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June 17, 2015

Mr. Jerry Skalsky  
Interim Chair  
Tri-Cities Area Metropolitan Planning Organization  
1964 Wakefield Street  
Petersburg, VA 23805

**RE: 2013 Federal Certification of the Tri-Cities Area Metropolitan Planning Organization**

Dear Chair Skalsky:

This letter notifies you that the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly certify the planning process for the Tri-Cities Area Metropolitan Planning Organization (MPO) portion of the Richmond Transportation Management Area (TMA). This certification is based on the findings from the Federal Certification Review conducted on September 23-24, 2013.

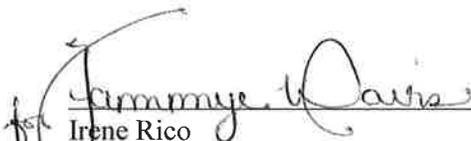
Based on our overall findings, the FHWA and FTA hereby *conditionally* certify the Tri-Cities Area MPO planning process. The corrective action necessary to attain full compliance with Federal metropolitan transportation planning laws and regulations under 23 U.S.C. 134 and 49 U.S.C. 5303 requires update of the MPO's Public Participation Plan and is discussed in the enclosed certification review report.

We would like to thank you and your staff for your time and assistance in planning and conducting the review.

If you have any questions regarding this review, please contact Ms. Tammye Davis, Program Management Analyst, of the FHWA Virginia Division, at (804) 775-3335 or Mr. Ryan Long, Community Planner, of the FTA Region III Office, at (215) 656-7051.

Sincerely,

  
\_\_\_\_\_  
Terry Garcia Crews  
Regional Administrator  
Federal Transit Administration

  
\_\_\_\_\_  
Irene Rico  
Division Administrator  
Federal Highway Administration

cc: Ms. Marsha Fiol, Virginia Department of Transportation (Central Office)  
Ms. Diane Mitchell, Virginia Department of Rail and Public Transportation (Central Office)  
Ms. Amy Inman, Virginia Department of Rail and Public Transportation  
Mr. Mark Riblett, Virginia Department of Transportation (Richmond District)  
Ms. Dironna Moore Belton, Petersburg Area Transit

**Tri-Cities Area Metropolitan Planning Organization  
Transportation Planning Certification Review Summary Report**

**23-24 September 2013**



**Conducted by:  
Federal Highway Administration, Virginia Division Office  
Federal Transit Administration, Region III Office**

## **Forward**

Pursuant to 23 U.S.C. 134(k)(5) and 49 U.S.C. 5305(e), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly certify the metropolitan transportation planning processes in Transportation Management Areas at least every four years (A TMA is an urbanized area, as defined by the U. S. Census, with a population of over 200,000).

Under the planning provisions, each Metropolitan Planning Organization (MPO) must, at least every four years, with submittal of the entire proposed TIP, self-certify that its planning process is being conducted in accordance with applicable requirements related to planning, air quality, Title VI of the 1964 Civil Rights Act (Title VI), Disadvantaged Business Enterprises (DBE), and the Americans with Disabilities Act (ADA). The Certification Reviews are essentially a look beyond the self-certification, and are not just a review of the MPO or its staff; rather, it covers all of the agencies (State, MPO, and transit operators) that are charged with cooperatively carrying out the process on a daily basis. This shared responsibility is specifically addressed in the regulations where:

*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)]*

In general, the reviews consist of three primary activities: a site visit, review of planning products (in advance and during site visit), and preparation of a report which summarizes the review and offers findings. The reviews focus on compliance with Federal regulations, challenges, successes, and, experiences of the cooperative relationship between the MPO, State DOT and transit operator in the conduct of the metropolitan planning process. Joint FTA/FHWA Certification Review guidelines provide agency field reviewers with latitude and flexibility to tailor the review to reflect local issues and needs. As a consequence, the scope and depth of the Certification Review reports will vary significantly.

It is important that the State, the Metropolitan Planning Organization (MPO), and transit operators understand that the Certification Review is being done in the spirit of cooperation with the goal of enhancing the quality of the transportation planning process. FHWA and FTA approach the Certification Review as true partners in the process, holding a stewardship role to find out what is/is not working and, when appropriate, to *help* make improvements.

The Certification Review process is only one of several methods used to assess the quality of a local metropolitan planning process, compliance with applicable statutes and regulations, and the level and type of technical assistance needed to enhance the effectiveness of the planning process. Other activities provide opportunities for this type of review and comment, including Unified Planning Work Program approval, Metropolitan and Statewide Transportation Improvement Program Findings, air quality conformity determinations (in non-attainment and maintenance areas), as well as a range of other formal and less formal contact provide both FHWA/FTA an opportunity to comment on the planning process. The results of these other processes are considered in the Certification Review process.

