

METROPOLITAN PLANNING PROGRAM

	FAST Act (extension)	Bipartisan Infrastructure Law (BIL)				
Fiscal year (FY)	2021	2022	2023	2024	2025	2026
Contract authority	\$358 M	\$438 M*	\$447 M*	\$456 M*	\$465 M*	\$474 M*

*Calculated (sum of estimated individual State Metropolitan Planning Program apportionments)

Note: Except as indicated, all references in this document are to the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021).

Program Purpose

The BIL continues the Metropolitan Planning Program, which establishes a cooperative, continuous, and comprehensive framework for making transportation investment decisions in metropolitan areas. Program oversight is a joint Federal Highway Administration/Federal Transit Administration responsibility.

Statutory Citations

- § 11201; 23 U.S.C. 134

Funding Features

Except as specified above and below, BIL continues all funding features that applied to Metropolitan Planning (PL) funding under the FAST Act.

Type of Budget Authority

- Contract authority from the Highway Account of the Highway Trust Fund, subject to the overall Federal-aid obligation limitation.

Apportionment of Funds

- As under the FAST Act, the BIL directs FHWA to apportion funding as a lump sum for each State then divide that total among apportioned programs.
- Each State’s PL apportionment is calculated based on a ratio specified in law. [23 U.S.C. 104(b)(6)] (See “Apportionment” fact sheet for a description of this calculation)
- The State DOT is then required to make the PL funds available to metropolitan planning organizations (MPOs) in accordance with a formula developed by the State DOT and approved by the FHWA. [23 U.S.C. 104(d)]

Set-aside for Increasing Safe and Accessible Transportation Options

- The BIL requires each MPO to use at least 2.5% of its PL funds (and each State to use 2.5% of its State Planning and Research funding under 23 U.S.C. 505) on specified planning activities to increase safe and accessible options for multiple travel modes for people of all ages and abilities. [§ 11206(b)]

- A State or MPO may opt out of the requirement, with the approval of the Secretary, if the State or MPO has Complete Streets standards and policies in place, and has developed an up-to-date Complete Streets prioritization plan that identifies a specific list of Complete Streets projects to improve the safety, mobility, or accessibility of a street. [§ 11206(c) and (e)]
- For the purpose of this requirement, 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. [§ 11206(a)]

Transferability to Other Federal-aid Apportioned Programs

- The BIL continues to prohibit transfer of PL funds to other apportioned programs. [23 U.S.C. 126(b)(1)]

Federal Share

- As a general rule, in accordance with 23 U.S.C. 120. (See the “Federal Share” fact sheet for additional detail.)
- For activities funded by the set-aside for Increasing Safe and Accessible Transportation Options (see above), the BIL provides for a Federal share of 80%, unless the Secretary determines that the interests of the Federal-aid Highway Program would be best served by decreasing or eliminating the non-Federal share. [§ 11206(d)]

Travel Demand Data and Modeling

- The BIL requires the Secretary to—
 - carry out a study that gathers travel data and travel demand forecasts from a representative sample of States and MPOs and compares travel demand forecasts with observed data; and to use this information to develop best practices or guidance for States and MPOs to use in forecasting travel demand for future investments in transportation improvements; [§ 11205(b)(1)]
 - seek opportunities to support States’ and MPOs’ transportation planning processes by providing data to improve the quality of transportation plans, models, and travel demand forecasts; and [§ 11205(b)(2)]
 - develop, and make publicly available, a multimodal web-based tool to enable States and MPOs to evaluate the effect of highway and transit investments on the use and conditions of all transportation assets within the State or area served by the metropolitan planning organization, as applicable. [§ 11205(b)(3)]

Other Program Features

Except as specified above and below, BIL continues all requirements that applied to the Metropolitan Planning Program under the FAST Act.

Fiscal Constraint on Long-range Plans

- The BIL requires the United States Department of Transportation to amend Federal regulations to define a metropolitan transportation plan’s outer years as beyond the first four years. [§ 11202; 23 CFR 450.324(f)(11)(v)]

Representation

- The BIL requires an MPO that serves an area designated as a transportation management area, when designating officials or representatives for the first time and subject to the MPO's bylaws or enabling statute, to consider the equitable and proportional representation of the population of the metropolitan planning area. [§ 11201(a)(1); 23 U.S.C. 134(d)(3)(D)]

Designation of More Than One MPO in an Urbanized Area

- The BIL changes an existing requirement such that more than one MPO may be designated within an existing urbanized area (as opposed to within a metropolitan planning area under the FAST Act) only if the Governor and the existing MPO determine that the size and complexity of the area make such a designation for the area appropriate. [§ 11201(a)(1)(B); 23 U.S.C. 134(d)(7)]
- If more than one MPO is designated within an urbanized area, the BIL requires the MPOs to—
 - consult with the other MPOs designated for the area and the State in coordination of plans and transportation improvement plans (TIPs) required by 23 U.S.C. 134; and [§ 11201(a)(2); 23 U.S.C. 134(g)(1)]
 - ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting travel demand, while clarifying that they are not required to jointly develop planning documents, including a unified long-range transportation plan or unified TIP. [§ 11201(a)(2); 23 U.S.C. 134(g)(4) and (5)]

Public Participation

- The BIL allows MPOs to use social media and other web-based tools to encourage public participation in the transportation planning process. [§ 11201(a)(3); 23 U.S.C. 134(i)(6)(D)]

Housing Coordination

- The BIL makes several changes to include housing considerations in the metropolitan transportation planning process, including—
 - updating the policy to include, as items in the national interest, encouraging and promoting the safe and efficient management, operation, and development of surface transportation systems that will better connecting housing and employment; [§ 11201(d)(1); 23 U.S.C. 134(a)(1)]
 - adding officials responsible for housing as officials with whom the Secretary shall encourage each MPO to consult; [§ 11201(d)(2); 23 U.S.C. 134(g)(3)(A)]
 - requiring the metropolitan transportation planning process for a metropolitan planning area to provide for consideration of projects and strategies that will promote consistency between transportation improvements and State and local housing patterns (in addition to planned growth and economic development patterns); [§ 11201(d)(3); 23 U.S.C. 134(h)(1)(E)]
 - adding assumed distribution of population and housing to a list of recommended components to be included in optional scenarios developed for consideration as part of development of the metropolitan transportation plan; [§ 11201(d)(4)(A); 23 U.S.C. 134(i)(4)(B)]
 - adding affordable housing organizations to a list of stakeholders MPOs are required to provide a reasonable opportunity to comment on the metropolitan transportation plan; and [§ 11201(d)(4)(B); 23 U.S.C. 134(i)(6)(A)]

- within a metropolitan planning area that serves a transportation management area, permitting the transportation planning process to address the integration of housing, transportation, and economic development strategies through a process that provides for effective integration, including by developing a housing coordination plan. [§ 11201(d)(5); 23 U.S.C. 134(k)]

Additional Information and Assistance

- For more information about this program, visit the FHWA Planning webpage: <https://www.fhwa.dot.gov/planning/index.cfm>
- FHWA can connect you with your local FHWA office and support you with technical assistance for planning, design, construction, preserving, and improving public roads and in the stewardship of Federal funds. For assistance, visit: https://www.fhwa.dot.gov/bipartisan-infrastructure-law/technical_support.cfm.