# Non-Metropolitan Local Official Participation Process

DRAFT

MONTANA MDT DEPARTMENT OF TRANSPORTATION

August 2015

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# Non-Metropolitan
# Local Official Participation Process

## SUMMARY

Local participation is a key factor in the Montana Department of Transportation's (MDT's) overall decision making process. This participation supports and complements the many components of MDT's formal and informal non-metropolitan local official process of consultation and cooperation including involvement with the long range transportation plan and the surface transportation program project selection. The components include both planning and programming efforts that focus on three key goals: inclusiveness, flexibility, and cost-effectiveness. In Montana, non-metropolitan areas include all areas outside of the Billings, Great Falls, and Missoula metropolitan areas.

## Planning:

*TranPlan 21*

During formal updates of *TranPlan 21*, Montana's federally-mandated statewide multimodal transportation plan, consultation and/or cooperation, as appropriate, between MDT and non-metropolitan local officials occurs through a variety of efforts including:

- Presentations to local government organizations
- Targeted information for city and county elected and appointed officials
- Separate stakeholder representation for city and county officials
- Inclusion of non-metropolitan local officials on issue-specific technical panels
- Provide draft plan to local officials for review and comment before it is adopted
- Provide copies of final plan to all mayors, chief executives, and county commission

Between updates of *TranPlan 21*, MDT's consultation and/or cooperation with non-metropolitan local officials is comprised of both informal communication, and the biennial *TranPlan 21 Stakeholder Survey*, which includes separate stakeholder groups specifically addressing city and county officials.

Small Urban Area Plans and Coordinating Committees

In Montana's largest non-metropolitan urban areas, MDT consults and/or cooperates, as appropriate, with local officials through multi-agency coordinating committees that oversee plan updates, Surface Transportation Program – Urban (STP-U) project nominations, and other transportation issues.

## Programming:

Statewide Transportation Improvement Program (STIP)

MDT consults and/or cooperates, as appropriate, with non-metropolitan local officials throughout the annual STIP development process by:

- Providing county commissions and city officials with advance opportunities to review and comment on the draft STIP
- Discussing the draft STIP with local officials during annual regional meetings of the Montana Association of Counties (MACO)
- Notifying all local officials through the *Newsline* of the opportunity to review and comment on the draft STIP

## Programs:

Federal law requires a cooperative relationship for the selection of Surface Transportation Program (STP) projects. MDT cooperates with local officials annually on Surface Transportation Program - Primary (STP-P) funded projects moving into the STIP. In addition to consulting and/or cooperating, as appropriate, with non-metropolitan local officials during the statewide planning and programming processes, Montana laws and Transportation Commission policies provide local officials with a lead role in selecting projects funded through the following STP programs:

- Surface Transportation Program - Secondary (STP-S)
- Surface Transportation Program - Urban (STP-U)

## INTRODUCTION

This document describes the Montana Department of Transportation's (MDT) process for consultation and/or cooperation with non-metropolitan local officials on transportation planning and programming issues as required by Section 135 of 23 U.S.C. and 23 Code of Federal Regulations (CFR), Subpart B – Section 450.210(b). Montana's process for consulting and/or cooperating, as appropriate, with non-metropolitan local officials is not only a matter of federal law, but also a product of multiple state statutes and intergovernmental agreements as demonstrated in the attached appendix.

Section 450.104 of 23 CFR defines consultation as the process where "one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken." Cooperation is defined as the process where "the parties involved in carrying out the transportation planning and programming processes work together to achieve a common goal or objective" Non-metropolitan areas are defined as "the geographic area outside designated metropolitan planning areas, as designated under 23 U.S.C 134..." and non-metropolitan local officials are defined as "elected or appointed officials of general purpose local government, in non-metropolitan areas, with responsibility for transportation." In Montana, non-metropolitan areas include all areas outside of the Billings, Great Falls, and Missoula Metropolitan Areas.

Montana's large size and low population present both challenges and opportunities in developing, implementing, and maintaining a consultation and/or cooperation process with non-metropolitan area local officials. For example, only 19 of Montana's 56 counties have county commissions with daily office hours, while a majority of county commissions have office hours on ten or less days per month. At the city level, most mayors have other full-time jobs and have no regular office hours. However, due to Montana's low population and long tradition of accessible government, local officials (and the public) have direct access to state officials that would be difficult to achieve in more populated states. Although this informal communication is difficult to document, it remains a key factor in MDT's overall decision-making process and supports and complements the following components of MDT's formal non-metropolitan local official consultation and/or cooperation process. The components include both planning and programming efforts that focus on three key goals:

***Inclusiveness*** -- the process provides Montana's local elected and appointed officials with multiple opportunities to participate in MDT planning and programming processes.

