

projects not subject to review by the Secretary under this chapter.”

Subsec. (e)(3)(A). Pub. L. 105–178, §1108(d), struck out at end “Payments shall not exceed the Federal share of costs incurred as of the date the State requests payments.”

Subsec. (e)(3)(B)(i). Pub. L. 105–178, §1108(b)(2)(A), struck out before period at end “if the Secretary certifies for the fiscal year that the State has authorized and uses a process for the selection of transportation enhancement projects that involves representatives of affected public entities, and private citizens, with expertise related to transportation enhancement activities”.

Subsec. (e)(5)(C). Pub. L. 105–178, §1108(b)(2)(B), added subpar. (C).

Subsec. (f). Pub. L. 105–178, §1108(e), as amended by Pub. L. 109–59, §1113(e), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows: “A State which is required to obligate in an urbanized area with an urbanized area population of over 200,000 under subsection (d) funds apportioned to it under section 104(b)(3) shall allocate during the 6-fiscal year period 1992 through 1997 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction for use in such area determined by multiplying—

“(1) the aggregate amount of funds which the State is required to obligate in such area under subsection (d) during such period; by

“(2) the ratio of the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction during such period to the total sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to an obligation limitation) during such period.”

1995—Subsec. (d)(5). Pub. L. 104–59, §315, added par. (5).

Subsec. (e)(3). Pub. L. 104–59, §316(1), designated existing provisions as subpar. (A), inserted subpar. (A) heading, realigned margins, substituted “Except as provided in subparagraph (B), the” for “The”, and added subpar. (B).

Subsec. (e)(5). Pub. L. 104–59, §316(2), added par. (5). 1994—Subsec. (b)(2). Pub. L. 103–429 substituted “chapter 53 of title 49” for “the Federal Transit Act”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–58 effective Oct. 1, 2021, except as otherwise provided, see section 10003 of Pub. L. 117–58, set out as a note under section 101 of this title.

Amendment by section 11508(d)(2) of Pub. L. 117–58 only applicable to a public-private partnership agreement entered into on or after Nov. 15, 2021, see section 11508(e) of Pub. L. 117–58, set out in a Requirements for Transportation Projects Carried Out Through Public-Private Partnerships note under section 106 of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Except as otherwise provided, amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

Pub. L. 114–94, div. A, title I, §1446(d), Dec. 4, 2015, 129 Stat. 1438, provided that the amendment made by section 1446(d)(5)(B), (C) is effective as of July 6, 2012, and as if included in Pub. L. 112–141 as enacted.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109–59, title I, §1113(b)(3), Aug. 10, 2005, 119 Stat. 1172, provided that: “Paragraph (1) and paragraph

(2)(A)(ii) of this subsection [amending this section] shall take effect October 1, 2005.”

Pub. L. 109–59, title I, §1113(c), Aug. 10, 2005, 119 Stat. 1172, provided that the amendment made by section 1113(c) is effective Oct. 1, 2005.

Pub. L. 109–59, title I, §1113(e), Aug. 10, 2005, 119 Stat. 1172, provided that the amendment made by section 1113(e) is effective June 9, 1998.

EFFECTIVE DATE

Section effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102–240, set out as an Effective Date of 1991 Amendment note under section 104 of this title.

CONGRESSIONAL FINDINGS REGARDING SURFACE TRANSPORTATION BLOCK GRANT PROGRAM

Pub. L. 114–94, div. A, title I, §1109(a), Dec. 4, 2015, 129 Stat. 1338, provided that: “Congress finds that—

“(1) the benefits of the surface transportation block grant program accrue principally to the residents of each State and municipality where the funds are obligated;

“(2) decisions about how funds should be obligated are best determined by the States and municipalities to respond to unique local circumstances and implement the most efficient solutions; and

“(3) reforms of the program to promote flexibility will enhance State and local control over transportation decisions.”

REFERENCES TO SURFACE TRANSPORTATION PROGRAM

Pub. L. 114–94, div. A, title I, §1109(c)(7), Dec. 4, 2015, 129 Stat. 1344, provided that: “Any reference in any other law, regulation, document, paper, or other record of the United States to the surface transportation program under section 133 of title 23, United States Code, shall be deemed to be a reference to the surface transportation block grant program under such section.”

DIVISION OF STP FUNDS FOR AREAS OF LESS THAN 5,000 POPULATION

Pub. L. 105–178, title I, §1108(f), June 9, 1998, 112 Stat. 141, as amended by Pub. L. 110–244, title I, §113(a), June 6, 2008, 122 Stat. 1606, provided that:

“(1) SPECIAL RULE.—Notwithstanding section 133(c) of title 23, United States Code, and except as provided in paragraph (2), up to 15 percent of the amounts required to be obligated under [former] section 133(d)(3)(B) of such title for each of fiscal years 1998 through 2009 may be obligated on roads functionally classified as minor collectors.

“(2) SUSPENSION.—The Secretary may suspend the application of paragraph (1) if the Secretary determines that paragraph (1) is being used excessively.”

ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS

Pub. L. 105–178, title I, §1108(g), June 9, 1998, 112 Stat. 141, provided that: “The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform appropriate transportation enhancement activities under chapter 1 of title 23, United States Code.”

§ 134. Metropolitan transportation planning

(a) POLICY.—It is in the national interest—

(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight, foster economic growth and development within and between States and urbanized

areas better connect housing and employment,¹ and take into consideration resiliency needs while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).

(b) DEFINITIONS.—In this section and section 135, the following definitions apply:

(1) METROPOLITAN PLANNING AREA.—The term “metropolitan planning area” means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under subsection (e).

(2) METROPOLITAN PLANNING ORGANIZATION.—The term “metropolitan planning organization” means the policy board of an organization established as a result of the designation process under subsection (d).

(3) NONMETROPOLITAN AREA.—The term “non-metropolitan area” means a geographic area outside designated metropolitan planning areas.

(4) NONMETROPOLITAN LOCAL OFFICIAL.—The term “nonmetropolitan local official” means elected and appointed officials of general purpose local government in a nonmetropolitan area with responsibility for transportation.

(5) REGIONAL TRANSPORTATION PLANNING ORGANIZATION.—The term “regional transportation planning organization” means a policy board of an organization established as the result of a designation under section 135(m).

(6) TIP.—The term “TIP” means a transportation improvement program developed by a metropolitan planning organization under subsection (j).

(7) URBANIZED AREA.—The term “urbanized area” means a geographic area with a population of 50,000 or more, as determined by the Bureau of the Census.

(c) GENERAL REQUIREMENTS.—

(1) DEVELOPMENT OF LONG-RANGE PLANS AND TIPS.—To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.

(2) CONTENTS.—The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal

facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

(3) PROCESS OF DEVELOPMENT.—The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(d) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as determined by the Bureau of the Census); or

(B) in accordance with procedures established by applicable State or local law.

(2) STRUCTURE.—Not later than 2 years after the date of enactment of MAP-21, each metropolitan planning organization that serves an area designated as a transportation management area shall consist of—

(A) local elected officials;

(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and

(C) appropriate State officials.

(3) REPRESENTATION.—

(A) IN GENERAL.—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2).

(D) CONSIDERATIONS.—In designating officials or representatives under paragraph (2) for the first time, subject to the bylaws or enabling statute of the metropolitan planning organization, the metropolitan planning organization shall consider the equitable and proportional representation of the

¹ So in original. Probably should be “urbanized areas, better connect housing and employment.”

population of the metropolitan planning area.

(4) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities—

(A) to develop the plans and TIPs for adoption by a metropolitan planning organization; and

(B) to develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

(5) **CONTINUING DESIGNATION.**—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (6).

(6) **REDESIGNATION PROCEDURES.**—

(A) **IN GENERAL.**—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing planning area population (including the largest incorporated city (based on population) as determined by the Bureau of the Census) as appropriate to carry out this section.

(B) **RESTRUCTURING.**—A metropolitan planning organization may be restructured to meet the requirements of paragraph (2) without undertaking a redesignation.

(7) **DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.**—More than 1 metropolitan planning organization may be designated within an existing urbanized area (as defined by the Bureau of the Census) only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the area make designation of more than 1 metropolitan planning organization for the area appropriate.

(e) **METROPOLITAN PLANNING AREA BOUNDARIES.**—

(1) **IN GENERAL.**—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor.

(2) **INCLUDED AREA.**—Each metropolitan planning area—

(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan; and

(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

(3) **IDENTIFICATION OF NEW URBANIZED AREAS WITHIN EXISTING PLANNING AREA BOUNDARIES.**—The designation by the Bureau of the Census of new urbanized areas within an existing metropolitan planning area shall not require the

redesignation of the existing metropolitan planning organization.

