

**From:** [Linda Millsaps](#)  
**To:** [Kate Gibson](#)  
**Subject:** FW: FHWA Virginia Division Comments, Suggestions, and recommendations to FAMPO (and GWRC)  
**Date:** Thursday, June 13, 2019 3:46:42 PM  
**Attachments:** [image001.png](#)  
[Attachment 1 Resolution-18-39.pdf](#)  
[Attachment 2 UPWP Analysis.xlsx](#)

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**From:** Rucker, Ivan (FHWA) <Ivan.Rucker@dot.gov>  
**Sent:** Wednesday, June 05, 2019 4:02 PM  
**To:** Paul Agnello <agnello@gwregion.org>; Linda Millsaps <millsaps@gwregion.org>; Haynes, Stephen <stephen.haynes@vdot.virginia.gov>  
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**Subject:** FHWA Virginia Division Comments, Suggestions, and recommendations to FAMPO (and GWRC)

Hello,

Please see comments, suggestions, and recommendations based on our review of FAMPO's Draft 2020 UPWP below and participation in the FAMPO planning process.

### **General Comment**

*Per the Agreement for the Utilization of Federal and State Funds to Support Metropolitan Planning in the Fredericksburg Area, "Any approved UPWP work to be undertaken with federal or state funds by any party other than the COMMISSION shall be the subject of a third-party agreement. Such agreements shall incorporate all provisions of this AGREEMENT. The scope of service and agreements for such work must be submitted for written approval by the DEPARTMENT and FHWA prior to the execution of the third-party agreement. It is recommended that any such third-party agreement be developed as soon as possible after the execution of this AGREEMENT. There will be no reimbursement to third-parties for work performed prior to the execution date of such agreement."*

We encourage the George Washington Regional Commission (COMMISSION) to please review and adhere to all commitments and responsibilities contained in the agreement between the VDOT and the GWRC to ensure that an

appropriate reporting structure continues to exist to provide for the proper oversight, accountability, and management of Federal funds.

## **Specific Comments**

- 1. We reviewed the FY2020 UPWP and the Organizational Chart contained in the document. The Organizational Chart appears to reflect that the Commission has no personnel (except for the Executive Director) that charge staff time against MPO activities and that the Fredericksburg MPO (FAMPO) employs or maintains its own personnel.**

We are aware that the GWRC and FAMPO have a long history of integrating the planning process to include the entire GWRC region and that much of the GWRC staff that serves the FAMPO Board (including serving as staff to the FAMPO Technical Advisory and Citizen Advisory Committees which have been expanded to include rural voting representation) also serves the GWRC Board. Consideration should be given to that arrangement with respect to agreements or organizational charts.

Per the executed PL and SPR agreements between the Commission and the VDOT, the Commission is required to list all Commission personnel anticipated to charge time against the planning activities in the Rural and Urban Work Programs. We recommend that the GWRC coordinate with the FAMPO to ensure that the PL and SPR agreements and Letters of Authorization (LOA) include the positions (consistent with the requirements contained in the agreements and LOAs) of who the Commission anticipates charging time against to accomplish activities contained in the FAMPO and GWRC Work Programs. If staff is maintained by the FAMPO, please provide us with copies of the third-party agreement between the Commission and FAMPO.

- 2. During our review of recent FAMPO meeting minutes (March 18, 2019), language attributed to an MPO elected official states, "... FAMPO has outgrown the GWRC and FAMPO will continue to receive**

**funding and continue to grow whereas the GWRC will experience no growth & has a history of having bounced checks or floating payments to accounts.” Additionally, we have recently been made aware that the GWRC is having difficulty in matching some federal funds for UPWP planning activities. However, despite the recent inability to match some federal planning funds with local funds, we noticed that the FY2020 UPWP has prioritized increasing GWRC staff.**

The FHWA Virginia Division’s perspective is that the GWRC has a long history of being financially sound and a responsible partner. We recommend that the VDOT meet with the GWRC Chair and GWRC Executive Director to better understand the financial and staffing priorities of the GWRC to meet federal planning requirements on behalf of the FAMPO. Additionally, VDOT should work to assess the GWRC efforts to address concerns regarding local match availability towards future planning activities and if State financial assistance will be needed in the future should local match issues persist.

