
Chapter 7

CERTIFICATION OF THE METROPOLITAN TRANSPORTATION PLANNING PROCESS

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7.1 PURPOSE

This chapter provides guidance to the Districts of the Florida Department of Transportation for the certification of the metropolitan transportation planning process conducted by the Department, the Metropolitan Planning Organizations (MPOs), as well as the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

7.2 AUTHORITY

23 U.S.C. (United States Code) 134 (k)(5)

49 U.S.C. (United States Code) 5303 (k)(5)

23 CFR (Code of Federal Regulations) 450.334

SAFETEA-LU <http://www.fhwa.dot.gov/safetealu/legis.htm>

7.3 SCOPE

Federal law and regulation requires FDOT and the MPOs to jointly certify the transportation planning process for the metropolitan area, on an annual basis, concurrent with the submittal of the TIP to FHWA. Additionally, federal law and regulation requires that FHWA review and evaluate the transportation planning process for MPOs in transportation management areas (i.e. urbanized areas with Census populations greater than 200,000) no less than once every four years. This chapter is intended for use by FDOT and MPO staff to assist them in carrying out the federal certification requirements.

7.4 REFERENCES

23 U.S.C. 134 (Metropolitan Planning)

42 U.S.C. 2000d et seq. (Title VI of the Civil Rights Act of 1964)

42 U.S.C. 12101 (Americans with Disabilities Act of 1990)

42 U.S.C. 7504 and 7506(c) and (d) (Transportation Air Quality Conformity)

49 U.S.C. 5303

Section 1101(b) of SAFE TEA-LU (Disadvantaged Business Enterprises)

23 CFR 450 (Metropolitan Planning)

49 CFR 26 (Disadvantaged Business Enterprises)

49 CFR 27 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving Federal Financial Assistance)

49 CFR 37 (Transportation Services for Individuals with Disabilities)

49 CFR 38 (Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles)

7.5 FEDERAL CERTIFICATION REQUIREMENTS

According to 23 U.S.C. 134 (k)(5), Transportation Management Areas (TMAs) must have their planning process certified by the Federal government every four years. 23 C.F.R. 450.334 requires that the State and MPO annually certify the MPO's planning process, and it does not make a distinction between TMAs and non-TMAs. The purpose of certification is to make sure that the metropolitan planning process of a particular area is addressing the major transportation issues and that it is being conducted in accordance with the following:

- (1) The metropolitan planning requirements identified in 23 U.S.C. 134 and 49 U.S.C. 5303;
- (2) In non-attainment and maintenance areas, Sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 C.F.R. Part 93.
- (3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 C.F.R. Part 21;
- (4) 49 U.S.C. 5332 prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- (5) Section 1101(b) of SAFETEA-LU (Public Law 109-59) and 49 C.F.R. Part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- (6) 23 C.F.R. Part 230 regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- (7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and the regulations found in "Transportation for Individuals with Disabilities" (49 C.F.R. Parts 27, 37, and 38).
- (8) The Older Americans Act, as amended (42 U.S.C. 6101) prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- (9) 23 U.S.C. Part 324 regarding the prohibition of discrimination on the basis of gender; and
- (10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 C.F.R. Part 27 regarding discrimination against individuals with disabilities.

7.6 FDOT CERTIFICATION PROCESS

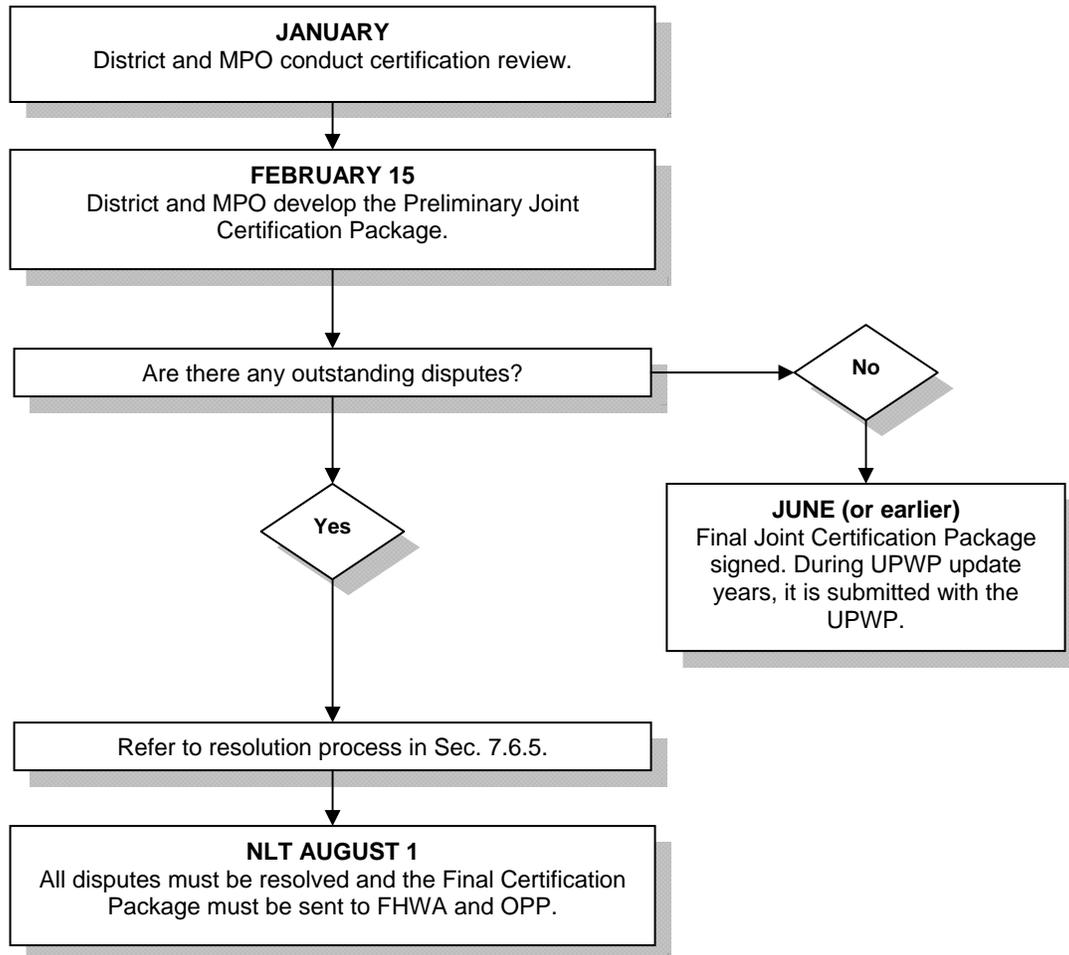
As stated above, each year the District and the MPO must jointly certify the metropolitan transportation planning process. Based on discussions at a January 18/19, 2005 MPO Liaison meeting and follow-up discussions between the Office of Policy Planning (OPP) and the Florida Division of Federal Highway Administration (FHWA), several changes have been made to the annual joint certification process conducted between the District and the MPO.