***Flexibility*** -- rather than a rigid one-size-fits-all approach, the process takes advantage of Montana's small population and accessible government by encouraging direct communication and customized issue specific processes. This open exchange of information among transportation users and government officials leads to better decision making and increases support for transportation programs and projects.

***Cost-effectiveness*** -- the process takes advantage of technology and is coordinated with existing processes wherever possible to ensure a cost-effective service to Montana's citizens.

## PLANNING

MDT's process for consulting and/or cooperating, as appropriate, with non-metropolitan local officials on planning issues occurs at both the statewide and small urban area levels.

*TranPlan 21*

Montana's federally-mandated statewide multimodal long-range transportation plan, *TranPlan 21* is part of an ongoing process that regularly identifies transportation issues, evaluates public and stakeholder needs and implements policy goals and actions. MDT developed the original *TranPlan* in 1994, updated it in 2002, and performed a limited amendment in 2008 following SAFETEA-LU. The Department will engage a new update process in 2015-16. The policy-based plan establishes overall transportation goals and direction for Montana's transportation programs and is not project-specific. The following is a description of the various efforts MDT takes to consult and/or cooperate, as appropriate, with non-metropolitan local officials during *TranPlan 21* updates:

- Before the update process begins, MDT publishes information about the process, including local officials and explains how interested parties may participate in the process.

- MDT targets information sharing with city and county elected and appointed officials throughout the update.

- MDT identifies and includes stakeholder representation for city and county officials and invites all group members to actively participate throughout the process. MDT notifies these group members using many methods, including phone, mail, email, online content, social media, and in-person meetings.

- MDT encourages the Montana Association of Counties (MACO) and the League of Cities and Towns to provide representatives for technical panels which provide input during the identification of issues and development of the policy papers.

- MDT provides copies of the draft plan to local officials for review and comment before the Steering Committee adopts the final plan.

- After completing the update, MDT sends copies of the new *TranPlan 21 Goals & Actions* information to all mayors, chief executives, and county commissions.

In addition to the formal updates of *TranPlan 21*, MDT conducts the *TranPlan 21* public and stakeholder involvement process that biennially seeks input from non-

metropolitan local officials through the *TranPlan 21 Stakeholder Survey* process. This survey includes separate survey categories for city and county officials so MDT can identify issues and concerns of each group. In addition to asking for opinions on a variety of transportation system issues, the survey includes an open-ended opportunity for each recipient to comment on issues of concern. MDT publishes survey information on the MDT internet page, and provides the survey results with comments to MDT Administrators and other transportation decision makers.

Small Urban Area Plans & Coordinating Committees

MDT also supports efforts in Montana's largest non-metropolitan urban areas to ensure that MDT's decisions in these areas consider local needs and input. These efforts include the periodic update of area transportation plans as well as ongoing consultation and/or collaboration, as appropriate, through formal transportation coordinating committees.

The area plans, which are overseen and adopted by multi-agency committees that include city, county, and MDT officials, establish recommended transportation system priorities based on socioeconomic data, public input, and technical analysis. Local officials use the plan recommendations to guide them in selecting projects for implementation and MDT and the Montana Transportation Commission consider the plan recommendations when establishing construction priorities on State-owned streets or highways.

In addition to overseeing the periodic plan updates, the coordinating committees nominate projects for the federal Surface Transportation Program-Urban funding and provide a forum for ongoing consultation and/or cooperation, as appropriate, between MDT staff and city and county officials on transportation planning and programming issues in and around the respective urban area.

## STATEWIDE PROGRAMMING

MDT consults with non-metropolitan local officials throughout the programming activities related to the Statewide Transportation Improvement Program.

Montana's Statewide Transportation Improvement Program (STIP) is the federally mandated document that includes all phases of projects planned to occur within the next five years. MDT cannot initiate a project phase unless that phase has appeared in an approved STIP. In developing the annual STIP, MDT ensures that local officials have an opportunity to comment on the projects in their area before MDT asks the Montana Transportation Commission to approve the STIP.

**Note:** Federal law mandates different State/local relationships depending on the system the project falls under.

- The State establishes priorities on the National Highway System after consulting with local officials

- The State selects Surface Transportation Program-funded projects on other systems in cooperation with local officials.

