

I. INTRODUCTION

On May 29th and 30th, 1996 a team of Federal representatives identified in Appendix 1 conducted a Transportation Planning Certification Review of the metropolitan transportation planning process for the Rhode Island portion of the Providence-Pawtucket Transportation Management Area (TMA). The review was performed at the offices of the Division of Planning, Rhode Island Department of Administration (RIDOA) in Providence, RI. The Division of Planning is staff to the State Planning Council (SPC), the MPO for the Providence metropolitan area. It should be noted that since the SPC is responsible for transportation planning for the entire State and produces a single statewide transportation improvement program (TIP) this certification review covers the transportation planning process for the entire State of Rhode Island.

Appendix 2 is a list of all of the participants of the review. Representatives from RIDOA, the Rhode Island Department of Transportation (RIDOT) and the Rhode Island Public Transit Authority (RIPTA) were present throughout the review. Jamestown Town Administrator who is also Chairperson of the SPC's Transportation Advisory Committee (TAC), participated in the opening session of the review. Representatives from the Rhode Island Department of Environmental Management (RIDEM) participated in the air quality planning/conformity portion of the certification review. As part of the review, separate interview sessions were held with the Manager of the Town of North Kingstown, and the Director of the Governor's Commission on the Handicapped. The Federal team also sought the input of the TAC's members and the public during the regularly scheduled TAC meeting on May 23rd, 1996. In addition to providing comments on the transportation planning process, the public provided comments concerning other transportation related issues such as the project development process. These other issues are reflected in a separate section for informational purposes. Since the Providence-Pawtucket TMA is a bi-state TMA which extends into Massachusetts, a representative from the Southeastern Regional Planning and Economic Development District (SRPEDD, Fall River-New Bedford, MA MPO) also participated in the review.

The agenda for this review can be found in Appendix 3. A separate review of the planning process for the Massachusetts portion of this TMA was conducted on March 20th and 21st, 1996, and a separate finding will be made for that portion of the TMA.

The overall finding of this joint Federal Highway Administration/ Federal Transit Administration planning certification review is that the transportation planning process for the State of Rhode Island (including the Rhode Island portion of the Providence-Pawtucket TMA) meets the requirements of 23 CFR 450 and 49 CFR 613. The process is, therefore, being jointly certified. The Federal team does have several recommendations for process improvements as indicated in Section II of this report.

This review was structured in accordance with the guidance provided with Administrators Linton and Slater's memorandum of April 28, 1994. Specifically, the review was structured around the

six focal points identified by the Administrators as representing priority issues for FHWA and FTA. These focal points are:

- . Public Involvement
- . The Sixteen Factors that the planning process must address
- . Major Transportation Investments
- . Congestion Management System
- . Financially Constrained Plans and TIPs
- . Air Quality Planning/Conformity

In addition to these six areas, the field staff of FHWA and FTA conducted a desk review encompassing all aspects of the metropolitan planning regulations. This desk review was conducted prior to the on-site review and served to identify other important issues which were addressed with the MPO during this certification review. The various documents examined during the desk review, as well as a summary of the review are included in Appendix 4.

In conducting this planning review, the objectives of FHWA and FTA were to determine the extent to which this planning process had followed the April 6, 1992 Interim Guidelines on Metropolitan Planning and to further determine how much progress this MPO had made in implementing the requirements of the final Metropolitan Planning Regulations issued on October 28, 1993. An underlying objective of this planning review was to strengthen this planning process. Ultimately, however, this review served as the basis for FHWA and the FTA to determine the appropriate action to take with regard to certification of this planning process.

II. FINDINGS AND RECOMMENDATIONS FOR STRENGTHENING THE PLANNING PROCESS

The Federal Review Team's findings and recommendations relative to the Rhode Island State Planning Council's planning process are discussed below. In some cases, recommendations are labeled as "Action Required." This does not mean that the Federal team's certification is contingent upon corrective action, but rather, the Federal agencies will be expecting specific compliance problems to be corrected before taking approval actions on specific documents. This section is structured to address each of the major items and focal points as outlined in the previously referenced agenda.

