



U.S. Department
of Transportation

Transportation Management Area Planning Certification Review

Federal Highway
Administration
Oregon Division
Salem, OR

Federal Highway
Administration
Washington Division
Olympia, WA

Federal Transit
Administration
Region 10
Seattle, WA

Portland, OR – Vancouver, WA Transportation Management Area Portland Metro & Southwest Washington Regional Transportation Council



Certification Issued: March 20, 2017

Draft Summary Report Issued: July 28, 2017



Table of Contents

| | |
|---|----|
| ACRONYMS | 3 |
| 1.0 EXECUTIVE SUMMARY | 4 |
| Table 1: Metro 2017 Certification Findings | 5 |
| Table 2: RTC 2017 Certification Findings | 9 |
| 2.0 CERTIFICATION PURPOSE AND PROCESS..... | 13 |
| 3.0 2017 CERTIFICATION DETERMINATION..... | 15 |
| 4.0 METRO CERTIFICATION FINDINGS..... | 16 |
| 4.1 Metropolitan Transportation Plan | 16 |
| 4.2 Transportation Improvement Program..... | 19 |
| 4.3 Congestion Management Process..... | 23 |
| 4.4 Public Participation | 24 |
| 4.5 Consultation | 26 |
| 4.6 Civil Rights (Title VI, EJ, LEP, ADA)..... | 27 |
| 4.7 Performance-Based Planning and Programming | 29 |
| 5.0 RTC CERTIFICATION FINDINGS..... | 31 |
| 5.1 Metropolitan Transportation Plan | 31 |
| 5.2 Transportation Improvement Program..... | 35 |
| 5.3 Congestion Management Process..... | 37 |
| 5.4 Public Participation | 38 |
| 5.5 Civil Rights (Title VI, EJ, LEP, ADA)..... | 39 |
| 5.6 Performance-Based Planning and Programming | 42 |
| APPENDIX A – 2013 Certification Findings Disposition..... | 44 |

Table 3: Metro 2013 Certification Findings Disposition.....44

Table 4: RTC 2013 Certification Findings Disposition.....46

APPENDIX B – January 18, 2017 Certification Notification Letter52

APPENDIX C – Onsite Review Participants.....54

APPENDIX D – Board Member Listening Session & Public Comment.....55

APPENDIX E – March 20, 2017 Certification Letter61

DRAFT

ACRONYMS

| | |
|----------------|---|
| ADA: | Americans with Disabilities Act |
| AQCD: | Air Quality Conformity Determination |
| CFR: | Code of Federal Regulations |
| CMP: | Congestion Management Process |
| C-Tran: | Vancouver Regional Transit Provider |
| DBE: | Disadvantaged Business Enterprise |
| EJ: | Environmental Justice |
| FAST: | Fixing America's Surface Transportation Act |
| FHWA: | Federal Highway Administration |
| FTA: | Federal Transit Administration |
| FY: | Fiscal Year |
| ITS: | Intelligent Transportation Systems |
| JPACT: | Joint Policy Advisory Committee on Transportation |
| LEP: | Limited-English-Proficiency |
| MPA: | Metropolitan Planning Area |
| MPO: | Metropolitan Planning Organization |
| MTP: | Metropolitan Transportation Plan |
| NAAQS: | National Ambient Air Quality Standard |
| ODOT: | Oregon Department of Transportation |
| PBPP: | Performance-based Planning and Programming |
| PPP: | Public Participation Plan |
| RTC: | Southwest Regional Transportation Council |
| RTP: | Regional Transportation Plan |
| STIP: | State Transportation Improvement Program |
| TIP: | Transportation Improvement Program |
| TMA: | Transportation Management Area |
| TPM: | Transportation Performance Management |
| TSMO: | Transportation System Management and Operations |
| USC: | United States Code |
| UPWP: | Unified Planning Work Program |
| USDOT: | United States Department of Transportation |
| VAST: | Vancouver Area Smart Trek |
| WSDOT: | Washington State Department of Transportation |

1.0 EXECUTIVE SUMMARY

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are required to jointly review and evaluate the transportation planning process for each urbanized area over 200,000 in population at least every four years to determine if the process meets the Federal planning requirements.

On January 30 – February 2, 2017, the FHWA and the FTA conducted the Portland-Vancouver urbanized area transportation planning certification review. This certification review collectively covers the two responsible Metropolitan Planning Organizations (MPO) for the urbanized area:

- Portland, Oregon – Metro
- Vancouver, Washington – Southwest Washington Regional Transportation Council (RTC).

The Federal review team conducted a desk review of planning process, Board Member listening sessions and public comment, and a formal onsite review of the transportation planning processes conducted by Metro and RTC. The nine corrective actions from the 2013 certification review (5 for Metro and 4 for RTC) were assessed and the Federal review team determined all had been addressed (see Appendix A for the disposition of 2013 certification findings).

2017 Certification Status & Findings

On March 20, 2017, FHWA and FTA certified the transportation planning process conducted by Metro and RTC, subject to the corrective actions of this certification report (See Appendix E).

Metro Findings Summary:

6 Corrective Actions
11 Recommendations
3 Commendations

RTC Findings Summary:

2 Corrective Actions
13 Recommendations
4 Commendation

A detailed summary of Metro's findings can be found in [Table 1](#). A detailed summary of RTC's findings can be found in [Table 2](#). Additional details of the regulatory basis, current status, observations, and findings for each topics of this review are contained in the full report.

Table 1: Metro 2017 Certification Findings

| Planning Topic | Metro Findings | Corrective Actions Due Date |
|---|---|-----------------------------|
| | <p>Recommendation 1: The Federal review team recommends Metro create a corrective action plan and a certification review action team to assist in the successful resolution of corrective actions.</p> | |
| <p>Metropolitan Transportation Plan (MTP)</p> | <p>Corrective Action 1: By December 31, 2018, with the update of the 2018-2040 MTP, Metro must create a financial plan that meets all of the requirements of 23 CFR 450.324(f)(11), including documentation of systems-level operations and maintenance costs, the cooperative revenue estimation process, and a clear demonstration of financial constraint.</p> | <p>12/31/2018</p> |
| | <p>Recommendation 2: To help the public understand Metro’s long-range planning processes and outcomes, the Federal review team recommends Metro:</p> <ul style="list-style-type: none"> • Consider the audience and purpose of the MTP when determining structure, format, and content, • Use plain language and visualization techniques to present complex information in an easy to understand format, • Document the MTP’s purpose in the introduction of the MTP, and • Describe the relationship between the MTP and the modal plans to help ensure the long-range plan remains multimodal and the full scope of the MTP planning process is understandable to the public. | |
| <p>Transportation Improvement Program (TIP)</p> | <p>Corrective Action 2: By July 1, 2020, with the update of the next TIP, Metro must provide clear documentation of a cooperative revenue estimation process, that ensures adequate funding is available by year to operate and maintain the system, adequate revenue is available to deliver projects on the schedule proposed in the TIP, and all other financial planning and fiscal constraint requirements identified in 23 CFR 450.326 are met.</p> | <p>7/1/2020</p> |
| | <p>Corrective Action 3: By May 27, 2018, Metro must update amendment “Exceptions” in the TIP management procedures to clearly distinguish what changes affect fiscal constraint and ensure those happen via a full amendment per 23 CFR 450.328.</p> | <p>5/27/2018</p> |
| | <p>Recommendation 3: The Federal review team recommends Metro update the STIP discussion in the TIP to accurately reflect the purpose of the STIP, its relationship to Metro’s TIP, and how ODOT projects meet the needs of the Metro area and how they get programmed in the TIP.</p> | |
| | <p>Recommendation 4: The Federal review team recommends Metro clarify</p> | |

| Planning Topic | Metro Findings | Corrective Actions Due Date |
|--|--|-----------------------------|
| | <p>the Regional Flex Fund Process in the FY 2018-2021 TIP to clearly document the process and ensure Metro is not sub-allocating Federal funding to individual modes or jurisdictions.</p> | |
| | <p>Recommendation 5: The Federal review team recommends Metro consider the audience(s) and purpose of the TIP so the public can easily understand the TIP’s purpose, how the TIP implements the priorities identified in the MTP, and can easily find information they are looking for. Consider using plain language and visualization techniques to present the information in an easy to understand format. This will help the reader understand the processes and outcomes as they read through the document.</p> | |
| | <p>Commendation 1: The Federal review team commends Metro and ODOT for taking initiative to review project proposals for project readiness and to address the local project delivery concern.</p> | |
| <p>Congestion Management Process (CMP)</p> | <p>Recommendation 6: The Federal review team recommends Metro determine what are the basic requirements for CMP evaluation and monitoring and create a sustainable data collection approach that meets the CMP requirements. Metro can then determine any data needs that go above and beyond the basic requirements.</p> | |
| | <p>Recommendation 7: The Federal review team recommends Metro develop a congestion management plan that documents the tools and data used and how they are applied to the MTP and TIP to help the public and decision-makers understand how the CMP informs Metro’s processes. This plan could be an effective tool to document a complex process.</p> | |
| <p>Public Participation</p> | <p>Corrective Action 4: By January 30, 2018, Metro shall update the PPP to meet all requirements of 23 CFR 450.316 and 326(b), including:</p> <ul style="list-style-type: none"> • Identification of key decision points for each major planning process where the MPO requests public comment and the explicit procedures for outreach at these milestones. • Specific outreach strategies to engage traditionally underserved populations. • Criteria or process to evaluate the effectiveness of outreach processes • In each major planning document, a demonstration of how the explicit processes and procedures identified in the PPP were followed and a summary that characterizes the extent to which public comments influenced TIP development. | <p>1/30/2018</p> |

| Planning Topic | Metro Findings | Corrective Actions Due Date |
|--|---|-----------------------------|
| | <p>Recommendation 8: The Federal review team recommends Metro identify ways to make Metro’s website navigation easier, taking special consideration for populations that have limited skills using the Internet, and ensure all outdated draft documents are removed after final adoption occurs.</p> | |
| | <p>Commendation 2: The Federal review team commends Metro for providing information on their website in languages other than English. This practice enables constituents with limited English proficiency to learn how to participate in decisions that affect their community.</p> | |
| Consultation | <p>Corrective Action 5: By June 30, 2018, Metro shall develop and document a formal consultation process for the MPO to meet all requirements in 23 CFR 450.316(b-e).</p> | 6/30/2018 |
| Civil Rights and Environmental Justice | <p>Corrective Action 6: By October 1, 2018, to come into compliance with Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990, Metro must:</p> <ul style="list-style-type: none"> • Designate an employee who will serve as coordinator for Section 504 and ADA matters. • Conduct an ADA self-evaluation that identifies universal access barriers and describes the methods to remove the barriers along with specified timelines. • Develop a Section 504/ADA nondiscrimination notice, to be posted internally and externally (for employees’ and the public’s information). | 10/1/2018 |
| | <p>Recommendation 9: The Federal review team recommends Metro ensure they are addressing the needs of underserved populations, particularly when the demographics of the region are changing and to continue to identify how projects and programs would benefit and/or burden environmental justice (EJ) populations compared to non-EJ populations. Metro should consider using the MTP goals, objectives, and indicators as criteria for this EJ benefits and burden analysis. Metro should also review the demographic composition of the MPO Committees and explicitly document how Metro will ensure they are representative of community.</p> | |
| | <p>Commendation 3: The Federal review team commends Metro for implementing their 2015 LEP Plan by customizing public outreach translation needs based on the geography of projects.</p> | |

| Planning Topic | Metro Findings | Corrective Actions Due Date |
|--|---|-----------------------------|
| | <p>Recommendation 10: The Federal review team recommends Metro identify stakeholders solicited for public comments on their Title VI Plan, Title VI Analysis Reports and other federally required documentation.</p> | |
| Performance-Based Planning and Programming | <p>Recommendation 11: The Federal review team recommends Metro continue to work with ODOT and TriMet to implement Federal planning requirements for performance-based planning and programming, including:</p> <ul style="list-style-type: none"> • Discussing the new requirements, identify which processes need updating to meet new requirements and a plan for updates, data collection and sharing requirements to be ready for PBPP. • Making necessary connections to other performance-based plans, including Statewide Plans. • Further develop data needs to ensure that future MTP and TIP updates implement an objective-driven, performance-based planning process • Updating Planning Agreements that describe how transportation planning efforts will be coordinated between the agencies and document specific roles and responsibilities each agency has in the performance of transportation planning for the region. • Reviewing MTP and TIP project prioritization and decision-making processes and how they support a performance-based process. • Identifying a way to categorize MTP and TIP projects in a way that will assist the MPO in meeting the new performance-based planning and programming requirements. • Reviewing publications, tools, and resources available on FHWA and FTA’s websites for good practices and assistance in implementing Transportation Performance Management and PBPP. | |

Table 2: RTC 2017 Certification Findings

| Planning Topic | RTC Findings | Corrective Actions Due Date |
|---|---|-----------------------------|
| <p>Metropolitan Transportation Plan (MTP)</p> <p>(NOTE: RTC refers to its MTP as the “Regional Transportation Plan,” or RTP).</p> | <p>Corrective Action 1: The 2018 update of the RTP must evaluate bicycle and pedestrian programs, policies and practices, and identify any barriers that may prevent individuals with disabilities from equal opportunity to reach the same level of achievement that is provided to others. Where barriers are found to exist, the public entities must develop strategies/actions to remedy them.</p> | |
| | <p>Recommendation 1: The Federal review team recommends the 2018 RTP update include additional information for all new revenues sources (local, state, federal) that are assumed to support long-term needs. For all new sources of funding the plan should identify the total funding that could be generated, future year implemented, and a clear rationale for why each source is reasonable to assume. A summary table demonstrating fiscal constraint, including constant year and year of expenditure (YOE) comparisons, should be developed to clearly demonstrate how long-term revenue forecasts support investment needs.</p> | |
| | <p>Recommendation 2: The Federal review team recommends RTC include in the 2018 RTP update a summary of procedures used by member agencies to evaluate transportation needs and how this approach leads to identifying projects, programs, and strategies in the RTP. The description could include graphics (see Transportation Programming Guidebook, page 3, for example) that defines the decision-making authority of member agencies and the screening criteria used by the MPO to evaluate regional consistency/ value of elements included as part of RTP.</p> | |
| | <p>Recommendation 3: The Federal review team recommends RTC expand the 2018 RTP EJ analysis to identify the relative accessibility of low-income and minority populations that is supported by planned transportation investments in the short-term (first 5 years) and long-term (plan horizon). The analysis should include a description of efforts made to reach out to the region’s underserved populations as part of the 2018 update.</p> | |
| | <p>Recommendation 4: The Federal review team recommends that RTC’s 2018 RTP update include a description of the existing bicycle and pedestrian system, identify long-term travel and facility needs, and integrate local bicycle-pedestrian plans and projects as part of a regional nonmotorized system.</p> | |

