
Non-Metropolitan Local Official Participation Process



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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 an opportunity for participation in the development of the long range transportation plan and the surface transportation improvement program. 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 locations outside of the Billings, Bozeman, Great Falls, Helena, and Missoula metropolitan areas.

Planning:

TranPlanMT

During formal updates of *TranPlanMT*, Montana's federally mandated statewide multimodal transportation plan, cooperation 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
- Providing draft plan to local officials for review and comment before it is adopted
- Providing copies of final plan to all mayors, chief executives, and county commissions

Between updates of *TranPlanMT*, MDT's cooperation with non-metropolitan local officials is comprised of both informal communication, and the biennial *TranPlanMT Stakeholder Survey*, which includes polling the general public and specific stakeholder groups, which includes 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 transportation plan updates, Surface Transportation Program – Urban (STPU) project nominations, and other transportation issues.

Programming:

Statewide Transportation Improvement Program (STIP)

MDT cooperates 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 (STPP) 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 (STPS)
- Surface Transportation Program - Urban (STPU)

INTRODUCTION

This document describes the Montana Department of Transportation's (MDT) process for 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 locations outside of the Billings, Bozeman, Helena, 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, less than a third 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.

TranPlanMT

Montana's federally mandated statewide multimodal long-range transportation plan, *TranPlanMT* is part of an ongoing process that regularly identifies transportation issues, evaluates public and stakeholder needs and implements policy goals and actions. MDT adopted the original *TranPlan21* in 1995, updated it in 2002, performed a limited amendment in 2008 following SAFETEA-LU, and completed a comprehensive update in 2017, which changed the title of the plan to *TranPlanMT*. 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 cooperate with non-metropolitan local officials during *TranPlanMT* 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 distributes copies of the new *TranPlanMT* to all mayors, chief executives, and county commissions.

In addition to the formal updates of *TranPlanMT*, MDT conducts the *TranPlanMT* public and stakeholder involvement process that biennially seeks input from non-metropolitan local officials through the *TranPlanMT 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 Federal Highways Administration (FHWA) and the Federal Transit Administration (FTA) 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 Spring 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.

Surface Transportation Program - Primary (STPP)

The STPP 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 STPP funded projects moving into the STIP.

Surface Transportation Program - Secondary (STPS)

The STPS 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 STPS 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 STPS program that was based on coordination with the counties. Preservation projects are funded with 35% of the STPS and are determined by MDT, while the remaining 65% of STPS 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 considers regionally significant projects that cross county lines.

Surface Transportation Program - Urban (STPU)

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 STPU 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, Kalispell, Columbia Falls, and Livingston nominate STPU 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 STPU projects. In smaller urban areas such as Havre, Hamilton, Whitefish, Anaconda, Belgrade, Laurel, Glendive, Sidney, Miles City, Polson, 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 government 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 staff provides 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 cooperative 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 subscribers 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. The *Newsline* is a publicly available resource, and anyone interested in receiving it by mail and/or email can subscribe to the distribution by request to MDT.

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.

Project-Specific Public Involvement Processes

The 2017 Montana Legislature enacted MCA 60-2-245 regarding projects of substantial impact on the public. MDT has enhanced the way project specific public involvement occurs in response to MCA 60-2-245. Detailed guidance, documents, and resources are available at <https://mdt.mt.gov/business/consulting/comm-process.aspx>. These projects may be subject to MCA 60-2-245.

Public Involvement Plan

The purpose of the [Public Involvement Plan](#) is to document MDT's public involvement process. This plan provides guidance to MDT staff, consultants, and subrecipients to offer opportunities for public input at key decision points in planning and project development. Included are statutory requirements, levels of involvement and environmental review, plus methods to garner public input in transportation planning, programming, and project development.

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.

MCA 60-1-103. General definitions. Subject to additional definitions contained in this title that are applicable to specific chapters or sections and unless the context otherwise requires, in this title, the following definitions apply:

(1) "Abandonment" means cessation of use of right-of-way or an easement or cessation of activity on the right-of-way or easement with no intention to reclaim or use again. Abandonment is sometimes called vacation.

(2) "Bridge" means any bridge constructed by the department, together with all appurtenances, additions, alterations, improvements, and replacements and the approaches to the bridge, lands used in connection with the bridge, and improvements incidental or integral to the bridge.

(3) "Commission" means the transportation commission provided for in 2-15-2502.

(4) "Commission-designated highway systems" means the following as defined in this section:

- (a) national highway system;
- (b) primary highway system;
- (c) secondary highway system; and
- (d) urban highway system.

(5) "Condemnation" means taking by exercise of the right of eminent domain, as provided in Title 70, chapter 30, and chapter 4 of this title.

