



Discussion of Potential Mitigation Activities for Environmental Agencies and the Constrained Long-Range Transportation Plan (CLRP)

For Review by the TPB Technical Committee
February 2, 2007

Purpose: This discussion of “potential environmental mitigation activities” will be distributed to natural resource and environment agencies in D.C., MD and VA as part of the SAFETEA-LU-required consultation process. The discussion will then be incorporated into the Long-Range Plan (CLRP). SAFETEA-LU states that the Plan shall include:

“A discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the metropolitan transportation plan. The discussion shall be developed in consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies.”

Background

Metropolitan transportation planning is a regional process that is used to identify the transportation issues and needs in metropolitan areas. In metropolitan areas over 50,000 in population, the responsibility for transportation planning lies with designated Metropolitan Planning Organizations (MPO). The MPO for the Washington metropolitan area is the National Capital Region Transportation Planning Board (TPB). Each year the TPB prepares a transportation plan for 2030 and a six-year program that the federal government must approve in order for federal-aid transportation funds to flow to the Washington region. Members of the TPB include representatives of local governments; state transportation agencies; the Maryland and Virginia General Assemblies; the Washington Metropolitan Area Transit Authority; and non-voting members from the Metropolitan Washington Airports Authority and federal agencies.

Why is the TPB asking for your agency’s input?

Federal legislation requires that the TPB consult with natural resource and environmental agencies on the long-range transportation plan. This consultation provides an opportunity to compare transportation plans with environmental resource plans, develop a discussion on potential environmental mitigation activities, areas to provide the mitigation, and activities that may have the greatest potential to restore and maintain the environment. The process of consultation will likely evolve after the first year of this consultation process. Comments on the best way to consult with your agency, including the timing,

additional information needed, and desired outcomes, would be helpful so that the process can be tailored next year.

What is the Constrained Long-Range Transportation Plan (CLRP)?

The Financially Constrained Long-Range Transportation Plan (CLRP) identifies and recommends projects and programs to meet the existing and future transportation needs of the public through the year 2030. The plan includes all “regionally significant” transportation projects and programs that are planned for the Washington metropolitan region by 2030. Each year the plan is updated to include new projects and programs, and analyzed to ensure that it meets federal requirements relating to air quality and funding. The inclusion of a project in the long range transportation plan represents preliminary regional support for that improvement. Transportation projects in the CLRP go through several steps from conception to implementation and take many years to successfully complete.

More information about the CLRP can be found here: www.mwcog.org/clrp.

The CLRP and Project Level Environmental Analysis

The CLRP includes projects expected to be built by 2030 and covers a geographic area of approximately 3,000 square miles. Detailed environmental analysis conducted through the National Environmental Policy Act (NEPA) does not apply to the CLRP. With exceptions for regional ambient air quality, offsetting environmental impacts during the long-range planning process is not required. While detailed environmental analysis is not required, it is important to consult with environmental resource agencies during the development of a long-range transportation plan.

Detailed environmental analysis of individual transportation projects occurs later in the project development process as the improvement approaches the preliminary engineering stage. At this stage, project features may be narrowed and refined, and the environmental impacts and environmental mitigation strategies can be appropriately ascertained.

Impact Types and Mitigation Strategies

Some common environmental impact types that are considered in an environmental analysis for a specific project include:

- Neighborhoods and communities, homes and businesses
- Cultural resources (i.e. historic properties or archaeological sites);
- Parks and recreation areas;
- Wetlands and water resources;
- Forested and other natural areas;
- Agricultural areas;
- Endangered and threatened species; and
- Air Quality.

Environmental mitigation is the process of addressing damage to the environment caused by transportation or other public works projects. Commonly, actions taken to avoid or minimize environmental damage are also considered mitigation as well.

Potential environmental mitigation activities may include:

- avoiding impacts altogether;
- minimizing a proposed activity/project size or its involvement;
- rectifying impacts (restoring temporary impacts);
- precautionary and/or abatement measures to reduce construction impacts;
- employing special features or operational management measures to reduce impacts; and
- Compensating for environmental impacts by providing suitable, replacement or substitute environmental resources of equivalent or greater value, on or off-site.

