CAMBRIDGE SYSTEMATICS

SAFETEA-LU Planning Provisions Workshop

final

report

prepared for

Federal Highway Administration
American Association of State Highway and Transportation Officials
Standing Committee on Planning

prepared by

Cambridge Systematics, Inc.

May 2006

www.camsys.com

final report

SAFETEA-LU Planning Provisions Workshop

prepared for

Federal Highway Administration
American Association of State Highway and Transportation Officials
Standing Committee on Planning

prepared by

Cambridge Systematics, Inc.
4800 Hampden Lane, Suite 800
Bethesda, Maryland 20814

date

May 2006

Table of Contents

1.0 Introduction 1-1
1.1 Workshop Format 1-1
1.2 Background 1-2
1.3 Opening Remarks 1-3

2.0 Fiscal Constraint 2-1
2.1 Overview of Provision 2-1
2.2 Florida DOT Experience 2-1
2.3 Breakout Session 2-2

3.0 Consultation 3-1
3.1 Overview of Provision 3-1
3.2 Arizona DOT Experience 3-1
3.3 Breakout Session 3-2

4.0 Congestion Management Process 4-1
4.1 Overview of Provision 4-1
4.2 Minnesota DOT Experience 4-1
4.3 Breakout Session 4-2

5.0 Visualization 5-1
5.1 Overview of Provision 5-1
5.2 Kansas DOT Experience 5-2
5.3 Breakout Session 5-3

6.0 Consistency of Transportation Plan with Planned Growth and Development Plans 6-1
6.1 Overview of Provision 6-1
6.2 Washington State DOT Experience 6-1
6.3 Breakout Session 6-3

7.0 Safe Routes to School 7-1
7.1 Overview of Program 7-1
7.2 Caltrans Experience 7-1
7.3 Breakout Session 7-2

8.0 Environmental Considerations in Planning and Project Development...8-1
8.1 Overview of Provisions 8-1
8.2 Examples of State DOT Experiences 8-3
8.3 Breakout Session 8-6

9.0 Security (Including Border Security) 9-1
9.1 Overview of Provision 9-1
9.2 Maryland SHA Experience....9-1
9.3 Breakout Session 9-2

10.0 Strategic Highway Safety Plan....10-1
10.1 Overview of Provision 10-1
10.2 Montana DOT Experience 10-1
10.3 Breakout Session 10-2

11.0 Concluding Remarks....11-1
11.1 Participant Workshop Evaluation 11-2

APPENDICES

A. Workshop Agenda A-1

B. Participant List B-1

C. Joint FHWA/FTA Guidance C-1

D. FHWA Guidance D-1

E. Clarifying Guidance E-1

F. Environmental Resources....F-1

G. Online Resources G-1

H. Excerpts from Workshop Evaluations....H-1

List of Figures

Figure 4.1 4-2
Figure 5.1 5-3
Figure 6.1 6-2
Figure 7.1 7-2
Figure 8.1 8-4
Figure 9.1 9-2
Figure 10.1 10-2

1.0 Introduction

The Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Planning Provisions Workshop (Workshop) attracted nearly 70 attendees representing state departments of transportation (DOT) from around the country. Held on March 27 and 28, 2006 in Phoenix, Arizona, the Workshop was jointly sponsored by the Federal Highway Administration (FHWA) and the American Association of State Highway and Transportation Officials (AASHTO) Standing Committee on Planning (SCOP). The Workshop provided an opportunity for Federal and state DOT representatives to exchange information and engage in a detailed review of nine SAFETEA-LU planning provisions. The breadth of state DOTs represented at the Workshop reflects a keen interest to learn more about the new statewide planning provisions in SAFETEA-LU. Effective July 1, 2007, all metropolitan and statewide transportation plans, transportation improvement programs (TIP), and statewide transportation improvement programs (STIP) must be consistent with all SAFETEA-LU planning provisions. The objective of the Workshop was to foster a dialogue between FHWA and state agencies about the following nine planning provisions, while highlighting successful state practices:

1. Fiscal Constraint;
2. Consultation;
3. Congestion Management Processes in Transportation Management Areas;
4. Visualization;
5. Consistency of Transportation Plan with Planned Growth and Development Plans;
6. Safe Routes to School;
7. Environmental Considerations in the Planning Process;
8. Transportation System Security; and
9. Strategic Highway Safety Plan.

1.1 WORKSHOP FORMAT

The Workshop format focused on discussing the new planning provisions with representatives from FHWA and sharing successful practices with the larger transportation community. This format provided an informative forum for participants to review the SAFETEA-LU requirements in detail and also provided participants the opportunity to discuss key issues and practices with other states. Transportation professionals were encouraged to share their best or innovative practices in the nine planning provision topic areas during breakout sessions.

Each planning provision was introduced and summarized by FHWA during one of three plenary sessions followed by a presentation by a state DOT highlighting a best practice(s) by their agency or other DOTs. After summaries of three planning provisions and state DOT highlights were presented in each plenary session, Workshop participants divided themselves into breakout sessions. These sessions provided opportunities to discuss each planning provision in depth, share experiences and successful approaches, ask questions, and identify issues and potential solutions.

Breakout sessions were moderated by a DOT presenter or colleague from the plenary session. Moderators were instructed to guide breakout sessions by asking the following questions:

- How is your DOT implementing this planning provision?
- What's working? Why? What do you consider key to your success?
- What issues or concerns do you have?
- What steps could be taken to address these concerns?

After the breakout sessions, each moderator presented a summary of their session to all the Workshop participants. Sharing a summary of each breakout session benefited the entire group of participants and allowed them an opportunity to comment on each provision. A detailed Workshop agenda is included in this report as Appendix A as well as a Workshop participant list, which is included as Appendix B.

1.2 BACKGROUND

Signed into law on August 10, 2005, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users is the most recent authorization for surface transportation investment in the United States. Building on previous national transportation bills – the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for the 21st Century (TEA-21) – SAFETEA-LU provides guaranteed funding for highways, highway safety, and public transportation in the amount of $244.1 billion. SAFETEA-LU promises the largest guaranteed funding total for transportation ever realized by the transportation community. Carrying forward many of the principles and achievements of previous landmark legislation, SAFETEA-LU will build on and refine many existing efforts as well as introduce new measures to meet the changing transportation needs of the nation.

Transportation in the 21st century faces many challenges. Demand often surpasses capacity just as need often exceeds revenue. The nation's transportation system is hard pressed to sustain mounting pressure to meet the needs of a diverse nation, with some needs having national significance and others with a state, regional, or local scope. FHWA and the Federal Transit Administration (FTA) have provided interim implementation guidance on a number of

SAFETEA-LU planning provisions. In addition, the agencies are preparing a Notice of Proposed Rulemaking (NPRM) to update the Code of Federal Regulations on the planning process. On September 2, 2005, FHWA and the Federal Transit Administration (FTA) put forward interim guidance for FHWA and FTA field offices when implementing changes to the planning, environment, and air quality requirements of the new law that are jointly administered by FHWA and FTA. Each agency has also provided separate interim guidance on SAFETEA-LU provisions and funding programs that are administered separately. Copies of the guidance are included in this report as Appendices C, D, and E. The latest interim guidance can be found at the following web site:

http://www.fhwa.dot.gov/hep/legreg.htm

Most state DOTs are in the process of interpreting changes to the Federal surface transportation law and will use the interim implementation guidance as a roadmap for complying with the law, especially for those provisions that are immediately effective. Many state DOTs, metropolitan planning organizations (MPOs), and public transportation operators have already begun to review existing planning processes with their FHWA Division Offices and FTA Regional Offices to ensure compliance with SAFETEA-LU planning provisions. In addition to issuing interim implementation guidance, FHWA is in the process of drafting new rulemakings for a number of SAFETEA-LU planning provisions. FHWA welcomes state DOTs to submit comments and/or questions on the interim guidance as well as on the proposed rulemaking.

1.3 OPENING REMARKS

American Association of State Highway and Transportation Officials

Janet Oakley, Director of Policy and Government Relations at AASHTO, discussed the evolution of national transportation policy from ISTEA through its most recent incarnation – SAFETEA-LU. Following ISTEA, MPOs and state DOTs began to collaborate more extensively to implement a toolbox of strategies and techniques. These approaches expanded and the planning process began to become more robust. Although there were few statutory changes under TEA-21, the legislation provided greater flexibility and eligibility in highway funds and focused greater attention in certain areas critical to transportation agencies, such as connectivity, freight, asset management, and performance measurement. SAFETEA-LU places additional focus on certain activities in transportation planning, such as safety and accelerating project delivery through environmental streamlining. Ms. Oakley stressed that, given the breadth of Federal transportation legislation, state DOTs seek flexibility and discretion rather than overly prescriptive rules.

Federal Highway Administration

Gloria Shepherd, Director of the FHWA Office of Planning also offered introductory remarks and provided an overview of the provisions. She reiterated the evolution of transportation planning through the succession of transportation legislation and commented that the SAFETEA-LU Planning Provisions Workshop will provide input to help FHWA modernize the 1993 planning regulations. Because the planning regulation has not been updated since 1993, efforts are now underway to make them current. The Workshop was meant to provide a forum to discuss ways to execute the intent of the planning provisions. In addition, FHWA acknowledged that state DOTs seek less prescriptive requirements and the flexibility to learn from the best practices of colleagues. FHWA recognizes the variety of needs and business approaches among state DOTs and will continue to promote discretion and flexibility within the statutory framework. FHWA commended state DOTs for their proactive involvement in SAFETEA-LU and noted that the number of participants at the workshop exhibited how interested states are in moving forward to address and implement the legislation.

After July 1, 2007, plans and programs must be compliant with SAFETEA-LU requirements. FHWA recognizes the concern that a STIP amendment after July 1, 2007 might trigger the need to update the plan at that time in order for the plan and STIP to be SAFETEA-LU compliant. FHWA will consider this concern and consider clarification of the current guidance.

2.0 Fiscal Constraint

Fiscal constraint requires that revenues in transportation planning and programming (Federal, State, local, and private) are identified and "are reasonably expected to be available" to implement the metropolitan long-range transportation plan and the STIP/TIP, while providing for the operation and maintenance of the existing highway and transit systems. In addition, revenues must be "available or committed" for the first two years of a TIP/STIP in air quality nonattainment and maintenance areas.

2.1 Overview of Provision

The core purpose of the fiscal constraint planning provision is to ensure that revenues are available to adequately cover the costs of projects included in state transportation improvement programs. Gloria Shepherd discussed this planning provision in detail, noting the importance of documenting operations and maintenance (O&M), especially on both the highway and transit side in the STIP. The requirement to account for O&M costs has been in place since 1993, but according to Ms. Shepherd, many states are not adequately accounting for or documenting O&M expenses. All sources of revenue need to be documented as well as O&M costs in Financial Plans and, when STIP amendments occur, Financial Plans must be revised.

Furthermore, FHWA advised states to use "year of expenditure" as opposed to "current year" to program STIP funds. FHWA highly recommended that states document the involvement of a number of departments, such as environmental, planning, and finance, so that consultation does not become an issue when Financial Plans are evaluated. Consistency between programming documents is important when conformity is an issue for projects that cross state boundaries. Since conformity can only be done on fiscally constrained plans, these types of projects must comply with the rule. Finally, in order to avoid challenges that can jeopardize implementation of certain projects, FHWA recommended that states thoroughly fiscally constrain programming documents.

FHWA recognizes that the STIP is a programming document and is not a budgetary or cash flow document. FHWA will continue to exercise flexibility as they develop the new rule, including flexibility for public-private partnerships.

2.2 Florida DOT Experience

David Lee, Administrator of Statewide Planning and Policy Analysis at Florida DOT presented his agency's efforts at implementing fiscal constraint in their transportation plans. Formal Revenue Estimating Conferences are conducted at least twice each year in which the Governor's Office, the Florida Legislature, and

state agencies reach agreement on the projections of state revenues. FDOT issued a 2020 Revenue Forecast and accompanying handbook in 2001. A 2025 Revenue Forecast is soon to be published. It will be used by Florida's 26 metropolitan planning organizations in developing their fiscally constrained long-range plans. FDOT also produces a Transportation Costs report which includes inflation factors and other cost data. Florida's newly adopted 2025 Florida Transportation Plan (2025 FTP) establishes five long-range goals for transportation and places emphasis on Maintenance and Preservation as one these goals. A Short-Range Component of the Plan is updated each year to report on FDOT's plan and performance for accomplishing the 2025 FTP goals and objectives. A five-year Work Program is updated annually and the Florida Transportation Commission monitors the performance of the department in delivering the Program. Recent construction cost increases, hurricane impacts, and other factors have made all of these efforts to ensure that plans are fiscally constrained more difficult. FDOT is closely examining these issues, which may result in adjustments to address cost increases.

2.3 BREAKOUT SESSION

What Are States Doing?

In addition to presenting at the Workshop, David Lee also served as moderator for the fiscal constraint breakout session. States differ in the way that forecasts are conducted; some states base their forecasts off Federal funds from apportionment levels and others from obligation levels. States also differ in the way that transportation earmarks in SAFETEA-LU are programmed, with some states mandated to include them in STIPs while others include earmarks in STIPs only when the project is fully funded. Generally, states represent a range of priority and funding complexity. Many states find it difficult to transfer funding among programs and execute plan amendments while simultaneously keeping the plan fiscally constrained. While states already employ a number of tools to verify fiscal constraint, such as building contingencies into plans, the need to balance capacity enhancement and maintenance needs/costs was a common theme echoed by many states.

What Issues Have State DOTs Identified?

With regard to the O&M clause, many states feel that the FHWA/FTA fiscal constraint guidance is unclear regarding the level of O&M detail that is expected to be reported. Since states differ in their assessment of O&M needs, what is considered reasonable O&M reporting for one state may not apply to any other state. In response to whether states would be open to reporting O&M at the local level, they generally responded that they would be open to considering reporting local O&M as long as FHWA demonstrates flexibility.

Many states expressed concern regarding programming earmarks, the ability to fund them, and whether specific earmarks are even a priority for any given state. According to many state DOTs, earmarks are often problematic to program given other demands that must be addressed. FHWA listened to these concerns and the challenge that earmarks pose for state DOTs. Some states, such as New Mexico DOT, continuously work with their congressional delegation to help ensure that potential earmarks are programmed in the STIP during reauthorization.

What Do State DOTs Recommend for Implementation of the Fiscal Constraint Requirement?

During the breakout discussion, state DOTs discussed some suggestions for FHWA to consider when developing the new rule. Following are a listing of principles proposed for the rulemaking set forward by several participants.

- Closely follow the underlying statutory requirements. FHWA should not impose more restrictive requirements than are warranted by the statute itself.
- Recognize that substantive decisions regarding transportation policy – including decisions on funding levels, and on the allocation of funding among competing needs – are to be made by states and MPOs, not FHWA and FTA.
- Provide a range of options that states and MPOs can use to demonstrate that they have satisfied fiscal constraint requirements. Flexibility should be provided in terms of format, types of information, and level of detail.
- Focus on achieving the core purpose of the fiscal constraint requirement, which is to ensure that adequate revenues are available to cover the costs of the projects included in a metropolitan plan, TIP, or STIP. Detailed accounting of state and local expenditures *outside* of the plan, TIP, or STIP should *not* be required.
- The regulations should take into account the potential for unintended consequences, including the potential for seemingly minor changes in regulatory language to evolve over time into onerous new requirements.
- Explain fiscal constraint in plain language.
- Recognize that the STIP is a programming, not a budgetary, document.

3.0 Consultation

With respect to nonmetropolitan areas, the statewide transportation plan shall be developed in consultation with affected nonmetropolitan officials with responsibility for transportation.

MPOs and States must consult "as appropriate" with "state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation" in developing long-range transportation plans. Additionally for the Long-Range Statewide Transportation Plan, States must consult with Federally recognized Tribal agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.

The State shall provide for nonmetropolitan local official participation. The State shall have a documented process(es) that is separate and discrete from the public involvement process for consulting with nonmetropolitan local officials.

3.1 Overview of Provision

Rob Ritter, Team Leader with FHWA's Office of Planning, described the changes regarding consultation contained in SAFETEA-LU. He also acknowledged the work that AASHTO and others had done in crafting an approach for states to consult with nonmetropolitan officials. The groundwork done by all the participants contributed greatly to the development of a successful rule on consultation with nonmetropolitan local officials. That rule was published in February, 2003.

Statewide Transportation Plans must be developed in:

- Cooperation with metropolitan planning organizations;
- Consultation with affected nonmetropolitan officials; and
- Consultation with tribal governments and the Secretary of the Interior.

Consultation with state, tribal, and local agencies is expected to include those agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation. SAFETEA-LU identifies the requirements for this consultation, specifying that this consultation shall include comparison of transportation plans to state and tribal conservation plans and maps, and inventories of natural and historic resources, to the extent that these materials are available.

3.2 Arizona DOT Experience

Dale Buskirk, Director, Transportation Planning Division, and John Pein, Manager, Safety and Regional Planning for Arizona DOT (ADOT) discussed the

purpose and value of consultation and described Arizona's experience in building consultation processes, focusing on nonmetropolitan consultation. The purpose of consultation is to ensure a formal mechanism for local officials to provide, and state officials to receive, input on the planning and project selection processes. The final rule on nonmetropolitan consultation requires an evaluation of the effectiveness of this consultation.

Arizona local governance includes rural Councils of Governments (COG), two Transportation Management Areas (TMAs) (Maricopa and Pima), and three smaller metropolitan planning organizations. A formal agreement – the Casa Grande Resolves – established an allocation formula for funds distribution among these groups. A strong ADOT relationship with the rural COGs and the Rural Transportation Advocacy Council has been key to ADOT's effectiveness in nonmetropolitan consultation. ADOT and the COGs worked collaboratively to sponsor meetings with local elected officials in each rural county at key decision points. These sessions – which are separate and discrete from public involvement – are held specifically to give rural local elected officials opportunities for participation and input at "meaningful points" during the decision-making process. ADOT found that these targeted meetings are worthwhile both to provide local officials access to the process and for ADOT to learn from local representatives and to generate support.