(4) **EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.**—

(A) **IN GENERAL.**—Notwithstanding paragraph (2), except as provided in subparagraph (B), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) as of the date of enactment of the SAFETEA-LU, the boundaries of the metropolitan planning area in existence as of such date of enactment shall be retained.

(B) **EXCEPTION.**—The boundaries described in subparagraph (A) may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (d)(6).

(5) **NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.**—In the case of an urbanized area designated after the date of enactment of the SAFETEA-LU, as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

(A) shall be established in the manner described in subsection (d)(1);

(B) shall encompass the areas described in paragraph (2)(A);

(C) may encompass the areas described in paragraph (2)(B); and

(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.

(f) **COORDINATION IN MULTISTATE AREAS.**—

(1) **IN GENERAL.**—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

(2) **INTERSTATE COMPACTS.**—The consent of Congress is granted to any 2 or more States—

(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

(3) **RESERVATION OF RIGHTS.**—The right to alter, amend, or repeal interstate compacts entered into under this subsection is expressly reserved.

(g) **MPO CONSULTATION IN PLAN AND TIP COORDINATION.**—

(1) **NONATTAINMENT AREAS.**—If more than 1 metropolitan planning organization has authority within an urbanized area (as defined by the Bureau of the Census) or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), each metropolitan planning organization shall consult with the other metropolitan planning organizations

designated for such area and the State in the coordination of plans and TIPs required by this section.

(2) **TRANSPORTATION IMPROVEMENTS LOCATED IN MULTIPLE MPOS.**—If a transportation improvement, funded from the Highway Trust Fund or authorized under chapter 53 of title 49, is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans and TIPs regarding the transportation improvement.

(3) **RELATIONSHIP WITH OTHER PLANNING OFFICIALS.**—

(A) **IN GENERAL.**—The Secretary shall encourage each metropolitan planning organization to consult with officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, housing, tourism, natural disaster risk reduction, environmental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities.

(B) **REQUIREMENTS.**—Under the metropolitan planning process, transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the metropolitan area that are provided by—

(i) recipients of assistance under chapter 53 of title 49;

(ii) governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services; and

(iii) recipients of assistance under section 204.

(4) **COORDINATION BETWEEN MPOS.**—If more than 1 metropolitan planning organization is designated within an urbanized area (as defined by the Bureau of the Census) under subsection (d)(7), the metropolitan planning organizations designated within the area shall ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting travel demand.

(5) **SAVINGS CLAUSE.**—Nothing in this subsection requires metropolitan planning organizations designated within a single urbanized area to jointly develop planning documents, including a unified long-range transportation plan or unified TIP.

(h) **SCOPE OF PLANNING PROCESS.**—

(1) **IN GENERAL.**—The metropolitan planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will—

(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

(B) increase the safety of the transportation system for motorized and non-motorized users;

(C) increase the security of the transportation system for motorized and non-motorized users;

(D) increase the accessibility and mobility of people and for freight;

(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth, housing, and economic development patterns;

(F) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

(G) promote efficient system management and operation;

(H) emphasize the preservation of the existing transportation system;

(I) improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and

(J) enhance travel and tourism.

(2) **PERFORMANCE-BASED APPROACH.**—

(A) **IN GENERAL.**—The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in section 150(b) of this title and the general purposes described in section 5301 of title 49.

(B) **PERFORMANCE TARGETS.**—

(i) **SURFACE TRANSPORTATION PERFORMANCE TARGETS.**—

(I) **IN GENERAL.**—Each metropolitan planning organization shall establish performance targets that address the performance measures described in section 150(c), where applicable, to use in tracking progress towards attainment of critical outcomes for the region of the metropolitan planning organization.

(II) **COORDINATION.**—Selection of performance targets by a metropolitan planning organization shall be coordinated with the relevant State to ensure consistency, to the maximum extent practicable.

(ii) **PUBLIC TRANSPORTATION PERFORMANCE TARGETS.**—Selection of performance targets by a metropolitan planning organization shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d) of title 49.

(C) **TIMING.**—Each metropolitan planning organization shall establish the performance targets under subparagraph (B) not later than 180 days after the date on which the relevant State or provider of public transportation establishes the performance targets.

(D) **INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.**—A metropolitan planning or-

organization shall integrate in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans developed under chapter 53 of title 49 by providers of public transportation, required as part of a performance-based program.

(3) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraphs (1) and (2) shall not be reviewable by any court under this title or chapter 53 of title 49, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a TIP, a project or strategy, or the certification of a planning process.

(i) DEVELOPMENT OF TRANSPORTATION PLAN.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Each metropolitan planning organization shall prepare and update a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection.

(B) FREQUENCY.—

(i) IN GENERAL.—The metropolitan planning organization shall prepare and update such plan every 4 years (or more frequently, if the metropolitan planning organization elects to update more frequently) in the case of each of the following:

(I) Any area designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

(II) Any area that was nonattainment and subsequently designated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)) and that is subject to a maintenance plan under section 175A of that Act (42 U.S.C. 7505a).

(ii) OTHER AREAS.—In the case of any other area required to have a transportation plan in accordance with the requirements of this subsection, the metropolitan planning organization shall prepare and update such plan every 5 years unless the metropolitan planning organization elects to update more frequently.

(2) TRANSPORTATION PLAN.—A transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:

(A) IDENTIFICATION OF TRANSPORTATION FACILITIES.—

(i) IN GENERAL.—An identification of transportation facilities (including major roadways, public transportation facilities, intercity bus facilities, multimodal and intermodal facilities, nonmotorized transportation 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.

(ii) FACTORS.—In formulating the transportation plan, the metropolitan planning

organization shall consider factors described in subsection (h) as the factors relate to a 20-year forecast period.

(B) PERFORMANCE MEASURES AND TARGETS.—A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with subsection (h)(2).

(C) SYSTEM PERFORMANCE REPORT.—A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in subsection (h)(2), including—

(i) progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports; and

(ii) for metropolitan planning organizations that voluntarily elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.

(D) MITIGATION ACTIVITIES.—

(i) IN GENERAL.—A long-range transportation plan shall include a discussion of types 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 plan.

(ii) CONSULTATION.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

(E) FINANCIAL PLAN.—

(i) IN GENERAL.—A financial plan that—

(I) demonstrates how the adopted transportation plan can be implemented;

(II) indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan; and

(III) recommends any additional financing strategies for needed projects and programs.

(ii) INCLUSIONS.—The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

(iii) COOPERATIVE DEVELOPMENT.—For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

(F) OPERATIONAL AND MANAGEMENT STRATEGIES.—Operational and management strate-

gies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.

(G) CAPITAL INVESTMENT AND OTHER STRATEGIES.—Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure, provide for multimodal capacity increases based on regional priorities and needs, and reduce the vulnerability of the existing transportation infrastructure to natural disasters.

(H) TRANSPORTATION AND TRANSIT ENHANCEMENT ACTIVITIES.—Proposed transportation and transit enhancement activities including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated.

(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas that are in non-attainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by that Act.

(4) OPTIONAL SCENARIO DEVELOPMENT.—

(A) IN GENERAL.—A metropolitan planning organization may, while fitting the needs and complexity of its community, voluntarily elect to develop multiple scenarios for consideration as part of the development of the metropolitan transportation plan, in accordance with subparagraph (B).

(B) RECOMMENDED COMPONENTS.—A metropolitan planning organization that chooses to develop multiple scenarios under subparagraph (A) shall be encouraged to consider—

- (i) potential regional investment strategies for the planning horizon;
- (ii) assumed distribution of population and employment;
- (iii) assumed distribution of population and housing;
- (iv) a scenario that, to the maximum extent practicable, maintains baseline conditions for the performance measures identified in subsection (h)(2);
- (v) a scenario that improves the baseline conditions for as many of the performance measures identified in subsection (h)(2) as possible;
- (vi) revenue constrained scenarios based on the total revenues expected to be available over the forecast period of the plan; and
- (vii) estimated costs and potential revenues available to support each scenario.

(C) METRICS.—In addition to the performance measures identified in section 150(c), metropolitan planning organizations may evaluate scenarios developed under this paragraph using locally-developed measures.

(5) CONSULTATION.—

(A) IN GENERAL.—In each metropolitan area, the metropolitan planning organization 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 a long-range transportation plan.

