

ITEM 13 - Action
November 19, 2003

Certification of the Urban Transportation Planning
Process for the National Capital Region

Staff

Recommendation:

- If agenda items 8, 9 and 10 are approved, approve option 1 of Resolution R10-2004 to adopt the appended Statement of Certification.
- If agenda items 11 and 12 are approved, approve option 2 of Resolution R10-2004 to adopt the appended Statement of Certification.

Issues:

None

Background:

The final planning regulations issued by US DOT require that "the state and MPO shall annually certify to FHWA and FTA that the planning process is addressing the major issues facing the area and is being conducted in accordance with all applicable requirements..."

The Board is being asked to approve R10-2004 to adopt the attached statement of certification. In addition, representatives of the District of Columbia Department of Transportation, the Maryland Department of Transportation, and the Virginia Department of Transportation are being asked to sign the statement of certification.

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002**

**RESOLUTION ON THE CERTIFICATION OF
THE URBAN TRANSPORTATION PLANNING PROCESS FOR
THE NATIONAL CAPITAL REGION**

WHEREAS, the National Capital Region Transportation Planning Board (TPB), which is the metropolitan planning organization (MPO) for the Washington Region, has the responsibility under the provisions of the Transportation Equity Act for the 21st Century (TEA-21) of 1998 for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Washington Metropolitan Area; and

WHEREAS, the final planning regulations issued by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) on October 28, 1993 require that "the State and MPO shall annually certify to the FHWA and the FTA that the planning process is addressing the major issues facing the area and is being conducted in accordance with all applicable requirements ..."; and

WHEREAS, on October 18, 2000, the TPB approved the second triennial update to the CLRP, which was approved for publication on May 15, 2002 as the document: *2000 Update to the Financially Constrained Long-Range Transportation Plan for the National Capital Region*; and

WHEREAS, on January 21 2001, FHWA and FTA found that the 2000 CLRP and FY 2001-2006 TIP conform to the region's State Implementation Plans; and

WHEREAS, on June 9, 2003, FHWA and FTA transmitted their final report: *Washington Metropolitan Area Certification Review A Review of the Transportation Planning Process for the National Capital Region*, which found that "the transportation planning process for the National Capital Region meets the requirements of the October 28, 1993 Federal metropolitan planning regulations, 23 CFR 450 and 49 CFR 613;" and

WHEREAS, on November 19, 2003, the TPB approved the 2003 Update to the CLRP; and

WHEREAS, on November 19, 2003 the TPB approved the FY 2004-2009 Transportation Improvement Program (TIP); and

WHEREAS, a Statement of Certification, dated November 19, 2003 has been prepared and is appended to this resolution.

NOW, THEREFORE BE IT RESOLVED BY THE NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD THAT:

The appended Statement of Certification dated November 19, 2003, which finds that the transportation planning process for the National Capital Region is being carried out in conformance with all applicable requirements as specified in the final planning regulations issued by FHWA and FTA on October 28, 1993, is hereby adopted.

Option 1

NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD

STATEMENT OF CERTIFICATION

November 19, 2003

The National Capital Region Transportation Planning Board (TPB), which has been designated as the Metropolitan Planning Organization (MPO) for the Washington Metropolitan Area as delineated under the Transportation Equity Act for the 21st Century (TEA-21), the District of Columbia Department of Transportation (DDOT), the Maryland Department of Transportation (MDOT), and the Virginia Department of Transportation (VDOT) certify that the transportation planning process is being carried out in conformance with all applicable requirements of 23 USC 143, 49 USC 1607, 23 CFR Part 450 and 49 CFR Part 613, and Sections 174 and 176(c) and (d) of the Clean Air Act, as evidenced by the following:

