

**PLEASE RSVP BY COB MONDAY, MAY 9, 2011**

May 5, 2011

**Memorandum #2011-71**

**TO: Hampton Roads Citizen Transportation Advisory Committee (CTAC)**

**BY: Chair William W. Harrison, Jr.**

**RE: CTAC Meeting, May 12, 2011**

Attached are the agenda and related materials for the next meeting of the **Hampton Roads Citizen Transportation Advisory Committee (CTAC)** scheduled for **Thursday, May 12, 2011 from 5:00 p.m. - 7:00 p.m.** in the **HRT Boardroom, HRT Headquarters, 3400 Victoria Boulevard, Hampton, VA.**

**Please reply with your RSVP no later than COB Monday, May 9, 2011.**

/kg

**Citizen Transportation Advisory Committee:**

William W. Harrison, Jr., Chair, VB	Henry Lewis, YK
Shepelle Watkins-White, Vice Chair, CH	Randy Lougee, NO
Richard Bowie, VB	John Malbon, VB
Ricky Clifton, NN	Howard Manly, NN
Wanda Cooper, VB	Delceno Miles, VB
Roberta Edwards, CH	Philip Olekszyk, GL
Sharyn Fox, NN	James Openshaw, NO
Richard Green, SU	Prescott Sherrod, VB
Yukari Hughes, NN	Ray Taylor, VB
Dewey Hurley, WM	Kirsten Tynch, PO
Michael Jones, IW	Kristen Wells, PO
Randy Lassiter, NO	Archie Whitehill, NO

Cc: Dwight Farmer (HRTPO)  
Camelia Ravanbakht (HRTPO)  
Mike Kimbrel (HRTPO)  
Kendall Miller (HRTPO)  
Eric Stringfield (VDOT)  
TPO Voting Members  
TPO Voting Alternates  
TPO Nonvoting Members

**AGENDA  
HAMPTON ROADS  
CITIZEN TRANSPORTATION ADVISORY COMMITTEE  
May 12, 2011**

**CALL TO ORDER 5:00 P.M.**

Hampton Roads Transit Boardroom, 3400 Victoria Boulevard, Hampton, Virginia

- 1. CALL TO ORDER**
- 2. PUBLIC COMMENT PERIOD** (Limit: 5 minutes per individual)
- 3. SUBMITTED PUBLIC COMMENTS**
- 4. APPROVAL OF AGENDA**
5. Minutes of March 10, 2011
6. 2034 Long-Range Transportation Plan: Next Steps
7. HRTPO Transportation Improvement Program (TIP) Overview
8. HRTPO Title VI Plan
9. For Your Information
10. Old/New Business
11. Adjournment

**AGENDA ITEM #1: CALL TO ORDER**

The meeting will be called to order by the Chair at approximately 5:00 p.m.

**AGENDA ITEM #2: PUBLIC COMMENT PERIOD**

Members of the public are invited to address the CTAC. Each speaker is limited to five minutes.

**AGENDA ITEM #3: SUBMITTED PUBLIC COMMENTS**

There are no written public comments.

**AGENDA ITEM #4: APPROVAL OF AGENDA**

Members are provided an opportunity to add or delete items from the agenda. Any item for which a member desires an action from the CTAC should be submitted at this time, as opposed to under "Old/New Business".

**AGENDA ITEM #5: MINUTES OF March 10, 2011**

**SUBJECT:**

Minutes of the previous CTAC meeting.

**BACKGROUND:**

Minutes of the Citizen Transportation Advisory Committee meeting held on March 10, 2011.

Attachment 5

**RECOMMENDED ACTION:**

Approve the minutes.

**Summary Minutes of the  
Hampton Roads Citizen Transportation  
Advisory Committee (CTAC) Meeting  
March 10, 2011**

The Hampton Roads Citizen Transportation Advisory Committee (CTAC) Meeting was called to order at 5:10 p.m. in the Regional Building Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

**Hampton Roads CTAC Members in Attendance:**

William Harrison, Chairman (VB)	Tuck Bowie (VB)
Shepelle Watkins-White, Vice-Chair (CH)	Richard Green (SU)
Philip Olekszyk (GL)	John Malbon (VB)
Michael Jones (IW)	Delceno Miles (VB)
Yukari Hughes ( NN)	Prescott Sherrod (VB)
Randy Lassiter (NO)	Ray Taylor (VB)
Randy Lougee (NO)	Dewey Hurley (WM)
James Openshaw (NO)	Henry Lewis (YK)
Kirsten Tynch (PO)	

**Hampton Roads CTAC Members Absent:**

Roberta Edwards (CH)	Archie Whitehill (NO)
Ricky Clifton (NN)	Kristen Wells (PO)
Sharyn Fox (NN)	Wanda Cooper (VB)
Howard Manly (NN)	

**HRTPO Staff:**

Dwight Farmer	Benito Pérez
Kathlene Grauberger	Camelia Ravanbakht
Brian Miller	

**Public Comment Period**

There was no public comment.

**Submitted Public Comments**

There were no submitted public comments.

**Approval of Agenda**

Chair Harrison asked if there were any items to add to the agenda. Hearing none from the Committee, Mr. Bowie Moved to approve the agenda as written; seconded by Ms. Tynch. The Motion Carried.

## **Summary Minutes of January 13, 2011 CTAC Meeting**

Chair Harrison asked for any additions or corrections to the minutes. Hearing none, Mr. Bowie Moved to approve the minutes as written; seconded by Mr. Jones. The Motion Carried.

Chair Harrison stated it was CTAC's one year anniversary and he commended the Committee for its efforts over the past year. He did note that better attendance by CTAC members was necessary.

### **Transportation Project Prioritization: Recommended List of Projects**

Ms. Ravanbakht explained there was a brochure in front of the members summarizing the work accomplished on the prioritization process over the past two years along with a recommended list of transportation projects that will be presented to the HRTPO Board on March 17, 2011 for its approval for inclusion into the 2034 Long-Range Transportation Plan (LRTP).

Chair Harrison asked for the definition of fiscally constrained and inquired how the rules were established by which the HRTPO must adhere to in the LRTP process. Ms. Ravanbakht replied each project that is included in the LRTP must provide adequate funding for construction over the next twenty years. The Federal Highway Administration (FHWA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) Legislation require all LRTPs be fiscally constrained.

Mr. Lassiter asked how the prioritization tool was created. Ms. Ravanbakht outlined the project utility, project viability, and economic vitality components of the prioritization tool and described how the data was gathered and input into the tool to score the individual projects. The prioritized list of projects was based on a combination of the results of prioritization tool and comments received by both the HRTPO Board and the public.

Mr. Lewis asked if the prioritization tool had been translated so the average citizen could understand it. Mr. Farmer stated he would summarize the technical analysis performed by the HRPDC Chief Economist after the conclusion of the meeting.

Ms. Ravanbakht presented a slide that illustrated a pie chart depicting the 2034 LRTP revenue estimates of \$12.35 billion for maintenance and \$1.25 billion for construction. Maintenance must be accounted for before construction investments can be committed.

Mr. Lewis asked if new maintenance avenues had been explored to lower the maintenance cost estimates. He noted that European countries are much more adept at maintaining their roads. Mr. Farmer replied that in the mid-1990s, VDOT operated under a deferred maintenance plan which has contributed to the poor conditions seen today.

Ms. Ravanbakht stated HRTPO staff combined project recommendations provided by the Transportation Technical Advisory Committee (TTAC) with the Governor's Transportation Funding Proposal. In order to achieve this, staff began with the committed projects, used

projects and prioritization scores from the Governor's funding proposal, and with those two, staff was able to develop a list of recommended project studies, projects for construction, and additional projects for future consideration.

Ms. Ravanbakht explained that the potential passage of the Governor's Transportation Funding proposal could fund sixty-six projects in Hampton Roads. In addition, there is \$1.5 billion identified for four statewide PPTA projects, including two projects in Hampton Roads, the Midtown Tunnel/MLK Extension and the Route 460 Corridor.

The six studies recommended for the 2034 LRTP are:

- Route 460
- I-64 Peninsula Corridor
- Patriots Crossing
- Hampton Roads Bridge-Tunnel
- High-Speed and Intercity Passenger Rail
- Virginia Beach Transit Extension

Mr. Olekszyk asked how the Governor's proposed projects compared to those of the HRTPO. Mr. Farmer replied the projects were already in the prioritization list of projects and studies.

Mr. Lassiter asked why some projects that are seemingly ready for construction get delayed. Mr. Harrison replied that VDOT has backlogged many projects because the funding was utilized for maintenance and the new project list becomes longer.

Ms. Ravanbakht summarized the next steps in the prioritization process and noted HRTPO staff will be asking for the Board's approval on the transportation project priorities list at the March 17, 2011 meeting.

Mr. Pérez then presented a slide which illustrated a visualization tool created by HRTPO staff to be utilized by the public to complement the LRTP and demonstrated how the tool worked. The visualization tool can be found at [www.KeepHamptonRoadsMoving.com](http://www.KeepHamptonRoadsMoving.com).

Mr. Harrison asked how the website and visualization tool could be better advertised. Mr. Olekszyk suggested uploading the tool onto the locality websites. Ms. Ravanbakht stated that Ms. Miller is in contact with the localities and will also be utilizing Constant Contacts to inform the public regarding the visualization tool.

Mr. Olekszyk asked how many public comments were received regarding the LRTP. Ms. Ravanbakht commented there were two comments from CTAC members and over fifty total public comments.

Chair Harrison stated CTAC has the opportunity to give its recommendation regarding the prioritization list to the HRTPO Board as it votes on this item at the March 17, 2011 meeting. He noted that he learned there would be no new lane miles over the next twenty

years due to lack of funding and he believes CTAC should avail the HRTBO Board to find new revenue sources.

After viewing the preliminary resolution prepared by HRTPO staff, discussion ensued and several suggestions were made by CTAC members. Ms. Tynch Moved to approve CTAC Resolution 2011-01; seconded by Mr. Sherrod. The Motion Carried. CTAC Resolution 2011-01 is attached for reference.

### **Christopher Newport University (CNU) Community Conversations/Surveys Proposal**

Ms. Ravanbakht reported that the HRTPO Board and CNU entered into an agreement last year with CNU conducting several focus groups concentrating on transportation issues. CNU summarized its results and briefed both the HRTPO Board and CTAC, and recommended CNU continue its efforts by engaging the public in community conversations and surveys. She noted that since HRTPO staff will be conducting its own community conversations, it will contract with CNU to carry out one to two surveys in the next couple of years.

### **CTAC Blog Updates**

Ms. Ravanbakht stated that at the January 13, 2011 CTAC meeting, Ms. Miller informed the Committee that HRTPO staff will be transmitting updates specifically designed for CTAC members. Ms. Ravanbakht outlined the design of the blog which was distributed at the meeting as a handout and indicated the blog would be initiated shortly.

### **2034 Long-Range Transportation Plan Public Meetings**

Ms. Ravanbakht explained that Ms. Miller, who was unable to attend the CTAC meeting, wanted to share information regarding the recent two public meetings held in Chesapeake and Newport News. Both meetings included a technical presentation followed by a question and answer period.

