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February 13, 2026

Ryan Anderson, P.E.
Commissioner
Alaska Department of Transportation and Public Facilities
P.O. Box 112500
3132 Channel Drive
Juneau, Alaska 99811

Dear Commissioner Anderson:

As a follow-up to the in-person meeting with Federal Highway Administration (FHWA) Administrator Sean McMaster and Federal Transit Administration (FTA) Administrator Marc Molinaro on November 17, 2025, and in response to the April 23, 2025 letter from the Alaska Department of Transportation and Public Facilities (AKDOT&PF), specifically requesting clarification regarding the State's authority over the metropolitan transportation planning process under 23 U.S.C. § 134 and 23 CFR Part 450, we write to provide clarification.

The FHWA and FTA, including both Offices of Chief Counsel, have reviewed and discussed your questions and concerns. As the planning rules are administered jointly by FHWA and FTA, we are pleased to provide you a coordinated response. Below, we address the four points of clarification explicitly requested in your April letter.

First Point of Clarification:

The State Department of Transportation (DOT) has final authority over National Highway System (NHS) projects located within metropolitan planning areas (MPA), pursuant to 23 U.S.C. 134(k)(5)(B) and 23 CFR 450.332(c).

Response:

Section 134 of Title 23, United States Code (U.S.C.), directs Metropolitan Planning Organizations (MPOs) to develop Metropolitan Transportation Improvement Programs (TIPs).

This is expanded upon in the implementing regulations at title 23, Code of Federal Regulations (CFR), Section 450.326. The MPO's TIP must include all projects located within an MPO's MPA, including projects located on the NHS, consistent with its metropolitan transportation plan.

State DOTs should work with MPOs in determining what projects should be included in the TIP; however, State DOTs do not have authority over which projects an MPO decides to include in the TIP. This authority is reflected where statute provides, “[i]n cooperation with the State and any affected public transportation operator, the [MPO] designated for a metropolitan area shall develop a TIP for the [MPA] . . .” 23 U.S.C. § 134(j)(1). In carrying out this legal obligation, an MPO is also instructed by statute to cooperate with the State and any affected public transportation operators. This intent for cooperation is reflected in other provisions of Section 134, such as the composition of MPOs and the TIP approval process.¹ However, because the statute clearly specifies that MPOs are to develop the TIPs, this means the decision-making authority to determine which projects are ultimately included in a TIP remains with the MPO.

AKDOT&PF points to 23 U.S.C. § 134(k)(5) as authority permitting a State to choose which NHS projects to include in a TIP. The statute provides “[p]rojects carried out within the boundaries of a[n] [MPA] serving a transportation management area on the [NHS] shall be selected for implementation from the approved TIP by the State in cooperation with the [MPO] designated for the area.” 23 U.S.C. § 134(k)(5)(B). However, rather than providing the authority AKDOT & PF suggests, the statute directs the State to select for implementation NHS projects from an already *approved* TIP in cooperation with the MPO. As noted above, the MPO is responsible for developing the TIP, and the authority to decide what is included in a TIP, along with the required procedures for developing and approving a TIP, are defined at 23 U.S.C. § 134(j).

In addition, 23 U.S.C. § 134(k)(5) applies only to MPOs serving Transportation Management Areas (TMA). Of Alaska's three MPOs, only the Anchorage Metropolitan Area Transportation Solutions MPO serves a TMA, so 23 U.S.C. § 134(k) does not apply to the Fairbanks Area Surface Transportation Planning MPO or the Matanuska-Susitna Valley Planning for Transportation MPO. In an MPO not serving a TMA, the State has authority to select for funding and implementation all title 23 projects from the *approved* TIP, regardless of whether they are located on the NHS. 23 U.S.C. § 134(j)(5)(A)(i)(I).

Second Point of Clarification:

MPOs may not unilaterally exclude or delay regionally significant NHS projects proposed by the State.

Response:

¹ 23 U.S.C. 134(d)(2) requires that MPOs serving transportation management areas (TMA) consist of, among others, appropriate State officials. In addition, 23 U.S.C. 134(j)(1)(D)(ii) requires Governor approval to approve a TIP.