1. The FY2004 Unified Planning Work Program for Transportation Planning (UPWP) was adopted by the TPB on March 19, 2003, and approved by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) on May 3, 2003. The UPWP was developed to address the U.S. Department of Transportation's final metropolitan planning requirements as well as to comply with the final regulations issued by the Environmental Protection Agency on November 24, 1993 and subsequently amended on August 7 and November 14, 1995, August 1997, and with additional guidance published in May 1999, and by the FHWA and FTA on June 14, 1999, regarding criteria and procedures for determining air quality conformity of the transportation plan, program and projects.
2. The roles and responsibilities involving the TPB, state and local government transportation agencies, the transit authority, and other metropolitan planning organizations (MPOs) for cooperatively carrying out transportation planning and programming have been established over several decades. General Memoranda of Agreement, defining the roles of the various local agencies and the state transportation agencies in the transportation planning process, which were executed prior to July 1, 1965, were reviewed and continue to be in effect. The state transportation agencies have an agreement with the Metropolitan Washington Council of Governments (COG) that specifies the transportation planning responsibilities and provides the administrative support of the transportation planning process. The responsibilities for the primary planning and programming activities are indicated in the UPWP. In addition, two agreements involving the TPB and the Fredericksburg Area MPO in Virginia and Charles and Calvert counties in Maryland regarding consistency and conformity of their plans, programs and projects are included in the UPWP.
3. To foster greater participation by citizens, transportation, environmental, and other

advocacy groups in the transportation planning process, the TPB adopted on September 21, 1994 its public involvement process that fulfills the requirements and criteria provided for public involvement in the final planning regulations. During 1998, the TPB received a consultant report presenting an assessment of the public involvement activities and recommending several improvements and changes. On May 19, 1999 the TPB released a set of proposed revisions the TPB Public Involvement Process for public comment. At the September 15, 1999 TPB meeting, the Board received a summary and a complete set of the public comments on the proposed revisions. On October 20, 1999 the TPB approved its Revised Public Involvement Process, which includes an appointed Citizen Advisory Committee (CAC) and other changes to improve the effectiveness of the process.

4. In 1995, the TPB began an extensive planning process involving citizens, elected officials and interested organizations of the region in developing a consensus about a transportation vision that would not be constrained to facilities and actions that can be funded with existing resources. On October 21, 1998, the TPB adopted its Transportation Vision. In 1999 the TPB took steps to translate its Vision into some new facilities and programs with new funding sources to be advanced for the next triennial update of the Financially Constrained Long-Range Transportation Plan (CLRP) in 2000. An extensive public education and outreach campaign was launched to obtain public input on four key themes from the vision. A national polling firm hired by the TPB conducted random telephone surveys, disseminated brochures, and led a series of focus groups in which citizens responded to the key vision themes.
5. On July 15, 1998, the TPB approved the publication entitled: *1997 Update to the Financially Constrained Long-Range Transportation Plan for the National Capital Region*, which documents the first triennial update to the CLRP covering the TPB actions affecting the CLRP between September 21, 1994 and July 17, 1997. During 1998 and 1999 and in July 2000, it was necessary to amend the CLRP to delete or add some projects, or adjust their phasing.
6. On October 18, 2000, the TPB approved the second triennial update to the CLRP, which was approved for publication on May 15, 2002 as the document: *2000 Update to the Financially Constrained Long-Range Transportation Plan for the National Capital Region*; on November 15, 2000, June 20, 2001, October 17, 2001 and April 17, 2001 the TPB amended the CLRP to include studies and projects that are exempt from the air quality conformity requirement.
7. On July 13, 2002, the TPB approved the 2002 amendments to the CLRP and FY 2003-2008 TIP for the Washington Planning Region.
8. On February 19, 2003, the TPB began the third triennial update to the CLRP by releasing the final solicitation document for the 2003 CLRP and FY 2004-2009 TIP ,

which requested the transportation implementing agencies to explicitly consider the Vision as the policy framework when they submitted projects and programs for inclusion in the CLRP. All submissions for the 2003 CLRP included a description of how the project or program contributes to specific Vision goals and objectives.

9. During the development of the 2003 update to the CLRP the TPB public involvement process was followed, and several opportunities were provided for public comment: (1) At the April 10, 2003 TPB Citizens Advisory Committee (CAC) meeting, the initial project submissions for inclusion in the air quality conformity analysis of the 2003 update and the FY 2004-09 TIP and the air quality conformity work scope were released, and an opportunity for public comment on these submissions was provided at the beginning of the April 16 and May 21 TPB meetings; (2) At the May 21, 2003 meeting, the TPB approved a set of responses to the public comments on the project submissions; (3) At the July 16 and September 17 TPB meetings, the TPB made available the financial analysis results for the 2003 CLRP; (4) At the October 15, 2003 TPB meeting, the air quality conformity analysis, the draft 2003 CLRP update, and the draft FY 2004-09 TIP were released for a 30-day public comment period which closed on November 14; (5) The comments and staff responses to them were reviewed and approved by the TPB on November 19, 2003; and the final version of the TIP includes summaries of the comments and the responses.
10. The determination of conformity of the 2003 update to the CLRP and FY 2004- 2009 TIP for the Washington Planning Region with the requirements of the Clean Air Act Amendments (CAAA) of 1990 as required under the Environmental Protection Agency (EPA) final regulations issued November 24, 1993 and subsequently amended in August and November 1995, August 1997 and with additional guidance published in May 1999, was approved by the TPB on November 19, 2003.

