

Richmond, VA TMA Certification Review

Richmond Regional Transportation Planning Organization (RRTPO)

2017

Based on this review and ongoing oversight by the Federal Highway Administration and the Federal Transit Administration, the transportation planning process carried out by the Richmond Regional Transportation Planning Organization (RRTPO) in cooperation with the State and transit operator for the Richmond, VA Transportation Management Area is *conditionally* certified as substantially meeting the requirements as described in 23 Code of Federal Register Part 450, Subpart C and 49 Code of Federal Register Part 613. Several *commendations* have been made throughout this report to acknowledge successful practices; *recommendations* that should be strongly considered to support continued enhancement of the planning process in this region; and *corrective actions* that require attention.



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EXECUTIVE SUMMARY

Description and Overview of MPO

The Richmond Regional Transportation Planning Organization (RRTPO) is the federally designated Metropolitan Planning Organization (MPO) that serves as the cooperative forum for regional transportation planning and decision-making for the Richmond metropolitan planning area. The MPO Policy Board also provides direction over the selection of projects receiving Federal funds that are suballocated to the region. The 2010 Decennial Census population for the region was 1,004,696, and the Transportation Management Area (TMA) includes Hanover County, Henrico County, Town of Ashland, City of Richmond, as well as portions of Charles City County, Goochland County, New Kent County, Powhatan County and most of Chesterfield County (a portion of Chesterfield County is within the Tri-Cities Planning Area boundary where they are also a member of the Tri-Cities MPO).

Per the RRTPO's 2040 Metropolitan Transportation Plan (MTP), the City of Richmond is anticipated to have modest population growth over the next twenty years. However, while the region as a whole is growing, some areas are growing faster than others. The result of this growth pattern is that the jurisdictions around Richmond are expected to have the higher growth concentrations by 2040, with employment growth throughout the region. While the region grows to accommodate more jobs and more people (including shifting employment and employment centers) and as jobs and households become increasingly further apart, greater demands will be placed on the transportation system. Furthermore, funding for rehabilitation and maintenance will continue to remain in short supply to meet the needs of a multimodal transportation system. These challenges require collaboratively seeking innovative, multi-modal solutions to meeting current and future transportation demand.

Part 1: Certification Review Findings

As specified in Titles 23 and 49, a joint Planning Certification by Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) must be conducted not less often than once every four years. The RRTPO was notified on May 17, 2017 that FHWA and FTA would be conducting a joint agency Planning Certification review of the TMA (**see Appendix A**). The Richmond TMA Planning Certification consisted of three parts. These parts included a “desk” review of the RRTPO's planning products and processes, a public meeting, and an on-site review. The desk review allows the Federal Team to focus on critical issues that can be best addressed during the on-site review. The on-site portion of the Planning Certification was conducted on August 16 -17, 2017 at the RRTPO offices in Richmond, Virginia. The agenda for the site visit (**see Appendix B**) and the *preliminary* findings presentation (**see Appendix C**) that was delivered to the RRTPO Policy Board on September 7, 2017 is contained in this report. The following participated in the on-site discussion:

- Ivan Rucker (FHWA)
- Melisa McGill (FTA)

- John Simkins (FHWA)
- Mack Frost (FHWA)
- Sandra Jackson (FHWA)
- Mohamed Dumbuya (FHWA)
- Iris Vaughan (FHWA)
- Brian Betlyon (FHWA)
- Nick Britton (VDRPT)
- Marshall Fiol (VDOT)
- Mark Riblett (VDOT)
- Ferrell Solomon (VDOT)
- Ron Svejkovsky (VDOT)
- Robert Vilak (VDOT)
- Jason Robinson (VDOT)
- Jasmine Amanin (VDOT)
- Mark Irving (VDOT)
- Nick Britton (VDRPT)
- Emily Delross (GRTC)
- Garland Williams (GRTC)
- Amy Inman (City of Richmond)
- Cherika Ruffin (RideFinders)
- Von Tisdale (RideFinders)
- Steve Elswick (Chesterfield County BoS)
- James Barrett (Henrico CTAC)
- David Hyder (Tri-Cities MPO)
- Sulabh Aryal (RRTPO)
- Catherine Bray (RRTPO)
- Tiffany Dubinsky (RRTPO)
- Chuck Gates (RRTPO)
- Ken Lance (RRTPO)
- Jin Lee (RRTPO)
- Barbara Nelson (RRTPO)
- Sarah Rhodes (RRTPO)
- Greta Ryan (RRTPO)
- Martha Shickle (RRTPO)
- Chris Wichman (RRTPO)
- Phil Riggan (RRTPO)
- Sarah Stewart (RRTPO)

While FHWA and FTA interact with transportation stakeholders and planning officials in the TMA (i.e., MPO, State, and transit operators) on a routine basis such as reviewing and approving planning products, providing technical assistance, and promoting good practice, the formal assessment involved in a Planning Certification 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 Planning Certification is not just a review of the MPO or its staff; rather, it is a review of the planning process conducted by all the agencies (i.e., State, MPO, and transit operators) charged with cooperatively carrying out the process daily. This shared responsibility is specifically addressed under 23 CFR 450.314(a).

Commendations Summary

Section 2-1 Public Meeting

- The Federal team was extremely impressed with the Citizen Transportation Advisory Committee (CTAC) and Elderly Disability Advisory Committee (EDAC) attention to detail, knowledge, and commitment to working to improve the metropolitan transportation planning and decision-making process for all citizens. They care greatly about the region's future, appreciate the work of the RRTPO staff, and see value in creating a competitive environment through the expansion of multimodal options. The team applauds the RRTPO Policy Board for appointing such a diverse group.

Section 3-1 Organizational Structure

- The Richmond Regional Planning District Commission (RRPDC) has a competent staff that have the skillset to meet new challenges, requirements, and expectations as the organization makes the transition towards a performance based planning and programming process.

Section 3-5: Metropolitan Transportation Plan Development / Consultation & Coordination

- The RRTPO staff's goal is to gradually transition to a scenario planning approach for the next MTP update. Staff will begin with corridor studies to build staff capacity and educate the Policy Board.
- The Federal team is impressed with the work of RRTPO staff and RideFinders Advisory Committee's efforts to demonstrate the value and benefits of the regional TDM program to the citizens of the region. The program is one of the more efficient TDM programs in Virginia.

Section 3-6: Financial Planning

- RRTPO staff prides itself on ensuring transparency, integrity and accountability with respect to how public funds are being programmed and spent. The team remains impressed with RRTPO staff efforts to track and monitor changes in funding commitments as part of TIP, STIP, and Virginia's SYIP. Staff does a great job in tracking obligations.

Section 3-8: Transportation Improvement Program (TIP) Development & Project Selection

- The Richmond TIP is one of the more informed TIPs in the State. The amount of project information is beyond what is required by regulations and the visualization and mapping is very well done.

Section 3-11: Congestion Management Process (CMP)

- The review team commends the RRTPO staff for developing the improved annual CMP documentation and demonstrating commitment to a more meaningful CMP that becomes an integral part of the day-to-day metropolitan planning process in the region.

Section 3-12: Annual List of Obligated Projects

- There have been noticeable improvements to the annual listing of projects that have been obligated. This is primarily due to RRTPO staff attention to detail and working to improve coordination between the RRTPO and State to address any inconsistencies within the 90 days following the end of the program year.

Section 3-14: Transportation Safety and Security Planning

- The Federal team is impressed with VDOT's implementation and findings associated with the Instatow Program and Towing Recovery Incentive Program (TRIP) which are quick clearance strategies to remove vehicles involved in traffic incidents and clear the roadway as fast as possible to reduce responder time during incidents.

Section 3-15: Integrating Freight in the Transportation Planning Process

- The Federal team is impressed with the RRTPO's work and investments related to freight – including the Commerce Corridor Study. The team appreciates the RRTPO taking a scenario planning approach to the study and the continued development of an implementation plan for freight related projects. The team encourages continued investment and development in the RRTPO's freight specialist.

Section 3-16: Transit Planning

- The Federal team commends Virginia Department of Rail and Public Transportation's (VDRPT) use of 5304 funds and partnering with the RRTPO to develop the 2040 Richmond Regional Transit Vision Plan. This signifies an important step for the region as it seeks to identify multimodal opportunities to remain competitive and address future transportation needs of a diverse population and growing demand.

Recommendations Summary

Section 2-1 Public Meeting

- The CTAC, EDAC, and public comments expressing concern with regional accessibility, transit/transportation mobility, and economic opportunities and its applicability to Richmond's regional transportation planning and decision-making process are not new to the Federal team and continue to be of interest and concern. Some members have now expressed clarification on the role of Title VI/Nondiscrimination in the Richmond regional transportation planning process as it applies to regional transit.

To help demonstrate a response to the concerns and opportunities the Federal team continues to hear (including public comments received on the region's long range plan), we *strongly* recommend that the RRTPO Policy Board identify opportunities that demonstrate attention and response to the CTAC, EDAC, and the public regarding transit/transportation, regional accessibility and mobility, and economic opportunity.

Suggestions include:

- Establish a *Regional Mobility and Accessibility Subcommittee* to inform and advise the RRTPO Executive Committee on matters and opportunities related to regional transportation mobility and accessibility (including bike and ped) and economic opportunity and productivity, and to advise the RRTPO Executive Committee and inform the public on the progress and recommendations contained in the region's 2040 Transit Vision Plan.
- With the establishment of a *Regional Mobility and Accessibility Subcommittee* and in cooperation with Greater Richmond Transit Company (GRTC) and VDRPT, conduct a full update to the *2007/2008 Richmond Regional Mass Transit Study* to include an assessment of transit/transportation in terms of:
 - Affordability- i.e. Are transportation and transit fares affordable for populations that are transit dependent?
 - Transit coverage – i.e. How much of the population in the region is served by transit? Is it equitable? What, historically, has prevented or hindered growth in transit service in the past, besides funding?
 - Frequency
 - Accessibility – i.e. How many opportunities (i.e.jobs, medical facilities, etc.) can be reached by transit vs driving? What planning policies do partner jurisdictions have in place, or should consider, that might serve to provide greater mobility and accessibility in the region?
- As the regional transportation decision-making body and recipient of suballocated Federal transportation funds, the RRTPO Policy Board may want to explore practical

and creative ways to coordinate with member jurisdictions and partners to support opportunities that help demonstrate a response to the concerns from EDAC, CTAC, and the public regarding transportation accessibility, mobility, and economic opportunity.

Section 3-1 Organizational Structure and Bylaws

- In consideration of the public comments FHWA and FTA received (past and current) regarding the lack of regional public transportation options for elderly and low income populations to access opportunities in the region, we strongly recommend that the Secretary of Transportation review the Commonwealth's current representation on the Policy Board to ensure that the Commonwealth's interests in passenger and freight rail, transportation demand management, ridesharing, and public transportation are appropriately represented. In light of the Code of Virginia (section 33.2-285) and the Commonwealth/Virginia Secretary of Transportation's *voting* representation by VDRPT on other TMA MPOs in Virginia, we strongly recommend at a minimum that VDRPT be entitled to offer and second motions and resolutions and otherwise enter into deliberations of the RRTPO.
- Review the MPO bylaws to ensure that officials of public agencies that administer or operate major modes of transportation in the Richmond metropolitan area (including transit representative) have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials on the Policy Board. [23 USC 134 (d)(3), 23 USC 134(d)(2)]
- For the benefit of the public's understanding, the Federal team strongly recommends that the RRTPO Policy Board define clear purpose, roles, and responsibilities for the RRTPO's standing Executive Committee. While considering roles and responsibilities and strategic positioning of the region, the RRTPO Policy Board may want to assess the extent to which it may want to diversify the Executive Committee's membership (i.e. consider inviting a CTB member, General Assembly member, or member of Academia to join).
- Because amendments are major actions and require public comment period, careful consideration of how and who the RRTPO delegates amendments to should be considered. As such, we recommend that the MPO Policy Board review this section of their bylaws.

Section 3-4: Unified Planning Work Program (UPWP)

- For the next UPWP update, the RRTPO should indicate for each task who will perform or lead the work (e.g., RRTPO, State, transit agency, local government or consultant) and a simpler schedule for completing each work item. In addition, the RRTPO should consider an adjustment to a more results oriented approach with less detailed discussion.

Section 3-5: Metropolitan Transportation Plan Development / Consultation & Coordination

- The list of fiscally constrained rail and public transportation projects contained in the MTP span the 20-year planning horizon, however the projections of transit revenues from existing funding

sources are not accurately shown for the full lifespan of the document. The Federal Team recommends that the RRTPO coordinate with VDRPT to provide 20 years of forecasted transit revenues for inclusion into the MTP.

- The Federal team recommends that the RRTPO update the 2004 Richmond Regional Bike and Pedestrian Plan.

Section 3-8: Transportation Improvement Program (TIP) Development & Project Selection

- The RRTPO should begin to develop a description of the SmartScale project selection and funding process similar to the RSTP and CMAQ project selection process. This could be a simple visualization or graphic showing both workflows in the TIP document.

Section 3-9: Public Outreach/Public Involvement/Public Participation

- Per the RRTPO's Public Participation Plan (PPP) and during the Federal team's meeting with EDAC and CTAC, the public expressed difficulty using and concerns with content on the RRTPO website. The RRTPO staff stated that the website had not been updated since 2004 and that a new standalone RRTPO website was forthcoming by a selected DBE. The team recommends the website be updated and consistently maintained, especially in regard to timely posting of meeting agendas and minutes.

Section 3-11: Congestion Management Process

- The Federal Review Team recommends that the TPO staff improve efforts to track and analyze implemented congestion management and mitigation measures to determine their effectiveness and document the results.

