



Appendix C: FHWA Compliance Checklist



FHWA Compliance Checklist

CFR 23 450.306 Checklist	Addressed (Y/N)	How Requirement is Addressed	Pages
a) Develop long-range transportation plans and TIPs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.	Yes	Performance based planning process described in Chapter 3	16-27
(b) Address the federal planning factors:	Yes	HAMPO goals align with planning factors (detailed below):	17-22
(1) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency	Yes	Local goals are aligned	22
(2) Increase the safety of the transportation system for motorized and non-motorized users	Yes	Local goals are aligned	21
(3) Increase the security of the transportation system for motorized and non-motorized users	Yes	Local goals are aligned	21
(4) Increase accessibility and mobility of people and freight	Yes	Local goals are aligned	21
(5) 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 and economic development patterns	Yes	Local goals are aligned	21
(6) Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight; Yes Maximize mobility and connectivity for both people and freight, while increasing accessibility and ensuring the integration of modes, where appropriate.	Yes	Local goals are aligned	21
(7) Promote efficient system management and operation	Yes	Local goals are aligned	21
(8) Emphasize the preservation of the existing transportation system	Yes	Local goals are aligned	21
(9) Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation	Yes	Local goals are aligned	22
(10) Enhance travel and tourism	Yes	Local goals are aligned	22
(c) Consideration of the planning factors in paragraph (b) of this section shall be reflected, as appropriate, in the metropolitan transportation planning process. The degree of consideration and analysis of the factors should be based on the scale and complexity of many issues, including transportation system development, land use, employment, economic development, human and natural environment (including Section 4(f) properties as defined in 23 CFR 774.17), and housing and community development.	Yes	Existing and future conditions analysis (throughout sections 4-12)	28-119
(d) Performance-based approach.	Yes	Detailed below	
(1) 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 23 U.S.C. 150(b) and the general purposes described in 49 U.S.C. 5301(c).	Yes	Performance based decision-making process described in Chapter 3	16-27
(2) Establishment of performance targets by metropolitan planning organizations.	Yes	Detailed Below	
○ (i) Each metropolitan planning organization shall establish performance targets that address the performance measures or standards established under 23 CFR part 490 (where applicable), 49 U.S.C. 5326(c), and 49 U.S.C. 5329(d) to use in tracking progress toward attainment of critical outcomes for the region of the metropolitan planning organization.	Yes	National Transportation Performance Measures and State Targets	16-19
○ (ii) The selection of targets that address performance measures described in 23 U.S.C. 150(c) shall be in accordance with the appropriate target setting framework established at 23 CFR part 490, and shall be coordinated with the relevant State(s) to ensure consistency, to the maximum extent practicable.	Yes		
○ (iii) The selection of performance targets that address performance measures described in 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d) shall be coordinated, to the maximum extent practicable, with public transportation providers to ensure consistency with the performance targets that public transportation providers establish under 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d).	Yes	Performance based planning	16-27
(3) Each MPO shall establish the performance targets under paragraph (d)(2) of this section not later than 180 days after the date on which the relevant State or provider of public transportation establishes the performance targets.	Yes	System Performance Report	63 - 68
(4) An MPO 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 49 U.S.C. chapter 53 by providers of public transportation, required as part of a performance-based program including:	Yes	Detailed Below	Detailed Below



