

DRAFT

**Tri-Cities Area
Metropolitan Planning Organization**

**Transportation Planning
Triennial Certification Review
Summary Report**

**Review Conducted by:
Federal Highway Administration
Federal Transit Administration**

November 2005

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Foreword

Pursuant to 23 United States Code (USC) 134(i) (5) and 49 USC 1607, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly certify the metropolitan transportation planning in Transportation Management Areas (TMA) not less often than once every three years. As written in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005, the Federal Certification process will now occur not less often than once every four years.

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

The Certification review process is only one of several methods used to assess the quality of a local metropolitan planning process, compliance with applicable statutes and regulations, and the technical assistance Federal agencies can provide to enhance the effectiveness of the planning process. Other Federal oversight activities provide additional opportunities to review the planning process. Unified Planning Work Program approval, long-range plan development, Metropolitan and Statewide Transportation Improvement Program findings, air quality conformity determinations (in non-attainment and maintenance areas), as well as a range of other formal and less formal contacts, provide FHWA and FTA an opportunity to comment on the planning process. The results of these other processes are considered in the Certification review process.

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

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

Executive Summary

Purpose

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

Organization of Report

This Certification report is organized into the following sections:

Executive Summary

An overview of the Certification actions.

Review Elements

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

Appendices

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

Federal Actions by Topic

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

Agreements

All required agreements have been provided.

There are no commendations, recommendations or corrective actions for this review element.

Self-Certifications

For findings related to this review element see recommendations 5 and 6 under Title VI and Americans with Disabilities section.

Long Range Plan and Transportation Improvement Program

Commendation 1: The MPO is commended on its efforts in the development of the regional rating process for project prioritization for the CMAQ program. The federal team encourages the MPO to continue in this vein and further develop this process in light of the new state law limiting the time allowed to spend CMAQ funding.

Recommendation 1: The State has increasingly used federal funds to address operations and maintenance for the region. The federal team recommends that the MPO consider the incorporation of these facets of the transportation system in the development of the next CLRP.

Corrective Action 1: The MPO and PAT should complete the update to the transit development plan and include a 20 year financial plan. This should be completed by March 2007.

Unified Planning Work Program

Recommendation 2: It is recommended that MPO review future planning priorities in light of federal Planning Emphasis Areas. It is suggested that the MPO strengthen the incorporation of safety and security related activities into its program in the future.

Air Quality Planning

All requirements have been met.

There are no commendations, recommendations or corrective actions for this review element.

Transit and Multimodal Planning

Commendation 2: The federal team commends the MPO and local governments for their active bicycle and pedestrian planning at a regional level and using existing funding sources to implement the plan when possible.

Recommendation 3: The federal team recommends that the regional transit development plan update be finalized and the results of this update be included and considered in the development of the Regional Long Range Plan and the Transportation Improvement Program.

For other findings related to this review element see Corrective Action 1 under CLRP and TIP.

Congestion Management System

Commendation 3: The federal team commends the MPO on the work that it has done in the development of the CMS as well as the CMS process documentation.

Intelligent Transportation Systems

Commendation 4: The federal team commends the MPO for its efforts in partnering with the Richmond Area MPO to work toward the completion of the regional ITS architecture. This is a critical first step in developing a regional ITS program.

Freight and Goods Movement

Recommendation 4: While the federal team acknowledges early efforts to bring freight considerations into some aspects of the metropolitan area planning process, we encourage expansion of these efforts, such as the inclusion of data regarding the growth of truck counts in region inclusive of percentages distributed to major routes.

Title VI and Americans with Disabilities Act

Recommendation 5: The federal team recommends that the Tri-Cities MPO continues to hold its meetings at ADA accessible sites until such time as the CPDC building can be retrofitted to meet ADA requirements.

Recommendation 6: The federal team recommends that the Tri-Cities MPO regard the Annual Self-Certification in a more serious light and ensure that the MPO planning process is being carried out in a manner that meets all requirements therein.

Public Involvement

Recommendation 7: The federal team recommends that the Tri-Cities MPO update its website on a regular basis to include most recent documents and information on upcoming meetings and past meeting records.

Recommendation 8: While the staff is commended on its individual outreach efforts to local citizens and groups, the federal team recommends that a list of these activities be kept and recorded as documentation of the public involvement practices in the region.