### **Certification Statement**

Based on the Federal Team's review and evaluation, the Federal Highway Administration and Federal Transit Administration conditionally certify the Tri-Cities MPO's Planning Process as part of the Richmond Area Transportation Management Area, for compliance with the requirements of the Federal Metropolitan Planning Regulation, 23 CFR Part 450 Subpart C and 49 CR Part 613. The FHWA and FTA will re-examine the Tri-Cities MPO planning process within six months from the date of this report to ensure that the corrective action is completed. Likewise, the MPO is expected to give serious consideration to the implementation of the recommendations for improvement.

## **Introduction**

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

A Federal Review team consisting of staff from the FHWA Virginia Division, the FHWA Resource Center, FHWA D.C. Division, FHWA Headquarters, and the FTA Region III Office was formed to conduct the Certification Review.

On September 23-24, 2013, the Federal Review Team met with the Crater Planning District Commission (CPDC) staff, which serves as the lead technical and administrative staff for the Tri-Cities Area Metropolitan Planning Organization (MPO), the designated metropolitan planning organization for the Petersburg metropolitan area. In addition, representatives from Virginia Department of Transportation (VDOT), the Virginia Department of Rail and Public Transportation (VDRPT), Petersburg Area Transit (PAT), and the City of Petersburg participated in the certification review. The agenda from this site visit can be found in Appendix A.

### **Site Visit Review Participants**

- Tri-Cities Planning District Commission ~ MPO Staff: Joe Vinsh, Christopher Nicholas
- Virginia Department of Transportation (VDOT) ~ District Office: Mark Riblett, Paul Agnello, Laura Walton, Central Office Planning: Diane Mitchell, Marsha Fiol, Jim Ponticello
- Virginia Department of Rail and Public Transportation (VDRPT) ~ Emily Stock
- Federal Highway Administration ~ Virginia Division: Tammie Davis, Mack Frost, Joy Lang
- Federal Highway Administration ~ HQ: Tameka Macon (via phone), Jeremy Raw
- Federal Transit Administration ~ Region III: Ryan Long
- Petersburg Area Transit (PAT) ~ Queenie Byrd
- City of Petersburg ~ Steven Hicks

In addition, there was an opportunity for the public, including key MPO committee members and special interest groups to express any concerns or commendations on the MPO’s regional planning and programming process. A public meeting was also held on September 23th. After a presentation on the metropolitan transportation planning process, the public was asked to provide comments/concerns regarding the adequate opportunity to participate in the process, their involvement, and their views of the Tri-Cities MPO planning process.

The FHWA and FTA jointly conducted a day and a half Certification Review of the Tri-Cities Metropolitan Planning Process. All meetings were open to the public.

## **MPO Designation, Structure, and Agreements**

### **Regulatory Basis/Requirements**

1. MPO – 23 CFR 450.310 (a) states, “To carry out the metropolitan transportation planning process under this subpart, a metropolitan planning organization (MPO) shall be designated for each urbanized area with a population of more than 50,000 individuals.”
2. Designation – 23 CR 450.310(b) states, “MPO designation shall be made by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population...”
3. Membership – 23 CFR 450.310(d) states, “Each MPO that serves a TMA, when designated or redesignated under this section shall consist of local elected officials, officials of public agencies that administer or operate major modes of transportation in the metropolitan planning area, and appropriate State transportation officials.”
4. Staffing – 23 CFR 450.310(f) states, “Nothing in this subpart shall be deemed to prohibit the MPO from using the staff resources of other agencies, non-profit organization, or contractors to carry out selected elements of the metropolitan planning process.”
5. Agreements – 23 CFR 450.314(a) states, “The MPO, State(s), and the public transportation operator(s) shall cooperatively determine their mutual responsibilities in carrying out the transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, State(s), and public transportation operator(s) serving the MPO. To the extent possible, a single agreement between all responsible parties should be developed. The written agreement shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan and the metropolitan TIP, and the development of the annual listing of obligated projects”
6. Definition - 23 CFR 450.104 defines a Metropolitan Planning Organization (MPO) as “the policy board of an organization created and designated to carry out the metropolitan transportation planning process.”

### **Findings**

The Tri-Cities Area Metropolitan Planning Organization is the Federally-designated regional transportation planning organization that serves as the forum for cooperative transportation decision-making in the Petersburg Virginia area (split with the Richmond Area Metropolitan Planning Organization) as part of the Richmond Urbanized Area. The transportation study area includes the cities of Petersburg, Colonial Heights, Hopewell and portions of Prince George, Dinwiddie and southern Chesterfield counties. A map of the MPO’s planning boundary can be found in Appendix B. A portion of Chesterfield County is included in the Richmond Area

Transportation Study. The Crater Planning District Commission provides the staff support for the Tri-Cities Metropolitan Planning Organization.

