

ITEM 7 - Action

July 16, 2008

Review of Comments Received and Acceptance of Recommended Responses for the FY 2009-2014 Transportation Improvement Program (TIP) without Northern Virginia Transportation Authority (NVTA) Funded Projects

Staff

Recommendation: Accept recommended responses to comments received for the FY 2009-2014 TIP without NVTA funded projects.

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. Since the Virginia General Assembly was not able to restore the NVTA funding, the TPB will be asked to approve only the FY 2009-2014 TIP without NVTA projects under agenda item 11 relying upon the air quality conformity determination for the 2007 CLRP as approved by the FHWA and FTA on June 11, 2008.

In June, since the TPB did not know whether the NVTA funding would be restored, four documents were released for public comment on June 12: The draft 2008 CLRP, the FY 2009-2014 TIP with NVTA funded projects, the FY 2009-2014 TIP without NVTA funded projects and the draft air quality conformity determination. The public comment period for

these documents ended on July 12, 2008. Public comments were posted as they are received on the TPB web site at:

www.mwcog.org/transportation/public/comments.asp.

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 TDD: (202) 962-3213

MEMORANDUM

July 16, 2008

TO: Transportation Planning Board

FROM: Ronald F. Kirby
Director of Transportation Planning

SUBJECT: Review of Comments Received and Recommended Responses for the FY 2009-2014 Transportation Improvement Program (TIP) Without Northern Virginia Transportation Authority (NVTA) Projects

Background

In February, the TPB approved new projects for inclusion in the air quality conformity analysis for the 2008 Financially Constrained Long Range Transportation Plan (CLRP) and the FY 2009-2014 Transportation Improvement Program (TIP). New projects funded from the NVTA were included in this approval. However, the Virginia Supreme Court declared that the taxing ability of the Northern Virginia Transportation Authority (NVTA) was unconstitutional. On April 16, the TPB approved a contingency course of action to ensure a new TIP is adopted with or without the projects funded by the Northern Virginia Transportation Authority at the July 16 TPB meeting, as described in Attachment A. The adoption of a TIP in July is necessary so that the Virginia Department of Transportation (VDOT) portion of the TIP can be included in the FY 2009 VDOT State Transportation Improvement Program (STIP). The District Department of Transportation (DDOT) and the Maryland Department of Transportation (MDOT) also need to be able to proceed with an FY 2009-2014 TIP in accordance with the original schedule. **Since the Virginia General Assembly was not able to restore the NVTA funding, the TPB will be asked to approve only the FY 2009-2014 TIP without NVTA projects at the July 16 meeting.**

Schedule for 2008 CLRP Adoption and Air Quality Conformity Determination

Without the NVTA funding, the TPB will be unable to adopt the 2008 CLRP and the full FY 2009 - 2014 TIP since certain projects will have to be delayed or removed entirely. A new air quality conformity analysis will have to be conducted before the new Plan and TIP can be adopted. The schedule for this new conformity analysis is provided in Attachment B, with an expected adoption of the new plan and TIP in November 2008.

The FY 2009-2014 TIP without NVTA projects will use the conformity determination for the FY 2008-2013 TIP approved by the Federal Highway Administration and the Federal Transit Administration in June 2008. The FY 2009-2014 TIP without NVTA projects does not include any of the project updates affecting conformity that were submitted for the 2008 CLRP and FY 2009 -2014 TIP conformity assessment, but does include all project funding and timing changes that do not affect conformity.

Public Comment Period

In June, the TPB did not know whether the NVRTA funding would be restored, so the following four documents were released for public comment on June 12, 2008: The draft 2008 CLRP, the FY 2009-2014 TIP with NVRTA funded projects, the FY 2009-2014 TIP without NVRTA funded projects and the draft air quality conformity determination. The public comment period for these documents ended on July 12, 2008. Public comments submitted by individuals, organizations, and business were posted as they are received on the TPB web site at www.mwcog.org/transportation/public/comments.asp. This memorandum provides recommended responses to comments received through the close of the public comment period at 5 pm on July 12.

