



U.S. Department  
of Transportation

# Transportation Management Area Planning Certification Review

Federal Highway  
Administration

Federal Transit  
Administration

## Southeastern Wisconsin Regional Planning Commission



**August 2-4, 2016**

**Summary Report**





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## 1.0 EXECUTIVE SUMMARY

On August 2-4, 2016, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) conducted the certification review of the transportation planning process for the Southeastern Wisconsin Regional Planning Commission’s (SEWRPC) planning area. FHWA and FTA are required to jointly review and evaluate the transportation planning process for each urbanized area over 200,000 in population at least every four years to determine if the process meets the Federal planning requirements.

### 1.1 Previous Certification Review Findings

The previous Certification Review was conducted in June 2012. The findings of the 2012 review are provided in Appendix B. The final report included 2 commendations, 30 recommendations and no corrective actions.

### 1.2 Summary of Current Findings

The current review found that the metropolitan transportation planning process conducted by SEWRPC meets Federal planning requirements.

As a result of this review, FHWA and FTA are certifying the transportation planning process conducted by the Wisconsin Department of Transportation (WisDOT), SEWRPC and the region’s transit operators. This report also identifies recommendations that warrant SEWRPC’s consideration and planning practices that are being commended by FHWA and FTA.

Review Area	Action	Recommendations/Commendations/Corrective Actions
Metropolitan Planning Area Boundaries 23 U.S.C. 134(e) 23 CFR 450.312(a)	None	
MPO Structure and Agreements 23 U.S.C. 134(d) 23 CFR 450.314(a)	None	



Unified Planning Work Program 23 CFR 450.308	Recommendation	SEWRPC should consider including a visual timeline of all tasks identified in the UPWP, similar to the Regional Land Use and Transportation Plan Schedule found in Appendix I of SEWRPC's 2016 Overall Work Program (OWP). Such a timeline could serve to differentiate between projects that are ongoing through the year and repeat on an annual basis, and those that are limited in duration with a defined endpoint.
Metropolitan Transportation Plan 23 U.S.C. 134(c), (h)&(i) 23 CFR 450.324	Commendation	SEWRPC is to be commended for <i>VISION 2050</i> as an outstanding publicly oriented decision-making process. The Metropolitan Planning Organization (MPO) successfully built relationships and used interactive methods to accomplish true engagement. The Commission staff started the effort as an opportunity for the public to create a vision for the region. SEWRPC committed significant time and effort to meet with interested parties that may or may not have previously participated in the planning process.



<p>Transit Planning 49 U.S.C. 5303 23 U.S.C. 134 23 CFR 450.314</p>	<p>Recommendations</p>	<p>SEWRPC is encouraged to continue working closely with the City of Milwaukee and Milwaukee County Transit System (MCTS) as they explore transit oriented development (TOD) opportunities associated with both the Milwaukee Streetcar and the East-West Bus Rapid Transit (BRT) project currently in development under FTA's Capital Investment Grant (CIG) program. SEWRPC's experiences in developing <i>VISION 2050</i> can be used to help guide project funding and corridor prioritization decisions that are made by transit operators in a manner that is transparent and accessible to the riding public. While notifying the public of transit service decisions (expansions or reductions) are primarily the responsibility of the transit operators, SEWRPC's public involvement process and website appear to be an effective mechanism to garner input on transit service needs in the different jurisdictions.</p> <p>SEWRPC should continue working with the transit operators and local advisory committees to formally identify jurisdictional challenges that limit effective, compatible, and coordinated transit service. A comprehensive updating of the seven Coordination Plans or an effort independent of and more immediate than the Transit Development Plan updates may be warranted to address the current connectivity of transit services problem. Through the Vision 2050 document, SEWRPC touched on regional consequences of not having a vibrant and adequately funded transit system. A closer look at the local consequences of inadequate transit service may be warranted as well.</p>
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<p>Transportation Improvement Program 23 U.S.C. 134(c)(h) &amp; (j) 23 CFR 450.326</p>	<p>Recommendations</p>	<p>SEWRPC should create a more visual presentation of TIP amendment criteria. A table or matrix that details certain dollar or percentage change thresholds would help explain the differences between amendments requiring formal review and administrative modifications.</p> <p>SEWRPC should evaluate its current amendment and administrative modification criteria and determine if it applies equally and clearly to both highway and transit projects. Consideration should be given to defining the criteria for amendments for transit projects if it is found that the current criteria is not commonly understood by transit operators or the public.</p> <p>Consideration should also be given to creating a more visual presentation of the various funding programs and the scoring/selection criteria within each program where applicable. The same formatting consideration should be given to federal funding sources subject to transfer between highway and transit programs.</p> <p>A cooperative agreement between SEWRPC, FHWA, FTA, transit operators and the State should be considered to examine if a new approach should be taken to apply criteria such as a cap rate or percentage changes in highway and transit projects for amendments and administrative modifications.</p>
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<p>Public Participation 23 U.S.C. 134(i)(6) 23 CFR 450.316 &amp; 450.326(b)</p>	<p>Commendations</p>	<p>The public outreach for <i>VISION 2050</i> was excellent. The outreach effort was organized into five separate rounds of public workshops hosted by SEWRPC between September 2013 and June 2016. Each round consisted of one public workshop in each of the seven SEWRPC counties, and eight additional workshops hosted by partner community organizations. The content of the meetings progressed from initial planning through discussions on sketch scenarios, the Alternative Plan, and Draft Plan as they were released to the public. A dedicated website was also maintained by SEWRPC to keep the public informed throughout the planning process.</p> <p>Summaries were developed for each round of public outreach and resulted in the impressive Guiding the VISION. The document provided an initial vision for land use and transportation system development to guide the planning process.</p> <p>SEWRPC has developed a good record of obtaining public input during regional transportation planning and programming activities, with the caveat that as expected higher interest/higher controversy matters draw greater responses while lower interest and more technical issues generate significantly fewer public comments.</p> <p>SEWRPC has a strong record of acknowledging public input received, is very professional in addressing public concerns, and has improved in demonstrating how SEWRPC staff and committees consider public input in regional transportation planning and programming recommendations within SEWRPC documentation.</p>
<p>Public Participation 23 U.S.C. 134(i)(6) 23 CFR 450.315 &amp; 450.326(b)</p>	<p>Recommendations</p>	<p>SEWRPC is encouraged to consider implementing the following recommendations:</p> <ul style="list-style-type: none"><li>• Clarify roles and responsibilities for transit related public involvement</li><li>• Continue building on established task forces and community group relationships</li><li>• Consider You-Tube shorts to present information</li><li>• Include consultation process in PPP</li><li>• Include groups specifically listed in planning regulations (23 CFR 415.316) for TIP consultation in the PPP</li></ul>



Civil Rights Title VI Civil Rights Act, 23 U.S.C. 324, Age Discrimination Act, Sec. 504 Rehabilitation Act, Americans with Disabilities Act	Commendation	SEWRPC's targeted outreach efforts are typically focused on Environmental Justice (EJ) protected populations, either directly through focused media and meetings or through SEWRPC's partnerships with community organizations. SEWRPC's efforts have resulted in commendable and meaningful access for minority and low-income populations in the SEWRPC planning and decision-making process.
Freight Planning 23 U.S.C. 134(h) 23 CFR 450.306	Recommendation	SEWRPC should work closely with WisDOT to incorporate the statewide freight plan into relevant planning efforts. As part of this effort, the MPO should identify and consider specific major freight corridors in its Regional Transportation Plan (RTP).
Environmental Mitigation 23 U.S.C. 134(i)(2)(D) 23 CFR 450.324(f)(10) 23 U.S.C. 168 Appx. A 23 CFR Part 450	None	
Transportation Safety 23 U.S.C. 134(h)(1)(B) 23 CFR 450.306(a)(2) 23 CFR 450.306(d) 23 CFR 450.324(h)	None	
Transportation Security Planning & Resiliency Planning 23 U.S.C. 134(h)(1)(C) 23 CFR 450.306(a)(3) 23 CFR 450.306(d) 23 CFR 450.324(h)	None	
Nonmotorized Planning/Livability 23 U.S.C. 134(h) 23 U.S.C. 217(g) 23 CFR 450.306 23 CFR 450.324(f)(2)	None	
Travel Demand Forecasting 23 CFR 450.324(f)(1)	None	



Air Quality 42 U.S.C. 7401 40 CFR Part 93 23 CFR 450.324(m)	Recommendation	The WisDOT Southeast Region Office should consider participation in the quarterly Transportation Conformity Workgroup meetings to improve transparency in terms of upcoming projects and allow consideration of air quality impacts by the various agencies and identification of additional information or analysis needed during project development process.
Congestion Management Process / Management and Operations 23 U.S.C. 134(k)(3) 23 CFR 450.322	Recommendations	SEWRPC is encouraged to consider implementing the following recommendations: <ul style="list-style-type: none"><li>• Update congestion management process (CMP) following VISION 2050.</li><li>• Reorient the CMP documentation as a stand-alone guiding document establishing the CMP process, performance measures and recommended CMP strategies (TSM, TDM, etc.) that will be considered in all transportation planning efforts.</li><li>• Quantify the expected impact of the various strategies or family of strategies in terms of the overall CMP performance measures.</li><li>• Use the RTOP in prioritizing STBG funding.</li><li>• Produce an annual evaluation of CMP strategies implemented.</li><li>• Conduct field evaluations of implemented CMP strategies to determine their impact on congestion.</li></ul>
23 CFR 490 National Performance Management Measures	None	

Details of the certification findings for each of the above items are contained in this report.



## **2.0 INTRODUCTION**

### **2.1 Background**

Pursuant to 23 U.S.C. 134(k) and 49 U.S.C. 5303(k), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly certify the metropolitan transportation planning process in Transportation Management Areas (TMAs) at least every four years. A TMA is an urbanized area, as defined by the U.S. Census Bureau, with a population of over 200,000. After the 2010 Census, the Secretary of Transportation designated 183 TMAs – 179 urbanized areas over 200,000 in population plus four urbanized areas that received special designation. In general, the reviews consist of three primary activities: a site visit, a review of planning products (in advance of and during the site visit), and preparation of a Certification Review Report that summarizes the review and offers findings. The reviews focus on compliance with federal regulations, challenges, successes, and experiences of the cooperative relationship between the Metropolitan Planning Organization(s) (MPO), the State DOT(s), and public transportation operator(s) in the conduct of the metropolitan transportation planning process. Joint FTA/FHWA Certification Review guidelines provide agency field reviewers with latitude and flexibility to tailor the review to reflect regional issues and needs. Therefore, the scope and depth of the Certification Review reports will vary significantly.

The Certification Review process is only one of several methods used to assess the quality of a regional metropolitan transportation planning process, compliance with applicable statutes and regulations, and the level and type of technical assistance needed to enhance the effectiveness of the planning process. Other activities provide opportunities for this type of review and comment, including Unified Planning Work Program (UPWP) approval, the Metropolitan Transportation Plan (MTP), metropolitan and statewide Transportation Improvement Program (TIP) findings, air-quality (AQ) conformity determinations (in nonattainment and maintenance areas), as well as a range of other formal and less formal contact provide both FHWA/FTA an opportunity to comment on the planning process. The results of these other processes are considered in the Certification Review process.

While the Certification Review report itself may not fully document those many intermediate and ongoing checkpoints, the “findings” of Certification Review are, in fact, based upon the cumulative findings of the entire review effort.

The review process is individually tailored to focus on topics of significance in each metropolitan planning area. Federal reviewers prepare Certification Reports to document the results of the review process. The reports and final actions are the joint responsibility of the appropriate FHWA



and FTA field offices, and their content will vary to reflect the planning process reviewed, whether or not they relate explicitly to formal “findings” of the review.

## **2.2 Purpose and Objective**

Since the enactment of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, the FHWA and FTA, are required to jointly review and evaluate the transportation planning process in all urbanized areas over 200,000 population to determine if the process meets the federal planning requirements in 23 U.S.C. 134, 40 U.S.C. 5303, and 23 CFR 450. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), extended the minimum allowable frequency of certification reviews to at least every four years.

