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April 25, 2005

The Honorable William Neal Cassidy, Chair  
Lexington Area Metropolitan Planning Organization  
200 E. Main Street, 10<sup>th</sup> Floor  
Lexington, KY 40507

**Subject: 2005 Federal Certification of the Lexington Area Planning Process**

Dear Judge Cassidy:

As you are aware, the enactment of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) retained and reinforced the requirements for the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to review and certify the planning processes for large Metropolitan Planning Organizations (MPOs) at least every three years. Past FHWA/FTA certification actions on the Lexington Area MPO were reflected in reports that were finalized in April 1996, June 1999, and April 2002.

The recent "Round 4" review of the Lexington Area MPO's planning process relied largely upon a site visit conducted by representatives from the FHWA and FTA from February 1-3, 2005. Significant time was spent with staff from the MPO, the Kentucky Transportation Cabinet (KYTC), the Lexington Transit Administration (LEXTRAN), and representatives from MPO committees to discuss the current status of the MPO's "3-C" planning process. In addition to assessing the MPO's progress in addressing findings from prior certification reviews, the recent site visit focused on the MPO's current and/or future implementation of new and revised metropolitan transportation planning requirement that resulted for the enactment of TEA-21.

Enclosed for your consideration is the *2005 Certification Review Report* for the Lexington Area Metropolitan Planning Organization. This report documents the various components of the recent FHWA/FTA certification review of Lexington Area Metropolitan Planning Organization. The report provides an overview of the Lexington Area Metropolitan Planning Organization's certification process; summarizes the various discussions from the recent site visit; provides a series of review findings; and issues the joint FHWA/FTA certification action.

In general, the "Round 4" review determined the continued existence of a "3-C" metropolitan transportation planning process that satisfies the provision of 23 U.S.C. 134, 49 U.S. C. 1607 and associated Federal requirements. The certification review team noted significant improvements and two noteworthy practices in the Lexington Area MPO planning process. The certification

review Team also identified a number of recommendations and eleven corrective actions for the MPO to improve the current process.

Based on overall findings, FHWA and FTA hereby certify the Lexington Area MPO's planning process. This report has been transmitted concurrently to the MPO and the KYTC. A representative from our office is scheduled to formally present the review findings and the FHWA/FTA certification action at the June 2005 MPO Policy Board meeting.

The MPO certification review is one of several methods employed by the FHWA and the FTA to monitor and assess the outcomes of the metropolitan transportation planning process. Other methods include the review and approval of the MPO's Unified Planning Work Program; review of the MPO's Long-Range Transportation Plan; issuance of the Federal finding that the MPO's Transportation Improvement Program resulted from a continuing, cooperative and comprehensive process; and periodic meeting attendance.

If you have any questions regarding the certification review process and/or the MPO Certification Review Report, please contact Ms. Bernadette Dupont at (502) 223-6729.

Sincerely,

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Jose Sepulveda  
Division Administrator  
Federal Highway Administration

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Hiram J. Walker  
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Enclosure

cc: Henrika Buchanan-Smith, FTA-R4  
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### Preface

The landmark Intermodal Surface Transportation Assistance Act of 1991 (ISTEA) put the Metropolitan Planning Organizations (MPOs) on a more level footing with state Departments of Transportation. It doubled the federal funding for MPOs, expanded their horizons to include multimodal solutions to congestion problems, broadened the requirement for public involvement, and required that the MPO plans and programs be fiscally constrained.

In keeping with the new federal role, ISTEA included new provisions to help assure that Federal regulations were indeed being met, and the requirement for a joint FHWA/FTA certification of the transportation planning process in Transportation Management Areas (TMAs) was introduced. The Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) continues this proactive Federal certification requirement. The TEA-21 provisions are codified in sections 134 of 23 U.S.C., and 1607 of 49 U.S.C. Regulations implementing these requirements are included in 23 CFR 450.

One of these requirements, outlined in Section 450.334, calls for Federal agencies to review and certify, at least every three years, that the transportation planning process of MPOs designated as TMAs, is in compliance with the TEA-21 requirements. This review, coupled with routine oversight mechanisms, provides an opportunity to assess the progress being made toward these goals.

As a result of this review, FHWA and FTA may take one of four actions as appropriate:

1. Jointly certify the transportation planning process;
2. Jointly certify the transportation planning process subject to certain specified corrective actions being taken; or
3. Jointly certify the transportation planning process as the basis for approval of only those categories of programs or projects that the Administrators may jointly determine and subject to certain specified corrective actions being taken; or
4. Withhold capital funds or approval of all or certain categories of projects until full, joint certification is attained, at which point all funds withheld will be restored unless they have lapsed.

### Executive Summary

The overall 3-C planning process for the Lexington urbanized area was found to be satisfactory. The Lexington Area Metropolitan Planning Organization (LAMPO) has demonstrated its understanding of the TEA-21 requirements. LAMPO received two commendations. However, eleven Corrective Actions and eight opportunities for enhancement of the 3-C process were identified and are reflected in Section VI of this report.

