

ITEM 14 - Information

December 19, 2007

Briefing on TPB Responses to the Fredericksburg Area Metropolitan Planning Organization's (FAMPO) Policies on Allocating and Sharing of Regional Transit Funds

Staff

Recommendation: Receive briefing on the enclosed draft letter to FAMPO with TPB proposed responses. The TPB will be asked to approve the letter at the January 16, 2008 meeting.

Issues: None

Background: On September 20, 2006, the TPB received the enclosed FAMPO resolutions, which delineate FAMPO's policies with respect to the allocation and sharing of FTA formula funds for the Washington urbanized area. TPB staff, in consultation with FAMPO staff and the TPB Technical Committee, have developed the draft letter with proposed TPB responses and recommendations on each of the FAMPO policies.

National Capital Region Transportation Planning Board

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

DRAFT 12/7/07

Honorable Matthew Kelly
Chairman
Fredericksburg Area
Metropolitan Planning Organization
P.O. Box 863
Fredericksburg, VA 22404

RE: Allocation and Sharing of Federal Transit Administration (FTA) Section 5307
Funds for the Washington Urbanized Area

Dear Chairman Kelly:

At its September 20, 2006 meeting, the National Capital Region Transportation Planning Board (TPB) received copies of five resolutions adopted on September 18, 2006 by the FAMPO Policy Committee stating FAMPO policies with respect to the allocation of federal Section 5307 formula transit funds for the Washington urbanized area. In this letter the TPB addresses the FAMPO policy statements in each of these resolutions, and outlines its responses and recommendations on each of the topics addressed in the resolutions.

Over the past several months, TPB staff has reviewed the current procedures for allocating FTA Section 5307 formula funds within the Washington urbanized area, and has consulted with senior staff at FAMPO and other organizations potentially affected by the programming of the funds, including the Washington Metropolitan Area Transit Authority (WMATA), the Potomac and Rappahannock Transportation Commission (PRTC), the Northern Virginia Transportation Commission (NVTC), the Northern Virginia Transportation Authority (NVRTA), the Virginia Department of Rail and Public Transportation (VDRPT), and the District of Columbia, Maryland, and Virginia Departments of Transportation. At its November 2 and December 7, 2007 meetings, the TPB Technical Committee was briefed on the current procedures for allocating FTA Section 5307 funds in the Washington urbanized area, the FAMPO policy statements, and proposed procedures for the allocation and sharing of these funds in the future. At its December 19, 2007 meeting, the TPB was briefed on these current procedures and the FAMPO policy statements. At its January 16, 2008 meeting, the TPB approved sending this letter to FAMPO for its consideration and further discussion.

Regarding FAMPO Resolution FY 06-32b on VRE generated funds, the TPB is in agreement with FAMPO's policy position, which conforms to current practice for allocating Section 5307 FTA formula funds to VRE. The TPB believes that this practice is working well and should continue.

FAMPO Resolution FY 06-32c addresses Section 5307 funds which are apportioned among small urbanized areas in the Commonwealth of Virginia by the Virginia Department of Rail and Public Transportation (VDRPT). These small urbanized area funds are in a separate category from the Section 5307 funds apportioned by the FTA formula for the Washington urbanized area, and the TPB does not intend to take any position on the apportionment of these small urbanized area funds.

Regarding FAMPO Resolution FY 06-32d with respect to the designation of urbanized areas as a result of the 2010 Census, the TPB acknowledges FAMPO's belief that the Washington and Fredericksburg urbanized areas should remain separate following the 2010 Census, with the boundary on the Prince William/Stafford County line. The TPB would be willing to discuss this question once the 2010 census results are available, but does not intend to take a position at this time.

Regarding FAMPO Resolutions FY 06-32a and FY 06-32e on the portions of FTA Section 5307 funds for the Washington urbanized area that are based on population, population density, and bus service factors, the TPB notes that FAMPO received the following guidance from the FHWA and FTA in an August 9, 2004 letter to Mr. Henry Connors, Jr., Chairman of FAMPO:

"TPB, along with the FTA designated recipients in the Washington D.C. urbanized area determine how Federal transit funds are spent in that urbanized area, which encompasses northern Stafford County. Therefore, FAMPO may wish to participate in the TPB planning process, as projects and programs serving the needs of northern Stafford County are eligible for a portion of the Federal funds apportioned to the Washington D.C. urbanized area."

