

MPO

PROGRAM MANAGEMENT
HANDBOOK

CHAPTER 7 Certification of the MPO Planning Process



OFFICE OF POLICY PLANNING



7. Certification of the MPO Planning Process

Key Chapter Changes

The Certification of the Metropolitan Transportation Planning Process chapter has been reformatted to allow for improved accessibility. (July 15, 2024)



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7.1 Introduction

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



There are two MPO certification reviews: - the annual Joint FDOT/MPO and the quadrennial federal review for Transportation Management Areas (TMA). Federal law and regulation require FDOT and the MPOs to jointly certify the transportation planning process for each MPO. Federal law and regulation also require FHWA and FTA to review and evaluate the transportation planning process for MPOs in a TMA (i.e.; urban areas with Census populations greater than 200,000) no less than every four years. [\[23 CFR 450.336\]](#)

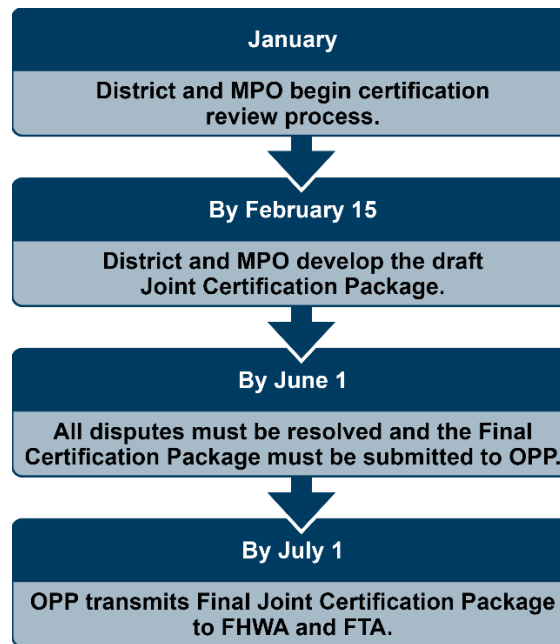
7.2 FDOT/MPO Joint Certification Process

Each year, the District and the MPO must jointly certify the metropolitan transportation planning process. The FDOT/MPO Joint Certification process begins in January. During years when the MPO will develop a new UPWP, this timeline provides the MPO ample time to incorporate recommendations from the Joint Certification report into the new UPWP document. The District and MPO create a joint certification package that includes a summary of noteworthy achievements from the MPO and, if applicable, a list of recommendations and/or corrective actions from the District. The District should also share positive findings and best practices identified during the FDOT/MPO Certification Process.

The final FDOT/MPO Joint 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 7.1**, and is described in the following sections.

Figure 7.1 FDOT/MPO Joint Certification Process



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

Part I is completed by the MPO and includes the following sections:

1. Overview
2. Finances and invoicing
3. Title VI and ADA compliance
4. MPO procurement practices
5. Contract(s) review
6. Disadvantaged Business Enterprises (DBE) practices
7. Noteworthy achievements of the MPO
8. MPO comments

Part I of the FDOT/MPO Joint Certification is found in the [Liaison Toolkit](#).

Part II is completed by the Liaison and include the following topics:

1. Risk assessment
2. LRTP
3. TIP
4. UPWP
5. Clean Air Act
6. FHWA PL and Non-PL Funding
7. MPO procurement and contract review practices
8. District questions
9. Recommendations and corrective actions

Part II is available for download from the [Liaison Toolkit](#).

The Liaison is responsible for downloading the most recent version(s) of the certification documents and ensuring the MPO receives Part 1 in a timely manner for completion.

The District shall report corrective actions and other issues identified during the Joint Certification process directly to the MPO Board. Once the MPO has resolved the corrective action(s) or issue(s) to the satisfaction of the District, the District shall report the resolution of the corrective action(s) or issue(s) to the MPO Board.

7.2.1 FDOT/MPO Joint Certification Review

The District should provide draft results to MPO staff by **February 15**. The review ensures the transportation planning process is being carried out in accordance with the applicable requirements listed in [\[23 CFR 450.336\(a\)\]](#) and referenced in **7.1.1. 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 FDOT/MPO Joint Certification Review will be incorporated into the Draft/new UPWP. The District will send a Final FDOT/MPO Joint Certification Package to OPP no later than **June 1**, then OPP will transmit the package to FHWA and FTA.

If there is a dispute between the District and the MPO regarding the FDOT/MPO Joint Certification, they should refer to the conflict resolution process in [Section 7.2.4: Resolving FDOT/MPO Joint Certification Issues](#). The District and the MPO have until **August 1** to resolve disputes and submit the signed FDOT/MPO Joint Certification Package to FHWA, FTA, and OPP. The **August 1** deadline is for exceptional circumstances specifically related to dispute resolution and is not a part of the standard review period.