The first change is that the joint certification process will now be in January instead of June. The intent is to time the review so that any recommended changes can be incorporated into the Draft Unified Planning Work Program (UPWP). The District will include the signed joint certification package in its submittal of the Final UPWP, which is due no later than June 1.

In January 2007, the MPO Advisory Council voted to switch to a 2-Year UPWP that is adopted every other year. This will go into effect with the FY 2008/09 – 2009/10 UPWP. However, the MPO's certification must still occur annually. During those years when no UPWP is being adopted (i.e. Year 1), the District and MPO will still do the certification review in January, albeit as a stand-alone process.

The second change involves the depth of the review. Districts have the option of doing a standard, full review each year, as is the current practice, or of doing a limited, modified review. If they opt to do the modified review, they can do this for three consecutive years. On the fourth year, they must do a standard, full review of the 10 areas of law specified in 23 C.F.R. 450.334. The timeline for these two processes (Standard Joint Review and Modified Joint Review) are the same. The only difference is the depth of the review. The process for both types of review is outlined in Figure 7A.

Figure 7A JOINT CERTIFICATION PROCESS



7.6.1 Standard Joint Certification Review

In **January**, the District should contact its MPO(s) to schedule the certification review. The meeting should be scheduled so that the District can provide the MPO **preliminary results of the certification by February 15**. At the meeting, the District and MPO will review all of the planning requirements mandated by the 10 areas of law referenced in **Section 7.5** and the **questions** outlined in **Section 7.11**. Issues will be identified, discussed, and resolution sought by all parties, as appropriate. During the years when the new 2-Year UPWP is being developed, (i.e. Year 2 of the current UPWP), the recommendations from the certification will be incorporated into the Draft UPWP. The District will send the Final Joint Certification Package along with the Final UPWP to FHWA, FTA, and the Office of Policy Planning. The Final UPWP is due no later than June 1. If there is a dispute between the District and the MPO regarding the certification, they should refer to the conflict resolution process in **Section 7.6.5**. If the dispute cannot be resolved before June 1, the District will submit the Final UPWP minus the joint certification package. The District and the MPO have until August 1 to resolve any disputes and submit the signed joint certification package to FHWA, FTA, and the Office of Policy Planning. During the years when there is no UPWP being adopted (i.e. Year 1 of the current UPWP), the MPO and District will still do the certification review in January, albeit as a stand-alone process. The dispute resolution process and deadline are the same.

7.6.2 Modified Joint Certification Review

As stated in Section 7.6, the timeline for the Modified Joint Certification Review is identical to the Standard Review. The only difference is the depth of the review. The Modified Review should be used only if the District is comfortable with the performance of the MPO. The District and MPO would still use the 10 areas of law listed in **Section 7.5**, and they would still use the **questions** in **Section 7.11** as a frame of reference. However, this would be a much more focused review instead of the broad one called for in the Standard Review.

The District and the MPO would use the meeting to focus in on those areas of the planning process that need improvement.

A District and MPO can only utilize the Modified Joint Review for a maximum of 3 consecutive years. Every fourth year, they must conduct a Standard Joint Review. This means they must conduct a full review of all the areas of law covered by Section 7.5. **Note: Districts and MPOs in TMA areas should take care to time their full review in the same year as the FHWA quadrennial review. FHWA will use the questions and answers gathered from the district's review as a base for the quadrennial review.**

7.6.3 Development of the Joint Certification Package

By **February 15**, the District will prepare a preliminary copy of the certification package for review by the MPO. The February due date is meant to facilitate the implementation of any recommendations into the Draft UPWP that is due on **March 15**. The preliminary certification package will include:

- The unsigned certification statement. See **Figure 7B**.
- A summary description of any noteworthy achievements by the MPO.
- A list of any recommendations and corrective actions (along with deadlines).

