

# Key Chapter Changes

Key chapter changes highlighted **yellow** are new changes.

- **Section 6.4.1 Joint Certification Review** – added information on how the District should provide preliminary results to the MPO by **February 15**. (March 3, 2023)

# 6 Certification of the Metropolitan Transportation Planning Process

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## 6.1 Purpose

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

Federal law and regulation require FDOT and the MPOs to jointly certify the transportation planning process for each metropolitan planning area concurrent with the submittal of the proposed Transportation Improvement Program (TIP) to FHWA and FTA. Federal law and regulation also require FHWA and FTA to review and evaluate the transportation planning process for MPOs in transportation management areas (i.e., urban areas with Census populations greater than 200,000) no less than once every four years.

## 6.2 Authority

**Table 6.1** presents the Federal and State statutes, regulations, and rules related to MPO certification.

**Table 6.1 Federal and State Statutes and Codes**

Citation	Description
<a href="#">23 U.S.C. 134</a>	Certification of the metropolitan transportation planning process.
<a href="#">49 U.S.C. 5303 (k)(5)</a>	
<a href="#">23 C.F.R. 450.336</a>	Self-certifications and Federal certifications.

## 6.3 Overview of Federal Certification Requirements

The primary purpose of a certification review is to ensure the planning requirements of [23 U.S.C. 134](#) and [49 U.S.C. 5303](#) are being satisfactorily implemented. Per [23 C.F.R. 450.336\(a\)](#), for all metropolitan planning areas (MPA), concurrent with the submittal of the

entire proposed TIP to FHWA and FTA, as part of the State Transportation Improvement Program (STIP) approval, the State and the MPO shall certify at least every four years that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements, including the following:

- [23 U.S.C. 134](#), [49 U.S.C. 5303](#), and [23 C.F.R. 450.336](#);
- In nonattainment 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 \(d\), 40 C.F.R. Part 93\]](#)
- Title VI of the Civil Rights Act of 1964, as amended; [\[42 U.S.C. 2000d-1, 49 C.F.R. Part 21\]](#)
- [\[49 U.S.C. 5332\]](#) prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- [Section 1101\(b\) of the Fixing America's Surface Transportation \(FAST\) Act](#) (Pub. L. 114-357) and [\[49 C.F.R. Part 26\]](#) regarding the involvement of disadvantaged business enterprises in DOT-funded projects;
- [\[23 C.F.R. Part 230\]](#) regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- The provisions of the Americans with Disabilities Act (ADA) of 1990 [\[42 U.S.C. 12101 et seq.\]](#) and [\[49 C.F.R. Parts 27, 37, and 38\]](#);
- 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;
- [\[23 U.S.C. Part 324\]](#) regarding the prohibition of discrimination on the basis of gender; and
- 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.

Per [23 C.F.R. 450.336\(b\)](#) in Transportation Management Areas (TMA), FHWA and FTA jointly shall review and evaluate the transportation planning process for each TMA no less

than once every four years to determine if the process meets the requirements of applicable provisions of Federal law and [23 C.F.R. 450.336](#).

- After review and evaluation of the TMA planning process, FHWA and FTA shall take one of the following actions:
  - If the process meets the requirements of this part and the MPO and the Governor have approved a TIP, jointly certify the transportation planning process;
  - If the process substantially meets the requirements of this part and the MPO and the Governor have approved a TIP, jointly certify the transportation planning process subject to certain specified corrective actions being taken; or
  - If the process does not meet the requirements of this part, jointly certify the planning process as the basis for approval of only those categories of programs or projects that FHWA and FTA jointly determine, subject to certain specified corrective actions being taken.

If, upon the review and evaluation conducted under paragraph (b)(1)(iii) of this section, FHWA and FTA do not certify the transportation planning process in a TMA, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the MPO for projects funded under [Title 23 U.S.C.](#) and [Title 49 U.S.C. Chapter 53](#), in addition to corrective actions and funding restrictions. The withheld funds shall be restored to the MPA when the metropolitan transportation planning process is certified by FHWA and FTA, unless the funds have lapsed.