Memoranda of Understanding (MOUs) identifying planning responsibilities have been established among the MPO, State, public transportation operator, and designated air-quality agency. These are dictated by existing MPO agreements 450.310(a), as well as agreement 45.310(c) (g) & Consultation Procedures Conformity Rule 93.105. These agreements were signed over five years ago prior to authorization of the Moving Ahead for Progress Act (MAP-21).

**Recommendation** – The Federal Review Team recommends revisiting the Metropolitan Planning Organization’s MOUs and other agreements cooperatively between the MPO, State, and the public transportation operator to update mutual roles and responsibilities in carrying out the transportation planning process. The MPO has not updated their MOU for Metropolitan Transportation Planning Responsibilities - MOU 450.310(a) - between the MPO, VDOT, VDRPT and the Petersburg Area Transit (PAT) for maintaining a cooperative, comprehensive and continuing metropolitan planning and programming process since 2009. In June of 2006, a five party MOU for the Regional Transportation and Air Quality Planning and Coordination was executed by the Tri-Cities and Richmond MPOs, Metropolitan Richmond Air Quality Committee (MRAQC), Virginia Department of Environmental Quality (VDEQ), and VDOT. This air quality planning MOU should also be updated to reflect changes in any air conformity status. There are no Federal timelines for the frequency of updating agreements, however they should be reviewed every 5 or 6 years to make sure the document reflects current planning practices and compliance with new Federal regulations.

## **Transportation Improvement Program (TIP) and Project Prioritization**

### **Regulatory Basis/Requirements**

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

- The TIP shall act as a management tool for monitoring progress in implementing the Transportation Plan, identify the criteria and process for prioritizing the implementation of Plan elements through the TIP, list major projects implemented from the previous TIP, and identify significant delays in implementation,
- The TIP shall cover a period of at least four years,
- The TIP shall include all transportation projects, including bicycle and pedestrian facilities, proposed for funding under Title 23 U.S.C. and 49 U.S.C.; all regionally significant transportation projects for which FHWA or FTA action is required; all regionally significant projects to be funded from non-Federal sources; and only projects that are consistent with the Transportation Plan,
- The TIP shall provide sufficient descriptive material for each project to identify the project or phase, estimated cost, Federal funds proposed to be obligated during each program year, proposed source of Federal and non-Federal funds, funding recipient/project sponsor, and in nonattainment and maintenance areas, describe Transportation Control Measures (TCMs) in sufficient detail for conformity determination,
- The TIP shall describe progress in nonattainment and maintenance areas in implementing required TCMs and include a list of all projects found to conform in a previous TIP and which are part of the base case in determining conformity,
- A financial plan shall be included that demonstrates how the proposed TIP can be implemented, indicates resources from public and private sources that area reasonably expected to be made available to carry out the TIP, and recommends any additional financing strategies from needed projects and programs,
- Financial constraint shall be demonstrated and maintained by year and shall include sufficient financial information to demonstrate which projects are to be implemented using current and/or reasonably available revenues,
- A conformity determination by FHWA and FTA in nonattainment and maintenance areas,
- Provide interested parties to comment on the plan and hold at least on formal public meeting during TIP development,
- For transportation operations and maintenance, contain system level estimates of costs and revenue sources to adequately maintain and operate Federal aid highways and public transportation,
- MPO may group projects that are not of an appropriate scale to list individually, and
- As a TIP action by the FHWA and FTA, 23 CFR 450.328 requires that, “the FHWA and FTA shall jointly find that each metropolitan TIP is consistent with the metropolitan plan produced by the continuing and comprehensive transportation planning process carried

on cooperatively by the MPO(s), the State(s), and the public transportation operators in accordance with 23 U.S.C. 134 and 49 U.S.C. 5303. This finding shall be based on the self-certification statement submitted by the State and MPO under section 450.334, a review of the metropolitan transportation plan by the FHWA and FTA, and upon other reviews as deemed necessary by the FHWA and FTA.”

