

Texas Administrative Code

Next Rule>>

<u>TITLE 43</u>	TRANSPORTATION
<u>PART 1</u>	TEXAS DEPARTMENT OF TRANSPORTATION
<u>CHAPTER 15</u>	TRANSPORTATION PLANNING AND PROGRAMMING
<u>SUBCHAPTER A</u>	TRANSPORTATION PLANNING
RULE §15.5	Metropolitan Planning Process

(a) Responsibilities. The MPO, in cooperation with the department and operators of publicly owned transit services, is responsible for carrying out the metropolitan planning process. These entities are also responsible for cooperatively determining their mutual responsibilities in the conduct of the planning process. The process includes the cooperative development of a metropolitan transportation plan containing a long range forecast of proposed transportation projects and a transportation improvement program containing a list of projects which have been approved for development in the near term. The department will cooperatively participate in the development of the metropolitan transportation plan, metropolitan transportation improvement program, and any required management and monitoring systems, and will approve, along with the MPO, the metropolitan transportation improvement program. Under 23 USC §134 and 49 USC §5303, and implementing regulations contained in 23 CFR Part 450, Subpart C, all transportation plans and programs developed by MPOs as part of the planning process must explicitly consider the factors specified in those provisions, must provide for public involvement in developing transportation plans and transportation improvement programs, and must be documented in accordance with those provisions. This section describes how the metropolitan planning process will be carried out and how the public will be involved in the process.

(b) Elements. Elements required to be explicitly considered, analyzed as appropriate, and reflected in the planning process products are identified in 23 CFR §450.316(a).

(c) Public involvement process. The metropolitan transportation planning process shall also include a public involvement process which, at a minimum, is in compliance with the requirements of 23 CFR §450.316(b).

(d) Simplified procedures allowed. In attainment areas not designated as transportation management areas, simplified procedures for the development of plans and programs, if considered appropriate, may be proposed by the MPO in cooperation with the department and transit operators, in accordance with 23 CFR §450.316(c). These procedures will be submitted by the department for approval by the FHWA and the FTA. At a minimum, all areas employing a simplified planning process must develop a metropolitan transportation plan and a transportation improvement program.

(e) Technical and other reports. The metropolitan transportation planning process shall include preparation of technical and other reports to assure documentation of the development, refinement, and update of the transportation plan. The reports shall be available for review by interested parties.

(f) Major investment studies. Major investment studies in accordance with 23 CFR

§450.318 will be conducted if there is an identified need for a major metropolitan transportation investment and federal funds may be involved.

(g) Management and monitoring systems. The metropolitan transportation planning process will also be conducted in compliance with 23 CFR Parts 450 and 500, and 49 CFR Parts 613 and 614 (requirements for management and monitoring systems). Management systems shall be developed cooperatively by the department, MPOs, and transit operators for each metropolitan planning area. In transportation management areas, the congestion management system will be developed as part of the metropolitan transportation planning process.

(h) Certification.

(1) The department and the MPO shall annually certify to the FHWA and the FTA that the planning process is addressing the major transportation management issues facing the area and is being conducted in accordance with all applicable requirements of 23 CFR §450.334.

(2) The FHWA and the FTA jointly will review and evaluate the transportation planning process for each TMA (as appropriate but no less than once every three years) to determine if the process meets the requirements of 23 CFR Part 450, Subpart C and this subchapter.

(3) In transportation management areas that are nonattainment or maintenance areas for transportation related pollutants, the FHWA and the FTA will also review and evaluate the transportation planning process to assure that the MPO has an adequate process to ensure conformity of plans and programs in accordance with the EPA's conformity regulations contained in 40 CFR Part 51.

(4) Upon the review and evaluation conducted under paragraphs (2) and (3) of this subsection, the FHWA and the FTA will jointly make the determinations and certifications provided for in 23 CFR §450.334.

Source Note: The provisions of this §15.5 adopted to be effective January 1, 1998, 22 TexReg 12081.