| Planning Topic | RTC Findings | Corrective Actions Due Date |
|--|--|-----------------------------|
| | <p>Commendation 1: The Federal review team commends RTC and Metro for coordination of the Travel Demand Model and Portal data collection system to archive data for both MPOs. The data integration effort will provide a multi-modal, one-stop shop for planners and operations.</p> | |
| Transportation Improvement Program (TIP) | <p>Commendation 2: The Federal review team commends RTC for the Transportation Programming Guidebook, which not only helps to inform member jurisdictions about the TIP process, but is also an excellent resource for the public in understanding the regional transportation programming process.</p> | |
| | <p>Recommendation 5: The Federal review team recommends that equitable distribution of projects include consideration of the transportation needs of the underserved populations as part of RTC's project prioritization process. To this end, RTC should consider including Accessibility/Equity as an evaluation criteria for all MPO discretionary funding programs and the screening criteria under TAP funds should be amended to show that TAP funds can be used to pay for the sidewalk portion on an existing road project.</p> | |
| | <p>Recommendation 6: The Federal review team recommends the TIP financial feasibility documentation include a final summary table that pulls together all sources and uses of funds to clearly demonstrate for all readers that programmed revenue totals (federal, state, and local) support project cost totals by year.</p> | |
| Congestion Management Process (CMP) | <p>Commendation 3: The Federal review team commends RTC for the Congestion Process Summary annual report, a best practice for summarizing CMP results for various audiences (e.g., elected officials, transportation planners, and the public).</p> | |
| | <p>Recommendation 7: The Federal review team recommends RTC provide cross-referencing among the data (tables and maps) provided for the public in its CMP document, and the modeling data used to create these tables and maps. Technical appendices should be created so that the public can understand the information.</p> | |
| Public Participation | <p>Commendation 4: The Federal review team commends RTC for working with community groups who provide special emphasis for low-income and other marginalized populations.</p> | |
| Civil Rights | <p>Corrective Action 2: By June 30, 2018, to come into compliance with Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990, RTC must:</p> | 6/30/2018 |

| Planning Topic | RTC Findings | Corrective Actions Due Date |
|---|--|-----------------------------|
| | <ul style="list-style-type: none"> • Designate an employee who will serve as RTC’s coordinator for Section 504 and ADA matters. • Conduct an ADA self-evaluation that identifies universal access barriers and that describes the methods to remove the barriers along with specified timelines. • Develop a Section 504/ADA nondiscrimination notice, to be posted internally and externally (for employees’ and the public’s information). | |
| | <p>Recommendation 8: The Federal review team recommends RTC revise the Title VI complaint procedures and form so that they can be used to process any complaint, regardless of the law under which the complaint falls.</p> | |
| | <p>Recommendation 9: The Federal review team recommends RTC explore alternatives to the Google translate “Select Language” message (such as putting “En Español” on the page), and clarify in the LEP and Public Participation Plans that certified translation will be used when translation is requested. Google Translate may be acceptable for some situations, but is not recommended when translating documents more technical in nature (such as RTC’s Public Participation Plan).</p> | |
| | <p>Recommendation 10: The Federal review team recommends RTC include an EJ analysis in the TIP that addresses equity in short-term transportation investments or expand the EJ analysis in the RTP to incorporate project phasing phase to consider impacts of short-term (TIP) investments as well as long-term RTP improvements.</p> | |
| | <p>Recommendation 11: The Federal review team recommends RTC work with WSDOT to ensure that its Title VI Plan reflects guidance from both FHWA and FTA appropriately.</p> | |
| | <p>Recommendation 12: The Federal review team recommends RTC place Title VI information on its webpage more prominently (to ensure that Title VI information is more readily available to the public).</p> | |
| <p>Performance-Based Planning and Programming</p> | <p>Recommendation 13: The Federal review team recommends RTC continue to work with WSDOT to implement new planning requirements for performance-based planning and programming, including:</p> | |

| Planning Topic | RTC Findings | Corrective Actions Due Date |
|----------------|--|-----------------------------|
| | <ul style="list-style-type: none"> • Discuss the new requirements; identify which processes need updating to meet new requirements and a plan for updates, data collection and sharing requirements to be ready for PBPP. • Make necessary connections to other performance-based plans. • Further develop data needs to ensure that future MTP and TIP updates implement an objective-driven, performance-based planning process. • Update planning agreements that describe how transportation planning efforts will be coordinated between the agencies, and document specific roles and responsibilities of each agency in the performance of transportation planning for the region. • Review MTP and TIP project prioritization and decision-making processes and how they support a performance-based process. • Identify how to capture safety projects, or components of projects, in the MTP and TIP to assist the MPO in meeting the new performance-based planning and programming requirements. | |

2.0 CERTIFICATION PURPOSE AND PROCESS

2.1 Purpose and Objective

Since the enactment of the Intermodal Surface Transportation Efficiency Act of 1991, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), are required to jointly review, evaluate, and certify the transportation planning process in all Transportation Management Areas (TMAs), urbanized areas over 200,000 in population, to determine if the process meets the Federal planning requirements in 23 U.S.C. 134, 40 U.S.C. 5303, and 23 CFR 450. Pursuant to 23 U.S.C. 134(k) and 49 U.S.C. 5303(k), the FHWA and the FTA must jointly certify the metropolitan transportation planning process in TMAs at least every four years. Certification of the planning process is a prerequisite to the approval of Federal funding for transportation projects in such areas. The certification review is also an opportunity to assist on new programs and to enhance the ability of the metropolitan transportation planning process to provide decision makers with the knowledge they need to make well-informed capital and operating investment decisions.

2.2 Portland-Vancouver Urbanized Area Overview

The Portland-Vancouver urbanized area is a bi-state TMA and therefore the FHWA and FTA are required to jointly certify the transportation planning process at least every four years. Because the TMA is located in both Oregon and Washington State, two metropolitan planning organizations (MPOs) are responsible for transportation planning for the urbanized area.

The Metro became the federally designated MPO for the urbanized area in 1979 and is responsible for the Oregon portion of the urbanized area. Metro covers three counties (Clackamas, Multnomah, and Washington) encompassing 463 square miles, including 25 cities, with the City of Portland as the largest population center. The Metro region has approximately 1.5 million residents. The Oregon Department of Transportation (ODOT) is the responsible State agency and TriMet and SMART are the responsible public transportation operators.

The Southwest Washington Regional Transportation Council (RTC) became the federally designated MPO area in 1992 and is responsible for the Washington portion of the urbanized area. RTC has approximately 425,000 residents. The City of Vancouver is the largest population center. The Washington State Department of Transportation (WSDOT) is the responsible State agency and C-Tran is the responsible public transportation operator. RTC is also the state-designated Regional Transportation Planning Organization for the region consisting of Clark County, Skamania County, and Klickitat County, Washington.

2.3 2017 Portland-Vancouver Certification Review Process

The formal certification reviews consisted of four primary activities:

- A desk review of planning products (in advance of and during the site visit),
- A formal site review,
- Public comment, and
- Preparation of a Certification Review Report that summarizes the review and findings.

FHWA and FTA issued a formal letter to Metro and RTC notifying them of the dates of the formal site review (see Appendix B).

In addition to the formal review process, routine stewardship and oversight provide a major source of information upon which to base the certification findings.

2.3.1 Desk Review

Prior to the onsite review, the following MPO documents were evaluated as part of this certification review:

| | |
|--------------|---|
| Metro | <ul style="list-style-type: none">• 2040 Regional Transportation Systems Plan, adopted July 14, 2014• FY 2015-2018 Metropolitan Transportation Improvement Program, adopted December, 2014• Public Participation Plan, adopted November, 2013• Congestion Management Process |
| RTC | <ul style="list-style-type: none">• 2040 Regional Transportation Systems Plan, adopted July 14, 2014• FY 2015-2018 Metropolitan Transportation Improvement Program, adopted October 4, 2016• Public Participation Plan, adopted September 8, 2016• Congestion Management Process |

2.3.2 Onsite Review

On January 30 - February 2, 2017, the Federal review team conducted the onsite review. Participants in the onsite review included representatives of FHWA, FTA, Metro, RTC, ODOT, WSDOT, and TriMet. (See Appendix C for a full list of participants at the formal site review)

The following topics were selected for discussion at the onsite review for both Metro and RTC:

- Metropolitan Transportation Plan (MTP)
- Transportation Improvement Program (TIP)
- Public Participation Plan (PPP)
- Congestion Management Process (CMP)
- Title VI and Environmental Justice
- Performance-Based Planning and Programming (PBPP)

2.3.3 Public Comment

A key part of a certification reviews is public feedback on how the transportation planning process works in the region. The Federal team offered three opportunities for the public to provide feedback:

- Written comments could be submitted to Federal team members,
- RTC Board Member Listening Session on January 31, 2017,
- Metro Board Member Listening Session on February 1, 2017,

Metro and RTC used a public notice provided by USDOT and notified the public of the opportunity to provide comment on the transportation planning process conducted in the Portland-Vancouver urbanized area. FHWA and FTA appreciates all comments received. The Federal review team considered the themes of comments received when determining review findings. (See Appendix D for a summary of comments received)

2.3.4 Certification Report

For each topic area covered during this certification review, this report documents:

Regulatory Basis – Defines where information regarding each planning topic can be found in the Code of Federal Regulations (CFR).

Current Status - Defines what the TMA is currently doing in regards to each planning topic.

Observations - Statements of fact that define the conditions found during FHWA and FTA’s routine stewardship and oversight as well as with information collected through public participation, the desk review, and the onsite review. Observations provide the primary basis for findings.

Findings – Categorized as either:

Corrective action: Indicates a compliance issue where the transportation planning process/product fails to meet one or more requirements of the transportation planning statute and regulations, thus seriously impacting the outcome of the overall process. The expected outcome is change that brings the metropolitan planning process into compliance with a planning statute or regulation; failure to respond by the identified date will likely result in a more restrictive certification.

Recommendation: Ideas for improvement to processes and practices. Although not a compliance issue, recommendations are made to improve the transportation planning process and the MPO is encouraged to consider implementing.

Commendation: A process or practice that demonstrates noteworthy procedures for implementing the planning requirements.

2.3.5 Post-Certification

Metro and RTC are responsible for addressing all corrective actions by the due date identified in the certification report.

ODOT and WSDOT, as the oversight agencies for the Metro and RTC, respectively, are responsible for ensuring corrective actions are being sufficiently addressed by the identified deadline.

FHWA and FTA are committed to working closely with Metro and RTC, ODOT, WSDOT, and TriMet and C-Tran to ensure expectations are understood, provide stewardship and technical assistance, and to assist in establishing a framework for the resolution of corrective actions and/or recommendations resulting from certification reviews.

3.0 2017 CERTIFICATION DETERMINATION

On March 20, 2017, FHWA and FTA issued a letter to Metro and RTC certifying the planning processes for both agencies for the next four years, subject to the findings in this final report. (See Appendix E for the FHWA and FTA joint letter dated March 20, 2017)

4.0 METRO CERTIFICATION FINDINGS

The FHWA and FTA review found that the metropolitan transportation planning process conducted in the Portland urbanized area meets, with corrective actions, the Federal planning requirements as follows. See Appendix E for the USDOT letter dated March 20, 2017 certifying the planning process.

Detailed information about each planning topic reviewing as part of the 2017 Metro certification review can be found below. A summary table of Metro's findings can be found in [Table 1](#) the Executive Summary of this report.

Recommendation 1 – The Federal review team recommends Metro create a corrective action plan and a certification review action team to assist in the successful resolution of corrective actions.

4.1 Metropolitan Transportation Plan

4.1.1 Regulatory Basis

23 U.S.C. 134(c), (h) & (i) and 23 CFR 450.324 set forth requirements for the development and content of the Metropolitan Transportation Plan (MTP). Among the requirements are that the MTP address at least a 20-year planning horizon and that it includes both long and short range strategies that lead to the development of an integrated and multi-modal system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

The MTP is required to provide a continuing, cooperative, and comprehensive ("3C") multimodal transportation planning process. The plan needs to consider all applicable issues related to the transportation systems development, land use, employment, economic development, natural environment, and housing and community development.

23 CFR 450.324(c) requires the MPO to review and update the MTP at least every four years in air quality nonattainment and maintenance areas and at least every 5 years in attainment areas to reflect current and forecasted transportation, population, land use, employment, congestion, and economic conditions and trends.

Under 23 CFR 450.324(f), the MTP is required, at a minimum, to consider the following:

- Projected transportation demand
- Existing and proposed transportation facilities
- Operational and management strategies
- Congestion management process
- Capital investment and strategies to preserve transportation infrastructure and provide for multimodal capacity
- Design concept and design scope descriptions of proposed transportation facilities
- Potential environmental mitigation activities
- Pedestrian walkway and bicycle transportation facilities
- Transportation and transit enhancements
- A fiscally constrained financial plan

In addition, under 23 CFR 450.324(j), MPOs are required to provide an opportunity for the public to review and comment on the MTP, using the process described in their public participation plan developed under 23 CFR 450.316(a).

In accordance with Section 504/ADA, public entities must ensure that its services, programs or activities (e.g., planning processes including the RTP) do not exclude individuals with disabilities or deny benefits to individuals with disabilities. More specifically, Section 504 (49 CFR Part 27) and Title II of the ADA (28 CFR Part 35) require public entities to evaluate their programs, policies and practices, and identify any barriers that may prevent individuals with disabilities from equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others. Where barriers are found to exist, the public entities must develop strategies/actions to remedy them. In addition, Section 504 requires assurances by all recipients and sub-recipients that all programs and activities of the recipients/sub-recipients will be conducted in compliance with Section 504 (and the ADA). That said, when the MPO extends Federal financial assistance to member jurisdictions, the MPO must ensure that those jurisdictions comply with Section 504 (and the ADA).

Note: 23 CFR 450 was updated May 27, 2016 to reflect changes to that occurred with the Fixing America's Surface Transportation (FAST) Act. 23 CFR 450.340 Phase-in of new requirements states:

(a) Prior to May 27, 2018, an MPO or MPOs may adopt a metropolitan transportation plan that has been developed using the SAFETEA-LU requirements or the provisions and requirements of this part. On or after May 27, 2018, an MPO or MPOs may not adopt a metropolitan transportation plan that has not been developed according to the provisions and requirements of this part.”

(f) Prior to 2 years from the effective date of each rule establishing performance measures under 23 U.S.C. 150(c), 49 U.S.C. 5326, or 49 U.S.C. 5329, an MPO may adopt a metropolitan transportation plan that has been developed using the SAFETEA-LU requirements or the performance-based planning requirements of this part and in such a rule. Two years on or after the effective date of each rule establishing performance measures under 23 U.S.C. 150(c), 49 U.S.C. 5326, or 49 U.S.C. 5329, an MPO may only adopt a metropolitan transportation plan that has been developed according to the performance-based provisions and requirements of this part and in such a rule.

4.1.2 Current Status

The current MTP at the time of the review was the 2014 Regional Transportation Plan (RTP) and was developed to meet both the Federal MTP requirements and State transportation planning requirements. The 2014 RTP consists of a policy plan, a technical appendix, and is informed by multiple modal/topical plans. The MPO board adopted the MTP on July 14, 2014 and the FHWA and FTA made an air quality conformity determination (AQCD) on May 20, 2015. Metro is an air quality maintenance area which means the MPO and FHWA and FTA are required to make an air quality conformity determination and the MTP must be updated every four years. Portland will reach the end of its 20-year maintenance period for carbon monoxide on October 2, 2017, at which time the area will be redesignated attainment for all National Ambient Air Quality Standard (NAAQS). When redesignated attainment, the MTP update cycle switches to five years from the date of MPO adoption, the MTP is effective the date of MPO adoption, and the MPO and FHWA and FTA are no longer required to make an AQCD.