Comments and Responses

1. Comment on Analyzing New Technologies for Public Transit in Major Studies

Comment: Major studies of transit improvements, such as the expansion of Metrorail to Potomac Mills and light rail between Pentagon City and Rosslyn, should be analyzing new and emerging technology that may be significantly less expensive to build and maintain than traditional heavy rail technology. New technologies could be based on rollercoaster type steel track and techniques which could reduce costs and move comparable numbers of people as heavy or light rail.

Response: Major studies of potential transit improvements are conducted by the Virginia Department of Rail and Public Transportation and the Maryland Transit Administration. These studies include a thorough analysis of alternatives including bus and rail technologies which take considerable effort, time and funding. The comment will be forwarded to these state transportation agencies. In addition, the TPB recommends that these types of suggestions be brought forward at the public meetings that occur for the major studies.

2. Comment in Favor of Keeping the I-395 New York Ave Segment Open

Comment: The segment of I-395 between Massachusetts Ave and New York Ave NW is an important commuter route and should not be closed. The significant congestion at the I-395 Massachusetts Ave exit every morning, could force commuters to take surface roads through the heart of the National Mall area if the I-395 segment were to close. Consider making improvements to the Southeast-Southwest Freeway and 14th St/Case bridges (especially the exit from southbound I-395 onto the northbound George Washington Parkway) to prevent the morning congestion on southbound I-395 tunnel.

Response: The Eastern Federal Lands Highway Division of the Federal Highway Administration is conducting an Environmental Impact Statement (EIS) to examine more than 40 potential measures to reduce congestion on the 14th Street Bridge Corridor. Based on a suggestion by the National Capital Planning Commission, the District Department of Transportation (DDOT) has requested that TPB staff undertake a regional sensitivity analysis of closing a section of I-395 between its current northern terminus at New York Avenue and its interchange with Massachusetts Avenue, NW. This work will compare forecast traffic volumes and identify shifts in traffic at key locations throughout the region. The concerns raised by this comment will be included in this analysis and the results will be forwarded to Eastern Federal Lands and to DDOT. Also, work is already underway to improve the interchange between southbound I-395 and the northbound George Washington Parkway.

3. Comment in Support of the Purple Line

Comment: The Purple Line segment from Silver Spring to New Carrollton should be added to CLRP and constructed prior to 2030. The project is a priority of Governor O' Malley. The full Purple Line from Bethesda to New Carrollton will need to be in the CLRP when it comes time to seek federal New Start funds next year. The Purple Line is in a similar study position as the Corridor Cities Transitway yet the whole Corridor Cities Transitway is on the CLRP. The Purple Line is an example of how the "Region Undivided" and Transit Oriented Development (TOD) scenarios of the TPB Regional Mobility and Accessibility study can be realized.

Response: Priorities for transportation improvements and submissions to the CLRP and TIP are developed by the state and local transportation agencies in the region. The Maryland Transit Administration (MTA) states that the Purple Line study "has not changed, and the Purple Line continues to be a high transportation priority". The MTA is preparing to release a draft environmental impact study that is being carried out in conformance with all Federal, State and local planning and environmental requirements and guidelines for proposed New Starts transit projects. The comment will be forwarded to the MTA.

4. Comment on Concerns about the Financing and Air Pollution of the 2008 CLRP; the I-395 HOT Lanes Project and BRAC Proposals

Comment A: The Draft 2008 CLRP should be revised to address changes in the outlook for financing and air pollution. Most state and local governments are expected to experience declining revenues from fuel taxes and other sources. The impact of people driving less due to the economy needs to be considered. The air quality impacts of the CLRP without projects funded from the Northern Virginia Transportation Authority (NVTA) have not yet been reported.

Response: The revenues for the CLRP are based on a financial analysis described on the CLRP website at www.mwcog.org/clrp/elements/financial.asp. The analysis takes into consideration local, state and federal revenue sources over a 25 to 30 year period. The TPB will begin work on a new financial analysis for the 2010 CLRP in the fall of 2008 and long-term revenue assumptions will be revisited. In addition, the reauthorization of the federal transportation legislation is due October 1, 2009 for the six-year period 2010-2015. Two reports of congressionally-appointed commissions have provided recommendations regarding alternative approaches for financing transportation infrastructure, including potential increases in the federal gas tax. Since funding for the NVTA projects has not been identified, the 2008 CLRP will not be adopted until a new air quality conformity analysis is conducted without the NVTA projects.

