

## **2010 SELF-CERTIFICATION OF CDTC'S PLANNING PROCESS**

Documentation on compliance with federal statute and regulation is required prior to adoption of a new Transportation Improvement Program except for years in which a formal federal certification report is issued. The federal certification report was issued during FFY2008-09; thus a self-certification report is required for FFY2010-11 prior to action on the 2010-15 TIP. Typically, the Planning Committee recommends CDTC Policy Board approval of a Self-Certification Resolution as part of its action on the TIP. This self-certification will serve as documentation that CDTC is compliant with SAFETEA-LU requirements.

The CDTC Planning Committee must review the following documentation and make a recommendation Policy Board action on this annual self-certification prior to adoption of the 2010-15 Transportation Improvement Program.

### **A. Organizational and Required Agreements**

Is the process carried out by the MPO designated by the Governor?

Yes. CDTC is the designated MPO for transportation planning and programming in the Capital District.

Does the defined metropolitan area boundary cover the area expected to become urbanized over the next 20 years?

Yes. CDTC's metropolitan area boundary for plan and TIP purposes covers the entire area of Albany, Rensselaer, Saratoga and Schenectady counties with the exception of the town of Moreau which is covered by the Adirondack/Glens Falls Transportation Council's process. It covers the entirety of both the Albany Urbanized Area and the Saratoga Springs Urbanized Area and the areas expected to be urbanized over the next 20 years.

Are there agreements specifying roles and responsibilities of members?

Yes. A new CDTC-CDTA-NYS DOT agreement was executed in 2009, defining roles and responsibilities of these three entities, including mandatory elements regarding financial planning and publication of obligations. New "Committee Practices" were adopted as formal operating procedures in 2009, further defining the planning process and roles of the Policy Board, Planning Committee, Administrative & Financial Standing Subcommittee and the individual members of

each group. Further NYSDOT/CDTA agreements, the CDTC-CDTA Memorandum of Understanding (MOU) and CDTC Operating Procedures describe hosting and legal arrangements. These procedures are routinely updated. The continuing agreement between CDTA and NYSDOT regarding hosting arrangements extends the relationship to 2012.

The draft of a new Prospectus including these various elements is nearly complete and ready for Planning Committee and Policy Board consideration in 2010.

## **B. Planning/Technical**

### 1. Unified Planning Work Program (UPWP)

Is there a UPWP that accurately describes

Yes. In 2010 CDTC adopted a two-year UPWP that accurately describes the planning efforts. CDTC procedures are in place to update the UPWP throughout term. The 2010-12 UPWP will be amended as necessary, including annual budgets, in March 2011.

Is the UPWP endorsed by the MPO on time?

Yes.

### 2. Regional Transportation Plan

Is there a long-range transportation plan for the area endorsed by the MPO?

Yes. The *New Visions 2030 Transportation Plan* was adopted in September 2007. Refinement continues toward a goal of an update and extension to the plan by September 2011.

Is the plan fiscally constrained?

Yes. The New Visions plan is based upon the best available estimates of long-range finances.

Does the plan meet SAFETEA-LU environmental mitigation requirements and consultation activities with Federal, State, and tribal, wildlife, land management and regulatory agencies?

Yes. Since 1980, CDTC has required careful community-oriented planning, including environmental consideration prior to committing to major projects with potentially-significant environmental impacts. Since 1993, land use management plans have been a CDTC prerequisite for major projects and CDTC has advanced the Linkage Program as a major undertaking since 2000. CDTC and NYSDOT's habitat-oriented environmental examination of the New Karner Rd. widening element of the plan guided the plan's treatment of this long-range project. The approach was cited as best practice by the USGAO in a report to Congress. CDTC has expanded its outreach list to include all wildlife, land management and regulatory agencies.

Does the plan conform to the State Implementation Plan (SIP) for air quality?

Yes. The plan included a complete conformity statement based on the most recent USEPA MOBILE modeling information. CDTC was one of the first MPOs in the nation to receive conformity approval under the new eight-hour ozone standards. The most recent plan and TIP conformity determination was performed in December 2009. Conformity determination for both the plan and TIP was received on March 22, 2010. A new conformity determination for both the plan and the TIP will be included in the 2010-15 TIP document and CDTC is working in cooperation with NYSDEC and NYSDOT on an updated SIP.

Does the plan update effort address cited deficiencies?

There are no cited deficiencies in the CDTC plan.

Is the plan being implemented?