LAMPO's transportation planning process is found to comply with the requirements of 23 USC 134 and other applicable requirements of Federal law including 23 CFR 450. **Based upon these findings, the Certification Review Team recommends that the planning process for the Lexington, Kentucky TMA be jointly certified subject to the following Corrective Actions:**

#### **Corrective Actions to be completed by May 31, 2005:**

1. Before additional transit funds can be approved for LexTran, it is required that immediate action must be taken to include transit planning in the LRTP. The following items must be included for transit:
  - a. Transit plan projected until 2030
  - b. Financial forecast
  - c. A listing of all 5307, 5309 (discretionary funds), and 5310 funds and all centers and facilities planned for the transit system. [23 CFR 450.322 \(2\) and \(11\)](#)

#### **Corrective Actions to be incorporated into the next UPWP by June 30, 2005:**

2. The Prospectus needs to be updated to outline the responsibilities of all MPO partners. [23 CFR 450.314 \(c\)](#)
3. A work item should be included to develop a way of evaluating the effectiveness of the Public Involvement Plan (PIP), and to document in the PIP how LAMPO is reaching out to the traditionally underserved segments of the populations. [23 CFR 450.316\(b\)\(1\)](#) and [23 CFR 450.316 \(b\) \(1\) \(vi\)](#)
4. The UPWP should include a timeline and indicate who the responsible party is for each task. [23 CFR 314 \(a\) \(1\)](#).
5. Various elements of an effective Congestion Management System have been developed over the past several years, but these elements have not been fully integrated into a system that can assist in the prioritization of projects and the management of new and existing transportation facilities. Full integration should be made a priority. [23 CFR part 500](#)

#### **Corrective Actions to be incorporated into the next TIP by September 17, 2006:**

6. The current TIP does not adequately identify the criteria and processes for prioritizing implementation of plan elements for inclusion in the TIP and any changes in priorities from previous TIPs. [23 CFR 450.324 \(n\)\(1\)](#)

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7. The current TIP and LRTP do not fully comply with the regulation which requires that "...a summary, analysis, and report on the disposition of comments shall be made part of the final plan and TIP..." [23 CFR 450.316 \(b\) \(1\) \(vii\)](#)
8. The current TIP does not include sufficient descriptive material to identify the project or phase. (e.g. widen "n" lanes, or Bicycle/Pedestrian facility) [23 CFR 450.324 \(g\)](#).
9. It is required that a formalized process be determined for modification of the TIP (e.g. what triggers an amendment) [23 CFR 450.326](#).

### **Corrective Actions to be incorporated into the next LRTP by September 17, 2007:**

10. It is required that the LRTP contain a financial plan that documents "the consistency of proposed transportation investments with already available and projected sources of revenue". It is suggested that projected income not be flat-lined, but rather that an analysis be done on historical trends. [23 CFR 450.322 \(b\) \(11\)](#)
11. It is required that the MPO assess capital investment and other measures necessary to preserve the existing transportation system (including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit facilities) and make the most efficient use of existing transportation facilities to relieve vehicular congestions and enhance the mobility of people and goods. [23 CFR 450.322 \(b\) \(5\)](#).

In addition to the corrective actions the Lexington Area MPO received three commendations, and nine recommendations.

#### **Commendations:**

1. LAMPO and LexTran are commended for the outreach efforts that led to the passing of a tax referendum that created a dedicated funding source for transit.
2. LAMPO is commended for their utilization of new tools (i.e. raffle) and new locations (i.e. Bookstore) to improve participation at public meetings.
3. LAMPO is commended for hiring a transit planner to develop a transit model.

#### **Recommendations:**

1. Expand the TPC to include all modes of transportation as recommended in [23 CFR 450.306 \(h\) \(i\)](#). It states, "Where agencies that operate other major modes of transportation do not already have a voice on existing MPOs, the MPOs (in cooperation with the States) are encouraged to provide such agencies a voice in the decision making process, including representation/membership on the policy body and/or other appropriate committees.
2. Although there are many positive aspects of mingling both MPO and LFUCG planning

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functions, it is strongly suggested that the MPO establish a separate identity from the LFUCG. The MPO's role is to present a regional view (Fayette and Jessamine Counties) as opposed to LFUCG, which focuses on the Fayette County area. It is suggested that the prospectus or MOU be utilized to help layout the groundwork.

This can be accomplished in a variety of ways, one suggestion is to establish an independent website. It is recommended that the new website also include an interactive page in which the public can submit comments on planning documents and procedures.

3. Expand the freight section in the LRTP. It is suggested that the MPO utilize FHWA's Freight Analysis Framework System and Reebie data when it is made available to the Kentucky MPO's by the Kentucky Transportation Cabinet.
4. Develop a Bicycle network and funding plan. Investigate funding alternatives for maintaining the Bicycle/Pedestrian Coordinator position. LAMPO should also establish a system to more fully access the entire Region for work as well as recreational travel.
5. It is recommended that the task of "Updating the ITS architecture" be included once every two years in the annual UPWP.
6. After development of the project prioritization process, it is suggested that an evaluation process be developed and implemented through the TTCC and TPC.
7. It is recommended that one person be assigned the responsibility for public involvement to ensure that public involvement is consistent for all efforts. This would provide enhanced public involvement and consideration of community input in all planning activities.
8. It is important that the public know where to file a formal Title VI complaint if so desired. The procedures for doing so should be included in the planning documentation. It is recommended that these procedures be included in the annual UPWP to provide annual review.

The following sections of this report contain a discussion of the items reviewed, the issues discussed, and the actions made for enhancing the process, where appropriate.

