

Birmingham, Alabama Transportation Management Area Certification Review

Based on this review and ongoing oversight by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), the transportation planning process carried out in the Birmingham, Alabama Transportation Management Area, substantially meets the federal planning requirements in 23 CFR 450 Subpart C, subject to the MPO satisfactorily addressing the Corrective Actions associated with a deadline in this report. This certification will remain in effect until June 2020. The MPO is encouraged to provide FHWA and FTA with evidence of satisfactory completion of the corrective actions and progress on recommendations associated with a deadline as it occurs and prior to the noted deadline. The MPO's progress in meeting the corrective action will be monitored and evaluated during the coming year.



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EXECUTIVE SUMMARY

On *February 23 and 24, 2016* the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) conducted the certification review of the transportation planning process for the *Birmingham* urbanized 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. Past certification reviews for the Birmingham metropolitan area were conducted in *2004, 2008, and 2012*, respectively.

A certification review generally consists of four primary activities. The activities include: a “desk audit” which is a review of the TMA’s main planning process documents (e.g. Long Range Transportation Plan (LRTP/RTP), Transportation Improvement Program (TIP), Unified Planning Work Program (UPWP)); a “site visit” of the FHWA/FTA review team with staff of the TMA’s various transportation planning partners (e.g. the Metropolitan Planning Organization (MPO), Alabama Department of Transportation (ALDOT), transit service provider; Birmingham Jefferson County Transit Authority (BJCTA), and other participating State/local agencies), including opportunities for the general public to provide comments on the TMA planning process; the preparation of a “FHWA/FTA TMA Certification Review Report” that documents the certification review’s findings; and a formal presentation by the FHWA Alabama Division and FTA Region 4 of the review’s findings at a future MPO Board Policy meeting.

The current review found that the transportation planning process conducted in the *Birmingham* area includes significant accomplishments in various planning activities. The Birmingham Metropolitan Planning Organization (MPO) has made strides in Freight Planning that resulted in two-day peer exchange on megaregion freight planning. Another noteworthy practice is the MPO’s continued implementation of the transportation project feasibility tool known as "Advanced Planning, Programming and Logical Engineering (APPLE)," which was cited as an exemplary practice in the previous review conducted in 2012. The review also identified several recommendations to be implemented for improving the planning process. There were three corrective actions identified.

As a result of this review and ongoing oversight by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), FHWA and FTA have jointly determined that the transportation planning process carried out in the Birmingham, Alabama Transportation Management Area, substantially meets the federal planning requirements in 23 CFR 450 Subpart C, subject to the MPO satisfactorily addressing the Corrective Actions associated with the deadlines identified in this report. Several recommendations for improving the planning process also are provided in this report. This certification will remain in effect until June 2020. The MPO is advised to provide FHWA and FTA with evidence of satisfactory completion of the corrective actions and progress on recommendations associated with a deadline as it occurs and prior to the noted deadline. The MPO’s progress in meeting the corrective action will be monitored and evaluated during the coming year.

Previous Findings and Disposition and Summary of Current Findings

The following items represent the summary of the overall findings and recommendations for 2012 Birmingham MPO Certification Review. The 2012 Federal Review Team issued recommendations not only to ensure continuing regulatory compliance of the Birmingham urbanized area transportation planning process with federal planning requirements, but to also foster good planning practice and improve the transportation planning program and process in the area. Overall the 2012 review determined the Birmingham MPO met the federal requirements of 23 USC 134 and 23 CFR 450.334.

Noteworthy Practices Identified from the 2012 Certification Review:

- Air Quality: The MPO continues to implement programs and partnership activities aimed at improving air quality levels in the Birmingham area; the Alabama Partners for Clean Air, CommuteSmart Rideshare program and construction of park-and-ride lots are notable examples.
- Project Development Process: The MPO's Advanced Planning, Programming and Logical Engineering (APPLE) program designed to educate local governments about the project development process, assist them in their decision-making process and provide resources to help develop and advance transportation projects is a promising new tool which may prove useful in drawing down the MPO's unobligated balance of STP- attributable funds.
- Organizational Structure: The MPO's organizational structure and efficient use of its committees is an effective mechanism for managing the transportation planning process.
- Public Involvement: The MPO's use of visualization techniques and other techniques such as electronic voting and touch-table technologies are elements of a proactive and effective public involvement process.
- Transit Funding: BJCTA and the City of Birmingham utilize all of the 5307, 5309, 5316 and 5317 funds.

Corrective Actions:

None

Recommendations:

- Project-level Public Involvement: The ALDOT (Central Office and Third Division) should strive to address the project-level (e.g. NEPA) public comments received during the certification review.

Status: This is the responsibility of the agency project sponsor as part of the project development process. ALDOT has been apprised of the need to address project-level public comments received during the certification review has not prepared a process for doing so.

- Financial Plans: As part of the next round of LRTP updates, the ALDOT, MPOs and public transportation operators must cooperatively develop and document the financial plans that

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support the LRTPs and TIPs, including forecasts of revenues, cost estimates and operations and maintenance expenditures.

Status: Chapter 6 of the 2040 RTP includes the assumptions and sources for future transportation funding. ALDOT provides the MPO with funding forecasts which are illustrated in tables and graphs with explanations provided. In addition to the summary tables and graphs, detailed expenditures are provided in Appendix A which lists every roadway capacity project in the fiscally constrained plan and the specific funding source for each project. However, similar information has not been provided by for transit projects in the RTP.

- 2010 Census: The MPO should begin the process of analyzing needed changes to the urbanized and study areas based on the release of the 2010 Census data.

Status: The MPA was adjusted in accordance with the 2010 Census Bureau's published urban area boundaries, and anticipated population shifts. Expansion of the UZA occurred primarily within Shelby County southward along the Interstate 65 corridor. Additional expansion occurred into western St. Clair and southern Blount counties. These expansions necessitated the enlargement of the MPA boundary. Total UZA land area increased by approximately 339 square miles. A UZA Boundary Map, which includes the MPA study area boundary, was approved by the MPO on April 9, 2014, signed by the State on April 22, 2014 and by FHWA on April 30, 2014.

- Obligation of Attributable Surface Transportation Program (STP) and Congestion Mitigation and Air Quality (CMAQ) Funds: The MPO and ALDOT are encouraged to continue coordinating with project sponsors and monitor the project development process to ensure that the unobligated balances of STP and CMAQ funds are obligated in a timely manner.

Status: A coordination process to ensure unobligated balances of STP and CMAQ funds are obligated in a timely manner has not been developed by the MPO and ALDOT.

Description and Overview of MPO

The certification review covers the transportation planning process conducted cooperatively by the MPO, State, and Transit Operators. The Regional Planning Commission of Greater Birmingham (RPCGB) is the designated Metropolitan Planning Organization (MPO) for the Birmingham urbanized area. The Alabama Department of Transportation (ALDOT) is the responsible State agency and Birmingham-Jefferson County Transit Authority (BJCTA) is the responsible Transit Agency. Current membership of the Birmingham MPO consists of elected officials and citizens from the political jurisdictions in Jefferson, Shelby and portions of Blount and St. Clair Counties, plus ALDOT and BJCTA. The study area includes all of geographic area with the City of Birmingham as the largest population center. The Birmingham urbanized area is the largest Alabama MPO in population, with a 2010 Census population of 749,495. The Birmingham, Alabama TMA is the largest in the State of Alabama. The region consists of complete counties and portions of two other counties. The Birmingham TMA is served by three major Interstate highways including I-65, I-20, I-59 and future I-22. One international airport (Birmingham-Shuttlesworth International Airport: BHM) primarily serve the region's air passengers and cargo needs. The BHM served 2,598,428 passengers in 2014, and is the largest and busiest airport in the state of Alabama by passenger volume.



The Birmingham MPO consists of a Policy Committee, Advisory Committee, Transportation Technical Committee (TTC) and Transportation Citizens Committee (TCC). The MPO Policy Committee have regular scheduled meeting on the second Wednesday of each month at 1:30pm in the Juster Conference Room Suite 310 on the 3rd Floor of the Regional Planning Commission of Greater Birmingham: 2 20th Street North, Suite 1200 Birmingham, AL 35203. The Transportation Planning Progress Agreement between the Birmingham MPO and the ALDOT was recently updated in September 2015. By adopting this agreement, the MPO affirms their commitment to coordinate and integrate the areas transportation planning in an open and collaborative process.

TMA Certification Schedule (4-year cycle)

Previous Review	Current Review	Next Proposed Review
February 2012	February 2016	February 2020

NOTE: TMA Certification Expires 4 years from Issuance Date

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Part 1: Certification Review Findings – Summary Tables

The following tables represent a compilation of the findings that are included in this 2016 Federal Certification Review Report. These findings, which are identified as commendations, corrective actions and recommendations, are intended to not only ensure continuing regulatory compliance of the Birmingham MPO’s transportation planning process with Federal planning requirements, but to also foster high-quality planning practices and improve the transportation planning program in this TMA.

Corrective Actions reflect required actions for compliance with the Federal Planning Regulations and must be completed within the timeframes noted. *Recommendations* reflect national trends and best practices, and are intended to provide assistance to the TMA to improve the planning process. Noted recommendations are important and should be addressed. The lack of significant progress to address a recommendation(s) could warrant the Federal Team to reevaluate and elevate the finding(s) to a Corrective Action. *Commendations* highlight efforts that demonstrate innovative ideas for implementing the planning requirements. The Federal Review Team identified 4 commendations, 10 recommendations and 3 corrective actions.