The annual STIP development process includes the following activities that specifically provide non-metropolitan local officials with opportunities to provide input.

- Early each year, MDT sends advance copies of the draft STIP to all county commissions and notifies mayors and city councils of its availability. Recipients of the draft STIP may comment at any time and MDT responds to each comment appropriately. Copies of the comments and responses are provided to appropriate decision makers for consideration.

- County commissioners also have an opportunity to discuss the draft STIP and/or any submitted comments with MDT staff during the Montana Association of Counties (MACO) annual and quarterly meetings. These meetings also provide an opportunity for MDT staff to discuss other transportation issues with local officials.

- In June of each year, MDT sends a special STIP edition of its *Newsline* newsletter to all county commissioners, mayors, city councilpersons, city managers, and other local officials and asks for input on the draft STIP. The newsletter also includes information on how to request printed editions of the draft STIP including the website location and a toll-free information and comment telephone number.

## PROGRAM LEVEL PROCESSES

In addition to consulting with non-metropolitan local officials during the statewide planning and programming process, MDT interacts with local officials at the individual program level for programs funded with Federal Surface Transportation Program (STP) funds. In Montana, STP funds are sub-allocated by state statutory formula to the counties within each financial district, and the small urban areas. State fuel taxes are also distributed to the local (county and city) governments based on formula. Within these programs, the local governments effectively have the authority to establish funding priorities.

As noted previously, federal law requires a cooperative relationship for the selection of STP projects. The following is a summary of the processes for selecting projects through Montana's STP-funded programs.

<u>Surface Transportation Program - Primary (STP-P)</u>

The STP-P Program provides funding for projects on Montana's State Primary Highway System. Montana's legislature created the State Primary Highway System and associated funding program following the elimination of the Federal Aid Primary System in 1991. The annual meetings between MDT staff and county commissioners provide MDT an opportunity to cooperate with local officials on STP-P funded projects moving into the STIP.

Surface Transportation Program - Secondary (STP-S)

The STP-S Program provides funding for projects on Montana's State Secondary Highway System. Montana's legislature created the State Secondary Highway System and associated funding program following the elimination of the Federal Aid Secondary System in 1991. Before 1999, Montana law required MDT to allocate STP-S funds to each of Montana's 56 counties and directed the Montana Transportation Commission to select projects after consulting with the county commission of each county.

However, in 1999 the Montana legislature changed MCA 60-3-206 at the request of MDT and MACO to create a district level allocation and project selection process for the STP-S program that was based on coordination with the counties. Preservation projects are funded with 35% of the STP-S and are determined by MDT, while the remaining 65% of STP-S funding is allocated to the five financial districts for capital construction and is prioritized through a cooperative annual effort involving all counties in each district. Counties and MDT can each nominate projects for capital construction. Priorities are determined through a cooperative ranking effort that involves weighting the importance of each nominated project. Counties and MDT vote on the ranking effort results. Each individual county within the district has 1 vote while MDT is limited to 2 votes.

In addition to improving cooperation between MDT and local officials, the revised process has resulted in improved cooperation between county officials. For example, prioritization by local governments now takes into account regionally significant projects that cross county lines.

Surface Transportation Program - Urban (STP-U)

MDT, the Montana Transportation Commission, and local officials cooperate in reviewing, nominating, and selecting projects on Montana's State Urban Highway system for funding through the STP-U Program. Montana's legislature created the State Urban Highway System and associated funding program following the elimination of the Federal Aid Urban System in 1991.

The large non-metropolitan urban areas of Butte, Helena, Bozeman, Kalispell, and Livingston nominate STP-U projects by multi-agency coordination committees that include city, county, and MDT representatives. These committees also oversee the periodic updates of local transportation plans that provide recommendations for STP-U projects. In smaller urban areas such as Havre, Columbia Falls, Hamilton, Whitefish, Anaconda, Belgrade, Laurel, Glendive, Sidney, Miles City and Lewistown, projects are nominated by the appropriate mayor and/or chairman of the county commission after consulting with MDT staff.

## OTHER MDT ACTIVITIES

In addition to the more formal processes described above, MDT participates in many other processes that provide opportunities for consultation and/or cooperation, as appropriate, with non-metropolitan local officials. The following is a summary of several of these processes.