Potential Mitigation Activities Identified in Environmental Studies

A review of environmental studies from five major projects in the CLRP showed a wide range of potential activities being considered throughout the region¹. A summary of those potential mitigation activities are provided here. Many studies discuss both planned strategies to prevent the environmental impact (minimization) and strategies to atone for it (mitigation).

Table 1: Mitigation Strategies Identified in Five Major Projects in the Washington Region

Resource	Potential Mitigation Strategy
Neighborhoods and communities, homes and businesses	<ul style="list-style-type: none"> • Minimize noise impact with sound barriers • Prevent the spread of hazardous materials with soil testing and treatment
Wetlands and Water Resources	<ul style="list-style-type: none"> • Replace or restore wetlands • Submerge or utilize bottomless culverts • Bridge sensitive areas instead of laying pavement directly onto the ground • Improve storm water management
Forested and other natural areas	<ul style="list-style-type: none"> • Use selective cutting and clearing • Replace or restore forested areas • Preserve existing vegetation
Endangered and threatened species	<ul style="list-style-type: none"> • Use selective cutting and clearing • Bridge sensitive areas instead of laying pavement directly onto the ground • Replace or restore forested areas
Air Quality	<ul style="list-style-type: none"> • Control loose exposed soils with watering or canvas sheets • Minimize idling of heavy construction vehicles

¹ Environmental documents from the following projects were reviewed: the Corridor Cities Transitway, Capital Beltway Study, I-495, Dulles Corridor Rapid Transit Project, Anacostia Corridor Demonstration project and the Intercounty Connector.

Role of the TPB in Potential Environmental Discussions

The Washington region is composed of three major jurisdictions: suburban Maryland, Northern Virginia and the District of Columbia. Large transportation projects are underway that have regional significance as well as potential regional environmental impacts. However, project planning and funding for environmental mitigation comes from the state and local levels. The TPB would like to hear from your agency about what information or facilitation could be helpful in environmental mitigation. For example, would it be helpful for your agency if the TPB facilitates information sharing about potential mitigation locations, techniques, best practices, etc...?

Questions for Agencies

The TPB welcomes your thoughts, comments and questions about this draft discussion on environmental mitigation. Provided below are some questions for your agency to consider as you draft comments on this discussion.

- Was the information provided in this draft mitigation discussion helpful? What additional information would be useful?
- Would it be useful for the TPB to serve as an information clearinghouse and develop a regional environmental mitigation database on potential mitigation locations or techniques?
- Would it be helpful to have the TPB facilitate the use of mitigation techniques in one state or local jurisdiction to remediate environmental impact in another state or local jurisdiction?

Where should questions or comments be directed? Is there a deadline?

Please send all comments to _____ at _____ or _____. In order for your agencies comments to be part of the CLRP, please send your comments by May 1, 2007. Comments will be accepted after that date, but will not be officially responded to or included in the long-range plan documentation.

DRAFT LETTER TO RESOURCE AGENCIES

February 15, 2007

Dear _____:

I am writing to initiate a dialogue with your agency on long-range transportation planning and resource conservation and preservation concerns in the Washington, D.C. metropolitan region.

Transportation planning at the regional level is coordinated in the Washington area by the National Capital Region Transportation Planning Board (TPB). The TPB is staffed by the Department of Transportation Planning of the Metropolitan Washington Council of Governments (COG). The TPB is responsible for directing the continuing transportation planning process carried on cooperatively by the states and local communities in the region.

The U.S. Department of Transportation has recently issued new requirements governing the development of regional transportation plans by metropolitan planning organizations (MPOs) like the National Capital Region Transportation Planning Board (TPB). As part of our compliance with these regulations, and in order to begin a dialogue on long-range transportation planning, we are asking your agency to review and comment on the Financially Constrained Long-Range Transportation Plan (CLRP) and on a draft potential mitigation discussion to be included in the plan. The consultation can involve the comparison of inventories or geographic information system (GIS) layers of environmentally-sensitive areas your agency may have with maps of the major transportation projects in the Plan. Each year the TPB updates the CLRP with new projects and programs, and as such, we anticipate asking your agency to comment on the long-range plan.