Commendation Summary

#	Review Area	Commendation
1	Metropolitan Plan Development/ Regional Transportation Plan (2-6)	Continued utilization of the Building Communities Project. The program is designed to provide funding to local governments to assist in the development and implementation of comprehensive plans.
2	Metropolitan Plan Development/ Regional Transportation Plan (2-6)	MPO participation in the Birmingham BikeShare Program
3	Public Involvement (2-10)	The Transportation Citizen Committee Ambassador Training
4	Environmental Mitigation (2-15)	Expanded implementation and interest in the APPLE Program on both MPO and non-MPO sponsored projects

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Corrective Action Summary

#	Review Area	Finding	Corrective Action
1	Metropolitan Plan Development/Regional Transportation Plan (2-6)	No Comprehensive Bicycle and Pedestrian Plan	Establishment of a regionally coordinated bicycle and pedestrian planning component of the transportation planning process, with preparation of a comprehensive bicycle and pedestrian plan for the entire metropolitan planning area. Preparatory supporting work activities should be included in the UPWP scheduled for approval in FY2017. This modification must be fully met by the adoption of the 2045 Regional Transportation Plan.
2	Financial Planning (2-7) Transportation Improvement Program (TIP) Development & Project Selection (2-9)	Incomplete TIP, including a full Financial Plan	Prepare an Updated or Amended TIP with complete project listings, including descriptive information and a complete Financial Plan for the document This modification must be completed by September 30, 2016.
3	Air Quality (2-8)	Interagency Consultation Group (IAC), does not review projects for conformity determination	The IAC must review and confirm conformity determination (exemption status) prior to the project's adoption/inclusion to the MPO's TIP/RTP. All CMAQ project should be brought before the IAC for review. This modification must be completed prior the next regular IAC Meeting June.

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Recommendation Summary

#	Review Area	Finding	Recommendation
1	Agreements and Contracts (2-3)	Definition of roles and responsibilities and procedural process among the MPO, BJCTA and ALDOT need to be defined	The MPO, BJCTA and ALDOT lack written documentation of procedural processes. The MPO/BJCTA/ALDOT should develop Standard Operation Procedures (SOP)
2	Financial Planning (2-7)	Legacy Projects could threaten fiscal integrity of the TIP	Develop procedure to identify and accurately track project funds by year and by fund type.
3	Transportation Improvement Program Development and Project Selection (2-9)	ALDOT Region and MPO are not engaged in project development	The MPO in collaboration with the ALDOT Region Office should regularly review the Inactive Project List produced through the FHWA Financial Management Information System (FMIS5).
4	Public Outreach and Public Involvement (2-10)	Public Involvement efforts are not evaluated for effectiveness	The MPO conduct and document an evaluation of the effectiveness of their Public Participation Process.
5	Public Outreach and Public Involvement (2-10)	Website lacks coherent organization of current and expired planning documents	Reorganize the MPO website to display current planning documents and a separate link to archived planning documents.
6	Public Outreach and Public Involvement (2-10)	Lack of awareness of planning activities by MPO Committee and Public	The MPO should prepare, publicize, and implement an agenda of presentations of key planning activities in the UPWP (e.g. Bike/Pedestrian, Comprehensive Plan) to the MPO Committees on a regular basis.
7	Laws and Regulations Pertaining to Title VI and Non-Discrimination (2-12)	Title VI Complaint Form lack visibility on website	Title VI complaint form must be easily located on the MPO website. Other complaint forms (e.g. ADA, Civil Rights) should also be more visible.
<i>Note: Progress Report provided to FHWA/FTA by May 2017</i>			

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Recommendation Summary (continued)

#	Review Area	Finding	Recommendation
8	Environmental Mitigation (2-15)	Reliance on State to provide potentially project effecting information	The ALDOT develop a process for all Regions informing the MPO of NEPA activity that may potentially affect projects in the MPO Study Area.
9	Environmental Mitigation (2-15)	No discussion regarding potential environmental mitigation activities	Modify the 2040 RTP to include narrative regarding potential environmental mitigation activities that has been developed in consultation with Regulatory Agencies.
10	Visualization Techniques (3-2)	Inadequate use of available Visualization tools (techniques)	The MPO should capitalize all available resources to report project information (e.g. Graphics-GIS project location maps, Project Status List, identifying key staff and detailed financial information).
<i>Note: Progress Report provided to FHWA/FTA by May 2017</i>			

RESULTS OF CERTIFICATION REVIEW

Part 2: Federal Regulations

Section 2-1: Organization Structure of Study Area

Basic Requirement: Federal legislation (23 U.S.C. 134(d)) requires the designation of an MPO for each urbanized area with a population of more than 50,000 individuals. When an MPO representing all or part of a TMA is initially designated or pre-designated according to 23 CFR 450.310(d), the policy board of the MPO shall consist of (a) local elected officials, (b) officials of public agencies that administer or operate major modes of transportation within the metropolitan area, and including representation by providers of public transportation. (c) appropriate State transportation officials. The voting membership of an MPO that was designated or redesignated prior, will remain valid until a new MPO is redesignated. Redesignation is required whenever the existing MPO seeks to substantially change the proportion of voting members representing individual jurisdictions or the State or the decision-making authority or procedures established under MPO bylaws. The addition of jurisdictional or political bodies into the MPO or of members to the policy board generally does not require a redesignation of the MPO.

Finding of Federal Review: The Birmingham Metropolitan Planning Organization (MPO) is the lead agency responsible for determining overall policy affecting long-range and short-range transportation programs and plans for the TMA. The MPO is designated by the Governor as being responsible for carrying out transportation planning process for the Birmingham urbanized areas in partnership with the Alabama Department of Transportation (ALDOT) and the Birmingham-Jefferson County Transit Authority (BJCTA). The primary responsibility of the MPO is to develop plans, policies and priorities that guide local decision making on transportation issues. The Birmingham MPO consists of a Policy Committee (Board), Advisory Committee, Transportation Technical Committee (TTC) and Transportation Citizens Committee. [Metropolitan Planning Organization - Committees.](#)

The Policy Committee includes representatives from:

- City of Birmingham, unincorporated Jefferson County, municipalities within Jefferson County,
- City of Hoover in Jefferson County and Shelby
- Incorporated and unincorporated areas in Shelby County
- Portions of St. Clair County
- Portions of Blount County
- ALDOT East Central Region
- Birmingham-Jefferson County Transit Authority (BJCTA)
- Blount County Public Transportation
- St. Clair County Public Transportation

The Policy Committee's voting structure is currently based on population for each of the MPO's 7 districts, one representatives from; the East Central Region of ALDOT, BJCTA, Blount County Public Transportation, St. Clair County Public Transportation. The Policy Committee also includes nonvoting members from Joint Legislative Committee, the ALDOT Bureau of Transportation Planning and Modal Programs, and the Federal Highway Administration (FHWA). The Policy Committee regularly meets the fourth Thursday of each month at 1:30pm.

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The Advisory Committee provides policy direction and sets the meeting agenda for the voting membership of the MPO Policy Committee as it relates to approval of major planning reports and documents along with other actions related to the MPO responsibilities.

The MPO Advisory Committee representation includes:

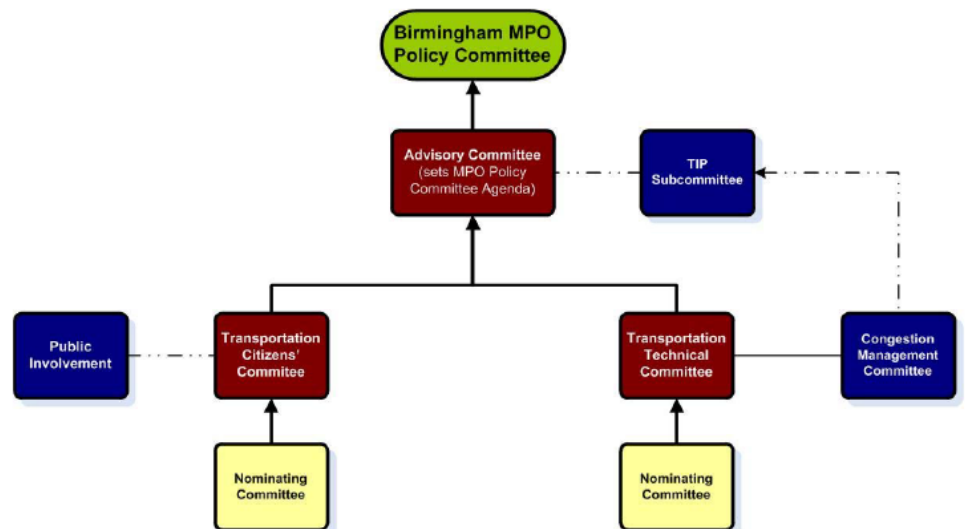
- City of Birmingham
- City of Hoover
- Jefferson County municipalities
- Jefferson County government
- Shelby County municipalities
- Shelby County government
- Blount County government
- St. Clair County government
- Birmingham Jefferson County Transit Authority
- Blount County Public Transportation
- St. Clair County Public Transportation
- Alabama Department of Transportation
- FHWA Alabama Division
- County Commission Chairs of Blount, Chilton, St. Clair, and Walker Counties

The Transportation Technical Committee (TTC) member group comprised of state, regional and local planners, traffic engineers, transit representatives and environmentalists representing transportation and government agencies. The TTC assists the MPO by reviewing transportation plans and programs and making recommendations based on their technical adequacy. The TTC Committee also supports the Congestion Management Committee and the Transportation Improvement Program Subcommittee.

The Transportation Citizens Committee (TCC) membership includes citizens of the urban area. As the determined primary focal point for citizens' involvement the TCC provides the MPO's elected officials with recommendations regarding transportation planning activities.

