

Chapter 2 – Planning Process

Overview of Federal Legislation

On August 10, 2005, the President signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) legislation. With guaranteed funding for highways, highway safety, and public transportation totaling \$244.1 billion, SAFETEA-LU represents the largest surface transportation investment in our Nation's history. The two landmark bills that brought surface transportation into the 21st century—the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for the 21st Century (TEA-21)—shaped the highway program to meet the Nation's changing transportation needs. SAFETEA-LU builds on this firm foundation, supplying the funds and refining the programmatic framework for investments needed to maintain and grow our vital transportation infrastructure.

SAFETEA-LU addresses the many challenges facing our transportation system today – challenges such as improving safety, reducing traffic congestion, improving efficiency in freight movement, increasing intermodal connectivity, and protecting the environment – as well as laying the groundwork for addressing future challenges. SAFETEA-LU promotes more efficient and effective federal surface transportation programs by focusing on transportation issues of national significance, while giving State and local transportation decision makers more flexibility for solving transportation problems in their communities.

The Highway Trust Fund (HTF) is the source of funding for most of the programs in the Act. The HTF is composed of the Highway Account, which funds highway and intermodal programs, and the Mass Transit Account. Federal motor fuel taxes are the major source of income into the HTF. SAFETEA-LU authorizes specific dollar amounts for each program, and each year Congress provides an annual appropriation which funds the programs specified in SAFETEA-LU.

SAFETEA-LU funding for transit is administered by the Federal Transit Administration (FTA) which helps communities support public transportation by issuing grants to eligible recipients for planning, vehicle purchases, facility construction, operations, and other purposes.

Federal law regulates not only the imposition of the taxes, but also their deposit into and expenditure from the HTF. Authority to expend from the HTF for programs under the Act and previous authorization acts is generally provided through September 2009. After this date, expenditures may be made only to liquidate obligations made before that date.

In SAFETEA-LU, metropolitan and statewide transportation planning processes are continued, but changes are made in the planning process for surface transportation; some of these changes add flexibility and efficiency, while others add new consultation and environmental planning requirements. Safety and security are identified as separate items to be considered in both metropolitan and statewide planning processes. Consultation requirements for states and MPOs are significantly expanded. Requirements are added for

plans to address environmental mitigation, improved performance, multimodal capacity, and enhancement activities; tribal, bicycle, pedestrian, and disabled interests are to be represented.

Metropolitan Planning – The policy for the metropolitan planning process is to promote consistency between transportation improvements and state and local planned growth and economic development patterns. The transportation improvement program (TIP) is to be updated at least every 4 years. The long-range transportation plan and the TIP are to remain separate documents.

Statewide Transportation Planning – The statewide planning process is to be coordinated with metropolitan planning and statewide trade and economic development planning activities. The statewide plan should include measures to ensure the preservation and most efficient use of the existing system. The state transportation improvement program (STIP) is to be updated at least every 4 years.

Funding from SAFETEA-LU spending provisions generally flows from the federal government to the Commonwealth of Virginia. The Commonwealth then determines how the federal allocations will be allocated to each of its metropolitan areas and other areas of the state.

SAFTEA-LU requires that eight planning factors be considered in the development and update of regional transportation plans. These factors are addressed in the 2031 Long-Range Transportation Plan and are as follows:

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

Continuing Provisions of SAFETEA-LU

Significant continuing provisions include:

- Local officials, in cooperation with the state and transit operators, remain responsible for determining the best transportation investments to meet metropolitan transportation needs.
- MPOs are responsible for adopting the long-range transportation plan (LRTP); Governor and MPO approve the transportation improvement program (TIP).
- The Plan and TIP remain separate documents.
- A 20-year planning perspective, air quality conformity, fiscal constraint, and public involvement as established under previous legislation.
- Plan must contain: operational and management strategies to improve the performance of existing transportation facilities; investment and other strategies that provide for multimodal capacity increases based on regional priorities and needs; and proposed transportation and transit enhancement activities.
- A Congestion Management System is still required in Transportation Management Areas (TMAs) (urbanized areas larger than 200,000 population).
- The planning process in TMAs requires DOT certification.