The MPO, Its Structure and Effectiveness

Finding: *The Rhode Island State Planning Council meets the requirements of 23 CFR 450 because it was designated prior to December 18, 1991. Federal regulations encourage MPOs to add the operators of major modes of transportation to the MPO policy board, and to increase the representation of local elected officials. Such additions may be made without a formal redesignation action, though the Federal team recognizes that this would require a change in state legislation.*

The **State Planning Council's** composition is mandated by State law and consists of officials from 6 state executive agencies (the Governor or designee, two from the Department of Administration, State Budget Officer, Governor's Policy Office, Governor's Office of Intergovernmental Relations), 2 state legislators, the Executive Director of the Rhode Island League of Cities and Towns, two local government representatives (one the president of the League of Cities and Towns, the other appointed by the governor from a list submitted by the League), four members of the public (three appointed by the Governor and one by the Speaker of the House), and one non-voting Federal advisory member (FHWA). The SPC is responsible for all statewide planning activities including economic development, land use, housing, social welfare, recreation, water supply, and others in addition to transportation. All of these elements are included in the comprehensive *State Guide Plan*.

The same legislation establishes the SPC's **Technical Committee** which consists of staff level representatives from state agencies, the legislature, local governments, public members, and FHWA (again, non-voting). All draft plans and programs on the SPC's agenda come before the Technical Committee for detailed review and recommendation.

In 1994, the SPC also established a **Transportation Advisory Committee (TAC)** which is charged with initial development of the Transportation Improvement Program (TIP) and initial review of all transportation related items that come before the SPC. The TAC is a broadly representative body with 4 state officials, 4 local officials, 5 citizens, and 11 public members (generally representing specific interest groups).

Because the SPC is a state agency, the procedures for the conduct of the transportation planning process are contained in a state regulation, Rule IX. This is a stronger alternative to the usual State-MPO memorandum of understanding since a regulation has the force of law. Rule IX includes all procedures required by 23 CFR 450.310, paragraphs (a), (b), and (c). Rule IX was last revised in 1994 in consultation with all interested agencies and state-mandated public involvement.

The SPC was designated as the MPO by the Governor in 1974, and that designation was reaffirmed by the Governor in 1992. Therefore, it is not subject to the requirements of a re-designated MPO contained in 23 CFR 450.306(I). However, the Federal team did discuss and encourage broader representation of local governments and the operators of major modes of transportation. RIDOT, RIPTA, and the City of Providence are not represented on the SPC. RIDOT is represented on the Technical Committee. All three are represented on the TAC. It should also be noted that two of the TAC's members are also (coincidentally) RIPTA Board members. The representatives of RIDOT and RIPTA present at the review both stated that their agencies felt well represented in the process in spite of the fact that they did not sit on the MPO's policy body.

None of the local officials that the team spoke with felt that they did not have access to or were excluded from the process. When the SPC began the TIP development process, they asked each town for their prioritized list of projects that the towns wanted programmed. The TAC held four regional meetings around the state to hear directly from the towns and the public. The TAC's regional subcommittees (which did the initial project scoring) invited project sponsors including the towns to make presentations on their projects. Some towns did very sophisticated presentations. Finally, the TAC's scoring criteria give the towns' priorities a great deal of weight (see Appendix 5).

In written comments to the team, the City of Providence did indicate that the "State Planning Council should have representation from the largest city in Rhode Island." The reason that Providence is not directly represented on the SPC has to do with the way that the Council's legislation is written. Of the three "local" seats on the SPC, one is reserved for the president of the Rhode Island League of Cities and Towns (always a mayor or manager), the executive director of the League, and the third is appointed by the Governor from a list submitted by the League. The City of Providence is not a member of the Rhode Island League of Cities and Towns.

Recommendation: *The State Planning Council, the Rhode Island League of Cities and Towns, the Governor's office, the State Legislature, and the City of Providence should explore ways to provide the City of Providence a seat on the State Planning Council.*

The MPO structure in Rhode Island is unique in that a single MPO is responsible for transportation planning for the entire state. Given that the state is smaller in both land area (just

under 1100 square miles) and population (just under 1 million) than several other TMAs, and that the entire state is a designated ozone non-attainment area, the Federal team agrees that this statewide coverage is an appropriate arrangement.

During the public meeting portion of the review, the Federal team heard several comments from the interested public on this topic. Several commentators felt that the TAC should be designated the MPO since the SPC spent, at the most, 25 percent of its time considering transportation issues. They also felt that the SPC, being a political body, did not give broad enough access to the citizens of Rhode Island.

According to 23 CFR 450.306(f), designation of the MPO can only be revoked by the agreement of the Governor and local units of government representing 75 percent of the covered population, so it is not within the U.S. DOT's power to force a redesignation. Federal regulations, guidance and good planning practice envision an MPO that does not do transportation planning in a vacuum, but considers economic development goals, land use planning, and environmental factors among others. Very few MPOs in large metropolitan areas are "transportation only," nor would we consider this desirable. An agency that has planning responsibilities in other areas, such as the SPC's overall responsibility for the *State Guide Plan*, is better positioned to identify and rectify conflicts between transportation goals and those in other areas.

