



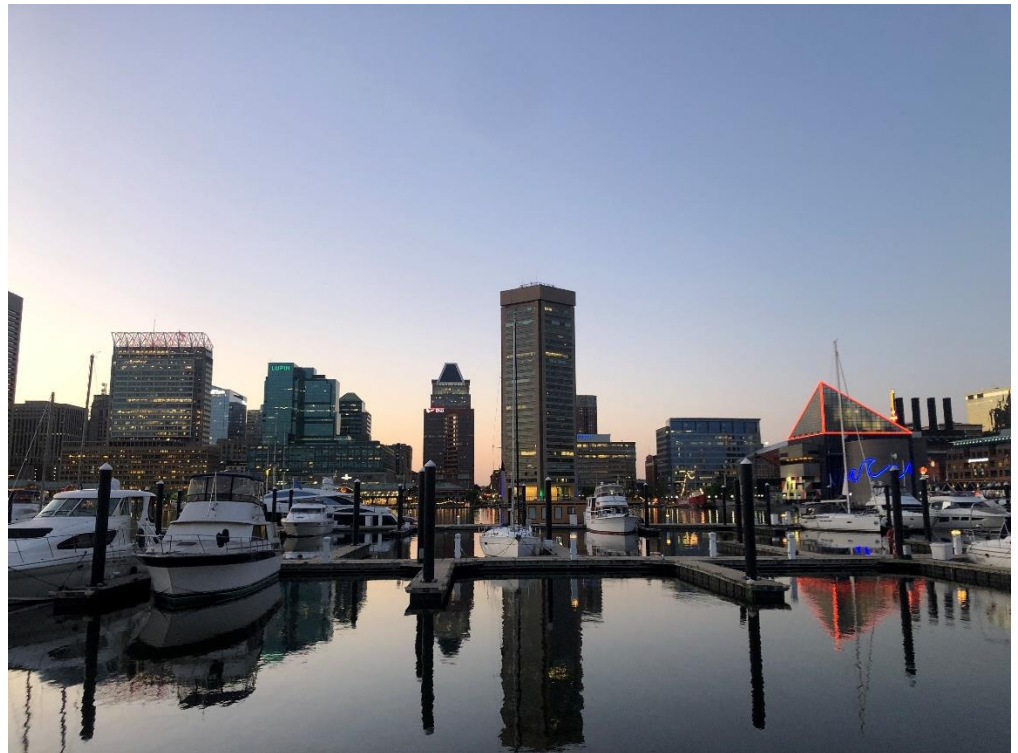
U.S. Department  
of Transportation

Federal Highway  
Administration

Federal Transit  
Administration

# Transportation Management Area Planning Certification Review

## Baltimore, Maryland Transportation Management Area Certification Review Baltimore Regional Transportation Planning Board



**July 2024**

**Summary Report**



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## 1.0 EXECUTIVE SUMMARY

On May 1 and 2, 2024, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) conducted the certification review of the transportation planning process for the Baltimore urban area. FHWA and FTA are required to jointly review and evaluate the transportation planning process for each urbanized area over 200,000 in population at least every four years to determine if the process meets the federal planning requirements.

### 1.1 Previous Findings and Disposition

The last certification review for the Baltimore Regional Transportation Board (BRTB), the designated Metropolitan Planning Organization (MPO) for the Baltimore urban area was conducted in 2020. The previous Certification Review findings and their disposition are provided in Appendix B and summarized as follows.

Finding	Action	Disposition
MPO Structure and Agreements 23 U.S.C. 134(d) 23 CFR 450.314(a)	Commendation #1	The Federal Team recognizes BRTB effort for updating a single comprehensive metropolitan planning agreement to support performance-based transportation planning responsibilities for the Baltimore region. The Master 3C Agreement outlines legal and contracting responsibilities for all Parties. It reflects changes to other Agreements and includes new partner of Queen Anne's County.
Unified Planning Work Program 23 CFR 450.308	Recommendation #1	MDOT should review the remaining balance of unobligated metropolitan planning funds (23 U.S.C. 104(d), 49 U.S.C. 5305(d)) and provide this information to BRTB and all Maryland MPOs. The Federal Team requests that MDOT then prepare and submit to FTA a plan (or set of procedures) to document how MDOT will allocate the Consolidated Grant Program funds pursuant to the requirement in FTA Circular 8100.1D and the Common Grant Rule.
Financial Plan & Fiscal Constraint (23 U.S.C. 134 (j) (2) (B))	Commendation #2	The Federal Team recognizes BRTB for including in the current LRTP a table showing the breakdown of forecasted federal revenues by funding program from 2024-2045.
Transportation Improvement Program 23 U.S.C. 134(c)(h) & (j) 23 CFR 450.326	Commendation #3	BRTB is commended for working with Baltimore City and FHWA Maryland Division to update the TIP project phase definitions to clarify the distinction between planning and preliminary engineering. The project phase definitions are consistent with 23 CFR 636.103 and will help ensure projects comply with FHWA's 10-year rule.
	Recommendation #2	The Team recommends the State use this project phase definitions in the next STIP update and should encourage the remaining MPOs to use similar definitions in their TIPs.

	Commendation #4	The Federal Team acknowledges BRTB for developing interactive mapping for assisting the public locating TIP projects and associated data.
Civil Rights Title VI Civil Rights Act, 23 U.S.C. 324, Age Discrimination Act, Sec. 504 Rehabilitation Act, Americans with Disabilities Act	Recommendation #3	The BRTB should revise and update the Title VI complaint process and policies on their website as requested by December 31, 2020.
Air Quality Clean Air Act 42 U.S.C. 7401 40 CFR Part 93 23 CFR 450.324(m)	Commendation #5	The Review Team commends BRTB for being innovative in air quality program, where the MPO publishes a report on Protecting Our Resources that utilizes data visualizations to explain regional air quality conformity to their stakeholders and the public.
	Commendation #6	BRTB has consistently completed past conformity determinations with ample time to allow EPA to thoroughly review for concurrence in a timely matter, and EPA's most recent review of the 2020-2023 TIP and the 2045 Long- Range Transportation Plan met all the CAA requirements to allow approval of the conformity determinations according to relevant regulations.
	Recommendation #4	The Review Team recommends BRTB continue to coordinate with regional partners to determine emission reduction activities.
	Recommendation #5	The Review Team recommends BRTB train technical staff in upcoming MOVES modeling software.
	Recommendation #6	BRTB continue to make significant contributions to future development of any new 8-hour ozone and perhaps future PM <sub>2.5</sub> SIP development, including development of relevant projects that will contribute to overall improved air quality.

## 1.2 Summary of Current Findings

The current review found that the metropolitan transportation planning process conducted in the Baltimore urban area meets federal planning requirements. Since the 2020 Certification

Review, the BRTB has made strides forward on some key metropolitan planning elements. Some examples of this include its Congestion Management Process (CMP) Analysis Tool, Electric Vehicle Community Charging Hub project, and the Baltimore Metropolitan Council's (BMC) Equity Scan analysis.

BRTB's CMP Analysis Tool visualizes congestion and related data, such as transportation improvement program (TIP) and metropolitan transportation plan (MTP) projects, enabling planners to assess projects' potential impacts on recorded conditions, and improve regional cooperation. In 2024, BRTB launched its Electric Vehicle Community Charging Hub Project, which will develop a plan to provide electric vehicle (EV) charging opportunities for residents in high-density areas across the Baltimore region, as well as an operation and maintenance standard document. BMC's Equity Scan analysis reviewed existing agency equity practices through the four key BRTB planning processes: the unified planning work program (UPWP), the long-range transportation plan (LRTP), the TIP, and the public participation plan (PPP). In June 2023, the analysis project produced 20 recommendations for advancing equity through these transportation planning vehicles. These are just several highlights of BRTB efforts since the last Certification Review in 2020.

As a result of the 2024 Certification Review, FHWA and FTA are jointly certifying the transportation planning process conducted by Maryland Department of Transportation (MDOT), BRTB, and Public Transportation Operators. There are also recommendations in this report that warrant close attention and follow-up, as well as areas that the MPO is performing very well in that are to be commended.

Review Area	Finding	Corrective Actions/ Recommendations
<b>Metropolitan Planning Area Boundaries</b> 23 CFR 450.312		
<b>MPO Structure, Agreements, and Coordination</b> 23 U.S.C. 134; 23 CFR 450.314-316; 23 CFR 450.324	Recommendation #1	Update MPO agreements with partner agencies to reflect current practices, boundaries, roles, and responsibilities that have grown beyond the scope of existing agreements, to formalize recent progressions in cooperative practices.
<b>Annual Listing of Obligated Projects</b> 23 U.S.C. 134(j)(7); 23 CFR 450.334	Recommendation #2	MDOT and BRTB are currently working together to provide data for previous years of the annual list of obligate projects. Once MDOT finalizes each MPO's annual list of obligate projects, it is recommended each MPO, including BRTB, publish their respective annual list of obligated projects for public access, for compliance with 23 CFR 450.334. Moving forward, MDOT, BRTB, and public transportation operators should continue to work collaboratively to improve the schedule for the annual list of obligated projects, and carry out Article 10 of the 3C agreement related to the annual list of obligated projects process and responsibilities of each party.



Review Area	Finding	Corrective Actions/ Recommendations
<b>Transit Planning</b> 49 U.S.C. 5303; 23 U.S.C. 134; 23 CFR 450.314	Commendation #1	BRTB is commended for collaborating with the Transportation Association of Maryland to provide skills training to LOTS and MTA staff, supporting the professional development of transit operating staff and strengthening public transportation connectivity with regional transportation planning.
<b>Financial Planning and Fiscal Constraint in the Metropolitan Transportation Plan and Transportation Improvement Program</b> 23 U.S.C. 134(c-j); 23 CFR 450.322(f)(10)(i); 23 CFR 450.324(f)(11); 23 CFR 450.324(h); 23 CFR 450.326(e-k)	Commendation #2	The Federal Review Team commends BRTB for developing a regionwide local financial forecast process for local revenues. The Federal Team looks forward to the continued refinement of this process to provide a clearer financial projection process for local funding of transportation in the Baltimore region.
	Recommendation #3	The Federal Review Team recommends that the BRTB document the process for how projects are programmed into the LRTP. The process should describe how projects are proposed by local agencies through Capital Improvement Programs (CIP) and state agencies through the state Consolidated Transportation Program (CTP).
	Recommendation #4	BRTB should ensure the current version of the TIP, including any adopted amendments, can be easily found online. While adopted TIP amendments can currently be found in the attachments associated with meetings on the BRTB website, finding amendments relies heavily on the user's knowledge of meeting agendas and proceedings. Posting updated version(s) of the TIP, incorporating adopted amendments on the BRTB TIP webpage can improve TIP accessibility for the public, member governments, and staff.
<b>Civil Rights (Title VI, EJ, LEP, ADA)</b> 23 U.S.C. 324; 29 U.S.C. 701; 42 U.S.C. 2000d; 42 U.S.C. 12101; 42 U.S.C. 6101–6107; 23 CFR 450.316(a)(1)(vii); 49 CFR 26; EO 12898; EO 13166		
<b>Public Participation</b> 23 U.S.C. 134(i-j) ; 49 U.S.C. 5303(i-j); 23 CFR 450.316(a-b)	Commendation #3	BRTB is commended for its efforts to expand public engagement and find more impactful ways for the public participate in planning processes. The incorporation of interactive activities and visualizations to engage members of the Transportation CORE is an innovative practice achieving meaningful results.
	Commendation #4	BRTB's updated "guide to transportation planning" rewritten at a 9th grade reading level is commendable and noteworthy.
	Commendation #5	The Federal Review Team encourages BRTB to continue employing its simple-language communication approach,

Review Area	Finding	Corrective Actions/ Recommendations
		and providing simplified visual guidance articulating the who/what/when of MPO actions (e.g., TIP development, which actors [BRTB, MDOT, public] do what [contribute projects] when [TIP development timeline point]).
	Recommendation #5	BRTB should update its bylaws to formalize its current public engagement practices, and clarify the operational future of the Transportation CORE and the currently-dormant PAC.
<b>Air Quality Planning and SIP Planning in Conformity</b> 42 U.S.C. 7401; 23 CFR 450.324–326; 40 CFR Part 93		
<b>Performance Based Planning and Programming</b> 23 U.S.C. 134(h)(2)(A); 23 U.S.C. 150; 49 U.S.C. 5301(c); 49 U.S.C. 5326–5329	Commendation #6	The Federal Review Team commends BRTB for its collective efforts to gather local data from jurisdictions, transit providers, and MDOT to develop and set some of its own performance targets.
	Recommendation #6	The Federal Review Team acknowledges the strides and efforts of BRTB with respect to PBPP and its overall successes. As a matter of process improvement, the Federal Review Team recommends that the MPO should document the process for establishing performance measures and targets. BRTB should illustrate why some of MDOT’s statewide performance targets have been adopted and why the MPO developed and adopted the regional performance targets.
	Recommendation #7	Additionally, the BRTB resolutions that include the adoption of the Statewide targets and the election to develop and adopt regional targets rather than statewide targets should be more centrally accessible on its website; an example of this done is the resolution citations on the Maximize2045 LRTP webpage.