Section 3-17: Title VI Civil Rights and Non-Discrimination -General

- The Federal team strongly recommends that the RRTPO, in cooperation with VDOT and/or VDRPT and GRTC, reassess the *plan2040* (within one year) to include an analysis of regional measures such as accessibility to opportunities (e.g. employment, education, healthcare, etc.). Using the travel demand model as the primary tool, this analysis will afford a comparative assessment of the benefits and burdens across the spectrum of Environmental Justice (EJ) and non-EJ populations. The analysis should include the following scenarios:
 - Base year for Plan;
 - No-Build; and,
 - Full implementation of all projects in the *plan2040*.

Since the MPO staff have identified a disparate impact, findings and any recommendations to address adverse or disparate impacts should be presented to the RRTPO for action and included as findings in the final assessment report.

- We recommend the identification of a Title VI Coordinator with knowledge and understanding of the effective implementation of the Title VI/Nondiscrimination program, or the Acting Title VI Coordinator be trained to effectively implement the RRTPO’s Title VI Program.
- Per VDOT’s Title VI Plan, we recommend that the VDOT and/or VDRPT conduct a comprehensive Title VI review of the RRTPO/RRPDC within one year. Furthermore, as it pertains to VDOT, we recommend that the VDOT District Title VI Manager have an institutionalized role in the planning process (i.e. review of plans and programs).

Corrective Actions Summary

Section 3-3: Agreements and Contracts

- The Federal team requests that the State and RRTPO develop and execute (within 6 months) a written agreement among the Richmond TPO, Tri-Cities MPO, GRTC, Petersburg Area Transit (PAT), and the State that describes how the planning process will be coordinated to assure development of consistent metropolitan transportation plans and TIPs across the MPA boundaries. This includes a reflection of coordinated data collection, analysis, and planning assumptions across the Richmond-Tri-Cities urbanized area.

Section 3-17: Title VI Civil Rights and Non-Discrimination -General

- As a condition of receiving any Federal financial assistance from the USDOT, through the FHWA or FTA, the RRTPO should have a signed Title VI/Nondiscrimination Assurance within 90 days.

Update: Since our on-site review as part of the Planning Certification, FHWA and FTA found that all 12 MPOs (with the exception of Fredericksburg) in Virginia lacked a signed Title VI/Nondiscrimination Assurance. The Federal team subsequently held discussions with the VDOT and VDRPT to address these matters as part of a statewide finding. The RRTPO now has a signed Title VI/Nondiscrimination Assurance and this corrective action has been addressed.

CERTIFICATION STATEMENT

Based on this review and ongoing oversight by the Federal Highway Administration and the Federal Transit Administration, the transportation planning process carried out by the Richmond Regional Transportation Planning Organization in cooperation with the State and transit operator for the Richmond, VA Transportation Management Area is *conditionally* certified as substantially meeting the requirements as described in 23 Code of Federal Register Part 450, Subpart C and 49 Code of Federal Register Part 613. Several *commendations* have been made throughout this report to acknowledge successful practices; *recommendations* that should be strongly considered to support continued enhancement of the planning process in this region; and *corrective actions* that require attention.

Part 2: FHWA and FTA Public Meeting [23 CFR 450.336(b)(4)]

Section 2-1: Public Meeting

Basic Requirement: With the passage of the Transportation Equity Act for the 21st Century (TEA-21) in 1998, a public involvement component was mandated statutorily for the Transportation Management Area (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 are required to hold a public meeting as part of the quadrennial review of TMAs (large MPOs) and the Federal team must consider the public input received in arriving at a certification action. [23 CFR 450.336(b)(4)]

Finding of FHWA and FTA Public Meeting:

First, the Federal team acknowledges and appreciate the following members of the Richmond TPO’s CTAC and EDAC, and the public for their participation:

James Barrett, Henrico County	Roy Bryant, NAACP
Virginia Cowles, League Women Voters	Lisa Guthrie, New Kent County
Walter Johnson, NAACP	Upton Martin, Town of Ashland
Herbert Richwine, Chesterfield County	Nicholas Smith, Virginia Conservation Network
Julien Williams, City of Richmond	Lloyd Vye, Richmond Bicycling Association
Chris Lloyd, AARP	Brian Montgomery, Senior Connections
Sheryl Johnson, RVA Rapid Transit	Nathan Beyah, Citizen
Alice Tousignant, League Women Voters	

On August 10th, 2017, the FHWA and FTA met with members of the Richmond TPO’s CTAC and EDAC as part of a joint public meeting. Members of these groups are appointed by the Policy Board (See **Appendix D**).

The Federal team mentioned to the group that their past meeting minutes were reviewed and that the team noticed an active participation rate that served to demonstrate and support a commitment by members to take their responsibilities as a vocal extension of their communities seriously. During the public discussions, the Federal team was impressed with the groups knowledge with respect to regional issues related to transportation and the comradery and professionalism of all members. In general, the group shared the following comments, suggestions, and recommendations with the Federal team with respect to regional transportation and the RRTPO:

- The group recommended that more “millennials” be included as part of the CTAC as a means of demonstrating and valuing the perspectives of a younger audience to help shape the region’s future.
- A Citizen’s Guide to understanding the State and RRTPO planning, programming, and decision-making processes should be updated.

- The RRTPO should increase the visibility of the RRTPO. They don't believe citizens know about the role of the RRTPO.
- The RRTPO should seek to increase visualization techniques (i.e. update website, bring the RRTPO from behind the Richmond Planning District Commission).
- CTAC and EDAC members praised RRTPO staff for their work and assistance.
- Transit/access to opportunities.

During previous public meetings as part of the Federal review of the Richmond TPO, the team noted that while *Transit Planning* was not a formal review discussion topic with citizen groups, citizens expressed “a common uneasiness regarding transit planning.” Because of the strong sentiment expressed then, the Federal team felt it important to pose the following general question to the CTAC, EDAC, and the public:

“What is the single major issue for the Richmond TPO region with respect to regional transportation and your community or organization?”

An overwhelming consensus of the CTAC and EDAC communicated to the Federal team that the Richmond TPO region lacks accessibility in that it fails to provide for regional, multimodal options (specifically transit) to jobs and other quality of life opportunities and services – particularly for elderly populations and low-income populations regardless of race. Several members also associated the lack of accessibility with Title VI – including one related written public comment/question the Federal team received. (see **Appendix E**).

The CTAC and EDAC expressed their growing concern with the lack of regional transit/transportation accessibility, mobility, and economic opportunities and the applicability to Richmond's regional transportation planning and decision-making process to meeting this need. The Federal team also notes a similar sentiment that is included in Appendix C (page 154) of the RRTPO's 2040 Long Range Plan public survey/outreach section. Specifically, “*Access to Employment: Provide connections to job centers, with an emphasis on connections to high poverty areas*” ranked as the top goal for improving transportation in the Richmond region based on citizen input. Additionally, “*Expand and improve existing public transportation service*” ranked second to “*Maintain and repair highways, roads, and bridges*” when asked to prioritize regional needs for the Richmond region.

Recommendation: To help demonstrate a response to the concerns and opportunities we continue to hear (including public comments received on the region's long range plan), the Federal team *strongly* recommends that the RRTPO Policy Board identify opportunities that demonstrate attention and response to the CTAC, EDAC, and the public regarding transit/transportation, regional accessibility and mobility, and economic opportunity.

Suggestions include:

- Establish a *Regional Mobility and Accessibility Subcommittee* to inform and advise the RRTPO Executive Committee on matters and opportunities related to regional transportation mobility and accessibility (including bike and ped) and economic opportunity and productivity, and to advise the RRTPO Executive Committee and

inform the public on the progress and recommendations contained in the region's 2040 Transit Vision Plan.

- With the establishment of a *Regional Mobility and Accessibility Subcommittee* and in cooperation with Greater Richmond Transit Company (GRTC) and VDRPT, conduct a full update to the *2007/2008 Richmond Regional Mass Transit Study* to include an assessment of transit/transportation in terms of:
 - Affordability- i.e. Are transportation and transit fares affordable for populations that are transit dependent?
 - Transit coverage – i.e. How much of the population in the region is served by transit? Is it equitable? What, historically, has prevented or hindered growth in transit service in the past, besides funding?
 - Frequency
 - Accessibility – i.e. How many opportunities (i.e.jobs, medical facilities, etc.) can be reached by transit vs driving? What planning policies do partner jurisdictions have in place, or should consider, that might serve to provide greater mobility and accessibility in the region?
- As the regional transportation decision-making body and recipient of suballocated Federal transportation funds, the RRTPO Policy Board may want to explore practical and creative ways to coordinate with member jurisdictions and partners to support opportunities that help demonstrate a response to the concerns from EDAC, CTAC, and the public regarding transportation accessibility, mobility, and economic opportunity.

Commendation: The Federal team was extremely impressed with the CTAC and EDAC attention to detail, knowledge, and commitment to working to improve the metropolitan transportation planning and decision-making process for all citizens. They care greatly about the region's future, appreciate the work of the RRTPO staff, and see value in creating a competitive environment through the expansion of multimodal options. The team applauds the RRTPO Policy Board for appointing such a diverse group.

Part 3: RESULTS OF CERTIFICATION REVIEW

Section 3-1: RRTPO Organizational Structure and Bylaws

Basic Requirement: Federal legislation (23 U.S.C. 134(d) and 49 U.S.C. 5303) requires the designation of an MPO for each urbanized area with a population of more than 50,000 individuals. No later than October 1, 2014, each metropolitan planning organization that serves a designated Transportation Management Area (TMA) or areas over 200,000 population as determined by the most recent census 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 including representation by providers of public transportation, (c) appropriate State transportation officials.

Finding of Federal Review: The RRTPO is the organization responsible for conducting the continuing, comprehensive, and coordinated (3-C) planning process for the Richmond region in accordance with Federal requirements. Staff of the transportation planning division of the Richmond Regional Planning District Commission (RRPDC) performs the day-to-day operations of the RRTPO including providing technical staff, administrative support, and serving as the RRTPO's contracting agent. The staff, in conjunction with RRTPO's member agencies, collect, analyze and evaluate demographic, land use, and transportation data to gain a better understanding of the transportation system requirements of the area. Staff members also prepare materials for use at Board and Committee meetings.

The RRTPO structure consists of a Policy Board and four standing advisory groups; an Executive Committee, Technical Advisory Committee (TAC), Citizen Transportation Advisory Committee (CTAC), and Elderly and Disability Advisory Committee (EDAC).

The policy making body of the RRTPO is its Board which consists of twenty-seven voting members. The voting membership of the Policy Board consists of four representatives each from the City of Richmond, and the Counties of Henrico and Chesterfield; three representatives from the County of Hanover; two representatives from the Counties of Goochland, New Kent, and Powhatan; and one representative from the Town of Ashland, County of Charles City, Capital Region Airport Commission (CRAC), Greater Richmond Transit Authority (GRTC), the Richmond Metropolitan Transportation Authority (RMTA), and the Virginia Department of Transportation (representing the State). Other agencies with non-voting membership on the RRTPO Policy Board include: the FHWA, FTA, CTAC Chair, EDAC Chair, and Virginia Department of Rail and Public Transportation (VDRPT). Policy Board meetings are open to the public, and the RRTPO has been working to update their bylaws since 2014 to strengthen areas related to voting and to ensure consistency with respect to federal regulations.

The Executive Committee is a long-time standing committee of the RRTPO, meets monthly, serves as an advisory committee to the RRTPO, and consists of elected representatives from jurisdictions within the region. However, the RRTPO Policy Board has not provided any purpose or reasons for its existence or identified it in any of its bylaws. The Federal team notes that the RRTPO Executive Committee has been working on a review and update to the RRTPO bylaws for at least three years.

On the subject of bylaws, we noticed that the MPO bylaws provide that the MPO Chair has the discretion to authorize the Technical Advisory Committee (not the Executive Committee) to act on behalf of the Policy Board on matters involving amendments. Federal regulations define amendments as “ a revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP, or STIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes or changing the number of stations in the case of fixed guideway transit projects). Changes to projects that are included only for illustrative purposes do not require an amendment. An amendment is a revision that requires public review and comment and a redemonstration of fiscal constraint.”

Because amendments are major actions and require public comment period, careful consideration of how and who the RRTPO delegates amendments to should be considered. As such, we recommend that the MPO Policy Board review this section of their bylaws. Federal regulations define MPO as “the policy board of an organization created and designated to carry out the metropolitan transportation planning process.”

The Transportation Advisory Committee (TAC) provides technical review, comments, and recommendations, supervision, and assistance in transportation planning to the Policy Board decision makers. TAC is specifically responsible for advising the RRTPO in the development of the regional constrained long-range Metropolitan Transportation Plan (MTP), the Transportation Improvement Program (including the Transportation Alternative and Regional Surface Transportation Program selection processes), the regional Congestion Management Process (CMP) Plan and the Unified Planning Work Program within the Richmond/Tri-Cities urbanized area, as well as the development and review of various planning documents, amendments, and reports. TAC meetings are open to the public.

The CTAC consists of appointed members from RRTPO jurisdictions, and diverse organizations. The purpose of the CTCA is to advise the RRTPO on issues, plans, studies, and matters necessary and appropriate for providing viable and reasonable citizen input.

The EDAC is appointed by the RRTPO. Its purpose is to advise the RRTPO on issues, plans, studies, and other matters concerning the conduct of special efforts to plan public transportation facilities and services that can be effectively utilized by elderly and disabled person.