Public Involvement in the Transportation Planning Process

Finding: *The SPC has adopted a public participation process in Rule IX that meets the goals and objectives of the MPO and which provides for public input into the transportation planning process. The MPO's process meets the requirements of the planning regulations.*

The Transportation Advisory Committee (TAC) is the centerpiece of the State's public involvement process. The TAC meets monthly in evening meetings open to the public and provides time in each meeting for public comment. During TIP development, the TAC met at least twice a month. The TAC also sponsored a series of four forums around the state to solicit project recommendations from the public, the cities and towns, and other entities that wished to sponsor project proposals. The TAC divided itself into regional subcommittees to score projects, and invited project sponsors to make presentations and answer questions about their projects. The TAC also formed a subcommittee on bicycle and pedestrian projects. RIDOT's Transportation Enhancements Advisory Committee and the Technical Committee's Air Quality-Transportation Subcommittee met to review and recommend Enhancement and Congestion Mitigation and Air Quality (CMAQ) projects, respectively. This not only broadened participation, but also provided even more input into the process.

Membership on the TAC includes a bicycle advocate, a private bus line, the state university, the truckers' association, a community redevelopment foundation, the American Automobile Association, several environmental groups, the construction industry, rail passengers, and the tourism association in addition to the citizens, state agencies and local governments.

At the public meeting, some members of the public told the Federal team that representation on the TAC was not broad enough. Suggestions for additional group representation included minorities, single mothers, the state's most active alternative transportation group, and the transit dependent in general. As a result of the comments, the TAC later in the meeting agreed to put the issue of expanded representation on its agenda for discussion.

Finding and Recommendation: *The TAC is a broadly representative group and the Federal team has been impressed with the thoughtful and constructive efforts that the TAC has made thus far. The Federal team recommends that the TAC further pursue with the SPC (its appointing body) consideration of broadening membership.*

The public commentors also spoke of not receiving meeting notices and informational materials in a timely fashion (or at all) in spite of the fact that they were on one or another of the state's mailing lists. RIDOA maintains several mailing lists for those interested in transportation issues. Mailings vary depending upon whether they are members of the TAC, have requested to be on particular mailing lists, or on a large (400+) transportation mailing list assembled by the staff. The public also told of instances where the comments that they had made at other public forums had never been acknowledged, were summarized incorrectly or mischaracterized. RIDOA does include a summary of written comments and a summary of the comments of each speaker at any public forum in the minutes from the forum and provides a written response to each commentor at the public hearing on the draft TIP. The current TIP includes more than 18 pages of comments summaries and responses. The maintenance of mailing lists and the job of summarizing and responding to comments are labor intensive tasks and RIDOA staff who support the SPC and TAC are small in number.

Finding and Recommendation: *RIDOA staff makes a good faith effort to inform the public of meetings, hearings, and other opportunities for participation, and to respond to comments that are received. The Federal team acknowledges that no metropolitan area accomplishes this goal perfectly and to the satisfaction of every potentially interested member of the public. In order to fulfill ISTEAs goal of providing a proactive public involvement process, RIDOA should review the materials sent out to ensure that they effectively explain the issue to be discussed and its importance to those who may want to participate, and should reconsider the policy of providing separate mailings for TAC members and the public. RIDOA staff should review the SPC mailing lists and attempt to streamline the lists to the extent possible. RIDOA is and should continue to explore alternatives to the traditional mailing/newspaper advertisement approach to getting out information, including cable television and the Internet, that accommodate a continuing, ongoing public dialogue on transportation issues.*

The Federal team had a separate discussion with the Director of the Governor's Commission on the handicapped to discuss how well the needs of the mobility impaired are addressed during the planning process. Accessibility to transportation in Rhode Island has been a contentious issue in the past to the point of litigation in Federal court. The Director indicated that the situation has improved in the recent past, thanks largely to the outcome of past litigation. He seems to have

good access to and responsiveness from RIDOT and RIPTA, to the point where RIDOT design engineers are trained in accessibility standards by the Commission and the Commission is regularly consulted on new project designs. RIPTA will be in full compliance with the Americans with Disabilities Act (ADA) by 1999. The Director is a member of RIPTA's ADA advisory committee.

