues. The transportation planning process also provides a potential forum to define a project’s purpose and need by framing the scope of the problem to be addressed by a proposed project. This scope may be further refined during the transportation planning process as more information about the transportation need is collected and consultation with the

public and other stakeholders clarifies other issues and goals for the region.

23 U.S.C. 139(f), as amended by the SAFETEA-LU Section 6002, provides additional focus regarding the definition of the purpose and need and objectives. For example, the lead agency, as early as practicable during the environmental review process, shall provide an opportunity for involvement by participating agencies and the public in defining the purpose and need for a project. The statement of purpose and need shall include a clear statement of the objectives that the proposed action is intended to achieve, which may include: (a) Achieving a transportation objective identified in an applicable statewide or metropolitan transportation plan; (b) supporting land use, economic development, or growth objectives established in applicable Federal, State, local, or Tribal plans; and (c) serving national defense, national security, or other national objectives, as established in Federal laws, plans, or policies.

The transportation planning process can be utilized to develop the purpose and need in the following ways:

- (a) Goals and objectives from the transportation planning process may be part of the project’s purpose and need statement;
- (b) A general travel corridor or general mode or modes (e.g., highway, transit, or a highway/transit combination) resulting from planning analyses may be part of the project’s purpose and need statement;
- (c) If the financial plan for a metropolitan transportation plan indicates that funding for a specific project will require special funding sources (e.g., tolls or public-private financing), such information may be included in the purpose and need statement; or
- (d) The results of analyses from management systems (e.g., congestion, pavement, bridge, and/or safety) may shape the purpose and need statement.

The use of these planning-level goals and choices must be appropriately explained during NEPA scoping and in the NEPA document.

Consistent with NEPA, the purpose and need statement should be a statement of a transportation problem, not a specific solution. However, the purpose and need statement should be specific enough to generate alternatives that may potentially yield real solutions to the problem at-hand. A purpose and need statement that yields only one alternative may indicate a purpose and need that is too narrowly defined.

Short of a fully integrated transportation decision-making process, many State DOTs develop information for their purpose and need statements when implementing interagency NEPA/Section 404 process merger agreements. These agreements may need to be expanded to include commitments to share and utilize transportation planning products when developing a project’s purpose and need.

9. Under what conditions can the NEPA process be initiated in conjunction with transportation planning studies?

The NEPA process may be initiated in conjunction with transportation planning

studies in a number of ways. A common method is the “tiered EIS,” in which the first-tier EIS evaluates general travel corridors, modes, and/or packages of projects at a planning level of detail, leading to the refinement of purpose and need and, ideally, selection of the design concept and scope for a project or series of projects. Subsequently, second-tier NEPA review(s) of the resulting projects would be performed in the usual way. The first-tier EIS uses the NEPA process as a tool to involve environmental, regulatory, and resource agencies and the public in the planning decisions, as well as to ensure the appropriate consideration of environmental factors in these planning decisions.

Corridor or subarea analyses/studies are another option when the long-range transportation plan leaves open the possibility of multiple approaches to fulfill its goals and objectives. In such cases, the formal NEPA process could be initiated through publication of a NOI in conjunction with a corridor or subarea planning study.

Alternatives

10. In the context of this Appendix, what is the meaning of the term “alternatives”?

This Appendix uses the term “alternatives” as specified in the NEPA regulations (40 CFR 1502.14), where it is defined in its broadest sense to include everything from major modal alternatives and location alternatives to minor design changes that would mitigate adverse impacts. This Appendix does not use the term as it is used in many other contexts (e.g., “prudent and feasible alternatives” under Section 4(f) of the Department of Transportation Act or the “Least Environmentally Damaging Practicable Alternative” under the Clean Water Act.

11. Under what circumstances can alternatives be eliminated from detailed consideration during the NEPA process based on information and analysis from the transportation planning process?

There are two ways in which the transportation planning process can begin limiting the alternative solutions to be evaluated during the NEPA process: (a) Shaping the purpose and need for the project; or (b) evaluating alternatives during planning studies and eliminating some of the alternatives from detailed study in the NEPA process prior to its start. Each approach requires careful attention, and is summarized below.

(a) Shaping the Purpose and Need for the Project: The transportation planning process should shape the purpose and need and, thereby, the range of reasonable alternatives. With proper documentation and public involvement, a purpose and need derived from the planning process can legitimately narrow the alternatives analyzed in the NEPA process. See the response to Question 8 for further discussion on how the planning process can shape the purpose and need used in the NEPA process.

For example, the purpose and need may be shaped by the transportation planning process in a manner that consequently narrows the range of alternatives that must be

considered in detail in the NEPA document when:

(1) The transportation planning process has selected a general travel corridor as best addressing identified transportation problems and the rationale for the determination in the planning document is reflected in the purpose and need statement of the subsequent NEPA document;

(2) The transportation planning process has selected a general mode (e.g., highway, transit, or a highway/transit combination) that accomplishes its goals and objectives, and these documented determinations are reflected in the purpose and need statement of the subsequent NEPA document; or

(3) The transportation planning process determines that the project needs to be funded by tolls or other non-traditional funding sources in order for the long-range transportation plan to be fiscally constrained or identifies goals and objectives that can only be met by toll roads or other non-traditional funding sources, and that determination of those goals and objectives is reflected in the purpose and need statement of the subsequent NEPA document.

(b) Evaluating and Eliminating Alternatives During the Transportation Planning Process: The evaluation and elimination of alternatives during the transportation planning process can be incorporated by reference into a NEPA document under certain circumstances. In these cases, the planning study becomes part of the NEPA process and provides a basis for screening out alternatives. As with any part of the NEPA process, the analysis of alternatives to be incorporated from the process must have a rational basis that has been thoroughly documented (including documentation of the necessary and appropriate vetting through the applicable public involvement processes). This record should be made available for public review during the NEPA scoping process.

See responses to Questions 4, 5, 6, and 7 for additional elements to consider with respect to acceptance of planning products for NEPA documentation and the response to Question 12 on the information or analysis necessary for supporting the elimination of an alternative(s) from detailed consideration in the NEPA process.

Development of planning Alternatives Analysis studies, required prior to MAP-21 for projects seeking funds through FTA’s Capital Investment Grant program, are now optional, but may still be used to narrow the alternatives prior to the NEPA review, just as other planning studies may be used. In fact, through planning studies, FTA may be able to narrow the alternatives considered in detail in the NEPA document to the No-Build (No Action) alternative and the Locally Preferred Alternative. If the planning process has included the analysis and stakeholder involvement that would be undertaken in a first tier NEPA process, then the alternatives screening conducted in the transportation planning process may be incorporated by reference, described, and relied upon in the project-level NEPA document. At that point, the project-level NEPA analysis can focus on the remaining alternatives.

