

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS  
NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD**

777 North Capitol Street, NE  
Washington, D.C. 20002-4226  
(202) 962-3200

**MINUTES OF THE  
TRANSPORTATION PLANNING BOARD  
March 17, 2004**

Members and Alternates Present

Chris Zimmerman, Arlington County Board  
Phil Mendelson, D.C. Council  
Mike Knapp, Montgomery County Council  
David C. Harrington, Prince George's County  
Mick Staton, Loudoun County  
Michelle Pourciau, DDOT  
Marsha Kaiser, MDOT  
Carol Petzold, Maryland House of Delegates  
Cicero Salles, Prince George's DPW&T  
Catherine Hudgins, Fairfax County Board of Supervisors  
Kathy Porter, City of Takoma Park  
Bruce Reeder, Frederick County Commissioners  
JoAnne Sorenson, VDOT  
Jeff Jennings, DC Councilmember Jim Graham's office  
Karina Ricks, DC Office of Planning  
Linda Smyth, Fairfax County Board of Supervisors  
Andrew Fellows, City of College Park  
Ludwig Gaines, City of Alexandria  
Kanti Srikanth, VDOT  
Brian A. Glenn, FTA  
Tom Farley, VDOT  
Bill Wren, City of Manassas Park  
Julia Koster, NCPC  
Rick Canizales, Prince William County

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Art Smith, Loudoun County  
Edward L. Thomas, WMATA  
Rodney Roberts, City of Greenbelt  
Patrice Winter, City of Fairfax  
Edgar Gonzalez, Montgomery County Executive Branch  
Bob Dorsey, City of Rockville  
Sandra Jackson, FHWA  
Joshua Mahan Office of John Giannetti, Maryland State Senate  
Bill Lebegern, MWAA  
Skip Coburn, DC Councilmember Sharon Ambrose's office  
David Moss, Montgomery County DPWT  
Richard Stevens, WMATA  
Joan DuBois, Fairfax County Board of Supervisors

MWCOG Staff and Others Present

Ron Kirby  
Michael Clifford  
Gerald Miller  
Bob Griffiths  
Nicholas Ramfos  
Mark Hersey  
Douglas Franklin  
Andrew Meese  
Andrew Austin  
Jane Posey  
Wendy Klancher  
John Swanson  
Debbie Leigh  
Deborah Etheridge  
Daivamani Sivasailam  
Hailemariam Abai  
Heather Nalbone                   COG/OPA  
Paul DesJardin                   COG/HSPPS  
Grady Ketron                   VDOT  
Lee Schoenecker               TPB/CAC  
Harry Sanders               Action Committee for Transit  
Harriet Dietz                   Arlington County

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Mike Lake	Fairfax County DOT
Ann Ambler	Montgomery County
Jim Larsen	Dulles Area Transportation Association
Rich Parsons	Montgomery County Chamber of Commerce
Jerry Garson	Citizens for Better Potomac Roads
Sam Raker	MDOT
Michael Sternberg	NVTA
Tom Biesiadny	Fairfax County DOT
Deborah R. Burns	Federal Transit Administration
Fatimah Hasan	MDOT
Alex Verzosa	City of Fairfax DPW
Howard Chang	Tri-County Council for Southern Maryland
Randy Carroll	MDE
Amy Horner	Sidley Austin Brown & Wood
Jim Maslanka	City of Alexandria
Patty Nicoson	DCRA
Karen Waterman	PRTC
Bob Chase	NVTA
Kellie Gaver	MDOT
Lon Anderson	AAA Mid-Atlantic
Deborah DeYoung	AAA Mid-Atlantic
Sharmila Samarasinghe	DRPT – Virginia
Jana Lynott	NVTC
Famaraz Mokhtari	M-NCPPC, Prince George’s County
Eric Gilliland	Washington Area Bicyclist Association
Erin Henson	MDOT
Krute Singa	WMATA

## 1. Public Comment

Robert Harris, member of the Greater Washington Board of Trade's Transportation and Environment Committee, spoke in support of including the Intercounty Connector (ICC) in the upcoming conformity analysis studies for the Constrained Long Range Plan (CLRP) and the Transportation Improvement Program (TIP). Copies of his remarks were distributed for the record.

