

Chapter 4

RESPONSES TO FEDERAL REQUIREMENTS

The *Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU)*, the *Clean Air Act Amendments of 1990 (CAAA)*, the *Americans with Disabilities Act (ADA)*, and Title VI of the *Civil Rights Act of 1964*, all include requirements regarding the metropolitan transportation planning and programming process. This chapter provides an overview of the northeastern Illinois transportation community's response to these requirements.

The Chicago Metropolitan Agency for Planning (CMAP) was established in 2005 by the General Assembly of the State of Illinois with support from the region's local elected officials to approach planning in northeastern Illinois comprehensively and collaboratively. CMAP, working with its partners, is striving to remove artificial barriers both geographically and across planning topics. Northeastern Illinois' transportation planning and programming process constantly evolves in response to modifications in legislative requirements (both federal and state) and the needs of process participants.

A. Responses to SAFETEA-LU

Background

SAFETEA-LU authorized funds for construction of highways, highway safety programs, and mass transit programs for five years (FY 2005-09). Congressional action has continued federal funding of surface transportation projects since the Act expired. The federal regulations governing metropolitan planning were most recently updated in February 2007. CMAP staff and policy bodies work with our planning partners and regulatory agencies to assure that statutory requirements are met.

Section 134 Planning Process

Certification

Under the provisions of *SAFETEA-LU*, the U.S. Secretary of Transportation must certify that each Metropolitan Planning Organization is carrying out its responsibilities under applicable provisions of federal law at least every four years. The MPO is also directed to continue the annual self-certification required in previous federal surface transportation bills. In March 2010 the U.S. Department of Transportation (USDOT) certified the transportation planning process for northeastern Illinois.

Planning Area Boundary

The metropolitan planning area boundary must reflect the air quality non-attainment area and/or the contiguous area expected to become urbanized within the 20-year forecast period. The region's boundary includes Cook, DuPage, Kane, Kendall, Lake, McHenry and Will counties and, in Grundy County, the township of Aux Sable. The boundary was most recently revised in 2005.

Annual Listing of Obligated Projects

SAFETEA-LU requires publication of an annual listing of projects for which federal funds have been obligated in the preceding year. The annual listing is available at <http://bit.ly/dovQnT>.

Intelligent Transportation Systems (ITS)

Northeastern Illinois continues development of the region's intelligent transportation systems to improve management and information capabilities. The ultimate goal of the ITS is to improve system efficiency and to address safety and security issues.

The *Northeastern Illinois ITS Architecture* was adopted by the MPO Policy Committee in June of 2003. The regional architecture was jointly developed by the MPO and IDOT and all regional stakeholders through the Advanced Technology Task Force (ATTF). The regional architecture followed the systems engineering approach and was found to be consistent with the national architecture by the MPO with concurrence in this finding by USDOT. The architecture includes extensive outreach to regional transportation agencies, neighboring states and county and local governments. An architecture maintenance process has been developed and approved by the MPO Policy Committee. The MPO completed an update of the ITS Architecture in November 2007 and was approved by the MPO Policy Committee in March 2008. This update expanded the regional architecture to include Kendall County and upgraded it to include all elements added to the National ITS Architecture subsequent to the development of the current regional architecture. The *Northeastern Illinois ITS Architecture* can be viewed at <http://www.cmap.illinois.gov/its/>.

The *Northeastern Illinois ITS Deployment Plan Update* was adopted by the MPO Policy Committee in January of 2006. The ITS Plan identifies the state of the existing intelligent transportation system deployments in northeastern Illinois, ties ITS projects to the regional ITS architecture as part of a 15 year vision, and identifies an ITS program that will be required to attain that vision. All documentation is available from CMAP at <http://www.cmap.illinois.gov/transportation/its.aspx>.