Schedule for Process Improvement: N/A

Proposed FHWA/FTA Technical Assistance:
N/A



The staff of the Regional Planning Commission of Greater Birmingham also serves as staff to the Birmingham Metropolitan Planning Organization

- Decision Makers
- Voting Committees
- Formal Subcommittees
- Ad Hoc Advisory Committees
- Formal Connections
- - - Ad Hoc Connections

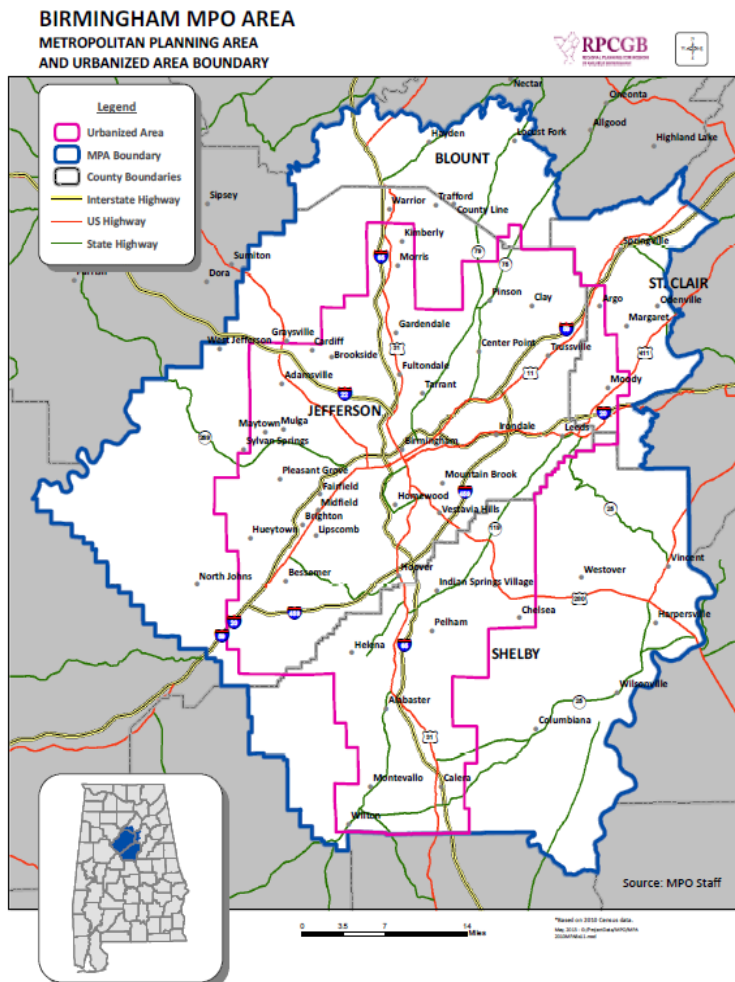
Section 2-2: Metropolitan Planning Area Boundaries

Basic Requirement: The metropolitan planning area boundary (MPA) refers to the geographic area in which the metropolitan transportation planning process must be carried out. The MPA shall, at a minimum, cover the Census-defined, urbanized area (UZA's) and the contiguous geographic area(s) likely to become urbanized within the 20-year forecast period covered by the Metropolitan Transportation Plan. Adjustments to the UZA as a result of the transportation planning process are typically referred to by FHWA as the urbanized area boundary (UAB). In accordance with 23 U.S.C. 134 (e), the boundary should foster an effective planning process that ensures connectivity between modes and promotes overall efficiency. The boundary should include Environmental Protection Agency (EPA)-defined nonattainment and/or maintenance areas, if applicable, in accordance with the National Ambient Air Quality Standard (NAAQS) for ozone or carbon monoxide.

Finding of Federal Review: Based on the 2010 U.S. Census the MPO Policy Committee voted to approval the expansion of the MPO's boundary (Metropolitan Planning Area Boundary MPA) to include the southward area along the Interstate 65 corridor, primarily within Shelby County. The expansion also includes areas in western St. Clair and southern Blount counties. The additional land area increased the MPO's UZA by approximately 339 square miles. The MPO newly adjusted MPO boundaries Study Area increased the representation of the policy board by adding representatives of public transportation to the policy board from Blount and St. Clair counties. The Policy Committee approved the expanded MPO's UZA boundaries on April 9 2014. The State and FHWA approved the adjusted MPO's boundary on April 22, 2014 and April 30, 2014 respectively.

Schedule for Process improvement: N/A

Proposed FHWA/FTA Technical Assistance: N/A



Section 2-3: Agreements and Contracts

Basic Requirement: In accordance with 23 U.S.C. 134, MPOs are required to establish relationships with the State and public transportation agencies under the cover of specified agreements between the parties to work in cooperation in carrying out a continuing, cooperative and comprehensive (3 C's) metropolitan planning process. The agreements must identify the mutual roles and responsibilities and procedures governing their cooperative efforts. These agreements must identify the designated agency for air quality planning under the Clean Air Act and address the responsibilities and situations arising from there being more than one MPO in a metropolitan area.

Finding of Federal Review: Planning process responsibilities are identified through established cooperative agreements or memoranda of understanding (MOU) between the MPO and:

1. Alabama Department of Environmental Management, ADEM (August 2015)
2. Regional Planning Commission of Greater Birmingham, RPCGB (August 2015)
3. Birmingham-Jefferson County Transit Authority, BJCTA (September 2014)
4. Jefferson County Department of Health, JCDH (September 2015)
5. Alabama Department of Transportation, ALDOT (September 2015)

The site visit and review of some planning documents demonstrated the following:

1. General lack of staff participation in the planning process
2. Failure to prepare project information in time for programming in the TIP
3. No written procedures for routine activities (e.g. TIP/RTP Amendments)

Schedule for Process Improvement: Standard Operating Procedures (SOPs) and/or guidelines for major elements of the planning process should be developed by the MPO, in coordination with BJCTA and ALDOT.

Proposed FHWA/FTA Technical Assistance: N/A

Section 2-4: Unified Planning Work Program (UPWP)

Basic Requirement: MPOs are required to develop Unified Planning Work Programs ([UPWP](#)) in Transportation Management Areas (TMA's) to govern work programs for the expenditure of FHWA and FTA planning and research funds (23 CFR 450.308). The UPWP must be developed in cooperation with the State and public transit agencies and include the required elements.

Finding of Federal Review: The MPO develops an annual Unified Planning Work Program to outline how the MPO, local governments, transit agency and the ALDOT intends to fund transportation planning activities for the fiscal year (October 1 – September 30). The current UPWP was adopted in June 2015 followed by an amended version in December 2015. Each UPWP task includes; funding source, purpose, previous work, responsible agency, scheduled milestone and end products.

The MPO and the ALDOT participate in the Consolidated Planning Grant (CPG) with all FHWA Planning Funds (PL) and FTA 5303 funds granted on an 80 percent Federal/20 percent local basis. The MPO also receives Statewide Planning and Research (SPR) funds. The program's 20 percent match requirement is sponsored by the Regional Planning Commission of Greater Birmingham (RPCGB) through the collection of annual membership dues.

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The MPO does not currently seek input during the development of the UPWP through the release of a “call for projects” solicitation. A call for project could generate input between partner agencies and citizens for ideas for transportation planning studies as well as input through its various committees, Governing Board and staff. The Federal Review Team also discovered the UPWP does not include a list of special planning studies for the MPO Study Area funded through other Federal grant program than the metropolitan planning program (PL).

While reviewing the UPWP the Federal Review Team identified an unusually large carryover amount. The MPO clarified the larger than normal carryover amount was because of an unexpected grant (MPO staff time was not billed to PL funds) and a lengthy consultant procurement process.

Schedule for Process Improvement: The FY2017 UPWP should include:

- New Planning Factors (FAST Act)
 - Improve the resiliency and reliability of the transportation system and reduce or mitigation stormwater impacts of surface transportation; and
 - Enhance travel and tourism
- Planning Studies (table, list) conducted in the MPO study area, regardless of funding source, are to be included in future UPWPs. It is recommended that, for additional public awareness and transparency of the MPO planning process, the MPO continue to also list planning studies in the TIP that are funded by programs that typically support project implementation – Section 5307, 5310, 5311, STP, and CMAQ.
- When carryover funds are programmed, the staff must identify what task the carryover fund originated from and also identify what specific task the carryovers funds are programmed to. As appropriate, a short explanation of the reason for the carryover should be provided.

Proposed FHWA/FTA Technical Assistance: The FHWA/FTA has provided guidance to the ALDOT and the MPO on format and procedures for incorporating a summary table (list) that list all planning studies within the MPO’s Study Area and New planning factors.

Section 2-5: Transportation Planning Process

Basic Requirement: The scope of the transportation planning process according to 23 CFR 450.306 and 450.318 defines the relationship of corridor and other subarea planning studies to the metropolitan planning process and National Environmental Policy Act (NEPA) requirements. The transportation planning process must also ensure participation by Federal lands management agencies and tribal governments in the development of products and programs in the planning process as per 23 CFR 450.316 (c) (d) and (e) .

Finding of Federal Review: As required by Federal legislation the MPO identifies and addresses Planning Factors through the development of key planning documents (UPWP, TIP, RTP) and the Public Participation Plan). The MPO planning products also provides analytical data for Livability/Performance Indicators.

Schedule for Process Improvement: N/A

Proposed FHWA/FTA Technical Assistance: Continue to partner with ALDOT to provide guidance to the MPO.

Section 2-6: Metropolitan Plan Development/Regional Transportation Plan

Basic Requirement: In accordance with 23 CFR450.322 (a) “The metropolitan transportation planning process shall include the development of a transportation plan addressing no less than a 20-year planning horizon...the transportation plan shall include both long-range and short-range strategies/actions that lead to the development of a multi-modal transportation system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.”

Finding of Federal Review: Since the Previous 2012 Certification, the Birmingham MPO has completed an update to their Regional Transportation Plan ([RTP](#)). The 2040 RTP was adopted on January 14, 2015 by the MPO Governing Board.

Financial Plan

The 2040 RTP relied upon various sources to develop their revenue forecasts. These sources included:

- State and Federal revenue projections were developed by the ALDOT,
- Local agency revenues: the Regional Planning Commission of Greater Birmingham and,
- Private sector funding

In reviewing the current RTP and financial plan, fiscal constraint is not clearly documented through the text or tables in the RTP financial plan in accordance with 23 CFR 450.322(f)(10). The financial plan does contain several tables, yet there is no correlation between revenues and costs. We strongly recommend that the MPO update their current RTP financial information with tables and/or text to demonstrate how the year of expenditure (YOE) costs of the adopted transportation plan can reasonably be expected to be matched by projected YOE revenues identified throughout their financial plan. The fiscal constraint demonstration should cover all projects and funding sources and be clear and transparent to facilitate the understanding of the RTP’s implementation.