7.6.4 MPO Review

The MPO has a minimum of **15 calendar days** to respond to the District concerning the contents of the Joint Certification Statement. Any disagreements between the District and the MPO staff are to be resolved prior to the District's submittal of the Final Joint Certification Package to the Office of Policy Planning. Deficiencies or agreements that have not been fully discussed and coordinated with the MPO are not to be included by the District in the Final Joint Certification Package.

7.6.5 Resolving FDOT/MPO Joint Certification Issues

If the District cannot certify the metropolitan transportation planning process, the District will consult with the Office of Policy Planning and the MPO. Through this three-way consultation process, strategies and actions will be identified to facilitate certification of the metropolitan transportation planning process. Should the issue(s) not be resolved within the FDOT-MPO consultation process, the Office of Policy Planning will arrange consultation with the FHWA, FTA, District, and the MPO to resolve the issue(s).

7.6.6 Processing the Final Joint Certification Package

Normally, the District submits 3 copies of the signed certification package by **June 1**. During UPWP update years, it is included as part of the Final UPWP. During non-update years, it is sent separately. One copy each is sent to the Office of Policy Planning, the Florida Division of FHWA, and the FTA. If extra time is needed to resolve disputes that is allowable. However, the deadline is **August 1**. This is to allow ample time for review by the Office of Policy Planning. All joint certifications must be approved before the FDOT Secretary can submit the State Transportation Improvement Program (STIP) to FHWA at the end of August.

The Final Joint Certification Package will include the following:

- The signed certification statement.
- A summary description of any noteworthy achievements by the MPO.
- A list of any recommendations and corrective actions (along with deadlines).
- Any attachments associated with the noteworthy achievements.

FIGURE 7B

JOINT CERTIFICATION STATEMENT ON THE METROPOLITAN TRANSPORTATION PLANNING PROCESS

Pursuant to the requirements of 23 U.S.C. 134 (k)(5), 23 CFR 450.334(a), the Department and the MPO have performed a review of the certification status of the metropolitan transportation planning process for the **(insert name of the MPO)** with respect to the requirements of:

1. 23 U.S.C. 134 and 49 U.S.C. 5303;
2. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 C.F.R. Part 21
3. 49 U.S.C. 5332 prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
4. Section 1101(b) of SAFETEA-LU (Public Law 109-59) and 49 C.F.R. Part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
5. 23 C.F.R. Part 230 regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
6. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and the regulations found in 49 C.F.R. Parts 27, 37, and 38;
7. The Older Americans Act, as amended (42 U.S.C. 6101) prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
8. Section 324 of 23 U.S.C. regarding the prohibition of discrimination on the basis of gender; and
9. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 C.F.R. Part 27 regarding discrimination against individuals with disabilities.

Included in this certification package is a summary of noteworthy achievements by the MPO, attachments associated with these achievements, and (if applicable) a list of any recommendations and/or corrective actions. The contents of this Joint Certification Package have been reviewed by the MPO and accurately reflect the results of the joint certification review meeting held on **(insert date of meeting)**.

Based on a joint review and evaluation, the Florida Department of Transportation and the **(insert name of MPO)** recommend that the Metropolitan Planning Process for the **(insert name of MPO)** be **(insert “certified”, “certified with conditions”)**.

District Secretary (or designee)

Date

MPO Chairman (or designee)