Based on its experience, ADOT has revised some aspects of its consultation process. Most significantly, ADOT has brought the MPOs into the process and now holds consultation meetings within each COG/MPO region, and relies on the COG/MPO to identify appropriate participants. Clear presentations, a casual format that encourages discussion, and timely response to questions that arise have been key to the success of the consultation process.

Arizona has 22 Federally recognized tribes and tribal lands represent a considerable portion of total property in the State. Therefore consultation with tribal governments is an additional important aspect of ADOT's consultation process. ADOT also holds regular partnering meetings with Federal land agencies, and has developed formal memorandums of understanding between ADOT and each Federal Agency.

3.3 BREAKOUT SESSION

What Are States Doing?

Dale Buskirk moderated a lively discussion on state approaches to consultation. States are engaged in a wide variety of efforts related to consultation, depending on the characteristics and needs of individual states. The degree to which a state is urban or rural, whether or not there are Federally recognized tribes, the types of environmental concerns, and the history of consultation and public involvement each affect the focus of consultation activity. Some states have well-established processes for consultation; for these DOTs, the focus is on

documenting existing practices and making this information publicly available. Other states are defining new consultation procedures with local elected officials (LEOs). Still others are considering how to build effective communication mechanisms with resource agencies.

- Oregon DOT (ODOT) manages consultation through 10 area commissions on transportation, which cover all regions in the state except the Portland TMA. The commissions are each made up of 50 percent elected officials, along with representatives from tribes, businesses, and others. The commissions, which meet regularly, are staffed by ODOT planners.
- California DOT (Caltrans) is divided into 18 MPOs and 26 rural transportation agencies. Each agency develops a regional plan, and has control of 75 percent of their funding. District directors from Caltrans meet with these boards monthly.
- Mississippi DOT's Office of State Aid Roadway Division regularly meets with counties to discuss plans and programs.
- Louisiana DOT (LADOT) has been required by state law to present its plan to communities across the State. LADOT is now developing a process targeted specifically to local elected officials, and working with district DOT Administrators to further build consultation with LEOs.

What Issues Have State DOTs Identified?

A number of issues were discussed by participants during the discussion. These include:

- *Who participates in nonmetropolitan consultation?* The focus for consultation is with local elected officials. Participants discussed the pros and cons of including local government technical staff as well as the elected officials in consultation. States approach this in a variety of ways, but generally concur that staff are important resources to elected officials.
- *What constitutes "meaningful involvement"?* While states are required to involve local elected officials at meaningful points during planning and programming, states are approaching this requirement in different ways. States are challenged to balance sufficient involvement with "meeting fatigue" – overtaxing both officials and DOT staff.
- *How can states manage different languages and cultural needs?* Many states have translators available or work with communities to identify translators when needed. Approaches to tribal consultation vary depending on the resources and capabilities of the tribes involved. Some states find that one-on-one meetings are called for in order to achieve meaningful involvement.
- *How can states manage turn-over?* Plans and projects that extend many years frequently experience turn-over, both in the elected officials involved and in the state DOT personnel working on the project. This can result in conflicting

local input and shifts in priorities. There is a need to educate elected officials and their staff about the process.

- *How can environmental data be integrated into the planning process?* States are required to demonstrate consideration of environmental concerns and data in their long-range plans. This includes consultation with land management and resource agencies. Geographic Information Systems (GIS) tools are an important resource to assist in presenting information and relationships in a useful way.
- *How can states meaningfully incorporate environmental issues at the planning stage?* A number of states cited difficulty in engaging environmental agencies in the statewide planning process, and a tension around achieving an appropriate level of detail for the level of planning underway. Many resource agencies are most experienced in reviewing and commenting on specific project plans, and are unfamiliar with more strategic-level approaches. Further, some agencies are concerned that participating at a strategic planning level may undercut their ability to intervene at the project stage. Therefore, some state DOTs have found that resource agencies are reluctant to participate in planning processes, preferring to wait for "real projects."

What Do State DOTs Recommend for the Consultation Requirement?

Participants identified several themes to help states strengthen their consultation processes and meet Federal requirements.

- *Design a "Separate and Discrete" Process* – States emphasized that consultation with local elected officials is to be addressed separately from other public participation processes. This is a key requirement of the consultation rule. States also stressed that it is important that consultation be a formal process, particularly initially.
- *Consider Joint Processes* – One strategy to avoid "meeting fatigue" is to identify other planning efforts in which partner agencies are engaged, and consider integrating DOT consultation into those ongoing processes. This can encourage participation and potentially achieve more satisfactory planning outcomes. It is important to note, however, that the nonmetropolitan local official consultation process must be a separate and discrete process.
- *Document Consultation Activities* – Participants stressed the importance of documenting the efforts DOTs take to consult with elected officials, tribes, and resource agencies. Documenting a systematic process for input and consultation is an essential requirement, irrespective of the substance of the ultimate plan that is produced.
- *Involve Resource Agencies* – Land management agencies and resource agencies need to be involved in the planning and programming process. Establishing

memoranda of understanding between the DOT and resource agencies, such as those developed by AZDOT, can help clarify the role of each agency and specify the expected benefits to each agency of participating in these planning processes. DOTs such as Caltrans and Colorado DOT have successfully involved resource agencies by utilizing their extensive data sets to create GIS-based tools which are then used to jointly assess alternative development scenarios.

- *Develop Educational Materials* – Many states find that providing orientation and training to newly elected officials and staff at partner agencies helps these individuals participate effectively in the planning process.

4.0 Congestion Management Process

SAFETEA-LU requires there be "a process that provides for effective management and operation" to address congestion within a metropolitan planning area serving a TMA.

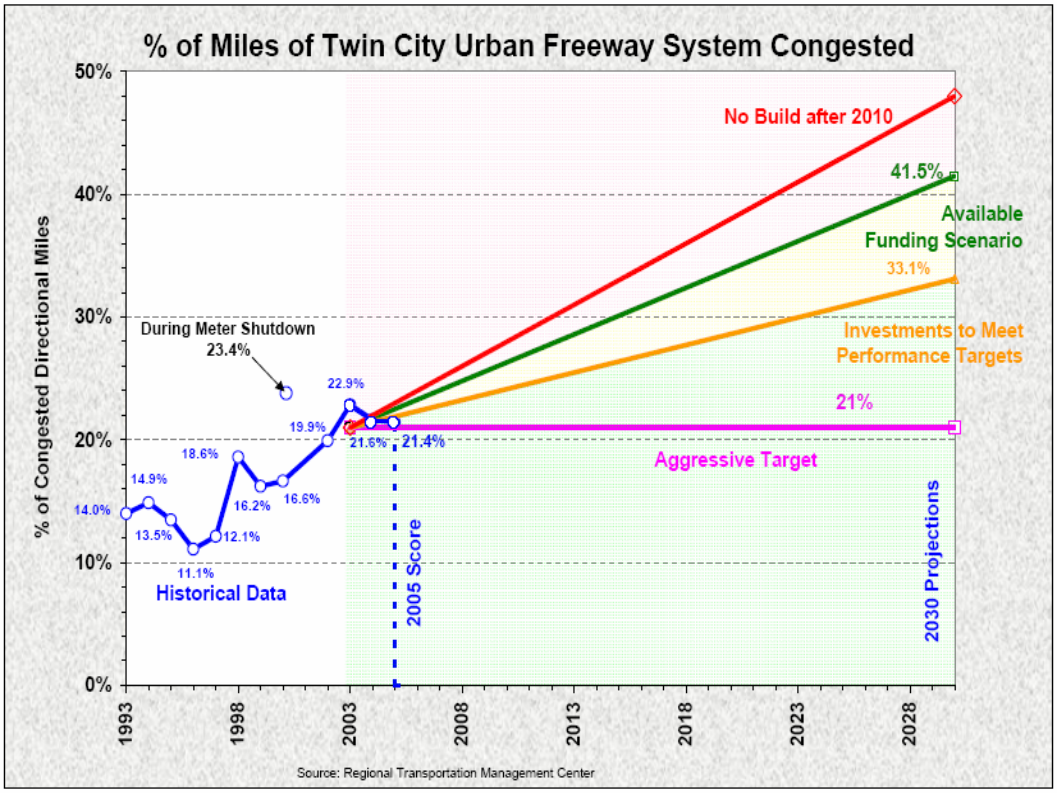
4.1 OVERVIEW OF PROVISION

Ken Leonard of Cambridge Systematics Inc. discussed the planning provision for congestion management process (CMP) in transportation management areas TMA. This requirement is similar to that described under ISTEA and its successor TEA-21, with minor adjustments made to previous language. Essentially, the CMP planning provision aims to place more of an emphasis on management and operations to address congestion management before considering capacity expansion. The intent of this planning provision is to make the CMP more meaningful by fostering a better linkage to the planning process. For example, the CMP presents opportunities for addressing recurring and nonrecurring congestion in the transportation planning process and advances congestion management initiatives for planning, operations, and the National Environmental Policy Act (NEPA). Many MPOs already include a CMP in long-range plans and some have established policies that consider funding operations projects before capacity enhancement projects.

4.2 MINNESOTA DOT EXPERIENCE

Peggy Reichert, Director of Statewide Planning at Minnesota DOT presented her agency's experience with applying a Congestion Management System (CMS) within a planned urban service area, which includes the seven county Twin Cities Metro Area. The Twin Cities Metropolitan Council, which is the TMA/MPO in the area, acted as the lead agency in developing the CMS in partnership with local governments, Metro Transit, Minnesota State Patrol, and Minnesota DOT. For its part, Minnesota DOT built on its history of performance measurement to develop performance measures and targets to identify congested areas on freeways and State arterials. Since it is expensive to build new capacity, a CMS toolbox approach to implementation was employed. Neither strategies nor specific projects were dictated; instead operating agencies were encouraged to implement appropriate projects. A consequence of employing this approach is that most CMS strategies are now mainstreamed and the CMS philosophy is reflected in Minnesota DOT investment priorities.

Figure 4.1



The congestion management system in the Twin Cities incorporates extensive use of performance measurement including target setting.

4.3 BREAKOUT SESSION

What Are States Doing?

Considering that SAFETEA-LU requires TMAs to develop a congestion management process, states attending the CMP breakout session initially questioned whether this provision is even a state issue. Ken Leonard moderated the breakout session and after exploring the topic further, participants realized that the TMA's long-range plan and TIP include many state projects and that, in order to implement state projects, the CMP must be approved by the TMA. Furthermore, operational or intelligent transportation systems (ITS) projects included in the TIP are likely to be the responsibility of the state DOT.

Addressing congestion is an increasing challenge for state DOTs. Participants discussed the difficulty they encounter in sufficiently addressing congestion given the growing demand on transportation systems. Many participants felt that approaches to congestion should be led through operations and emphasized that capacity enhancing projects are often cost-prohibitive. Furthermore, non-recurring congestion is a habitual problem for many DOTs and many breakout

participants felt that strategies that concentrate on operations are the best approach. According to the breakout participants, even though capacity enhancement projects are usually proposed by state legislatures rather than state DOTs, funding for these projects is scarce. Therefore, many state DOTs are using system preservation and operations as methods to try to manage congestion.

Breakout participants also addressed the effectiveness of congestion performance measures. Participants felt that measures that address reliability, travel time, delay and accessibility rather than volume/capacity ratios (V/C) and level of service (LOS) should be given further consideration. DOTs expressed a preference for more guidance to refer state DOTs to best practices or examples.

What Issues Have State DOTs Identified?

A number of concerns were raised by participants during the session. These include:

- *Unclear Guidance* – Federal CMP guidance is unclear about what specifically is meant by developing a plan and schedule to implement the CMP process.
- *Major Investment Study (MIS) Guidance* – What will be included in the rules on MIS and will it be mandatory?
- *Relationship Between MIS and CMP* – How will the MIS be related to the CMP?
- *Relationship Between CMP and NEPA* – How will the CMP help link planning and NEPA? Will the link be mandatory or discretionary?
- *Update Plans to Conform to SAFETEA-LU Requirements* – If the STIP is amended does that mean the long-range plan has to be updated to conform to SAFETEA-LU?
- *STIP Updates* – What is the difference between a STIP amendment and a modification or revision?

What Do State DOTs Recommend for Implementation of the CMP Requirement?

Several themes clearly stood out for participants of the CMP breakout session, these include:

- *Involvement of Stakeholders* – It was suggested that FHWA require TMAs to involve state DOTs in the development of the CMP.
- *Guidance on Linking Planning and NEPA*– States requested guidance or best practices on how to link planning and NEPA.

5.0 Visualization

As part of transportation plan and TIP development, MPOs shall employ visualization techniques…. States shall also employ visualization techniques in the development of the Long-Range Statewide Transportation Plan….

5.1 OVERVIEW OF PROVISION

Rob Ritter introduced the new provision requiring states to use visualization techniques in the process of developing their long-range plan. He noted that this requirement appears in the statute in relation to public participation – the emphasis in the legislation is on strengthening public participation by making transportation plan information more accessible and easier to understand. While many states have extensive experience in using visualization techniques for specific projects, fewer states have experience in using visualization to convey information about transportation plans. However, visual imagery can be used to communicate at a variety of levels: policy, planning, and project, and at various geographic scales: statewide, regional, local area, and project level. The effective presentation of projects' impacts to the public has become an increasingly essential part of the planning and design of the transportation system.

Mr. Ritter reviewed a variety of visualization techniques that state DOTs can consider using as appropriate, ranging from simple illustrations and charts to sophisticated simulation tools. The statute is not prescriptive in the types of visualization that should be used; states should select those techniques that are effective for their purposes. For example, the use of flow charts to explain the planning process is a simple and effective application of visualization. Tools include:

- Artist renderings;
- Computer modeled images;
- Computer simulation;
- Drawings;
- Flowcharts;
- Interactive GIS systems;
- Maps;
- Models;
- Photo manipulation;
- Scenario planning tools;
- Simulated photos;

- Sketches;
- Videos; and
- Visual preference surveys.

Mr. Ritter offered a few examples of how states are depicting information related to their plan.

- Minnesota DOT and North Carolina DOT use web-based mapping tools to provide information about specific regions and projects;
- Pennsylvania DOT's Vidlog is an on-line video log that allows the public to view video images of routes throughout the State;
- Connecticut DOT provides on-line information, maps, and links to documents regarding proposed plans and major investment studies; and
- Florida DOT uses an interactive map to enable public users to specify locations for which they would further information.

During discussion, it was noted that some states are moving to web-based STIPs, reducing or eliminating hard copy reports. Scenario planning tools are good examples of plan-level visualization tools. Participants discussed the possibility of a research project through the National Cooperative Highway Research Program (NCHRP) regarding how best to apply visualization to policy-based plans.

5.2 KANSAS DOT EXPERIENCE

Mary Beth Pfrang, GIS Applications Project Manager for Kansas DOT, demonstrated KDOT's web-based GIS tool: KGATE. KGATE is a GIS web portal available to KDOT staff on the agency's intranet. KGATE is designed to promote data sharing of information stored in many different locations throughout KDOT. The portal links to geo-referenced and non geo-referenced data, including digital images, multiple data bases, imagery, and other raster data. Point and linear data is displayed simultaneously on a map of Kansas. The tool streamlines data access and research, expands access to new users, and allows planners to visualize multiple data sets simultaneously. Through queries, users can access for specific locations aerial photos, related reports, video logs, and incident data, among other information.

KDOT is beginning to explore how the agency's planners can use the KGATE tool during the planning process. The system is grounded in a strong document management system and the availability of information from data sources throughout the agency. They are also working with the state GIS committee to share data across state agencies, and may consider purchasing data from commercial sources in the future to augment public data. KDOT is working with their legal office to determine how to manage public access to KGATE data.

Some data is sensitive and needs to be restricted, such as data regarding protected species.

Figure 5.1

Kansas DOT designed a GIS web portal for the KDOT intranet that enables users to visualize multiple data sets simultaneously.

5.3 BREAKOUT SESSION

What Are States Doing?

The breakout session on visualization was moderated by Thomas Dow, Regional and Urban Planning Manager for Kansas DOT. States recognize the value of visualization in effectively communicating transportation information, and are generally optimistic that a broader use of visualization tools will naturally occur as technology continues to develop. Most states are using some types of visualization; these practices range from using graphs and charts in presentation and reports, to the use of simulation to depict potential projects. However, states are uncertain about how to conduct a systematic visualization process at the statewide level, and are wary of prescriptive requirements in this regard. States will continue to build on what they are doing and learn from the experience and best practices of colleagues.

Some examples of state visualization applications include:

- Vermont DOT (VDOT) maintains route logs on its web site, providing segment data for highways. VDOT developed a graphics manual to explain the type of development allowed at interchanges. VDOT has employed

CommunityViz to visualize prospective development, and is currently developing a GIS format to be used during scenario planning.

- Idaho DOT recently went live with an interactive web site to manage citizen participation throughout the entire STIP process. The site explains the process and planning calendar, provides live links for more information, and enables on-line comments during public comment periods.
- Arizona DOT is developing a mapping component on its web site to enable public queries linked to geographic locations.
- Several states noted the use of map printouts, color graphics, and photos as extremely useful in communicating with the public in meetings, in printed documents, and on their web sites.

What Issues Have State DOTs Identified?

As states move forward in expanding their use of visualization, a number of concerns have been identified. These include:

- *Planning Applications* – How do states move from project-level visualization to applications at the planning level?
- *Liability and Proprietary Constraints* – How can legal concerns about access to sensitive or private information be addressed?
- *Technical Limitations* – How can DOTs address technical issues, such as bandwidth constraints or software needs?
- *Resources* – What is reasonable to expect from organizations that have limited staff or funding?

What Do State DOTs Recommend for Implementation of the Visualization Requirement?

In order to meet the visualization planning provision requirements, breakout participants provided the following recommendations for implementing the provision:

- *Avoid Prescriptive Regulations* – There was broad agreement among states that Federal rulemaking should avoid specifying visualization techniques and requirements. States are best served by FHWA providing guidance and information on best practices.
- *Develop Visualization Toolbox* – Participants suggested that FHWA develop a "tool box" of visualization techniques that states may want to use in their planning processes.
- *Create a "Visual Dictionary"* – States may want to consider using visualization to explain transportation terms and jargon to lay people, as one technique to make transportation planning more understandable to the public (e.g., "turning radius" or "how does a floating bridge float?").