The Federal Review Team noted that the element related to project phase detail was incomplete for most projects. For a project to be included in the cost feasible plan, an estimate of the cost and source of funding for each phase of the project being funded (including the Project Development and Environment (PD&E) phase) must be included. The phases to be shown in RTPs include Preliminary Engineering, ROW and Construction (FHWA and FTA support the option of combining PD&E and Design phases into “Preliminary Engineering”).

While the RTP mentions Regionally Significant Projects, such projects are challenging to locate. The RTP lacks description and the mapped location of Regionally Significant/Major Projects in the MPO Study Area. The RTP should also reflect projects that not only meet the Federal definition of Regionally Significant, but also are identified as Major Capital Projects based on transportation and community impact, rather than scope. The review also found the RTP’s layout to be complex and difficult to following. Locating and referencing information/data in the RTP’s multiple sections along with the numbering system was problematic.

Bicycle and Pedestrian Planning

The MPO’s efforts to introduce and encourage Bicycle and Pedestrian Planning is demonstrated

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through the Birmingham BikeShare initiative, Active Transportation Committee and the development of the 2015 Active Transportation Plan (ATP). Planning for the Birmingham BikeShare began in 2013 with coordination by the RPCGB. After the completion of a feasibility study and implementation plan for the City of Birmingham and later cooperation with REV Birmingham and RPCGB, [Zyp BikeShare](#) was implemented. Established in 2015, Zyp BikeShare program has 40 kiosks and 400 bikes that can be rented 365 days a year, 24 hours a day.

It should also be mentioned that the desk audit presented several methods utilized by the MPO to incorporate and encourage Bicycle and Pedestrian Planning:

- Developing a new bicycle/pedestrian plan in 2016
- Continually encouraging cities to review and formally adopt their portion of the Red Rock Ridge and Valley Plan developed by the Fresh Water Land Trust (FWLT).
- Encouraging cities to select projects from the Red Rock Ridge and Valley Plan or other local bike/ped plans when submitting projects for the Transportation Alternative Program (TAP) or CMAQ funding.
- Encouraging cities to adopt Complete Streets policies
- Producing and maintaining a GIS database illustrating existing, funded, and proposed bike lanes for the downtown area.
- Buying data from Strava, which collects GPS data from actual bike rides thereby mapping the most popular routes in the region. This Strava data will help identify preferred corridors for bike lanes.
- Coordination of funded and planned bike/ped projects with the Health Department and the United Way

Building Communities Program

During the site visit the Federal Review Team had an opportunity to listen to a presentation by the MPO Staff on the Building Communities Program. Local communities have received technical assistance of the highest quality from the MPO for its continued utilization of the Building Communities Program. The program is designed to provide funding and technical assistance from MPO staff to local governments to assist in the development and implementation of comprehensive plans. The completed Comprehensive Plans support development of land use forecasts used in the MPO's travel forecasting process. The local governments' use of Building Communities Program also ensures major projects in the Comprehensive Plan and TIP are considered by local officials. Plans supported by the Building Communities Program include:

- Master Plan
- Neighborhood Plan
- Redevelopment Plan
- Active Transportation Plan
- Comprehensive Plan

The regional approach of the ATP is in line with the 2010 countywide Red Rock Ridge and Valley Trail System Plan. While the review team agreed the Red Rock Ridge and Valley Trail System Plan is a good effort, the team has concerns with the lack of collaboration during the development of other plans in the MPA. It does not appear existing member governments plans were considered during the development of forthcoming plans. The absence of coordination during and after plans completions leads to a lack of connectivity and segmented facilities. Future

Bike/Pedestrian Plans within the MPA should show connectively and tie-in to existing facilities. This same level of coordination also extends to the Statewide Bicycle and Pedestrian Plan. The ALDOT does not have a process to ensure coordination and awareness of the development of the Statewide Bicycle and Pedestrian Plan.

Schedule for Process Improvement: The MPO should develop a process for ensuring the MPO adopts a comprehensive bicycle and pedestrian plan for the entire metropolitan planning area (MPA). The RTP must be comprehensive in planning for multimodal travel for the entire MPA. The MPO must complete a comprehensive Bicycle and Pedestrian Plan that covers the entire MPA by the 2045 RTP Update. Modification of the 2040 RTP's tables to include project detail that demonstrates fiscal constraint. Tables should clearly demonstrate fiscal constraint of the entire plan. The RTP should also include a defined space identifying both Regionally Significant and Major Projects. The Federal Review Team recommends that ALDOT communicate and coordinate the Statewide Bicycle and Pedestrian Plan with the MPO. This representation and partnering are critical to ensure implementation and awareness of comprehensive improvements.

Proposed FHWA/FTA Technical Assistance: The FHWA and FTA will work closely with the MPO and other regional planning partners to determine best practices for the identification of projects in future RTPs. Best Practices and other effective information are being collected and will be shared with the ALDOT and MPO.

Section 2-7: Financial Planning

Basic Requirement: 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". The purpose of the financial plan is to provide the information on revenues and costs necessary to demonstrate fiscal constraint. These requirements are implemented in transportation planning regulations for the metropolitan long-range transportation plan, TIP, and STIP. These regulations provide, in essence, 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].

Finding of Federal Review: The MPO through various planning documents (RTP and TIP) has displayed efforts in documenting fiscal constraint. However additional improvements and refinements to these processes are necessary to improve scope and public transparency. The review observed the MPO's commitment to enhanced financial planning in the 2040 Plan and financial plan that reflected a realistically constrained number of Local/ Regionally Significant/Major Projects. In addition to the significant technical work associated with these efforts, it is anticipated that the financial plan will demand policy decisions to document the thresholds for safe and adequate maintenance of the system and to document proposed reasonably available revenue.

To maintain fiscal integrity of the Plan, it is also essential that project implementers remain in communication with the MPO regarding changes in scope, schedule, or budget of Major Projects. Updating these changes in the Plan itself is not necessary until the Plan considers any

proposed amendment, but it would be appropriate to identify updated information as part of quarterly status report on Major Capital Projects.

The development process for the financial forecast and the prioritization of the projects will include a variety of outreach efforts with local and state partners, the MPO Board and committees, as well as the public. The MPO should document public and MPO committees' comments and suggestions on how the MPO needed to improve the transportation system within the region. If adopted this effort should provide confirmation to the MPO the prioritizing projects and funding strategies are in accordance with the goals and objectives of the RTP.

The MPO coordinated with the ALDOT Region Office to determine project status of inactive and/or lengthy project progression. ALDOT demonstrated its commitment of decreasing the number of inactive/legacy projects and the funds associated with these through the assignment of Region Managers. Each ALDOT Region has the newly created Region Manager position. Each Region Manager is responsible for identifying, determining status and closing-out inactive projects. The MPO suggested the increase of inactive projects can be linked to the receipt of unexpected Federal Funds (e.g. ATRIP). According to the MPO and ALDOT the availability of expected Federal funds directly affected project reprioritization.

Schedule for Process Improvement: ALDOT, the MPO and BJCTA should develop a system in collaboration FHWA and FTA to track inactive projects. Develop procedures to address unknown/legacy projects to accurately track Federal funds by year and by fund type.

Proposed FHWA/FTA Technical Assistance: The FHWA and FTA will provide guidance on an ongoing basis through with MPO and ALDOT to establish expectations for fiscal constraint utilizing. Best Practices and other effective information are being collected and will be shared with the ALDOT and MPO.

Section 2-8: Air Quality

Basic Requirement: For MPOs that the EPA classifies as air quality nonattainment or maintenance areas, many special requirements apply to the metropolitan planning process. Section 176 (c)(1) of the Clean Air Act Amendments of 1990 (CAAA) states: "No metropolitan planning organization designated under section 134 of title 23, United States Code, shall give its approval to any project, program, or plan which does not conform to an implementation plan approved or promulgated under section 110". The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) includes provisions in response to the CAAA mandates.

Finding of Federal Review: The 2014 Air Quality Conformity Determination Report demonstrates the MPO's conformity for both the annual PM_{2.5} and 24-hour PM_{2.5}. Adopted in 2015, the report denotes attainment of the 1997 annual PM_{2.5} National Ambient Air Quality Standards (NAAQS) and the 24-hour PM_{2.5} in Jefferson and Shelby Counties and a small portion Walker County. Effective February 21, 2013 Jefferson and Shelby Counties including a small portion of Walker County were redesignated as attainment maintenance for the 1997 annual PM_{2.5}. These

What's New
PM-2.5 (2012 standard) area designations, effective April 15, 2015, are included in the Green Book. (see 80 FR 2206 and 80 FR 18535 for details)
The 8-hour Ozone (1997 standard) revocation, effective April 6, 2015, is included in the Green Book. (80 FR 12264)

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areas were also redesignated for 2006 24-hour $PM_{2.5}$ NAAQS effective February 25, 2013. The areas are considered standard maintenance areas for $PM_{2.5}$. Staff is monitoring air quality monitor readings within their geographic area as well as the regulatory actions of the United States Environmental Protection Agency (USEPA). The area has an active maintenance plan for 1997 8-hour ground-level ozone standard. As of July 2013 the Birmingham Area is no longer required to meet 1997 8-hour ground-level ozone standard conformity requirements because the conformity for the 1997 8-hour standard was revoked. The 2040 RTP included a section dedicated to Air Quality and used the Motor Vehicle Emission Simulator (MOVES2014) program developed by the U.S. Environmental Protection Agency (EPA).