## I. Introduction

Federal agencies review and certify, at least every three years, that the transportation planning process of MPOs designated as TMAs, is in compliance with the TEA-21 requirements. The FHWA and FTA field staff stay informed of current planning activities, plans, and projects through periodic discussions, monitoring and reviewing of LAMPO's Unified Planning Work Program (UPWP), Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP) and other required reports. They monitor those planning activities to ensure that they are based on a continuing and comprehensive transportation planning process carried on cooperatively by LAMPO, KYTC and LEXTRAN. In addition, the Kentucky Division Office of FHWA regularly attends technical and policy board meetings as a means of providing technical assistance to the MPO and monitoring of the planning process. The certification review, coupled with routine oversight mechanisms, provides an opportunity to assess the progress being made in the MPO planning process.

On February 1-3, 2004 the formal certification review of the transportation planning process was conducted for the Lexington, Kentucky TMA. The review team consisted of representatives from the Kentucky Division of FHWA in Frankfort, KY, the Tennessee Division of FHWA in Nashville, TN, and Region 4 of FTA, in Atlanta, GA.

The review consisted of three major components:

- a Desk Review conducted Tuesday, January 4, 2005,
- a On-Site Review from February 1- 3, 2005, and
- a Public Meeting on Tuesday evening, February 1, 2005.

A discussion of these components follows. The notification letter from FHWA to LAMPO dated January 7, 2005 is attached to this report as Appendix A. The Agenda for the On-Site Review is attached as Appendix B.

## II. Desk Review

The desk review for the Lexington review was conducted on Tuesday, January 4, 2005. The following individuals participated:

### **Federal Highway Administration**

Bernadette Dupont – Planning Engineer & Air Quality Specialist, Kentucky Division  
Theresa Hutchins –Planning & Air Quality Specialist, Tennessee Division

### **Federal Transit Administration Region V Office**

Henrika Buchanan-Smith - Community Planner

The review consisted of discussing LAMPO's current major transportation planning products, i.e., UPWP, LRTP, TIP, Public Involvement Plan (PIP), and Congestion Management System (CMS), in addition to the Federal Review Team's collective knowledge of the planning issues in the area. Based upon these discussions, the Federal Review Team determined that the Planning Certification

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Review would focus on the following items:

- Status of recommendations from previous certification reviews
- Utilization of the Congestion Management System
- The Transportation Plan update/amendment process
- Transit Planning
- Consideration of Title VI/Public Involvement

The notification letter from FHWA to LAMPO dated January 7, 2005 containing the Findings of the Desk Review is attached as Appendix A.

### **III. On-Site Review**

The On-Site Review portion of the review took place on February 1-3, 2005 at the LAMPO office. The Federal Review Team consisted of the following individuals:

#### **Federal Highway Administration**

Bernadette Dupont – Planning Engineer & Air Quality Specialist, Kentucky Division  
Theresa Hutchins – Planning & Air Quality Specialist, Tennessee Division  
Glenn Jilek – Planning Team Leader, Kentucky Division  
Michael Loyselle – Area Engineer, Kentucky Division  
Greg Rawlings – Community Planner, Kentucky Division  
Shirley Scott – Civil Rights Coordinator, Kentucky Division

#### **Federal Transit Administration Region V Office**

Henrika Buchanan-Smith - Community Planner

Messrs. Chris King, Director of Planning and Max Conyers, Transportation Planning Manager, were present during all discussions of the On-Site Review as were representatives from the Kentucky Transportation Cabinet (KYTC). Attendance sheets for the review dates are attached to this report as Appendix B. The Planning Certification Review agenda for the On-Site Review is attached to the file copy of this report as Appendix C. A summary of the most important issues discussed during the On-Site Review follows in Section VI, Findings and Actions.

## IV. Findings and Actions

*Findings* are statements of fact that define the conditions found during the data-gathering phase of the review. They are the conclusions resulting from the review that establish the basis for the corrective actions, recommendations, and commendations contained in the certification report. Corrective actions and recommendations describe what needs to be done and are the primary vehicles by which FHWA and FTA convey the need for improvement and change. **Corrective Action** indicates that a serious situation exists that does not meet one or more requirements of the transportation planning laws and regulations. **Recommendations** address technical improvements to processes and procedures that would enhance the process, but are not specifically required in law. The expected outcome of a Corrective Action is change that brings the metropolitan planning process into compliance with a law or regulation. The expected outcome of a recommendation is also change that would improve the process, but there is no Federal mandate. **Commendations** recognize noteworthy practices that help build good relations with the area under review and also provide a way to identify and share good practices with others.

### A. Review of 2002 Certification Findings.

1. **Corrective Action:** In accordance with 23 CFR 450, the planning process must be cooperative. The MPO needs to resolve the issues of cooperation between the Lexington Fayette Urban County Government (LFUCG) and Jessamine County. A first step in accomplishing this could be to have a meeting of upper level representatives of the major MPO partners. If the MPO so desires, FHWA and FTA would make personnel available to facilitate such a meeting. FHWA and FTA requests that the MPO develop a plan to resolve this issue of cooperation and submit it to the review team by July 1, 2002. FHWA and FTA will continue to monitor progress on the issue of cooperation and take appropriate action on periodic planning findings.