Project Programming

According to *SAFETEA-LU*, the *TIP* must cover a minimum of four years. It must also be financially constrained, prioritized and include non-federally funded regionally significant projects for information purposes. That is, programmed projects must be consistent with the level of funding expected to be available in each year. This northeastern Illinois *TIP* includes six years of programmed projects and is and always has been financially constrained. Chapter 3 provides the details the fiscal plan.

Prioritization of projects is reflected in the project listings. Projects designated as Multi-Year: B list (MYB) are included in the listings and are not part of the fiscally constrained *TIP*. These and any projects not within the first four years of the *TIP* are considered illustrative and are listed for information purposes only. The projects in the *TIP* are funded through many local, regional, state and federal sources detailed in Chapter 2. Additional non-federally funded projects are included for information and air quality analysis purposes and are listed in Appendix 4.

Public Participation

Federal legislation and the metropolitan transportation planning regulations require MPOs to establish an enhanced public participation process. CMAP's *Public Participation*

Plan (PPP) was approved in June 2007. CMAP has utilized a variety of methods to achieve greater public involvement. Among these is a greater use of all types of media (including web-based social media tools) to explain the planning process, visioning exercises, face-to-face meetings with citizens' groups, and easy-to-understand publications that are distributed on the CMAP website. Requests for staff to participate in conferences and workshops sponsored by local organizations have increased and CMAP has responded by undertaking more of these. The underlying premise of the public participation process is that more citizens will participate in the planning process if they understand the factors that influence transportation decisions.

The CMAP website, www.cmap.illinois.gov includes a wide variety of information about CMAP, its planning partners, and opportunities for citizens to learn and participate in decisions. Meetings of all CMAP committees and task forces, as well as notes from past meetings are regularly posted on the site. The website also includes links to many other transportation resources. GOTO 2040 www.goto2040.org, RTP <http://bit.ly/aoqjKD> and the TIP <http://bit.ly/bcOEju> are accessible through the site, which has also been used extensively to keep the public involved.

Additionally, all implementing agencies have public participation mechanisms that allow public input throughout the transportation planning process.

Management Systems

The northeastern Illinois Congestion Management System (CMS) grew out of the Operation GreenLight program, which was initiated in the late 1980s as part of the *2010 Transportation System Development Plan*. The CMS was approved by the MPO Policy Committee in October 1997 and has been operational since that time, with approved updates in 2002 and 2006.

The northeastern Illinois Congestion Management System is a process involving a number of connected activities, rather than an isolated system. The *2002 CMS Status Report* states that congestion management has been mainstreamed into the regional planning and project development processes as a result of nearly a decade and a half of program development. Federal guidance and rule making on the Congestion Management Process (CMP) in *SAFETEA-LU* was finalized on February 14, 2007; a significant change in regards to CMP was the recommendation that MPOs devise and rely upon performance measures to guide planning and programming activities.

Application of performance measures was made easier by data from ITS infrastructure that was not available for earlier iterations of the CMS. For example, the region relies on travel time index, planning time index and congested hours as primary measures of highway congestion. Additional measures are used in long-range major capital project planning and continuous project programming. As part of the CMAP's successful 2010 MPO certification, the US DOT concluded that the CMP substantially complies with federal planning regulations by providing a systematic process for managing congestion. One example of the incorporation of performance measures for plan development is the

GO TO 2040 Major Capital Projects planning process; proposed projects are evaluated on several performance measures (see <http://bit.ly/9Xb8Xq>).

The goals initiated with Operation GreenLight and supported by federal transportation authorizations have been achieved through extensive coordination and planning by regional transportation agencies.

The *1998 Congestion Mitigation Handbook* and IDOT's *Transportation Management Compliance Template for MPOs* (interpretation of 2007's updated SAFETEA-LU CMP requirements) can be accessed from this page <http://bit.ly/bLQ0Be>.

Environmental Justice

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was issued in February 1994. Environmental Justice addresses questions of distributive fairness in public decisions. General guidelines for evaluating environmental justice in regional transportation planning suggest the inclusion of three general provisions:

- a regional profile identifying the locations of minority populations and low income populations
- an analytical process for assessing regional benefits and burdens for different socioeconomic groups
- an aggressive process for engaging minority and/or low-income populations in transportation decision-making.