Richard Parsons, president of the Montgomery County Chamber of Commerce, spoke in support of the Intercounty Connector. Copies of his remarks were distributed for the record.

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Jerry Garson spoke in support of the Intercounty Connector.

Richard Ehrlich spoke in support of the Intercounty Connector.

Warren Bueller spoke in support of the Intercounty Connector. Copies of his remarks were distributed for the record.

Jack Cochran spoke in support of the Intercounty Connector. Copies of his remarks were distributed for the record.

Timothy Dugan spoke in support of the Intercounty Connector. Copies of his remarks were distributed for the record.

Byrne Kelly, Prince George's Chamber of Commerce, presented a letter from the Chamber president, Wendy Williams, in support of including the Intercounty Connector in the upcoming conformity analysis and including the ICC in the CLRP and TIP. The letter described benefits of the project.

Jim Wamsley, Sierra Club, spoke in opposition to the Intercounty Connector. He said that information about the project was not adequate to warrant advancing the project into the CLRP and TIP.

Steven Morrison spoke in support of the Intercounty Connector.

Lon Anderson, Director of Public and Government Relations for AAA Mid-Atlantic, spoke in support of the Intercounty Connector.

Karren Pope Onwukwe, Prince George's Advocates for Community-Based Transit, spoke in opposition to the Intercounty Connector. Copies of her remarks were distributed for the record.

Tom Reinheimer spoke in support of the Intercounty Connector.

Mark Elridge spoke in opposition to the Intercounty Connector.

Stewart Schwartz, Coalition for Smarter Growth, spoke in opposition to the Intercounty Connector.

Donna Edwards, Campaign to Reinvest in the Heart of Oxon Hill, spoke in opposition to the Intercounty Connector.

Bob Chase, Northern Virginia Transportation Alliance, endorsed the inclusion of the Fairfax Parkway, I-66 HOV, Routes 50, 123, 234, Battlefield Parkway additions to the CLRP. He also said the Alliance

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endorses the inclusion of the ICC in the CLRP. Copies of his remarks were distributed for the record.

Michael Replogle, transportation director from Environmental Defense, spoke in opposition to the Intercounty Connector.

Bonnie Bick, Campaign to Reinvest in the Heart of Oxon Hill, spoke in opposition to the Intercounty Connector. She described concerns about the project and said that rail on the Woodrow Wilson Bridge would bring equity to the region.

## **2. Approval of the Minutes of the February 18, 2004 Meeting**

Mr. Gonzalez noted that his name was left off the attendance record for the February 18 meeting.

Chairman Zimmerman asked that the minutes be amended to include Mr. Gonzalez' name.

A motion was made to approve the minutes. The motion was seconded and was passed unanimously.

## **3. Report of the Technical Committee**

Referring to the mailout report, Mr. Rybeck said the Technical Committee met on March 5. He said the committee reviewed and recommended that the TPB approve the Unified Planning Work Program, as well as the Commuter Connections Work Program. The committee also reviewed updated information about items to be included in the 2004 Constrained Long-Range Plan (CLRP) and FY 2005-2010 Transportation Improvement Program (TIP) for conformity analysis. The committee concurred with staff recommendation to extend the public comment period until April 10.

## **4. Report of the Citizens Advisory Committee**

Referring to the handout report, Mr. Jaffe expressed his thanks for being appointed chair of the Citizens Advisory Committee (CAC). He said that at its meeting on March 11 the committee discussed its outreach meetings for 2004. He said that the committee would like to focus this year on specific, concrete quality-of-life issues related to transportation. As examples, he noted pedestrian and bicycle issues, and emergency preparedness. He said the public's interest in regional planning and regional transportation funding will be increased if citizens can see tangible improvements in the daily encounters with the transportation system. He said that providing bus maps and better bus information is an example of this type of improvement. He noted the progress in putting up bus maps at bus shelters, but he said that it is important that Metro begin providing bus maps for free.

