

ITEM 13 - Information

April 19, 2006

Briefing on the TPB Transportation Planning Process Certification Summary Report

Staff

Recommendation: Receive briefing on the enclosed summary report on the certification review.

Issues: None

Background: As required by federal regulations, the Federal Highway and Transit Administrations conducted a Certification Review of the TPB transportation planning process on September 19-20, 2005. The Federal review team also attended the Access for All Committee and Citizens Advisory Committee meetings on September 15.



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MAR 27 2006

Honorable Michael Knapp, Chairman
National Capital Region Transportation Planning Board
c/o Mr. Ronald Kirby, Director of Transportation Planning
Metropolitan Washington Council of Governments
777 North Capital Street, NW, Suite 300
Washington, D.C. 20002-4201

Re: Transportation Planning Process Certification Review – Final Report

Dear Chairman Knapp:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are pleased to submit for your information and use our final certification review report on the transportation planning process in the metropolitan area of the District of Columbia.

As you are aware, FHWA and FTA conducted a joint certification of the transportation planning process and a site visit on September 15, 19-21, 2005. A draft report describing the findings of the Federal review was provided to the agencies involved for comment.

The final report finds that the transportation planning process meets the requirements of 23 CFR 450 and 49 CFR 613. Therefore, the transportation planning process in the Washington, D.C. metropolitan area is certified with recommendations. These recommendations are expected to be considered and/or accomplished by the times specified in the report.

We would like to thank all the participants in the certification review and particularly the TPB staff for their assistance in arranging the review. Our discussions were candid and helpful. Should you have any questions or need additional copies of the report, please contact us Sandra Jackson, of the FHWA District of Columbia Division, at (202) 219-3521 or Anthony Tarone, of the FTA Region III Office, at (215) 656-7061.

Sincerely,

Susan Borinsky
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Enclosure

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**TRANSPORTATION PLANNING
CERTIFICATION
SUMMARY REPORT**

Washington, DC-VA-MD, Transportation Management Area

TRANSPORTATION PLANNING PROCESS

Prepared by:
Federal Highway Administration
Federal Transit Administration

Assisted by:
US DOT / Volpe National Transportation Systems Center

March 16, 2006

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Foreword

Pursuant to 23 United States Code (USC) 134(i) (5) and 49 USC 1607, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly certify the metropolitan transportation planning in Transportation Management Areas (TMA) at least once every three years. As written in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005, the Federal Certification process will now occur at least once every four years.

In general, the reviews consist of three primary activities: a site visit, a review of planning products (in advance of and during the site visit), and preparation of a report that summarizes the review and presents findings and federal actions. The reviews focus on compliance with Federal regulations but also consider the challenges, successes, and experiences shared among the metropolitan planning organization (MPO), State Departments of Transportation, and transit operators in the conduct of the metropolitan planning process. Joint FHWA and FTA Certification guidelines provide reviewers with latitude and flexibility to tailor the review to reflect local issues. As a consequence, the scope and depth of the Certification reports vary among areas.

The Certification review process is only one of several methods used to assess the quality of a local metropolitan planning process. Other federal oversight activities such as Unified Planning Work Program approval, long-range plan development, Metropolitan and Statewide Transportation Improvement Program approvals, and air quality conformity determinations provide FHWA and FTA an opportunity to comment on the planning process. The results of all of these processes are considered in the Certification review process.

While the Certification report itself may not fully document those many intermediate and ongoing checkpoints, the “findings” of the Certification review are based upon the cumulative findings of the entire review effort.

The review process is individually tailored to focus on topics of significance in each metropolitan planning area. Federal reviewers prepare Certification reports to document the results of the review process. The reports and final actions are the joint responsibility of the appropriate FHWA and FTA field offices.

Executive Summary

Purpose

The purpose of this report is to document the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) evaluation of whether the transportation planning process in the Washington, D.C.-Virginia-Maryland Transportation Management Area (TMA) meets joint FHWA and FTA planning regulations, and to certify, as appropriate, the planning process as required by 23 Code of Federal Regulations (CFR) 450.334, entitled “Metropolitan Planning Process: Certification.”

Organization of Report

This Certification report is organized into the following sections:

Executive Summary

An overview of the Certification actions.

Review Findings

A discussion of the observations and findings for each focus area reviewed during this Certification cycle.

Appendices

Appendices include the regulatory basis for the review findings, an agenda for the site visit, federal participants in the Certification review and site visit, a list of acronyms, and a summary of federal team meetings with public advisory groups.

Federal Actions by Topic

Each of the federal actions listed below is discussed in greater detail, with associated findings, in the next section of the report.

Agreements

Recommendation 1: The National Capital Region Transportation Planning Board (TPB) should work with the transit operators in the region to establish a formal written agreement specifying roles and responsibilities and how transit planning is being carried out in this region. Federal regulations require that these relationships be specified in formal agreements between the TPB and the States and between the TPB and Washington Metropolitan Area Transit Authority (WMATA) and other transit operators. A new agreement should be completed in one year from the issuance of this report.

Recommendation 2: The TPB and the Fredericksburg Area Metropolitan Planning Organization (FAMPO) should work cooperatively to reach a resolution on the allocation and sharing of regional transit funds. The current agreement should be updated to address the cooperative work to reach a resolution on the allocation and sharing of regional transit funds. The amended agreement should be completed in six months of issuance of this report.

Self-Certifications

Recommendation 3: Although the TPB currently adopts the annual self-certification statement, there is no signed document that reflects the certification. The TPB Board should sign the next annual self-certification statement after reviewing with partner agencies significant changes in the planning process since the previous self-certification. The signatures should be on a formal signature page that verifies that Title VI and Americans with Disabilities Act (ADA) requirements are being executed. The federal team also suggests that WMATA sign the self-certification.

Long Range Plan and Transportation Improvement Program

Recommendation 4: The TPB should develop an expanded explanation of the links between the Constrained Long Range Plan (CLRP) and Transportation Improvement Program (TIP) to demonstrate how the CLRP influences the investments and strategies in the TIP and how the TIP implements the strategic direction of the CLRP.

This explanation should be incorporated in the next CLRP and TIP updates, can build on descriptions in the Citizens Guide, and will contribute to improved understanding of how investments and strategies contribute to solving regional problems. It would be helpful to provide examples of how the regional planning process and CLRP influence specific major investment decisions.

Recommendation 5: The TPB should work with the Maryland, Virginia, and District of Columbia Departments of Transportation (DOTs) and WMATA to improve the documentation and transparency of the project selection process. The documentation should also explain the roles of the TPB and its partners in reaching the decisions reflected in the CLRP and TIP.

The TPB should incorporate this expanded description in its next updates to the CLRP and TIP to demonstrate how planning by Maryland, Virginia, and the District of Columbia (DOTs) and WMATA shape the CLRP and TIP, and how regional planning (e.g., vision and scenario planning, public involvement, fiscal constraint, environmental considerations, the planning factors, and the Congestion Management System [CMS]) influences projects advanced by the Maryland, Virginia, and the District of Columbia DOTs and WMATA. An improved explanation, perhaps with examples, will assist stakeholders and the public to understand the multiple levels of decision-making and participate more effectively.

Financial Planning and Fiscal Constraint

Recommendation 6: The TPB should develop a more detailed and consolidated financial plan for inclusion in the next revisions of the CLRP and TIP. The TPB can provide this information in new or expanded chapters, appendices, or additional volumes. The financial plan should provide cost and revenue data for highways and transit and a discussion of assumptions covering:

- Sources and categories of estimated revenues;
- The history of receiving discretionary and formula funds, and state, local, private, and other funds;
- Cost estimating procedures;
- Projected costs for security improvements;

- The likelihood of receiving identified new revenue sources, such as New Starts funding and new or expanded regional taxes; and
- Specifically, a more detailed explanation of the methodology used to estimate operations and maintenance costs for highways and transit, and more detailed descriptions of the costs involved.

This information is necessary to demonstrate that revenues are reasonably expected to be available for fiscal constraint.

Recommendation 7: The TPB should provide a complete description of the ridership constraint methodology used on the WMATA transit system as part of its application of the fiscal constraint requirements for the CLRP and TIP. Considering that ridership constraint is a substantial policy decision and a major component of meeting the fiscal constraint test, the next update of the CLRP and TIP should document this policy decision in detail if it continues to be applied.

Commendation 1: The federal team compliments WMATA and the TPB for working together to elevate the awareness of decision-makers, stakeholders, and the public to the implications of inadequate funding for transit operations, maintenance, and capital projects. Their financial analyses demonstrate potential systems performance and air quality implications of funding shortfalls.

Congestion Management System

Recommendation 8: The TPB should develop a comprehensive description of a regional Congestion Management System to demonstrate its application at critical stages of the metropolitan planning process, including the development of the CLRP, TIP, and the development of major projects and policies.

The description should be part of the next update to the CLRP or a stand-alone document that is completed in one year from the issuance of this report. The description can build on key elements in place, including monitoring and evaluating alternatives to new capacity (such as for the Mixing Bowl Springfield Exchange and the Woodrow Wilson Bridge) and the range of congestion related strategies (such as the Commuter Connections Program).

Unified Planning Work Program

Recommendation 9: While the TPB appears to have a coordinated process for providing technical assistance to local jurisdictions through the Unified Planning Work Program (UPWP), the TPB should more completely describe how this process is implemented and the means through which this local planning work is focused on regional priorities. As part of this description, the UPWP should include information on how funds are allocated to the States and the District of Columbia. This description should be included in the next UPWP and future UPWPs. The next UPWP and future UPWPs should also include a summary statement – similar to the summary statements that are found at the end of each of the work items in the current UPWP for Oversight, Cost Estimate, Product, and Schedule – of who will perform the work associated with each activity.

Air Quality Planning

Recommendation 10: As advocated by the Metropolitan Washington Air Quality Committee, the TPB should maintain their commitments to Transportation Emission Reduction Measures and other emission reduction measures.

Intelligent Transportation Systems

Commendation 2: The federal team commends the TPB for engaging all jurisdictions and WMATA in the Management, Operations and Intelligent Transportation Systems (MOITS) program. The completion of the regional Intelligent Transportation Systems (ITS) architecture by the MOITS is a critical first step in developing a regional ITS program. The team encourages program participants to follow-up with FHWA's ITS group as a resource to assist with implementation.

Travel Demand Forecasting and Models Development

Commendation 3: The federal team commends the TPB for its active approach to improving the development of its transportation model, specifically for inviting input from the Transportation Research Board (TRB) Peer Review panel and implementing its recommendations. The team encourages the TPB and its partners to continue these efforts and enhance future data collection and quality.

Planning Factors

Recommendation 11: The TPB should demonstrate and document how the federal planning factors are specifically addressed at key points in the transportation planning process as part of the next updates to the CLRP, TIP, and UPWP. For example, the TPB can describe how the factors are reflected in the development of the UPWP, in the CLRP, or in TIP project selection.

Freight and Goods Movement

Recommendation 12: While the federal team acknowledges early efforts to bring freight considerations into some aspects of the metropolitan area planning process, we encourage expansion of these efforts, such as:

- Reaching out to freight stakeholder groups, including District of Columbia DOT's freight stakeholder advisory committee and the Washington Board of Trade, for their insights and input into the regional planning process;
- Conducting a new external freight study to adjust current truck model data;
- Finding a champion to focus on goods movement; and
- Updating its air cargo plan and focusing on airport access and facilities.