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

## 2.0 INTRODUCTION

### 2.1 Background

Pursuant to 23 U.S.C. 134(k) and 49 U.S.C. 5303(k), the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) must jointly certify the metropolitan transportation planning process in TMAs at least every four years. A TMA is an urbanized area, as defined by the U.S. Census Bureau, with a population of over 200,000. After the 2020 Census, the Secretary of Transportation designated 192 TMAs. In general, the reviews consist of three primary activities: a site visit, a review of planning products (in advance of and during the site visit), and preparation of a Certification Review Report that summarizes the review and offers findings. The reviews focus on compliance with federal regulations, challenges, successes, and experiences of the cooperative relationship between the metropolitan planning organization(s) (MPO(s)), the State DOT(s), and public transportation operator(s) in the conduct of the metropolitan transportation planning process. Joint FTA/FHWA Certification Review guidelines provide agency field reviewers with latitude and flexibility to tailor the review to reflect regional issues and needs. Consequently, the scope and depth of the Certification Review reports can vary.

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

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

The review process is individually tailored to focus on topics of significance in each metropolitan planning area. Federal reviewers prepare Certification Reports to document the results of the review process. The reports and final actions are the joint responsibility of the appropriate FHWA and FTA field offices, and their content will vary to reflect the planning processes reviewed, whether or not they relate explicitly to formal “findings” of the review.

To encourage public understanding and input, FHWA/FTA will continue to improve the clarity of the Certification Review reports.

## **2.2 Purpose and Objective**

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

The Baltimore Regional Transportation Board (BRTB) is the designated MPO for the Baltimore urbanized area. The Maryland Department of Transportation (MDOT) is the responsible State agency and Maryland Transit Administration (MTA) is the responsible public transportation operator. BRTB's current membership consists of elected officials and empowered representatives from the jurisdictions of: the cities of Annapolis and Baltimore; the counties of Anne Arundel, Baltimore, Carroll, Harford, Howard, and Queen Anne's.

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

## **3.0 SCOPE AND METHODOLOGY**

### **3.1 Review Process**

The last certification review was conducted in 2020. A summary of the status of findings from the last review is provided in Appendix B. This report details the 2024 review, which consisted of a formal site visit and public engagement, conducted in May 2024.

Participants in the review included representatives of FHWA, FTA, Environmental Protection Agency (EPA), MDOT, MTA, and staff from BRTB. A full list of participants is included in Appendix A.

A desk audit of current documents and correspondence was completed prior to the site visit. In addition to the formal review, routine oversight mechanisms provide a major source of information upon which to base the certification findings.

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

- Metropolitan Planning Area Boundaries
- MPO Structure, Agreements, and Coordination
- UPWP
- MTP
- Transit Planning
- TIP
- Public Participation
- Civil Rights (Title VI, EJ, LEP, ADA)
- Consultation and Coordination
- Annual Listing of Obligated Projects
- Freight Planning
- Air Quality
- Congestion Management Process / Management and Operations
- Performance-Based Planning and Programming (PBPP)

## **3.2 Documents Reviewed**

Below is a list of some of the MPO documents that were evaluated as part of the certification review. This list does not comprise all documents reviewed as part of the desktop review.

- Resilience 2050, Adapting to the Challenges of Tomorrow (MTP)
- FY2024-2027 Baltimore Region TIP
- Baltimore Region FY2024-2025 UPWP for Transportation Planning, April 21, 2023
- Public Participation Plan for the Baltimore Region, December 2022
- BRTB Self-Certification, July 25, 2023
- Civil Rights/Title VI/Environmental Justice information
- Congestion Management Process (CMP) tools and documentation
- Financial planning and fiscal constraint documentation from Chapter 6 of Resilience 2050 and TIP

## 4.0 PROGRAM REVIEW

### 4.1 Metropolitan Planning Area Boundaries

#### 4.1.1 Regulatory Basis

23 CFR 450.312 Metropolitan Planning Area boundaries.

*(a) The boundaries of a metropolitan planning area (MPA) shall be determined by agreement between the MPO and the Governor.*

*(1) At a minimum, the MPA boundaries shall encompass the entire existing urbanized area (as defined by the Bureau of the Census) plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan.*

...

*(i) The MPO (in cooperation with the State and public transportation operator(s)) shall review the MPA boundaries after each Census to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized area(s) and shall adjust them as necessary. As appropriate, additional adjustments should be made to reflect the most comprehensive boundary to foster an effective planning process that ensures connectivity between modes, improves access to modal systems, and promotes efficient overall transportation investment strategies.*

#### 4.1.2 Current Status

BRTB coordinated with MDOT, ultimately the State Highway Administration (SHA), on the FHWA Urban Boundary Adjustment update with considerations of the latest final criteria defining urban areas. On January 23, 2024, BRTB approved Resolution #24-11 for submission to FHWA of the new adjusted urbanized area boundaries based on the 2020 Census for the Baltimore region. Prior to adoption of the new urban area boundary, there were presentations to BRTB's Technical Committee and Policy Board in January 2024.

Before the 2020 Decennial Census, the boundaries of the urbanized areas were defined primarily by using measures based on population counts and residential population density, and also by using measures based on criteria that account for non-residential urban land uses, such as commercial, industrial, transportation, and open space that are part of the urban landscape.

According to the Census Bureau's final criteria for defining urban areas based on the results of the 2020 Decennial Census (87 FR 16706), an urban area will now comprise a densely developed core of census blocks that meet minimum housing unit density requirements (replacing the previous use of population density), along with adjacent territory containing non-residential urban land uses as well as other lower density territory included to link outlying densely settled territory with the densely settled core. To qualify as an urban area, the territory identified according to the final criteria must encompass at least 2,000 housing units or at least 5,000 persons. The term "rural" still encompasses all population, housing, and territory not included within an urban area.

There are two urbanized areas within the BRTB region: Baltimore and Bel-Air—Aberdeen. BRTB previously had a planning agreement with the Westminster-Eldersburg Urbanized Area, but with 87 FR 16706 and the 2020 Census, the area no longer meets the criteria of an urban area.

#### **4.1.3 Findings**

BRTB and MDOT coordinated to develop the BRTB Urban Boundary Adjustment which was submitted to FHWA for consideration. At the federal review site visit, an irregularity with the SHA proposed Urban Area Boundary map was discovered – the proposed boundary adjustment did include Baltimore City. SHA submitted a revised Urban Area Boundary map including Baltimore City upon request from FHWA. BRTB committed to coordinating with SHA to resolve any mapping irregularity.

BRTB satisfies the regulatory requirements for the MPO Planning Area Boundaries.

**Corrective Actions:** None.

**Recommendations:** None.

**Commendations:** None.

**Schedule for Process Improvement:** None.

**Proposed FHWA/FTA Technical Assistance:** None

## **4.2 MPO Structure, Agreements, and Coordination**

### **4.2.1 Regulatory Basis**



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

23 U.S.C. 134(g) and (i)(5)-(6) and 23 CFR 450.316(b-e) set forth requirements for consultation in developing the MTP and TIP. Consultation is also addressed specifically in connection with the MTP in 23 CFR 450.324(g)(1-2) and in 23 CFR 450.324(f)(10) related to environmental mitigation.

In developing the MTP and TIP, the MPO shall, to the extent practicable, develop a documented process that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies as described below:

- Agencies and officials responsible for other planning activities (State, local, economic development, environmental protection, airport operations, or freight)
- Other providers of transportation services
- Indian Tribal Government(s)
- Federal land management agencies

#### **4.2.2 Current Status**

In 2004 BRTB was designated as the MPO for the Baltimore region by agreements between the Governor of the State of Maryland and BRTB to carry out the metropolitan transportation planning process under 23 CFR 450, Subpart C, and required by 23 U.S.C. 134 and 49 U.S.C. 5303.

The members of BRTB are made up of elected officials from the cities of Annapolis and Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Harford, Howard, and Queen Anne's. In addition, the Board includes the Secretaries of the Maryland Departments of Transportation (MDOT), Environment (MDE), and Planning (MDP), and the Administrator of the Maryland Transit Administration (MTA) as well as a voting representative of public transportation, currently the Regional Transportation Agency (RTA) of Central Maryland. Voting rights are extended to all members except for MDE, MDP, MTA, and FHWA; these agencies serve the BRTB in an advisory capacity.

The 2017 BRTB bylaws, as amended, establish its membership, meetings, quorum, officers, voting and voting procedures, designees and alternates, committees, public participation, and procedures for amendments. The 2017 bylaws were based on the updated 2016 Metropolitan Planning Rule and currently allow for special meetings in the event of an emergency.

The most recent self-certification executed on July 25, 2023, now includes citations to the Bipartisan Infrastructure Law (BIL) where the 2022 self-certification mostly included citations to the Fixing America's Surface Transportation Act (FAST). This updated self-certification details the committees and subcommittees of the BRTB, and highlights the Transportation Community Outreach Regional Engagement (CORE), established in 2022. The Transportation CORE aims to broaden engagement with key stakeholders and enhance feedback and consultation processes for the MPO.

BRTB has established relationships through agreements with the State of Maryland and regional transit operators. Figure 1 below shows BRTB member jurisdictions,

Figure 2 shows non-voting members who serve in an advisory capacity, and Figure 3 shows agreements which govern how BRTB conducts planning in the region.

**Figure 1 BRTB Member Jurisdictions**

BRTB Member Jurisdictions, 10 Voting Members	
City of Annapolis	City of Baltimore
Anne Arundel County	Baltimore County
Carroll County	Harford County
Howard County	Queen Anne's County
Maryland Department of Transportation	Public Transportation representative Currently: Regional Transportation Agency of Central Maryland

**Figure 2 Non-Voting BRTB Members**

Non-Voting BRTB Members	
Maryland Transit Administration	Federal Highway Administration MD Division
Maryland Department of Planning	Federal Transit Administration Region 3
Maryland Department of the Environment	Baltimore Metropolitan Council

**Figure 3 BRTB Agreements**

Planning Responsibility	Memoranda of Understanding/Agreements	Date Executed	Status	Changes Planned
UPWP Development	Formal MOU between MDOT and BMC establishing the BRTB as Baltimore MPO and develop an annual UPWP consistent with the 3C planning process.	7/1/2004	In Effect	No
Transportation Conformity and State Implementation Plan Development	Formal procedures of Interagency Consultation Process between the MPO, MDOT, MDE, EPA, USDOT, and operating agencies	1996	In Effect	Update on hold.
Public Transit Operators and MPO Process	Formal MOA between MPO, MDOT and MTA defining roles and responsibilities of public transit operators and State Department of Transportation in the Baltimore regional planning process.	2/26/2008	Amended on 8/26/08	No
Financial Plan for Long-range Transportation Plan and Transportation Improvement Program	Formal MOA between MPO, MDOT and MTA defining roles and responsibilities of public transit operator and State Department of Transportation in the Baltimore regional planning process.	2/26/2008	In Effect	No
Corridor Planning Studies	Formal MOA between MPO, MDOT and MTA defining roles and responsibilities of public transit operator and State Department of Transportation in the Baltimore regional planning process.	2/26/2008	In Effect	No
MPO Certification	Formal MOA between MPO, MDOT and MTA defining roles and responsibilities of public transit operator and State Department of Transportation in the Baltimore regional planning process.	2/26/2008	In Effect	No
Data Agreement	An agreement between MPO, MDOT and MTA for sharing data and methodologies to effectively apply a performance-based approach to planning and programming	5/22/18	In Effect	No
Public Transit Operators and MPO Voting	The selection process for the representative of providers of public transportation on the BRTB	9/23/14	In Effect	No

Planning Responsibility	Memoranda of Understanding/Agreements	Date Executed	Status	Changes Planned
Metropolitan Planning Agreement	Establishing a metropolitan planning agreement to support performance-based transportation planning responsibilities for the Baltimore region	2/25/20	In Effect	No

The 2020 Master 3C Agreement represents a comprehensive agreement between the BRTB, State of Maryland, and public transportation operators governing the entire planning and programming process. This comprehensive, continuing, and cooperative (3C) agreement encompasses legal and contractual responsibilities, as well as intricate funding mechanisms for the BRTB, the State, and public transportation operators.

