

TPB R13-2024
June 20, 2024

NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002

**RESOLUTION ON INCLUSION OF THE I-95/I-495 SOUTHSIDE EXPRESS LANES PROJECT IN
THE MAY 15, 2024 APPROVED PROJECT SUBMISSIONS FOR THE
AIR QUALITY CONFORMITY ANALYSIS OF THE
VISUALIZE 2050 NATIONAL CAPITAL REGION TRANSPORTATION PLAN AND THE
FY 2026-2029 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

WHEREAS, the National Capital Region Transportation Planning Board (TPB), as the federally designated metropolitan planning organization (MPO) for the Washington region, has the responsibility under the provisions of the Fixing America's Surface Transportation (FAST) Act, reauthorized November 15, 2021 when the Infrastructure Investment and Jobs Act (IIJA) was signed into law, for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the metropolitan area; and

WHEREAS, the federal metropolitan planning regulations (23 CFR.450) assign TPB the responsibility to cooperatively develop the metropolitan transportation plan (MTP) and transportation improvement program (TIP) specified in Sections 450.324 and 450.326; and

WHEREAS, the TIP is required by the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) as a basis and condition for all federal funding assistance to state, local and regional agencies for transportation improvements within the metropolitan Washington, D.C. planning area; and

WHEREAS, the Statewide and Metropolitan Transportation Planning rule as published in the May 27, 2016, Federal Register by the FTA and FHWA requires that the MTP and the TIP be reviewed and updated at least every four years; and

WHEREAS, federal conformity regulations, originally published by the Environmental Protection Agency in the November 24, 1993, Federal Register and with latest amendments published in April 2012, based on the federal Clean Air Act (CAA Section 176(c)), require that the metropolitan transportation plan, program and projects in metropolitan areas not in attainment of national ambient air quality standards, demonstrate conformity to the area's state implementation plan; and

WHEREAS, federal conformity regulations require that the conformity analysis of the plan, program and projects be reviewed and updated at least every four years; and

WHEREAS, on June 15, 2022, the TPB adopted resolution R16-2022 determining that the 2022 Update to Visualize 2045 Plan and FY 2023-2026 TIP conform with the requirements of the Clean Air Act Amendments of 1990, resolution R15-2022 approving the 2022 Update to Visualize 2045 Plan and approving the FY 2023-2026 TIP, and

WHEREAS, the 2022 Update to Visualize 2045 Plan and FY 2023-2026 TIP were approved by the FTA and FHWA on August 25, 2022; and

WHEREAS, TPB's resolution R19-2021 called for updating Visualize 2045 using a "zero-based budgeting" approach to update projects in the MTP that would have the TPB member agencies re-examine all of the projects in Visualize 2045 and resubmit an updated mix of projects in order to better achieve the region's goals, while providing for projects under construction or funded to be exempt from the above requirement; and

WHEREAS, the TPB issued the Visualize 2050 and FY 2026-2029 Technical Inputs Solicitation Submission Guide on February 15, 2023, asking the TPB member agencies to review the Visualize 2045 re-submit projects, and on April 19, 2023, approved an updated schedule providing additional time for projects input and moving final plan approval to June 2025; and

WHEREAS, following the direction from TPB's resolution R19-2021, as part of the Visualize 2050 Technical Inputs Solicitation, TPB and agency staffs conducted a process to re-examine the current Visualize 2045 capacity-related project list, where such improvements are significant for consideration in the air quality conformity analysis, and resubmit an updated mix of projects supported by updated revenue and expenditure estimates for new capital projects through 2050; and

WHEREAS, TPB staff launched an open period for public input on projects that would be submitted for Visualize 2050 between February 15 through November 30, 2023, sharing the feedback monthly with the TPB and TPB Technical Committee; and

WHEREAS, in March 2023, TPB staff hosted three virtual facilitated listening sessions, for the staff of its member agencies during which the Transportation agencies presented their processes for re-examining the projects in the current transportation plan and developing new projects proposed for inclusion while also hearing from the TPB members about the types of projects the TPB would like to see proposed to be included in Visualize 2050; and

WHEREAS, on March 1, 2024, the scope of work for the air quality conformity analysis of the Visualize 2050 National Capital Region Transportation Plan and the FY 2026-2029 Transportation Improvement Program (TIP), which includes projects submitted for air quality conformity analysis were released for a 30-day public comment period and inter-agency review; and

WHEREAS, the submitted inputs for the update to the Visualize 2050 Plan and the FY 2026-2029 TIP and the Air Quality Conformity Analysis Scope of Work have been reviewed by the Technical Committee at its meetings on October 6, November 3, 2023, February 2, March 1, April 5, and May 3, 2024; and

WHEREAS, the TPB was briefed on the submissions for the Visualize 2050 Plan and the FY 2026-2029 TIP at its November 15, December 20, 2023, March 21, and April 17, 2024 meetings and a board work session was conducted on March 21, 2024 to provide a facilitated review of those inputs; and

WHEREAS, the project submissions for the Visualize 2050 Plan and the FY 2026-2029 TIP have been developed to meet the financial constraint requirements in the Metropolitan Planning Rules and show the consistency of the proposed projects with already available and projected sources of transportation revenues; and

WHEREAS, prior to the May 15, 2024 TPB meeting, members of the Board had expressed concerns regarding the preservation of space on the Woodrow Wilson Memorial Bridge (WWMB) for future rail transit and had sought clarification on how the I-95/I-496 Southside Express Lanes (SSEL) project would be developed and executed especially through a public private partnership; and

WHEREAS, the TPB's 2022 Update to Visualize 2045 plan endorsed the regional pursuit to expand the express highway network as an effective strategy to incentivize carpools and vanpools and expedite transit service, while using dynamic tolling to manage congestion; and,