On the Richmond TPO, a VDOT official represents the voting interests of Virginia Department of Transportation (VDOT), the Department of Rail and Public Transportation (VDRPT), and the Secretary of Transportation. However, we note that for the other Transportation Management Areas (large MPOs) in Virginia that serve the Hampton Roads and Roanoke region, the Commonwealth/Secretary of Transportation’s voting interest in highway/rail/public transportation/etc. is represented by a State official representing the VDOT agency and a State official representing the VDRPT agency.

The VDRPT is a state agency that administers Federal public transportation funds apportioned to Virginia and to the Richmond region. As a state agency, VDRPT represents the Commonwealth on

the RRTPO and represents the Commonwealth's interests with respect to "passenger and freight rail, transportation demand management, ridesharing, and public transportation." [Code of Virginia (section 33.2-285)]

During previous Federal reviews of the RRTPO, FHWA and FTA have considered VDRPT to be a public agency that administers a major mode of transportation (i.e. passenger and freight rail, public transportation) and/or an appropriate State transportation agency whose official should be a voting member. In addition to the consideration of federal regulations, our past recommendations for VDRPT to be a voting member were in response to the "bifurcated missions" and responsibilities between VDOT and VDRPT and the growing public feedback expressing concerns regarding the region's public transportation.

We are also aware of the RRTPO efforts in 2014 to "Transform MPO Membership" where on March 6, 2014, RRTPO staff recommended during a RRTPO meeting that VDRPT (Director level) be added "as a voting member (i.e. agency that administers major transportation modes)."

Commendation: The RRPDC has a competent staff that have the skillset to meet new challenges, requirements, and expectations as the organization makes the transition towards a performance based planning and programming process.

Recommendation: As the MPO bylaws have been in update status for the past three years, we strongly recommend that RRTPO Policy Board request to the RRTPO Executive Committee to complete the RRTPO bylaws review and update and present it for review and approval to the Policy Board within 90 -180 days and consider the following:

- In consideration of the public comments FHWA and FTA received (past and current) regarding the lack of regional public transportation options for elderly and low income populations to access opportunities in the region, we strongly recommend that the Secretary of Transportation review the Commonwealth's current representation on the Policy Board to ensure that the Commonwealth's interests in passenger and freight rail, transportation demand management, ridesharing, and public transportation are appropriately represented. In light of the Code of Virginia (section 33.2-285) and the Commonwealth/Virginia Secretary of Transportation's *voting* representation by VDRPT on other TMA MPOs in Virginia, we strongly recommend at a minimum that VDRPT be entitled to offer and second motions and resolutions and otherwise enter into deliberations of the RRTPO.
- Review the MPO bylaws to ensure that officials of public agencies that administer or operate major modes of transportation in the Richmond metropolitan area (including transit representative) have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials on the Policy Board. [23 USC 134 (d)(3), 23 USC 134(d)(2)]
- For the benefit of the public's understanding, the team requests that the RRTPO Policy Board define clear purpose, roles, and responsibilities for the RRTPO's standing Executive Committee. While considering roles and responsibilities and strategic positioning of the

region, the RRTPO Policy Board may want to assess the extent to which it may want to diversify the Executive Committee's membership (i.e. consider inviting a CTB member, General Assembly member, or member of Academia to join).

- Because amendments are major actions and require a public comment period, careful consideration of how and who the RRTPO delegates amendments to should be considered. As such, we recommend that the MPO Policy Board review this section of their bylaws.

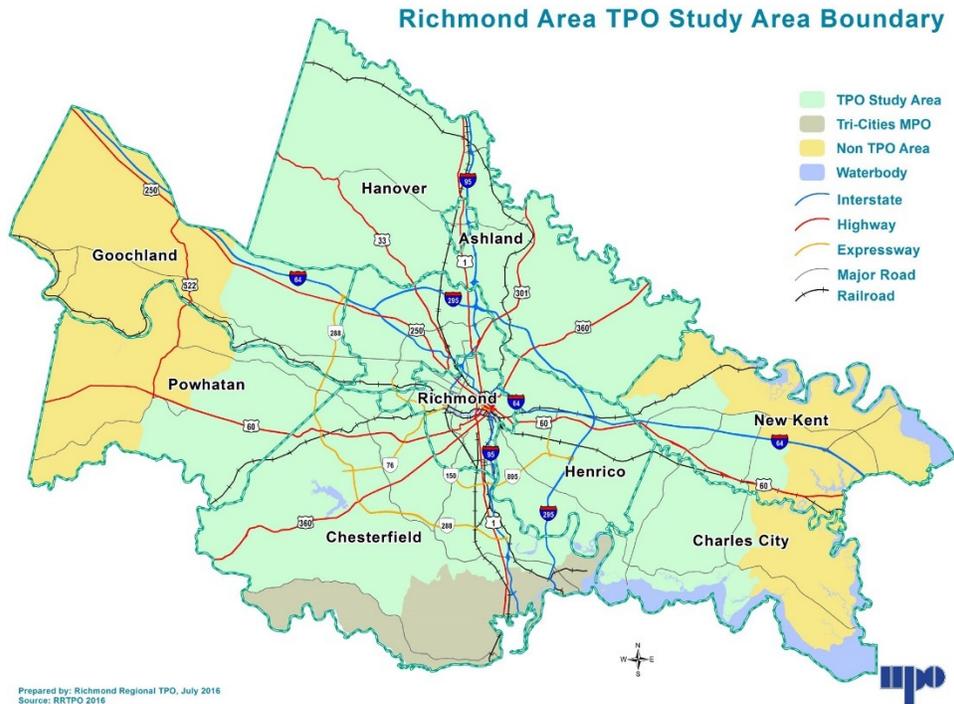
Section 3-2: Metropolitan Planning Area Boundaries

Basic Requirement: The metropolitan planning area (MPA) boundary refers to the geographic area in which the metropolitan transportation planning process must be carried out. The MPA shall, at a minimum, cover Census-defined, urbanized areas (UZA's) and the contiguous geographic area(s) likely to become urbanized within the 20-year forecast period covered by the Metropolitan Transportation Plan (MTP). Adjustments to the UZA as a result of the transportation planning process are typically referred to by FHWA and FTA as the urbanized area boundary. In accordance with 23 U.S.C. 134 (e), the boundary should foster an effective planning process that ensures connectivity between modes and promotes overall efficiency. The boundary should include Environmental Protection Agency (EPA)-defined nonattainment and/or maintenance areas, if applicable, in accordance with the National Ambient Air Quality Standard (NAAQS) for ozone or carbon monoxide.

Finding of Federal Review: The RRTPO is the federally designated regional transportation planning organization that serves as the cooperative forum for regional transportation planning and decision-making for the Richmond metropolitan planning area. The 2010 Decennial Census population for the region was 1,004,696, and the metropolitan planning area (MPA) includes Hanover County, Henrico County, Town of Ashland, City of Richmond, as well as portions of Charles City County, Goochland County, New Kent County, Powhatan County and a majority of Chesterfield County.

In 2000, the census-defined urbanized areas of the Richmond and Tri-Cities merged and created one urbanized area – Richmond/Tri-Cities urbanized area. Instead of combining MPOs to serve the new urbanized area, the Richmond TPO and Tri-Cities MPOs decided to maintain separate MPOs but would agree to coordinate planning activities. Recently, there have been some requests by jurisdictions (i.e. Goochland County and Powhatan County) to expand the planning area boundary for economic purposes. The requests are under consideration and no decision has been made at the time of this review.

The RRTPO meets the Federal requirements for metropolitan planning area boundaries.



Section 3-3: Agreements and Contracts

Basic Requirement: In accordance with 23 U.S.C. 134 and 23 CFR 450.314, MPOs are required to establish relationships with the State and public transportation agencies under the cover of specified agreements between the parties to carry out a continuing, cooperative and comprehensive (3 C's) metropolitan planning process. The agreements must identify the mutual roles and responsibilities and procedures governing their cooperative efforts.

Where applicable, agreements must identify the designated agency for air quality planning under the Clean Air Act and address the responsibilities and situations arising from there being more than one MPO in a metropolitan area or serving one urbanized area (23 CFR 450.314(e)).

Finding of Federal Review:

The RRTPO has established transportation planning responsibilities through an Memorandum of Agreement (MOA) with the state, GRTC and the RRPDC. The Federal team reviewed the RRTPO's agreements with RRTPO staff and have concluded that the RRTPO's 3-C agreement (*Memorandum of Understanding on Metropolitan Transportation Planning Responsibilities for the Richmond Area*) that was executed on February 12, 2009, should be updated to properly reflect the Policy Board's voting membership. At the time the agreement was signed, voting members of the RRTPO

(i.e. Capital Region Airport Commission, Richmond Metropolitan Authority) were not identified in the agreement. Additionally, since both the Richmond TPO and Tri-Cities MPO serve a single urbanized area as defined by the census (Richmond/Tri-Cities urbanized area), there is a requirement that there be a written agreement among the Richmond TPO, Tri-Cities MPO, GRTC, Petersburg Area Transit (PAT), and the State that describes how the planning process will be coordinated to assure development of consistent metropolitan transportation plans and TIPs across the MPA boundaries [23 CFR 450.314(e)]. This includes a reflection of coordinated data collection, analysis, and planning assumptions across the Richmond-Tri-Cities urbanized area.

The RRTPO and its partners are working to update the 3-C agreement to accurately reflect its voting membership, roles and responsibilities, and ensure compliance with the Fixing America's Surface Transportation Act or "FAST Act" and the requirements associated with transportation performance management. As part of the update, the agreement should be formally reviewed and adopted to reflect explicitly each partner's roles and responsibilities as it relates to the SmartScale and VTrans project selection process, as well as procedures for coordinating the SmartScale process with the requirements of the metropolitan and state planning processes laid out in the FAST Act, such as incorporation of selected projects in the TIP or MTP.

Corrective Action: The Federal team requests that the State and RRTPO develop and execute (within 6 months) a written agreement among the Richmond TPO, Tri-Cities MPO, GRTC, PAT, and the State that describes how the planning process will be coordinated to assure development of consistent metropolitan transportation plans and TIPs across the MPA boundaries. This includes a reflection of coordinated data collection, analysis, and planning assumptions across the Richmond-Tri-Cities urbanized area.

Section 3-4: Unified Planning Work Program (UPWP)

Basic Requirement: The MPOs are required to develop Unified Planning Work Programs (UPWPs) to govern work programs for the expenditure of FHWA and FTA metropolitan planning and research funds (23 CFR 450.308). The MPO, in cooperation with the State and public transportation operator, must develop a UPWP that includes a discussion of the planning priorities facing the region and the work proposed for the next one- or two-year period by major activity and task in sufficient detail to indicate the agency that will perform the work, the schedule for completing the work, the resulting products, the proposed funding, and sources of funds.

Finding of Federal Review: The RRTPO cooperatively develops an annual UPWP that describes all transportation planning activities utilizing Federal funding. The Richmond TPO's 2018 UPWP was adopted on May 4, 2017, and identifies Federal, state and local matching funds for all activities along with other closely related planning projects funded with non-federal funds. The UPWP is adjusted annually to focus on new and emerging regional priorities and Federal planning emphasis areas. Each UPWP builds upon the previous UPWP, and is the result of close cooperation among the transportation agencies in the region. The UPWP is prepared with the involvement of these agencies, acting through the RRTPO and reviewed by

the TTC. There appears to be no formalized process for local jurisdictions to apply for planning requests or how these requests are prioritized.

The RRTPO meets the Federal requirements for development of the Unified Planning Work Program.

Recommendation: For the next UPWP update, the RRTPO should indicate for each task who will perform or lead the work (e.g., RRTPO, State, transit agency, local government or consultant) and a simpler schedule for completing each work item. In addition, the RRTPO should consider an adjustment to a more results oriented approach with less detailed discussion.

Section 3-5: Metropolitan Transportation Plan (MTP) Development / Consultation & Coordination

Basic Requirement: In accordance with 23 CFR 450.322 (a) “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 a multi-modal transportation system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.” The requirements for consultation in developing the MTP and TIP are set forth primarily in 23 CFR 450.316(b-e). 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). The MPO should engage in a consultation that includes (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.

Finding of Federal Review: The RRTPO’s Long-range Metropolitan Transportation Plan (MTP) process brings together project recommendations from local governments, the state DOT, VDRPT, GRTC, and other transportation providers (i.e. RideFinders). The priorities established by these stakeholders are the primary source of projects submitted for the region’s long-range transportation plan, known as *plan2040* which was adopted in October 2016. The MTP has a horizon of at least 20 years. The RRTPO has methods for identifying projects needed to maintain the integrity of the transportation system, enhance safety, improve mobility, and to meet current and future transportation demand. At the regional level, the RRTPO helps identify problems and needs by monitoring current travel conditions and forecasting future travel demand through the Congestion Management Process (CMP).

The ten planning factors in Federal legislation under FAST-ACT are identified throughout the planning process and products of the RRTPO. The RRTPO addresses the planning factors through their constrained long-range 2040 MTP. The RRTPO continues to strengthen linkages between work elements of the UPWP to the planning factors.

The MTP or *plan2040*, is based on nine regional goals; Access to Employment, Freight Mobility, Safety & Security, System Reliability, Congestion Mitigation, Environment & Air Quality, Multimodal Connectivity, Preservation & Maintenance, and Transportation & Land

Use Integration. These goals not only represent regional priorities for transportation but also were integral to the development of the CLRP through project scoring and selection process. As the RRTPO continues to develop regional Performance Based Planning (PBP), processes will be introduced to evaluate these nine goals, associated targets, and project selections. PBP activities are planned for future UPWP efforts.