The *FY 10-15 TIP* is consistent with *GO TO 2040*. Race/ethnicity and income stratification were employed in all Long Range transportation Plan evaluations of transportation mobility and accessibility. Details of the method and results are found in the *Conformity Analysis Documentation, Appendix A*. *GO TO 2040* assessed social equity in transportation in terms of the mobility and accessibility benefits accruing to concentrations of low-income and minority residents. Travel demand estimation results are available in the *Conformity Analysis Documentation, Appendix A*.

Climate Change

While there are currently no specific requirements to directly address climate change in the transportation planning process, recent revisions to legislation have further incorporated energy and environmental considerations. These revisions offer greater opportunities for MPOs and state DOTs to integrate climate change considerations within their planning processes. For example, 23 USC 143(a) states that it is in the national interest to:

...encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while **minimizing transportation-related fuel consumption**

and air pollution through metropolitan and statewide transportation planning processes.

The goal of minimizing fuel consumption and air pollution can be interpreted as a direct link to climate change and justification for metropolitan transportation planning to consider climate change mitigation strategies. Section 23 USC 135(a) mandates similar consideration of fuel-consumption and air pollution in statewide planning.

The planning regulations also include a number of requirements that generally align with climate change mitigation and adaptation. There are four general types of climate change linkage opportunities in planning statutes and regulations:

1. Requirements to address energy and environmental concerns - These sections provide a link to greenhouse gas (GHG) mitigation, since GHG emissions from transportation are largely correlated with energy consumption and impacts of climate change are important considerations in environmental protection. (23 CFR 450 Subparts 200, 206, 214, and 306).
2. Requirements to ensure an integrated transportation system, preserve the projected and existing system, and ensure the safety and security of the system for users - These sections could be interpreted as requiring or encouraging adaptation strategies, since MPOs and state DOTs will need to consider the implications of climate change on their infrastructure to ensure effective connectivity is preserved. (23 CFR 450 Subparts 206, 214, and 306; 49 CFR 613 Subparts 100 and 200)
3. Transportation demand management and transportation system management strategies - Many sections of the federal requirements contain language that encourages these strategies. Both can be considered climate change mitigation strategies, if they reduce congestion or reduce vehicle travel. Similarly, transit enhancements and emphasis on non-motorized (pedestrian and bicycle) transportation can potentially serve as climate change mitigation strategies. (23 CFR 450 Subparts 200 and 320)
4. Consultation requirements - These requirements could be interpreted as requiring that transportation planning processes consider climate action planning activities going on at the state or regional level, local government plans or policies that may consider climate change, and the work of environmental agencies as it relates to climate change and GHG emissions. (23 CFR Subpart 208 and 214)

While the federal government has not adopted a specific goal for the reduction of GHGs, the State of Illinois has identified a goal to reduce GHG emissions to 1990 levels by 2020 and to 60% of 1990 levels by 2050. The City of Chicago has developed a Climate Action Plan that proposes a 25% reduction of 1990 emission levels by 2020 and an 80% reduction by 2050.

CMAP is recommended to further assemble and cultivate a diverse collection of stakeholders to coordinate and champion climate action plans. The MPO is a forum that can

be used to develop support from key partners on broadly accepted GHG reduction goals and strategies. Despite the challenges of forecasting GHG, CMAP and the region can advance climate change initiatives at many levels.

B. Responses to the *Clean Air Act Amendments of 1990*

Background

The 1977 *Clean Air Act Amendments* addressed the fact that mobile sources contribute to air pollution. However, the 1977 amendments' mandated technological changes, geared both at industrial sources and the automotive industry, did not achieve the desired results; most major metropolitan areas failed to meet the legislated clean air goals by the 1987 deadline.