To facilitate this review, maps of the major projects in the Plan are included in the attached brochure. Additional information about the Plan can be found at: www.mwcog.org/clrp.

We respectfully request your assistance through the following actions:

- Please forward this information to the person or persons in your agency who best can comment on the CLRP and the potential mitigation strategies.
- Please supply us with the names and contact information of such individuals so that we can contact them directly in the future.
- If you have GIS data you could share with us, please also provide contact information to facilitate this.

Thank you in advance for taking the time to review the CLRP. Please send all comments to _____ on my staff at _____. Comments should be submitted by May 1, 2007. Your agencies comments will be shared with the TPB and posted on the Plan website. Please see the attached fact sheet for more information, and contact _____ should you have any further questions about this request.

Sincerely,

Ronald F. Kirby
Director
Department of Transportation Planning

Attachments



Questions and Answers about the TPB's Plan Consultation Process

What is the TPB?

The National Capital Region Transportation Planning Board (TPB) is the federally designated Metropolitan Planning Organization (MPO) for the region, and plays an important role as the regional forum for transportation planning. The TPB prepares plans and programs that the federal government must approve in order for federal-aid transportation funds to flow to the Washington region. Members of the TPB include representatives of local governments; state transportation agencies; the Maryland and Virginia General Assemblies; the Washington Metropolitan Area Transit Authority; and non-voting members from the Metropolitan Washington Airports Authority and federal agencies.

The TPB's planning area covers the District of Columbia and surrounding jurisdictions. In Maryland these jurisdictions include Frederick County, Montgomery County, and Prince George's County, plus the cities of Bowie, College Park, Gaithersburg, Greenbelt, Rockville, and Takoma Park. In Virginia, the planning area includes Alexandria, Arlington County, the City of Fairfax, Fairfax County, Falls Church, Loudoun County, Manassas, and Prince William County.

What is the Constrained Long-Range Transportation Plan (CLRP)?

The plan includes all "regionally significant" transportation projects and programs that are planned for the Washington metropolitan region by 2030. Each year the plan is updated to include new projects and programs, and analyzed to ensure that it meets federal requirements relating to air quality and funding. More information about the CLRP can be found here: www.mwcog.org/clrp.

How will my agencies input be used?

Your agencies comments will be included in the package of information on the Plan that the TPB reviews for approval. Agency comments will also be posted on the website, similar to how comments from the public are provided on the Plan website (www.mwcog.org/clrp).

What is the goal of the consultation process?

Consultation with resource agencies is a new area for the TPB and the TPB hopes to learn more about environmental-related concerns from the viewpoint of resource agencies. The goal for the first year of this consultation process is to simply initiate a dialogue between agencies and the TPB. Comments on the best way to consult with your agency, including the timing, additional information needed, and desired outcomes, would be helpful so that the process can be tailored next year.

How often will the agency be asked to comment?

The TPB updates its long-range plan every year; usually only a handful of new projects or programs are added or changed each year. Your agency will be asked to comment on the Plan each spring when the new projects are submitted.

Where should questions or comments be directed? Is there a deadline?

Please send all comments to _____ at _____ or _____. In order for your agencies comments to be part of the CLRP, please send your comments by May 1, 2007. Comments will be accepted after that date, but will not be officially responded to or included in the long-range plan documentation.

Draft List of **District of Columbia** Agency Contacts for TPB Consultation on the Long-Range Transportation Plan

Agency	Last	First	Address	City	State	Zip	Phone
D.C. Dept. of Housing & Community Dev.	Selman	Victor	801 North Capitol Street, NE, Suit	Washington	DC	20002	(202) 442-7200
D.C. Department of Parks and Recreation	Durden	Wanda	3149 16th Street, NW	Washington	DC	20010	(202) 673-7647
D.C. Office of Planning			801 North Capitol Street, NE, Suit	Washington	DC	20002	(202)442-7635
D.C. Office of Zoning	Kress	Jerrily	441 4th Street, NW, Suite 210	Washington	DC	20001	
D.C. Urban Forestry Administration	Thomas	John		Washington	DC		(202) 727-1000
D.C. Department of the Environment	Besse	Sheila		Washington	DC		(202) 535-2241