The agreement outlines mutual responsibilities across twelve key areas:

1. Purpose and Scope of the Agreement
2. Funding for Transportation Planning and the Unified Planning Work Program
3. Metropolitan Planning Organization Designation and Re-designation
4. Metropolitan Planning Area Boundaries
5. Metropolitan Planning and Supporting Agreements
6. Metropolitan Transportation Plan
7. Transportation Improvement Program
8. Stakeholder Participation and Consultation
9. Transportation Planning Studies, Programmatic Mitigation Plans, and Project Development Process Under the National Environmental Policy Act
10. Annual Listing of Obligated Projects
11. Performance-Based Planning
12. Self-Certifications and Federal Certifications

This Master 3C Agreement provides a robust framework for collaboration and accountability among the parties involved in regional transportation planning and development.

Resilience 2050 is the current long-range transportation plan (LRTP). It was adopted in July 2023, along with the FY2024-FY2027 TIP. MDOT continues to take the lead in developing a financial plan in coordination with the MPOs in Maryland. This coordination is outlined in Article 2 of the 2020 Master Funding Agreement. The Resilience 2050 plan includes discussion of the required coordination and consultation for its development and additional narrative could be included in the next MTP to further document how well BRTB performs its coordination and consultation responsibilities pursuant to 23 U.S.C. 134(g) and (i)(5)-(6) and 23 CFR 450.316(b-e). Appendix E of Resilience 2050 clearly documents public outreach and

comment conducted as part of the MTP development. The FY2024-FY2027 TIP demonstrates necessary coordination and consultation in its development with project partners in the region.

#### **4.2.3 Findings**

BRTB satisfies the regulatory requirements for MPO Structure, Agreements, and Coordination.

BRTB demonstrates that it dutifully coordinates and consults with other agencies and stakeholders on development of its TIP and MTP. Coordination with BMC on affordable housing and other regional issues is clearly evident, and wider coordination with the public and interested parties is well-documented in the TIP and MTP.

During the site visit, BRTB indicated that they are in the process of updating planning agreements with the Wilmington Area Planning Council (WILMAPCO) and Transportation Planning Board (TPB). For the overlapping areas with TPB, Anne Arundel County and Mount Airy, BRTB is working to resolve planning area agreements.

However, there is a known status of some current cooperative planning practices becoming informally normalized between partners without recognition in existing planning agreements. This condition is organic and not outside compliance, but it presents opportunity for risk of lost institutional knowledge (the “if someone won the lottery” scenario).

**Corrective Actions:** None.

**Recommendations:** Update MPO agreements with partner agencies to reflect current practices, boundaries, roles, and responsibilities that have grown beyond the scope of existing agreements, to formalize recent progressions in cooperative practices.

**Commendations:** None.

**Schedule for Process Improvement:** None.

**Proposed FHWA/FTA Technical Assistance:** None.

### **4.3 Annual Listing of Obligated Projects**

#### **4.3.1 Regulatory Basis**

23 U.S.C. 134(j)(7) and 23 CFR 450.334 require that the State, the MPO, and public transportation operators cooperatively develop a listing of projects for which federal funds under 23 U.S.C. or 49 U.S. C. Chapter 53 have been obligated in the previous year. The listing

must include all federally funded projects authorized or revised to increase obligations in the preceding program year and, at a minimum, include 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.
- Identification of the agencies responsible for carrying out the project.

#### **4.3.2 Current Status**

BRTB's latest annual listing of obligated projects was published in 2020. Currently BRTB is coordinating with MDOT, including SHA and MTA, for the FY2021-2023 annual list of obligated projects with MDOT about 18 months behind on posting available data. Increases in funding and changes to the TIP have partly delayed available data for the annual list of obligated projects.

Annually, and no later than 90 calendar days following the end of the State's fiscal year, BRTB and MDOT shall cooperatively develop an obligated project listing. This list shall include all federally-funded projects authorized or revised to increase obligations in the preceding program year, and shall at a minimum include the TIP information as specified in Article 7 of the 3C agreement and under 23 CFR 450.324 — and identify, for each project, the amount of federal funds requested in the TIP, the federal funding that was obligated during the preceding year, and the federal funding remaining and available for subsequent years for which funds under 23 U.S.C. or 49 U.S.C. Chapter 53 were obligated in the preceding program year.

MDOT, along with MTA and BRTB, are currently addressing the delay of the MPO's annual list of obligated projects.

#### **4.3.3 Findings**

BRTB should have an established process by which information on obligated federal funds is provided to the MPO. Since federal obligation information is available only to State DOTs and the transit recipient, the MPO working agreements with these agencies should cover how and when this information will be made available to the MPO. Currently MDOT, SHA, MTA, and BRTB are coordinating extensively on how this information is made available to BRTB.

**Recommendations:** MDOT and BRTB are currently working together to provide data for previous years of the annual list of obligate projects. Once MDOT finalizes each MPO's annual list of obligate projects, it is recommended each MPO, including BRTB, publish their respective annual list of obligated projects for public access, for compliance with 23 CFR 450.334. Moving forward, MDOT, BRTB, and public transportation operators should continue to work

collaboratively to improve the schedule for the annual list of obligated projects, and carry out Article 10 of the 3C agreement related to the annual list of obligated projects process and responsibilities of each party.

**Corrective Actions:** None.

**Schedule for Process Improvement:** None.

**Proposed FHWA/FTA Technical Assistance:** None.

## **4.4 Transit Planning**

### **4.4.1 Regulatory Basis**

49 U.S.C. 5303 and 23 U.S.C. 134 require the transportation planning process in metropolitan areas to consider all modes of travel in the development of their plans and programs. Federal regulations cited in 23 CFR 450.314 state that the MPO in cooperation with the State and providers of public transportation services shall be responsible for carrying out the transportation planning process. 49 U.S.C. 5303(d)(2)(B) and 23 U.S.C. 134(d)(2)(B) also require representation by public transportation providers in each MPO that serves a federally designated TMA by October 1, 2014.

### **4.4.2 Current Status**

The general manager of the RTA of Central Maryland currently serves as the voting board member representing public transportation. Per Section 2 of the BRTB bylaws, implementing 49 U.S.C. 5303(d)(2)(B) and 23 U.S.C. 134(d)(2)(B), the BRTB public transportation voting member represents all eligible public transportation providers serving the BRTB planning area. The public transportation representative is elected by majority vote of the eligible-recipient service providers – those who provide public transportation service in the TMA and are eligible to be a designated recipient, a direct recipient, or a sub-recipient of the federal Urbanized Area Formula funding program. The representative serves for a term of two fiscal years, and after each term a new election is held for the position. (BRTB Resolution #15-6)

Under Section 3 of the BRTB bylaws, the MTA administrator serves as one of three non-voting members of the BRTB Board, alongside the secretaries of the MDP and MDE. MTA's non-voting status may change to voting status if its administrator is elected to serve as the Board's public transportation voting member.

MTA is one of the modal administrations within MDOT. State law established the State's Transportation Trust Fund (TTF) in 1970, a dedicated multimodal fund source shared by MDOT's

business units. Transit capital and operating funding are distributed from MDOT through the TTF to MTA. TTF capital funds for all modal administrations are guided through MDOT’s six-year Consolidated Transportation Program (CTP). The CTP is updated annually, and local jurisdictions’ inputs are incorporated through local priority letters and an MDOT public engagement tour.

MTA operates transit services centered in the Baltimore region, including fixed-route bus, paratransit, and rail transit services. MTA is the designated recipient for federal transit funding for the Baltimore urbanized area. It is also the Governor’s designated recipient for all the state’s transit formula funding, except Montgomery County and the Washington, DC urbanized area. In this role, MTA administers federal transit formula funds for small, urbanized areas, rural, and specialized programs as pass-through awards to locally operated transit systems (LOTS) throughout the state.

There are eight LOTS in the BRTB planning area (Figure 4). LOTS services are managed at the local government level, and subrecipients of federal funding passed through MTA. They are funded with a combination of federal pass-through funds and local funding. LOTS conduct their own operational planning and submit and fulfill their own grant submissions. MDOT MTA requires each LOTS to produce periodic five-year transportation development plans (TDPs). The TDPs (Figure 4) serve as the base for their Annual Transportation Plans (ATPs), which function as the LOTS’ annual grant applications for transit funding.

Short-range transit planning in MDOT’s CTP and the LOTS’ TDPs inform BRTB’s annually updated four-year TIP.

To further support transit representation in regional planning, BRTB is collaborating with the Transportation Association of Maryland (TAM) to provide skills training to LOTS and MTA staff. This focus area project in BRTB’s FY2024-2025 UPWP is supported by funding contributions from FHWA, FTA, MDOT, and local sources.

**Figure 4 Locally Operated Transit Systems (LOTS)**

Locally Operated Transit System (LOTS)	Service Area	Most Recent Transit Development Plan (TDP)
Harford Transit LINK	Harford County	August 2018
Annapolis Transit	City of Annapolis	April 2019
County Ride	Queen Anne’s County	November 2019
Carroll Transit System	Carroll County	December 2019
County Ride	Baltimore County	December 2021
Charm City Circulator and Harbor Connector	City of Baltimore	December 2022



Locally Operated Transit System (LOTS)	Service Area	Most Recent Transit Development Plan (TDP)
Regional Transportation Agency of Central Maryland	Howard County, Anne Arundel County, Northern Prince George's County, and the City of Laurel	October 2023
Anne Arundel County Transit	Anne Arundel County	January 2024

BRTB conducted a Baltimore Regional Transit Funding and Governance Study from December 2020 through July 2021, documenting history and the current structure of transit funding and governance in the Baltimore region. The study also developed a series of six alternatives for funding and governance structures, but did not identify a recommended or preferred option. In July 2022, BMC established the Baltimore Transit Governance and Funding Workgroup, to make recommendations on these subjects to BMC, the State General Assembly, and Governor. The workgroup produced a report with five recommendations for state legislation and executive action (Figure 5). The first of these recommendations was implemented by state law (Chapter 540, Acts of 2023) establishing the Baltimore Regional Transit Commission (BRTC). The BRTC is an advisory body appointed by the Governor and the executives of the City of Baltimore, Baltimore County, Anne Arundel County, and Howard County. It formally provides review and comment on MTA's budget, Central Maryland Transportation Plan – MTA's 25-year long-range plan for regional transit in Central Maryland – and other transit planning activities in the Baltimore region.

**Figure 5 Baltimore Transit Governance and Funding Workgroup Recommendations**

Recommendation	Recommended Action	Recommended Time
Create the Baltimore Regional Transit Commission (BRTC)	Legislative Action Maryland General Assembly	2023
Require regional priorities for the State CTP	Legislative Action Maryland General Assembly	2023
Restructure the LOTS program so that flexible funds may be used to support both existing and growing transit	Executive Action Executive Branch	As soon as possible
Reconstitute and empower the Maryland Transportation Commission (MTC) to provide oversight and transparency to the CTP process	Legislative Action Maryland General Assembly	2023
Conduct a formal study of the creation of a Baltimore Regional Transit Authority (BRTA)	Legislative Study Executive Branch and Maryland General Assembly	2023-2024

#### 4.4.3 Findings

**Commendations:** BRTB is commended for collaborating with the Transportation Association of Maryland to provide skills training to LOTS and MTA staff, supporting the professional

development of transit operating staff and strengthening public transportation connectivity with regional transportation planning.

**Corrective Actions:** None.

**Recommendations:** None.

**Schedule for Process Improvement:** None.

**Proposed FHWA/FTA Technical Assistance:** None.

## **4.5 Financial Planning and Fiscal Constraint in the Metropolitan Transportation Plan and Transportation Improvement Program**

### **4.5.1 Regulatory Basis**

The requirements for financial plans come from 23 CFR 450.324(f)(11) for the MTP and 23 CFR 450.326(e–k), for the TIP. Separate financial plans demonstrate how the adopted MTP and TIP can be implemented. The goal is to produce an MTP and TIP that can be reasonably implemented with the revenue anticipated to be available. Fiscal constraint is the tool to establish a budget, prioritize within that budget, and then illustrate that the adopted MTP and TIP are realistically able to be implemented.

23 CFR 450.322(f)(10)(i) further requires that the financial plan for the MTP – and per 23 CFR 450.324(h), the financial plan for the TIP – must include: For purposes of transportation system operations and maintenance, the financial plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available. The revenue estimates should be cooperatively developed by the State, the MPO, and public transportation operators and the procedures for this must be spelled-out in the MPO Agreement.

The TIP shall be financially constrained by year and shall include a financial plan identifying projects that can be implemented using current revenue sources and projects requiring proposed additional sources. The TIP must include all reasonably available highway and transit funds proposed to be obligated during each program year of the TIP document. The State and the transit operators must provide the MPO with estimates of federal and state funds available for the transportation system serving the metropolitan area (23 CFR 450.326(j)). Additionally, federal planning regulations required that the MPO illustrate fiscal constraint through the complete time horizon for the TIP.