In response to this, the *Clean Air Act Amendments of 1990 (CAAA)* mandated specific steps that non-attainment areas must take to achieve these air quality standards. The CAAA built on previous legislation but incorporated more stringent requirements for states to attain the National Ambient Air Quality Standards (NAAQS). The USEPA classified each region that did not meet one or more NAAQS as non-attainment areas according to the pollutants for which the NAAQS were not met. In addition, USEPA identified categories that ranged from marginal to extreme depending on the area's air quality. Each category for each pollutant carries with it a required attainment date and specific emission reduction programs that affected states must implement.

The USEPA classified northeastern Illinois as a severe non-attainment area for the one-hour ozone NAAQS in 1992. In April 2004, the USEPA classified the Chicago area as a moderate nonattainment area for the 8-hour ozone NAAQS. In addition, the Chicago-Gary-Lake County, IL-IN region was designated as nonattainment for the annual fine particulate matter (PM_{2.5}) NAAQS in January 2005. The region is in attainment status for carbon monoxide, nitrogen dioxide, sulfur dioxide, and lead.

The transportation conformity provisions of the CAAA require that the MPO make a determination the region's transportation plan, program, and projects conform to applicable SIPs and also that emissions, taken as a whole from the plan, program and projects will not negatively impact the region's ability to meet the NAAQS deadlines. Conformity to a SIP means that the region's transportation plan and program: 1) will not cause any new violations of the NAAQS; 2) will not cause any worsening of existing violations; and 3) will not delay efforts to attain the NAAQS in a timely manner.

Conformity

The conformity analysis conducted by CMAP as the staff of the MPO resulted in the conclusion that the *GO TO 2040* Comprehensive Regional Plan and the proposed FY 2010-2015 TIP meet all applicable requirements for conformity. The Conformity Analysis Documentation is available from CMAP at <http://www.cmap.illinois.gov/conformity.aspx>.

Regional Responses to the CAAA90

The northeastern Illinois area has a history of promoting transit and providing an efficient transportation system for the movement of people and goods. Furthered by the availability of funding through the CMAQ program, the region has targeted millions of dollars in funding for these types of projects.

Several task forces provide input on CAAA implementation including the Bicycle and Pedestrian Task Force, Advanced Technology Task Force, and Freight Committee. Their input identifies practices, policies and transportation projects that will help this region attain the goals of the Clean Air Act legislation.

C. Responses to the *Americans with Disabilities Act*

Background

The 1990 *Americans with Disabilities Act (ADA)* includes planning and programming related legislation for people with disabilities. It was preceded by four different federal regulations, the first of which dates back to 1976. Each of these regulations, when issued and finalized, superseded the previous ones and required transportation implementers to fulfill substantially different criteria before they could receive federal transportation funds.

The final *ADA* regulations, issued on September 6, 1991, include the following transportation related requirements:

- new vehicles purchased after August 25, 1990 must be accessible;
- new or altered facilities on which construction begins after January 25, 1992 must be accessible;
- rail system operators must make key stations accessible by July 26, 1993, although extensions can be granted;
- rail system operators must have at least one accessible car per train; and
- transit providers must provide complementary and comparable service by making their fixed-route services accessible, providing special paratransit service, or using a combination of these accommodations.

CMAP's Human Services Committee provides overall guidance for the development of policies and strategies paying particular attention to the impacts that various policies and strategies may have on individuals with disabilities for *GO TO 2040*.

Representation on the Human Services committee includes a representatives from the City of Chicago's Office for People with Disabilities, Non-profits agencies that provide assistance to individuals with disabilities, and various of governmental agencies involved in providing or coordinating transportation options for individuals with disabilities.