(B) ISSUES.—The consultation shall involve, as appropriate—

- (i) comparison of transportation plans with State conservation plans or maps, if available; or
- (ii) comparison of transportation plans to inventories of natural or historic resources, if available.

(6) PARTICIPATION BY INTERESTED PARTIES.—

(A) IN GENERAL.—Each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, affordable housing organizations, and other interested parties with a reasonable opportunity to comment on the transportation plan.

(B) CONTENTS OF PARTICIPATION PLAN.—A participation plan—

- (i) shall be developed in consultation with all interested parties; and
- (ii) shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan.

(C) METHODS.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

- (i) hold any public meetings at convenient and accessible locations and times;
- (ii) employ visualization techniques to describe plans; and
- (iii) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

(D) USE OF TECHNOLOGY.—A metropolitan planning organization may use social media and other web-based tools—

- (i) to further encourage public participation; and
- (ii) to solicit public feedback during the transportation planning process.

(7) PUBLICATION.—A transportation plan involving Federal participation shall be published or otherwise made readily available by

the metropolitan planning organization for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, approved by the metropolitan planning organization and submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

(8) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2)(E), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(E).

(j) METROPOLITAN TIP.—

(1) DEVELOPMENT.—

(A) IN GENERAL.—In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the metropolitan planning area that—

- (i) contains projects consistent with the current metropolitan transportation plan;
- (ii) reflects the investment priorities established in the current metropolitan transportation plan; and
- (iii) once implemented, is designed to make progress toward achieving the performance targets established under subsection (h)(2).

(B) OPPORTUNITY FOR COMMENT.—In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

(C) FUNDING ESTIMATES.—For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

(D) UPDATING AND APPROVAL.—The TIP shall be—

- (i) updated at least once every 4 years; and
- (ii) approved by the metropolitan planning organization and the Governor.

(2) CONTENTS.—

(A) PRIORITY LIST.—The TIP shall include a priority list of proposed Federally supported projects and strategies to be carried out within each 4-year period after the initial adoption of the TIP.

(B) FINANCIAL PLAN.—The TIP shall include a financial plan that—

- (i) demonstrates how the TIP can be implemented;
- (ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;
- (iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

(iv) may include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

(C) DESCRIPTIONS.—Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project.

(D) PERFORMANCE TARGET ACHIEVEMENT.—The transportation improvement program shall include, to the maximum extent practicable, a description of the anticipated effect of the transportation improvement program toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to those performance targets.

(3) INCLUDED PROJECTS.—

(A) PROJECTS UNDER THIS TITLE AND CHAPTER 53 OF TITLE 49.—A TIP developed under this subsection for a metropolitan area shall include the projects within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.

(B) PROJECTS UNDER CHAPTER 2.—

(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (i) for the area.

(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project or the identified phase within the time period contemplated for completion of the project or the identified phase.

(4) NOTICE AND COMMENT.—Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

(5) SELECTION OF PROJECTS.—

(A) IN GENERAL.—Except as otherwise provided in subsection (k)(4) and in addition to the TIP development required under paragraph (1), the selection of Federally funded projects in metropolitan areas shall be carried out, from the approved TIP—

(i) by—

(I) in the case of projects under this title, the State; and

(II) in the case of projects under chapter 53 of title 49, the designated recipi-

ents of public transportation funding; and

(ii) in cooperation with the metropolitan planning organization.

(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.

(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

(A) NO REQUIRED SELECTION.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.

(7) PUBLICATION.—

(A) PUBLICATION OF TIPS.—A TIP involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—

(i) IN GENERAL.—An annual listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the cooperative effort of the State, transit operator, and metropolitan planning organization for public review.

(ii) REQUIREMENT.—The listing shall be consistent with the categories identified in the TIP.

(k) TRANSPORTATION MANAGEMENT AREAS.—

(1) IDENTIFICATION AND DESIGNATION.—

(A) REQUIRED IDENTIFICATION.—The Secretary shall identify as a transportation management area each urbanized area (as defined by the Bureau of the Census) with a population of over 200,000 individuals.

(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

(2) TRANSPORTATION PLANS.—In a transportation management area, transportation plans shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transportation operators.

(3) CONGESTION MANAGEMENT PROCESS.—

(A) IN GENERAL.—Within a metropolitan planning area serving a transportation man-

agement area, the transportation planning process under this section shall address congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49 through the use of travel demand reduction (including intercity bus operators, employer-based commuting programs such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), job access projects, and operational management strategies.

(B) SCHEDULE.—The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section but no sooner than 1 year after the identification of a transportation management area.

(C) CONGESTION MANAGEMENT PLAN.—A metropolitan planning organization serving a transportation management area may develop a plan that includes projects and strategies that will be considered in the TIP of such metropolitan planning organization. Such plan shall—

(i) develop regional goals to reduce vehicle miles traveled during peak commuting hours and improve transportation connections between areas with high job concentration and areas with high concentrations of low-income households;

(ii) identify existing public transportation services, employer-based commuter programs, and other existing transportation services that support access to jobs in the region; and

(iii) identify proposed projects and programs to reduce congestion and increase job access opportunities.

(D) PARTICIPATION.—In developing the plan under subparagraph (C), a metropolitan planning organization shall consult with employers, private and nonprofit providers of public transportation, transportation management organizations, and organizations that provide job access reverse commute projects or job-related services to low-income individuals.

(4) HOUSING COORDINATION PROCESS.—

(A) IN GENERAL.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section may address the integration of housing, transportation, and economic development strategies through a process that provides for effective integration, based on a cooperatively developed and implemented strategy, of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49.

(B) COORDINATION IN INTEGRATED PLANNING PROCESS.—In carrying out the process described in subparagraph (A), a metropolitan planning organization may—

(i) consult with—

(I) State and local entities responsible for land use, economic development,

housing, management of road networks, or public transportation; and

(II) other appropriate public or private entities; and

(ii) coordinate, to the extent practicable, with applicable State and local entities to align the goals of the process with the goals of any comprehensive housing affordability strategies established within the metropolitan planning area pursuant to section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) and plans developed under section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1).

(C) HOUSING COORDINATION PLAN.—

(i) IN GENERAL.—A metropolitan planning organization serving a transportation management area may develop a housing coordination plan that includes projects and strategies that may be considered in the metropolitan transportation plan of the metropolitan planning organization.

(ii) CONTENTS.—A plan described in clause (i) may—

(I) develop regional goals for the integration of housing, transportation, and economic development strategies to—

(aa) better connect housing and employment while mitigating commuting times;

(bb) align transportation improvements with housing needs, such as housing supply shortages, and proposed housing development;

(cc) align planning for housing and transportation to address needs in relationship to household incomes within the metropolitan planning area;

(dd) expand housing and economic development within the catchment areas of existing transportation facilities and public transportation services when appropriate, including higher-density development, as locally determined;

(ee) manage effects of growth of vehicle miles traveled experienced in the metropolitan planning area related to housing development and economic development;

(ff) increase share of households with sufficient and affordable access to the transportation networks of the metropolitan planning area;

(II) identify the location of existing and planned housing and employment, and transportation options that connect housing and employment; and

(III) include a comparison of transportation plans to land use management plans, including zoning plans, that may affect road use, public transportation ridership, and housing development.

(5) SELECTION OF PROJECTS.—

(A) IN GENERAL.—All Federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under this

title (excluding projects carried out on the National Highway System) or under chapter 53 of title 49 shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator.

(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a metropolitan planning area serving a transportation management area on the National Highway System shall be selected for implementation from the approved TIP by the State in cooperation with the metropolitan planning organization designated for the area.

(6) CERTIFICATION.—

(A) IN GENERAL.—The Secretary shall—

(i) ensure that the metropolitan planning process of a metropolitan planning organization serving a transportation management area is being carried out in accordance with applicable provisions of Federal law; and

(ii) subject to subparagraph (B), certify, not less often than once every 4 years, that the requirements of this paragraph are met with respect to the metropolitan planning process.

(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

(ii) there is a TIP for the metropolitan planning area that has been approved by the metropolitan planning organization and the Governor.

(C) EFFECT OF FAILURE TO CERTIFY.—

(i) WITHHOLDING OF PROJECT FUNDS.—If a metropolitan planning process of a metropolitan planning organization serving a transportation management area is not certified, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization for projects funded under this title and chapter 53 of title 49.

(ii) RESTORATION OF WITHHELD FUNDS.—The withheld funds shall be restored to the metropolitan planning area at such time as the metropolitan planning process is certified by the Secretary.