A certification of the TMA planning process will remain in effect for four years, unless a new certification determination is made sooner by FHWA and FTA, or a shorter term is specified in the certification report.

In conducting a certification review, FHWA and FTA shall provide opportunities for public involvement within the metropolitan planning area under review. FHWA and FTA shall consider the public input received in arriving at a decision on a certification action.

FHWA and FTA shall notify the MPO(s), the State(s), and public transportation operator(s) of the actions taken under paragraphs (b)(1) and (b)(2) of this section.

FHWA and FTA will update the certification status of the TMA when evidence of satisfactory completion of a corrective action(s) is provided to FHWA and FTA.

## **6.4 FDOT Joint Certification Process**

Each year, the District and the MPO must jointly certify the metropolitan transportation planning process. The joint certification begins in January. This allows time to incorporate relevant recommended changes into the Draft Unified Planning Work Program (UPWP). The District and the MPO create a joint certification package that includes a summary of noteworthy achievements by the MPO and, if applicable, a list of any recommendations and/or corrective actions. The District should also share positive findings and best practices identified during the certification process.

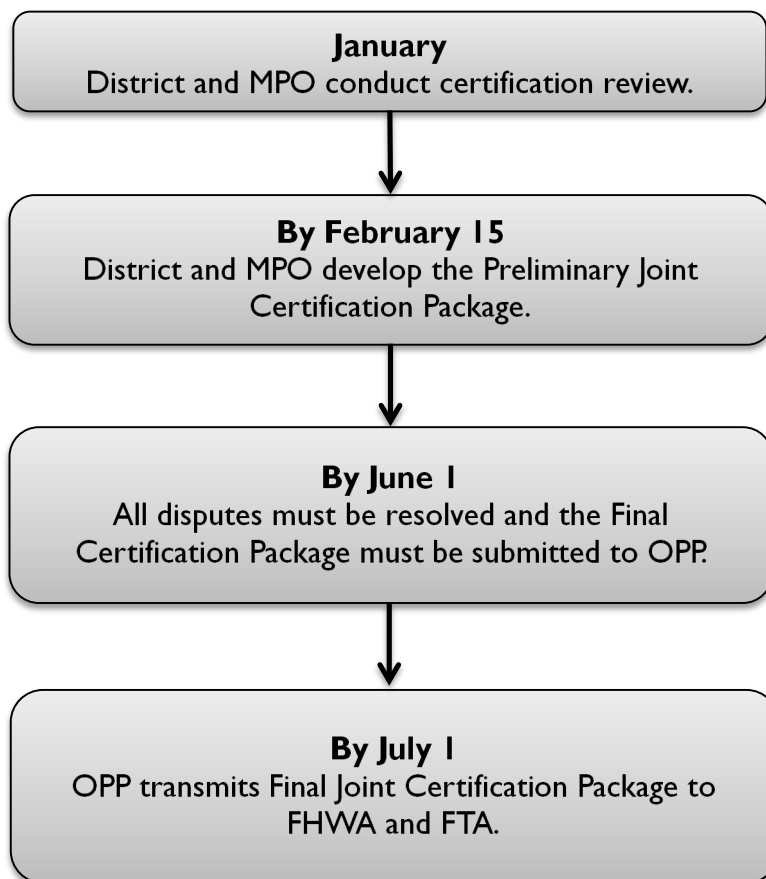
The final certification package and statement must be submitted to Central Office, Office of Policy Planning (OPP) no later than **June 1**.

Districts no longer have the option of doing a full certification or a modified certification. All certification questions must be answered, every year. The process is presented in **Figure 6.1**, and is described in the following sections.

Instructions on how to complete the certification are available in the Certification Process Section of the FDOT Joint Certification Document, which is available for download from the [MPO Partner Site](#).