The MTP provides a fiscally constrained list of highway and transit projects for the region over the 20-year horizon, and includes an illustrative list of “vision” projects where real transportation needs exist however, transportation funding resources are not committed or reasonably available. Combined, these lists serve as a roadmap for programming projects in the TIP and for SmartScale selections. Additionally, the RRTPO is contemplating a scenario planning approach to the development of the next MTP update. The MTP does not however, accurately list all federal funding sources forecasted to be available to support public transportation over the full life span of the document.

The MTP notably attempts to emphasize non-traditional transportation modes (i.e., bicycle, pedestrian and “greenway trails”), while translating plan elements into work activities. A few of the non-traditional transportation efforts include:

- East Coast Greenway: Regional planning assistance and coordination of trail development and realignment of trail from on-road to off-road; Chairperson of ECG Virginia committee.
- Hanover County Bike and Pedestrian Comprehensive Plan Committee member
- Participation with other stakeholder groups: Statewide Bike and Pedestrian Advisory Committee; Virginia Capital Trail stakeholder committee; Active RVA Development Certification committee.

The Richmond Regional Bicycle and Pedestrian Plan (2004) is a stand-alone plan for the region and our recommendation is that the Regional Bike Plan be updated.

In addition to the above, the RRTPO remains a partner with RideFinders to promote ridesharing within the region. Ridefinders is the regional non-profit ridesharing and transportation demand management agency that works to move commuters in fewer vehicles throughout the Central Virginia region to protect air quality and improve the efficiency of the transportation network. In addition to RideFinders’ membership and participation on the RRTPO Technical Advisory Committee and RRTPO, the partnership is further demonstrated through the consistent financial support that the RRTPO has provided to RideFinders since 1991 with RRTPO Regional Surface Transportation Program (RSTP) and/or Congestion Mitigation and Air Quality (CMAQ) funds.

Important to note is that in 2012, RRTPO staff recommended to TAC that the goal of Ridefinders will be to diversify revenue sources to support its operations and significantly increase funding from sources other than Richmond Area TPO allocations (CMAQ and RSTP) by 2020. Since our review, minimum sources of revenue outside of RRTPO support has been identified to sustain the operations of the region’s RideFinders program beyond 2020. The Federal team encourages RRTPO staff and Ridefinders to cooperatively identify and communicate annually thru the RRTPO’s TAC and/or RideFinder’s Advisory Committee any supplemental revenue and revenue sources available to sustain the region’s RideFinders program beyond 2020. The RRTPO’s TAC Chairperson and/or the RideFinders Chairperson should keep the RRTPO Policy Board advised, and all revenue and sources should be considered in the MTP update.

The RRTPO also worked with VDOT to complete a Park and Ride Inventory and Usage Study. This study was completed in 2013 and led to VDOT establishing a website in 2014 showing the location of designated park and ride lots maintained by VDOT, local governments and transit agencies throughout the state, and identifying commuter resource agencies that provide ridesharing services.

The RRTPO reached out to the State's environmental resources agencies when developing goals and strategies as part of the MTP development. For example, under the Land Use & Environmental Mitigation chapter of *plan2040*, there are maps of Superfund sites, Threatened and Endangered Species, Wetlands, Parklands and Conservation Lands, and Scenic Rivers. Also, the MTP references plans and efforts from the Virginia Department of Conservation and Recreation, US Fish and Wildlife Service's Endangered Species Program and National Wetland Inventory, and the Virginia Department of Game and Inland Fisheries.

The public involvement outreach conducted during the development of the *plan2040* appeared to be extensive and is outlined on page 33 of MTP. Several outreach methods were utilized in development of the MTP including a MTP Advisory Committee, MTP surveys, several public meetings, as well as the involvement from the RRTPO's standing committees (CTAC and EDAC).

The RRTPO meets the Federal requirements for development of the long-range metropolitan transportation plan, as well as consultation and coordination.

Recommendation: The list of fiscally constrained rail and public transportation projects contained in the MTP span the 20-year planning horizon, however the projections of transit revenues from existing funding sources are not accurately shown for the full lifespan of the document. The Federal Team recommends that the RRTPO coordinate with VDRPT to provide 20 years of forecasted transit revenues for inclusion into the MTP.

Recommendation: The Federal team recommends that the RRTPO update the 2004 Richmond Regional Bike and Pedestrian Plan.

Commendation: The RRTPO staff's goal is to gradually transition to a scenario planning approach for the next MTP update. Staff will begin with corridor studies to build staff capacity and educate the Policy Board.

Commendation: The Federal team is impressed with the work of RRTPO staff and RideFinders Advisory Committee's efforts to demonstrate the value and benefits of the regional TDM program to the citizens of the region. The program is one of the more efficient TDM programs in Virginia.

Section 3-6: Financial Planning

Basic Requirement: The metropolitan planning statutes state that the long-range transportation plan and TIP (23 U.S.C. 134 (j) (2) (B)) must include a "financial plan" that "indicates resources from public and private sources that are reasonably expected to be available to carry out the program." Additionally, the Statewide Transportation Improvement Program (STIP) may include a similar financial plan (23 U.S.C. 135 (g)(5)(F)). The purpose of

the financial plan is to demonstrate fiscal constraint. These requirements are implemented in transportation planning regulations for the metropolitan long-range transportation plan, TIP, and STIP. These regulations provide that a long-range transportation plan and TIP can include only projects for which funding "can reasonably be expected to be available" [23 CFR 450.322(f) (10) (metropolitan long-range transportation plan), 23 CFR 450.324(h) (TIP), and 23 CFR 450.216(m)(STIP)]. In addition, the regulations provide that projects in air quality nonattainment and maintenance areas can be included in the first two years of the TIP and STIP only if funds are "available or committed" [23 CFR 450.324(h) and 23 CFR 450.216(m)]. Finally, the Clean Air Act's transportation conformity regulations specify that a conformity determination can only be made on a fiscally constrained long-range transportation plan and TIP [40 CFR 93.108].

Finding of Federal Review: The RRTPO, as with other TMAs in the State, rely heavily on the State for provision of revenue and cost information for development of their MTP and TIP. Page 55 of the MTP indicates the financial assumptions utilized for long range planning in the region. The financial estimates for both revenues and costs in the MTP are given in year of expenditure dollars and reflect reasonable growth and inflation factors. VDOT cost estimates are from the VDOT Project Cost Estimating System. However, uncertainty of SmartScale discretionary funding will continue to be a challenge for the RRTPO when estimating revenue streams in the future. For projects not administered by the state, cost estimates are developed cooperatively through the RRTPO, responsible transit agency, or responsible local government.

RRTPO meets the Federal requirements for financial planning of the metropolitan transportation planning process.

Commendation: RRTPO staff prides itself on ensuring transparency, integrity and accountability with respect to how public funds are being programmed and spent. The Federal team remains impressed with RRTPO staff efforts to track and monitor changes in funding commitments as part of TIP, STIP, and Virginia's SYIP. Staff does a great job in tracking obligations.

Section 3-7: Air Quality

Basic Requirement: For RRTPOs that the U.S. EPA classifies as air quality nonattainment or maintenance areas, many special requirements apply to the metropolitan planning process. 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 includes provisions in response to the CAAA mandates.

Finding of Federal Review: Currently, the TMA is classified as being in attainment of national air quality standards.

Section 3-8: Transportation Improvement Program (TIP) Development & Project Selection

Basic Requirement: 23 CFR 450.324 requires the MPO to develop a TIP in cooperation with the State and public transit operators. Specific requirements and conditions, as specified in the regulations, include, but are not limited to:

- An updated TIP covering a period of at least four years that is compatible with the STIP development and approval process; [23 CFR 450.324 (a)]
- The TIP should identify all eligible Transportation Control Measure's (TCM) included in the SIP and give priority to eligible TCM's and projects included for the first two years which have funds available and committed; [23 CFR 450.324 (i)]
- The TIP should include capital and non-capital surface transportation projects, bicycle and pedestrian facilities and other transportation enhancements; Federal Lands Highway projects and safety projects included in the State's Strategic Highway Safety Plan. The TIP and STIP must include all regionally significant projects for which an FHWA or the FTA approval is required whether or not the projects are to be funded with Title 23 or Title 49 funds. In addition, all Federal and non-Federally funded, regionally significant projects must be included in the TIP and STIP and consistent with the MTP for information purposes and air quality analysis in nonattainment and maintenance areas; [23 CFR 450.324 (c), (d)]
- Procedures or agreements that distribute suballocated Surface Transportation Program funds or funds under 49 USC 5307 to individual jurisdictions or modes within the TMA by pre-determined percentages or formulas are inconsistent with the legislative provisions that require the MPO, in cooperation with the State and the public transportation operator, to develop a prioritized and financially constrained TIP and shall not be used unless they can clearly be shown to be based on considerations required to be addressed as part of the metropolitan transportation planning process [23 CFR 450.324 (j)]

Finding of Federal Review: The RRTPO's 2018-2021 TIP was developed in cooperation with the VDOT and VDRPT, local public transportation operators, and the local governments encompassing the urbanized area's transportation system. However, the preparation of the TIP is driven, in large part, by the Six-Year Improvement Program (SYIP¹). The CTB has lead responsibility for selecting and programming federally funded Interstate Maintenance, Bridge, National Highway Performance Program, Statewide (non-metropolitan) STPG, HSIP, Enhancement and projects, while local governments have lead responsibility for selecting projects within the urban and secondary roadway systems. The RRTPO however has lead responsibility for the project review, selection and funds-allocation process for

¹ 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 unlike the SYIP is the federally approved regional transportation programming document covering four years.

Regional STPG (STPG), CMAQ, and Transportation Alternatives (TA) programs. The project selection process involves coordination and consultation among all parties. Federal transit capital funds under the Section 5310 program for elderly individuals and individuals with disabilities 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.

Since 2014, SmartScale (formerly HB2) requires the Commonwealth Transportation Board (CTB) to develop and implement a quantifiable and transparent prioritization process for making funding decisions for capacity and safety-enhancing projects within the Virginia's Six-Year Improvement Program (SYIP). Candidate projects will be solicited from eligible entities beginning in August of each year, then VDOT and VDRPT staffs will screen, review, and evaluate the projects per the SmartScale scoring process from October through early January consistent with the Transportation Needs Assessment of the State's long range plan - VTrans2040. MPOs are eligible to submit projects (including Highway, bus and rail transit, freight rail, road, operational improvements and transportation demand management projects) along with counties, cities, and those towns that maintain their own infrastructure.

STPG and CMAQ funds are apportioned by the State to their TMAs within Virginia. The RRTPO's STPG and CMAQ project selection (revised in 2014) is a cooperative process between the RRTPO and VDOT. The procedure for selecting and prioritizing projects includes the development of candidate project lists by the RRTPO Transportation Technical Committee (TTC). The results of the ratings and project recommendations are reported to the RRTPO Policy Board for funding consideration. The STPG and CMAQ project development and selection procedures are documented on the RRTPO's website. The SmartScale selection process is led by the State and is documented on-line however the process is not included in the RRTPO's TIP process. The RRTPO's documented procedures for how the RRTPO takes action for determining TIP amendments versus an administrative adjustment (i.e., modifications) is located in the Public Participation Plan and TIP.

The TIP contains regionally significant projects funded by FTA and FHWA. Project listings for "roadway" and transit sections included sufficient descriptive material and total project costs. In accordance with the RRTPO's Public Involvement Policy, the public was afforded several opportunities to comment upon the development the 2018-2021 TIP.

The RRTPO meets the Federal requirements for development of the Transportation Improvement Program.

Recommendation: The RRTPO should begin to develop a description of the SmartScale project selection and funding process similar to the RSTP and CMAQ project selection process. This could be a simple visualization or graphic showing both workflows in the TIP document.

Commendation: The Richmond TIP is one of the more informed TIPs in the State. The amount of project information is beyond what is required by regulations and the visualization and mapping is well done.

Section 3-9: Public Outreach/Public Involvement/Public Participation

Basic Requirement: The MPO is required, under 23 CFR 450.316, to engage in a metropolitan planning process that creates reasonable opportunities for public involvement 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” and at a minimum shall describe explicit procedures, strategies, and desired outcomes. Public participation and consultation throughout the development of the MTP and the TIP is also included in 23 CFR 450.322 (f) (7) and (g) (1) (2), (i) and 23 CFR 450.324 (b).

Federal regulations at 23 CFR 200.5(c) define citizen participation as “an open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.”

Finding of Federal Review: The Public Participation Plan (PPP) articulates the RRTPO’s commitment to provide transparent communications and engagement with the public and public agencies to support the regional transportation planning process, including the development of the MTP and the TIP. The current PPP was adopted on June 2, 2016 and outlines the framework to ensure public involvement in the planning process.

The PPP provides an overall framework for participation in the RRTPO process planning process. A review of the RRTPO’s PPP indicates that the representatives on CTAC and EDAC are their primary avenues for soliciting and gaining insight transportation issues impacting the region. This is documented in the PPP where EDAC “serves as a forum for citizen input into the RRTPO process and to GRTC, fostering discussion and awareness among prominent groups and organizations in the Richmond Region that deal with the needs of the elderly, persons with disabilities, and low-income populations.” Both the EDAC and CTAC Chairman serve as non-voting Policy Board members.

Meetings are purposefully held around the region during the time of TIP and MTP update and the RRTPO indicate that the PPP will be periodically updated with mechanisms in place to gauge the effectiveness of public outreach activities. The meetings of all standing committees are posted online in advance of each meeting and there is an opportunity for public comment.

