

# 2018 Federal Planning Certification Report

## Colorado Springs Transportation Management Area



*Prepared by:*

**Federal Highway Administration, Colorado Division**

**Federal Transit Administration, Region 8**

**FINAL Report**

**May 2018**

# Table of Contents

<b>Foreword</b> .....	<b>3</b>
<b>Executive Summary</b> .....	<b>4</b>
<b>Transportation Management Area Overview</b> .....	<b>11</b>
<b>Classification of Findings</b> .....	<b>13</b>
<b>Commendations</b> .....	<b>14</b>
<b>Environmental Mitigation</b> .....	<b>14</b>
<b>Recommendations</b> .....	<b>15</b>
1) Planning Agreement.....	15
2) Visualization and Public Participation.....	16
3) Public Participation Plan .....	17
4) Public Outreach Strategies.....	18
5) Unified Planning Work Program .....	19
6) Americans with Disabilities Act within the Self-Certification Statement.....	20
7) Self-Certification Statement.....	21
8) Transportation Improvement Program .....	22
9) Transportation Improvement Program .....	23
10) Financial Planning .....	25
11) Regional Transportation Plan.....	26
12) Regional ITS Architecture.....	27
<b>2018 FHWA and FTA Certification Action</b> .....	<b>29</b>
<b>Appendix 1: Certification Review Team Members</b> .....	<b>32</b>
<b>Appendix 2: Public Comments</b> .....	<b>33</b>

## Foreword

Pursuant to 23 U.S.C. 134(k)(5) and 49 U.S.C. 5303(k)(5), every four years, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly certify that the metropolitan transportation planning process carried out in Transportation Management Areas (TMAs) meets the requirements of applicable provisions of Federal Planning laws and regulations. A TMA is an urbanized area with a population of over 200,000, as defined by the U.S. Census. In general, the review consists of three primary activities: review of the planning process and deliverables, a site visit with all the regional planning partners, and the preparation of a report that summarizes the review and offers findings. The reviews focus on compliance with Federal regulations, challenges, successes, and experiences of the cooperative relationship between the Metropolitan Planning Organization (MPO), State Department of Transportation (DOT), and transit operator in the conduct of the metropolitan planning process. Joint FTA/FHWA certification review guidelines provide agency field reviewers with latitude and flexibility to tailor the review to reflect local issues and needs.

The certification review process is one of several methods used to assess the compliance with applicable statutes and regulations and the level and type of technical assistance needed to enhance the effectiveness of the regional planning process. Other activities provide opportunities for this type of review and comment, including Unified Planning Work Program approval, the regional transportation plan, Metropolitan and Statewide Transportation Improvement Program, Statewide Planning Finding, and air quality conformity determinations. A range of other formal and informal opportunities provide both FHWA and FTA a chance to comment on the planning process. The results of these other processes are considered in the certification review process.

While the planning certification review report may not fully document those many intermediate and ongoing checkpoints, the "finding" of the certification review is, in fact, based upon the cumulative activities of all the metropolitan planning partners throughout the planning process.

While reviews fundamentally focus on compliance with Federal regulations, the review process is enhanced by individually tailoring it to focus on topics of significance in each metropolitan planning area. The Federal Review Team prepares the certification report to document the results and findings of the certification process. The report and final action are the joint responsibility of the appropriate FHWA and FTA field offices and content will vary to reflect the planning process reviewed.

To encourage public understanding and input, FHWA/FTA will continue to improve the clarity, documentation, and engagement of all stakeholders in the certification review process.

## Executive Summary

In 2017-2018, the Federal Highway Administration (FHWA) Colorado Division and the Federal Transit Administration (FTA) Region 8 conducted the certification review of the metropolitan transportation planning process for the Colorado Springs urbanized area administered by the Pikes Peak Area Council of Governments (PPACG). FHWA and FTA are required to jointly review and evaluate the transportation planning process for each urbanized area over 200,000 population at least every four years to determine if the process complies with Federal planning requirements.

### 2018 Colorado Springs Metropolitan Planning Certification

Resulting from this review, FHWA and FTA identify findings for the transportation planning process conducted by the Colorado Department of Transportation (CDOT), the PPACG, and Mountain Metro Transit (MMT) within the Colorado Springs Region. Findings are statements of fact that define the level of compliance found during the various activities of the review. These statements, categorized by importance and impact, provide the primary basis for determining the actions (Corrective Actions, Recommendations, or Commendations), if any, contained in the Certification Report.

This review found no aspects of non-compliance with statutory or regulatory requirements of the metropolitan transportation planning process carried out in the Colorado Springs metropolitan planning area. Thus, no Corrective Actions were identified.

Recommendations represent incomplete activities or opportunities for improvement within the planning process that should be addressed to maintain compliance with Federal regulations. These types of findings can include the absence of minor actions within larger events or a potential misinterpretation of the regulations. With each Recommendation, resolutions are provided with possible steps towards improvement which provides fuller context of what actions are necessary.

Lastly, Commendations identify best practices where the planning process goes above and beyond traditional practice and showcases innovative solutions and techniques that can be shared with other agencies around the nation. Two Commendations was identified for the PPACG planning process.

We would like to bring attention to the PPACG staff on reacting positively to a fast-changing work environment encountered over the past few years. There were multiple organizational transitions that left major absences in key positions. During this turnover, the PPACG planning staff adapted to the new structure and responsibilities quickly and efficiently. The planning program has been delivered consistently and in a timely manner.

## Recommendations Table

Recommendation	Federal Regulation	Overview
<p><b><u>Planning Agreement</u></b></p> <p>The PPACG, MMT, and CDOT need to prepare a new Agreement(s) that outline the mutual responsibilities for each agency to carry out the metropolitan transportation planning process – specifically the development and sharing of financial and performance management information. And, to the extent practicable, the new Agreement should take the form of a single agreement that all parties cooperatively develop, sign, and make publicly available.</p>	<p>23 CFR 450.314 (a) - (b)</p>	<p>By Oct, 1, 2018, the planning agreement, or agreements, will be prepared and/or updated to include the cooperative arrangements of all planning partners (PPACG, CDOT, and MMT) to support the metropolitan planning process, with specific reference to financial planning for the MTP and TIP and the new performance management provisions. The agreement(s) should address all performance measures established within the transit asset management (TAM) and PM 1, PM 2, and PM 3 rulemakings, by their respective adoption dates. The PM 1 (highway safety) and TAM are established by the CDOT and MPOs and therefore, need to be explicitly documented. By May 20, 2019, updated agreement(s) must address all other performance measures.</p>