### **Old/New Business**

Mr. Lassiter and Mr. Taylor both had items they wished to discuss; however, the business was not presented while approving the agenda, and therefore, must wait until the next CTAC meeting.

### **Adjournment**

With no further business to come before the Citizen Transportation Advisory Committee, the meeting adjourned at 6:59 p.m.

**HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION  
CITIZEN TRANSPORTATION ADVISORY COMMITTEE  
CTAC RESOLUTION 2011-01**

**A RESOLUTION OF THE CITIZEN TRANSPORTATION ADVISORY COMMITTEE OF THE HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION (HRTPO) SUPPORTING THE REGIONAL TRANSPORTATION PROJECT PRIORITIZATION AND SELECTION PROCESS FOR THE LONG-RANGE TRANSPORTATION PLAN.**

**WHEREAS**, in July 2009, the HRTPO, with support of the Virginia Department of Transportation, embarked on the development of a program prioritization tool for the regional transportation investments in the Hampton Roads metropolitan planning area;

**WHEREAS**, the program prioritization tool serves to prioritize candidate regional transportation projects based on Project Utility, Project Viability, and Economic Vitality in light of scarce financial resources;

**WHEREAS**, the HRTPO Board approved the *Hampton Roads Program Priorities Methodology* report on July 21, 2010 and authorized the HRTPO staff to apply the tool for the evaluation of candidate transportation projects under consideration for the 2034 Long-Range Transportation Plan (LRTP);

**WHEREAS**, the HRTPO staff worked extensively to gather the needed data to support the evaluation and scoring of projects and conducted a thorough analysis of over 150 proposed candidate regional transportation projects as submitted by HRTPO member organizations and input from the public;

**WHEREAS**, the HRTPO staff developed the *Prioritization of Transportation Projects: Project Evaluation and Scoring* report, which documents the project prioritization scores, and was approved by the HRTPO Board on December 15, 2010;

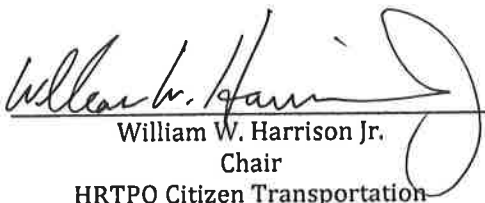
**WHEREAS**, the HRTPO Citizen Transportation Advisory Committee has reviewed the prioritization of transportation projects presented to the HRTPO Board on February 17, 2011; and


**WHEREAS**, the HRTPO Citizen Transportation Advisory Committee acknowledges the prioritization of transportation projects does not include additional lane-miles across the Hampton Roads Harbor.

**NOW, THEREFORE, BE IT RESOLVED** that the HRTPO Citizen Transportation Advisory Committee recommends that the HRTPO Board approve the prioritized and fiscally-constrained list of transportation projects.

**BE IT FURTHER RESOLVED** that the HRTPO Citizen Transportation Advisory Committee respectfully urges the Hampton Roads Transportation Planning Organization to find alternative, additional, and innovative funding sources to (a) address the critical need for additional lane-miles and (b) maximize the capacity of existing lane-miles across the Hampton Roads Harbor, in order to protect the safety, health, welfare, and prosperity of the citizens of Hampton Roads.

**APPROVED and ADOPTED** by the HRTPO Citizen Transportation Advisory Committee at its meeting on the 10th day of March, 2011.

  
William W. Harrison Jr.  
Chair  
HRTPO Citizen Transportation  
Advisory Committee

  
Dwight L. Farmer  
Executive Director/Secretary  
Hampton Roads Transportation  
Planning Organization

## **AGENDA ITEM #6: 2034 LONG RANGE TRANSPORTATION PLAN- NEXT STEPS**

### **SUBJECT:**

The Long-Range Transportation Plan update for the region is currently being developed and a status report will be provided.

### **BACKGROUND:**

The HRTPO has been in the process of developing the 2034 Long-Range Transportation Plan (LRTP) over the past three years, for the purposes of replacing the 2030 LRTP that is set to expire at the end of this calendar year. The 2034 LRTP will serve as the blueprint for the region's transportation development and identifies needed programs and improvements to the transportation network as well as a long-term regional transportation investment strategy.

As the development of the 2034 LRTP is coming to a close, the HRTPO staff will provide a brief overview of major tasks completed to date as well as address remaining items including incorporation of transit estimates, local projects to include in Air Quality Conformity analysis, outreach to the public and stakeholders, and plan documentation.

Ms. Dale Stith, Transportation Planner, will provide a review of tasks completed to-date as well as a schedule of remaining tasks to be completed by January 2012.

### **RECOMMENDED ACTION:**

For discussion and informational purposes.

**AGENDA ITEM #7: HRTPO TRANSPORTATION IMPROVEMENT PROGRAM OVERVIEW**

**SUBJECT:**

To better inform CTAC members on the HRTPO Transportation Improvement Program.

**BACKGROUND:**

The HRTPO Transportation Improvement Program (TIP) is a multi-year program for the implementation of surface transportation projects within the Hampton Roads Metropolitan Planning Area (MPA). The TIP contains all federally-funded and/or regionally significant projects that require an action by the Federal Highway Administration or the Federal Transit Administration. Before any federally funded and/or regionally significant surface transportation project can be built in the MPA, it must be included in a current TIP that has been approved by the Metropolitan Planning Organization. The TIP establishes a short-term transportation program which is consistent with the current long-range transportation plan.

Ms. Jessica Banks, Senior Transportation Analyst, will brief the CTAC on the purpose of the TIP, the steps involved in the development of the TIP and the draft FY 2012-2015 TIP.

**RECOMMENDED ACTION:**

For discussion and informational purposes.

## **AGENDA ITEM #8: HRTPO TITLE VI PLAN**

### **SUBJECT:**

An update to the HRTPO's Title VI Plan.

### **BACKGROUND:**

Title VI of the Civil Rights Act of 1964 prohibits federal agencies and sub-recipients of federal funds from discriminating on the basis of race, color, and national origin. It also protects participants or clients of programs that receive federal funding. Subsequent laws and Presidential Executive Orders added handicap, sex, age, and income status to the criteria for which discrimination is prohibited.

As a sub-recipient of Federal financial assistance, the HRTPO is required to comply with Title VI and subsequent non-discrimination laws, as well as provide an overview of how the HRTPO addresses Executive Order 12898 on Environmental Justice and Executive Order 13166 on Limited English Proficiency (LEP). The purpose of the HRTPO's Title VI Plan is to describe the measures taken by the HRTPO to assure compliance with the rules and regulations associated with Title VI and subsequent nondiscrimination laws, Environmental Justice, and LEP.

The HRTPO Title VI Plan was approved by the HRPTO Board in July 2009. Subsequently, the Title VI Plan was submitted to the Federal Highway Administration (FHWA) for review and was approved in November 2010. The Title VI Plan has since been updated to reflect the recent changes in the HRTPO Staff and Board. Additionally, the Title VI Plan has been enhanced with detailed Environmental Justice guidelines and outreach strategies for minority, low-income, and LEP populations to comply with Executive Orders 12898 and 13166 (Attachment 8-A).

On April 21, 2011, the HRPTO Board approved Resolution 2011-03 (Attachment 8-B) endorsing the Title VI Plan.

Attachment 8-A

Attachment 8-B

Ms. Kendall Miller, Public Involvement/Community Outreach Administrator, will brief the CTAC on this item.

### **RECOMMENDED ACTION:**

For discussion and informational purposes.

HAMPTON ROADS  
TRANSPORTATION PLANNING ORGANIZATION

**TITLE VI PLAN**

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TITLE VI, ENVIRONMENTAL JUSTICE AND LIMITED ENGLISH PROFICIENCY



February 2011

## HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION

### EXECUTIVE DIRECTOR/SECRETARY

Dwight L. Farmer

### VOTING MEMBERS

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#### GLOUCESTER COUNTY

Christian D. Rilee

#### HAMPTON

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Bruce C. Goodson

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#### NORFOLK

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The Honorable John C. Miller

The Honorable Yvonne B. Miller

#### MEMBERS OF THE VIRGINIA HOUSE OF DELEGATES

The Honorable G. Glenn Oder

The Honorable John A. Cosgrove

#### TRANSPORTATION DISTRICT COMMISSION OF HAMPTON ROADS

Philip A. Shucet, President/Chief Executive Officer

#### WILLIAMSBURG AREA TRANSIT AUTHORITY

Mark D. Rickards, Executive Director

#### VIRGINIA DEPARTMENT OF TRANSPORTATION

Dennis W. Heuer, District Administrator – Hampton Roads District

#### VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

Amy Inman, Programming and Planning Manager

#### VIRGINIA PORT AUTHORITY

Jerry A. Bridges, Executive Director

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#### YORK COUNTY

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**GLOUCESTER COUNTY**

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**NEWPORT NEWS**

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**SUFFOLK**

Selena Cuffee-Glenn

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Mary Bunting

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**FEDERAL HIGHWAY ADMINISTRATION**

Irene Rico, Division Administrator – Virginia Division

**FEDERAL TRANSIT ADMINISTRATION**

Letitia A. Thompson, Regional Administrator, Region 3

**FEDERAL AVIATION ADMINISTRATION**

Jeffrey W. Breeden, Airport Planner, Washington Airports District Office

**VIRGINIA DEPARTMENT OF AVIATION**

Randall P. Burdette, Director

**PENINSULA AIRPORT COMMISSION**

Ken Spirito, Executive Director

**NORFOLK AIRPORT AUTHORITY**

Wayne E. Shank, Executive Director

**CHAIR – CITIZEN TRANSPORTATION ADVISORY COMMITTEE**

William W. Harrison, Jr.

**CHAIR – FREIGHT TRANSPORTATION ADVISORY COMMITTEE**

William Bell, Co-chair (Nonvoting Board Member)

Stan D. Clark (Voting Board Member)

**MILITARY LIAISONS**

Glenn K. Grothe, Colonel, U.S. Army

Mary Jackson, Captain, U.S. Navy

Mark S. Ogle, Captain, U.S. Coast Guard

## REPORT DOCUMENTATION

**Title:**

Hampton Roads Transportation Planning  
Organization Title VI Plan

**Report Date:**

February 2011

**Authors:**

Kendall L. Miller, Project Manager  
Michael S. Kimbrel  
Jessica M. Banks

**Grant/Sponsoring Agency:**

FHWA/FTA/VDOT/DRPT/Local Funds

**Organization Name, Address, Telephone and Website:**

Hampton Roads Transportation Planning Organization  
723 Woodlake Drive  
Chesapeake, Virginia 23320  
Phone: (757) 420-8300  
Website: <http://www.hrtpo.org>

**PROJECT STAFF**

Camelia Ravanbakht, Ph.D.	HRTPO Deputy Executive Director
Kendall L. Miller	Public Involvement and Community Outreach Administrator/Title VI Coordinator
Michael S. Kimbrel	Principal Transportation Engineer
Jessica M. Banks	Senior Transportation Analyst
Christopher W. Vaigneur	Reprographic Coordinator
Kathlene Grauberger	Administrative Assistant II

## **ABSTRACT**

Title VI of the Civil Rights Act of 1964 states, "*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.*" Subsequent laws and Presidential Executive Orders added handicap, sex, age, or income status to the criteria for which discrimination is prohibited. The Hampton Roads Transportation Planning Organization (HRTPO) Title VI Plan was developed to ensure the HRTPO is in compliance with nondiscrimination requirements as outlined in Title 23 CFR and 49 CFR and related laws and provides specific information on how to file a nondiscrimination complaint

This Plan also provides an overview of Environmental Justice and Limited English Proficiency (LEP) concepts, definitions of Title VI and associated nondiscrimination acts, and how Title VI, Environmental Justice and LEP are incorporated into the metropolitan transportation planning process. Environmental Justice guidelines and outreach strategies for minority, low-income, and LEP populations are included within the HRTPO Public Participation Plan, completed in the Fall of 2009.