Key Modifications Contained in SAFETEA-LU

Modifications to the metropolitan planning process include the following:

Metropolitan Planning in General

- MPOs are encouraged to consult or coordinate with planning officials responsible for other types of planning activities affected by transportation, including planned growth, economic development, environmental protection, airport operations, and freight movement.
- The metropolitan planning process is to promote consistency between transportation improvements and state and local planned growth and economic development patterns.
- Safety and security of the transportation system are separate planning factors that are to be considered during the metropolitan planning process.
- A state will have 30 days to reimburse an MPO for planning expenses after request from the MPO for reimbursement.

Long Range Transportation Plan (LRTP)

- Will be updated every 4 years (unless the MPO chooses to do so more frequently) in non-attainment and maintenance areas. Attainment areas remain on a five-year update cycle.
- Intermodal connectors are added as a transportation facility.
- Include a discussion of potential environmental mitigation activities along with potential sites to carry out the activities to be included. The discussion is to be developed in consultation with federal, state, and tribal wildlife, land management, and regulatory agencies.

- Transit operators are to be included in the cooperative development of funding estimates for the financial plan section.
- MPOs are required to consult with state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning development of the plan.
- Representatives of users of pedestrian walkways, bicycle transportation facilities, the disabled are specifically added as parties to be provided with the opportunity to participate in the planning process.
- The MPO is to develop a participation plan in consultation with interested parties that provides reasonable opportunities for all parties to comment.
- To carry out the participation plan, public meetings are to be: conducted at convenient and accessible locations at convenient times; employ visualization techniques to describe plans; and make public information available in an electronically accessible format, such as on the web.
- The Plan is to be published and made available electronically, such as on the Web.

Process

In compliance with SAFETEA-LU, the Richmond Area MPO (RAMPO) has developed a transportation planning and programming process that ensures all transportation plans, projects, and programs requiring federal approval or using federal funds are reviewed on the basis of consistent and constant evaluation criteria. In particular, this means that transportation decision-making is “continuing, cooperative, and comprehensive” (also known as the “3C” planning process).

The RAMPO carries out the “3C” planning process in numerous ways, but especially through a regularly scheduled series of meetings (“continuous”) for both the MPO and its standing committees (Citizens Transportation Advisory Committee, Elderly and Disabled Advisory Committee, and Technical Advisory Committee). In addition, special purpose committees, task forces, and sub-committees are established as needed and may include representatives from the MPO member organizations and various groups and organizations from throughout the region.

The participation of local elected officials on the MPO and technical staff on the MPO and its various committees allows the member jurisdictions to consider the implications of transportation decision-making at both the local and regional level. The process is “cooperative” because all member jurisdictions participate and all decisions are made collectively to best serve the Richmond region. The process is also “comprehensive” in that the decisions made by the RAMPO are based on:

- Each jurisdiction’s comprehensive plan,
- Consideration given to the impacts and implications that decisions will have on the entire region,
- An improvement program designed to maximize mobility for all member jurisdictions.

The transportation planning and programming process for the RAMPO provides a framework for guiding the development of all transportation plans and projects that are federally funded

within the Richmond area. The four key elements of the transportation planning and programming process are:

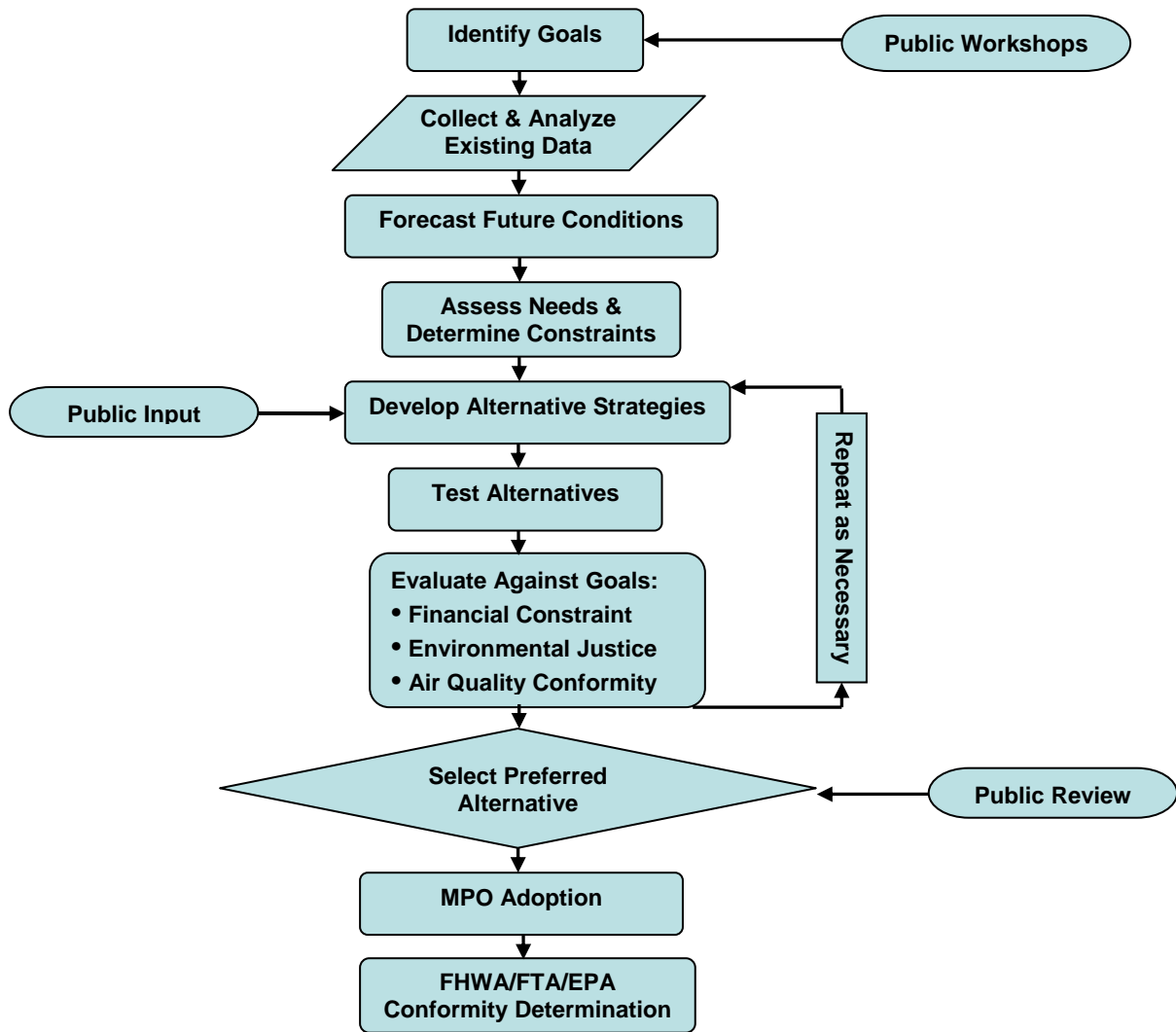
- The implementation of a process which considers the eight planning factors set forth in SAFETEA-LU.
- The implementation of a process that integrates a citizen participation program providing full access to the process and equal opportunity for citizen input during all phases of the planning process.
- The implementation of a process that encourages participation of operators of major modes of transportation, private transportation providers, and other interested parties to ensure all transportation perspectives and modes are represented in the planning process.
- Conformity of the transportation plan with the State Implementation Plan (SIP) for attainment of air quality goals.

The RAMPO planning process includes the responsibility to bring in participants to address issues such as environmental concerns, privately funded transportation projects, freight services, transit services, and strategies to increase efficiency, safety and security. Groups and advocates for each of these issues are part of the development process and the RAMPO has responded by developing a Long-Range Transportation Plan Advisory Committee that is comprised of transportation professionals, citizens, environmental groups, intermodal facility operators, elderly and disabled representatives, and transportation demand management advocates.

First introduced in earlier legislation, and then reiterated and refined in SAFETEA-LU, is the need to financially constrain the plan and meet air quality conformity goals. As the LRTP Advisory Committee makes decisions on projects, plans, and priorities, financial constraint and air quality conformity are two primary motivating factors in plan project selection and recommendations. Thus, the need to collectively determine project and program priority on a regional level takes on increased significance, especially given tighter financial and pollutant emission constraints.