(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

(7) REPORT ON PERFORMANCE-BASED PLANNING PROCESSES.—

(I) IN GENERAL.—The Secretary shall submit to Congress a report on the effectiveness of the performance-based planning processes of metropolitan planning organizations under this section, taking into consideration the requirements of this subsection.

(2) REPORT.—Not later than 5 years after the date of enactment of the MAP-21, the Secretary shall submit to Congress a report evaluating—

(A) the overall effectiveness of performance-based planning as a tool for guiding transportation investments;

(B) the effectiveness of the performance-based planning process of each metropolitan planning organization under this section;

(C) the extent to which metropolitan planning organizations have achieved, or are currently making substantial progress toward achieving, the performance targets specified under this section and whether metropolitan planning organizations are developing meaningful performance targets; and

(D) the technical capacity of metropolitan planning organizations that operate within a metropolitan planning area with a population of 200,000 or less and their ability to carry out the requirements of this section.

(3) PUBLICATION.—The report under paragraph (2) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.

(m) ABBREVIATED PLANS FOR CERTAIN AREAS.—

(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated transportation plan and TIP for the metropolitan planning area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or TIPs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

(n) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

(1) IN GENERAL.—Notwithstanding any other provisions of this title or chapter 53 of title 49, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), Federal funds may not be advanced in such area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles unless the project is addressed through a congestion management process.

(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (e).

(o) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this title or chapter 53 of title 49.

(p) FUNDING.—Funds apportioned under section 104(b)(6) or section 5305(g) of title 49 shall be available to carry out this section.

(q) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and TIPs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in plans and TIPs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and TIPs described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a plan or TIP described in this section shall not be considered to be a Federal action subject to review under that Act.

(r) BI-STATE METROPOLITAN PLANNING ORGANIZATION.—

(1) DEFINITION OF BI-STATE MPO REGION.—In this subsection, the term “Bi-State MPO Region” has the meaning given the term “region” in subsection (a) of Article II of the Lake Tahoe Regional Planning Compact (Public Law 96-551; 94 Stat. 3234).

(2) TREATMENT.—For the purpose of this title, the Bi-State MPO Region shall be treated as—

(A) a metropolitan planning organization;

(B) a transportation management area under subsection (k); and

(C) an urbanized area, which is comprised of a population of 145,000 in the State of California and a population of 65,000 in the State of Nevada.

(3) SUBALLOCATED FUNDING.—

(A) PLANNING.—In determining the amounts under subparagraph (A) of section 133(d)(1) that shall be obligated for a fiscal year in the States of California and Nevada under clauses (i), (ii), and (iii) of that subparagraph, the Secretary shall, for each of those States—

(i) calculate the population under each of those clauses;

(ii) decrease the amount under section 133(d)(1)(A)(iii) by the population specified in paragraph (2) of this subsection for the Bi-State MPO Region in that State; and

(iii) increase the amount under section 133(d)(1)(A)(i) by the population specified in paragraph (2) of this subsection for the Bi-State MPO Region in that State.

(B) STBGP SET ASIDE.—In determining the amounts under paragraph (2) of section 133(h) that shall be obligated for a fiscal year in the States of California and Nevada, the Secretary shall, for the purpose of that subsection, calculate the populations for each of those States in a manner consistent with subparagraph (A).

(Added Pub. L. 87-866, §9(a), Oct. 23, 1962, 76 Stat. 1148; amended Pub. L. 91-605, title I, §143, Dec. 31, 1970, 84 Stat. 1737; Pub. L. 95-599, title I, §169, Nov. 6, 1978, 92 Stat. 2723; Pub. L. 102-240, title I, §1024(a), Dec. 18, 1991, 105 Stat. 1955; Pub. L. 102-388, title V, §502(b), Oct. 6, 1992, 106 Stat. 1566; Pub. L. 103-429, §3(5), Oct. 31, 1994, 108 Stat. 4377; Pub. L. 104-59, title III, §317, Nov. 28, 1995, 109 Stat. 588; Pub. L. 105-178, title I, §1203(a)-(m), (o), June 9, 1998, 112 Stat. 170-179; Pub. L. 105-206, title IX, §9003(c), July 22, 1998, 112 Stat. 839; Pub. L. 109-59, title VI, §6001(a), Aug. 10, 2005, 119

Stat. 1839; Pub. L. 110-244, title I, §101(n), June 6, 2008, 122 Stat. 1576; Pub. L. 112-141, div. A, title I, §1201(a), July 6, 2012, 126 Stat. 500; Pub. L. 114-94, div. A, title I, §1201, Dec. 4, 2015, 129 Stat. 1371; Pub. L. 117-58, div. A, title I, §11201(a), (d), Nov. 15, 2021, 135 Stat. 516, 517.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of MAP-21, referred to in subsecs. (d)(2) and (l)(2), is deemed to be Oct. 1, 2012, see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of this title.

The Clean Air Act, referred to in subsecs. (e)(4)(A), (5)(D), (g)(1), (i)(3), (m)(2), and (n)(1), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

The date of enactment of the SAFETEA-LU, referred to in subsec. (e)(4)(A), (5), is the date of enactment of Pub. L. 109-59, which was approved Aug. 10, 2005.

The National Environmental Policy Act of 1969, referred to in subsec. (q), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

2021—Subsec. (a)(1). Pub. L. 117-58, §11201(d)(1), inserted “better connect housing and employment,” after “urbanized areas”.

Subsec. (d)(3)(D). Pub. L. 117-58, §11201(a)(1)(A), added subpar. (D).

Subsec. (d)(7). Pub. L. 117-58, §11201(a)(1)(B), substituted “an existing urbanized area (as defined by the Bureau of the Census)” for “an existing metropolitan planning area” and “the area” for “the existing metropolitan planning area”.

Subsec. (g)(1). Pub. L. 117-58, §11201(a)(2)(A), substituted “an urbanized area (as defined by the Bureau of the Census)” for “a metropolitan area”.

Subsec. (g)(3)(A). Pub. L. 117-58, §11201(d)(2), inserted “housing,” after “economic development.”

Subsec. (g)(4), (5). Pub. L. 117-58, §11201(a)(2)(B), added pars. (4) and (5).

Subsec. (h)(1)(E). Pub. L. 117-58, §11201(d)(3), inserted “, housing,” after “growth”.

Subsec. (i)(4)(B)(iii) to (vii). Pub. L. 117-58, §11201(d)(4)(A), added cl. (iii) and redesignated former cls. (iii) to (vi) as (iv) to (vii), respectively.

Subsec. (i)(6)(A). Pub. L. 117-58, §11201(d)(4)(B), inserted “affordable housing organizations,” after “disabled.”

Subsec. (i)(6)(D). Pub. L. 117-58, §11201(a)(3), added subpar. (D).

Subsec. (k)(4) to (6). Pub. L. 117-58, §11201(d)(5), added par. (4) and redesignated former pars. (4) and (5) as (5) and (6), respectively.

Subsec. (p). Pub. L. 117-58, §11201(a)(4), substituted “section 104(b)(6)” for “paragraphs (5)(D) and (6) of section 104(b) of this title”.

2015—Subsec. (a)(1). Pub. L. 114-94, §1201(1), substituted “people and freight,” for “people and freight and” and inserted “and take into consideration resiliency needs” after “urbanized areas.”

Subsec. (c)(2). Pub. L. 114-94, §1201(2), substituted “, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers” for “and bicycle transportation facilities”.

Subsec. (d)(3), (4). Pub. L. 114-94, §1201(3)(A), (B), added par. (3) and redesignated former par. (3) as (4). Former par. (4) redesignated (5).

Subsec. (d)(5). Pub. L. 114-94, §1201(A), (C), redesignated par. (4) as (5) and substituted “paragraph (6)” for “paragraph (5)”. Former par. (5) redesignated (6).

Subsec. (d)(6), (7). Pub. L. 114-94, §1201(3)(A), redesignated pars. (5) and (6) as (6) and (7), respectively.

Subsec. (e)(4)(B). Pub. L. 114-94, §1201(4), substituted “subsection (d)(6)” for “subsection (d)(5)”.

Subsec. (g)(3)(A). Pub. L. 114-94, §1201(5), inserted “tourism, natural disaster risk reduction,” after “economic development,”.

Subsec. (h)(1)(I), (J). Pub. L. 114-94, §1201(6)(A), added subpars. (I) and (J).

Subsec. (h)(2)(A). Pub. L. 114-94, §1201(6)(B), substituted “and the general purposes described in section 5301 of title 49” for “and in section 5301(c) of title 49”.

