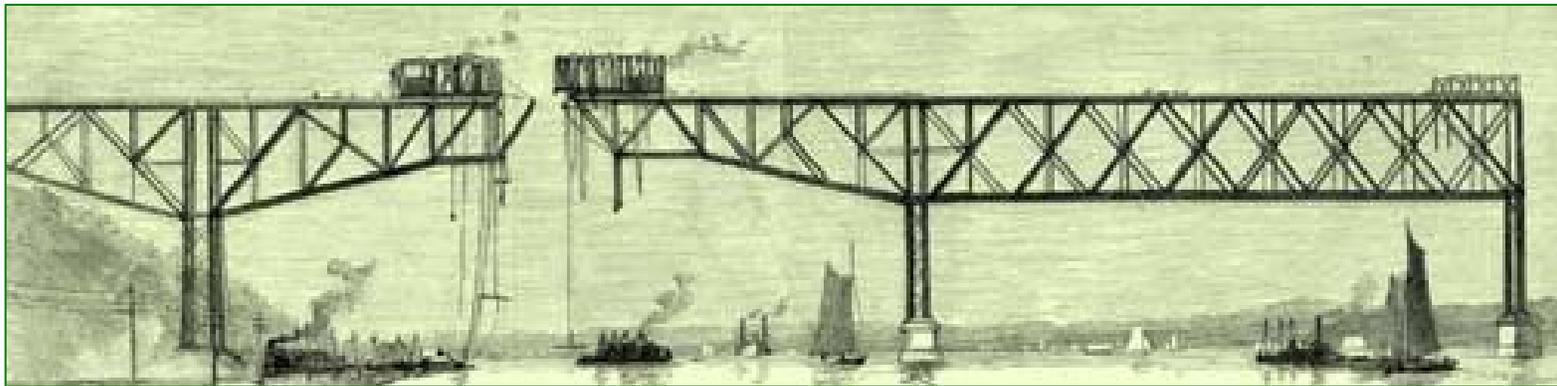


Mid-Hudson Valley, NY Transportation Management Area



FHWA/FTA Certification Review
of the Transportation Planning Process
January 2010

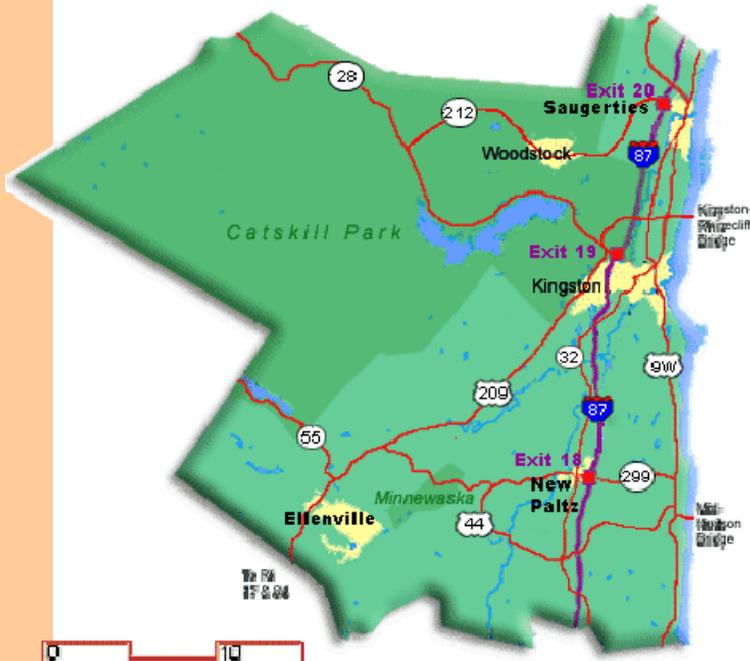


Mid-Hudson Valley, NY
(Poughkeepsie-Newburgh, NY TMA)
Certification Review

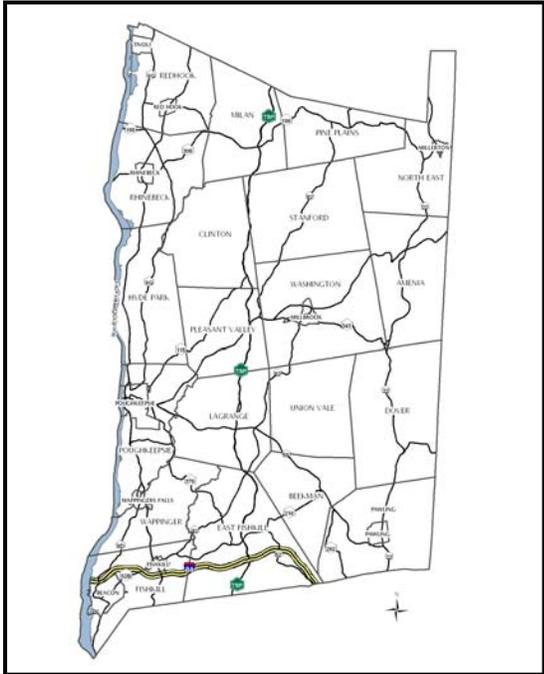
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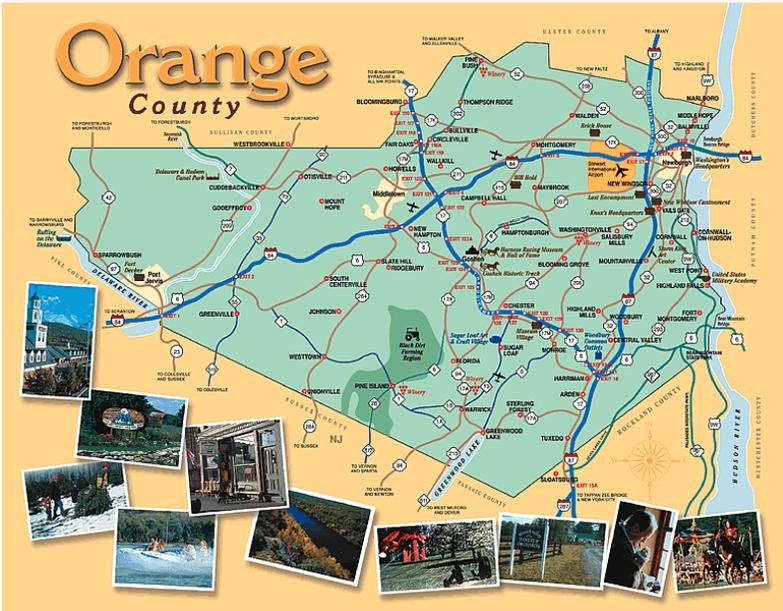
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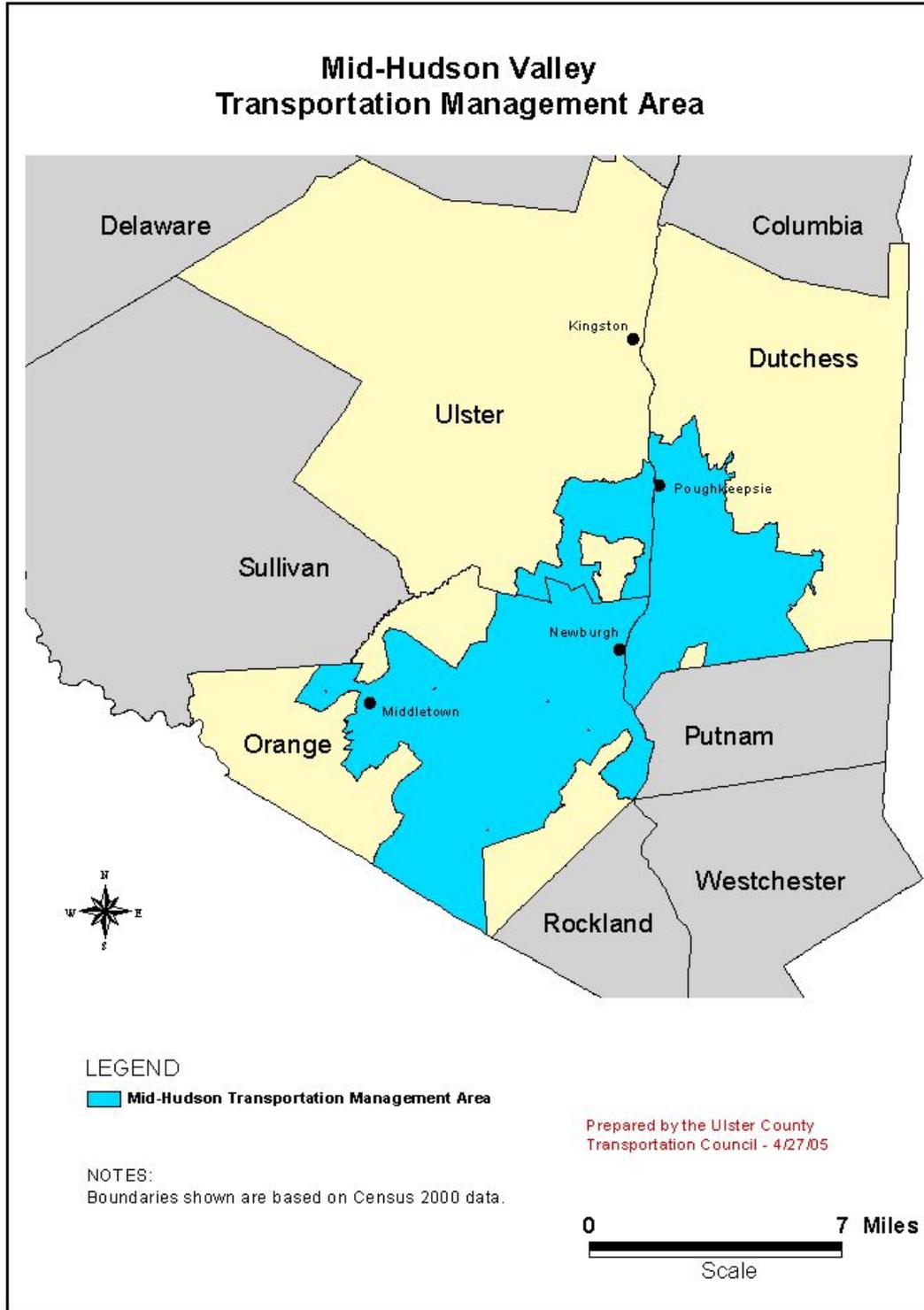
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Executive Summary

Main Conclusions

The individual and coordinated transportation planning processes in the Mid-Hudson Valley TMA, as carried out by the Poughkeepsie-Dutchess County Transportation Council (PDCTC), the Orange County Transportation Council (OCTC), and the Ulster County Transportation Council (UCTC), are professional endeavors and are hereby certified with corrective actions required.

Background

The Federal Highway Administration and the Federal Transit Administration reviewed the transportation planning processes of the three MPOs in accordance with the requirement of *23 CFR §450.334* to assure compliance with federal regulations.

Noteworthy Practices

Good examples of planning practices exist in these areas. We note, for example, the Memorandum of Understanding that formalizes the coordination activities in the TMA and the joint Congestion Management Process approach for the entire TMA. We commend the professional work of the staffs of the three MPOs and the planning professionals at NYSDOT Region 8 and note the high degree of cooperation on selection of the American Recovery and Reinvestment Act projects.

Recommendations and Needed Actions

This report contains numerous commendations for existing practice, several recommendations for consideration in furthering program excellence, and several corrective actions. The latter include need for each MPO to update its respective Operating Procedure to include specific provisions for cooperatively developing and sharing information related to roles and responsibilities in the planning process, the development of financial plans in the TIP development process, and the incorporation of SAFETEA-LU activities. OCTC (and to some extent the PDCTC) needs to revamp its existing website to better address its intended function within the public participation context and to solidify to the public an MPO identity. Recommendations are also made for the initiation of discussions with MPO member agencies about the appropriate role of the MPOs in security planning and for the consideration of performance measures in the Metropolitan Transportation Plans.

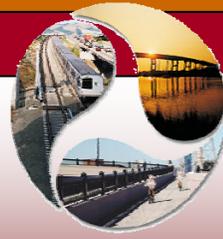
Challenges

We foresee a challenging workload facing the MPOs, specifically in regard to increased coordination, EPA's potential identification of Ulster County as being within the Poughkeepsie-Newburgh 8-hour ozone nonattainment area, and the conversion of Route 17 to I-86.

Table 1. Key Planning Products

| | Who Develops? | Who Approves? | Time Horizon | Content | Update requirements | Status | | |
|--|---------------|-----------------|-------------------|---|--|---|------------------------------|----------------------------|
| | | | | | | PDCTC | OCTC | UCTC |
| <i>UPWP</i> | MPO | MPO, FHWA & FTA | 1-2 years | Planning Studies & Tasks | 1-2 years | 4/1/2009-3/30/2010 | 4/1/2009-3/30/2010 | 4/1/2009-3/30/2010 |
| <i>Metropolitan Transportation Plan</i> | MPO | MPO | At least 20 years | Future Goals, Strategies & Projects | At least every 4 years in air quality nonattainment areas, every 5 elsewhere | <i>2035 New Connections</i> 12/19/2007* | <i>2035 LRTP</i> 12/19/2007* | <i>2030 LRTP</i> 9/25/2005 |
| <i>TIP</i> | MPO | MPO & Governor | At least 4 years | Transportation Investments | At least every 4 years | <i>2008-2012</i> 12/10/2007* | <i>2008-2012</i> 12/10/2007* | <i>2008-2012</i> 10/1/2007 |
| <i>Congestion Management Process</i> | MPO | MPO | --- | Performance measures and strategies | Periodically | 10/01/2005 | 10/01/2005 | 10/01/2005 |
| <i>Public Participation Plan</i> | MPO | MPO | --- | Process to provide reasonable opportunities to be involved in planning process. | Periodically | 2007 | 2003 Revised 2008 | 2004 Revised 2007 |
| <i>Statewide Transportation Improvement Plan</i> | State DOT | FHWA & FTA | At least 4 years | Transportation Investments | At least every 4 years | Approved by USDOT 12/10/2007 | | |

(*) In air quality nonattainment or maintenance areas, FHWA & FTA must approve air quality conformity determination before the Plan and TIP become valid.



FHWA/FTA Certification review

Introduction

“In TMAs, the FHWA and the FTA jointly shall review and evaluate the transportation planning process for each TMA no less than once every four years to determine if the process meets the requirements of applicable provisions of Federal law and this subpart.” 23 CFR § 450.334 (b)

EVERY urban area in the United States of more than 50,000 persons, as recognized by the Bureau of the Census, must have a designated Metropolitan Planning Organization (MPO) in order to qualify for Federal highway and transit monies. The MPO is to be the forum for cooperative transportation decision-making for the metropolitan planning area. Those areas with an urbanized population of 200,000 or more persons are classified as Transportation Management Areas (TMAs) subject to additional Federal requirements and scrutiny. One of these additional requirements is for the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) to specifically review and evaluate the MPO’s transportation planning process at least every four years, and to certify that the MPO is (or is not) meeting said regulations.¹

Following the 2000 Census, the Bureau of the Census identified the *Poughkeepsie-Newburgh, NY* area as an urbanized area having a population of 351,982.² Subsequently, the U.S. Secretary of Transportation officially designated the *Poughkeepsie-Newburgh, NY* area as a Transportation Management Area.³ The area covered by the TMA boundary includes parts of three Counties: Dutchess County (including the Cities of Poughkeepsie and Beacon), Orange County (including the Cities of Newburgh and Middletown), and the southeastern portion of Ulster County. Locally, the TMA is referred to as the **Mid-Hudson Valley** TMA.

Three independent MPOs are involved in the transportation planning processes within the TMA: the Poughkeepsie-Dutchess County Transportation Council (PDCTC), the Orange County Transportation Council (OCTC), and the Ulster County Transportation Council (UCTC). Since all of the three are involved in planning within

the TMA, the three MPOs are subject to the FHWA/FTA certification review. The regulations require that a certification review of the TMA be done at least every four years.⁴ The initial review was made in 2005, hence this is the second Federal review of this TMA.

The Purpose of the Certification Review

The intent of the statutory and regulatory requirements of 23 CFR 450 is to assure that an urbanized area is developing a transportation system that serves the mobility interests of people and freight through a multifaceted metropolitan planning process. The certification review itself is to assure that the MPO is addressing the major issues facing the area, and that the planning process is being conducted in accordance with:

- 1) *Statewide and Metropolitan Transportation Planning Regulations*⁵
- 2) *Clean Air Act Amendments of 1990 (CAAA)*⁶
- 3) *Civil Rights Act of 1964 (Title VI)*⁷
- 4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity
- 5) *Disadvantaged Business Enterprises (DBE)*⁸
- 6) Implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts⁹
- 7) *The Americans with Disabilities Act of 1990 (ADA)*¹⁰
- 8) *The Older Americans Act*, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance
- 9) *Section 324 of Title 23 U.S.C.* regarding the prohibition of discrimination based on gender
- 10) Section 504 of the *Rehabilitation Act of 1973*¹¹ forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.

The Federal certification process evaluates an MPO's process, identifies strengths and weaknesses (as appropriate), and makes recommendations for improvement. The recommendations that result from the federal review are intended to improve the effectiveness and efficiency of the planning process. There are also broader benefits to the review. The Federal reviewers try to identify good or innovative practices to share with other states and metropolitan planning organizations. Following the review and evaluation, FHWA and FTA can take one of four certification actions:

- Full certification of the transportation planning process - which allows federally funded programs and projects of any type to be approved in the TIP over the next four years in accordance with the continuing planning process.

- Certification subject to specified corrective actions being taken - which allows all projects to move forward in the process while corrective actions are taken; this option may take the form of a temporary certification for a certain number of months rather than the full four years.
- Limited certification - which allows only certain specified categories of program and project funding to move forward while corrective actions are being taken.
- Certification withheld – the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the MPO for projects funded under title 23 U.S.C. and title 49 U.S.C. Chapter 53 in addition to requiring corrective actions and enforcing funding restrictions.

The initial certification review for the Mid-Hudson Valley TMA was conducted in May 2005 and a final report released in August 2005. At that time, the FHWA and FTA fully certified the TMA MPOs as meeting the federal transportation planning requirements. Several recommendations for consideration were also made.

2009 Certification Review

The 2009 certification review officially began in January 2009 with joint FHWA/FTA letters to PDCTC, OCTC, and UCTC informing the MPOs of the upcoming review and identifying the primary topics for the review (Appendix A). The dates of the site visit were previously coordinated with the MPOs' staffs. The New York State Department of Transportation (NYSDOT), the U.S. Environmental Protection Agency (EPA), and the New York State Department of Environmental Conservation (NYSDEC) received individual copies of the letters. The staffs of the MPOs notified their principals and the public about this review (Appendix B).

During the period between the previous review and this review, new Federal legislation was enacted: *SAFETEA-LU (The Safe, Accountable, Flexible, Efficient, Transportation Act: A Legacy for Users)*. SAFETEA-LU introduced some additional requirements on the metropolitan planning process in 2005, including the consideration of Transportation Systems Security/Emergency Preparedness, development of a Public Participation Plan, increased use of visualization techniques, coordination with additional agencies, and the electronic publication of Metropolitan Transportation Plans and TIPs.

SAFETEA-LU also requires that the statewide transportation planning process and the metropolitan planning process provide for consideration of projects and strategies that will protect and enhance the environment, promote energy conservation, improve quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns.

Although SAFETEA-LU increased standards, the three MPOs were already in compliance with most of the regulations and have made modifications to their processes in response to said legislation.

In preparation for the on-site visit, the FHWA and FTA conducted an internal desk audit of the PDCTC, OCTC and UCTC material in our files, including the self-certification statements required in conjunction with the submittal of Transportation

Improvement Programs¹², the existing and draft Unified Planning Work Programs, the existing and draft Transportation Improvement Programs and the existing Metropolitan Transportation Long Range Plans.

Site Visits

On March 10-13, 2009, the Federal Review Team conducted site visits. The Federal Team consisted of Victor Waldron (FTA-Region Two Office), Joseph Rich and Maria Chau (FHWA-NY Division Office), Anna Price (FHWA-Maine Division Office) and Paul Foundoukis (FHWA-NH Division Office). The on-site reviews took place at the MPOs' offices.

The certification review was structured so that the initial meeting was a joint meeting with all three MPOs' staffs to discuss the planning issues, products and coordination that are required in a TMA. The next three meetings were individual meetings with each MPO to evaluate the MPO's capabilities and operations in its respective county, including the areas outside the TMA boundary. The detailed discussions were primarily with the respective County Planning senior/transportation planning staff, the staffs of the three MPOs, and NYSDOT Region 8 and Main Office staff. The agenda for the site visits is shown in Appendix C.

All MPOs' member agencies were welcome to attend. A draft copy of this report was shared with all participants and comments on the technical statements were solicited and received.

Public Input

In conducting a certification review, the FHWA and the FTA are required to provide opportunities for public involvement within the metropolitan planning area under review. The FHWA and the FTA must consider the public input received in arriving at a decision on a certification action.¹³ To this desirable end, a public meeting was held on Wednesday, March 11, 2009 from 5:30 pm to 7:00 pm at the Larkin Conference Room at Stewart Airport in New Windsor, New York. The meeting was publicized in various media outreach and on the websites of the three MPOs. The opportunity for written comments was also advertised. No members of the public attended the meeting nor were any written comments subsequently received.

Report Preparation

Following the site visits, the Review Team developed a draft version of the report. This was shared with the three MPOs and NYSDOT Region 8 and Main Office staff for comment. The comments received are reflected herein.

For the format of this report, the Review Team decided to have the initial Section devoted to overall coordination within the TMA and to have separate Sections on individual technical aspects of the planning processes, with a discussion of each MPO's activities pertaining thereto. We thought that this format would be more informative from a comparative standpoint than having separate sections on each MPO.



Conclusions and Recommendations

“We find that the overall transportation planning processes of the three MPOs in the TMA meet the requirements mentioned in 23 CFR Section 450.334 and 49 USC 5303. Therefore, it is our pleasure to inform you that the planning processes of PDCTC, OCTC and UCTC are hereby certified.”

FHWA/FTA Certification, August 2005

S

IMILAR to our 2005 conclusions above, we again find that the transportation planning processes in the Mid-Hudson Valley TMA are sufficiently in compliance with the requirements of Section 134 of Title 23, Section 8 of the Federal Transit Act, Sections 174 and 176(c) and (d) of the Clean Air Act, as well as the other sections of law mentioned in 23 CFR §450.334 (a). We again congratulate the MPOs for the cooperative nature of their processes and the technical capabilities that the central staffs and member agencies have developed.

During the 2005 certification review, FHWA and FTA made several recommendations for the three MPOs’ consideration in enhancing their planning processes. The status of those recommendations is shown in Table 1.

In the interim between the 2005 review and today, new transportation legislation (*SAFETEA-LU*) was enacted that contained additional transportation planning requirements; these requirements were incorporated into the *Statewide Transportation Planning/ Metropolitan Transportation Planning* final rule in 2007. Some of these new requirements have been addressed by the MPOs, while other items need attention. Since these new requirements are in the Code of Federal Regulations (CFR), we have identified areas of concern as needing “corrective action”, although we recognize that these items are not longstanding deficiencies. We also offer a number of recommendations for consideration on elements of the MPOs’ planning processes that may be beneficial.

CORRECTIVE ACTIONS

Organizational Structure

- All three MPOs need to review their *Operating Procedures* and either make the necessary revisions thereto or adopt new written agreements covering the roles and responsibilities for cooperative planning, planning roles and responsibilities, the development/sharing of financial information for TIPs and Metropolitan Transportation Plans, and the development of the annual listing of obligated projects. This should be accomplished by May 1, 2010.

Public Involvement Process

- OCTC needs to revise its website to a format that is more conducive to providing easier public access to information, offer a clear opportunity for the public to comment on MPO matters, and better reflect that OCTC is an MPO rather than merely a subunit of the County. This should be accomplished by October 1, 2010. Although not a corrective action per se, we strongly recommend that PDCTC pursue a similar effort.

Unified Planning Work Program

- UCTC needs to include the resulting products and schedule for completing work for all UPWP projects. This must be accomplished in the 2010-2011 UPWP.

Metropolitan Transportation Plan

- OCTC needs to publish the *2035 Plan* in hard copy form as soon as practicable. The Plan needs to include an estimate of needs and financial tables. The Plan should also include a table of planned investment strategies for the limited funding. This should be accomplished by October 1, 2010.

Memorandum of Understanding on Air Quality

- Within six months after EPA approves or finds adequate a specific emissions budget for the Ozone nonattainment area, a Memorandum of Understanding must be developed that satisfies the requirements of 23 CFR 450.314 (b). This is to be a written agreement among the NYSDOT, NYSDEC, affected local agencies, and the three MPOs (PDCTC, OCTC and NYMTC) describing the process for cooperative planning and analysis of all projects within the nonattainment or maintenance area. The agreement must also indicate how the total transportation-related emissions for the nonattainment or maintenance area are treated for determining conformity.

RECOMMENDATIONS

Transportation Improvement Program

- The MPOs should reevaluate their TIP revision guidelines in light of the new definitions of Amendment and Administrative Modification.

Public Involvement Process

- The MPOs should work to clarify the relationship between the TIP and the STIP on their websites.
- OCTC should consider publishing a quarterly newsletter.
- The MPOs should revise their public involvement procedures to reflect how they are incorporating the use of visualization and consulting with resource agencies.
- The MPOs should work to clarify the relationship between TIP and STIP information on their website.

Metropolitan Transportation Plan

- The MPOs should work to incorporate Performance Measures into the transportation plan.
- UCTC should try to harmonize its next Plan horizon date with the other two MPOs.
- The next versions of the MPOs Plans should include a broader discussion of types of potential environmental mitigation activities and potential areas to carry out these activities.
- The MPOs should consider having a jointly written section covering TMA-wide issues included in each individual Plan.

Congestion Management Process

- Performance measures and strategies: The development of a congestion management process (CMP) should result in multimodal system performance measures and strategies appropriate to assess the extent of congestion. The Mid-Hudson Valley's CMP does identify performance measures (V/C) and this is mentioned in the metropolitan transportation plans and the TIPs. The CMP needs to also identify appropriate strategies to assess the extent of congestion.
- A process to evaluate the causes of congestion is needed.
- Implementation schedule & funding source for identified improvements: The CMP should identify an implementation schedule, implementation responsibilities, and possible funding sources for each strategy (or combination of strategies) proposed for implementation
- Periodic assessment: Implementation of a process for periodic assessment of the effectiveness of implemented strategies, in terms of the area's established performance measures. We recognize that the current CMP does call for reevaluation; however, this needed action is still outstanding.

Unified Planning Work Programs

- The MPOs should consider evaluating the potential benefits that the CDTC's Linkage Program approach could have in their individual areas.
- The OCTC should ensure drawdown of UPWP carry over funds to avoid additional accumulation of backlog funds.

Title VI/Environmental Justice

- A recommendation for each MPO is to analyze the extent of outreach to EJ communities by overlaying addresses from mailing lists and comments received onto maps of EJ communities and TIP projects. Although this may provide limited information, it may provide an insight to the level of outreach achieved.
- OCTC needs to present Title VI/EJ statistics on its website and include a fuller discussion in its planning documents on how Title VI/EJ considerations are used.

Security Planning

- The MPOs should open a discussion with their members on their appropriate role in furthering coordination and cooperation among member agencies on security issues.

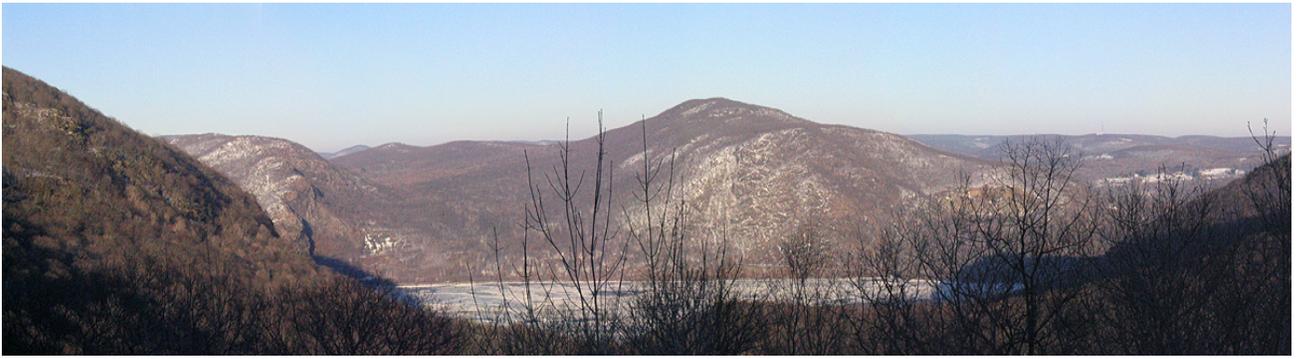
The Federal review team wishes to express our appreciation to the staffs of the MPOs and NYSDOT for their hospitality during the onsite review.