12. What information or analysis from the transportation planning process is needed in an EA or EIS to support the elimination of an alternative(s) from detailed consideration?

The section of the EA or EIS that discusses alternatives considered but eliminated from detailed consideration should:

(a) Identify any alternatives eliminated during the transportation planning process (this could include broad categories of alternatives, as when a long-range transportation plan selects a general travel corridor based on a corridor study, thereby eliminating all alternatives along other alignments);

(b) Briefly summarize the reasons for eliminating the alternative; and

(c) Include a summary of the analysis process that supports the elimination of alternatives (the summary should reference the relevant sections or pages of the analysis or study) and incorporate it by reference or append it to the NEPA document.

Any analyses or studies used to eliminate alternatives from detailed consideration should be made available to the public and participating agencies during the NEPA scoping process and should be reasonably available during comment periods.

Alternatives passed over during the transportation planning process because they are infeasible or do not meet the NEPA “purpose and need” can be omitted from the detailed analysis of alternatives in the NEPA document, as long as the rationale for elimination is explained in the NEPA document. Alternatives that remain “reasonable” after the planning-level analysis must be addressed in the EIS, even when they are not the preferred alternative. When the proposed action evaluated in an EA involves unresolved conflicts concerning alternative uses of available resources, NEPA requires that appropriate alternatives be studied, developed, and described.

Affected Environment and Environmental Consequences

13. What types of planning products provide analysis of the affected environment and environmental consequences that are useful in a project-level NEPA analysis and document?

The following planning products are valuable inputs to the discussion of the affected environment and environmental consequences (both its current state and future state in the absence of the proposed action) in the project-level NEPA analysis and document:

- Regional development and growth analyses;
- Local land use, growth management, or development plans; and
- Population and employment projections.

The following are types of information, analysis, and other products from the transportation planning process that can be used in the discussion of the affected environment and environmental consequences in an EA or EIS:

(a) Geographic information system (GIS) overlays showing the past, current, or predicted future conditions of the natural and built environments;

(b) Environmental scans that identify environmental resources and environmentally sensitive areas;

(c) Descriptions of airsheds and watersheds;

(d) Demographic trends and forecasts;

(e) Projections of future land use, natural resource conservation areas, and development; and

(f) The outputs of natural resource planning efforts, such as wildlife conservation plans, watershed plans, special area management plans, and multiple species habitat conservation plans.

However, in most cases, the assessment of the affected environment and environmental consequences conducted during the transportation planning process will not be detailed or current enough to meet NEPA standards and, thus, the inventory and evaluation of affected resources and the analysis of consequences of the alternatives will need to be supplemented with more refined analysis and possibly site-specific details during the NEPA process.

14. What information from the transportation planning process is useful in describing a baseline for the NEPA analysis of indirect and cumulative impacts?

Because the nature of the transportation planning process is to look broadly at future land use, development, population increases, and other growth factors, the planning analysis can provide the basis for the assessment of indirect and cumulative impacts required under NEPA. The consideration in the transportation planning process of development, growth, and consistency with local land use, growth management, or development plans, as well as population and employment projections, provides an overview of the multitude of factors in an area that are creating pressures not only on the transportation system, but on the natural ecosystem and important environmental and community resources. An analysis of all reasonably foreseeable actions in the area also should be a part of the transportation planning process. This planning-level information should be captured and utilized in the analysis of indirect and cumulative impacts during the NEPA process.

To be used in the analysis of indirect and cumulative impacts, such information should:

(a) Be sufficiently detailed that differences in consequences of alternatives can be readily identified;

(b) Be based on current data (e.g., data from the most recent Census) or be updated by additional information;

(c) Be based on reasonable assumptions that are clearly stated; and/or

(d) Rely on analytical methods and modeling techniques that are reliable, defensible, and reasonably current.

Environmental Mitigation

15. How can planning-level efforts best support advance mitigation, mitigation banking, and priorities for environmental mitigation investments?

A lesson learned from efforts to establish mitigation banks and advance mitigation

agreements and alternative mitigation options is the importance of beginning interagency discussions during the transportation planning process. Development pressures, habitat alteration, complicated real estate transactions, and competition for potential mitigation sites by public and private project proponents can encumber the already difficult task of mitigating for “like” value and function and reinforce the need to examine mitigation strategies as early as possible.

Robust use of remote sensing, GIS, and decision support systems for evaluating conservation strategies are all contributing to the advancement of natural resource and environmental planning. The outputs from environmental planning can now better inform transportation planning processes, including the development of mitigation strategies, so that transportation and conservation goals can be optimally met. For example, long-range transportation plans can be screened to assess the effect of general travel corridors or density, on the viability of sensitive plant and animal species or habitats. This type of screening provides a basis for early collaboration among transportation and environmental staffs, the public, and regulatory agencies to explore areas where impacts must be avoided and identify areas for mitigation investments. This can lead to mitigation strategies that are both more economical and more effective from an environmental stewardship perspective than traditional project-specific mitigation measures.

III. Administrative Issues

16. Are Federal funds eligible to pay for these additional, or more in depth, environmental studies in transportation planning?

Yes. For example, the following FHWA and FTA funds may be utilized for conducting environmental studies and analyses within transportation planning:

- FHWA planning and research funds, as defined under 23 CFR part 420 (e.g., Metropolitan Planning (PL), Statewide Planning and Research (SPR), National Highway System (NHS), STP, and Equity Bonus); and

- FTA planning and research funds (49 U.S.C. 5303), urban formula funds (49 U.S.C. 5307), and (in limited circumstances) transit capital investment funds (49 U.S.C. 5309).

The eligible transportation planning-related uses of these funds may include: (a) Conducting feasibility or subarea/corridor needs studies and (b) developing system-wide environmental information/inventories (e.g., wetland banking inventories or standards to identify historically significant sites). Particularly in the case of PL and SPR funds, the proposed expenditure must be closely related to the development of transportation plans and programs under 23 U.S.C. 134–135 and 49 U.S.C. 5303–5306.

For FHWA funding programs, once a general travel corridor or specific project has progressed to a point in the preliminary engineering/NEPA phase that clearly extends beyond transportation planning, additional in-depth environmental studies must be funded through the program category for which the ultimate project qualifies (e.g.,

NHS, STP, Interstate Maintenance, and/or Bridge), rather than PL or SPR funds.