## **Findings**

The preparation of the Transportation Improvement Program (TIP) is driven, in large part, by the Commonwealth Transportation Board’s (CTB) Six-Year Improvement Program (SYIP<sup>1</sup>). The MPO staff further prepares the draft 4-year list of proposed TIP projects based on submissions by area local governments, the Virginia Department of Transportation (VDOT) and the Virginia Department of Rail and Public Transportation (VDRPT), PAT and then conducts a public review process for the proposed regional Surface Transportation Program (STP) and CMAQ projects. Coordination and involvement in preparation of the SYIP, especially information sharing is critical to an effective metropolitan TIP. Changes in the SYIP may alter the draft TIP development. The MPO Board approved the FY15-18 TIP in May of 2014 in concert with VDOT/VDRPTs FY15-18 STIP update Cycle. VDOT/VDRPT updates their STIP every three years. The TIP appears to identify various resources that are reasonable expected to be available including transit and rail funding.

The Commonwealth Transportation Board (CTB) has lead responsibility for selecting and programming Federally-funded Interstate Maintenance, Bridge, National Highway System, Statewide (non-metropolitan) STP, Safety, Enhancement and projects, while local governments have lead responsibility for selecting projects within the urban and secondary roadway systems. The MPO however has lead responsibility for the project review, selection and funds allocation process for STP and CMAQ funds allocated to the MPO. Federal transit capital funds under the Section 5310 Enhanced Mobility of Seniors & Individuals with Disabilities program are administered at the State level by the VDRPT. Qualified local agencies apply to VDRPT for Section 5310 grants on an annual basis for eligible projects.

While the MPO does have lead authority when it comes to project selection and funds allocation for regional STP and CMAQ programs, the MPO is subject to VDOT working schedules which usually provide the MPO with short notice for the amount of actual and projected allocations. In prioritizing CMAQ and STP projects, the MPO Technical Committee develops ratings for approval/rejection by the MPO Board (i.e., Policy Committee). CMAQ and STP projects are selected by the MPO by means of a project rating process. The procedure for selecting and prioritizing projects includes the development of candidate project lists for each program by the

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<sup>1</sup> The SYIP is updated annually and is the means by which the Commonwealth Transportation Board (CTB) meets its statutory obligation under the Code of Virginia to allocate funds to interstate, primary, secondary and urban highway systems, public transit, ports and airports and other programs for the immediate fiscal year. The CTB allocates funds for the first fiscal year of the SYIP but the remaining five years are estimates of future allocations. Fiscal years start on July 1 and end on June 30. The STIP and not the SYIP is the Federally-approved regional transportation programming document covering four years.

MPO Technical Committee. Background information, including current and future volume/capacity and Level of Service are assembled to profile each candidate project. A numeric rating procedure is used to rate each candidate project under the CMAQ and STP programs. The results of the ratings are reported to the MPO Board (i.e., Policy Committee) for consideration. The results of the project ratings, based on established criteria, are the basis of MPO Technical Committee recommendations to the MPO Policy Committee. The TIP public review process includes postings on the MPO website; however, TIP Amendments are not posted on the MPO website for public awareness.

The TIP financial plan is federally required to include committed and/or reasonably available transportation funding sources. In air quality nonattainment or maintenance areas, projects in the first two years are limited to those for which funds are available or committed. The estimates on funding sources and costs are based on reasonable financial principles and recent information. VDOT provides financial estimates for both revenues and costs given in year of expenditure dollars, reflecting growth and inflation factors. VDOT cost estimates are from the VDOT Project Cost Estimating System; however the MPO participation is limited in this process. For projects not administered by the State, cost estimates are developed cooperatively among the MPO, PAT or responsible local governments.

**Recommendation** – The Federal Team finds that the MPO should become more actively involved with the fiscal constraint determination for the TIP, which in large part is developed by VDOT. As part of the Financial Plan, the MPO should also identify estimated costs and reasonable revenue sources for system maintenance and operations in the TIP.

## Long Range Transportation Plan Development

### **Regulatory Basis/Requirements**

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

Other required elements that must be addressed include:

- Include a financial plan that demonstrates fiscal constraint,
- In developing the financial plan the MPO must consider Federal, State, local and private participation sources,
- In cases that the FHWA and FTA find a metropolitan transportation plan to be fiscally constrained and a revenue source is subsequently removed or substantially reduced (i.e., legislative or administrative action), the FHWA and FTA will not withdraw the original determination of fiscal constraint; however, in such cases, FHWA and FTA will not act on an updated or amended plan that does not reflect the changed revenue situation,
- A discussion of the types of potential environmental mitigation activities and potential areas to carry out these activities based on a consultation process with Federal, State, and Tribal land management, wildlife, and regulatory agencies,
- Demand analysis,
- Congestion Management Process (CMP),
- Planning Factors,
- Transit,
- Pedestrian walkway and bicycle facilities,
- System preservation,
- For systems operations and maintenance, the plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to operate and maintain Federal-aid highways and public transportation,
- Use of inflation rates in the plan to reflect year of expenditure dollars,
- Conformity determination on any update or amended transportation plans in accordance with CAA and EPA transportation conformity regulations, and
- Public official/agencies and citizen involvement (see also 23 CFR 450.316).

