

MPO

PROGRAM MANAGEMENT HANDBOOK

CHAPTER 1

Introduction



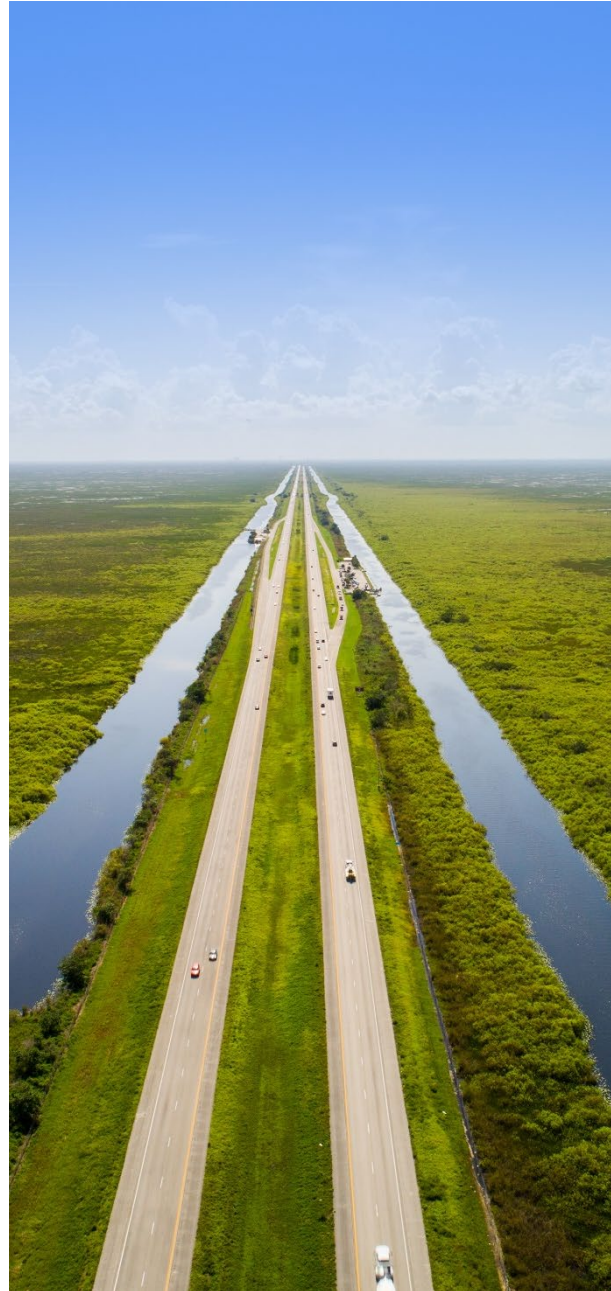
OFFICE OF POLICY PLANNING



1. Introduction

Key Chapter Changes

The Introduction chapter was updated to provide an introductory explanation of Metropolitan Planning Organizations (MPOs), updated resources, and was reordered for ease of access and organization. The chapter has been reformatted for accessibility.
(September 24, 2024)



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1.1 What is an MPO?

Metropolitan Planning Organizations (MPOs) are federally mandated transportation planning organizations comprised of representatives from local governments and transportation authorities. An MPO's role is to develop and maintain the required transportation plans for a metropolitan area to ensure federal funds support local priorities. In Florida, some MPOs use slightly different names, such as Transportation Planning Organizations (TPOs), Transportation Planning Agencies (TPAs), or Metropolitan Transportation Planning Organizations (MTPOs). Some MPOs in Florida don't use any of these variations in their names. Irrespective of their name, all MPOs must comply with the same rules, regulations, and planning processes.

Federal transportation planning requirements for metropolitan areas have been in place for several decades. In 1962, the United States Congress passed the Federal-Aid Highway Act. The act provided federal-aid highway funding to urban areas with populations greater than 50,000, contingent on the establishment of a continuing and comprehensive transportation planning process carried out cooperatively by state and local communities (i.e., 3-C planning process). To address needs more effectively for regional coordination of transportation planning across jurisdictional boundaries, the 1973 Federal-Aid Highway Act mandated the creation or designation of MPOs for urban areas. MPOs are required to implement the 3-C planning process and comply with federal and state transportation planning requirements as a condition of the receipt of federal transportation funds.

The [Intermodal Surface Transportation Efficiency Act of 1991 \(ISTEA, PL 102-240\)](#) gave MPOs the responsibility to involve the public in the planning process through expanded citizen participation opportunities and requirements. Another important change prompted by this legislation was the requirement for MPOs to “financially constrain” their long- and short-range transportation plans.

The [Transportation Equity Act for the 21st Century \(TEA-21, PL 105-178\)](#), enacted in 1998, added a requirement for public involvement during the MPO certification review. It also required seven Federal Planning Factors be included in transportation plans.

In 2005, the [Safe, Accountable, Flexible, Efficient, Transportation Equity Act \(SAFETEA-LU, PL 109-59\)](#) increased public involvement responsibilities. This included new Public Participation Plan (PPP) requirements to provide reasonable opportunities for all parties to provide input to MPO plans.

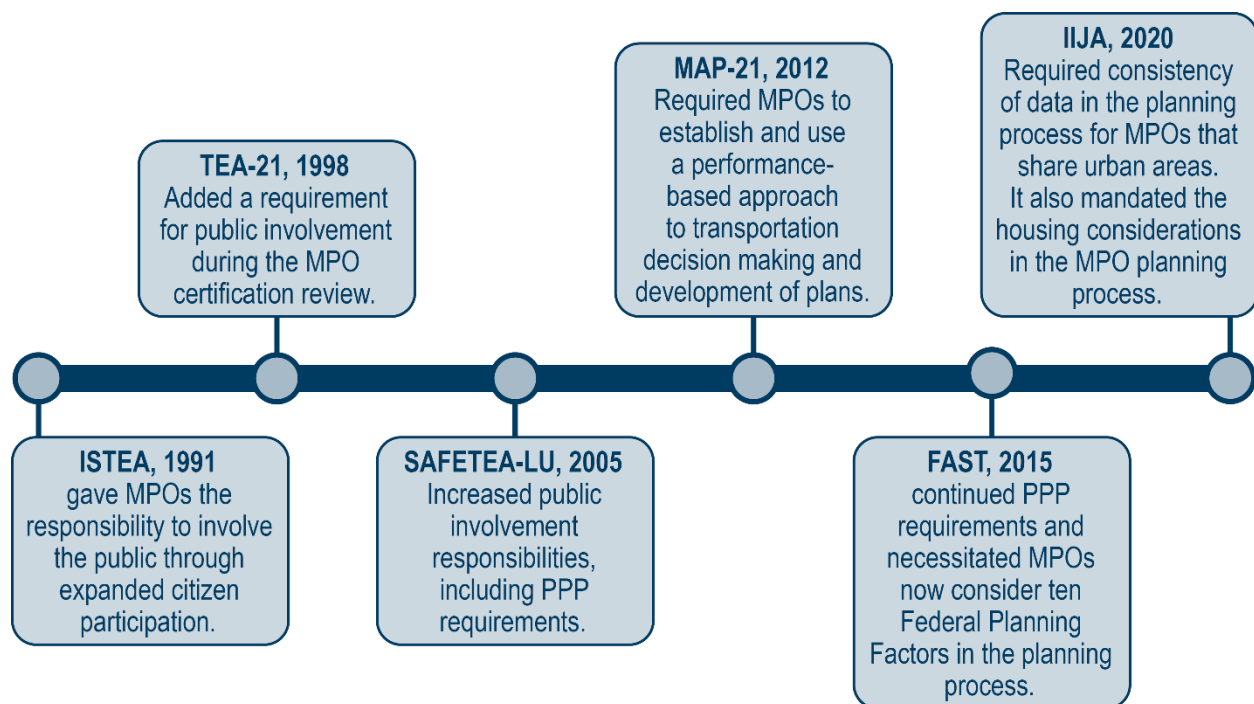
The [Moving Ahead for Progress in the 21st Century Act \(MAP-21, PL 112-141\)](#) of 2012 required MPOs to establish and use a performance-based approach to transportation decision making and development of plans.

The **Fixing America's Surface Transportation System Act (FAST, PL 114-94)** of 2015 continued the Public Participation Plan (PPP) requirements and necessitated MPOs now consider ten Federal Planning Factors in the planning process.

In 2020, the **Infrastructure Investment and Jobs Act (IIJA, PL 117-58)** required consistency of data in the planning process for MPOs that share urban areas. It also mandated housing considerations in the MPO planning process. MPOs can address these new requirements through a housing coordination process, which may include affordable housing organizations. Transportation plans may also use housing distribution as a factor for scenario planning, amongst other options.

Together, this timeline, shown in **Figure 1.1** gives a snapshot of federal transportation planning requirements enacted over 65 years.

Figure 1.1 Timeline of Federal Transportation Planning Requirements



MPOs also must consider 10 federal planning factors in the planning process ([23 CFR 450.306\(b\)](#)), which are presented below and in [Figure 1.2](#).

- ❖ Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- ❖ Increase the safety of the transportation system for motorized and non-motorized users;
- ❖ Increase the security of the transportation system for motorized and non-motorized users;
- ❖ Increase accessibility and mobility of people and freight;
- ❖ Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns;
- ❖ Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- ❖ Promote efficient system management and operation;
- ❖ Emphasize the preservation of the existing transportation system;
- ❖ Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and
- ❖ Enhance travel and tourism.

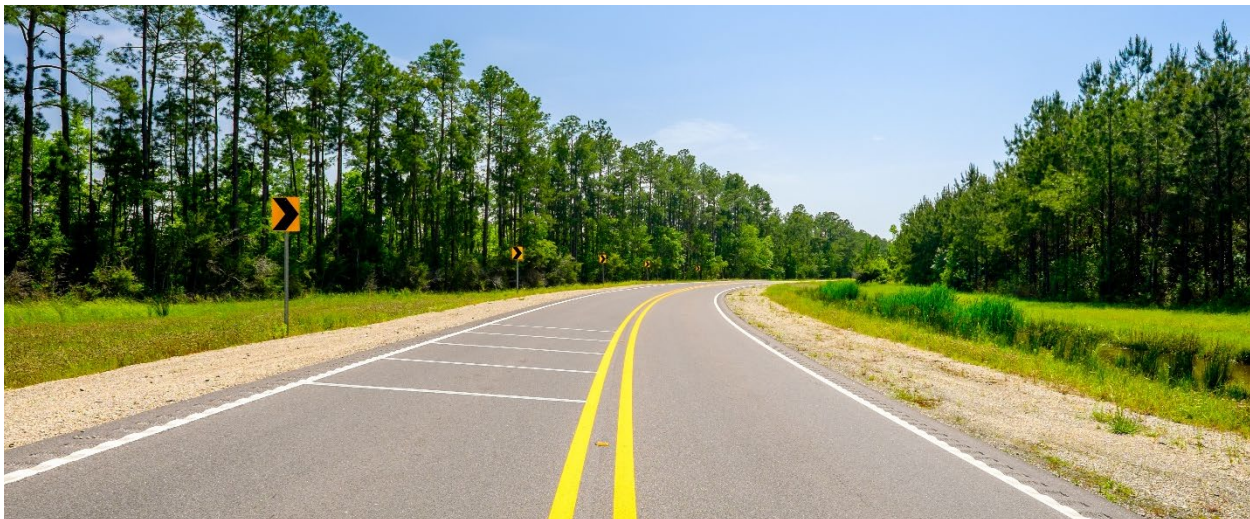


Figure 1.2 Federal Planning Factors





1.2 What Does an MPO Do?

An MPO carries out four primary activities:

- ❖ Develop and maintain a Long Range Transportation Plan (LRTP), which addresses no less than a 20-year planning horizon. Several MPOs go past the minimum 20-year horizon. Federal guidance refers to LRTPs as Metropolitan Transportation Plans (MTPs), but the plan may be referred to by different names in each region.
- ❖ Update and approve a Transportation Improvement Program (TIP), which is a four-year program for highway and transit improvements. In Florida, MPOs are required to annually develop and adopt a TIP that includes a five-year program of projects. The fifth year is included for illustrative purposes.
- ❖ Develop and adopt a Unified Planning Work Program (UPWP), which identifies an MPO’s budget and planning activities that are to be undertaken in the metropolitan planning area.
- ❖ Prepare a Public Participation Plan (PPP), which describes how an MPO involves the public and stakeholder communities in transportation planning. An MPO must also periodically evaluate whether its public involvement process continues to be effective.

These activities, presented in **Figure 1.3** below, are required for an MPO to qualify for and receive federal transportation funds.

Figure 1.3 MPO Primary Activities

| | |
|--|--|
| Develop, Maintain, and Adopt LRTP | 20-year planning horizon for establishing future goals, strategies, and projects. |
| Develop, Update, and Adopt TIP | 4-year program for highway and transit improvements with an included fifth year for illustrative purposes. |
| Develop and Adopt UPWP | Identifies an MPO’s planning budget and planning activities. |
| Develop and Adopt PPP | Describes how an MPO involves the public and stakeholders in transportation planning. |

An LRTP includes both long-range and short-range strategies/actions that provide for the development of an integrated multimodal transportation system, including accessible pedestrian walkways and bicycle transportation facilities, to facilitate the safe and efficient movement of people and goods while addressing current and future transportation demand [\[23 CFR 450.324\(a\)\(b\)\]](#). For areas that are considered to be in air quality attainment thresholds, LRTPs are updated at least every five years. This is to confirm the plan's validity and consistency with current and forecasted transportation and land use trends and conditions, as well as to extend the forecast period to include at least a 20-year planning horizon. Areas considered to be in non-attainment are required to update their LRTPs every 4 years. [\[23 CFR 450.324\(c\)\]](#)

Each MPO's LRTP must consider the goals and objectives identified in the [Florida Transportation Plan \(FTP\)](#), which is the Long Range Transportation Plan for the state. [\[s.339.175\(7\)\(a\), FS\]](#) The 2055 FTP outlines the transportation vision for the state with a 30-year planning horizon and identifies the goals, objectives, and strategies that can be used to accomplish that vision. The state shall develop the FTP in cooperation with the MPOs. [\[23 CFR 450.216\(g\)\]](#) and [\[s.339.175\(7\)\(a\), FS\]](#)

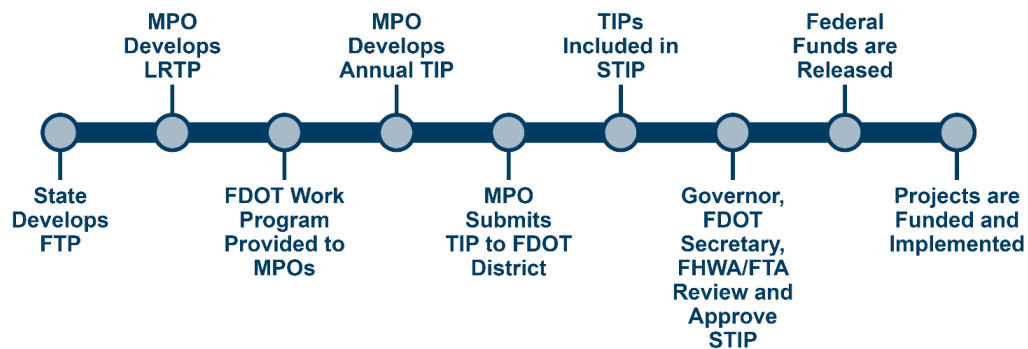
An MPO's TIP reflects short-term transportation investment priorities established in the MPO's current LRTP. It includes surface transportation projects within the boundaries of the MPO area that receive federal funds. Federal law requires the TIP to cover a period of no less than four years and must be updated at least every four years. In Florida, [\[s.339.175\(8\)\(a\), FS\]](#) requires the TIP list projects over a five-year period. If the TIP covers more than four years, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) will consider the projects in the additional years as illustrative. [\[23 CFR 450.326\(a\)\]](#) The listed projects in the TIP are based on the List of Prioritized Projects (LOPP). The LOPP is prepared annually by each MPO and must be based upon project selection criteria that, at a minimum, considers:

- ❖ The approved MPO LRTP;
- ❖ The Strategic Intermodal System Plan under [\[s.339.64\]](#);
- ❖ The priorities developed pursuant to [\[s.339.2819\(4\)\]](#)
- ❖ The results of the transportation management systems; and
- ❖ The MPOs public-involvement procedures

The schedule for the development of a TIP must be compatible with the schedule for the development of FDOT's Work Program. [\[s.339.175\(8\)\(c\)\(1\), FS\]](#). This process involves solicitation of project requests from agencies responsible for providing transportation services and facilities, cooperatively ranking projects, and selecting the highest priority projects that can be implemented with the estimated available funding. Each MPO's TIP is included in Florida's Statewide Transportation Improvement Program (STIP). Due to the important relationship between the TIP and the STIP, additional information on the STIP can be found in FDOT's [Work Program Instructions Part IV, Chapter 5: Statewide and Local Transportation Improvement Programs](#).

Figure 1.4 shows the general LRTP and TIP steps in the statewide and metropolitan planning processes.

Figure 1.4 Statewide and Metropolitan Planning Processes



Each MPO, in cooperation with state and public transportation operators must develop a UPWP that includes a discussion of the planning priorities for the MPO's planning area. [\[23 CFR 450.308\(c\)\]](#). UPWPs identify the work an MPO proposes to accomplish over the next two-year period. In Florida, MPOs are currently on a two-year UPWP schedule. FDOT Central Office provides the Districts and MPOs with a UPWP balance sheet which includes the planning funds (PL) allocation for Year One of the UPWP and the anticipated PL allocation for Year Two. [Chapter 3 of the MPO Handbook: Unified Planning Work Program](#) discusses the UPWP process in greater detail.

Each MPO must develop and use a PPP that defines a process for engaging:

- ❖ Individual stakeholders;
- ❖ affected public agencies;
- ❖ representatives of public transportation agencies;
- ❖ public ports;
- ❖ freight stakeholders;

- ❖ private providers of freight transportation services;
- ❖ private providers of transportation (including intercity bus operators, employer-based commuting programs (carpool/vanpool programs, transit benefit program, parking cash-out program, shuttle program, or telework program);
- ❖ representatives of users of public transportation;
- ❖ representatives of users of pedestrian walkways and bicycle transportation facilities;
- ❖ representatives of the disabled; and
- ❖ other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process [23 CFR 450.316\(a\)](#).

MPOs must develop a PPP in consultation with all interested parties and it must describe procedures, strategies, and desired outcomes for public participation. It must also periodically review the effectiveness of the procedures and strategies. [Chapter 6 of the MPO Handbook: Public Participation Plan](#) provides more details about PPPs.

Table 1.1 presents FDOT and MPO transportation planning products and associated review and update requirements.

Table 1.1 Statewide and MPO Transportation Planning Products

| Planning Product | Who Develops | Who Approves | Time Horizon | Content | Update Requirements |
|------------------|--------------|-------------------|--|--|--|
| FTP | FDOT | FDOT | Federal: 20 Years Florida: Minimum 20 Years. Often, set to a 40- or 30-year horizon | Future goals and strategies | Federal: Not specified Florida: Every 5 years |
| LRTP | MPO | MPO | Federal: 20 Years Florida: 20+ years | Future goals, strategies and transportation improvements | Federal: Every 5 years (4 years for nonattainment and maintenance areas) Florida: Every 5 years |
| STIP | FDOT | FHWA and FTA | Federal: 4 Years Florida: Illustrative 5 th year | Transportation improvements | Federal: Every 4 years Florida: Annual |
| TIP | MPO | MPO and Governor | Federal: 4 Years Florida: Illustrative 5 th year | Transportation improvements | Federal: Every 4 years Florida: Annual |
| LOPP | MPO | MPO | Florida: 5 years | Transportation improvements | Florida: Annual |
| UPWP | MPO | MPO, FHWA and FTA | Federal: 1-2 Years Florida: 2 Years | MPO planning tasks and budget | Federal: At least once every 2 years Florida: Every 2 years |
| PPP | MPO | MPO | Federal: Not specified Florida: Not specified | Procedures and strategies for engaging the public | Federal: Periodic review and update Florida: Periodic review and update |

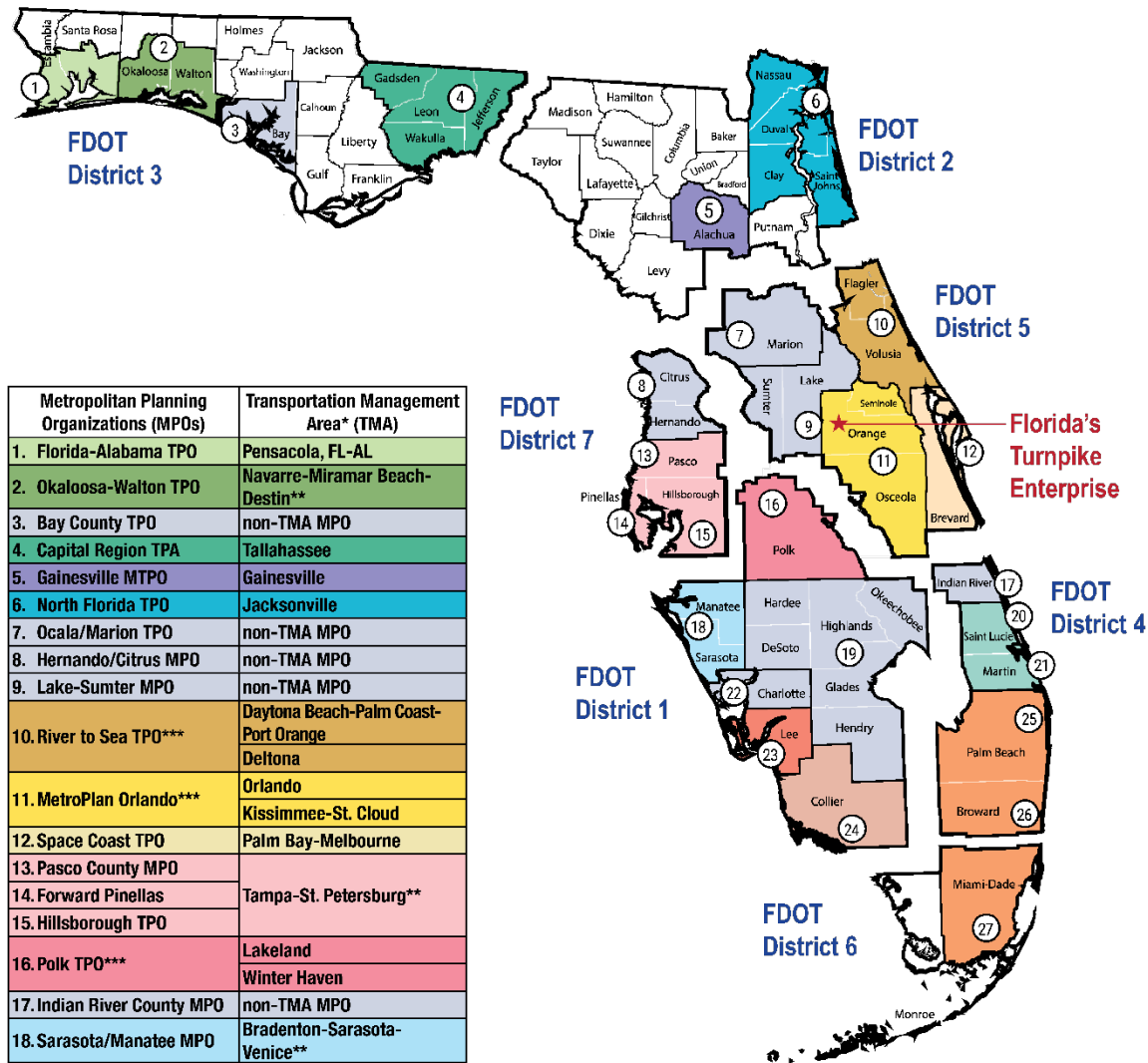
1.3 Florida's MPOs

Florida has 27 MPOs serving metropolitan areas with a wide range of population sizes, from just over 150,000 people to more than 2,700,000 people based on data from the 2020 Census. MPOs are categorized as either a Transportation Management Area (TMA) MPO or a Non-TMA MPO. FHWA designates a TMA for census designated urban areas with 200,000 people or more. In Florida 20 MPOs encompass 18 TMAs. The planning requirements for TMA MPOs and Non-TMA MPOs are slightly different.

Figure 1.5 presents a map of the TMA and Non-TMA MPOs throughout Florida and contains a list of all Florida MPOs and TMAs. Each MPO has a metropolitan planning area, or MPO boundary, as determined by its respective boards, with concurrence from the Governor. The boundary is reviewed every 10 years following the US decennial census and is shown within each MPO's Apportionment Plan. More information on Apportionment Plans can be found in [Chapter 2 of the MPO Handbook: Metropolitan Planning Organization Formation and Modification.](#)

Figure 1.5 Florida MPO/TMA Areas

Florida MPO/TMA Areas



| Metropolitan Planning Organizations (MPOs) | Transportation Management Area* (TMA) |
|--|---|
| 1. Florida-Alabama TPO | Pensacola, FL-AL |
| 2. Okaloosa-Walton TPO | Navarre-Miramar Beach-Destin** |
| 3. Bay County TPO | non-TMA MPO |
| 4. Capital Region TPA | Tallahassee |
| 5. Gainesville MTPO | Gainesville |
| 6. North Florida TPO | Jacksonville |
| 7. Ocala/Marion TPO | non-TMA MPO |
| 8. Hernando/Citrus MPO | non-TMA MPO |
| 9. Lake-Sumter MPO | non-TMA MPO |
| 10. River to Sea TPO*** | Daytona Beach-Palm Coast-Port Orange Deltona |
| 11. MetroPlan Orlando*** | Orlando Kissimmee-St. Cloud |
| 12. Space Coast TPO | Palm Bay-Melbourne |
| 13. Pasco County MPO | Tampa-St. Petersburg** |
| 14. Forward Pinellas | |
| 15. Hillsborough TPO | |
| 16. Polk TPO*** | Lakeland Winter Haven |
| 17. Indian River County MPO | non-TMA MPO |
| 18. Sarasota/Manatee MPO | Bradenton-Sarasota-Venice** |
| 19. Heartland Regional TPO | non-TMA MPO |
| 20. St. Lucie TPO | Port St. Lucie** |
| 21. Martin MPO | |
| 22. Charlotte County-Punta Gorda MPO | non-TMA MPO |
| 23. Lee County MPO | Cape Coral |
| 24. Collier MPO | Bonita Springs-Estero** |
| 25. Palm Beach TPA | Miami-Ft. Lauderdale** |
| 26. Broward MPO | |
| 27. Miami-Dade TPO | |

■ Florida Department of Transportation (FDOT) Districts

* Urban area population over 200,000

** Navarre-Miramar Beach-Destin, Tampa-St. Petersburg, Bradenton-Sarasota-Venice, Port St. Lucie, Bonita Springs-Estero, and Miami-Fort Lauderdale TMAs are within multiple MPOs

*** River to Sea TPO, MetroPlan Orlando, and Polk TPO contain multiple TMAs

1.3.1 MPO Organizational Structure

MPO organizational structures span a continuum that range from fully independent freestanding (non-hosted) organizations to those that are so integrated with a host agency that they form a single, indistinguishable all-in-one agency. Hosted MPOs are typically affiliated with another governmental agency, such as a county or regional planning council. **Figure 1.6** provides detailed information about MPO structures that fall along this continuum.

Figure 1.6 MPO Organizational Structures

| Independent MPOs | Hosted MPOs |
|---|---|
| <ul style="list-style-type: none">• Freestanding Independent MPO. An MPO meets all of its operating needs.• Leaning Independent MPO. An MPO receives some services from one of its member agencies under a severable contract. | <ul style="list-style-type: none">• Component MPO. MPO functions are separated from most functions of the host, but remains a division of the umbrella agency.• Dual Purpose MPO. A host leverages MPO planning funds to maintain transportation planning staff that perform both MPO planning and host agency transportation planning functions.• All-in-One Agency. An agency does not differentiate between MPO functions, non-MPO transportation functions, and all other functions of the broader agency. |

1.3.2 MPO Agreements, Statements & Assurances

MPOs enter into agreements with FDOT, other parties or agencies, and local governments. In addition, MPOs are required to make certain statements and assurances related to Debarment and Suspension; Disadvantaged Business Enterprise; Lobbying Certification for Grants, Loans and Cooperative Agreements; and Title VI/Nondiscrimination. **Table 1.2**, **Table 1.3**, and **Table 1.4** include all required and optional agreements, statements, and assurances located within FDOT's [Procedural Document Library](#).

Agreements between FDOT and an MPO include:

- ❖ **Interlocal Agreement:** An agreement used for the creation/formation of an MPO. It includes the responsibilities of each agency involved in carrying out the metropolitan transportation planning process.
- ❖ **FDOT/MPO Agreement:** Establishes the cooperative relationship between the MPO and FDOT to accomplish the transportation planning requirements of federal and state law.

- ❖ **Public Transportation Grant Agreement (PTGA):** Provides “state funding” to the MPO to assist in meeting FTA local match requirements.
 - FTA 5305(d) funds are converted to PL funds via the Consolidated Planning Grant (CPG). As a result, PTGAs are being phased out and will not be used often.

More information can be found on the in [Table 1.2](#) and in [Chapter 2 of the MPO Handbook: Metropolitan Planning Organization Formation and Modification.](#)

Table 1.2 Agreements Between FDOT and MPOs

| Name | Form # | Length |
|--|--|---|
| Interlocal Agreement for Creation of the MPO | <u>Form No. 525-010-01</u> | Reviewed every Five Years (concurrent with the decennial census and/or concurrent with a new Federal Reauthorization bill and updated as necessary) |
| FDOT/Metropolitan Planning Organization Agreement <i>Amendment to the FDOT/Metropolitan Planning Organization Agreement</i> | <u>Form No. 525-010-02 1</u> <u>Form No. 525-010-02A</u> | Two Years (concurrent with the 2-year UPWP) Two Years (concurrent with the 2-year UPWP) |
| Public Transportation Grant Agreement <i>Public Transportation Grant Agreement Exhibits</i> <i>Amendment to the Public Transportation Grant Agreement</i> <i>Amendment for Extension of Public Transportation Grant Agreement</i> | <u>Form No. 725-000-01</u> <u>Form No. 725-000-02</u> <u>Form No. 725-000-03</u> <u>Form No. 725-000-04</u> | Annual <i>Annual</i> <i>Annual</i> <i>Annual</i> |

Italicized Rows are Amendments to Agreements

Table 1.3 Agreements Between MPOs and Other Parties

| Name | Form # | Length |
|--|---|------------|
| Multiple MPOs within One Urban Area (Interlocal Agreement) | There is no official form since this is an agreement between an MPO and a third party. Typically called an Interlocal Agreement but is not the same the agreement for creation/formation of the MPO | N/A |
| Commission for Transportation Disadvantaged Joint Participation Agreement | There is no official form since this is an agreement between an MPO and the Florida Commission for the Transportation Disadvantaged | N/A |
| Intergovernmental Coordination and Review and Public Transportation Collaborative Planning Agreement | <u>Form No. 525-010-03</u> | Five Years |
| MPO Agreement with host or partner agencies | There is no official form since this is an agreement between an MPO and a third party in support of MPO functions | N/A |

Table 1.4 MPO UPWP Statements & Assurances

| Name | Form # | Length |
|---|---|---|
| Debarment and Suspension | <u>Form No. 525-010-08</u> | Two Years (concurrent with the 2-year UPWP) |
| Lobbying Certification for Grants, Loans and Cooperative Agreements | <u>Form No. 525-010-08</u> | Two Years (concurrent with the 2-year UPWP) |
| Disadvantaged Business Enterprise Utilization | <u>Form No. 525-010-08</u> | Two Years (concurrent with the 2-year UPWP) |
| Title VI/Nondiscrimination Assurance | <u>Form No. 525-010-08</u> | Two Years (concurrent with the 2-year UPWP) |
| MPO Joint Certification Part 1 – FDOT District | <u>Form No. 525-010-05a</u> | Annual |
| MPO Joint Certification Part 2 – MPO | <u>Form No. 525-010-05b</u> | Annual |
| MPO Joint Certification Statements | <u>Form No. 525-010-05c</u> | Annual |

1.3.3 Florida MPO Board Composition

Each MPO has a Governing Board. The number of board members varies and consists of voting and non-voting members. MPOs serving areas with a population greater than one million people tend to have the largest boards. MPOs serving populations below 200,000 people tend to have the smallest boards. [Section 339.175\(3\), FS](#), establishes a 25-member cap for each MPO Governing Board. In addition to the voting membership established in [s.339.175, FS](#), [s.339.176, FS](#) establishes the County Charter provision where the MPO must include a voting member on the MPO Board for every city within a Chartered County with more than 50,000 people.

