

California Freight Mobility Plan (CFMP) **Statutory Authority for Freight Planning**

23 United States Code (USC) §134

Pertains to Metropolitan Transportation Planning.

“(a) Policy. It is in the national interest to—

(1) encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people *and freight*¹ and foster economic growth and development...”

23 United States Code (USC) §135

Pertains to Statewide Transportation Planning. Each State shall develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State, subject to section 134. “The planning process shall provide for consideration and implementation of projects, strategies, and services that will—

- “(A) support the economic vitality of the United States, the States, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;
- ...
- “(D) increase the accessibility and mobility of people *and freight*;
- “(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- “(F) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people *and freight*;
- “(G) promote efficient system management and operation; and
- “(H) emphasize the preservation of the existing transportation system.”

49 USC §5303. Metropolitan Transportation Planning

“(a) Policy. It is in the national interest to—

(1) encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people *and freight* and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter;...”

49 USC §5304. Statewide Transportation Planning

Requires States to develop a statewide transportation plan.

¹ Quoted text presented here is intended to be representative, not comprehensive. Emphasis added.

“§5304(f)(3). Participation by interested parties.—

“(A) In general.—In developing the statewide transportation plan, the State shall provide citizens, affected public agencies, representatives of public transportation employees, *freight shippers*, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, *providers of freight transportation services*, and other interested parties with a reasonable opportunity to comment on the proposed plan.”

23 Code of Federal Regulations (CFR) Part 450

§450.200. Purpose

Purpose of the regulations to enforce requirements that States carry out a “continuing, cooperative, and comprehensive statewide multimodal transportation planning process, including the development of a long-range statewide transportation plan and statewide transportation improvement program (STIP), that facilitates the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people *and freight*...”

§450.206. Scope of the Statewide Transportation Planning Process.

“(a) Each State shall carry out a continuing, cooperative, and comprehensive statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will address the following factors:

...

“(4) Increase accessibility and mobility of people *and freight*; ... “

§ 450.208. Coordination of Planning Process Activities

Requires States to coordinate with MPOs, statewide trade and economic development planning activities and multistate planning efforts, federal land management agencies, local officials, Tribes, air quality agencies, and others.

FHWA Guidance

Guidance is issued by the Federal Highway Administration for freight planning activities, including the "Statewide Freight Plan Template."

The purpose of the “Statewide Freight Plan Template is to assist state departments of transportation (DOTs) in developing a freight plan, or incorporating freight elements into a statewide transportation plan.” (<http://ops.fhwa.dot.gov/publications/fhwahop11026/index.htm>)

California Government Code (Cal. Gov. Code) §65070 et seq.

Pertains to the California Transportation Plan.

“...It is the intent of the Legislature that the preparation of these plans shall be a cooperative process involving local and regional government, transit operators, congestion management agencies, *and the goods movement industry* ...”

§65072.1. Pertains to updating the California Transportation Plan (as amended by SB 391). Policies and objectives shall be consistent with legislative intent expressed in Sections 14000, 14000.5, 14000.6, and 65088.

§65072.1. “The California Transportation Plan shall consider all of the following subject areas for the movement of people *and freight*:

- “(a) Mobility and accessibility.
- “(b) Integration and connectivity.
- “(c) Efficient system management and operation.
- “(d) Existing system preservation.
- “(e) Safety and security.
- “(f) Economic development, including productivity and efficiency.
- “(g) Environmental protection and quality of life. “

Cal. Gov. Code §8879.23

Establishes the Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund. Makes available funding for the Trade Corridors Improvement Fund. In determining projects eligible for funding, the California Transportation Commission (CTC) is required to consult the trade infrastructure and *goods movement* plan. Establishes criteria for eligible projects, including highway capacity and operational improvements (including inland waterways and access to ports), freight rail system (including grade separations), truck corridor improvements, border access improvements, and improvements to facilitate goods movement at airports.

California Health and Safety Code §39625

Establishes the Goods Movement Emission Reduction Program, under the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006. Sets out responsibilities for the California Air Resources Board. Refers indirectly to the Department of Transportation as an “administrative agency” for the bond program (Cal. Gov. Code §8879.20 et seq.). Defines “goods movement facility” and “trade corridors.”

