



NATIONAL CAPITAL REGION
TRANSPORTATION PLANNING BOARD

Item #5

MEMORANDUM

April 9, 2015

TO: Transportation Planning Board

FROM: Kanti Srikanth *Kanti*
Director, Department of Transportation Planning

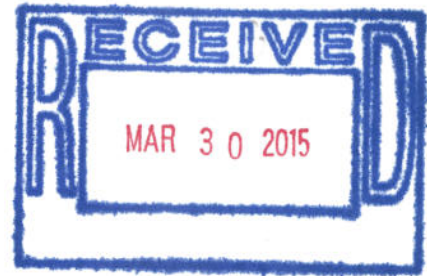
RE: Letters Sent/Received Since the March 18th TPB Meeting

The attached letters were sent/received since the March 18th TPB meeting. The letters will be reviewed under Agenda #5 of the April 15th TPB agenda.

Attachments

March 27, 2015

Kanathur Srikanth
Director
Transportation Planning Board
Washington Metropolitan Council of Governments
777 North Capitol Street, NE
Washington, DC 20002-4290



Dear Kanti:

I hope you are doing well and have gotten into the ebb and flow of your position.

I am concerned about a recent issue raised by the Northern Virginia Transportation Alliance in its March 17 website post. In that post, Bob Chase and staff called attention to what they believe was a misrepresentation of comments received on the I-66 project. They quote the TPB newsletter as saying *“a majority of the comments sought more details and greater commitments from VDOT that the multimodal aspects of the proposal, especially the new commuter and rapid bus services, would indeed be implemented.”*

The Alliance completed its own analysis of the 194 public comments that were submitted and posted to your website and reported:

- *“58% stressed the need for additional lanes and increased capacity in the corridor with no mention of concern regarding transit commitments, while*
- *31% (61 including 4 from one individual) expressed concern regarding transit services.”*

NVTA went on to declare that ***“the TPB newsletter’s failure to mention what clearly was a majority public sentiment is alarming: the TPB Board’s even more so.”***

Given the Board’s action at the Feb. 18 meeting adopting an Arlington resolution delaying any I-66 inside the Beltway widening until the tolling/transit/HOV-3 changes were in place and fully evaluated, the apparent distortion of the nature of the public comments prior to the vote is extremely troubling.

All of this is very concerning to us at AAA. We have long believed that the TPB has a strong anti-road/pro-transit bias. A bias is one thing, but a misportrayal of facts is quite another. For our region to make progress in mobility, the TPB needs to be an effective and honest broker to help advance the projects that will make a difference in our regional gridlock.

John Townsend, at my request, also reviewed the comments that were part of the Feb. 18 packet—the item 7 comments-- and found that NVTA’s analysis appeared to be on target—

about two-to-one in favor of the roads portion. If you and your staff's further review of these comments does indeed find that their original portrayal was incorrect, I would hope you would address this with your staff, and also alert the Board of the improper characterization of the public comments which may have lead to Board action not supported by the comments. In that the Board likely gave strong weight to the public comments, or their portrayal, when it acted (or at least we hope its members did), the TPB may need to reconsider its action altogether.

Also worthy of note is the number of organizations with large memberships, such as the chambers of commerce and AAA, whose comments favored the roads. Should those of us with large memberships be given more weight or differentiated from, say the individual concerned about transit who submitted four sets of comments?

In any case, I believe that the issue raised by the NVTa, and borne out by our subsequent review of the comments, is a very serious concern, and we would be interested in your response. The region's transportation leaders who sit on the TPB have to know that the information you provide them, and upon which they base actions that can have a huge regional impact, is accurate. Transportation policy made based upon distortion serves no one well. I look forward to your response and appreciate your consideration of this important issue.