At the time of the review, Metro's 2018 RTP was under development and is planned for MPO adoption December, 2018. The 2018 RTP will need to address the address performance-based planning requirements of May 27, 2016 Final Planning Rule.

4.1.3 Observations

- The MTP is linked to Metro's 2040 Growth Concept
- The MTP uses an outcome-based framework to inform planning and investment decisions which uses goals, objectives, and targets

- The MTP includes regional visions for transit, rail, bike, and pedestrians
- There are two investment levels identified in the MTP:
 - Federal Priorities, which is the fiscally constrained list of projects, and
 - State RTP Investment Strategy, which represents additional priorities that would be considered if additional funding became available.
- The Performance Evaluation chapter of the MTP is very data driven, but may be difficult for the public to understand
- The RTP project list is in the technical appendix and organized by RTP identification number. Fiscally constrained and non-fiscally constrained projects were in the same list, making it difficult to easily understand what projects have committed funding for implementation in the near, mid-, or long-term timeframe of the plan or to link it financial constraint.
- The MTP uses Regional Mobility Corridors, a concept that looks at the network of multimodal facilities and their connection to the adjacent land use. While mobility corridors are a great approach, it was difficult to ascertain how they were used for project prioritization.
- The Federal review team has concerns the public may find Metro's long-range planning process difficult to understand because:
 - The MTP is informed by a lengthy technical appendix and many modal/topical plans, making the overall long-range planning processes complex and documents very lengthy, and
 - The relationship between the modal/topical plans, the Technical Appendix, and the MTP is not well explained.
 - The plan is text and data heavy and the outcomes are difficult to understand.
- The MTP financial plan and financial constraint demonstration is included in the Technical Appendix, but lacks many required elements, including:
 - System-level estimates of operations and maintenance costs and revenue sources,
 - Documentation of the cooperative revenue estimation process,
 - Clear demonstration of financial constraint by comparing revenue to costs.

4.1.4 Findings

Corrective Action 1: By December 31, 2018, with the update of the 2018-2040 MTP, Metro must create a financial plan that meets all of the requirements of 23 CFR 450.324(f)(11), including documentation of systems-level operations and maintenance costs, the cooperative revenue estimation process, and a clear demonstration of financial constraint.

Recommendation 2: To help the public understand Metro's long-range planning processes and outcomes, the Federal review team recommends Metro:

- Consider the audience and purpose of the MTP when determining structure, format, and content,
- Use plain language and visualization techniques to present complex information in an easy to understand format,
- Document the MTP's purpose in the introduction of the MTP, and
- Describe the relationship between the MTP and the modal plans to help ensure the long-range plan remains multimodal and the full scope of the MTP planning process is understandable to the public.

Proposed FHWA/FTA Technical Assistance and/or Resources

Guidance on Financial Planning, Fiscal Constraint for Transportation Plans, Programs

<https://www.fhwa.dot.gov/planning/guidfinconstr.cfm>

Fiscal Constraint Questions and Answers

<https://www.fhwa.dot.gov/planning/fscfcntrntques.cfm>

Operations and Maintenance Assessment Checklist

<https://www.fhwa.dot.gov/planning/opmasmtchklst.cfm>

MPO Guidebook for Using Safety as a Project Prioritization Factor

https://www.fhwa.dot.gov/planning/transportation_safety_planning/publications/mpo_guidebook/index.cfm

Scenario Planning – Overview

https://www.fhwa.dot.gov/planning/scenario_and_visualization/scenario_planning/scenabout.cfm

USDOT Environmental Justice Order 5610.2(a)

https://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/orders/order_56102a/

FTA Environmental Justice Policy Guidance – Circular C 4703.1

<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/environmental-justice-policy-guidance-federal-transit>

FHWA Environmental Justice Reference Guide

https://www.fhwa.dot.gov/environment/environmental_justice/publications/reference_guide_2015/fhwahep15035.pdf

Department of Justice (DOJ) ADA Technical Assistance Materials

<https://www.ada.gov/ta-pubs-pg2.htm>

4.2 Transportation Improvement Program

4.2.1 Regulatory Basis

23 U.S.C. 134(c),(h) & (j) and 23 CFR 450.326 set forth requirements for the MPO to cooperatively develop a Transportation Improvement Program (TIP), including:

- Must cover at least a four-year horizon and be updated at least every four years.
- Surface transportation projects funded under Title 23 U.S.C. or Title 49 U.S.C., except as noted in the regulations, are required to be included in the TIP.
- List project description, total project cost, funding source(s), and identification of the agency responsible for carrying out each project.
- Projects need to be consistent with the adopted MTP.
- Must be fiscally constrained by year.
- The MPO must provide all interested parties with a reasonable opportunity to comment on the proposed TIP using the process described in their public participation plan developed under 23 CFR 450.316(a).

23 CFR 450.336 requires MPOs to certify that the transportation planning process is conducted in accordance with various Federal laws, including Title VI (and other nondiscrimination laws).

Note: 23 CFR 450 was updated May 27, 2016 to reflect changes to that occurred with the Fixing America's Surface Transportation (FAST) Act. 23 CFR 450.340 Phase-in of new requirements states:

(b) Prior to May 27, 2018 (2 years after the publication date of this rule), FHWA/FTA may determine the conformity of, or approve as part of a STIP, a TIP that has been developed using SAFETEA-LU requirements or the provisions and requirements of this part. On or after May 27, 2018 (2 years after the publication date of this rule), FHWA/FTA may only determine the conformity of, or approve as part of a STIP, a TIP that has been developed according to the provisions and requirements of this part, regardless of when the MPO developed the TIP.

(c) On and after May 27, 2018 (2 years after the issuance date of this rule), the FHWA and the FTA will take action (*i.e.*, conformity determinations and STIP approvals) on an updated or amended TIP developed under the provisions of this part, even if the MPO has not yet adopted a new metropolitan transportation plan under the provisions of this part, as long as the underlying transportation planning process is consistent with the requirements in the MAP-21.

(d) On or after May 27, 2018 (2 years after the publication date of this rule), an MPO may make an administrative modification to a TIP that conforms to either the SAFETEA-LU or to the provisions and requirements of this part.

(e) Two years from the effective date of each rule establishing performance measures under 23 U.S.C. 150(c), 49 U.S.C. 5326, and 49 U.S.C. 5329 FHWA/FTA will only determine the conformity of, or approve as part of a STIP, a TIP that is based on a metropolitan transportation planning process that meets the performance based planning requirements in this part and in such a rule.

4.2.2 Current Status

The current TIP at the time of the review was the 2015-2018 Metropolitan Transportation Improvement Program. The MPO board adopted the TIP on July 31, 2014 and the FHWA and FTA made a conformity determination on May 20, 2015. Metro is an air quality maintenance area, which means the MPO and FHWA and FTA are required to make an air quality conformity determination.

At the time of the review, Metro's 2018-2021 TIP was under development and is planned for FHWA and FTA approval prior to October 1, 2017. The 2018-2021 TIP will need to address the performance-based planning requirements of May 27, 2016 Final Planning Rule beginning May 27, 2018.

4.2.3 Observations

- The TIP links projects programmed with the long-range goals and objectives in the MTP.
- The TIP development processes for transit, the regional flex fund allocation for local priorities, and ODOT's Statewide Transportation Improvement Program (STIP) appear unrelated and appear to lack regional prioritization.
- Chapter 3 of the TIP incorrectly describes the STIP and lacks the linkages to Metro's TIP and how ODOT's projects get programmed in the TIP.
- Financial planning and fiscal constraint demonstration did not meet the following requirements of 23 CFR 450.326(j):
 - A cooperative revenue estimation process for the TIP/STIP development.
 - Documentation of the historic numbers or how the historic trends were used to project future revenue.
 - The fiscal constraint demonstration only includes FHWA funding for Surface Transportation Program, Congestion Mitigation and Air Quality Improvement Program, and Transportation Alternatives Program funding. The document lacked a fiscal constraint demonstration for FTA administered programs.
 - Metro's TIP did not maintain financial constraint by year, as required in the regulations, as fiscal year 2018 was over-programmed by approximately \$17.7 million dollars.
- Metro's Regional Flexible Fund Allocation process is not clearly documented. It is unclear if Metro is suballocating Surface Transportation Program funding to individual jurisdictions or modes by pre-determined percentages or formulas, which is inconsistent with the Federal regulations. Discussions at the onsite review indicate the process used for the FY 2018-2021 TIP development were changed from the FY 2015-2018 TIP.
- The TIP has a discussion of carry-forward projects, indicating local projects are automatically carried forward to the next fiscal year if they are not obligated in the year programmed. Metro is attempting to address the local project delivery issue with the FY 2018-2021 TIP development process by reviewing project readiness.
- Metro and ODOT Region 1 have been assisting local agencies by performing a desk scoping of TIP projects, including a review of cost estimates for some proposed projects.
- TIP Management criteria do not meet Federal requirements as some of the "Exceptions" listed in Table 6.1, which Metro can do through administrative modification, affect fiscal constraint and are required to take place by amendment which requires need Federal approval.
- The TIP includes an air quality conformity determination.
- Metro conducted effective public outreach to areas that could be impacted by proposed projects, specifically targeting affected communities, environmental justice groups, faith-based organizations, community media and provided language assistance where needed. Comments were accepted in many different media and all materials were translated into languages identified in their Limited English Proficiency (LEP) analysis.
- The TIP included the public comments received and a disposition of the comments.
- The TIP was text heavy and lacked visualization

4.2.4 Findings

Corrective Action 2: By July 1, 2020, with the update of the next TIP, Metro must provide clear documentation of a cooperative revenue estimation process, that ensures adequate funding is available by year to operate and maintain the system, adequate revenue is available to deliver projects on the schedule proposed in the TIP, and all other financial planning and fiscal constraint requirements identified in 23 CFR 450.326 are met.

Corrective Action 3: By May 27, 2018, Metro must update amendment “Exceptions” in the TIP management procedures to clearly distinguish what changes affect fiscal constraint and ensure those happen via a full amendment per 23 CFR 450.328.

Recommendation 3: The Federal review team recommends Metro update the STIP discussion in the TIP to accurately reflect the purpose of the STIP, its relationship to Metro’s TIP, and how ODOT projects meet the needs of the Metro area and how they get programmed in the TIP.

Recommendation 4: The Federal review team recommends Metro clarify the Regional Flex Fund Process in the FY 2018-2021 TIP to clearly document the process and ensure Metro is not sub-allocating Federal funding to individual modes or jurisdictions.

Recommendation 5: The Federal review team recommends Metro consider the audience(s) and purpose of the TIP so the public can easily understand the TIP’s purpose, how the TIP implements the priorities identified in the MTP, and can easily find information they are looking for. Consider using plain language and visualization techniques to present the information in an easy to understand format. This will help the reader understand the processes and outcomes as they read through the document.

Commendation 1: The Federal review team commends Metro and ODOT for taking initiative to review project proposals for project readiness and to address the local project delivery concern.

Proposed FHWA/FTA Technical Assistance and/or Resources:

Guidance on Financial Planning, Fiscal Constraint for Transportation Plans, Programs

<https://www.fhwa.dot.gov/planning/guidfinconstr.cfm>

Fiscal Constraint Questions and Answers

<https://www.fhwa.dot.gov/planning/fscicntrntques.cfm>

Operations and Maintenance Assessment Checklist

<https://www.fhwa.dot.gov/planning/opmasmtchklist.cfm>

USDOT Environmental Justice Order 5610.2(a)

https://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/orders/order_56102a/

FTA Environmental Justice Policy Guidance – Circular C 4703.1

<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/environmental-justice-policy-guidance-federal-transit>

FHWA Environmental Justice Reference Guide

https://www.fhwa.dot.gov/environment/environmental_justice/publications/reference_guide_2015/fhwahep15035..pdf

4.3 Congestion Management Process

4.3.1 Regulatory Basis

23 U.S.C. 134(k)(3) and 23 CFR 450.322 set forth requirements for the congestion management process (CMP) in TMAs. The CMP is a systematic approach for managing congestion through a process that provides for a safe and effective integrated management and operation of the multimodal transportation system. TMAs designated as non-attainment for ozone or carbon monoxide must also provide an analysis of the need for additional capacity for a proposed improvement over travel demand reduction, and operational management strategies.

23 CFR 450.324(f)(5) requires the MTP include Management and Operations of the transportation network as an integrated, multimodal approach to optimize the performance of the existing transportation infrastructure. Effective management and operation strategies include measurable regional operations goals and objectives and specific performance measures to optimize system performance.

4.3.2 Current Status

Metro, as a TMA, is required to develop and integrate a congestion management process in the long-range planning and short-range programming of projects. Metro discusses the CMP in both the MTP and the TIP. The *Mobility Atlas* is a companion document to the CMP, used for evaluation and monitoring report, last updated in 2014.

4.3.3 Observations

- The MTP and the TIP both have discussion of the CMP processes, but the Federal team found it difficult to determine how the congestion management process was used in the MTP and TIP development processes.
- The *Mobility Atlas* is a good practice for a multi-modal approach to the CMP corridors
- Issues with sustainable data collection have limited the full implementation of the *Mobility Atlas*

4.3.4 Findings

Recommendation 6: The Federal review team recommends Metro determine what are the basic requirements for CMP evaluation and monitoring and create a sustainable data collection approach that meets the CMP requirements. Metro can then determine any data needs that go above and beyond the basic requirements.

Recommendation 7: The Federal review team recommends Metro develop a congestion management plan that documents the tools and data used and how they are applied to the MTP and TIP to help the public and decision-makers understand how the CMP informs Metro's processes. This plan could be an effective tool to document a complex process.

Proposed FHWA/FTA Technical Assistance and/or Resources

FHWA and FTA are organizing training for Oregon TMAs on congestion management, scheduled to take place in 2017 and encourage Metro members and staff to attend.

Good Practice: Wilmington, Delaware Congestion Management Process
http://www.wilmapco.org/Cms/2012_CMS_Final.pdf

Applying Analysis Tools in Planning for Operations

https://ops.fhwa.dot.gov/plan4ops/focus_areas/analysis_p_measure/analysis_p_measure.htm

Congestion Management Process Guidebook

https://www.fhwa.dot.gov/planning/congestion_management_process/cmp_guidebook/

Showcasing Visualization Tools in Congestion Management

https://www.fhwa.dot.gov/planning/congestion_management_process/cmp_visualization_tools/

4.4 Public Participation

4.4.1 Regulatory Basis

Sections 134(i), 134(j) of Title 23 and Section 5303(i) and 5303(j) of Title 49, require a Metropolitan Planning Organization (MPO) to provide adequate opportunity for the public to participate in and comment on the products and planning processes of the MPO. The requirements for public involvement are detailed in 23 CFR 450.316(a) and (b), which require the MPO to develop and use a documented participation plan that includes explicit procedures and strategies to include the public and other interested parties in the transportation planning process.