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

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

#### **4.5.2 Current Status**

##### **L RTP**

The financial forecast includes anticipated revenues and costs associated with operating the transportation system and system preservation through 2050. MDOT forecasts state and federal revenues anticipated to be available for the 23-year period from 2028-2050. MDOT calculates total program revenues for operating and capital. SHA provides cost estimates for state highway facilities, and MTA develops cost estimates for transit projects, regardless of sponsor. This practice aims to provide apples-to-apples comparisons for project prioritization. Cost estimates for bicycle and pedestrian projects are developed using a cost estimator tool developed by BMC with assistance from MDOT.

BRTB projects state and federal revenues forward based on historical annual average growth rates. BRTB has projected state funds using a historical annual average growth rate of 5.0% for state funds. Federal fund projections are based on an average growth rate of 3.0% for roadway and 2.33% for transit program funds. MDOT calculates anticipated needs for operating and system preservation for the period extending from 2028 to 2050. Projections for operating expenditures from 2028 to 2050 were derived by inflating the previous year with an estimate for the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) plus 2%. The two percent addition accounts for the additional operating costs associated with new capital expansions.

Expenditures for expansion projects are derived by subtracting both operating and system preservation expenditures from the total program expenditures for each year. BRTB has documented the full state and federal financial forecast for operating system preservation and expansion for the Baltimore region in Table 3 of Resilience 2050, Chapter 6.

BRTB documents a comparison of the financial forecast for Resilience 2050 to those for the three previous BRTB long-range transportation plans (LRTPs) in Figures 1 and 2 of Resilience 2050, Chapter 6. The MPO has illustrated how the anticipated revenues have increased from one LRTP to the next. Additionally, Figure 2 of Resilience 2050 compares the share of funds by category for Resilience 2050 and the three prior LRTPs (Resilience 2050, Chapter 6). Of note is the share dedicated to system preservation has gradually increased while the share dedicated to expansion has decreased.

The MPO has documented a process for summarizing local revenues projected to be available to the Baltimore region from 2028 to 2050 in the LRTP's Table 4 (Resilience 2050, Chapter 6). The local financial forecast is summarized in 5-year time bands due to this being the first year of implementing the methodology for a region-wide local financial forecast for the LRTP.

BRTB highlights the forecast revenues versus total estimated year of expenditure (YOE) costs for expansion projects in Resilience 2050 show in Table 7 of its LRTP (Resilience 2050, Chapter 6). This illustration demonstrates that BRTB expects to have sufficient funds to pay for expansion projects in Resilience 2050 in the time periods in which the projects are to be implemented. The financial forecast for Resilience 2050 also includes \$20.883 billion in system preservation funds anticipated to be available from state and federal sources from 2028 to 2050. Additionally, the MPO highlights the estimated YOE system preservation costs by project type versus forecast revenues in the LRTP's Table 8 (Resilience 2050, Chapter 6). Since the specific system preservation projects are not yet known due to the long-range planning horizon for Resilience 2050, this breakdown in Table 8 does include YOE costs for 13 specific system preservation projects submitted for inclusion in the LRTP (Resilience 2050, Chapter 6). Proposed projects included in Resilience 2050 are proposed by local jurisdictions and state agencies based upon local and state planning efforts, such as local Comprehensive Plans.

The BRTB, has demonstrated cooperation with state and local agencies and transit operators to develop a prioritized and fiscally constrained TIP. Projects included in the 2022-2025 TIP have been cooperatively determined by members of the BRTB. The multimodal process has changed significantly in the last ten years, and because of non-attainment status, there is an emphasis within the region on bicycle and pedestrian projects.

For the Baltimore region, most transit funding comes from federal or state sources. MDOT, through MTA, is the only direct recipient of FTA funding. LOTS receive federal funding as sub-recipients through MTA. Unlike other peer states, local jurisdictions in the region do not have formal, direct input on budgeting and allocation decisions and do not contribute substantial funding to transit through taxes or other means.

## **TIP**

The TIP covers a four-year period. It includes projects for which federal funds are expected to be requested in fiscal years 2024, 2025, 2026, and 2027. The FY2024-2027 TIP was adopted on

July 25, 2023, along with the associated air quality conformity determination. Currently, BRTB is preparing its FY2025-2028 TIP for release in Summer 2024. Annually, and no later than 90 calendar days following the end of the State's fiscal year, BRTB and MDOT shall cooperatively develop an obligated project listing. This list shall include all federally-funded projects authorized or revised to increase obligations in the preceding program year, and shall at a minimum include the TIP information as specified in Article 7 of the 3C agreement and under 23 CFR 450.324 – and identify, for each project, the amount of federal funds requested in the TIP, the federal funding that was obligated during the preceding year, and the federal funding remaining and available for subsequent years for which funds under 23 U.S.C. or 49 U.S.C. Chapter 53 were obligated in the preceding program year.

Since FY2016, the TIP is updated annually and prior to that, it was updated every other year. Projects in the adopted TIP are evaluated to determine whether they are meeting regional goals in areas such as safety, economic prosperity, and environmental responsibilities. The TIP also documents connections to performance measures and targets. The TIP is closely coordinated with MDOT and the CTP, so the FY2025-2028 TIP will be based on the 2024-2029 MDOT CTP. The Final CTP, along with local capital improvement programs (CIPs), are used to create the BRTB TIP.

#### **4.5.3 Findings**

##### **L RTP**

The Federal Team notes that BRTB's financial plan for its LRTP and TIP is consistent with federal requirements. The FY2022–2025 TIP is fiscally-constrained with reasonable revenue forecasts cooperatively developed by BRTB (MPO Members), MDOT, MTA, local transit operator(s), FTA, and FHWA. BRTB describes the cooperative revenue estimation process in Chapter 6 of Resilience 2050. The TIP includes a YOY inflation adjustment for project costs and the inflation adjustments are included in the financial plan, Chapter 5 of the TIP.

BRTB has documented the fiscal constraint process in Chapter 5 of the TIP. MDOT's 2021-2026 CTP provides investment in the transportation system for all modes of transportation across the state. The transportation priorities guiding the CTP originate from the local jurisdictions that share their transportation priorities with the Transportation Secretary and at the Secretary's Annual Capital Program Tour each fall. These meetings give local staff an opportunity to coordinate priorities and to hear from MDOT staff the current status of the CTP and the revenue and investments that have changed since the previous year. The draft CTP becomes the basis for development of the metropolitan TIP. The state and federal financial forecast that supports the TIP is based on a six-year financial plan developed by MDOT that is updated semi-annually.

BRTB summarized the level of federal funds requested in the FY2022 Annual Element and federal funds available by fund source in Table 1 (Resilience 2050). It shows that FY2022 federal

fund requests do not exceed federal funds anticipated to be available in FY2022. The MPO shows both federal and matching funds, programmed for FY2022 through FY2025 by sponsoring agency in Table 2 of Resilience 2050. The MPO has provided exhibits (Exhibits 1-7) to graphically summarize the FY2022-2025 TIP. Exhibit 1 of Resilience 2050 compares the total amount programmed in the 2019-2022, 2020-2023, 2021-2024 and 2022-2025 TIP documents. Exhibit 2 displays FY2022-2025 TIP funding by fiscal year. Exhibit 3 summarizes federal and matching funds in the FY2022-2025 TIP by sponsoring agency.

Resilience 2050 includes a series of performance measures and targets, and a financial plan demonstrating how costs do not exceed anticipated revenue. The LRTP includes all ten essential planning factors.

## **TIP**

Based on the site visit, the Federal Review Team understands that the CTP and TIP timelines are coordinated closely. The State's CTP and BRTB's TIP are linked planning tools, however the connectivity between them is opaque. At a high level the process goes from local governments (priority letters) to the state (CTP annual update), and then to MPOs (TIP annual update).

In roughly the first quarter of each calendar year, local jurisdictions collect public input to prepare and submit project priority letters to MDOT. These priority letters inform the CTP project list development over the coming months. By September 1 of a year, MDOT releases a draft CTP detailing how state transportation funds are to be programmed. Between September 15 and November 15 of each year, MDOT meets with each county in Maryland, along with Baltimore City, to share the draft CTP and receive comments. In the new year the CTP is adopted, and then BRTB incorporates regional projects from the CTP into its TIP database, to subsequently be incorporated into the coming year's TIP update. The steps in this process are publicized throughout, but two key road bumps impede public engagement: the kind of public input sought at each step in the planning cycle (e.g., new project ideas, identification of priority project short lists, or project revisions) is not explicit or widely understood, and the macro flow of this planning decision process is not accessibly publicized. The two key venues this CTP-TIP workflow has been captured in so far are the 2023 Baltimore Transit Governance and Funding Workgroup Report and an infographic produced for BRTB's Transportation CORE group.

**Commendations:** The Federal Review Team commends BRTB for developing a regionwide local financial forecast process for local revenues. The Federal Team looks forward to the continued refinement of this process to provide a clearer financial projection process for local funding of transportation in the Baltimore region.

**Corrective Actions:** None.

**Recommendations:** The Federal Review Team recommends that the BRTB document the process for how projects are programmed into the LRTP. The process should describe how

projects are proposed by local agencies through Capital Improvement Programs (CIP) and state agencies through the state Consolidated Transportation Program (CTP).

BRTB should ensure the current version of the TIP, including any adopted amendments, can be easily found online. While adopted TIP amendments can currently be found in the attachments associated with meetings on the BRTB website, finding amendments relies heavily on the user's knowledge of meeting agendas and proceedings. Posting updated version(s) of the TIP, incorporating adopted amendments on the BRTB TIP webpage can improve TIP accessibility for the public, member governments, and staff.

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

### **4.6.1 Regulatory Basis**

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 U.S.C. 2000d states that, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." In addition to Title VI, there are other nondiscrimination statutes that afford legal protection. These statutes include Section 162(a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 324), the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107), and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701)/Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101). The ADA specifies that programs and activities funded with federal dollars are prohibited from discrimination based on disability. FTA Circular 4702.1B provides the Title VI requirements and guidelines for FTA recipients.

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

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

The Disadvantaged Business Enterprise (DBE) program is a legislatively mandated USDOT program that applies to federal-aid highway and federal transit dollars expended on federally assisted contracts issued by USDOT recipients. The DBE program ensures that federally assisted

contracts for highway, transit, and aviation projects are made available for small business concerns owned and controlled by socially and economically disadvantaged individuals. Implementation of the DBE program is guided by USDOT regulations in 49 CFR 26.

#### **4.6.2 Current Status**

BRTB's DBE participation goal for FY2025 is 26.2%. Per Resolution #23-20, this goal was informed by the similar target set by MDOT's Office of Planning and Programming. BRTB tracks DBE participation on its procurement contracts and submits participation reports to MDOT every six months. MDOT's latest report (billing period ending September 30, 2023) recorded 40.6% DBE participation.

During the course of this Certification Review, USDOT published its DBE and Airport Concession DBE (ACDBE) Programs Final Rule, effective May 9, 2024. Revised DBE requirements in this rule include collection of new bidder's list data, setting DBE contract goals, evaluating Good Faith Efforts (GFEs), enforcing prompt payments, as well as monitoring of race neutral participation in federal funded projects. Due to the timing, this Certification Review did not assess for implementation of this rule; however, all federal funding recipients and subrecipients must implement the revised program requirements within it.

#### **4.6.3 Findings**

BRTB's sustained efforts implementing DBE requirements are demonstrated in its reporting and surpassing its participation target. Although, documentation of its DBE goal-setting process and the components of its implementation could be made more accessible online.

**Commendations:** None.

**Corrective Actions:** None.

**Recommendations:** None.

**Schedule for Process Improvement:** None.

**Proposed FHWA/FTA Technical Assistance:** None.

### **4.7 Public Participation**

#### **4.7.1 Regulatory Basis**



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

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

#### **4.7.2 Current Status**

In 2020, BRTB hired a consultant team to evaluate its public involvement activities and develop recommendations of ways in which they can be revamped to better engage the public. The use of larger scale surveys to gather information about people's transportation experiences and share their stories is an idea which may be explored with the consultant team as part of this review and redesign of BRTB's process. As part of the 2020 effort, BRTB considered whether to continue with its Public Advisory Committee (PAC) or replace it with new forms of engagement. BRTB kicked-off a new online public engagement hub in 2021, and then launched the "Transportation CORE" or "Transportation Community Outreach and Regional Engagement" in mid-2022. The Transportation CORE is a virtual participation group and a separate entity from the PAC. The PAC usually had about 10-15 members and with the virtual Transportation CORE, they get approximately 50 participants.