**Table 1: Mid-Hudson Valley TMA
Status of 2005 FHWA/FTA Recommendations**

| Recommendation | Status | |
|--|---|---|
| <p><u>Organization and Structure</u> The MPOs should formally update existing agreements and/or procedures in order to more closely reflect a coordinated planning process among the three MPOs & to reflect the desired and actual functions of the MPOs within the TMA.</p> | The MPOs executed a memorandum of Understanding in 2006 that contains the details of coordinated activity. | √ |
| The working relationships among the NYSDOT Region 8, the Region 8 MPO Unit and the County MPO staffs need clarification. | This is generally understood now. There is some dissatisfaction with | √ |
| <p><u>MPO Staffing & Capabilities</u> The three MPOs should review and assess how the shared-staffing concept is working and what – if anything – can be modified/enhanced to help the TMA to continue to move forward.</p> | OCTC and PDCTC are satisfied with how the shared-staffing concept is working. UCTC has expressed some reservations and is evaluating the relationship for potential improvement. | √ |
| The MPOs should consider how they might reduce the possible confusion with the shared staffing arrangement over who is speaking as a member agency and who is speaking as a MPO staff member. | This has been clarified. | √ |
| The MPOs should strive for their websites to portray a MPO identity. As the MPOs may revamp their website to a more visual format, we recommend that they consider having the opening screen offer the reader a choice of either a visually-oriented presentation or a text-only version | The UCTC website best presents a MPO identity. PDCTC also does so but still has room for improvement in this regard. OCTC’s site still overwhelmingly reflects a County rather than a MPO image. This issue is the subject of a corrective action in this review. | — |
| <p><u>Unified Planning Work Programs</u> The MPOs should consider whether the use of visualization techniques in planning studies would be helpful in their processes.</p> | The level of visualization employed by the MPOs is usually of a two-dimensional nature. Investigation of additional possible (and feasible) techniques is recommended. | √ |
| <p><u>Metropolitan Transportation Plan</u> The MPOs should consider the benefits of incorporating Performance Measures into the next versions of their Plans.</p> | This is still lacking. | — |
| <p><u>Air Quality</u> The three MPOs should consider the use of CMAQ monies in Ulster County on a project that could reduce emissions in the other two Counties.</p> | A transit shuttle project from Ulster County to Poughkeepsie was funded by PDCTC CMAQ monies. | √ |

**Table 2: Mid-Hudson Valley TMA
Status of 2005 FHWA/FTA Recommendations
Continued**

| Recommendation | Status | |
|---|---|---|
| <p><u>Transportation Improvement Program</u> PDCTC, OCTC and UCTC need to include a section in their TIP document that clearly demonstrates fiscal constraint by year.</p> | The UCTC and PDCTC TIPs clearly demonstrate fiscal constraint. The OCTC TIP needs improvement in this regard. | — |
| <p>Upon completion of the new TIP cycle, the UCTC will need to develop a list of projects for which Federal funds have been obligated in the preceding year.</p> | Completed | √ |
| <p>We recommend that Region 8 consider developing a set of generic costs for use by the MPOs in their project development process.</p> | Completed | √ |
| <p>We recommend that the three MPOs evaluate the potential benefits of using risk management techniques in their considerations.</p> | Evaluated but not Implemented | √ |
| <p><u>Transit Activities</u> The three MPOs should revisit the Section 5307 distribution method to see if it could more clearly reflect the planning factors in TEA-21.</p> | Completed | √ |
| <p><u>Public Involvement</u> OCTC should consider publishing a quarterly newsletter.</p> | Considered but not implemented | √ |
| <p><u>Title VI/Environmental Justice</u> As a tool to analyze the extent of outreach to EJ communities, the MPOs should consider overlaying the addresses from mailing lists and comments received onto their maps of EJ communities and TIP projects over a threshold amount.</p> | This is still outstanding | — |



Background of the Region

"I thank God I was born along the banks of the Hudson River."
Washington Irving

On September 15, 1609, Henry Hudson's Half Moon sailed past the mouth of the Rondout Creek, on the shoreline of what is now Kingston. Thus, it has been exactly 400 years since Henry Hudson sailed up the river now named for him. This area would come to see significant events in American history, and in 1996 Congress declared it "the landscape that defined America".

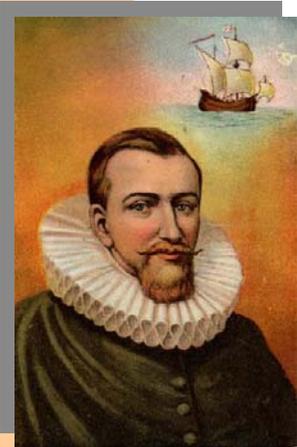
The Hudson River Valley is a 150-mile long corridor containing 10 counties stretching from New York Harbor northward to Troy, New York. Approximately 2.5 million people make their home in the corridor. Congress deemed the Hudson River Valley to be nationally significant because it has provided the setting and inspiration for new currents of American thought, art, and history and was the "fountainhead of a truly American identity." On November 12, 1996, Congress declared the Hudson River Valley as a National Heritage Area.¹⁴ The region contains five National Historic Sites, 58 National Historic Landmarks, 89 historic districts, and over 1,000 sites listed on the National Register of Historic Places.

The Hudson River Valley is grouped into three regions: Upper (Albany, Columbia, Green and Rensselaer), Middle (Dutchess, Orange and Ulster), and Lower (Putnam, Rockland and Westchester). The *Mid-Hudson Valley TMA* is this Middle portion of the north-south corridor along the river.

The population of the three counties in the Mid-Hudson Valley region numbers 860,000, yet the land area of Ulster County alone is approximately the size of Rhode Island. Corridor studies in individual counties are good, but everyone agrees that a regional view of the area is needed. At the same time, the general rural character of the area necessitates planning attention down to the hamlet level. Present-day commuters often travel through two-lane communities because of previous development patterns. How to accommodate travel while maintaining the "sense of place" that is so cherished by the residents is a great challenge.

Emergence of MPOs in the Hudson Valley

Transportation and land use planning in the Mid-Hudson Valley was originally under the jurisdiction of the Tri-State Transportation Committee - more popularly known as the Tri-State Regional Planning Commission or Tri-State. Tri-State was created in 1962 by concurrent legislation in Connecticut, New Jersey and New York. At that time, federal legislation had not yet mandated the formal establishment of an



“MPO”; rather, the legislation required that regional transportation planning be conducted in a continuing, comprehensive and coordinated manner (the “3-C” process). Even so, Tri-State essentially functioned as a super MPO for significant portions of three states. In New York, Tri-State’s jurisdiction extended from New York City and Long Island northward into Orange and Dutchess Counties.

The *Federal Aid Highway Act of 1973* was the first legislation to require the Governor’s formal designation of an MPO for urbanized areas as a prerequisite for the urbanized area to continue to receive federal transportation funding. In response to this new mandate, New York Governor Malcolm Wilson designated the Tri-State Regional Planning Commission in 1974 as the MPO for the New York portion of the greater New York metropolitan area. The Governors of the other two states similarly designated Tri-State as the MPO for their states’ portion of the metropolitan area. While the Poughkeepsie, NY had been recognized as an urbanized area in the 1970 Census¹⁵, a separate MPO was not formed because Tri-State’s jurisdiction covered Dutchess County. Orange County likewise was within Tri-State’s jurisdiction but did not have a recognized urbanized area at this time. When Newburgh, NY urbanized area in Orange County was officially recognized after the 1980 Census, it remained under Tri-State’s jurisdiction rather than being broken out as a separate MPO. This would change abruptly.

There had been long-simmering disputes over the land use and other non-transportation policies of the Tri-State Regional Planning Commission. Then, in 1982, Congress eliminated the Federal Housing and Urban Development (HUD) 701 planning grant program. The HUD funds constituted approximately 13 percent of Tri-State’s planning budget, and replacement-funding sources could not quickly be identified. Connecticut, which was the most upset with Tri-State’s land use policies, chose this opportunity to dissolve the interstate compact effective April 30, 1982.¹⁶

The Formation of PDCTC and OCTC

With the demise of the three-state compact, New York and New Jersey considered several options to maintain regional planning. New York offered to establish a bi-state agency with New Jersey, and although New York passed enabling legislation for such an agency¹⁷, New Jersey never took a similar action. So, Tri-State as the umbrella for transportation planning in the Mid-Hudson Valley faded into history.

In order to continue transportation planning in the region and keep Federal transportation monies flowing, the three states reorganized the transportation planning structures within their respective portions of the old Tri-State planning boundary. Connecticut formed six separate MPOs, New Jersey formed one MPO covering thirteen counties, and New York decided upon three separate MPOs: one in Orange County (Newburgh urbanized area), one in Dutchess County (Poughkeepsie urbanized area), and one for the greater New York City metropolitan area – the New York Metropolitan Transportation Council, the largest MPO in the country.

In 1982, New York Governor Hugh Carey designated the Poughkeepsie-Dutchess County Transportation Council (PDCTC), the Newburgh-Orange County Transportation Council (NOCTC), and the New York Metropolitan Transportation

Council (NYMTC) as the recognized MPOs for their respective urbanized areas. Even though Dutchess and Orange Counties were now organizationally separated from the New York City metropolitan transportation process, NYMTC still recognizes these two counties as being in its “extended region”.

In the 1990 Census, the Poughkeepsie urbanized area grew westward across the Hudson River into Ulster County (Town of Lloyd). PDCTC subsequently expanded its planning boundary and its voting membership to include representation from Ulster County. So, after the 1990 Census, there were still only two MPOs in the Mid-Hudson region – NOCTC and PDCTC, the latter having a Town in Ulster County on their policy committee. This changed after the 2000 Census.

Impacts of the 2000 Census

The Poughkeepsie and Newburgh urbanized areas continued to expand, so much so that they had grown together across the lower part of Ulster County. The Bureau of the Census determined that the two previously separate urbanized areas were now essentially one – the Poughkeepsie-Newburgh urbanized area.

On July 8, 2002, the U.S. Secretary of Transportation designated the *Poughkeepsie-Newburgh, NY* urbanized area as a Transportation Management Area (TMA). This identification in the Mid-Hudson Valley TMA was only one of several changes brought about by the 2000 Census. The 2000 Census also identified two *new* urbanized areas in the Mid-Hudson Valley that met the standards for establishing an MPO: Middletown NY in Orange County and Kingston NY in Ulster County. State and local officials in newly designated urbanized areas have the option of forming new MPOs, merging with an existing MPO, or (if applicable) remaining under the umbrella of an existing MPO. Middletown chose the latter option, since it was already covered by the NOCTC’s process. In recognition that Middletown could have been its own MPO, the MPO changed its official name to the *Orange County Transportation Council* (OCTC).

Ulster County officials faced a small dilemma. Kingston was not within an existing MPO, so a new MPO had to be established in order to receive Federal transportation funding (or have the urbanized area had to be assumed into an existing MPO). Compounding the issue was the fact that the small portion of Ulster County within the TMA, which was considerably south of the concentration of people in and adjacent to the City of Kingston and which geographically encompassed only about five percent of the county land area, now likewise had to be covered by an MPO.

There were various alternatives available to the State and local officials of the three Counties on how to structure the MPOs for the entire TMA area and also for the Kingston area. The three basic options that were considered:

- 1) One MPO for all three counties.
- 2) Two MPOs:
 - (a) One MPO covering the TMA (all of the Dutchess and Orange Counties and the portion of Ulster County), and
 - (b) A new MPO in Kingston covering the rest of Ulster County.

- 3) Three MPOs, each covering its respective County including the associated portions of the TMA residing therein.

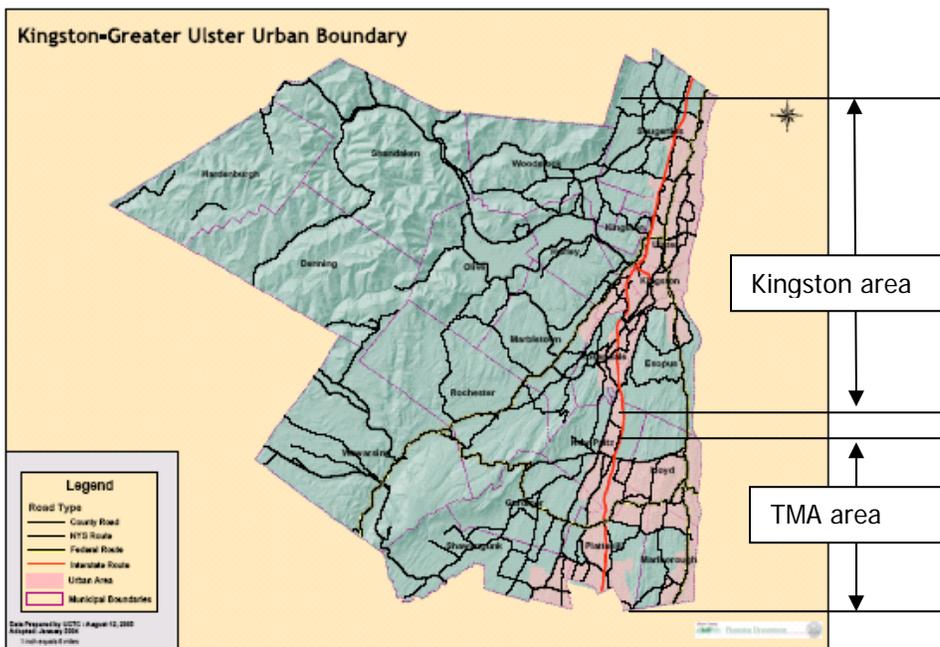
The elected officials from all three counties chose the third option – to retain the two existing MPOs (PDCTC and OCTC) and form a third – the Ulster County Transportation Council (UCTC) that would cover all of Ulster County. On June 4, 2003, Governor Pataki joined with the Ulster County and urbanized area officials to execute a Memorandum of Understanding among the Parties thereby creating the UCTC.

The Startup of the Ulster County MPO

Since PDCTC and OCTC were established MPOs, their basic charge was to expand their existing transportation planning activities to address the new TMA requirements. On the other hand, the UCTC was a brand new MPO, which would normally mean that it would have the daunting challenge of starting everything – including the TMA requirements - from square one.

Fortunately, this was not the situation here because the Ulster County Planning Board¹⁸ and the NYSDOT Region 8¹⁹ had the foresight to begin a collaborative transportation decision-making process within the County several years prior to Kingston’s designation as an urbanized area. Ulster County had developed a County transportation plan in 2003 that was partly funded with NYSDOT assistance, and while the MPO would have to modify it to meet federal requirements, the Plan’s basic framework was in place.

The progress shown by UCTC in getting up and running as an MPO so quickly, and with excellent products, is truly remarkable. We recognize the strong technical advice and support it received from the staffs of the adjoining MPOs and NYSDOT Region 8. An equal factor in UCTC’s initial success is the enthusiasm and dedication of the County Planning Board’s staff²⁰.





Organizational Structures

“23 U.S.C. and Section 8 of the Federal Transit Act ... require that a Metropolitan Planning Organization (MPO) be designated for each urbanized area and that the metropolitan area has a continuing, cooperative and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals.” 23 CFR Section 450.300



On July 8, 2002, the U.S. Secretary of Transportation designated the Poughkeepsie-Newburgh, NY urbanized area as a Transportation Management Area. The TMA covers three MPOs: the Poughkeepsie-Dutchess County Transportation Council (PDCTC), the Orange County Transportation Council (formerly the Newburgh-Orange County Transportation Council), and the Ulster County Transportation Council (UCTC). The first two MPOs have been in existence since 1982, and the latter was only established in 2003 following the identification of Kingston, NY as an urbanized area under the 2002 Census.

The TMA boundary (see page i) includes portions of the three counties (Dutchess, Orange and Ulster) and had a 2000 Census population of 351,982. The total area population of the three counties was 799,266 (2000 Census).²¹ There are sizable portions of the three counties that are outside the TMA boundary.

Policy Committee Structure and Membership

All three MPOs are similarly structured. The **Policy Committees** are the “MPOs”²² and are thus the main decision-making bodies. They are composed of the principal elected officials of general-purpose local government, as well as officials of public agencies that administer or operate major modes of transportation in the metropolitan planning area, and appropriate State transportation officials. The PDCTC, OCTC and UCTC organizational structures satisfy the composition requirements for MPOs in TMAs²³ (see Table 1). The Policy Committees have the ultimate responsibility for setting the direction of the MPO’s transportation planning activities and approving the products thereof (e.g., Long Range Plan, Transportation Improvement Program and Unified Planning Work program). The official name of the Policy Committee in each MPO is slightly different (according to approved Operating Procedures): PDCTC – “Executive Committee”; UCTC – “Transportation Council”; OCTC – “Executive Committee”. However, their functions are essentially the same.

❖ **Poughkeepsie-Dutchess County Transportation Council**

When the PDCTC was designated as an MPO, it had 10 voting members, and its Census urbanized area boundary was entirely within Dutchess County. However, the 1990 Census showed that the Poughkeepsie Urbanized Area had grown westward across the Hudson River into Ulster County (primarily the Town of Lloyd). In response, the PDCTC expanded its voting membership in 1994 to thirteen so as to include some voting representation from Ulster County²⁴. After the 2000 Census and the designation of a separate MPO in Ulster County, the Ulster County representatives chose to be under the umbrella of their own County's MPO, and the Ulster County representation was dropped from the PDCTC. At the same time, PDCTC expanded its representation from within Dutchess County to reflect the population growth seen in the 2000 Census. Today, there are 15 voting members on the PDCTC, as shown in Table 1. Eight voting members in attendance at a meeting constitute a quorum.

❖ **Orange County Transportation Council**

When OCTC (formerly NOCTC) was designated as an MPO in 1982, it also had a smaller membership (nine) than it has today commensurate with its smaller Census urban area boundary. OCTC further expanded membership over the years. In 1995, the New York State Thruway Authority was added as a voting member, and the villages in the county were added with representative voting in 2004. The Port Authority of New York and New Jersey was added as a non-voting member in 2007. Today, there are 15 voting members (Table 1). Eight voting members in attendance at a meeting constitutes a quorum.

The 2000 Census identified Middletown as the second urbanized area in Orange County. While it was allowed to form a separate MPO, the local officials chose to remain within the existing MPO through a memorandum of understanding with Orange County. In deference to the fact that there was a second urbanized area within the County, the official name of the MPO was changed to the "Orange County Transportation Council".

❖ **Ulster County Transportation Council**

The 2000 Census identified Ulster County's first urbanized area – Kingston, NY. Additionally, the southern tip of Ulster County was identified as being within the newly identified Newburgh-Poughkeepsie TMA. On June 4, 2003, Governor Pataki joined with the County of Ulster and its municipalities in executing the Memorandum of Agreement formally designating the Ulster County Transportation Council (UCTC) as the MPO for the Kingston Urbanized Area. Ulster County (Town of Lloyd) chose to be included within the UCTC MPO, and thus Ulster County representation was dropped from PDCTC voting membership. Today, there are 14 voting members (Table 2). Eight voting members in attendance at a meeting constitute a quorum.

Table 2: Policy Committee Members

| | PDCTC | OCTC | UCTC |
|---|--|---|---|
| Permanent Voting Members | <ul style="list-style-type: none"> · Dutchess County Executive · City of Beacon, Mayor · City of Poughkeepsie, Mayor · Town of East Fishkill, Supervisor · Town of Fishkill, Supervisor · Town of Hyde Park, Supervisor · Town of Poughkeepsie, Supervisor · Town of Wappinger, Supervisor · NYSDOT, Commissioner · MTA, Executive Director <p style="text-align: center;">(10)</p> | <ul style="list-style-type: none"> · Orange County Executive · NYSDOT- Regional Director · MTA, Executive Director · NYS Thruway Authority Executive Director · City of Middletown, Mayor · City of Newburgh, City Manager · City of Port Jervis, Mayor <p style="text-align: center;">(7)</p> | <ul style="list-style-type: none"> · Ulster County Executive · City of Kingston Mayor · Town of Saugerties, Supervisor · Town of Ulster, Supervisor · NYSDOT, Commissioner · NYS Thruway Authority, Executive Director <p style="text-align: center;">(6)</p> |
| <u>Rotating members</u> 2-year terms | <p>Two (2) rotating members from the Town of Beekman, the Town of LaGrange; and the Town of Pleasant Valley</p> <p style="text-align: center;">(2)</p> <p>One (1) rotating Mayor serving a two-year term from the Village of Fishkill and the Village of Wappingers Falls</p> <p style="text-align: center;">(1)</p> <p>Two (2) Supervisors selected annually by the Dutchess County Association of Mayors and Supervisors from the Town of Amenia, Town of Clinton, Town of Dover, Town of North East; Town of Milan, Town of Pawling, Town of Pine Plains, Town of Red Hook, Town of Rhinebeck, Town of Stanford, Town of Union Vale, and the Town of Washington</p> | <p>Newburgh Urbanized Area, the Southern Area and the Western Gateway Area (two towns each, two year terms)</p> <p style="text-align: center;">(6)</p> <p>Two (2) members from any two of Orange County’s 19 villages for a two-year rotating term.</p> <p style="text-align: center;">(2)</p> | <ul style="list-style-type: none"> · Village of Saugerties Mayor & Town of Hurley Supervisor (1) · Supervisors Town of Rosendale & Town of Esopus (1) · Supervisors Town of Lloyd & Town of Marlborough (1) · Supervisors Town of Plattekill & Town of Shawangunk (1) · Mayors Village of Ellenville & Village of New Paltz (1) · Supervisors Town of New Paltz & Town of Wawarsing (1) · Supervisors Town of Woodstock & Town of Kingston (1) <p style="text-align: center;">(7)</p> <p>Rural voting membership: One voting member (Supervisor) selected by Ulster County Association of Town Supervisors from Towns of Denning, Gardner, Hardenburgh, Marbletown, Olive, Rochester, and Shandaken</p> <p style="text-align: center;">(1)</p> |
| Total Voting members | 15 | 15 | 14 |
| <u>Non-voting Members</u> | Federal Highway Administration; Federal Transit Administration; NYS Thruway Authority NYS Bridge Authority | Federal Highway Administration; Federal Transit Administration; NYS Bridge Authority; Port Authority of NY & NJ | Federal Highway Administration; Federal Transit Administration; NYS Dept. Environmental Conservation; NYS Bridge Authority |

Voting Protocols

Voting on all three Policy Committees is by consensus. Consensus is defined as “unanimity of affected parties”, and the Chairman may judge the extent to which members are affected by proposed actions and declare whether or not a consensus exists. All affected voting members have an equal vote (i.e., virtual veto) over any major decision affecting them.

Unanimous consent is not a federal requirement. This arrangement was consciously encouraged by NYSDOT when MPOs were first being formed in the State in the 1980s. At that time, the national perception was that the State DOTs controlled all decisions since they controlled almost all of the Federal transportation funds. NYSDOT laudably chose to ameliorate this perception by urging MPOs to adopt a consensus voting structure, whereby even the smallest member had a virtual veto on the MPO policy boards. Today, two of the thirteen NY MPOs operate by majority vote: the Herkimer-Oneida County Transportation Study (Utica) and the Genesee Transportation Council (Rochester). This arrangement works well if a quorum shows up at the meeting. One MPO (Binghamton Metropolitan Transportation Study) defines consensus as having no more than one negative vote.

Recently, the PDCTC Planning Committee explored the possibility of moving away from consensus as “*unanimity of affected parties*” to some other voting arrangement. This discussion was prompted by widespread dissatisfaction among the governments over the recent imposition by New York State of a payroll tax within Dutchess County and other Metropolitan Transportation Authority (MTA) counties to support the MTA capital plan.²⁵ Local officials want the ability to vote “no” on an issue without holding up an important vote of the MPO. Ironically, to revise the voting protocol from consensus to something else, a consensus vote would be required.

Other Committees

Below the Policy Committees are the **Technical Committees**, which are composed of individuals from the staffs of the Policy Committee members. The Technical Committees, which meet monthly or bimonthly, are responsible for the supervision of all planning activities conducted by the MPO staffs. The Technical Committees are responsible for assisting staff on proposed programs and projects to be addressed in the Metropolitan Transportation Plan, the UPWP and the TIP, and for making recommendations to the Council regarding policy issues.

The PDCTC and UCTC each have an additional oversight committee – the **Administrative Committee**, which is responsible for overseeing the day-to-day operations of the MPO.

Planning Area Boundaries

The Metropolitan Planning Area boundary (MPA) establishes the geographic limits within which an MPO’s planning efforts take place. The current MPAs of the three MPOs are their respective county boundaries. The MPA is determined by an MPO after two prerequisite boundaries have been defined:



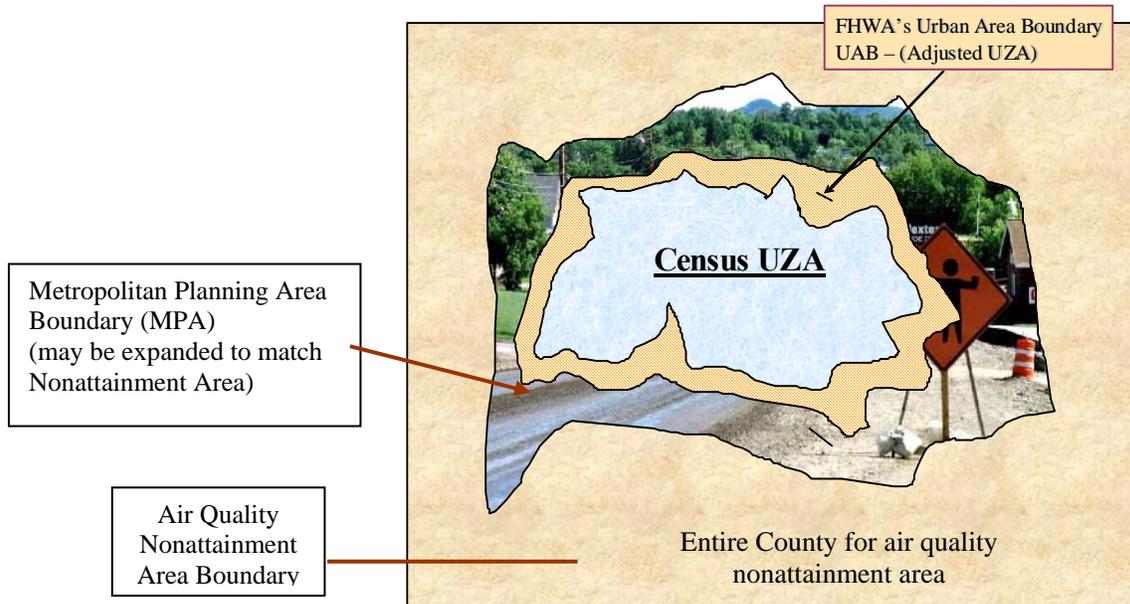
◆ **Census Urbanized Area (UZA).**

The basic boundary is the UZA, which is set by the Bureau of the Census after each decennial Census. The UZA is established for each urbanized area together with maps showing what communities (or parts thereof) compose the urbanized population. The UZA sets the urbanized area's population that is used in the apportionment formulas for FHWA's STP-large urban and FTA's Section 5307 funds. The MPO, using the UZA as the base, then establishes other boundaries (see below) for planning purposes. However, the population used in the Federal apportionment formulas does not change with these planning expansions.

◆ **FHWA Urban Area Boundary (UAB)**

The UAB, which is set by the MPO, is the official "urban/rural" boundary for FHWA purposes; it is used for highway functional classification, appropriate roadway design standards, FHWA eligibility for improvements, Emergency Relief funding eligibility, and outdoor advertising control²⁶. The adjusted boundary is subject to approval by the Secretary of Transportation.

Using the Census UZA as a starting point, the MPO may smooth and adjust the boundary outwards to better reflect the area's transportation needs. Adjustments are



routinely necessary because the Census UZA boundaries solely reflect population density and thus do not usually include significant non-residential facilities (e.g., airports or parks). For an MPO to adjust the UZA boundary outward, there must be

agreement among “the responsible State and local officials in cooperation with each other.”²⁷

Following the release of the 2000 Census UZA, the PDCTC and OCTC reviewed their existing UABs. PDCTC’s major revision to its boundary was the elimination of the Town of Lloyd within Ulster County, since that area would now be under UCTC’s jurisdiction. OCTC also reviewed and made appropriate adjustments to its UAB. UCTC established its first UAB in 2004. The FHWA and FTA approved the three UABs: PDCTC (July 13, 2003), OCTC (January 26, 2004), and UCTC (February 4, 2004).

After the UAB is established, the MPO is required to update the Functional Classification of roadways within its jurisdiction. The three MPOs have updated the Functional Classification of roadways within their jurisdiction and have received FHWA approval.

◆ **Metropolitan Planning Area Boundary (MPA)**

The MPA is established after the UAB is set. The MPA is the geographical area in which the core efforts of an MPO’s transportation planning process are carried out. The MPA is to encompass the UAB area plus any other areas that the MPO anticipates will become urbanized in 20 years.²⁸ The MPO and the Governor must agree on the MPA.²⁹ All three MPOs chose to designate their MPA boundaries to be their respective County limits.

For those MPOs that are in an air quality nonattainment or maintenance area, the MPA boundary must include the entire nonattainment area – unless the Governor and the MPO agree otherwise³⁰. Since EPA designated all of Orange and Dutchess Counties as nonattainment for Ozone, the air quality coverage requirement is satisfied. Although the UCTC is in presently in attainment, its boundary would also have satisfied the air quality coverage requirement.

MPO Agreements and Contracts

Federal legislation (23 USC 134) requires the MPO to work in cooperation with the State and public transportation agencies to carry out a continuing, cooperative, and comprehensive (3C) metropolitan planning process. These agencies determine their respective and mutual roles and responsibilities and procedures governing their cooperative efforts. These relationships are to be specified in written agreements between the MPO, the State and the public transportation operator(s). The federal regulations require several agreements covering the following:

- **Mutual responsibilities for planning:** The MPO, the State(s), and the public transportation operator(s) shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process.³¹ This requirement has been in place since ISTEA.
- **Development and sharing of financial information for TIPs and Plans:** MPO, The State(s), and the public transportation operator(s) shall develop an agreement detailing their cooperative development and sharing of information related to the financial plans that support the MPO’s Plan and TIP.³² This is a new

requirement under the February 14, 2007 metropolitan transportation planning regulation.

