

FHWA/FTA CERTIFICATION REVIEW
DURHAM - CHAPEL HILL - CARRBORO METROPOLITAN
TRANSPORTATION PLANNING PROCESS
JANUARY 28-29, 2003

I. Introduction

Pursuant to 23 U.S.C. 134 and 49 U.S.C. 5303 the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly review and evaluate the metropolitan transportation planning process for each Transportation Management Area (TMA) at least every three years. The purpose of the review is to assess the extent of compliance with the planning requirements, to identify noteworthy practices and to provide advice and assistance as appropriate. The reviews consist of a series of discussions on transportation planning issues with State and local transportation officials directly involved in highway and transit planning activities of the Metropolitan Planning Organization (MPO). A list of participants in the review is included in Appendix A. The MPO hosted a public meeting to receive comments from the public regarding the metropolitan transportation planning process. The Federal review team also provided the opportunity for policy board officials to meet with the team to offer comment on the transportation planning process.

The previous certification finding for the Durham - Chapel Hill - Carrboro (DCHC) TMA was issued on April 20, 2000. The previous review resulted in the DCHC MPO transportation planning process being fully certified for a period of three years subject to three corrective actions and the consideration of a number of recommendations to improve the process. A summary of the Corrective Actions and Recommendations from the previous review are as follows:

(1) The North Carolina Department of Transportation (NCDOT) and the MPO should document in writing their agreement on the methodology for developing financial forecasts, (2) the Statewide Transportation Improvement Program (STIP) needs to demonstrate explicit consideration of and the responses to the public comments received during the planning and program development process, (3) the public involvement process for the STIP needs to include a component to evaluate its effectiveness.

The recommendations from the previous review included: (1) the DCHC MPO continuing implementation of the congestion management system (CMS) consistent with Section K of the 2025 Long Range Transportation Plan (LRTP), (2) the DCHC MPO developing procedures to evaluate the effectiveness of their public involvement process, (3) the

NCDOT and the DCHC MPO continuing the efforts to develop an agreed upon protocol for the Triangle regional Model, (4) the State and the MPO continuing to apply a process which integrates environmental considerations during systems planning, (5) the MPO clarifying the links between the TIP and the Long Range Transportation Plan (LRTP) so as to be more readily apparent to the public, (6) the MPO producing a more strategic version of the LRTP in the next update, (7) the TIP should include a description of the methodology used to rank projects and, (8) the MPO continuing its involvement in the statewide Intelligent Transportation System Strategic Deployment Plan.

II. Current Status of Planning

The area encompassed by the DCHC MPO includes all of Durham County, part of Orange County and part of Chatham County. It also includes the City of Durham, the Town of Chapel Hill, Town of Carrboro, and the Town of Hillsborough. The planning area straddles the intersection of two Interstate Routes (I-40 & I-85), includes the majority of a major regional traffic generator (The Research Triangle Park) and shares a common boundary with The Capital Area Metropolitan Planning Organization (CAMPO) on the east. The DCHC MPO is in the late stages of completing a major update of their LRTP based on a recently developed and adopted regional model. In addition the MPO is currently developing a new TIP which will be effective October 1, 2003 and determining the planning work to be pursued for the fiscal year beginning July 1, 2003. The lead planning agency for the MPO is the City of Durham Transportation Division. Major planning studies in the area include the US15/US501 Corridor study, the NC54/I-40 Transit Study, regional rail development, the I-40 High Occupancy Vehicle/Congestion Management Study, the Northeast/Northwest Loop issue, and the consideration to consolidate the four major Transit systems in the region.

Three areas of concern expressed by the staff of the DCHC MPO included the difficulty of developing reliable revenue estimates for use in plan and TIP development, earmarking of Federal Congestion Mitigation and Air Quality (CMAQ) funds by the State legislature without input from the MPO's, and incorporating bicycle and pedestrian accommodations into Federal-aid projects. These concerns will be discussed in more detail later in the report.

III. Summary of Findings

The initial emphasis of the DCHC MPO certification review were the corrective actions and the recommendations from the previous review. In addition, a number of other review team emphasis areas were explored including: formal agreements, Unified Planning Work Program, LRTP, the transit program, civil rights and Environmental Justice, and air quality planning.

Corrective Action:

The DCHC MPO needs to adopt an updated air quality conforming long range transportation plan.