- *Balance Legal Concerns With Need to Make Informed Decisions* – While recognizing legitimate legal concerns about releasing sensitive data, participants noted that these risks need to be balanced against the risk of making poor decisions. The availability to the public of comprehensive information promotes good decision-making.
- *Provide Samples of Data Management and Access Agreements* – A library of agreements used by states could be made available to use as templates or resources by other states for their own agreements.

6.0 Consistency of Transportation Plan with Planned Growth and Development Plans

SAFETEA-LU revises the previous planning provision related to environment to add "promot[ing] consistency between transportation improvements and state and local planned growth and economic development patterns."

6.1 OVERVIEW OF PROVISION

Gloria Shepherd detailed the objective of the consistency of transportation plan with planned growth and development plans (consistency) provision. The overall purpose of this planning provision is to promote the connection between transportation and land use plans and economic development. FHWA encourages states to document their efforts at fostering this connectivity. States are expected to create and document efforts regarding their *process* of making transportation and economic development plans consistent. The focus is on creating and using a good process, not necessarily on outcome. FHWA recognizes that establishing concurrence between transportation and economic development plans is difficult, which is why FHWA encourages states to document their efforts at joining the two.

6.2 WASHINGTON STATE DOT EXPERIENCE

Brian Smith, Director of Strategic Planning and Programming at Washington State DOT, noted that Federal and state law in Washington State guide efforts to make transportation planning consistent with development. In addition to general statewide transportation planning efforts, the Growth Management Act (GMA) in Washington State is aimed at coordinating planned growth and economic development through the use of Comprehensive Plans. Essentially, the GMA positions Washington State DOT as a partner in regional and local planning. Comprehensive Plans provide 20-year planning projections, with economic development as a required element. The process of designing these plans ensures that land uses are consistent with transportation infrastructure. Major policy themes are an emphasis on interjurisdictional coordination and consistency, as well as citizen and community involvement. In order to establish internal and external consistency across plans, Washington State DOT stresses that land use and transportation plans be current, otherwise efforts are wasted on being consistent with outdated data. Similarly, a successful concurrency process requires that all parties use common sets of assumptions (i.e., economic

generators). Lastly, land use and development decisions are generally local, not state or Federal actions. This has to be recognized in implementing state and MPO planning requirements related to consistency with land and economic development plans.

Figure 6.1

Federal Planning Factors (23USC135)	**State Planning Emphasis Areas** (RCW 47.06)	**Required Modal Plans** (RCW 47.06)
• Support the economic vitality of the United States, the States, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency. • Increase the safety of the transportation system for motorized and nonmotorized users. • Increase the security of the transportation system for motorized and nonmotorized users. • Increase the accessibility and mobility available to people and for freight. • Protect and enhance the environment, promote energy conservation, and improve quality of life. • Enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight. • Promote efficient system management and operation. • Emphasize the preservation of the existing transportation system.	• Relief of congestion. • Preservation of existing investments. • Preservation of downtowns. • Ability to attract or accommodate planned population and employment growth. • Improvement of traveler safety. • Efficient movement of freight and goods. • Improvement and integration of all transportation modes to create a seamless intermodal transportation system for people and goods.	**State-owned** • Highways • Ferries **State Interest** • Aviation • Public Transportation • Freight Rail • Intercity Passenger Rail • Bicycle and Pedestrian • Marine Ports and Navigation

Washington State DOT evaluated its Transportation Plan issue areas and strategies against stipulated goals as part of its effort to make the Plan consistent with state growth management goals.

6.3 BREAKOUT SESSION

What Are States Doing?

Brian Smith moderated the breakout session. He noted that state DOTs are implementing a number of approaches to address consistency between transportation and planned growth and economic development. Following are a number of examples.

- Oregon DOT is compiling a list of "shovel-ready" sites that detail the necessary actions and documents required to develop certain property. The approach is framed around predictability, which allows the state to prioritize, focus resources, and market economic development so that development is drawn to strategic locations.
- Okalahoma DOT conducts an analysis known as SWAT to identify strengths, weaknesses, and, threats to development. The DOT routinely communicates with the economic development agency in an effort to address the nexus between transportation and economic development.
- In the past, Caltrans identified transportation access as a limiting factor to inform investment decisions. While this strategy proved successful for Caltrans, a similar approach employed by Kentucky DOT, which analyzed six contiguous counties, revealed that transportation was a contributing factor, but not a main one.

What Issues Have State DOTs Identified?

Many states expressed concern about the consistency planning provision, including:

- *Gaining Buy-In* – It may be challenging to garner support from land use constituencies because agencies might have a hard time accepting consistency as a "process" as opposed to actually seeing consistency happen in the built environment.
- *Different Perceptions of "Growth"* – States with limited land use management policies may encounter difficulty in coordinating with regional and local agencies. For example, one community may negatively associate growth with sprawl while another may perceive growth as welcome economic development.
- *High-Growth Areas May Be Limited* – States experiencing tremendous growth in concentrated areas may have inadequate experience with handling the demands of sophisticated developers.
- *Inappropriate Matches Between Economic Development and Transportation Plans* – Some economic development agencies look to state DOTs to drive economic development instead of crafting targeted strategic plans that work in conjunction with transportation plans.

- *Unpredictable Economic Development Patterns* – Given that economic development is often fragmented, it may be difficult to make transportation and economic growth plans consistent. This is exacerbated by the difficulty in discerning whether transportation serves as a catalyst for development that might not otherwise have occurred, or whether transportation merely displaces development that would have occurred elsewhere.
- *Different Interpretations of Consistency* – The boundaries on what is considered consistent are unclear. This can lead to consistency being interpreted in unmanageable ways for a DOT. For example, while all states have overall economic aspirations, individual cities and counties within have their own distinct – and potentially conflicting – priorities as well. There exists no "master set" of transportation and economic development priorities to integrate these various goals.
- *Inexact Forecasts* – Land use plans and growth forecasts are often imprecise; however, there is no vehicle to build contingencies into the planning process so that a range of possibilities are presented.

States concurred that economic development is influenced by a number of factors beyond transportation, such as education and workforce, and that transportation is not the panacea for promoting economic development. Transportation is funded through a dedicated source, which makes it highly visible. Many state DOTs are heavily influenced by other agencies or political interests who use transportation to affect economic development, even when transportation is only marginally important. As a consequence, transportation projects are often proposed because of their reputed economic consequences, even though many states feel that this link is weak and the benefits overstated. In fact, state DOTs are often reactive and are hard-pressed to meet even basic transportation needs.

In response to the above concerns raised by many states, FHWA stresses that the planning provision requires that states make a good faith effort to create consistency and that whether or not consistency between plans is achieved as a result is secondary to the process itself.

The discussion also touched on some of the tertiary benefits of the planning provision. Some states suggested that economic development be perceived as a tool to manage the existing transportation system. In this regard, consistency between plans can be used as a tool to market a state's assets and improve upon existing facilities. Other states felt that the consistency planning provision can be used as leverage because all agencies will be using the same numbers and similar assumptions. This makes the consistency planning provision a potential troubleshooting mechanism.

What Do State DOTs Recommend for Implementation of the Consistency Requirement?

Given the extent to which many states expressed concern about the consistency planning provision, it was suggested that the following be considered by FHWA:

- *Comprehensive Guidance* – States requested better guidance on what constitutes the standard for consistency, and clarification on how a DOT will know when the planning provision is working and when it is not effective.
- *Flexibility of Actual Consistency Outcome* – Given that this is a process requirement, states felt that FHWA should be flexible regarding the actual consistency outcome.

7.0 Safe Routes to School

A new program required under SAFETEA-LU, the Safe Routes to School program provides Federal-aid highway funds by formula to DOTs over five Federal fiscal years (FY 2005-2009) for infrastructure and non-infrastructure projects and to administer SRTS programs that benefit a specified vicinity around elementary and middle schools (grades K-8).

7.1 OVERVIEW OF PROGRAM

Beth Alicandri, Director of the Office of Safety Programs at FHWA, highlighted the purpose of implementing the Safe Routes to School (SRTS) program; promote projects and activities that improve safety and reduce traffic, air pollution, and fuel consumption in a two-mile vicinity of schools. Funding for the program is divided into two categories (infrastructure and non-infrastructure projects) and has no match requirement. The objective of infrastructure projects to foster walking and biking to school in a safe environment; non-infrastructure projects are encouraged to address the "three E's": education, engineering, and enforcement. (A fourth "E," EMS, was mentioned during the Strategic Highway Safety Plan discussion.) The SRTS program is intended to supplement – not supplant – existing programs, or initiate a program if one does not already exist. Flexibility is built into the program, with little prescription on how state DOTs split their allocation, except that a minimum of 10 percent (and a maximum of 30 percent) of funds must be spent on non-infrastructure projects. The legislation requires each state to have a full-time employee to administer the program, but allows funding for this position from the infrastructure portion of a state's SRTS funding allocation. Other elements of the SRTS program are the establishment of a Task Force, intended as a coalition that supports the objectives of the program, and development of an informational clearinghouse to serve as a resource for state DOTs.

7.2 CALTRANS EXPERIENCE

Sharon Scherzinger, Acting Division Chief of the Division of Transportation Planning at Caltrans, presented on that state's SRTS program, which has been in place for six years. California passed legislation establishing a new funding formula for Federal safety funds intended for projects that support bicycle and pedestrian safety as well as traffic calming. The SRTS program in California concurs with other plans and policies in the state that promote alternative modes of travel as well as sustainable development strategies. Caltrans engaged a number of partners, including sister agencies and advocacy associations, when developing its statewide SRTS program. Caltrans continues to address issues regarding equity, program administration, and program evaluation. Because of

its early efforts, Caltrans' SRTS is likely to meet the requirements of the Federal SRTS program.

Figure 7.1

Caltrans has legislatively established a Safe Routes to School program to promote and implement qualifying projects that are consistent with statewide transportation plans and policies.

7.3 BREAKOUT SESSION

What Are States Doing?

Sharon Scherzinger moderated the breakout session, where there was much concern expressed over the administrative burden that the SRTS program potentially presents. Considering the funding level of the program, many states felt that the full-time coordinator requirement created an administrative burden because the program is too small to justify a full-time position and that staff resources would be spent more efficiently if combined with bicycle and pedestrian programs. Many states have moved to implement the SRTS program and have program coordinators in place. Discussion focused on how to balance the specific statutory requirements of the program with other DOT safety priorities. States are working to ensure that funds are distributed equitably and that funded activities effectively achieve safety improvements.

Montana DOT is addressing equity concerns posed by the SRTS program by evaluating whether it is feasible to reserve a portion of program funds for smaller school districts in order to protect against larger urban areas receiving

unbalanced portions of funding. Also, Montana DOT is considering placing a minimum funding level on SRTS projects in order to reduce the number of applications for very small projects. Several state DOTs raised concerns about having to hire full-time SRTS coordinators.

A number of state DOTs expressed interest in learning about what processes and criteria DOTs use when selecting projects for SRTS funding. Colorado DOT discussed their selection criteria which can be accessed via their DOT web site.

What Issues Have State DOTs Identified?

After much discussion regarding the planning provision, a number of themes began to emerge including:

- *Full-time SRTS Coordinator* –Thirty-six state DOTs already employ SRTS program coordinators; however, many of the breakout participants expressed significant concern regarding the requirement to hire a full-time program coordinator to administer such a small program. This concern is underscored by the fact that many state DOTs are reducing staff or have limits on hiring, even if the positions are Federally funded. Several DOTs expressed a desire to opt out of the SRTS program or swap state funds for Federal funds to avoid hiring a full-time program coordinator. Participants discussed deterrents to pursuing this course of action, including the risk of criticism by school districts.
- *Evaluation Component and Criteria* – DOTs understand that evaluating the effectiveness of SRTS projects is difficult. Suggestions included employing evaluation techniques such as those conducted for road safety audits or developing criteria for performance measures for the SRTS program.
- *Linking SRTS to Agency Plans and Policies* –A number of states felt that it is important to link the SRTS program with larger DOT plans and policies. The SRTS is a stand alone requirement, but it is a small program. Therefore, to support its legitimacy as a discrete program, many state DOTs felt that SRTS projects need to be tied to an overall agency plan or policy. This linkage could be made in a state's long-range plan or Strategic Highway Safety Plan.

What Do State DOTs Recommend for Implementation of the SRTS Program?

Overall, states asked for clarification and flexibility in applying the SRTS program to meet state needs. States suggest that FHWA consider the following:

- *Allow Flexible Staffing* – Many state DOTs felt that it may be more efficient to combine the SRTS coordinator position with the responsibilities of the Pedestrian/Bicycle coordinator at state DOTs and asked FHWA to allow this staffing approach. However, the requirement for a separate SRTS coordinator position is in SAFETEA-LU legislation, not mandated at the discretion of FHWA.

- *Consider Grant Program Approach* – A number of DOTs suggested that the labor involved in administering a small program might not be the best use of resources; therefore, it was suggested that the SRTS program be changed from a reimbursement program to a grant program. The program is defined by statute as a reimbursement program.
- *Clarify SRTS Use to Meet Specific Needs* – For example, states asked the questions: What happens when new schools are built? Are state DOTs required to coordinate prior to construction, after, or not at all? How can DOTs with a heavy transit dependent population employ the program?

8.0 Environmental Considerations in Planning and Project Development

Metropolitan and statewide transportation plans must include a discussion of potential environmental mitigation activities and areas to carry out these activities that may have the greatest potential to restore and maintain environmental functions.

States and MPOs shall consult with State and local agencies and Tribal agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation in developing plans.

As part of statewide and metropolitan planning, States and MPOs must consider, if available, "conservation plans and maps" and "inventories of natural and historic resources."

The Secretary may consider the FHWA report "Flexibility in Highway Design" and the national CSS workshop report in establishing standards to be used on the National Highway System.

8.1 OVERVIEW OF PROVISIONS

Shari Schaftlein, Team Leader, FHWA Office of Project Development and Environmental Review, provided an overview of the environmental considerations requirements in SAFETEA-LU, and the resources available to states to assist them in this area. A handout of key resources, "Environmental Resources for Transportation Planners" was distributed (Appendix F). Ms. Schaftlein addressed five key components of environmental considerations in planning: environmental mitigation, consultation with resource agencies, consideration of resource maps and inventories, context sensitive solutions, and Section 6002 requirements regarding the environmental process.

Environmental Mitigation A broad range of planning-level activities are underway that state DOTs can draw on to inform the transportation planning process in regard to environmental mitigation. These efforts are led by various Federal agencies, state and regional partnerships, and nongovernmental organizations. For example, watershed plans will gain more prominence in decision-making under new regulations of the Army Corp of Engineers. Further, all states have recently completed State Wildlife Action Plans for the first time. While of varying quality, these plans are likely to be useful to transportation planners in identifying environmental considerations in their state, and providing an

opportunity to build discussions with the state resource agency. FHWA in partnership with several Federal resource agencies recently published Eco-Logical – a guide to making infrastructure more sensitive to wildlife and ecosystems through greater integrated planning, new partnerships, and cooperative conservation. The approach introduces a framework for mitigation options and performance measurement. Several other drivers that may be useful to DOTs were addressed.

Consultation with Resource Agencies is required for state DOTs, including consultation with local and tribal agencies engaged in land use, natural resources, environmental protection, conservation, and historic preservation. Resource agencies believe that they have the tools and information to be able to add value to planning decisions, and think that the time is ripe to apply these tools to preserve key lands and species. States are taking a number of approaches to this consultation, ranging from "shuttle negotiation" with individual resource agencies to group processes that engage multiple players based on topic, geography, or level of government. Ms. Schaftlein noted that some foundations are funding non-governmental organizations (NGOs) to help facilitate planning, and that DOTs may want to consider taking advantage of this capacity rather than relying on government conveners in all situations.

The requirement for *Consideration of Resource Maps and Inventories* is hampered by several factors. There is uneven availability of data in different geographic areas, and available maps may not match available resource inventories. Furthermore, only 40 percent of state wildlife plans include maps, in part due to concern about negative consequences of identifying where resources are located. This is of particular concern when private property is involved. Understanding the concerns of resource agencies is important when attempting to build consultation processes. Conservationists face an inherent tension between the public right to know and concerns about confidentiality and species protection. Further, regulatory agencies have a long culture of individual species management through regulation. Moving toward a collaborative strategic planning process will take time, but is worth the effort.

Ms. Schaftlein listed a number of areas that FHWA is investing in to support states in implementing context sensitive solutions. These include development of training and information on best practices through classroom and web-based training, updates of existing National Highway Institute (NHI) courses, development of a Context Sensitive Solutions (CSS) primer, and work with AASHTO's Center For Environmental Excellence on a CSS conference and peer exchanges. Further information can be found at:

www.fhwa.dot.gov/planning/css

The *Environmental Review Process* outlined in Section 6002 spells out several components of the required environmental review process. While this is a "new" process, many states have already incorporated much of the approach outlined in the statute. Finally, Ms. Schaftlein highlighted the use of geospatial tools to

support environmental streamlining ("GIS4EST"). The GIS4EST continuum portrays the progressive steps DOTs take in building their use of GIS to support improved integration of environmental considerations in transportation planning.

8.2 EXAMPLES OF STATE DOT EXPERIENCES

Kathy Ames, Deputy Director of Planning and Programming for Illinois DOT, described what several states are doing to incorporate environmental considerations in planning and project development. She highlighted best practices in four areas: environmental mitigation, consultation with resource agencies, consideration of resource maps and inventories, and context sensitive solutions.

Best Practices for Environmental Mitigation – In considering mitigation options as part of a transportation plan, the goal is to identify practices that have the greatest potential to restore and maintain environmental functions affected by the plan.