*This corrective action was addressed. The meeting times for the MPO Policy Board were changed so that they did not follow the LFUCG meetings. Two meeting per year are now held at the Jessamine County Courthouse and the Jessamine County Judge Executive is now serving as Chair of the Policy Board.*

2. **Corrective Action:** The current Transportation Improvement Program (TIP) does not comply with 23 CFR 450.324 (f)(1) which states that the TIP shall include a list of all major projects from the previous TIP that were implemented and identify any significant delays in the planned implementation of major projects. The next TIP update should include this list.

*This corrective action was addressed. A list of completed projects from previous TIP is included in the 2005-2008 TIP.*

3. **Corrective Action:** The current TIP does not comply with 23 CFR 450.324 (n)(1) which states that the TIP shall identify the criteria and processes for prioritizing implementation of plan elements for inclusion in the TIP and any changes in priorities from previous TIPs. The next TIP update should include these criteria and processes.

*This corrective action was not addressed. The current TIP does not comply with 23 CFR 450.324 (n)(1) which states that the TIP shall **identify the criteria and processes for prioritizing implementation of plan elements for inclusion in the TIP and any changes in***

*priorities from previous TIPs.*

4. **Corrective Action:** The current Public Involvement Plan has not been updated in many years. In accordance with 23 CFR 450.316(b)(1) the Public Involvement Plan needs to be regularly reviewed and updated. It should also include a methodology for evaluating the effectiveness of the areas public involvement process. This should be included as an element in the next Unified Planning Work Program (UPWP).

***This corrective action was not addressed.*** *Public Involvement Plan does not comply with 23 CFR 450.316 (b) (1) (ix) and needs to include measures of effectiveness.*

5. **Corrective Action:** The current TIP and Transportation Plan do not contain a summary, analysis, and report on the disposition of significant written and oral comments as required by 23 CFR 450.316(b)(1)(vii).

***This corrective action was not addressed fully.*** *Although some effort has been made to address this corrective action, it has not been fully addressed. The current TIP and LRTP do not comply with 23 CFR 450.316 (b) (1) (vii), which requires that "...a summary, analysis, and report on the disposition of comments shall be made part of the final plan and TIP." Currently there is nothing in the TIP and only a summary in the LRTP.*

6. **Corrective Action:** The MPO has an element in the FY2002 UPWP to assist in the update of the ITS Strategic Deployment Plan that will include an updated regional architecture. To ensure a fully integrated regional ITS, as required in the ITS Architecture and Standards rule (January 8, 2001), the MPO should include and consider all potential stakeholders in the development of the updated regional architecture.

***This corrective action was addressed.*** The ITS Architecture is in place and has been adopted by the MPO Policy Board at their meeting held on March 23, 2005.

7. **Corrective Action:** In accordance with 23 CFR 450.310 (f), when the metropolitan planning area does not include the entire nonattainment or maintenance area, there needs to be an agreement among the:

- State Department of Transportation (KYTC),
- State Air Quality Agency (DAQ),
- affected local agencies, and the
- MPO

describing the process for cooperative planning and analysis of all projects outside the metropolitan planning area but within the non-attainment or maintenance area. This agreement is used for the purposes of determining conformity.

***This corrective action was not addressed.*** *Although this area will hopefully soon be an attainment area for all criteria pollutants, it is none the less still a maintenance area and will remain so until June 15, 2005 and fails to comply with 23 CFR 450.310 (f). Therefore, an agreement must be written describing the process for cooperative planning and analysis of all projects outside the metropolitan planning area but within the non-attainment or maintenance area. This corrective action was also listed in the 1996 Certification Review.*

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### B. Review of MPO Structure

**Findings:** The Lexington Area MPO (LAMPO) is composed of two counties, Fayette and Jessamine. Collectively, the two counties have an estimated 2000 population of 299,553 residents (260,512 residents in Fayette and 39,041 residents in Jessamine), and constitute a land area of approximately 457 square miles (284 square miles in Lexington, and 173 square miles in Jessamine). There is one Metropolitan Statistical Areas (MSA) in the LAMPO region:

- The Lexington MSA, which includes Bourbon, Clark, Fayette, Jessamine, Madison (micropolitan area), Scott, and Woodford counties had a 2000 US Census population of 479,198.

The Policy Board consists of 11 voting members, representing the City of Lexington, City of Wilmore and the City of Nicholasville. Each board member has one vote and a weighted vote system is not used.

The MPO has a number of designated advisory committees (Air Quality Advisory Committee (AQAC), Bicycle & Pedestrian Advisory Committee (BPAC), Congestion Management Committee, Transportation Technical Coordinating Committee (TTCC), charged with developing and reviewing technical aspects of transportation and environmental planning, and in turn, advising the Policy Board.

All other committees are considered "ad hoc" even though they may be expected to operate indefinitely. Ad hoc committees are established when LAMPO determines a need based on input from their wide variety of partners. The need for such committees is determined by monitoring what goes on in the Region and may be initiated in response to activities by their members.

The organizational structure of LAMPO's staff consists of a MPO Director, and five planners and a mobility coordinator. LAMPO is housed in the offices of the Lexington Fayette Urban County Government and the two organizations share some planning functions (transportation and land use).

**Corrective Action:** The Prospectus needs to be updated to outline the responsibilities of all MPO partners. [23 CFR 450.314 \(c\)](#)

**Recommendation:** Expand the TCC to include all modes of transportation as recommended in 23 CFR 450.306 (h) (i). It states, "Where agencies that operate other major modes of transportation do not already have a voice on existing MPOs, the MPOs (in cooperation with the States) are encouraged to provide such agencies a voice in the decision making process, including representation/membership on the policy body and/or other appropriate committees.