Specific requirements include giving adequate and timely notice of opportunities to participate in or comment on transportation issues and processes, seeking out and considering the needs of underserved populations, employing visualization techniques to describe metropolitan transportation plans and TIPs, making public information readily available in electronically accessible formats and means such as the world wide web, holding public meetings at convenient and accessible locations and times, demonstrating explicit consideration and response to public input, and a periodically reviewing of the effectiveness of the participation plan.

4.4.2 Current Status

The Metro Public Participation Plan (PPP), the Public Engagement Guide, was adopted November, 2013, an update to the former PPP which was developed in 2006. Metro's website can be found at <http://www.oregonmetro.gov/>.

4.4.3 Observations

- Metro has many responsibilities, one of which is transportation planning, which can make it difficult to navigate and find transportation documents on Metro's website. Additionally, outdated draft versions of documents remain on the website. For example, the draft 2013 Public Engagement Plan was available after the final version had been adopted.
- Metro's website includes the Language Hub which aides people for whom English is not their first language in learning how to participate in Metro's processes.
- While there was general information in Metro's Public Engagement Guide, the primary audience appears to be Metro staff.
- The PPP lacks explicit detail for the public that is essential to easily understand engagement opportunities, including:
 - An identification of key decision points where Metro will ask for public comment,
 - Explicit procedures for outreach at key decision points,
 - Outreach strategies to engage traditionally underserved populations, and
 - Criteria or process to evaluate the effectiveness of outreach processes.

- Through discussion with Metro staff, it is apparent public outreach is an important activity.
- The PPP includes a vision, goals, objectives, and policies.

4.4.4 Findings

Corrective Action 4: By January 30, 2018, Metro shall update the PPP to meet all requirements of 23 CFR 450.316, including:

- Identification of key decision points for each major planning process where the MPO requests public comment and the explicit procedures for outreach at these milestones.
- Specific outreach strategies to engage traditionally underserved populations.
- Criteria or process to evaluate the effectiveness of outreach processes
- In each major planning document, a demonstration of how the explicit processes and procedures identified in the PPP were followed and a summary that characterizes the extent to which public comments influenced MTP and TIP development.

Recommendation 8: The Federal review team recommends Metro identify ways to make Metro's website navigation easier, taking special consideration for populations that have limited skills using the Internet, and ensure all outdated draft documents are removed after final adoption occurs.

Commendation 2: The Federal review team commends Metro for providing information on their website in languages other than English. This practice enables constituents with limited English proficiency to learn how to participate in decisions that affect their community.

Proposed FHWA/FTA Technical Assistance and/or Resources

FHWA Environmental Justice Reference Guide

https://www.fhwa.dot.gov/environment/environmental_justice/publications/reference_guide_2015/fhwahep15035.pdf

FTA Circular C 4703.1, Environmental Justice Policy Guidance for FTA Recipients

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_EJ_Circular_7.14-12_FINAL.pdf

How to Engage Low-Literacy and Limited English Populations in Transportation Decision-Making

https://www.fhwa.dot.gov/planning/publications/low_limited/index.cfm

Public Engagement – Case Studies and Notable Practices

https://planning.dot.gov/focus_caseStudies.aspx

The Transportation Planning Process Briefing Book (see Public Involvement section)

https://www.fhwa.dot.gov/planning/publications/briefing_book/part00.cfm

Guide to Transportation Decision-Making

<https://www.planning.dot.gov/documents/GuidetoTransportationDecisionmaking.pdf>

4.5 Consultation

4.5.1 Regulatory Basis

23 U.S.C. 134(g) & (i)(5) and 23 CFR 450.316(b-e) set forth requirements for consultation in developing the MTP and TIP. Consultation is also addressed specifically in connection with the MTP in 23 CFR 450.324(g) and in 23 CFR 450.324(f)(10) related to environmental mitigation.

In developing the MTP and TIP, the MPO shall, to the extent practicable, develop a documented process that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies as described below:

- Agencies and officials responsible for other planning activities (State, local, economic development, environmental protection, airport operations, or freight)
- Other providers of transportation services
- Indian Tribal Government(s)
- Federal land management agencies

4.5.2 Current Status

Consultation was not identified as a separate topic on the onsite review agenda; however, it was reviewed as a part of the MTP and TIP processes. Metro has a Tribal consultation process, however no additional documentation of consultation processes were found.

4.5.3 Observations

- The MPO stated there are no Tribal reservations within the MPA, though there are traditional/historical resources for which consultation is required.
- Metro does not have a documented consultation process which:
 - Identifies appropriate agencies to which the Consultation requirement applies for the Portland metropolitan area, including:
 - Agencies and officials responsible for other planning activities (State, local, economic development, environmental protection, airport operations, or freight)
 - Other providers of transportation services
 - Federal land management agencies
 - Ensures all agencies understand the intent of the consultation process,
 - Agreed upon key decision points of MTP and TIP development where consultation is appropriate,
 - Documented roles and responsibilities for MPO and consultation agencies.
- The review team did not find documentation that consultation was conducted for MTP or TIP development.

4.5.4 Findings

Corrective Action 5: By June 30, 2018, Metro shall develop and document a formal consultation process for the MPO to meet all requirements in 23 CFR 450.316(b-e).

Proposed FHWA/FTA Technical Assistance and/or Resources

4.6 Civil Rights (Title VI, EJ, LEP, ADA)

4.5.1 Regulatory Basis

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin. Specifically, 42 U.S.C. 2000d 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.”

In addition to Title VI, other nondiscrimination statutes afford legal protection. These statutes include: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 324), Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990.

Executive Order #12898 (Environmental Justice) directs Federal agencies to develop strategies to address disproportionately high and adverse human health or environmental impacts of their programs on minority and low-income populations. In compliance with this Executive Order, USDOT and FHWA issued orders to establish policies and procedures for addressing environmental justice in minority and low-income populations. The planning regulations, at 23 CFR 450.316(a)(1)(vii), require that the needs of those “traditionally underserved” by existing transportation systems, such as low-income and/or minority households, be sought out and considered.

Executive Order #13166 (Limited-English-Proficiency (LEP)) requires Federal agencies to ensure, consistent with Title VI, that persons who are limited in English proficiency have meaningful access to the programs, services, and activities of Federal recipients and sub-recipients.

4.6.2 Current Status

Metro Title VI Plan was developed March 18, 2010 and ODOT accepted Metro’s 2010 Plan. On January 24, 2017, ODOT approved an extension for Metro to update their next Title VI Plan via e-mail. At the time of the review, Metro planned to submit their updated Title VI Plan for review and approval in July, 2017. Metro’s LEP Plan was created in August 2015, however was not adopted by the Policy Board. Metro’s Diversity, Equity, and Inclusion website houses Title VI complaint procedures and form, public engagement reports, a link to the Language Hub, and more, and can be found at: <http://www.oregonmetro.gov/regional-leadership/access-metro/know-your-rights>.

4.6.3 Observations

- Metro does not have a designated Section 504/ADA coordinator, has not conducted a self-evaluation of its policies, programs, services and activities to determine if barriers exist for persons with disabilities, nor has Metro developed strategies/methods for how and identified barriers will be addressed. Also, Metro does not have complaint procedures or Section 504/ADA nondiscrimination notice as required in 49 CFR Part 27 and Title 2. During the onsite review, Metro indicated the Self-Evaluation and ADA Transition Plan will be completed by October, 2018.
- Metro’s current Title VI Plan contains the basic elements required, but does not include stakeholders solicited.
- Metro demonstrates implementation of the LEP Plan by customizing public outreach translation needs based on the geography of projects.
- Metro recognizes the cost of living increases, among other issues, is causing gentrification, changing the demographics of the Portland area, and changing the transportation needs of the region.

4.6.4 Findings

Corrective Action 6: By October 1, 2018, to come into compliance with Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990, Metro must:

- Designate an employee who will serve as coordinator for Section 504 and ADA matters.
- Conduct an ADA self-evaluation that identifies universal access barriers and describes the methods to remove the barriers along with specified timelines.
- Develop a Section 504/ADA nondiscrimination notice, to be posted internally and externally (for employees' and the public's information).

Recommendation 9: The Federal review team recommends Metro ensure they are addressing the needs of underserved populations, particularly when the demographics of the region are changing and to continue to identify how projects and programs would benefit and/or burden EJ populations compared to non-EJ populations. Metro should consider using the MTP goals, objectives, and indicators as criteria for this EJ benefits and burden analysis. Metro should also review the demographic composition of the MPO Committees and explicitly document how Metro will ensure they are representative of community.

Recommendation 10: The Federal review team recommends Metro identify stakeholders solicited for public comments on their Title VI Plan, Title VI Analysis Reports and other federally required documentation.

Commendation 3: The Federal review team commends Metro for implementing their 2015 LEP Plan by customizing public outreach translation needs based on the geography of projects.

Proposed FHWA/FTA Technical Assistance and/or Resources

FHWA is arranging a training/technical session for MPOs on conducting an environmental justice analysis and outreach strategies to engage EJ populations.

FHWA Environmental Justice Reference Guide

https://www.fhwa.dot.gov/environment/environmental_justice/publications/reference_guide_2015/fhwahep15035..pdf

Pursuing Equity in Pedestrian and Bicycle Planning

https://www.fhwa.dot.gov/environment/bicycle_pedestrian/resources/equity_paper/

Environmental Justice Emerging Trends and Best Practices Guidebook

https://www.fhwa.dot.gov/environment/environmental_justice/publications/guidebook_2011/

Developing and Advancing Effective Public Involvement and Environmental Justice Strategies for Rural and Small Communities

https://www.fhwa.dot.gov/planning/public_involvement/publications/effective_strategies/index.cfm

DOJ's website ADA Best Practices Tool Kit for State and Local Governments

<https://www.ada.gov/pcatoolkit/chap2toolkit.htm>

FTA Title VI Guidance – Circular C 4702.1B

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf

4.7 Performance-Based Planning and Programming

4.7.1 Regulatory Basis

With the passage of Moving Ahead for Progress in the 21st Century (MAP-21) and continued in the FAST Act, 23 U.S.C. 134(h)(2)(A) and 23 CFR 450.306(d) sets forth requirements for metropolitan planning organizations, in cooperation with the State and public transportation operators, to develop long-range transportation plans and TIPs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.

23 CFR 450 was updated May 27, 2016 to reflect this updated performance-based framework, which includes:

- The establishment and use of a performance-based approach to transportation decision-making to support the national goals described in 23 U.S.C. 150(b) and the general purposes described in 49 U.S.C. 5301(c).
- Establishment of performance targets by MPOs to address performance measures and coordinated, to the maximum extent possible, with the State and public transportation providers, not later than 180 days after the date on which the relevant State or provider of public transportation establishes the performance targets.
- Integration in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans developed under 49 U.S.C. chapter 53 by providers of public transportation, required as part of a performance-based program including:
 - The State asset management plan for the NHS, as defined in 23 U.S.C. 119(e) and the Transit Asset Management Plan, as discussed in 49 U.S.C. 5326;
 - Applicable portions of the HSIP, including the SHSP, as specified in 23 U.S.C. 148;
 - The Public Transportation Agency Safety Plan in 49 U.S.C. 5329(d);
 - Other safety and security planning and review processes, plans, and programs, as appropriate;
 - The Congestion Mitigation and Air Quality Improvement Program performance plan in 23 U.S.C. 149(l), as applicable;
 - Appropriate (metropolitan) portions of the State Freight Plan (MAP-21 section 1118);
 - The congestion management process, as defined in 23 CFR 450.322, if applicable; and
 - Other State transportation plans and transportation processes required as part of a performance-based program.

4.7.2 Current Status

Deadlines to phase-in the new PBPP requirements begin May 27, 2018.

4.7.3 Observations

- The 2014 RTP has an outcome-based framework, including goals, objectives, and targets, including similar themes to FHWA performance measures, for safety, travel time reliability, and truck travel time reliability.
- Metro seems well prepared for performance-based planning and programming
- Processes for cooperation with ODOT and transit agencies to meet performance-based requirements need to be documented as part of Planning Agreements or in another written format.

4.7.4 Findings

Recommendation 11: The Federal review team recommends Metro continue to work with ODOT and TriMet to implement Federal planning requirements for performance-based planning and programming, including:

- Discussing the new requirements, identify which processes need updating to meet new requirements and a plan for updates, data collection and sharing requirements to be ready for PBPP.
- Making necessary connections to other performance-based plans, including Statewide Plans.
- Further develop data needs to ensure that future MTP and TIP updates implement an objective-driven, performance-based planning process
- Updating Planning Agreements that describe how transportation planning efforts will be coordinated between the agencies and document specific roles and responsibilities each agency has in the performance of transportation planning for the region.
- Reviewing MTP and TIP project prioritization and decision-making processes and how they support a performance-based process.
- Identifying a way to categorize MTP and TIP projects in a way that will assist the MPO in meeting the new performance-based planning and programming requirements.
- Reviewing publications, tools, and resources available on FHWA and FTA's websites for good practices and assistance in implementing Transportation Performance Management and PBPP.

Proposed FHWA/FTA Technical Assistance and/or Resources

Performance-Based Planning and Programming Guidebook

https://www.fhwa.dot.gov/planning/performance_based_planning/pbpp_guidebook/index.cfm

Model Long-Range Transportation Plans: A Guide for Incorporating Performance-Based Planning

https://www.fhwa.dot.gov/planning/performance_based_planning/mlrtp_guidebook/index.cfm

Supporting Performance-Based Planning and Programming through Scenario Planning

https://www.fhwa.dot.gov/planning/scenario_and_visualization/scenario_planning/scenario_planning_guidebook/index.cfm

MPO Guidebook for Using Safety as a Project Prioritization Factor

https://www.fhwa.dot.gov/planning/transportation_safety_planning/publications/mpo_guidebook/index.cfm

FHWA Transportation Performance Management (TPM) website

<https://www.fhwa.dot.gov/tpm/>

FTA Performance-Based Planning and Programming Website

<https://www.transit.dot.gov/performance-based-planning>

5.0 RTC CERTIFICATION FINDINGS

The FHWA and FTA review found that the metropolitan transportation planning process conducted in the Vancouver, Washington-Portland, Oregon, urbanized area meets, with corrective actions, Federal planning requirements. See Appendix E of this report for the USDOT letter dated March 20, 2017, certifying the planning process. Information about each planning topic reviewed as part of the 2017 certification review is below and a summary table is included on [Table 2](#) of the Executive Summary. The Federal review team will work with RTC staff and WSDOT to ensure the successful resolution of recommendations and corrective actions.

5.1 Metropolitan Transportation Plan

5.1.1 Regulatory Basis

23 U.S.C. 134(c), (h) & (i) and 23 CFR 450.324 convey requirements for the development and content of the Metropolitan Transportation Plan (MTP). Among the requirements are that the MTP address at least a 20-year planning horizon and that it includes both long- and short-range strategies that lead to the development of an integrated and multi-modal system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

The MTP is required to provide a continuing, cooperative, and comprehensive (“3C”) multimodal transportation planning process. The plan needs to consider all applicable issues related to the transportation systems development, land use, employment, economic development, natural environment, and housing and community development.

23 CFR 450.324(c) requires the MPO to review and update the MTP at least every four years in air quality nonattainment and maintenance areas and at least every 5 years in attainment areas to reflect current and forecasted transportation, population, land use, employment, congestion, and economic conditions and trends.