Access to the planning process was something of a different matter, however. The Commission receives meeting and hearing notices, and staff members attend if they believe the issue to be discussed is relevant to their constituency. RIDOA also consulted with the Commission on accessible sites for meetings and hearings and the SPC complies with state laws requiring accessibility and accommodations for the hearing impaired. The TAC originally had a representative of the disabled, but he had to resign. He has not been replaced.

Finding and Recommendation: *It appears the needs of the mobility impaired are being met as quickly as practicable by the State of Rhode Island, but that representatives of this community need better access to the planning process. The Federal team recommends that the SPC consult with the Governor's Commission and replace the disabled representative on the TAC as soon as possible.*

Consideration of the Metropolitan Planning Factors

The RIDOA and RIDOT staff discussed how the factors required by 23 CFR 450.316 and the NHS Designation Act of 1995 are being addressed in the planning process and incorporated in their long range Transportation Plan and the Transportation Improvement Program. The review covered all 16 factors, but the summary below describes the 5 factors that made up the bulk of the discussion

The current Transportation Plan was developed prior to the passage of ISTEA, so does not explicitly discuss the 16 factors that were later required by legislation. However, the SPC did a good job in anticipating ISTEA, in that the Plan does discuss aspects of all the factors. With regard to the TIP, the project screening criteria developed by the TAC also demonstrate the consideration of the factors. See Appendix 5 for a summary the screening criteria.

The consideration of system preservation and efficiency (factor 1) is demonstrated by the discussions in the Plan and TIP of the State's needs for maintenance funds; maximization of transit usage through fare subsidies, express service, and park and ride lots; and TSM planning efforts in the Providence CBD.

The programming of expenditures for transportation enhancement activities (factor 5) has moved forward very aggressively in Rhode Island. The State formed a broadly representative Transportation Enhancements Advisory Committee very soon after the passage of ISTEA. The Committee assembled a very ambitious schedule of projects that have been incorporated into the TIP. Many of the projects flowed naturally from the other elements of the SPC's *State Guide*

Plan such as outdoor recreation, historic preservation, and water supply protection. Where the State has difficulty is in the construction of the projects largely because of the State's fiscal difficulties and because it lacks an expedited implementation process for these generally low-cost projects.

RIDOT is charged with developing and maintaining the (now optional) transportation management systems (factor 9). The Bridge Management System, the Public Transportation Management System, and the Pavement Management System are all operational and were used by the State in identifying needs in the latest TIP cycle. The Intermodal Transportation System is being developed as a part of the Congestion Management System which should be operational by the next TIP cycle.

With regard to expansion, enhancement, and increased use of transit (factor 14), RIPTA has implemented some of the recommendations from the long range plan, including experimenting with smaller vehicles on some routes, implementation of the "ozone day" free ride service, expansion of service to the University of Rhode Island, and some other more minor scheduling adjustments. RIPTA has also made use of the system and ridership modeling and analysis generated by RIDOA for the plan.

Rhode Island has long taken the needs of recreation and tourism (factor 16) into consideration. The state has a large and growing tourism industry and seasonal traffic is a major concern of RIDOT. Consistency with the State's outdoor recreation plan, and the recommendations of the State's Greenways Council are found in the plan and the TIP.

Finding and Recommendation: *Based on the documentation and discussion, the Federal team finds that the SPC is adequately considering the metropolitan planning factors. We applaud the State's decision to continue development of the management systems, and encourage the continued efforts of SPC to work with the local communities, RIPTA, and RIDOT to identify transportation needs through continued implementation of the management systems.*

Major Investment Requirements

Rule IX outlines the basic requirements for the conduct of Major Investment Studies (MIS) in Rhode Island. While it is the responsibility of the implementing agency (usually RIDOT or RIPTA) to initiate an MIS, RIDOA staff acting as the SPC's designee is to concur in the scope and methodology. In accordance with Federal regulations, the SPC must accept an MIS before the project can be programmed in the TIP.

To date, Rhode Island has had four MIS projects. The Quonset Point/Davisville Access Road and the I-195 Relocation project were "pipeline" projects that had begun the environmental process prior to the effective date of the MIS requirements. Memoranda of Understanding were executed on these projects. An MIS was prepared for the Providence Place HOV Garage but was

dropped when the State decided not to pursue Federal-aid funding for the project. The Freight Rail Improvement Project is an MIS that is being developed concurrently with the environmental documentation. RIDOA did not express satisfaction with the MIS experience thus far, citing the lack of a concise “decision document” as a result of the having the MIS tied to the EIS process. RIDOA also expressed the view that an MIS does not have to be a complicated, expensive process similar to an EIS.

