Lehigh Valley Metropolitan Area Planning Process
Conducted by FHWA and FTA
Allentown, PA
December 3-4, 2015

FINAL REPORT
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Pursuant to 23 U.S.C. 134(k) and 49 U.S.C. 5303(k), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly certify the metropolitan transportation planning in Transportation Management Area (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. In general, the Planning Certification Review consists of three primary activities: a site visit, a review of planning products (in advance of and during the site visit), and preparation of a report that summarizes the Review and offers findings. The Review focuses on compliance with Federal regulations, challenges, successes, and experiences of the cooperative relationship between the Metropolitan Planning Organization (MPO), the State Department of Transportation (DOT), and transit operators in the conduct of the metropolitan planning process. Joint FTA/FHWA Certification Review guidelines provide agency field reviewers with latitude and flexibility to tailor the Review to reflect local issues and needs. As a consequence, the scope and depth of the Certification Review reports will vary significantly.

The Certification Review process is only one of several methods used to assess the quality of a local metropolitan 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 Long Range Transportation Plan (LRTP), metropolitan and statewide Transportation Improvement Program (TIP) findings, air-quality conformity determinations (in nonattainment and maintenance areas), as well as a range of other formal and less formal contact provide both FHWA and FTA an opportunity to comment on the planning process. The results of these processes are considered in the TMA Certification Review.

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

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

To encourage public understanding and input, FHWA and FTA will continue to improve the clarity of the TMA Certification Review reports.
The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) conducted a joint Certification Review of the transportation planning process for the Lehigh Valley Metropolitan Transportation Management Area (TMA). The metropolitan planning organization (MPO) designated for the TMA is the Lehigh Valley Transportation Study (LVTS). The LVTS work products are conducted and produced by the Lehigh Valley Planning Commission (LVPC) staff, the Lehigh and Northampton Transportation Authority (LANta) staff, and the Pennsylvania Department of Transportation (PennDOT) staff. The participants in this Review are listed in Appendix A.

The 2015 Certification Review was conducted in five phases. This process was initiated with our April 23, 2015 letter sent to the LVTS Chairperson [Appendix B]. The five phases consisted of the following:

1. Desk review of the planning products and processes;
2. Issuance of desk review findings;
3. Field review;
4. Close out; and

The desk review involved an analysis of all major planning documentation, provided background information for the Review, and highlighted areas to be explored during the site visit. The field review complemented the preliminary review preparation by allowing for an in-depth review of the required metropolitan transportation planning products and programs to include development of the Long Range Transportation Plan (LRTP) and Transportation Improvement Program (TIP), the Public Participation Plan (PPP), Bicycle and Pedestrian Planning, the Congestion Management Process (CMP), Title IV compliance, and to assess compliance with Moving Ahead for Progress in the 21st Century (MAP-21).

On November 6, 2015, the USDOT Review Team sent a letter to the Chairperson of the LVTS identifying the findings of the desk review [Appendix C]. The findings of the desk review identified the following major elements of the planning process to be discussed at the on-site field review:

- Long Range Transportation Plan
- Transportation Improvement Program
- Performance-Based Planning
- Environmental Mitigation
- Bike & Pedestrian Planning
- Transit Planning
- Title VI/Nondiscrimination
Environmental Justice
Integrating Freight
Congestion Management Process
Operations & Management Considerations

The on-site review was conducted on December 3 and 4, 2015 at the LVPC and PennDOT District 5-0 offices, located in Allentown. The two days of discussions included the United States Department of Transportation (USDOT) Review Team members from the FTA, and FHWA; LVPC staff; representatives from PennDOT’s Central Office and District 5-0, LANta; LVTS Policy Board members; and citizens. See Appendix A for a complete list of the individuals that participated in the Lehigh Valley Metropolitan Area Certification Review. Among the items discussed by the USDOT Review Team were the following major elements of the planning process:

• The Long Range Transportation Plan
• The Transportation Improvement Program
• Environmental Mitigation
• Congestion Management Process
• Public Involvement
• Environmental Justice
• Transit Planning
• Intermodal and Freight Issues

The Certification Review also includes an evaluation of LVTS’s compliance with the provisions of its self-certification resolution and Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency. The site visit agenda for this Review, which includes a complete list of topics discussed, is included in Appendix D.

The close out portion of the field view provided a verbal summary of the preliminary findings and recommendations, as well as commendations, of the USDOT Review Team to LVTS. This Certification Review Final Report concludes the certification process by providing a summary of the issues discussed and the MAP-21 compliance check made during the field review, and documents any corresponding corrective actions, recommendations, and/or commendations. This Final Report will stand as the official USDOT planning certification finding.

This Certification Review is a follow on to prior Reviews for this region conducted in 1994, 1997, 2000, 2004, 2008 and 2011. As such, this Review will focus on what has changed since the last Certification Review, including how comments and recommendations from past Reviews have been implemented.

Based on the results of the Certification Review, _FHWA and FTA jointly find that the planning process in the Lehigh Valley Metropolitan Region substantially complies with the spirit and intent of the metropolitan transportation planning laws and_
regulations. As a result, the FHWA and FTA jointly certify the planning process in the Lehigh Valley Metropolitan Area TMA.

The USDOT Review Team has found the Lehigh Valley Transportation Study to be in compliance with Title 23, United States Code, Section 134 (23 USC 134), and offers a number of findings below to further assist the area in adding greater emphasis and strengthening certain aspects of the process. The recommendations will be revisited as part of our regular liaison and oversight, as well as during subsequent Certification Reviews of the TMA. As defined, some corrective actions must be addressed within the specified timeframes. In addition, the USDOT Review Team provided a number of commendations through this Review process, which are also described below.

USDOT REVIEW TEAM CORRECTIVE ACTIONS

**Metropolitan Planning Area Boundaries**

1. LVPC must establish a written agreement that clearly identifies areas of coordination and the division of transportation planning responsibilities among and between the LVTS and NJTPA. This agreement with NJTPA must be established within 12 months of issuance of the final Certification Report.

**Title VI, Nondiscrimination, and Limited English Proficiency (LEP)**

2. The USDOT Review Team finds that LVPC has insufficient methods of administration to ensure program participants and beneficiaries awareness of the protections afforded them by Title VI, related statues and regulations and the applicability of the same to the programs and activities it administers. Accordingly, LVTS must, within 180 days of the Certification Review Report:
   
   a. Conduct an LEP analysis and develop a language access plan that includes appropriate language assistance services for participants and beneficiaries that are limited English proficient. The USDOT Review Team recommends that LVTS follow the process outlined in the DOT LEP Guidance to conduct the analysis. LVTS must provide FHWA and FTA with a copy of its analysis and access plan upon completion of this activity.

   b. Ensure the availability and accessibility of the complaint form and process on its website in English and languages other than English as appropriate. Alternatively, LVTS may include a statement on its website, in appropriate language(s) that informs individuals whom to contact if translation services are necessary. LVTS must provide FHWA and FTA proof of posting, including the web address for the post upon completion of this activity;

   c. Develop and post a Notice to the Public or Policy Statement that informs beneficiaries of and participants in its programs of their rights under Title VI. The Notice or Policy Statement must be displayed on the LVTS website and
public areas under LVTS control. The Notice or Policy Statement must be in languages other than English as appropriate or include a statement directing LEP individuals whom to contact for assistance. LVTS must provide FHWA and FTA proof of posting, including the web address for the post upon completion of this activity. Additionally, a list of locations where the statement is posted should be provided.

**USDOT REVIEW TEAM RECOMMENDATIONS**

**Transportation Plans and Update Processes**

1. The USDOT Review Team recommends that LVTS solidify its project selection criteria and make the process more transparent. The selection process criteria should be written so that it is easily understood by the general public, while providing specifics on project prioritization.

2. The USDOT Review Team recommends a separate listing for ‘illustrative projects’ in the LRTP that demonstrates the unmet transportation needs of the region. The LRTP should show the entire need in the region, both met and unmet, and include a detailed discussion on unmet needs, including the use of alternative sources of funding, especially if the projects could potentially impact Air Quality conformity findings.

3. The USDOT Review Team recommends that the Annual Listing of Obligated projects be made public no later than 90 calendar days following the end of the program year.