23 CFR 450.322 requires the MTP, at a minimum, to consider the following:

- Projected transportation demand
- Existing and proposed transportation facilities
- Operational and management strategies
- Congestion management process
- Capital investment and strategies to preserve transportation infrastructure and provide for multimodal capacity
- Design concept and design scope descriptions of proposed transportation facilities
- Potential environmental mitigation activities
- Pedestrian walkway and bicycle transportation facilities
- Transportation and transit enhancements
- A fiscally constrained financial plan

23 CFR 450.322(i) and (j), requires MPOs to provide an opportunity for the public to review and comment on the MTP, using the process described in their public participation plan.

23 CFR 450.334 requires MPOs to certify that the transportation planning process is conducted in accordance with various Federal laws, including Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA).

In accordance with Section 504/ADA, public entities (e.g., RTC) must ensure that its services, programs or activities (e.g., planning processes including the RTP) do not exclude individuals with disabilities or deny benefits to individuals with disabilities. More specifically, Section 504 (49 CFR Part 27) and Title II of the ADA (28 CFR Part 35) require public entities to evaluate their programs, policies and practices, and identify any barriers that may prevent individuals with disabilities from equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others. Where barriers are found to exist, the public entities must develop strategies/actions to remedy them.

In addition, Section 504 requires assurances by all recipients and sub-recipients that all programs and activities of the recipients/sub-recipients will be conducted in compliance with Section 504 (and the ADA). That said, when the MPO extends Federal financial assistance to member jurisdictions, the MPO must ensure that those jurisdictions comply with Section 504 (and the ADA).

5.1.2 Status

RTC refers to its MTP as its Regional Transportation Plan (RTP). The RTP at the time of the certification review in early 2017 was the Clark County Regional Transportation Plan 2014 Update (available here: <http://www.rtc.wa.gov/programs/rtp/clark/>). The RTC board adopted the RTP in December 2014. RTC has met the requirements under the Clean Air Act and the U.S. Environmental Protection Agency has changed the RTC status to that of an air quality “attainment” area for the National Ambient Air Quality Standards (NAAQS). This means that RTC is no longer required to make an air quality conformity determination for the RTP or the TIP. The next RTP Update is scheduled for 2018, and will need to address the performance-based planning requirements of May 27, 2016, Final Planning Rule.

5.1.3 Observations

- Though an air quality attainment area under the Federal Clean Air Act, RTC has opted to continue its 4-year cycle to synchronize with other deliverables.
- The current RTP (December 2014) includes revenue sources and project cost estimates for local as well as regional transportation projects. Information from WSDOT’s finance division, cities and Clark County was used to provide a basis for determining federal, state and local revenues likely to be generated for future transportation needs. Current revenue sources are estimated over the plan horizon and costs are generally tied to planned projects.
- In addition to current law revenue, the financial plan references new revenue sources to support long-term funding needs, including sales tax (transit) and gas tax (roads) increases. The plan also states that a ‘new revenue equivalent could be manifested through several different funding strategies’ (page 79).
- The financial plan (Chapter 4) provides sources and uses of funds in constant year dollars (2014) and in year of expenditure (YOE) in Appendix E based on an annual inflation rate.
- Local transportation projects are derived from Capital Facilities Plans of local Growth Management Plans with requirements for addressing fiscal constraint for projects identified. The Washington Growth Management process requires an analysis of funding capability to judge needs against probable funding sources.
- Appendix D of the RTP discusses the TIB project ranking criteria and approach, the CRAB’s criteria, and Appendix J outlines the MTP Prioritization Process.
- Chapter 3 of the RTP (*The Regional Transportation System; Existing System and Future Performance*), does not include a discussion of existing or future needs of the pedestrian and bicycle system. RTC describes proposed bicycle-pedestrian facilities in Chapter 5 by referencing the Clark County Bicycle and Pedestrian Master Plan but it is unclear how RTC integrates the Clark County Bicycle-Pedestrian Master Plan into the multi-modal Regional planning process and regional transportation system.

- Chapters 3 and 5 of the RTP mention accessibility for persons with disabilities in relation to transit services (including a summary from the Human Services Transportation Plan). However, there is no discussion in the RTP about accessibility for persons with disabilities in relation to non-motorized modes such as pedestrian facilities (e.g., sidewalks, other pedestrian access routes). Specifically missing is information on existing barriers in the region’s pedestrian facilities that may prevent persons with disabilities from enjoying the same result, gaining the same benefit, or reaching the same level of achievement as that provided to others (and what efforts are proposed in the RTP to address these barriers).
- The 2014 RTP includes numerous references to regional and local transportation needs analysis – in Chapters 1 and 5, and in Appendix B – but does not describe how the analyses were conducted and how they influence the MPO process for incorporating projects, programs, and strategies as part of MTP/RTP.
- RTC works closely with partners such as C-TRAN, WSDOT, Portland Metro, ODOT, ports, and locals on all issues, including multi-modal planning. RTC has worked collaboratively with local community groups such as Clark Communities bicycle pedestrian group.
- RTC works closely with C-TRAN on several of new regional public transit investments, including the BRT corridor study, potentially allowing buses on shoulders, and implementation of The Vine. The Vine includes 60-foot, low-floor hybrid buses, raised station platforms for level boarding, 10-minute frequency peak time travel, wheelchair self-parking areas, on-board bike racks, and traffic signal technology.
- The Environmental Justice (EJ) analysis is largely based on the relative proximity of EJ populations to proposed transportation system improvements. The overall conclusion of the analysis is the transportation needs of the region’s underserved populations are being equitably considered in the distribution of transportation benefits/investments.
- The RTP demonstrates how the RTP relates to the CMP as well as additional modal plans. The Plan also describes how the CMP helps in identifying effective transportation strategies to address transportation congestion and mobility.
- All public comments and their disposition are documented in Appendix M of the current RTP (December 2014).
- The Vancouver Area Smart Trek (VAST) program is an ongoing core regional transportation program managed by RTC and is described on RTC’s VAST website page. From the VAST website page links are provided to key program reports. Most recently, the 2016 Transportation Systems Management and Operations (TSMO) Plan Update and Implementation Plan (September 2016) was made available on the website.

5.1.4 Findings

Corrective Action 1: The 2018 update of the RTP must evaluate bicycle and pedestrian programs, policies and practices, and identify any barriers that may prevent individuals with disabilities from equal opportunity to reach the same level of achievement that is provided to others. Where barriers are found to exist, the public entities must develop strategies/actions to remedy them.

Recommendation 1: The Federal review team recommends the 2018 RTP update include additional information for all new revenues sources (local, state, federal) that are assumed to support long-term needs. For all new sources of funding the plan should identify the total funding that could be generated, future year implemented, and a clear rationale for why each source is reasonable to assume. A summary table demonstrating fiscal constraint, including constant year and YOY comparisons, should be developed to clearly demonstrate how long-term revenue forecasts support investment needs.

Recommendation 2: The Federal review team recommends RTC include in the 2018 RTP update a summary of procedures used by member agencies to evaluate transportation needs and how this approach leads to identifying projects, programs, and strategies in the RTP. The description could include graphics (see Transportation Programming Guidebook, page 3, for example) that defines the decision-making authority of member agencies and the screening criteria used by the MPO to evaluate regional consistency/ value of elements included as part of MTP/RTP.

Recommendation 3: The Federal review team recommends RTC expand the 2018 RTP EJ analysis to identify the relative accessibility of low-income and minority populations that is supported by planned transportation investments in the short-term (first 5 years) and long-term (plan horizon). The analysis should include a description of efforts made to reach out to the region's underserved populations as part of the 2018 update.

Recommendation 4: The Federal review team recommends that RTC's 2018 RTP update include a description of the existing bicycle and pedestrian system, identify long-term travel and facility needs, and integrate local bicycle-pedestrian plans and projects as part of a regional nonmotorized system.

Commendation 1: The Federal review team commends RTC and Metro for their coordination of the Travel Demand Model and Portal data collection system to archive data for both MPOs. The data integration effort will provide a multi-modal, one-stop shop for planners and operations.

FHWA/FTA Technical Assistance and/or Resources

Guidance on Financial Planning, Fiscal Constraint for Transportation Plans, Programs
<https://www.fhwa.dot.gov/planning/guidfinconstr.cfm>

Fiscal Constraint Questions and Answers
<https://www.fhwa.dot.gov/planning/fsclcntrntques.cfm>

Operations and Maintenance Assessment Checklist
<https://www.fhwa.dot.gov/planning/opmasmtchklst.cfm>

MPO Guidebook for Using Safety as a Project Prioritization Factor
https://www.fhwa.dot.gov/planning/transportation_safety_planning/publications/mpo_guidebook/index.cfm

Scenario Planning – Overview
https://www.fhwa.dot.gov/planning/scenario_and_visualization/scenario_planning/scenabout.cfm

USDOT Environmental Justice Order 5610.2(a)
https://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/orders/order_56102a/

FTA Environmental Justice Policy Guidance – Circular C 4703.1
<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/environmental-justice-policy-guidance-federal-transit>

FHWA Environmental Justice Reference Guide
https://www.fhwa.dot.gov/environment/environmental_justice/publications/reference_guide_2015/fhwahep15035..pdf

Department of Justice (DOJ) ADA Technical Assistance Materials
<https://www.ada.gov/ta-pubs-pg2.htm>

5.2 Transportation Improvement Program

5.2.1 Regulatory Basis

23 U.S.C. 134(c),(h) & (j) and 23 CFR 450.326 set forth requirements for the MPO to cooperatively develop a Transportation Improvement Program (TIP), including:

- Must cover at least a four-year horizon and be updated at least every four years.
- Surface transportation projects funded under Title 23 U.S.C. or Title 49 U.S.C., except as noted in the regulations, are required to be included in the TIP.
- List project description, total project cost, funding source(s), and identification of the agency responsible for carrying out each project.
- Projects need to be consistent with the adopted MTP.
- Must be fiscally constrained by year.
- The MPO must provide all interested parties with a reasonable opportunity to comment on the proposed TIP using the process described in their public participation plan developed under 23 CFR 450.316(a).

23 CFR 450.336 requires MPOs to certify that the transportation planning process is conducted in accordance with various Federal laws, including Title VI (and other nondiscrimination laws).

5.2.2 Status

The MPO board adopted the 2017-2020 TIP on October 4, 2016.

5.2.3 Observations

- Fiscal feasibility for the current 2017-2020 TIP is demonstrated on Table 1, Chapter 2 and Tables 2-5, Chapter 3. However, it is difficult for the reader to establish a connection between the program totals in Chapter 2 and project totals in Chapter 3.
- RTC has a collaborative, streamlined, efficient system, working well among many stakeholders, including the State Legislature, to coalesce needs from the RTP project list to a short-term action list.
- The 2017-2020 TIP provides discussion of the CMP, and the TIP Guidebook (May2016) provides detail on project review and makes connection to performance measures that are under development.
- The Transportation Programming Guidebook provides a good overview of how TIP projects are selected for inclusion in the TIP (pages 2-4). The summary defines the project selection authority of the MPO and member agencies as well as the project review role of the MPO. Equity is one of the evaluation criteria for project screening under the TAP program, but is not identified as evaluation criteria under the other programs. It is unclear how RTC considers equity (under Title VI/EJ) as part of the TIP project prioritization process.

- The TAP Program project screening criteria described in the Transportation Programming Guidebook (pg. 23) states erroneously that TAP funds cannot be used to pay for sidewalk portions on an existing road project.
- The process for project identification and selection, described in the TIP and the Programming Guidebook, aligns with the RTP's goals and project performance measures. The first screening criterion, as part of the project evaluation process, requires consistency with the RTP.

5.2.4 Findings

Recommendation 5: The Federal review team recommends that equitable distribution of projects include consideration of the transportation needs of the underserved populations as part of RTC's project prioritization process. To this end, RTC should consider including Accessibility/Equity as an evaluation criteria for all MPO discretionary funding programs and the screening criteria under TAP funds should be amended to show that TAP funds can be used to pay for the sidewalk portion on an existing road project.

Recommendation 6: The Federal review team recommends the TIP financial feasibility documentation include a final summary table that pulls together all sources and uses of funds to clearly demonstrate for all readers that programmed revenue totals (federal, state, and local) support project cost totals by year.

Commendation 2: The Federal review team commends RTC for the Transportation Programming Guidebook, which not only helps to inform member jurisdictions about the TIP process, but is also an excellent resource for the public in understanding the regional transportation programming process.

FHWA/FTA Technical Assistance and/or Resources

Guidance on Financial Planning, Fiscal Constraint for Transportation Plans, Programs
<https://www.fhwa.dot.gov/planning/guidfinconstr.cfm>

Fiscal Constraint Questions and Answers
<https://www.fhwa.dot.gov/planning/fsclcntrntques.cfm>

Operations and Maintenance Assessment Checklist
<https://www.fhwa.dot.gov/planning/opmasmtchklst.cfm>

USDOT Environmental Justice Order 5610.2(a)
https://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/orders/order_56102a/

FTA Environmental Justice Policy Guidance – Circular C 4703.1
<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/environmental-justice-policy-guidance-federal-transit>

FHWA Environmental Justice Reference Guide
https://www.fhwa.dot.gov/environment/environmental_justice/publications/reference_guide_2015/fhwahep15035..pdf

5.3 Congestion Management Process

5.3.1 Regulatory Basis

23 U.S.C. 134(k)(3) and 23 CFR 450.322 convey requirements for the congestion management process (CMP) in TMAs. The CMP is a systematic approach for managing congestion through a process that provides for a safe and effective integrated management and operation of the multimodal transportation system. TMAs designated as non-attainment for ozone or carbon monoxide must also provide an analysis of the need for additional capacity for a proposed improvement over travel demand reduction, and operational management strategies.

23 CFR 450.324 requires the MTP include 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. The MTP will use an integrated, multimodal approach to optimize the performance of the existing transportation infrastructure. Effective strategies include measurable regional operations goals and objectives and specific performance measures to optimize system performance.

5.3.2 Status

RTC was established in July 1992. In RTC's "Interlocal Agreement," it laid out duties of the organization, including to "develop a congestion management system that provides for effective management of new and existing transportation facilities..." The annual CMP Evaluation and Monitoring Report is a companion document to the CMP.

5.3.3 Observations

- RTC works closely with Metro (Portland) and Portland State University to develop the Portal data resource system to archive data for both MPOs with interchangeable use as appropriate. The data integration will provide a multi-modal, one-stop shop for planners and operations. Metro and RTC may face challenges related to synchronizing the timing of data development and integration between ODOT and WSDOT in the areas of intelligent transportation systems (ITS) and TSMO.
- RTC continues to publish annual CMP Monitoring Reports. The 2015 Report as well as archived reports for previous years are available online. The full 2015 Report includes background description of the CMP process with an overall process graphic showing linkage to the RTP and the TIP.
- Congestion problems are summarized in a series of maps showing future and forecast conditions. Chapter 3 focuses on strategies to address the congestion problems and describes how RTC and local transportation agencies work together to use the CMP as a tool to identify strategies and implement them through the RTP and TIP. Monitoring of effectiveness is also addressed in Chapter 3.
- Data relating to transportation corridor performance is provided on the CMP website. Data includes traffic volume, truck percent, travel time and speed, average vehicle occupancy, transit ridership and seat capacity. Corridor data prior to 2012 was included within the monitoring report documents.