Comment B: The financial data for the I-95/395 HOT Lanes project is incomplete, some transit services have been removed from the project and the private sector contributions require investigation under current economic recession. Assumptions for traffic volumes and HOT lane revenues need to be reexamined due to changes in the economy.

Response: The Virginia Department of Transportation is analyzing the project, including traffic volumes and revenue estimates, through the federal environmental review process. The Virginia Department of Rail and Public Transportation (DRPT) has a recommended plan developed to enhance

transit and travel demand management services (TDM) in the corridor which is available at the DRPT website www.drpt.virginia.gov/projects/transittdmstudy.aspx.

Comment C: The development of the Base Realignment and Closure (BRAC) proposals at the federal level was a very closed process and impacts on local plans, governments and residents were not fully considered. The CLRP that first incorporated the proposals did not describe why these proposals were accepted. The proposals will impact VMT and air pollution. Crystal City is already served by transit and jobs should not be moved to areas not as well served by transit.

Response: The BRAC Commission reported its final decisions to the President in September 2005 and while state and local views were considered, the decisions were made at the Federal level. At the time, TPB jurisdictions raised concerns about the changes and the impacts of the proposals on air quality, transportation and transit use. In 2005, these concerns prompted COG/TPB to conduct an analysis of the impacts for the Washington Metropolitan region which showed that the proposals would have resulted in some increases in regional vehicle miles of travel (VMT) and emissions but would have more significant impacts at the local level. This analysis was part of the CLRP that incorporated the proposals.

5. Comment in Support of More Rail Transit in the Transportation Improvement Program (TIP)

Comment: During the June 18 TPB meeting public comment period, a comment was for “more trains and less traffic”. The speaker stated that an estimated 40,000 people signed a petition in support of this comment. The TIP needs to be revised to include more rail transit, including rail service to Huntington Station South, Fort Belvoir and Dumfries. A circumferential light rail system is also needed around the Beltway. The region needs a transportation plan that utilizes more rail transit for cleaner air, cleaner water, and to cut our dependency on foreign oil.

Response: Members of the TPB encouraged the commenter to bring these concerns to the attention of transportation policy makers in the Virginia General Assembly, the Commonwealth Transportation Board, the Governor and the Virginia Department of Transportation and the U.S. Congress. The Financially Constrained Long Range Transportation Plan (CLRP) and Transportation Improvement Program (TIP) can only include projects for which funding has been identified and the majority of the available funding is dedicated to operations and maintenance of the existing system.

6. Comment on the Funding for the 11th Street Bridge Project and the South Capitol Street Bridge Project

Comment: The funding for the 11th Street Bridges project and the South Capitol Street Bridge project needs to be clarified and reconciled between the DC Council budget processes and the funding shown in the TIP. The project is problematic as currently designed; the projects increase rather than decrease total commuter traffic through District neighborhoods and undermine DC transportation planning objectives to redirect regional traffic and to reduce use of single-occupancy vehicles.

Response from the District Department of Transportation (DDOT):

DDOT is working with its FHWA partners to develop an 11th Street Bridge program and financing plan. While the draft TIP, currently out for public comment, is a planning document that reflects a

conceptual project, the DC budget reflects both local and federal funding that is planned and committed for the project as of the date that those documents were released. This is an ongoing process, and your questions reflect minor differences that exist between a regional planning document and a local budget document produced at different times and for different purposes. For example, the TIP document shows when obligations occur while Volume 7 of the DC budget shows anticipated cash flows (an estimate of when the bills will be paid). Because they are produced at different times, for different purposes, and for different audiences, the documents will never be identical.

Future versions of both of these documents will likely reflect additional changes as we determine the actual scope of the project, any phasing, preliminary engineering, design, construction bids, etc. Each will reflect the incremental changes that occur as this project moves forward.

Note: More specific responses to the individual questions raised on the DC budget are being prepared by DDOT and will be forwarded to the commenter.