**Environmental Mitigation**

4. The USDOT Review Team recommends that LVTS continue to work toward identifying areas to carry out mitigation activities from a planning level. Coordinate with FHWA and PennDOT to identify possible options for funding mitigation opportunities related to transportation.

**Congestion Management Process**

5. Considering the projected growth in freight and truck traffic in the region, the USDOT Review Team recommends that impacts of freight on congestion should be more fully incorporated into the framework of the LVTS CMP and, consequently, in the next LRTP update.

**Title VI, Nondiscrimination, and Limited English Proficiency (LEP)**

6. The USDOT Review Team strongly recommends that LVTS review its website for ADA compliance using a 508 compliance check tool and make changes as appropriate.
7. The USDOT Review Team recommends that LVTS consider taking additional steps to involve minority and LEP populations in public participation activities, such as placing public notices or policy statements in locations or with faith-based organizations and educational institutions to maximize public engagement strategies.

8. The USDOT Review Team recommends that LVTS expand its discussion and analysis of benefits and burdens of transportation investments to include tradeoffs between conflicting objectives of transportation policy choices and decisions made during the planning stage.

**USDOT REVIEW TEAM COMMENDATIONS**

**Transportation Plans and Update Processes**

1. The USDOT Review Team commends LVPC for focusing on a balanced transportation network that links mobility, land use, and economic development.

2. The USDOT Review Team commends LVPC for making freight a major component of its LRTP development and publishing the Lehigh Valley Regional Freight Plan as a companion document.

3. The USDOT Review Team commends the use of a regional general land use policy which defines the areas recommended for urban development within the region.

4. The USDOT Review Team commends the use of ‘Data & Donuts’ and ‘Policy & Pizza’ public involvement tactics that the LVPC staff employs to attract and engage the public in regional transportation planning efforts.

**Environmental Mitigation**

5. The USDOT Review Team commends LVTS for taking a proactive approach to stormwater runoff mitigation in the area. In fact, the new Fixing America’s Surface Transportation Act (FAST Act), signed into law on December 4, 2015, added several new planning factors which expands the scope of consideration of the metropolitan planning process to include improving transportation system resiliency and reliability; and reducing (or mitigating) the stormwater impacts of surface transportation.

**Congestion Management Process**

6. The USDOT Review Team commends LVTS for continual improvement of the CMP over past iterations. The post-improvement review for the Cedar Crest Corridor as an outcome from the CMP was an exemplary follow-up activity. As resources allow, it would be good to see more analysis/reviews like this effort in the future.
Multimodal Planning

7. The USDOT Review Team commends LVTS for its continued efforts in working with LANta to plan for and promote transit throughout the region. In particular, the LANta Moving Forward Strategic Plan is a good example of cooperative planning between LVTS and LANta, linking transit improvements with goals in the LRTP and Comprehensive Plan.

8. The USDOT Review Team commends LVTS for its work on the regional sidewalk inventory and tying the study to pedestrian concerns and last mile trip planning. LVTS is also commended for laying the groundwork for its upcoming bicycle/pedestrian plan.

9. The USDOT Review Team commends LVTS for programming a new commuter study into the FY2017 UPWP cycle for the Lehigh Valley.

Integrating Freight in the Transportation Planning Process

10. The USDOT Review Team commends LVTS for going above and beyond in meeting the expectation of the previous Certification Review Recommendation. In October of 2015, LVTS adopted a stand-alone Lehigh Valley Freight Movement Plan, which capitalized on PennDOT’s preparation of a Statewide Comprehensive Freight Mobility Plan. LVTS also pressed forward with developing a LVTS Freight Advisory Committee that held its first meeting in February of 2016. The USDOT Review Team applauds the work completed by LVTS in strengthening its overall freight planning efforts and activities. As part of FHWA’s technical assistance initiative, FHWA will continue to assist LVTS in implementing FAST Act freight provisions as the implementation guidance is released.
Pursuant to Title 23, United States Code, Section 134(k) and Title 49, United States Code, Section 5303(k), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly certify the metropolitan transportation planning in Transportation Management Area (TMAs) at least every four years. (A TMA is an urbanized area, as defined by the United States Census Bureau, with a population of over 200,000. 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 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 organizations, the State Department of Transportation, and transit operators in the conduct of the metropolitan planning process. Joint FTA/FHWA Certification Review guidelines provide agency field reviewers with latitude and flexibility to tailor the Review to reflect local issues and needs. As a consequence, the scope and depth of the Certification Review reports will vary significantly.

While the Planning Certification Review report itself may not fully document those many intermediate and ongoing checkpoints, the “findings” of Certification Reviews 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 Review Reports to document the results of the Review process. The reports and final actions are the joint responsibility of the appropriate FHWA and FTA field offices, and their content will vary to reflect the planning process reviewed and whether or not they relate explicitly to formal “findings” of the Review.
The USDOT Secretary of Transportation shall certify compliance with the applicable Title 23 USC Section 134 metropolitan planning requirements for MPOs and TMAs. The certification is a joint FHWA/FTA responsibility. The Review is to focus on compliance with Federal regulations, challenges, successes, and experiences of the cooperative relationship between the MPO, State Department of Transportation, and transit operator(s) in the conduct of the metropolitan planning process. Upon evaluation of the metropolitan planning process, the FHWA/FTA may jointly take one of the following actions:

- Certify the transportation planning process;
- Certify the transportation planning process subject to certain specified corrective actions to be taken;
- Certify the transportation planning process as the basis for approval of only those categories of programs or projects that the FHWA/FTA Administrators determine and subject to certain specified corrective actions being taken; or
- Withhold certification.

The Certification Review process is only one of several methods used to assess the quality of a local metropolitan planning process, compliance with applicable statutes and regulations, and a level and type of technical assistance needed to enhance the effectiveness of the planning process. Other activities provide opportunities for review and comment such as:

- The Unified Planning Work Program (UPWP) approval,
- The Long Range Transportation Plan (LRTP) review and comment,
- Metropolitan and Statewide Transportation Improvement Program (STIP) findings,
- Air quality conformity determinations, where applicable, and
- Formal and informal coordination with relevant agencies involved in the metropolitan planning process.

The FHWA Pennsylvania Division and the FTA Region III conducted a joint Certification Review of the Lehigh Valley Transportation Study (LVTS) planning process, which included an onsite visit on December 3-4, 2015. This Certification Review is a follow up from earlier reviews for this region that were conducted and documented in 1994, 1997, 2000, 2004, 2008, and 2011.

The regional and county planning commission for Lehigh and Northampton Counties is the Lehigh Valley Planning Commission (LVPC). LVPC staff consists of 14 professional
planners, engineers, GIS staff, and support staff. The official name of the Metropolitan Planning Organization (MPO) is the Lehigh Valley Transportation Study (LVTS). The LVTS has a Coordinating Committee utilizing a weighted voting structure that includes a total of 17 votes; and a Technical Committee with ten (10) votes. The Technical Committee is an advisory body, reviewing plans, programs, and various other items for review and recommendation to the Coordinating Committee. The Coordinating Committee is the policy body which formally adopts the items reviewed by the Technical Committee. LVPC, PennDOT and the Lehigh and Northampton Transportation Authority (LANta) all provide staff services to LVTS.

The purpose of this report is to assess the extent of compliance with Federal planning requirements, recognize noteworthy practices, identify problem areas, and provide assistance and guidance, as appropriate. This report will also explore how recommendations from previous Reviews have been addressed.

In this Certification Review, the USDOT Review Team examined the major transportation planning process components by conducting a thorough desk review, which led to identifying various focus areas for detailed exploration during the onsite field review phase of this Certification Review. The following is a summary of each of the items discussed in the field review, a synopsis of the requirements that govern each of those items, and brief description of the USDOT Review Team’s findings, recommendations, and commendations.
I. Metropolitan Planning Area Boundaries

Requirements

The term metropolitan planning area boundary (MPA) refers to the geographic area in which the metropolitan transportation planning process must be carried out. The MPA shall, at a minimum, cover the urbanized area(s) (UZA) and the contiguous geographic area(s) likely to become urbanized within the 20-year forecast period covered by the Transportation Plan. The MPA may encompass the entire metropolitan or consolidated metropolitan statistical area, as defined by the Census Bureau. For areas subject to air-quality conformity, the MPA may also include the nonattainment/maintenance boundary for ozone or carbon monoxide as defined by the EPA. The boundary should foster an effective planning process that ensures connectivity between modes and promotes overall efficiency. (See 23 U.S.C. 134(e).)