The only corrective action identified during the review was that the MPO is not currently complying with the planning requirement to update their LRTP every three years. Their most recent plan expired on February 28, 2003. Until a conforming plan and TIP meeting the joint FHWA/FTA planning requirements the DCHC MPO area is in an air quality conformity lapse. Since the MPO does not have a valid LRTP, the TIP is no longer valid. The impact of not having a valid plan or TIP is that the area becomes ineligible for any new authorizations of Federal aid funds for transportation projects. At this point the only option available to the MPO to establish full eligibility for Federal-aid projects is to expedite the update of their conforming LRTP. If the MPO wanted to advance air quality exempt and/or safety projects they could develop an "interim" plan and TIP that only included air quality exempt and safety projects.

Summary of Recommendations:

1. The DCHC MPO should formally evaluate the effectiveness of the public involvement program.
2. The NCDOT and the DCHC MPO is encouraged to continue to seek every opportunity to integrate environmental considerations into early systems planning.
3. The DCHC should be able to show some progress toward securing the forecasted revenues identified in the draft LRTP by the next update.
4. The transit operators in the metropolitan area are encouraged to develop short range transit operating and financing plans that identify capital needs and proposed funding sources.
5. The DCHC MPO should continue to consider the use of Surface Transportation Program (STP) funds for purposes other than highway projects.
6. It is recommended that the DCHC MPO continue to pursue the implementation of ITS projects.
7. The DCHC MPO should continue to seek opportunities to add additional minority groups to their public involvement mailing list.
8. It is recommended that the DCHC MPO consider consolidating the policies and procedures regarding Title VI and Environmental Justice into one document.

The review team found the transportation planning process for the DCHC transportation management area meets the requirements of 23CFR450 Subpart C and 49USC5303; except for maintaining a valid LRTP. Since maintaining a valid LRTP is a requirement that is at the core of Federal-aid project eligibility and air quality conformity, the DCHC MPO transportation planning process is not certified. At the present time the DCHC MPO is ineligible for any new authorizations of Federally funded transportation projects. In accordance with 23CFR450.334(f)(2), the FHWA and the FTA are withholding the approval

of all transportation projects until such time that the MPO has a valid LRTP in place that meets the planning requirements.

IV. Corrective Actions from the Previous Review - Follow-up

Previous Corrective Action:

1. The NCDOT and the MPO should document in writing their agreement on the methodology for developing financial forecasts.

Findings:

The NCDOT provides historical transportation funding level information to the MPO. The MPO planning staff uses this information to develop the financial forecasts and funding estimates necessary to fiscally constrain their LRTP as well as support TIP development. The methodology being used is basically a historical trend line with some growth. The MPO has continued to express concern with the fact that their metropolitan area boundary is located in three different State transportation funding regions, thus making it difficult for the local planners to forecast future funding levels. The Federal review team acknowledged this difficulty but further indicated that this was an issue that needed to be pursued with the NCDOT and ultimately the State legislature. The Federal requirements regarding funding estimates for both the financial plan of the LRTP and for TIP/STIP development purposes require the MPO, the public transit agencies and the State to cooperatively develop funding estimates that results in plans (LRTP) and implementation documents (TIP/STIP) that are mutually acceptable. The current transportation planning process is producing these mutually acceptable documents. Therefore this corrective action is considered satisfactorily addressed, however we strongly encourage the MPO and the NCDOT to continue to refine the process of developing financial forecasts.

Previous Corrective Action:

2. The STIP needs to demonstrate explicit consideration of and the responses to the public comments received during the planning and program development process.

Findings:

The Program Development Branch of the NCDOT indicated that the State receives a considerable amount of public comments during STIP development from both the original solicitation of candidate projects and from wide distribution of a draft document. The Program Development Branch has maintained a candidate project list for more than twenty years. They also prepare transcripts of the actual meeting and summarize all the letters and other inputs received for each Division. The list, transcripts and other summary material documents all of the requests and comments regarding transportation improvements received from local governments, citizens, and businesses. The list and supporting documentation is provided to the North Carolina Board of Transportation

(NCBOT) members to make them aware of comments and requests that have been received from the public input process. The NCDOT has recently added the Candidate Project List to their website. The purpose of making the list available on the Internet is to allow the general public access to a summary of the information received each year. The NCDOT also compiles and makes available to the public a report of STIP changes that occurred between the draft and the final document. They also include a biennial project delivery report in the published STIP. Therefore this corrective action is considered satisfactorily addressed.