Contained in the 2016 updated of the PPP, staff indicated that the RRTPO would be updating its website to address concerns from the public regarding difficulty in finding documentation. Staff informed us that the selection of a DBE to do the work is complete and the website update will be completed soon.

The RRTPO noted that traditional outreach methods like community newspapers and social media were also used to engage various populations groups.

The RRTPO meets the Federal requirements for public participation of the metropolitan transportation planning process.

Recommendation: Per the RRTPO’s Public Participation Plan (PPP) and during the Federal team’s meeting with EDAC and CTAC, the public expressed difficulty using and concerns with content on the RRTPO website. The RRTPO staff stated that the website had not been updated since 2004 and that a new standalone RRTPO website was forthcoming by a selected DBE. The Federal team recommends the website be updated and consistently maintained, especially in regards to timely posting of meeting agendas and minutes.

Section 3-10: Self-Certifications

Basic Requirement: 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.

Finding of Federal Review: The 2017 self-certification comprehensive documentation is collaboratively prepared by RRTPO and VDOT, and is meant to address Federal planning regulations. The self-certification is adopted by resolution, and signed by the RRTPO chair and VDOT.

Section 3-11: Congestion Management Process (CMP)

Basic Requirement: According to the latest Metropolitan Transportation Planning final rules, effective June 27, 2016, reflecting MAP-21 and FAST Act changes, 23 CFR 450.322 states “that 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, job access projects and operational management strategies.” Specifically, the section mandates, among other things, that a CMP contain the following elements: Methods to monitor and evaluate the performance of the transportation system, defining parameters for measuring congestion including development of objectives and performance measures, establishment of a program for data collection to monitor congestion and identify its causes, identification and evaluation of the benefits of the various strategies to address the identified congestion locations, identification of an implementation schedule for each of the identified strategies, and implementation of a process for assessing the effectiveness of the strategies once implemented.

Finding of Federal Review: The Richmond TPO staff and planning partners have been involved in congestion management planning activities since the 1990’s. A major update to the CMP documentation occurred in 2011 and then the 2013 Certification Review stimulated a more serious and committed conversation to further improve the implementation of the CMP in the context of updating the MTP.

The most recent documentation of CMP work activities, as reflected in the “Congestion Mitigation Process Technical Report”, dated December 1, 2017, demonstrates improved CMP integration into the overall metropolitan planning process in the region. The methodology and integration with the future 2045 MTP and recurring TIP preparation activities should continue to display enhancements to the region’s planning products. For example, the data and performance measures referenced in the CMP document will provide a basis for congestion management actions consistent with the vision of the performance based 2045 plan. Also, the data collection process has been enhanced to include use of I-95 Corridor Coalition Vehicle Probe Project tools (including INRIX probe data) to better analyze congestion in the region’s priority corridors.

The CMP is developed and congestion analysis is focused around a CMP network which includes major highway facilities. These roads are further described according to travel time and safety characteristics. Systematic reporting of travel time and crash data is prepared on an annual basis. Recommendations from the CMP analyses are used to prioritize projects and move them into the MTP and TIP.

The RRTPO implementation of various mitigation strategies are undertaken in coordination with VDOT and local jurisdictions. There are opportunities for continued improvement in CMP

implementation efforts, including enhanced monitoring of project effectiveness of implemented strategies and projects identified as outcomes of the CMP. This effort to track projects that may have been implemented to manage congestion and their expected benefits in identified corridors or intersections is a desired outcome of a mature CMP.

Another possible improvement would be to enhance discussion of non-recurring congestion in the context of the CMP through incorporation of an incident management performance measure to assess non-recurring congestion in the region. VODT may be a useful partner to aid in this discussion as incident management measures are being considered, such as the Instant Tow program and the Towing and Recovery Incentive Program (TRIP), which includes a clearance time target.

The staff should continue their recent conscientious efforts to improve the CMP by also creating awareness of the Federally mandated travel time reliability measures and how those measures can be addressed and analyzed in the current CMP framework.

Recommendation: The Federal Review Team recommends that the RRTPO staff improve efforts to track and analyze implemented congestion management and mitigation measures to determine their effectiveness and document the results.

Commendation: The review team commends the RRTPO staff for developing the improved annual CMP documentation and demonstrating commitment to a more meaningful CMP process that becomes an integral part of the day-to-day metropolitan planning process in the region.

Section 3-12: Annual List of Obligated Projects

Basic Requirement: The MPO, transportation operators and the State must cooperatively develop a listing of projects for which Federal funds have been obligated in the previous year in accordance with 23 CFR 450.332 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

Finding of Federal Review: The RRTPO produces an “Annual Listing of Transportation Project Obligations” based on the preceding Federal fiscal year in an appendix to the TIP. Project obligations are reported by project or phase, fund source, as well as project category including maintenance.

The RRTPO meets the Federal requirements for Annual List of Obligated Projects of the metropolitan transportation planning process.

Commendation: There have been noticeable improvements to the annual listing of projects

that have been obligated. This is primarily due to RRTPO staff attention to detail and working to improve coordination between the RRTPO and State to address any inconsistencies within the 90 days following the end of the program year.

Section 3-13: Management and Operations Considerations

Basic Requirement: 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.*

Finding of Federal Review: Maintenance and Operations (M&O) encompasses the day-to-day actions and agency responses to the region's transportation system. Examples include routine activities such as reconstruction and maintenance, preventive maintenance on buses, snow plowing and salting, providing real-time traveler information, and traffic signalization. Management of the transportation system in special circumstances is also important, such as traffic plans for special events, and falls under the umbrella of M&O.

Section 3-14: Transportation Safety and Security Planning

Basic Requirement: 49 U.S.C. 5303 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. Federal legislation has also separated security as a stand-alone element of the planning process (both metropolitan 23 CFR 450.306(a)(3) and Statewide 23 CFR 450.206(a)(3) planning). The regulations also state that the degree and consideration of security should be based on the scale and complexity of many different local issues.

Finding of Federal Review: Working in cooperation with the Central Virginia Emergency Management Alliance, the RRTPO is beginning to address safety in the transportation planning process through:

- Virginia's Critical Infrastructure Protection and Resiliency Strategic Plan – a seamless, coordinated, security and preparedness strategy with supporting implementation plans. These plans mitigate overall risk to physical, cyber, and human critical infrastructure assets, systems, networks, functions, or interconnecting links resulting from exposure, injury, destruction, incapacitation, or exploitation. The planning efforts also identify

opportunities to minimize consequences associated with a terrorist attack or other incident

- Working in coordination with the Richmond Regional Planning District Commission and the Crater Planning District Commission, the RRTPO planning work is benefiting from the development of the Richmond-Crater Multi-Regional Hazard Mitigation Plan that identifies local and regional risks and vulnerabilities associated with natural disasters, and creates long-term strategies for protecting people and property from future hazard events.

Working in cooperation with the Central Virginia Emergency Management Alliance, the RRTPO is beginning to address security in the transportation planning process through information sharing and coordination. The Central Virginia Emergency Management Alliance (CVEMA) was previously a federally defined Urban Areas Security Initiative (UASI). Today, CVEMA is a voluntary coalition of emergency management and public safety professionals from the 25 localities surrounding the Richmond-Petersburg metropolitan area (VDEM Region 1, plus Caroline, Cumberland, and Louisa Counties). The CVEMA efforts planning efforts include:

- Incorporation of Virginia's *Secure Commonwealth Initiative Strategic Plan* including guiding principles of deterrence, prevention, response, and recovery
- Evaluation of security factors identified for consideration of transportation improvements, including: conformity of proposed transportation improvements, and conformity of proposed transportation improvements with the current Continuity of Operations Plan that is in place in the Emergency Management Division of VDOT; transportation improvements associated with the Richmond Marine Terminal security plans; and to the Airport Security Audits/Plans.

The RRTPO meets the Federal requirements for integrating safety and security into the planning process.

Commendation: The Federal team is impressed with VDOT's implementation and findings associated with the Instate Program and Towing Recovery Incentive Program (TRIP) which are quick clearance strategies to remove vehicles involved in traffic incidents and clear the roadway as fast as possible to reduce responder time during incidents.

Section 3-15: Integrating Freight in the Transportation Planning Process

Basic Requirement: 23 U.S.C. 134 (a) and 23 CFR 450.306(4), 450.316(a), 450.316(b), 450.104 - 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) and section 135(d)”.

Finding of Federal Review: The RRTPO is dedicated to freight transportation issues and recognizes the importance of intermodal connectivity and freight planning. Since the last certification review, the RRTPO has engaged in several work efforts to incorporate freight considerations into the transportation planning and programming process. The most notable example was a new initiative undertaken in the FY16 Unified Planning Work Program, a study titled the *Commerce Corridor Study*, a transportation connectivity, accessibility and economic opportunity study. This study was a comprehensive analysis of existing and future transportation needs and prioritization of infrastructure investments for the Commerce Corridor, defined by a multi-jurisdictional and multimodal (highway, rail, transit) 13-mile stretch of along I-95 centered on the Richmond Marine Terminal.

The Commerce Corridor Study applied scenario planning, using regional travel demand modeling and TREDIS as tools, to evaluate future (2040) transportation and economic implications of growth at four priority development sites near the Richmond Marine Terminal. The study team and a representative stakeholder advisory committee developed alternative model inputs to stress test the transportation system under multiple possible futures. This customized approach accounted for both macroeconomic industry forecasts and land use intensity change at local-priority development sites. The scenarios included a baseline (no intervention), and two strategic build-out scenarios: forecast industrial mix, and port-oriented manufacturing applied to target sites. The results informed an implementation plan for development supportive short-, medium- and long-term infrastructure investments.

The RRTPO meets the Federal requirements for integrating freight into the planning process.

Commendation: The Federal team is impressed with the RRTPO’s work and investments related to freight – including the Commerce Corridor Study. The team appreciates the RRTPO taking a scenario planning approach to the study and the continued development of an implementation plan for freight related projects. The team encourages continued investment and development in the RRTPO’s freight specialist.

Section 3-16: Transit Planning

Basic Requirement: 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.

Finding of Federal Review:

The Greater Richmond Transit Company (GRTC) Transit System is the sole fixed-route bus

service provider in the Richmond region. Although several AMTRAK routes that stop in Richmond offer intercity rail service to the public, GRTC's fixed-route bus service remains the principal public transit option for the area. GRTC Transit provides 160 transit vehicles, which include both buses and cutaway vans, that provide fixed-route services to the Cities of Richmond and Petersburg, and the Counties of Henrico and Chesterfield. RideFinders, a subdivision of GRTC, serves as the region's transportation demand management agency, supports the Capital Region Taxicab Advisory Board (CRTAB), and oversees C-VAN, a welfare-to-work transportation service provided in cooperation with local social service agencies.

GRTC has actively participated in several recent transit planning initiatives. GRTC supported the City of Richmond's completion of the Richmond Transit Network Plan in 2017, which analyzed the City's bus network design in the context and time frame of the new Pulse Bus Rapid Transit (BRT) line's construction which is nearing completion. Recommendations included new or altered route alignments and bus stop locations to maximize bus speed and improve on-time transit performance when the BRT is opens in 2018. Also, completed in 2017, was the VDRPT and RRTPO sponsored Richmond Transit Vision Plan, a guide for transit development through 2040. This signifies an important step for the region as it seeks to identify multimodal opportunities to remain competitive and address future transportation needs of a diverse population and growing demand. In addition to current transit services and the Pulse BRT, the Vision Plan recommended additional BRT corridors, and enhanced local and regional routes for the system. The RRTPO's FY2018 UPWP will implement the first critical steps of the plan through continued study of transportation and land use, regional scenario planning, further encouragement of Transit Oriented Development (TOD) around each of the fourteen stations, and continued planning support for a new Downtown Transfer Center for GRTC. In 2012, GRTC adopted a Transit Development Plan (TDP), a comprehensive evaluation of GRTC's service and cost characteristics over a 10-year period.

Commendation: The Federal team commends VDRPT's use of 5304 funds and partnering with the Richmond TPO to develop the 2040 Richmond Regional Transit Vision Plan. This signifies an important step for the region as it seeks to identify multimodal opportunities to remain competitive and address future transportation needs of a diverse population and growing demand.

Section 3-17: Title VI Civil Rights and Non-Discrimination -General

Basic Requirement Title VI: 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 450.336(a)(3)] require the MPO to self-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.”

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 sub-recipients 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.

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.

Finding of Federal Review: The RRTPO has worked to enhance the Title VI and nondiscrimination policies over the last few years. The RRTPO non-discrimination statement, Title VI Plan, Policies and Americans with Disabilities Act notice are posted on their website, as well as complaint and grievance procedures. While the RRTPO has a Title VI Plan and Nondiscrimination policies, the RRTPO does not have a signed Title VI/Nondiscrimination Assurance (**see Appendix F**) that obligates the RRTPO to comply with Title VI/Nondiscrimination statutes [49 CFR Part 21 - Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of The Civil Rights Act of 1964]. As a condition of receiving federal funds, this Assurance must be signed.

To assess potential benefits and impacts of transportation system investments related to minority and low-income (Environmental Justice) populations, an analysis of the allocation of funds to predominantly disadvantaged population concentration areas was completed in the 2040 MTP's Environmental Justice Analysis Chapter. Disadvantaged population (low income and minority) concentration areas were mapped, identifying census tracts as concentration areas if the following criterion is met: Tracts must have a concentration of individuals identified as low- income, disabled, LEP, and minority that exceeds the regional average of all census tracts in the metropolitan planning area. All regionally significant transportation projects listed in the Fiscally Constrained Plan were mapped. Transportation projects that fell entirely or partially within defined Environmental Justice concentration areas were selected for further analysis and comparison of transportation investment per capita. Transportation investment per capita was calculated by dividing the total inflation-adjusted cost of projects within EJ and non-EJ census tracts by the total population living in that tract. Investment per capita in EJ and non-EJ census tracts was reported in tabular format. The RRTPO's efforts to develop and document an approach to assess the distribution of benefits and burdens on different socio-economic groups for the projects identified in the RRTPO's MTP has improved greatly since our last review. In addition, the RRTPO's LEP four factor analysis in support of Executive Order 13666 is very good.