[Section 339.175\(3\)\(a\), FS](#), states that “Voting members shall be elected officials of general-purpose local governments; one of whom may represent a group of general-purpose local governments through an entity created by an MPO for that purpose. An MPO may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of Space Florida.” It is also required in [23 CFR 450.310\(d\)](#) that each MPO that serves a designated TMA shall consist of local elected officials, officials of public agencies that administer or operate major modes of transportation in the metropolitan area, and appropriate state officials.

[Section 339.175\(3\)\(a\), FS](#), also states, “In accordance with [23 USC 134](#), the Governor may also allow MPO members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the MPO.” These rotating MPO Governing Board seats allow groups of municipalities (typically smaller population municipalities – often grouped by geographic proximity) to engage in MPO processes more fully by allowing them to rotate on and off the MPO Governing Board as a full voting member, taking turns representing the interests of the group they represent.

[Section 339.175\(4\)\(a\), FS](#), states that FDOT shall serve as nonvoting advisors to the governing board. Additional nonvoting members may be appointed by the MPO, as deemed necessary. However, to the maximum extent feasible, each MPO shall seek to appoint nonvoting members of various multimodal forms of transportation not otherwise represented by voting members of the MPO. More information can be found in [Chapter 2 of the MPO Handbook: Metropolitan Planning Organization Formation and Modification](#).

1.3.4 *Florida MPO Committees*

Florida Statute requires each MPO to have a Technical Advisory Committee (TAC) and a Citizens Advisory Committee (CAC). These committees meet prior to board meetings to develop recommendations for presentation to the Board.

Pursuant to [s.339.175\(6\)\(d\), FS](#), each MPO appoints a TAC whose members serve at the pleasure of the MPO. A TAC consists of transportation professionals working for government agencies, who review plans, projects, and programs from a technical perspective. The members of a TAC “must include, whenever possible, planners, engineers, representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments; as applicable, the school superintendent of each county within the jurisdiction of the MPO or the superintendent’s designee; and other appropriate representatives of affected local governments.” Federal and state agency representatives whose actions are transportation related should also serve on the committee.

In addition to a TAC, each MPO is required to appoint a CAC whose members also serve at the pleasure of the MPO [\[s.339.175\(6\)\(e\), FS\]](#). CACs provides a mechanism for input to the transportation planning process that reflects the citizens' views and interests. They also assist in disseminating relevant information to the public. Membership on a CAC "must reflect a broad cross-section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented."

An MPO may, with the approval of FDOT and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

[\[s.339.175\(6\)\(e\)\(2\)\]](#)

Regional cooperation and partnerships are essential to the transportation planning process. For this reason, MPOs may establish other active committees or groups to advise the MPO Board on current or local issues in their area.

MPOs may also serve as Designated Official Planning Agencies (DOPA) to assist the Florida Commission for the Transportation Disadvantaged in implementing a transportation disadvantaged (TD) program in designated service areas. The Commission is an independent organization that ensures the availability of transportation services for transportation disadvantaged persons.

1.3.5 *Florida MPO Advisory Council*

The Florida Metropolitan Planning Organization Advisory Council (MPOAC) assists MPOs in carrying out the metropolitan transportation planning process by serving as the principal forum for collective policy discussion. The MPOAC was created by the Florida Legislature as a statewide transportation planning and policy organization to augment the role of individual MPOs in the cooperative transportation planning process and is assigned to the Office of the Secretary of the Florida Department of Transportation for fiscal and accountability purposes. [\[s.339.175\(11\), FS\]](#)

According to its mission statement, the MPOAC improves transportation planning and education by engaging and equipping its members to deliver results through shared innovations, best practices, enhanced coordination, communication, and advocacy. The organization is comprised of a 27-member (one for each MPO) Governing Board consisting of local elected officials of each MPO and, a Staff Directors Advisory Committee consisting of the Executive Directors of each MPO. The MPOAC also includes a Policy and Technical Subcommittee and other sub-committees, as assigned by the Governing Board.

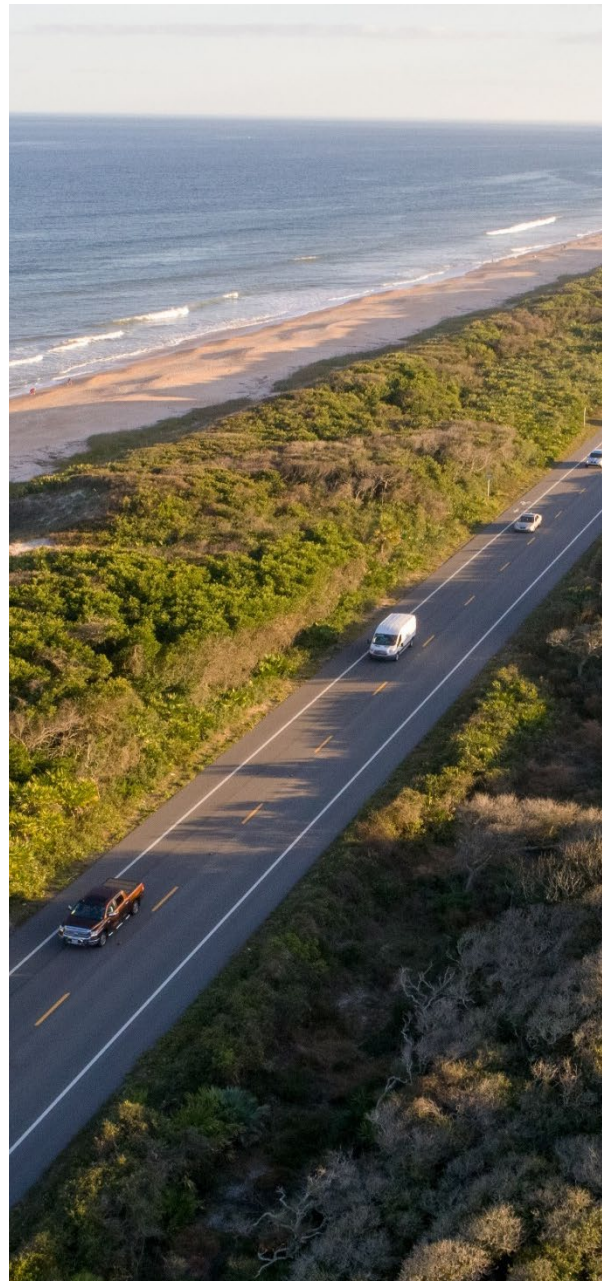
The MPOAC actively participates in the activities of the Association of Metropolitan Planning Organizations (AMPO) and the National Association of Regional Councils (NARC) and works with other stakeholder groups involved with national and statewide transportation policy. The MPOAC runs the MPO Institute for

Elected Officials, which provides MPO Board members with the knowledge and tools necessary to engage in the metropolitan transportation planning process.

The MPOAC Governing Board and Staff Directors Advisory Committee typically meet quarterly. The Policy and Technical Subcommittee typically meets on an ad hoc basis between the quarterly MPOAC meetings.. More information is available on the [MPOAC website](#).

1.3.6 *Florida MPO Contact Information*

FDOT is a decentralized state agency in accordance with legislative mandates. There are seven FDOT Districts throughout Florida, and each is managed by a District Secretary. The Florida Turnpike Enterprise (FTE) acts similarly to the Districts and is overseen by the Turnpike Enterprise Executive Director/CEO. FTE is based in the Orlando-area and stretches across Districts 1, 4, 5, and 6. FTE also oversees tolled roadways in Districts 2, 3, and 7 not connected to the main turnpike roadways. Maps of the FTE systems can be found on the [Florida Turnpike](#) website. Coordination between FDOT and the MPOs occurs mainly through the cooperative planning efforts of the MPOs, FDOT District offices and FTE. **Figure 1.5** highlights the geographical area for each FDOT District. A link to the contact list for each of the 27 MPOs can be found on the [Partner Website](#).



1.4 References

Table 1.5 presents the federal and state statutes, regulations, rules and provides a list of references/definitions from federal or state law, including key plans and guidance about MPOs.

Table 1.5 Federal and State Statutes and References

FEDERAL TRANSPORTATION ACTS

Citation: [Intermodal Surface Transportation Efficiency Act of 1991 \(ISTEA, PL 102-240\)](#)

Description: Gave MPOs the responsibility to involve the public in the planning process through expanded citizen participation opportunities and requirements.

Citation: [Transportation Equity Act for the 21st Century \(TEA-21, PL 105-178\)](#)

Description: Added a requirement for public involvement during the MPO certification review and required the seven Federal Planning Factor in plans.

Citation: [Safe, Accountable, Flexible, Efficient, Transportation Equity Act \(SAFETEA-LU, PL 109-59\)](#)

Description: Increased public involvement responsibilities and included PPP requirements to provide input to MPO plans.

Citation: [Moving Ahead for Progress in the 21st Century Act \(MAP-21, PL 112-141\)](#),

Description: Required MPOs to establish and use a performance-based approach to transportation decision-making and development of plans.

Citation: [Fixing America's Surface Transportation System Act \(FAST, PL 114-94\)](#)

Description: Continued PPP requirements and necessitated MPOs now consider ten Federal Planning Factors

Citation: [Infrastructure Investment and Jobs Act \(IIJA, PL 117-58\)](#)

Description: required consistency of data in the planning process for MPOs that share urban areas. It also mandated housing considerations in the MPO planning process

PLANNING ASSISTANCE AND STANDARDS

Citation: [23 CFR Part 450](#)

Description: Provides the regulation on statewide metropolitan and nonmetropolitan planning and programming

Citation: [23 USC 134](#)

Description: Provides the regulation on MPO Governing Boards

TRANSPORTATION FINANCE AND PLANNING

Citation: [Section.339.175, FS](#)

Description: Provides the overview of MPOs

Citation: [Section.339.176, FS](#)

Description: Voting membership for MPOs

RESOURCE

Citation: [Work Program Instructions Part IV, Chapter 5: Statewide and Local Transportation Improvement Programs](#)

Description: FDOT website for accessing the Work Program Instructions

Citation: [MPOAC Website](#)

Description: Website to access Metropolitan Planning Organization Advisory Council

Citation: [Florida Transportation Plan](#)

Description: Website to the 2055 Florida Transportation Plan

MPO

PROGRAM MANAGEMENT
HANDBOOK

CHAPTER 2 Metropolitan Planning Organization Formation and Modification



OFFICE OF POLICY PLANNING



2. Metropolitan Planning Organization Formation and Modification

Key Chapter Changes

The MPO Formation and Modification chapter was updated to provide current resources, updated information on Apportionment Plans, new MPOs and merging MPOs, additional clarification on MPO designations, and reformatted for improved accessibility.

(December 13, 2024)



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2.1 Introduction

This chapter addresses Metropolitan Planning Organization (MPO) designation, redesignation, membership apportionment, metropolitan planning area boundaries, required MPO agreements, and appointment of advisory committees. This chapter may be used by Florida Department of Transportation (FDOT) staff as a guideline for the formation of an emerging MPO, merging MPOs, and changes to an existing MPO's membership or boundaries.



2.2 Census Designation of Urban Areas

The United States Census Bureau conducts a census of the population and housing of the United States of America every 10 years. Approximately two years after the census, the Census Bureau designates urban areas (UA) throughout the United States. For the 2020 Census, UAs are defined as areas comprising a densely settled core of census blocks encompassing at least 2,000 housing units or having at least 5,000 people.

Previously, the Census Bureau designated urbanized areas (UZA) as urban areas with 50,000 or more in population. The Census Bureau also previously defined urban clusters as densely settled cores created from census tracts or blocks and a contiguous territory with at least 2,500 but fewer than 50,000 in population. The 2020 Census no longer distinguishes between urbanized areas and urban clusters. All qualifying areas are now designated as UAs. [Urban Area Criteria for the 2020 Census-Final Criteria](#)

UA designations are critical to the administration of the nation’s surface transportation programs. Key Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) planning programs impacted by UA designations include MPO designation, application of metropolitan transportation planning requirements, FHWA and FTA funding availability and eligibility, and application of air quality conformity requirements. More information can be found on FHWA’s [Census Urbanized Area and MPO/TMA Designation](#) website.



2.3 MPO Designation

There are two processes of designation an MPO may be subject to, designation and redesignation. An MPO **designation** is the initial agreement between the Governor and local government(s) to establish the MPO. [\[23 CFR 450.310\(b\)\]](#) [\[23 Code of Federal Regulation \(CFR\) 450.310\(b\)\]](#) A **redesignation** occurs when an existing MPO proposes significant changes, which must be approved by agreement between the Governor and local government(s). [\[23 CFR 450.310\(h\)\]](#) Redesignations are covered in more detail in [Section 2.4: MPO Redesignation](#).

UAs are the building blocks of MPO formation. Federal law and regulations require an MPO to be designated for each UA with a population of **50,000 or greater** or a group of contiguous UAs. [\[23 CFR 450.310\(a\)\]](#) The designation must be made by agreement between the Governor and local government(s) that, together, represent at least **75 percent** of the affected population. This includes the largest incorporated city or according to procedures established by state or local law. [\[23 CFR 450.310\(b\)\]](#)

To the extent possible, only one MPO shall be designated for each UA with a population of 50,000 or more people or group of contiguous UAs. More than one MPO may be designated to serve a UA only if the Governor and the existing MPOs determine that the size and complexity of the UA make the designation of more than one MPO appropriate. [\[23 CFR 450.310\(e\)\]](#) and [s.339.175\(2\)\(a\)\(2\), Florida Statutes \(FS\)](#) If more than one MPO is designated for a UA, the MPOs must establish an official written agreement that identifies the areas of coordination and division of responsibilities between the MPOs.

Each designated MPO carries out the metropolitan transportation planning process within a defined Metropolitan Planning Area (MPA). The MPA must encompass the entire UA plus the contiguous area expected to become urban within a **20-year horizon**. An MPA Boundary may encompass more than one UA. See [Section 2.6: Metropolitan Planning Area Boundaries](#) for more information about establishing and reviewing MPA Boundaries.

Each designated MPO may encompass newly designated UAs. A newly identified UA with a population of 50,000 or more may be incorporated into an existing MPO. This is encouraged by FDOT and does not require redesignation of the existing MPO. [\[23 CFR 450.312\(e\)\]](#)

FDOT will schedule meetings to fully acquaint MPOs with federal and state requirements following the decennial census. The following topics should be discussed:

- ❖ Decennial census population.

- ❖ The process the MPO should use for submitting a Membership Apportionment Plan. Membership Apportionment plans are reviewed and approved by the Governor as well as subsequent designation (or redesignation) of an MPO.
- ❖ The required legal agreements (or amendments) for formation, organization, transportation planning, and funding.
- ❖ The establishment of bylaws and procedures of the MPO.
- ❖ Delineation of boundaries for the MPA.
- ❖ Types of funding available to an MPO.
 - The District also should explain what funding is available after designation: Metropolitan Planning (PL) Funds, FTA Section 5305(d) funds (converted to PL through the CPG), and STBG funds for planning.
 - MPOs requesting STBG funds to supplement planning will need to follow the requirements listed in the [Work Program Instructions, Part III – Chapter 22: Planning](#).
- ❖ All federal regulations concerning the formation and responsibilities of an MPO.
- ❖ All state laws and rules that govern the organization, operation, and responsibilities of MPOs.
- ❖ All procedures, handbooks, and manuals used by FDOT to assist MPOs in meeting the requirements for federal and state funding purposes for fulfilling the requirements of the transportation planning process in an MPA.
- ❖ All FDOT procedures, software, and user manuals concerning the development and validation of travel demand forecasting models, which can be found on the [Florida Transportation Forecasting Resource Hub](#).
- ❖ The overall role of FDOT, including any pertinent planning documents (e.g., [Florida Transportation Plan \(FTP\)](#), [Strategic Intermodal System \(SIS\)](#), [Strategic Highway Safety Plan \(SHSP\)](#), and the [Annual Performance Report \(APR\)](#)) and specific District staff contacts.
- ❖ The role of the MPO and its intergovernmental relationships with state and local governments, regional planning councils or agencies, and other transportation and land use agencies.

A new MPO must be fully operational no later than six months following its designation. [\[s.339.175\(2\)\(e\), FS\]](#)
An MPO designation remains in effect until an official redesignation has been made. [\[23 CFR 450.310\(g\)\]](#)

Currently, Florida's 27 MPOs encompass all UAs in the state. Since most of the state is served by an MPO, a new MPO is unlikely to be created because of a decennial census. It is more likely that an MPO would change its MPA boundary and/or voting membership, and/or existing MPOs would merge. The following

sections describe the Apportionment Plan process for these scenarios. Naturally, creating a new MPO or merging MPOs includes more steps than updating an existing MPO.

2.3.1 *Creation of a New MPO*

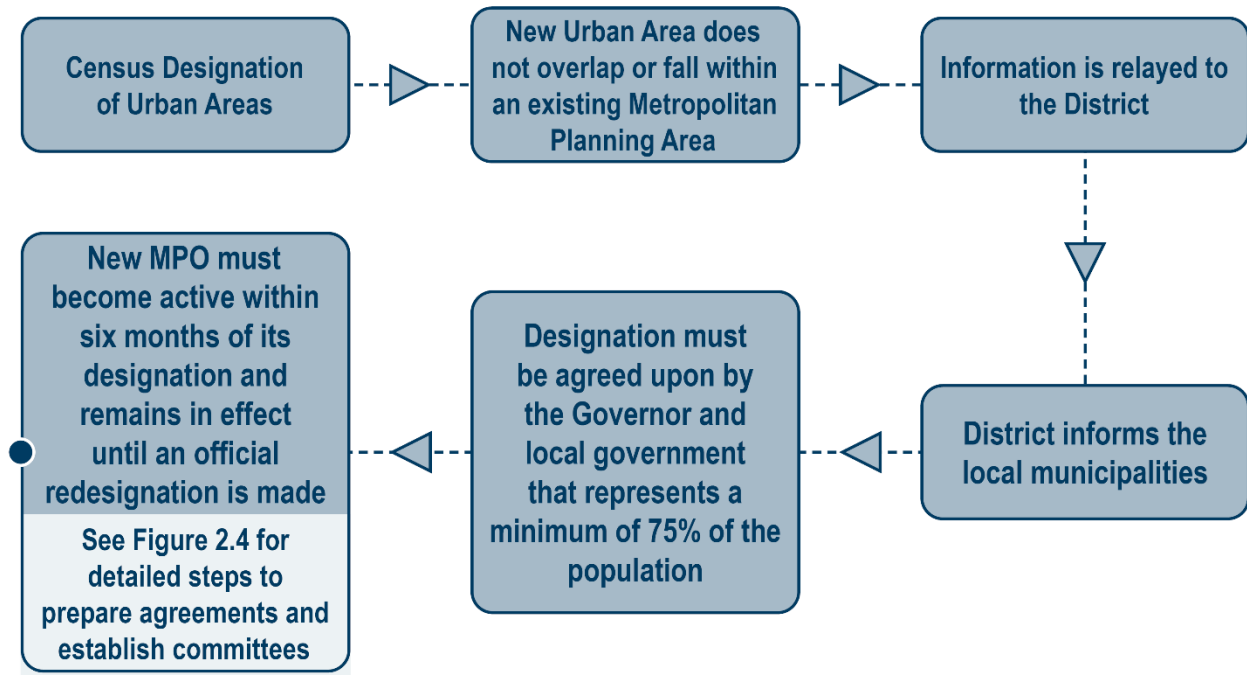
When the Census Bureau designates a new UA with a population of 50,000 or more that is not within or overlapping with an existing MPA ([23 CFR 450.310\(a\)](#)), the District will provide the information to all local governmental entities (e.g., cities and counties), administrators or operators of major modes of transportation, local and regional planning agencies, and, where applicable, Native American Tribal governments. The new MPO will need to complete the following steps:

1. Develop and submit an Apportionment Plan ([Section 2.5: Membership Apportionment Plan](#)). The designation must be agreed upon by the Governor and local government(s) that together represent at least 75 percent of the affected population, including the largest incorporated city, as named by the Census Bureau. ([23 CFR 450.310\(b\)](#)).
2. Determine the MPA boundaries ([Section 2.6: Metropolitan Planning Area Boundaries](#))BU by agreement between the Governor and MPO ([23 CFR 450.312\(a\)](#)).
3. Prepare and submit each of the standard agreements discussed in [Section 2.7: Execution of Required Agreements](#).
4. Create the Technical Advisory Committee (TAC) and Citizens Advisory Committee (CAC) discussed in [Section 2.8: Appointment of Technical and Citizens' Advisory Committees](#).

Figure 2.1 shows the MPO creation process following the Census Bureau designation of a UA with a population of 50,000 or more.

Figure 2.1 New MPO Creation Process

MPO CREATION PROCESS



2.3.2 Updates to an Existing MPO

An existing MPO should review the decennial census data when it becomes available to assess potential changes in its MPA boundaries or Governing Board membership. When the Census Bureau releases UA designations, FDOT's Office of Policy Planning (OPP) will review and transmit the information to MPOs, including applicable UA boundaries and population information. MPOs use this information to develop Apportionment Plans, as well as assist in potential MPO redesignation. OPP shall inform MPOs of all decennial census information affecting new and existing UAs.

Existing MPOs must review the information to determine whether membership in the MPO policy body and other committees maintains the appropriate level of representation. MPOs that will update Governing Board membership must update their Interlocal Agreement, discussed in [Section 2.7.1: Execution of an Interlocal Agreement](#).

If the decennial census information indicates that UAs of one or more separate existing MPOs have become a single UA, the affected MPOs can consider consolidating into a single MPO. If the affected MPOs and the Governor agree that the affected MPOs should remain separate, written agreements that identify areas of coordination and the division of transportation planning responsibilities must be established. [\[23 CFR 450.310\(e\)\]](#) and [\[23 CFR 450.312\(h\)\]](#) This includes developing consistent Long Range Transportation Plans (LRTPs) and Transportation Improvement Programs (TIPs) and coordinating data to the maximum extent possible. Alternatively, a single LRTP or TIP may be developed jointly by the MPOs in cooperation with their respective partners. [\[23 CFR 450.314\(e\)\]](#)



2.3.2.1 Merging MPOs

Existing MPOs with overlapping or contiguous UAs may choose to merge. MPOs that decide to merge should consider the following:

- ❖ All MPOs should agree to jointly explore a new MPO's formation, organization, and governance structure.
- ❖ MPOs should conduct outreach to inform and seek input from all affected local governments in the MPO's planning boundaries during the MPO consolidation/merging process.
- ❖ The new MPO must reflect proportional representation on its governing board based on the population of local governments within the MPA boundary as consistent with the United States Code (USC), CFR, and FS.
- ❖ The formation of a new MPO will require the creation and adoption of multiple planning, development, and policy documents that are consistent with federal and state laws and regulations, including:
 - Apportionment Plan that describes the voting representation of the new MPO's planning boundary and member local governments;
 - Long Range Transportation Plan;
 - Transportation Improvement Program;
 - Unified Planning Work Program;
 - Public Participation Plan;
 - Congestion Management Process;
 - Title VI process;
 - Continuity of Operations Plan (COOP); and
 - Bylaws and Operating Procedures.
- ❖ The formation of a new MPO will require the creation of multiple agreements, including:
 - Interlocal Agreement for the creation of the new MPO;
 - Additional interlocal agreements for when MPOs share an Urban Area;
 - Staff services agreements with one or more host agencies;
 - Agreements to receive funding and provide planning services to any number of local governments in the region;
 - FDOT/MPO Agreement;
 - Intergovernmental Coordination and Review and Public Transportation Collaborative Planning Agreement (ICAR);
 - An Interstate Compact (if applicable)
- ❖ The MPOs should assess the impacts to host agencies and staff and update agreements.

- ❖ The MPOs should consider start-up costs to form a new MPO, such as funding to hire staff, secure office space, purchase equipment, and produce necessary planning products and administrative documents. This would include consideration of transitional costs associated with the MPO merger process, where overlapping costs are likely to occur during the transition from multiple MPOs to a single MPO. This could include the cost of transitioning multiple MPOs plans to a new plan (LRTP, TIP, UPWP, PPP, etc.) as the new MPO develops its plans/documents.
- ❖ The MPOs may need to consider whether recurring local funding from member agencies of the host local government will be required to develop a budget to pay for staff salaries, planning activities, facilities, and other related administration costs to augment federal and state funds that are paid on a quarterly reimbursement.
- ❖ The new MPO must appoint technical and citizens' advisory committees that represent the population within its MPO planning boundary.
- ❖ The new MPO should determine how to combine or update the composition of other committees, such as the bicycle/pedestrian committee or transportation disadvantaged local coordinating board.



2.4 MPO Redesignation

An MPO [designa**tion**](#) is the initial agreement between the Governor and local government(s) to establish the MPO. An MPO [redesigna**tion**](#) of an existing MPO occurs when major changes are being proposed to the MPO structure. These changes must be approved by agreement between the Governor and local government(s) representing at least 75 percent of the existing MPA population, including the largest incorporated city. [\[23 CFR 450.310\(h\)\]](#)

Redesignation of an existing MPO is required whenever the MPO proposes to make:

- ❖ A substantial change in the proportion of voting membership.
- ❖ A substantial change in the decision-making authority or responsibility of the MPO or in the decision-making procedures established under the MPO bylaws. [\[23 CFR 450.310\(j\)\]](#)

Substantial changes that **do not** require redesignation include:

- ❖ Expanding into a new county/city/state.
- ❖ Expanding to add a new urban area with over 50,000 in population.

Certain changes may require the MPO to update its Interlocal Agreement or bylaws, such as:

- ❖ Adding a new urban area within the existing MPA boundary.
- ❖ Adding voting members to the MPO who represent new local governments as a result of expanding the MPA boundary.
- ❖ Adding members to satisfy TMA membership requirements described in [23 CFR 450.310\(d\)](#).
- ❖ The periodic rotation of members representing local governments as established under MPO bylaws. [\[23 CFR 450.310\(l\)\]](#).

An MPO seeking redesignation must submit a new Apportionment Plan that meets the same requirements as the initial designation and must go through the same review and approval process as outlined in [Section 2.5: Membership Apportionment Plan](#).

As appropriate, the MPO should appoint or remove representatives to serve on the Board within 60 days after an amended Interlocal Agreement is completed. The Interlocal Agreement should be updated to incorporate the changes made in the approved Membership Apportionment Plan. New members cannot vote until the new Interlocal Agreement is executed. The MPO shall notify the District when membership changes are made. If the Governor disapproves of the proposed Apportionment Plan, the District shall

assist the MPO in addressing the issues identified by the Governor. More information can be found in the Apportionment Plan Guidance document located on the [Partner website](#).



2.5 Membership Apportionment Plan

Federal law and regulation allow the state and local governments to largely determine the composition of the MPO. [\[23 USC 134\(d\)\]](#) and [\[23 CFR 450.310\]](#) Florida Statute refers to this process as **apportionment**. [\[s.339.175\(4\), FS\]](#) The Governor and affected local governments must agree to the composition of the MPO. [\[s.339.175\(4\)\(a\), FS\]](#) Each MPO must review the composition of its membership in conjunction with each decennial census. Each existing, merging, and emerging MPO must submit a Membership Apportionment Plan that meets the requirements of [s.339.175\(3\), FS](#), [s.339.175\(4\), FS](#), and [23 CFR 450.310](#).

Once FDOT shares urban area data with the MPOs (after each decennial census), MPOs begin preparing an Apportionment Plan. This begins a **180-day** process of preparing and submitting plans to FDOT. The following dates were established for the 2020 US Census. These dates may vary based on when urban area data is available for the 2030 US Census. [Figure 2.2](#) provides an overview of the timeline for the latest Apportionment Plan development and approval. [Figure 2.3](#) shows the process for developing the latest MPO Membership Apportionment Plans.