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## 5. Report of the Program Committee

Referring to the mailout material, Mr. Kirby said the Program Committee met on March 5 and acted on amendments to the FY2004-09 Transportation Improvements Program (TIP) requested by the Virginia Department of Transportation (VDOT) regarding sound walls and funding reallocations.

Mr. Kirby said the Program Committee also decided to extend the public comment period for the Constrained Long-Range Plan (CLRP) project submissions until April 10. He said that staff will have 11 days between the end of the public comment period and the TPB meeting on April 21 in which to prepare responses to comments.

Mr. Kirby said that additional copies of the "Time to Act" brochure on the region's funding needs were being printed.

Referring to the Letters Sent/Received packet, Mr. Kirby called attention to a letter from the Fredericksburg Area Metropolitan Planning Organization (FAMPO), requesting that the TPB concur in a resolution that they would like to send to the governor, under which all of Stafford County would remain in the FAMPO planning area. He explained that under the 2000 census, a small portion of the northern part of Stafford County is now in the Washington urbanized area, even though Stafford County as a whole currently is in a separate metropolitan planning organization. He said that FAMPO and Stafford County would like the situation to remain as it is; namely, all of Stafford County would remain in FAMPO. He said that from a planning perspective, this essentially maintains the status quo, but there are other implications of that decision within Virginia. He said the Program Committee decided on March 5 to bring the Board's attention to this, particularly the Northern Virginia representatives. Action on the matter could be taken at the April or May TPB meeting.

Chairman Zimmerman said the Program Committee decided that this was an issue that ought to be given fuller consideration, particularly by neighboring jurisdictions. He asked that the members review the issue, particularly as it relates to their own jurisdictions.

Mr. Farley said that the implications of this decision could affect how public transportation funds are funneled to the area, and these issues are under discussion. He said he hoped a course of action could be determined by April or May.

Mr. Canizales said that the issue will also be discussed at the Northern Virginia Transportation Authority (NVRTA) Interim Technical Committee meeting the following week and would be brought to the NVRTA board in April.

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Mr. Kirby said that the mailout and handout packets included many letters related to the Intercounty Connector (ICC) that were received from TPB member agencies or from other state entities. He said a letter from the Maryland Department of Transportation, which was included in item 11, responded to a number of comments received at the February meeting. A letter from the Prince George's County Council is also under item 11. The "Additional Letters" packet included a letter received from Senator Forehand and also from the Prince George's County members of the General Assembly.

Mr. Kirby noted that the cover of the letters packet states that the TPB has received almost 1,300 letters, faxes, and e-mails concerning the Intercounty Connector project, and these were too numerous to include in the mail-out. He said that a few hard copies of those messages were available for people who wanted them. He said that staff was proposing to put all these comments on the COG website.

Chairman Zimmerman said he thought it was a good idea to put the comments on our website. He suggested that the TPB consider starting the April public comment period at 11:30 instead of noon because he assumed there would be even more comments in April.

Mr. Kirby said the TPB might also consider having a work session prior to the next meeting so that Board members can review the comments received.

Chairman Zimmerman asked if the letters packet containing the article from the *Washington Post* magazine should have been connected to some other piece of information.

Mr. Kirby said that the article was sent by someone requesting that the article be distributed to the TPB, but he did not include that original request.

Chairman Zimmerman commended the article to the TPB members.

Chairman Zimmerman suggested it might be useful to provide an orientation for new members to the TPB.

Chairman Zimmerman also pointed out that the report just given was associated with the Program Committee, which, he said, has fairly extensive authority. He said the Program Committee has two main functions at its monthly meetings. One responsibility is planning the TPB agenda and the other is to act on behalf of TPB. The Program Committee, under the TPB bylaws, is empowered to pass resolutions on behalf of the TPB. The resolutions that Mr. Kirby described earlier were examples of such actions.

Chairman Zimmerman said he had asked Mr. Kirby to prepare an amendment to change the name of the Program Committee to the Steering Committee, which he said was a more accurate reflection of what the committee is. He said that members should know that actions are being taken by this committee in their

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name.

Mr. Harrington said that he, as a new member, would appreciate having a briefing on the TPB process and how members can get involved in the TPB's committees.

Chairman Zimmerman said it would be useful for members to learn about opportunities to be involved, such as the Value Pricing Task Force.