Subsec. (i)(2)(A)(i). Pub. L. 114-94, §1201(7)(A)(i), substituted “public transportation facilities, intercity bus facilities,” for “transit.”.

Subsec. (i)(2)(G). Pub. L. 114-94, §1201(7)(A)(ii), substituted “, provide” for “and provide” and inserted “, and reduce the vulnerability of the existing transportation infrastructure to natural disasters” before period at end.

Subsec. (i)(2)(H). Pub. L. 114-94, §1201(7)(A)(iii), inserted before period at end “including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated”.

Subsec. (i)(6)(A). Pub. L. 114-94, §1201(7)(B), inserted “public ports,” before “freight shippers,” and “(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)” after “private providers of transportation”.

Subsec. (i)(8). Pub. L. 114-94, §1201(7)(C), substituted “paragraph (2)(E)” for “paragraph (2)(C)” in two places.

Subsec. (k)(3)(A). Pub. L. 114-94, §1201(8)(A), inserted “(including intercity bus operators, employer-based commuting programs such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), job access projects,” after “reduction”.

Subsec. (k)(3)(C), (D). Pub. L. 114-94, §1201(8)(B), added subpars. (C) and (D).

Subsec. (l)(1). Pub. L. 114-94, §1201(9)(A), inserted period at end.

Subsec. (l)(2)(D). Pub. L. 114-94, §1201(9)(B), substituted “with a population of 200,000 or less” for “of less than 200,000”.

Subsec. (n)(1). Pub. L. 114-94, §1201(10), inserted “49” after “chapter 53 of title”.

Subsec. (p). Pub. L. 114-94, §1201(11), substituted “Funds apportioned under paragraphs (5)(D) and (6) of section 104(b)” for “Funds set aside under section 104(f)”.

Subsec. (r). Pub. L. 114-94, §1201(12), added subsec. (r).

2012—Pub. L. 112-141 amended section generally. Prior to amendment, section related to metropolitan transportation planning and consisted of subsecs. (a) to (p).

2008—Subsec. (f)(3)(C)(ii)(II). Pub. L. 110-244, §101(n)(1), added subcl. (II) and struck out former subcl. (II). Prior to amendment, text read as follows: “In addition to funds made available to the metropolitan planning organization for the Lake Tahoe region under other provisions of this title and under chapter 53 of title 49, 1 percent of the funds allocated under section 202 shall be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.”

Subsec. (j)(3)(D). Pub. L. 110-244, §101(n)(2), inserted “or the identified phase” after “the project” in two places.

Subsec. (k)(2). Pub. L. 110-244, §101(n)(3), struck out “a metropolitan planning area serving” before “a transportation management area.”.

2005—Pub. L. 109-59 amended section catchline and text generally, substituting provisions relating to met-

ropolitan transportation planning for provisions relating to, in subsec. (a), general requirements for development of transportation plans and programs for urbanized areas, in subsec. (b), designation of metropolitan planning organizations, in subsec. (c), determination of metropolitan planning area boundaries, in subsec. (d), coordination of transportation planning in multistate metropolitan areas, in subsec. (e), coordination of metropolitan planning organizations, in subsec. (f), scope of the planning process, in subsec. (g), development of a long-range transportation plan, in subsec. (h), development of a metropolitan area transportation improvement program, in subsec. (i), designation of transportation management areas, in subsec. (j), abbreviated plans and programs for areas not designated as transportation management areas, in subsec. (k), transfer of funds, in subsec. (l), additional requirements for non-attainment areas under the Clean Air Act, in subsec. (m), limitation on statutory construction, in subsec. (n), funding, and in subsec. (o), review of plans and programs under the National Environmental Policy Act of 1969.

1998—Subsec. (a). Pub. L. 105-178, §1203(a), reenacted heading without change and amended text of subsec. (a) generally. Prior to amendment, text read as follows: "It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities) which will function as an intermodal transportation system for the State, the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems."

Subsec. (b)(1), (2). Pub. L. 105-178, §1203(b)(1), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

"(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area of more than 50,000 population by agreement among the Governor and units of general purpose local government which together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) or in accordance with procedures established by applicable State or local law.

"(2) MEMBERSHIP OF CERTAIN MPO'S.—In a metropolitan area designated as a transportation management area, the metropolitan planning organization designated for such area shall include local elected officials, officials of agencies which administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization on June 1, 1991) and appropriate State officials. This paragraph shall only apply to a metropolitan planning organization which is redesignated after the date of the enactment of this section."

Subsec. (b)(4). Pub. L. 105-178, §1203(b)(2), reenacted heading without change and amended text of par. (4) generally. Prior to amendment, text read as follows: "Designations of metropolitan planning organizations, whether made under this section or other provisions of law, shall remain in effect until redesignated under paragraph (5) or revoked by agreement among the Governor and units of general purpose local government which together represent at least 75 percent of the affected population or as otherwise provided under State or local procedures."

Subsec. (b)(5)(A). Pub. L. 105-178, §1203(b)(3), substituted "agreement between the Governor" for "agreement among the Governor" and "government that together represent" for "government which together represent".

Subsec. (b)(6). Pub. L. 105-178, §1203(b)(4), amended heading and text of par. (6) generally. Prior to amendment, text read as follows: "More than 1 metropolitan planning organization may be designated within an urbanized area as defined by the Bureau of the Census only if the Governor determines that the size and complexity of the urbanized area make designation of more than 1 metropolitan planning organization for such area appropriate."

Subsec. (c). Pub. L. 105-178, §1203(c), inserted "Planning" before "Area" in subsec. heading, designated first sentence as par. (1), inserted par. heading, and inserted "planning" before "area", added pars. (2) to (4), realigned margins, and struck out at end "Each metropolitan area shall cover at least the existing urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period and may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census. For areas designated as nonattainment areas for ozone or carbon monoxide under the Clean Air Act, the boundaries of the metropolitan area shall at least include the boundaries of the nonattainment area, except as otherwise provided by agreement between the metropolitan planning organization and the Governor."

Subsec. (d). Pub. L. 105-178, §1203(d), reenacted heading without change and amended text of subsec. (d) generally. Prior to amendment, text read as follows:

"(1) IN GENERAL.—The Secretary shall establish such requirements as the Secretary considers appropriate to encourage Governors and metropolitan planning organizations with responsibility for a portion of a multi-State metropolitan area to provide coordinated transportation planning for the entire metropolitan area.

"(2) COMPACTS.—The consent of Congress is hereby given to any 2 or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as such activities pertain to interstate areas and localities within such States and to establish such agencies, joint or otherwise, as such States may deem desirable for making such agreements and compacts effective."

Subsec. (e). Pub. L. 105-178, §1203(e), substituted "MPOs" for "MPO's" in subsec. heading, designated existing provisions as par. (1) and inserted par. heading, added par. (2), and realigned margins.

Subsec. (f). Pub. L. 105-178, §1203(f), amended heading and text of subsec. (f) generally, substituting provisions relating to scope of planning process for provisions relating to factors to be considered in developing transportation plans and programs.

Subsec. (g). Pub. L. 105-178, §1203(g)(6), substituted "Long-Range Transportation Plan" for "Long Range Plan" in heading.

Subsec. (g)(1). Pub. L. 105-178, §1203(g)(8), substituted "long-range transportation plan" for "long range plan".

Subsec. (g)(2). Pub. L. 105-178, §1203(g)(1), (7), (8), substituted "Long-range transportation plan" for "Long range plan" in heading and substituted "long-range transportation plan" for "long range plan" and "contain, at a minimum, the following" for "at a minimum" in introductory provisions.

Subsec. (g)(2)(A). Pub. L. 105-178, §1203(g)(2), (8), substituted "An identification of" for "Identify" and "long-range transportation plan" for "long range plan".

Subsec. (g)(2)(B). Pub. L. 105-178, §1203(g)(3), added subpar. (B) and struck out former subpar. (B) which read as follows: "Include a financial plan that demonstrates how the long-range plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to

carry out the plan, and recommends any innovative financing techniques to finance needed projects and programs, including such techniques as value capture, tolls and congestion pricing.”

Subsec. (g)(3). Pub. L. 105-178, §1203(g)(8), substituted “long-range transportation plan” for “long range plan”.

Subsec. (g)(4). Pub. L. 105-178, §1203(g)(4), (8), substituted “long-range transportation plan” for “long range plan” in two places and inserted “freight shippers, providers of freight transportation services,” after “transportation agency employees,” and “representatives of users of public transit,” after “private providers of transportation.”

