

## Should the HRTPO Amend the 2030 Plan—What are the Risks?

### Background.

- The 2030 Plan was approved in December 2007 at a point in time when a State Transportation Bill (HB-3202) had provided an augmenting regional transportation funding source in the form of seven regional fees and taxes.
- Later, the Virginia Supreme Court nullified the relevant provisions of HB-3202 and these seven fees and taxes no longer existed.
- Having been based on the existence of these fees and taxes, the 2030 Plan was then immediately no longer consistent with revenue realities and no longer fiscally constrained which is an indelible and major federal requirement.
- The questions then arose—whether and when should the HRTPO “Amend the 2030 Plan”?
- Triggered by one reason or another, this question has popped up several times over the past year and each time, it has been set aside—too hard. It is likely that this question will continue to pop up frequently over the coming next year.
- This paper will address the “risks for amending the 2030 Plan” and the risks for “not amending the 2030 Plan”, and there are risks on both sides of this question.

### A. Risks associated with “Amending the 2030 Plan”: (with Notes)

1. **Some projects would be deleted.** Amending the 2030 Plan would (in a public way) delete some of the region’s previously announced six major projects for which, in some cases, prior investments have been made for studies, preliminary engineering and EIS work.

Note: At present, the HRTPO’s Long Range Plan is considered to be “frozen” or “in limbo”. No change can be implemented without conducting an Amendment process. Per questions that have popped up over the past year and from TPO Staff presentations, there are changes that should be made, some just to be able to advance certain appropriate projects in the current Stimulus activities. In a 24-3 vote last month, the TTAC recommended amending the 2030 Plan.

2. **The issue is emotional.** Amending the 2030 Plan might easily become an intractable, fractious and emotional process, something not desired by anyone.

Note: This is not necessarily so. The TPO Reform Committee has spent a year tackling and resolving several very tough questions. Their work has inspired a new professional, meaningful and amicable series of productive discussions. This can be continued. In any case, the HRTPO most certainly needs to reach out and attain an ability to prioritize its transportation plan and program projects. This must be done in the future whether the TPO now amends the 2030 Plan or not.

- 3. Undesired stress might arise.** Amending the 2030 Plan, depending on the nature of discussion, might aggravate the divide between the Peninsula and South Side.

Note: No doubt, this is a risk, but inaction does not eliminate the risk; it may even engender false hopes and subsequent public anger. The very process of amending the 2030 Plan, if it began to use fed-inspired, Board-approved and publicly-recognized objective evaluation criteria would prove to be beneficial.

- 4. We don't have enough manpower.** Amending the 2030 Plan may incur work that exceeds the capacity of the TPO Staff to handle or at least it might seriously overburden the Staff.

Note: Whoa! This is what the TPO Staff gets paid to do. Developing and maintaining the LRP and the TIP are the sine qua non, first priority functions of the TPO Staff. If lesser functions need to be dropped or delayed, then so be it.

- 5. It would take too much time.** Amending the 2030 Plan would, itself, take so much time (up to a full year to complete the process) that it may just be better to wait until the entirely new 2034 Plan is completed and fed-approved (estimate mid-2012).

Note: True, to some extent. Amending the 2030 Plan is not a step. It is a process that will take many months (maybe eight months) and that, ultimately, will include a new state and federal review and approval process. At the same time, it remains doubtful that Hampton Roads can continue with its one and only major transportation Plan "in limbo" for nearly two more full years. FHWA website articles note that most MPOs have streamlined procedures for dealing with "significant amendments" which is what we are looking at.

- 6. It risks weakening the new 2034 Plan development process.** Amending the 2030 Plan would draw considerable TPO Staff resources (federal funds and manpower) away from the now ongoing 2034 Plan development process, a process for which the application of numerous MPO best practice reforms have just started (objective based planning, a more prominent use of evaluation criteria, broader public involvement, etc.).

Note: Very true. This is a definite risk, but it is a risk that sound leadership could effectively address. It seems to me that amending the 2030 Plan could result in a two-fer. In the current MPO reform environment, one of the obvious next steps is to develop evaluation criteria for project selection purposes, to develop performance measures and to learn all about the required federal transportation planning factors, federal fiscal constraint and prioritization guidance. Amending the 2030 Plan would bring these to the forefront and thus lead to their becoming somewhat battle-tested for their more broadly and deeper application to the development of the entirely new 2034 Plan.