The TPB should be able to indicate to the federal team progress on this or other initiatives within a year of the issuance of this report.

Safety and Security Planning

Recommendation 13: The TPB should explicitly demonstrate how the safety and security planning factors are proactively addressed in the regional transportation planning process. For example, the TPB could describe how these factors are reflected in the development of the UPWP, in the CLRP, and in TIP project selection. The next updates to these documents should

include explanations of the specific roles that the safety and security planning factors play in the process used to develop each of these documents.

Land Use Planning

Recommendation 14: The TPB should coordinate more frequently through the normal TPB planning process with all surrounding local jurisdictions on land use issues.

Commendation 4: The federal team commends the TPB for working with its partners to demonstrate the transportation implications of proposed military base closings, thereby adding an important planning dimension to the public discussion. As a next step, the TPB could pursue additional opportunities to generate discussion with local officials of the land-use and transportation implications of base closings.

Commendation 5: The federal team commends the TPB for its innovative efforts in visioning and scenario planning.

Multimodal Planning

Commendation 6: The federal team commends WMATA and the TPB for working together to address funding shortfalls for transit through use of the “ridership constraint” and to highlight its service and cost implications for the region.

Commendation 7: The federal team commends the planning agencies for their active bicycle and pedestrian planning at a regional level and for dedicating resources to ensure that this planning is effective.

Title VI and Americans with Disabilities Act

Recommendation 15: The TPB should make its compliance with the requirements of Title VI more visible in its planning process. Specifically, the TPB should describe the steps they have taken to ensure compliance in the next update to the CLRP.

Commendation 8: The federal team commends the TPB and WMATA for their progress in working through the Access for All Committee on early efforts to support participation by low income, minority, and disabled populations in the metropolitan planning process.

Public Involvement

Commendation 9: The federal team commends the TPB for the amount and quality of information available to the public through the TPB’s web site and publications, including the informative Citizens Guide and the “Region Magazine,” and for efforts underway to develop a web-based CLRP.

Recommendation 16: The TPB should evaluate the effectiveness of its regional public involvement outreach efforts within the next two years. The federal team notes that it also made this recommendation in the 2002 Federal Certification report.

Certification Statement

The FHWA and the FTA have determined that the transportation planning process of the Transportation Planning Board of the Washington DC-VA-MD TMA meets the requirements of the Metropolitan Planning Rule at 23 CFR Part 450 Subpart C and 49 CFR Part 613. The FHWA and the FTA are, therefore, jointly certifying the transportation planning process.

Introduction

The purpose of this report is to document the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) evaluation of whether the transportation planning process in the Washington DC-VA-MD Transportation Management Area (TMA) meets joint FHWA and FTA planning regulations, and to certify, as appropriate, the planning process as required by 23 Code of Federal Regulations (CFR) 450.334, entitled “Metropolitan Planning Process: Certification.” The federal regulations that apply to the review findings covered in this certification report are found in [Appendix A](#).

A team consisting of staff from the FHWA and FTA and the U.S. Department of Transportation’s Volpe National Transportation Systems Center conducted the fourth Certification Review of the Washington, D.C., area planning process. Federal team members and participants in the review are listed in [Appendix B](#). The federal team interviewed and held discussions with:

- Staff from the National Capital Region Transportation Planning Board (TPB), which is the federally-designated metropolitan planning organization for the Washington DC-VA-MD TMA;
- Staff from the Washington Metropolitan Area Transit Authority (WMATA), which is the region’s largest transit agency;
- Staff from the region’s three Departments of Transportation (DOT): the Maryland, Virginia, and District of Columbia DOTs; and
- Members of the TPB’s Citizen Advisory Committee (CAC) and Access for All Committee (AFA).

The agenda for the site visit is included in [Appendix C](#). [Appendix D](#) contains a list of acronyms.

Prior to the site visit, the federal team conducted a desk review of current planning documents and studies, including the Constrained Long-Range Plan (CLRP), the Transportation Improvement Program (TIP), the Unified Planning Work Program (UPWP), air quality planning documents, memoranda of agreement, self-certification, and public involvement materials and information. TPB staff provided written responses to federal team questions as part of the desk review. Review questions for the site visit were based on the desk review and on the provisions of 23 United States Code (USC) 134 and the metropolitan planning regulations found in 23 CFR 450. This report is the result of oversight activities including discussions during the site visit, information from attendance and participation at the TPB meetings, and interactions with the TPB and its partners during the three years preceding this Certification review.

Washington, D.C., Metropolitan Area Overview

The Washington, D.C., region is the fourth largest metropolitan area in the United States in terms of population (4,211,964, from the 2000 Census). There were 3.1 million jobs in the region in 2000 (forecast to grow to 4.1 million by 2030). The TPB’s 3,020 square-mile planning area covers the District of Columbia and surrounding jurisdictions. In Maryland, these jurisdictions include Frederick County, Montgomery County, and Prince George’s County, plus the cities of Bowie, College Park, Gaithersburg, Greenbelt, Rockville, and Takoma Park. In Virginia, the planning area includes Alexandria, Arlington County, the City of Fairfax, Fairfax County, Falls Church, Loudoun County, Manassas, and Prince William County.

Members of the TPB include representatives of city and county governments, state transportation agencies, the Maryland and Virginia General Assemblies, WMATA, and non-voting members from the Metropolitan Washington Airports Authority and federal agencies.

Decision-making is very dispersed in the region, making planning by the TPB among the most institutionally complex in the country. The TPB functions with the equivalent of three “State DOTs” with independent functions, numerous city and county governments with land use responsibilities, federal agencies with responsibilities for the District of Columbia, a major regional transit operator with independent authority, and numerous other transit providers. In addition, the TPB must plan for surface travel to three major airports.

Current Issues

This section highlights major issues confronting the TPB and its partners as they conduct the metropolitan transportation planning process.

Growth in Population, Economy, and Traffic

As the region’s population grows by 23 percent and jobs grow by 34 percent over the next 25 years, vehicle miles traveled (VMT) is forecast to increase by 32 percent from 2005 to 2030, while lane miles will increase only 12 percent, resulting in increased congestion. Additionally, the transit system will be under greater strain due to the growing demand for transit service. Because the growth in jobs will outpace that of the region’s population, planning agencies are considering how to improve the geographic balance between jobs and housing.

Limiting Traffic Growth and Reducing Auto Emissions

It will not be possible to meet the growth in travel demand with new roadway capacity. Limiting factors are lack of funds to add road capacity to meet demand and air quality conformity pressures on VMT growth.

Demand management techniques, such as an improved transit system, ridesharing, high occupancy vehicle (HOV) lanes, telecommuting, and other pricing strategies (incentives and disincentives) to reduce the need for vehicular use will need to continue to be considered. New technologies will enhance this effort toward the twin ends of trip reduction and cleaner air. The long-range plan includes demand management through the inclusion of a telecommuting initiative, new HOV lanes, and ridesharing incentives.

Although the number of transit trips has increased in recent years (seven straight years of ridership growth),¹ transit supply and investment may not keep pace with the growth in population and regional travel demand. WMATA faces “transit congestion” as peaks spread and trains and platforms become crowded.

Maintaining, Operating and Managing the Transportation System

Operation and maintenance of the existing transportation system will consume about 77 percent of the available revenues for suburban Maryland and Northern Virginia, and almost all of the District of Columbia’s transportation revenues. This is indicative of the region’s emphasis on managing the system.

¹ http://www.wmata.com/about/metro_matters/MM121203_files/frame.htm

The total expenditures over the 27 years of the CLRP are equal to the total expected revenues of \$93.3 billion. Overall, almost \$72 billion of the region's total expenditures are for operations and preservation of the region's transportation system. The other \$22 billion funds expansion of the transportation system. Transit expenditures are \$56 billion or 60 percent of total expenditures and highway expenditures are \$37 billion or 40 percent.

Serving Diverse Markets, Dispersed Populations, and Employment Centers

The region has a diverse population in terms of race, income, and disabilities, with diverse travel needs. Individuals with limited English proficiency make up five percent of the population, over 328,000 residents in 2000 were below the poverty level, and in 2000 an estimated 320,000 persons had physical or sensory disabilities that may make them eligible for specialized transportation services (paratransit). The suburbanization of residences and employment poses long-term challenges in many respects.

Availability of Funds for Investment in New and Expanded Facilities

Numerous major projects for the region are not in the CLRP because ways to finance them have not been identified. Many of these projects are identified in the plan under a "study" category. These projects could amount to billions of dollars, perhaps twice the cost of the constrained plan. New revenue sources would likely have to come from user fees – e.g., tolls, gas taxes, or parking. These strategies would require substantial cooperation among states and local jurisdictions, political support, and public commitment.

Identifying long-term needs as unfunded is a positive approach to planning and helps the public and decision-makers understand the difficult future choices that must be made to balance costs and revenues, and to identify new revenue sources.

Fiscal Constraint

The TPB received comments from interested parties regarding whether the CLRP and 2005-2010 TIP are fiscally constrained. These issues will likely be raised for the 2006 update of the CLRP and the next TIP. Fiscal constraint cuts across major topics in this review: the TIP, the CLRP, Transit Planning, and Air Quality Conformity.

Multimodal and Intermodal Planning

The CLRP stresses the importance of intermodal and multimodal approaches. Intermodal planning requires institutional cooperation, which is a challenge in an area with many strong and independent agencies conducting planning and making investment decisions. As noted, there is the equivalent of three State DOTs in the region as well as a number of transit operators.

Enhanced Concern for Security

Since September 11, 2001, the TPB has been involved in efforts to improve security for the nation's capital through collaboration with partner state and federal agencies, the District of Columbia, and local governments. Integrating security concerns into the metropolitan transportation planning process, and finding funds to invest in security-related transportation infrastructure and systems, particularly for WMATA with its major financial problems, are significant challenges for the region.

Review Findings

Agreements

23 CFR 450.310

The TPB has agreements with the State DOTs (Maryland and Virginia) and the District of Columbia DOT, the region's air quality agency, and the Fredericksburg Area Metropolitan Planning Organization (FAMPO), which also has authority over a portion of the designated metropolitan area. The agreement with the FAMPO does not, however, clearly identify how regional transit funds are to be divided between the two MPOs. Though relations between the TPB, WMATA, and the other transit operators in the region, including the Virginia Railway Express and Potomac and Rappahannock Transportation Commission, have been historically cooperative, no agreement exists between the TPB and these agencies.

Though not required by planning regulations, the TPB should work with the Baltimore area MPO (and other neighboring MPOs) to explore opportunities to build on current "ad hoc" coordination to expand and formalize planning for mutual long term transportation issues, including inter-regional commuting and freight movement. This might include developing new MOUs for determining shared planning methodologies, assumptions, and products and formalizing roles and responsibilities to ensure coordination.

Recommendation 1: The National Capital Region Transportation Planning Board (TPB) must work with the transit operators in the region to establish a formal written agreement specifying roles and responsibilities and how transit planning is being carried out in this region. Federal regulations require that these relationships be specified in formal agreements between the TPB and the States and between the TPB and WMATA and other transit operators. A new agreement should be completed in one year from the issuance of this report.

Recommendation 2: The TPB and the Fredericksburg Area Metropolitan Planning Organization (FAMPO) should work cooperatively to reach a resolution on the allocation and sharing of regional transit funds. The current agreement should be updated to address the cooperative work to reach a resolution on the allocation and sharing of regional transit funds. The amended agreement should be completed in six months of issuance of this report.