CMAP is also actively engaged in a number of efforts designed to improve transportation services for individuals with disabilities:

- CMAP serves on the Job Access Reverse Commute (JARC) and New Freedom project selection committee. This committee is tasked by the Regional Transit Authority (the designated recipient of these funds) to recommend which projects should receive JARC and New Freedom funding.
- CMAP is actively engaged in a number of ADA paratransit and dial-a-ride efforts and participates in various advisory councils that oversee these efforts such as:
 - The DuPage Inter-Agency Paratransit Coordinating Council (IAPCC)
 - Kane County Paratransit Coordinating Council (KCPCC)
 - McHenry County Transit Plan Implementation Task Force
 - Lake County Coordinated Transportation Services Committee (LCCTSC)
 - Pace and RTA ADA advisory council meetings

In addition to serving on transportation coordinating councils CMAP also hosted a summit on coordinated dial-a-ride services within the CMAP region in an effort to share best practices.

CMAP has also been integral in the development of the State 2-1-1 Business plan, which seeks to provide better access to social services through the use of a 2-1-1 phone and or the internet in an effort to better coordinate services so that those in need, including individuals with disabilities can more easily navigate the web of services available to them, including transportation.

Implementers' Responses to ADA

SAFETEA-LU included language allowing the region's ADA paratransit service to be provided by one service board. Since July 1, 2006, all ADA complementary paratransit service is provided by Pace, the suburban bus operator.

The following section summarizes regional implementers' responses to *ADA* requirements.

RTA

The RTA continues to provide *ADA* paratransit eligibility determination for Pace *ADA* paratransit services. All current *ADA* paratransit riders are now certified under RTA's *ADA* eligibility determination program, bringing the region into full compliance with eligibility determination requirements of *ADA*.

CTA

ADA complementary paratransit service paralleling CTA's fixed route service is provided by Pace. Pace continues working to improve the quality and cost effectiveness of the service and to ensure that it meets *ADA* requirements. Pace also continues the practice of providing door-to-door service to CTA customers who, as a result of their

disabilities, cannot access CTA's accessible fixed route buses and trains. In addition, CTA operates 1782 accessible buses (or 100 percent of the entire fleet). All 150 bus routes are accessible (100 percent of all routes). CTA has completed accessibility renovations on the 43 rail stations in its Key Station Plan. To date, 91 of 144 stations are *ADA* compliant. Staff continues to meet with its advisory committees comprised of people with disabilities and service providers on a monthly basis to address access issues (see the link <http://bit.ly/dxtRL6> for more information.)

Metra

Metra has maintained an aggressive program, which has rendered most of its system accessible. To date, 166 of Metra's 239 stations are fully accessible and an additional 23 stations have been developed as functionally accessible. These stations serve a total of 95 percent of Metra's riders. All trains now operate with at least one accessible car. A total of 477 accessible cars have been delivered to and deployed by Metra. All on-board personnel and all station personnel have been trained in handling passengers with disabilities. All 11 train lines in Metra's system plus the South Shore Line operated by Northern Indiana Commuter Transportation District are fully accessible to customers with disabilities.

Metra continues to maintain its station development program. Within five years, almost all stations outside the Chicago city limits will be capable of serving passengers with disabilities. See <http://bit.ly/4MxQbP> for more information on Metra's accessibility programs.

Pace

Pace is in full compliance with the complementary paratransit requirements of the *ADA*. Starting July 1, 2006, this included providing the complementary paratransit service within the CTA service area. This was initially accomplished by transferring all CTA *ADA* paratransit service contracts to Pace. The goal is a better, more coordinated and cost effective system. All new fixed route equipment purchased is fully accessible. Pace is 100% fixed-route accessible.

IDOT

IDOT constructs all highway facilities, including pedestrian overpasses and curb facilities, to be accessible. Also, all IDOT Division of Public and Intermodal Transportation projects comply with *ADA* requirements.

Private Transportation Providers

Private providers that contract with public agencies receiving federal capital or operating assistance must comply with *ADA* requirements as a part of their contracts. In addition, northeastern Illinois private providers' services complement public transit paratransit and dial-a-ride services that serve the elderly and disabled.

