



Greater Buffalo Niagara Regional Transportation Council

Meeting Federal Requirements

This Appendix presents the federal requirements relevant to this MTP, alongside a description of how the requirements have been addressed.

Per correspondence from USDOT on 3/24/23, at the time of adoption of this MTP the federal regulations applicable to the metropolitan planning process have not yet been updated pursuant to the Bipartisan Infrastructure Law (BIL; signed into law on 11/15/21). However, GBNRTC notes the following considerations with respect to BIL:

- The Planning Emphasis Areas¹ updated by the BIL are taken into account in this MTP (see the “Planning Emphasis Areas” subsection of Chapter 1).
- The BIL’s new discretionary funding programs are addressed, and per USDOT guidance in this MTP GBNRTC is not treating prospective funding awards from these programs as “reasonably expected”, and is instead including the relevant projects in the Illustrative (rather than fiscally constrained) listing.
- GBNRTC acknowledges and supports the BIL requirement [§ 11206(b)] that each MPO use at least 2.5% of its PL funds on specified planning activities to increase safe and accessible options for multiple travel modes for people of all ages and abilities.
- GBNRTC confirms that it is active on social media, consistent with guidance from BIL to allow public participation in the transportation planning process through social media. Specifically, GBNRTC maintains a presence on the following social media: Twitter², Facebook³, LinkedIn⁴, and Instagram⁵.
- GBNRTC acknowledges and supports the BIL’s Housing Coordination element for the metropolitan planning process (§ 11201). GBNRTC has directly contacted housing agencies to offer the opportunity to comment on the MTP update.
- GBNRTC acknowledges and supports FHWA’s updated (revision February 2023) *Policy on Using BIL Resources to Build a Better America*⁶

¹ <https://www.transit.dot.gov/sites/fta.dot.gov/files/2022-01/Planning-Emphasis-Areas-12-30-2021.pdf>

² <https://twitter.com/GBNRTC>

³ <https://www.facebook.com/GBNRTC/>

⁴ <https://www.linkedin.com/company/greater-buffalo-niagara-regional-transportation-council>

⁵ <https://www.instagram.com/gbnrtc/>

⁶ <https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/FHWASupersedingPolicyMemo.pdf>

Requirement	Description of where/how <i>Moving Forward</i> addresses the requirement
<p>23 CFR § 450.316 (b):</p> <p>In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities.</p>	<p>Consultation with partner agencies meeting these criteria is documented in Appendix D: Public Participation Plan.</p>
<p>23 CFR § 450.324 (a):</p> <p>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.</p>	<p>This MTP has a horizon year of 2050, 27 years from date of adoption</p>
<p>23 CFR § 450.324 (a)</p> <p>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.</p>	<p>The federally required planning factors are highlighted in the subsection of Chapter 1 titled “Federal Planning Factors”, and are taken into account throughout the chapters of this MTP.</p>
<p>23 CFR § 450.324 (b)</p> <p>The transportation plan shall include both long-range and short-range strategies/actions that provide for the development of an integrated multi-modal 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.</p>	<p>The project listing (in Chapter 5) contains projects that meet the specified criteria. Chapter 6 presents analysis of the impacts of the MTP’s enhancement projects in the context of future (year 2050) transportation demand.</p>
<p>23 CFR § 450.324 (c)</p>	<p>GBNRTC’s previous MTP was adopted on May 11, 2018. This MTP is adopted on May 5, 2023.</p>

<p>The MPO shall review and update the transportation plan at least every 5 years.</p>	
<p>23 CFR § 450.324 (e)</p> <p>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.</p>	<p>New demographic forecasts for year 2050 were undertaken for this MTP, using the latest (year 2020) Census data. GBNRTC’s regional travel demand model (see Chapter 6) is updated to ensure that the population, land use, travel, employment, congestion and economic activity data used to develop this MTP are the latest available estimates and assumptions.</p>
<p>23 CFR § 450.324 (f)(1)</p> <p>The metropolitan transportation plan shall, at a minimum, include...</p> <p><i>The current and projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan.</i></p>	<p>The subsection of Chapter 3 titled “Where we’ll be in 2050” presents the population and employment drivers of projected transportation demand. Chapter 6 contains findings from runs of GBNRTC’s travel demand model which considers current and projected future travel demand along with the system enhancement projects proposed in this MTP.</p>
<p>23 CFR § 450.324 (f)(2)</p> <p>The metropolitan transportation plan shall, at a minimum, include...</p> <p><i>Existing and proposed transportation facilities (including major roadways, public transportation facilities, intercity bus facilities, multi-modal and intermodal facilities, non-motorized transportation facilities (e.g., pedestrian walkways and bicycle facilities), and inter-modal 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.</i></p>	<p>Chapter 2 addresses existing transportation facilities of the types specified in this requirement, and the “proposed facilities” requirement is addressed by specific projects in the Fiscally Constrained Project Listing and described narratively in Chapter 4.</p>
<p>23 CFR § 450.324 (f)(3)</p> <p>The metropolitan transportation plan shall, at a minimum, include...</p>	<p>GBNRTC’s current System Performance Report is included in the MTP as Appendix J, and the contents are summarized in Chapter 3.</p>