Date

7.7 FEDERAL CERTIFICATION REVIEW PROCESS

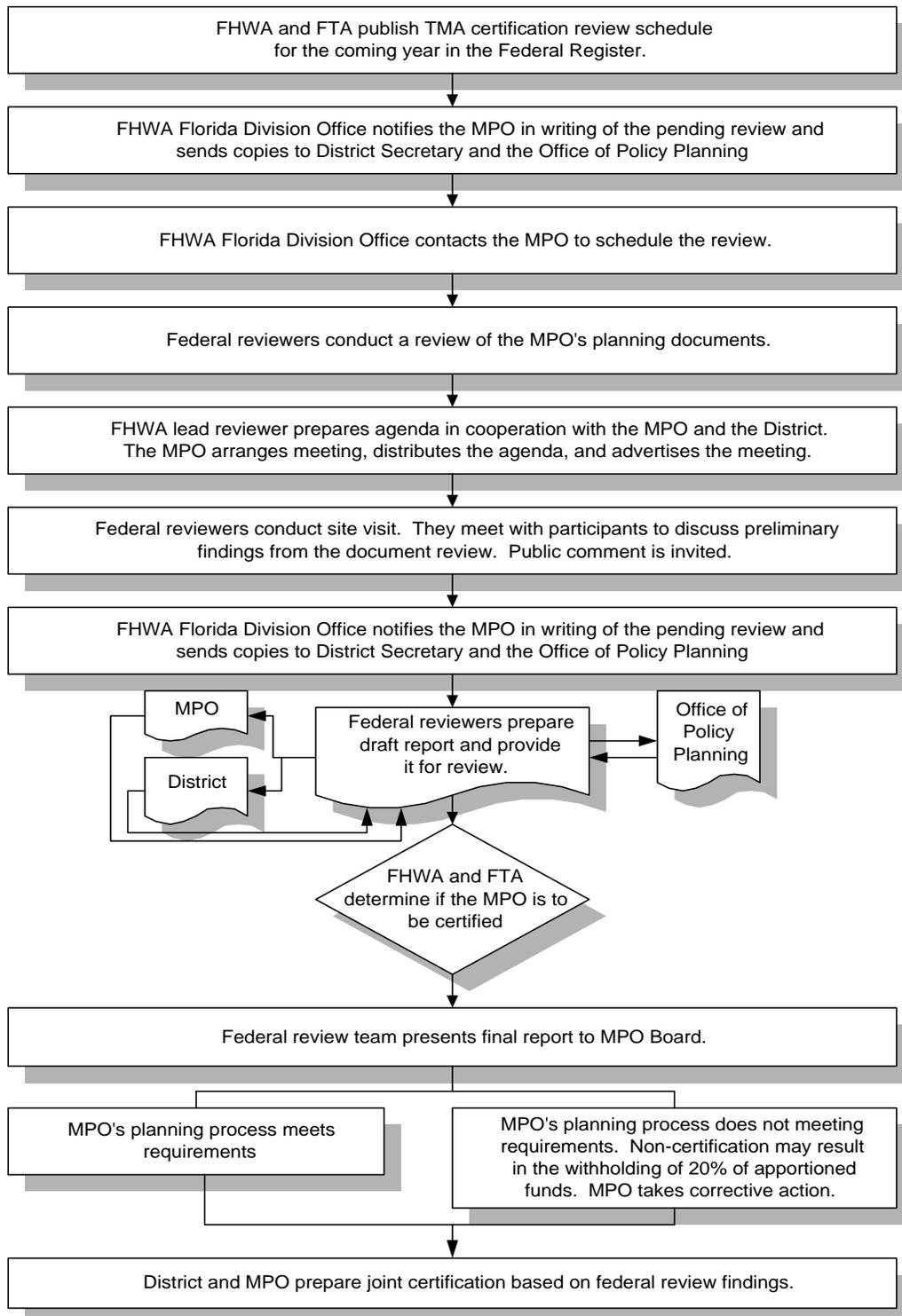
Federal law requires that the FHWA and the FTA certify that the metropolitan transportation planning process in TMA's is carried out in accordance with applicable provisions of federal law at least once every four years. [23 U.S.C. 134 (k)(5), and 49 U.S.C. 5305(e)] The schedule for federal TMA certification reviews is published annually in the Federal Register and announced in writing to the MPOs by the Florida Division of the FHWA. The FHWA and the FTA will conduct these certifications on a multi-year cycle, thereby ensuring that the MPO's in this category will be federally certified at least every four years. An overview of the federal certification process is shown in [Figure 7E](#).

7.7.1 Certification Review Tasks

In general, the federal certification review process is continuous and includes the following major tasks:

- (1) Certification reviews of TMA's at least once every four years;
- (2) Review and approval of the Unified Planning Work Programs (UPWP's);
- (3) Review of adopted metropolitan Long-Range Transportation Plans;
- (4) Review of metropolitan Transportation Improvement Programs (TIP's) and the "3-C" (continuing, cooperative, and comprehensive) process;
- (5) Issuance of a planning finding before the approval of the State Transportation Improvement Program (STIP)

FIGURE 7C FEDERAL CERTIFICATION PROCESS



7.7.2 Components of the Quadrennial Review

Two months prior to the quadrennial certification review, the FHWA shall contact the MPO and the district to schedule the certification review of the metropolitan planning process. The FHWA's advance notification letter will be sent to the MPO with copies to the appropriate District Secretary and the Office of Policy Planning.

The quadrennial certification review will consist of four parts: Document Review, Site Visit, Written Report, and Closeout meeting.

- (1) The **Document Review** involves a thorough examination of the most recent Joint Certification questions asked by the FDOT District. FHWA will also review the MPO's planning documents and work products, such as the Long-Range Transportation Plan, Congestion Management Process, Transportation Improvement Program, and Unified Planning Work Program. The federal review team is composed of representatives from the FHWA and the FTA. . . In nonattainment or maintenance areas, the Environmental Protection Agency may also examine these items prior to a Site Visit to the MPO.
- (2) During the **Site Visit** to the MPO, the federal team will conduct meetings with the participants to discuss the preliminary findings from the Document Review, and other areas critical to the planning process such as those listed at 23 CFR 450.334(a). The Site Visit will include the opportunity for an information-sharing session where best practices will be discussed.

The FHWA lead staff person, in consultation with the FTA, the MPO, and the District will be responsible for preparing the site visit agenda. The MPO will be responsible for distributing the agenda and scheduling and advertising the meeting location.

Under 23 U.S.C. 134 (k)(5)(D), there must be an opportunity for public involvement during TMA certification reviews. The public involvement activity is conducted during the Site Visit portion of the certification review. The Florida Division of the FHWA has developed a set of guidelines to be used for scheduling and administering the public involvement component of the certification process. **Section 7.10** of this chapter includes a copy of these guidelines.

The public involvement session will include a public meeting and, if feasible, appointments with the members of the MPO board and/or the committees of the MPO.

The review team will conduct a dialogue on the MPO's public involvement

plan and its implementation. The MPO should provide documentation of its public involvement efforts.

- (3) The **Written Report** documents the findings from the Document Review and Site Visit, as well as comments from the public meeting, and other meetings with members of the MPO and/or their committees. A draft of the preliminary report will be distributed to the MPO, the District and the Statewide MPO Coordinator for comments prior to the report being finalized.
- (4) The **Closeout meeting** occurs when federal review team presents the report findings and discusses the certification options at an MPO Board meeting.