The TPB "Consultation Procedures with Respect to Transportation Conformity Regulations Governing TPB Plans and Programs," adopted by the TPB on September 21, 1994 and amended on May 20, 1998, which are compatible with those adopted in the District of Columbia, Maryland, and Virginia, were followed for the air quality conformity determination of the 2003 CLRP amendments, the FY 2004-2009 TIP and for the FY 2004 UPWP.

11. The 2003 update to the CLRP was developed according to the requirements in the final planning regulations and was adopted by the TPB on November 19, 2003.
12. The FY 2004-2009 TIP, which includes transit, highway, bikeway and pedestrian, and ridesharing improvement projects, and transit and ridesharing operating support, was developed according to the requirements in the final planning regulations. This TIP was adopted by the TPB on November 19, 2003.

13. The TPB's planning area is designated as a Transportation Management Area (TMA) and is classified as a non-attainment area for ozone. Thus the Washington metropolitan area is subject to Congestion Management System (CMS) law and regulations, as enumerated in the December 19, 1996 *Federal Register*. Under these regulations, metropolitan areas that are TMAs must have an operational CMS by October 1, 1997. The Washington metropolitan area complied with this requirement by having an operational CMS as of October 1, 1997.

In the Washington Region, the planning process satisfies CMS requirements through study and consideration of congestion management alternatives to increases in single-occupant vehicle capacity. The planning process has identified a number of corridors or locations throughout the region having congestion or requiring study of other transportation issues. The region is pursuing the study and consideration for implementation of reasonable congestion management strategies in each location, either through a major investment study (MIS), project planning study, or regional strategy assessment. For corridors or locations in which a study has forecast a significant increase in single occupant vehicle travel, the implementing agencies of the region assessed or will assess reasonably available travel demand reduction and operational management strategies.

A CMS documentation process is included in the TPB's process for soliciting projects from implementing agencies for the CLRP and TIP. Starting with the FY99-04 TIP and 1997 CLRP update, the region's transportation implementing agencies submit documentation of CMS strategies considered in conjunction with significant federally-funded CLRP or TIP projects. This documentation, for a given project or location, includes information on: the CMS strategies that the corridor or location is already benefitting from; additional CMS strategies considered for the corridor or location; CMS strategies to be implemented in conjunction with the project; and a statement as to whether CMS strategies could preclude the need for the project. The completed CMS documentation forms are included with the relevant project line items in Supplements A, B, and C of the CLRP.

In addition to the CMS documentation forms for individual projects, the CMS in the Washington metropolitan area includes monitoring, forecasting, evaluation, and implementation components. Congestion on the transportation system of the region is monitored through the travel monitoring activities in the region's Unified Planning Work Program, as well as through activities of the operating agencies. The potential impacts of proposed transportation facilities and strategies are assessed through TPB's regional travel modeling process as well as through analyses conducted by member agencies in project planning studies. Evaluation and implementation of a full range of CMS strategies have been undertaken by TPB and its members.

The region has benefitted from many existing congestion management strategies,

including but not limited to the regional Commuter Connections ridesharing and alternative commuting program, extensive transit systems, Intelligent Transportation System (ITS) technologies and incident management for operational improvements, and high-occupancy vehicle (HOV) facilities. Thus future roadway capacity increases will occur within the context of a strong regional commitment to alternatives to single-occupant automobile travel.

TPB and member agencies will continue to study and develop such CMS strategies. Results of these studies help inform the region's decision makers and implementing agencies, and are considered for incorporation into the region's long-range transportation plan. The CMS is an element of the region's long-range transportation plan; therefore, for a transportation project or proposal, consistency with the region's long-range transportation plan shall indicate consistency with the region's CMS.

The implementing agencies in the region follow a robust environmental impact review/environmental impact statement process as established in the National Environmental Policy Act (NEPA). The CMS process is coordinated with the air quality planning process, including the process of assessing and implementing transportation emissions reduction measures (TERMs) for air quality purposes.