Another source of funding is FHWA’s Transportation Enhancement program, which may be used for activities such as: conducting archeological planning and research; developing inventories such as those for historic bridges and highways, and other surface transportation-related structures; conducting studies to determine the extent of water pollution due to highway runoff; and conducting studies to reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.

The FHWA and the FTA encourage State DOTs, MPOs, and public transportation operators to seek partners for some of these studies from environmental, regulatory, and resource agencies, non-government organizations, and other government and private sector entities with similar data needs, or environmental interests. In some cases, these partners may contribute data and expertise to the studies, as well as funding.

17. What staffing or organizational arrangements may be helpful in allowing planning products to be accepted in the NEPA process?

Certain organizational and staffing arrangements may support a more integrated approach to the planning/NEPA decision-making continuum. In many cases, planning organizations do not have environmental expertise on staff or readily accessible. Likewise, the review and regulatory responsibilities of many environmental, regulatory, and resource agencies make involvement in the transportation planning process a challenge for staff resources. These challenges may be partially met by improved use of the outputs of each agency’s planning resources and by augmenting their capabilities through greater use of GIS and remote sensing technologies (see <http://www.gis.fhwa.dot.gov/> for additional information on the use of GIS). Sharing databases and the planning products of local land use decision-makers and State and Federal environmental, regulatory, and resource agencies also provide efficiencies in acquiring and sharing the data and information needed for both transportation planning and NEPA work.

Additional opportunities such as shared staff, training across disciplines, and (in some cases) reorganizing to eliminate structural divisions between planning and NEPA practitioners may also need to be considered in order to better integrate NEPA considerations into transportation planning studies. The answers to the following two questions also contain useful information on training and staffing opportunities.

18. How have environmental, regulatory, and resource agency liaisons (Federally and State DOT funded positions) and partnership agreements been used to provide the expertise and interagency participation needed to enhance the consideration of environmental factors in the planning process?

For several years, States have utilized Federal and State transportation funds to support focused and accelerated project

review by a variety of local, State, Tribal, and Federal agencies. While Section 1309(e) of the TEA-21 and its successor in SAFETEA-LU section 6002 speak specifically to transportation project streamlining, there are other authorities that have been used to fund positions, such as the Intergovernmental Cooperation Act (31 U.S.C. 6505). In addition, long-term, on-call consultant contracts can provide backfill support for staff that are detailed to other parts of an agency for temporary assignments. At last count (as of 2015), over 200 positions were being funded. Additional information on interagency funding agreements is available at: <http://environment.fhwa.dot.gov/strmlng/igdocs/index.htm>.

Moreover, every State has advanced a variety of stewardship and streamlining initiatives that necessitate early involvement of environmental, regulatory, and resource agencies in the project development process. Such process improvements have: addressed the exchange of data to support avoidance and impact analysis; established formal and informal consultation and review schedules; advanced mitigation strategies; and resulted in a variety of programmatic reviews. Interagency agreements and work plans have evolved to describe performance objectives, as well as specific roles and responsibilities related to new streamlining initiatives. Some States have improved collaboration and efficiency by co-locating environmental, regulatory, and resource and transportation agency staff.

19. *What training opportunities are available to MPOs, State DOTs, public transportation operators and environmental, regulatory, and resource agencies to assist in their understanding of the transportation planning and NEPA processes?*

Both the FHWA and the FTA offer a variety of transportation planning, public involvement, and NEPA courses through the National Highway Institute and/or the National Transit Institute. Of particular note is the Linking Planning and NEPA Workshop, which provides a forum and facilitated group discussion among and between State DOT; MPO; Federal, Tribal, and State environmental, regulatory, and resource agencies; and FHWA/FTA representatives (at both the executive and program manager levels) to develop a State-specific action plan that will provide for strengthened linkages between the transportation planning and NEPA processes.

Moreover, the U.S. Fish and Wildlife Service offers Green Infrastructure Workshops that are focused on integrating planning for natural resources (“green infrastructure”) with the development, economic, and other infrastructure needs of society (“gray infrastructure”).

Robust planning and multi-issue environmental screening requires input from

a wide variety of disciplines, including information technology; transportation planning; the NEPA process; and regulatory, permitting, and environmental specialty areas (e.g., noise, air quality, and biology). Senior managers at transportation and partner agencies can arrange a variety of individual training programs to support learning curves and skill development that contribute to a strengthened link of the transportation planning and NEPA processes. Formal and informal mentoring on an intra-agency basis can be arranged. Employee exchanges within and between agencies can be periodically scheduled, and persons involved with professional leadership programs can seek temporary assignments with partner agencies.

IV. Additional Information on This Topic

Valuable sources of information are FHWA’s environment Web site (<http://www.fhwa.dot.gov/environment/index.htm>) and FTA’s environmental streamlining Web site (<http://www.environment.fta.dot.gov>). Another source of information and case studies is NCHRP Report 8–38 (Consideration of Environmental Factors in Transportation Systems Planning), which is available at <http://www4.trb.org/trb/crp.nsf/All+Projects/NCHRP+8-38>. In addition, AASHTO’s Center for Environmental Excellence Web site is continuously updated with news and links to information of interest to transportation and environmental professionals (www.transportation.environment.org).

PART 771—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

■ 2. The authority citation for part 771 is revised to read as follows:

Authority: 42 U.S.C. 4321 *et seq.*; 23 U.S.C. 106, 109, 128, 138, 139, 168, 315, 325, 326, and 327; 49 U.S.C. 303; 40 CFR parts 1500–1508; 49 CFR 1.81, 1.85; Pub. L. 109–59, 119 Stat. 1144, sections 6002 and 6010; Pub. L. 112–141, 126 Stat. 405, sections 1310, 1315, 1316, 1317, and 1318.

- 3. Amend § 771.111 as follows:
- a. Remove footnote 3;
- b. Redesignate footnotes 4 and 5 as footnotes 3 and 4, respectively;
- c. Revise paragraph (a)(2) to read as follows:

§ 771.111 Early coordination, public involvement, and project development.

* * * * *

(a) * * *

(2) The information and results produced by, or in support of, the transportation planning process may be incorporated into environmental review documents in accordance with 40 CFR

1502.21, and 23 CFR 450.212(b) or 450.318(b). In addition, planning products may be adopted and used in accordance with 23 CFR 450.212(d) or 450.318(e), which implement 23 U.S.C. 168.

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§ 771.139 [Amended]

■ 4. Redesignate footnote 6 as footnote 5.