- Illinois DOT (IDOT) created the Illinois LaGrange Wetland Bank in west central Illinois – a 1,645-acre site strategically located in the floodplain of two major watersheds and home to listed species. The Bank creates a regionally based restoration and enhancement resource supporting a large portion of the State. By creating a significant wetland bank, IDOT receives credits that offset unavoidable impacts in the region, while reducing the time and costs required for individual projects. The project also provides the foundation for ongoing collaborative restoration efforts that IDOT is pursuing with resource agencies and nonprofit environmental organizations.
- Arkansas DOT has also taken an ecoregion-based approach to wetland mitigation. It's first mitigation bank was established in 1996; the State has since developed four additional banks, addressing each ecoregion in the State. Arkansas has benefited from their strong collaboration with multiple resource agencies, and has contributed to the creation of high-value environmental resources that have the highest potential for long-term ecological success.
- Colorado DOT (CDOT) joined with FHWA, Federal and state resource agencies, and the Nature Conservancy to undertake the highly successful Shortgrass Prairie Initiative. The Partnership established an ongoing agreement on scientific processes and procedures that would be used to preserve thousands of acres of shortgrass prairie in eastern Colorado. CDOT has found that the agreement has improved the efficiency and effectiveness of maintenance activities, enables proactive planning to avoid and minimize environmental impacts, and supports effective ecological action while facilitating a streamlined process for DOT projects.

Figure 8.1

Illinois DOT worked with resource agencies and nonprofits to establish regional wetland banks that improve ecological results while reducing the time and cost of project delivery.

Consultation with Resource Agencies is required, as appropriate, with agencies engaged in land use management, natural resources, environmental protection, conservation, and historic preservation.

- Colorado has established a Transportation Environmental Resource Council to coordinate consultation on all environment and transportation matters. This executive-level body includes the FHWA Division Administrator, CDOT's Executive Director, and the Director and Executive Management of Federal and state resource agencies.
- In California, Merced County has established a Partnership for Integrated Planning (PIP) to improve the delivery of transportation projects through early state and Federal agency participation in the planning process. The PIP has succeeded in improving communication among all parties, and developed methods for conducting an effective multiparty planning process on a broad scale that incorporate land use, transportation, and ecosystem preservation. Benefits were demonstrated using a GIS application to facilitate the analysis of impacts, including cumulative impact analyses. This approach may contribute to the development of a standardized method statewide.

Ms. Ames highlighted three states' best practices in *Consideration of Resource Maps and Inventories.*

- Illinois DOT has developed protocols for sharing environmental information across agencies. The Wetland Impact Review Tool enables both the DOT and resource agencies to locate and assess wetlands for permits in review. The Historic Architectural and Archaeological Resources GIS (HAARGIS) consolidates data by locational site and type for use by multiple agencies. Staff for each of the programs includes one or two positions funded by Illinois DOT.
- Washington State (WashDOT) DOT's Environmental GIS Workbench program – with 125 data layers – enables WashDOT to coordinate with Federal, state, tribal and local sources to collect and access critical data. The Workbench provides technical support for both project planning and delivery.
- Florida's Efficient Transportation Decision-Making (ETDM) process redesigned the State's approach to planning, permitting, and project review. As part of this process, FDOT developed a GIS-based tool that supports multi-agency evaluation of cumulative impacts; and relationships among land use, ecosystem management, and mobility as an integrated approach. It includes various modules, such as a sociocultural effects module.

Best practices for incorporating *Context Sensitive Solutions* in transportation planning address both the visible elements and the underlying culture, values and expectations of the community.

- Pennsylvania DOT conducts a Community Context Audit to identify community characteristics for each transportation project location. This helps define the project purpose and need based on community goals and local plans for future development.
- IDOT must comply with state CSS legislation. IDOT uses the Balanced Scorecard management approach to implement CSS on a department wide and multimodal basis. Community impact assessment and the stakeholder involvement process are large parts of the CSS process.
- New Hampshire DOT has developed a CSS Project Delivery Process, outlining CSS considerations in each stage of project delivery, from need identification through project maintenance and operation.
- Oregon DOT incorporated a Context Sensitive and Sustainable Solutions framework to plan and implement its State Bridge Delivery Program. ODOT estimates that its investment in this planning approach has a potential savings of over $50 million, and may reduce the program schedule by one to two years.

8.3 BREAKOUT SESSION

What Are States Doing?

States are pursuing a number of strategies to integrate environmental considerations into their planning practices. In the breakout session, co-moderated by Shari Schaftlein and Kathy Ames, several states offered examples of successful approaches.

Environmental Mitigation in Planning – Many states have found that addressing environmental concerns at the planning level can save time and money at the project level. However, states also stressed the importance of having clear agreements with resource agencies up front, to avoid duplicating work at later stages. Many resource agencies value a more system-level approach to determining mitigation strategies, because it can achieve better ecological results. Other states have found that resource agencies are reluctant to be involved in the planning level, wanting to wait to participate until a more detailed project-level review. Use of programmatic agreements has been key to building successful planning approaches with partner agencies.

Consultation with Resource Agencies – States emphasized the importance of "getting agencies on board," and developing programmatic agreements regarding consultation. States stressed the importance of documenting the processes they have developed for consultation.

Maps and Inventories – Several DOTs are incorporating data and mapping tools developed by other organizations into their planning processes.

- California worked with the Nature Conservancy to apply regional maps that contain diversity data overlaid with population and growth projections. Through this integrated data and geospatial analysis, Caltrans identified "hot spots" and key parcels for conservation.
- Colorado utilized GIS tools developed by the Nature Conservancy to compare value of habitat with property values of those areas, enabling the DOT to identify cost-effective areas to meet mitigation objectives.

Many state DOTs, such as Washington State, are developing their own list of environmental assets for management, for example fish passage barriers and stormwater outfalls.

What Issues Have State DOTs Identified?

A number of concerns were raised by participants during the discussion. These include:

- *Participation by Resource Agencies* – Some states have had difficulty engaging resource agencies during planning stages. This may be due in part to their lack of familiarity with the planning process, inadequate staff capacity, disagreement about the level of detail necessary, reluctance to waive

project-level reviews, or a history of conflict or distrust among agencies. Culturally, some agencies view themselves as "regulatory" rather than "planning" organizations. Moving to a more strategic planning approach often takes considerable time.

- *Balance in Level of Detail and Scale of Plan* – States have difficulty defining with resource agencies an appropriate level of detail in relation to the level of planning. Developing strategic-level agreements as part of a policy plan is a relatively new approach for many agencies, but can be valuable in establishing a broad agreement for subsequent work. Some states have found it more effective to engage resource agencies at a corridor or subregional level of planning, in which a more specific plan can be considered than at a statewide level. It is important to differentiate between what is contained in a regional and statewide plan versus other planning activities.
- *Areawide Mitigation Plans* – Several states are working toward development of multi-agency agreements for mitigation, in which the DOT participates. There is a trend toward moving away from project by project mitigation.
- *Effects on Sensitive Areas* – States recognized the concern that identifying sensitive ecological areas for protection at the planning stage may fuel land speculation or endanger sensitive areas or species.
- *Staff Capacity* – A growing number of states are funding staff positions within resource agencies, recognizing that staffing constraints have limited the ability of resource agencies to engage in DOT activities at both the planning and project level.
- *Management and Confidentiality of Data* – States are challenged to develop appropriate data management protocols that protect sensitive data and ensure data quality. Some DOTs, such as Arizona and Kansas, are working through statewide interagency data management working groups to develop consistent protocols for data sharing and management.

What Do State DOTs Recommend to Facilitate Integration of Environmental Considerations in Planning?

Following are recommendations states discussed during the breakout session:

- *Retain Flexibility in Rulemaking* – States urged that FHWA recognize the importance of flexibility in implementing these provisions. The circumstances and priorities of individual states are very different, requiring a range of approaches.
- *Develop Programmatic Agreements* – States should pursue programmatic agreements with resource agencies to encourage their participation in planning activities and ensure a clear and consistent approach to consultation and mitigation decisions.

- *Consider a Range of Planning Scales* – Many states find planning at corridor and regional levels to be a productive level of focus for consultation.
- *Use GIS Councils for Coordination of Data Sharing* – Tapping into statewide groups provides additional data resources to DOTs and facilitates data management and quality control.

9.0 Security (Including Border Security)

SAFETEA-LU calls for the security of the transportation system to be a stand-alone planning factor, signaling an increase in importance from prior legislation, in which security was coupled with safety in the same planning factor.

9.1 Overview of Provision

Gloria Shepherd provided a summary of the security provision and explained that, under SAFETEA-LU, the security and safety planning provisions have been decoupled, with each receiving more emphasis. Many states have taken actions to address security, even before security became a stand alone planning provision. FHWA recognizes that states are at difference stages in adopting transportation security plans. In fact, many states are still in the process of learning and defining how the planning provision applies to their particular state, while others have already begun to incorporate security into their transportation plans. FHWA also acknowledges that states have different security priorities, so a one-size-fits-all approach is not appropriate for this planning provision. Given that states are at different stages in implementing the security planning provision, FHWA stresses the importance of documenting actions (i.e., developing plans, initiating dialogue with other agencies, applying for homeland security grants) that address security.

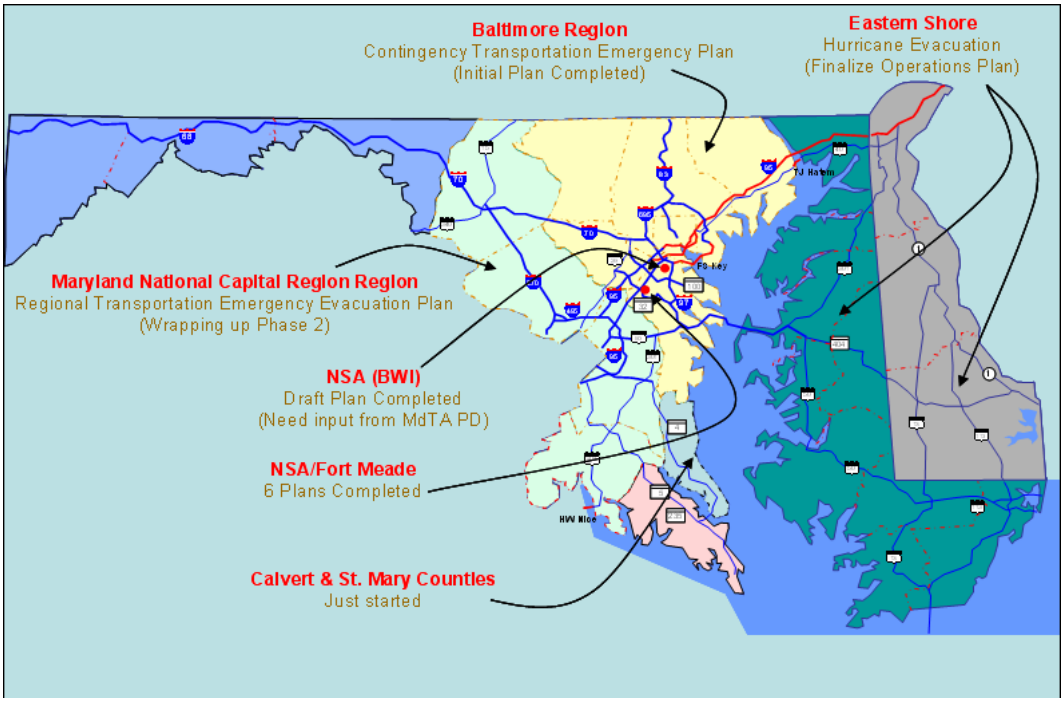
9.2 Maryland SHA Experience

Douglas Simmons, Deputy Administrator/Chief Engineer for Planning and Engineering at Maryland State Highway Administration, described the Maryland State Highway Administration's (SHA) "all hazards" approach to security planning on its highways. This approach rests on the premise that SHA builds its security planning on the foundation erected through familiar or previous experiences (i.e., winter storms, incident management, and natural disaster). Part of this approach is to define the agency's exact responsibilities and coordinate plans based on those assumptions. SHA catalogued all available emergency resources, including local government resources and private contractors. Having a comprehensive inventory of resources allows SHA to choose the most appropriate emergency response from a menu of resources. The agency then devised a matrix of security measures depending on the threat level that considers both the potential for disruption and the relative importance of each facility. By building on existing security efforts, SHA was able to add specific security elements, such as a terrorism element, to existing emergency operations plans. After taking a

comprehensive review of its system and facility vulnerabilities, SHA expanded its security planning efforts to address evacuation, with particular attention to the regional level. In order to increase the SHA security network, SHA has employed Department of Homeland Security grants which help cover the cost of developing plans, conducting studies, and making system upgrades and enhancements. In order to test the effectiveness of these efforts, Maryland's Emergency Management Agency (MEMA) conducts statewide tabletop drills and employs a dedicated Homeland Security Coordinator.

SHA developed a comprehensive Continuity of Operations Plan, which was subsequently certified by MEMA. Involving MEMA helped to promote the legitimacy of the plan. AASHTO can assist states when conducting vulnerability assessments. AASHTO's assessment tools can help state DOTs determine and evaluate their critical and vulnerable assets in support of their security plans.

Figure 9.1



Maryland DOT conducted vulnerability assessments and created a matrix of threat level responses, which feed into its evacuation planning.

9.3 BREAKOUT SESSION

What Are States Doing?

In addition to presenting at the Workshop, Douglas Simmons also served as a moderator for the breakout session. Many state DOTs believe that traditional planning partners have not been incorporated into the security planning process.

Now that security is a stand alone planning factor, planning will likely play a more significant role. However, not all states face the same levels or types of security threats; therefore, the depth and emphasis of one state's transportation security effort may differ from another. Furthermore, security efforts often focus on highways, but depending on the state, it may be prudent to consider transit dependent workforces or railway dependent economic centers. In addition, goods movement security has increasingly become a major concern for many state DOTs. The intricacies of security planning are even more challenging for those states with international borders, since cross-border security planning is likely to have a different focus for states with more pressing freight or immigration issues.

What Issues Have State DOTs Identified?

Many state DOTs feel that security efforts fall into one of two categories – natural disaster plans and systems security plans. Similarly, there are two different approaches to security planning: 1) minimize risk; and 2) response to an event. State DOTs discussed the importance of involving agencies beyond the state DOT as critical partners in security planning. Expanding the dialogue beyond transportation professionals can help in the exchange of necessary information for transportation security planning, as for example, when reversing travel patterns or when assessing facility vulnerabilities (i.e., nuclear reactor sites, natural gas terminals, military installations). Some state DOTs feel that transportation security planning is fragmented, especially when a state has large, dense metropolitan areas that require multiple levels of security planning, while other states have less sophisticated planning needs. Regardless, many states believe that transportation planners should be included in the security planning process because planners have a unique skill set and temperament to mediate the trade-offs that occur when security is considered.

What Do State DOTs Recommend for Implementation of the Security Requirement?

Given that security is now a stand alone planning factor, many states expressed interest in becoming more involved in transportation security planning efforts. Following are a number recommendations states suggest for the planning provision:

- *Manage Competing Demands* – Recognize that there is a limit on DOTs ability to affect security. Because security is usually not part of a state DOT's core mission, it is difficult to devote money to security when there are other more direct transportation investments to balance.
- *Engage Planning Processes* – The planning community needs to actively engage and insert itself into the security planning process.
- *Target Improving Information Exchange* – Aim security planning efforts at engaging state DOTs across all modes. For example, some state DOTs have

separate modal administrations, but there must be a plan to communicate among them to efficiently exchange information and share resources when an emergency occurs.

- *Proper Prioritizing* – Since there are many dimensions and facets of security, it is important to define a full range of security issues, then prioritize those issues and use them as leverage to influence funding allocation.
- *Strategic Implementation* – Since unfunded mandates compete for scare transportation funds, it is important to prioritize funds. This may mean implementing strategic, smaller projects as opposed to large, visible ones.
- *Expand Traditional Toolboxes* – There is an array of planning tools, such as GIS and behavior modeling, that can aid in security planning.
- *Be Conservative* – States should be encouraged to be conservative when prioritizing projects that address security because integrating security into long-range planning has the potential to be overused as justification for projects that have minimal security-related benefits.
- *Mitigate Spillover Effects* – Security issues cross state boundaries, which means that actions or policies can have indirect benefits or consequences to other states. One way to address spillover effects is to approach certain security issues through multistate involvement.

10.0 Strategic Highway Safety Plan

A Strategic Highway Safety Plan is a new requirement under the core Highway Safety Improvement Program (HSIP). Its purpose is to identify a state's key safety needs and guide investment decisions to achieve significant reductions in highway fatalities and serious injuries on all public roads.

