



U.S. Department of Transportation  
**Federal Transit Administration**  
**Federal Highway Administration**

# **TMA Certification Process**

## **Field Handbook**

**A Resource for Conducting a Certification Review  
of the Transportation Planning Process  
in Urbanized Areas with a Population  
of More Than 200,000**

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## PREFACE

### Foundations of Federal Metropolitan Transportation Planning Oversight

The Federal requirements for urban transportation planning and Federal oversight of the planning process emerged with the Federal-Aid Highway Act of 1962 in response to the construction of the Interstate Highway System and the planning of routes through and around urban areas. This legislation provided the origin of the so-called 3C planning process: continuing, comprehensive, and cooperative. A new section [§ 23 U.S.C. 134 Transportation planning in certain urban areas] contained the first inkling of a required evaluation of the metropolitan planning process by mandating that the Secretary, when approving the State 105 Program of Projects (now the Section 135 State Transportation Improvement Program [TIP]), “find” that projects in urbanized areas are developed through a 3C process.

By 1965, all 224 existing urbanized areas had an urban transportation planning process underway. To keep pace with changing conditions and to broaden the role of local officials, the Federal-Aid Highway Act of 1973 established a separate category of funds, metropolitan planning (PL funds) to conduct this planning process and required that States make these funds available to Metropolitan Planning Organizations (MPOs) that they had designated to be responsible for carrying out the provisions of 23 U.S.C. 134.

In 1975, the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) issued joint urban transportation planning regulations implementing the Federal-Aid Highway Act of 1973 and the Urban Mass Transportation Act of 1964. These regulations required MPOs, in cooperation with States and transit operators, to produce Long-Range Transportation Plans (LRTPs) and five-year TIPs with annual elements. For the first time, both highway and transit projects had to be included in a single plan and implementation program approved by the State and the MPO. A joint prospectus and multiyear unified planning work program (UPWP) also were required in order to receive Federal planning funds. The regulations specified the delivery of the end products of the planning process, while the details of the process were left to States, MPOs, and transit operators. Self-certification by MPOs that all Federal requirements were being met was required when submitting the TIP. In addition, FHWA and UMTA began reviewing and evaluating the process in each area and jointly certifying compliance with Federal regulations.

The expanded role of MPOs was not universally embraced. Some State and county organizations saw the regulations as imposing a new level of regional government that infringed upon lawful State and local authority. Regulations were proposed in 1981 to simplify the process for urban areas with populations under 200,000 and to formally establish a joint FHWA-UMTA Certification process. After a substantial comment period, however, the Final Rule (issued in 1983) backed away from the formal Certification process, relying instead upon self-certifications that allowed metropolitan areas to determine for themselves, on the basis of their knowledge of local circumstances, whether their planning processes fulfilled the requirements established in the regulations. FHWA’s and UMTA’s role in oversight was essentially limited to accepting, except in extraordinary circumstances, that this self-certification was in satisfactory compliance with statutory requirements.

The economic rebound during the mid-1980s resulted in a new wave of development and increased traffic congestion, together with associated air-quality problems. Calls for a stronger Federal role in fixing the problems resulted in the passage of the Clean Air Act Amendments of 1990 as well as the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). This legislation focused on improving transportation, achieving cleaner air, and reducing energy consumption. ISTEA put MPOs on a more level footing with State Departments of Transportation (DOT) in planning for transportation in urbanized areas, doubling Federal funding for MPOs, and expanding their scope to more clearly address multimodal solutions to congestion problems. In addition, new projects located in nonattainment areas with populations over 200,000 were now required to be based on a Congestion Management System (CMS) [changed to Congestion Management Process (CMP) in 2005 with SAFETEA-LU] if they were expected to result in a significant increase in capacity for single-occupancy vehicles (SOVs). Further requirements included conformity of plans and programs with implementation plans for air quality, expanded public participation, and fiscal constraint of plans and programs. The requirement for having a five-year TIP was changed to a mandate for a three-year TIP (no annual element), with increased flexibility to move projects cooperatively from one year to another.

In keeping with the new Federal role, ISTEA included new provisions to help ensure that the Federal regulations were indeed being implemented by requiring a joint FHWA-Federal Transit Administration (FTA) Certification of the transportation process in each area over 200,000, referred to as Transportation Management Areas (TMAs). This proactive Federal Certification requirement was continued in the Transportation Equity Act for the 21st Century (TEA-21) of 2002 and the Safe, Accountable, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005. SAFETEA-LU expanded on the objectives of ISTEA and TEA-21 to promote consistency between transportation improvements and planned growth and economic development and to address the safety and security of the Nation's transportation systems.

**TMA CERTIFICATION PROCESS  
FIELD HANDBOOK**

## INTRODUCTION

This Field Handbook is intended to serve as a resource for FHWA and FTA staff in conducting a TMA Certification Review. Prepared originally by field staff for use by field staff, it does not set a standard, establish a policy, or promulgate a regulation. Rather, it is a compilation of the collective experiences of FHWA and FTA staff in conducting Certification Reviews since the passage of ISTEA.

The reader can use the table of contents to quickly find information on a specific topic or can scan entire sections in preparation for a review. The document is organized into three main parts, described below.

### **Part 1: Certification Process**

Part 1 provides an overview of the Certification process and includes helpful information related to the preparation, conduct, reporting, and follow-up activities that are part of the process. In addition to outlining the sequential elements of a review, Part 1 discusses approaches for determining the scope (what to include) and whether findings should be Corrective Actions, Recommendations, or Commendations of noteworthy practice. It also covers how oversight of the response to Federal actions should proceed after the Certification Report is complete.

### **Part 2: Certification Topics**

Part 2 provides background information on each topic, including the statutory basis, to help prepare the Certification Review Team for its task. It also includes helpful suggestions on questions and review criteria that could be used by a Certification Review Team as it investigates specific planning topics.

### **Part 3: Additional Topics Relevant to Certification**

Part 3 provides additional information crucial to the metropolitan planning process and relevant to many of the topics considered in Certification Reviews.

The Handbook also contains appendices, which include sample notices, letters, and parts of past Certification documents to provide a resource and a basis for an exchange of ideas and practice.

In as much as this Handbook is based on actual experiences, which are constantly evolving, new material will periodically be introduced to replace sections and expand on the available resources. The reader is encouraged to check <http://www.oversight.volpe.dot.gov/> for the most recent updates.

**PART 1:  
CERTIFICATION PROCESS**

## SECTION 1-1: PROCESS OVERVIEW

*The Secretary shall ensure that the metropolitan planning process of a metropolitan planning organization serving a transportation management area is being carried out in accordance with applicable provisions of Federal law.*  
[23 U.S.C. 134(k)(5)(A)(i) and 49 U.S.C. 5303(k)(5)(A)(i)]

### Section 1-1.1: Introduction

Consistent with the law quoted above, the primary purpose of a Certification Review is to formalize the continuing oversight and day-to-day evaluation of the planning process and document the findings on a periodic basis (at least every four years). The Certification Review process ensures that the planning requirements of 23 U.S.C. 134 and 49 U.S.C. 5303 are being satisfactorily implemented. In a broader sense, the Certification Review process is a valuable opportunity to provide advice and guidance to a TMA, defined as an urban area with a population over 200,000, for enhancing the planning process and improving the quality of transportation investment decisions. Issues raised during the review provide an opportunity to give targeted technical assistance to the MPO and its planning partners.

While FHWA and FTA interact with TMA planning officials (MPO, State, and transit operators) on a routine basis, reviewing and approving planning products, providing technical assistance, and promoting good practice, the formal assessment involved in a Certification Review provides a higher-level stewardship assessment of the TMA's transportation planning process. It can serve as a catalyst to improve the effectiveness and efficiency of the planning process and to help ensure that the major issues facing a metropolitan area are being addressed. In addition, by identifying noteworthy practices, which can be shared with other States, MPOs, and transit operators, the Certification Review provides an opportunity for continued progress in expanding the art of transportation planning while implementing the regulations.

The Certification is not just a review of the MPO or its staff; rather, it is a review of the planning process conducted by all of the agencies (State, MPO, and transit operators) charged with cooperatively carrying out the process on a daily basis. This shared responsibility is specifically addressed in the regulations:

*The MPO, the State(s), and the public transportation operators shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process.*  
[23 CFR 450.314(a)]

It is crucial that the State, the MPO, and transit operators understand, and Federal agencies communicate, that the Certification Review is being done in the spirit of cooperation with the goal of enhancing the quality of the transportation planning process. There is a long-standing relationship with these groups, and it is important that FHWA and FTA approach the Certification Review as a true partner in the process. FHWA and FTA hold a stewardship role to find out what is or is not working and, when appropriate, to *help* make improvements. In this

regard, the Certification Review provides an excellent opportunity for FHWA and FTA to convey information on new requirements and best practices from other locations as well as a referral to FHWA/FTA Headquarters if more significant training and technical assistance are needed.

### **Section 1-1.2: Scope of Review**

The scope of a Certification Review is comprehensive, covering the transportation planning process for the entire metropolitan planning area and all of the agencies involved. It provides an opportunity for Federal agencies to verify compliance with current transportation law and planning regulations and to enhance the process on the basis of a detailed look at technical and administrative elements, such as:

1. Study organization
2. Metropolitan Planning Area (MPA) boundaries
3. Agreements and contracts
4. UPWP development
5. Transportation planning process
6. Metropolitan Transportation Plan (MTP) development
7. Financial planning
8. Air quality
9. TIP development/approval/amendment/project selection
10. Public outreach
11. Self-certification
12. Title VI and related requirements
13. Congestion Management Process (CMP)
14. List of obligated projects
15. Environmental Mitigation
16. Consultation and coordination
17. Management and operations
18. Safety

19. Security
20. Freight
21. Visualization
22. Documentation of planning process
23. Travel demand models
24. Intelligent Transportation Systems (ITS)

In establishing the scope for a Certification Review, it is not necessary or practical to attempt to fully cover every planning topic as part of the on-site visit. For example, it would not be necessary to reevaluate a recently updated and Federally reviewed MTP. Such a review could be referenced or appended if appropriate. Findings for topics with a history of compliance could also rely on information from routine contacts and/or the desk review. To avoid redundancy, topics with a low risk could be covered in every other review or some other review cycle.

The Certification Review Team will be in the best position to determine which topics warrant a cursory review and which topics require a more in-depth coverage. The team can focus attention on critical topics and avoid redundancy in selecting on-site review topics by:

- a. Assessing progress from previous reviews.
- b. Understanding the conditions affecting the TMA.
- c. Gauging the maturity of the process.
- d. Assessing response to new requirements.
- e. Making some findings based on a desk review or routine oversight.
- f. Establishing a schedule to cover less critical topics over a period of two or three review cycles.
- g. Selecting only the most critical topics for the on-site review.

In some cases, redundancy may be unavoidable where no steps have been taken to respond to a particular corrective action. Refer to Section 1-3 for more discussion on how to manage the review, relying on work already completed, and selecting the most critical topics for an on-site review.

### Section 1-1.3: Frequency of Review

At least every four years, each MPO must self-certify with submittal of the entire proposed TIP that its planning process is being conducted in accordance with applicable requirements under the provisions of 23 CFR 450.334(a) and 49 CFR 613.334(a). The Certification Review is the verification that will help the MPO look beyond its self-certification. As specified in Titles 23 and 49, a joint Certification Review by FHWA/FTA must be conducted “not less often than once every four years.”

The four-year cycle runs from the date of the previous jointly signed transmittal of the Certification Report. Occasionally, at the discretion of FHWA/FTA, circumstances will warrant an earlier review, especially if some significant area of concern (e.g., apparent ongoing Title VI violations or dismissal of policy committee) has unexpectedly arisen. Also, a shorter time period may have been established in a prior review in order to reassess progress in addressing a specific weakness. In the case where a partial reevaluation occurs in advance of the end of the four-year cycle, the “clock” may be reset, or such issues can be treated separately and the original schedule maintained.

**If a Certification expires, the ability to start new projects will be jeopardized.** While it may be possible to rationalize a delay for a variety of reasons, Federal transportation funding programs and the planning process are open to public scrutiny and, as such, gaps in the Certification are not acceptable. When a TMA’s Certification lapses, any requested action on the State Transportation Improvement Program (STIP) and STIP amendment requests in the TMA’s metropolitan planning area must be denied or postponed until the Certification of the TMA is reestablished. (See Section 1-6, Post-site Visit, for help in addressing critical findings.)

Certification Review Teams must schedule their review and report-writing activities so that a lapse in Certification is not due to inaction by FHWA and FTA.

### Section 1-1.4: Review Approach

A Certification Review requires a systematic approach and a serious commitment of time and effort. This additional workload should be taken into account when developing office work plans and Individual Performance Plans.

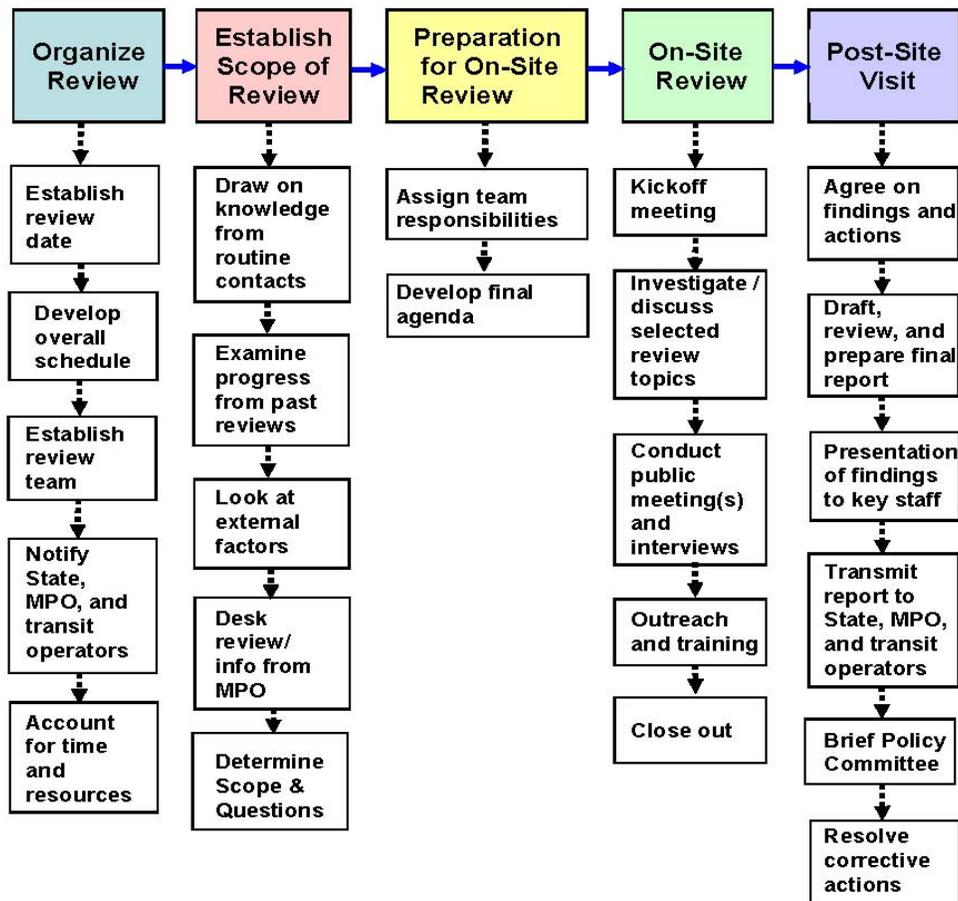
The average review will extend over a period of approximately six to nine months from the initial formation of the team to the release of the final Certification Report. Reviews of areas with complex or controversial issues could take much longer.

While the regulations do not specify an explicit approach, current practice relies on five basic steps:

1. Organize for the review
2. Establish review scope
3. Prepare for the on-site visit

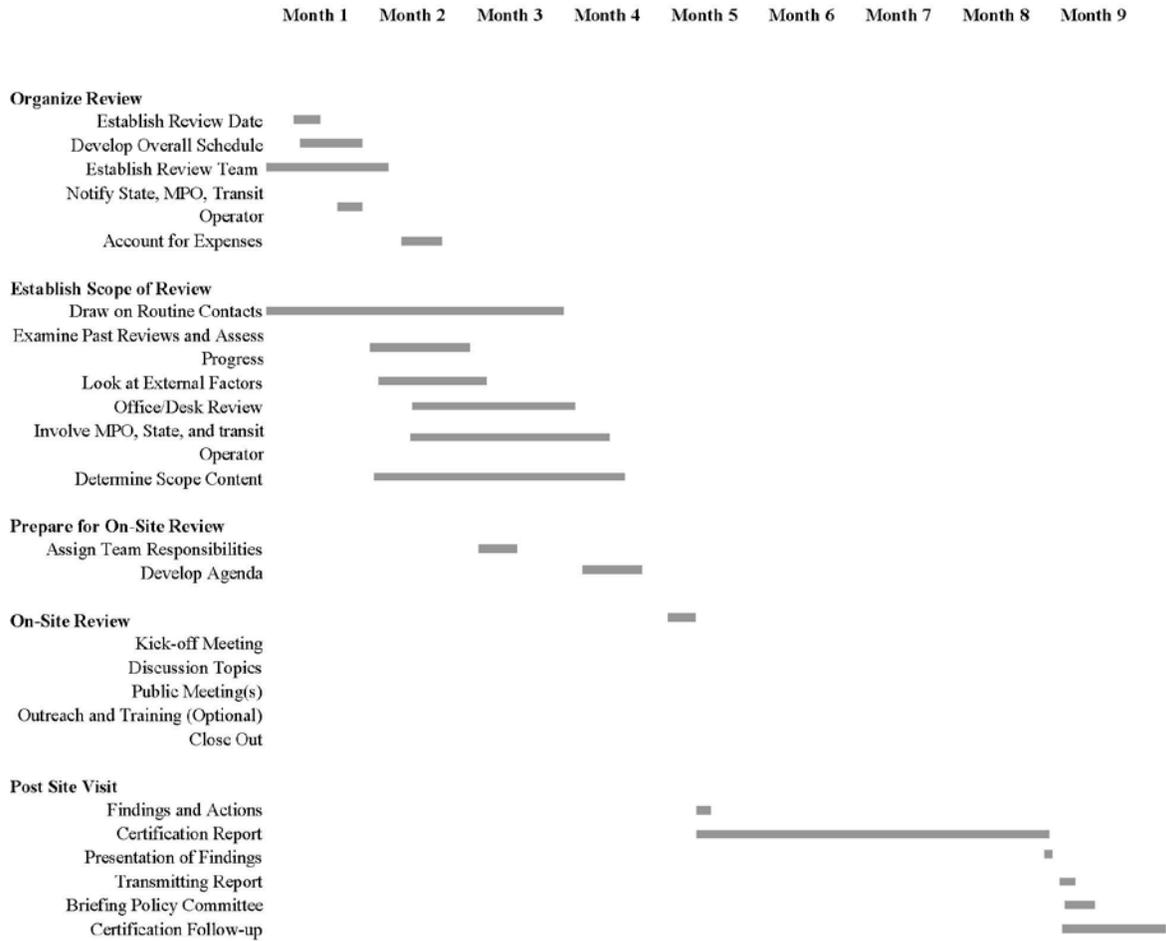
4. Conduct the on-site review
5. Document the results (Post-site Visit)

Each step involves a series of activities that would typically be part of a process review. Figure 1-1.1 shows these steps across the top of the chart, with a listing of suggested activities under each step. Sections 1-2 to 1-6 of this Handbook are organized around this approach with information and guidance for each step and activities listed under each step.



**Figure 1-1.1: Certification Review Process and Activities**

From start to finish, a Certification Review can take considerable time. While a total of six to nine months is a typical duration for most Certification Reviews, the timeline can vary considerably. As shown in Figure 1-1.2, the greatest amount of time is spent getting ready for the review and documenting the results. The least amount of time is spent conducting the on-site review. Figure 1-1.2 illustrates the longer nine-month schedule that might be needed for an area with complex issues. A schedule of six months would be more typical for a less complex situation, with two months allotted for writing the report.



**Figure 1-1.2: Activities and Typical Timeline for Certification Review**

Additional details and helpful hints on each step in the Certification Review process are contained in subsequent sections of this Handbook.

## SECTION 1-2: ORGANIZATION OF THE REVIEW

### Introduction

Careful preparation is vital for the Certification Review, the success of which generally depends not only on preparation but also on the following essential elements:

- Establishing the on-site review date
- Developing an overall schedule
- Establishing the Certification Review Team
- Notifying the State, the MPO, and transit operators
- Accounting for time and resources

The assignment of responsibility for TMAs in a given State to either FTA or FHWA can be made well in advance of actually scheduling a review.

### Establishing the Review Date

A key step in the Certification process is establishing the date for the on-site visit. Since this part of the review must be coordinated with the State, MPO, and transit operator(s), efforts to establish the date should begin early. This date sets a milestone by which the Certification Review Team must be ready for the face-to-face review. While the on-site visit may take only two to three days, organizing for the review, establishing the scope and other work involved in preparing for the on-site review should begin three to four months in advance. Writing the report and other post-site-visit activities could take three to five months. In looking at the complete timeline, the team should make sure the new Certification Report can be finished and formally transmitted to the MPO before the existing Certification lapses.

Factors to consider in setting the date include:

- **Expiration of current Certification:** The Certification Review should be scheduled so that there is sufficient time to complete it and issue a new Certification before the current Certification expires, which is the date of transmittal of the Certification finding letter to the MPO.
- **Date of last site visit:** The date of the last site visit can provide a valuable benchmark. The date of the formal Certification action follows a four-year cycle. The date of the site visit should follow a similar cycle.
- **Time to prepare and issue new Certification document:** Figure 1-1.2 suggests allowing three months to prepare and issue a Final Report. If controversial issues are encountered in the Certification Review, the timeline may be longer.

- **Availability of affected parties:** Establishing the site-visit date well in advance can help to ensure that those involved can block out the time needed. The assigned office (FHWA or FTA) can best initiate this process by making phone calls to the affected parties and by checking schedules. Target dates for the site visit should be identified four to six months prior to the end of the current Certification to accommodate essential preparation.

## Developing the Overall Schedule

Once the site-visit date has been established, the initiating agency (FHWA or FTA) should begin to prepare a preliminary schedule for conducting the review and for confirming the composition of the team.

A timetable for scheduling the review activities is shown in Table 1-2.1. This time-sequence chart was developed using the same suggested tasks and nine-month timeline as discussed at the end of Section 1-1. This chart can be used when the team begins scheduling a review to help determine the dates that tasks should be scheduled or accomplished. The shading on the chart is a suggested timeline showing when activities should occur and how long each activity should take. Of course, these dates may vary slightly depending on the availability of the Certification Review Team and the complexity of the review. The shading for each month has been subdivided into quarters so the user can easily determine when in the month each task should take place and how long each task will take. It is advisable to fill out the chart as thoroughly as possible and distribute to each member of the team. Appendix K contains additional instructions and a full-page table that may be printed out and filled in with dates or notes for each task.

**Table 1-2.1: Timetable for Scheduling a Certification Review**

Certification Review for:		Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9
Organize Review	Establish a Review Date	█	█							
	Develop Overall Schedule	█	█							
	Establish Review Team	█	█							
	Notify State, MPO, Transit Operators		█							
	Account for Expenses		█							
Establish Scope of Review	Draw on Routine Contacts	█	█							
	Examine Past Reviews & Assess Progress		█	█						
	Look at External Factors		█	█						
	Office/Desk Review		█	█						
	Involve MPO, State, & Transit Operator		█	█						
	Determine Scope Content		█	█						
Prepare for On-Site Review	Assign Team Responsibilities			█						
	Develop Agenda				█					
On-Site Review	Kick-off Meeting					█				
	Discussion Topics					█				
	Public Meeting(s)					█				
	Outreach and Training (Optional)					█				
	Close Out					█				
Post-Site Visit	Findings and Actions					█				
	Certification Report					█	█	█	█	█
	Presentation of Findings								█	
	Transmitting Report									█
	Briefing Policy Committee									█
	Certification Follow-up									█

Table 1-2.2 shows a Certification Task List, which is a checklist of tasks similar to those listed in Table 1-2.1. Instead of the time-sequence chart, the table has a column to document your target date and a completion date for each task. These are just two examples of the many ways to organize and schedule a review depending on the level of detail needed.

**Table 1-2.2: Certification Task List**

Certification Task List

TMA: \_\_\_\_\_

	Task	Target Date	Completion Date
1	Identify and secure commitment from Federal team members		
2	Negotiate and agree on date for site visit with team, MPO, State, and transit operator		
3	Formal site-visit notification sent to MPO, State, and transit operator		
4	Preliminary review of past certification actions and planning products		
5	Assemble appropriate background material and send to team members		
6	Conduct desk review of past certification findings and planning products – assess compliance status and risk for certification topics and identify approach for each: future review / desk review / site visit (see Figure 1-3.1)		
7	Team agrees on scope of review and preliminary agenda for site visit		
8	Team assignments made for each review topic		
9	Review questions developed and agreed upon		
10	Arrange time and location for public involvement		
11	Public involvement notice sent out		
12	Final agenda developed and sent to review team, MPO, State, and transit operator		
13	Conduct public involvement		
14	Conduct site visit		
15	Review team huddle to assess outcome and preliminary discussion of Commendations, Recommendations, and Corrective Actions		
16	Review team agrees on writing assignments and due date(s)		
17	Prepare initial draft		
18	Distribute initial draft to review team for comment		
19	Prepare final draft and resubmit for review if necessary		
20	Prepare Final Report		
21	Prepare transmittal letter to MPO, State, and transit operator		
22	Get signatures and send report and cover letter		
23	Coordinate time for certification briefing at MPO policy committee meeting		
24	Present certification findings at MPO policy committee meeting		

## Establishing the Certification Review Team

The Certification Review Team should be established at least two to three months prior to the site visit. At a minimum, the team should have at least two members; in larger TMAs, four or five might be more appropriate. The team should include at least one member from each of the appropriate FHWA Division and FTA Regional Offices. In air-quality-nonattainment areas, the Environmental Protection Agency (EPA) should be invited to be a member of the team.

If the Certification Review Team recognizes a significant issue about which it does not feel sufficiently knowledgeable, consideration should be given to inviting participation from another FHWA or FTA office with more experience in that subject area. Outside participants are often helpful in explaining new-program or agency-emphasis areas (e.g., air quality, ITS) as an outreach part of the review. (See Section 1-5, Outreach and Training, for more information.) Participants from the Resource Centers, Headquarters, another FHWA Division or FTA Region office, or the Volpe Center might serve this function. Federal peer assistance can also help in addressing contentious issues or long-standing weaknesses in the status quo, thus encouraging more open discussion.

The Federal review agencies and team members need to make a **commitment of time and resources** to meet mutually agreed-upon deadlines for accomplishing assigned tasks. Areas of responsibility to be assigned include:

- Overall lead agency for the review (may be pre-established on the basis of standing agreements between FHWA and FTA)
- Liaison to the State, the MPO, and transit operators regarding overall logistics and scheduling
- Composition of the official notification letter to the MPO
- Lead agencies and staff members for individual topic areas
- Logistics of the public information meeting
- Public notification of the review
- Composition of individual sections of the report
- Overall editorial supervision of the report
- Coordination and resolution of final comments from the team
- Drafting of joint findings and Recommendations letter
- Publication and mailing of Final Report and Certification letter

These activities are discussed in more detail in other sections of this Handbook.

When and how often the Certification Review Team meets depends on the complexity of the review and on whether the group has a familiar working relationship. To save on travel costs, most teams try to conduct much of the preparation work and report writing via conference calls and/or e-mail exchanges. Using this approach, the team may be together only during the site visit. During the organizational logistics phase, once the lead agency has identified team members and established a date for the site visit, a conference call is usually in order. This call can serve the following functions:

- Bring team members up to date
- Ensure agreement on the site-visit date
- Review the various activities and steps that will be part of the review (see the list above as well as other sections of this Handbook)
- Discuss roles and responsibilities
- Agree (at least preliminarily) on assignments and overall schedule

The lead agency (or other member as agreed upon) should document the agreements from this initial conference call and send a summary to the rest of the team members.

### **Notifying the State, the MPO, and Transit Operators**

**The formal notification of the review should be sent at least two months prior to the site visit.** The notification should be a letter sent jointly by FHWA and FTA and signed by the Division Administrator (DA) and the Regional Administrator (RA), thereby indicating the significance of the review. The formal notification is often addressed to the chairperson of the MPO, with copies sent to other appropriate parties (State DOT, transit operators, air-quality agency, etc.), as well as to the Directors of Planning at the Headquarters offices of FHWA and FTA. The letter details the purpose of the review, scheduled dates, and Federal contact persons. Alternatively, the formal notification could be addressed collectively to the State, the MPO, and transit operators. This approach helps to underscore shared responsibility for increased ownership and cooperation among the State, the MPO, and transit operators. Early inclusion of local agencies helps to build their trust and engagement in the Certification process.

The initial letter may also include a request for items on which the team needs additional information prior to the site visit. However, this request may be made in a subsequent letter, as the team may not have completed an assessment to identify such additional information.

A Sample Notification Letter is included in Appendix F.

### **Accounting for Time and Resources**

**Office budgets must be able to accommodate expenses associated with Certification Reviews.** To avoid last-minute surprises, the Certification Review Team should identify expenses and make sure they are included in the office budget.

Travel and other expenses are normally associated with the following aspects of a review:

- **On-site visit:** Travel and subsistence expenses for office personnel involved in the Certification Review should be calculated. If the FHWA DA or the FTA RA will attend the opening session, this will result in an extra expense. (Expenses over a three-day period could range from \$500 to \$1,000 per person.)
- **Public involvement:** In some cases, the MPO may agree to cover the cost of mailing notices of the review and public meeting; however, this is a Federal responsibility, so it may be necessary to cover the cost of postage and public notices in the absence of an offer by the MPO to pay these expenses. Room rentals and recording fees may also be expenses; in a large area requiring 5,000 notices, such costs could approach \$6,000.
- **Report publication:** Usually, a set number of Final Reports are printed for distribution. The cost of these reports is essentially “invisible,” meaning that it is covered by normal in-office printing and copying budgets unless special features are provided. For example, special paper for the title page, a ring binding, and front and back plastic coversheets would cost about \$1.50 per copy, and color graphics would cost about \$.70 per page.
- **Formal presentation to MPO policy committee:** If a formal presentation is given at a meeting that the review team representative normally would attend, there is no extra cost; however, if this is an extra meeting, additional travel and lodging costs may be involved. (Note: This may not be necessary; see Closeout Meeting, Section 1-5.)

In addition, if assistance from another Federal office is desired to provide peer advice or review, there may be a need for funding to cover the per diem cost for the individual.

## **SECTION 1-3: SCOPE OF REVIEW**

Prior to making a site visit, it is important to establish the scope of the review. The Certification Review Team must assess an area's status, determine how it is addressing the regulations, assess progress on prior Federal actions, and identify the items that will be covered.

In addition to establishing a focus for the review, the outcome of this phase should be the development of a preliminary agenda for the site visit and a final schedule for meetings with State, MPO, and transit staff; other officials; and the public. The team also may find that this is a good time to prepare a final to-do list and to make any adjustments to assignments in preparation for the rest of the review. (For a quick reference to the generic sequence and timing of activities involved in a Certification Review, see Figure 1-2.1. Also see Appendix L for a timetable for scheduling a Certification Review and a Certification Task List.)

In establishing the scope of a review, it is important to make full use of the off-site desk audit conducted prior to the site visit to verify compliance with the basic regulatory requirements. The on-site visit will then be able to focus on questions raised through the desk audit as well as other special issues that may have come to the attention of the team. It is not necessary or practical to attempt to fully cover every planning topic as part of the on-site visit during each four-year Certification Review. For example, it would not be necessary to reevaluate a recently completed and Federally-reviewed MTP update. Such a review could be referenced or appended, if appropriate. In addition, some topics may warrant only a cursory review or could be scheduled for the next cycle, while others will warrant more in-depth coverage. The information presented here provides a place to start and explores some helpful suggestions.

In general, the Certification Review Team can establish the scope of the on-site review by:

- Drawing on knowledge from routine contacts.
- Examining past reviews and assessing progress.
- Looking at external factors.
- Completing an office/desk review.

### **Drawing on Knowledge from Routine Contacts**

Knowledge gained through routine contacts and other reviews and approvals can help to determine the scope of the Certification Review. Ongoing oversight can include formal field responsibilities, such as the following:

- Status reports from the State, the MPO, and transit operators
- Formal reports from other related Federal reviews, with explanations and context
- Files and notes from prior site visits and ongoing oversight (correspondence, minutes of MPO committee meetings, etc.)

- Written records from specific meetings with the State, the MPO, and transit operators on progress related to past findings
- Reviews of key planning products, such as the MTP, TIP, AQ conformity, and UPWP, in which evidence of progress or commitments may have been documented
- Information from FTA Triennial Reviews of public transit grantees on transportation planning matters
- Civil rights investigations or complaints related to transportation in the metropolitan area
- A Division Office record system, developed for tracking progress in meeting Certification findings
- Risk assessment tools, including Program Delivery Improvement Tool (PDIT)
- Personal knowledge that can be converted to a written record

Preparation can include a broad range of less formal but also important activities, such as attendance at MPO meetings and stakeholder activities, which allow field staff to monitor progress in responding to the Certification findings and to identify emerging planning issues.

Beyond the routine contacts with the MPO or the State, it is valuable to have different perspectives from transit operators, other modal operators, air-quality boards, city or county planning agencies, individual citizens, and the private sector, and community and advocacy groups. It may be easier to gain these perspectives informally over time rather than relying on limited time to help to educate these groups on the planning process and to encourage their constructive involvement.

**While routine contacts provide the opportunity to focus on Certification findings between reviews and to generate data for the next review, personal knowledge is not useful to the Certification process unless it is also part of the written record.**

### **Examining Past Reviews and Assessing Progress**

A review of prior findings can help the team to identify carryover items to include in the new review and address specifically in the site visit. Since many reports build on earlier Certifications, it is helpful to review prior Certification Reports in an effort to understand the history of such findings. Once past findings have been assembled and studied, the Certification Review Team must decide if progress in addressing them has been adequate and how much attention the issue merits in the upcoming Certification.

Although Corrective Actions may be the priority, it is also important to review Recommendations and Commendations. For example, the lack of significant progress on a Recommendation that was offered in good faith in a past review on the basis of a past commitment could be elevated to a Corrective Action if that commitment has not been met.

Commendations typically involve recognition of innovative practices and processes. By reviewing and documenting continuing activities related to previous Commendations, the team can develop case studies and examples of “noteworthy practice” that can be of great value to other review teams and to planners nationwide.

### **Looking at External Factors**

A specific local context that should be reflected in the Certification Review may be provided by considering factors such as:

- Organizational changes, including a change in Board structure, members, or voting
- Formation of new umbrella or other organizations
- Economic and demographic forecasts
- Political issues (votes or controversies)
- Change in MPO or air-quality boundaries
- Funding issues and changes (e.g., new dedicated funding source or threat to existing source, sunset of sales tax, or fee)
- Proposed new projects, including new transit starts, port or airport expansion, and ground access
- Issues and trends in regions closely connected to the MPO’s region

### **Office/Desk Review**

An office or desk review can be invaluable to the overall Certification Review, providing a cost-effective means of obtaining accurate and thorough information in preparation for the site visit. In the interest of conserving time and resources for both the review team and the metropolitan agencies, the desk/office review can serve as a primary information-gathering tool, allowing the on-site portion of the Certification Review to focus on critical issues that can best be addressed in the setting of a face-to-face meeting. Some material will be on file, while it may be necessary to request other material from the MPO, State, or transit operators. Early inclusion of local agencies helps to build their trust and engagement in the Certification process.

A number of Certifications have included office reviews to provide a record of a comprehensive assessment of the planning requirements. A Sample Form Used for an Office Review is found in Appendix G. Typically, such a form will summarize the Federal planning requirements. The Certification Review Team or the lead agency can use this list for a high-level scan of the status of the process in a given TMA. Such reviews often encompass the latest products of the metropolitan planning process: the UPWP, the Metropolitan Transportation Plan, the TIP, Agreements, and conformity determinations. FTA Triennial Reviews of transit operators should also be considered as sources for obtaining information related to the integration of transit in the

metropolitan planning process. Items identified here should be considered for inclusion on the agenda for the site visit.

The temptation to use the desk review as a checklist, where the only record of what has been done is a check on a sheet of paper, should be resisted. A review at this level will be of little value in determining what to address in the Certification Review and will not provide a record to support the findings in the Certification Report. With adequate documentation, the desk review may provide an adequate basis for making a compliance finding for some topics.

### **Determining Review Content**

By applying the approaches described above, the team can flag items appropriate for inclusion in the review and can determine the appropriate level of attention to be given to each. One way to organize these data is to prepare a summary table (see Table 1-3.1), listing Certification topics along with information on their compliance and risk status. Using the information in such a table, the review team can determine what to include in the current review (rely on desk review, recent action, or schedule for on-site review) and what to schedule for a future review. Certification topics with a history of compliance and a low risk could be slated for a future review or covered in a more cursory manner through the desk review. Certification topics with a history of compliance issues and higher risk levels should be slated for inclusion in the on-site review and a more thorough documentation in the Certification report. For example, if “Study Organization” (Topic 1) is mature and functioning, has been covered in past reviews, is found to be in compliance, and is of low risk, the review team might check the box in the “Include in Future Review” column. On the other hand, if a TMA has never produced an “Annual Listing” (Topic 14) and there is no indication of an intention to do so, the review team should check the box in the “Cover During the On-Site Review” column.

By following this approach for each Certification Topic, the review team can decide what to cover and how to cover it, and can have a record of its decision process. Also, by being selective in how Certification topics are covered, the review team can avoid redundancy in covering the same topics during the on-site visit, review after review. For TMAs with a high level of compliance, a portion of the on-site visit could be devoted to “Outreach and Training” on topics related to updates in Federal guidance and topics of particular importance in the TMA under review. Federal teams should also consider the feasibility and value of looking at using a portion of the site visit as an opportunity for learning more about noteworthy TMA practices that could ultimately be transferred to other review teams.

**Table 1-3.1: TMA Certification Worksheet for Establishing Review Scope**

Certification Topic	Status			Proposal for Current Review – Place a check in the appropriate column and list specific focus if any		
	Included in Previous Cert Review (Y/N) (Date) (Compliance) (Non-compliance)	Addressed in Recent Federal Action (Y/N) (Date) (Compliance) (Non-compliance)	Past Issues/ Potential Risk (H) (M) (L)	Include in Future Review	Rely on Desk Review and/or Recent Actions (Use Streamlined Approach for Documenting in Cert Report)	Cover During On-site Review (Fully Document in Cert Report)
1. Study organization						
2. Metropolitan planning area boundary (MPA)						
3. Agreements and contracts						
4. UPWP development						
5. Transportation planning process						
6. Metropolitan Transportation Plan (MTP) development						
7. Financial planning						
8. Air quality						
9. TIP – development /approval/amendment/ project selection						
10. Public involvement						
11. Self-certification						
12. Title VI and related requirements						
13. Congestion Management Process						
14. Annual listing						
15. Consultation and coordination						
16. Management and operation						
17. Safety						
18. Security						
19. Freight						
20. Visualization						
21. Environmental mitigation						
22. Documentation of planning process						
23. Travel demand models						
24. Intelligent Transportation Systems (ITS)						

FTA Region I and the FHWA Divisions in New England have applied an approach along these lines that divides the process into three components corresponding to the prioritization of issues: (1) an on-site review with MPO members, staff, and interested citizens to discuss Federal requirements identified by the team as warranting special attention due to their complexity, need for improvement, or sensitivity; (2) a desk review conducted prior to the on-site meeting to address Federal requirements determined not to warrant face-to-face discussions with the MPO; and (3) a routine assessment of other Federal requirements that are addressed through FHWA's and FTA's regular day-to-day work responsibilities. The Certification Report reflects this three-part organization, including separate sections as follows:

- Part I: Federal Requirements Addressed During the On-site Review

- Part II: Federal Requirements Addressed Through a Desk Review
- Part III: Other Federal Requirements Addressed Through FHWA's and FTA's Regular Day-to-Day Work Requirements

To the extent that is practical, the Certification Review should be as comprehensive as possible, especially for the first Certification. For more mature TMAs and processes, the techniques described above provide for a comprehensive approach over time while focusing attention on critical items and avoiding redundancy from one review to another. If the preparation for a review is comprehensive and documented, as outlined in this section, the review can be considered comprehensive in nature even if the site-visit portion is selective. Specific references to any prior documentation (e.g., report of previous Certification or conformity determination) should be provided in the Certification Report.

## SECTION 1-4: PREPARATION FOR ON-SITE REVIEW

### Assigning Team Responsibilities

A team conference call or meeting is appropriate at this point to sort out the issues and to reach agreement on the scope of the review. The lead agency should prepare a list of the topics to be covered and the team members assigned to each. This list will include carryover topics from past reviews, new items of concern where the outcome is to be determined, items that warrant Federal promotion that could result in Recommendations, and items of noteworthy practice. Team members will need to develop an approach for discussing the items assigned to them during the site visit. Part 2 of this Handbook discusses major planning topics and will provide help preparing for many of these items. The responsibility for controversial items could be shared. For particularly contentious issues, this might be a good time to seek outside help (if this has not been done already).

**Before the site visit, the Certification Review Team will need to determine who will moderate each session, including the public meeting(s), and who will take notes.** Such assignments are often geared to match interests and areas of expertise. It is important that the moderators know their subjects. Those taking notes also need to understand what is being said. The note taker may be called upon to prepare the first draft of that section of the report.

### Developing the Final Agenda

The team should develop a final agenda (a schedule of events rather than agreement on and assignments for the list of topics) for the site visit no later than two weeks ahead of time. While this is a collaborative process involving the full team, it is advisable to designate a single member as having responsibility for the agenda. This person should develop a draft agenda approximately one month in advance of the site visit and distribute it for review among the other members of the Certification Review Team. The team should schedule a conference call several days to a week after distribution of the draft agenda. The conference call serves several important purposes:

- Review and discuss draft agenda.
- Confirm that discussion leaders are prepared for the site visit.
- Identify and discuss key issues and concerns.
- Identify the Federal agency to lead the site-visit discussion and the agency to take notes on each topic.
- Discuss the format, scope, and responsibilities for writing the Certification Report.

The designated staff person should develop a final agenda reflecting comments of other team members and should distribute it to the team and the State, the MPO, and transit operators approximately two weeks before the site visit. The Federal staff lead will need to coordinate the

agenda with the State, the MPO, and transit operators to ensure availability of appropriate staff. A sample Site-Visit Agenda is included in Appendix C.

## SECTION 1-5: ON-SITE REVIEW

The standard format for on-site review is a group meeting with the State, the MPO, transit operators, and other relevant agencies, such as county and municipal governments and air-quality and other environmental resource agencies. Typically, the State, the MPO, and the transit agency are present during the entire meeting, and other agencies attend for individual topics as appropriate. The Certification Review Team could also arrange to meet with one or more agencies or organizations on an individual basis.

Preparation is key to obtaining good results during the on-site review. The results of the work in Sections 1-2 through 1-4 should be the basis for an agenda for an on-site review. The site-visit agenda will reflect the issues and concerns raised during the preparation phase discussed in Section 1-4. The number of topics on the agenda will dictate the length of the review. Two to three days is typical for most areas, but the site visit could last longer in large areas or in areas with a controversial issue. As noted previously, the Federal team can also choose a strategic approach in which information collection and review are handled prior to the site visit, with the on-site portion of the review focused on discussion of critical issues and public outreach, in which case the duration of the site visit may be limited to only one or two days.

Typically, an agenda includes the following topic areas:

- Kickoff meeting (introductions and purpose)
- Planning process overview
- Status of previous Certification Review findings
- Discussion topics for the current review
- Public involvement
- Meetings with interested local parties and/or elected officials
- Outreach and training
- Closeout meeting

### **Kickoff Meeting**

During the kickoff meeting, a member of the team should discuss the purpose of the Certification Review, highlight the topics to be covered, and discuss the timeline for issuing an updated Certification finding. Throughout this discussion, it should be made clear that FHWA and FTA are a part of the process and are willing to work with the State Department of Transportation (DOT), the MPO, and transit operators. FHWA's DA and FTA's RA should be encouraged to attend the kickoff session in order to lend an appropriate sense of significance. A round of

introductions is also appropriate at this time, as well as an expression of appreciation to the host agencies.

## **Planning Process Overview**

A planning process overview, including the State and transit operators, is a good method to break the ice and begin a two-way dialogue session. This provides an opportunity to highlight changes that have occurred locally during the last four years as well as items to bring to the team's attention. Typically, an hour to an hour and a half would be appropriate for this session, but it should be negotiated with participating staff. **The overview is critical because it will afford participants time to become acquainted with one another and to engage in the associated dialogue.**

## **Status of Previous Certification Review Findings**

Early on, part of the agenda should be devoted to discussing the status of previous Certification Review findings. During this discussion, previous findings that have been resolved can be highlighted. This will provide another opportunity for the State, the MPO, and transit staff to present noteworthy progress. As outlined in Section 1-4, the Certification Review Team should have a good understanding of the status of most of the previous findings. The team can use this understanding to steer the discussion and seek input where more detail may be needed. Experience has shown that it is better to hold findings that have not been resolved for a more in-depth discussion later in the meeting.

## **Discussion Topics for the Current Review**

A major block of time during the site visit will be devoted to discussion topics for the current review. These are the priority topics that have been identified by assessing progress with regard to past findings, by drawing on routine contacts, by conducting an office review, and by consulting other sources. Section 1-4 of this Handbook discusses approaches for identifying and prioritizing such items, some of which could be noteworthy practices.

The Certification Review Team members should be prepared to ask appropriate questions and to steer the discussion. To assist in preparation, Part 2 of this Handbook provides background on selected topics. (Also see "Asking Questions" later in this section.)

This session usually involves a limited number of very focused topics. Thorough preparation is essential. The discussion and input received will be the primary source of information to support the Certification findings. If a fact is not included or a question is not asked, and if such "missing" information is later used as the basis for a Corrective Action, the Certification Review Team's credibility (as well as that of FHWA and FTA) will be eroded. Experience has shown that, for the best results, these core discussion topics should be divided among the team members. As discussed elsewhere in this Handbook, particularly contentious items could be assigned to an outside expert.

## Public Involvement

With the passage of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) in 1998, a public involvement component was mandated statutorily for the TMA Certification Review process.

Providing opportunities for public involvement is an essential cornerstone of the transportation planning process defined in Titles 23 and 49. States, MPOs, and transit operators are required to consider the public's views when making decisions on the use of Federal funding assistance. Similarly, **FHWA and FTA need to consider public views in making the Federal Certification finding.**

### Objectives for Public Involvement

The major objectives for public involvement in the Certification Review are as follows:

- Inform the public about the Federal transportation planning requirements.
- Provide the opportunity for the public to express thoughts and comments about the transportation planning process and, specifically, how the process is meeting the needs of the area.
- Allow the team to obtain a better understanding of community issues.
- Provide follow-up action to demonstrate that the public's issues were seriously considered.

### Coordinating Public Involvement Logistics

General practice has been to hold one public meeting. In large TMAs with significant diversity or in areas with controversial issues, more than one meeting would be appropriate. One member of the Certification Review Team should be assigned responsibility for coordinating the public involvement portion of the Certification Review. This team member can call on other team members as needed.

**Overall, the public meeting opportunity is a Federal responsibility.** Nevertheless, to the extent that they are willing, the MPO, the State, or transit operators may assist with advertising, scheduling, securing an appropriate location, and obtaining necessary audiovisual equipment and seating. In determining how much to rely on assistance from the MPO, the relationship of the MPO staff with its membership, partners, and the public should be considered as well as the need to maintain the independence of the Federal review and the Certification findings. In some cases it may be better to proceed with a totally separate (i.e., Federal) effort.

It may be advantageous to hold the meeting at a neutral location to reinforce the message that the Federal Certification is a truly independent effort. From a logistical perspective, the meeting room should be able to accommodate a large group (perhaps 50 people or more for a large TMA) and should be reserved for a minimum of two hours. The meeting location must be in compliance with the Americans with Disabilities Act (ADA). Public transportation should be

available prior to the start of the meeting and after it has concluded. If necessary, communication services for the hearing-impaired should be made available and sign and foreign-language interpreters (e.g., Spanish, Creole, or French) should be provided. Most public meetings have been held in the evening, but meetings at other times of the day may be appropriate.

The MPO can assist with advertising the public meeting. Some MPOs have standing relationships with local news media and have been successful in attracting coverage or advertisements of such meetings in news articles or through public service announcements. Paid advertising often may be necessary. Advertisements generally include a title, the purpose of the meeting, the meeting sponsors, the date and time, the location with a map, the Federal contact person with a phone number for requesting additional information, and a phone number for persons with disabilities to contact if additional assistance is required. A sample Notice for Public Meetings is included in Appendix D.

The advertisements are usually a black-and-white display and are carried in the TMA's newspaper of general circulation. For maximum exposure, two advertisements could be used: one eight to ten days prior to the public meeting and another one to two days before it. The advertisements are often placed in the main body of the newspaper, preferably in the local or community section. Formal public notices can be quite expensive, but experience has shown that many MPOs are willing to pay for them. If not, FHWA and FTA may have to pay for the ad out of the field-office general operating expense because the public meeting is a Federal responsibility.

An announcement of the meeting should also be sent to all interested persons and groups, including the local legislative delegation, local elected officials, MPO policy committee and advisory subcommittees, and mailing lists for other public involvement activities. The MPO can help to coordinate the advertising of the public meeting with other participating agencies (public transportation, port authority, aviation, etc.) to ensure that their mailing lists are included. The notice to interested persons should be mailed no later than 10 days prior to the public meeting.

Other advertising vehicles include:

- News release sent to local radio and television media
- MPO's website
- Local government's cable access channel
- Inserts in local utility bills
- Community newspapers or newsletters that reach underserved and minority populations
- Civic and social organizations
- Religious and educational institutions
- Neighborhood associations

- Senior citizen centers
- Disability advocacy groups

Since getting the word out can be both time-consuming and expensive, the Certification Review Team must balance the level of assistance provided by the State or the MPO with the need for an independent Federal effort. A compromise approach that has worked is to use the MPO's mailing list, printing capabilities, and mailing service under a contracting arrangement with FHWA or FTA to pay the cost. Mailings of meeting announcements, however, should not be on the MPO's letterhead.

Printing and mailing a meeting notice could cost \$0.60 to \$1.00 per notice. With a mailing list of 5,000, for example, the cost could range from \$3,000 to \$5,000.

### **Conducting Public Involvement**

Somewhere on the agenda, at least one public meeting must be scheduled. It is best to work with "locals" to determine the best time, location, and format for the public meeting as well as the number of meetings that should be held. Each MPO has its own method of conducting public involvement, as documented in the Public Involvement Plan or the Citizen's Guide to the planning process. These documents may be useful in selecting an approach familiar to the area and in establishing contacts. Nevertheless, the Certification Review Team should remember that the public involvement opportunity is the responsibility of FHWA and FTA rather than that of the State, the MPO, or transit operators.

A suggested format for conducting a public meeting would consist of two components: (1) a brief presentation by the Certification Review Team, and (2) an open forum to receive public comments. The meeting could take a formal approach or some other method. The Certification Review Team should appoint a team member to be in charge. If a formal approach is taken, this individual would be the moderator and must be capable of diplomatically keeping the meeting on track in order to obtain meaningful input and to generate a feeling that the comments are being heard.

People should be greeted when entering the meeting place, and a sign-in sheet should be identified as part of the greeting. When using a formal approach, past reviews have had good success in asking those wishing to speak to fill out a speaker's card. A sample Sign-in Sheet and a Speaker's Card are included as Appendices E and F, respectively.

The first component of the meeting, **the brief presentation by the Certification Review Team**, is a high-level overview and should last no more than 10 to 15 minutes. Key topics should include:

- Explanation of the meeting's purpose.
- Description of the Certification Review process and Federal planning requirements that must be addressed by the metropolitan planning partners.
- Summary of the results of previous reviews.

- Description of what will happen during and after the public meeting.
- A sample Presentation is included as Appendix G.

The second part of the meeting, **an open forum to receive public comments**, provides an opportunity for citizens to offer their thoughts and comments on the TMA's transportation planning process. If a large number of people wish to speak, it may be appropriate to set a time limit (e.g., five to ten minutes) for each speaker or to ask individual interest groups to appoint a primary spokesperson for the initial comment period. Additional time may be available for a second round after everyone has had an opportunity to speak.

While it may be difficult to prevent comments on extraneous matters such as potholes on Main Street, a stop sign that has lost its reflectivity, or a transit route that does not meet its schedule, speakers should be encouraged to focus on the planning process. Ground rules can help to maintain control. Appendix H provides some Ground Rules for Public Input Sessions.

**While there may be a natural tendency to try to respond to questions, the public meeting is not the forum for predetermining or disclosing the outcome of the review or for the Certification Review Team to offer sweeping judgments concerning the adequacy of the State, the MPO, or transit operators. The primary purpose is for the Certification Review Team to receive input to assist in making the Certification finding.**

If an answer to a question from the public cannot be determined at the public meeting, the comment can be addressed in the final Certification Report and a copy of the appropriate response can be mailed to the citizen.

At the conclusion of the meeting, the moderator should announce that written comments will be accepted during an appropriate time period (e.g., 30 to 45 days) following the meeting. The e-mail address of at least one of the team members should be provided for those wishing to submit additional comments electronically. The moderator should thank speakers for their comments and outline the general timeframe for completing the review.

### **Addressing Meeting Comments**

The comments received during the public meeting need to be recorded and given thoughtful consideration prior to a determination of the final Certification findings. Experience has shown that public comments often address related themes.

One method for addressing comments is to identify common themes, relate each theme to the appropriate elements of the review, and then discuss how each theme raised by the public was considered in the Certification findings. This approach will result in a complete record of the comments received and a summary that discusses how the comments were considered. The full transcript of the meeting does not need to be included in the Certification document but could be made available for public viewing.

If comments are few in number, each could be addressed individually. If the comments do not relate directly to the planning process or the Certification Review, a recommended approach is to pass such comments on to the appropriate agency. For example, a comment such as “The bus that I ride does not run on schedule” could be passed on to the transit operator.

In large metropolitan areas with significant public interest or controversial issues, the team may want to consider using a professional recording agency to record and transcribe an accurate record of the comments and any responses provided. Such a service could charge \$300 to \$600 for a single transcribed copy but could save time and reduce concerns about bias.

### **Meetings with Interested Local Parties and Elected Officials**

During the site visit, the team should try to meet with local advocacy groups or organizations, other interested parties such as university or business groups, and possibly local elected officials. During these meetings, opinions about the strengths/weaknesses of the process should be solicited. The team should develop a list of questions, similar to those asked of the planning partners and shared with the groups prior to the meetings. (Sample questions are presented in Part 2.). The tendency of the participants will be to discuss specific projects. It is the responsibility of the Certification Review Team to steer the conversation toward the process, using the project-specific information as examples.

### **Outreach and Training**

Making time on the agenda for outreach and training provides an excellent opportunity to enhance the transportation planning process and establish rapport with State and local officials. The Certification Review Team will need to decide how much time should be allotted, the manner of presentation (separate from or as part of the review), and whether more than one topic can be covered. In deciding on the amount of time and the number of topics to be covered, the team should attempt to balance State and local interests with needs identified by the team. New Federal initiatives, regulations, or noteworthy practices from other areas are prime topics. While a few areas may not be interested in outreach and training, most will. The information that the Federal team shares in one area may be the result of a noteworthy practice identified in a Certification Review that was conducted in another area or another State.

### **Identifying Topics to Cover**

One method for identifying topics is to ask the team what issues are currently confronting the TMA. Another method is to list new Federal initiatives and emphasis areas. A third approach is to ask the State, the MPO, and transit operators what topics they would like to discuss. Examples of outreach and training topics from past Certification Reviews include:

- Procedures for integrating safety considerations into the planning process.
- Effective practices for Title VI.
- Effective public involvement procedures.

- Developing an operational CMP.
- The role of intelligent transportation systems (ITS).

### **Identifying Resources for Outreach**

In preparing for the outreach and training portion of the on-site visit, the Certification Review Team should consider the complexity of the topic and the amount of time available. Sections 1-3 and 1-4 discuss developing the agenda in consultation with the State, the MPO, and transit operators. This effort should include agreeing on an outreach and training topic (if one is desired). Some topics may be appropriate for FHWA Division or FTA Region staff, while others will be appropriate for experts located throughout FHWA and FTA. The Certification Review Team is in the best position to make this judgment. Potential resources that should be considered include the FHWA/FTA Transportation Capacity Building Program, Peer Exchange, and the FHWA Resource Centers. The FHWA Resource Centers and Headquarters will be the best sources for assistance with technical topics. If outside assistance will be used, the decision should be made as early as possible to ensure availability in scheduling the review and establishing the agenda.

**If an outreach and training session is not scheduled during the formal Certification Review, it could be scheduled at another time. Such a session could be the result of a need identified during the Certification Review. For additional information on other follow-up activities, see Section 1-6 of this Handbook.**

### **Closeout Meeting**

The last item on the agenda should be a closeout meeting of the site visit with the State, the MPO and transit operators. During this meeting, the team should thank participants for their time during the review and should highlight progress since the last Certification. The team should also summarize the items discussed during the current review and outline the remaining steps leading to a new Certification report. Additionally, the team should discuss the need for a formal presentation to the policy board.

The Certification Review Team has the option of providing more detail during the closeout, but it should consider that presenting even a preliminary list of Corrective Actions and Recommendations carries a degree of risk. If no major controversies face the area and the Certification Review Team agrees that no Corrective Actions are warranted, the risk is minimal. On the other hand, where controversy exists and the potential for Corrective Actions is high, there is a risk of overstating or understating an outcome prior to the Final Report. Also, failure to include an item or premature declaration of an item as a Corrective Action could erode the Certification Review Team's credibility and turn the perception of the Certification process into one of a "gotcha" review.

Consequently, if the team cannot make a clear call, if major policy issues are involved, or if further consultation with Headquarters is likely, it would be best not to list the findings. After all, we don't want a perception that the outcome was decided before the review began or that decisions that have not been totally finalized concerning Certification findings have been

communicated. The Certification Review Team needs to be careful not to prematurely judge strengths and noteworthy practices of the MPO before a thorough evaluation of the planning products is complete.

In cases where the Certification Review Team chooses to provide more than a summary of topics discussed even where the risk is high, the *preliminary findings* could be expressed as “areas of concern” that need further consideration. If this optional approach were taken, it would be best to list noteworthy items first so the results of the review don’t appear to be “just a list of problems.”

## **Using Planning Topics and Sample Questions**

On the basis of the metropolitan planning regulations, 21 major topic areas have been included in Part 2 of this Handbook. This information is provided as a resource for the Certification Review Team in preparing for and conducting the site visit. For each topic area, basic regulations and laws along with background information are provided. A list of sample questions also accompanies each topic area. The topic areas are listed below:

- Study Area Organizational Structure
- Metropolitan Planning Area (MPAs) Boundaries
- Agreements and Contracts
- Unified Planning Work Program (UPWP) Development
- Transportation Planning Process
- Regional Transportation Plan (RTP) Development
- Financial Planning
- Air Quality
- TIP Development and Project Selection
- Public Outreach
- Self-certification
- Title VI and Related Requirements
- Congestion Management Process (CMP)
- List of Obligated Projects
- Environmental Mitigation
- Consultation and Coordination

- Management and Operations Considerations
- Transportation Safety Planning
- Security in the Planning Process
- Integrating Freight in the Transportation Planning Process
- Visualization Techniques

## Asking Questions

Asking questions is very important to a successful site visit. It is necessary to establish a rapport with the participants in the review prior to asking question about the process. One way of doing this is to arrive earlier than the scheduled review start time and converse with participants as they arrive. Additionally, it is important to set the tone of the review by following the steps identified earlier in the kickoff meeting and MPO overview. This will establish expectations and build good will and trust. Asking questions can be a complex skill acquired through practice and careful preparation. When preparing for the review, the characteristics, phrasing, and sequencing of each question needs to be kept in mind. To help prepare, the following excerpts from Chapters 8 and 9 of FHWA's *Continuous Process Improvement Manual, Tools and Techniques for Practitioners (CPI Course)* may be helpful.

### Asking Questions

In order to develop and ask good questions, it is necessary to understand what makes up a question. A question is any statement that invites an answer. Each question has three characteristics:

1. It is open-ended or closed-ended.
2. It has a primary or secondary function.
3. It either leads the respondent to an answer or is neutral with regard to the response.

An open-ended question allows the respondent freedom to determine the amount and kind of information to give. The following questions are examples of open-ended questions: "What do you know about FHWA?" and "How do you think the highways in this city can be improved?" Closed-ended questions restrict the respondent's possible answers. Typical closed-ended questions allow the respondent to select an appropriate answer from a list. A subcategory of this type of question limits the respondent to one or two choices—for example, "Do you live in an urban or rural area?"

A primary question will introduce a new topic or area within the topic. A secondary question attempts to delve further into a topic for additional information and is often a probing or follow-up question. Secondary questions are useful when the respondent does not respond or when answers are vague, irrelevant, or superficial. Examples of secondary questions or probing statements include, "Do you think you can meet the new deadline?" and "Please define

‘tentative’ for me.’”

A leading question implicitly or explicitly suggests the answer that is expected or desired. A neutral question allows the respondent to decide upon an answer without direction or pressure. A leading question would be phrased in the following manner: “You like close detail work, don’t you?” A neutral question, in contrast, would be phrased as follows: “Do you like close detail work?”

Developing or phrasing of a question can be a difficult task. To develop good questions, it is important to understand the characteristics of a question, as described above, and to keep the following principles in mind:

1. Be aware of the limitations of the language.
  - a. Avoid jargon or slang, and use common words—for example, “going to college” rather than “matriculating.”
  - b. Words can have a variety of meanings.
  - c. Never assume that the following words are synonymous: “could,” “should,” “ought,” and “would.”
  - d. Words can sound similar—for example, “cereal” and “serial.”
  - e. Phrasing can alter the results—for example, “Is it okay to smoke while praying?” as opposed to “Is it okay to pray while smoking?”
2. Make each question relevant.
3. Be conscious of the respondent’s information level.
4. Do not make the question complex. Questions need to be simple and clear and to request a limited amount of information.

## Taking Notes

Although all team members should take notes, one member of the team should be designated as the primary note taker. Four note taking methods from the CPI manual that may be helpful are described below.