(6) "Construction" means supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, mapping, and costs of right-of-way or other interests in land and elimination of hazards at railway grade crossings.

(7) "Control of access" means the condition in which the right of owners or occupants of abutting land or other persons to access, light, air, or view in connection with a highway is fully or partially controlled by public authority.

(8) "County road" means any public highway opened, established, constructed, maintained, abandoned, or discontinued by a county in accordance with Title 7, chapter

(9) "Department" means the department of transportation provided for in Title 2, chapter 15, part 25.

(10) "Director" means the director of transportation, a position provided for in 2-15-2501.

(11) "Easement" means a right acquired by public authority to use or control property for a designated purpose.

(12) "Eminent domain" means the right of the state to take private property for public use.

(13) "Federal-aid highway funds" means those funds available for expenditure by the department pursuant to Title 23, U.S.C., or other federally available funds for highways.

(14) "Fee simple" means an absolute estate or ownership in property, including unlimited power of alienation.

(15) "Financial district" means a transportation commission district established in [2-15-2502](#).

(16) "Highway" includes rights-of-way or other interests in land, embankments, retaining walls, culverts, sluices, drainage structures, bridges, railroad-highway crossings, tunnels, signs, guardrails, and protective structures.

(17) "Highway", "road", and "street", whether the terms appear together or separately or are preceded by the adjective "public", are general terms denoting a public way for purposes of vehicular travel and include the entire area within the right-of-way.

(18) "Highway authority" means the entity at any level of government authorized by law to construct and maintain highways.

(19) "Interstate highway" means a highway that is part of the Dwight D. Eisenhower system of interstate and defense highways described in Title 23, U.S.C., and is a subcomponent of the national highway system.

(20) "Maintenance" means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and traffic control devices that are necessary for the safe and efficient use of the highway.

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

(22) "Primary highway system" means those highways that have been functionally classified, in accordance with federal requirements, as either principal or minor arterials and designated by the commission as being on the primary highway system.

(23) "Public highways" means all streets, roads, highways, bridges, and related structures:

(a) built and maintained with appropriated funds of the United States or the state or any political subdivision of the state;

(b) dedicated to public use;

(c) acquired by eminent domain, as provided in Title 70, chapter 30, and chapter 4 of this title; or

(d) acquired by adverse use by the public, with jurisdiction having been assumed by the state or any political subdivision of the state.

(24) "Right-of-way" is a general term denoting land, property, or any interest in land or property, usually in a strip, acquired for or devoted to highway purposes.

(25) "Scenic-historic byway" means a public road or segment of a public road that has been designated as a scenic-historic byway by the commission, as provided in [60-2-601](#).

(26) "Secondary highway system" means those highways that are outside department-designated urban boundaries and that have been functionally classified, in accordance with federal requirements, as either minor arterials or major collectors and

designated by the commission, in cooperation with the boards of county commissioners, as being on the secondary highway system.

(27) "State highways" means the highways throughout the state that are not located on a commission-designated highway system but that are on the state maintenance system.

(28) "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 and that are functionally classified, in accordance with federal requirements, as either arterials or major collectors and designated by the commission, in cooperation with local government authorities, as being on the urban highway system.

MCA 60-2-126. Designation of public highways -- apportionment of funds. (1) For the purpose of apportioning 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 60-2-245. Construction projects -- project impacts -- notice. (1) (a) After the commission has selected and prioritized a construction project under [60-2-110](#), the department or the commission shall determine whether the project will have a substantial impact on the public. If the department or the commission determines that the project will have a substantial impact, the department shall ensure that the public, in the area where the project is located and in areas adjacent to the project area, as provided in subsection (3)(a)(i), is notified of the project and is provided with periodic updates on the status of the project as provided in this section.

- (b) A project with a substantial impact includes but is not limited to:
 - (i) a project for which additional right-of-way is necessary for project completion; and
 - (ii) the initial installation of rumble strips within 200 yards of a residential building, as measured from any point on a prospective rumble strip to any part of a residential building.
- (2)(a) The department shall engage the public through informational meetings or other appropriate means at major milestones in phases of the project, from the selection of the project by the commission to project completion. To engage and inform the public, the department shall:
 - (i) place and maintain current information regarding the status of the project in a prominent location on the department's website;
 - (ii) use newspaper, television, and radio formats as appropriate to provide information to the public regarding the status of the project;
 - (iii) investigate the use of other types of media, such as electronic social media, to provide information to the public regarding the status of the project; and
 - (iv) maintain an electronic notification list as provided in subsection (3).
- (b) For the purposes of this section, phases of a project include but are not limited to survey, design, and right-of-way phases of a project.
- (3)(a) For each proposed project identified under subsection (1), the department shall maintain a list of:
 - (i) all local government and tribal government entities within which the project will be located that are likely to be impacted by the project or that are adjacent to the project area; and

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- (ii) organizations and associations that represent motorists and commercial motor vehicle companies and operators that regularly conduct business in the project area and any other organizations or entities that represent travelers or those who regularly use highways in the project area for recreational or business purposes.
 - (b) The department shall notify the entities identified in subsection (3)(a) when the commission selects a construction project as provided in subsection (1) and shall provide project updates of major milestones in phases of the project through electronic communication to any entity that submits a request to receive updates.