Previous Corrective Action

3. The public involvement process for the STIP needs to include a component to evaluate its effectiveness.

Findings:

The NCDOT has an extensive and well-documented public involvement process for both the development of the STIP and review of the draft STIP. Development to approval of the STIP requires two years. The North Carolina Board of Transportation (NCBOT) will adopt their second STIP resulting from a full two-year cycle this June. Going from a one year cycle to a two-year cycle has afforded the public many more opportunities for involvement. NCDOT staff is continually evaluating the effectiveness of their public involvement. The NCDOT's primary measure of effectiveness is the number of attendees and speakers and any adverse comments that may be offered. This evaluation process has resulted in the NCDOT implementing a number of minor changes to their established process such as meeting location changes and/or, time changes. The NCDOT feels that their current process is effective. Prior to release of the draft 2004-2010 STIP, 15 public involvement meetings were held across the State, 443 citizens attended with 172 speaking. After the draft was released 14 more public meetings were held, 499 citizens attended with 224 speaking. The NCDOT prepares complete transcripts of all oral comments received and compiles all written comments received. This corrective action is considered to have been satisfactorily addressed.

V. Recommendations from the Previous Review:

1. The review team recognizes the progress made toward implementation of a CMS and strongly recommends continued implementation consistent with Section K of the 2025 LRTP.

The staff of the MPO assured the Federal Review team that the Congestion Management System identified in the current LRTP will be carried forward into the LRTP update and that the MPO intends to pursue implementation more vigorously when the new LRTP is in place.

2. It is crucial that DCHC MPO develop formal procedures to evaluate the effectiveness of public involvement plans. Evaluation should focus on the results of public involvement - how it succeeded in generating information that has had identifiable impacts on all stages of the planning process. Rigorous assessment of techniques and strategies for involvement will also signal the public that their efforts are valued.

The DCHC MPO's Public Involvement Policy provides for a triennial review and evaluation to ensure that the objectives of the Policy are being met. The review will include a 45-day public comment period, a public meeting, and the preparation of a summary highlighting the results of the evaluation. The DCHC MPO has done a number of informal evaluations of portions of their Public Involvement Policy, but has not conducted a triennial evaluation as called for in their Policy. Since the DCHC MPO has recently gone through a rather extensive public involvement program as part of the update of their LRTP, the review team recommended that this would be a good time to evaluate their public involvement program.

Recommendation:

The DCHC MPO should evaluate the effectiveness of their public involvement program..

3. The NCDOT and DCHC MPO are encouraged to continue their efforts in the development of an agreed upon protocol for the Triangle Regional Model.

During September and October of 2001 the DCHC MPO, the CAMPO, the NCDOT, and the Triangle Transit Authority executed a formal agreement as documentation to govern the continuing development, modification and, maintenance of the official Triangle Regional Model.

4. The NCDOT and the MPO are strongly encouraged to continue to apply a process that integrates environmental considerations into the early systems planning.

The transportation planning process involves identifying deficiencies in the transportation system by modeling and forecasting techniques that take into account land development patterns, employment and population projections, and community values. The analysis results in the development of an overall transportation plan that includes highways, transit, bicycles, and pedestrian recommendations. The development of these recommendations involves consideration of the physical, natural, social, and economic environment. During the recent LRTP update the DCHC MPO evaluated the environmental and social impacts of various alternative transportation plans by quantifying impacts such as wetlands; critical watershed, hydrology & natural areas; parks; historic sites (structures, districts and heritage areas); endangered species; residential and business displacements; neighborhood/community displacement and relocation; estimates of property affected; and low income and minority population and homes/business' affected.

Recommendation:

The Federal review encourages both the NCDOT and the DCHC MPO to continue to seek every opportunity to integrate environmental considerations into early systems planning

5. Transportation decisions and strategies, as represented by the investments in the TIP, should be clearly guided by the strategic direction set forth in the LRTP. Links between the TIP and the LRTP should be apparent to members of the public, elected officials, and stakeholders reading the TIP. This transparency of the decision-making process will go far toward encouraging public understanding of the planning process, and proactive public involvement.

The DCHC MPO has made great strides toward producing and adopting a more strategic LRTP that reflects the area's values as they relate to transportation and the kind of metropolitan area they want to be. The DCHC MPO evaluated fifty-seven alternative plans before moving forward with the one that best fit their goals and objectives.

6. The DCHC MPO and its partners are encouraged to continue efforts underway to produce a more strategic version of the LRTP in the next update.

As discussed in #5 above, the plan that the MPO is close to completing is a more strategic version.

7. The TIP should include a section, perhaps as an appendix, that describes the methodology used for scoring and ranking of projects.

The DCHC MPO has a rather extensive and well-documented methodology for ranking the projects contained in their LRTP. The draft TIP includes a discussion of the methodology.

8. The DCHC MPO is encouraged to continue its' efforts and involvement in the NCDOT Statewide ITS Strategic Deployment Plan.