		<p>The updated planning agreement(s) must address the cooperative roles and responsibilities of MMT in supporting the metropolitan planning process of Colorado Springs, with attention on the timely preparation of a complete long-range plan and TIP.</p>
<p><b><u>Visualization</u></b>  The PPACG should use consistent map formatting and content across documents to ensure public understanding and transparency.</p>	<p>23 CFR 450.316 (a)(1)(iii)</p>	<p>The PPACG should use consistent map formatting and content in its reports and on the website, that identifies the relevant boundaries of the metropolitan planning area, air quality nonattainment area, and census-defined urbanized area to ensure public understanding and transparency.</p>
<p><b><u>Public Participation Plan</u></b>  The PPACG PPP must provide procedural detail on public engagement strategies and opportunities for major planning activities and document development including the RTP, TIP, and UPWP.</p> <p>The PPACG PPP needs to document the procedures and criteria used to evaluate the effectiveness of the public procedures and strategies, as well as document the results of the evaluation and implement changes identified in the evaluation and make this information available to the public.</p>	<p>23 CFR 450.316 (a)(1)(x)  23 CFR 450.316 (1)(i)</p>	<p>The PPP should be updated in time to support preparation of the 2045 RTP with a robust procedural guide detailing information on how and when the public can get involved in the development of major documents (RTP, TIP, UPWP). Documentation of the procedures used to evaluate the PPP's effectiveness needs documentation in the PPP, along with the results of that evaluation or reference to a link accessing those results.</p>

<p><b><u>Public Outreach Strategies</u></b></p> <p>The PPP should include explicit procedures, strategies, and outcomes for 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.</p>	<p>23 CFR 450.316 (a)(1)(vii)</p>	<p>In preparation for the 2045 RTP development, the updated PPP must identify the explicit procedures, strategies, and outcomes used for seeking out and considering the needs of the traditionally underserved communities, such as low-income and minority households.</p>
<p><b><u>Unified Planning Work Program</u></b></p> <p>The UPWP must include a discussion of the regional planning priorities and noticeable challenges that impact planning activities.</p>	<p>23 CFR 450.308 (c)</p>	<p>To set the context for planning activities administered by PPACG, a discussion of the planning priorities facing the metropolitan area should be included in the next update of the UPWP.</p>
<p><b><u>Americans with Disabilities Act</u></b></p> <p>The PPACG needs to complete a Program Access Plan that includes a self-evaluation, a demonstration of addressing barriers, and public coordination with stakeholders.</p>	<p>23 CFR 450.336 (a)(7)</p>	<p>PPACG needs to address the ADA requirements of providing a Program Access Plan and identify associated activities in the UPWP.</p>
<p><b><u>Self-Certifications</u></b></p> <p>The Self-Certification of the metropolitan transportation planning process must be concurrently approved with the TIP.</p>	<p>23 CFR 450.336 (a)</p>	<p>The PPACG currently approves their self-certification with the UPWP, instead of the TIP.</p>
<p><b><u>Transportation Improvement Program</u></b></p> <p>In its annual STIP Updates, CDOT must consider each MPO's TIP and its official program years to accurately align program funding and project implementation within the official program years (CDOT).</p>	<p>23 CFR 450.218 (b)</p> <p>23 CFR 450.326 (a)</p>	<p>Development and approval of the next TIP Update must document either of these two approaches. First, be compatible with the annual STIP Update to provide a full four-year span of projects content from PPACG. Or second, document the</p>

<p>The TIP development cycle of PPACG must be compatible with the STIP development and approval process and incorporate provisions to ensure compatibility on a continuing basis (PPACG).</p>		<p>misalignment between the TIP and STIP with details about the absent fiscal year in the TIP and the impacts this introduces to the metropolitan planning process.</p>
<p><b><u>Transportation Improvement Program</u></b></p> <p>Federal regulations require the inclusion of all surface transportation projects for which federal funds will be requested in the TIP, along with a description of the projects, including sources of non-federal matching funds. All federal transit funding must be included in the TIP at the time of its development and included for the public and stakeholders to comment on at public participation events.</p>	<p>23 CFR 450.326 (e)</p>	<p>Transit projects funded through Title 49 programs typically have been amended into the TIP sometime after its formal update. Federal regulations require all federally funded projects to be included in the TIP, along with identification of all Federal and non-federal matching funds necessary to support implementation. The next TIP Update, and associated STIP Update, must include transit projects proposed for funding from Title 49 in its formal approval, and not by subsequent amendment.</p>
<p><b><u>Financial Planning</u></b></p> <p>The RTP financial plan must demonstrate systems level estimates of costs and expected revenue sources to adequately maintain and operate federally funded facilities.</p> <p>The Current TIP Funding Tables must be formatted to provide consistent, legible, and understandable information to demonstrate fiscal constraint.</p>	<p>23 CFR 450.324 (f)(11)(i)</p> <p>23 CFR 450.326 (j)</p>	<p>The RTP financial plan must demonstrate the availability of reasonably anticipated revenues throughout the life of the plan and balance it against the expected costs of adequately maintaining and operating both the road and transit networks. A discussion on the potential impacts from a shortage in future funding can provide adaptation strategies and alterations to the forecasted</p>

		<p>levels of maintenance and operations, developing beyond the base financial scenario.</p> <p>A consistent format for the TIP Funding Tables provides better identification of categorical funding totals available, programmed estimates of projects, and summary information to demonstrate fiscal constraint.</p>
<p><b><u>Regional Transportation Plan</u></b>  The Implementation chapter of the RTP needs to present details on projects proposed for funding under program authorized under 49 U.S.C.</p>	<p>23 CFR 450.324 (f)(8)  23 CFR 450.324 (f)(11)(iv)</p>	<p>The Implementation chapter of the current Plan is missing transit projects proposed for funding by programs authorized under Title 49. The next Update of the Plan must identify all recommended transit projects in the Implementation section, including those funded under Chapter 53 of Title 49.</p>
<p><b><u>Regional ITS Architecture</u></b>  CDOT's ITS Architecture should provide for the inclusion of transit stakeholder involvement in its preparation so that all Federally funded transit projects are consistent with the regional ITS architecture.</p>	<p>23 CFR 940.7 (a)</p>	<p>To be eligible for Federal funding, all surface transportation projects must be consistent with the Regional ITS Architecture. Within 90 days, documentation should be provided by CDOT and MMT to confirm MMT's engagement and concurrence with the ITS Regional Architecture. If that is not obtained, the next</p>

		<p>update cycle of the Regional ITS Architecture should accommodate the expansion of stakeholders to include transit operators and a provision for transit projects to be vetted through the architecture. The updated Regional ITS Architecture must be suitable for use by transit providers to ensure consistency of their projects proposed for inclusion in the Plan and TIP.</p>
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# Transportation Management Area Overview

## **MPO Official Name**

The official name of the Colorado Springs metropolitan planning organization is the Pikes Peak Area Council of Governments (PPACG).