Self-Certifications

23 CFR 450.334 (a)

With the passing of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in 2005, self-certifications are now more important for MPOs to conduct since the Federal Certification process will occur less frequently in the future – once every four years. The TPB annually performs a self-certification, which is included in the beginning of the TIP. The self-certification discusses how the planning process is conducted in accordance with the requirements mentioned above.

The self-certification does not explicitly reference the findings or federal actions in the previous yet most recent Federal Certification report. To create continuity and consistency between the annual self-certification and quadrennial Federal Certification process, the TPB could address and respond to federal actions in the previous Federal Certification Report.

Currently, officials from the Maryland, Virginia, and District of Columbia DOTs sign the self-certification on individual pages that are compiled at the end of the Statement of Certification. These pages contain the title of the document ("Certification of the Urban Transportation

Planning Process for the National Capital Region”), a date, a blank for the signature, and the signatory’s name, title, and agency. The Statement of Certification is included in the beginning of the TIP. Appendix F contains an example of a signature page that lists the legislative requirements to which the signatory is confirming.

According to TPB staff, approximately 15% of the self-certification’s content changes year to year. As an opportunity to keep the Board abreast of major changes in the planning process, TPB staff could report to the Board any significant changes that are made in the planning process year to year as identified in changes to its self-certification. This reporting could create a more aware Board and could add credibility to the self-certification process.

Recommendation 3: Although the TPB currently adopts the annual self-certification statement, there is no signed document that reflects the certification. The TPB Board should sign the next annual self-certification statement after reviewing with partner agencies significant changes in the planning process since the previous self-certification. The signatures should be on a formal signature page that verifies that Title VI and Americans with Disabilities Act (ADA) requirements are being executed. The federal team also suggests that WMATA sign the self-certification.

Long Range Plan

23 CFR 450.322

Transportation Improvement Program

23 CFR 450.324, 326, 332, 23 USC 134

This section deals with the metropolitan transportation planning process and issues related to development of the CLRP and TIP, including project selection.

Transparency of the Planning

The TPB approved the 2003 Update to the CLRP on December 17, 2004. On June 14, 2005, FHWA and FTA determined that the CLRP and the FY 2005-2010 TIP conform to the SIPs covering the metropolitan area. The CLRP includes projects the region estimates it can afford to build and operate during the 2004-2030 period, based on updated projections that reflect the 2000 Census and a re-evaluated financial analysis. Because the majority of the projected revenues are for the operation and preservation of the existing transportation system, the capital improvements included do not expand the system capacity greatly from previous plans, according to TPB staff.

The federal team observed that the TPB staff plays an active role as an integral part of the team developing “mega projects” in the region.

The CLRP includes new bicycle and pedestrian facilities and 35 multimodal studies, including potential WMATA extensions. The highway, HOV, transit, and bicycle and pedestrian facilities are estimated to cost \$22.5 billion. In addition to the federal requirements, criteria for developing the CLRP consider the goals, objectives, and strategies from the TPB Vision. Although the CLRP reviews how successfully it meets the goals and objectives of the Vision, it does so broadly and without application of quantified performance measures.

The starting point for the CLRP and the TIP was projects in the previous TIP for which funds were already committed. The CLRP includes projects from earlier plans with longstanding state and local funding commitments. Additional projects proposed by implementing agencies and local governments were then reviewed at the MPO level to include in the Plan. The review

process focused on how each project aligns with federal regulations, particularly likely effects on air quality, and the availability of projected revenues to implement each project.

According to the Citizens Guide, citizens are invited to comment on the CLRP when it is updated or amended and can provide comments during monthly Board meetings. Although the Guide provides a helpful description of the complex regional planning process, there are important aspects of how the CLRP and TIP are developed that require greater explanation. This lack of transparency limits the ability of the TPB and its partners to demonstrate specifically why some projects were selected in the regional TIP and others were not, and how projects are expected to improve the performance of regional systems.

The need for transparency was apparent when the federal team met with the CAC members (see [Appendix D](#)) who expressed concern that their input sometimes appears not to have a noticeable impact, and that many decisions seem to be made outside the MPO process. This may be due in part to the complexity of the region: with major planning roles for the Maryland, Virginia, and District of Columbia DOTs and WMATA, many decisions are in fact made at these levels.

The regional process involves both “top-down” planning led by the TPB, and “bottom-up” planning by the Maryland, Virginia, and District of Columbia DOTs and WMATA. From the “top-down” perspective, it is unclear how and when the regional Vision, goals, priorities, funding limitations, public participation, and other regional planning activities influence the statewide and WMATA plans that are critical inputs to the CLRP. For example, although the Maryland, Virginia, and District of Columbia DOTs and WMATA vote on the TPB and actively participate in the metropolitan process, it is unclear from the state and WMATA planning documents how regional considerations influence the statewide and WMATA plans and TIPs.

From the “bottom-up” perspective, the three DOTs and WMATA conduct their own planning processes to develop their own long-range plans. According to the Citizens Guide:²

“State/WMATA Long Range Plans: Virginia, Maryland, D.C., and WMATA each has a long-range (20 or 25 year) plan which identifies transportation needs and policies without funding constraints...

“[CLRP]: Based upon needs identified through a variety of sources, including the TPB’s Vision and the states’ long-range plans, the states submit projects for the CLRP, which is developed and approved by the TPB. The CLRP is financially constrained.”

The technical and political planning process applied at the regional level, including after the TPB receives the state and WMATA long-range plans, is not clear. Areas to be clarified in future documents include:

- How projects reflect regional priorities, specifically, how and when priorities and projects in the unconstrained state/WMATA Plans and Six-Year Programs are modified by the TPB to reflect regional priorities;
- How decisions are made regarding project inclusion, specifically, how state and WMATA Plans and programs are translated into a single regional constrained plan and TIP;
- How distinctions are made between projects to include, exclude, or delay;

² http://www.mwcog.org/store/item.asp?PUBLICATION_ID=82, page 28

- Discussion of differences in how projects are funded from different state or federal sources; and
- How the Vision and goals in the CLRP are specifically applied to projects funded from different federal or state sources.

Improved transparency of the relationship between regional, statewide, and WMATA planning processes is essential to ensure successful participation of stakeholders and the public in the regional process. Transparency can be added to statewide and WMATA planning documents as well as to the CLRP, TIP, and Citizens Guide. To improve the understanding of the relationship between statewide, WMATA and regional planning processes, the TPB and its partners can take some specific actions. For example, they can provide links to VDOT's "Dashboard" reporting system and its counterpart in Maryland. And on the transit side, it would be helpful to document the role of the Joint Jurisdictional Committee (equivalent to the MPO's Technical Committee) in project development.

Relationship Between the CLRP and TIP

The TPB should demonstrate how the TIP implements the strategic direction of the CLRP, as intended by TEA-21. This would be one important way to demonstrate how regional considerations contribute to the selection of the policies, strategies, and investments actually implemented in the state and WMATA programs as well as in the TIP.

The relationship between the CLRP – and its long-range picture of regional problems and priorities – and what is eventually included in the TIP, is left conceptual and general. Although the TIP covers key aspects of the planning requirements, the information presented provides a limited picture of how projects are selected, as described above. More developed and specific links would help interested parties understand how successfully TIP investments contribute to solving the long-term regional problems identified in the CLRP.

The Citizens Guide provides information on the planning process, including project development and selection. To link the Guide with the CLRP and TIP, information in the Guide could be adapted and expanded and the CLRP and the TIP could add references to the Guide to help stakeholders and the public understand exactly how projects are actually programmed. It would also be useful for the TPB to compare how successfully the investments and strategies in the CLRP meet the goals and objectives of the Vision Policy, which, as mentioned earlier, is broad and does not include quantified performance measures or targets. The TPB might consider relying more explicitly on performance measures as tools to link CLRP goals to project selection, and, ultimately, to results from project implementation.

Recommendation 4: The TPB should develop an expanded explanation of the links between the CLRP and the TIP to demonstrate how the CLRP influences the investments and strategies in the TIP and how the TIP implements the strategic direction of the CLRP.

This explanation should be incorporated in the next CLRP and TIP updates, can build on descriptions in the Citizens Guide, and will contribute to improved understanding of how investments and strategies contribute to solving regional problems. It would be helpful to provide examples of how the regional planning process and CLRP influence specific major investment decisions.

Recommendation 5: The TPB should work with the Maryland, Virginia, and the District of Columbia DOTs and WMATA to improve the documentation and transparency of the project selection process. The documentation should also explain the roles of the TPB and its partners in reaching the decisions reflected in the CLRP and TIP.

The TPB should incorporate this expanded description in its next updates to the CLRP and TIP to demonstrate how planning by the Maryland, Virginia, and the District of Columbia DOTs and WMATA shape the CLRP and TIP, and how regional planning (e.g., vision and scenario planning, public involvement, fiscal constraint, environmental considerations, the planning factors, and the CMS) influences projects advanced by the Maryland, Virginia, and the District of Columbia DOTs and WMATA. An improved explanation, perhaps with examples, will assist stakeholders and the public to understand the multiple levels of decision-making and participate more effectively.

Financial Planning and Fiscal Constraint

23 CFR 420.322 (c) and 324 (e)

The fiscal constraint requirement is intended to ensure that transportation plans and TIPs reflect realistic assumptions about future revenues, rather than being “wish lists” that include many more projects than could realistically be completed with available revenues. Given this basic purpose, compliance with the fiscal constraint requirement entails an analysis of revenues and costs. The basic question to be answered is “Will the available revenues cover the costs of the projects included in this plan, along with operation and maintenance of the existing system?” With respect to the regulatory requirement in 23 CFR 450.322 (b)(5) and (11) for fiscal constraint to provide for adequate maintenance and operation of the existing system, FHWA and FTA allow considerable deference to state and local governments as to what is “adequate.”

The TPB should work with its planning partners to develop a much more detailed financial plan and include it in the CLRP as a chapter, appendix, or additional volume. Because the current CLRP only includes a summary table of financial data for the plan, it is not possible to understand the critical assumptions that are reflected in the balance between costs and revenues, as presented. The financial plan should document historic revenue and cost trends both for highways and transit. The history of receiving discretionary and formula funds is critical to establish the credibility of key assumptions. State, local, private, and other funds for highways and transit should also be detailed.

Accurate cost estimation for projects in the CLRP and TIP has not been an issue. Although this type of information appears to be available from a variety of sources and is utilized by the TPB, it is not presented in a single comprehensive and understandable form in the CLRP and TIP. The Maryland and Virginia DOTs handle local government projects resulting in uniform and high quality cost estimates for local and state projects in the CLRP and TIP. The TPB appears to accept the estimates with no or few changes.