Should FAMPO wish to participate in the TPB planning and programming process to identify transportation projects that are eligible for the 5307 funds, there are a number of considerations with respect to current funding commitments that should be kept in mind.

First, the bus service and related ridership in North Stafford contributes to the Washington urbanized area Section 5307 apportionment only if the north Stafford service and ridership statistics are reported as part of the National Transit Database (NTD) clearly identified as Washington D.C. urbanized area statistics, which did not happen in 2005. Consequently, the FY 2007 apportionment of Section 5307 funds does not account for the existence of bus service in north Stafford, an omission that has been brought to the Fredericksburg Regional Transit System's (FRED) attention. Correct reporting of these statistics in the future will make it possible to quantify the north Stafford County contribution to the Washington urbanized area Section 5307 apportionment.

Second, the 2006 Update to Constrained Long Range Plan (CLRP) Financial Plan for the Washington region brought the region's jurisdictions together to address funding sources for highway and transit needs, including the use of 5307 funds for transit capital improvement priorities. One current commitment of 5307 funding reflected in the 2006 CLRP update is specified in WMATA Board resolution #2000-08, adopted on January 27, 2000. This resolution states that in order to support WMATA's ability to finance projects under a TIFIA loan guarantee, "transit systems shall receive funds only if WMATA, as the designated recipient, has allocated to them Section 5307 funds directly attributable to their transit operations in the Washington urbanized area as of January 1, 2000." Any changes to the allocation of those funds would require a negotiated agreement between the region's jurisdictions. (The terms of this TIFIA loan guarantee were approved by the Federal Transit Administration (FTA), and the loan guarantee used for railcar rehabilitation is still required until the current program ends in 2010.)

Finally, I would like to bring to your attention a point made by several TPB member jurisdictions during the development of this letter. WMATA provides service to many passengers who reside outside of the WMATA Compact jurisdictions, and Compact members pay the local subsidy for operating and capital expenses generated by those passengers. Any decrease in the federal capital funds available to WMATA would require an increase in capital contributions from the local Compact jurisdictions. In 2007, residents of the FAMPO region made approximately 3,900 trips daily on Metrorail. WMATA estimates that Compact jurisdictions are currently paying approximately \$600,000 annually to subsidize the fares of FAMPO region riders.

The TPB looks forward to receiving comments from FAMPO on these recommendations on the allocation and sharing of FTA Section 5307 funds for the Washington urbanized area. Please contact Ronald Kirby, staff director for the TPB, at (202) 962-3310 if you have any questions regarding this proposal.

Sincerely

Chair, National Capital Region
Transportation Planning Board

FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION (FAMPO)

Fredericksburg City
Spotsylvania County
Stafford County

Matt Kelly
Chairperson

Lloyd Robinson
FAMPO Administrator

FAMPO RESOLUTION FY 06-32a

A RESOLUTION TO ESTABLISH FAMPO POLICY WITH RESPECT TO CERTAIN FEDERAL TRANSIT FORMULA FUNDS THAT BUS SERVICES IN NORTH STAFFORD COUNTY WILL GENERATE AS A PART OF THE WASHINGTON D.C. URBANIZED AREA (UZA) APPORTIONMENT

WHEREAS, The 2000 Census resulted in a portion of north Stafford County becoming attached to the Washington urbanized area (UZA) to the north, and

WHEREAS, Stafford County, FAMPO, the Capital Region Transportation Planning Board (TPB) and the State and Federal governments have all agreed that this portion of north Stafford County should remain part of the FAMPO Region, and a Memorandum of Understanding has been signed to this end between FAMPO and the TPB, and

WHEREAS, FRED, the City of Fredericksburg transit provider and the Designated Recipient in the Fredericksburg UZA, operates fixed-route transit services in this portion of north Stafford County, which services will soon begin generating funds in the Federal Section 5307 transit formula, and these funds will be part of the Washington UZA apportionment under present circumstances, and