## **Year Founded**

The PPACG was founded as an institution in 1967. PPACG was designated by the Governor as the metropolitan planning organization for the Colorado Springs metropolitan area in April 1977.

## **Annual Budget**

The PPACG receives approximately \$1,220,000, including local match, in combined FHWA and FTA planning dollars through a consolidated planning grant from the CDOT to administer their program. The PPACG has outlined in their Long-range Transportation Plan's Financial Plan the assumption of upwards of \$188,000,000 in 2017 and steady increases up to approximately \$246,000,000 in 2021 to support the surface transportation capital improvement needs of the region.

## **Board Member Jurisdictions**

### COUNTIES (3)

El Paso County

Teller County

Park County

### MUNICIPALITIES (13)

City of Fountain

Town of Green Mountain  
Falls

Town of Alma

City of Woodland Park

Town of Calhan

Town of Palmer Lake

City of Cripple Creek

Town of Fairplay

City of Colorado Springs  
(Transit and Airport)

City of Victor

Town of Monument

Town of Ramah

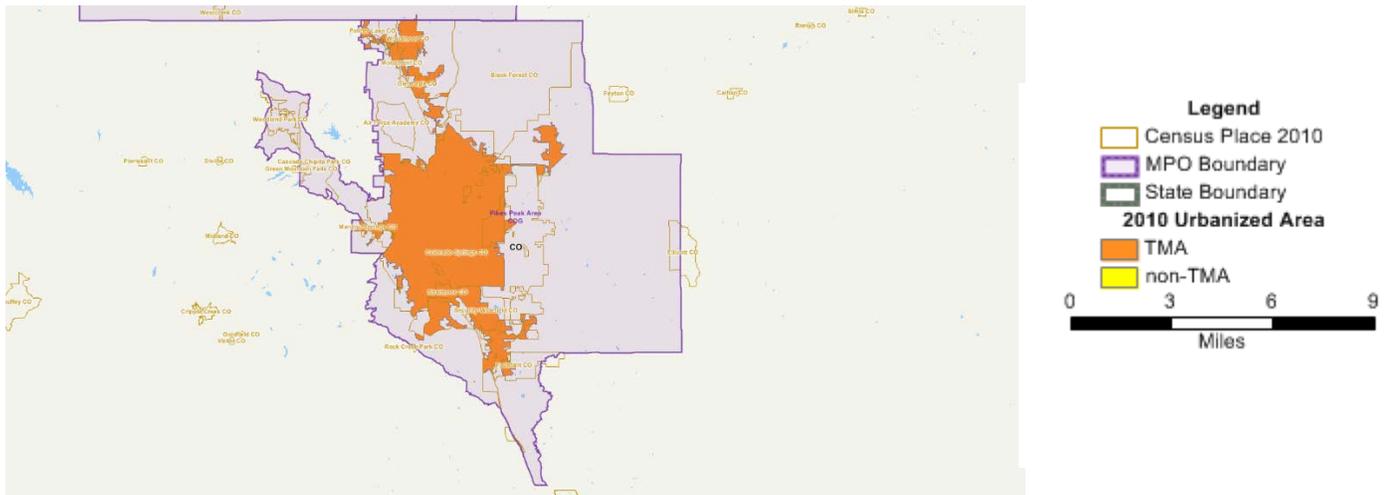
City of Manitou Springs

### NON-VOTING MEMBERS

The Colorado Department of Transportation (CDOT) Headquarters and Regions, Colorado Transportation Commission representative, Air Quality Control Commission and Water Quality Control Commission, public transportation advocate (member of the public), Peterson Air Force Base, Schriever Air Force Base, Fort Carson, and the US Air Force Academy are active participants in the

transportation planning process. The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are non-voting members and provide program oversight and technical assistance.

### **MPO Area Boundaries**



Source: FHWA HEP GIS website and data server (2017)

### **Major Transit Operators**

The major transit operator and designated recipient in the region is the Mountain Metro Transit, which is operated by the City of Colorado Springs.

## Classification of Findings

**Corrective Action:** Items that fail to meet the requirements of the transportation statute and/or regulations, thus seriously impact the outcome of the overall process. The expected change and timeline for correcting it are clearly defined. Note that there are no corrective actions in this report.

**Recommendations** – Substantial items that, while not in compliance with regulations, are still significant enough that FHWA and FTA are hopeful that State, local officials, and transit operators will consider taking some action. Typically, Recommendations involve the state of the practice or technical improvements instead of regulatory requirements. This category identifies activities currently being done to reflect the regulations and guidance set by the federal agencies, but has not been satisfactorily implemented. While these activities don't diminish the metropolitan planning process, they're in danger of becoming future corrective actions if not remedied within the identified timeline. Typically, recommendations highlight minor misinterpretations of regulations or guidance and identify inadequate procedures in the planning process.

**Commendations** – Elements that demonstrate innovative, highly effective, or well-thought out procedures for implementing the metropolitan planning process requirements. Elements addressing items that have frequently posed problems nationwide could be cited as noteworthy practices. Recognizing best practices through Commendations helps build good relations with the region under review and provides a way to identify and share transferable practices with other planning agencies through technical assistance.

## Commendations

Commendations are activities that the regional planning partners engage in that are innovative, highly effective, and well-thought-out procedures for implementing the planning requirements. Credit is given to significant improvements or resolutions from past findings that are above and beyond compliance with Federal requirements. These features contribute to the general advancement of transportation planning as they can be shared with other agencies around the country.

### *Environmental Mitigation*

PPACG continues to provide a robust and extensive Mitigation and Monitoring chapter in the 2040 RTP. It provides a clear understanding and display of potential conservation areas, makes recommendations to help offset transportation impacts on the natural environment, and integrates community resources to balance out societal environments with the natural world.

### *Regional Nonmotorized Plan*

The PPACG prioritized resources to develop a Regional Nonmotorized Plan (2040 RTP Appendix F) to address bike/pedestrian concerns and improvements. To increase the effectiveness and value of the plan, they developed improvement criteria and corridor selection and linked these routes to the TIP scoring process. Through a lengthy process that included committee and public involvement, an approach to further integrate and consider nonmotorized transport was created.