- Development of the annual listing of obligated projects: The State(s), and the public transportation operator(s) shall formally agree on the development of an “Annual Listing” of projects, including investments in pedestrian walkways and bicycle facilities, for which federal transportation funds have been obligated in the preceding year, and the MPO must make this list available for public review by the MPO; the listing must be consistent with the funding categories identified in the TIP.³³

Currently, the seminal agreement identifying the member agencies’ cooperative roles and responsibilities within the respective MPO’s process is the Memorandum of Understanding (MOU). These roles and responsibilities are further detailed in adopted *Operating Plans* and by virtue of their annual endorsement of the Unified Planning Work Program, the members voice their endorsement of the specified working arrangements and emphasis areas. There is no agreement per se in place regarding either development and sharing of financial information for TIPs and Plans or the development of an annual listing of obligated projects that is published on each MPO’s website; both activities are done, but the specifics of how, when and by whom are not in writing. OCTC has agreed that the MPO shared staff will request and compile FHWA and FTA funding obligation information from the respective grantees within the MPO (i.e. NYSDOT, NYSTA, MTA, and Orange County).

In order to address the second and third types of agreements (financial information and obligated projects list), and to remove any uncertainty³⁴ about the adequacy of the documents in place regarding the first type of agreement, it is suggested that the MPOs consider an umbrella agreement covering all three agreements, with the document recently adopted by the Rochester, New York MPO as the model (or, as stated below, incorporate such language within the respective Operating Procedures documents).

- ❖ The PDCTC member agencies signed a Memorandum of Understanding in 1982. PDCTC adopted its *Operating Procedures* on May 7, 1983 (modified March 1994 and January 2008). The original document is remarkably comprehensive considering that PDCTC was a small MPO at the time (still is). It covers membership, functions, decision making, meeting schedules, TIP development and amendments, Public Participation, Metropolitan Transportation Plan, the shared-staffing concept, and the Policy, Technical and Administration Committees.
- ❖ The OCTC member agencies signed a Memorandum of Understanding between the various parties involved in the MPO in 1982. It subsequently adopted *Operating Procedures*, the latest amendment thereto being in November 2004. It covers many of the same subjects as the PDCTC procedures and is likewise very comprehensive for that time.
- ❖ The UCTC adopted operating procedures on June 4, 2003 (modified twice in 2008). This document is the most comprehensive of the three MPOs.

Regarding the agreements, “Public transportation operator” means:

“the public entity which participates in the continuing, cooperative, and comprehensive transportation planning process in accordance with 23 U.S.C. 134 and 135 and 49 U.S.C. 5303 and 5304, and is the designated recipient of Federal funds under title 49

U.S.C. Chapter 53 for transportation by a conveyance that provides regular and continuing general or special transportation to the public...”³⁵ (emphasis added)

The FTA designated recipients within the TMA area are: Dutchess County, City of Poughkeepsie, Metropolitan Transportation Authority, Orange County, City of Kingston, and Ulster County. All are voting members of their respective MPO Policy Committees and would have had to vote “yes” on the Operating Procedures. Therefore, the SAFETEA-LU related agreement language may be promulgated through update of the respective Operating Procedures.

During the certification review, all three MPOs acknowledged that their Operating Procedures need refreshing in order to formally incorporate the changes introduced by SAFETEA-LU and the February 14, 2007 Metropolitan Planning Regulations.

❖ **TMA Memorandum of Understanding**

Besides the agreements within each MPO, the regulations also require that where there is more than one MPO in an urbanized area, there shall be a written agreement describing how the metropolitan transportation planning processes will be coordinated to assure the development of consistent metropolitan transportation plans and TIPs across the MPA boundaries:

“If more than one MPO has been designated to serve an urbanized area, there shall be a written agreement among the MPOs, the State(s), and the public transportation operator(s) describing how the metropolitan transportation planning processes will be coordinated to assure the development of consistent metropolitan transportation plans and TIPs across the MPA boundaries, particularly in cases in which a proposed transportation investment extends across the boundaries of more than one MPA.”³⁶

The three MPOs and the NYSDOT Region 8 Director (as Secretary for each MPO) signed a Memorandum of Understanding on March 7, 2006, detailing the mutual coordination within the TMA region (see next section of the report). They agreed to coordinate and collaborate on items of mutual MPO interest that include, at a minimum, the Congestion Management Process, Federal Transit Administration 5307 funds, transportation modeling, forecasts, map products, and Federal highway classifications. In addition, the MPOs agreed to share meeting and agenda information, long range transportation plans, UPWP's, TIP'S and other items of mutual MPO interest. We believe that the requirement for the public transit operators to sign the agreement is satisfied.

American Indian Territories

Presently, there are no Federally-recognized American Indian territories within the three counties.

Corrective Action:

- The MPOs need to review their *Operating Procedures* and either make the necessary revisions thereto or adopt new written agreements covering the roles and responsibilities for cooperative planning, outlining planning roles and responsibilities, the development/sharing of financial information for TIPs and Plans, and the development of the annual listing of obligated projects. This should be done by May 1, 2010.



"I thank God I was born along the banks of the Hudson River."

Washington Irving



Coordination Among MPOs within the TMA

“Transportation Management Area (TMA) means an urbanized area with a population over 200,000 as defined by the Bureau of the Census and designated by the Secretary of Transportation....”

23 CFR 450.104 Definitions



THE Mid-Hudson Valley TMA is unique in New York in that it involves three separate and independent MPOs - the Poughkeepsie-Dutchess County Transportation Council (PDCTC), the Orange County Transportation Council (OCTC), and the Ulster County Transportation Council (UCTC). One might imagine that three separate MPOs within one TMA could easily lead to potentially conflicting planning approaches and priorities, but this is not the situation in the Mid-Hudson Valley TMA. As discussed in the previous section, all three MPOs have very similar membership structures, committee structures and voting procedures. Furthermore, the MPOs all employ a shared staffing concept (see *Staffing & Capabilities* section). Finally, the MPOs have formally agreed to cooperate in accordance with a Memorandum of Understanding.

Memorandum of Understanding

The designation of a TMA carries with it several benefits (e.g., additional Federal funding), but it also imposes additional obligations on the MPOs regarding the coordination of transportation planning activities within the TMA boundary. Because there are three MPOs within the TMA, all three are subject to certain planning requirements under 23 CFR 450. Notable portions of Dutchess and Orange Counties are outside of the TMA boundary per se, and only the southern tip of Ulster County is within the TMA boundary, but the three MPOs have applied the requirements applicable to a TMA to the entire metropolitan planning area served by each MPO.

As noted earlier, the regulations require that where there is more than one MPO in an urbanized area, there shall be a written agreement among the MPOs, the State(s), and the public transportation operator(s) describing how the metropolitan transportation planning processes will be coordinated to assure the development of consistent metropolitan transportation plans and TIPs across the MPA boundaries.³⁷

On March 7, 2006, the three MPOs signed a Memorandum of Understanding (MOU) concerning shared responsibility for coordinating aspects of transportation planning and programming in the Mid-Hudson Valley TMA. The MOU reflects the following issues:

- ❖ **Shared Products** – The parties agree to coordinate and collaborate on items of mutual interest that include, at a minimum, the Congestion Management Process, FTA’s 5307 funds, and the federal certification review.
- ❖ **Data and Information Sharing** – The parties agree to coordinate and collaborate to insure that data and information associated with the TMA are representative and compatible across the respective MPO boundaries. At a minimum this includes existing and modeled traffic volumes, map products, and federal highway classifications. In addition, the MPO’s agree to share meeting and agenda information, long range transportation plans, UPWP’s and other items of mutual interest.
- ❖ **Decision Making** – Following discussion and concurrence at the TMA meetings, coordinated products will be brought to their respective MPO’s for approval as needed on a parallel track. Products may be tailored to each respective MPO’s needs within the required framework necessary for approval.
- ❖ **Staffing, Professional Services and Financial Support:** The Parties agree that the staff of the member MPOs will be responsible for carrying out the regional work programs and coordinating process. The parties agree that from time to time it may be necessary to dedicate planning funds for shared cost initiatives to address regional transportation needs within the TMA. In that event, a lead MPO may be identified to undertake or coordinate the initiative on behalf of the entire TMA. Expenses related to projects assigned to the lead MPO will be paid by the shared cost initiative specified in each of the MPO's Unified Planning Work Programs.



The MPOs are actively exploring expanded coordination alternatives among their transportation planning activities. Each MPO recognizes its responsibility to the overlapping jurisdictions and has participated and collaborated accordingly. The following are some of the key coordinated activities presently underway:

- **Congestion Management Process.** A major requirement of a TMA is that the MPOs must develop a Congestion Management Process for the TMA area. The MPOs have developed agreement on this concept and are well along on its implementation. (see *Congestion Management Process*).
- Quarterly meetings among the MPO staffs concerning the TMA requirements (the staffs meet more often or conduct conference calls if necessary; communications through email is extensive and continual).
- The MPOs provide each other copies of major planning documents (UPWP, TIP, long-range plan), as well as committee meeting notices and summaries.

- The MPOs have a methodology for the distribution of FTA Section 5307, 5316 and 5317 funds.
- Planning study areas extend beyond County lines as appropriate; for example, UCTC's intermodal opportunities analysis looks into both Dutchess and Orange County.
- The MPO staffs have identified and are carrying out other coordination and collaboration activities (e.g. traffic count programs and travel time surveys).

These coordinated efforts are very positive and laudable. We would like to specifically commend the MPOs for the coordination effort regarding the Section 5307, 5316 and 5317 funds. This was a great example of coming together to develop a solution to a potentially contentious issue.

Coordination in Air Quality Planning

Two of the three counties in the TMA - Dutchess and Orange - are in the Poughkeepsie, NY ozone nonattainment area. This means that the PDCTC and OCTC must coordinate their travel forecasting methods, travel model action years, and emission analyses with the Putnam County portion of the New York Metropolitan Transportation Council (NYMTC), the MPO for the greater New York City area. In addition, Orange County is also in a PM_{2.5} nonattainment area that includes the rest of the NYMTC area, so coordination with NYMTC on PM_{2.5} analyses is also required for Orange County.

Whenever an MPO in a multi-MPO nonattainment area pursues an action (e.g.; significant TIP amendment), this action generates a process whereby all involved MPOs must undertake a new air quality conformity determination and demonstrate conformity. The air quality activities are discussed in greater detail in *Air Quality*; however, it is appropriate to point out that NYMTC generates such activity at least twice a year, and this has notably increased the workload on the small PDCTC and OCTC staffs. The number of NYMTC staff who work on conformity outnumbers the total staff of PDCTC and OCTC.

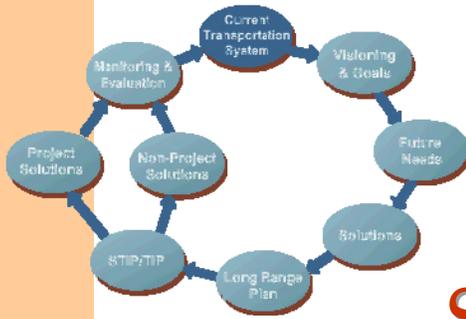
While Ulster County is presently in attainment of EPA's air quality standards, the New York State Department of Environmental Conservation recently recommended to EPA that Ulster County be declared nonattainment of the new (2008) ozone 0.75ppm standard and be included in the Poughkeepsie 8-hour ozone nonattainment area. It was scheduled that EPA would make a decision on Ulster's status by March 2010, but the new designations have temporarily been put on hold as EPA reevaluates the standard to ensure they are scientifically sound and protective.

The three counties continue to be open to the use of CMAQ monies in Ulster County for projects that would benefit the air quality in the two nonattainment counties (e.g., park and ride lots).



Job Access and Reverse Commute & New Freedoms Programs – Joint Solicitation

In January 2009, the three MPOs jointly announced the first call for proposals to provide services in support of two Federally-supported programs: Job Access Reverse Commute (JARC) and Senior and Disabled Transport (New Freedom). These JARC and New Freedom funds are available to the Mid Hudson Valley TMA.



Staffing & Capabilities

“The Ulster County Planning Department and the Region 8 Office of the New York State Department of Transportation shall serve as Council staff and shall perform the administrative and secretarial duties of the Council. The staff shall be accountable to the Council.”

UCTC Operating Procedures, June 2003



NE might imagine that three separate MPOs within one TMA could lead to potentially conflicting planning approaches and priorities, but this is not the situation in the Mid-Hudson Valley TMA. In addition to all three MPOs having very similar membership structures, committee structures and voting procedures, each MPO employs the shared staffing concept – a concept that predates the designation of a TMA.

Shared-Staff Concept

As the opening quotation from UCTC’s Operating Procedures illustrates, the MPO staffs are a *composite* staff composed of County Planning personnel (the Counties are the MPO host agencies) and members of the NYSDOT Region 8 MPO Unit. This arrangement is unique among the MPOs in New York. Most MPOs nationwide have elected to establish stand-alone, independent central staffs. The shared-staffing concept was part of PDCTC and OCTC structures for many years before the recent establishment of the UCTC. Given that UCTC had to get up to speed in a relatively short period of time, and given that the shared-staffing concept was already in place and working efficiently in the other two MPOs, it was adopted as part of the operational structure of the UCTC.

As a general rule, the County Planning staff assumes primary responsibility for the development and administration of the UPWP, coordination of data activities, and long range transportation planning. The Region 8 MPO staff primarily assists with TIP development and TMA coordination issues, and it gives general support to OCTC, UCTC and PDCTC efforts. It become increasingly important that the Mid-Hudson Valley MPOs coordinate with each other and with the New York Metropolitan Transportation Council (NYMTC) because three of the four MPOs are linked by over-lapping air quality nonattainment areas and thus have great impacts on each others' programs.

While administratively hosted and physically housed by the NYSDOT Region 8 Office in Poughkeepsie, the Region 8 MPO Unit’s staff person (position) who is

assigned to the TMA is technically a NYMTC employee. This position functions in a major coordinating role, as the same individual is a member of all three MPO staffs and thus provides a uniform interpretation of the regulations for the three MPO, assists in the flow of information among the MPOs, adds an additional staff person to the process, and provides uniform State guidance and perspective on transportation initiatives and funding. This construct has led to a common approach among the MPOs in the development of TIPs, Plans and Unified Planning Work Programs (UPWPs). When acting on MPO activities, it is assumed that the shared staff person is accountable to the respective MPO Council rather than solely to its parent organization.

| Table 3: The MPO Staffs | | | |
|--|---|---|--|
| MPO | County Planning Staff | | Shared Staff |
| | Agency | Individuals | |
| PDCTC | Dutchess County Department of Planning and Development (DCDP) | Roger Akeley* Eoin Wrafter Mark Debald Emily Dozier | Region 8 <u>MPO Unit</u> Jean Gunsch |
| OCTC | Orange County Department of Planning | David Church* John Czamanske Fred Budde Rob Parrington Todd Cohen | |
| UCTC | Ulster County Planning Board | Dennis Doyle** William Tobin Sweta Basnet | |
| <p>* Occasionally involved in staff discussions ** Routinely and actively involved in staff discussions Note: none of the OCTC staff people work solely on MPO matters; all have other County Planning duties as well.</p> | | | |

How did this curious arrangement develop? The seeds of the shared-staffing concept were planted in 1974 when the Tri-State Regional Planning Commission (the predecessor to NYMTC) subdivided its multi-state planning area into a decentralized system of Transportation Coordinating Committees (TCCs). The TCCs were seen as the appropriate subregional forums for cooperative decision-making. In New York, the Mid- to Lower-Hudson Valley was covered by the Mid-Hudson South TCC. The TCCs were committees made up of voting member agencies. To assist the TCC discussions, several Tri-State staff were assigned to each TCC and, in New York State, the staff were housed in the offices of the three NYSDOT Regions (8, 10 and 11) corresponding to the three TCC jurisdictions in New York.

The MPO (Tri-State) dissolved in 1982, but the three TCCs survived, as they were committees of the major transportation agencies. Later the same year, NYMTC, PDCTC and NOCTC (OCTC) were formed as separate MPOs. NYMTC retained its familiar TCC subregional structure, but PDCTC and NOCTC did not.

NYSDOT Region 8 covers the three New York counties in the Mid-Hudson South TCC³⁸. Since TCC staff was already up to speed and functioning in the Mid-Hudson South TCC located in the Region 8 office in Poughkeepsie, it seemed logical to utilize some of this existing expertise to assist the two new MPOs. Thus, the shared-staffing concept was born in PDCTC and NOCTC.

When the UCTC was formed in 2003, the same administrative organization was replicated. This allowed the UCTC to come up to speed very quickly as experienced staff was in place to assist the Ulster County staff. The three MPOs of the Mid-Hudson Valley TMA thus share a common staff resource that insures coordination within their own TMA and with the much larger TMA, NYMTC, to their immediate south.

Evaluation of Shared Staffing Concept

In the 2005 certification review report, FHWA and FTA recommended that the three MPOs review and assess how the shared-staffing concept was working and what – if anything – could be modified/enhanced within the concept in order to help the TMA to continue to move forward. During the 2009 site visit, both PDCTC and OCTC staffs related that the arrangement is working well and they would like it to continue. UCTC’s County Planning staff noted that they have occasionally expressed some dissatisfaction with the arrangement, particularly in regard to TIP oversight and management, an activity largely done by the staff of the Region 8 MPO Unit. This concern will hopefully be somewhat mitigated by the rollout of the eSTIP application to the MPOs in 2010. However, further discussions are warranted.

Reliance on shared staff is not as critical now as when it was first developed. We note that NYSDOT has provided a commendable amount of support, especially during the recent influx of ARRA funding. Still, when functions are split between agencies, there can be confusion when changes are made and one entity forgets to inform the other. Transparency is a concern, especially with over 100 municipalities involved. We acknowledge that the three MPOs may want to revisit the shared staffing issue in the near future.

Website Capabilities

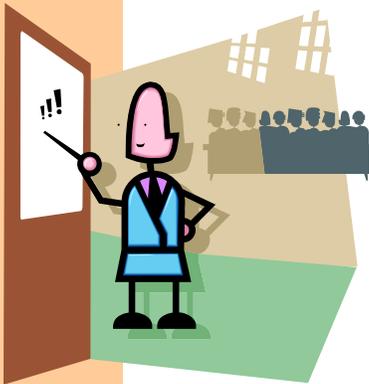
The MPO website³⁹ is a necessary tool for making information such as technical information and meeting notices available to the public. With many commendable planning practices and products, the MPOs have a “story to tell”, and one of the best mediums for that purpose is a website. In our first Certification Review (2005), we recommended that the MPOs strive to portray a “MPO” rather than a “County” identity on their websites.



The websites of the three MPOs vary in quality and “MPO identity”. All three are hosted by the respective County. All three sites provide the public with the status of ongoing projects, information on completed projects, the opportunity to download selected material, and an opportunity to provide comments on selected topics. Of the three, the UCTC website⁴⁰ is the most visibly devoted to the MPO construct and is readily identified as such. We commend Ulster County for the high quality of the site, both visually and in content.

The MPO website for Orange County portrays only a minor MPO identity.⁴¹ Admittedly, the OCTC site shows some minor improvement from 2005, but it still largely has a County flavor. The PDCTC website⁴² is significantly better in terms of MPO identity even though the overall format still reflects the influence of the “County”.

We believe that a website with a specific MPO identity is a critical element of an MPO’s public involvement effort. The more the MPO is perceived by the public as an independent body rather than merely an arm of the County or NYSDOT, the greater the likelihood that the public will visit the site. Contrary to the situation in these three MPOs, most other MPO websites in New York are hosted by the MPO staff itself rather than being a subset of the host agency’s site. This avoids limitations regarding how material is presented due to the need to conform to a preset County template. UCTC has been able to overcome this and has developed a very good site. We believe that the OCTC needs to upgrade its site to a format that would better identify itself as an MPO rather than a subunit of the County and also make it easier for the public to navigate the site. PDCTC has done a better job of portraying itself as different from the County but the site would improve if it was not limited to the preset County template.



Travel Demand Modeling

A major responsibility of transportation planning is to forecast changes in travel demand that will happen - or may happen - due to alternative transportation and land use policies. Travel models are key tools for making the decisions that shape our transportation systems. Through the MPOs, State and local governments invest significant federal monies on highways and transit improvements, and the modeled traffic information provides assistance in evaluating the potential impacts of candidate projects. Additionally, modeling plays an important role in emerging priorities such as road pricing, operations, freight, land use-transportation integration, homeland security, and safety. Modeling can increase the power of scenario planning, visualization and communication of results to the public and elected officials.

Most travel demand forecasting models are based on a four-step approach:

- Trip generation
- Trip distribution
- Modal Split
- Traffic Assignment

OCTC uses *Visum* travel demand modeling software, which is a four-step, gravity-based model. OCTC has established 550 Traffic Analysis Zones (TAZs), of which 515 are internal zones and 35 are external zones connecting the county with surrounding counties. For each TAZ, socio-economic data is identified (e.g.; population, employment, housing, vehicle availability, etc.) Population and housing is based on the Census 2000 together with Census population and housing estimates (updated to June 2007). Transit is not modeled because transit service does not comprise a significant portion of travel in the county.

UCTC also uses a four-step gravity-based model, but it relies on the *TransCAD* travel demand modeling software. The UCTC has established 397 TAZs populated with similar types of information as OCTC's model.

PDCTC also uses the *TransCAD* travel demand modeling software, but it only uses three-steps in its analyses. PDCTC's three-step approach is a slight modification of the four-step approach, in that it does not include a calculation for modal split; PDCTC believes that their low level of transit ridership does not warrant it. PDCTC has established 190 TAZs (156 TAZs within Dutchess County, 20 outside and 14 special generators⁴³) with data similar to other MPOs. The base for population is Census 2000. The PDCTC model uses those population counts to calculate the Average Household Size or Persons per Household (PPH) for each TAZ. Population forecasts are obtained by extrapolating historic annual growth rates from the last 15 years; these forecasts are then adjusted by the Dutchess County Department of Planning and Development based on known future development projects in each municipality. The model is calibrated to 2002 traffic data.

Since Dutchess and Orange Counties are in air quality nonattainment areas, the travel forecasting models must be deemed acceptable for use in air quality conformity analyses. The PDCTC and OCTC models have been accepted by the New York Interagency Consultation Group (see page 65) as satisfactory. Ulster County is presently an attainment area and thus the UCTC model does not need the ICG endorsement. FHWA and FTA have accepted the UCTC model for use in transportation planning purposes.

CORRECTIVE ACTION:

- OCTC needs to develop a website that is more conducive to public involvement. The site needs to visibly portray the MPO as an independent organization rather than a subunit of the County. This should be accomplished by October 1, 2010. Although not a corrective action per se, we recommend that PDCTC pursue a similar effort.



Rock Climbing
Trapps Cliff, Mohonk Preserve
Ulster County, New York



Unified Planning Work Programs

“.....each MPO, in cooperation with the State(s) and public transportation operator(s), shall develop a UPWP that includes a discussion of planning priorities facing the MPA. The UPWP shall identify work proposed for the next one- or two year period by major activity and task in sufficient detail to indicate who will perform the work, the schedule for completing the work, the resulting products, the proposed funding by activity/task, and a summary of the total amounts and sources of Federal and matching funds” -450.308 (c)



MPOs are required to develop Unified Planning Work Programs (UPWPs) as a basis and condition for all FHWA and FTA funding for transportation planning within their boundaries. UPWPs describe all metropolitan transportation planning and transportation-related air quality planning activities anticipated within the next 1- or 2-year period, regardless of funding source. MPOs develop these documents in cooperation with the State and public transit agencies. All three MPOs in the TMA use the one-year UPWP format with a cycle tied to the New York State fiscal year beginning April 1.

The two main Federal funding sources for the UPWPs are the FHWA's Planning Funds (PL) and FTA's Section 5303 Funds. These monies are distributed to MPOs through a NYSDOT formula developed in consultation with the thirteen New York MPOs and approved by FHWA and FTA. The formula contains three components: a minimum amount, a share based on the MPO's relative percentage of urbanized area population, and an extra amount for being in a TMA area. In 2002, the NYSDOT developed new estimates based on the results of the 2002 urbanized area designations. The PDCTC, OCTC and UCTC receive additional funds based on their TMA status.

The majority of the funding in the UPWPs is for activities performed by the MPO staffs of the three Counties (however OCTC presently has a substantial backlog of funds which is being dedicated to significant planning initiatives using outside professional assistance). The Federal PL and Section 5303 programs require a State/local 20% non-federal match. In the current UPWPs, NYSDOT provides 15% of the local match, and the counties provide the other 5% of the local match.

Activities Planned in 2009-2010 UPWPs

The activities planned for in the three 2009-2010 UPWPs share some commonality because of the TMA coordination but remain highly focused on the needs of their respective counties.

Poughkeepsie-Dutchess County Transportation Council

The emphasis during the 2009-2010 program year is on long-range planning, data collection and analysis, public outreach, and plan implementation activities. The priority projects include continuing to update MPO activities to meet SAFETEA-LU requirements and goals from *New Connections*, reviewing the CMP and conducting regional travel time surveys with UCTC and OCTC, working with transit operators to implement recommendations from the Transit Development Plan, and continuing to prepare for the 2010 Census.

PDCTC completed its Transit Development Plan in 2009, which identifies ways to improve the delivery of transit services to the county's residents. The PDCTC will work with transit operators in the next year to implement the recommendations of the plan, and will coordinate the recommendations with other short and long range planning activities.

A major effort in the current UPWP involves the MPO staff coordinating with NYSDOT and other agencies to prioritize planning and funding of identified transportation corridors. Implementation of corridor plan recommendations will serve statewide trade, intercity transit and tourism activities.

The PDCTC will provide planning and design assistance to the Dutchess County Planning Department to serve communities that have joined the Greenway Compact program and that seek to put Greenway principles into practice. The goal of the Greenway Compact is to create pedestrian and bicycle friendly communities, transform strip commercial areas into mixed-use centers, turn highways into greenways where appropriate and tame traffic congestion. This work will focus on identifying transportation-land use connections within the county and will show how coordination of land-use planning and transportation activities can foster smart growth and improve mobility.

Table 4: UPWPs - April 1, 2009-March 31, 2010

| MPO | FHWA PL \$ (matched) | FTA \$ (matched) | Total |
|-------|----------------------------|---------------------|--------------|
| PDCTC | \$ 643,650 | \$ 143,373 | \$ 787,023 |
| OCTC | \$ 3,068,225 | \$ 382,879 | \$ 3,451,104 |
| UCTC | \$ 471,675 | \$ 138,523 | \$ 610,198 |
| Total | \$ 4,183,550 | \$ 664,775 | \$ 4,848,325 |

Orange County Transportation Council

The OCTC has devoted significant planning resources to activities included under its UPWP category of long range transportation planning. These activities include the continued implementation of key recommendations from the County-wide Transit Study and the Southeaster Orange County (SEOC) Traffic and Land Use Study,

undertaking the substantial Newburgh Area Transportation and Land Use Study, initiating a Mid-county Transportation and Land Use Study, traffic simulation modeling, transit system management, the continuation of inter-agency data

collection and analysis, and a number of important transit planning and transit program management improvement planning tasks.

The staff is actively coordinating with other regional agencies on the MTA Metro North/Port Authority West of Hudson Regional Transportation Access Study (WHRTS) regarding regional transit access between Orange County and the NYC metropolitan area, especially in regard to development of regional air service at Stewart International Airport. OCTC staff participate in WHRTAS meetings and other Stewart Airport related boards to discuss alternatives to improve surface access to and within the airport, including the potential for new rail connections and enhanced bus service.

Ulster County Transportation Council

In 2009-2010, UCTC is devoting about half of its planning funds to Data Collection in support of its Congestion Management Process (CMP) goals and objectives. Long range planning activity includes the initiation of an Ulster County Area Transit (UCAT)/City of Kingston Citibus Five Year Transit Coordination Plan. The study will focus on identification and recommendations for fixed route transit operations, facilities and rolling stock, identification of public transit performance gaps, and coordinate and make recommendation for improved services, time tables, service policies and financial plans.

Possible Enhancement for Planning Activity

Several times during the review, the MPOs expressed their desire to help foster community identity and **a sense of place** in all parts of the region” and requested suggestions of best practices from other MPOs in this regard. We suggest consideration of the Capital District Transportation Committee’s (CDTC) *Community and Transportation Linkage Planning Program*.⁴⁴



What does “sense of place” mean? Basically, it means avoiding becoming an “anywhere” type of community. Too often travelers have a difficult time discerning whether they are in Buffalo, Denver, or Atlanta. Too often, communities have similarly bland development patterns. In contrast to amorphous, indefinable development, a “place” is more than just a “site”. CDTC recognized that it can better understand what it means to cultivate a sense of place - even in a new locality - by stepping back and employing the common sense we all employ in our own lives: when we leave work and drive home – would we like to live in a community that has a sense of place or not? Most would answer in the affirmative.

CDTC’s *Linkage Program* is a land use/transportation planning assistance program to support local planning initiatives. It provides consultant or MPO-staff technical assistance for joint regional-local planning initiatives that link transportation and land use. *Linkage* is a key implementation activity of the Metropolitan Transportation Plan and also the cornerstone of CDTC’s local planning assistance and public outreach efforts. It is one of the most significant cooperative efforts in the nation that reflects, in practice, what representatives of the region’s

counties, cities, towns and villages as well as state and local transportation providers have adopted as policy. The *Linkage Program* is a competitive program funded by federal funds through the UPWP. Preferred applicants are units of local government (e.g.; town, city, and village) and counties; State agencies are also eligible applicants. Non-governmental entities such as not-for-profits and public authorities are eligible if the application includes a letter of support from the municipality or municipalities in which the study is focused.

If a study that is selected is to be done by a consultant, the MPO staff manages the project, works with project sponsors to develop a request for proposal, evaluates proposals, selects consultants, develops contracts, participates in the study's advisory committee, monitors work progress and solicits and evaluates proposals for future Linkage Program projects. Candidate projects in localities that have done Linkage studies are not considered for inclusion on the TIP unless the project is consistent with the study recommendations.