Corrective Action 2: The Tri-Cities MPO shall update the existing public involvement procedures to include a step for periodic evaluation of the effectiveness of the process and strategies for improvements, if warranted. This should be accomplished by December 2006.

Certification Statement

The FHWA and the FTA have determined that the transportation planning process of the MPO of the Tri-Cities TMA meets the requirements of the Metropolitan Planning Rule at 23 CFR Part 450 Subpart C and 49 CFR Part 613 with the exception of specific requirements related to the planning horizon for the transit portion of the CLRP and the periodic evaluation of the effectiveness of public involvement procedures. The FHWA and the FTA, therefore, conditionally certify the transportation planning process with the understanding that the corrective actions noted in this summary report will be accomplished within the specified time frame.

Introduction

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

To conduct the review of the planning process within the Tri-Cities, a team consisting of staff from the FHWA Virginia Division, the FHWA Resource Center, and the FTA Region III Offices was formed to conduct the Certification Review of the Tri-Cities area planning process (federal team members and participants in the review are listed in [Appendix A](#)). The federal team interviewed and held discussions with:

- Staff from the Crater Planning District Commission (CPDC) which serves the Tri-Cities Area Metropolitan Planning Organization, the federally-designated metropolitan planning organization for the Tri-Cities TMA;
- Staff from the Petersburg Area Transit (PAT), which is the local transit agency;
- Staff from the Virginia Department of Transportation (VDOT); and
- Staff from the localities represented on the Tri-Cities Transportation Technical Committee.

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

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

Tri-Cities Area Overview

The Tri-Cities MPO Planning area is located in southeastern portion of Virginia and falls within the I-85, I-95 and I-295 travel corridors. Interstate 95 is the principle highway in the region. It bisects the CPDC, connecting it with Richmond to the north and with North Carolina to the south. Interstate 295, which begins north of Richmond and continues through Hopewell to Petersburg, provides an alternative to I-95. Interstate 85 originates in Petersburg and slants southwest through Dinwiddie County into North Carolina. U.S. 460 connects the Petersburg area with Norfolk and the ports of Hampton Roads. Petersburg is a rail center where several lines converge from the southeast, south and southwest before proceeding north to Richmond. According to the 2000 Census, CPDC has a total population of just over 427,000.

The Tri-Cities MPO is part of the Richmond Urbanized area. The MPO Planning Area consists of the Cities of Hopewell, Petersburg, and Colonial Heights as well as the Counties of Prince George, Dinwiddie, and Chesterfield.

Membership in the Tri-Cities MPO is as follows:

Voting Members:

Chesterfield County	Renny Bush Humphrey
City of Colonial Heights	John Wood
Dinwiddie County	Bobby Bowman
City of Hopewell	(Vacant)
City of Petersburg	Annie Mickens
Prince George County	Floyd Brown
Crater PDC	Dennis K. Morris
Petersburg Area Transit	Ron Reekes
Virginia Department of Trans.	Thomas Hawthorn

Non-Voting Members:

Federal Highway Admin.	Unwanna B. Dabney
Federal Transit Admin.	Patricia Kampf
Crater PDC	Joe Vinsh

Review Elements

This review was conducted to ensure that the metropolitan planning process for the Tri-Cities metropolitan area met federal requirements during the three years preceding the review. Therefore, the regulatory basis and requirements listed in this report predate the requirements listed in SAFETEA-LU.

Agreements

Regulatory Basis/Requirements

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

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

Findings

The Tri-Cities MPO has agreements with VDOT, the Richmond Area MPO, and Petersburg Area Transit (PAT) for the coordination of transportation planning activities in the area. At the time of the review no agreement existed between the State DOT, the State air quality agency, affected local agencies, and the MPO that provides for cooperative planning in the area outside the metropolitan planning area but within the non-attainment or maintenance area. At the time of the review the MPO was in the process of developing this agreement through the Interagency Consultation Group Procedures. In June 2006 a five party MOU for the Regional Transportation and Air Quality Planning and Coordination was executed by the Tri-Cities and Richmond MPOs, Metropolitan Richmond Air Quality Committee (MRAQC), Virginia Department of Environmental Quality (VDEQ), and VDOT.