## Recommendations

### 1) Planning Agreement

**Basic Requirement:** In accordance with 23 CFR §450.314, 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 Metropolitan Planning Area (MPA). To the extent possible, a single agreement between all responsible parties should be developed. 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 §450.324) and the metropolitan TIP (see §450.326) and development of the annual listing of obligated projects (see §450.334). Required for planning after May 27, 2018, the partnering agencies must jointly agree upon provisions directing performance management activities concerning the development, collection, and sharing of data related to PM 1 – Highway Safety. By October 1, 2018, the agreement(s) should reflect transit asset management (TAM). The remaining performance measures should be reflected in agreement(s) by May 20, 2019.

**Finding of Federal Review:** The PPACG and MMT have an agreement that was developed and enacted independently of the Planning Agreement that PPACG signed with CDOT. Upon closer inspection, the agreement, 2010 Administrative Memorandum of Agreement (AMOA), does not have the scope to satisfy the requirements of the metropolitan transportation planning regulations. The agreement focuses on specific elements of transit and regional planning, yet does not encompass the necessary metropolitan transportation planning requirements. The AMOA includes no discussion of how the MMT will collaborate with PPACG on the Regional Transportation Plan nor is there a process to develop financial information for any planning activities including the annual listing of obligated projects (ALOP), RTP, or TIP. Another consideration for compliance is the update cycle of the Agreement, which stands now at 10 years. Federal regulations cite the need for periodic review and update, which should occur, at a minimum, with each new federal transportation authorization and/or update to the joint planning rules. Overall, this agreement requires substantial revision, or replacement, to include the required planning procedures.

One new component of the planning agreement called for by Federal regulation is work by regional planning partners to cooperatively develop written provisions for developing and sharing information related to transportation performance data and procedures. While the agreement between CDOT and PPACG contains components for each performance target, the agreement between PPACG and MMT does not cover this topic. The local planning partners could address this by creating a third agreement that all parties would have to sign, or – alternatively – four agreements if the partners decide to divide the signatures between

CDOT/PPACG and PPACG/MMT as is the current practice. Having a multitude of agreements with separate signature authorities may inhibit effective coordination more than it helps it. While there are some logistical challenges associated with integrating all the agreement concepts in a single MPO Agreement signed by all parties, that approach would best support coordination in an increasingly complex planning agenda.

**Recommendation:** The PPACG, MMT, and CDOT need to prepare a new Agreement(s) that outline the mutual responsibilities for each agency to carry out the metropolitan transportation planning process – specifically the development and sharing of financial and performance management information. And, to the extent practicable, the new Agreement should take the form of a single agreement that all parties cooperatively develop, sign, and make publicly available.

**Resolution:** This updated MPO Agreement needs to be finalized and signed by all regional planning partners by May 28, 2018 for PM Safety.

**Proposed FHWA/FTA Technical Assistance:** The FHWA/FTA will provide technical assistance in developing a robust planning agreement, including examples from other areas.

## 2) Visualization and Public Participation

**Basic Requirement:** The public participation component of the planning regulations require that the MPO employ visualization techniques to inform the public and decision-makers of transportation plans, programs, and projects. Of the many ways to engage in visualization, maps are essential tools to illustrate the geographical and informational characteristics of the region. Through visual imagery, the complex character of proposed transportation plans, policies, and programs can be portrayed at appropriate scales—State, region, local area, project architecture, etc., and from different points of view. The effective presentation of impacts to the public has become an increasingly essential part of the planning and design of transportation systems.

**Finding of Federal Review:** Between different documents, the PPACG presents varying graphical representations of the MPO region that are relevant to the planning process that lacks consistent identification the important boundaries of the MPO. The MPO should prepare and publish in its documents a single map that presents the following: the MPO planning boundary, the Census Urban Area boundary, and the nonattainment area boundary. Secondary layers on maps can present DOD boundaries, the Municipal Boundary, Interstate/Highway networks, or any other information pertinent to the document and reader. The inconsistency of how these important boundaries are depicted in current documents undermines public understanding and procedural transparency.

**Recommendation:** The PPACG should use consistent map formatting and content across documents to ensure public understanding and transparency.

**Resolution:** As each document is updated, the maps used to depict the MPO region should display the key boundaries most relevant to metropolitan planning process.

**Proposed FHWA/FTA Technical Assistance:** The FHWA/FTA will provide technical assistance in identifying the necessary boundaries and geographical information.

### 3) Public Participation Plan

**Basic Requirement:** The MPO is required, under 23 CFR 450.316, to engage in a metropolitan planning process that creates opportunities for public involvement, participation and consultation throughout the development of the Metropolitan Transportation Plan (MTP) and the TIP and is also included in 23 CFR 450.322 (f) (7) and (g) (1) (2), (i) and 23 CFR 450.324 (b). A critical element of this regulation is the requirement for periodic evaluation of the effectiveness of the procedures and strategies contained in the public participation plan (PPP) [23 CFR 450.316 (a) (1) (x)]. This refers not just to reviewing the implementation of strategies, but their ability to reach and engage the stakeholders and the public resulting in productive comments and conversation.

**Finding of Federal Review:** The PPP is an educational tool that provides the public with the knowledge of how they can get involved in the planning process. One ingredient of the plan is a description of strategies and communications used throughout the process in which the public can engage. To further support the catalog of techniques is the provision of when and why the public is encouraged to participate, which is lacking in PPACG's PPP. The document should strive to provide information that tells the public why their opinions and perspectives are a valuable part of the process. Thoughtful guidance on what PPACG is seeking comments on and what the public should review is important. Another missing element in the plan is the identification of opportunities for the public to comment and react to major deliverables such as the RTP, TIP, and UPWP. A brief outline and/or schedule of these major planning activities with the associated participation activity can bolster the awareness of the public to confidently know the appropriate time and actions to participate. The previous PPP (April 2013) included charts that outlined the RTP and TIP process while identifying points in which public involvement was requested.

The federal planning regulations require that the MPO periodically review the effectiveness of the procedures and strategies contained in the Public Participation Plan (PPP). This goes beyond traditional performance metrics measuring data collection, dissemination of information, and attendance at public events. These evaluative elements are necessary to collect and understand

in terms of which the MPO can examine the impact of its chosen strategies, not just that they were undertaken. Additionally, PPACG could allow participants attending public events an opportunity to provide feedback on the effectiveness of the activity from their perspective, not just the document or activity seeking comments. Combining traditional and evaluative measures, user feedback/reviews, and the implementation of strategies, contributes to a comprehensive perspective leading to a meaningful understanding of the program's true effectiveness. The evaluation should highlight successful and unsuccessful events and how these results have changed future strategies and engagement techniques. This should be explained in the PPP as well as be identified as a proposed task activity in the UPWP.