7.8 QUADRENNIAL REVIEW TOPICS

The certification review is designed to gather facts and best practices regarding the quality of the planning process for dissemination. The following is a list of some of the topics that may be covered during the certification review.

- (1) MPO structure
- (2) Unified Planning Work Program;
- (3) Public involvement;
- (4) Title VI and related federal requirements;
- (5) Intelligent Transportation System (ITS);
- (6) Congestion Management Process;
- (7) Multi-modal Activities;
- (8) Long-Range Transportation Plan;
- (9) Transportation Improvement Program;
- (10) Intermodal/Freight Activities;
- (11) Alternatives analysis on regionally significant projects;
- (12) National programs/initiatives; and
- (13) Air Quality

7.9 FEDERAL CERTIFICATION ACTIONS

7.9.1 MPO Meets Requirements

Upon review and evaluation of the metropolitan area, the FHWA and the FTA have various options for issuing a certification action. The action will be determined jointly by both agencies. If an MPO's transportation planning process meets, or substantially meets, the requirements of federal law and regulations, the FHWA and the FTA will take one of the following actions:

- (1) Jointly certify the MPO's transportation planning process;

-
- (2) Jointly certify the MPO's transportation planning process subject to certain specified corrective actions being taken; or
 - (3) Jointly certify the MPO's transportation planning process as the basis for approval of only those categories of programs or projects that the agencies may jointly determine and subject to certain specified corrective actions being taken.

The certification action remains valid for four years unless a new certification determination is made sooner. [23 CFR 450.334(e)]

7.9.2 MPO Does Not Meet Requirements

If, upon review and evaluation of the metropolitan transportation planning process, the FHWA and the FTA jointly determine that the transportation planning process does not meet, or substantially meet, the requirements of federal law and regulations, the MPO's transportation planning process is not certified. If a metropolitan area is not certified, the FHWA and the FTA may withhold up to 20 percent of the apportioned funds attributable to the TMA under Title 23 and chapter 53 of Title 49. [23 U.S.C. 134(i)(5)(C)] Upon full, joint certification by the FHWA and the FTA, all funds will be restored to the metropolitan area.

7.10 GUIDELINES FOR PUBLIC INVOLVEMENT

Public involvement during the federal certification review is designed to

- provide citizens an opportunity to comment on the transportation planning process
- inform the public about federal transportation planning requirements
- discuss public concerns
- provide follow-up action to demonstrate that public concerns are being addressed
- help the federal team better understand community issues

The Florida Division Office of the FHWA has prepared ***Guidelines for Public Involvement Component*** of the federal TMA certification review. FHWA's ***Guidelines*** include suggestions for the meeting format, location, advertising, documentation of comments, and public comment opportunities. A copy of these guidelines and samples of the comment and speakers' cards can be found below.

Federal Certification of a Transportation Management Area Guidelines for Public Involvement Component

Federal Highway Administration Florida Division

INTRODUCTION

As codified in 23 CFR 450.334 (b), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must conduct a review of a designated Transportation Management Areas (TMAs) at least every four years. The primary purpose of the certification is to certify that the TMA is satisfactorily meeting the planning requirements as defined in Federal laws and regulation. Secondly, the certification gives FHWA and FTA the opportunity to add value to the MPO's planning processes through the sharing of best or innovative planning practices, techniques, and/or technology.

The Federal Review Team, consisting of FHWA and FTA staff is responsible for conducting the certification review. The participants in the certification may include, but not be limited to: the MPO, transit agency(ies), city/county planning departments, Florida Department of Transportation, Florida Department of Environmental Protection, Regional Planning Council, and other local agencies such as the Aviation Department, Port Authority, Office of Management and Budget, Environmental Management Department, and Public Works Department.

In Florida, there are twelve TMAs. Each TMA Certification Review includes four primary activities:

- A "desk audit" that includes the examination of the MPO's planning work products such as the Long Range Transportation Plan, Congestion Management Process, Transportation Improvement Program, and Unified Planning Work Program. The Federal team reviews these documents prior to a site visit at the MPO. A preliminary report is developed from the desk audit.
- The Federal Review Team conducts a site visit to the TMA. During the site visit, the Federal Review Team conducts meetings with the participants to discuss the preliminary findings from the desk audit, and other areas critical to the planning process, such as Title VI, Intelligent Transportation System (ITS), and air quality conformity (if applicable). **A public involvement opportunity is also part of the site visit, which includes holding a public meeting and possibly scheduling appointments with the members of the MPO and/or their subcommittees.**

- The Federal Review Team prepares a *TMA Certification Report* that summarizes the findings from the desk audit, site visit, public involvement component, and FHWA/FTA certification action.
- Following the transmittal of the *TMA Certification Report*, the Federal Review Team presents the review's findings and discusses the certification action at a MPO policy board meeting.

PUBLIC INVOLVEMENT DURING A TMA CERTIFICATION REVIEW

For the certification reviews in Florida, the Florida FHWA Division Office has established "guidelines" for the TMA to utilize when conducting the public involvement segment of a federal certification review.

Five (5) objectives of the TMA certification public involvement component are to:

- Provide the public with the opportunity to express their thoughts and comments about the transportation planning process;
- Allow the Federal Review Team to obtain a better understanding of the community's issues;
- Discuss the public's issues at the certification meetings;
- Inform the public about the Federal transportation planning requirements; and
- Provide follow-up action to demonstrate that the public's issues were seriously considered.