Title 49—Transportation

■ 5. Revise 49 CFR part 613 to read as follows:

PART 613—METROPOLITAN AND STATEWIDE AND NONMETROPOLITAN PLANNING

Subpart A—Metropolitan Transportation Planning and Programming

Sec.

613.100 Metropolitan transportation planning and programming.

Subpart B—Statewide and Nonmetropolitan Transportation Planning and Programming

Sec.

613.200 Statewide and nonmetropolitan transportation planning and programming.

Authority: 23 U.S.C. 134, 135, and 217(g); 42 U.S.C. 3334, 4233, 4332, 7410 *et seq.*; 49 U.S.C. 5303–5306, 5323(k); and 49 CFR 1.85, 1.51(f) and 21.7(a).

Subpart A—Metropolitan Transportation Planning and Programming

§ 613.100 Metropolitan transportation planning and programming.

The regulations in 23 CFR part 450, subpart C, shall be followed in complying with the requirements of this subpart. The definitions in 23 CFR part 450, subpart A, shall apply.

Subpart B—Statewide and Nonmetropolitan Transportation Planning and Programming

§ 613.200 Statewide and nonmetropolitan transportation planning and programming.

The regulations in 23 CFR part 450, subpart B, shall be followed in complying with the requirements of this subpart. The definitions in 23 CFR part 450, subpart A, shall apply.

[FR Doc. 2016–11964 Filed 5–26–16; 8:45 am]

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Appendix C

Tuscaloosa Area Metropolitan Planning Organization Bylaws

Tuscaloosa Area Metropolitan Planning Organization Bylaws

Amended June 27, 2016

PREAMBLE

The following constitutes the bylaws, procedures, and responsibilities which will serve to establish, organize, and guide the proper functioning of the Tuscaloosa Area Transportation Planning Process. The intent is to provide for an organization which will be responsible for fulfilling the requirements of the Federal Aid Highway Act of 1962, as amended, the Urban Mass Transportation Act of 1964, as amended, and other subsequent laws setting forth requirements for transportation planning for all modes of travel. This planning task will be accomplished within a cooperative framework properly related to comprehensive planning on a continual basis. This cooperative, comprehensive, continuing planning process is known as the 3-C Planning Process. Further, this organization shall carry out any other transportation planning and programming functions as set forth in any agreements entered into by this process and the State of Alabama Department of Transportation, the United States Department of Transportation, or in such manner as events shall dictate.

Section 1.0: Process Name and Organization Name

- A.** The name for the ongoing transportation process shall be the Tuscaloosa Area Transportation Planning Process.
- B.** The name for the organization conducting the Tuscaloosa Area Transportation Planning Process shall be the Metropolitan Planning Organization.

Section 2.0: The Organizational Structure

- A.** The organization shall consist of three (3) committees: (1) the Metropolitan Planning Organization (Policy Committee), (2) the Technical Coordinating Committee, (3) the Citizens Transportation Advisory Committee. Additional committees and subcommittees shall be formed as deemed necessary.

Section 3.0: General Policies

- A.** All general policies shall apply to all committees and participants of the Tuscaloosa Area Transportation Planning Process.
- B.** All reports, programs, and plans shall be reviewed and recommended by the Citizens Transportation Advisory Committee and the Technical Coordinating Committee. The Technical Coordinating and Citizens Transportation Advisory Committee shall be afforded sufficient time to comment on drafts prior to action by the Metropolitan Planning Organization (Policy Committee). Reports, programs, and plans become official process documents following adoption by resolution by the Metropolitan Planning Organization (Policy Committee).
- C.** All three (3) committees shall proceed with their respective responsibilities and duties with proper consideration at all times, for all modes of transportation and associated facilities.
- D.** All studies undertaken in this process shall be coordinated with individual modal planning programs and with comprehensive planning efforts in the urban area.

E. Transportation planning activities shall be used to promote an efficient urban development. Reasonable forecasts of land use and socioeconomic conditions shall be made to guide these activities.

F. All published data and/or reports shall be made available to the public and agencies.

Section 4.0: Amendment of Bylaws

A. Any section herein contained may be amended at any meeting of the Metropolitan Planning Organization (Policy Committee) provided such amendment is delivered to the Chair of the Metropolitan Planning Organization (Policy Committee) at least ten (10) days prior to the meeting at which the amendment is to be presented to the Metropolitan Planning Organization (Policy Committee). It shall be the duty of the Chair of the Metropolitan Planning Organization (Policy Committee) to include in the notice of such meeting, notice of the proposed amendment setting out the exact form of the proposed amendment. Such amendment shall be adopted if it receives the affirmative vote of a majority of at least a quorum of the voting members present.

B. These rules shall be revised, updated, or amended as the circumstance dictates. This shall be the responsibility of the Transportation Planning Process Coordinator.

METROPOLITAN PLANNING ORGANIZATION (POLICY COMMITTEE) BYLAWS

Section 5.0: Purpose

A. The purpose of the Metropolitan Planning Organization (Policy Committee) will be to serve the Tuscaloosa Area as the official decision making body for the Tuscaloosa Area Transportation Planning Process.

Section 5.1: Responsibilities

- A.** To give overall guidance to the transportation planning process
- B.** To have overall responsibility for review and approval of all plans and programs which are developed by the process
- C.** To organize and appoint members of the Technical Coordinating Committee and Citizens Transportation Advisory Committee
- D.** To appoint any other personnel necessary to fulfill and complete the duties and tasks relative to the Tuscaloosa Area Transportation Planning Process
- E.** To take official action on committee recommendations and other matters pertaining to furthering the planning process
- F.** To adopt transportation goals and objectives to guide the Tuscaloosa Area Transportation Planning Process
- G.** To adopt a Transportation Improvement Program that is updated as required by State/Federal guidelines.
- H.** To submit plans and recommendations to participating agencies and obtain resolutions for adoption from governing agencies
- I.** To establish a transportation study area boundary
- J.** To change the designated membership as deemed necessary
- K.** To insure that citizen participation is achieved in the transportation planning process

Section 5.2: Membership

- A.** Metropolitan Planning Organization (Policy Committee) – Voting Members
 1. Mayor, City of Tuscaloosa
 2. Mayor, City of Northport
 3. Chairman, Tuscaloosa County Commission
 4. West Central Region Engineer, Alabama Department of Transportation
 5. Executive Director, West Alabama Regional Commission

B. Metropolitan Planning Organization (Policy Committee) – Non-Voting Members

1. Division Administrator, Federal Highway Administration
2. Administrator, Federal Transit Administration Region 4
3. Transportation Planning Engineer, Alabama Department of Transportation
4. Chair, Technical Coordinating Committee
5. Chair, Citizens Transportation Advisory Committee
6. Chair, Bicycle and Pedestrian Committee
7. Chair, West Alabama Rural Planning Organization Policy Committee

C. The voting members of the Metropolitan Planning Organization (Policy Committee) serve terms on the committee coinciding with the terms of their respective offices.