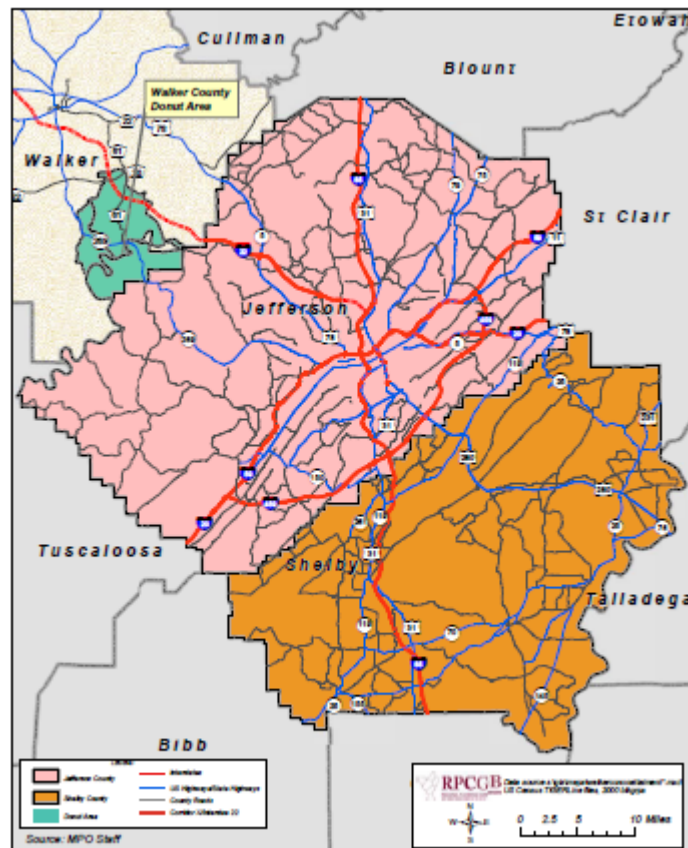
CMAQ

During the review the MPO demonstrated the potential to improve timely implementation of projects funded by the Congestion Mitigation and Air Quality (CMAQ) Program. The MPO has enacted policies that reduce project delay that ensures the timely advancement of air quality improvements and also assists in spending down a high unobligated balance of Federal funds. The Birmingham MPO is the only MPO in the State eligible to receive CMAQ program funds. The funds are programmed at the discretion of the ALDOT through a noncompetitive process. While the MPO and ALDOT seem knowledgeable of how CMAQ projects are selected, there is no written process. It is possible that the lack of written procedures and identified staff is contributing to the number of legacy CMAQ projects.

IAC

The formal interagency consultation process required in each nonattainment area to address technical and procedural issues related to air quality planning is conducted through Interagency Consultation Group (IAC). The IAC holds regular conference calls to discuss transportation and air quality issues. The review discussion revealed that review from the IAC is not being requested on projects that could possibly affect conformity. The IAC is not being provided an opportunity to review projects (Non-Exempt, Transit, Level of Effort LOE, etc.) to identify effects (if any) on conformity prior to the project's adoption in planning documents.

Annual and 24-hour $PM_{2.5}$ Maintenance Areas



IAC Members

- U.S. Environmental Protection Agency (EPA) – Region 4
- Federal Highway Administration - Alabama Division (FHWA-AL)
- Federal Transit Administration (FTA) – Region 4
- Alabama Department of Environmental Management (ADEM)
- Alabama Department of Transportation (ALDOT)
- Regional Planning Commission of Greater Birmingham (RPCGB); representative for the Birmingham MPO
- Birmingham-Jefferson County Transit Authority (BJCTA)
- Jefferson County Department Health (JCDH)

Schedule for Process Improvement: It is recommended the MPO in coordination with the ALDOT submit projects that demonstration activity which could affect conformity be reviewed by the IAC. Projects that are considered exempt should also be reviewed by the IAC. The IAC's review and conformity determination (exemption status) should be requested and approved prior to the project's adoption/inclusion to the MPO's TIP/RTP. The MPO in partnership with the ALDOT should develop a process to monitor and advance projects in a timely manner.

Proposed FHWA/FTA Technical Assistance: EPA/FHWA/FTA and IAC member personnel should continue to be engaged in the technical project review and development of proposed process procedures. Review of the IAC MOU Review Process should be conducted and updated if necessary.

Section 2-9: Transportation Improvement Program (TIP) Development & Project Selection

Basic Requirement: 23 CFR 450.324 requires the MPO to develop a TIP in cooperation with the State and public transit operators. Specific requirements and conditions, as specified in the regulations, include, but are not limited to:

- An updated TIP covering a period of at least four years that is compatible with the State Transportation Improvement Program (STIP) development and approval process; [23 CFR 450.324 (a)]
- The TIP should identify all eligible TCM's included in the SIP and give priority to eligible TCM's and projects included for the first two years which have funds available and committed; [23 CFR 450.324 (i)]
- The TIP should include capital and non-capital surface transportation projects, bicycle and pedestrian facilities and other transportation enhancements; Federal Lands Highway projects and safety projects included in the State's Strategic Highway Safety Plan. The TIP and STIP must include all regionally significant projects for which an FHWA or the FTA approval is required whether or not the projects are to be funded with Title 23 or Title 49 funds. In addition, all federal and non-federally funded, regionally significant projects must be included in the TIP and STIP and consistent with the Metropolitan Transportation Plan (MTP) for information purposes and air quality analysis in nonattainment and maintenance areas; [23 CFR 450.324 (c),(d)]

Finding of Federal Review: The Birmingham MPO [TIP](#) specifies transportation improvements for a four year period. All projects receiving federal funds are included in the TIP as well as other major projects that do not receive federal funds. The TIP is also developed in consultation through a coordinated process of local (including transit), regional and State transportation

partners. The Birmingham MPO TIP should include details of projects for all modes of travel within the Study Area, including sidewalks, transit improvements, and bicycle facilities.

Transportation Improvement Program (TIP)

The TIP is missing key project details and supporting financial data for the transit element. The Transit Portion of the Financial Plan in the TIP was incomplete. All transit programs: Section 5307, 5310, 5339, 5337, Jarc, Para-Transit, etc. must be displayed and programmed for the TIP/STIP 4 year programming. Each funding program must describe what will be funded. Currently, the omission of projects and programs funding leads to excessive transit amendments during the year. This may be largely attributable to the significant turnover of staff at BJCTA over the past year, which greatly limited the ability of that agency to participate in the TIP development proceedings, as well as the lack of a Standard Operation Procedures (SOP) guidebook for local officials to follow regarding the timing and schedule of input materials needed. Specifically, the TIP does not provide sufficient information for demonstration of fiscal constraint for the transit portion of the program. BJCTA must provide all costs and revenue estimates to the MPO in timely fashion to support preparation of a complete TIP document.

The tables used in the TIP show that it is fiscally constrained by year should be posted to the website as updated. The MPO's amendments as well as prior year TIPs are posted at: [FY2016-2019 Transportation Improvement Program](#)

The MPO Policy Committee approved the FY2016-2019 Transportation Improvement Plan (TIP) on September 9, 2015. The development of the TIP is an ongoing process through recommendations/amendments/ modifications made by the TIP Sub-Committee

Regional Transportation Plan (RTP)

The TIP functions as a subset of the RTP, which serves as the principal document. The annual TIP development process, is loosely driven by the RTP, is based on the minimum prioritization and advancement of RTP projects. A list of federally obligated projects, including highway and transit projects, is posted on the MPO's website each year.

Schedule for Process Improvement: The BJCTA is expected to provide the project descriptions and supporting financial information and assumptions to support all future TIP updates on their agreed upon schedule. More immediately, the current TIP should be amended as soon as possible to add missing project descriptions and financial data.

For all projects, the Federal Review Team recommends that the MPO develop a mechanism to enhance the awareness of the status of projects in the TIP. MPO members and citizens should to be kept up to date of projects' progress. Project Status updates should be presented at the MPOs committee meetings as well as posted on the MPO's website. In reviewing the project status the MPO/ALDOT Region Office should develop a plan for special consideration of projects nearing or over 10 years old. Updates should be communicated to the planning partners. On occasions where ALDOT is the project's sponsor, the MPO should consider providing a link to the ALDOT project page for interested parties' reference

Proposed FHWA/FTA Technical Assistance: The FHWA and FTA will continue to work closely with planning partners to identify opportunities to improve TIP development and monitoring. FHWA and FTA technical assistance will also extend to Bicycle and Pedestrians Planning (providing examples).

Section 2-10: Public Outreach and Public Involvement

Basic Requirement: The MPO is required, under 23 CFR 450.316, to engage in a metropolitan planning process that creates opportunities for public involvement, participation and consultation throughout the development of the MTP and the TIP and is also included in 23 CFR 450.322 (f) (7) and (g) (1) (2), (i) and 23 CFR 450.324 (b).

Finding of Federal Review: The Federal Review Team was impressed with the level of effort and wide range of approaches the MPO is employing in its day-to-day implementation of its public involvement program. Through an ongoing retention the staff has made tremendous progress in the development of the public involvement contact list. The MPO developed an *Ambassador Training* program that utilizes volunteers to encourage and engage public involvement and awareness of transportation activities. Staff has also participated in a Phone Tree. The Phone Tree ideology organizes a network of people that can quickly and easily spread information. The Federal Review Team noted this effort during the site visit. However, a periodic evaluation of the effectiveness of this comprehensive program is not evident. While some evaluation activities have been undertaken (e.g. Scrapbooking), they have not been fully documented. Additionally, communication between the multiple staff members managing the public involvement tools (email lists, social media and the website) should be increased to ensure comprehensive distribution of information.

Public Participation Plan (PPP)

The desk audit of the PPP's language in section 3.0 Effectiveness of the Public Participation Process... "*The MPO understands that they have limited control over the number of people who participate in the planning process. The MPO cannot control these numbers. The MPO staff and committees can only control their own actions...*" give the impression the MPO is comfortable with any range of public participation. This tone invites criticism of the MPO's public participation efforts. The PPP states performance measures are reviewed annually, it is unclear if the results are presented publicly. The information and data collected for evaluating the overall effectiveness of the PPP was not evident. The Birmingham MPO's PPP was adopted in April 2014.