FHWA acknowledges that each MPO has their own method of conducting public involvement and those efforts are documented in their Public Involvement Plans and/or Citizen's Guide to the MPO. However, in an effort to establish consistency among the MPOs, the FHWA Florida Division has developed these minimum guidelines. The guidelines are described in the following categories: ***Meeting Format, Meeting Location, Advertising, Documentation of Comments from the Public Meeting, and Public Comment Opportunities.***

A. MEETING FORMAT

The format for the public meeting consists of two components: 1) a brief presentation by FHWA Florida Division staff and 2) an open forum to receive public comments. The lead Federal Review Team staff person will be responsible for moderating the public meeting.

In the first component, FHWA Florida Division staff will describe the various elements of the TMA certification review and the Federal planning requirements that must be addressed by the MPO. The first section is expected to last no more than 10-15 minutes.

The second part of the meeting will be an open forum for citizens to ask questions or offer their thoughts and comments on the Federal transportation planning process. Citizens wishing to address the Federal Review Team will be asked to fill-out a speaker card that indicates their name, organization, address, and desire to be placed on the mailing list to receive a copy of the final *TMA Certification Report*. The lead Federal Review Team staff person will use the speaker cards to manage the succession of citizens wishing to address the Federal team or other participants. The length of the second part will vary, based on the number of speakers.

The citizen comments will be addressed at the meeting to the extent feasible. But, if an answer cannot be determined at the public meeting, the comments will be addressed in the final *TMA Certification Report*, with a copy of the report mailed to the citizen.

B. MEETING LOCATION

The MPO will be responsible for the scheduling of the public meeting including securing an appropriate location, and obtaining necessary audio/visual equipment and seating. The MPO should plan on reserving the meeting room for a minimum of two hours. The meeting room should be able to accommodate at least 50 people.

The meeting location should be in compliance with the Americans with Disabilities Act (ADA). When securing the location, the MPO should consider when and where public transportation service is available. The public transportation service should be available prior to the start of meeting and after it has concluded. The TMA should also make available communications for the hearing impaired and provide sign and foreign language interpreters (i.e. Spanish, Creole, French, etc.) if requested.

C. ADVERTISING

The TMA is responsible for advertising the public meeting. The content of the advertisement should include a title, the purpose of the meeting, the meeting sponsors, the date and time, the location with a map, contact person, a phone number to request additional information, and a phone number for persons with disabilities to contact if additional assistance is required.

The advertisement should be a black and white display. The display should be advertised twice in the MPO area's newspaper of general circulation, on intervals 8-10 days and 1-2 day(s) prior to the public meeting. The advertisement should be placed in the main body, preferably the local or community section of the newspaper.

An announcement of the meeting should be sent to all interested persons, including the local legislative delegation, local elected officials, the members of the MPO, the MPO advisory subcommittees, and mailing lists for Major Investment Studies, Long Range Transportation Plan, and other public involvement activities. The MPO should also coordinate the advertising of the public meeting with the other participating agencies (i.e, public transportation, port authority, aviation, etc.) to ensure that their mailing lists are included. The notice to the interested persons should be mailed no later than ten (10) days prior to the public meeting.

The MPO should coordinate with their local Public Information Office on the distribution of a News Release to the local radio and television media

The TMA may wish to employ additional techniques to advertise the meeting. These techniques may include, the MPO's web site, local government's cable access channel, and inserts in the local utility bill. In an effort to reach the underserved and minority populations, the MPO may also advertise the notice in community newspapers or newsletters that serve those populations. This may include civic and social organizations, religious and educational institutions, neighborhood associations, senior citizens centers, and disability groups.

D. DOCUMENTATION OF COMMENTS FROM THE PUBLIC MEETING

The MPO is responsible for providing a record of the attendance and comments presented at the public meeting. In an effort for the Federal Review team to complete the certification report within sixty days, the minutes from the public meeting should be distributed electronically via e-mail to the Federal Review Team and the participants no later than fifteen (15) working days after the public meeting certification report.

E. PUBLIC COMMENT OPPORTUNITIES

Citizens wishing to speak at the public meeting will be asked to complete a speaker card that identifies their name, organization, and street address. A sample Speaker Card is included as **Attachment A**.

If a citizen cannot attend the public meeting, there are other ways to

communicate concerns to the Federal Review Team. Comment cards will be available at the MPO office and on the MPO web site. A citizen can also request a comment card by calling the FHWA Division office at (850) 942-9650. A sample Comment Card is included as **Attachment B**.

The comment cards will be pre-addressed and should be returned to FHWA Florida Division Office at 545 John Knox Road, Suite 200; Tallahassee, FL 32303; Attn: Planning Programs Coordinator or faxed to (850) 942-8308. All written comments will need to be received by the due date indicated on the form in order to be included in the final certification report.

Attachment A

Speaker Card	
TMA Certification for _____ MPO (Name of the MPO)	
_____ (Date)	
Speaker Number: _____ (To be completed by FHWA Staff)	
<i>Please print</i>	
Name/Organization: _____	
Address: _____	
City: _____ State: _____ Zip Code: _____	
Would you like to receive a copy of the final report?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

Attachment B

Comment Form

TMA Certification for _____ MPO
(Name of the MPO)

(Date)

Name/Organization: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Would you like to receive a copy of the final report? Yes No

Please print your comments in the space below:

Please return to: FHWA Florida Division
545 John Knox Rd., Suite 200
Tallahassee, FL 32303
(850) 942-9650
(850) 942-8308 (Fax)

7.11 CERTIFICATION QUESTIONS

Section 7.5 stated that the planning process must be done in accordance with 10 areas of law listed in 23 C.F.R. 450.334 (a). The list of questions provided below identifies those minimum tasks that an MPO shall do in order to be fully certified. If the answer to one of the questions below is negative and if the problem cannot be corrected prior to the signing of the joint certification statement, the Department has the option of granting conditional certification and including a corrective action in the joint certification statement. The corrective action should include a date by which the problem must be corrected. This list is intended to be as comprehensive as possible. However it is possible that some requirements may have been overlooked and will need to be added at a later date.