Many metropolitan areas have complex jurisdictional situations related to the MPA, UZA, and State boundaries. Some of these situations are explicitly addressed in the Federal planning regulations:

Where the boundaries of the urbanized area or MPA extend across two or more States, the Governors with responsibility for a portion of the multistate area, MPO(s), and the public transportation operator(s) are strongly encouraged to coordinate transportation planning for the entire multistate area. (See 23 CFR 450.312(f))

The MPA boundaries shall be reviewed after each Census by MPOs (in cooperation with the State and public transportation operator(s)) to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized area(s), and shall be adjusted 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, reduces access disadvantages experienced by modal systems, and promotes efficient overall transportation investment strategies. (23 CFR 450.312(i))

Where part of an urbanized area served by one MPO extends into an adjacent MPA, the MPOs shall, at a minimum, establish written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among and between the MPOs. Alternatively, the MPOs may adjust their existing boundaries so that the entire urbanized area lies within only one MPA. Boundary adjustments that change the composition of the MPO may require redesignation of one or more such MPOs. (23 CFR 450.312(h))
Federal legislation (23 U.S.C. 134) requires the MPO to work in cooperation with the state and public transportation agencies in carrying out a continuing, cooperative, and comprehensive (3C) metropolitan planning process. These agencies are allowed to determine their mutual roles and responsibilities, and they develop procedures governing their cooperative efforts. These working relationships must be formally established, usually through agreements or memorandum of understanding between the MPO and the State, and between the MPO and the public transit operators [23 CFR 450.314(a)]. The regulations also require an agreement between the MPO and the designated agency for air quality planning under the Clean Air Act.

Where the boundaries of the urbanized area or MPA extend across two or more States, the Governors with responsibility for a portion of the multistate area, the appropriate MPO(s), and the public transportation operator(s) shall coordinate transportation planning for the entire multistate area. States involved in such multistate transportation planning may: (1) Enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and (2) Establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective. [23 CFR 450.314 (e)]

Review Findings

The urbanized areas that are adjacent to the LVTS MPA include North Jersey Transportation Planning Authority (NJTPA), the Delaware Valley Regional Planning Commission, (DVRPC), the Reading Area Transportation Study (RATS), and the Northeastern Pennsylvania Alliance (NEPA). LVPC staff coordinates with the staff from these MPOs by phone and in person. For freight in particular, coordination occurs with NJTPA and DVRPC. During the on-site portion of the Review, the USDOT Review Team requested copies of all the formal agreements between LVTS and the adjoining regions. LVTS staff provided the agreements for DVRPC, RATS, and NEPA on December 8, 2016. However, it has been found that no agreements were in place for NJTPA at the time of the review.

Corrective Action

1. LVPC must establish a written agreement that clearly identifies areas of coordination and the division of transportation planning responsibilities among and between the LVTS and NJTPA. This agreement with NJTPA must be established within 12 months of issuance of the final Certification Review Report.
II. TRANSPORTATION PLANS AND UPDATE PROCESSES

Requirements

23 USC 134, codified under Title 23, Code of Federal Regulations (CFR), Section 450.322, requires that the metropolitan planning process include the development of a transportation plan addressing at least a 20-year horizon. The plan shall include both long-range and short-range strategies that lead to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods. The Long Range Transportation Plan (LRTP), or Metropolitan Transportation Plan (MTP), shall be reviewed, updated, and approved by the MPO at least every four years in non-attainment areas to confirm its validity and its consistency with current and forecasted transportation and land use conditions and trends and to extend the forecast period.

While current statute and transportation planning regulations do not make direct references to land use or livability planning, the transportation planning process is required to be coordinated with “planned growth” and similar activities that exist within the region. In addition, MPOs and State DOTs must, when appropriate, consult with other agencies that have certain responsibilities for land and other resource management. The specific regulatory requirements are listed below:

- Planning Factors – 23 CFR 450.306(a)(5)
- Interested Parties, Partnerships, Consultation – 23 CFR 450.316(d)
- Congestion Management Process (consideration of demand management strategies, including growth management) – 23 CFR 450.320 (c)(4)(i)
- Metropolitan Transportation Plan / Environment Mitigation / Consultation – 23 CFR 450.322(f)(7) & (g)

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

In developing MTPs and TIPs, MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities and key decision points for consulting with other governments and agencies as described below:

- LVTS should, to the maximum extent possible, consult with agencies and officials responsible for other planning activities (State and local growth, economic development opportunities, environmental protection, airport
operations or freight movements) that are affected by transportation or coordinate the planning process with such planning activities.

Annual Listing of Obligated Projects: CFR 450.332 requires that the State, 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 (no later than 90 calendar days following the end of the program year). The listing must include all federally funded projects authorized or revised to increase obligations in the preceding program year, and at a minimum, the following for each project:

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

Review Findings

LVTS recently amended its LRTP in October 2015. The new plan was a complete overhaul of the previous LRTP. LVTS staff focused on making the new document more accessible and easier to read by the average citizen. In addition, based on recommendations from the previous Certification Review, LVTS developed a separate freight plan as well, and co-branded both documents as MoveLV.

With the passage of Act 89 in Pennsylvania, the MoveLV Long Range Transportation Plan introduced $2.5 billion in revenue to dedicate towards transportation projects, an increase from $2 billion in the previous plan. However, this increase still leaves $228 million in unmet transportation needs in the Lehigh Valley.

Two LVTS meetings were held in early 2015 for the purpose of soliciting projects for consideration in the plan, and 87 municipal project presentations were entertained. Project selection for MoveLV is focused around set priorities, starting with safety, followed by system preservation/maintenance, and Mobility and Accessibility. While safety and system preservation/maintenance were priorities carried over from the previous LRTP, MoveLV introduced mobility and the importance of measuring a balanced transportation system that looks beyond Level of Service (LOS) as the sole indicator behind capacity enhancements. Furthermore, the plan recognizes that the success of the transportation network is linked to existing and future land use, context sensitive solutions, and the promotion of quality of life, economic development, social justice, and environmental sustainability.
However, as LVTS and LVPC operate as related but separate entities, many of these other factors such as land use and economic development are studied in depth in the LVPC Regional Comprehensive Plan rather than in the LRTP developed by LVTS. Both plans were developed to work in unison, and no decisions are made that conflict with either document.

While the effort to unite the goals of the LRTP and the Comprehensive Plan are notable, it is difficult to determine how those goals are tied to the project solicitation process that LVTS conducted in early 2015. While consistency with the LRTP and Comprehensive Plan were noted as project rating criteria, the scoring assigned to these consistency measures is vague and unclear.

The regional general land use policy defines areas that are recommended for urban development within the region. Operational improvements are sought in locations outside of these defined areas. ‘Data & Donuts’ and ‘Policy & Pizza’ are the types of efforts that LVPC employs to attract the public to come to hear about and share opinions on many topics affecting the region. Topics have included the Transportation Alternatives Program, Fair Housing, the Long Range Transportation Plan, and Freight. Interested parties are also invited to join the LVPC staff for Talking Freight webinars and facilitated discussions.

CFR 450.332 requires that the 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 must be developed and made available no later than 90 days following the end of the program year. At the time of the Certification Review site visit, the most recent listing found on the LVPC website was for FY 2013. The current listing of projects for FY 2015 was later posted on the LVPC website, but prior to the issuance of this final report.

**Recommendations**

1. The USDOT Review Team recommends that LVTS solidify its project selection criteria and make the process more transparent. The selection process criteria should be written so that it is easily understood by the general public, while providing specifics on project prioritization.

2. The USDOT Review Team recommends a separate listing for ‘illustrative projects’ in the LRTP that demonstrates the unmet transportation needs of the region. The LRTP should show the entire need in the region, both met and unmet, and include a detailed discussion on unmet needs, including the use of alternative sources of funding, especially if the projects could potentially impact Air Quality conformity findings.
3. The USDOT Review Team recommends that the Annual Listing of Obligated projects be made public no later than 90 calendar days following the end of the program year.