Schedule for Process Improvement: The MPO and ALDOT Staff should always seek innovative ways to create more ownership of the public involvement process with the public and its partners. The review team recommends that the MPO staff begin to use the "measures of effectiveness" section the PPP. Update the MPO website to include public identified points of interests (major project information, links to ALDOT sites, project status information). The ALDOT should develop a formal process and contact list for public involvement meeting information being sent to the MPO. The MPO should develop a formal process of disseminating project specific information to the public to include website, social media and contacts. The process should also define roles and responsibilities of key staff in distributing information. The proposed measure of effectiveness would provide the MPO/ALDOT a tool to evaluate feedback and effectiveness of the currently public involvement process tools/process. As an evaluation tool the MPO should consider involving its various MPO Committees, particularly the Citizens Advisory Committee, to review the website for functionality. Also a "comments page" dedicated to public comments on: planning documents, roads projects and other transportation activities including a direct link to designated staff, complaints, questions, or concerns would be accommodating.

Proposed FHWA/FTA Technical Assistance: FHWA and FTA have provided examples and will continue to work the MPO and ALDOT.

Section 2-11: Self-Certifications

Basic Requirement: Self-Certification of the metropolitan planning process, at least once every four years, is required under 23 CFR 450.334. The State and the MPO shall certify to FHWA and FTA that the planning process is addressing the major issues facing the area and is conducted in accordance with all applicable requirements of 23 CFR 450.300 and:

- 23 U.S.C. 134 and 49 U.S.C. 5303 and Sections 174 and 176(c) and (d) of the Clean Air Act (if applicable)
- Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State
- 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity
- Section 1101(b) of SAFETEA-LU and 49 CFR Part 26, regarding involvement of DBE in U.S. DOT-funded planning projects
- 23 CFR Part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts
- ADA and U.S. DOT regulations governing transportation for people with disabilities [49 CFR Parts 27, 37, and 38]
- Older Americans Act as amended, prohibiting discrimination on the basis of age Section 324 of Title 23 U.S.C., regarding the prohibition of discrimination based on gender
- Section 504 of the Rehabilitation Act of 1973 and 49 CFR Part 27, regarding discrimination against individuals with disabilities
- All other applicable provisions of Federal law (e.g., while no longer specifically noted in a self-certification, prohibition of use of Federal funds for “lobbying” still applies and should be covered in all grant agreement documents (see 23 CFR 630.112).

The FHWA produces a questionnaire outlining the requirements for self-certification and how they are addressed. The MPO Policy Committee has an approved TIP, RTP, UPWP, CMP, PPP, required interagency agreements, approved metropolitan planning area boundary, and annual listing of obligated projects. The Unified Work Program documents:

- participation in the planning process to meet conformity requirements of the Clean Air Act
- provisions of the Americans with Disabilities Act of 1990, the Older Americans Act, and Title VI of the Civil Rights Act of 1964
- prohibition of discrimination on the basis of race, color, creed, national origin, sex, disability, or age in employment or business opportunity; involve disadvantaged business enterprises; and implement an equal employment opportunity program in relation to U.S. DOT funded projects.

Finding of Federal Review: The MPO recently completed the Self-Certification through the development and approval of the 2016-2019 TIP and FY2016 UPWP. The MPO amended the FY2016 UPWP to include activity for completion of Americans with Disabilities (ADA) Transition Plan.

Schedule for Process Improvement: Continued partnership with the ALDOT for the completion of ADA Transition Plans for all MPO member governments.

Proposed FHWA/FTA Technical Assistance: FHWA provided guidance to the ALDOT and MPO

Section 2-12: Laws and Regulations Pertaining to Title VI and Non-Discrimination

Basic Requirement: It has been the long-standing policy of U.S. DOT to actively ensure nondiscrimination under Title VI of the Civil Rights Act of 1964. Title VI 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” Title VI bars intentional discrimination (i.e., disparate treatment) as well as disparate-impact discrimination stemming from neutral policy or practice that has the effect of a disparate impact on protected groups based on race, color, or national origin. The planning regulations [23 CFR 450.334(a)(3)] require the MPO to self-certify that “the planning process . . . is being carried out in accordance with all applicable requirements of . . . Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21.”

Finding of Federal Review: The MPO is compliant in meeting requirements for addressing nondiscrimination under Title VI of the Civil Rights Act of 1964. MPO procedures and guidelines including Title VI Complaint Procedures are available on the RPCGB website. However, the review team noted the placement of complaint forms should be more prominent on the MPO’s website. The MPO has previous Title VI complains that have been resolved. There are no active complaints.

Schedule for Process Improvement: Complaint forms should be easily accessible and visible on both the ALDOT and MPO websites.

Proposed FHWA/FTA Technical Assistance: N/A

Section 2-13: Congestion Management Process

Basic Requirement: The State (s) and the MPO must develop a systematic approach for managing congestion through a process that “provides for safe and effective integrated management and operation of the multimodal transportation system. The Congestion Management Process (CMP) applies to transportation management areas (TMA’s) based on a cooperatively development and implemented metropolitan-wide strategy of new and existing transportation facilities eligible for funding under 23 U.S.C. and title 49 U.S.C. Chapter 53 through the use of travel demand reduction and operational management strategies.” (23 CFR 450.320 (a))

Finding of Federal Review: The CMP is a performance-based process used to characterize current and future conditions on the transportation system in the region. The CMP covers the MPA and is advised by a dedicated Congestion Management Committee (CMC) that meets approximately six times a year. All analysis and performance measures established in the CMP are to be consistent with the RTP. The desk audit of the RTP suggests that the CMC has difficulty “with finding its place within the MPO structure in terms of having a clearly defined role and activities beyond maintaining a congestion management process”. It is also unclear the current results of the 2008 “Effective Evaluations” initiatives. The 2008 CMP was followed by two

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Congestion Monitoring Reports supplemental reports (2010, 2012). The 2012 Congestion Monitoring Report included:

- Measuring Mobility
 - Congestion Monitoring Network
 - Mobility Measures
 - Regional Congestion Indices

Schedule for Process Improvement: A Table of Contents in the update Congestion Monitoring Report. Provide data result of the proposed “Effectiveness Evaluations” if implemented.

Proposed FHWA/FTA Technical Assistance: N/A

Section 2-14: List of Obligated Projects

Basic Requirement: The MPO, transportation operators and the State must cooperatively develop a listing of projects for which Federal funds have been obligated in the previous year in accordance with 23 CFR 450.332 The listing must include all federally funded projects authorized or approved to receive obligations in the preceding program year and at a minimum, the following for each project:

- The amount of funds requested in the TIP
- Federal funding obligated during the preceding year
- Federal funding remaining and available for subsequent years
- Sufficient description to identify the project of phase
- Identification of the agencies responsible for carrying out the project or phase

Finding of Federal Review: An annual list of Authorized (Obligated) Projects is developed and made available on the MPO website. The list of obligated projects is updated at the end of each fiscal year. The 4-year TIP also includes the list of authorized projects. During the review the Federal Team noticed authorized projects were still being reported well after the list was published, making the information incomplete and outdated. This activity was also noted in the 2012 certification review. As a recommendation the MPO and ALDOT were encouraged to continue coordinating with project sponsors and monitor the project development process to ensure that the unobligated balances of STP and CMAQ funds are obligated in a timely manner. It was also discovered the MPO Committees and public are not aware of obligated projects.

Schedule for Process Improvement: The annual list of authorized highway and transit projects should be presented and made available at each of the MPOs committee meetings. When the status of projects is modified including a dormant status, the MPO committees should be made aware. As a result every effort should be made by the ALDOT to accelerate the release of the Authorized Projects List to increase the accuracy of the MPO’s publication.

Proposed FHWA/FTA Technical Assistance: Coordination with ALDOT on the release timeframe of Obligated Projects.

Section 2-15: Environmental Mitigation

Basic Requirement: The specific requirements for environmental mitigation are set forth in connection with the MTP in 23 CFR 450.322 (f) (7). However, the basis for addressing

environmental mitigation is detailed in sections addressing consultation (23 CFR 450.316 (a) (1) (2) (3) and (b) – Interested parties, participation, consultation; 23 CFR 450.322 (g) (1) (2), (i), and (j) – Development and content of the metropolitan transportation plan.

Finding of Federal Review: The MPO continues foster good project advancement practice through the Advanced Planning, Programming and Logical Engineering (APPLE) Program. As noted in the 2012 certification review, the review team continued to praise the program during the 2016 site visit. The APPLE presentation demonstrated staff understanding of the issues affecting project development. The APPLE program is designed to educate local governments about the project development process, assist them in their decision-making process and provide resources to help develop and advance transportation projects is a promising new tool which may prove useful in drawing down the MPO’s unobligated balance of STP- attributable funds

In accordance with 23 CFR 450.322 (f)(7) “A metropolitan transportation plan shall include, a discussion of types of potential environmental mitigation activities 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 metropolitan transportation plan. The discussion may focus on policies, programs, or strategies, rather than at the project level. The discussion shall be developed in consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies. The MPO may establish reasonable timeframes for performing this consultation. While the site visit discussions indicated mitigation strategies were considered, the Federal Review Team did not locate this information in the RTP.

Schedule for Process Improvement: 2040 Regional Transportation Plan should include narrative regarding potential environmental mitigation activities that have been developed in consultation with Regulatory Agencies. It is recommended that the ALDOT develop a process for all Regions informing the MPO of NEPA activity that may potentially affect projects in the MPO Study Area. The ALDOT should consider providing the MPO a link to all NEPA related project information.

Proposed FHWA/FTA Technical Assistance: N/A

Section 2-16: Consultation & Coordination

Basic Requirement: The requirements for consultation are set forth primarily in 23 CFR 450.316(b-e) which calls for consultation in developing the MTP and TIP. Consultation also is addressed specifically in connection with the MTP in 23 CFR 450.322(g)(1)(2) and (f)(7) related to environmental mitigation.