14. COG/TPB is an equal employment opportunity (EEO) employer and has an incentive program to ensure the participation of Disadvantaged and Women Business Enterprises (DBE and WBE), including procedures to provide for subcontracting to women and disadvantaged only proposals for contracting work.

Based upon this activity, the planning process is consistent with Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each state under 23 U.S.C 794. Those policies and procedures also conform to the Surface Transportation and Uniform Relocation Assistance Act of 1987, regarding the involvement of minority enterprises in FHWA and FTA funded projects.

15. On September 6, 1991, the U.S. Department of Transportation issued regulations (49 CFR, Parts 27, 37 and 38) on transportation for persons with disabilities to conform to the Americans With Disabilities Act (ADA) of 1990. On July 15, 1992, the TPB certified that the WMATA ADA Paratransit Plan for the WMATA Region and the Frederick County ADA Paratransit Plan are in conformance with the Constrained Long Range Plan and these plans were submitted to FTA in July 1992.

By January 1997 both the WMATA and Frederick County paratransit services were operating as planned in conformance with the regulations.

16. In December 1998, the U.S. Department of Transportation/Federal Highway Administration (FHWA) released DOT Order 6640.23 to comply with Executive Order

12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. Additional guidance was provided by FHWA and the Federal Transit Administration (FTA) in a memorandum dated October 7, 1999 titled "Implementing Title VI Requirements in Metropolitan and Statewide Planning". The FHWA and FTA issued proposed regulations on environmental justice regulations for metropolitan planning organizations on May 25, 2000 but these regulations are not yet finalized. The TPB has complied with the USDOT's longstanding guidance to ensure nondiscrimination in programs, procedures, operations, and decisionmaking to assure that social, economic, and environmental impacts to communities and individuals are considered in the planning process.

Actions have been taken to ensure that the planning process includes participation by low-income, minority, disabled and elderly communities. First, the TPB in January 2000 appointed members to the new Citizens Advisory Committee including appropriate representation from low-income, minority, and disabled groups as specified in the TPB Public Involvement Process as amended on October 20, 1999. The TPB CAC holds monthly meetings open to the public and six of the twelve meetings are held in different communities in the region. Second, the TPB held a workshop "Ensuring Access for All" on June 22, 2000 that was designed for community leaders representing low-income, minority, and disabled groups to provide input on how to better involve these groups in the regional transportation planning process. The outcome of the workshop was a proposal for an advisory committee to the TPB, which would conduct additional outreach and develop a report recommending priority projects, programs and actions for low-income, minority, and disabled communities.

On October 2, 2000, the TPB received a Title VI and Environmental Justice Challenge Grant from FTA to assist in the implementation of the advisory committee. The TPB Access for All Advisory (AFA) Committee was established by the TPB on November 15, 2000. It was chaired by the TPB second vice chairman, who was an elected official. The membership for the committee was approved by the TPB on May 16, 2001. Eighteen non-profit and community agency representatives were appointed, along with ex-officio representatives from the major transportation agencies in the region. The committee's first meeting was on July 12, 2001. AFA met several times and discussed a number of issues that were of vital importance to the communities represented by its members. The committee's first annual report was presented to the TPB at its March 20, 2002 meeting. On June 18, 2003, the AFA committee's report: *Improving Transit Information for Limited English Speakers* was approved by the TPB for transmittal to all transit agencies in the region.

On October 2, 2003, the AFA committee was briefed on the major studies and projects proposed for the 2003 CLRP as depicted on maps with 2000 Census demographic information on low-income and minority populations. The AFA committee made several observations about the proposed studies and projects in the CLRP and concluded that

more transit improvements should be planned for in the inner parts of the region. It also expressed serious concerns about near-term transit issues not highlighted in the CLRP, including proposed reductions in current bus services and limits on funding and reductions to regional paratransit services for people with disabilities. At the October 15, 2003 TPB meeting, the new AFA chair, Mayor Porter, presented the committee's comments on the draft 2003 CLRP to the Board.

17. When making grants, FTA will assess the financial capacity of applicants to operate and maintain their transit systems. FTA Circular 7008.1A, published January 30, 2002, describes how financial reviews will be conducted. For Section 5309 grants, FTA will assess financial capacity both at the stage when TIPs are approved and when selecting projects for Section 5309 funds. For Section 5307 grants, FTA will assess financial capacity at the TIP approval stage and grantees will be required to make their own self-certifications at the grant application stage.