The draft LRTP contains a section that addresses the MPO's consideration of ITS. The type of ITS projects currently being implemented include signal preemption for buses, traffic monitoring cameras, and variable message boards. The type of ITS included in their plan includes automated vehicle locators, automated passenger counters, mobile data terminals, electronic fare collection, a regional incident management program, video surveillance, and message boards.

VI. FHWA/FTA EMPHASIS AREAS - REVIEW FINDINGS

Formal Agreements

The planning process is being conducted in accordance with a Memorandum of Understanding (MOU) that was developed and executed shortly after the 1990 Census (September 10, 1993). The planning staff of the DCHC MPO does not anticipate having to update the MOU because of the 2000 census. While the metropolitan area boundary may have to be expanded to include additional planning area, it will not encompass any new political jurisdictions. All governmental/implementing agencies within the metropolitan area are represented in the process. The MPO staff felt that the planning process in the DCHC area was being conducted in accordance with the adopted MOU. The only concern expressed was the difficulty of implementing and maintaining local land use plans which is not part of the MOU. Therefore the current MOU should serve for the foreseeable future.

Unified Planning Work Program/ Prospectus

Planning work items to be pursued in any given year are governed by the normal tasks that need to be done each year, the status of the planning cycle the MPO is in, and emphasis areas promoted by State or Federal officials. The work tasks that define a planning process are contained in a prospectus specific to the DCHC MPO. The purpose of the prospectus is to provide sufficiently detailed descriptions of the work tasks that define a good planning process so that staff and agencies responsible for doing the work understand what needs to be done, how it is to be done and, who does it. A secondary purpose of the Prospectus is to provide sufficient documentation of planning work tasks and the planning organization and procedures so that documentation is minimized in the required annual planning work program. The Prospectus for the DCHC MPO was updated and re-adopted by the MPO on February 13, 2002. The lead planning agency (City of Durham, Transportation Division) solicits proposed planning tasks from the MPO member participants and either does the task for the member jurisdiction or makes Federal planning funds available to that jurisdiction to accomplish the work task itself. In any event the work task is incorporated into the Unified Planning Work program (UPWP). The current UPWP proposes \$2,601,705 of planning activities for the period July 1, 2002 to June 30, 2003 of which \$36,000 are FHWA SPR funds, \$353,072 is a combination of FHWA PL and STP-DA funds, \$111,640 are FTA Section 5303 funds, \$814,651 are FTA Section 5307 funds, and \$478,750 are FTA Section 5309 funds. Fixed guideway planning accounts for 68.7 % of the UPWP budget. The DCHC UPWP contains the MPO's annual self certification of their transportation planning process for the year ending June 30, 2002. The DCHC MPO planning staff felt that the UPWP is addressing the area's planning priorities.

Long Range Transportation Plan / Air Quality Planning

The latest LRTP for the DCHC MPO was completed on February 29, 2000. For metropolitan areas that are designated non-attainment or maintenance for air quality, a LRTP is considered complete when the United States Department of Transportation

(USDOT) makes an air quality conformity determination on the LRTP. Non-attainment or maintenance areas plans must be updated every three years. The three year update cycle for the DCHC LRTP expired on March 1, 2003. Therefore as of March 1, 2003 the DCHC MPO is out of compliance with the FHWA/FTA joint planning requirements. The consequences of not meeting the LRTP update requirement is that the DCHC MPO area becomes ineligible for any new authorizations of federally funded transportation projects. The DCHC MPO area will remain ineligible for all new authorizations of federally funded transportation projects until such time that an updated LRTP is in place upon which the USDOT is able to make an air quality conformity determination.

The Transportation Advisory Committee (Policy Committee) for the DCHC MPO gave conditional approval to an updated LRTP on December 18, 2002. The approval was granted on the condition that the proposed LRTP is found to be in conformance with the State implementation Plan (SIP) for air quality conformity. The DCHC MPO does not anticipate having a conforming LRTP until August of this year.

The DCHC MPO's updated 2025 LRTP provides for highway improvement and maintenance, bus transit capital and operating and maintenance, fixed guideway capital and operating and maintenance, non-motorized transportation (bicycle and pedestrian), travel demand management, and ITS/transportation system management. The total estimated cost of the LRTP is \$6.4 billion. The forecasted revenue from traditional sources identify approximately \$5.5 billion and with another \$0.7 billion from non-traditional sources. The LRTP shows a shortfall of approximately \$0.2 billion. The FHWA and the FTA have reviewed the draft LRTP and offered comment back to the DCHC MPO. The major comment offered to the MPO concerned the revenue estimates. The anticipated revenues for transit from Federal sources seemed a little high. The DCHC MPO was asked to scale them back; they did so. In addition the non-traditional sources of revenue proposed in the LRTP require action by the State legislature and eventually a local referendum in the next 3 to 5 years. Acknowledging the difficulties of estimating future revenues, the FHWA and the FTA offered that in view of the fact that the LRTP and the revenue estimates will be updated again within three years the LRTP is considered to meet Federal requirements assuming that it is found to be air quality conforming. However it was pointed out that one of the key elements of the next and future LRTP updates will be the validity of the revenue forecasts in the current proposed LRTP. The DCHC MPO will be expected to be able to show some progress toward securing the revenues identified in the LRTP. The DCHC should develop a plan of action that identifies the steps to be taken to ensure that the funds will be available within the timeframes shown in the financial plan.