Subsec. (g)(5). Pub. L. 105-178, §1203(g)(7), (8), substituted “long-range transportation plan” for “long range plan” in heading and in introductory provisions.

Subsec. (g)(6). Pub. L. 105-178, §1203(g)(5), added par. (6).

Subsec. (h). Pub. L. 105-178, §1203(h), amended heading and text of subsec. (h) generally. Prior to amendment, text related to transportation improvement program, providing for development of program, priority and selection of projects, major capital investments, requirement of inclusion of projects within area proposed for funding, and provision of reasonable notice and opportunity to comment for interested citizens.

Subsec. (h)(5)(A). Pub. L. 105-178, §1203(o), as added by Pub. L. 105-206, §9003(c), struck out “for implementation” after “federally funded projects” in introductory provisions.

Subsec. (i)(1). Pub. L. 105-178, §1203(i)(1), reenacted heading without change and amended text of par. (1) generally. Prior to amendment, text read as follows: “The Secretary shall designate as transportation management areas all urbanized areas over 200,000 population. The Secretary shall designate any additional area as a transportation management area upon the request of the Governor and the metropolitan planning organization designated for such area or the affected local officials. Such additional areas shall include upon such a request the Lake Tahoe Basin as defined by Public Law 96-551.”

Subsec. (i)(4). Pub. L. 105-178, §1203(i)(2), reenacted heading without change and amended text of par. (4) generally. Prior to amendment, text read as follows: “All projects carried out within the boundaries of a transportation management area with Federal participation pursuant to this title (excluding projects undertaken on the National Highway System and pursuant to the bridge and Interstate maintenance programs) or pursuant to chapter 53 of title 49 shall be selected by the metropolitan planning organization designated for such area in consultation with the State and in conformance with the transportation improvement program for such area and priorities established therein. Projects undertaken within the boundaries of a transportation management area on the National Highway System or pursuant to the bridge and Interstate maintenance programs shall be selected by the State in cooperation with the metropolitan planning organization designated for such area and shall be in conformance with the transportation improvement program for such area.”

Subsec. (i)(5). Pub. L. 105-178, §1203(i)(3), reenacted heading without change and amended text of par. (5) generally. Prior to amendment, text read as follows: “The Secretary shall assure that each metropolitan planning organization in each transportation management area is carrying out its responsibilities under applicable provisions of Federal law, and shall so certify at least once every 3 years. The Secretary may make such certification only if (1) a metropolitan planning organization is complying with the requirements of this section and other applicable requirements of Federal law, and (2) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor. If after September 30, 1993, a metropolitan planning organization is not certified by the Secretary, the Sec-

retary may withhold, in whole or in part, the apportionment under section 104(b)(3) attributed to the relevant metropolitan area pursuant to section 133(d)(3) and capital funds apportioned under the formula program under section 5336 of title 49. If a metropolitan planning organization remains uncertified for more than 2 consecutive years after September 30, 1994, 20 percent of the apportionment attributed to that metropolitan area under section 133(d)(3) and capital funds apportioned under the formula program under section 5336 of title 49 shall be withheld. The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary. The Secretary shall not withhold certification under this section based upon the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 5306(a) of title 49.”

Subsec. (j). Pub. L. 105-178, §1203(j), reenacted heading without change and amended text of subsec. (j) generally. Prior to amendment, text read as follows: “For metropolitan areas not designated as transportation management areas under this section, the Secretary may provide for the development of abbreviated metropolitan transportation plans and programs that the Secretary determines to be appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems, including transportation related air quality problems, in such areas. In no event shall the Secretary provide abbreviated plans or programs for metropolitan areas which are in non-attainment for ozone or carbon monoxide under the Clean Air Act.”

Subsec. (l). Pub. L. 105-178, §1203(k), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (n). Pub. L. 105-178, §1203(l), amended heading and text of subsec. (n) generally. Prior to amendment, text read as follows: “Any funds set aside pursuant to section 104(f) of this title that are not used for the purpose of carrying out this section may be made available by the metropolitan planning organization to the State for the purpose of funding activities under section 135.”

Subsec. (o). Pub. L. 105-178, §1203(m), added subsec. (o).

1995—Subsec. (f)(16). Pub. L. 104-59 added par. (16).

1994—Subsecs. (h)(5), (i)(3), (4). Pub. L. 103-429, §3(5)(A), substituted “chapter 53 of title 49” for “the Federal Transit Act”.

Subsec. (i)(5). Pub. L. 103-429, §3(5)(B), substituted “section 5336 of title 49” for “section 9 of the Federal Transit Act” in two places and “section 5306(a) of title 49” for “section 8(o) of the Federal Transit Act”.

Subsec. (k). Pub. L. 103-429, §3(5)(C), (D), substituted “chapter 53 of title 49” for “the Federal Transit Act” wherever appearing and “chapter 53 funds” for “Federal Transit Act funds”.

Subsecs. (l), (m). Pub. L. 103-429, §3(5)(C), substituted “chapter 53 of title 49” for “the Federal Transit Act”.

1992—Subsec. (k). Pub. L. 102-388 inserted at end “The provisions of title 23, United States Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects.”

1991—Pub. L. 102-240 substituted section catchline for one which read: “Transportation planning in certain urban areas” and amended text generally, substituting present provisions for provisions relating to transportation planning in certain urban areas, including provisions stating transportation objectives, requiring continuing comprehensive planning process by States and local communities, and relating to redesignation of metropolitan planning organizations, designation of contiguous interstate areas as critical transportation regions and corridors, establishment of planning bodies for such regions and corridors, and authorization of appropriations.

1978—Subsec. (a). Pub. L. 95-599, §169(a), inserted provisions related to cooperation with local officials and specific considerations in the planning process.

Subsecs. (b), (c). Pub. L. 95-599, § 169(b), added subsec. (b) and redesignated former subsec. (b) as (c).

1970—Pub. L. 91-605 designated existing provisions as subsec. (a), inserted provision prohibiting a highway construction project in any urban area of 50,000 or more population unless responsible public officials of such area have been consulted and their views considered with respect to the corridor, the location, and the design of the project, and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-58 effective Oct. 1, 2021, see section 10003 of Pub. L. 117-58, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, and provisions of Pub. L. 105-178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105-206 to be treated as not enacted, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

FISCAL CONSTRAINT ON LONG-RANGE TRANSPORTATION PLANS

Pub. L. 117-58, div. A, title I, § 11202, Nov. 15, 2021, 135 Stat. 519, provided that: “Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the Secretary [of Transportation] shall amend section 450.324(f)(11)(v) of title 23, Code of Federal Regulations, to ensure that the outer years of a metropolitan transportation plan are defined as ‘beyond the first 4 years.’”

PRIORITIZATION PROCESS PILOT PROGRAM

Pub. L. 117-58, div. A, title I, § 11204, Nov. 15, 2021, 135 Stat. 520, provided that:

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means any of the following:

“(A) A metropolitan planning organization that serves an area with a population of over 200,000.

“(B) A State.

“(2) METROPOLITAN PLANNING ORGANIZATION.—The term ‘metropolitan planning organization’ has the meaning given the term in section 134(b) of title 23, United States Code.

“(3) PRIORITIZATION PROCESS PILOT PROGRAM.—The term ‘prioritization process pilot program’ means the pilot program established under subsection (b)(1).

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary [of Transportation] shall establish and solicit applications for a prioritization process pilot program.

“(2) PURPOSE.—The purpose of the prioritization process pilot program shall be to support data-driven approaches to planning that, on completion, can be evaluated for public benefit.

“(c) PILOT PROGRAM ADMINISTRATION.—

“(1) IN GENERAL.—An eligible entity participating in the prioritization process pilot program shall—

“(A) use priority objectives that are developed—

“(i) in the case of an urbanized area with a population of over 200,000, by the metropolitan planning organization that serves the area, in consultation with the State;

“(ii) in the case of an urbanized area with a population of 200,000 or fewer, by the State in consultation with all metropolitan planning organizations in the State; and

“(iii) through a public process that provides an opportunity for public input;

“(B) assess and score projects and strategies on the basis of—

“(i) the contribution and benefits of the project or strategy to each priority objective developed under subparagraph (A);

“(ii) the cost of the project or strategy relative to the contribution and benefits assessed and scored under clause (i); and

“(iii) public support;

“(C) use the scores assigned under subparagraph (B) to guide project selection in the development of the transportation plan and transportation improvement program; and

“(D) ensure that the public—

“(i) has opportunities to provide public comment on projects before decisions are made on the transportation plan and the transportation improvement program; and

“(ii) has access to clear reasons why each project or strategy was selected or not selected.