Another study, the Metropolitan Providence Transportation Improvement Study (MPTIS), has been ongoing since 1991. Though not technically an MIS because it predates the requirements, it actually more closely resembles an MIS as envisioned than the other studies mentioned above. The MPTIS has looked at a variety of options for meeting transportation requirements in the Providence-East Providence corridor and has resulted in a number of projects that could affect real solutions to corridor problems. Though both RIDOA and RIDOT indicated that the MPTIS had been both longer and more expensive than they would have liked, they also agreed that it has been extremely useful in assessing the corridor’s problems and needs. The MPTIS experience can provide a guide for RIDOA and RIDOT in further refining their MIS procedures.

Finding and Recommendation: *The Federal team finds that the MIS process in Rhode Island thus far complies with Federal regulations and guidance. We recommend, however, that RIDOA, RIDOT, and RIPTA develop more detailed guidelines on coordination of the process, including specific decision points that allow RIDOA to have the information necessary for the SPC to make an informed decision on major transportation investments. We suggest that RIDOA investigate similar guidelines developed in other metropolitan areas as a guide.*

Congestion Management System

The National Highway System Designation Act of 1995 made the ISTEA required management systems optional, however, the Act did not repeal the requirement in 23 U.S.C. 134 (1) that Federal funds may not be programmed in a carbon monoxide and/or ozone non-attainment TMA for any highway project that will result in a significant increase in single-occupant-vehicle capacity unless the project is based on an approved CMS. Until the CMS is fully operational, these requirements may continue to be satisfied by following the phase-in provisions in 23 CFR 450.336(b).

RIDOT has responsibility for development and operation of all transportation management systems in the metropolitan Providence area as well as statewide. The congestion management system (CMS) plan was tentatively scheduled for completion in July 1996 with some limited implementation by the end of 1996 in time to contribute information for the development of the next TIP. The CMS should be fully operational by the October 1, 1997 deadline. The CMS is part of Rhode Island’s overall congestion management, incident management, and Intelligent Transportation Systems (ITS) early deployment program. The centerpiece of that program is the construction of a Traffic Operations Center (TOC) in Providence to monitor and manage freeway operations first around Providence and, later, statewide.

RIDOT has made presentations to the TAC on the CMS as well as the other management systems, seeking their reaction and comment. RIDOT has also consulted with RIDOA staff on technical (primarily travel demand model) issues. The Federal team believes this consultation is crucial, since the CMS is to be one of the primary sources of information available to the SPC as they make their project selection decisions.

Finding and Recommendation: *The Congestion Management System will, in all likelihood, be operational by the October 1, 1997 deadline, and the preliminary performance measure methodologies appear sound. The Federal team urges RIDOT, in close coordination with RIDOA, to aggressively manage the implementation of the system in order to provide the TAC and the SPC with good information on congestion problems along with recommended strategies so that the CMS will in fact be the planning tool envisioned by ISTEA.*

Financial Planning and Fiscal Constraint in Plans and TIPs

The State of Rhode Island is extremely dependent upon Federal-aid in the conduct of its transportation program. Though Rhode Island has the second highest gasoline tax in the nation, only 64% of the proceeds are dedicated to transportation purposes (including transit). The rest go into the State's general fund. State match for Federal funds is derived mostly from transportation bond issues. This makes financial planning an extremely important activity for Rhode Island, and the fiscal constraint requirement is taken very seriously by RIDOA and RIDOT.

Finding and Required Action: *The current Transportation 2010: Ground Transportation Plan is a policy level plan that does not provide design concept and scope of proposed facilities in sufficient detail to determine fiscal constraint. The next update of the Regional Transportation Plan must place greater emphasis on identifying long term facility-specific improvements and producing a financial plan with a long term perspective (20 years as required by the regulations). It is recognized that once the Management Systems are fully implemented, future long term needs should be easier to identify.*

The Transportation Plan does include discussion of all funding sources, including State sources. It also includes discussion of the costs of maintaining and operating the transportation system over the period of the plan.

Finding: *The current FY 1996-1998 Transportation Improvement Plan is a financially constrained document. The Federal team applauds RIDOT and RIDOA for including an accounting for funding required to meet legal requirements (settlements) and for modifications (change orders).*

The TIP also includes a projected shortfall in revenues for RIPTA operating expenses that is especially important to show during the current transit fiscal crisis, due to the impending reductions in Federal-aid operating funds. RIPTA, including members of the TAC, has been conducting meetings around the State explaining the cause and effect of reductions as well as addressing ways

in which transit service can continue. RIPTA and RIDOT have recently agreed to innovative funding transfers that will mitigate the deficit for the next two fiscal years. The TAC and the SPC, in addition to RIPTA and RIDOT, understand that this transfer is a temporary measure and that RIPTA's long-term, structural deficit must be addressed.