As part of improved documentation of financial planning, the TPB should look for ways to describe the building blocks that form its financial plan. This could be accomplished with electronic links to documentation prepared by Maryland, Virginia, the District of Columbia, and WMATA. The next financial plan should identify and discuss cost estimating procedures, sources and categories of estimated funds, and provide detailed documentation and assessment of risk and other assumptions, including:

- *Revenue growth for different categories of revenue:* For example, the region’s historic experience in securing FTA New Starts funding is an important consideration when projecting the large amount of such funding assumed for the future. Also, what are assumptions of future contributions from state and local authorities relative to historic contributions, and the risks or likelihood of approval?
- *New revenue sources:* What are the assumptions on availability of new revenue sources such as sales or other regional taxes or pricing strategies? What are the political and technical implications, and the risks or likelihood of approval?
- *Ridership constraint:* The concept of a “ridership constraint” was an important policy tool to meet fiscal constraint by reducing transit service to a fixed level that could be financially supported, while explicitly not meeting projected ridership growth. If a similar tool is used in future financial plans, it will be critical to document the technical methods applied and to pair financial with level-of-service performance implications.
- *Operations and Maintenance:* Although the summary tables in the current CLRP provide cost figures for operations and maintenance, in the future, the financial plan should provide complete details on assumptions and methods for estimating these costs for all modes. This provision would demonstrate that the existing and programmed system can be adequately maintained and operated over the life of the TIP. The State DOT representatives mentioned that they develop this information in their programs and could provide it to the TPB for its financial plan.
- *Security:* Security costs are particularly important for the area as the national capital. The financial plan should clarify assumptions used for security costs for WMATA and non-transit modes, and how these costs will be funded.

Financial planning assumptions, including those identified above, are essential to demonstrate that revenues can reasonably be expected to be available; revenues are not overly speculative; capital, operating, and maintenance costs are rigorously estimated; and that there is a reasonable balance between revenues and costs for operating the existing system.

According to TPB staff, there will be a major update to the financial plan component of the long-range plan in fiscal year 2006. This update represents a critical opportunity to make enhancements to the financial plan and provide consolidated and comprehensive documentation of assumptions and past trends to support the next update of the CLRP and TIP.

Recommendation 6: The TPB should develop a more detailed and consolidated financial plan for inclusion in the next revisions of the CLRP and TIP. The TPB can provide this information in new or expanded chapters, appendices, or additional volumes. The financial plan should provide cost and revenue data for highways and transit and a discussion of assumptions covering:

- Sources and categories of estimated revenues;
- The history of receiving discretionary and formula funds, and state, local, private, and other funds;
- Cost estimating procedures;
- Projected costs for security improvements;
- The likelihood of receiving identified new revenue sources, such as New Starts funding and new or expanded regional taxes; and

- Specifically, a more detailed explanation of the methodology used to estimate operations and maintenance costs for highways and transit, and more detailed descriptions of the costs involved.

This information is necessary to demonstrate that revenues are reasonably expected to be available for fiscal constraint. We expect these changes in the next fiscal plan.

Recommendation 7: The TPB should provide a complete description of the ridership constraint methodology used on the WMATA transit system as part of its application of the fiscal constraint requirements for the CLRP and TIP. Considering that ridership constraint is a substantial policy decision and a major component of meeting the fiscal constraint test, the next update of the CLRP and TIP should document this policy decision in detail if it continues to be applied.

Commendation 1: The federal team compliments WMATA and the TPB for working together to elevate the awareness of decision-makers, stakeholders, and the public to the implications of inadequate funding for transit operations, maintenance, and capital projects. Their financial analyses demonstrate potential systems performance and air quality implications of funding shortfalls.

Congestion Management System

23 CFR 450.320, 500.109 (b)

A CMS can function as a part of a regional planning process rather than a parallel process. The TPB has chosen to integrate the CMS as an enhancement of the existing transportation planning process. The TPB still needs to demonstrate that the region has an active “operational” CMS that is a regional initiative rather than components programmed by the States and the District of Columbia.

Summaries of the TPB’s CMS can be found on page 2-13 and page 4-20 of the 2003 Update of the CLRP. While the summaries briefly describe the TPB’s CMS, it is not clear how the CMS actually operates and addresses the federal requirements. However, much, if not all, of this information may be contained in or at least implied throughout the CLRP and the TPB’s other planning documents and processes. The region has implemented numerous on-going congestion management activities. The Commuter Connections Program is a good example of a congestion reduction activity that has had an impact on the region. To clearly show that the requirements are being addressed and to demonstrate an active “operational” CMS, the TPB should develop a more consolidated and comprehensive description of the CMS.

Recommendation 8: The TPB should develop a comprehensive description of a regional Congestion Management System to demonstrate its application at critical stages of the metropolitan planning process, including the development of the CLRP, TIP, and the development of major projects and policies.

The description should be part of the next update to the CLRP or a stand-alone document that is completed in one year from the issuance of this report. The description can build on key elements in place, including monitoring and evaluating alternatives to new capacity (such as for the Mixing Bowl Springfield Exchange and the Woodrow Wilson Bridge), and the range of congestion related strategies (such as the Commuter Connections Program).

The TPB's UPWP contains a thorough description of all metropolitan area transportation planning and transportation-related air quality planning activities anticipated within the necessary time period. However, the UPWP includes only a brief discussion of the planning priorities facing the metropolitan planning area and no direct discussion of how the planning activities address these priorities. The UPWP also does not explicitly identify who will perform the work associated with each activity. TPB staff described the process for how funds are allocated to the States and the District of Columbia during the site visit, but this description is not present within the UPWP.

Recommendation 9: While the TPB appears to have a coordinated process for providing technical assistance to local jurisdictions through the UPWP, the TPB should more completely describe how this process is implemented and the means through which this local planning work is focused on regional priorities. As part of this description, the UPWP should include information on how funds are allocated to the States and the District of Columbia. This description should be included in the next UPWP and future UPWPs. The next UPWP and future UPWPs should also include a summary statement – similar to the summary statements that are found at the end of each of the work items in the current UPWP for Oversight, Cost Estimate, Product, and Schedule – of who will perform the work associated with each activity.

Air Quality Planning

Section 176 (c)(1) of the Clean Air Act Amendment, 23 CFR 450.324, 450.330

The TPB has sufficiently addressed its severe non-attainment status for ozone. The TPB conducted an air quality conformity assessment of the 2003 CLRP and the FY2004-2009 TIP and presented its findings in a technical report. Recently, the TPB completed a conformity determination for direct emissions and precursors of fine particulate pollution (PM_{2.5}) approved February 21, 2006 to avoid a conformity lapse deadline of April 6, 2006.

The conformity rule provides two options for conformity determinations during the interim period prior to the development of the SIP for the new PM_{2.5} non-attainment areas and the establishment of mobile budgets for PM_{2.5} pollution and its precursors. The two options are: (1) the build-no-greater-than-no-build test or (2) the no-greater-than-2002 emissions test. The TPB proposes to use Option 2, the build-no-greater-than-2002 budget test in this year's conformity analysis. Both options provide an interim test until the state air agencies develop mobile emissions budgets for PM_{2.5} and its precursor pollutants.

As additional guidance becomes available, the TPB staff will make any needed changes in the work scope and in developing any other new inputs required to complete the analysis. Meeting the PM_{2.5} standard is expected to require continuation of all mobile and non-mobile emission reduction commitments, and possibly new ones in the next or future CLRP and TIP cycle. The Metropolitan Washington Air Quality Committee (MWAQC) urged the TPB to maintain their commitments to Transportation Emissions Reduction Measures (TERMs, which are similar in nature to Transportation Control Measures [TCMs]) and other emission reduction measures, regardless of whether implementation of these measures is currently critical for conformity determination during the interim period. The strategy will evolve as more information becomes available, including EPA guidance, revised inventories, results of attainment modeling, and

deliberations of the Interstate Air Quality Council and MWAQC. The only precursor the TPB intends to consider is NO_x emissions until the state air agencies or EPA make a finding on whether volatile organic chemicals, SO_x, and ammonia contribute significantly to PM_{2.5} pollution in the region.

In accordance with 40 CFR 93.112, the air quality conformity determination considered the MPO's consultation procedures and was adopted on September 21, 1994, and again on May 20, 1998. In October 1999, the TPB revised its public involvement process, which included the creation of a Citizens Advisory Committee. The TPB "Consultation Procedures with Respect to Transportation Conformity Regulations Governing TPB Plans and Programs" is cited as compatible with those adopted in the District of Columbia, Maryland, and Virginia. Agencies such as the FHWA, FTA, EPA and MWAQC as well as the citizens advisory committee and the public are included in this consultation process. The Certification Team suggests that a face-to-face meeting with agency representatives at least twice a year would improve the consultation process and results.

Recommendation 11: As advocated by the MWAQC, the TPB should maintain their commitments to TERMS and other emission reduction measures.

Intelligent Transportation Systems

23 CFR 940

Composed of staff from the region's local, county, and state transportation agencies as well as transportation consultants, the TPB created the Management, Operations and Intelligent Transportation Systems (MOITS) Policy and Technical Task Forces. The MOITS meet monthly to advise the TPB on matters of transportation operations and management, including considerations of Intelligent Transportation Systems (ITS) technologies in improving those operations. The MOITS and the TPB staff worked together to develop the region's ITS Architecture by the federal deadline.

Commendation 2: The federal team commends the TPB for engaging all jurisdictions and WMATA in the MOITS program. The completion of the regional ITS architecture by the MOITS is a critical first step in developing a regional ITS program. The team encourages program participants to follow-up with FHWA's ITS group as a resource to assist with implementation.

Travel Demand Forecasting and Models Development

23 CFR 450.322, 93.122

The TPB's travel-forecasting model is periodically updated via a "model development" program, a multi-year effort by TPB staff, member agency staff, and consultants. The Travel Forecasting Subcommittee of the TPB Technical Committee, which meets bi-monthly, provides oversight for the development work performed on the model.

The TPB asked the Transportation Research Board (TRB) to review their model in 2002. TRB appointed a panel to review the model, and a number of their recommendations were integrated into the next iteration of the model. Additional recommendations may be integrated into later versions of the model. The latest version of the model has been coupled with the MOBILE6 emissions model developed by EPA to provide emissions estimates for the air quality conformity analyses of the CLRP and TIP.

Data quality within the region needs to be improved so that the models are more effective. The states and District of Columbia have discussed how best to improve the data used in travel demand modeling, perhaps by conducting new household, external, and transit surveys, and creating a “metropolitan” HPMS database.

Commendation 3: The federal team commends the TPB for its active approach to improving the development of its transportation model, specifically for inviting input from the TRB Peer Review panel and implementing its recommendations. The team encourages the TPB and its partners to continue these efforts and enhance future data collection and quality.

Planning Factors

Section 3005(a)(h)(1) of SAFETEA-LU

The CLRP states that the TPB Vision incorporates all of the “planning factors” specified in Federal law and regulations. The CLRP assesses how the expected performance of the future transportation system (that is, the system envisioned in the CLRP) will address the goals and objectives adopted in the CLRP’s Vision. The Vision was adopted in 1998.

The CLRP, however, does not specify how each of the seven (now eight) planning factors is addressed in the Vision or is factored into the CLRP and overall metropolitan planning process. Some of the planning factors do not appear to be covered in the Vision (specifically security issues). The planning factors, including how they may have been considered in project development and selection, are also not discussed in the TIP or UPWP.

Recommendation 11: The TPB should demonstrate and document how the federal planning factors are specifically addressed at key points in the transportation planning process as part of the next updates to the CLRP, TIP, and UPWP. For example, the TPB can describe how the factors are reflected in the development of the UPWP, in the CLRP, or in TIP project selection.

Freight and Goods Movement

Section 3005(a)(h)(1) of SAFETEA-LU

Though there is no major port in the planning area, it is important that the TPB be involved in some level of freight planning, especially since overall freight activity is expected to double in the next 20 years. The TPB has been involved in several freight-related activities recently, including:

- An air cargo study through the regional aviation subcommittee;
- Air quality issues and a peer review panel for modeling precipitated the need to look at truck data more closely. As a result, a commercial vehicle study and heavy truck data collection effort are underway. The TPB acknowledges that these data collection efforts will need to be updated regularly, perhaps every three to five years;
- Actively coordinating with the Baltimore MPO for a couple of years – both MPOs have shared freight data (airport and trucking) and TPB staff regularly attends Baltimore MPO freight meetings;
- Being involved in the TPB Review of hazardous materials on rail through the region; and
- Participating in the District of Columbia’s Motor Carrier Management and Threat Assessment Study.