In its role as lead staff to the Metropolitan Planning Organization (MPO) for the Richmond urbanized area, the Richmond Regional Planning District Commission (RRPDC), with assistance from VDOT (i.e., providing model and project cost information), is responsible for developing a collaborative process, including public outreach and task force, committee and RAMPO Board involvement, for updating the prioritization of transportation projects and strategies contained in the LRTP. Regulations concerning the metropolitan planning process requirements are contained in title 23, parts 450 and 500, and title 49, part 613 of the Code of Federal Regulations. The process includes reevaluating the plan's goals and objectives; updating transportation and socio-economic data; forecasting future conditions and needs; developing and testing project prioritization alternatives; evaluating financing, distribution of benefits/burdens and air quality; and selecting a preferred alternative. Once adopted by the RAMPO Board, the LRTP is presented to the United States Department of Transportation (USDOT) for receipt of a conformity determination. A conformity determination ensures that the LRTP meets air quality requirements based on a financially constrained plan. A model LRTP update process is illustrated in Figure 2-1.

Figure 2-1 L RTP Development Process



With regard to the 2031 LRTP process, there were significant time constraints that derived from the issuance of new federal metropolitan planning regulations as well as the receipt of updated revenue forecasts. The RAMPO's concern was to avoid a lapse in an approved LRTP for the region. As a result, it was determined to produce what essentially is a revised 2026 LRTP with an updated list of projects, using new revenue forecasts, new socioeconomic forecasts, and an expanded work scope to address new SAFETEA-LU requirements (e.g., expanded consideration for safety and security, consultation with federal and state agencies, year of expenditure estimates for LRTP projects, etc.). To accomplish this, several of the discrete steps shown in Figure 2-1 either were collapsed, or conducted simultaneously; for instance, the development of goals and objectives occurred at the same time that alternative strategies were being tested for financial constraint. Also, the air quality conformity determination was initiated prior to the receipt of final LRTP public review and input (although a separate limited public review process was conducted for the draft air quality conformity analysis). Because the 2031 LRTP truly is an update of the previous LRTP, it is appropriate to continue many of the projects and strategies identified in the previous effort, and this allowed the 2031 LRTP to be produced over a constricted time period. Future updates to the LRTP are anticipated to more closely follow the process depicted in Figure 2-1. In addition, an extensive technical review and revision process will be conducted for the regional travel demand model used in the next LRTP update.

The Clean Air Act Amendments

The Clean Air Act Amendments (CAAA) were signed into law on November 15, 1990. The CAAA provide for a comprehensive revision of the 1977 CAAA. It imposed major challenges for the metropolitan transportation planning and programming process in the nation's designated non-attainment and maintenance areas. The Clean Air Act's primary goals are the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS), and the prevention of significant deterioration of air quality in areas cleaner than the NAAQS. The NAAQS establish the maximum pollutant concentrations that are allowed in the outside ambient air.

EPA requires that each state submit a State Implementation Plan (SIP), including any laws and regulations necessary to enforce the plan, that outline how pollutant concentrations will be reduced to levels at or below the standards. This achievement is referred to as "attainment." Once pollution levels fall below the standards, the state must also show how it plans to keep these levels at the reduced amounts, referred to as "maintenance." The CAAA requires transportation plans and programs to conform to the SIP for each applicable air quality standard. The air quality plans quantify pollution reduction needs and commit to reduction strategies through the SIP, transportation control measures (TCMs), and conformity provisions for transportation planning.

The EPA has defined NAAQS for six criteria pollutants, including ground level ozone, carbon monoxide, and particulate matter. Any area that fails to meet these standards by a certain deadline can be reclassified to a higher-level designation with additional and more stringent compliance requirements.

The only NAAQS that the Richmond region has trouble meeting in recent years is ozone. Ozone is formed when its precursor emissions - volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) - react in the presence of heat and sunlight to form ozone or smog. VOCs are organic emissions that originate from mobile sources such as cars, trucks, and buses; stationary sources such as power plants, oil refineries, and chemical manufacturers; and area sources such as lawn mowers, gas stations, and farm equipment, which are individually insignificant but have a large cumulative impact.