### **Finding**

The Tri-Cities Area MPO Long Range Transportation Plan (LRTP) - Year 2035 Transportation Plan – was adopted in June of 2012 adequately highlighting the incorporation and discussion of

various modes and strategies charting the future development of the transportation system in the greater Petersburg region. The LRTP provides a fiscally-constrained list of transportation projects for the region and also develops an illustrative list of projects called “vision projects” where transportation needs exist but no resources available.

The LRTP is a goal based document which identifies the transportation system’s needs/ deficiencies through data analysis often provided by VDOT. The goals and objectives statement for the Year 2035 Transportation Plan places emphasis on alternative transportation modes, economic development, comprehensive plan compatibility and public involvement which is consistent with Federal planning factors. As a method of assessing achievement of these goals and objectives, the Tri-Cities MPO adopted regional land use and transportation performance measures. All together, these LRTP improvements and additions represent a continued improvement in the scope of the document.

During the Certification Review site visit, the importance of reasonable revenue projections for future LRTP years and the critical role of VDOT in developing these estimates for the region in a timely manner were discussed. Section 7 of the LRTP documents the financial assumptions on which the Plan is predicated. While VDOT develops the financial forecast information used for Interstate, Secondary and Statewide roadway categories for the LRTP, the transit capital and operating financial forecasts were obtained from the 2010 Tri-Cities Transit Development Plan update adopted by the MPO in January of 2011. This transit plan was developed in cooperation with the VDRPT and Petersburg Area Transit (PAT). The public involvement outreach during development of the Plan seems to be limited to print media and posting on the MPO’s website.

**Recommendation** - We encourage the MPO to consider using scenario-based planning for their next LRTP update. Scenario planning is a technique that helps assess and prepare for possible future conditions using multiple possible stories about the future. Through assessing alternative futures, scenario planning can help transportation agencies make more informed short and long-term decisions about how to plan for the future. The MPO should consider including more proactive data analysis in the LRTP (showing trends, needs, evolution) and reporting on data collection activities. There are many tools on the FHWA Scenario Planning website that can assist the MPO. FHWA can also offer a workshop on Scenario Planning for the MPO.

## UPWP Development

### **Regulatory Basis/ Requirements**

23 CFR 450.308(c) requires, "... each MPO, in cooperation with the State(s) and public transportation operator(s), shall develop a UPWP that includes a discussion of the planning priorities facing the MPO. The UPWP shall identify work proposed for the next one or two year period by major activity and task (including activities that address the planning factors in section 450.306(a)), in sufficient detail to indicate who will complete the work, the schedule for completing the work, the resulting products, the proposed funding by activity/task, and a summary of the total amounts and sources of Federal and matching funds."

Elements that must be included in the UPWP are:

- Discussion of the planning priorities facing the metropolitan planning area; and
- Description of all metropolitan transportation planning and transportation-related air quality planning activities anticipated within the next 1 or 2-year period indicating:
  - Who will perform the work,
  - The schedule for completion of the work
  - Resulting Products,
  - Proposed funding by activity/task, and
  - Summary of total amounts of Federal and matching funds (i.e. state and local).

### **Findings**

The MPO annually establishes a Unified Transportation Planning Work Program (UTPWP) which defines work tasks for the upcoming fiscal year (July 1 to June 30) including staff assignments and funds allocated to the UTPWP's work tasks. The Tri-Cities UTPWP contains a thorough description of all metropolitan area transportation planning and transportation-related air quality planning activities anticipated within the necessary time period. There are very few "electives" on the work program due to recent reductions in planning funding. The current FY 15 UTPWP includes work activities to address compliance with Federal requirements under Moving Ahead for Progress (MAP-21), including transportation performance measures for the transportation plan. Public input on the UTPWP is adequate which is met through the public comment portion of the MPO Board meetings; however, the MPO does not hold a separate public comment period for the draft UTPWP.

**Recommendation** – A lack of UTPWP task monitoring showing progress from the previous year's work program was noted. Work items in the UTPWP have a clear description of the work elements, end product, timing/schedules, previous work conducted, agency leads and funding. The UTPWP however did not show task-specific progress or remaining balances for work items from previous UTPWPs. The MPO should elaborate on the progress of deliverables, any interagency coordination, as well as the remaining balance of funds from one year to the next. Also the relationship between UTPWP activities and LRTP goals/objectives is not consistent or

apparent. Work tasks should address LRTP goals/objectives, TIP priorities, and major issues concerning the region.