**Recommendation:** Although there are many positive aspects of mingling both MPO and

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LFUCG planning functions, it is strongly suggested that the MPO establish a separate identity from the LFUCG. The MPOs role is to present a regional view (Fayette and Jessamine Counties) as opposed to LFUCG, which focuses on the Fayette County area. It is suggested that the prospectus or MOU be utilized to help layout the groundwork.

This can be accomplished in a variety of ways, one suggestion is to establish an independent website. It is recommended that the new website also include an interactive page in which the public can submit comments on planning documents and procedures.

### C. Review of UPWP

**Finding:** LAMPO develops a Unified Planning Work Program (UPWP) on an annual basis. LAMPO, the Kentucky Transportation Cabinet (KYTC) and LexTran work together to produce a UPWP. The UPWP discusses and documents planning activities to be performed with funds provided under title 23, United States Code (USC) and the Federal Transit Act. The UPWP then goes to the MPO Technical and Policy Committees for review and comment. The Policy Committee is ultimately responsible for approving the document.

The review team noted one deficiency in the UPWP.

**Corrective Action:** 23 CFR 450.314 (a) (1) requires that the UPWP include a timeline and indicate who the responsible party is for each task.

### D. Review of TIP

**Finding:** LAMPO 2005-2007 Transportation Improvement Program (TIP) is fiscally constrained and covers a three-year period. LAMPO, KYTC and LexTran worked together to produce the TIP. LAMPO is an air quality maintenance area and therefore the TIP is updated once every two years.

When reviewing the corrective actions from 2002, it was determined that the TIP and LRTP did not fully address the 2002 Corrective Action concerning disposition of significant written and oral comments in the TIP and LRTP. Although, it was determined that a summary of the comments, without analysis, had been included in the LRTP, the TIP did not address this corrective action at all.

**Corrective Action:** The current TIP and LRTP do not fully comply with the regulation which requires that "...a summary, analysis, and report on the disposition of significant written and oral comments shall be made part of the final TIP and LRTP..." [23 CFR 450.316\(b\)\(1\)\(vii\)](#). **This 2002 corrective action was not addressed fully.**

**Corrective Action:** The current TIP does not include sufficient descriptive material to identify the project or phase (e.g. widen "n" lanes, or Bicycle/Pedestrian facility). [23 CFR 450.324 \(g\)](#)

**Corrective Action:** It is required that a formalized process be determined for

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modification of the TIP. [23 CFR 450.326](#)

### E. Review of LRTP

**Finding:** LAMPO developed a 2004-2030 Long Range Transportation Plan (LRTP) that covers a 25-year horizon. The Policy Board adopted the current 2030 LRTP on June 4, 2004. The LRTP is updated at least every three years to confirm its validity and to extend the forecast period.

After reviewing the process for developing the 2004-2030 LRTP, the team noted two deficiencies that need to be corrected.

**Corrective Action:** It is required that the LRTP contain a financial plan that documents “the consistency of proposed transportation investments with already available and projected sources of revenue”. It is suggested that projected income not be flat-lined, but rather that an analysis be done on historical trends. [23 CFR 450.322 \(b\) \(11\)](#)

**Corrective Action:** It is required that the MPO assess capital investment and other measures necessary to preserve the existing transportation system (including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit facilities) and make the most efficient use of existing transportation facilities to relieve vehicular congestions and enhance the mobility of people and goods. [23 CFR 450.322 \(b\) \(5\)](#)

**Recommendation:** Expand the freight section in the LRTP. It is suggested that the MPO utilize REBI data and the FHWA’s FAF system.

### F. Review of TDF Model

**Finding:** LAMPO’s travel demand forecasting model (TDF) is a TRANSCAD model adopted in 2003. Fayette County is currently in a 1-hr Ozone maintenance area with Scott County. The State maintains a separate TRANSCAD model for Scott County. The MPO planning boundaries include both Fayette and Jessamine counties, but Jessamine is not part of the maintenance area. As a result, VMT are separated by county in the travel demand forecasting model (TDF). The model was validated with the last LRTP update in 2004.

### G. Review of Bicycle/Pedestrian Issues

**Finding:** LAMPO recognizes the increasingly important role of bicycling and walking in creating a balanced, intermodal transportation system. LAMPO has had a leadership role in the past as an advocate for bicycle facilities (Euclid Avenue Road Diet and Richmond Road project).

**Recommendations:** Develop a Bicycle network and funding plan. Investigate funding alternatives for maintaining the Bicycle/Pedestrian Coordinator position. LAMPO

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should also establish a system to more fully access the entire Region for work as well as recreational travel.

### H. Review of Transportation Enhancement Funds

**Finding:** Transportation Enhancement (TE) project applications are submitted each year. LAMPO's FY 2004-2007 TIP has a line item of \$100,000 in transportation enhancement funding for each year of the TIP. One specific project, South Elkhorn Trail in Lexington, has been included for FY 2005. However, final project selection is made by the State, so there is no assurance that the South Elkhorn Trail project, or any TE projects, will be advanced. This is a problem for the bicycle and pedestrian programs as many stakeholders assume that TE funds are intended to be the primary bicycle and pedestrian funding source. Once final project selections are made each year, specific TE projects are added into the TIP and STIP by amendment and the line item for that year is removed.