7.2.2 Development of the FDOT/MPO Joint Certification Package

The District must prepare and transmit to MPO staff a draft copy of the FDOT/MPO Joint Certification Package for MPO review by **February 15**. This will allow implementation of recommendations into the Draft UPWP that is due on **March 15**. The FDOT/MPO Joint Certification Package is submitted through the [Liaison Toolkit](#).

The draft FDOT/MPO Certification Package must include the following:

- ❖ The completed Master Certification Document:
 - A summary description of noteworthy achievements by the MPO
 - Recommendations and/or corrective actions
 - Relevant attachments (e.g., Part 1 and Part 2 documents)
- ❖ The un-signed certification statement

7.2.3 MPO Review

The MPO has a maximum of **15 calendar days** to respond to the District concerning the contents of the FDOT/MPO Joint Certification Package. Disagreements between the District and the MPO are to be resolved prior to the District's submittal of the Final FDOT/MPO Joint Certification Package to OPP. Districts should not report deficiencies or agreements of resolution in the Final FDOT/MPO Joint Certification Package that have not been fully discussed and coordinated with the MPO.

7.2.4 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 the FDOT/MPO consultation process, OPP will arrange consultation with FHWA, FTA, the District, and the MPO to resolve the issue(s).

7.2.5 Processing the Final FDOT/MPO Joint Certification Package

The District must submit a copy of the final FDOT/MPO Joint Certification Package by **June 1** to OPP through the [Liaison Toolkit](#). The package is then submitted by OPP via email to Florida Division of FHWA and FTA (for a total of three copies). This will allow OPP ample time for review. All FDOT/MPO Joint Certifications must be approved before the FDOT Secretary can request approval of the State Transportation Improvement Program (STIP) from FHWA and FTA. In extenuating circumstances involving dispute resolution, an extended due date of **August 1** may be granted.

The final FDOT/MPO Joint Certification Package must include the following:

- ❖ The completed Master Certification Document:
 - A summary description of noteworthy achievements by the MPO
 - Recommendations and/or corrective actions
 - Relevant attachments (e.g., Part 1 and Part 2 documents)
- ❖ The signed certification statement

7.2.6 Certification Questions

[Section 7.1.1: Overview of Federal Certification Requirements](#) state the planning process must be executed in accordance with the 10 applicable requirements listed in [23 CFR 450.336\(a\)](#). The certification questions identify the minimum tasks an MPO must complete 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. Certification questions will be reviewed and updated after each certification cycle, as necessary. Therefore, the certification questions will no longer be included in this Handbook. The certification questions can be viewed in the FDOT/MPO Joint Certification Package, available at the [Liaison Toolkit](#).

If the answer to a certification question is negative, and the problem cannot be corrected prior to the executing the FDOT/MPO Joint Certification Statement, FDOT has the option of granting conditional certification and including a corrective action in the FDOT/MPO Joint Certification Statement. The District may also identify recommendations or corrective actions based on other information in the review, critical comments, or to ensure compliance with federal regulation. Corrective actions should include a date by which the problem must be corrected.



7.2.7 Risk Assessment

Part 2 Section 1: Risk Assessment is intended to satisfy requirements described in [2 CFR 200.206](#). Questions in this section are quantified and scored to assign a level of risk to each MPO. The Risk Assessment level is reassessed and updated each year during the annual FDOT/MPO Joint Certification process. The results of the Risk Assessment determine the minimum frequency by which the MPO's supporting documentation for invoices is reviewed by Liaison. The frequency of review is based on the level of risk in [Table 7.1](#).

Table 7.1 Risk Level and Monitoring Frequency

Score	Risk Level	Frequency of Monitoring
> 85 percent	Low	Annual
68 to < 84 percent	Moderate	Two Times Annually
52 to < 68 percent	Elevated	Three Times Annually
< 52 percent	High	Quarterly

The Risk Assessment has two main components: the Certification phase and the Monitoring phase. Each involve regular reviews, checks and monitoring. The Risk Assessment is conducted in January to review the MPO's processes for the prior **calendar** year. Between **January** and **June 1**, the Risk Assessment is assessed, reviewed, finalized, and sent to FHWA. Once the Risk Assessment is final, the Monitoring phase begins. This phase will begin **June 1** and will end **May 31** of the following year. These dates represent invoice reporting periods. [Figure 7.2](#) summarizes the Risk Assessment timeline and how the Risk Assessment phase can overlap from year to year.