## **6. Chairman's Remarks**

Chairman Zimmerman waived his remarks.

## **7. Approval of Amendment to the Fiscal Year 2004 Unified Planning Work Program, and Approval of the Fiscal Year 2004 Unified Planning Work Program (UPWP) Carryover Funding to Fiscal Year 2005**

Referring to the mailout material, Mr. Kirby explained that this action would amend the current FY 2004 Unified Planning Work Program (UPWP) which will expire on June 30. Typically at this time every year, the staff examines the current UPWP and determines which projects are unlikely to be completed and whether funding that will not be used should be carried forward into the next fiscal year.

Mr. Kirby explained that this item has two resolutions. The first would deprogram certain activities from the UPWP for fiscal 2004. The second would program those activities for next year.

Mr. Kirby said that \$340,000 for a Household Travel Survey would be carried over into the next fiscal year. The Virginia Technical Assistance Program had budgeted \$70,000 to do an aerial survey of the Springfield Interchange traffic movements, which VDOT has decided not to do. Instead VDOT would carry that money forward into next year for the miscellaneous services project included in next year's UPWP. For the WMATA technical assistance account, instead of a fare structure and fare policy study, WMATA wishes to conduct a parking usage study at Metrorail stations. He said such a study would be of particular interest for the travel demand modeling process because parking garages have become a constraint on transit usage. He said it is important to get such usage information.

Vice Chairman Mendelson moved approval of Resolutions R11-2004 and R12-2004 to amend the Fiscal Year 2004 Unified Planning Work Program and carry over FY 2004 funding to FY 2005. The motion was seconded and was passed unanimously.



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## **8. Approval of the Fiscal Year 2005 Unified Planning Work Program**

Referring to the mailout material, Mr. Kirby explained that the Fiscal Year 2005 Unified Planning Work Program (UPWP) had been brought to the TPB in draft form at its two last meetings and had been brought before the Technical Committee three times.

He said the funding levels for the program budget are somewhat uncertain this year because the Congressional reauthorization of the Surface Transportation bill is still not completed.

He said that the funding level was developed assuming essentially no change for FY2005 from the FY2004 levels. Some minor adjustments were made, but basically the total budget is the same.

Most of the work areas have a 2 percent cost increase, while the Household Travel Survey activity is reduced 67 percent. He said that funding from this survey is being used to fund the slight increases for the other work activities. He said staff was hopeful that when the new reauthorization funding levels are approved that the funding for the survey will be restored.

Ms. Pourciau indicated that page 244 referred to "100 locations," which should be corrected to "138 locations." She explained that the traffic counts described in this text were needed for data for the Highway Performance Monitoring System (HPMS) counts required by the Federal Highway Administration.

Chairman Zimmerman asked that the punctuation be changed in the description to make it clearer.

Ms. Kaiser moved approval of Resolution R13-2004 with the inclusion of the corrections. The motion was seconded by Vice Chairman Mendelson and was passed unanimously.

## **9. Approval for the Fiscal Year 2005 Commuter Connections Work Program**

Referring to the mailout material, Mr. Ramfos said that the draft Commuter Connections work program had been released for public comment at the TPB's February meeting, reviewed by the Commuter Connections Subcommittee at its February meeting, and reviewed by the TPB Technical Committee at its March meeting.

Vice Chairman Knapp moved approval of Resolution R14-2004 to approve the Fiscal Year 2005 Commuter Connections Work Program.

The motion was seconded by Vice Chairman Mendelson and was passed unanimously.

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## **10. Approval of Regional Bike to Work Day 2004 Proclamation**

Referring to the mailout material, Mr. Ramfos said that Commuter Connections in conjunction with the Washington Area Bicyclists Association will be sponsoring this year's Bike to Work event on May 7th. He said they hope to attract at least 4,000 participants

Chairman Zimmerman said this is always an exciting event in his community. He said the good news is that bicycling has been increasing in the region and a number of things are being done to encourage bicycling.