### Taking Notes

1. Outline the information received.
2. Record a concise summary of essential points, statements, facts, or observations.
3. Distinguish facts from principles, with the main ideas listed on half a sheet of paper and important facts related to principles listed on the other half.
4. Use mapping, which is a three-step process:
  1. Write and circle main ideas.

2. Write significant facts and connect them to main ideas with lines.
3. Write minor details and facts, and connect them to the main ideas with lines.

## Preparing for Participation by Media and Interested Parties

Be prepared for any individual or group to ask to be a part of the site-visit discussion. For example, members of the Sierra Club and other interest groups may ask to be included in the entire site visit. Although the team should consult with the planning partners about their desires and local requirements, it should decide the parameters to be followed during the review. Before the site visit, the FHWA-FTA review team should consult with the MPO, State, and transit operator planning process participants to decide whether or not the meeting will be open to the public.

Because Certification of the planning process in TMAs is a Federal action, the FHWA-FTA planning review team can exclude the public from on-site meetings with the MPO. If challenged for a legal basis to keep the proceedings closed, the short answer is that open meetings provisions of the Sunshine Act (5 U.S.C. 552b) do not apply because DOT is not an “Agency,” as set forth in the statute. That law defines an agency as “...any agency... headed by a collegial body.” The authority of DOT is vested in the Secretary of Transportation, not “...a collegial body.” A sample letter illustrating an appropriate response to questions from the public about attendance at the Certification Review can be accessed at [http://www.oversight.volpe.dot.gov/handbook/pdfs/baltimore\\_cohen\\_letter.pdf](http://www.oversight.volpe.dot.gov/handbook/pdfs/baltimore_cohen_letter.pdf).

While FHWA/FTA are not required to have their Certification meetings open to the public, they are not prohibited from doing so either. In fact, there have been occasions when participants of the metropolitan transportation planning process chose to invite stakeholders to the proceedings as a show of openness in order to make the process transparent and generally to build trust.

It is important to note that a decision to have the Certification Review proceedings open does not eliminate the need for, or importance of, the public meeting component of the review. The public should have an opportunity to provide input during evening, nonwork hours.

While we do not want to exclude persons or groups from the discussion, this can be a very delicate situation to balance. As interest groups attend site-visit discussions, meetings, or interviews, the dialogue tends to become more inhibited. **The long-standing DOT position has been that the meetings are open to anyone wishing to attend, but this legal decision does give us the flexibility to close the site-visit interviews to the general public if necessary.** The Federal team should discuss this issue with the State, MPO, and transit operators prior to the actual site visit. Keep in mind that during any special interview, it is good practice to allow the persons requesting the interview to determine who can be present during the discussion.

## Scheduling “Certification Review Team Only” Meetings

It is a good practice for the Certification Review Team to have at least two “Feds-only” meetings during the on-site visit. The first meeting should occur prior to the kickoff meeting. During this meeting, individual responsibilities should be revisited and verified, individual concerns

identified, and strategies to be used during the review discussed. The second “Feds-only” meeting should occur prior to the site-visit closeout. This meeting is when the team will discuss what was heard during the site visit and will formulate its preliminary impressions. If additional questions regarding the process emerge, it is a good practice to log and then discuss them with the entire group prior to the closeout meeting. It is *not* an acceptable practice to invite an MPO, State, or transit staff person to participate in the “Feds-only” meetings.

## **SECTION 1-6: POST-SITE VISIT**

### **Findings and Actions**

Once the data-gathering phase of the Certification Review is complete, the next step is to determine the outcome. It is normal for the Certification Review Team to identify areas that are satisfactory, areas that may be examples of noteworthy practice, and areas of weakness that need improvement. The Federal agencies must decide if any identified weakness is sufficiently deficient as to require a Corrective Action. Making the determination of what requires a Corrective Action is not an easy task. This section begins by identifying the range of Certification Actions and defining key terms. It provides linkages that will help the Certification Review Team to determine if a Corrective Action is warranted and ultimately what Certification category is appropriate. While the subjects are discussed at a general level, Parts 2 and 3 provide more specific examples of possible Federal actions for the primary topics covered in a typical Certification Review.

### **Section 1-6.1: Identifying Certification Categories and Actions**

According to 23 U.S.C. 134(k)(5)(B) and 49 U.S.C. 5303(k)(5)(B)(i), the Secretary may certify the metropolitan transportation planning process if:

- (i) The transportation planning process complies with the planning requirements of Title 23 and other Federal laws, and
- (ii) There is a transportation improvement program for the area that has been approved by the MPO and the Governor.

Table 1-6.1A lists the types of Certification Actions and the implications in terms of available management tools such as Commendations, Recommendations, Corrective Actions, project funding restrictions, and withholding funds. The implications are further defined in Table 1-6.1B and are linked to the regulatory material found in 23 CFR 450.334(b).

**Table 1-6.1A: TMA Certification Categories and Management Tools**

Certification Finding (3)		Meets Requirements	Substantially Meets Requirements	Does Not Meet Requirements	
Certification Category (4)		Certified	Certified with Conditions	Certified with Conditions & Restrictions	Not Certified
<b>Management Tools</b>	<b>Commendations</b>	Yes	Possible	Not Likely	No
	<b>Recommendations</b>	Yes	Yes	Possible	Possible
	<b>Corrective Actions</b>	None	Yes	Yes	Yes
	<b>Project Funding Restrictions</b>	None	None	Yes	Yes
	<b>Withhold Funds</b>	No	No	No	Yes

As shown in Table 1-6.1A, there are three overall Certification findings the process: (1) meets requirements, (2) substantially meets requirements, or (3) does not meet requirements. If an approved TIP is in existence, the metropolitan transportation planning process can be certified in some manner. On the other hand, if the State, MPO, and transit operator are unable to produce a TIP, the Secretary cannot certify. Table 1-6.1B shows four Certification categories as follows:

1. Certified
2. Certified with Conditions
3. Certified with Conditions and Restrictions
4. Not Certified

Most processes are Certified or Certified with Conditions. Selecting the appropriate Certification category is primarily a function of the number and severity of Corrective Actions affecting the metropolitan transportation planning process. It is interesting to note that even if Corrective Actions have been identified, it does not necessarily mean that program funding will be restricted.

Table 1-6.1B: Certification Category Implications

Overall Finding	Certification Category	Implications
Meets Requirements	1. Certified 450.334(b)(1)(i)	<b><u>Certified</u></b> for four years, unless a new Certification determination is made sooner.
Substantially Meets Requirements	2. Certified with Conditions 450.334(b)(1)(ii)	<b><u>Certified</u></b> for four years, with Corrective Actions that define items requiring attention. Corrective Actions are important, but the immediate situation does not warrant withholding project approvals. May set milestone dates and could require reevaluation of progress before the end of the four-year period. The Corrective Action could be removed once the cited item(s) have been corrected. Failure to respond could lead to a more restrictive Certification.
Does Not Meet Requirements	3. Certified with Conditions and Restrictions 450.334(b)(1)(iii)	<b><u>Certified</u></b> . Corrective Actions define items required to achieve Certification Category 1 or 2. The Corrective Actions are very serious; therefore, only specific categories of programs or projects will be allowed to proceed. Corrective Actions will set milestone dates and will require reevaluation of progress. Status could be upgraded to a Certified Category 1 or 2 once the cited items have been corrected. Failure to respond could lead to mandatory withholding of funds.
	4. Not Certified 450.334(b)(1)(iii) & 450.334(b)(2)	<b><u>Not Certified</u></b> . Corrective Actions define items required to achieve Certification. The Corrective Actions are very serious and warrant the withholding of attributed funds. Corrective Actions will set milestone dates and will require reevaluation of progress. Status could be upgraded to a Certified condition once the cited items have been corrected. Failure to respond could lead to mandatory withholding of funds.*

\* If not certified, 20 percent of the apportionment attributed to the metropolitan planning area (highway and transit) may be withheld, [23 CFR 450.334(b)(2)].

## Defining Key Terms

It is important to understand the precise meanings for terms that specify the outcome of a Certification Review. These terms are defined below.

### Key Definitions

\* **Findings:** Statements of fact that define the conditions found during the data-gathering phase of the review. These statements provide the primary basis for determining the actions (Corrective Actions, Recommendations, or Commendations), if any, contained in the Certification Report.

\* **Corrective Action:** Items that fail to meet the requirements of the transportation statute and regulations, thus seriously impacting the outcome of the overall process. The expected change and timeline for accomplishing it are clearly defined.

\* **Recommendation:** Items that, while somewhat less substantial and not regulatory, are still significant enough that FHWA and FTA are hopeful that State, local officials and transit operator(s) will consider taking some action. Typically, Recommendations involve the state of the practice or technical improvements instead of regulatory requirements. The suggestions are clearly defined.

\* *Corrective Actions* and *Recommendations* describe what needs to be done and are the primary vehicles by which FHWA and FTA convey the need for improvement and change. The primary difference between a *Recommendation* and a *Corrective Action* is that the former addresses technical improvements to processes and procedures that would be enhancements but are not specifically required by law, whereas the latter indicates a serious situation that does not meet one or more requirements of the transportation planning laws and regulations. The expected outcome of a *Corrective Action* is change that brings the metropolitan planning process into compliance with a law or regulation; failure to respond will likely result in a more restrictive Certification. The expected outcome of a *Recommendation* is also change. While the change suggested by a *Recommendation* would improve the process, there is no Federal mandate, and failure to respond will not necessarily result in more restrictive Certification.

\* **Commendations and noteworthy practices:** Elements that demonstrate innovative, highly effective, well-thought-out procedures for implementing the planning requirements. Elements addressing items that have frequently posed problems nationwide could be cited as noteworthy practices. Also, FHWA and FTA may wish to offer Commendations for significant improvements and/or resolution of past findings. Recognizing noteworthy practices through Commendations helps to build good relations with the area under review and also provides a way to identify and share good practices with others through technical assistance such as the Transportation Planning Capacity-Building program.

## Using Findings to Support Certification Actions

Sorting out what is important and what may warrant a Recommendation or Corrective Action, and determining the level of Certification that is appropriate, begins with the review findings. Findings are factual statements. The information included in the findings statements will have a direct bearing on the ability to support the need for a Corrective Action, Recommendation, or

Commendation. Ultimately, the significance of the finding will have an impact in determining the appropriate Certification category. Three examples follow.

1. The finding might be, “The MPO has adopted a comprehensive approach for managing the TIP that could serve as a model for the requirements of 23 CFR 450.324.” The result of such a finding would support a Commendation.
2. The finding might be, “The MPO has limited success in attracting participation in its Public Participation Process.” The result of such a finding might be a Recommendation to evaluate the effectiveness of the Public Participation Process and an offer to share information from other areas or to set up a peer exchange to achieve greater participation.
3. The finding might be, “The review found no evidence of an operational CMP as required by 23 U.S.C. 134(k)(3) and no tasks in the UPWP or schedule to develop a CMP.” This finding would lead to a different Federal response, most likely a Corrective Action and a Certification category that permits the approval of projects that do not add capacity.

To be of optimal use, findings should include several pieces of information. Table 1-6.2 illustrates this point, using the CMP example from above.

**Table 1-6.2: Supporting the Findings with Facts**

<b>Information to Address in a Finding</b>	<b>Facts to Support a Finding</b>	<b>Finding</b>
Topic?	CMP	An operational CMP, as required by law, does not exist, and no effort has been made or is planned to respond to this requirement.
Expected product or outcome?	An operational CMP	
Required by law or regulation?	Yes, 23 U.S.C. 134(k)(3)	
Current status?	Does not exist	
Efforts underway to address, if any?	None	
Schedule for completion, if any?	None	

A quick review of the information in this table shows how the Certification Review Team can link *findings* to a *Corrective Action*. The facts that a CMP is required, that one does not exist, and that there are no plans to address the issue provide a strong case for a Certification with a Corrective Action that restricts funding for capacity projects.

### **Reaching Agreement and Seeking Involvement of Headquarters**

To justify a Corrective Action, both FHWA and FTA must agree that a deficiency seriously impairs the ability of the metropolitan transportation planning process to fully meet the regulations or fails to meet a statutory requirement. Continuing with the CMP example, from an FHWA/FTA perspective, we need to avoid the situation where the lack of an adequate and viable CMP may generate a Corrective Action in one metropolitan area but only a Recommendation in another. It is crucial that the FHWA and FTA field offices, which are in the best position to

know what will help the process, make the decision jointly. Such a decision should also be made in consultation with Headquarters. If significant issues exist, coordination with Headquarters should start early in the process.

### **Indirect Issues**

Many TMAs will meet the technical requirements of the applicable Federal laws and regulations, but how the process is carried out could be of concern. A conscientious and professional staff will endeavor to have a dynamic process, and the Certification Review should serve as a means of encouraging improvement and identifying good examples from other areas. For elements of the process where the Certification Review Team concludes that the metropolitan process technically meets the planning requirements but has some serious internal problems, a Recommendation for improvement would probably be warranted. For example, if there is internal contention within the TIP development process that results in ongoing stalemates, such as the Congestion Mitigation and Air Quality (CMAQ) program routinely being held up, it would be appropriate that the team cite the necessity of a cooperative process and that the MPO be the forum for cooperative decision-making. The delay in the CMAQ program, although a problem, is not the underlying issue; the lack of a cooperative process is the issue.

### **Building a Case**

Within the framework of the above example, Recommendations may build in importance from one review to the next. For example, if the cooperative process issue expands beyond the CMAQ program to cover more elements of the TIP development process and begins to affect the overall delivery of the entire program, the stalemate could impact the ability to update the TIP in a timely cycle. If there are routine requests to extend the old TIP (a practice that violates the regulations), a Corrective Action would be warranted. This suggests that, in some cases, what might start out as a Recommendation for a technical improvement could escalate over time to a Corrective Action if no attempt is made to address the original Recommendation. Laying the groundwork with Recommendations made in previous reviews can avoid the surprise if a Corrective Action is ultimately warranted.

### **Area Size and Complexity**

Recommendations for elements that need improvement or Corrective Actions that require change should be commensurate with the size of a region and its circumstances. While they must meet all Federal requirements, smaller TMAs (those with a population of less than 500,000) do not need, and should not be expected to have, activities approaching the scale and complexity of those of larger TMAs.

### **Partnership and Desired Outcome**

Eventually, the team will face controversial situations where a serious problem exists and previous efforts to change have been strongly resisted. The approach of building a case history and/or involving Headquarters staff, as discussed above, provides tools to help address this situation. Routine contacts by Federal field staff, special technical assistance, and peer exchanges provide additional tools for change. If these efforts fail to achieve change, avoiding the issue in the Certification Review in order to maintain a good relationship will have long-term

detrimental effects. When there are no signs of progress and requirements are not being met, the Certification Review Team has a stewardship responsibility to address the issue. Hoping for change and avoiding the issue to maintain the partnership will ultimately undermine the credibility of FTA and FHWA, both locally and nationally.

### **Defining Corrective Actions**

In writing a Corrective Action, the team needs to provide the regulatory citation for the requirement, spell out the expected change, and give a timeline for making the change. The consequences of noncompliance also need to be clearly defined, including what is expected, why the required actions are expected, and when the required actions are expected. The following list of items illustrates a progression in providing a Corrective Action with increased clarity in conveying expectations.

1. A CMP must be developed.
2. A CMP must be developed and be operational for use in the plan update due in 2010.
3. A CMP must be developed and be operational for use in the plan update due in 2010. The CMP must comply with all the requirements of 23 CFR 450.320.
4. A CMP must be developed and be operational for use in the plan update due in 2010. The CMP must comply with all the requirements of 23 CFR 450.320. If the CMP is not operational for use in the 2010 plan update, approvals for projects that add capacity will be withheld.

### **Section 1-6.2: Certification Report**

The Certification Report documents the results of the Federal review required by 23 CFR 459.334(b). It identifies the topics covered, outlines the planning requirements and expectations, discusses current status, and presents the review findings and Recommendations. As with any process review, the Final Report needs to provide adequate information to support the findings and Recommendations. These should be clearly documented in a readily identifiable section (e.g., Executive Summary) of the report. This subsection provides information to assist review teams in determining report format, scope, detail, and style.

Certification Reports can be prepared in different styles, ranging from a summary format with limited detail to a very detailed format. The style selected depends on the intended audience, the significance and complexity of the findings, the outcome that FHWA and FTA hope to achieve, and the available time and resources. Some reports have the findings from the previous Certification in an appendix, some put the findings in a separate chapter, and some put them with the current review findings. None of these approaches are better than another, as all include necessary information in the document. The author(s) choose the style that they feel is the best fit for their audience while taking into consideration the complexity of previous and current findings and their available time and resources.

Another example of a different approach to documenting the review information is providing it in the Executive Summary. Some reports may include all of the Certification findings in the

Executive Summary because no significant findings were identified. The author may also know that the MPO Policy Committee will focus on this part of the document. Other reports may have a more minimal Executive Summary because significant findings were identified that may warrant having a dedicated chapter of the report, and the author knows the MPO Policy Committee will review the entire document. In this case, when findings are discussed in a comprehensive descriptive narrative, it is advisable to dedicate a section elsewhere in the report (e.g., Executive Summary) to delineate, with very abbreviated descriptions, all of the findings that resulted from the review.

The most significant difference is in the level of detail provided for each topic in terms of background, requirements, and expectations as well as detail on status, and findings to support Recommendations and Corrective Actions. Even reports with a modest level of detail provide more narrative for complex topics or topics that will result in Corrective Actions. On the other hand, the documentation of findings for topics that rely on the desk review without an on-site discussion tends to be less detailed.

To aid review teams in selecting an appropriate format and content level, various reports are referenced in Table 1-6.3, along with links to the Certification Report website for viewing more detail. The intent of referencing the samples here is to show differences in style, rather than to serve as an endorsement of any single approach.

**Table 1-6.3: Report Styles and Examples**

Report Style	Examples
<p><b>Modest level of detail:</b> Documents the necessary information for a Certification Report with a focus on the findings. This report style is for a smaller TMA or for a larger TMA where no significant findings were identified.</p>	<p><a href="#">Northeastern Illinois 2002</a></p> <p><a href="#">Portland-Vancouver 2001</a></p>
<p><b>Mid-level of detail:</b> Documents the necessary information for a Certification Report, additional supporting documentation, and background information on planning topics. This report style is for a review where there are some Corrective Actions and Recommendations.</p>	<p><a href="#">Bridgeport, CT 2003</a></p> <p><a href="#">Flint, MI 2006</a></p>
<p><b>High level of detail:</b> In-depth documentation of the necessary information for a Certification Report. The report style is comprehensive and includes additional supporting documentation, in-depth history, and detailed background on the MPO and the planning topics; can be used where more detail is needed to support the Federal finding, where significant and controversial issues exist, or where practice and/or expectation warrant a more thorough treatment.</p>	<p><a href="#">Syracuse, NY 2005</a></p>

The modest-level-of-detail approach will not work if there are significant findings, whereas the high-level-of-detail approach may not always warrant the effort required to develop it, especially for every four-year cycle. The team should consider using the format that seems necessary or appropriate. In reality, most Certification Reports will fall somewhere between the modest and detailed examples provided above.

While the Certification Review process is comprehensive in nature, every topic is not covered in the same level of detail during the review (see Section 1-3 for suggestions). The same principle can be applied in writing the report. Topics covered as part of the on-site review, especially those with significant findings, warrant the most attention and detail. Topics reviewed as part of the desk review and found to be in compliance without a history of problems can be documented in less detail. Topics covered on the basis of separate reviews or even routine oversight can be appended or documented by reference. Appendix I contains a link to the Syracuse 2005 Certification Report, which is a prime example of in-depth documentation of the review process.

### Preparing the Report Content

Many review teams have found the report outline shown in Table 1-6.4 (or variations thereof) to be a useful approach in organizing the Certification Report.

**Table 1-6.4: Certification Report Outline**

1. Preface
2. Executive Summary
3. Introduction
4. Prior Review Topics
5. New Review Elements
6. Public Comments
7. Conclusion and Recommendations
8. Appendices

Although these headings are self-explanatory, a brief description of each is included below for quick reference.

#### Preface

To set a common level of understanding, especially among outside agencies reading and comparing Certification Reports, FTA and FHWA strongly recommend using a standard preface to define the scope and purpose of the Certification process. A [sample preface](#) is provided that may be used when developing a Certification Report. This preface, which was issued with a [joint memorandum](#) dated December 5, 2000, addresses the general purpose of the Certification process without making specific reference to the urbanized area under review.

## Executive Summary

An Executive Summary can be a useful tool for quickly conveying the purpose, approach, and outcome of the Certification Review. Policy-level officials who may not wish to read a lengthy report will find this valuable. Refer to page 1 of the [FHWA/FTA Review of Transportation Planning Process in Syracuse, NY](#), for an example of an Executive Summary.

## Introduction

The introduction provides purpose and background information specific to the area under review and should orient the reader to the content of the report. It is also a good place to define the approach and to clearly state that the review and conclusions were not based solely on the interviews during the on-site visit but rather were the cumulative result of attendance at MPO meetings during the past four years; annual Federal Metropolitan Planning Findings; materials developed by the State, the MPO, and transit operators; telephone conversations with staff and participants; and review of other work products, including the UPWP, TIP, conformity determination, and self-certification. The introduction could also include or reference an appendix with a list of review participants, identifying the team and the parties who were interviewed. The introduction would be a good place to direct readers not familiar with planning terminology to an appendix that defines planning terms and their associated acronyms. Refer to page 1 of the [Bridgeport, Connecticut 2003](#) Certification Report for an example of an introduction.

## Prior Review Topics

Those involved in past reviews will be interested in the progress made over the previous four years. Progress since the last review can be highlighted under this heading. Some teams have found it useful to highlight progress in the body of the report and then refer the reader to an appendix for details. Providing an in-depth assessment of progress on every past finding in the body of the report could distract the reader from the new findings. Refer to pages 2-13 of the [Atlanta, Georgia 2003](#) Certification Report and Appendix A of the [Syracuse, New York 2005](#) report for examples of how to discuss progress from previous reviews.

## Current Review Topics

These topics are the heart of the report. The findings documented in this section provide the basis for the Certification action. Current review topics include items from:

1. The on-site review.
2. The desk review topics found to be in compliance.
3. Routine oversight of recently completed reviews (plan update, TIP update, travel demand models, etc.).

**1. On-site review topics:** Although a variety of approaches are possible for presenting the information and outcomes of the review, those preparing reports have found it useful to present information for the on-site review topics in four steps (see Table 1-6.5).

**Table 1-6.5: Presentation Elements for On-site Review Topics**

<b>Requirements/Background</b>	Provides information on the basis for the topic, why it is important, and what is expected. (See Section 2 of this Handbook for specifics on the planning topics that are the focus of the Certification Review process.)
<b>Current Status</b>	Provides a summary of current conditions based on routine contacts, review of planning products throughout the year, and input provided by the State, the MPO, and transit operators in response to the review questions.
<b>Findings</b>	Provides judgments on the adequacy of the process. Identifies and discusses the basis for Commendations, Recommendations, and Corrective Actions. (See Section 1-6.1 for more discussion on this topic.)
<b>Listing of Commendations, Recommendations, and Corrective Actions</b>	Lists and numbers specific Commendations, Recommendations, and Corrective Actions applicable to the topic. Addresses expectations in terms of what and when, as needed.

An example of a [generic Certification Report](#) is provided to assist team members in developing and formatting the Final Report.

This four-step approach provides a structure for this section of the report and allows the Certification Review Team to present facts in a nonjudgmental, nonargumentative manner before reaching conclusions. This approach is neither inflammatory nor does it predict the outcome or give the impression of predetermination. More importantly, it can help to achieve a sense of fairness and credibility, particularly where there may be controversy. Refer to pages 6–8 of the [Flint, Michigan 2006](#) Certification Report for examples on how to present the background, current status, findings, Commendations, Recommendations, and Corrective Actions.

A sense of fairness is critical. Table 1-6.6 illustrates the difference between judgmental and nonjudgmental statements.

**Table 1-6.6: Judgmental and Nonjudgmental Statements**

<b>Nonjudgmental</b>	The Policy Committee processed <i>xx</i> TIP amendments in the previous year.
<b>Judgmental/ Inflammatory</b>	Despite previous findings that the TIP is unstable and subject to excessive amendment, the Policy Committee continued the practice again by processing <i>xx</i> TIP amendments in the previous year.

In addition to presenting the findings topic by topic, many review teams have found it useful to consolidate a list of all Recommendations and Corrective Actions for inclusion in an appendix.

**2. Desk Review Topics:** The desk review will cover many topics and can be a useful tool to differentiate between topics that warrant inclusion in the on-site review and those that do not. If a topic is in compliance and not part of the on-site review, the level of documentation can be less rigorous. Providing brief background information that links the topic to Certification along with brief observations that support a compliance finding, should be adequate. Obviously, it would not be appropriate for a topic with a Corrective Action to be addressed in this manner. The [Bridgeport, Connecticut 2003](#) Certification Report (pages 2–7) provides additional information on Certification Review planning requirements.

**3. Routine Oversight and Recent Review Topics:** These topics may also be covered in the desk review, but the basis for the review team’s decision is grounded upon judgments made and documented by FHWA/FTA staff as opposed to reports prepared by the State, MPO, or transit operator. If a topic is in compliance and not part of the on-site review, the review team can use an approach similar to that noted above, providing brief background information along with brief observations that support a compliance finding. The FHWA/FTA report can be referenced or included as an appendix. Topics in this category could include Recommendations from a documented recent review. Examples might include an in-depth review of the air quality conformity process, an in-depth review of the travel demand modeling process, or an in-depth review of an MTP update. If a Corrective Action is anticipated, coverage in the on-site review and more complete documentation in the report are strongly encouraged. The [Flint, Michigan 2006](#) report (page 13 and Appendix D) provides additional information on a travel-demand forecasting model and a travel demand forecasting Certification Review.

## Public Comments

This section should summarize both the approach used by the Certification Review Team for public outreach and the input received. The input received can be summarized in common themes and then related to the Certification findings.

## Conclusions and Recommendations

The Conclusions and Recommendations should highlight the findings and the Certification status. The rationale for the Certification status should be clearly presented. Refer to the [Northeastern Illinois 2002 Certification Review](#) (page 23) for an example of how to present the Conclusions and Recommendations of the review.

## Appendices

As stated above, the Certification Report may include appendices covering a variety of topics. Appendices may include lists of acronyms, outcomes, review participants (e.g., Certification Review Team members, parties interviewed), details of progress since the last report, and a glossary.

The Certification process is not intended simply to identify problems and ignore good aspects. Rather, it should provide a balance of findings that accurately reflect the planning process under review. Throughout the report, it is appropriate to give credit where deserved (e.g., to central staff activities, public outreach, progress in addressing previous findings and Recommendations, new initiatives, and new TIP management processes). If the TMA has noteworthy practices, these should be summarized in the report. More details can be provided in an appendix devoted to noteworthy practices, which will enable others to more easily find this material. If possible, the team should collect sufficient background data and information demonstrating the specific attributes of noteworthy practices. It should then be provided to both FHWA's and FTA's Headquarters offices for possible compilation and distribution to other field offices as shared examples. If such data cannot be collected during the on-site visit, it could be obtained in a follow-up visit.

### Section 1-6.3: Developing the Draft and Maintaining the Schedule

The importance of identifying tight deadlines for developing the draft document cannot be overemphasized. When developing draft sections of the report, the Certification Review Team needs to decide whether one individual will write the draft document or if various sections of the report will be assigned to individual team members. If the report is developed by multiple individuals, it is generally preferable to have the team member who led the discussion of an individual topic during the site visit assume responsibility for writing the draft of that section of the report. It is advisable to assign one person as an overall editor in order to achieve a unified stylistic approach, meshing the various sections into a cohesive document.

Any major or controversial findings and any Certification actions that will restrict the advancement of projects or will result in withholding of funding should be discussed with FTA and FHWA Headquarters as soon as they have been identified. (See Section 1-6.1 for a more in-depth discussion of findings, determining the difference between Recommendations and Corrective Actions, and deciding when to involve Headquarters.)

Unless substantial issues that require extensive discussion between agencies and/or Headquarters offices are identified, most reports should be issued within 60 to 90 days after the site visit in order to maintain credibility. Therefore, the final draft report as prepared by the Certification

Review Team should be available within 45 to 60 days. The final draft should be shared with the full Certification Review Team, and the contents should be discussed with the FHWA DA and the FTA RA who will be responsible for signing the correspondence that officially transmits the report.

### **Using Templates**

Some review teams have found it useful to prepare a report template to aid in the report-writing task. This can be especially useful where similar topics will be covered in several reviews over a short period of time. A template can be viewed and downloaded for use via the following link: [http://www.oversight.volpe.dot.gov/handbook/pdfs/generic\\_cert\\_report\\_format.pdf](http://www.oversight.volpe.dot.gov/handbook/pdfs/generic_cert_report_format.pdf).

### **Deciding on the Extent of External Review**

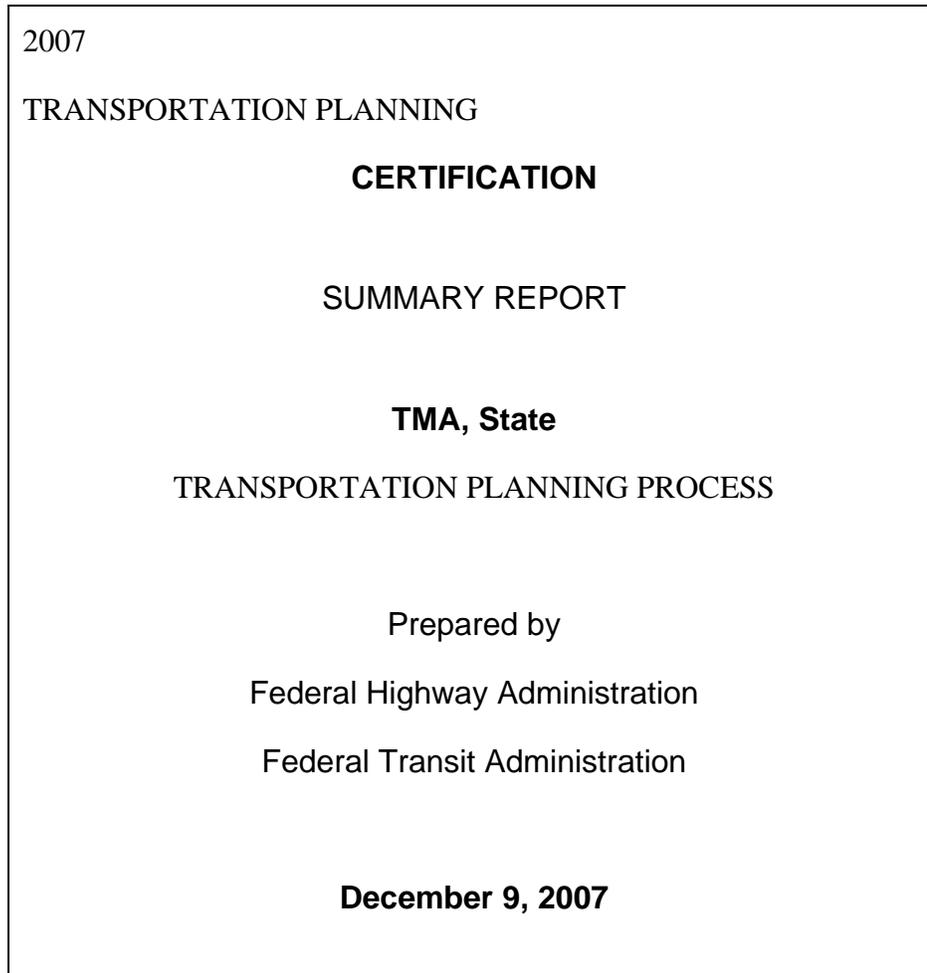
A decision to share all or part of the final draft with the State, the MPO, and transit operators is not an easy call. Good practice would mandate that the final draft not be shared outside until all of the Federal agencies have agreed on the content, especially the findings. Even when there is agreement at the Federal level, releasing the entire document for review could cause unexpected delays. At a minimum, the Federal team should verify the key factual information contained in the report that was used to determine applicable findings. However, some field offices have found themselves in never-ending debates when the State, MPO, or transit operators chose to challenge a Corrective Action because the Federal team went further than just a factual content verification and shared the proposed findings. There is no prohibition to sharing the entire draft report with all of the planning partners. Some teams have found this useful in developing both final Corrective Actions and Recommendations, as additional insight has been provided by the partners.

Based on the recognition that no one likes to be caught by surprise, an alternative to outside review is to have a staff briefing with the affected parties. As noted above, such briefings should begin with a verification of factual information and then proceed to highlight noteworthy practices as well as Corrective Actions and provide an opportunity for discussion. In this way, teams have been able to verify whether they were on target without starting a lengthy exchange of rewritten and re-written drafts. Another approach that has been used is to seek outside review on portions of the final draft that are strictly factual. For example, if the report will highlight a noteworthy practice on effective procedures for managing the TIP, a review of that section for accuracy would be highly desirable. In the end, the degree of potential controversy will have a major impact on the decision of whether to release the draft for outside review before the report is issued.

### **Finalizing the Report**

The Certification Review Team should begin to prepare the Final Report while the comments are coming in. Once the Final Report has been completed and the transmittal letter has been signed, copies of both should be sent to FHWA and FTA Headquarters offices. The date on the cover of the Certification Report should be the same as the date of the jointly signed transmittal letter. This date is critical in establishing the Certification period. Using different dates on the report cover and the transmittal letter could cause some confusion if, for example, the report is

circulated separately, showing the date of the site visit. (See Frequency of Review in Section 1-1 of this Handbook for additional information on the Certification period.) Figure 1.6-1 shows a sample coversheet. The following link provides an example of a sample preface that may be used in a Final Report: [http://www.oversight.volpe.dot.gov/handbook/pdfs/sample\\_preface.pdf](http://www.oversight.volpe.dot.gov/handbook/pdfs/sample_preface.pdf).



**Figure 1-6.1: Sample Certification Report Cover Sheet**

### **Section 1-6.4: Presentation of Findings**

The task here is to convey the outcome of the review to the State, the MPO, and transit operators, commending the metropolitan planning process and outlining opportunities for improvement as appropriate. In some cases, it may be necessary to clarify expectations for overcoming a major Corrective Action, a conditional Certification, or, in extreme conditions, a withheld Certification. The approach used in delivering the message can significantly affect how the message is received. There are four elements in presenting the findings:

1. Transmitting the Certification Report to the State, the MPO, and transit operators
2. Briefing affected agencies

3. Briefing the MPO Policy Board
4. Transmitting the final Certification Report to Headquarters

### **Transmitting the Certification Report to the State, the MPO, and Transit Operators**

Once the Certification Report is finished and the Federal review agencies are in agreement on its content, it is time to transmit the report to the State, MPO, and transit operators. Letters transmitting the Certification Report are jointly signed by FTA and FHWA and are generally addressed to the chairperson of the MPO Policy Board, with copies sent to the State, the MPO director, and transit operators. Separate original letters could be sent to each of the planning partners if that is easier. Following an approach similar to that used to notify the planning partners at the beginning of the review would maintain consistency in expectations. (See Section 1-3 for a discussion on the notification process.) The transmittal letter should frame the report and convey in a concise manner the outcome of the review. The transmittal letter may be the only document that some key executives read. Consequently, when preparing this document, the Certification Review Team should consider the core message that FTA and FHWA want to convey. It is important to thank the State, MPO, and transit agencies for their assistance during the review and for the valuable work they do in making investment decisions for their area. It is also important to present a balanced scorecard to identify what is working well and not just single out the problems. If Corrective Actions are being recommended, clearly identify the issue and our expectations. Experience has shown that efforts to address findings are often underway while the Certification Review Team is writing the Final Report. Tuning into these efforts and acknowledging progress in the transmittal letter builds good relationships. A sample transmittal letter is included as Appendix K.

The date of the transmittal letter will establish the beginning of a new four-year Certification period. From a timing and scheduling perspective, the Certification Review Team should strive to complete the review and get a new letter out before the previous Certification expires. The date on the cover of the Certification Report should be the same as the date of the jointly signed transmittal letter. A few days' gap between the old and new Certifications would probably not be critical.

The formal date of Certification is the date of the transmittal letter of findings from FTA/FHWA to the MPO.

### **Briefing Affected Agencies**

In some cases, field staff have found that it pays to brief the staff of affected agencies ahead of time in a less formal setting. This is an optional approach, but it can help to build relationships and to avoid surprises at the more formal MPO Policy Board.

### **Briefing the Policy Board**

Since the TMA Certification is a formal review, current policy calls for the FHWA DA and/or the FTA RA to present the findings to the MPO Policy Board. As a matter of professional courtesy to the elected officials that comprise the MPO Board, it is advisable for the presentation to be made personally by the DA and/or RA. In practice, because both Federal officials are

seldom able to attend, this task has been assigned to the senior official of one agency to speak on behalf of both. In some cases, the presentation has been delegated to an FHWA Division or FTA Region planning staff member who was a lead reviewer, except where the Certification findings include major or controversial policy issues. Such briefings are generally arranged as part of regularly scheduled MPO Policy Board meetings close to the time of issuance of the Final Report. It is desirable but not essential to have the report out before the briefing so that board members are informed and can be prepared to ask questions. Generally, such briefings are short (about 10 minutes) and highlight the outcome of the review and the new Certification status. As with the transmittal letter, the briefing should present a balanced scorecard. Depending upon the State and the TMA, such briefings may be one of a limited number of times that FHWA and FTA have an open opportunity to promote change that will enhance the quality of the planning process. It is important to take advantage of this opportunity and to be prepared to answer questions. Where the findings include Recommendations or Corrective Actions, the presentation should make explicit mention of the TPCB program and extend an offer of technical assistance through that program. An extensive inventory of planning resource information and instructions for requesting assistance under the Peer Program are included on the website [www.planning.dot.gov](http://www.planning.dot.gov).

### **Transmitting the Final Certification Report to Headquarters**

At the same time that the Final Report is transmitted to the MPO, the Federal team should send the letter of transmittal and final Certification Report to Headquarters. The report and transmittal letter should be sent as attachments to e-mail messages both to the director of the FTA Office of Systems Planning (TPE-10) and the team leader of the FHWA Planning Oversight and Stewardship team (HEPP-10). The report should be in Word format, and the transmittal letter should be scanned and sent in PDF format.

FHWA and FTA will post Certification Reports on the Oversight website and will enter Federal actions and other information from reports in the TMA Certification Database, accessible on the website. The website and database, which are accessible only to FTA and FHWA staff by password, are valuable resources for field teams, which may find it helpful to consider the approaches taken by peer staff in drafting Certification Reports for metropolitan areas throughout the Nation. The Headquarters Offices of FHWA and FTA use this information to monitor broad patterns of planning performance to ensure that training and technical assistance programs (e.g., National Highway Institute (NHI), National Transit Institute (NTI), and the Transportation Planning Capacity Building program (TPCB)) are informed and responsive to the needs of non-Federal planning partners.

### **Section 1-6.5: Follow-up**

After the Certification Report has been issued and presented, follow-up activities will likely be necessary. After all, an underlying goal of the Certification process, once the compliance issues have been addressed, is to improve the overall effectiveness and efficiency of the planning process. The alternative of waiting four years for the next review to assess progress is not an acceptable option.

In practice, Corrective Actions have led to either conditional or limited Certifications, although Certification failure (withholding of Certification) is another potential outcome under regulations. In the case of either conditional or limited Certifications, milestone dates should be established in the Certification Report, setting the deadline by which the Corrective Actions need to be executed or a good faith effort to correct the deficiency demonstrated.

### Identifying Follow-up Items

Some FHWA and FTA offices have found it helpful to list Corrective Actions and Recommendations from the Certification Report on a separate Certification follow-up checklist, as illustrated in Table 1-6.7.

**Table 1-6.7: Certification Follow-up Checklist**

_____ Urbanized Area			2003 Review
<i>Corrective Action/ Recommendation</i>	<i>Established Milestone Dates</i>	<i>Requested Completion Date</i>	<i>Approach/Status</i>

A checklist of this type can be used to help organize and track the follow-up effort. Any Corrective Actions should be listed first, followed by the Recommendations. Information for the first three columns can be taken directly from the Certification Report. The Approach/Status column is the most important part of the checklist since it provides the game plan for improving or correcting the area's transportation planning process. Experience has shown that the conditions resulting in Corrective Actions and Recommendations rarely correct themselves; encouragement and coaching from FHWA and FTA are almost always needed. Consequently, it will be useful to describe the procedures and schedule for monitoring in advance.

### Developing an Approach for Follow-up

In developing an approach for addressing the Corrective Actions and Recommendations, the Certification Review Team should consider the expertise and programs available throughout the organization, such as the resource center, Headquarters, other Divisions or Regions, training, technical assistance, the TPCB program, and peer exchange. The effort should be proportionate to the importance of the Corrective Action or Recommendation. While it is important for the Certification Review Team to have a game plan, the best approach might be to begin by asking the State, the MPO, and transit operators to outline their method for addressing the issue. The Certification Review Team can then tailor the Federal assistance and encouragement to fit the needs of customers. This works well when all parties embrace common goals.

Paying close attention to the dates set out in the Certification Report for Corrective Actions is essential. Designated Certification Review Team members should be in contact with the MPO and other relevant partner agencies on a regular basis to monitor progress and provide technical guidance and support as may be beneficial. When the State, the MPO, and transit agencies implement improvements to address the requirements of Corrective Actions, the Federal team should review these actions and determine if they are sufficient to remove the conditions placed on the Certification. For example, a condition may have restricted project approvals to air-quality-exempt projects because of a lapsed air quality conformity finding. Once the finding is fully updated, such a condition needs to be removed.

Alternatively, when a milestone date approaches without resolution, the Certification Review Team will need to determine if sufficient progress has been demonstrated to warrant an extension of the conditional Certification. This review may require another on-site meeting of the Certification Review Team or a designated subgroup, but in some cases it may be limited to a review of written materials, such as a new Public Participation Plan (PPP), and to telephone or e-mail contact, perhaps including a conference call with the entire Federal team. For example, an out-of-date PPP may have resulted in a conditional Certification with a Corrective Action for an updated PPP by a certain date without any restrictions on advancing projects. In this case, the Certification Review Team would determine if sufficient progress warranted an extension.

In either example, a follow-up letter should be prepared by the Certification Review Team and transmitted to the MPO, with copies sent to partner agencies, confirming that the Certification conditions have been met, additional conditions (see Table 1-6.1B) are appropriately instituted, or that the timeframe of the conditional Certification has been extended.

Recommendations do not usually have dates and do not restrict project advancement. Accordingly, the formal tracking associated with Corrective Actions is not required. Nevertheless, follow-up is advisable and may be integrated with regular oversight activities. In some cases, a concentrated focus on the Recommendations may be warranted. If follow-up is lacking, the State, the MPO, and transit operators will reach the conclusion that the Recommendation is not important. Our efforts here may involve providing information to the MPO and partner agencies on best practices from other metropolitan areas, systematic monitoring of progress, and feedback in the form of constructive criticism. As with our approach to Corrective Actions, we could begin by asking how the affected agencies plan to address the item. Some recommendations may be based on Statute or Regulations whereby an attempt was made at addressing the requirement but fell short in the view of the team. In these cases where a recommendation goes unaddressed, the team should reevaluate the current progress and consider changing the Recommendation to a Corrective Action.

An example of a systematic approach to follow-up from Region I, including a schedule for compliance, is shown below.

### **Schedule for Corrective Actions**

The timeframes for responding to Corrective Actions can be broken down into the following categories:

- By the next TIP update.
- Within three months of issuance of the final Certification Review Report.
- Within six months of issuance of the final Certification Review Report.
- Within 12 months of issuance of the final Certification Review Report.
- Prior to and for inclusion in the next update of the Transportation Plan, to be adopted by the MPO in [specific date, e.g., December 2008] for Federal approval by [specific date, e.g., March 2009].

Table 1-6.8 presents suggested Corrective Actions within those timeframes.

**Table 1-6.8: Timeframes for Corrective Actions**

<b>Timeframe Required</b>	<b>Corrective Actions</b>	<b>Status</b>
<b>By next TIP update</b>	Public comments Project listing by funding Description of air-quality-analysis process	
<b>At 3 months</b>	Title VI scope and milestones	
<b>At 6 months</b>	Title VI milestones as appropriate	
<b>At 12 months</b>	Title VI milestones as appropriate Participatory project-selection process Revised public participation in effect New Memorandum of Understanding (MOU) approved Project-selection process	
<b>By next Transportation Plan update</b>	Revise financial plan Title VI analysis incorporated in Plan Elements included in plan update Description of air-quality-analysis process	

## **PART 2: CERTIFICATION TOPICS**

**Notes: Examples of Federal Team Findings and Federal Actions  
were updated in January 2015.**

**Section 2-23: Performance-Based Planning and Programming and  
Section 2-24: Regional Models of Cooperation were added in September 2015.**

## **SECTION 2-1: ORGANIZATIONAL STRUCTURE OF STUDY AREA**

### **Regulatory Basis**

Federal legislation (23 U.S.C. 134(d)) requires the designation of an MPO for each urbanized area with a population of more than 50,000 individuals. When an MPO representing all or part of a TMA is initially designated or redesignated according to 23 CFR 450.310(d), the policy board of the MPO shall consist of (a) local elected officials, (b) officials of public agencies that administer or operate major modes of transportation within the metropolitan area, and (c) appropriate State transportation officials. The voting membership of an MPO that was designated or redesignated prior, will remain valid until a new MPO is redesignated. Redesignation is required whenever the existing MPO seeks to substantially change the proportion of voting members representing individual jurisdictions or the State or the decision-making authority or procedures established under MPO bylaws.

The addition of jurisdictional or political bodies into the MPO or of members to the policy board generally does not require a redesignation of the MPO.

Federal regulations address situations where there more than one MPO may be designated for an urbanized area:

*To the extent possible, only one MPO shall be designated for each urbanized area or group of contiguous urbanized areas. More than one MPO may be designated to serve an urbanized area only if the Governor(s) and the existing MPO, if applicable, determine that the size and complexity of the urbanized area make designation of more than one MPO appropriate. In those cases where two or more MPOs serve the same urbanized area, the MPOs shall establish official, written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among the MPOs.*

### **Applicability to Certification**

The intent of the statutory and regulatory requirements is to develop an intermodal transportation system that serves the mobility interests of people and freight through a multifaceted metropolitan planning process. In the majority of cases, as the transportation system has matured from its basic patterns existing when an area was initially designated as an MPO, the MPO policy boards have not expanded their membership to address new major modes of transportation that have developed within the area or that have been included as the area under development increases. Therefore, it is necessary for the Certification Review Team to be cognizant of the major modes of transportation in the area as well as the geographic urbanized area.

This section should be specifically examined and evaluated, at least during the first Certification after formal TMA designation.

## **Sample Discussion Questions**

1. What is the status of the MPO designation for the urbanized area?
2. Are changes in the designation being considered and if so, why and what are they?
3. If the area has redesignated since SAFETEA-LU, does the policy board consist solely of officials as outlined in 23 U.S.C. 134(d)(2)?
4. Who are the members of the MPO? Who is represented on the policy board? Is the central city represented? Area transit agencies?
5. Identify any implementing agencies that are not members of the MPO or policy board.
6. Identify any operators of major modes of transportation that are not members of the MPO.
7. What is the voting structure of the MPO? One vote per member? Vote by population weight? Combination?

## **Possible Federal Actions**

1. Require modification of the policy board as a Corrective Action if any of the statutorily required representatives are not included after a formal TMA redesignation. Identify specific actions and dates.
2. If after a formal redesignation there are members on the policy board who are not specifically identified in 23 U.S.C. 134(d), consult with Headquarters staff.
3. Require modification of the policy board as a Corrective Action if any of the statutorily required representatives are not included after a formal redesignation of the MPO representing the TMA.

## **Examples of Effective Federal Team Findings and Federal Actions**

### **Oahu MPO (Urban Honolulu, HI TMA), 2013**

In reviewing the State law authorizing MPOs, the Federal Team noted that the composition of the Policy Board, as written, does not allow flexibility in adjusting appointed members to meet changing needs. There is also no opportunity, as written, to add or shift membership as other laws or organizational structures change. For example, the City of Honolulu recently formed the Honolulu Area Rapid Transit, a semi-autonomous transit authority, to maintain and operate the Honolulu High-Capacity Transit Corridor. As is required under MAP-21, the MPO shall not only effectively and efficiently interact with that body, but they shall also add representatives of the transit authority to the Policy Board. The statute does not allow this particular MAP-21 requirement to be satisfied (see page 8 of the Certification Review Report).

Recommendation:

- The MPO should evaluate what changes are needed for a more effective and flexible Policy Board structure. The State statute does not allow for flexibility in adjusting appointed members to meet changing needs. The MPO should examine the structure of its board and evaluate its effectiveness as identified in current law, given the intent of Federal legislation and guidance in this area. The agency should also assess the consistency of past and current representation with current law designating membership. Finally, the MPO should ensure that there is appropriate representation of transit agencies on the MPO Board (page 8).

**Hampton Roads Transportation Planning Organization (Virginia Beach, VA TMA), 2012**

The Federal Team noted that the 2007 Certification review Report identified the need for the MPO to separate from under the auspices of the Hampton Roads Planning District Commission, to develop formal bylaws to guide the conduct and actions of the MPO, and to consider redefining itself to ensure that the MPO structure compliments the economic, transportation, and public accountability demands of the region. During the 2012 review, the Federal Team was quite impressed with the MPO's effort to address the corrective actions and to "reinvent" itself from the ground up. The Team found that delineating the MPO and Hampton Roads Planning District Commission functions, restructuring the organization to achieve performance and efficiency goals, instituting new voting procedures, establishing bylaws, and expanding membership and committees was an impressive accomplishment. The Team found that the addition of regional representatives from the Virginia Senate, House of Delegates, and Commonwealth Transportation Board allows a greater level of exposure to the MPO's planning process (see page 3-4 of the Certification Review Report).

Commendation:

- The Federal Team is very impressed with the breadth and depth of the MPO's restructuring since the last Certification Review. During FHWA and FTA evening meeting with members of the public, many spoke positively about the progress of the MPO and the increased visibility of staff throughout the region (page 4).

## SECTION 2-2: METROPOLITAN PLANNING AREA BOUNDARIES

### Regulatory Basis

The Metropolitan Planning Area Boundary (MPA) establishes the geographic limits for all of the topics addressed in Part 2 of this *Handbook*. While drawing a line on a map to define the planning boundary seems like a simple process, there is often confusion over which line on the map is which. To put the discussion in perspective, Figure 2.1 provides some clarification as to defining boundaries. The definitions start in the center of the diagram and work toward the outside.

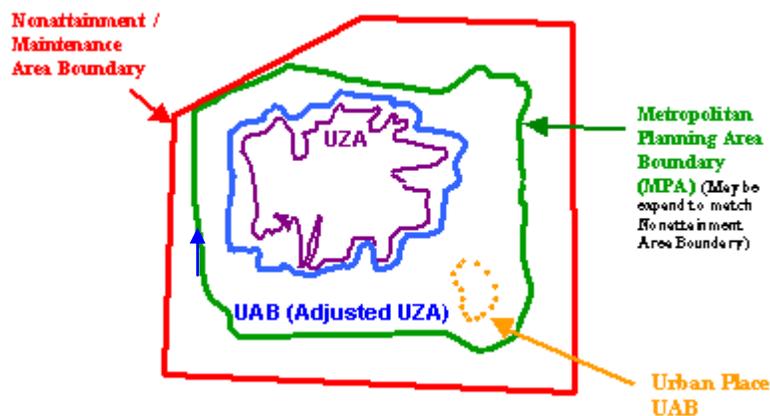


Figure 2-2.1: Defining Boundaries

Since the volume of regulatory material is quite extensive, it is not quoted in this section, but each definition is followed by a regulatory reference.

### Census–Urbanized Area (UZA)

The term **urbanized area** has been ascribed two slightly different definitions by two Federal agencies, the Census Bureau and DOT. An urbanized area is a statistical geographic entity defined by the Census Bureau and consisting of a central core and adjacent, densely settled territory. Together, they contain at least 50,000 people, generally with an overall population density of at least 1,000 people per square mile. Within the transportation planning community, Census Bureau-defined urbanized areas are typically referred to as UZAs.

### FHWA–Urban Area Boundary (UAB)

The FHWA uses the Census Bureau UZA definition as a starting point but then allows smoothing and adjusting of the UZA, resulting in a slightly larger area better suited to transportation needs. The adjusted boundary is fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. These adjustments do not change Census Bureau designations or population figures. Within the transportation planning

community, the urbanized area defined under FHWA regulations is typically referred to as a UAB. (See 23 U.S.C. 101 (37))

### **Metropolitan Planning Area Boundary (MPA)**

The term metropolitan planning area boundary (MPA) refers to the geographic area in which the metropolitan transportation planning process must be carried out. The MPA shall, at a minimum, cover the UZA(s) and the contiguous geographic area(s) likely to become urbanized within the 20-year forecast period covered by the Transportation Plan. The MPA may encompass the entire metropolitan or consolidated metropolitan statistical area, as defined by the Census Bureau. For areas subject to air-quality conformity, the MPA may also include the nonattainment/maintenance boundary for ozone or carbon monoxide as defined by the EPA. The boundary should foster an effective planning process that ensures connectivity between modes and promotes overall efficiency. (See 23 U.S.C. 134(e).)

Many metropolitan areas have complex jurisdictional situations related to the MPA, UZA, and State boundaries. Some of these situations are explicitly addressed in the Federal planning regulations:

*Where the boundaries of the urbanized area or MPA extend across two or more States, the Governors with responsibility for a portion of the multistate area, MPO(s), and the public transportation operator(s) are strongly encouraged to coordinate transportation planning for the entire multistate area. (See 23 CFR 450.312(f))*

*The MPA boundaries shall be reviewed after each Census by the MPO (in cooperation with the State and public transportation operator(s)) to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized area(s), and shall be adjusted as necessary. As appropriate, additional adjustments should be made to reflect the most comprehensive boundary to foster an effective planning process that ensures connectivity between modes, reduces access disadvantages experienced by modal systems, and promotes efficient overall transportation investment strategies. (23 CFR 450.312(i))*

*Where part of an urbanized area served by one MPO extends into an adjacent MPA, the MPOs shall, at a minimum, establish written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among and between the MPOs. Alternatively, the MPOs may adjust their existing boundaries so that the entire urbanized area lies within only one MPA. Boundary adjustments that change the composition of the MPO may require redesignation of one or more such MPOs. (23 CFR 450.312(h))*

*See [Section 2-24: Regional Models of Cooperation](#) for further discussion of the importance of cooperation across jurisdictions.*

## Nonattainment/Maintenance Area Boundary

This boundary, defined by EPA, usually represents a ring of counties around an area with pollution readings higher than the National Ambient Air Quality Standard. TMAs may <sup>[2]</sup> extend the MPA to the nonattainment/maintenance area boundary for ozone or carbon monoxide.

### Putting MPA Boundaries in Perspective

- A metropolitan planning process is required where there is a Census-defined UZA.
- The Census-defined UZA may be adjusted outward by local and State officials to better account for transportation features.
- The new boundary under FHWA regulations is called the urbanized area boundary (UAB).
- The UAB does not change the Census Bureau UZA designations or population figures.
- The UAB plus the contiguous area expected to become urbanized within a 20 year forecast period for the transportation plan
- In air-quality areas, the MPA may be expanded to cover the nonattainment/maintenance boundary for ozone or carbon monoxide as established by EPA.

Four additional terms, **rural**, **urban**, **urban cluster**, and **nonmetropolitan area**, are also part of the boundary discussion. Depending on the circumstances in the TMA, these terms may have limited application.

## **Rural Area**

Rural area refers to all areas of a State that are not included in urban areas. This definition is linked to roadway functional classification and to the Surface Transportation Program (STP) Rural program. (See 23 U.S.C. 101(a)(29) and 23 U.S.C. 133(d)(3)(B).)

## **Urban Area**

Urban area means an urbanized area or an urban cluster or place as designated by the Census Bureau, having a population of 5,000 or more and not within any urbanized area as identified by the Census. The boundaries of urban areas are fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urban cluster or place designated by the Census Bureau, except in the case of cities in the States of Maine and New Hampshire. Under the DOT definition, the adjusted boundary for an urban area is referred to as a UAB, whether it is an urban cluster or place (population, 5,000 to 49,999) or an urbanized area (population over 50,000). An urban cluster or place UAB can exist within an MPA separate from the urbanized area UAB, as illustrated in the sketch above. (See 23 U.S.C. 101(a)(36).)

## **Urban Cluster**

Urban clusters are a newly identified (as of the 2000 Census) statistical geographic entity defined by the Census Bureau as consisting of a central core and adjacent densely settled territory that together contain between 2,500 and 49,999 people. Typically, the overall population density is at least 1,000 people per square mile. Urban clusters are based on block and block-group density and do not necessarily extend to municipal boundaries. Urban clusters or urban places are the starting point for defining urban areas with populations between 5,000 and 49,999.

## **Nonmetropolitan Area**

A nonmetropolitan area is the geographic area outside an MPA as designated under 23 U.S.C. 134 and 49 U.S.C. 5303. This definition includes rural as well as urban areas with populations between 5,000 and 49,999 that are not within an MPA; it is linked to the requirement for State consultation with nonmetropolitan local officials. Since the metropolitan planning process covers all local officials within an MPA, this requirement generally is not a TMA Certification issue. (See 23 CFR 450.104 and 216(c.)).

## **Applicability to Certification**

The MPA defines the geographic area in which the MPO, the State, and transit operators have agreed to conduct transportation planning under 23 U.S.C. 134 and 49 U.S.C. 5303–5305. The MPA defines the area in which Federally funded projects must be part of a financially constrained Transportation Plan and a financially constrained TIP. The primary application to Certification is a determination that the MPA has been established in accordance with the regulations and that the planning and program development processes cover the entire area.

Other applications are discussed below.

- Urban transit systems are required to operate within the UZA and may have routes extending beyond the boundaries, provided that they originate in the UZA. They are permitted to operate bus routes that leave the UZA as long as they primarily service the urban area and the vehicles are maintained within it. Routes that operate entirely outside the UZA are not eligible for 5307 urban funds. (See 49 U.S.C. 5307.)
- UZAs with populations over 200,000 are not eligible for FTA operating assistance with limited exceptions. (See 49 U.S.C. 5307.)
- STP rural funds cannot be spent inside the UAB. (See 23 U.S.C. 133(d)(3)(B).)
- Formula STP funds for urbanized areas (populations over 200,000) can be used anywhere within the established MPA.
- Visible advertising signs adjacent to the Interstate System and highways designated as part of the primary system on June 1, 1991, as well as signs beyond 660 feet outside the urban area, are controlled. The section does not allow new sign permits beyond 660 feet of the right of way, outside of the urban area. A change in the UAB, whether due to growth or Census definition, affects the number of billboards allowed along the freeways. If the boundary moves out, new signs are allowed. If the boundary moves in, FHWA and the States must determine whether to “grandfather” or remove existing signs. (See 23 CFR § 750.704.)
- PL and Metropolitan Planning funds must be used for transportation planning within MPAs except in a State receiving the minimum PL apportionment under 23 U.S.C. 104(f)(3), in which case the State may petition to use the PL funds in non-MPA areas if they are not needed for urban transportation planning purposes. (See 23 CFR 420.109(d).)
- The Federal Functional Class of roads changes at the UAB. (See 23 CFR 470.)

### **Sample Discussion Questions**

1. What is the date of the last MPO and the governor approvals for the UAB? For the MPA?
2. Have the UAB and MPA been adjusted in accordance with the most recent Census?
3. Have the revised maps been submitted to both FTA and FHWA?
4. Where multiple MPOs are sharing geographic portions of a TMA, are agreements in place to address the responsibilities of each MPO for its share of the overall MPA?

5. Where multiple MPOs are sharing geographic portions of a TMA, please describe how the MPOs collaborate across jurisdictional lines to:
  - a) ensure connectivity between modes;
  - b) reduce access disadvantages experienced by modal systems; and
  - c) promote efficient overall transportation investment strategies. (23 CFR 450.312(i))

*(See Section 2-24: Regional Models of Cooperation for discussion of the importance of cooperation across jurisdictions)*

6. Which, if any, areas are under consideration for inclusion in an expanded MPA over the next 20 years? What factors will determine the decision on expanded boundaries?
7. If a TMA is identified by EPA as nonattainment or maintenance for ozone or carbon monoxide, has the MPA been expanded to match the nonattainment area boundary? (Note: Expansion is not required.)
8. If the MPA is different than the nonattainment area/maintenance area boundary, what interagency agreement exists for planning and air quality? Who has responsibility for planning in the area not addressed by the MPO? Is it being done?
9. If the MPA has been adjusted, how will it affect the way that conformity is modeled?
10. If the MPA has been adjusted, did it change the representation of the policy board? If so, how? Were representatives of major modes of transportation added to the policy board?
11. If an MPA has been adjusted and now includes Federal lands and/or Indian Tribal lands, how are those affected now appropriately involved in the metropolitan planning process?

*(See Section 2-24: Regional Models of Cooperation for discussion of the importance of cooperation across jurisdictions)*

## **Possible Federal Actions**

The lack of an established MPA would warrant a strong Corrective Action with a short response date. Failure to respond, with no sign of resolution, could warrant withholding approval of all Federal-aid projects except those involving safety and operations.

In nonattainment and maintenance areas, if the MPA has not been expanded to match the nonattainment area boundary established by EPA and if no interagency agreements for planning and conformity exist, a conditional Certification withholding approval of all projects subject to conformity would be warranted.

If the metropolitan process, particularly in high-growth areas, is not reevaluating the MPA to reflect a 20-year horizon during plan updates, a Corrective Action generally will be appropriate, except in the case of minimal change. Further, no TIPs or plan/TIP amendments should be accepted or approved until the plan is extended to reflect the 20-year MPA.

## **Examples of Effective Federal Team Findings and Federal Actions**

### **Baltimore Regional Transportation Board (Baltimore, MD; Aberdeen--Bel Air South--Bel Air North, MD; and Washington, DC--VA--MD TMAs), 2012**

The Federal Team indicated in the 2012 Baltimore Regional Transportation Board Certification Report that the MPO planning area includes seven jurisdictions: the cities of Annapolis and Baltimore and the counties of Anne Arundel, Baltimore, Carroll, Harford, and Howard. This planning area encompasses the following three UZAs: Aberdeen-Bel Air South--Bel Air North, Baltimore, and Westminster-Eldersburg. The U.S. Census Bureau designates a new list of UZAs every 10 years following the conclusion of each decennial Census, publishing the 2010 list in March 2012.