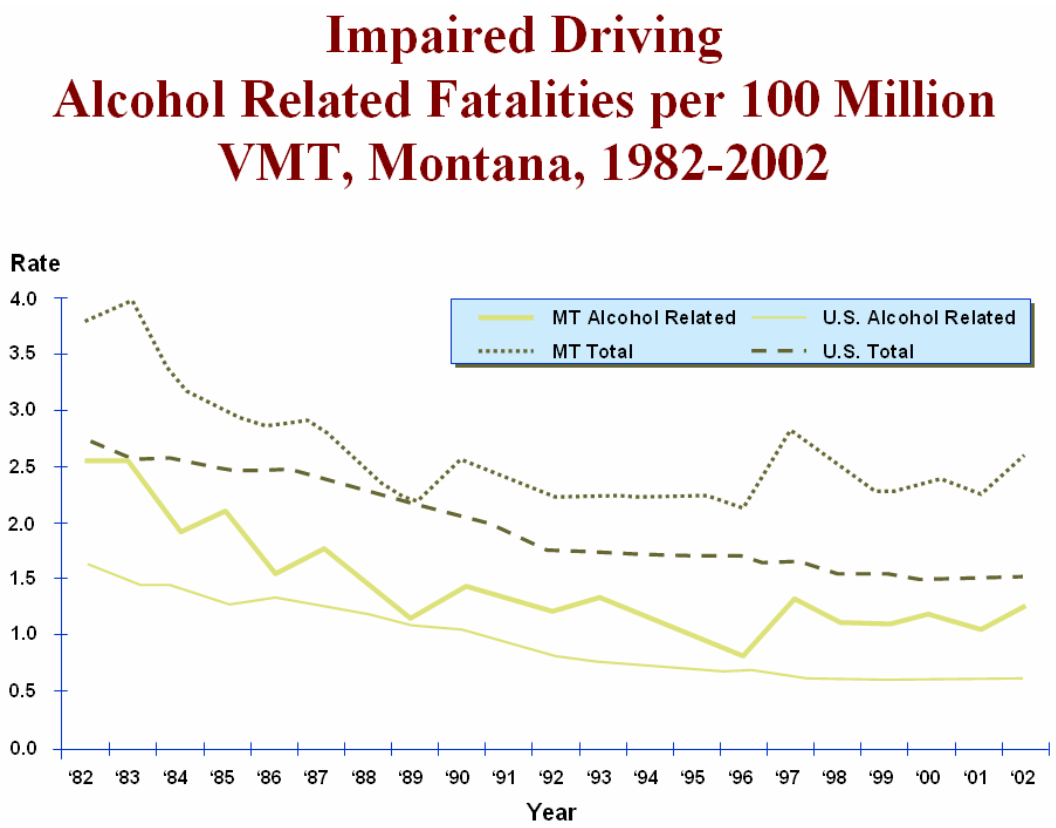
10.1 Overview of Provision

Beth Alicandri noted that the Highway Safety Improvement Program, a core program, has experienced a large increase in funding. In order to receive these increased funds, states are required to develop a Strategic Highway Safety Plan (SHSP). The objective of this planning provision is to coordinate efforts to guide investment decision and ultimately improve surface transportation safety by forming partnerships in support of developing and implementing a SHSP. Drilling down and evaluating data will enable a state DOT to strategically focus funding in order to reduce fatalities and injuries on all public roads. DOTs are responsible for consulting with other various safety partners across the engineering, education, enforcement, and EMS disciplines, and determining emphasis areas and strategies in a SHSP; the state governor must approve of the plan. According to FHWA, it is important for the SHSP effort to be led by a champion that supports this interdisciplinary approach, helps to break down stovepipes, and drives implementation of the SHSP.

10.2 Montana DOT Experience

Sandra Straehl, Planning Division Administrator at Montana DOT, discussed Montana's experience with developing and implementing a SHSP that not only focused on reducing the fatality rate on Montana's roadways, but specifically focused on reducing the number of alcohol-related fatalities and incapacitating injuries among Native Americans. Montana DOT formulated a seven-step process that includes the following: outreach to partner agencies, data analysis, define goals and strategic objectives, align existing efforts, conduct gap analysis, target SHSP champions, and implement the plan. A parallel effort known as the Traffic Records Strategic Plan is being undertaken by Montana DOT to support data integration and overall SHSP efforts. Montana DOT applied a crash severity index in order to identify high-crash corridors and better define causality. Montana DOT's data effort is meant to provide a more precise location identification of crashes, promote data exchange regarding driving under the influence (DUI) convictions, and foster a more comprehensive analysis of causality.

Figure 10.1



Montana DOT is using a seven-step comprehensive process in order to reduce all traffic fatalities and target Native American and alcohol-related fatalities.

10.3 BREAKOUT SESSION

What Are States Doing?

Sandra Straehl moderated the breakout session where it was understood that state DOTs will need to develop a SHSP or face limited Federal funding under the Highway Safety Improvement Program. However, there is a wide spectrum regarding how far along state DOTs are in developing or implementing their SHSP. Some state DOTs already have SHSPs in place, and others are in the process of updating them to meet the requirements of SAFETEA-LU. Michigan DOT has had a safety plan for years but is updating it to conform to SAFETEA-LU. The Ohio Governor and other cooperating agencies will sign their SHSP in May 2006. A few states like South Dakota are beginning to develop their safety plans.

Plans are often led by different units within a DOT organization and, in some cases, by other state agencies. Many participants favored a strong role for planners when developing the SHSP. Participants cited planners' skill set as multidisciplinary and their experience in having cross-jurisdictional knowledge as a

benefit when breaking down organizational "silos" and mediating among interests. The majority of state DOTs attending the breakout session began safety planning efforts through a safety forum.

Many state DOTs currently incorporate safety measures as criteria in their programming processes or are exploring ways to incorporate safety in decision-making, for example by incorporating a ranking system into capital construction. Arizona DOT currently considers safety as a criterion in ranking highway projects. Ohio DOT provides safety funds to all their counties and MPOs. Other state DOTs involve MPOs in safety planning, although their involvement tends to be regarding facility issues and not the behavioral side.

What Issues Have State DOTs Identified?

Two key issues were identified by states as being central to implementing the SHSP requirement, they are:

- *Data* – There is a concern among many state DOTs regarding the quality, reliability, and accessibility to data on roadways off of the state network or on lower function roads. Furthermore, obtaining crash data for incidents that occurred on tribal lands and dealing with the processes used by reservations is challenging. Such data accuracy problems raise concern over equity because if the accuracy and comprehensiveness of data is questionable, then the legitimacy of funding decisions made for safety improvements that use this data is also questionable. Strategies included in the SHSP should be based on sound data and the strategies should be reflected in the long-range transportation plan either by inclusion or reference. Participants also discussed incorporating incapacitating injuries in addition to fatalities in order to provide for a better analysis in trends over time. Reviewing both sets of data can also make performance measurement more comprehensive.
- *Breaking Down Stovepipes* – Fostering communication across disciplines can be challenging especially considering the constrained resources of state DOTs. Participants noted that often the same players come to the table, making it difficult to hear or include other stakeholders. Champions are needed who understand the nuances of the many transportation disciplines in order to address this challenge.

What Do State DOTs Recommend for Implementation of the SHSP Requirement?

The following recommendations were discussed by breakout participants:

- *Flexibility* – In developing the rule, FHWA should not elaborate beyond statutory language.
- *Program Funding Approach* – Block grants for safety funding would be a better funding mechanism for state DOTs instead of many small and separate

programs such as those within the National Highway Traffic Safety Administration (NHTSA) programs.

- *Comprehensive Guidance* – The states would like more FHWA guidance on how to develop a SHSP.
- *Targeted Data Research* – States suggest that a research project be directed to examine methods for data collection on lower function roadways.
- *Consideration of Existing Efforts* – Consideration should be embedded in the rule for the actions that state DOTs have already taken.

11.0 Concluding Remarks

The facilitator, Ken Leonard, thanked all participants for their contributions to the Workshop. The Workshop provided an opportunity for FHWA to present a Federal interpretation of the planning provisions in SAFETEA-LU and for state DOTs to gather detailed information about the planning provisions. A number of websites were referenced during the Workshop and are included in this report as Appendix G. State DOTs appreciated getting guidance on the provisions, and the opportunity to share their experiences and best practices. A number of useful examples were presented and discussed. The PowerPoint presentations given at the Workshop are available on AASHTO's website at:

ttp://www.transportation.org/?siteid=30&pageid=399

On behalf of FHWA, Gloria Shepherd thanked all participants for attending. She particularly acknowledged the leadership of Dale Buskirk, Arizona DOT in spearheading and hosting the event. The timing of the Workshop was especially helpful, because it allowed FHWA and states to discuss the provisions informally, in advance of the formal rulemaking process. The Notice of Proposed Rulemaking (NPRM) will be released shortly, and Ms. Shepherd encouraged all state DOTs to provide comments on the proposed rules. AASHTO plans to establish a committee to receive comments and coordinate state DOT input. FHWA seeks to continue the productive dialogue established at the Workshop through future peer exchanges.

Ms. Shepherd asked that state DOTs evaluate the NPRM, when issued, in relation to the statute itself, as much of the statutory language leaves little room for flexibility or interpretation. Ms. Shepherd also reminded participants that FHWA is accountable to many constituencies and must work with all parties to develop acceptable rules. FHWA is confident that states have the capacity to meet the new SAFETEA-LU requirements. Key to this compliance will be documenting existing and new processes that address these provisions. The importance of documentation was emphasized throughout the two-day Workshop.

At the end of the Workshop, Ken Leonard initiated an open question and answer period where the following points were discussed:

- Several state DOTs expressed concern regarding plan updates, especially those that might be triggered by modifications to STIPS after July 1, 2007, as required by current FHWA/FTA guidance. FHWA acknowledged this concern and will be working with FHWA Divisions to clarify this point.
- States were asked whether or not they will be taking advantage of the 4-year update cycle as provided in SAFETEA-LU. Most DOTs did not appear to be moving to 4-year STIPs, but several DOTs, such as Colorado DOT and Oregon DOT, are weighing their options in consultation with MPOs and partner agencies.

- States noted that the upcoming NPRM will be both complicated and significant, and urged colleagues to be actively engaged in scrutinizing the proposed rules and participating in the comment period.

The discussion concluded with appreciation to the organizers and sponsors for a productive and informative Workshop.

11.1 PARTICIPANT WORKSHOP EVALUATION

Before departing, participants completed a written evaluation of the Workshop. The average rating for the Workshop was 4.22 on a five-point scale, with five being best. Overall, states found the Workshop to be useful in enhancing their understanding of the provisions and learning about the experiences of other states. Participants mentioned the value to them of networking with planning colleagues and participating in peer exchange discussions in the breakout sessions. Attendees also appreciated the opportunity to raise with FHWA concerns that they have about the provisions and the upcoming rulemaking process. Some noted that the Workshop would have benefited from broader participation including FTA and nonplanning disciplines (e.g., security, safety, environment).

Many participants said they would appreciate further discussion on some of the more complex topics. There were several suggestions for follow-up, including:

- Additional dialogue between state DOTs, FHWA, FTA, and AASHTO;
- Survey of states to learn more about best practices and barriers to implementation;
- Additional information regarding fiscal constraint and STIP/TIP related issues;
- Joint open-mike forums via web-conferencing for SAFETEA-LU topics;
- Future workshops with participation of FHWA Divisions;
- Training on performance measurement; and
- More peer exchange on specific topics (use of GIS, traffic data, safety, fiscal constraint, environmental integration).

Appendix H contains a full list of the comments and suggestions received.

A. Workshop Agenda

SAFETEA-LU Planning Provisions Workshop

AASHTO Standing Committee on Planning

Agenda

Monday – March 27, 2006

Plenary Session, Room Yucca/Aloe

8:00 Opening Remarks

- Janet Oakley, Director of Policy and Government Relations, AASHTO

8:15 Overview of the Workshop

- Ken Leonard, Cambridge Systematics – Workshop Facilitator
- Introductions
- Supplemental handouts

8:30 FHWA Overview of the Planning Provisions

- Gloria M. Shepherd, Director, FHWA Office of Planning

9:00 Best Practices Presentations

- Fiscal Constraint
  - Gloria M. Shepherd, Director, FHWA Office of Planning
  - David Lee, Administrator, Statewide Planning and Policy Analysis, FL DOT
- Consultation
  - Robert Ritter, FHWA Office of Planning
  - Dale Buskirk, Director, Transportation Planning Division, AZ DOT
- Congestion Management Process versus Congestion Management System
  - Ken Leonard, Cambridge Systematics
  - Peggy Reichert, Director, Statewide Planning, MN DOT

10:15 Break

Breakout Sessions

10:30 Breakout Sessions

- Fiscal Constraint, *Yucca/Aloe*
  - Moderator – David Lee, Administrator, Statewide Planning and Policy Analysis, FL DOT
- Consultation, *Room 301-A*
  - Moderator – Dale Buskirk, Director, Transportation Planning Division, AZ DOT
- Congestion Management Process versus Congestion Management System, *Room 360-A*
  - Moderator – Peggy Reichert, Director, Statewide Planning, MN DOT

Lunch

12:00 Lunch, *Courtyard*

Plenary Session, Room Yucca/Aloe

1:00 Observations from morning sessions

2:00 Best Practices Presentations

- Visualization
  - Robert Ritter, FHWA Office of Planning
  - Mary Beth Pfrang, GIS Applications Project Manager, KS DOT
- Consistency of Transportation Plan with Planned Growth and Economic Development
  - Gloria M. Shepherd, Director, FHWA Office of Planning
  - Brian Smith, Director, Strategic Planning and Programming, WA DOT
- Safe Routes to School
  - Beth Alicandri, FHWA Office of Safety
  - Sharon Scherzinger, Acting Division Chief, Division of Transportation Planning, CA DOT

3:15 Break

Breakout Sessions

3:30 Breakout Sessions

- Visualization, *Room Yucca/Aloe*
  - Moderator – Thomas Dow, Urban Planning Manager, KS DOT
- Consistency of Transportation Plan with Planned Growth and Economic Development, *Room 301-A*
  - Moderator – Brian Smith, Strategic Planning and Programming, WA DOT
- Safe Routes to School, *Room 360-A*
  - Moderator – Sharon Scherzinger, Acting Division Chief, Division of Transportation Planning, CA DOT

5:00 Adjourn

SAFETEA-LU Planning Provisions Workshop

AASHTO Standing Committee on Planning

Agenda

Tuesday – March 28, 2006

Plenary Session, Room Yucca/Aloe

8:00 Observations from afternoon session

9:00 Best Practices Presentations

- Environmental Considerations in the Planning Process
  - Shari Schaftlein, FHWA Office of Project Development and Environmental Review
  - Kathy Ames, Deputy Director, Planning and Programming, IL DOT
- Security as a Planning Factor (including border security)
  - Gloria M. Shepherd, Director FHWA Office of Planning
  - Douglas Simmons, Deputy Administrator and Chief Engineer for Planning and Engineering, MD DOT
- Strategic Highway Safety Planning
  - Beth Alicandri, FHWA Office of Safety
  - Sandra Straehl, Planning Division Administrator, MT DOT

10:15 Break

Breakout Sessions

10:30 Breakout Sessions

- Environmental Considerations in the Planning Process, *Room Yucca/Aloe*
  - Moderator – Kathy Ames, Deputy Director, Planning and Programming, IL DOT
- Security as a Planning Factor (including border security), *Room 301-A*
  - Moderator – Douglas Simmons, Deputy Administrator and Chief Engineer for Planning and Engineering, MD DOT
- Strategic Highway Safety Planning, *Room 360-A*
  - Moderator – Sandra Straehl, Planning Division Administrator, MT DOT

Lunch and Plenary Session, Yucca/Aloe

12:00 Observations from morning session

Closing observations and recommendations

- Including an opened-ended question and answer period

2:00 Adjourn

B. Participant List

Last Name	First Name	Title	Agency	Address	City, State, Zip	Phone	Fax	Email
Adams	Melvin	Director, Policy and Planning	Vermont Agency of Transportation	1 National Life Drive, Drawer 33	Montpelier, VT 05633-5001	802-828-3441	802-828-3983	mel.adams@state.vt.us
Alicandri	Elizabeth	Director, Office of Safety Programs	FHWA	400 7th Street, SW, Room 3419	Washington, DC 20590	202-366-6409	202-366-3222	beth.alicandri@fhwa.dot.gov
Ames	Kathy	Deputy Director, Office of Planning and Programming	Illinois DOT	2300 S. Dirksen Parkway	Springfield, IL 62764	217-782-6332	217-524-0875	amesks@dot.il.gov
Anderson	Stuart	Director, Office of Systems Planning	Iowa DOT	800 Lincoln Way	Ames, IA 50010	515-239-1312	515-233-7857	stuart.anderson@dot.iowa.gov
Balentine	William R.	Director of Intermodal Planning	Mississippi DOT	PO Box 1850	Jackson, MS 39910	601-359-7025	601-359-7050	rbalentine@mdot.state.ms.us
Beaupre	Sandra K.	Director, Planning and Economic Development	Wisconsin DOT	4802 Sheboygan Avenue, Room 933 PO Box 7913	Madison, WI 53707-7913	608-266-7575	608-267-0294	sandy.beaupre@dot.state.wi.us
Bennett	Scott	Assistant Chief Engineer for Planning	Arkansas State Highway and Transportation Department	PO Box 2261	Little Rock, AR 72203-2261	501-569-2241	501-569-2688	scott.bennett@arkansashighways.com
Bjorneberg	Tim	Project Development Engineer	South Dakota DOT	700 E. Broadway Avenue	Pierre, SD 57501	605-773-2924	605-773-6608	tim.bjorneberg@state.sd.us
Bohard	Jerri	Planning Section Manager	Oregon DOT	555 13th Street NE, Suite 2	Salem, OR 97301-4178	503-986-4165	503-986-4174	jerri.l.bohard@odot.state.or.us
Brantley	Albert V.	Assistant State Planning Engineer	Mississippi DOT	401 N. West Street	Jackson, MS 39201	601-359-7680	601-359-7652	albrantley@mdot.state.ms.us
Broussard	Daniel	Statewide Planning Engineer, Office of Planning and Programming	Louisiana DOT	PO Box 94245	Baton Rouge, LA 70804	225-379-1924	225-379-1807	danbroussard@dotd.louisiana.gov
Burnham	Arnold	Air Quality/Programming Manager	Arizona DOT	206 S. 17th Avenue, MD 320B	Phoenix, AZ 85007	602-712-8591	602-712-3046	aburnham@azdot.gov
Buskirk	Dale	Director, Transportation Planning Division	Arizona DOT	206 S 17th Avenue, MD310	Phoenix, AZ 85007	602-712-8143	602-256-7659	dbuskirk@azdot.gov
Clawson	David H.	Program Director for Policy and Planning	AASHTO	444 N. Capitol Street, NW, Suite 249	Washington, DC 20001	202-624-5807	202-624-5806	davidc@aashto.org
Cooper	Kent	Assistant Director - Planning	Nevada DOT	1263 S. Steward Street, Room 204	Carson City, NV 89712	775-888-7240	775-888-7203	pmorton@dot.state.nv.us
Cuddy	Muffet Foy	Chief of Programs, Programs Division	New Mexico DOT	1120 Cerrillos Road PO Box 1149	Santa Fe, NM 87504-1149	505-827-5549	505-989-4983	muffet.cuddy@state.nm.us
Dow	Thomas	Urban Planning Manager	Kansas DOT	700 SW Harrison Street	Topeka, KS 66603	785-296-2552	785-296-0963	tdow@ksdot.org
Fernandez	Sonna Lynn	Senior Transportation Planner	Idaho DOT	3311 W. State Street	Boise, ID 83707-1129	208-332-7823	208-334-4432	sonnalynn.fernandez@itd.idaho.org
Fiol	Marsha	State Transportation Planner	Virginia DOT	1401 E. Broad Street	Richmond, VA 23219	804-786-2985	804-225-4785	marsha.fiol@vdot.virginia.gov
Foster	Jack	Director, Systems Planning	Texas DOT	118 Riverside	Austin, TX 78714	512-486-5024	512-486-5040	jfoster@dot.state.tx.us
Fowler	Matthew	Assistant Planning Administrator	Georgia DOT	2 Capitol Square	Atlanta, GA 30334	404-657-6916	404-657-5228	matthew.fowler@dot.state.ga.us
Garrison	Jami	Data Bureau Manager, Transportation Planning Division	Arizona DOT	206 S. 17th Avenue, MD 310B	Phoenix, AZ 85007	602-712-8958	602-712-3046	jgarrison@azdot.gov
Gerstle	George	Manager, Transportation Planning	Colorado DOT	4201 E. Arkansas Avenue	Denver, CO 80222	303-757-9795	303-757-9727	george.gerstle@dot.state.co.us
Greer, P.E.	Daryl J.	Director, Division of Planning	Kentucky DOT	200 Metro Street, Station W5-05-01	Frankfort, KY 40622	502-564-7183	502-564-2865	daryl.greer@ky.gov
Hill	Tim	Administrator, Environmental	Ohio DOT	1980 W. Broad Street	Columbus, OH 43223	614-644-0377	614-728-7368	tim.hill@dot.state.oh.us
Hoffman	Jocelyn		Cambridge Systematics	4800 Hampden Lane, Suite 800	Bethesda, MD 20814	301-347-0100	301-347-0101	jhoffman@camsys.com
Jackson	Denise	Administrator	Michigan DOT	425 W. Ottawa	Lansing, MI 48864	517-335-2962	517-373-9255	jacksonde@michigan.gov
Jensen	Brent	Environmental Director	Utah DOT	4501 S. 2700 West, Box 148450	Salt Lake City, UT 84114-8450	801-965-4327	801-965-4564	brentjensen@utah.gov
Key	Tori J.	Fellow	District of Columbia DOT	2000 14th Street, NW, 7th Floor	Washington, DC 20009	202-671-1597	202-671-0617	tori.key@dc.gov
Laden	Kenneth	Associate Director, Transportation Policy and Planning	District of Columbia DOT	2000 14th Street, NW, 7th Floor	Washington, DC 20009	202-671-2309	202-671-0617	ken.laden@dc.gov
Lee	David	Administrator, Office of Statewide Planning and Policy Analysis	Florida DOT	605 Suwannee Street, MS 28	Tallahassee, FL 32399	850-414-4802	850-414-4898	david.lee@dot.state.fl.us
Leonard	Ken		Cambridge Systematics	1842 Breezy Trail	Madison, WI 53719	608-845-2616	608-845-2616	kleonard@camsys.com
Malley	William	Partner	Akin Gump Strauss Mauer & Feld	1333 New Hampshire Avenue, NW	Washington, DC 20036	202-887-4280	202-887-4288	wmalley@akingump.com
Mauller	Don	Transportation Planner	Arizona DOT	206 S. 17th Avenue, MD 320B	Phoenix, AZ 85381	602-712-7916	602-712-3046	dmauller@azdot.gov
Minnitte, Jr.	Samuel F.	Director, Office of Planning and Capital Programming	Maryland DOT	7201 Corporate Center Drive	Hanover, MD 21076	401-865-1275	410-865-1198	sminnitte@mdot.state.md.us