“(2) REQUIREMENTS.—An eligible entity that receives a grant under the prioritization process pilot program shall use the funds as described in each of the following, as applicable:

“(A) METROPOLITAN TRANSPORTATION PLANNING.—In the case of a metropolitan planning organization that serves an area with a population of over 200,000, the entity shall—

“(i) develop and implement a publicly accessible, transparent prioritization process for the selection of projects for inclusion on the transportation plan for the metropolitan planning area under section 134(i) of title 23, United States Code, and section 5303(i) of title 49, United States Code, which shall—

“(I) include criteria identified by the metropolitan planning organization, which may be weighted to reflect the priority objectives developed under paragraph (1)(A), that the metropolitan planning organization has determined support—

“(aa) factors described in section 134(h) of title 23, United States Code, and section 5303(h) of title 49, United States Code;

“(bb) targets for national performance measures under section 150(b) of title 23, United States Code;

“(cc) applicable transportation goals in the metropolitan planning area or State set by the applicable transportation agency; and

“(dd) priority objectives developed under paragraph (1)(A);

“(II) evaluate the outcomes for each proposed project on the basis of the benefits of the proposed project with respect to each of the criteria described in subclause (I) relative to the cost of the proposed project; and

“(III) use the evaluation under subclause (II) to create a ranked list of proposed projects; and

“(ii) with respect to the priority list under section 134(j)(2)(A) of title 23 and section 5303(j)(2)(A) of title 49, United States Code, include projects

according to the rank of the project under clause (i)(III), except as provided in subparagraph (D).

“(B) STATEWIDE TRANSPORTATION PLANNING.—In the case of a State, the State shall—

“(i) develop and implement a publicly accessible, transparent process for the selection of projects for inclusion on the long-range statewide transportation plan under section 135(f) of title 23, United States Code, which shall—

“(I) include criteria identified by the State, which may be weighted to reflect statewide priorities, that the State has determined support—

“(aa) factors described in section 135(d) of title 23, United States Code, and section 5304(d) of title 49, United States Code;

“(bb) national transportation goals under section 150(b) of title 23, United States Code;

“(cc) applicable transportation goals in the State; and

“(dd) the priority objectives developed under paragraph (1)(A);

“(II) evaluate the outcomes for each proposed project on the basis of the benefits of the proposed project with respect to each of the criteria described in subclause (I) relative to the cost of the proposed project; and

“(III) use the evaluation under subclause (II) to create a ranked list of proposed projects; and

“(ii) with respect to the statewide transportation improvement program under section 135(g) of title 23, United States Code, and section 5304(g) of title 49, United States Code, include projects according to the rank of the project under clause (i)(III), except as provided in subparagraph (D).

“(C) ADDITIONAL TRANSPORTATION PLANNING.—If the eligible entity has implemented, and has in effect, the requirements under subparagraph (A) or (B), as applicable, the eligible entity may use any remaining funds from a grant provided under the pilot program for any transportation planning purpose.

“(D) EXCEPTIONS TO PRIORITY RANKING.—In the case of any project that the eligible entity chooses to include or not include in the transportation improvement program under section 134(j) of title 23, United States Code, or the statewide transportation improvement program under section 135(g) of title 23, United States Code, as applicable, in a manner that is contrary to the priority ranking for that project established under subparagraph (A)(i)(III) or (B)(i)(III), the eligible entity shall make publicly available an explanation for the decision, including—

“(i) a review of public comments regarding the project;

“(ii) an evaluation of public support for the project;

“(iii) an assessment of geographic balance of projects of the eligible entity; and

“(iv) the number of projects of the eligible entity in economically distressed areas.

“(3) MAXIMUM AMOUNT.—The maximum amount of a grant under the prioritization process pilot program is \$2,000,000.

“(d) APPLICATIONS.—To be eligible to participate in the prioritization process pilot program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.”

TRAVEL DEMAND DATA AND MODELING

Pub. L. 117–58, div. A, title I, §11205, Nov. 15, 2021, 135 Stat. 523, provided that:

“(a) DEFINITION OF METROPOLITAN PLANNING ORGANIZATION.—In this section, the term ‘metropolitan planning organization’ has the meaning given the term in section 134(b) of title 23, United States Code.

“(b) STUDY.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [Nov. 15, 2021], and not

less frequently than once every 5 years thereafter, the Secretary [of Transportation] shall carry out a study that—

“(A) gathers travel data and travel demand forecasts from a representative sample of States and metropolitan planning organizations;

“(B) uses the data and forecasts gathered under subparagraph (A) to compare travel demand forecasts with the observed data, including—

“(i) traffic counts;

“(ii) travel mode share and public transit ridership; and

“(iii) vehicle occupancy measures; and

“(C) uses the information described in subparagraphs (A) and (B)—

“(i) to develop best practices or guidance for States and metropolitan planning organizations to use in forecasting travel demand for future investments in transportation improvements;

“(ii) to evaluate the impact of transportation investments, including new roadway capacity, on travel behavior and travel demand, including public transportation ridership, induced highway travel, and congestion;

“(iii) to support more accurate travel demand forecasting by States and metropolitan planning organizations; and

“(iv) to enhance the capacity of States and metropolitan planning organizations—

“(I) to forecast travel demand; and

“(II) to track observed travel behavior responses, including induced travel, to changes in transportation capacity, pricing, and land use patterns.

“(2) SECRETARIAL SUPPORT.—The Secretary shall seek opportunities to support the transportation planning processes under sections 134 and 135 of title 23, United States Code, through the provision of data to States and metropolitan planning organizations to improve the quality of plans, models, and forecasts described in this subsection.

“(3) EVALUATION TOOL.—The Secretary shall develop a publicly available multimodal web-based tool for the purpose of enabling States and metropolitan planning organizations to evaluate the effect of investments in highway and public transportation projects on the use and conditions of all transportation assets within the State or area served by the metropolitan planning organization, as applicable.”

INCREASING SAFE AND ACCESSIBLE TRANSPORTATION OPTIONS

Pub. L. 117–58, div. A, title I, §11206, Nov. 15, 2021, 135 Stat. 524, provided that:

“(a) DEFINITION OF COMPLETE STREETS STANDARDS OR POLICIES.—In this section, the term ‘Complete Streets standards or policies’ means standards or policies that ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles.

“(b) FUNDING REQUIREMENT.—Notwithstanding any other provision of law, each State and metropolitan planning organization shall use to carry out 1 or more activities described in subsection (c)—

“(1) in the case of a State, not less than 2.5 percent of the amounts made available to the State to carry out section 505 of title 23, United States Code; and

“(2) in the case of a metropolitan planning organization, not less than 2.5 percent of the amounts made available to the metropolitan planning organization under section 104(d) of title 23, United States Code.

“(c) ACTIVITIES DESCRIBED.—An activity referred to in subsection (b) is an activity to increase safe and accessible options for multiple travel modes for people of all ages and abilities, which, if permissible under applicable State and local laws, may include—

“(1) adoption of Complete Streets standards or policies;

“(2) development of a Complete Streets prioritization plan that identifies a specific list of Complete Streets projects to improve the safety, mobility, or accessibility of a street;

“(3) development of transportation plans—

“(A) to create a network of active transportation facilities, including sidewalks, bikeways, or pedestrian and bicycle trails, to connect neighborhoods with destinations such as workplaces, schools, residences, businesses, recreation areas, healthcare and child care services, or other community activity centers;

“(B) to integrate active transportation facilities with public transportation service or improve access to public transportation;

“(C) to create multiuse active transportation infrastructure facilities, including bikeways or pedestrian and bicycle trails, that make connections within or between communities;

“(D) to increase public transportation ridership; and

“(E) to improve the safety of bicyclists and pedestrians;

“(4) regional and megaregional planning to address travel demand and capacity constraints through alternatives to new highway capacity, including through intercity passenger rail; and

“(5) development of transportation plans and policies that support transit-oriented development.

“(d) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be 80 percent, unless the Secretary [of Transportation] determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

“(e) STATE FLEXIBILITY.—A State or metropolitan planning organization, with the approval of the Secretary, may opt out of the requirements of this section if the State or metropolitan planning organization demonstrates to the Secretary, by not later than 30 days before the Secretary apportions funds for a fiscal year under section 104 [probably means section 104 of title 23, United States Code], that the State or metropolitan planning organization—

“(1) has Complete Streets standards and policies in place; and

“(2) has developed an up-to-date Complete Streets prioritization plan as described in subsection (c)(2).”