**Recommendation:** The PPACG PPP must provide procedural detail on public engagement strategies and opportunities for major planning activities and document development including the RTP, TIP, and UPWP.

**Recommendation:** The PPACG PPP needs to document the procedures and criteria used to evaluate the effectiveness of the public procedures and strategies, as well as document the results of the evaluation and implement changes identified in the evaluation and make this information available to the public.

**Resolution:** An updated PPP should be prepared, and, with the required 45-day period for public review, be in place for use in guiding development of the 2045 RTP. The updated PPP should contain procedural detail for engaging public input to the 2045 RTP and follow-on TIP updates. In addition, the revised PPP should clearly describe the procedures and criteria to be used in periodically evaluating its effectiveness, including how the results of that evaluation will be shared with the public.

**Proposed FHWA/FTA Technical Assistance:** The FHWA/FTA will provide technical assistance in gathering examples of public participation effectiveness evaluation from other TMAs and contribute to reviewing and commenting on any PPACG draft PPP updates.

#### 4) Public Outreach Strategies

**Basic Requirement:** The MPO is required to describe in their PPP, per 23 CFR 450.316(a)(1)(vii), explicit procedures, strategies, and desired outcomes for 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.

**Finding of Federal Review:** The current PPP does not contain explicit procedures, strategies, and outcomes for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households or LEP

populations. Further development of traditionally underserved community engagement should involve greater representation throughout the planning process in a manner that benefits those communities and strengthens their impact on the regional transportation process. What is concerning is that this subject was present in the PPP (April 2013), but left out of the updated PPP (August 2016). This section should advance the concept by highlighting what activities were undertaken in that RTP development cycle to engage these communities and plans to enhance efforts.

**Recommendation:** The PPP should include explicit procedures, strategies, and outcomes for 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.

**Resolution:** In time for use in supporting preparation of the 2045 RTP, the PPACG must incorporate into their PPP explicit procedures, strategies, and outcomes for seeking out and considering the needs of the traditionally underserved communities by the existing transportation system, such as low-income and minority households.

**Proposed FHWA/FTA Technical Assistance:** The FHWA/FTA will provide technical assistance in gathering examples of documented public participation from traditionally underserved communities from other TMAs and contribute to reviewing and commenting on any PPACG draft plans.

## 5) Unified Planning Work Program

**Basic Requirement:** As required under 23 CFR 450.308 (c), each MPO, in cooperation with the State DOT and public transportation operator, shall develop a UPWP that includes a discussion of the planning priorities facing the metropolitan planning area (MPA). This guides the activities of MPO staff and justifies the allocation of financial resources for the fiscal year. It can be considered a key indication of the level of effort for planning work and the seriousness with which the MPO undertakes planning tasks.

**Finding of Federal Review:** The intent of discussing planning priorities in the UPWP is to provide the identification of any regional trends, cultural shifts, or major planning initiatives that might impact the planning activities, resources, or strategies of the PPACG. It gives the public and decision-makers a deeper sense of what informed the PPACG to develop their prioritized set of planning activities. Using this construct better relates the abstract federal planning process to the local experience, along with organizing activities for the required planning documents and programs as a function of the PPACG.

The PPACG does a commendable job outlining their purpose from a federal perspective, framing the administrative structure of the agency, and breaking down the financials that fund the UPWP. Where this approach falls flat is that it doesn't resonate with the public or decision-makers. The addition of tangible situations in which the public can relate, such as population or economic trends and planning challenges, and how the planning efforts might work towards alleviating those concerns, either by data research, plan development, or model updates, would bolster the PPACG's image, the impact of their deliverables, and compliance with the federal regulations.

**Recommendation:** The UPWP must include a discussion of the regional planning priorities and noticeable challenges that impact planning activities over the next year.

**Resolution:** The next full update of the UPWP must include a discussion of the impacts and trends of the PPACG region in the narrative.

**Proposed FHWA/FTA Technical Assistance:** The FHWA/FTA will provide guidance on how the PPACG should include the necessary elements of the UPWP and provide examples from other MPOs.

## 6) Americans with Disabilities Act within the Self-Certification Statement

**Basic Requirement:** Self-Certification of the metropolitan planning process, at least once every four years and accompanied by the approved TIP, is required under 23 CFR 450.336. The State and the MPO shall certify to FHWA and FTA that the planning process is addressing the major issues facing the area and is conducted in accordance with all applicable requirements of 23 CFR 450.300 and:

- 23 U.S.C. 134 and 49 U.S.C. 5303 and Sections 174 and 176(c) and (d) of the Clean Air Act (if applicable)
- Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State
- 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity
- Section 1101(b) of SAFETEA-LU and 49 CFR Part 26, regarding involvement of DBE in U.S. DOT-funded planning projects
- 23 CFR Part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts
- **ADA and U.S. DOT regulations governing transportation for people with disabilities [49 CFR Parts 27, 37, and 38]**
- Older Americans Act as amended, prohibiting discrimination on the basis of age Section 324 of Title 23 U.S.C., regarding the prohibition of discrimination based on gender

- Section 504 of the Rehabilitation Act of 1973 and 49 CFR Part 27, regarding discrimination against individuals with disabilities
- All other applicable provisions of Federal law (e.g., while no longer specifically noted in a self-certification, prohibition of use of Federal funds for “lobbying” still applies and should be covered in all grant agreement documents (see 23 CFR 630.112).

**Finding of Federal Review:** Both the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination against individuals based on their disability. To satisfy these regulations, public agencies need to adopt either an ADA Transition Plan or a Program Access Plan based on the number of employees. Since the PPACG has fewer than 50 employees, it needs only complete a Program Access Plan. This action requires that a self-evaluation is completed to account for any infrastructure owned within the public rights-of-way to determine if they are accessible to persons with disabilities and meet the laws’ regulatory requirements. The results are captured as part of the Program Access Plan along with a demonstration of any actions needed to reach compliance. Depending on the results of the completed document, further actions include a Board resolution, coordination and comments from relevant stakeholders, and public access to the completed document.

**Recommendation:** The PPACG needs to complete a Program Access Plan that includes a self-evaluation, a demonstration of addressing barriers, and public coordination with stakeholders.