It is recognized that the three MPOs in the Mid-Hudson Valley TMA are not in the same situation as CDTC, as CDTC does not have county planning personnel as MPO staff members. Thus, in CDTC, there is no immediate connection between the transportation and land use planning/decision-making functions of the county. In the Mid-Hudson Valley, this is what the county planning hosting of the MPO staff provides. County planning staff, working for both the county and the MPO, review of local land use actions and thus helps to translate transportation policies into specific recommendations on local planning and development decisions.

The above being recognized, we recommend an evaluation of the *Linkage* concept by the Mid-Hudson Valley MPOs to determine whether aspects of the effort (e.g.; PL funding of consultant studies, etc.) could be of value.

Corrective Action:

- The UCTC UPWP needs to include the resulting products and schedule for completing work for all UPWP projects. This must be accomplished in the 2010-2011 UPWP.

Recommendation:

- The OCTC should ensure drawdown of UPWP carry over funds to avoid additional accumulation of backlog funds.
- The MPOs should consider adding a task to their UPWPs that would evaluate the potential benefits of CDTC's Linkage Program approach to augment the existing long range planning and local planning.



Congestion Management Process

“(a) The transportation planning process in a TMA shall address congestion management through a process that provides for safe and effective integrated management and operation of the multimodal transportation system, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 through the use of travel demand reduction and operational management strategies:

23 CFR 450.320(a)

B ECAUSE of the designation of the Mid-Hudson Valley as a TMA, the three MPOs have developed a **Congestion Management Process (CMP)**. The CMP is actually a systematic process required in TMAs to provide the opportunity for the MPOs, the member agencies and the general public to measure existing and future regional congestion, quantify the effectiveness of proposed strategies on reducing congestion, and offer strategies to develop and implement practical measures to manage congestion.

SAFETEA-LU expanded the scope of the concept from a “*system* that provides for effective management” to a “*process* that provides for effective management *and operation*”.⁴⁵ Prior to SAFETEA-LU, the concept was named the “congestion management system” (CMS). The change in name (and acronym) was deliberate in order to achieve a change in perspective and practice, to address congestion management through a process that provides for effective management and operations, and to provide an enhanced linkage to both the planning process and the environmental review process. The CMP is based on cooperatively developed travel demand reduction and operational management strategies as well as capacity increases.

At the time of the last certification review, the TMA designation was new and did not have a CMS; the federal report required the adoption of a CMS by October 1, 2005. The three MPOs accomplished this task

Importance of the CMP

Most of the major roadways in the TMA are not congested, with a few exceptions during the PM peak hour, as people are traveling home from work or at certain times on the weekends. The CMP identified congestion as roadways with a

volume/capacity ratio of greater than 0.9. There are a handful of roadways in each county that surpass this ratio.

Still, there are several reasons why the CMP is important to the TMA. The first two are regulatory: all TMAs are required to have a CMP⁴⁶. Also, since Dutchess and Orange Counties are designated as nonattainment of the national air quality standard for ozone, and Orange County is also in nonattainment of the PM_{2.5} standard, Federal transportation funds may not be programmed for any project in these counties that will result in a significant increase in carrying capacity for single occupant vehicles unless the project results from a CMP.⁴⁷ Thus, a project to add an additional lane in these counties is permissible only if that is the only feasible way to resolve a problem. Even then, the regulations require that such projects shall incorporate all reasonably available strategies to manage the single occupant vehicle (SOV) facility effectively (or to facilitate its management in the future).

***I took the
road less
traveled... and
got there on-time.***

Another reason why the CMP is important is that it can result in drivers saving money and fuel. The Road Information Program (TRIP) estimates that New York's roadways that lack desirable safety features have inadequate capacity to meet travel demands or have poor pavement conditions cost the state's drivers \$15.7 billion annually in the form of traffic accidents, additional vehicle operating costs and congestion-related delays.

While recognizing its importance, the CMP is still just one component – albeit an important one - of the larger regional planning process. It is not a replacement for existing planning procedures, and congestion is not the only factor under consideration when determining the priority of transportation projects.

The Mid-Hudson Valley CMP

The three MPOs in the TMA adopted a joint CMP effective October 1, 2005. The CMP reflects both the common issues and approaches among all three areas while still reflecting the individual characteristics of each area. It establishes a four step process by which each county measures and defines recurring congestion within its respective jurisdiction.

In the near term, the MPOs intend to use the CMP to locate and manage severe, recurring congestion⁴⁸ on road corridors and intersections in the Mid-Hudson Valley TMA. Their long-term expectation is to expand the CMP to analyze non-recurring congestion⁴⁹, and to also identify congestion related to other modes of transportation (public transit, bicycle, and pedestrian) while recognizing that financial and staff resources remain finite and that they must compete with other MPO requirements.

The adopted CMP established a four-step process:

- 1) Measure and define congestion through data collection and travel demand modeling,
- 2) Locate congested intersections and links,
- 3) Manage congestion through transportation demand and system management techniques,

- 4) Integrate the CMP into current planning processes and reassess its effect.

Since this is the first CMP for the region, the idea is to use existing data resources and programs to meet the requirement and then revise the CMP as new ideas or procedures become available. .

Step 1: Measuring & Defining Congestion

Congestion is often a subjective concept. The CMP regulations recognize that the definition of congestion usually differs from one MPO to another: “Congestion is the level at which transportation system performance is no longer acceptable due to traffic interference. The level of system performance deemed acceptable by State and local officials may vary by type of transportation facility, geographic location (metropolitan area, subarea, rural area), and/or time of day.”⁵⁰ Thus, a resident of New Paltz might have a different idea of acceptable congestion than a resident of Manhattan.

The MPOs established a set of Volume-to-Capacity (V/C) ratios to define moderate, heavy, and severe roadway congestion in the three counties. V/C ratios measure congestion from the standpoint of supply and demand. A particular road has a finite capacity or limit to the number of vehicles that can safely travel on it at any one time. Sometimes, the number of vehicles using the road exceeds its capacity, thus creating congestion. This condition is most prevalent during morning and evening peak commuting periods, although there are exceptions.

The degree of congestion with a given vehicle volume is usually related to the capacity of the roadway. Most MPOs measure congestion either by a Level of Service rating (LOS) or by travel time/delay in excess of that normally incurred under free-flowing travel conditions. In this TMA, the MPOs have agreed to begin by using volume-to-capacity ratios as the initial basis for identifying congestion, but plan to use travel time delay as their ultimate measure in the future. The TMA’s initial congestion thresholds are shown in Table 5.

The *Highway Capacity Manual* (HCM) defines capacity as “the maximum rate of (traffic) flow that can reasonably be expected to pass a point or uniform section of a lane or roadway under prevailing roadway traffic and control conditions.” Level of Service (LOS) standards are established in the HCM to evaluate operating conditions, ranging from a Level-of-Service “A” (vehicles are free to maneuver within the traffic stream), to Level-of-Service “F” (the number of vehicles arriving at a point is greater than the number of vehicles that can traverse it - traffic demand exceeds the capacity of the location).

To calculate a V/C ratio, the travel demand model takes existing traffic volume data and divides it by roadway capacity, which is based on the road type (functional classification and number of lanes). The OCTC, PDCTC, and UCTC each maintain a travel demand model for their respective county.

As part of Step 1, the CMP classified recurring weekday, peak hour (4:00-5:00 pm) congestion into three categories: moderate, heavy, and severe. The categories relate to three ranges of V/C ratios. A facility operating between 80 to 89-percent of

its capacity during peak periods is classified as having moderate congestion, while a facility operating at 90 to 99-percent of capacity is classified as having heavy congestion. When the measured V/C ratio exceeds 100-percent, the facility is classified as having severe congestion.

The MPOs recognize that V/C ratios present some limitations, because they do not fully account for speed variations, maneuverability, or travel time. The OCTC, PDCTC, and UCTC intend to use travel time measurements in future iterations of the CMP because that measure acknowledges the importance of time to travelers, which can often be a better gauge of real-time congestion than

V/C calculations. To this end, the three MPOs have agreed to pool MPO planning funds to conduct a **Regional Travel Time Survey** on the major roads in the region (Spring 2011 is the targeted completion date). The \$150,000 survey effort will involve retaining a consultant to collect data on approximately 1,000 directional roadway miles over a three county area. The project will help measure and document congestion, establish a baseline of travel time in the Region, and help satisfy congestion management process requirements. OCTC has agreed to host the consultant contract and provide the local match, while PDCTC has agreed to manage consultant activities.

| Level of Congestion | V/C Ratio |
|----------------------------|-----------------------------|
| Low or None | ≤ 0.8 |
| Moderate | > 0.8 but ≤ 0.89 |
| Heavy | > 0.90 but ≤ 0.99 |
| Severe | > 1.00 |

Step 2: Identifying Congested Roads in the Mid-Hudson Valley TMA

The three MPOs next identified roads within their jurisdiction with moderate, heavy, and severe congestion during the weekday afternoon, peak hour period (4:00-5:00 pm). To do this, the MPOs used their individual travel demand models and developed volume-to-capacity measures for the roadway links. For Dutchess County (*TransCAD*), the PDCTC identified 33 lane miles of congested roads. The OCTC (*Visum*) identified over 31 lane miles of congested roads. A number of State, County and local road segments, park-and-ride lots, and railroad crossings in Ulster County (*TransCAD*) were identified as experiencing either severe recurring or non-recurring congestion.

Step 3: Manage Congestion

For Step 3, the three MPOs will identify possible solutions in conjunction with the project solicitation process in their TIPs. These solutions embrace a multi-faceted, broadminded strategy, with the recognition that they cannot assume that they can build their way out of congestion. Transportation Systems Management

(TSM)⁵¹ and Transportation Demand Management (TDM)⁵² techniques are two accepted approaches to managing congestion that are utilized.

Step 4: Integrate the CMP into current planning processes and reassessing its effect.

The action of putting this CMP into practice requires that the MPOs each integrate it into their existing transportation planning processes and programs. One method of integration is achieved through the TMA Quarterly Meetings where the MPOs discuss – among other topics - progress on CMP implementation. Another action is that the MPOs include specific short- and long-range CMP strategies in their current UPWPs.

Step 4 also requires that the MPOs regularly review its effectiveness and completeness to manage congestion, not only at the macro, policy level, but also at the micro, project level. To this end, the three MPOs completed a joint progress report in June 2006, which identified the locations of severe congestion in the region.

The basic CMS, adopted in 2005, provides a schedule for the accomplishment of the four steps, and it targets October 2007 as a milestone for updating the process. This update has not formerly occurred, in part because the Federal Metropolitan Planning Regulations changed on February 14, 2007.

PDCTC's new regional plan, *New Connections*, incorporates the CMP's identification of congested roadways; in the Recommendations section, the Plan states that all listed locations will receive priority for congestion mitigation activities in the coming years, including intersection improvements, access management treatments, and possibly capacity expansion.⁵³



Corrective Action

23 CFR 450.320, which was adopted in 2007, contains the requirements for the Congestion Management Process activity. Many of these requirements are being met by the Mid-Hudson Valley's 2005 CMP. However, there are some activities that are lacking in the existing CMP and thus require a revisit to said concept. Specifically, the aspects of performance measures and periodic assessment/evaluation of effectiveness need to be enhanced:

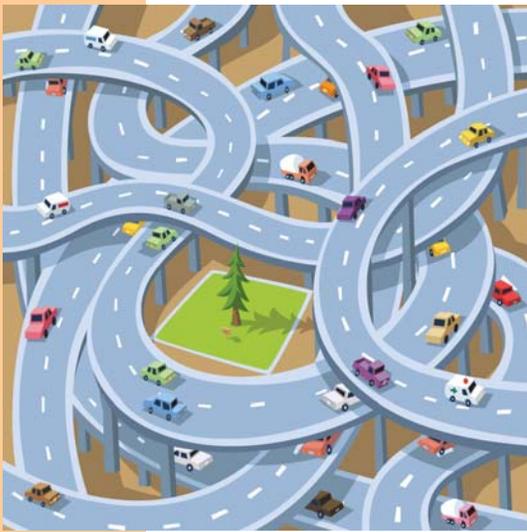
- ❖ **Performance measures and strategies:** The development of a congestion management process should result in multimodal system performance measures and strategies appropriate to assess the extent of congestion.
 - The Mid-Hudson Valley's CMP does identify performance measures (V/C) and this is mentioned in the metropolitan transportation plans and the TIPs. However, the CMP does not identify appropriate strategies.
- ❖ **A process to evaluate the causes of congestion:** The CMP needs this endeavor.
- ❖ **Implementation schedule & funding source for identified improvements:** The CMP still needs to identify an implementation schedule, implementation

responsibilities, and possible funding sources for each strategy (or combination of strategies) proposed for implementation

- ❖ **Periodic assessment:** Implementation of a process for periodic assessment of the effectiveness of implemented strategies, in terms of the area's established performance measures. The results of this evaluation shall be provided to decisionmakers and the public to provide guidance on selection of effective strategies for future implementation. We recognize that the current CMP does call for reevaluation; however, this action is still outstanding.

The four items are important to the CMP process and are required by the current regulations.

Metropolitan Transportation Plans



“The transportation plan shall include both long-range and short-range strategies/actions that lead to the development of an integrated multimodal transportation system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

23 CFR §450.322(b)



THE MPO Metropolitan Transportation Plan (MTP or Plan) establishes the long-term transportation investment, service, and policy agenda for the region. It must demonstrate that the federal regulations for its development have been met, as well as show how locally expressed priorities, public involvement, and other critical inputs to the planning process have been addressed. The Plan provides a central opportunity for the planning agencies to communicate their priorities, choices, and general direction for the region to an audience that includes planning partners, stakeholders, elected officials and the public.

Each successive update of a Plan responds to trends and projected changes in the region’s demographics, economy and transportation needs, thus providing a relevant, informative and dynamic long-range guide for transportation decision-making.

All three MPOs in the TMA have approved MTPs. The PDCTC and OCTC plans have 2035 as their horizon year, whereas UCTC has 2030.

Table 6: Metropolitan Transportation Plans

| MPO | MPO Approval Date | FHWA/FTA Conformity Date* | Horizon Year |
|-------|--------------------|---------------------------|--------------|
| PDCTC | November 29, 2007 | December 19, 2007 | 2035 |
| OCTC | November 27, 2007 | December 19, 2007 | 2035 |
| UCTC | September 25, 2005 | N/A | 2030 |

* In air quality nonattainment areas, the date of the FHWA/FTA conformity determination is the date that the plan becomes valid. In attainment areas, the MPO’s approval date is the date that the plan becomes valid.

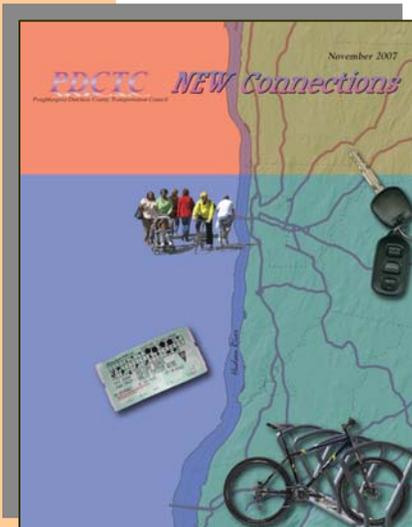
When developing a list of projects and strategies to include in a Plan and TIP, an MPO must consider fiscal constraint. Fiscal constraint means that the Plan and TIP include sufficient financial information to demonstrate that projects in the Plan and TIP can be implemented using committed, available, or *reasonably available* revenue sources, with reasonable assurance that the federally supported transportation system is being adequately operated and maintained.⁵⁴ Typically, the transportation “needs” will exceed the estimated available resources.

Financial constraint is especially important in air quality nonattainment areas such as PDCTC and OCTC – and possibly UCTC in the near future. Under the federal environmental process (*National Environmental Policy Act* - NEPA), Federal agencies cannot issue a Record of Decision (ROD) on a nonexempt⁵⁵ project unless the project is included in an air quality analysis on the Plan. According to EPA conformity regulations, a project cannot be included in this analysis unless it is in the financially constrained portion of the Plan. This is done so that an MPO cannot take credit in its conformity analysis for air quality improvement projects which there are no funds to implement. Until the Federal agencies issue a ROD, subsequent work on a nonexempt project (final design, right-of-way actions, construction) cannot be included in the TIP. A nonexempt project cannot advance beyond the environmental stage of its development until it is in the financially constrained portion of the Plan. This restriction applies whether the project is Federally funded or not.

The three MPOs do not have a formal procedure in place for the development of fiscal revenue projections for either their TIPs or long-range plans (see *Organizational Structure* section of this report). NYSDOT Region 8 prepares resource estimates for federal and state capital funds through the Plan's horizon year based on historical allocations among the State's regions and the Region 8 counties.⁵⁶ Other reliable sources of funds include those for the special authorities and county highway funds (general and bond), but it is more difficult to estimate what resources might be available from local government (city, town, village) over the period of the long-range plan.

The transportation plan of each MPO is discussed below.

Poughkeepsie-Dutchess County Transportation Council New Connections



The PDCTC has had four Long-Range Transportation Plans since its inception in 1982. The first was the *PDCTC Transportation Plan* adopted by the MPO in 1994.⁵⁷ Prior to the 1994 Plan, the MPO's approach was more piecemeal, relying on several documents that were developed with minimal coordination: the County Planning Department's *Interim Highway Plan* (1991), a NYSDOT Region 8 plan entitled the *Hudson Valley Plan, Moving People and Goods in the 21st Century* (1992), the *Transit Development Plan* (1991), *Transit Policy Plan* (1992) and *Directions: The Plan for Dutchess County* – the County's master plan.

The 1994 Plan looked at the entire transportation system: highways, roads, local and regional bridges, public and private bus systems, regional and national rail services, bicycle and pedestrian facilities. In 1998, PDCTC adopted *Transportation Plan Update*, which was indeed an update to the 1994 Plan. The horizon year was set at 2020, and the new Plan included the Town of Lloyd in Ulster County (added to Poughkeepsie urbanized area by 1990 Census). In November 2003, the PDCTC adopted *Connections 2025*.⁵⁸

The current Plan is entitled *New Connections* and has a horizon date of 2035. The basic purpose behind all four plans remains the same: to present a set of policies and projects designed to not only maintain the existing transportation system, but also to meet the challenges in the coming decades. What has changed is how the PDCTC has tried to accomplish these goals.⁵⁹

New Connections recognizes five strategic areas: System Management and Preservation, Mobility and Accessibility, Land Use and Economic Development, Environment and Energy, and Safety and Security. The MPO intends to use these strategic areas to form the framework for future discussions with the Executive and Technical Committees, member agencies, community based organizations, and the general public.

- 1) System Management and Preservation:** *Preserve the existing transportation system through appropriate maintenance, management, and operational improvements.* The intent of this strategy is to ensure maintenance of the existing transportation system in a good state of repair, adjusting the system as necessary to improve its safety, efficiency, and reliability, and analyzing relevant demographic and traffic data to understand how the transportation system might be used in the future.
- 2) Mobility and Accessibility:** *Provide reliable, efficient, and cost effective options for movement within the area and to and from other regions.* This strategy is aimed at strengthening the interconnections among the many modes of travel.
- 3) Land Use and Economic Development:** *Integrate land use, economic development, and transportation activities to promote sustainable development in Dutchess County.* This strategy seeks to influence the design and scope of County land use patterns in order to support a safe, efficient, and reliable transportation system. It also seeks to reinforce sustainable land use practices and techniques that promote the most efficient and safe use of the transportation system, such as access management enforcement, Transit Oriented Development (TOD), neighborhood centers, open space programs, and form based zoning codes.
- 4) Environment and Energy:** *Protect natural and man-made resources to enhance quality of life. Conserve energy resources and improve air quality in the region.* The strategy promotes a transportation system that minimizes adverse effects on the natural environment and better prepares the system to transition to alternative energy sources. It also seeks to ensure that the impacts of transportation decisions do not favor or harm various socio-economic groups disproportionately, a concept commonly referred to as Environmental Justice.
- 5) Safety and Security:**
 - a. Improve safety of the transportation system for all users.*
 - b. Cooperate with and support county, regional and state transportation security programs.*

PDCTC Plan - Fiscal Constraint Analysis

The *New Connections* estimate of resources available to support the metropolitan transportation system is approximately \$2.48 billion in current dollars for 2013-2035. To estimate the costs of addressing transportation needs, the Plan used a combination of NYSDOT-Region 8, Dutchess County Department of Public Works and local transit agencies' determinations; the Plan estimates that the anticipated transportation needs over the period is \$2.69 billion in current dollars. A comparison of reasonably available resources and estimated transportation reveals an annual funding shortfall of between \$10 and \$23 million, depending on what is included. However, when expressed in Year of Expenditure (YOE) dollars, the need balloons to \$8.71 billion (assuming an annual inflation

rate of 4%.) The projected revenues were not similarly inflated, so a similar comparison of needs and revenues is not possible.

| PDCTC - Allocation of Resources (2013-2035) | | |
|--|--------------------------|----------------|
| Transportation Plan Goals | Total \$ millions | % |
| System Management & Preservation | 2,054.3 | 83% |
| · Highway Reconstruction | 616.6 | |
| · Bridge Rehabilitation & Construction | 969.3 | |
| · Highway & Bridge Maintenance | 387.0 | |
| · Transit Infrastructure & Operations | 76.4 | |
| · Pedestrian & Bicycle Infrastructure | 5.0 | |
| Mobility & Accessibility | 243.3 | 10% |
| · Highway & Bridge Capacity | 38.4 | |
| · ITS & Traffic Improvements | 162.0 | |
| · Transit & Demand Management | 12.5 | |
| · Pedestrian & Bicycle Capacity | 30.4 | |
| Safety Improvements | 105.2 | 4% |
| Environment & Energy | 11.9 | < 1% |
| Land Use & Economic Growth | 67.0 | 3% |
| Total | 2,481.7 | 100% |

New Connections is a policy-based plan that does not commit to specific projects beyond those listed in the current 2008-2012 TIP.

Orange County Transportation Council
2035 Long Range Transportation Plan

The OCTC (formerly NOCTC) has had four long range transportation plans since its inception in 1982. Orange County’s original plan was the *Transportation Plan 1981, Orange County, New York*. As indicated by its title, the plan covered all of Orange County and it was developed before an MPO was established; once the NOCTC was established in 1982, the Plan was formally adopted as the MPO Plan. The *1981 Plan* was subsequently updated in 1987.

In 1993, Orange County began developing a new 20-year transportation plan, and the MPO adopted its *2020 Vision – A Transportation Plan for Orange County, New York* in 1994.⁶⁰ The *2020 Vision* Plan divides the County using three planning subareas:

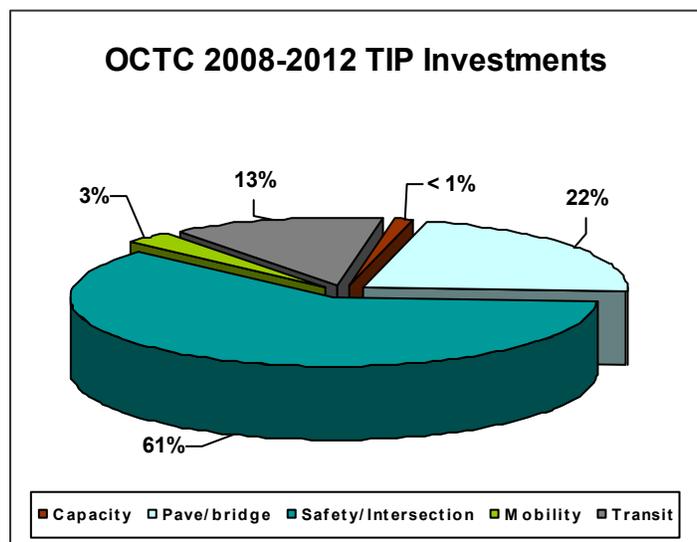
- Newburgh urbanized area,
- Middletown urban area & ‘Western gateway’, and the
- Southeast area.

The Plan analyzed three alternative future land use scenarios (the Incremental Future, the Land Use Planning Future and the Technology Future) for their impact on the transportation system. Transportation improvements were recommended for each land use scenario to maintain existing transportation infrastructure, enhance transit services and to alleviate future traffic congestion based upon constrained and unconstrained funding sources. In 1998, the MPO updated the *2020 Vision Plan* to provides new information concerning the transportation system and further address issues concerning the interaction between transportation and land development patterns in the County. Next, In 2003, OCTC adopted *Vision 2025*. *Vision 2025* was not a totally new plan, but rather a reaffirmation of the *2020 Vision Plan* (1994) and its 1998 update.⁶¹ The *2025 Plan* contained a mix of specific future transportation projects in addition to more policy-oriented future outlooks.

The current plan is the *2035 Long Range Transportation Plan*, which builds on the foundation of earlier and generally affirms the previous plan policies and recommendations. It updates information and fiscal outlooks based on current budget assumptions. In addition to revised organization, the plan update also differs in the following ways:

- Presents a single future development scenario (not three) based on the County Comprehensive Plan
- Updated to reflect *SAFETEA-LU* federal legislation
- Plan horizon year extended from 2025 to 2035
- Recognizes partnership with Dutchess and Ulster Counties through the TMA including the implementation of a Congestion Management Process
- Goals and Objectives is a distinct chapter with recommendations added by topic
- Includes eight planning factors instead of seven (security emphasized by being made its own factor; separated from safety)

As noted in the first bullet, the *2035 Plan* departs from the use of three future land use scenarios (with three somewhat separate examinations of needs) and now focuses on the concept that the future will, like the recent past, most likely bring incremental efforts and incremental progress in a number of areas. As with the previous plans, the Plan sees the significant and substantial interrelationship between transportation systems and the land uses and activities which they connect. The Plan uses the *Orange County Comprehensive Plan: Strategies for Quality Communities* program and its priority growth areas as a foundation.



OCTC is using subarea studies as inputs and supplements to the *2035 Plan*. The most significant study to date is the *Southeast Orange County Traffic and Land Use Study* (SEOC).

Southeast Orange County Traffic and Land Use Study (SEOC)

SEOC was a very successful collaborative research and action effort directly involving the MPO, County agencies, NYS DOT, seven municipalities, and several other relevant transportation, transit, civic and business organizations. The study, completed in 2004, identified existing transportation problems in high growth areas (Towns of Blooming Grove, Monroe and Woodbury), determined the impact of commercial, industrial and residential growth, forecasted likely future problems in the highway network utilizing OCTC's Travel Demand Model, and recommended transportation management strategies, access management techniques, infrastructure improvements, and changes in land use to mitigate traffic problems.

One of the most useful results of the study effort was the formation of the SEOC Task Force, which is ongoing today. In 2006, the Task Force hired the Regional Plan Association⁶² to complete a visioning project regarding smart growth land use recommendations. In 2007, the RPA published *Illustrating Smart Growth for Orange County* (a.k.a. *Smart Growth Vision*). One recommendation was regarding the potential for transit oriented development at the Harriman Metro North train station. Exploration of this concept has been facilitated through selection for a NYSMPO-supported Shared Cost Initiative (SCI) to undertake a case study. OCTC added additional monies to the case study to support a market analysis and other costs of this effort. The Harriman Transit Supported Development report is in draft form and being reviewed by participants

Newburgh & Middletown Area Transportation & Land Use Studies.

OCTC is now undertaking two additional subarea studies through the UPWP: the *Newburgh Area Transportation & Land Use Study*, and the *Mid-County Transportation and Land Use Study*. Both of these studies were initiated because OCTC determined that the rapid growth and development in the Newburgh area and the Middletown area combined with other changes and opportunities, required that in-depth studies be undertaken in these sub-regions of the county. These studies will build on the experiences and lessons learned from the SEOC.

- *Newburgh Area Transportation & Land Use Study* covers all of the municipalities which make up the OCTC Newburgh/northeast region: the City of Newburgh, the Towns of Newburgh, New Windsor, Cornwall and Montgomery and their respective Villages. Certain smaller areas and transportation corridors will be highlighted in the scope of work for more detailed investigation, analysis, design exploration and recommendations. These areas and corridors will include the major State highways & their intersections, the growing commercial area along and near NYS Route 300, the Hudson waterfront and other redevelopment areas in the City of Newburgh and the Broadway corridor, and the Stewart International Airport.
- *Mid-County Transportation & Western County and Land Use Study* will include a comprehensive build-out analysis for the fast developing areas in and near

Middletown & Wallkill, extending east and south into Goshen, Wawayanda, and other municipalities.

Because of formatting issues, the *2035 Plan* was never actually published in hard copy form. OCTC is on track to rectify this situation for the next TIP's publication (August 2010). The Plan is available in several parts on the OCTC website.

OCTC Plan - Fiscal Constraint Analysis

OCTC's *2035 Plan* does not forecast needs out to 2035. It does include 2013-2035 estimates of funding availability in YOE dollars totaling \$2.866 billion, which is approximately \$400 million more than PDCTC. It is obvious that OCTC's investment strategy is cautious, as evident in the funding distribution shown in the 2008-2012 TIP. However, the published version of the *2035 Plan* should contain an estimate of needs over the period of the Plan.

Ulster County Transportation Council *2030 Long Range Transportation Plan*

The current UCTC plan is the *Ulster County Transportation Council's 2030 Long-Range Transportation Plan*, which was adopted by the Council on September 27, 2005.

At the time of the 2005 Certification Review, UCTC had not adopted a Plan as an MPO but was required to do so by October 1, 2005. The MPO met that goal. Ulster County did not start from scratch on this endeavor. In April 2003, the Ulster County Planning Board adopted the *2003 Ulster County Transportation Plan*. This 2003 Plan described the existing transportation system in the county and presented an analysis of transportation needs out to the year 2020. The Plan also provided a package of "Primers" to local officials that contained technical guidance to consider when evaluating transportation issues. Therefore, many of the basic elements required for an MPO's plan were already in place.