SEWRPC is the designated MPO for the urbanized areas of Milwaukee, Racine, West Bend, Kenosha, and a portion of Round Lake Beach-McHenry, Grayslake IL. Two of the urbanized areas within Southeastern Wisconsin are designated as transportation management areas (the Milwaukee and Round Lake Beach-McHenry, Grayslake IL urbanized areas). SEWRPC’s metropolitan planning area (MPA) includes all of Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha Counties, and parts of Dodge, Jefferson, and Walworth Counties, with the City of Milwaukee as the largest population center. WisDOT is the responsible State agency and 10 public agencies are responsible for the operation of public transportation within the MPA. Current membership of the SEWRPC MPO consists of elected officials and citizens from the political jurisdictions in the seven-county region consisting of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha Counties.

Certification of the planning process is a prerequisite to the approval of federal funding for transportation projects in a designated TMA. The certification review is also an opportunity to help new programs and to enhance the ability of the metropolitan transportation planning process to provide decision makers with the knowledge they need to make well-informed capital and operating investment decisions.

## **3.0 SCOPE AND METHODOLOGY**

### **3.1 Review Process**

This certification review covers the transportation planning process conducted cooperatively by the SEWRPC, State, and public transportation operators. Background information, current status, key findings, and recommendations are summarized in the body of the report for the following subject areas selected by FHWA and FTA staff for on-site review:



- Metropolitan Planning Area Boundaries
- MPO Structure and Agreements
- Unified Planning Work Program
- Metropolitan Transportation Plan (MTP)
- Transit Planning
- Transportation Improvement Program (TIP)
- Public Participation
- Civil Rights (Title VI, EJ, LEP, ADA)
- Freight Planning
- Environmental Mitigation
- Transportation Safety
- Transportation Security Planning
- Nonmotorized Planning/Livability
- Travel Demand Forecasting
- Air Quality
- Congestion Management Process / Management and Operations
- Transportation Performance Measures

Prior conducting the official review meeting, FHWA completed a desk audit of current documents and correspondence to develop an initial evaluation of the subject areas listed above. In addition to the desk audit, routine oversight mechanisms provide a major source of information upon which to base the certification findings.

Once the desk audit was completed, the official review meeting was held with representatives of FHWA, FTA, WisDOT, the public transit operators for Milwaukee and Washington Counties, and the City of Waukesha, and SEWRPC staff. The official review meeting is used as a platform for FHWA and FTA to explain the TMA Certification Review Process and ask any clarifying questions to supplement the findings of the desk audit. A full list of participants is included in Appendix A.

A public meeting was also held in succession with the official review meeting to gather public input on the region's planning process. Public comments from that meeting are also summarized in this report.

### **3.2 Documents Reviewed**

The following MPO documents were evaluated as part of this planning process review:



- Milwaukee, Racine, Kenosha UZAs MPO Designation Notice Letter – January 9, 1974
- West Bend UZA Designation Letter – October 1, 2013 & local resolutions supporting
- Cooperative Agreement for Coordination of Land Use-Transportation Planning in the Round Lake Beach-McHenry-Grayslake, IL-WI Urbanized Area, May 29, 2009
- *2014 Annual Report* – SEWRPC, July 2015
- UZA Designations *Federal Register* – May 27, 2012
- TMA Designations *Federal Register* – July 18, 2012
- FTA Letter to ACLU reporting outcome of Title VI complaint investigation – July 1, 2014
- Cooperative Agreement for Continuing Transportation Planning for the Southeastern Wisconsin Region, May 2008
- Draft - Cooperative Agreement for Continuing Transportation Planning for the Southeastern Wisconsin Region, March 2016
- Draft - Cooperative Agreement for Coordination of Land Use-Transportation Planning in the Round Lake Beach-McHenry-Grayslake, IL-WI Urbanized Area.
- SEWRPC Public Participation Plan (March 2012)
- 2012 Memorandum of Agreement Regarding Determination of Conformity of Transportation Plans, Programs and Projects to State Implementation Plans
- March 2012 Brochure on Public Participation in Regional Planning for Southeastern Wisconsin.
- Regional Transportation Consultation Process (a March 2012 Southeastern Wisconsin Regional Planning Commission Staff Memorandum).
- SEWRPC E-Newsletter, signup process and products (Regional Planning News is published four to six times a year).
- Vision 2050 – website, written materials, newsletters, and Appendix J – Public Feedback on Preliminary Recommended Plan.
- Overall Work Program 2016, Appendix B – Public Participation Plan for Transportation
- 2014 SEWRPC Annual Report, with focus on section on Public Involvement Outreach.
- Memorandum Report No. 221, A Comparison of the Milwaukee Metropolitan Area to Its Peers (May 2015).
- 2014, 2013, and 2012 Public Participation Process Quantitative Evaluations for the Southeastern Wisconsin Regional Planning Commission
- A Regional Transportation System Plan for Southeast Wisconsin – 2035
- 2014 Interim Review and Update of the Year 2025 Regional Transportation Plan (RTP)



- 2015 -2018 Regional Transportation Improvement Program (TIP)
  - Development Process (w/Chart)
  - Review and Approval Process
  - On-line database
- SEWRPC Title VI Program (July 31, 2014 staff memorandum), which includes:
- Exhibit F, SEWRPC Summary of Public Outreach and Involvement Activities Undertaken, Including Meaningful Access for Minority and Low Income Populations: August 2011 – April 2014.
- Exhibit G, SEWRPC Staff Memorandum entitled “Four-Factor Analysis and Accommodation Plan for Limited English Proficiency Persons as Part of the Regional Transportation Planning Process for Southeastern Wisconsin.
- Exhibit H, SEWRPC Summary of the Membership of the Commission and Advisory Committees.
- Exhibit I, Demographic Profile of Southeastern Wisconsin.
- Exhibit J, SEWRPC Summary of the Identification and Consideration of the Transportation Needs of Minority Populations During the Regional Transportation Planning Process for Southeastern Wisconsin.
- Exhibit K, SEWRPC Summary of the Distribution of State and Federal Funding for Public Transportation Serving Minority Populations in Southeastern Wisconsin.
- SEWRPC Title VI Non-Discrimination Agreement with WisDOT (Appendix D of the SEWRPC 2016 Workplan.
- 2012 Transportation Planning Certification Review for Milwaukee, Wisconsin and Wisconsin Portion of the Round Lake Beach, Illinois-Wisconsin TMAs (May 2014).
- SEWRPC Title VI Year 2014 Accomplishments, Year 2016 Goals, and Certification (Appendix C of the SEWRPC 2016 Workplan).
- SEWRPC Website on Environmental Justice Task Force, along with membership list, meeting agendas, minutes, and attachments.
- SEWRPC Regional Housing Plan 2035, Chapter IX, Accessible Housing; Appendix F, Summary of Fair Housing and Other Non-Discrimination Laws; and Appendix K, Summary of the Socio-Economic Impact Analysis of the Regional Housing Plan.
- 2016 Overall Work Program
- SEWRPC Memorandum Report Number 215, "Review and Update of the Year 2035 Regional Transportation Plan", 2014
- Vision 2050 – website and written materials
  - Draft Plan Chapters
  - Newsletters
  - Summary Materials
  - Related Reports
  - Advisory Committee minutes



- A Regional Land Use Plan for Southeastern Wisconsin: 2035
- The Economy of Southeastern Wisconsin
- The Economy and Population of The Southeastern Wisconsin Region Newsletter: 2014
- Transit Development Plans
- Congestion Management Process (CMP)(April 2012)

In addition to these MPO documents, the most recent SEWRPC Certification Review from 2012 was also reviewed. A summary of the 2012 Certification Review is provided in Appendix B.

## **4.0 PROGRAM REVIEW**

### **4.1 Metropolitan Planning Area Boundaries**

#### **4.1.1 Regulatory Basis**

23 U.S.C. 134(e) and 23 CFR 450.312(a) state the boundaries of a Metropolitan Planning Area (MPA) shall be determined by agreement between the MPO and the Governor. At a minimum, the MPA boundaries shall encompass the entire existing urbanized area (as defined by the Bureau of the Census) plus the contiguous area expected to become urbanized within a 20-year forecast period for the MTP.

#### **4.1.2 Findings**

The Milwaukee urbanized area boundary was adjusted to include the entire 2010 Census-defined urbanized area that includes the portion within Jefferson County, and was approved by FHWA April 28, 2014. The Milwaukee urbanized area metropolitan planning area boundary retains all of Milwaukee, Waukesha, Washington and Ozaukee Counties, plus portions of neighboring Jefferson and Dodge Counties. Milwaukee, Waukesha, Washington and Ozaukee Counties are ozone nonattainment areas as of August 10, 2005. The updated MPA boundary was approved by SEWRPC on May 22, 2014 and by WisDOT on June 16, 2014.

The urbanized area boundary for the Wisconsin portion of the Round Lake Beach, IL-WI urbanized area was adjusted to include the entire Census-defined urbanized area and approved by FHWA on April 29, 2014. The metropolitan planning area for the Wisconsin portion of the Round Lake Beach, IL-WI urbanized area was adjusted and approved by SEWRPC on May 22, 2014 and by WisDOT on June 16, 2014.



The SEWRPC adjusted urbanized area boundaries and metropolitan planning area boundaries are consistent with federal requirements.

## **4.2 MPO Structure and Agreements**

### **4.2.1 Regulatory Basis**

23 U.S.C. 134(d) and 23 CFR 450.314(a) state the MPO, the State, and the public transportation operator shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State, and the public transportation operator serving the MPA.

### **4.2.2 Findings**

SEWRPC was designated under Wisconsin statute as the regional planning commission for the seven-county region in southeastern Wisconsin in 1960. SEWRPC was designated as the MPO for the Milwaukee, Kenosha and Racine urbanized areas on January 9, 1974. SEWRPC assumed responsibility as the MPO for the Wisconsin portion of the Round Lake Beach, IL-WI urbanized area in western Kenosha County in 2005, having historically served as the MPO for the entire Kenosha County metropolitan planning area associated with the Kenosha urbanized area.

The governing structure of Wisconsin regional planning commissions is established in state statute. The SEWRPC Bylaws were amended on June 18, 2014 to provide designation of certain commissioners as representatives of providers of public transportation and representatives of the State transportation officials. The assignments of transit and state representation are consistent with MAP-21 and the May 26, 2016 federal transportation planning rule.

The SEWRPC organization and designation is consistent with federal requirements.

SEWRPC maintains the following transportation planning agreements required under this section:

- Cooperative Agreement for Continuing Transportation Planning for the Southeastern Wisconsin Region, May 2, 2008
- Cooperative Agreement for Coordination of Land Use-Transportation Planning in the Round Lake Beach-McHenry-Grayslake, IL-WI Urbanized Area, May 29, 2009



- Memorandum of Agreement Regarding Determination of Conformity of Transportation Plans, Programs and Projects to State Implementation Plans, August 13, 2012

The MPO cooperative agreement was recently updated and executed by local transit operators and the MPO. The City of Milwaukee recently became a transit operator for the new streetcar system. The City should be added to the MPO cooperative agreement in this capacity.

The coordinated planning agreement for the Round Lake Beach, IL-WI urbanized area has been updated and is under final review by SEWRPC and CMAP. The updated agreement is expected to be executed in 2018.

## **4.3 Unified Planning Work Program**

### **4.3.1 Regulatory Basis**

23 CFR 450.308 sets the requirement that planning activities performed under Titles 23 and 49 U.S.C. be documented in a Unified Planning Work Program (UPWP). The MPO, in cooperation with the State and public transportation operator, shall develop a UPWP that includes a discussion of the planning priorities facing the MPA and the work proposed for the next one- or two-year period by major activity and task in sufficient detail to indicate the agency that will perform the work, the schedule for completing the work, the resulting products, the proposed funding, and sources of funds.