Commendations

1. The USDOT Review Team commends LVPC for focusing on a balanced transportation network that links mobility, land use, and economic development.

2. The USDOT Review Team commends LVPC for making freight a major component of its LRTP development and publishing the Lehigh Valley Regional Freight Plan as a companion document.

3. The USDOT Review Team commends the use of a regional general land use policy which defines the areas recommended for urban development within the region.

4. The USDOT Review Team commends the use of ‘Data & Donuts’ and ‘Policy & Pizza’ public involvement tactics that the LVPC staff employs to attract and engage the public in regional transportation planning efforts.

III. Environmental Mitigation

Requirements

Federal regulations require the MPOs to identify and discuss “potential environmental mitigation activities and potential areas to carry out these activities” within their Long Range Transportation Plan (see also 23 CFR 450.322(f)(7)). This requirement does not pertain to project-specific mitigation, but to the MPO’s policies and programs. To ensure the consideration of potential mitigation opportunities is comprehensive and in line with potential impacts, the regulations further require that the MPO consult with Federal, state, and Tribal land management, wildlife, and regulatory agencies. A well-documented consultation process and the establishment of timeframes should also be considered.

Review Findings

LVTS complies with the basic requirements of the regulations through consideration of resource presence and potential impacts resulting from the LRTP. Consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies typically occurs through Agency Coordination Meetings (ACMs). LVPC maintains GIS data layers for a large variety of environmental resources, which are used for project impact analysis of transportation plans and programs.
One key focus within the requirements is to discuss potential areas to carry out mitigation activities. Low Impact Development (LID), Green Infrastructure (GI), wetlands, and threatened and endangered species are discussed in the LRTP, but it does not identify areas to carry out mitigation activities for these resources. LVPC is currently working with a landscape architect to develop a list of environmental mitigation ideas. Funding remains a primary concern for moving the ideas forward to fruition. Additionally, LVTS noted that they have several active planning efforts moving toward this goal, including open space plans, stormwater management plans, studies on the value of tree canopy cover for air quality, and more. LVTS stated that they have a major aquifer in the area, and are categorized as a Municipal Separate Storm Sewer System (MS4); therefore recognizing the high level of importance that water quality, wetlands, and streams play within the region, and the importance for proper planning.

**Recommendation**

4. The USDOT Review Team recommends that LVTS continue to work toward identifying areas to carry out mitigation activities from a planning level. Coordinate with FHWA and PennDOT to identify possible options for funding mitigation opportunities related to transportation.

**Commendation**

5. The USDOT Review Team commends LVTS for taking a proactive approach to stormwater runoff mitigation in the area. In fact, the new Fixing America's Surface Transportation Act (FAST Act), signed into law on December 4, 2015, added several new planning factors which expands the scope of consideration of the metropolitan planning process to include improving transportation system resiliency and reliability; and reducing (or mitigating) the stormwater impacts of surface transportation.

**IV. CONGESTION MANAGEMENT PROCESS**

**Requirements**

23 CFR 450.320(a) states “that the transportation planning process in a TMA shall address congestion management through a process that provides for safe and effective integrated management and operation of the multimodal transportation system, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 through the use of travel demand reduction and operational management strategies.” Specifically, the section mandates, among other things, that a Congestion Management Process (CMP) contain the following elements: Methods to monitor and evaluate the performance of the transportation system, defining parameters for measuring congestion including development of objectives and performance
measures, establishment of a program for data collection to monitor congestion and identify its causes, identification and evaluation of the benefits of the various strategies to address the identified congestion locations, identification of an implementation schedule for each of the identified strategies, and implementation of a process for assessing the effectiveness of the strategies once implemented.

Review Findings

The Congestion Management Process in the LVTS region continues to improve from the last Certification Review. The USDOT Review Team noted that the CMP uses a sound framework for analysis with thirteen corridors identified in the last LRTP. The travel demand model is employed to identify future congestion within the region. Areas with Level of Service (LOS) "D" or worse are considered “congested” and these corridors and/or congested areas are ranked according to factors associated with LOS, safety, average daily traffic, and corridor length. Delay is another measure of note used in studies of congested corridors. In the CMP, the 15th Street and 7th Street corridors were mentioned as problematic and potential candidates for future study.

The structure of the CMP will serve LVTS as a sound planning tool with its corridor-based approach, data collection focus and toolbox of strategies for analysis. As this re-invigorated CMP matures, the staff should continue to pursue opportunities to link output from the CMP to future updates of the Transportation Plan and preparation and project selection activities for the TIP. The discussion of the CMP in the context of operations and management in the LRTP demonstrates the notion of linking the CMP to other elements of the Plan. Note is also made of the CMP integration into the documented project prioritization criteria outline in Chapter 5 of the LRTP.

LVTS staff is encouraged to vigorously continue work on further developing this important analytical tool. As strategies are deemed feasible for congestion mitigation in certain corridors, tracking their progress towards acceptance and implementation will be key to gauging the overall effectiveness of the CMP. A positive development was discussion of the “Cedar Crest Boulevard Corridor Post-Improvement Review”, dated April 2012. These types of studies link the purpose of the CMP to actual improvements and benefits resulting from implementation of congestion management strategies in the region. Monitoring for effectiveness is an important, but often overlooked, element of a mature CMP.

The staff is commended for their improved CMP development work activities. The need to track projects implemented that have grown out of the CMP will continue to be an important task. The FHWA Resource Center and Division Office will be happy to support further work tasks in the coming fiscal years as may be needed.
Recommendations

5. Considering the projected growth in freight and truck traffic in the region, the USDOT Review Team recommends that impacts of freight on congestion should be more fully incorporated into the framework of the LVTS CMP and, consequently, in the next LRTP update.

Commendations

6. The USDOT Review Team commends LVTS for continual improvement of the CMP over past iterations. The post-improvement review for the Cedar Crest Corridor as an outcome from the CMP was an exemplary follow-up activity. As resources allow, it would be good to see more analysis/reviews like this effort in the future.

V. TITLE VI, NONDISCRIMINATION, and LIMITED ENGLISH PROFICIENCY (LEP)

It has been the long-standing policy of U.S. DOT to actively ensure nondiscrimination under Title VI of the Civil Rights Act of 1964. Title VI states that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Title VI bars intentional discrimination (i.e., disparate treatment) as well as disparate-impact discrimination stemming from neutral policy or practice that has the effect of a disparate impact on protected groups based on race, color or national origin. The planning regulations [23 CFR 450.334 (a)(3)] require FHWA and FTA to certify that “the planning process. . .is being carried out in accordance with all applicable requirements of. . .Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21.”

State Department of Transportation (DOT) recipients of Federal-aid Highway funds and grants from the Federal Transit Administration, as direct recipients of federal-aid funds, shall prepare a Title VI/Nondiscrimination Plan for FHWA and a Title VI Program for FTA. Subrecipients receiving only FHWA funds may be required by the State DOT only to sign an agreement assuring that they, the subrecipient, will not discriminate in the use of federal funds and have in place sufficient processes to ensure compliance with Title VI/nondiscrimination requirements. In these instances, the State DOT can determine which entities must develop a Title VI/Nondiscrimination Plan based on the population of an area, the amount of federal funds the subrecipient receives, and/or other factors. For FTA, LVTS must prepare a Title VI Program and the State DOT must request a copy of subrecipient’s Title VI Programs and monitor subrecipient compliance in accordance with FTA’s Title VI Circular. FHWA regulations found in 23 CFR, Part 200 further elaborate on how recipients of Federal-aid Highway funds must comply with Title VI/nondiscrimination requirements.
All recipients and subrecipients of federal-aid must sign the standard U.S. DOT nondiscrimination assurances, which cover all applicable civil rights laws and regulations. The certifications and assurances include Title VI of the Civil Rights Act, which prohibits discrimination on the basis of race, color and national origin; Title IX of the Educational Amendments of 1972, the Age Discrimination Act of 1975 and the Age Discrimination in Employment Act, which prohibits discrimination on the basis of age; and the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability. In addition, recipients and subrecipients of FHWA funding certify compliance with 23 U.S.C 324, which prohibits discrimination on the basis of sex, and FTA recipients and subrecipients certify compliance with 49 U.S.C. 5332, which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age. Through the self-certification process set forth in the joint FHWA/FTA planning regulation, as required by 23 CFR 450.218 and 450.334, MPOs and State DOTs must affirm that their respective programs and activities comply with the above nondiscrimination laws and regulations, including Title VI, at least every four years, when an updated or amended STIP is submitted to FHWA and FTA for joint approval.