The TPB should continue to integrate freight into the transportation planning process, especially by better involving the private sector. As a result of the Motor Carrier Management and Threat Assessment Study, the District of Columbia is now committed to creating an office of motor carriers and a stakeholder advisory committee. The TPB can use this stakeholder committee as a sounding board for input on freight-related issues. While it is not a requirement for MPOs to have a freight advisory committee, continuing to pursue a relationship with other industry groups, such as the Washington Board of Trade, will provide TPB staff with a valuable private sector/freight perspective on the variety of topics on which they work.

To succeed in this endeavor, the TPB may need to dedicate staff time specifically for freight activities, or multiple staff can integrate freight into their current responsibilities. Either way, TPB staff, and perhaps local governments in the region, may need some additional training to better expose them to issues.

The movement of goods has implications for other planning topics that should also be considered:

- Air Quality – truck emissions and air quality issues;
- Public Transit – passenger and freight rail coordination and the need for additional commuter service on privately owned railroads;
- CLRP and TIP Project Selection and Prioritization – adding a freight component to these processes can help identify projects that benefit freight movement; and
- Land Use – the District of Columbia study discussed urban goods movement and zoning issues. Ex-urban areas may want to plan for greater industrial development. The TPB can play a role in facilitating and participating in this planning.

Recommendation 12: While the federal team acknowledges early efforts to bring freight considerations into some aspects of the metropolitan area planning process, we encourage expansion of these efforts, such as:

- Reaching out to freight stakeholder groups, including the District of Columbia DOT's freight stakeholder advisory committee and the Washington Board of Trade, for their insights and input into the regional planning process;
- Conducting a new external freight study to adjust current truck model data;
- Finding a champion to focus on goods movement; and
- Updating its air cargo plan and focusing on airport access and facilities.

The TPB should be able to indicate to the federal team progress on this or other initiatives within a year of the issuance of this report.

Safety and Security Planning

Section 3005(a)(h)(1) of SAFETEA-LU

While safety is mentioned throughout the TPB's planning documents, security is comparatively absent. Safety, however, is mainly discussed within the context of pedestrian and bicycle safety and not highway safety even though highway safety is a significant concern for the region. Though highway safety may be incorporated into discussions about other related topics, such as operations and ITS, it should be described separately within the larger context of the metropolitan planning process. For example, though most of the responsibility for highway safety may lie with the States and the District of Columbia, TPB staff should consider

documenting the means by which the States and the District of Columbia incorporate safety into their programs and project selection processes.

A significant amount of coordination and cooperation on security issues occurred in the region post 9-11. Notably, the TPB finalized the Regional Emergency Coordination Plan in September 2002 and completed an annex in 2003. There is also a tri-state committee that meets quarterly to discuss threats, dangers, and issues that may have arisen over the course of the past quarter. It is important that the TPB continues to work on these types of initiatives with its regional transportation partners, particularly with respect to the emergency preparedness of the transportation system. In a number of instances, security issues are addressed as a secondary topic to other topic areas, such as ITS or congestion, or is primarily being discussed by other agencies, though the TPB may be involved. The TPB should document and describe its input and involvement in security planning efforts, particularly within the larger context of the metropolitan planning process.

Recommendation 13: The TPB should explicitly demonstrate how the safety and security planning factors are proactively addressed in the regional transportation planning process. For example, the TPB could describe how these factors are reflected in the development of the UPWP, in the CLRP, and in TIP project selection. The next updates to these documents should include explanations of the specific roles that the safety and security planning factors play in the process used to develop each of these documents.

Land Use Planning

The TPB has been involved in activities that link land use and transportation planning, including the Regional Mobility and Accessibility Study (RMAS), working with the Coalition for Smarter Growth, examining the implications of the base relocation and closure initiative, and convening discussions of local governments and stakeholders to consider strategies to improve the jobs-housing balance. The TPB recognizes the critical linkages between land use and the transportation system. The federal team encourages the TPB and its partners to continue work in these and other future land use and transportation related topics, especially as part of the development of major transportation projects in the region, such as the Intercounty Connector (ICC). The TPB should work more closely with Baltimore and other surrounding jurisdictions to consider land use issues at a more detailed level.

The RMAS has been a primary area of focus for the TPB for several years. Over these years, the TPB created a number of alternative land use scenarios and has recently begun analyzing them. Each scenario has a theme (transit oriented development, higher household growth, etc.) that characterizes the land use and transportation choices that are encapsulated in the scenario. These choices (how much and what kind of development will occur where, what transportation infrastructure is present, where jobs will be located, etc.) are inputs into a model. The model then yields results for different metrics, such as vehicle ownership, trips by mode, VMT, and traffic congestion. The TPB's Citizens Advisory Committee (CAC) is currently conducting a series of public meetings to highlight the issues raised by the study and to promote discussion about the steps that will be needed on a jurisdictional level to improve land use and transportation coordination.

To strengthen the RMAS and create more consistency across the TPB's planning initiatives, the TPB could describe how elements in the Vision have been integrated into the scenarios. Also,

the TPB could build on the maps that have been created for the scenarios by including photo simulations to help dramatize the built effect of the scenarios and capture the attention of the public.

Recommendation 14: The TPB should coordinate more frequently through the normal TPB planning process with all surrounding local jurisdictions on land use issues.

Commendation 4: The federal team commends the TPB for working with its partners to demonstrate the transportation implications of proposed military base closings, thereby adding an important planning dimension to the public discussion. As a next step, the TPB could pursue additional opportunities to generate discussion with local officials of the land-use and transportation implications of base closings.

Commendation 5: The federal team commends the TPB for its innovative efforts in visioning and scenario planning.

Multimodal Planning

23 CFR 450.314, 23 CFR 450.322(b)

WMATA is one of the 34 voting members, and the Metropolitan Washington Airports Authority and the Private Providers Task Force are ex-officio members of the TPB. FTA's Washington DC Metropolitan Office staff serve on many TPB committees as ex-officio members. The TPB has separate bicycle and pedestrian committees and has been active in advocating pedestrian and bicycle safety throughout the region. WMATA's recently implemented program that allows bikes on WMATA and the installation of bike racks on transit buses is an example of a successful multi-modal improvement.

A Jurisdictional Coordinating Committee was established by WMATA's Board to facilitate the exchange of information and viewpoints between the funding jurisdictions and WMATA. The Virginia Railway Express (VRE) has a similar committee.

Opportunities exist to improve the region's Job Access and Reverse Commute program. The federal team encourages WMATA to reevaluate this program and work with their jurisdictional partners to more effectively organize projects to transport people to and from work. The timing is good to reassess this program considering the evolution of the new U.S. Department of Health and Human Services and formula grant initiatives. The creation of a standing committee or a clearinghouse that provides a one-stop service for those seeking service or information would significantly help in this effort. For example, the TPB may want to consider developing a Human Service Transportation Coordination Plan through the planned standing committee.

According to WMATA, it is suffering from a chronic capital shortfall and is deferring critical reinvestment. Although \$1.5 billion is needed for a six-year program to maintain assets in good repair and relieve overcrowding, this program remains unfunded, according to the Metro Matters website.³ The financial implications of this shortfall, including the "ridership constraint" technique are discussed above. If the TPB and WMATA continue to assume similar future ridership constraints, they might consider redistributing trips in the out years of the CLRP, when transit reaches capacity, since commuters may adjust work hours, telework, or choose employment that does not require transit. The TPB might consider how additional transit

³ http://www.wmata.com/about/metro_matters/metro_matters.cfm

investments could contribute to improved system performance in terms of goals and priorities in the CLRP and regional vision.

Commendation 6: The federal team commends WMATA and the TPB for working together to address funding shortfalls for transit through use of the “ridership constraint” and to highlight its service and cost implications for the region.

Commendation 7: The federal team commends the planning agencies for their active bicycle and pedestrian planning at a regional level and for dedicating resources to ensure that this planning is effective.

Title VI and Americans with Disabilities Act

23 CFR 450.316(b)(2), Executive Order 12898, U.S. DOT Order on Environmental Justice

The TPB has produced a significant amount of material related to Title VI, Environmental Justice, and the ADA, much of it through the Access for All (AFA) Advisory Committee, which generally meets every other month. As part of the Certification review site visit, members of the federal team attended the AFA’s September 2005 meeting (see [Appendix D](#)). The committee membership is composed of TPB-appointed community leaders from around the region and ex-officio representatives from the five transportation agencies that are active in the TPB process. WMATA and the TPB coordinate on ADA issues through the AFA and through discussions between agency staff.

The 2003 Update to the CLRP includes an Appendix with the AFA’s comments on the plan, recommendations for improvements to future plan updates, and maps of the spatial relationship between the plan’s slated transportation projects and minority, disabled, and low-income populations. As the TPB develops its next update to the CLRP, the TPB should consider working with the AFA to incorporate its concerns proactively before the update is complete instead of including its comments as an Appendix to the CLRP. The RMAS contains an environmental justice indicator that measures a scenario’s impact on, for example, how many low-income people would live near a potential new station.

Recommendation 15: The TPB should make its compliance with the requirements of Title VI more visible in its planning process. Specifically, the TPB should describe the steps they have taken to ensure compliance in the next update to the CLRP.

Commendation 8: The federal team commends the TPB and WMATA for their progress in working through the Access for All Committee on early efforts to support participation by low income, minority, and disabled populations in the metropolitan planning process.

Public Involvement

23 CFR 450.316(b)(1)

As required by federal regulations, the TPB has developed a formal policy on public involvement.⁴ The TPB has established two citizen advisory committees to invite public participation into the planning process, the CAC and the AFA Advisory Committee, which provide advice to the TPB on how to reflect the concerns of low-income and minority communities and disabled persons in the regional transportation planning process. As part of the

⁴ <http://www.mwcog.org/transportation/involved/process.asp>

Certification review site visit, members of the federal team attended the CAC's September 2005 meeting (see [Appendix D](#)). The CAC is currently providing advice and assistance on the RMAS, improving the website, and how the CLRP and TIP development processes can be more open to the public. The CAC Working Group on CLRP/TIP Information and Analysis recently developed a broad set of recommendations on public information improvements and the need to provide earlier analysis of the CLRP and TIP.

The public is invited to present statements to the TPB at the beginning of Board meetings (up to three minutes in length); questions from or a discussion with the TPB may ensue. Recently, the CAC has been working with the TPB on presenting the scenarios developed as part of the RMAS to the public in different locations around the region. The federal team encourages the CAC and the TPB to continue pursuing and expanding their public involvement efforts, particularly to minority, low-income, and disabled populations.

The TPB last evaluated the effectiveness of its public involvement process in 1998. In July 2005, the TPB issued a Request for Qualifications that to hire a contractor to assist with new public involvement activities for the 2006 update of the CLRP. The focus of these activities will be the education of community leaders who have not typically been involved in the TPB process and the development of new systems for obtaining representative input from citizens.