## **Public Transit Planning**

### **Regulatory Basis/Requirements**

Section 5303 of Title 49 and Section 134 of Title 23 require the transportation planning process in metropolitan areas to consider all modes of travel in the development of their plans and programs. Federal regulations cited in 23 CFR 450.312 state that the MPO in cooperation with the State and operators of publicly owned transit services shall be responsible for carrying out the transportation planning process.

### **Findings**

The Petersburg Area Transit (PAT) is the Federally-designated local transit operator for fixed route public mass transit service in the Tri-Cities Area. PAT routes serve the City of Petersburg, portions of Prince George, Colonial Heights, Hopewell, Dinwiddie and the village of Ettrick, located in Chesterfield County. The 2010 Transit Development Plan (TDP), adopted by the MPO in January of 2011, identifies PAT's anticipated capital and operating needs for the FY15 – FY18 time period. Public transit projects are selected from the TDP by the Petersburg City Council and the Tri- Cities Area MPO Policy Committee for inclusion in the metropolitan TIP.

Major rail and transit projects include the selection of a Tri-Cities Passenger Rail Station Location study. The Southeast High Speed Rail Study (SEHSR) environmental documents identified the consideration of a future Amtrak passenger rail station in the Tri-Cities area with connections to the Northeast Rail Corridor. In addition, PAT will continue operating the Hopewell Circulator Route that provides an important link to/from Fort Lee, the main economic center in Petersburg. This is a 36-month Congestion Mitigation and Air Quality funded demonstration project that was initiated in November of 2011.

**Recommendation** – The lack of State transit representation was noted. As demonstrated in the September 23, 2014 Certification Review public meeting, a perceived lack of transit options in the Petersburg area was a key concern, among those that attended. Petersburg Area Transit is very involved in MPO planning process and serves as a voting member on the MPO Board (i.e., Policy Committee) as well as the Technical Advisory Committee which reviews and provides input to the UPWP, TIP and LRTP documents. However, the VDRPT is not a voting member of the MPO Policy Board severely limiting the State's transit and freight role representation within the region. Due to the bifurcated missions between the separate transportation departments - VDOT and VDRPT, - the MPO should consider both agencies as voting members (VDOT is already designated voting member on the MPO Policy Board). This would allow the “appropriate State official” to represent transit and freight interests at the decision-making table.

## **Public Outreach and Involvement**

### **Regulatory Basis/Requirements**

Public Participation Plan – 23 CFR 450.316(a) requires the MPO to develop and use a documented participation plan that defines a process for providing all interested parties (i.e. citizens, public agencies, representatives of the disabled, bike and pedestrian representatives, providers of freight services, etc.) reasonable opportunities to participate in the transportation planning process. Furthermore, the development of the Participation Plan – 23 CFR 450.316(a)(1) delineates “The participation plan shall be developed by the MPO in consultation with all interested parties”. Participation Plan Content – 23 CFR 450.316(a)(1) states that the participation plan shall at a minimum describe explicit procedures, strategies, and desired outcomes for the following:

- Provide adequate public notice of public participation activities and time for public review and comment at key decision points (include commenting on proposed plan and TIP);
- Provide timely notice and reasonable access to information about transportation issues and processes;
- Employee visualization techniques to describe metropolitan plans and TIPs;
- Make public information (technical information and meeting notices) available in electronically accessible formats and means, such as the Internet;
- Hold any public meetings at convenient and accessible locations and times;
- Demonstrate explicit consideration and response to public input received during development of the metropolitan plan and TIP;
- Seek out and consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who face challenges accessing employment and other services;
- Provide additional opportunity for public comments if the final plan or TIP differs significantly from the one that was originally made available for review;
- Coordinate with the statewide transportation planning public involvement process; and
- Periodically review the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

### **Findings**

The Federal Team assessed that the Tri-Cities MPO Participation Plan was adopted by the MPO in January of 2007. MPOs have a responsibility to actively involve all affected parties in the planning process and to have that process documented in a Public Participation Plan (PPP). The plan outlines the framework to ensure public involvement in the planning process.

**Corrective Action** – The MPO needs to update the 2007 Public Participation Plan to reflect the actual functioning of the MPO as it relates to the current public outreach and involvement process and efforts. The MPO hasn't updated their Public Participation Plan in over 6 years. The MPO should update their PPP and evaluate the effectiveness of their process. Some elements to consider as part of the PPP update include:

- Additional outreach techniques [e.g., ConnectVA.org],
- Advertise the MPO with various media formats (not just print),
- Issue press releases and short information summaries,
- Make sure to give adequate notice on all actions,
- Use different visualization techniques to Environmental Justice (EJ) and traditionally underserved communities, and
- Evaluate effectiveness of Public Participation Plan process.