**Resolution:** The PPACG is expected to show in one location how they address ADA requirements. Program Access Plan needs to be completed in a timely fashion.

**Proposed FHWA/FTA Technical Assistance:** The FHWA/FTA will provide guidance on how the PPACG should approach this activity including the formatting of the document and what information is necessary for inclusion.

## 7) Self-Certification Statement

**Basic Requirement:** The Self-Certification process is a valuable part of the overall transportation planning process. It allows the MPO to reflect upon the recently completed planning cycle that culminates in the approval of the TIP. It provides accountability for the agency through documentation that certain regulations, laws, and protections were abided by during the process. It demonstrates to the public that consideration was given to applicable non-discrimination provisions and allowed for participation through planned procedures.

**Finding of Federal Review:** The federal review team found that the Self-Certification was being approved during the UPWP development and approval process. The planning regulations state that the Self-Certification should occur with the approval of the TIP and at least every 4 years.

**Recommendation:** The Self-Certification of the metropolitan transportation planning process must be concurrently approved with the TIP.

**Resolution:** The PPACG should include the development and approval of the Self-Certification during the FY19-22 TIP approval and each TIP approval thereafter.

**Proposed FHWA/FTA Technical Assistance:** The FHWA/FTA will provide technical assistance in gathering examples of documented self-certification procedures from other TMAs and review the PPACG's upcoming process.

## 8) Transportation Improvement Program

**Basic Requirement:** An MPO is required to develop a Transportation Improvement Program (TIP) in cooperation with the State DOT and public transportation operator (23 CFR 450.326 (a)). The TIP shall reflect the investment priorities established in the current RTP and shall cover a period of no less than four years and be updated at least every four years. If the TIP covers more than four years, that record will be considered informational by Federal agencies. The MPO may update the TIP more frequently, but the cycle for updating the TIP must be compatible with the STIP development and approval process. After approval by the MPO and the Governor, the State DOT shall include the TIP without change, directly or by reference, into the STIP. If the situation occurs in which the STIP is updated more frequently than the TIP, only those eligible program years in the TIP will be recognized in the STIP.

Projects in any of the first four years of the TIP, which includes both MPO and DOT projects, may be advanced in place of another project in those same years. When the TIP and STIP are out of alignment, the flexibility provided by this regulation is limited, potentially resulting in impacts to local and state DOT projects.

**Finding of Federal Review:** CDOT's recent transition to an annual STIP Update has made the update cycles of the STIP and the PPACG TIP inconsistent. The misalignment between the STIP and TIP occurs every other year and involves the official program years of the TIP covering three of the four STIP years due to the annual forward shift of program years. When the PPACG approves the TIP for FY2017-2022 (in conjunction with the FY17-20 STIP), in which the official program years are FY2017, 2018, 2019, and 2020, and plans on a two-year update cycle, only three years of that TIP will be active when the State updates the STIP to an FY2018-2021 STIP. This situation impacts both the PPACG and CDOT in utilizing funds and implementing projects in FY2021 in the urban area.

In accordance with 23 CFR §450.326(a), PPACG must ensure that its TIP update cycle is compatible with that of the STIP. In advance of the next updates of the STIP and TIP, as well as possibly the other MPOs of the State, both agencies must take actions to ensure TIP/STIP schedules and programs are compatible. While it is a common practice of the PPACG to develop a six-year TIP, projects listed in the fifth and later years of the TIP are beyond the four official program years and are included only for informational purposes. Therefore, projects from years five and beyond in the PPACG TIP cannot be recognized within the STIP update as anything other than informational unless the MPO takes action to move those years within the four-year portion of its TIP. This can happen by PPACG processing a TIP update in time for the STIP update and provide either a new set of official program years with new projects or simply add a fourth year and keep the other three intact. Alternatively, CDOT can process a STIP update with the fourth year of the PPACG TIP zeroed out while projects in the active 3 years of the PPACG TIP stay the same. Later, PPACG could choose to initiate a TIP amendment to add a new fourth program year. If this is the desired approach, PPACG will include language about the official program years recognized in the STIP and the impacts this situation has on projects, partners, and funding.

**Recommendation:** In its annual STIP Updates, CDOT must consider each MPO's TIP and its official program years to accurately align program funding and project implementation within the official program years (CDOT).

**Recommendation:** The TIP development cycle of PPACG must be compatible with the STIP development and approval process and incorporate provisions to ensure compatibility on a continuing basis (PPACG).

**Resolution:** The next Update of the TIP must be compatible with the span of four program years of the STIP. PPACG and CDOT must either coordinate to ensure that the next STIP update contains a full four-year complement of program years from the PPACG TIP and continually thereafter or incorporates narrative explaining the situation to all stakeholders and regional transportation planning partners.

**Proposed FHWA/FTA Technical Assistance:** The FHWA/FTA will provide technical assistance in developing TIP and STIP update cycles that are compatible and comply with regulations.

## 9) Transportation Improvement Program

**Basic Requirement:** The TIP shall include capital and non-capital surface transportation projects (or phases of projects) within the boundaries of the metropolitan planning area proposed for funding under 23 U.S.C. (highways) and 49 U.S.C. (transit) funding (23 CFR 450.326

(e)). To demonstrate fiscal constraint and for inclusion in the financial plan, the state DOT and MMT must provide the MPO with estimates of Federal and State funds available for the transportation system serving the metropolitan area (23 CFR 450.326 (j)). These funds would be identified and carried into the TIP to depict their availability, regardless of indication of this money being obligated for specific projects.

**Finding of Federal Review:** All funds from Title 49 that are to be programmed by MMT must be listed in the TIP at the time of its formal update. The FY 2017 – FY 2022 TIP, in its original update, did not include transit programs and projects funded under any of the FTA programs. The only transit projects included are those funded from local sources (e.g. FASTER) and through FHWA programs – STBG and CMAQ. Projects seeking FTA funding were amended into the TIP later. A fully transparent TIP development process involves preparation of a comprehensive multimodal program of projects that includes all investments for which funding can reasonably be expected. The draft that can be shared with the public and stakeholder communities for information and comment. All proposed transit investments for the 4-year program period should be included from the outset in the TIP update process. Adding those projects later via amendment undermines public awareness and decision accountability.

TIP Amendments should be exceptional events that are needed to add “roll over” into the updated TIP projects that experienced delays from what had been originally programmed in the prior TIP and to revise projects that have experienced significant scope, cost, and schedule changes. In accordance with 23 CFR 450.326(e), the next TIP update must include – from its earliest stages of draft preparation and review - all projects proposed for funding over the 4-year program period, including transit projects funded by FTA programs. As a reminder, projects included on the TIP must be drawn from, or consistent with, the RTP. Also, the TIP should make clear that the first 4 years constitute the official TIP, and the other additional outer years (Years 5 and 6) are provided for informational purposes only.