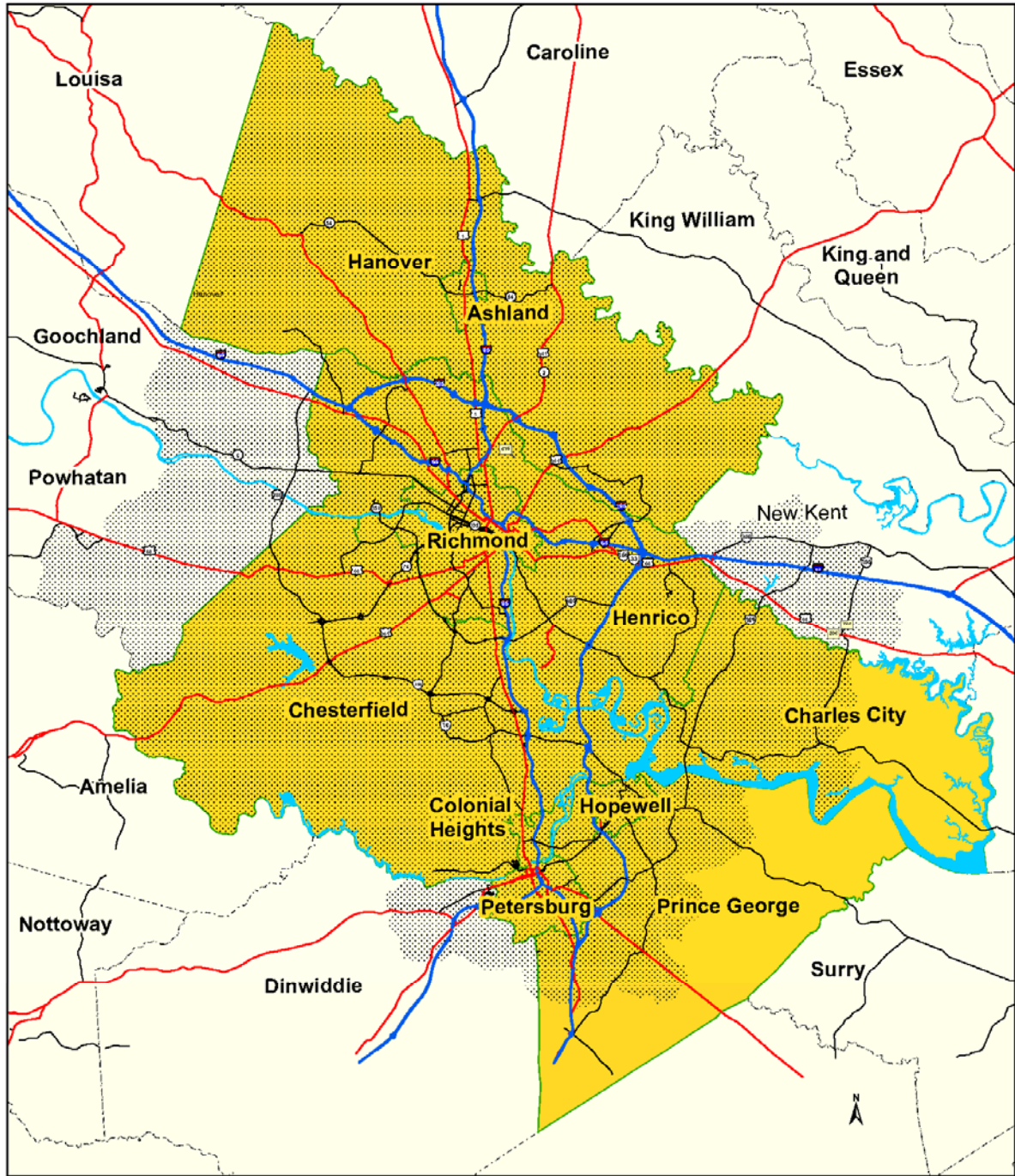
On November 6, 1991, the Richmond region was classified by EPA as a moderate ozone non-attainment area for the one-hour ozone standard (56 FR 56694). The designated non-attainment area included the town of Ashland, the cities of Colonial Heights, Hopewell, and Richmond, and the counties of Charles City (partial), Chesterfield, Hanover, and Henrico.

On November 17, 1997, EPA approved Virginia's request for redesignation of the Richmond moderate 1-hour ozone nonattainment area from nonattainment to attainment and approved the area's maintenance plan. This redesignation was based upon three years of quality-assured ambient air monitoring data for the area, which demonstrated that the NAAQS for ozone had been attained.