ATTACHMENT A

NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 NORTH CAPITOL STREET, N.E.,
WASHINGTON, D.C. 20002-4239

RESOLUTION TO APPROVE
A CONTINGENCY COURSE OF ACTION
FOR THE AIR QUALITY CONFORMITY ANALYSIS FOR
THE 2008 CONSTRAINED LONG RANGE PLAN (CLRP) AND
FY 2009-2014 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)
WHICH DOES NOT RELY ON FUNDING FROM THE NORTHERN VIRGINIA
TRANSPORTATION AUTHORITY (NVTA)

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

WHEREAS, on February 20, 2008, the TPB adopted resolution R15-2008 approving a set of project submissions, some of which include Northern Virginia Transportation Authority (NVTA) funded projects, for inclusion in the air quality conformity assessment for the 2008 CLRP and FY 2009-2014 TIP ; and

WHEREAS, the schedule calls for the TPB to release the 2008 CLRP, the FY 2009 -2014 TIP and conformity assessment for public comment in June and for adoption in July; and

WHEREAS, on February 29, 2008 the Virginia Supreme Court declared that the taxing ability of the NVTA was unconstitutional; and

WHEREAS, in the attached letter of March 6, 2008 to the Virginia Department of Transportation (VDOT), the Virginia Division of the Federal Highway Administration (FHWA) states that any amendments to the CLRP or TIP must reflect the current revenue situation in order to meet federal fiscal constraint requirements, which means that unless the Virginia General Assembly acts by June to restore NVTA funding, certain projects approved by the TPB on February 20 for inclusion in the conformity assessment will have to be delayed or removed entirely from the 2008 CLRP and FY 2009 -2014 TIP; and

WHEREAS, in the attached letter of March 17, 2008 to Virginia Division of FHWA, VDOT expresses confidence that the Virginia General Assembly will, in the near future, provide a funding mechanism for raising additional transportation revenues for Northern Virginia; and

WHEREAS, if the NVTA funding has been restored by the Commonwealth by June, the

TPB will release the 2008 CLRP, the FY 2009 -2014 TIP and conformity assessment with the projects as approved on February 20 for public comment as scheduled originally; and

WHEREAS, due to the uncertainty of the NVTA funding for some of the projects approved by the TPB on February 20, a contingency course of action is required for the conformity assessment for the 2008 CLRP and FY 2009 -2014 TIP; and

WHEREAS, in the attached letter of April 10, 2008, VDOT requests that the TPB have a contingency course of action for the 2008 CLRP and FY 2009-2014 TIP, with the following two components: (1) that TPB adopt an FY 2009 -2014 TIP in July so the VDOT portion of the TIP can be included in the new FY 2009 VDOT State Transportation Improvement Program (STIP) which needs to be approved by the FHWA and FTA by September of this year when the current STIP expires, and (2) that TPB conduct a conformity assessment for the 2008 CLRP and FY 2009 -2014 TIP with an alternative set of project inputs that do not depend on NVTA funding; and

WHEREAS, a contingency course of action for the conformity assessment for the 2008 CLRP and FY 2009 -2014 TIP with the two components requested by VDOT is described in detail in the attached memorandum to the TPB of April 10, 2008 ; and

WHEREAS, on April 16, 2008, the TPB was briefed on the contingency course of action and schedule, and the contingency set of project submissions that remove from the 2008 CLRP and FY 2009-2014 TIP those project inputs approved by the TPB in February which are dependent on NVTA funding and for which funding may no longer be reasonably expected to be available; and

NOW, THEREFORE, BE IT RESOLVED THAT the National Capital Region Transportation Planning Board approves the contingency course of action and schedule described in the attached memorandum of April 10 2008, and the contingency set of project submissions for inclusion in the air quality conformity assessment for the 2008 CLRP and FY 2009-2014 TIP, as described in the attachment to the VDOT letter of April 10, 2008.



U. S. Department
of Transportation

Virginia Division
(804) 775-3320

400 N. 8th Street, Rm. 750
Richmond, VA 23219

**Federal Highway
Administration**

March 6, 2008

Marsha Fiol, Division Administrator
Transportation and Mobility Planning Division
Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

Dear Ms. Fiol,

On Friday, February 29, 2008 the Virginia Supreme Court declared that the taxing ability granted to the regional transportation authorities in the Hampton Roads and Northern Virginia regions of the Commonwealth of Virginia during the 2007 Virginia General Assembly is unconstitutional. The Virginia Division of the Federal Highway Administration wishes to clarify the impact that this ruling may have on the transportation plans and programs in these regions.

