

ITEM 11 - Action
July 16, 2008

Approval of the FY 2009-2014 TIP without NVTA Funded
Projects

Staff

Recommendation: If the Northern Virginia Transportation Authority (NVTA) funding has not been identified by July 16, the Board will be asked to adopt Resolution R4-2009 approving the FY 2009-2014 TIP without NVTA funded projects. Copies of the TIP will be available at the TPB meeting.

Issues: None

Background: On June 18, the Board was briefed on the two versions of the draft 2008 CLRP and FY 2009-2014 TIP (with and without NVTA funded projects), and the related conformity assessments. If NVTA funding has not been identified by July 16, the Board will be asked under agenda item 11 to approve the FY 2009-2014 TIP without NVTA funded projects relying upon the air quality conformity determination for the 2007 CLRP as approved by the FHWA and FTA on June 11, 2008.

The CLRP website at www.mwcog.org/clrp provides the draft FY 2009-2014 TIP and identifies the Northern Virginia projects that will not be included if NVTA funding is not identified by July 16.

TPB R4-2009
July 16, 2008

**NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002**

**RESOLUTION APPROVING THE TRANSPORTATION IMPROVEMENT PROGRAM
FOR FY 2009-2014 WITHOUT NORTHERN VIRGINIA TRANSPORTATION
AUTHORITY FUNDED PROJECTS**

WHEREAS, the National Capital Region Transportation Planning Board (TPB), which is the metropolitan planning organization (MPO) for the Washington Region, has the responsibility under the provisions of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) of 2005 for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

WHEREAS, the Federal Planning Regulations of the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) implementing SAFETEA-LU, which became effective July 14, 2007, specify the development and content of the long range transportation plan and require that it be reviewed and updated at least every four years; and

WHEREAS, the TIP is required by FHWA and FTA as a basis and condition for all federal funding assistance to state, local and regional agencies for transportation improvements within the Washington planning area; and

WHEREAS, on January 16, 2008, the TPB approved the 2007 Constrained Long-Range Transportation Plan (CLRP) CLRP and on April 16, 2008 approved the FY 2008-2013 TIP which were developed as specified in the Federal Planning Regulations; and

WHEREAS, on October 17, 2007, the TPB issued a solicitation document for projects and strategies to be included in the 2008 CLRP and by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) TIP that will meet federal planning requirements and address the federal planning factors and goals in the TPB Vision; and

WHEREAS, the transportation implementing agencies in the region provided submissions for the 2008 CLRP and inputs to the by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) TIP, and the TPB Technical Committee and the TPB reviewed the submissions at meetings in January, February and June 2008; and

WHEREAS, on February 20, 2008, the TPB approved the major projects submitted for inclusion in the air quality conformity assessment for the 2008 CLRP and FY 2009-2014 TIP with Northern Virginia Transportation Authority (NVTA) funded projects, on February 29, the Virginia Supreme Court declared that the taxing ability of the NVTA was

unconstitutional; and

WHEREAS, the Virginia General Assembly did not act by July 16 to restore the NVTA funding for the projects in the 2008 CLRP and FY 2009-2014 TIP; and

WHEREAS, the FY 2009-2014 TIP without NVTA funded projects includes projects which are in the 2007 CLRP as approved by the TPB on July 16, 2008; and are selected in accordance with the final planning regulations; and

WHEREAS, the FY 2009-2014 TIP without NVTA funded projects has been developed to meet the financial requirements in the final planning regulations; and

WHEREAS, the FY 2009-2014 TIP without NVTA funded projects only includes projects in the 2007 CLRP as approved by the TPB on January 16, 2008 which conforms with the requirements of the Clean Air Act Amendments of 1990; and

WHEREAS, the U.S. Department of Transportation issued regulations in 1991 on providing transit services to persons with disabilities to conform to the Americans With Disabilities Act (ADA) of 1990, and by January 1997, both the Washington Metropolitan Area Transit Authority and Frederick County ADA Paratransit services were operating as planned in conformance with the regulations; and

WHEREAS, during the development of the 2008 CLRP and FY 2009-2014 TIP, the TPB Participation Plan was followed, and numerous opportunities were provided for public comment: (1) At the January 16, 2008 TPB meeting, the project submissions for inclusion in the air quality conformity analysis of the 2008 CLRP and the FY 2009-2014 TIP and the air quality conformity work scope were released, and an opportunity for public comment on these submissions was provided at the beginning of the February 20 TPB meeting; (2) At the February 20 meeting, the TPB approved a set of responses to the public comments on the project submissions for inclusion in the CLRP and TIP documents; (3) On May 15, 2008 in conjunction with the CAC meeting, a public meeting was held on the development of the draft FY 2009-2014 TIP with and without NVTA funded projects; (4) On June 12, 2008 at the CAC meeting, the draft air quality conformity analysis, the draft 2008 CLRP, the draft FY 2009-2014 TIP with and without NVTA funded projects, and web-based information on the plan were released for a 30-day public comment period which closed on July 12, 2008; (4) An opportunity for public comment on these documents was provided on the TPB web page and at the beginning of the June 18 and July 16 TPB meetings; and (5) The comments and staff responses to them were reviewed and accepted for inclusion in the TIP by the TPB on July 16, 2008; and the final version of the TIP will include summaries of the comments and the responses; and

WHEREAS, the TPB Technical Committee has recommended favorable action on the FY 2009-2014 TIP without NVTA funded projects by the Board,

NOW, THEREFORE, BE IT RESOLVED THAT the NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD approves the Transportation Improvement Program for FY 2009-2014 without NVTA funded projects.