Yes. Progress in implementing the New Visions plan has been remarkable and CDTC continues to operate under the adopted principles and strategies of the plan. TIP investments have tracked the budget priorities in New Visions very closely. Additionally, a major strategy of the plan is to better integrate transportation and land use; over 60 Community and Transportation

Linkage Planning Program studies have been initiated to that end over the past six years.

### 3. Transportation Improvement Program (TIP)

Is there a multi-year TIP that accurately reflects the highway and transit program?

Yes. The 2007-12 TIP reflects current and upcoming highway and transit projects. Despite the decision statewide to delay adoption of a new State Transportation Improvement Program (STIP) in 2009, CDTC amended the final two years of the current STIP in 2009 to reflect CDTC's draft 2009-14 TIP. The draft 2010-15 TIP was released for public review in May 2010 with adoption planned for June 2010.

Does the TIP reflect SAFETEA-LU fiscal constraint requirements?

Yes. CDTC has worked cooperatively with NYSDOT Region 1 and CDTA to identify reasonable budgets for the CDTC metropolitan planning area and has programmed to those budgets.

Is the TIP consistent with the Regional Transportation Plan?

Yes. CDTC's TIP development process requires explicit prioritization of available funds according to the New Visions budget distribution. As a result, the TIP reflects the CDTC principle of "steady progress" across all plan elements with a much closer relationship between plan and TIP than is typical. For the 2010-15 TIP effort, CDTC chose to engage in "anticipatory" programming – soliciting, evaluating, and prioritizing projects that would access funds above and beyond those currently available. This effort ensures that programming decisions that occur in coming years as funding becomes available commit to projects with a tight relationship to the New Visions plan.

Does the TIP meet SAFETEA-LU consultation requirements?

Yes. CDTC's TIP development process includes broad solicitation of projects from public and non-profit organizations; real-time on-line consultation displaying the current TIP (and the current draft during TIP development); expansion of the outreach list to include additional SAFETEA-LU mandated parties; mailed distribution of a newsletter-based summary of the

draft TIP to over 1,000 parties; and a 60-day public review period prior to adoption of the TIP.

Does the TIP meet SAFETEA-LU content requirements?

The TIP contains priority lists of projects and strategies for five years; summaries of financial plans and demonstration of fiscal constraint; descriptions of each project (including project type, termini, length, etc.); identification of past obligations; identification of the relationship to the plan; description of the TIP development process; air quality conformity determinations; and documentation of the relationship of the TIP to all other federal requirements.

Are TIP amendment procedures compatible with SAFETEA-LU planning regulations?

Yes. CDTC adopts specific TIP amendment guidelines as part of the TIP document. These criteria that define thresholds for administrative action, Planning Committee action and Policy Board action align well with the SAFETEA-LU planning regulations.

Are projects identifiable on the TIP?

Yes.

Does the TIP conform to the SIP?

Yes.

#### 4. Technical Studies

Are technical studies on the UPWP on schedule, allowing needed information in time for decisions?

Yes. Technical studies generally proceed on schedule, given that schedules are somewhat optimistic for the size of the CDTC staff and the staffs of participating agencies. Linkage studies have assumed a significant role in shaping the regional planning effort and connecting regional policies to local actions. CDTC continues to be recognized as a national leader across a wide range of technical and policy subjects and was cited in the 2008 federal certification report as a national “best practice” in twelve areas:

- The *New Visions* plan development process
- The *Community and Transportation Linkage Program*

- Holistic approach to regional planning and development
- The Albany Airport GEIS mitigation activity
- CDTC's public involvement practices
- Transportation Improvement Program development process
- Reassessing the reasons why people travel
- Risk Assessment, life cycle costs and tradeoff analysis approach to capital investment
- Congestion Management Process
- Lead role in Clean Communities effort
- Big Ticket Initiatives
- CDTC's Title VI/EJ efforts

Collaboration and innovation continue to be hallmarks, reflected not only by Linkage but by such diverse efforts as the joint Center for Economic Growth / CDRPC / SUNYA / CDTA work on alternative futures; the joint NYSDOT-CDTC Hudson River Crossings Study and upcoming I-87/ US 9 Integrated Corridor Plan; and by the integrated CDTC / CDTA development of the NY5 BRT corridor.

## 5. Special Considerations

a. Are Civil Rights (Title VI) issues addressed in the planning process?