○ (i) The State asset management plan for the NHS, as defined in 23 U.S.C. 119(e) and the Transit Asset Management Plan, as discussed in 49 U.S.C. 5326	Yes	Performance based planning section.	16-27
○ (ii) Applicable portions of the HSIP, including the SHSP, as specified in 23 U.S.C. 148	Yes	Performance based planning section	16-27
○ (iii) The Public Transportation Agency Safety Plan in 49 U.S.C. 5329(d)	Yes	Performance based planning section	16-27
○ (iv) Other safety and security planning and review processes, plans, and programs, as appropriate	Yes	Safety	69-76
○ (v) The Congestion Mitigation and Air Quality Improvement Program performance plan in 23 U.S.C. 149(l), as applicable	NA	NA	
○ (vi) Appropriate (metropolitan) portions of the State Freight Plan (MAP-21 section 1118)	Yes	Freight and Goods Movement	95-108
○ (vii) The congestion management process, as defined in 23 CFR 450.322, if applicable	NA	NA	
○ (viii) Other State transportation plans and transportation processes required as part of a performance-based program.	Yes	System Performance Report	63 - 68
(e) The failure to consider any factor specified in paragraph (b) or (d) of this section shall not be reviewable by any court under title 23 U.S.C., 49 U.S.C. Chapter 53, subchapter II of title 5, U.S.C. Chapter 5, or title 5 U.S.C. Chapter 7 in any matter affecting a metropolitan transportation plan, TIP, a project or strategy, or the certification of a metropolitan transportation planning process.	HAMPO Is Compliant		
(f) An MPO shall carry out the metropolitan transportation planning process in coordination with the statewide transportation planning process required by 23 U.S.C. 135 and 49 U.S.C. 5304.	Yes	MTP Process	8
(g) The metropolitan transportation planning process shall (to the maximum extent practicable) be consistent with the development of applicable regional intelligent transportation systems (ITS) architectures, as defined in 23 CFR part 940.	Yes	Plan is consistent with regional ITS	
(h) Preparation of the coordinated public transit-human services transportation plan, as required by 49 U.S.C. 5310, should be coordinated and consistent with the metropolitan transportation planning process.	Yes	Entities responsible for human services participated in the planning process through the Stakeholder Committee	123-124
(i) In an urbanized area not designated as a TMA that is an air quality attainment area, the MPO(s) may propose and submit to the FHWA and the FTA for approval a procedure for developing an abbreviated metropolitan transportation plan and TIP. In developing proposed simplified planning procedures, consideration shall be given to whether the abbreviated metropolitan transportation plan and TIP will achieve the purposes of 23 U.S.C. 134, 49 U.S.C. 5303, and this part, taking into account the complexity of the transportation problems in the area. The MPO shall develop simplified procedures in cooperation with the State(s) and public transportation operator(s).	NA		

CFR 23 450.324 Checklist	Addressed (Y/N)	How Requirement is Addressed	Pages
(a) The metropolitan transportation planning process shall include the development of a transportation plan addressing no less than a 20-year planning horizon as of the effective date. In formulating the transportation plan, the MPO shall consider factors described in §450.306 as the factors relate to a minimum 20-year forecast period. In nonattainment and maintenance areas, the effective date of the transportation plan shall be the date of a conformity determination issued by the FHWA and the FTA. In attainment areas, the effective date of the transportation plan shall be its date of adoption by the MPO.	Yes	<ul style="list-style-type: none">Plan horizon is 2050HAMPO goals and objectives align with federal planning factors	8, 16-27
(b) The transportation plan shall include both long-range and short-range strategies/actions that provide for the development of an integrated multimodal transportation system (including accessible pedestrian walkways and bicycle transportation facilities) to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.	Yes	<ul style="list-style-type: none">Project types include active transportationAccess to transit considered as part of the project assessment and prioritizationProjects sorted into short, mid, and long-term projects	148-150, 155, 169-172
(c) The MPO shall review and update the transportation plan at least every 4 years in air quality nonattainment and maintenance areas and at least every 5 years in attainment areas to confirm the transportation plan's validity and consistency with current and forecasted transportation and land use conditions and trends and to extend the forecast period to at least a 20-year planning horizon. In addition, the MPO may revise the transportation plan at any time using the procedures in this section without a requirement to extend the horizon year. The MPO shall approve the transportation plan (and any revisions) and submit it for information purposes to the Governor. Copies of any updated or revised transportation plans must be provided to the FHWA and the FTA.	Yes	Last update in 2020; update is occurring as required.	Cover page with date
(d) In metropolitan areas that are in nonattainment for ozone or carbon monoxide, the MPO shall coordinate the development of the metropolitan transportation plan with the process for developing transportation control measures (TCMs) in a State Implementation Plan (SIP).	NA	The HAMPO area is not a nonattainment area	
(e) The MPO, the State(s), and the public transportation operator(s) shall validate data used in preparing other existing modal plans for providing input to the transportation plan. In updating the transportation plan, the MPO shall base the update on the latest available estimates and assumptions for population, land use, travel, employment, congestion, and economic activity. The MPO shall approve transportation plan contents and supporting analyses produced by a transportation plan update.	Yes	Data was provided and validated by the MPO staff and Technical Coordinating Committee members.	
(f) The metropolitan transportation plan shall, at a minimum, include:	Yes	See below.	
(1) The current and projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan	Yes	Travel Demand Model with base year and projected horizon year (2050) conditions identified	8
(2) Existing and proposed transportation facilities (including major roadways, public transportation facilities, intercity bus facilities, multimodal and intermodal facilities, nonmotorized transportation facilities (e.g., pedestrian walkways and bicycle facilities), and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions over the period of the transportation plan.	Yes	Section 14: Project Identification and Prioritization, Section 15: Performance Based Project Prioritization, and Section 16: Cost Feasible Work Program	126-179