The UCTC began incorporating the missing elements that were needed to comply with the federal regulations for MPO long range plans, including analysis of fiscal resources that are reasonably expected to be available over the period to 2030 versus costs of transportation needs. In order to foster public involvement, the UCTC developed a specific webpage⁶³ devoted to the new Plan and held two public workshops as well as a series of stakeholders meetings.

The *2030 Plan* identified six specific goals:

- **FACILITIES** – Provide safe, clean, well maintained and efficient transportation infrastructure



2030 Long Range Transportation Plan

Prepared By: Edwards and Kelcey Inc. with Fitzgerald and Halliday Inc.

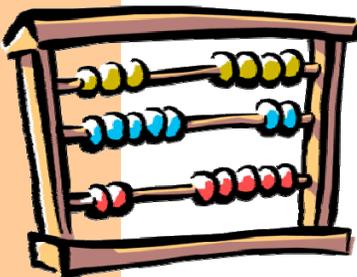
- MOBILITY – Increase mobility options for residents and visitors of Ulster County
- ENVIRONMENT – Encourage environmentally sensitive transportation practices and policies for current and future residents
- ECONOMY – Direct Ulster County’s economic growth into sustainable areas and preserve the rural economy
- QUALITY COMMUNITIES – Promote efficient land use and a sense of community through transportation planning
- EQUITY – Promote equity for system users

Each goal included a series of objectives by which the goal could be addressed.

The key findings of the *2030 Plan* are:

- Significant population, housing and employment growth is forecasted in Ulster County between 2005 and 2030.
- Total Vehicle Miles of Travel is expected to increase by over 50% by 2030.
- The major transportation needs include maintaining the existing system, evaluating improvements to the CSX rail corridor, improving bicycle and pedestrian facilities and studying, documenting and prioritizing all other needs in the County.
- All of the desired initiatives cannot be accomplished without obtaining additional funding beyond what has been identified.

Environmental mitigation activities need to be incorporated into UCTC’s next Plan. Consultation with State and local agencies responsible for land use, natural resources, economic development, historic preservation and Tribal groups needs improvement. The MPO developed a SAFTETA-LU Action Plan that was acceptable to the federal agencies.



UCTC’s Plan - Fiscal Constraint Analysis

The total estimated cost for the recommended initiatives for the 25-year life of the Plan, including maintenance on the State and Local System, is \$1.15 billion. The estimated available resources are \$888 million, which represents approximately 78% of the needs. Both are expressed in constant dollars, as the YOE requirement was not in effect at the time of the Plan’s adoption.⁶⁴ Without additional funding, UCTC will need to make decisions about delaying projects or desired maintenance on the existing highway system.

It appears that transit services are probably adequately funded; the main shortfall in funding appears in the maintenance of the existing State and local highway and bridge system.

| UCTC – Resources vs Needs (2005-2030) | | |
|--|--------------------------|-------------|
| Project Description | Total \$ millions | % |
| State & Local Highway/Bridge Maintenance | 1,070.80 | 91.9% |
| Corridor Studies & Projects | 24.23 | 2.1% |
| Traffic/ITS Improvements | 12.50 | 1.1% |
| Bike/Ped Studies & Improvements | 6.00 | 0.5% |
| Freight Studies & Improvements | 2.30 | 0.2% |
| Management Systems | 0.68 | < 0.1% |
| Transit Studies & Equipment | 7.38 | 0.6% |
| Transit Enhancements | 30.00 | 2.6% |
| Total Needs | 1,153.88 | |
| Funding Available | 888.20 | 100% |

Update Cycle

Since UCTC is presently an air quality attainment area, Plans need to be updated only every five years.⁶⁵ Since the 2030 Plan was approved September 25, 2005, it needs to be updated by September 25, 2010. The current UPWP contains an activity for initiating the Year 2035 LRTP update process along with additional major studies that will feed into the Plan, such as completing the City of Kingston's Intermodal Facility Site Location and Conceptual Design Analysis. The UPWP notes that the Update process includes evaluation of UCTC's goals and objectives, development of measures of effectiveness, collection of data, assessment of needs, stakeholder outreach activities, public meetings, development of a specific project web site, population and employment forecasts, analyze Census journey to work data, development of maps, tables and charts, identification of transportation needs versus revenues, and year of expenditure (YOE) compliance analysis.

Plan Horizon

The horizon year of the UCTC Plan (2030) differs from that of OCTC's and PDCTC's Plans (2035). We have encouraged all three MPOs to have the same horizon date, although it is not required by the federal regulations. With the likelihood that UCTC will be designated as nonattainment for 8-hr ozone and be included in the same nonattainment area as PDCTC, OCTC and NYMTC (Putnam County only), the four MPOs will be required to coordinate analysis years. While it is still not a requirement that the Plans' horizon years all coincide, it would reduce the analysis efforts if they did so.

Enhancement to Consider

One of the newer aspects to some MPO plans is the incorporation of **Performance Measures**. The purpose of this effort is to measure progress toward the Plan’s desired outcomes and to aid in investment decisions that impact Plan progress. While all three Plans include goals and objectives to advance the MPOs toward those goals, it would be beneficial for the MPOs to establish individual performance criteria by which they can measure the success of their actions toward achieving their Plan’s goals and objectives. An example of such measures is shown in Table 7, which depicts the measures adopted by the Genesee Transportation Council (MPO for the Rochester, New York area).

It is very likely that the inclusion of performance measures will be a requirement of the next round of transportation legislation. We believe that the incorporation of performance measures in transportation plans is a good tool for an MPO that wants to assess how well they are doing in achieving their desired goals.

| Table 7: GTC Performance Measures | |
|---|---|
| Performance Measure | Plan Goals Addressed |
| Average travel time to work | Support Economic Vitality |
| | Increase Accessibility & Mobility |
| | Promote Efficiency |
| Average travel time on major roads with above average traffic | Support Economic Vitality |
| | Increase Accessibility & Mobility |
| | Promote Efficiency |
| Excess delay by highway link and system-wide | Support Economic Vitality |
| | Increase Accessibility & Mobility |
| | Promote Efficiency |
| Volume/Capacity ratio | Support Economic Vitality |
| | Increase Safety & Security |
| | Increase Accessibility & Mobility |
| | Promote Efficiency |
| Accident rate | Increase Safety & Security |
| | Promote Efficiency |
| Emission Levels | Protect Community Character and Conserve Energy |
| % of Federal roadways with pavement conditions rated “fair” or better | Support Economic Vitality |
| | Increase Safety & Security |
| | Increase Accessibility & Mobility |
| | Promote Efficiency |
| % of low-income persons within ¼ mile of fixed route transit service | Support Economic Vitality |
| | Increase Accessibility & Mobility |
| | Promote Efficiency |
| Energy usage | Protect Community Character and Conserve Energy |
| User Cost per Mile per Trip | Promote Efficiency |

Corrective Action:

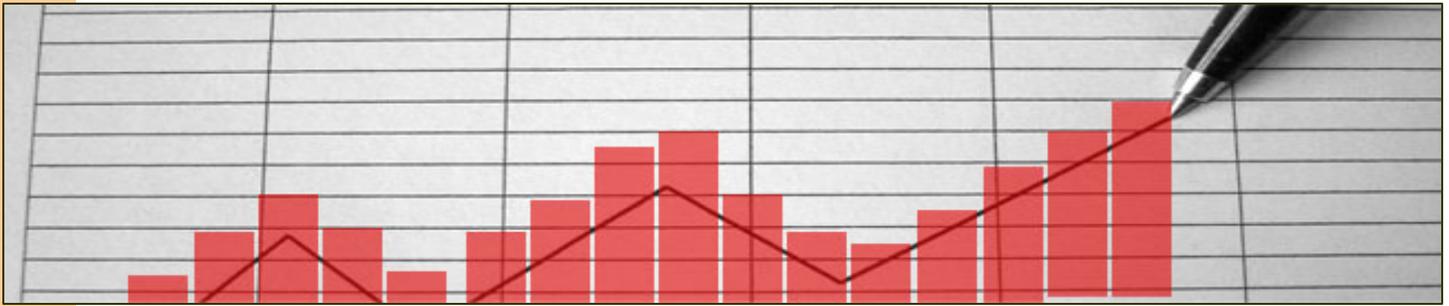
- OCTC needs to publish the *2035 Plan* in hard copy form. The Plan needs to include an estimate of needs and financial tables as well as a table of planned investment strategies for the limited funding. This should be accomplished by October 1, 2010.

Recommendations:

- The MPOs should consider the benefits of incorporating performance measures into the next versions of their Plans.
- UCTC should coordinate its next Plan horizon date with the other MPOs.
- The next versions of the MPOs Plans should include a broader discussion of types of potential environmental mitigation activities and potential locations to carry out these activities.
- The MPOs should consider developing a jointly written section covering TMA-wide included in each individual Plan.



**Last Trolley Trip in Poughkeepsie
1935**



Transportation Improvement Programs

“The MPO, in cooperation with the State(s) and any affected public transportation operator(s), shall develop a TIP for the metropolitan planning area”

23 CFR §450.324(a)



ONE of an MPO's most important responsibilities is the development of a multi-year program of transportation improvements that implement recommendations of the planning process, particularly those in the Long Range Transportation Plan. This program of projects is the Transportation Improvement Program (TIP). The TIP identifies the timing and funding of all highway, bridge, transit, bicycle, and pedestrian transportation projects scheduled for implementation over a five-year period using FHWA or FTA funding, and it estimates the effect upon regional air quality. Federal regulations require that these projects be included on the TIP in order to be eligible for federal funding. The TIP also includes, for informational purposes, non-federally funded projects, including 100% State funded projects (NYSDOT and New York State Thruway Authority) in the region.

There are certain federal requirements of the TIP document:

- Covers at least four years
- Updated at least every four years
- Consistent with approved Metropolitan Transportation Plan
- Conforms to air quality requirements
- Identifies each project or phase of a project for which federal transportation monies will be sought in the various years
- Financially constrained by year; each project has an estimate of total costs and the amount of federal funds, state, and/or local matching funds
- Identifies the responsible party for project implementation
- Approved by MPO [and Governor through approval of the State TIP]
- Modifications during the year are subject to appropriate procedures agreed to by the cooperating parties

There is broad agreement in all three MPOs on investing in the transportation system in the area. Transportation remains a largely non-partisan issue with bi-partisan support. Understandably, there may be differences regarding what constitutes a good investment and how it should be funded. This is why technical staff members often affirm that

putting a TIP together is a little science and a little art. Once the “science” of project evaluation is completed, the “art” of project programming begins. The MPOs develop draft TIPs by making the best projects fit within overall program constraints, such as available funds, the development stage of already approved projects, and considerations of equity.

TIP Development Process

The TIP development process for all three MPOs is generally similar. It begins with the solicitation of new projects approximately eight months before the TIP’s required approval date. The MPO issues a "call letter" to municipalities, participating agencies, contacts on the public information mailing list, and other interested parties. The letter announces the start of the TIP update process, and includes information on how municipalities and agencies can participate in the transportation planning process and propose specific transportation projects. It also provides a TIP adoption schedule and project application form.

The MPO staffs review all local project applications for completeness. Any projects submitted for a facility that is under the jurisdiction of another agency are forwarded to that agency for examination. All MPOs screen the projects to assure that they:

- Address or correct a specific problem
- Included in the Long Range Transportation Plan
- Serve the general public without duplicating existing projects
- Over 20 feet long for bridge projects
- On the Federal Aid System for road projects
- Sponsorship from the affected member of the MPO
- Identify local funding source(s) to match federal funds

Following that initial assessment, all the eligible projects are forwarded to the Technical Committee for review and selection. In addition, the Technical Committee assembles and reviews the transportation programs of other OCTC member agencies which must be part of the TIP, including NYSDOT, NYSTA, MTA and Orange County (transit). The Technical Committee develops a draft TIP composed of existing projects (with updated costs and schedules) and new projects selected for funding. Once the list of projects is agreed upon, the Staff publishes a summary of the draft TIP, issues a notice of public meeting, and circulates information on how to get a copy of the draft TIP to the public information mailing list. The Staff then holds a public meeting to solicit public input on the TIP development process, the projects being proposed for the new TIP, and the required air quality conformity analysis.

Upon final approval, a TIP document is made available to all council members, the technical committee, and to the public, either by direct distribution or posting on the MPO website. The TIP document provides readers with a basic overview of the function of the TIP, the highlights of the five-year program, and

general financial information. Any person or agency requesting a final TIP is sent a copy and added to the mailing list.

Evaluating Candidate Projects

While the TIP development process for the three MPOs is generally similar, their approach to evaluating the candidate projects is not. The UCTC and PDCTC use specific criteria to assess the merits of candidate projects, whereas OCTC does not. The goal of the project ranking criteria is to ensure consistency between the mix of projects and investments in the TIP and the goals and policies implemented through the Metropolitan Transportation Plan. A TIP Project Scoring Sub-Committee performs a detailed assessment and evaluation of applicant proposals and develops a project's draft score for consideration by the Technical Committee and eventually by the Policy Committee.

We believe that this approach is a good practice. In New York, the MPOs who use specific criteria for ranking candidate projects are about equal in number to those that do not. There is no correct approach to such an evaluation, but we like the UCTC approach because it provides decision makers with another source of information about the relative merits of the projects. We recommend that the OCTC evaluate whether criteria approach to evaluating candidate projects could be of assistance to their decision makers.

Fiscal Constraint

The three MPOs do not have a formal MPO procedure in place for the development of fiscal revenue projections for either the TIPs or the long-range plans. The MPOs receive projections of expected or reasonable FHWA funding from NYSDOT Region 8 based on an analysis of historic distribution of funds among the four MPO areas (NYMTC Mid-Hudson South, OCTC, PDCTC and UCTC) and the one non-urban county (Columbia). These projections are usually done after Region 8 receives its Annual Allocation Table from NYSDOT-Main Office, which establishes the Region's program levels by federal highway fund source and by year. These estimates are then adjusted to reflect each MPO's historic percentage of the Region's federal-aid resources, and then the Region itself further refines these figures.

The distribution of the FTA Section 5307 Capital Funds , as well as Section 5316 and 5317 funds, is handled by the three MPOs in a cooperative and coordinated way. The MPO staffs work together to develop consensus on the distribution of the funds. The three MPOs adopt resolutions regarding the annual distribution at their respective Council meetings. The 5307 fund distribution is further discussed in Section VI. Transit Activities.

The regulations require that the TIP be financially constrained by year. Fiscal constraint takes on an even more stringent test in air quality nonattainment areas:

“In [air quality] nonattainment and maintenance areas, projects included for the first two years of the current STIP/TIP shall be limited to those for which funds are available or committed.”

We found that fiscal constraint was maintained during the development of the TIPs and the documents do reflect this fact. The metropolitan planning statute states that the TIP must include a “financial plan” that “indicates resources from public and private sources that are reasonably expected to be available to carry out the program”. The purpose of the financial plan is to demonstrate fiscal constraint. The MPOs have adjusted the format of their TIPs to clearly demonstrate fiscal constraint by year as suggested in the 2005 FHWA/FTA Certification Review Report.

TIP Status

Table 8 summarizes the status of the TIPs in the three MPO areas. The effective date for TIPs in New York State coincides with the effective date of the new Statewide Transportation Improvement Program (STIP) – which began on December 10, 2007 for the current cycle to allow completion of air quality conformity determinations. UCTC approved its new TIP on September 27, 2007, with an effective date of October 1, 2007.

| Table 8: TRANSPORTATION IMPROVEMENT PLANS | | | |
|---|--------------------|--------------------------|---------------------|
| MPO & TIP Years | MPO Approval Date | FHWA/FTA Conformity Date | STIP Effective Date |
| PDCTC 2008-2012 | October 31, 2007 | November 30, 2007 | December 10, 2007* |
| OCTC 2008-2012 | September 25, 2007 | November 30, 2007 | |
| UCTC 2008-2012 | September 27, 2007 | N/A | |
| * Normally, October 1 is the effective date but the STIP submission was delayed in 2007 | | | |

The following is a short summary of the TIPs in each area.

► Poughkeepsie –Dutchess County Transportation Council

The most recent approved TIP is the 2008 – 2012 *Poughkeepsie-Dutchess County Transportation Council Transportation Improvement Program*, which was approved by the Executive Committee on October 12, 2007. The TIP conformity analysis received a positive FHWA/FTA conformity determination on November 30, 2007.

As customary, the TIP is a five-year capital program that assigns federal funds to priority highway, transit, bicycle and pedestrian, and travel demand management projects, while the conformity determination assesses the cumulative air quality impacts of implementing those projects (there is a combined ozone air quality analysis for OCTC, PDCTC and the Putnam County portion of NYMTC). The TIP emphasizes the preservation of the existing transportation system, with approximately \$62 million

in federal-aid dedicated to pavement and bridge preservation projects, and another \$24.8 million supporting other highway projects such as safety and intersection improvements. Mobility projects, which include actions that reduce single-occupant vehicle trips and promote other forms of transportation, received \$15.7 million. In addition, \$21 million is allocated to support local and regional bus transit, and \$11.3 million supports capacity improvement projects. The PDCTC TIP is fiscally constrained and this is demonstrated in the document.

► Orange County Transportation Council

The OCTC *2008-2012 TIP* is a five-year capital program that assigns federal funds to priority highway, transit, bicycle and pedestrian, and travel demand management projects; the air quality conformity determination assesses the cumulative air quality impacts of implementing those projects (combined ozone air quality analysis for OCTC, PDCTC and NYMTC; OCTC and NYMTC for fine particulate matter).

A total of \$556 million is programmed in the *2008-2012 TIP*. The TIP emphasized the preservation of the existing system. Approximately \$124 million is allotted for pavement and bridge preservation projects, \$74 million for mass transit and \$15 million for capacity improvement projects. Additionally, \$341 million is designated for safety and intersection improvements, and \$16 million for mobility projects. Similar to the PDCTC document, OCTC's *2008-2012 TIP* demonstrates fiscal constraint.

► Ulster County Transportation Council

UCTC approved its second TIP on September 27, 2007. A total of \$556 million is programmed in the *2008-2012 TIP*. The TIP emphasizes the preservation of the existing system. Approximately \$96 million is programmed for pavement and bridge preservation projects within Ulster County and over \$6 million is programmed for transit. Additionally, \$376 million is programmed for multi-county system wide highway projects that partially benefit Ulster County.

Annual Listing of Obligated Projects

MPOs are required by Title 23 to annually publish the list of projects for which Federal funds have been obligated in the preceding year:

“An annual listing of projects for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the metropolitan planning organization for public review. The listing shall be consistent with the categories identified in the transportation improvement program.”

All three MPOs (PDCTC, OCTC and UCTC) publish a listing of obligated projects that is available on their respective websites, however with the exception of PDCTC the listing can be difficult to find.

The OCTC has its list under, “OCTC Obligations Reporting,” and UCTC’s current listing is with their TIP documents as “2008 Federal Aid Obligation Report.” It is recommended that both OCTC and UCTC refer to these documents as “Annual Listing of Obligated Projects” in order to avoid confusion and to maximize their availability to the public.



Transit

“Development of plans and programs -To accomplish the objective stated in paragraph (1), metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transit operators, shall develop transportation plans and programs for urbanized areas of the State.”

23 U.S.C. 134(a)(2)



COORDINATION among the MPOs and the region’s public transit operators is paramount for the successful delivery of transit services that meet the needs of the region and also ensure the proper development of programs and/or projects that reflect the trip needs of the area. The PDCTC, OCTC, UCTC and the major transit operators for the Mid-Hudson Valley region are successful in achieving this coordination.

The Mid-Hudson Valley TMA is unique in New York in that it is the only TMA in which the majority of transit services are not under a regional transit authority (these are public benefit corporations by New York State to promote the development and improvement of transportation services in a region). Rather, most transit services are provided by a myriad of small public and private entities. The Metropolitan Transit Authority (MTA) does operate some commuter railroad services (Metro-North Railroad) in the region and is a voting member of the PDCTC and OCTC policy committees. However, MTA’s presence is not as dominant (transit service wise) as the regional transit authorities in other TMAs.

Transit Service – Dutchess County

According to Census 2000, approximately 4% of work trips in Dutchess County are made by public transit. The City of Poughkeepsie had the most people using mass transit; still, it was only 10.2% of the population.

There is a range of local public bus, paratransit, and private carrier services in Dutchess County. The most visible public bus services are the Dutchess County Division of Mass Transportation (LOOP) bus system and the City of Poughkeepsie transit system. The LOOP provides public transit service to Dutchess County through two modes of service: fixed route service and demand response services like Dial-A-Ride and Paratransit. Dutchess County maintains a fleet of approximately 45 vehicles. LOOP runs a Commuter Train Connection bus service in cooperation with the Metro-North Railroad. The Division of Mass Transportation also coordinates non-emergency Medicaid transportation for the Dutchess County Department of Social Services. The staff is a private contractor to the County.

The City of Poughkeepsie Transit System is a small system with nine vehicles that circulates throughout the city and the immediate surrounding areas. This is important to those without vehicles, as there are no full service grocery stores within the City of Poughkeepsie.

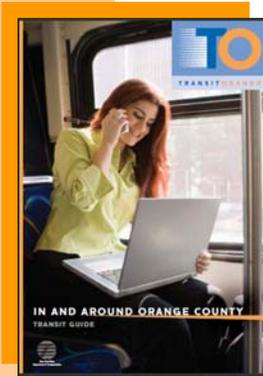


Four other transit operators serve the Dutchess County area: Metro North Railroad, Amtrak, Adirondack Trailways, and Shortline Bus (the latter two are private operators). Both public and private bus carriers provide connecting service to 3 of the 9 Metro-North Stations in Dutchess County. In addition, Amtrak has two stops in Dutchess County providing service between New York City and Albany.

PDCTC 2008-2009 transit accomplishments:

- Completed the *Transit Development Plan*.
- Completed the *Coordinated Public Transit-Human Services Transportation Plan*.

Transit Supportive Development - The PDCTC, in cooperation with NYMTC, will continue to act as the administrative host for the Transit Supportive Development project. The objective of this task is to manage a Shared Cost Initiative (SCI) that investigates how strong connections between transportation, particularly transit services (bus and rail), and planned land use development can be created and carried out within the metropolitan transportation planning framework. The project was initiated during the 2006-2007 program year and will be carried into 2009-2010. Project management will be shared among the PDCTC, NYMTC, and NYSMPO staffs. PDCTC holds the contract while NYMTC staff does the day to day project management.



Transit Service - Orange County

According to Census 2000, approximately 5% of work trips in Orange County were made by public transit. The County is served by eighteen (18) private and municipal-operated regional, local, and dial-a-bus services. Local routes mainly serve transit-dependent public within commercial and retail areas in the cities of Newburgh, Middletown and Kiryas Joel. Regional inter-county service primarily serves those commuting to New York City. According to the 2000 Census, 8% of work trips from the County are to New York City and 36% of these work trips are via bus and rail. For rail commutes to New York City, the County is served by MTA Metro-North's Railroad's Port Jervis Line, located on the west side of the Hudson River. Orange County residents can also access the Metro North Hudson Line on the east side of the Hudson at the Beacon Station; currently, Hudson Line service is more frequent and direct (to mid-town Manhattan).

A county-wide transit guide was recently published with assistance from Metropool (using funds provided by NYSDOT). Through this guide, the county continued to make use of the "Transit Orange" branding graphic for equipment and activities supported by public transit funding. A new transit website has been launched, uses a domain name acquired for that purpose: www.transitorange.info. The County also published the new transit guide in a Spanish language edition.

Transit Service - Ulster County

Approximately 2% of work trips in Ulster County are made by public transit. There are seven public and private transit operators that serve Ulster County. Ulster County Area Transit (UCAT) and City of Kingston Bus (or CitiBus) are public operators mainly providing local service, while the five private operators offer longer distance travel service. UCAT operates ten



deviated-fixed routes throughout the County. Local service within the City of Kingston is provided by CitiBus, which offers fixed route, paratransit, and dial-a-ride service.

The UCTC will initiate the development of a UCAT/City of Kingston Citibus Five Year Transit Coordination Plan. The study will be a comprehensive and coordinated plan to focus on fixed route transit operations, facilities and rolling stock; identify public transit performance gaps; and coordinate and recommend improved services, time tables, service policies and financial plans to better provide service across the entire county.

In 2007, the Chairman of the Ulster County Legislature signed an inter-municipal agreement with the Dutchess County Executive authorizing Ulster County Area Transit to accept Congestion Mitigation/Air Quality Improvement funding (CMAQ) from Dutchess County to provide operating assistance for public transit service to the MetroNorth Train, the Poughkeepsie City Bus or Dutchess Loop System, as well as for all other transit uses. PDCTC continues to fund this transit bus project with CMAQ.

FTA Section 5307 funds for Poughkeepsie-Newburgh urbanized area

As a result of the 2000 Census, the Poughkeepsie-Newburgh urbanized area was classified as a TMA area. This had both positive and negative impacts on the transit operations in the region. One negative was that transit operators in the large urban areas of the TMA could no longer be reimbursed for operating assistance. Another impact – although we do not consider it a negative per se – is that the TMA area must program at least one percent of its funding for transit enhancement activities.

A positive is the increase in funding from the FTA Section 5307 program due to the creation of UZA 89 and the reporting of transit statistics to this urbanized area (instead of to the New York City metro urbanized area or UZA 1). The 5307 program, otherwise known as the Urbanized Area Formula Program, makes Federal resources available to urbanized areas for transit capital and operating assistance and for transportation related planning. Eligible purposes include planning, engineering design and evaluation for transit projects, and other technical transportation-related studies; capital investments in bus and bus-related activities; and capital investment in new and existing fixed guideway systems. The annual allocation of Section 5307 to the TMA in FY2008 was just under \$16 million.

There is a federal requirement regarding the allocation of Section 5307 funds within the TMA area:

“Procedures or agreements that distribute sub-allocated Surface Transportation Program or Section 5307 (formerly section 9) funds to individual jurisdictions or modes within the metropolitan area by predetermined percentages or formulas are inconsistent with the legislative provision that require MPOs in cooperation with the State and transit operators to develop a prioritized and financially constrained TIP and shall not be used unless they can be clearly shown to be based on considerations required to be addressed as part of the planning process.” 23 CFR 450.324 (l)

The above requirement presents a challenge in developing and prioritizing each respective TIP while also coordinating regional priorities. Each of the MPO areas must not only ask themselves how does their TIP reflect the priorities of the County, but also the priorities of the region as a whole and how is this being reflected in the planning process? Another challenge is

recognizing the needs of private operators . There are approximately fifteen (15) private bus operators that serve the TMA area.

As a TMA area, the three MPOs must coordinate and agree on how the Section 5307 funds will be split among the MPOs. Each MPO must then determine how those funds will be distributed within the County through their respective MPO planning processes. For FFY2008, the TMA decided that the Section 5307 funds be sub-allocated based on planning factors that achieve: “preservation of the existing transportation system,” “enhancing the integration and connectivity of the transportation system, across and between modes,” and the State's goals of “Mobility, Reliability and Safety.” Priority areas are reflected in the methodology as well as the goal of ensuring continued and *enhanced* commuter bus services at a reasonable cost to the consumer.

Under the Section 5307 program, Congress provided that the “designated recipient” is the entity selected by the State’s chief executive officer, responsible local officials, and publicly owned operators of public transportation to “receive and apportion” the amounts made available by Congress and FTA to a particular TMA or a State or regional authority if the authority is responsible under the laws of the State for a capital project and for financing and directly providing public transportation.⁶⁶ Designated recipients suballocate to public agencies and in-turn, enter into third party contracts with private operators for service. Although there is no requirement to allot a certain amount to private operators, the MPOs agree that this is a way to recognize the preventative maintenance needs of private operators. For all three MPOs, preventative maintenance is a priority. The remaining amount of 5307 funds is available for distribution among the MPOs (for which criteria and forms have been created and used once) or for direct allocation by the TMA MPOs by agreement on funding needs.

The cooperation among the three MPOs in developing a method of distributing the Section 5307 funds among the various transit operators has been exemplary. We congratulate all parties involved.



Air Quality

“(c) The MPO shall review and update the transportation plan at least every four years in air quality nonattainment and maintenance areas and at least every five years in attainment areas to confirm the transportation plan’s validity and consistency with current and forecasted transportation and land use conditions and trends and to extend the forecast period to at least a 20-year planning horizon.”

23 CFR §450.322(c)



On November 15, 1990, President George Herbert Walker Bush signed the Clean Air Act Amendments of 1990 (CAAA90). This legislation has had a fundamental impact on air quality and transportation-related air quality, as it related to the effect of transportation on air quality problems. The transportation sector was now required to be an active participant in the work to achieve attainment of the health-based National Ambient Air Quality Standards (NAAQS).

Nonattainment areas are those geographic regions that the Environmental Protection Agency (EPA) designates as not meeting one or more of the NAAQS based on monitored levels of pollutants. Ozone (O₃), carbon monoxide (CO) and particulate matter under 10 microns in diameter (PM₁₀) were the primary transportation-related pollutants at the time. The CAAA90 set severity classifications of nonattainment based on monitored air quality concentrations. Each nonattainment area was given an attainment deadline depending on the severity of nonattainment; if an area’s monitored failed to meet the attainment date; it was “bumped up” to a higher severity and was subject to more stringent regulatory requirements. Since that time, EPA changed the standard for O₃ twice and added a new NAAQS for PM_{2.5} (Particulate Matter with a diameter less than 2.5 micrometers).

Nonattainment Status

The air quality nonattainment status within the Mid-Hudson Valley TMA has many moving parts. As of the date of this report, Ulster County alone attains all of EPA’s NAAQS, and thus it is not required to conduct conformity determinations. Orange County and Dutchess County, however, must deal with air quality nonattainment area requirements.