As required by the final planning regulations, the TIP is financially realistic by year from FY 2004 through FY 2009. The Washington Metropolitan Area Transit Authority, the state transportation agencies, the transportation commissions, and the cities and counties in the region have identified available revenues for the transit improvements programmed in the TIP. Since the identified revenues were expected to cover the costs associated with these projects, the region was found to have the financial capacity to operate and maintain an expanded transit system in accordance with FTA financial capacity requirements.

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WHEREAS, the final planning regulations issued by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) on October 28, 1993 require that "the State and MPO shall annually certify to the FHWA and the FTA that the planning process is addressing the major issues facing the area and is being conducted in accordance with all applicable requirements ..."; and

WHEREAS, on October 18, 2000, the TPB approved the second triennial update to the CLRP, which was approved for publication on May 15, 2002 as the document: *2000 Update to the Financially Constrained Long-Range Transportation Plan for the National Capital Region*; and

WHEREAS, on January 21 2001, FHWA and FTA found that the 2000 CLRP and FY 2001-2006 TIP conform to the region's State Implementation Plans; and

WHEREAS, on June 9, 2003, FHWA and FTA transmitted their final report: *Washington Metropolitan Area Certification Review A Review of the Transportation Planning Process for the National Capital Region*, which found that "the transportation planning process for the National Capital Region meets the requirements of the October 28, 1993 Federal metropolitan planning regulations, 23 CFR 450 and 49 CFR 613;" and

WHEREAS, on November 19, 2003, the TPB approved the Interim 2003 Update to the CLRP; and

WHEREAS, on November 19, 2003 the TPB approved the Interim FY 2004-2009 Transportation Improvement Program (TIP); and

WHEREAS, a Statement of Certification, dated November 19, 2003 has been prepared and is appended to this resolution.

NOW, THEREFORE BE IT RESOLVED BY THE NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD THAT:

The appended Statement of Certification dated November 19, 2003, which finds that the transportation planning process for the National Capital Region is being carried out in conformance with all applicable requirements as specified in the final planning regulations issued by FHWA and FTA on October 28, 1993, is hereby adopted.

Option 2

NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD

STATEMENT OF CERTIFICATION

November 19, 2003

The National Capital Region Transportation Planning Board (TPB), which has been designated as the Metropolitan Planning Organization (MPO) for the Washington Metropolitan Area as delineated under the Transportation Equity Act for the 21st Century (TEA-21), the District of Columbia Department of Transportation (DDOT), the Maryland Department of Transportation (MDOT), and the Virginia Department of Transportation (VDOT) certify that the transportation planning process is being carried out in conformance with all applicable requirements of 23 USC 143, 49 USC 1607, 23 CFR Part 450 and 49 CFR Part 613, and Sections 174 and 176(c) and (d) of the Clean Air Act, as evidenced by the following:

1. The FY2004 Unified Planning Work Program for Transportation Planning (UPWP) was adopted by the TPB on March 19, 2003, and approved by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) on May 3, 2003. The UPWP was developed to address the U.S. Department of Transportation's final metropolitan planning requirements as well as to comply with the final regulations issued by the Environmental Protection Agency on November 24, 1993 and subsequently amended on August 7 and November 14, 1995, August 1997, and with additional guidance published in May 1999, and by the FHWA and FTA on June 14, 1999, regarding criteria and procedures for determining air quality conformity of the transportation plan, program and projects.
2. The roles and responsibilities involving the TPB, state and local government transportation agencies, the transit authority, and other metropolitan planning organizations (MPOs) for cooperatively carrying out transportation planning and programming have been established over several decades. General Memoranda of Agreement, defining the roles of the various local agencies and the state transportation agencies in the transportation planning process, which were executed prior to July 1, 1965, were reviewed and continue to be in effect. The state transportation agencies have an agreement with the Metropolitan Washington Council of Governments (COG) that specifies the transportation planning responsibilities and provides the administrative support of the transportation planning process. The responsibilities for the primary planning and programming activities are indicated in the UPWP. In addition, two agreements involving the TPB and the Fredericksburg Area MPO in Virginia and Charles and Calvert counties in Maryland regarding consistency and conformity of their plans, programs and projects are included in the UPWP.
3. To foster greater participation by citizens, transportation, environmental, and other