The Team noted that every UZA must be represented by an MPO which carries out the metropolitan transportation planning process for the UZA and surrounding areas. The Team also noted that MPA boundaries of all new and current MPOs should be updated no later than the next scheduled MTP update that occurs after October 1, 2012, or within four years of the designation of the new UZA boundary, whichever occurs first. The Team further noted that updated MPA boundaries must include the entire UZA boundary identified in the 2010 Census and the contiguous geographic area likely to become urbanized within 20 years (see page 18 of the Certification Review Report).

#### **Recommendations:**

- The Team recommends that the Baltimore MPO revise the UZA Boundary to include, at a minimum, the 2010 urbanized area (page 6).
- The Team recommends that the Baltimore MPO update the MPA boundary to include areas likely to become urbanized within the 20-year forecast period covered by the MTP (page 6).

### **Knoxville Regional Transportation Planning Organization (Knoxville, TN TMA), 2012**

In the 2012 Knoxville Regional Transportation Planning Organization (TPO) Certification Report, the Federal Team noted that the TPO evaluates the need to update the MPA boundaries after each decennial Census update and upon requests from local municipalities. The Team wrote that the Governor of Tennessee is currently reviewing an expansion of the MPA to include the City of Oak Ridge, which has been serving on the TPO's Technical Committee as the representative of Anderson County. Oak Ridge has been a voting member of the Technical Committee for over ten years, but has not had a voting member on the TPO Executive Board. The Executive Board voted to include the Oak Ridge in the MPA after the City requested inclusion in 2011. The TPO staff and Technical Committee conducted a comprehensive analysis of all of the MPA's surrounding municipalities as part of its analysis of the interconnectedness of Oak Ridge. The Team noted that the TPO will reevaluate the adjustment of the MPA boundaries again after the release of the 2010 Census results in 2012 (See page 13 of the Report.).

Recommendation:

- Ensure that the Prospectus, Bylaws, and planning agreements are up-to-date, agreeable, and reflect any changes in planning area boundaries, membership, and responsibilities (page 6).

**Ozarks Transportation Organization (Springfield, MO TMA), 2013**

The Federal Team noted that the MPA boundary for the Ozarks Transportation Organization (OTO) region was last updated in the early 1990s and has not been modified since that approval. The MPA boundary extends to the boundaries of Greene and Christian Counties. The MPA boundary was reviewed after the 2010 Census by the OTO and the Missouri Department of Transportation (MoDOT) to determine if the existing MPA boundary meets the minimum statutory requirements for new and updated UZAs. OTO and MoDOT considered population density and regional mobility when evaluating the MPA boundary. OTO and MoDOT concluded that there was no need to change the current MPA boundary. The Team noted that OTO will examine potential boundary expansion following release of Census data in connection with the 2020 Census. The OTO has produced an OTO Study Area map that reflects the MPA.

Based on this information, the Team concluded that identification of the MPA as being the same as the OTO Study Area in the Study Area Map is potentially confusing to the public and is inconsistent with the requirement to produce an MPA map. The Team discussed the need to produce a new map with the review participants. The new map should be entitled “MPA boundary map” and should include a date. This MPA boundary map should also be on file with the FHWA Missouri Division Office and the FTA Region 7 Office. The Team issued one recommendation regarding the MPA boundary (see page 15 of the Certification Review Report).

Recommendation:

- OTO should take timely steps to produce an MPA map. The approval date of the MPA should be shown on the map and a copy of the map be provided to the FHWA Missouri Division. The approval date should also be shown on all Urban Area Boundary and Functional Classification maps (page 15).

*For an example of effective team practices related to the Agreements and Contracts in areas where multi-jurisdictional planning is an issue, see [Section 2-24: Regional Models of Cooperation](#).*

## SECTION 2-3: AGREEMENTS AND CONTRACTS

### Regulatory Basis

Federal legislation (23 U.S.C. 134) requires the MPO to work in cooperation with the State and public transportation agencies in carrying out a continuing, cooperative, and comprehensive (3C) metropolitan planning process. These agencies determine their respective and mutual roles and responsibilities and procedures governing their cooperative efforts. Federal regulation requires that these relationships be specified in agreements between the MPO and the State and between the MPO and the public transit operators:

*The MPO, the State(s), and the public transportation operator(s) shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the public transportation operator(s) serving the MPA. To the extent possible, a single agreement between all responsible parties should be developed. The written agreement(s) shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan (see § 450.322) and the metropolitan TIP (see § 450.324) and development of the annual listing of obligated projects (see § 450.332). [23 CFR 450.314 (a)]*

The regulations also require an agreement between the MPO and the designated agency for air-quality planning under the Clean Air Act. An agreement should be executed “among the MPO, State, public transportation operator, and designated air-quality agency.” [23 CFR 450.314(c) and (d)]

Moreover, the regulations specifically address the situation in which there is more than one MPO in a metropolitan area (emphasis added):

*If more than one MPO has been designated to serve an urbanized area, there shall be a written agreement among the MPOs, the State(s), and the public transportation operator(s) describing how the metropolitan transportation planning processes will be coordinated to assure the development of consistent metropolitan transportation plans and TIPs across the MPA boundaries, particularly in cases in which a proposed transportation investment extends across the boundaries of more than one MPA. If any part of the urbanized area is a nonattainment or maintenance area, the agreement also shall include State and local air quality agencies. The metropolitan transportation planning processes for affected MPOs should, to the maximum extent possible, reflect coordinated data collection, analysis, and planning assumptions across the MPAs. Alternatively, a single metropolitan transportation plan and/or TIP for the entire urbanized area may be developed jointly by the MPOs in cooperation with their respective planning partners. Coordination efforts and outcomes shall be documented in subsequent transmittals of the UPWP and other planning*

*products, including the metropolitan transportation plan and TIP, to the State(s), the FHWA, and the FTA. [23 CFR 450.314(d)]*

*Where the boundaries of the urbanized area or MPA extend across two or more States, the Governors with responsibility for a portion of the multistate area, the appropriate MPO(s), and the public transportation operator(s) shall coordinate transportation planning for the entire multistate area. States involved in such multistate transportation planning may: (1) Enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and (2) Establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective. [23 CFR 450.314 (e)]*

*If part of an urbanized area that has been designated as a TMA overlaps into an adjacent MPA serving an urbanized area that is not designated as a TMA, the adjacent urbanized area shall not be treated as a TMA. However, a written agreement shall be established between the MPOs with MPA boundaries including a portion of the TMA, which clearly identifies the roles and responsibilities of each MPO in meeting specific TMA requirements (e.g., congestion management process, Surface Transportation Program funds suballocated to the urbanized area over 200,000 population, and project selection).[23 CFR 450.314(f)]*

*(See [Section 2-24: Regional Models of Cooperation](#) for discussion of the importance of cooperation across jurisdictions)*

## **Performance Based Planning and Programming (PBPP)**

While MPOs, DOTs, and public transit agencies are required to cooperatively establish written agreements documenting roles and responsibilities in the metropolitan planning process, there are no requirements for how these partner agencies should formally agree to work together to pursue agreed-upon goals and related measures and targets to guide planning and programming or to evaluate progress toward meeting these goals.

Considering the major shift to PBPP for metro and statewide planning called for in MAP-21, it is completely appropriate to include substantial consideration of performance concepts in discussion of the overall planning process during Certifications. In fact, it would be a critical lost opportunity not to include a performance focus in all oversight discussions and the periodic Certification.

PBPP presents an opportunity for planning partners to play collaborative and substantial roles in PBPP, and to evaluate whether they meet, are falling short, or exceed expected performance. Agreements provide a means to formalize roles and responsibilities for PBPP, including how and when in the planning process the partners will agree to metro area goals and associated performance measures and targets. Agreements can be used to formalize shared commitments

and provide accountability for the partners for the overall PBPP process and commit to accomplishment of agreed-upon performance targets.

*See Section 2-23: Performance-Based Planning and Programming for further discussion on incorporating performance measures into the planning process.*

## **Applicability to Certification**

While the requirements for agreements among the parties to the metropolitan planning process are clearly stated in the regulations, some metropolitan areas subject to the regulations lack such agreements entirely or have agreements that do not satisfy regulatory requirements in letter or spirit. Having official written agreements in place helps to ensure that the 3C process is executed as intended and that it can be readily understood by the participants in the planning process and the public. The following three criteria can serve as useful measures of the adequacy of agreements and contracts governing the metropolitan planning process:

- Do agreements specify the responsibilities of the State, the MPO, the public transportation operator, and the designated air-quality agency?
- Do procedures identified in agreements correspond to a genuine 3C process?
- Do the parties to the metropolitan planning process actually adhere to the process identified in the agreements?

A number of Certifications conducted to date have identified and addressed problems related to the agreements required under SAFETEA-LU. Examples illustrating applications of the above criteria are presented below.

## **Sample Discussion Questions**

1. What official cooperative agreements or memoranda of understanding (MOU) identifying planning responsibilities have been established among the MPO(s), State(s), public transportation operator(s), and designated air-quality agency(ies) with responsibilities for the TMA? Do they include agencies with responsibilities for adjacent or neighboring MPOs or TMAs?
2. Are agreements final, signed, and in effect? What are updates being developed or contemplated? What changes are planned?
3. How are roles and responsibilities defined for development of the MTP, the TIP, the UPWP, or conformity-related products? For corridor or other major project studies?
4. Where multiple agencies share geographic portions of a TMA, how do the agreements describe the roles and responsibilities of each agency in meeting TMA-scale requirements (e.g., CMP)?

*(See Section 2-24: Regional Models of Cooperation for more on cooperation across jurisdictions)*

5. What processes are specified for coordination on project prioritization and selection for the TIP?
6. Is the role of public involvement addressed in terms of decision-making by the MPO? How is coordination of public involvement by the MPO with other planning participants addressed?
7. How does the actual functioning of the MPO conform to the provisions of the agreement(s) as concerns the planning process, decision-making, and development of the key products?
8. To what extent do existing agreements conform to regulatory requirements and how accurately do they represent the planning process as actually practiced?

### **Performance-Based Planning and Programming (PBPP) Questions**

1. When developing an official cooperative agreement or memorandum of understanding (MOU) with the MPO, State, and partner agencies, do the MPO and its partners formalize roles and responsibilities for developing goals with performance measures and targets?
2. Do official agreements or MOUs specify any next steps or consequences if targets are not met?
3. Are responsibilities for reviewing and tracking associated performance reflected in formal agreements?
4. Is the process of developing and implementing a clearly defined and performance-based partner agreement(s) benefitting the planning process and how?

*For other PBPP related questions, please see [Section 2-23: Performance-Based Planning and Programming](#). Other useful sections to reference related to establishing Agreements and Contracts include [Section 2-4: Unified Planning Work Program Development](#), [Section 2-6: Metropolitan Transportation Plan Development](#), [Section 2-8: Air Quality](#), and [Section 2-9: Transportation Improvement Program \(TIP\) Development and Project Selection](#).*

Questions can be addressed to staff from the MPO and other participating agencies to gain different perspectives, including working toward a shared understanding of and commitment to PBPP.

### **Possible Federal Actions**

1. Require revisions, updates, or new agreements as Corrective Actions if the problem is sufficiently serious. Identify specific actions and dates. Recommendations for changes in agreements may be more appropriate if lack of regulatory compliance is less clear.
2. Require or recommend that the partners in the planning process revise the designation of responsibilities or procedures used to ensure a participatory 3C planning process.

## **Examples of Effective Federal Team Findings and Federal Actions**

### **Collier MPO (Bonita Springs, FL TMA), 2012**

The Federal Team noted that the Intergovernmental Coordination and Review and Public Transportation Coordination Joint Participation Agreement automatically updates every five years, with the option to review and make changes in the fifth year. The MPO anticipates making changes to this agreement after receiving new Census data and after creating an apportionment plan (if necessary) in 2013. Florida DOT has requested that the agreement be updated during this renewal period. The Federal Team supports Florida DOT's recommendation that the MPO staff revise the agreement based on changes that have been made throughout the MPO's "boilerplate" agreement document (see page 19 of the Certification Review Report).

#### **Recommendation:**

- The Team recommends that the MPO update the Intergovernmental Coordination and Review Agreement (page 7).

### **Merrimack Valley MPO (Boston, MA--NH—RI TMA), 2013**

During the 2008 Certification Review, the Federal Team recommended that the MPO review each of its existing MOUs to ensure that they remain relevant, updating those agreements where necessary. The MPO currently has an MOU with the Merrimack Valley Regional Transit Authority, an MOU with all of the planning agencies within the Boston TMA, and a draft MOU with the Rockingham MPO in New Hampshire and the New Hampshire DOT. The draft MOU will be revised to include the Massachusetts DOT as a signatory party and will be executed once the named agencies finalize comments and add language stating that collected traffic data will be shared among the agencies (see page 10 of the Certification Review Report).

#### **Recommendation:**

- The Review Team recommends that the MOU between the Merrimack Valley MPO, the Rockingham MPO, the New Hampshire DOT, and the Massachusetts DOT be finalized as soon as possible. There is obviously a proven record of successful coordination between these partners; however, the agreement will formalize the roles and responsibilities of each (page 12).

### **Metroplan (Little Rock, AR TMA), 2012**

The Federal Team noted that the MPO, the State DOT, and the local transit operator work closely together on the development of the TIP. Federal Regulation 23 CFR 450.326(a) states that the "MPO may revise the TIP at any time under procedures agreed to by the cooperating agencies..." However, as previously stated in the recommendation from the 2008 Certification Report, no such procedural agreement has been endorsed by the cooperating agencies. A critical aspect of these procedures is the differentiation of administrative modification and amendment, which can expedite or simplify some TIP and STIP revisions. In addition, Metroplan expressed concern that TIP amendments were not getting official approval from the Governor. The

approval process should be reviewed in conjunction with the TIP amendment procedure agreement development (see pages 12-13 of the Certification Review Report).

Corrective Action:

- The lack of a formal agreement regarding TIP development procedures is considered a serious variance of Federal Regulation and therefore the Review Team issued a “Corrective Action” which must be resolved by December 31, 2013 (page 13).

*Performance-Based Planning and Programming (PBPP) Examples*

**Cape Cod MPO (Boston, MA—NH—RI), 2008**

Recommendation:

- The Review Team recommends that the CCMPO work together with the CCRTA in creating an MOU that describes how transportation planning efforts would be coordinated between the two agencies as well as what specific roles and responsibilities each would have in the performance of transportation planning for the region. This particular issue is described in further detail in Chapter V, Planning Requirements Covered by this Review, in the Agreements/Contracts section.

**East-West Gateway Council of Government (St. Louis, MO—IL), 2013**

Recommendation:

- It is recommended that the MoDOT and IDOT work closely with the EWGCOG to formulate a partnering work plan that will ensure the effective delivery of a collaborative and coordinated SDOT/EWGCOG work effort to develop urbanized area performance targets that address national performance measures established by the Secretary that are based on the national goals outlined in the legislation.

*For more examples of effective team practices related to performance in the planning process, see [Section 2-23: Performance-Based Planning and Programming](#).*

## SECTION 2-4: UNIFIED PLANNING WORK PROGRAM DEVELOPMENT

### Regulatory Basis

23 CFR 450.308 identifies the requirements for the unified planning work programs (UPWP) to be prepared in TMAs. CFR 420.111 governs work programs required for the expenditure of FHWA highway planning and research funds.

MPOs are required to develop UPWPs in cooperation with the State and public transit agencies. [23 CFR 450.308(c)] Elements to be included in the UPWP are:

- Discussion of the planning priorities facing the metropolitan planning area
- Description of all metropolitan transportation planning and transportation-related air-quality planning activities anticipated within the following one-to-two-year period, regardless of funding source, indicating:
  - *Who* will perform the work
  - The *schedule* for completion of the work
  - The intended *products*, including all activities funded under Title 23 and the Federal Transit Act. [23 CFR 450.308(c)]

The regulations allow for integration of the UPWP as part of a work program for other Federal sources of planning funds. [23 CFR 450.308(e)]

In non-TMA metropolitan areas, the regulations include a provision allowing the MPO, in cooperation with the State and transit operators, to prepare a simplified statement of work, with the approval of the FHWA and FTA. [23 CFR 450.308(d)]

In addition, 23 CFR 420.111 should not be overlooked. Those and associated regulations in Part 420 identify several requirements for projects receiving FHWA highway planning and research funds, including:

- Description of the work to be performed
- Cost estimates for each activity
- A financial summary indicating the shares of funding to be provided from Federal, State, and local sources

### What to Look for

The work program is a critical document for oversight reviews. It guides the activities of MPO staff and allocates the financial resources of the MPO for the fiscal year. It also can be

considered a key indication of the level of effort for planning work and the seriousness with which the MPO undertakes particular planning tasks. The work program translates good intentions to make improvements into actual funded work. The UPWP is a very important way to address findings or other planning-process concerns identified during oversight and the prior Certification. The UPWP also demonstrates how and when the planning process can be expected to improve. The work program can be useful in documenting how planning tasks are to be selected and how this work will contribute to the areawide planning process.

The work program should:

- Be inclusive in its development, soliciting input from the public, MPO member agencies and local governments, other transportation agencies in the region (e.g., local transit agencies), and the State. Although the MPO is responsible for the document, it should reflect cooperative thinking among the planning partners on priorities for planning work and commitment of staff and budgets to perform this work. Cooperation might be demonstrated in the UPWP narratives on the process used to select planning tasks or in discussions during the Certification with the planning partners as well as the MPO staff.
- Be consistent with the mission of the MPO and its long-term strategies, goals, and priorities, as expressed, for example, in the Metropolitan Transportation Plan, public involvement, or coordination with partners. Tasks should appear to have been prioritized and selected to achieve the core mission of the MPO and to produce the required products as identified in Federal transportation legislation and U.S. DOT planning emphasis areas.
- Be based on sound financial analysis and fiscal planning principles.
- Include funded major transportation planning studies in the region, regardless of funding source or the agency conducting the study.
- Indicate that related activities of planning partners are coordinated, complementary, allow for leveraging and economies, and are not duplicative.
- Be adopted and transmitted to State and Federal agencies to allow for review and approval by the end of the applicable State fiscal year so that MPO activities continue uninterrupted.
- Indicate, in sufficient detail, responsibility for work, completion schedules, and products as well as tasks to which funds have been provided under Titles 23 and 49 of the U.S.C.
- Include budget information that addresses fund expenditures and funding sources.

Activities should demonstrate serious efforts to comply with the requirements of Title VI and related laws and regulations. This will be particularly important if there were related findings in the prior Certification. Evidence of progress might include work to improve GIS, data collection, or development of performance measures to better assess costs and impacts of proposed projects on minority or underserved populations.

## Applicability to Certification

Both the content of the UPWP and the process by which it is developed are addressed by the following applicable review criteria:

- Is the UPWP the product of a cooperative approach to development of the region's transportation program?
- Are required elements (e.g., all transportation planning and transportation-related air-quality planning activities, regardless of funding source) included?
- Is the UPWP consistent with the objectives and priorities identified in the Metropolitan Transportation Plan? Does the UPWP provide and implement a strategic plan for metropolitan transportation activities?
- Do work activities in the UPWP reflect a commitment to improve the transportation planning process and to address shortcomings identified in previous Certification Reviews, self-certifications, or U.S. DOT planning findings?
- Is the region able to produce UPWP products on time?
- Do work activities address new or changed planning requirements established by statute, regulation, or executive order?

## Sample Discussion Questions

### 1. How is the UPWP developed?

- How are the State and public transit agencies involved in UPWP development? What about the role of freight, nonmotorized transportation, bicycles, pedestrians, and other modal interests?
- How are UPWP activities developed, selected, prioritized?
- Who reviews the draft and Final Reports? How are comments elicited and addressed?
- How is the final version approved?
- How are non-Federally funded studies identified?
- How is the development of the UPWP coordinated with MPOs that share planning responsibility for the TMA, or for adjacent or neighboring TMAs? Do they coordinate data collection, modeling, freight planning, or congestion management? (see [Section 2-24: Regional Models of Cooperation](#) for more on cooperation across jurisdictions)

### 2. Required elements:

- Planning priorities facing the metropolitan area

- Description of all metropolitan transportation and transportation-related air-quality planning activities anticipated within the timeframe (one or two years) of the work program
  - Documentation of planning activities to be performed in accordance with Titles 23 and 49
  - For areas where multi-jurisdictional coordination is relevant, are there UPWP work items related to Regional Models of Cooperation? (see *Section 2-24: Regional Models of Cooperation* for more on cooperation across jurisdictions)
3. Questions about the UPWP's strategic role in the planning process:
- How does the UPWP provide a strategic view of and a strategic direction for metropolitan area planning activities?
  - How does the UPWP describe the MPO's vision for the metropolitan area and the role of proposed activities in achieving desired outcomes?
  - How do the activities in the UPWP relate to the goals and priorities identified in the Metropolitan Transportation Plan?
  - How does the UPWP provide for the development of performance measures that relate to the Metropolitan Transportation Plan's goals and objectives?
  - How does the UPWP provide for funding of the professional development of the MPO staff?
4. How are amendments developed and processed?
- If this is a consolidated planning grant (CPG) State: How much flexibility does the CPG provide in the administration and use of planning funds? What has been the experience concerning administration of fund transfers and reimbursements on a timely basis?
  - In the current UPWP, how are all available Federal fiscal planning resources budgeted? For the past two years, have all the fiscal resources been spent? Is there a running balance of Federal planning funds? If so, what is the average balance? What ongoing issues are there concerning over- or under-budgeting of Federal planning funds?
  - How are planning activities tracked and their status reported to interested parties? For example, is a summary of the previous year's activities and accomplishments included in the current UPWP?

### **Possible Federal Actions**

1. Require Corrective Actions for significant omissions of required elements. Recommended improvements may be more appropriate for minor deficiencies.

2. Lack of interagency cooperation may warrant either Corrective Actions or recommended improvements, depending on the extent of the problem.
3. The failure to adequately address objectives of the MTP or to follow a strategic approach to planning can often be addressed most effectively by the Recommendation of improvements and the provision of technical assistance, including examples of best practices.

### **Examples of Effective Federal Team Findings and Federal Actions**

#### **Augusta Regional Transportation Study (Augusta, ME TMA), 2012**

The Federal Team conducted a thorough review of the Augusta MPO's UPWP, which the Team documented in the 2012 Augusta Regional Transportation Study Certification Report. The report notes that the UPWP is a well-developed, detailed, and practical document for the TMA's transportation planning activities. The UPWP provides a good snapshot of current planning activities in support of Federal guidelines, regional priorities, and local initiatives. Of particular importance is the consistency of goals and objectives between the UPWP and the MTP. The Team also noted that the UPWP's format is readable and clearly explains programs and studies underway with the corresponding work elements.

Based on its findings, the Team issued four commendations and one recommendation on the UPWP, listed below (see pages 12-14 of the Certification Review Report).

#### Commendations:

- The Augusta MPO coordinates well with member jurisdictions to develop and report UPWP activities and accomplishments. This coordination, coupled with transparency, fosters increased understanding and participation among the MPO's partners and interested parties.
- It is good to see that the MPO uses its "Roll-over" Planning funds to carry out special studies that identify potential projects to address major transportation issues facing the region.
- In terms of UPWP transparency, the MPO does a good job of incorporating a table with completed and ongoing planning studies in the MPO's study area. The table includes name of the study, description of the study, and date study completed or adopted.
- It is good to see that the goals and objectives of the MPO's UPWP are identical to those in the MTP. Selected UPWP work elements are designed to achieve such MTP objectives as preserving existing transportation facilities and operating them more efficiently, addressing consideration of non-motorized travel modes and increasing job accessibility through improved transportation systems.

#### Recommendations:

- For next UPWP, the Augusta MPO should be clear and specific when outlining planning activities for the fiscal year in which the UPWP is being developed.

#### **Greenville-Pickens Area Transportation Study (Greenville, SC TMA), 2013**

The Federal Team noted that the Greenville-Pickens Area Transportation Study (GPATS) is adequately addressing its planning priorities and completing the activities identified in the UPWP on-schedule. The UPWP provides updates on the GPATS public involvement process, program administration, systems management and coordination, and transportation plans and studies. GPATS develops the UPWP annually and documents all major transportation planning and related activities within the GPATS study area for the upcoming fiscal year. However, both the UPWP and the quarterly billing reports lacked sufficient detail. In particular, the Team noted that the MPO did not provide deliverables and dated milestones in UPWP project descriptions (see page 13 of the Certification Review Report).

Commendation:

- GPATS has made carryover Planning funds available for local transportation studies within the region. Several of these PL funded studies have helped local jurisdictions set an achievable path forward for important transportation improvements. These studies have outlined solutions that are now being implemented in the GPATS area (page 20).

Recommendation:

- The UPWP should be updated to include deliverables in the task product description as well as a schedule and milestones for studies. Deliverables and milestones should also be reflected in the quarterly billing statements. Also, the document's introduction should be updated to reflect recent Census changes (page 22).

**Mountainland Association of Governments (Salt Lake City--West Valley City, UT and Provo--Orem, UT TMAs, 2012**

The Federal Team noted that the Mountainland Association of Governments (MAG) has a formal agreement with Utah Department of Transportation (UDOT) and the Utah Transit Authority (UTA) that establishes the working arrangements for each party executing the planning work contained in the UPWP. They also noted that MAG also has formal agreements with UDOT and UTA that enable the financial transactions required to implement the UPWP. MAG sends the UPWP annual updates to all of the appropriate committees and boards for approval. MAG, along with the UDOT and Utah's three other MPOs, has combined the FHWA and FTA planning funds into a consolidated planning grant, which FHWA administers and manages. All of the MPO's in Utah update their UPWPs on an annual basis.

While MAG has addressed the basic requirements for the UPWP, the Team felt that more detail needs to be provided so that outside readers can better understand each discrete activity and the amount of effort required to complete it (see page 11 of the Certification Review Report). The Team issued one recommendation relating to the UPWP.

Recommendation:

- MAG should enhance its UPWP to describe more fully the discrete planning activities and show the required levels of efforts and dedicated budgets for each (page 26).

## **SECTION 2-5: TRANSPORTATION PLANNING PROCESS**

### **Regulatory Basis**

Federal regulations 23 CFR 450.306 and 450.318 define the scope of the metropolitan transportation planning process and the relationship of corridor and other subarea planning studies to the metropolitan planning process and National Environmental Policy Act (NEPA) requirements. In addition, 23 CFR 450.316 (c)(d) and (e) address the need for participation by Federal lands management agencies and Tribal governments in the development of key products in the planning process.

Key provisions of 23 CFR 450.306 are related to required planning factors, coordination, and consistency with related planning processes, asset management, and possible differences in requirements for TMAs and non-TMAs.

### **Planning Factors**

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency
- Increase the safety of the transportation system
- Increase the security of the transportation system
- Increase the accessibility and mobility for people and freight
- Protect and enhance the environment, promote energy conservation, improve quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight
- Promote efficient system management and operation
- Emphasize the preservation of the existing transportation system

Failure to consider any of the factors cannot be reviewed by any court in any matter affecting a Metropolitan Transportation Plan, TIP, project or strategy, or Certification.

### **Coordination and Consistency with Related Planning Processes**

- The metropolitan planning process must be coordinated with the Statewide transportation planning process.

- Development of the required public transit-human services Transportation Plan (49 U.S.C. 5310, 5316, and 5317) should be coordinated and consistent with the metropolitan transportation planning process.
- The metropolitan transportation planning process shall be consistent with regional ITS architecture to the maximum extent “practicable.”
- The metropolitan transportation planning process should be consistent with the Strategic Highway Safety Plan and with transit safety and security planning processes and programs.
- MPO(s), State(s), or public transportation operator(s) may undertake a multimodal, systems-level corridor or subarea planning study as part of the metropolitan transportation planning process. **To the extent practicable, development of these transportation planning studies shall involve consultation with, or joint efforts among, the MPO(s), State(s), and/or public transportation operator(s).** (23 CFR 450.318(a))

See [Section 2-24: Regional Models of Cooperation](#) for more on cooperation across jurisdictions.

## Asset Management

MPOs and their partners in the metropolitan planning process *may* apply asset management principles and techniques in establishing planning goals, defining TIP priorities, and assessing transportation investment decisions as well as in developing strategies and policies to support homeland security and to safeguard the security of all users of the transportation system.

## TMAs/Non-TMAs

FHWA and FTA shall designate each urbanized area with a population over 200,000 as a TMA. In an urbanized area *not* designated as a TMA, the MPOs may apply to FHWA and FTA for approval of an abbreviated Metropolitan Transportation Plan and TIP. Simplified planning procedures shall be developed by the MPO in cooperation with the State and public transportation operators.

## New Provisions

Many of the provisions listed above are new under SAFETEA-LU; separate planning factors addressing safety and security were formerly combined as a single factor, and most of the other provisions are substantially or entirely new.

## Corridor and Sub-area Planning Studies

The regulations governing corridor and sub-area planning studies [23 CFR 450.318] require consultation with or joint participation in the studies by the metropolitan planning process agency partners to the extent practicable. The regulations also state conditions under which documents produced in conjunction with the studies may be incorporated in the NEPA review

process. Among these conditions is that reasonable opportunity for public comment be provided during the metropolitan transportation planning process and development of the studies and that FHWA and FTA review the studies. (Additional information explaining linkages between transportation planning and the project development/NEPA process is provided in Appendix A of the metropolitan planning regulations.)

### **Participation by Federal Public Lands Agencies and Indian Tribal Governments**

In metropolitan areas with Federal public lands or Indian Tribal lands, the MPO shall involve appropriate Federal public lands management agencies or Indian Tribal governments in development of the Metropolitan Transportation Plan and the TIP.

### **Planning Factors and Performance-Based Planning and Programming (PBPP)**

MPOs are expected to incorporate each planning factor in substantial ways into the overall metropolitan planning process. With the overall shift to PBPP called for by MAP-21, MPOs should be considering how to develop and incorporate explicit outcome-based goals with associated measures and targets, into how the planning factors are considered within the planning process.

*See Section 2-23: Performance-Based Planning and Programming for further discussion on incorporating performance measures into the planning process.*

### **Applicability to Certification**

Major components of the regulations address:

- Incorporation of the SAFETEA-LU planning factors in products of the metropolitan planning process (i.e., Metropolitan Transportation Plan, TIP, UPWP)
- Procedures for coordination of metropolitan and Statewide planning, and evidence of the results of such coordination in the products of the planning process
- Consistency of metropolitan transportation planning with related planning activities (i.e., Strategic Highway Safety Plan and transit safety and security plans and programs)
- Demonstration of coordination of public transit-human services Transportation Plan development with the metropolitan transportation planning process
- Demonstration of consistency between products of the metropolitan planning process and regional ITS architecture
- Evidence of the application of asset management principles and techniques in the planning process

## Sample Discussion Questions

Questions can be addressed to staff from the MPO and other participating agencies to gain different perspectives.

### Questions Related to 23 CFR 450.312

1. How do the MPO, the State, and transit operators cooperatively determine their mutual responsibilities in the conduct of the planning process, including the following products?
  - Corridor refinement studies
  - Unified Planning Work Program (UPWP)
  - Metropolitan Transportation Plan
  - Transportation Improvement Program (TIP)
4. How is development of both the Transportation Plan and the TIP coordinated with other providers of transportation (e.g., regional airports, maritime port operators)?
5. How does the MPO review and approve the Metropolitan Transportation Plan and its updates?
6. How do the MPO and the governor approve the TIP and its amendments?
7. In nonattainment or maintenance areas, how does the MPO coordinate the development of the Metropolitan Transportation Plan with the State Implementation Plan development process, including transportation control measures (TCM)?
8. In nonattainment or maintenance areas, how does the MPO ensure conformity with the SIP, in accordance with EPA regulations, as a condition for approval of any Metropolitan Transportation Plan or program?
9. If more than one MPO has authority in a metropolitan planning area, did the MPO and the governor cooperatively establish the boundaries of the metropolitan planning area and the respective jurisdictional boundaries of each MPO? How are all plans and programs developed by multiple MPOs in a single metropolitan area coordinated?
10. Where multiple MPOs are sharing geographic portions of a TMA or where there are adjacent TMAs, are there joint committees or task forces, regular coordination meetings, or other formal or informal opportunities for cooperation between the MPOs, transit agencies, and State DOTs at the staff and/or executive levels? Do they routinely attend each other's meetings?

*See Section 2-24: Regional Models of Cooperation for more on cooperation across jurisdictions.*

11. In TMAs, how was the congestion management system developed as part of the metropolitan transportation planning process? What are the linkages between the congestion management process and the Metropolitan Transportation Plan and TIP?
12. What role did the State play in development of the Metropolitan Transportation Plan?
13. If the metropolitan planning area includes Federal public lands and/or Tribal lands, how were the affected Federal agencies and Indian Tribes involved in the development of the plans and programs?

### **Additional Relevant Questions**

1. What is the role of the transit operator and how is it involved in the MPO's overall planning and project development process?
2. How is the transit authority's planning process coordinated with the MPO's planning process?
3. How were each of the SAFETEA-LU factors (identified above) considered in the planning process?

### **Questions Related to 23 CFR 450.316**

4. How were each of the SAFETEA-LU factors (identified above) considered in the planning process?

### **Regarding Public Involvement**

5. Is (was) a 45-day comment period provided before the process was (is) adopted (revised)?
6. What timely information about transportation issues, processes, transportation plans, programs, and projects is provided to citizens and others who may be affected?
7. What type of public access is provided to technical and policy information used in the development of plans and TIPS? Are matters related to Federally aided programs considered in open public meetings?
8. What public notice is provided of public involvement activities and opportunities for public review at key decision points including, but not limited to, approval of Metropolitan Transportation Plans and TIPS (30-day comment period in serious and above nonattainment areas)?
9. How does the public involvement process demonstrate explicit consideration of and responsiveness to public input received during the planning and program development process?
10. How do existing transportation systems identify and address the needs of those who have been traditionally underserved, including low-income and minority households?

11. How is the disposition of comments and changes in the final Metropolitan Transportation Plan or TIP documented, analyzed, and reported when significant oral and written comments are submitted?
12. How much additional time is provided for public review if the “final” document is significantly different from the draft originally made available for public review?
13. What type of public review does the MPO undertake of the public involvement process to determine if the process is efficient and provides full and open access for all?
14. How is public involvement in the metropolitan transportation process coordinated with the Statewide public involvement process to enhance public consideration of issues, plans, and programs?
15. What elements of the public involvement process demonstrate consistency with Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State?
16. Identify actions to comply with ADA regulations.
17. What opportunities are provided for participation by traffic, ridesharing, parking, transportation safety, and enforcement agencies; commuter rail operators; airport and port authorities; appropriate private transportation providers; and city officials?
18. What opportunities are there for participation by local, State, and Federal environmental resource and permit agencies where appropriate?
19. What technical and other reports are prepared through the metropolitan transportation planning process to ensure documentation of the development, refinement, and update of the Metropolitan Transportation Plan?
20. What type of routine evaluation is conducted of the public involvement process as required by Federal regulations? What consultation process has been conducted to include organizations representing low-income and minority populations in this evaluation?

### **Additional Relevant Questions**

21. How does the MPO respond to the annual Planning Emphasis Areas (PEAs) included by FTA in its annual apportionment Federal Register notice? To what extent do PEAs typically meet the MPO’s planning emphasis needs? How did the MPO respond to the PEAs?
22. What is the MPO’s process for handling Title VI complaints?
23. How are freight shippers and transit users provided the opportunity to comment on the Transportation Plan, TIP, and other MPO products? What opportunities do private enterprises, including private transit providers, have to participate in the planning process?

24. What public involvement procedures are used by transit operators? To what extent is public involvement coordinated between the MPO and transit operators? Could you provide examples of joint MPO/transit operator public involvement?

**Questions Related to 23 CFR 450.320**

25. In TMAs designated as nonattainment for ozone or carbon monoxide, were Federal funds programmed for any project that would result in a significant increase in carrying capacity of SOVs? If so, how did the CMP support this result, in complying with Federal regulations? What reasonably available strategies were incorporated to manage the SOV facility effectively?
26. In TMAs, did the CMP provides for effective management of new and existing transportation facilities through the use of travel demand reduction and operational management strategies, thus meeting the requirements of 23 CFR Part 500?
27. Does the MPO have a process for periodically evaluating the effectiveness of the CMP? What is the process?

**Performance-Based Planning and Programming (PBPP) Questions**

Within [Section 2-23](#) of the Handbook, there are a number of PBPP questions that apply to the overall metropolitan planning process. This includes Questions 1 and 2. Additional relevant questions follow below:

1. At what stages of the planning process does your agency currently incorporate performance measures?
2. What are your plans and the timetable for expanding incorporation of performance into the overall planning process?
3. How is this supported by UPWP tasks, and if so, which ones?
4. How does or will the MPO monitor progress towards achieving targets? If there are issues, how are they being addressed?
5. How do you utilize and incorporate other PBPP related plans into the development of your metropolitan planning and programming products?

*For other PBPP related questions please see [Section 2-23: Performance-Based Planning and Programming](#).*

**Possible Federal Actions**

1. Corrective Actions should be taken or Recommendations made to improve cooperation among the MPO, State, and transit operators and ensure a participatory 3C planning process. Deficiencies in cooperation with providers of transportation other than the public transit operators generally should be addressed in Recommendations for improvement.

2. In cases where coordination of the MTP with the SIP is lacking, Corrective Actions should be issued.
3. Lack of consideration of the planning factors in the MTP, UPWP, TIP, and corridor studies may warrant Corrective Actions or Recommendations for improvement, depending on the degree of improvement needed.
4. Deficiencies in public involvement may warrant either Corrective Actions or Recommendations for improvement.
5. Corrective Actions will be needed if Federal funds are programmed for SOV capacity expansion projects without support from a valid CMP or if a CMP is not operational or periodically evaluated.
6. Environmental Justice deficiencies must be given serious consideration in the Metropolitan Transportation Plan. Corrective Actions should be considered to address the failure to address Environmental Justice mandates adequately.

### **Examples of Effective Federal Team Findings and Federal Actions**

#### **Old Colony MPO (Boston, MA—NH—RI and Barnstable Town, MA TMAs), 2012**

The Review Team noted that the MPO's planning process is consistent with the Massachusetts Strategic Highway Safety Plan (SHSP) and with various other transit safety and security planning and review processes and programs. The MPO has had an ongoing partnership with various entities involved in transportation, economic development, land use, and environmental management, including FHWA, MassDOT, the State Police, local police, and schools within the region. The Review Team also noted that the MTP meets the intent of 23 CFR 450.322(h), since it does include a safety element, and it has incorporated the Goals, Strategies, and Areas of Emphasis defined in the SHSP.

#### **Recommendation:**

- The Review Team recommends that the MPO staff continue to work closely with MassDOT's Office of Transportation Planning, Office of Safety, and District 5 staff to continue to remain aware of safety deficiencies in the transportation system. This recommendation should be discussed as a follow-up item in the next certification review, particularly with respect to how MPO continued this practice, and perhaps how the process has been enhanced.

#### **Lehigh Valley Transportation Study (Allentown, PA-NJ TMA), 2012**

While project selection and evaluation procedures are not the final decision-making point, they are valuable tools that assist the MPO in making educated and informed choices as to which projects are included in the MTP and moved forward for implementation in the TIP. This approach helps to inform the public of the rationale behind selecting one transportation improvement over another.

The MTP explains that projects originating at the MPO level, "...must pass through a screening process." However, the MPO does not have a formalized scoring system per se to rank all project types and transportation modes. For the most part, the MPO evaluates projects by measures defined within several broad project classification types: congestion mitigation, safety, air quality, bridge condition, and maintenance. These quantitative criteria are documented in the MPO's Project Selection Criteria checklist. The MPO assigns "highest priority" to projects essential for safety, maintenance and relief of congestion.

Final selection of projects for inclusion into the MTP and TIP is accomplished by the MPO's Staff and Committees, as well as PennDOT District 5-0 which provides technical input for bridge and maintenance areas and Lehigh and Northampton Transit Authority which provides technical input for the transit element (see pages 14-15 of the Certification Review Report).

#### Recommendations:

- The Review Team recommends that the TIP and MTP project selection and prioritization process be documented to provide overall structure and transparency. This process document should clearly define and elaborate how projects are selected and ranked either through the use of designated criteria, committee reviews, and/or MPO policy documents etc. The document should also indicate public involvement opportunities to show the local community how and when they can participate in the process. Since many projects in the MTP and TIP are selected by their consistency with MPO goals and policies, it is important to clearly explain both the quantitative and qualitative approaches that comprise the MPO's project selection process (pages 14-15).
- The Team requests that the MPO revise the process document to explain how the project selection and prioritization processes incorporate transit and other non-motorized transportation projects that do not fall into the broad project classification types contained in the Project Selection Criteria checklist. Exclusion of transit (or any non-highway mode) from the project selection process is contrary to the spirit of the Key Planning Factors found in the metropolitan planning regulations 23CFR 450.306 (page 15).
- A process document would provide better transparency for the public and elected officials on how transportation investments are chosen in the region, including their association with MPO goals and policies. The Team recommends that this documented process be approved by the MPO board and made available in the introduction section of the TIP and MTP, and/or provided as a separate document (referenced in the TIP and MTP) on the MPO's website (page 15).

#### **French Broad River MPO (Asheville, NC TMA), 2012**

For the development of the 2035 MTP, the MPO used a variety of outreach tools, such as surveys and piggy-backing on other events to solicit feedback. They conducted outreach at events in the Hispanic and African American communities, worked with churches and non-profits groups, and used social media (Twitter and Facebook) and mailing lists to maximize public involvement. The MPO had a very thorough approach to outreach, including the establishment of a Citizens Advisory Committee (CAC) to gather feedback for the development of the MTP. The CAC had representation from the elderly, disabled, transit dependent, bicyclist,

and student populations, but it was difficult to maintain minority representation on the committee (see pages 17-18 of the Certification Review Report).

Recommendations:

The MPO's public participation process should include outreach methods to better inform environmental justice community members about the MPO and its transportation planning processes (page 18).

*For an example of effective team practices related to Transportation Planning Process in areas where multi-jurisdictional planning is an issue, see [Section 2-24: Regional Models of Cooperation](#).*

*Performance-Based Planning and Programming (PBPP) Examples*

**Corpus Christi MPO (Corpus Christi, TX), 2009**

Recommendation:

- The Corpus Christi MPO needs to identify improved performance measures for purposes of measuring its effectiveness of Title VI/Environmental Justice outreach efforts as part of its public participation plan (PPP). The current PPP (adopted in 2006) does not include significant performance measures to adequately ensure that Federal-aid programs and projects are not disproportionately affecting minorities and low-income users of public transportation. The FHWA and FTA will provide best practices related to this subject as part of NCHRP, AASHTO and TRB studies on this subject for possible consideration for use by the MPO.

**Space Coast Transportation Planning Organization (Palm Bay-Melbourne, FL), 2014**

Commendation:

- Strategic Plan Priorities - The Federal Review Team would like to commend the Space Coast TPO staff for its use of a strategic plan priority matrix as a performance measure for transportation planning. A Strategic Plan Report summary is presented at all committee and board meetings and provides a visual representation of the progress that the staff has made in achieving its transportation planning goals. The Team was especially impressed with the TPO's performance measures in that they extend to both system and TPO performance. A sample of this report is provided in Appendix D of the Certification Review Report.

*For more examples of effective team practices related to performance in the planning process, see [Section 2-23: Performance-Based Planning and Programming](#).*

## **SECTION 2-6: METROPOLITAN TRANSPORTATION PLAN DEVELOPMENT**

### **Regulatory Basis**

Federal regulations require the development of a MTP as a key product of the metropolitan planning process:

*The metropolitan transportation planning process shall include the development of a transportation plan addressing no less than a 20-year planning horizon. ... the transportation plan shall include both long-range and short-range strategies/actions that lead to the development of an integrated multimodal transportation system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand. [23 CFR 450.322]*

The MTP is to be updated every four years in nonattainment and maintenance areas and every five years in attainment areas to ensure its consistency with changes in land-use, demographic, and transportation characteristics.

The regulation also identifies a number of required elements that must be addressed in the MTP, including:

- Demand analysis [23 CFR 450.322(f)(1)]
- Congestion management processes [23 CFR 450.322(f)(3), (4), and (5)]
- Pedestrian walkway and bicycle facilities [23 CFR 450.322(f)(8)]
- System preservation [23 CFR 450.322(f)(5)]
- Design concept and scope descriptions of all existing and proposed transportation facilities, in sufficient detail to permit conformity determinations in nonattainment and maintenance areas [23 CFR 450.322(f)(6)]
- A discussion of types of potential environmental mitigation activities and potential areas to carry out these activities [23 CFR 450.322(f)(7)]
- Consultation with State and local agencies responsible for land-use management, natural resources, environmental protection, conservation, and historic preservation, involving comparison of Transportation Plans with State conservation plans or maps or comparison of Transportation Plans with inventories of natural or historic resources [23 CFR 450.322(g)(1) and (2)]
- Transportation and transit enhancements [23 CFR 450.322(f)(9)]

- A financial plan that demonstrates how the adopted Transportation Plan can be implemented [23 CFR 450.322(f)(10)]
- Provision of public agencies, citizens, and other interested parties with a reasonable opportunity to comment on the Transportation Plan in accordance with the requirements of 23 CFR 450.316(a) [23 CFR 450.322(i)]
- Conformity determination in nonattainment and maintenance areas [23 CFR 450.322(l)]
- Provision of copies to FHWA or FTA [23 CFR 450.322(c)]

## **What to Look for**

The MTP establishes the long-term transportation investment, service, and policy agenda for the region. It should be a critical document for demonstrating that the regulations as well as locally expressed priorities, public involvement, and many other critical inputs to the planning process take explicit form in a single formal document. That document provides a critical opportunity for the planning agencies to communicate the priorities, critical choices, and general directions for the region to a broad audience, including planning partners, other stakeholders, elected officials, and the public.

The MTP should also seek to link land use and transportation planning in the region and should address planning factors outlined in SAFETEA-LU, as well as the other requirements described in this section of the handbook.

### Requirements/expectations–The MTP must:

- Be supported by a comprehensive and inclusive public involvement effort that complies with Title VI and the Executive Order on Environmental Justice.
- Cover at least a 20-year planning period and identify projected transportation demand for the movement of persons and goods in the metropolitan planning area over that period.
- Be based on transportation system analysis and monitoring of system conditions and identify capital investments, congestion management strategies, and other measures to preserve the existing transportation system and efficiently use existing transportation capacity to relieve congestion and move people and goods.
- Address the planning factors identified in SAFETEA-LU.
- Clearly identify transportation investments and services to determine projects for inclusion in the MTP, allow for financial analysis, and ensure that the public can clearly understand the investments, services, and policies proposed for the region. Also, in air-quality nonattainment and maintenance areas, include design concept and scope descriptions of existing and proposed transportation facilities in sufficient detail so that air quality conformity analysis can be performed.

- Identify all regionally significant projects, including those from non-Federal funding sources.
- Be based on reasonably expected financial resources over the life of the MTP and identify other funding mechanisms where a shortfall exists.
- Seek to establish links between the MTP and land-use plans within the region to support the goals of the former.
- Be developed and adopted through an interactive process with the MPO policy board that covers policy options, transportation needs analysis, alternative transportation investment options and development scenarios, and analysis of reasonably available financial resources and alternative funding options.

### **Applicability to Certification**

The regulation establishes broad requirements for the MTP. These requirements are sufficiently flexible to accommodate wide variations in format and emphasis, although basic components defining “*long-range and short-range strategies/actions that lead to ... an integrated multimodal transportation system ...*” should be present. Some of the requirements that are defined objectively have been the subject of many Corrective Actions in Certifications, specifically (1) adherence to the schedule of quadrennial updates and (2) issues related to financial planning.

A number of Certifications have considered compliance with the planning factors and whether the Transportation Plan substantively relates transportation to land use, growth, and social policy objectives. Due to the subjectivity involved in evaluating these more substantive plan components, the review teams have sometimes expressed concerns and criticisms in terms of nonbinding Recommendations rather than Corrective Actions.

A basic evaluation would consider, at minimum, whether the MTP includes required elements as specified in the regulation, such as a 20-year planning horizon, bicycle and pedestrian facilities, and transportation enhancements. A straightforward approach to the more subjective aspects of the regulation could begin with consideration of whether the plan adequately addresses the eight planning factors as identified in SAFETEA-LU. A broader, big-picture approach would address the question of whether the plan adequately addresses its intended purpose as conveyed in the full context of the law and the regulation.

A further consideration could be whether the MTP is consistent with good planning practice, providing the public with a useful product that addresses fundamental concerns about the region’s transportation future. Because the MTP does not require Federal approval, Certification is the primary opportunity for official Federal comment on whether the plan serves the intended purposes of the transportation planning process.

### **Sample Discussion Questions**

1. Does the MTP incorporate an initial 20-year planning horizon?

2. In nonattainment and maintenance areas, is the MTP reviewed and updated at least every four years?
3. What long- and short-range strategies and actions does the MTP identify leading to the development of a multimodal transportation system? How are the following addressed in the Transportation Plan?
  - a. Projected demand: What are the roles and methods of demographic, land-use, and travel-demand forecasting?
  - b. Congestion management strategies
  - c. Pedestrian walkway and bicycle transportation facilities
  - d. Design concept and scope of all existing and proposed major transportation facilities
  - e. Maintenance and preservation of the Federally supported, existing and future transportation system
  - f. Transportation, socioeconomic, environmental, and financial impacts of the overall plan
  - g. Local and regional land-use plans and development objectives, housing goals and strategies, community development and employment plans and strategies, environmental resource plans, and the area's overall social, economic, environmental, and energy conservation goals and objectives
  - h. What transportation enhancements are identified?
  - i. How is the plan financially constrained?
  - j. How is public involvement incorporated in development of the Transportation Plan? What opportunities are provided for participation in its early stages and throughout the course of its development?
  - k. What strategy has been developed to implement provisions of the MTP? Have implementation priorities been established?
  - l. In nonattainment and maintenance areas, have the MPO, FTA, and FHWA determined conformity in accordance with the Clean Air Act and EPA regulations?
  - m. How have Title VI of the Civil Rights Act of 1964 and related requirements been addressed?
  - n. How have the State DOT and metropolitan transit operators participated in Plan development?
4. How is the distribution of impacts to different socioeconomic and ethnic minorities identified and measured? How are benefits and burdens across all socioeconomic groups examined in the modeling and planning performed in support of Transportation Plan development?

5. Where multiple MPOs are sharing geographic portions of a TMA or where there are adjacent TMAs:
  - a. Are the goals, objectives, targets, strategies and investments in the MTP consistent with those of the neighboring MPOs?
  - b. Does the MPO make efforts to include members of the public and interested parties from neighboring jurisdictions in the public input process?
  - c. Do the MPOs cooperatively develop planning assumptions?
  - d. Have the MPOs considered developing a combined MTP for the urbanized area?

See **Section 2-24: Regional Models of Cooperation** for more on cooperation across jurisdictions.

### **Possible Federal Actions**

1. Take Corrective Actions or make Recommendations for improving the existing MTP or subsequent updates.
2. Assess compliance with specific requirements in relation to broader purpose of the MTP and needs of region.
3. Provide examples of good practice: MTPs or sections of plans that address specific areas of concern effectively.
4. Provide advice and assistance during plan development.

### **Examples of Effective Federal Team Findings and Federal Actions**

#### **Shenango Valley Area Transportation Study (Youngstown, OH—PA TMA), 2013**

The Federal Team noted that the 2011 MTP Update did not provide a robust analysis and evaluation of the existing roadway functional classification system, which would be useful in determining if changes are necessary for the different types of roadways. The 2011 MTP Update was also deficient in discussing the potential types of mitigation activities that could have the greatest potential for improving environmental conditions in Mercer County (see page 17 of the Certification Review Report).

#### Recommendations:

- The Team recommends that the next MTP Update contain a robust analysis and evaluation of the existing roadway functional classification system in order to determine if changes are necessary for all roadways, especially the locally owned roads. A map showing the Federal-Aid system should be incorporated into the MTP document (page 17).

- The Team recommends that the MPO and the Pennsylvania DOT coordinate and discuss the potential types of environmental mitigation activities and potential areas that may have the greatest potential to restore, maintain, and/or enhance environmental amenities in Mercer County. The discussion should consider policies, programs, or strategies and involve the Federal and State environmental regulatory agencies. The MPO should document the results of such discussions as part of the MTP (page 17).

### **Mid-America Regional Council (Kansas City, MO—KS TMA), 2013**

During the last MTP update, there was substantial involvement from the MPO's committees and extensive public engagement, both of which produced useful information that the MPO presented to regional decisionmakers. This included an adaptive growth scenario analysis where the MPO compared future conditions regarding infrastructure cost, congestion, land consumption, and other factors between a 'likely' future and a 'possible' future. This practice is fairly sophisticated and impressive and is not typically seen. However, the Federal Team was concerned about the documentation of these efforts. For instance, in reading the MTP, the Team would have expected to see a lot of visualizations/information regarding congested locations on the region's highways, deficient bridges, high-crash locations, gaps in the bicycle and pedestrian network, and/or analysis of on-time performance of the region's fixed-route transit systems (see page 7 of the Certification Review Report).

#### Commendation:

- The adaptive growth scenario work done as part of the MTP is a sophisticated planning practice not typically seen. While scenarios of transportation investments are a common practice, it's rare to see scenarios of alternative land-uses (page 3).

#### Recommendation:

- During the next MTP update, the Team encourages the use of visuals to explain the planning process and recommends that the MPO demonstrate the use of a rational planning process by more thoroughly documenting:
  - Analyses of regional transportation needs;
  - Anticipated impacts of transportation investments over the life of the plan, particularly as they relate to the CMP;
  - Process used to set priorities and make investment decisions; and,
  - Modeling and other analytical methods used to support the MTP (page 3).

### **Hampton Roads Transportation Planning Organization (Virginia Beach, VA TMA), 2012**

The Federal Team noted that, in 2009, the Hampton Roads Policy Board requested that its staff develop technical methodology to assist the Board in determining and advancing regional transportation priorities. VDOT and its consultant assisted with this effort. The MPO implemented the new planning tool to better vet and select transportation projects in a quantitative manner. This is especially beneficial in the case where the many regional infrastructure needs and competing priorities far outweigh limited funding. Before the development of the prioritization tool, the MPO staff committed itself to a year-long public

involvement effort. The public involvement effort helped shape the vision and define the goals for the MTP, and provided the framework for the prioritization tool.

The MPO established broad project categories for the purposes of prioritization that consider most major modes of transportation (highways, transit, intermodal, and bicycle/pedestrian). The agency applies weighting factors independently to modal classifications based on a project's utility, viability, and vitality. The project criteria are to be balanced with the eight Federal planning factors (see pages 9-12 of the Certification Review Report).

Commendation:

- The MPO's prioritization process is outstanding and the Federal Team considers it a best practice approach that should be promoted. The MPO and VDOT's consultant cooperatively developed the prioritization tool, and the public helped to define its vision and goals. The tool also effectively incorporates the Federal planning factors, while prioritizing and balancing an overabundance of projects with limited funds. The process is structured to be unbiased and straightforward (page 11).

## SECTION 2-7: FINANCIAL PLANNING

### Regulatory Basis

The requirements for financial plans are contained in 23 CFR 450.322(f)(10) for the MTP and 23 CFR 450.324(e, h–k), for the TIP. Separate financial plans demonstrate how the adopted MTP and TIP can be implemented.

The requirements related to the MTP include the following:

- Revenue estimates are cooperatively developed by the State, the MPO, and public transportation operators. (Note: The procedures for this must be spelled-out in the MPO Agreement.)
- Revenue estimates include public and private sources that are committed, available, or reasonably expected to be available within the timeframe anticipated for implementation of the project.
- Revenue estimates may include recommendations for new funding sources, which should be supported by identified strategies for securing their availability.
- System-level estimates of operation and maintenance costs for Federally-supported facilities and services are taken into account to determine resources remaining available for capital expenditure.
- Cost and revenue estimates incorporate inflation rates reflecting year of expenditure (YOE) dollars. See <http://knowledge.fhwa.dot.gov/cops/tdx.nsf/b/KMMM788PLC> for more information on YOE.
- The quality of cost estimates is important in the MTP (and TIP). Cost estimates should be reviewed and the process and methods (and any assumptions) for determining costs should be documented.
- Cost estimates in the MTP should be reviewed and periodically updated, at least as frequently as each MTP update.
- In air quality areas, include specific financial strategies to ensure the implementation of required air-quality projects like Transportation Control Measures (TCMs).
- Cost estimates for the period beyond the first 10 years can be expressed in terms of ranges or “bands,” as long as sufficient future funding sources are reasonably expected to be available. See <http://knowledge.fhwa.dot.gov/cops/tdx.nsf/b/KMMM788PLC> for more information on cost banding.
- If a revenue source included in an MTP is determined to be fiscally constrained and is subsequently removed or reduced, FHWA and FTA will not approve future updates or amendments of the MTP that do not reflect the change in revenues.

The requirements related to the TIP include the following:

- Demonstrate and maintain financial constraint by year.
- Identify projects to be funded with current and available revenues.
- Identify estimated total project cost, which may extend beyond the four years of the TIP.
- System-level estimates of operation and maintenance costs for Federally supported facilities and services are taken into account when estimating resources remaining available for capital expenditure.
- Cost and revenue estimates incorporate inflation rates to reflect YOE dollars.
- The quality of cost estimates is important in the TIP (and MTP). Cost estimates should be reviewed and the process and methods (and any assumptions) for determining costs should be documented.
- Cost estimates in the TIP should be reviewed and periodically updated, at least as frequently as each TIP update.
- Only projects or phases of projects if full funding can reasonably be expected to be available for the project within the time period anticipated for completion of the project.
- Only projects for which construction or operating funds can reasonably be expected to be available.
- In air quality areas, projects included in the first two years of the TIP shall be limited to those for which funds are available or committed.
- Eligible TCMs identified in the SIP have priority in the TIP, which shall provide for their timely implementation.
- Revenue estimates are cooperatively developed by the State, the MPO, and public transportation operators, as set forth in the MPO Agreement.
- Revenue estimates include public and private sources that are committed, available, or reasonably expected to be available.
- Revenue estimates may include recommendations for new funding sources and strategies for securing their availability.
- The amount and category of Federal funds proposed to be obligated during each program year for each project.
- Includes all projects receiving Federal funding and all regionally significant projects that are not Federally-funded.

## What to Look for

Fiscal constraint is an often misunderstood concept. The ultimate goal is to produce a MTP and TIP that can be reasonably implemented with the revenue anticipated to be available. The requirement eliminates the wish list document syndrome and ultimately bolsters the credibility of the transportation planning process and the cooperating agencies by presenting a priority package of improvements that can be delivered. Fiscal constraint is not an end unto itself, rather it is the tool to establish a budget, prioritize within that budget, and then illustrate that the adopted MTP and TIP are realistic.

The requirement is also tied to air quality conformity determinations, helping to ensure such determinations are based upon an adopted MTP and TIP that can be implemented.

The Certification Review Team should:

- Examine how revenues are forecasted (Federal, State, local, and private) and how project cost estimates are derived. Look for standard cost estimating procedures that provide consistency among the implementing agencies. Substantial variations from past numbers should be investigated for validity of new or modified assumptions. The first use of YOY cost estimates could see a significant jump in project costs relative to revenue expectations, thereby necessitating possible delay or deferral of projects scheduled for implementation over a longer-term.
- Look for documented cooperative procedures as well as charts, tables, and narrative that describe the current fiscal constraint demonstration. Look for a discussion of the assumptions and methodologies used to forecast revenues and estimate costs. The process record should be open, transparent, and available to the public in the financial plan or as an appendix.
- Look for the level of constraint comparison. Some TMAs may demonstrate constraint by comparing total cost to total revenue; others may make a comparison by funding category. Trying to make long-term MTP revenue forecasts by specific program areas may create a false sense of program precision since we have no idea what program alignment may exist in the more distant future years of an MTP.
- Look closely at the forecasts of non-Federal funds, especially if such funding is a large percentage of the MTP or TIP. Special attention should be paid to the feasibility of proposed new sources and the proposed strategies to secure them.
- Look for process connections to achieve consistency between updated project cost estimates, especially for mega-projects and cost estimates in the MTP and TIP. See <http://knowledge.fhwa.dot.gov/cops/tdx.nsf/B/KMMM7FASBA> for a 2008 memo on linking NEPA approvals and fiscal constraint.
- Look at the procedures for the use of innovative funding techniques, including how the use of Advance Construction (AC) projects are listed and documented in the TIP. See

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<http://www.fhwa.dot.gov/innovativefinance/ifp/index.htm> for more information on innovative financing.

- For operations and maintenance costs, look for links to asset management systems and the region's CMP for comparable practices. Check for consistency with data reported to FTA in the National Transit Database.

For additional resource material on what to look for, refer to: <http://knowledge.fhwa.dot.gov/cops/tdx.nsf/home?OpenForm&Community=Planning&Group=Fiscal%20Constraint>

## **Applicability to Certification**

Fiscal constraint is a core planning principle introduced by ISTEA in 1991. Because it is a core principle, it is frequently reviewed in some depth during Certification Reviews. The ability or inability to demonstrate fiscal constraint directly impacts the validity of the MTP and TIP and the TMA's Certification status.

FHWA/FTA also should conduct in-depth fiscal constraint reviews when processing MTP and TIP updates and revisions, and associated conformity determinations, if applicable. Such reviews and their conclusions could be referenced or incorporated into a formal Certification Review to reflect a comprehensive look at the overall planning process, underscoring the need for improvements or highlighting a commendable practice.

The core principle of fiscal constraint, comparing revenue with costs, is relatively straight forward. Working through the assumptions and methods for deriving the numbers for each side of the comparison is the complicated part and should be the focus for the Certification Review Team's effort. Compliance with the regulatory requirements is necessary. The review team should also assess if the constraint process leads to a meaningful course of action for establishing priorities. Additional issues include:

- Treatment of illustrative projects
- Treatment of AC and other innovative funding techniques
- How amendments are addressed from a financial perspective, including thresholds cooperatively set for identifying changes that may be effected via Administrative Modification versus formal amendment
- Cooperative process adopted for developing revenue forecasts, and consistency of forecasts across different agencies, as set forth in the MPO Agreement
- Development of cost estimates for projects, operations and maintenance, and a focus on providing precise estimates

- Need for and development of financial plans for “mega-projects” (see *Issuance of Final Major Project Guidance*, FHWA, January 19, 2007) and links back to the MTP and TIP cost estimates
- YOE
- Role of “vision” planning and alternative funding

### Sample Discussion Questions

The following sample questions address important items related to the topic of financial planning. The Certification Review Team can use this list to select questions that focus on the aspects applicable to the conditions in the TMA under review and can modify the wording of questions to meet unique situations. Questions can be addressed to staff from the MPO and other participating agencies to gain different perspectives.