Figure 2.2 Apportionment Plan Timeline

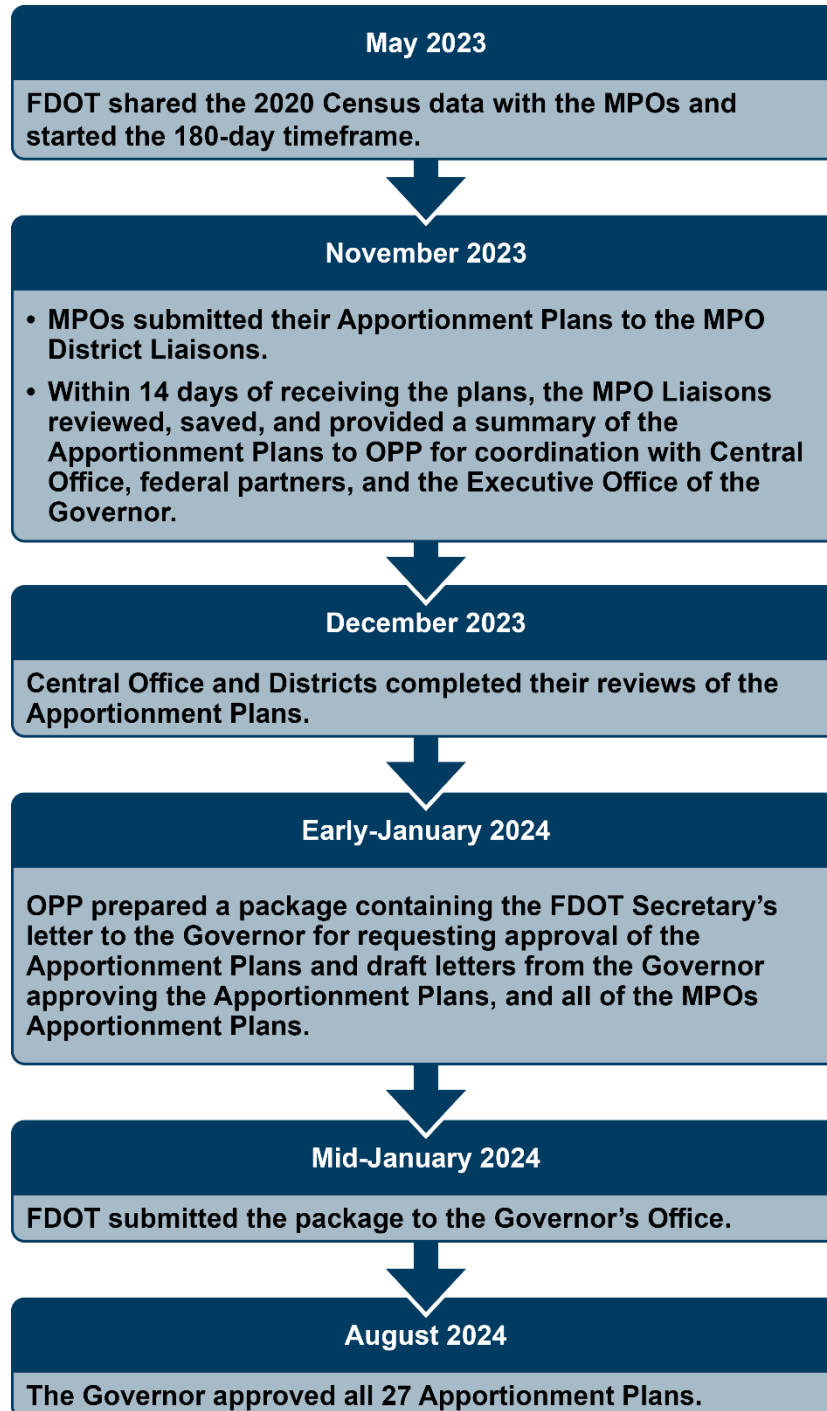
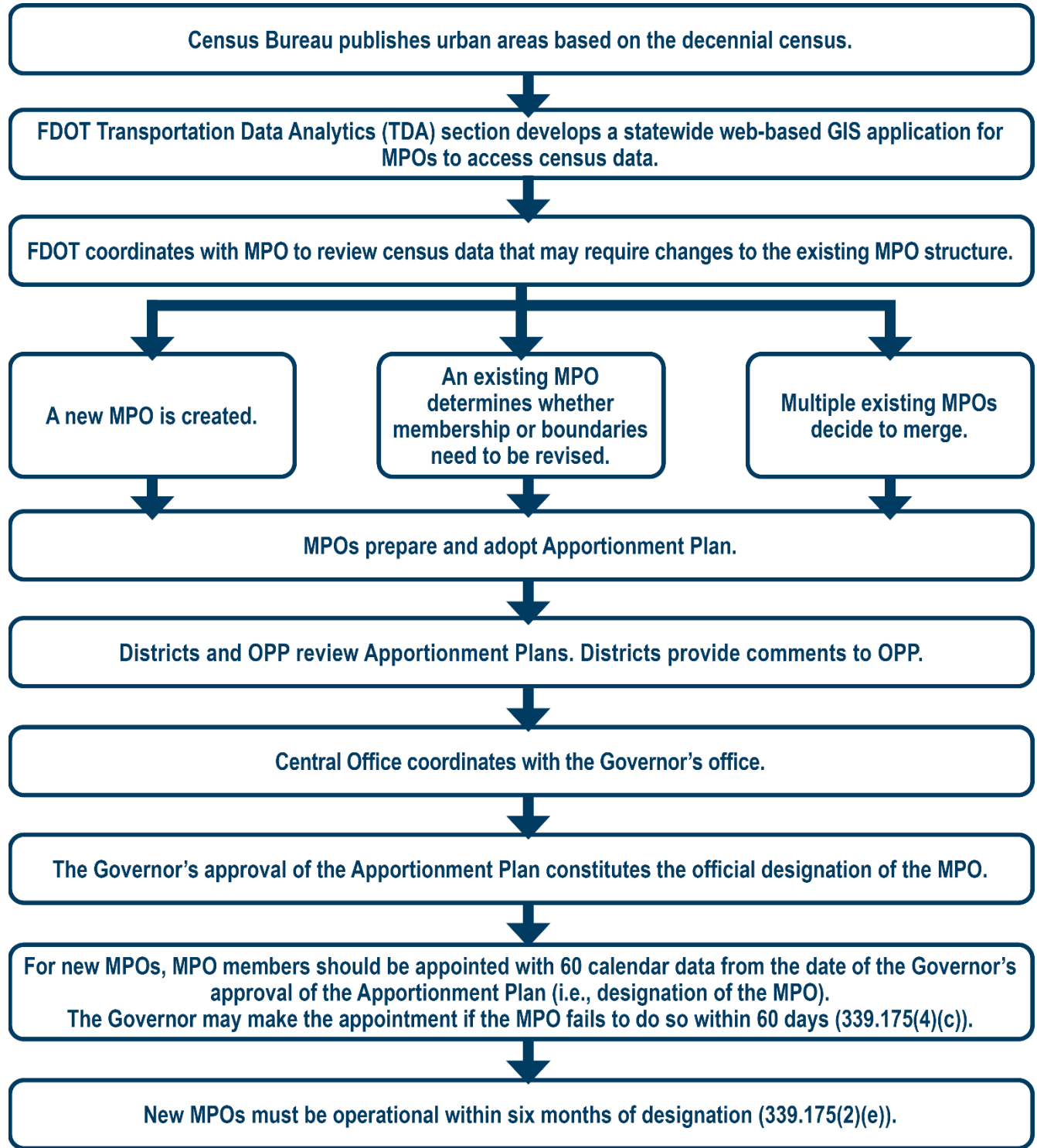


Figure 2.3 Developing the MPO Membership Apportionment Plans



2.5.1 *Voting Membership*

The MPO voting membership, as reflected in the Membership Apportionment Plan, must consist of between 5 and 25 members. [Section 339.175\(3\), FS](#), establishes a 25-member cap for each MPO Governing Board. The exact number is to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected local government, as required by federal rules and regulations. [\[s.339.175\(3\)\(a\), FS\]](#) In determining the composition of the MPO Board:

- ❖ County Commissioners shall compose at least one-third of the MPO Governing Board membership, except in single county MPOs where all County Commissioners are MPO Governing Board members.
 - A multi-county MPO may satisfy this requirement by using any combination of county commissioners from each county comprising the MPO.
 - In cases where the MPO has more than 15 voting members, including a 5-member County Commission, **or** 19 voting members, including a 6-member County Commission, the County Commissioners may comprise less than one-third of the voting members.
 - In the two situations outlined above, all county commissioners must be members of the Board.
- ❖ All voting members shall be elected officials of local governments. Additionally, an MPO may include a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, and/or an official of the Spaceport Florida Authority. As used in [s.339.175\(3\)\(a\), FS](#), the term “elected official” excludes constitutional officers, such as sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials.
- ❖ County commissioners shall compose not less than 20 percent of the MPO’s voting membership if an official of an agency that operates or administers a major mode of transportation has been appointed. [\[s.339.175\(3\)\(a\), FS\]](#)
- ❖ Any authority or agency created by law to perform transportation functions not under the jurisdiction of a local government represented on the MPO Governing Board may be provided voting membership. [\[s.339.175\(3\)\(b\), FS\]](#)

Additionally, MPOs may include members who represent municipalities and may alternate with representatives from other municipalities within the MPA that do not have voting members on the MPO Governing Board. [\[s.339.175\(3\)\(a\), FS\]](#) This is discussed in more detail in [Section 2.5.4: Board Member Terms](#).

Any county chartered under [Subsection 6\(e\), Article VIII](#) of the Constitution of the State of Florida may elect to have its County Commission serve as the MPO Board if the MPO jurisdiction is wholly contained within a single county. In addition to the entire County Commission, the MPO must include four additional voting members. [\[s.339.175\(3\)\(d\), FS\]](#)

- ❖ An elected official representing a municipality within the county;
- ❖ An expressway authority board member;
- ❖ A non-elected individual residing in the unincorporated area of the County; and
- ❖ A School Board member.

In addition, the voting membership of any MPO, whose geographical boundaries include the entire “county” as defined in [s.125.011\(1\), FS](#), [a county chartered under [Subsection 6\(e\) Article VIII of the Constitution of the State of Florida](#) must include an additional voting member from each City with a population of 50,000 or greater. The City’s governing body must appoint this person. [\[s.339.176, FS\]](#)

A Transportation Management Area (TMA) is a UA with a population of over 200,000, as defined by the Census Bureau and designated by the U.S. Department of Transportation (U.S. DOT). Upon special request from the Governor, an MPO with a UA with less than 200,000 in population may be designated as a TMA. Federal law requires the voting membership of an MPO Board in a TMA to include:

- ❖ Local elected officials;
- ❖ Officials of public agencies that administer or operate major transportation systems in the metropolitan area (such as rail, airports, ports, and transit); and
- ❖ Appropriate state officials. [\[23 CFR 450.310\(d\)\(1\)\]](#)

Florida Statute provides these transportation agencies may be given voting membership on the MPO, regardless of TMA status, if such agencies are performing functions not under the jurisdiction of a local government represented on the MPO. If such operators of major modes of transportation are represented by elected officials from local governments that are on the MPO, the MPO shall establish the process by which the interests of these operators are expressed. [\[s.339.175\(3\)\(b\), FS\]](#)

Note: An MPO with a UA under 200,000 that requests TMA designation is not eligible for SU funding. According to [23 USC 133\(d\)](#), apportioned funds are allocated based on population.

2.5.2 *Nonvoting Advisors*

Florida Statutes require FDOT to serve as a non-voting advisor to the MPO Governing Board. The District Secretary or designee will represent FDOT. Additional non-voting advisors may be appointed by the MPO as deemed necessary. Each MPO shall seek to appoint non-voting representatives of various multimodal forms of transportation not otherwise represented by voting members. Representatives of major military installations, upon their request and subject to the agreement of the MPO, may be appointed as non-voting advisors of the MPO. [\[s.339.175 \(4\)\(a\), FS\]](#) All non-voting advisors may attend and fully participate in board meetings but may not vote or be members of the Board.

Urban areas with Tribal reservation lands should include the appropriate Native American Tribal Council's government in the metropolitan transportation planning process.

2.5.3 *Alternate Members*

A majority of the affected MPO member local governments may request the Governor agree with a method of appointing alternate members. This method must be included in an MPO's interlocal agreement, bylaws, and/or operating procedures. An alternate member may vote at any MPO Board meeting instead of the regular member if the regular member is not in attendance. [\[s.339.175\(4\)\(a\), FS\]](#)

2.5.4 *Board Member Terms*

MPO Board members shall serve four-year terms and may be reappointed for one or more additional four-year terms. The membership of any public official automatically terminates upon the member leaving their elected or appointed office for any reason. Membership may be terminated by a majority vote of the entity's governing board represented by the member. A vacancy shall be filled by the original appointing entity (ex., local government). MPO Board members who represent municipalities on an alternating or rotational basis with representatives from other municipalities may serve terms up to four years, as provided in the MPO interlocal agreement, operating procedures, and/or bylaws. [\[s.339.175\(4\)\(b\), FS\]](#)

2.5.5 Membership Apportionment Plan Content

MPO Membership Apportionment Plans should include the following information:

- ❖ 2010 and 2020 Census population data for the total MPO area;
- ❖ Current MPO Board membership (local governments and agencies);
- ❖ Proposed MPO Board membership (local governments and agencies);
- ❖ The methodology used to determine any proposed MPO Board membership changes (if there were proposed changes);
- ❖ MPA boundary map; and
- ❖ MPO Board resolution adopting the Apportionment Plan.

Under Florida law, a chartered single county, whose jurisdiction is wholly within that county, with a population over 1,000,000, may elect to reapportion the membership of the MPO. [\[s.339.175\(3\)\(c\), FS\]](#)

This option may be used if:

- ❖ The MPO approves the Apportionment Plan by a three-fourths vote of its membership.
- ❖ The MPO and charter county determine the Apportionment Plan is needed to fulfill specific goals and policies applicable to that MPA.
- ❖ The charter county determines the Apportionment plan complies with all federal requirements pertaining to MPO membership. More information on Redesignation and Apportionment can be found in [Section 2.4: MPO Redesignation](#).

Any chartered county that elects to exercise this option must notify the Governor in writing. [\[s.339.175\(3\)\(c\), FS\]](#) This may be addressed in a cover letter accompanying the MPO Membership Apportionment Plan, which the MPO must submit to the District MPO Liaison and Central Office.

2.5.6 Membership Apportionment Plan Review

The MPO submits the Membership Apportionment Plan ([Section 2.5: Membership Apportionment Plan](#)) and MPA boundary Map ([Section 2.6.1: MPA Boundary Maps](#)) to the District MPO Liaison. The MPO shall simultaneously provide copies of the Apportionment Plan to the District. The District MPO Liaisons will have 14 days to review the plans and submit them to OPP for review. OPP will summarize voting membership or MPO boundary changes and report the information to the FDOT Central Office Leadership. FDOT Central Office Leadership will brief FHWA and FTA and confirm the point of contact with the Executive Office of the Governor (EOG). FDOT Secretary will provide a recommendation to the EOG. The recommendation will be for the Governor to approve or disapprove the proposed Membership Apportionment Plan. The Governor's approval

of the Apportionment Plan constitutes the official designation of the MPO, as required by [23 USC 134\(d\)\(5\)](#), [s.339.175\(3\), FS](#), and [s.339.175\(4\), FS](#).

2.5.7 Governor's Action on Membership Apportionment Plan

Once the Apportionment Plan is approved, any new MPOs should appoint representatives to serve on the Board within 60 days after the Governor has approved the proposed Membership Apportionment Plan. If a governmental entity fails to fill an assigned appointment to an MPO within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity. [\[s.339.175\(4\)\(c\), FS\]](#) If the Governor should disapprove of the proposed Membership Apportionment Plan, the District shall assist in addressing any issues identified by the Governor.



2.6 Metropolitan Planning Area Boundaries

The MPO must review its MPA boundaries after each decennial census, in cooperation with the state and public transportation operator(s), to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated UAs. The boundaries should be adjusted as necessary. [\[23 CFR 450.312\(i\)\]](#)

Federal requirements for establishing and adjusting MPA boundaries can be found in [23 CFR 450.312](#). The boundaries of an MPA must be determined by agreement between the MPO and the Governor. At a minimum, the MPA boundaries must encompass the entire existing UA (of at least 50,000 people) plus the contiguous area expected to become part of the UA within a 20-year horizon. An MPA boundary may encompass more than one UA. It may be established to coincide with regional economic development and growth forecasting areas and with a Metropolitan Statistical Area or Combined Statistical Area, as defined by the U.S. Office of Management and Budget. In addition, MPA boundaries must not overlap with each other.

If more than one MPO is designated within a UA with a population of 50,000 or more, the MPOs shall ensure, to the maximum extent practicable, the consistency of data used in the planning process. Nothing within the subsection requires MPOs designated within a single UA to jointly develop planning documents, including the LRTP or a Unified Planning Work Program (UPWP). [\[23 USC 134\(g\)\(4\) and \(5\)\]](#) Federal law requires coordination, as described below.

When a UA extends into an adjacent MPA [\[23 CFR 450.312\(h\)\]](#):

- ❖ Affected MPOs must establish written agreements to clearly identify areas of coordination and division of transportation planning responsibilities.
- ❖ MPOs may adjust their existing boundaries so the entire UA is in one MPA.
- ❖ Boundary adjustments that change the composition of the MPO may require redesignation.

[\[23 CFR 450.312\(h\)\]](#)

The MPA can include all or part of a county, including areas anticipated to become (all or part of) a UA within the next 20 years. In consultation with the MPO, the District shall review and recommend areas outside the projected 20-year area. FHWA should be consulted in such expansions with supporting documentation that justifies the expansion.

2.6.1 MPA Boundary Maps

The FDOT Transportation Data Analytics (TDA) office has developed a statewide web-based GIS application that provides the 2020 Census UA boundaries and population data for MPOs to establish or update their existing MPA boundaries. This data can be found on the [Urban Area Boundary and Functional Classification Data Hub](#).

Within 180 calendar days of receipt of the decennial census information from FDOT, the MPO shall create or revise a final map showing the MPA boundaries. The MPO will adopt the MPA boundary map when it adopts its Membership Apportionment Plan. The MPO shall submit both documents to OPP and the District in accordance with the review procedure set out in [Section 2.5.6: Membership Apportionment Plan Review](#). In accordance with [23 CFR 450.312\(j\)](#), OPP will provide copies of the maps to FHWA and FTA after the MPO and the Governor approve them.

MPA boundary maps should be developed at a scale that best meets the needs of the urban area and shall clearly identify the following information:

- ❖ 2020 urban areas with 50,000+ population;
- ❖ Graphic scale and north arrow;
- ❖ Legend, including the date the map was initially approved and the date of revision(s);
- ❖ Major city or county-designated roadways;
- ❖ Interstates, U.S., and state highways;
- ❖ Transit/intermodal facilities and airports; and
- ❖ MPA boundary.

2.6.1.1 Modification of MPO Boundary Maps

The MPO or the District may initiate requests to modify the MPA boundary. OPP periodically releases population information from the [Bureau of Economic and Business Research Department at the University of Florida](#). This information may be used to modify transportation planning boundaries.

Any changes to the relevant MPO boundaries may require the MPO to review and/or revise its voting apportionment, LRTP, TIP, UPWP, and existing agreements and documents.



2.7 MPO Execution of Required Agreements

The District shall meet with the MPO to develop each of the standard agreements discussed below. After the MPO's approval, the District shall process each standard agreement by resolution. The District shall coordinate a review of the agreement with District legal staff and FDOT's Comptroller's Office (if needed) before transmitting for execution. The language contained in all standard agreements shall not be modified in any manner that impacts FDOT or changes the statutory duties and responsibilities of the MPO. The District shall request the MPO approve each agreement and provide an appropriate number of copies to FDOT. The MPO will return all signed versions to the District for FDOT approval. The District Secretary (or designee) must sign each agreement, thereby executing the agreement for FDOT.

One original agreement shall be sent to each of the following:

- ❖ The MPO;
- ❖ FDOT District;
- ❖ OPP; and
- ❖ Each signatory, as needed.

The same process applies whenever an agreement is updated. The following subsections provide details on each agreement.

2.7.1 *Execution of an Interlocal Agreement*

The Interlocal agreement [[Form No. 525-010-01](#)] establishes the responsibilities of each agency involved in carrying out the metropolitan transportation planning process [[23 CFR 450.314\(a\)](#), [s.339.175\(2\)\(b\), FS](#), and [s.339.175\(10\)\(a\), FS](#)] pursuant to the Florida Interlocal Cooperation Act of 1969 [[s.163.01, FS](#)]. This form is used for the creation of a new MPO, as well as for the redesignation of an existing MPO. It may also be used when an existing MPO adds or removes voting members from its board. This form is available for download from the [FDOT Procedural Document Library](#).

The Interlocal Agreement is a standard document drafted specifically to address the metropolitan transportation planning requirements identified in federal and state laws and regulations. The parties to this Interlocal Agreement shall be FDOT and the governmental entities designated by the Governor for MPO membership, including non-voting members. [[s.339.175\(2\)\(b\), FS](#)]

After the governor has approved the designation, redesignation, or modifications to an existing MPO, the appropriate District shall hold a meeting with the responsible MPO staff to discuss executing a new or updated Interlocal Agreement.

The Interlocal Agreement should indicate if a member government is to represent other local governments on the MPO and whether voting membership will rotate. The MPO's respective District shall request its legal staff to review the agreement before forwarding it to the MPO for execution. The text of all standard Interlocal Agreements shall not be modified in any manner that impacts FDOT or changes the statutory duties and responsibilities of the MPO.

Copies of the approved Interlocal Agreement shall be distributed to:

- ❖ The MPO,
- ❖ FDOT District,
- ❖ OPP, and
- ❖ Each signatory to the agreement.

The Interlocal Agreement must be filed with the Clerk of the Circuit Court in each county where a party to the agreement is located. If parties to the agreement are located in multiple counties, and the agreement under subsection (7) provides for a separate legal entity or administrative entity to administer the agreement, the MPO will file the Interlocal Agreement with the Clerk of the Circuit Court, where it maintains its principal place of business. [\(s.163.01\(11\), FS\)](#).

The Interlocal Agreement is reviewed and updated at least every five years [\(s.339.175\(10\)\(a\), FS\)](#) or as needed to properly accomplish its function. [\(s.339.175\(10\)\(b\), FS\)](#). When an Interlocal Agreement is updated, the MPO serves as the coordinating body for agreement review, negotiations, and execution among all parties. The MPO provides copies of the updated agreement to all signatories for filing purposes.

A new MPO must immediately establish bylaws and operating procedures for conducting daily business and decision-making. Once an MPO is formally designated, the bylaws and operating procedures should be revised as needed and adopted again by the MPO. The District and the new MPO should coordinate and mutually agree on a timetable suitable for the new MPO to become fully operational within six months from designation.

2.7.2 FDOT/MPO Agreement

The FDOT/MPO Agreement establishes the cooperative relationship between the MPO and FDOT to accomplish the transportation planning requirements of federal and state law. [\[s.339.175\(10\)\(a\)\(1\), FS, 23 CFR 450.314\(a\)\]](#). Specifically, the FDOT/MPO Agreement accomplishes three things:

- 1) provides federal financial assistance to the MPOs for transportation-related planning activities, as found in the UPWP;
- 2) establishes the terms and conditions for accepting that federal assistance; and
- 3) creates the framework of cooperation between FDOT and the MPO for the development of the UPWP.

The FDOT/MPO Agreement must be reviewed and updated as necessary. A new FDOT/MPO Agreement is part of the MPO's 2-year UPWP development process.

The standard FDOT/MPO Agreement, amendment to the agreement, and supporting documentation have been consolidated into [Form 525-010-02](#) and are available for download from the [FDOT Procedural Document Library](#).

Note: The Central Office General Counsel Office must review all proposed changes to the standard FDOT/MPO Agreement.

2.7.3 Intergovernmental Coordination and Review and Public Transportation Coordination Planning Agreement (ICAR)

The Intergovernmental Coordination and Review and Public Transportation Coordination Planning Agreement (ICAR) is an agreement that promotes cooperation between FDOT, an MPO, regional planning council(s) (RPC), and local government agencies to optimize planning and programming of the transportation system within the MPA. This agreement ensures cooperation between these agencies for developing UPWPs, TIPs, LRTPs, and other applicable corridor or subarea studies. This agreement also provides a process through RPCs for intergovernmental coordination and review and identifies inconsistencies between proposed MPO transportation plans and local government comprehensive plans.

[\[Chapter 163, FS\]](#) The agreement provides a conflict and dispute resolution process through the RPCs. ICARs have a term of five years. At the end of each term, the agreeing parties review their respective ICAR and either reaffirm the agreement or agree to changes to the provisions. If changes are made, the ICAR will

be amended. The standard ICAR [Form No. 525-010-03](#) is available for download from the [FDOT Procedural Document Library](#).

2.7.4 Public Transportation Grant Agreement (PTGA)

A Public Transportation Grant Agreement (PTGA) establishes a public transportation project and associated responsibilities between FTA and FDOT. The PTGA, including exhibits, extensions, and amendments ([Form No. 725-000-01](#), [Form No. 725-000-02](#), [Form No. 725-000-03](#), and [Form No. 725-000-04](#)) are available for download from the [FDOT Procedural Document Library](#).

With the Consolidated Planning Grant (CPG) initiation, PTGAs are no longer used for FTA 5305(d) planning funds. The CPG converts FTA 5305(d) to FHWA PL funds. FHWA is the **Lead Grant Agency**, and funds are administered through the FDOT/MPO Agreement. With CPG funds, FDOT is the **direct recipient**, and the MPO is the **subrecipient**. The remaining PTGA contracts from prior UPWP cycles must be closed out. More information on Consolidated Planning Grants can be found in [Section 3.1.1.1.2: FTA 5305\(d\) Funds in Chapter 3: Unified Planning Work Program](#).

2.7.5 Multiple MPOs in One Urban Area

If more than one MPO has been designated to serve a Census-designated urban area, there must be a written agreement between the MPOs, the state(s), and public transportation operator(s) that describes how the metropolitan transportation planning processes will be coordinated to ensure consistency when developing LRTPs and TIPs, particularly for proposed transportation investments. The planning process must reflect coordinated data collection, analysis, and planning assumptions across the MPAs. Alternatively, a single LRTP and/or TIP for the entire area may be developed jointly by the MPOs. Coordination efforts and outcomes between MPOs in the same urban area must be documented within UPWPs, LRTPs, and TIPs. [\[23 CFR 450.314\(e\)\]](#) Coordination is strongly encouraged for neighboring MPOs that do not share the same urban area.

2.7.6 Interstate Compact

Where the boundaries of the MPA extend across two or more states, the Governors of each state, MPO(s), and public transportation operators must coordinate transportation planning for the entire multistate area. This includes developing LRTPs, TIPs, and UPWPs. The states may enter into agreements or compacts for cooperative efforts and mutual assistance to support metropolitan planning activities, and they may establish agencies to implement the compacts or agreements. [\[23 CFR 450.314\(f\)\]](#)

2.8 Appointment of Technical and Citizens' Advisory Committees

Florida Statute requires that each MPO appoint a Technical Advisory Committee (TAC) and a Citizens' Advisory Committee (CAC). Members of each committee will serve at the pleasure of the MPO. As requested, the District shall assist the MPO with appointing a TAC and CAC. [\[s.339.175\(6\)\(d\) and \(e\), FS\]](#)

The TAC typically includes planners, engineers, representatives of local aviation authorities, port authorities, public transit authorities/departments, representatives of aviation authorities/departments, seaports, the school superintendent (or designee) of each county covered by the MPO, as well as other appropriate representatives of affected local governments. While not required by state law, federal and state agency representatives, whose actions are transportation-related, may also serve on the TAC. [\[s.339.175\(6\)\(d\), FS\]](#)

The CAC must reflect a broad cross-section of local residents of an MPO area, including minorities, elderly persons, and people with disabilities. With FDOT, FHWA, and FTA approval, an MPO may adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

[\[s.339.175\(6\)\(e\), FS\]](#)

Figure 2.4 provides an overview of the process a new MPO should use to develop required committees.

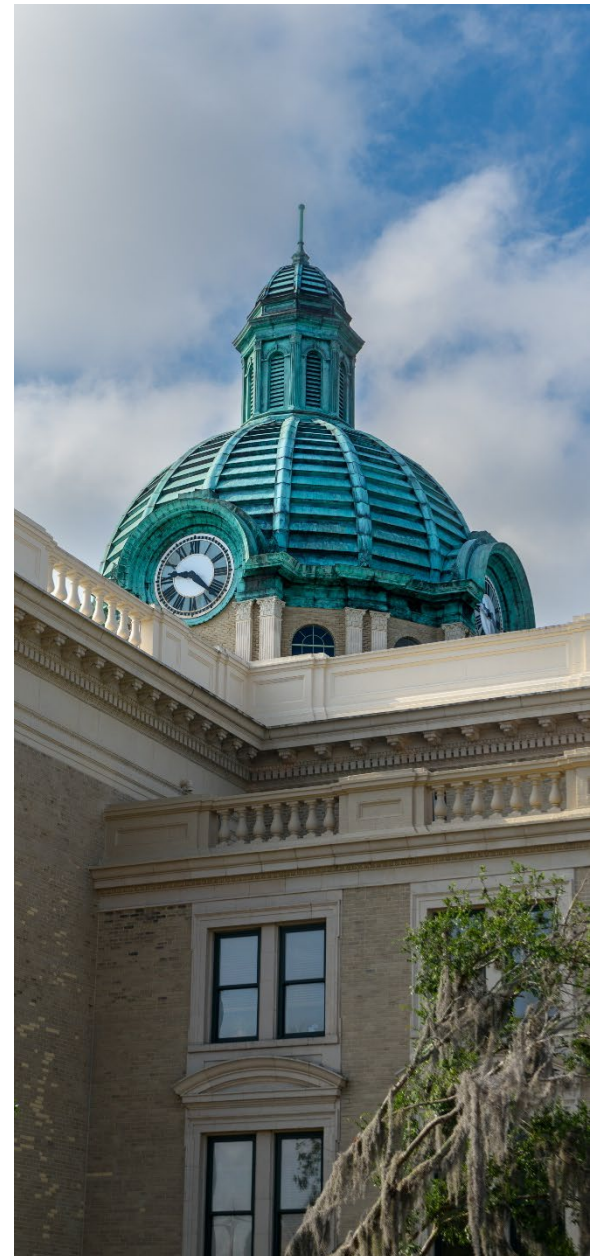
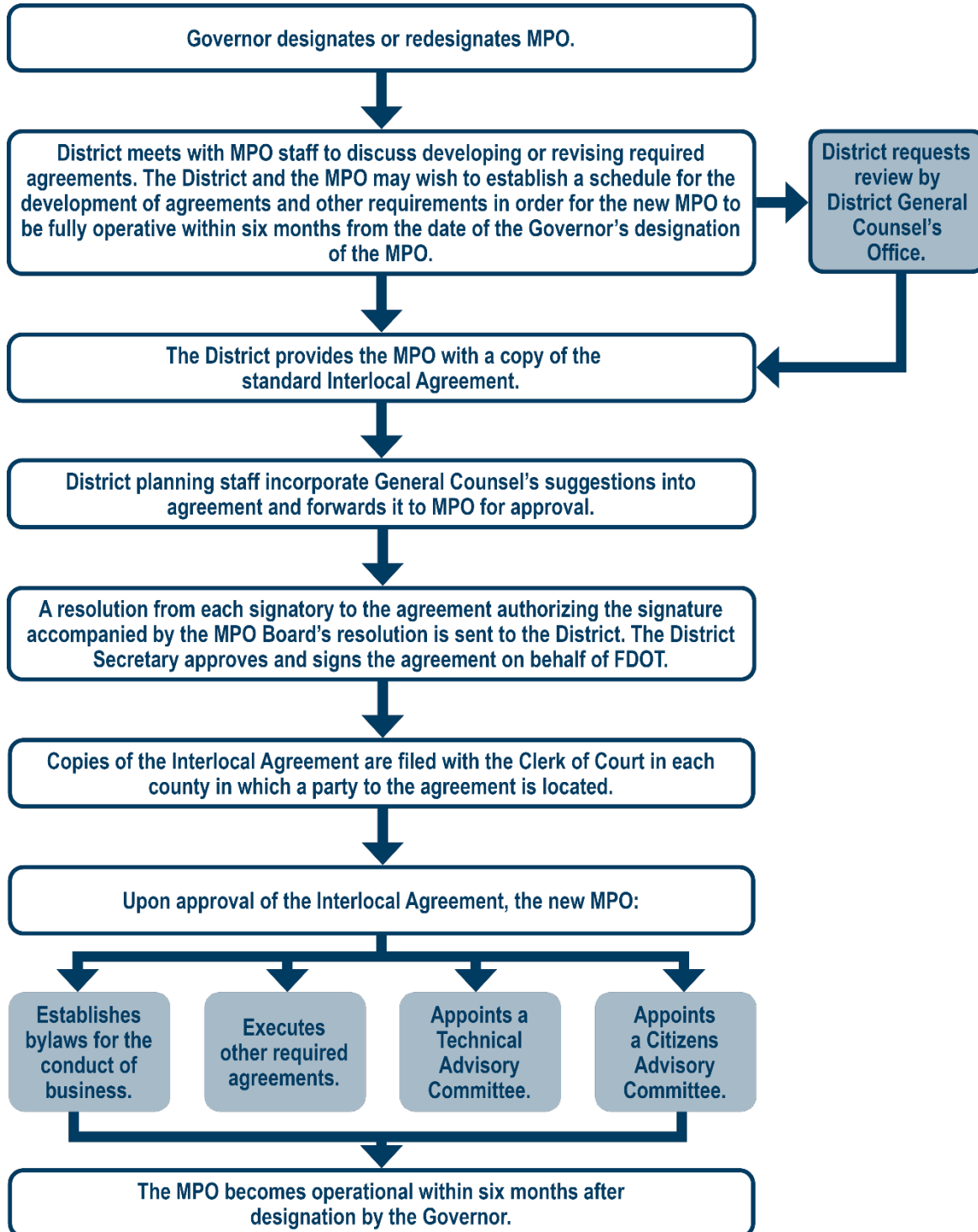


Figure 2.4 Agreement Development Process for New MPO Designation



2.9 References

This section lists the federal and state statutes, regulations, and rules related to the designation of MPOs and provides a list of references/definitions from state law, including key procedures and forms.