Eric Gilliland from the Washington Area Bicyclists Association (WABA) congratulated Chairman Zimmerman on the bicycle-friendly community award recently given to Arlington by the League of American Bicyclists. The District of Columbia also received an award. Mr. Gilliland thanked the TPB for its support of Bike to Work Day. He said that although WABA has been sponsoring this event for 25 years, it has really grown in the last several years with the support of COG.

Chairman Zimmerman listed the 18 pit-stop locations for the event.

Ms. Hudgins said she would be in two locations, Vienna and Reston.

Chairman Zimmerman read the text of the proclamation. He moved approval of the proclamation. Mr. Harrington seconded the motion.

Mr. Harrington said he was excited by this event. He asked if the proclamation could be amended to include reference to the importance of the Anacostia trailways.

Chairman Zimmerman responded that the proclamation does not include specific bicycling locations.

Mr. Gilliland noted that a number of the commuter convoys on Bike to Work Day would be using the Anacostia tributaries trail system, so they would be celebrated that way.

Ms. Hudgins emphasized how important it is to promote this event. She said the more bicycling is recognized, the more it will be considered an important transportation alternative.

Mr. Gaines said that Rockville recently voted on a new bicycle plan update that includes a bicycle beltway around the city. He said he was proud that Rockville is supporting increased options for bicycling.

Noting the chairman's support for bicycling, Mr. Gonzalez reminded him that the Intercounty Connector

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would increase the bicycle system in Montgomery County by 18.2 miles.

Ms. Kaiser said she would be at the Bethesda Bike to Work Day representing Governor Ehrlich. She encouraged everyone to participate in these events.

Ms. Pourciau said Mayor Williams is an avid supporter of this event. She also said she was very excited about the update of the D.C. Bicycle Master Plan, which was posted on the DDOT website.

Ms. Porter said she was proud to say that Takoma Park had completed its portion the Metropolitan Branch Trail.

Mr. Roberts said that he was perturbed about the reference to the Intercounty Connector's bicycle friendliness. He said the city of Greenbelt has not had much success getting help from the state of Maryland in getting decent bicycle access to its Metro station and to other points.

Chairman Zimmerman said he did not want this item to get pulled back to the ICC.

Mr. Harrington said he has been working with Mayor Williams on a bike trail connecting Prince George's County with the District. He said this was an example of good regional coordination.

The motion was approved unanimously.

### **11. Briefing on Project Submissions and Comments Received to Date for Air Quality Conformity Assessment for the 2004 Constrained Long Range Plan (CLRP) and Fiscal Year 2005-2010 Transportation Improvement Program (TIP)**

Mr. Kirby said the mailout material for this item had two parts. He described the tables, maps and descriptions included in these mailout documents. He also called attention to a handout document regarding four project submissions in Arlington County that the county and the Virginia Department of Transportation (VDOT) wish to have deleted. Mr. Kirby said that he had recommended that the public comment period be extended to April 16 for these particular projects, which would be 30 days from the March 17 meeting.

Chairman Zimmerman emphasized that this is a briefing, not an action item. He said the action would presumably be at the next TPB meeting in April.

Ms. Kaiser called attention to the written response that she had provided to comments and questions that the members of the Board had offered at the February meeting. She said that given the extent of

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comments and questions, the Maryland Department of Transportation (MDOT) had asked the TPB to extend the public comment period, and she was glad that request had been accommodated. She went through her letter point by point.

Vice Chairman Mendelson said he appreciated Ms. Kaiser's letter because it addressed questions that he had raised. Referring to the letter, he asked whether Executive Order 13274 is a state or federal executive order.

Ms. Kaiser said it was a federal executive order.

Mr. Gonzalez said the ICC is one of 15 projects that competed nationally for the environmental streamlining review process, which was established through an executive order that the president issued back in September of 2002. He said that he wrote the request for the approval for this streamlining, because at the time the Maryland governor was not supportive of this project. So Montgomery County Executive Duncan took the initiative.

Ms. Kaiser emphasized that the environmental streamlining process does not in any way short cut the National Environmental Policy Act (NEPA) process, but does provide for concurrent reviews of the federal agencies as the process moves forward.

Ms. Jackson emphasized that there is no funding associated with this streamlining process.