### I. Review of ITS

**Finding:** LAMPO worked with KYTC to develop an Intelligent Transportation Structure (ITS) architecture. The MPO Policy Board adopted the Bluegrass Intelligent Transportation Systems (BITS) regional architecture at its March 23, 2005 meeting. The completed ITS architecture has been submitted to the State's Traffic Operations Center in Frankfort, KY.

**Recommendations:** It is recommended that the task of "Updating the ITS architecture" be included once every two years in the annual UPWP.

### J. Review of Air Quality

**Finding:** LAMPO's planning boundaries include both Fayette and Jessamine counties. However, EPA does not use planning boundaries to designate non-attainment and maintenance areas for criteria pollutants, they utilize "airsheds". The airshed for the Lexington area includes Fayette and Scott counties. Fayette County and Scott County are currently designated as "attainment with a maintenance plan" for 1-hr Ozone. On June 15, 2005 1-hr Ozone standards will be replaced with 8-hr Ozone standards, and areas designated as non-attainment or maintenance will be dropped from the list. Based on 2001-2004 data the Lexington area will not be listed as a non-attainment area for either 8-hr Ozone or PM<sub>2.5</sub>.

LAMPO has an Air Quality Advisory Committee (AQAC) that consists of a variety of professionals involved with air quality issues. The MPO also has an Ozone Forecasting Model that they have been using for the last 4 years providing early notification to the public, media, and appropriate health care officials,

### K. Review of Congestion Management System

**Finding:** The purpose of a Congestion Management System (CMS) is to have a systematic

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process that provides information on transportation system performance and alternative strategies to alleviate congestion and enhance the mobility of persons and goods. In TMAs it is required that the CMS include methods to monitor and evaluate performance, identify alternative actions, assess and implement cost-effective actions, and evaluate the effectiveness of implemented actions. The CMS should be a major tool in addressing transportation problems in the planning process.

LAMPO's Congestion Management System (CMS) is not fully implemented. LAMPO's existing Congestion Management System (CMS) documentation focuses on travel time and delay studies being used to monitor system performance. The methods described are well written and utilize a good technique. However, this is just one piece of the required CMS. No other performance measures are being used. LAMPO's CMS is not used in conjunction with their Travel Demand Forecasting (TDF) model to prioritize projects, determine congested locations or to compare alternatives.

It is important to note however, that extensive work is underway to update and improve the Congestion Management System (CMS) for the LAMPO area, although it was not complete at the time of the review. It is hoped that the new CMS will be able to demonstrate that the project identification and selection process is enhanced by evaluating roadway performance on several levels: actual travel times as determined through observed travel time on the LAMPO region's CMS network, the application of the LAMPO Regional Travel Demand Forecasting (TDF) Model for existing and future conditions, and a review of potential system management and demand strategies and transportation control measures most applicable for roadway segments identified as substandard in terms of operating conditions.

**Corrective Action:** Various elements of an effective Congestion Management System have been developed over the past several years, but these elements have not been fully integrated into a system that can assist in the prioritization of projects and the management of new and existing transportation facilities. Full integration should be made a priority. [23 CFR part 500](#)

### L. Review of Project Selection Process

**Finding:** The current TIP does not identify the criteria and processes for prioritizing projects. Some time was spent discussing "best practices" and methodologies for accomplishing this task, as it was a Corrective Action in the 2002 Certification review that was not addressed. It was suggested that a systematic approach to ranking projects be utilized and is intended to assist in the selection of capacity-related highway and transit projects for the next LRTP update.

**Corrective Action:** The current TIP does not adequately identify the criteria and processes for prioritizing implementation of plan elements for inclusion in the TIP and any changes in priorities from previous TIPs. [23 CFR 450.324 \(n\)\(1\)](#)

**Recommendation:** After development of the prioritization process, it is suggested that an evaluation process be developed and implemented through the TTCC and TPC.

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### M. Review of the Financial Plan

**Finding:** The overall Financial Plan was fiscally constrained but the Transit Financial Forecast was in a state of flux because of the new Transit Referendum. The new referendum was approved November 2004, and gave \$.06/\$100 of property value for a transit tax. It is anticipated that the new funds will address present needs, and that expansion of the system will be several years down the road.

### N. Review of Transit Planning

**Finding:** There has been recent planning for the expansion of transit services by LexTran; however, the MPOs planning efforts during the development of the LRTP were hindered by a lack of dedicated funding for transit as well as lack of personnel. In November, the transit system was successful in getting a tax levied. However, as a consequence of not previously having a dedicated source of local funding for public transportation, the public transportation planning that was done for the LRTP was inadequate. Although transit was minimally addressed in the long-range plan, the transit element did not include the type of short-term or long-term analysis of the current transit service in the area and planned future transit needs required by the planning regulations.

A new planner has been hired and is currently in the process of developing a long-range transit improvement plan and updating the transit element of the LRTP.

**Commendation:** LAMPO and LexTran are commended for the outreach efforts that led to the passing of a tax referendum that created a dedicated funding source for transit.