Draft List of **Virginia** Agency Contacts for TPB Consultation on the Long-Range Transportation Plan

Agency	Last	First	Address	City	St	Zip	Phone
Northern Virginia Regional Commission							
Northern Virginia Regional Park Authority							
VA Dept of Agriculture and Consumer Services	Sleight	Tom					
VA Dept of Agriculture and Forestry	Bloxom	Robert	P.O. Box 1475	Richmond	VA	23219	(804) 692-2511
VA Dept of Conservation and Recreation	Maroon	Joseph	203 Governor Street, Suite 302	Richmond	VA	23219	(804) 786-6124
VA Dept of Conservation and Recreation	Smith	Tom	217 Governor Street	Richmond	VA	23219	(804) 371-2674
VA Dept of Conservation and Recreation			203 Governor Street, Suite 326	Richmond	VA	23219	(804) 786-5046
VA Dept of Conservation and Recreation	Frye	Jack					(804) 786-6523
VA Dept of Emergency Management	Cline	Michael	10501 Trade Court	Richmond	VA	23236	(804) 897-6500
VA Dept of Environmental Quality	Paylor	David	629 East Main Street	Richmond	VA	23219	(804) 698-4020
VA Dept of Environmental Quality	Thomas	Bryant					(703) 583-3843
VA Dept of Forestry	Foreman	Michael					(434) 977-6555
VA Dept of Forestry	Garrison III	Carl	900 Natural Resources Dr	Charlottesville	VA	22903	(434) 977-6555
VA Dept of Game and Inland Fisheries	Whitehurst	David	4010 West Broad Street	Richmond	VA	23230	(804) 367-0940
VA Dept of Game and Inland Fisheries	Massengill	W. Gerald	4010 West Broad Street	Richmond	VA	23230	(804) 367-9231
VA Dept of Historic Resources	Andrus	Ann	2801 Kensington Ave	Richmond	VA	23221	(804) 863-1626
VA Dept of Historic Resources	Kilpatrick	Kathleen	2801 Kensington Ave.	Richmond	VA	23221	(804) 367-2323
VA Dept of Housing and Community Development	Shelton	William	Jackson Center	Richmond	VA	23219	(804) 371-7002
VA Dept of Mines, Minerals and Energy	Willis	George	Fontaine Research Park	Charlottesville	VA	22903	(434) 951-6347
Virginia Economic Development Partnership	Anderson	Jeff	901 East Byrd Street	Richmond	VA	23218	(804) 545-5612
Virginia Marine Resources Commission	Woodward	Jay					
Virginia Marine Resources Commission	Bowman	Steven	2600 Washington Avenue	Newport News	VA	23607	(757) 247-2206
Virginia Office of Commonwealth Preparedness	Crouch	Robert	P.O. Box 1475	Richmond	VA	23218	(804) 692-2595
Virginia Tourism Corporation	Bailey	Alisa	901 East Byrd Street	Richmond	VA	23219	(804) 545-5510

Draft List of **Maryland** Agency Contacts for the TPB Consultation on the Long-Range Transportation Plan

