



U.S. Department
of Transportation
Federal Highway
Administration
Federal Transit
Administration

Memorandum

Subject: INFORMATION: SAFETEA-LU Deadline for New Planning Requirements (July 1, 2007)

Date: May 2, 2006

Original Signed by
From: Cynthia J. Burbank, Associate Administrator
for Planning, Environment and Realty, FHWA
Original Signed by
Brigid Hynes-Cherin, Associate Administrator
for Planning and Environment, FTA

Reply to
Attn. of: HEP-1/TPL-1

To: FHWA Division Administrators
FTA Regional Administrators

The purpose of this message is to clarify FHWA/FTA intentions for implementing the following provision in Sections 3006 and 6001 of SAFETEA-LU, which relates to new requirements for statewide and metropolitan planning:

"Schedule for Implementation. -- The Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the established planning update cycle for States and metropolitan planning organizations. 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. Beginning July 1, 2007, State or metropolitan planning organization plan or program updates shall reflect changes made by this section."

On September 2, 2005, FHWA/FTA issued Interim Guidance, which covered this requirement. On December 8, 2005, FHWA/FTA issued supplementary clarifying guidance, which was followed by supplemental information provided to field office planning staffs by FHWA and FTA on February 6, 2006 and February 13, 2006, respectively.

AMPO, NARC, several MPOs, and others have raised concerns about the implementation of July 1, 2007 deadline. We have assured them that we will consider their concerns carefully in the upcoming rulemaking on SAFETEA-LU planning provisions. In the meantime, this is our current position, which we encourage you to share with states and MPOs, which have concerns about the July 1, 2007 deadline:



- Prior to July 1, 2007, we encourage States and MPOs to incorporate SAFETEA-LU planning requirements into their planning and programming process. States and MPOs may incorporate the new SAFETEA-LU provisions prior to July 1, 2007, either in their entirety or partially. States and MPOs may take advantage of the new 4-year cycle for transportation plans and programs in nonattainment areas, even if they have not met other SAFETEA-LU planning requirements.
- On and after July 1, 2007, all new TIPs, STIPs, and transportation plans must be SAFETEA-LU compliant (i.e., consistent with all SAFETEA-LU provisions).
- On and after July 1, 2007, FHWA/FTA will accept and approve new TIPs and STIPs if they are SAFETEA-LU compliant, even if the State or MPO has not yet produced a new, SAFETEA-LU-compliant transportation plan, as long as the underlying planning process is consistent with SAFETEA-LU.
- FHWA/FTA will not be able to approve or make conformity findings on new TIPs, STIPs, and transportation plans submitted on or after July 1, 2007 if they are not SAFETEA-LU compliant.
- If a new SAFETEA-LU compliant TIP, STIP, or transportation plan has not been adopted by July 1, 2007, previously-adopted TIPs, STIPs, and transportation plans will continue to be valid; States and MPOs may continue to advance projects from them but cannot amend them without making them SAFETEA-LU compliant. If a state or MPO will not be able to adopt a fully compliant TIP, STIP, or transportation plan by July 1, 2007, it should submit any needed amendments sufficiently prior to July 1, 2007, so that FHWA/FTA will have adequate time to act on them before July 1.
- States and MPOs should not wait until just before the July 1, 2007 deadline to submit a new SAFETEA-LU-compliant transportation program or plan. Historically, FHWA/FTA have interpreted statutory and regulatory deadlines to mean that FHWA/FTA action must be completed within the deadline (i.e., by July 1, 2007 in this case). In particular, States and MPOs should coordinate closely with FHWA/FTA field offices to ensure that FHWA/FTA will be able to act on any non-compliant TIPs, STIPs, and transportation plans prior to July 1, 2007.
- For TIP, STIP, and transportation plan amendments or revisions submitted after July 1, 2007, the FHWA/FTA position in the Interim Guidance of September 2, 2005 was that they would not be acceptable unless the underlying TIP, STIP, or transportation plan was SAFETEA-LU compliant. Minor modifications would be acceptable, but amendments or revisions that would add or delete a major new project to a TIP, STIP, or transportation plan would not be acceptable unless the document being amended is SAFETEA-LU compliant.

On the latter guidance point, AMPO, NARC, and individual MPOs have raised significant concerns, asserting that FHWA/FTA should accept TIP, STIP, and transportation plan amendments after July 1, 2007 when the underlying document to be amended is not SAFETEA-LU compliant. FHWA/FTA expect to publish a Notice of Proposed Rulemaking on statewide and metropolitan planning in the spring/early summer of 2006. As part of that rulemaking, we will invite comments on this point. We are particularly interested in which specific SAFETEA-

LU provisions cannot be reflected in TIPs, STIPs, and transportation plans before July 1, 2007. We also will welcome suggested alternatives to the approach established in our September 2, 2005 Interim Guidance. As we consider these comments, we will make every effort to be responsive to the practical issues of planning cycles, as well as the importance of the new SAFETEA-LU planning requirements.

Because the outcome of the rulemaking is uncertain, we encourage all States and MPOs to make every effort to develop SAFETEA-LU compliant TIPs, STIPs, and transportation plans by or soon after July 1, 2007. Please work closely with your States, MPOs, and public transportation operators well in advance of July 1, 2007 to cooperatively assess their existing transportation planning processes and mechanisms, identify process and/or product "gaps," and work with them to close the gaps.

If you have questions or comments, feel free to contact: Larry Anderson, John Humeston, or Harlan Miller in the FHWA Office of Planning or Charlie Goodman in the FTA Office of Systems Planning.