

FILE 17410



State of Rhode Island and Providence Plantations
EXECUTIVE CHAMBER, PROVIDENCE

Bruce Sundlun
Governor

June 9, 1992

Mr. Gordon Hoxie
Federal Highway Administration
380 Westminister Street, 5th Floor
Providence, RI 02903

Dear Mr. Hoxie:

The Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-240, creates or modifies many substantive and procedural requirements in planning, constructing, and operating transportation facilities and services. Compliance with these is essential to avoid any interruption in our transportation programs. Therefore, although formal rule making is not complete, and probably will not be for several months, I am writing to explain how we will respond to some of the key provisions of the new law.

This summary addresses the points raised in interim guidance and other documents received since passage of the act, on which early decisions or actions are required. The order below follows closely that of the attachments to the Federal Highway Administration--Federal Transit Administration memorandum of April 6, 1992.

1. Metropolitan Planning Organization Designation

Rhode Island will continue the MPO designation that has been in effect since February 21, 1974: the Statewide Planning Program, comprised of the State Planning Council as the policy body and the Division of Planning of the Department of Administration as principal staff arm of the Council, will continue to perform this function. I have received no inquiries or suggestions from any affected local government indicating that a change of designation should be considered.

In a related matter, I designate the Statewide Planning Program to receive 100 percent of the Section 3 and Section 26(2) (2) planning funds apportioned by the FTA to this state for its urbanized

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areas and balance of the state. Both state law and federal regulation designate the Statewide Planning Program to perform the planning that is assisted by Section 8 funds, and the Program has been this state's recipient of Section 8 grants for the past two decades.

Designation of a single MPO with statewide jurisdiction and planning responsibilities makes use of a formula to apportion Section 8 funds to the various urbanized areas unnecessary. Compliance with the intent of the act and the interim guidance requires that our transportation planning process give attention to all areas of the state. This will be achieved through preparation and review of the MPO's annual work program, and through consultation with all municipalities in preparing plans and programs.

2. Metropolitan Boundaries

The entire state of Rhode Island will continue to be the planning area. The entire state is currently designated a nonattainment area for ozone. The state includes parts of three metropolitan areas. A very small number of towns are not included in any metropolitan area, but all are subject to urbanization. The statutory jurisdiction of the MPO is the entire state.

3. Coordination Between MPOs and States

A single statewide MPO makes coordination within the state much easier and more efficient. Both the MPO and the Rhode Island Department of Transportation work in close coordination with adjoining states and with MPOs in those states.

4. Transportation Management Area (TMAS)

Consistent with the jurisdiction of the MPO and the reasons in Section 2 above, the Secretary of Transportation should designate the entire state as a Transportation Management Area. There are two urbanized areas partially within Rhode Island, and a third is entirely within this state. Although the urbanized area boundaries differ from those of the metropolitan area, they include a very large part of the state.

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5. Planning Process

Because the MPO has statewide jurisdiction and statutory responsibility for conduct of the Transportation Planning Process, we will merge the 15 factors that comprise the planning process for metropolitan areas with the 19 factors that comprise the planning process for states. This is a more efficient approach, since there is considerable overlap in these. The planning process in Rhode Island does comply with most, if not all, of the factors on the combined list. I anticipate that any remaining requirements will be met by October 1, 1993.

6. Long-Range Transportation Planning

The State Planning Council (the MPO) adopted a long-range ground transportation plan on June 13, 1991. This plan addresses a 20-year forecast period. It is reviewed annually and is updated and extended at intervals of not more than five years. It includes all of the types of transportation facilities listed in the interim guidance, a financial plan, and capital investment and other measures necessary to preserve the existing transportation system. The plan gives primary emphasis to making the most efficient use of the existing transportation system, including both facilities and programs. It covers the entire air quality nonattainment area. I anticipate that any requirements not met by this plan will be met by October 1, 1993.

7. Transportation Improvement Program (TIP)

Acting in accordance with prior laws and regulations, Rhode Island's Transportation Improvement Program (TIP) has been prepared for a six-year period, with the first two years constituting the biennial element. The most recent TIP was adopted by the MPO on September 12, 1991. The biennial element covers the period through September 30, 1993. The Rhode Island TIP goes well beyond the minimum requirements, in that it also includes railroad and air transportation projects.

I hereby approve this Transportation Improvement Program, as amended through this date. The next TIP, scheduled for adoption prior to October 1, 1993, will

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specifically address all requirements of the Intermodal Surface Transportation Efficiency Act and the forthcoming guidance as it pertains to both metropolitan and state planning.

The effort required to bring the TIP into compliance with the 1991 act and subsequent guidance should not be extensive. This is because the current TIP covers the entire state, includes a financial plan, and was prepared with participation by local government, private transportation operators, and the public (although more formal procedures will be instituted to insure that public involvement meets the expectations of the act). Continuing our long-standing practice, all new construction and major improvement projects must appear in, not just be consistent with, the long-range plan. Less important projects must be consistent with the description of the appropriate category or type of activity in this plan. All amendments will continue to be acted on by the MPO. Those that are approved will be forwarded to me for final approval.

8. Project Selection

Designation of the entire state as a Transportation Management Area requires that all projects (with certain stated exceptions) be selected for inclusion in the long-range plan and Transportation Improvement Program by the MPO in consultation with the DOT and other implementing agencies. Our project selection procedures will be reviewed and strengthened to insure that all federal requirements are met.

I would also like to advise you at this time of my determinations under Section 174, "Planning Procedures," of the Clean Air Act of 1990, Public Law 101-549. These procedures, as they pertain to transportation sources of air pollutants, must be integrated into those established under the Intermodal Surface Transportation Efficiency Act. Rhode Island must comply with the next major requirement of this law, completion of a comprehensive emissions inventory, by November 15, 1992. Consequently, organizational arrangements necessary to comply with this and subsequent requirements must be made now.

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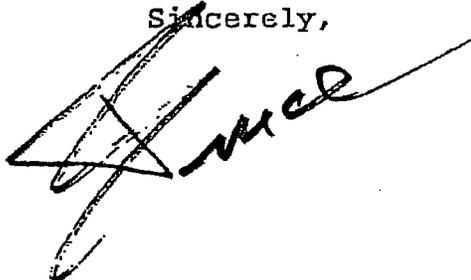
The Metropolitan Planning Organization is certified to carry out those actions required by Section 174 related to transportation and air quality, including review of planning procedures and updating as necessary; review of the required emissions inventory; analysis of transportation control measures; and preparation and adoption of modifications to transportation plans and programs. The MPO will work closely with the Department of Environmental Management, the state's designated air quality agency. The Rhode Island Department of Transportation, Public Transit Authority, other agencies with transportation responsibilities, and local governments will participate in this cooperative process.

To facilitate coordination, I confirm the agreement between the key departments that is embodied in the Rhode Island State Implementation Plan (1982), in Part VIII-A-II-C, "Intergovernmental Consultation." This procedure has been adhered to continuously over the past decade. Some revisions may be necessary to comply with Public Laws 101-549 and 102-240. If so, these will be made by the agencies concerned with participation by my staff.

You may be assured of my continued interest in the Intermodal Surface Transportation Efficiency Act, and in the opportunities that it offers to Rhode Island to preserve and improve its transportation facilities and services. I will advise you of our compliance with the various provisions of this law as necessitated by interim guidance and the forthcoming regulations.

Best personal wishes.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Hoxie", written over a large, stylized scribble or signature.

BGS:cp
4134P