In 1991, EPA grouped Orange County (except for the seven southeastern towns), Dutchess County, and Putnam County from the NYMTC area into the *Poughkeepsie, NY 1-hour ozone moderate nonattainment area*. Lower Orange County (the seven southeastern

towns)⁶⁷ grouped with NYMTC in the New York Metropolitan Severe Ozone Nonattainment area for **1-hour ozone**.

In 1994, EPA adopted a new standard – the **8-hour ozone standard** - and designated nonattainment areas that failed to meet this new standard (0.08 parts per million). Under this new standard, the seven southeastern towns were no longer grouped with NYMTC but rather were grouped with the rest of Orange County; together with Dutchess County and Putnam County, EPA designated the area as the *Poughkeepsie, NY 8-hour moderate nonattainment area*.

Table 9: Air Quality Nonattainment Status of Mid-Hudson Valley MPOs

| Nonattainment Area | Orange County | Dutchess County | Ulster County |
|---|---------------------------|-----------------|---------------|
| Poughkeepsie 1-hour moderate ozone | √ (except seven SE towns) | √ | OK |
| NYMTC 1-hour Severe ozone | √ (seven SE towns) | OK | OK |
| Poughkeepsie 8-hr moderate ozone .080ppm | √ | √ | OK |
| Poughkeepsie 8-hr moderate ozone .075ppm - PENDING - | √ | √ | √ |
| PM _{2.5} | √ | OK | OK |
| √ = nonattainment OK = attainment | | | |

In multi-county nonattainment areas, the air quality test is done on a *regional* basis. Because both Orange and Dutchess counties are in the same ozone nonattainment area, they must coordinate their travel forecasting methods and action years, coordinating emissions results with NYMTC, which has jurisdiction over Putnam County. These efforts have been a major focus over the subsequent years as both the PDCTC and OCTC work to meet the new 8-hour Ozone standard; furthermore, since Orange and Dutchess Counties are linked with Putnam County in NYMTC, whenever NYMTC has a significant modification to its TIP or Plan, both Orange and Dutchess are compelled to go through the conformity process again to determine if the revised regional emissions total meets the applicable test.

Presently, Ulster County is officially classified as being in attainment of all NAAQS, although that may soon change. In 2008, EPA tightened its 8-hour ozone standard from .080ppm to .075ppm, and the NYSDEC recommended to EPA that Ulster County be included in the Poughkeepsie 8-hour moderate ozone nonattainment area *even though the only NYSDEC air quality monitor within Ulster County shows attainment*.⁶⁸ EPA has not acted on DEC’s recommendation yet, and this determination has been placed on hold by EPA as the agency reconsiders the 2008 national smog standards to ensure they are scientifically sound and protective of human health.⁶⁹

Transportation Conformity Process

The MPOs that cover portions of designated nonattainment areas, such as PDCTC and OCTC, are subject to two sets of related regulations: the USDOT's Metropolitan Planning Regulations (23 C.F.R. Part 450) and EPA's transportation conformity regulations (40 C.F.R. Part 93). Basically, the transportation regulations require that projects proposed for funding with FHWA and FTA monies in nonattainment areas cannot proceed unless they come from an air quality "conforming" TIP and Plan. The EPA conformity regulation details how the conformity analysis is to be done.

An area's official attainment designation is based on the pollutant levels that are *physically* monitored by NYSDEC. Until it reaches attainment, the MPO must *theoretically* demonstrate that the implementation of projects and strategies in the TIP and Plan meet the emission goals established in the State Implementation Plan (SIP) to enable the area to reach attainment. This analysis process is known as the conformity process (i.e.; projects must "conform" to the SIP). The analysis is based on "modeled" levels of pollutant emissions, using an MPO's travel demand forecasting model and EPA's latest emissions model.

The FHWA and FTA, in consultation with EPA, make the joint determination of whether or not a transportation plan and TIP are in conformance with the SIP.

Agreements and Consultation

EPA's conformity regulations require a high degree of coordination among Federal, State and local entities and therefore establish formal procedures of *Interagency Consultation* to ensure that all groups are involved. In New York, the Interagency Consultation Group (ICG) is composed of five permanent members: FHWA (New York Division), FTA (Region II), NYSDOT, NYSDEC and EPA (Region II), with representation by the MPO when the subject matter directly pertains to said MPO (e.g., a TIP or Plan air quality analysis). The ICG reviews the air quality analyses for draft TIPs and draft Plans before they are finalized so as to identify problems before the MPO formally acts on a TIP and/or Plan.

The transportation planning regulations require formal agreements within air quality nonattainment areas when there is more than one MPO in a nonattainment area.⁷⁰ As noted previously, the Poughkeepsie ozone nonattainment area includes three counties: Dutchess, Orange and Putnam (NYMTC). Orange County is also included with several NYMTC counties in a PM_{2.5} nonattainment area. There is no formal agreement per se among the parties; however, informal procedures have been worked whereby the emissions from affected MPOs are combined into a regional total that is then subjected to the appropriate emissions test to determine conformity. The ICG has considered this arrangement adequate. However, the MOU should be created when specific emission budgets are established for the nonattainment area.

Nonattainment and Planning Boundaries

In air quality nonattainment or maintenance areas, the MPO's planning area boundary (MPA) is required to encompass the entire nonattainment area – unless the Governor and the MPO agree otherwise.⁷¹ EPA designated all of Orange and Dutchess Counties as

nonattainment for the 8-hour Ozone standard. Since the PDCTC and OCTC planning boundaries cover the entirety of their respective counties, this requirement is satisfied. UCTC is presently in attainment of all air quality standards; had it also been designated as nonattainment, the fact that the MPO planning boundary covers the entire county would satisfy the planning boundary requirement.

Plan and TIP Conformity

The latest conformity determination affecting the nonattainment areas were made by FHWA and FTA on April 27, 2009. This action was generated by NYMTC's latest major amendment to its TIP. FHWA and FTA, with the concurrence of EPA, made a positive conformity determination of PDCTC and OCTC's 2008-2012 TIPs, OCTC's 2035 Long Range Transportation Plan, and PDCTC's *New Connections*.

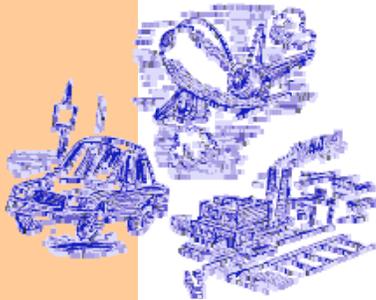
CMAQ Program

The Congestion Mitigation and Air Quality Program (CMAQ) was established by ISTEA as a new FHWA funding category, the purpose of which is to help air quality nonattainment areas reach attainment. CMAQ funds come to the State (NYSDOT) in a lump sum determined by the relative population and severity of nonattainment (ozone and carbon monoxide) in the nonattainment areas in the State versus other States [Ozone only applies in this instance; no Mid-Hudson TMA county is non-attainment for carbon monoxide.] The State can choose to allocate the funds among nonattainment areas as it sees fit; NYSDOT commendably allocates the CMAQ funds among the areas based on the federal formula. Both PDCTC and OCTC include CMAQ projects in their TIPs.

Ulster County is not directly eligible for CMAQ funds, since it is an attainment area. However, being in close proximity to both Orange and Dutchess Counties, it is feasible to use CMAQ funds for a project in Ulster County that would reduce emissions in either Orange or Dutchess Counties. An example of this might be a park-and-ride lot. In order for this to happen, either OCTC or PDCTC would have to "donate" CMAQ monies to Ulster County for the project. In the 2005 certification review, it was recommended that PDCTC and OCTC consider viable projects in Ulster County for CMAQ, and PDCTC funded such a project with CMAQ in 2007. PDCTC continues to fund a transit bus project originating in Ulster County that serves the Poughkeepsie Station.

Corrective Action

- When EPA approves or finds adequate a specific emissions budget for the nonattainment area, a Memorandum of Understanding must be developed that satisfies the 23 CFR 450.314 (b). This would be a written agreement among the NYSDOT, NYSDEC, affected local agencies, and the three MPOs (PDCTC, OCTC and NYMTC) describing the process for cooperative planning and analysis of all projects within the nonattainment or maintenance area. The agreement must also indicate how the total transportation-related emissions for the nonattainment or maintenance area would be treated for determining conformity.





Public Outreach

“The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.”. 23 USC 450.316(a)

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AFETEA-LU requires that MPOs develop and utilize a participation plan. A **Participation Plan** shall be developed in consultation with all interested parties and shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan [49 USC 5303(i)(5)(B)(i) & (ii) and 23 USC 134(i)(5)(B)(i) & (ii)].

The plan, at a minimum, needs to describe explicit procedures, strategies, and desired outcomes for:

- Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;
- Providing timely notice and reasonable access to information about transportation issues and processes;
- Employing visualization techniques to describe metropolitan transportation plans and TIPs;
- Making technical information and meeting notices available in electronically accessible formats and means, such as the internet;
- Holding any public meetings at convenient and accessible locations and times;
- Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;
- Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;
- Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues which

interested parties could not reasonably have foreseen from the public involvement efforts;

- Coordinating with the statewide transportation planning public involvement and consultation processes; and
- Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

Plan and TIP Outreach Requirements

The requirements pertaining to the Metropolitan Transportation Plan (23 CFR 450.322) also include provisions addressing public outreach (450.322(f)(7) and (450.322 (g)) as follows:

- A discussion of types of potential environmental mitigation activities and potential areas to carry out these activities. The discussion shall be developed in consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies.
- Consult as appropriate with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of the Transportation Plan.

TIP Requirements [450.324(b)]:

- All interested parties shall have a reasonable opportunity to comment on the proposed TIP as required by 450.316(a).
- In addition, in nonattainment TMAs, an opportunity for at least one formal public meeting during the TIP development process; the circumstances of the public meeting should be addressed through the participation plan described in 450.316(a).

Public Participation Plans

The three MPOs of the TMA have adopted their own public involvement policies, although only PDCTC specifically labels their document a *Plan*. Each policy clearly outlines the minimum requirements for public outreach and involvement, and each supports proactive processes that encourage broad participation. They provide timely public notice, public access to key decisions, and support for early and continuing public involvement in developing their planning products. In addition, each MPO realizes the value of websites as a tool to provide timely information and receive public input. We recommend that this effort continue and be enhanced. Websites can also provide information on TMA coordination, neighboring MPO links, and regional efforts. Table 10 illustrates the various standard components of the three MPOs public involvement activities. We also recommend that each MPO make efforts to periodically evaluate the effectiveness of the public involvement plans and outreach efforts.

In general, all three MPOs have a viable public involvement process and we have had no indications of complaints from the public. The certification review meeting and the 30-day public comment period was well advertised, and significant dissatisfaction should have surfaced.

There are areas for improvement in the processes as identified below and in the recommendations at the end of this section. Both OCTC and UCTC procedures should reflect the SAFETEA-LU requirements for consultation with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation, and the Federal land management, wildlife, and regulatory agencies will also be consulted as appropriate.

❖ **PDCTC**

PDCTC adopted its Public Participation Policy on October 19, 2007. Previously, it had relied on public participation activities as outlined in its 2003 Operating Procedures. In accordance with SAFETEA-LU, a 45-day public comment period was held for the Policy starting July 24, 2007 and ending September 12, 2007. No comments were received. PDCTC’s website is dedicated to MPO activities, even though the site’s banner initially suggests “Dutchess County”:

<http://www.dutchessny.gov/CountyGov/Departments/Planning/PLPDCTCIndex.htm>

It provides an introduction of what an MPO does, and it provides clear and easy access to their planning products and other publications. The site also has a clear opportunity for the public to submit comments to the MPO.

❖ **Orange County Transportation Council**

Public Involvement Procedures are described in part 8 of the OCTC *Operating Procedures*, approved in September 2004 and last revised on November 27, 2007. A 45-day public comment period was available.

Public participation efforts are generally targeted at the OCTC Sub-regional level with the goal of obtaining a balanced view of community interests and to assist as many people as possible in their understanding of transportation issues, projects and services. For example, the current Newburgh Area Transportation and Land Use Study has a specific community/public participation program with “Visioning” as a key element

In the opinion of the reviewers, the aspect of its public involvement effort where the OCTC needs improvement is its website. In the 2005 federal certification review, it was recommended that the OCTC site be improved to better portray a MPO image. While the OCTC site now has a distinct domain name (www.orangecountygov.com/planning/octc), the site still portrays that the MPO as merely a subunit of the County rather than an organization of various agencies.

TABLE 10: PUBLIC PARTICIPATION SPECIFICS

| | PDCTC | UCTC | OCTC |
|---|-----------------------------|-----------------------------|-----------------------------|
| Document | <i>Participation Policy</i> | <i>Operating Procedures</i> | <i>Operating Procedures</i> |
| • Adopted | 2007 | 2003, revised 2008 | 2004, revised 2007 |
| • Public Comment afforded | 45 days | 45 days | 45 days |
| Notice of Meetings | √ | √ | √ |
| • Sent out | 14 days prior | 10 days prior | 14 days prior |
| • Comment period after | 7 days | Not specified | 7 days |
| Website | | | |
| • MPO Identity | Mostly | Yes | Minimal |
| • Major projects | √ | √ | √ |
| • Planning Activity | √ | √ | √ |
| • Opportunity to comment | √ | √ | Not obvious |
| • FY Obligations reported | √ | √ | √ |
| Visualization | √ | Not specified | Not specified |
| Public Meetings | | | |
| • Public Comment | 5 minutes | Yes | No time limit set |
| Regional Plan | | | |
| • Public meetings | Minimum of 2 | Minimum of 2 | Minimum of 2 |
| • Comments addressed | √ | √ | √ |
| • Requirements for major changes | Public meeting | Public meeting | Public meeting |
| TIP | | | |
| • Public solicitation | √ | √ | √ |
| • Public meetings | 1 minimum | 1 minimum | 1 minimum |
| • Comment period | 30 days | 15 days | 15 days* |
| • AQ review period | 30 days | NA | 15 days* |
| • User-friendly version TIP | | | √ |
| • Major amendment | 15 days | 15 days | 15 day* |
| Newsletter | √ | soon | none |
| Guide to MPO | √ | √ | none |
| Consultation with resource agencies | √ | Not discussed | Not discussed |
| Note: * 30 days when a major project is in LOCMA = Lower Orange County Metropolitan Area for air quality; this will be changed, as LOCMA no longer exists. | | | |

Also, the site does not provide a opportunity for the public to submit comments to the MPO forum via the website.

❖ **Ulster County Transportation Committee**

The UCTC adopted Public Involvement Procedures as contained in the UCTC 2003 *Operating Procedures* (updated as of 2008) outreach, similar to that of OCTC procedures. The procedures also describe providing information through its website. The UCTC's website is a good one: www.co.ulster.ny.us/planning/tran.html

Visualization

The old adage is that "a picture is worth a thousand words". Visualization is the process of using pictures to convey the complex character of data or proposed projects and how they function. This tool strengthens public participation in the planning and project delivery process and aids the public in understanding proposed plans and TIPs. SAFETEA-LU requires both States and MPOs to use "*visualization techniques*" to the maximum extent possible in public involvement and planning programs.⁷² The term is defined in the federal planning regulations as follows:

"methods used by States and MPOs in the development of transportation plans and programs with the public, elected and appointed officials, and other stakeholders in a clear and easily accessible format such as maps, pictures, and/or displays, to promote improved understanding of existing or proposed transportation plans and programs."⁷³

Examples of visualization techniques include sketches, drawings, artist renderings, physical models and maps, simulated photos, videos, computer modeled images, interactive GIS systems, GIS based scenario planning tools, photo manipulation and computer simulation.

Advances in computers allow a whole new group of three-dimensional (3-D) imagery and animation. There are many types of visualization products, from the simple to complex, from inexpensive to costly, and from quick to time-consuming. According to the AASHTO's *Visualization in Transportation*, "complex and costly" does not necessarily equate with improved understanding or effectiveness.⁷⁴ Also, what is complex and costly now might become commonplace in a couple of years, as graphics technology continues to evolve rapidly.

According to the literature, visualization techniques fall into several categories:

- **Two-Dimensional** - Two-dimensional (2-D) graphics and maps portray a spatial relationship of an object using two of its three dimensions. 'Flat' pictures are two-dimensional, and usually portray horizontal and vertical references. 2-D images are representative but not necessarily accurate. Photographs portray the existing condition or a location that is similar to what is being considered or proposed. Photos are shown from the ground level, from an elevated platform, or from an airplane, and often enlarged to show detail. An artist's rendering is another type of two-dimensional graphic. It can consist of a free-hand drawing, painting, or computer rendering of a proposed design or facility based on an interpretation of proposed planning and design information.

- **Three-Dimensional** - ‘Depth’ adds the third dimension, in addition to horizontal and vertical references. A walk-through or drive-through provides the ability to move through a virtual 3-D environment and to observe the content of that environment from a given eye-point or height above the ground. This ability may be the result of an animation sequence where the path, eye-point, and direction of gaze have all been pre-defined, or may be the result of the viewer’s real-time control over those parameters. Of course, the dimension to be added depends on the graphic. For a map or plan, the third D would be height. For a bar or pie chart, depth would be the third D.
- **Four-Dimensional** - ‘Time’ adds the fourth dimension, in addition to horizontal, vertical, and depth. Four-dimensional (4-D) graphics are animated simulations based on 3-D modeling, and include visualizations that apply simulated motion and incorporate a wide range of dynamic imagery in a series of 3-D images that are sequentially related in space and time.

The three MPOs presently employ two-dimensional visualization with good effect. The reports, plans, subarea studies and public presentations are well done.

Ulster County have ventured into three-dimensional techniques through the use of *Pictometry* software.⁷⁵ *Pictometry* uses two-dimensional images, but the oblique angle which the eye/mind ‘sees’ as being in three dimensions. The high resolution and oblique imagery allows you to verify this information without having to complete time-consuming field investigations. Ulster County has used *Pictometry* as the base for three studies by UCTC, including a Marlboro Hamlet Study, Intermodal Study, and an Uptown Stockade Study. The original *Pictometry* was not done by the MPO, but rather the Planning Department coordinated the work of stormwater mapping - so called MS4 - and as part of that purchased *Pictometry* for mapping outfalls. The Planning Department was also instrumental in getting additional pictometry for all of the urbanized areas of the county as well as for areas with environmental sensitivity. That new pictometry should be available this spring. The Planning Department is now involved in a grant with NYS Department of State that will work with towns to visualize land use density along the Hudson River. Part of that grant is the purchase of visualization software - *Community Viz* or other - to help visualize some of our transportation corridor work in a better manner. UCTC noted that they had an experience in Saugerties where the transportation system improvements over the long term could be illustrated to develop an urban corridor, but the landowners were unable to understand the change in building form and values that would likely occur. Learning from that experience, the Planning Department will begin a study of the I-587 intersection that was requested by NYSDOT - part of that work calls for visualization of the alternatives in 3D and an intensive three-day design charette.

Orange County also owns *Pictometry* licenses, which is used from time to time by Planning Department staff for MPO/Transit Orange purposes.

Additional Outreach Requirements under SAFETEA-LU

SAFETEA-LU established additional requirements for outreach during the development of a Metropolitan Transportation Plans. It required the MPOs to consult “with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of the transportation plan. The consultation shall involve, as appropriate:



(1) Comparison of transportation plans with State conservation plans or maps, if available; or (2) Comparison of transportation plans to inventories of natural or historic resources, if available.”⁷⁶ This effectively requires involvement of these agencies in the long range planning process for the same reasons they are involved in project development work.

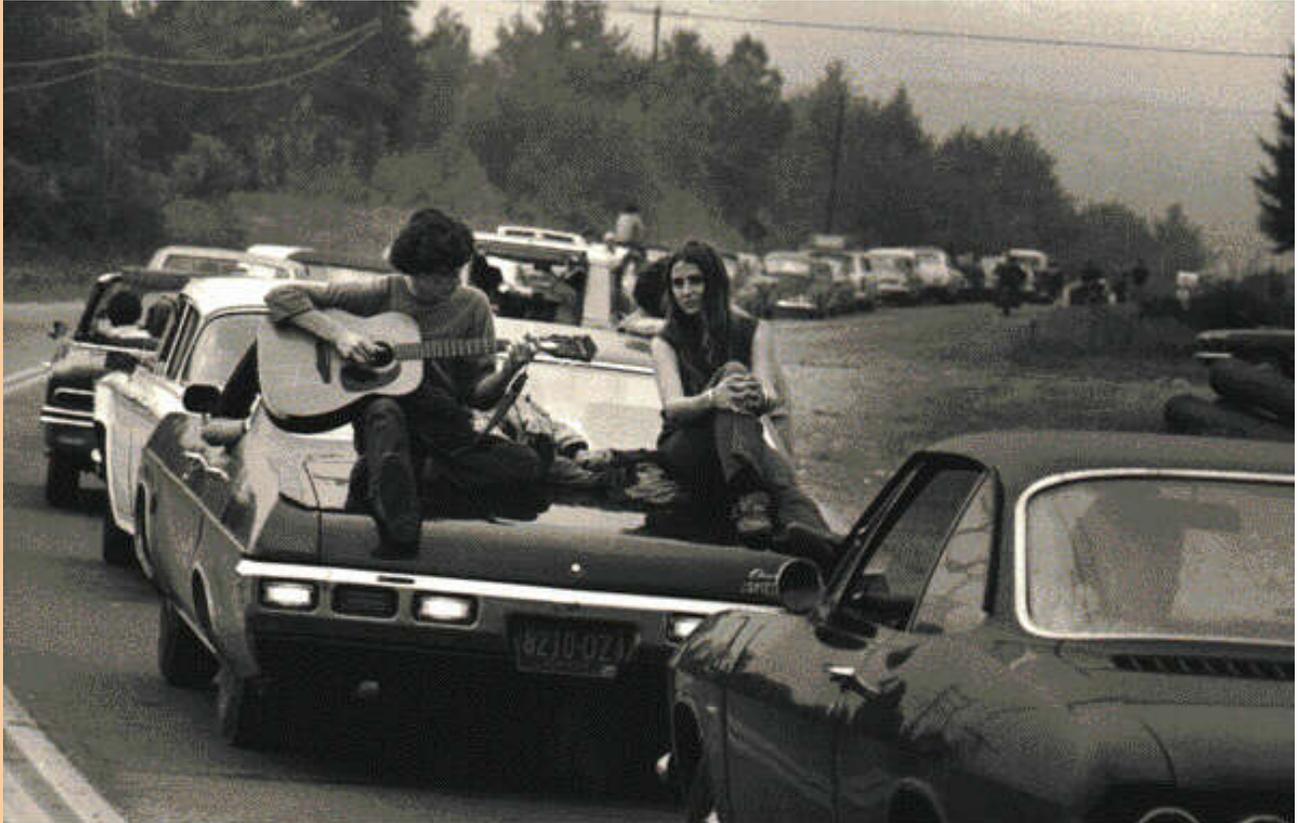
The February 14, 2007 metropolitan transportation planning regulations required compliance with its provisions by July 1, 2007. This was an extremely short timeframe, especially where LRTPs were concerned. Rather than requiring a significant major update, FHWA and FTA agreed that the MPOs could develop and approve SAFETEA-LU Action Plans specifying how they would meet the requirements without revising the existing documents; future documents would be developed in compliance with the Action Plans. In response, the three MPOs individually developed SAFETEA-LU Action Plans that met the requirements for outreach and consultation.

Corrective Action

- OCTC needs to revise its website to a format that is more conducive to provide easier public access to information, offer a clear opportunity for the public to comment on MPO matters, and better reflect that OCTC is an MPO rather than merely a subunit of the County. This should be accomplished by October 1, 2010.

Recommendations

- PDCTC should evaluate improving its website to better reflect an independent MPO status.
- The MPOs should work to clarify the relationship between the TIP and the STIP on their websites.
- OCTC should consider publishing a quarterly newsletter.
- The MPOs should revise their public involvement procedures to reflect how they are incorporating the use of visualization and consulting with resource agencies.



**Congestion at Woodstock, New York
Ulster County 1969**



Security Considerations

“The metropolitan transportation planning process shall be continuous, cooperative, and comprehensive, and provide for consideration and implementation of projects, strategies, and services that will address the following factors: ... (3) Increase the security of the transportation system for motorized and non-motorized users.” 23 CFR §450.306(a)(3)

In 1998, the *Transportation Equity Act for the 21st Century* (TEA-21) added an additional planning element to the requirements for the metropolitan planning process: “safety and security”. Then came the September 11, 2001 terrorist attacks. In August 2005, *SAFETEA-LU* separated Security out as a distinct planning element in the MPO process.

Safety has been part of most MPO processes for quite some time, but little consideration has been given to security issues nationwide to date. Even our perception of what “security” means has changed since TEA-21. Prior to September 11th 2001, the principal transportation planning connotation of security was focused at the personal level, such as persons being secure from harassment when riding transit. Now, the perception is more global in nature. Retired General Tommy Franks characterized the September 11th attack and its aftermath as a “crease in history.”⁷⁷

SAFETEA-LU calls for the security of the transportation system to be a stand-alone planning factor, signaling an increase in importance from prior legislation, in which security was coupled with safety.⁷⁸ This change recognized that planning has a role in critical elements of transportation security. Of course, the specific action or actions a particular State or MPO might consider depends on the circumstances unique to the state or region, the transportation system and the level of risk.

The issue of security is being emphasized across the entire spectrum of transportation. Understanding how and where the transportation network may be vulnerable is an integral part of understanding and planning for freight movement. Redundancies in infrastructure, once shunned as not cost effective, are now seen as crucial to the availability of supplies and inventory, and the issue will feature prominently in transportation decisions in the future. Industry may have to rethink its current Just-in-Time delivery concept in light of the potentially disruptive impact of terrorist activity on delivery. If a critical facility (e.g., bridge) closes for any length of time, the ability to refill inventory suffers.

Definition of “Security”

Finding a common definition of “security” in the MPO planning context is challenging. Some MPOs seek a clear description of what “security planning” means, while others are comfortable with a vague definition. The FHWA generally defines “security planning” as that related to an event that is beyond the ability of local authorities to handle and respond to and that are requiring outside resources to assist. There is no checklist that defines “security” in the context of MPO planning. Rather, each MPO is encouraged to create a local definition that both fits local needs and addresses the SAFETEA-LU planning factor.

For the purposes of this certification review discussion, “Security” will deal with significant disruptions to the transportation system, either long or short-term, intentional or not.

The Potential Role of an MPO

The role of the MPO in regional planning and decision-making will vary from one region to another. Some MPOs have a long history of strongly influencing operations strategies, regional vision and land use development. Other MPOs have very little authority or responsibility beyond that of developing the transportation plan and transportation improvement program. However, the degree of involvement of an MPO in security planning is not always commensurate with their involvement in other regional activities. MPOs located in regions prone to natural disasters (e.g.; hurricanes, tornados, etc.) tend to be more involved in security planning for reasons other than terrorist attacks. USDOT included language within the planning regulations to make clear that there are differences across regions and disasters; it did so to encourage development of an approach that fits locally specific needs. “Consideration of the planning factors...shall be reflected, as appropriate, in the metropolitan transportation planning process. The degree of consideration and analysis of the [planning] factors should be based on the scale and complexity of many issues...”⁷⁹

The Association of Metropolitan Planning Organizations (AMPO) has developed a technical paper on the range of roles for MPOs in planning for system operations.⁸⁰ The roles outlined in the paper are a good point of departure for the possible roles that MPOs could play in security/disaster planning, and are thus described in Table 10. There is tremendous variation among MPOs in their security planning roles, and it is critical for each MPO to determine its own value-added niche. For example, some MPOs might take on a data gathering and analysis role on behalf of the region’s emergency response agencies, while others might take more of a leadership role by organizing meetings or discussions to facilitate better institutional coordination.

Table 11. Possible MPO Roles in Security Planning

| | |
|--------------------|---|
| Traditional | The MPO incorporates system management and operations (M&O) role in its ongoing transportation planning activities. The focus would be on specific M&O projects that arise as part of the transportation planning process; but the primary responsibility for operations-type projects would rest elsewhere, most likely with the region’s operations agencies. |
| Convener | The MPO acts as a forum where operations plans could be discussed and coordinated with other plans in the region. Regular meetings on operations issues are held, but the MPO would still not be responsible for developing a regional operations plan. |
| Champion | The MPO works aggressively to develop a regional consensus on operations planning. MPO planners work with operating agencies to create programs and projects that improve system performance. The MPO takes the lead in developing regional agreements on coordinated operations. |
| Developer | The MPO develops regional operations plans in addition to incorporating operations strategies into the transportation plan. System-oriented performance measures would be used to identify strategic operations gaps in the transportation system. |
| Operator | The MPO is responsible for implementing operations strategies that were developed as part of the MPO-led planning process. |

MPOs’ Present Role in Security Planning

Nationwide, the issue of security is not yet a significant part of the MPO planning processes, and the Mid-Hudson Valley is no exception. The role of the three MPOs, according to the previous table, is essentially “Traditional”. The MPOs are not directly involved in security operations, but they do have direct communication and interaction with key security agencies incorporating them into the regional planning process (NYSDOT, MTA, Steward Airport, Thruway Authority and the Counties).

The MPOs recognizes that consideration of security is a requirement for the transportation planning process under the new federal regulations. To date, their role in addressing the issue of security has been mostly limited to voicing support.

Response vs. Recovery

Understanding and addressing the distinction between planning for disaster response and planning for disaster recovery is important. Many believe that the MPO process holds great potential for facilitating disaster recovery efforts. For example, if a bridge were to be destroyed in a natural or man-made disaster, federal recovery funds typically would be subject to “limits of eligibility” and thus be allocated for the sole purpose of replacing that bridge. However, if the MPO had already identified this bridge as a potential route for transit expansion, it would be an ideal time to reconstruct the bridge with this capacity. But, enhanced capacity may not be a desirable outcome. Making this decision in the context of a regional vision is the hallmark of MPO investment principles. Evaluation of traditional design parameters, risk assessment and tradeoffs in the context of regional vision – a TMA issue - is a significant strength in

the MPO process. If the MPOs have the flexibility to allocate recovery funds in keeping with their investment principles, the security planning process would be significantly enhanced and the recovery-related funding can further the Plan's goals and vision.