Last Name	First Name	Title	Agency	Address	City, State, Zip	Phone	Fax	Email
Oakley	Janet	Director, Policy and Government Relations	AASHTO	444 N. Capitol Street, NW, Suite 249	Washington, DC 20001	202-624-3698	202-624-5806	joakley@aashto.org
Oliver-Wright	Patricia	Strategic Planning Section Head, Planning Bureau	New Mexico DOT	1120 Cerrillos Road PO Box 1149	Santa Fe, NM 87504	505-827-5562	505-989-4983	patricia.oliver-wright@state.nm.us
Ortbahn	Jerry	Engineering Supervisor	South Dakota DOT	700 E. Broadway Avenue	Pierre, SD 57501	605-773-3281		jerry.ortbahn@state.sd.us
Ottesen	Jeff	Director of Program Development	Alaska DOT	PO Box 112500	Juneau, AK 99811	907-465-8953	907-465-6984	Betsy_Sandberg@dot.state.ak.us
Pein	John	Manager, Safe and Regional Planning	Arizona DOT	206 S. 17th Avenue, # 310	Phoenix, AZ 85007	602-712-8239	602-712-3046	jpein@azdot.gov
Pfrang	Mary Beth	GIS Project Manager	Kansas DOT	700 SW Harrison Street	Topeka, KS 66603-3754	785-296-6315	785-296-8168	marybeth@ksdot.org
Pierce	Jeff A.	State Planning Engineer, Planning Division	Mississippi DOT	401 N. West Street	Jackson, MS 39215	601-359-7685	601-359-7652	jpierce@mdot.state.ms.us
Potter	Joanne		Cambridge Systematics	4800 Hampden Lane, Suite 800	Bethesda, MD 20814	301-347-0100	301-347-0101	jpotter@camsys.com
Raino	Patricia	Intermodal Planning Manager	Idaho DOT	PO Box 7129	Boise, ID 83707-1129	208-334-8209	208-334-4432	pat.raino@itd.idaho.gov
Reeb	Ralph	Director, Planning	Delaware DOT	800 Bay Road PO Box 778	Dover, DE 19903-0778	302-760-2111	302-739-2251	ralph.reeb@state.de.us
Reichert	Peggy	Director, Statewide Planning	Minnesota DOT	395 John Ireland Boulevard, MS 440	St. Paul, MN 55155-1899	651-289-0501	651-296-3019	peggy.reichert@dot.state.mn.us
Ritter	Rob	Team Leader, FHWA Office of Planning	FHWA	400 7th Street, SW, Room 3301	Washington, DC 20590	202-493-2139	202-493-2198	robert.ritter@fhwa.dot.gov
Ross	Gerald M.	Division Director of Planning, Data and Intermodal Development	Georgia DOT	#2 Capitol Square, SW	Atlanta, GA 30334	404-656-0610	404-656-0584	gerald.ross@dot.state.ga.us
Ryan	Andrea	Administrative Assistant, Policy Planning and Intermodal Activities	AASHTO	444 N. Capitol Street, NW, Suite 249	Washington, DC 20001	202-624-5806	202-624-5806	aryan@aashto.org
Schaefer	Loren D.	Director, Division of Planning and Engineering	South Dakota DOT	700 E. Broadway Avenue	Pierre, SD 57501-2586	605-773-3174	605-773-3921	loren.schaefer@state.sd.us
Schaftlein	Shari	Team Lead, Program/Policy Development	FHWA	400 7th Street, SW, HEPE-1, Room 3232-J	Washington, DC 20590	202-366-5570	202-366-7660	shari.schaftlein@fhwa.dot.gov
Scherzinger	Sharon	Acting Division Chief, Division of Transportation Planning	Caltrans	1120 N Street, MS 32	Sacramento, CA 95814	916-653-3362	916-654-6237	sharon.scherzinger@dot.ca.gov
Schiro	Michael	Transportation Planning Administrator, Office of Planning and Programming	Louisiana DOT	PO Box 94245	Baton Rouge, LA 70804	225-379-1956	225-379-1807	mschiro@dotd.louisiana.gov
Schvaneveldt	Kim	Engineer for Transportation Planning	Utah DOT	4501 S. 2700 West	Salt Lake City, UT 84119	801-965-4354	801-965-4551	kschvaneveldt@utah.gov
Shepherd	Gloria M.	Director, FHWA Office of Planning	FHWA	400 7th Street, SW	Washington, DC 20590	202-366-0106	202-493-2198	gloria.shepherd@fhwa.dot.gov
Simmons	Douglas H.	Deputy Administrator/Chief Engineer for Planning and Engineering	Maryland State Highway Administration	707 N. Calvert Street, C-411	Baltimore, MD 21202	410-545-0411	410-209-5014	dsimmons@sha.state.md.us
Smith	Brian J.	Director, Strategic Planning and Programming	Washington State DOT	310 Maple Park Avenue, SE PO Box 47373	Olympia, WA 98504-7373	360-705-7958	360-705-6813	smithb@wsdot.wa.gov
Stevens	Jeanne	Director, Long-Range Planning	Tennessee DOT	505 Deaderick Street, Suite 900	Nashville, TN 37243	615-741-3421	615-532-8451	jeanne.stevens@state.tn.us
Stillings	Ed	Engineering Development Coordinator	FHWA	400 East Van Buren	Phoenix, AZ 85004	602-379-3646		ed.stillings@fhwa.dog.gov
Straehl	Sandra	Planning Division Administrator	Montana DOT	PO Box 201001	Helena, MT 59620	406-444-7692	406-444-7671	sstraehl@mt.gov
Sullivan	Dawn	Planning & Research Division Engineer	Oklahoma DOT	200 NE 21st Street	Okalahoma City, OK 73105	405-521-2927	405-521-6917	dsullivan@odot.org
Taylor	Carol	Surface Programs Chief	Alaska DOT	PO Box 112500	Juneau, AK 99811	907-465-8953	907-465-6984	Carol_Taylor@dot.state.ak.us
Teneyck	Thomas	Director, Bureau of Planning and Research	Pennsylvania DOT	Keystone Building, 400 North Street, 6th Floor	Harrisburg, PA 17120-0064	717-787-5796	717-783-9152	tteneyck@state.pa.us
Townley	Jennifer	Administrator, Office of Systems Planning & Program Management	Ohio DOT	1980 W. Broad Street	Columbus, OH 43223	614-466-7493	614-644-2484	jennifer.townley@dot.state.oh.us
Treat	R. Leah	Resource Allocation Officer	District of Columbia DOT	2000 14th Street, NW, 5th Floor	Washington, DC 20009	202-671-3490	202-671-0650	leah.treat@dc.gov
VanDyke	Cindy	Assistant State Transportation Planning Administrator	Georgia DOT	Office of Planning 2 Capitol Square	Atlanta, GA 30334	404-657-6696	404-657-5228	cindy.vandyke@dot.state.ga.us
Wood	William L.	Highway Engineer Supervisor, Planning and Research Division	West Virginia DOT	1900 Kanawha Boulevard, E. Building 5, Room A-817	Charleston, WV 25305-0430	304-558-9622	304-558-3783	bwood@dot.state.wv.us

C. Joint FHWA/FTA Guidance[1]

INTERIM GUIDANCE FOR IMPLEMENTING KEY SAFETEA-LU PROVISIONS ON PLANNING, ENVIRONMENT, AND AIR QUALITY FOR JOINT FHWA/FTA AUTHORITIES

September 2, 2005

This joint FHWA/FTA interim guidance is intended for the use of FHWA and FTA field offices in working with their State/local planning partners and grantees in implementing SAFETEA-LU. Short summaries of key changes to the statutory requirements for planning and environmental reviews are provided, followed by guidelines for how FHWA Division and FTA Region Offices should administer and oversee highway and transit programs during this TEA-21/SAFETEA-LU transitional period. This interim guidance covers planning, air quality, and environmental requirements that are jointly administered by FHWA and FTA. Additional information and case study examples of the new or changed requirements under SAFETEA-LU will be developed, as appropriate.

FHWA and FTA will be issuing separate interim guidance on SAFETEA-LU provisions and funding programs that each agency will be administering separately.

I. PLANNING PROVISIONS:

- **Section 6001 - Transportation Planning**: This section, along with virtually identical language in sections 3005 and 3006, retains and revises the metropolitan and statewide transportation planning statutory requirements. Although most of the text in these sections mirrors previous law, key statutory changes are summarized below. Furthermore, sections 3005 and 6001(b) provide that "The Secretary shall not require a State or metropolitan planning organization to deviate from its established planning update cycle to implement changes made by this section."

  Most of the transportation planning requirements became effective immediately when SAFETEA-LU was signed into law on August 10, 2005. However, many of these provisions require rulemaking to implement the changes. FHWA and FTA expect to initiate a comprehensive rulemaking to update the metropolitan and statewide planning regulations in the near future. In the interim, FHWA and FTA realize that the planning process must continue to function as a whole. It would be difficult for States and MPOs to separate out the schedule requirements in the current regulations from the content requirements. Therefore, FHWA and FTA have determined that, in order to not require a State or MPO to "deviate from its established planning update cycle," States and MPOs are allowed to continue to comply with existing planning regulations for this current set of updates. Any transportation plans, metropolitan transportation improvement programs (TIPs), and state transportation improvement programs (STIPs) currently under development (per TEA-21 schedules), may be completed under the pre-SAFETEA-LU planning requirements, including adherence to plan and TIP update cycles and content requirements.

[1] Guidance dated September 2, 2005 and available on-line at: http://www.fhwa.dot.gov/hep/igslpja.htm.

While all TIPs, STIPs, and plans adopted after July 1, 2007, must comply with SAFETEA-LU planning provisions. States and MPOs may wish to take advantage of the SAFETEA-LU provisions prior to July 1, 2007, and they are encouraged to do so. If a State or MPO opts to implement the SAFETEA-LU planning provisions prior to July 1, 2007, they must meet all SAFETEA-LU requirements in Section 6001, since the various provisions are closely interrelated. If plans and TIPs are prepared under the new update cycle described below, they must also comply with the expanded scope, consultation, mitigation, and participation requirements set forth in SAFETEA-LU. In addition, in no instance should the next update of a STIP or TIP be more than 4 years from the most recent update.

Implementation of the new 4-year cycle allowed for FHWA/FTA certification of planning processes in Transportation Management Areas (TMAs) is the responsibility of the FHWA/FTA field offices and can take place immediately under certain circumstances, as discussed below.

We have provided some basic guidance below for those States and MPOs that opt to implement SAFETEA-LU immediately.

- **Metropolitan Plan Cycles:** Metropolitan transportation plans shall be updated at least every four years in air quality nonattainment and maintenance areas, and at least every five years in attainment areas. *To align the MPO adoption of the transportation plan in nonattainment and maintenance areas and conformity determinations, the date of the FHWA/FTA conformity determination on the transportation plan is to be used as the basis for tracking update cycles in nonattainment and maintenance areas.*
- **TIP/STIP Cycles and Scope:** STIPs and metropolitan TIPs must be updated at least every 4 years and must contain at least 4 years of projects and strategies. *The 4-year frequency cycle and the 4-year scope requirements go hand-in-hand and must be implemented together, for any STIP or metropolitan TIP adopted after July 1, 2007.*
- **Metropolitan and Statewide Plans -Environmental Mitigation:** Metropolitan and statewide transportation plans must include a discussion of types of potential environmental mitigation activities, to be developed in consultation with Federal, State and Tribal wildlife, land management, and regulatory agencies. *Details on these "discussions of types of potential environmental mitigation activities" are outlined in amended 23 U.S.C. 134(i)(2)(B) and 23 U.S.C. 135(f)(4), respectively, based on the consultation requirements highlighted below. Identical provisions for transit appear in the amended 49 U.S.C. 5303(i)(2)(B) and 49 U.S.C. 5304(f)(4). The environmental mitigation requirement must be in place prior to MPO and State adoption/approval of transportation plans addressing SAFETEA-LU provisions.*
- **New Consultations:** MPOs and States must consult "as appropriate" with "State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation" in developing long-range transportation plans. Additionally for the Long-Range Statewide Transportation Plan, States must consult with Federally-recognized Tribal agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation. *These new requirements must be in place prior to MPO and State adoption/approval of transportation plans addressing SAFETEA-LU provisions. Details for metropolitan and statewide planning are outlined in the amended 23 U.S.C. 134(i)(4) and 23 U.S.C. 135(f)(2)(D), respectively, and for transit,* in the amended 49 U.S.C. 5303(i)(4) and 49 U.S.C. 5304(f)(2)(D)**.**
- **Consistency of Transportation Plan with Planned Growth and Development Plans:** Revises the previous planning factor related to environment to add "promot[ing] consistency between transportation improvements and State and local planned growth and economic development patterns." *This new requirement must be in place prior to MPO and State adoption/approval of transportation plans addressing SAFETEA-LU provisions.*
- **Transportation System Security:** SAFETEA-LU calls for the security of the transportation system to be a stand-alone planning factor, signaling an increase in importance from prior

legislation, in which security was coupled with safety in the same planning factor. *This new requirement must be in place prior to MPO and State adoption/approval of transportation plans addressing SAFETEA-LU provisions.*

