



tjpd.org

Charlottesville-Albemarle Metropolitan Planning Organization

POB 1505, 401 E. Water St, Charlottesville, VA 22902 www.tjpd.org

(434) 979-7310 phone (434) 979-1597 fax info@tjpd.org email

January 11, 2010

Mr. Pierce Homer, Secretary of Transportation
Patrick Henry Building, 3rd Floor
1111 East Broad Street
Richmond, VA 23219

Dear Secretary Homer:

On December 31, 2009 it came to my attention that the Commonwealth of Virginia used Transportation Enhancement funds to partially fund the acquisition of the Biscuit Run tract in Albemarle County. Research on our part has shown that the Biscuit Run tract is entirely within the approved metropolitan transportation planning area (MPA) for the Charlottesville-Albemarle Metropolitan Planning (please see enclosed map). I am writing to you to express my concerns with this action on the part of the Commonwealth Transportation Board and the Virginia Department of Transportation. Please note that I am not taking a position regarding the appropriateness of the acquisition of the Biscuit Run tracts for use as a state park. However, I am concerned that this action does not adhere to the terms of the Memorandum of Understanding on Metropolitan Transportation Planning Responsibilities for the Charlottesville-Albemarle Metropolitan Planning Area adopted January 28, 2009. There are four specific concerns that I want to bring to your attention regarding this action:

1. Reporting of Selected Transportation Enhancement (TE) Projects – The MOU states that the state is to report to the MPO the selection of transportation enhancement projects so that those projects can be incorporated into the Constrained Long Range Transportation Plan and the Transportation Improvement Program. Since this was not done, the MPO did not have the opportunity to meet it's responsibilities for planning and programming.
2. Constrained Long Range Transportation Plan (CLRP) - I do not believe that this action is consistent with the adopted CLRP. The adopted CLRP states that transportation funds should be used in a manner consistent with the land use policies of the MPO members, in this case, with the policies of Albemarle County. The county's land use policies have been designed to focus urban development in designated Urban Development Areas. The acquisition of this property for a state park will have exactly the opposite affect.
3. Transportation Improvement Program – Both the MOU and 23 CFR 450.314(a) require that expenditures of federal transportation funds be programmed in the MPO Transportation Improvement Program (TIP) and approved by the MPO Policy Board prior to commitment of those funds. In this case, the MPO was never informed of this proposed use of federal transportation funds and the funds were committed and expended without the approval of

the MPO Policy Board.

4. Public Participation - Both the MOU and 23 CFR 450.314(a) require that before any amendment is made to either the MPO CLRP or the TIP that the MPO provide the public and interested stakeholders with reasonable opportunities for involvement and comment in a manner consistent with the adopted Participation Plan. Due to the fact that the adopted procedures were not followed by Virginia DOT the public was denied it's right to be involved and comment on this use of federal transportation funds.

I am concerned that the acquisition of the Biscuit Run tract using Transportation Enhancement funds represents a significant departure from the procedures for a cooperative transportation planning and programming process outlined in both the adopted MOU and of 23 CFR 450.314(a). To address this issue I ask that the Virginia Department of Transportation take the following actions:

- Submit the proposed project to the MPO for incorporation into the TIP per the terms of the MOU including public involvement and comment as specified in the adopted Participation Plan.
- That a representative of the Secretary of Transportation attend the next MPO Policy Board to discuss with the MPO Policy Board our concerns and steps that will be taken to prevent such occurrences in the future. That meeting will occur on January 27, 2010 at 4:00 pm at CitySpace on the downtown mall in Charlottesville.

