

2. PLANNING PROCESS AND SELF-CERTIFICATION

Planning Process

The metropolitan transportation planning process includes both long-range and short-range strategies, facilitating the efficient movement of people and goods on an intermodal transportation system. Projects included in the TIP come from the Transportation System Management (TSM) Plan, the Plan, and from implementing agencies. This process involves two specific elements:

LONG-RANGE ELEMENT:

Based on a time frame of twenty years or greater, these documents establish goals, examine past trends, and identify areas of future congestion based on forecasted land use. Projects originating from these documents may involve substantial costs and impacts.

SHORT-RANGE ELEMENT:

Based on a time frame of usually less than 5 years, these documents examine specific details of the transportation system. Emphasis is toward low-cost, low impact improvements to increase system efficiency and safety.

Long and short-range planning is strongly related to one another. The goals and objectives developed at the long-range level (APO 2030 Transportation Plan: Exhibit 1D, pg. 7) provide a framework for the development of strategies at the short-range level. Long-range plans may affect the types of short-range strategies pursued in the interim. A combination of short-range operational strategies could preclude the implementation (and need) of a capital-intensive project, or possibly alter its design. Projects originating from these elements are merged into the Program based on the MPO's continuing, comprehensive planning process carried on cooperatively by the State and local communities.

The Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU), requires MPOs to consider the following nine general planning areas when developing their short and long-range transportation plan elements:

- Metropolitan Vitality: Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- Safety: Increase the safety of the transportation system for motorized and non-motorized users;
- Security: Increase the security of the transportation system for motorized and non-motorized users;

- Accessibility and Mobility: Increase the accessibility and mobility options available to people and to freight;
- Energy and Environment: Protect and enhance the environment, promote energy conservation, and improve quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- System Connectivity: Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- System Management: Promote efficient system management and operation; and
- System Preservation: Emphasize preservation of the existing transportation system.

Self-Certification

The State and the MPO must annually certify to FHWA and FTA that the planning process is addressing the major issues facing the area and is being conducted in accordance with all applicable requirements of:

1. Section 8 of the Federal Transit Act (49 USC app. 1607) and 23 USC 134;
2. Sections 174 and 176 (c) and (d) of the Clean Air Act (42 USC 7504, 7506 (c) and (d));
3. Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State under 23 USC 324 and 29 USC 794;
4. The provision of the Americans with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, as amended) and U.S. DOT regulations "Transportation for Individuals with Disabilities" (49 CFR parts 27, 37, and 38); and
5. Section 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102-240) regarding the involvement of disadvantaged business enterprises in the FHWA and FTA planning process (Pub. L. 97-424, Section 105(f); 49 CFR Part 23).

The FHWA and FTA must jointly find that the TIP is based on a continuing, comprehensive transportation planning process carried out cooperatively by the State, MPO, and transit operator. This finding shall be based on the self-certification statement submitted by the State and the MPO. Joint certification action will remain in effect for three years unless a new certification determination is made sooner.

In non-attainment and maintenance areas for transportation-related pollutants, the FHWA and FTA must also jointly find that the TIP conforms to the adopted State Implementation Plan (SIP), and that priority has been given to the timely implementation of Transportation Control Measures (TCMs) contained in the SIP. After the FHWA and FTA find the TIP to be in conformance, the TIP shall be incorporated into the State Transportation Improvement Program (STIP).

The APO certifies that its planning process meets these federal requirements through the actions stated below.

1. Section 8 of the Federal Transit Act (49 USC 1607), and 23 USC 134 require that any program of projects in any urban area of more than fifty thousand population shall be based on a continuing comprehensive transportation planning process carried on cooperatively by state and local communities, and that the urbanized area planning process shall be carried out by local officials acting through a Metropolitan Planning Organization (MPO) designated by the governor of each state, in cooperation with state and federal officials.