Additional Role for PDCTC, OCTC, and UCTC?

According to a NCHRP Study entitled *Incorporating Security into the Transportation Planning Process*, some of the reasons why little consideration has been given to security in the MPO process are widespread confusion over what specifically "security" refers to, which level of government is responsible, where the funding for these initiatives will come from, and how federal legislation should be interpreted regarding the need to specifically address security as a core element of the required transportation planning process.⁸¹

Finding the MPO niche within an already well-established security network is a recurring topic of conversation among MPOs. Many believe that the most effective role an MPO can play is as a forum for collaboration between agencies, but not to impose itself on already well-established security planning functions. Still, there is a great deal of apprehension among MPOs regarding well-established plans and systems. Some believe that the best place to begin is for an MPO to clarify for itself the existing roles that other agencies are filling and determine the "gaps" in the network. These gaps would then serve as a starting place for defining the role of the MPO. It is generally agreed that it is not advisable to re-invent what is already well-functioning.

As an example of how most MPOs have not been included in security planning issues in New York, consider that New York State's general responsibility for preparing for disasters is vested in the New York State Disaster Preparedness Commission. Its responsibilities include the preparation of State disaster plans; the direction of State disaster operations and coordination with local government operations; and the coordination of federal, State and private recovery efforts. The Commission is made up of the commissioners, directors or chairpersons of 23 State agencies and one volunteer organization - the American Red Cross. The State Emergency Management Office (SEMO) is a member. While some MPO voting member agencies are on the Commission (e.g.; NYSDOT and the New York State Thruway Authority), it is revealing that of the 65 web links listed on the SEMO "related links" web page – not one is a NY MPO.⁸²

Can the MPOs in their role as the MPO do more regarding this issue? We do note that some MPO member agencies are addressing the topic individually through measures such as video surveillance cameras, new fencing around facilities and so on. Whether or not the MPOs can play an additional role here is largely uncertain because, for the most part, there is no real information being released to the NY MPOs by the agencies involved in security planning. We do note that the Ulster Count Planning Department does operate with a great deal of coordination with our emergency management agency, including helping to prepare an emergency evacuation route annex to the county's comprehensive emergency management plan - part of that grew out of the department's host agreement with the MPO that increased the awareness of the need to document these routes.

We suggest that the MPOs open a discussion as to their proper role in security planning and emergency preparedness. At a minimum, MPO modeling expertise could identify evacuation routes and evaluate the adequacy of these routes to carry the necessary amount of traffic in the event of an incident or emergency. Of all the planning factors in the federal regulations, security is one where the MPOs are an underutilized resource. The MPOs are in a unique position to foster cooperation among different modes of transportation, governmental agencies, and groups focused on security.

Congress evidently thought that MPOs should be more involved than they traditionally were, as indicated by breaking out security as its own required planning element. But to be involved, one has to be part of the discussion in order to participate! Is the lack of information available to the MPOs because the MPOs are not considered as units of government? Perhaps - or, perhaps the issue just needs to be raised in the MPO forum. Rather than waiting for others to approach the MPO, it is recommended that the MPOs be proactive and build support for their security planning mission by demonstrating how their work adds value to the region's emergency response and recovery capacity. The first step would be for MPOs to open a discussion among its members on its appropriate role in furthering the coordination and cooperation among member agencies on the security issue.

MPO Involvement with Emergency Relief Funds

The FHWA emergency relief (ER) program provides funds for repair or reconstruction of Federal-aid highways and roads on federal lands that have suffered serious damage as a result of (1) natural disasters or (2) catastrophic failures from an external cause.⁸³

The federal regulations identify which projects must appear on an approved TIP and STIP, and which projects are optional. FHWA's Emergency Relief funded project are optional - -except those involving substantial functional, locational, or capacity changes.⁸⁴ Thus, the MPO process could be bypassed regarding the type of replacement. Rather than simply rebuilding a damaged transportation facility in-kind, for example, perhaps the MPO would prefer to have the facility rebuilt with capacity improvements, rebuild on another location, etc. Emergency relief funding would be part of these considerations, especially for the Big Ticket items, as such funds are over and above traditional funding resources. Given MPOs' philosophy of coordination and the excellent working relationships among the members, it may be beneficial to have some definite policy on how emergency relief monies are spent if and when they are needed.

***To Be
Involved, One
Has to First be
Part of the
Discussion in
Order to
Participate***

Recommendation

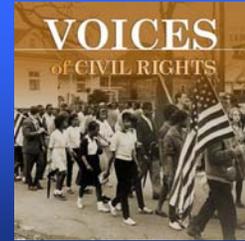
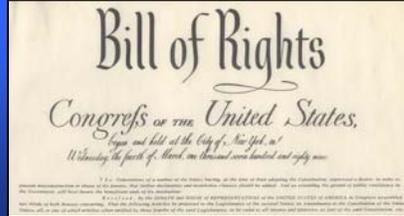
- The respective MPOs should open a discussion with their members on the MPO's potential role in furthering the coordination and cooperation among member agencies on the security issue.

**View from U.S. Military Academy, West Point
Orange County, NY**



“In this beautiful place: the fairest among the fair and lovely Highlands of the North River: shut in by deep green heights and ruined forts, ... hemmed in, besides, all round with memories of Washington, and events of the revolutionary war: is the Military School of America. It could not stand on more appropriate ground, and any ground more beautiful can hardly be.”

~ Charles Dickens ~



Title VI & Environmental Justice

“... the metropolitan transportation planning process is being carried out in accordance with all applicable requirements including... (3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21; (4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;” 23 CFR 450.334(a)(3) & (4)



TITLE VI of the Civil Rights Act of 1964 guarantees equal protection under the law and prohibits intentional discrimination based on race, color, or national origin. In 1984, Federal regulations implementing Title VI were amended to prohibit recipients of Federal aid from carrying out any policy or program that has the *effect* of discriminating against individuals covered under the 1964 Civil Rights Act.

In 1994, President Clinton issued the Executive Order on Environmental Justice (Executive Order 12898), citing the 1964 Civil Rights Act and Title VI as foundational pillars.⁸⁵ The Executive Order directs all Federal agencies to incorporate, as part of their mission, the goal of achieving environmental justice by ensuring that federally-funded policies and programs do not subject minority and low-income communities to “disproportionately high and adverse human health or environmental effects”.⁸⁶

Executive Order 12898 was created to bring federal attention to the environmental and human health conditions in low-income and minority communities with the goal of achieving Environmental Justice (EJ). The goal of EJ is to ensure that any adverse human health or environmental effects of any government activity do not disproportionately affect minority or low-income populations. EJ does not intend to provide preferential treatment to these populations, but rather fair treatment to all populations. As it relates to transportation, Executive Order 12898 was issued to ensure that all Federally-funded transportation-related programs, policies, and activities that have the potential to cause adverse affects, specifically consider the effects on minority and low-income populations.

In 1999, FHWA and the FTA issued a memorandum titled *Implementing Title VI Requirements in Metropolitan and Statewide Planning* that gave a clear message that Title VI and Environmental Justice are integral to the transportation planning process.⁸⁷ As part of its self-certification and in its adoption of the TIP, each MPO self-certifies itself that its

planning process adheres to Title VI. The latest self-certification of the three Mid-Hudson Valley MPOs reflect Title VI activities.

Title VI and Environmental Justice Apply to All Transportation Decisions

The recipients of Federal-aid have been required to certify and the U.S. DOT must ensure nondiscrimination under Title VI of the Civil Rights Act of 1964 and many other laws, regulations, and policies. In 1997, the Department issued its *DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations* to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. As part of its self-certification and in its adoption of the TIP, each MPO certifies that its planning process adheres to Title VI.

Concern for environmental justice needs be integrated into every transportation decision - from the first thought about a transportation plan to post-construction operations and maintenance. The *U.S. DOT Order* applies to all policies, programs, and other activities that are undertaken, funded, or approved by the FHWA and FTA in:

- Policy Decisions
- Systems Planning
- Metropolitan and Statewide Planning
- Project Development and Environmental Review under NEPA
- Preliminary Design
- Final Design Engineering
- Right-of-Way
- Construction
- Operations and Maintenance

MPOs serve as the primary forum where State DOTs, transit providers, local agencies, and the public develop local transportation plans and programs that address a metropolitan area's needs. MPOs can help local public officials understand how Title VI and EJ requirements improve planning and decision making.

"No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

- Title VI of the Civil Rights Act of 1964

The public involvement processes of the three Mid-Hudson Valley MPOs include efforts to perform a review of EJ issues, as well as to implement a standard procedure for including EJ considerations in the planning process.

The goal of Environmental Justice is to ensure that services and benefits are fairly distributed to all people, regardless of race, national origin, or income, and that all people have access to meaningful participation. In transportation programs, this includes:

- Avoiding, minimizing, or mitigating disproportionately high and adverse human

health and environmental effects (including social and economic effects) on minority and low-income populations.

- ❑ Ensuring full and fair participation in the transportation decision-making process by all potentially affected communities.
- ❑ Preventing the denial of, reduction in or a significant delay in the receipt of benefits by minority and low-income populations.

The types of communities and individuals that are of concern to Title VI and EJ largely overlap, with a slight addition under EJ. Title VI prohibits discrimination on the basis of race, color, and national origin. The *DOT Order on Environmental Justice* and Executive Order 12898 address persons belonging to any of the following groups: African American, Hispanic, Asian American, American Indian and Alaskan Native, and Low-Income.

The Title VI regulations and the Executive Order do not prescribe the specific methods and processes for ensuring environmental justice in transportation planning. State and local transportation agencies are free to explore and devise their analytical techniques and public involvement approaches to integrate EJ considerations in transportation decision-making.

Title VI/EJ in the Mid-Hudson Valley TMA

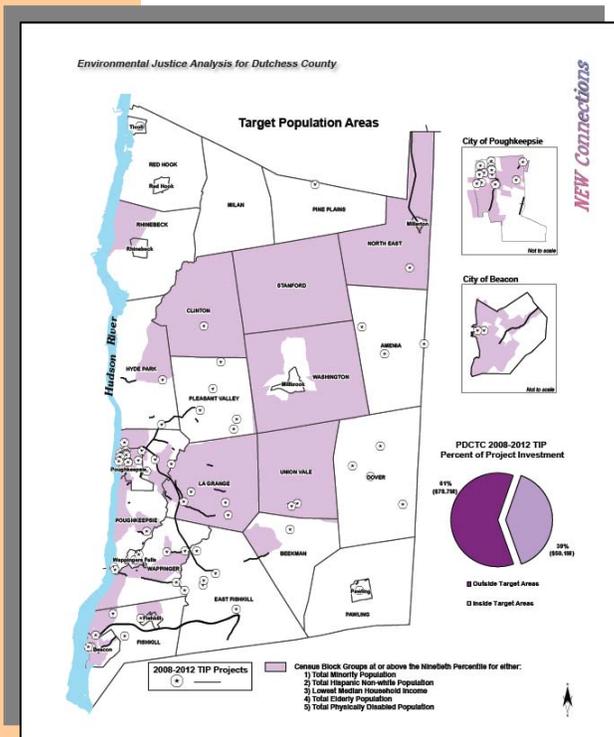
The TMA area consists of a wide range of income and demographic conditions.

Historically, EJ communities have been located in the most urban or most rural neighborhoods. These neighborhoods are also more likely to depend on transit. Within the TMA, each MPO's UPWP allocates staff time and funding to conduct EJ analysis and each use Geographic Information Systems (GIS) as a tool to conduct some EJ analysis. For example, the adjacent illustration is a GIS plot of 2008-2012 TIP projects located in targeted populations in Dutchess County.⁸⁸

The three MPOs are fortunate to be seated within their respective County Planning Departments. This facilitates information exchange and sharing of resources. A brief description of some of the efforts each MPO is taking to satisfy Title VI requirements is described below.

PDCTC

PDCTC has mapped neighborhoods with higher than County average concentrations of minority populations and persons living in poverty. TIP and MTP projects were overlaid onto this map as one way to analyze whether the recommendations contained in the MTP and TIP disproportionately negatively impact EJ communities. No significant issues were found.



The NYSDOT-Civil Rights Bureau conducted a Title VI review of PDCTC activities in 2006; the PDCTC was found to be in compliance with all federal and state laws. The PDCTC continues to participate as a signatory to the NYSDOT Disadvantaged Business Enterprise (DBE) Plan and DBE reports are submitted to the NYSDOT-Civil Rights Bureau on a semi-annual basis. *New Connections* and the 2008-2012 TIP discuss special considerations such as Environmental Justice and Title VI. The 2008-2009 and 2009-2010 UPWPs also dedicate resources for staff work on these special considerations.

For the Environmental Justice analyses done for the Transportation Plan and TIP, the PDCTC identified areas with high concentrations of minority, low income, elderly and disabled persons; this was also done for the Coordinated Public Transit-Human Services Transportation Plan. The PDCTC participates on the local Dial-A-Ride Advisory Board, which monitors demand response services for elderly and disabled residents.

OCTC

Orange County Planning Department has a Planner who focuses on demographics and Census related work and is able to identify Environmental Justice communities in the County. The Department regularly tracks demographic and economic trends. They have mapped economically challenged areas by Census block group. This information is said to inform MPO decision-making and MPO planning products. In December 2000 Orange County signed on to the NYSDOT DBE Plan, including semi-annual DBE reporting. A Title VI report update was submitted to FTA Region 2 in August 2006.

Unfortunately, as is the case with other products on the County website, the information that is potentially available is not easily accessible to the public. This situation results in having OCTC self-certify that it considers Title VI and EJ concerns in the process but with little readily-accessible evidence on the website of how this is done.

Recommendation: OCTC should present Title VI/EJ statistics on the website and have a fuller discussion in its planning documents on discuss how Title VI/EJ considerations are used

UCTC

UCTC has incorporated Title VI and Environmental Justice considerations in various ways. Using 2000 Census data, the MPO has mapped areas of high minority and low-income populations within the County. They are in the process of overlaying the location of TIP projects in order to consider EJ on the plan level. On the project level, they have incorporated EJ considerations into the TIP scoring process. Projects are given additional points for addressing the needs of low income and minority populations. Although it is not a federal requirement, UCTC have also developed a Title VI complaint process. This is rolled into the public involvement process.

The FFY 2008-2010 TIP development process included an evaluation of EJ concerns in the project selection methodology. DBE reports are submitted to NYSDOT-Main Office on a semi-annual basis.

Coordinated Public Transit-Human Service Plan

SAFETEA-LU's introduced a new planning requirement for developing a comprehensive regional human service transportation plan. Projects selected for funding under the Section 5310 Elderly Individuals with Disabilities Program, the Job Access and Reverse Commute (JARC) Program (Section 5316), and the New Freedom Program (Section 5317) must be "derived from a locally developed, coordinated public transit-human services transportation plan", and the plan must be "developed through a process that includes representatives of public, private and nonprofit transportation and human services providers and participation by the public." The regulations require that the plan be coordinated and consistent with the metropolitan planning process.⁸⁹ PDCTC completed its CPTHSP on July 28, 2009.⁹⁰ UCTC completed its plan on September 29, 2008.⁹¹ The OCTC plan is now in draft final form on its website.⁹²

- **New Freedom and JARC**

SAFETEA-LU created a new funding program, called *New Freedom*, to encourage services and facility improvements to address the transportation needs of persons with disabilities that go beyond those required by the Americans with Disabilities Act. The New Freedom Program grew out of the New Freedom Initiative under Executive Order 13217, "Community-Based Alternatives for Individuals with Disabilities".

The designated recipient of New Freedom funds (FTA Section 5316) funds in urbanized areas over 200,000 in population has the principal authority and responsibility for administering the New Freedom Program. The designated recipient is responsible for conducting the competitive selection process in cooperation with the MPO and awarding grants to subrecipients. Funds are allocated through a formula based upon population of persons with disabilities. The New Freedom formula grant program seeks to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the Americans with Disabilities Act (ADA) of 1990. Eligible subrecipients are private non-profit organizations, State or local governments, and operators of public transportation services including private operators of public transportation services. Capital and operating expenses for new public transportation services and new public transportation alternatives beyond those required by the ADA, that are designed to assist individuals with disabilities.

The Job Access and Reverse Commute (JARC) program was established to address the unique transportation challenges faced by welfare recipients and low-income persons seeking to obtain and maintain employment. Many new entry-level jobs are located in suburban areas, and low-income individuals have difficulty accessing these jobs from their inner city, urban, or rural neighborhoods. In addition, many entry level-jobs require working late at night or on weekends when conventional transit services are either reduced or non-existent. Eligible subrecipients are private non-profit organizations, State or local governments, and operators of public transportation services including private operators of public transportation services. Capital planning and operating expenses for projects that transport low income individuals to and from jobs and activities related to employment, and for reverse commute projects are eligible.

The three MPOs issued a call for projects in January 2009 for these two FTA programs. The funds will support eligible transit projects in the three-county planning area (Dutchess, Orange, and Ulster counties).

- **Section 5310**

FTA's 5310 program was established to meet the transportation needs of elderly persons and persons with disabilities where public mass transportation services are otherwise unavailable, insufficient, or inappropriate. It allows for the procurement of accessible vans and busses; communication equipment, and computer hardware and software for eligible applicants. NYSDOT, through its Transit Bureau, administers the program in New York State. New York State has a well-established process, which includes an inter-agency review committee and now coordination with affected MPOs, for selecting fund grantees on a discretionary basis.

Recommendation

- A recommendation for each MPO is to analyze the extent of outreach to EJ communities by overlaying addresses from mailing lists and comments received onto maps of EJ communities and TIP projects. Although this may provide limited information, it may provide an insight to the level of outreach achieved.



Energy & the Climate

“The metropolitan transportation planning process shall be continuous, cooperative, and comprehensive, and provide for consideration and implementation of projects, strategies, and services that will address the following factors: ... Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns” 23 CFR §450.306(a)(5)

T

he metropolitan planning regulations require MPOs to promote energy conservation and promote consistency between transportation improvements and State and local planned growth and economic development patterns during its deliberative processes. Consideration of climate change in the transportation planning process is not a mandated Federal requirement at this point, although it is but such activity is eligible for FHWA and FTA planning funds if the federal agencies conclude that the MPO’s ability to fulfill the critical Federal requirements, including the preparation of federally required planning products, can be still be accomplished with this added work burden⁹³. This issue, together with the issue of energy conservation, is lending heightened scrutiny and attention to the coordination of transportation and land use planning.

Energy Considerations

The New York State MPOs are almost unique in the country in performing energy and greenhouse gas emissions analyses on TIPs and Long Range Transportation Plans as required by the 2002 State Energy Plan. The State’s goal then was to reduce energy usage and Greenhouse Gas (GHG) emissions by 5% below 1990 levels by 2010 and 10% below 1990 levels by 2020 through informed decision-making. The 2002 Energy Plan required the State (and MPOs) to:

- Include consideration of CO₂ production in State Environmental Quality Review Act (SEQRA) analyses and in Statewide planning processes.
- Work with regional and local planning organizations (e.g., MPOs) to analyze energy and emissions from transportation plans and programs (i.e. Plan and TIPs).
- Commit to Statewide GHG emissions targets with near term (2010), mid-term (2020) and long-term (2050) stages.
- Provide additional information to justify any TIP, Plan or project that shows an increase in the use of energy or an increase in GHG emissions.

After the adoption of the 2002 Energy Plan, NYSDOT issued guidance entitled *Energy Analysis Guidelines for TIPs and Plans* to help MPOs perform the energy and GHG analyses on TIPs and Plans. Initially, there was significant confusion about the guidance, but the activity has now become generally routine.

MPOs' TIP and Plan Analyses

The NYSDOT's Environmental Services Bureau (ESB)'s guidelines⁹⁴ on the energy and GHG analyses in TIPs and Plans include capturing both the direct energy (energy that will be used after the project is complete) and the indirect energy (energy needed to build the project) relative to the no-build situation. The energy and GHG analyses of TIPs and Plans follow these steps:

Step #1 – Identification of all Non-Exempt and Regionally Significant Projects

The first step in this process is determining which projects would be subject to analysis. All of the projects included in the TIP and the Plan are reviewed for their significance in affecting energy consumption; projects that are non-exempt for air quality conformity are almost always energy-impacting projects. Projects that maintain current levels of service or capacity, such as safety improvements, resurfacing, bridge repair, or bus replacements are presently considered exempt from the energy analysis. Similarly, projects that result in operations improvements, without an increase in capacity (such as signal retiming) are also considered exempt and excluded from the analysis.

Since MPOs normally perform the air quality conformity analysis at the same time as the energy analysis and thus are familiar with the definition of non-exempt projects, no additional identification requirements are needed.

Step #2 – Travel Demand Modeling

To determine the impact of future projects, MPO uses its travel demand forecasting model to forecast Vehicle Miles of Travel (VMT). The energy/GHG analysis includes Build and No-Build scenarios.

Step #3 – Off-Line Model Analysis

A quantitative analysis is undertaken to account for any significant projects in the Plan or TIP that cannot be modeled with the MPO forecasting model. Transit and bicycle/pedestrian projects are normally beyond the capabilities of the software. The VMT reductions related to these projects are then factored into the modeled VMT to better analyze the Build scenario.

Step #4 - Direct Energy Analysis

Direct energy represents the energy consumed by vehicles using a transportation facility. Direct vehicle energy is calculated using the VMT Fuel Consumption Method as described in NYSDOT Guidance.⁹⁵ The calculations are based on the VMT (not seasonally-adjusted) reported by the No-Build and Build scenarios and a calculated vehicle type. Three vehicle types are included in the energy analysis: light duty vehicles, medium trucks, and heavy

trucks. Each of the three vehicle types have a fuel usage rate per year based on the fuel type used.

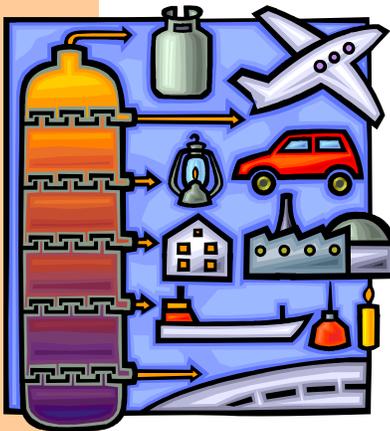
For each scenario (build versus no-build), the total VMT is multiplied by the percentage of each vehicle type to determine vehicle type VMT. That vehicle type VMT is then divided by the fuel economy rate to calculate the number of gallons of fuel used. These fuel consumption values are then converted to British Thermal Units (BTUs) by multiplying each gallon by 125,000. Finally, the total direct energy consumption (in BTUs) is summarized for all vehicles in each scenario.

Step #5 – Indirect Energy Analysis

Indirect energy represents the energy required to construct and maintain the transportation system. For this analysis, per ESB guidelines, only the energy used in construction activities for Regionally Significant or Non-Exempt projects, including new construction, reconstruction, rehabilitation, and widening is analyzed. Certain nonexempt projects, such as ridesharing, include no energy-consuming construction or maintenance activities, and therefore, an indirect energy calculation is not applicable.

The intent of the indirect energy calculations is to measure the energy used in the construction of the projects included in the Build scenario. The indirect energy value of the No-Build scenario is zero; therefore, it is not possible to compute the percentage difference between the two scenarios.

Indirect vehicle energy is calculated using the Lane Mile Approach as described in NYSDOT guidance. The number of lane miles for each project is multiplied by a rate of Construction Energy Consumed per lane mile to calculate the total Construction Energy Consumed in BTUs.



Step #6 – CO₂ Emissions Estimates from Direct Energy Consumption

Carbon dioxide (CO₂) is the surrogate for all GHGs in these analyses. CO₂ emissions are calculated as described in NYSDOT guidance. The Direct Energy consumed (by vehicle type) is multiplied by the Carbon Emission Coefficients for both gasoline and diesel engines and then by a factor representing the amount of carbon that is oxidized. This process creates a value representing total tons of CO₂ emitted.

Step #7 – CO₂ Emissions Estimates from Indirect Energy Consumption

Per NYSDOT protocol, the indirect energy consumed as a result of the Build scenario from Step #5 is multiplied by the Carbon Emission Coefficients for diesel vehicles and then by a factor representing the amount of carbon that is oxidized, resulting in the total tons of carbon emitted.

Results of Energy and GHG Analyses

The energy and GHG analyses at present are a “build” versus “no-build” comparison, not “build” less than a certain date (e.g.; 2002). So far, the analyses of the TIPs and Plan have always shown that the “build” scenarios would use less total energy and emit less GHG than the “no-build”. For this reason, some MPO representatives are unsure of the utility of the energy assessment in reducing energy and GHG emissions. Others, however, believe that conducting the analysis could provide useful information to inform planning decisions.

Despite the capacity of the energy analysis process for raising awareness, it is unknown whether estimates of energy use and CO₂ emissions would, by themselves, influence transportation investments. Policies are more likely to be implemented in response to traditional air quality concerns (e.g., Ozone). It’s worth noting that, as a result of New York’s extensive support for public transportation, the State has the lowest per-capita use of motor fuel of any state in the nation.⁹⁶

Climate Change Considerations



Similar to the current Federal position, the New York’s political leaders have adopted what has come to be known as the anthropogenic global warming (AGW) position: the anthropogenic (human) use of fossil fuels is adding greenhouse gases to the atmosphere (primarily CO₂), and this in turn is causing the temperature to rise dangerously and the climate to change for the worse. This position is forcefully asserted in various Executive Orders from a series of New York Governors directing State agencies to proceed with activities with this in mind. Consequently, the State Energy Plans are developed with this view of anthropogenic-caused climate change in mind, and documents appearing on State agency websites (e.g.; the New York State Department of Environmental Conservation and NYSDOT) necessarily reflect this position.

NYSDOT

NYSDOT has supported a series of environmental initiatives, including a charge to its Climate Change/Energy Efficiency Team to develop transportation policy strategies to reduce greenhouse gas emissions produced by the NYSDOT and the state’s transportation sector. The Climate Change/Energy Efficiency Team was initiated in September 2007 to establish new policies that will lead to a reduction in the air pollutants responsible for global warming. Five work groups have been established to make recommendations for action. In the process, the department has committed to:

- Instituting and promoting policies and strategies that will lead to reducing reliance on petroleum products and greenhouse gases emanating from transportation;
- Changing the way the department designs, constructs, rehabilitates, maintains and operates the transportation infrastructure under its control to reduce the amount of greenhouse gases produced by transportation. This includes explicitly considering climate change and energy efficiency when transportation plans are prepared, the capital program is developed and project alternatives are selected;

- Changing the way the department operates as a state agency and employer to reduce the amount of petroleum products it uses in delivering services to the public and the amount of greenhouse gases emitted;
- Assisting state efforts in forecasting energy constraints and the implications to New York State’s quality of life and economy, particularly from a transportation perspective; and
- Implementing strategies that will adapt the transportation infrastructure to withstand the impacts of climate change, such as changing weather patterns, and help the department and society deal with the anticipated effects of petroleum constraints.

NYSDOT has also participated on the various task forces involved in the development of the State Energy Plan, and it has started **GreenLITES** (Green Leadership In Transportation and Environmental Sustainability),” which is a transportation environmental sustainability rating program.⁹⁷ It is a self-certification program that distinguishes transportation projects and operations based on the extent to which they incorporate sustainable choices. This is primarily an internal management program for NYSDOT to measure performance, recognize good practices, and identify where we need to improve.

Climate Change Considerations in the MPO Process

At this point, it is up to each MPO to apply the state mandated tools to the transportation planning process in the manner it considers most appropriate; presently, none of the MPOs in New York specifically considers the potential impact of climate change in its planning process.

The Staff Director of the Albany MPO (John Poorman) has developed a very interesting presentation on the subject of Climate Change, Land Use and Transportation Planning in the event that an MPO might want to specifically consider Climate Change in the planning process.

“I would suggest that substantial tempering of the rate of climate change will not be likely to occur from the range of items I am labeling “transportation and land use planning.” On the other hand, never say never to the macro policy options being implemented at a scale with meaningful impacts. This distinction is similar to what many of my transportation planning colleagues struggle with in air quality conformity planning. Consider this: a simple 5 mpg increase in CAFÉ fleet standards would reduce GHG emissions by roughly 20% within 10 years. On the other hand, doubling transit ridership in the United States would reduce GHG emissions by less than 5%.”

“In sum, I suggest that we carefully dissect the question. Separate the can? from the will? Distinguish the ability to mitigate actual climate change from the ability to adapt to substantial change if/when it occurs. Examine market, policy and planning forces and tools separately. And in all thoughts, do not suspend what we know about physical, economic, political and human behavior.”

Climate Change and Transportation and Land Use Planning,

John Poorman, 2006

| Can transportation and land use planning reduce the rate of global climate change? Yes or no? | | Market Forces | Macro Policy | Local Planning |
|---|------------------------|---------------|--------------|----------------|
| Can it? | Reduce climate change? | No | Yes | Yes |
| | Mitigate impacts of? | Yes | Yes | Yes |
| Will it? | Reduce Climate change? | No | Maybe | No |
| | Mitigate impacts of? | Yes | Maybe | Maybe |
| John Poorman, <i>Climate Change and Transportation and Land Use Planning</i> | | | | |

Mr. Poorman recognizes that there is uncertainty surrounding impacts and mitigation measures. An MPO, therefore, may want to frame the discussion solely in terms of Energy. Mankind's main contribution to GHGs in the atmosphere comes from using fossil fuels as energy - everyone agrees. We can reduce GHG emissions from transportation through policies that concentrate on energy conservation and efficiency.