The District shall report the identification of and provide status updates of any corrective action or other issues identified during certification directly to the MPO Board. Once the MPO has resolved the corrective action or issue to the satisfaction of the District, the District shall report the resolution of the corrective action or issue to the MPO Board.

Figure 6.1 Joint Certification Process



### 6.4.1 Joint Certification Review

The District should provide preliminary results to the MPO by **February 15**. The review ensures the transportation planning process is being carried out in accordance with the applicable requirements listed in [\[23 C.F.R. 450.336\(a\)\]](#) and referenced in [Section 6.3: Overview of Federal Certification Requirements](#). Issues will be identified and discussed; resolution will be sought by all parties, as appropriate.

During the years when the new two-year UPWP is being developed (i.e. year 2 of the current UPWP), any recommendations from the joint certification review will be incorporated into the draft UPWP. The District will send a Final Joint Certification Package to OPP, then OPP will transmit the package to FHWA and FTA.

If there is a dispute between the District and the MPO regarding the certification, they should refer to the conflict resolution process in [Section 6.4.4: Resolving FDOT/MPO](#)



**Joint Certification Issues.** The District and the MPO have until August 1 to resolve disputes and submit the signed Joint Certification Package to FHWA, FTA, and OPP.

## 6.4.2 Development of the Joint Certification Package

The District must prepare a preliminary copy of the Joint Certification Package for MPO review by **February 15**. This will allow the implementation of recommendations into the draft UPWP that is due on **March 15**.

The preliminary Certification Package must include the following:

- The completed Master Certification Document, which may include:
  - A summary description of any noteworthy achievements by the MPO
  - Any recommendations and/or corrective actions
  - Any relevant attachments
- The un-signed certification statement

## 6.4.3 MPO Review

The MPO has a maximum of **15 calendar days** to respond to the District concerning the contents of the Joint Certification Package. 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 OPP. Districts are not to include deficiencies or agreements in the Final Joint Certification Package that have not been fully discussed and coordinated with the MPO.

## 6.4.4 Resolving FDOT/MPO Joint Certification Issues

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

## 6.4.5 Processing the Final Joint Certification Package

The District must submit a copy of the signed Certification Package by **June 1** to OPP, the Florida Division of FHWA, and FTA (for a total of three copies). Extra time to resolve disputes may be needed; however, the deadline is **August 1**. This will allow OPP ample time for review. All Joint Certifications must be approved before the FDOT Secretary can request approval of the STIP from FHWA and FTA.

The Final Joint Certification Package will include the following:

- The completed Master Certification Document, which may include:
  - A summary description of any noteworthy achievements by the MPO
  - Any recommendations and/or corrective actions
  - Any relevant attachments
- The signed certification statement

## 6.5 Certification Questions

**Section 6.3: Overview of Federal Certification Requirements** stated the planning process must be done in accordance with the 10 applicable areas of law listed in [23 C.F.R. 450.336\(a\)](#). The certification questions identify those minimum tasks that an MPO shall do in order to be fully certified. This list is intended to be as comprehensive as possible. However, additional requirements may be added as Federal guidance or regulations are developed. The certification process underwent a complete update in 2017. The certification questions will be examined and updated after each certification cycle, as necessary. With that being the case, the certification questions will no longer be included in this Handbook. The current certification questions can be viewed in the FDOT Joint Certification Document, available for download from the [MPO Partner Site](#).

If the answer to a question is negative, and if the problem cannot be corrected prior to the signing of the Joint Certification Statement, FDOT has the option of granting conditional certification and including a corrective action in the Joint Certification Statement. The District may also identify recommendations or corrective actions based on any other the information in the review, any critical comments, or to ensure compliance with federal

regulation. The corrective action should include a date by which the problem must be corrected.