Very few states have gained a reputation for great accuracy in their initial cost estimates for construction projects. In the past, Rhode Island has probably been below average in this regard. This has led to a great many change orders to ongoing projects, sometimes as much as 20% to 25% of the final cost. The current administration at RIDOT is making a concerted effort to reverse this situation and is to be applauded in its efforts to limit change orders, improve financial planning capabilities, and bring the Department back to a solid financial position.

Because of past change orders, RIDOT was faced with an earned but unbilled balance of approximately \$36 million at the beginning of FY 1996. Because of the State's severe financial problems, the Department was required to recover this State money by billing the Federal-aid highway program. The concern with regard to the TIP is that this amounted to exceeding the line item for "current year modifications" by approximately \$25 million (approximately 200%). RIDOT maintains that their implementation plan for the TIP still allows them to start most of the projects programmed in the TIP (through advance construction). RIDOA has stated that the earned but unbilled balance should have been accounted for during TIP deliberations so that the TAC would have all available information.

Finding and Required Action: *23 CFR 450.324 (e) requires that "The State and the transit operator must provide MPOs with estimates of available Federal and State funds which MPOs shall utilize in developing financial plans." The Federal team finds that significant earned but unbilled balances materially affect that estimate and should be communicated to the MPO.*

A similar issue has arisen between the two agencies regarding the dropping of projects from the TIP. When awarded projects come in at more than was programmed in the TIP, other projects scheduled must be delayed. Projects that require the full environmental process or permits from resource agencies also must often be delayed. One question is what projects will be dropped and how the agencies will cooperate in deciding on the projects to be dropped. 23 CFR 332© states that "the first year of the TIP shall constitute an 'agreed to' list of projects for project selection purposes."

Finding and Recommendation: *Since the first year of the TIP is an "agreed to" list of projects all changes to the list must be made in consultation with the MPO. Not all changes necessarily require a full TIP amendment, but RIDOT and RIDOA need to review changes and agree on when modifications require an amendment, consultation with the TAC or SPC, or staff coordination. Many metropolitan areas have expedited TIP modification procedures. The Federal team applauds RIDOT's initiative to include RIDOA staff in project status meetings as one way of achieving this consultation. The Federal team recommends that the TAC be periodically informed of changes to the TIP project list.*

The Transportation Air Quality Planning Process

The entire State of Rhode Island is a designated serious ozone non-attainment area and the City of Providence is a maintenance area for carbon monoxide. The State's conformity State Implementation Plan (SIP) revision is contained in draft Rule XIII and contains the required consultation procedures. The State is awaiting regulatory changes due from the U.S. Environmental Protection Agency (EPA) before submitting the conformity SIP revision. The SIP contains no required Transportation Control Measures (TCMs). RIDOA, RIDOT, and RIDEM all expressed satisfaction with the consultation process. The current Plan and TIP were found to conform to the SIP in February of 1996.

Congestion Mitigation and Air Quality (CMAQ) projects are developed by a transportation-air quality subcommittee of the SPC's Technical Committee. Projects recommended by the subcommittee are then endorsed by the TAC for inclusion in the TIP. CMAQ project proposals come from a variety of sources and are scored by the subcommittee based upon criteria including potential emissions reductions. The subcommittee has not met since the TIP was developed in 1995. One of the larger CMAQ projects is implementation of the State's vehicle emission inspection and maintenance (I/M) program. RIDEM will begin evaluating testing equipment and methods this summer through contract.

Finding and Recommendation: *The Federal team applauds the efforts of RIDOA, RIDEM, RIDOT, and RIPTA in making the transportation and air quality conformity consultation process operate as envisioned by Federal regulation and guidance. The Federal team recommends that the agencies involved in evaluating CMAQ projects through the Transportation/Air Quality Subcommittee agree on a suitable method of calculating the baseline emissions appropriate to the goals of each type of CMAQ project.*

Bi-State Coordination

The memorandum of understanding between the SPC and the Southeastern Regional Planning and Economic Development District (SRPEDD) was recently updated and provides for the sharing of information and cooperation on issues of mutual interest. The two MPOs use common modeling software and use each other's data at the respective external stations. Each MPO shares plans, TIPs, and special studies. The staffs of the two MPOs seem to generally agree on strategies to address common transportation issues. As bi-state issues, however, they generally must be elevated to the political level to be resolved and the staffs have limited influence in these areas. For example, the expansion of the current commuter rail service to Providence provided by the Massachusetts Bay Transit Authority is being held up by the Massachusetts legislature for reasons having little to do with transportation.