## **Title VI, Environmental Justice (EJ), Limited English Proficiency (LEP)**

### **Regulatory Basis/Requirements**

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

### **Environmental Justice**

Executive Order 12898, issued in 1994, further amplifies Title VI by providing that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations." To comply with Executive Order 12898, FHWA issued updated Order 6640.23A - *FHWA Actions to Address Environmental Justice in Minority Populations and Low Income Populations*.

In addition, the FHWA and FTA memorandum dated October 7, 1999, entitled "*Implementing Title VI Requirements in Metropolitan and Statewide Planning*" is still relevant. The memorandum provided clarification for field offices on how to ensure that environmental justice is considered during current and future planning certification reviews. While Title VI and environmental justice have often been raised during project development, the law applies equally to the processes and products of planning. The FTA and FHWA have concluded that an appropriate time to ensure compliance with Title VI in the planning process is during the planning certification reviews conducted for TMAs and through the statewide planning finding rendered at approval of the Statewide Transportation Improvement Program (STIP).

### **Limited English Proficiency**

Executive Order 13166, issued in 2000, requires that "each Federal agency to examine the services they provide, identify any need for services to those with Limited English Proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them." To assist Federal agencies in carrying out these responsibilities, the Department of Justice (DOJ) issued a Policy Guidance Document, "Enforcement of the Title VI of the Civil Rights ACT OF 1964 – National Origin Discrimination Against Persons with Limited English Proficiency" (LEP Guidance). The guidance identifies compliance standards that recipients of Federal funds (i.e. MPOs and DOTs) must follow to ensure that their programs and activities do not discriminate on the basis of national origin.

The DOT guidance is modeled after the guidance issued by the DOJ and requires recipients and subrecipients to take steps to ensure meaningful access to their program and activities to LEP

persons. It outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number and proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee,
2. The frequency with which the LEP individuals come in contact with the program,
3. The nature and importance of the program, activity, or service provided by the recipient to people's lives, and
4. The resources available to the recipient and costs.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

## **Findings**

To monitor, assess and document compliance with the Title VI and other nondiscrimination requirements, the MPO adopted the Tri-Cities MPO Title VI Plan in December of 2012. The Plan identifies policies, procedures and measures to meet the Title VI and other nondiscrimination requirements. The MPO has not received any Title VI and/or other nondiscrimination complaints. The MPO uses census and other data for identifying protected groups in the planning process. This is evident in the 2035 Transportation Plan and in the Title VI Plan the MPO, where the MPO identified the locations of protected populations. Protected groups and those traditionally underserved are allowed the opportunities to comment on transportation planning and programming documents, attend and speak during MPO meetings or by contacting staff via email or phone. On an annual basis, the MPO self-certifies that it complies with all Federal laws and regulations, including Title VI and other nondiscrimination requirements.

**Recommendation** – The MPO is encouraged to do additional outreach and use different visualization techniques to EJ populations and traditionally underserved communities. This recommendation is related to and can be addressed with the Corrective Action under the Public Outreach and Involvement section.

## Consultation and Coordination

### **Regulatory Basis/Requirements**

The requirements for consultation are set forth primarily in 23 CFR 450.316(b-e) which call for consultation in developing the MTP and TIP. Consultation also is addressed specifically in connection with the MTP in 450.322(g)(1)(2) and in 450.322(f)(7) related to environmental mitigation.

In developing MTPs and TIPs, the MPO 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 responsible for other planning activities (State and local growth, economic development opportunities, environmental protection, airport operations or freight movements) within the MPA that are affected by transportation or coordinate the planning process (to the maximum extent practicable) with such planning activities, as well the MPO should also include Indian Tribal Governments and Federal Public Lands, if applicable. TMAs also have the ability to select STP funded projects in consultation with the state.

In developing the MTP, the MPO shall consult as appropriate with State and local agencies responsible for land use, natural resources, environmental protection, conservation, and historic preservation. The consultation shall involve, as applicable (1) comparison of the MTP with State conservation plans or maps, if available, or (2) comparison of the LRTP with inventories of natural or historic resources, if available.

### **Findings**

The Tri-Cities MPO consultation process is built into its governing structure. Through this organizational framework, the Tri-Cities MPO ensures that member governments and other key regional decision makers have an opportunity to guide the development of the MTP and TIP. Several opportunities are given for consultation in the decision making process.