## **ACKNOWLEDGEMENTS**

This report was prepared by the HRTPO in cooperation with the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Virginia Department of Transportation (VDOT), the Transportation District Commission of Hampton Roads (TDCHR) – known as the Hampton Roads Transit (HRT), and the Williamsburg Area Transit Authority (WATA). The contents of this report reflect the views of the HRTPO. The contents do not necessarily reflect the official views or policies of the FHWA, FTA, VDOT, TDCHR, Department of Rail and Public Transportation (DRPT), or Hampton Roads Planning District Commission. This report does not constitute a standard, specification, or regulation. FHWA, FTA or VDOT acceptance of this report as evidence of fulfillment of the objectives of this planning study does not constitute endorsement/approval of the need for any recommended improvements nor does it constitute approval of their location and design or a commitment to fund any such improvements. Additional project level environmental impact assessments and/or studies of alternatives may be necessary.

This report was included as a work element in the FY 2009 Unified Planning Work Program (UPWP), which was approved by the HRTPO at its March 19, 2008 meeting and in the FY 2010 UPWP, approved on June 17, 2009. FHWA approved this report in August of 2010. A final administrative update was made to this report in February of 2011.

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## **PURPOSE**

The Hampton Roads Transportation Planning Organization (HRTPO), as a sub-recipient of federal financial assistance, is required to comply with Title VI and subsequent nondiscrimination laws, as well as provide an overview of how the HRTPO addresses Executive Order 12898 on Environmental Justice and Executive Order 13166 on Limited English Proficiency (LEP). The purpose of this Title VI Plan is to describe the measures taken by the HRTPO to assure compliance with the rules and regulations associated with Title VI and subsequent nondiscrimination laws, Environmental Justice, and LEP.

## **HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION**

The HRTPO, for which this Title VI Plan is applicable, is the metropolitan planning organization (MPO) for the Hampton Roads area. As such, it is a federally mandated transportation policy board comprised of representatives from local, state, and federal governments, transit agencies, and other stakeholders and is responsible for transportation planning and programming for the Hampton Roads Metropolitan Planning Area (MPA). Any highway or transit project or program to be constructed or conducted within the MPA and to be paid for with Federal funds, must receive approval by the HRTPO before any Federal funds can be expended. In addition, any highway or transit project deemed to be regionally-significant, regardless of the source(s) of funding, must receive HRTPO approval to proceed. The Hampton Roads MPA includes the cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; the counties of Isle of Wight, James City, and York; and a portion of Gloucester County.

## **POLICY STATEMENT AND AUTHORITIES**

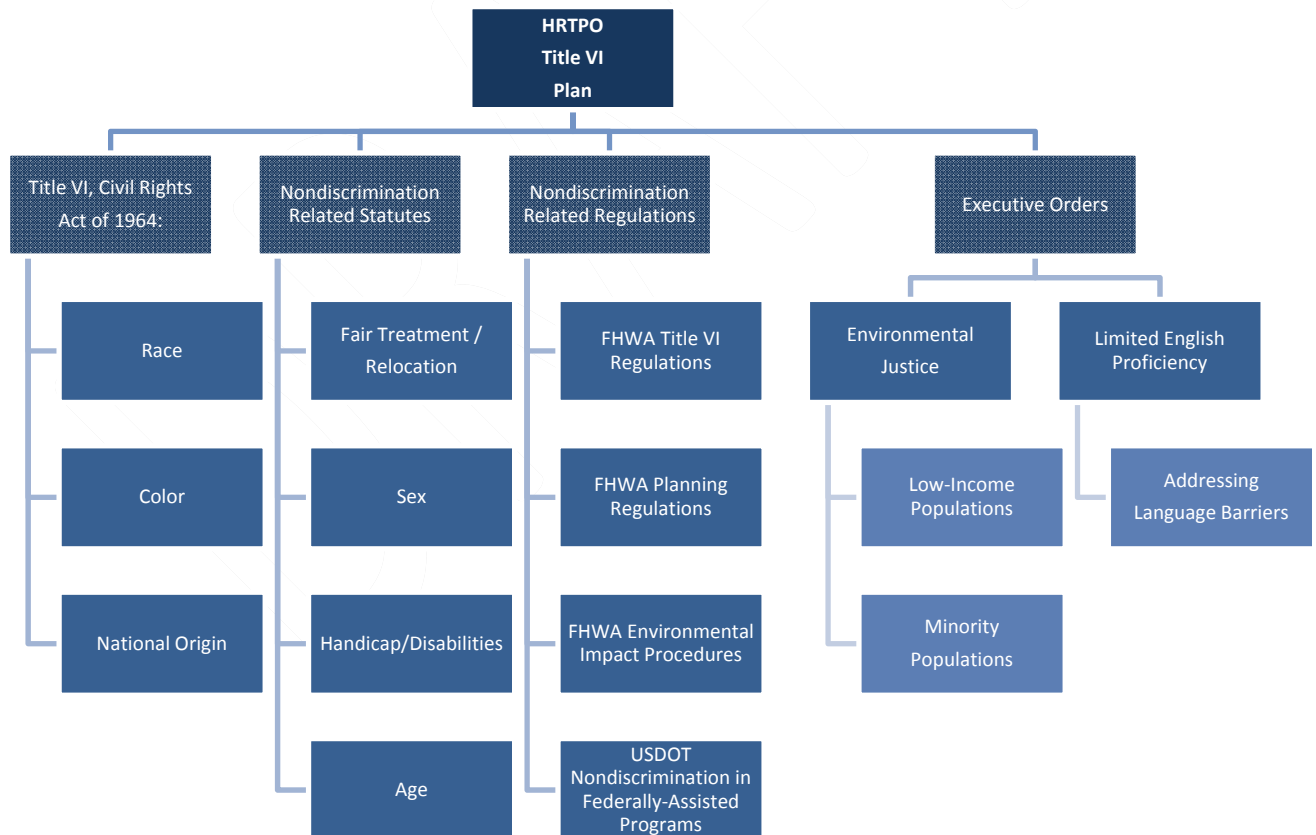
The HRTPO assures that no person shall, on the grounds of race, color, national origin, handicap, sex, age or income status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (Public Law 100.259) and subsequent nondiscrimination laws and related authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The HRTPO further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event the HRTPO distributes federal-aid funds to another governmental entity, the HRTPO will include Title VI language in all written agreements and will monitor for compliance. The HRTPO Executive Director is responsible for ensuring implementation of the organization's Title VI Plan. The Title VI Coordinator, under supervision of the Executive Director, is responsible for coordinating the overall administration of the Title VI Plan and assurances. The authorities that provide guidance on Title VI and related nondiscrimination laws, regulations, and executive orders can be found in the "Title VI and Other Nondiscrimination Laws" section of this document.

## INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits federal agencies and sub-recipients of federal funds from discriminating, on the basis of race, color or national origin, against participants or clients of programs that receive Federal funding. Subsequent laws and Presidential Executive Orders added handicap, sex, age, or income status to the criteria for which discrimination is prohibited. This document addresses prohibition of discrimination as mandated by Title VI as well as by the authorities listed in the following section.

In addition to nondiscrimination, this document provides information regarding two Presidential Executive Orders pertaining to fairness and inclusiveness. Executive Order 12898 mandates that federal agencies address equity and fairness, or Environmental Justice, toward low-income and minority persons and populations. Executive Order 13166 mandates that federal agencies ensure that people who have Limited English Proficiency (LEP) have meaningful access to federally-conducted and/or funded programs and activities. Detailed Environmental Justice guidelines and outreach strategies for minority, low-income, and LEP populations to comply with Executive Order 12898 and Executive Order 13166 are included each as a separate chapter within the HRTPO Public Participation Plan, completed in the Fall of 2009.

The chart below depicts the nondiscrimination authorities addressed in the HRTPO Title VI Plan.



## TITLE VI AND OTHER NONDISCRIMINATION AUTHORITIES

Title VI is usually referred to in the context of federal nondiscrimination laws. Title VI is one of eleven titles included in the Civil Rights Act of 1964. The following is a list of all of the Civil Rights Act titles:

- |  |   |
|--|---|
| I. Voting Rights   | VII. Equal Employment Opportunity                                     |
| II. Public Accommodation   | VIII. Registration and Voting Statistics                              |
| III. Desegregation of Public Facilities  | IX. Intervention and Procedure after Removal<br>in Civil Rights Cases |
| IV. Desegregation of Public Education  | X. Establishment of Community Relations<br>Service                    |
| V. Commission on Civil Rights  | XI. Miscellaneous   |
| <b>VI. Nondiscrimination in Federally<br/>Assisted Programs and Activities</b> |   |

Title VI *“declares it to be the policy of the United States that discrimination on the ground of race, color, or national origin shall not occur in connection with programs and activities receiving federal financial assistance and authorizes and directs the appropriate federal departments and agencies to take action to carry out this policy.”* Any organization that receives Federal funds is bound to comply with Title VI.

Since the Civil Rights Act of 1964, other nondiscrimination laws have been enacted to expand the range and scope of Title VI coverage and applicability:

- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970** prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federal and federal-aid programs and projects.
- **The Federal Aid Highway Act of 1973** states that no person shall, on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.
- **Section 504 of the Rehabilitation Act of 1973** states that no qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance. This Act protects qualified individuals from discrimination based on their disability.
- **The Age Discrimination Act of 1975** states that no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. This act prohibits age discrimination in Federally Assisted Programs.
- **The Civil Rights Restoration Act of 1987, P.L.100-209** amends Title VI of the 1964 Civil Rights Act to make it clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal assistance.
- **The American Disabilities Act (ADA) of 1990** prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.
- **23 CFR Part 200** – Federal Highway Administration regulations: Title VI Program and Related Statutes – Implementation and Review Procedures.
- **49 CFR Part 21** – Nondiscrimination in Federally-Assisted Programs.
- **23 CFR Part 450** – Federal Highway Administration planning regulations.
- **23 CFR Part 771** – Federal Highway Administration regulations, Environmental Impact Procedures.