As you know, federal transportation planning regulations require that metropolitan transportation plans, metropolitan transportation improvement programs (TIPs), and the statewide transportation improvement program (STIP) demonstrate fiscal constraint as to how projects therein will be implemented using funding sources that are reasonably expected to be available. The recent court ruling regarding the regional authorities established in Hampton Roads and Northern Virginia calls into question the availability of future revenues from these entities that may have been used to fiscally constrain metropolitan transportation plans, TIPs, and subsequently, the STIP.

In cases in which the FHWA and the FTA have found a metropolitan transportation plan, TIP, or the STIP to be fiscally constrained and a revenue source is subsequently removed or substantially reduced, the FHWA and the FTA will not withdraw the original determination of fiscal constraint on these planning documents. However, in such cases, federal action will not be taken on an updated or amended plan that does not reflect the changed revenue situation. Updates or amendments to a TIP, or the STIP would be acceptable as long as they do not include the removed or reduced sources of funding.

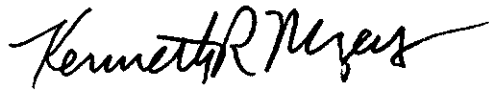
Federal actions include planning and conformity findings on plans and programs and approval of amendments to the STIP. If a plan, TIP or STIP lists revenues from these authorities as funding sources for projects therein, federal action will not be taken on these documents or projects therein until an alternative funding source is identified or the project is removed from the plan or program. Until federal action is deemed necessary on these documents, the fiscal constraint determination previously made is still considered valid.

An amendment is a revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP, or STIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes). An amendment requires public review and comment, redemonstration of fiscal constraint, or a conformity determination.

In summary, any amendments to the plans or programs must reflect the current revenue situation in order to meet Federal fiscal constraint requirements.

FHWA is committed to working cooperatively with the state and the MPOs to implement the statewide and metropolitan planning processes in Virginia. If you have additional questions please contact Kenneth Myers of my staff at (804) 775-3353.

Sincerely,

A handwritten signature in black ink that reads "Kenneth Myers". The signature is fluid and cursive, with a long horizontal stroke at the end.

for Roberto Fonseca-Martinez
Division Administrator

CC: Ms. Diane Mitchell, VDOT Programming Division
Mr. Dennis Heuer, VDOT Hampton Roads District
Mr. Morteza Salehi, VDOT Northern Virginia District
Mr. Author Collins, Hampton Roads Planning District Commission
Mr. Ronald Kirby, Metropolitan Washington Council of Governments



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

David S. Ekern, P.E.
COMMISSIONER

March 17, 2008

Mr. Roberto Fonseca-Martinez
Virginia Division Administrator
Federal Highway Administration
400 N. 8th Street, Room 750
Richmond, VA 23219

Dear Mr. Martinez:

Thank you for your recent response to VDOT regarding the impact of the recent Virginia Supreme Court decision related to the unconstitutionality of regional transportation authorities levying taxes.

While we are certainly disappointed in the ruling and are concerned about the impact on the Commonwealth and the Metropolitan Planning Organizations' (MPOs) ability to amend their metropolitan plans, transportation improvement programs, and the statewide transportation improvement program, we are confident that the General Assembly will, in the near future, provide a funding mechanism for raising additional transportation revenues for these regions. The General Assembly's resolve to provide additional transportation revenues is evidenced by their action taken last year.

We appreciate your commitment to working with the Commonwealth and the MPOs to implement statewide and metropolitan planning processes in Virginia.

Sincerely,

A handwritten signature in cursive script that reads "David S. Ekern".

David S. Ekern, P.E.
Commissioner

- c:
- Mr. Paul D. Fraim, Hampton Roads MPO Chairman
 - Mr. Phil Mendleson, National Capitol Transportation Planning Board Chairman
 - Mr. Kenneth R. Myers, FHWA
 - The Honorable Pierce R. Homer, Virginia Secretary of Transportation
 - Mr. Richard L. Walton, Jr., Chief Policy, Planning, and the Environment
 - Ms. Marsha C. Fiol, VDOT Planning Division
 - Ms. Diane Mitchell, VDOT Programming Division
 - Mr. Dennis Heuer, VDOT Hampton Roads District
 - Mr. Morteza Salehi, VDOT Northern Virginia District
 - Mr. Author Collins, Hampton Roads Planning District Commission
 - Mr. Ronald Kirby, Metropolitan Washington Council of Governments