Section (1): The metropolitan planning requirements of 23 U.S.C. 134 and 49 U.S.C. 5303;

1. Is the MPO properly designated by agreement between the Governor and 75% of the urbanized area, including the largest incorporated city, and in accordance with procedures set forth in state and local law? [23 U.S.C. 134 (d)(1)(A) and (B); 49 U.S.C. 5303 (c); 23 C.F.R. 450.310 (b)]
2. Does the MPO policy board include local elected officials, officials that administer or operate major modes of transportation, and appropriate state officials? [23 U.S.C. 134 (d)(2)(A), (B), & (C); 49 U.S.C. 5303 (c); 23 C.F.R. 450.310 (d)] **Note:** Federal law covers Transportation Management Areas (TMAs) only. 339.175 Florida Statutes does not make a distinction.
3. Does the MPO have up to date agreements such as the interlocal agreement that creates the MPO, the intergovernmental coordination and review agreement, and, if applicable, an interlocal agreement between the MPOs, State, and public transportation operators where more than one MPO has been designated to serve an urbanized area? [23 C.F.R. 450.310 (b); 23 C.F.R. 450.314 (a) and (d)]
4. Does the MPO boundary encompass the existing urbanized area and contiguous area expected to become urbanized within 20-year forecast period? [23 U.S.C. 134 (e)(2); 49 U.S.C. 5303 (d); 23 C.F.R. 450.312 (a)]
5. Did the MPO send a copy of the boundary map to FHWA and FTA? [23 C.F.R. 450.312 (j)]
6. For projects located within the boundaries of more than one MPO, does the MPO coordinate the planning of these projects with the other MPO(s)? [23 U.S.C. 134 (g)(2)]

7. Does the MPO planning process provide for consideration of the 8 planning factors? [23 U.S.C. 134 (h); 23 C.F.R. 450.306 (a)]
8. Did the Long Range Transportation Plan (LRTP) have at least a 20 year horizon at the time of adoption of the last major update? [23 U.S.C. 134 (i)(2)(A); 23 C.F.R. 450.322 (a)]
9. Did the LRTP address the following areas in accordance with 23 U.S.C. 134 (i)(2), 49 U.S.C. 5303 (f)?
 - Identify major transportation facilities that function as an integrated metropolitan transportation system, giving emphasis to facilities that serve national and regional transportation functions.
 - Include discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.
 - Include a financial plan that showed the public and private revenue sources that could reasonably be expected.
 - Include discussion of operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.
 - Include discussion of capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs.
 - Indicate as appropriate proposed transportation and transit enhancement activities.
10. Did the LRTP address the following minimum required areas in accordance with 23 C.F.R. 450.322 (f)?
 - Identify projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan;
 - Identify existing and proposed transportation facilities (including major roadways, transit, multimodal and intermodal facilities, pedestrian walkways and bicycle facilities, and intermodal connectors);
 - Include operational and management strategies to improve the performance

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- of existing transportation facilities;
- In TMA areas, consider the results of the congestion management process;
 - Include an assessment of capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs;
 - Describe the proposed improvements in sufficient detail to develop cost estimates;
 - Discuss types of potential environmental mitigation activities and potential areas to carry out these activities;
 - Include pedestrian walkway and bicycle transportation facilities;
 - Include transportation and transit enhancement activities;
 - Include a financial plan that demonstrates how the adopted transportation plan can be implemented
11. Has the LRTP been reviewed and updated at least 5 years since the date of the last MPO Board action? [23 U.S.C. 134 (i)(1); 23 C.F.R. 450.322 (c)]
12. Has the MPO sent all updates/amendments of the LRTP to FHWA and FTA via the FDOT District? [23 C.F.R. 450.322 (c)]
13. Was the TIP developed in cooperation with the State and local transit operators? [23 U.S.C. 134 (j)(1)(A); 49 U.S.C. 5304 (a); 23 C.F.R. 450.324 (a)]
14. Was the TIP updated at least every 4 years and approved by the MPO and the Governor? [23 U.S.C. 134 (j)(1)(D); 23 C.F.R. 450.324 (a)]
15. Was the TIP financially constrained and did it include only revenues that could be reasonably expected? [23 U.S.C. 134 (j)(2)(B); 49 U.S.C. 5304 (a); 23 C.F.R. 450.324 (h)]
16. Did the TIP contain a priority list of federally supported projects to be supported over the next four years? [23 U.S.C. 134 (j)(2)(A); 49 U.S.C. 5304 (b); 23 C.F.R. 450.324 (a)]
17. Did the TIP contain all regionally significant projects, as defined by 23 C.F.R. 450.104? [23 U.S.C. 134 (j)(3)(B); 49 U.S.C. 5304 (c)(6); 23 C.F.R. 450.324 (d)]
18. Was the TIP consistent with the LRTP? [23 U.S.C. 134 (j)(3)(C); 49 U.S.C. 5304 (c)(2); and 23 C.F.R. 450.324 (g)]