Self-Certifications

Regulatory Basis/Requirements

23 CFR 450.334 (a) states that MPOs must annually certify that the planning process is conducted in accordance with all applicable requirements of 23 USC 134 and 49 USC 5303-5306, Section 174 and 176 (c) and (d) of the Clean Air Act (if applicable), Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each state, Section 1003 (b) of Intermodal Surface

Transportation Efficiency Act (ISTEA) regarding involvement of disadvantaged business enterprises in FHWA/FTA funded planning projects, Americans with Disabilities Act and U.S. DOT regulations governing transportation for people with disabilities (49 CFR 27, 37, and 38), Older Americans Act, “Anti-lobbying” provisions found in 49 CFR 20, and all other applicable provisions of Federal law.

Findings

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

For other findings related to this review element see recommendations 5 and 6 under Title VI and Americans with Disabilities section.

Long Range Plan and Transportation Improvement Program

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

Regulatory Basis/Requirements

Transportation Plan Requirements

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

Other required elements that must be addressed include:

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

TIP Requirements

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

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

In addition:

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

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

Findings

The Tri-Cities MPO adopted the 2026 Long Range Plan on March 17, 2004. The Tri-Cities Area 2005-2007 TIP was approved in July 2004. On May 20, 2005 FHWA and FTA issued a finding that the transportation conformity analysis of the FY 2005-2007 TIP and FY 2026 CLRP for the Richmond 8-hour Ozone Non-attainment Area demonstrated conformity as prescribed by the EPA's Conformity Rule and subsequent amendments and guidance. The CLRP includes projects the region estimates it can afford to build and operate based on updated projections that reflect the 2000 Census and an evaluated financial analysis.

In addition to the federal requirements, criteria for developing the CLRP consider the goals and objectives for the Tri-Cities Area. Primary goals of the region include the development of a regional transportation plan which offers alternative travel modes for the safe and efficient movement of people and goods at a reasonable cost; to assure that transportation improvements are compatible with local comprehensive plans, regional economic development activities, and federal environmental regulations; and to improve the urban transportation planning process by encouraging citizen input and intergovernmental cooperation.

The starting point for the CLRP and the TIP was projects in the previous TIP for which funds were already committed. The highway element of the CLRP includes projects from earlier plans with state and local funding commitments. Additional projects proposed by implementing agencies and local governments were then reviewed at the MPO level to include the Plan. The review process focused on how each project aligns with federal regulations and the availability of projected revenues to implement each project.

Public transportation in the area is provided by Petersburg Area Transit (PAT) within the City of Petersburg, the Ettrick portion of Chesterfield County and along the Route 36 corridor in Prince George County and the City of Hopewell. The federal team found that while the highway element of the CLRP meets the federal requirements of a twenty-year planning horizon, the financial horizon for the transit plan only extends five years. The MPO will need to work with PAT to establish a 20 year operation plan for transit in the region.

In addition to the highway and transit elements, the CLRP contains a bicycle and pedestrian element as well as an intermodal element which focuses on the air transportation, freight rail service, passenger rail service, trucking and ports.

The federal team found that the MPO has established effective processes for prioritizing RSTP and CMAQ projects. Each process has a set of rating criteria to help guide regional decisions regarding funding. For the CMAQ program, criteria include availability of complete funding, reduction in emissions, local support, CMAQ eligibility and citizen input.

All CLRP and TIP activities are conducted in accordance with adopted Public Involvement Procedures.

Commendation 1: The MPO is commended on its efforts in the development of the regional rating process for project prioritization for the CMAQ program. The federal team encourages the MPO to continue in this vein and further develop this process in light of the new state law limiting the time allowed to spend CMAQ funding.

Recommendation 1: The State has increasingly used federal funds to address operations and maintenance for the region. The federal team recommends that the MPO consider the incorporation of these facets of the transportation system in the development of the next CLRP.

Corrective Action 1: The MPO and PAT should complete the update to the transit development plan and include a 20 year financial plan. This should be completed by March 2007.

Unified Planning Work Program

Regulatory Basis/Requirements

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

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

Elements to be included in the UPWP are:

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

Findings

The Tri-Cities UPWP contains a thorough description of all metropolitan area transportation planning and transportation-related air quality planning activities anticipated within the necessary time period. It was noted that planning goals and activities have not changed significantly in the past few years with the exception to the addition of a freight planning objective. The MPO staff focuses on completing federally required tasks and coordinating activities with the Richmond Area MPO. While the Federal Team recognizes that staff is operating under limited resources, it is suggested that the MPO review priorities in light of federal Planning Emphasis Areas to ensure that areas germane to changes in federal requirements are not overlooked. It is suggested that the MPO place more emphasis on incorporating safety and security related activities into its program in the future.