In addition to the laws listed above, two executive orders must be taken into account when ensuring compliance with federal nondiscrimination laws, directives, and mandates:

- **Executive Order 12898** – Environmental Justice (February 11, 1994), a presidential mandate to address equity and fairness toward low-income and minority persons/population. Executive Order 12898 organized and explained the federal government’s commitment to promote Environmental Justice. Each federal agency was directed to review its procedures and make environmental justice part of its mission. U.S. DOT Order 5610.2 (April 15, 1997) expanded upon Executive Order 12898 requirements and describes process for incorporating Environmental Justice principles into DOT programs, policies, and activities. FHWA Order 6640.23 (December 2, 1998) – FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
- **DOT Order 5610.2** on Environmental Justice summarized and expanded upon the requirements of Executive Order 12898 to include all policies, programs, and other activities that are undertaken, funded, or approved by the Federal Highway Administration (FHWA), the Federal Transit Administration(FTA), or other U.S. DOT components.
- **Executive Order 13166** – Limited English Proficiency (August 11, 2000), a presidential directive to federal agencies to ensure people who have limited English proficiency have meaningful access to services. Executive Order 13166 ensures federal agencies and their recipients to improve access for persons with Limited English Proficiency to federally-conducted and federally assisted programs and activities.
- **The National Environmental Policy Act (NEPA) of 1969** addresses both social and economic impacts of environmental justice. NEPA stresses the importance of providing for “all Americans, safe, healthful, productive and aesthetically pleasing surroundings,” and provides a requirement for taking a “systematic interdisciplinary approach” to aid in considering environmental and community factors in decision-making.
- **FHWA/FTA Memorandum Implementing Title VI Requirements in Metropolitan and Statewide Planning** - This memorandum provides clarification for field officers on how to ensure that environmental justice is considered during current and future planning certification reviews. The intent of this memorandum was for planning officials to understand that environmental justice is equally as important during the planning stages as it is during the project development stages.

## ENVIRONMENTAL JUSTICE

On February 11, 1994, President William J. Clinton signed **Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**, which directs federal agencies to develop strategies to help them identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. The Executive Order was also intended to provide minority and low-income communities with access to public information and opportunities for public participation in matters relating to human health or the environment.

Adverse effects as described in Executive Order 12898 is the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness or death.
- Air, noise, and water pollution and soil contamination.
- Destruction or disruption of:
  - man-made or natural resources
  - aesthetic values
  - community cohesion or a community's economic vitality
  - the availability of public and private facilities and services
- Adverse employment effects.
- Displacement of persons, businesses, farms, or non-profit organizations.
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community.
- Denial of, reduction in, or significant delay in the receipt of benefits of the HRTPO programs, policies, or activities.

Environmental Justice joins social and environmental movements by addressing the unequal environmental burden often borne by minority and low-income populations. The right to a safe, healthy, productive, and sustainable environment for all, where "environment" is considered in its totality to include the ecological (biological), physical (natural and built), social, political, aesthetic, and economic environments.

Environmental Justice helps to ensure that programs, policies, and activities that have adverse effects on communities do not affect minority and low-income populations disproportionately. To prevent discrimination as described in Executive Order 12898, the Federal Highway Administration Order 6640.23 *Order To Address Environmental Justice in Minority Populations and Low-Income Populations* dated December 2, 1998 defines minority and low-income individuals and populations as follows:

**Minority** – a person who is Black, Hispanic, American Indian and Alaskan Native, or Asian American:

- **Black** – a person having origins in any of the black racial groups of Africa.
- **Hispanic** – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- **American Indian and Alaskan Native** – a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.
- **Asian American** – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific islands.

**Minority Population** – any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.

**Low-Income** – a person whose household income is at or below the United States Department of Health and Human Services poverty guidelines.

**Low-Income Population** – any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed program, policy or activity.

Environmental Justice is incorporated through all phases of the transportation planning and programming process. Environmental Justice Guidelines for the HRTPO have been developed and are included as a chapter within the updated HRTPO Public Participation Plan, completed in the Fall of 2009, and within the 2034 Hampton Roads Long-Range Transportation Plan due for completion in January 2012. The HRTPO Environmental Justice Guidelines include maps identifying underserved communities, outreach strategies, benefits/burdens methodologies, and an evaluation component.

## LIMITED ENGLISH PROFICIENCY

On August 11, 2000, President William J. Clinton signed **Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency**. The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. The Executive Order also requires that federal agencies work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English proficient, or “LEP.” For an LEP individual, language can present a barrier to accessing benefits and services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. These individuals may be entitled to language assistance at no cost to them with respect to a particular type of service, benefit, or encounter.

The United States Department of Transportation guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. Recipients of federal funds must take reasonable steps to remove barriers for LEP individuals. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

1. Demography: number and/or proportion of LEP persons served and languages spoken in service area.
2. Frequency: rate of contact with service or program.
3. Importance: nature and importance of program/service to people’s lives.
4. Resources: available resources, including language assistance services.

The four-factor analysis should be used to determine which language assistance services are appropriate to address the identified needs of the LEP population. More information regarding the identification of LEP individuals within the community as well as outreach strategies are included within the HRTPO Public Participation Plan.

## HRTPO TITLE VI COORDINATOR

The HRTPO Title VI Coordinator is generally responsible for overseeing compliance with applicable nondiscrimination authorities in each of the metropolitan transportation planning and programming areas. Other staff members are expected to provide information and support to assist this staff member perform his or her tasks.

### **Responsibilities of the Title VI Coordinator**

The Title VI Coordinator is responsible for supervising staff activities pertaining to nondiscrimination regulations and procedures set forth in federal guidance and in accordance with the HRTPO Title VI Plan. In support of this, the Title VI Coordinator will:

- Identify, investigate, and work to eliminate discrimination when found to exist.
- Process discrimination complaints received by the HRTPO. Any individual may exercise his or her right to file a complaint with the HRTPO, if that person believes that he or she or any other program beneficiaries have been subjected to discrimination, in their receipt of benefits/services or on the grounds of race, color, national origin, sex, handicap, age, or income status. The HRTPO will make a concerted effort to resolve complaints in accordance with Discrimination Complaint Procedures.
- Meet with appropriate staff members to monitor and discuss progress, implementation, and compliance issues related to the HRTPO Title VI Plan.
- Periodically review the HRTPO Title VI Plan to assess whether administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance.
- Work with staff involved with Consultant Contracts and the sub-recipient found to not be noncompliant, to resolve the deficiency status and write a remedial action if necessary, as described in the Consultant Contracts section of this document.
- Review important issues related to nondiscrimination with the Executive Director, as needed.
- Maintain a list of Interpretation Service Providers.
- Assess communication strategies and address additional language needs when needed.
- Disseminate information related to the nondiscrimination authorities. The HRTPO Title VI Plan is to be disseminated to HRTPO employees, contractors, the general public, and any of the HRTPO services.
- Coordinate with appropriate federal, state, and regional entities to periodically provide HRTPO employees with training opportunities regarding nondiscrimination.

### **Questions**

For questions on the HRTPO Title VI Plan and procedures, please contact Kendall Miller, Title VI Coordinator at (757) 420-8300 or by email at [TitleVI-Coordinator@hrpdcva.gov](mailto:TitleVI-Coordinator@hrpdcva.gov). For information on the HRTPO's work programs or publications, please see the HRTPO website at [www.hrtpo.org](http://www.hrtpo.org).

## HRTPO RESPONSIBILITIES

The HRTPO ensures compliance with all applicable nondiscrimination authorities and with regard to the following:

- Communications and Public Participation
- Planning and Programming
- Environmental Justice
- Consultant Contracts
- Education and Training

In addition to the responsibilities listed in this section, HRTPO staff responsibilities may include reviewing Title VI guidelines and procedures for the HRTPO Title VI Plan, and incorporating Title VI-related language and provisions into HRTPO documents, as appropriate.

### COMMUNICATIONS AND PUBLIC PARTICIPATION

As described in the HRTPO's Public Participation Plan, since transportation has a direct and personal impact on the population of a region and is of critical importance to economic vitality and quality of life, the HRTPO continually endeavors to provide citizens, affected public agencies, and other interested parties with reasonable opportunities to be involved in the transportation planning process.

Note: The Communications and Public Participation area applies to and affects the HRTPO work program as a whole, particularly HRTPO efforts and responsibilities related to the Planning and Programming and Environmental Justice areas. The updated HRTPO Public Participation Plan includes specific information regarding outreach and communication strategies and detailed Environmental Justice guidelines. Special emphasis is placed on outreach strategies for minority, low-income, and LEP populations

### HRTPO Responsibilities

HRTPO staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the HRTPO public participation process. HRTPO staff members will:

- Ensure that all communications and public participation efforts comply with nondiscrimination authorities.
- Develop and distribute information on nondiscrimination and HRTPO programs to the general public.
- Provide services for individuals with special needs – Upon advance notice, deaf interpreters, translators, and Braille documents can be provided for public meetings. Notifications of opportunities for public participation will include contact information for people needing these or other special accommodations.
- Include contact information for people needing these or other special accommodations.
- Include the following statement in all of the HRTPO public notices:

*"The HRTPO will strive to provide reasonable accommodations and services for persons who require special assistance to participate in this public involvement opportunity. Contact the Public Involvement and Community Outreach Administrator at (757) 420-8300 for more information.*

- Include the Title VI Statement to the Public (see Appendix 2) in relevant press releases and on the HRTPO website.

## **PLANNING AND PROGRAMMING**

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The HRTPO is responsible for developing long- and short-range transportation plans and programs to provide efficient transportation services for the Hampton Roads Metropolitan Area. A comprehensive transportation process is used which entails the monitoring and collection of various data pertaining to transportation issues. The HRTPO coordinates with VDOT, DRPT, cities, counties, and area transit agencies; seeks public participation; and provides technical support when needed. An outreach plan for long-range transportation plan updates is included within the Public Participation Plan.

### **HRTPO Responsibilities**

HRTPO staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the HRTPO planning and programming processes. HRTPO staff will:

- Ensure that all aspects of the planning and programming process operation comply with nondiscrimination authorities.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data.
- Make the document available to the public and member agencies on the HRTPO website or in hard copy format, if requested.
- Continue to ensure that staff makes concerted efforts to involve members of all social, economic, and ethnic groups in the planning process.

## **ENVIRONMENTAL JUSTICE**

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The concept of Environmental Justice includes the identification and assessment of disproportionately high and adverse effects of programs, policies, or activities on minority and low-income population groups. Within the context of regional transportation planning, Environmental Justice considers the relative distribution of costs and benefits from transportation investment strategies and policies among different segments of society.

### **HRTPO Responsibilities**

HRTPO staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the HRTPO efforts to address Environmental Justice. HRTPO staff will:

- Ensure that all aspects of efforts to address Environmental Justice comply with nondiscrimination authorities.
- Conduct an Environmental Justice analysis during the development of the Long-Range Transportation Plan.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data.
- The updated HRTPO Public Participation Plan includes Environmental Justice guidelines, which outlines outreach strategies for minority, low-income, and LEP populations during the development and implementation of HRTPO plans and programs.
- Disseminate information to the public on the processes used and findings of any analysis, in accordance with all HRTPO public participation procedures.

## **CONSULTANT CONTRACTS**

The HRTPO is responsible for selection, negotiation, and administration of its consultant contracts. The HRTPO operates under its internal contract procedures and all relevant federal and state laws.