Table 2.1 Federal and State Statutes and Codes

DESIGNATION/REDESIGNATION

Citation: [23 USC 134\(d\) and \(e\)](#); [49 USC 5303\(d\) and \(e\)](#); [23 CFR 450.310](#); and [Section 339.175\(2\), FS](#)

Description: Describes the requirements for the designation and redesignation of MPOs

VOTING & APPORTIONMENT

Citation: [23 USC 134\(d\)\(2\)](#); [49 USC 5303\(d\)\(2\)](#); [23 CFR 450.310\(d\)](#); [Section 339.175\(3\) and \(4\), FS](#); and [Section 339.176, FS](#)

Description: Describes the MPO voting membership and membership apportionment requirements

PLANNING BOUNDARIES

Citation: [23 USC 134\(e\)](#); [49 USC 5303\(e\)](#); [23 CFR 450.312](#); and [Section 339.175\(2\)\(c\) and \(d\), FS](#)

Description: Describes the requirements and process for establishing MPO transportation planning boundaries

AGREEMENTS

Citation: [23 CFR 450.314](#); [Section 339.175\(2\)\(b\), FS](#); and [Section 339.175\(10\), FS](#)

Description: Describes the agreements necessary to implement the metropolitan transportation planning process

ADVISORY COMMITTEES

Citation: [Section 339.175\(6\)\(d\) and \(e\), FS](#)

Description: Specifies the requirement to appoint an MPO Technical Advisory Committee and Citizens' Advisory Committee

CENSUS

Citation: [Urban Area for the 2020 Census-Final Criteria](#)

Description: Census Bureau, Department of Commerce, Federal Register March 24, 2022, pages 16706-16715

Citation: [2020 Census Qualifying Urban Areas and Final Criteria Clarifications](#)

Description: Census Bureau, Department of Commerce, Federal Register December 29, 2022, pages 80114-80154

FLORIDA CONSTITUTION

Citation: [Article VIII of the Florida Constitution Section 6\(e\)](#)

Description: Provides for home rule and charter counties

FLORIDA STATUTES

Citation: [Section 125.011\(1\), FS](#)

Description: Defines "county"

Citation: [Section 163.01, F.S., The Florida Intergovernmental Cooperation Act of 1969](#)

Description: Provides for Interlocal Agreements

Citation: [Section 339.175, F.S.](#)

Description: Florida's MPO Statute

FDOT PROCEDURES

Citation: [Procedure No. 525-020-311](#)

Description: FHWA Urban Boundary and Federal Functional Classification defines the procedures and responsibilities for designating urban boundaries and determining Federal functional classification designations for all public roads.

(The language in the samples may be adjusted with the advice and guidance of the District general counsel to address an individual MPO's needs.)

Citation: [Form No. 525-010-01](#)

Description: Interlocal Agreement for Creation of the MPO

Citation: [Form No. 525-010-02](#)

Description: Metropolitan Planning Organization Agreement

Citation: [Procedure No. 725-000-005-j](#) and [Form No. 725-000-01](#)

Description: Public Transportation Grant Agreement

Citation: [Form No. 725-000-02](#)

Description: Public Transportation Grant Agreement Exhibits

Citation: [Form No. 725-000-03](#)

Description: Amendment to the Public Transportation Grant Agreement

Citation: [Form No. 725-000-04](#)

Description: Amendment for Extension of the Public Transportation Grant Agreement

Citation: [Form No. 525-010-03](#)

Description: Intergovernmental Coordination and Review and Public Transportation Collaborative Planning Agreement

MPO

PROGRAM MANAGEMENT
HANDBOOK

CHAPTER 3

Unified Planning Work Program



OFFICE OF POLICY PLANNING



3. Unified Planning Work Program

Key Chapter Changes

The Unified Planning Work Program (UPWP) chapter was updated to provide additional information on the UPWP development process, including modifications, de-obligating funds, closeout, and the updated de minimis rate for indirect costs. The chapter was reorganized to follow a sequential order of events and has been reformatted to allow improved accessibility. Federal references have been updated. (January 15, 2025)



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3.1 Introduction

This chapter guides the Florida Department of Transportation (FDOT) Districts, FDOT Central Office, and Florida Metropolitan Planning Organizations (MPOs) to assist in the preparation, implementation, and closeout of the MPO’s Unified Planning Work Program (UPWP).

The Code of Federal Regulations (CFR) defines a UPWP as “a statement of work identifying the planning priorities and activities to be carried out within a metropolitan planning area. At a minimum, a UPWP includes a description of the planning work and resulting products, who will perform the work, timeframes for completing the work, the cost, and the source(s) of funds.” [\[23 CFR 450.104\]](#).

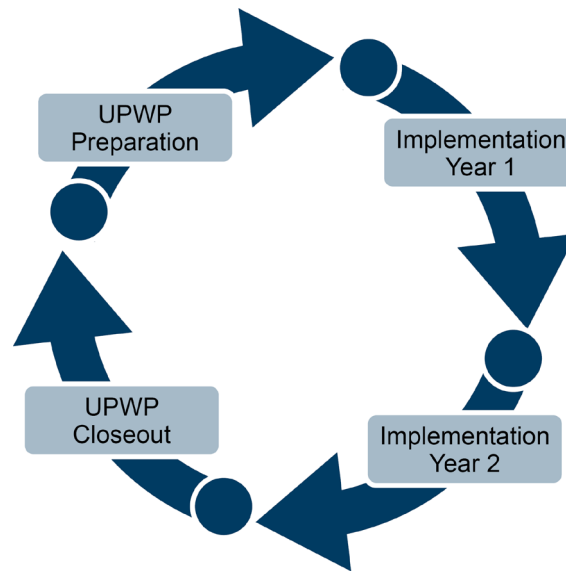
Federal and state regulations require Florida’s MPOs to develop a UPWP. The UPWP serves as the MPO’s transportation planning work program, which identifies the planning budget and tasks the MPO will perform over two state fiscal years. Federal and state statutes, regulations, and rules for developing and managing the MPO’s UPWP are listed in [3.5 References](#).



3.1.1 Overview of the UPWP Cycle

The UPWP is a work program summarizing the MPO’s planning activities for two state fiscal years. The UPWP cycle can be thought of in three phases: preparation, implementation, and closeout. UPWP preparation includes the development, review, and approval of a UPWP. The MPO and FDOT administer the funds identified in the UPWP during implementation. UPWP closeout is the process by which the MPO and FDOT close out the agreement for a 2-year cycle. This chapter is organized according to **Figure 3.1** below.

Figure 3.1 UPWP Cycle



Note: The many due dates and deadlines noted in this chapter are primarily driven by FDOT’s requirements for Work Program development under [s.339.135, Florida Statutes \(FS\)](#), Federal requirements, and the variance of fiscal years between the state (**July 1 – June 30**) and the federal government (**October 1 – September 30**). These due dates and deadlines are intended to provide adequate and reasonable times for the development, review, and approval of the UPWP and the documents necessary to administer UPWP funds efficiently. The due dates and deadlines represent current practice and were determined through consensus between FDOT, FHWA, FTA, and the MPOs. This is consistent with the continuing, cooperative, and comprehensive metropolitan planning process mandated by [23 United States Code \(USC\) 134\(c\)\(3\)](#).



Before discussing how UPWPs are prepared, this section describes the fund sources captured in a UPWP. These funding sources and an MPO’s planning activities are the basis of a UPWP and are referenced throughout the chapter. Planning activities in the UPWP are primarily funded with Federal Highway Administration (FHWA) Metropolitan Planning (PL) funds and Federal Transit Administration (FTA) Section 5305(d) funds, both of which are apportioned to states for metropolitan transportation planning. FDOT elected to participate in the Consolidated Planning Grant (CPG) Program, which allows the FDOT and MPOs to combine FHWA PL and FTA Section 5305(d) funds into a single coordinated grant. FHWA is the lead grant agency administering the CPG Program in Florida. An MPO may use other funds for planning activities contained in their UPWP, provided that federal and state requirements and guidelines for eligibility for using these funds are met. **Table 3.1** states the types of funds included in a UPWP.

Table 3.1 UPWP Funds

| | |
|----------------------|--|
| PL Funds | FHWA Metropolitan Planning (PL) funds are authorized in each Surface Transportation Act. PL Funds are distributed through a formula developed by FDOT in consultation with the MPOs and approved by the FHWA. |
| 5305 (d) Funds | 5305(d) funds are also authorized in each Surface Transportation Act and are distributed through a formula. In Florida, 5305(d) funds are combined with PL funds through the Consolidated Planning Grant (CPG). |
| STBG Funds | STBG funds are available to MPOs for planning purposes. The MPO and District cooperatively choose how to use STBG funds. |
| Other FHWA/FTA Funds | MPOs may receive additional FHWA program funds for metropolitan transportation planning purposes, such as Congestion Mitigation and Air Quality (CMAQ), Transportation Alternatives (TA), or federal discretionary grants. These funds must be shown in the relevant task in the UPWP. If an MPO or local transit agency uses FTA Section 5307 funds for planning processes, the funds must also be shown in the UPWP. A state match is required for these funds. |
| State Funds | The Florida Commission on the Transportation Disadvantaged (TD) may be used for planning and must be shown in the UPWP. State funds may be used only to provide the State match for Federal funds or with MPOs for a vendor relationship. |
| Soft Match | FDOT provides the required match for PL, 5305(d), and STBG funds with toll credits as a “soft match.” The “soft match” is not actual dollars that can be expended but should be shown in the UPWP’s summary budget tables. |
| Local Funds | Local funds that the MPO uses for planning should also be shown in the UPWP. |

3.1.1.1 Federal Planning Funds

3.1.1.1.1 FHWA METROPOLITAN PLANNING FUNDS

FHWA Metropolitan Planning (PL) funds are provided in each federal surface transportation act, the most recent being the Infrastructure Investment and Jobs Act (IIJA). PL funds are used to carry out the metropolitan transportation planning process described in [23 USC 134](#). As such, PL funds have a wide range of uses; however, the use of these funds by the MPO must be for allowable, necessary, and reasonable purposes described in both federal and state requirements. The District MPO Liaison ensures that the MPO uses PL funds to meet federal and state requirements. **PL funds cannot be advanced and are only distributed on a reimbursable basis.**

PL funds are distributed through a formula developed by FDOT in consultation with the MPOs and must be approved by FHWA [\[23 CFR 420.109\(a\)\]](#). In developing the formula for distributing PL funds, various factors must be considered, including population, planning status, attainment of air quality standards, and metropolitan area transportation needs [\[23 CFR 420.109\(b\)\]](#). The formula is updated as needed, such as when significant changes in federal law exist. MPOs may contact their District MPO Liaison for information regarding the current formula.

The amount of new PL funds for the upcoming fiscal year and the four following years appears in FDOT's [Work Program Instructions](#) under Schedule A. The FDOT Work Program and Budget Office are responsible for programming Schedule A funds in the Tentative Work Program.

FDOT's Office of Work Program and Budget – Work Program Development and Operations section applies the PL distribution formula to the annual PL allocation and tracks each MPO's available PL balance. The District MPO Liaisons are provided with a PL Balance MADDOG report that details each MPO's PL balance. The funding balance shown on the report includes unauthorized PL funds (these funds may or may not be budgeted in the UPWP). See [Section 3.2.7 Programming and Authorizations](#) for more information on authorizations. The PL Balance MADDOG report is shared during the year UPWPs are being developed and at the beginning of the second year of a UPWP.

If the **MPO transfers PL Funds to FDOT** to complete work during the two-year UPWP, FDOT needs to include these funds in the State Planning and Research (SPR) Report. The MPO and FDOT task descriptions and names in their respective plans must match. MPOs contributing PL funds to FDOT must show the funds in their UPWP as transferred to FDOT. The amount of PL funds transferred must be shown as a reduction to the MPO's PL budget, as transferred PL funds will not be included in the total funds approved and authorized for the MPO. Please work with the Office of Policy Planning (OPP) to coordinate this effort.

3.1.1.1.2 FTA 5305(D) FUNDS

Title 49 USC 5305 establishes the FTA Section **5305(d) grant** to support metropolitan transportation planning. These funds are apportioned to the MPOs by the rules established in **49 USC 5305(d)**. FTA 5305(d) funds are part of the Consolidated Planning Grant (CPG) Program. The CPG Program section below provides additional details on this program.

FDOT recommends that MPOs close out open, existing Public Transportation Grant Agreements (PTGAs) with FTA 5305(d) funds. Any pre-existing PTGAs at the start of the FY 23/24 UPWP cycle will remain open until the funds are spent, and these PTGAs need to be shown separately by contract in the UPWP. This is consistent with **FTA Circular 8100.1D**, which states, “The FTA will work with states that elect to participate in the CPG on a case-by-case basis to close out previous FTA planning grants without lapsing funds.”



3.1.1.1.3 CONSOLIDATED PLANNING GRANT PROGRAM

FDOT elected to participate in the CPG Program starting July 1, 2022. FTA and FHWA offer the CPG to state Departments of Transportation and allow for the consolidation of FTA 5305(d) funds and FHWA Metropolitan Planning (PL) funds into a single coordinated grant. Allocation formulas for FHWA PL and FTA 5305(d) funds do not change with the CPG implementation.

Moreover, implementing the CPG does not impact the MPO's role and responsibility in supporting and assisting in delivering transit planning services. The FTA will retain its responsibility to review the UPWP and UPWP Amendments if FTA funds other than 5305(d) are in the UPWP. FHWA, as the lead grant administrator, is responsible for coordinating FTA document review. FTA receives all UPWPs and UPWP Amendments should the agency wish to review them.

The CPG eliminates FDOT's responsibility to develop and issue the PTGA annually to the MPO for new 5305(d) funds. FDOT will program FTA 5305(d) funds as PL in the Work Program, and funding will be authorized through the [FDOT/MPO Agreement \(Form No. 525-0101-02 1\)](#). New FTA 5305(d) and FHWA PL funds should be shown in one column in the UPWP, labeled as PL. See the [Work Program Instructions](#) for more information regarding programming for the CPG.

FTA 5305(d) funds will be "soft matched" with toll credits at the same ratio as FHWA PL funds. FDOT Districts are not required to program a match for the CPG. The Federal Aid Management System (FAMS) calculates and records the non-federal share as a "soft match" in the subsidiary ledger of the database established for this purpose. See [Section 3.1.1.3.1 Soft Match](#) for a discussion of soft matches.

MPO allocation totals fluctuate between first and second federal authorizations. For the UPWP and FDOT/MPO Agreement to reflect the actual 5305(d) and PL allocation, MPOs must reconcile each document to reflect the MPO's actual federal apportionment. The MPO adjusts the FDOT/MPO Agreement and UPWP via a UPWP Amendment. See [Section 3.2.7.2 Initial Authorization of FHWA Planning Funds](#) and [Section 3.2.7.3 Second Authorization and Encumbrances](#).

3.1.1.1.4 SURFACE TRANSPORTATION BLOCK GRANT PROGRAM FUNDS

The Surface Transportation Block Grant Program (STBG) is a federal-aid highway funding program for a broad range of surface transportation capital needs, including roads, transit, seaport and airport access, vanpool, and bicycle and pedestrian facilities. STBG funds are allocated based on population. Urban (SU) funds are explicitly allocated to Transportation Management Area (TMA) areas based on population. For more information regarding the STBG Program, see Part IV, Chapter 1, of FDOT's [Work Program Instructions](#) and Federal Aid Technical Bulletin 20-01 from FDOT's Federal Aid Management Office, available on the [Federal Aid Tech Bulletin Internal SharePoint Site](#).

As per [23 USC 133](#), "surface transportation planning" is an eligible use of STBG funds. The decision to provide an MPO with STBG funds for metropolitan planning must be made by the [Work Program Instructions](#), Part III, Chapter 22 guidelines. The District MPO Liaison ensures the MPO uses STBG funds according to federal and state requirements.



With the concurrence of the District Work Program Office, an MPO may use STBG funds to supplement the PL allocations for planning tasks identified in an MPO UPWP. These funds must be identified for a task in the UPWP and shown in budget tables. FDOT will decide whether the funds will be allocated to the MPO and the allocation amount. Each MPO requesting STBG funds to supplement planning will be subject to the following:

- ❖ Per Chapter 22, Section A.3.c.1. of the [FDOT Work Program Instructions](#), if the PL balance plus de-obligations at the end of the UPWP cycle exceeds 20% of an MPO's PL approved allocations for the 2-year UPWP cycle, then STBG funds will not be authorized in the new UPWP until the MPO complies with this policy (the PL balance plus de-obligations is under 20% of PL approved allocations). The Work Program Development and Operations Office provides the PL Balance Compliance Spreadsheet that details MPO balances to confirm compliance with the "80/20 Rule," which permits the authorization of STBG funds. All funds included in the CPG (PL and 5305(d)) are subject to the 80/20 Rule.
- ❖ The MPO may fund their Long-Range Transportation Plan (LRTP) update with STBG funds if the MPO prioritizes updating their LRTP in their List of Priority Projects (LOPP) for the year(s) that the update will occur.
- ❖ A matrix showing the PL balance from the previous UPWP, a short description of work tasks, and all funding sources for the two years of the UPWP must be submitted to demonstrate the shortfall without the requested STBG funding. The District Work Program Office and the District MPO Liaison will determine the validity of the request and decide whether approval is granted.
- ❖ STBG funds should be used for all other project phases leading to construction before allowing the use of STBG funds for planning projects in non-Transportation Management Areas.
- ❖ If STBG funds are being programmed for a travel demand model validation project, the project may be programmed at 100% of the project cost regardless of the status of PL funds.

A UPWP amendment is required if an MPO adds STBG funds to an adopted UPWP. **Section 3.3.1 UPWP Revisions** provides more information on UPWP revisions. These funds shall be programmed according to Part III, Chapter 22 of the [Work Program Instructions](#). STBG funds given to an MPO for planning purposes must be reflected in the same FDOT/MPO Agreement with PL funds. For additional information on the use, programming, and de-obligation of STGB funds, please consult the most recent version of the Department's [Work Program Instructions](#), Part III – Chapter 22: Planning.

3.1.1.1.5 ADDITIONAL FHWA PROGRAM FUNDS

FDOT may provide MPOs additional FHWA program funds, such as CMAQ funds, Transportation Alternative (TA) funds, or discretionary funds for metropolitan transportation planning. These funds must be reflected on the relevant tasks in the UPWP to ensure reimbursement to the MPO. A UPWP amendment is required to add these to an adopted UPWP. The District MPO Liaison ensures the MPO uses additional federal funds according to federal and state requirements.

Any additional FHWA program funds provided to the MPO for metropolitan transportation planning shall be captured and administered through the FDOT/MPO Agreement. See **Section 3.1.2.1 FDOT/MPO Agreement** for a detailed description of the FDOT/MPO Agreement.

3.1.1.1.6 FTA 5307 FORMULA GRANTS

When FTA Section 5307 funds are used by the local transit agency (direct recipient) for planning purposes, the funds must be shown in the UPWP. The local transit agency should coordinate funding amounts and tasks with the MPO.

3.1.1.2 State Funds

The [Work Program Instructions](#) describe the use of state funds, such as District Dedicated Revenue (DDR) and State Modal Development Funds (DPTO). DDR and DPTO funds are provided to MPOs solely as a non-federal match for FTA or other federal grants. All federal and matching funds for metropolitan planning purposes, including state matches, must be included in the UPWP.

Per guidance from the Office of Work Program and Budget, state (D) funds shall not be provided to the MPO to assist with the carrying out of metropolitan transportation planning processes, including the development and update of the LRTP, the Transportation Improvement Program (TIP), the Public Participation Plan (PPP), the Congestion Management Process/Plan (CMP), and the UPWP.

If the MPO performs a service on behalf of FDOT, D funds may be provided to the MPO as a vendor to FDOT. A vendor agreement must be executed between the MPO and FDOT in these instances. Any funds provided to the MPO as a vendor to FDOT must be reflected in the UPWP as an **informational** item.

3.1.1.2.1 FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED (CTD)

MPOs may receive State Transportation Disadvantaged grant funding from the Florida Commission for the Transportation Disadvantaged (CTD), an independent entity within FDOT. These funds are administered to the MPO through a CTD Joint Participation Agreement jointly executed between the MPO and the CTD. It describes the activities the MPO requires to carry out the CTD program. If these funds are used for planning purposes, they must be reflected in the UPWP.

3.1.1.3 Matching Funds

3.1.1.3.1 SOFT MATCH

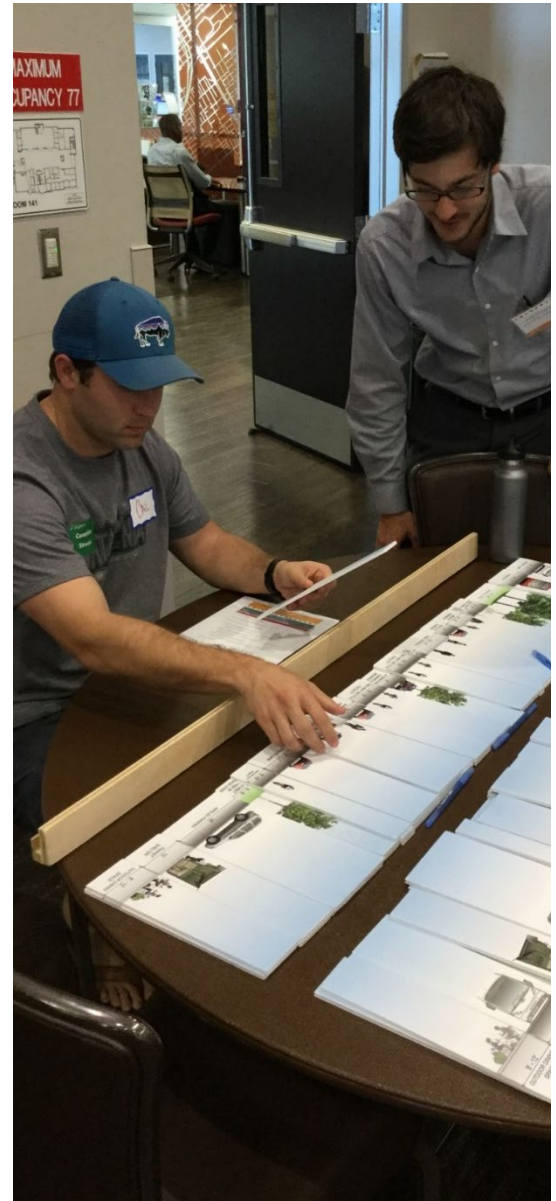
Currently, the State provides the required match to secure FHWA/FTA funds, including PL, 5305(d), and STBG funds, with toll credits as a “soft match.” The “soft match” is not actual dollars that can be expended, and the soft match credits do not appear in the Work Program. However, the MPO must show the soft match amount in the UPWP. Soft match values must not be reflected on the individual UPWP tasks; instead, the soft match amount should be shown in the summary budget tables and must be described in the UPWP.

FDOT uses the USDOT sliding scale federal/non-federal match ratio for metropolitan planning funds: 81.93 percent federal and 18.07 percent non-federal. The department’s policy is to use toll credits, as authorized by [23 USC 120](#), for the non-federal share for all FHWA sliding scale eligible funding programs.

3.1.1.3.2 CASH (HARD) MATCH

Specific federal funding programs require a hard match in the form of actual dollar contributions from the state or local government. The state and local government must allocate matching funds to a project to secure certain federal funds. The state and local funds used as a match must be shown in FDOT’s Work Program. For 5307(d) funds, FTA provides 80 percent with a required 20 percent non-federal match. The 20 percent match is 10 percent state and 10 percent local funds.

All federal and matching funds for metropolitan planning purposes, including state/local matches, must be shown in the UPWP.



3.1.1.4 Local Funds

Any funds other than federal or state funds applied to planning activities are considered local funds. As stated above, local funds are required to match FTA funds and may be used to meet a project's costs for other federal funds. Local funds that do not serve as a match for federal grant funds should be reflected in the UPWP as an informational item. This includes local surtax dollars.

3.1.2 Agreements

3.1.2.1 FDOT/MPO Agreement

The FDOT/MPO Agreement is the standard contract between the MPO and FDOT to undertake the FHWA planning studies and activities listed in the UPWP. The standard FDOT/MPO Agreement is [Form No. 525-010-02 1](#) and is available for download from the [FDOT Procedural Document Library](#).

Note: The Central Office General Counsel Office must review and approve all proposed changes to the standard FDOT/MPO Agreement.

The FDOT/MPO Agreement captures all FHWA program funds listed in the UPWP (i.e., PL, 5305(d), STBG, CMAQ, etc.) and acts as the basis for the administration of these funds. The FDOT/MPO Agreement contains a body of standardized legal language and three Exhibits:

- ❖ Exhibit A is the adopted UPWP, which acts as the Scope of Work for the FDOT/MPO Agreement
- ❖ Exhibit B, [Form No. 525-010-02B](#), titled Federal Financial Assistance (Single Audit Act), shall include the federal award amount for the FDOT/MPO Agreement, which is the two-year total for all FHWA program funds in the UPWP
- ❖ Exhibit C, [Form No. 525-010-02C](#), titled Title VI Assurances, includes the Title VI compliance requirements for the MPO and shall be included in any third-party agreements the MPO enters into

The FDOT/MPO Agreements must be set as a “Funding Term 3,” which states:

- ❖ A maximum contract amount (budgetary ceiling);
- ❖ The FDOT/MPO Agreement does not guarantee funding;
- ❖ Work cannot begin until the **Letter of Authorization** is received; and
- ❖ MPO to use unexpended funds from year one in year two.

3.1.2.2 Public Transportation Grant Agreement

The Public Transportation Grant Agreement (PTGA), including the exhibits, extensions, and amendments ([Form No. 725-000-01](#), [Form No. 725-000-02](#), [Form No. 725-000-03](#), [Form No. 725-000-04](#)) is the standard contract between the MPO and FDOT to undertake the FTA-funded planning studies and activities listed in the UPWP. A PTGA must not be executed for FTA 5305(d) funds. These funds are captured in the FDOT/MPO Agreement. FTA grants are managed through the [TransCIP Transit Data Management System](#). [TransCIP](#) is a secure, web-based system that automates and manages FTA funding grants, including creating the Public Transportation Grant Agreements (PTGA). Non-editable versions of the PTGA [Form No. 725-000-01](#) and Exhibit [Form No. 725-000-02](#) are available in the FDOT Forms Library.

3.1.2.3 Third-Party Agreements

Third-party agreements occur when the MPO enters into an agreement with a party other than FDOT to perform UPWP work activities, such as a planning consultant. Consultant contracts shall be procured, developed, and executed according to the applicable federal and state requirements outlined in the FDOT/MPO Agreement, [Form No. 525-010-02 1](#).

For MPOs to reimburse a third party, an agreement must incorporate the terms and conditions of MPO funding and Interlocal Agreements. Before execution, a draft of the scope of work and the consultant contract agreement shall be reviewed by FDOT during the consultative process. The scope of work shall reference the task number within the UPWP where the funds are identified. Approval of disbursement requests from third-party agreements shall be contingent upon the submittal of satisfactory backup and supporting material, including progress reports and technical reports. This requirement shall be clearly stated in the agreement.

3.2 UPWP Preparation

The proposed use of all federal, state, and local planning funds must be documented in a two-year UPWP acceptable to FHWA and FTA. The steps involved in the UPWP development, review/approval, execution of the FDOT/MPO Agreement, and initial authorization are illustrated in **Table 3.2: UPWP Preparation Timeline** and is described in the following sections.