		outline a comprehensive program for transportation investments and priorities	
(3) A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with §450.306(d).	Yes	Performance based planning section.	16-27
(4) A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in §450.306(d), including—	Yes	Systemwide performance report	
○ (i) Progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports, including baseline data	Yes	Systemwide performance report	63 - 68
○ (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.	NA		
(5) Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods	Yes	Capacity and operational projects are identified and prioritized in Section 14: Project Identification and Prioritization and Section 15: Performance Based Project Prioritization, and included in the work program and Section 16: Cost Feasible Work Program.	126-179
(6) Consideration of the results of the congestion management process in TMAs that meet the requirements of this subpart, including the identification of SOV projects that result from a congestion management process in TMAs that are nonattainment for ozone or carbon monoxide.	NA	Not a nonattainment area	
(7) Assessment of 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. The metropolitan transportation plan may consider projects and strategies that address areas or corridors where current or projected congestion threatens the efficient functioning of key elements of the metropolitan area's transportation system.	Yes	<ul style="list-style-type: none">Impacts from natural disasters is included in the resiliency planning section (section 12)Congestion considered with the identification of capacity projects	112-119 126-156
(8) 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, and including transportation alternatives, as defined in 23 U.S.C. 101(a), and associated transit improvements, as described in 49 U.S.C. 5302(a), as appropriate	Yes	<ul style="list-style-type: none">Liberty Transit Development Plan	
(9) Design concept and design scope descriptions of all existing and proposed transportation facilities in sufficient detail, regardless of funding source, in nonattainment and maintenance areas for conformity determinations under the EPA's transportation conformity regulations (40 CFR part 93, subpart A). In all areas (regardless of air quality designation), all proposed improvements shall be described in sufficient detail to develop cost estimates	NA		
(10) 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 metropolitan transportation plan. The discussion may focus on policies, programs, or strategies, rather than at the project level. The MPO shall develop the discussion in consultation with applicable Federal, State, and Tribal land management, wildlife, and regulatory agencies. The MPO may establish reasonable timeframes for performing this consultation	NA		
(11) A financial plan that demonstrates how the adopted transportation plan can be implemented.	Yes		
○ (i) For purposes of transportation system operations and maintenance, the financial plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain the Federal-aid highways (as defined by 23 U.S.C. 101(a)(5)) and public transportation (as defined by title 49 U.S.C. Chapter 53).	Yes	See section 16	166-179
○ (ii) For the purpose of developing the metropolitan transportation plan, the MPO(s), public transportation operator(s), and State shall cooperatively develop estimates of funds that will be available to support metropolitan transportation plan implementation, as required under §450.314(a). All necessary financial resources from public and private sources that are reasonably expected to be made available to carry out the transportation plan shall be identified.	Yes	See section 16	166-179
○ (iii) The financial plan shall include recommendations on any additional financing strategies to fund projects and programs included in the metropolitan transportation plan. In the case of new funding sources, strategies for ensuring their availability shall be identified. The financial plan may include an assessment of the appropriateness of innovative finance techniques (for example, tolling, pricing, bonding, public private partnerships, or other strategies) as revenue sources for projects in the plan.	Yes	See section 16	166-179
○ (iv) In developing the financial plan, the MPO shall take into account all projects and strategies proposed for funding under title 23 U.S.C., title 49 U.S.C. Chapter 53 or with other Federal funds; State assistance; local sources; and private participation. Revenue and cost estimates that support the metropolitan transportation plan must use an inflation rate(s) to reflect “year of expenditure dollars,” based on reasonable financial principles and information, developed cooperatively by the MPO, State(s), and public transportation operator(s).	Yes	See section 16	166-179
○ (v) For the outer years of the metropolitan transportation plan (i.e., beyond the first 10 years), the financial plan may reflect aggregate cost ranges/cost bands, as long as the future funding source(s) is reasonably expected to be available to support the projected cost ranges/cost bands.	Yes	See section 16	166-179
○ (vi) For nonattainment and maintenance areas, the financial plan shall address the specific financial strategies required to ensure the implementation of TCMs in the applicable SIP.	Yes	See section 16	166-179
○ (vii) For illustrative purposes, the financial plan may include additional projects that would be included in the adopted transportation plan if additional resources beyond those identified in the financial plan were to become available.	Yes	See section 16	166-179
○ (viii) In cases that the FHWA and the FTA find a metropolitan transportation plan to be fiscally constrained and a revenue source is subsequently removed or substantially reduced (i.e., by legislative or administrative actions), the FHWA and the FTA will not withdraw the original determination of fiscal constraint; however, in such cases, the FHWA and the FTA will not act on an updated or amended metropolitan transportation plan that does not reflect the changed revenue situation.	Yes	See section 16	166-179
(12) Pedestrian walkway and bicycle transportation facilities in accordance with 23 U.S.C. 217(g).	Yes	Active Transportation programs in the work program	166-179
(g) The MPO shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of the transportation plan. The consultation shall involve, as appropriate:	See below	See below	See below
(1) Comparison of transportation plans with State conservation plans or maps, if available; or	NA	No applicable plans are available	NA
(2) Comparison of transportation plans to inventories of natural or historic resources, if available.	Yes	Floodplains inventoried in Section 12	112-113
(h) The metropolitan transportation plan should integrate the priorities, goals, countermeasures, strategies, or projects for the metropolitan planning area contained in the HSIP, including the SHSP required under 23 U.S.C. 148, the Public Transportation Agency Safety Plan required under 49 U.S.C. 5329(d), or an Interim Agency Safety Plan in accordance with	Yes	Performance-based planning	16-27