The APO has been designated by the Governor as the MPO for the St. Cloud Urbanized Area. The APO is made up of representatives from twelve (12) local jurisdictions. It is an APO policy that all transportation-related planning is carried out through a *Continuing, Cooperative, and Comprehensive* (3-C) planning process, as indicated in this section and other documents. The APO meets the requirements of FTA and FHWA by:

- a. Annual adoption of a Planning Work Program identifying work activities, products, funding sources and staff hours (last updated in October, 2006).
 - b. Updating the Transportation Plan every four years (last updated in January, 2006)
 - c. Annual consideration of TSM strategies to make efficient use of existing transportation systems (last updated in June, 2006; next update July 2007).
 - d. Annual adoption of at least a four-year Transportation Improvement Program (approved May, 2007).
 - e. Consideration of the general planning areas, identified in SAFETEA-LU when adopting the 2030 Transportation Plan in January, 2006, and the 2008-2011 TIP in May, 2007.
 - f. Adoption of SAFETEA-LU compliance items as amendments to the 2030 Transportation Plan (approved April & May, 2007).
2. Section 174 and 176 (c) and (d) of the Clean Air Act, require that state and local government officials develop a State Implementation Plan for areas that do not attain the national primary air quality standards, and that no Metropolitan Planning Organization shall give its approval to any project, program, or plan which does not conform to the Implementation Plan.

Under the CAAA, MPOs are required to make an affirmative determination that their transportation program is in conformity with the existing SIP for air quality improvements. MPOs in non-attainment areas for CO need to obtain TIP approval and conformity determination on their transportation plans, programs and projects.

EPA designated the City of St. Cloud as a non-attainment area for CO in 1977. In 1979, the APO adopted the TCP to achieve CO standards. During 1992, the MPCA demonstrated to EPA that all requirements had been met for re-designation to attainment status. EPA concurred with this finding and published St. Cloud's attainment designation in the June 28, 1993 Federal Register. St. Cloud's official re-designation was effective August 27, 1993.

Since the EPA published St. Cloud's attainment status after passing of the CAAA, the Metropolitan Area is considered a Maintenance Area. Accordingly, the APO has prepared an Air Quality Conformity Determination Report within this 2008-2011 TIP in accordance with the requirements of the CAAA.

Conformity rules established by the EPA in November, 1993 and amended in August 1997, require that each state with non-attainment areas submit a revision to the SIP to incorporate the new conformity requirements, and to document more specific procedures for conformity, focusing on interagency consultation between FHWA, EPA, MPCA, APO and MnDOT. Once this SIP revision is approved by the EPA, it is federally enforceable.

3. Title VI of the 1964 Civil Rights Act, Section 601, states: "No person in the United States shall, on the grounds 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."

FTA requires an annual Title VI Civil Rights Compliance Report. The APO submitted this Report to the Mn/DOT Office of Transit on May 29, 2007. In addition, as a recipient of FTA funds, the APO maintains the following information, which was also submitted to the Mn/DOT Office of Transit on May 29, 2007:

- a. There are no lawsuits or complaints naming the applicant, which allege discrimination on the basis of race, color, or national origin with respect to service or other transit benefits.
- b. There are no pending applications for financial assistance, or financial assistance currently provided by other Federal agencies.
- c. There have been no civil rights compliance review activities conducted in the last three years.
- d. A signed FTA Civil Rights Assurance that all of the records and other information required under Title VI has been complied as appropriate, and maintained by the applicant.

- e. A signed DOT Title VI Standard Assurance. This assurance is maintained as a part of a one-time submission file kept by MnDOT.

In 2006, all of the above were true for the APO.

- 4. The provisions of the American with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, as amended) and U.S. DOT regulations "Transportation for Individuals with Disabilities" (49 CFR parts 27, 37, and 38) require special efforts to plan public mass transportation facilities and services that can effectively be utilized by elderly and handicapped persons.

The APO submitted an Assurance Concerning Non-discrimination on the Basis of Handicap on May 29, 2007.

The 3-C planning activities of the APO are also sensitive to the needs of the elderly and handicapped persons by:

- a. Soliciting comments from the elderly and handicapped service agencies on the 2030 Transportation Plan.
 - b. Giving consideration to elderly and handicapped needs relative to all transportation studies.
- 5. Section 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991 and Section 106(c) of the 1987 Surface Transportation and Uniform Relocation Assistance Act require that agencies using FTA and FHWA funds utilize Disadvantage Business Enterprises to perform a percentage of their work.

The APO must show a good faith effort to solicit Disadvantage Business Enterprises (DBEs) when procuring assistance from private contractors. The APO maintains a list of DBEs, which are contacted whenever an appropriate work task is contracted.

During 2005, the APO coordinated with the Mn/DOT Equal Employment Opportunity (EEO) Office to set DBE Goals for the 40th Street Corridor Environmental Assessment (EA) and the St. Joseph North Corridor EA. In 2006, the APO also coordinated with Mn/DOT EEO Office to set DBE Goals for the 33rd Street South Corridor EA and the Southwest Beltway Corridor EA.