BRTB currently utilizes an online platform called "PublicInput" to facilitate community engagement and public participation in decision-making processes. BMC signed a three-year contract with publicinput.com to provide new ways for the public to engage in the process, including custom emails for each project, voicemail messaging, the opportunity to text comments or complete surveys, and other means. The public can now receive notification of new comment periods and events posted on the BMC website, publication of B'more Involved e-newsletter. Engagement reach connects to over 6,500 followers on social media, emails to nearly 5,000 interested parties, and e-newsletter distribution to over 2,100 subscribers. In 2023, staff updated its list of interested parties to include civil rights organizations. Overall, the BRTB reports significantly higher public participation as a result of its efforts with the PublicInput platform and the Transportation CORE.

The PPP was approved in December 2022 and serves as both a guidebook for the public on how they might engage in transportation planning, and it outlines the policies and procedures for

engaging with metropolitan planning processes. The 2022 PPP updates its previous version from 2018. Update in the 2022 plan include:

- Added virtual or hybrid meetings options for BRTB committee meetings and public meetings or events – the 2022 Public Participation Survey showed strong support for virtual options and the COVID-19 pandemic has shown the need for virtual options.
- Added new ways to comment such as voicemail, text, and through BRTB’s PublicInput engagement hub.
- Clarified how to submit comments via social media.
- Updated accessibility policy to use plain and inclusive language.
- Added information about Executive Order 13985 – Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.
- Reorganized several sections to streamline information and make it easier to understand policies.

The PPP includes the review timeframe for certain metropolitan planning documents including a 30-day comment period for the UPWP, Federal Certification Review, LRTP, TIP, and air quality conformity determinations. In addition, the proposed projects for the TIP or LRTP require a 30-day review and go to the BRTB Technical Committee and BRTB for consideration and approval. The public is notified through a variety of methods when comments periods are open.

BRTB holds meetings regularly and opportunities for public comment are provided at the beginning of each meeting with up to three minutes allowed for each individual or five minutes per organization.

The PPP describes the policies for maintaining accessibility and compliance with various laws including ADA, Title VI, and a number of EOs. For language accessibility, the PPP notes the use of Google translate. The PPP includes a section on outreach to traditionally underserved leaders and non-traditional participants. BMC staff have developed a mapping tool called the Vulnerable Population Index that can be used in the analysis and evaluation of transportation plans and programs and to guide outreach activities.

The PPP includes an evaluation section that describes how the BRTB, along with BMC staff support, periodically review the effectiveness of its public participation program. A variety of tools are used to measure both the quantity and quality of interactions with the public.

This year’s certification review public meeting had only 2 public participants in attendance; a decrease from the 13 public participants during the 2020 TMA certification review public meeting.

#### **4.7.3 Findings**

BRTB has made changes to its public outreach processes and had success in engaging more stakeholders in the last 4 years with key equity considerations. The results of BRTB's efforts to improve public participation are evident based on the increased volume of comments and participation through the Transportation CORE and PublicInput. BRTB has transitioned from the PAC to the Transportation CORE and it remains unclear if the PAC will continue. The Federal Review Team applauds BRTB's efforts to find new and innovative ways to garner more impactful engagement. However, it is advisable to make clear the future intentions for the PAC and Transportation CORE. Whatever BRTB decides, the current primary public engagement practices should be formalized in its bylaws and reflected in its PPP.

As part of BRTB's website update, user-friendly navigation design and simple language should be prioritized. The BRTB should update its website to be more user-friendly and continue to be accessible to a lay audience.

The PPP fulfills the requirements of 23 CFR 450.316, but it should be updated to include the Transportation CORE and other engagement efforts BRTB is currently utilizing. The BRTB should also confirm that web links within its PPP and website remain active and have not broken.

**Commendations:** BRTB is commended for its efforts to expand public engagement and find more impactful ways for the public participate in planning processes. The incorporation of interactive activities and visualizations to engage members of the Transportation CORE is an innovative practice achieving meaningful results.

BRTB's updated "guide to transportation planning" rewritten at a 9th grade reading level is commendable and noteworthy.

The Federal Review Team encourages BRTB to continue employing its simple-language communication approach, and providing simplified visual guidance articulating the who/what/when of MPO actions (e.g., TIP development, which actors [BRTB, MDOT, public] do what [contribute projects] when [TIP development timeline point]).

**Corrective Actions:** None.

**Recommendations:** BRTB should update its bylaws to formalize its current public engagement practices, and clarify the operational future of the Transportation CORE and the currently-dormant PAC.

**Schedule for Process Improvement:** None.

**Proposed FHWA/FTA Technical Assistance:** None.

## **4.8 Air Quality Planning and SIP Planning in Conformity**

### **4.8.1 Regulatory Basis**

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

### **4.8.2 Current Status**

The amendments to the FY2024-2027 TIP and Resilience 2050 LRTP were completed in order to demonstrate that mobile source emissions for each analysis year of the long-range plan, adhere to all nitrogen oxides (NOx) and volatile organic compounds (VOCs) emissions budgets. The conformity determinations were reviewed in accordance with the procedures and criteria of the Transportation Conformity Rule contained in 40 CFR part 93, sections 93.106, 93.108, 93.110, 93.111, 93.112, 93.113(b), and (c), and 93.118.

### **4.8.3 Findings**

EPA's most recent review of the BRTB's FY2024-2027 TIP and Resilience 2050 Long Range Plan met all the CAA requirements to allow approval of the conformity determinations according to relevant regulations. BRTB attends regularly scheduled interagency consultation meetings and has consistently completed past conformity determinations in a timely matter.

**Corrective Actions:** None.

**Commendations:** None.

**Recommendations:** None.

**Schedule for Process Improvement:** None.

**Proposed FHWA/FTA Technical Assistance:** None.

## **4.9 Performance Based Planning and Programming**

### **4.9.1 Regulatory Basis**

23 U.S.C. 134(h)(2)(A) states the metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision making to support the national goals described in Section 150(b) of this title and in Section 5301(c) of 49 U.S.C. The regulations implementing the MAP-21 and FAST Act requirements for performance-based planning and programming (PBPP) were published May 27, 2016, and became effective on June 27, 2016.

Each MPO shall establish performance targets that address the performance measures to use in tracking progress towards attainment of critical outcomes for the region of the MPO. In addition, selection of performance targets by an MPO shall be coordinated with the relevant State to ensure consistency, to the maximum extent practicable. And selection of performance targets by an MPO shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d) of 49 U.S.C.

The MPO shall integrate in the metropolitan transportation planning process the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans developed under 49 U.S.C Chapter 53 by providers of public transportation, required as part of a performance-based program.

Additionally, federal planning regulations requires that the MTP shall contain at a minimum a system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets, including progress achieved in meeting the performance targets, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.

### **4.9.2 Current Status**

The BRTB has coordinated with MDOT and public transportation providers to set regional targets (see Tables 1-7 in Resilience 2050). In some cases, BRTB chose to adopt statewide targets, and in other cases BRTB adopted different regional targets to reflect regional concerns.

BRTB has coordinated performance target selection with MDOT and public transportation providers to ensure consistency.

BRTB adopted new targets in 2023 to coincide with the development of Resilience 2050; these are updated on a four-year cycle. BRTB adopted the statewide Tier I targets and elected to adopt regional Tier II targets rather than statewide targets.

BRTB acknowledges that Resilience 2050 is a long-range planning document and specific details are not yet available for many system preservation projects. Resilience 2050 details several large-scale system preservation investments that, if implemented, will help the region progress toward achieving its transit asset management targets. BRTB illustrates their coordination with MDOT on a methodology using crash data to develop regional targets; with the source of their fatality data being the most recently available National Highway Traffic Safety Administration (NHTSA) Fatality Analysis Reporting System (FARS) data.

The Baltimore region is not currently meeting federal air quality standards for ozone and must show that the emissions resulting from transportation plans and programs are within emissions limits set by the State of Maryland's Baltimore Region Ozone State Implementation Plan (SIP). MDOT and BRTB has coordinated and reported on a single unified set of performance targets for each of the measures for the urbanized area. In addition to the projects included in the MPO's TIP, Resilience 2050 includes several technical scoring criteria related to improving traffic congestion and/or reducing mobile source emissions. These include criteria for complete streets, highway mobility, transit mobility, and environmental conservation.

Resilience 2050 is the Baltimore region's first LRTP to report on progress in meeting some of the adopted performance targets. BRTB tracks progress towards the achievement of targets to gauge the effectiveness of regional transportation investments over time. Additionally, the FY2022-2025 TIP includes eleven projects related to the transit safety performance measures and targets. The FY2022-2025 TIP includes other projects identified by project sponsors as supporting the BRTB's highway safety goals. Examples of these projects include the provision of bicycle and pedestrian facilities along roadways as well as other cost-effective safety countermeasures (e.g., rumble strips, signal phasing, etc.). The performance measure process in the LRTP and TIP allows BRTB to track the region's progress towards achievement of the targets.

**Figure 6 Baltimore Region Yearly Highway Safety Targets**

Performance Measure	2005-2009 Baseline	2019 Actual	2020 Actual	2021 Actual	% Change 2020-2021	2019-2023 Target	2030 Goal
Number of Fatalities	244	208	248	227	8.5% ↓	212	202
Number of Serious Injuries	2,094	1,509	1,049	1,638	16.3% ↑	1,269	1,060
Fatality Rate per 100 Million VMT	0.94	0.75	1.06	0.87	17.9% ↓	0.79	0.73

Performance Measure	2005-2009 Baseline	2019 Actual	2020 Actual	2021 Actual	% Change 2020-2021	2019-2023 Target	2030 Goal
Serious Injury Rate per 100 Million VMT	8.06	5.42	6.04	6.30	4.3% ↑	4.66	3.75
Number of Non-Motorized Fatalities and Serious Injuries	290	342	331	365	10.3% ↑	338	281

*VMT: vehicle miles traveled*

*Source: Resilience 2050*

**Figure 7 Baltimore Region System Performance Targets Related to Bridge and Pavement Conditions**

Performance Measure	Previous Performance Targets	Actual Regional Performance	Updated Regional Performance Targets	
	2022 4-Year Target	2022 Baseline*	2-Year Targets (2024)	4-Year Targets (2026)
Percent of NHS Interstate Pavement in Good Condition	60.0%	52.3%	45.3%	42.5%
Percent of NHS Interstate Pavement in Poor Condition	2.0%	1.2%	1.7%	1.7%
Percent of NHS Non-Interstate Pavement in Good Condition	30.0%	23.6%	22.5%	21.7%
Percent of NHS Non-Interstate Pavement in Poor Condition	8.0%	10.6%	13.7%	15.4%
Percent of NHS Bridges in Good Condition	20.0%	18.2%	18.3%	18.6%
Percent of NHS Bridges in Poor Condition	5.0%	4.8%	4.6%	4.1%

*NHS: National Highway System*

*Source: Resilience 2050*

*\* Note: 2022 Baseline for Pavement Condition in Resilience 2050 used 2021 data because 2022 data was not yet available for that plan.*

**Figure 8 Baltimore Region System Performance Targets Related to Travel Time Reliability**

Performance Measure	Previous Performance Targets		Actual Regional Performance		Updated Performance Targets	
	2-Year Target (2018-2019)	4-Year Target (2018-2021)	2018-2019	2018-2021	2-Year Targets (2023)	4-Year Targets (2025)
LOTTR (Interstate) Measure: Share of Person-Miles Traveled on the Interstate System That are Reliable	72.1%	72.1%	71.6%	88.4%	72.9%	72.9%
LOTTR (Non-Interstate) Measure: Share of Person-Miles Traveled on Non-Interstate NHS Roads That are Reliable	NA*	81.7%	78.9%	91.3%	79.4%	79.4%
TTTR Index: Ratio of Interstate System Mileage Indicating Reliable Truck Travel Times	1.87	1.88	2.03	1.64	2.06	2.06

*LOTTR: level of travel time reliability*

*TTTR Index: truck travel time reliability*

*Source: Resilience 2050*

*\* Note: For the first performance period only, FHWA does not require state DOTs and MPOs to set a 2-year target for the LOTTR non-interstate measure.*

**Figure 9 Annual Per Capita Hours of PHED System Performance Targets**

Urbanized Area	Previous Regional Performance Targets		Actual Regional Performance					Updated Performance Targets	
	2-Year Target (2018-2019)	4-Year Targets (2018-2021)	Baseline (Year)	2018	2019	2020	2021	2-Year Target (2022-2023)	4-Year Targets (2022-2025)
Baltimore	<21.8 hours	<22.6 hours	19.7 hours (2017)	21.5	20.6	8.4	13.9	<14.8 hours	<15.7 hours
Aberdeen	N/A	N/A	9.6 hours (2017)	9.4	7.8	N/A	N/A	<6.9 hours	<6.9 hours