TRANSPORTATION ACCESS PILOT PROGRAM

Pub. L. 117-58, div. A, title III, §13010, Nov. 15, 2021, 135 Stat. 644, provided that:

“(a) DEFINITIONS.—In this section:

“(1) METROPOLITAN PLANNING ORGANIZATION.—The term ‘metropolitan planning organization’ has the meaning given the term in section 134(b) of title 23, United States Code.

“(2) STATE.—The term ‘State’ has the meaning given the term in section 101(a) of title 23, United States Code.

“(3) SURFACE TRANSPORTATION MODES.—The term ‘surface transportation modes’ means—

“(A) driving;

“(B) public transportation;

“(C) walking;

“(D) cycling; and

“(E) a combination of any of the modes of transportation described in subparagraphs (A) through (D).

“(4) PILOT PROGRAM.—The term ‘pilot program’ means the transportation pilot program established under subsection (b).

“(5) REGIONAL TRANSPORTATION PLANNING ORGANIZATION.—The term ‘regional transportation planning organization’ has the meaning given the term in section 134(b) of title 23, United States Code.

“(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the Secretary [of Transportation] shall establish a transportation pilot program.

“(c) PURPOSE.—The purpose of the pilot program is to develop or procure an accessibility data set and make that data set available to each eligible entity selected to participate in the pilot program—

“(1) to improve the transportation planning of those eligible entities by—

“(A) measuring the level of access by surface transportation modes to important destinations, which may include—

“(i) jobs;

“(ii) health care facilities;

“(iii) child care services;

“(iv) educational and workforce training facilities;

“(v) housing;

“(vi) food sources;

“(vii) points within the supply chain for freight commodities;

“(viii) domestic or international markets; and

“(ix) connections between surface transportation modes; and

“(B) disaggregating the level of access by surface transportation modes by a variety of—

“(i) population categories, which may include—

“(I) low-income populations;

“(II) minority populations;

“(III) age;

“(IV) disability; and

“(V) geographical location; or

“(ii) freight commodities, which may include—

“(I) agricultural commodities;

“(II) raw materials;

“(III) finished products; and

“(IV) energy commodities; and

“(2) to assess the change in accessibility that would result from new transportation investments.

“(d) ELIGIBLE ENTITIES.—An entity eligible to participate in the pilot program is—

“(1) a State;

“(2) a metropolitan planning organization; or

“(3) a regional transportation planning organization.

“(e) APPLICATION.—To be eligible to participate in the pilot program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including information relating to—

“(1) previous experience of the eligible entity measuring transportation access or other performance management experience, if applicable;

“(2) the types of important destinations to which the eligible entity intends to measure access;

“(3) the types of data disaggregation the eligible entity intends to pursue;

“(4) a general description of the methodology the eligible entity intends to apply; and

“(5) if the applicant does not intend the pilot program to apply to the full area under the jurisdiction of the applicant, a description of the geographic area in which the applicant intends the pilot program to apply.

“(f) SELECTION.—

“(1) IN GENERAL.—The Secretary shall seek to achieve diversity of participants in the pilot program by selecting a range of eligible entities that shall include—

“(A) States;

“(B) metropolitan planning organizations that serve an area with a population of 200,000 people or fewer;

“(C) metropolitan planning organizations that serve an area with a population of over 200,000 people; and

“(D) regional transportation planning organizations.

“(2) INCLUSIONS.—The Secretary shall seek to ensure that, among the eligible entities selected under paragraph (1), there is—

“(A) a range of capacity and previous experience with measuring transportation access; and

“(B) a variety of proposed methodologies and focus areas for measuring level of access.

“(g) DUTIES.—For each eligible entity participating in the pilot program, the Secretary shall—

“(1) develop or acquire an accessibility data set described in subsection (c); and

“(2) submit the data set to the eligible entity.

“(h) METHODOLOGY.—In calculating the measures for the data set under the pilot program, the Secretary shall ensure that methodology is open source.

“(i) AVAILABILITY.—The Secretary shall make an accessibility data set under the pilot program available to—

“(1) units of local government within the jurisdiction of the eligible entity participating in the pilot program; and

“(2) researchers.

“(j) REPORT.—Not later than 2 years after the date of enactment of this Act [Nov. 15, 2021], and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the pilot program, including the feasibility of developing and providing periodic accessibility data sets for all States, regions, and localities.

“(k) TRANSPORTATION SYSTEM ACCESS.—

“(1) IN GENERAL.—The Secretary shall establish consistent measures that States, metropolitan planning organizations, and regional transportation planning organizations may choose to adopt to assess the level of safe and convenient access by surface transportation modes to important destinations as described in subsection (c)(1)(A).

“(2) SAVINGS PROVISION.—Nothing in this section provides the Secretary the authority—

“(A) to establish a performance measure or require States or metropolitan planning organizations to set a performance target for access as described in paragraph (1); or

“(B) to establish any other Federal requirement.

“(l) FUNDING.—The Secretary shall carry out the pilot program using amounts made available to the Secretary for administrative expenses to carry out programs under the authority of the Secretary.

“(m) SUNSET.—The pilot program shall terminate on the date that is 8 years after the date on which the pilot program is implemented.”

SCHEDULE FOR IMPLEMENTATION

Pub. L. 109-59, title VI, § 6001(b), Aug. 10, 2005, 119 Stat. 1857, provided that: “The Secretary [of Transportation] shall issue guidance on a schedule for implementation of the changes made by this section [amending this section and section 135 of this title], 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.”

DEMONSTRATION PROJECT FOR RESTRICTED ACCESS TO CENTRAL BUSINESS DISTRICT OF METROPOLITAN AREAS

Pub. L. 95-599, title I, § 155, Nov. 6, 1978, 92 Stat. 2717, authorized Secretary of Transportation to carry out a demonstration project in a metropolitan area respecting the restriction of access of motor vehicles to the central business district during peak hours of traffic, authorized the necessary appropriations, and required progress reports and a final report and recommendations not later than three years after Nov. 6, 1978.

REDUCTION OF URBAN BLIGHT ADJACENT TO FEDERAL-AID PRIMARY AND INTERSTATE HIGHWAYS LOCATED IN CENTRAL BUSINESS DISTRICTS

Pub. L. 95-599, title I, § 159, Nov. 6, 1978, 92 Stat. 2718, directed Secretary to conduct a study and submit a re-

port to Congress not later than two years after Nov. 6, 1978, respecting the potential for reducing urban blight adjacent to Federal-aid primary and interstate highways located in central business districts.

URBAN SYSTEM STUDY

Pub. L. 94-280, title I, § 149, May 5, 1976, 90 Stat. 447, directed Secretary of Transportation to conduct a study of the factors involved in planning, selection, etc., of Federal-aid urban system routes including an analysis of organizations carrying out the planning process, the status of jurisdiction over roads, programing responsibilities under local and State laws, and authority of local units, such study to be submitted to Congress within six months of May 5, 1976.

FRINGE PARKING DEMONSTRATION PROJECTS

Pub. L. 90-495, § 11, Aug. 23, 1968, 82 Stat. 820, authorized Secretary to approve construction of publicly owned parking facilities under this title until June 30, 1971, as a demonstration project, authorized the Federal share of any project under this section to be 50%, prevented approval of projects by the Secretary unless the State or political subdivision thereof where the project is located can construct, maintain, and operate the facility, unless the Secretary has entered into an agreement with the State or political subdivision governing the financing, maintenance, and operation of the facility, and unless the Secretary has approved design standards for construction of the facility, defined “parking facilities”, permitted a State or political subdivision to contract for the operation of such facility, prohibited approval of the project by the Secretary unless it is carried on in accordance with section 134 of this title (this section), and required annual reports to Congress on the demonstration projects approved under this section, prior to repeal by Pub. L. 91-605, title I, § 134(c), Dec. 31, 1970, 84 Stat. 1734. See section 137 of this title.

§ 135. Statewide and nonmetropolitan transportation planning

(a) GENERAL REQUIREMENTS.—

(1) DEVELOPMENT OF PLANS AND PROGRAMS.—Subject to section 134, to accomplish the objectives stated in section 134(a), each State shall develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State.

(2) CONTENTS.—The statewide transportation plan and the transportation improvement program developed for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter van pool providers) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

(3) PROCESS OF DEVELOPMENT.—The process for developing the statewide plan and the transportation improvement program shall provide for consideration of all modes of transportation and the policies stated in section 134(a) and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—A State shall—