FHWA Complete Streets Planning Waiver Update

OARC Transportation Committee (8.23.2024)



August 2024

OVERVIEW: FEDERAL C.S. WAIVER

- On 1/5/23, FHWA exercised an option detailed in BIL Section 11206(b)
 - Determined that "the interests of the Federal-aid highway program would be best served by eliminating the non-Federal match on SPR and PL [i.e. your CPG funding] funds used on Complete Streets planning activities"
- At the time, the waiver "ceiling" was interpreted as being limited to the 2.5% set-aside requirement
- Participation was very limited; significant effort to revamp work programs/budgets for very little savings.

	U.S. Department of Transportation
	Federal Highway Administration
Date: January 5, 2023	ACTION: Waiver of Non-Federal Match for State Planning and Research (SPR) and Metropolitan Planning (PL) Funds in Support of Complete Streets Planning Activities (BIL § 11206)
In Reply Refer To: HEPP-1	Kenneth Petty Acting Associate Administrator for Planning, Environment and Realty
	Shailen P. Bhatt Administrator
g (PL) funds in support of Section ptions) of the Infrastructure to known as the Bipartisan olete Streets planning activities"	This request is for your approval to waive the non-Fe Planning and Research (SPR) and Metropolitan Plant 11206 (Increasing Safe and Accessible Transportation Investment and Jobs Act (IIJA) (Public Law 117-58), Infrastructure Law (BIL). This section addresses "Cc (see BLI § 11206(c)) conducted by States and Metrop (MPOs) in their transportation planning processes.
users of the transportation system, ters, children, older individuals, les." BLL § 11206(b) requires and PL funds, respectively, on 06(d) provides that "[t]he Federal ion shall be 80 percent, unless the highway program would be best	BIL § 11206(a) defines Complete Streets standards a that ensure the safe and adequate accommodation of including pedestrians, bicyclists, public transportation individuals with disabilities, motorists, and freight ve States and MPOs to use not less than 2.5 percent of S Complete Streets planning activities. Further, BIL § share of the cost of an activity carried out under this Sccretary determines that the interests of the Federal- served by decreasing or eliminating the non-Federal s
ttion network planning, design, Streets design model is gests that trips could be served by or various types of road users. or rural arterials that serve as main HTO A Policy on Geometric	FHWA encourages States and communities to adopt a policies that prioritize the safety of all users in transpe construction and operations. Application of a Comple recommended on roadways where adjacent land use s varied modes, and to achieve complete travel network This includes urban and suburban non-freeway arterit streets in smaller communities, consistent with the A. Design of Highways and Streets (2018) ("Green Book core, urban, suburban and rural town.
cesses pursuant to 23 U.S.C. 135	States and MPOs use SPR and PL funds, respectively continuous, and cooperative) transportation planning (Statewide and Non-Metropolitan Transportation Plan



FEDERAL C.S. WAIVER – UPDATE!

- On 8/13/24 (last week), FHWA published a "Clarified Waiver of the Non-Federal Match..." memorandum
 - FTA (5303 Planning Funds) concurs with the FHWA memo
- The non-Federal match waiver applies to ANY eligible Complete Streets planning activities – even aboveand-beyond the 2.5% requirement.
 - The ceiling has been eliminated. A BIG change!
- So, what's it all mean for the MPOs?





THE BENEFITS

- MPOs can now pay for eligible* Complete Streets planning activities with 100% CPG funding
 - MPO saves 10% in local match funds
 - o ODOT saves 10% in its local match assistance
- Descriptions of eligible projects is quite broad (per BIL 11206(d)): [these are just a sample]
 - Development of most multi-modal transportation plans (ODOT interpretation: MPO staff time on the plan, other resources, consultant fees, etc.)
 - Adoption of Complete Streets standards or policies
 - Development of a Complete Streets prioritization plan
 - Regional planning that addresses capacity constraints through alternatives to new highway capacity





THINGS TO CONSIDER

- Will require amending work programs and related budget tables
- Possibly multiple invoices: one for traditional 80/10/10% CPG, and one for 100% items [will confirm this with Finance and/or Districts]
- o Coordination for multi-state MPOs
 - Other states' participation, required funding splits, etc.
- Will use your federal CPG allocation at a faster rate
 - Similar to Toll Revenue Credits usage





ODOT'S INITIAL THOUGHTS ON THE PROCESS*

- MPOs who choose to participate will need to develop a new Unified Planning Work Program (UPWP) work element to capture all the projects/staff time/etc. that will be taking advantage of this local-match waiver
- UPWP budget tables will need restructured to account for new 100% federally-funded work
- UPWP Amendment Process: MPO Board, ODOT and USDOT will review
 - BIL 11206(d) eligibility will be evaluated during review
- Upon approval, ODOT will create a new PID for each participating MPO, and will transfer the required funding from traditional CPG PID to the new PID

START - CEND



*Process is subject to change; we'll keep you posted along the way

SO, WHAT DO YOU THINK?

- FHWA/FTA: Any additional comments?
- MPO Discussion to gauge potential participation
- Any concerns?
- o Other questions?







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