WHEREAS, the Potomac and Rappahannock Transportation Commission (PRTC) already receives Federal Section 5307 formula funds generated as a result of bus services PRTC provides in the Washington D.C. UZA, outside the Washington Metropolitan Area Transportation Authority (WMATA) Compact area, and

WHEREAS, these Federal Section 5307 formula funds PRTC receives are a part of the Washington D.C. UZA Section 5307 apportionment, and

WHEREAS, this constitutes a fair and equitable precedent for the suballocation of Section 5307 apportionments to the Washington D.C. UZA;

NOW, THEREFORE BE IT RESOLVED BY THE FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION (FAMPO) THAT FAMPO HEREBY ADOPTES THE POLICY POSITION THAT FAMPO SHOULD SEEK THE RECEIPT OF THE NORTH STAFFORD COUNTY BUS SERVICE-GENERATED SECTION 5307 FORMULA FUNDS SO THESE FUNDS CAN BE USED TO HELP DEFRAY A PORTION OF THE COSTS OF THE NORTH STAFFORD COUNTY TRANSIT SERVICES, AND

BE IT FURTHER RESOLVED THAT FAMPO STAFF IS DIRECTED TO WORK WITH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA), TPB,

WMATA, FRED, PRTC, THE FEDERAL AND STATE GOVERNMENTS AND OTHER APPROPRIATE PARTIES TO ACHIEVE THIS END.

Adopted by the FAMPO Policy Committee at its meeting on September 18, 2006.

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FAMPO Resolution 06-32a

Chairman
Fredericksburg Area Metropolitan Planning Organization

Date: _____

FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION (FAMPO)

Fredericksburg City
Spotsylvania County
Stafford County

Matt Kelly
Chairperson

Lloyd Robinson
FAMPO Administrator

FAMPO RESOLUTION FY 06-32b

A RESOLUTION TO ESTABLISH FAMPO POLICY WITH RESPECT TO CERTAIN FEDERAL TRANSIT FORMULA FUNDS BEING PAID TO THE VIRGINIA RAILWAY EXPRESS (VRE)

WHEREAS, the Virginia Railway Express (VRE) generates Federal Section 5307 and Section 5309 formula funds as a result of services and facilities traversing the FAMPO Region, and

WHEREAS, these funds are a part of the annual Washington D.C. urbanized area (UZA) Section 5307 and 5309 apportionments, and

WHEREAS, these funds are awarded annually to the Potomac and Rappahannock Transportation Commission (PRTC) on behalf of VRE, for VRE investment purposes, and

WHEREAS, the annual award of these funds occurs as a result of previously negotiated agreements, and

WHEREAS, the FAMPO Board concludes that now and going forward the current practice of awarding these funds to the PRTC on behalf of VRE serves the best interests of the FAMPO member governments and the public;

NOW, THEREFORE BE IT RESOLVED BY THE FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION (FAMPO) THAT FAMPO SANCTIONS THE CONTINUATION OF CURRENT PRACTICES GOVERNING THE AWARD AND USE OF FEDERAL SECTION 5307 AND SECTION 5309 FUNDS GENERATED IN THE FAMPO REGION BY VRE, AND

BE IT FURTHER RESOLVED THAT FAMPO STAFF IS DIRECTED TO CONVEY THIS POLICY POSITION TO THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA), THE NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD (TPB), THE STATE AND FEDERAL GOVERNMENTS AND OTHER APPROPRIATE PARTIES.

Adopted by the FAMPO Policy Committee at its meeting on September 18, 2006.

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FAMPO Resolution 06-32b

Chairman
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Fredericksburg City
Spotsylvania County
Stafford County

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FAMPO Administrator

FAMPO RESOLUTION FY 06-32c

A RESOLUTION TO ESTABLISH FAMPO POLICY WITH RESPECT TO CERTAIN FEDERAL TRANSIT FUNDS

WHEREAS, the population of Fredericksburg UZA is generating Section 5307 funds which are controlled by the Virginia Department of Rail and Public Transportation (DRPT) as the Governor's Apportionment, and

WHEREAS, a portion of these Section 5307 funds, as well as discretionary funds controlled by DRPT are being paid to FRED by DRPT to support existing transit services, as well as to provide new services, and