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

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

The planning regulations, at 23 CFR 450.316(a) (1) (vii), require that the needs of those “traditionally underserved” by existing transportation systems, such as low-income and/or minority households that may face challenges accessing employment and other services, be sought out and considered.
Review Findings

PennDOT requires MPOs to sign an Open End Base Agreement to act as a master contract. The Lehigh Valley MPO has submitted a response to PennDOT agreeing to a subsequent Open End Base Agreement from July 2, 2016 through June 30, 2022. Generally, the Agreement requires the MPO’s conformance with Federal laws, regulations and rules; and provides for monitoring and oversight by the Department, FHWA and FTA. Specific provisions are included throughout the Agreement, and its accompanying attachments, that require LVTS to ensure non-discrimination in its use of Federal funds and to develop and maintain information sufficient to ensure compliance with 49 CFR Part 21.

During the joint Transportation Planning Certification Review of LVTS, no deficiencies were noted in regards to general reporting requirement of Complaints. Specifically, at the time of the Review, there were no active complaints against the MPO. LVTS has a complaint process and form; and, maintains a complaint log. However, the USDOT Review Team noted that neither the complaint process nor form is retrievable from the MPOs website. Additionally, the complaint process and form are not available in languages other than English. Furthermore, the USDOT Review Team noted that neither the process nor form includes a statement advising LEP individuals how to obtain assistance in filing a complaint.

A review of the MPOs website revealed limited information to beneficiaries and participants about Title VI and related statutes. The MPO’s meeting notices do provide contact information for potential participants to obtain assistance to participate in the meeting and to obtain assistance with filing a complaint. However, the notice provides that LVTS is committed to compliance with its nondiscrimination requirements, but does not explicitly provide the statutes or protections afforded participants and beneficiaries. Using the MPO’s website search function does not yield results that apprise participants, beneficiaries or other interested persons of the discrimination protections afforded them by Title VI or related nondiscrimination statutes. Additionally, LEP individuals are unable to view the website or documents contained thereon in languages other than English.

LVTS identifies and maps linguistically isolated households in the region in its PPP. The analysis conducted for the PPP indicates that the predominate locations of linguistically isolated populations is in and around urban areas with one exception, Other Indo-European linguistically isolated households which are primarily concentrated in suburban and rural areas. The document provides a number of media, social service agencies and local entities to whom LVTS sends public notices and public service announcements. However, there is no assessment of the frequency of contacts with LEP persons, importance of the program to those individuals, or available resource to conduct LEP outreach. Moreover, LVTS does not have a language access plan to ensure meaningful access to vital documents and information to LEP persons. The
website does not provide information or tools that assist LEP persons with obtaining meaningful information.

The USDOT Review Team also notes that the MPOs website is not accessible to individuals with disabilities. The website does not contain alternative text for images or sufficient levels of contrast to enable a person with visual disabilities to distinguish between foreground and background colors.

Prior to and during the site visit, LVTS provided documentation to demonstrate that its continuing planning efforts are responsive to Title VI and that its programs are administered in a non-discriminatory manner. LVTS most recent LRTP identifies fourteen major goals, of which none speaks directly to Title VI or Environmental Justice (EJ) issues in the region. However, a policy outlined under its goal to “promote economy and efficiency in highway, road and right-of-way planning, design and function” recognizes that transportation control measures should be implemented which support the region’s EJ goals.

Specific activities undertaken by LVTS during its update are identified in the Appendix to the LRTP under the headings public involvement. Additionally, LVTS noted in its response to the information request for the desk review indicated a number of strategies it employs to ensure, demonstrate and substantiate compliance with its equal opportunity responsibilities. Broadly, LVTS’s efforts involve targeted outreach, advertisements, direct mailings, surveys and studies, and meetings conducted with various social service agencies and tribal nations.

Additionally, over the years, LVTS and the transit provider (LANta) conducted a number of studies and surveys to ensure, demonstrate, and substantiate compliance with Title VI. The various studies and surveys provide LVTS with information to assess the Lehigh Valley transportation system and identify gaps in the provision of transit access, access to employment and social services, as well as trip destination information for traditionally underserved populations and others.

With regard to transportation system equity, LVTS analyzes the distribution of benefits and burdens during the development of environmental studies. Imbalances in the benefits and burdens of transportation investments are identified through PennDOT’s 10-step project development process. Environmental studies are used to document any benefits and burdens identified. Additionally, LVTS noted that it maps and conducts a spatial analysis of projects to minority and low-income communities to ensure that explicit consideration is given to environmental or human health impacts on minority and low-income populations. However, it is not possible to determine from the analysis regarding travel time to work during peak periods nets a benefit. For example, the analysis does not disclose whether the average time saved, quantified as dollars, is greater than corresponding costs imposed in additional economic and environmental.
costs. Additionally, the analysis assumes, without establishing the basis for the assumption, that costs are the same for all demographics.

LVTS had no DBE activity to report during the period preceding the Review.

Corrective Actions

2. The USDOT Review Team finds that LVPC has insufficient methods of administration to ensure program participants and beneficiaries awareness of the protections afforded them by Title VI, related statues and regulations and the applicability of the same to the programs and activities it administers. Accordingly, LVTS must, within 180 days of the Certification Report:

   a. Conduct an LEP analysis and develop a language access plan that includes appropriate language assistance services for participants and beneficiaries that are limited English proficient. The USDOT Review Team recommends that LVTS follow the process outlined in the DOT LEP Guidance to conduct the analysis. LVTS must provide FHWA and FTA with a copy of its analysis and access plan upon completion of this activity.

   b. Ensure the availability and accessibility of the complaint form and process on its website in English and languages other than English as appropriate. Alternatively, LVTS may include a statement on its website, in appropriate language(s) that informs individuals whom to contact if translation services are necessary. LVTS must provide FHWA and FTA proof of posting, including the web address for the post upon completion of this activity;

   c. Develop and post a Notice to the Public or Policy Statement that informs beneficiaries of and participants in its programs of their rights under Title VI. The Notice or Policy Statement must be displayed on the LVTS website and public areas under LVTS control. The Notice or Policy Statement must be in languages other than English as appropriate or include a statement directing LEP individuals whom to contact for assistance. LVTS must provide FHWA and FTA proof of posting, including the web address for the post upon completion of this activity. Additionally, a list of locations where the statement is posted should be provided.

Recommendations

6. The USDOT Review Team strongly recommends that LVTS review its website for ADA compliance using a 508 compliance check tool and make changes as appropriate.
7. The USDOT Review Team recommends that LVTS consider taking additional steps to involve minority and LEP populations in public participation activities, such as placing public notices or policy statements in locations or with faith-based organizations and educational institutions to maximize public engagement strategies.

8. The USDOT Review Team recommends that LVTS expand its discussion and analysis of benefits and burdens of transportation investments to include tradeoffs between conflicting objectives of transportation policy choices and decisions made during the planning stage.

VI. Multimodal Planning

Requirements
Section 5303 of Title 49 and Section 134 of Title 23 require that the transportation planning process in metropolitan areas consider all modes of travel in the development of their plans and programs. Federal regulations cited in 23 CFR 450.312 state that the MPO in cooperation with the State and operators of publicly owned transit services shall be responsible for carrying out the transportation planning process.

Review Findings
LVTS has a comprehensive approach towards transportation planning, incorporating a variety of modes in its everyday work. This work includes transit planning, bicycle/pedestrian initiatives, regional trail planning, as well as freight planning.