### **HRTPO Responsibilities**

HRTPO staff is responsible for evaluating and monitoring consultant contracts for compliance with nondiscrimination authorities. HRTPO staff will:

- Ensure inclusion of nondiscrimination language in contracts and Requests for Proposals (RFPs).
- Review consultants for compliance as described below:
  - Ensure that all consultants verify their compliance with nondiscrimination authorities, procedures, and requirements.
  - If a recipient or sub-recipients is found to be not in compliance with nondiscrimination authorities, the Title VI Coordinator and relevant staff will work with the recipient or sub-recipient to resolve the deficiency status and write a remedial action if necessary.
- Review outreach activities to ensure small, disadvantaged, minority, women, and disabled veteran businesses are not excluded to participate in opportunities to compete for consulting contracts.

## **EDUCATION AND TRAINING**

In an effort to continuously improve the HRTPO's overall compliance posture, nondiscrimination training will be coordinated with FHWA, VDOT, DRPT, HRT, and WATA, and made available to HRTPO staff on an ongoing basis to ensure up-to-date knowledge of Title VI and other nondiscrimination statutes.

### **HRTPO Responsibilities**

Under the category of education and training, nondiscrimination responsibilities include:

- Distribution of information to HRTPO staff on training programs regarding Title VI and related statutes.
- Tracing staff participation in nondiscrimination training.
- Maintain and update nondiscrimination training as necessary.
- Maintain and update the HRTPO Title VI Plan as necessary.

## DISCRIMINATION COMPLAINT PROCEDURES

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin. Subsequent laws and Presidential Executive Orders added handicap, sex, age, income status and limited English proficiency to the criteria for which discrimination is prohibited, in programs and activities receiving federal financial assistance. As a sub-recipient of federal assistance, the HRTPO has adopted a Discrimination Complaint Procedure as part of its Title VI Plan to comply with Title VI and associated statutes.

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, or any nondiscrimination authority, may file a complaint with the HRTPO. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the HRTPO Title VI Coordinator for review and action.
2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:
  - a. The date of the alleged act of discrimination; or
  - b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints should set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in putting the complaint in writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.
4. Within 10 days, the HRTPO Title VI Coordinator will acknowledge receipt of the allegation in writing, inform the complainant of action taken or proposed action to process the allegation, advise the respondent of their rights under Title VI and related statutes, and advise the complainant of other avenues of redress available, such as the Virginia Department of Transportation (VDOT) and the Federal Highway Administration (FHWA).
5. Within 10 days, a letter will be sent to the VDOT Central Office, Civil Rights Division, and a copy to the FHWA Virginia Division Office. This letter will list the names of the parties involved, the basis of the complaint, and the assigned investigator.
6. In the case of a complaint against the HRTPO, a VDOT investigator will prepare a final investigative report and send it to the complainant, respondent (HRTPO person listed), the HRTPO Title VI Coordinator, and FHWA Virginia Division.

7. Generally, the following information will be included in every notification to the VDOT Office of Civil Rights:
  - a. Name, address, and phone number of the complainant.
  - b. Name(s) and address(es) of alleged discriminating official(s).
  - c. Basis of complaint (i.e., race, color, national origin, sex, age, handicap/disability, income status, limited English proficiency).
  - d. Date of alleged discriminatory act(s).
  - e. Date of complaint received by the recipient.
  - f. A statement of the complaint.
  - g. Other agencies (state, local or federal) where the complaint has been filed.
  - h. An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.
8. Within 60 days, the HRTPO Title VI Coordinator will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the Executive Director of the recipient of federal assistance. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
9. Within 90 days of receipt of the complaint, the HRTPO Title VI Coordinator will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with the Virginia Department of Transportation or the Federal Highway Administration, if they are dissatisfied with the final decision rendered by the HRTPO. The HRTPO's Title VI Coordinator will also provide the VDOT Civil Rights Central Office with a copy of the determination and report findings.
10. In the case a nondiscrimination complaint that was originated at the HRTPO is turned over to and investigated by VDOT, FHWA or another agency, the HRTPO Title VI Coordinator will monitor the investigation and notify the complainant of updates, in accordance with applicable regulations and VDOT policies and procedures.
11. In accordance with federal law, the HRTPO will require that applicants of federal assistance notify the HRTPO of any law suits filed against the applicant or sub-recipients of federal assistance or alleging discrimination; and a statement as to whether the applicant has been found in noncompliance with any relevant civil rights requirements.
12. The HRTPO will submit Title VI accomplishment reports to the VDOT Central Office, Civil Rights Division, in compliance with VDOT's established processes.

13. The HRTPO will collect demographic data on staff, committees, and program areas in accordance with 23 CFR, 49 CFR and VDOT's established procedures and guidelines.
14. Pursuant to the Virginia Public Records Act (VPRA) § 42.1-76 et seq., the HRTPO will retain Discrimination Complaint Forms and a log of all complaints filed with or investigated by the HRTPO.
15. Records of complaints and related data will be made available by request in accordance with the Virginia Freedom of Information Act.

DRAFT

**APPENDIX 1: DISCRIMINATION COMPLAINT FORM**

Please provide the following information in order to process your complaint. Assistance is available upon request. Complete this form and mail or deliver to:

Hampton Roads Transportation Planning Organization, Title VI Coordinator, 723 Woodlake Drive, Chesapeake, VA 23320.

You can reach our office Monday-Friday from 8:00am to 4:30pm at (757) 420-8300, or you can email the HRTPO Title VI Coordinator at [TitleVI-Coordinator@hrpdca.gov](mailto:TitleVI-Coordinator@hrpdca.gov).

\_\_\_\_\_

**Complainant's Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Telephone No. (Home):** \_\_\_\_\_ **(Business):** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Person discriminated against (if other than complainant):**

**Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Telephone No.:** \_\_\_\_\_

**The name and address of the agency, institution, or department you believe discriminated against you.**

**Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Date of incident resulting in discrimination:** \_\_\_\_\_

**Describe how you were discriminated against. What happened and who was responsible? If additional space is required, please either use back of form or attach extra sheets to form.**

Does this complaint involve a specific individual(s) associated with the HRTPO? If yes, please provide the name(s) of the individual(s), if known.

Where did the incident take place?

Are there any witnesses? If so, please provide their contact information:

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_

Did you file this complaint with another federal, state or local agency; or with a federal or state court?  
 Yes  No

If answer is Yes, check each agency complaint was filed with:

- |   |  |                                       |
|---|--|---------------------------------------|
| <input type="checkbox"/> Federal Agency | <input type="checkbox"/> Federal Court | <input type="checkbox"/> State Agency |
| <input type="checkbox"/> State Court    | <input type="checkbox"/> Local Agency  | <input type="checkbox"/> Other        |

Please provide contact person information for the agency you also filed the complaint with:

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Date Filed: \_\_\_\_\_

Sign the complaint in the space below. Attach any documents you believe support your complaint.

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Signature Date

For Internal Use Only:

Log #: \_\_\_\_\_

## APPENDIX 2: NOTICE TO THE PUBLIC

In order to comply with 49 CFR Section 21.9(d), the HRTPO shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. The paragraph below will be inserted into all significant publications that are distributed to the public, such as future versions and updates of the Long-Range Transportation Plan, Transportation Improvement Program, and Unified Planning Work Program. The text will be placed permanently on the HRTPO's website (<http://www.hrtpo.org>).

*“The Hampton Roads Transportation Planning Organization (HRTPO) fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Discrimination Complaint Form, see [www.hrtpo.org](http://www.hrtpo.org) or call (757) 420-8300.*



**HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION  
BOARD RESOLUTION 2011-03**

**A RESOLUTION OF THE HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION ENDORSING THE HRTPO TITLE VI PLAN.**

**WHEREAS**, the Hampton Roads Transportation Planning Organization (HRTPO) is the metropolitan planning organization designated by the Governor of the Commonwealth of Virginia as the responsible body for the urban transportation planning process for the Hampton Roads metropolitan planning area;

**WHEREAS**, Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance;

**WHEREAS**, the Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "program or activities" to include all programs or activities of Federal-aid recipients, sub-recipients, and consultants, whether such programs or activities are federally funded or not;

**WHEREAS**, subsequent laws and Presidential Executive Orders added handicap, sex, age or income status to the criteria for which discrimination is prohibited;

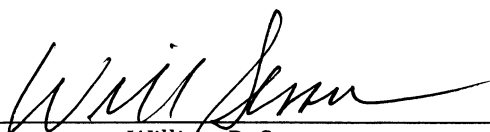
**WHEREAS**, the HRTPO, as a sub-recipient of Federal financial assistance, is required to comply with Title VI and subsequent nondiscrimination laws;


**WHEREAS**, the HRTPO Title VI Plan is incorporated in the metropolitan transportation planning process as part of the Unified Planning Work Program and Public Participation Plan which identify the planning strategies and activities to be undertaken by the HRTPO to reach out to minority, low-income and Limited English Proficiency populations; and

**WHEREAS**, the HRTPO Title VI Plan ensures the HRTPO is in compliance with nondiscrimination requirements as outlined in Title 23 CFR and 49 CFR and related laws and provides specific information on how to file a nondiscrimination complaint.

**NOW, THEREFORE, BE IT RESOLVED** that the Hampton Roads Transportation Planning Organization endorses the HRTPO Title VI Plan.

**APPROVED and ADOPTED** by the Hampton Roads Transportation Planning Organization Board at its meeting on the 21st day of April, 2011.

  
\_\_\_\_\_  
William D. Sessoms  
Chairman  
Hampton Roads Transportation  
Planning Organization

  
\_\_\_\_\_  
Dwight L. Farmer  
Executive Director/Secretary  
Hampton Roads Transportation  
Planning Organization

## **AGENDA ITEM #9: FOR YOUR INFORMATION**

### **A. CITIZEN TRANSPORTATION ADVISORY COMMITTEE MEMBERSHIP**

As prescribed in the CTAC Bylaws, the initial terms of the CTAC members are staggered where one-third of the members are appointed for one-year terms; one-third of the members are appointed for two-year terms; and one-third are appointed for three-year terms.

Several CTAC members have approached their one-year term limits. On March 17, 2011, the HRTPO Board approved an additional three-year term for the following CTAC members:

Sharyn Fox – City of Newport News  
Randy Lassiter – City of Norfolk  
Archie Whitehill – City of Norfolk  
Richard Green – City of Suffolk  
John Malbon – City of Virginia Beach  
Ray Taylor – City of Virginia Beach

### **B. HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION MINUTES**

The minutes from the March 17, 2011 HRTPO Board meeting are attached.