Recommendation 2: It is recommended that MPO review future planning priorities in light of federal Planning Emphasis Areas. It is suggested that the MPO strengthen the incorporation of safety and security related activities into its program in the future.

Air Quality Planning

Regulatory Basis/Requirements

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

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

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

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

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

Findings

The Tri-Cities Area MPO was designated a non-attainment area for EPA’s 8-hour standard. On May 20, 2005 FHWA and FTA issued a finding that the transportation conformity analysis of the FY 2005-2007 TIP and FY 2026 CLRP for the Richmond 8-hour Ozone Non-attainment Area demonstrated conformity as prescribed by the EPA’s Conformity Rule and subsequent amendments and guidance. The planning assumptions used for conformity are developed using primarily socio-economic data and project completion dates for regionally significant projects. Some of the socio-economic data is developed at the local level through the individual comprehensive planning processes and CPDC has cooperative agreements with the localities to provide some of this data. Other data like occupancy data and building permit data is also collected from the localities.

Vehicle mix data is obtained from Division of Motor Vehicles. Employment data is purchased from the Virginia Employment Commission. Staff also used Census data. Finally, the MPO staff works closely with the Fort Lee housing office to ensure that they have up to date information from them regarding socio-economic data.

After the conformity analysis report is completed by VDOT, the MPO endorses the report and makes it available to the public through the local libraries. An advertisement is placed in the local newspapers notifying the public of its availability. Sometimes, the conformity analysis report is posted on the Crater PDC website if it is received with sufficient time prior to the public involvement period to be posted. There has been limited public involvement in the conformity process. At the national level, participation in the conformity process is primarily by special interest groups.

The Tri-Cities MPO is part of the Interagency Consultation Group (ICG) that has been established to address conformity in the Richmond Area Nonattainment Area. In addition to the Tri-Cities MPO, the ICG is composed of the Richmond Area MPO, the Crater PDC, the Richmond Regional PDC, FHWA, FTA, EPA, VDOT and VDEQ. Collectively, the group is responsible for the transportation conformity process in the entire Richmond Area Nonattainment Area. The ICG meets annually to kick off the conformity process (assuming that conformity is revisited annually) and at other times as needed.

Because the area has experienced several years of clean air, VDEQ will be seeking redesignation of the area to attainment/maintenance.

For other findings related to this review element see comments under the Agreements section.

Transit and Multimodal Planning

Regulatory Basis/Requirements

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

Findings

The region has made strides in the continued development of the regional transit system and it is recognized that by their very nature transit needs and issues bubble up from the local governmental level. The federal team found that in most cases transit projects are brought to the MPO technical committee by request of partnering local governments. Presently PAT has 11 routes that operate from 6 AM to 6 PM on weekdays and until 8 PM on Saturdays. There is no Sunday service. There are two studies ongoing in the region for transit. The Transit Development Plan is a State funded project that was due to be completed in the spring of 2006. This Plan will address continued operations in the face of funding reductions occurring at the federal level. The other transit study

deals with the potential for the Greater Richmond Transit Company (GRTC) to take over transit service in the Petersburg area. Interim steps in this effort include a city contract to GRTC for job access service provision. The city will formulate a plan to go forward. At present the 95 Express Service is contracted to GRTC and has been very successful.

There are no private transit operators in the region other than Greyhound. The PAT transit center project will provide bus parking and ticketing for Greyhound. Design for this project is being coordinated with Greyhound. Over all there is a need to continue to provide regional leadership for transit in the area. The federal team believes that it is necessary that the transit development plan for the region be updated and the results of this update be included and considered in the development of the CLRP and the TIP.

The MPO is commended on its efforts to incorporate the needs of bicyclists and pedestrians in the planning project development processes. The local governments have made efforts to plan for bicyclists and pedestrians and have implemented these plans through the use of Urban, CMAQ, and Transportation Enhancement funds. While bicycle and pedestrian improvements are included in the long range plan, these recommendations are not financially constrained. The federal team encourages the MPO to give more consideration to the implementation of a comprehensive bicycle and pedestrian plan based on supporting data as well as regional and local goals.

Commendation 2: The federal team commends the MPO and local governments for their active bicycle and pedestrian planning at a regional level and using existing funding sources to implement the plan when possible.