Ms. Lynorae Benjamin with the Environmental Protection Agency (EPA), Air Quality Modeling and Transportation Section, presented an overview of the new designations and the status of the 8-hour and PM 2.5 standards. The EPA is currently developing implementation guidance for the 8-hour standard and completion is expected in early 2003. Designations for the 8-hour standard will follow in April 2004 and conformity will be required one-year later in April 2005. The proposed rule for the PM 2.5 implementation guidance is expected in late 2003 with a final rule in 2004. Designations

for PM 2.5 will take place in 2004 and conformity will be required one-year later in 2005.

Work on the DCHC 2025 LRTP update and AQ conformity determination is currently underway. The DCHC MPO has held two interagency consultation (IC) meetings that focused on the 2025 LRTP update/AQ conformity schedule and tasks to be performed by DCHC MPO and the IC agency partners. DCHC MPO needs to provide the NCDOT final corrected networks before the AQ conformity evaluation process can begin.

Due to delays encountered during the development of the LRTP, the lapse is expected to last until late August of 2003. If the DCHC MPO lapse continues beyond October 1, 2003, it will impact the AQ conformity determination on the CAMPO 2004-2010 MTIP resulting in a lapse for projects in Wake County.

The certification review team strongly recommended to the DCHC MPO that they need to do everything possible to meet their tasks and deadlines in the LRTP update/AQ conformity determination schedule to minimize the duration of the LRTP expiration/AQ conformity lapse. The review team emphasized that the main consequence of not meeting the LRTP update and conformity determination deadline is that the area covered by the Metropolitan Area Boundary and a small portion of Granville County (Dutchville Township) are ineligible for any new authorizations of federal-aid projects, including federally funded air quality exempt projects. The DCHC MPO has the option of developing an interim LRTP and TIP of exempt projects (40 CFR 93.126), so that exempt projects can receive federal funds during the lapse period.

Corrective Action:

The DCHC MPO needs to adopt an updated air quality conforming LRTP.

Recommendation:

It is recommended that by the next plan update the MPO should be able to show some progress, as part of a plan of action toward securing the forecasted revenues as identified in their current proposed LRTP.

Transportation Improvement Program/ Statewide Transportation Improvement Program

The current local Transportation Improvement Program (TIP) was adopted by the MPO on April 11, 2001. That program was effective for the Federal fiscal year beginning October 1, 2001 for a period of two years. The projects in the local TIP are compatible with the STIP which also became effective on October 1, 2001 for a period of two years. The TIP and the STIP are currently in the process of being updated to be effective for a two-year period beginning October 1, 2003. Developing/updating TIPs and STIPs in North Carolina requires two years. The first step in the process is a statewide solicitation of input, for the present update this occurred in the fall of 2001. The NCDOT then updates the schedules and costs

for all the projects in the current STIP and adds two more years to the end of the program. North Carolina State law requires the NCDOT to balance the program in accordance with a statewide equity formula. After this is complete the NCBOT releases a draft of the STIP for public review. Each MPO is provided an updated list of project schedules and costs from the previous STIP along with two additional years of projects added onto the end of the program. This information is intended to be used by the MPO's to update their local TIP's and to be used as the basis for negotiation of priorities for funding.

The transit portion of the STIP and TIP is updated a little differently. Transportation Management Areas, like DCHC receive an apportionment directly from the Federal transit Administration. The North Carolina Department of Transportation relies on the local area to submit project data proposing the use of these funds for inclusion in the STIP. The rest of an areas bus/bus facility needs are met by apply for transit discretionary funds. Because of the uncertainty of receiving discretionary funding, projects proposing the use of these funds are shown in the STIP as unfunded. If an area receives approval of a discretionary grant, the STIP is then revised.