advocacy groups in the transportation planning process, the TPB adopted on September 21, 1994 its public involvement process that fulfills the requirements and criteria provided for public involvement in the final planning regulations. During 1998, the TPB received a consultant report presenting an assessment of the public involvement activities and recommending several improvements and changes. On May 19, 1999 the TPB released a set of proposed revisions the TPB Public Involvement Process for public comment. At the September 15, 1999 TPB meeting, the Board received a summary and a complete set of the public comments on the proposed revisions. On October 20, 1999 the TPB approved its Revised Public Involvement Process, which includes an appointed Citizen Advisory Committee (CAC) and other changes to improve the effectiveness of the process.

4. In 1995, the TPB began an extensive planning process involving citizens, elected officials and interested organizations of the region in developing a consensus about a transportation vision that would not be constrained to facilities and actions that can be funded with existing resources. On October 21, 1998, the TPB adopted its Transportation Vision. In 1999 the TPB took steps to translate its Vision into some new facilities and programs with new funding sources to be advanced for the next triennial update of the Financially Constrained Long-Range Transportation Plan (CLRP) in 2000. An extensive public education and outreach campaign was launched to obtain public input on four key themes from the vision. A national polling firm hired by the TPB conducted random telephone surveys, disseminated brochures, and led a series of focus groups in which citizens responded to the key vision themes.
5. On July 15, 1998, the TPB approved the publication entitled: *1997 Update to the Financially Constrained Long-Range Transportation Plan for the National Capital Region*, which documents the first triennial update to the CLRP covering the TPB actions affecting the CLRP between September 21, 1994 and July 17, 1997. During 1998 and 1999 and in July 2000, it was necessary to amend the CLRP to delete or add some projects, or adjust their phasing.
6. On October 18, 2000, the TPB approved the second triennial update to the CLRP, which was approved for publication on May 15, 2002 as the document: *2000 Update to the Financially Constrained Long-Range Transportation Plan for the National Capital Region*; on November 15, 2000, June 20, 2001, October 17, 2001 and April 17, 2001 the TPB amended the CLRP to include studies and projects that are exempt from the air quality conformity requirement.
7. On January 21, 2001, FHWA and FTA found that the 2000 CLRP and FY 2001-2006 TIP conform to the region's State Implementation Plans (SIP) for air quality attainment within the Metropolitan Washington non-attainment area.
8. On February 19, 2003, the TPB began the third triennial update to the CLRP by

releasing the final solicitation document for the 2003 CLRP and FY 2004-2009 TIP , which requested the transportation implementing agencies to explicitly consider the Vision as the policy framework when they submitted projects and programs for inclusion in the CLRP. All submissions for the 2003 CLRP included a description of how the project or program contributes to specific Vision goals and objectives.

9. A conformity lapse will occur on January 21, 2004 if federal approval of the new 2003 CLRP and FY 2004-2009 TIP is not received by that date, but federal approval of an interim CLRP and TIP would enable federal funding to continue for specific eligible projects.
10. On September 17, 2003, the TPB approved the development of interim 2003 CLRP and FY 2004-2009 TIP information to be released for public comment on October 15 and adopted November 19 if the adoption of the 2003 CLRP and FY 2004-2009 TIP has to be postponed.
11. On September 23, 2003, a special meeting of the TPB Technical Committee and Federal Highway and Transit Administration staff was held to review the types of projects that can be included in an interim CLRP and TIP based upon EPA, FHWA, and FTA guidance; and TPB staff prepared draft lists of projects from the draft 2003 CLRP and FY 2004-2009 TIP that appeared not to meet the criteria for inclusion in an interim CLRP and TIP, and the implementing agencies reviewed these draft lists and provided TPB staff with specific comments regarding the status of each project for inclusion in the interim CLRP and TIP.
12. All of the projects or phases of projects identified for inclusion in the interim 2003 CLRP are either exempt from the air quality conformity requirement under the EPA conformity rule or are non-exempt projects that have received appropriate FHWA or FTA funding approvals, or are non-exempt regionally-significant non-federal projects that have received appropriate funding commitments.
13. During the development of the Interim 2003 CLRP, the TPB public involvement process was followed, and at the October 15, 2003 TPB meeting, draft project information to develop an interim 2003 CLRP and FY 2004-2009 TIP was released for a 30-day public comment period which closed on November 14; and the public comments received and staff responses to them were reviewed and approved by the TPB on November 19, 2003, and the final version of the interim TIP includes summaries of the comments and the responses.
14. The Interim 2003 CLRP was developed according to the requirements in the Metropolitan Planning Rules and was adopted by the TPB on November 19, 2003.
15. The interim FY 2004-2009 TIP, which includes transit, highway, bikeway and