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

DAVID S. EKERN, P.E.
COMMISSIONER

April 10, 2008

National Capital Region
Transportation Improvement Program Amendment

The Honorable Phil Mendelson, Chairman
National Capital Region Transportation Planning Board
Metropolitan Washington Council of Governments
777 North Capitol Street, N.E., Suite 300
Washington, DC 20002-4201

Dear Chairman Mendelson:

In keeping with the TPB discussions on March 19, 2008, regarding the proposed changes to the previously approved (February 20, 2008) air quality conformity inputs for the 2008 CLRP/FY 2009-2014 TIP, the Virginia Department of Transportation (VDOT) submits the attached list of changes. The changes to the previously approved conformity inputs stem from the February 29, 2008 Virginia Supreme Court ruling that has, at the present time, impacted the funding available to the Northern Virginia Transportation Authority (NVTA) to advance transportation improvements projects/programs. Due to the uncertainty of the NVTA funding for some of the projects approved by the TPB on February 20, VDOT requests that TPB have a contingency course of action for the conformity assessment for the 2008 CLRP and FY 2009-2014 TIP.

Firstly, VDOT requests that the TPB take steps to adopt an FY 2009-2014 TIP in July so the VDOT portion of the TIP can be included in the new FY 2009 VDOT State Transportation Improvement Program (STIP) which needs to be approved by the FHWA and FTA by September of this year when the current STIP expires. This could be accomplished by releasing for public comment in June a FY 2009-2014 TIP that utilizes the conformity determination for the 2007 CLRP and FY 2008-2013 TIP approved by the TPB in January 2008 and only includes project funding and timing changes that do not affect conformity.

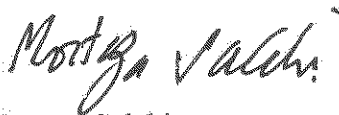
Dear Chairman Mendelson:
April 10, 2008

Secondly, VDOT requests that the TPB develop an alternative set of conformity inputs and conformity analyses for the 2008 CLRP/FY 2009-2014 TIP which would not include any projects depending on NVTA's funding. The projects in the attached list were previously included in the conformity inputs for the 2008 CLRP/FY 2009-2014 TIP and depended, wholly or in part, on NVTA funds. After having reviewed the NVTA list of proposed projects and examined the potential for alternative sources of funding, NVTA member jurisdiction staffs have provided VDOT the attached list of projects whose implementation has either been delayed or rendered uncertain at this time. The NVTA is scheduled to review the attached list of changes at their meeting later this afternoon. On behalf of all of the Northern Virginia jurisdictions and agencies, VDOT requests that TPB reflect the changes on the attached list in its contingency air quality conformity analysis for the 2008 CLRP/FY 2009-2014 TIP.

VDOT notes that the TPB will provide a public comment period once the air quality conformity analysis has been completed and prior to adopting the CLRP and TIP updates. We understand that the conformity analysis for the 2008 CLRP and associated FY 2009-2014 TIP update with this revised set of projects will not be ready for TPB approval in July, as per the previous schedule. VDOT was informed that the air quality conformity analysis will be ready for public comment in September and TPB's approval by October of this year. VDOT recognizes that extra time will be needed to conduct this conformity analysis and looks forward to the adoption of the new CLRP and TIP in October of this year should the contingency course of action be required.

Should you have any questions on the attached list, please do not hesitate to contact Ms. Jo Anne Sorenson, VDOT's Assistant District Engineer for Planning and Development.

Sincerely,



Morteza Salehi
District Administrator
VDOT – Northern Virginia District

cc: Ms. Jo Anne Sorenson, VDOT- ADE, TPD (w/ attach.)
Ms. Marsha Fiol, VDOT- TMPD “
Ms. Dianne Mitchell, VDOT – PD “
Mr. William Cuttler, VDOT – ADE, PE “
Mr. John Lynch, VDOT- L&D “
Ms. Helen Cuervo, VDOT - ADE “
Mr. Farid Bigdeli, VDOT - ADE “
Ms. Renee Hamilton, VDOT - ADE “
Mr. Robert McDonald, VDOT-TPS “

Proposed Changes To The Conformity Inputs For The 2008 CLRP/FY 2009-2014 TIP

Highway Projects:

City of Alexandria:

1. Eisenhower Avenue widening. Delayed; 2009 to 2011

Fairfax County:

2. Fairfax County Parkway/Fair Lakes Interchange. Delayed; 2010 to 2011
3. Springfield Connectivity Study Recommendations Delayed; 2011 to 2014

City of Fairfax:

4. Northbound Chain Bridge Road/Willow Crescent Dr. - construct new intersection Delayed; 2009 to 2010

Loudoun County:

5. Construction of South Collector Road (Purcellville) from Route 690 to Route 7. Delayed; 2011 to 2015.
6. Construction of Route 15 Bypass interchange at Edwards Ferry Road. Delayed; 2015 to 2020.
7. Construction of Route 7/Route 659 interchange. Delayed; 2015 to 2020.
8. Widening of Route 15 from Evergreen Mill Road to the Leesburg City Limits. Delayed; 2011 to 2015.

Prince William County:

9. Widening of Route 1 (Neabsco Mills Road to Featherstone Road). Delayed; 2013. Change project to PE only.
10. Widening of Route 28 (Fitzwater Drive to Vint Hill Road). Drop from CLRP/Conformity.
11. Widening of Prince William County Parkway (Hoadly Road to Old Bridge Road). Delayed; 2013. Change project to PE only.
12. Widening of Prince William County Parkway (Old Bridge Road to Minnieville Road). Delayed; 2013. Change project to PE only.
13. Widening of Minnieville Road (Spriggs Road to Route 234). Delayed (2012 to 2013)
14. Construction of University Boulevard (Hombaker Road to Wellington Road). Drop from CLRP

Proposed Changes To The Conformity Inputs For The 2008 CLRPFY 2009-2014 TIP

Transit Projects:

City of Alexandria:

1. Potomac Yards Transitway.

Delayed; 2011 to 2013

Arlington County/Fairfax County:

2. Columbia Pike Streetcar project.

Delayed; 2014 to 2016

Fairfax County:

3. Fairfax Connector buses (reduced from 76 to 35).
4. Engineering Proving Grounds (EPG) Park-and-Ride Lot
5. Springfield Central Business District (CBD) Park-and-Ride Lot

Delayed; 2010 to 2011.
Delayed; 2011 to 2013
Delayed; 2011 to 2014

Loudoun County:

6. Sterling-Ashburn Park-and-Ride Lot

Delayed; 2010 to 2012.

VRE:

7. Seven locomotives for the Virginia Railway Express. (Replacement locomotives)

Delayed; 2010 to later.

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

MEMORANDUM

April 10, 2008

TO: Transportation Planning Board

FROM: Ronald F. Kirby
Director, Department of
Transportation Planning

SUBJECT: A Contingency Course of Action for the 2008 CLRP and FY 2009-2014
TIP Conformity Assessment

Background

On February 20, 2008, the TPB approved a set of project submissions for inclusion in the air quality conformity assessment for the 2008 CLRP and FY 2009 -2014 TIP. The draft 2008 CLRP, TIP and conformity assessment are scheduled to be released for public comment in June and adopted by the TPB on July 16.

On February 29, the Virginia Supreme Court declared that the taxing ability of the Northern Virginia Transportation Authority (NVTA) was unconstitutional. Unless the Virginia General Assembly acts by June to restore this NVTA funding, certain projects approved by the TPB on February 20 for inclusion in the conformity assessment will have to be delayed or removed entirely from the 2008 CLRP and FY 2009 -2014 TIP. Due to the uncertainty of the NVTA funding for some of the projects approved by the TPB on February 20, we need a contingency course of action for the conformity assessment for the 2008 CLRP and FY 2009 -2014 TIP.

Original Course of Action

The original course of action utilizes the conformity inputs and schedule approved by the TPB at its February 20 meeting, including all of the NVTA funded projects and the BRAC projects. This conformity analysis will be ready to be released for public comment in June and adopted in July, along with the 2008 CLRP and FY 2009 -2014 TIP. By June, we will know if the NVTA funding has been restored by the Commonwealth. If this funding has been restored, the TPB will be able to proceed in accordance with the original conformity analysis and schedule. If not, we will need a contingency course of action.

