

**ITEM 8 - Action**  
January 16, 2008

Review of Comments Received and Acceptance of Recommended Responses for Inclusion in the Air Quality Conformity Assessment, the 2007 CLRP, and the FY 2008-2013 TIP

**Staff**

**Recommendation:** Receive briefing on the comments received and accept the recommended responses for inclusion in the air quality conformity assessment, the 2007 CLRP, and the FY 2008-2013 TIP.

**Issues:** None

**Background:** The draft the air quality conformity assessment, the 2007 CLRP, and the FY 2008-2013 TIP documents and web-based information were released for public comment on December 13, 2007. The public comment period for these documents ended on January 12, 2008. Public comments are posted as received on the TPB web site. The final version of the comments and responses memorandum will be incorporated into the documents scheduled for consideration under agenda items 9, 10, and 11.

# National Capital Region Transportation Planning Board

777 North Capitol Street, N.E., Suite 300, Washington, D.C. 20002-4290 (202) 962-3310 Fax: (202) 962-3202

---

Item 8

## MEMORANDUM

January 15, 2008

**TO:** Transportation Planning Board

**FROM:** Ronald F. Kirby  
Director of Transportation Planning

**SUBJECT:** Review of Comments Received and Recommended Responses on Project Submissions for Inclusion in the Air Quality Conformity Assessment for the 2007 CLRP and FY 2008-2013 TIP

### Background

At the December 19, 2007 meeting, the Board was briefed on the draft 2007 Financially Constrained Long Range Transportation Plan (CLRP) and the FY 2008-2013 Transportation Improvement Program (TIP), which were released for public comment and agency review at the TPB Citizens Advisory Committee (CAC) meeting on December 13, 2007. This public comment period closed on January 12, 2008.

Public comments submitted by individuals, organizations, and businesses were posted as they were received on the TPB web site at <http://www.mwcog.org/transportation/public/comments.asp>. All letters and post card comments, as well as voice-mail comments have been posted on the web site. This memorandum provides recommended responses to comments received through the close of the public comment period on January 12, 2008. The memorandum was e-mailed to Board members on January 15, 2008.

The Board will be briefed on the comments received and recommended responses at the January 16, 2008 meeting.

### Summary of Comments Received

Over 357 comments were received. Below is a general categorization of the number of comments received through January 12, 2008.

- 1. Include both the I-95/395 HOT lane project and the I-66 Spot Improvement project in the 2007 CLRP**
  - 316 comments in support
  - 0 comment in opposition

2. **Include the I-95/395 HOT lane project in the 2007 CLRP**  
26 comments in support  
1 comment in opposition
3. **Include the I-66 Spot Improvement project in the 2007 CLRP**  
9 comments in support  
3 comments in opposition

### Key Comments and Responses

Key comments received through the close of the public comment period and recommended responses are grouped and summarized below:

#### **Comments on the Proposed I-95/395 HOT Lane Project in Virginia**

1. Comments (342): Support the I-95/395 HOT lane project because it will have a number of **positive** impacts including:
  - expand the HOV system and encourage carpooling
  - encourage mass transit use
  - provide funding for additional transportation improvements
  - offer travel options and reliable travel times

Comment (one): Do not support the I-95/395 HOT lane project because it will have a number of **negative** impacts including:

- not encourage carpooling
- those with money will benefit and avoid congestion, while those less well off will experience greater amounts of congestion
- the HOV lanes on I-395 paid by taxpayers will no longer be available for free during non-commute hours

Response: VDOT has conducted public hearings on this project and its potential impacts have been examined and documented. The TPB has received and considered these comments and believes that on balance the project is beneficial and should move forward.

#### **Comments on the Proposed I-66 Spot Improvements Project in Virginia**

2. Comments (325): The project will relieve traffic congestion and alleviate backups and diversion of I-66 traffic onto neighborhood street.

Comments (3): The project will not relieve traffic congestion and alleviate backups and diversion of I-66 traffic onto neighborhood street.

Response: VDOT has conducted public hearings on this project. The TPB

has received and considered these comments and believes that on balance the project is beneficial and should move forward.

3. Comment: The Arlington Coalition for Sensible Transportation provided a number of reasons why it opposes the project and requested the TPB to require VDOT to report back to the TPB in early 2008 on the results of its current “spot improvements” study.

Response: VDOT has been asked to report back to the TPB on the results of ongoing studies on I-66 by Spring of 2008.

### **Comment on the Public Comment Period for the TIP and CLRP**

4. Comment: Our ability to submit further comments on the TIP and CLRP by January 12, 2008 was hindered by the release right before the winter holidays, and the TPB should postpone the vote on January 16, 2008 and extend the public comment period to allow more time to submit fuller comments.