D. Each member must name two alternates (in writing) who may exercise full member powers during the member's absence. The term of the alternates will expire upon the expiration of the member's term or upon written notice by the member. The member will be responsible for notifying the alternates of meetings.

E. Each voting member may name a proxy (in writing) for a particular meeting or vote. The proxy's power must be delineated in the written notice. The member is responsible for notifying the proxy of meetings.

F. The Metropolitan Planning Organization (Policy Committee) shall appoint additional voting and non-voting members as is deemed essential or necessary.

Section 5.3: Officers

A. Officers of the Metropolitan Planning Organization (Policy Committee) shall be chosen from the voting members of the Metropolitan Planning Organization (Policy Committee) and shall be elected public officials.

B. The Chair shall be elected by the majority of the members in a duly constituted meeting.

C. A Vice-Chair shall be elected by the majority of the members in a duly constituted meeting to serve in the Chair's absence or in case of the Chair's vacating elected office.

D. Election of officers shall be in October of each year.

E. The Transportation Planning Process Coordinator will serve as the Executive Secretary on behalf of this committee in any capacity desired by the committee.

Section 5.4: Meeting Procedure

A. The rules of order herein contained shall govern deliberations and meetings of the Metropolitan Planning Organization (Policy Committee). Any point of order applicable to the deliberations by this committee and not contained herein shall be governed by Roberts Rules of Order.

B. Meetings of the Metropolitan Planning Organization (Policy Committee) shall be held bimonthly (usually the last Monday in each even-numbered month).

C. Meetings will normally be initiated by the West Alabama Regional Commission. When providing notification for a meeting, at least five days' notice will be provided describing the time and location. A proposed agenda should also be provided to ensure that adequate preparation will occur. The five days notice may be waived if two (2) elected officials concur.

D. A quorum shall consist of three (3) voting members of the Metropolitan Planning Organization (Policy Committee), their alternates or proxies. The member may designate proxies (in writing) if the member and the alternate will be unable to attend a meeting. No action shall be taken by the Metropolitan Planning Organization (Policy Committee) without a quorum. If a quorum is not present at a regular or special meeting, those present may tentatively reschedule the meeting to another day when a quorum can be obtained.

E. Voting shall be by voice vote; however, upon the request of at least one (1) voting member, voting shall be by roll call. In the event of a tie vote, the motion before the Metropolitan Planning Organization (Policy Committee) shall fail.

F. All meetings of the Metropolitan Planning Organization (Policy Committee) shall be open to the general public.

G. At the discretion of the Transportation Process Coordinator and with the approval of the Chair of the committee a regularly scheduled meeting can be canceled. Notification of the cancellation shall be made at least five days prior to the date of the scheduled meeting. The five days' notice may be waived if two (2) elected officials concur.

H. The presiding officer may move, second, and debate from the Chair and shall not be deprived of any of the rights and privileges of a member by reason of his/her acting as the presiding officer.

Section 5.5: Order of Business

A. The business of the committee shall be taken up for consideration and disposition in the following order, unless the order shall be suspended by the unanimous consent.

1. Call to order by Chair
2. Roll Call
3. Approval of minutes of previous meeting
4. Communications from the presiding officer
5. Report of officers and/or committees
6. Old Business
7. New Business
8. Invitation to interested persons wishing to be heard on matters not included in the agenda
9. Adjournment

TECHNICAL COORDINATING COMMITTEE BYLAWS

Section 6.0: Purpose

A. The purpose of the Technical Coordinating Committee is to provide the Metropolitan Planning Organization (Policy Committee) with technical support and to provide a linkage between planning and implementation.

Section 6.1: Responsibilities

A. To recommend technical methods, procedures, and standards to the Metropolitan Planning Organization (Policy Committee) to further the planning process

B. To help coordinate work of operating departments and agencies participating in this process

C. To discuss and recommend alternative transportation plans and programs to the Metropolitan Planning Organization (Policy Committee)

D. To comment on and make recommendations on the draft reports of the Unified Planning Work Program, the Transportation Improvement Program, and other plans and reports

Section 6.2: Membership

A. Voting – by Government, Organization, or Agency

TUSCALOOSA CITY

City Engineer
Director, Planning and Development Services

NORTHPORT

City Engineer
Director, City Planning Department

TUSCALOOSA COUNTY

County Engineer
Director, County Planning Department

ALABAMA DEPARTMENT OF TRANSPORTATION

Pre-Construction Engineer, West Central Region
Representative, Bureau of Transportation Planning

DIRECTOR, TUSCALOOSA COUNTY PARKING AND TRANSIT AUTHORITY AIRPORT MANAGER

FEDERAL HIGHWAY ADMINISTRATION REPRESENTATIVE

FEDERAL TRANSIT ADMINISTRATION REPRESENTATIVE

RAILROAD REPRESENTATIVE

TRUCKING REPRESENTATIVE

UNIVERSITY OF ALABAMA REPRESENTATIVE

U.S. ARMY CORPS OF ENGINEERS REPRESENTATIVE
WEST ALABAMA REGIONAL COMMISSION REPRESENTATIVE

B. Non-Voting – by Government, Organization, or Agency

CITY OF NORTHPORT PLANNING COMMISSION CHAIR
CITY OF TUSCALOOSA PLANNING COMMISSION CHAIR
TOWN OF BROOKWOOD REPRESENTATIVE
TOWN OF COALING REPRESENTATIVE
TOWN OF COKER REPRESENTATIVE
TOWN OF LAKE VIEW REPRESENTATIVE
TOWN OF MOUNDVILLE REPRESENTATIVE
TOWN OF VANCE REPRESENTATIVE
TUSCALOOSA CITY POLICE DEPARTMENT REPRESENTATIVE
NORTHPORT CITY POLICE DEPARTMENT REPRESENTATIVE
TUSCALOOSA COUNTY SHERIFF'S OFFICE REPRESENTATIVE
ALABAMA DEPARTMENT OF PUBLIC SAFETY REPRESENTATIVE (LOCAL OFFICE)

C. Additional members shall be appointed by the Metropolitan Planning Organization (Policy Committee) as a whole.

D. Each member of the Technical Coordinating Committee may name an alternate (in writing) from the same agency, jurisdiction, or organization which the member represents and who may exercise full member powers during the absence of the member. The member will be responsible for notifying the alternate of meetings.