Vice Chairman Knapp thanked Ms. Kaiser for putting together a comprehensive response letter. He encouraged TPB members to follow up with Ms. Kaiser regarding any continuing questions. He also encouraged members to be in contact with Mr. Kirby regarding the process for including a project in the CLRP. He said that he understood that a number of concerns raised and addressed by MDOT do not necessarily relate to the CLRP amendment process.

Ms. Ricks said she would like to see information about the possible redistribution of growth and development in the region as a result of the ICC. She said Ms. Pourciau had brought up this issue. She said she was particularly interested in the potential increase in the distances between residences and work.

Ms. Kaiser said a land use panel of experts would be comprehensively looking at this issue as part of the ICC study. She said this was a rather unique method of looking at land use issues. She said a report from the panel should be available in the April-May timeframe. She said local jurisdictions would be using the outcome of the study to reexamine their land-use plans. She said the state of Maryland has no jurisdiction over land use.

Mr. Roberts asked how many Metro stations would be within a quarter mile or a half mile of the ICC.

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Ms. Kaiser said she would have to look at the project more closely to get that data, but the answer would depend on which alignment gets selected. She said MDOT is looking at building express ramps into Metro stations.

Mr. Roberts said that there is not one Metro station, except for the one off I-370 in Gaithersburg, that would be anywhere near the ICC. He asked how long these express lanes would have to be.

Ms. Kaiser said that she would get that information.

Ms. Kaiser said MDOT is committed to making sure that there is access by buses and they are providing the option for express service. If it is more than a quarter of a mile, it is being considered.

Mr. Gonzalez said that the state is looking at access to Shady Grove and Glenmont stations in Montgomery County. He said the state is also looking at access to commuter rail stations.

Mr. Roberts expressed concern that the state seems to be able to afford to build such bus access facilities, but seems to be unable to afford to build bicycle lanes to the Greenbelt Metro station and it cannot afford to build the Purple Line or other things that he said would actually help people.

Ms. Porter asked about the table on financing that was provided by MDOT. Referring to the proposal to use funding from Grant Anticipation Revenue Vehicle (GARVEE) bonds, she noted the reference to approximately \$60 million a year for 30 years. She asked how that fits with the notion that GARVEE bonds should not extend beyond two federal authorizations.

Ms. Kaiser said she did not know that there is any requirement that they cannot extend beyond two federal authorizations. She said the funding table was from a concept plan that is very flexible and will change as the project moves forward. She said that since the plan was put together, MDOT has worked with the General Assembly, and has committed to not going longer than 15 years. She said that 30 years is the maximum MDOT is willing to look at. She said that right now, MDOT is looking more at 15 years, and using more of the Transportation Authority's bond financing. But she emphasized that these numbers are subject to change as the project moves forward.

Ms. Porter asked about the scenario in which the GARVEE bonding would last 15 years instead of 30. She asked if this scenario would require twice as much funding.

Ms. Kaiser said that in that case, MDOT would probably look at doing more financing out of the Transportation Authority because they have committed to not going above a certain level of anticipated federal funding to do this.

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Ms. Porter said it would be helpful to have this information laid out in a table similar to the one that was provided.

Ms. Kaiser said she was not sure that much more could be written because the funding plan would remain flexible until the project was ready to be funded.

Ms. Porter said she was simply asking that the table already presented be updated to include the information that Ms. Kaiser had just provided.

Ms. Kaiser said she would see if she could do that.

Chairman Zimmerman said that the letter from Ms. Kaiser appeared to address the topics that were raised at the February TPB meeting, but whether it does so satisfactorily is a matter on which he would form an opinion after he had thoroughly read the document. He said that the key question regarding many of the issues raised was not whether answers were currently available but whether the process of study would address them. For example, the question of induced demand was not something that he expected Ms. Kaiser to have an answer on.

Ms. Kaiser noted that her letter said that this and other issues were being studied.

Chairman Zimmerman said he would reserve judgment personally, keeping an open mind, until he sees what is actually being done.

Ms. Kaiser asked the chairman to keep an open mind. She said this project is going far above and beyond what is normally required. She said that these types of questions have not had to be answered for any other project.