*PHED: peak-hour excessive delay*

*Source: Resilience 2050*



**Figure 10 Share of Non-SOV Travel System Performance Targets**

Urbanized Area	Previous Regional Performance Targets		Actual Regional Performance					Updated Performance Targets	
	2-Year Target (2018-2019)	4-Year Targets (2018-2021)	Baseline (Year)	2018	2019	2020	2021	2-Year Target (2022-2023)	4-Year Targets (2022-2025)
Baltimore	24.8%	24.8%	25.1% (2016)	25.2%	25.4%	27.1%	N/A	25.3%	25.5%
Aberdeen	N/A	N/A	16.9% (2017)	16.7%	16.1%	N/A	N/A	16.8%	16.8%

SOV: single-occupancy vehicle

Source: Resilience 2050

**Figure 11 Baltimore Region System Performance Targets for On-Road Mobile Source Emission Reductions from CMAQ-funded Projects**

Performance Measure	Previous Regional Performance Targets		Actual Regional Performance			Updated Regional Performance Targets	
	2-Year Target (2018-2019)	4-Year Target (2018-2021)	2014-2017 Baseline	2018-2019	2018-2021	2-Year Targets (2022-2023)	4-Year Targets (2022-2025)
Reduction of VOC (kg/day)	6.589	7.874	12.825	118.38	126.39	0.87	13.63
Reduction of NOx (kg/day)	88.571	123.39	139.478	198.25	274.33	6.64	43.27

Source: Resilience 2050

**Figure 12 MDOT MTA Tier I Revenue Vehicle Performance and Targets**

Mode	Asset Class	2022 Performance	2023 Target
Bus	Articulated Bus	0%	18.5%
Bus	Bus	11.5%	3.1%
Bus	Over-the-Road Bus	22.2%	22.2%
Light Rail	Light Rail Vehicle	0%	0%
Metro	Heavy Passenger Coach	100%	100%
MARC	Commuter Rail Locomotive	0%	0%
MARC	Commuter Rail Passenger Coach	14.7%	14.7%
Mobility	Automobile	100%	100%

Mode	Asset Class	2022 Performance	2023 Target
Mobility	Cutaway Bus	45.9%	39.2%
Mobility	Minivan	0%	0%
Mobility	Sport Utility Vehicle	0%	0%

*Source: Resilience 2050*

**Figure 13 Baltimore Region Tier II Revenue Vehicle Performance and Targets**

Asset Class	Current Asset Count	2022 Performance	2023 Target
Articulated Bus	0	0%	0%
Automobile	14	57.1%	58%
Bus	106	23%	23%
Cutaway	156	40.8%	41%
Ferryboat	4	100%	100%
Minivan	7	25%	25%
Sport Utility Vehicle	0	0%	0%
Trolleybus	1	100%	100%
Van	9	0%	0%

*Source: Resilience 2050*

#### 4.9.3 Findings

BRTB's PBPP provisions address FHWA and FTA requirements for all available performance measures and targets. Furthermore, BRTB's current TIP and LRTP have been updated to reflect a performance-based planning process including required performance measures and targets. These planning documents have begun to prioritize investments and describe progress made toward target achievement.

BRTB has adequately documented how investments from Resilience 2050 will help the region to achieve its transit asset management targets (while also including YOE). The MTP incorporates all required performance targets and shows general trends over the past several years. BRTB demonstrates a high degree of coordination with MDOT, MTA, LOTS, and local jurisdictions to collect data, monitor performance, and set targets.

The Federal Team acknowledges BRTB's long-term commitment to achieving zero deaths on the State's and the region's roadways in setting their targets for safety performance. BRTB has

highlighted the use of the State methodology for developing regional targets by using an exponential trend to estimate a value for the 2028-2032 five-year average (2030 target year). Additionally, to illustrate progress towards achieving the performance targets, BRTB's updated Congestion Management Process (CMP), encourages traffic incident management training for all first responders through the Traffic Incident Management for the Baltimore Region committee, and promotes use of the MDOT Transportation Systems Management and Operations (TSMO) Strategic Deployment Plan to ensure that safety is considered for all roadway projects. The Federal Review team acknowledges the many steps BRTB has taken over the years regarding PBPP and encourages the BRTB to continue these efforts to fully implement the PBPP process.

**Commendations:** The Federal Review Team commends BRTB for its collective efforts to gather local data from jurisdictions, transit providers, and MDOT to develop and set some of its own performance targets.

**Corrective Actions:** None.

**Recommendations:** The Federal Review Team acknowledges the strides and efforts of BRTB with respect to PBPP and its overall successes. As a matter of process improvement, the Federal Review Team recommends that the MPO should document the process for establishing performance measures and targets. BRTB should illustrate why some of MDOT's statewide performance targets have been adopted and why the MPO developed and adopted the regional performance targets.

Additionally, the BRTB resolutions that include the adoption of the Statewide targets and the election to develop and adopt regional targets rather than statewide targets should be more centrally accessible on its website; an example of this done is the resolution citations on the Maximize2045 LRTP webpage.

## **5.0 CONCLUSION AND RECOMMENDATIONS**

The FHWA and FTA review found that the metropolitan transportation planning process conducted in the Baltimore urbanized area meets the federal planning requirements as follows.

### **5.1 Commendations**

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

1. BRTB is commended for collaborating with the Transportation Association of Maryland to provide skills training to LOTS and MTA staff, supporting the professional development of transit operating staff and strengthening public transportation connectivity with regional transportation planning.
2. The Federal Review Team commends BRTB for developing a regionwide local financial forecast process for local revenues. The Federal Team looks forward to the continued refinement of this process to provide a clearer financial projection process for local funding of transportation in the Baltimore region.
3. BRTB is commended for its efforts to expand public engagement and find more impactful ways for the public participate in planning processes. The incorporation of interactive activities and visualizations to engage members of the Transportation CORE is an innovative practice achieving meaningful results.
4. BRTB's updated "guide to transportation planning" rewritten at a 9th grade reading level is commendable and noteworthy.
5. The Federal Review Team encourages BRTB to continue employing its simple-language communication approach, and providing simplified visual guidance articulating the who/what/when of MPO actions (e.g., TIP development, which actors [BRTB, MDOT, public] do what [contribute projects] when [TIP development timeline point]).
6. The Federal Review Team commends BRTB for its collective efforts to gather local data from jurisdictions, transit providers, and MDOT to develop and set some of its own performance targets.

### **5.2 Corrective Actions**

There are no corrective actions that the BRTB must take to comply with federal regulations.

## 5.3 Recommendations

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

1. Update MPO agreements with partner agencies to reflect current practices, boundaries, roles, and responsibilities that have grown beyond the scope of existing agreements, to formalize recent progressions in cooperative practices.
2. MDOT and BRTB are currently working together to provide data for previous years of the annual list of obligate projects. Once MDOT finalizes each MPO's annual list of obligate projects, it is recommended each MPO, including BRTB, publish their respective annual list of obligated projects for public access, for compliance with 23 CFR 450.334. Moving forward, MDOT, BRTB, and public transportation operators should continue to work collaboratively to improve the schedule for the annual list of obligated projects, and carry out Article 10 of the 3C agreement related to the annual list of obligated projects process and responsibilities of each party.
3. The Federal Review Team recommends that the BRTB document the process for how projects are programmed into the LRTP. The process should describe how projects are proposed by local agencies through Capital Improvement Programs (CIP) and state agencies through the state Consolidated Transportation Program (CTP).
4. BRTB should ensure the current version of the TIP, including any adopted amendments, can be easily found online. While adopted TIP amendments can currently be found in the attachments associated with meetings on the BRTB website, finding amendments relies heavily on the user's knowledge of meeting agendas and proceedings. Posting updated version(s) of the TIP, incorporating adopted amendments on the BRTB TIP webpage can improve TIP accessibility for the public, member governments, and staff.
5. BRTB should update its bylaws to formalize its current public engagement practices, and clarify the operational future of the Transportation CORE and the currently-dormant PAC.
6. The Federal Review Team acknowledges the strides and efforts of BRTB with respect to PBPP and its overall successes. As a matter of process improvement, the Federal Review Team recommends that the MPO should document the process for establishing performance measures and targets. BRTB should illustrate why some of MDOT's statewide performance targets have been adopted and why the MPO developed and adopted the regional performance targets.
7. Additionally, the BRTB resolutions that include the adoption of the Statewide targets and the election to develop and adopt regional targets rather than statewide targets should be more centrally accessible on its website; an example of this done is the resolution citations on the Maximize2045 LRTP webpage.

### **5.3 Training/Technical Assistance**

No specific Training or Technical Assistance is suggested from the 2024 TMA Certification Review.

## APPENDIX A - PARTICIPANTS

The following individuals were involved in the Baltimore Regional Transportation Board on-site review, on May 1-2, 2024:

**FHWA Maryland Division:** Jasmine Champion, Francisco Edwin Gonzalez

**FHWA Office of Planning, Environment and Realty:** Lindsay Donnellon, Mack Frost

**FTA Region 3:** Laura Keeley, Daniel Koenig, Daniel Sommerville

**EPA Region 3:** Gregory Becoat

**Baltimore Metropolitan Council:** Regina Aris, Erin Bolton, Todd Lang, Monica Haines Benkhedda, Victor Henry, Zach Kaufman, Keith Kucharek, Sheila Mahoney, Anna Marshall, Eileen Singleton

**Maryland Department of Transportation:** Tyson Byrne, Dan Janousek

**Maryland Transit Administration:** Elizabeth Gordon

The following individuals were involved in the public meeting on the evening of May 1, 2024:

**FHWA Maryland Division:** Jasmine Champion

**FTA Region 3:** Daniel Koenig, Daniel Sommerville

**Baltimore Metropolitan Council:** Regina Aris, Todd Lang, Monica Haines Benkhedda

**Public:** Michael Scepaniak (BaltPOP), Dan Prives

## APPENDIX B - STATUS OF FINDINGS FROM LAST REVIEW

One of the priorities of each certification review is assessing how well the planning partners in the area have addressed corrective actions and recommendations from the previous certification review. This section identifies the corrective actions and recommendations from the previous certification and summarizes discussions of how they have been addressed.

### 2020 BRTB TMA Certification Recommendations

**Recommendation 1 – Unified Planning Work Program [23 CFR 450.308]:** MDOT should review the remaining balance of unobligated metropolitan planning funds (23 U.S.C. 104(d), 49 U.S.C. 5305(d)) and provide this information to BRTB and all Maryland MPOs. The Federal Team requests that MDOT then prepare and submit to FTA a plan (or set of procedures) to document how MDOT will allocate the Consolidated Grant Program funds pursuant to the requirement in FTA Circular 8100.1D and the Common Grant Rule.

**Response:** BMC, on behalf of the BRTB, keeps a running ledger of all invoices and apportionments that acts as BRTB's balance of available FHWA and FTA funding. This ledger is shared periodically with MDOT who confirms the amounts and transactions. This ledger is used in annual UPWP budgeting. MDOT has indicated to BRTB that it plans to reconcile the remaining balance of PL funding in the near future.

**Recommendation 2 – Transportation Improvement Program [23 U.S.C. 134(c)(h) and (j); 23 CFR 450.326]:** The Team recommends the State use this project phase definitions in the next STIP update and should encourage the remaining MPOs to use similar definitions in their TIPs.

**Response:** MDOT incorporated project phase definitions consistent with 23 CFR 636.103 into its FY2022-2025 STIP, clarifying the distinction between planning and preliminary engineering phases. This improves consistency between MDOT's STIP, BRTB's TIP, and other regional TIPs, as well as 23 U.S.C. 134(c)(h) and (j) and 23 CFR 450.326.

**Recommendation 3 – Civil Rights [Title VI of the Civil Rights Act; 23 U.S.C. 324; Age Discrimination Act; Sec. 504 Rehabilitation Act; Americans with Disabilities Act]:** The BRTB should revise and update the Title VI complaint process and policies on their website as requested by December 31, 2020.

**Response:** BRTB published its latest Title VI Program February 27, 2024. This program is linked on the Non-Discrimination page of BRTB's website, accessible via the site footer on all pages. \_\_

**Recommendation 4 – Air Quality Clean Air Act [42 U.S.C. 7401; 40 CFR Part 93; 23 CFR 450.324(m)]:** The Review Team recommends BRTB continue to coordinate with regional partners to determine emission reduction activities.



**Response:** BRTB coordinates with regional partners on emission reduction approaches through multiple venues. BRTB participates on the Maryland Department of the Environment (MDE) Air Quality Control Advisory Council (AQCAC) as a voting member representing BMC. Through participation in the AQCAC, BRTB staff review proposed legislation impacting air quality, including Advanced Clean Cars II and the Advanced Clean Trucks Act. BRTB joined the EPA Region 3's Mid-Atlantic Climate Mitigation Network team. BRTB staff have also coordinated with MDOT and other MPOs regarding FHWA's GHG performance measure, which is currently on hold for MPOs pending court ruling. Additionally, BRTB staff coordinate with MDOT SHA on congestion performance measures and target setting.