Recommendation 3: The federal team recommends that the elements of the regional transit development plan update be included and considered in the development of the Regional Long Range Plan and the Transportation Improvement Program.

For other findings related to this section see Corrective Action 2 under CLRP and TIP.

Congestion Management System

Regulatory Basis/Requirements

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

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

1. "Methods to monitor and evaluate the performance of the multimodal transportation system, identify the causes of congestion, identify and evaluate alternative actions, provide information supporting the implementation of actions, and evaluate the efficiency and effectiveness of implemented actions;

2. “Definition of parameters for measuring the extent of congestion and for supporting the evaluation of the effectiveness of congestion reduction and mobility enhancement strategies for the movement of people and goods...performance measures and service thresholds should be tailored to the specific needs of the area and established cooperatively by the State, affected MPO(s), and local officials in consultation with the operators of major modes of transportation in the coverage area;
3. “...a program for data collection and system performance monitoring to define the extent and duration of congestion, to help determine the causes of congestion, and to evaluate the efficiency and effectiveness of implemented actions. To the extent possible, existing data sources should be used, as well as appropriate application of the real-time system performance monitoring capabilities available through Intelligent Transportation Systems (ITS) technologies;
4. “Identification and evaluation of the anticipated performance and expected benefits of appropriate traditional and nontraditional congestion management ...The following categories of strategies, or combinations of strategies, should be appropriately considered for each area: Transportation demand management measures, including growth management and congestion pricing; traffic operational improvements; public transportation improvements; ITS technologies; and, where necessary, additional system capacity;
5. “...an implementation schedule, implementation responsibilities, and possible funding sources for each strategy (or combination of strategies) proposed for implementation; and
6. “...a process for periodic assessment of the efficiency and effectiveness of implemented strategies, in terms of the area's established performance measures...”

Findings

A CMS can function as a part of a regional planning process rather than a parallel process. The Tri-Cities MPO has chosen to integrate the CMS as an enhancement of the existing transportation planning process. The April 2003 update of the CMS Operation Plan uses the same roadway segment numbering that is used for air quality monitoring modeling efforts in the Richmond Ozone Maintenance Area. The plan identifies 13 locations as potentially congested and 34 segments as potentially congested in the year 2025. Various strategies are under consideration for reducing congestion at these locations. It was noted that the CMS report is found to be useful by MPO Policy Committee members and VDOT has been a vested stakeholder in the CMS process. Additionally, Fort Lee has been a significant stakeholder in the CMS process.

A list of CMS strategies has been developed and reviewed. It has been a developing trend that CMAQ funds tend to gravitate toward CMS identified locations. The process will continue to be an area of focus in future CLRP updates.

Commendation 3: The federal team commends the MPO on the work that it has done in the development of the CMS as well as the CMS process documentation.

Intelligent Transportation Systems

Regulatory Basis/Requirements

The FHWA Final Rule and FTA Policy on ITS Architecture and Standards were issued on January 8, 2001, to implement section 5206(e) of the Transportation Equity Act for the 21st Century (TEA-

21). This Final Rule/Policy requires that all ITS projects funded by the Highway Trust Fund and the Mass Transit Account conform to the National ITS Architecture, as well as to U.S. DOT adopted ITS Standards. The Final Rule on ITS Architecture and Standards is published in 23 CFR Part 940, which states that:

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

Findings

The development of an Intelligent Transportation System (ITS) for the Richmond and Tri-Cities MPO areas began in 1996 with a federally sponsored study that investigated the use of enhanced traffic management technologies. The study recommended the development of a regional 24-hour operations center to manage freeway traffic. The VDOT Smart Traffic Center began operations in March 2000. It is expected that in the future a combination of variable message signs and video cameras will be used to aid in congestion reduction on interstate highways in the Tri-Cities area.

Richmond Regional Intelligent Transportation System (ITS) Architecture and Deployment was accepted in July 2004. The work for this project was conducted by a consultant under contract to VDOT. This work was overseen by the Regional ITS Architecture Study Steering Committee which was a joint Richmond Area MPO/Tri-Cities Area MPO special purpose committee to address the federal ITS requirements. One of the most promising efforts to date that serves as an example of a good coordination between Richmond and Tri-Cities is the work done toward the development of a regional ITS architecture.

Commendation 4: The federal team commends the MPO for its efforts in partnering with the Richmond Area MPO to work toward the completion of the regional ITS architecture. This is a critical first step in developing a regional ITS program.

