



METROPOLITAN
TRANSPORTATION
COMMISSION

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700
TEL 510.817.5700
TDD/TTY 510.817.5769
FAX 510.817.5848
E-MAIL info@mtc.ca.gov
WEB www.mtc.ca.gov

Memorandum

TO: Partnership Technical Advisory Committee

DATE: January 22, 2007

FR: Craig Goldblatt

RE: SAFETEA Implementation Deadlines for the Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP)

Background

This memo provides PTAC with the status of ongoing discussions with the Federal Highway Administration (FHWA) about when the RTP and the TIP need to comply with the new metropolitan planning provisions in SAFETEA. Over the past year there has been confusion resulting from differing FHWA staff viewpoints in Sacramento and Washington, DC about the implications of not having a SAFETEA compliant TIP or RTP by the deadline of July 1, 2007. The crux of the issue is whether MTC can develop SAFETEA compliant documents on a schedule that would not deviate from established update cycles as permitted by SAFETEA or whether MTC would need to adopt a SAFETEA compliant RTP and a TIP by the statutory deadline of July 1, 2007, irrespective of established planning cycles.

FHWA California Division staff stated to the state's Metropolitan Planning Organizations (MPOs) that after July 1, 2007, until a region had a SAFETEA compliant RTP, no TIP Amendments to include new projects or project phases would be approved, even if the TIP itself was SAFETEA compliant. Based on the anticipated Commission approval of the *Transportation 2030* update in February 2009, this position would place hardships on the region for 1 1/2 years, during at which time no new project or project phases could be added to the TIP. In contrast, FHWA headquarters staff had written a letter to MTC stating that as long as a SAFETEA compliant TIP was adopted by the deadline, major TIP amendments could proceed provided that the current, underlying RTP showed a general compliance with SAFETEA and any amendments were consistent with that RTP.

Providing a final resolution to the debate MTC is pleased to have received a somewhat favorable letter (Attachment A) from the FHWA District office in Sacramento. Key summary points follow:

- The TIP amendment process may proceed in a status-quo fashion, even if the RTP is not yet SAFETEA compliant, provided a SAFETEA compliant TIP is adopted by July 1, 2007. However MTC will need to demonstrate that the RTP is making "satisfactory progress" towards SAFETEA compliance.
- Absent meeting the above conditions, only administrative amendments would be accepted by FHWA after July 1, 2007.
- New series of emission factors (EMFAC2007) will need to be used for any conformity analysis modeling starting approximately in July 2007.

Proposed MTC Planning and Programming Activities towards SAFETEA Compliance

MTC Staff believes that the 2007 TIP already meets SAFETEA requirements and will proceed with an update this spring to ensure that this region's TIP is SAFETEA compliant by the prescribed deadline. Similarly, we believe that the RTP is consistent with SAFETEA requirements. Later this month, MTC will be meeting with FHWA to determine what, if any actions MTC needs to take to permit FHWA to make a formal determination that the TIP is SAFETEA compliant and to establish that MTC's current RTP demonstrates satisfactory progress towards meeting SAFETEA requirements. This meeting is important, as FHWA has not yet issued final Metropolitan Transportation Planning Regulations. Any changes to the TIP to reach compliance would dovetail in the schedule to adopt a RTP/TIP amendment to accommodate new CMIA and STIP projects.

MTC's Gap Analysis

In early 2006, MTC prepared a Gap Analysis identifying the new SAFETEA requirements and the actions needed to comply with the new provisions. MTC developed and adopted a SAFETEA compliant TIP on July 26, 2006, addressing all the major requirements identified in its Gap Analysis as outlined in Attachment B. MTC will be proceeding with a SAFETEA TIP Update Amendment to address any additional provisions FHWA requires in order for MTC to meet the compliance deadline.

Consequences

MTC plans to update its TIP by the July 1, 2007 to ensure it is compliant with SAFETEA provisions. If the TIP is not considered SAFETEA compliant on and after July 1st, project sponsors may still continue with the projects listed in the latest TIP, however, only administrative amendments could be made to the TIP.

Questions on this issue may be directed to Craig Goldblatt, MTC staff, at 510-817-5837

Attachment A: January 5, 2007 Letter from FHWA

Attachment B: MTC Actions for a SAFETEA Compliant TIP

CG: cg