pedestrian, and ridesharing improvement projects, and transit and ridesharing operating support, was developed according to the requirements in the final planning regulations. This TIP was adopted by the TPB on November 19, 2003.

16. The TPB's planning area is designated as a Transportation Management Area (TMA) and is classified as a non-attainment area for ozone. Thus the Washington metropolitan area is subject to Congestion Management System (CMS) law and regulations, as enumerated in the December 19, 1996 *Federal Register*. Under these regulations, metropolitan areas that are TMAs must have an operational CMS by October 1, 1997. The Washington metropolitan area complied with this requirement by having an operational CMS as of October 1, 1997.

In the Washington Region, the planning process satisfies CMS requirements through study and consideration of congestion management alternatives to increases in single-occupant vehicle capacity. The planning process has identified a number of corridors or locations throughout the region having congestion or requiring study of other transportation issues. The region is pursuing the study and consideration for implementation of reasonable congestion management strategies in each location, either through a major investment study (MIS), project planning study, or regional strategy assessment. For corridors or locations in which a study has forecast a significant increase in single occupant vehicle travel, the implementing agencies of the region assessed or will assess reasonably available travel demand reduction and operational management strategies.

A CMS documentation process is included in the TPB's process for soliciting projects from implementing agencies for the CLRP and TIP. Starting with the FY99-04 TIP and 1997 CLRP update, the region's transportation implementing agencies submit documentation of CMS strategies considered in conjunction with significant federally-funded CLRP or TIP projects. This documentation, for a given project or location, includes information on: the CMS strategies that the corridor or location is already benefitting from; additional CMS strategies considered for the corridor or location; CMS strategies to be implemented in conjunction with the project; and a statement as to whether CMS strategies could preclude the need for the project. The completed CMS documentation forms are included with the relevant project line items in Supplements A, B, and C of the CLRP.

In addition to the CMS documentation forms for individual projects, the CMS in the Washington metropolitan area includes monitoring, forecasting, evaluation, and implementation components. Congestion on the transportation system of the region is monitored through the travel monitoring activities in the region's Unified Planning Work Program, as well as through activities of the operating agencies. The potential impacts of proposed transportation facilities and strategies are assessed through TPB's regional travel modeling process as well as through analyses conducted by member

agencies in project planning studies. Evaluation and implementation of a full range of CMS strategies have been undertaken by TPB and its members.

The region has benefitted from many existing congestion management strategies, including but not limited to the regional Commuter Connections ridesharing and alternative commuting program, extensive transit systems, Intelligent Transportation System (ITS) technologies and incident management for operational improvements, and high-occupancy vehicle (HOV) facilities. Thus future roadway capacity increases will occur within the context of a strong regional commitment to alternatives to single-occupant automobile travel.

TPB and member agencies will continue to study and develop such CMS strategies. Results of these studies help inform the region's decision makers and implementing agencies, and are considered for incorporation into the region's long-range transportation plan. The CMS is an element of the region's long-range transportation plan; therefore, for a transportation project or proposal, consistency with the region's long-range transportation plan shall indicate consistency with the region's CMS.

The implementing agencies in the region follow a robust environmental impact review/environmental impact statement process as established in the National Environmental Policy Act (NEPA). The CMS process is coordinated with the air quality planning process, including the process of assessing and implementing transportation emissions reduction measures (TERMs) for air quality purposes.

17. COG/TPB is an equal employment opportunity (EEO) employer and has an incentive program to ensure the participation of Disadvantaged and Women Business Enterprises (DBE and WBE), including procedures to provide for subcontracting to women and disadvantaged only proposals for contracting work.

Based upon this activity, the planning process is consistent with Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each state under 23 U.S.C 794. Those policies and procedures also conform to the Surface Transportation and Uniform Relocation Assistance Act of 1987, regarding the involvement of minority enterprises in FHWA and FTA funded projects.