Finding: *Cooperation between the Rhode Island State Planning Council and the Southeastern Regional Planning and Economic Development District is quite good and we encourage this degree of bi-State coordination to continue.*

Other Issues

Action Required: *The FY98-2000 TIP needs to include an identification of project status in regard to the most recent TIP's programming and execution of projects (23 CFR 450.324 (n)).*

Public Meeting on the Transportation Planning Process

As stated in the introduction, the Federal team held a public meeting to gain input from the public regarding the transportation planning process in Rhode Island. Public comments received that had direct bearing on the certification review were discussed under the first two headings of this section. The purpose of this discussion is to summarize public comments that did not directly address compliance with 23 CFR 450.

Many of the members of the public present had comments on specific projects. One project in particular, the State's plans for reconstructing the terminus of RI-4 at US-1 in North Kingstown, received many comments. This has been a very contentious project as the State is proposing to grade separate three intersections at the rural, southern end of RI-4 which until that point is a fully access controlled four lane expressway. The project has significant impacts on historic properties, wetlands, and water supply recharge areas. RIDOT convened a group of local citizens, businesses, and government officials to conduct a "collaborative planning process" to make design recommendations for this project. The group made many recommendations and developed an alternate project design that retained the at-grade intersections.

RIDOT accepted 75% of the group's recommendations, however, the 25% not accepted included the retention of the at-grade intersections which was a core of the controversy over the project. RIDOT submitted the grade separated project for consideration in the TIP, which was forwarded to the applicable regional subgroup for scoring. Members of the collaborative process also submitted the alternative proposal for scoring to the regional subcommittee. The subcommittee could not score the alternative project because it did not have a cost estimate associated with it. In addition, RIDOA informed the alternative project sponsors that the TIP process was not meant to select a design alternative, but only to program the project. Therefore, the TAC's project scoring criteria were meant to score projects against one another and not to score one project alternative against another. RIDOT's proposal was programmed.

Many members of the collaborative group believed that RIDOT would construct a project based upon the outcome of the collaborative process. When this did not occur, those who participated were disappointed in the outcome of their participation.

Many of the other project specific comments were in a similar vein. There were also other more general comments about the outcome of the planning process. Some commented that the TIP had too many highways, too many big projects, not enough transit, and not enough bicycle and pedestrian

facilities. The commentors had attended public meetings, had made their views known, and were disappointed when their views did not prevail. Therefore, they have concluded that the public participation process was not meaningful, open, and fair.

The Federal team would like to thank the members of the public who attended the meeting and provided us with valuable insights into the planning process. We would urge them not to become discouraged and to continue to work with the TAC and RIDOA to continuously improve the public participation process.

Meeting with the Town Manager of the Town of North Kingstown

The Federal team held a separate meeting with the Manager and the Director of Planning of the Town of North Kingstown. At this meeting the Manager expressed overall satisfaction with the transportation planning process and with the TAC process in particular. He admitted that he was satisfied because his Town's transportation priorities were programmed in the TIP, but added that he believed his view was shared by other managers around the State. He emphasized to the team that the Town Council, as the duly elected representatives of the citizens of the Town, were the legitimate gauge of the public's views on the Town's transportation needs and desires. The Manager's views confirmed what we had heard during the on-site review with the MPO.

III. CONCLUSIONS

As a result of this certification review, the Federal Highway Administration and the Federal Transit Administration find that the SPC and its staff (RIDOA) in cooperation with the Director RIDOT and his staff and the General Manager of RIPTA and his staff are conducting a transportation planning process for the Rhode Island portion of the Providence-Pawtucket TMA and the State of Rhode Island which produces satisfactory transportation planning products utilizing acceptable planning tools. This process meets the requirements of the Metropolitan Planning Regulations. The MPO staff is also working diligently to meet the requirements of the Air Quality Conformity Regulations as they apply to the Transportation Plan and the Transportation Improvement Program.