BMC, who houses and staffs BRTB, is the Baltimore Regional Coordinator for Clean Air Partners (CAP), a public-private partnership BMC cofounded with the Metropolitan Washington Council of Governments (MWCOC) to be local air quality experts in the metropolitan Baltimore-Washington region. BMC provides staff support to CAP committees, including its board, marketing, finance, education, and board nomination committees.

**Recommendation 5 – Air Quality Clean Air Act [42 U.S.C. 7401; 40 CFR Part 93; 23 CFR 450.324(m)]:** The Review Team recommends BRTB train technical staff in upcoming MOVES modeling software.

**Response:** BRTB has two in-house modelling staff – Charles Baber and Md. Mohklesur Rahman – trained on the latest version of the Motor Vehicle Emission Simulator (MOVES) modeling system for estimating mobile source emissions for criteria air pollutants, greenhouse gases, and air toxics. BRTB also coordinates with State agencies to be consistent with planning assumptions and model inputs, and up-to-date with MOVES model update trainings.

**Recommendation 6 – Air Quality Clean Air Act [42 U.S.C. 7401; 40 CFR Part 93; 23 CFR 450.324(m)]:** BRTB continue to make significant contributions to future development of any new 8-hour ozone and perhaps future PM2.5 SIP development, including development of relevant projects that will contribute to overall improved air quality.

**Response:** The Baltimore, MD designated area (Anne Arundel County, Baltimore County, Carroll County, Harford County, Howard County, and City of Baltimore) is currently designated by the Environmental Protection Agency (EPA) as a moderate non-attainment area for the 2008 8-hour ozone standard and a marginal non-attainment area for the 2015 8-hour ozone standard. The most recent SIP developed was the Baltimore Moderate Non-attainment Area 0.070 ppm 8 Hour Ozone State Implementation Plan Attainment Demonstration. This SIP was published in January 2023 in response to the regional designation as a moderate non-attainment area for the 2015 8-hour ozone standard, as well as the development of the 2023 Motor Vehicle Emission Budgets. As part of the conformity determination process, staff tracks emission reduction projects in local jurisdictions, and through state agencies. In early 2024, BRTB launched its Electric Vehicle Community Charging Hub Project. The project will develop a plan to provide EV charging opportunities for residents in high-density areas across the Baltimore

region, as well as an operation and maintenance standard document, covering pricing standards, time limits, station accessibility, and coordination with utility companies.

**Recommendation 7 – Performance Based Planning and Programming [23 U.S.C. 150(b); 23 CFR 450.306(d)]:** The Federal Team encourages BRTB and its partners to continue to expand its PBPP framework to include using performance measures and targets to evaluate the success of the planning process and investment decisions toward achieving the region’s transportation system goals.

**Response:** BRTB has continued to track and assess its performance-based planning and programming. Since the 2020 TMA Certification Review, BRTB provided a system performance update in Resilience2050, its latest long-range MTP. Performance measures and targets were updated per the following resolutions.

**Figure 14 Performance Measures Update Resolutions**

Performance Measure Group	Performance Measure	Resolution with Latest Targets
<b>Condition of Transit Assets</b>	Percentage of revenue vehicles within an asset class that have either met or exceeded their Useful Life Benchmarks (ULBs).	23-12 (MTA) 23-15 (LOTS)
	Percentage of non-revenue vehicles that have either met or exceeded their ULBs.	
	Facilities: Percentage within an asset class rated below condition 3 on the FTA Transit Economic Requirements Model (TERM) scale.	
	Percentage of track segments with performance restrictions.	23-12 (MTA)
<b>Transit Safety</b>	Fatalities: The total number of reportable fatalities and rate per total VRM by mode	23-16
	Injuries: The total number of reportable injuries and the rate per total VRM by mode	
	Safety Events: The total number of reportable events and the rate per total VRM by mode	
	System Reliability: The mean distance between major mechanical failures by mode	
<b>Highway Safety</b>	Number of fatalities	24-10
	Rate of fatalities per 100 million vehicle miles traveled (VMT)	
	Number of serious injuries	
	Rate of serious injuries per 100 million VMT	
	Number of non-motorist fatalities and serious injuries	
	Annual hours of peak-hour excessive delay (PHED) per capita	23-5

Performance Measure Group	Performance Measure	Resolution with Latest Targets
<b>Traffic Congestion</b>	Percentage of non-SOV travel: This measure is the percentage of non-SOV vehicles traveling within an urbanized area, calculated using ACS commuting data.	
<b>On-roads Emissions Reduction</b>	The total emissions reduction attributed to projects funded through the CMAQ program.	23-5
<b>Pavement Condition</b>	Share of interstate system pavement in good condition	23-18
	Share of interstate system pavement in poor condition	
	Share of NHS pavement (excluding the interstate system) in good condition	
	Share of NHS pavement (excluding the interstate system) in poor condition	
<b>Bridge Condition</b>	Share of NHS bridges by deck area classified as in good condition	23-18
	Share of NHS bridges by deck area classified as in poor condition	
<b>Travel Time Reliability</b>	LOTTR (Interstate) Measure: Share of Person-miles Traveled on the Interstate System that are Reliable	23-17
	LOTTR (Non-Interstate) Measure: Share of Person-miles Traveled on the Non-Interstate NHS that are Reliable	
	TTTR Index: Ratio of Interstate System Mileage Indicating Reliable Truck Travel Times	

## APPENDIX C – PUBLIC COMMENTS

The following table summarizes public engagement for the 2024 TMA Certification Review for the Baltimore Regional Transportation Board (BRTB). This appendix documents this public input.

**Figure 15 Public Comment Summary**

Engagement Type	Participation
Public Meeting Comments	2
Online Multiple-Choice Survey Question Respondents	21
Online Multiple-Choice Open-Ended Survey Question Respondents	11
Advocacy Organizations Submitting Letters	3

Two public comments were received during the public meeting held at 6:30pm on Wednesday, May 1, 2024.

1. Michael Scepaniak (BaltPOP): *Mr. Scepaniak summarized points expressed in the letter submitted by Baltimoreans for People-Oriented Places (BaltPOP), copied within this appendix.*
2. Dan Prives: Mr. Prives expressed dissatisfaction in the level to which BRTB makes itself known to the public, and recommended BRTB increase its outreach to young people to improve on this. He also highlighted concerns with equity in transportation service accessibility in places like Howard and Ann Arundel counties, that are situated between the Washington, DC and Baltimore metro regions, and balance of resources between road planning and transit planning in the Baltimore region.

BRTB also fielded public comments online, via its PublicInput web platform, April 4 – May 7, 2024. This platform collected responses to five prompts, three multiple-choice and two open-ended questions. Twenty-one respondents submitted to the multiple-choice questions, and eleven respondents submitted to the open-ended questions. The survey's results are below.

**Figure 16 Public Comment Online Survey - Question 1 Results**

Have you been involved in the development/review of the following:			
BRTB Plan	Yes	No	I don't remember
Long Range Transportation Plan (LRTP)	52%	38%	10%
Annual Transportation Improvement Plan (TIP)	48%	48%	5%
Annual Transportation Planning Budget (UPWP)	19%	76%	5%
Public Participation Plan	25%	65%	10%

*Note: 21 responses to Question 1.*

**Figure 17 Public Comment Online Survey - Question 2 Results**

Does the BRTB provide adequate opportunity to participate in its planning process?	
Responses	%
Yes	74%
No	16%
I don't remember	11%

*Note: 19 responses to Question 2.*

**Figure 18 Public Comment Online Survey - Question 3 Results**

Regardless of age, ability, income, and race, were you encouraged to participate in the transportation planning process?	
Responses	%
Yes	68%
No	26%
I don't remember	5%

*Note: 19 responses to Question 3.*

**Figure 19 Public Comment Online Survey - Question 4 Results**

What does the BRTB and its partners do well and/or are there areas where we can improve?	
Respondent	Comment
Robert Reuter	Start listening to the feedback you get, the BRTB barely makes it possible to give feedback.. and I cannot remember ever seeing the BRTA change anything based on feedback. The responses from the BRTA generally could be described as excuses as to why they can ignore the comment
Eric Norton	<i>[Mr. Norton pasted the letter submitted by Bikemore and the Central Maryland Transportation Alliance, copied within this appendix.]</i>
Michael Scepaniak	<i>[Mr. Scepaniak pasted from the letter by Baltimoreans for People-Oriented Places (BaltPOP), copied within this appendix.]</i>
Thomas Morehouse	They do a great job of bringing together all of the transportation partners. Meetings include representatives from local offices of transportation and public works, police departments, and other groups such as the Chesapeake Region Safety Council and Healthy Harford. This allows the attendees to interact and share information in all aspects of transportation from planning to education to safety and enforcement. It is very beneficial for all of these groups to meet and discuss transportation issues. Without this organization, many of these groups may not have an opportunity to interact.
Jeff Bronow	Very open and transparent process. Excellent cooperation with local governments that comprise the BMC.

What does the BRTB and its partners do well and/or are there areas where we can improve?	
Respondent	Comment
Alfred Sundara	BMC has a robust process for projections. They work with the local counties to put together socioeconomic projections.
Jamie Konopka	BRTB just rubber stamps the work of local jurisdiction and MDOT modes. The money and staff positions would be better spent delivering capital improvements throughout the region instead of convening meetings, rubber stamping decisions and doing meaningless planning studies.
Heather Patti	Unsure.
David Larsen	They provide for planning for the Baltimore Regional area, document meetings, and look for innovative ways to address transportation issues.
Dale McClinton	Seems like an opportunity to work on ADA compliance with less focus on bicycle network marketing and services. ADA is a requirement that has been set aside for the fad of cycling.

*Note: 10 responses to Question 4.*

#### **Figure 20 Public Comment Online Survey - Question 5 Results**

Do you have additional comments you would like to share with the Federal Review Team?	
Respondent	Comment
Michael Smith	I am not sure political rhetoric involving "Climate Change" should even be involved in the transportation issues in the Baltimore Metropolitan Region.
Robert Reuter	the BRTA changes the plan every time there is a political change in the state and local government. projects tend to take longer than a political term so it constantly is fluctuating depending on the winds of political change.

*Note: 2 responses to Question 5.*

BRTB received two letters on behalf of advocacy organizations, one from Baltimoreans for People-Oriented Places (BaltPOP), and one jointly from Bikemore and the Central Maryland Transportation Alliance. These letters are copied on the following pages, within this appendix.

## Letter #1 – Submitted by Baltimoreans for People-Oriented Places (BaltPOP)

Baltimoreans for People-Oriented Places (BaltPOP) is a community advocacy group made up of residents of Baltimore, Maryland and its adjacent suburbs. We seek to strengthen our community via reforms that result in more productive, connected, walkable, sustainable, lovable places.

In terms of procedure, we think that the Baltimore Regional Transportation Board (BRTB) is doing an impressive job. The staff is professional, well-organized, respectful, courteous, and responsive. Its adoption and use of the full-featured PublicInput platform is welcome.

However, in terms of meaningful results, we think that the BRTB is doing a poor job. This is due to a continuing failure to meaningfully incorporate public feedback into the finalized versions of the draft plans on which the public is commenting.

We stress the words “meaningfully incorporate” here, because that is the missing ingredient. We can simply look at the BRTB’s web site for their 2024 Federal Certification review [1] for evidence of this. Everything is about hearing (“your voices are heard”), collecting (“to ensure we are getting feedback”), involving (“involve them in planning”), receiving (“chances for the public to give their thoughts”), and acknowledging (“respond to them”). None of those activities speak to or promise incorporation in a meaningful and impactful way. And that is why we deem the results of the BRTB’s work to be poor.

The following comment [2] left by a member of the public on the survey regarding Resilience 2050, the most recent long-range transportation plan, captures this issue and the public’s frustration well:

*By the time the draft plan is released for public comment, it seems that it's already too late. Member jurisdictions have already chosen what projects they want to submit, scoring has happened, and there is zero appetite from members to re-visit those decisions so late in the process.*

Frankly, by all indications, the process used by the BRTB is not built for meaningfully incorporating public input into whatever plan is currently up for comment. At best, it is built to allow some influence over the **next** plan.

At the July 2023 meeting where Resilience 2050 was adopted by the BRTB, several members of the public urged the BRTB to vote against adopting it. Consider the comments [3] made by board members during their vote to adopt:

*But, you know, this is a big plan. I think the comments this time are not in vain. They help set us up for continued discussions...*

*I know this is a long range plan. I know this is supposed to be the bellwether and the benchmark. But these things take time to change...*

*There is a lot of time that it takes to develop everything from ped projects, complete streets, transit projects. It takes time.*

The implicit messaging being sent to the public is that their comments had no hope of actually being meaningfully incorporated into the plan on which they were commenting. This is very much in contrast to the explicit messaging sent by the BRTB when soliciting the public for their comments.