Sincerely,



Mahlon G. "Lon" Anderson
Managing Director, Public and Govt. Affairs

Cc: John Townsend, Manager, AAA P&GA
Robert Chase, NVTA
Richard Parsons, Executive Director, Suburban Maryland Transportation Alliance



NATIONAL CAPITAL REGION

TRANSPORTATION PLANNING BOARD

April 9, 2015

Mr. Mahlon G. "Lon" Anderson
Managing Director, Public and Government Affairs
AAA Mid Atlantic
1405 G Street NW
Washington, DC 20005

Dear Mr. Anderson:

Thank you for your recent comments (in a letter dated March 27, 2015) noting a factual inaccuracy in the March 3 issue of *TPB Weekly Report*, the TPB's weekly news publication.

In the article, we stated that a majority of the public comments received on projects slated for the 2015 update of the region's Constrained Long-Range Transportation Plan (CLRP) focused on seeking more details and greater commitments from VDOT regarding multimodal aspects of two proposals to toll I-66 in Northern Virginia. As you pointed out in your letter, such sentiments did not in fact represent a majority of the public comments received by the TPB. They did, however, represent the other main point made by commenters, and reflected one of the primary points discussed by the Board at its meeting and conveyed to VDOT.

We sincerely regret our mischaracterization of the distribution of public comments and have taken steps to rectify it. We have corrected the permanent online version of the March 3 article, explicitly noted the correction at the end of the article, and will note the correction in an upcoming issue of *TPB Weekly Report*.

We couldn't agree with you more that the information and analysis we present to the leaders who sit on the TPB, as well as to the TPB's broader base of stakeholders, must always be factually accurate. This is especially true when that information could influence important decisions that the TPB makes. Fortunately, the article in question was published about two weeks after the Board voted to approve all of the projects proposed for the 2015 CLRP update, including the I-66 widening, so we can be sure that it did not affect the outcome of the Board's deliberations.

Again, we sincerely regret this error. We truly appreciate feedback from careful readers like you.

Sincerely,

Kanathur N. Srikanth

Director, Department of Transportation Planning



NATIONAL CAPITAL REGION
TRANSPORTATION PLANNING BOARD

March 26, 2015

Mr. Thomas H. Jacobs, Director
Center for Advanced Transportation Technology
Department of Civil & Environmental Engineering
University of Maryland
5000 College Avenue
College Park, Maryland 20742

Re: Connected Vehicle-Enabled Integrated Corridor Management (CV-ICM) Request for Applications – Baltimore-Washington Corridor

Dear Mr. Jacobs,

On behalf of the National Capital Region Transportation Planning Board (TPB), the officially-designated Metropolitan Planning Organization (MPO) for the Washington region, I would like to express support for the State of Maryland's application to the U.S. Department of Transportation's Connected Vehicle-Enabled Integrated Corridor Management Program. The purpose of the project is consistent with the TPB's Vision and its Regional Transportation Priorities Plan for an efficient and safe transportation system for the movement of goods and people. TPB staff will be happy to assist as necessary with information to be integrated into the effort. As the Baltimore-Washington corridor experiences significant congestion and safety issues, there are a number of opportunities for technological and procedural improvements among roadway, transit, public safety, and other entities involved in corridor operations.

Thank you to you and your staff for continuing to inform TPB staff on this effort. If you have any questions, please contact Andrew Meese of my staff at ameese@mwkog.org or 202-962-3789.

Sincerely,

Kanathur N. Srikanth

Director

Department of Transportation Planning


cc: Lyn Erickson, MDOT
Michael Zezeski, MSHA

METROPOLITAN WASHINGTON  COUNCIL OF GOVERNMENTS

One Region Moving Forward

DATE: April 1, 2015

TO: COG Board of Directors
Members & Alternates

FROM: Chuck Bean 

RE: COG Assistance Requested to Facilitate Formation of a Metro Safety Commission

District of Columbia
Bladensburg*
Bowie
Charles County
College Park
Frederick
Frederick County
Gaithersburg
Greenbelt
Montgomery County
Prince George's County
Rockville
Takoma Park
Alexandria
Arlington County
Fairfax
Fairfax County
Falls Church
Loudoun County
Manassas
Manassas Park
Prince William County

*Adjunct Member

Summary

Staff requests COG Board approval at the April 8, 2015 meeting to execute a memorandum of understanding with the District of Columbia, Maryland, and Virginia to facilitate the creation of a Metro Safety Commission (MSC) as an independent State Safety Oversight Agency to oversee the safety of WMATA Metrorail operations as called for in federal transportation law MAP-21, which requires similar state safety oversight bodies for rail transit agencies throughout the country.