Yes. Annual Title VI reports have been prepared and submitted in a timely manner. CDTC's "New Visions" effort included an urban issues task force and outreach to the minority community to elevate consideration of urban areas and include minority concerns in the planning process. The CDTC has pursued DBE procedures and goals since 1984. CDTC has used an Environmental Justice aspect in the merit evaluation process used in developing the TIP since 1992 and routinely documents the distribution of the TIP, UPWP and Linkage program between EJ and non-EJ areas. CDTC has also partnered with ARISE significantly over the years to engage the minority community in

regional planning and policy discussions. There were no discrimination complaints received by CDTC. Additionally, CDTC has worked closely with CDTA on multiple jobs access / reverse commute grants to enhance transit service in inner-city neighborhoods.

In 2006, CDTC documented its efforts to serve the Limited English Proficiency (LEP) population.

b. Are specialized transportation issues of the region's elderly and differently-abled citizens addressed in the planning process? What is the status of the SAFETEA-LU required Human Services Transportation Plan?

Yes. CDTA's STAR service derives from joint CDTC/CDTA Section 504 Plans (1980), revised by CDTA. An ADA plan was prepared by the Committee for Accessible Transportation which was organized by CDTA in accordance with state legislation passed in 1990. The plan was endorsed by CDTC in 1992. Annual updates have been prepared and approved. Further, CDTA and CDTC staffs were actively involved in an effort funded through a "Statewide Coordinated Transportation Study" grant and by FTA funds to achieve greater human service agency coordination and consolidation. Success with a "community transportation brokerage" arrangement was achieved with CDTA's initiation of Access Transit, Inc. in 1998, funded with seed money in the TIP. Additionally, CDTC and its members has worked with NYSDOT and Albany County on a "United We Ride" shared human service transportation pilot program. In 2006, CDTC assumed the lead role in developing a regional plan required under SAFETEA-LU to serve as the basis for Section 5310 (private non-profit vehicle assistance), New Freedom and Jobs Access / Reverse Commute programs. The coordinated plan was adopted in 2007. The Regional Transportation Coordination Committee was formed through this effort. This committee meets quarterly to discuss coordination opportunities and needs. Through the direction of the RTCC, the New Freedom monies have been obligated to fund three very innovative coordination/mobility projects. Fee for service weekend service for seniors has been

instituted in Schenectady County, scheduling software was purchased for use by two human service agencies (more to be added), and an accessible taxi program is being developed.

c. Are ADA issues on the “highway side” of the region’s transportation system being addressed?

Yes. TIP projects are programmed with the requirement that design treatments are to be ADA compliant. On the planning side, CDTC has been working with NYSDOT and other members to collect information on sidewalks and intersections - - guidance on what is expected of MPOs is currently being developed by NYSDOT and FHWA.

d. Are air quality issues treated in a relevant and useful manner?

Yes. Air quality conformity is addressed through a link-specific modeling effort for TIP and Plan efforts. Further, CDTC's New Visions "Core Performance Measures" incorporate conformity issues, hydrocarbon and nitrous oxide emissions, and the local and non-local monetary impact of emissions in the list of core measures. CDTC also is the host of the successful Clean Communities Program for the Capital District.

e. Are energy issues treated in a relevant and useful manner?

Yes. CDTC's New Visions Core Performance Measures include energy consumption in providing, maintaining and using the transportation system in the list of core measures. Further, CDTC has maintained a regular emphasis on and monitoring of energy savings attendant to its regional ridesharing programs. The new iPool2 website provides monthly and annual summaries of emissions and fuel savings. Energy consumption is also an explicit criterion in CDTC's TIP evaluation procedure, and CDTC documents the contribution of the plan and the TIP to achieving the State Energy Plan. In recent years, CDTC has implemented several pilot TDM programs in cooperation with CDTA with downtown Albany worksites and multiple private transit providers, offering transit coupons to encourage mode shift. A pilot subsidized vanpool project started in 2009, with funding from NYSERDA and NYSDOT. Additionally, CDTC has for the past six years served as the coordinator of the Clean Communities Program

for the Capital District, encouraging a shift of vehicle fleets to clean fuels with reduced dependence on foreign energy sources. The coalition has been growing steadily.

f. Does the process involve private operators of mass transit services?