**Corrective Actions:** Before additional transit funds can be approved for LexTran, it is required that immediate action must be taken to include transit planning in the LRTP. The following items must be included for transit:

- a. Transit plan projected until 2030
- b. Financial forecast
- c. A listing of all 5307, 5309 (discretionary funds), and 5310 funds  
[23 CFR 450.322 \(2\) and \(11\)](#)

### O. Review of Transit Modeling

**Finding:** LAMPO has recently hired an individual to work with LexTran in developing a transit model. A sample of that work was shared and a complete model is anticipated in the coming months.

**Commendation:** LAMPO is commended for hiring a transit planner to develop a transit model.

### P. Review of the Public Involvement Policy (PIP)

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**Finding:** Public outreach is a mandated core MPO activity that supports the overall metropolitan area transportation planning process and development of all key MPO products. Effective public involvement requires the MPO to seek the early engagement of a wide segment of the population of the region in the regional transportation planning process. It also requires the MPO conduct directed outreach and information efforts to include certain identified populations to meet federal legislation, executive orders, and planning directives. The current Public Involvement Plan has not been updated in many years.

LAMPO has not had a person directly responsible for this activity for the past six months. LAMPO just recently gave direct responsibility for this public involvement to an individual and significant improvements have been made. They are proactively approaching Public Involvement.

**Commendation:** LAMPO is commended for their utilization of new tools (i.e. raffle) and new locations (i.e. Bookstore) to improve participation at public meetings.

**Corrective Action:** A work item should be included to develop a way of evaluating the effectiveness of the Public Involvement Plan (PIP), and to document in the PIP how LAMPO is reaching out to the traditionally underserved segments of the populations. [23 CFR 450.316\(b\)\(1\)](#) and [23 CFR 450.316 \(b\) \(1\) \(vi\)](#)

**Recommendations:** It is recommended that one person be assigned the responsibility for public involvement to ensure that public involvement is consistent for all efforts. This would provide enhanced public involvement and consideration of community input in all planning activities.

### Q. Review of Title VI

**Finding:** Consistent with Title VI of the Civil Rights Act and Executive Order 12898 on Environmental Justice, the MPO has certain outlined responsibilities to ensure the process and outcome of the transportation planning process does not unfairly deprive of benefit, or unduly burden, any person based on race, income, or heritage. Under Title VI, the MPO must develop and implement its policies, procedures, and programs in a manner to ensure that no person is excluded from participating in, denied the benefit of, or subjected to discrimination under any program or activity because of race, color, or national origin. Under Executive Order 12898, the MPO must develop and implement its policies, procedures, and programs so as to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its activities on minority populations and low-income populations.

LAMPO feels that they adhere to Title VI requirements and the staff was able to verbally demonstrate that there was a process in place. However, documentation of those efforts was not available.

1. **Recommendations:** It is important that the public and MPO staff know where to file a formal Title VI complaint if so desired. The procedures for doing so should be included

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in the planning documentation. It is recommended that these procedures be included in the annual UPWP to provide annual review.

### V. Public Meeting Summary

A public meeting was conducted on February 1, 2005 at Lexington Green's Joseph-Beth Bookstore. Advance notices of the Public Meeting were placed in the *Lexington Herald-Leader* newspaper and, the *Jessamine Journal*. Notices written in English and Spanish were placed on the LexTran buses and in the bus terminal. Public outreach for this meeting included: television interviews, media releases, distribution of the notices to all libraries, senior centers, community centers, neighborhood associates, grocery stores, fitness shops, bookstores, government offices and a notice included in the MPO quarterly publication. The notices are attached to the file copy of this report as Appendix E. The meeting was also announced on LAMPO's website. A copy of the meeting notice is included in Appendix D.

Fifty-four people, including representatives from LAMPO (7), the Federal Review Team (4), and KYTC (2) attended this meeting. Seven private citizens made oral comments, three private citizens contacted members of the review team by telephone, and four individuals provided written comments. The majority of the comments concerned transit and methods for improving services (i.e. extended hours, and expanded routes) and there were several comments concerning bicycle and pedestrian route improvements. One individual stated that LAMPO and LexTran had done an admirable job of getting the new Transit Tax Referendum passed. The written comments are attached to the file copy of this report as Appendix F.

### VI. US DOT Certification Action and Follow-Up

A closeout of On-Site Review was held February 3, 2005 following the presentations, discussion, and public meeting. The closeout provided LAMPO, KYTC, and LexTran with a preliminary indication of the Federal Team's impressions of the proceedings and outlined proposed commendations, corrective actions and recommendations. It was agreed that LAMPO would be provided a draft copy of the report to check for accuracy in advance of the final report.

It is the conclusion of the Federal Review Team that LAMPO, KYTC, and LEXTRAN have made adequate efforts to demonstrate their implementation of TEA-21 requirements, as reflected in the "3-C" planning process. Based upon the findings of this review, the Lexington TMA transportation planning process is found to be in compliance with the requirements of the metropolitan planning regulations found in 23 CFR 450 subject to the noted corrective actions. Those present were informed that the Federal Team would recommend that the transportation planning process for the **Lexington TMA be Certified with Corrective Actions. A listing of commendations, recommendations and corrective actions follows. A timeline for completion of each corrective action is also identified.**

#### Commendations:

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1. LAMPO and LexTran are commended for the outreach efforts that led to the passing of a tax referendum that created a dedicated funding source for transit.
2. LAMPO is commended for their utilization of new tools (i.e. raffle) and new locations (i.e. Bookstore) to improve participation at public meetings.
3. LAMPO is commended for hiring a transit planner to develop a transit model.