Freight and Goods Movement

Regulatory Basis/Requirements

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

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

Findings

The Tri Cities MPO coordinates with the Richmond MPO in the area of freight and goods movement. The MPO participates in the Richmond Intermodal Management System. Freight rail service in the region is provided by Norfolk Southern and CSX Transportation railroads. The rail lines the Tri-Cities area are classified as carrying 300 or more million gross ton-miles per mile of line per year. This is the highest freight traffic density classification in Virginia. Because of the availability of rail and ports access to the region, many large trucking distribution centers are located in the Tri-Cities region. The distribution centers and trucks account for a significant portion of the region's traffic. Additionally, Norfolk Southern has been pursuing the establishment of a freight transfer facility in Prince George County.

While the current CLRP addresses freight and goods movement, a comprehensive planning approach to this area is lacking in the region. The movement of goods has implications on other planning topics that should also be considered:

- Air Quality – truck emissions and air quality issues;
- TIP and CLRP Project Selection and Prioritization – adding a freight component to these processes can help identify projects that benefit freight movement; and
- Land Use – the anticipated growth from the development of the Norfolk Southern freight transfer facility in Prince George County

It is anticipated that the update to CLRP improve the planning in the area of freight and goods movement by documenting citizen input as well as input from Norfolk Southern, CSX, and airport and port facility stakeholders.

Recommendation 4: While the federal team acknowledges early efforts to bring freight considerations into some aspects of the metropolitan area planning process, we encourage expansion of these efforts, such as the inclusion of data regarding the growth of truck counts in region inclusive of percentages distributed to major routes.

Title VI and Americans with Disabilities Act

Regulatory Basis/Requirements

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

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

Findings

The Tri-Cities MPO annually self certifies the transportation planning process including in its documentation that it meets the requirements of Title VI and the Americans with Disabilities Act (ADA). However, the federal team found that there is no verification in place to ensure that the requirements included in the Self-Certification are actually being met. A glaring issue exists with the fact that the building in which the MPO staff is housed is not ADA accessible. Until recently, MPO meetings have been held at this site as well. The federal team recognizes that thus far it has been cost prohibitive to retrofit the CPDC building to meet ADA standards. This does not, however, preclude the MPO from holding meetings at sites that do meet these standards. Since the certification review was conducted the federal team is pleased to find that the MPO has held meetings in alternate locations to address this need. In the future it is recommended that the MPO continue to alter the location of its meetings to ensure that ADA standards are met. Additionally, serious consideration should be given to the requirements addressed in the Annual Self-Certification to ensure that the MPO planning process is being carried out in a manner that meets all requirements therein.

Regarding Title VI, the Tri-Cities MPO has developed a demographic profile of the region. The profile is broken down by auto ownership, race, and population. However, the regional profile is not used as an outreach mechanism and exists for Environmental Justice (EJ) purposes. Targeted outreach is considered an EJ initiative. The MPO is encouraged to use its demographic profile as a tool for more effective marketing and outreach.

Recommendation 5: The federal team recommends that the Tri-Cities MPO continues to hold its meetings at ADA accessible sites until such time as the CPDC building can be retrofitted to meet ADA requirements.

Recommendation 6: The federal team recommends that the Tri-Cities MPO regard the Annual Self-Certification in a more serious light and ensure that the MPO planning process is being carried out in a manner that meets all requirements therein.

Public Involvement

Regulatory Basis/Requirements

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

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

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

Findings

As in several areas around the country, it has been noted that in many cases the public is generally not responsive to the transportation planning process. The public is invited to present statements to the Tri-Cities MPO at the beginning of Policy Board and technical committee meetings. Questions from or a discussion with the respective committees may ensue from any comments provided. Seldom are citizens or other representatives of groups present to offer comments. As required by federal regulations, the Tri-Cities MPO has developed a formal policy on public involvement. However, the adopted public involvement procedures for the CLRP and other aspects of the transportation planning process do not include a mechanism to measure the effectiveness of public involvement program. The MPO is encouraged to consider additional ways to engage the public in the plan development process. The federal team requires that the existing public involvement

procedures be updated to include a step for periodic evaluation of the effectiveness of the process and strategies for improvement, if warranted.