Table 3.2 UPWP Preparation Timeline

| Step | Activity | Due Date |
|---|---|---|
| Preparation | District MPO Liaison distributes Planning Emphasis Areas, if applicable. | Early December or January (if applicable) |
| Preparation | PL Coordinator provides allocation amounts. | Fall before UPWP development begins. |
| Preparation | The District MPO Liaison and MPO meet to begin the development of a new 2-year UPWP. | December-January |
| Draft UPWP | MPO uploads draft UPWP for review in the Grant Application Program (GAP) . | March 15 |
| Draft UPWP | District MPO Liaison and review agencies review the draft UPWP and provide comments in GAP . | April 15 |
| Draft UPWP | MPO addresses comments on draft UPWP. | May 15 |
| UPWP Amendment to Increase Budget on Current UPWP | The deadline for MPO to approve a UPWP amendment to add PL funds to the current year. This is to add funds to year 2 of the current UPWP. | March 15 |

| Step | Activity | Due Date |
|--|---|-------------------------|
| UPWP Amendment to Increase Budget on Current UPWP | The deadline is for MPO to transmit a UPWP amendment to increase the district's PL funds. This amendment will add funds to year 2 of the current UPWP. | Early April |
| UPWP Amendment to Increase Budget on Current UPWP | The District MPO Liaison forwards the amended FDOT/MPO Agreement to District Legal for review. | Early April |
| UPWP Amendment to De-obligate Funds on Current UPWP | MPO must notify the District MPO Liaison of the total funds the MPO plans to de-obligate. | March 15 |
| UPWP Amendment to De-obligate Funds on Current UPWP | The deadline is for the MPO to approve a UPWP amendment to de-obligate funds from the current UPWP. | April 15 |
| UPWP Amendment to De-obligate Funds on Current UPWP | The MPO must transmit a UPWP amendment to de-obligate funds from the current UPWP to the District by the deadline. | May 1 |
| FDOT/MPO Agreement | The District MPO Liaison forwards the new FDOT/MPO Agreement to the MPO. | April 15 |
| Final UPWP | MPO adopts the final 2-year UPWP. MPO signs new FDOT/MPO Agreement. | May 15 |
| Final UPWP | Within ten working days, the District MPO Liaison reviews the adopted UPWP and resolves any outstanding issues. Then, the liaison provides a signed Cost Analysis Certification for the MPO to include in their adopted UPWP. | Within ten working days |

| Step | Activity | Due Date |
|----------------------|--|------------------------|
| Final UPWP | The deadline for the District MPO Liaison to transmit the final UPWP to FHWA and FTA for approval in GAP District MPO Liaison emails the MPO the signed Cost Analysis Certification Statement for inclusion in the final UPWP. Then, the MPO uploads the final UPWP, including the Cost Analysis Certification Statement in GAP. | June 1 |
| Authorization | District executes FDOT/MPO Agreement. District MPO Liaison prepares Contract Status Change form, requesting that the contract be placed in Status 10. | Early June- June 15 |
| Authorization | District MPO Liaison receives the first authorization notification from the Central Office PL Funds Coordinator. | June 15 |
| Authorization | Critical Milestone: If FHWA and FTA have not approved an MPO's UPWP by June 15 , there will not be sufficient time to encumber the funds and issue a Letter of Authorization to the MPO before June 30 . | June 15 |
| Authorization | Funds must be authorized and encumbered before July 1 . For the detailed steps to authorize funds, see Section 3.2.7 Programming and Authorizations. | Before June 30 |

3.2.1 Preparing to Update the UPWP

During the new UPWP development years, the District MPO Liaison will begin early coordination and provide technical assistance to MPOs no later than **January**. The Districts are encouraged to initiate a “kickoff” meeting with their respective MPOs. If schedules and time permits, it is also a best practice to include FHWA, FTA, and other transportation partners to attend the kickoff meeting. As a reminder, FDOT should provide the following information to MPOs at the beginning of the UPWP development cycle:

- ❖ **OPP:** Planning Emphasis Areas (PEA) (available in early **December**). FDOT may not create new state PEAs each UPWP development cycle but will share existing federal and state PEAs that are still applicable;
- ❖ **The Metropolitan Planning (PL) Funds Coordinator:** PL Balance; and
- ❖ **District MPO Liaison:** Regional Projects.

The MPO must develop the UPWP using the process documented in its PPP, consistent with [23 CFR 450.316](#).

3.2.2 Contents and Format

This section provides the general format and content for a UPWP that meets FHWA and FTA standards. FDOT also developed template budget tables and a Guide for UPWP Development to aid in UPWP development, available in the Partner Library on the [Metropolitan Planning Organization \(MPO\) Partner Site](#). The information in this chapter and the budget tables and guide assist MPOs in developing a UPWP. Other UPWP formats may also be acceptable, provided they meet all federal requirements and provide the information listed in the following sections.

Figure 3.2 shows the recommended sections for a UPWP. The UPWP should include a cover page, introduction, a section on the organization and management of the MPO, a section describing tasks or activities the MPO will perform, and funding tables by task and fund source. The following sections describe what is required and recommended for an MPO to include each section of the UPWP.

Figure 3.2 UPWP Content



The UPWP shall include a description of the work to be accomplished and the cost estimates for each activity [\[23 CFR 420.111\(b\)\(1\)\]](#). The cost estimates must be broken out by fiscal year.

MPOs are encouraged (and MPOs in Transportation Management Areas [TMA] are required) to include cost estimates for transportation planning, research, development, and technology transfer-related activities funded with local, state, or federal funds other than those authorized under [23 CFR 420.111](#).

The following information should be provided for each planning study:

- ❖ Name of the study and a short description of work to be accomplished;
- ❖ The cost, or the approximate cost, of the study;
- ❖ The source(s) of funding used to pay for the study; and
- ❖ The lead agency that is conducting the study.

MPOs must include districtwide studies if they are specific to the MPO's location as an informational item. Districtwide studies that are not corridor or location-specific, such as a districtwide traffic collection effort, need not be included in the UPWP.

If an MPO transfers FHWA funds to an agency/local government for a planning study, it must be reflected as a **task** in the UPWP.

Project Development and Environment (PD&E) studies are not considered planning studies, so they are in the MPO's TIP. Therefore, PD&E studies should not be included in the MPO's UPWP.

3.2.2.1 Cover Page

The Cover Page must include:

- ❖ MPO name, address, and website;
- ❖ Catalog of Federal Domestic Assistance number (FHWA: 20.205, FTA 5305(d): 20.505);
- ❖ Identification of agencies providing funds for the UPWP;
- ❖ Financial Project Number for each contract shown in UPWP;
- ❖ Federal Award Identification Number for FHWA contracts (or the Federal Aid Project Number);
- ❖ State Fiscal Years the UPWP covers;
- ❖ Statement of nondiscrimination;
- ❖ DRAFT UPWP: Adoption date and space for revision dates; and
- ❖ FINAL UPWP: Adoption date and space for revision dates.

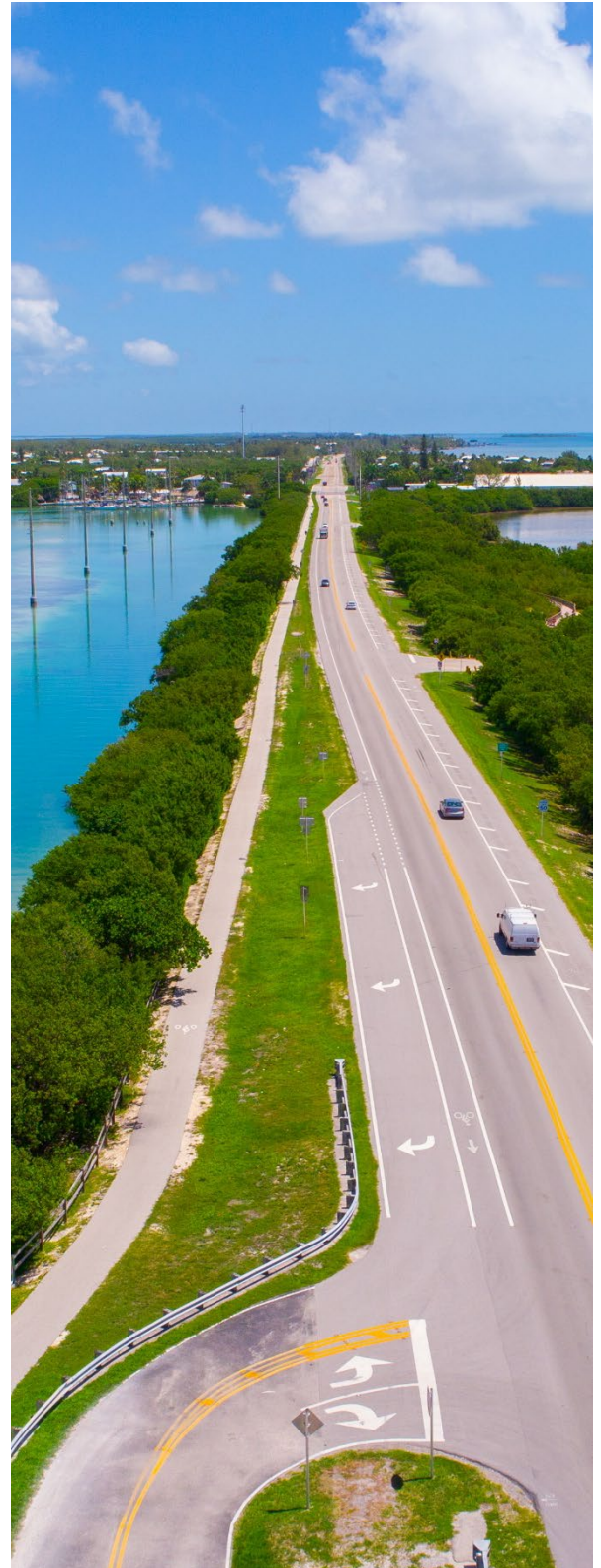


3.2.2.2 Cost Analysis Certification Statement

The UPWP must include a Cost Analysis Certification Statement ([Form No. 525 010-06](#)) signed by the District MPO Liaison to attest to the allowability, reasonableness, and necessity of the costs presented in the UPWP ([s.216.3475, FS](#)). This form is available for download from the [FDOT Procedural Document Library](#). This certification statement is a state statutory requirement enforced by the State of Florida Department of Financial Services. The signature by the District MPO Liaison indicates the completion of a cost analysis on the costs presented in the UPWP, as required by the state statute. This statement is to be signed by the District MPO Liaison for each of the following actions:

- ❖ Following the adoption of the UPWP and before the execution of the FDOT/MPO Agreement
- ❖ Following an MPO Board action amending the UPWP and before execution of the Amendment to the FDOT/MPO Agreement
- ❖ Following all UPWP modifications

The date of signature on this statement must align with the date of the last action taken on the UPWP. MPOs and District MPO Liaisons are responsible for maintaining records related to all actions taken on the UPWP, including completed cost analyses. These documents should be uploaded to the [GAP](#). The [GAP](#) system is described in detail in [Section 3.2.6 UPWP Review and Approval](#).



3.2.2.3 Introduction

The Introduction section must include the following items:

- ❖ A brief definition and purpose of the UPWP.
- ❖ An overview of the status of current comprehensive transportation planning activities.
- ❖ Identification and discussion of the planning priorities for the metropolitan planning area. For example, suppose a metropolitan planning area is experiencing a significant rate of growth. In that case, appropriate planning priorities must be identified to address increased development, traffic volumes, and planning for the area's future transportation system.
- ❖ A description of the transportation-related air quality planning activities (if applicable) anticipated in the nonattainment or maintenance area regardless of funding sources or agencies conducting air quality activities.
- ❖ Planning tasks to be performed with funds under [Title 23, USC](#) and [49 USC 53](#).
- ❖ A description of the public participation process used in developing the UPWP.
- ❖ A matrix or narrative identifying how each task relates to the Federal Planning Factors and the State Planning Emphasis Areas available when the MPO develops the UPWP. Federal Planning Factors and State PEAs may not change between UPWP cycles."
- ❖ A discussion and definition of "soft match" and the amount (both as a total and percent) of the "soft match" for the federal funds in the UPWP (the soft match percentage can be found in Part III, Chapter 23 of the [Work Program Instructions](#)).

- ❖ When discussing Consolidated Planning Grant (CPG) participation, MPOs are encouraged to include the following language in the UPWP introduction:

“The FDOT and the (insert MPO name) participate in the Consolidated Planning Grant. The CPG enables FDOT, in cooperation with the MPO, FHWA, and FTA, to annually consolidate Florida’s FHWA PL and FTA 5305(d) metropolitan planning fund allocations into a single grant that the FHWA Florida Division administers. These funds are annually apportioned to FDOT as the direct recipient and allocated to the MPO by FDOT utilizing formulas approved by the MPO, FDOT, FHWA, and FTA by [23 CFR 420.109](#) and [49 USC 53](#). The FDOT is fulfilling the CPG’s required 18.07% non-federal share (match) using Transportation Development Credits as permitted by [23 CFR 120\(j\)](#) and [FTA C 8100.1D](#)”.

- ❖ When discussing the “soft match,” MPOs are encouraged to include the following language in the UPWP Introduction:

“[Section 120 of Title 23, USC](#)., permits a state to use certain toll revenue expenditures as a credit toward the non-federal matching share of all programs authorized by [23 USC 120](#) (except Emergency Relief Programs) and for transit programs authorized by [49 USC 53](#). This “soft match” provision allows the federal share to be increased up to 100% to the extent credits are available. The “soft match” amount being utilized to match FHWA funding in the UPWP is _____% of FHWA program funds for a total of \$_____.”

3.2.2.4 Organization and Management

The Organization and Management section consists of a narrative that discusses the following items:

- ❖ Identification of participants and a brief description of their respective role(s) in the UPWP metropolitan area transportation planning process;
- ❖ Discussion of appropriate FDOT/MPO Agreements, including date executed;
- ❖ Identification and discussion of operational procedures and bylaws, including date executed;
- ❖ Any required forms, certifications, and assurances; and
- ❖ The MPO’s approved indirect cost rate (if applicable).

3.2.2.5 UPWP Work Elements/Tasks

The Work Elements/Tasks describe the major work products and tasks the MPO proposes to undertake. Several Work Element/Task examples are provided below. These examples are not intended to be all-inclusive. An MPO may include additional elements or use different names.

- ❖ **Administration and Management.** Tasks required to manage the transportation planning process on a continual basis, including program administration, development, review and reporting, anticipated staff development, and an annual single audit. This task can also include addressing a federal TMA Certification, conducting the FDOT annual certifications, or participating in US Census activities. For ease of budgeting, fund encumbering, and invoicing, it is highly recommended that MPOs include all administrative costs for the entire UPWP in one administrative task (or group of subtasks).
- ❖ **Data Development and Management.** Tasks include monitoring area travel characteristics and factors affecting travel, such as socioeconomic data, land use data, traffic data, road conditions, and human-environmental concerns and issues.
- ❖ **Short Range Planning.** Tasks for the development and management of the TIP. This task could also include asset management plans or performance management.
- ❖ **Long Range Planning.** Tasks for developing the LRTP. This task could include comprehensive plan elements, CMPs, or mode-specific plans.
- ❖ **Special Studies.** Tasks related to non-recurring planning projects or activities that do not fit easily into other categories, such as feasibility studies, corridor studies, municipal plans, or resiliency/sustainability studies.
- ❖ **Public Outreach.** Tasks to implement the MPO's PPP during the development of the UPWP, LRTP, TIP, and other plans and programs as required.
- ❖ **MPO Regional Activities.** Tasks that involve transferring funds between MPOs and FDOT to conduct regional planning activities.

Generally, planning tasks are activities that are not considered to be administrative tasks. Planning activities related to transit, electric vehicles, infrastructure, short-range transportation planning (including the CMP), Transportation Disadvantaged, intermodal/multimodal planning, Intelligent Transportation Systems, and air quality planning shall be included when applicable. The UPWP should address any issues identified during the MPO's most recent certification review and specify the actions the MPO will take to address them.

For ease of budgeting and invoicing purposes, it is highly recommended that MPOs include all administrative costs for the UPWP on one administration task or group of tasks. If done correctly, all administrative and overhead costs would be consolidated into one task (or group of tasks), and the remaining tasks in the UPWP would include the costs for personnel services, professional services, and travel.

3.2.2.5.1 TASK DESCRIPTION

Each task in the UPWP should include the following:

- ❖ Task number and title;
- ❖ Purpose;
- ❖ Previous work completed;
- ❖ Required activities;
 - How the task will be performed;
 - Who will perform the task (e.g., the MPO, state, public transportation operator, local government, or consultant);
- ❖ Responsible agency or agencies, i.e., who manages the contract (if being performed by a consultant);
- ❖ A schedule that adequately describes the activities that will take place during the year(s), including:
 - A schedule of milestones or benchmarks to be used to measure progress;
 - End product(s);
 - Estimated completion date(s); and
- ❖ Proposed funding source(s) with anticipated fiscal year and budget line item costs.

An example of a task description is shown below in **Figure 3.3**.

Figure 3.3 Sample Task Description for "Administration Task"

| Task 1.1 Administration | |
|---|--|
| Purpose: | |
| To properly manage and carry out the MPO area's continuous, cooperative, and comprehensive metropolitan transportation planning process. | |
| Previous Work Completed: | |
| Preparation and distribution of planning documents. Technical assistance and preparation of documents for MPO Board and committee meetings. Coordination with federal, state, and local partners. Preparation of contracts and agreements. Preparation of certification documents. Attendance at workshops and training sessions. | |
| Required Activities: | |
| <ul style="list-style-type: none"> ❖ Technical assistance and staff support to MPO Policy Board and committees. ❖ Prepare and distribute MPO materials (agenda packages, meeting minutes, resolutions, plans, documents, etc.). ❖ Coordination with partner agencies, including FDOT, and support staff for joint meetings. ❖ Preparation and participation in annual Joint State-MPO Certification and quadrennial TMA Certification. ❖ Prepare and submit progress reports and invoices. | <ul style="list-style-type: none"> ❖ Review and update agreements and MPO administrative documents. ❖ Maintain financial records and perform an annual single audit. ❖ MPO staff and Board member travel and participation at general trainings, conferences, and meetings, including those of the MPOAC. ❖ Select and manage consultant support. ❖ Purchase office supplies, postage, and equipment. |
| End Product: | Completion Date: |
| MPO Board and committee meetings | Monthly |
| Joint State-MPO Certification | Jan. Year 1; Jan. Year 2 |
| Invoices and progress reports | Quarterly |
| Annual single audit | Nov. Year 1; Nov. Year 2 |
| MPOAC and General meetings, workshops, trainings | As needed |
| Maintenance of financial records | Ongoing |
| Responsible Agency: MPO | |

[Title 23 CFR 450.308\(c\)](#) requires the UPWP to identify the work proposed for the next one to two years by major activity and task in sufficient detail to indicate who will perform the work, as well as the schedule for completing the work, the resulting products, the proposed funding by activity/task, a summary of the total amounts and sources of federal funds, and the non-federal match when using FTA funds. The local contribution must also be shown if an MPO uses local funds.

3.2.2.5.2 TASK BUDGET TABLE

A budget table is required for all tasks in the UPWP. Specific line items must be detailed enough for the District MPO Liaison to analyze costs. The table shall include detailed line-item costs to determine the overall costs for each task using the following budget categories:

- ❖ Personnel Services;
- ❖ Consultant Services;
- ❖ Travel;
- ❖ Other Direct Expenses; and
- ❖ Indirect Expenses (only applicable to MPOs reimbursed for indirect costs using an indirect rate).

Task budget tables will reflect slightly different information depending on whether the MPO is reimbursed for an indirect rate. For MPOs charging an indirect rate, the indirect rate must be applied consistently to each task.

Below are example budget tables. Please note that these examples' indirect rates, budget line items, and costs are for **illustrative purposes** only. MPOs should align the content of the budget tables with their existing accounting systems and budgets.

Figure 3.4 Sample Task Work Sheet for “Administration Task” – MPO Charging All Actual Costs

| Task 1.1. Administration | | | | | | | |
|---------------------------------|-----------|----|-------------|---------|---------|--------------|----------------|
| Year 1 | | | | | | | |
| Fund Source | FHWA | | FTA 5305(d) | | | Trans Disad. | FY 22-23 Total |
| Source Level | PL | SU | Federal | State | Local | | |
| Contract Number | GXXXX | | GXXXB | | | XX | |
| Personnel (salary and benefits) | \$108,360 | - | \$22,738 | \$4,700 | \$4,700 | - | \$140,498 |
| Consultant | - | - | - | - | - | - | - |
| Travel Expenses | \$7,200 | - | \$1,440 | - | - | - | \$8,640 |
| Direct Expenses | \$20,000 | - | \$5,000 | - | - | - | \$25,000 |
| Supplies | - | - | - | - | - | - | - |
| Equipment | - | - | - | - | - | - | - |
| Total | \$135,560 | - | \$29,178 | \$4,700 | \$4,700 | \$0 | \$174,138 |
| Year 2 | | | | | | | |
| Fund Source | FHWA | | FTA 5305(d) | | | Trans Disad. | FY 23-24 Total |
| Source Level | PL | SU | Federal | State | Local | | |
| Contract Number | GXXXX | | GXXXB | | | XX | |
| Personnel (salary and benefits) | \$108,360 | - | \$22,738 | \$4,700 | \$4,700 | - | \$140,498 |
| Consultant | - | - | - | - | - | - | - |
| Travel Expenses | \$7,200 | - | \$1,440 | - | - | - | \$8,640 |
| Direct Expenses | \$20,000 | - | \$5,000 | - | - | - | \$25,000 |
| Supplies | - | - | - | - | - | - | - |
| Equipment | - | - | - | - | - | - | - |
| Total | \$135,560 | - | \$29,178 | \$4,700 | \$4,700 | \$0 | \$174,138 |

Figure 3.5 Sample Task Work Sheet for “Administration Task” – MPO Charging 25% Indirect Rate

| Task 1.1. Administration | | | | | | | |
|---------------------------------|------------------|------------|-----------------|----------------|----------------|--------------|------------------|
| Year 1 | | | | | | | |
| Fund Source | FHWA | | FTA 5305(d) | | | Trans Disad. | FY 22-23 Total |
| Source Level | PL | SU | Federal | State | Local | | |
| Contract Number | GXXXX | | GXXXB | | | XX | |
| Personnel (salary and benefits) | \$108,360 | – | \$22,738 | \$4,700 | \$4,700 | – | \$140,498 |
| Consultant | – | – | – | – | – | – | – |
| Travel Expenses | \$7,200 | – | \$1,440 | – | – | – | \$8,640 |
| Indirect Expenses | \$28,890 | – | \$6,044.50 | \$1,175 | \$1,175 | – | \$37,284.50 |
| Supplies | – | – | – | – | – | – | – |
| Equipment | – | – | – | – | – | – | – |
| Total | \$144,450 | \$0 | \$30,223 | \$5,875 | \$5,875 | \$0 | \$186,423 |
| Year 2 | | | | | | | |
| Fund Source | FHWA | | FTA 5305(d) | | | Trans Disad. | FY 23-24 Total |
| Source Level | PL | SU | Federal | State | Local | | |
| Contract Number | GXXXX | | GXXXB | | | XX | |
| Personnel (salary and benefits) | \$108,360 | – | \$22,738 | \$4,700 | \$4,700 | – | \$140,498 |
| Consultant | – | – | – | – | – | – | – |
| Travel Expenses | \$7,200 | – | \$1,440 | – | – | – | \$8,640 |
| Indirect Expenses | \$28,890 | – | \$6,044.50 | \$1,175 | \$1,175 | – | \$37,284.50 |
| Supplies | – | – | – | – | – | – | – |
| Equipment | – | – | – | – | – | – | – |
| Total | \$144,450 | \$0 | \$30,223 | \$5,875 | \$5,875 | \$0 | \$186,423 |

Figure 3.6 Sample Task Work Sheet for “Planning Task” – MPO Charging Actual Costs

| Task 4.1. Transportation Improvement Program | | | | | | | |
|--|-----------------|----------------|-----------------|----------------|----------------|--------------|-----------------|
| Year 1 | | | | | | | |
| Fund Source | FHWA | | FTA 5305(d) | | | Trans Disad. | FY 22-23 Total |
| Source Level | PL | SU | Federal | State | Local | | |
| Contract Number | GXXXX | | GXXXB | | | XX | |
| Personnel (salary and benefits) | \$15,000 | – | \$10,000 | \$1,250 | \$1,250 | – | \$27,500 |
| Consultant | \$5,000 | \$5,000 | – | – | – | – | \$10,000 |
| Direct Expenses | \$1,000 | – | – | – | – | – | \$1,000 |
| Total | \$20,000 | \$5,000 | \$10,000 | \$1,250 | \$1,250 | – | \$38,500 |
| Year 2 | | | | | | | |
| Fund Source | FHWA | | FTA 5305(d) | | | Trans Disad. | FY 23-24 Total |
| Source Level | PL | SU | Federal | State | Local | | |
| Contract Number | GXXXX | | GXXXB | | | XX | |
| Personnel (salary and benefits) | \$15,000 | – | \$10,000 | \$1,250 | \$1,250 | – | \$27,500 |
| Consultant | \$5,000 | \$5,000 | – | – | – | – | \$10,000 |
| Direct Expenses | \$1,000 | – | – | – | – | – | \$1,000 |
| Total | \$20,000 | \$5,000 | \$10,000 | \$1,250 | \$1,250 | – | \$38,500 |

Figure 3.7 Sample Task Work Sheet for “Planning Task” – MPO Charging 25% Indirect Rate

| Task 4.1. Transportation Improvement Program | | | | | | | |
|--|-----------------|----------------|-----------------|----------------|----------------|------------|-------------------|
| Year 1 | | | | | | | |
| Fund Source | FHWA | | FTA 5305(d) | | | Trans | FY 22-23 Total |
| Source Level | PL | SU | Federal | State | Local | Disad. | |
| Contract Number | GXXXX | | GXXXB | | | XX | |
| Personnel (salary and benefits) | \$15,000 | – | \$10,000 | \$1,250 | \$1,250 | – | \$27,500 |
| Consultant | \$5,000 | \$5,000 | – | – | – | – | \$10,000 |
| Indirect Expenses | \$5,000 | \$1,250 | \$2,500 | \$312.50 | \$312.50 | – | \$18,750 |
| Total | \$25,000 | \$6,250 | \$12,500 | \$1,563 | \$1,563 | \$0 | \$56,250 |
| Year 2 | | | | | | | |
| Fund Source | FHWA | | FTA 5305(d) | | | Trans | FY 23-24 Total |
| Source Level | PL | SU | Federal | State | Local | Disad. | |
| Contract Number | GXXXX | | GXXXB | | | XX | |
| Personnel (salary and benefits) | \$15,000 | – | \$10,000 | \$1,250 | \$1,250 | – | \$27,500 |
| Consultant | \$5,000 | \$5,000 | – | – | – | – | \$10,000 |
| Indirect Expenses | \$5,000 | \$1,250 | \$2,500 | \$312.50 | \$312.50 | – | \$18,750 |
| Total | \$25,000 | \$6,250 | \$12,500 | \$1,563 | \$1,563 | \$0 | \$56,250 |

3.2.2.6 Summary Budget Tables

The following summary budget tables shall be included in the UPWP. The summary budget tables must show funds by each fiscal year. Examples are shown on the following pages.

- ❖ **Figure 3.8 MPO/TPO Summary Budget Table** identifies participating agencies (e.g., FHWA, FTA, FDOT, local governments) with respective funding commitments by task with line and column totals. The amount billed to consultants must be identified in the table. The table must identify the amount by fund type if the MPO uses a mixture of fund types for consultant work (e.g., PL, 5303, and 5307). The amount of soft match by task must be reflected on this table, although it should be identified as a non-cash match. FTA 5305(d) funds authorized on a PTGA before the CPG was implemented are shown separate from FHWA PL funds because they are not part of the CPG.
- ❖ **Figure 3.9 MPO/TPO Funding Sources Table** lists each funding source by fiscal year with line and column totals. FDOT will soft match the CPG funds and any other FHWA funds that use toll revenue expenditures as a credit toward the non-federal matching funds. The amount of soft match by task must be reflected in this figure, although it should be clearly identified as a non-cash match. Other fund sources, such as FTA 5305(d) funds on a PTGA before the CPG was implemented, had a hard state and local match.



Figure 3.8 MPO/TPO Summary Budget Table

| Funding Source | CTD | | FHWA | | FTA 5305(d) | |
|---|------------------|------------------|-------------------|-------------------|------------------|------------------|
| Contract | XX | | GXXXX | | GXXXB | |
| Fiscal Year | Year 1 | Year 2 | Year 1 | Year 2 | Year 1 | Year 2 |
| Total Budget | \$ 39,224 | \$ 39,224 | \$ 590,500 | \$ 590,500 | \$ 97,784 | \$ 97,784 |
| Task 1 Administration and Management | | | | | | |
| Personnel (salary and benefits) | \$ - | \$ - | \$ 101,500 | \$ 101,500 | \$ - | \$ - |
| Consultant | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Travel | \$ - | \$ - | \$ 11,500 | \$ 11,500 | \$ - | \$ - |
| Direct Expenses | \$ - | \$ - | \$ 15,000 | \$ 15,000 | \$ - | \$ - |
| Indirect Expenses | | \$ - | \$ - | \$ - | \$ - | \$ - |
| Supplies | | \$ - | \$ - | \$ - | \$ - | \$ - |
| Equipment | | \$ - | \$ - | \$ - | \$ - | \$ - |
| Subtotal | \$ - | \$ - | \$ 128,000 | \$ 128,000 | \$ - | \$ - |
| Task 2 Data Development and Management | | | | | | |
| Consultant | \$ - | \$ - | \$ 138,500 | \$ 138,500 | \$ 12,000 | \$ 12,000 |
| Task 3 Short Range Planning | | | | | | |
| Consultant | \$ - | \$ - | \$ 15,000 | \$ 15,000 | \$ 6,000 | \$ 6,000 |
| Task 4 Long Range Planning | | | | | | |
| Consultant | \$ - | \$ - | \$ 28,500 | \$ 28,500 | \$ - | \$ - |
| Task 5 Special Studies | | | | | | |
| Consultant | \$ 39,224 | \$ 39,224 | \$ 208,500 | \$ 208,500 | \$ 79,784 | \$ 79,784 |
| Task 6 Public Outreach | | | | | | |
| Personnel (salary and benefits) | \$ - | \$ - | \$ 50,000 | \$ 50,000 | \$ - | \$ - |
| 7 MPO Regional Activities | | | | | | |
| Personnel (salary and benefits) | \$ - | \$ - | \$ 22,000 | \$ 22,000 | \$ - | \$ - |
| Total | \$ 39,224 | \$ 39,224 | \$ 590,500 | \$ 590,500 | \$ 97,784 | \$ 97,784 |

Figure 3.9 MPO/TPO Funding Sources Table

| Contract | Funding Source | Source Level | Year 1 | Year 2 | Year 1 Funding Source | | | | Year 2 Funding Source | | | |
|--------------|----------------|--------------|-------------------|-------------------|-------------------------|-------------------|------------------|-----------------|-----------------------|-------------------|------------------|-----------------|
| | | | | | Soft Match ^a | Federal | State | Local | Soft Match | Federal | State | Local |
| XX | CTD | State | \$ 39,224 | \$ 39,224 | \$ - | \$ - | \$ 39,224 | \$ - | \$ - | \$ - | \$ 39,224 | \$ - |
| | | CTD | \$ 39,224 | \$ 39,224 | \$ - | \$ - | \$ 39,224 | \$ - | \$ - | \$ - | \$ 39,224 | \$ - |
| | | Total | | | | | | | | | | |
| GXXXX | FHWA | PL | \$ 487,500 | \$ 487,500 | \$ 107,520.14 | \$ 487,500.00 | \$ - | \$ - | \$ 107,520.14 | \$ 487,500.00 | \$ - | \$ - |
| | | SU | \$ 103,000 | \$ 103,000 | \$ 22,717.08 | \$ 103,000.00 | \$ - | \$ - | \$ 22,717.08 | \$ 103,000.00 | \$ - | \$ - |
| | | FHWA Total | \$ 590,500 | \$ 590,500 | \$ 130,237 | \$ 590,500 | \$ - | \$ - | \$ 130,237 | \$ 590,500 | \$ - | \$ - |
| GXXXXB | FTA 5305(d) | Federal | \$ 81,487 | \$ 81,487 | \$ - | \$ 81,487.00 | \$ - | \$ - | \$ - | \$ 1,487.00 | \$ - | \$ - |
| | | Local | \$ 8,149 | \$ 8,149 | \$ - | \$ - | \$ - | \$ 8,148.70 | \$ - | \$ - | \$ - | \$ 8,148.70 |
| | | State | \$ 8,149 | \$ 8,149 | \$ - | \$ - | \$ 8,148.70 | \$ - | \$ - | \$ - | \$ 8,148.70 | \$ - |
| | | FTA 5305(d) | \$ 97,784 | \$ 97,784 | \$ - | \$ 81,487 | \$ 8,149 | \$ 8,149 | \$ - | \$ 81,487 | \$ 8,149 | \$ 8,149 |
| | | Total | | | | | | | | | | |
| Total | | | \$ 727,508 | \$ 727,508 | \$ 130,237 | \$ 671,987 | \$ 47,373 | \$ 8,149 | \$ 130,237 | \$ 671,987 | \$ 47,373 | \$ 8,149 |

^a FDOT noncash match.