While the AFA appears to be a well-functioning committee, the organization and role of the CAC can be improved. The federal team encourages the TPB to make timely appointments of new CAC members prior to the expiration of deadlines. The TPB should consider developing a charter for the CAC that includes a new process for selecting a CAC chair. The CAC and the TPB staff should work cooperatively to develop this charter and an updated process. The TPB might consider inviting members of the public to CAC meetings as well. Since many projects come under the TPB's purview after the public has already had an opportunity to provide input at the state and local levels, the TPB should consider improving the flow of information to the CAC about projects that are already "in the pipeline" in these jurisdictions. This would make it easier for CAC members and the public to become aware of opportunities to provide public input during the decision-making processes in these jurisdictions. An evaluation of the effectiveness of the TPB's public involvement process would also provide suggestions for improvement.

The TPB posts key planning documents such as the TIP, CLRP, UPWP, conformity determination, as well as meeting announcements, agendas, and minutes on its website. While the site is comprehensive and easy to use, some information needs to be kept up-to-date. Although the TPB's public comment homepage states, "All comments submitted via this form, U.S. mail, e-mail, telephone or fax will be posted on this web site for review by the TPB and interested members of the public," only one comment is currently listed.⁵ Other links may also be out of date; staff should check through the links periodically yet regularly. Additionally, the TPB should consider listing the members, or at least the agencies represented, on each of the standing committees as well as stating how often these committees meet. This information will give visitors to the site a better idea of how many agencies work together with the TPB.

Commendation 9: The federal team commends the TPB for the amount and quality of information available to the public through the TPB's web site and publications, including the

⁵ As of December 5, 2005. <http://www.mwcog.org/transportation/public/comments.asp>

informative Citizens Guide and the “Region Magazine,” and for efforts underway to develop a web-based CLRP.

Recommendation 16: The TPB should evaluate the effectiveness of its regional public involvement outreach efforts within the next two years. The federal team notes that it also made this recommendation in the 2002 Federal Certification report.

Appendix A: Regulatory Basis/Requirements for Review Findings

Agreements

23 CFR 450.310

23 Code of Federal Regulations (CFR) 450.310 states the Metropolitan Planning Organization (MPO) should establish a Memorandum of Understanding (MOU) with each of the following elements or, alternatively, one MOU could be established to address all four:

- 1) State – The responsibilities for cooperatively carrying out transportation planning and programming should be clearly defined.
- 2) Transit Operator – Part 450.310 (b) states “There should be an agreement between the MPO and operators of publicly owned transit services which specifies cooperative procedures for carrying out transportation planning...”
- 3) Planning Organizations – Part 450.310 (g) requires that where more than one MPO has authority within an urban area, there will be an agreement between the State DOT and the MPOs describing how the processes will be coordinated to assure the development of an overall transportation plan for the metropolitan planning area. The agreement will address policy mechanisms for resolving potential conflicts that may arise between the MPOs.
- 4) Air Quality Agency – In non-attainment areas, an MOU is established describing the respective roles and responsibilities for air quality related transportation planning.

Self-Certifications

23 CFR 450.334 (a)

23 CFR 450.334 (a) states that MPOs must annually certify that the planning process is conducted in accordance with all applicable requirements of 23 USC 134 and 49 USC 5303-5306, Section 174 and 176 (c) and (d) of the Clean Air Act (if applicable), Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each state, Section 1003 (b) of Intermodal Surface Transportation Efficiency Act (ISTEA) regarding involvement of disadvantaged business enterprises in FHWA/FTA funded planning projects, Americans with Disabilities Act and U.S. DOT regulations governing transportation for people with disabilities (49 CFR 27, 37, and 38), Older Americans Act, “Anti-lobbying” provisions found in 49 CFR 20, and all other applicable provisions of Federal law.

Long Range Plan

23 CFR 450.322

Transportation Improvement Program

23 CFR 450.324, 326, 332, 23 USC 134

Transportation Plan Requirements

Federal regulations require the MPO to develop a Transportation Plan with at least a twenty-year planning horizon as a key product of the metropolitan transportation planning process (see 23 CFR 450.322). The plan should include both long-range and short-range strategies and actions that lead to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods. The plan is to be updated every three years in

nonattainment and maintenance areas to ensure its consistency with changes in land use, demographic, and transportation characteristics.

Other required elements that must be addressed include:

- Demand analysis;
- Congestion management strategies;
- Pedestrian walkway and bicycle facilities;
- System preservation;
- Design concept and scope descriptions of all existing and proposed transportation facilities in sufficient detail to permit conformity;
- A multimodal evaluation of the transportation, socioeconomic, environmental, and financial impact of the overall plan;
- Comprehensive long-range land use plan and metropolitan development objectives;
- A financial plan that documents “the consistency of proposed transportation investments with already available and projected sources of revenue;” and
- Public official and citizen involvement (also see 23 CFR 450.316).

TIP Requirements

The MPO is required to develop a TIP in cooperation with the State and public transit operators (see 23 CFR 450.324 unless otherwise noted). Specific requirements include that the TIP should:

- Be a management tool for monitoring progress in implementing the Transportation Plan, identify the criteria and process for prioritizing the implementation of Plan elements through the TIP, list major projects implemented from the previous TIP, and identify significant delays in implementation;
- Cover a period of at least three years;
- Include all transportation projects, including bicycle and pedestrian facilities, proposed for funding under title 23, USC; all regionally significant transportation projects for which FHWA or FTA approval is required for informational purposes; all regionally significant projects to be funded from non-Federal sources; and only projects that are consistent with the Transportation Plan;
- Provide sufficient descriptive material for each project to identify the project or phase, estimated cost, Federal funds proposed to be obligated during each program year, proposed source of Federal and non-Federal funds, funding recipient/project sponsor, and in nonattainment and maintenance areas, describe Transportation Control Measures (TCMs) in sufficient detail for conformity determination; and
- Describe progress in nonattainment and maintenance areas in implementing required TCMs and include a list of all projects found to conform in a previous TIP and which are part of the base case in determining conformity.

In addition:

- The TIP can be modified subject to the following conditions (see 23 CFR 450.326):
 - In nonattainment or maintenance areas, adding or deleting projects that affect emission levels requires a new conformity determination and
 - Public involvement opportunities are provided consistent with relevant provisions;
- There must be a reasonable opportunity for public comment in nonattainment TMAs;
- In nonattainment and maintenance areas, priority will be given to the timely implementation of TCMs included in the applicable State Implementation Plan (SIP) (see 23 CFR 450.332);
- A conformity determination by FHWA and FTA in nonattainment and maintenance areas;
- Projects that the State and MPO do not consider to be of appropriate scale for individual identification may be grouped by function, geographical area, and work type;
- Suballocation of surface transportation program or section 5307 funds to individual jurisdictions or modes should not be used (unless there is demonstration that the distribution of funds is based on the planning process);
- If the State or transit operators wish to proceed with a project in the second or third year of the TIP, MPO project selection procedures must be followed unless there are expedited project selection procedures (see 23 CFR 450.332);
- Publication of an annual listing of projects for which Federal funds have been obligated the preceding year (see 23 USC 134); and
- The first year of an approved TIP should constitute an “agreed to” list of projects unless Federal funds available are significantly less than authorized amounts (see 23 CFR 450.332).

Financial Planning and Fiscal Constraint

23 CFR 420.322 (c) and 324 (e)

The requirements for financial analysis are contained in 23 CFR 420.322(c), for the Transportation Plan and in 23 CFR 450.324 (e) for the TIP.

Financial planning provisions include that the Transportation Plan:

- Compares estimated revenue from existing and proposed sources that can reasonably be expected to be available to estimated costs of constructing, maintaining, and operating the total transportation system over the period of the plan;
- Describes funding shortfalls by existing revenue source and identifies strategies for ensuring availability of proposed new revenues or revenue source;
- Balances existing and proposed revenues with all forecasted costs of the existing and planned transportation system;
- Reflects existing revenues and historical trends; and
- For nonattainment/maintenance areas, addresses specific financial strategies to ensure implementation of required air quality projects.

Financial planning provisions include that the TIP:

- Should be financially constrained by year and include a financial plan identifying projects that can be implemented using current revenue sources and projects requiring proposed additional sources;

- Takes into account the costs of adequately maintaining and operating the existing transportation system;
- Be developed by the MPO in cooperation with the State and transit operator, using estimates of available Federal and State funds;
- Includes only projects for which construction and operating funds can reasonably be expected to be available;
- Includes strategies for ensuring the availability of new funding sources; and
- Considers all projects funded with Federal, state, local private resources, for the financial analysis.

In addition:

- In nonattainment and maintenance areas, the TIP only includes projects in the first two years for which funds are available and committed.

Congestion Management System

23 CFR 450.320, 500.109 (b)

According to 23 CFR 450.320(c), "...In TMAs, the planning process must include the development of a CMS that provides for effective management of new and existing transportation facilities through the use of travel demand reduction and operational management strategies and meets the requirements of 23 CFR part 500." Furthermore, "In TMAs designated as nonattainment... Federal funds may not be programmed for any project that will result in a significant increase in carrying capacity for single occupant vehicles... unless the project results from a congestion management system (CMS) meeting the requirements of 23 CFR part 500..." [see 23 CFR 450.320(b)].

The CMS should include [see 23 CFR 500.109(b) (1-6)]:

1. "Methods to monitor and evaluate the performance of the multimodal transportation system, identify the causes of congestion, identify and evaluate alternative actions, provide information supporting the implementation of actions, and evaluate the efficiency and effectiveness of implemented actions;
2. "Definition of parameters for measuring the extent of congestion and for supporting the evaluation of the effectiveness of congestion reduction and mobility enhancement strategies for the movement of people and goods...performance measures and service thresholds should be tailored to the specific needs of the area and established cooperatively by the State, affected MPO(s), and local officials in consultation with the operators of major modes of transportation in the coverage area;
3. "...a program for data collection and system performance monitoring to define the extent and duration of congestion, to help determine the causes of congestion, and to evaluate the efficiency and effectiveness of implemented actions. To the extent possible, existing data sources should be used, as well as appropriate application of the real-time system performance monitoring capabilities available through Intelligent Transportation Systems (ITS) technologies;
4. "Identification and evaluation of the anticipated performance and expected benefits of appropriate traditional and nontraditional congestion management ...The following

categories of strategies, or combinations of strategies, should be appropriately considered for each area: Transportation demand management measures, including growth management and congestion pricing; traffic operational improvements; public transportation improvements; ITS technologies; and, where necessary, additional system capacity;

5. "...an implementation schedule, implementation responsibilities, and possible funding sources for each strategy (or combination of strategies) proposed for implementation; and
6. "...a process for periodic assessment of the efficiency and effectiveness of implemented strategies, in terms of the area's established performance measures..."

Unified Planning Work Program

23 CFR 450.314, 420.109

23 CFR 450.314 states that "in a Transportation Management Area (TMA) the MPO in cooperation with the State DOT and local transit operators should develop the Unified Planning Work Program (UPWP). The UPWP should discuss planning priorities and describe all metropolitan transportation and transportation related air quality planning activities anticipated within the area during the next one or two year period. The UPWP should designate who will perform the work, the schedule for completion and the products that will be produced."

23 CFR 420.109 governs work programs required for the expenditure of FHWA highway planning and research funds.

Elements to be included in the UPWP are:

- Discussion of the planning priorities facing the metropolitan planning area and
- Description of all metropolitan transportation planning and transportation-related air quality planning activities anticipated within the next 1- or 2-year period, regardless of funding source, indicating:
 - Who will perform the work;
 - The schedule for completion of the work; and
 - The intended products, including all activities funded under title 23 and the Federal Transit Act [23 CFR 450.314(a)(2)].