The Crater Planning District Commission website is one of several mechanisms used for outreach and as a public information source. It is apparent that significant progress has been made to improve the website's overall image and functionality. However, prior to the certification review members of the federal team reviewed the website and noticed that it was not kept up to date. It was confirmed during the site visit that changes and updates to the website have not been timely. It is recommended that the website be updated on a regular basis to include the latest documents as well as meeting announcements and records.

It was noted during the site visit that there are citizens that visit the PDC office to inquire about specific items related to transportation in the region. Also, Tri-Cities MPO staff noted that visits and presentation are made by staff to local civic groups. While this one on one and group contact is commendable, to date this interaction has not been documented. It is recommended that these activities be documented as a part of the public involvement activities for the region.

Recommendation 7: The federal team recommends that the Tri-Cities MPO update its website on a regular basis to include most recent documents and information on upcoming meetings and past meeting records.

Recommendation 8: While the staff is commended on its individual outreach efforts to local citizens and groups, the federal team recommends that a list of these activities be kept and recorded as documentation of the public involvement practices in the region.

Corrective Action 2: The Tri-Cities MPO shall update the existing public involvement procedures to include a step for periodic evaluation of the effectiveness of the process and strategies for improvements, if warranted. This should be accomplished by December 2006.

Appendix A: Certification Review Federal Participants

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Appendix B: Agenda

**Tri-Cities Federal Certification Review of the
Metropolitan Planning Process
November 3 & 4, 2005
Southside Regional Medical Center
3335 South Crater Road
Petersburg, Virginia 23805**

AGENDA

Thursday, November 3rd

5:00 – 7:00 p.m. Public Meeting

The federal review team along with appropriate regional and local representatives will meet with the public to discuss and provide information on the transportation planning process.

Friday, November 4th

9:00 a.m. *Transportation Technical Committee Meeting Prior to Certification Review*

10:00 a.m. Introductions
Discussion of the FHWA/FTA Certification Process

10:10 a.m. Overview of the Transportation Planning Process
Long Range Transportation Plan
Transportation Improvement Program
Unified Planning Work Program

11:15 a.m. Break

11:25 a.m. Transit System Planning
Multimodal and Bicycle and Pedestrian Planning

12:00 p.m. Congestion Management System, Intelligent Transportation System, and Operations

12:30 p.m. Lunch

2:00 p.m. Public Involvement Process, Title VI, ADA and Environmental Justice

2:45 p.m. Environmental and Air Quality Planning

3:15 p.m. Intermodal and Freight Planning Issues

3:45 p.m. Concluding Remarks

4:00 p.m. Adjourn

Appendix C: List of Acronyms

ADA	Americans with Disabilities Act
CAAA	Clean Air Act Amendment
CFR	Code of Federal Regulations
CLRP	Constrained Long Range Plan
CMS	Congestion Management System
DOT	Department of Transportation
EJ	Environmental Justice
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GRTC	Greater Richmond Transit Company
ISTEA	Intermodal Surface Transportation Efficiency Act
ITS	Intelligent Transportation Systems
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MRAQC	Metropolitan Richmond Air Quality Committee
PAT	Petersburg Area Transit
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SIP	State Implementation Plan
TCMs	Transportation Control Measures
TEA-21	Transportation Equity Act for the 21 st Century
TIP	Transportation Improvement Program
TMA	Transportation Management Area
UPWP	Unified Planning Work Program
USC	United States Code
USDOT	United States Department of Transportation
VDOT	Virginia Department of Transportation
VDEQ	Virginia Department of Environmental Quality
VMT	Vehicle Miles Traveled

Appendix D: Summary of Federal Team Meeting with the Public

Public Meeting – November 3, 2005

Prior to the site visit with Tri-Cities MPO a public meeting was held on Thursday, November 3, 2005 from 5-7 PM at the Southside Regional Medical Center located at 3335 South Crater Road in Petersburg, Virginia. This meeting was attended primarily by members of the Oak Street AME Zion Church located in Petersburg. Approximately 13 citizens were present. The primary concern of citizens attending this meeting was the construction of the Petersburg Multi-Modal Center, a project listed in the region's TIP. The parking deck associated with the project is located near the church and the citizens present expressed concern about various aspects of the improvement, including the crosswalk and handicap parking and access.

Given that this is a transit project being funded with STP, Section 5307 and Section 5309 funds, the representative from PAT addressed most of the questions and concerns that were presented.

Comments sheets were distributed to attendees but the Virginia Division Office did not receive any comments to include in this record.