COG will serve as the designated recipient of Federal Transit Administration (FTA) funds for this purpose. COG will not serve as the MSC; rather, COG's role will be to facilitate the creation of the MSC.

Background

The Metropolitan Washington Council of Governments (COG) was approached by representatives of the Federal Transit Administration (FTA), the Director of the District Department of Transportation, the Transportation Secretary for the State of Maryland, the Transportation Secretary of the Commonwealth of Virginia, and the Director of Virginia's Department of Rail and Public Transportation to serve as the designated recipient of FTA's State Safety Oversight (SSO) program funds. As FTA's designated recipient for the SSO funds and in accordance with the statutory requirements of federal law, Moving Ahead for Progress in the 21st Century (MAP-21), COG will be responsible to work with the three "states" (in this memo "states" shall refer to the District, Maryland, and Virginia) to establish a Metro Safety Commission (MSC) as an independent State Safety Oversight (SSO) Agency to oversee the safety of WMATA Metrorail operations, promulgate regulations as needed, hire and train qualified staff, enforce safety requirements and set consistent oversight policy for WMATA Metrorail.

Currently, the District of Columbia, Maryland, and Virginia jointly provide safety oversight of the Metrorail operations under the auspices of the Tri-state Oversight Committee (TOC) as per previous FTA rules of its State Safety Oversight program to promote rail safety. The TOC is staffed and funded by the three states. The TOC's tasks include investigating hazardous conditions and accidents and conducting reviews of safety and security plans at least on a triennial basis. The TOC however has no authority to enforce its findings with fines, civil actions or other penalties. The FTA intended the SSO program to function as a "cooperative" effort with the transit agencies and as such it was not designed to operate under the traditional regulatory framework of fines and penalties. COG serves as the fiscal agent for the TOC providing administrative contractual and procurement support. COG will continue this role with the TOC until the MSC established. The MSC, once established, will replace the TOC.

MAP-21 Calls for State Safety Oversight Agencies with Enforcement Authority

To overcome a long-standing weakness in the SSO program that allows corrective action plans to remain open for long periods of time (and for serious safety concerns to go potentially unaddressed) MAP-21 directs states to assume oversight responsibility for rail transit agencies in engineering and construction, as well as in revenue service.

It requires that each state provide its SSO program and SSO agency, such as the TOC, with enforcement authority to ensure 1) the safety of each rail transit agency in its program, and 2) the implementation of each agency's Safety Plan. States also must empower their SSO programs with investigative authorities. These requirements will enable States to compel action from the transit agency to address identified deficiencies.

To undertake this enhanced responsibility each state must ensure that its SSO program is managed by an SSO agency with staffing levels and qualifications commensurate with the number, size and complexity of the rail transit agencies in the program and that SSO program staff and contractors receive training and certification through FTA.

FTA will now provide grant funding to support the staffing and professional development of SSO programs under its Section 5329 (e) program.

Request to COG

For our region, COG is being asked to become the designated recipient of these funds and use the funds to facilitate the creation of the MSC by working with the three states.

Pursuant to discussions between the staffs of the FTA, COG and the three state transportation policy staffs a Memorandum of Understanding (MOU) between the three states and COG has been developed and was signed on March 11, 2015 by the transportation secretaries of Maryland, Virginia and the Director of the District of Columbia Department of Transportation.

COG will not serve as the MSC; rather COG will receive FTA SSO funds, under 49 U.S.C. Section 5329(e), and work with the three states to stand up the MSC.