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 financial district;

(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.

FEDERAL REGULATIONS

49 U.S.C. 5304 - Statewide and non-metropolitan transportation planning.

(c) Use of technology. -A State may use social media and other web-based tools-

(i) to further encourage public participation; and

(ii) to solicit public feedback during the transportation planning process.

(e) Additional Requirements. -In carrying out planning under this section, each State shall, at a minimum-

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- (1) with respect to nonmetropolitan areas, cooperate with affected local officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (l);
 - (2) consider the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and
 - (3) consider coordination of transportation plans, the transportation improvement program, and planning activities with related planning activities being carried out outside of metropolitan planning areas and between States.

(f) Long-Range Statewide Transportation Plan.-

(1) Development.-Each State shall develop a long-range statewide transportation plan, with a minimum 20-year forecast period for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

(2) Consultation with governments.-

(A) Metropolitan areas.-The statewide transportation plan shall be developed for each metropolitan area in the State in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5303.

(B) Nonmetropolitan areas.-

(i) In general.-With respect to nonmetropolitan areas, the statewide transportation plan shall be developed in cooperation with affected nonmetropolitan officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (l).

(ii) Role of secretary.-The Secretary shall not review or approve the consultation process in each State.

(g) Statewide Transportation Improvement Program.-

(1) Development.-

(A) In general.-Each State shall develop a statewide transportation improvement program for all areas of the State.

(B) Duration and updating of program.-Each program developed under subparagraph

(A) shall cover a period of 4 years and shall be updated every 4 years or more frequently if the Governor of the State elects to update more frequently.

(2) Consultation with governments.-

(A) Metropolitan areas.-With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5303.

(B) Nonmetropolitan areas.-

(i) In general.-With respect to each nonmetropolitan area in the State, the program shall be developed in cooperation with affected nonmetropolitan local officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (l).

(ii) Role of secretary.-The Secretary shall not review or approve the specific consultation process in the State.

(C) Indian tribal areas.-With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

23 CFR § 450.210 Interested parties, public involvement, and consultation.

(b) The State shall provide for nonmetropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The State shall have a documented process(es) for cooperating with nonmetropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range statewide transportation plan and the STIP. Although the FHWA and the FTA shall not review or approve this cooperative process(es), the State shall provide copies of the process document(s) to the FHWA and the FTA for informational purposes.

(1) At least once every 5 years, the State shall review and solicit comments from nonmetropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the cooperative process and any proposed changes. The State shall direct a specific request for comments to the State association of counties, State municipal league, regional planning agencies, or directly to nonmetropolitan local officials.

(2) The State, at its discretion, is responsible for determining whether to adopt any proposed changes. If a proposed change is not adopted, the State shall make publicly available its reasons for not accepting the proposed change, including notification to nonmetropolitan local officials or their associations.

23 CFR § 450.216 Development and content of the long-range statewide transportation plan.

(h) For nonmetropolitan areas, the State shall develop the long-range statewide transportation plan in cooperation with affected nonmetropolitan local officials with responsibility for transportation or, if applicable, through RTPOs described in [§ 450.210\(d\)](#) using the State's cooperative process(es) established under [§ 450.210\(b\)](#).

(l) In developing and updating the long-range statewide transportation plan, the State shall provide:

(1) To nonmetropolitan local elected officials, or, if applicable, through RTPOs described in [§ 450.210\(d\)](#), an opportunity to participate in accordance with [§ 450.216\(h\)](#);

23 CFR § 450.218 Development and content of the statewide transportation improvement program (STIP).

(c) For each nonmetropolitan area in the State, the State shall develop the STIP in cooperation with affected nonmetropolitan local officials with responsibility for transportation or, if applicable, through RTPOs described in [§ 450.210\(d\)](#) using the State's consultation process(es) established under [§ 450.210\(b\)](#).

Alternative accessible formats of this document will be provided on request. Persons who need an alternative format should contact the Office of Civil Rights, Montana Department of Transportation, 2701 Prospect Avenue., PO Box 201001, Helena, MT 59620. Telephone 406-444-5416 or Montana Relay Service at 711.