3.2.2.7 Regional Activities

Any tasks where participating MPOs will use **PL or STBG funds to support regional planning activities** that result in the transfer of funds between MPOs will need to show funding and activity descriptions in their UPWPs uniformly. This also applies to FTA 5305(d) funds that become PL as part of the CPG. All MPOs must show the same “End Product,” summarizing the planning activities and showing the amount on a separate line item on the Regional Activities Table and Regional Accounting Table, with a uniform short description identifying the lead MPO. All MPOs must also show the funds being transferred in their UPWPs.

The MPO Regional Activities and All Regional Accounting tables should be used to show incoming and outgoing funds for regional tasks involving transferring funds between MPOs. These tables are only for tasks that require the physical transfer of funds. This does not include shared costs (e.g., health benefits for MPO staff) or activities that do not result in the transfer of funds or participation of a single MPO in coordination with other regional entities (e.g., attendance at MPO Advisory Council or Florida Transportation Commission meetings, or MPOAC dues). Regional tasks must be supported by a Memorandum of Understanding (MOU) signed by all participating MPOs. Funds are authorized in the UPWP but are encumbered via contracts. Depending on the source, funds may need to be on separate contracts.



See the [UPWP Guide for Development](#) for a detailed discussion on how to represent regional activities that involve a transfer of funds in the UPWP. The following sections describe the MPO Regional Activities and All Regional Accounting tables.

3.2.2.7.1 MPO REGIONAL ACTIVITIES TABLE

The Regional Activities Table captures the funds the MPO transfers to other agencies (e.g., other MPOs, FDOT) and funds it receives from other agencies for regional activities. The table summarizes the total amount of funds by source and the activities for which the funds will be used. Within the UPWP document, include a legend or footnote for the table stating how the incoming and outgoing funds are formatted. For example, include a footnote showing a different font for incoming funds and a different font depicting outgoing funds, which are formatted a certain way.

3.2.2.7.2 ALL REGIONAL ACCOUNTING TABLE

The All Regional Accounting Table summarizes the lead agency for regional tasks, and all funding contributed to regional activities by fund source. This table must be consistent with all MPOs participating in regional activities. Within the UPWP document, include a legend or footnote for the table stating how the incoming and outgoing funds are formatted.

3.2.3 Attachments

3.2.3.1 Statements and Assurances

The UPWP must include several statements and assurances that must be signed and submitted with the final UPWP. These statements cover the areas of debarment, disadvantaged business enterprises, lobbying, and Title VI/nondiscrimination, as described below. UPWP Statements and Assurances ([Form No. 525-010-08](#)) are available through the [FDOT Procedural Document Library](#).

- ❖ **Debarment and Suspension Certification.** This statement assures that FHWA funds have not been used for procurement from persons who have been debarred or suspended by the provisions of [49 CFR 32.630](#). It is recommended that each MPO coordinate with their legal counsel on this item.
- ❖ **Lobbying Certification for Grants, Loans, and Cooperative Agreements.** Under [31 USC 1352](#), the MPO must annually certify to FHWA that no appropriated federal funds are being used to influence or attempt to influence (lobby) any member of Congress or their employees in

connection with the awarding of any contract, grant, loan, cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any existing contract, grant loan, or cooperative agreement.

- ❖ If any funds other than federally appropriated funds have been, or will be, paid to any person for influencing, or attempting to influence, a member of Congress or its employees in connection with a federal contract, grant, loan, or cooperative agreement, the MPO must, in accordance, complete [Standard Form LLL – Disclosure Form to Report Lobbying to serve as the Lobbying Certification Statement](#).
- ❖ The MPO Chairperson must sign the [Certificate for Contracts, Grants, Loans, and Cooperative Agreements](#) for all federal grants over \$100,000 annually. This statement must also be included in the UPWP.
- ❖ **Disadvantaged Business Enterprise (DBE) Utilization.** This statement certifies that the MPO and its consultants will comply with federal requirements regarding the participation of DBEs in federally awarded contracts.
- ❖ **Title VI/Nondiscrimination Assurance.** As a subrecipient of FDOT, each MPO must sign a Title VI/Nondiscrimination Assurance with the state to ensure compliance with Title VI and other nondiscrimination authorities. The Nondiscrimination Agreement acts as the MPO's Title VI Plan under [23 CFR Part 200](#) and [FHWA's Title VI Implementation Guide](#). It includes all Title VI requirements an MPO agrees to take on in return for receiving Planning funds from the State. The Title VI Nondiscrimination Assurance is included in the UPWP Statements and Assurances ([Form No. 525-010-08](#)) and is available through the [FDOT Procedural Document Library](#). The Title VI/Nondiscrimination Assurance must be signed every two years with the other UPWP Statements and Assurances or when the MPO changes executive leadership.

3.2.3.2 MPO Adopted Travel Policy

If the MPO has adopted a travel policy other than the FDOT travel policy, the MPO must include the policy as an appendix to the UPWP. This gives the District MPO Liaison the information needed to review and process invoices. The MPO Board must approve travel policies [\[s.112.061\(14\), FS\]](#). If the MPO follows the FDOT travel policy, refer to FDOT's [Disbursement Handbook for Employees and Managers](#).

3.2.3.3 Cost Allocation Plan and Certificate of Indirect Costs

If the MPO has an approved Cost Allocation Plan, the MPO must include the plan as an appendix to the UPWP. This gives the District MPO Liaison the information needed to review and process invoices. Please see **Section 3.3.4 Indirect Cost Rate** for details on Cost Allocation Plans.

3.2.4 UPWP Amendments to Add Funds to the Current UPWP

UPWP amendments adding funds to the current UPWP must be approved by the MPO by **March 15** and submitted to the District by **April 1**. The District MPO Liaison will coordinate with the MPO and FDOT legal to amend the FDOT/MPO Agreement. The FDOT/MPO Agreement Amendment can be found in the [PDL](#).

3.2.5 UPWP Amendments for Funds the MPO Chose to De-Obligate Before UPWP Closeout

De-obligation can occur twice in a UPWP cycle. MPOs initiate de-obligation of funds from the current UPWP in the **spring** of year two of the current UPWP to make the funds available in year one of the next new two-year UPWP. MPOs initiate UPWP **closeout** after **July 1**, after the old two-year UPWP ends and a new two-year UPWP takes effect. Part of this process includes de-obligating unexpended funds. More information can be found in **Section 3.4.1 UPWP Amendment for Funds the MPO Chose to De-obligate at Closeout**.

The funds will be available in year one of the new UPWP but not to the MPO until the funds are re-authorized. The process begins in **March** of the second year of the current UPWP while the MPO is developing the new UPWP, with the MPO notifying the District MPO Liaison of the total amount of funds the MPO plans to de-obligate. The District and MPO should keep in mind the following:

- ❖ MPOs must process a UPWP amendment that FHWA approves before funds can be unencumbered and de-obligated. This amendment removes funds from the second year of the current UPWP to be added to year one of the new UPWP. Refer to [Technical Memorandum 19-03REV](#) for more information on how to process amendments.
- ❖ MPOs should not include **anticipated** de-obligated funds in the draft of the new UPWP. De-obligated funds can only be included in the draft of the new UPWP once an amendment to remove the funds from the current UPWP has been processed. If the funds are not included in the final new UPWP by **July 1**, the MPO must process another amendment to add those funds to the new UPWP.

- ❖ Funds will be available after the approval of the roll-forward budget amendment, typically in **September** or **October**. The funds must be re-authorized before the MPO can spend them.
- ❖ **De-obligation also occurs during UPWP closeout.** That process is discussed in **Section 3.4 UPWP Closeout**.

Unencumbering is the Department's process for freeing up funds and budgets programmed for a project. **De-obligating** is the permission given by the federal agency to remove unexpended, authorized funds. The Department must unencumber funds before the federal agency can de-obligate them.

Detailed steps to unencumber and de-obligate funds are below.

Step 1: MPO Notifies District MPO Liaison

By **March 15**, the MPO must notify the District MPO Liaison in writing if the MPO intends to unencumber from the second year of the current UPWP for use in year one of the new UPWP and how much money the MPO plans to unencumber/de-obligate. Care should be taken to ensure the MPO has adequate funding for the remainder of the current fiscal year before unencumbering funds.

Unencumbering releases authorized funds that the MPO does not anticipate spending by the end of the two-year UPWP. Funds are released from the current UPWP so that the MPO can add the funds in year one of the new two-year UPWP. However, the funds are separate from the initial authorization in **July**. The funds are typically available after **October** in year one of the new UPWP. If the MPO does not unencumber funds, the unspent funds go through the closeout process and will not be available to the MPO until year two of the new two-year UPWP.

Step 2: MPO Approves and Submits A UPWP Amendment

By **April 15**, the MPO board must approve a UPWP amendment consistent with the MPO's PPP. Part of this process is amending the existing FDOT/MPO Agreement since the total funding amount on the UPWP is changing. The District MPO Liaison must prepare an amendment to the FDOT/MPO Agreement and send it to the MPO for signing with the UPWP Amendment at the MPO board meeting. The amended FDOT/MPO Agreement must include an updated fund amount. This shows the MPO is removing funds from the second year of the current UPWP for use in year one of the new two-year UPWP.

The MPO must submit the signed UPWP amendment and amended FDOT/MPO Agreement to the District MPO Liaison by **May 1**.

3.2.5.1 Unencumbering and De-Obligating Other STBG Funds

Currently, each District manages STBG funds (i.e., SU, SL, SM, SN, SA), including programming SU funds for the MPO. If a District allows MPOs to de-obligate STBG funds, the process follows the same guidance as PL funds.



3.2.6 UPWP Review and Approval

The [Grant Application Process \(GAP\)](#) is designed to help facilitate the review of the three major documents created by the MPOs: the LRTP, TIP, and UPWP. [GAP](#) allows MPOs to submit new versions, amendments, or modifications of the UPWP for review by multiple agencies.

Based on whether the document is new, amended, or modified, the document is processed through specific workflows to coordinate courtesy or required reviews from the appropriate staff at the appropriate reviewing agency. [GAP](#) is referenced throughout this chapter as the tool MPOs should use to upload documents for review by FDOT and FHWA/FTA.

Step 1: MPO uploads Draft UPWP

By **March 15**, the MPO should upload the draft UPWP into [GAP](#), starting the UPWP approval process. Reviewing agencies are listed in the order below.

- ❖ District MPO Liaison (review and approve)
- ❖ OPP (review)
- ❖ FHWA District Representative (review)
- ❖ FTA District Representative (review)

If you need to contact a staff person for the agencies listed above, check the current [Metropolitan Planning Program Staff List](#).

The District MPO Liaison can distribute the draft UPWP internally within the District.

Step 2: District MPO Liaison Reviews Draft UPWP and Prepares New FDOT/MPO Agreement

By **April 15**, the District MPO Liaison must review the draft UPWP for format and content based on the [UPWP Checklist](#) and [MPO Handbook](#). The [UPWP Checklist](#) is available on the [MPO Partner Site](#). The District MPO Liaison must upload the checklist and complete their review in [GAP](#). The District MPO Liaison should work collaboratively with the MPO to resolve any comments.

When reviewing the UPWP, Districts should employ the following system for providing comments to indicate the level of importance:

- ❖ **Editorial:** These comments may be addressed, but such corrections would not affect approval of the document. Examples of editorial comments include grammatical, spelling, and other related errors.
- ❖ **Enhancement:** These comments may be addressed, but the document already meets the minimum requirements for approval. Enhancement comments would significantly improve the document's quality and the public's understanding. These comments may pertain to improving graphics, re-packaging the document, using plain language, reformatting for clarity, removing redundant language, suggesting alternative approaches to meet minimum requirements, etc.
- ❖ **Critical:** These comments **must** be addressed to meet minimum federal and state requirements for approval. The reviewer must identify the applicable federal or state policies, regulations, guidance, procedures, or statutes with which the document does not conform.

During their review, the District MPO Liaison will confirm the PL funding amounts against the PL Balance MADDOG report and all funds programmed for planning in the Tentative Work Program. Then, the District MPO Liaison should set up a new contract in [Contract Funds Management \(CFM\)](#) (see Desktop Procedures) and prepare the new FDOT/MPO Agreement. It is important to forward the new FDOT/MPO Agreement to the MPO by **April 15** to ensure the MPO has sufficient time for their legal review and signature at their **May** MPO Board Meeting.

Step 3: MPO Adopts Final UPWP and Signs New FDOT/MPO Agreement

By **May 15**, the MPO must address all critical comments received on the draft UPWP, adopt the UPWP, and upload it to [GAP](#). **The MPO shall sign, but not date, the FDOT/MPO Agreement** at their **May** MPO Board meeting. FDOT will date the FDOT/MPO Agreement when the District staff sign it. The FDOT/MPO Agreement will not be fully executed until FDOT signs and dates the agreement. The signed FDOT/MPO Agreement should be emailed to the District MPO Liaison.

Step 4: FDOT Approves the UPWP, Sends the Signed [Cost Analysis Certification Statement](#) to the MPO, and Forwards the New FDOT/MPO Agreement Signed by the MPO to District Staff for Signature.

Within **ten working days** of the MPO uploading the adopted UPWP into [GAP](#), the District MPO Liaison will review it to confirm that the MPO has addressed all critical comments noted in the UPWP Checklist. The District MPO Liaison must work cooperatively with the MPO to address any outstanding issues and

provide the MPO with the signed [Cost Analysis Certification Statement](#) to be added to the adopted UPWP.

By **June 1**, the District MPO Liaison will review and recommend approval of the adopted UPWP in [GAP](#). Then, [GAP](#) will notify FHWA/FTA that the adopted UPWP is ready for their review and approval.

Next, the District MPO Liaison will forward the FDOT/MPO Agreement to internal District staff for them to sign. After the FDOT/MPO Agreement has been fully executed, the District MPO Liaison must notify the District Financial Services Office by a Letter of Authorization and request that the contract be placed in a Status 10 (executed). The executed FDOT/MPO Agreement must be uploaded into the Florida Accountability Contract Tracking System (FACTS) (see [Desktop Procedures](#)).

The District and MPOs must be aware that **failure to meet the submittal deadlines or resolve any outstanding issues by June 30 may jeopardize approval of the adopted UPWP, resulting in funding delays.**

Step 5: FHWA/FTA Approval

As delegated in the January 2011 Memorandum of Agreement (MOA) between FHWA, Florida Division, and FTA, Region IV for Administration of Transportation Planning and Programming, FHWA coordinates comments with FTA and approves [\[23 CFR 420.115\(a\)\]](#) the MPO's adopted UPWP on behalf of FTA. To ensure FHWA approves the UPWP before the beginning of the state fiscal year on **July 1**, the adopted UPWP must be uploaded into [GAP](#) no later than **June 1**. Once the District MPO Liaison reviews and recommends approval of the adopted UPWP in [GAP](#), [GAP](#) will notify FHWA/FTA that the final UPWP is ready for review and approval.

FHWA will send its approval letter to the District. The District shall forward the approval letter to the MPO **within ten business days**.

Should FHWA and FTA conditionally approve the adopted UPWP due to issues with specific tasks, the MPO cannot receive reimbursement of FHWA funds for those UPWP tasks until FHWA and FTA grant concurrence.

3.2.7 Programming and Authorizations

All FHWA funds provided to each MPO for planning purposes for the two-year UPWP shall be programmed consistently.

Central Office’s Work Program Development and Operations Office in the Office of Work Program and Budget will establish financial project numbers for each MPO’s UPWP and program the MPO’s PL and 5305(d) funds on sequence -01 of these financial project numbers. District staff shall program all non-PL FHWA-program funds on subsequent sequences beyond -01. **Each fund type shall be programmed in its own sequence.** In other words, an MPO’s entire SU balance shall be programmed on the same sequence, regardless of the number of tasks to be funded by SU funds.

For example, if an MPO receives \$500,000 in PL funds in Year 1 and Year 2, \$15,000 in SU funds in Year 1 for two tasks, \$10,000 in SU funds in Year 2 for one task, and \$12,000 in TA funds in Year 1 for one task, the programming would reflect the following:

| FPN Sequence | Fiscal Year | Fund Type | Amount |
|--------------|-------------|-----------|-----------|
| -01 | Year 1 | PL | \$500,000 |
| -01 | Year 2 | PL | \$500,000 |
| -02 | Year 1 | SU | \$15,000 |
| -02 | Year 2 | SU | \$10,000 |
| -03 | Year 1 | TA | \$12,000 |

District MPO Liaisons must consider these new programming guidelines when programming MPO funds. For further guidance, please refer to the [Work Program Instructions](#).

3.2.7.1 Authorization and Encumbrance Levels

Due to state budgeting restrictions and the difference between the beginning of federal and state fiscal years, MPOs receive UPWP funding through multiple authorizations over the two-year cycle, as directed by the Work Program Development and Operations Office.

District MPO Liaisons are responsible for tracking and initializing the authorization and encumbrance of non-PL FHWA funds being provided to the MPO for planning purposes. The process outlined below is the same for non-PL (generally STBG) FHWA funds.

3.2.7.2 Initial Authorization of FHWA Planning Funds

In **June**, the Work Program Development and Operations Office will email the District MPO Liaison notification for each MPO's first authorization amount. The first authorization is 25 percent of the MPO's annual PL allocation for the new fiscal year. With the CPG, 100 percent of FTA 5305(d) funds will be made available by **July 1** if the funds have been transferred from FTA to FHWA. The District MPO Liaison must work with the District Federal Aid Coordinator to request authorization of the first authorization amount.

The District Federal Aid Coordinator can only request authorization of funds once FHWA and FTA have approved the UPWP.

If FHWA and FTA have not approved an MPO's UPWP by **June 15**, there will not be sufficient time to encumber the funds and issue a [Letter of Authorization](#) to the MPO before **June 30**. In this case, work performed by the MPO or contracted out by the MPO before the Letter of Authorization date **cannot be** reimbursed.

The [Letter of Authorization](#) and [instructions](#) for completing it are available in the [Liaison Toolkit](#). When entering the Effective Date of Authorization in the letter, see the Notice of Approved Authorization and the FDOT Funds Approval and choose the later date. See the [Letter of Authorization instructions](#) for an example.

Once the funds have been authorized, the District MPO Liaison can encumber the funds in the [CFM](#) system (see [Desktop Procedures](#)). The encumbrance requests must be submitted by **June 15** to allow sufficient time for [CFM](#)'s review, processing, and approval before **July**.

The FDOT Funds approval generated by [CFM](#) will show a "REVIEWED" status for the first Letter of Authorization. Subsequent authorization will show "APPROVED." After legislative budget approval, the [CFM](#) System will automatically encumber funds on projects reviewed during **June**. A follow-up email will be sent to the originator stating that funds have been approved.

FHWA's Electronic Signature Document (ESD) approval will be posted on the Federal Aid Management Electronic Signature site at <https://owpb.fdot.gov/FederalAid/ElectronicSignatures.aspx>.

By **June 30**, the District MPO Liaison should have received FDOT and FHWA's ESD Funds approvals and prepared the [Letter of Authorization](#) (with [instructions](#)) in the [Liaison Toolkit](#). The [Letter of](#)

Authorization and the FDOT Funds approval are forwarded to the MPO. Then, the Letter of Authorization and FDOT Funds approval are sent to District Financial Services before finally being uploaded into FACTS (see Desktop Procedures). It is critical to have the funds encumbered and a Letter of Authorization sent to MPO so that the MPO can continue work on **July 1**.

The MPO will not be reimbursed for expenditures incurred before the date of federal authorization of PL funds [23 CFR 420.113(a)] and the fund encumbrance. Thus, work that could generate charges for reimbursement must not start until after the MPO receives an approval letter from the District.

3.2.7.3 Second Authorization and Encumbrances

The second PL authorization will be provided after **October 1**, when the official FHWA Notice of Appropriation is received for the new federal fiscal year. The process is similar to the initial authorization. As described above, the Work Program Development and Operations Office will notify each District MPO Liaison of the amount for authorization. The District MPO Liaison will then request the District Federal-Aid Coordinator to process an authorization request. Once the District MPO Liaison has been notified that the funds have been authorized, they need to enter the encumbrance into CFM (see Desktop Procedures).

CFM will automatically email the FDOT Funds approval to the District MPO Liaison, who will then need to go to the Federal Aid Management Electronic Signature site (located at <https://owpb.fdot.gov/FederalAid/ElectronicSignatures.aspx>) to download FHWA's Funds Approval Electronic Signature Document (ESD) from FHWA. Once the District MPO Liaison has received both fund approvals, a second Letter of Authorization, with a copy of the ESD, must be sent to the MPO indicating additional PL funds are now available. The District MPO Liaison must also forward a Letter of Authorization, the CFM and FHWA fund approvals, and the CFM edit contract change summary screenshot to the District Financial Services. These documents should also be uploaded into FACTS.

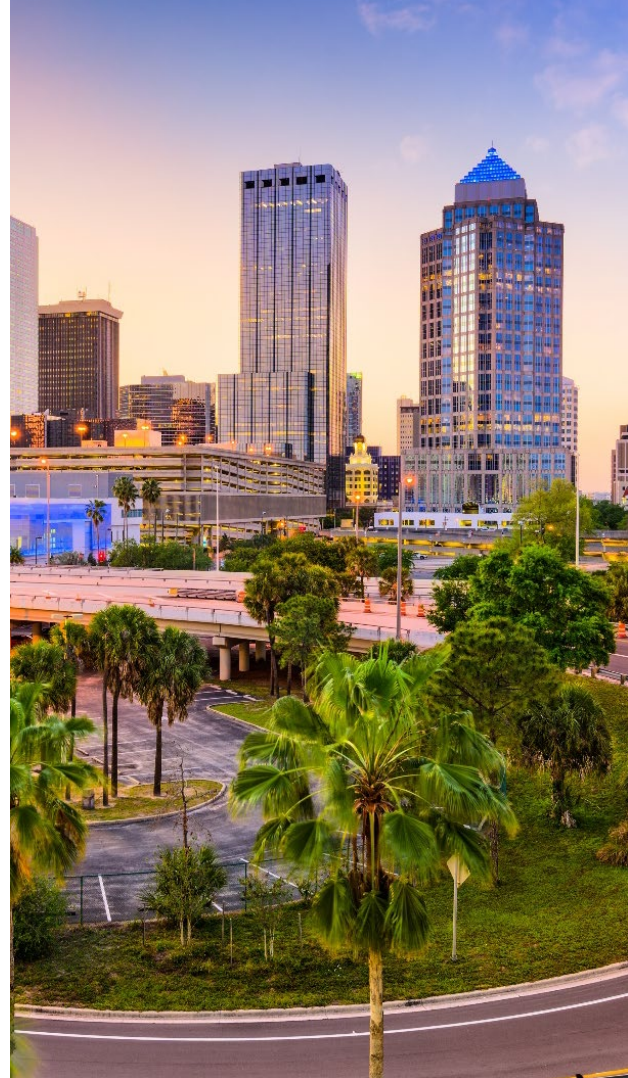


3.2.7.4 Additional FHWA Fund Authorizations

If a UPWP budget needs to be increased during a fiscal year, FDOT must request additional authorization from FHWA.

First, the District MPO Liaison will coordinate with the Office of Work Program and Budget in the Central Office to ensure the availability of funds. Next, the MPO will process a UPWP amendment and submit it in [GAP](#) for review and approval by FDOT and FHWA (refer to [Section 3.3.1 UPWP Revisions](#)).

After FHWA approves the UPWP amendment, the District MPO Liaison must authorize the funds in the Federal Aid Management System using the same process described above. Once FHWA authorizes the funds, the next step is to encumber them using the same method described above. Upon completion, the District MPO Liaison will send a letter to the MPO authorizing the expenditure of PL funds based on the new budget amount, along with a copy of the ESD.



3.3 UPWP Implementation (Year 1 and Year 2)

During the two-year UPWP cycle, instances may require the MPO to revise the UPWP after FDOT and FHWA/FTA have approved it. These revisions are handled through a modification or amendment, depending on the type of revision. MPOs share modifications with FDOT and FHWA/FTA for informational purposes only, whereas MPO Boards take action, and FDOT and FHWA/FTA approve amendments.

MPOs submit costs incurred for funds in the UPWP as invoices to FDOT for review and payment. District MPO Liaisons work with their district offices to process these reimbursement requests monthly or quarterly at the frequency determined by FDOT and the MPO.

The following sections describe how to revise a UPWP and process MPO invoices.

3.3.1 UPWP Revisions

UPWP revisions (which include modifications and amendments) must be submitted by the MPO to the District MPO Liaison using the [UPWP Revision Form](#). The [UPWP Revision Form](#) and [UPWP Revision Form User's Guide](#) are in the Partner Library on the [MPO Partner Site](#). The MPO must prepare and submit the amendment or modification in [GAP](#) for FDOT and FHWA/FTA review and approval in case of an amendment. The MPO may revise the UPWP for various reasons, and the following section describes the thresholds for an amendment and a modification.

In general, the District MPO Liaison and MPO must monitor for cost overruns (or potential overruns) by comparing task expenditure amounts on invoices with programmed task amounts in the UPWP. If an invoice appears to be more than what is budgeted in the UPWP, the MPO may need to process an amendment.

3.3.1.1 Types of UPWP Revisions

The type of UPWP revision will depend on whether the revision exceeds the UPWP amendment threshold defined in [2 CFR 200.308](#). Revisions may be budgetary, programmatic, or both and may be major or minor in scale. The MPO processes minor UPWP revisions as a modification, whereas the MPO processes more significant or major UPWP revisions as an amendment. A significant change is defined as a change to the UPWP that alters the original intent of the project or the intended project outcome.

The following section further clarifies the actions necessitating UPWP amendments.

Amendments

UPWP amendments are required for the following actions per [2 CFR 200.308](#) and [29 CFR 1470.30](#):

- a) Any revision resulting in the need to increase or decrease the UPWP budget ceiling by adding new funding or reducing overall approved funding;
- b) Adding/deleting a task/subtask;
- c) Transferring funds between tasks/sub-tasks that exceed a combined amount greater than or equal to \$100,000 **OR** 10 percent of the total budget of that task/sub-task, whichever is more restrictive;
- d) Reducing the budget of a task/sub-task by more than 50 percent, or to the point a task/sub-task could not be accomplished as it was originally approved;
 - **Note** that **item d above** may change the task, scope, budget, and deliverables. For **item h below**, an amendment is required for any activity the MPO was previously going to complete but contracted out instead.
- e) Change in the scope or objective of the program/task, even if there is no associated budget revision (this also applies to when a task scope changes);
- f) Change in key person (the MPO staff director);
- g) Extending the period of performance past the approved work program period (i.e., no-cost time extension);

- h) Sub-awarding, transferring, or contracting out any of the activities in the UPWP;
- i) The disengagement from a project for more than three months or a 25 percent reduction in time devoted to the project by the approved project director or principal investigator; and
- j) The inclusion of costs that require prior approval (e.g., capital and equipment purchases of \$5,000 and above per unit cost).

Financial v. Non-Financial Amendments

Both financial and non-financial amendments can occur to the UPWP. Financial amendments can change the total amount of UPWP funding or the transfer of funds between tasks, while non-financial amendments will not change funding amounts. Items E through J from the above list represent non-financial amendments.

Modifications

UPWP changes that do not fall into the above categories may be processed as a modification.

Key Person

Based upon the FDOT review of [2 CFR 200.308](#) and [29 CFR 1470.30](#), a key person is specified in the application or federal award. For the UPWP, a key person is defined as the MPO's staff director.



3.3.1.2 Preparing and Approving UPWP Revisions

MPOs notify FDOT of all revisions to the UPWP. The process to prepare and approve an amendment or modification is described below. Refer to [Technical Memorandum 19-03REV](#) for details on processing a TIP modification or amendment with a UPWP revision.

3.3.1.2.1 MODIFICATIONS

The MPO informs the District MPO Liaison before modifying the UPWP. Then, the MPO will submit the UPWP modification by uploading the UPWP Revision Form and supporting documentation into [GAP](#). [GAP](#) notifies the FDOT District MPO Liaison, PL Coordinator, and FHWA/FTA of the modification even though they do not need to approve it.

Supporting documentation for a modification includes:

- ❖ Original and proposed Task Pages (including task budget tables)
- ❖ Fund Summary Budget Table
- ❖ Agency Participation Budget Table
- ❖ Signed Cost Analysis Certification

The District MPO Liaison shall perform the cost analysis when the MPO revises the UPWP, including amendments and modifications. This cost analysis shall be documented through signature on the Cost Analysis Statement at the front of the UPWP. **The date of the signature must reflect the latest change to the UPWP.**

3.3.1.2.2 AMENDMENTS

Like the process to submit a modification, the MPO must submit the UPWP amendment using the [UPWP Revision Form](#) and provide the following supporting documentation:

- ❖ Current and proposed Task Pages (including task budget tables)
- ❖ Fund Summary Budget Table
- ❖ Agency Participation Budget Table
- ❖ Signed Cost Analysis Certification
- ❖ MPO Meeting Agenda
- ❖ TIP Modification

❖ Amended FDOT/MPO Agreement

The MPO must indicate the amount of funds being increased or decreased on the UPWP Revision Form. The [UPWP Revision Form](#) and supporting documentation must be uploaded into [GAP](#) for FDOT and FHWA approval. FTA approval is required for transit funds to be used for planning. FHWA coordinates with FTA on approvals as needed.

FHWA and FTA follow the same process for approving UPWP amendments; each agency is responsible for approving amendments relevant to it.

3.3.1.3 FDOT/MPO Agreement Revisions

All UPWP amendments involving FHWA funds also prompt an amendment to the FDOT/MPO Agreement, as the UPWP acts as the Scope of Work for the FDOT/MPO Agreement. For this reason, MPO directors and staff have been advised to seek authority from their Board to amend the FDOT/MPO Agreement as needed upon approval of UPWP amendments. The MPO and District shall jointly execute **the FDOT/MPO Agreement Amendment (Form No. 525-010-02A)** and upload it to [GAP](#).