**Recommendation:** Federal regulations require the inclusion of all surface transportation projects for which federal funds will be requested in the TIP, along with a description of the projects, including sources of non-federal matching funds. All federal transit funding must be included in the TIP at the time of its development and included for the public and stakeholders to comment on at public participation events. And, for both transit and highway entries in the TIP, projects not considered to be of appropriate scale for individual identification in a given program year may be grouped by function, work type, and/or geographic area, per provisions in 23 CFR 450.326(h).

**Resolution:** All transit projects for which Federal funding will be requested over the 4-year program period of the TIP, including resources from program authorized under 49 U.S.C., must be included in the next TIP Update when it is first approved.

**Proposed FHWA/FTA Technical Assistance:** The FHWA/FTA will provide technical assistance by providing guidance on the inclusion of transit programs in the TIP.

## 10) Financial Planning

**Basic Requirement:** For purposes of transportation operations and maintenance, the financial plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways and public transportation (23 CFR 450.326 (j)).

**Finding of Federal Review:** The TIP Financial Plan includes narrative statements describing the continued decline in purchasing power over the planning horizon, which calls to question whether the MTP is fiscally constrained. For transit, Ch. 7 states that “operating costs are expected to exceed available transit operating revenues between 2020 and 2025. Approximately one-quarter to one-third of the current system may need to be eliminated by year 2040 without additional sources of operating revenue.” These critical statements appear in conflict with statements on p. 7-10, which describes a growing financial contribution by the City of Colorado Springs to the transit program. In accordance with 23 CFR 326(j), the next TIP Update must have a Financial Plan that demonstrates fiscal constraint by substantiating the ‘reasonableness’ of all revenue (Federal and matching funds), by ensuring that all costs and revenues are presented in year-of-expenditure dollars, and by aligning program costs with expected revenues by year.

Similarly, the financial plan section of the RTP does not adequately explain the cost and expenditures for maintaining and operating the federal-aid network. One of the concerns is that it does not separate what maintenance and operations (O/M) are as opposed to system improvements and infrastructure expansion. Further, while the Financial Plan provides forecasts of future revenues to support implementation of project in the RTP, the demonstration of alignment between those revenue forecasts and RTP project costs, both expressed in year-of-expenditure dollars, is less clear.

The Financial Plan supporting the TIP states the importance of balancing revenues and costs to maintain fiscal constraint and provides a list of available funding in the various program categories. However, while the documentation of the Financial Plan identifies available funding from the various revenue sources, it does not actually align those revenues with the collective costs of programmed projects, by year and funding source, as the basis of demonstrating fiscal constraint. This is reflected further in the TIP Funding Tables. A combination of tiny font, large empty spaces that exaggerate the unconnected nature of the information, and a lack of consistent formatting and categorization create a confusing document. The presentation of this important chronicle needs to be corrected.

**Recommendation:** The RTP financial plan must demonstrate systems level estimates of costs and expected revenue sources to adequately maintain and operate federally supported facilities.

**Recommendation:** The Current TIP Funding Tables must be formatted to provide consistent, legible, and understandable information to demonstrate fiscal constraint.

**Resolution:** The financial plans used for the next update of the TIP and for 2045 RTP update should describe how revenues will ensure the continued maintenance and operations of the road and transit networks and not focus on missed opportunities or possible detrimental level of services will occur.

A consistent format for the TIP Funding Tables includes better identification of funding totals available, programmed totals of projects, and summary information to demonstrate fiscal constraint.

**Proposed FHWA/FTA Technical Assistance:** The FHWA/FTA will provide technical assistance by providing guidance on the demonstration of fiscal constraint, funding scenario planning, and financial planning.

## 11) Regional Transportation Plan

**Basic Requirement:** The RTP regulations require that all the transportation and transit enhancements and associated transit improvements are included in the document (23 CFR 450.324 (f)(8)). In developing the financial plan, the MPO shall take into account all projects and strategies proposed for funding under title 23 U.S.C., title 49 U.S.C. Chapter 53, or with other Federal funds (23 CFR 450.324 (f)(11)(iv)). The current representation of transit funding that is available to the metropolitan area is not well established in the financial plan and lacks the clarification of all available funds, as opposed to funds identified for project/program funding.

**Finding of Federal Review:** Recommended transit improvements are presented in Appendix E, which is the 2040 Regional Transit Plan and transit element of the PPACG Regional Transportation Plan (RTP). However, recommended projects from the transit element are not fully reflected in the main narrative of the RTP. While Chapter 8 of the RTP provides an exhaustive listing of transit investments funded by CMAQ and the STP programs, Section 5307 funded projects are consolidated into a \$20 million lump-sum line item, spanning a wide range of activities that include the capital cost of contracting, preventive maintenance, vehicle acquisition, ADA operating assistance, ITS, security, planning, capital upgrades, and ADA enhancements. While some grouping of projects is allowed under Federal requirements, regionally significant transit initiatives must be listed with individual line item descriptions.

Federal regulations call for the transportation plan to “include both long-range and short-range strategies/actions that provide for the development of an integrated multimodal transportation system (including accessible pedestrian walkways and bicycle transportation facilities) to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.” Missing from the Recommended Projects list were all projects that would be funded under programs authorized by 49 U.S.C. in the Implementation Chapter.

**Recommendation:** The Implementation chapter of the RTP needs to present details on projects proposed for funding under program authorized under 49 U.S.C.

**Resolution:** The Implementation section of the 2045 RTP Update must include line item information, as well as project grouping as appropriate, for all transit projects recommended for funding under programs authorized under 49 U.S.C.

**Proposed FHWA/FTA Technical Assistance:** The FHWA/FTA will provide technical assistance by providing guidance on the demonstration of fiscal constraint and financial planning.

## 12) Regional ITS Architecture

**Basic Requirement:** 23 CFR 940 requires that all ITS projects conform to the National ITS Architecture. This is interpreted to mean conformance with the National ITS Architecture provides the State and MPOs direction in developing Regional ITS Architectures. This process needs to be consistent with the statewide and metropolitan planning process including provisions for public involvement and the planning process. Among the necessary components of a complete architecture, there are provisions to include the participation of specific agencies in the region which includes transit operators. As transit continues to integrate operational improvements both for vehicle operations and user experience, coordination with the regional ITS architecture is key in maintaining efficiencies.