### **4.3.2 Findings**

SEWRPC prepares an annual UPWP called the Overall Work Program (OWP), covering all Regional Planning Commission work activities proposed in the calendar year. The OWP discusses the transportation planning priorities for the MPO area, and includes all transportation activities and the funding proposed for each. The transportation elements of the OWP are developed in cooperation with the State and transit operators, as well as local officials. Throughout the year input is gathered on what should be included in the upcoming OWP and the document has opportunities for review before adoption.

SEWRPC prepares an annual report detailing work performed during the previous calendar year. This report is sent to all local partners, the state, and transit operators to keep the partners informed of accomplishments, as well as the type of work that can be provided by SEWRPC. The Report includes the following:



- 1) Basic information about the Commission and a brief description of each of the elements that comprise the comprehensive regional plan
- 2) Documentation of Commission work activities undertaken during the previous calendar year; and
- 3) Documentation of the Commission's monitoring efforts carried out during the previous year and highlights various aspects of regional growth and change.

The format of the OWP is acceptable, and the description of work to be undertaken is thorough. The work activities correlate with the planning factors and federal planning emphasis areas under MAP-21 and incorporate priorities identified during the development of *VISION 2050*. The requirements of this section of the planning regulations are satisfied.

**Recommendation:**

SEWRPC should consider including a visual timeline of all tasks identified in the UPWP, similar to the Regional Land Use and Transportation Plan Schedule found in Appendix I of SEWRPC's 2016 Overall Work Program (OWP). Such a timeline could serve to differentiate between projects that are ongoing through the year and repeat on an annual basis, and those that are limited in duration with a defined endpoint.

## **4.4 Metropolitan Transportation Plan**

### **4.4.1 Regulatory Basis**

23 U.S.C. 134(c), (h) & (i) and 23 CFR 450.324 set forth requirements for the development and content of the Metropolitan Transportation Plan (MTP). Among the requirements are that the MTP address at least a 20-year planning horizon and that it includes both long and short range strategies that lead to the development of an integrated and multi-modal system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

The MTP is required to provide a continuing, cooperative, and comprehensive multimodal transportation planning process. The plan needs to consider all applicable issues related to the transportation systems development, land use, employment, economic development, natural environment, and housing and community development.

23 CFR 450.324(c) requires the MPO to review and update the MTP at least every four years in air quality nonattainment and maintenance areas and at least every 5 years in attainment areas



to reflect current and forecasted transportation, population, land use, employment, congestion, and economic conditions and trends.

Under 23 CFR 450.324(f), the MTP is required, at a minimum, to consider the following:

- Projected transportation demand
- Existing and proposed transportation facilities
- Operational and management strategies
- Congestion management process
- Capital investment and strategies to preserve transportation infrastructure and provide for multimodal capacity
- Design concept and design scope descriptions of proposed transportation facilities
- Potential environmental mitigation activities
- Pedestrian walkway and bicycle transportation facilities
- Transportation and transit enhancements
- A financial plan

#### **4.4.2 Findings**

In 2013, SEWRPC embarked on a major update of the regional land use and transportation plan. The plan marked a major shift in that the development process was constructed to emphasize public information and involvement. The process was heavily reliant on visual, electronic and social media. The effort involved an extensive public visioning process to identify the goals, priorities, and preferences of the region as the basis for development and evaluation of development scenarios leading to a recommended land use and transportation plan. The update included two regional advisory committees to guide the process, nine task forces to focus on key issues, seven county committees providing input, and residents participating by telephone, travel surveys, and interactive web tools. Also, five rounds of public involvement that included 82 interactive workshops were held.

The plan was completed and adopted in July 2016 with key recommendations in land use to preserve primary environmental corridors and natural resources and promote sustainable development patterns with a mix of housing types and land uses, including transit oriented development. Key transit recommendations called for the region to develop a rapid transit network that included bus or light rail, develop commuter rail lines, and improve/expand commuter bus services, to name a few. The substantial expansion of the transit system identified in the plan is estimated to require approximately \$160 million annually in additional local and/or state funding to become a reality. The previous certification report noted that SEWRPC's next regional transportation plan update (which



is VISION 2050) would need to closely examine transit service expansion projects against available funds to ensure fiscal constraint is achieved.

SEWRPC recognized and communicated as part of the VISION 2050 process that the lack of available funding may impact the extent to which transit improvements can be included in the upcoming plan update if additional reasonably anticipated revenue sources cannot be demonstrated. Many comments received during the public meeting for the certification review acknowledged the commitment and progress SEWRPC made in engaging the public with the creation of VISION 2050. However, many of the participants felt that the call for transit reduction in the fiscally constrained transportation plan rendered their participation in the process as ineffective if not outright meaningless. Others stated that the plan as currently adopted fails to distribute transportation system investments in a manner that will ensure equity in outcomes and does not impose a disproportionate burden upon communities of color and persons with disabilities.

The ongoing challenge for SEWRPC will be not only to continue to strengthen its engagement with the public and educate participants in the process on the funding required to implement the land use and transportation plan that they envisioned, but also to creatively identify opportunities to finance and implement the more robust transit system not included in the fiscally constrained transportation plan. VISION 2050 goes into significant detail on the funding gap that prevents implementation of the transit vision, consequences to the region of not fully funding that vision, and looks at potential funding sources to address the funding gap.

A significant amount of the technical analysis within VISION 2050 compares the southeastern Wisconsin region to similar urbanized areas in the country. It is now being used a policy guide and action plan for the newly created Regional Transit Leadership Council. This organization serves as a voice beyond SEWRPC to identify the benefits of implementing the plan and the impacts to the region's competitiveness and economic prosperity if the plan remains inadequately funded. Additional funding source(s) need to be found and committed to transit in the SEWRPC area.

**Commendation:**

SEWRPC is to be commended for VISION 2050 as an outstanding publicly oriented decision-making process. The MPO successfully built relationships and used interactive methods to accomplish true engagement. The Commission staff started the effort as an opportunity for the public to create a vision for the region. SEWRPC committed significant time and effort to meet with interested parties that may or may not have previously participated in the planning process.



## **4.5 Transit Planning**

### **4.5.1 Regulatory Basis**

49 U.S.C. 5303 and 23 U.S.C. 134 require the transportation planning process in metropolitan areas to consider all modes of travel in the development of their plans and programs. Federal regulations cited in 23 CFR 450.314 state that the MPO in cooperation with the State and operators of publicly owned transit services shall be responsible for carrying out the transportation planning process.

### **4.5.2 Findings**

As in previous certification reviews, there is consensus among the several transit operators (Milwaukee County, City of Hartford, Ozaukee County, Washington County and Waukesha Metro transit systems) that SEWRPC is being responsive to their needs and makes every effort to be inclusive and coordinate the impact of SEWRPC's transportation planning efforts in the metropolitan area.

It is evident from the participation of the transit operators during the certification review that there is strong cooperation among the transit providers and SEWRPC. Transit operators are directly involved in the development and review of the TIP and TIP amendments. Transit operators are members of the advisory committees in each urbanized area that guide the compilation of transportation plans, as well as the review of projects to ensure consistency with the regional transportation plan. These committees serve as a forum to discuss cross-jurisdictional service coordination and pursue other specific transit issues affecting the public transportation needs of the region.

FTA allows transit operators (grantees) to rely on the locally adopted public participation requirements for the TIP in lieu of the process required in the development of the Program of Projects (POP) if the transit operator has coordinated with the MPO and ensured that the public is aware that the TIP development process is being used to satisfy the POP public participation requirements. To comply with POP requirements, the MPO's public participation plan should state that the MPO's public participation process satisfies the FTA grantee's public participation process. The public notice for the TIP must explicitly state that the public involvement activities and the time established for public review and comment on the TIP will satisfy the POP requirements for transit agencies.

In recent triennial reviews for transit agencies, FTA found that many transit operators utilize SEWRPC's public participation process as part of FTA's public participation requirement for their program of projects that are listed in the TIP and subsequently



funded by FTA. While SEWRPC had routinely included language in its advertisement for the TIP, the notice did not specifically identify the transit agencies covered in the process by name. SEWRPC has since worked with transit operators and FTA to make sure that proper language identifying the appropriate agencies is listed in the planning documents and public notice.

### Coordinated Transit Service Planning

In 2012, SEWRPC facilitated the planning process and prepared Public Transit-Human Services Transportation Coordination Plans (“Coordination Plans”) for each of the seven counties in the Region. The Coordination Plans are intended to provide a framework to assist community leaders, human services agencies, and public transit agencies to improve transportation services in each county and between counties. The plans assess the existing transportation needs and services in each county, identify unmet needs or service gaps, and present a prioritized list of strategies to address those transportation needs in a cost-effective manner. The plans are developed with guidance and input from the riding public, human services agencies, and public and private transit operators in each county.

### Transit Development Planning

SEWRPC continues to work with transit operators in special planning efforts that go beyond the routine annual activities. Over the past two years, SEWRPC has played a key supporting role and partner with the Milwaukee County Department of Transportation in advancing the County’s East West Bus Rapid Transit (BRT) project into FTA’s Small Starts program. More specifically, SEWRPC helped with public involvement and analysis on travel time savings and congestion reduction.

Transit Development Plans (TDP) are prepared by SEWRPC, in conjunction with regional transit agencies. TDPs help serve as the region’s strategic planning and needs document. These plans evaluate transit services provided and the growth needs of the region’s current and future transit users and provide a program of recommended transit improvements to better serve these needs.

At the time of this certification review, SEWRPC had completed a 2015-2019 Transit Development Plan (TDP) for Washington County and was preparing to launch a TDP update for Ozaukee County. The TDP efforts undertaken are a prime example of how an MPO can provide planning expertise, coordination and public involvement resources that may not readily exist for transit operators. The TDPs also supplement recommendations and information that makes up the RTP.



The TDPs include the following elements:

- Existing Transit Services and Travel Patterns
- Public Transit Service Objectives and Standards
- Evaluation of the Local Transit System
- Transit Service Alternatives for the Local Transit System
- Recommended Transit Service Plan for the Local Transit System

Online documentation of the TDP effort includes:

- Transit planning advisory committee roster
- Plan and meeting materials (agendas and minutes)
- Comment box with option to request report materials
- Newsletter updates that serve as a “transit service work program” publication

#### City of Milwaukee and Milwaukee County Coordination

The City of Milwaukee has been a grantee of FTA for five years. While the City’s Streetcar project has not yet been fully constructed and service and has not commenced, it is critical that the City participate in the regional transportation planning process in a capacity like the other transit operators in the region. As such, the City of Milwaukee should be included in cooperative agreements with the MPO and WisDOT.

The programming of current and future funds for the construction, operating (with Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding) and maintenance of the Streetcar has the potential to impact how limited funds in the Milwaukee urbanized area are allocated. While SEWRPC has successfully worked with the transit operators to allocate formula funding in a cooperative fashion, the introduction of a new mode of transit into the region may present unique challenges (and opportunities) for future transit investments and funding decisions.

SEWRPC must ensure that the City’s Streetcar and MCTS systems are integrated and complement one another as opposed to competing for ridership as the Streetcar system progresses and potentially expands. SEWRPC should also be called upon to assist with future expansion/build-out efforts of the Streetcar as they are experienced with the public engagement and advisory process associated with the transit development plans and transit service alternatives. The expertise that SEWRPC brings to the effort would serve to make sure that assessments are made on a comprehensive and regional level in



terms of the costs and benefits associated with future buildout. SEWRPC could also assist in efforts as needed to ensure that the systems operate in a coordinated manner with respect to connectivity and fare integration.

Milwaukee County has issues with their limits of service (time and geographic) which do not allow for last mile connections - riders to reach their final destination. Traditional service has been based on specific am-pm hours. It doesn't adequately serve those who work beyond the traditional service hours when work-shifts change. It is thought that additional funding for operations would likely be a more efficient solution than connecting with or utilizing non-traditional services.

