

**JOINT RECORD OF REVIEW
TRANSPORTATION IMPROVEMENT PROGRAM
FISCAL YEAR 2012-2015
CHARLOTTESVILLE METROPOLITAN PLANNING ORGANIZATION**

A Planning Finding is required for each Metropolitan Planning Organization's (MPO) Transportation Improvement Program (TIP) and the Statewide Transportation Improvement Program (STIP). The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) must jointly find that each metropolitan TIP is based on a continuing, cooperative, comprehensive planning process. In turn, a Planning Finding must also be made to the extent to which the STIP is based on a planning process that substantially meets the requirements of 23 U.S.C. 134 and 135, 49 U.S.C. 5303 and 5304, and 23 CFR 450. The Planning Finding is required prior to FTA/FHWA approval of the STIP.

The following information is provided in support of the required Federal Metropolitan Planning finding for the Charlottesville MPO:

We find that the FY 2012-2015 Transportation Improvement Program (TIP) for the Charlottesville metropolitan planning area is based on a continuing, comprehensive transportation planning process carried on cooperatively by the State, MPO, and transit operators in accordance 23 U.S.C. 134; 49 U.S.C. 5303 and 5304; and subparts A and C of 23 CFR 450. The findings on the Transportation Improvement Program are based (in part) on the self-certification statement submitted by the state and the MPO under 23 CFR 450.334(a) and activities by the FHWA Division Office, the FTA Region Office, and VDOT TPMD and District office staff in accordance with the State oversight responsibilities.

While our findings for this TIP update are satisfactory, there are at least two areas of concern that must be addressed within a year to ensure a satisfactory finding for future TIP updates. We've also included several recommended areas of improvement that should also receive attention over the next year. These areas are discussed below in the section – *General Findings and Comments Applicable to the Metropolitan Planning Process for MPOs in Virginia*. Our decision was based on numerous informal discussions and contacts throughout the year and reviews by the FHWA Division and FTA Region Office of the following documents and activities:

- The current 2035 Metropolitan Transportation Plan (MTP) adopted by the MPO in May 2009 and was received by the FHWA Division Office in accordance with the Statewide and Metropolitan Planning Regulations (23 CFR 450)
- The review and approval of the FY 2011-2012 Unified Planning Work Program (UPWP) for the Charlottesville metropolitan planning area in FY 2011.
- The FY 2012-2015 TIP was submitted and reviewed by the FHWA and FTA in conjunction with the FY 2012-2015 Virginia STIP. Projects included in the TIP were found to be consistent with the MPO adopted Metropolitan Transportation Plan.
- The Public Participation Plan (PPP), last revised/adopted in April 2009, for the TIP, the metropolitan transportation plan, and the planning process is considered to be consistent and in accordance with the Metropolitan Planning Regulations at 23 CFR 450.
- The FHWA Division staff has had interactions with the MPO staff through meetings, workshops, conferences, and training. In addition, FHWA and FTA each have a member of its planning team to serve as an invited non-voting member of the MPO Policy Board.



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September 30, 2011



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September 29, 2011

General Findings and Comments Applicable to the Metropolitan Planning Process for MPOs in Virginia

1. The MPOs, regional transit operators, and VDOT District offices have a great working relationship. FHWA and FTA have observed a strong level of mutual respect among MPO Board members. We acknowledge and value the leadership and staff of the MPOs, transit operators, and VDOT District offices and can affirm and attest to their strong technical and interpersonal abilities/skills that are required to work through what are oftentimes complicated transportation issues and projects. Keep up the good work!!
2. FHWA and FTA acknowledge the changes some MPOs have made to expand their MPO Policy Board to include members of the CTB and/or members of the Virginia General Assembly. Through our participation on MPO Policy Boards, we've seen this expansion result in a more informative, educational, and responsive metropolitan planning and programming process.
3. Staff members from several MPOs have expressed the need for better clarification and support to help determine projects that are within grouped line items in their region. Others have expressed an interest in wanting to do away with project grouping altogether. We recommend that the VDOT and MPOs cooperatively revisit project grouping within metropolitan areas to determine and ensure that the current process provides project/program efficiency, clarity, and transparency for projects within grouped project line items contained in metropolitan TIP. Each MPO has to determine the degree to which project grouping is appropriate for their TIP. Should an MPO decide to continue to group projects then the MPO, in cooperation with VDOT, must maintain a list of projects that are within the group.
4. There are a significant number of projects in the MPO approved TIPs with a total cost estimate but have no proposed obligation in each year of the TIP. It's not clear whether these are projects that have been complete or if they are projects that represent a need but no funding has been obligated to it yet and are being shown for informational purposes. At a minimum, we recommend that the MPOs, in cooperation with the State, provide clarification on the status of these projects in the TIP.