The following table is contained on page 106 of the *plan2040* and is used as the basis to support the RRTPO's Metropolitan Transportation Plan EJ analysis:

	EJ Areas	Non-EJ Areas	Total
Population in EJ Tracts	362,687	652,932	1,015,619
Percent of Total Population	36%	64%	100%
Total Project Funds in Plan2040	\$391,783,856	\$1,364,787,835	\$1,756,571,750
Percent of Total Project Funds in Plan 2040	22%	78%	100%
Per Capita Funding	\$1,080	\$2,090	\$1,730

Per the RRTPO’s *plan2040*, the table above “indicates that minority and low-income groups (identified as EJ areas) are receiving less transportation investment funds per capita than non-minority and non-low income populations.” In response to the finding, the MTP states that, “The Environmental Justice Executive Order does not mandate proportionate outcomes with respect to transportation funding, but instead focuses on enhanced public involvement and the distribution of benefits and impacts.” Here, the RRTPO staff have identified a disparate impact in terms of investments through 2040 and EJ areas. However, instead of addressing or mitigating this disparate impact, the staff incorrectly suggests that the EJ Executive Order requires “enhanced public involvement.” The Federal team recommends that staff address the disparate impact.

As mentioned earlier, the top comments from CTAC, EDAC, and the public during the public meeting, as well as comments received from the public regarding the *plan2040* relates to transit access to opportunities. The RRTPO makes a good effort to map zero car households, transit dependent populations, EJ populations, and jobs. However, there is no assessment or findings contained in the *plan2040* that demonstrates any comparative changes based on transportation investments and accessibility thru 2040.

The RRTPO addresses and has enhanced its Title VI/Nondiscrimination requirements and procedures as part of the Title VI Plan update. As part of ensuring and acting to address Title VI issues that may arise, PDCs and MPOs are required to have a Title VI coordinator who is familiar with Title VI and Nondiscrimination requirements and proactive in its application. Since the retirement of the Title VI Coordinator/Officer in early 2017, the team believes that the acting Title VI Coordinator/Officer needs additional knowledge and skills to serve this important function.

Recommendation: In the areas of Title VI and Environmental Justice, the Federal Team appreciates the RRTPO’s efforts to develop and document an approach to assess the distribution of benefits and burdens on different socio-economic groups for the projects identified in the RRTPO’s *plan2040*. However, the RRTPO staff have identified a disparate impact in terms of investments through 2040 and EJ areas. Instead of addressing or mitigating the disparate impact, the staff incorrectly suggests that the EJ Executive Order requires “enhanced public involvement.” The Federal team recommends that staff address the disparate impact. In addition, there is no assessment or findings contained in the MTP that demonstrates any comparative changes for EJ populations based on transportation investments and regional transit accessibility thru 2040. Therefore, in support of Title VI and EJ, the Federal team strongly recommends that

the RRTPO, in cooperation with VDOT, VDRPT and GRTC, reassess the *plan2040* (within a year) to include an analysis of regional measures such as accessibility to opportunities (e.g. employment, education, healthcare, etc.). Using the travel demand model as the primary tool, this analysis will afford a comparative assessment of the benefits and burdens across the spectrum of EJ and non-EJ populations. The analysis should include the following scenarios:

- Base year for Plan;
- No-Build; and,
- Full implementation of all projects in the *plan2040*.

Findings and any recommendations to address adverse or disparate impacts should be presented to the RRTPO for action and included as findings in the final assessment report.

Recommendation: The Federal team recommends the identification of a Title VI Coordinator with knowledge and understanding of the effective implementation of the Title VI/Nondiscrimination program, or the Acting Title VI Coordinator be trained to effectively implement the RRTPO's Title VI Program.

Recommendation: Per VDOT's Title VI Plan, the Federal team recommends that the VDOT and/or VDRPT conduct a comprehensive Title VI review of the RRTPO/RRPDC within one year. Furthermore, as it pertains to VDOT, the team recommends that the VDOT District Title VI Manager have an institutionalized role in the planning process (i.e. review of plans and programs).

Corrective Action: As a condition of receiving any Federal financial assistance from the USDOT, through the FHWA or FTA, the RRTPO should have a signed Title VI/Nondiscrimination Assurance within 90 days.

Update: Since our on-site review as part of the Planning Certification, FHWA and FTA found that all 12 MPOs (with the exception of Fredericksburg) in Virginia lacked a signed Title VI/Nondiscrimination Assurance. The Federal team subsequently held discussions with the VDOT and VDRPT to address these matters as part of a statewide finding. The RRTPO now has a signed Title VI/Nondiscrimination Assurance and this corrective action has been addressed.

Section 3-18: Travel Forecasting Methods

Basic Requirement: A Metropolitan Transportation Plan (MTP) requires credible forecasts of future demand for transportation services. These forecasts are frequently made using *travel demand models*, which use estimates of regional population, employment and land use to forecast person trips and vehicle trips by travel mode, route, and time period. The outputs of travel demand models are used both to evaluate the impacts of alternative transportation investments being considered in the MTP and to provide inputs for motor vehicle emissions models used for air quality conformity determinations that are needed in nonattainment and maintenance areas.

Finding of Federal Review: RRTPO uses the Richmond Tri-Cities model (RTC) for its transportation planning process. The RTC model covers the areas of RRTPO and Tri-Cities

TPO, both within the Richmond Urbanized Area and is based on Citilab's Cube Voyager software. The RTC model uses an advance practice four step model which includes trip generation, trip distribution, mode choice and trip assignment. The current version of the RTC model has a base year of 2012 and a forecast year of 2040. The current version of the model was developed for VDOT by their consultants and submitted to RRTPO around the end of 2015. This version of the model was developed by enhancing the previous RTC model which had a base year of 2008 and the forecast year of 2035. The new version of the RTC model was recalibrated using the 2012 data. The transit network was also updated to reflect 2012 GTRC transit network. RRTPO staff created two more scenarios; Existing Plus Committed (E+C) 2022 and the Cost Feasible (CF) 2040 scenarios. The E+C scenario network has all the projects coded between the model base year (2012) and the current VDOT's Six-Year Improvement Plan (SYIP) forecast year which is 2022. Similarly, cost feasible projects developed as part of the financial constrained plan in the 2040 MTP process was coded to the E+C network resulting in the Cost Feasible (CF) network scenario. The Cost Feasible scenario is used as the baseline scenario for any corridor study in the region.

The model was originally calibrated in 2011 and uses 2009 National Household Travel Survey(NHTS) – Virginia Add-On and the fall 2009 GRTC On-Board transit survey for the base year 2008. The RTC model also uses model parameters from FTA "national experience". The model was recalibrated in 2015 for the base year 2012 but use the same assumptions as for the base year 2008. The External- Internal/Internal- External and External/External trips were recalibrated based on AirSage Origin Destination (O-D) data for base year 2012. Value of Time parameters were updated for the base year 2012 based on Strategic Highway Research Program 2 (SHRP2) recommendations.

The RRTPO meets the Federal requirement with respect to regional modeling.

Section 3-19: Intelligent Transportation Systems

Basic Requirement: The FHWA Final Rule and FTA Policy on ITS Architecture and Standards, issued on January 8, 2001 and codified under 23 CFR Part 940 ITS Architecture and Standards, 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's oversight and Federal-aid procedures, similar to non-ITS projects.

Finding of Federal Review: The RRTPO staff continues to implement ITS strategies and project under the umbrella of the Regional ITS Architecture framework. An ITS Work Group provides planning and programming support and assistance to the TAC.

The RRTPO staff rely on VDOT for support through the Virginia Central Region ITS Architecture Implementation Plan and complementary Maintenance Plan. During the review meeting a representative from VDOT highlighted important implementation activities in the Richmond region. The construction of a new Traffic Operations Center and signal timing upgrades in the City of Richmond and Henrico County are examples of ITS-related projects in the region.

The RRTPO meets the Federal requirement for continued ITS in the metropolitan transportation planning process.

Appendices: Attached Separately

Richmond, VA
TMA Certification Review
Appendices

Richmond Regional Transportation Planning Organization (RRTPO)

2017

Appendix A



**U.S. Department
of Transportation**

Federal Transit Administration
Region III
1760 Market Street, Suite 500
Philadelphia, PA 19103
215-656-7100
215-656-7260 (fax)

Federal Highway Administration
VA Division
400 North 8th Street, Room 750
Richmond, VA 23219-4825
804-775-3320
804-775-3356 (fax)

May 17, 2017

The Honorable Steve Elswick, Chair
c/o Martha Shickle, Executive Director
Richmond Regional Transportation Planning Organization
9211 Forest Hill Avenue, Suite 200
Richmond, Virginia 23235

Re: RRTPO 2017 Federal Planning Certification

Dear Mr. Elswick:

The Fixing America's Surface Transportation (FAST) Act continues the requirement for the certification of the transportation planning process in urbanized areas with over 200,000 in population once every four years. The certification review is intended to determine if the region's transportation planning process is addressing the major issues facing the area in accordance with the applicable Federal regulations, and will look at the cooperative planning process as conducted by the State, transit operators, and local governments in the area.

This is to notify you that the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) will be conducting the quadrennial Federal Planning Certification Review of the transportation planning process for the Richmond Regional Transportation Planning Organization's (RRTPO) metropolitan area on August 16-17, 2017.

It is expected that the on-site portion of the Certification Review will take place in the large conference room of the Richmond Regional Planning District Commission. The formal review is tentatively scheduled to begin at 9:00 AM and end at 4:00 PM on August 16. The discussion will continue from 9:00 AM to 2:00 PM on August 17. Since policy and technical issues are likely to be discussed, please coordinate to have the appropriate representatives present at the on-site review (e.g. RRTPO staff, VDOT, VDRPT, GRTC, Ridefinders and RRTPO advisory committee members). An agenda will be provided to the RRTPO staff prior to our meeting.

In addition, there will be an opportunity for the public to express thoughts and comments on the transportation planning process, and specifically, how the process is meeting the needs of the metropolitan area. This public meeting is tentatively scheduled for the evening of August 10, 2017, from 5:30 PM to 7:30 PM. Please ensure that this opportunity for public participation is advertised in accordance with your Public Involvement Procedures. We will also offer the opportunity for any committee members or other local elected officials to meet with us separately

Honorable Steve Elswick
RE: RRTPO 2017 Federal Planning Certification Review

Page 2

if they so desire. It is our intent to provide preliminary findings to the RRTPO Policy Committee at their next scheduled TPO meeting following the on-site review.

Finally, given the sufficient information from previous Certification Reviews, a detailed desk audit questionnaire prior to the on-site review is not merited. However, some background information is still requested which can be found in *Attachment A*. Please provide appropriate responses to the items in the Attachment by July 1, 2017 to FHWA and FTA.

If you have any questions regarding the 2017 RRTPO Planning Certification Review or Attachment A, please contact Mr. Ivan Rucker, Transportation Planner, at (Ivan.Rucker@dot.gov) (804) 775-3350 or Mrs. Melissa McGill, Senior Community Planner (Melissa.McGill@dot.gov) (202) 219-3565.

Sincerely,



Digitally signed by KATHLEEN E ZUBRZYCKI
DN: cn=US, o=U S Government, ou=DOT
FTAPhadelphiaPA, ou=FTA FTAPhadelphiaPA,
cn=KATHLEEN E ZUBRZYCKI
Date: 2017.05.17 13:34:21 -0400

Kathleen Zubrzycki
Director, Planning and Program Development
Federal Transit Administration



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2017.05.17 15:43:46
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Ivan Rucker
Transportation Planner
Federal Highway Administration, Virginia

Attachment A

Cc: Mr. Charlie Kilpatrick, Commissioner, Virginia Department of Transportation
Ms. Jennifer Mitchell, Director, Department of Rail and Public Transportation
Ms. Marsha Fiol, Virginia Department of Transportation (Central Office)
Ms. Sandra Norman, Virginia Department of Transportation (Central Office)
Mr. Bart Thrasher, Virginia Department of Transportation (Richmond District)
Mr. Mark Riblett, Virginia Department of Transportation (Richmond District)
Mr. Ferrell Solomon, Virginia Department of Transportation (Richmond District)
Mr. David Green, Greater Richmond Transit Company
Ms. Sandra Jackson, FHWA D.C. Division
Ms. Jill Stark, FHWA HQ
Mr. Brian Betlyon, FHWA Resource Center

Attachment A

Core MPO Processes Materials in advance of the on-site portion of the Certification Review

Please provide, as is practical, web links or electronic copies of documentation for the most recent items listed below:

Financially Constrained Long Range Transportation Plan (CLRTP)
Metropolitan Transportation Improvement Program (MTIP)
Unified Planning Work Program (UPWP)
Public Participation Plan
Title VI, ADA Environmental Justice documents/procedures/reviews
Congestion Management Process
List of Obligated Projects
Travel Demand Forecasting documentation
Agreements and Contracts
Self-Certification/Procurement Procedures
Performance Measures documentation (i.e., how is RRTPO transitioning to Performance Based Planning)
Financial Planning/Fiscal Constraint documentation
Organizational Structure (including Committees), Board Membership and Planning Boundaries
Approved Bylaws for TPO and Committees (including Committee membership/structure)
Consultation and Coordination with Federal, State and local agencies (i.e., formal memoranda or agreements)
Bike/Multimodal Planning products (including transit/TDM programs)

Changes to MPO Planning Process Elements

Below is a list of planning process elements which are touched upon by Federal transportation planning regulations or via FHWA and FTA guidance. Responses are requested only if there have been significant changes in how the RRTPO conducts its planning processes in the following areas:

FAST Act Transitional Issues (not including Performance Based Planning)
Organizational Structure, Board Membership and Planning Boundaries
Agreements and Contracts
Self-Certification/Procurement Procedures
Metropolitan Transportation Plan (MTP)
Metropolitan Transportation Improvement Program (MTIP) and Project Selection
Program Delivery/Project Monitoring
Financial Planning/Fiscal Constraint
Public Participation/Public Involvement
Title VI, ADA and Environmental Justice
Congestion Management Process (CMP)
Intelligent Transportation Systems (ITS)
Consultation and Coordination
Travel Demand Forecasting
Safety in the Transportation Planning Process
Security in the Transportation Planning Process

Visualization Techniques
Integrating Freight into the Transportation Planning Process
Land Use and Livability
Pedestrian and Non-Motorized Transportation

Other MPO Materials

Please provide copies of financial audits and results conducted on RRTPO's/RRPDC's stewardship of Federal planning funds since the last Certification Review.