Air Quality Planning

Section 176 (c)(1) of the Clean Air Act Amendments, 23 CFR 450.324, 450.330

Section 176 (c)(1) of the 1990 Clean Air Act Amendments (CAAA) states: "No metropolitan planning organization designated under Section 134 of title 23, United States Code, shall give its approval to any project, program, or plan which does not conform to an implementation plan approved or promulgated under section 110." The Intermodal Surface Transportation Efficiency Act of 1991 subsequently included provisions responsive to the mandates of the CAAA.

Implementing regulations have maintained this strong connection.

Provisions governing air quality-related transportation planning are incorporated in the metropolitan planning regulations. For MPOs that are declared to be air quality non-attainment or maintenance areas, there are many special requirements in addition to the basic requirements for a metropolitan planning process. These requirements include:

- Formal agreements to address air quality planning requirements,

- Requirements for setting metropolitan planning area boundaries,
- Interagency coordination,
- Transportation Plan content and updates,
- Requirements for CMS, public meeting requirements, and
- Conformity findings on Transportation Plans and TIPs.

Sections of the metropolitan planning regulations governing air quality that are specific to TCMs are summarized below:

- In non-attainment and maintenance areas, the TIP shall give priority to eligible TCMs identified in the approved SIP and shall provide for their timely implementation [23 CFR 450.324(d) and 450.330 (b)];
- In non-attainment and maintenance areas, the TIP shall include all regionally significant transportation projects proposed to be funded with Federal and non-Federal funds [23 CFR 450.324 (f)(4) and (5)] and identify projects identified as TCMs in the SIP [23 CFR 450.324 (g)(6)]. Projects shall be specified in sufficient detail to permit air quality analysis in accordance with Environmental Protection Agency (EPA) conformity requirements. [23 CFR 450.324 (h)]; and
- For the purpose of including Federal Transit Act Section 5309 funded projects in a TIP, in non-attainment and maintenance areas, the TIP shall describe the progress in implementing required TCMs [23 CFR 450.324 (m) (3)] and include a list of all projects found to conform in a previous TIP and are now part of the base case used in air quality conformity analysis [23 CFR 450.324 (m) (4)].

Intelligent Transportation Systems

23 CFR 940

The FHWA Final Rule and FTA Policy on ITS Architecture and Standards were issued on January 8, 2001, to implement section 5206(e) of the Transportation Equity Act for the 21st Century (TEA-21). This Final Rule/Policy requires that all ITS projects funded by the Highway Trust Fund and the Mass Transit Account conform to the National ITS Architecture, as well as to U.S. DOT adopted ITS Standards. The Final Rule on ITS Architecture and Standards is published in 23 CFR Part 940, which states that:

- Regions implementing ITS projects at the time the Final Rule/Policy was issued must have a regional ITS architecture in place by April 8, 2005. Regions not implementing ITS projects at the time the Final Rule/Policy was issued must develop a regional ITS architecture within four years from the date their first ITS project advances to final design;
- All ITS projects funded by the Highway Trust Fund (including the Mass Transit Account), whether they are stand-alone projects or combined with non-ITS projects, must be consistent with the Final Rule/Policy;
- Major ITS projects should move forward based on a project level architecture that clearly reflects consistency with the National ITS architecture;
- All projects shall be developed using a systems engineering process;
- Projects must use U.S. DOT adopted ITS standards as appropriate; and

- Compliance with the regional ITS architecture will be in accordance with U.S. DOT oversight and Federal-aid procedures, similar to non-ITS projects.

Travel Demand Forecasting and Models Development **23 CFR 450.322, 93.122**

Federal transportation planning legislation requires that each MPO's transportation plan must cover at least a 20-year planning horizon, and "shall include both long-range and short-range strategies/actions that lead to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods" (23 CFR 450.322).

Transportation plans require valid forecasts of future demand for transportation services. These forecasts are frequently made using travel demand models. The outputs of these models are used to estimate regional vehicle activity for use in motor vehicle emissions models for transportation conformity determinations in non-attainment and maintenance areas, and to evaluate the impacts of alternative transportation investments being considered in the Transportation Plan.

The Transportation Conformity Rule established a regulatory requirement that includes minimum specifications for travel models used to forecast vehicle activity for regional emission analyses in conformity determinations in certain non-attainment and maintenance areas [40 CFR 93.122 (b) and (c)]. Pursuant to 40 CFR 93.122 9(c), if an MPO in a non-attainment or maintenance area currently uses or has used a travel demand model, then they must continue to use a model with similar or greater sophistication for regional emissions analysis in transportation conformity determinations.

Planning Factors **Section 3005(a)(h)(1) of SAFETEA-LU**

Section 3005(a)(h)(1) of SAFETEA-LU increased the number of planning elements from the seven in TEA-21 to eight. The additional element is a result of dividing the former second element on safety and security into two separate elements for safety and security. The eight elements that must be considered in the development of transportation plans and programs are:

- 1) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- 2) Increase the safety of the transportation system for motorized and nonmotorized users;
- 3) Increase the security of the transportation system for motorized and nonmotorized users;
- 4) Increase the accessibility and mobility of people and for freight;
- 5) 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;
- 6) Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- 7) Promote efficient system management and operation; and
- 8) Emphasize the preservation of the existing transportation system.

Freight and Goods Movement

Section 3005(a)(h)(1) of SAFETEA-LU

Two of the planning factors mentioned in Section 3005(a)(h)(1) of SAFETEA-LU specifically reference freight:

4. Increase the accessibility and mobility of people and for freight; and
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight.

Safety and Security Planning

Section 3005(a)(h)(1) of SAFETEA-LU

Whereas TEA-21 combined safety and security into one planning factor, Section 3005(a)(h)(1) of SAFETEA-LU divides this planning factor into two:

3. Increase the safety of the transportation system for motorized and nonmotorized users; and
4. Increase the security of the transportation system for motorized and nonmotorized users.

Multimodal Planning

23 CFR 450.314, 23 CFR 450.322(b)

23 CFR 450.314 states that “in a Transportation Management Area (TMA) the MPO in cooperation with the State DOT and local transit operators should develop the Unified Planning Work Program (UPWP).” 23 CFR 450.322(b) also discusses how the transportation planning process and transportation plan must advance the concept that transportation planning will be multimodal. This multimodal approach includes such elements as transit, the movement of bicycles and pedestrians, and the relation of transportation to regional land use economic, social, environmental, and energy goals and objectives.

Title VI and Americans with Disabilities Act

23 CFR 450.316(b)(2), Executive Order 12898, U.S. DOT Order on Environmental Justice

It has been the U.S. Department of Transportation’s longstanding policy to actively ensure non-discrimination under Title VI of the Civil Rights Act of 1964. Title VI states that “no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance.” Title VI bars intentional discrimination as well as disparate impact discrimination (for example, neutral policy or practice that has the effect of a disparate impact on protected groups). 23 CFR 450.316(b)(2) requires consistency with Title VI, the Title VI assurance executed by each State adds sex and physical handicap to characteristics protected against discrimination.

Executive Order 12898, issued in 1994, further amplifies Title VI by providing that “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations.” In compliance with Executive Order 12898, the U.S. DOT Order on Environmental Justice was issued in 1997.

The requirements for public involvement are set forth primarily in 23 CFR 450.316(b)(1), which addresses elements of the metropolitan planning process. Public involvement also is addressed specifically in connection with the Transportation Plan in 23 CFR 450.322(c) and the TIP in 23 CFR 450.324(c). Air quality-related public involvement requirements, which pertain to the Transportation Plan and TIP, also are included in 23 CFR 450.322(c) and 23 CFR 450.324(c).

As summarized in 23 CFR 450.316(b)(1), requirements related to the planning process are generally as follows:

- A proactive process;
- Provision of complete information;
- Timely public notice of public involvement activities and information about transportation issues and processes;
- Full public access to key decisions and time for public review and comment;
- Early and continuing public involvement in developing the TIP;
- A minimum public comment period of 45 days before adoption or revision of the public involvement process;
- Minimum 30-day review period for Transportation Plan, TIP, and major amendments in nonattainment areas classified as serious and above;
- Explicit consideration and response to public input;
- Consideration of the needs of people traditionally underserved by transportation systems, including low-income and minority households; consistency with Title VI of the Civil Rights Act of 1964, including actions necessary to comply with the Americans with Disabilities Act of 1990;
- Periodic review of public involvement effectiveness; and
- Coordination of metropolitan and statewide public involvement processes.

Appendix B: Certification Review Federal Participants

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Appendix C: Agenda

U.S. Department of Transportation Certification Review of the Washington, D.C. Metropolitan Area Planning Process September 15, 19-21, 2005

AGENDA – 9/13/2005

Thursday, September 15th

Access For All Advisory Committee Meeting

12:30 p.m. - The federal team will join the scheduled the TPB Access For All Advisory Committee meeting for an opportunity to discuss the TPB activities involving persons with disabilities, minority, and low-income communities.

Citizen Advisory Committee (CAC) Meeting

6:00 p.m. - The federal team will join the scheduled the TPB CAC meeting for an open dialogue concerning public involvement in the transportation planning process (discussion questions provided in advance).

September 19-21, Certification Review

Format for all sessions: Each topic will be introduced by the federal team discussion leader, followed by a 2-5 minute overview and update by TPB staff (and other local agencies identified by the federal team). The federal team will then lead a discussion involving all participating agencies:

Participants: Appointed members of the Citizen Advisory Committee
Washington, D.C., District of Columbia Department of Transportation (DDOT)
Maryland Department of Transportation (MDOT)
Maryland State Highway Administration (MSHA)
Virginia Department of Transportation (VDOT)
Virginia Department of Rail and Public Transportation (VDRPT)
Washington Metropolitan Area Transit (WMATA)
18 Cities and Counties

Federal Review Team Members: FHWA Division and FTA Regional and Metropolitan Office staff.

Federal Review Team Resource Staff: FHWA/FTA Headquarters and U.S. DOT/Volpe Center.