The DCHC MPO approved the release of a draft of their TIP on December 18, 2002. The public review period for their draft TIP started on December 18,2002 and ended on January 31,2003 with a public hearing conducted on January 8, 2003. The next step in the process provides each MPO the opportunity to meet with the NCBOT member representing their area along with NCDOT staff representatives to discuss any differences between the TIP and the STIP. The DCHC MPO met with their NCBOT representative and NCDOT staff on February 28, 2003. Assuming agreement is reached, the NCBOT will approve a new STIP at their June meeting. After which it will be transmitted to the FTA and the FHWA for joint review and approval to be effective October 1, 2003.

Transit

There are three public transit systems and one private company, Carolina Trailways, providing service within the DCHC MPO area. The public transit systems include the Durham Area Transit Authority (DATA), Triangle Transit Authority (TTA) and the Chapel Hill Transit Service. TTA is the transit system that provides inter-regional service within the DCHC metropolitan area and the Capital metropolitan area. During the review, representatives of each public system shared information of on going and future proposed activities.

DATA has been in operation since 1991 and is currently in an expansion mode. It serves Durham with 43 buses, 25 vans and with increased ridership, expects to expand service to the Duke University area. A policy board guides the service but the City of Durham owns and operates DATA. They are planning to work more closely with TTA and already recognize each other's transfers to deliver faster service and reduce headway. The development of the next DCHC LRTP update is expected to look at the service levels of the various fifty-seven alternatives and see the impact of transit service. During this next update, the DCHC MPO and DATA intend to cooperate and coordinate on public

involvement with multiple hearings, and community visits. DATA has a representative on the Technical Coordinating Committee (TCC) and is represented on the Transportation Advisory Committee (TAC) by elected officials of the City, facilitating effective integration of transit operations with the DCHC MPO. DATA's latest Transit Development Plan (TDP) was approved by their Transit Board in March, 2002 and goes out to year 2007. DATA reviews, evaluates and revises as appropriate, the TDP each year during the development of the service plan and budget for the coming year.

TTA is a regional unit of government that operates in Wake, Orange and Durham Counties. TTA currently operates 45 peak-period buses on regional routes, 8 buses on 5 shuttle routes in the Research Triangle Park (RTP), which includes the airport area, and a vanpool program consisting of 48 vans (4 of which originate in Fayetteville and 7 in the Winston-Salem/Greensboro/Burlington Area). TTA also operates the Regional Commute Trip Reduction Program, working with businesses in the RTP, Durham, and Wake Counties to develop travel demand management (TDM) programs. In Durham County, TTA is the implementing agency for their trip reduction ordinance, which requires each organization employing 100 or more persons to develop plans and goals for their organization to reduce single occupancy vehicle use and vehicle miles traveled. In Wake County, the TDM program is a voluntary program funded through CAMPO.

TTA has completed the environmental process, as required by the National Environmental Policy Act, for the Regional Rail project. A Record of Decision was issued on January 9, 2003. The Regional Rail project is a 34.7 mile railroad between Durham and Raleigh that will use existing railroad right-of-way in a corridor paralleling NC 147 (Durham Freeway), Interstate 40, NC 54, and US 1 (Capital Boulevard). The technology proposed is diesel multiple units. On February 28, 2003, the TTA was approved to enter the final design phase of the project by the FTA. The current 5-year TDP for TTA was approved by their Board in 1999 and covers the period from 2000 through 2004. TTA intends to update the TDP in the next fiscal year. TTA reviews their TDP whenever they are doing budget planning for capital acquisition and operating expenses.

In order to obtain better coordination with the three transit operators in the area, monthly transit manager meetings are held to assist with the communication. TTA is in the process of hiring a new position entitled Regional Mobility Manager. This person will work with social service agencies in Wake, Durham, and Orange Counties to assist their clients in arranging work related transportation. They will also assist the Rideshare Marketing Manager in the planning and implementation of the "Transit Connection" Jobs Fair. One of the principal functions of the Mobility Manager will be to maintain an effective working relationship with the other transportation systems in the three county area and emphasize the connectivity of TTA and other systems.

One additional TTA program is the Community Partners Program that is directed to the people where services are needed. This program assists in developing needs and services by looking at the problem areas, where route extensions are needed, and system access issues.

The Chapel Hill Transit System is a 30-year old program that serves Chapel Hill, Carrboro and the University of North Carolina at Chapel Hill. The system currently has eighty regular buses and three smaller buses for lighter routes and evening service, with 22 routes providing fare free service to over 25,000 daily boardings. Chapel Hill is also reviewing their TDM ordinance that supports the transit system by encouraging employers to promote public transit among their employees. Chapel Hill transit is currently in the process of updating their TDP which will extend to year 2006. It will be adopted by the Transit Board within the next few months.