Agency	Last	First	Addresss	City	State	Zip	Phone
MD Dept of Agriculture	Riley	Lewis	50 Harry S Truman Pkwy	Annapolis	MD	21401-7080	(410) 841-5880
MD Dept of Housing & Comm. Dev.	Hoskins	Victor	100 Community Pl	Crownsville	MD	21032-	(410) 514-7001
MD Dept of Natural Resources	Allen	Roy	Oconor Bldg Floor: 4th Floor	Baltimore	MD	21201-	(410) 767-5097
MD Dept of Natural Resources	Peditto	Paul	Tawes State Office Bulding, E1	Annapolis	MD	21401-2397	(410) 260-8549
MD Dept of Natural Resources	Barton	Richard	Tawes State Office Building E3	Annapolis	MD	21401-2397	(410) 260-8186
MD Dept of Natural Resources	Jallepalli	Tirumal	Tawes State Office Bldg. E-2	Annapolis	MD	21401-	(410) 260-8751
MD Dept of Natural Resources	Franks	C. Ronald	580 Taylor Avenue	Annapolis	MD	21401-	(410) 260-8101
MD Dept of Natural Resources	Hairston-Strang	Anne	Tawes State Office Building E-1	Annapolis	MD	21401-	(410) 260-8509
MD Dept of Natural Resources	Miller	Ken	Tawes State Office Bldg. E-2	Annapolis	MD	21401-	(410) 260-8751
MD Dept of Natural Resources	Reiner	Louise	Tawes State Office Building, D4	Annapolis	MD	21401-	(410) 260-8363
MD Dept of Natural Resources	Dawson	Frank					(410) 260-8705
MD Dept of Planning	Tassone	Joe					
MD Dept of Planning	Balsley	Erik	Suite 1100	Baltimore	MD	21201-	(410) 767-5224
MD Dept of Planning	Tassone	Joseph	301 W. Preston St	Baltimore	MD	21201-2365	(410) 767-4562
MD Dept of Planning	Rimrodt	Tom	301 W. Preston St	Baltimore	MD	21201-2365	(410) 767-0901
MD Dept of Planning	Scott	Auidrey	301 W Preston St	Baltimore	MD	21201-2365	(410) 767-4510
MD Dept of Planning	Lettre	Mike	301 W. Preston St Rm 702	Baltimore	MD	21201-	(410) 767-4460
MD Dept of Planning	Eisenberg	Lynda	State Center, 11th Floor	Baltimore	MD	21201-	(410) 767-5998
MD Dept of Planning	Bowne	Laura	Tawes State Office Building, E-2	Annapolis	MD	21401-	(410) 260-8413
MD Dept of Planning	Boone	Kevin	Tawes State Office Building, E-2	Annapolis	MD	21401-	(410) 260-8753
MD Dept of the Environment	Penner	Bernard	1800 Washington Blvd	Baltimore	MD	21230-	(410) 537-2205
MD Dept of the Environment	Philbrick	Kendl	1800 Washington Blvd	Baltimore	MD	21230-	(410) 537-3084
MD Dept of the Environment	Raza	Shahbaz	1800 Washington Blvd	Baltimore	MD	21230-	(410) 537-3692
MD Dept of the Environment	Guignet	David	1800 Washington Blvd, Suite 430	Baltimore	MD	21230-	(410) 537-3775
MD Dept of the Environment	Eskin	Richard					(410) 537-3691
MD Historical Trust	Kavanagh	Maureen	100 Commuity Pl.	Crownsville	MD	21032-	(410) 514-7660
MD Historical Trust	Little	J. Rodney	100 Community Place	Crownsville	MD	21032-	(410) 514-7601
MD Historical Trust	Chadwick-Moore	Jennifer	100 Commuity Pl.	Crownsville	MD	21032-	(410) 514-7659
MD-NCPPC							



Federal Register

**Friday,
June 9, 2006**

Part II

Department of Transportation

Federal Highway Administration

23 CFR Parts 450 and 500

Federal Transit Administration

49 CFR Part 613

**Statewide Transportation Planning;
Metropolitan Transportation Planning;
Proposed Rule**

(iii) Public transportation improvements;

(iv) ITS technologies as related to the regional ITS architecture; and

(v) Where necessary, additional system capacity;

(5) Identification of an implementation schedule, implementation responsibilities, and possible funding sources for each strategy (or combination of strategies) proposed for implementation; and

(6) Implementation of a process for periodic assessment of the effectiveness of implemented strategies, in terms of the area's established performance measures. The results of this evaluation shall be provided to decisionmakers and the public to provide guidance on selection of effective strategies for future implementation.

(d) In a TMA designated as nonattainment area for ozone or carbon monoxide pursuant to the Clean Air Act, Federal funds may not be programmed for any project that will result in a significant increase in the carrying capacity for SOVs (i.e., a new general purpose highway on a new location or adding general purpose lanes, with the exception of safety improvements or the elimination of bottlenecks), unless the project is addressed through a congestion management process meeting the requirements of this section.