1. How is the financial information in the financial plan coordinated with all of the affected agencies (MPOs, State DOT, transit operators, and local jurisdictions)?
2. How are the assumptions and data sources for *each* revenue source (Federal, State, local, other) documented in the financial plan?
3. How are the approaches for forecasting future revenues documented and defined?
4. Do all revenue figures cover consistent timeframes and fiscal years?
5. Are consistent dollar values used and defined?
6. How is the financial plan made available to the public?
7. Do the MTP and TIP clearly indicate which revenue sources exist and which are new?
8. How are new revenue sources identified and how are the strategies to achieve these documented?
9. Are the responsible parties for implementing these strategies identified?
10. If the MTP includes “illustrative projects,” how are these projects and their associated revenue sources clearly separate and distinguishable from the fiscally constrained portion of the plan?
11. Are anticipated discretionary funds consistent with past levels of discretionary funds and are they actually allocated to the pertinent agencies/jurisdictions, or is there a clear strategy for securing those funds?
12. For the TIP in non-attainment and maintenance areas, how do you ensure only projects for which funding is available or committed are included for the first two years?

13. Does the TIP provide specific information on revenue source by program year and funding source? What information is provided?
14. What steps are taken to ensure the financial plans for the TIP are consistent with those of the MTP?
15. What mechanism is used to ensure project cost updates from completed environmental documents, mega project cost plans, and final designs are included in MTP and TIP documents?
16. What procedures are followed to ensure the TIP financial plans within the State are consistent with the STIP?
17. What types of historical data are used as a basis for preparing conceptual project estimates? How are the data adjusted for time (schedule), location and other project specific conditions?
18. How are contingency amounts incorporated into the estimate? Are contingency amounts based on total estimated costs, identified project risks, or some other variables?
19. How are cost differences between the long-range planning (MTP) conceptual cost estimates and the programming (TIP) conceptual cost estimates reconciled? How and where is this process documented?
20. What triggers an update of an estimate during the long-range planning and programming process? Are estimates updated on an ongoing basis as project development progresses? Are estimates updated when major design changes occur or through some other triggering mechanism?
21. Which of the agencies responsible for operations and maintenance (O&M) on the Federally-supported system involved in the development of O&M estimates? Explain the process. Is their participation documented in a formal agreement?
22. How is an “adequate” level of O&M determined? Are needs derived from a desired level of service or rating of asset condition and how will these be met with expected funding level? How many of the agencies involved have an asset management system?
23. Are levels of service or ratings of facility condition expected for a given funding level communicated to the public? How?
24. What triggers an update of an O&M estimate during the long-range planning and programming process? Are estimates updated on a periodic basis, when system condition and performance changes occur or through some other triggering mechanism?
25. When amending the MTP or TIP, how is fiscal constraint ensured? Does the MPO have criteria for determining that a project change does not warrant a formal amendment – and, instead, constitutes an Administrative Modification?
26. How are AC projects treated in the TIP?

27. How does the financial plan illustrate adequate non-Federal revenue to cover AC projects?
28. How is the revenue from billed AC conversions treated?
29. For the TIP, do the cost and revenue numbers in the project listings match the numbers in the summary comparison table?

### **Possible Federal Actions**

1. The inability to demonstrate fiscal constraint in either the MTP or the TIP could warrant a “Not Certified” status with funding restrictions, the withholding of funds, or both.
2. If the fiscal constraint demonstration for either the MTP or TIP does not include supporting documentation to substantiate the claim, a Corrective Action with a short response time would be warranted. The MTP or TIP will need modification if the documented process results in a different comparison.
3. If the assumptions regarding either revenues or costs in the fiscal constraint demonstration for either the MTP or TIP prove to be incorrect, a Corrective Action may be warranted. If anticipated revenues do not materialize, then FHWA and FTA may not approve any modifications to the MTP or TIP until fiscal constraint is restored. If project costs exceed those in the TIP, then FHWA and FTA may not authorize the project until the TIP is modified and fiscal constraint is once again demonstrated.
4. If fiscal constraint is demonstrated, but the revenue forecasting approach is not cooperative nor documented in the MPO Agreement, a Corrective Action would be warranted to develop, document, and use a cooperative approach. If the cooperative approach outlined in the MPO Agreement is not being followed, a strong Recommendation would be warranted to follow their agreed-to cooperative approach.
5. The nature and degree of any deficiencies relating to methods or consistency of financial analysis with regulatory requirements will determine whether Corrective Actions or Recommendations for improvement are appropriate.

### **Examples of Effective Federal Team Findings and Federal Actions**

#### **Eastgate Regional Council of Governments (Youngstown, OH—PA TMA), 2012**

The Federal Team noted that, in developing the most recent financial projections for the MTP, the MPO reviewed ODOT’s Business Plan and historic transportation spending in the region. The MPO compared ODOT’s 20-year revenue projections to their own and found the ODOT projections to be relatively similar.

The MPO believes that ODOT has sufficient funds available to fund their share of the projects they requested, but there is no defined process or regular communication about this funding availability. For transit projects, the MPO has a more comprehensive process for working with the transit operators to demonstrate fiscal constraint. For example, the transit operators provide

their financial capacity statements, ridership data, and other income and budget information with their project requests.

The Federal Team noted a need for the MPO to evaluate all projects to determine whether each is consistent with the goals and objectives of the MTP, whether they are eligible for specific Federal funding categories, and whether the entire program of projects maintains fiscal constraint by year. The Federal Team encouraged the MPO to develop and/or maintain close working relationships with ODOT District 4 and the transit operators to foster a cooperative process to carry out the region's transportation planning process (For more information, see pages 3-5 of the Certification Review Report).

Recommendations:

- The MPO, ODOT, and the transit operators, in keeping with a cooperative, comprehensive, and continuing transportation planning process, should work together in developing financial projections for the region in order to demonstrate fiscal constraint for all the projects in their MTP and TIP (page 5).

**Toledo Metropolitan Area Council of Governments (Toledo, OH—MI TMA), 2012**

The Federal Team noted that the TIP is based upon the Ohio DOT's projected future allocations for STP, CMAQ, and TE. SEMCOG develops the MTP's financial projections using the projections of the various revenue sources available from all relevant entities. These include those allocations that have been projected by Ohio DOT to be available for the various funds (STP, CMAQ and ENH/TE) that are included in the TIP. The MTP includes long-term projections for all funding types, but the TIP includes projections of the "MPO attributable funds" and "Ohio DOT attributable funds" separately. The MPO does not project "Ohio DOT attributable funds" but rather programs Ohio DOT projects and lists the project costs supplied by Ohio DOT as the projected budget (For more information, see page 10 of the Certification Review Report).

Recommendation:

- The Federal Team recommends that the Ohio DOT include the COG in its process of developing financial projections for the region so that the COG can develop projected budgets for all transportation funds expended in the region, in keeping with a single 3-C planning process (page 13).

**Regional Transportation Commission of Washoe County (Reno, NV – CA), 2012**

The Federal Team noted that the current MTP and TIP each include a financial element documenting the revenues available within the MPO area. These substantially meet the requirements outlined in the Federal regulations. Revenue estimates are shown in year-of-expenditure dollars using an inflation rate that was developed cooperatively through the Statewide Transportation Technical Advisory Committee. However, the information presented in the financial element of the MTP is not always easy to follow and it is difficult to relate the projected revenues to the transportation program and projects (both highway and transit). It is also not clear how the MPO develops system-level estimates of operation and maintenance costs

for federally-supported facilities and services. It is also unclear how the MPO takes these estimates into account to determine resources remaining available for capital expenditure in both the MTP and the TIP (For more information, see pages 16-17 of the Certification Review Report).

Recommendations:

- The next MTP update should include a financial plan that clearly demonstrates consistency between anticipated transportation revenues and costs. Sufficient detail should be provided such that revenues are presented by source, costs are connected to proposed improvements, and revenues and costs are balanced and presented in a format that the public and officials can easily understand (page 17).
- The State, the MPO, and MPO members should cooperatively develop the revenue estimates for the MTP and TIP as set forth in the MPO agreement. The agencies should clearly document the process, methods, and assumptions for determining revenues and costs. Any proposed new funding sources in the MTP must clearly identify strategies for securing their availability (page 17).
- The MPO also needs to clearly present the comprehensive system-level estimates of operation and maintenance costs for Federally-supported facilities and services within the metropolitan planning area in the financial plans for the MTP and the TIP. The financial plans should clearly demonstrate that these operation and maintenance costs are taken into account to determine resources remaining that are available for capital expenditure (page 17).

## SECTION 2-8: AIR QUALITY

### Regulatory Basis

Section 176 (c)(1) of the Clean Air Act Amendments of 1990 (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 a number of metropolitan planning regulations rather than being the primary focus of one or several regulations. For MPOs that are declared to be air quality nonattainment or maintenance areas, there are many special requirements in addition to the basic requirements for a metropolitan planning process. These include formal agreements to address air-quality-planning requirements, requirements for setting metropolitan planning area boundaries (MPAs), interagency coordination, MTP content and updates, requirements for the CMP, public meeting requirements, and conformity findings on MTPs and TIPs. Sections of the metropolitan planning regulations governing air quality are summarized below.

- An agreement is required between the MPO and the designated agency responsible for air quality planning describing their respective roles and responsibilities (see *Metropolitan Planning Agreements* topic area). [23 CFR 450.314(c)]
- In a metropolitan area that does not include the entire nonattainment or maintenance area, an agreement is required among the State DOT, State air-quality agency, affected local agencies, and the MPO providing for cooperative planning in the area outside the metropolitan planning area but within the nonattainment or maintenance area. [23 CFR 450.314(b)] In metropolitan areas with more than one MPO, an agreement is required among the State and the MPO describing how they will coordinate to develop *an overall MTP for the metropolitan area*; in nonattainment and maintenance areas, the agreement is required to include State and local air-quality agencies. [23 CFR 450.314(d)]
- The MPO is required to coordinate development of the MTP with the State Implementation Plan (SIP) development process, including the development of TCMs (see *Metropolitan Transportation Plan* topic area). [23 CFR 450.322(d)]
- In TMAs designated as nonattainment areas, Federal funds may not be programmed for any project that will result in a significant increase in carrying capacity for SOVs, unless the project results from a CMP meeting the requirements of 23 CFR 450.320(d) and (e).
- The MTP shall identify SOV projects that result from a CMP meeting Federal requirements. [23 CFR 450.322(f)(4)] and shall include design-concept and scope descriptions of all existing and future transportation facilities to permit conformity determinations. [23 CFR 450.322(f)(6)] FHWA, FTA, and the MPO must make a

conformity determination on any new or revised MTP in nonattainment and maintenance areas (see *Metropolitan Transportation Plan* topic area). [23 CFR 450.322(1)]

- In nonattainment and maintenance areas, FHWA, FTA and the MPO must make a conformity determination on any new or amended TIP. [23 CFR 450.324(b) and 450.328(b)]
- In nonattainment TMAs, there must be an opportunity for at least one formal public meeting during the TIP development process. [23 CFR 450.324(b)]
- In nonattainment and maintenance areas, the TIP shall identify projects designated as TCMs in the applicable SIP. [23 CFR 450.324(d)(5)]
- In nonattainment 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(d)] as well as projects identified as TCMs in the SIP. [23 CFR 450.324(d)(5)] Projects shall be specified in sufficient detail to permit air-quality analysis in accordance with EPA conformity requirements. [23 CFR 450.324(e)(1)]
- In nonattainment and maintenance areas, the TIP shall describe the progress in implementing required TCMs [23 CFR 450.324(1)(3)] and shall include a list of all projects found to conform in a previous TIP that are now part of the base case used in the air-quality conformity analysis. [23 CFR 450.324(1)(2)]
- In nonattainment or maintenance areas, if the TIP is amended by adding or deleting projects that affect transportation-related emissions, a new conformity determination will be required. [23 CFR 450.326(a)]
- In TMAs that are nonattainment or maintenance areas, FHWA and FTA will review and evaluate the transportation planning process to determine that it is adequate to ensure conformity of plans and programs in accordance with procedures contained in 40 CFR Part 93. [23 CFR 450.334 (b)]

## **What to Look for**

SAFETEA-LU mandates review and evaluation of the process used to meet conformity requirements in nonattainment and maintenance areas. Evaluation of the process used by the MPO to ensure conformity of plans and programs is an important and discrete part of the conformity determination. Any identified or potential deficiencies should be reviewed as part of Certification, which gives FHWA and FTA the opportunity to assess how conformity issues are addressed in the planning process. This should include consideration of interagency agreements, coordination, and related activities undertaken by other agencies in the region as related to conformity. If applicable, the review should consider how the MPO and its partners have responded or are responding to lapses or potential pending lapses.

Requirements/expectations—In nonattainment areas, the MPO must:

- Prepare the transportation conformity document and approve and submit conformity findings to FHWA/FTA as needed.
- Perform the required regional transportation and/or emissions modeling to support the conformity analysis.
- Coordinate with local air-quality districts to develop and implement plans to achieve conformity.
- Develop and maintain agreements with air-quality organizations and other appropriate parties to define responsibilities relating to conformity.
- Lead or participate in an interagency process designed to facilitate communication among involved agencies and make decisions on the conformity process.
- Participate in identifying, selecting, and implementing TCMs for inclusion in the SIP in cooperation with appropriate parties.
- Be involved in establishing air quality budgets in cooperation with State, regional, and local air-quality agencies.

The MPO can also:

- Perform other technical analyses to evaluate air-quality-improvement strategies.
- Conduct public information efforts to educate the public on air-quality issues and strategies to improve air quality.
- Demonstrate that air-quality considerations are included in major aspects of the planning process, as reflected, for example, in the work program, to improve air-quality-related transportation planning; in project development for the TIP; or in public involvement discussions of critical issues and choices facing the region, perhaps within the long-range planning for the MTP

## **Applicability to Certification**

In contrast to many of the other elements of the metropolitan planning process, air-quality requirements are generally objective and assessment of compliance is relatively straightforward. Significant issues have been raised in some metropolitan areas, however, regarding interagency and TIP/MTP–SIP coordination and implementation of TCMs.

## **Sample Discussion Questions**

1. What agency is designated for air-quality planning under Section 174 of the CAA? If this agency is not the MPO, what agreements exist between the MPO and the designated air-quality-planning agency describing their respective roles and responsibilities? (Also see

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*Metropolitan Planning Agreements* topic area.) What processes are specified for coordination on project prioritization and selection for the TIP?

In nonattainment and maintenance areas:

2. Does the MPO planning area include the entire nonattainment/maintenance area? If not, what agreements exist to describe the process for cooperative planning within the full nonattainment/maintenance area?

*See Section 2-24: Regional Models of Cooperation for more on cooperation across jurisdictions*

3. How does the MPO coordinate the development of the MTP with SIP development and the development of TCMs? (Also see *Transportation Plan* topic area.) How do the Transportation Plan and SIP reflect this coordination?
4. How does the MPO's UPWP incorporate all of the metropolitan transportation-related air-quality-planning activities addressing air-quality goals, including those not funded by FHWA/FTA? (Also see *UPWP* topic area.)
5. Does the metropolitan planning process include a CMP that meets the requirements of 23 CFR Part 450.320? (Also see *Planning Process* topic area.) What assurances are there that the MTP incorporates travel demand and operational management strategies, and that necessary demand reduction and operational management commitments are made for new SOV projects?
6. Does the MTP include design concept and scope descriptions of all existing and proposed transportation facilities in sufficient detail, regardless of funding source, to permit conformity determinations? What is the content of the design concept and scope descriptions?
7. How does the MPO coordinate the development of the TIP with the SIP?
8. What opportunities does the MPO offer for one or more public hearings during the TIP development process?
9. How does the MPO ensure that the TIP includes all proposed Federally and non-Federally funded regionally significant transportation projects, including intermodal facilities? (Also see *TIP* topic area.)
10. Does the TIP include a list of all projects found to conform in a previous TIP that are now part of the air-quality-planning base case? If so, What projects are included on the list?
11. How does the MPO ensure priority programming and expeditious implementation of TCMs from the SIP? Does the TIP describe progress in implementing required TCMs? How are the public, local transit operators, and air-quality agencies involved in the prioritization and selection of possible CMAQ program-funded projects?

12. What annual opportunities does the MPO offer for a public hearing to review the planning assumptions and the plan development process? (Note: This is good practice and should be included in the PPP but is no longer required under planning regulations.)

### **Possible Federal Actions**

1. Corrective Actions generally will be required if there are deficiencies related to conformity or if the planning process does not reflect the regulations regarding public meetings, CMP and SOV expansion, description of projects for air-quality-planning purposes, programming of funds, and prioritization of TCMs in nonattainment and maintenance areas.
2. Serious concerns regarding coordination or agreements between the MPO and air-quality agencies also generally will require Corrective Actions. There may be instances when minor problems or issues can be best addressed with Recommendations for improvement.

### **Examples of Effective Federal Team Findings and Federal Actions**

#### **Bi-State Regional Commission (Davenport, IA-IL TMA), 2012**

The Federal team noted that, while the MPO was in attainment, a future determination of nonconformity could impact the planning process and would apply to MTPs, TIPs, and federally funded projects for the entire metropolitan area or within a localized area. The MPO continues to work proactively with emission reductions and education for the area in order to avoid nonattainment status, including investing in public education and outreach programs promoting emission reductions through the use of alternative transportation. The MPO created a web portal that provides a single website for users to access the various urban and rural public transit systems in the region. Funding requests are in place or are planned to further enhance a "Make Air Quality Visible" strategic planning effort, which is already partially funded using Illinois Special Planning Research funds. Another effort includes conducting a household travel survey for the metropolitan area and allowing for more current trip generation rates for the travel demand model (see page 11 of the Certification Review Report).

#### Commendation:

- While the MPO is in attainment for meeting the Federal Clean Air Act emission requirements, monitors have recorded emissions close to exceeding EPA attainment requirements. MPO staff has been trained on nonattainment requirements and is now prepared to respond in the event that air quality emissions in the region result in a nonattainment designation status. The MPO continues to hold meetings of its Air Quality Task Force, which have been conducted since 1998. They keep abreast of the status of the NAAQS in case the area becomes a nonattainment area for Ozone or PM 2.5. The MPO has also done an excellent job of engaging their partners and the general public about air quality issues. The agency continuously conducts a public education campaign for clean air and reducing emissions in the region and has been very successful at receiving funding for outreach and to educate the public (page 25).

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**Knoxville Regional Transportation Planning Organization (Knoxville, TN TMA), 2012**

The Federal Team noted that the MPO is working with the Tennessee Department of Environment and Conservation to evaluate the impact of the EPA's new 2010 MOVES model on motor vehicle emission budgets (MVEBs) developed with MOBILE 6.2 vehicle emission modeling software. The MPO converted the MOBILE 6.2 data used in the SIP and recent conformity determinations to a MOVES-compatible format using the EPA's converter tools. The MPO has encountered difficulties in attaining the MVEBs with the MOVES model and is evaluating a timeline for a full transition to the new model.

The EPA extended the grace period for the requirement of the MOVES model to demonstrate conformity from March 2012 to March 2013. The extended grace period allows the MPO to use MOBILE 6.2 for the conformity trigger associated with the four-year MTP update required by June 1, 2013, if the organization starts the conformity process before March 2013 (see page 25 of the Certification Review Report).

**Recommendation:**

- Engage the Interagency Consultation Group early and often in the MTP update process to ensure all conformity requirements are resolved, particularly the new 2008 ozone standard and the transition to the MOVES model (page 25).

**East West Gateway Council of Governments (St. Louis, MO—IL TMA), 2013**

The Review Team noted that in April 2011, the Conformity Manager's Meeting with EPA, FHWA, FTA, and the COG was held to allow Federal, State, and local program managers to collaboratively identify and discuss what elements of the transportation conformity determination process in St. Louis metropolitan planning area were working well and what areas were in need of improvement. This meeting resulted in 12 action items for enhancing the delivery of the St. Louis conformity determination process. The COG, the Interagency Consultation Group (IACG), and the Federal agencies are expected to implement the action items.

By the close of the meeting, the conformity managers recognized that the conformity determination process in the St. Louis nonattainment area had been effective in the past. The action items take into account that new NAAQS standards are likely on the horizon (see page 34 of the Certification Review Report).

**Commendation:**

- The COG staff and the IACG members are commended for implementing the majority of the Air Quality Program April 2011 Conformity Manager's Meeting action items. They are also commended for improving the overall AQ conformity determination process in the St. Louis metropolitan planning area (page 35-36).

*For an example of effective team practices related to air quality planning in areas where multi-jurisdictional planning is an issue, see [Section 2-24: Regional Models of Cooperation](#).*

## **SECTION 2-9: TRANSPORTATION IMPROVEMENT PROGRAM (TIP) DEVELOPMENT AND PROJECT SELECTION**

### **Regulatory Basis**

The MPO is required, under 23 CFR 450.324, to develop a TIP in cooperation with the State and public transit operators. Specific requirements and conditions, as specified in the regulations, include:

- The TIP shall cover a period of at least four years, must be updated at least every four years, and must be approved by the MPO and the governor. If the TIP is updated more frequently, the cycle must be compatible with the State Transportation Improvement Program (STIP) development and approval process. [23 CFR 450.324(a)]
- In nonattainment and maintenance areas subject to conformity requirements (see Section 2.8), FHWA and FTA must jointly make a conformity determination with the MPO on any updated or amended TIP. The TIP shall give priority to eligible TCMs identified in the STIP, and projects included for the first two years shall be limited to those for which funds are available or committed. [23 CFR 450.324(i)]
- There shall be reasonable opportunity for comment by all reasonable parties in accordance with 23 CFR 450.316(a)(1) and (3); in nonattainment TMAs, there must be an opportunity for at least one formal public meeting during the TIP development process. [23 CFR 450.324(b)] In addition, the TIP must be published or otherwise be made readily available for public review, including in electronically available accessible formats, to the maximum extent practicable.
- The TIP shall comprise capital and noncapital surface transportation projects, including bicycle facilities and pedestrian walkways proposed for funding under U.S.C. Title 23 and 49 U.S.C. Chapter 53, including transportation enhancements; Federal Lands Highway projects; and safety projects included in the State's Strategic Highway Safety Plan. Although not required, the following may be included: safety projects funded under 23 U.S.C. 402 and 49 U.S.C. 31102; emergency relief projects; planning and research activities funded by the National Highway System (NHS); STP or Equity Bonus funds, which may be excluded at the discretion of the State and the MPO; and some national research and project management oversight projects. All regionally significant transportation projects for which FHWA or FTA approval is required should also be included and, for informational purposes, so should all regionally significant projects to be funded from Federal sources not administered by FHWA or FTA as well as non-Federal sources [23 CFR 450.324(c)]. The TIP should include only projects that are consistent with the Metropolitan Transportation Plan. [23 CFR 450.324(g)]
- The following information shall be provided for each project included in the TIP: sufficient descriptive material to identify the project or phase; estimated total cost; amount of Federal funds proposed to be obligated during each program year; proposed source of Federal and non-Federal funds; identification of funding recipient/project

sponsor; in nonattainment and maintenance areas, identification of TCMs and sufficiently detailed description for conformity determination. [23 CFR 450.324(e)]

- The TIP shall be financially constrained by year and shall include a financial plan identifying projects that can be implemented using current revenue sources and projects requiring proposed additional sources. The State and the transit operators must provide the MPO with estimates of Federal and State funds available for the transportation system serving the metropolitan area. [23 CFR 450.324(h)] Additional information on financial constraint of the TIP is provided in Section 2.7 of this Handbook.
- Projects that the State and the MPO do not consider to be of appropriate scale for individual identification in a given program year may be grouped by function, geographical area, and work type. [23 CFR 450.324(f)] In nonattainment and maintenance areas, classifications must be consistent with the exempt project classifications contained in the EPA conformity requirements. [40 CFR Part 51]
- Suballocation of STP or Section 5307 funds to individual jurisdictions or modes shall not be used unless it can be clearly demonstrated that the distribution is based on considerations addressed as part of the planning process. [23 CFR 450.324(j)]
- As a management tool for monitoring progress in implementing the MTP, the TIP should identify the criteria and process for prioritizing the implementation of MTP elements through the TIP, list major projects implemented from the previous TIP, and identify significant delays in implementation. [23 CFR 450.324(l)(1) and (2)] FHWA and FTA must jointly find that the TIP is consistent with the MTP. [23 CFR 450.328]
- In nonattainment and maintenance areas, the TIP shall describe progress in implementing required TCMs in accordance with Title 49 Chapter 53. [23 CFR 450.324(l)(3)]
- MPOs may prepare an interim TIP consisting of projects that are eligible to proceed under a conformity lapse. [23 CFR 450.324(m)]
- Projects included in the first four years of the TIP may be advanced in place of another project, subject to project-selection requirements specified in 23 CFR 450.330 (see below).

Several other regulations govern different aspects of TIP development and implementation:

- 23 CFR 450.326 addresses modification of the TIP, stating that the TIP can be modified at any time, subject to the following conditions:
- In nonattainment or maintenance areas, the adding or deleting of projects that affect emission levels requires a new conformity determination.
- Changes that affect fiscal constraint require amendment of the TIP.

- Public involvement opportunities are provided consistent with requirements for complete information, timely notice, full public access to key decisions, and other relevant provisions; however, these procedures are not required for administrative modifications.
- After approval by the MPO and the governor, the TIP shall be included without change in the STIP.
- 23 CFR 450.330 addresses project selection from the TIP as follows:
- The first year of an approved TIP constitutes an “agreed to” list of projects unless Federal funds available are significantly less than authorized amounts or there is significant shifting of projects between years. [23 CFR 450.330(a)]
- In TMAs, all Title 23 and Federal Transit Act-funded projects not included in the first year of the TIP as an “agreed to” list of projects (except for NHS projects and those funded under bridge, interstate maintenance, and Federal Lands Highway programs) shall be selected from the approved metropolitan TIP by the MPO in consultation with the State and transit operators. [23 CFR 450.330(c)]
- In nonattainment and maintenance areas, project-selection procedures shall give priority to the timely implementation of TCMs included in the applicable SIP. [23 CFR 450.330(e)]

## What to Look for

The TIP is the short-term capital programming document that is used to implement the MTP. It should translate the policies, strategies, and directions of the plan into specific decisions on projects and investments during the short-term TIP time horizon.

Requirements/expectations—The TIP must:

- Be consistent with the MTP; projects included in the TIP are to be drawn from the plan.
- Be supported by a comprehensive and inclusive public involvement effort that complies with Title VI and the Executive Order on Environmental Justice. This might be demonstrated in numerous ways, including an indication of public and stakeholder input to TIP development methods, perhaps shown through items on the agenda of a public involvement or committee meeting with notes of discussions, or possibly indicated in the introductory text of the TIP itself. Public involvement ideally should deal with the TIP development process itself rather than providing views on specific projects.
- Include all regionally significant projects, including those from non-Federal funding sources.
- Clearly identify:
- Funding-source details for both Federal and non-Federal funds

- Project cost estimates
- Implementing agency
- Implementation schedule
- Project information, such as type of work; project size, scope, phase, and configuration, in sufficient detail to allow for air-quality analysis
- TCMs included in the State Implementation Plan (SIP)
- Be based on an appropriate and cooperative project-selection process between the MPO, the State, local governments, and other appropriate transportation agencies (e.g., transit agencies), and include priority given to TCMs identified in the SIP in nonattainment and maintenance areas. This might be demonstrated with information, either in the TIP itself or in discussions with partner planning agencies, on how TIP procedures are developed and applied.
- Be fiscally constrained by year and include identification of revenue sources, investment costs, and new funding requirements, and demonstrate that adequate financial resources are applied to operate and maintain the transportation system at an appropriate level over the project's lifetime, as relevant for the TIP time horizon.
- Be developed and adopted through an interactive process with the MPO policy board. This could be demonstrated through meeting agendas and minutes or through discussions with board members.
- Have clearly outlined criteria and procedures for amending the TIP, including definitions, criteria, and procedures for administrative amendments. This information should be available and understandable to the parties identified above. Federal teams might ask for, review, and save supporting information (see Section 3-1: Documentation).
- Be monitored after adoption for project implementation status as part of an information-sharing agreement between appropriate agencies. The team might ask for formal descriptions of monitoring procedures and for documentation of how these procedures are used to monitor results and to improve future TIPs.

### **Performance-Based Planning and Programming (PBPP)**

MAP-21 requires that the TIP include documentation describing how the mix of projects support implementation of transportation performance measures and progress toward established targets. In advance of final regulations for PBPP and Performance Management related to TIP development, Federal teams can constructively explore current elements of the TIP process where PBPP can be applied as good planning practice and in anticipation of the final Rule. In particular, PBPP can be the foundation for developing measures for prioritizing projects in the programming and decision-making process that result in the TIP, or in criteria for monitoring results after projects have been implemented. Since the TIP ties into many other planning

elements (e.g. MTP, Coordination and Consultation, Public Involvement) developing PBPP measures as part of the TIP will be an essential element of the overall planning process.

See *Section 2-23: Performance-Based Planning and Programming* for further discussion on incorporating performance measures into the planning process.

## **Applicability to Certification**

### **Project Selection: Key Requirements**

In TMAs, it is the MPO that selects projects for inclusion in the TIP (except for NHS projects and those funded under the bridge, interstate maintenance, and Federal Lands Highway program, which are selected by the State in cooperation with the MPO). [23 CFR 450.332(b)] The regulations state that the MPO must consult with the State and transit operators, but it is clearly the MPO that has the authority to select projects for the TIP. This can be a major distinction that deserves discussion in the Certification Review, especially in areas newly designated as TMAs.

### **Formal Project Prioritization Procedures**

Some regions have developed very detailed project-selection procedures whereby each candidate project is ranked numerically against all of the other projects, and this ranking is used as a tool to help determine the best mix of projects for the TIP. It must be kept in mind that this is only a tool to assist in project selection. It is still the elected officials on the MPO who have the final decision as to what is placed in the TIP.

If the State, the MPO, and transit operators have jointly developed expedited project-selection procedures (sometimes called Administrative Modification procedures), these procedures may be followed to advance a project from the second or third year of the TIP without the need for a formal TIP amendment. This approach has the potential to significantly streamline project selection by providing an expedited alternative to the formal action of a TIP amendment, which would require action by the MPO policy committee, the State DOT, and FHWA/FTA.

In Certification Reviews, an Administrative Modification procedure should be reviewed to ensure that it still meets all necessary Federal regulations. If a region does not have such a written agreement, a suggestion could be made for developing one. Administrative Modification procedures apply only to minor changes to existing project listings such as:

- Project description with no change in scope
- Funding information
- Schedule information
- Requires no State DOT or FHWA/FTA approval
- Does not add or delete projects from the TIP
- Does not adversely affect air quality

- Does not adversely affect the timely implementation of TCMs
- Does not adversely impact financial constraint
- Does not result in major scope changes

### **Grouping Individual Projects: Opportunity for Lump-Sum/Line-Item Listings**

In compliance with 23 CFR 450.324(f) (see *Regulatory Basis* section above), lump-sum or line-item-eligible categories can be developed by MPOs through regional consensus with stakeholders. When applied correctly, these categories can be an effective tool for streamlining the process. For example, if a region had a \$650,000 line-item listing in its TIP for “Rail highway grade crossings,” it would not have to perform a formal TIP amendment to move a specific rail/highway grade-crossing project; this could just be included as part of the line item on the TIP.

### **Cooperative Development of TIP**

The process used to develop the TIP should be a genuinely collaborative effort by the MPO, State, and metropolitan public transit operators. Key factors include:

- A clearly defined process
- Availability to participants
- Procedures or mechanisms for joint decision-making
- Examples of the application of flexible funding provisions

### **Sample Discussion Questions**

1. Is the TIP updated at least every four years, on a schedule compatible with STIP development?
2. How do the State, the MPO, and transit operators collaborate on the development of the TIP?
  - Where multiple MPOs are sharing geographic portions of a TMA or where there are adjacent TMAs, how are adjacent MPOs and States included in the TIP development process?

*See Section 2-24: Regional Models of Cooperation for more on cooperation across jurisdictions.*

3. Are specific criteria used to determine which projects will be included in the TIP? If so, what process was used in developing these criteria? How are projects prioritized? Are any STP or Section 5307 funds suballocated among jurisdictions or modes? If so, how much funding is suballocated and through what process?

4. How successfully does the TIP serve as a management tool for implementing the MTP?
  - How successfully does the TIP reflect policies, investment choices, and priorities identified in the plan?
5. Does the TIP cover a period of at least four years?
6. Does the TIP contain:
  - All of the transportation projects to be funded under Title 23, U.S.C., with the exception of categories that are specifically exempt (e.g., safety projects funded under 23 U.S.C. 402)?
  - All regionally significant transportation projects regardless of funding source.
  - Cost estimates.
  - Project phase and implementation status.
  - Amount of Federal funds proposed to be obligated during each program year.
  - Proposed source of Federal and non-Federal funds.
7. In nonattainment and maintenance areas, have TCMs been identified in sufficient detail for conformity determination? Does the TIP give priority to eligible TCMs identified in the STIP?
8. Is the TIP financially constrained by year?
  - What are the methods and sources of cost estimates?
  - Do revenue estimates reflect reasonable assumptions?
  - Do the State and the transit operators provide the MPO with estimates of Federal and State funds available for the metropolitan area?
9. How is public involvement incorporated in the TIP development process, and how has this involvement affected the content of the TIP?
  - Does the MPO make efforts to include members of the public and interested parties from neighboring jurisdictions in the public input process, and does input include consideration of boundary implications?

*See Section 2-24: Regional Models of Cooperation for more on cooperation across jurisdictions.*
10. Is the total Federal share of projects proposed for funding under Section 5307 of the Federal Transit Act consistent with authorized funding levels?

11. Has the TIP been included in the STIP without modification?
12. What is the process for modifying/amending the TIP?
13. If Administrative Modification procedures are in effect:
  - Do they govern only minor changes to existing project listings, such as project descriptions with no change in scope, funding, and/or scheduling information? Changes that require no State DOT or FHWA/FTA approval? Changes that do not add or delete projects from the TIP?
  - Do they adversely affect air quality, the timely implementation of TCMs, and financial constraint?
  - Are they formalized and available?
14. In nonattainment and maintenance areas, is a new conformity determination prepared if projects affecting emissions are added or deleted?
15. In TMAs, are projects (except NHS and bridge, interstate maintenance, and Federal Lands Highway program projects) selected from the second, third, and fourth year of the TIP by the MPO?
16. Does the MPO have an agreed-to formal process for selecting projects from the second, third, and fourth year of the TIP?
17. Is an annual list of projects for which Federal funds have been obligated published or otherwise made available for public review?

### **Performance-Based Planning and Programming (PBPP) Questions**

Within in the list of suggested questions above, 2, 3, and 9 can be modified to focus on performance. An additional question relevant to PBPP follows as well:

1. Has the MPO determined how the TIP supports implementation of transportation performance measures and/or progress toward targets, and has this been documented in the TIP?

*For other PBPP related questions please see [Section 2-23: Performance-Based Planning and Programming](#).*

Questions can be addressed to staff from the MPO and other participating agencies to gain different perspectives, including working toward a shared understanding of and commitment to PBPP.

## **Possible Federal Actions**

The TIP typically is a major focus of the metropolitan transportation planning process. Consequently, it often receives extensive attention and discussion during Certification. Often, the TIP meets most of the obvious regulatory requirements to some degree. Serious deficiencies meriting Corrective Actions have been observed most commonly in connection with the following requirements:

- Cooperative development of the TIP
- Project prioritization
- Project selection
- Financial constraint

Determining consistency with regulations in these areas usually will require a careful and detailed review of the TIP development process. This can include a review of the current and prior TIP before the site visit and discussions of TIP development and implementation with the MPO as well as other participants during the site visit.

In reviewing the TIP as a management tool for implementing the plan, the team might discuss the plan's long-range strategic direction or vision and its connection to investments.

## **Examples of Effective Federal Team Findings and Federal Actions**

### **Capital District Transportation Committee (Albany--Schenectady, NY TMA), 2012**

The MPO's multi-step TIP development process begins with a screening process that identifies viable projects based on where the project/initiative came from and which of the MTP principles it is tied to. Next, the MPO assesses the project quantitatively based on its safety, air quality, and other benefits. Third, the MPO prioritizes the projects based on three criteria: agency priorities, diversity of projects, and public input. This third step allows for readjustments based on geographic balance and other merits. (see Page 53 of the Certification Review Report).

The Federal Team noted that, once available funding estimates are established, the project selection process normally plays out in three "Rounds" of discussion and three set-asides of funding for each. Round 1 is a project evaluation process that considers new projects quantitatively. In Round 2, a smaller pot of funds is available to all projects in all categories that pass the screening test but were not selected in Round 1. In Round 3, an even smaller pot of funds are set aside to respond to compelling public input received in the draft TIP public comment period. This ensures an opportunity for the MPO to address issues that may have been overlooked or that may have arisen since Round 2. It came to the attention of the Team that the TIP project selection process may be biased toward larger communities. The Team found that, in Round 1, where most of the available funds are allocated, the process is more favorable toward the higher volume roadway projects because it is difficult for the smaller communities to

persuade the Policy Board of a project's merits (see Pages 53-54 of the Certification Review Report).

Commendation:

- The MPO's multi-step TIP development process begins with a screening step that identifies viable projects based on where the project/initiative came from and which of the MTP principles it is tied to (Page 53).

Recommendation:

- The Federal Team recommends that the MPO consider how projects in smaller communities might compete better in the project selection process (Page 54).

### **Mountainland Association of Governments (Provo – Orem, UT TMA), 2012**

The Federal Team noted that, in the past, there has been inconsistency between the project lists submitted in the MPO's TIP and the STIP. Utah DOT gave a presentation on how they develop and maintain the STIP in a computer database known as ePM. Utah DOT provides access to other agencies to amend or add projects, but maintains the ultimate control of the live electronic STIP. The MPO for Salt Lake City has begun to develop and maintain their TIP in ePM, producing a greater consistency between the MPO's TIP and the STIP and promoting better communication of their respective initiatives. During the Certification Review, the Federal Team, MPO, and Utah DOT discussed the possibility of providing ePM system access to the MPO. Both the MPO and the Utah DOT have expressed interest in doing so (see page 22 of the Certification Review Report).

Recommendation:

- The Review Team recommends that Utah DOT provide appropriate access of ePM to the MPO so that the agency can input their TIP information. This would provide a tool for better communication between MAG and Utah DOT Central Office and Regions, resulting in greater consistency and uniformity between the MPO's TIP and the STIP (page 22).

### **Northern Middlesex MPO (Boston, MA—NH—RI and Nashua, NH—MA TMAs), 2013**

The MPO coordinated with MassDOT and solicited input from local and regional stakeholders. Coordination with MassDOT then included a conference call between MassDOT staff known as "TIP Day." TIP Day provided MPO staff the opportunity to discuss proposed projects with MassDOT and FHWA, in terms of estimated cost, readiness, construction schedule and regional priority, and other areas of project development that might result in delay. This discussion ensures that MassDOT and the MPO can place projects onto the appropriate element of the draft TIP, providing the greatest confidence possible that projects will advance as expected (see page 42 of the Certification Review Report).

Over the last three years, the number of Year 1 TIP projects programmed versus the number that were constructed showed a high rate of success. In the 2011 element of the TIP, a retaining wall

project was amended out because of readiness issues directly related to environmental permitting. However, a Year 2 project was amended in to take the retaining wall project's place. While readiness became an issue advancing a Year 1 TIP project that was programmed with MPO Target Funds in 2011, the MPO was nimble enough to successfully advance a Year 2 project to construction in its place. This demonstrates that, in instances when a project cannot be advanced as expected, the MPO considers other metropolitan transportation needs that may be advanced with the funding originally programmed for the unsuccessful Year 1 project (see pages 42-43 of the Certification Review Report).

Commendation:

- The Review Team commends the MPO and MassDOT for working closely and collaboratively with each other and with the region's municipalities to achieve a high rate of delivery of Year 1 TIP projects. The close working relationship that has been developed has ensured that almost all of the projects appearing on the first year of the TIP have been delivered as programmed over the last three years that were reviewed. It appears that some of this success is partially attributable to MassDOT's development of TIP Day, which promotes close cooperation between MassDOT and individual MPOs and which provides a comprehensive sense of how well projects are defined. This coordination helps MassDOT and MPOs better determine how projects should be programmed into the various elements of the TIP/STIP (page 43).

*Performance-Based Planning and Programming (PBPP) Examples*

**Denver Regional COG (Denver-Aurora, CO), 2012**

Commendation:

- The DRCOG has used the Census data to define concentrated areas of minority, low-income, mobility impaired, zero-auto, and elderly populations. Performance measures addressing the accessibility to transit and jobs by total population and concentrated minority and low-income areas are documented in the 2035 MVRTP.

Many of the TIP project evaluation criteria are linked to Metro Vision which itself is tied closely to these requirements. In addition, all projects submitted for the TIP receive points if they directly serve the DRCOG's defined environmental justice areas, and sponsors must define the benefits and disadvantages of the project. The DRCOG uses a home brewed formula to evaluate the effectiveness of public involvement, including its success at engaging low-income and minority residents, although there is no process for specifically evaluating LEP populations.

**Northern Middlesex MPO (Boston, MA—NH—RI), 2013**

Recommendation:

- The Review Team recommends that MassDOT and the MPO consider the rulemaking that will be prepared to implement MAP-21. USDOT will establish performance

measures on a variety of transportation-related assets, in consultation with State DOTs and MPOs. As State DOTs set performance targets that support those measures, the MPO staff should remain engaged, to the extent practicable, so that future MTPs and TIPs can describe how programs and project selection can help to achieve those targets. In this way, MAP-21 continues the practice of setting goals and working toward those goals, in an effort to improve the efficiency of the metropolitan transportation system.

*For more examples of effective team practices related to performance in the planning process see [Section 2-23: Performance-Based Planning and Programming](#).*

## SECTION 2-10: PUBLIC OUTREACH

### Regulatory Basis

The requirements for public involvement are set forth primarily in 23 CFR 450.316(a)(1)(2)(3) and (b) which addresses elements of the metropolitan planning process (see also *Transportation Planning Process* topic area). Public involvement also is addressed specifically in connection with the MTP in 450.322(g)(1)(2), (i), and (j) and with the TIP in 450.324(b); participation and consultation requirements, which pertain to the MTP and the TIP, also are included in 450.322(f)(7) and (g)(1)(2), (i), and (j) and in 450.324(b),

Requirements related to the planning process generally are summarized in 23 CFR 450.316(a)(1)(2)(3) and (b) as follows:

- Development and use of a documented participation plan providing for . . . reasonable opportunities to be involved in the metropolitan planning process.
- Adequate public notice of public participation activities and time for public review and comment at key decision points.
- Timely public notice and reasonable access to information about transportation issues and processes.
- Visualization techniques to describe MTPs and TIPs.
- Public information and meeting available in electronically accessible formats and means, such as World Wide Web.
- Public meetings at convenient and accessible locations and times.
- Explicit consideration and response to public input received.
- Seeking out and considering the needs of people traditionally underserved by existing transportation systems.
- Providing additional opportunities for public comment if the final MTP or TIP differs significantly from the version that was made available for public comment. Coordination with Statewide public involvement and consultation processes.
- Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.
- Provide a summary, analysis, and report on the disposition of significant written and oral comments received.
- A minimum public comment period of 45 days before adoption or revision of the public involvement process.

- Consult with agencies and officials responsible for other planning activities that are affected by transportation or coordinate the planning process with such planning activities.

The requirements pertaining to the MTP (23 CFR 450.322) also include provisions addressing public outreach (23 CFR 450.322(f)(7) and (g)) as follows:

- A discussion of types of potential environmental mitigation activities and potential areas to carry out these activities. The discussion shall be developed in consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies.
- Consult as appropriate with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of the MTP. The consultation shall involve, as appropriate (1) comparison of MTPs with State conservation plans or maps, if available, or (2) comparison of MTPs with inventories of natural or historic resources, if available.

TIP Requirements [23 CFR 450.324(b)]:

- All interested parties shall have a reasonable opportunity to comment on the proposed TIP as required by 23 CFR 450.316(a). In addition, in nonattainment TMAs, an opportunity for at least one formal public meeting during the TIP development process; the circumstances of the public meeting should be addressed through the participation plan described in 23 CFR 450.316(a).

## **What to Look for**

Public involvement is a mandated core MPO activity that supports the overall metropolitan area transportation planning process and development of all key MPO products. Effective public involvement requires that the MPO seek the early engagement of a wide segment of the population of the region in the regional transportation planning process. It also requires that the MPO conduct directed outreach and information efforts to include certain identified populations to meet Federal legislation, executive orders, and planning directives.

A proactive process actively encourages broad participation. Characteristics are provision of complete information, timely public notice, full public access to key decisions, and support for early and continuing public involvement in developing all planning products, including plans and TIPs.

The public involvement process itself can be more abstract than other elements of the planning process. Unlike an evaluation of the MTP and TIP, there are few physical products that can be read and compared. The MPO shall formally adopt procedures to encourage participation and then incorporate the results of participation throughout the planning process. The MPO will have a formal plan for conducting public involvement, including audiences, methods, expected outcomes, measures of success, timetables, and methods to evaluate success and adjust in the future to improve the process.

Successful public involvement processes will not follow any single model. Public involvement strategies might be set forth in a single formal published plan as well as in a set of principles formally agreed to by the MPO board and then implemented in numerous formal or informal ways. One metropolitan area might have a centralized process conducted by the MPO, while another might have a series of complementary and coordinated processes conducted by the State DOT, transit operator, or major cities, as well as by the MPO.

The adopted public involvement process will reflect the characteristics, issues, and priorities of the area. Certification must consider the unique situation of each metropolitan area. No two public involvement processes will be alike. The evaluation should account for differences in who the public is and where the area is in the transportation planning cycle at the time of Certification.

The definition of “public” must be broad and will vary among metropolitan areas. It should include individual citizens, affected public agencies, representatives of public transportation employees, representatives of users of public transportation, private providers of transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, freight shippers, providers of freight transportation services, and other interested parties. These individuals and groups should be provided with reasonable opportunities to be involved in the metropolitan planning process. For example, State or regional air-quality agencies involved directly or indirectly in transportation planning for the area should certainly be included in the process. There should be documented State and MPO processes on consulting with Indian Tribal governments and Federal land management agencies (to the extent practicable). A documented MPO process should also address consultation with other planning agencies and officials affected by transportation (to the extent practicable).

Requirements/expectations–The MPO must:

- Have an adopted public participation plan that clearly outlines the minimum requirements for public information and outreach and involvement, including required periods for comment, required public information actions, and identification of the actions to which the plan applies, such as adoption of the MTP, the TIP , and the work program. The MPO should provide formal public participation plans and evaluations of their effectiveness to the Federal team and retain these as part of documentation (see Section 3-1). The participation plan shall be developed in consultation with interested parties
- Make efforts, consistent with the size, complexity, and diversity of the region, to inform the public of MPO meetings, public forums, documents for review, and other MPO activities where public input is required.
- Make strategically focused efforts to inform and engage low-income populations, minorities, and other groups that have not traditionally participated in the regional transportation planning process or in MPO activities.
- Make information, opportunities to respond and provide comment, and meeting times and places reasonably available to all members of the public.

- Make efforts to organize and present information in a format that can be easily understood and that clearly focus on the key issues and alternatives under consideration.
- Make efforts to periodically evaluate the effectiveness of the public participation plan and outreach efforts, to ensure that public outreach efforts are addressing the diverse needs of the community.
- Provide a clear process that demonstrates how public comments are considered in the regional transportation planning process. This process must actually be implemented and used throughout the overall planning process. The public participation plan and reviews of effectiveness, as well as on-site discussions with public representatives, including advisory groups, are important inputs to Certification. Public inputs should result in involved and informed public and interested parties. The MPO should be able to demonstrate this, including the quantity and quality of input, and to describe the impact on the planning process of this input. Members of the public should also provide their comments on these aspects. For example, it would be quite helpful to know of situations where public involvement contributed to debate and resolution of transportation issues.

### **Applicability to Certification**

Many MPOs have developed expanded and improved public involvement programs in response to Federal regulations formulated to implement ISTEA and SAFETEA-LU. Areas presenting continuing challenges to most MPOs, which may merit detailed attention, are:

- Evaluation/review of public involvement program
- Participation by traditionally underserved communities
- Documentation of consideration and response to public input
- Coordination between metropolitan and Statewide public involvement processes

### **Sample Discussion Questions**

1. How was the public involvement program developed (who participated in its development)? Is (was) a 45-day comment period provided before the process was (is) revised (adopted)?
2. What are the public involvement program's goals? What is the strategy for achieving these goals?
3. Is the effectiveness of the public involvement process routinely evaluated as required by Federal regulations? If so, how?
4. What opportunities are provided for public involvement at key decision points in the planning, programming (TIP), and project development phases of transportation decision-making?

5. What resources were devoted to implementing the public involvement program, including staff time and partnering with other organizations, such as local colleges, in addition to actual funding dollars?
6. How do MTPs, programs, and projects provide timely information about transportation issues and processes to citizens and others who may be affected?
7. How does the MPO engage in public education efforts designed to make the transportation planning process and decisions it produces easier to understand in laypersons' terms?
8. How is public access provided to technical and policy information used in the development of plans and TIPS? Are matters related to Federally-aided programs considered in open public meetings?
9. How does the metropolitan transportation planning process include the preparation of technical and other reports to ensure documentation of the development, refinement, and update of the MTP?
10. How is adequate public notice of public involvement activities and opportunities for public review at key decision points including but not limited to approval of MTPs and TIPS?
11. How does the public involvement process demonstrate explicit consideration and responsiveness to public and interested parties' input received during the planning and program development process? What kind of feedback do the public/interested parties receive on the proposals and questions they put forward?
12. How does the public involvement process contribute to identification of the needs of those traditionally underserved by existing transportation systems, including low-income and minority households? Have organizations representing low-income and minority populations been consulted as part of the evaluation of the public involvement process?
13. How does the public involvement process address the principles of Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State?
14. How is the disposition of comments and changes in the final Transportation Plan or TIP documented, analyzed, and reported when significant oral and written comments are submitted?
15. How much additional time is provided for public review if the "final" document is significantly different from the draft originally made available for public review?
16. How is public involvement in the metropolitan transportation process coordinated with the Statewide public involvement process to enhance public consideration of issues, plans, and programs?
17. What opportunities are provided for participation by traffic, ridesharing, parking, transportation safety and enforcement agencies, commuter rail operators, airport and port authorities, appropriate private transportation providers, and city officials?

18. What opportunities are provided for participation and consultation by State, Tribal, and local agencies responsible for land-use management, natural resources, environmental protection, conservation, and historic preservation where appropriate?
19. For the Certification Review, how was the public component developed? Who participated in its design? Was it held at a convenient time and location? Was feedback delivered to participants and the public at large on the results of their involvement in the Certification Review?
20. Does the MPO employ any visualization techniques? If so, what types of techniques? What are the results?
21. Are there any comparisons of MTPs with State conservation plans or maps available?
22. Are there any comparisons of MTPs to inventories of natural or historic resources, available?
23. Is key information being made available in electronic format?
24. Where multiple MPOs are sharing geographic portions of a TMA or where there are adjacent TMAs, do the MPOs make efforts to coordinate public outreach activities to increase the ability of the public to participate in the planning processes for all agencies?
  - Do they include links to the other MPOs in the urbanized area on their web page?
  - Are the Public outreach techniques identified in the MPO PPPs consistent or coordinated with each other?

*See Section 2-24: Regional Models of Cooperation for more on cooperation across jurisdictions.*

Note: It will be helpful to ask many of the questions to stakeholders in addition to MPO staff.

### **Possible Federal Actions**

1. Corrective Actions for any serious deficiencies in meeting objective regulatory requirements (e.g., timely notice of public involvement activities and opportunities for public review of MTPs and TIPs).
2. Corrective Action for inadequate outreach to communities traditionally underserved by existing transportation services.
3. Careful consideration of the feedback and responses by the MPO and partner agencies to comments and ideas received through the planning process, and Corrective Actions or Recommendations for improvements to address deficiencies.
4. Coordination with the State and public transit agencies should be considered and improvements recommended as appropriate.
5. Findings or Recommendations regarding the lack of evaluation of the planning process.

6. A number of MPOs have developed public involvement processes that include innovative features. Examples of good practices may be helpful to peer metropolitan areas attempting to expand or develop more effective public involvement programs. Sharing of ideas and adaptation to local needs can contribute toward advancing the state of public involvement practice in metropolitan areas throughout the United States.

## **Examples of Effective Federal Team Findings and Federal Actions**

### **Huntsville MPO (Huntsville, AL TMA), 2013**

The Federal Team suggested that the MPO should provide a way for the MPO board to publicly address comments originating in the Citizen's Advisory Committee. The current planning agreement states that the preferred avenue for public input and response is through the Citizen's Advisory Committee. During the last Certification Review, the Federal Team noted a number of techniques for direct input (see page 15 of the Certification Review Report).

#### **Recommendation:**

- The MPO should provide a way for public comments originating in the Citizen's Advisory Committee to be publicly addressed by the MPO board. Suggested techniques include:
  - Publish and post minutes of all committee meetings on the MPO website and provide at all MPO meetings.
  - Provide responses to all issues and comments raised at any point in the process.
  - Provide opportunities for discussion, comment, and responses on the MPO website prior to and following meetings (page 15).

### **Coastal Region MPO (Savannah, GA TMA), 2013**

The Federal Team noted that the MPO adopted a Public Involvement Plan in March 2002 to provide a framework for ongoing MPO public participation activities and to facilitate a public dialogue at all stages of the MPO transportation planning process. The MPO revised the Public Involvement Plan in October 2005 to incorporate Measures of Effectiveness (MOEs) and further expanded it to a PPP in April 2007 to incorporate the requirements of SAFETEA-LU. Most recently, the MPO updated it in August 2008 to incorporate the changes incurred by the updated STIP and TIP amendment process.

During the 2009 Certification Review, the Federal Team recommended that the MPO staff not only evaluate the MOEs for public participation, but also document results and outcomes. Though the MPO staff has been documenting meeting attendance and public input for the development of plans in response to the previous recommendation, the Federal Team found that all of the objectives in the PPP are presented as 'ongoing,' which gives no indication of a timeframe for completion or evaluation (see page 14 of the Certification Review Report).

#### **Recommendations:**

- Though the MPO includes an objective to evaluate the public outreach efforts, the MOEs are not quantifiable. Based on these findings, the Federal Team recommends that the

MPO update its formally adopted public involvement process to reflect current practices by providing clear objectives and effective, quantifiable measures to evaluate and improve the process of how the MPO determines the effectiveness of public involvement techniques (page 14).

- The Federal Team recommends that the MPO staff continue to document the public involvement process such as meeting attendance and comments, and also develop a timeframe for evaluation of the public involvement process utilizing the MOEs (page 15).

### **Knoxville Regional Transportation Planning Organization (Knoxville, TN TMA), 2013**

The Federal Team noted that the MPO is currently drafting a new PPP, known as “The Outreach Plan,” which will help guide the update of the Regional Mobility Plan and other planning documents, programs, and studies. The Outreach Plan incorporates the MPO’s recent outreach tools (e.g., “meeting in a box” and “virtual town hall” meetings) and defines the MPO’s social media policy (see page 20 of the Certification Review Report).

#### **Commendation:**

- The Review Team commends the MPO for the successful update and rebranding of the PPP to “The Outreach Plan” to include innovative involvement techniques, social media, and continual feedback mechanisms (page 21).

## SECTION 2-11: SELF-CERTIFICATIONS

### Regulatory Basis

Self-Certification of the metropolitan planning process, at least once every four years, is required under 23 CFR 450.334. The State and the MPO shall certify to FHWA and FTA that the planning process is addressing the major issues facing the area and is conducted in accordance with all applicable requirements of 23 CFR 450.300 and:

- 23 U.S.C. 134 and 49 U.S.C. 5303 and Sections 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
- 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity
- Section 1101(b) of SAFETEA-LU and 49 CFR Part 26, regarding involvement of DBE in U.S. DOT-funded planning projects
- 23 CFR Part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts
- ADA and U.S. DOT regulations governing transportation for people with disabilities [49 CFR Parts 27, 37, and 38]
- Older Americans Act as amended, prohibiting discrimination on the basis of age
- Section 324 of Title 23 U.S.C., regarding the prohibition of discrimination based on gender
- Section 504 of the Rehabilitation Act of 1973 and 49 CFR Part 27, regarding discrimination against individuals with disabilities
- All other applicable provisions of Federal law (e.g., while no longer specifically noted in a self-certification, prohibition of use of Federal funds for “lobbying” still applies and should be covered in all grant agreement documents (see 23 CFR 630.112).

A Certification Review by FTA and FHWA of the planning process in TMAs is required at least once every four years, in addition to the required self-certification by the MPO and State.

## **Applicability to Certification**

The quadrennial Federal Certification is an opportunity to review and comment on the self-certifications prepared by the MPO and State. A number of the self-Certification requirements (e.g., air quality) also may be addressed, however, in conjunction with other topic areas.

## **Sample Discussion Questions**

1. What process/procedures are used to self-certify the planning process?
  - How are the transit authority, State DOT, and others involved?
  - What criteria have been established for the self-certification?
  - What opportunities are provided for public comment? How are comments addressed?
  - How is the self-Certification process documented?
2. What supporting documentation/information is provided to the MPO policy board when the self-Certification is approved?
  - Is the policy board provided with background information and documentation on what is required in the planning process by various laws? When and how?
  - What documentation to support the self-Certification provided to the policy board and the public?
3. How is the self-Certification provided to the Federal agencies—as part of the TIP/STIP or UPWP, or in a separate submittal?
4. Does the MPO have processes, procedures, guidelines, and/or policies that address Title VI, ADA, DBE, and other regulatory requirements?
  - How are these applied and documented?
5. How is the need for continuity and consistency addressed between the self-Certification and quadrennial Federal Certification?

## **Possible Federal Actions**

1. Reality check of the self-certification, based on direct knowledge of metropolitan planning process activities, status, and challenges acquired through regular contacts with the MPO, partner agencies, and stakeholders
2. Identification of deficiencies in compliance (or documentation of compliance) with Title VI, ADA, DBE, and other regulatory requirements
3. Recommendation of improvements, sharing of best practices

**Sample Self-Certification Statement**

**MPO SELF-CERTIFICATION**

In accordance with 23 CFR 450.334, the STATE DEPARTMENT OF TRANSPORTATION and the \_\_\_\_\_ Metropolitan Planning Organization for the \_\_\_\_\_ urbanized area(s) hereby certify that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

- (1) 23 U.S.C. 134, 49 U.S.C. Section 5303, and 23 CFR Part 450;
- (2) In nonattainment and maintenance areas, Sections 174 and 176(c) and (d) of the Clean Air Act as amended (42 U.S.C. 7504, 7506(c) and (d) and 40 CFR 93);
- (3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- (4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex or age in employment or business opportunity;
- (5) Section 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub. L. 109-59) regarding the involvement of Disadvantaged Business Enterprises in FHWA and FTA funded planning;
- (6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- (7) The provisions of the Americans with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, as amended) and USDOT implementing regulation;
- (8) Older Americans Act, as amended (42 U.S.C. 6101);
- (9) 23 U.S.C. 324, regarding prohibition of discrimination based on gender; and

(10)Section 504 of the Rehabilitation Act of 1973 and 49 CFR Part 27, regarding discrimination against individuals with disabilities.

STATE DEPARTMENT	_____
OF TRANSPORTATION	METROPOLITAN PLANNING
_____ DISTRICT	ORGANIZATION

POLICY BOARD

CHAIRPERSON

_____	_____
District Engineer	Chairperson

_____	_____
Date	Date

## **Summary of Statutory Requirements**

### ***Metropolitan Planning***

The State and the MPO shall certify to FHWA and FTA at least every four years that the planning process is addressing major issues facing their area and is being conducted in accordance with all applicable transportation planning requirements. The planning process will undergo joint review and evaluation by FHWA, FTA, and State DOT to determine if the process meets requirements. The Federal administrators will take the appropriate action for each TMA to either issue Certification action or deny Certification if the TMA planning process fails to substantially meet requirements. If FHWA and FTA jointly determine that the transportation planning process in a TMA does not substantially meet the requirements, they may withhold, in whole or in part, the apportionment attributed to the relevant metropolitan planning area, or withhold approval of all or certain categories of projects. Upon full, joint Certification by FHWA and FTA, all funds withheld will be restored to the metropolitan area, unless they have lapsed.

[23 CFR 450.334; U.S.C. Title 23, Sec. 134, and U.S.C. Title 49, Ch. 53, Sec. 5303]

### ***Statewide Planning***

The process for developing the MTPs and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed. The State shall coordinate transportation planning activities for metropolitan areas of the State and shall carry out its responsibilities for the development of the transportation portion of the STIP to the extent required by the Clean Air Act.

The State will carry out the long-range planning processes and develop the STIP in cooperation and consultation with designated metropolitan planning organizations, affected local transportation officials, and affected Tribal governments.

[23 CFR 450.218, 23 U.S.C. 135, and 49 U.S.C. 5304]

### ***Title VI, Civil Rights Act of 1964***

Title VI prohibits exclusion from participation in, denial of benefits of, and discrimination under Federally assisted programs on grounds of race, color, or national origin. Title VI assurance regulations were also executed by each State, prohibiting discrimination on the basis of sex or disability. (See Section 2-12 below for more information on Title VI and related requirements, many of which are referenced in this section.)

[23 U.S.C. 324 and 29 U.S.C. 794]

### ***Disadvantaged Business Enterprises (DBE)***

The DBE program ensures equal opportunity in transportation contracting markets, addresses the effects of discrimination in transportation contracting, and promotes increased participation in Federally-funded contracts by small, socially and economically disadvantaged businesses,

including minority- and women-owned enterprises. The statute provides that at least 10 percent of the amounts made available for any Federal-aid highways, mass transit, and transportation research and technology program be expended with certified DBEs.

[SAFETEA-LU, Pub. L. 109-59, Sec. 1101(b); CFR 49, Subtitle A, Part 26]

### ***Americans with Disabilities Act of 1990 (ADA)***

Programs and activities funded with Federal dollars are prohibited from discrimination based on disability. Compliance with the applicable regulations is a condition of receiving Federal financial assistance from the DOT.

### ***Older Americans Act***

Confirms opportunity for employment with no discriminatory personnel practices because of age. Also, the Older American Act Amendments of 2006 included provisions relating to transportation in Title III-B (Grants for State and Community Programs on Aging, Title IV [Technical Assistance and Innovation to Improve Transportation for Older Individuals], Title V [Senior Community Service Employment Program], and Title VI [Native American Aging Programs]).

