



U.S. Department
of Transportation

**Federal Highway
Administration**

Memorandum

Subject: **INFORMATION:** Timely Implementation
of Transportation Control Measures (TCMs) Date: FEB 20 1998

From: Director, Office of Planning Operations, FTA
Director, Office of Environment
and Planning, FHWA Reply to: TPL-10/HEP-40
Attn of: A. Marner, x60096
L. Garliauskas, x62068

To: Regional Federal Transit Administrators
Regional Federal Highway Administrators
Federal Lands Highway Program Administrator

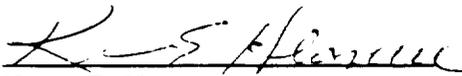
The intent of this memorandum is to clarify how transportation conformity requirements will be applied to transportation control measures (TCMs) within the context of the second set of transportation conformity amendments (40 CFR parts 51 and 93, amended 11/14/95). The second set of amendments allows any TCM in an approved State Implementation Plan (SIP) to proceed regardless of whether there is a currently conforming transportation plan and transportation improvement program (TIP), and regardless of whether the project was once included in a previously conforming transportation plan and TIP. This provision pertaining to TCMs was added to the second set of amendments to ensure timely implementation of TCMs in approved SIPs. The rationale is that these TCMs which are supportive of an area's attainment or maintenance plan should not be delayed as a result of conformity lapse.

The FHWA and FTA have a responsibility to ensure that projects using Federal funds and/or requiring Federal approvals have been developed through the transportation planning process. The Environmental Protection Agency (EPA) recognizes this in the preambles of the second and third sets of amendments. The preambles specify that EPA will not approve SIPs containing TCMs that have not been coordinated through the transportation planning process or met requirements set forth in Title 23 and the Federal Transit Laws which create the funding mechanisms for TCMs. The second set of amendments does not circumvent the statewide and metropolitan planning requirements in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), or the conformity provisions of the Clean Air Act, which call for all transportation projects to come from the most recently adopted conforming transportation plan and TIP. These plans and TIPs, among other things, must:

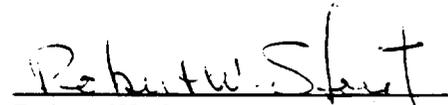
- demonstrate fiscal constraint;
- have gone through a coordinated transportation and air quality planning process;
and
- meet public participation requirements.

Both the ISTEA and the Clean Air Act Amendments require that the transportation and air quality planning processes be integrated. From a practical standpoint, transportation projects which are proposed to be added to SIPs as TCMs should have met all of the transportation planning requirements (e.g., fiscal constraint, plan conformity, etc.) before they are included in, and approved as part of, the SIP.

Please make sure that State and local transportation and air quality officials are aware of the above requirements for TCMs so that: 1) SIP approvals are not delayed, and 2) FHWA/FTA are in a position to fund and/or approve the TCMs that are included in an approved SIP. We hope that this additional clarification will be useful as questions arise about the TCM flexibility in the recently enacted conformity amendments.



Kevin E. Heanue



Robert W. Stout

FHWA:HEP-40:LGarliauskas:ac:62068:5-6-97
Revised:ac:62068:5-16-97
Revised:ac:62068:5-27-97
Revised:LGarliauskas:ac:72069:6-5-97
Revised:KHeanue:ac:62068:2-10-98
Disk: AQPT, File Name: implemen.tem
cc: HEP-1, HEP-40, AQPT/Files(2), LGarliauskas