WHEREAS, the percentage of Section 5307 funds generated in the Fredericksburg UZA which DRPT returns to FRED have been gradually increasing and will increase in the future;

NOW, THEREFORE BE IT RESOLVED BY THE FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION (FAMPO) THAT FAMPO APPROVES THE METHOD BY WHICH DRPT IS APPORTIONING SECTION 5307 FUNDS AMONG SMALL URBANIZED AREAS IN VIRGINIA, WITH THE UNDERSTANDING THAT THE AMOUNT OF SECTION 5307 FUNDS RECEIVED BY THE FREDERICKSBURG UZA, AS A PERCENT OF SECTION 5307 FUNDS THE FREDERICKS BURG UZA GENERATES, WILL CONTINUE TO INCREASE IN THE FUTURE, AND

BE IT FURTHER RESOLVED THAT FAMPO STAFF IS DIRECTED TO CONVEY THIS POLICY POSITION TO THE DRPT AND OTHER APPROPRIATE PARTIES.

Adopted by the FAMPO Policy Committee at its meeting on September 18, 2006.

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FAMPO Resolution 06-32c

Chairman
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Fredericksburg City
Spotsylvania County
Stafford County

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Chairperson

Lloyd Robinson
FAMPO Administrator

FAMPO RESOLUTION FY 06-32d

A RESOLUTION TO ESTABLISH FAMPO POLICY WITH RESPECT TO THE 2010 CENSUS

WHEREAS, The 2000 Census resulted in a portion of north Stafford County becoming attached to the Washington urbanized area (UZA) to the north, and

WHEREAS, Stafford County, FAMPO, the Capital Region Transportation Planning Board (TPB) and the State and Federal governments have all agreed that this portion of north Stafford County should remain part of the FAMPO Region, and a Memorandum of Understanding has been signed to this end between FAMPO and the TPB, and

WHEREAS, had the urbanized area of Fredericksburg and Washington UZAs met in the 2000 Census, they would have remained separate under the Delineation Criteria employed at that time by the Census Bureau, with the boundary between the two UZAs being the political boundary between Prince William County and Stafford County, and

WHEREAS, continued growth and development in the current gap between the Fredericksburg and Washington UZAs indicates a strong possibility that the two UZAs will meet in the 2010 Census, and

WHEREAS, FAMPO strongly believes that the two UZAs should remain separate in order to promote local control and efficiencies in the transportation planning process;

NOW, THEREFORE BE IT RESOLVED BY THE FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION (FAMPO) THAT FAMPO DESIRES THAT THE WASHINGTON AND FREDERICKSBURG UZAS REMAIN SEPARATE AS A RESULT OF THE 2010 CENSUS, AND

BE IT FURTHER RESOLVED THAT FAMPO STAFF IS DIRECTED TO WORK WITH THE TPB, THE STATE OF VIRGINIA, THE U.S. CENSUS BUREAU, THE U.S. CONGRESS AND OTHER APPRIATE PARTIES TO ASSURE TO THE EXTENT PRACTICABLE THAT THE FREDERICKSBURG UZA AND THE WASHINGTON UZA WILL REMAIN SEPARATE AS A RESULT OF THE 2010 CENSUS, AND THAT THE BOUNDARY BETWEEN THE TWO UZAS WILL BE THE POLITICAL BOUNDARY BETWEEN PRINCE WILLIAM COUNTY AND STAFFORD COUNTY.

Adopted by the FAMPO Policy Committee at its meeting on September 18, 2006.

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FAMPO Resolution 06-32d

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Fredericksburg City
Spotsylvania County
Stafford County

Matt Kelly
Chairperson

Lloyd Robinson
FAMPO Administrator

FAMPO RESOLUTION FY 06-32e

A RESOLUTION TO ESTABLISH FAMPO POLICY WITH RESPECT TO CERTAIN FEDERAL TRANSIT FORMULA FUNDS GENERATED BY THE POPULATION RESIDING IN NORTH STAFFORD COUNTY

WHEREAS, The 2000 Census resulted in a portion of north Stafford County becoming attached to the Washington urbanized area (UZA) to the north, and