Appendix B

U.S. DOT (FHWA/FTA) Joint Certification Review of the
Richmond Metropolitan Area
Transportation Planning and Programming Process
August 16-17, 2017

Richmond Regional Transportation Planning Organization, Richmond, VA

Location: The Richmond Regional PDC
9211 Forest Hill Avenue, Suite 200
Richmond, VA 23235
(804) 323-2033

August 10, 2017: CTAC/EDAC/ meeting and Public Hearing, 5:30 PM – 7:30 PM

The Federal review team will provide an opportunity for public involvement during a meeting with CTAC and EDAC members. The public, key TPO committee members, and special interest groups are invited to share their views on the transportation decision-making process being conducted in the metropolitan area. The Federal team shall consider the public input received in arriving at a decision on a certification action.

August 16-17, 2017: Certification Review

Each topic is introduced by the Federal team discussion leader, followed by a 15-minute presentation overview by TPO staff (and other state and/or local agencies identified by the Federal team). The Federal team will then lead a discussion involving all participating agencies:

Participants:

Richmond PDC staff
Citizen Transportation Advisory Committee (CTAC)
Elderly and Disability Advisory Committee (EDAC)
Virginia Department of Transportation (VDOT)
Virginia Department of Rail and Public Transportation (VDRPT)
Greater Richmond Transit Company (GRTC)
RideFinders
Cities and Counties (Advisory members)

Federal Review Team:

FHWA VA Division, FHWA D.C. Division, FHWA Resource Center, FTA Region III.

DAY 1 – Wednesday, August 16, 2017

8:30 AM **Certification Meeting** (Federal Review team only)

Format for all sessions: Each topic is introduced by the Federal team discussion leader, followed by a 15-minute overview presentation by TPO staff (and other state and/or local agencies identified by the federal team). The Federal team will then lead a discussion involving all participating agencies

9:00 AM **Overview of the Certification Process of the Transportation Planning and Programming Process**

This opening session will provide a brief overview of the Certification Process, summaries from the 2013 Certification Review. TPO staff will then provide an update and summary of major regional issues and priority planning activities, with discussion among all participating agencies.

Federal Discussion Leader:

9:45 AM **Overview of the Transportation Planning Organization (including Committee Structure, Agreements, Boundaries, Self-Certifications, Unified Planning Work Program)**

Presentation and discussion will include an overview of the TPO and the required elements of the Transportation Planning and Programming Process through these documents and activities.

Federal Discussion Leader:

10:45 AM **BREAK**

11:15 AM **Prioritization Process**

Presentation and discussion will include the prioritization process developed and adopted by the MPO for Long Range Plan project selection.

Federal Discussion Leader:

12:00 PM **LUNCH**

12:45 AM **Planning Factors, Long Range Plan, Transportation Improvement Program, and Transit Planning (GRTC)**

Discussion will include over-all planning process and the required elements of the Transportation Planning and Program Development Process through these documents and activities.

Federal Discussion Leader:

2:30 PM BREAK

2:45 PM Congestion Management Process, ITS and TDM (RideFinders presentation)

Discussion will include requirements for Congestion Management Process, Travel Demand Management (RideFinders), and travel modeling.

Federal Discussion Leader:

4:00 PM Adjourn

DAY 2 - Thursday, August 17, 2017

9:00 AM Assemble

9:30 AM Financial Planning/Financial Constraint, Annual Listing Projects

This session will focus on the funding in the Long Range Plan, TIP and planning process activities leading to identification of funding sources and costs.

Federal Discussion Leader:

10:30 AM Performance Planning, Environmental Mitigation

Federal Discussion Leader:

11:15 AM Safety and Security including /Emergency/ Evacuation in Transportation Planning

Discussion will include a broad view of safety and security including evacuation plans /emergency response plans and planning for future infrastructure changes.

Federal Discussion Leader:

11:45 AM Freight Planning and Goods Movement / Transportation Management and Operations
Discussion will include overall Freight Planning and Transportation Management and Operations/ITS

Federal Discussion Leader:

12:15 PM LUNCH

1:15 PM Public Involvement Process/Planning, Title VI, DBE, EJ, Americans with Disabilities Act

Discussion will include over-all public involvement processes by TPO and partners and the required elements of Title VI, LEP, Americans with Disabilities Act and DBE.

Federal Discussion Leader:

2:30 PM Concluding Remarks/Adjourn

2:45PM Federal Team Assemble/Preliminary Discussion of Findings

U.S. Department of Transportation Planning Certification Review

Ivan Rucker
September 7, 2017

Preliminary Report for the Richmond Regional
Transportation Planning Organization (RRTPO)



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

Richmond TMA Planning Certification
Review

Definition, Purpose and Frequency of Review

- What is it?** In depth, documented review of planning process
- What for?** To ensure planning and program process consistent with federal law and regulations
- How often?** At least every 4 years



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

Richmond TMA Planning Certification
Review

Certification Review

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 agencies (State, MPO, and transit operators) charged with carrying out the process on a daily basis. This shared responsibility is specifically addressed in the regulations:

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



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

Richmond TMA Planning Certification
Review

Planning Certification Review

- **Date: August 10, 2017 (CTAC & EDAC), and August 16-17, 2017**
- **Participants:**
 - ❖ **Federal Transit Administration, Region III**
 - ❖ **Federal Highway Administration**
 - ❖ **Virginia Division**
 - ❖ **D.C. Division Office**
 - ❖ **Resource Center**
 - ❖ **Virginia Department of Transportation**
 - ❖ **Richmond District Office**
 - ❖ **Central Office**
 - ❖ **Richmond MPO (RRTPO) Staff**
 - ❖ **GRTC**
 - ❖ **CTAC and EDAC**
 - ❖ **DRPT**



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

Richmond TMA Planning Certification
Review

Planning Certification Review

Regional Public Meeting: August 10, 2017

CTAC and EDAC

James Barrett, Henrico County
Virginia Cowles, League Woman Voters
Walter Johnson, NAACP
Herbert Richwine, Chesterfield County
Julien Williams, City of Richmond
Chris Lloyd, AARP

Roy Bryant, NAACP
Lisa Guthrie, New Kent County
Upton Martin, Ashland
Nicholas Smith, Virginia Conservation Network
Lloyd Vye, Richmond Area Bicycling Association
Brian Montgomery, Senior Connections

Others Present

Ken Lantz Jr., RRPDC
Marsha Fiol, VDOT
Phil Riggan, RRTPO
Sheryl Johnson, RVA Rapid Transit
Chris Wichman RRTPO
Sulabh Aryal, RRTPO
Penny Johnson
Alice Tousignant, LWV

Tiffany Dubinsky, RRTPO
Sarah Rhodes, RRTPO
Great Ryan, RRTPO
Jim Lee, RRTPO
Emily DeRoss, GRTC
Nathan Beyah
Barbara Nelson, RRTPO
Jasmine Aramanin, VDOT



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

Richmond TMA Planning Certification
Review

Planning Certification Review

CTAC and EDAC

General Input

- ❖ Engage “millennials”
- ❖ Need more visualization techniques
- ❖ Richmond TPO is not known -increase PR
- ❖ Citizen Guide
- ❖ High praise for MPO staff and their work/assistance

Question: What is single major issue for the Richmond TPO region with respect to regional transportation and your community or organization?

Overwhelming Consensus: The Richmond TPO region is lacking in providing for regional, multimodal options (specifically transit) to jobs and other opportunities/services – particularly for elderly populations and low-income populations regardless of race.

*The FHWA and FTA shall consider the public input received in arriving at a decision on a certification action. [23 CFR 450.336(b)(4)]



U.S. Department of Transportation
Federal Highway Administration
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Richmond TMA Planning Certification
Review

Planning Certification Review

Highlights:

□ Commendations:

- ✓ Staff and Leadership
- ✓ Cooperation (VDOT, GRTC, TPO)
- ✓ Public Involvement
- ✓ Unified Planning Work Program
- ✓ 2040 Long Range Plan Process
- ✓ Fiscal Constraint
- ✓ Transportation Improvement Program
- ✓ Congestion Management Plan
- ✓ TDM/RideFinders
- ✓ Safety
- ✓ Security
- ✓ Freight
- ✓ Prioritization Process
- ✓ CTAC and EDAC



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

Richmond TMA Planning Certification
Review

Planning Certification Review

Recommendations

❑ UPWP

We recommend the following activities be included in the next UPWP:

- ❖ Update to the 2004 Regional Bike Plan as part of “active transportation” initiative.
- ❖ Citizen Guide to understanding and participating in the RRTPO’s regional planning process.
- ❖ End products should be clearly stated and tasks clear and more concise
- ❖ Assess project prioritization process in light of Smartscale

❑ Transit Revenues

- ❖ We recommend that VDRPT provide 20 years of forecasted transit revenues to the RRTPO for inclusion into the 2040 Plan.

❑ Title VI Coordinator

- ❖ We recommend the identification of a Title VI Coordinator with knowledge and understanding of the effective and efficient implementation of the Title VI/Nondiscrimination program, or the Acting Title VI Coordinator be trained to effectively implement the RRTPO’s Title VI Program. (FHWA/FTA can provide assistance/training upon request).



U.S. Department of Transportation
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Richmond TMA Planning Certification
Review

Planning Certification Review

Recommendations cont'd

- ❑ **Revisit 2040 Plan EJ (using travel demand model)**
 - ❖ In support of Title VI/Environmental Justice and in consideration of public comments received, we recommend that the RRTPO, in cooperation with VDOT and/or VDRPT and GRTC, revisit the 2040 Plan's EJ analysis (within a year) to include an analysis of regional measures such as **accessibility** to opportunities (e.g. employment, education, healthcare, etc.). The analysis should include the following scenarios:
 1. Base year for Plan (current transportation system);
 2. No-Build (no recommendations in Plan are built); and,
 3. Full implementation of all projects in the 2040 Plan

In revisiting the EJ analysis, it should include a clear assessment of benefits and burdens of building or not building recommendations in the Plan, and it should determine if there are any disproportionately high and adverse impacts. Findings and any recommendations should be included.

- ❑ **Title VI/Nondiscrimination**
 - ❖ Per VDOT's Title VI Plan, we recommend that the VDOT and/or VDRPT conduct a comprehensive Title VI review of the RRTPO/RRPDC within a year.



U.S. Department of Transportation
Federal Highway Administration
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Richmond TMA Planning Certification
Review

Planning Certification Review

Corrective Actions (120 days)

- Bylaws**
 - ❖ We request the RRTPO to have adopted bylaws that are consistent with federal requirements.
- Voting Membership [23 USC 134 (d)(2)(B), 23 USC (d)(3)(C)]**
 - ❖ We request the RRTPO to include the Virginia Dept. of Rail and Public Transportation (VDRPT) as a voting member.
- Agreements [23 CFR 450.314 (e)]**
 - ❖ We request that the RRTPO have a written agreement among the Richmond TPO, Tri-Cities MPO, GRTC, Petersburg Area Transit, and the State that describes how the planning process will be coordinated to assure development of consistent metropolitan transportation plans and TIPs across the MPA boundaries. This includes a reflection of coordinated data collection, analysis, and planning assumptions across the Richmond-Tri-Cities MPA.



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

Richmond TMA Planning Certification
Review

Planning Certification Review

Corrective Actions cont'd (120 days)

- **Title VI/Nondiscrimination Assurance [49 CFR 21.7(a)(1)]**
 - ❖ As a condition of receiving any Federal financial assistance from the USDOT, through the FHWA, we request that the RRTPO have a signed Title VI Assurance (DOT Order No. 1050.2A). The Assurance must be reviewed and executed by the PDC Executive Director for the Richmond TPO, and we recommend it be attached to the MPO Title VI Plan.



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

Richmond TMA Planning Certification
Review

Planning Certification Review

FHWA/FTA Joint Finding:

The RRTPO's transportation planning and program development process substantially meets federal requirements, and we jointly certify the transportation planning process subject to the specified corrective actions being addressed. In addition, we *strongly* recommend that the MPO consider action on all recommendations.