18. On September 6, 1991, the U.S. Department of Transportation issued regulations (49 CFR, Parts 27, 37 and 38) on transportation for persons with disabilities to conform to the Americans With Disabilities Act (ADA) of 1990. On July 15, 1992, the TPB certified that the WMATA ADA Paratransit Plan for the WMATA Region and the Frederick County ADA Paratransit Plan are in conformance with the Constrained Long Range Plan and these plans were submitted to FTA in July 1992.

By January 1997 both the WMATA and Frederick County paratransit services were

operating as planned in conformance with the regulations.

19. In December 1998, the U.S. Department of Transportation/Federal Highway Administration (FHWA) released DOT Order 6640.23 to comply with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. Additional guidance was provided by FHWA and the Federal Transit Administration (FTA) in a memorandum dated October 7, 1999 titled "Implementing Title VI Requirements in Metropolitan and Statewide Planning". The FHWA and FTA issued proposed regulations on environmental justice regulations for metropolitan planning organizations on May 25, 2000 but these regulations are not yet finalized. The TPB has complied with the USDOT's longstanding guidance to ensure nondiscrimination in programs, procedures, operations, and decisionmaking to assure that social, economic, and environmental impacts to communities and individuals are considered in the planning process.

Actions have been taken to ensure that the planning process includes participation by low-income, minority, disabled and elderly communities. First, the TPB in January 2000 appointed members to the new Citizens Advisory Committee including appropriate representation from low-income, minority, and disabled groups as specified in the TPB Public Involvement Process as amended on October 20, 1999. The TPB CAC holds monthly meetings open to the public and six of the twelve meetings are held in different communities in the region. Second, the TPB held a workshop "Ensuring Access for All" on June 22, 2000 that was designed for community leaders representing low-income, minority, and disabled groups to provide input on how to better involve these groups in the regional transportation planning process. The outcome of the workshop was a proposal for an advisory committee to the TPB, which would conduct additional outreach and develop a report recommending priority projects, programs and actions for low-income, minority, and disabled communities.

On October 2, 2000, the TPB received a Title VI and Environmental Justice Challenge Grant from FTA to assist in the implementation of the advisory committee. The TPB Access for All Advisory (AFA) Committee was established by the TPB on November 15, 2000. It was chaired by the TPB second vice chairman, who was an elected official. The membership for the committee was approved by the TPB on May 16, 2001. Eighteen non-profit and community agency representatives were appointed, along with ex-officio representatives from the major transportation agencies in the region. The committee's first meeting was on July 12, 2001. AFA met several times and discussed a number of issues that were of vital importance to the communities represented by its members. The committee's first annual report was presented to the TPB at its March 20, 2002 meeting. On June 18, 2003, the AFA committee's report: *Improving Transit Information for Limited English Speakers* was approved by the TPB for transmittal to all transit agencies in the region.

On October 2, 2003, the AFA committee was briefed on the major studies and projects proposed for the 2003 CLRP as depicted on maps with 2000 Census demographic information on low-income and minority populations. The AFA committee made several observations about the proposed studies and projects in the CLRP and concluded that more transit improvements should be planned for in the inner parts of the region. It also expressed serious concerns about near-term transit issues not highlighted in the CLRP, including proposed reductions in current bus services and limits on funding and reductions to regional paratransit services for people with disabilities. At the October 15, 2003 TPB meeting, the new AFA chair, Mayor Porter, presented the committee's comments on the draft 2003 CLRP to the Board.

20. When making grants, FTA will assess the financial capacity of applicants to operate and maintain their transit systems. FTA Circular 7008.1A, published January 30, 2002, describes how financial reviews will be conducted. For Section 5309 grants, FTA will assess financial capacity both at the stage when TIPs are approved and when selecting projects for Section 5309 funds. For Section 5307 grants, FTA will assess financial capacity at the TIP approval stage and grantees will be required to make their own self-certifications at the grant application stage.

As required by the final planning regulations, the TIP is financially realistic by year from FY 2004 through FY 2009. The Washington Metropolitan Area Transit Authority, the state transportation agencies, the transportation commissions, and the cities and counties in the region have identified available revenues for the transit improvements programmed in the TIP. Since the identified revenues were expected to cover the costs associated with these projects, the region was found to have the financial capacity to operate and maintain an expanded transit system in accordance with FTA financial capacity requirements.