Chairman Zimmerman said he did not know that was true. He said that these types of questions should be answered for any large project.

Chairman Zimmerman asked Mr. Kirby for a clarification of procedure. He said that he and other TPB members were under the impression that projects get moved in the CLRP from the “study” category to the “construct” category only after the selection of a locally preferred alternative, which comes at the end of the alternatives analysis. He asked if that was not the case.

Mr. Kirby referred to his handout memo that provided initial responses to comments received. He noted that points 1, 2 and 21 in the handout specifically pertain to the TPB's responsibilities. Regarding point 21, which related to questions on induced demand, Mr. Kirby described how the local jurisdictions' planning

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directors would consider the expert land use panel study and the TPB modeling results to address induced demand. He said that the travel demand results from the ICC study and the ICC land use panel study would be used by the local jurisdictions' planning directors to make changes needed in the draft Round 6.4 Cooperative Forecasts.

Chairman Zimmerman said this was very important. He said that Ms. Kaiser was right in saying that this type of work has not always been done on road projects. He said that failure to take these land use changes into account in the past has helped create the current situation the region faces. He said he was glad this feedback would be done.

Referring to his handout memo containing initial responses, Mr. Kirby described the first point which responded to the comment that the ICC should not be included in the CLRP until the final Environmental Impact Statement (EIS), required by NEPA, is completed. He said it is not necessary, and in fact, it is not even possible, to complete the EIS process without incorporating the project into the CLRP. He noted that the CLRP is a 27-year plan and for many projects in the CLRP's outyears planners have not even begun to think about starting the NEPA process.

Mr. Kirby explained that in order to receive final approval under the NEPA process, a project must be included in a conformity determination and in the region's long-range plan. He said that if a preferred alternative selected in the NEPA process is inconsistent with the way the project is specified in the CLRP, it has to come back through the TPB process and changes have to be analyzed for conformity and incorporated into the CLRP through amendment. Mr. Kirby referred to sections of EPA regulations, which were quoted in his memo, that directly describe the TPB's responsibilities. He said it was essential that the air quality analysis be undertaken early on in the process.

Referring to the second point in his handout memo, Mr. Kirby said that the fact that one alignment (or two alignments in the case of the ICC) is specified in the conformity analysis does not preclude the consideration of other alternatives in the NEPA process. He said the federal regulations clearly anticipate that something could be put in the long-range plan that might later need to be changed. If a change is made, then a new conformity analysis will need to be run.

Chairman Zimmerman asked if a no-build scenario would be included.

Mr. Kirby said that typically a set of new project submissions is tested jointly. The air quality conformity test requires the entire proposed plan, including new project submissions, to conform to the mobile emissions budget. He said there have been times in the past when a single project has been tested separately. This was the case, for example, when the Wilson Bridge reconstruction and the Redskins stadium were added to the CLRP.

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Chairman Zimmerman said that one of the key issues was that people wanted to know specifically what impact the project will or will not have.

Mr. Kirby said that staff currently is planning to analyze all the projects together as a package. However, he said that an analysis could be done that isolates a project, if that is the will of the Board.

Chairman Zimmerman said that he was concerned that the impact of the ICC should not be hidden in the analysis.

Chairman Zimmerman said the sequence of requirements under the federal process was still not clear to him. He asked at what stage in the planning process other projects, such as Dulles rail, the Wilson Bridge or the Springfield Interchange, were converted in the CLRP from the study category to the construction category.

Mr. Kirby said they generally were advanced into the plan in the very early stages of the NEPA process.

Chairman Zimmerman asked if that typically happened after the establishment of the locally preferred alternative.

Mr. Kirby said no, the locally preferred alternative is not selected until the end of the NEPA process. He said projects often go into the plan as placeholders that are later changed as a result of the NEPA process.

Chairman Zimmerman said he would like this question looked into. He said he believed the Dulles transit project went into the CLRP after a locally preferred alternative was selected. He said he would like to know what was the practice for major projects in past years.

Referring to his handout memorandum, Mr. Kirby called attention to language from federal requirements regarding financial constraint.