The FHWA Virginia Division is concerned with the inability to locally match Federal funds and recommend that the VDOT and GWRC work to address the cause as this may impact the FAMPO’s ability to meet federal requirements.

- 3. According to the FY 2020 UPWP, FAMPO has reserved \$1,148,391 in federal RSTP funds to “Potentially conduct additional study analysis of interchanges, arterials and congestions mitigation in the I-95/ US Rte. 1 corridor in FAMPO at the direction of the Policy Committee.”**

FHWA will authorize Federal funding for this task item after a TIP and STIP revision once the FAMPO has identified a specific study/studies. We are assuming that FAMPO’s Technical Advisory Committee will utilize the FAMPO adopted RSTP and CMAQ project selection process for study recommendations to the Policy Board. Additionally, any PL funds identified as contingency (i.e. \$160,000 Federal) will be approved for authorization once the MPO has identified a use for the funds.

- 4. FHWA and VDOT approved a task in the current *FY19 UPWP* to update the 2045 LRTP to 2050 and make it FAST-Act compliant. The budget for the task was \$200,000 and was authorized at 80/20 (\$160,000 Federal/\$40,000 State). A consultant task order was developed in June 2018 for \$94,164 (*Attachment 1*). It was approved by the MPO. Contained on page 6 of the task order it states, “The 2050 LRTP will be a *minor* update extending the 2045 LRTP to the 2050 horizon year that will ensure complete compliance with Federal requirement (as noted above), outcomes of SMART SCALE Round 3, other project updates (such as the recent announcement on the Fred Ex project), and any other new/relevant State or regional policy or programmatic initiatives.”**

The FY 2020 UPWP contains the same FY2019 task but the budget has increased by 75% (\$350,000). Please explain the increase in budget and whether the consultant completed the objectives contained in the task order as we’ve noticed a recent expenditure of \$68,425.28.

- 5. Per 23 CFR 450.308, Federal Planning funds (PL) are made available to the MPOs to accomplish routine planning activities required by the federal planning regulations. For example, these activities include Long Range Plan Development, Public Participation, TIP Development, etc. An MPO may, at its discretion, also use RSTP funds for planning activities. However, RSTP funds can also be used towards additional activities that PL funds can’t be used towards including project construction (i.e. safety projects, bike and pedestrian facilities, trail construction, Safe Route to School projects, transit, etc.)**

In lieu of Federal PL funds, we notice a heavy reliance on RSTP in the FY 2020 UPWP to conduct routine planning activities. For example, the 2050 LRTP update is budgeted for \$350,000 in RSTP funds, Public Involvement is budgeted for \$244,000 in RSTP funds, and at the most recent MPO meeting there was a request to increase the combined budget amount by \$125,000 in RSTP while leaving a contingency of \$200,000 in PL funds.

For information purposes, we’ve attached an Excel chart (*2<sup>nd</sup> Attachment*) that was prepared by the VDOT to give a brief comparison of FAMPO's use of

RSTP in the UPWP budget over the past decade (incl. the proposed FY '20). That data may be found under the first tab in the workbook.

The second tab compares the use of RSTP in the UPWP activities by other MPOs, including the five MPOs from FAMPO's recent peer analysis, completed by their Consultant, Cambridge Systematics, for the 2020 UPWP. (Those rows are shaded a tan/peach shade.) Two large Virginia TPOs and two MPOs of similar size to FAMPO are included, as well.

We suggest that the MPO Technical Advisory Committee evaluate if there are options to utilize PL funds for routine planning activities in lieu of sub-allocated RSTP funds which can be used for projects in jurisdictions/region.

Thank you.

Ivan



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