In partnership with LANta, LVTS has developed reports such as the **LANta Moving Forward Strategic Plan**, the **Lehigh Valley Enhanced Bus/Bus Rapid Transit Plan**, and the **Transit Supportive Land Use for the Lehigh Valley Plan**.

The **LANta Moving Forward Strategic Plan** looked at high frequency corridors based on projected population growth throughout the region. The plan calls for increased frequencies of service on high demand corridors in the urban core and a mix of service delivery models to meet changes in demand in suburban areas.

The **Lehigh Valley Enhanced Bus/Bus Rapid Transit Plan** was designed to recommend incremental improvements in bus service in the area, such as introducing limited stop service during peak periods for certain corridors. Bus bumpouts could be incorporated based on opportunities as roadway improvements are made by localities and PennDOT, piece by piece.

To further inform its transportation planning efforts in the Lehigh Valley, LVTS is planning to incorporate a new regional commuter study into its next UPWP cycle, which
will help study job centers and job density throughout the region. This data will tie into the next LVTS LRTP update cycle, and will help inform future transit studies.

The LRTP and Comprehensive Plan has shown that the Lehigh Valley is seeing a large growth in elderly population, and in particular 55+ communities. On any given day, approximately 2,000 seniors use the LANta fixed route bus service, which is free for anyone 65+ in Pennsylvania. To provide service to these communities, LVTS and LANta have worked on model zoning ordinances to share with municipalities, to drive development towards higher density areas where LANta already provides service. In 2011, LANta implemented two pilot projects, including a flex demand response service operating in targeted areas, offered at a fixed route fare price.

In the development of its LRTP, MoveLV, LVTS reopened the discussion of passenger rail service in the Lehigh Valley. In 2014, LVPC conducted a survey to gauge public opinion on issues such as land use, growth, and transportation. When asked to rank the most important transportation improvements in the Lehigh Valley, the idea of passenger rail service followed only road improvements in the region’s priorities.

While a serious study on passenger rail service in the Lehigh Valley has yet to begin, LVTS has laid the groundwork with MoveLV.

LVTS is currently conducting a regional sidewalk inventory, which will help LANta and LVTS develop better sidewalk infrastructure to help alleviate last mile issues. The inventory is anticipated to find that missing segments between bus stops and sidewalks are a prevalent problem throughout the region.

While LVTS has yet to develop a bicycle/pedestrian plan, one is currently in development. This plan will highlight LVTS’s involvement in regional trail development, including the Bethlehem-Easton trail connector. The Lehigh Valley Greenways Conservation Landscape program, administered by the Pennsylvania Department of Conservation and Natural Resources, is a partnership of state, local, and regional agencies. One of the goals for the program is “to connect people to greenway and trail opportunities to promote healthy living, recreation, and the region’s green assets.” The LVPC, a partner of Lehigh Valley Greenways, updated the Lehigh Valley Trails Inventory in 2013, identifying ten (10) priority trail gaps.

**Commendations:**

7. The USDOT Review Team commends LVTS for its continued efforts in working with LANta to plan for and promote transit throughout the region. In particular, the LANta Moving Forward Strategic Plan is a good example of cooperative planning between LVTS and LANta, linking transit improvements with goals in the LRTP and Comprehensive Plan.
8. The USDOT Review Team commends LVTS for its work on the regional sidewalk inventory and tying the study to pedestrian concerns and last-mile trip planning. LVTS is also commended for laying the groundwork for its upcoming bicycle/pedestrian plan.

9. The USDOT Review Team commends LVTS for programming a new commuter study into the FY2017 UPWP cycle for the Lehigh Valley.

VII. INTEGRATING FREIGHT IN THE TRANSPORTATION PLANNING PROCESS

Requirements
MAP-21 legislation specifically called for the need to address freight movement as part of the transportation planning process (Reference: MAP-21 § 1115-1118; 23 U.S.C. 134 and 23 CFR 450.306 - Metropolitan transportation planning). MAP-21 also included a number of freight provisions to improve the condition and performance of the national network and support investment in freight-related surface transportation projects and programs. The legislation reflects that the metropolitan transportation process or long range transportation planning process should provide for the consideration and implementation of projects, strategies, and services that address:

   i. Increasing accessibility and mobility of people and freight; and
   ii. Enhancing the integration and connectivity of the transportation system, across and between transportation modes, for people and freight.

The LRTP process for metropolitan areas should include freight planning elements, which can lead to a number of goals, strategies and performance measures supporting and promoting multimodal planning efforts and individual project development in the metropolitan area. For example, a truck density map analyses can assist regional and local transportation decision makers in prioritizing transportation improvements in applicable truck corridors within their respective jurisdictions. System preservation or improvements on higher functional classification routes and local roadways could be implemented in the LRTP to improve the movement of goods throughout a region.

Freight issues and recommendations can also be incorporated throughout the LRTP. Freight does not need to be considered as a stand-alone topic. Freight is linked to the entire transportation network, and both the public and private sectors have divested much time in dealing with issues respecting economic development impacts, load bearing capacity, congestion and travel reliability, and limited funding to resolve congestion, safety and security.
Review Findings

During the August 18-19, 2011, Certification Review, the Review Team recommended that LVTS consider identifying freight congested corridors in the future CMP and LRTP to reflect the significant degree of freight movements in and through the urbanized region.

In October of 2015, the LVTS adopted its first stand-alone freight plan for the Lehigh Valley. The plan capitalized on the effort that is underway with PennDOT’s statewide Comprehensive Freight Movement Plan (CFMP). The Lehigh Valley Regional Freight Plan includes a regional freight profile that was developed from the analysis of the regional transportation system, regional freight flows, stakeholder interviews and trends. In taking the logical steps forward in demonstrating the importance of close public and private coordination in freight planning, LVTS developed the Freight Advisory Committee that held in first meeting in February of 2016. The level of participation from the public and private sector reflected the magnitude of the reality facing many regional and local jurisdictions in the Commonwealth that is how to be prepared for and react to the increased freight development facing Commonwealth jurisdictions. All modes were represented at the Freight Advisory Committee meeting, and it was clear that LVTS is well positioned to be proactive with their freight stakeholders in cooperatively addressing and perhaps resolving freight planning challenges facing the region.

A recent Freight Analysis Framework (FAF) map was created by FHWA to demonstrate the level of anticipated truck traffic by 2040 in the Lehigh Valley. As illustrated, I-78 is projected to surpass > 10,000 Annual Daily Truck Traffic by 2040.
Below are the current truck values for the I-78 and US 22 segments in Lehigh and Northampton County.

<table>
<thead>
<tr>
<th>Type</th>
<th>Lehigh County</th>
<th>Northampton County</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>I-78</td>
<td>US 22</td>
</tr>
<tr>
<td>Average from Truck Data</td>
<td>20.9%</td>
<td>9.3%</td>
</tr>
<tr>
<td>Average from Daily Vehicle Miles</td>
<td>21.6%</td>
<td>9.2%</td>
</tr>
<tr>
<td>Median from Truck Data</td>
<td>21.6%</td>
<td>8.5%</td>
</tr>
</tbody>
</table>

As part of FHWA’s technical assistance offerings to the planning partners in the Commonwealth, FHWA will continue to provide freight planning support as participants on the LVTS Freight Advisory Committee, and provide support to LVTS in implementing the Fixing America’s Surface Transportation (FAST) Act freight provisions as guidance is released by USDOT.

**Commendation**

10. The USDOT Review Team commends LVTS for going above and beyond in meeting the expectation of the previous Certification Review Recommendation. In October of 2015, LVTS adopted a stand-alone Lehigh Valley Freight Movement Plan, which capitalized on PennDOT’s preparation of a Statewide Comprehensive Freight Mobility Plan. LVTS also pressed forward with developing a LVTS Freight Advisory Committee that held its first meeting in February of 2016. The USDOT Review Team applauds the work completed by LVTS in strengthening its overall freight planning efforts and activities. As part of FHWA’s technical assistance initiative, FHWA will continue to assist LVTS in implementing FAST Act freight provisions as the implementation guidance is released.
The Federal Highway Administration and Federal Transit Administration jointly find that the planning process in the Lehigh Valley Metropolitan Area TMA meets the requirements of applicable provisions of Federal Law and is hereby certified. This action is based upon the Certification Review conducted by the USDOT in December of 2015, and both agencies ongoing interaction with this region’s transportation planning process. This Review confirmed that the planning process substantially complies with the Federal metropolitan planning regulations.