E. Each member of the Technical Coordinating Committee may name a proxy (in writing) for a particular meeting or vote. The proxy must be from the same agency, jurisdiction, or organization which the member represents. The proxy's power must be delineated in the written notice. The member is responsible for notifying the proxy of meetings.

Section 6.3: Officers

A. A Chair will be elected by the committee.

B. A Vice-Chair shall be elected by the committee to serve in the Chair's absence.

C. The Chair and Vice-Chair shall be elected by the majority of the members in a duly constituted meeting.

D. Election of officers shall be in October of each year.

E. The Transportation Planning Process Coordinator will serve as the Executive Secretary on behalf of this committee.

Section 6.4: Meeting Procedure

A. The rules of order herein contained shall govern deliberations of the Technical Coordinating Committee. Any point of order applicable to the deliberations by this committee and not contained herein shall be governed by Roberts Rules of Order.

B. Each meeting of the Technical Coordinating Committee shall precede each meeting of the Metropolitan Planning Organization (Policy Committee).

C. Meetings will normally be initiated by the West Alabama Regional Commission. When providing notification for a meeting, at least five days' notice will be provided describing the time and location. A proposed agenda should also be provided to ensure that adequate preparation occurs.

D. A quorum shall consist of five members or their alternates, or proxies. Of the five members there must be a representative from at least three of the following: the City of Northport, the City of Tuscaloosa, Tuscaloosa County, the University of Alabama, or the Alabama Department of Transportation. Also, no decision that involves one of the above listed entities can be made unless a representative from that group is present.

E. All meetings of the Technical Coordinating Committee shall be open to the general public.

F. At the discretion of the Transportation Process Coordinator and with the approval of the Chair of the committee, a regularly scheduled meeting can be canceled. Notification of the cancellation shall be made at least 3 days prior to the date of the scheduled meeting.

G. The presiding officer may move, second, and debate from the Chair and shall not be deprived of any of the rights and privileges of a member by reason of his/her acting as the presiding officer.

Section 6.5: Order of Business

A. The business of the committee shall be taken up for consideration and disposition in the following order, unless the order shall be suspended by unanimous consent.

1. Call to order by Chair
2. Roll Call
3. Approval of minutes of previous meeting
4. Communications from the presiding officer
5. Report of officers and/or committees
6. Old Business
7. New Business
8. Invitation to interested persons wishing to be heard on matters not included in the Agenda
9. Adjournment

CITIZENS TRANSPORTATION ADVISORY COMMITTEE BYLAWS

Section 7.0: Purpose

The purpose of this committee is to serve as the formal means through which active citizen participation is provided to aid and support the Tuscaloosa Area Transportation Planning Process.

Section 7.1: Responsibilities

The Citizens Transportation Advisory Committee will have the following responsibilities:

- A.** To review and respond to local transportation plans prepared for the area
- B.** To assess the local transportation related needs as perceived by area residents
- C.** To afford area residents the opportunity to input ideas, suggestions, needs, and concepts concerning the transportation planning process to the Metropolitan Planning Organization (Policy Committee) and/or Technical Coordinating Committee
- D.** To provide ideas and suggestions for consideration by the Metropolitan Planning Organization (Policy Committee) and Technical Coordinating Committees
- E.** To objectively assess the social, economic, and physical impact of all transportation reports submitted by the Metropolitan Planning Organization (Policy Committee) or Technical Coordinating Committee
- F.** To assist the transportation planning staff, where possible, in the development of specific program solutions to area-wide needs as identified through community research and public meetings

Section 7.2: Membership

A. The Citizens Transportation Advisory Committee shall consist of the following voting members.

1. Eight (8) representatives appointed by the City of Tuscaloosa
2. Eight (8) representatives appointed by the City of Northport
3. Eight (8) representatives appointed by Tuscaloosa County

B. All committee members shall either reside or work within the jurisdictions which they represent.

C. The Metropolitan Planning Organization (Policy Committee) voting members from the City of Tuscaloosa, the City of Northport, and Tuscaloosa County will be responsible for appointing their representatives.

D. The duration of the terms of the representatives shall be at the pleasure of the appointing official.

E. Citizens Transportation Advisory Committee members who miss three consecutive Citizens Transportation Advisory Committee meetings shall be automatically removed from the committee unless there are extenuating circumstances.

Section 7.3: Officers

- A. A Chair will be selected by the committee.
- B. Two Vice-Chairs shall be elected by the committee to serve in the Chair's absence. There shall be one Vice-Chair from each of the two governments not represented by the Chair.
- C. The Chair and Vice-Chairs shall be elected by the majority of the members in a duly constituted meeting.
- D. Election of officers shall be in October of each year.
- E. The Transportation Planning Process Coordinator will serve as the Executive Secretary on behalf of this committee.

Section 7.4: Meeting Procedure

- A. Committee meetings shall follow a printed agenda.
- B. Each meeting of the Citizens Transportation Advisory Committee shall precede each meeting of the Metropolitan Planning Organization (Policy Committee).
- C. Meetings will normally be initiated by the West Alabama Regional Commission. When providing notification for a meeting, at least five days' notice will be provided describing the time and location. A proposed agenda should be provided to ensure that adequate preparation occurs.
- D. A quorum shall consist of five members.
- E. All meetings of the committee shall be open to the general public.
- F. At the discretion of the Transportation Process Coordinator and with the approval of the Chair of the committee a regularly scheduled meeting can be canceled. Notification of the cancellation shall be made at least 3 days prior to the date of the scheduled meeting.

Section 7.5: Sub-Committees

- A. Sub-committees may be set up on an ad hoc or continuing basis by members of the Citizens Transportation Advisory Committee or concerned citizens.
- B. Members of the general public may participate in these sub-committees.

C. Meetings of these sub-committees may occur on an informal basis or in conjunction with the regular Citizens Transportation Advisory Committee meeting.

D. The results of the sub-committee meetings shall be documented and made available to the members of the Citizens Transportation Advisory Committee.

TRANSPORTATION PLANNING PROCESS COORDINATOR BYLAWS

Section 8.0: Purpose

The purpose of the coordinator is to ensure that all requirements of the Transportation Planning Process for the Tuscaloosa Area, as prescribed by the Agreement with the Alabama Department of Transportation, are met.

Section 8.1: Designation

The Executive Director of the West Alabama Regional Commission, Inc. shall be the Transportation Planning Process Coordinator of the Metropolitan Planning Organization. In the absence of the Executive Director, that individual shall designate a staff member to serve as Coordinator.