UPWP and FDOT/MPO Agreement amendments that increase or decrease the FHWA-approved budget of the UPWP (and thus the total budgetary ceiling of the FDOT/MPO Agreement) must be recorded in the [CFM](#) system as an **amendment** to increase (or decrease) the total budget of the contract. For example, if the UPWP and FDOT/MPO Agreement are amended to add additional PL funds, the increase in the total budgetary ceiling of the contract must be reflected in [CFM](#).

Changes to the UPWP that **do not increase or decrease** the FHWA-approved budget (both amendments and modifications) do not require recording in [CFM](#). If the UPWP is amended to reflect a major scope change or modified to reflect a shift in funding between tasks, and there is no increase in the FHWA-approved budget, then **no action is needed in [CFM](#)**.

All contract and UPWP change documentation must be uploaded to [FDOT's Florida Accountability Contract Tracking System \(FACTS\)](#). As stated, amendments prompted by an increase or decrease to the FHWA budget must be recorded in [CFM](#). These amendments will already be reflected in [FACTS](#), and the documentation must be uploaded as an amendment (Change Type A).

3.3.2 UPWP Invoicing

The FDOT/MPO Agreement requires MPOs to submit invoices to FDOT quarterly or monthly. Quarterly means every three months (e.g., **July 1** through **September 30**, **October 1** through **December 31**, **January 1** through **March 31**, and **April 1** through **June 30**.) Invoice packages are due to the District MPO Liaison within **90 days** after the end of the reporting period, and final reports are due **90 days** after the second year of the two-year UPWP. At a minimum, the invoice package must include:

- ❖ An invoice using the required format reflected in the section below;
- ❖ An itemized expenditure detail report; and
- ❖ A progress report.

Each of these items is discussed below. Additional documentation may be required to be submitted at the time of invoice, as determined by the District MPO Liaison.

3.3.2.1 Invoice

The invoice reflects the budgeted amounts, amounts due by task, and critical contract information. An invoice template is available for download in the Partner Library on the [MPO Partner Site](#). The invoice must include the following:

- ❖ MPO name and contact information, including address and phone number;
- ❖ District contact information;
- ❖ Invoice number, using the following format: **FHWA - [Agreement Number]- [Invoice Number]** (for example, FHWA-G001-01, FHWA-G001-02, etc.);
- ❖ Invoice period;
- ❖ Contract number, including amendment number and modification number;
- ❖ Amount due by Financial Project Number;
- ❖ A listing of the tasks in the UPWP;
- ❖ The amount due by UPWP task and by fund type;

- ❖ The amount of FHWA funds due by UPWP task;
- ❖ The amount of previous payments of FHWA funds by UPWP task;
- ❖ The amount of FHWA funds budgeted by task in the UPWP;
- ❖ Column totals; and
- ❖ The Request for Payment Certification, signed by an authorized MPO official and reflecting the location of the invoice's supporting documentation.
 - **Reminder:** There is a 90-day submittal period after the end of each quarter.

The Request for Payment Certification is a requirement of [2 CFR 200.415](#), which states that all payment requests must include the following certification:

“By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements, and cash receipts are for the purposes and objectives outlined in the terms and conditions of the federal award. I am aware that any false, fictitious, or fraudulent information or the omission of any material fact may subject me to criminal, civil, or administrative penalties for fraud, false statements, false claims, or otherwise. ([U.S. Code Title 18, Section 1001](#) and [Title 31, Sections 3729-3730](#) and [3801-3812](#)).”



Figure 3.10 Example MPO Invoice

Metropolitan Planning Organization

1234 Main Street Parkway East
Your Town, Florida 32399-0004

Tel (777) 555-1212
Fax (777) 555-2121

Bill To:
Florida Department of Transportation
Office of Policy Planning
605 Suwannee Street
Tallahassee, FL 32399-0450
Tel: (850) 414-4900 Fax: (850) 414-4876
Email: Planning@dot.state.fl.us

Invoice No.: FHWA-Gxxxx-1
Invoice Period: Year 2
Contract No.: GXXXX
Revision No.: 1

| FPNs | Previous Payments | Current Amount Due | TOTAL Expenditures | Total Current Authorization | Remaining Balance |
|-----------------|-------------------|----------------------|----------------------|-----------------------------|----------------------|
| XXXXXX-XX-XX-01 | | \$ 398,450.00 | \$ 174,021.00 | \$ 639,547.00 | \$ 465,526.00 |
| XXXXXX-XX-XX-02 | | \$ 253,753.05 | \$ 253,753.05 | \$ 592,814.00 | \$ 339,060.95 |
| TOTAL | \$ - | \$ 652,203.05 | \$ 427,774.05 | \$ 1,232,361.00 | \$ 804,586.95 |

| 2023/2024 Unified Planning Work Program Task | FHWA (PL) Current Amount Due | FHWA (SU) Current Amount Due | Total FHWA Current Amount Due | Total FHWA Previous Payments | Total FHWA Budget Amount | FHWA Remaining Balance |
|---|------------------------------|------------------------------|-------------------------------|------------------------------|--------------------------|------------------------|
| Task 100 - General Office Management | 13,260.42 | - | 13,260.42 | 18,602.56 | 71,223.31 | 39,360.33 |
| Task 110 - UPWP & Financial Management | 20,514.98 | - | 20,514.98 | 19,512.63 | 82,059.91 | 42,032.30 |
| Task 120 - Certification | 1,957.88 | - | 1,957.88 | 800.77 | 7,831.53 | 5,072.88 |
| Task 130 - Board & Committee Support | 25,427.98 | - | 25,427.98 | 22,654.32 | 101,711.93 | 53,629.63 |
| Task 140 - Legal & Legislative Services | - | - | - | - | - | - |
| Task 150 - Local Match For Program Administration | - | - | - | - | - | - |
| Task 200 - System Monitoring | 31,663.41 | - | 31,663.41 | 33,412.85 | 126,653.65 | 61,577.39 |
| Task 210 - Transit System Monitoring | - | - | - | - | - | - |
| Task 220 - Land Use Monitoring | 1,125.91 | - | 1,125.91 | 999.65 | 4,503.66 | 2,378.10 |
| Task 300 - Transportation Improvement Program | 9,232.52 | - | 9,232.52 | 7,541.26 | 36,930.09 | 20,156.31 |
| Task 400 - Long-Range Transportation Plan | 25,893.19 | - | 25,893.19 | 23,158.95 | 103,572.76 | 54,520.62 |
| Task 500 - Special Project Planning | 68,750.00 | - | 68,750.00 | 67,520.25 | 275,000.00 | 138,729.75 |
| Task 600 - Intergovernmental & Interagency Studies | 7,325.31 | - | 7,325.31 | 4,500.12 | 29,301.26 | 17,475.83 |
| Task 610 - Interregional Transportation Planning & Coordination | - | - | - | - | - | - |
| Task 620 - Intermodal Planning | - | - | - | - | - | - |
| Task 700 - Community Outreach | 26,863.30 | - | 26,863.30 | 28,514.57 | 107,453.19 | 52,075.32 |
| Task 800 - Land Use Planning | 48,535.06 | - | 48,535.06 | 47,001.52 | 194,140.25 | 98,603.67 |
| Task 810 - Transit Planning | - | - | - | - | - | - |
| Task 820 - Transportation Systems Management & Operations | 86,358.62 | 66,253.05 | 152,611.67 | 165,212.32 | 785,454.00 | 467,630.01 |
| Task 821 - Traffic Signal Retiming | - | 187,500.00 | 187,500.00 | 175,000.62 | 750,000.00 | 387,499.38 |
| Task 830 - Goods Movement Planning | 1,993.46 | - | 1,993.46 | 1,994.25 | 7,973.84 | 3,986.13 |
| Task 840 - Smart Growth Planning | 40,153.79 | - | 40,153.79 | 41,252.02 | 160,615.16 | 79,209.35 |
| Task 850 - Transportation Disadvantaged Planning | - | - | - | - | - | - |
| Task 860 - Air Quality Planning | 2,766.81 | - | 2,766.81 | 1,959.47 | 11,067.26 | 6,340.98 |
| Task 870 - Bicycle & Pedestrian Planning | 26,912.31 | - | 26,912.31 | 25,656.15 | 107,649.24 | 55,080.78 |
| Task 880 - Highway Planning | 4,763.48 | - | 4,763.48 | 5,015.63 | 19,053.93 | 9,274.82 |
| Totals: | \$ 443,498.43 | \$ 253,753.05 | \$ 697,251.48 | \$ 690,309.91 | \$ 2,982,194.97 | \$ 1,594,633.58 |

Request for Payment Certification as Required by 2 CFR 200.415:

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812)

Supporting Documentation is on file at: MPO District

3.3.2.2 *Itemized Expenditure Detail Report*

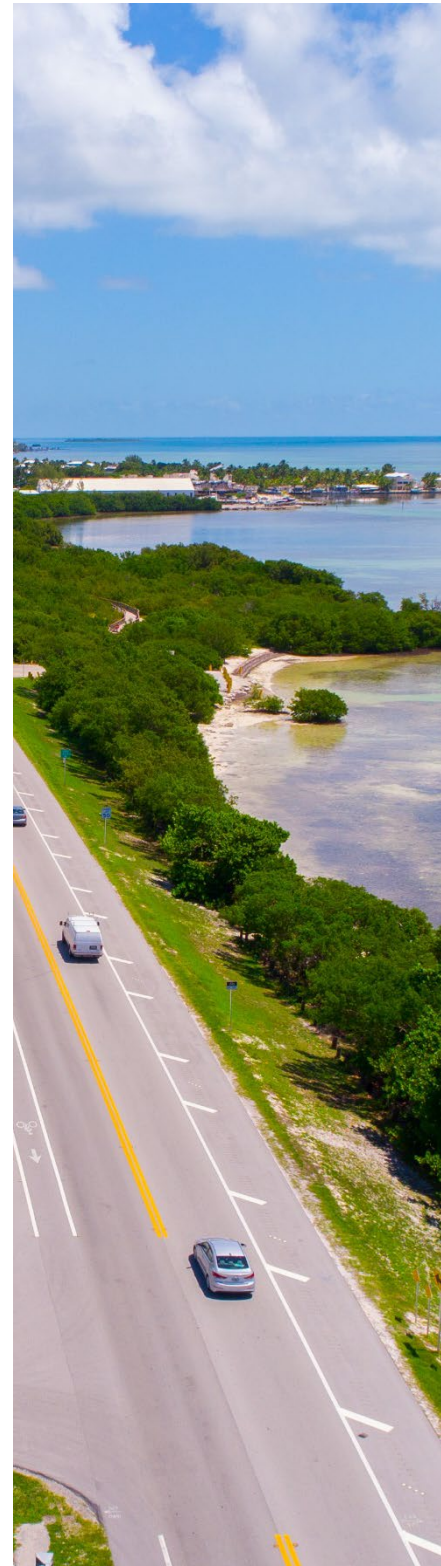
The **Itemized Expenditure Detail Report** demonstrates the costs incurred during the invoice period by budget line items included in the UPWP. FDOT does not prescribe a specific format for preparing an **Itemized Expenditure Detail Report**; however, it must reflect the service period in which the costs were incurred and be itemized by UPWP task, funding source, and expenditure line items. An **example of an Itemized Expenditure Detail Report** is available in the Partner Library on the **MPO Partner Site**.

The expenditure line items reflected on the report must match those provided in the budget table for each task in the UPWP. **The Itemized Expenditure Detail Report** must reflect each expenditure line item as shown below:

- ❖ The amount of previous payments made on that line item;
- ❖ The current amount due for that line item; and
- ❖ The remaining balance available.

The MPO must revise the UPWP if the remaining balance for any expenditure line item is less than zero.

The MPO will not be reimbursed for expenses not reflected in the report.



3.3.2.3 Progress Reports

Progress reports monitor the UPWP implementation, consistent with [23 CFR 420.117](#) and [FTA Circular C 8100.1C](#) (September 1, 2008). A progress report must accompany each invoice an MPO submits to the District. The MPO will submit a progress report every quarter within 90 days after the end of the quarterly reporting period as follows:

| Progress Report | Progress Report Due |
|---|---------------------|
| Q1 Progress Report Period covers July-September | December 31 |
| Q2 Progress Report Period covers October-December | March 31 |
| Q3 Progress Report Period covers January-March | June 30 |
| Q4 Progress Report Period covers April-June | September 30 |

The progress report shall contain the following:

- ❖ Each FHWA (PL funded) and FTA (Section 5303/5307) funded task separately;
- ❖ A comparison of actual performance with established goals – progress report shows work towards completing the UPWP task; and
- ❖ A description of progress in meeting schedules and milestones.

The MPO's invoice summary and itemized expenditure detail report must be submitted with the progress report.

The MPO will submit the progress report to the District MPO Liaison **within 90 days** after the end of the reporting period. The District MPO Liaison then uploads the progress report to the [MPO Partner Site](#). By the end of the month, the OPP sends the progress report to the FHWA Florida Division and the FDOT Transit Office mailbox (Fdot.transit@dot.state.fl.us) to satisfy the FTA requirement. If a progress report is unavailable for transmittal by the 90-day deadline, the OPP will notify FHWA and send it once it is available.

The District MPO Liaison shall review each progress report submitted for evidence that the minimum performance standards in the FDOT/MPO Agreement and UPWP were met to ensure it supports the costs incurred and is being requested for reimbursement. The progress report must show a clear tie

between the tasks reflected in the UPWP and the expenses included in the Itemized Expenditure Detail Report.

The MPO must report to the District any events that significantly impact the UPWP as soon as they become known. This includes problems, delays, or adverse conditions affecting the MPO's ability to achieve the UPWP's objectives. A description of the action taken or contemplated to be taken and any federal or state assistance needed to resolve the situation must accompany the MPO's disclosure [[23 CFR 420.117\(d\)](#)].

3.3.2.4 Invoice Review, Payment, and Return

Upon receipt of an invoice package from the MPO, the District MPO Liaison must follow the steps outlined in the [District MPO Liaison Invoice Review Checklist](#) before submitting it to the District Financial Services Office (FSO). This checklist is available for download by the FDOT District MPO Liaison in the Liaison Toolkit on the [MPO Partner Site](#). The checklist outlines a series of yes/no questions the District MPO Liaison must answer as they review the invoice package. This ensures the information in the invoice package is accurate and consistent with the UPWP. This review will also ensure the invoice excludes unallowable or non-budgeted costs.

[Title 23 USC 104\(d\)\(2\)\(b\)](#) states that **no later than 15 business days** after the date of receipt by a state of a request for reimbursement of expenditures made by a metropolitan planning organization for carrying out section 134, the state shall reimburse, from amounts distributed under this paragraph to the metropolitan planning organization by the state, the MPO for those expenditures.

This means the state has **15 business days** to review and issue payment from receipt of an MPO's invoice. To meet the **15 business-day** deadline, District MPO Liaisons shall have **5 business days** to review an MPO invoice and submit it to the District FSO. The District FSO has **5 business days** for further processing and submittal to the Department of Financial Services (DFS). The DFS has **5 business days** to process payment.

The [Invoice Review Checklist](#) and the [Supporting Documentation Checklist](#) are available for download on the [MPO Partner Site](#). District MPO Liaisons should complete the [Invoice Review Checklist](#) with every FHWA invoice and save it in the contract file for future reference. The District MPO Liaison will complete the [Supporting Documentation Checklist](#) at a frequency determined by the risk assessment in the Annual Joint Certification. When completing the [Supporting Documentation](#)

[Checklist](#) and reviewing direct expenses, the District MPO Liaison must select at least five direct expense line items for review. Direct expenses must be recorded on the [Itemized Expenditure Detail Report](#).

If there are no discrepancies following the District MPO Liaison's review of the invoice package, the District MPO Liaison will save the completed [Invoice Review Checklist](#) in the contract file for future reference and submit the invoice package to the District FSO for further processing. The District MPO Liaison must complete and submit the [CFM](#) Summary of Contractual Services Agreement/Purchase Order form to the District FSO with the invoice package. Each District FSO has an email inbox for all invoices. The District MPO Liaison must check with their District FSO for the correct address.

If an invoice is incomplete or inaccurate, the invoice will be returned to the MPO, and the **15-business days** timeframe for processing will start over. The District MPO Liaison must work with the MPO to correct the issue(s) and resubmit an updated invoice as soon as possible. If specific items are in question and the issue cannot be resolved promptly, the District MPO Liaison may submit the invoice for payment without the items in question. The items in question should be submitted as part of a subsequent invoice.

In the case where an invoice is incomplete or inaccurate, Section 9.H. of the FDOT/MPO Agreement outlines required actions stating:

"If the invoice is incomplete or lacks the information necessary for processing, it will be returned to the MPO, and the **15-business day** timeframe for processing will start over upon receipt of the resubmitted invoice by FDOT. If there is a case of a bona fide dispute, the invoice recorded in FDOT's financial system shall contain a statement of the dispute and authorize payment only in the amount not disputed. If an item is disputed and is not paid, a separate invoice could be submitted requesting reimbursement, or the disputed item/amount could be included/added to a subsequent invoice."

3.3.3 Eligibility of Project Expenditures

Federal and state laws and regulations govern the activities eligible for federal and state funding.

According to [23 CFR 420.113](#), for costs to be eligible for FDOT/FHWA participation, the costs must be:

- ❖ For work performed for activities eligible under the section [Title 23 USC](#) applicable to the class of funds used for the activities;
- ❖ Verifiable from the state DOT's or subrecipient's (MPO's) records;
- ❖ Necessary and reasonable for proper and efficient accomplishment of the project;
- ❖ Included in the approved UPWP or amendment; and
- ❖ Not incurred before FHWA authorization.

District MPO Liaisons are responsible for ensuring costs incurred by the MPO meet the requirements listed above. District MPO Liaisons should consult the [U.S. Code of Federal Regulations](#), the [Department of Financial Services \(DFS\) Reference Guide for State Expenditures](#), and FDOT's [Work Program Instructions](#) for information on eligible activities.

Per FHWA guidance, STBG funds can be used to support MPO staff salaries if MPO staff are working on Surface Transportation Planning Program activities ([23 USC 133\(b\)\(10\)](#)) or supporting activities ([23 USC 134](#)) and the STBG funds are identified in the UPWP or the approved Statewide Transportation Improvement Program (STIP) to support the selected activities. The details of the task need to be thoroughly documented in the UPWP, outlining what activities will be paid utilizing PL funds and what will be paid with STBG funds unless documented in the STIP.

In addition to ensuring the activities being performed are eligible under the U.S. Code, District MPO Liaisons are responsible for ensuring all costs are necessary and reasonable for the proper and efficient accomplishment of the project.

District MPO Liaisons have two primary resources available to them to assist with the review of specific costs. [2 CFR 200 Subpart E – Cost Principles](#) clarifies how to define whether a cost is “reasonable” in nature and includes provisions for the allowability and prohibition of specific expenses, such as costs related to conferences or memberships. In addition, District MPO Liaisons should review the [Department of Financial Services \(DFS\) Reference Guide for State Expenditures](#) for clarification on the state

requirements related to costs. This reference guide provides guidance on all agreements entered into by the State of Florida and includes allowable/unallowable provisions for select cost items.

Sources available for more information on cost eligibility:

2 CFR 200 Subpart E – Cost Principles:

Provides some basic considerations to be considered when reviewing costs for eligibility. Includes a definition of “reasonable costs” and guidance on defining direct and indirect costs. It also provides examples of allowable and unallowable costs.

Department of Financial Services (DFS) Reference Guide for State Expenditures:

Provides guidance to state agencies, such as FDOT, regarding requirements for disbursement of funds from the State Treasury. Includes examples of allowable and unallowable costs.

When federal and state guidelines regarding cost eligibility do not align, the stricter of the two shall prevail. For example, federal regulations allow for the use of federal funds for the purchase of refreshments (food and nonalcoholic beverages) associated with meetings; however, state guidelines, as described in the [DFS Reference Guide](#), prohibit the expenditure of any funds from the State Treasury on refreshments. Therefore, MPOs shall not spend any FDOT-administered funds, including PL funds, on refreshments.

If a specific cost in question is not adequately addressed in these sources, District MPO Liaisons should use the [FDOT Disbursement Handbook](#) for further clarification. The [Disbursement Handbook](#) similarly includes provisions for select items of cost, as applied to FDOT; however, these standards can generally be applied to the MPOs, with discretion. District MPO Liaisons or MPOs may contact the OPP for more information or clarification on cost eligibility.

3.3.3.1 Micro-Purchases

A micro-purchase is the purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchase procedures expedite the purchase of low-dollar transactions and minimize cost and administrative burdens [\[2 CFR 200.320\(a\)\(1\)\]](#). On June 18, 2018, the Office of Management and Budget issued a [memorandum](#) increasing the micro-purchase threshold from \$3,500 to \$10,000. The Federal Acquisition Regulation (FAR) sets the micro-purchase threshold and is periodically adjusted for inflation [\[FAR 2.101\]](#). [Technical](#)

[Memorandum 20-01 Capital Expenditures, Purchasing Thresholds, State Purchasing Contracts, and Asset Liquidation & Disposal](#) provides more information on purchasing thresholds. These thresholds are related to the acquisition of services or supplies. The following section discusses how MPOs should reflect atypical expenses in the UPWP.

3.3.3.2 Atypical Expenses

MPOs shall reflect equipment, supplies, and travel, such as that associated with training and conferences, in the UPWP. Equipment purchases may include items of significant value, such as specialty printers and computer software. Further guidance can be found in [Technical Memorandum 20-01](#), which defines capital expenditures, identifies federally eligible expenditures and purchases, federal and state purchasing thresholds, and provides guidance for obtaining purchase authorizations.

The supporting narrative for direct cost line items in task tables should provide sufficient detail and cost information to determine the purchases' eligibility, necessity, and reasonableness. If this information is not included in the UPWP, then the MPO must submit a separate formal request for approval to FHWA before purchase. The following sections define typical and atypical equipment, supplies, and travel and guide how these items should be reflected in the UPWP. **Section 3.3.3.3: Equipment Purchases Using Federal Funds** provides additional requirements specific to equipment purchases.

3.3.3.2.1 TYPICAL V. ATYPICAL EXPENDITURES

Typical and atypical expenditures must be reflected in the UPWP task tables and supporting narrative. Atypical expenditure requests must be summarized as a separate line item from typical expenditures in the task table, and they must be clearly identified to the FDOT and federal agencies for eligibility determinations. Atypical expenditure requests should also include justification and technical specifications in the UPWP. This information can be provided in the UPWP or can be delivered separately. If justification is not provided for an atypical line item in the UPWP, the purchase will require additional review and approval from FHWA/FTA and FDOT. The list of examples below is not comprehensive or all-inclusive.

Typical versus atypical equipment:

1. **Typical:** Equipment less than \$5,000 per unit and affiliated with a project or deliverable (can include executing business or normal operations and managing the MPO). In other words, the equipment can be connected to project work. Technical specifications or justifications are not required to be included in the UPWP. Examples include but are not limited to the following:

- a. Example 1: A laptop computer
 - b. Example 2: A standing desk
 - c. Example 3: An office chair
2. **Atypical:** It is considered atypical if the cost does not fit the typical category or is equal to or greater than \$5,000 per unit. Atypical expenditure requests should include justification and technical specifications in the UPWP if the MPO is seeking FHWA/FTA and FDOT approval of the item in the UPWP. Examples include but are not limited to the following:
- a. Example 1: Software and modeling programs
 - b. Example 2: Security systems
 - c. Example 3: Plotting printers
 - d. Example 4: Real estate or real property

Typical and atypical supplies:

1. **Typical:** Supplies required for an office are less than \$1,000 per unit. This can include but is not limited to the following:
 - a. Example 1: Notepads and paper
 - b. Example 2: Pens, pencils, and markers
 - c. Example 3: Paper clips, staples, tape
2. **Atypical:** It is considered atypical if the cost does not fit the typical category or is equal to or greater than \$1,000 per unit. This can include but is not limited to the following:
 - a. Example 1: Plotter paper and foam boards
 - b. Example 2: Manual/electric binding machine

Typical and atypical travel:

1. **Typical:** Training in the United States that helps you do your job. This can include but is not limited to the following: Association of MPOs (AMPO), National Association of Regional Councils (NARC), Transportation Research Board (TRB), model or other training.

2. **Atypical:** Training outside the United States or travel in the United States includes peer exchange and facility or system tours. If an MPO does not have a travel handbook, they must follow the guidance provided in the [FDOT Disbursement Handbook](#). This handbook addresses foreign travel requests.

3.3.3.3 Equipment Purchases Using Federal Funds

FHWA will, on a case-by-case basis, allow MPOs to purchase equipment as a direct expense with federal funds. Equipment is any tangible personal property with more than one year of useful life and a per-unit acquisition cost of \$5,000 or more per unit. [\[2 CFR 200.313\]](#) All equipment purchases, regardless of cost, must be programmed and itemized in the UPWP; however, specific approval by FHWA and the District is not required for equipment costs under \$5,000. All proposed equipment purchases must comply with [2 CFR 200.313](#), [2 CFR 200.314](#), and [2 CFR 200.400\(e\)](#), including [2 CFR 200.439](#). See item three in [Technical Memorandum 20-01](#) for more details regarding purchasing thresholds and the UPWP.

The following information is required for FHWA to approve purchasing equipment costing \$5,000 or more. This information shall be provided from the MPO to the District MPO Liaison **before** the purchase of the equipment:

- ❖ A list of the equipment to be purchased with its description and cost;
- ❖ The specifications or a detailed description of the equipment;
- ❖ Documentation that the MPO has performed a cost comparison between multiple sources for the equipment;
- ❖ Justification for the purchase and the proposed purpose/use of each piece of equipment; and
- ❖ Reference to the equipment purchase in the UPWP.

District staff will review the MPO's proposed purchase acquisition and forward their recommendation to FHWA. FHWA will consider the MPO's equipment purchase proposal and provide an approval or denial.

The MPO must not procure equipment that uses federal funds for \$5,000 or greater before FHWA's approval.

FHWA and FDOT require the MPO to maintain records of all property obtained through federal funding. [\[2 CFR 200.313\(d\)\]](#) A physical inventory of the property must be taken at least **once every two years**. The results must be reconciled with the MPO's property records. Property records for equipment must include the following:

- ❖ Description of the property;
- ❖ Serial or other identification number;
- ❖ The source of funding for the property (including the Federal Award Identification Number);
- ❖ Title owner;
- ❖ Acquisition date;
- ❖ Cost of the property;
- ❖ Percentage of Federal participation in the project costs for the Federal award under which the property was acquired;
- ❖ Location, use, and condition of the property; and
- ❖ Disposition of the property, including the date of disposal and sale price (if applicable).

A control system must be developed to ensure adequate safeguards to prevent property loss, damage, or theft. Any loss, damage, or theft must be investigated. Equipment purchased with federal funds must be disposed of according to state laws and procedures, according to [2 CFR 200.313\(e\)](#). MPOs' accounting procedures guide how to dispose of assets properly.



3.3.4 Indirect Cost Rate

A subrecipient's Cost Allocation Plan for direct costs must be maintained and submitted to FDOT as part of the Indirect Cost Rate Proposal. The approved Cost Allocation Plan and Certificate of Indirect Cost must be an appendix to the UPWP.

A subrecipient desiring to claim indirect costs under Federal awards must prepare an indirect cost rate proposal and related documentation to support those costs ([2 CFR 200.414\(c\)](#)). Proposals must be submitted within six months after the close of the second fiscal year at the end of the UPWP unless the subrecipient either has an existing negotiated indirect cost rate from the federal government or elects the **de minimis** rate ([2 CFR 200.414\(f\)](#)). The **de minimis** rate is set at 15 percent by the federal government and recognized by the state. The indirect cost rate proposal must follow the guidelines established by this handbook and federal requirements ([2 CFR 200.414](#)). FDOT's Office of Comptroller (OOC) can review and approve indirect cost rate proposals.

The Federal Office of Management and Budget (OMB) published [2 CFR Part 200](#), "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," effective December 26, 2014, that gives specific duties to the pass-through entity ([2 CFR 200.414\(d\)](#) and [2 CFR 200.332\(b\)\(4\)](#)) for subrecipient monitoring and management ([2 CFR 200.331-332](#)). Specifically, [2 CFR 200.332\(b\)\(4\)](#) requires that every subaward of federal funds from the pass-through entity (i.e., FDOT) to the subrecipient (i.e., MPO) must include, among other elements, an indirect cost rate.

Effective October 1, 2024, the de minimis rate increased to 15 percent (the previous de minimis rate was 10 percent).

- ❖ **New Awards:** Recipients and subrecipients may use the 15 percent de minimis rate for any award executed on or after October 1, 2024.
- ❖ **Existing Awards:** If FHWA determines there are sufficient funds to support the 15 percent de minimis rate, recipients may apply it to an existing award.
 - **Note:** Recipients may not retroactively apply the new 15 percent de minimis rate to costs incurred before amending the FDOT/MPO Agreement.
- ❖ **In summary,** for the 2-year UPWPs MPOs approved in July 2024 (i.e., existing awards), the FHWA Florida Division Office will need to determine if there are sufficient funds to support the 15

percent de minimis rate and, if so, FDOT/MPOs need to amend the FDOT/MPO Agreement to reflect the change. Once the amendment is processed, MPOs may apply the new de minimis rate to their costs. There are no additional PL funds. As such, MPOs may modify the UPWP to shift funds as needed.

In addition, the Single Audit Threshold in [2 CFR Part 200](#) increased from **\$750,000** to **\$1 Million**. The updated threshold may not affect all MPOs. Still, each MPO is responsible for determining the amount of federal and state financial assistance expended based on their accounting records. Each MPO is encouraged to coordinate with their District MPO Liaison and their finance and accounting staff annually to determine if the MPO will be required to prepare and submit a Single Audit Report.

3.3.4.1 Method for Calculating Indirect Costs

The Uniform Guidance discusses three methods for allocating and computing indirect cost rates: **(1)** the simplified allocation method, **(2)** the multiple base allocation method, and **(3)** the direct allocation method. FDOT recommends that the simplified allocation method be used because many, if not all, MPO's major functions benefit from its indirect costs to approximately the same degree.

The allocation of indirect costs may be accomplished by **(1)** classifying the total costs for the base period as either direct or indirect and **(2)** dividing the total **allowable** indirect costs (net of applicable credits) by an equitable distribution base. This process results in an indirect cost rate, which distributes indirect costs to individual federal awards.

Both direct and indirect costs **must exclude** capital expenditures and unallowable costs. However, unallowable costs **must be included** in the direct costs **if they represent activities to which indirect costs are properly allocable**.

3.3.4.2 Indirect Cost Rate Allocation Bases

Two types of acceptable allocation bases exist **(1)** direct salaries and wages (including all, some, or no fringe benefits) and **(2)** modified total direct cost (MTDC). However, an alternative allocation base may be considered depending on a subrecipient's unique circumstances.