(e) In nonattainment and maintenance area TMAs, the congestion management process shall provide an appropriate analysis of all reasonable (including multimodal) travel demand reduction and operational management strategies for the corridor in which a project that will result in a significant increase in capacity for SOVs (as described in paragraph (d) of this section) is proposed. If the analysis demonstrates that travel demand reduction and operational management strategies cannot fully satisfy the need for additional capacity in the corridor and additional SOV capacity is warranted, then the congestion management process shall identify all reasonable strategies to manage the SOV facility safely and effectively (or to facilitate its management in the future). Other travel demand reduction and operational management strategies appropriate for the corridor, but not appropriate for incorporation into the SOV facility itself, shall also be identified through the congestion management process. All identified reasonable travel demand reduction and operational management strategies shall be incorporated into the SOV project or committed to by the State and MPO for implementation.

(f) State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process, if the FHWA and the FTA find that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of 23 U.S.C. 134 and 49 U.S.C. 5303.

§ 450.322 Development and content of the metropolitan transportation plan.

(a) The metropolitan transportation planning process shall include the development of a transportation plan addressing at least a 20-year planning horizon as of the effective date. In nonattainment and maintenance areas, the effective date of the transportation plan shall be the date of a conformity determination issued by the FHWA and the FTA. In attainment areas, the effective date of the transportation plan shall be its date of adoption by the MPO.

(b) The transportation plan shall include both long-range and short-range strategies/actions that lead to the development of an integrated multimodal transportation system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

(c) The MPO shall review and update the transportation plan at least every four years in air quality nonattainment and maintenance areas and at least every five years in attainment areas to confirm the transportation plan's validity and consistency with current and forecasted transportation and land use conditions and trends and to extend the forecast period to at least a 20-year planning horizon. In addition, the MPO may revise the transportation plan at any time using the procedures in this section without a requirement to extend the horizon year. The transportation plan (and any revisions) shall be approved by the MPO and submitted for information purposes to the Governor. Copies of any updated or revised transportation plans must be provided to the FHWA and the FTA.

(d) In metropolitan areas that are in nonattainment for ozone or carbon monoxide, the State air quality agency shall coordinate the development of the transportation control measures (TCMs) in a State Implementation Plan (SIP) with the MPO. For TCM substitutions or additions made under section 176(c)(8) of the Clean Air Act (42 U.S.C. 7506(c)(8)), the MPO, State air quality agency, and the EPA must concur on the equivalency of any substitute TCMs and the addition of new TCMs to the SIP.

(e) The transportation plan update process shall include a mechanism for ensuring that the MPO, the State(s), and the public transportation operator(s) agree that the data utilized in preparing other existing modal plans providing input to the transportation plan are valid. In updating the transportation plan, the MPO shall base the update on the latest available estimates and assumptions for population, land use, travel, employment, congestion, and economic activity. The MPO shall approve transportation plan contents and supporting analyses produced by a transportation plan update.

(f) The metropolitan transportation plan shall, at a minimum, include:

(1) The projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan;

(2) Existing and proposed transportation facilities (including major roadways, transit, multimodal and intermodal facilities, pedestrian walkways and bicycle facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions over the period of the transportation plan. In addition, the locally preferred alternative selected from an Alternatives Analysis under the FTA's Capital Investment Grant program (49 U.S.C. 5309 and 49 CFR part 611) needs to be adopted as part of the metropolitan transportation plan as a condition for funding under 49 U.S.C. 5309;

(3) Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods;

(4) Consideration of the results of the congestion management process in TMAs that meet the requirements of this subpart, including the identification of SOV projects that result from a congestion management process in TMAs that are nonattainment for carbon monoxide or ozone;

(5) Assessment of capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs;

(6) Design concept and design scope descriptions of all existing and proposed transportation facilities in sufficient detail, regardless of funding source, in nonattainment and maintenance areas for conformity

determinations under the EPA's transportation conformity rule (40 CFR part 93). In all areas (regardless of air quality designation), all proposed improvements shall be described in sufficient detail to develop cost estimates;

(7) A discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the metropolitan transportation plan. The discussion shall be developed in consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies. The MPO may establish reasonable timeframes for performing this consultation;

(8) Pedestrian walkway and bicycle transportation facilities in accordance with 23 U.S.C. 217(g);