Ms. Ricks asked if the TPB was being asked to consider a project for which it did not yet fully understand the regional air quality and land-use impacts. She asked if it was normal to put a project in for approval before the TPB really understand how it affects the region.

Mr. Kirby said that the issue that will be before the Board in April is whether the analysis should proceed to determine what those impacts are. He emphasized that the project submissions undergoing public comment were not being considered at this point for inclusion in the CLRP. They were being considered for inclusion in the air quality analysis that must precede the update to the CLRP. He said that project submissions will have to pass the conformity test before they can be considered for inclusion in the CLRP.



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He said that the important part of the decision at this point is that projects must be adequately detailed and must meet financial constraint requirements.

Addressing Ms. Ricks, Ms. Kaiser said that projects are analyzed to find out what their impacts are. She suggested that the process may need to be restructured for other projects so that it is similar to what is being asked for the ICC.

Chairman Zimmerman said he would agree with that.

Ms. Hudgins asked if there was something different that is done for projects that are listed as “studies”

Mr. Kirby said that “study” projects are listed in the long-range plan to identify the fact that money is being spent on the study. He noted that studies are not advanced for air quality analysis. He said many studies are a long way from being developed to the same extent as the ICC is currently. In some cases, studies are included as placeholders for projects that will later be moved to “construct.”

Ms. Hudgins asked if this meant that a project is not “construct” until it reaches at least some stage within the study and there is some certainty to construct.

Mr. Kirby said that was correct.

Chairman Zimmerman asked what the TPB staff would be studying. He said he understood there were two alignments being studied.

Mr. Kirby said that at this point there would be two runs of the air quality analysis — one for each alignment; all the other projects would be included in both runs.

Chairman Zimmerman asked if a no-build scenario was required.

Mr. Kirby said that current federal requirements call for the conformity test to be based upon an “emissions budget” which is a ceiling of tons of emissions per day that are permissible. If the forecast emissions are below the emissions budget, then a conformity determination could be made.

Chairman Zimmerman said that the planning process for transit projects is required to examine no-build scenarios, and more recently has been required to look at “minimum build.” He asked if that was not required for highway projects.

Mr. Kirby said that in the case of the TPB, the baseline is the plan that was just approved in December.

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Chairman Zimmerman said he is not just talking about air quality conformity, but about all the other effects.

Mr. Gonzalez said there seemed to be confusion between the NEPA process and the conformity process. He said the NEPA process starts with the planning phase, not with design. He said the critical issue for the TPB in determining air quality conformity is whether or not this project, along with all of the other projects in the region, are within the mobile emissions budgets for air quality. He said that the briefing on ozone transport, which was made by the representative of the Maryland Department of the Environment at the February TPB meeting, noted that up to 85 percent of the region's air quality problems are coming from outside the region. Regarding the consideration of a no-build option for the ICC, he said that option was being considered as part of the NEPA process. He said that if the TPB does not allow this project to go through the air quality conformity process, the project will never be able to move into design under the federal regulations. He noted that the vote on including the project in the CLRP, following a conformity determination, will take place in the fall.

Ms. Petzold said that in the entire discussion she had not heard the word "safety," which she said is very important to her and her constituents.

Mr. Salles congratulated Ms. Kaiser for MDOT's very comprehensive economic impact study efforts and for being responsive to concerns that have been raised.

## **12. Briefing on Draft Scope of Work for the Air Quality Conformity Assessment for the 2004 CLRP and FY 2005-2010 TIP**

Referring to the mailout material, Mr. Kirby encouraged the Board members to review the scope of work for conducting the air quality conformity. He said this would be an action item in April. Because the meeting was running behind schedule there was no further discussion of this item.

## **13. Report on Coordination Planning Recommendations for Regional Transportation Evacuation/Protective Actions**

This item was deferred to April.

## **14. Briefing on 2003 Report of the TPB Access for All Advisory Committee**

This item was deferred to April.

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## **15. Other Business**

Speaking on behalf of Ms. Pourciau, Mr. Rybeck called attention to flyers on emergency preparedness that were prepared by the District Department of Transportation. They had been distributed through the *Washington Post* and by mail.

There being no other business, the meeting was adjourned at 2:32 p.m.