

ITEM 14 - Action

October 19, 2005

Briefing on New TPB Planning and Programming Activities Related to the Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU)

Staff

- Recommendation:** Receive briefing on new TPB planning and programming activities related to the new legislation.
- Issues:** None
- Background:** At the September 21 meeting, the Board was briefed on highlights of SAFETEA-LU the legislation that reauthorizes the federal surface transportation programs. TPB members raised several questions regarding the legislation which are answered in the attached memorandum.

National Capital Region Transportation Planning Board

777 North Capitol Street, N.E., Suite 300, Washington, D.C. 20002-4290 (202) 962-3315 Fax: (202) 962-3202

October 13, 2005

Memorandum

To: National Capital Region Transportation Planning Board

From: Ronald F. Kirby
Director of Transportation Planning

Wendy K. Klancher
Transportation Planner IV

Re: Responses to Questions about SAFETEA-LU from the September 21, 2005 TPB Meeting

The TPB was briefed at its September 21, 2005 meeting on key planning provisions in SAFETEA-LU, the legislation that reauthorizes federal surface transportation programs. TPB members raised the following seven questions regarding the legislation; this memorandum outlines answers to these questions with the latest information available.

1. How might future TPB planning and programming activities be affected by the new legislation?

The State DOT's and TPB staff are developing draft estimates of available funding and discussing how the funds should be allocated given SAFETEA-LU planning requirements. Funding increases could be as much as 50 percent per year for the TPB work program. At this time, it is apparent that more funding will be needed to support planning activities in the following areas:

- Travel demand modeling and data collection;
- Air quality planning and inventory development;
- Land use and transportation planning consistency;
- Human service transportation coordination;
- Consultation with natural resource and conservation-related agencies;
- Public participation;
- Operations and management; and
- Transportation system security.

A significant amount of funding will be devoted to augment regional modeling and information on current transportation conditions. The TPB Travel Forecasting Committee has had considerable discussions about committing additional funds towards

a household travel survey and the development of a regional highway performance monitoring system.

It is expected that the draft amendments to FY 2006 TPB Unified Planning Work Program (UPWP) reflecting the additional funding and activities will be presented to the TPB in November and scheduled for adoption in December. A draft FY 2007 UPWP will be presented to the TPB in February 2006, and scheduled for adoption in March 2006.

2. When do the plan and TIP have to conform to the new SAFETEA-LU requirements?

Plans and TIPs adopted after July 1, 2007, must comply with SAFETEA-LU planning provisions. Interim guidance from FHWA and FTA states that "... MPOs are allowed to continue to comply with existing planning regulations for this current set of updates..." and "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"¹.

3. Regarding the requirement that the TPB consult with agencies responsible for land management, does this mean local governments, and what will constitute "consultation"?

SAFETEA-LU requires that, in developing long-range transportation plans, MPOs and States consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation."

Consultation on land use management would involve local governments, as they are the agencies responsible for this function. It is unclear what constitutes "consultation" but it is likely that this will be done with existing COG committees that include land use planning agencies from local governments. These agencies are currently involved in developing cooperative forecasts of land use activity, used in TPB travel modeling, under the purview of the COG Metropolitan Development Policy Committee and the Planning Directors Technical Committee. SAFETEA-LU suggests that consultation may involve comparison of transportation plans with "state conservation plans or maps" or "inventories of natural or historic resources" if available.

4. What are the priorities for CMAQ? What is meant by "cost-effective congestion mitigation activities"? Will current funding for transit vehicles be jeopardized?

SAFETEA-LU and interim guidance from FHWA and FTA indicate that States and MPOs are to give priority to projects and programs for 1) diesel retrofits and 2) cost-effective congestion mitigation activities that have air quality benefits². There is no "hierarchy" between the two priorities, so either one can be considered a priority. Furthermore, SAFETEA-LU states that these priorities "*are not intended to disturb the*

¹ Interim Guidance for Implementing Key SAFETEA-LU Provisions on Planning, Environment and Air Quality for Joint FHWA/FTA Authorities. September 2, 2005.

² Ibid.

existing authorities and roles of governmental agencies in making final project selections". The legislation does not limit the types of congestion mitigation activities that can be considered "cost-effective". Transit vehicles are still an eligible CMAQ project in the new law.

5. What tolling demonstration or pilot programs have new funding that may be available to the Washington region?

SAFETEA-LU provides the following pilot programs for road pricing:

- The Interstate Construction Pilot Program and the Interstate Reconstruction Pilot Program (each program limited to 3 projects only);
- The Value Pricing Pilot Program; and
- The Express Lanes Demonstration Program.

Of these programs, only one program has funding associated with it – the Value Pricing Pilot Program, which provides \$11 to \$12 million a year to support pricing projects in 15 states. 14 states are currently involved in the pilot program, including Maryland and Virginia, leaving one state "slot" open.

The TPB, through Virginia, submitted a grant proposal for \$300,000 from the Value Pricing Pilot Program on March 15, 2005 to study a regional system of variably priced lanes in the Regional Mobility and Accessibility Study. A decision on the proposal is still pending approval from the US DOT Secretary's Office. Conceivably the TPB could apply for additional grant funds in the future.

6. How will the 20 percent match requirement for the "CapCom" earmark be met? How will the region move forward on implementing "CapCom" given this new funding?

The SAFETEA-LU earmark provides \$1.6 million over five years for "CapCom" and requires a 20 percent match (\$400,000 over five years) for a total of \$2 million over the five year period. Of the \$400,000 required match, DDOT, MDOT and VDOT have agreed to provide equal shares. The TIP is scheduled to be amended at the October 19, 2005 TPB meeting to reflect these commitments. WMATA is currently considering financial involvement in the project.

7. What is the latest information from FHWA and FTA on SAFETEA-LU planning requirements?

FHWA and FTA are expected to initiative a comprehensive rulemaking in the near future which will clarify planning requirements in the new legislation. Guidance on how to implement the planning requirements would be issued shortly thereafter.