WHEREAS, per the September 14, 1998 fact sheet from the U.S. Department of Transportation, Attachment 1, compliance with the Record of Decision entails no more than 12 traffic lanes, including 8 general purpose lanes, 2 merging/diverging lanes, and 2 high occupancy vehicle, express bus, or rail transit lanes; and

WHEREAS, since March 2022, the Virginia Department of Transportation has been undergoing a study in coordination with the State of Maryland and other partners on the SSEL project compliant with the National Environmental Policy Act (NEPA) process to potentially extend the express lanes system by approximately 11 miles from the Springfield Interchange (I-95/I-395/I-495) in Fairfax County, Virginia, across the Woodrow Wilson Memorial Bridge, to the MD 210 interchange in Prince George's County, Maryland; and

WHEREAS, in April 2023, the Virginia Department of Rail and Public Transportation published its final report on the I-495 Southside Transit/TDM Study outlining recommendations for expansion of regional transit services within and beyond the SSEL project corridor including connections to existing metro rail stations in Maryland, the District of Columbia, and Virginia; and

WHEREAS, VDOT has provided a letter, Attachment 2, stating VDOT is fully supportive of future rail transit over the WWMB and as such is continuing to pursue rail preservation by advancing alternatives that can be pursued in the near term while including flexibility for the long term, the concepts under NEPA review incorporate rail preservation either through retaining existing, unoccupied space or by incorporating a commitment to convert necessary space to rail transit in the future and that terms within any future contract or concessionaire agreement would similarly incorporate a requirement for conversion to rail transit in the future; and

WHEREAS, VDOT further notes in its letter, Attachment 2, regarding transit investments, that should the project proceed to procurement through a concessionaire agreement it intends to continue the practice of the Commonwealth to incorporate on-going transit payments from express lane projects in Northern Virginia to enhance multimodal options in the respective corridor and VDOT commits to do so in this project; and

WHEREAS, on May 15, 2024, the TPB approved Resolution R12-2024, which included the Air Quality Conformity Analysis Scope of Work, amended project submissions of the TPB member agencies for inclusion in the Air Quality Conformity Analysis for the proposed FY 2026-2029 TIP and Visualize 2050 Plan, and the draft Round 10.0 Cooperative Forecasts of employment, population and households developed by COG's Planning Director's Technical Advisory Committee for use in the Air Quality Conformity Analysis; and

WHEREAS, during discussion on Resolution R12-2024, the Board noted the need for additional time to address concerns with and get additional information on the Virginia I-95/I-495 Southside Express Lanes project (Line 373) and decided to remove that project from this approval, and the Board agreed to reconsider this project for inclusion in the Air Quality Conformity Analysis of Visualize 2050 and the FY 2026-2029 TIP at the June 20, 2024 TPB meeting; and

WHEREAS, as noted in Resolution R12-2024, VDOT agrees to incorporate a requirement for conversion to rail transit across the Woodrow Wilson Memorial Bridge in the future consistent with the preferred alternative approved through the NEPA process into any future concessionaire agreement and further agrees to explore with a future concessionaire, the ability to incorporate on-going transit payments to invest in multimodal enhancements in the project corridor; and

WHEREAS, the TPB acknowledges that VDOT has been working with other member agencies, including Prince George's County and WMATA, to review and respond to questions about the potential benefits and impacts of VDOT's proposed SSEL project; and

WHEREAS, Prince George's County notes that the ongoing work with VDOT has been helpful, but believes that more time is needed to secure the results of the traffic impact analysis VDOT is currently conducting as part of its NEPA activities for the SSEL project that would continue to address the questions and issues that have been raised to date related to congestion at the terminus of the project and cross-jurisdictional transit services and travel demand management programs in the corridor at present and in the future, to help the region decide if the proposed SSEL project best serves the needs in the corridor; and

WHEREAS, the TPB understands that the SSEL project is an important part of VDOT's project development work, specifically the NEPA study, and the TPB wishes to allow having this work to continue so that it can be included in the TPB's regional Air Quality Conformity Analysis and the Visualize 2050 Plan, while also providing time for TPB's other member agencies, , to be involved and secure a better understanding of the impacts of the proposed project on their jurisdiction's mobility and accessibility goals; and

WHEREAS, the MWCOG Region Forward, stated climate change goals, and previous COG and TPB analysis showing a disparity between the western and eastern portions of the region that has been articulated as the "Region Divided" and Visualize 2050 should take advantage of the opportunity to bridge the gap to create a true multi-modal model that enables transit, bicycle and pedestrian safety, including Metrorail across the WWMB, as well as enabling Transit Oriented Development and land use changes to create a region that is balanced in a way that benefits all.

NOW, THEREFORE, BE IT RESOLVED THAT: the National Capital Region Transportation Planning Board resolves the following:

(1) Amends the Air Quality Conformity Analysis Scope of Work it adopted as part of resolution R12-2024 on May 15, 2024, by directing staff to conduct two alternative sets of regional air quality conformity analysis: – one without the I-495 Southside Express Lanes project; and one including the I-495 Southside Express Lanes project as shown in Attachment 3; and

(2) Revises its schedule to adopt Visualize 2050 and FY 2026-2029 TIP to provide additional time for the analysis of above two alternative scenarios with the TPB taking action to approve the air quality conformity analysis and adopting Visualize 2050 and FY 2026-2029 TIP at its December 17, 2025, meeting, unless it can do so earlier; and

(3) Resolves that the TPB intends to approve only one of the two alternative regional air quality conformity analyses – either with the I 495 Southside Express Lanes project OR without this project.

Adopted by the Transportation Planning Board at its regular meeting on June 20, 2024