- **Operational and Management Strategies:** Metropolitan transportation plans shall include operational and management strategies to improve the performance of the existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods (see amended 23 U.S.C. 134(i)(2)(D)) and 49 U.S.C. 5303(i)(2)(D)). *The requirement for the inclusion of operational and management strategies must be in place prior to MPO adoption of transportation plans addressing SAFETEA-LU provisions.*
- **Participation Plan:** MPOs must develop and utilize a "Participation Plan" that provides reasonable opportunities for interested parties to comment on the content of the metropolitan transportation plan and metropolitan TIP. Further, this "Participation Plan" must be developed "in consultation with all interested parties". This consultation requirement is intended to afford parties who participate in the metropolitan planning process a specific opportunity to comment on the plan prior to its approval. *A participation plan must be in place prior to MPO adoption of transportation plans and TIPs addressing SAFETEA-LU provisions. FTA/FHWA particularly expect this to encompass governmental and nonprofit organizations that receive Federal assistance from a source other than the Department of Transportation to provide non-emergency transportation services and recipients of assistance under section 204 of title 23, U.S.C.*
- **Visualization Techniques in Plans and Metropolitan TIP Development:** As part of transportation plan and TIP development, MPOs shall employ visualization techniques (see amended 23 U.S.C. 134(i)(5)(C)(ii)) and 49 U.S.C. 5303(i)(5)(C)(ii)). States shall also employ visualization techniques in the development of the Long-Range Statewide Transportation Plan (see amended 23 U.S.C. 135(f)(3)(B)(ii)) and 49 U.S.C. 5304(f)(3)(B)(ii)). *States and MPOs must employ visualization techniques prior to adoption of statewide and metropolitan transportation plans and metropolitan TIPs addressing SAFETEA-LU provisions.*
- **Publication of Plans and TIP/STIP:** MPOs shall publish or otherwise make available for public review transportation plans and TIPs "including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web" (see amended 23 U.S.C. 134(i)(6) on plans and 23 U.S.C. 134(j)(7)(a) on TIPs, and for transit, amended 49 U.S.C. 5303(i)(6) and 49 U.S.C. 5303(j)(7)(a)). States also shall use a similar approach for the Long-Range Statewide Transportation Plan (see amended 23 U.S.C. 135(f)(8)) and 49 U.S.C. 5304(f)(8)). *These publication requirements must be in place prior to adoption of transportation plans and TIPs addressing SAFETEA-LU provisions.*
- **Annual Listing of Obligated Projects:** SAFETEA-LU specifies that the development of the annual listing "shall be a cooperative effort of the State, transit operator, and MPO" and also shall include two new project types, "investments in pedestrian walkways and bicycle transportation facilities" for which Federal funds have been obligated in the preceding year. *This revised requirement for an annual listing must be in place prior to adoption of transportation plans and programs addressing SAFETEA-LU.*
- **Congestion Management Processes in Transportation Management Areas (TMAs):** Within a metropolitan planning area serving a TMA, there must be "a process that provides for effective management and operation" to address congestion management (see amended 23 U.S.C. 134(k)(3)) and 49 U.S.C. 5303(k)(3)). *This provision is similar to the ISTEA/TEA-21 requirement for a Congestion Management System (CMS) to be developed and implemented in TMAs. Each TMA (with input from the FHWA Division Offices and FTA Regional Offices) should assess the extent that the TMA's existing CMS meets the new statutory requirements for a congestion management process under amended 23 U.S.C. 134(k)(3) and 49 U.S.C. 5303(k)(3) and define a plan and schedule to implement this process. Consistent with previous FHWA/FTA guidance, the phase-in schedule for this provision in newly designated TMAs is 18 months after the identification of a TMA.*
- **TMA Certification Cycle:** FHWA/FTA must certify each TMA planning process at least every four years (as opposed to the prior legal/statutory requirement of every three years). *This provision is effective immediately and allows FTA/FHWA to add one year to existing TMA*

certifications. The only exception is "conditional certifications" issued for a TMA, which must be completed in accordance with the schedule previously defined by the FHWA Division Office and FTA Regional Office. The timing for certification reviews remains a joint FTA/FHWA decision, and SAFETEA-LU extends the minimum allowable frequency to "at least every 4 years." This does not preclude FTA/FHWA from initiating a Certification Review more frequently and at any time it is warranted. The status and quality of MPOs' Plan and TIP development, the potential for conformity lapse, and other MPO performance indicators should be considered by FTA/FHWA in deciding whether to delay (as allowed under SAFETEA-LU), or accelerate, Certification Reviews.

- **Coordinated Public Transit-Human Services Transportation Plan (Sections 3012, 3018, and 3019):** As a condition for receiving formula funding under the following 3 FTA programs, proposed projects must be derived from a locally developed public transit-human services transportation plan: (1) Special Needs of Elderly Individuals and Individuals with Disabilities [49 U.S.C. 5310(d)(2)(B)(i) and (ii)]; (2) Job Access and Reverse Commute [49 U.S.C. 5316(g)(3)(A) and (B)]; and (3) New Freedom [49 U.S.C. 5317(f)(3)(A) and (B)]. The plan must have been developed through a process that included representatives of public, private, and non profit transportation and human services providers, as well as the public. *This new requirement reinforces the broadened list of entities to be involved in the MPO's Participation Plan (23 U.S.C. 134 (i)(5)(A) and 49 U.S.C. 5303 (i)(5)(A)), as described above. In preparing the local public transit-human service transportation plans, service providers seeking assistance under these programs should ensure full coordination with the applicable metropolitan and statewide planning processes.*

II. AIR QUALITY PROVISIONS

Section 6011 - Transportation Conformity: Makes several changes to the transportation conformity process including:

- a 12 months conformity lapse grace period;
- a change in the update frequency cycle to 4 years;
- a conformity redetermination on existing transportation plans and TIPs within 2 years of certain actions on the state implementation plan (SIP) for air quality;
- options to shorten the time horizon for conformity demonstration (but must include an informational regional emissions analysis);
- transportation control measure (TCM) substitution without requiring a new conformity determination or SIP revision, and adoption of substitute TCM rescinds previous TCM; and
- streamlined conformity SIP requirements.

EPA is required to promulgate revised regulations to implement changes not later than 2 years after the enactment of SAFETEA-LU. *Although the EPA is required to promulgate a rule, some or all of these provisions may be effective even before the rule is issued. We are working with EPA to develop interim guidance on how to implement these provisions while the rule is being developed. We expect to supplement this guidance document by issuing additional interim guidance in coordination with EPA as soon as possible.*

III. ENVIRONMENT PROVISIONS:

Section 6002 - Efficient Environmental Reviews for Project Decisionmaking: Prescribes a new environmental review process for highway, public transportation capital, and multimodal projects. It is mandatory for EISs and optional for EAs, at the discretion of the Secretary. It specifies changes from current NEPA procedures, including new obligations for a public comment process for project Purpose and Need and for project Alternatives, and requires the development of a coordination plan and schedule that must be provided to all participating agencies and made available to the public. The provision allows

States to continue operating under environmental review processes approved by the Secretary under TEA-21 authority. *All highway and transit EISs for which the NOI was published after 8/11/05 must follow the new process (except as provided by Section 6002(b), as described below) while highway and transit EISs for which a NOI was published prior to 8/11/05 may continue as "grandfathered" under prior law.*

For highway projects only, the FHWA Division and State may wish to transition ongoing EIS projects to the new process, if advantageous to the project, and where they can demonstrate that the new requirements for coordination with agencies and the public have been met through the existing project development process (i.e., interagency merger agreements, public workshops that included early identification of purpose and need and alternatives, etc).

Under Section 6002(b), States have the option of continuing to advance projects under processes "approved" under TEA-21's Section 1309 authority. Please discuss with your State whether or not they would like to continue any such existing environmental review process. In such a case, please request that the State provide FHWA written documentation indicating the intent to follow previously established processes, either as a program or for individual projects. The state should include an explanation as to how the process falls under this provision. This documentation must be sufficient to stand up in court in case of a legal challenge to not following the new 6002 process. You should obtain written Headquarters concurrence before informing a State that they may follow a pre-existing environmental review process for EIS projects in lieu of following the new Section 6002 process. FHWA will be providing more comprehensive guidance on the new process for new and on-going highway EISs, as well as the application of the "existing process" provision within the next 90 days.

For transit projects, FTA does not have any processes specifically approved under TEA-21's section 1309, so the SAFETEA-LU option of grandfathering such processes is not generally helpful. For multimodal highway-transit projects for which FHWA and FTA are co-lead agencies, FTA will make every effort to follow FHWA's lead in complying with this provision. FTA will be providing further guidance on compliance with this provision within the next 90 days. The FTA Regional office and sponsoring transit agency may transition an ongoing transit EIS to the new process, if it is deemed advantageous to the project, and if the new requirements for coordination with agencies and the public have been essentially followed during the project development process up to now. [FTA does not expect any ongoing EISs to meet these conditions, but please contact Joe Ossi in TPE if one does.]

Section 6002 - Statute of Limitations: Creates 23 U.S.C. 139 (l) which, establishes a 180-day statute of limitations on litigation. However, the 180-day clock starts with publication of a notice in the Federal Register that a permit, license or approval action is final. Heretofore, notices regarding RODs and FONSIs have not been published in the Federal Register, so a new process for publication will be required. *This provision is effective immediately and may be exercised independently of whether or not the new environmental review process under Section 6002 was followed.*

For highway projects, within the next 30 days, HCC will specify a process for publishing notices of the finality of RODs and FONSIs, as well as 404 permits and possibly other Federal actions in the Federal Register, so they can benefit from this provision. It is assumed that most "approvals" (e.g., Section 106 MOAs) will be completed by RODs or FONSIs and a separate notice would not be required, unless there is a substantial lapse of time between the FHWA decision and other federal action, such as subsequent issuance of a U.S. Army Corps of Engineers permit. This provision is discretionary and should be decided on a case-by-case basis, especially for EA/FONSI documents, depending on an assessment of controversy and likelihood for litigation. The standard statute of limitation time frame of 6 years will be used for those projects, approvals or permits that do not publish the Federal Register notice.

Section 6004 -State Assumption of Responsibility for Categorical Exclusions: Allows the Secretary to delegate responsibility for categorical exclusion (CE) determinations to states, subject to criteria to be established by the Secretary. Also allows for delegation of the Secretary's responsibilities for other

environmental reviews (e.g., 4(f) of the Department of Transportation Act) for projects classified as CEs. May not include delegation of government-to-government consultation with Federally-recognized Indian tribes. US DOT is to implement this provision through individual MOUs with states, after public notice and comment. *Within the next 3-4 months, FHWA and FTA will develop guidance and a template memorandum of understanding (MOU) for FHWA Divisions and FTA Regions to use in carrying out this provision. States may not use this authority for specific projects until an MOU is in place. FHWA Divisions should begin discussing with the State its preferences as to which DOT authorities it wishes to assume under this provision (e.g., CE determination, Section 4(f) approval, coordination under various Federal laws, highway CEs only or both highway and transit CEs, etc.) Our assumption is that most States will want to assume all responsibilities allowed by law for highway projects. If transit projects will also be included, the FTA Regional office must be brought into the discussion. Please note that Section 6004 permits delegation of the specified responsibilities of the Secretary only to the States, not to transit agencies that are not State agencies. FHWA Divisions should discuss the systems and procedures the State will use to assure that the Section 6004 authority is appropriately exercised.*

Section 6009 - Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites): The requirements of Section 4(f) of the Department of Transportation Act will be considered satisfied with respect to a Section 4(f) resource if it is determined that a transportation project will have only a “de minimis impact” on the 4(f) resource. The provision allows avoidance, minimization, mitigation and enhancement measures to be considered in making the de minimis determination. The Agencies with jurisdiction must concur in writing with the determination. For historic properties the de minimis criteria are defined as “no adverse affect” or no “historic properties affected” under Section 106 of the National Historic Preservation Act. The de minimis criteria for parks, recreation areas and wildlife and waterfowl refuges were not clearly defined in the law but are generally minor impacts not adversely affecting the activities, features or attributes of the Section 4(f) resource. In addition, Section 6009 requires the Secretary to promulgate regulations within 1 year after the date of enactment to clarify the factors to be considered and the standards to be applied in determining the prudence and feasibility of alternatives under section 138 of title 23 and section 303 of title 49, United States Code. *The de minimis provision for historic properties can be applied immediately for those projects in which a draft Section 4(f) evaluation has not been distributed. Section 106 compliance is essential to the de minimis finding and therefore, the assessment of effects should be documented on a property-by-property basis. For parks, recreation areas, wildlife and waterfowl refuges, US DOT will have to issue guidance to allow application of the de minimis provision. The process for developing the guidance is underway and is expected to be complete within one month but is subject to change depending on the need to coordinate with other agencies.*

Section 6010 - Environmental Review of Activities that Support Deployment of Intelligent Transportation Systems: Requires the Secretary to initiate rulemaking within 1 year to establish Intelligent Transportation System (ITS) activities as CEs, “to the extent appropriate.” This applies to multi-modal ITS projects. Also requires the Secretary to develop a national programmatic agreement for ITS and Section 106 of the National Historic Preservation Act. *Most ITS activities already qualify as CEs. FHWA and FTA are not aware of delays in implementing ITS activities due to environmental reviews, including Section 106. Within US DOT, a determination will be needed as to the lead DOT agency for implementing this section, since several DOT agencies have ITS interests and responsibilities.*

To provide Feedback, Suggestions or Comments for this page contact Tony Solury at tony.solury@fhwa.dot.gov.

This page last modified on April 20, 2006

D. FHWA Guidance[2]

INTERIM GUIDANCE FOR IMPLEMENTING SAFETEA-LU PROVISIONS ON PLANNING, ENVIRONMENT, AND AIR QUALITY FOR FHWA AUTHORITIES

September 2, 2005

ENVIRONMENT PROVISIONS:

Section 6003 -State Assumption of Responsibilities for Certain Programs and Projects (Transportation Enhancements & Recreational Trails): Authorizes the Secretary to establish a pilot program for states to assume the Secretary's responsibilities for environmental reviews for the Transportation Enhancement Program and the Recreational Trails Program. Excludes delegation of the Secretary's responsibilities relating to Federally-recognized Indian tribes. For the first 3 years of SAFETEA-LU, only 5 states may be selected by the Secretary for this pilot program. *The Office of Planning, Environment, and Realty (HEP) will assess State interest in using this provision; if the interest is there, HEP will develop application procedures and more information in the future, after more immediate SAFETEA-LU implementation requirements are met.*

Section 6005 - Surface Transportation Project Development Pilot Program: Allows US DOT to delegate to 5 states (specified as CA, TX, OK, AK, and OH) the Secretary's responsibility for NEPA and reviews and consultations required by other Federal environmental laws. This section applies to highway projects only. Can be for 1 project or multiple projects. Contains multiple conditions and restrictions, some of which may require new state legislation. Requires USDOT to issue regulations via rulemaking to establish application requirements within 270 days of SAFETEA-LU's enactment. *The statute does not address tribal consultation, but FHWA's interpretation is that this provision does not extend additional authority for States to assume US DOT responsibilities for such consultation. HEP and the Office of Chief Counsel (HCC) have begun a series of discussions with (a) other affected Federal agencies, (b) the 5 affected Divisions; and (c) the 5 affected states, to develop the best way to implement this Section. FHWA expects to hold individual meetings with the 5 states in September to ascertain their interest in this and discuss the obligations and requirements that would apply. Divisions and States should begin discussing which projects and which US DOT authorities the States wish to assume in preparation for the formal State application.*

Section 6006 - Environmental Restoration and Pollution Abatement; Control of Noxious Weeds and Aquatic Noxious Weeds and Establishment of Native Species: Provides new and expanded eligibility for using Federal-aid funds. First, it extends the existing Surface Transportation Program (STP) eligibility for pollution abatement and restoration to the National Highway System (NHS). Second, it adds a new eligibility item under both the STP and the NHS for projects that promote the detection and eradication of noxious weeds, and it establishes a preference to the extent practicable for the planting of native plant species. *These provisions are effective immediately. We will issue further guidance as necessary to address questions that arise.*

---

[2] Guidance dated September 2, 2005 and available on-line at: http://www.fhwa.dot.gov/hep/igslpfa.htm.

Section 6007 - Exemption of Interstate System: This provision exempts the vast majority of the Interstate Highway System from consideration as an historic site under Section 4(f) of the Department of Transportation Act. The limited exceptions to this provision are the same discrete Interstate elements currently being identified under a FHWA nationwide initiative, that continue to be subject to the Section 106 of the National Historic Preservation Act process under provisions of the Section 106 exemption adopted administratively in March 2005. *A Consultant will be on board soon to do phone interviews with State DOTs, State Historic Preservation Officers (SHPOs), FHWA Divisions, and others and to compile a list of candidate elements for consideration at the national level. FHWA Divisions should begin discussing with State DOTs and SHPOs the individual elements of the Interstate System in your State that warrant consideration.*

PLANNING AND ENVIRONMENT FUNDING PROGRAMS:

Section 1101(a)(19) - Appropriations for Borders and Corridors Programs: Authorizes $140,000,000 for fiscal year 2005 for the National Corridor Planning and Development and Coordinated Border Infrastructure programs under sections 1118 and 1119 of TEA-21. *These programs will be closed, so they can be replaced by the new programs and funding structures in SAFETEA-LU. The close-out will likely take several years based on past experience with States that have difficulty obligating specific projects. The Office of Interstate and Border Planning (HEPI) will issue instructions regarding implementation of the Office of Budget and Finance redistribution notice.*

Section 1103 - Apportionments (CMAQ): Establishes a modified apportionment formula for Congestion Mitigation and Air Quality (CMAQ) funding. Uses the multiple weighting of eight-hour ozone classifications previously used for the one-hour classifications. Adds a 1.0 weighting for the Subpart 1 eight-hour ozone nonattainment areas and for all maintenance areas. Does not provide a weighting factor for $PM_{2.5}$ or PM_{10} although CMAQ funds may be used in those areas. *These factors will be effective with the FY06 apportionment and will be applied to reconcile FY05 apportionments.*

Section 1007 - Metropolitan Planning (PL Funds): Adds a new requirement that state DOTs must reimburse Metropolitan Planning Organizations (MPOs) for costs of carrying out the Section 134 planning process, out of PL funds, within 30 days of receiving the MPO's claim for reimbursement. *This requirement is effective immediately. If a state DOT believes the MPO did not provide adequate supporting documentation for reimbursement claims and the state DOT needs more than the 30 days to verify the claims, the state DOT should reimburse the MPO and then deduct any charges later determined to be unallowable from the MPO's next claim for reimbursement. Please ensure that state DOTs and MPOs are aware of it and that state DOTs are complying.*

Section 1117 - Transportation, Community, and System Preservation (TCSP) Program: SAFETEA-LU more than doubles the TCSP Program for the last four fiscal years. However, SAFETEA-LU does not provide for formula allocation, as contained in the Administration's SAFETEA proposal. Effective immediately, the TCSP Program is no longer 100 percent Federally-funded**.** The Federal share is now in accordance with 23 U.S.C. 120(b).