Recommendation:

All three of the transit operators in the area are encouraged to continue to develop short-range transit operating and financing plans that identify capital needs and the proposed funding sources. The operators are encouraged to work closely with the DCHC MPO in the development of these plans and to have them endorsed by their local governing authorities.

It is also recommended that the DCHC MPO should continue to consider Surface Transportation Program (STP) funds for other than highway projects.

Implementation of the Intelligent Transportation Systems (ITS) Strategies

The DCHC MPO is working jointly with the NCDOT, the CAMPO (Raleigh, Wake County, etc.) and private consultants to develop a framework of ITS initiatives that will reduce congestion and enhance safety. The initiatives include the installation of a new traffic control system in the area that will allow for regional coordination along interstate and other arterial routes. ITS transit initiatives being considered include automated vehicle locator, automated passenger counters, mobile data terminals, electronic fare collection, signal preemption and passenger dispatch for paratransit service. Video surveillance of traffic and message boards to alert motorists of conditions in advance of slowdowns are already in place at a number of locations along the I-40 and I-85 corridors. The NCDOT has initiated a Statewide ITS Program consistent with the national ITS architecture. They are working with the MPOs, as well as, other areas of the State, to consider available technologies and to listen to what an area's needs are. The NCDOT has made a presentation to the TAC/TCC to solicit the MPO's input in the development of the ITS Strategic Deployment Plan. The NCDOT intends to put together a regional team to determine the vision for ITS in the Triangle Region.

The Durham County officials have initiated a transportation demand management (TDM) plan aimed at reducing the number of single occupant vehicles (SOV) during rush hour and to encourage car pools, mass transit usage and telecommuting. MPO staff works with the businesses with at least 100 employees. Each company develops its own plan to reduce the number of single occupancy vehicle trips during rush hour and the number of miles driven to and from work. Options to reduce SOV commuting could include incentives such

as special car-pool parking, bus shelters, bicycle racks and showers, transit passes and telecommuting. The TDM measure is voluntary and is currently being considered by other areas in the region.

Recommendation:

It is recommended that the DCHC MPO continue to pursue the implementation of ITS projects.

Title VI of the Civil Rights Act/Environmental Justice (EJ)

The appropriate time to ensure an MPO's compliance with Title VI and to substantiate the MPO's annual self-certification is during the planning certification review. This section discusses DCHC's demographic profile and how the MPO addresses Title VI and Environmental Justice (EJ) in their planning and public involvement processes.

DCHC's demographic profile is based on census data as well as demographic information obtained from the Human Services Department of the North Carolina Office of State Planning. The profile identifies African American, Hispanic, and Asian neighborhoods, as well as low-income areas and areas with disabled persons. The Census/HUD definition of low income (80% of median income) was used to identify low-income areas. The DCHC MPO also took advantage of a new census data item, "mobility limitation", to assist with identifying areas with disabled persons. The demographic data gathered by the DCHC MPO appears to be comprehensive. We strongly encourage that the data be cross checked based on staff knowledge of and familiarity with various neighborhoods, i.e. the census data should support common knowledge and vice versa.

The DCHC MPO created overlays based on the demographic profile and used them to identify projects that impact EJ communities. The DCHC MPO used several measures to determine impact as well as service equity. These measures included travel time savings, ratio of travel time of EJ communities to travel time of total population, employment accessibility to transit (jobs within 30 minutes via transit), and population within ½ mile of transit. The DCHC MPO's analysis determined that there are no planned projects that will negatively impact or unfairly exclude any EJ communities. For the LRTP update, DCHC MPO developed EJ scoring factors for each of the LRTP alternatives. It was also noted that the TT A's efforts included conducting a Title VI analysis per census tract.

The DCHC MPO has been moderately successful in engaging minorities and low-income persons in their public involvement process. The strategy that they have found to be the most successful overall (for minorities and non-minorities) is the use of email to solicit public comments. The DCHC MPO also takes advantage of "piggybacking" opportunities – that is asking to be placed on the agenda of other public meetings. The DCHC MPO also tries to ensure that their Citizen Advisory Committees have minority and low-income representation.

Special efforts to reach the Hispanic community include the availability of interpreters upon request. The Durham Area Transit Authority provides bus schedules in Spanish, however, the TT A currently does not. The DCHC MPO maintains a mailing list which is used to disseminate various information to interested parties. While minorities are represented on the mailing list, it is recommended that the DCHC MPO continue to seek opportunities to add additional minority groups.

Recommendation:

It is recommended that the MPO continue to seek opportunities to add additional minority groups to their mailing list.