As a result of the EPA promulgating a new 8-hour ozone standard, the EPA redesignated the Richmond region as a moderate ozone nonattainment area, effective June 15, 2004. In addition to the jurisdictions included under the 1-hour ozone maintenance SIP, the newly designated 8-hour ozone nonattainment area included three more jurisdictions: Charles City County (in entirety), the City of Petersburg and Prince George County (see Map 2-1). On November 22, 2004, following a petition from the Commonwealth of Virginia, the EPA reclassified the Richmond area as a marginal nonattainment area for the 8-hour ozone standard (69 FR 23951).

In October 2006, VDEQ submitted a redesignation request to EPA based on an improvement in 8-hour ozone monitoring data. EPA approved the redesignation request, and the Richmond area was redesignated into attainment with the 8-hour ozone standard, effective June 18, 2007 (72 FR 30485). EPA also approved the associated maintenance plan, including new motor vehicle emission budgets for transportation conformity since these requirements must continue under the maintenance designation.

Map 2-1 Richmond & Tri-Cities MPO Air Quality Maintenance Areas



- 1 [---] VA Counties
- 2 [Yellow Stippled] Maintenance Area
- 3 [Dotted] MPO Study Area
- [Blue] Rivers, Lakes



0 2.5 5 10 15 20 Miles



Prepared by: Richmond Regional Planning District Commission February, 2008

Sources: US Census, 2000
 Virginia Department of Transportation, 2007
 Virginia Department of Environmental Quality, 2007
 Richmond Regional PDC, 2008

Conformity

Section 176 of the CAAA provides for a detailed and specified conformity determination process. These provisions define conformity as adhering to the implementation plan's purpose of eliminating and reducing the severity and number of NAAQS violations and achieving and maintaining attainment status. The MPO's transportation plans and programs must serve as part of the air quality improvement effort for the maintenance area.

The conformity process provides for the analyses of transportation related air quality issues on a system-wide basis and control through regional strategies in order to be effective. As a result, projects within the MPO's transportation plans and programs are to be evaluated in the aggregate, as well as on an individual basis. Therefore, transportation plans and programs, taken as a whole, must conform to the SIP.

The MPO's conformity determinations are to be made based on conformity criteria for transportation plans, programs, and projects. Conformity determinations analyze the impact that the transportation system's expansion has on air quality. The conformity assessment among transportation plans, programs, and projects must show that transportation investments will not delay attaining the ozone standards or exacerbate air quality violations above specified levels for maintenance areas. Specifically, transportation plans and programs must maintain or reduce vehicle emissions. In the event the Richmond area becomes nonattainment once again with the implementation of the new 8-hour standards, transportation control measures in the SIP may be considered.

Transportation Control Measures

The CAAA requires that non-attainment and maintenance areas for ozone, such as the Richmond area, review TCMs for applicability in reducing or limiting mobile source emissions. At a minimum, the CAAA specifies 16 measures, which are summarized as follows:

- Improved public transit.
- Road or lane restrictions for high occupancy vehicles (HOVs).
- Employer-based transportation management plans.
- Trip-reduction ordinances.
- Traffic flow improvement programs.
- Fringe and corridor parking facilities.
- Vehicle use restrictions in downtowns or major activity centers.
- Programs that provide for all forms of high-occupancy, shared ride services.
- Programs to limit road use in certain areas to pedestrians and bicycles.
- Bicycle lanes, storage facilities, and bike parking programs.
- Programs to control extended vehicle idling.
- Programs to reduce emissions under cold start conditions.
- Employer sponsored flexible work scheduled programs.
- Programs and ordinances to facilitate non-automobile travel.
- Programs for the construction of bicycle and pedestrian paths.

- Programs to encourage the voluntary removal of pre-1980 vehicles from the market place.

Highway Funding Sanctioning

Under the 1977 CAAA, sanctions on highway funds were applied only for failing to submit or making reasonable efforts to submit the SIP. Under the 1990 CAAA, the use of highway sanctions has been significantly expanded as follows:

- If the EPA determines that the state has failed to submit an implementation plan or any other required submission, respond to a SIP call, or has submitted an incomplete or inadequate plan or other submission.
- If the EPA disapproves a plan submission or other required documentation.
- If the EPA finds that an approved plan is not being implemented.

Sanctions that the EPA can impose fall under two categories:

- Highway funds withholding.
- Stationary source emissions offsets of at least 2 to 1.

