Congestion Management Process: Applicable Regulations

Following are the federal regulations that guide the CMP. The original regulations date back to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). These regulations were retained and largely unchanged by subsequent federal legislation including the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Fixing America’s Surface Transportation (FAST) Act.

The FAST Act adds examples of travel demand reduction strategies for congestion management in a transportation management area (TMA). While retaining the requirement for a congestion management process for Metropolitan Planning Organizations (MPOs) that serve a TMA, the law also allows an MPO that serves a TMA to develop a congestion management plan (distinct from the congestion management process) that will be considered in the MPO’s transportation improvement program. Any such plan must include regional goals for reducing peak hour vehicle miles traveled and improving transportation connections, must identify existing services and programs that support access to jobs in the region, and must identify proposed projects and programs to reduce congestion and increase job access opportunities. The FAST Act specifies that in developing a congestion management plan, MPOs shall consult with employers, private and nonprofit providers of public transportation, transportation management organizations, and organizations that provide job access reverse commute projects or job-related services to low-income individuals.

Please note that the bolding was added to the text below by DVRPC to increase clarity for application in this region.

STATEWIDE TRANSPORTATION PLANNING; METROPOLITAN TRANSPORTATION PLANNING FINAL RULE ON CONGESTION MANAGEMENT PROCESS February 14, 2007

23 CFR Parts 450 and 500

PART 450 – PLANNING ASSISTANCE AND STANDARDS

Subpart C – Metropolitan Transportation Planning and Programming

Sec. 450.320 Congestion management process in transportation management areas. (p. 7274)

(a) The transportation planning process in a TMA shall address congestion management through a process that provides for safe and effective integrated management and operation of the multimodal transportation system, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 through the use of travel demand reduction and operational management strategies.

(b) The development of a congestion management process should result in multimodal system performance measures and strategies that can be reflected in the metropolitan transportation plan and the TIP. The level of system performance deemed acceptable by State and local transportation officials may vary by type of transportation facility, geographic location (metropolitan area or subarea), and/or time of day. In addition, consideration should be given to strategies that manage demand, reduce single-occupant vehicle (SOV) travel, and improve transportation system management and operations. Where the addition of general purpose lanes is determined to be an appropriate congestion management strategy, explicit consideration is to be given to the incorporation of appropriate features into the SOV project to facilitate future demand management strategies and operational improvements that will maintain the functional integrity and safety of those lanes.

(c) The congestion management process shall be developed, established, and implemented as part of the metropolitan transportation planning process that includes coordination with transportation system management and operations activities. The congestion management process shall include:
(1) **Methods to monitor and evaluate the performance** of the multimodal transportation system, identify the causes of recurring and nonrecurring congestion, identify and evaluate alternative strategies, provide information supporting the implementation of actions, and evaluate the effectiveness of implemented actions;

(2) **Definition of congestion management objectives and appropriate performance measures to assess** the extent of congestion and support the evaluation of the effectiveness of congestion reduction and mobility enhancement strategies for the movement of people and goods. Since levels of acceptable system performance may vary among local communities, performance measures should be tailored to the specific needs of the area and established cooperatively by the State(s), affected MPO(s), and local officials in consultation with the operators of major modes of transportation in the coverage area;

(3) **Establishment of a coordinated program for data collection and system performance monitoring** to define the extent and duration of congestion, to contribute in determining the causes of congestion, and evaluate the efficiency and effectiveness of implemented actions. To the extent possible, this data collection program should be coordinated with existing data sources (including archived operational/ITS data) and coordinated with operations managers in the metropolitan area;

(4) **Identification and evaluation of the anticipated performance and expected benefits of appropriate congestion management strategies** that will contribute to the more effective use and improved safety of existing and future transportation systems based on the established performance measures. The following categories of strategies, or combinations of strategies, are some examples of what should be appropriately considered for each area: (i) Demand management measures, including growth management and congestion pricing; (ii) Traffic operational improvements; (iii) Public transportation improvements; (iv) ITS technologies as related to the regional ITS architecture; and (v) Where necessary, additional system capacity;

(5) **Identification of an implementation schedule, implementation responsibilities, and possible funding sources for each strategy** (or combination of strategies) proposed for implementation; and

(6) Implementation of a process for periodic **assessment of the effectiveness of implemented strategies**, in terms of the area’s established performance measures. The results of this evaluation shall be provided to decision-makers and the public to provide guidance on selection of effective strategies for future implementation.

(d) In a TMA designated as a nonattainment area for ozone or carbon monoxide pursuant to the Clean Air Act, federal funds may not be programmed for any project that will result in a significant increase in the carrying capacity for SOVs (i.e., a new general purpose highway on a new location or adding general purpose lanes, with the exception of safety improvements or the elimination of bottlenecks), **unless the project is addressed through a congestion management process** meeting the requirements of this section.

(e) In TMAs designated as nonattainment areas for ozone or carbon monoxide, the congestion management process shall provide **an appropriate analysis** of reasonable (including multimodal) travel demand reduction and operational management strategies for the corridor in which a project that will result in a significant increase in capacity for SOVs (as described in paragraph (d) of this section) is proposed to be advanced with federal funds. If the analysis demonstrates that travel demand reduction and operational management strategies cannot fully satisfy the need for additional capacity in the corridor and additional SOV capacity is warranted, **then the congestion management process shall identify all reasonable strategies to manage the SOV facility safely and effectively (or to facilitate its management in the future)**. Other travel demand reduction and operational management strategies appropriate for the corridor, but not appropriate for incorporation into the SOV facility itself, shall also be identified through the congestion management process. **All identified reasonable travel demand reduction and operational management strategies shall be incorporated into the SOV project or committed to by the State and MPO for implementation.**

(f) State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process, if the FHWA and the FTA find that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of 23 U.S.C. 134 and 49 U.S.C. 5303.
PART 500 – MANAGEMENT AND MONITORING SYSTEMS

Subpart A – Management Systems
Sec. 500.109 CMS (p. 7274)
(a) For purposes of this part, congestion means the level at which transportation system performance is unacceptable due to excessive travel times and delays. Congestion management means the application of strategies to improve system performance and reliability by reducing the adverse impacts of congestion on the movement of people and goods in a region. A congestion management system or process is a systematic and regionally accepted approach for managing congestion that provides accurate, up-to-date information on transportation system operations and performance and assesses alternative strategies for congestion management that meet State and local needs.

(b) The development of a congestion management system or process should result in performance measures and strategies that can be integrated into transportation plans and programs. The level of system performance deemed acceptable by State and local officials may vary by type of transportation facility, geographic location (metropolitan area or subarea and/or nonmetropolitan area), and/or time of day. In both metropolitan and nonmetropolitan areas, consideration needs to be given to strategies that manage demand, reduce single-occupant vehicle (SOV) travel, and improve transportation system management and operations. Where the addition of general purpose lanes is determined to be an appropriate congestion management strategy, explicit consideration is to be given to the incorporation of appropriate features into the SOV project to facilitate future demand management strategies and operational improvements that will maintain the functional integrity of those lanes.

Sources:
Federal Register/Vol. 72, No. 30/Wednesday, February 14, 2007/Rules and Regulations

Federal Highway Administration, Fixing America’s Surface Transportation Act or “FAST Act” Fact Sheets,