[Pub. L. 89-73, as amended, and 42 U.S.C. 6101]

### ***Section 324 of 23 U.S.C.***

No one on the basis of sex shall be denied participation in or benefits of any program or activity receiving Federal assistance under Title 23.

### ***Rehabilitation Act of 1973***

This law protects *qualified* individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency, including the U.S. Department of Health and Human Services (DHHS).

[29 U.S.C. 794 and 49 CFR, Part 27]

### ***Clean Air Act: Air-Pollution Prevention and Control***

All State and local transportation officials will take part in a 3C planning process in nonattainment and maintenance areas to determine which planning elements will be developed, adopted, and implemented to maintain or improve the air quality for said area. In nonattainment and maintenance areas that include more than one State, the affected States may jointly undertake and implement air-quality-planning procedures.

The Federal government will not financially support activities that do not conform to approved plans. Priority of funding will be given to those projects or programs that achieve and maintain national primary ambient air-quality standards.

[42 U.S.C., Ch. 85, §§ 7408, 7410, 7504, 7505a, 7511, 7512, 7506(c) and (d), and 7604; 49 U.S.C., Ch. 53, 23 U.S.C., § 134]

## **Examples of Effective Federal Team Findings and Federal Actions**

### **Mecklenburg Union MPO (Charlotte, NC—SC TMA), 2012**

The MPO annually self-certifies its planning process during the development of the UPWP. The MPO expressed concern that having the self-certification tied to the UPWP approval seems like it is a secondary action and, therefore, it does not receive the recognition it should by the MPO Board. The MPO would like to consider having the Self-Certification approved at a different time in the planning process (see page 6 of the Certification Review Report).

Recommendation:

- The MPO should consider revising the submittal time frame for the self-certification process based on 23 CFR 450.334(a) (Page 7).

### **Bi-State Regional Commission (Davenport, IA—IL TMA), 2012**

The MPO received a recommendation regarding self-certification in its 2008 Certification Review. The recommendation stated that “For each of the applicable requirements the self-certification address there should be supporting documentation as to how the requirements have been or are being addressed. Examples of supporting documentation are discussions of Title VI activities or policies, an LEP plan or LEP activities.” In this 2012 review, the Review Team noted that there still was no documentation indicating the resources used for Title VI compliance in the self-certification (see pages 13 and 23 of the Certification Review Report).

Recommendation:

- The Review Team recommends that the MPO document the resources utilized for Title VI compliance when conducting the annual self-certification (page 23).

## **SECTION 2-12: LAWS AND REGULATIONS PERTAINING TO TITLE VI AND NONDISCRIMINATION, AND EXECUTIVE ORDERS PERTAINING TO ENVIRONMENTAL JUSTICE (EJ) AND LIMITED ENGLISH PROFICIENCY (LEP)**

### **Subsection Contents:**

#### **Subsection A – Laws and Regulations**

Subsection A-1–Title VI (Law and Regulation)

Subsection A-2–Additional Nondiscrimination Laws and Regulations

Subsection A-3–What to Look for Regarding Title VI and other Nondiscrimination Laws

Subsection A-4–Sample Discussion Questions

#### **Subsection B – Executive Orders**

Subsection B-1–Environmental Justice Executive Order

Subsection B-2–Limited English Proficiency Executive Order

Subsection B-3–What to Look for Regarding Executive Orders on EJ and LEP

Subsection B-4–Sample Discussion Questions

#### **Subsection C – Certification, Possible Federal Actions, and Technical Assistance**

Subsection C-1–Applicability to Federal Certification

Subsection C-2–Possible Federal Actions

Subsection C-3–Technical Assistance

## **Subsection A–Laws and Regulations**

### **Subsection A-1 – Title VI (Law and Regulation)**

It has been the long-standing policy of U.S. DOT to actively ensure nondiscrimination 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 be subjected to discrimination under any program or activity receiving Federal financial assistance.” Title VI bars intentional discrimination (i.e., disparate treatment) as well as disparate-impact discrimination stemming from neutral policy or practice that has the effect of a disparate impact on protected groups based on race, color, or national origin. The planning regulations [23 CFR 450.334(a)(3)] require FHWA and FTA to certify that “the planning process . . . is being carried out in accordance with all applicable requirements of . . . Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21.”

State DOT recipients of Federal-aid Highway funds and grants from the Federal Transit Administration, as direct recipients of federal-aid funds, shall prepare a Title VI/Nondiscrimination Plan for FHWA and a Title VI Program for FTA. Similarly, subrecipients of funding from the planning programs of FHWA and FTA (e.g., MPOs) are required to develop a Title VI/Nondiscrimination Plan for FHWA and a Title VI Program for FTA. Subrecipients receiving only FHWA funds may be required by the State DOT only to sign an agreement assuring that they, the subrecipient, will not discriminate in the use of federal funds and have in place sufficient processes to ensure compliance with Title VI/nondiscrimination requirements. In these instances, the State DOT can determine which entities must develop a Title VI/Nondiscrimination Plan based on the population of an area, the amount of federal funds the subrecipient receives, and/or other factors. For FTA, the MPO must prepare a Title VI Program and the State DOT must request a copy of subrecipient’s Title VI Programs and monitor subrecipient compliance in accordance with FTA’s Title VI Circular. FHWA regulations found in 23 CFR, Part 200 further elaborate on how recipients of Federal-aid Highway funds must comply with Title VI/nondiscrimination requirements.

All recipients and subrecipients of federal-aid must sign the standard U.S. DOT nondiscrimination assurances which cover all applicable civil rights laws and regulations. The certifications and assurances include Title VI of the Civil Rights Act, which prohibits discrimination on the basis of race, color and national origin; Title IX of the Educational Amendments of 1972, the Age Discrimination Act of 1975 and the Age Discrimination in Employment Act, which prohibit discrimination on the basis of age; and the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability. In addition, recipients and subrecipients of FHWA funding certify compliance with 23 U.S.C. 324, which prohibits discrimination on the basis of sex, and FTA recipients and subrecipients certify compliance with 49 U.S.C. 5332, which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age. Through the self-certification process set forth in the joint FHWA/FTA planning regulation, as required by 23 CFR 450.218 and 450.334, MPOs and State DOTs must affirm that their respective programs and activities comply with the above nondiscrimination laws and

regulations, including Title VI (see Chapter 2-11 of this Handbook), at least every four years, when an updated or amended STIP is submitted to FHWA and FTA for joint approval.

FHWA Division and FTA Regional Offices conducting TMA planning certification reviews are strongly encouraged to include the appropriate FHWA and/or FTA civil rights specialist(s)/civil rights officer(s) at the certification review for purposes of participating in the review and discussion of Title VI/nondiscrimination. This may take place either in person or remotely (e.g., via teleconference or webinar), with this review topic scheduled, as appropriate, to accommodate that participation. In addition, the appropriate civil rights specialist(s)/officer(s) should engage in and contribute to the review of Title VI and other nondiscrimination policies during the document-based “desk audit,” which is a pre-visit review conducted prior to the site visit.

### **Subsection A-2 – Additional Federal Nondiscrimination Laws and Regulations**

In addition to Title VI, other federal laws and regulations prohibit discriminatory practices against certain identified groups. Accordingly, MPOs (or other appropriate agencies on their behalf) must adopt practices and procedures in accordance with the following laws:

- 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex or age;
- Americans with Disabilities Act of 1990, as amended and U.S. DOT regulations governing transportation for people with disabilities (49 CFR parts 27, 37, and 38);
- Age Discrimination Act of 1975 prohibiting discrimination on the basis of age;
  - Confirms opportunity for employment with no discriminatory personnel practices because of age.
- Federal-Aid Highway Act of 1973 (23 U.S.C. 324) regarding the prohibition of discrimination based on gender;
  - No one on the basis of sex shall be denied participation in or benefits of any program or activity receiving Federal assistance under title 23.
- Section 504 of the Rehabilitation Act of 1973 and 49 CFR part 27 regarding discrimination against individuals with disabilities.
  - Protects qualified individuals from discrimination based on their disability. Programs and activities funded with Federal dollars are prohibited from discrimination based on disability. Compliance with the applicable regulations is a condition of receiving Federal financial assistance from the Department of Transportation (29 U.S.C. 794 and 49 CFR part 27).

The FHWA regulations, found in 23 CFR part 200, further elaborate on how recipients of federal-aid highway funds must comply with Title VI/nondiscrimination requirements. FTA’s Title VI Circular describes how recipients of FTA funding must comply with Title VI requirements. In addition, through the self-certification process, as required by 23 CFR 450.218 and 450.334, MPOs and State DOTs must affirm that their respective programs and activities comply with the above nondiscrimination laws and regulations, including Title VI (see Chapter 2-11 of this Handbook), at least every four years, when an updated or amended STIP is submitted to FHWA and FTA for joint approval.

In a separate but related planning context, if the public participation process described in the public participation plan (PPP) does not include explicit procedures, strategies, and outcomes for seeking out the “traditionally underserved” 23 CFR 450.316(a)(1)(vii), then a corrective action would be justified. Similarly, even if the public participation plan includes such provisions, failure on the part of the MPO to follow their own procedures would justify issuance of a corrective action on the topic.

### **Subsection A-3 – What to Look for (Title VI and other Nondiscrimination Authorities)**

Consistent with Title VI of the Civil Rights Act and other nondiscrimination authorities cited above, the federal review team will review how the MPO has outlined certain responsibilities to ensure that the process and outcomes of the transportation-planning process neither unfairly deprive any person of benefit, nor create undue burden on protected groups (based on race, color, national origin, sex, age, or disability).

As part of the TMA certification review, the federal team must assess and evaluate how the MPO(s) serving the TMA, with their planning partners:

- Analyze regional data to identify population concentrations of protected groups within the region. Commitment of staff and financial resources for this technical work should be demonstrated in the Unified Planning Work Program. MPO staff can explain how technical resources, such as models, GIS, national and local data, and analytical methods, are used for Title VI and other nondiscrimination-related planning and analysis. MPO staff should be asked to discuss how the technical information generated is used in planning, and how the public is engaged in and informed about this work.
- Where necessary, provide member agencies with regional data to assist them in identifying protected populations in their subregion or service area. The Certification Review Team should discuss the extent to which this information is useful and used by participating agencies.
- Establish appropriate standards, measures, and benchmarks, and analyze the MTP, TIP, and other MPO actions, plans, and investments, to ensure that they are in compliance with Title VI and other nondiscrimination statutory and regulatory requirements. Staff activities in these areas should be demonstrated in the UPWP, with products evident in the project listings and priorities set forth in the MTP and TIP, and verified in discussions with MPO staff on how this analysis is used in the planning process.
- Ensure that members of protected groups identified under Title VI and other nondiscrimination statutes and those traditionally underserved by transportation services/facilities, are provided with full opportunities to engage in the regional transportation planning process. This includes acting to eliminate language, mobility, temporal, and other obstacles to allow them to fully participate in the process. The MPO should be able to provide documentation, such as public meeting agendas and minutes, of

public involvement activities, and demonstrate how effectively staff engaged protected groups.

- Where appropriate, monitor the activities of transportation agencies in the region to assess compliance with Title VI and other nondiscrimination requirements. This can be done through ongoing reviews as part of desk audit review of relevant documents, including agendas, minutes, and technical memoranda; attendance at meetings; and discussions with local participants in the planning process.
- Evaluate the regional transportation system to ensure that services are accessible to persons with disabilities.

### **Subsection A-4 – Sample Discussion Questions**

1. What goals, policies, approaches, and measurements has the MPO adopted to monitor, assess, and document compliance with Title VI and other nondiscrimination requirements?
2. Describe the MPO's Title VI and other nondiscrimination complaint procedures.
3. Since the last Certification Review, has the MPO received Title VI and/or other nondiscrimination complaints? If so, describe active as well as previously resolved complaints. Identify any trends or patterns in deficiencies relating to Title VI and other nondiscrimination requirements and how those have been or are being resolved.
4. How does the MPO use census and other data for identifying protected groups in the planning process? How is this information used to examine existing transportation facilities and services? Is there a program to augment national data with locally-collected development and demographic information? How does the MPO coordinate with neighboring agencies to identify EJ and LEP populations in adjacent MPAs? To what extent does the MPO plan for these populations?
5. Has the MPO developed a demographic profile of the metropolitan planning area as a whole, as well as a demographic profile for the small area geography within the planning area? During the planning process, has the MPO identified the locations of protected populations?
6. Where multiple MPOs are sharing geographic portions of a TMA or where there are adjacent TMAs, do the MPOs identify protected groups and those "traditionally underserved" in adjacent MPOs within the TMA, or in neighboring TMAs? How do the MPOs, transit agencies, State DOTs, and other agencies cooperate to ensure these populations' needs are considered in decisionmaking and that they are involved in the planning process?

*See Section 2-24: Regional Models of Cooperation for more on cooperation across jurisdictions.*

7. How does the planning process identify the access and mobility needs of protected populations?
8. Who is responsible for public involvement? How do public involvement activities conducted throughout the metropolitan planning process influence transportation investment decisions and policies of the State and public transit agency/agencies?
9. Describe the process by which protected groups and those “traditionally underserved” can comment on the UPWP, the TIP, the Transportation Plan, and other documents prepared through the planning process.
10. How do the MPO and partner agencies respond to comments from protected groups, and those “traditionally underserved?”
11. What measures are used to verify that multimodal access and mobility performance improvements in the plan and the TIP comply with Title VI/nondiscrimination requirements?
12. On an annual basis, the MPO self-certifies that it complies with all Federal laws and regulations, including Title VI and other nondiscrimination requirements. How has this compliance been documented? How does the State DOT verify the MPO’s policies and related activities?
13. What is the relationship between the State DOT and the MPO, as well as the relationship between the MPO, transit operators and other direct recipients and subrecipients, in assuring compliance with Title VI of the Civil Rights Act, as well as other nondiscrimination requirements?

*Note: It would be helpful to ask questions of State DOT, transit operator(s), other stakeholders and the public as well as of MPO staff and rely upon the pre-site visit document review as part of the desk audit to obtain and review work examples.*

## **Subsection B – Executive Orders**

### **Subsection B-1 – Environmental Justice (EJ) Executive Order**

Executive Order (E.O.) 12898, issued February 11, 1994, provides that “each Federal agency shall make achieving Environmental Justice part of its mission by identifying and addressing, as appropriate, disproportionately high or adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations . . .”. In compliance with this Executive Order, the U.S. DOT Order on Environmental Justice was issued on April 15, 1997. Furthermore, FHWA issued order number 6640.23 on December 2, 1998, entitled “FHWA Actions to Address Environmental Justice in Minority Populations and Low-

Income Populations,” to establish policies and procedures for the FHWA to use in complying with Executive Order 12898. [We will need to insert FTA’s new Environmental Justice Circular here, once it moves from proposed to final.]

The planning regulations, at 23 CFR 450.316(a)(1)(vii), require that the needs of those “traditionally underserved” by existing transportation systems, such as low-income and/or minority households that may face challenges accessing employment and other services, be sought out and considered.

If the federal review team finds that elements of the metropolitan planning process lack consistency with the principles set forth in the Executive Order, the team should recommend a program of actions to resolve the issue, as well as examples of effective practices and technical assistance. For example, if the public involvement process as described in the public participation plan does not adequately seek out minority populations and low-income populations (EJ populations), then FTA and FHWA should provide a program of recommended strategies for addressing the need, along with examples of effective practices.

### **Subsection B-2 – Limited English Proficiency (LEP) Executive Order**

Executive Order 13166, issued August 11, 2000 directs federal agencies to evaluate services provided to Limited English Proficient (LEP) persons and implement a system that ensures that LEP persons are able to meaningfully access the services provided consistent with and without unduly burdening the fundamental mission of each federal agency. Additionally, each federal agency shall ensure that recipients of federal financial assistance provide meaningful access to their Limited English Proficiency applicants and beneficiaries.

If the federal review team finds that elements of the metropolitan planning process lack consistency with provisions of this executive order, the team shall offer a recommendation for improvement, or a Corrective Action if the issue relates directly to either Title VI or requirements in the joint Planning Regulations. For example, if the public involvement process as described in the public participation plan does not adequately seek out and engage LEP populations, then FTA and FHWA should provide a program of recommended strategies for addressing the need, along with examples of effective practices; in addition, since failure to adequately address the needs of LEP populations may constitute prohibited discrimination on the basis of national origin, a corrective action may be appropriate.

### **Subsection B-3 – What to Look for (Executive Orders on EJ and LEP)**

As part of the TMA certification review, the federal team must assess and evaluate how the MPO(s) serving the TMA, with their planning partners:

- Analyze regional data to identify population concentrations of low-income, minority and/or LEP persons within the region. Commitment of staff and financial resources for this technical work should be demonstrated in the UPWP. MPO staff can explain how

technical resources, such as models, GIS, databases, and analysis, are used for EJ- and LEP-related planning and analysis. During the certification review, ask the MPO to discuss how the technical information generated is used in planning.

- Where necessary, provide member agencies with regional data to assist them in identifying minority, low-income, and/or limited English proficiency populations in their subregion or service area. The Certification Review Team should discuss the extent to which this information is useful and used by participating agencies.
- Establish appropriate standards, measures, and benchmarks, and analyze the MTP, TIP, and other MPO actions, plans, and investments, to ensure that they are consistent with the Executive Orders on EJ and LEP. Identify and address disproportionately high and adverse effects of its programs, policies, and activities on minority populations and low income populations. The MPO should establish appropriate methods to demonstrate consistency with the Executive Orders. Effort in these areas should be demonstrated in the UPWP as well as within the MTP and TIP, and in discussions of how this analysis is used in the planning process.
- Ensure that members of groups covered by the Executive Orders are provided with full opportunities to engage in the metropolitan transportation-planning process. This includes acting to eliminate language, mobility, temporal, and other obstacles to allow low-income, minority and/or LEP persons to fully participate in the process. The MPO should be able to provide documentation, such as public meeting agendas and minutes, to demonstrate how effectively staff engages the described groups.
- Where appropriate, monitor the activities of member and other transportation agencies in the region with regard to EJ and LEP. This can be done through ongoing reviews as part of oversight of documents, including agendas, minutes, and technical memoranda; attendance at meetings; as part of desk reviews; and during discussions with local participants in the planning process.
- Evaluate the regional transportation system to ensure that services are accessible to EJ and LEP populations.

#### **Subsection B-4 – Sample Discussion Questions**

1. What goals, policies, approaches, and performance measurements has the MPO used to address the principles of environmental justice? To identify and meet the needs of LEP persons?
2. How does the MPO use census and other data for identifying EJ and LEP populations in the planning process? How is this information used to examine the levels of service provided by existing and proposed transportation facilities and services to those groups, relative to non-EJ and non-LEP populations?

3. During the planning process, has the MPO developed a demographic profile of the metropolitan planning area that includes identification of the locations of low-income, minority and LEP populations?
4. How does the planning process identify the access and mobility needs of low-income, minority and LEP populations?
5. Does the Public Participation Plan (PPP) include a specific and separate strategy for engaging low-income and minority populations? For engaging LEP populations? If so, what are its main components? Is there a process to evaluate the effectiveness of public involvement, including its success at engaging low-income and minority residents and LEP persons? If so, how is this process being carried out?
6. Who is responsible for public involvement? How do public involvement activities conducted throughout the metropolitan planning process influence transportation investment decisions and policies of the State and public transit agency?
7. Describe the process by which low-income, minority and LEP populations and those “traditionally underserved” can comment on the UPWP, the TIP, the Transportation Plan, and other documents prepared through the planning process.
8. How do the MPO and partner agencies respond to comments from low-income, minority and LEP populations?
9. What measures and methods are used to analyze and verify the impacts on low-income and minority populations of multimodal access and mobility performance improvements in the plan and the TIP?
10. Has the region performed an analysis to determine whether there are any language groups that qualify as Limited English Proficient? If so, how has the region reached out to these LEP groups? What steps are taken to address the needs of these individuals? How are these LEP-related activities documented in the MPO’s Public Participation Plan? How have EJ and LEP populations been documented? How does the State DOT verify the MPO’s policies and related activities?

*Note: It would be helpful to ask questions of State DOT, transit operator(s), other stakeholders and the public as well as of MPO staff and rely upon the pre-site visit document review as part of the desk audit to obtain and review work examples.*

## **Subsection C – Federal Certification and Possible Federal Actions**

### **Subsection C-1 – Applicability to Federal Certification of the Transportation Management Area Planning Process**

Over the past few years, U.S. DOT has encouraged a proactive approach to the participation of protected groups in the MPO's implementation of Title VI and other nondiscrimination requirements, and the participation of low-income and minority groups in the MPO's adherence to the principles of environmental justice. U.S. DOT also proactively seeks to ensure consistency of the planning process with Title VI and with the Executive Orders on EJ and LEP. This approach is intended to ensure compliance with other related requirements as well. Addressing requirements successfully requires several categories of action:

- Establishing *goals and measurements* for substantiating compliance. These goals and measurements should be used to verify that multimodal system access and mobility performance improvements in the MTP, TIP, and underlying planning process comply with Title VI and other nondiscrimination requirements.
- The MPO must *consider the needs of Title VI and other protected populations* in the existing conditions analysis, prepared as part of the MTP. Addressing the needs of EJ and LEP populations should also be reviewed consistent with E.O. 12898 and E.O. 13166. This information will provide the planning context for future transit and highway projects.
- The MPO must provide a *public involvement process that proactively seeks out and addresses the needs of those traditionally underserved* by existing transportation systems, including but not limited to the Title VI and other protected groups, as well as EJ and LEP populations.
- The MPO has a role in public involvement but must also *work with the State and operators of publicly owned transit services* to carry out the metropolitan planning process, including public involvement. In areas where more than one MPO has jurisdiction, the MPO must work with the governor(s) to establish boundaries of the metropolitan planning area.
- The *products of the transportation process*—MTP, TIP, and UPWP—must demonstrate consistency with Title VI/Nondiscrimination requirements and principles, and should demonstrate consistency with the Executive Orders on EJ and LEP.

*Note: It would be helpful to ask questions of State DOT, transit operator(s), other stakeholders and the public as well as of MPO staff and rely upon the pre-site visit document review as part of the desk audit to obtain and review work examples.*

## **Subsection C-2 – Possible Federal Actions**

1. One role for Federal Certification staff may be to clarify the interpretation of requirements (e.g., requirements of Title VI and related laws vs. the practices and principles described and recommended under E.O. 12898 and E.O. 13166), identify needed improvements, and provide technical assistance, including examples of good practice (See Subsection C-3).
2. Serious deficiencies in meeting the requirements of Title VI and other nondiscrimination requirements, especially problems identified in public comments, merit serious consideration and require Corrective Actions. Deficiencies related to policies and practices may need to be identified and elevated to U.S. DOT, Office of the Secretary.
3. Lack of consistency in the planning process relevant to the Executive Orders on EJ and LEP will prompt the federal team to issue Recommendations for improvements (or Corrective Actions if the issue relates directly to either Title VI or requirements in the joint Planning Regulations) and to provide targeted technical assistance. To the extent that the desk audit identifies opportunities for improving current practice in advance, the certification review site visit may be an opportunity to provide examples of effective practice.
4. Public comment during the site visit portion of the Certification Review often focuses on unequal and/or discriminatory aspects of specific transportation investments, facilities, and services, rather than on the planning process itself. The Certification Review Team can clarify the purpose of the public meeting in the announcement of the public meeting and at the outset of the meeting, and can determine the relevancy of issues raised by the public to the quality of the planning process. While the Federal Certification process cannot ensure equality of outcomes, the Cert Review can recommend procedural mechanisms to help the MPO better address Title VI and other nondiscrimination requirements and the principles of EJ.

## **Subsection C-3 – Technical Assistance**

The occasion of the site visit held during a planning certification review provides a valuable opportunity to engage non-federal planning partners in open dialogue. It is also an ideal time to disseminate information about planning and public involvement concepts as well as examples of effective practice.

Certification reviews focus on topics that are identified as corrective actions, as well as those for which recommendations for improvement are offered. The document review conducted as part of the desk audit conducted in advance of the site visit should provide an advance alert to the review team of the need for such information to share at the site visit.

Examples of effective practices concerning Title VI and other nondiscrimination requirements, EJ, and LEP are included in the TMA Certification Review Database. The Database includes examples of corrective actions, recommendations, and commendations from prior Certification Reviews. The Database can be accessed at the following link: <http://oversight.volpe.dot.gov/>. The TMA Certification Review Database is an internal FHWA/FTA staff resource and should

not be released to the public or shared outside of FHWA/FTA. After clicking on the link, users of the database will need to request a password; the database, similar to the TMA Certification Process Handbook, is for internal use only; therefore, it is password protected and accessible only by FHWA and FTA staff.

## **Examples of Effective Federal Team Findings and Federal Actions**

### **Old Colony MPO (Boston, MA--NH—RI and Barnstable Town, MA TMAs), 2012**

Through direct contact and use of appropriate media channels, it is evident that the MPO has gained the trust of minority and low-income communities throughout the region. The MPO employs a number of effective strategies to engage the public and identify the needs of its underserved populations. An example of this is preparing the executive summaries of the MTP, TIP, UPWP, and the PPP in various languages used by several ethnic groups in the region. The MPO's use of visioning workshops, consultation with advocacy groups, and advertisements that encourage participation are most notable, providing opportunities for participation at convenient places and times. However, the MPO could establish a more complete listing of advocacy groups/organizations representing all persons considered under the program by expanding and refining the demographic profile and analysis. These additional groups and organizations, if not already considered by the MPO, might include local commissions on disabilities and assisted living communities (see page 30 of the Certification Review Report).

#### **Recommendation:**

- The Federal Team recommends that the MPO sustain its current practices, but extend its outreach efforts based on a more inclusive data profile and contact list, to include groups and organizations serving all persons considered under the Title VI/Nondiscrimination Program (page 30).

### **High Point Urban Area MPO (Greensboro, NC TMA), 2013**

As the Federal Team recommended during the last Certification Review, the MPO should create a map to depict all EJ populations overlaid onto a map depicting all past, existing, and planned projects. The creation of this map is crucial because it allows the MPO to identify cumulative and potential transportation impacts. The map will also identify those areas that have both significant minority and low-income populations which are areas that may require special outreach efforts.

With regard to analyzing transportation system equity, the Team noted that the MPO must make an effort to conduct quantitative analyses to ensure the equitable distribution of transportation benefits and burdens, comparing EJ populations to non-EJ populations. As discussed during the 2005 and 2009 Certification Reviews, the MPO should identify measures that are best suited for the region. The MPO can consider measures such as mobility, accessibility, safety, and aesthetics. During the review, the Review Team provided a CD containing a presentation and documents that can assist them in conducting quantitative analyses. We also encouraged the MPO to contact FHWA with any questions.

Corrective Action:

- High Point must create a map depicting all EJ populations overlaid onto a map showing all past, existing, and planned projects. The creation of this map is crucial so that cumulative and potential transportation impacts can be readily identified (page 34).

**Reading Area Transportation Study (Allentown, PA-NJ; Lancaster, PA; and Reading, PA TMAs), 2013**

The Federal Team found that the MPO did not address Factor 3 and Factor 4 of the LEP analysis. Factor 3 states that the agency should provide information on the importance of the agency's program, activities, and services to LEP persons. Under the Factor 3 analysis, the more important the activity, information service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. Factor 4 provides that the recipient should discuss the resources available and the costs. This step should allow an agency to weigh the demand for language assistance against the agency's current and projected financial and personnel resources. The Team provided a reference to the Title VI Circular 4702.1B and the LEP handbook for more information.

The MPO also did not have a formal LEP plan, which is required under the Title VI Circular, absent certain exceptions. For the formal LEP plan, the agency shall use the results of the analyses to determine which language assistance services are appropriate. Additionally, the MPO must translate documents that meet the Department of Justice Safe Harbor Provision threshold (see pages 18-19 of the Certification Review Report).

Recommendations:

- RATS should implement a complete four factor LEP analysis and a formal LEP plan in accordance with the latest Title VI Circular and the LEP Handbook. FTA and FHWA will follow up with the MPO on this recommendation (page 19).
- RATS should translate all vital documents into the languages of LEP populations that are above the Department of Justice Safe Harbor Provision threshold (page 19).

## References

- FHWA Office of Civil Rights, Title VI and Nondiscrimination: <http://fhwa.dot.gov/civilrights/programs/tvi.htm>.
- Environmental Impact and Related Procedures. 23 CFR 771.
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- FHWA Order 6640.23 FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, December 2, 1998.
- FHWA. How to Engage Low-Literacy and Limited-English-Proficiency Populations in Transportation Decisionmaking. Publication No. FHWA-HEP-06-009. February 2006.
- \_\_\_\_\_. Policy Guidance Concerning Application of Title VI of the Civil Rights Act of 1964 to Metropolitan and Statewide Planning. Federal Register 65(98):31803–05. May 19, 2000.
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- FTA. Title VI, Circular 4702.1. Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients. April 13, 2007.
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- Title VI Program and Related Statutes—Implementation and Review Procedures. 23 CFR 200.
- U.S. DOT. Office of the Secretary. U.S. DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations. OST Docket No. OST-95-141 (50125), 1997.
- \_\_\_\_\_. Final Environmental Justice Strategy. Federal Register 60(125):33896–99, June 29, 1995.

## SECTION 2-13: CONGESTION MANAGEMENT PROCESS

Among the most significant changes under SAFETEA-LU is the updated requirement for a CMP in TMAs. The change in name (from Congestion Management Systems) reflects a substantive shift in perspective and practice to address congestion management through a process that provides for effective management and operations of the transportation system as a whole. The result of an effective CMP should be a serious consideration and implementation of strategies that advance the most efficient and effective use of existing and future transportation facilities through an objectives-driven, performance-based approach to determining and selecting programs and projects.

### Regulatory Basis

Congestion Management Process (CMP) applies to transportation management areas (TMAs) and is a systematic approach for managing congestion through a process that “provides for safe and effective integrated management and operation of the multimodal transportation system, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 U.S.C., and title 49 U.S.C. Chapter 53 through the use of travel demand reduction and operational management strategies.” (23 CFR 450.320(a)).

Federal legislation and regulations require a CMP in TMAs (23 U.S.C. 134(k)(3); also see 23 CFR 450.320(a)).

The CMP must be developed and implemented as a metropolitan-wide strategy for all areas of the TMA. See [Section 2-24: Regional Models of Cooperation](#) for discussion of the importance of cooperation across jurisdictions.

Federal legislation allows State laws, rules, or regulations to constitute the CMP if approved by the Secretary. (23 U.S.C. 135(i); also see 23 CFR 450.320(f))

23 CFR 450.320(c) mandates that the CMP shall include:

- Methods to monitor and evaluate the **performance of the multimodal transportation system**, identify the causes of recurring and non-recurring congestion, identify and evaluate alternative strategies, provide information supporting the implementation of actions, and evaluate the effectiveness of implemented actions;
- A definition of **congestion management objectives and appropriate performance measures** to assess the extent of congestion and support the evaluation of the effectiveness of congestion reduction and mobility enhancement strategies for the movement of people and goods. Since levels of acceptable system performance may vary among local communities, performance measures should be tailored to the specific needs of the area and **established cooperatively by the State(s), affected MPO(s), and local officials in consultation with the operators of major modes of transportation in the coverage area**;

- Establishment of a coordinated program for **data collection and system performance monitoring** to define the extent and duration of congestion, to contribute in determining the causes of congestion, and evaluate the efficiency and effectiveness of implemented actions. To the extent possible, this data collection program should be coordinated with existing data sources (including archived operational/ITS data) and coordinated with operations managers in the metropolitan area;
- Identification and evaluation of the anticipated performance and expected benefits of appropriate **congestion management strategies** that will contribute to the more effective use and improved safety of existing and future transportation systems based on the established performance measures. The following categories of strategies, or combinations of strategies, are some examples of what should be appropriately considered for each area:
  - Demand management measures, including growth management and congestion pricing
  - Traffic operational improvements
  - Public transportation improvements
  - ITS technologies as related to the regional ITS architecture
  - Where necessary, additional system capacity
- Identification of an **implementation** schedule, implementation responsibilities, and possible funding sources for each strategy (or combination of strategies) proposed for implementation; and
- Implementation of a process for **periodic assessment of the effectiveness of implemented strategies**, in terms of the area's established performance measures. The results of this evaluation shall be provided to decision-makers and the public to provide guidance on selection of effective strategies for future implementation.

### **Deadline for Newly Designated TMAs**

Per 23 CFR 450.338(e), newly designated TMAs have 18 months from the time they are formally designated (via U.S. DOT listing in the *Federal Register*) to establish a fully functional CMP. For TMAs designated as a result of the 2000 Census, that date was January 8, 2004.

### **What to Look for**

The desire to address congestion is a common theme among government officials at all levels. The Federal CMP requirements provide a structured approach for addressing the issue. In reviewing a CMP, common elements to look for are evidence of data, documented procedures, the actual application of procedures, documented end products, and results that support the alleviation of congestion and enhanced mobility of persons and goods. The Certification Review Team could look for the following features:

- Presence of a strong and logical linkage to **operations objectives**, driven by the plan goals expressed in respective MTP.

- Adherence to the **8-step CMP approach** (as described in the CMP Guidebook. For more information, see [www.ops.fhwa.dot.gov/publications/cmpguidebook/cmpguidebook.pdf](http://www.ops.fhwa.dot.gov/publications/cmpguidebook/cmpguidebook.pdf))
  1. Develop CM Objectives
  2. Identify Area of Application
  3. Define System or Network of Interest
  4. Develop Performance Measures
  5. Institute System Performance Monitoring Plan
  6. Identify and Evaluate Strategies
  7. Implement Selected Strategies and Manage Transportation System
  8. Monitor Strategy Effectiveness
  
- Agreed-to **performance measures**.
  
- A **data collection** program. Look for evidence that the program provides the data needed to monitor system's performance, identify duration and extent of congestion, help to determine the cause of congestion, and evaluate the effectiveness of implemented actions.
  
- A process to measure **systems performance** and to identify congestion.
  
- A **process to evaluate** the causes of congestion.
  
- A process to evaluate the anticipated performance and expected benefits of appropriate congestion management strategies.
  
- Process(es) to develop, evaluate, and prioritize alternative strategies and actions.
  
- Network wide strategies.
  
- Strategies that reduce SOV travel through transportation demand management measures, including growth management and congestion pricing; traffic operational improvements; public transportation improvements; ITS; and, where necessary, additional system capacity. CMP evaluations that support system capacity expansion should be documented and reflected in the project development process.
  
- In nonattainment areas where projects are implemented that **add SOV capacity**, look for evidence that the CMP identifies all reasonable travel demand and operational management strategies, that these strategies cannot fully satisfy the need for additional capacity, and that additional SOV capacity is warranted.
  
- Implementing agencies have agreed to and support the implementation of required demand management and operational measures identified in the CMP to manage the SOV facility and project corridor.
  
- A method of tracking the commitments needs to be implemented to ensure that these measures are not overlooked during environmental review and project development.

- The CMP supports and is **fully integrated** with the metropolitan transportation planning process, including the conformity analysis, Transportation Plan, and TIP.
- The existence of a process to evaluate the effectiveness of implemented strategies and actions. Look for evidence of evaluations that assess progress toward meeting the area's established performance measures.

## **Performance-Based Planning and Programming (PBPP)**

Prior to completion of the final MAP-21 Rules and sections related to PBPP, the current CMP requirements described in this section may have the most direct implications for PBPP. There are no current federally defined measures or targets for congestion management, although MPOs are currently required to develop and apply a CMP that sets objectives, performance measures, and implements a data collection system used for monitoring and evaluating performance against established goals. The framework for this process reflects a key aspect of a comprehensive approach to PBPP.

On a related note, the USDOT Strategic Plan sets a target for all MPOs serving TMAs to use a CMP for decision-making. FHWA Divisions will report this annually using the internal [TMA Certification Oversight Website and Database](#). This high level goal provides additional support for Federal teams to focus on the CMP and its use during Certifications.

See *Section 2-23: Performance-Based Planning and Programming* for further discussion on incorporating performance measures into the planning process.

## **Sample Discussion Questions**

1. Describe how the CMP has been fully integrated into the overall metropolitan planning process. For instance, do the visions and goals articulated in the MTP support CMP and vice versa? Also, are transportation systems management and operations strategies part of the metropolitan planning process?
2. What procedures are in place to connect the CMP evaluations and strategies to the metropolitan planning process (e.g., UPWP, corridor studies, conformity, and TIP/MTP project development/prioritization)?
3. Does the CMP follow the 8-Step approach? If not, why not, and are there any steps being taken to align the CMP with the recommended 8-Step approach?
4. What efforts have been made to identify and include CMP stakeholders such as other transportation agencies, and system operators in the region who stand to gain from addressing congestion problems? Describe the interaction that has taken place with local transit, freight and traffic control operators, and other stakeholders in the CMP.
5. Explain how stakeholders coordinate data in the development of performance measures in the CMP. How are the stakeholders involved in the development and analysis of potential congestion mitigation strategies?

6. Are performance measures periodically reviewed for usefulness and applicability, and if yes, how often does this review take place?
7. How often is the CMP as a whole evaluated for effectiveness and updated? What is the process for such evaluation and update? Are proper and effective analysis tools being utilized to evaluate the anticipated performance and expected benefits of future strategies?
8. Is the CMP fully documented so that consistency with statutory requirements can be demonstrated?
9. Describe in detail the composition (area, network, and modes) of the CMP. How did the MPO determine the adequacy of the composition selected? Are there plans to refine and/or expand the comprehensiveness of the CMP?
10. Does the CMP consider all modes of transportation (SOV, shared ride, transit, intermodal connections, non-motorized means such as bicycling and walking, etc.) in developing congestion management strategies?
11. Does the CMP address the mobility needs of people and goods? How are freight mobility needs assessed and addressed through the CMP?
12. What technical tools are utilized through the CMP to identify congestion at various levels and extents (e.g. regional, corridor, spot location, and time-of-day)? Do these tools also identify and assess non-recurring congestion (e.g., due to events, traffic incidents, weather)?
13. What performance measures are in place and how are they being used? How are the CMP and MTP performance measures linked or related? How do the CMP performance measures support the overall goals and objectives of the MTP?
14. What types of data are being collected? Describe how the data is used to measure system performance, identify the cause of congestion, develop and evaluate alternatives, prioritize/schedule solutions, and evaluate the effectiveness of selected improvements and progress toward resolution of congestion. Do the data types being collected enable performance tracking as part of the CMP evaluation process?
15. Are the performance measurements based on actual data or are they modeled? Are there considerations within the CMP for the modeled performance measures to allow for error, and if yes, what are they?
16. For nonattainment TMAs, describe the process for addressing proposals for adding SOV capacity. How have other travel demand reduction and operational management strategies been analyzed? When SOV capacity is warranted, how does the CMP demonstrate the analysis of travel demand reduction and operational management strategies?
17. For SOV projects identified in a nonattainment TMA, have travel demand reduction and operational management strategies been incorporated into the SOV projects? Have other travel demand reduction and operational management strategies been identified in the

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corridor, separate from the SOV project? How have these projects been analyzed and demonstrated through the CMP?

18. Have ITS strategies proposed for congested locations been reviewed in the context of the Regional ITS Architecture?
19. Explain how the CMP leads to the development of programs and projects contained in the plan and TIP? How are these activities supported in the UPWP?
20. What are the outputs and results of the CMP? Is there an identified schedule for implementation and a corresponding list of responsible agencies?
21. What CMP strategies have been implemented and how have they been integrated with other resulting strategies from the metropolitan planning process?
22. Are TDM and operational commitments recommended through the CMP eventually implemented?
23. Who are the implementers of CMP strategies (e.g., State DOT, transportation management associations, transit agencies, locals)?
24. How does the CMP claim credit for the strategies implemented by others, if any?
25. How has the CMP influenced the construction or implementation of non-SOV projects?
26. How is the progress toward identified system performance goals evaluated? How is the effectiveness of individual projects/strategies evaluated? How is the success of individual actions reflected in system-/network-wide evaluations? How are the results of these evaluations utilized into making quality improvements to the CMP?
27. Are local operating agencies coordinating and implementing strategies through their own planning and programming processes that support the operational objectives of the CMP?
28. Describe how highway and transit agencies and other stakeholders are included in the MPO's CMP reevaluation and improvement initiatives.
29. What impact has the CMP had on communication and coordination between planning and operation stakeholders? What actions has the MPO taken to facilitate improved communication and coordination among the CMP stakeholders?
30. What CMP work activities are included in the UPWP? What UPWP activities are planned to strengthen and/or improve an objectives-driven, performance-based approach to CMP?
31. Where multiple MPOs are sharing geographic portions of a TMA or where there are adjacent TMAs:
  - a. Describe the techniques used to ensure a coordinated metropolitan-wide strategy. Does one MPO maintain the CMP for the entire TMA, or are separate CMPs maintained by each MPO?

- b. Explain how the coordinated CMP(s) lead to the development of programs and projects contained in each agency's MTP and TIP.
- c. Explain how the MPOs, public transit agencies, and State DOTs share data to enable a comprehensive metropolitan-wide evaluation.

*See [Section 2-24: Regional Models of Cooperation](#) for discussion of the importance of cooperation across jurisdictions.*

### **Performance-Based Planning and Programming (PBPP) Questions**

The CMP already incorporates PBPP elements into its development and implementation process, and many of the questions listed above reflect this. These include Questions 5, 6, 13, 15, and 26. Additional relevant questions related to PBPP are listed below:

1. How are the CMP measures applied at key stages of the planning process e.g., MTP, TIP for programming decisions, and for what types of projects?
2. How do different stakeholders participate in data collection for development of performance measures in the CMP?
3. How do you use your CMP to help establish congestion-related performance measures and targets, and to monitor/measure progress toward targets?

*For other PBPP related questions please see [Section 2-23: Performance-Based Planning and Programming](#).*

### **Possible Federal Actions**

1. Corrective Actions are generally required if the CMP does not provide any of the functions required in the regulations. TMAs should be subject to a Corrective Action if they cannot show that their projects are developed through a transportation planning process that includes the CMP. For example, if the CMP has established performance measures and has identified the location of congestion but has not determined the causes or evaluated network-level strategies and has not prioritized proposed improvements, the CMP is not fully functional. A Corrective Action with appropriate timelines would be warranted to complete the missing elements. However, if the CMP is nearing substantial compliance with all elements and the Certification Review Team is confident of achieving compliance in a reasonably short time, a Recommendation may be in order to encourage continued movement in the right direction.
2. Nonattainment TMAs are required to show that they have a fully-operational CMP and are fulfilling the SOV restriction; if not, a Corrective Action may be needed, with possible funding restrictions. For example, in a nonattainment TMA missing all of the elements cited in the first example above, the Certification should include a Corrective Action with appropriate timelines to complete the missing elements, plus it should prohibit the advancement of projects adding SOV capacity until the missing elements are operational.

3. Since many of the CMP strategies will also be strategies for achieving conformity in non-attainment areas, the Certification Review Team needs to carefully coordinate its review and findings in these two topic areas.
4. The TMA needs to have a way of ensuring that mitigation commitments made to complement SOV capacity expansions are implemented by State and local agencies. Recommendations for improvements should be issued if implementation status cannot be determined or if implementation is lacking. Failure to respond to such Recommendations within reasonable time limits could warrant a Corrective Action in a subsequent review.

## **Examples of Effective Federal Team Findings and Federal Actions**

### **Coastal Region MPO (Savannah, GA TMA), 2013**

The Federal Team noted that the 2009 CMP update expanded upon previous efforts by evaluating the top 20 congested areas identified during the 2004 CMP development process and reviewing their congestion relief strategies. The CMP also evaluated methods for data collection and monitoring using a two-tiered approach, utilizing both "hot spot" and systems-level methodologies to address congestion. Additionally, the CMP presented methods for managing the system, including analysis for the integration for Traffic Management Centers. The CMP is integrated into the metropolitan planning process; the MPO updates the CMP in advance of the MTP and carries the CMP's recommendations forward as projects in the MTP.

The next CMP update is contingent upon the development schedule of the next MTP update. However, the MPO staff noted that future CMP updates will revisit congested corridors to assess the effectiveness of improvements implemented, and the overall changes in congestion over time.

With the continued emergence of the Savannah Port as one of the leading container ports in the U.S., it will have a direct impact on Georgia's highway and rail networks as it relates to congestion in the Savannah region. However, in review of the 2009 CMP, it was found absent of freight considerations (For more information, see page 18 of the Certification Review Report).

#### Recommendations:

- The Federal Review Team recommends that, for the upcoming CMP update, the MPO should provide opportunities for freight providers and stakeholders to participate in and solicit input into the planning processes (Page 18).
- The Team recommends that the MPO's CMP be expanded to include an element to evaluate implemented projects, including those identified as the most congested corridors (Page 19).

### **Berkley Charleston Dorchester Council of Governments (Charleston—North Charleston, SC TMA), 2012**

The BCDCOG has begun a Mobility Management Program. This program is an effort to advance travel demand management strategies and enhance responsiveness to the travel needs of the community. As a result, the program has led to greater coordination between travel modes, tying

together the marketing endeavors of the urban and rural transit providers, as well as pedestrian and bicycle programs (For more information, see page 12 of the Certification Review Report).

Commendation:

- BCDCOG is commended for its Mobility Management Program to advance travel demand management strategies and enhance responsiveness to the travel needs of the community (page 12).

### **Merrimack Valley MPO (Boston, MA—NH—RI TMA), 2013**

The Federal Team found that the MPO's CMP offered a comprehensive look at reasons for congestion in the region and locations where congestion has been problematic. The document looked at multiple modes and many strategies as potential solutions to congestion and informed the Priority Growth Strategy as well as the MTP. However, the Team noted that it would be helpful to the reader to provide a brief statement discussing future plans to address problematic intersections. The Team suggested providing an asterisk at the intersections that the MPO has plans to follow up on, and use a footnote to the table explaining the follow-up action that is expected (i.e., "To be developed into a UPWP study" or "Included in the universe of projects to be considered for TIP funding"). The Team also noted that it would be helpful if the document identified which congested roads or intersections were located in communities with Title VI and other protected populations. This would better inform the TIP development process (For more information, see page 26 of the Certification Review Report).

Recommendations:

- The Review Team recommends that the MPO include methods to inform the reader if any follow-up action is anticipated (page 26).
- The Review Team recommends that the next update to the CMP include an indication of the location of congested roadways and intersections relative to the location of protected populations, when such congested facilities are located within these areas (page 26).

*For an example of effective team practices related to the CMP in areas where multi-jurisdictional planning is an issue, see [Section 2-24: Regional Models of Cooperation](#).*

### Performance-Based Planning and Programming (PBPP) Examples

#### **Denver Regional Council of Governments (Denver-Aurora, CO), 2013**

Commendation

- With respect to CMP, performance measures are used for trend analysis, as information associated with many specific topic areas, as input for TIP and RTP project evaluation, and for presentation in the MVRTP. Many measures and technical tools are utilized through the CMP to identify congestion at various levels and extents (e.g. regional, corridor, spot location, and time-of-day), and to identify and assess non-recurring congestion (e.g., due to events, traffic incidents, weather). A key element to the CMP is the 'Congestion Mobility Grade'. The 'Congestion Mobility Grade' is calculated for every

segment on the MVRTP's designated Regional Roadway System. It incorporates five unique aspects of congestion into one measure. CMP performance measures directly link to and support several goals, policies, and action strategies of the 2035 MVRTP (e.g., VMT per capita). The data is used to measure and track delay, congestion costs, incident related congestion, and identify key congested locations, causes, and mitigation strategies. The data is incorporated into the scoring of the MVRTP and the TIP projects, and, thus impact the 'staging' of projects. Alternatives may range from projects that directly reduce congestion as well as those that help people adapt to or avoid congestion. The process to examine management strategies as an alternative within all EAs and EISs has been institutionalized in the Denver region. When not selected as the preferred alternative, management elements are incorporated into the final defined project. These analyses are documented within relevant NEPA disclosure and/or decision documents or associated technical reports. All proposals for regionally significant increases in roadway or transit capacity must be identified in a Fiscally Constrained RTP that conforms to air quality requirements.

### **Kentuckiana Regional Planning & Development Agency (Louisville/Jefferson County, KY—IN), 2014**

#### Recommendation

- It is recommended that: 1) The scheduled CMP Update must include all 8-steps in the CMP including defining performance measures. Performance measures are at the core of the CMP and are parameters to measure the level of congestion, identify locations, and indicate the extent of congestion in the region. Periodic assessment of the effectiveness of CMP strategies is critical and it is suggested that “periodic” be given target timeframes; 2) Recommendation of a project by the CMP should become an important component when scoring projects during the project prioritization process; and 3) Use CMP data (i.e. delay times and system performance) to conduct small-area studies and corridor analyses and to develop freight-related performance measures.

*For more examples of effective team practices related to performance in the planning process, see [Section 2-23: Performance-Based Planning and Programming](#).*

### **Example of Notable CMP Practices**

With CMP being a newly-updated requirement in SAFETEA-LU, there exist few notable CMP examples. However, a number of MPOs have implemented individual components of a CMP that are noteworthy.

The **Boston MPO**'s CMS (an update to CMP is scheduled in 2008) contains a chapter dedicated to the consideration of transit.

This particular transit chapter evaluates the quality of transit service by using two performance measures as follows:

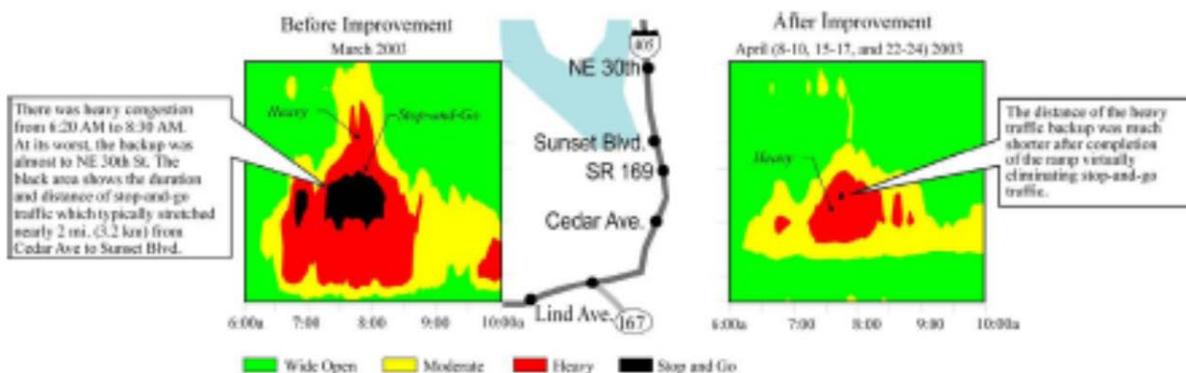
- On-time performance (i.e., arrival schedule adherence)
- Passenger crowding

The CMS transit analysis uses an on-time performance that is based only on arrivals, not departures, and identifies a bus route as a mobility concern when it does not meet the performance standard of 60 percent or more of morning and evening peak period trips arriving on time. This MPO-designated threshold is unique in comparison to those that a transit agency may use, because the CMS analysis is designed to link poor on-time performance to congested roadway conditions during the peak periods. Since roadway congestion is the primary cause for late arrivals by buses, this measure ties roadway and transit performance together and should lead to corridor studies that benefit both automobile and transit users. Passenger crowding is measured in terms of passengers per available seat, whereas a value at or above the established threshold indicates crowded conditions.

For more information, the MPO's CMS report (2004) can be found on the web at [www.bostonmpo.org/bostonmpo/4\\_resources/1\\_reports/1\\_studies/2\\_highway/2004\\_cms.html](http://www.bostonmpo.org/bostonmpo/4_resources/1_reports/1_studies/2_highway/2004_cms.html).

The **Puget Sound Regional Council (PSRC)** advances the level of communication and understanding of congestion data by using innovative methods to present congestion data.

PSRC has used innovative methods of presenting congestion data so that stakeholders better understand the region's transportation policy and planning related to CMP. Such data presentation has also proven very useful in educating and helping stakeholders prioritize projects within a corridor given fiscal limitations and competing fiscal demands of multiple jurisdictions. The clear presentation of data helps them ensure that projects that address the most severe congestion are selected. Figure 2-13.1 illustrates a visual representation of data that is currently being used by PSRC.



**Figure 2-13.1: Visual Representation of Data used by PSRC**

PSRC has partnered with Washington State DOT both to obtain and analyze data. The agency has developed innovative visuals to communicate the complexities of congestion. These include “brain scan” visual using colors to show the level of congestion based on lane occupancy throughout a 24-hour period along a corridor. Other visuals used are three-dimensional images that show the greatest level of delay as bars of varying heights on a regional map. These tools have been so successful that they are being shown widely throughout the region and are helping to advance understanding of traffic congestion. The tools that have been used through the region on corridor studies will also be used in PSRC's CMP report, which is currently under development.

The **Southeast Michigan Council of Government (SEMCOG)** links its CMP to MTP.

SEMCOG first developed a stand-alone CMP, and then provided congestion analysis results and mitigation strategy recommendations developed in the CMP report to State and local agencies. This information along with public input, was used to develop new project proposals for the MTP. In the MTP, the corridor prioritization process is integrated with the CMP. SEMCOG uses a weighing process to prioritize regional corridors and ensure that investment occurs in the areas with greatest need. One of the eleven performance measures used to weigh corridor is congestion, and a number of other factors also have congestion implications, such as improvements to corridors with high transit ridership and non-motorized transportation.

The **San Diego Association of Governments (SANDAG)** has six specific components in their regularly updated CMP:

1. Roadway Monitoring – Designate a CMP roadway system, establish a level of service standard for the system, and monitor congestion levels against the standard.
2. Multi-modal Performance Measures – Establish performance measures to evaluate the region’s multi-modal transportation system.
3. Transportation Demand Management – Establish a transportation demand management element that promotes alternative transportation strategies.
4. Land Use Impact Analysis – Establish a program to analyze the effects of local land use decisions on the CMP transportation system.
5. Capital Improvement Program – Prepare a capital improvement program of projects that maintains or improves the performance of the transportation system.
6. Deficiency Plan – Prepare a plan of remedial actions when the roadway level of service standard is not maintained on the designated CMP roadway system.

SANDAG also has a Transit Service Monitoring chapter within their CMP. The following performance measures are used in evaluating the region’s transit service.

- **Service Level:** The level of transit service provided as measured by frequency (headways) number of trips.
- **Travel Speed:** How fast transit service is operating as measured by average speed or time.
- **Service Utilization:** How well transit service is being used as measured by ridership.

This information is provided to support ongoing transit planning activities as well as to support the following CMP activities:

- **Assist with Deficiency Plan Preparation:** In evaluating solutions to roadway congestion, information on existing corridor transit service can be used as a basis for recommending transit service improvements.

- **Assist with CEQA Review/Mitigation:** Information on existing transit service can assist in the review of project impacts on the transportation system and serve as a basis for proposed project mitigation or to allow a developer to take credit for locating a project next to high transit service corridors.

In addition to the transit corridor analysis, the CMP also evaluates the percentage of the region's population served by transit within ¼ mile and ½ mile of a bus stop or rail station.

For more information, the SANDAG CMP update (2006) can be found on the web at [http://www.sandag.org/uploads/projectid/projectid\\_13\\_5804.pdf](http://www.sandag.org/uploads/projectid/projectid_13_5804.pdf).

## SECTION 2-14: LIST OF OBLIGATED PROJECTS

### Regulatory Basis

23 CFR 450.332 requires that the State, the MPO, and public transportation operators cooperatively develop a listing of projects for which Federal funds under 23 U.S.C. or 49 U.S. C. Chapter 53 have been obligated in the previous year. The listing must include all Federally funded projects authorized or revised to increase obligations in the preceding program year and, at a minimum, the following for each project:

- The amount of funds requested in the TIP
- Federal funding obligated during the preceding year
- Federal funding remaining and available for subsequent years
- Sufficient description to identify the project or phase
- Identification of the agencies responsible for carrying out the project or phase

The listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, must be published or otherwise be made available in accordance with the MPO's public participation criteria for the TIP within 90 calendar days of the end of the program year. Further, cooperative procedures among the State, the MPO, and transit operators to submit the fund-obligation information necessary for this report should be set forth in the MPO Agreement [23 CFR 450.314(a)].

### What to Look for

The Certification Review Team needs to confirm that an annual listing of projects obligated in the previous year is being prepared and is available for public review. Information identifying each project and its cost and funding, as contained in the TIP, must be included in the listing, along with funding status information as specified in the regulation. The listing must be made available to the public in accordance with the same procedures that apply to the TIP.

The Certification Review Team should look for an established process by which information on obligated Federal funds is provided by the recipient grantee agencies to the MPO. Since Federal obligation information is available only to State DOTs and the transit recipient, the MPO working agreements with these agencies should cover how and when this information will be made available to the MPO. The State DOT will provide the relevant obligation information for Federally-funded highway projects (and some State-administered transit projects). The designated recipient for Federal transit funds will provide the relevant obligation information on Federal transit funds. The Certification Review Team should determine if the information provided is adequate to produce the Annual Listing and if the MPO has reasonable procedures for making the listing available to the public.

The Certification Review Team should look for an Annual Listing document that supplies information for public review in a timely manner at the close of each program year. The Annual Listing of obligated projects can be prepared as a stand-alone document or incorporated in the public involvement activities of other project-oriented products of the planning process, such as the TIP or the Transportation Plan. The listing of obligated projects must be issued separately for the years when the TIP or Transportation Plan is not updated. MPOs should be encouraged to provide the listing on their websites to foster e-government. The Certification Review Team should determine how the Annual Listing is made available to the public.

At a minimum, the Annual Listing must list the projects for which Federal funds were obligated in the previous year. The listing shall include all projects, for all modes, as in the TIP. The *Annual Listing* provides a means to compare projects (or project phases) actually obligated with those proposed for obligation. In a sense, the listing provides a measure of how well the metropolitan transportation planning process is doing in implementing area priorities. The State DOT, the MPO, and transit operators can use this information to show progress in meeting area goals as well as to demonstrate the benefits of the cooperative transportation planning process.

The Certification Review Team should assess the ease by which a project (or project phase) included in the Annual Listing can be matched to a project (or project phase) in the TIP. While not required by law, the use of project identification or job numbers would ease this comparison. One method by which an MPO could enhance the ability to make a comparison would be to reprint the previous year of the TIP, noting all additions and deletions and then adding a column to check if the project/project phase had been obligated.

Using project descriptions in the Annual Listing that parallel those in the TIP is also a good practice. The law does not specifically require that the amount obligated be published as part of the Annual Listing, but showing the amount obligated for each project and the accumulation of those obligations by category could illustrate how available Federal funds were used and could help to answer the question “How much money was spent in my area?” The answer can be useful, even though obligations and expenditures are not exactly the same. Other useful but not required information that could be part of the Annual Listing includes other funding sources, recipient/project sponsor, and the identifications of TCMs in nonattainment and maintenance areas. If the Annual Listing included the original estimated cost and the actual amount obligated, such information could be used by the planning-process partners to refine cost-estimation processes.

While much of the above discussion covers elements that could be part of the Annual Listing, it is important to remember that the only requirement is to list the **projects** for which Federal funds were obligated in the previous year.

### **Sample Discussion Questions**

1. What is the process for conveying information on annual obligations to the MPO?
2. What information is provided? How? When?
3. Is a listing published for all projects for which funds are obligated each year?

2. Which transportation modes are included in the listing? Are bicycle and pedestrian facilities included?
3. Which projects are included that receive funding from FHWA? FTA? Non-Federal sources (optional)?
4. How is the listing included in the TIP or Transportation Plan? If yes, in what form is the list published in years when the TIP/Transportation Plan is not updated?
5. How is the Annual Listing made available to the public?
6. What types of public comments have been received on the listing? How are such comments used in assessing the metropolitan transportation planning process?
7. What method is available for comparing the projects in the Annual Listing to the TIP?
8. How do the planning partners use the Annual Listing to help market area progress or the benefits of the metropolitan transportation planning process?
9. Does the Annual Listing include optional items that specify the phase of project development, the amount of funding obligated in the current year and historically (as well as total anticipated project cost), authorized funding versus actual project cost, funding sources and recipient, and whether, in nonattainment and maintenance areas, the project is a TCM (in air-quality nonattainment and maintenance areas)? How are these items included?

### **Possible Federal Actions**

1. Corrective Actions are needed if there is no Annual Listing of obligated projects or if the listing is not made available to the public.
2. Additional grounds for a Corrective Action would be withholding of obligation information from the MPO.
3. Recommendations for improvement are appropriate in cases where efforts to publicize the availability of the listing are minimally adequate or to encourage more informative project descriptions or clearer, more comprehensible document formatting.

### **Examples of Effective Federal Team Findings and Federal Actions**

#### **Hampton Roads Transportation Planning Organization (Virginia Beach, VA TMA), 2012**

The Federal Team noted that the Annual Obligations Report (AOR) provides a means to compare projects (or project phases) that are actually obligated with those proposed for obligation. In a sense, the listing provides a measure of how well the metropolitan transportation planning process is implementing area priorities. MPO staff demonstrated that there were a large number of project inconsistencies in the AOR. Fifty-eight percent of federally-funded projects authorized last year were not in the TIP and/or STIP. Many of these projects were actually “grouped” projects, and while the MPO TIP contains a listing of projects within grouped line

items, the projects contained in the AOR were not among the projects listed in the group (For more information, see pages 21-22 of the Certification Review Report).

Recommendation:

- The FHWA and FTA will be taking additional time to analyze the results of the MPO's review of the AOR, as well as VDOT's response to the review of the annual obligation listing. The Team will explore this issue in cooperation with VDOT, follow-up with the MPO, and a written response will follow the release of the Certification Report. In the meantime, the MPO and VDOT need to cooperatively determine, to the extent possible, why a large discrepancy exists between projects in the TIP versus the AOR and begin to document an approach that reconciles future discrepancies prior to public release (Page 22).

### **Puerto Rico MPO (Aguadilla-Isabella-San Sebastian, PR TMA), 2013**

The Federal Team noted that the annual list of projects for which Federal funds have been obligated is not included in the TIP, but are published in the news print media and posted on the MPO's webpage. It appeared from discussions and documentation provided that the FTA and FHWA prior year obligated project lists are not combined, but are published separately (For more information, see pages 20-21 of the Certification Review Report).

Recommendation:

- The Team recommends that the TIP and Annual List of Obligated Projects lists be combined and published together to provide clearer and more accurate reporting to the public of the obligated funds and related projects (Page 30).