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

Richmond TMA Planning Certification
Review

Appendix D

Discussion Questions and Background for the Public Hearing and Citizen Transportation Advisory Committee (CTAC) Elderly and Disability Advisory Committee (EDAC) Meeting

U.S. DOT Certification Review of the Richmond Metropolitan Area Transportation Planning Process

Federal Team Meeting with the 2017 Citizen Transportation Advisory Committee (CTAC) and Elderly and Disability Advisory Committee (EDAC) to the Richmond Regional Transportation Planning Organization (RRTPO), and Public Hearing

Time: 5:30 p.m. during scheduled Public Hearing and CTAC/EDAC meeting
August 10, 2017

Location: The Richmond Regional PDC
9211 Forest Hill Avenue, Suite 200
Richmond, VA 23235

Purpose: The Federal review team will participate in the public hearing and CTAC/EDAC scheduled meeting and engage in open dialogue with members.

The discussion will address how successfully the public is able to participate in the transportation planning and program development process in the metropolitan area.

- What methods and procedures are available to the public to participate?
- How successful are these methods?
- To what extent does the public contribute to: the transportation planning process, development of policies, and regional decision-making?

Format: The Federal review team will distribute any discussion questions in advance to the CTAC/EDAC. The Federal Team will introduce each question and lead an informal discussion with CTAC/EDAC members.

Note: the focus is on the planning, prioritization, and decision making process and not on the merits of specific projects or decisions.

Background: Every four years the U.S. DOT, FHWA, and FTA conduct a Certification Review of the metropolitan transportation planning process. The Certification formalizes continuing oversight and evaluation of the planning process by U.S. DOT to ensure that the planning requirements of 23 U.S.C. 134 and 49 U.S.C. 5303 to 5305 are being satisfactorily implemented.

The Certification provides an opportunity to provide advice and guidance to enhance the planning process and improve the quality of transportation decisions. Although FHWA and FTA routinely interact with the metropolitan planning organization and its partner agencies in reviewing and approving planning products and providing technical assistance, this formal external review can be a catalyst to improve the effectiveness of the planning process and its ability to address major issues facing the metropolitan area.

The Federal team will use the following questions to guide discussion with CTAC and EDAC. At the meeting, please be prepared to identify yourself and, if applicable, what jurisdiction/organization you represent.

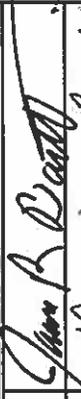
1. How effective is public involvement in transportation planning conducted by the Richmond Regional Transportation Planning Organization and its partner transportation agencies?
2. What methods to encourage involvement are working and what are not? Please provide examples and explanations.
3. How does public involvement and CTAC/EDAC assist the region to reach consensus on difficult and controversial issues related to transportation?
4. How can public views successfully be communicated to decision-makers in an area as large and complex as this? What is the role of CTAC/EDAC in this process?
5. Please describe situations where public involvement has had an impact on the planning process and decisions reached and where it has not. For example, consider how involvement contributes to developing strategies in the long-range plan, selecting investments in the TIP, or any other activities.
6. How might the RRTPO improve public involvement? For example, consider changes to the structure of advisory groups, use of media, use of facilitators, or efforts to reach a broad range of groups, including minority and low-income communities.

For any questions, contact Mr. Ivan Rucker, FHWA, at (Ivan.Rucker@dot.gov) (804) 775-3350 or Mrs. Melissa McGill, FTA, Region III, at (Melissa.McGill@dot.gov) 202-219-3565.

DATE: August 10, 2017

**RICHMOND AREA MPO FEDERAL CERTIFICATION REVIEW
CTAC/EDAC PUBLIC HEARING
ATTENDANCE**

CTAC MEMBERS

NAME (please print)	ORGANIZATION	DAYTIME #	E-MAIL ADDRESS	SIGNATURE
BARRETT, JAMES R.	Henrico County	241-2388	jbarrett1966usmc@gmail.com	
BASHAM, ROBERT L., JR.	Goochland County	592-5880 x403	bob.basham@yahoo.com	
BRYANT, ROY	NAACP	387-6722		
BURNLEY, CHAMPE	Richmond Area Bicycling Association (RABA)	358-6697	champe_burnley@hotmail.com	
COWLES, VIRGINIA P.	(LWV)	353-0296	vcowles@verizon.net	
CRUTCHFIELD, MARY	League of Women Voters (LWV)	354-5355	marycrutchfield@verizon.net	
EASTER, JOHN	chamberRVA	783-9321	john.easter@grcc.com	
FISHER, FREDERICK S.	Virginia Conservation Network (VCN)	366-1866	fsfisher@aol.com	
FLETCHER, THOMAS A.	Powhatan County	897-4567	hokie6869@verizon.net	
GUTHRIE, LISA	New Kent County	932-9422	lismg1@aol.com	
JACKSON, JONATHAN	Chesterfield County	200-6527	jonathan.jackson@bowmancg.com	
JOHNSON, WALTER	(A) NAACP	737-5685	mrmrsj@aol.com	
LANCASTER, AMBER B.	Henrico County	571-239-2462	iamberb@hotmail.com	
MARTIN, UPTON S.	Ashland	752-6477	usmartin@verizon.net	
MONTGOMERY, BRIAN	Elderly and Disability Advisory Committee	261-4952	brian@hcvwt.net	
MORRIS, ROBERT P.	Hanover County	883-6485	rpmorris1@aol.com	

DATE: August 10, 2017

**RICHMOND AREA MPO FEDERAL CERTIFICATION REVIEW
CTAC/EDAC PUBLIC HEARING
ATTENDANCE**

EDAC MEMBERS

NAME (please print)	ORGANIZATION	DAYTIME #	E-MAIL ADDRESS	SIGNATURE
BARKER, CHARLES	Senior Connections - Consumer Representative	908-8437	barchek1@gmail.com	
COFFIELD, DAVID	Paralyzed Veterans of America	757-220-5784	davis650@cox.net	
DEL CARDAYRE, SID	Private, For-Profit Transp. Operator - MPO Chair Appt.	261-7388	sid@vangorichmond.com	
DICKERSON, CORA (Alt)	Senior Connections	502-5504	cjeand1948@verizon.net	
HALL, DORA (Alt)	Capital Area Partnership Uplifting People (CAPUP)	788-0050	dhall@capup.org	
HAMILTON, LONDELLA	Goodwill of Central Virginia	521-4908	lchamilton@goodwillcva.org	
HICKOK, KELLY	Resources for Independent Living	353-6503	hickokk@ril-va.org	
HUNTER, VERONICA (Alt)	Senior Connections - Elderly Goodwill of Central Virginia	385-6146	veronica.rhame@goodwillva.org	
JONES, E. YVETTE	City Richmond, Office of Aging, Disabilities and Volunteerism	646-3054	e.jones@richmondgov.com	<i>EM Flynn</i>
LLOYD, CHRIS M.	American Association of Retired Persons (AARP)	442-3330 x228	cmilloyd@comcast.net	
MOELLER, KAREN	Greater Richmond Age Wave Coalition	828-1565	karen.moeller@agewellva.com	
MONTGOMERY, BRIAN	Senior Connections - Disability MPO Chairman Appointee	261-4952	brian@hcst.net	<i>Brian M</i>
PURSER, JENNIFER (Alt)	Paralyzed Veterans of America	378-0017	vapva.jennifer@gmail.com	
SNELLINGS, TRAVIS (Alt)	Private, For-Profit Transp. Operator - MPO Chair Appt.	261-7388	travis@vangorichmond.com	
WAGSTAFF, THOMAS	Capital Area Partnership Uplifting People (CAPUP)	788-0213	twagstaff@rcapva.org	
WATSON, THELMA BLAND (Alt)	Senior Connections	343-3037	twatson@youraaa.org	
WILLIAMS, TONY	Senior Connections	822-3068	twilliams@youraaa.org	

DATE: August 10, 2017

RICHMOND AREA MPO FEDERAL CERTIFICATION REVIEW
CTAC/EDAC PUBLIC HEARING

ATTENDANCE

NAME (please print)	ORGANIZATION	DAYTIME #	E-MAIL ADDRESS	SIGNATURE
KE Lanter Jr	RRTPD		Klanter@richmondregionva.gov	<i>[Signature]</i>
TSONI Becker	FTA		tsoni.becker@dot.gov	<i>[Signature]</i>
Marsha Fiol	VDOT	804786-2985	Marsha.Fiol@VDOT.Virginia.gov	<i>[Signature]</i>
Phil Rigger	RRTPD		prigger@richmondregionva.gov	<i>[Signature]</i>
Sheryl Johnson	RVA Rapid Transit		sheryl@vrapidtransit.org	<i>[Signature]</i>
Chris Williams	RRTPD		crwilliams@richmondregionva.gov	<i>[Signature]</i>
Alice Tausig	LUV	804-615-8892	alice@lvaadvisors.net	<i>[Signature]</i>
Tiffany Dulaney	RRTPD		alice@lvaadvisors.net	<i>[Signature]</i>
Lana Ross	RRTPD			<i>[Signature]</i>
Greer Ryan	RRTPD			<i>[Signature]</i>
Jin Lee	RRTPD			<i>[Signature]</i>
Melissa McGill	FTA	2023667255	melissa.mcgill@dot.gov	<i>[Signature]</i>
Jamelle Amantlin	VDOT		jamelle.amantlin@dot.virginia.gov	<i>[Signature]</i>
Emily DeRoss	ORTL		emily.deross@ridegfc.com	<i>[Signature]</i>
Sulabh Arya	RRTPD			<i>[Signature]</i>

Appendix E

I do not understand how Title VI can be said to be functioning in Metropolitan Richmond with the current shape of our public transit system. For starters, only 5% of our land mass¹ is served by full-service public transit.² Only 27% of full time jobs are nominally accessible by public transit³ while the infrequency of many routes makes even those part-time or non-traditional hours jobs located near transit routes essentially inaccessible to anybody who can't afford a car.

We'll propose spending more than \$50 million to widen Route 10 to eight lanes from Jeff Davis highway to Chester, yet we spend nothing to bring public transit to the poverty-stricken, transit-dependent residents on Jeff Davis highway itself. More than 50% of our poverty is located in the counties, yet public transit is practically non-existent in Chesterfield, barely existent in Henrico, and completely missing from Hanover County and the rest of the metropolitan area.

Dr. Martin Luther King, Jr. wrote: "Urban transit systems in most American cities...have become a genuine civil rights issue... because the layout of rapid-transit systems determines the accessibility of jobs to the black community. If transportation systems in American cities could be laid out so as to provide an opportunity for poor people to get meaningful employment, then they could begin to move into the mainstream of American life." Nothing has changed for metropolitan Richmond since King's time. It is time for change.

Rev. Sheryl Johnson

RICHMOND REGIONAL PLANNING DISTRICT
sheryl@rvarapidtransit.org

¹ The city of Richmond's land mass is 62.5 square miles. The four-jurisdiction city (Richmond, Henrico, Hanover, and Chesterfield) is 1218 square miles. Therefore, Richmond's 62 square miles are 5% of the area. Additionally, the 9-jurisdiction area that comprises the Richmond Regional Planning District, and is the area the TPO serves, is 2165 square miles, making our full service coverage only 3% of our area.

² If full service transportation is defined as 7 days a week, at least once an hour, at least 12 hours a day, none of Henrico's or Chesterfield's service meets that definition. In fact, I don't believe Henrico has any 7-day service at present. Chesterfield has no county-sponsored local bus service.

³ The 27% figure comes from a 2011 study by the Brookings Institution and is used by the Mayor's Anti-Poverty Commission. Job access is calculated as the share of metropolitan jobs the typical working-age resident can reach via transit. (Note: this measure is only calculated for neighborhoods that can reach at least one other destination within 90 minutes.)

SPEAKER'S CARD FOR PUBLIC MEETING

Speaker Card

Richmond Certification Review -August 10, 2017

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:

Sheryl Johnson

Agency/Group (if any):

RVA Rapid Transit (Clergy Committee
+ Board member)

Subject: Title VI compliance. With the lack of full service
public transit in the counties, how can we be
considered compliant with Title VI?

Appendix F

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The (*Title of Recipient*) (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through (*Title of Modal Operating Administration*), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the (*Title of Modal Operating Administration*).*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted (*Name of Appropriate Program*):

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard

to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all (***Name of Appropriate Program***) and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The (***Title of Recipient***), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, **[Name of the recipient]** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **[insert Agency name]** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **[insert Agency name]**. You must keep records, reports, and submit the material for review upon request to **[insert Agency here]**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

[Name of Recipient] gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the **(Name of Appropriate Program)**. This ASSURANCE is binding on **[insert State]**, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **(Name of Appropriate Program)**. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

(Name of Recipient)

by _____
(Signature of Authorized Official)

DATED _____

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, (*Title of Modal Operating Administration*), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the (*Title of Modal Operating Administration*) to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the (*Title of Modal Operating Administration*), as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the (*Title of Modal Operating Administration*) may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment,

unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **(Title of Modal Operating Administration)** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the *(Title of Recipient)* will accept title to the lands and maintain the project constructed thereon in accordance with *(Name of Appropriate Legislative Authority)*, the Regulations for the Administration of *(Name of Appropriate Program)*, and the policies and procedures prescribed by the *(Title of Modal Operating Administration)* of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *(Title of Recipient)* all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto *(Title of Recipient)* and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the *(Title of Recipient)*, its successors and assigns.

The *(Title of Recipient)*, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the *(Title of Recipient)* will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the **(Title of Recipient)** pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, **(Title of Recipient)** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the **(Title of Recipient)** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the **(Title of Recipient)** and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by *(Title of Recipient)* pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, *(Title of Recipient)* will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, *(Title of Recipient)* will there upon revert to and vest in and become the absolute property of *(Title of Recipient)* and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).