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## **B. Risks associated with “Not Amending the 2030 Plan”:**

- 1. New projects can not be addressed.** Not amending the 2030 Plan means that new projects that are not in this Plan cannot be moved into the region’s current Program (the TIP). Amending the Plan is never something that should be undertaken lightly or often. For multi-year, multi-billion dollar planning, consistency and stability are crucial and necessary tenets. Still, important discoveries do arise that warrant such attention, and a few such ideas are in play right now, but they cannot be addressed.
- 2. Funding allocations cannot be re-aligned.** Not amending the 2030 Plan means that the existing Plan which presumed and was biased toward the existence of the funding from the seven fees and taxes remains in place like a pair of handcuffs. RSTP and other dollars that were swung toward the six projects now lay idle and cannot be returned to their originally assigned transportation projects. We are frozen.
- 3. Prior mistakes cannot be addressed.** Not amending the 2030 Plan means that prior mistakes or oversights cannot be corrected. Somehow, for just a few examples, the I-564 Intermodal Connector, a project once virtually ready to go and for which buildings have been moved and much else, or the East West Connector (I-664 to I-564), or the Lesner Bridge, or Virginia Beach light rail that are not now part of the 2030 Plan cannot be addressed.
- 4. The Plan cannot be re-balanced.** Not amending the 2030 Plan means that we cannot re-balance the Plan to align with state guidance which calls for a balance of all projects that are planned to include a certain percent minimum of interstate, primary, secondary, urban and other road categories. Previously, with the seven fees and taxes, we were able to include several large interstate projects. That is no longer the case, and we need to re-balance the Plan.
- 5. Being frozen has its costs.** Not amending the 2030 Plan tends to delay meaningful MPO planning work.
- 6. Vibrant reform may be delayed.** Not amending the 2030 Plan means that we will miss an opportunity to begin (and learn from) the development and use of a new and re-formed project selection set of procedures.
- 7. Healthy involvement of new TPO Board members and new Advisory Committees in tough issues gets delayed.** Not amending the 2030 Plan means that we will miss an opportunity to engage the new professional MPO Board members and the new professional and public MPO Advisory Committees in the early stages of actually doing reformed and business-like planning and programming methods.

## **C. How to Make this Decision?**

In addition to the question—Amend the 2030 Plan or not—another important question has surfaced:

Given that the MPO is going toward a broader use of objective-based, project selection criteria in the future for its TIP, CLRP, RSTP, Stimulus and CMAQ plans and programs, is there a way to introduce objective-based procedures into this first question above—amend the 2030 Plan or not?

The two lists of risks above actually already include or refer to several objective-based parameters such as do we have the resources; do we have enough time; will we lose projects; and can the existing Plan sufficiently serve the region?

But, still, for this second question—can we make an objective decision—let us try to go further, and ask, if the Plan is amended:

1. Will the MPO (the region) lose or gain money?
  - Amending the long range Plan, itself, will not result in the loss or gain of any money.
  - Not amending the Plan may result in an inability to add or move a regional project into the TIP and STIP which could mean that funding for a new project that especially fits, for example, a Stimulus or TE situation, could not be obtained.
2. Will the MPO (the region) preserve or lose prior investments?
  - Amending the long range Plan would likely result in the deletion of certain major projects that have already used funding resources for EIS and PE work, and thus, those prior investments would be lost.
  - At the same time, some believe that the region has been studying too many projects over recent years, and given the fact that EIS studies and PE work do have expiration dates, then there will be a loss of these prior investments in any case, whether the Plan is amended or not.
  - This reasoning goes further to suggest that arresting investments in the most non-likely projects will enable dollars to more effectively used for projects that can be advanced, confidently, or even constructed—a savings of money.
3. Will the MPO (the region) use its MPO Staff manpower resources more efficiently and effectively?
  - Now, deeply engaged in a long series of MPO reform activities including regional transportation plan and program development procedures, a decision to amend the 2030 Plan could become an opportunity or a task that breaks the bank (too much work).
  - In layman’s terms, the task of “developing” the new 2034 Plan may require thousands of hours of work, whereas the task of “amending” a Plan requires only hundreds of hours of work. So, one could say that the quicker amending process done right now would be an opportunity to test some of the new procedures. On the other hand, one could say that the manpower required to amend could subtract from the development of the new Plan.
  - Amending the plan may help us to sustain the current MPO reform effort; help us to exercise the new CTAC and FTAC Advisory Committees; and help us to involve the many new professional MPO Board members, all tangible benefits.

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