MPOs have legal authority to exclude from the TIP regionally significant NHS projects proposed by the State. As discussed above, development of the TIP is solely within the discretion of the MPO, and MPOs have the authority to determine which projects are included in the TIP. As a result, if a MPO decides to not include a regionally significant project on the TIP, then the project cannot be advanced. However, as previously noted, MPOs should work cooperatively with State DOTs and any affected public transportation operators in developing their TIPs.

Per the planning regulations at 23 CFR Part 450, a regionally significant project is a transportation project on a facility that serves regional transportation needs and would normally be included in the modeling of the metropolitan area's transportation network. 23 CFR §450.104. At a minimum, this includes all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel.

The planning regulations also require MPOs to include all projects falling under the definition of “regionally significant” in the TIP. (23 CFR 460.326(f)) If an MPO wishes to pursue a project, and the project is determined to be regionally significant, per 23 CFR 450.104, then 23 CFR 450.326(f) instructs the MPO to include that project in its TIP. However, this determination process begins with the list of projects the MPO wishes to pursue. An MPO is not required to include in the TIP projects the State determines are regionally significant simply because those projects may fall within an MPO’s MPA.

Third Point of Clarification:

All NHS projects selected by the State must be reflected in the TIP and metropolitan transportation plan (MTP), in accordance with 23 CFR 450.326(f) and 450.218(h), regardless of local political action.

Response:

As explained above, MPOs have legal authority to program into or remove from their TIPs all projects located within their MPAs, including projects located on the NHS and regionally significant projects.

The regulations AKDOT & PF mentions, 23 CFR §450.326(f) and §450.218(h), refer to regionally significant projects within an MPO’s and a State’s planning jurisdiction, respectively, and are unrelated to the question of project selection from an approved TIP on or off the NHS. State selection of projects for implementation located on or off the NHS begins with an approved TIP developed by an MPO.

Per the regulations governing the development of TIPs, an MPO must include in its TIP all regionally significant projects it intends to advance that require action by FHWA or FTA. 23 CFR §450.326(f). Similarly, the regulations governing development of the Statewide Transportation Improvement Programs (STIP) require States to include all regionally significant projects requiring an action by FHWA or FTA in their STIP. 23 CFR §450.218(h). However, an MPO is not required to include in the TIP projects that the State determines are regionally significant simply because those projects may fall within an MPO’s MPA.

Fourth Point of Clarification:

Any change to MPO decision-making authority must be formally documented through revised planning agreements as required by 23 CFR 450.310(j).

Response:

In terms of changes to decision-making authority, per regulation, redesignation of an MPO is required when an MPO proposes to make a substantial change to its decision-making authority or its MPO responsibilities, or proposes a change in decision-making procedures established under its by-laws. 23 CFR §450.310(j)(2).

Without further specifics as to “planning agreements,” we are only able to provide here a general response to this point. We note further, an update to an operating agreement between an MPO and a State may be part of the redesignation process. If AKDOT&PF would like to provide further detail or clarity with regard to this point, FHWA and FTA can provide a more specific response.

We thank you for your outreach and the opportunity to provide clarity on the various statutory provisions governing metropolitan transportation planning. As noted above, 23 U.S.C. § 134(j) grants MPOs authority to develop the metropolitan TIP and make all decisions regarding what projects are included in it. However, 23 U.S.C. § 134 and 23 CFR Part 450 provide a State with many opportunities to meaningfully participate in the decision making throughout, the TIP development and approval process. To be successful, the TIP development process ultimately should be a cooperative process between the MPO and a State.

Both FHWA and FTA support your efforts to continue pursuing a cooperative and comprehensive approach to transportation planning with the State’s respective MPOs to ensure effective and efficient project delivery. We also look forward to continuing to work together on transportation planning matters, including development of the next STIP.

Sincerely,

Randy Warden
Division Administrator, Alaska Division
Federal Highway Administration

Susan Fletcher, P.E.
Regional Administrator, Region 10
Federal Transit Administration

Electronically cc:

Katherine Keith, Deputy Commissioner, AKDOT&PF

Dom Pannone, Program Management and Administration Director, AKDOT&PF
Aaron Jongenelen, Executive Director/MPO Coordinator, AMATS
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