Attachment 9-B

# **Hampton Roads Transportation Planning Organization (TPO)**

## **Board Minutes of March 17, 2011**

The Hampton Roads TPO Board Meeting was called to order at 10:41 a.m. in the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

### **HRTPO Voting Members in Attendance:**

William D. Sessoms, Chairman (VB)  
Alan P. Krasnoff (CH)  
Clifton Hayes (Alternate, CH)  
Christian D. Rilee (GL)\*  
George Wallace (Alternate, HA)  
Stan D. Clark (IW)  
Bruce C. Goodson (JC)  
McKinley Price (NN)  
Paul D. Fraim (NO)  
W. Eugene Hunt (PQ)  
Linda T. Johnson (SU)

Thomas G. Shepperd, Jr. (YK)\*  
Amy Inman (Alternate, DRPT)  
Delegate John Cosgrove (GA)  
Delegate Glenn Oder (GA)  
Senator John Miller (GA)  
Senator Yvonne B. Miller (GA)  
Philip Shucet (HRT)  
Dennis Heuer (VDOT)  
Jeff Florin (Alternate, VPA)  
Mark Rickards (WATA)

### **HRTPO Nonvoting Members in Attendance:**

William E. Harrell (CH)  
Brenda Garton (GL)  
Mary Bunting (HA)  
Robert C. Middaugh (JC)  
Neil A. Morgan (NN)  
Stanley Stein (NO)  
Kenneth L. Chandler (PO)  
J. Randall Wheeler (PQ)

Selena Cuffee-Glenn (SU)  
Jackson C. Tuttle, II (WM)  
James O. McReynolds (YK)  
William Harrison (CTAC)  
Ivan Rucker (FHWA)  
Colonel Glenn Grothe (U.S. Army)  
Commander Kemit Spears (Alternate, USN)

### **HRTPO Executive Director:**

Dwight L. Farmer

### **Other Participants:**

Thelma Drake (DRPT)

### **HRTPO Voting Members Absent:**

Molly Joseph Ward, Vice-Chair (HA)  
Kenneth I. Wright (PO)

Clyde Haulman (WM)  
Jerry Bridges (VPA)

**HRTPO Nonvoting Members Absent:**

W. Douglas Caskey (IW)  
James K. Spore (VB)  
Jeffrey Breeden (FAA)  
Irene Rico (FHWA)  
Tony Cho (FTA)  
Letitia A. Thompson (FTA)

William Bell (FTAC)  
Wayne Shank (NAA)  
Ken Spirito (PAC)  
Capt. Mark Ogle (USCG)  
Capt. Mary Jackson (USN)  
Randall P. Burdette (VDOA)

\* Late or Early Departure

**Others Recorded Attending:**

John Gergely, Henry Ryto (Citizens); Earl Sorey, Ella Ward (CH); Brian DeProfio, Dianne Randall Foster (HA); Beverly Walkup (IW); Michael King, Jerri Wilson (NN); John Keifer, Bryan Pennington, Jeff Raliski (NO); Eric Nielsen (SU); Phil Pullen (VB); Eric Stringfield, Christopher Voigt (VDOT); Aubrey Layne (CTB); Debbie Messina (The Virginian Pilot); Jon Cawley, Cory Neal (Daily Press); Will Christopher, Ray Taylor (FHR); Rich Clifton (RK&K); Carolyn McPherson (Light Rail Now, Inc.); Ellis James (Sierra Club Observer); Karen McPherson (Kimley-Horn); Rowena Fullinwider, Jack Hornbeck, Dean McClain, Henri Parks, Candace Reid (HRCC); Chris Lloyd (McGuire Woods Consulting); Meredith Judy (Rhodeside & Harwell); Wendy Vachet (US Navy); Scott Lovell (PB); Jim Oliver (HRCCE); Mark Geduldig-Yatrofsky (Portsmouthcitywatch.org); Christy Everett (Chesapeake Bay Foundation); James Openshaw (CTAC); Peter Huber (Willcox and Savage); Germaine Fleet (Biggs & Fleet); HRPDC and HRTPO Staff: Camelia Ravanbakht, Jessica Banks, Sam Belfield, John Carlock, Rick Case, Jennifer Coleman, Nancy Collins, Kathlene Grauberger, Greg Grootendorst, Frances Hughey, Jim Hummer, Rob Jacobs, Michael Kimbrel, Joe Paulus, Benito Pérez, Kelli Peterson, Dale Stith, Joe Turner, and Chris Vaigneur.

**Public Comment Period**

Four people requested to address the HRTPO Board. Chairman Sessoms asked them to limit their comments to three minutes.

***Mr. Jack Hornbeck***

*Thank you Mr. Chairman. Mr. Chairman. Members of the TPO. Good morning. My name is Jack Hornbeck and I'm President of the Hampton Roads Chamber of Commerce and I am here on behalf of our 1,800 member firms. We are pleased that the federal government is attempting to provide significant funding for the development of high-speed and intercity passenger rail service. Our chamber has joined not only with other regional and local business organizations represented here today that you will hear from in just a moment, but we are also working with the Raleigh, North Carolina and Richmond, Virginia Chambers as part of a two-state, three-region coalition to ultimately develop high-speed passenger rail within the Raleigh, Petersburg, Hampton Roads, Richmond, and Washington, D.C. Corridor. As has been demonstrated previously, there is no doubt that Hampton Roads' demographics enhance the case to be made. At the moment, we do not know how the funding issue will ultimately shake out, but we encourage the Hampton Roads Transportation Planning Organization to look at opportunities now to ensure that we are ready to take advantage of the federal government's interest in developing high-speed and passenger rail service. Thank you.*

**Aubrey Layne**

*I do want to take one moment for you to notice that I do have on silver and blue today for the Monarchs. My name is Aubrey Layne, and I speak to you today as the Hampton Roads representative of The Commonwealth Transportation Board. Over the last few years it has been fashionable to talk about Hampton Roads receiving its fair share of transportation dollars, but I want to talk to you about today is that I think there has been some structural changes that make that a reality and maybe even more. First of all we have a new administration with the Governor that not only lived and worked here but very much understands our transportation needs. We have a Secretary of Transportation who is very versed in the maritime industry and understands what it means to our port, to our shipyards, and to our military. We have a new Commissioner of VDOT who is very much focused on accountability, and not so much driven by political means. And, we have, of course a new Director of Rail and Public Transportation who is a native of the area who will speak to you later today who has already shown how she can help us by bringing, making conventional rail on the Southside and improvements on the Peninsula a reality. In addition, we now have three members on the Commonwealth Transportation Board, so we have at least as many as Northern Virginia, and more than most of the other areas in the state. Finally, capping all this off, we are now presented with a list from the Governor of transportation projects across the state, and Hampton Roads stands to win fairly big in this, particularly when you consider that of \$1.5 billion that has been set aside for public private partnerships, so there are a lot of things that look good for us on the horizon, but they are not happening without some action on our part, and that's what I want to talk to you about three things today. First of all, I would very much encourage you to complete your work on prioritization. That is going to be the name of the game, not only for these projects coming up, but also in the future. We are now having to program not just construction monies but RSTP and CMAQ monies over the six-year plan. The State of Virginia is now pre-driven by federal dollars on construction in many of its programs. All our state money is going to fund maintenance to fund our agencies and to fund debt service and the federal program is use it or lose it. So I would encourage you to get our prioritization lined up on all our programs and make sure these funds are being used effectively. The second thing that I would encourage you to do is to continue your efforts of outreach not only to the CTB, the Administration, but all the agencies you deal with. We have made good strides in that fact. We have had a presentation at the CTB Board. You have taken it upon yourself to allow this meeting to be happening on a Thursday instead of a Wednesday to allow the CTB members to come here, but it is a two-way street, and I would also encourage you to send representatives to the CTB. We have some public hearings coming up on the 27th of this month particularly for our six-year plan, and I would encourage you that we show a consensus about our projects and what we want in that plan, because the Governor's plan does not include everything that we need here and we are in a competition and we need to be not only prioritized but on a consensus in that. The last thing that I would ask you to consider is I would encourage you to embrace accountability and control of all the funds that run through this organization and I say that with the very most selfish means possible for our region, because if we have accountability, we have control. As the CTB District Member, I am now charged with having to sign off, not only the allocation but the effectiveness of these programs. The Secretary has charged all the agencies to deliver to us at each meeting, a listing of programs across the State where monies are not being moved, or they are sitting there. This happened yesterday. It just so happened that Hampton Roads was the recipient. We picked up almost five million dollars on our highways for guardrail and signage improvement. So I would encourage you to embrace that because if we know about those things we can take those monies and allocate them to jobs and localities and across the region here before it gets to Richmond, and I would rather us be in charge of that than a bureaucrat, with all due respect, in Richmond and I have to defend on why somebody wants to move monies from our*

*district. So I will conclude by saying, we have a great opportunity and it is time for us to take some action. Now I opened my comments by talking about what's our fair share. I can tell you I have been there two years and I have not got one project moved forward in Hampton Roads across the state talking about what is fair or our fair share. We are in a competition and we need to be the best team on the field, and quite frankly I am tired of losing. So I would ask us all to take some accountability for ourselves and let's go get these monies that are out there for us to take. Thank you very much for your time today.*

**Barry Bishop**

*Good morning. I'm Barry Bishop. I'm here this morning speaking on behalf of the Greater Norfolk Corporation, as well as our counterpoint organizations – the Virginia Beach Vision, the Portsmouth Partnership, and the Chesapeake Alliance in support of the TPO continuing to work with your high-speed rail consultant to develop a scope of work towards a TIER II EIS between Hampton Roads and Richmond. I would hasten to add that it goes without saying that our efforts should complement and not in any way compete with our teammates at the Virginia Department of Rail and Public Transportation. We are all painfully aware of the uncertainty regarding what funding, if any, will be available and when, particularly in the short term. But that said, our goal should be to be ready when the funding becomes available so that we are in the front of the line instead of the back of the line. Thank you.*

**Will Christopher**

*Mayor Sessoms, Dr. Drake, from my City of Norfolk Mayor Fraim, and distinguished friends, good morning. I want to thank the business community for their comments this morning. I represent the younger generation, the next generation, and we care deeply for the wonderful region of Hampton Roads and for its future quality of life. We appreciate the brave steps this Board is taking towards 21st century transportation infrastructure, and we are encouraged by what your transportation consultant has done so far. We would like to see that work continue so that we can be better prepared in the future to advance our region. It was brought to my attention that it would be my generation and younger that would primarily be riding high-speed rail. A growing number of us think of transit and infrastructure projects as strategic investments fundamental to the growth and success to Hampton Roads and if the Brookings Institute and Richard Florida are correct, we are moving toward urbanization and mega regions making multi-modal transportation even more critical environmentally and economically. We see high-speed rail as the connective fiber to a 21st century economy. We see high-speed rail as the pipeline bringing in talent, diversity, innovation, and jobs into our region. We are also realizing that we can't pave our way out of some of these challenges. I attended the high-speed rail public hearing last year where over one thousand people attended, spoke, and supported bringing quality rail to Hampton Roads. My colleagues and I were there along with many military people, university people, young people; a very diverse group. We are proud to have you representing these eager citizens. My goal is to trigger board support for gathering data and better preparing ourselves. On behalf of the group I speak to you of today, please continue supporting and funding the TPO's transportation consultant. If we slow down the process we may not be in line when funding is available. Let's continue to invest in our future. Thank you.*

**Submitted Public Comments**

Chairman Sessoms stated there were no submitted public comments in the agenda packet.

## **Approval of the Agenda**

Chairman Sessoms asked if there were any additions or deletions to the agenda. Mr. Harrison asked to add CTAC Membership Term Renewals to the agenda as New Business under Agenda Item #20. Mr. Clark Moved to approve the agenda with the addition of CTAC Membership Term Renewals as a New Business item; seconded by Delegate Oder. The Motion Carried.