To be honest, in terms of complying with the federal regulations established by the FHWA and FTA regarding public participation and engagement, this behavior and posture may be legal. But, it certainly doesn't seem to be within the spirit of the regulations.

We imagine that the BRTB's response to this criticism, as echoed in the comments of the board members found above, is that changing a transportation system of the size of the one we have takes time. But, this is rather obvious. The civically-engaged, comment-submitting members of the public who understand what the abbreviation MPO means, what the BRTB is, and the roles that the long-range and short-range transportation plans play - aren't simple-minded. We all understand that building transit lines and active transportation infrastructure takes a lot of time.

However, what we are all commenting on are plans, frequently for a future that is 25 years out. The Central Maryland Transportation Alliance and its partner organizations have been submitting comments on the BRTB's long-range and short-range plans for nearly a decade now. In all of those comments, the requested change has been consistent: rebalance the mix of spending so that there is less emphasis on roadway expansion and more spending on transit, biking, and walking. And yet, nearly a decade later, the spending priorities in the BRTB's plans, including Resilience 2050, have remained largely unchanged.

We all understand that the actual building takes a long time. But, the **plan** for all of that building takes much less. After a decade of pushing, the long-range plan should look notably different now. And yet it doesn't. So, the BRTB is actually failing in **two** ways:

- The process used by the BRTB is not built for meaningfully incorporating public input into whatever plan is currently up for comment.
- The BRTB is unwilling to meaningfully incorporate public input into subsequent, follow-on plans, regardless of time horizon.

The long-term plan should have changed by now and it hasn't. The short-term plans should have changed by now and they haven't. And because not even the plans (the documents) are



changing, the members of the public taking the time to engage with the BRTB and make comments on their plans are left frustrated. Our thinking is that is not the goal of the federal regulations regarding public participation and engagement.

Any recertification of the BRTB should be contingent upon the BRTB making demonstrable improvements in actually incorporating public comments into its finalized plans. We don't take pleasure in so sharply criticizing an organization that we believe to be staffed by so many hard-working and well-meaning individuals. But, we aren't seeing them produce end results that the public has been pushing for over the course of many rounds of plans now.

Thank you for your consideration.

BaltPOP - Baltimoreans for People-Oriented Places

Michael Scepaniak, Co-President, Cockeysville, Baltimore County

David House, Co-President, Beechfield, Baltimore City

Rob Bennett, MA Federal Hill, Baltimore City

Mark Braun, MD Federal Hill, Baltimore

Henry Cook, Timonium, Baltimore County

Phil Scherer, Elkridge, Howard County

Joshua Spokes, Woodberry, Baltimore City

Nick Snider, Remington, Baltimore City

Isaac Leal, Downtown, Baltimore City

James Pizzurro, Towson, Baltimore County

Jonathan Susman, Union Square, Baltimore City

Elizabeth Thornberry, Wyman Park, Baltimore City

Melanie Scheirer, Mt. Clare, Baltimore City

Alisa Williams, Greenmount West, Baltimore City

Koby Samuel, Baltimore County

Omar Hamza, Madison Park Baltimore City

Chris Guinnup, Hampden, Baltimore City

Adam T Jones, Mt. Vernon, Baltimore City

[1] Baltimore Metropolitan Council. "2024 Federal Certification". As of April 28, 2024 <https://publicinput.com/BRTBCertification>

[2] Baltimore Metropolitan Council. "Survey on Resilience 2050 public engagement". As of April 28, 2024 <https://publicinput.com/resilience2050survey>

[3] Baltimore Metropolitan Council. "BRTB - July 25, 2023". As of April 28, 2024 <https://www.youtube.com/watch?v=d70MTm7hQ84>

## **Letter #2 – Submitted jointly by Bikemore and the Central Maryland Transportation Alliance**

We are writing to express concerns regarding the recertification of the Baltimore Regional Transportation Board (BRTB) due to documented failures to adequately incorporate public comments over the past several years into the final plans on which the public is commenting. As active and engaged participants in the BRTB's transportation planning processes, we believe it is imperative to address these issues to ensure transparency, accountability, and effective public engagement for Baltimore's MPO.

The BRTB plays a critical role in shaping transportation policies and projects that significantly impact the livelihoods of residents and businesses in the Baltimore metropolitan area. However, our observations, experiences and documented instances suggest a pattern of neglect in meaningfully incorporating public feedback and concerns. Although the BRTB may be meeting the letter of the law in terms of public input, it is certainly not living up to the spirit of the law.

Attached you will find comment letters on long-range and short-range plans from as far back as 2015 - nearly a decade. Although each one is tailored and responding to a specific draft plan, they all share a similar thread: the region's spending priorities are excessively tilted towards ineffective, inequitable roadway expansion projects, while transit expansion is shortchanged. Similarly, the requested change has been consistent: rebalance the mix of spending so that there is less emphasis on roadway expansion and more spending on transit, biking, and walking.

To take one example, a comment letter that was co-signed by 17 organizations pointed out that the BRTB's own modeled results of the Resilience 2050 long-range transportation showed that the plan would produce worse transportation outcomes for the region. It's worth reading the conclusion of the comment letter and the BRTB response in full:

The modeled results of *Resilience 2050* indicate that the focus on expanding roadway capacity will not improve transportation outcomes for the residents of this region. Appendix C, Table 2 shows the quantified results for congestion and other performance measures. According to the model, building out the plan in *Resilience 2050* will result in the following:

- People will drive more. An increase in average daily weekday vehicle miles traveled per person (going from 24.1 VMT/capita to 25.3 VMT/capita)
- People will spend twice as much time stuck in traffic. An increase in average daily weekday hours of delay per person (going from about 9 minutes of delay per day to 18 minutes of delay per day)
- Transit will continue to languish as an option. Zero increase in the share of population riding transit (staying at 3.6%)

Additionally, *Resilience 2050* plans for our roadway conditions to deteriorate in the near term. Our current baseline is that 52% of our interstate highways are in good condition. By 2026 that number is expected to fall to 43%. Our current baseline of non-interstate pavement in good condition is 24%. By 2026, that number falls to 22%. (Source: *Resilience 2050*, Chapter 5, Table 15). In essence, taking the TIP and *Resilience 2050* together, the BRTB has proposed spending \$74 billion to maintain the status quo for transit ridership, while forcing people to drive farther in worse traffic on crumbling roads. We can and must do better. At minimum, please remove the new highway capacity projects being added to this year's TIP and increase spending on system preservation and new capacity for transit, biking and pedestrians.

**BRTB response:** The BRTB shares your desire to focus on improving the transit system in the Baltimore region. As such, the Board adopted every candidate transit project that was submitted for consideration in *Resilience 2050*. The Board is also expanding planning efforts around other transit projects that could translate into new candidate projects for future plan updates.

We also support MDOT's Commuter Choice program that offers financial support for rideshare coordinators in each jurisdiction, a statewide Guaranteed Ride Home program and other programs such as the incenTrip mobile app. On the pedestrian side consider Walktober. October in Maryland becomes WALKTOBER, a month where the Maryland Department of Transportation (MDOT) and other partnering agencies promote and host events and webinars spotlighting Maryland pedestrians' safety, health and commuting options in current walk programs and initiatives.

Thank you for your comment and for participating in the planning process for *Resilience 2050*.

The official response simply ignored the facts as presented and changed the subject.

Broad criticism of the BRTB's plans is not unique to advocacy organizations. When staff summarized all of the public comments received on last year's short- range and long-range plans, they characterized the main themes as "negative sentiment towards the scale of roadway expansion in the preferred alternative" alongside "positive sentiment toward more transit expansion" and "bicycle and pedestrian infrastructure".

In the face of this consistent and concerted public feedback, the spending priorities in the BRTB's plans have remained largely unchanged. This lack of responsiveness undermines the trust and confidence of the public in the BRTB's ability and/or willingness to represent their

interests. By disregarding public input, the BRTB risks excluding vital voices from the decision-making process and perpetuating disparities in transportation access and equity. Furthermore, it raises questions in the public's mind about the value of even engaging with the BRTB's proposed plans. If nothing ever changes, what's the point of commenting?

In light of these concerns, we urge the FHWA and FTA reviewers to thoroughly evaluate the BRTB's compliance with federal regulations regarding public participation and engagement. Any recertification of the BRTB should be contingent upon demonstrable improvements in actually incorporating public comments and ensuring meaningful community involvement in its plans.

Additionally, we ask the reviewers to provide guidance and support to the BRTB in enhancing its public participation practices. This may include providing training and resources, establishing clear procedures for handling and incorporating public comments, and implementing mechanisms for tracking and reporting on public input.

One simple way the BRTB could change its process to better incorporate public feedback is by sharing a list of proposed projects earlier in the process and allowing comments on those. This would allow them to gauge public opinion before the projects are scored, modeled, and made part of the draft plan. Our neighbors to the south in the Washington, DC MPO have recently added this step to their planning process.

Addressing these issues is essential not only for restoring trust in the BRTB, but also for promoting inclusive and equitable transportation planning practices that benefit all residents of the Baltimore metropolitan area.

Thank you for your consideration.

Sincerely,

Eric Norton, Director of Policy and Programs, Central Maryland Transportation Alliance

Jed Weeks, Interim Executive Director, Bikemore

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

**3C:** Comprehensive, Continuing, and Cooperative  
**ACDBE:** Airport Concession Disadvantaged Business Enterprise  
**ADA:** Americans with Disabilities Act  
**AMPO:** Association of Metropolitan Planning Organizations  
**ATP:** Annual Transportation Plans  
**BIL:** Bipartisan Infrastructure Law  
**BMC:** Baltimore Metropolitan Council  
**BRTB:** Baltimore Regional Transportation Board  
**BRTC:** Baltimore Regional Transit Commission  
**CAA:** Clean Air Act  
**CFR:** Code of Federal Regulations  
**CIP:** Capital Improvement Program  
**CMP:** Congestion Management Process  
**CO:** Carbon Monoxide  
**COG:** Council of Governments  
**CPI-U:** Consumer Price Index for All Urban Consumers  
**CTP:** Maryland Consolidated Transportation Program  
**DBE:** Disadvantaged Business Enterprise  
**DOT:** Department of Transportation  
**EO:** Executive Order  
**EJ:** Environmental Justice  
**FARS:** Fatality Analysis Reporting System  
**FAST:** Fixing America's Surface Transportation Act  
**FHWA:** Federal Highway Administration  
**FTA:** Federal Transit Administration  
**FY:** Fiscal Year  
**GFE:** Good Faith Efforts  
**HSIP:** Highway Safety Improvement Program  
**ITS:** Intelligent Transportation Systems  
**LEP:** Limited-English-Proficiency  
**LOTS:** Locally Operated Transit Systems  
**LRTP:** Long-Range Transportation Plan  
**MARC:** Maryland Area Regional Commuter train service  
**M&O:** Management and Operations  
**MAP-21:** Moving Ahead for Progress in the 21<sup>st</sup> Century  
**MDOT:** Maryland Department of Transportation  
**MOA:** Memorandum of Agreement  
**MOU:** Memorandum of Understanding  
**MPA:** Metropolitan Planning Area  
**MPO:** Metropolitan Planning Organization

**MTA:** MDOT Maryland Transit Administration  
**MTP:** Metropolitan Transportation Plan  
**NAAQS:** National Ambient Air Quality Standards  
**NHTSA:** National Highway Traffic Safety Administration  
**NO<sub>2</sub>:** Nitrogen Dioxide  
**O<sub>3</sub>:** Ozone  
**PAC:** Public Advisory Committee  
**PBPP:** Performance-Based Planning and Programming  
**PM<sub>10</sub> and PM<sub>2.5</sub>:** Particulate Matter  
**PPP:** Public Participation Plan  
**SHA:** MDOT State Highway Administration  
**SHSP:** Strategic Highway Safety Plan  
**SIP:** State Implementation Plan  
**STIP:** State Transportation Improvement Program  
**TAM:** Transportation Association of Maryland  
**TDM:** Travel Demand Management  
**TIP:** Transportation Improvement Program  
**TMA:** Transportation Management Area  
**TPB:** Transportation Planning Board  
**TSMO:** MDOT Transportation Systems Management and Operations  
**TTF:** Maryland Transportation Trust Fund  
**U.S.C.:** United States Code  
**UPWP:** Unified Planning Work Program  
**USDOT:** United States Department of Transportation  
**VOC:** Volatile Organic Compound  
**WILMAPCO:** Wilmington Area Planning Council  
**YOE:** Year of Expenditure