Day 1 – Monday, September 19th

8:30 a.m. Federal Review Team Meeting

10:00 a.m. Introductions and Overview

- Discussion of FHWA/FTA Certification Process
- Discussion of Major Regional Issues
- Discussion of Findings and Recommendations from the 2002 Certification Review Final Report

Federal Discussion Leader: Sandra Jackson, FHWA D.C. Division

Tony Tarone, FTA Region III

Resource: William Lyons, U.S. DOT/Volpe Center

11:45 a.m. Lunch

12:45 p.m. Overview of the Transportation Planning Process

Agreements: Cooperation and Coordination

Organizational structure of MPO

Long Range Transportation Plan

Unified Planning Work Program (input from local participants)

Transportation Improvement Program (input from local participants)

Planning Factors

Federal Discussion Leader: Deborah Burns, D.C. Metropolitan Office

Charles Goodman, FTA Headquarters

Harlan Miller, FHWA Headquarters

Resource: William Lyons, U.S. DOT/Volpe Center

2:15 p.m. Break

2:30 p.m. Air Quality Planning, SIP Planning and Conformity Issues

Federal Discussion Leader: Sandra Jackson, FHWA D.C. Division

Resource: Cecelia Ho, FHWA Headquarters

4:00 p.m. Adjourn

Day 2 – Tuesday, September 20th

8:30 a.m. Financial Planning and Fiscal Constraint

Federal Discussion Leader: Federal Team

Resource: Harlan Miller, FHWA Headquarters

10:00 a.m. Break

10:15 a.m. Public Transit and Intermodal Planning

Federal Discussion Leader: Deborah Burns, D.C. Metropolitan Office
Resource: William Lyons, U.S. DOT/Volpe Center

11:15 a.m. Safety and Security in the Transportation Planning Process

Federal Discussion Leader: Tony Tarone, FTA Region III
Resource: William Lyons, U.S. DOT/Volpe Center

Noon Lunch

1:00 p.m. Goods Movement/Freight Planning/ITS Regional Architecture

Federal Discussion Leader: Tony Tarone, FTA Region III
Resource: William Lyons, U.S. DOT/Volpe Center
Larry Swartzlander, FHWA Headquarters
Jocelyn Jones, FHWA Resource Center

1:45 p.m. Congestion Management System and Travel Demand Forecasting

Federal Discussion Leader: Sandra Jackson, FHWA D.C. Division
Resource: Federal Team

2:30 p.m. Land-Use and Transportation Planning

Federal Discussion Leader: Sandra Jackson, FHWA D.C. Division
Resource: William Lyons, U.S. DOT/Volpe Center

3:15p.m. Break

3:30 p.m. Public Involvement Process, Title VI, Environmental Justice, and ADA

Federal Discussion Leader: Deborah Burns, D.C. Metropolitan Office
Resource: William Lyons, U.S. DOT/Volpe Center

4:30 p.m. Concluding Remarks/Adjourn

Day 3 – Wednesday, September 21st

8:30 a.m. Meeting of Federal Review Team to prepare preliminary observations and closeout issues

**Noon Discussion by Federal Team of Certification Review Preliminary
Observations**

Appendix D: List of Acronyms

ADA	Americans with Disabilities Act
AFA	Access for All Advisory Committee
CAAA	Clean Air Act Amendment
CAC	Citizens Advisory Committee
CFR	Code of Federal Regulations
CLRP	Constrained Long Range Plan
CMS	Congestion Management System
DOT	Department of Transportation
EPA	Environmental Protection Agency
FAMPO	Fredericksburg Area Metropolitan Planning Organization
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
HOV	High Occupancy Vehicle
ICC	Intercounty Connector
ISTEA	Intermodal Surface Transportation Efficiency Act
ITS	Intelligent Transportation Systems
MOITS	Management, Operations and Intelligent Transportation Systems
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MWAQC	Metropolitan Washington Air Quality Committee
PM _{2.5}	Fine particulate pollution
RMAS	Regional Mobility and Accessibility Study
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SIP	State Implementation Plan
TCMs	Transportation Control Measures
TEA-21	Transportation Equity Act for the 21 st Century
TERMs	Transportation Emissions Reduction Measures
TIP	Transportation Improvement Program
TMA	Transportation Management Area
TPB	Transportation Planning Board
UPWP	Unified Planning Work Program
USC	United States Code
USDOT	United States Department of Transportation
VMT	Vehicle Miles Traveled
VRE	Virginia Railway Express
WMATA	Washington Metropolitan Area Transit Authority

Appendix E: Summary of Federal Team Meetings with the TPB Citizens Advisory Groups

Discussion with Access for All Advisory Committee Members – September 15, 2005

According to the Transportation Planning Board's (TPB) website, "The Access for All (AFA) Advisory Committee advises the TPB on transportation issues, programs, policies, and services that are important to low-income communities, minority communities and people with disabilities. The mission of this committee is to identify concerns of low-income and minority populations and persons with disabilities, and to determine whether and how these issues might be addressed within the TPB process."⁶

When asked how the committee has impacted the broader transportation planning process, AFA members responded that broad participation allows for direct dialogue between and among citizen/advocate members, transit agencies, and Departments of Transportation. AFA members perceive this dialogue and collaboration as valuable and instrumental in getting things done. Specifically, the dialogue in the AFA has led to:

- The creation of Awareness Day;
- WMATA creating a Riders Advisory Council;
- WMATA following AFA's Limited English Proficiency recommendations; and
- WMATA crafting a Vietnamese bus map.

When asked about successes and stumbling blocks, AFA members stated that although their recommendations on the Constrained Long Range Plan (CLRP) are getting worked on, issues are not yet resolved. Also, members gave input to the Regional Mobility and Accessibility Study (RMAS), which succeeded in raising the profile of that initiative, specifically with respect to the east-west economic divide in the region. Stumbling blocks include the sense that although the institutions are present that control transportation funding in the region, funding decisions are not made by those who use the service.

AFA members said that they feel that in addition to the TPB, their recommendations have been implemented by the localities and the transit agencies. AFA members believe that their recommendations result in incremental changes, and they likened their work to "pushing a 1,000 pound elephant," the elephant being the transportation planning process.

When asked if the AFA is a citizens' group, AFA members responded that they are a voice for citizens since some of the committee members represent larger groups. These representatives carry their groups' issues forward to the AFA and report back to their group members about AFA proceedings.

When asked how their agenda is set, AFA members stated that the committee chooses two to three issues on which to focus during the year. Committed people within the committee then "take action" to work on and address these issues.

⁶ http://www.mwcog.org/transportation/committee/committee/default.asp?COMMITTEE_ID=99

Discussion with Citizens Advisory Committee Members – September 15, 2005

Note: The following summary reflects the perspective and direct comments of the CAC unless otherwise noted.

How the CAC Functions

The Citizens Advisory Committee (CAC) consists of a group of 15 people from throughout the Washington metropolitan region who represent different viewpoints on long-term transportation policy. They work with the Transportation Planning Board to insure that various transportation issues are heard. According to TPB's website, the mission of the CAC is 1) to promote public involvement in transportation planning for the region and 2) to provide independent, region-oriented citizen advice to the TPB on transportation plans and issues.⁷

CAC members estimate that their meetings have 70-80% attendance (12 of the CAC's 15 members were present at the September 15, 2005 meeting.). They would like to have more women involved in the committee since currently only a couple of the members are women. Members believe they are not "average members of the public"; instead, they are advocates.

CAC members feel that the TPB should act more promptly to fill vacancies on the CAC. Currently, the CAC is composed of fifteen members. The TPB chooses three from each of the three regions (for a total of nine) and the CAC chooses two from each region (for a total of six). While the CAC fills its vacancies promptly, some of the TPB committee positions can remain vacant for six months. The CAC would like to send out mailings when a vacancy arises as well as monthly meeting notices.

CAC members feel that the time frame for picking the committee chair is unclear, as is the role of alternate members on the CAC. Alternates could be asked to attend meetings as a way to engage more people in the CAC and planning process. Currently, only the District of Columbia members have alternates. The CAC has been asked to invite the public to their meetings. Before extending this invitation, the CAC would like to better understand and define how public attendance would benefit the planning process.

CAC Initiatives

There are two working groups that are part of the CAC. One focuses on the RMAS and the other focuses on making the transportation planning process and material more accessible and transparent. One CAC member provided information on the RMAS. One component of the RMAS is the "What if?" exercises where participants are presented with a scenario of future growth in the region for which they must then plan. Because there are no constraints in these exercises, participants are able to come up with a wide range of projects to address the scenario's conditions. The CAC member said that he would like the TPB to "sink their teeth" into these projects and consider moving them forward as legitimate regional initiatives.

As part of this second effort, the CAC has been working on getting the public more involved in the CLRP and the Board meetings. However, the Board does not seem to have enough time to dedicate to this effort. While CAC members believe that the TPB is trying to make the transportation planning process more clear, especially with respect to the costs of projects, the

⁷ http://www.mwcog.org/transportation/committee/committee/default.asp?COMMITTEE_ID=44

CAC also believes that the TPB should better identify and communicate what projects are in the pipeline.

According to CAC members, the regional planning process, including public involvement at the regional level and at TPB Board meetings, is only able to make improvements at the margins; state governors have already decided what projects are to move forward. Projects, especially those that pass conformity, seem to automatically move through the TPB into the CLRP. Some CAC members are frustrated because they believe that TPB staff efforts only follow the letter of the law to obtain conformity, and little work is done above and beyond this objective. The TPB Transportation Director added that staff spend a lot of time determining if the project is financially feasible.

CAC members would like their committee and the public to be more involved in the analysis of projects. Projects need to be discussed publicly before they have been decided upon, and public involvement at the regional level should not be a public hearing on what has already been decided. According to the Transportation Director, there are opportunities for the public to get involved prior to the project going in front of the Board. According to the Transportation Director, projects do not come out of nowhere; years of preparation work and testing occurs in the localities. However, CAC members feel that project development should not always occur at the local level and that the CLRP should not be a compilation of the local plans. They believe that few if any projects originate with the TPB, but that the TPB is more a warehouse of projects decided upon elsewhere. CAC members would like to know how much authority could be devolved from the localities to the TPB so that the TPB could actually plan projects. CAC members feel that their understanding is below average on how projects are developed and chosen.

Public Involvement

The TPB has made strides in getting public input. However, the usefulness of public comment ultimately depends on how much time Board members are able to spend on looking at and processing all of the comments. Some comments, particularly on the ICC project, have not been taken seriously or were viewed as too onerous. While it is difficult to satisfy all of the public's comments, CAC members believe that a mechanism should be created to organize and process the public's concerns.

When asked how the CAC can get the public more involved and how they can get public officials more interested in the regional planning process, CAC members said that they are frustrated with how the RMAS no longer aligns with the CLRP development process. Initially, it was hoped that the results from the "What if?" exercises could be included in the CLRP. However, the RMAS is now two rounds behind the CLRP update process. Also, CAC members feel that the goal of the RMAS working group and the public meetings that they help organize is to disseminate information to the public and not to seek public input. These members feel that no channels exist for public input received on the RMAS.

Other Comments

- CAC members said that it seems like the jurisdictions are not considering the Vision in their transportation planning processes, yet they are not divorced from its implicit values.

- Some CAC members feel that none of the plans in the region started with whom transportation serves – the public. Also, these members feel that the region does not plan for people who do not own a car; instead, the region plans for people who have vehicles.
- One CAC member thought that less funding would need to be spent on transportation into and within the region if the region became more economically self-sufficient.

Appendix F: Example Signature Page

METROPOLITAN TRANSPORTATION PLANNING PROCESS SELF-CERTIFICATION

The _____ Department of Transportation and the _____ Metropolitan Planning Organization for the _____ Urbanized area(s) hereby certify that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

- I 49 U.S.C. Section 5323(k) and 23 U.S.C. 134;
- II Title VI of the Civil Rights Act of 1964 and the Title VI Assurance executed by each State under 23 U.S.C. 324 and 29 U.S.C. 794;
- III Section 1101 of the Transportation Equity Act for the 21st Century (Pub. L. 105-178) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded project (Sec. 105(f), Pub. L. 97-424, 96 Stat. 2100, 49 CFR, part 23);
- IV The provision of the Americans With Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, as amended) and the U.S. DOT implementing regulation;
- V The provision of 49 CFR part 20 regarding restrictions on influencing certain activities; and
- VI Sections 174 and 176(c) and (d) of the Clean Air Act as amended (42 U.S.C. 7504, 7506(c) and (d)). (Note X only for States with non-attainment and/or maintenance areas outside metropolitan planning area boundaries).

Metropolitan Planning Organization

State Department of Transportation

Signature

Signature

Printed Name

Printed Name