5.3.4 Findings

Recommendation 7: The Federal review team recommends RTC provide cross-referencing among the data (tables and maps) provided for the public in its CMP document, and the modeling data used to create these tables and maps. Technical appendices should be created so that the public can understand the information.

Commendation 3: The Federal review team commends RTC for the Congestion Process Summary annual report, a best practice for summarizing CMP results for various audiences (e.g., elected officials, transportation planners, and the public).

FHWA/FTA Technical Assistance and/or Resources

Applying Analysis Tools in Planning for Operations

https://ops.fhwa.dot.gov/plan4ops/focus_areas/analysis_p_measure/analysis_p_measure.htm

Congestion Management Process Guidebook

https://www.fhwa.dot.gov/planning/congestion_management_process/cmp_guidebook/

Showcasing Visualization Tools in Congestion Management

https://www.fhwa.dot.gov/planning/congestion_management_process/cmp_visualization_tools/

5.4 Public Participation

5.4.1 Regulatory Basis

Sections 134(i), 134(j) of Title 23 and Section 5303(i) and 5303(j) of Title 49, require a Metropolitan Planning Organization (MPO) to provide adequate opportunity for the public to participate in and comment on the products and planning processes of the MPO. The requirements for public involvement are detailed in 23 CFR 450.316(a) and (b), which require the MPO to develop and use a documented participation plan that includes explicit procedures and strategies to include the public and other interested parties in the transportation planning process.

Specific requirements include giving adequate and timely notice of opportunities to participate in or comment on transportation issues and processes, seeking out and considering the needs of underserved populations, employing visualization techniques to describe metropolitan transportation plans and TIPs, making public information readily available in electronically accessible formats and means such as the world wide web, holding public meetings at convenient and accessible locations and times, demonstrating explicit consideration and response to public input, and a periodically reviewing of the effectiveness of the participation plan.

5.4.2 Status

The RTC Public Participation Plan (PPP) was adopted November 1, 2016.

5.4.3 Observations

- As part of its Human Services Transportation Plan, RTC works with C-TRAN and community advocates such as Sea-Mar clinics (who cater to a low-income clientele) to support the area's marginalized populations in downtown Vancouver with transportation services to medical facilities.
- RTC staff provides a summary public involvement report to its Technical Advisory Committee (TAC) and its policy board.
- An updated Public Participation Process, meets Federal planning requirements, and was adopted by the RTC Board in January 2014. The Public Participation Plan was last updated in November 2016.

- In 2016, at the same time as the Public Participation Plan was reviewed and updated, RTC staff worked to review and update demographic data that supports the Title VI and LEP Plans. The latest data was derived from the Census Bureau’s American Community Survey (ACS). Minor updates to the Title VI and LEP Plans will soon be made available on RTC’s website.

5.4.4 Findings

Commendation 4: The Federal review team commends RTC for working with community groups who provide special emphasis for low-income and other marginalized populations.

Proposed FHWA/FTA Technical Assistance and/or Resources

FHWA Environmental Justice Reference Guide

https://www.fhwa.dot.gov/environment/environmental_justice/publications/reference_guide_2015/fhwahep15035..pdf

FTA Circular C 4703.1, Environmental Justice Policy Guidance for FTA Recipients

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_EJ_Circular_7.14-12_FINAL.pdf

How to Engage Low-Literacy and Limited English Populations in Transportation Decision-Making

https://www.fhwa.dot.gov/planning/publications/low_limited/index.cfm

Public Engagement – Case Studies and Notable Practices

https://planning.dot.gov/focus_caseStudies.aspx

The Transportation Planning Process Briefing Book (see Public Involvement section)

https://www.fhwa.dot.gov/planning/publications/briefing_book/part00.cfm

Guide to Transportation Decision-Making

<https://www.planning.dot.gov/documents/GuidetoTransportationDecisionmaking.pdf>

5.5 Civil Rights (Title VI, EJ, LEP, ADA)

5.5.1 Regulatory Basis

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin. Specifically, 42 U.S.C. 2000d 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.”

In addition to Title VI, other nondiscrimination statutes afford legal protection. These statutes include: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 324), Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990.

Executive Order #12898 (Environmental Justice) directs Federal agencies to develop strategies to address disproportionately high and adverse human health or environmental impacts of their programs on minority and low-income populations. In compliance with this Executive Order, USDOT and FHWA issued orders to establish policies and procedures for addressing environmental justice in minority and low-income populations. The

planning regulations, at 23 CFR 450.316(a)(1)(vii), require that the needs of those “traditionally underserved” by existing transportation systems, such as low-income and/or minority households, be sought out and considered.

Executive Order #13166 (Limited-English-Proficiency) requires Federal agencies to ensure, consistent with Title VI, that persons who are limited in English proficiency have meaningful access to the programs, services, and activities of Federal recipients and sub-recipients.

5.5.2 Status

RTC’s programs related to Civil Rights, Title VI, Limited English Proficiency, and Americans with Disabilities Act (ADA) issues are located on RTC’s web page, under Public Participation. The Title VI Plan, LEP Plan, EJ Demographic Profile, Civil Rights Flyer, and Complaint Form are on the same site: <http://www.rtc.wa.gov/info/title6/>. RTC’s Title VI Plan is dated May 2014.

5.5.3 Observations

- RTC’s Title VI Plan does not address FTA’s Title VI guidance per FTA Circular C 4702.1B.
- RTC’s Title VI Plan and associated information is not apparent on the website (could be difficult for the public to locate).
- RTC’s Title VI complaint procedures and complaint form contain bases of discrimination that are outside of the reach of Title VI (covered by other nondiscrimination laws).
- RTC’s efforts to provide the Title VI notice (and other information) in additional languages are noteworthy. However, the instructions on how to request information in other languages are in English which may create a barrier to participation for LEP populations in the region.
- RTC’s Limited English Proficiency Plan provides a good foundation for ensuring that persons who are limited in English proficiency are not excluded from participation in RTC’s transportation planning programs and activities. The LEP plan mentions that Google Translate can be accessed from RTC’s website for translating RTC documents/materials into other languages.
- RTC’s communications to the public includes a statement that materials can be provided in alternative formats by calling RTC. This statement is appropriate, but does not serve as the notice required by Section 504 and the ADA.
- Section 504 / ADA: RTC does not have a designated Section 504/ADA coordinator; RTC has not conducted a self-evaluation of its policies, programs, services and activities to determine if barriers exist for persons with disabilities, nor has RTC developed strategies/methods for how the Region will address barriers if found to exist.
- The May 2014 Title VI Plan contains a link to RTC’s 2014 Limited English Proficiency Plan, as well as a link to a separate 2012 EJ demographic profile report.

5.5.4 Findings

Corrective Action 2: By June 30, 2018, to come into compliance with Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990, RTC must:

- Designate an employee who will serve as RTC’s coordinator for Section 504 and ADA matters.
- Conduct an ADA self-evaluation that identifies universal access barriers and describes the methods to remove the barriers along with specified timelines.

- Develop a Section 504/ADA nondiscrimination notice, to be posted internally and externally (for employees' and the public's information).

Recommendation 8: The Federal review team recommends RTC revise the Title VI complaint procedures and form so that they can be used to process any complaint, regardless of the law under which the complaint falls.

Recommendation 9: The Federal review team recommends RTC explore alternatives to the Google translate "Select Language" message (such as putting "En Español" on the page), and clarify in the LEP and Public Participation Plans that certified translation will be used when translation is requested. Google Translate may be acceptable for some situations, but is not recommended when translating documents more technical in nature (such as RTC's Public Participation Plan).

Recommendation 10: The Federal review team recommends RTC include an EJ analysis in the TIP that addresses equity in short-term transportation investments or expand the EJ analysis in the RTP to incorporate project phasing phase to consider impacts of short-term (TIP) investments as well as long-term RTP improvements.

Recommendation 11: The Federal review team recommends RTC work with WSDOT to ensure that their Title VI Plan appropriately reflects guidance from both FHWA and FTA.

Recommendation 12: The Federal review team recommends RTC place Title VI information more prominently on its webpage (to ensure that Title VI information is more readily available to the public).

FHWA/FTA Technical Assistance and/or Resources

FHWA Environmental Justice Reference Guide

https://www.fhwa.dot.gov/environment/environmental_justice/publications/reference_guide_2015/fhwahep15035..pdf

Pursuing Equity in Pedestrian and Bicycle Planning

https://www.fhwa.dot.gov/environment/bicycle_pedestrian/resources/equity_paper/

Environmental Justice Emerging Trends and Best Practices Guidebook

https://www.fhwa.dot.gov/environment/environmental_justice/publications/guidebook_2011/

Developing and Advancing Effective Public Involvement and Environmental Justice Strategies for Rural and Small Communities

https://www.fhwa.dot.gov/planning/public_involvement/publications/effective_strategies/index.cfm

DOJ's website ADA Best Practices Tool Kit for State and Local Governments

<https://www.ada.gov/pcatoolkit/chap2toolkit.htm>

FTA Title VI Guidance – Circular C 4702.1B

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf

5.6 Performance-Based Planning and Programming

5.6.1 Regulatory Basis

With the passage of Moving Ahead for Progress in the 21st Century (MAP-21) and continued in the FAST Act, 23 U.S.C. 134(h)(2)(A) and 23 CFR 450.306(d) convey requirements for metropolitan planning organizations, in cooperation with the State and public transportation operators, to develop long-range transportation plans and TIPs through a performance-driven, outcome-based approach to planning for metropolitan areas of the state.

23 CFR 450 was updated May 27, 2016, to reflect this updated performance-based framework, which includes:

- The establishment and use of a performance-based approach to transportation decision-making to support the national goals described in 23 U.S.C. 150(b) and the general purposes described in 49 U.S.C. 5301(c).
- Establishment of performance targets by MPOs to address performance measures and coordinated, to the maximum extent possible, with the State and public transportation providers, not later than 180 days after the date on which the relevant State or provider of public transportation establishes the performance targets
- Integration in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans developed under 49 U.S.C. chapter 53 by providers of public transportation, required as part of a performance-based program including:
 - The State asset management plan for the NHS, as defined in 23 U.S.C. 119(e) and the Transit Asset Management Plan, as discussed in 49 U.S.C. 5326;
 - Applicable portions of the HSIP, including the SHSP, as specified in 23 U.S.C. 148;
 - The Public Transportation Agency Safety Plan in 49 U.S.C. 5329(d);
 - Other safety and security planning and review processes, plans, and programs, as appropriate;
 - The Congestion Mitigation and Air Quality Improvement Program performance plan in 23 U.S.C. 149(l), as applicable;
 - Appropriate (metropolitan) portions of the State Freight Plan (MAP-21 section 1118);
 - The congestion management process, as defined in 23 CFR 450.322, if applicable; and
 - Other State transportation plans and transportation processes required as part of a performance-based program.

5.6.2 Status

National performance goals established in MAP-21 and carried into the FAST Act include: safety, infrastructure condition, congestion reduction, system reliability, freight movement, economic vitality, environmental sustainability, and a reduction in project delivery delays. The performance-based transportation planning (PBPP) process is designed to work toward achieving these national goals. Progress toward these national goals is measured through use of performance measures and targets, integrated into performance-based plans by RTC, WSDOT and C-TRAN with TIPs programming investments into transportation projects and programs that can help meet the national goals.

RTC coordinates closely with Washington State Department of Transportation and C-TRAN to decide on performance targets. As of October 1, 2018, Performance Based Planning and Programming will be integrated into RTC's Regional Transportation Plan and Transportation Improvement Program.

5.6.3 Observations

- RTC relies on a robust data set as part of the CMP, from which they expect to create the performance measures upcoming in the rules. WSDOT Planning Management noted during the TMA certification review that RTC is well prepared for upcoming performance measures.
- PORTAL (refer to Section 5.3.3 of this report) is a Metro/RTC collaborative multimodal data management system used by both planners and operations staff, being housed at Portland State University. Data use will include travel demand management, lane control, ITS, Transportation System Management and Operations, and may be very helpful for PBPP efforts.

5.6.4 Findings

Recommendation 13: The Federal review team recommends RTC continue to work with WSDOT to implement new planning requirements for performance-based planning and programming, including:

- Discuss the new requirements; identify which processes need updating to meet new requirements and a plan for updates, data collection and sharing requirements to be ready for PBPP.
- Make necessary connections to other performance-based plans.
- Further develop data needs to ensure that future MTP and TIP updates implement an objective-driven, performance-based planning process.
- Update planning agreements that describe how transportation planning efforts will be coordinated between the agencies, and document specific roles and responsibilities of each agency in the performance of transportation planning for the region.
- Review MTP and TIP project prioritization and decision-making processes and how they support a performance-based process.
- Identify how to capture safety projects, or components of projects, in the MTP and TIP to assist the MPO in meeting the new performance-based planning and programming requirements.

FHWA/FTA Technical Assistance and/or Resources

Performance-Based Planning and Programming Guidebook

https://www.fhwa.dot.gov/planning/performance_based_planning/pbpp_guidebook/index.cfm

Model Long-Range Transportation Plans: A Guide for Incorporating Performance-Based Planning

https://www.fhwa.dot.gov/planning/performance_based_planning/mlrtp_guidebook/index.cfm

Supporting Performance-Based Planning and Programming through Scenario Planning

https://www.fhwa.dot.gov/planning/scenario_and_visualization/scenario_planning/scenario_planning_guidebook/index.cfm

MPO Guidebook for Using Safety as a Project Prioritization Factor

https://www.fhwa.dot.gov/planning/transportation_safety_planning/publications/mpo_guidebook/index.cfm

Supporting Performance-Based Planning and Programming through Scenario Planning

https://www.fhwa.dot.gov/planning/scenario_and_visualization/scenario_planning/scenario_planning_guidebook/index.cfm

APPENDIX A – 2013 Certification Findings Disposition

One of the priorities of each certification review is assessing how well the planning partners in the area have addressed corrective actions and recommendations from the previous certification review. This section identifies the corrective actions and recommendations from the previous certification and summarizes discussions of how they have been addressed.