Systems Impact Analysis Process

This process coordinates MDT and local government reviews of major developments that require access onto state roadways. The process has provided for consistency between local and state governments in ensuring that developers support the cost of system improvements necessary to protect the safety and capacity of the system. This process has also resulted in increased collaboration between MDT, local governments, and developers in advancing mutually beneficial projects.

Corridor Planning Studies

MDT staffs provide financial and technical assistance toward the development of corridor planning studies that are often requested by local officials. Each study has a corridor planning team that includes representatives from local governments in the area. The goals of these studies are to better scope projects before moving into the project development process, identify any fatal flaws and minimize cost and time as projects move through the environmental process.

Safety Planning

This MDT program provides technical and financial assistance to local governments for the development of community transportation safety plans. Through a coordinated process involving safety stakeholders, local officials and MDT staff, strategies are developed to address safety issues within a community.

District Meetings

MDT District staff often meets with non-metropolitan local officials to discuss current and planned transportation projects, listen to comments and concerns, and discuss the area's transportation needs. Depending on the wishes of the local authorities, these meetings can occur on either a scheduled or as-needed basis.

*Newsline*

MDT mails and sends out electronically its quarterly *Newsline* newsletter to over 5,000 Montanans including non-metropolitan officials. In addition to providing information about MDT programs and activities, MDT uses the *Newsline* to solicit input on current planning efforts.

Issue-Specific Public Involvement Processes

MDT often develops plans or studies that require the development of special public involvement processes. Depending on the topic, these plans often include outreach to local elected or appointed officials.

# Appendix

## MONTANA STATE STATUTES

**MCA 60-2-110(2) and 60-2-110(3). Setting priorities and selecting projects.**

(2) The commission shall consult with the board of county commissioners of the county in which a highway is located when establishing priorities and when selecting and designating segments on the secondary highway system for construction and reconstruction.

(3) The commission shall consult with the appropriate local government authorities when establishing priorities and selecting and designating segments on the urban highway system for construction and reconstruction.

**60-2-125. Definitions.** As used in Title 60, chapter 2, part 1, and Title 60, chapter 3, part 2, unless otherwise provided, the following definitions apply:

(1) "Federal-aid highway funds" means those funds made available for expenditure by the department pursuant to Title 23, U.S.C.

(2) "National highway system" means the system of public highways designated by the commission and approved by the secretary of transportation as provided in Title 23, U.S.C.

(3) "Primary highway system" means the highways that have been functionally classified by the department as either principal or minor arterials and that have been selected by the commission to be placed on the primary highway system.

(4) "Secondary highway system" means the highways that have been functionally classified by the department as either minor arterials or major collectors and that have been selected by the commission, in cooperation with the boards of county commissioners, to be placed on the secondary highway system.

(5) "State highways" means the highways throughout the state that are not located on a defined highway system but that are on the state maintenance system.

(6) "Urban highway system" means the highways and streets that are in and near incorporated cities with populations of over 5,000 and within urban boundaries established by the department, that have been functionally classified as either urban arterials or collectors, and that have been selected by the commission, in cooperation with local government authorities, to be placed on the urban highway system.

**MCA 60-2-126. Designation of public highways -- allocation of funds.** (1) For the purpose of allocating state and federal-aid highway funds, the commission shall designate the public highways and streets to be placed on the following systems:

(a) the national highway system;
(b) the primary highway system;
(c) the secondary highway system; or
(d) the urban highway system.

(2) The commission shall consult with the board of county commissioners of the county in which a highway is located prior to designating a public highway to be placed on the secondary highway system.

(3) The commission shall consult with the appropriate local government authorities prior to designating a highway or street to be placed on the urban highway system.

(4) The commission may designate public highways not placed on the systems listed in subsection (1) as state highways.

**MCA 60-2-127. Allocation of funds for projects.** (1) Each year, out of federal-aid highway funds available for construction purposes, the commission shall allocate a portion of the funds for projects located on:

(a) the national highway system;
(b) the primary highway system;
(c) the secondary highway system;
(d) the urban highway system; and
(e) state highways.

(2) In making allocations under subsection (1), the commission shall comply with all applicable provisions relating to the use of federal-aid highway funds contained in Title 23, U.S.C.

(3) Notwithstanding the allocations made available to the secondary and urban highway systems in subsection (1), the commission may, with the concurrence of the appropriate local officials, authorize the use of federal-aid highway funds allocated under subsections (1)(c) and (1)(d) for any project eligible under 23 U.S.C. 133(b) relative to the surface transportation program.