Finding of Federal Review: Development of the RTP and TIP was in consultation through coordination identified in Federal regulations. Although coordination was extended to State, local and non-government agencies, major projects of regional, project detail and visibility remain a concern.

Schedule for Process Improvement: The MPO should engage in a consultation that includes (1) comparison of the RTP with State conservation plans or maps, if available. It is recommended the MPO consider listing any other comprehensive regional plans in the document.

Proposed FHWA/FTA Technical Assistance: FTA/FHWA has provided examples and will continue to communication as needed.

Section 2-17: Integrating Freight in the Transportation Planning Process

Basic Requirement: 23 U.S.C. 134 (a) and 23 CFR 450.306(4), 450.316(a), 450.316(b), 450.104 - Metropolitan transportation planning section indicates that:

“It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation related fuel consumption and air pollution through metropolitan and Statewide transportation planning processes identified in this chapter; and encourage the continued improvement and evolution of the metropolitan and Statewide transportation planning processes by MPOs, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).

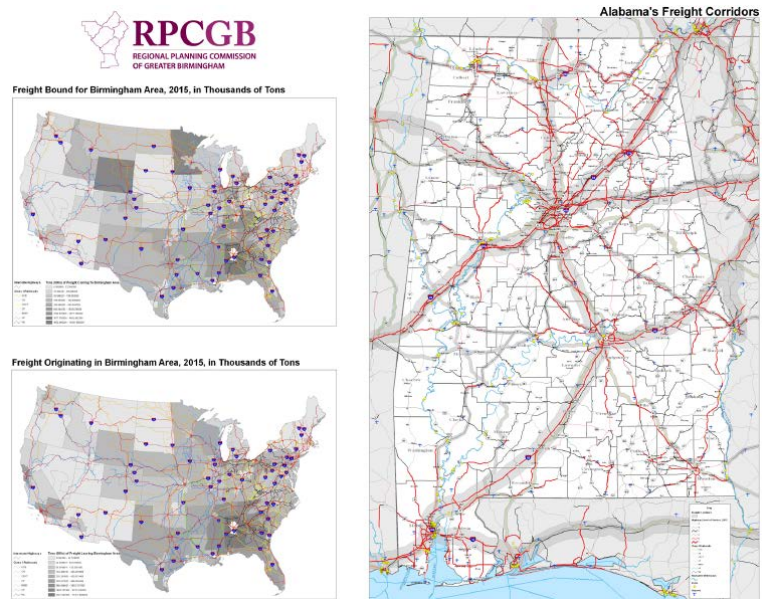
Finding of Federal Review:

The Birmingham MPO is commended for the resources and emphasis being dedicated to analysis of freight transportation issues. The 2010 established Freight Advisory Committee displays the MPO’s

commitment to creating a multimodal and intermodal transportation network. The MPO’s 2016 Freight Profile details: Infrastructure and Commodities of the Freight Network. As such, the region has significant economic opportunities and responsibilities for the efficient movement of freight. The MPO further devote significant resources to freight planning by participating in the development of the ALDOT Freight Plan. MPO Staff also took part a 2-day Megaregions Freight Movement Peer Exchange in Atlanta, GA on November 6th and 7th 2013.

Schedule for Process Improvement: It was noted by MPO, the MPO plans to begin a regional freight plan in FY2017. The completion of the anticipated freight plant, in full coordination with the State, will be commendable accomplishment.

Proposed FHWA/FTA Technical Assistance: N/A



Part 3 – Federal Initiatives

During the Desk Review and Site Visit, the Federal Team will review documents provided by the MPO for topic areas in Part 2 of the Certification Review which includes those that support Federal initiatives and programs.

Section 3-1: Executive Orders Pertaining to Environmental Justice (EJ) and Limited English Proficiency (LEP)

Basic Requirement: *Environmental Justice* Executive Order (E.O.) 12898, issued February 11, 1994, provides that “each Federal agency shall make achieving Environmental Justice part of its mission by identifying and addressing, as appropriate, disproportionately high or adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations . . .”. In compliance with this Executive Order, the U.S. DOT Order on Environmental Justice was issued on April 15, 1997. Furthermore, FHWA issued order number 6640.23 on December 2, 1998, entitled “FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” to establish policies and procedures for the FHWA to use in complying with Executive Order 12898. FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients was published on August 15, 2012.

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 that may face challenges accessing employment and other services, be sought out and considered.

Limited English Proficiency Executive Order 13166, issued August 11, 2000 directs federal agencies to evaluate services provided to Limited English Proficient (LEP) persons and implement a system that ensures that LEP persons are able to meaningfully access the services provided consistent with and without unduly burdening the fundamental mission of each federal agency. Additionally, each federal agency shall ensure that recipients of federal financial assistance provide meaningful access to their Limited English Proficiency applicants and beneficiaries.

Finding of Federal Review: The MPO’s Limited English Proficiency (LEP) Plan was also recently updated using the latest available demographic data and information. The 2014 PPP includes the most recent LEP. Section IV of the LEP states the MPO will determine when interpretation and/or translation are needed. The MPO has identified several steps to identify an LEP person who requires language assistance. The MPO also has identified staff members who speak Turkish, Farsi, Portuguese, Spanish, German and Chinese. The PPP also identify goals associated with EJ.

The MPO staff has identified areas that ensure and enhance environmental justice considerations and are being properly integrated into the transportation planning and project development processes. These areas are to identify residential, employment, and transportation patterns of low-income and minority populations, so that their needs can be identified and addressed and the benefits and burdens of transportation investments can be fairly distributed.

Schedule for Process Improvement: N/A

Proposed FHWA/FTA Technical Assistance: N/A

Section 3-2: Visualization Techniques

Basic Requirement: The requirements for the use of visualization techniques in metropolitan plans and TIPs can be found as part of 23 CFR 450.316 - Interested parties, participation and consultation. The specific section is 23 CFR 450.316(a)(1)(iii), and the reference reads as

follows: *The participation plan shall describe explicit procedures, strategies, and desired outcomes for: Employing visualization techniques to describe metropolitan transportation plans and TIPs.*

Finding of Federal Review: The MPO currently produces an interactive map to display TIP Capacity Projects in the region that have a geospatial representation. While the TIP includes project location graphics, the improvement type (e.g. resurfacing, intersection improvement) is unclear. The website's My Map/Scene use is unclear. TIP lacks the utilization of a table linked with the map that enables the user to review current summary information about the projects, and to project details in the TIP database. During the site visit it was noted the MPOs is not currently using their resources (GIS data, sidewalk inventories, gap filling plans, Bike/Pedestrian plans, etc.) to assist the local governments within their boundaries and to meet ADA responsibilities. The existing GIS platform could assist in establishing a measure of effectiveness baseline.

Schedule for Process Improvement: The MPO should further develop the Geographic Information System (GIS) system to assist in understanding the demographics (Public Involvement Tool) and needs of their various communities (Project Selection) and visual presentation (Project Status/Location). The MPO should consider employing GIS to conduct zip code analysis of its public involvement to measure equity of involvement and determine where additional or different outreach efforts are necessary.

Proposed FHWA/FTA Technical Assistance: N/A

Section 3-3: Livability and Sustainability

Basic Requirement: While current statute and transportation planning regulations do not make direct references to land use or livability planning, the transportation planning process is required to be coordinated with "planned growth" and similar activities, as those that exist within the region. In addition, MPOs and State DOTs must, when appropriate, consult with other agencies that have certain responsibilities for land and other resource management.

The U.S. DOT, in partnership with HUD and EPA, has established, through the Partnership for Sustainable Communities, the following principles to guide the development of livability-supportive policies and legislation:

- Provide more transportation choices
- Promote equitable, affordable housing
- Enhance economic competitiveness
- Support existing communities
- Coordinate policies and leverage investment
- Value communities and neighborhoods

Finding of Federal Review: The MPO's 2040 Plan serves as a comprehensive plan for the region and addresses each of the Livability Principles. The UPWP also identifies activities associated the Livability Principles. The Birmingham MPO has continued their efforts to incorporate Livability Planning Initiatives into the FY2016-2019. The MPO sufficiently addresses livability and sustainability issues throughout the planning process.

Schedule for Process Improvement: N/A

Proposed FHWA/FTA Technical Assistance: N/A

Section 3-4: Checklist for Travel Forecasting Methods

Basic Requirement: An MTP requires valid forecasts of future demand for transportation services. These forecasts are frequently made using *travel demand models*, which allocate estimates of regional population, employment and land use to person-trips and vehicle-trips by travel mode, route, and time period. The outputs of travel demand models are used to estimate regional vehicle activity for use in motor vehicle emissions models for transportation conformity determinations in nonattainment and maintenance areas, and to evaluate the impacts of alternative transportation investments being considered in the MTP.

Finding of Federal Review: The Birmingham MPO staff members are responsible for local routine travel forecasting duties. These routine duties include land-use amendment testing, Trafficways amendment evaluation, and traffic projections. A review of the MPO website states the collected data supports air quality planning activities. The collected data is used by through the Region to identify current and future traffic concerns and solutions. The Annual Traffic Counts Program involves the collections of traffic counts on major roads and intersections by the MPO and a few participating member governments. The Transportation Data Center according to the MPO's website is the main source of specially created transportation information. The requested data may be retrieved online.