## 6.6 Risk Assessment

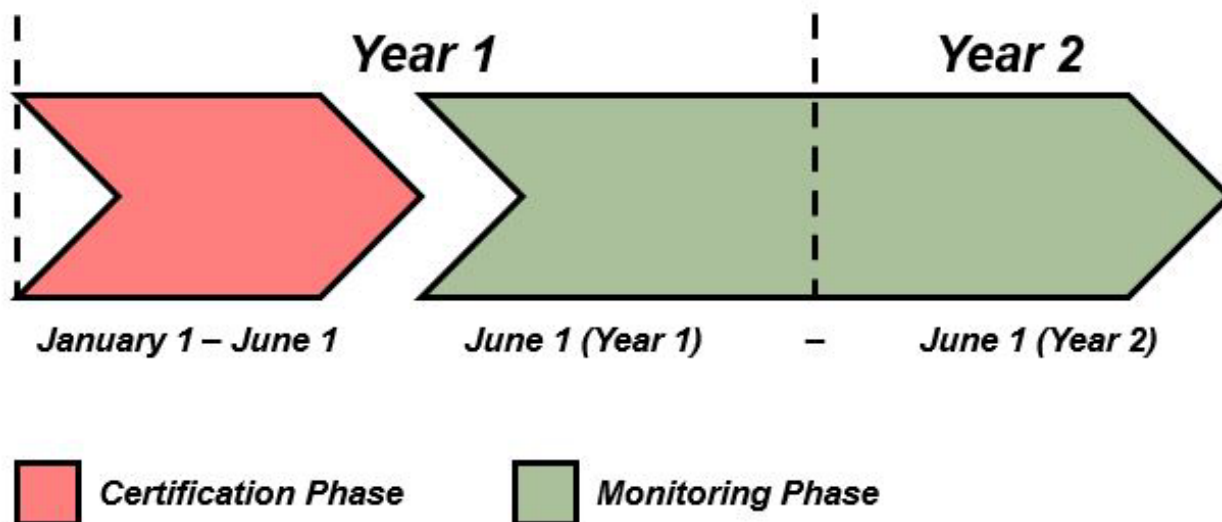
Part 2 Section 1: Risk Assessment of the FDOT Joint Certification Document is intended to satisfy requirements described in [2 CFR §200.206](#). The questions in Part 2 Section 1: Risk Assessment are quantified and scored to assign a level of risk for each MPO, which will be updated annually during the joint certification process. The results of the Risk Assessment determine the minimum frequency by which the MPO’s supporting documentation for their invoices is reviewed by District MPO Liaison for the upcoming year. The frequency of review is based on the level of risk in [Table 6.2](#).

**Table 6.2 Frequency of Review**

Score	Risk Level	Frequency of Monitoring
> 85 percent	Low	Annual
68 to < 84 percent	Moderate	Bi-annual
52 to < 68 percent	Elevated	Tri-annual
< 52 percent	High	Quarterly

The Risk Assessment has two main components – the Certification phase and the Monitoring phase – and involves regular reviewing, checking, and surveillance. The Risk Assessment is conducted in January to review the MPOs processes for the prior calendar year (The red line in [Figure 6.2](#)). Between January and July, the Risk Assessment is reviewed and finalized. Once the Risk Assessment is considered final, the Risk Assessment enters the Monitoring phase, where the MPO is monitored for a 12-month period at a set frequency based on the level of risk. [Figure 6.2](#) summarizes the Risk Assessment timeline and how Risk Assessment phases can overlap from year to year.

**Figure 6.2 Risk Assessment: Certification Year vs. Monitoring**



## 6.7 Federal Certification Review Process

FHWA and FTA must certify that the metropolitan transportation planning process in TMAs is carried out in accordance with applicable provisions of Federal law at least once every four years [23 U.S.C. 134, 49 U.S.C. 5303, and 23 C.F.R. 450.336]. The schedule for Federal TMA certification reviews, referred to as the quadrennial review, is updated annually and distributed by the FHWA Florida Division. FHWA and FTA will conduct these certifications on a multiyear cycle, thereby, ensuring the MPOs in this category will be Federally certified at least every four years. For any more information on the federal certification process, please contact the FHWA Planner for your District.

