

## **Guidelines for Commenting on USDOT’s Statewide and Nonmetropolitan Planning; Metropolitan Planning Notice of Proposed Rulemaking (NPRM)**

In June, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) jointly issued a Notice of Proposed Rulemaking (NPRM) for Statewide and Nonmetropolitan Planning; Metropolitan Planning. The NPRM reflects changes to the development of statewide, nonmetropolitan, and metropolitan transportation plans enacted through Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21, P.L. 112-141).

MAP-21 made several key changes to the statewide and nonmetropolitan planning process. First, states are now required to “cooperate” with nonmetropolitan officials in the long-range statewide planning process. This level of involvement is elevated from “consult” under the existing long-range statewide planning process. Second, MAP-21 for the first time gives states the option to establish Regional Transportation Planning Organizations (RTPOs) to help address the planning needs of nonmetropolitan areas. MAP-21 also establishes guidelines for the duties and governance structure of RTPOs.

The NPRM published in the Federal Register notice on June 2, 2014 can be viewed [here](#). **Comments are due by September 2, 2014.**

NADO members are encouraged to submit public comments to USDOT on the planning NPRM. If your state has established rural planning programs or RTPOs (or is considering or is in the process of doing so), specific comments on your organization’s experience with the process are particularly helpful. In addition, comments on how the proposed changes to the long-range statewide planning process (elevating the input of nonmetropolitan officials) would benefit nonmetropolitan areas in your state are also encouraged. Below is some sample language you may use in your comments.

We also encourage you to discuss transportation planning processes with local officials and stakeholders in the region, and to encourage them to submit comments as well.

### **How to Submit Comments**

Please include the agency name and docket number at the beginning of your comments. All comments received will be posted online.

Comments may be submitted online [here](#).

You may also mail comments to:

Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Ave. SE  
Washington, D.C. 20590

### **Sample Language**

I am submitting comments on the Federal Highway Administration and Federal Transit Administration’s (U.S. Department of Transportation) Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning Proposed Rule (Docket No. FHWA-2013-0037) on behalf of ***name of your organization*** and as a member of the National Association of Development Organizations

(NADO). I appreciate the opportunity to comment on changes to the nonmetropolitan planning process that were included in the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

Nonmetropolitan officials provide valuable input to the statewide transportation planning process in areas outside the boundaries of Metropolitan Planning Organizations (MPOs). I appreciate the increased emphases included in MAP-21 and the Notice of Proposed Rulemaking (NPRM) on the importance of nonmetropolitan transportation planning. By elevating state involvement with nonmetropolitan local officials from “consultation” to “cooperation” in the long-range statewide planning process, areas outside the boundaries of MPOs will be ensured a stronger role in transportation planning and decision making in *name your state* and throughout the country.

I am also pleased that MAP-21 allows states the option to recognize Regional Transportation Planning Organizations (RTPOs) and establishes a formal framework for this process. RTPOs provide transportation planning support to state departments of transportation to assist with their requirements for statewide planning in rural areas. RTPOs also conduct outreach to the public and local officials on nonmetropolitan transportation planning in their regions.

#### **Nonmetropolitan Participation in the Long-Range Statewide Transportation Plan (Section 450.210b)**

MAP-21 requires that in nonmetropolitan areas, states must “cooperate” with local elected officials who have the responsibility for transportation in development of the long-range statewide transportation plan. The NPRM recognizes that states may have regional planning organizations to help support the planning process in nonmetropolitan areas. Language stating the importance of states maintaining their current relationships with regional planning partners in developing the long-range statewide transportation plan would be helpful to ensure that the transition from “consult” to “cooperate” does not inadvertently cause existing relationships to be altered. In addition, communication between states and nonmetropolitan officials on what the shift from “consult” to “cooperate” means and how it will change the planning process would be beneficial. USDOT should also encourage states to establish a timeline for when the shift to “cooperation” will occur and to communicate this to nonmetropolitan stakeholders.

#### **Regional Transportation Planning Organizations (Section 450.210d)**

I appreciate that in listing the duties of an RTPO, MAP-21 and the NPRM make clear that there is no prohibition on an RTPO conducting other transportation planning activities beyond those listed. Again, it is important that states be encouraged to maintain the existing working relationship with their nonmetropolitan transportation planning partners, rather than attempt to establish new relationships with other entities to meet the RTPO requirements.

It is important that requirements for the make-up of an RTPO’s policy committee remain as flexible as possible so that existing models can continue to operate as is. In several states, for example, metropolitan and tribal officials are designated participants on an existing RTPO or rural planning partner’s governing board because of a region’s demographic reach. These officials should qualify under the “as appropriate” category in the list of individuals to comprise an RTPO’s policy committee.

The NPRM lists “developing a regional long-range multimodal transportation plan and a regional TIP” as duties of an RTPO. Several states already require RTPOs to follow the same guidelines as MPOs in developing their TIPs. It would be helpful for USDOT to clarify in the final rule that these MPO-equivalent TIPs should be fully incorporated into the STIP, as MPO-developed TIPs are. In addition, for regions that develop a less formal TIP (such as a list of regional high priority projects with no set fiscal

limit), states should be encouraged to transparently communicate how those priorities are considered or used in the development of the STIP.

While MAP-21 provides no dedicated funding for RTPOs, it would be beneficial in the final rule for USDOT to provide some discussion of funding options available to RTPOs, such as the State Planning and Research Program and Surface Transportation Program. Both are eligible funding sources and more guidance should be provided on RTPO funding opportunities under these programs.

**Development and Content of the Long-Range Statewide Transportation Plan (Section 450.216)**

There are several relevant federally-recognized regional plans that states should consider incorporating (by reference or summary) into their long-range statewide transportation plan, particularly in states where an RTPO framework is not in place to provide regional long-range transportation plans. Comprehensive Economic Development Strategies (CEDS), required for Economic Development Districts recognized by the U.S. Economic Development Administration; and regional sustainability plans, recognized by the U.S. Department of Housing and Urban Development, are examples of plans that provide a regional perspective on transportation and land use that may inform the transportation decision making process and encourage coordinated investment across federal and other public program funds.

**Development and Content of the Statewide Transportation Improvement Program (STIP) (Section 450.218)**

If there is not an RTPO present to provide a regional TIP, states should refer to regional priorities identified through a CEDS (mentioned above) or other federally-recognized regional plans when selecting nonmetropolitan priorities for the STIP. This will ensure that regional priorities are consistent with other federally required or recognized plans.

**Applicability of NEPA to Statewide Transportation Plans and Programs (Section 450.224)**

In the final rule, RTPOs should be mentioned as contributors to the NEPA review process since they are involved in establishing the purpose and needs for sub-area or corridor plans.

**Additional Issue Area: Unified Regional Plans**

In some parts of the country, unified regional plans developed by MPOs and RTPOs that share a fiscal administrative agent are used as a joint planning document. I encourage FHWA to include language in the final rule stating that unified regional plans are an eligible way to structure planning activities, provided that all requirements for metropolitan planning are met through development of the metropolitan portion of the plan.

Thank you for the opportunity to comment on the Federal Highway Administration and Federal Transit Administration's (Department of Transportation) Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning Proposed Rule (Docket No. FHWA-2013-0037).

Your Name

Your Organization