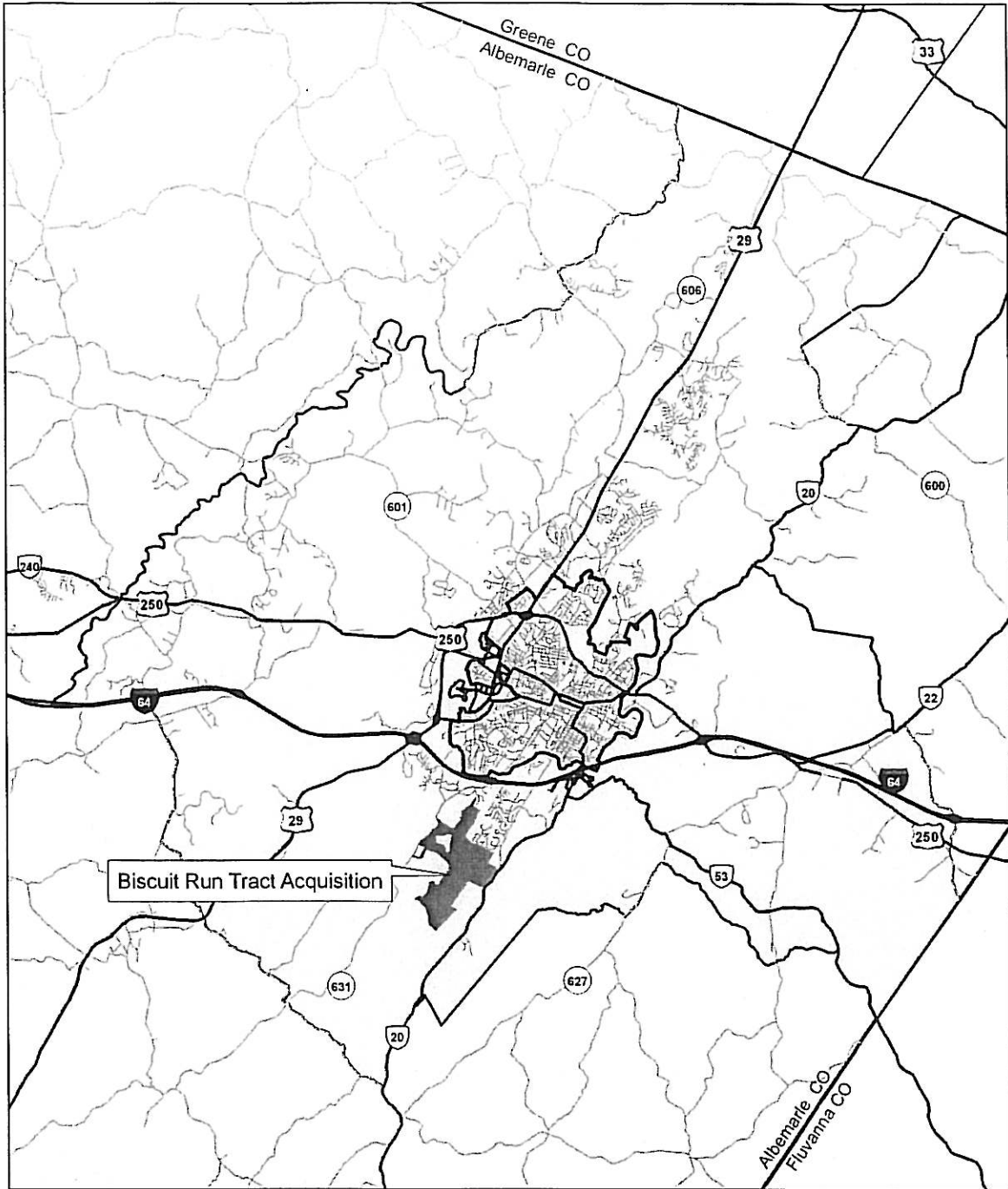
Please feel free to contact me if you have questions regarding our concerns.

Sincerely,



Stephen Williams,
Executive Director

Cc: John J. "Butch" Davies III, Commonwealth Transportation Board
Roberto Fonseca-Martinez, Division Administrator, Federal Highway Administration
Dennis Rooker, Albemarle County Board of Supervisors
Rodney Thomas, Albemarle County Board of Supervisors
Satyendra Huja, Charlottesville City Council
James Utterback, District Administrator, VDOT Culpeper District



Charlottesville-Albemarle MPO