49 CFR part 659, as in effect until completion of the Public Transportation Agency Safety Plan, and may incorporate or reference applicable emergency relief and disaster preparedness plans and strategies and policies that support homeland security, as appropriate, to safeguard the personal security of all motorized and non-motorized users.			
(i) An MPO 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.	NA		
(1) An MPO that chooses to develop multiple scenarios under this paragraph (i) is encouraged to consider:	NA		
o (i) Potential regional investment strategies for the planning horizon;	NA		
o (ii) Assumed distribution of population and employment;	NA		
o (iii) A scenario that, to the maximum extent practicable, maintains baseline conditions for the performance areas identified in §450.306(d) and measures established under 23 CFR part 490;	NA		
o (iv) A scenario that improves the baseline conditions for as many of the performance measures identified in §450.306(d) as possible;	NA		
o (v) Revenue constrained scenarios based on the total revenues expected to be available over the forecast period of the plan; and	NA		
o (vi) Estimated costs and potential revenues available to support each scenario.	Yes		
(2) In addition to the performance areas identified in 23 U.S.C. 150(c), 49 U.S.C. 5326(c), and 5329(d), and the measures established under 23 CFR part 490, MPOs may evaluate scenarios developed under this paragraph using locally developed measures	NA		
(j) The MPO shall provide individuals, 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 carpool program, vanpool program, transit benefit program, parking cashout 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, and other interested parties with a reasonable opportunity to comment on the transportation plan using the participation plan developed under §450.316(a).	Yes	The public participation process included multiple opportunities to contribute to the process, including public meetings, online tools, and a project website. See appendix B – Comments Received – for more information.	Appendix B
(k) The MPO shall publish or otherwise make readily available the metropolitan transportation plan for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.	Yes	The draft plan will be made available in print and electronically for a duration of 30 days.	
(l) A State or MPO is not required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (f)(11) of this section.	NA		
(m) In nonattainment and maintenance areas for transportation-related pollutants, the MPO, as well as the FHWA and the FTA, must make a conformity determination on any updated or amended transportation plan in accordance with the Clean Air Act and the EPA transportation conformity regulations (40 CFR part 93, subpart A). A 12-month conformity lapse grace period will be implemented when an area misses an applicable deadline, in accordance with the Clean Air Act and the transportation conformity regulations (40 CFR part 93, subpart A). At the end of this 12-month grace period, the existing conformity determination will lapse. During a conformity lapse, MPOs can prepare an interim metropolitan transportation plan as a basis for advancing projects that are eligible to proceed under a conformity lapse. An interim metropolitan transportation plan consisting of eligible projects from, or consistent with, the most recent conforming transportation plan and TIP may proceed immediately without revisiting the requirements of this section, subject to interagency consultation defined in 40 CFR part 93, subpart A. An interim metropolitan transportation plan containing eligible projects that are not from, or consistent with, the most recent conforming transportation plan and TIP must meet all the requirements of this section	NA		