## **Consent Agenda**

Chairman Sessoms outlined the Consent Agenda as follows:

- Minutes
- FY 2009-2012 Transportation Improvement Program Amendment: VDOT
- FY 2009-2012 Transportation Improvement Program Revision: Virginia Beach
- Hampton Roads 2030 LRTP and FY 2009-2012 Transportation Improvement Program Air Quality Conformity: Final Report
- FY 2012-2015 Transportation Improvement Program: Draft Project List
- Freight Transportation Advisory Committee: Membership
- FY 2012 Federal Grant Application: Rural Transportation

Mr. Farmer asked to re-assign Agenda Item 9, the FY 2012-2015 Transportation Improvement Program: Draft Project List, from the Consent Agenda to the Regular Agenda as the first item to discuss.

Mayor Johnson Moved to approve the Consent Agenda re-assigning the FY 2012-2015 Transportation Improvement Program: Draft Project List from the Consent Agenda to the Regular Agenda; seconded by Mayor Fraim. The Motion Carried.

## **FY 2012-2015 Transportation Improvement Program (TIP): Draft Project List**

Mr. Farmer explained that work had begun on the development of a new FY 2012-2015 TIP for Hampton Roads. The basic steps for development of the TIP are summarized as follows:

1. VDOT, Virginia Department of Rail and Public Transportation (DRPT), HRTPO, and local public transit agencies coordinate to develop the draft TIP project list, drawing projects from the approved Long-Range Transportation Plan (LRTP).
2. The draft TIP project list is tested for Air Quality Conformity. This step ensures that implementation of the transportation projects in the TIP will conform to regional air quality plans and not worsen air quality.
3. The final TIP document is approved by the HRTPO Board.

The HRTPO staff is currently working on Step 1 above, and the draft TIP project list has been made available for public review.

Mr. Farmer stated that normally he would not rush through this process; however, VDOT has requested that Step 1 be approved quickly in order for the air quality conformity

analysis to begin. He noted that the HRTPO Board will have an opportunity at the April meeting to discuss the draft project list in greater detail.

Mayor Johnson Moved to approve the FY 2012-2015 Transportation Improvement Program: Draft Project List.

Senator Yvonne Miller stated the HRTPO Board should approve the list; however, she expressed concern regarding various discrepancies that should be corrected when it is brought back to the Board in April. Chairman Sessoms agreed with Senator Yvonne Miller.

Delegate Oder asked if the project list is what the HRTPO Board refers to as the four-year plan. Mr. Farmer replied affirmatively, but it was more commonly identified as the Transportation Improvement Program (TIP) in which the dollar expenditures are programmed. He indicated VDOT had hoped to engage the Board much earlier in the process; however, VDOT had been overwhelmed with its programming process.

Delegate Oder inquired if the projects in the TIP were projects that will be built over the next four years. Mr. Farmer replied affirmatively and noted that once the project is in the TIP, it is moving towards implementation.

Chairman Sessoms stated there was a motion on the floor. The vote was taken and The Motion Carried. (There was no second to the motion)

### **Transportation Project Prioritization: CTAC Resolution**

Mr. Shucet stated that due to his involvement with a proposal concerning the Hampton Roads Bridge Tunnel submitted under Virginia's Public Private Transportation Act, and that he may have future commercial interest in other projects that are among the projects being prioritized by the TPO, it is appropriate for him to abstain from participating in the discussion of or voting on agenda items 12 and 13. He asked that his written statement be retained and included in the TPO minutes. Chairman Sessoms indicated it would be included in the March minutes.

Mr. Harrison stated the Citizen Transportation Advisory Committee (CTAC) met on March 10, 2011 and the list of prioritized transportation projects was reviewed by members. The Committee drafted CTAC Resolution 2011-01 supporting the list which was to be voted on by the HRTPO Board at the March meeting. However, the CTAC acknowledged in the resolution that the list of prioritized transportation projects did not include any additional lane miles across the Hampton Roads Harbor. The Committee resolved that the HRTPO Board find alternative additional and innovative funding sources to address the critical needs for additional lane miles across the Hampton Roads Harbor and to maximize the capacity of existing lane miles across the harbor in order to protect the safety, health, welfare, and prosperity of the citizens of Hampton Roads.

Mr. Farmer asked Mr. Harrison if there was any action needed on this item. Mr. Harrison replied it was for informational purposes only.

## **Transportation Project Prioritization: Recommended List of Projects and Studies**

Chairman Sessoms explained the prioritization process began two years ago and the recommended list of projects and studies is included in the HRTPO agenda packet. Mayor Krasnoff Moved to approve the Transportation Project Prioritization: Recommended List of Projects and Studies; seconded by both Mayor Price and Mayor Johnson. The Motion Carried.

## **Allocating CMAQ and RSTP Funds Through FY 2017**

Ms. Ravanbakht stated VDOT had initiated the development of the next six-year improvement program, and in conjunction with that, all Metropolitan Planning Organizations (MPO) were requested to submit their latest projects and allocations through FY2017 with a deadline of March 21st. HRTPO staff consulted with the Transportation Technical Advisory Committee (TTAC) and on March 2nd, TTAC members approved a list of allocations.

Ms. Ravanbakht outlined the three strategies utilized to determine which projects would receive allocations and explained that Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP) projects that were already in the pipeline received first priority. Second, additional projects that were prioritized at the last selection process in 2009 received allocations, and finally, funds were distributed based on the “shovel readiness” of the projects.

Ms. Ravanbakht noted there was an additional \$50 million and \$96 million for CMAQ and RSTP funding respectively. The new funding was allocated to twelve previously approved CMAQ projects and fifteen additional projects. There were no new RSTP projects; however, the additional funding was allocated to fourteen previously approved RSTP projects.

Mayor Krasnoff Moved to approve the additional CMAQ and RSTP projects and allocations and the associated TIP amendment; seconded by Mayor Johnson.

Mr. Heuer stated the Commonwealth Transportation Board (CTB) recommended allocating the additional CMAQ and RSTP monies to projects already underway. He expressed his concern regarding the funding of new projects when several regionally significant projects already in the six-year plan did not receive any funds. He indicated he would be compelled to vote against the HRTPO Staff and TTAC recommendations.

Chairman Sessoms stated Mr. Heuer’s statement was disturbing and asked if a vote was necessary today. Ms. Ravanbakht replied affirmatively with a VDOT deadline of March 21st.

Ms. Ravanbakht commented that all of the projects included in the CMAQ and RSTP tables were now fully funded with the exception of one or two. TTAC members reviewed all of the projects and chose ones that, with some additional monies, could be fully funded.

Chairman Sessoms expressed concern that VDOT and the HRTPO were not on the same page regarding the CMAQ and RSTP funding. Mr. Farmer agreed with Chairman Sessoms.

Senator Yvonne Miller asked for a comparison of the six and four-year transportation plans. Mr. Farmer replied the six-year program is VDOT's program of allocations which is approved by the CTB; whereas, the four-year program, the TIP, is the responsibility of the MPO. He indicated he had expressed his concern for over a decade that these two programs still co-existed individually.

Senator Yvonne Miller asked Mr. Heuer to explain his concern with the document set forth by the HRTPO Staff and TTAC. Mr. Heuer commented he had hoped to keep the discussion on a broad level.

Chairman Sessoms suggested Mr. Farmer and Mr. Heuer consult after the meeting regarding any problems with the allocations. Ms. Ravanbakht stated the deadline of March 21st was given to the HRTPO by the VDOT Central Office. Chairman Sessoms noted the importance of evaluating the discrepancies, yet because action was needed immediately and TTAC had reviewed and recommended the figures, he commented that there was a motion and a second on the floor and a vote should be taken.

Mr. Shepperd asked Mr. Heuer to provide details regarding specific dollar amount concerns. Mr. Heuer replied he did not have exact figures; however, he could point out certain projects that were either over or under funded. He noted that it was his belief that all concerns could be addressed.

Senator Yvonne Miller suggested language be added to the motion in order to approve the CMAQ and RSTP allocations immediately and resolve any issues later.

Mr. Shucet voiced his concern regarding the presumption that the allocations would be approved. He indicated the HRTPO Board should discuss and vote on the issues with no preconceived notions that an item will be approved. He regarded Mr. Heuer's concerns as compelling and asked what would happen if the allocations were not approved. Mr. Heuer replied VDOT hoped to present the plan to the public on April 27th and include an explanation of the inclusion of CMAQ funding into the six-year plan. He again expressed his concern with adding new projects to the plan when regionally significant projects already in the plan did not receive additional funding. He stated the General Assembly and the public have made it clear to VDOT to utilize monies as efficiently as possible.

Mr. Shepperd asked if the HRTPO Board could amend the CMAQ and RSTP allocations in the future. Chairman Sessoms replied he was uncertain of that answer.

Chairman Sessoms reiterated his suggestion that Mr. Farmer and Mr. Heuer convene immediately, along with the localities if necessary, to reach an effective conclusion to the issue. He noted that Mr. Aubrey Layne, Hampton Roads' CTB member had indicated the CTB will step in and remove funding if it has not been allocated appropriately.

Delegate Oder stated it was his intention to support the motion; however, it appeared to him that perhaps HRTPO staff and TTAC had identified more projects than there was available money, as it appeared that some of the projects could not be fully funded.

Chairman Sessoms commented it was his belief that there was funding for almost all the projects.

Mayor Johnson suggested Ms. Ravanbakht be given the opportunity to respond to the questions.

Delegate Oder asked if the allocations indicated in the CMAQ and RSTP allocation tables were actual or wishful monies. Mr. Farmer replied it was actual money for a project.

Delegate Oder inquired if \$42 million was sufficient to build Atkinson Boulevard. Mr. Heuer replied he did not know the exact number for that project.

Mayor Krasnoff asked if there are any VDOT representatives included on the TTAC, and if so, did such representatives voice concerns at the March meeting. Ms. Ravanbakht replied that VDOT has three voting members who were present at the March TTAC meeting. She stated the vote to approve the CMAQ and RSTP allocations at the meeting was unanimous.

Senator Yvonne Miller suggested the HRTPO Board vote immediately based on this new information.

Mr. Goodson asked if any of the projects will be removed from the list during internal discussions after the HRTPO Board vote. Mr. Farmer stated he would inform the Board if any projects are removed.

Mayor Krasnoff's motion to approve the CMAQ and RSTP allocations through FY 2017, which was seconded by Mayor Johnson, went to vote. The Motion Carried with Mr. Heuer and Mr. Shucet voting in opposition.

### **Hampton Roads Regional Transit Vision Plan: Final Report**

Ms. Inman, Project and Planning Manager for DRPT, thanked the HRTPO Board for the opportunity to present the Hampton Roads Regional Transit Vision Plan Final Report, a report that emphasizes public transportation. She explained the plan goals and remarked that part one of the planning process took place in 2008 – 2009 with the compilation of local and regional transit studies and initial corridor analyses. Part two of the planning process from 2009 – 2010 was more extensive in nature and included locality site visits, coordination with local planners, land use and market analysis, capital cost estimates, ridership forecast, and public outreach.

She indicated that land use patterns will dictate how transit connections within the area will be determined. Ideal transit-orientated development would include a mix of commercial and residential aspects with moderate to high density, a safe and comfortable pedestrian environment, with efficient transportation options.

