





U.S. Department  
of Transportation

**Federal Highway Administration**  
**Federal Transit Administration**

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Subject: **INFORMATION:** Clarification of Plan Requirements  
in Nonattainment and Maintenance Areas

Date: May 25, 2001

(Original signed by)

From: Cynthia J. Burbank  
Program Manager, Planning and Environment, FHWA

Reply to: HEPN-10

(Original signed by James M. Ryan for)

Charlotte M. Adams  
Associate Administrator for Planning, FTA

To: FHWA Division Administrators  
Federal Lands Highway Division Engineers  
FTA Regional Administrators

We have recently been advised of a continuing concern regarding the 3-year transportation plan update cycle and the 3-year conformity determination cycle in nonattainment and maintenance areas. This policy memorandum provides additional clarification in the implementation of the 3-year transportation plan update requirements in these areas.

There has been some confusion in the field on the plan update requirement, since the current planning regulations do not clearly define the starting point of the 3-year update cycle for transportation plans. As a result, the update cycle for transportation plans and the associated conformity determination cycle are not implemented consistently throughout the country. We proposed a clarification of this issue in the Notice of Proposed Rulemaking for the Metropolitan Planning Regulation, but as you know it has not been finalized.

In order to resolve this matter and to provide additional clarification to the field in the implementation of the update requirements, FHWA and FTA, in coordination with EPA, are issuing this policy memo to clarify that in nonattainment and maintenance areas, both the metropolitan transportation plan update cycle and conformity determination cycle start at the time FHWA and FTA make the conformity determination on the plan. This determination finalizes the adoption of a transportation plan and validates its use for the programming and funding of transportation projects eligible for Federal participation. At that time, the plan becomes effective. In attainment areas, the effective date of the plan shall be its date of adoption by the MPO.

If you have any questions concerning this guidance, please contact Mr. Sheldon Edner, FHWA Office of Metropolitan Planning and Programs (202-366-4066), Ms. Cecilia Ho, FHWA Office of Natural Environment (202-366-9862), or Mr. Abbe Marner, FTA Office of Planning (202-366-4317).

cc: Directors of Field Services