Each transit operator in the region remains challenged with balancing the needs of their community with the level of service it can or should provide. A common need is getting people to employment in a manner that is both justified from a cost standpoint and permissible from a service jurisdiction standpoint. Cross county boundary service issues, specifically transfers for vulnerable populations remains a serious challenge. For both Ozaukee and Washington Counties, the issue is getting people to Milwaukee and getting the most out of their shared-ride services. Those objectives require local and political support to increase transit funding and in re-thinking service area boundaries.

**Recommendation:**

SEWRPC is encouraged to continue working closely with the City and MCTS as they explore transit oriented development (TOD) opportunities associated with both the Streetcar and the East West BRT project currently in project development under FTA's Capital Investment Grant (CIG) program. SEWRPC's experiences in developing *VISION 2050* can be used to help guide project funding and corridor prioritization decisions that are made by transit operators in a manner that is transparent and accessible to the riding public. While notifying the public of transit service decisions (expansions or reductions) are primarily the responsibility of the transit operators, SEWRPC's public involvement process and website appear to be an effective mechanism to garner input on transit service needs in the different jurisdictions.

SEWRPC should continue working with the transit operators and local advisory committees to formally identify jurisdictional challenges that limit effective, compatible, and coordinated transit service. A comprehensive updating of the seven Coordination Plans or an effort independent of and more immediate than the Transit Development Plan updates may be warranted to address the current connectivity of transit services problem. Through the Vision 2050 document, SEWRPC touched on regional



consequences of not having a vibrant and adequately funded transit system. A closer look at the local consequences of inadequate transit service may be warranted as well.

## **4.6 Transportation Improvement Program**

### **4.6.1 Regulatory Basis**

23 U.S.C. 134(c), (h) & (j) set forth requirements for the MPO to cooperatively develop a Transportation Improvement Program (TIP). Under 23 CFR 450.326, the TIP must meet the following requirements:

- Must cover at least a four-year horizon and be updated at least every four years.
- Surface transportation projects funded under Title 23 U.S.C. or Title 49 U.S.C., except as noted in the regulations, are required to be included in the TIP.
- List project description, cost, funding source, and identification of the agency responsible for carrying out each project.
- Projects need to be consistent with the adopted MTP.
- Must be fiscally constrained.
- The MPO must provide all interested parties with a reasonable opportunity to comment on the proposed TIP.

### **4.6.2 Findings**

SEWRPC prepares a new TIP every two years in cooperation with WisDOT, local governments, and transit operators. The TIP reviewed for this certification is for the years 2015 through 2018, and was completed in November 2014. At that time, it was consistent with the Wisconsin STIP development cycle.

For each new TIP and subsequent amendment, SEWRPC establishes fiscal constraint by comparing the cost of programmed projects to estimated available funds, based upon historic transportation expenditures obtained from WisDOT, transit operators, and local units of government, and estimates of available funds from Federal and State programs. SEWRPC reviews each project proposed for inclusion in the TIP to determine whether it is consistent with and serves to implement the Regional Transportation Plan (RTP) prior to it being included in the TIP.



SEWRPC makes the draft TIP available for public review and conducts a public meeting to take comments. In accordance with the public participation plan, Commission staff prepares a formal record of the public involvement process following the public meeting and public comment period. The comments received are grouped by category and theme, and a response to the comments is provided as appropriate. The comments received may result in a change to the final TIP. Many projects in the TIP are also part of the public involvement processes used in the development of local annual or State biennial budgets, state and local capital improvement programs, and preliminary engineering and environmental assessment processes.

Overall, SEWRPC has made substantial efforts to add more documentation to improve the public's understanding of the TIP project selection process. The previous certification review made recommendations for SEWRPC to more closely examine and discuss criteria that could improve funding for transit projects and highlight the limits of the MPO's authority for project selection.

As a result of those recommendations, SEWRPC documented the TIP development process in the document and on its website. SEWRPC created a flowchart demonstrating the process from the initial submission of projects by state and local governments, to the review and selection of projects, to the final submission for approval by WisDOT, FHWA, and FTA.

The TIP now includes brief descriptions of the federal funding sources available to the region. Basic eligibility requirements and flexibilities within each funding program are documented and made available to decision makers as part of the TIP development cycle to ensure that they can consider the full range of transit and highway funding available to address regional needs and priorities. SEWRPC has ongoing coordination with transit operators on the use and prioritization of transit funding as well as the consideration of transit needs with highway program funding. The TIP elaborates on the history of FHWA's Surface Transportation Block Grant Program (STBG) funding in the Milwaukee urbanized area and how funds are set aside and transferred for transit capital projects.



Discussion is also provided on how CMAQ projects and funding are prioritized.<sup>1</sup> In August 2013, SEWRPC in coordination with the TIP Committees approved revised scoring procedures that included the use of housing-related criteria; job/housing imbalance, and provision of transit as recommended in the adopted regional housing plan. However, additional detail may be warranted as the current point scoring system has not been clearly defined since the revised scoring procedures were implemented.

Furthermore, the listing of SEWRPC recommended projects is presented to the WisDOT Secretary for his consideration and approval. The TIP does not define the criteria used by the State to approve CMAQ projects. As such, SEWRPC should clarify and make available (via links or inclusion in the TIP) the various scoring criteria utilized in deciding what projects are funded under CMAQ. SEWRPC should also identify the process that is required to change the scope of a project that was previously approved for CMAQ funding.

A major consideration in flexing funds from highway to transit is the transit operators' capacity to leverage additional capital funding to address service needs. As in previous certification reviews, capital investments with federal funds are still limited by the availability of local matching funds. All transit operators participating in the review agreed that *VISION 2050* highlights the region's preference for expansion in transit as a major goal and outcome of the planning process. However, the region must secure a dedicated source for local transit funding, particularly to support operations if the desired investments are to be realized. This point was emphasized repeatedly by SEWRPC throughout the *VISION 2050* development process.

The review team found that the explanation for TIP amendments versus administrative modifications appeared very detailed and somewhat intimidating from a format/readability standpoint within the document. To make this critical component of the project selection process more accessible, SEWRPC should consider breaking the content down to be more reader-friendly. Also, certain terminology like "modest" or

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<sup>1</sup> In November 2017, WisDOT changed the CMAQ project selection process so that it is the sole decision-maker in the selection of projects for CMAQ funding. As of the date of this report, WisDOT has not provided the criteria guiding its CMAQ project selection process.



“substantial” changes appears as vague or subject to internal interpretation. These terms could be explained in greater detail in future TIPs.

Finally, it appears the thresholds for substantial and/or modest changes may be different for transit projects and highway projects, which often differ in cost and magnitude. Some transit operators that attended the onsite review were not clear as to what changes in their projects could be handled administratively or would constitute an amendment.

### **Recommendations:**

SEWRPC should create a more visual presentation of TIP amendment criteria. A table or matrix that details certain dollar or percentage change thresholds would help explain the differences between amendments requiring formal review and administrative modifications.

SEWRPC should evaluate its current amendment and administrative modification criteria and determine if it applies equally and clearly to both highway and transit projects. Consideration should be given to defining the criteria for amendments for transit projects if it is found that the current criteria is not commonly understood by transit operators or the public.

Consideration should also be given to creating a more visual presentation of the various funding programs and the scoring/selection criteria within each program where applicable. The same formatting consideration should be given to federal funding sources subject to transfer between highway and transit programs.

A cooperative agreement between SEWRPC, FHWA, FTA, transit operators and the State should be considered to examine if a new approach should be taken to apply criteria as a cap rate or percentage changes in highway and transit projects for amendments and administrative modifications.

## **4.7 Public Participation**

### **4.7.1 Regulatory Basis**

Sections 134(i)(5), 134(j)(1)(B) of Title 23 and Section 5303(i)(5) and 5303(j)(1)(B) of Title 49, require a Metropolitan Planning Organization (MPO) to provide adequate opportunity for the public to participate in and comment on the products and planning processes of the MPO. The requirements for public involvement are detailed in 23 CFR 450.316(a) and (b), which require the MPO to develop and use a documented participation plan that includes explicit procedures and



strategies to include the public and other interested parties in the transportation planning process.

Specific requirements include giving adequate and timely notice of opportunities to participate in or comment on transportation issues and processes, employing visualization techniques to describe metropolitan transportation plans and TIPs, making public information readily available in electronically accessible formats and means such as the world wide web, holding public meetings at convenient and accessible locations and times, demonstrating explicit consideration and response to public input, and a periodically reviewing of the effectiveness of the participation plan.

#### **4.7.2 Findings**

Using FTA Circular 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients as the primary Federal guidance, SEWRPC is exceeding relevant Federal (FHWA and FTA) expectations for public outreach and is accomplishing the four primary goals set forth in the SEWRPC Public Participation Plan Appendix. Guided by their Division of Public Involvement and Outreach, but implemented through the SEWRPC divisions with a high level of leadership support, SEWRPC's strong emphasis on public outreach has resulted in a robust public engagement program.

SEWRPC has a significant amount of information (historical to present) on its website, and does an acceptable job in providing a "roadmap" to allow the public to access this vast amount of technical information. However, SEWRPC needs to fully realize that, in this day of social media, "simple" social media such as email notices become more recognized and read, and thus more important, than the traditional and legally required newspaper postings.

SEWRPC has a strong program in providing information to the public about, and access to, regional transportation planning and programming activities (goal 1), utilizing a variety of outreach techniques to include study newsletters and fact sheets, brochures with condensed content, targeted presentations and briefings, ongoing comment opportunities, timely public meetings, newsletters and other direct mailings, news releases, paid advertisements, and website postings.

#### **Commendation:**

The public outreach for VISION 2050 was excellent. The outreach effort was organized into five separate rounds of public workshops hosted by SEWRPC between September 2013 and June 2016. Each round consisted of one public workshop in each of the seven



SEWRPC counties, and eight additional workshops hosted by partner community organizations. The content of the meetings progressed from initial planning through discussions on sketch scenarios, the Alternative Plan, and Draft Plan as they were released to the public. A dedicated website was also maintained by SEWRPC to keep the public informed throughout the planning process.

Summaries were developed for each round of public outreach and resulted in the impressive Guiding the VISION. The document provided an initial vision for land use and transportation system development to guide the planning process.

SEWRPC has developed a solid record of obtaining public input during regional transportation planning and programming activities (goal 2), with the caveat that as expected higher interest/higher controversy matters draw greater responses while lower interest and more technical issues generate significantly fewer public comments.

SEWRPC has a strong record of acknowledging public input received, is very professional in addressing public concerns, and has improved in demonstrating, in their documents, how SEWRPC staff and committees considered the public input received when regional transportation planning and programming recommendations are made (goal 3).

Appendix J – Public Feedback on Preliminary Recommended Plan of the Preliminary Draft VISION 2050, constitutes a very well drafted, model document with a solid and fair summary of public input, including opposition comments; detailed yet non-technical responses; and a good indication on how the comment was considered by SEWRPC and how it might impact the final draft and/or other SEWRPC activities, to include the public outreach process itself.

The fourth goal in the SEWRPC Public Participation Plan (PPP) Appendix is to evaluate the effectiveness of the public participation plan and continuing to improve public participation when possible. SEWRPC addressed this goal in part by conducting a quantitative evaluation of the Public Participation Process for the Southeastern Wisconsin Regional Planning Commission after each of the 2012, 2013, and 2014 calendar years. SEWRPC used the three public participation goals set forth in the PPP (early and continuous public notification, meaningful information, and obtaining participation and input) and listed each measured activity or technique used to achieve the goal. SEWRPC then evaluated whether the target measure (such as ten paid advertisements used to promote early and continuous public notification) was met. The target measures were generally met, and in most cases, were greatly exceeded. This quantitative evaluation analyses determines whether SEWRPC followed through in implementing their targeted



public outreach efforts, but does not fully address the effectiveness of their overall public participation plan.

It is extremely difficult for an organization like SEWRPC to quantify whether their overall public participation plan is fully effective. However, the process descriptions and feedback, public comments, and analysis that are set forth in the Appendix J – Public Feedback on Preliminary Recommended Plan of the Preliminary Draft VISION 2050 do provide qualitative evidence of the effectiveness of the SEWRPC PPP in regards to its implementation in the VISION 2050 process. Furthermore, Appendix J documents that SEWRPC does work diligently to continue to improve its public participation process, procedures, and tools.