Section 8.2: Duties

The Coordinator shall have the following specific duties:

A. To act as a liaison between the parties of the "Agreement Concerning a Transportation Planning Process for the Tuscaloosa Urbanized Area" and assist in various phases of the process

B. To coordinate the process through the Metropolitan Planning Organization (Policy Committee), Technical Coordinating, and Citizens Transportation Advisory Committees

C. To arrange meetings, set agenda, and serve as Secretary for the Metropolitan Planning Organization (Policy Committee), Technical Coordinating and Citizens Transportation Advisory Committees

D. To develop a Unified Planning Work Program for submission on an annual basis

E. To present suggested changes of the recommended plan to the Metropolitan Planning Organization and others, as appropriate, for their consideration

F. To provide staff and clerical assistance for Metropolitan Planning Organization activities

G. To monitor transportation planning in the Tuscaloosa urban area, and report apparent conflicts to the Metropolitan Planning Organization (Policy Committee)

Appendix D

**Metropolitan
Planning
Organization
Membership List**

MPO Policy Committee Membership

Voting

- Donna Aaron, City of Northport Mayor - **Vice Chair**
- James D. Brown, ALDOT West Central Region Engineer
- Walt Maddox, City of Tuscaloosa Mayor
- Rob Robertson - Tuscaloosa County Commission Chairman - **Chair**
- Dennis Stripling, WARC Executive Director

Non-voting

- Stanley Allred, West Alabama Rural Planning Organization, Policy Committee Chair
- Mark D. Bartlett, Federal Highway Administration
- Robert Green, Citizens Advisory Committee Chairman
- Katherine Holloway, Technical Coordinating Committee Chairman
- D.E. Phillips, Jr., Alabama Department of Transportation
- Yvette G. Taylor, PhD, Federal Transit Administration
- Bicycle and Pedestrian Committee Chairman

Technical Coordinating Committee (TCC) Membership

Voting

- Scott Anders, Tuscaloosa County Engineer
 - Katherine Holloway, Alternate for Scott Anders - **Chair**
- Doug Behm, University of Alabama Representative
- Ashley Crites, Tuscaloosa City Planning Interim Director
- Brad Darden, ALDOT West Central Region Preconstruction Engineer
- Vontra Giles, Federal Highway Administration Representative
- Marty Hamner, Trucking Representative
- Michael Hora, ALDOT Local Transportation Bureau Representative
- Russell Lawrence, Tuscaloosa Co. Transit Authority Director - **Vice Chair**
- David Norris, West Alabama Regional Commission Representative
- Jeff Powell, Airport Manager
- Julie Ramm, Northport City Planning Department Director
- Wendy Shelby, Tuscaloosa City Engineer
- Farrington Snipes, Tuscaloosa County Planning Department Director
- Nicole Spivey, Federal Transit Administration Representative
- Doug Varnon, Northport City Engineer
- Railroad Representative
- U.S. Army Corps of Engineers Representative

Non-voting

- Tuscaloosa City Planning Commission Chairman
- Northport Planning Commission Chairman
- Town of Brookwood Mayor
- Town of Coaling Mayor
- Town of Coker Mayor
- Town of Lake View Mayor
- Town of Moundville Mayor
- Town of Vance Mayor
- Alabama Department of Public Safety Representative
- Northport City Police Department Chief
- Tuscaloosa City Police Department Chief
- Tuscaloosa County Sheriff

Citizen Transportation Advisory Committee (CTAC) Membership

Tuscaloosa City

- A.D. Christian
- James C. (Jimmy) Hamner - **Vice Chair**
- Tommy Nix
- Wyman Turner
- Charlene Wilkinson
- Vacant
- Vacant
- Vacant

Northport

- Lewis (Lew) C. Drummond
- Robert Green - **Chair**
- Glenn Griffin
- Max Snyder
- David Leon Tucker
- Vacant
- Vacant
- Vacant

Tuscaloosa County

- Jimmie Cain
- Lenny Fulmer
- Jill Hannah
- David Hartin
- John Myers
- Joe Robinson - **Vice Chair**
- Jimmy Stewart
- Vacant

Appendix E

Transportation Planning Acronyms and Terms

Transportation Planning Acronyms and Terms

5th Division - Alabama Department of Transportation 5th Division, office located in Tuscaloosa, includes nine counties in West Alabama, Replaced with West Central Region in 2014

AAA - Area Agency on Aging, West Alabama AAA

AADT - Average Annual Daily Traffic count

ACS - American Community Survey; U.S. Census Bureau product; replacement for the decennial long-form data

ADA - Americans with Disabilities Act

ADAP - Alabama Disabilities Advocacy Program

ADT - Average Daily Traffic count

ALDOT - Alabama Department of Transportation

ARC - Appalachian Regional Commission

ARC - Formerly the Association for Retarded Citizens, now known as The Arc

Bicycle / Pedestrian Scale Development - Development that consists of a mix of land uses (residential, commercial, public) in close proximity, where one could comfortably walk or ride a bicycle from their origin (e.g., residence, place of employment) to a destination (e.g., place of employment, store, government facility, park)

BPC - Bicycle and Pedestrian Committee

BR - Bridge funding program; also BRON

CA - Capital funds (transit)

CAC - Citizens Advisory Committee; now known as CTAC

Capacity Project - (Road) a project that adds through lanes to an existing road or builds a new road; (Transit) a project that adds new routes or expands demand response/para-transit fleet

CFR - Code of Federal Regulations

CN - Construction - the final phase of a transportation project, the actual building of the project

CTAC - Citizens Transportation Advisory Committee

DOT - Department of Transportation

DPI or DPIP - Innovative/Special funding program, applies to projects specifically named in federal legislation

EPA - Environmental Protection Agency

ESWA - Easter Seals West Alabama

FAST Act - Fixing America's Surface Transportation Act (PL 114-94)

FHWA - Federal Highway Administration

FOCUS - Focus on Senior Citizens

FTA - Federal Transit Administration

Functional Classification System - a system to distinguish roads according to the type of service provided

GHG - Greenhouse Gas

GIS - Geographic Information System - a computer system that links cartographic images with databases and allows the user to create new maps and databases through various means, including overlay and query operations

ISTEA - Intermodal Surface Transportation Efficiency Act of 1991

ITS - Intelligent Transportation System

JARC - Job Access and Reverse Commute - Federal Transit Administration Section 5316 funding program

LAP - Language Access Plan, sometimes referred to as a Limited English Proficiency (LEP) Plan