### 6.7.1 Purpose of Review

The primary purpose of a certification review is to formalize the continuing oversight and evaluation of the planning process. The FHWA and the FTA work cooperatively with the TMA planning staff on a regular basis. By reviewing and approving planning products, providing technical assistance, and promoting best practices, the formal assessment involved in a certification review provides an external view of the TMA’s transportation planning process. FHWA and FTA utilize a risk-based approach containing various factors to determine which topic areas required additional evaluation during the certification review.

## 6.7.2 Components of the Quadrennial Review

**Eleven months** prior to the quadrennial certification review, FHWA contacts the MPO and the District to schedule the certification review of the metropolitan planning process. FHWA's advance notification letter will be sent to the MPO with copies to the appropriate District liaison and OPP. The Federal review team comprises representatives from FHWA and FTA. In nonattainment or maintenance areas, the Environmental Protection Agency may also participate.

The quadrennial certification review consists of the following four parts:

- The **Document Review** involves a thorough examination of the findings from the Joint Certification questions asked by the FDOT District since the last federal certification review. **FHWA** also will review the MPO's planning documents and work products, such as the LRTP, TIP, UPWP, and the Congestion Management Process (CMP). The Federal Review Team uses a risk based approach to identify focus areas for each TMA certification review.
- During the **Site Visit** to the MPO, the Federal Review Team will conduct meetings with the MPO to discuss the preliminary findings from the Document Review and other areas critical to the planning process, such as those listed at [\[23 C.F.R. 450.336\(a\)\]](#). The Site Visit provides an opportunity for information-sharing and discussion of best planning practices.

The FHWA lead staff person, in consultation with FTA, the MPO, and the District, is responsible for preparing the site visit agenda. The MPO is responsible for distributing the agenda and scheduling and advertising the meeting location and/or other input opportunities for public involvement.

Under [\[23 U.S.C. 134 \(k\)\(5\)\(D\)\]](#), there must be an opportunity for public involvement during TMA certification reviews. If a public meeting is held, it is typically conducted during the Site Visit portion of the certification review.

The public involvement session will include an opportunity for public input through a public meeting and/or virtual public involvement opportunities. The Federal Review Team may also have a dialogue with the MPO staff on the public involvement plan and its implementation. The MPO must provide documentation of its public involvement efforts related to the TMA Certification.

- The **Written TMA Certification Report** documents the findings from the Document Review and Site Visit, comments from the public, and other meetings with members of the MPO and/or its committees, as applicable. A draft of the preliminary report is distributed to the MPO, the District, and the Statewide MPO Coordinator to review for factual accuracy prior to the report being finalized.
- The **Closeout meeting** occurs when the Federal Review Team presents the report findings at an MPO Board meeting.

## 6.8 References

This section provides a list of references/definitions from Federal and State law, including key plans and guidance related to MPOs.

**Table 6.3**    **References**

Reference	Description
<a href="#">23 U.S.C. 134</a>	Metropolitan transportation planning
<a href="#">42 U.S.C. 2000d</a> et seq	Title VI of the Civil Rights Act of 1964
<a href="#">42 U.S.C. 12101</a>	ADA of 1990
<a href="#">42 U.S.C. 7504</a> and <a href="#">7506(c) and (d)</a>	Transportation Air Quality Conformity
<a href="#">49 U.S.C. 5303</a> ;	Metropolitan transportation planning
<a href="#">Section 1101(b) of the FAST Act</a>	Disadvantaged Business Enterprise (DBE)
<a href="#">23 C.F.R. 450</a>	Statewide and Metropolitan Planning
<a href="#">49 C.F.R. 26</a>	Participation by Disadvantaged Business Enterprise (DBE)
<a href="#">49 C.F.R. 27</a>	Nondiscrimination on the Basis of Disability in Programs and Activities Receiving Federal Financial Assistance

Reference	Description
<a href="#">49 C.F.R. 37</a>	Transportation Services for Individuals with Disabilities
<a href="#">49 C.F.R. 38</a>	ADA Accessibility Specifications for Transportation Vehicles