Overall, prior to revising their three 2012 public participation documents, SEWRPC should engage in a review of the relative effectiveness of their strategies and techniques, with an emphasis on their outstanding efforts in the VISION 2050 process, in order to guide the revision and refinement of their public participation documents. In other words, learn from the success of this recent, extensive effort to develop the guidance and plan for continuing their robust public engagement program.

#### **Recommendations:**

SEWRPC is encouraged to consider implementing the following recommendations:

- Clarify roles and responsibilities for transit related public involvement
- Continue building on established task forces and community group relationships
- Consider You-Tube short to present information.
- Include consultation process in PPP
- Include groups specifically listed in planning regulations (23 CFR 415.316) for TIP consultation in the PPP.

## **4.8 Civil Rights (Title VI, EJ, LEP, ADA)**

### **4.8.1 Regulatory Basis**

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 U.S.C. 2000d states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In addition to Title VI, there are other Nondiscrimination statutes that



afford legal protection. These statutes include the following: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 324), Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990. ADA specifies that programs and activities funded with Federal dollars are prohibited from discrimination based on disability.

Executive Order #12898 (Environmental Justice) directs federal agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations. In compliance with this Executive Order, USDOT and FHWA issued orders to establish policies and procedures for addressing environmental justice in minority and low-income populations. The planning regulations, at 23 CFR 450.316(a)(1)(vii), require that the needs of those “traditionally underserved” by existing transportation systems, such as low-income and/or minority households, be sought out and considered.

Executive Order # 13166 (Limited-English-Proficiency) requires agencies to ensure that limited English proficiency persons can meaningfully access the services provided consistent with and without unduly burdening the fundamental mission of each federal agency.

#### **4.8.2 Findings**

##### Title VI and Related Nondiscrimination Expectations

Using FTA Circular 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients as the primary federal guidance for Title VI and related requirements, SEWRPC is meeting federal (FHWA and FTA) expectations in their Title VI and Nondiscrimination program, including Limited English Proficiency (LEP).

The SEWRPC Title VI Program plan documentation (the July 31, 2014 staff memorandum and the Title VI Non-Discrimination Agreement with WisDOT located in Appendix D of the SEWRPC 2016 Work Plan) are consistent in structure with WisDOT and Federal guidance and the substance meets or exceeds Federal and WisDOT requirements.

The SEWRPC Title VI complaint log contained in Exhibit D of their July 31, 2014 Title VI Program document, identifies three complaints filed since 2008. However, one of these concerning SEWRPC hiring decisions is more accurately classified as a Title VII EEO complaint. All three complaints have been closed, and none resulted in any findings of discrimination, under Title VI or Title VII, against SEWRPC.



Under federal law, an organization that receives federal financial assistance in one area or program is subject to Title VI and related nondiscrimination laws throughout all areas, programs, and activities of the organization. SEWRPC fully acknowledges this requirement in their Title VI documents and implements these expectations in their programs and plans. For example, the SEWRPC Regional Housing Plan 2035 contains a useful summary of fair housing and other non-discrimination laws in Appendix F, and a very good discussion of accessible housing in Chapter IX. In particular, the Findings note that design concepts like universal design and visit ability are intended to increase the accessibility of housing for persons with disabilities without the need for or significant cost associated with specialized housing. When there is more widespread use of universal design features in new houses, including wider doorways, zero-step entrances, and accessible electrical outlet and environmental controls, this will increase the availability of affordable housing for all individuals, regardless of age or disability, and would allow residents, once aged, to remain in their homes longer (aging in place).

As documented in Exhibit F of their Title VI Program memorandum, Appendix C of the 2016 Work Plan, and in documents relating to individual plans and activities, SEWRPC has an extensive and comprehensive approach to ensure that no individual is precluded from participating in, or benefiting from, SEWRPC decision-making processes due to their race, color, sex, national origin, age, or disability.

These activities include substantial direct outreach to the public, using targeted media outlets such as African American and Hispanic/Latino newspapers, and meeting locations near Title VI populations. This also includes providing key summary materials in Spanish and using interpreters as needed. The SEWRPC website itself uses Google Translate. The SEWRPC four-factor analysis in Exhibit G of their Title VI Program document their outreach to the Spanish speaking and Hmong LEP populations.

Overall, SEWRPC has had great success in coordinating with existing Title VI communities. Exhibit F identifies 28 Primary Groups that SEWRPC works with to reach out to Title VI protected groups and to promote their participation in all aspects of the planning process. Most these Primary Groups represent Title VI populations.

In addition, as part of their public outreach for *VISION 2050*, SEWRPC worked with eight partner organizations to ensure that Title VI protected populations were fully involved in the decision-making process to develop a 2050 regional land use and transportation plan. The partner workshops were conducted concurrently with the SEWRPC *VISION 2050* workshops for the public with feedback, comments, and concerns included in the *VISION 2050* website in and planning documents. Leaders and participants in these partner organizations reported positive experiences through these SEWRPC efforts to insure



these frequently underrepresented groups were fully involved in this critical planning effort.

Among the documents reviewed, it is noted that Title VI and Environmental Justice (EJ) is frequently used collectively, as if their concerns and protected populations are interchangeable, which they are not. Moreover, the focus is usually on the EJ protected populations (minority and low income), not the broader Title VI and related nondiscrimination populations. A good example is Exhibit H, Membership and Racial Characteristics of the Commission and Transportation Advisory Committees. Exhibit H provides a comprehensive discussion from the perspective of the EJ protected populations. This discussion also covers some of the Title VI protected populations. Furthermore, there is additional inclusion of older individuals and individuals with disabilities. However, sex is also a protected class under Title VI, and Exhibit H does not appear to include this protected class in its analysis.

### Environmental Justice

Using FTA Circular 4703.1 *Environmental Justice Policy Guidance for Federal Transit Recipients* as the primary federal guidance for Environmental Justice requirements, SEWRPC is meeting Federal (FHWA and FTA) expectations in that SEWRPC has made it part of their mission to identify and address, as appropriate, disproportionately high and adverse human health and environmental effects of their programs, plans and policies on minority and low-income populations. Moreover, SEWRPC has promoted EJ principles throughout their programs, plans, and activities.

As documented in Exhibit F of their Title VI Program Memorandum, Appendix C of the 2016 Work Plan, and in their Environmental Task Force minutes and materials, SEWRPC has an extensive, comprehensive, and model program to promote meaningful access for minority and low-income populations in not only the transportation planning process, but throughout the SEWRPC planning efforts. Some local community organizations point out that SEWRPC has not been able to obtain full implementation of SEWRPC plans by local and state governments, but even these organizations acknowledge the quality of the SEWRPC outreach, engagement, and products.

In addition, the SEWRPC Environmental Justice Task Force continues to evolve and currently constitutes a strong resource to both guide SEWRPC efforts to obtain meaningful access and to represent the interests and needs of low income and minority populations during the planning process. SEWRPC has not only met our prior recommendation to continue the role and involvement of the Environmental Justice Task Force throughout the transportation planning process, but they have exceeded this



recommendation by promoting the role of the Task Force throughout their planning process.

For example, the Task Force requested that SEWRPC conduct a socio-economic impact analysis of all regional plans prepared by SEWRPC. SEWRPC contracted with the University of Wisconsin-Milwaukee to analyze the preliminary recommendations of the draft regional housing plan. The summary provided in Appendix K of the housing plan states that the analysis determined that 33 of the 47 preliminary recommendations would be expected to have a significantly positive impact on EJ populations and 11 would be expected to have a positive impact. Three were determined to be neutral and no recommendations would have a disproportionately negative impact on an EJ population.

This analysis was a valuable contribution to the decision-making process. Additionally, Chapter IX of the Housing plan noted that the median annual earnings for persons with disabilities was about half that for persons without disabilities in the Region. Therefore, it was presumed that most individuals with disabilities do fall under the EJ protected low-income population. However, not all individuals with disabilities are low-income. Therefore, the penultimate paragraph in Appendix K is not correct in stating that persons with disabilities are an EJ population. Likewise, it is possible to have an affluent assisted living facility in which few, if any, of the individuals fall under an EJ protected population. Nevertheless, most the residents would likely fall under the protection of the Americans with Disabilities Act (ADA) and thus would need to be included in a Title VI/Nondiscrimination analysis. For this reason, it is important to determine if the effort is based on Title VI/Nondiscrimination requirements or EJ requirements prior to any analysis, as this determination makes sure that the relevant protected classes are identified and included in the discussion.

**Commendation:**

SEWRPC's targeted outreach efforts are typically focused on EJ protected populations, either directly through focused media and meetings or through SEWRPC's partnerships with community organizations. SEWRPC's efforts have resulted in commendable and meaningful access for minority and low-income populations in the SEWRPC planning and decision-making process.



## 4.9 Transportation Performance Management

### 4.9.1 Regulatory Basis

Section 1203 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) mandated the development of performance measures to increase accountability and transparency of the Federal-aid highway program and improve project decision-making through performance-based planning and programming. 23 CFR 490 specifies the federal performance rules and their associated requirements.

The planning regulation (23 CFR 450) also address requirements applicable to MPOs. The final safety performance measure rule was effective April 14, 2016 and the system performance measure rules were effective May 20, 2017. The first applicable deadline for MPOs is to establish their own safety targets, adopt WisDOT safety targets or adopt a combination thereof by February 27, 2018. MPO RTP or TIP updates on or after May 27, 2018 must be fully compliant with the safety performance measure requirements (May 20, 2019 for system performance measures and pavement/bridge measures).

The RTP needs to include:

- A description of the federally required performance measures and targets used in assessing the performance of the transportation system. [23 CFR 450.324]
- A system performance report evaluating the condition and performance of the transportation system with respect to the performance targets [23 CFR 450.324]

The TIP needs to include (to the maximum extent practicable) a description of the anticipated effect of the TIP toward achieving the federally required performance targets identified in the MTP, linking investment priorities to those performance targets. [23 CFR 450.326]

The FTA's transit asset management performance management requirements<sup>2</sup> outlined in 49 USC 625 Subpart D are a minimum standard for transit operators. Providers with more data and

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<sup>2</sup> <https://www.transit.dot.gov/TAM/FTAOutreachMaterials/perfmsrFS>



sophisticated analysis expertise can add performance measures and utilize those advanced techniques in addition to the required national performance measures. The performance measures are as follows:

- **Rolling Stock:** The percentage of revenue vehicles (by type) that exceed the useful life benchmark (ULB).
- **Equipment:** The percentage of non-revenue service vehicles (by type) that exceed the ULB.
- **Facilities:** The percentage of facilities (by group) that are rated less than 3.0 on the Transit Economic Requirements Model (TERM) Scale.
- **Infrastructure:** The percentage of track segments (by mode) that have performance restrictions. Track segments are measured to the nearest 0.01 of a mile.

MPOs must establish targets specific to the MPO planning area for the same performance measures for all public transit providers in the MPO planning area within 180 days of when the transit provider establishes its targets.

The FTA's public transportation agency safety plan rule will establish requirements for recipients of federal transit funds to develop public transportation agency safety plans. The plans would include the recipient's strategies for minimizing the exposure of the public, personnel, and property to unsafe conditions and include safety performance targets. As of the date of this report, the final rule has not been published.

#### **4.9.2 Findings**

WisDOT established its safety performance targets in August 2017. SEWRPC has elected to develop its own short and long-term (2046-2050) safety performance targets<sup>3</sup> and has a preliminary draft report<sup>4</sup> explaining the baseline conditions reflected in the region's safety data and the factors considered in establishing the region's safety performance targets. The report will be amended into the *VISION 2050* RTP and is a model for other MPOs to consider when documenting performance measure targets. The safety targets

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<sup>3</sup> [http://www.sewrpc.org/SEWRPC/Transportation/VISION2050\\_amendment.htm](http://www.sewrpc.org/SEWRPC/Transportation/VISION2050_amendment.htm)

<sup>4</sup> [http://www.sewrpc.org/SEWRPCFiles/Vision2050/Amendment/TPM\\_Safety\\_Target\\_DRAFT.pdf](http://www.sewrpc.org/SEWRPCFiles/Vision2050/Amendment/TPM_Safety_Target_DRAFT.pdf)



will be reported and monitored in the transportation system performance section of the Commission's Annual Report and on its website. The regional long-term targets will be reviewed and potentially updated every four years as part of the interim regional plan update and every 10 years as part of the major regional plan update.