The Federal review team would like to recognize the efforts of the SPC, RIDOA, RIDOT, RIPTA, and RIDEM to provide the citizens of Rhode Island with comprehensive, balanced, and environmentally responsible plans and programs developed with real and constructive input from the public. The transportation products developed by the current planning process comply with the Federal rules, and the overall efforts of the State agencies appear to make the process work very well. For it to continue to do so in the future will require sustained efforts on the part of all the agencies involved.

Appendix 1

Federal Review Team

The federal review team consisted of the following individuals:

Gordon Hoxie, FHWA Rhode Island Division, Division Administrator

Ralph Rizzo, FHWA Rhode Island Division, Transportation Planner

Bill Gordon, FTA Region I, Transportation Planner

Andrew Motter, FTA Region I, Transportation Planner

Brian Fallon, FTA Region I, Transportation Planner

Wing Chau, EPA-New England, Air Quality Planning Unit

Emanuel Souza, EPA-New England, Rhode Island Unit

Appendix 2

Participating State and Local Officials, May 29-30, 1996

Name	Affiliation
Susan Morrison	Division of Planning, RI Department of Administration
David Tonnessen	Division of Planning, RI Department of Administration
Mark Therrien	RI Public Transit Authority
Fred Ihenacho	City of Providence, Public Works Department
Wisal Adam	RI Department of Transportation, Intermodal Planning
Bob Letourneau	RI Department of Transportation, Intermodal Planning
John Brownell	Division of Planning, RI Department of Administration
Frances Shocket	Town Administrator, Jamestown - TAC Chair
Joseph Schall	RI Department of Transportation, Intermodal Planning
Steve Drager	RI Department of Transportation, Intermodal Planning
Roland Herbert	Southeastern Regional Planning and Economic Development District (Massachusetts MPO)
Robert Shawver	RI Department of Transportation, Strategic Planning
Diane Badorek	RI Department of Transportation, Intermodal Planning
Karen Slattery	RI Department of Environmental Management
Steve Majkut	RI Department of Environmental Management
Janis Loiselle	RI Department of Transportation, Strategic Planning
Thomas Conboy	RI Department of Transportation, Traffic and Safety Management

Appendix 3

Certification Review of the Rhode Island Portion of the Providence-Pawtucket TMA

Date: May 29-30, 1996

Place: Division of Planning
RI Department of Administration
One Capitol Hill
Providence, RI 02903

Agenda

May 23

6:30 Public Meeting in conjunction with Transportation Advisory Committee Meeting*

May 29

8:30 am Introduction FTA/FHWA

8:45 Overview of the Rhode Island State Planning Council Transportation Planning Process Division of Planning

9:00 The MPO - Its Effectiveness and Structure FHWA, FTA, Planning, RIDOT, RIPTA

10:00 BREAK

10:15 Public Participation Process All, plus Chair/TAC

11:00 Consideration of the 15 Factors All

12:00 pm LUNCH (on your own)

1:00 15 Factors (continued) All

1:30 Major Transportation Investment Requirements . . All

2:00 BREAK

2:15 Major Investments (continued) All

2:45 Congestion Management System Requirements . . All

3:30 Adjourn (Federal team to meet with local elected officials)*

May 30

- 8:30 am Federal team to meet with local elected officials*
- 10:00 Air Quality Planning/Conformity All, plus EPA and RIDEM
- 11:00 Bi-State Coordination All, plus SRPEDD
- 11:30 Lunch (on your own)
- 12:30 pm Financial Planning and Fiscal Constraint All
- 2:00 BREAK
- 2:15 Other Issues All
- 3:00 Close-out discussion of preliminary findings All
- 3:30 ADJOURN

* Site to be determined

NOTE: The times shown on this agenda are a guide only. Adjustments will be made as necessary to accommodate discussion of the issues.

Appendix 4

Documents Reviewed during the Desk Review

State Planning Council, Rules of Procedure, Rule IX, Transportation Planning and Public Involvement Procedures, October 13, 1994.

State Planning Council, Rules of Procedure, Rule VIII, Conformity of Transportation Plans, Programs, and Projects to the State Implementation Plan for Air Quality (Draft), 1994.

Transportation 2010: Ground Transportation Plan, State Guide Plan Element 611, March 1992.

Transportation Improvement Program for the State of Rhode Island, (FY 1996-1998), January 11, 1996.

Work Program, FY 1996, May 1995.

Memorandum of Understanding Between the Southeastern Regional Planning and Economic Development District and the Rhode Island State Planning Council.

Appendix 5

**Rhode Island State Planning Council
Transportation Advisory Committee
Project Scoring Criteria**

[TO BE ADDED]