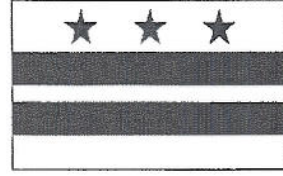
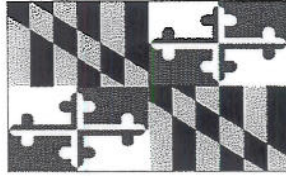
Recommendation

COG's legal counsel conducted a review of the potential liability for COG in becoming a designated recipient for the FTA SSO program funds. The review found that the only identifiable liability as COG becomes an interim designated recipient of federal funds is compliance with the federal reporting regulations applicable as a grant designee because COG itself will not be stepping into a regulatory role with respect to WMATA.

Staff recommends Board's approval for staff to enter into the MOU with the three states and proceed to become a designated recipient of FTA's SSO Program funds and assume the responsibility to facilitate the creation of the Metro Safety Commission.

Attachments

1. Memorandum from MWCOG General Counsel re: Analysis of the MOU.
2. Letter from the Transportation Secretaries of Maryland and Virginia and Director of the District of Columbia Department of Transportation.
3. MOU between District of Columbia, Maryland, Virginia and COG.



March 11, 2015

Mr. Chuck Bean
Executive Director
Metropolitan Washington Council of Governments
777 North Capitol Street, NE
Suite 300
Washington, DC 20002

Dear Mr. Bean:

We, the Tri-State Oversight Committee (TOC) Executives, are writing to you to request your assistance in replacing the TOC with an independent State Safety Oversight (SSO) entity for WMATA in conformance with MAP-21 and the April 20, 2010 *White Paper on Optimizing State Safety Oversight of the WMATA Metro Rail System*.

As you know, following the 2009 Red Line accident near the Fort Totten Metro Rail station and issuance of the *White Paper*, we took steps to make the TOC as robust as possible—in the short and long-term—to strengthen safety on the WMATA Metrorail system. This included a commitment to creating a Metro Safety Commission (MSC), an independent organization that would assume the responsibilities of the TOC, using the *White Paper* as a guide.

With safety as our highest priority, we want to ensure that we are administering an effective TOC as we take the steps necessary to establish the MSC. This is why the enclosed MOU with the Metropolitan Washington Council of Governments (COG) is necessary. We have worked cooperatively with your staff to draft this MOU, and believe that it addresses key legal and operational issues. The TOC is not an independent legal entity, and thus, cannot serve as the recipient of federal SSO funds available under MAP-21 or as a SSO Agency for the purposes of administering the SSO formula grant program. Under the terms set forth in the MOU, COG will fulfill the federal requirements as the interim designated recipient of federal SSO funds until the MSC is established, and the Member Jurisdictions will provide the support required for COG to carry out its designated recipient duties. We request your signature in order to fully execute the MOU and have COG serve as administrator of TOC's federal SSO funds.

In addition, we also request that COG take the lead and work with designated policy and support staff from our agencies on an analysis for establishing the MSC as an independent, legal entity that meets the MAP-21 requirements. The analysis should provide a recommended path forward towards creation of a new standalone regional entity to carry out SSOA duties under MAP-21. It

Mr. Chuck Bean
Metropolitan Washington Council of Governments
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should detail the costs during and after the transition, and provide a schedule for MSC implementation. We request that you schedule a meeting with TOC policy staff that we will designate and identify to you, in order to develop the scope of work, timeline, and budget for this analysis.

We are pleased to have the opportunity to extend our partnership with COG through our efforts on this important project. We look forward to working together to promote a safe, performance-driven WMATA system that supports lifestyles, and economies, in the capital region.

Sincerely,



Pete K. Rahn
Secretary of Transportation
State of Maryland



Leif A. Dormsjo
Acting Director of DDOT
District of Columbia



Aubrey L. Layne
Secretary of Transportation
Commonwealth of Virginia