SEWRPC has been actively working with WisDOT to develop the Travel Time Reliability, Freight, Peak Hour Excessive Delay (PHED), Emissions Reduction, and Non-Single Occupant Vehicles (Non-SOV) measures. SEWRPC has reached agreement with WisDOT on the joint PHED and Non-SOV targets required under the regulations.

## **4.10 Financial Planning**

### **4.10.1 Regulatory Basis**

The metropolitan planning statutes state that the long-range transportation plan and TIP (23 U.S.C. 134 (j) (2) (B)) must include a "financial plan" that "indicates resources from public and private sources that are reasonably expected to be available to carry out the program." Additionally, the STIP may include a similar financial plan (23 U.S.C. 135 (g)(5)(F)). The purpose of the financial plan is to demonstrate fiscal constraint. These requirements are implemented in the transportation planning regulations for the metropolitan long-range transportation plan, TIP, and STIP. These regulations provide that a long-range transportation plan and TIP can include only projects for which funding "can reasonably be expected to be available" [23 CFR 450.322(f)(10) (metropolitan long-range transportation plan), 23 CFR 450.324(h) (TIP), and 23 CFR 450.216(m)(STIP)]. In addition, the regulations provide that projects in air quality nonattainment and maintenance areas can be included in the first two years of the TIP and STIP only if funds are "available or committed" [23 CFR 450.324(h) and 23 CFR 450.216(m)]. Finally, the Clean Air Act's transportation conformity regulations specify that a conformity determination can only be made on a fiscally constrained long-range transportation plan and TIP [40 CFR 93.108].

### **4.10.2 Findings**

Financial planning and fiscal constraint are clearly demonstrated in the SEWRPC *VISION 2050* plan with the differences between the vision plan transportation recommendations and the recommended fiscally constrained transportation plan.

The SEWRPC fiscally constrained transportation plan includes a financial plan that provides a system level analysis of costs and anticipated revenues expected to operate and maintain the Federal-aid highway and public transportation systems. The MPO monitors trends in pavement and transit vehicle condition data to substantiate that state and local operating and maintenance revenues are adequate and projects funding levels



out to the plan horizon accounting for additional recommended improvement mileage and transit vehicles.

The financial plan incorporates conservative estimates of reasonably anticipated improvement revenues assuming continuation of current state and federal funding programs projected forward based on recent funding trends and inflation. No new public or private funding sources are assumed.

The estimated scope, cost and schedule of regionally significant highway projects are broken out individually in the financial plan. The Recommended Fiscally Constrained Transportation Plan and 2015-2018 TIP incorporate conservative estimates of revenues and costs developed cooperatively with WisDOT to support implementation.

The *VISION 2050 Recommended Fiscally Constrained Transportation Plan* and 2015-2018 TIP include financial plans that are consistent with federal metropolitan transportation planning and air quality conformity requirements and demonstrate fiscal constraint. The TIP must include a systems level accounting for operation and maintenance costs and funding to document that those revenues are not included in the funding programmed for improvements. This information is included in TIP Appendix D. It is recommended that this information be brought forward more prominently in the TIP narrative.

## **4.11 Freight Planning**

### **4.11.1 Regulatory Basis**

The MAP-21 established in 23 U.S.C. 167 a policy to improve the condition and performance of the national freight network and achieve goals related to economic competitiveness and efficiency; congestion; productivity; safety, security, and resilience of freight movement; infrastructure condition; use of advanced technology; performance, innovation, competition, and accountability, while reducing environmental impacts.

In addition, 23 U.S.C. 134 and 23 CFR 450.306 specifically identify the need to address freight movement as part of the metropolitan transportation planning process.

### **4.11.2 Findings**

SEWRPC is very active with freight issues and activities. They represent regional TMA interests on Wisconsin's Freight Advisory Council (FAC). In addition, as WisDOT developed its first statewide freight plan, staff coordinated with WisDOT to determine the elements



of their freight planning effort that would be appropriate for inclusion in the *VISION 2050* effort.

As part of the *VISION 2050* effort, SEWRPC staff is working with WisDOT, local governments and other interested parties to develop a regional freight network. The priority freight network developed by WisDOT will be incorporated into a regional freight network.

**Recommendation:**

SEWRPC should work closely with WisDOT to incorporate the statewide freight plan into relevant planning efforts. As part of this effort, the MPO should identify and consider specific major freight corridors in its Regional Transportation Plan (RTP).

## **4.12 Environmental Mitigation**

### **4.12.1 Regulatory Basis**

23 U.S.C. 134(i)(2)(D) 23 CFR 450.324(f)(10) requires environmental mitigation be set forth in connection with the MTP. The MTP is required to include a discussion of types of potential environmental mitigation activities for the transportation improvements and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

23 U.S.C. 168 and Appendix A to 23 CFR Part 450 provide for linking the transportation planning and the National Environmental Policy Act (NEPA) processes. A Planning and Environmental Linkages (PEL) study can incorporate the initial phases of NEPA through the consideration of natural, physical, and social effects, coordination with environmental resource agencies, and public involvement. This will allow the analysis in the PEL study to be referenced in the subsequent NEPA document once the project is initiated, saving time and money with project implementation.

### **4.12.2 Findings**

The *VISION 2050* plan was completed and adopted in July, 2016 with key recommendations in land use to preserve primary environmental corridors and natural resources, promote sustainable development patterns with a mix of housing types and land uses, including transit oriented development. There is a very strong linkage between land use and transportation planning which can be the most effective way to mitigate environmental impacts. In addition, SEWRPC works with local jurisdictions on



implementation of plans and regulates sewer service extensions to ensure consistency with land use plans. SEWRPC also advocates for the protection of environmental corridors, delineates environmental resources in the region and has a good relationship with resource agencies.

## **4.13 Transportation Safety**

### **4.13.1 Regulatory Basis**

23 U.S.C. 134(h)(1)(B) requires MPOs to consider safety as one of ten planning factors. As stated in 23 CFR 450.306(a)(2), the planning process needs to consider and implement projects, strategies, and services that will increase the safety of the transportation system for motorized and non-motorized users.

In addition, SAFETEA-LU established a core safety program called the Highway Safety Improvement Program (HSIP) (23 U.S.C. 148), which introduced a mandate for states to have Strategic Highway Safety Plans (SHSPs). 23 CFR 450.306 (d) requires the metropolitan transportation planning process should be consistent with the SHSP, and other transit safety and security planning.

### **4.13.2 Findings**

*VISION 2050* explicitly accounts for safety, including a specific safety objective and recommendations to minimize total crashes, crashes involving fatalities and serious injuries, bicycle and pedestrian crashes, automobile and transit vehicle conflicts, and freight related safety. Strategies include implementing Strategic Highway Safety Program strategies, improvements to address high crash locations, and developing a Regional Safety Management Plan.

As referenced in Section 4.9 of this report, SEWRPC has drafted a document considering data and methodologies to establish the safety targets for the region that will be incorporated into *VISION 2050* once a target-setting methodology and safety targets are formally adopted.



## 4.14 Transportation Security & Resiliency Planning

### 4.14.1 Regulatory Basis

23 U.S.C. 134(h)(1)(C) requires MPOs to consider security as one of ten planning factors. As stated in 23 CFR 450.306(a)(3), the Metropolitan Transportation Planning process provides for consideration of security of the transportation system.

The regulations state that the degree and consideration of security should be based on the scale and complexity of many different local issues. Under 23 CFR 450.324(h), the MTP should include emergency relief and disaster preparedness plans and strategies and policies that support homeland security, as appropriate.

### 4.14.2 Findings

*VISION 2050* includes recommendations to address security, resilience and reliability of the arterial street and highway system and freight transportation and specific strategies to implement the recommendation, including:

- Conduct periodic vulnerability assessments and monitor and strengthen vulnerable infrastructure
- Update assessment, monitor and strengthen critical transportation infrastructure to reduce disruptions
- Develop and maintain county and local government hazards mitigation plans
- Maintain a resilient regional arterial street and highway network. Implement capacity improvement projects to facilitate rerouting of traffic.
- Support WisDOT in enforcement and update of emergency routing policies
- Recommend strategies for ensuring shipments of essential freight during prolonged security incidents

The SEWRPC planning process and *VISION 2050* RTP satisfactorily incorporate federal planning requirements related to security, resiliency, reliability and vulnerability to natural disasters.



## **4.15 Nonmotorized Planning/Livability**

### **4.15.1 Regulatory Basis**

23 U.S.C. 217(g) states that bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each MPO under 23 U.S.C. 134. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities.

23 CFR 450.306 sets forth the requirement that the scope of the metropolitan planning process "will increase the safety for motorized and non-motorized users; increase the security of the transportation system for motorized and non-motorized users; and protect and enhance the environment, promote energy conservation, improve the quality of life.

### **4.15.2 Findings**

As the designated regional planning commission and MPO for a seven-county region in southeastern Wisconsin, SEWRPC is well-positioned to coordinate and leverage housing, transportation, water, and other infrastructure policies and investments to develop more sustainable and livable communities. SEWRPC activities in support of livability and sustainability include adoption of "Healthy Communities Objectives and Criteria" that guided the preparation and evaluation of the recently adopted *VISION 2050* land use and transportation plan. The objectives include vibrant walkable neighborhoods, active transportation options, compact urban development and limited rural development that maximize and protect open space, productive agricultural land, access to transit, and minimization of impervious cover, greenhouse gas emissions and disruptions to communities. SEWRPC also utilizes its authority over requests to extend water/sewer service in the region to ensure consistency with land use plans and protect identified environmental corridors.

*VISION 2050* recommends a well-connected bicycle and pedestrian network that improves access to activity centers, neighborhoods, and other destinations in the Region. This includes providing on-street bicycle facilities (such as bike lanes or paved shoulders), enhanced bicycle facilities (such as protected bike lanes or a separate path within a road's right-of-way), off-street bicycle paths, consideration of expanding facilities as part of resurfacing or reconstruction projects, expansion of the bike share program and accessible pedestrian facilities. SEWRPC has initiated a bicycle and pedestrian counting program to assist in planning and evaluating the effectiveness of projects.



## **4.16 Travel Demand Forecasting**

### **4.16.1 Regulatory Basis**

23 CFR 450.324(f)(1) requires that the MTP include the projected transportation demand of persons and goods in the MPA over the period of the transportation plan. Travel demand forecasting models are used in the planning process to identify deficiencies in future year transportation systems and evaluate the impacts of alternative transportation investments. In air quality non-attainment and maintenance areas, they are also used to estimate regional vehicle activity for use in mobile source emission models that support air quality conformity determinations.

### **4.16.2 Findings**

SEWRPC does an outstanding job of travel forecasting and has outstanding technical and policy capabilities in this area. The Commission incorporated peer review and TMA Certification Review comments into their modeling process, which improved the *VISION 2050* forecasting and analysis. SEWRPC is also considering other longer-term updates as well.

WisDOT has forecasting contracts with SEWRPC to do traffic forecasting for some of the more complicated WisDOT projects in the region. Traffic forecasting has been the subject of lawsuits during the NEPA process. Programmatic and project level forecasting processes and assumptions must be documented to meet current legal standards. SEWRPC has completed a draft report documenting its process so that the process is transparent and available for public scrutiny.