**Finding of Federal Review:** In responding to the ITS Architecture query in the pre-site visit questionnaire, PPACG referred to CDOT as the implementer of the Regional ITS Architecture, with no indication of the involvement or concurrence of MMT. Therefore, it is unclear whether transit projects proposed for funding by MMT are consistent with the ITS Regional Architecture, which is a requirement for grant award.

**Recommendation:** CDOT’s ITS Architecture should provide for the inclusion of transit stakeholder involvement in the development of and projects to be consistent with the regional ITS architecture.

**Resolution:** Documentation should be provided by CDOT and MMT within the next 90 days to confirm MMT's engagement and concurrence with the ITS Regional Architecture. If that is not obtained, the next update cycle of the Regional ITS Architecture should accommodate the expansion of stakeholders to include transit operators and a provision for transit projects to be vetted through the architecture.

**Proposed FHWA/FTA Technical Assistance:** The FHWA/FTA will provide technical assistance by offering guidance on ITS Architecture development and the planning process.

## 2018 FHWA and FTA Certification Action



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Federal Transit Administration  
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Norm Steen, PPACG Board of Directors Chair  
Pikes Peak Area Council of Governments  
15 S 7<sup>th</sup> Street  
Colorado Springs, CO 80905-1501

**Subject: 2018 Federal Planning Certification of the Pikes Peak Area Transportation Management Areas (TMA) Planning Process**

Dear Mr. Steen:

Pursuant to 23 United States Code (USC) 134 (k)(5) and 49 USC 5303 (k)(5), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly certify the transportation planning process in TMA every four years.

The recent certification review of the transportation planning process in the Pikes Peak Area included a desk review, a site visit on September 14, 2017, and a public meeting to receive comments on October 25, 2017. Significant time was spent with staff from PPACG, the Colorado Department of Transportation (CDOT), and Mountain Metro Transit (MMT) to discuss the transportation planning process in the region.

The planning certification review is one of several methods employed by FHWA and FTA to monitor and assess the implementation of the transportation planning process in Pikes Peak region. Other methods include the review and approval of the PPACG Unified Planning Work Program, review of the Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP), issuance of air quality conformity determinations for the RTP and TIP, and participation at committee meetings.

The *2018 Pikes Peak Area Council of Governments (PPACG) Planning Certification Report* is currently being finalized and will be sent out immediately upon completion. The report contains an overview of the certification process, discussions from the site visit, identifies findings and recommendations, and documents the FHWA/FTA certification action.

The FHWA/FTA review team found the metropolitan transportation planning process satisfies the provisions of 23 USC 134, 49 USC 5303-5306, 23 Code of Federal Regulations (CFR) 450.300, and other associated federal requirements.

Based on the overall findings, the FHWA and FTA hereby certify the PPACG's transportation planning process. Upon request, representatives from FHWA and FTA can schedule presentations of the review findings and the FHWA/FTA certification action at any upcoming PPACG meeting.

If any questions arise, please contact Aaron Bustow (FHWA) at 720-963-3022, [Aaron.Bustow@dot.gov](mailto:Aaron.Bustow@dot.gov), or Darin Allan (FTA) at 303-362-2386, [Darin.Allan@dot.gov](mailto:Darin.Allan@dot.gov).

Sincerely,

**JOHN M  
CATER**  
Digitally signed by JOHN M  
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John M. Cater, P.E.  
Division Administrator  
FHWA Colorado Division

**CINDY E  
TERWILLIGER**

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Cindy Terwilliger  
Regional Administrator  
FTA Region 8

Cc: Ken Prather, PPACG  
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Michelle Scheuerman, CDOT DTD  
Tim Kirby, CDOT DTD  
Wendy Petit, CDOT Region 2 Planning  
Karen Rowe, CDOT Region 2 RTD  
Craig Blewitt, MMT  
David Vitulli, MMT

## Appendix 1: Certification Review Team Members

### **Federal Review Team Members**

<i>Name</i>	<i>Agency</i>	<i>Title</i>
Aaron Bustow	FHWA	Transportation Planner
William Haas	FHWA	Program Development Team Leader
Darin Allan	FTA	Director of Planning and Program Development
Larry Squires	FTA	Community Planner
Ranae Tunison	FTA	Community Planner
Charlie Goodman	FTA	Community Planner

## Appendix 2: Public Comments

### Notice of Public Meeting

#### *Federal Planning Certification Review of the Colorado Springs Metropolitan Area*

The **Federal Highway Administration** (FHWA) and the **Federal Transit Administration** (FTA) will hold a public meeting in conjunction with the quadrennial federal transportation planning certification review of the Colorado Springs Metropolitan area planning process administered by the Pikes Peak Area Council of Governments (PPACG).

**Date:** October 25, 2017

**Time:** 5:00PM – 7:00PM

**Location:** Pikes Peak Area Council of Governments  
15 South 7<sup>th</sup> Street  
Colorado Springs, CO 80905  
1<sup>st</sup> Floor Conference Room

The Fixing America's Surface Transportation (FAST) Act requires that the Planning Certification Review be performed for all metropolitan areas with populations of 200,000 and over every four years. The FHWA and the FTA jointly conduct this review in accordance with the joint planning regulations contained in 23 CFR 450 subpart C- Metropolitan Planning and Program. *This public meeting is held to provide the public an opportunity to express comments on the transportation planning process and how it is meeting the needs of the Denver-Aurora metropolitan area.*

The major elements of the review include the organization and management of the transportation planning process, agreements and cooperation between planning agencies, plan development and project programming, the ten federal planning factors, public involvement opportunities, the congestion management process, project selection/prioritization, project monitoring and evaluation, financial accountability and constraint, environmental justice and Title VI integration, freight planning, air quality, safety considerations, travel demand modeling and forecasting, intelligent transportation systems, and the management and operations of the transportation network.

Comments can be submitted by other means than participation in the public meeting including the contact information below. Questions and comments can be sent in writing or voice directly to the Federal Review Team **no later than November 1<sup>st</sup>, 2017.**

#### ***Aaron Bustow***

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#### ***Larry Squires***

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Individuals in need of auxiliary aids or services, such as interpretation services or assisted listening devices, are asked to contact the PPACG at least 48 hours in advance of this meeting by calling (719) 471-7080 or emailing Ken Prather ([KPrather@ppacg.org](mailto:KPrather@ppacg.org)).

No public comments were obtained at the public meeting nor through emails or voicemails to the Federal Review Team.



***Report prepared by:***

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