The USDOT Review Team highlighted specific areas of opportunity and continual process improvement within transportation planning for the region. The recommendations are intended to provide greater depth of coverage to the planning issues and resulting products. The MPO’s progress in addressing these recommendations will be monitored as part of the FHWA/FTA regular liaison throughout the course of the business cycle, and again in subsequent Federal certification reviews.

The USDOT Review Team again thanks the Lehigh Valley Planning Commission for its hospitality and the staffs of LVPC, PennDOT, and LANta for their candid participation during the course of this Certification Review.
USDOT Review Team & Participants

USDOT REVIEW TEAM

Brian Betlyon    FHWA – Resource Center
Tony Cho        FTA- Region III
Kathy Dimpsey   FHWA – PA Division
Khan Mitchell    FHWA – PA Division
Camille Otto    FHWA – PA Division
Spencer Stevens FHWA – Headquarters
Dan Walston     FHWA – PA Division

OTHER REVIEW PARTICIPANTS/ATTENDEES

Becky Bradley   Lehigh Valley Planning Commission
George Kinney   Lehigh Valley Planning Commission
Mike Donchez    Lehigh Valley Planning Commission
Brendan Cotter  Lehigh and Northampton Transportation Authority
Owen O'Neil     Lehigh and Northampton Transportation Authority
Mike Rebert     PennDOT District 5-0
Jay McGee       PennDOT District 5-0
Kerry Fields    PennDOT District 5-0
Ray Green       PennDOT – Central Office
Appendix B

Notification Letter
Honorable Michael Rebert, MPO Chairman
Lehigh Valley Planning Commission
PennDOT District 5-0 Office
1002 Hamilton Blvd.
Allentown, PA 18103

Dear Mr. Rebert:

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) will be conducting an on-site review for the certification of the Lehigh Valley MPO Planning Process. As agreed upon through discussions with the MPO staff, this on-site review has been scheduled for December 3-4, 2015. The public official and general public meeting portion of the Federal Certification will take place on December 4, 2015.

The Federal certification process is required every four years for Transportation Management Areas (TMAs). Urbanized areas with a population of 200,000 or more are referred to in Federal legislation as TMAs. The Federal certification of TMAs was first required by the Intermodal Surface Transportation Efficiency Act (ISTEA), which established the requirement in 23 U.S.C. 134 and 49 U.S.C. 1607 for the FHWA and the FTA to jointly certify the metropolitan transportation planning processes in TMAs at least once every three years. The enactment of the Safe, Accountable, Flexible, Efficient Equity Act: A Legacy for Users (SAFETEA-LU) (P.L. 109-59) and the Moving Ahead for Progress in the 21st Century Act (MAP-21) (P.L. 112-141) revised the requirement for the FHWA and FTA to jointly certify the metropolitan transportation planning processes in TMAs at least every four years as stated in 23 U.S.C. 134 and 49 U.S.C. 5303. Per 23 CFR 450.334, certification reviews must also “provide opportunities for public involvement within the metropolitan planning area under review.”

In general, the upcoming review will focus on the MPO’s various approaches, activities, and issues associated with conducting the "3-C" (coordinated, continuing, and comprehensive) metropolitan transportation planning process. Three (3) primary activities will comprise the on-site review: 1) staff-level discussions with representatives from the MPO, PennDOT, Lehigh and Northampton Transportation Authority (LANta), and other planning agencies within the TMA; 2) discussions with local elected and/or appointed officials; and 3) discussions with the general public. To maximize public participation, we will rely upon the MPO planning staff to define the specific mechanisms for providing comment opportunities for the MPO's locally elected officials and the general public. This should be done in a manner consistent with the MPO’s adopted public participation plan process, as well as, our public involvement guidelines for certification reviews.
The FTA and FHWA would like to accomplish the certification review through the following phases: 1) desk review of planning products and processes; 2) an on-site review including public meeting; and 3) a certification report. Our office will coordinate with LVPC staff in finalizing the on-site review agenda. At the conclusion of the upcoming on-site review, an informal closeout session will be held with the MPO to discuss preliminary review findings.

After the on-site review, a certification review report will be prepared that summarizes the on-site review and provides the specific review findings of the U.S. DOT Review Team. The certification review report should be finalized within 90 days after the conclusion of the on-site review. The LVPC staff will be provided 15 calendar days to provide factual verification on the content of the draft report within this 90-day timeframe.

To aid the Federal agencies in conducting the desk review, the FHWA and FTA ask that you provide two copies (paper or electronic) of the following documents to the FHWA Pennsylvania Division and one copy (paper or electronic) to the FTA Region III office, by July 31, 2015:

- Long Range Transportation Plan (LRTP)
- Transportation Improvement Program (TIP)
- Brief Narrative of LRTP and TIP Development Processes
- LPN Process
- Congestion Management Process (CMP)
- Other Traffic Related Congestion/Operations Documents
- Public Participation Plan (PPP)
- UPWP
- Equal Opportunity questionnaire (attached w/letter)

Upon completion of the desk review, a list of items and issues identified for discussion during the on-site review will be provided.

If you have any questions concerning the upcoming certification review, please contact Kathy Dimpsey, FHWA Pennsylvania Division at (717) 221-3716, or Tony Cho, FTA Region III at (215) 656-7100.

Sincerely yours,

Keith Lynch
Director of Program Development

Enclosure
cc:
Becky Bradley, Lehigh Valley Planning Commission
Owen P. O'Neil, LANta
Brendan W. Cotter, LANta
Mike Donchez, Lehigh Valley Planning Commission
George Kinney, Lehigh Valley Planning Commission
Jim Ritzman, P.E., PennDOT Deputy Secretary of Planning
Larry Shifflet, PennDOT Program Center
Jim Arey, PennDOT Program Center
Ray Green, PennDOT Program Center
Amanda Leindecker, PennDOT District 5-0
Tony Cho, FTA Region 3
Greg Becoat, EPA Region 3
Asrah Khadr, EPA Region 3
Spencer Stevens, FHWA Headquarters
Brian Betlyon, FHWA Resource Center
Khan Mitchell, FHWA PA Division
Matt Smoker, FHWA PA Division
Dan Walston, FHWA PA Division
Kathy Dimpsey, FHWA PA Division
Please provide supporting documents not already included with the desk review documents submission. For previously provided documents, please indicate document title and page reference in responding to the question.

General
1. Briefly describe strategies used during the transportation planning process to ensure, demonstrate and substantiate compliance with the various equal opportunity requirements at 23 CFR 450.334(a)(3) – (10). Click here to enter text.
2. Describe different approaches the MPO considers during the development of their programs and projects that increase the accessibility and mobility of traditionally underserved communities and individuals. Click here to enter text.
3. Detail any approaches the MPO uses to raise the level of awareness about the development of transportation plans and programs (i.e. LRTP, TIP, and other studies) among traditionally underrepresented communities. Click here to enter text.

Employment
1. As appropriate, provide a list of any equal employment opportunity complaints received by the MPO or filed with a state or federal agency within the last 4 years. (Provide the following in relation to the complaint: name of complainant; nature of the complaint; date filed; disposition and the date of disposition).
2. Describe the methods used to ensure candidate pool diversity for employment opportunities with the MPO. Click here to enter text.

Environmental Justice
1. Describe the methods the MPO uses to ensure that environmental or human health impacts on minority populations and low-income populations are given explicit consideration during the transportation planning process. Click here to enter text.
2. Describe the efforts taken by the MPO to develop or expand opportunities for public involvement among minority and low-income populations during the transportation planning process. Click here to enter text.
3. Describe the methods used by the MPO to provide access to public information concerning environmental or human health impacts of proposed transportation planning actions. Click here to enter text.
4. Describe the MPOs process for identifying and evaluating environmental, public health, and interrelated social and economic effects of its transportation planning activities. Click here to enter text.
5. Attach a breakdown of the present and proposed memberships of any transportation planning or advisory committees of the MPO (by gender, race, national origin, and known representation of a specific interest group (e.g., disabled community).
**DBE**

1. Describe the efforts used by the MPO to facilitate participation by small businesses, DBE and non-DBE firms, in contracting and procurement activities. Click here to enter text.
2. Describe how the MPO ensures that work committed to DBEs is performed by the DBE to whom the work is committed. Click here to enter text.
3. Describe how the MPO assures that contractors promptly pay and return any retainage due to subcontractors. Click here to enter text.
4. Describe the mechanism the MPO utilizes to track and report actual DBE payments during the duration of a contract. Click here to enter text.