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19. Does the TIP identify the criteria and process for prioritizing implementation of transportation plan elements (including inter-modal trade-offs) for inclusion in the TIP and any changes in priorities from previous TIPs? [23 C.F.R. 450.324 (l) (1)]
 20. Did the TIP include a listing of projects for which Federal funds have been obligated in the preceding year, or was this list otherwise made available for public review? [23 U.S.C. 134 (j)(7)(B); 49 U.S.C. 5304 (c)(5); 23 C.F.R. 450.324 (l)(2)]
 21. When developing the LRTP and TIP, did the MPO provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed plan and program? [23 U.S.C. 134 (h)(5)(A)]
 22. Is the LRTP and TIP of the MPO published or otherwise readily available for public review? [23 U.S.C. 134 (i)(6) and (j)(7)(A)]
 23. Did the UPWP identify work proposed for the next one- or two-year period by major activity and task in sufficient detail to indicate who will perform the work, the schedule for completing the work, the resulting products, the proposed funding by activity/task, and a summary of the total amounts and sources of Federal and matching funds? [23 C.F.R. 450.308 (c)]
 24. Did the UPWP document planning activities to be funded with through Title 23 U.S.C. and the Federal Transit Act? [23 C.F.R. 450.308 (c)]
 25. Were the transportation plans and programs of the MPO based on a continuing, comprehensive, and cooperative process? [23 U.S.C. 134 (c)(3), 49 U.S.C. 5303 (a)(3)]
 26. If located in a Transportation Management Area, does the MPO have an up to date congestion management process? [23 U.S.C. 134 (k)(3)]
 27. Does the MPO have a documented Public Participation Plan that defines a process for members of the public to have reasonable opportunity to participate in the planning process? [23 C.F.R. 450.316 (a)]
 28. Has the MPO recently reviewed its Public Participation Plan? [23 C.F.R. 450.316 (a)(1)(x)]
 29. When the Public Participation Plan was adopted, was it made available for public review for at least 45 days? [23 C.F.R. 450.316(a)(3)]

Section (2): The requirements of Sections 174 and 176 (c) and (d) of the Clean Air Act

Note: The Clean Air Act applies only to non-attainment and maintenance areas. Florida is currently in attainment status. No certification questions are required at this time.

However, new Air Quality Standards are forthcoming and will require revision of this section.

Sections (3), (4), and (7) through (10): The prohibitions against discrimination on the basis of race, color, creed, national origin, age, gender, or disability as dictated by Title VI of the Civil Rights Act of 1964, as amended; 49 U.S.C. 5332; 23 U.S.C. 324; the Americans with Disabilities Act; the Older Americans Act; and Section 504 of the Rehabilitation Act of 1973

1. Does the MPO have a signed Title VI policy statement expressing commitment to non-discrimination? [23 CFR 200.9 (a)(1)]
2. Does the MPO take action to correct any deficiencies found by the Department within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance? [23 CFR 200.9 (a)(3)]
3. Does the MPO have a staff person assigned to handle Title VI and ADA related issues? This does not need to be a full time equivalent position, but there should be at least someone at the MPO for whom Title VI and ADA is an extra duty area. [23 CFR 200.9 (b)(1); 49 C.F.R. 27.13]
4. Does the MPO have a procedure in place for the prompt processing and disposition of Title VI and Title VIII complaints, and does this procedure comply with the Department's procedure? [23 C.F.R. 200.9 (b)(3)]
5. Does the MPO collect statistical data (race, color, national origin, sex, age, disability) of participants in, and beneficiaries of the programs and activities of the MPO? [23 CFR 200.9 (b)(4)]
6. Does the MPO conduct an annual review of their program areas (for example: public involvement) to determine their level of effectiveness in satisfying the requirements of Title VI? [23 CFR 200.9 (b)(6)]
7. Has the MPO participated in any recent Title VI training, either offered by the state, organized by the MPO, or some other form of training, in the past year?
8. Does the MPO have a signed Non Discrimination Agreement, including Title VI Assurances, with the State?
9. Do the MPO's contracts and bids include the appropriate language as shown in

the appendices of the Non Discrimination Agreement with the State?

10. Does the MPO hold its meetings in locations that are ADA accessible? [49 C.F.R. 27.7 (5)]
11. Does the MPO take appropriate steps to ensure its communications are available to persons with impaired vision and hearing? [49 C.F.R. 27.7 (6)(c)]
12. Does the MPO keep on file for 1 year all complaints of ADA non-compliance received and for 5 years a record of all complaints in summary form? [49 C.F.R. 27.121]

Section (5): Section 1101(b) of SAFETEA-LU regarding the involvement of disadvantaged business enterprises in FHWA and FTA planning projects (*49 CFR Part 26*) Note: MPOs that are part of municipal or county governments may have some of these processes handled by the host agency.

1. Does the MPO have an FDOT approved DBE plan?
2. Does the MPO track DBE participation through the use of the Bid Opportunity List and DBE Participation Statement?
3. Does the MPO report actual payments to DBEs through BizWeb?
4. Does the MPO include the DBE policy statement in its boilerplate contract language for consultants and sub-consultants?

Section (6): 23 C.F.R. Part 230 regarding implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts.

At this time, there is no guidance from FHWA on how MPOs are expected to comply with this provision.