Energy efficiency and self-sufficiency are laudable goals in and of themselves; they assist with:

- ❖ Stewardship of the planet
- ❖ National security
- ❖ Conservation of resources

GHG emissions can be reduced through policies that emphasize energy conservation and energy efficiency in both transportation systems and land use planning. Energy conservation, use of alternate energy sources, land use planning, demand management, transit improvements, bicycle and pedestrian-friendly communities, reductions in VMT rate of growth, and technology are keys to reduce our dependence on fossil fuel energy and our transportation emission of GHGs. By utilizing energy more efficiently, and simultaneously using alternative sources of energy (e.g.; hydrogen, solar, wind, etc.), our use of fossil fuel in transportation and the related CO₂ emissions are reduced.

By the year 2100, we probably won't be using much fossil fuel at all. Energy conservation and related efforts are now integral to the planning process of the Mid-Hudson Valley MPOs and we support a continuation thereof because it is the right thing to do.

Technology and the Future

“Technology is known for providing unexpected surprises, windfalls, and unintended negative consequences. It is reasonable to anticipate a new communication or transportation technology to emerge in the next thirty years that will significantly change the dynamics stated in the statutes of generally-held expectations. Transportation specifically experienced a number of radical technological changes in the 19th and 20th centuries, and it is not unreasonable to suggest that another such change will occur over the next quarter-century to half-century.”

Colloquy on the Coming Transformation of Travel, 2006, page 6

Glossary

ACRONYMS AND ABBREVIATIONS

AADT - Average Annual Daily Traffic: Estimate of typical daily traffic on a road segment for all days of the week over a period of one year.

ADA - Americans with Disabilities Act: Federal law designed to help provide transportation services for the elderly and handicapped.

AGW – Anthropogenic Global Warming: theory that mankind’s use of fossil fuel is adding greenhouse gases to the atmosphere, causing the temperature to rise dangerously and the climate to change for the worse for this and future generations.

ATMS – Advanced Traffic Management System (ITS)

ATR – Automatic Traffic recorder

CAAA90 - Clean Air Act Amendments of 1990: Federal law which stresses the relationship of transportation and air quality and the attainment of national ambient air quality standards.

CBD - Central Business District: Core area of urban center where commercial activity is concentrated.

CFR - Code of Federal Regulations: a codification of the rules and guidance published in the Federal Register by the Executive departments and agencies of the Federal Government.

CMAQ - Congestion Mitigation/Air Quality Improvement Program: category of FHWA funds to help improve air quality in nonattainment and maintenance areas.

CMP - Congestion Management Process – a process addresses congestion on the highway and transit systems; CMP is required in TMAs. This effort was formerly known as the Congestion management System (CMS)

CNG - Compressed Natural Gas - one of the alternate fuels to gasoline.

CO - Carbon Monoxide: a criteria pollutant that is the product of incomplete fuel combustion.

CO₂: Carbon Dioxide: a greenhouse gas associated with climate

COE - U.S. Army Corps of Engineers

CPG – Consolidated Planning Grant

CSS – Context Sensitive Solutions:

DOE- U.S. Department of Energy

EJ - Environmental Justice: effort to assure that the planning and decision-making process does not have a disproportional high impact on minority and low-income populations.

EPA - U.S. Environmental Protection Agency

FHWA - Federal Highway Administration

FTA - Federal Transit Administration

GEIS – Generic Environmental Impact Statement

GHG – Greenhouse Gas: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆)

GPS – Global Positioning System

HBRR - Highway Bridge Replacement and Rehabilitation Program: category of FHWA funds.

HC - Hydrocarbons: gaseous compounds made of carbon and hydrogen (used interchangeably with VOC).

HOT – High Occupancy Toll

ISTEA - Intermodal Surface Transportation Efficiency Act of 1991: federal law passed by Congress covering federally funded highway and transit programs for the period 1992-1997.

ITS - Intelligent Transportation System: Development and use of technology to enhance ground travel, to improve safety and the environment. This includes the gathering and dissemination of traveler information, traffic management and vehicle management in an overall manner.

JARC – Job Access Reverse Commute: FTA grant program that assists states and localities in developing new or expanded transportation services that connect welfare recipients and other low income persons to jobs and other employment related services.

LOCMA – Lower orange County Metropolitan Area: seven southern towns in Orange County associated with the 1-hour ozone nonattainment standard.

LOS - Level of Service: Traffic engineering term describing the operating conditions a driver experiences while traveling a particular street or highway.

MAB - Metropolitan Area Boundary: Federally approved transportation planning boundary of a MPO; the MAB covers the area presently urbanized and that area expected to be urbanized during the next 20 years – sometimes called the MPA.

MIS - Major Investment Study: Stand-alone analysis required under ISTEA for major corridor or subarea study. TEA-21 replaced the stand alone MIS requirement with the directive that the planning analyses be integrated with NEPA.

MPA – Metropolitan Planning Area: the MPO's study area (see MAB)

MPP - Metropolitan Planning Program: FTA's planning funds supporting MPOs.

MPO - Metropolitan Planning Organization: Federally mandated organization of coordinating transportation planning. Each urbanized area with a population of over 50,000 must have an MPO.

MSA – Metropolitan Statistical Area: a core area containing a substantial population nucleus, together with adjacent communities having a high degree of social and economic integration with that core. Defined by the Office of Management and Budget

MTP: Metropolitan Transportation Plan: The required long range regional transportation plan required of all MPOs.

NAAQS - National Ambient Air Quality Standards: Emissions standards established under the CAAA90 and subsequent rulings by EPA.

NEPA - National Environmental Policy Act of 1969

NHS - National Highway System: designated a priority system of highways; it is also a category of FHWA funds.

NHTS – National Household Travel Survey

NO_x - Nitrogen Oxides: a collective term for all compounds of nitrogen and oxygen.

NYSDEC - New York State Department of Environmental Conservation

NYSDOT - NYS Department of Transportation

NYSERDA - NYS Energy Research & Development Authority

NYSMPO – New York State Association of MPOs

OCTC – Orange County Transportation Council: the MPO for Orange County

PDCTC – Poughkeepsie-Dutchess County transportation Council: the MPO for Dutchess County

PL - Metropolitan Planning Funds: a category of FHWA funds established specifically for metropolitan transportation planning purposes.

PM₁₀ - Particulate Matter with a diameter less than 10 micrometers: a criteria pollutant from many sources; diesel engines are a major contributor.

PM_{2.5} - Particulate Matter with a diameter less than 2.5 micrometers: a criteria pollutant from many sources; diesel engines are a major contributor.

SAFETEA-LU - *The Safe, Accountable, Flexible, Efficient, Transportation Act: A Legacy for Users:* Six-year transportation legislation signed into law by President George W. Bush on August 10, 2005 and which was to expire September 30, 2009.

SCI – Shared Cost Initiative - NYSMPOs pool planning funds in order to undertake studies of topics of mutual interest that they individually might not have afforded. After a study is selected, the funds are administered by a single MPO on behalf of the group.

Section 3010 - FTA-funded discretionary program for New Starts.

Section 3037 - FTA-funded discretionary program supporting Access to Jobs initiatives.

Section 5303 - FTA-funded discretionary program supporting continuing planning activity and special transit studies.

Section 5307 - FTA-funded formula grant program for capital improvements and operating assistance to mass transit.

Section 5308 - FTA-funded discretionary program supporting Clean Fuels programs.

Section 5309 - FTA-funded discretionary program for capital improvements to mass transit.

Section 5310 - FTA-funded program for capital projects to meet the special needs of elderly and handicapped (formerly 106(b)(2)).

SEQRA - State Environmental Quality Review Act: Article 8 of the New York State Environmental Conservation Act.

SHPO - State Historic Preservation Officer

SIP - State Implementation Plan for air quality: A document required by CAAA90 to be produced and updated. The document details required levels of pollution emission reductions and sets deadlines to meet emission reduction targets.

SOV - Single Occupant Vehicle: A vehicle occupied by one person, the driver.

STIP - Statewide Transportation Improvement Program: State document combining the federally funded highway and transit projects contained in all MPO TIPs plus those projects planned in rural areas of a State.

STP - Surface Transportation Program: a category of FHWA funds.

TANF - Temporary Assistance to Needy Families: US Department of Health and Human Services program that replaced the Aid to dependant Children and several other social aid programs.

TAZ – Traffic Analysis Zone: The smallest geographical unit used in the travel-demand forecasting model.

TCM - Transportation Control Measure: Means established by ISTEA and CAAA90 to reduce single occupant vehicle use or total vehicle miles of travel (e.g., HOV lanes, new parking restrictions, tolls).

TCSP - Transportation and Community and System Preservation Program: FHWA demonstration program to help control urban sprawl.

TDM - Transportation Demand Management activities: Strategy designed to improve travel by reducing demand through techniques such as ridesharing.

TE - Transportation Enhancement: a subcategory of STP funding; set aside for strengthening the cultural, aesthetic and environmental aspects of the intermodal transportation system.

TEA-21 - Transportation Equity Act for the 21st Century: Federal legislation June 1998; authorizes the Federal surface transportation programs for highways, highway safety, and transit for the six-year period 1998-2003.

TIP - Transportation Improvement Program: Five-year program of capital and operating projects, as required by federal regulation.

TITLE VI - Title VI of the Civil Rights Act of 1964

TMA - Transportation Management Area: An urbanized area that contains over 200,000 population according to the Bureau of the Census.

TOA – NYS Transit Operating Assistance.

TSM – Transportation System Management: strategies to improve travel through low-cost techniques such as signalization and channelization.

UAB – Urbanized Area Boundary: sometimes called the FHWA UAB. Boundary resulting from an MPO's smoothing/adjusting of the Census UZA

UCTC - Ulster County Transportation Council: the MPO for Ulster County

UPWP - Unified Planning Work Program: The annual or biennial document that guides the federally funded transportation planning activities within the MPO area.

URA - Uniform Relocation Act: Federal regulations regarding land use and right-of-way matters.

USDOT - United States Department of Transportation

UZA – Urbanized Area Boundary: urbanized area boundary according to the Bureau of the Census.

VHD - Vehicle Hours of Delay: Measure of delay indicating the number of hours the traffic stream is delayed.

VISUM – a flexible software system for transportation planning, travel demand modeling and network data management

VISSIM – Visual Solutions – computer language for modeling and simulation of complex nonlinear dynamic systems. Its fast execution lets you run models in real-time.

VMT - Vehicle Miles of Travel: One vehicle traveling one mile.

VOC - Volatile Organic Compounds: gaseous compounds made of carbon and hydrogen (used interchangeably with HC).

YOE – Year of Expenditure: Revenue and cost estimates for the STIP and TIPs must use an inflation rate(s) to reflect 'year of expenditure dollars,' based on reasonable financial principles and information, developed cooperatively by the State, MPOs, and public transportation operators.

4(f) - Section 4(f) of the USDOT Act of 1966: requires special effort to preserve public parks, recreational areas, wildlife and waterfowl refuge areas and historic sites.

Notes

¹ 23 CFR 450.334

² Federal Register, May 1, 2002, page 21962.

³ Federal Register, July 8, 2002, page 45173.

⁴ 23 CFR § 450.334 (b)

⁵ 23 U.S.C. 134, 49 U.S.C. 5303 and 23 CFR 450

⁶ CAAA sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93

⁷ Civil Rights Act of 1964 (Title VI), as amended (42 U.S.C. 2000d-1) and 49 CFR part 21

⁸ Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects

⁹ 23 CFR part 230

¹⁰ 42 U.S.C. 12101 *et seq.* and 49 CFR parts 27, 37, and 38;

¹¹ 29 U.S.C. 794

¹² 23 CFR 450.334 (a)

¹³ 23 CFR 450.334(b)(4)

¹⁴ There are 40 federally designated Heritage Areas, funded through the National Park Service and Department of the Interior by annual appropriations. The Hudson River Valley Institute (HRVI) at Marist College is the central hub for information about the region.

¹⁵ Formal designation occurred in 1974.

¹⁶ The abolishment of the HUD 701 program was not the sole reason for TSRPC's demise, but it did provide the final impetus for Connecticut to dissociate itself from the compact.

¹⁷ New York Laws of 1982, Ch. 67 (amended 1982, Chap. 451); expired June 30, 1983.

¹⁸ Herb Heckler

¹⁹ Rich Peters

²⁰ Dennis Doyle, Director

²¹ Dutchess: 280,150; Orange: 341,367; Ulster:177,749.

²² **§ 450.104 Definitions** - *Metropolitan planning organization (MPO)* means the policy board of an organization created and designated to carry out the metropolitan transportation planning process.

²³ 23 CFR 450.310(d)

²⁴ The Ulster County Legislature and the Town of Lloyd shared one vote, and there were two rotating votes from Ulster County towns.

²⁵ Metropolitan Commuter Transportation Mobility Tax, which is 0.34% of the total payroll for employees within the MTA region.

²⁶ Visible advertising signs adjacent to the Interstate system and highways designated as part of the primary system on 6/1/91, as well as signs beyond 660 feet outside of urban area, are controlled. The section does not allow new sign permits beyond 660 feet of the right of way outside of the urban area. Changing the UAB, whether from growth or census definition, affects the number of billboards allowed along the freeways. If the boundary moves out, then new signs are allowed. If the boundary moves in, then FHWA and the States have the issue of whether to grandfather or remove existing signs. *See 23 CFR § 750.704*

²⁷ 23 U.S.C. 101(a)(37)

²⁸ 23 CFR 450.320(a)

²⁹ Ibid.

³⁰ 23 CFR 450.320(b)

³¹ 23 CFR 450.314(a): The MPO, the State(s), and the public transportation operator(s) shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the public transportation operator(s) serving the MPA. To the extent possible, a single agreement between all responsible parties should be developed.

³² Ibid. The written agreement(s) shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan (see § 450.322) and the metropolitan TIP (see § 450.324) and development of the annual listing of obligated projects (see § 450.332).

³³ Ibid "...and development of the annual listing of obligated projects (see § 450.332)."

³⁴ The FTA consultant that performs triennial reviews has recently cited this area as a weakness; FHWA disagrees.

³⁵ 23 CFR 450.104 Definitions

³⁶ 23 CFR 314(d)

³⁷ 23 CFR 314(d)

³⁸ Westchester, Rockland and Putnam Counties

³⁹ 23 CFR 450.316(1)(iv)

⁴⁰ <http://www.co.ulster.ny.us/planning/tran.shtml>

⁴¹ www.orangecountygov.com/planning/octc

⁴² <http://www.dutchessny.gov/CountyGov/Departments/Planning/PLpdctcIndex.htm>

⁴³ A special generator is a distinctive land use, such as a college or regional shopping mall, with atypical travel characteristics.

⁴⁴ <http://www.cdtcmpr.org/linkage.htm>

⁴⁵ 23 CFR 450.104 definitions

⁴⁶ 23 CFR 450.320(a)

⁴⁷ 23 CFR 450.320(d)

⁴⁷ Recurring congestion refers to congestion that arises on a routine basis at the same place and generally at the same time, a condition that may hint at a systemic imbalance between roadway capacity and existing demand

⁴⁹ Nonrecurring congestion occurs at atypical times when a vehicle crash, road construction, or poor weather impedes traffic.

⁵⁰ 23 CFR 320(b)

⁵¹ TSM: improved traffic signal timing, timely incident management, additional turning lanes, and Intelligent Transportation Systems (ITS) - technology based management tools like Variable Message Signs (VMS) and electronic toll collection (e.g. E-Z Pass)

⁵² TDD: reducing the demands placed on the existing transportation network; in most cases, this means decreasing the number of vehicles using the system. Examples of this include the use of high-occupancy vehicle lanes, more ride-sharing opportunities, additional mass transportation alternatives, and flexible work hours for employees.

⁵³ *New Connections*, page 5-9.

⁵⁴ 23 CFR 450.104 Definitions

⁵⁵ The EPA conformity regulations attempt to capture the impacts of transportation projects that have a regional impact on emissions. Localized projects are classified as “exempt” – they are automatically considered to have small or negligible impacts on regional emissions (e.g., turning lanes, guardrail, resurfacing without widening, etc.). Any project not classified as exempt is considered as nonexempt. Typically, nonexempt are projects that add significant capacity to the transportation system and they must be specifically included in the air quality conformity analysis of the MPO’s TIP and Plan.

⁵⁶ In NYSDOT Region 8, this allocation is distributed among the six urban counties (Dutchess, Orange, Putnam, Rockland, Ulster and Westchester) and the one rural county (Columbia)

⁵⁷ The 1994 Plan received a positive Federal conformity determination on December 29, 1994.

⁵⁸ *Connections 2025* received a positive Federal conformity determination under the 1-hour ozone standard on December 15, 2003 and received a positive FHWA/FTA conformity determination for the 8-hour standard on June 14, 2005.

⁵⁹ Chapter 1 *New Connections*

⁶⁰ The 2020 Plan needed to receive a positive FHWA/FTA conformity determination in December 1994.

⁶¹ The *Vision 2025* Plan received a positive Federal air quality conformity determination for the 1-hour ozone standard on December 15, 2003; the conformity analysis had to total the emissions from Dutchess, Orange and Putnam Counties. The *Vision 2025* Plan received another FHWA/FTA conformity determination on June 14, 2005 because of the new 8-hour ozone standard.

⁶² Regional Plan Association (RPA) is an independent regional planning organization that improves the quality of life and the economic competitiveness of the 31-county, New York-New Jersey-Connecticut region through research, planning, and advocacy. <http://www.rpa.org/welcome.html>

⁶³ <http://www.ulstertransportationplan.org>

⁶⁴ The YOE requirement was introduced in the September 14, 2007 FR, whereas the Plan was adopted in September 2005.

⁶⁵ 23 CFR 450.322(c)

⁶⁶ 49 U.S.C. Section 5307(a)(2)(A)(B)

⁶⁷ Lower Orange County Metropolitan Area (LOCMA) consists of the Towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, and Woodbury are were classified as part of the Severe New York Metropolitan Ozone Nonattainment Area.

⁶⁸ NYSDEC recommends classifying Ulster as part of the Poughkeepsie nonattainment area, even though the monitor registers attainment, because (1) the area is geographically part of the Hudson River Valley in which other monitors register nonattainment from NYC to the Adirondacks (2) the monitored values at Belleayre Mountain monitor would probably have higher values down in the valley (3) UCTC is part of the TMA, and (4) Kingston MSA is part of the greater New York – Newark – Bridgeport CSA.

⁶⁹ <http://www.epa.gov/groundlevelozone/actions.html#sep09s>

⁷⁰ 23 CFR 450.314(d)

⁷¹ 23 CFR 450.312

⁷² 23 CFR 450.316 Interested parties, participation, and consultation (a)(1)(iii) “Employing visualization techniques to describe metropolitan transportation plans and TIPs”

⁷³ 23 CFR 450.304 Definition

⁷⁴ <http://cms.transportation.org/?siteid=59&pageid=849>

⁷⁵ http://www.pictometry.com/government/product_3d.shtml

⁷⁶ § 450.322(g)

⁷⁷ General Tommy Franks, American Soldier, HarperCollins Publishers, August 2004

⁷⁸ In 1991, the Inter-modal Surface Transportation Efficiency Act (ISTEA) stated safety and security should be addressed as appropriate by MPOs. The Transportation Equity Act for the 21st Century (TEA-21) developed seven planning factors to be considered in the transportation planning process. One of these seven factors was to “increase the safety and security of the transportation system for motorized and non-motorized users”.

⁷⁹ 23 CFR 450.306(b)

⁸⁰ <http://planning.dot.gov/Documents/Securitypaper.htm>

⁸¹ NCHRP Report 525: Surface Transportation Security Volume 3 - Incorporating Security into the Transportation Planning Process, Transportation Research Board, 2005.

⁸² <http://www.semo.state.ny.us/info/relatedLinks.cfm>

⁸³ Title 23, U.S.C., Section 125

⁸⁴ 23 CFR 216(g)(5) and 324(c)(5)

⁸⁵ Executive Order 12898: *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations*, signed by President Clinton on February 1, 1994.

⁸⁶ EJ is concerned with issues as they impact both the individuals in the Title VI identified categories, plus the low-income sector, which was not covered by Title VI.

⁸⁷ October 7, 1999.

⁸⁸ <http://www.co.dutchess.ny.us/CountyGov/Departments/Planning/mtpncchaptertwo.pdf>

⁸⁹ 23 CFR 450.306(g)

⁹⁰ <http://www.co.dutchess.ny.us/CountyGov/Departments/Planning/cpthstplanjuly2008.pdf>

⁹¹ http://www.co.ulster.ny.us/planning/uctc/projects/cpt/final_plan.pdf

⁹² <http://www.orangecountygov.com/orgmain.asp?storyID=4102&orgID=144&storytypeID=1&sid=>

⁹³ FHWA/FTA Planning Program Funds to Support Integration of Transportation, Land Use, and Climate Change, November 17, 2008, <http://www.fhwa.dot.gov/planning/plnInduse.htm>

⁹⁴ NYSDOT has released three basic guides: • *Air Quality Analysis of Transportation Improvement Programs, Regional Transportation Plans, and Capital Project programs – Technical Guidance to Assist Metropolitan Planning Organizations and Department of Transportation Regional Offices Meet the Objectives of the 2002 New York State Energy Plan* (January 21, 2003); • *Development of Revised NYSDOT Energy Analysis Guidelines (Draft), Subtask 12a: Energy Analysis Guidelines for TIPs and Plans* (June 21, 2002); and • *Development of Revised NYSDOT Energy Analysis Guidelines (Draft), Subtask 12b:*

⁹⁵ *Subtask 12a: Energy Analysis Guidelines for TIPs and Plans.*

⁹⁶ *2010-2015 Capital Program Proposal - New York State Department of Transportation*, October 2009, page 4

⁹⁷ <https://www.nysdot.gov/programs/greenlites>



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

New York Division

February 4, 2009

Federal Highway Administration
Leo O'Brien Federal Building, Suite 719
Clinton Avenue & North Pearl Street
Albany, NY 12207

**Federal Transit Administration
Region II**
One Bowling Green, Room 429
New York, NY 10004-1415

In Reply Refer To:
HDA-NY
FTA-TRO-II

Mr. Michael P. Hein
Ulster County Executive
Ulster County Transportation Council
PO Box 1800, 244 Fair Street
Kingston, New York 12402-1800

Mr. William R. Steinhaus
Dutchess County Executive and Chairman
Poughkeepsie-Dutchess County Transportation Council
27 High Street
Poughkeepsie, New York 12601

Mr. Edward A. Diana
Orange County Executive and Chairperson
Orange County Transportation Council
124 Main Street
Goshen, New York 10924

Dear Sirs:

Titles 23 and 49 of the United States Code require the Secretary of Transportation to designate urbanized areas with population over 200,000 as Transportation Management Areas (TMAs). Following the 2000 Census, the Secretary of Transportation designated the Poughkeepsie-Newburgh area as a new TMA, affecting three Metropolitan Planning Organizations (MPOs): Poughkeepsie-Dutchess County Transportation Council (PDCTC), Orange County Transportation Council (OCTC), and the Ulster County Transportation Council (UCTC).

Designated TMAs are subject to special planning and programming requirements. In accordance with 23 USC 134(i)(5), the Secretary must certify compliance of the MPOs in each TMA with the metropolitan planning regulations not less than once every four years. This is a joint responsibility of the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). Our initial review of your TMA was done in 2005 and it resulted in a full certification of all three MPOs.

MOVING THE
AMERICAN
ECONOMY



Public Meeting Notice
March 11, 2009

The Poughkeepsie-Dutchess County Transportation Council (PDCTC), the Orange County Transportation Council (OCTC) and the Ulster County Transportation Council (UCTC) will host a public meeting on **Wednesday, March 11, 2009 at 5:30 pm in the Empire State Development - Larkin Conference Room, 33 Airport Center Drive – Suite 201, New Windsor, New York** (directions attached) as part of the Federal Certification Review of the Poughkeepsie-Newburgh Urbanized Area which includes parts of Dutchess, Orange and Ulster counties.

The U.S. Department of Transportation requires every metropolitan area with a population over 50,000 to have a designated Metropolitan Planning Organization (MPO) in order to qualify for the receipt of federal highway and transit funds. In 2002 the Poughkeepsie-Newburgh Metropolitan Area was designated a Transportation Management Area (TMA), and the PDCTC, OCTC and UCTC are the designated MPOs responsible for transportation planning within the region.

The primary purpose of the certification review is to ensure that the required planning activities of 23 USC 13 and 49 USC 5303 are being satisfactorily implemented by each of the three MPOs. The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in accordance with 23 USC 134(i)(5) must certify compliance with these regulations by MPOs not less than once every three years.

This will be your opportunity to talk directly with FHWA and FTA concerning your views on the transportation planning process in Dutchess, Orange and Ulster counties. Written comments will also be accepted until **April 13, 2009** and may be sent to:

Joseph Rich, Federal Highway Administration
Leo W. O'Brien Federal Building, Room 719
Albany, NY 12207
Email: joseph.e.rich@fhwa.dot.gov

Victor Waldron, Federal Transit Administration, Region 2
1 Bowling Green, Room 429
New York, NY 10004
Phone: (212) 668-2183
Email: victor.waldron@dot.gov

For more information about PDCTC, OCTC, UCTC contact:

Jean Gunsch, MPO Unit
4 Burnett Boulevard
Poughkeepsie, NY 12603
(845) 431-7921
jgunsch@dot.state.ny.us



Directions

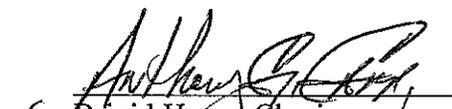
From the southern airport entrance on NYS Rt. 207: follow Bruenig Rd. about a half mile and turn left on Airport Center Drive. The building is up the hill about a half mile on the right.

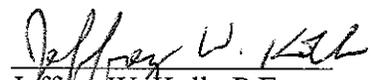
From I-84: Take Exit 5A, go south on Rt. 747, turn left on the new airport access road; take the first right upon entering the airport property, then a left onto Airport Center Drive; the building is on the left.

The primary purpose of the certification review is to ensure that the planning requirements of 23 USC 134 and 49 USC 5303 are being satisfactorily implemented. The review will include a field visit with the opportunity for public participation. Enclosure 1 lists our preliminary focus points. After discussions with Central Staff directors, we have scheduled the field visit for March 10-13, 2009, with a report and determination to be issued thereafter. At the present time, we see our discussions as primarily with the three MPOs' staff, together with some of the local member agencies, and we welcome any of the member agencies to be present to offer comments and their insights. We will work with your staffs to set up a public meeting and will accept written comments for 30 days thereafter.

The Federal contacts for the review are Mr. Victor Waldron of FTA, (212) 668-2183 and Mr. Joseph Rich of FHWA, (518) 431-4125, extension 221. The review is a positive means to advance our mutual goals to maximize the effectiveness of the planning process. We look forward to our on-site visit.

Sincerely,

for 
 Brigid Hynes-Cherin
 Regional Administrator
 Federal Transit Administration
 Region II


 Jeffrey W. Kolb, P.E.
 Division Administrator
 Federal Highway Administration
 New York Division

Enclosure

cc:

Mr. Alan J. Steinberg, Regional Administrator, Environmental Protection Agency, Region II (w/enclosure)
 Ms. Joan Dupont, Regional Director, Region 6, NYSDOT (w/enclosure)
 Mr. Richard Peters, Regional Planning and Program Manager, Region 8, NYSDOT (w/enclosure)
 Mr. Dennis Doyle, Ulster County Planning Board (w/enclosure)
 Mr. William Tobin, Ulster County Planning Board (w/enclosure)
 Mr. Eoin Wrafter, Transportation Program Administrator, PDCTC (w/enclosure)
 Mr. David E. Church, Commissioner, Orange County Planning Department (w/enclosure)
 Mr. John Czamanske, Deputy Commissioner, Orange County Planning Department (w/enclosure)
 Ms. Janine Simonsen, Statewide Planning Bureau, 6th floor, NYSDOT (w/enclosure)
 Mr. James Ralston, Air Sources, NYSDEC (w/enclosure)

DRAFT agenda outline

The certification review is structured so that the initial meeting will discuss the planning issues, products and coordination that are required as part of being a TMA. The focus of this initial meeting is on planning activities within the TMA boundary:

- Discussion of regional issues
- Coordination efforts
- CMP
- TIP oversight & eSTIP
- Section 5307 monies
- Cross-border traffic
- Studies of mutual interest

The next three meetings are with the individual MPOs to discuss the individual MPO capabilities and operations in their respective counties, including areas outside the TMA boundary. The discussions will focus on:

- Long Range Plan – existing, update schedule, financial constraint
- TIP – development process, estimates of available resources, fiscal constraint
- Staff size and capabilities
- Safety considerations in the planning process
- Security considerations in the planning process
- Public Involvement process
- Title VI/EJ considerations – how included in the planning process

Joint Meeting

The certification review is structured so that the initial meeting will discuss the planning issues, products and coordination that are required as part of being a TMA. The focus of this initial meeting is on planning activities within the TMA boundary:

- Recommendations from 2005 review
- Discussion of regional issues
- Coordination efforts
- CMP
- TIP oversight & eSTIP
- Section 5307 monies
- Cross-border traffic
- Studies of mutual interest

Individual Meetings

The next three meetings are with the individual MPOs to discuss the individual MPO capabilities and operations in their respective counties, including areas outside the TMA boundary. The discussions will focus on:

- Recommendations from 2005 review
- Long Range Plan – existing, update schedule, financial constraint
- TIP – development process, estimates of available resources, fiscal constraint, including eSTIP
- Staff size and capabilities
- Safety considerations in the planning process
- Security considerations in the planning process
- Public Involvement process
- Title VI/EJ considerations – how included in the planning process