5. A review of grouped project line items for 1) Preventive Maintenance and System Preservation, 2) Preventive Maintenance for Bridges, and 3) Traffic and Safety Operation in the MPO TIPs indicate that proposed federal revenues for these groupings are identical in each MPO region's TIP. Our finding is that the cumulative total of the projected revenue sources for these grouped project line items in MPO TIPs indicate a severe overestimation of reasonably available Federal funds available to each MPO region when compared to the Federal funds reasonably available to the State. The cumulative total of the State and Federal funds in the TIPs and STIP should not exceed, on an annual basis, the total State and Federal funds reasonably available to the State. The TIP that each MPO developed, presented to the public, and approved show these funding levels as though they will be entirely available for their regions when they are not. During our discussions with MPO staff, it was indicated that the revenues were included at the request of the State.

At this time, it is difficult to make a positive financial finding for the MPO TIPs until it can be demonstrated that the grouped project line items in MPO TIPs can be fiscally constrained at the State and/or MPO level. Every MPO, in cooperation with the State, must amend their TIP and determine the estimated cost and amount of reasonably available Federal and State revenues to fund the grouped project line items in each MPO area TIP. Using historical trends, with an eye to current and at least near term revenues and costs, the State and each MPO should be able to estimate reasonable budgets by category and then apply those to project priorities within the MPO planning area.

6. Within the past several years, several MPOs and the VDOT have undergone some degree of organizational restructuring. The VDOT especially, has restructured and decentralized how it administers planning and programming activities within its central office and district offices. For example, the establishment of Planning and Investment Managers (PIM) in districts to ensure the effective use of all available federal and state transportation funds while complying with applicable federal and state regulations and policies.

As a result of these and other changes that may have an impact on the sharing and distribution of information and responsibilities, we strongly recommend that over the next year the MPOs in Virginia update the "continuing, cooperative, and comprehensive" planning agreements required under Title 23, section 135. In addition to clearly identifying the responsibilities of the MPO, the State, and the

transit operator(s) in carrying out the transportation planning process, the agreement must include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan plan and the metropolitan TIP, and the development of the annual listing of obligated projects.

The agreement should also clarify which VDOT offices now perform what planning and programming functions, how planning and programming tasks are to be coordinated and completed in cooperation with the MPOs (including projects status information), and how the oversight for planning activities is being monitored and performed by VDOT. Our suggestion is to include this task in the MPO Work Program.

7. A number of MPOs have expressed concerns that their TIP is not being appropriately included in the STIP. Both statewide and metropolitan regulations require that after "approval by the MPO and the Governor, the TIP shall be included without change, directly or by reference, in the STIP required under U.S.C. 135."

Our review of the STIP confirms the inconsistency between the MPO TIPs contained in the State STIP submittal and the TIPs approved by the MPOs and Governor. For example, additional information contained in MPO TIPs such as expenditures for each project, allocations by phase, and maps showing the location of each project to support visualization techniques required under federal regulations (23 CFR 450.316(a)(1)(iii)) is not included in the STIP submittal for FHWA and FTA approval.

The State and MPOs must cooperatively work together over the next year to determine if an appropriate format that meets MPO TIP format expectations can be achieved. If the State determines that it does not have the capability to replicate the details in the MPO TIPs, the TIPs should be included by reference.

8. The Statewide Transportation Improvement Program (STIP) is defined as, "a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long range statewide transportation plan, metropolitan transportation plans, and TIPs, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53."

During the development of our planning findings and TIP review, FHWA provided copies of the VDOT certified STIP (July 8, 2011) to several MPOs for comment. In addition to the concerns expressed by MPO staff related to the inclusion of the TIP into the STIP, MPO staff noted that while opportunities are provided to review and comment on the proposed Six Year Improvement Program (SYIP), there are no opportunities to view or comment on the proposed STIP until after it had been reviewed and approved by FHWA and FTA. We find this to be true.

Federal regulations at 23 CFR 450.216(f) requires, "the Governor to provide all interested parties with a reasonable opportunity to comment on the proposed STIP." The requirement is supported by 23 CFR 450.210(a)(1)(iii) where the State shall, "provide adequate public notice of public involvement activities and time for public review and comments at key decision points, including but not limited to comment on the proposed long-range statewide transportation plan and STIP."

While we recognize and acknowledge the acceptable and exceptional public involvement efforts related to the development of the SYIP and the projects that subsequently feed into the STIP, the SYIP is not the STIP and it is not the federal program document from which federal-aid projects can be authorized. At a minimum, the proposed STIP must be made available for public review and comment.