Contingency Course of Action

The TPB needs to adopt an FY 2009 -2014 TIP in July so the VDOT portion of the TIP can be included in the FY 2009 VDOT State Transportation Improvement Program (STIP). VDOT did not develop a FY 2008 STIP and is currently working on having a new FY 2009 STIP approved by the FHWA and FTA by September of this year when the current STIP expires. DDOT and MDOT also need to be able to proceed with an FY 2009-2014 TIP in accordance with the original schedule. In order to accomplish these objectives, the contingency course of action will have two components:

(1) Utilizing the conformity determination for the 2007 CLRP and FY 2008-2013 TIP approved by the TPB in January 2008, create an FY 2009-2014 TIP that can be released for public comment in June and adopted in July. This TIP will not include any of the project updates affecting conformity that were submitted for the 2008 CLRP and FY 2009 -2014 TIP conformity assessment, but will include all project funding and timing changes that do not affect conformity. Adopting this FY 2009-2014 TIP in July will allow VDOT to meet the September deadline to have a FY 2009 STIP adopted for the state, and will also allow DDOT and MDOT to proceed with a FY 2009-2014 TIP on the original schedule.

(2) Remove from the proposed 2008 CLRP and FY 2009-2014 TIP those project inputs approved by the TPB in February which are dependent on NVTA funding and for which full funding may no longer be reasonably expected to be available. The TPB will be asked to approve this list of changes to the project submissions for the conformity assessment of the 2008 CLRP at its April 16 meeting. This conformity assessment, the 2008 CLRP and amended FY 2009-2014 TIP will be ready for public release in September, and for adoption by the TPB in October. Once the conformity determination for the 2008 CLRP and amended FY 2009-2014 TIP is approved by FHWA and FTA (likely in early December), DDOT, MDOT and VDOT will be able to amend their FY 2009 STIPs to incorporate updates, changes and new projects.

ATTACHMENT B



Schedule for the 2008 Financially Constrained Long-Range Transportation Plan (CLRP) and FY 2009 – 2014 Transportation Improvement Program (TIP) without NVT A funding

*October 17, 2007	TPB Releases Final Call for Projects-- Transportation Agencies Begin Submitting Project Information through On-Line Database
January 4, 2008	Transportation Agencies submit draft On-Line Project Submissions. Technical Committee reviews draft Plan and TIP Project Submissions and draft Scope of Work for the Air Quality Conformity Assessment
January 11, 2008	<u>DEADLINE</u> : Plan and TIP Project Submissions and draft Scope of Work finalized for transmittal to TPB
*January 16, 2008	Plan and TIP Project Submissions and draft Scope of Work Released for Public Comment
February 15, 2008	Public Comment Period Ends
*February 20, 2008	TPB Reviews Public Comments and is asked to Approve Project Submissions and draft Scope of Work
April 25, 2008	<u>DEADLINE</u> : Transportation Agencies Complete TIP Project Submissions and finalize Congestion Management Documentation Forms (where needed) and CLRP Forms ¹ . (Submissions must not impact conformity inputs; note that the deadline for conformity inputs was January 11, 2008).
May 15, 2008	TPB Citizen Advisory Committee hosts a public meeting on the Draft TIP.
*May 21, 2008	TPB Receives Status Report on the Draft Plan, TIP and Conformity Assessment
June 12, 2008	Draft Plan, TIP and Conformity Assessment Released for Public Comment at Citizens Advisory Committee (CAC)
*June 18, 2008	TPB Briefed on the Draft Plan, TIP and Conformity Assessment
July 12, 2008	Public Comment Period Ends
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*July 16, 2008	TPB Adopts Conformity Neutral TIP; Reviews Project Inputs and Schedule for Updated Conformity Analysis Without NVT A Funding
*September 17, 2008	TPB Briefed on Conformity Assessment
October 9, 2008	Updated Draft Plan, TIP and Conformity Assessment Released for Public Comment at Citizens Advisory Committee (CAC)
*October 15, 2008	TPB Briefed on the Updated Draft Plan, TIP and Conformity Assessment
November 8, 2008	Public Comment Period Ends
*November 19, 2008	TPB Reviews Public Comments and Responses to Comments, and is Presented the Updated Draft Plan, TIP and Conformity Assessment for Adoption

*TPB Meeting