Table 3: Metro 2013 Certification Findings Disposition

| Topic | Metro 2013 Corrective Actions | Metro 2013 Recommendations | Metro Status Update |
|--|-------------------------------|--|---|
| Study Area Organizational Structure (23 CFR 450.310) | None | There are no significant changes in the area warranting organizational structure changes since the previous | N/A |
| Metropolitan Planning Area Boundaries (23 CFR 450.312) | None | Based on results from the 2010 U.S. Census, Metro will make boundary adjustments with its next RTP update, | Metro adjusted the MPA boundary as part of the 2014 RTP update. |
| Agreements and Contracts (23 CFR 450.314) | None | Metro, ODOT, TriMet, RTC, and SMART updated their intergovernmental agreements in 2008 and 2012; the agreements do not warrant any updates at this time. | The 2015-16 UPWP has one MOU update between RTC and Metro. |

| Topic | Metro 2013 Corrective Actions | Metro 2013 Recommendations | Metro Status Update |
|--|--------------------------------------|--|---|
| Unified Planning Work Program (23 CFR 450.308) | None | The next UPWP should include tasks to address corrective actions and recommendations in this report. | The 2015-16 UPWP includes a corrective actions and recommendations table with corresponding comments and actions taken. |
| Transportation Planning Process (23 CFR 450.318) | None | Metro should continue to develop the mechanism for making safety objectives an operational part of the planning process. | The 2018 RTP will include updates to the plan's policies, performance targets, long-range financial assumptions, and project list. The update will address and integrate recommendations from the 2012 Regional Transportation Safety Plan. |

Table 4: RTC 2013 Certification Findings Disposition

| Topic | RTC 2013 Corrective Actions | RTC 2013 Recommendations | RTC Status Update |
|--|---|--|---|
| Study Area Organizational Structure (23 CFR 450.310) | None | None | N/A |
| Metropolitan Planning Area Boundaries (23 CFR 450.312) | None | None | N/A |
| Agreements and Contracts (23 CFR 450.314) | An updated MOA between RTC and WSDOT addressing the MPO's relationship to WSDOT including project funding and prioritization consistent with 23 CFR 450.314 is required within 1 year (March 2014). | RTC should determine a regular schedule to review the effectiveness of each their MOUs / Agreements and document the process and conclusions of these reviews. | <p>Corrective Action: An updated MOA between WSDOT, RTC and C-TRAN was completed on November 6, 2014 following iterative reviews by Washington State Attorney General and agencies party to the MOA.</p>  <p>20141112MOA-WSDOT-CTRAN-RTC.pdf</p> <p>Recommendation: As stated in the updated MOA, update will be at least every 5 years.</p> <p>Additional Info: An MOU between Metro and RTC is in place and is reviewed at least every 3 years. The latest MOU was adopted in June 2015.</p>  <p>MOU-Metro20150511.pdf</p> |
| Unified Planning Work Program (23 CFR 450.308) | None | None | N/A |

| Topic | RTC 2013 Corrective Actions | RTC 2013 Recommendations | RTC Status Update |
|---|-----------------------------|--|---|
| Transportation Planning Process (23 CFR 450.318) | None | None | N/A |
| Congestion Management Process (CMP) (23 CFR 450.316) | None | <p>The CMP provides a good overview of the data collection efforts and the analysis necessary to define possible strategies necessary to address congestion issues.</p> <p>In order to clearly demonstrate what congestion problems were found and what solutions are identified, the CMP should link the final four steps listed above (Monitor system performance, Identify and evaluate strategies, Implement strategies, and Monitor strategy effectiveness) directly to project selection either in the CMP or the MTP or both.</p> | <p>Recommendation: RTC’s planning activities as part of the CMP are documented on the RTC’s website.</p> <p>RTC continues to publish annual CMP Monitoring Reports. The 2015 Report as well as archived reports for previous years are available online. The full 2015 Report includes background description of the CMP process with an overall process graphic showing linkage to the RTP, other plans and the TIP included on page 3. Using the data referenced in the paragraph below, congestion problems are summarized in a series of maps showing future and forecast conditions. Chapter 3 focuses on strategies to address the congestion problems and on page 51 describes how RTC and local transportation agencies work together to use the CMP as a tool to identify strategies and implement them through the RTP and TIP processes. Monitoring of effectiveness is also addressed in Chapter 3 (see pages 51-72)</p> <p>From the CMP website, a link to data relating to transportation corridor performance is provided from the right “Downloads” sidebar. Data includes traffic volume, truck percent, travel time and speed, average vehicle occupancy, transit ridership and seat capacity.</p> |

| Topic | RTC 2013 Corrective Actions | RTC 2013 Recommendations | RTC Status Update |
|---|---|--|---|
| | | | <p>Corridor data prior to 2012 was included within the monitoring report documents.</p> <p>Each year, RTC also publishes a CMP Summary Report which focuses on Key Findings and corridor challenges.</p> |
| <p>Regional Transportation Plan (RTP) 23 CFR 450.322)</p> | <p>The next Metropolitan Transportation Plan update (January 2016) is required to: Satisfy Federal fiscal constraint requirements by identifying funds committed or reasonably expected to be available for local projects identified in the MTP. (23CFR450.322(f)(10)(iv))</p> | <p>Identify and emphasize the benefits possible from the implementation of modal and other plans as they relate to MTP goals and strategies outlined in the CMP.</p> | <p>Corrective Action: The current RTP (December 2014) addresses revenue sources and project cost estimates for local as well as regional transportation projects. As noted on page 73 of the RTP, information from WSDOT’s finance division, sourced from WSDOT, cities and Clark County, was used to “to provide a basis for determining federal, state and local revenues likely to be generated for future transportation needs”. The methodology used to determine revenue available for regional versus local projects is discussed on page 75 and full system project costs are summarized on page 77. In addition, local transportation projects are derived from Capital Facilities Plans of local Growth Management Plans with requirements for addressing fiscal constraint for projects identified. The Washington Growth Management process requires an analysis of funding capability to judge needs against probable funding sources. The transportation financial analysis must include a multiyear financing plan based on the needs identified in the comprehensive plan.</p> <p>Recommendation: The RTP (Dec. 2014) includes a graphic (page 121) showing</p> |

| Topic | RTC 2013 Corrective Actions | RTC 2013 Recommendations | RTC Status Update |
|---|---|--|--|
| | | | how the RTP relates to the CMP as well as additional modal plans. The Plan also describes how the CMP helps in identifying effective transportation strategies to address transportation congestion and mobility. |
| | Address the receipt, nature and disposition of all public comments. | | Corrective Action: All public comments and their disposition are documented in Appendix M of the current Regional Transportation Plan for Clark County (RTC, December 2014). |
| Metropolitan Transportation Improvement Plan (23 CFR 450.322) | None | The process for identification, prioritization and selection for all projects included in the MTIP should be documented and shown to be consistent with RTP system performance goals and measures. | Recommendation: The process for project identification and selection is described on the TIP website (under the TIP Development tab) and within the TIP Report document (pages 2-3). The TIP project selection criteria , also available online, aligns with the RTP's goals and project performance measures. The first screening criterion, as part of the project evaluation process, requires consistency with the RTP. |
| Financial Planning and Fiscal Constraint (23 CFR 450.322) | See corrective action above under MTP development. | None | Corrective Action: Covered under MTP/RTP above. |
| Public Outreach (23 CFR 450.316) | Update Public Participation Plan (dtd. 2007) to fully meet all Federal planning requirements by September 30, 2013. | None | Corrective Action: An updated Public Participation Process, reviewed by FHWA staff and meeting all Federal planning requirements, was adopted by the RTC Board in January 2014. The Public Participation Plan (last updated in November 2016) is available on RTC's website. |
| Air Quality and Conformity | None | None | N/A |

| Topic | RTC 2013 Corrective Actions | RTC 2013 Recommendations | RTC Status Update |
|-------------------------------------|---|--|--|
| (40 CFR 93) | | | |
| Self-Certification (23 CFR 450.334) | None | None | N/A |
| Title VI (23 CFR 200.9) | Update Title VI Plan (dtd. 2006) to fully meet FHWA & FTA requirements by September 30, 2013. | <p>While it is acknowledged that RTC is in the process of revising its 2006 Title VI Plan, the 2006 version was in place at the time of this review.</p> <p>RTC's revised Title VI Plan needs to be inclusive of how RTC will address Environmental Justice and Limited English Proficiency in its planning decisions.</p> | <p>Corrective Action: Title VI is addressed on RTC's website with a link provided to the Title VI Plan (May 2014 update).</p> <p>Recommendation: The May 2014 Plan addresses Environmental Justice and Limited English Proficiency with links provided from the Title VI Plan to a separate EJ demographic profile report and LEP Plan.</p> <p>In 2016, at the same time as the Public Participation Plan was reviewed and updated, RTC staff worked to review and update demographic data that supports the Title VI and LEP Plans. The latest data was derived from the Census Bureau's American Community Survey (ACS). Minor updates to the Title VI and LEP Plans will soon be made available on RTC's website.</p> |
| ITS and Management & Operations | None | In coordination with WSDOT and C-TRAN, RTC should report progress regularly and revise the regional ITS plan as needed. | <p>Recommendation: The Vancouver Area Smart Trek (VAST) program is an ongoing core regional transportation program managed by RTC and is described on RTC's VAST website page. From the VAST website page links are provided to key program reports. Most recently, the 2016 TSMO Plan Update and Implementation Plan (September 2016) was made available on the website.</p> |

| Topic | RTC 2013 Corrective Actions | RTC 2013 Recommendations | RTC Status Update |
|-------|-----------------------------|--------------------------|---|
| | | | <p>WSDOT and C-TRAN are partners in the region's program.</p> <p>A VAST program update is provided to the RTC Board at least annually. The last Board update was provided on October 4, 2016. See materials: VAST Memo and VAST PowerPoint Presentation (Item 11) or click to watch the meeting's presentation from CVTV footage.</p> <p>An RTC website "In the News" feature in May 2014 titled "Smart Transportation Operations in the Region" reported on the VAST program and the 2016 TSMO Plan update was featured on the RTC website's homepage.</p> |

DRAFT

APPENDIX B – January 18, 2017 Certification Notification Letter

U.S. DEPARTMENT OF TRANSPORTATION



U.S. Department
of Transportation

Federal Highway Administration
Oregon Division
530 Center Street, Suite 420
Salem, Oregon 97301
503.399.5749

Federal Highway Administration
Washington Division
711 S. Capital Way, Suite 501
Olympia, WA 98501
360.753.9480

Federal Transit Administration
Region 10
915 Second Avenue, Room 3142
Seattle, Washington 98174-1002
206.220.7954

January 18, 2017

IN REPLY REFER TO:
HDA-OR/
HDA-WA/
FTA-TRO-10

Ms. Elissa Gertler
Director, Planning and Development Department
Metro
600 NE Grand Avenue
Portland, OR 97232

Mr. Matt Ransom
Executive Director
Southwest Washington Regional Transportation Council (RTC)
P.O. Box 1366
Vancouver, WA 98666-1366

RE: 2017 Portland-Vancouver Certification Review

Dear Ms. Gertler and Mr. Ransom:

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) will conduct a Certification Review of the transportation planning process for the Portland-Vancouver metropolitan area on January 30-February 2, 2017. The review will look at the joint planning process as conducted by Metro and RTC in cooperation with the State, transit operators, and local governments in the area.

The Fixing America's Surface Transportation Act (FAST-Act) requires certification of the transportation planning process in urbanized areas over 200,000 in population once every four years. FHWA and FTA conduct certification reviews to evaluate the transportation planning process in the spirit of highlighting good practices, exchanging information, and identifying opportunities for improvement. During the certification process, the federal review team will rely on information gained through participation in the area's planning process, a desk review of planning processes and products, and scheduled certification review meetings.

Please find enclosed a proposed agenda for the site visit. The times shown are flexible and adjustments can be made to maximize participation in this review. The agenda incorporates a listening session with board members, which is open to the public, for the afternoon of January 30 and February 1. The review team requests that you arrange a meeting space for these dates and extend an invitation to your boards, as we would like to hear their perspectives on the

transportation planning process in the greater Portland-Vancouver metropolitan area. The public is also invited to send comments to FHWA and FTA to express their perspectives on the transportation planning process. We would request that you send a public announcement for these meetings using your normal procedures for outreach to encourage public participation. We have included a sample Notice of Public Meeting for your use.

If you have any questions, please contact FHWA representatives Rachael Tupica at (503) 316-2549 or Sharleen Bakeman at (360) 753-9418, or FTA representatives Ned Conroy at (206) 220-4318 or Jeremy Borrego at (206) 220-7956.

Sincerely,

**PHILLIP A
DITZLER**

Digitally signed by PHILLIP A DITZLER
DN: c=US, o=U.S. Government,
ou=DOT FHWA Salem OR, ou=FHWA
FHWA Salem OR, cn=PHILLIP A DITZLER
Date: 2017.01.18 11:05:01 -08'00'

Phillip A. Ditzler, Division Administrator
Oregon Division
Federal Highway Administration

**DANIEL M
MATHIS**

Digitally signed by DANIEL M MATHIS
DN: c=US, o=U.S. Government, ou=DOT
FHWA Olympia WA, ou=FHWA
FHWA Olympia WA, cn=DANIEL M MATHIS
Date: 2017.01.18 09:14:52 -08'00'

Daniel M. Mathis, Division Administrator
Washington Division
Federal Highway Administration

**LINDA M
GEHRKE**

Digitally signed by LINDA M GEHRKE
DN: c=US, o=U.S. Government,
ou=FTA FTA Seattle WA, ou=DOT
FTA Seattle WA, cn=LINDA M GEHRKE
Date: 2017.01.18 08:16:05 -08'00'

Linda M. Gehrke, Regional Administrator
Region 10
Federal Transit Administration

Enclosures

cc, w/o encl.:

Metro (Tom Kloster, Regional Planning Manager)
(Ted Leybold, Transportation Planning Manager)
(Chris Myers, Regional Transportation Planner)
RTC (Lynda David, Senior Transportation Planner)
ODOT (Rian Windsheimer, Region 1 Manager)
(Kelly Brooks, Region 1 Policy & Development Manager)
(Jon Makler, Region 1 Planning Manager)
(Erik Havig, TDD Planning Manager)
WSDOT (Matt Kunic, Tribal and Regional Coordination Manager)
TriMet (Alan Lehto, Director of Policy & Planning)
C-Tran (Scott Patterson, Director of Planning, Development, and Public Affairs)

APPENDIX C – Onsite Review Participants

The following individuals were involved in the Portland-Vancouver urbanized area on-site review:

Federal Highway Administration

Rachael Tupica, Senior Community Planner, Oregon Division
Jasmine Harris, Community Planner/Civil Rights Specialist, Oregon Division
Sharleen Bakeman, Senior Community Planner, Washington Division
Jodi Petersen, Civil Rights Specialist, Washington Division
Theresa Hutchins, Community Planner, Office of Planning

Federal Transit Administration, Region 10

Jeremy Borrego, Transportation Program Specialist

| | Metro | RTC |
|------------------|----------------|-----------------|
| Grace Cho | Jodie Kotrilik | Matt Ransom |
| Tim Collins | Ted Leybold | Lynda David |
| Kim Ellis | Ken Lobeck | Bob Hart |
| Elissa Gertler | Lake McTighe | Dale Robins |
| Jeff Frkonja | John Mermin | Mark Harrington |
| Clifford Higgins | Chris Myers | |
| Lisa Hunrichs | Cindy Peterson | |
| Dan Kaempf | Jamie Snook | |
| Tom Kloster | Malu Wilkinson | |

Oregon Department of Transportation

Jon Makler

Washington State Department of Transportation

Matt Kunic

Tri-Met

Eric Hesse

APPENDIX D – Board Member Listening Session & Public Comment

Two Board Member Listening Sessions / public comment meetings were conducted during this certification review: January 31, 2017 for RTC Board Members and February 2, 2017 for Metro Board Members.

The notice advertising the public meetings also encouraged written comments to be submitted to FHWA/FTA. The review team presented a brief overview of the Federal certification process and encouraged comments and suggestions for improving the transportation planning process in the area.

Two members of the public attended the public meeting for RTC, held at the RTC office. One member of the public attended the public meeting at Metro.