(4) The commission may enter into an agreement with a city, county, or consolidated city-county government, under terms and conditions that the commission determines necessary, to allow the city, county, or consolidated city-county government recipient of urban funds apportioned under 60-3-211 to dedicate all or a portion of the urban fund apportionment to the retirement of the bonds authorized by 7-7-110.

**MCA 60-2-204. Maintenance agreements with local governments.** Except as provided in 60-2-203, the department may enter into an agreement with a local governing body to maintain portions of public highways within its boundaries upon terms and conditions as may be agreed upon. However, in the case of highways in the state maintenance system as referred to in 60-2-128 and 60-2-203:

(1) the department shall bear the entire cost of maintenance, operation, and construction work performed by the local governing body pursuant to these agreements; and

(2) the department is responsible for the entire cost of placement and maintenance of all traffic control devices involved in these agreements required by 61-8-203.

**MCA 60-3-206. Apportionment of funds to secondary highway system.** (1) Each fiscal year the department shall apportion at least 65% of the federal-aid highway funds allocated for the secondary highway system among the districts for capital construction needs. The remainder of the funds must be used by the department for secondary highway system pavement preservation. The proportion that each district receives is computed on the following basis:

(a) 30% in the ratio of land area in each district to the total land area in the state;

(b) 35% in the ratio of the rural population in each district to the total rural population in the state;
(c) 30% in the ratio of the rural road mileage in each district to the total rural road mileage in the state;
(d) 5% in the ratio of the rural bridge square footage in each district to the total rural bridge square footage in the state.
(2) To the extent necessary to permit orderly programming and construction of projects, obligations in a district may exceed the amount apportioned to that district if a majority of the boards of county commissioners of the counties in another district approve the donation of the extra amount. The amount of excess obligations must be deducted from future apportionments to that recipient district and returned to the donor district.
(3) For the purposes of this section, terms are defined as follows:
(a) "Capital construction" means a highway or bridge project undertaken to improve structural strength, increase capacity, or eliminate hazardous design features. A capital construction project may include paved or gravel road reconstruction and rehabilitation.
(b) "District" means the transportation commission districts identified in 2-15-2502.
(c) "Pavement preservation" means a project undertaken to extend the useful life of a paved road.
(d) "Rural bridge square footage" means the total square footage of all deck areas of structures 20 feet long or longer located on the roadways that are used to calculate rural road mileage as provided in subsection (3)(f).
(e) "Rural population" means the total population of all of the counties in a district as reported in the latest decennial federal census less the population in cities over 5,000 persons and their unincorporated fringe urban areas as determined by the department, using the latest decennial federal census.
(f) (i) "Rural road mileage" means all road mileage on roads functionally classified and approved by the transportation commission as major collectors or minor arterials, exclusive of road mileage on the primary highway system.
(ii) Road mileage within national parks or road mileage that lies within incorporated cities over 5,000 persons and their unincorporated fringe urban areas, whose population is determined by the department, using the latest decennial federal census, is not considered rural road mileage.
(iii) Rural road mileage reported by the road inventory of the department must be used in determining rural road mileage.
(4) For the purpose of determining secondary highway capital construction priorities within a district, each board of county commissioners in a district has one vote and the department has two votes. An existing paved secondary highway may not be converted to a graveled surface without the concurrence of the board of county commissioners in the county where the road is located.

**MCA 60-3-207. Secondary highway information.** On or before November 30 of each year, the department shall inform each board of county commissioners of:
(1) the total amount of secondary highway funds and the amount apportioned to each county;
(2) the location of proposed secondary highway projects, when the information is

available;

(3) any other matters regarding secondary highway construction which the department considers advisable and of interest to the counties.

**MCA 60-3-211. Apportionment of state funds to urban highway system.** (1) Each fiscal year, the department shall apportion the federal-aid highway funds allocated for the urban highway system to the urban areas in the state as delineated and reported in the latest federal census with populations of 5,000 or more in the ratio of urban population in each urban area to the total urban population in all urban areas in the state.

(2) For the purpose of this section, "urban population" is defined as population within the urban area, as reported in the latest federal census, with a population of 5,000 or more and that population within the adjusted and federal highway administration – approved fringe areas based on the latest federal census.

(3) To the extent necessary to permit orderly programming and construction of projects, obligations in any urban area may exceed the amount apportioned to that urban area. The amount of any excess obligations must be deducted from future apportionments to that urban area.

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