**ADA**

1. Describe the methods used by the MPO to ensure that individuals with disabilities are not excluded from participation in the transportation planning process. Click here to enter text.
2. Describe the methods used by the MPO to ensure that communications with applicants, employees, beneficiaries and other participants in the transportation planning process are available to persons with vision and hearing impairments. Click here to enter text.
3. Describe the methods used by the MPO to ensure that individuals with disabilities are not denied an opportunity to participate on transportation planning or advisory boards of the MPO. Click here to enter text.
Desk Review Findings Letter
Lehigh Valley TMA – FY 2016 Planning Process Certification Review

Honorable Michael Rebert, MPO Chairman
Lehigh Valley Planning Commission
PennDOT District 5-0 Office
1002 Hamilton Blvd.
Allentown, PA 18103

Dear Mr. Rebert:

Thank you for your assistance and cooperation in providing the requested Lehigh Valley Transportation Study (LVTS) planning documents. MAP-21, the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141), continues the requirement for Certification of the transportation planning process in urbanized areas over 200,000 population once every four years. The Lehigh Valley Transportation Management Area (TMA) Certification Review will be conducted jointly by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) with the objective of evaluating the transportation planning process. The intent is to highlight good practices, exchange information, and identify opportunities for improvements where applicable. The certification process relies extensively on knowledge gained from agency interaction with the planning process in your area, as well as information gathered during the certification desk review and on-site review.

The desk review portion of the FY 2016 Certification Review of the Lehigh Valley TMA has been completed and revealed the following topics for additional review and discussion during the December 3-4, 2015 on-site field review.

Desk Review Findings:
- Long Range Transportation Plan
- Transportation Improvement Program
- Performance-Based Planning
- Environmental Mitigation
- Bike & Pedestrian Planning
- Transit Planning
- Title VI/Nondiscrimination
- Environmental Justice
- Integrating Freight
- Congestion Management Process
- Operations & Management Considerations
This is not an all-inclusive list of items for discussion at the review. The items listed above merely identify focused discussion topics for which the Federal Review Team requests additional dialogue, clarification, or documentation. The preliminary two-day agenda for the on-site review is enclosed.

There will be opportunities for the public and interested parties, and for public officials to talk directly with the Federal Highway Administration (FHWA), the FTA, PennDOT, and the MPO in open public meetings concerning their views on the transportation planning process being conducted in the Lehigh Valley TMA. These public sessions are scheduled for the morning of December 4, 2015, at the Pennsylvania Department of Transportation (PennDOT) District 9-0 office. The session scheduled at 10:00 a.m. is for public officials, and the second session at 11:00 a.m. is for citizens and other interested parties. We also offer the opportunity for any committee members, or other local elected officials, to meet with us separately, if they so desire.

We look forward to the continuing cooperation from you and your staff. If you should have any questions, please do not hesitate to contact either Kathy Dimpsey of FHWA at 717-221-3716 or Tony Cho of FTA 215-656-7250.

Sincerely yours,

[Signature]
Keith Lynch
Director of Program Development

Enclosure

ec:
Becky Bradley, Lehigh Valley Planning Commission
Owen P. O'Neil, LANta
Brendan W. Cotter, LANta
Mike Donchez, Lehigh Valley Planning Commission
George Kinney, Lehigh Valley Planning Commission
Jim Ritzman, P.E., PennDOT Deputy Secretary of Planning
Larry Shifflet, PennDOT Program Center
Jim Arey, PennDOT Program Center
Ray Green, PennDOT Program Center
Amanda Leindecker, PennDOT District 5-0
Tony Cho, FTA Region 3
Vida Morkunas, FTA Region 3
Spencer Stevens, FHWA Headquarters
Brian Betlyon, FHWA Resource Center
Khan Mitchell, FHWA PA Division
Matt Smoker, FHWA PA Division
Dan Walston, FHWA PA Division
Camille Otto, FHWA PA Division
Kathy Dimpsey, FHWA PA Division
Greg Becoat, EPA Region 3
Asrah Khadr, EPA Region 3
Lehigh Valley TMA Certification Review
December 3-4, 2015
AGENDA

Thursday, December 3

9:30 a.m. Introduction and Overview of the TMA Certification Review Process  FHWA

9:45 a.m. Overview of the Planning Process of the Lehigh Valley TMA  LVPC

11:15 a.m. Transportation Plans & Update Processes  FTA/FHWA
• Documenting Existing Transportation Conditions
• Environmental Mitigation
• Project Selection, Performance Measures
• TIP Development (Hwy & Transit)

12:00 noon Lunch

1:15 p.m. Bike & Pedestrian Planning  FTA

1:30 p.m. Transit Planning (LANta)  FTA

2:00 p.m. Title VI/ Nondiscrimination and Environmental Justice  FHWA

2:30 p.m. Break

2:45 p.m. Operations and Management  FHW
• Freight Planning
• CMP
• Operations & Management activities

4:30 p.m. Wrap-up Discussion  ALL
Lehigh Valley TMA Certification Review
December 3-4, 2015
AGENDA

Friday, December 4

9:30 a.m. Carryover of Focus Area Discussion from Thursday All

10:00 a.m. Meeting with Public Officials FTA/FHWA

11:00 a.m. Meeting with the Public and Interested Parties FHWA/FTA

12:00 noon Lunch (Federal Review Team caucus)

1:30 p.m. Close Out Discussion of Preliminary Certification Review Findings FHWA/FTA

2:00 p.m. Adjourn
Lehigh Valley TMA Certification Review
Lehigh Valley Planning Commission
(961 Marcon Blvd #310, Allentown, PA 18109)
December 3-4, 2015

AGENDA

Thursday, December 3
9:30 a.m.  Introductions and Overview of the TMA Certification Review Process  FHWA
9:40 a.m.  Overview of the Planning Process of the Lehigh Valley TMA  LVPC
11:00 a.m. LRTP - Plan Development  FTA
11:30 a.m. Fiscal Constraint  FHWA
11:50 a.m. Performance Measures  FHWA
12:00 noon Lunch
1:00 p.m.  TIP Development (Transit & Hwy)  FTA/FHWA
1:30 p.m.  Environmental Mitigation/LPN  FHWA
1:50 p.m.  Bike & Pedestrian Planning  FTA
2:10 p.m.  Transit Planning (LANta)  FTA
2: 30 p.m.  Title VI/ Nondiscrimination/Environmental Justice  FHWA
3:00 p.m.  Break
3:20 p.m.  Freight Planning  FHWA
3:40 CMP  FHWA
4:00 p.m.  Operations & Management Activities  FHWA
4:20 p.m.  Additional Topics  ALL
4:30 p.m.  Wrap-up  ALL
Lehigh Valley TMA Certification Review
PennDOT District 5-0
(1002 Hamilton St, Allentown, PA 18101)
December 3-4, 2015
AGENDA

Friday, December 4
9:30 a.m.  Carryover of Focus Area Discussion from Thursday  All
10:00 a.m.  Meeting with Public Officials  FTA/FHWA
11:00 a.m.  Meeting with the Public and Interested Parties  FHWA/FTA
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1:30 p.m.  Close Out Discussion of Preliminary Certification Review Findings  FHWA/FTA
2:00 p.m.  Adjourn
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<th>Acronym</th>
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<td>ADA</td>
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Report prepared by:

Federal Highway Administration
228 Walnut Street
5th Floor
Harrisburg, PA 17101
Phone: (717) 221-3735
FAX: (717) 221-3494

Federal Transit Administration
1760 Market Street
#500
Philadelphia, PA 19103
Phone: (215) 656-7100
FAX: (215) 656-7260

Contact the FHWA- PA Division for additional copies of this report.