(9) Transportation and transit enhancement activities, as appropriate; and

(10) A financial plan that demonstrates how the adopted transportation plan can be implemented, while operating and maintaining existing facilities and services. For the purpose of developing the transportation plan, the MPO, public transportation operator(s), and State shall cooperatively develop estimates of funds that will be available to support metropolitan transportation plan implementation, as required under § 450.314(a)(1). All necessary financial resources from public and private sources that are reasonably expected to be made available to carry out the transportation plan shall be identified. The financial plan shall include recommendations on any additional financing strategies to fund projects and programs included in the metropolitan transportation plan. In the case of new funding sources, strategies for ensuring their availability shall be identified. In developing the financial plan, the MPO shall take into account all projects and strategies proposed for funding under title 23, U.S.C., title 49, U.S.C., Chapter 53, or with other Federal funds; State assistance; local sources; and private participation. For nonattainment and maintenance areas, the financial plan shall address the specific financial strategies required to ensure the implementation of TCMs in the applicable SIP. In addition, the financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if additional resources beyond those identified in the financial plan were available.

Additional criteria and information on financial plans that support metropolitan transportation plans are contained in Appendix B to this part.

(g) The MPO shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of the transportation plan. The consultation shall involve, as appropriate:

(1) Comparison of transportation plans with State conservation plans or maps, if available; or

(2) Comparison of transportation plans to inventories of natural or historic resources, if available.

(h) The metropolitan transportation plan should include a safety element that incorporates or summarizes the priorities, goals, countermeasures, or projects for the MPA contained in the Strategic Highway Safety Plan required under 23 U.S.C. 148, as well as (as appropriate) emergency relief and disaster preparedness plans and strategies and policies that support homeland security and safeguard the personal security of all motorized and non-motorized users.

(i) The MPO shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan using the participation plan developed under § 450.316(a).

(j) The metropolitan transportation plan shall be published or otherwise made readily available by the MPO for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.

(k) A State or MPO shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (f)(9) of this section.

(l) In nonattainment and maintenance areas for transportation-related pollutants, the MPO, as well as the FHWA and the FTA, must make a conformity determination on any updated or amended transportation plan in accordance with the Clean Air Act and the EPA transportation conformity regulations (40 CFR part 93). During a conformity lapse, MPOs can prepare an

interim metropolitan transportation plan as a basis for advancing projects that are eligible to proceed under a conformity lapse. An interim metropolitan transportation plan consisting of eligible projects from the most recent conforming transportation plan and TIP may proceed immediately without revisiting the requirements of this section, subject to interagency consultation. An interim metropolitan transportation plan containing eligible projects that are not from the most recent conforming transportation plan and TIP must meet all the requirements of this section.

§ 450.324 Development and content of the transportation improvement program (TIP).

(a) The MPO, in cooperation with the State(s) and any affected public transportation operator(s), shall develop a TIP for the metropolitan planning area. The TIP shall cover a period of not less than four years, be updated at least every four years, and be approved by the MPO and the Governor. If the TIP covers more than four years, the FHWA and the FTA will consider the projects in the additional years as informational. The TIP may be updated more frequently, but the cycle for updating the TIP must be compatible with the STIP development and approval process. The TIP expires when the FHWA/FTA approval of the STIP expires. Copies of any updated or revised TIPs must be provided to the FHWA and the FTA. In nonattainment and maintenance areas subject to transportation conformity requirements, the FHWA and the FTA, as well as the MPO, must make a conformity determination on any updated or revised TIP, in accordance with the Clean Air Act requirements and the EPA's transportation conformity regulations (40 CFR part 93).

(b) The MPO shall provide all interested parties with a reasonable opportunity to comment on the proposed TIP as required by § 450.316(a). In addition, in nonattainment area TMAs, the MPO shall provide at least one formal public meeting during the TIP development process, which should be addressed through the participation plan described in § 450.316(a). In addition, the TIP shall be published or otherwise made readily available by the MPO for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, as described in § 450.316(a).

(c) The TIP shall include federally supported capital and non-capital surface transportation projects (or phases of projects) within the