### Recommendations:

9. Expand the TCC to include all modes of transportation as recommended in 23 CFR 450.306 (h) (i). It states, "Where agencies that operate other major modes of transportation do not already have a voice on existing MPOs, the MPOs (in cooperation with the States) are encouraged to provide such agencies a voice in the decision making process, including representation/membership on the policy body and/or other appropriate committees.
10. Although there are many positive aspects of mingling both MPO and LFUCG planning functions, it is strongly suggested that the MPO establish a separate identity from the LFUCG. The MPOs role is to present a regional view (Fayette and Jessamine Counties) as opposed to LFUCG, which focuses on the Fayette County area. It is suggested that the prospectus or MOU be utilized to help layout the groundwork.

This can be accomplished in a variety of ways, one suggestion is to establish an independent website. It is recommended that the new website also include an interactive page in which the public can submit comments on planning documents and procedures.

11. Expand the freight section in the LRTP. It is suggested that the MPO utilize FHWA's Freight Analysis Framework System and Reebie data when it is made available to the Kentucky MPO's by the Kentucky Transportation Cabinet.
12. Develop a Bicycle network and funding plan. Investigate funding alternatives for maintaining the Bicycle/Pedestrian Coordinator position. LAMPO should also establish a system to more fully access the entire Region for work as well as recreational travel.
13. It is recommended that the task of "Updating the ITS architecture" be included once every two years in the annual UPWP.
14. After development of the project prioritization process, it is suggested that an evaluation process be developed and implemented through the TTCC and TPC.
15. It is recommended that one person be assigned the responsibility for public involvement to ensure that public involvement is consistent for all efforts. This would provide enhanced public involvement and consideration of community input in all planning activities.

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16. It is important that the public know where to file a formal Title VI complaint if so desired. The procedures for doing so should be included in the planning documentation. It is recommended that these procedures be included in the annual UPWP to provide annual review.

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### **Corrective Actions to be completed by May 31, 2005:**

1. Before additional transit funds can be approved for LexTran, it is required that immediate action must be taken to include transit planning in the LRTP. The following items must be included for transit:
  - d. Transit plan projected until 2030
  - e. Financial forecast
  - f. A listing of all 5307, 5309 (discretionary funds), and 5310 funds and all centers and facilities planned for the transit system. [23 CFR 450.322 \(2\) and \(11\)](#)

### **Corrective Actions to be incorporated into the next UPWP by June 30, 2005:**

2. The Prospectus needs to be updated to outline the responsibilities of all MPO partners. [23 CFR 450.314 \(c\)](#)
3. A work item should be included to develop a way of evaluating the effectiveness of the Public Involvement Plan (PIP), and to document in the PIP how LAMPO is reaching out to the traditionally underserved segments of the populations. [23 CFR 450.316\(b\)\(1\)](#) and [23 CFR 450.316 \(b\) \(1\) \(vi\)](#)
4. The UPWP should include a timeline and indicate who the responsible party is for each task. [23 CFR 314 \(a\) \(1\)](#).
5. Various elements of an effective Congestion Management System have been developed over the past several years, but these elements have not been fully integrated into a system that can assist in the prioritization of projects and the management of new and existing transportation facilities. Full integration should be made a priority. [23 CFR part 500](#)

### **Corrective Actions to be incorporated into the next TIP by September 17, 2006:**

6. The current TIP does not adequately identify the criteria and processes for prioritizing implementation of plan elements for inclusion in the TIP and any changes in priorities from previous TIPs. [23 CFR 450 \(n\)\(1\)](#)
7. The current TIP and LRTP do not fully comply with the regulation which requires that "...a summary, analysis, and report on the disposition of comments shall be made part of the final plan and TIP..." [23 CFR 450.316 \(b\) \(1\) \(vii\)](#)
8. The current TIP does not include sufficient descriptive material to identify the project or phase. (e.g. widen "n" lanes, or Bicycle/Pedestrian facility) [23 CFR 450.324 \(g\)](#).
9. It is required that a formalized process be determined for modification of the TIP (e.g. what triggers an amendment) [23 CFR 450.326](#).

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### **Corrective Actions to be incorporated into the next LRTP by September 17, 2007:**

10. It is required that the LRTP contain a financial plan that documents “the consistency of proposed transportation investments with already available and projected sources of revenue”. It is suggested that projected income not be flat-lined, but rather that an analysis be done on historical trends. [23 CFR 450.322 \(b\) \(11\)](#)
  
11. It is required that the MPO assess capital investment and other measures necessary to preserve the existing transportation system (including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit facilities) and make the most efficient use of existing transportation facilities to relieve vehicular congestions and enhance the mobility of people and goods. [23 CFR 450.322 \(b\) \(5\)](#).

This certification remains in effect for three years from the date of the signed report, unless a new certification determination is made sooner. FHWA and FTA will follow-up with LAMPO to determine if the Corrective Action has been resolved. Joint FHWA/FTA actions on future products of the Lexington TMA’s planning process (i.e., approvals of UPWPs, reviews of future LRTP Updates, issuing “3-C” findings on TIPs, and conformity determinations on the LRTP, etc.) will be partially based on the progress made by the TMA’s planning process partners in addressing these Certification Review findings.