Yes. In addition to specific tasks which develop service recommendations for, and with the participation of Upstate Transit, private operators are routinely involved in the process. CDTA has assumed authority over Northway Express services, in keeping with CDTC's adopted Public-Private Transit Policy. For years NYSDOT Region 1 has hosted regular "roundtables" with private operators; this now continues under CDTC and CDTA leadership. Clean Communities efforts are also of great interest and value to private operators. The regional TDM program helps integrate private operator services into the regional system. Actions in recent years have provided ongoing federal transit support to Adirondack Trailways and provided for further system integration efforts through CDTA involvement.

g. Does the process address the eight SAFETEA-LU planning considerations?

Yes. CDTC's planning and programming approach is explicitly holistic, elevating the consideration of economic, community compatibility, land use, goods movement and modal access elements to a level comparable to that afforded mobility and congestion. System preservation and safety are the top priorities of TIP development. CDTC developed a safety management plan and has included a security element in New Visions 2030. New safety and security principles were included as part of the plan.

h. Does the process include consideration of products of management systems and has a metropolitan Congestion Management Process been developed from the previous Congestion Management System?

Yes. CDTC adopted its CMS in December, 1995, incorporating its previous work on defining and measuring congestion and expanding it to include other measures from the New Visions Core measures. CDTC works from congestion management principles adopted in December, 1993. As noted above, development of a local Safety Management System for the Capital District is underway. An

updated Congestion Management Process has been incorporated into New Visions 2030. Further, the Regional Operations Committee has met and articulated a game plan for a CDTC-based regional operations initiative.

i. Is there adequate opportunity for public involvement in the planning process?

Yes. CDTC adopted a new, SAFETEA-LU mandated Public Involvement Process in June 2007. All meetings are open to the public, display ads are purchased for Committee (Policy Board) meetings; all Planning and Committee meetings have "privilege of the floor" agenda items. Public outreach initiated in CDTC's "New Visions" effort has been continued with the Goods Movement Task force and its freight roundtables, the Bike & Pedestrian Transportation Task Force, and extensive outreach in such projects as the NY 5 BRT Concept Study. The New Visions 2030 effort launched a new Quality Region Task Force and five working groups. Public involvement also occurs through Center for Economic Growth, ARISE and other forums. A newsletter "In Motion" was re-established in 2009 and is used for public participation. A mailing list of approximately 1,000 is used to disseminate products such as the newsletter, draft plan or TIP for comment prior to adoption. CDTC's web site is continually expanding to provide information, documents and links. Beyond this, a substantial opportunity for public involvement takes place in the context of the local Linkage studies, each of which includes extensive public outreach and meetings. CDTC's web site is constantly expanding to hold meeting information, Linkage products, discussion documents and other public material. A separate website for the Clean Communities effort is also hosted by CDTC.

An updated Public Information Procedure is being drafted in cooperation with interested stakeholders for adoption in coming months.

## C. Administrative/Management

### 1. Progress Reports

Are progress reports prepared and submitted on time?

Yes. Progress reports were prepared, but delayed because of extraordinary time commitment for ARRA and TIP work over the past year.

### 2. Bills

Are bills submitted on time?

Yes. CDTC staff bills are submitted on a mutually-agreed schedule.

### 3. Audits

Are single audit requirements met through audits performed on an annual basis?

Yes. CDTA audits are complete through 3/31/09. CDTC staff audits are complete through 3/31/09. Audits for SFY09-10 are underway.

Are any identified deficiencies corrected?

No deficiencies have been cited in the financial audits.

### 4. Annual Program

Are FTA contracts closed out within three years?

Yes. CDTC FTA programs are generally closed out within 20 months.

Are PL contracts closed out within six months?

Yes. All bills are submitted within six months; contracts are generally closed out within a year.

### 5. Budgets

Are grant budgets up to date?

Yes. Revisions are made as necessary. An annual budget update was adopted in March 2007 for the two-year UPWP.

### 6. Consultant Selection

Are acceptable consultant selection procedures in place?

Yes. Revised consultant selection procedures were adopted in 2009. CDTC has developed a standard Memorandum of Understanding for defining roles for consultant selection and administration with local sponsors of Linkage studies.

What are the provisions for DBE's?

DBE participation is a consideration but not a "quota" in CDTC's consultant selection procedures. CDTC seeks to achieve full participation of DBEs in contracting opportunities while maintaining strict prioritization by merit.

7. Central Staff - Host Agency Relationship

Does the staff-host relationship support necessary recruitment, hiring and other activities of the MPO?

Yes. CDTC has formal agreements with CDTA that allow CDTC to take all necessary actions to provide and support staff operations in a timely fashion. With reduced operating assistance from New York State, CDTA is currently operating with limited cash flow to absorb CDTC's operating costs while awaiting reimbursement. This stressor to the host agency relationship will be monitored.