Response: The release of the draft TIP and CLRP documentation occurred at the TPB Citizens Advisory Committee meeting on December 13, 2007. The draft TIP, the draft 2007 CLRP project information and plan documentation were then made available on the TPB web site. The comment period was for 30 days as required by the federal transportation planning regulations.

### **Comments on the Inter-County Connector Project and Draft TIP and CLRP**

4. Comment: The draft TIP and CLRP project data are provided in formats that hinder analysis and comparison to past TIPs and CLRPs,

Response: The draft TIP project data, the draft 2007 CLRP project information and plan documentation are available in electronic form (pdf) on the TPB web site. Information on the previous TIP and CLRP are also provided on the TPB website. Members of the public can contact TPB staff for assistance with comparing project data. “Hard” copies of the draft TIP document were available at the TPB meeting on December 16, 2007. For the FY 2009-2014 TIP and 2008 CLRP currently under development, all of the project information will be available to the public in an “on-line” database.

5. Comment: The inflation factors for the cost estimates for the ICC and other major projects in the CLRP may not reflect recent cost escalations.

Response: For this update of the CLRP, the District of Columbia

Department of Transportation (DDOT), the Maryland Department of Transportation (MDOT) and the Virginia Department of Transportation (VDOT) reviewed and updated the cost estimates for each project included in the CLRP. The Financial Plan for the 2006 CLRP was revised for the 2007 CLRP to show forecasts of revenues and costs and is available at [www.mwcog.org/clrp](http://www.mwcog.org/clrp). Construction cost trends are utilized by the implementing agencies to determine inflation factors for each project.

The Maryland Department of Transportation (MDOT) has provided the following response on the ICC:

“The ICC cost estimate was developed using a rigorous FHWA mega-projects cost estimating process, and has been confirmed/updated annually since it was first developed as part of the environmental impact statement. The cost estimate, including inflation and other appropriate contingency factors, is \$2.445 billion, which is included in the ICC's Finance Plan. The cost estimate's unit prices are based on recent bid prices from similar projects with a typical construction duration of 2 to 4 years. Bid prices include inflation that contractors expect to incur during that 2 to 4 year period hence recent increases in unit costs are built in to the unit price updates that are a part of the annual update process.

The other mega project in Maryland, the Woodrow Wilson Bridge Project, remains on-time and on-budget, and has not experienced the high rates of cost escalation mentioned in the comments by Smith, et al. We would also note that the first two major contracts for the ICC, Contracts A and C and representing nearly \$ 1 Billion of Construction, have been secured within the budget parameters established in the Financial Plan....clearly demonstrating the strength of the estimating process used for the ICC and validating our cost estimating process.

The funding sources for the ICC project have been identified and approved by the Maryland General Assembly, still valid and viable, and are not affected by rescissions. The TIP for 2008-2013 does not include funding that was already expended through FFY 2007.

The ICC cost estimate and finance plan meet the federal laws and guidelines, and the requirements of financial constraint.”

### **Comments on the Draft TIP and CLRP and Recent Changes in Transportation Revenues**

6. Comment: How does the draft TIP and CLRP account for the recent rescissions in Federal Highway Administration funding for the states that reduce the funding approved by Congress in SAFETEA-LU in 2005?

Response: The TIP includes revenue projections for a six-year period. The TPB approves a new TIP each year. Each year in preparing their new TIP and CLRP inputs, MDOT, VDOT and DDOT review current federal obligation totals and then update federal and state revenue estimates for future years to reflect anticipated changes, including recent recessions.

7. Comment: How does the draft TIP and CLRP address rising fuel costs and the rising price of oil which appear to be playing a significant role in reducing transportation revenues at the federal and state levels?

Response: The federal projections of revenues in the CLRP reflect the levels specified in the 2005 SAFETEA-LU legislation through 2009. The reauthorization of the federal transportation legislation is due October 1, 2009 for the six-year period 2010-2015. Two forthcoming reports by Congressionally appointed commissions will provide recommendations regarding alternative approaches for financing transportation infrastructure, including potential increases in the federal gas tax.

In the past few months, Maryland and Northern Virginia have identified new transportation revenues that do not rely on upon gas taxes. These new revenue sources will be allocated to projects beginning with the new FY 2009-2014 TIP scheduled to be adopted in July.

The draft FY 2009 Unified Planning Work Program includes a work activity in the fall of 2008 to update the financial plan for the CLRP to reflect the new Maryland and Virginia transportation revenue sources. This activity will also examine and revise the projections for federal transportation revenues in light of the pending reauthorization of the federal transportation program.