### **Denver Regional Council of Governments (Colorado Springs, CO and Denver, CO TMAs), 2012**

The Federal Team noted that the MPO staff requests a list of obligations from the Colorado DOT, Regional Transportation District, and FTA. However, there is no formal cooperative procedure in the MPO Agreement among the State, MPO, and transit operators to submit the fund-obligation information necessary for the report of obligated projects (or, conversely, unobligated projects). Examples of this type of information include FTA-funded projects which have been obligated, or, conversely, which are not obligated in the year anticipated in the TIP (For more information, see page 34 of the Certification Review Report).

Recommendation:

- The MPO and its planning partners (specifically, the Colorado DOT) are strongly encouraged to develop and formalize official cooperative procedures to reconcile projects required to be listed in the TIP/STIP, in conjunction with annual listing of inactive, obligated projects, completed projects (with notation regarding conformity baseline projects). In doing so, the MPO and the Colorado DOT should develop a process for increased communication between themselves and local jurisdictions (page 34).

## **SECTION 2-15: ENVIRONMENTAL MITIGATION**

### **Regulatory Basis**

The specific requirements for environmental mitigation are set forth in connection with the MTP in 23 CFR 450.322(f)(7). However, the basis for addressing environmental mitigation is detailed in sections addressing consultation (23 CFR 450.316(a)(1)(2)(3) and (b) – Interested parties, participation, and consultation; 23 CFR 450.322 (g)(1)(2), (i), and (j) – Development and content of the metropolitan transportation plan).

Requirements related to environmental mitigation are as follows:

- The MTP shall include a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities.
- The discussion:
  - Should include activities that may have the greatest potential to restore and maintain the environmental functions affected by the MTP.
  - May focus on policies, programs, or strategies, rather than addressing the project level.
  - Shall be developed in consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies.
- The MPO may establish reasonable timeframes for performing this consultation.

### **What to Look for**

The goal of environmental mitigation should be to assure that decision-makers take into account potential environmental issues, constraints, and impacts when adopting the MTP or subsequent updates. Consideration should also be given to how identified impacts might be mitigated.

MPOs should review the types of improvements listed in the plan to evaluate potential impacts. Environmental mitigation strategies and activities are intended to be regional in scope and may not necessarily address potential project level impacts.

If the MTP includes improvements that are not deemed minor in nature, then a discussion of potential mitigation measures should be included, addressing both human and natural environmental factors.

Potential factors may include:

- Land use (including farmland)
- Neighborhood cohesion and community disruption
- Water quality

- Wetlands
- Floodplains
- Endangered species
- Section 4(f)
- Hazardous waste sites
- Air quality
- Noise
- Historic and archeological sites
- Secondary and cumulative impacts
- Property acquisitions and displacements
- Changes in accessibility (to jobs, recreation, health services, etc.)

Efforts to meet the environmental mitigation requirements should start with appropriate Consultation with applicable agencies, including:

1. Development of a list of resource agencies and contacts
2. Developing consultation agreements with resource agencies
3. Working with these agencies to incorporate environmentally sensitive areas into the planning process
4. Assessing the system-wide impacts of implementing the plan
5. Working with resource agencies to define potential mitigation measures that may be needed (system-wide, not project level)
6. If necessary, adjusting the MTP to minimize impacts

MPOs are encouraged to assemble or collect data and develop criteria. The criteria will be used to assess potential impacts of mitigation measures to determine which activities have the greatest potential to restore, improve, and/or maintain the function of the environment. A Certification Review should consider how well the MPO has documented their consultation process and subsequent potential environmental mitigation efforts. This review should include consideration of consultation agreements; documentation of all approved policies, programs, or strategies; information assembly and review; the process used to assess potential impacts; and related activities toward identification of potential mitigation measures.

## **Applicability to Certification**

Many MPOs have developed expanded and improved processes in response to Federal regulations formulated to implement Title 23. Areas that present ongoing challenges to most MPOs and may merit detailed attention include the following:

- Determination of the type of improvement (i.e., minor)
- Consideration of the human and natural environment
- Participation by resource agencies
- Documentation of environmental mitigation discussions with agencies

## **Sample Discussion Questions**

1. How has the process for estimating potential environmental mitigation activities built upon the existing consultation process?
2. What outreach activities have been used to consult with Federal, State, Tribal, and local agencies?
3. What opportunities were provided for participation and consultation by State, Tribal, and local agencies responsible for land-use management, natural resources, environmental protection, conservation, and historic preservation appropriate?
4. How have discussions with Federal, State, Tribal, and local agencies been documented?
5. What timeframes were established for performing consultations?
6. What are some of the policies, programs, or strategies that have been identified?
7. What criteria have been used to assess which activities may have the greatest potential to restore, improve, and maintain the environment?
8. What information and data have been assembled regarding the location and condition of environmental features that might be affected by proposals outlined in the MTP?
9. What resources were devoted to implementing this process, including staff time and partnering with other organizations, such as local resource agencies, in addition to actual funding dollars?

*Note: It will be helpful to ask many of the questions to stakeholders as well as MPO staff.*

## **Possible Federal Actions**

1. Corrective Actions for any serious deficiencies in meeting objective regulatory requirements (e.g., no documentation of potential environmental mitigation activities).

2. Corrective Action for inadequate outreach to appropriate agencies in discussing strategies.
3. Careful consideration of the feedback and responses by the MPO, Federal, State, Tribal, and local agencies to comments and ideas received through the planning process, and Corrective Actions or Recommendations for improvements to address deficiencies.
4. Commendations for innovative practices, specifically related to the development of appropriate evaluation criteria and information assembly for estimating environmental impacts.

## **Examples of Effective Federal Team Findings and Federal Actions**

### **Martin County MPO (Miami, FL and Port St. Lucie, FL TMAs), 2013**

The Federal Review Team noted that, while the MTP identifies environmentally sensitive lands and conservation lands, it does not engage in an overall discussion about environmental mitigation activities and potential areas to carry out these activities. Currently, the MPO examines environmental mitigation on a project-by-project basis using the Efficient Transportation Decision Making process. The Team points to the MTP expectations letter issued by FHWA and FTA in 2012 for further guidance on implementing the requirements for consideration of environmentally sensitive areas (For more information, see page 18 of the Certification Review Report).

Recommendation:

- The Team recommends that the MPO provide a discussion in the MTP of the types of environmental mitigation strategies that may have the greatest potential to restore and maintain the environmental functions affected by the MTP. The MPO should also include the potential areas for which these strategies can be used (page 26).

### **Old Colony MPO (Boston, MA—NH—RI and Barnstable Town, MA TMAs), 2012**

The Federal Team recognizes that the Old Colony MPO has worked to consider and undertake activities that are likely to have a positive effect on climate change in the region, including efforts to support transit expansion in and around the region, as well as linking transportation and land use strategies.

As part of the MPO's 2011 UPWP, the agency undertook a study called "Climate Change Roadway Drainage and Runoff Program" to identify roadway drainage structures that were overwhelmed during extreme weather events that resulted in severe flooding. The study was designed to identify these locations on a map, with environmentally sensitive resources also shown. The report resulted in several recommendations to address storm water runoff, and these efforts will help to reduce the greenhouse gases emitted into the atmosphere.

The MPO developed several Low Impact Design (LID) concepts as a means to accommodate storm water resulting from unusually heavy rainfall that otherwise had no other means for dispersion. One example of a LID concept is the construction swales in developed areas that would collect rainwater and allow it to naturally percolate into the ground, rather than using the

more routine practice of diverting the rainwater into roadway drainage facilities (For more information, see pages 22-24 of the Certification Review Report).

Recommendations:

- The Federal Team recommends that the Old Colony MPO continue to focus some effort on activities that can reduce greenhouse gas emissions, as well as projects that can address the impacts that the region has suffered, resulting from unusually strong and frequent storms that have produced overwhelming amounts of rainfall. In past guidance, FHWA has recommended that MPOs address climate change, in part, by completing an inventory of drainage structures that have been overwhelmed in intense storms. It appears that the Climate Change Roadway Drainage and Runoff Program (FY 2011 UPWP) has done this (page 23).
- The Federal Team recommends that the MPO remain cognizant of these locations, relative to roadway projects that are considered for construction. FHWA emphasizes the importance of considering the inclusion of this work into the roadway project scope, therefore addressing the inadequate ability of the structure to drain the volume of rain water the storm event delivers (pages 23-24).

## SECTION 2-16: CONSULTATION AND COORDINATION

### Regulatory Basis

The requirements for consultation are set forth primarily in 23 CFR 450.316(b-e) which calls for consultation in developing the MTP and TIP. Consultation also is addressed specifically in connection with the MTP in 23 CFR 450.322(g)(1)(2) and (f)(7) related to environmental mitigation. (see also *Transportation Planning Process* topic area)

In developing MTPs and TIPs, the MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies as described below:

- Should to the maximum extent possible, consult with agencies and officials responsible for other planning activities (State and local growth, economic development opportunities, environmental protection, airport operations or freight movements) that are affected by transportation or coordinate the planning process with such planning activities.
- Consider other transportation services that are provided to recipients under 49 U.S.C. 53, 23 U.S.C. 204, and non-profit organizations that provide non-emergency transportation services with assistance from Federal agencies other than U.S. DOT.
- When the MPA includes Federal Tribal Lands, shall appropriately involve the Indian Tribal government(s) in development of the plan MTP and TIP.
- When the MPA includes Federal Public Lands, shall appropriately involve Federal land management agencies in development of the plan MTP and TIP.

In developing the MTP, the MPO shall consult as appropriate with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation. The consultation shall involve, as appropriate (1) comparison of the MTP with State conservation plans or maps, if available, or (2) comparison of the MTP with inventories of natural or historic resources, if available.

In developing and considering potential environmental mitigation to restore and maintain environmental functions affected by the MTP, the MPO shall consult with Federal, State, and Tribal land management, wildlife, and regulatory agencies. See Section 2-15 for more detailed guidance on environmental mitigation.

### What to Look for

Consultation is a mandated core transportation planning activity that supports the overall metropolitan area transportation planning process and development of all key MPO products. The type of consultation this section addresses is NOT typically covered through a traditional PPP, although there may and even should be overlap between strategies and approaches. While there is nothing preventing the agencies covered by the consultation requirements from providing

input through the public participation process, the consultation provisions require the TMA planning partners to actively engage and consult with specified agencies to compare plans and data in developing the MTP and TIP. Effective consultation requires early engagement, direct outreach, information sharing, plan comparisons, and evaluations to meet the Federal regulations.

The MPO shall, to the extent practical, have a formal and documented process for conducting consultation, including identifying pertinent agencies and describing methods for outreach, expected outcomes, measures of success, timetables, and approaches to evaluate success and to make adjustments in the future to improve the process. One metropolitan area might have a centralized process conducted primarily by the MPO, while another might have a series of complementary and coordinated processes conducted by the State DOT, transit operator, or member jurisdictions, as well as by the MPO. Elements required in general public outreach will also enhance consultation efforts, such as timely notice, full access to key decisions and background information, and early and continuing consultation in developing all planning products, including MTPs and TIPs.

A consultation process will also take into account the jurisdictional responsibilities and priorities of the identified governments and public agencies, including Federal Lands Management and Tribal governments, as appropriate. The Certification Review Team must consider the unique situation of each metropolitan area, since no two consultation processes are expected to be identical. The review team should account for differences in the types and numbers of agencies that may be involved in the consultation process, State and local laws and institutional arrangements, the underlying relationship of the MPO to other State and local agencies, and other factors and circumstances.

The consultation process should address consultation with other planning agencies and officials, including applicable Federal Lands Management and Tribal governments affected by transportation. The review team should look for a record of who was contacted, responses, results of comparing plans and programs, how information was used and how information affected the MPO's plan or TIP should be included.

The MPO should make an effort to periodically evaluate the effectiveness of the consultation process to ensure efforts are addressing the diverse needs of the area.

In metropolitan areas with complex governance structures, such as when a TMA is covered by more than one MPO, when TMAs cross State boundaries, or when regional transit operations span more than one MPO or TMA, it may be appropriate or necessary for MPOs and partners to more formally cooperate across jurisdictions in order to effectively plan the regional multi-modal transportation system. For a discussion of cross-jurisdiction cooperation, see [Section 2-24: Regional Models of Cooperation](#).

In summary, the Certification Review Team should look for:

- A documented and agreed to consultation process that clearly outlines roles and responsibilities, methods for outreach and levels of involvement, including periods for

comment, response or consideration of comments, for the various components of the planning process, such as adoption of the MTP and the TIP.

- Efforts (consistent with the size, complexity, and diversity of the region) to inform and engage with the required agencies, including notification of MPO meetings, public forums, documents for review, and other MPO activities where consultation is required.
- A listing (names and addresses) of agencies contacted, including agencies responsible for natural resource, land use, economic development, environmental protection, Federal Public lands, Tribal governments, and para-transit.
- Efforts to organize and present information in a format that can be easily understood and that clearly focuses on the key issues and alternatives under consideration.
- Evidence that demonstrates how consultation occurred and how the knowledge gained was used in the regional transportation planning process.
- Evidence of plans, maps, and data obtained from agencies contacted and records of comparisons to the MTP and TIP.

## **Performance Based Planning and Programming (PBPP)**

Consultation and coordination is fundamental in the planning process. In anticipation of the PBPP Final Rule, Certification Reviews provide Federal teams with important opportunities to encourage MPOs to collaborate with State DOTs and other planning partners to establish performance measures, targets, and data collection and monitoring standards. Inter-agency and inter-governmental coordination for PBPP goal and target setting is important to ensure consistency among metropolitan area priorities, goals, planning documents, and practices used for decision making, and for partners to agree on what is practical and achievable.

See [Section 2-23: Performance-Based Planning and Programming](#) for further discussion on incorporating performance measures into the planning process.

## **Applicability to Certification**

Many MPOs have developed processes to implement the consultation requirements introduced by SAFETEA-LU. The requirement to consult with others, to achieve greater consistency between transportation plans and other plans for managing resources, land use, and economic development, attempts to overcome the frequent tendency to approach transportation planning with a stovepipe perspective.

Early attempts at contacting and involving agencies not traditionally involved in the transportation process may prove challenging, even frustrating. As MPOs (and their planning partners) gain more experience with identifying and consulting with various governments and public agencies, the consultation process should expand and improve. Initially, the Certification Review Team may need to focus on providing ideas and technical assistance to the TMA

planning partners to help them meet the consultation requirements. Ultimately, however, once the MPOs have gained experience in this area, we will need to raise the bar on the expected performance and outcomes of the consultation process.

The initial role for FTA and FHWA in the Certification process should be to foster change and process improvement. While we have a responsibility to ensure compliance, we need to proceed more as a mentor than a checker. We should look for good practices and good faith efforts and should work with the planning partners to improve the process.

Areas that present ongoing challenges to most MPOs and may merit detailed attention include the following:

- Initial development and documentation of consultation processes, followed by subsequent evaluation of effectiveness
- Identification and initial contact with appropriate agencies
- Meaningful participation by resources and other agencies
- Documentation of how a comparison of plans and other input was considered in the MTP and TIP development process and response to comments
- Coordination between metropolitan and Statewide consultation processes

### **Sample Discussion Questions**

1. How was the consultation process developed and who participated in its development? How is the process documented?
2. What opportunities are provided for agency consultation at key decision points in the planning, programming (TIP) phases of transportation planning decision-making?
3. Are different procedures used for consultation with State, Tribal, and local and Federal Lands Management agencies responsible for land-use management, natural resources, environmental protection, conservation, and historic preservation? If so, how are they different?
4. What financial and personnel resources are devoted to implementing the consultation process?
5. How are agencies informed of consultation activities and opportunities for review at key decision points including but not limited to approval of MTPs and TIPs?
6. How does the consultation process demonstrate explicit consideration and responsiveness to input received? What kind of feedback did the agencies receive on the proposals and questions they put forward?

7. How is consultation in the metropolitan transportation process coordinated with the Statewide consultation process to enhance public consideration of issues, plans, and programs?
8. Does the MPO employ any visualization techniques to assist agencies in understanding the transportation plan elements? If so, what types of techniques? What are the results?
9. How is the Transportation Plan compared with State conservation plans and maps?
10. How is the Transportation Plan compared to inventories of natural or historic resources?

### **Performance-Based Planning and Programming (PBPP) Questions**

Within [Section 2-23](#) of the Handbook, there are a few PBPP questions that apply to Consultation and Coordination, including 1 and 2. Additionally, within the list of suggested questions above, 2 and 7 can be modified to focus on performance. An additional Consultation and Coordination question relevant to PBPP follows:

1. Can you describe the process of consultation and coordination within the region that has established any of your performance measures and targets?

*For other PBPP related questions, please see [Section 2-23: Performance-Based Planning and Programming](#).*

Questions can be addressed to staff from the MPO and other participating agencies to gain different perspectives, including working toward a shared understanding of and commitment to PBPP.

### **Possible Federal Actions**

1. Corrective Actions would be warranted for any serious deficiencies in meeting the regulatory requirements (e.g., no efforts to consult with required agencies have occurred).
2. Corrective Action may be warranted where efforts were superficial or where no record exists to support claims of consultation.
3. If an area includes Indian Tribal lands and no effort to engage them in the process has occurred, a Corrective Action would be warranted.
4. While the review teams should be careful not to substitute their judgment for that of the MPO, in cases where the record shows a pattern of well-reasoned input being ignored, a Corrective Action may be warranted.
5. Where MPOs have developed procedures and have documented extensive efforts to engage appropriate agencies in consultation with no or little results, Recommendations would be appropriate along with a commitment of Federal assistance.

6. Recommendations would be appropriate regarding improvements to the existing consultation process for those shortfalls not quite to the level requiring Corrective Actions, but still requiring attention.
7. Commendations would be appropriate for innovative consultation methods.

## **Examples of Effective Federal Team Findings and Federal Actions**

### **Pioneer Valley MPO (Springfield, MA—CT TMA), 2012**

Several years ago, the MPO changed its representation to have six subregions that represent the MPO. The MPO staff visited each subregion during the development of the MTP to solicit information about transportation needs. Consultation with these subgroups helped shape the MTP.

The MPO staff indicated that it had consulted with local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation for the development of the MTP. However, the MPO consulted with these agencies after the MPO had identified the regional priority projects (see pages 9-10 of the Certification Review Report).

The Review Team concludes that the MPO staff has made a good effort to consult with agencies and others responsible for other planning activities within the metropolitan planning area that are affected by transportation (see pages 14-15 of the Certification Review Report).

#### **Recommendation:**

- The Team recommends that the MPO improve consultation and coordination efforts leading to the development of the MTP through early meetings and discussions with agencies having responsibility over land use management, natural resources, environmental protection, conservation, and historic preservation. Little coordination occurs with these agencies prior to the identification of projects to be included in the MTP. The MPO should document these meetings and discussions and include in the MTP, as this documentation will show that an appropriate level of coordination occurred during MTP development (page 10).

### **East-West Gateway Council of Government (St. Louis, MO—IL TMA), 2013**

MoDOT submitted the Poplar Street Bridge/I-55/I-70 Interchange project, for inclusion in the FY2012-2015 TIP. When some of MPO Board members expressed strong concerns about the project's design, the Board of Directors approved the FY 2012-2015 TIP without the project.

As MoDOT continued developing the Interchange project in its original configuration, concern related to the removal of the eastbound I-70 ramp continued to grow among a number of the Illinois members of the MPO Board. Due to the regional nature of the project and the concerns expressed, the MPO Board held a special meeting. At this meeting MoDOT and IDOT presented information related to the project, including the alternative concepts considered. MoDOT made it

clear that if the project did not move ahead to implementation as proposed, a significant portion of the funding would go to projects outside of the St. Louis region.

At the close of the special meeting the MPO Board directed staff to solicit and contract with a consultant to complete an independent study to determine if there is a potential solution that would retain both I-70 ramps while still making MoDOT's planned improvements to the I-55 ramps. The consultant would also develop a report that examines the benefits, impacts, and costs of the various options.

The consultant presented the results of the independent review of the interchange project at a special MPO Board meeting. The MPO Board and State DOTs received the consultant's recommendations amicably. The MPO Board approved the FY2013-2016 TIP at their regularly scheduled meeting with the understanding that the recommended improvements identified in Phases 1 and 2 of the Poplar Street Bridge Independent Review would be amended into the TIP in January 2013 (see page 32 of the Certification Review Report).

Commendation:

- The MPO is commended for its strong leadership in facilitating the resolution of the long standing MoDOT and IDOT design issues in connection with the Poplar Street Bridge /I-55/I-70 Interchange project (page 32).

### **Regional Transportation Commission of Washoe County (Reno, NV—CA TMA), 2012**

The MPO maintains ongoing coordination with a number of stakeholder agencies through the TAC and other outreach efforts. Recent outstanding examples of outreach include coordination with neighboring MPOs and other stakeholders through the establishment of the Northern Nevada Transportation Collaborative and well as improved coordination with the Truckee Meadows Regional Planning agency related to development of new land use and travel demand models for the region.

The MPO is working to improve outreach, communication, and consultation with Tribes as well as State and Federal land management, wildlife, and regulatory agencies as evidenced by the Public and Agency Participation Plan that has been developed for the RTP update process. This is an area that will require ongoing effort for continued improvement (see pages 26-27 of the Certification Review Report).

Recommendation:

The Federal Team commends the MPO for recent efforts to improve outreach, communication and consultation with other governments and agencies. The Team encourages the MPO to continue to seek ways to better engage agencies and officials responsible for other planning activities in the region. In particular, additional effort is needed to improve consultation with Tribal, Federal, State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation (page 27).

*Performance-Based Planning and Programming (PBPP) Examples*

**Indianapolis MPO (Indianapolis, IN), 2014**

Recommendation:

- In accordance with guidance under development by FHWA and FTA pursuant to MAP-21, IMPO, INDOT, IndyGo and CIRTAs should coordinate as appropriate in developing asset management systems for pavement, bridges, and transit. The planning partners should collect data and set targets to measure progress for the following core performance measures: pavement condition; transit state of good repair; highway safety; transit safety; traffic congestion; emissions; and freight movement.

**Lincoln Area MPO (Lincoln, NE), 2013**

Recommendation

- The Lincoln MPO should begin strategizing how best to integrate Performance based planning into the Development of the Long Range Transportation Plan and Transportation Improvement Programs. In addition, NDOR and the MPO should begin coordinating to ensure consistent data collection and process between the state and MPO process are in place once the National Performance Measures are in place.

*For more examples of effective team practices related to performance in the planning process, see [Section 2-23: Performance-Based Planning and Programming](#).*

## SECTION 2-17: MANAGEMENT AND OPERATIONS CONSIDERATIONS

Federal statute 23 U.S.C. 134 (h)(1)(G), requires the metropolitan planning process to include the consideration of projects and strategies that will:

*promote efficient system management and operation;*

Federal statute 23 U.S.C. 134(i)(2)(D), which provides the basis for 23 CFR 450.322(f)(3), specifies that:

*Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods;*

Additionally, 23 CFR 450.322(f)(10)(i) further requires that the financial plan for the MTP – and per the 23 CFR 450.324(h), the financial plan for the TIP – must include:

*For purposes of transportation system operations and maintenance, the financial plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways and public transportation.*

### What to Look for

Management and Operations (M&O) is an integrated, multimodal approach to optimize the performance of the existing transportation infrastructure. M&O strategies emphasize regional operations collaboration and coordination activities among transportation, public safety, and other agencies. These strategies also enable transportation agencies to provide higher levels of customer service in the near-term without incurring the high costs and time to implement major infrastructure projects. The CMP can play a key role in determining how M&O strategies are addressed and documented and should reflect the performance measures deemed important by local decision-makers and stakeholders. These measures should reflect the modal composition of the region and not be restricted to traffic congestion. Typically, they will go beyond congestion to include more broadly defined measures for tracking multimodal options and mobility. In addition, financial planning for both the MTP and the TIP must include specific consideration of M&O strategies for the existing transportation system as an initial step in funding proposed projects and programs.

It is recommended that the MTP include measurable regional operations goals and objectives. This approach would also be reflected in the CMP through regional system performance measures and in the TIP through the project selection process.

It is important to note that M&O does not encompass traditional maintenance activities, such as lawn cutting, pothole repair, or resurfacing. M&O strategies focus on optimizing the

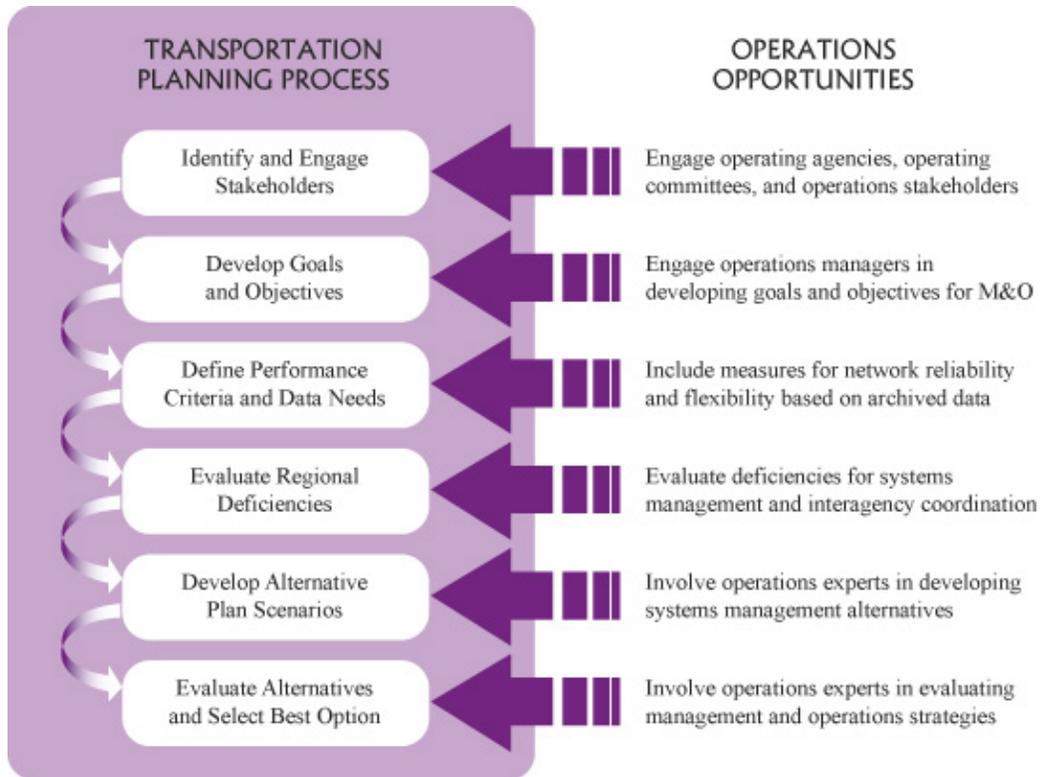
performance of the transportation system as a whole, in a regionally coordinated, strategic manner.

Key characteristics and examples of effective incorporation of M&O strategies in the transportation planning process include:

- Specific goals/policies that relate to the efficient management and operation of the transportation system.
- Objectives that allow the region to track progress toward achieving its goals for systems performance. These objectives may focus on multimodal mobility/throughput as well as on recurring and non-recurring traffic congestion and strategies for improving system performance. They may also address other subject areas such as traffic incident management; traveler information (for roadways and transit); work zones; transit priority systems; freeway management; roadway weather; automated vehicle location for transit; electronic payment services for transit, parking and tolling; freight management; multi-jurisdictional traffic signal coordination; and coordination of highway, rail, transit, bicycle, and pedestrian operations.
- Clear strategies for M&O that address both short- and long-term system performance to implement the MTPs objectives.
- A coordinated program for **data collection and system performance monitoring** to define system performance measures and threshold values for determining need, as well as the extent and duration of congestion, to assist in the determination of the cause of congestion, and to help evaluate the efficiency and effectiveness of implemented actions.
- **The CMP includes a process that evaluates** the anticipated performance and expected benefits of **congestion management strategies** that will contribute to the operational performance and management of the existing transportation system; Examples include:
  - Demand management measures, including growth management and congestion pricing, traveler information systems, fare payment integration mediums (e.g., smart card or transfer pass), carpool programs, HOV- and HOT-lane implementation;
  - Traffic operational improvements to address recurring and non-recurring congestion, including multimodal approaches such as coordinated signal systems, bus pre-emption and dedicated busway considerations, and bus rapid transit (BRT) projects;
  - Public transportation improvements, including bus priority signal pre-emption systems, dedicated busway/BRT projects, light and commuter rail systems projects;
  - ITS technologies as related to the regional ITS architecture; and,
  - Where necessary, additional system capacity.
- The CMP is not fiscally constrained and should provide a potential **implementation schedule, responsibilities, and funding sources** for each M&O strategy (or combination of strategies) proposed for implementation.

- The CMP includes a process for **periodic**—typically three to four years—**assessment of the effectiveness of M&O strategies after they have been implemented**, in terms of the area’s established performance measures.
- The financial plans underlying the MTP and TIP include a methodology to assess the **costs associated with maintaining and operating** the existing transportation system and the revenue available to meet those costs.
- Strategies included in the MPO’s TIP and MTP documents must be demonstrated to be consistent with the MPO’s ITS Regional Architecture. The maintenance plan for the region’s ITS Architecture is kept current with the MPO involved in the maintenance activities for the region’s architecture.

Look for additional areas of opportunity to incorporate M&O in the planning process. Figure 2-17.1 shows selected steps in the transportation planning process and corresponding M&O opportunities for each.



**Figure 2-17.1: Examples of Opportunity for M&O in the Transportation Planning Process<sup>1</sup>**

<sup>1</sup> FHWA. *Getting More by Working Together — Opportunities for Linking Planning and Operations*. Available on the web at: [http://ops.fhwa.dot.gov/publications/lpo\\_ref\\_guide/ex02.htm](http://ops.fhwa.dot.gov/publications/lpo_ref_guide/ex02.htm).

## **Expectation**

The MTP includes:

- A vision, goals, and objectives that address management and operations for the region to reduce recurring and non-recurring congestion and improve system performance;
- Measurable objectives that allow the region to track progress toward achieving its goals; and,
- Clear strategies for M&O that are drawn from the CMP and justified on the basis of specific performance measures for evaluation;

The resulting MTP and TIP:

- Contain projects prioritized on the basis of performance;
- Identify regionally important M&O strategies that are developed within a multimodal planning context and applied in the region regardless of funding source;
- Contain strategies addressing both short- and long-term system performance; and,
- Are accountable financially for the overall M&O within the entire region for both the existing and proposed transportation system.

## **Performance Based Planning and Programming (PBPP)**

While there are no specific required performance measures or related targets for Management and Operations (M&O), MPOs should be planning and adopting measureable objectives, in anticipation of the MAP-21 Final Regulations, to track progress towards specific regional goals for transportation system M&O.

See *Section 2-23: Performance-Based Planning and Programming* for further discussion on incorporating performance measures into the planning process.

## **Applicability to Certification**

The MPO must identify strategies in the MTP to manage and operate the existing transportation system in such a way as to improve performance of the transportation system as a whole. In addition, the financial plan for the MTP and TIP must account for the costs of operating and managing the existing and the proposed future transportation system. Compliance is demonstrated by:

- Consistent use of data and strategies to address M&O on the existing system within the CMP, the MTP, and the TIP;
- The use of data and an evaluation process outlined in the CMP to assess the effectiveness of proposed management and operations strategies on the existing system;
- A process to track and evaluate CMP performance measures to ensure strategies are implemented effectively and are accounted for throughout the planning process;
- A methodology to document the costs of maintaining and operating the existing Federal-aid transportation system in both the MTP and TIP; and,
- Documentation that revenue sources are adequate to cover the costs identified for the maintenance and operation of the existing transportation system as identified in the MTP and TIP.

## **Sample Discussion Questions**

1. Does the MTP include M&O strategies proposed for funding under Titles 23 or 49 that are supported by specific goals and measurable objectives contained in the plan? What involvement does the operations community have in the development of these goals, objectives and strategies, and more generally, in the planning process? Are these M&O strategies consistent with those contained in the MPO's CMP?
2. What mechanism(s) are in place for measuring performance of M&O goals and objectives?
3. How is the ITS Regional Architecture related to the planning process? Are the ITS projects in the MPO's TIP and MTP documents that support M&O strategies consistent with the ITS Regional Architecture?

4. Is a data collection and analysis process in place to assess the existing transportation system for management and operational efficiencies? Have current operations conditions been adequately assessed to form a baseline?
5. How is the operation of the transit network a clear focus of attention? Are multimodal approaches such as coordinated signal/bus pre-emption systems, dedicated busway considerations, and/or BRT projects included?
6. What steps have been taken to ensure that transit operations are discussed on a regular basis in your metropolitan area?
7. What medium of transit M&O strategies are implemented in your area to improve the performance of existing transportation facilities?
8. What process is in place to track and inform elected officials and the public on progress of the MTP and TIP toward the inclusion and implementation of M&O goals and objectives?
9. How are the operational strategies in the MTP and TIP identified to allow stakeholders to clearly see the corresponding levels of investment?
10. If the MPO is multi-State/multi-jurisdictional, or its planning boundary is adjacent to a metro area in another country, how does the MPO collaborate and/or coordinate the multi-jurisdictional nature of its M&O efforts therein or with those of the other areas?
11. Does the MTP and TIP include a documented methodology for assessing the costs associated with maintaining and operating the existing Federal-aid transportation system? Does the methodology also assess revenue availability to fund the associated costs?
12. Has the MPO region been utilizing a Regional Concept for Transportation Operations (RCTO)? The RCTO is a collaborative process that develops a short-term (typically three to five years) objectives-driven M&O approach agreed upon by a diverse group of transportation operations stakeholders interested in improving the performance of the region's transportation system. For more information on RCTO, refer to: [http://plan4operations.dot.gov/reg\\_concept.htm](http://plan4operations.dot.gov/reg_concept.htm).
13. How frequently does the MPO region evaluate performance measurements utilized for M&O for the MTP and TIP?

### **Performance-Based Planning and Programming (PBPP) Questions**

As with CMP, there are elements of the M&O that inherently incorporate performance measures. With some modifications, some of the questions above can be usefully related to PBPP. These include Questions 1, 2, 4, 5, 7, 8 and 13.

*For other PBPP related questions please see [Section 2-23: Performance-Based Planning and Programming](#)*

## **Possible Federal Actions**

1. Corrective Action(s) for any obvious omission in the MTP or TIP of a financial assessment of the costs associated with the M&O of the existing transportation system and the revenue sources available to fund those costs.
2. Corrective Action for any MTP that does not include specific M&O strategies to improve the performance of the region's transportation system for which Title 23 or Title 49 funds are requested.
3. Recommendations to include measurable system M&O objectives/policies in the MTP in order to strengthen the tie between the MTP and CMP.
4. Recommendation that the MPO facilitate a forum where inter-jurisdictional management and operations coordination, funding strategies, and data sharing are addressed.
5. Recommendation that the MPO implement an objectives-driven, rather than project-driven planning process, for management and operations that focuses on both short- and long-term system performance using established system performance measures rather than focusing on the implementation of projects as a measure of success.
6. Recommend that the MTP includes M&O goals that support measurable regional operations objectives, and describes M&O strategies for achieving regional operations goals and objectives. This section should describe existing system performance, projected system performance in the absence of the plan's M&O strategies, and expected system performance with the inclusion of all planned M&O projects and strategies.
7. Recommend an examination of ongoing system monitoring efforts as a starting point for a performance measurement program.
8. Recommend that the MPO region utilize the RCTO.
9. Recommend that a regular reporting schedule (suggested annually) be established for monitoring the effectiveness of M&O strategies that are included in the MPO's MTP.
10. Cite additional assistance including follow-up trainings by the Resource Center and Headquarters (e.g., workshops on CMP and on performance measures, Traffic Analysis Toolbox).

## **Examples of Effective Federal Team Findings and Federal Actions**

### **Metropolitan Transportation Commission (San Francisco—Oakland, CA; Antioch, CA; Concord, CA; San Jose, CA; and Santa Rosa, CA TMAs), 2012**

Current planning regulations require that the MTP consider maintenance and operating costs. To this end, the MPO is required to define an adequate level of funding to adequately maintain the transportation system, including for transit systems. The Federal Team noted that the MPO's

current MTP presents the funding required to maintain adequate maintenance levels (which is fully funded within the MTP) and funding needed for an ideal level of transit system maintenance for the regional transit system (which is not fully funded within the MTP). This innovative presentation allows the public to see the shortfall between adequate and ideal levels of transit system maintenance funding, as well as the funds that would be required to be raised from other sources to achieve the ideal level of maintenance funding (For more information, see page 13 of the Certification Review Report).

Commendation:

- The MPO is commended for the analysis presented in their current MTP on transit maintenance costs. The Federal Team applauds the innovative approach used by the MPO and encourages other MPO's to provide this level of analysis in their MTPs (page 13).

### **Regional Transportation Commission of Washoe County (Reno, NV—CA TMA), 2012**

The Federal Team noted that the 2030 MTP for the Washoe RTC discusses the total funded needs (\$8.2 billion) and unfunded needs (\$8.65 billion) for highway operations and maintenance and total funded needs (\$1.6 billion) and unfunded needs (\$4.8 billion) for transit operations and maintenance. The MTP does not offer any further explanation of how that relates to the “adequate” operation and maintenance of those facilities, such as how the RTC will prioritize the usage of those funds (For more information, see page 28 of the Certification Review Report).

Recommendation:

- The RTC needs to clearly show the comprehensive system-level estimates of operation and maintenance costs for federally supported facilities and services in the Financial Plans for the MTP and the TIP. The Financial Plans should clearly demonstrate that the RTC takes these operation and maintenance costs into account to determine resources remaining that are available for capital expenditure (page 28).

### **East-West Gateway Council of Government (St. Louis, MO—IL TMA), 2013**

Since the 2009 Certification Review, the MPO has taken steps to develop a process for documenting system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain locally owned Federal-aid highways and public transportation. This process also includes the incorporation of operation and maintenance costs developed by MoDOT for State-owned Federal-aid highways located within the St. Louis metropolitan area. (For more information, see page 28 of the Certification Review Report).

Commendation:

- The MPO is commended for its enhanced demonstration of fiscal constraint, including the documentation of operation and maintenance cost estimates and State and local revenues in the TIP Financial Plan (page 28).

*Performance-Based Planning and Programming (PBPP) Examples*

**Greater Bridgeport/Valley MPO (Bridgeport—Stamford, CT—NY), 2014**

Recommendation:

- Funding for the local agency operations of the existing highway system (such as traffic signal operations) is significantly underrepresented within the GPVMPO's 2011 transportation plans and programs. Moving forward, an increased emphasis and consideration towards the development of policies, goals, objectives, performance measures, and needs for use in developing strategies and projects to improve the operation and management of existing highways and public transportation facilities is highly recommended. The approach by the Valley Council of Governments on establishing a TSMO task force has the potential for being effective in assisting the region in planning for operations. The GBVMPO should take advantage of an upcoming training opportunity being planned by FWWA on planning for operations.

**Sacramento Area COG (Sacramento, CA), 2011**

Regional Concept for Transportation Operations (RCTO) Documentation: During the site visit, SACOG discussed how they currently have not been using a formal RCTO process. A RCTO record would assist in the planning and implementation of management and operations strategies in a collaborative and sustained manner and help SACOG's partner agencies to think through and reach consensus on achievements for the next three to five years, and how to get there.

SACOG does, however, regularly consult with stakeholders on near-term opportunities to improve regional transportation system performance and performance measure monitoring, where coordination activities primarily take place through advisory groups including the ITS Partnership, Public Works Coordination Group, Transportation Coordinating Committee, and Regional Planning Partnership. SACOG's recently completed MTP focus groups provide an additional means for input on improving the region's transportation system and for establishment of new performance measures.

Recommendation:

In support of formalization and consistency assurance, we encourage SACOG's utilization of a documented RCTO process. For more information on a RCTO, please refer to <http://ops.fhwa.dot.gov/publications/rctoprimer/prim0702.htm>.

*For more examples of effective team practices related to performance in the planning process, see [Section 2-23: Performance-Based Planning and Programming](#).*

## SECTION 2-18: TRANSPORTATION SAFETY PLANNING

### Regulatory Basis

SAFETEA-LU requires MPOs to consider safety as one of eight planning factors. As stated in 23 CFR 450.306, the metropolitan transportation planning process provides for consideration and implementation of projects, strategies, and services that will increase the safety of the transportation system for motorized and non-motorized users. Safety was identified in TEA-21 as a planning factor, in combination with security. SAFETEA-LU emphasized the importance of safety by separating safety and security into individual considerations in the planning process, thus highlighting the importance of each issue.

In addition, SAFETEA-LU established a core safety program called the Highway Safety Improvement Program (HSIP) (23 U.S.C. 148), which introduced a mandate for [Strategic Highway Safety Plans](#) (SHSPs) that are collaborative, comprehensive and based on accurate and timely safety data. An SHSP is a Statewide coordinated safety plan that provides a comprehensive framework for reducing highway fatalities and serious injuries on all public roads. The SHSP strategically establishes Statewide goals, objectives, and key emphasis areas developed in consultation with Federal, State, local, and private sector safety stakeholders, as well as operators of other modes. SHSPs will undoubtedly lead to further collaboration among transportation planners, traffic engineers, safety stakeholders, and others. Metropolitan and Statewide transportation planners must be an integral part of the SHSP process. The goals, objectives, and strategies of the SHSP should be integrated into Statewide and metropolitan transportation plans as well as TIPs to place safety on par with other planning factors, particularly in choosing or evaluating new and continuing projects and initiatives. These types of best practices have the added benefit of helping to satisfy the safety-planning factor required for the transportation planning process.

23 CFR 450.306 (h) states that the metropolitan transportation planning process should be consistent with the SHSP, and other transit safety and security planning and review processes, plans, and programs as appropriate.

23 CFR 450.322 (h) encourages the inclusion of a safety element in the MTP that incorporates or summarizes the priorities, goals, countermeasures, or projects for the MPA contained in the SHSP, as well as (as appropriate) emergency relief and disaster preparedness plans and strategies and policies that support homeland security (as appropriate) and safeguard the personal security of all motorized and non-motorized users.

Safety also appears in the Metropolitan Transportation Planning rule as a consideration in the CMP (23 CFR 450.320), Development and Content of the MTP (23 CFR 450.322), and Development and Content of the TIP (23 CFR 450.324).

### What to Look for

Transportation Safety Planning (TSP), with the implementation of the SHSP, is a comprehensive, system-wide, multimodal, and proactive strategic process that better integrates

safety into the planning and decision-making processes. The predominant characteristics of transportation safety planning include:

- A **collaborative** process that brings together DOTs, MPOs, regional councils, and transit agencies. Highway safety professionals, law enforcement officers, data analysts, elected officials and the public are engaged as well.
- A **data-driven approach** because the concept uses crash, enforcement, and other types of safety-related data: (1) to identify current problems, (2) to proactively seek strategies to prevent crashes before they happen, (3) to prioritize and select projects and programs, and (4) to evaluate the results.
- A **comprehensive** approach because it includes all aspects of transportation safety: engineering, education, public awareness, enforcement, and emergency medical response. It goes beyond the traditional “hot spot” analysis and looks at corridors and system-wide assessments. It is also multimodal and incorporates strategies related to transit and non-motorized road users.

The intent is to address transportation safety in long and short range transportation plans and programs on par with other transportation planning priorities such as congestion management, air quality, and economic development. Expectations are as follows:

- Transportation planners are familiar with safety issues and concerns (identified in the SHSP) within their metropolitan planning areas.
- Long-range transportation plans include a safety element with identified safety goals, objectives, strategies, and countermeasures.
- The planning process uses data and analysis to benchmark and measure safety concerns.
- The TIP has safety criteria and data analyses built into its project prioritization process.
- Projects in the TIP are consistent with SHSP strategic goals.

While safety is an integral consideration in all transportation projects, stand-alone safety projects are also important. In the TIP, stand-alone safety projects can be grouped under the provisions of 23 CFR 450.324(f). Whether grouped or listed individually, the process for identifying and prioritizing safety countermeasures should be the focus of the review team’s investigation.

### **Applicability to Certification**

The basic requirement is that the MPO, through the 3-C transportation planning process, considers safety in planning and programming. Compliance is demonstrated by:

- The inclusion of measurable safety goals and objectives in the MTP.
- The consistency of safety between the long-range transportation plan, TIP, and SHSP.

- A collaborative process among key planning and safety professionals (e.g., transit operators, bike/pedestrian specialists, enforcement officers, emergency medical services managers [EMS], data managers, motor carriers, and traffic operations planners) in the development of the long-range transportation plan and the TIP.
- The use of safety project prioritization criteria in the TIP development.
- Inclusion of transportation safety planning work activities in the UPWP, including safety-focused projects like trends analysis and forecasting and/or the inclusion of safety within the scope of regional or corridor-level transportation planning studies.
- Training availability in Transportation Safety Planning and SHSP development for planning staff.
- Participation in the SHSP development and implementation process.

## **Sample Discussion Questions**

### **Goals**

1. How is the safety planning factor considered in your planning process?
2. Describe the collaborative process for developing safety goals, objectives, performance measures, and strategies for the MPA.
  - a. Who are the safety partners that are involved?
  - b. Is the collaboration institutionalized or ad hoc?
  - c. How does the TMA safety process relate to the SHSP process?
3. How is safety addressed as an explicit goal in your planning process and your MTP?
  - a. What safety related goals and objectives have been identified?
  - b. Have safety goals and objectives been developed to cover all modes of transportation (transit, bicyclists, pedestrian, freight)?
4. Describe how the safety goals and objectives for the MPA are consistent with the SHSP. For example, are “number of crashes” consistent between your safety plan and the SHSP?

### **Data Analysis**

5. What safety data does the MPO collect or obtain from other sources?
  - a. (i.e., fatalities, serious injuries, crash rates, crash hot spots, collision inventories, pedestrian injuries, behavior statistics, driver’s age, location, GIS, and roadway inventory data etc.)?
6. How are safety performance measures incorporated in the planning process? If so, what metrics are used?

### **Planning Process**

7. How is safety addressed in public involvement activities of the MPO?
8. How do the MTP and TIP consider safety of all road users on all public roads?
9. How are safety impacts of potential transportation projects evaluated?
10. What safety data collection and analysis tasks are included in the UPWP?
11. How is safety addressed in Purpose and Needs statements of projects in the TIP?

### **Implementation**

12. How is safety considered in determining which projects will be included in the MTP?
13. What implementation steps are included for the safety component of the MTP?
14. In the programming process, is “safety” a project prioritization factor?
15. Identify projects included in the TIP that relate exclusively to “safety.”
16. What is the mechanism for including HSIP funded projects, which are within the MPA, in the TIP?
17. What are the plans for addressing safety in the next TIP and MTP update?

### **Possible Federal Action**

1. Lack of consideration for the safety planning factor may warrant Recommendations for improvement. Corrective Action is not likely in this area given that failure to consider the Planning Factors cannot be the basis for Certification (23 CFR 450.306 (c)).
2. Demonstration of consistency between the transportation planning process and the SHSP is encouraged (23 CFR 4350.306 (h)). Leniency in the regulation may lead to Recommendations for specific actions by the planning partners to better integrate safety.

This may include Recommendations for setting safety goals, objectives, and performance measures and then sharing these goals with safety partners. Safety criteria can be used in project prioritization, as a safety element in the MTP, to convene a regional safety forum or committee, or to prepare safety data analysis for consideration by technical and policy committees.

3. Encourage participation in regional SHSP implementation efforts as a message to both the MPO and the State DOT responsible for preparing the SHSP.
4. Ensure capital and non-capital safety projects included in the State’ SHSP that are within the boundaries of the MPA are included in the TIP (23 CFR 450.324(c)).

## Examples of Effective Federal Team Findings and Federal Actions

### Central Massachusetts MPO (Worcester, MA—CT TMA), 2013

The Federal Team noted that the MTP has a robust discussion on transportation safety relative to highway, transit, rail, and pedestrian/bicycle modes. Examples of coordination with these modes include:

- Highway – The HSIP and the SHSP heavily influence the MPO’s highway safety program. The MPO has programmed safety-related projects in the TIP using HSIP funding. The 2012-2015 TIP shows that each element of the TIP has HSIP funds programmed for various transportation projects that address safety.
- Transit – MPO staff work closely with the Worcester Regional Transit Authority (WRTA) to update the MTP with information about the transit system’s current operations as well as planned operations activities in the future. WRTA collaborates with the MPO and MassDOT to carefully consider the location of its bus stops to optimize safety.
- Rail – The MTP explains that the MPO agrees with Operation Lifesaver, a rail safety education partner, which advocates the use of safe engineering practices for at-grade railroad crossings.
- Pedestrian/Bicycle – Both the MTP and the MPO’s Bicycle and Pedestrian Plan recommend prioritizing locations with high bicycle and pedestrian crashes as future TIP projects. MPO staff also created the Pedestrian and Bicycle Plan in consultation with the HSIP Program and the SHSP.

#### Commendation:

- The Federal Team commends the MPO for its commitment to prioritizing safety-related transportation projects across all modes. The collaborative work that the MPO has done with many partners, stakeholders, and other participants in the process has resulted in a truly multimodal approach to determining and addressing transportation safety needs (page 10).

#### Recommendation:

- The Federal Team recommends that the MPO work closely with FHWA, FTA, and MassDOT to look for opportunities to enhance transportation safety in the planning process, as performance management will likely play a role in future transportation policies (page 11).

### Regional Transportation Commission of Washoe County (Reno, NV—CA TMA), 2012

The Federal Team noted that the MPO evaluates safety and uses the results as a factor in identifying and prioritizing transportation system improvements. The MPO is also a key participant in the development of the Nevada SHSP and is a designated strategy leader for several Critical Emphasis Area strategies related to intersection and pedestrian safety.

The MPO should work toward fully integrating safety considerations into transportation planning and decisionmaking processes. The MPO may accomplish this by incorporating safety into the vision statement for the MTP and by developing goals, objectives, and performance measures related to safety that are derived from the SHSP. The MPO should use safety data and analysis tools to develop strategies and actions and to help prioritize projects achieve the safety-related goals and objectives. The MPO should use appropriate monitoring information to determine the effectiveness of safety related strategies and actions and whether performance targets are being achieved (see pages 29-30 of the Certification Review Report).

Recommendation:

- As part of development of the vision and goals for the next MTP update, the Federal Team recommends that the MPO develop at least one safety goal (derived from the Nevada SHSP) and work toward integrating safety into the project prioritization and selection process and establishing a framework for monitoring the effectiveness of safety related strategies and actions (page 30).

**Denver Regional COG (Denver—Aurora, CO TMA), 2012**

The MPO incorporates safety performance measures into the planning process by tracking total crashes and fatalities and fatal and injury crash rates over time. The MPO presents the data in the MTP and uses it in the development of the CMP. The MPO also used a safety weighted hazard index to evaluate roadway capacity projects considered for inclusion in the MTP. For TIP roadway project evaluations, the MPO considers existing crash measures (type and number) as well as the estimated reduction in crashes due to the proposed improvements (see page 23 of the Certification Review Report).

Although the MPO and its planning partners have established measurable goals for overall roadway crashes, the MPO has not developed measurable safety goals and objectives to cover all modes of transportation, including transit, bicyclists, pedestrians, and freight. Based on output from the new and upcoming safety reports, and in consideration of statewide goals, the next MTP will establish specific goals in some (or all) of these modal areas.

While the MPO does include safety goals in the MTP, it does not identify and establish safety emphasis areas. Moreover, the MTP does not identify implementation steps for the safety component, other than noting types of safety improvements that should be considered for applicable projects.

Commendation:

- The Federal Team commends the MPO for its use of a safety policy, action strategies, and safety goals from State plans in its MTP. The presentation of safety performance measures in the MTP is also commendable (page 23).

Recommendations:

- The MPO and its partners should jointly coordinate the development of safety goals and objectives to cover all modes of transportation, including transit, bicyclists, pedestrian, and freight (page 32).
- The MPO and its planning partners should identify and establish safety emphasis areas for the TMA. The MPO should include the findings and emphasis areas derived from the SHSP in its MTP (page 33).

## SECTION 2-19: SECURITY IN THE PLANNING PROCESS

### Regulatory Basis

Federal legislation has separated security as a stand-alone element of the planning process (both metropolitan and Statewide planning). Prior to SAFETEA-LU, safety and security were combined into one planning factor. Decoupling the two concepts in SAFETEA-LU signified a heightened importance of *both safety and security* to transportation decision-making.

#### Metropolitan Planning Factors: 23 CFR 450.306(a)(3)

*The metropolitan transportation planning process shall be continuous, cooperative, and comprehensive, and provide for consideration and implementation of projects, strategies, and services that will address the following factors:*

*(3) Increase the security of the transportation system for motorized and non-motorized users:*

#### Statewide Planning Factors: 23 CFR 450.206(a)(3)

*Each state shall carry out a continuing, cooperative, and comprehensive statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will address the following factors:*

*(3) Increase the security of the transportation system for motorized and non-motorized users;*

The regulations also state that the degree and consideration of security should be based on the scale and complexity of many different local issues.

The MTP should include:

*“(as appropriate) emergency relief and disaster preparedness plans and strategies and policies that support homeland security (as appropriate) and safeguard the personal security of all motorized and non-motorized users.” 23CFR 450.322(h)*

The inclusion of the “as appropriate” language suggests standards and security planning needs are different for each MPO. Each MPO and State DOT is challenged to develop a holistic approach based on area-specific assets, resources, and environment.

### What to Look for

While some regions seek a clear description of what security planning means, others are comfortable with a vague definition. FHWA and FTA generally define security planning as planning related to an event that is beyond the ability of local authorities to handle and respond

to an emergency. In SAFETEA-LU, there is no security plan required from the MPO. Rather, each MPO is encouraged to create a local definition that fits both regional needs and addresses the SAFETEA-LU planning factor.

Both 9/11 and Hurricanes Katrina/Rita had massive effects on the transportation system and highlighted the benefits of advanced planning to deal with these types of emergencies. We need to realize that the security issue does not have to be a once-in-a-generation event to benefit from collaboration and consideration early in the planning process. Every region should be communicating with their local counterparts to prepare for expected emergency situations (e.g. floods in coastal regions, blizzards in the northern States).

The role of the MPO in regional planning and decision making will vary from one region to another. Some MPOs have a long history of strongly influencing operations strategies, regional vision, and land use development. Other MPOs have very little authority or responsibility beyond that of developing the MTP and TIP. However, the degree of involvement of an MPO in security planning is not always commensurate with their involvement in other regional activities. MPOs located in regions prone to natural disasters (e.g., hurricanes, tornados, etc.) tend to be more involved in security planning for reasons other than terrorist attacks. There will always be tremendous variation among MPOs in their security planning roles, and it is critical for each MPO to determine its own value-added niche. For example, some MPOs might take on a data gathering and analysis role on behalf of the region's emergency response agencies, while others might take more of a leadership role by organizing meetings or discussions to facilitate better institutional coordination. Security planning is an opportunity for MPOs to define new and non-traditional roles for themselves.

Many States have already put security plans in place. For example, if the State has a well-established hurricane evacuation process with regular communication and simulation drills, the MPO should be patched into those discussions. There would be no requirement to establish another parallel MPO security planning effort. If no one in the region is coordinating transportation planning discussions between the military bases and the transportation community; that would be a major role for the MPO to step into as convener of these critical discussions.

### **Applicability to Certification**

While the requirements for security have always been a part of the planning regulations, SAFETEA-LU marks the first time security has been a stand-alone planning factor. Therefore, security may be a relatively new planning area for some TMAs.

### **Sample Discussion Questions**

1. How have you defined security planning for your region?
2. How does the MPO or State DOT collaborate with regional, State or national security professionals during the transportation planning process? Which organizations are included and how does this collaboration occur?

3. How are security roles and responsibilities defined in the MTP, the TIP, the UPWP, or the Congestion Management Process? Is security considered in corridor or other project studies?
4. What types of natural emergencies does this region account for?  
A few answers that you might expect are:
  - a. Hurricane evacuation
  - b. Earthquake
  - c. Flooding
  - d. Blizzard
5. What plans have been created for evacuation of transportation-disadvantaged populations such as the elderly, low-income, and disabled?
6. Do the regional planning entities have their own Continuity of Operations Plan (COOP)? If so, what are the principal components of the plan?

Questions can be addressed to staff from the MPO and other participating agencies to gain different perspectives.

### **Possible Federal Actions**

1. Recommend collaboration during MTP development with State emergency preparedness office (this office may be called many different names in each State).
2. Recommend that emergency evacuation routes be coordinated in the TIP and MTP development to ensure that simultaneous construction is not occurring along the majority of the routes during hurricane season.
3. While a Corrective Action under this finding would be rare, we should be sure to share from the illustrative practice materials available on FHWA and FTA's website as a way to constantly improve the consideration of this planning factor.

### **Examples of Effective Federal Team Findings and Federal Actions**

#### **Puerto Rico MPO (San Juan, PR TMA), 2013**

The Federal Team noted that the Department of Transportation and Public Works, which administers the Puerto Rico MPO, has a Continuity of Operations Plan (COOP) in place. The agency activates it often to address the effects of heavy rains, storms, and hurricanes, and to provide access to communities affected by landslides, heavy erosion, and debris. Since the agency has activated it several times recently, actions to address any weaknesses in the COOP plan have already been taken (For more information, see page 13 of the Certification Review Report).

Commendation:

- The MPO is commended for utilizing their COOP for multiple events when the offices were required to shut down. These activations allowed them to identify strategies within their COOP that either needed strengthening or updating (page 23).

### **Capital District Transportation Committee (Albany—Schenectady, NY TMA), 2012**

The Federal Team noted that the MPO adopted a new principle in its MTP to reflect the increased interest on security of the system:

“Transportation planning and implementation in the Capital District includes examination of security issues and incorporation of security actions that: protect lives and coordinate the use of resources and manpower through established plans and protocols; provide services during and after disaster emergencies to aid citizens and reduce human suffering resulting from a disaster; and provide for recovery and redevelopment after disaster emergencies.”

The MPO defines security planning in its MTP as “both the monitoring of the system to ensure that no infrastructure failures are in place as well as the preparedness for dealing with situations where the roadway network fails or where the roadway network could fail due to overcapacity usage.”

The Team found that, although CDTC is not an agency specifically charged with preparedness, they are well-positioned to serve as an informational forum and to offer technical assistance as needed.

The 2012-2014 UPWP includes a task on security planning. The MPO will research how the agency can have a more active role in security planning. An inventory of existing emergency plans in the region is underway. Next steps are to identify gaps in these plans and then to discuss options with the Planning Committee. This is an important issue to be discussed as the next MTP is developed (For more information, see pages 91-94 of the Certification Review Report).

#### **Recommendation:**

- The Federal Team recommends that the MPO continue to explore ways in which it might assist rural adjoining counties in developing planning capabilities for response during significant and unexpected occurrences (page 94).

## SECTION 2-20: INTEGRATING FREIGHT IN THE TRANSPORTATION PLANNING PROCESS

We all need to recognize the importance of improving the system linkages between freight and multi-modal surface roadways and port/railroad infrastructure. These State and local transportation planning efforts are envisioned to ensure the safe, efficient, and effective movement of people and goods as part of the Nation's transportation system. Freight-related transportation planning and implementation efforts at the national, regional, Statewide corridor, and local metropolitan planning levels represent key planning elements that enhance the operations and management of our Nation's multi-modal transportation system.

### Regulatory Basis

SAFETEA-LU legislation specifically calls for the need to address freight movement as part of the transportation planning process (Reference: 23 U.S.C. 134 and 23 CFR 450.306 - Metropolitan transportation planning):

#### **23 USC 134 (a) Metropolitan transportation planning section indicates that:**

It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation related fuel consumption and air pollution through metropolitan and Statewide transportation planning processes identified in this chapter; and encourage the continued improvement and evolution of the metropolitan and Statewide transportation planning processes by MPOs, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h)(as shown below) and section 135(d).

Three of the eight SAFETEA-LU planning factors identified within title 23 U.S.C. include freight-related provisions that should be addressed as part of the metropolitan and Statewide transportation planning process as follows (Reference: 23 U.S.C. 134(h) and 23 CFR 450.306):

#### *(h) SCOPE OF PLANNING PROCESS—*

- *IN GENERAL.—23 CFR 450.306(a) The metropolitan planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will...—*

*(1) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;*

*(4) Increase the accessibility and mobility of people and for freight;*

*(6) Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;*

As part of the MPO participation planning requirements under title 23 U.S.C., the SAFETEA-LU consultation requirements were expanded in order to include freight shippers, who are providers of freight transportation services, as interested parties that should be provided a reasonable opportunity to comment on MTPs and TIPs (Reference: 23 U.S.C. 134 and 23 CFR 450.316 See Interested parties, participation, and consultation).

**23 CFR 450.316(a)** - Interested Parties , Participation, and Consultation—The MPO shall develop and use a documented participation plan that defines a process of providing citizens, affected public agencies, representatives of public transportation employees, FREIGHT SHIPPERS, PROVIDERS OF FREIGHT TRANSPORTATION SERVICES, private providers of transportation, representatives of users of public transport, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

**23 CFR 450.316(b)** - In developing MTPs and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, MTPs and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area...

New freight-related terms and definitions were included in the planning regulations.

23 CFR 450.104 - The definition of “freight shippers” was added to mean any business that routinely transports its products from one location to another by providers of freight transportation services or by its own vehicle fleet.

23 CFR 450.104 - The definition of “Provider of freight transportation services” means any entity that transports or otherwise facilitates the movement of goods from one location to another for others or for itself.

## **What to Look for**

The efforts to include freight planning elements as part of the metropolitan planning process as part of TIP and long-range transportation plans are key and critical areas that need sufficient documentation.

## **Unified Planning Work Program (UPWP)**

The MPO could consider studies related to types of surface transportation modes, including improvements to rail, trans-load (transferring bulk shipments from the vehicle/container of one mode to that of another at a terminal interchange point), and freight intermodal connectors in order to enhance the integration and connectivity of the transportation system, across and between modes, for people and freight.

## **MPO Organizational Roles and Responsibilities**

The development of professional roles and responsibilities that pertain to freight-related planning responsibilities within the MPO organizational structure could be highlighted and documented. The need for additional freight-related training and professional development for freight planning efforts within the MPO organization could be a topic of discussion at the TMA planning Certification Review process.

FHWA and FTA support freight peer-to-peer workshops across the Nation in order to share best management practices and methodologies related to freight planning. The review team should ensure that the region is aware of the FHWA Headquarters' Freight Professional Development program and the "Talking Freight" web seminars as well as the FHWA Headquarters' Office of Freight Management and Operations (HOFM) website in order to share best practices and methodologies related to freight planning efforts. Refer to <http://www.ops.fhwa.dot.gov/freight/index.cfm> for additional information on FHWA Freight Management and Operations.