Ms. Inman introduced Ms. Meredith Judy of Rhodeside and Harwell, to brief the HRTPO Board on the Vision Plan recommendations. Ms. Judy stated the five modes of rapid transit recommended in the plan are:

- Light Rail Transit (LRT)
- Bus Rapid Transit (BRT) operating in its own designated right-of-way
- High-Speed Ferry
- Modern Streetcar
- Commuter Rail

These modes were recommended based on corridor evaluations utilizing land use planning, capital costs, ridership ranges, regional economic impact assessment, and their contribution to the transit network and multi-modal connectivity.

Ms. Judy presented several map slides that illustrated the vision plan recommendations and modes of transit in Hampton Roads for the years 2025, 2035, and beyond. Future re-evaluation of the draft recommendations would be to:

- Develop a multi-jurisdictional vision for transit, TOD, and funding/implementation mechanisms
- Revise local zoning codes to allow and encourage TOD growth patterns
- Offer financial incentives to promote TOD
- Offer non-financial incentives to promote TOD

Express and Enhanced Bus Service would be included as part of the vision plan in order to provide service to lower population densities or limited TOD potential, provide links between LRT, BRT, streetcar, and commuter rail corridors, and interim transit connections prior to fixed-guideway construction.

Ms. Judy concluded, stating more project materials are available for review online at [www.drpt.virginia.gov](http://www.drpt.virginia.gov).

Mayor Fraim Moved to approve the Hampton Roads Regional Transit Vision Plan: Final Report and HRTPO Board Resolution 2011-02 in support of the plan; seconded by Mr. Clark.

Mr. Shucet expressed his appreciation to DRPT and its leadership in preparing the Transit Vision Plan and stated there is a need to increase the awareness and benefits of public transportation. He noted that more people drive to work alone now than in 1990 and only three percent utilize public transportation.

Mayor Hunt commented the plan did not contain any references to the area's military installations which may be one reason the figures regarding single drivers are high. Chairman Sessoms stated that Oceana was included in the light rail portion of the plan. Ms. Inman acknowledged there were only bus connections on the Peninsula.

Regarding the motion on the floor, the vote was taken. The Motion Carried.

(Mr. Shepperd departs)

### **High-Speed and Intercity Passenger Rail: Status Report**

Mr. Farmer stated the HRTPO Board, at the February 2011 Retreat, directed him to attend to the following:

- Change the boundaries of the High-speed rail project from “Hampton Roads to Washington D.C.” to “Hampton Roads to Richmond” only.
- Work with the Consultant to develop a get-ready scope of work.
- Work with Ms. Drake and the Virginia Department of Rail and Public Transportation (DRPT) to address their concerns.

Mr. Farmer explained he had met with the Consultant, and to avoid duplicating efforts and any appearance of competitiveness, the boundaries of the project are now from Hampton Roads to Richmond. A get-ready scope of work will be developed and he stated Ms. Drake was in attendance today to inform the Board of DRPT’s efforts, concerns, and thoughts regarding high-speed and intercity passenger rail. He then introduced Ms. Drake, Director of DRPT.

Ms. Drake expressed her appreciation to the HRTPO in having her at the meeting to speak on behalf of public transportation. Ms. Drake explained DRPT currently has plans for 79 mph conventional passenger rail from the Norfolk Harbor Park through Petersburg, up to Richmond and Boston, same seat. In January 2010, the Commonwealth of Virginia received an award for high-speed rail funding and the public incorrectly assumed the speeds for high-speed rail would range from 150-250 mph. She acknowledged the perceived definitions of passenger rail have caused much confusion; however, the Federal Railroad Administration (FRA) has begun to associate new vocabulary with the different passenger rail services, including:

- Conventional Passenger Rail: 79 mph service
- Emerging High-speed Passenger Rail: 90-110 mph service
- Core Express High-speed Passenger Rail: 150-250 mph service

Ms. Drake stated the conventional passenger rail service has a start up cost of \$100 million and DRPT has the approval of the General Assembly and the CTB with the majority of the money in hand. She noted DRPT is under contract with Norfolk Southern who will begin work in the near future with service beginning most likely in 2013.

The emerging high-speed passenger rail Tier I was submitted by DRPT in December 2010 and to increase speeds to 90 mph it will cost \$475 million with an additional \$68 – \$100 million for 110 mph. Time savings between 79 mph conventional passenger rail and 90 mph emerging high-speed passenger rail is three minutes in service which increases to eight minutes with 100 mph service.

She commented that Amtrak has outlined its vision plan for the Northeast Corridor of approximately 400 miles, with speeds of 220 mph and a time frame for implementation of

25 years and a cost of \$118 billion. She indicated the FRA had not contacted Amtrak regarding the plan.

Ms. Drake stated there is still much uncertainty with federal spending. At the federal level, the House of Representatives position regarding high-speed rail funding is that it should be recalled. The Senate position is it should remain where it is and even increased by a billion dollars. She indicated that if the Federal Government is truly serious about high-speed rail projects, there needs to be a financial commitment and regulations must be waived to allow the projects to be brought to fruition.

Currently, passenger rail service in the United States is co-mingled on the freight line; owned by freight railroad lines. The railroad companies set the speeds and determine the capacity of how many trains can go on the line. The Virginia State Constitution does not allow a transit agency to own a railroad and that may become an issue as DRPT moves forward with a vision or a high-speed rail plan. She noted that perhaps a legislative change will be needed at some point in the future. She believes there should be a national and Virginia policy with regards to rail.

Ms. Drake explained it was difficult for DRPT to negotiate with CSX to obtain one train slot to utilize on its North-South route to Petersburg. One issue at hand is the Appomattox River Bridge, which is a large choke point on the CSX line because two tracks lead into one at the bridge.

Ms. Drake stated DRPT has three emerging high-speed rail projects in development: Washington, D.C. to Richmond Main Street, Richmond Main Street to Raleigh, NC, and Hampton Roads to Washington, D.C. She expressed her frustration regarding the time frames involved with passenger rail, citing that FRA has not contacted her regarding the Hampton Roads to Washington, D.C. project or an eleven mile smaller project in Richmond. She noted that once contact is established, the environmental process will encompass an eight year span.

In conclusion, Ms. Drake commented that the DRPT Lynchburg service is less than a year and half old and has already tripled its ridership predictions. It is the best running passenger state-sponsored rail in the Amtrak system and DRPT earned initial revenue this year to use towards future projects. She thanked the HRTPO Board for the opportunity to attend and explain the facts and procedures regarding passenger rail service.

Senator John Miller asked if there would be expanded or improved passenger rail service on the Peninsula. Ms. Drake replied DRPT was working with CSX, Amtrak, and the Newport News City Manager, Mr. Neil Morgan in order to improve the service in Newport News.

Delegate Cosgrove asked why the environmental process was so lengthy. Ms. Drake stated the federal government sets that process, and yet she understands that exceptions have been made and believes it is time for a procedural change.

Delegate Cosgrove agreed with Ms. Drake regarding the need to change the regulations especially due to the fact that existing track and right-of-way will still be utilized.

Senator Yvonne Miller stated that with so many attractions in Hampton Roads, high-speed passenger rail could be profitable; however, she expressed her concern that it has not progressed as quickly as it should. She noted that to maintain the military's presence in the area, high-speed rail will become a necessity. She suggested the HRTPO work with DRPT in order to assist both in obtaining their goals. Ms. Drake stated the military is enthusiastic that DRPT will be implementing passenger rail from Norfolk to Richmond and then up to Washington, D.C. Passengers who board in Norfolk at 5:00 a.m. could expect to be at the Pentagon by 9:30 a.m. after catching the Metro in Alexandria where passengers would disembark the train.

(Mr. Rilee departs)

Senator Yvonne Miller commented that DRPT has a good plan, but believes more will be required of Hampton Roads in the future. Ms. Drake stated in the future, it may be possible to travel from New York or Washington, D.C. to the Virginia Beach Oceanfront which would be a tourism boom.

Mr. Farmer remarked that one of the recommendations from the HRTPO Retreat follows the vein of what Senator Yvonne Miller has indicated; to monitor, with DRPT, where the federal program is heading with regards to rail, and how and when the HRTPO can apply for funds. He stated once the federal program is defined, he hopes the HRTPO, as advised from DRPT, will be able to advance to and through the Tier II process.

Ms. Drake stated she was unsure of the HRTPO's time frame and reminded the Board that it must go through the Tier I process first.

Mr. Shucet expressed his concern that the FRA had not contacted DRPT regarding the awarded funding and stated Hampton Roads should work to change the lengthy time frames involved in the process.

Senator Yvonne Miller Moved to authorize the Executive Director to continue the work with the high-speed rail consultant to evaluate the status of federal programs, work in harmony with DRPT regarding its efforts, and craft a scope of work that is responsive to the federal program and not duplicate DRPT's efforts; seconded by Mr. Florin.

Delegate Cosgrove asked who would receive Florida's \$2.2 billion since the state decided not to pursue high-speed rail. Ms. Drake replied applications are currently being accepted for the funding with a deadline of April 14th. A portion of the funding is 100 percent federal money while the other is an 80/20 percent match with DRPT seeking funding from the latter.

Regarding the motion on the floor, the vote was taken. The Motion Carried.

### **HRTPO Board Action Items: Three Month Tentative Schedule**

Chairman Sessoms outlined the three month summary of upcoming action items in the HRTPO agenda. Mr. Heuer asked that the VDOT Six-Year Improvement Plan Public Meeting

on April 26th at 6:00 p.m. in The Regional Building Boardroom be added to the schedule. Chairman Sessoms acknowledged Mr. Heuer's request.

### **Correspondence of Interest**

Chairman Sessoms highlighted the items in the Correspondence of Interest section of the Agenda packet.

### **For Your Information**

Chairman Sessoms noted the items in the For Your Information section of the Agenda packet.

### **Old/New Business**

Mr. Harrison stated the Citizen Transportation Advisory Committee (CTAC) Bylaws require the HRTPO Board to appoint CTAC members. Initially, CTAC members were appointed on staggered terms; therefore, Mr. Harrison requested a motion to approve a second term of three years for those CTAC members who were originally appointed for only one year.

Sharyn Fox	City of Newport News
Randy Lassiter	City of Norfolk
Archie Whitehill	City of Norfolk
Richard Green	City of Suffolk
John Malbon	City of Virginia Beach
Ray Taylor	City of Virginia Beach

He also asked the HRTPO Board to authorize HRTPO staff to work with the appropriate members of the Board to fill positions on the CTAC that are vacant.

Mr. Clark Moved to approve second terms of three years each for the six named CTAC members; seconded by Mayor Johnson. The Motion Carried.

Delegate Cosgrove expressed his surprise that it was necessary for a CTB member to address the HRTPO Board during the public comment period rather than allotting special time for them. Chairman Sessoms stated he agreed with Delegate Cosgrove and suggested CTB members be added to the table at future HRTPO Meetings.

### **Adjournment**

With no further business to come before the Hampton Roads TPO, the meeting adjourned at 12:14 p.m.

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William D. Sessoms, Jr.  
Chairman

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Dwight L. Farmer  
Executive Director/Secretary

**AGENDA ITEM #10: OLD/NEW BUSINESS**

**AGENDA ITEM #11: ADJOURNMENT**