## **4.17 Air Quality**

### **4.17.1 Regulatory Basis**

The air quality provisions of the Clean Air Act (42 U.S.C. 7401) and the MPO provisions of Titles 23 and 49 require a planning process that integrates air quality and metropolitan transportation planning, such that transportation investments support clean air goals. Under 23 CFR 450.324(m), a conformity determination must be made on any updated or amended transportation plan in accordance with the Clean Air Act and the EPA transportation conformity regulations of 40 CFR Part 93. A conformity determination must also be made on any updated or amended TIP, per 23 CFR 450.326(a).



#### **4.17.2 Findings**

Within the Milwaukee TMA, Milwaukee, Waukesha, and Racine Counties are currently designated as a maintenance area under the 2006 24-Hour PM<sub>2.5</sub> National Ambient Air Quality Standard. The Wisconsin portion of the Round Lake Beach, IL-WI TMA is in attainment with criteria pollutant air quality standards.

SEWRPC is well experienced with transportation conformity and is an active and valued interagency partner in air quality planning and conformity in Wisconsin. Portions of the SEWRPC planning area have been designated nonattainment or maintenance for ozone and/or PM<sub>2.5</sub> since designation as a nonattainment area under the one-hour ozone standard in 1990.

SEWRPC maintains conformity for the MTP and TIP. The most recent conformity determination on the 2050 Recommended Fiscally Constrained Transportation Plan and 2015-2018 TIP occurred on July 28, 2016. SEWRPC's approach to monitoring, maintaining and demonstrating conformity is sound, complete and collaborative.

#### **Recommendation:**

The WisDOT Southeast Region Office should consider participation in the quarterly Transportation Conformity Workgroup meetings to improve transparency in terms of upcoming projects and allow consideration of air quality impacts by the various agencies and identification of additional information or analysis needed during project development process.

### **4.18 Congestion Management Process / Management and Operations**

#### **4.18.1 Regulatory Basis**

23 U.S.C. 134(k)(3) and 23 CFR 450.322 set forth requirements for the congestion management process (CMP) in TMAs. The CMP is a systematic approach for managing congestion through a process that provides for a safe and effective integrated management and operation of the multimodal transportation system. TMAs designated as non-attainment for ozone must also provide an analysis of the need for additional capacity for a proposed improvement over travel demand reduction, and operational management strategies.

23 CFR 450.324(f)(5) requires the MTP include Management and Operations (M&O) of the transportation network as an integrated, multimodal approach to optimize the performance of the existing transportation infrastructure. Effective M&O strategies include measurable regional



operations goals and objectives and specific performance measures to optimize system performance.

#### **4.18.2 Findings**

The SEWRPC CMP was most recently documented in April 2012 and substantially complies with Federal requirements. SEWRPC also collaborated with WisDOT and local agencies in compiling a Regional Transportation Operations Plan (RTOP) in May 2012 to identify specific projects for implementation based on the CMP strategies.

The CMP describes how the CMP requirements were addressed within the previous 2035 transportation plan update process. The CMP process was followed and documented within the *VISION 2050* plan, without specific identification of the CMP as the underlying process. Federal requirements and guidance intend that the CMP define a process for monitoring and managing congestion that transcends all transportation planning efforts and guides planning decisions. In conjunction with the 2017 update of the RTOP the CMP should be revised to establish this foundation for managing congestion to guide all transportation planning decisions.

#### **Recommendations:**

SEWRPC is encouraged to consider implementing the following recommendations:

- Update CMP following *VISION 2050*.
- Reorient the CMP documentation as a stand-alone guiding document establishing the CMP process, performance measures and recommended CMP strategies (TSM, TDM, etc.) that will be considered in all transportation planning efforts.
- Quantify the expected impact of the various strategies or family of strategies in terms of the overall CMP performance measures.
- Use the RTOP in prioritizing STP funding.
- Produce an annual evaluation of CMP strategies implemented.
- Conduct field evaluations of implemented CMP strategies to determine their impact on congestion.

## **5.0 CONCLUSION AND RECOMMENDATIONS**

The FHWA and FTA review found that the metropolitan transportation planning process conducted by SEWRPC meets Federal planning requirements as follows:



## 5.1 Commendations

The following are noteworthy practices that SEWRPC is doing well in the transportation planning process:

1. **Metropolitan Transportation Plan:** SEWRPC is to be commended for VISION 2050 as an outstanding publicly oriented decision-making process. The Metropolitan Planning Organization (MPO) successfully built relationships and used interactive methods to accomplish true engagement. The Commission staff started the effort as an opportunity for the public to create a vision for the region. SEWRPC committed significant time and effort to meet with interested parties that may or may not have previously participated in the planning process.
2. **Public Participation:** The public outreach for VISION 2050 was excellent, with five rounds of public input occurring between September 2013 and June 2016 involving 2 rounds of initial input, and one each for sketch scenarios; Alternative Plan; and Draft Plan. This included a dedicated website along with, for each round, one public workshop in each of the seven SEWRPC counties and eight workshops hosted by VISION 2050 partner community organizations. Furthermore, appropriate summaries were developed for each round including the impressive Guiding the VISION which provided an initial VISION for land use and transportation system development to guide the planning process.
3. **Public Participation:** SEWRPC has developed a good record of obtaining public input during regional transportation planning and programming activities, with the caveat that as expected higher interest/higher controversy matters draw greater responses while lower interest and more technical issues generate significantly fewer public comments.
4. **Public Participation:** SEWRPC has a strong record of acknowledging public input received, is very professional in addressing public concerns, and has improved in demonstrating how SEWRPC staff and committees consider public input in regional transportation planning and programming recommendations within SEWRPC documentation.
5. **Civil Rights:** SEWRPC's targeted outreach efforts are typically focused on Environmental Justice (EJ) protected populations, either directly through focused media and meetings or through SEWRPC's partnerships with community organizations. SEWRPC's efforts have resulted in commendable and meaningful access for minority and low-income populations in the SEWRPC planning and decision-making process.



## 5.2 Corrective Actions

None.

## 5.3 Recommendations

The following are recommendations that would improve the transportation planning process:

1. **Unified Planning Work Program:** SEWRPC should consider including a visual timeline of all tasks identified in the UPWP, similar to the Regional Land Use and Transportation Plan Schedule found in Appendix I of SEWRPC's 2016 Overall Work Program (OWP). Such a timeline could serve to differentiate between projects that are ongoing through the year and repeat on an annual basis, and those that are limited in duration with a defined endpoint.
2. **Transit Planning:** SEWRPC is encouraged to continue working closely with the City and Milwaukee County Transit System (MCTS) as they explore transit oriented development (TOD) opportunities associated with both the Milwaukee Streetcar and the East-West Bus Rapid Transit (BRT) project currently in development under FTA's Capital Investment Grant (CIG) program. SEWRPC's experiences in developing VISION 2050 can be used to help guide project funding and corridor prioritization decisions that are made by transit operators in a manner that is transparent and accessible to the riding public. While notifying the public of transit service decisions (expansions or reductions) are primarily the responsibility of the transit operators, SEWRPC's public involvement process and website appear to be an effective mechanism to garner input on transit service needs in the different jurisdictions.
3. **Transit Planning:** SEWRPC should continue working with the transit operators and local advisory committees to formally identify jurisdictional challenges that limit effective, compatible, and coordinated transit service. A comprehensive updating of the seven Coordination Plans or an effort independent of and more immediate than the Transit Development Plan updates may be warranted to address the current connectivity of transit services problem. Through the Vision 2050 document, SEWRPC touched on regional consequences of not having a vibrant and adequately funded transit system. A closer look at the local consequences of inadequate transit service may be warranted as well.



4. **Transportation Improvement Program:** SEWRPC should create a more visual presentation of TIP amendment criteria. A table or matrix that details certain dollar or percentage change thresholds would help explain the differences between amendments requiring formal review and administrative modifications.
5. **Transportation Improvement Program:** SEWRPC should evaluate its current amendment and administrative modification criteria and determine if it applies equally and clearly to both highway and transit projects. Consideration should be given to defining the criteria for amendments for transit projects if it is found that the current criteria is not commonly understood by transit operators or the public.
6. **Transportation Improvement Program:** Consideration should be given to creating a more visual presentation of the various funding programs and the scoring/selection criteria within each program where applicable. The same formatting consideration should be given to federal funding sources subject to transfer between highway and transit programs.
7. **Transportation Improvement Program:** A cooperative agreement between SEWRPC, FHWA, FTA, transit operators and the State should be considered to examine if a new approach should be taken to apply criteria as a cap rate or percentage changes in highway and transit projects for amendments and administrative modifications.
8. **Public Participation:** Clarify roles and responsibilities for transit related public involvement.
9. **Public Participation:** Continue building on established task forces and community group relationships.
10. **Public Participation:** Consider You-Tube short to present information.
11. **Public Participation:** Include consultation process in PPP.
12. **Public Participation:** Include groups specifically listed in planning regulations (23 CFR 415.316) for TIP consultation in the PPP.
13. **Freight Planning:** SEWRPC should work closely with WisDOT to incorporate the statewide freight plan into relevant planning efforts. As part of this effort, the MPO should identify and consider specific major freight corridors in its Regional Transportation Plan (RTP).
14. **Air Quality:** The WisDOT Southeast Region Office should consider participation in the quarterly Transportation Conformity Workgroup meetings to improve transparency in



terms of upcoming projects and allow consideration of air quality impacts by the various agencies and identification of additional information or analysis needed during project development process.

15. **Congestion Management Process / Management and Operations:** Update CMP following VISION 2050.
16. **Congestion Management Process / Management and Operations:** Reorient the CMP documentation as a stand-alone guiding document establishing the CMP process, performance measures and recommended CMP strategies (TSM, TDM, etc.) that will be considered in all transportation planning efforts.
17. **Congestion Management Process / Management and Operations:** Quantify the expected impact of the various strategies or family of strategies in terms of the overall CMP performance measures.
18. **Congestion Management Process / Management and Operations:** Use the RTOP in prioritizing STBG funding.
19. **Congestion Management Process / Management and Operations:** Produce an annual evaluation of CMP strategies implemented.
20. **Congestion Management Process / Management and Operations:** Conduct field evaluations of implemented CMP strategies to determine their impact on congestion.



## **APPENDIX A - PARTICIPANTS**

The following individuals were involved in the SEWRPC on-site review:

- FHWA: Dwight McComb, Mary Forlenza, Bill Stark, Joel Batha and Mitch Batuzich, FHWA Wisconsin Division. Jody McCullough, FHWA Headquarters.
- FTA Region 5: Stewart McKenzie, Kris Welch, FTA Region 5
- SEWRPC: Ken Yunker, Kevin Muhs, Chris Hiebert, Ryan Hoel, Eric Lynde, Stephen Adams, Libby Larsen,
- WisDOT: Donna Brown-Martin, Jennifer Sarnecki, Jim Kuehn, Jennifer Murray, Tony Barth, Thomas Longhin, Andrew Levy, Taqwanya Smith

Transit Operators: Milwaukee County, Brian Dranzik

City of Waukesha, Brian Engelking

Washington County, Joe Steier

Ozaukee County, Jason Wittek



## **APPENDIX B – Listing of Corrective Actions, Commendations and Recommendations from 2012 Certification Review**

### **Summary of Corrective Actions**

None

### **Summary of Commendations**

#### Land Use & Livability

- With the regional housing planning process, SEWRPC has done a commendable job examining the connection between land use and transportation, while providing opportunities for the municipal staff, citizens and business community to provide input throughout the process. The Regional Housing Plan should help serve as a tool to encourage effective collaboration between the citizenry, public officials and other regional stakeholders.

#### Travel Demand Forecasting Models

- The MPO has established a positive working relationship with WisDOT in relation to travel forecasting, as demonstrated by their contract with the DOT.
- The MPO is committed to improving its modeling processes, as illustrated by their extensive data collection, and model updates.

### **Summary of Recommendations**

#### Organizational Structure of Study Area

- SEWRPC uses an extensive committee structure to serve many different purposes and represent many different groups. SEWRPC should consider how information on the structure and representation of these committees could be clearly conveyed to the public. The intent is to provide the information in a way that illustrates how the committees work together, and how a particular jurisdiction or interest is represented. We recommend considering use of visualization tools to illustrate SEWRPC's organizational structure, how each community is represented on the Commission and advisory committees and how plans and programs are developed, including how the public can participate. As part of this effort, SEWRPC should continually review its website for opportunities to make it more useful to the public.