LEP - Limited English Proficiency

LEP Plan - Limited English Proficiency Plan - outlines how the MPO and RPO integrates people with Limited English Proficiency (LEP) into the transportation planning process - sometimes referred to as a Language Access Plan (LAP)

LOC - Local funding

Long-Range Transportation Plan - outlines projects that will be required to meet the needs of an area over an extended period of time usually 20 years, revised every four to five years

LRTP - Long-Range Transportation Plan

LVOE - Level of Effort

MAP-21 - Moving Ahead for Progress in the 21st Century Act (Public Law 112-141)

MPO - Metropolitan Planning Organization, Tuscaloosa Area MPO

MPO-Portal - web-based software used to manage and integrate the TIP and STIP processes and databases; replaced TELUS

MO - Maintenance and Operation, same as federal O&M and TSMO, ALDOT preference

MO Project - Maintenance and Operation project, same as federal O&M project and TSMO project, ALDOT preference

NAAQS - National Ambient Air Quality Standards

New Freedom - Federal Transit Administration Section 5317 funding program

NHS - National Highway System, a transportation funding category, only projects on designated NHS routes can use these funds; also NHSP

O&M - operations and management, same as MO and TSMO

O&M Project - a project that improves the operation and/or management of a transportation system; examples include turn lanes, traffic signal optimization, ITS center, same as MO Project and TSMO Project

OP - Operating funds (transit)

PARA - Parks and Recreation Authority

PE - Preliminary Engineering - the first phase of most transportation projects, the study and design of the project

PL - Metropolitan Planning Funds

Public Forum - designated time during RPO and MPO meetings in which the public or interested parties may address the Policy Committee or Advisory Committees

Public Hearing - hearings to formally present information and gather public input for projects and plans - The Tuscaloosa Area MPO and West Alabama RPO do not hold public hearings. The Alabama Department of Transportation and local governments conduct public hearings for specific projects.

Public Meeting - meetings held by the Tuscaloosa Area MPO and West Alabama RPO to review draft transportation planning documents - The Tuscaloosa Area MPO holds public meetings for the Long-Range Transportation Plan (LRTP), Transportation Improvement Program (TIP), Bicycle and Pedestrian Plan, and the Public Involvement Plan (PIP).

Public Review - public reviews allow anyone to examine and comment on draft documents during a specified period of time - The Tuscaloosa Area MPO and West Alabama RPO holds public reviews for the Unified Planning Work Program (UPWP), Transportation Improvement Program (TIP), Long-Range Transportation Plan (LRTP), Public Involvement Plan (PIP), and Bicycle and Pedestrian Plan. During the review period, draft documents are available on the internet, the West Alabama Regional Commission, and the Transit Authority. The review period extends from the date the MPO or RPO adopts the draft document for public review until the MPO or RPO adopts the final document, generally two months.

ROW - Right of Way - a phase of transportation projects, the purchase of right of way

RPO - Rural Planning Organization, West Alabama RPO

RW - Right of Way - a phase of transportation projects, the purchase of right of way

SAFETEA-LU - Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users - (Pub. L. 109-59, August 10, 2005)

Section 504 of the Rehabilitation Act of 1973 - protects qualified individuals from discrimination based on the disability

Section 5303 - Federal Transit Administration funding program for technical studies

Section 5307 - Federal Transit Administration funding program for urban area transit capital and operating expenses, see Section 5339

Section 5309 - Federal Transit Administration funding program for capital transit improvements

Section 5310 - Federal Transit Administration funding program for elderly and disabled transit capital assistance

Section 5311 - Federal Transit Administration funding program for rural area transit capital and operating expenses

Section 5316 - Federal Transit Administration funding program for job access and reverse commute transit, also known as JARC

Section 5317 - Federal Transit Administration funding program for new Americans with Disabilities Act transit assistance, also known as New Freedoms

Section 5339 - Federal Transit Administration funding program for bus and bus facilities; replaced Section 5309 in MAP-21, eligible to 5307 recipients

SHSP - Strategic Highway Safety Plan

SPR - State Planning and Research funds

ST - State funding

STP - Surface Transportation Program

STAA - Surface Transportation Any Area funding category, represents funds that may be used anywhere in the state, ALDOT has the authority to allocate these funds

STIP - State Transportation Improvement Program

STOA - Surface Transportation Other Area funding category, represents funds that are used in Urban Areas with populations less than 200,000

STP - Surface Transportation Program, a transportation funding category, Urban Areas are allocated an amount of funds annually based on a specific per capita dollar amount

TAP - Transportation Alternatives Program

TARC - Tuscaloosa Association of Retarded Citizens, also known as The ARC

TAZ - Transportation Analysis Zone - districts used for computer traffic modeling

TCC - Technical Coordinating Committee

TCPTA - Tuscaloosa County Parking and Transit Authority, also known as Tuscaloosa Metro Transit, Tuscaloosa Trolley, the Authority

TDOT - Tuscaloosa Department of Transportation

TEA-21 - Transportation Equity Act of the 21st Century

TIP - Transportation Improvement Program - a list of funded MPO projects slated to begin over a four-year period, revised every four years

Title VI - Title VI of the *Civil Rights Act of 1964, 42 USC 2000d* (Nondiscrimination in Federally Assisted Programs)

TMA - Transportation Management Area, area designated by the Secretary of Transportation, having an urbanized area population of over 200,000

TR - Transit project

Transportation Enhancement (TE) Funds - Under pre-MAP-21 legislation, ten percent of all Surface Transportation Program funds allocated to a state are required to be spent on enhancement projects. Eligible projects include, but are not limited to, acquisition of historic sites and construction of pedestrian or bicycle facilities

TSMO - Transportation System Management and Operations, same as MO and O&M

TSMO Project - a project that improves the operation and/or management of a transportation system; examples include turn lanes, traffic signal optimization, ITS center, same as MO Project and O&M Project

UCP - United Cerebral Palsy

UMTA - Urban Mass Transit Administration; now known as FTA

UPWP - Unified Planning Work Program - a set of tasks that the WARC staff is committed to perform over a fiscal year, revised annually

Urban Area Boundary - boundary surrounding a Census Bureau-defined urbanized area, established by the MPO with ALDOT and FHWA approval

UT - Utility Construction - a phase of transportation projects, the relocation of utilities

WAPDC - West Alabama Planning and Development Council; now known as West Alabama Regional Commission (WARC)

WARC - West Alabama Regional Commission

WARPO - West Alabama Rural Planning Organization

West Central Region - Alabama Department of Transportation Region, office located in Tuscaloosa County, includes 14 counties in West Alabama, Replaced the 5th Division in 2014