

Written Presentation Comments

Mr. Ivan Rucker
Federal Highway Administration
January 28, 2019

Good evening George Washington Regional Commission (GWRC) and Fredericksburg Area Metropolitan Planning Organization (FAMPO) board members. Thank you for inviting me to speak with you this evening about the federal certification process.

Background

Federal law requires that the Federal Highway Administration (FHWA) and Federal Transportation Agency (FTA) ensure that the metropolitan planning process of a metropolitan planning organization that services a transportation management area is consistent with all federal laws and regulations.

The certification review is an in-depth, documented review of an MPO's planning process to ensure that the planning & programming process is consistent with federal laws & regulations. The certification reviews can be done as often as annually. However, they must be completed at least every four years.

The certification review process is not designed to have an MPO fail. Rather it is to determine what is working, what is not working, and ensure that an MPO fulfills the TMA requirements. The review is not just a review of the MPO or its staff, but is a review of the planning process that is conducted by all agencies (State, MPO, Transit, etc.) charged with carrying out the process and regulations on a daily basis. An example of a non-MPO responsibility that is a part of the certification review is a look at the State and local governments as it related to revenue projections. The MPO needs these estimates to be available and correct so they can develop a project list for the region's Long Range Plan.

There are two types of MPOs – a TMA and a non-TMA. A TMA MPO is designated for urbanized areas of 200,000 or more in population as determined by the most recent census. The Non-TMA areas which are those urban areas having 50,000 or more in population as determined by the most recent census.

The question may arise as to “why” is FAMPO required to be part of the Federal Certification Review of the Transportation Planning Board (TPB), which is the TMA MPO for the DC/MD/Northern Virginia urbanized area? Following the 2000 census, the DC urbanized area extended south into northern Stafford County, which was in the FAMPO Planning Area. At that time Stafford County had a decision to make – it could have the Northern Stafford County members join the TPB MPO and other members of Stafford County stay with FAMPO or it could decide that it is in Stafford's best interest that all members remain entirely with FAMPO.

In 2004, Stafford County voted and determined that it is in their best interest that all members remain with FAMPO. With Stafford County's decision to remain with FAMPO, FAMPO would be required to meet TPB's TMA planning requirements for Northern Stafford County. Federal planning requirements are much more extensive for TMAs or large MPOs than they are for non-

TMA's or small MPO's. With FAMPO agreeing to meet TPB's TMA requirements, a contract was executed where FAMPO agreed to have TPB's back when it comes to TPB federal responsibilities, including for Federal certification reviews.

Federal RSTP funds that are attributable to the population of Northern Stafford County within the DC urbanized area are being made available to the FAMPO. FAMPO can and has been using these federal funds anywhere within the FAMPO region – including City of Fredericksburg and Spotsylvania County. At that time Stafford County decided to join the TPB TMA MPO then these Federal funds would not be available to FAMPO for FAMPO's use. Also, non-TMA's do not receive these RSTP program funds. However, FAMPO is connected to TPB TMA MPO via northern Stafford County.

Certification Review

With the introduction of risk-based certification reviews, there are now basically two types of certification reviews: the traditional & risk-based.

The areas of review for the traditional process typically includes all topic areas for which the MPO is responsible. These areas usually include the following: organization structure (By-laws, committees, etc.), planning boundaries; agreements and contracts, the Regional Long Range Plan (LRTP), the regional Transportation Improvement Program (TIP), the Unified Plan of Work (UPWP), financial and fiscal constraints, project selection process, the Public Participation Plan, the Travel Demand Model, the Performance-Based Planning process, the Title VI plan, self-certification and procurement procedures, the Congestion Management Process (CMP), transit, consultant procedures, obligated projects, bike and ped planning, freight planning, air quality and conformity requirements. In addition, other items can be added or included per recommendation from the board and/or the staff.

For risk-based reviews, FHWA and FTA are still responsible for reviewing all topic areas as part of FHWA and FTA's deck audit, but we only select those topics areas that are determined to be high-risk areas or those that may require attention. The Risk-Based reviews are much shorter. This process cuts both time and reduces cost by 50%.

The process of reviewing topics in a Risk-Based review are not finalized to date. However, it could include the following items for FAMPO: Agreements/Contracts (3-C, Performance, Planning, PL agreement, UPWP, CMP, Performance-based Planning & Title VI Civil Rights plan.

So you are aware, the FHWA receives the FAMPO Policy Committee meeting minutes. We noticed that discussions have occurred in regard to a better understanding of agreements with both GWRC and FAMPO, as well as their respective roles and responsibilities. So this will be an item FHWA will review in the certification process.

At this point I want to reiterated that the process is not designed to punish an MPO, but instead is to be used to assess what is working, what is not working, and to help make improvement where needed. For example, FAMPO has a newly hired Title VI Coordinator. Because she is new to the organization, we will look at Title VI. We will also be looking at some organizational issues and the organizational chart.

Written Reply to Questions

Q.: Has a TMA operated without federal certifications in the past? If so, what happened to the MPO?

A.: To my knowledge, no MPOs have ever operated without a federal certification review process in place.

Q.: What criteria are used for determining risk factors?

A.: Having a new Executive Director in place, having a new Title VI Coordinator on board, or a lack of performance-based planning approach (which the FAMPO region already does so they are ahead of the curve when compared to other MPO's state-wide), for example.

Q.: What else is required?

A.: Federal law requires that the certification includes a public hearing. FHWA and FTA will provide an opportunity for public involvement and a meeting with the FAMPO CTAC. Organizational By-laws and comments received during the public hearing must be considered in arriving at a certification action. In addition to the public hearing, a combined meeting will be scheduled to occur between CTAC committee members from each MPO as well.

There are four certification finding categories. Most MPOs fall into either the first or second category which fully meets requirements or substantially meets requirements. It is very rare for an MPO to receive a certification rating of "not certified", as this means that if the MPO fails, the FHWA has failed as well. The third category is certified with conditions/restrictions, which is also rare.

Q.: Is there a potential for changing current regional boundaries?

A.: These requests can be made and submitted for review and approval by the Policy Board. With MPO support, the FAMPO region could be expanded. If the boundary lines are extended by even one to five miles, a non-voting member on the Board could in fact then become a voting member. For example, in the FAMPO region, extending the boundary line from one to five miles into both the Caroline & King George counties would authorize these two localities to become voting members, provide this move is supported by the MPO and has its endorsement. Currently both Caroline and King George are part of the structure and fabric of FAMPO and all of its products – including its committees.

Whether the FAMPO/GWRC region undergoes a traditional or a risk-based certification review process, we believe that FAMPO is doing a good job. If any member, staff, entity, etc. have questions or concerns, or just need clarification on the review process do not hesitate to contact him.

Thank you again for your invitation and opportunity to address you.