#### Metropolitan Planning Area Boundaries & Agreements



- SEWRPC and WisDOT should continue working to identify and execute the steps necessary to designate SEWRPC as the MPO for the West Bend urbanized area.
- SEWRPC should work with Jefferson County to establish agreement on how transportation planning will be addressed in the area. The form of the agreement is flexible but the document should clearly demonstrate mutual concurrence on an approach that will meet the federal metropolitan planning requirements.
- SEWRPC and WisDOT should complete the approval of adjusted urbanized area boundaries for Milwaukee, Racine, Kenosha, West Bend, and the Wisconsin portion of the Round Lake Beach-McHenry, Grayslake, IL-WI urbanized areas prior to June 1, 2014. Delays in establishing final adjusted urban area boundaries for the four urbanized areas do not impact SEWRPC's compliance with transportation planning requirements. However, the boundaries are critical to completing an update of roadway functional classification.
- The metropolitan planning area boundary should be updated prior to June 1, 2014 to include all of the 2010 Census defined urbanized area, areas expected to become urbanized in the next 20 years, and account for air quality non-attainment and maintenance area boundaries.
- The Cooperative Agreement for Continuing Transportation Planning for the Southeastern Wisconsin Region between SEWRPC, the Wisconsin Department of Transportation, and seven transit operators (Milwaukee, Ozaukee, Washington and Waukesha counties and the cities of Kenosha, Racine, and Waukesha) (2008) should be updated by the time of the next Certification Review to include all of the transit operators in the MPO area, and reflect any relevant adjustments to the urbanized areas, and the metropolitan planning area.
- The Cooperative Agreement for Coordination Of Land Use-Transportation Planning in Round Lake Beach—McHenry, Grays Lake, IL-WI Urbanized Area (2009) should be updated to reflect changes to the Wisconsin portion of the urbanized area, and any relevant adjustments to the planning area by the time of the next Certification Review. In addition, the Federal team recommends that the parties to the agreement not only assert that they will coordinate their activities but also specify how that coordination will take place. This should include how the programming process will be used to ensure that funds are fairly and appropriately distributed, as noted in the current agreement.



### Disclaimers

- Pursuant to 23 CFR 420.117 (e) SEWRPC should immediately include a suitable credit/disclaimer statement on all of its documents prepared with Federal metropolitan planning or SPR funds. The recommendation to include disclaimer statements carries over to relevant State documents as well.

### Webpage Enhancements

- SEWRPC should continually review and implement improvements to its website. Transportation related efforts, including the relevant portions of the Overall Work Program, should be grouped and easily located by the general public. SEWRPC should look for opportunities to link to websites that may be of interest to its visitors, such as those of the transit operators. In addition, SEWRPC should request that transportation providers and decision makers link to its website to increase awareness of the MPO and its role in regional transportation decisions. The MPO should consider new ways to communicate its committee structures, and processes. This could include maps illustrating the representative for various areas, and charts depicting SEWRPC's organizational structure, the Commission, committee, and taskforce hierarchy.

### TIP Development and Project Selection

- SEWRPC should document the TIP development process and criteria and procedures for evaluating and selecting projects under each state funding program that supports inclusion of the projects in the TIP and make the information readily available for public review. Use of visualization is encouraged.
- In consultation with FHWA, FTA and WisDOT, SEWRPC should develop and include brief descriptions of the Federal funding sources included in the TIP. Basic eligibility requirements and flexibilities should be documented and made available to decision makers as part of the TIP development cycle to ensure they have the opportunity to consider the full range of transit and highway funding available to address regional needs and priorities.
- As SEWRPC evaluates updates to the project prioritization process for each funding program, the respective committees should also consider how transit is accounted for in the evaluation criteria and if adjustments are warranted to facilitate implementation of recommended transit improvements. As part of the process, SEWRPC should reach out to the transit representatives and interest groups to make sure they are aware of the issues being considered and encourage them to participate.

### Annual Listing of Obligated Projects

- It is recommended that SEWRPC consult with FTA at the end of each year to obtain a complete and accurate list of obligated transit projects.



- Text should be added to the TIP that states when and where the Annual Listing of Obligated Projects will be available.

#### Financial Planning

- SEWRPC shall continue to ensure that transit projects that are dependent on future award of discretionary funding, such as Section 5309 funds, are separated from fiscally-constrained projects, such as those funded with FTA formula funds, when identifying proposed projects and costs. Any pending discretionary grants shall be included in the TIP in an illustrative format. If and when discretionary projects are selected for federal funding, those projects shall be amended into the TIP.
- With the onset of the USDOT MAP-21 legislation, there are changes in federal highway and transit funding programs that will need to be identified to ensure consistency with previous financial planning efforts.

#### Safety & Security

- In developing a prioritization process for STP funds, the MPO should give consideration to safety and security factors.
- The MPO and WisDOT are encouraged to develop a Regional Safety Implementation Plan to guide investment of safety funding in the region.
- The MPO should develop a Continuity of Operations Plan should some event prevent the use of the Commission's office by staff.

#### Public Outreach & Public Participation Plan

- SEWRPC should continue to work with their Environmental Justice Task Force to review and modify as needed their overall methods to engage targeted populations in general and their use of the identified key organizational entities in particular, in order to continue to engage all populations and communities within their planning region.
- In addition, SEWRPC is encouraged to examine how people are learning about the various meetings so the impact of their outreach efforts can be evaluated and refined.

#### Title VI/Nondiscrimination and Environment Justice

- SEWRPC is encouraged to continue to improve and expand relationships with minority and low income community and business groups and the role and involvement of the Environmental Justice Task Force throughout the transportation planning process.

#### Consultation and Coordination

- SEWRPC should consider ways to share its summary of consultation activities with the public.



### Freight

- The MPO should work with WisDOT to incorporate the state-wide freight study into the relevant planning efforts. As part of this effort, the MPO should identify and consider specific major freight corridors in its Regional Transportation Plan.
- Updates to the Regional Transportation Plan should incorporate freight performance measures.

### Transit Planning

- SEWRPC should document the flexibilities allowed under federal law to use highway funding for transit projects and inform project sponsors and the general public of these opportunities.
- SEWRPC should work with WisDOT to document how funding and programming decisions are made and illustrate the process on the SEWRPC website.
- The next RTP update will need to closely examine reasonably available revenues and the extent of recommended transit improvements to ensure fiscal constraint is achieved.

### Travel Demand Forecasting Models

- Because model results have the potential to influence so many key decisions, it is recommended that SEWRPC have complete written documentation of the following subject areas. While SEWRPC has much of this data published in various sources, it should be compiled in single, concise format for easy review by interested parties. SEWRPC should work with WisDOT's Travel Forecasting Section in preparing this documentation to ensure it meets the needs of WisDOT, the largest user of traffic modeling outputs in the State.
  1. **Inventory of Current Conditions.** The foundation for any forecast is a comprehensive and objective inventory of current conditions with respect to both transportation supply and demand. This would include data for the highway system, transit system, other transport modes, population, employment, vehicle miles traveled (VMT), transit use, congestion, land use, and special conditions. Sources of this data should be identified as well as the anticipated frequency of updates to the data.
  2. **Planning Assumptions.** The principal determinants of any long range travel demand forecast are the planning assumptions about demographic changes and the growth and distribution of population, employment, developed land, and individual travel preferences. Assumptions should be presented in readable terms and strive to convey information in a clear and usable manner.



3. **Forecasting Methods.** The technical documentation of the travel model should include model specifications, significant changes from the most recent update, calibration data, survey methodology, model validation, network size including the number of analysis zones, and methodology for non-home based travel.
  - a. It is recommended that SEWRPC periodically engage in an open peer review cycle to externally validate its modeling processes.
  - b. It is recommended that SEWRPC engage WisDOT in a discussion of its modeling process, and identify opportunities to increase consistency with state-wide modeling objectives, as appropriate.



## APPENDIX C – PUBLIC COMMENTS

The certification review's public meeting was held on August 3, 2016 at the O'Donnell Park Facility at 910 East Michigan Street, Milwaukee, WI, 53202. Public comments could also be submitted directly to FHWA via mail, fax or e-mail thru August 26, 2016. The public meeting and public comment period were advertised in the Milwaukee Journal Sentinel on July 27, 2016; The *Milwaukee Community Journal* on July 20, 2016 and the *El Conquistador* July 21-27, 2016 in Spanish and English.

The comments during the public comment period and meeting received are grouped by category and theme.

### Improve Transit Service

- Expansion of train service between Chicago, Milwaukee, St. Paul, Superior-Duluth
- Upgrade proposed Milwaukee street car system into rapid transit system with connections to suburbs
- Expansion and improvement of Amtrak service to the rest of U.S.
- Improve connections between Amtrak and regional bus providers
- Lack of investment in transit disproportionately affects EJ communities
- Develop alternative modes to cars

### VISION 2050 Plan Development Process

- SEWRPC's *VISION 2050* development process much improved or excellent
- Confusion regarding the *VISION 2050* needs-based plan and the fiscally constrained plan ultimately adopted. Needs-based plan more fully met community needs.
- Improve healthy transportation alternatives
- The plan as currently adopted fails to distribute transportation system investments in a manner that will ensure equity in outcomes and would not impose a disproportionate burden upon communities of color and persons with disabilities.

### Public Involvement

- Inadequate notice provided for the certification review's public meeting
- SEWRPC needs to simplify language in its reports to make them more accessible to the average person.



- Not enough EJ population engagement
- Tremendous improvement in *VISION 2050* outreach, but more is needed
- State/WisDOT is not doing its part to improve the region's transportation system
- Several speakers were surprised that the certification review's public meeting was an opportunity to comment on WisDOT's role in the region's planning process



## **APPENDIX D - LIST OF ACRONYMS**

**ADA:** Americans with Disabilities Act  
**AMPO:** Association of Metropolitan Planning Organizations  
**BRT:** Bus Rapid Transit  
**CAA:** Clean Air Act  
**CFR:** Code of Federal Regulations  
**CMAQ:** Congestion Mitigation and Air Quality Improvement Program  
**CMP:** Congestion Management Process  
**CO:** Carbon Monoxide  
**DOT:** Department of Transportation  
**EJ:** Environmental Justice  
**FAST:** Fixing America's Surface Transportation Act  
**FHWA:** Federal Highway Administration  
**FTA:** Federal Transit Administration  
**FY:** Fiscal Year  
**HSIP:** Highway Safety Improvement Program  
**ITS:** Intelligent Transportation Systems  
**LEP:** Limited-English-Proficiency  
**M&O:** Management and Operations  
**MAP-21:** Moving Ahead for Progress in the 21<sup>st</sup> Century  
**MPA:** Metropolitan Planning Area  
**MPO:** Metropolitan Planning Organization  
**MTP:** Metropolitan Transportation Plan  
**NAAQS:** National Ambient Air Quality Standards  
**NO<sub>2</sub>:** Nitrogen Dioxide  
**O<sub>3</sub>:** Ozone  
**PHED:** Peak Hour Excessive Delay  
**PM<sub>10</sub> and PM<sub>2.5</sub>:** Particulate Matter  
**POP:** Program of Projects  
**SEWRPC:** Southeastern Wisconsin Regional Planning Commission  
**SHSP:** Strategic Highway Safety Plan  
**SOV:** Single Occupant Vehicle  
**STIP:** State Transportation Improvement Program  
**TDM:** Travel Demand Management  
**TDP:** Transit Development Plan  
**TIP:** Transportation Improvement Program  
**TMA:** Transportation Management Area  
**TOD:** Transit Orientated Development



**U.S.C.:** United States Code

**UPWP:** Unified Planning Work Program

**USDOT:** United States Department of Transportation

**WisDOT:** Wisconsin Department of Transportation





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