In conclusion, it is very clear that the DCHC MPO has done a very good job of incorporating EJ factors into its planning process. However, while much evidence of the DCHC MPO's EJ efforts exists, documentation of these efforts is somewhat lacking and disjointed. These efforts should be captured in one document that details the DCHC MPO's goals and objectives, policies and procedures regarding Title VI and Environmental Justice.

Recommendation:

It is recommended that the DCHC MPO consolidate the policies and procedures regarding Title VI and Environmental Justice into one document.

Discussion Points Requested by the MPO

The DCHC MPO staff expressed their continued concern regarding financial forecasts used to fiscally constrain their LRTP and their desire for the NCDOT to provide more input into these forecasts. This concern is a carry over from previous certification reviews and is discussed as a previous corrective action in Section III of this report. Some of the concern that the DCHC MPO expressed relates to Federal regulation, 23CFR450 Section 324(e) that states "the State and the transit operator must provide the MPO's with estimates of available Federal and State funds which the MPO shall utilize in developing financial plans." The NCDOT's response to this requirement was to provide the DCHC MPO with historical funding levels and a methodology to project the historical data. The process resulted in financial forecasts that were reviewed by the NCDOT and MPO and used in the development of the transportation plan and the local TIP. The Transportation Equity Act for the 21st Century (TEA-21) revised the language that applies to financial forecasts. TEA-21 reads as follows: "For the purpose of developing the long-range transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation." With regard to TIP development TEA-21 revised the language to read as follows: "For the purpose of developing the transportation improvement

program, the metropolitan planning organization, public transit agency, and State shall cooperatively develop estimates of funds that are reasonably expected to support program implementation.” In summary taking into account that TEA-21 supersedes the existing regulation and the fact that the planning process has been producing planning documents that are coordinated and agreed upon by the DCHC MPO, transit operator, and the NCDOT. The existing process for developing financial forecasts is satisfactory.

Another concern of the DCHC MPO staff was the earmarking of Federal Congestion Mitigation and Air Quality (CMAQ) funds by the State legislature for use in eligible areas without the input from those areas. The Federal requirement is that CMAQ funds are to be used for congestion mitigation and air quality improvement projects in areas designated as air quality non-attainment or maintenance areas. The CMAQ guidance developed to implement the program urges State’s and MPO’s to develop a process for solicitation and selection of projects that is cooperative and open to the public. The Guidance, however, does not carry the force of law or regulation. It is a suggested way to implement the Program. The fact that the State legislature determines how a portion of these funds are used is not in conflict with any Federal law or regulation as long as the projects selected meet program requirements for eligibility.

The last area of concern specifically brought to the attention of the Federal review team was incorporating bicycle transportation and pedestrian walkways into Federal-aid projects. Section 217 of Title 23 of the United States Code states that “Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.” This language does not mandate the inclusion of bicycle or pedestrian facilities in all Federally funded transportation projects. It does require that bicycle and pedestrian facilities be considered. The considerations include safety, contiguousness of bicycle and pedestrian routes, the special needs of the elderly and handicapped, the detrimental effects on highway users, existing and projected usage and costs. The considerations also include the opportunity for public input and input by the MPO. These considerations should be reflected in project development documentation. The project development process’ being used by the North Carolina Department generally meets these requirements.

VII. Public Meetings

The Federal review team scheduled and had the DCHC MPO advertise the opportunity for the public to comment on the transportation planning process. This public comment opportunity was advertised through the DCHC MPO’s standard public involvement process. The public meeting was conducted by the Federal review team. Four individuals attended and addressed the team. The following is a summary of their comments. The process appears driven by Federal deadlines. The visioning process used by the DCHC MPO to develop alternatives without consideration of cost seemed to have little value. The

comment was offered that sometimes decisions appear to be made by the staff. Some of the information presented to the public at various times throughout the process is confusing. The difference between systems planning and project planning is not clear.

VIII. Private Interviews

The DCHC MPO policy committee members were afforded the opportunity to meet with the Federal review team. There were no private interviews requested.

IX. Follow Up

Joint FHWA/FTA actions on future products of the DCHC MPO's planning process, such as approval of the Unified Planning Work Program (UPWP), review of the LRTP update, plan and TIP conformity determinations, and the planning finding on the STIP, will address the progress made in the corrective action noted above. As stated previously, the DCHC MPO urban transportation planning process is not certified. The planning process will be certified upon completion of a long range transportation plan meeting all of the planning requirements and upon which the USDOT is able to make an air quality conformity determination. At that time the Federal review team participants will be contacted and upon agreement of the team, the FHWA and FTA will issue the appropriate certification.