Opportunities include, the LRTP and TIP development process, which provides opportunities to inform and engage state and local agencies responsible, including notifications of MPO meetings, public forums, documents for review and other MPO activities where consultation is required. There is also an effort from the MPO to organize and present information that focuses on key issues and is presented in a format that can be easily understood.

The consultation process for the Tri-Cities MPO was developed by VDOT and the Crater Planning District Commission representatives in conjunction with the MPO Technical Committee and was endorsed by the MPO Policy Committee. The process is documented in the LRTP update.

**Recommendation** - Consultation and coordination is a mandated core transportation planning activity that supports the overall metropolitan area transportation planning process and

development of all key MPO products. The Federal Team strongly recommends that VDOT and VDRPT work in cooperation with the Tri-Cities MPO to update their Metropolitan Transportation Planning Responsibilities - MOU 450.310(a) – to document the responsibilities for consultation. This process should clearly define consultation and coordination, outline roles and responsibilities, use timelines to identify key decision points for consulting, and include periods for comment, response or consideration of comments at key decision points in the planning and programming phases. It is also recommended that VDOT, VDRPT and the MPO identify a process (including the frequency) for evaluating the effectiveness of the consultation process to ensure efforts are working to achieve common goals and objectives.

### **Public Meeting**

Federal regulations require that the Certification Review include a public meeting, for the public the metropolitan planning area under review. In addition, the regulations require the FHWA and the FTA to consider the public input received in arriving at the decision on a certification action.

The Federal Team held a public meeting on September 23, 2014. Public turnout at the meeting was low (6 attendees) but the conversations were very engaging. The main focus of the discussion was how the transportation needs of the millennials differ from previous generations, and how more and better transit planning is needed. They expressed the impacts of no or few multi-modal options affected how and where they worked. There was also a conversation about the need for paratransit options for the elderly.

The Federal Team appreciates all of the comments received from the citizens of the Petersburg region and encourages continued involvement and participation in the regional transportation planning and decision-making process. The announcement listed on the MPO's website for the public meeting can be found in Appendix C.

## **Appendix A – Site Visit Agenda**

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## **Appendix B – MPO Study Area Boundary**

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## **Appendix C – Public Meeting Announcement**

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December 22, 2015

*William Chavis*  
Mr. ~~Jerry Skalsky~~ *Chavis*  
~~Interim~~ Chair *(MJ)*  
Tri-Cities Area Metropolitan Planning Organization  
1964 Wakefield Street  
Petersburg, VA 23805

**RE: 2013 Federal Certification of the Tri-Cities Area Metropolitan Planning Organization – Public Participation Plan Update**

Dear Chair ~~Skalsky~~ *Chavis*  
*(MJ)*

On June 17, 2015, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) conditionally certified the planning process for the Tri-Cities Area Metropolitan Planning Organization (MPO) of the Richmond Transportation Management Area (TMA). The certification was based on the findings from the Federal Certification Review conducted on September 23-24, 2013.

As presented in the Certification Review Report, the Tri-Cities MPO received a corrective action requiring an update of the MPO's Public Participation Plan (PPP). The Federal Team reviewed the MPO's 2015 PPP and believes it now fully meets the intent of the correction action. The overall conclusion of the Certification review is that the planning process for the Tri-Cities MPO complies with Federal metropolitan transportation planning laws and regulations under 23 U.S.C. 134 and 48 U.S.C. 5303. It is therefore our pleasure to inform you that the Tri-Cities MPO is certified without condition.

The Federal Review Team appreciates the work that the MPO has accomplished to adequately satisfy the corrective action and address the recommendation in the certification report. Please note that a planning certification remains in effect for four years unless a new certification determination is made sooner.

If you have any questions regarding this review, please contact Mr. Mack Frost, Planning and Environmental Specialist of the FHWA Virginia Division, at (804) 775-3352 or Mr. Ryan Long, Community Planner of the FTA Region III Office, at (215) 656-7051.

Sincerely,

*Terry Garcia Crews*  
\_\_\_\_\_  
Terry Garcia Crews  
Regional Administrator, Region III  
Federal Transit Administration

*Mack Frost*  
\_\_\_\_\_  
for Wayne Fedora  
Acting Division Administrator  
Federal Highway Administration

ec: Ms. Marsha Fiol, Virginia Department of Transportation (Central Office)  
Ms. Diane Mitchell, Virginia Department of Rail and Public Transportation (Central Office)  
Mr. Christopher Arabia, Virginia Department of Rail and Public Transportation  
Mr. Mark Riblett, Virginia Department of Transportation (Richmond District)  
Ms. Dironna Moore Belton, Petersburg Area Transit