WHEREAS, Stafford County, FAMPO, the Capital Region Transportation Planning Board (TPB) and the State and Federal governments have all agreed that this portion of north Stafford County should remain part of the FAMPO Region, and a Memorandum of Understanding has been signed to this end between FAMPO and the TPB, and

WHEREAS, the population of this portion of north Stafford County is generating funds in the Federal Section 5307 transit formula which are now being paid to the Washington Metropolitan Area Transportation Authority (WMATA);

NOW, THEREFORE BE IT RESOLVED BY THE FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION (FAMPO) THAT THE FAMPO BOARD HEREBY ESTABLISHES AS A POLICY POSITION THAT THE FEDERAL SECTION 5307 FORMULA FUNDS GENERATED AS A RESULT OF THE POPULATION OF THE URBANIZED PORTION OF NORTH STAFFORD COUNTY SHOULD BE RETURNED TO THE FAMPO REGION FOR USE IN DEFRAYING A PORTION OF THE COSTS OF PROVIDING TRANSIT SERVICES IN THAT SAME AREA, AND

BE IT FURTHER RESOLVED THAT THE FAMPO STAFF IS DIRECTED TO WORK WITH THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA), TPB, WMATA, FRED, PRTC, THE FEDERAL AND STATE GOVERNMENTS AND OTHER APPROATE PARTIES TO SEEK TO ASSURE THAT THE FAMPO BOARD'S POLICY POSITION IS IMPLEMENTED.

Adopted by the FAMPO Policy Committee at its meeting on September 18, 2006.

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FAMPO Resolution 06-32e

Chairman
Fredericksburg Area Metropolitan Planning Organization

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U.S. Department
of Transportation

Federal Transit Administration
Region III
1760 Market Street, Suite 500
Philadelphia, PA 19103
215-656-7100
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Federal Highway Administration
VA Division
400 North 8th Street, Room 750
Richmond, VA 23240
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Mr. Henry Connors, Jr.
Chairman
Fredericksburg Area Metropolitan Planning Organization
P.O. Box 863
Fredericksburg, VA 22404

Dear Mr. Connors:

This letter documents the discussion that took place at a July 22, 2004 meeting attended by Federal Transit Administration (FTA)/Federal Highway Administration (FHWA) representatives, former Fredericksburg Area Metropolitan Planning Organization (FAMPO) Chairman Gibbons, FAMPO staff, and a consultant retained by FAMPO. The subject of the meeting centered on the planning and funding implications resulting from the recent addition of northern Stafford County to the Census defined urbanized area for the Washington, D.C.-Virginia-Maryland region. The discussion focused on federal funding apportionments, planning boundaries of Transportation Management Areas (TMAs) vs. urbanized area boundaries, and related TMA-related planning work activities.

The key issues discussed and positions reiterated by our HQ staff at the meeting are presented below. This information was previously provided to FAMPO by our respective offices in past correspondence:

- 1) Within the FAMPO planning area, only the portion of northern Stafford County lying within the Washington, D.C. urbanized area is required to accommodate TMA planning requirements. Those TMA requirements result from the 2000 Census inclusion of northern Stafford County in the designated TMA for the National Capital Region, for which the Transportation Planning Board (TPB) is the MPO. While FAMPO has expressed its desire to have northern Stafford County remain in its planning area, northern Stafford County is now part of the TMA administered by TPB. To that end, TPB recently approved a memorandum of agreement (MOA) with FAMPO calling for FAMPO to undertake all of the planning and programming responsibilities of northern Stafford County. Thus, to satisfy its TMA planning requirements, TPB will need to obtain the appropriate inputs from FAMPO related to northern Stafford County to incorporate into the TPB's congestion management system and unified planning work program. Also, because northern Stafford County is now part of the Washington, D. C. TMA, FAMPO's planning activities related to northern Stafford County need to be examined by the U.S. DOT triennial certification of the TPB planning process. The MOA, in fact, calls for DOT certification of the northern Stafford County portion of the TMA to coincide with that for TPB.