Section 1122(a) - Definitions (Transportation Enhancement Activities): The definition of transportation enhancements (TE) in 23 USC 101(a)(35) is amended to clarify that acquisition of historic battlefields and inventory for outdoor advertising are eligible activities. *These clarifications are effective immediately. HEP staff will revise existing TE guidance on FHWA's website at http://www.fhwa.dot.gov/environment/te/index.htm to reflect those clarifications for TE project eligibility.*

Section 1303 - Coordinated Border Infrastructure Improvement Program: Establishes an apportioned (a.k.a. formula) program for about $833 million/year for the States with land borders with Canada or Mexico. Projects are to be selected by the States. Eligible projects must be within 100 miles of the border. Eligible uses include construction of highways, safety enforcement infrastructure, operations

improvements and international coordination. States may fund projects that are physically located in Mexico or Canada under some conditions. *HEP expects to issue guidance on this program within a month.*

Section 1304 - High Priority Corridors on the National Highway System: Modifies and adds to corridors previously identified in Intermodal Surface Transportation Efficiency Act (ISTEA) Section 1105, as amended. Also designates some corridors as future interstates. Subsection 1304(d) seems to provide funding for improvement of the corridors, but it just provides the authorization that would be needed if some future appropriations act provided the funding.

Section 1802 - National Scenic Byways Program:- This program was amended to allow Indian tribes to apply directly to the FHWA for Byway designation and for funding. *This provision is effective immediately. HEP will implement this change for pending FY 2005 discretionary grants once projects are selected. HEP will also provide more specific guidance as needed in the solicitation of FY 2006 grants this fall.*

Section 1807 - Nonmotorized Transportation Pilot Program: This is a new program for four communities to encourage nonmotorized transportation—Columbia, MO; Marin County, CA; Minneapolis-St. Paul, MN and Sheboygan County, WI. *Agreements need to be in place for the communities to initiate the pilots. FY 2006 funding should be available by February 2006. We need to coordinate the efforts of the four pilot communities to ensure comparable data collection and analysis for use in preparing reports to Congress due in 2007 and 2010. HEP staff are consulting with staff in the four affected FHWA Divisions on how best to form the agreements and administer the four pilots.*

Section 1808 - Addition to CMAQ-Eligible Projects: Provides continued eligibility to use CMAQ funds in those former one-hour ozone areas that are required to prepare maintenance plans. Reinforces the eligibility of projects that contribute to attainment or maintenance. Specifies the eligibility of advanced truck stop electrification, interoperable emergency communications equipment, and transportation systems management and operations projects that mitigate congestion and improve air quality. Calls for priority to be given to funding diesel retrofit projects and other cost-effective CMAQ strategies that improve air quality. *HEPN will coordinate with FTA in updating FHWA's CMAQ guidance to clarify the new eligibility categories. In the interim, however, these projects are immediately eligible (and in fact many of these project types were eligible even before SAFETEA-LU was enacted). In addition, EPA will also be developing related guidance on obtaining conformity credit for emissions reductions associated with diesel retrofits. Until EPA issues this guidance, credit for diesel retrofits can only be obtained through the current SIP revision process.*

OTHER PROVISIONS:

Section 1106 - Future Interstate Routes: Increases the time allowed to bring designated 'future interstates' to Interstate standards from 12 to 25 years. *This change is effective immediately and is self-explanatory. HEP will begin a revision of 23CFR 470 to incorporate this change into FHWA regulations. HEP will also notify divisions about six months prior to the expiration of the new deadline (this will not be in the FHWA regulations).*

Section 1908 - Inclusion of Certain Route Segments on Interstate System and NHS: Requires some designation actions. *HEP will shortly contact FHWA Divisions where action is needed.*

Section 1927 - 14th Amendment Highway and 3rd Infantry Division Highway: Requires studies for two corridors, one between Augusta, GA and Natchez, MS, and one between Savannah, GA and Knoxville, TN. Three line items in section 1702 provide about $1.3 million (over the life of SAFETEA-LU) to Georgia for these two studies. *HEPI expects to work with the Georgia Division and Georgia DOT to establish*

protocols for implementing this section in cooperation with other States in these corridors (Alabama, Mississippi, North Carolina, South Carolina and Tennessee).

Section 1923 - Transportation Assets and Needs of Delta Region: Provides funding ($1 million) for a study that will result in a report to Congress. The study is to address all modes of transportation. *The funding will go to the Delta Regional Authority to author the report. HEP will consult Divisions in the 8 States within the Delta Region (Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee).*

To provide Feedback, Suggestions or Comments for this page contact Tony Solury at tony.solury@fhwa.dot.gov.

E. Clarifying Guidance[3]

FHWA/FTA CLARIFYING GUIDANCE ON IMPLEMENTATION OF SAFETEA-LU PLANNING PROVISIONS

Since the issuance of the *FHWA/FTA Interim Guidance on Implementation of SAFETEA-LU Planning Provisions* on September 2, 2005, a number of questions have been posed by FHWA Division Offices, FTA Regional Offices, State DOTs, public transportation operators, and MPOs on the period between August 10, 2005 (SAFETEA-LU enactment date) and July 1, 2007 (the SAFETEA-LU requirement for full implementation of the planning provisions). The following provides clarified information for addressing this transition.

BEFORE JULY 1, 2007:

Metropolitan and statewide transportation plans, transportation improvement programs (TIPs), and statewide transportation improvement programs (STIPs) may be completed under TEA-21 requirements. For metropolitan transportation plans, TIPs, and STIPs that are developed under this scenario, the FHWA/FTA action (i.e., conformity determinations and STIP approvals) must be completed no later than June 30, 2007. For metropolitan transportation plans in attainment areas that are developed under this scenario, the MPO adoption action must be completed no later than June 30, 2007. If the applicable actions are not taken before July 1, 2007, all SAFETEA-LU provisions would apply, regardless of when the transportation plan and/or program were developed.

ON AND AFTER JULY 1, 2007:

State and MPO adoption actions on transportation plans, TIPs, and STIPs (i.e., amendments, revisions, or updates) must completely reflect all SAFETEA-LU planning provisions prior to the FHWA/FTA action. Because projects included in TIPs and STIPs are drawn from transportation plans, the underlying planning processes involved in preparing the transportation plan, TIP, and STIP must be consistent. Therefore, projects contained in TIPs and STIPs approved after July 1, 2007 must be consistent with transportation plans based on SAFETEA-LU requirements.

EARLY TRANSITION FROM TEA-21 TO SAFETEA-LU:

MPOs in nonattainment and maintenance areas may take advantage of the four-year SAFETEA-LU update cycles for transportation plans immediately. Therefore, the next transportation plan update (and FHWA/FTA conformity determination) must be completed within four years of the date of the FHWA/FTA conformity determination on the current transportation plan. However, the resulting transportation plan must reflect all SAFETEA-LU planning provisions at the time of the FHWA/FTA conformity determination (before or after July 1, 2007).

[3] Guidance dated December 8, 2005 and available on-line at: http://www.fhwa.dot.gov/hep/planningtransition.htm.

NEXT STEPS:

Well in advance of July 1, 2007, FHWA Division Offices and FTA Regional Offices should work closely with the States, MPOs, and public transportation operators to cooperatively assess their existing transportation planning processes and mechanisms relative to the SAFETEA-LU provisions and define key process and/or product "gaps" to be addressed. Moreover, above and beyond the update cycles for metropolitan transportation plans, States and MPOs should begin reviewing and assessing their processes and update cycles for TIPs and STIPs, since projects reflected in the TIP and STIP must be consistent with the respective transportation plans.

FURTHER QUESTIONS:

If you have any further questions on this clarifying information, please contact:

FHWA:

John Humeston or Harlan Miller, Office of Planning (transportation planning issues).

Emily Tait or Gary Jensen, Office of Natural and Human Environment (transportation conformity issues).

FTA:

Charlie Goodman or Carolyn Mulvihill, Office of Systems Planning (transportation planning issues).

Abbe Marner, Office of Environment (transportation conformity issues).

This page last modified on April 20, 2006

F. Environmental Resources

Environmental Resources for Transportation Planners

Standing Committee on Planning SAFETEA-LU Workshop, March 27, 2006

The Safe, Accountable, Flexible and Efficient Transportation Efficiency Act: A Legacy for Users (SAFETEA-LU) includes several provisions intended to enhance the consideration of environmental issues and impacts within the transportation planning process. The following is a list of resources that transportation planning and environment professionals might find helpful in building a knowledge base in this area.

Resources on Legislation, Guidance, and Executive Orders

Guidance and Interim Guidance on SAFETEA-LU Planning and Environment Provisions:

- *Interim Guidance for Implementing Key SAFETEA-LU Provisions in Planning, Environment, and Air Quality for FHWA and joint FHWA/FTA Authorities* (September 2, 2005). http://www.fhwa.dot.gov/hep/legreg.htm
- *FHWA/FTA Clarifying Guidance on Implementation of SAFETEA-LU Planning Provisions* (December 8, 2005). http://www.fhwa.dot.gov/hep/planningtransition.htm
- *Program Guidance on Linking the Transportation Planning and NEPA Processes* (February 23, 2005). http://www.fhwa.dot.gov/hep/plannepa.htm

Executive Order 13274: Environmental Stewardship and Transportation Infrastructure Project Reviews, Interagency Work Group Baseline Reports (March 15, 2005): Contains an overview of the EO 13274 Interagency Work Groups and baseline reports (Project Purpose and Need, Indirect and Cumulative Impacts, and Integrated Planning).
http://www.fhwa.dot.gov/stewardshipeo/workgroups.htm

Context Sensitive Solutions in the Transportation Planning Process (February 2006): Contains a set of frequently asked questions and answers that address how CSS can be better incorporated into the transportation planning process. https://www.fhwa.dot.gov/planning/css/key_references/cssfaq.cfm

Training Resources

Linking Planning and NEPA Workshops: Two part series of facilitated workshops focused on identifying the current process for performing planning and NEPA studies in support of project-level decisions, and developing strategies for achieving greater integration in this work.
http://www.nhi.fhwa.dot.gov/coursedesc.asp?coursenum=1153

Strategic Conservation Planning Using the Green Infrastructure Approach: Cooperatively offered by The Conservation Fund and the U.S. Fish and Wildlife Service, this introductory course on green infrastructure theory and practice is designed to provide participants with "why" and "how to" information on planning, designing, and implementing interconnected green space

systems in conjunction with existing grey infrastructure.
http://www.conservationfund.org/?article=2487

Use of GIS within Environmental Streamlining and Stewardship (GIS4EST): Tailored to audience requirements (topics and length), this 1.5 to 2-day workshop provides a general overview of spatial data technologies and how these can be used to enhance environmental decision-making and streamlining. For more information: Contact Aung Gye, aung.gye@fhwa.dot.gov, or Ben Williams, ben.williams@fhwa.dot.gov.

Conservation and Transportation Planning Workshops: FHWA, NatureServe, and Defenders of Wildlife are partnering to produce a workshop that will introduce data, methods and systems that can be collaboratively utilized among transportation, resource and regulatory agencies. Three workshops will be held in 2006. For more information contact Aung Gye, aung.gye@fhwa.dot.gov

Documents and Other Resources

Eco-Logical: An Ecosystem Approach to Developing Infrastructure Projects (2006): Eco-Logical encourages Federal, State, tribal, and local partners involved in infrastructure planning, design, review, and construction to use flexibility in regulatory processes. The report lays conceptual groundwork for integrating plans across agency boundaries, and endorses ecosystem-based mitigation.
http://www.environment.fhwa.dot.gov/ecological/eco_index.asp

State Wildlife Action Plans: Each State recently completed a comprehensive wildlife conservation strategy, also known as wildlife action plan. These Plans can be valuable resources for planners wishing to consider habitat and conservation issues more systematically within the context of the transportation planning process.

- More information on the plans can be found at: http://www.teaming.com.
- A review of state wildlife action plans conducted by Defenders of Wildlife, *Conservation Across the Landscape: A Review of the State Wildlife Action Plans* can be found at: http://www.defenders.org/statewildlifeplans/report.pdf.

NCHRP Reports on Environmental and Transportation Planning Decision-making: NCHRP has several reports on the subject of considering environmental factors in the planning process.

- *NCHRP 8-36 (48): Improved Linkage Between Transportation Systems Planning and NEPA* (January 2006): http://planning.transportation.org/?siteid=30&pageid=1399
- *NCHRP 541: Consideration of Environmental Factors in Transportation Planning* (2005): http://trb.org/publications/nchrp/nchrp_rpt_541.pdf
- *NCHRP 25-22: Technologies to Improve the Environmental Decision-making Process* (September 2000): http://trb.org/publications/nchrp/cd-14/

Exemplary Ecosystems Initiative: This website contains examples of how exemplary ecosystem initiatives in eight States are reducing habitat fragmentation and barriers to animal movement, encouraging the development of more sustainable mitigation sites, stimulating early ecosystem

planning, and fostering ecosystem-based research.
http://www.fhwa.dot.gov/environment/ecosystems/

White House Conference on Cooperative Conservation (August 2005): Conference convened by the Council on Environmental Quality to advance the spirit and objectives of the Executive Order on the Facilitation of Cooperative Conservation. The conference website contains many useful documents and references: http://cooperativeconservation.gov/index.html

USGS Geospatial Programs: USGS geospatial data resource website, which includes the *Geo-Spatial One-Stop*, a spatial data clearinghouse: http://www.usgs.gov/ngpo/

Comments or suggestions?
Please contact Michael Culp, FHWA Office of Project Development and Environmental Review, (202) 366-9229, michael.culp@dot.gov

G. Online Resources

Interim Guidance For Implementing Key SAFETEA-LU Provisions On Planning, Environment, And Air Quality For Joint FHWA/FTA Authorities

- http://www.fhwa.dot.gov/hep/igslpja.htm

Interim Guidance For Implementing SAFETEA-LU Provisions On Planning, Environment, And Air Quality For FHWA Authorities

- http://www.fhwa.dot.gov/hep/igslpfa.htm

FHWA-FTA Clarifying Guidance On Implementation Of SAFETEA-LU Planning Provisions

- http://www.fhwa.dot.gov/hep/planningtransition.htm

FHWA, Planning, Environment and Realty (HEP)

- http://www.fhwa.dot.gov/hep/legreg.htm

FHWA-FTA Program Guidance on Linking the Transportation Planning and NEPA Processes

- http://www.fhwa.dot.gov/hep/plannepa.htm

Tool Kit for Integrating Land Use and Transportation Decision-Making

- http://www.fhwa.dot.gov/planning/landuse/index.htm

Context Sensitive Solutions - Program Activities

- http://www.fhwa.dot.gov/csd/activities.htm

Environmental Stewardship and Transportation Infrastructure Project Reviews

- http://www.fhwa.dot.gov/stewardshipeo/workgroups.htm

Fiscal Constraint Guidance

- http://www.fhwa.dot.gov/planning/fcguid62705.htm

Safe Routes to School Program

- http://safety.fhwa.dot.gov/saferoutes/

Strategic Highway Safety Plan

- http://safety.fhwa.dot.gov/safetealu/toc.htm

AASHTO Standing Committee on Planning – Workshop Presentations

- http://www.transportation.org/?siteid=30&pageid=399

H. Excerpts from Workshop Evaluations

What parts of the Workshop did you find most beneficial?

- Learning from FHWA's perspective.
- Application sharing from various states on issues.
- Getting an understanding of the range of new SAFETEA-LU planning provisions and the state peer exchange.
- Breakout sessions.
- Topics were very timely [and addressed] necessary issues needing attention.
- The agenda was set up nicely and flowed nicely.
- Don't worry about time of presentations – we have nowhere to go.
- Being new to planning meetings, networking with other state reps was the most beneficial.
- Fiscal constraint session was very informative.
- Visualization.
- Exchange of information between states and FHWA.
- Exchange between speakers and conference attendees.
- Seeing Best Practices and what's going on in other states.
- Discussions and clarifications about provisions.
- Identification of concerns and clarifications.

What changes would have improved this Workshop?

- More on fiscal constraint and STIP/TIP-related issues.
- FTA should have been present.
- Handouts on small CDs in e-form to better enable sharing with staff.
- More subsets of topic areas.
- Hotel not convenient to cultural, shopping or food options – didn't provide Internet wireless for working needs.
- Wish FHWA would have been more forthcoming about what guidance/ regulations they are considering on each of these areas.

- What is the process that FHWA is going to use to determine if a state's long-range transportation plan meets the requirements of SAFETEA-LU.
- More time. Great topics, but more time to discuss **more** best practices.
- More general Q & A time. More microphones.
- A polling before may have given some indication how to arrange breakout sessions – would have liked to attend some that overlapped.
- More comfortable chairs.
- Pre polling of the states to get some idea of what they're doing in each topic area – this would make a great handout and talking points – plus add input for those states not represented.
- Nine topics is a lot to absorb.
- Not sure that we got enough out of the breakouts.
- More emphasis on the structure of the discussion: What are the states doing, what's working well/poorly, where do we need help, what should we do next.
- FHWA was not informative.
- Some sessions had limited expertise among participants from planning offices – limiting discussion.
- Need to further target expert DOTs on issues and bring appropriate staff.
- The Environment, Security, Safety, and Planning areas are not all located in the planning division of state DOTS. It would have been beneficial for those areas to have been present, too. AASHTO should coordinate this.
- Lots of questions [were] asked at meeting and not all were answered. Maybe the questions should have been submitted beforehand with answers given or discussed at the meeting.
- FHWA could more openly discuss concepts in NPRM.
- Limit presentations to 10 minutes.
- Some topics didn't appear to hit the mark, i.e., how is this actually going to be handled in planning?
- None.

Are there issues you would like to address in the future?

- Better STIP/TIP guidance.
- Arrange open schedules for joint open mike forums via web for SAFETEA-LU questions for Environment and Planning.

- A meeting to discuss draft regulations with FHWA and FTA would be beneficial.
- Financial plans discussion.
- Future workshops where state DOTs and their FHWA division offices could jointly attend.
- Where and how to get data.
- Forecasting (population, travel, induced demand).
- Training/education curriculum for planners on performance measurement.
- More peer exchange on specific topics GIS, traffic data, safety etc.
- Rapidly growing state and what are the planning impacts.
- Clearly identify "required" versus "recommended."
- More time would have been good, but travel became a problem. Perhaps more central meeting sites could allow for longer (two full-day sessions).
- Spend more time on linking/integrating Planning and NEPA (two).
- Updates to the draft regulations and the interpretation of the bill by the Feds.
- Continued updates on implementation of SAFETEA-LU and further discussion on financial impacts.