Another excellent source of baseline freight planning information for the MPO, DOT, and Federal staffs involved in the planning process is the NHI web-based course No. 139006 *Integrating Freight into the Transportation Planning Process*.

The National Cooperative Highway Research Program (NCHRP) report No. 570 *Guidebook for Freight Policy, Planning, and Programming in Small- and Medium-Sized Metropolitan Areas* is a very useful resource that we should ensure all of our mid-sized TMAs are aware of. This resource can be found online at: [http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp\\_rpt\\_570.pdf](http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_570.pdf).

## **MTP and TIP**

The MTP and TIP documents should be periodically reviewed to ensure they contain direct references to the current and future proposed intermodal freight-related transportation connections and their relationships to the surface transportation system. NHS intermodal connectors and their maps should be periodically updated and addressed to incorporate freight rail and other systems that are currently in place (or planned to be in place) and operating within the metropolitan planning area.

## **Travel Demand Forecasting**

The MPO should have current and up-to-date travel demand forecast estimates and traffic data for the regional transportation network, and have the ability to identify areas of recurring congestion. Origin-destination studies performed by the MPO need to reflect passenger as well as freight movements within a metropolitan area. One good source of freight flow bandwidth maps and data could be drawn from the Freight Analysis Framework (FAF) produced by FHWA Headquarters' Office of Freight Management and Operations (HOFM).

Freight analysis models developed by MPOs and State DOTs could be highlighted and identified as best practices for consideration by the MPO as part of the on-site field review. Data collection related to freight systems performance may also be funded under the UPWP using metropolitan planning funds (PL) for travel model calibration and validation purposes.

### **MTP/TIP Project Selection Process**

The MPO project selection process could also be reviewed to see how freight-related intermodal projects and programs are being funded and prioritized as part of the short-range TIP and STIP development, consistent with the MTP. Sources of Federal-aid funding include CMAQ, STP, and NHS funds may be used to address planned or proposed system-wide improvements within the metropolitan planning area based upon Federal-aid eligibility requirements. Freight-related intermodal connectors may also be accounted for as part of the development of congestion management processes to ensure improved system-wide linkages via operations and management within the metropolitan planning area.

### **Congestion Management Process (CMP)**

Delay times and monitoring of system performance as part of the CMP could be used to develop freight-related performance measure goals for the metropolitan planning area. Maps of recurring congestion areas could be developed by the MPO in electronic GIS format and shown along with the current highway infrastructure to highlight system and freight mobility needs in major congested corridors. These maps could provide the general public and transportation policy decision-makers with a visual guide to their current and proposed transportation system as part of the MPO public participation process.

### **Public Participation Plan**

FHWA and FTA need to ensure that the MPO has sufficient documentation of their participation plan per SAFETEA-LU to ensure that the MPO has proactively engaged the private sector, freight providers, and other freight-related businesses as part of the MPO Certification Review.

### **MPO Freight Advisory Committees**

Larger TMA regions may have incorporated freestanding freight advisory committees or groups into their PPP which serve to provide freight-related data and technical information to the MPO policy boards and technical advisory committees. FHWA and FTA may want to review how these freight advisory committees have been organized and formed in order to influence MPO project selection procedures, as well as how these advisory committees have served to identify future corridor-level studies within the metropolitan planning area

### **Additional Freight Planning Information**

The following are additional references for freight planning:

- [Examples of Notable Freight Planning Practices](#)
- [List of Freight Planning Resources](#)
- [Statewide Freight Models](#)
- [Freight Glossary](#)

## Sample Discussion Questions

### Identify

1. Which local freight professional development capacity building or training exercises (e.g., NHI courses, conferences, workshops) have been hosted within the planning area? When were the training courses or workshops held and who attended?
2. How has the MPO identified the transportation planning link between freight and economic development opportunities for the area per 23 CFR 450.306(a)? How have these planning factors been documented within the MPO planning products (e.g., TIP, MTP, UPWP) ?
3. Has the MPO developed a "freight contact" list for purposes of encouraging freight shippers and providers of freight transportation services a reasonable opportunity to participate as part of the metropolitan planning process per 23 CFR 450.316(a)?
4. How does the MPO Technical Advisory Committee include input from freight representatives and private freight shippers?
5. How does the MPO consider and evaluate land use and freight-oriented developments within their metropolitan planning area?
6. How is the freight community engaged in the planning process, particularly in the development of the transportation plan and TIP?
7. Is the involvement of the freight community in the planning process a sustained, ongoing collaborative effort?
8. How is the freight community kept engaged in the planning process?
9. What have been some of the outcomes from the participation of the freight community in the planning process? Who specifically has participated? What are some of the lessons learned?

### Prioritize

10. Has the MPO defined the term "freight corridor" for transportation planning purposes? If so, what is the definition of this term used by the MPO and have these major freight corridors been visually mapped within the metropolitan planning area?
11. Are freight-related corridors given extra weight as part of the MPO TIP/MTP prioritization and project selection process? Have these documented freight-related project selection procedures been adopted by the MPO policy board?
12. What NHS "intermodal connector" projects has the MPO identified? How has the MPO prioritized and addressed freight-related system linkages and improvements within the MPO planning area?

### Plan TIP/Investment

13. Explain how the MPO transportation planning process addresses the requirement under 23 CFR 450.322(b) that:
- The MTP shall include both long-range and short-range strategies/actions that lead to the development of an integrated multi-modal transportation system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.
14. How is coordination between land use plans and future freight-related development needs addressed (i.e., accounting for increased freight-related movement and system expansion)?
15. How has the MPO identified short- and long-term freight-related needs or projects pertaining to major freight corridor studies? How have these purpose and need statements been incorporated as part of the NEPA environmental process?

### **Freight Data and Performance Measures**

16. How does the MPO document the process to effectively evaluate, monitor, and implement freight-related strategies and specific improvements to sustain or enhance system performance within freight corridors?
17. What process does the MPO have in place to collect traffic data and monitor the system performance and reliability of the regional transportation system with regard to major freight movements (e.g., travel time, speed, delay time, etc.)? How is this data used to calibrate and validate the travel demand forecasting model?
18. How are the performance measures that are developed by the MPO actually used in order to document, monitor, and evaluate freight-related system-level reliability goals or other established performance level goals?
19. How does the MPO collect and utilize freight-related data? Does this data serve to provide origin-destination information for purposes of traffic demand model calibration and validation? How does the MPO utilize this freight-related data for purpose of tracking performance goals or objectives?

### **Possible Federal Actions**

1. Corrective Actions may be warranted if the most recently updated public participation plan adopted by the MPO policy board for the TMA does not provide reasonable opportunities for freight providers and shippers to give their input into the development of the MPO transportation plan and TIP.
2. Should the MPO lack performance measures or freight-related data in their metropolitan planning area, FHWA and FTA could issue Recommendations as part of the TMA Certification Review that would require development of these elements as part of the UPWP, MTP, and TIP development. The TMA planning process should include a coordinated program for traffic data collection and system performance monitoring to define the extent

and duration of congestion, assist in the determination of the causes of congestion as part of the CMP, and transportation planning process.

## **Examples of Effective Federal Team Findings and Federal Actions**

### **Lehigh Valley Transportation Study (Allentown, PA—NJ TMA), 2012**

During the Certification Review, the Federal Team discussed possible resources for the MPO to consider to enhance its freight planning efforts. FHWA can provide technical assistance to the MPO to utilize specific freight tools, such as FHWA's Freight Analysis Framework, to gain a comprehensive picture of freight movement in the metropolitan area. The Review Team also informed the MPO of PennDOT's initiative to update its Statewide LRTP and supporting freight study component (see pages 29-31 of the Certification Review Report).

Recommendation:

- The Review Team recommends that the MPO consider congested freight corridors in the future CMP and MTP to reflect the significant degree of freight movements in and through the urbanized region. FHWA may be able to provide technical assistance to the MPO through the freight specialists at the FHWA Resource Center to assist the MPO in developing a more robust freight planning program (page 31).

### **Charleston Area Transportation Study (Charleston—North Charleston, SC TMA), 2012**

The Federal Team noted that representatives from the trucking industry and the Port Authority serve on the MPO Policy Board to ensure proper planning for the future of Interstate 26. In addition, the transit operators, railroad operators, military installations, and the airport authority are represented on each respective committee (see pages 4-5 of the Certification Review Report).

Commendation:

- The Review Team commends CHATS for working with the Port through their seat on the Port Policy board and including the freight community in the planning process to ensure proper planning for the future of Interstate 26 (page 5).

### **Reading Area Transportation Study (Allentown, PA-NJ; Lancaster, PA; and Reading, PA TMAs), 2013**

The Federal Team noted that one of the primary goals related to transportation planning in the MPO area is to "provide and maintain a balanced transportation system that will safely and efficiently move people and goods." As such, the MPO recognizes the linkage between the highway system to both aviation and rail facilities that support freight movements throughout the region.

The MPO continues to reach out to individuals within the freight community, as well as the Chamber of Commerce, to identify potential opportunities to improve the freight network. Further, the MPO looks for opportunities to provide freight access to redevelopment sites throughout the City of Reading and the County in general. However, there may be additional

opportunities to coordinate freight movement needs with adjacent regions (e.g., Lehigh Valley, Lancaster, and Philadelphia) to ensure goods are moving as efficiently as possible whether it be via highway, rail, or a combination of both (see pages 21-22 of the Certification Review Report).

Recommendation:

- It is important that the MPO and its partners conduct a more regional approach to highway freight corridor planning. The MPO should continue to reach out to neighboring regions to receive and provide origin/destination data, land use planning, etc. to support related transportation planning decisionmaking (page 22).

## SECTION 2-21: VISUALIZATION TECHNIQUES

Visualization techniques have been around for literally thousands of years. Visualization is any technique for creating images, diagrams, or animations to communicate a message. Visualization through visual imagery has been an effective way to communicate both abstract and concrete ideas since the dawn of man. Examples from history include cave paintings, Egyptian hieroglyphs, Greek geometry, and Leonardo da Vinci's revolutionary methods of technical drawing for engineering and scientific purposes.

Visualization today has ever-expanding applications in science, education, engineering (e.g., product visualization), interactive multimedia, medicine, and so on. The invention of computer graphics may be the most important development in visualization. The development of animation also helped advance visualization.

### Regulatory Basis

The requirements for the use of visualization techniques in metropolitan plans and TIPs can be found as part of 23 CFR 450.316 - Interested parties, participation and consultation. The specific section is 23 CFR 450.316(a)(1)(iii), and the reference reads as follows:

*The participation plan shall .... describe explicit procedures, strategies, and desired outcomes for: .... Employing visualization techniques to describe metropolitan transportation plans and TIPs;*

Effective date: for all MPOs, including TMAs - March 16, 2007

### What to Look for

To strengthen public participation in the planning and project delivery process and specifically to aid the public in understanding proposed plans, SAFETEA-LU calls for States and MPOs to use visualization techniques. Through visual imagery, the complex character of proposed transportation plans, policies, and programs can be portrayed at appropriate scales—State, region, local area, project architecture, etc., and from different points of view. The effective presentation of impacts to the public has become an increasingly essential part of the planning and design of transportation systems.

The types of visualization techniques used and when they will be used are to be described in the PPP. The review team should start there and then look for evidence of actual practice. The Certification team should look for:

- The use of visualization techniques in planning documents. The desk review of planning products can be a good source of information in assessing current use of visualization techniques.
- The use of creative graphics instead of dumping information into a table. A simple example might be a graphic that shows a pie chart that shows the portion of revenue sources in the TIP and long-range plan.

- Documentation of proposed visualization techniques, and when, where, and how they will be used in the PPP.
- An evaluation of the effectiveness of the techniques employed as part of the PPP evaluation.
- The use of multimedia presentations as a means of “visualizing” the alternatives or adopted plans and programs.
- The use of a GIS database to display data. If an MPO is charging the cost of GIS software and hardware in its work program - either directly or through the overhead rate, it is expected that the data should be showing up in the key MPO documents.
- The use of output from travel forecasting models to graphically illustrate the MTP and TIP, as well as being used in participation/development activities.
- The use of local access cable to broadcast board meetings or other outreach events.
- A website that uses visualization for sharing information and obtaining feedback.

In terms of internal FHWA guidance, the Visualization in Planning website along with accompanying best practices is a resource to share examples and best practices with your MPO(s).

### **Applicability to Certification**

Most MPOs employed some form of visualization techniques prior to SAFETEA-LU. The new requirement emphasizes the importance of these techniques and encourages moving beyond using simple graphics to replace tables and lists. In the context of Certification, the review team must determine if visualization techniques are being used effectively to transmit the “message” and receive feedback on the MTP and TIP and processes by which they are developed. The ultimate barometer is feedback from citizens and stakeholders on the clarity and their level of understanding of the MPO’s work.

The review team should consider how the TMA uses visualization to communicate information on its MTP and TIP to the public as required by 23 CFR 450.316 (1)(a)(iii). In doing so, visualization is also expected and appropriate under the following sections:

- 23 CFR 450.316 (a)(1)(iv) – making information available electronically
- 23 CFR 450.316 (a)(1)(v) – holding public meetings (providing information)
- 23 CFR 450.316 (a)(1)(vi) – demonstrating explicit consideration of public input
- 23 CFR 450.316 (a)(1)(vii) – seeking out and considering the needs of those traditionally underserved

Obviously, the use and sophistication of visualization techniques will vary with MPO size and complexity of the metropolitan area and project. Visualization also will likely be used in larger TMAs in other aspects of the metropolitan planning process.

For example, the Metropolitan Washington Council of Governments in Washington, DC has used aerial photography as part of its CMP to provide a more dramatic picture of congestion in the region. Visualization can also be used to develop the TIP in a non-attainment area, as required by a CMP for single-occupant vehicle (SOV) projects. This is the type of information that could be included in the TIP or long-range plan to show what types of information were used in developing the documents.

For smaller TMAs, it is realistic to expect, given the availability of personal computers, GIS software, graphics, and plotting software that some mapping capability will exist. At a minimum, the MPO should be able to include maps and graphics in its TIP and LRP.

The initial role for FTA and FHWA in the Certification Process should be to foster change and improved communications through the use of updated graphics and media. While we have a responsibility to ensure compliance, we need to proceed more as a mentor than a checker. We should look for good practices and good faith efforts and should work with the planning partners to improve the process.

### **Sample Discussion Questions**

1. How does the TMA present information on planning procedures and products?
2. What provisions for the use of visualization techniques are set forth in the public participation plan?
3. What efforts are employed to move beyond traditional tables and listing to visually display information? Examples might range from the use of a pie chart to visually display the relative portion of revenue coming from different sources to the use of a video to emphasize current conditions or the impact of different investment levels.
4. What kinds of graphics are used in the MPT, TIP, and other key TMA documents?
5. What types of databases does the TMA have, and what data are coded into a GIS? What display capabilities are available through GIS and how does the TMA use the capability in presenting planning documents?
6. How is output from travel demand models converted into graphics, maps, and other visual displays to illustrate plan alternatives, as well as the adopted MTP and TIP?
7. Does the MPO have a style manual that addresses standards for using visualization in preparing planning documents, reporting on status, and seeking input from the public and interested parties? If so, what is included and why?
8. Does the MPO have a website? What is on the website? How often is it updated? What visualization techniques are used on the website?

9. What options are available for downloading information and other visual material from the website?
10. What options are available to the public for accessing searchable data such as a TIP on the website?
11. What consideration has been given to using local access cable to broadcast committee meetings or provide information during key steps of the planning process? If this approach has been used, how has it worked and how has its effectiveness been measured.
12. What other media are used by the MPO to present information?
13. How do the planning partners know if the visualization techniques are working?

### **Possible Federal Actions**

As detailed in the previous section, it is reasonable to expect under the visualization requirements that every MPO should, at the minimum, have documented procedures in their public participation plan, a website that contains the major MPO documents, points of contact, list of committees, etc., and that the MPO updates the site on a regular basis. Within the major MPO documents (MTP and TIP) there should be graphics that denote such things as the planning study area, project locations, socio-economic data, travel forecasts, and so forth. Obviously, the sophistication of the visualization material should be related to the size and complexity of the urban area that the MPO covers.

The review team needs to examine the website, along with the major documents to see if the graphics are effective in communicating the outcomes of the planning process, whether the information is accurate, and more importantly, whether it is up-to-date with the latest planning assumptions and forecasts used in the planning process.

Because visualization is such a new requirement, some MPOs are still struggling with making visualization a priority in their planning process and work programs. FHWA and FTA should be prepared to provide technical assistance.

Possible actions might include:

1. Corrective Actions would be warranted if the PPP does not address techniques for employing visualization in describing the MTP and TIP.
2. A Corrective Action might be warranted if the PPP contains procedures but such procedures are not being fully employed.
3. Recommendations would be appropriate regarding improvements to the existing visualization procedures where such procedures need to move beyond the basics. Such Recommendations might be accompanied by an offer of technical assistance.
4. Commendations would be appropriate for innovative and effective visualization methods.

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## Examples of Effective Federal Team Findings and Federal Actions

### Capital Area MPO (Raleigh, NC TMA), 2013

The Federal Team noted that the MPO has developed a demographic profile that identifies minority and low income populations based on 2010 Census data. Using county averages, the MPO mapped low income populations and also separately mapped three minority population groups: African American, Asian, and Hispanic, with all planned projects in the MTP overlaid onto each map. The color coding of the maps is based on the scaled percentage of particular population at or below county averages, up to 10% above county averages and continues on to more than 50% above county averages. However, the MPO did not identify county averages on the legend to assist the reader in relating the color coding of the map along with the percentage scale.

In general, the Federal Team found the use of this scale to be a bit confusing. The Team suggests finding another method of displaying minority and low income data to make it more user-friendly. Additionally, the MPO should add labels to the maps to identify the various counties and municipalities so that the public may easily identify the locations of planned projects and roadway improvements. The maps should also indicate the time frames associated with the projects to provide the readers with an idea of when the projects will take place (see page 22 of the Certification Review Report).

#### Recommendation:

- The MPO should revise their demographic mapping to make it more reader-friendly for the public by:
  - Using easy to understand visuals;
  - Ensuring that the legends thoroughly document information depicted by each map;
  - Including labels for counties and municipalities; and
  - Including the timeframes for project implementation (page 12).

### Winston-Salem Urban Area MPO (Winston-Salem, NC), 2013

The Federal Team noted that the MPO employs visualization techniques in its public involvement process. The MPO routinely uses maps, overlays on aerial photography, charts, and photographs of existing sites or similar projects in other parts of the country in its documents. Occasionally, the MPO produces visualizations of future project cross-sections for specific projects. For some high-profile projects, the MPO creates a model and 3D computer simulations, in addition to before and after images. When access to the internet is available, the MPO staff brings its Smart Board to public involvement meetings to show how to access the MPO website, information on the Northern Beltway, and other plans and data that are available online. The Smart Board has proven to be an effective means of obtaining public input and answering questions of the public. The MPO also makes extensive use of GIS displays, mapping tools, and conceptual drawings of future transportation scenarios and frequently includes them in documents.

The Federal Team also noted that the MPO has developed a short video to promote the MTP update review and public involvement process, which is available at <https://www.youtube.com/watch?v=kX0zglSMim4&feature=youtu.be> (see pages 29-31 of the Certification Review Report).

Commendations:

- The MPO is to be commended for its use of Smart Board technology as part of its public outreach effort (page 38).
- The MPO is commended on its proactive approach to visualization by developing the video to promote the MTP Update and public involvement process (page 31).

**Mountainland Association of Governments (Salt Lake City—West Valley City, UT and Provo--Orem, UT TMAs), 2012**

The Federal Team noted that the MPO has published a summary of its MTP in the form of a fold-out 26”x38” map that displays all of the planned projects identified on one side and several summaries of various components of the plan on the reverse side. It contains a CD with all of the text and figures of the full plan. It has been extremely well received by the public and elected officials (see pages 19-20 of the Certification Review Report).

Commendation:

- The Federal Team commends the MPO for its use of visualization techniques and reader-friendly graphics and maps in its planning products such as its MTP. The Team believes that these efforts have resulted in better products that generate greater public interest and are easier to understand (page 25).

## SECTION 2-22: LAND USE AND LIVABILITY

### Regulatory Basis

While current statute and transportation planning regulations do not make direct references to land use or livability planning, the transportation planning process is required to be coordinated with “planned growth” and similar activities, as those that exist within the region. In addition, MPOs and State DOTs must, when appropriate, consult with other agencies that have certain responsibilities for land and other resource management. The specific regulatory requirements are listed below:

- Planning Factors – 23 CFR 450.306(a)(5)
- Interested Parties, partnerships, consultation – 23 CFR 450.316(d)
- Congestion Management Process (consideration of demand management strategies, including growth management) – 23 CFR 450.320 (c)(4)(i)
- Metropolitan Transportation Plan/Environment Mitigation/Consultation – 23 CFR 450.322(f)(7) & (g)

The relationship of transportation planning and system development to the concept of “livability” has not yet been defined in statute or regulation, but the issue has been receiving much more attention from various organizations and agencies, including the U.S. DOT and Congress. While defining the term “livability” has been challenging, the U.S. DOT, in partnership with HUD and EPA, has established the following principles to guide the development of livability-supportive policies and legislation:

- Provide more transportation choices
- Promote equitable, affordable housing
- Enhance economic competitiveness
- Support existing communities
- Coordinate policies and leverage investment
- Value communities and neighborhoods

Anticipating that upcoming Federal programs, policies, and/or legislation are likely to promote the integration of “livability” and complementary considerations into the transportation planning process, this chapter will provide guidance on how to address those issues and concepts through the TMA certification planning process.

In addition to the regulations cited above, other existing statute, regulations, and Federal programs that require or encourage the transportation planning process to consider or implement elements supportive of “livability” include:

- CMP (restrictions on SOV capacity increasing projects in TMA nonattainment areas) – 23 CFR 450.320(d)
- MTP Development – 23 CFR 450.322
  - (b) – integrated multimodal system
  - (f)(2) – “including...pedestrian walkways and bicycle facilities....”
  - (f)(8) – plan shall include “Pedestrian walkway and bicycle transportation facilities....”
- Bicycle and Pedestrian Walkways – 23 USC 217
- CMAQ – 23 USC 149
- Safe Routes to School – Section 6008 of SAFETEA-LU (not codified, no specific regulations, see website: <http://safety.fhwa.dot.gov/saferoutes> for guidance)
- Context Sensitive Solutions – 23 USC 109(c)
- Transportation and Transit Enhancement Programs – 23 USC 101(a)(35) and 133(b)(8) & (d)(2); 49 USC 5302(a)(15) and 5307(d)(k)

Also, other chapters in this Handbook specifically provide background and references pertaining to a few of the programs mentioned above, such as the CMP, development of the MTP, and environmental mitigation.

## **What to Look for**

Certain topics related to land use and livability may be covered adequately in other sections of the site meeting agenda. Depending, however, on how much attention the planning partners in the TMA have given to these particular issues, the Federal review team may want or need to address them in a stand-alone discussion. This may also offer the MPO and its partners an opportunity to share what they consider to be good or noteworthy practices they have undertaken to integrate land use and livability into the region’s transportation planning process.

When assessing the level and quality of effort to bring land use planning and livability into transportation decision-making (and vice versa), the Federal team should consider the following:

- The identification of regional goals and policies that reflect quality of life, livability, sustainability, and similar ideals or standards when developing the MTP,

- Activities to help member jurisdictions and/or the region as a whole develop a vision or compare various scenarios that will assist in making choices about future regional or community growth and development,
- Initiatives to reach beyond the usual stakeholders and interest groups through the public participation plan, including seeking the involvement of groups or agencies that are concerned with housing, public health and fitness, water resources, or other “non-traditional” transportation issues, programs, or activities,
- The level of coordination between the transportation planning agencies and local, regional, or state land use planning, development, and/or management agencies,
- The presence of innovative programs, funding support, or policies that integrate transportation, land use, and environmental planning, particularly to bring the MTP and local land use plans into “synchronization,”
- The level of planning for bicycle and pedestrian facilities and support programs, including the development of a regional bike or pedestrian system and/or funding program, complementary land use planning efforts to foster non-motorized transportation, and the identification and description of selected bike/pedestrian projects deemed critical to completing key sections of the regional plan(s) and/or fostering walkable neighborhoods,
- Programs or policies supporting context-sensitive solutions, “complete streets” (streets designed and functioning to safely accommodate all users), or similar approaches to transportation corridor planning and design,
- Consideration of greenhouse gas (GHG) emissions and efforts to reduce or mitigate emissions, as well as projects which will adapt the transportation system to possible consequences of climate change,
- The recognition by the TMA member agencies that, for example, efforts to reduce mobile source pollution emissions through SOV travel demand reduction can also save commuters money and improve personal fitness levels by encouraging more walking and biking,
- The approach and progress of implementing transportation projects and programs which advance the achievement of identified land use and livability goals and policies.

Establishing relationships, some formal, perhaps some not, with a wide array of agencies, organizations, and others (including public health and housing agencies, as mentioned previously) may be a major step in the successful integration or coordination of land use and livability issues into the transportation planning process. At the same time, the MPO and its partners may need to seek out other programs, processes, and initiatives where transportation plays a role, but has not been adequately considered or addressed in the past (e.g., working with school districts to facilitate student access to future school sites via walking and biking). Since

staff time and resources are limited, the transportation agencies will most likely need to pick carefully among the many opportunities they find to be involved in issues that extend beyond the traditional transportation planning process. The review team needs to weigh what would be “ideal” and what is required (e.g., for consultation on environmental mitigation) or practical.

### **Applicability to Certification**

As identified above under “Regulatory Basis,” certain activities pertaining, at least indirectly, to land use and livability shall be addressed through the transportation planning process, such as:

- (Planning Factor) “Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns”
- Developing an integrated, multimodal transportation plan, which includes pedestrian walkways and bicycle facilities
- Involving a broad cross section of interested parties and the public
- Addressing environmental mitigation and consulting with agencies responsible for land use and natural resource management and environmental protection, etc.

Many other activities that may relate to livability or could promote greater integration of land use and transportation planning are optional and can vary from one TMA to another. The main purpose of the Federal review team may be to identify what, if anything beyond the “minimum,” the TMA partners are currently undertaking or the level of interest they have in these issues. For the discretionary activities, the Federal review team may need only to gather information, particularly for purposes of sharing “notable practices” with others, or identify what technical assistance or other resources the TMA partners seek.

NOTE: As Federal policies and legislation develop, the Federal review team may also need to discuss what those are and what impact those might have on the transportation planning process and the responsibilities of the participants.

Sample Review Questions (several of these questions may be covered under other agenda topics)

### **Metropolitan Transportation Plan\***

- 1) How does the MTP demonstrate comparison of the consistency of proposed transportation improvements with State and local planned growth and economic development?
- 2) To what extent are non-motorized modes of travel (e.g., bicycle, pedestrian movements) analyzed and addressed in the MTP and throughout the transportation planning process?
  - a. Are specific (or grouped) non-motorized projects advanced to the TIP (as part of larger construction or reconstruction projects or as stand-alone projects)?

- b. How is the “Safe Routes To School” Program coordinated with non-motorized planning?
- 3) Summarize briefly the discussion of environmental mitigation activities included in the MTP.
  - a. What, if any, environmental mitigation strategies have been included in the MTP?
- 4) In coordination with, or even outside of, the “traditional” transportation planning process, how are issues related to “smart growth,” context-sensitive solutions, “green” infrastructure, “complete streets,” transit-oriented development, etc., considered, advanced, or supported through the MPO, State DOT, transit operator(s), local jurisdictions, or other organizations in your planning region?

\* Many of these issues can apply/refer to or include the TIP, as well.

### **Congestion Management Plan**

- 1) Describe travel demand management (TDM) and land use strategies identified in the CMP as actual or potential tools in mitigating congestion.
- 2) What coordination, if any, has been achieved with the transit operator, a local jurisdiction, or other organization to foster TDM programs or land development design/patterns to reduce congestion or reduce VMT growth rates?

### **Other Issues**

- 1) To what degree have jurisdictions within the TMA adopted climate change mitigation or greenhouse gas (GHG) emission reduction goals or plans?
  - a. Does the MPO coordinate any activities or plans of the local member jurisdictions relating to reducing GHGs through the transportation planning process?
  - b. Does the MPO have a regional GHG reduction goal or is this being considered? If so, is this effort coordinated with other entities?
- 2) Does the transportation planning process consider affordable housing plans or involve agencies/organizations responsible for identifying or addressing housing needs and options?
- 3) Overall, what is the level of “consciousness” and concern about going “green” in your region, State, among local member jurisdictions, or the general public? How does this affect (or not) the transportation planning process?

### **Possible Federal Actions**

1. Corrective Actions for any serious deficiencies in meeting objective regulatory requirements (e.g., 1) the MTP does not include existing and proposed pedestrian walkways and bicycle facilities or, 2) deficient consultation with appropriate agencies to

compare “planned growth” or natural resource or conservation maps/inventories, if available, to the transportation plan).

2. Careful consideration of the results of the desk audit and feedback and responses by those interviewed to determine what other Corrective Actions or Recommendations are warranted under this topic. Some Corrective Actions or Recommendations may apply here and under other review topics (e.g., certain deficiencies noted under the CMP section may also apply here, but only need to be noted once).
3. Noting where technical assistance or other resources would be useful to the MPO(s) and others to assist with improving integration of land use planning into the transportation planning process or supporting livability initiatives, then taking appropriate actions to follow-up.
4. Commendations for outreach to consult with “non-traditional” agencies or groups or innovative practices to integrate land use and other elements of “livability” into the transportation planning process and vice versa.

Given the limited status of requirements pertaining to land use and livability as they need or should be integrated into the transportation planning process, MPOs and their planning partners have much flexibility in how they choose to address these issues within their plans and programs. The Federal review team can recommend that more attention be given to these and related issues, as is appropriate for the region under review. In most cases, however, the application of Corrective Actions under this particular review topic should be approached with caution and may be most appropriately addressed in other sections of the review report.

### **Examples of Effective Federal Team Findings and Federal Actions**

#### **Akron Metropolitan Area Transportation Study (Cleveland, OH; Akron, OH; Canton, OH; and Youngstown, OH—PA TMAs), 2013**

The Federal Team noted that the MPO completed the Connecting Communities Plan in 2010, which examines ways to integrate land use and transportation. The MPO also reviews local comprehensive plans as the communities update them. The MPO used the Connecting Communities Plan and the local comprehensive plans as a basis for the development of the MTP, which the MPO is currently updating. In this MTP update, the MPO is using scenario planning to understand future population trends. The two scenarios were “business as usual” and “return to the city” (see pages 7-8 of the Certification Review Report).

Over the last few years, the MPO’s emphasis on the relationship between transportation and land use has been a dominant and recurring theme. The MPO has produced numerous reports placing emphasis on land use issues. Plans and reports as part of the Connecting Communities Planning Grant Program presented a number of potential land use scenarios for specific areas within the region. The MPO also developed other multimodal plans, including a pedestrian plan, that included land use analyses (see page 2 of the Certification Review Report).

**Commendation:**

- The Federal Team commends the MPO for developing the Connecting Communities Plan. Additionally, the implementation of the corresponding Connecting Communities Planning Grant program, designed to provide communities with funding to develop transportation plans that focus on the concept of livability, further encourages in a practical, regional manner the connection between land use and transportation (Page 2).

**Capital District Transportation Committee (Albany—Schenectady, NY TMA), 2012**

The MPO's Linkage Program is a land use/ transportation planning assistance program to support local planning initiatives. The Federal Team noted that, to date, the MPO has funded 71 linkage studies totaling more than \$4 million in Federal, State and local funds. Planning efforts include bike and pedestrian planning, urban neighborhood revitalization, suburban town center retrofitting, pre-development master planning for a major suburban area, urban truck/neighborhood compatibility planning, waterfront revitalization and intermodal center exploration.

Recipients of linkage studies are expected to participate in the ongoing "Linkage Regional Coordination Forum" on a regular basis. This forum provides a regional planning roundtable for sharing of planning experience among at least two dozen municipalities as well as regional and state entities. The Forum is also used as a sounding board for developing CDTC's regional development strategies, New Visions guidebook, and New Visions training program (see pages 38-39 of the Certification Review Report).

**Commendation:**

- The Linkage Program is a land use/ transportation planning assistance program to support local planning initiatives. It is a key implementation activity of New Visions 2035 Plan Update, which is predicated on reducing the growth of vehicular travel in the Capital Region. The Linkage Program has jump-started proactive planning, particularly in those communities with limited local staff and financial resources (page 38).

**Lehigh Valley Transportation Study (Allentown, PA—NJ TMA), 2012**

The Federal Team noted that the Lehigh and Northampton Transit Authority (LANta) released several studies, including a Bus Rapid Transit Plan, that aim to identify corridors with potential for investment throughout the region. LANta also developed a Land Use Toolkit which provides recommendations for how each community's planning documents and ordinances can support public transportation. The MPO has developed two reports assessing potential Transit Orientated Development sites suitable for the Lehigh Valley region. Furthermore, LANta and the MPO have cooperatively developed a Memorandum of Understanding (MOU) regarding each agency's roles in promoting land use and development techniques to make Lehigh Valley municipalities more favorable for public transit (see pages 26-27 of the Certification Review Report).

Recommendation:

- The Federal Team encourages the MPO and LANta to support the enhancement of the transit system and promote transit use as an alternative to single-occupancy driving. Building on the agencies' prior work, the Federal Team encourages the MPO to bolster the connection between public transportation and land use planning through coordination with the Federal Interagency Partnership for Sustainable Communities. The Federal Partnership can provide technical assistance in achieving more livable projects that demonstrate ways to improve the link between public transit and communities (pages 26-27).

## **SECTION 2-23: PERFORMANCE-BASED PLANNING AND PROGRAMMING**

### **Introduction**

While the final Federal Regulations pertaining to Performance-Based Planning and Programming (PBPP) continue to be developed, Federal teams are encouraged to use the opportunity of TMA Planning Certification reviews to have a substantial and forward looking discussion about PBPP. As provided for in MAP-21 and supported in FHWA and FTA programs, PBPP represents a fundamental shift for statewide and metropolitan area transportation planning toward an emphasis on performance and measurable outcomes. This shift to a PBPP basis will be reflected throughout the transportation planning process, including within key aspects covered in relevant sections of this Handbook and in the products of the process, such as the LRTP, TIP, and UPWP.

TMA Planning Certification reviews provide Federal teams with a critical opportunity to communicate expectations for PBPP and Performance Management in MAP-21, the relevance of PBPP to other current planning requirements (e.g., CMP), the components of a comprehensive approach to PBPP, the importance of developing a PBPP process that addresses the goals of each metropolitan area, and the need to begin work immediately with partners to prepare for implementation of the final Federal Rules. An increasing number of Certification teams are electing to engage MPOs, DOTs, transit and other partners in a constructive exchange of ideas on PBPP during Certification reviews, as demonstrated by examples of effective team practice at the end of this section and new examples relevant to PBPP added in the September 2015 update to other key sections described below.

Application of PBPP and performance management can be an important component of discussions of specific transportation planning topics and requirements and can assist teams to frame successful Federal actions.

This section is a resource for Federal teams to initiate discussions of PBPP or strengthen how they engage MPOs and their partners in discussions of how to apply PBPP concepts to the planning process. Certifications provide Federal teams with a critical opportunity that will not occur for another four years to focus on PBPP to help MPOs and partners prepare for this important shift in planning processes. This timely emphasis on PBPP will assist the FHWA Divisions and FTA Regions to work with the MPOs to begin activities that will be reflected in the required future report by the Secretary on progress of all MPOs on PBPP.

While PBPP is not a yet a formal planning topic of its own, this section focuses on and supports a strong early discussion during Certifications. PBPP, with its focus on performance measures, targets, and monitoring, is relevant to several existing sections of the Handbook covering the following important components of current Federal requirements:

- **Section 2-3: Agreements and Contracts\***
- **Section 2-5: Transportation Planning Process\***
- **Section 2-6: Metropolitan Transportation Plan Development**

- **Section 2-9: Transportation Improvement Program (TIP) Development and Project Selection\***
- **Section 2-13: Congestion Management Process\***
- **Section 2-16: Consultation and Coordination\***
- **Section 2-17: Management and Operations Considerations\***
- **Section 2-18: Transportation Safety Planning**

\* = Revisions to clarify relevant of PBPP.

This section will assist Federal teams to frame discussions and incorporate key elements of PBPP into these and other applicable topic areas during Certification reviews. The examples of effective team practice at the conclusion of this section, including successes and challenges, demonstrate how teams currently are making significant use of related concepts in advance of the final Federal Rules. Although the expectation is that as a separate topic PBPP reviews could support Federal Actions of Recommendations or Commendations in a Certification report, they will not result in Corrective Actions prior to specific guidance after the final Rules. However, PBPP concepts can be and currently are critical elements of Federal Actions in the existing topics, as demonstrated in new examples of Federal Team effective practice provided in this new section and in revisions to other relevant sections..

In addition to this section, the September 2015 update to the Handbook includes revisions to the **topic sections listed above with an “\*”** to clarify relevance of PBPP and to assist Federal teams to include PBPP considerations during reviews of those topics.

## **Statutory Basis**

The citations that follow are the MAP-21 statutory citations that pending updated planning regulations will be based upon (**emphasis added in bold**). This section makes clear the extensive foundation for PBPP in current requirements, and will be updated once the Federal Rules have been finalized.

### Performance-Based Approach to the Planning Process

23 USC 134(h)(2)(A) states the metropolitan transportation planning process shall provide for the establishment and use of a **performance-based approach to transportation decision making** to support the national goals described in section 150(b) of this title and in section 5301(c) of 49 USC.

### National Goals for Performance Management

23 USC 150(b) identifies the following national goals for the focus of the Federal-aid highway program: Safety, Infrastructure Condition, Congestion Reduction, System Reliability, Freight Movement and Economic Vitality, Environmental Sustainability, and Reduced Project Delivery Delays.

### Establishing Performance Targets

23 USC 134(h)(2)(B) states that each MPO shall **establish performance targets** that address the performance measures described in section 150(c), where applicable, to use in tracking progress towards **attainment of critical outcomes for the region of the MPO**. In addition, selection of performance targets by an MPO shall be coordinated with the relevant State to ensure consistency, to the maximum extent practicable. And selection of performance targets by an MPO shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d) of 49 USC.

23 USC 134(h)(2)(C) states that each MPO shall establish the performance targets under subparagraph (B) not later than 180 days after the date on which the relevant State or provider of public transportation establishes the performance targets.

### Integration of Other Performance-Based Plans

Title 23 USC 134(h)(2)(D) states that an MPO shall **integrate** in the metropolitan transportation planning process, directly or by reference, the **goals, objectives, performance measures, and targets** described in other State transportation plans and transportation processes, as well as any plans developed under 49 USC 53 by providers of public transportation, required as part of a performance-based program.

### Development of Transportation Plan

23 USC 134(i)(2)(B) requires that the metropolitan transportation **plan shall** contain at a minimum a **description of the performance measures and performance targets** used in assessing the performance of the transportation system in accordance with subsection (h)(2).

23 USC 134(i)(2)(C) requires that the metropolitan transportation plan shall contain at a minimum a **system performance report** and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in subsection (h)(2), including progress achieved in meeting the performance targets and for MPOs that elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.

23 USC 134(i)(4)(A) indicates that a MPO may, while fitting the needs and complexity of its community, voluntarily elect to develop multiple scenarios for consideration as part of the development of the metropolitan transportation plan, in accordance with subparagraph (B).

23 USC 134(i)(4)(B) requires that a MPO that chooses to develop multiple scenarios under subparagraph (A) shall be encouraged to consider potential regional investment strategies; assumed distribution of population and employment; a scenario that, to the maximum extent practicable, maintains baseline conditions for the performance measures identified in subsection (h)(2); a scenario that improves the baseline conditions for as many of the performance measures identified in subsection (h)(2) as possible; revenue constrained scenarios based on the total

revenues expected to be available over the forecast period of the plan; and estimated costs and potential revenues available to support each scenario.

23 USC 134(i)(4)(C) indicates that the performance measures identified in section 150(c), MPOs may evaluate scenarios developed under this paragraph using locally-developed measures.

23 USC 134(j)(2)(D) requires that the transportation improvement program shall include, to the maximum extent practicable, a description of the anticipated effect of the transportation improvement program toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to those performance targets.

### Evaluating Effectiveness of Performance-Based Planning

23 USC 134(l)(1) requires that the Secretary of Transportation shall submit to Congress a **report on the effectiveness of the performance-based planning processes** of MPOs under this section, taking into consideration the requirements of this subsection.

23 USC 134(l)(2) requires that not later than 5 years after the date of enactment of the MAP-21, the Secretary of Transportation shall submit to Congress a report evaluating the following:

- the overall effectiveness of performance-based planning as a tool for guiding transportation investments;
- the effectiveness of the performance-based planning process of each MPO under this section;
- the extent to which MPOs have achieved, or are currently making substantial progress toward achieving, the performance targets specified under this section and whether MPOs are developing meaningful performance targets;

### **What to Look for**

PBPP should be analytic and systematic, focusing on the projected transportation system performance outcomes of future investments and the degree to which these outcomes support the stated goals and objectives.

A complete approach to PBPP will, therefore, include the following:

- Setting vision, goals, and objectives to guide all planning efforts;
- Deriving performance measures that capture the fundamental outcomes of the agency's goals and objectives;
- Identifying strategies that are consistent with those identified in other planning efforts, including the CMP, SHSP, Asset Management Plans, Transit Asset Management Plans, Transit Safety Plans and other required and voluntary planning efforts (e.g. corridor plans, modal plans);
- Using analytic methods and decision-support tools to evaluate and predict the impacts of different types of investments on system performance;
- Evaluating and prioritizing packages of strategies through trade-off or scenario analysis;

- Using results of the trade-off or scenario analysis to guide setting resource constrained targets or trends, and to develop preferred program investment levels as part of a long range transportation plan;
- Conducting resource allocation exercises that translate an overall investment plan into a specific set of projects for a short range S/TIP, or an agency's capital program that addresses the agency's goals and objectives;
- Using project delivery and system management and operations to provide feedback into the planning process and provide data and information for performance measurement;
- Providing feedback on decisions made and information used within early elements of the overall process;
- Ongoing coordination and collaboration with stakeholders and the public throughout the process; and
- Using data and tools to support all aspects of planning, including the evaluation of strategies, development of targets, and allocation of resources to specific projects.

## **Applicability to Certification**

### **Performance-Based Planning and Programming Process: Cooperative Development is Key**

Under a PBPP process MPOs will work cooperatively with the State DOTs and public transportation agencies to ensure that the planning process leads to programmed projects that address the goals and objectives identified and agreed to by all with relevant targets set cooperatively as well. Even prior to the finalized regulations stating how this is to occur, this deserves discussion in the Certification Review to clearly identify how the planning process is envisioned to lead to a cooperative PBPP decision making process for project selection and to further identify that the desired outcomes are being achieved.

Key PBPP factors include:

- A clearly defined process
- Data readily available to all participants
- Procedures and/or mechanisms in place for joint decision-making

*For additional discussion of the importance of cooperation in the transportation planning process, see [Section 2-24: Regional Models of Cooperation](#).*

## **Discussion Questions**

1. How does the MPO set vision, goals, objectives, and targets to guide PBPP and decision-making? What is the role of partners – the State DOT, public transit agency, and others?
2. What specific performance measures do you use? How were these selected?
3. How does your agency set performance targets? Who participates and how? What are these targets?

4. How are the goals, objectives, measures, and targets that are described in other State transportation plans or public transit plans, as well as related transportation processes integrated in the metropolitan transportation planning process?
5. Is the MPO beginning to develop a process to track and report progress towards achieving targets?
6. How does your agency use performance measures and targets in decision-making as reflected in the TIP or elsewhere?
7. Does your agency's performance-based approach lead to decision-making to support the national goals identified in 23 USC 150(b)? What is the MPO's current thinking and plans to incorporate the national goals in on-going metropolitan planning?
8. How does your agency use performance measures and targets to evaluate the success of your planning process and investment decisions?
9. Do you elect to develop multiple scenarios? If so, do you develop and report on an analysis of how the preferred scenario will improve the conditions and performance of the transportation system, as well as how changes in local policies and investments will impact the costs necessary to achieve the identified performance targets?
10. Are you accomplishing what you expected to accomplish with your PBPP process? Do you have plans to alter your existing process? Is there a documented timeline? Are partners engaged and committed to participation in PBPP?
11. How are PBPP-related activities reflected in your UPWP?
12. For the MPO and partners: are there concerns related to PBPP?
13. What barriers and challenges have you overcome or are still striving to overcome to implement a performance-based approach to transportation decision making?
14. How can FHWA and FTA support your transition to PBPP?

In addition to these listed above, the September 2015 update to the Handbook includes summary information about how to incorporate consideration into key existing sections (listed above) covering current requirements. Additions include what to look for, discussion questions, and PBPP-related examples of effective team practices.

### **Possible Federal Actions**

Since MAP-21 went into effect in 2012, PBPP approaches to statewide and metropolitan planning are now a requirement. However, until the final Federal Regulations are published, information on expectations and Federal Actions for PBPP specifically cannot be provided. Nevertheless, Federal Actions related to PBPP may be associated with other planning topics (e.g., Congestion Management Process, Management and Operation Considerations,

Transportation Safety Planning) and may be reflected in Corrective Actions for those requirements. See the September 2015 Handbook update for more specifics.

Over the years, the dialogue between MPOs, States, and other public agencies has increasingly focused on performance management and its application into PBPP. While examples of Corrective Actions focused specifically on PBPP cannot be provided, Recommendations and Commendations related to PBPP have been growing in recent Certification reviews. Examples of effective practices by peer teams are provided below.

## **Examples of Effective Practices**

### **Delaware Valley Regional Planning Commission (Philadelphia, PA--NJ-DE-MD TMA), 2015**

In 2011, the Federal Team recognized that DVRPC had been proactively considering performance measures when approaching the transportation planning process, and specifically when developing its Long Range Transportation Plan, [Connections 2040](#). Beyond continuing to implement performance measures at the MPO level, the Team recommended at that time for DVRPC to “remain in the forefront and stay actively involved in the performance measurement dialogue at the national level.” In 2015, the Team was pleased that DVRPC responded to this recommendation, first, by hosting a FHWA/FTA Performance Management Workshop in 2014, and second, by creating a dashboard and building other good practices to track measures and goals listed in the LRTP. Such practices include the MPO establishing relationships with relevant partners and stakeholders, its ability to track and use data in communicating performance, and its effort to go beyond what will likely be required under MAP-21, such as measures and goals related to land-use and environmental considerations. The Team praises DVRPC for continuing to thoughtfully develop a performance-based planning approach in advance of the Federal rulemaking.

#### Commendation:

- DVRPC demonstrates its value of a performance-driven, outcome-based approach to planning, consciously deciding to go above and beyond the call of duty to advance the planning practice for its own sake. This reflects the progress toward exceeding upcoming Federal requirements under MAP-21 as noted in 23 CFR 134(c)(1): “Development of long-range plans and TIPs. - To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.”
- DVRPC is to be commended for their role in coordinating and encouraging the use of consistent performance measures for CMPs of MPOs participating in the I-95 Corridor Coalition. Also of note is their archived operations data for I-95.

- DVRPC's Long Range Transportation Plan, *Connections 2040*, incorporates good data, scenarios, and tracking that is in line with MAP-21 performance-based planning emphasis.

### **Genesee Transportation Council (Rochester, NY), 2014**

The Review Team applauded the Genesee Transportation Council (GTC) for incorporating well thought-out performance measures within its planning documents. GTC had previously been credited for including measures in its discussion on performance management, but the agency had continued to establish targets and definitions to more effectively and efficiently guide the region's transportation planning, maintenance and operations. The Team recognized that GTC was planning ahead of MAP-21, and credited it for contributing to the national dialogue that would impact the eventual rulemaking on performance standards.

#### Commendation

- GTC proactively developed transportation Performance Measures to better evaluate and communicate the performance of the transportation network with the region. The performance measures include transportation areas such as number of fatalities, pavement conditions and emissions performance.

### **Northern Middlesex Metropolitan Planning Organization (Boston, MA—NH—RI), 2013**

The Northern Middlesex MPO had a record of producing documentation that meets the Federal requirements (e.g., creating a TIP covering four years that is updated annually). The Federal Team saw that all the necessary project details including scope, implementation elements, and funding plans, had been tracked. While noting that the MPO had met existing requirements, the Federal Team recommended that the agency plan ahead of the MAP-21 rulemaking to establish performance measures for transportation-related assets across the region. The Team noted that by staying engaged with this process, the MPO would be better prepared when the rulemaking is implemented.

#### Recommendation

- The Review Team recommends that MassDOT and the MPO consider the rulemaking that will be prepared to implement MAP-21. USDOT will establish performance measures on a variety of transportation-related assets, in consultation with State DOTs and MPOs. As State DOTs set performance targets that support those measures, the MPO staff should remain engaged, to the extent practicable, so that future MTPs and TIPs can describe how programs and project selection can help to achieve those targets. In this way, MAP-21 continues the practice of setting goals and working toward those goals, in an effort to improve the efficiency of the metropolitan transportation system.

### **Tri-County Regional Planning Commission (Lansing, MI), 2013**

#### Recommendation

- The current Congestion Management Process dates to 2004. The Federal Certification Review Team strongly recommends the MPO update the CMP on a schedule which allows it to be used as a resource in the development of the 2040 MTP. While this update will likely precede the introduction of MAP-21 performance measures rule, TCRPC could use the seven MAP-21 National Goals to begin to identify local measures. As part of this update, it is also recommended that the TCRPC staff, MDOT, and the transit operators define how the CMP, M&O, and performance measures relate to the prioritization of projects for inclusion in the MTP and TIP.

#### **Additional Performance Based Planning and Programming Information**

- FHWA Performance Based Planning and Programming Website for current information and resources (<http://www.fhwa.dot.gov/planning/pbp/>)
- FHWA Performance Based Planning and Programming Guidebook ([http://www.fhwa.dot.gov/planning/performance\\_based\\_planning/pbpp\\_guidebook/](http://www.fhwa.dot.gov/planning/performance_based_planning/pbpp_guidebook/))
- MPO and DOT Case Studies on Performance Based Planning ([http://www.fhwa.dot.gov/planning/performance\\_based\\_planning/case\\_studies/](http://www.fhwa.dot.gov/planning/performance_based_planning/case_studies/))

## SECTION 2-24: REGIONAL MODELS OF COOPERATION

### Introduction

Regional Models of Cooperation (RMOC) concerns cooperation and coordination among agencies in the transportation planning process across jurisdictional boundaries. RMOC may refer to cooperation within a TMA or across adjacent TMAs in a broader region or megaregion, and may involve cooperation between many types of agencies, including: MPOs, transit agencies, State DOTs, rural transportation planning organizations, Tribal governments, and local officials with responsibility for transportation in nonmetropolitan areas. As stated in the [FY2016 FHWA/FTA joint planning emphasis area letter](#), FHWA and FTA seek “to improve the effectiveness of transportation decisionmaking, [by encouraging] State DOTs, MPOs, and providers of public transportation to think beyond traditional borders and adopt a coordinated approach to transportation planning.”

RMOC is “a coordinated approach [to transportation planning, which] supports common goals and capitalizes on opportunities related to project delivery, congestion management, safety, freight, livability, and commerce across boundaries” (FY2016 planning emphasis areas letter). RMOC provides opportunities to harmonize the transportation planning process across the region even when planning is accomplished by different agencies for different portions of the region, making jurisdictional boundaries less noticeable to the public. RMOC facilitates planning processes necessary to address issues common to multiple jurisdictions and to develop the coordinated multimodal network envisioned by the planning requirements, even when issues extend beyond TMA boundaries. However, in this section we will focus on cooperation between jurisdictions affecting the TMA and how it can be addressed in a Certification Review.

In many cases jurisdictional boundaries can be barriers to effective regional transportation planning. TMA boundaries are based on urbanized area (UZA) boundaries delineated by the U.S. Census Bureau based on population density, distribution of impervious surfaces, and other factors. UZAs are designed to represent the actual settlement patterns of metropolitan areas and they often do not line up with other boundaries such as city or county lines, or MPO planning areas, which include UZAs as well as areas expected to become urbanized within the next 20 years. MPO planning areas are designated by agreement between the Governor and local governments that together represent at least 75 percent of the affected population in accordance with procedures established by applicable State or local law. In many cases TMA boundaries cross MPO planning area boundaries and State lines, necessitating coordination among multiple MPOs and State DOTs to effectively plan for the full TMA. Similarly, transit agency service areas often transcend TMA, MPO, and State boundaries.

Coordination and consultation is a required core transportation planning activity as specified in the planning regulations and discussed in Chapter 2-16 of this Handbook. Traditionally, coordination and consultation requirements have been focused on interactions between the MPO, its planning partners, and stakeholders *within* an MPO planning area (e.g., transit agencies, local governments, the public), or with coordination between the MPO and State, Federal, and Tribal stakeholders regarding the MPO’s area of direct responsibility (e.g., State DOT, resource agencies, Federal land management agencies, Tribal Governments).

In contrast, RMOC is concerned with cooperation *across* planning agencies in a TMA or in neighboring TMAs and non-TMA metropolitan areas. Regional cooperation across jurisdictions enables more effective planning, particularly in regions with complex governance structures, such as when:

- a TMA is covered by more than one MPO;
- a TMA crosses State boundaries;
- an MPO planning area covers all or portions of two or more TMAs;
- a transit operator provides public transportation services in the planning areas of more than one MPO, or across multiple TMAs;
- a TMA is part of a larger air quality non-attainment area that may require increased air quality planning and coordination; or
- a region is part of a megaregion (a network of connected urban areas) with multiple adjacent TMAs.

This section is a resource for Federal teams to initiate discussions of how MPOs and their partners are *cooperating* in the transportation planning process *for the entire TMA or with neighboring TMAs*. Planning Certification Reviews provide Federal teams with a critical opportunity that will not occur for another four years to focus on the effectiveness of regional cooperation and to help MPOs and partners take a TMA-wide look at the outcomes of RMOC in the region. A RMOC focus in TMAs with complex boundaries-related issues can be an essential part of Planning Certification Reviews and communicates USDOT support for MPOs working to develop coordinated multimodal transportation networks.

In addition to this section which frames the overall topic, notes and examples have been added to other existing sections of the Handbook covering aspects of the planning process where RMOC may be a topic of interest:

- **Section 2-1: Organizational Structure of Study Area**
- **Section 2-2: Metropolitan Planning Area Boundaries**
- **Section 2-3: Agreements and Contracts**
- **Section 2-4: Unified Planning Work Program Development**
- **Section 2-5: Transportation Planning Process**
- **Section 2-6: Metropolitan Transportation Plan Development**
- **Section 2-8: Air Quality**
- **Section 2-9: Transportation Improvement Program (TIP) Development and Project Selection**
- **Section 2-10: Public Outreach**
- **Section 2-12: Laws and Regulations Pertaining to Title VI and Nondiscrimination, and Executive Orders Pertaining to Environmental Justice (EJ) and Limited English Proficiency (LEP)**
- **Section 2-13: Congestion Management Process**
- **Section 2-16: Consultation and Coordination**

This section will assist Federal teams to frame discussions and incorporate key elements of RMOC into these and other applicable topic areas during certification reviews. The examples of effective team practice at the conclusion of this section demonstrate how teams currently are making significant use of related concepts.

## Relevant Regulations, Guidance, and Programs

RMOC is not a distinct topic in the planning statute and regulations. However it is relevant to several aspects of the transportation planning process where coordination and collaboration are clearly required, as well as in topics where more comprehensive TMA-scale cooperation is a best practice.

RMOC has long been a topic of interest in metropolitan transportation planning, and it is a topic that has been given greater emphasis in recent years. The FHWA and FTA Offices of Planning jointly recognized the importance of RMOC in the 2015 and 2016 Planning Emphasis Areas letters, and the [Regional Models of Cooperation initiative](#) of the Every Day Counts 3 program encourages States and MPOs to implement best practices in RMOC.

The citations below are from the existing planning regulations in Title 23 CFR which are relevant to RMOC (emphasis added). It is notable that the regulations on MPO planning area boundaries and planning agreements also contain clear language requiring or strongly encouraging cooperation throughout the planning process.

### *Definitions*

23 CFR 450.104 defines the following terms, which are relevant to MJ Planning:

- **Consideration** means that one or more parties **takes into account the opinions, action, and relevant information from other parties** in making a decision or determining a course of action.
- **Consultation** means that one or more parties **confer with other identified parties in accordance with an established process and, prior to taking action(s)**, considers the views of the other parties and periodically informs them about action(s) taken. This definition does not apply to the “consultation” performed by the States and the MPOs in comparing the long-range statewide transportation plan and the metropolitan transportation plan, respectively, to State and Tribal conservation plans or maps or inventories of natural or historic resources (see §450.214(i) and §450.322(g)(1) and (g)(2)).
- **Cooperation** means that the parties involved in carrying out the transportation planning and programming processes **work together to achieve a common goal or objective**.
- **Coordination** means the **cooperative development of plans, programs, and schedules among agencies and entities** with legal standing and adjustment of such plans, programs, and schedules to achieve general consistency, as appropriate.

### *Section 2-1: Organizational Structure of Study Area*

- 23 CFR 450.310(e) -- To the extent possible, only one MPO shall be designated for each urbanized area or group of contiguous urbanized areas. More than one MPO may be designated to serve an urbanized area only if the Governor(s) and the existing MPO, if applicable, determine that the size and complexity of the urbanized area make

designation of more than one MPO appropriate. **In those cases where two or more MPOs serve the same urbanized area, the MPOs shall establish official, written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among the MPOs.**

### *Section 2-2: Metropolitan Planning Area Boundaries*

- 23 CFR 450.312(f) -- Where the boundaries of the urbanized area or MPA extend across two or more States, the Governors with responsibility for a portion of the multistate area, MPO(s), and the public transportation operator(s) are **strongly encouraged to coordinate transportation planning for the entire multistate area.**
- 23 CFR 450.312(h) -- Where part of an urbanized area served by one MPO extends into an adjacent MPA, the MPOs shall, **at a minimum, establish written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among and between the MPOs.** Alternatively, the MPOs may adjust their existing boundaries so that the entire urbanized area lies within only one MPA. Boundary adjustments that change the composition of the MPO may require redesignation of one or more such MPOs.
- 23 CFR 450.312(i) -- The MPA boundaries shall be reviewed after each Census by the MPO (in cooperation with the State and public transportation operator(s)) to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized area(s), and shall be adjusted as necessary. **As appropriate, additional adjustments should be made to reflect the most comprehensive boundary to foster an effective planning process that ensures connectivity between modes, reduces access disadvantages experienced by modal systems, and promotes efficient overall transportation investment strategies.**

### *Section 2-3: Agreements and Contracts*

- 23 CFR 450.314(d) -- **If more than one MPO has been designated to serve an urbanized area, there shall be a written agreement** among the MPOs, the State(s), and the public transportation operator(s) **describing how the metropolitan transportation planning processes will be coordinated to assure the development of consistent metropolitan transportation plans and TIPs across the MPA boundaries,** particularly in cases in which a proposed transportation investment extends across the boundaries of more than one MPA. **If any part of the urbanized area is a nonattainment or maintenance area, the agreement also shall include State and local air quality agencies.** The metropolitan transportation planning processes for affected MPOs should, to the maximum extent possible, reflect coordinated data collection, analysis, and planning assumptions across the MPAs. **Alternatively, a single metropolitan transportation plan and/or TIP for the entire urbanized area may be developed jointly** by the MPOs in cooperation with their respective planning partners. **Coordination efforts and outcomes shall be documented in subsequent transmittals**

**of the UPWP and other planning products, including the metropolitan transportation plan and TIP, to the State(s), the FHWA, and the FTA.**

- 23 CFR 450.314(f) -- If part of an urbanized area that has been designated as a TMA overlaps into an adjacent MPA serving an urbanized area that is not designated as a TMA, the adjacent urbanized area shall not be treated as a TMA. However, **a written agreement shall be established between the MPOs with MPA boundaries including a portion of the TMA, which clearly identifies the roles and responsibilities of each MPO in meeting specific TMA requirements** (e.g., congestion management process, Surface Transportation Program funds suballocated to the urbanized area over 200,000 population, and project selection).

#### *Section 2-5: Transportation Planning Process*

- 23 CFR 450.318(a) -- Pursuant to section 1308 of the Transportation Equity Act for the 21st Century, TEA-21 (Pub. L. 105-178), an MPO(s), State(s), or public transportation operator(s) may undertake a multimodal, systems-level corridor or subarea planning study as part of the metropolitan transportation planning process. **To the extent practicable, development of these transportation planning studies shall involve consultation with, or joint efforts among, the MPO(s), State(s), and/or public transportation operator(s).** [...]

#### *Section 2-13: Congestion Management Process*

- 23 CFR 450.320(a) -- **The transportation planning process in a TMA shall address congestion management** through a process that provides for safe and effective integrated management and operation of the multimodal transportation system, **based on a cooperatively developed and implemented metropolitan-wide strategy**, of new and existing transportation facilities eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 through the use of travel demand reduction and operational management strategies.
- 23 CFR 450.320(c)(2) – [The] Definition of congestion management objectives and appropriate performance measures to assess the extent of congestion and support the evaluation of the effectiveness of congestion reduction and mobility enhancement strategies for the movement of people and goods. Since levels of acceptable system performance may vary among local communities, performance measures should be tailored to the specific needs of the area and **established cooperatively by the State(s), affected MPO(s), and local officials in consultation with the operators of major modes of transportation** in the coverage area;

## **What to Look For**

RMOC cuts across and supports many aspects of the transportation planning process. RMOC will likely come up primarily during discussion of transportation planning topics which have long been included in Certification Reviews, as opposed to a special emphasis on RMOC as a stand-alone topic. Therefore this Handbook incorporates specific suggestions on RMOC in relevant Handbook sections.

RMOC is likely to be of interest in regions with complex MPO to TMA relationships, such as when:

- a TMA is covered by more than one MPO;
- a TMA crosses State boundaries;
- an MPO planning area covers all or portions of two or more TMAs;
- a transit operator provides public transportation services in the planning areas of more than one MPO, or across multiple TMAs;
- a TMA is part of a larger air quality non-attainment area that may require increased air quality planning and coordination; or
- a region is part of a megaregion (a network of connected urban areas) with multiple adjacent TMAs

### **Applicability to Certification**

For MPOs in complex MPO to TMA relationships, RMOC deserves to be discussed in the TMA Certification Review to:

- a) identify whether minimum and effective coordination requirements are being met, and
- b) encourage a productive discussion of how and if regional coordination is producing the intended results for transportation planning and programming in the region.