<p><i>A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with § 450.306(d).</i></p>	<p>Performance measures and performance targets are addressed in these places.</p>
<p>23 CFR § 450.324 (f)(4)</p> <p>The metropolitan transportation plan shall, at a minimum, include...A <i>system performance report</i> and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in § 450.306(d), including:</p> <ul style="list-style-type: none"> (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; 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. 	<p>GBNRTC's current System Performance Report is included in the MTP as Appendix J, and the contents are summarized in Chapter 3.</p> <p>Item (i) relating to the SPR is not applicable as this is GBBNRTC's first SPR, and item (ii) is not applicable because this MTP does not evaluate multiple scenarios.</p>
<p>23 CFR § 450.324 (f)(5)</p> <p>The metropolitan transportation plan shall, at a minimum, include...</p> <p><i>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.</i></p>	<p>Congestion relief, maximizing safety, and maximizing mobility of people and goods are addressed narratively in Chapters 2-4, and are addressed by specific projects in the Fiscally Constrained Project Listing.</p>
<p>23 CFR § 450.324 (f)(6)</p> <p>The metropolitan transportation plan shall, at a minimum, include...</p>	<p>This requirement is addressed in the "Congestion Management" subsection of Chapter 2.</p>

<p><i>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.</i></p>	
<p>23 CFR § 450.324 (f)(7)</p> <p>The metropolitan transportation plan shall, at a minimum, include...</p> <p><i>Assessment of capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure, provide for multi-modal 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.</i></p>	<p>These items (infrastructure preservation, multi-modal capacity increases, reduced vulnerability to natural disasters, and current/projected congestion) are addressed narratively in Chapters 2-4, and are addressed by specific projects in the Fiscally Constrained Project Listing.</p>
<p>23 CFR § 450.324 (f)(8)</p> <p>The metropolitan transportation plan shall, at a minimum, include...</p> <p><i>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.</i></p>	<p>Intercity buses play an important role in the Buffalo-Niagara region's transportation system; this is addressed in the Public Transportation subsection of Chapter 2.</p>
<p>23 CFR § 450.324 (f)(9)</p> <p>The metropolitan transportation plan shall, at a minimum, include...</p>	<p>The descriptions of the existing and proposed transportation facilities of the Fiscally Constrained Project Listing (contained in Chapter 5) address this requirement.</p>

<p><i>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.</i></p>	
<p>23 CFR § 450.324 (f)(10)</p> <p>The metropolitan transportation plan shall, at a minimum, include...</p> <p><i>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.</i></p>	<p>Environmental mitigation activities and potential areas to carry out these activities is discussed in Chapter 2 under the subsection <i>Our Environment</i> and in Appendix C.</p>
<p>23 CFR § 450.324 (f)(11)</p> <p>The metropolitan transportation plan shall, at a minimum, include... <i>A financial plan that demonstrates how the adopted transportation plan can be implemented.</i></p>	<p>The Financial Plan is contained in Chapter 5.</p>
<p>23 CFR § 450.324 (f)(11)(i)</p> <p>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)</p>	<p>This is addressed in the Financial Plan contained in Chapter 5.</p> <p>GBNRTC notes that per guidance provided by USDOT on 12/15/2023, the financial plan treats funding from BIL's new discretionary funding programs as "reasonably expected" until a confirmed section/confirmed award, and instead projects that are anticipated to be funded through such discretionary programs are listed in this MTP's Illustrative Project Listing but not the Fiscally Constrained Project Listing.</p>

<p>23 CFR § 450.324 (f)(11)(ii)</p> <p>For the purpose of developing the metropolitan transportation plan, the MPO, 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.</p>	<p>The Financial Plan contained in Chapter 5 is consistent with this requirement.</p>
<p>23 CFR § 450.324 (f)(11)(iii)</p> <p>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 of 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.</p>	<p>The Financial Plan contained in Chapter 5 is consistent with this requirement.</p>
<p>23 CFR § 450.324 (f)(iv)</p> <p>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).</p>	<p>The Financial Plan contained in Chapter 5 is consistent with this requirement.</p>
<p>23 CFR § 450.324 (f)(v)</p> <p>For the outer years of the metropolitan transportation plan (i.e., beyond the first 10 years), the financial plan may reflect aggregate</p>	<p>The Financial Plan contained in Chapter 5 is consistent with this requirement.</p>

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.	
<p>23 CFR § 450.324 (f)(vi)</p> <p>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.</p>	The Financial Plan contained in Chapter 5 is consistent with this requirement.
<p>23 CFR § 450.324 (f)(vii)</p> <p>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.</p>	This MTP contains an Illustrative Project Listing, in keeping with this guidance.
<p>23 CFR § 450.324 (f)(viii)</p> <p>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.</p>	This requirement is not applicable
<p>23 CFR § 450.324 (f)(12)</p> <p>The metropolitan transportation plan shall, at a minimum, include...</p> <p><i>Pedestrian walkway and bicycle transportation facilities in accordance with 23 U.S.C. 217(g).</i></p>	The Project Listing (Chapter 5) contains a set of projects designed to provide enhanced pedestrian walkway and bicycle transportation facilities.
<p>23 CFR § 450.324 (g)</p> <p>The MPO shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources,</p>	Consultation with partner agencies meeting these criteria is documented in Appendix D: Public Participation Plan.

<p>environmental protection, conservation, and historic preservation concerning the development of the transportation plan. The consultation shall involve, as appropriate:</p> <p>(1) Comparison of transportation plans with State conservation plans or maps, if available; or</p> <p>(2) Comparison of transportation plans to inventories of natural or historic resources, if available.</p>	
<p>23 CFR § 450.324 (h)</p> <p>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 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.</p>	<p>Incorporation of the priorities/goals/countermeasures/strategies/projects in NFTA's PTASP is addressed in the System Performance Report, which is included as Appendix K.</p>