The U.S. Department of Transportation (USDOT) may exempt sanctions against certain federal aid projects including highway safety and seven specific project types that emphasize moving people versus vehicles (e.g., mass transit, ridesharing, traffic flow improvements, etc.). The sanctions may be applied to any portion of the state that the EPA determines reasonable and appropriate, within certain limited restrictions. States are generally required to submit a SIP revision within three years after notice of failure to attain. The plan revision must include any additional measures prescribed by the EPA.

Environmental Justice

The purpose of environmental justice is to avoid, minimize or mitigate disproportionately high and adverse human health or environmental effects on low income and minority populations; to ensure full and fair participation of low income and minority populations; and to prevent the denial of benefits to low income and minority populations. In the past, minority and low-income populations have been identified as the largest disenfranchised group, both in terms of equal access to transportation supply and citizen input. Environmental justice seeks to ensure equal access to transportation systems and to the transportation planning process for everyone regardless of race, color, creed, or national origin.

The environmental justice regulatory framework started with Title VI of the Civil Rights Act of 1964 and was reinforced by the National Environmental Policy Act (NEPA) of 1969, the Federal Aid Highway Act of 1970, Executive Order 12898 of 1994, and U.S. DOT Order on Environmental Justice (DOT Order 5610.2) of 1997. Under these requirements each MPO receiving federal funds is expected to identify residential, employment, and transportation patterns of low-income and minority populations; identify the distributions of benefits and burdens of the transportation system on these populations; and evaluate and improve the public involvement process to eliminate participation barriers and engage minority and low-income populations in transportation decision making.

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) was enacted into law on July 6, 1990. The purpose of this civil rights legislation is “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” It is the national goal of ADA to assure that persons with disabilities have equality of opportunity, have a chance to fully participate in society, are able to live independently, and be economically self-sufficient. Implementing ADA in the Richmond transportation sector is discussed later in this document. There are five Titles in the Act that are summarized below.

Title I – Employment

Discrimination against qualified persons with disabilities is prohibited in all aspects of employment. Reasonable accommodations must be made in regard to job site accessibility, communication devices such as telecommunications devices for the deaf (TDD), and modified work schedules or other changes that would allow that person to fulfill his or her job duties. Employers with 25 or more employees were required to comply with this law by July 26, 1992 and private businesses with 15 to 24 employees by July 1994.

Title II – Public Services

All services, programs, and activities provided by public entities or their agents are prohibited from discriminating against persons with disabilities. In general, if a person with disabilities can use the public transportation system, then the public entity may not deny the individual with disabilities the opportunity to use public transportation. In addition, it prohibits public entities from providing services that discriminate against individuals with disabilities. Specific requirements include the following:

- New or leased vehicles for fixed route service and demand responsive service must be accessible (unless equivalent service is provided to persons with disabilities).
- Public entities, which provide fixed route service, must also provide comparable paratransit service.
- Remanufactured vehicles (structural changes) must be accessible
- New facilities must be accessible and alterations to transit facilities must include accessible features.
- Rail systems must include a key station plan and be accessible.
- Rapid and light rail systems must have at least one accessible car per train.

Title III – Public Accommodations and Services Operated by Private Entities

Public accommodations must be accessible to persons with disabilities even if they are owned by the private sector. Access must be provided in such public places as theaters, hotels, stores, and public transit stations. Transportation provided for the public by private entities must also be accessible.

Title IV – Telecommunications Relay Services

Telephone companies must provide telecommunication relay devices for those persons with hearing or speech impairments. A TDD is a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system. A person with disabilities can use a TDD to call the operator who also has a TDD and communicates through a third party.

Title V – Miscellaneous Provisions

Every public entity operating fixed route transit (except for commuter bus, commuter rail, or intercity rail services) is required to submit a plan which includes an implementation schedule with annual updates detailing how paratransit services will be implemented and will be in full ADA compliance. There is a full public participation process throughout the entire planning process.

The following six criteria have been developed to define “comparable paratransit service”:

- Operate in the same service areas as the fixed route system.
- Response time that is comparable to the fixed route system.
- Fares may not be more than two and a half times the fare of the fixed route system.
- Hours and days of paratransit service must be comparable to that of the fixed route service.
- Trip purpose may not be prioritized.
- Service availability may not be limited because of capacity constraints.