Figure 7.2 Risk Assessment Phases



7.3 Federal Certification Review Process

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

7.3.1 Overview of Federal Certification Requirements

The primary purpose of a federal certification review is to ensure the planning requirements of [23 USC 134](#) and [49 USC 5303](#) are being satisfactorily implemented by an MPO. Per [23 CFR 450.336\(a\)](#), for all metropolitan planning areas (MPA), the submittal of the proposed TIP and as part of approval of the STIP, FDOT 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 USC 134, 49 USC 5303, and 23 CFR 450.336](#);
- ❖ In air quality nonattainment and maintenance areas, Sections 174 and 176(c) and (d) of the Clean Air Act, as amended; [\[42 USC 7504, 7506\(c\) and \(d\), 40 CFR Part 93\]](#)
- ❖ Title VI of the Civil Rights Act of 1964, as amended; [\[42 USC 2000d-1, 49 CFR Part 21\]](#)
- ❖ [\[49 USC 5332\]](#) 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 [\[49 CFR Part 26\]](#) regarding the involvement of disadvantaged business enterprises in DOT-funded projects
- ❖ [\[23 CFR Part 230\]](#) 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 [\[42 USC 12101 et seq.\]](#) and [\[49 CFR Parts 27, 37, and 38\]](#)

- ❖ The Older Americans Act, as amended [\[42 USC 6101\]](#), prohibiting discrimination on the basis of age in programs or activities receiving federal financial assistance
- ❖ [\[23 USC Part 324\]](#) regarding the prohibition of discrimination on the basis of gender
- ❖ Section 504 of the Rehabilitation Act of 1973 [\[29 USC 794\]](#) and [\[49 CFR Part 27\]](#) regarding discrimination against individuals with disabilities

Per [23 CFR 450.336\(b\)](#) a TMA, FHWA and FTA jointly 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 CFR 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, the transportation planning process will be jointly certified
 - If the process substantially meets the requirements of this part and the MPO and the Governor have approved a TIP, the transportation planning process may be jointly certified subject to certain specified corrective actions being taken
 - If the process does not meet the requirements of this part, the planning process may be jointly certified 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 at least once every four years

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 USC](#) and [Title 49 USC 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 consider any 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.

7.3.2 Purpose of Review

The primary purpose of a certification review is to formalize continuing oversight and evaluation of the planning process. FHWA and FTA work cooperatively with MPO staff 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 require additional evaluation during the certification review.

7.3.3 Components of the Quadrennial Review

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 staff and OPP. The federal review team comprises representatives from FHWA and FTA. In air quality nonattainment or maintenance areas, the Environmental Protection Agency (EPA) may also participate¹.

The quadrennial certification review consists of the following four parts:

- ❖ The **Document Review** involves a thorough examination of the findings from the FDOT/MPO Joint Certification questions asked by the FDOT District since the last federal certification review. **FHWA** will also review the MPO's planning documents and work products, such as the LRTPTIPUPWP, Public Participation Plan (PPP), and the Congestion Management Process (CMP). The federal review team uses a risk-based approach to identify focus areas for each TMA certification review.

¹ Currently, there are no nonattainment air quality areas in Florida.

- ❖ During the **Site Visit** to the MPO, the federal review team will conduct meetings with MPO staff to discuss the draft findings from the Document Review and other areas critical to the planning process, such as those listed at [\[23 CFR 450.336\(a\)\]](#). The Site Visit provides an opportunity for information sharing and discussion of best practices.

The FHWA lead staff person, in consultation with FTA staff, 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 opportunities for public involvement. Under [\[23 USC 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 input through a meeting and/or virtual opportunities. The federal review team may also have a dialogue with MPO staff on the PPP 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 Board and/or its committees, as applicable. A draft of the report is distributed to the MPO, the District, and OPP 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.

7.4 References

Table 7.2 provides a list of references/definitions from federal and state law, including key plans and guidance related to MPO certification.

Table 7.2 References

METROPOLITAN TRANSPORTATION PLANNING

Citation: [23 USC 134](#) and [49 USC 5303](#)

Description: Describes the transportation planning process for metropolitan planning organizations (MPOs).

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Citation: [42 USC 2000d](#) et seq

Description: Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin.

PUBLIC HEALTH AND WELFARE

Citation: [42 USC 12101](#)

Description: ADA of 1990

Citation: [42 USC 7504](#) and [42 USC 7506\(c\) and \(d\)](#)

Description: Transportation Air Quality Conformity

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

Citation: [Section 1101\(b\) of the FAST Act](#)

Description: Fixing America's Surface Transportation Act

Citation: [49 CFR Part 26](#) and [49 CFR Part 26](#)

Description: Participation by Disadvantaged Business Enterprise (DBE) in development of transportation financial assistance programs

PLANNING ASSISTANCE AND STANDARDS

Citation: [23 CFR Part 450](#)

Description: Statewide and metropolitan planning requirements and statewide performance-based transportation planning process

NON-DISCRIMINATION

Citation: [49 CFR Part 27](#)

Description: Nondiscrimination on the Basis of Disability in Programs and Activities Receiving Federal Financial Assistance Statewide and Metropolitan Planning

AMERICANS WITH DISABILITIES ACT (ADA)

Citation: [49 CFR Part 38](#) and [49 CFR Part 27](#)

Description: ADA accessibility specifications for transportation vehicles nondiscrimination on the basis of disability in programs and activities receiving federal financial assistance

Citation: [49 CFR Part 37](#)

Description: Transportation services for individuals with disabilities