Schedule for Process Improvement: N/A

Proposed FHWA/FTA Technical Assistance: N/A

Part 4: Certification Review Site Visit Participant List

Transportation Management Area Certification Review
 Birmingham Metropolitan Planning Area
 Tuesday, February 23, 2016 - Day 1
 Regional Planning Commission of Greater Birmingham

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Transportation Management Area Certification Review
 Birmingham Metropolitan Planning Area
 Tuesday, February 23, 2016 - Day 1
 Regional Planning Commission of Greater Birmingham

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Transportation Management Area Certification Review
 Birmingham Metropolitan Planning Area
 Wednesday, February 24, 2016 - Day 2
 Regional Planning Commission of Greater Birmingham

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Transportation Management Area Certification Review
 Birmingham Metropolitan Planning Area
 Wednesday, February 24, 2016 - Day 2
 Regional Planning Commission of Greater Birmingham

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2016 Birmingham, AL TMA Certification Review

Part 5: Certification Review Site Visit Meeting Agenda



Birmingham Transportation Management Area (TMA) Certification Review Agenda

February 23 & 24, 2016

Regional Planning Commission of Greater Birmingham (RPCGB)
Two Twentieth Street North Suite 1200, Birmingham, AL 35203

Tuesday, February 23, 2016

Time	Item	Participants	Discussion Lead
8:30 a.m.	Welcome / Introductions <ul style="list-style-type: none"> • Purpose of the Certification Process • Review schedule and close-out process 	Federal Review Team, Birmingham MPO, Jefferson County Transit Authority and ALDOT	Federal Review Team
8:45 a.m.	Discussion of Previous Review Findings (2012)	Federal Review Team, Birmingham MPO, Jefferson County Transit Authority and ALDOT	Federal Review Team
9:00 a.m.	TMA Review Topics <ul style="list-style-type: none"> • Overview of MPO/Changes since last TMA Certification <ul style="list-style-type: none"> ○ MPO Structure ○ Boundaries/ Census Changes <ul style="list-style-type: none"> ▪ New Urbanized Areas ○ Agreements/Contracts/MOUs ○ Political ○ Demographics • Air Quality <ul style="list-style-type: none"> ○ MOVES2014 ○ Revised Maintenance Plan ○ Conformity/Interagency Consultation ○ PM 2.5 • Transportation System 	Federal Review Team, Birmingham MPO, Jefferson County Transit Authority and ALDOT	Federal Review Team
10:15 a.m.	Break		
10:30 a.m.	<ul style="list-style-type: none"> • Planning Documents: Unified Planning Work Program, Transportation Improvement Program, Regional Transportation Plan, and Public Participation Plan <ul style="list-style-type: none"> ○ Development ○ Project selection ○ Prioritization process ○ Updates/Amendments ○ Demographic projections ○ Travel Demand Models ○ Transit modeling 	Federal Review Team, Birmingham MPO, Jefferson County Transit Authority and ALDOT	Federal Review Team
12:00 p.m.	Lunch		

*Federal Review Team includes: Federal Highway Administration (FHWA), Federal Transit Administration (FTA) and Environmental Protection Agency (EPA)

2016 Birmingham, AL TMA Certification Review

Tuesday, February 23, 2016 (Continued)

Time	Item	Participants	Discussion Lead
1:15 p.m.	<ul style="list-style-type: none"> • Continued Discussion of Transportation Plans <ul style="list-style-type: none"> ○ RTP <ul style="list-style-type: none"> ▪ Freight Planning ▪ Safety Planning ▪ Congestion Management Process/Intelligent ▪ Non-Motorized Planning <ul style="list-style-type: none"> • Bicycle and Pedestrian Planning ▪ Financial Planning <ul style="list-style-type: none"> ▪ Revenue estimates ▪ Project cost estimates List of Obligated Projects 	Federal Review Team, Birmingham MPO, Jefferson County Transit Authority and ALDOT	
3:00 p.m.	Break		
3:15 p.m.	<ul style="list-style-type: none"> • Transit • Public Involvement/Title VI/DBE/Civil Rights/ADA <ul style="list-style-type: none"> ○ Self-Certifications 	Federal Review Team, Birmingham MPO, Jefferson County Transit Authority and ALDOT	Federal Review Team
4:30 p.m.	Break for Public Involvement Meeting		
5:00 p.m.	TMA Certification Public Involvement Meeting (RPCGB)	Federal Review Team, Birmingham MPO, and Public	
6:15 p.m.	Discussion of Feedback from Public Involvement Meeting	Federal Review Team and Birmingham MPO	Federal Review Team
6:30 p.m.	Adjourn for the day		

Wednesday, February 24, 2016

Time	Item	Participants	Discussion Lead
8:30 a.m.	Questions and Follow up discussion from Day One	Federal Review Team, Birmingham MPO, Jefferson County Transit Authority and ALDOT	Federal Review Team
11:30 a.m.	Lunch Federal Review Team Meeting to Discuss Preliminary Review Findings	Federal Review Team	
1:30 p.m.	Discussion of Federal Review Team's Preliminary Findings	Federal Review Team, Birmingham MPO, Jefferson County Transit Authority and ALDOT	Federal Review Team
2:30 p.m.	Adjourn		

**Federal Review Team includes: Federal Highway Administration (FHWA), Federal Transit Administration (FTA) and Environmental Protection Agency (EPA)*

Appendices

Appendix A - TMA Public Involvement Meeting Notices



**Transportation Planning Process
Public Involvement Meeting**

Purpose: This meeting is part of a review that will assess compliance with Federal regulations pertaining to the transportation planning process conducted by the Birmingham MPO, Alabama Department of Transportation, Birmingham / Jefferson County Transit Authority, and units of local government in the Birmingham area.

Hosted By: Representatives of the Federal Highway Administration, Federal Transit Administration, Alabama Department of Transportation, Birmingham Metropolitan Planning Organization and the Regional Planning Commission of Greater Birmingham.

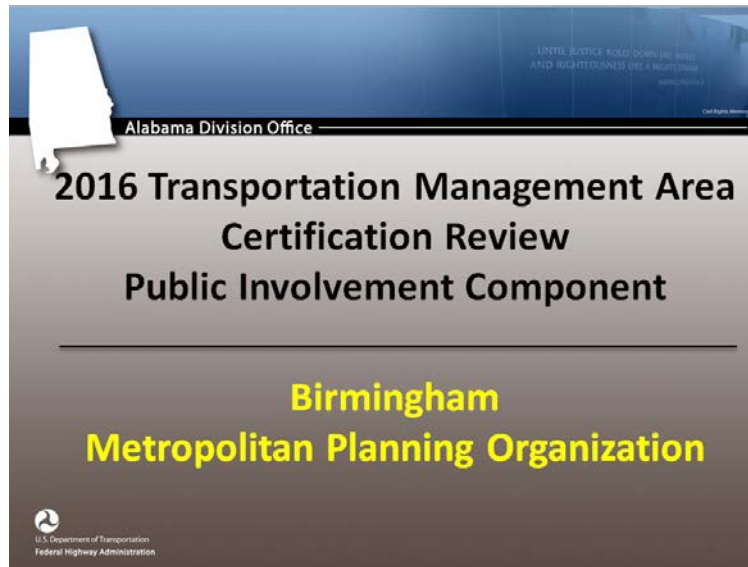
Tuesday, February 23, 2016, 5:00 p.m. - 6:00 p.m.
Regional Planning Commission of Greater Birmingham
2 North 20th Street, Suite 310, Birmingham, Alabama 35203

If you are not able to attend the meeting, please address your comments to:
Federal Highway Administration, Alabama Division,
9500 Wynlakes Place, Montgomery, AL 36117-8515

Anyone requiring special accommodations should advise Cissy Edwards Crowe (205-251-8139) at least one week in advance. For additional information concerning the Birmingham Metropolitan Planning Organization (MPO) visit www.rpcgb.org

Appendix B - Public Involvement Meeting Summary

FHWA/FTA would like to thank everyone who contributed comments for the Birmingham TMA Federal Certification Review. The public comments are a vital element of the certification review because the citizens are providing input about the transportation planning process and how the process is meeting the needs of the area. The first day of the review concluded with a public meeting and a presentation on the planning process.



Public Meeting Comments

There were approximately 20 attendees at the TMA Certification Review public involvement meeting. The wide range of comments during the meeting included:

- Comments related to a specific project(s)
- Lack of visibility of project-level development (project status)
- Less than user friendly MPO and ALDOT websites
- Minimum methods of disbursing transportation activities
- Project(s) design not reflecting public comments
- MPO and ALDOT' s inability to funds legacy, existing and future projects
- Improved communication between the MPO, the ALDOT and the public
- The time of day Public Meeting are held

In general the meeting participants expressed both appreciation and dissatisfaction with the current handling of the planning process in the Birmingham MPO Area. Several comments during the meeting were related to the public is not aware of transportation planning activities in the area and not knowing how to get involved in the development of key planning documents. Others vocalized frustrations with locating information on both the both the MPO and the ALDOT website. The desire to see more bicycle and pedestrians facilities was also expressed.

During the public comment period over 130 written comments were received. While scripted the majority of the comments received expressed dissatisfaction with the public engagements efforts in the Birmingham MPO Area, specifically the public involvement with the ongoing I-20/59 Project.

All received comments were reviewed and taken into consideration throughout the writing of this report. The ALDOT and the MPO were provided copies of all received comments.

2016 Birmingham, AL TMA Certification Review

Appendix C - Public Involvement Meeting Participates

Transportation Management Area Certification Review
 Birmingham Metropolitan Planning Area
 February 23, 2016
 Regional Planning Commission of Greater Birmingham

Name	Address	City	State	Zip	Phone Number	Email
Ben Gallagher	1408 33rd St N	B'ham	AL	35234	205-241-6288	bgallagher-13@yahoo.com
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Nicole Spivey	FWA					

Appendix D - Documents

List of documents with website links used in the certification review:

- A. [Regional Transportation Plan](#)
- B. [Transportation Improvement Program](#)
 - a. List of obligated projects from previous TIP year
 - b. MPO annual self-certification year
- C. [Unified Planning Work Program](#)
- D. [Transportation System Information and Forecasting](#)
- E. [Public Involvement](#)
 - a. Public Participation Plan
 - b. Title VI/ Environmental Justice
- F. [Congestion Management Process](#)
- G. [Air Quality Conformity](#)
- H. [Metropolitan Planning Organization](#)
 - a. MPO Committees
- I. [Freight System Planning](#)
 - a. Birmingham Area Freight Profile
- J. [Biking and Walking/Active Transportation](#)

*Alabama FHWA Division Office
9500 Wynlakes Place
Montgomery, AL 36117
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For additional copies of this report, contact us.