Citizens attending the meetings mostly discussed their frustration with the I-5 Columbia River Crossing project, a multi-billion dollar bridge replacement and associated improvements project.

Federal Review Team Participants:

Sharleen Bakeman, FHWA Washington Division
 Jodi Petersen, FHWA Washington Division
 Rachael Tupica, FHWA Oregon Division
 Jasmine Harris, FHWA Oregon Division
 Theresa Hutchins, FHWA Office of Planning
 Jeremy Borrego, FTA Region 10

| | | | |
|--|---|----------------------------------|---|
| RTC Board Members: Jack Burkham Paul Greenlee Jeanne Stewart | RTC Staff: Lynda David, RTC Matt Ransom, RTC | DOT: Matt Kunic, WSDOT | Citizen Participants: Peter Thomson Ron Swaren |
|--|---|----------------------------------|---|

RTC Elected Officials’ Meeting:

- 1) RTC and Metro employ a vigorous process for seeking public participation as part of their ongoing planning efforts.
- 2) Elected officials who attended the meetings with the review team indicated their appreciation of the MPOs’ function and satisfaction with the transportation planning process. Elected officials commended the hard work and skill level of their staff. Additional comments are summarized below:
 - a. Most local funds are expended in maintaining and preserving the existing system.
 - b. MPO staff does a good job in communicating the MPO processes to the members.

| | | | |
|--|---|---------------------------------|--|
| Metro Board Members: Bob Stacey Craig Dirksen | Metro Staff: Tom Kloster Elissa Gertler Ted Leybold | DOT: Jon Makler, ODOT | Citizen Participants: Steve Schopp |
|--|---|---------------------------------|--|

E-Mail from Mr. Ronald Swaren

Received by FHWA and FTA on Friday, January 20, 2017, at 4:17 pm (PST)

On Friday, January 20, 2017 12:00 PM, Ronald Swaren wrote:

I had received notice of your listening sessions scheduled later this month for the SW Washington RTC and Oregon's METRO. I understand the main purpose of those is to review those agencies adherence to federal regulations.

However, I would also like to take this time to raise concerns many of us had had with the issue of planning on the I-5 system in the Portland Vancouver area. I am aware that former USDOT Secretary LaHood had met elected officials, the US House Transportation Committee had conducted a listening session in 2011 and that otherwise this area is considered a priority in the interstate system. We have had numerous citizens' forums, plus many opportunities to express concerns to local officials that the capacity on this part of the Interstate system is simply inadequate.

The underlying reason is that population and economic growth on the west side of the metropolitan region, in the Beaverton Hillsboro area of Washington County has been very rapid. We expect that Washington County will be the most populous Oregon county by 2030, and many job seekers travel even across state lines to access employment. Therefore I have been advocating for a west side interstate route. I believe that much of the path already exists, in local highways and newer industrial routes. In fact presently Washington County is examining a possible expansion of NW Cornelius Pass Rd, combined with a tunnel to US Hwy 30, as a "Northern Connector" parkway. Washington state should do something similar, and eventually connect these with a new interstate bridge.

I believe that most area residents feel that the present I-5 bridges are sufficient and should not be replaced. But obviously the growth points to adding more infrastructure due to the rapid growth and infill of Washington County, and also rapid growth in Clark County Washington. I have actually worked in seismic rehabilitation of structures, and believe the current I-5 bridges can be cost effectively upgraded. I know that the former Columbia River Crossing process took a lot of effort to organize and moving forward with a better alternative should normally originate with the local governments. But, as this turned into a lengthy discussion I have taken the opportunity to communicate with federal partners whenever possible. I have also let the elected US Representatives know what my opinions are and have asked their transportation aides for more specifics on various federal funding options.

In short, this area badly needs a west side interstate connection. I don't know that it needs to be a full controlled access, Interstate System highway. I think there are probably less costly solutions, that would still be in the guidelines of FHWA collector highways. Thank you for listening.

Ron Swaren

E-mail response to Mr. Ronald Swaren's January 20, 2017, e-mail from Sharleen Bakeman, FHWA Washington Division, Monday, January 23, 2017 at 7:29 a.m. Copied to Rachael Tupica, FHWA Oregon Division, and Jeremy Borrego, Federal Transit Administration Region 10.

Good morning, Mr. Swaren—

Thanks very much for reaching out regarding the Columbia River crossing issues. I appreciate you taking the time to share your concerns with the Federal Highway Administration.

I will make sure that your comments are provided to the Transportation Management Area Certification (TMA Cert) review team, and with your permission we will add your e-mail to the public comment docket. The public is also welcome to join us during the two listening sessions offered in the public notice:

RTC Board Member Listening Session

Date: Tuesday January 31, 2017

Time: 3:00 – 4:00 PM

Location: RTC Office

Clark County Public Service Center
1300 Franklin St, 4th Floor
Vancouver, Washington 98660

Metro Board Member Listening Session

Date: Wednesday February 1, 2017

Time: 4:30 – 5:30 PM

Location: Metro

600 NE Grand Ave
Portland, Oregon

Best wishes,

Sharleen

Sharleen Bakeman
Planning Program Manager
Federal Highway Administration – Washington Division
711 Capitol Way South, Suite 501
Olympia, WA 98501
360-753-9418
Sharleen.bakeman@dot.gov

DRAFT

RE:

Public Involvement Notice The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) are requesting comments on the transportation planning process conducted in the Portland-Vancouver urbanized area by Metro and Southwest Washington Regional Transportation Council (RTC). This request for public comment is part of a transportation planning certification review that will assess compliance with Federal regulations pertaining to the transportation planning process conducted by Metro and RTC, the Oregon and Washington Departments of Transportation, transit agencies, and local units of government in the Portland-Vancouver metropolitan area.

Folks,

I can make an iron clad case that Metro should NOT be recertified and that regional flex funds should go to counties for their officials to direct to their needs.

With the new Trump administration being highly interested in being through and productive it is imperative that you fully grasp what has been going on in the Portland region.

As you will be able to discover in the 4 independent audits below our regional planning agency has for many years, been reckless, dishonest, derelict in their duties and agenda driven as they have misappropriated \$100s of millions toward planning strategies and capital projects that do not produce the intended objectives.

They have purposefully avoided basic responsible accounting of both expenditures and effectiveness while using the bulk of their public involvement budget to inappropriately advocate their policies and distribute propaganda which misrepresents their track record.

Attached is an Inter Governmental Agreement between ODOT and Metro that ODOT signed to provide funding for the SW Corridor light rail project.

A recent audit by the independently elected Metro auditor reports that Metro does not keep track of capital projects spending while often spending without proper authorization.

The central point in all of this is that Metro and TriMet are failing to produce their vision, intentions and objectives.

They are covering up the failure and advancing more of it through perpetual propaganda.

Metro has been asked numerous times over years to reveal the cost to date of the current planning for a \$3 Billion SW Corridor Light Rail expansion.

We now know why they have refused. Much like the Columbia River Crossing that burned through \$200+ million without anything being built, Metro has what has been spent and have no intention of accounting and reporting the amount.

This latest audit (below) by the independently elected Metro auditor addresses the gross mismanagement by Metro. Yet says not a single word about the most costly current capital project expenditure, Light Rail planning. Planning that is devouring many millions with \$176 million in future federal flex recently committed to spend planning transit capital projects. No cost to date has been or is available.

http://www.oregonmetro.gov/sites/default/files/Capital%20Project%20Planning%20Audit_0.pdf

There was inconsistent information reported about the status and cost-to-date of capital projects during the year.

This made it difficult to monitor projects.

Information about capital projects was supposed to be provided in the second and fourth-quarter financial reports to Metro Council.

No information was reported in some quarterly reports for some of the projects we reviewed.

It takes just a little bit of reading to grasp how severely Metro is out of control.
As someone else says, it's "huge".

The punch line first.

The cumulative detriment of such comprehensive government recklessness is responsible for much of the region's waste and worsening gridlock and housing crisis.

I have been hammering Metro to reveal the cost of planning the SW Corridor Light rail for at least two years.

In the middle of that span ODOT's region 1 manager Jason Tell warned the SW Corridor Steering committee that the projects could turn out to be as costly as the CRC and end up with the same result. That concern was omitted from Metro's reports on the project and never reported in the media. Jason Tell (soon after his warning) left ODOT to work for Parson's Brinkerhoff (light rail engineering firm) and is now an advocate for the same project.

These chaotic Metro capital projects spending practices (below) exacerbate the impact of their planning practices.

Former Metro Auditor reported that Metro does nothing to measure the effectiveness of neither their transportation or land use planning .

Consider how derelict this is. There is no reliable tracking of spending or merit in what they are doing with the money.

Not surprising, the former Metro auditor also reported that Metro excessively spends the bulk of their public involvement & communication budget on feeding the public advocacy for their agenda vs gathering what the public wants etc.

In short, while failing to track what they spend and do, they are propagandizing on how important it is what they do.

Here are the 3 previous audits

1. Metro does NOT track or want to face the effectiveness of their transportation planning strategies. Case studies show failure.

<http://rim.oregonmetro.gov/webdrawer/rec/212993/view> ;;

2. Metro does not track the effectiveness of their costly Transit Oriented Development program. Case studies show failure.

<http://rim.oregonmetro.gov/webdrawer/rec/212992/view>

3. Metro's public involvement/communication is lopsided advocacy with staff free to choose what suits their advocacy.

<http://rim.oregonmetro.gov/webdrawer/rec/212480/view>

This audit evaluated the effectiveness of Metro's efforts to engage and learn from the public about regional policy choices.

4.Capital Project Planning: Strengthen management environment
November 2016
A Report by the Office of the Auditor

http://www.oregonmetro.gov/sites/default/files/Capital%20Project%20Planning%20Audit_0.pdf

The purpose of this audit was to determine if capital planning controls provided reliable (complete and accurate) and transparent information about projects.

Metro needs to improve its project management capability to better manage the scope, schedule and budget of capital projects.

Spending on some projects did not go as planned.

Some projects exceeded approved budgets and others moved forward without required planning and approval.

We found that policies and procedures were inconsistently applied among departments, funding sources, and project types.

This reduced the accuracy, completeness, and transparency of project planning and reporting.

We were unable to determine the approved budgets for some projects.

., annual budget amounts had not been established in either document for some projects.

... budget amounts differed between the two documents.

That meant that two budgets had been approved for the same project in some cases.

Without a baseline budget, it would be very difficult to determine if projects were on track.

Planning documents for some projects were not complete, which may have contributed to the uncertainty about budget amounts.

Some project plans had been completed but not signed by the appropriate authority, which should have prevented spending on them. We were told some projects did not require these forms because they were routine or ongoing projects. It was not clear who had the authority to make those decisions. Even when planning documents were signed they did not appear to be used as intended.

Please do get this into the hands of the proper people to facilitate a truncating of Metro's certification.

Steve Schopp

APPENDIX E – March 20, 2017 Certification Letter

U.S. DEPARTMENT OF TRANSPORTATION



U.S. Department
of Transportation

Federal Highway Administration
Oregon Division
530 Center Street, Suite 420
Salem, Oregon 97301
503.399.5749

Federal Highway Administration
Washington Division
711 S. Capital Way, Suite 501
Olympia, WA 98501
360.753.9480

Federal Transit Administration
Region 10
915 Second Avenue, Room 3142
Seattle, Washington 98174-1002
206.220.7954

March 20, 2017

IN REPLY REFER TO:
HDA-OR/
HDA-WA/
FTA-TRO-10

Ms. Elissa Gertler
Director
Metro Planning and Development Department
600 NE Grand Avenue
Portland, OR 97232

Mr. Matt Ransom
Executive Director
Southwest Washington Regional Transportation Council (RTC)
P.O. Box 1366
Vancouver, WA 98666-1366

RE: 2017 Transportation Planning Certification of the Portland-Vancouver urbanized area

Dear Ms. Gertler and Mr. Ransom:

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) conducted a joint certification review of transportation planning processes in the Portland-Vancouver urbanized area by Portland Metro (Metro) and Southwest Washington Regional Transportation Council (RTC). An on-site review took place from January 30 through February 2, 2017. Certification of the transportation planning process is required at least every four years per 23 CFR 450.336 (b).

FHWA and FTA find the transportation planning processes conducted by Metro and RTC substantially meet the applicable program and regulatory requirements of 23 CFR 450. We jointly certify both transportation planning processes, subject to the findings and conclusions that will be detailed in the certification report, which will be transmitted separately and may include specific commendations, recommendations, and/or corrective actions.

Overall, the Federal review team's impression of the area's transportation planning process is positive. We congratulate you on your accomplishments of the past four years in continuing to build a robust and proactive planning process that will serve the Portland-Vancouver region well into the future. We appreciate the time and assistance your staff provided during the course of this review and discussions with your board members. Please convey our thanks.

If you have any questions regarding this review or your certification, please contact Sharleen Bakeman of the FHWA Washington Division Office at (360) 753-9418, Rachael Tupica of the FHWA Oregon Division Office at (503) 316-2549, Ned Conroy of FTA Region 10 at (206) 220-4318, or Jeremy Borrego of FTA Region 10 at (206) 220-7956.

Sincerely,

**DANIEL M
MATHIS**

Digitally signed by DANIEL M MATHIS
DN: c=US, o=U.S. Government, ou=DOT
FHWA/Olympia/WA, ou=FHWA
FHWA/Olympia/WA, cn=DANIEL M MATHIS
Date: 2017.03.20 15:23:59 -0700

Daniel M. Mathis, Division Administrator
Washington Division
Federal Highway Administration

**LINDA M
GEHRKE**

Digitally signed by LINDA M GEHRKE
DN: c=US, o=U.S. Government, ou=FTA
FTA/Seattle/WA, ou=DOT FTA/Seattle/WA,
cn=LINDA M GEHRKE
Date: 2017.03.21 10:59:44 -0700

Linda M. Gehrke, Regional Administrator
Region 10
Federal Transit Administration

PHILLIP A DITZLER

Digitally signed by PHILLIP A DITZLER
DN: c=US, o=U.S. Government, ou=DOT
FHWA/Salem/OR, ou=FHWA FHWA/Salem/OR,
cn=PHILLIP A DITZLER
Date: 2017.03.22 14:19:53 -0700

Phillip A. Ditzler, Division Administrator
Oregon Division
Federal Highway Administration

CC:

Metro Tom Kloster, Regional Planning Manager
RTC Lynda David, Senior Transportation Planner
ODOT Jon Makler, Region 1 Planning Manager
Erik Havig, TDD Planning Manager
WSDOT Matt Kunic, Tribal and Regional Coordination Manager
TriMet Alan Lehto, Director of Policy & Planning
C-Tran Scott Patterson, Director of Planning, Development, and Public Affairs
FTA Ned Conroy, Region 10
Jeremy Borrego, Region 10
FHWA Sharleen Bakeman, WA Division
Jodi Petersen, WA Division
Rachael Tupica, OR Division
Theresa Hutchins, Office of Planning

DRAFT

DRAFT



Report prepared by:

Federal Highway Administration Oregon Division
Salem, Oregon

Federal Highway Administration Washington Division
Olympia, Washington

Federal Transit Administration Region 10
Seattle, Washington⁶⁴