At a minimum, coordination among the agencies planning for the TMA must be documented in current agreements which describe the roles and responsibilities of each agency. However, the existence of an agreement is not the only RMOC topic of importance in a Certification Review. The results of the coordination may be of equal or greater importance.

Notable success in RMOC will be evident through obvious coordination and alignment of processes such as public involvement, and planning products, such as the CMP, MTPs, TIPs, corridor studies and plans, air quality planning and travel demand models, and UPWPs. For TMAs crossing State lines, coordination will be evident in State-level planning products such as the statewide long-range plan and STIP as well. Multiple MPOs serving a TMA are encouraged to develop one MTP, TIP and other planning products. In the ideal case, these planning products will be harmonized such that the public does not perceive multiple planning processes conducted by different jurisdictions, but rather perceives a unified transportation planning process in the region, conducted by multiple agencies in coordination with each other, resulting in a seamless regional multimodal network.

### **Involvement of other MPOs in the Certification Review**

To facilitate a substantive discussion of RMOC in complex regions, the Federal Team is encouraged to request that all relevant planning agencies participate in the Certification Reviews of the other agencies. For example, if MPO A and MPO B share responsibility for a single TMA, the Federal Team should consider requesting that MPO A participate in the Certification Review of MPO B, and vice versa. In some cases, it may be advantageous to schedule one joint review for the entire TMA including all neighboring MPOs that share planning responsibilities for one or more TMAs. For example, if three MPOs share joint responsibility for one or more TMAs, the

Federal Team may consider scheduling all three Certification Reviews to occur concurrently, or in rapid succession, with all three MPOs participating in each review.

## **Example Discussion Questions**

See below for some examples of RMOC-related discussion questions, pulled from the relevant chapters. Federal teams are encouraged to look for evidence of RMOC practices throughout all aspects of the planning process when reviewing MPOs in regions with complex MPO to TMA relationships or other jurisdictional issues.

- **Section 2-2: Metropolitan Planning Area Boundaries**
  - Where multiple MPOs are sharing geographic portions of a TMA, please describe how the MPOs collaborate across jurisdictional lines to:
    - ensure connectivity between modes;
    - reduce access disadvantages experienced by modal systems; and
    - promote efficient overall transportation investment strategies. (23 CFR 450.312(i))
- **Section 2-3: Agreements and Contracts**
  - Where multiple agencies share geographic portions of a TMA, how do the agreements describe the roles and responsibilities of each agency in meeting TMA-scale requirements (e.g., CMP)?
- **Section 2-4: Unified Planning Work Program Development**
  - How is the UPWP developed?
    - How is the development of the UPWP coordinated with MPOs that share planning responsibility for the TMA, or for adjacent or neighboring TMAs? Do they coordinate data collection, modeling, freight planning or congestion management?
- **Section 2-5: Transportation Planning Process**
  - Where multiple MPOs are sharing geographic portions of a TMA or where there are adjacent TMAs, are there joint committees or task forces, regular coordination meetings, or other formal or informal opportunities for cooperation between the MPOs, transit agencies, and State DOTs at the staff and/or executive levels? Do they routinely attend each other's meetings?
- **Section 2-6: Metropolitan Transportation Plan Development**
  - Where multiple MPOs are sharing geographic portions of a TMA or where there are adjacent TMAs, are the goals, objectives, targets, strategies and investments in the MTP consistent with those of the neighboring MPOs? Does the MPO make efforts to include members of the public and interested parties from neighboring jurisdictions in the public input process? Do the multiple MPOs cooperatively develop planning assumptions? Have the multiple MPOs considered developing a combined MTP for the urbanized area?

- **Section 2-9: Transportation Improvement Program (TIP) Development and Project Selection**
  - Where multiple MPOs are sharing geographic portions of a TMA or where there are adjacent TMAs, how are adjacent MPOs and States included in the TIP development process? Does the MPO make efforts to include members of the public and interested parties from neighboring jurisdictions in the public input process, and does input include consideration of boundary implications?
    - Are the project selection procedures used by the MPOs within the TMA consistent or coordinated with each other?
  
- **Section 2-10: Public Outreach**
  - Where multiple MPOs are sharing geographic portions of a TMA or where there are adjacent TMAs, do the MPOs make efforts to coordinate public outreach activities to increase the ability of the public to participate in the planning processes for all agencies? Do they include links to the other MPOs in the urbanized area on their web page?
    - Are the Public outreach techniques identified in the MPO PPPs consistent or coordinated with each other?
  
- **Section 2-12: Title VI, Nondiscrimination, Environmental Justice (EJ), and Limited English Proficiency (LEP)**
  - Where multiple MPOs are sharing geographic portions of a TMA or where there are adjacent TMAs, do the MPOs identify protected groups and those “traditionally underserved” in adjacent MPOs within the TMA, or in neighboring TMAs? How do the MPOs, transit agencies, State DOTs, and other agencies cooperate to ensure these populations’ needs are considered in decisionmaking and that they are involved in the planning process?
  
- **Section 2-13: Congestion Management Process**
  - Where multiple MPOs are sharing geographic portions of a TMA or where there are adjacent TMAs:
    - Describe the techniques used to ensure a coordinated metropolitan-wide strategy. Does one MPO maintain the CMP for the entire TMA, or are separate CMPs maintained by each MPO?
    - Explain how the coordinated CMP(s) lead to the development of programs and projects contained in each agency’s MTP and TIP.
    - Explain how the MPOs, public transit agencies, and State DOTs share data to enable a comprehensive metropolitan-wide evaluation.

## Possible Federal Actions

The expectation is that RMOC concepts would be addressed within a Federal Action primarily referencing other planning requirements (such as those in the chapters listed above), but with an emphasis on coordination across jurisdictional boundaries.

In most cases, RMOC-related findings could support Recommendations or Commendations in a Certification report. However, they will likely result in few Corrective Actions -- only in cases where existing planning regulations clearly require RMOC or consideration of RMOC is a key element to supporting a Corrective Action for another oversight topic (e.g., Air Quality Conformity, CMP). As with all other topic areas, it is the responsibility of the Federal team to determine if a RMOC issue is deserving of a Federal Action, which type of Federal Action is warranted, and to provide findings to support the Federal Action.

### **Examples of Effective Practices**

#### **South Western Region Metropolitan Planning Agency (Bridgeport-Stamford, CT-NY), 2014**

In the CMP discussion during the 2014 Certification for the South Western Regional Planning Agency (SWRMPO) the Federal Team discussed RMOC considerations related to the broader I-95 corridor, and various data products that the MPO has investigated for use in the CMP, noting advantages and disadvantages of each. The discussion surfaced challenges with accessing and fully utilizing some data sources, including the National Performance Management Research Dataset. This discussion resulted in the Federal Team issuing a recommendation that the MPO work with other MPOs in the TMA, and with the State DOT, to develop a TMA-wide coordinated CMP.

##### Recommendation:

- The SWRMPO should lend its experience and expertise to a TMA-wide CMP coordinated with participation by the other TMA MPOs and the CTDOT, per MAP-21 guidance for congestion performance targets and the planning emphasis areas of regional planning coordination.

#### **Greater Bridgeport Valley Metropolitan Planning Organization (Bridgeport-Stamford, CT-NY), 2014**

In the 2014 Certification for the Greater Bridgeport Valley Metropolitan Planning Organization (GBVMPO) the Federal Team discussed opportunities for GBVMPO to cooperate with SWRMPO, which jointly covers the Bridgeport-Stamford TMA, in order to improve the effectiveness of the transportation planning process. The team recommended that GBVMPO work with SWRMPO to strengthen the 3C planning process for the TMA through a variety of means, including coordinating data collection, analysis and planning assumptions across the TMA, developing and integrating planning products across the TMA, and convening a single MPO policy board for both MPOs, made up of representatives across the TMA.

##### Recommendation:

- GBVMPO should work with SWRMPO to maintain a 3C joint planning process for the Bridgeport-Stamford urbanized area, even as the region's MPOs look towards possible consolidation and redesignation. The region should continue to strengthen their 3C planning process as outlined in 23 CFR 450.314, for example by coordinating data collection, analysis, and planning assumptions across the TMA, and by jointly

developing and integrating their regional planning documents, including the MTP, TIP, and UPWP, across the TMA region. The region may also consider convening a single MPO policy board made up of representatives of the independent planning agencies within the region, rather than separate MPO boards housed in each COG.

### **Anchorage Metropolitan Area Transportation Solutions (Anchorage, AK), 2010**

During the 2010 certification review of AMATS, the Federal Team examined the cooperative agreements the MPO had in place with the State DOT, the State department of environmental conservation, the local health and human services agency, tribal governments, and adjacent jurisdictions. The Team noted that the MPO had current agreements with agencies and tribal governments within the MPA, but not with adjacent jurisdictions. Referring to a specific complex project that crosses several jurisdictions in the broader region, the Federal Team issued a recommendation to consider establishing agreements with several relevant jurisdictions, noting that agreements would help clarify expectations and procedures for coordination among all parties.

#### **Recommendation:**

- Because of the size and complexity of the proposed Knik Arm Crossing project, it is suggested that AMATS consider developing an agreement(s) with Knik Arm Bridge and Toll Authority (KABATA), Mat-Su Borough, the cities of Wasilla, Palmer, Houston and any other jurisdiction that will be directly impacted by the project. Agreement(s) with affected jurisdictions would establish communication protocols, roles and responsibilities of all parties to improve coordination and consultation.

### **Tampa Bay TMA (Hillsborough County MPO, Pinellas County MPO, Pasco County MPO), 2013**

During the 2013 TMA Certification Review of the Tampa Bay TMA (which includes Hillsborough, Pinellas, and Pasco County MPOs), a regional coordination meeting was held to highlight the RMOC efforts of the region. The meeting included the member organizations of the West Central Florida MPO Chairs Coordinating Committee (CCC), which was established by Florida statute to coordinate projects deemed to be of regional significance, review regionally significant land use decisions, review all proposed regionally significant projects affecting more than one MPO, and institute a conflict resolution process. The CCC meets bi-weekly throughout the year (with teleconference option for those not able to attend in person) and uses a formal process to coordinate projects, determine regional priorities and establish policies.

The Federal Team issued a commendation and included a special section in the Certification Report describing the RMOC efforts in the Tampa Bay region. Cooperation among the CCC members has generated several joint planning products, including: a Regional MTP, Regional Priorities List, Regional CMP, Regional trails maps, and Regional Public Participation Plan. Among other ongoing cooperation efforts, the CCC MPOs and TPOs also include coordination tasks in their UPWPs and the CCC nominates one member to serve on the regional public transportation authority board representing all of the MPOs.

## Commendation:

- The Federal Review Team commends this region for its regional coordination efforts. The general consensus during the certification review site visits and during the meeting is that regional coordination for this area is strong. As this area continues to grow, regional coordination strengthens the interconnectedness of the transportation system for residents living in the Tampa Bay TMA and surrounding counties.

**Reading Area Transportation Study (Reading, PA), 2015**

In a 2011 Certification review, the Federal Team recognized that the Reading Area Transportation Study (RATS) had been proactively working with partners across jurisdictional boundaries to improve planning for public transportation services in the broader regional area, and issued a commendation. The Federal Team described how RATS was working with BARTA (the public transit provider in Berks County), PennDOT, and Commuter Services of South Central Pennsylvania (a program of a regional non-profit transportation partnership) to address cross-jurisdictional challenges. Specifically, they described how the MPO worked with these organizations to address growing demand for expanded services to portions of Berk County that are underserved by fixed-route service and a growing need for longer distance travel by transit in the broader region through the 2011 Regional Transit Coordination Study, which RATS co-sponsored. The Federal Team praised RATS for working with its co-sponsors to study ways to increase mobility by coordinating the transit services of multiple transit operators in the broader region, many of which do not directly serve the RATS MPA.

## Commendation:

- The MPO is commended for maintaining the partnership with Commuter Services. Membership in this nonprofit partnership offers opportunities to the region to increase transit ridership through marketing.
- BARTA and the MPO are also commended for sponsoring the Regional Transit Coordination Study completed in November of 2011. The study identified ways to increase mobility by coordinating transit services of the different transit agencies that are members of Commuter Services: BARTA, CAT, Lebanon Transit, rabbitransit, and Red Rose Transit. Planning partners in the Reading metropolitan area are commended for taking advantage of multiple opportunities to coordinate transportation services.

**New York Metropolitan Transportation Commission (New York, NY), 2011**

During the 2011 Certification review, the Federal Team examined the multi-state, multi-MPO air quality conformity planning process for the PM<sub>2.5</sub> standard, finding that the New York Metropolitan Transportation Commission (NYMTC) demonstrated exemplary RMOC practices and issuing a commendation. The Federal Team described how NYMTC volunteered to take the leadership role for a complex regional nonattainment area that includes 10 MPOs in three states. The team recognized that NYMTC's leadership cooperating across jurisdictions was essential to the region successfully demonstrating conformity.

Commendation:

- NYMTC's leadership in the multistate PM2.5 conformity process. When USEPA designated NYMTC, along with 10 other MPOs in 2005, as being within the NY-NJ-CT PM2.5 Nonattainment Area, NYMTC volunteered and performed exceptionally well as the coordinating lead of the three-state conformity effort. NYMTC stepped forward and served as the lead in pulling together the conformity analyses of all 10 MPOs, on both the initial conformity analysis as well as on several subsequent analyses. NYMTC's leadership enabled all 10 MPOs to keep their transportation programs on track.

**Additional RMOC Information**

- Regional Models of Cooperation Case Studies  
([http://www.fhwa.dot.gov/planning/regional\\_models/case\\_studies/](http://www.fhwa.dot.gov/planning/regional_models/case_studies/))
- EDC-3 Regional Models of Cooperation Webpage  
(<https://www.fhwa.dot.gov/everydaycounts/edc-3/regional.cfm>)
- FHWA Multijurisdictional Coordination – Techniques and Benefits  
([http://www.fhwa.dot.gov/planning/regional\\_models/multijurisdictional\\_coordination/](http://www.fhwa.dot.gov/planning/regional_models/multijurisdictional_coordination/))

**PART 3:  
ADDITIONAL CONSIDERATIONS**

## SECTION 3-1: DOCUMENTATION

### Introduction

This section will help Certification Review Teams to determine if the metropolitan planning process is being adequately documented and will be particularly useful if the State, the MPO, and transit operators are having difficulty providing written support for major planning decisions. Topics addressed include:

- How to consider principles of accountability and the target audience in assessing the type and level of documentation.
- Examples of important documents and offers.
- Suggestions on how to determine whether the lack of documentation may warrant a Corrective Action or withholding of project approvals. The principles in this section will be useful to the Certification Review Team if the State, the MPO, and transit operators are having difficulty providing written support for major planning decisions.

While the planning regulations do not specifically define the extent of documentation, various regulations do call for the preparation of products: a UPWP, a PPP, a MTP, a TIP, a CMP, an Annual Listing of obligated projects, and a revenue forecast, to name a few. Also, 23 CFR 420.117(e) calls for preparation of suitable reports that document the results of activities performed with FHWA planning funds.

### Documentation Purposes

In preparing documentation, the State, the MPO, and transit operators should consider two basic factors: the need to be accountable and the target audience, as illustrated by the following examples. First, while the minutes of committee meetings do not require a record of every word spoken, to be accountable such minutes should be very specific about motions and approval actions such as adopting a financially constrained MTP. Accountability builds trust with the public and among the cooperating agencies—a critical element of a viable metropolitan planning process. Second, while not everyone is interested in the details of how the traffic assignment model was calibrated, the planning staff needs to know that it is reliable for future plan amendments and updates. Those responsible for conformity will want to understand the modeling process to be confident in the credibility and accuracy of the model outputs.

To be responsive to this wide spectrum of needs, those responsible for the metropolitan planning process often produce a variety of documents with different levels of detail. Using the MTP as an example, a common practice is to produce documents at three levels: a popular brochure for wide distribution, an MTP document for committee members and those desiring more detail, and a series of technical work papers for those who need specific details.

## What to Look for

Documentation is a key element of any publicly funded activity. Those responsible need to be accountable for the decisions they make, and need to provide a record so others can carry the process forward. Documentation should cover the planning products, technical processes, application of procedures, data collection, evaluations, forecasting, agreements, committee actions, etc. The Certification Review Team could look for the following:

- MTP (Section 2-6)
  - Approach/technical procedures/plan description/adoption
- TIP (Section 2-9)
  - Listing of proposed improvements and procedures to develop and establish priorities, adoption, and procedures for amendments and administrative actions or adjustments
- UPWP, prospectus, or work program for Federal planning (Section 2-4)
- UPWP planning products—corridor studies, technical assistance studies, etc. (in general, reporting documents for UPWP tasks)
- Interagency MOU/cooperative agreement (Section 2-3)
  - Organization/responsibilities/planning agency, State DOT, transit operators, State air-quality agency, etc.
- Committee minutes
- Travel forecasting model methods and assumptions (Section 3-2)
- Factors/criteria/formulae applied for allocation of Federal-aid funds (i.e., STP-attributable FTA Section 5307) to projects (Section 2-3)
- Participation plan (Section 2-10)
  - Participation plan/record of/response to input/use in decision process/evaluation of effectiveness
- MPO annual self-Certification (Section 2-11)
- List of obligated projects from previous TIP year (Section 2-14)
- Congestion Management Process (CMP) (Section 2-13)
- Quarterly/annual reporting to State for FTA/FHWA 5303/PL contracts

- Title VI/EJ documentation supporting self-certification; may include reference to sections of plan and TIP, Environmental Justice Committee documentation, etc. (Section 2-12)

Not all of the documents identified above will apply in every TMA nor is this list intended to be all-inclusive.

### **Possible Federal Actions**

In some cases, the lack of documentation for several key products of the planning process could warrant a Recommendation or Corrective Action or even withholding of project approvals. For example:

- The absence of an adopted TIP or MTP (no document and no record of adoption) would warrant withholding approval of all categories of projects.
- The absence of an updated PPP would warrant a Corrective Action.
- A technical work paper that is difficult to understand might warrant a Recommendation for improvement, particularly if it is in a critical area such as conformity.

In almost every case, documentation concerns will be a subset of another issue: the MPO has not met in two years, there is no plan update document because the update is behind schedule, the plan was adopted but the staff is still working on the report, etc. Documentation issues should be closely coordinated with the main issues and, if appropriate, cited as a condition of improving or correcting the larger issue. For example, if an area has not evaluated the effectiveness of its public involvement process, the Corrective Action calling for such an evaluation, in addition to setting a time or schedule, could specify that the results be documented.

## SECTION 3-2: CHECKLIST FOR TRAVEL FORECASTING METHODS

Federal transportation planning legislation requires each MPO to develop an MTP as part of its planning process (23 U.S.C. 134(i) and 49 U.S.C. 5303(i)). This plan must cover at least a 20-year planning horizon and “shall include both long-range and short-range strategies/actions that lead to the development of an integrated multimodal transportation system to facilitate the safe and efficient movement of people and goods.” [23 CFR 450.322(b)].

An MTP requires valid forecasts of future demand for transportation services. These forecasts are frequently made using *travel demand models*, which allocate estimates of regional population, employment and land use to person-trips and vehicle-trips by travel mode, route, and time period. The outputs of travel demand models are used to estimate regional vehicle activity for use in motor vehicle emissions models for transportation conformity determinations in nonattainment and maintenance areas, and to evaluate the impacts of alternative transportation investments being considered in the MTP.

The Statewide and Metropolitan Transportation Planning Regulations provide a degree of specificity on the analytical capacity of the MPO to prepare the MTP, as follows: “The MPO, the State(s), and the public transportation operator(s) shall validate data utilized in preparing other existing modal plans for providing input to the transportation plan. In updating the transportation plan, the MPO shall base the update on the latest available estimates and assumptions for population, land use, travel, employment, congestion, and economic activity. The MPO shall approve transportation plan contents and supporting analyses produced by a transportation plan update.” [23 CFR 450.322(e)]. And, the regulation goes further to state that “The metropolitan transportation plan shall, at a minimum, include (1) The projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan....” [23 CFR 450.322(f)].

The Transportation Conformity Rule established a regulatory requirement that includes minimum specifications for travel models used to forecast vehicle activity for regional emission analyses in conformity determinations in certain nonattainment and maintenance areas. [40 CFR 93.122(b) and (d)]. However, these minimum specifications apply only to metropolitan planning areas with an urbanized area population over 200,000 that are also serious, severe, or extreme ozone or serious carbon monoxide nonattainment areas. All other nonattainment or maintenance areas must continue to meet the minimum specifications for travel models established in the Conformity Rule to the extent that those procedures have been the previous practice of the MPO.

Similarly, each TMA must develop a CMP [23 CFR 450.320], and the CMP brings with it a host of analytical requirements. CMPs shall include provisions for “Identification and evaluation of the anticipated performance and expected benefits of appropriate congestion management strategies that will contribute to the more effective use and improved safety of existing and future transportation systems based on the established performance measures.” [23 CFR 450.320(C)(4)].

While there are no explicit requirements for a particular model formulation, it is clear that the MPO must have the analytical capability to forecast the future usage and performance of transportation facilities. The capability should also address the range of policy issues and modal options under consideration within the 20-year horizon of the MTP.

Thus, there is firm legal basis for the travel forecasting methods used by an MPO to be addressed in the Certification Review to ensure that they adequately support the applications for which they are being used. These applications can vary considerably from one MPO to another, depending on such factors as nonattainment status, regional population and economic growth, and the types of strategies/investments being considered in the MTP.

The questions included in this checklist are designed to provide the Certification Review Team with an overview of the travel forecasting methods being used by an MPO, the suitability of those methods for intended applications, and the technical capabilities of the planning staff in applying the methods. In cases where responses to the checklist questions raise serious concerns about the adequacy of the forecasting methods, the Certification Review Team should request a more in-depth review by FHWA Resource Center or FHWA/FTA Headquarters travel model experts. As a more comprehensive review of travel forecasting methods can be complicated and time consuming, the field team should defer this review to a later time rather than attempting to conduct this review concurrently with the Certification Review.

### **Key Indicators of Risk**

Determining the adequacy of an MPO's travel forecasting methods begins with an understanding of how the forecasts will be used. Where forecasts are used to estimate motor vehicle emissions for transportation conformity determinations or to evaluate major transportation investment alternatives such as new highways or transit lines, the forecasting methods are more likely to be scrutinized. Federal findings (e.g., Conformity Determinations or Records of Decision) based on weak or poorly documented travel forecasting methods may be susceptible to legal challenges. Such challenges can, at a minimum, lead to time-consuming legal proceedings and delays in project implementation. In some cases, courts have even overturned Federal findings because of inadequate forecasts, resulting in costly supplemental analyses and additional project delays. Adverse court decisions also establish legal precedent, which can be used by plaintiffs in subsequent challenges against other transportation agencies.

The following questions probe whether an MPO's forecasting methods are more likely to receive close scrutiny from other agencies or outside advocacy groups.

- ***Is the metropolitan area a designated serious, severe, or extreme ozone or serious carbon monoxide nonattainment area?*** Metropolitan planning areas with an urbanized area population of over 200,000 that are designated as serious, severe, or extreme ozone or serious carbon monoxide nonattainment areas must meet certain minimum travel modeling requirements as specified in the Transportation Conformity Rule. [40 CFR 93.122 (b)]. Failure to meet these requirements may result in a delay in conformity determination or even in a conformity lapse and the restriction of Federal highway and transit funds to the metropolitan area.

- ***Is the metropolitan area a designated nonattainment or maintenance area, and has the MPO used travel demand models previously?*** Pursuant to 40 CFR 93.122(d), if an MPO in a nonattainment or maintenance area currently uses or has used a travel demand model, then it must continue to use a model with similar or greater sophistication for regional emissions analysis in transportation conformity determinations. If the nonattainment or maintenance area does not have a history of travel demand model use, there are other prescribed minimum requirements for reasonable estimation of growth with regard to vehicle miles of travel (VMT).
- ***Does the metropolitan area plan to apply for an FTA transit New Start grant?*** The FTA New Starts Program is a discretionary grant program with its own requirements for assessing the costs and benefits of proposed alternatives. MPOs that apply for a New Start grant must use travel forecasting methods that meet FTA requirements.
- ***Does the Transportation Plan include any major projects that will significantly increase highway capacity?*** Regionally significant highway projects (e.g., new highways or additional lanes on existing highways) have been consistently targeted by national environmental advocacy groups as contributing to “urban sprawl” and “induced demand.” These projects are particularly susceptible to legal challenges in which the plaintiffs hire their own travel model experts to dissect the forecasting methods used to derive forecasts of future traffic.
- Is the metropolitan area proposing any transportation projects where there is strong and coordinated opposition by local advocacy groups? Local groups with sufficient resources or in coordination with national organizations may also hire their own travel model experts to challenge controversial projects on methodological grounds.
- Has the MPO been a defendant in, or been threatened with, legal action in which the adequacy of its travel forecasting methods was challenged? If so, what was the outcome of this action? MPOs whose travel forecasting methods have been challenged in the past may be vulnerable to future challenges. However, if the challenge was summarily dismissed or if the travel forecasting methods were upgraded in response to identified deficiencies, the MPO may actually be immunized against future challenges.

Affirmative answers to any of the above questions indicate that the travel forecasting methods used by the MPO are likely to be scrutinized by travel modeling specialists working on behalf of agencies or organizations other than the MPO.

### **Key Indicators of an Agency’s Technical Capabilities**

The Certification Review Team can obtain a general overall assessment of the technical capabilities of the staff responsible for developing and applying the travel forecasting tools used by an MPO by looking at a few key indicators, covered in the following questions.

- ***Who is responsible for travel forecasting at the MPO?*** Technical staff with expertise and experience in travel demand models are needed to develop, maintain, and interpret the output from travel forecasting methods used in metropolitan transportation planning

applications. MPO in-house staff, technical staff from another agency (e.g., another MPO or State DOT), or outside contractors may provide this expertise.

If another governmental agency provides required modeling technical expertise:

- Is there a formal memorandum of agreement between the agencies to delineate technical responsibilities, lines of communication and review, authorized expenditures, and reimbursement procedures? Without a formal agreement, the MPO must rely entirely on the generosity of other agencies to provide the appropriate expertise and tools.

If contractors perform all travel model development:

- ***Who, if anyone, on the MPO staff is responsible for evaluating the technical work of the contractor?*** Even if contractors develop the travel demand forecasts, some in-house expertise is still needed in order to independently evaluate the reasonableness of the travel forecasts produced, to defend the methodology in public forums, and to provide institutional memory of what changes were made to the methodology or why they were made.

If in-house staff actively participate in model development and application:

- ***What formal training has the MPO technical staff received in travel demand forecasting?*** Formal training may include coursework taken as part of an academic degree program or completion of one or more professional training courses offered by FHWA or FTA.
- ***Does the MPO technical staff require training in specific technical areas?*** If no one on the MPO technical staff (technical staff may be provided by another MPO or State DOT) has formal training or experience in the use of travel forecasting methods, the MPO cannot assess the adequacy or validity of its long-range travel demand forecasts. These MPOs may be unable to adequately defend their forecasts against technical challenges to the models or planning assumptions.
- ***Does the MPO organizational structure include a technical committee to review planning assumptions and forecasting methods?*** Many MPOs establish technical committees comprising State and local transportation planning professionals, private consultants, and other individuals having an interest in the forecasting process. Such technical committees can help to mitigate potential challenges by providing an early opportunity for public participation in the technical process, by demystifying the forecasting methodology, and by encouraging broad consensus in developing key planning assumptions.
- Does the MPO have a strategic plan and a guaranteed minimum level of funding in its UPWP for maintenance and improvements to its travel forecasting methods? MPOs that have a well-defined and adequately funded program for data collection and for travel model maintenance and enhancement are more likely to have a technically sound forecasting process. By contrast, MPOs with no specific improvement plan or regular

source of funding are more likely to base their forecasts on outdated data and methods that are not consistent with the current state of the practice.

- ***Has the MPO convened a peer review or other independent assessment of its travel forecasting methods?*** A peer review can effectively diagnose deficiencies in an MPO's travel forecasting methods and can inoculate the MPO against frivolous legal challenges if improvements recommended by the peer review are actually implemented. Alternatively, unimplemented Recommendations provide an obvious target for legal challenges. In general, peer reviews provide good indicators of the MPO's commitment to its travel forecasting technical process.

If a peer review was convened, information should also be obtained on the following:

- The date of the most recent peer review
- The stated purpose of the peer review
- A list of participants
- Recommendations arising from the peer review
- The MPO's plan and/or schedule to address the peer-review Recommendations

## **Documentation**

Most of the questions raised with respect to travel forecasts can be addressed by adequate technical documentation of the input assumptions and the methods used to develop the forecasts.

The Certification Review Team should request and obtain *readily available* written, technical documentation from the MPO covering the following subject areas:

1. An inventory of the current state of transportation in the metropolitan area.
2. Key planning assumptions used in developing the forecasts.
3. Descriptions of the methods used to develop forecasts of future travel demand.

Each of these subject areas is described more fully below.

### **Inventory of Current Conditions**

The foundation for any forecast is a comprehensive and objective inventory of current conditions with respect to both transportation supply and demand.

The inventory documentation should include the following summary measures for the metropolitan planning area:

- Highway system: total centerline and lane-miles of roadway by functional class

- Transit system: total route miles of transit service by mode (e.g., bus vs. light rail)
- Other transport modes (as appropriate): pedestrian and bike paths, ferry service, etc.
- Population: total population and households and their geographic distribution within the study area
- Employment: total number of jobs and their geographic distribution within the study area
- VMT: average daily and annual VMT by highway functional class
- Transit use: systemwide transit ridership and share of regional trips made on transit (average daily and peak)
- Congestion: description and duration of peak period—what criteria distinguish peak vs. off-peak travel (e.g., highway level of service?)
- Land use: amount and geographic distribution of total land area that is currently developed, available for development, or not developable
- Special conditions: any unusual characteristics of the study area that significantly impact overall travel volumes or patterns (e.g., high tourist area, major intermodal port, heavy-truck through traffic, State capital)

The data sources for summary measures should be identified, including descriptions of their currency and frequency of updates. Data sources that are significantly out of date should be identified as candidates for updating in future UPWPs.

Data on highway VMT and congestion summary measures should be consistent with and/or derived from traffic monitoring data used in the TMA's CMP.

### **Planning Assumptions**

The principal determinants of any long-range travel demand forecast are the planning assumptions about the growth and distribution of population, developed land, and individual travel preferences. If these assumptions are not consistent with Statewide or regional controls or with past trends for the study area, they need to be explained and justified.

In nonattainment and maintenance areas, planning assumptions should be consistent with the joint *FHWA/FTA/EPA Guidance on the Use of Latest Planning Assumptions in Conformity Determinations* (January 18, 2001). This guidance is available at <http://www.fhwa.dot.gov/environment/cnfplngg.htm>.

The documentation of planning assumptions should, at a minimum, address the following expected changes in the study area:

- Population change: Expected change in regional population over the duration of the MTP. Population assumptions should be compared with past trends and with Statewide demographic control totals where available.
- Employment change: Expected change in regional employment over the duration of the MTP. Employment assumptions should be compared with past trends and with Statewide economic growth control totals where available.
- Regional distribution of future population, employment, and land use: Procedures used to allocate future population, employment, and other activity generators within the metropolitan area. Are the land-use forecasts consistent with local jurisdictions' master plans? If land-use models were employed, they should also be documented under forecasting methods.
- Demographic changes: Changes in the demographic characteristics of the study area population that would significantly impact aggregate trip-making behavior and/or travel patterns. These changes might include automobile ownership, household income and size, multiworker households, minority households, etc.
- Travel behavior changes: Changes in the trip-making behavior of travelers and households that would significantly impact aggregate trip-making behavior and/or travel patterns. Travel behavior changes might include telecommuting, Internet shopping, trip-chaining, etc.

Updates to the MTP should compare current population, employment, and demographic characteristics with forecasts made in previous plan updates. Significant differences between previous forecasts and current conditions should be documented and explained, and assumptions should be revised accordingly.

### **Forecasting Methods**

The complexity of a study area's forecasting methods can vary considerably, depending on current transportation conditions and on the future transportation investments and policies being evaluated. For example, an MPO with limited public transportation service and few or no choice riders may be able to use a simplified, off-model approach to estimate transit-mode share unless it plans to evaluate major public transit investments as part of its MTP. Alternatively, an MPO that plans to make significant investments in operational technology (e.g., areawide signal synchronization, ramp metering) may need to add a traffic microsimulation model to its model set.

The technical documentation of the travel forecasting methods or models should include the following information:

- Last model revision: When (in what year) was the current set of travel models last revised (e.g., new variables, new model algorithms, recalibrated using new data)?

- **Model specification:** Description of models used (e.g., gravity vs. destination choice) and interactions between models, specification of key model coefficients, calibration results (e.g., goodness-of-fit measures).
- **Calibration data:** What data was used to calibrate the model set (e.g., local home interview survey, national surveys [NHTS, CTPP], models “borrowed” from another urban area)? How current is the data source?
- **Local survey:** If a local home-interview survey was used to calibrate the model, when (in what year) was it conducted, and how many valid household records were collected?
- **Model validation:** What year and data source was the model validated against?
- **Size of network:** How many links are in the model highway network? What highway functional classes are included as network links? Has a compatible transit network been developed?
- **Number of zones:** How many transportation analysis zones (TAZs) are included in the model?
- **Non-home-based travel:** How is non-home-based travel (e.g., freight, commercial services, through traffic, tourists) modeled?

The technical documentation should be readily available to all interested parties, consistent with the public involvement provisions in the planning regulations [23 CFR 450.316 (a)]. Technical documentation should be updated on a periodic basis to reflect changes in the models or the key planning assumptions used to develop the MTP.

MPOs that cannot provide written technical documentation or whose documentation does not adequately cover the above subject areas are vulnerable to legal challenges even if their planning assumptions and forecasting methods are otherwise satisfactory.

### **Suggested Actions by the Certification Review Team**

MPOs that are able to provide adequate documentation of their forecasting methods and assumptions and that have generally positive indicators of technical capabilities and low indicators of risk require no further action by the Certification Review Team.

The absence of any technical documentation or of documentation that does not adequately address key subject areas should be discussed as a recommended area for improvement during the Certification Review.

Indications of weak technical capabilities with respect to travel forecasting methods should also be discussed as a recommended area for improvement during the Certification Review. MPOs that have not had recent peer reviews of their travel forecasting methods should be encouraged to convene such a review. FHWA provides financial support to MPOs for technical peer reviews through its Travel Model Improvement Program (TMIP).

MPOs engaged in high-risk applications (e.g., conformity determinations or controversial highway projects) and with indications of weak technical capabilities should have their forecasting methods reviewed by FHWA/FTA travel model experts.

## **SECTION 3-3: INTELLIGENT TRANSPORTATION SYSTEMS (ITS)**

### **Regulatory Basis**

The FHWA Final Rule and FTA Policy on Intelligent Transportation Systems (ITS) Architecture and Standards, issued on January 8, 2001 and codified under 23 CFR Part 940 ITS Architecture and Standards, implements 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.

23 CFR 940 states that:

- At the issuance date (January 8, 2001) of the Final Rule/Policy, regions and MPOs implementing ITS projects that have not advanced to final design by April 8, 2005, must have a regional ITS architecture in place. All other regions and MPOs not currently implementing ITS projects 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 provisions laid out in 23 CFR 940.
- 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.
- Compliance with the regional ITS architecture will be in accordance with U.S. DOT oversight and Federal-aid procedures, similar to non-ITS projects.

Questions:

1. What is/has been the MPO's involvement with the development of the ITS implementation plan and regional ITS architecture for the metropolitan area? Who are the stakeholders in this process?
2. Who is/will be responsible for maintaining and updating the regional ITS architecture once it is complete? Who is/will be responsible for ensuring that all future ITS projects are consistent with the regional ITS architecture?

3. Is a systems engineering process in place for the development of ITS projects in the region? What are the key features of this process? Who is/will be responsible for ensuring that all future ITS projects will be developed using the systems engineering process?
4. What is the MPO's involvement with other ITS organizations in the region (e.g., the Gary, Chicago, Milwaukee [GCM] ITS Priority Corridor Program)? What types of public outreach activities has the MPO facilitated with respect to ITS?
5. How is the planning/consideration of ITS being mainstreamed and incorporated into the overall planning process? (MTP, TIP, UPWP)

# Appendices

## APPENDIX A: SAMPLE NOTICE FOR PUBLIC MEETINGS



U.S. Department  
of Transportation

### *Public Meetings Notice*

Two opportunities for you to talk directly with Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) in open public meetings concerning your views on the transportation planning process in the \_\_\_\_\_ area are scheduled for:

Time: 6:30 p.m.

Date: Monday, September 9, 2007

Place: County Human Services Bldg.

**Conference Room A**

5303 South Cedar Street

Your Town, ST 55555

Time: 4:00 p.m.

Date: Wednesday, September 11, 2007

Place: County Human Services Bldg

**Conference Room B**

5303 South Cedar Street

Your Town, ST 55555

These public meetings are part of a review that will assess compliance with Federal regulations pertaining to the transportation planning process conducted by the \_\_\_\_\_ Regional Planning Commission, the \_\_\_\_\_ Department of Transportation, Capital Area Transportation Authority, and local units of government in the \_\_\_\_\_ area.

If you are not able to attend either meeting, please address your comments to:

Federal Highway Administration, \_\_\_\_\_ Division

315 Service Dr., Room 201

\_\_\_\_\_, ST XXXXX

Or

Federal Transit Administration, Region \_\_\_\_

200 Adams Rd., Room 42

\_\_\_\_\_, ST XXXXX

Individuals with disabilities requiring auxiliary aids for services should contact the \_\_\_\_\_ Regional Planning Commission by writing or calling:

\_\_\_\_\_ Regional Planning Commission

913 Maple Rd – Suite 201

Your Town, ST 55555

Tel: (xxx) yyy - zzz1

FAX: (xxx) yyy - zzz2

## APPENDIX B: CERTIFICATION REVIEW PUBLIC MEETING SIGN-IN SHEET

\_\_\_\_\_ **Certification Review**  
**Public Meeting Sign-in Sheet**

*Tuesday, September 30, 2007*

\_\_\_\_(*Location*)\_\_\_\_

Conference Room B

<b>Name</b>	<b>Agency</b>	<b>Telephone Number</b>	<b>E-mail Address</b>
1.			
2.			
3.			
4.			
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16.			
17.			

## APPENDIX C: SPEAKER'S CARD FOR PUBLIC MEETINGS

### Speaker Card

\_\_\_\_\_ Certification Review

Public Meeting September 30, 2007

If you wish to make a comment during the meeting, please complete this card and provide it to the person at the sign-in desk. Knowing that you want to speak will allow us to better manage the time available during the meeting and will help assure that everyone has an opportunity for input. You may provide a written summary in the subject field if desired.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Agency/Group (if any): \_\_\_\_\_

Subject: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## APPENDIX D: SAMPLE PRESENTATION

### Introduction of Federal Team

- Federal Transit Administration
- Federal Highway Administration
  - Regional Office
  - Division Office

1

### Why Are We Here Today?

- Every 4 years FTA & FHWA jointly review the metropolitan transportation planning process for those areas over 200,000 population
- Part of this review includes seeking the public's input

2

### Why Are You Here Today?

- To give your opinions of the metropolitan area's transportation planning process

3

### What Will Happen To Your Comments Today?

- The comments received today and by mail (within next 60 days) will be summarized in a report.
- Comments are taken into consideration while evaluating the transportation planning completed for the area.

4

### What Is The Outcome Of This Review?

- Report issued in approximately 60 days summarizing the discussions during the review
- Process is certified, certified subject to certain corrective actions or certified for use of only certain construction funding categories

5

### Metropolitan Transportation Planning Process

- *What is the planning process?*
  - A process by which transportation decisions are made and projects are planned, selected and prioritized for implementation within the region.

6

### Metropolitan Transportation Planning Process

- *Why is the planning process important?*
  - Decides how a substantial share of federal transportation funding is spent Nationwide.
  - Because of limited funding, the MPO must prioritize the regional needs and determine the best and most economical solution.
  - The Process lays the framework for the future transportation system

7

### Metropolitan Transportation Planning Process

- *Who is involved?*
  - MPO\*
    - Policy Committee
    - Technical Committee
    - Citizen's Committee (optional)
  - Department of Transportation\*
  - Transit Operator\*
  - Local Jurisdictions (cities, counties)
  - Local Citizens
  - Interest Groups
  - FTA & FHWA

8

### Metropolitan Transportation Planning Process

- *How?*
  - 3-C Approach
    - Continuing
    - Cooperative
    - Comprehensive
  - Multimodal
  - Public input

9

### Metropolitan Transportation Planning Process

- *Products of the Process*
  - Unified Planning Work Program (UPWP)
  - Transportation Plan
  - Congestion Management Process (CMP)
  - Transportation Improvement Program (TIP)
  - Public Participation Plan (PPP)

10

*What Is...*

### A Unified Planning Work Program?

- A mechanism document describing the planning activities to be completed and costs.
- MPO budget
- "A Plan for Planning"

11

*What Is...*

### The Transportation Plan?

- 20-year multi-modal guide to regional needs and potential solutions
- Financially feasible
- Conforms to Clean Air Standards
- Contains: financial plans, local goals & objectives, public involvement

12

*What Is...*  
**A Congestion Management Process?**

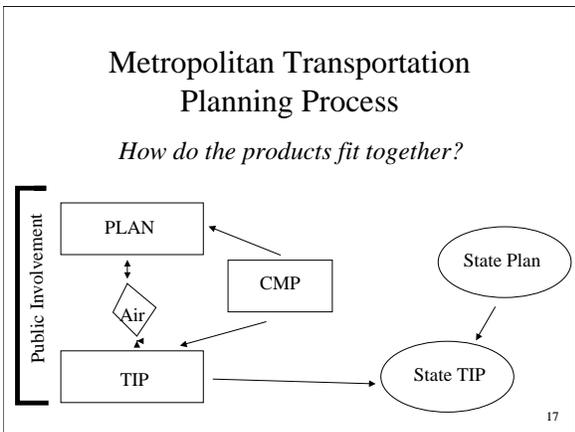
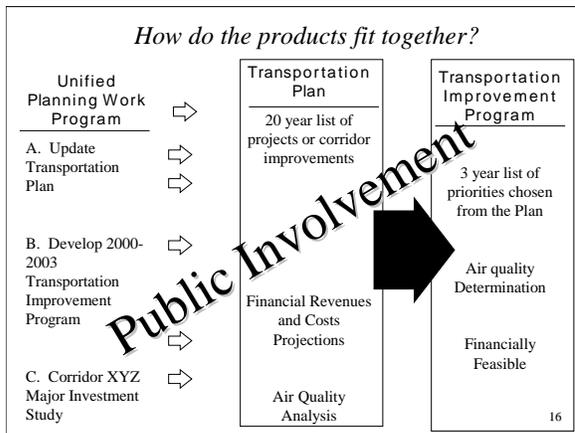
- Short term and long term strategies
  - *Short Term* - looks at current traffic and transit problems and tries to solve
  - *Long Term* - tries to prevent problems from occurring

14

*What Is...*  
**A Transportation Improvement Program?**

- 4-year list of financially feasible projects
- A document prioritizing regional projects for funding and implementation
- If the region has air quality issues, this mix of projects must be within given emissions limits

15



**Metropolitan Transportation Planning Process**

- *Any comments?*
  - Do you have an adequate opportunity to participate in the MPO Transportation Planning Process?
  - Have you been involved in the MPO transportation planning process?
  - What are your views of the process?

18

## **APPENDIX E: GROUND RULES FOR PUBLIC INPUT SESSIONS**

### **Public Meeting Ground Rules**

### **for Public Input Session of \_\_\_\_\_ Certification Review**

**Wednesday, August 16, 2007**

**6:00-9:00 p.m.**

1. We are here to receive your comments on the regional transportation planning process, both verbal and written.
2. All opinions and points of view are valid. Please respect the opinions and comments of those who may differ with you.
3. The session will end at 9:00 p.m.
4. Speakers will be limited to 5 minutes each. A visual signal will be given with 1 minute remaining.
5. A court recorder is recording all comments. Interruptions or dialogue from the audience cannot be recorded.
6. Speakers please identify yourselves for the record.

## APPENDIX F: SAMPLE NOTIFICATION LETTER



U.S. Department  
of Transportation

Federal Highway Administration  
Federal Transit Administration

Chairperson  
Your Metropolitan Planning Organization  
5303 South Cedar Street  
Your Town, ST 55555

Dear Chairperson:

Your Metropolitan Planning Organization–Federal Certification Review

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) will be conducting a Certification Review of the transportation planning process for your metropolitan area on September 30, 2007. These dates were selected in consultation with your staff. The review will begin on the morning of September 30, 2007, and will look at the cooperative planning process as conducted by the State, transit operator, and local governments in the area. You and all participants in the planning process are welcome to attend the review.

The Safe, Accountable, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) continues the requirement for Certification of the transportation planning process in urbanized areas over 200,000 population once every four years. Certification Reviews are conducted with the objective of evaluating the transportation planning process. Consequently, we will not be conducting a pass/fail review, but rather we intend to highlight good practices, exchange information, and identify opportunities for improvements. The Certification process will rely extensively on knowledge gained throughout the year from routine contact with the planning process in the area, as well as the scheduled Certification Review meeting. The specific focal points we are proposing for the Certification Review meeting included the following:

- **Status of Recommendations from the previous Certification**
- **Status of implementing the Congestion Management Process**
- **The Transportation Plan update/amendment process**
- **Transit plan/transit agency involvement/job access**
- **Consideration of Title VI/Environmental Justice/public involvement**

There will be two opportunities for the public, including key MPO committee members and special interest groups, to talk directly with FHWA and FTA in open public meetings concerning their views on the transportation planning process being conducted in the metropolitan area. These public listening sessions are scheduled during the afternoon of September 30, 2007, and the evening of September 30, 2007. We will also offer the opportunity for any committee members or other local elected officials to meet with us separately if they so desire.

If you have any questions concerning this review, please call the FHWA Division Administrator or the FTA Regional Administrator.

Sincerely yours,

Sincerely yours,

Regional Administrator  
Federal Transit Administration

Division Administrator  
Federal Highway Administration

cc:

## APPENDIX G: SAMPLE FORM USED FOR AN OFFICE REVIEW

### Compliance Background Checklist

Date: \_\_\_\_\_

MPO Name: \_\_\_\_\_

Nonattainment TMA? \_\_\_\_ Yes \_\_\_\_ No

To Discuss:

(Part II)

#### 1. MPO Designation:

- a. All \_\_\_\_ jurisdictions represented in policy body except:  
(List or #) \_\_\_\_\_
- b. Transit operators represented (\_\_\_ vote \_\_\_ voice \_\_\_ both)
- c. Other modes represented (\_\_\_ air \_\_\_ railroads \_\_\_ ports)
- d. Was additional membership added after ISTEA? (\_\_\_ yes \_\_\_ no)

#### 2. Metropolitan Planning Area Boundaries:

- a. Covers 20-yr. forecast period. Approved by MPO and Governor.
- b. Include the nonattainment area boundaries?
- c. If no to (b), see 3.e below.
- d. Boundary maps submitted to FHWA/FTA.

#### 3. Agreements; Cooperation and Coordination (also, see Section 2-3 and 23 CFR 450.314):

- a. State/MPO agreement on cooperative planning and programming procedures and responsibilities
- b. MPO/transit operator(s) agreement on cooperative planning and programming procedures and responsibilities
- c. MPO/AQ Lead Agency agreement on roles and responsibilities for AQ planning and conformity
- d. To the extent possible, a single cooperative agreement covering a, b, and c is encouraged
- e. The agreement(s) shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan and TIP, as well as the annual listing of obligated projects

- f. Agreement between MPO, State DOT, State AQ agency, and others, describing planning and AQ conformity process for “donut” areas:
  - (1) Includes conflict resolution process
  - (2) Coordinated with FHWA, FTA, EPA
- g. When more than one MPO serves the nonattainment/maintenance area or the metropolitan planning area, the MPO has a procedure for coordinating the 3-C planning process and there is evidence of such coordination and cooperation
- h. The State DOT participates in the development of the metropolitan TP, and such plan is coordinated with the development of the Statewide TP

**4. Unified Planning Work Program (UPWP):**

- a. UPWP developed cooperatively between MPO, State, transit operators.
- b. Discusses planning priorities and air quality planning activities.

**5. Elements of 3-C Process:**

- a. The latest revised TP and other technical reports, documentation, and products reflect consideration of the 8 factors.
- b. The MPO has adopted a Public Involvement process after a 45-day public comment period.
- c. Public participation plan process meets the requirements and criteria under 450.316.
- d. The 3-C process is consistent with the Title VI Assurance (any complaints recorded).
- e. The 3-C process identifies actions needed for ADA compliance.
- f. The 3-C process provides for the involvement of other transportation and nontransportation entities interested in transportation, and that of resource and permit agencies.
- g. Technical reports and documentation on 3-C process products prepared and made available to interested parties.

**6. Management Systems:**

- a. The CMP [23 CFR 450.320] is part of the 3-C planning process. The 3-C process includes the development of a CMP, which provides for the effective management of new and existing facilities through the use of TDM and TSM.
- b. SOV capacity increasing projects emanate from the CMP; incorporate SOV management strategies, and the adoption of these projects is accompanied by MPO/State commitments to simultaneously implement appropriate TDM/TSM strategies.

**7. Transportation Plan (TP):**

- a. A 20-year TP has been (is being) developed with updates scheduled for consideration, in accordance with 23 CFR450.322.
- b. The scope of the TP satisfies the ten (10) items included under 23 CFR450.322(f).

- c. The TP was developed in consideration of the clean air control strategies of the SIP, and a conformity determination was made pursuant to 40 CFR 51 or 93 before adoption by the MPO.

**8. Transportation Improvement Program (TIP):**

- a. A TIP is cooperatively developed at least every four years, compatible with the STIP development, and approved by the MPO and the Governor.
- b. An air quality conformity determination has been made on the TIP consistent with 40 CFR 51 or 93. The projects are described in sufficient detail to allow air quality conformity analysis.
- c. There is documentation of an adequate public involvement process for TIP development, and in nonattainment TMAs at least one formal public meeting was held. The final TIP is readily available.
- d. The TIP covers at least a four-year period and includes a priority list of projects.
- e. The TIP gives priority for funding to TCMs.
- f. The TIP is financially constrained and only includes projects for which maintenance, operating, and construction funds are available. (For nonattainment areas, the funds for the first two years are available and committed.)
- g. The TIP is consistent with the five items of contents listed under 23 CFR 450.324, and with the seven items of scope listed under 450.324(g).
- h. All Federal funding sources and share (including Sec. 133 (d)(3)(e), STP) funds identified.
- i. STP and Section 5307 funds are not suballocated on the basis of predetermined percentages or formulas.
- j. The TIP document includes information on: (1) project prioritization criteria; (2) project implementation status/problems; (3) TCM implementation status/problems; and (4) projects included in the baseline scenario for air quality analysis purposes.

**10. Project Selection:**

- a. In some States, the MPO is responsible for selecting projects for funding under the Section 5307, CMAQ, and STP programs, while some States select projects for CMAQ funding. Pre-agreed and written project selection procedures are followed to select projects other than those listed in the first priority year.

**COMMENTS:** (Reference each comment to the corresponding item above)

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Appendix G: Sample Form Used for an Office Review

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## APPENDIX H: SAMPLE SITE-VISIT AGENDA

### Agenda

### \_\_\_\_\_ Certification Review

**September 30–October 2, 2007**

### **Tuesday, September 30, 2007**

<b>Start Time</b>	<b>Review Topic</b>	<b>Discussion Lead</b>
9:00-9:15	Purpose and Introductions	Jack
9:15-10:15	Overview of MPO *Committee Structure *MOUs *Census Boundary Changes *New Urbanized Areas	Sam
10:30-11:30	Freight Planning	Tammy
11:30-12:30	Lunch	
12:30-1:30	Safety Planning	Tammy
1:30-2:00	HPMS	Tammy
2:00-3:00	CMP/ITS	Jack
3:00-3:30	Non-Motorized Planning *Bicycle/Pedestrian Planning	Dan
5:00-6:00	Meeting with City of Townsville	Federal Certification Review Team

### **Wednesday, October 1, 2007**

<b>Start Time</b>	<b>Review Topic</b>	<b>Discussion Lead</b>
9:00-11:30	Transportation Plan *Development *Demographic projections *Travel Demand Models	Jason

	<ul style="list-style-type: none"> <li>*Transit modeling</li> <li>*Deficiency identification</li> <li>*Prioritization process</li> <li>*Updates/Amendments</li> </ul>	
11:30-12:00	<b>Financial Plan</b> <ul style="list-style-type: none"> <li>*Revenue estimates</li> <li>*Project cost estimates</li> </ul>	Jason
12:00-1:00	<b>Lunch</b>	
1:00-2:30	<b>Transit Planning</b> <ul style="list-style-type: none"> <li>*Transit Agency Involvement</li> <li>*Transit Vision</li> <li>*Transit Plan Development</li> <li>*Job Access</li> </ul>	Dan
2:30-4:00	<b>Air Quality</b> <ul style="list-style-type: none"> <li>*Mobile 6</li> <li>*Revised Maintenance Plan</li> <li>*Conformity/Interagency Consultation</li> <li>*8 hr. Ozone standard</li> <li>*PM 2.5</li> </ul>	Jack

## Thursday, October 2, 2007

<b>Start Time</b>	<b>Review Topic</b>	<b>Discussion Lead</b>
9:00-10:30	Public Involvement/Title VI	Claire
10:30-11:00	Review team caucus	Certification Review Team
11:00	Close out/questions	Certification Review Team

## **APPENDIX I: SAMPLE FORMAT FROM SYRACUSE REPORT**

The [Syracuse 2005 Certification Report](#) is an example of an in-depth documentation of the Certification Review process.

## APPENDIX J: SAMPLE TRANSMITTAL LETTER



Federal Highway Administration  
Florida Division Office  
227 N. Bronough Street, Suite 2015  
Tallahassee, FL 32301  
(850) 942-9650  
[www.fhwa.dot.gov/fldiv](http://www.fhwa.dot.gov/fldiv)



Federal Transit Administration  
Region 4 Office  
61 Forsyth Street, S.W., Suite 17T50  
Atlanta, GA 30303  
(404) 562-3500

June 27, 2003

The Honorable Larry Schultz, Chair  
Brevard County MPO  
2725 Judge Fran Jamison Way  
Building A, MS 81  
Viera, FL 32940

Subject: Federal Certification of the Palm Bay–Melbourne Management Area (TMA) Planning Process

Dear Mayor Schultz:

As you are aware, the enactment of the Transportation Equity Act for the 21st Century (TEA-21) retained and reinforced the requirements for the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to review and certify the planning processes for large Metropolitan Planning Organizations (MPOs) at least every three years. Past FHWA/FTA Certification actions on the Brevard County MPO were reflected in reports that were finalized in November 1995, November 1997, and in June 2000.

The recent “Round 4” review of the Brevard County MPO’s planning process relied largely upon a site visit conducted by representatives from the FHWA and FTA on March 12-14, 2003. Significant time was spent with staff from the MPO, the Florida Department of Transportation (FDOT), local transit agencies, and representatives from MPO committees to discuss the current status of the MPO’s “3-C” planning process. Throughout the site visit, opportunities also were afforded to local elected/appointed officials and the general public to provide their insights on the MPO’s planning process. In addition to assessing the MPO’s progress in addressing findings from prior Certification Reviews, the recent site visit focused on the MPO’s current and/or future implementation of new and revised metropolitan transportation planning requirements that resulted from the enactment of TEA-21.

Enclosed for your consideration is the final *MPO Certification Review Report* that documents the various components of the recent FHWA/FTA “Round 4” Certification Review of the Brevard

County MPO. The report provides an overview of the MPO Certification process; summarizes the various discussions from the recent site visit; provides a series of review findings; and issues the FHWA/FTA Certification action.

In general, the “Round 4” review determined the continued existence of a “3-C” metropolitan transportation planning process that satisfies the provisions of 23 U.S.C. 134, 49 U.S.C. 1607, and associated Federal requirements. The Certification Review Team noted significant improvements and many noteworthy practices in the Brevard County MPO planning process in a number of areas. The Certification Review Team also identified a number of Recommendations and one Corrective Action for the MPO to improve the current process.

Based on overall findings, FHWA and FTA hereby certify the Brevard County MPO’s planning process. This report has been transmitted concurrently to the MPO and FDOT. A representative from our office is scheduled to formally present the review findings and the FHWA/FTA Certification action at the July or September 2003 MPO Board meeting.

The MPO Certification Review is one of several methods employed by the FHWA/FTA to monitor and assess the outcomes of the metropolitan transportation planning process. Other methods include the review and approval of the MPO’s Unified Planning Work Program; review of the MPO’s Long-Range Transportation Plan; issuance of the Federal finding that the MPO’s Transportation Improvement Program resulted from a continuing, cooperative, and comprehensive process; and periodic meeting attendance.

If you have any questions regarding the Certification Review process and/or the *MPO Certification Review Report*, please contact Ms. Stacie Blizzard at (850) 942-9650, extension 3014.

Sincerely,

/S/ Sabrina David, AICP  
For: James E. St. John  
Division Administrator  
Federal Highway Administration

/S/ Roger H. Krahl  
For: Jerry Franklin  
Regional Administrator  
Federal Transit Administration

Enclosure(s)

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## **APPENDIX K: CERTIFICATION REVIEW SCHEDULING TIMETABLE AND CERTIFICATION TASK LIST**

This appendix contains the same Certification Review scheduling timetable and Certification Task List that are also provided in Section 1-2. Each table can be copied to your computer and modified for use in preparing for and conducting a Certification Review.

### **Instructions for Completing Timetable for Scheduling a Certification Review**

#### **Introduction and Purpose**

Table 1-2.1 is a time sequence chart that has identified the five major steps involved in organizing a Certification Review and suggested activities for each major step. The shading on the chart is a suggested timeline of when activities should occur and how long each activity should take. Of course, these dates may vary slightly depending on the availability of the review team. This chart was created for the user to print and fill in dates or notes for each task. The timetable of the chart is a nine month process, since that is the typical amount of time the Certification Review process takes. The shading for each month has been subdivided into quarters so the user can easily determine when in the month each task should take place and how long each task will take. It is advisable to fill out the chart as thoroughly as possible and distribute to each member of the review team.

#### **Using the Chart**

First, in the upper left-hand corner of the chart, fill in the name of the TMA being reviewed for Certification. The next step is to establish the date of the on-site review, as that date sets the timetable for organizing the rest of the Certification Review process. Once a review date has been established, write in that month in the top row under Month 5. You can then write the date of the review in the row for the Kick-off Meeting in the Month 5 column. From here, work forwards and backwards filling in the names of the rest of the months. *For example, if you determined your review will take place in June, you would fill in June under Month 5 in the top row of the chart. Working backwards, Month 4 would be May and working forwards Month 6 would be July, etc....*

By using the suggested shading on the chart, you can then determine approximately when the other activities will need to take place. For more information on the activities involved in organizing a Certification Review, please refer to Part I of this Handbook.



**Certification Task List**

**TMA:** \_\_\_\_\_

	<b>Task</b>	<b>Target Date</b>	<b>Completion Date</b>
1	Identify and secure commitment from Federal team members		
2	Negotiate and agree on date for site visit with team, MPO, State, and transit operator		
3	Formal site-visit notification sent to MPO, State, and transit operator		
4	Preliminary review of past certification actions and planning products		
5	Assemble appropriate background material and send to team members		
6	Conduct desk review of past certification findings and planning products – assess compliance status and risk for certification topics and identify approach for each: future review / desk review / site visit (see Figure 1-3.1)		
7	Team agrees on scope of review and preliminary agenda for site visit		
8	Team assignments made for each review topic		
9	Review questions developed and agreed upon		
10	Arrange time and location for public involvement		
11	Public involvement notice sent out		
12	Final agenda developed and sent to review team, MPO, State, and transit operator		
13	Conduct public involvement		
14	Conduct site visit		
15	Review team huddle to assess outcome and preliminary discussion of Commendations, Recommendations, and Corrective Actions		
16	Review team agrees on writing assignments and due date(s)		
17	Prepare initial draft		
18	Distribute initial draft to review team for comment		
19	Prepare final draft and resubmit for review if necessary		
20	Prepare Final Report		
21	Prepare transmittal letter to MPO, State, and transit operator		
22	Get signatures and send report and cover letter		
23	Coordinate time for certification briefing at MPO policy committee meeting		
24	Present certification findings at MPO policy committee meeting		

## ACRONYMS AND ABBREVIATIONS

ADA	Americans with Disabilities Act
AQ	Air Quality
CAAA	Clean Air Act Amendments of 1990
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation and Air Quality
CMP	Congestion Management Process
CMP	Congestion Management Process
CPI	Continuous Process Improvement Manual
DA	Division Administrator
DBE	Disadvantaged Business Enterprises
DHHS	Department of Health and Human Services
DOT	Department of Transportation
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GIS	Geographic Information system
HRPDC	Hampton Roads Planning District Commission
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
ITS	Intelligent Transportation Systems
LEP	Limited English Proficiency
LRTP	Long-Range Transportation Plan
MOU	Memorandum of Understanding

MPA	Metropolitan Planning Area Boundary
MPO	Metropolitan Planning Organization
NEPA	National Environmental Policy Act
NHI	National Highway Institute
NHS	National Highway System
NTI	National Transit Institute
PDIT	Program Delivery Improvement Tool
PEA	Planning Emphasis Area
PIP	Project Implementation Plan
PL	Metropolitan Planning Funds
PPP	Public Participation Plan
RA	Regional Administrator
RTIP	Regional Transportation Implementation Plan
RTP	Regional Transportation Plan
SAFETEA-LU	Safe, Accountable, Efficient Transportation Equity Act: A Legacy for Users
SHA	State Highway Administration
SHSP	Strategic Highway Safety Plan
SIP	State Implementation Plan
SOV	Single Occupancy Vehicle
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAZ	Transportation Analysis Zone
TCM	Transportation Control Measure

TEA-21	Transportation Equity Act for the 21st Century
TIP	Transportation Improvement Program
Title VI	Title VI of the 1964 Civil Rights Act
TMA	Transportation Management Area
TMIP	Travel Model Improvement Program
TPCB	Transportation Planning Capacity Building program
TSP	Transportation Safety Planning
U.S.C.	United States Code
UAB	Urban Area Boundary
UMTA	Urban Mass Transportation Administration (now FTA)
UPWP	Unified Planning Work Program
UZA	Urbanized Area
VMT	Vehicle Miles of Travel