Does staff have the political support it needs for effective accomplishments?

CDTC is well-respected at the state and local government levels. Support can be seen by the extent of local participation in Linkage and TIP processes and the high degree of implementation (through local ordinance) of land use elements and public-private financing aspects of CDTC's planning process.

8. Decision-Making

Are committees adequately structured and staffed?

Yes.

Is decision-making carried out effectively and in a timely manner?

Yes. CDTC relies heavily on the Planning Committee, which meets eight times a year (and more, when needed). CDTC's Policy Board generally meets four times a year, allowing policy members to remain in contact with MPO issues. CDTC also has the benefit of the Administrative & Financial Standing Subcommittee of the Policy Board, which meets throughout the year to act on staffing, salary, contract and other administrative issues.

9. Governance

Are foundation documents for the MPO such as MOUs, operating procedures and financial/staffing plans reviewed and updated periodically to ensure that they are still relevant to current MPO operations? Do members and host understand and execute their roles in a way that supports independent and unbiased work by MPO staff and sound MPO decisions? Discuss status of working relationships with other governments, i.e. local, international and tribal governments.

CDTC follows an “organic” approach to its structure and operating procedures. This results in modification to structure and process on a regular basis. For example, CDTC last amended its structure in 2003 by adopting a membership policy affording permanent membership to all municipalities exceeding 50,000 in population. It initiated a joint regional operations committee as part of a UPWP action. Administrative procedures are the responsibility of the Administrative and Financial Standing Subcommittee and are regularly reviewed and updated; most recently to modify health insurance practices. Staffing and salary plans are approved annually by the Subcommittee.

10. 2008 Federal Certification Corrective Actions and Recommendations

The State, the MPO(s) and the public transportation operators must cooperatively develop a TIP financial budget as the next TIP is being developed.

This has been accomplished in a formal process in the current 2010-15 TIP update

As CDTC updates its Prospectus, it must include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan. This must be accomplished by June 1, 2009.

The 2009 CDTC-NYS DOT-CDTA agreement fulfills this requirement.

Within six months after the NYSDEC develops a specific emissions budget in the SIP for the Capital District nonattainment area, a Memorandum of Understanding must be developed that satisfies the 23 CFR 450.314 (b). This is a written agreement among the NYSDOT, NYSDEC, affected local agencies, and the CDTC describing the process for cooperative planning and analysis of all projects outside the MPA within the

CDTC, NYSDOT and AGFTC adopted a new MOU in 2009 to fulfill this requirement

nonattainment or maintenance area. The agreement must also indicate how the total transportation-related emissions for the nonattainment or maintenance area, including areas outside the MPA, will be treated for determining conformity. The MOU needs to also contain information on how the CDTC and Adirondack/Glens Falls Transportation Council (AGFTC) coordinate the conformity process in the Town of Moreau.

CDTC should update its Prospectus to reflect current working relationships and federal regulations

CDTC should reevaluate its *Guideline for TIP Changes* in light of the new definitions of Amendment and Administrative Adjustment. Also, the Guideline should address a “toll credit” action, whereby the State wants to change the Federal share on a project to 100%.

CDTC should work to clarify the relationship between TIP and the STIP information on their website

CDTC should open a discussion with its members on its appropriate role in furthering the coordination and cooperation among member agencies on the security issue.

CDTC should consider obtaining agreement on how decisions involving the use of emergency relief funding would be made.

Work is in progress. The adopted CDTC-NYSDOT-CDTA agreement and Committee Practices operating procedures accomplish much of this

The guidelines fit the new planning regulations well. CDTC is further reviewing its “Project Selection Procedures” to fine-tune its treatment of fund source switches to match current fiscal constraint practices. Toll credit action is currently treated as a cost change in CDTC’s TIP amendment guidelines.

This clarification will move substantially forward with the 2010-15 TIP and 2010-14 STIP. This will be the first STIP for which the Capital District element will be established and maintained by CDTC staff rather than NYSDOT.

Work remains to be done in this area.

This recommendation pertained to what was eventually “stimulus” funding. CDTC played the central role with NYSDOT, CDTA and other members’ participation on developing an equitable, practical and successful approach

to programming nearly \$80 M in highway stimulus projects in 2009 and supporting successful CDTA and NYSDOT discretionary grant applications. CDTC was also the only MPO in the state to program strategic rail/port projects with stimulus funds.