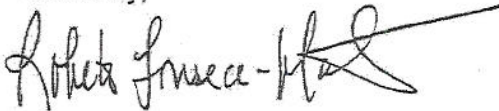
- 2) Absent a joint request from FAMPO and the Governor of Virginia, the Fredericksburg urbanized area cannot be considered for TMA designation by the Secretary of US DOT. Any decision by FAMPO to apply TMA requirements to its entire planning area is considered voluntary and does not affect the Fredericksburg urbanized area's TMA status.
- 3) Because the Fredericksburg urbanized area population is less than 200,000, its allocation of FTA Section 5307 funding is determined by the Governor, who must also consider the needs of all other small urbanized areas of the State. On the other hand, the Washington, D.C. urbanized area, which includes northern Stafford County, is over 200,000 and a portion of its formula allocation of Section 5307 funding is based on population data for northern Stafford County. FAMPO and the Stafford County may wish to coordinate with TPB and the FTA designated recipients in the Washington, D. C., urbanized area to identify an appropriate portion of those funds that might be spent to serve the travel needs of northern Stafford County. Any funds programmed by the designated recipients for projects in northern Stafford County would then be included in the Transportation Improvement Program (TIP). As discussed at the meeting, the Virginia Department of Transportation (VDOT), not FHWA, made the recent distribution of regional STP funds to the FAMPO area. FHWA simply clarified eligibility of the region for Regional Surface Transportation Program (RSTP) funding for VDOT. Neither FTA nor FHWA can ensure an allocation of either Section 5307 or STP funds to urbanized areas with populations of less than 200,000.
- 4) The proposed FY 2004 apportionment of Section 5307 funds for the Fredericksburg urbanized area (\$901,071), as published in the February 11, 2004, *Federal Register Notice, "FTA Fiscal year 2004 Apportionments, Allocations, and Program Information,"* is for information purposes only. This amount was estimated on the basis of urbanized area population and population density for that area (excluding north Stafford County) and is provided for reference only. As stated above, Section 5307 funds are apportioned by the Governor among the small urbanized areas of the State.
- 5) As noted above, the population of northern Stafford County was included in determining the formula-based share of Section 5307 funding attributable to the Washington, D.C. urbanized area. Because of this, the transportation needs associated with northern Stafford County should be considered when those funds are programmed in the TIPs developed by FAMPO and TPB for incorporation into the Washington, D. C., and Virginia State TIPs. The FTA Fiscal Year 2004 Apportionments, Allocations, and Program Information report identifies an apportionment of \$118,855,148 in Section 5307 funds for transit needs in the Washington, D.C. urbanized area. With a population of about 47,000, northern Stafford County represents approximately 1.2 percent of the 3.9 million people residing throughout the Washington, D.C. urbanized area. Although formula-based sub-allocation of Section 5307 funds within urbanized areas is inconsistent with federal law, this percentage may be

considered by local jurisdictions as an indicator of the level of travel needs in northern Stafford County, relative to the rest of the urbanized area.

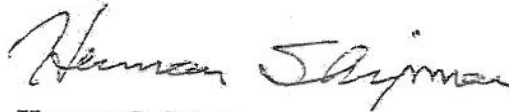
In summary, the Governor of Virginia has not requested TMA designation for the Fredericksburg urbanized area. Section 5307 formula funds in non-TMAs are allocated by the Governor among all small urbanized areas of the state. TPB, along with the FTA designated recipients in the Washington, D. C., urbanized area determine how Federal transit funds are spent in that urbanized area, which encompasses northern Stafford County. Therefore, FAMPO may wish to participate in the TPB planning process, as projects and programs serving the needs of northern Stafford County are eligible for a portion of the Federal funds apportioned to the Washington, D.C. urbanized area.

We hope this information is helpful to you. Should you require further assistance please contact either Jennifer DeBruhl of FHWA at (804) 775-3335, or Patricia Kampf of FTA at (215) 656-7071.

Sincerely,



Roberto Fonseca-Martinez
Division Administrator
Federal Highway Administration



Herman C. Shipman
Acting Regional Administrator
Federal Transit Administration

- ✓ cc: Robert Gibbons, Stafford County and FAMPO Policy Committee
Stephen Manster, FAMPO Administrator
Kathleen Beck, General Manager, FRED Transit
Phillip Rodenberg, City of Fredericksburg and FAMPO Policy Committee
Karen Rae, VA Dept of Rail & Public Transportation
Ron Kirby, WASHCOG