It is acceptable for different entities to use different MTDCs if the use is consistent and representative of indirect costs. The MTDC allocation base includes total direct costs **minus** specified items. ([2 CFR 200.414](#)).

3.3.4.3 Indirect Cost Rates

Subrecipients wishing to be reimbursed for indirect costs using a federally approved indirect cost rate agreement must submit this agreement to FDOT for filing. In general, only those MPOs that are hosted by agencies that receive direct federal funding in some form (not necessarily transportation) will have a federally approved indirect cost rate available, negotiated between the federal funding agency and the MPO's host agency.

A subrecipient that has never had a negotiated indirect cost rate may elect a **de minimis** rate, currently set at 15 percent of modified total direct costs, which may be used indefinitely ([2 CFR 200.414\(f\)](#)). Should a subrecipient elect the **de minimis** rate, it must be used consistently for all federal awards until a subrecipient chooses to negotiate a rate, which they may apply to do at any time. No indirect cost rate proposal would need to be prepared. Still, the subrecipient must submit its cost policy statement and a completed De Minimis Certification form to the FDOT Comptroller's Office for review and approval.

If a subrecipient submits an indirect cost rate proposal for approval, FDOT recommends incorporating a "fixed rate with carryforward" into the methodology used to develop the rate. This approach involves a true up to account for any over or underpayments in the next cycle. At year-end, the difference between the actual indirect costs and costs charged based on the fixed rate (positive or negative) are carried forward into the next fiscal year as an adjustment to that year's rate.

Subrecipients who do not wish to be reimbursed at the **de minimis** rate and do not have a federally or state-approved indirect cost rate will charge all eligible costs as direct costs and will be reimbursed for such. Instead of charging a rate to cover indirect expenses, all indirect costs must be reflected in the UPWP budget details as direct expenses. To reduce the burden of distributing these costs across the UPWP tasks and minimize UPWP amendments and modifications, subrecipients are strongly advised to include all administrative and overhead costs in one task or set of tasks in the UPWP.

Note: Approved rates must be applied to all the direct costs for each task in the UPWP.

3.3.4.4 Submission of Indirect Cost Rate Proposal

Subrecipients should thoroughly review the cost principles at [2 CFR 200.400\(e\)](#) and the indirect cost rate proposal appendix ([Appendix VII to Part 200, Title 2](#)) before submitting an indirect cost proposal.

A final indirect cost rate proposal based on actual costs and supporting documentation must be developed and submitted annually as soon as possible after the close of books for the fiscal year-end but no later than six months after the fiscal year-end. The following items must be included in the submission of the Indirect Cost Rate Proposal:

- ❖ The proposed rate, including subsidiary work sheets and other relevant data, are cross-referenced and reconciled to the financial data.
- ❖ A copy of the financial data (financial statements, comprehensive annual financial report, executive budgets, accounting reports, etc.) upon which the rate is based. In a subsequent proposal, FDOT will recognize adjustments resulting from using unaudited data, where appropriate, for indirect costs.
- ❖ The approximate amount of direct base costs incurred under federal awards. These costs should be broken out between salaries, wages, and other direct costs.
- ❖ An organizational chart showing the agency's structure during the period the proposal applies, along with a Cost Policy Statement. (Only revisions need to be submitted with subsequent proposals once this is submitted.)
- ❖ Certificate of Indirect Costs. Someone at the Chief Financial Officer level or higher of the subrecipient must sign this certification.

3.3.4.5 Approval of Indirect Cost Rate Proposal

FDOT will negotiate with a subrecipient (i.e., an MPO) and approve the indirect cost rate unless the subrecipient must negotiate with the federal government or elect a **de minimis** rate. Indirect costs can only be charged to an award based on an approved indirect cost rate. The approval will be formalized by a rate agreement signed by an FDOT official (or designee) and the Chief Financial Officer or higher-level official of the subrecipient. These agreements and all grants and contracts are housed in the Florida Department of Financial Services [Florida Accountability Contract Tracking System \(FACTS\)](#). Each agreement will include:

- ❖ The approved rate and information directly related to the use of the rate (for example, effective period and distribution base);
- ❖ General terms and conditions; and
- ❖ Special remarks (for example, the composition of the indirect cost pool).

It is important to note that the approved rate will become effective at the beginning of the following fiscal year. For example:

| Fiscal Year End | Rate Submission Deadline | Effective Date |
|-----------------------|--------------------------|----------------|
| State: June 30 | December 31 | July 1 |
| Federal: September 30 | March 31 | October 1 |

3.3.4.6 Recovery and Final Rate Adjustments of Indirect Costs

Recovery of indirect cost is subject to submitting an indirect cost rate proposal, determining the availability of funds, determining statutory and administrative restrictions, and obtaining approval from FDOT. Recovery means the payment of an MPO's indirect costs.

Sometimes, an MPO may be over or underpaid relative to the actual indirect costs. Subrecipients must monitor indirect costs and indirect cost recoveries closely. The indirect cost rate is the subrecipient's best projection to make the indirect cost recovery equal to the indirect cost incurred on a fiscal year basis. Depending on the timing of indirect and direct base costs incurred, there will be over-recoveries in some months and under-recoveries in others. **It is important to note** that indirect costs cannot be drawn based on cash needs but only on the approved indirect rate applied to the applicable direct cost base. Any amounts drawn above those authorized by the indirect rate methodology are unallowable and can result in additional specific conditions as authorized by [2 CFR 200.207](#), as applicable.

Example of Indirect Cost Recovery:

After the Cost Allocation Plan is run for the period (typically the month), the intermediate cost pools are cleared, resulting in all costs being charged indirectly or directly to a funding source. A portion of these direct costs will make up the indirect cost base depending on whether salaries and benefits or modified total direct costs are chosen. The table below is hypothetical financial information for a month after the Cost Allocation Plan is run. Total indirect and base costs (salaries and benefits in this example) from the ledger have been selected. Assuming a rate of 29.95%, the indirect cost recovery for the month would look like this:

| Example MPO | | | | | | | | |
|--|----------|--------|--------|--------|--------|--------|--------|--------|
| SAMPLE Application of Rate to Recover Indirect Costs | | | | | | | | |
| Salaries and Benefits Base | | | | | | | | |
| | Indirect | AXXX | BXXX | CXXX | DXXX | EXXX | FXXX | Total |
| Monthly Indirect Costs | 38,213 | | | | | | | |
| Base Expenses: | | | | | | | | |
| Salaries and Benefits | | 34,963 | 17,253 | 17,490 | 8,678 | 22,734 | 17,162 | |
| Indirect Cost Rate (29.95%) | | 0.2995 | 0.2995 | 0.2995 | 0.2995 | 0.2995 | 0.2995 | |
| Indirect Cost Recovery | | 10,471 | 5,167 | 5,238 | 2,599 | 6,809 | 5,140 | 35,425 |
| Over/(Under) Recovery | (2,788) | | | | | | | |

Note: In this month, indirect recovery is less than indirect costs. In other months, recovery will be higher than costs. However, on an annual basis, the recovery should (nearly) equal costs.

After year end, the subrecipient will perform a “true-up.” Any difference between actual and recovered indirect costs will be carried forward to the next fiscal year as an adjustment to that year’s rate.

| Example True Up Calculation(s) of Indirect Costs at Fiscal Year End | | | | | | |
|---|-----------------|--------------|------------------|----------------------------|---------------------|--|
| Actual Costs | Recovered Costs | (Over)/Under | Rate Calculation | | Final Adjusted Rate | |
| 458,556 | 458,556 | 0 | 458,556 | <i>actual + over/under</i> | 32.31% | |
| | | | 1,419,360 | <i>allocation base</i> | | |
| 458,556 | 425,100 | 33,456 | 492,012 | <i>actual + over/under</i> | 34.66% | |
| | | | 1,419,360 | <i>allocation base</i> | | |
| 458,556 | 490,556 | (32,000) | 426,556 | <i>actual + over/under</i> | 30.05% | |
| | | | 1,419,360 | <i>allocation base</i> | | |

*Over/(Under) Amount is added to Actual Costs for rate calculation

3.4 UPWP Closeout

Per [2 CFR 200.344](#), FHWA funds obligated and unexpended at the end of the two-year UPWP must be closed out within **90 days** of the termination of the grant. The grant is based on the state fiscal year (**July 1 to June 30**). Based on this timeline, FDOT has until **September 30** to have the final invoice and closeout documents to FHWA. It is essential to begin this process before **September 30**. Do not wait until the deadline to start the process. MPOs must submit final invoices before **September 30** to allow FDOT time to process the invoice for payment. With a two-year UPWP, this termination occurs every other year (e.g., 2024, 2026, 2028). Therefore, closing out the grant between years one and two is unnecessary.

Note: Funds are de-obligated twice in a UPWP cycle. The first is in the **spring** of year-two of the UPWP to free up the remaining funds for year-one of the new UPWP. The second de-obligation occurs during **closeout** in September after the UPWP cycle has ended (**June 30**) and a new UPWP has taken effect (**July 1**).

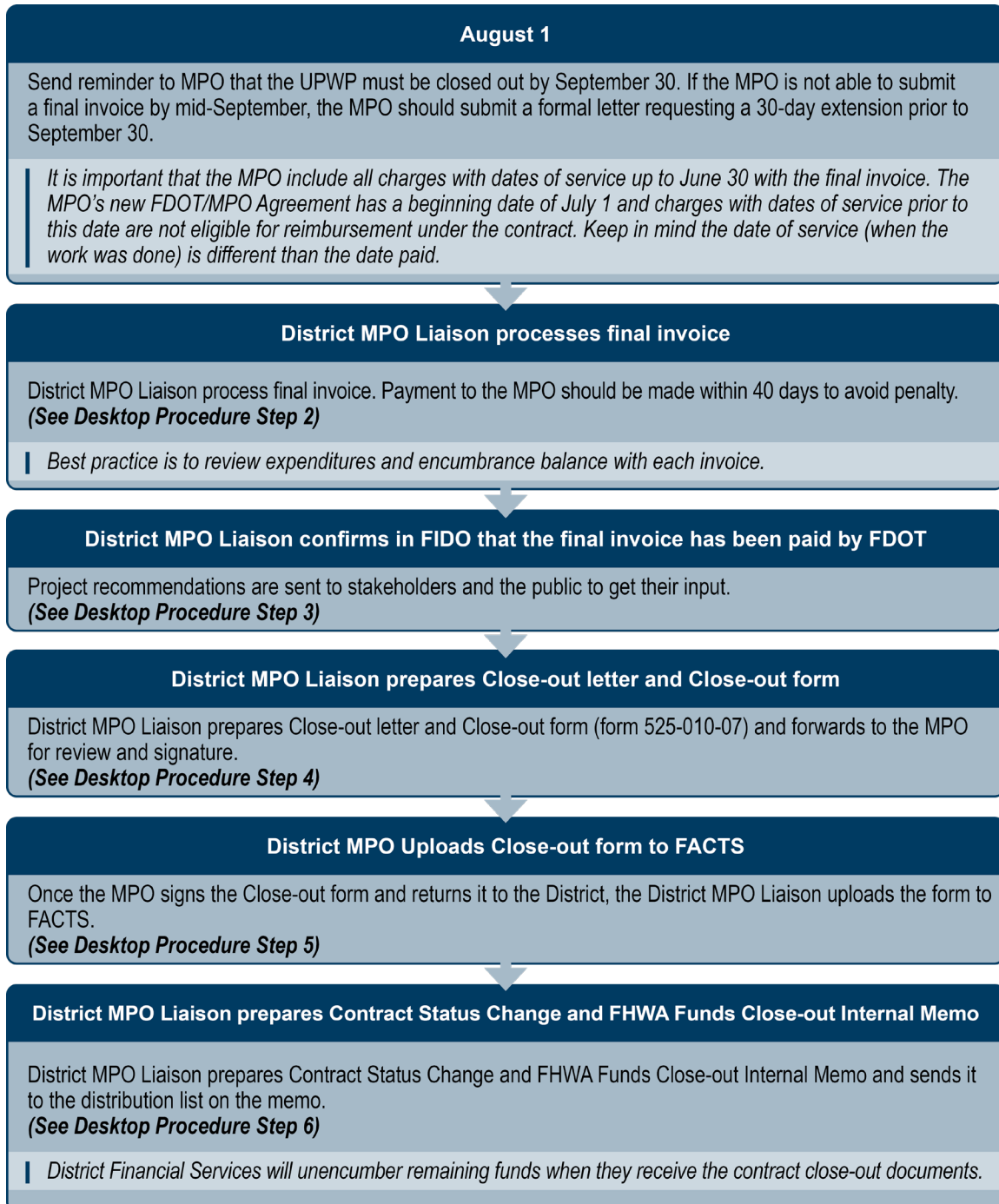
The District MPO Liaison initiates the closeout procedures after the MPO submits the two-year UPWP's final invoice (the details of this process are provided in the paragraph below). If an MPO anticipates not having its **final invoice** submitted to the District in time to allow the closeout process to be completed by **September 30**, the MPO must notify the District. If the District anticipates it will not complete the **closeout** by **mid-September**, the District **MUST** request, in writing, a time extension from FHWA. **Once granted, the extension will be suitable for only 30 days.** After 30 days, another extension may be requested and given if needed.

Federal Aid Technical Bulletin 16-03 describes the process for closing out a PL fund project:

- ❖ After the MPO submits the final invoice, the District MPO Liaison sends a letter to the MPO's staff director stating FDOT's desire to close out the account and requesting the MPO to confirm the amounts expended. This letter includes a confirmation form and provides the authorization and level of reimbursements provided to the MPO for the fiscal year. FHWA Funds Closeout Letter ([Form No. 525-010-07b](#)) and the FHWA Funds Closeout Confirmation Form ([Form No. 525-010-07a](#)) are available for download from the [FDOT Procedural Document Library](#).
- ❖ Upon receipt of the confirmation letter and form, the MPO must promptly review its financial records. Any discrepancies must be noted and then resolved before signing the confirmation form. The signed confirmation form is then returned to the District.

Figure 3.11 summarizes the steps in the UPWP closeout process. More information is available in the Desktop Procedure on the [MPO Partner Site](#).

Figure 3.11 Steps to Close Out a Two-Year UPWP



Once the signed confirmation form is received from the MPO, the District MPO Liaison shall load the confirmation letter and form into FDOT's Enterprise Electronic Document Management System (EEDMS) Work Program Loading Dock and email the forms to OPP. Access to the EEDMS Work Program Loading Dock can be obtained through the Automated Access Request Form (AARF) and the Federal Aid Management Office. Obtaining access may take some time, so initiating the request as soon as possible is best.

Once the signed confirmation form is uploaded to EEDMS, the District MPO Liaison writes a closeout memorandum to the following offices:

- ❖ **The District Federal-Aid Coordinator:** Requests to prepare an Authorization Request to reduce the fund authorization for the MPO's UPWP to the level of reimbursements provided to the MPO for the two fiscal years.
- ❖ **The District Financial Services Office:** Requests to unencumber any remaining balance. This request must include a completed Contract Status Change Form reflecting the amount to be unencumbered, a request to change the contract status to 50 (closed status), and a request to close the contract.
- ❖ A letter is sent to the **Office of Work Program and Budget**, PL Funds Coordinator, for informational purposes.
- ❖ The **Office of Policy Planning** is notified for informational purposes.

Once all these steps are complete, the District Federal-Aid Coordinator notifies the Office of the Comptroller (OOC) that the project is ready to advance to Ready Final Voucher project status. More information, including links to forms and templates, is available in the Desktop Procedure on the [MPO Partner Site](#).

3.4.1 UPWP Amendment for Funds the MPO Chose to De-obligate at Closeout

MPOs initiate UPWP closeout after **July 1**, after the old two-year UPWP ends and a new two-year UPWP takes effect. The closeout process for the old two-year UPWP must be completed by **September 30** (i.e., 2024, 2026, etc.), when the new UPWP is in effect. Part of this process includes de-obligating unexpended funds. These funds are available in year two of the new two-year UPWP (i.e., 2025, 2027, etc.) after the MPO processes a UPWP amendment to add the funds to the new UPWP. The MPO and District should keep in mind:

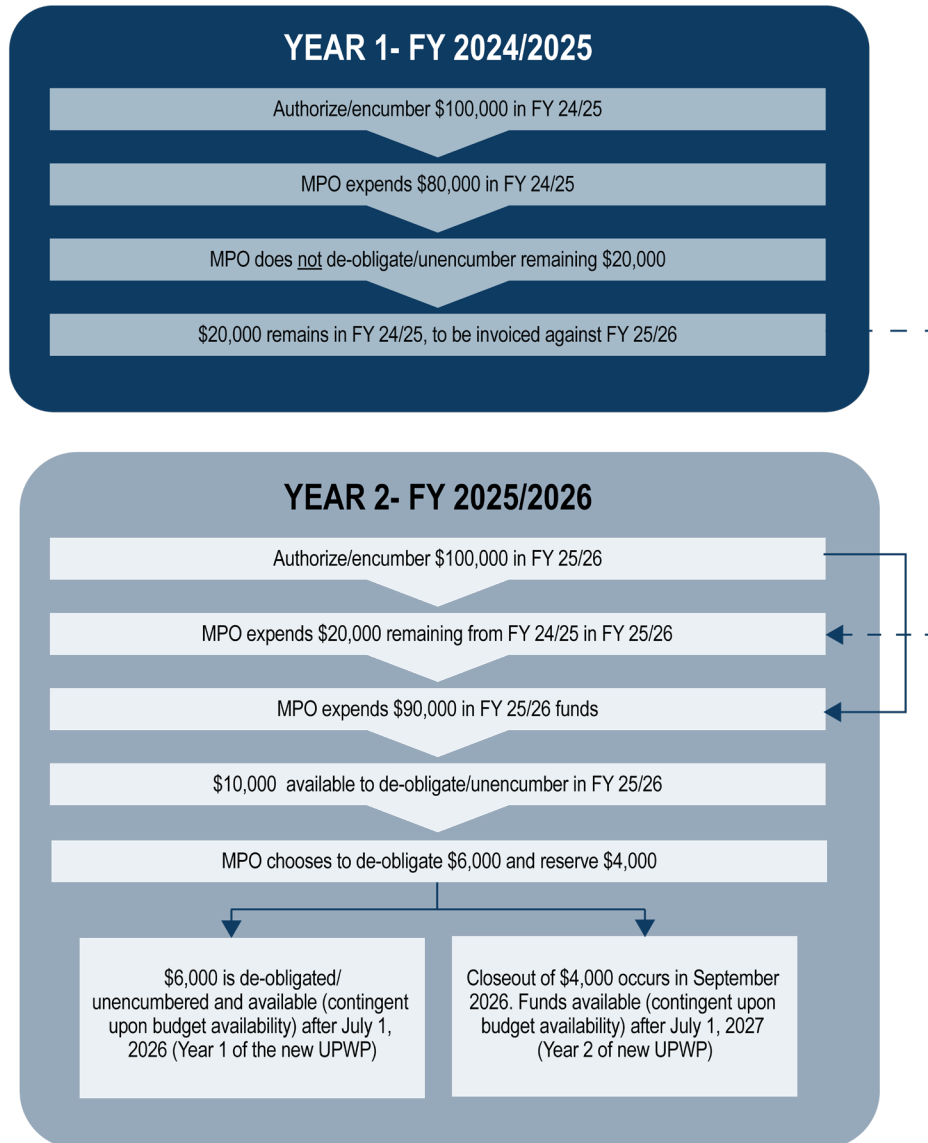
- ❖ MPOs must process a UPWP amendment that FHWA approves to add the funds to the new UPWP. This typically occurs after **July 1** in year two of the new UPWP (i.e., 2025, 2027, etc.). The FDOT/MPO Agreement must also be amended;
- ❖ Funds will be available after **July 1** (i.e., 2025, 2027, etc.) in year two of the new two-year UPWP; and
- ❖ De-obligation also occurs before UPWP closeout. That process is discussed in **Section 3.2.5 UPWP Amendments for Funds the MPO Chose to De-Obligate Before UPWP Closeout**.

After FDOT and FHWA approve the de-obligation request, the Central Office, Office of Work Program and Budget, will adjust the MPO's account and increase the MPO's available PL balance by the dollar amount of closeout funds.

The Central Office PL Funds Coordinator notifies OPP when the closeout process is complete.

An example timeline of the authorization/encumbrance/de-obligation/closeout process can be found in **Figure 3.12**.

Figure 3.12 De-Obligation and Closeout Process Example



3.4.2 Closeout of FTA Funds

Please note that FTA funds (other than FTA 5305(d) funds that become FHWA PL funds through the CPG) **do not** undergo the same closeout process as FHWA funds. FTA funds are managed as a statewide grant and are not closed until all work approved under that grant has been completed. Please coordinate with your District Transit Office to check the status of an FTA grant. Once all work under the FTA grant is completed, the Central Office Transit Office manages the grant closeout process.

3.5 References

Table 3.3 Federal and State Statutes and Codes

PLANNING AND RESEARCH PROGRAM ADMINISTRATION

Citation: [23 CFR Part 420](#)

Description: Describes the policies and procedures for administrating activities undertaken by State departments of transportation (State DOTs) and their subrecipients, including MPOs, with FHWA planning and research funds.

UNIFIED PLANNING WORK PROGRAMS

Citation: [23 CFR 450.308](#)

Description: Describes the funding for transportation planning and the development of UPWPs.

METROPOLITAN TRANSPORTATION PLANNING

Citation: [23 USC 134](#)

Description: Describes the transportation planning process for MPOs.

STATEWIDE PLANNING

Citation: [23 USC 135](#)

Description: Describes the transportation planning process for State DOTs.

EFFICIENT ENVIRONMENTAL REVIEWS FOR POLICY DECISION-MAKING

Citation: [23 USC 139](#)

Description: Describes the environmental review process for transportation projects.

UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Citation: [2 CFR Part 200](#)

Description: Establishes uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities.

FLORIDA SINGLE AUDIT ACT

Citation: [s.215.97, FS](#)

Description: Establish uniform State audit requirements for State financial assistance provided by State agencies to non-state entities to carry out State projects.

FINANCIAL MANAGEMENT

Citation: [31 USC Subtitle III](#)

Description: Describes the financial management of Federal funds.

PROGRAM GUIDANCE FOR METROPOLITAN PLANNING AND STATE PLANNING AND RESEARCH PROGRAM GRANTS

Citation: [Federal Transit Administration \(FTA\) Circular 8100.1D](#)

Description: Program guidance and application instructions for applying for grants under the Metropolitan Planning Program (MPP) and the State Planning and Research Program (SPRP) authorized under [49 USC 5305](#). The circular guides the Consolidated Planning Grant (CPG) Program.

AGREEMENTS FUNDED WITH FEDERAL OR STATE ASSISTANCE

Citation: [s.215.971, FS](#)

Description: Discusses requirements for an agency agreement that provides Federal or State financial assistance to a recipient or subrecipient.

ALLOWABILITY, REASONABLENESS, AND NECESSITY OF COSTS

Citation: [s.216.3475, FS](#)

Description: Describes how each agency shall maintain records to support a cost analysis, which includes a detailed budget submitted by the person or entity awarded funding and the agency's documented review of individual cost elements from the submitted budget for allowability, reasonableness, and necessity.

METROPOLITAN PLANNING ORGANIZATIONS

Citation: [s.339.175\(9\), FS](#)

Description: Describes the transportation planning process for MPOs in Florida, including the requirements for the UPWP.

CREDIT FOR NON-FEDERAL SHARE

Citation: [23 USC 120](#)

Description: Permits a state to use certain toll revenue expenditures "soft match" as a credit toward the non-federal matching share of all programs authorized by Title 23 (except Emergency Relief Programs) and for transit programs authorized by Chapter 53 of Title 49, US

MPO

PROGRAM MANAGEMENT
HANDBOOK

CHAPTER 4 Transportation Improvement Program



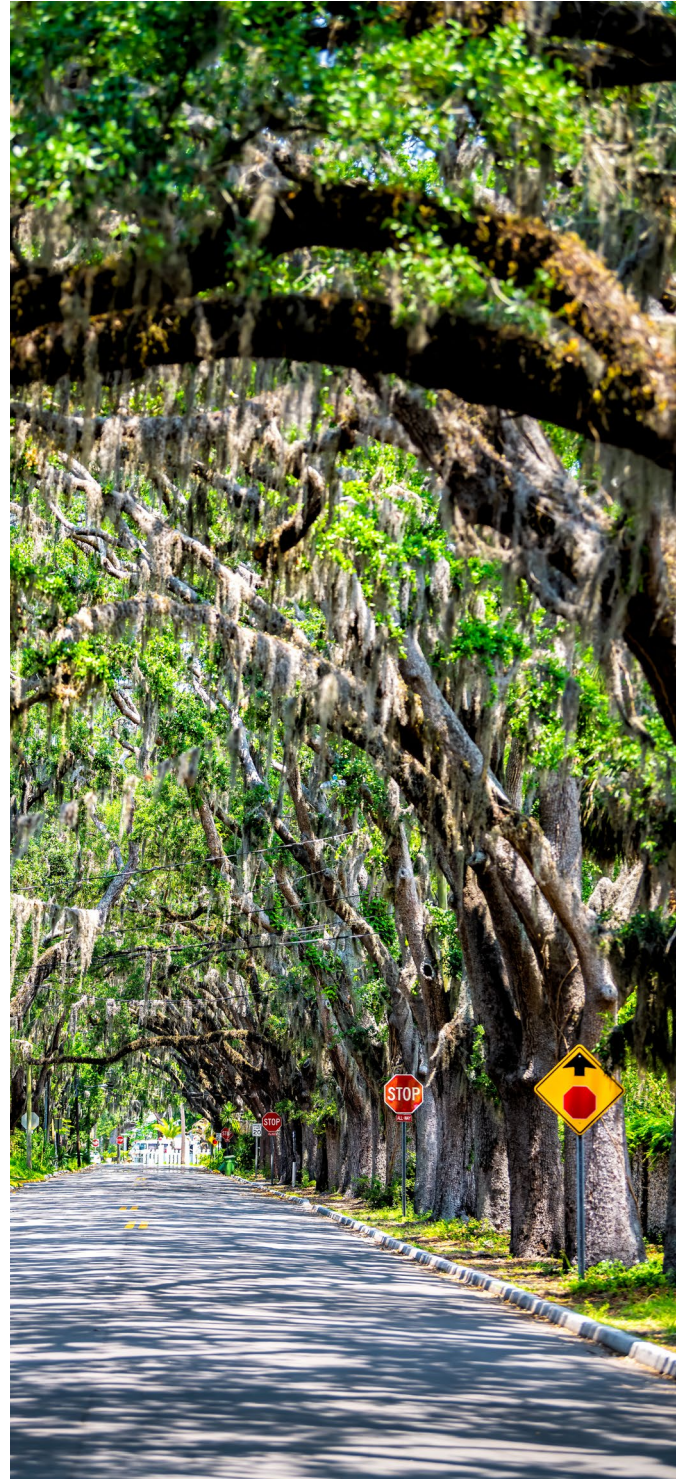
OFFICE OF POLICY PLANNING



4. Transportation Improvement Program

Key Chapter Changes

The Transportation Improvement Program chapter was updated to provide additional information on the TIP development process, including scheduling, amendments, and modifications. The chapter was reorganized to follow a sequential order of events and has been reformatted to allow for improved accessibility. (August 2, 2024)



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4.1 Introduction

This chapter guides the Florida Department of Transportation (FDOT) Districts, FDOT Central Office, and Florida Metropolitan Planning Organizations (MPOs) in the preparation, review, and implementation of their Transportation Improvement Programs (TIP).

MPOs are required by [23 United States Code \(USC\) 134\(j\)](#) to develop a TIP. MPOs, in cooperation with FDOT and public transportation operators, develop the TIP. [\[23 Code of Federal Regulations \(CFR\) 450.326\(a\)\]](#)

The CFR defines the TIP as a prioritized listing/program of transportation projects covering four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the Long Range Transportation Plan (LRTP), and required for projects to be eligible for funding under [23 USC, 49 USC Chapter 53, and \[23 CFR 450.104\]](#). State law requires the TIP to cover an additional year, for a total of five years. [\[s.339.175\(8\)\(c\)\(1\), Florida Statutes \(FS\)\]](#) The fifth year of the TIP is considered illustrative for federal purposes.

The following sections present the federal and state requirements for MPOs to develop the TIP, covering the topics of TIP preparation and implementation. Federal and state statutes, regulations, and rules for developing and managing the MPO's TIP are listed in [Section 4.4 Federal and State Requirements for Developing the TIP](#).



4.1.1 TIP Project Selection and Implementation Process

Under federal law, project selection for the TIP depends on whether the metropolitan area is designated as a Transportation Management Area (TMA) or a non-TMA. TMAs are Census defined urban areas of more than 200,000 people. In metropolitan areas not designated as a TMA, the state and public transportation operator(s), in cooperation with the MPO, select projects to be implemented using [23 USC](#) and [49 USC Chapter 53](#) funds. Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects are not included in this selection process. Those projects will be selected by the appropriate federal agencies cooperating with FDOT and the MPO and must be included in the TIP. [\[23 CFR 450.332\(b\)\]](#)

In areas designated as TMAs, the MPO selects all [23 USC](#) and [49 USC Chapter 53](#) funded projects for implementation in consultation with FDOT and public transit operators (except projects on the NHS and Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program). The state shall select projects on the NHS in cooperation with the MPO. Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects shall be selected by the appropriate federal agencies in cooperation with FDOT and the MPO, and must be included in the TIP [\[23 CFR 450.332\(c\)\]](#).

Federal laws and regulations do not prescribe a particular process that state DOTs, MPOs, and affected public transportation operators must follow to develop their respective TIPs and Statewide Transportation Improvement Program (STIP). Transportation needs vary widely, and it is up to each state to establish a process that meets its particular goals and objectives and those of the local jurisdictions within a state. However, there are common elements in both federal and state law that govern TIP project selection and implementation.



Regarding the requirement for both the Work Program and the STIP to incorporate MPO TIPs into the FDOT Five-Year Work Program and STIP:

- ❖ [Title 23 USC 134](#) and [23 CFR 450.326](#) require each MPO to develop a TIP in cooperation with the state DOT and any affected public transportation operator.
- ❖ According to [s.339.175, FS](#), it is required of each MPO, in cooperation with FDOT and affected public transportation operators, to develop an annually updated TIP for the area of jurisdiction of the MPO. Each year, this is accomplished by having each MPO prepare a List of Priority Projects (LOPP), which is submitted to the appropriate FDOT District office for inclusion in the new fifth year of the work program (see [Section 4.2.1 List of Priority Projects \(LOPP\)](#)). These LOPPs are used by the District in developing the District Work Program (to become part of FDOT's Five-Year Work Program) and by the MPO in developing its TIP. It should be noted that not every project in the LOPP will make it to the FDOT Five-Year Work Program.

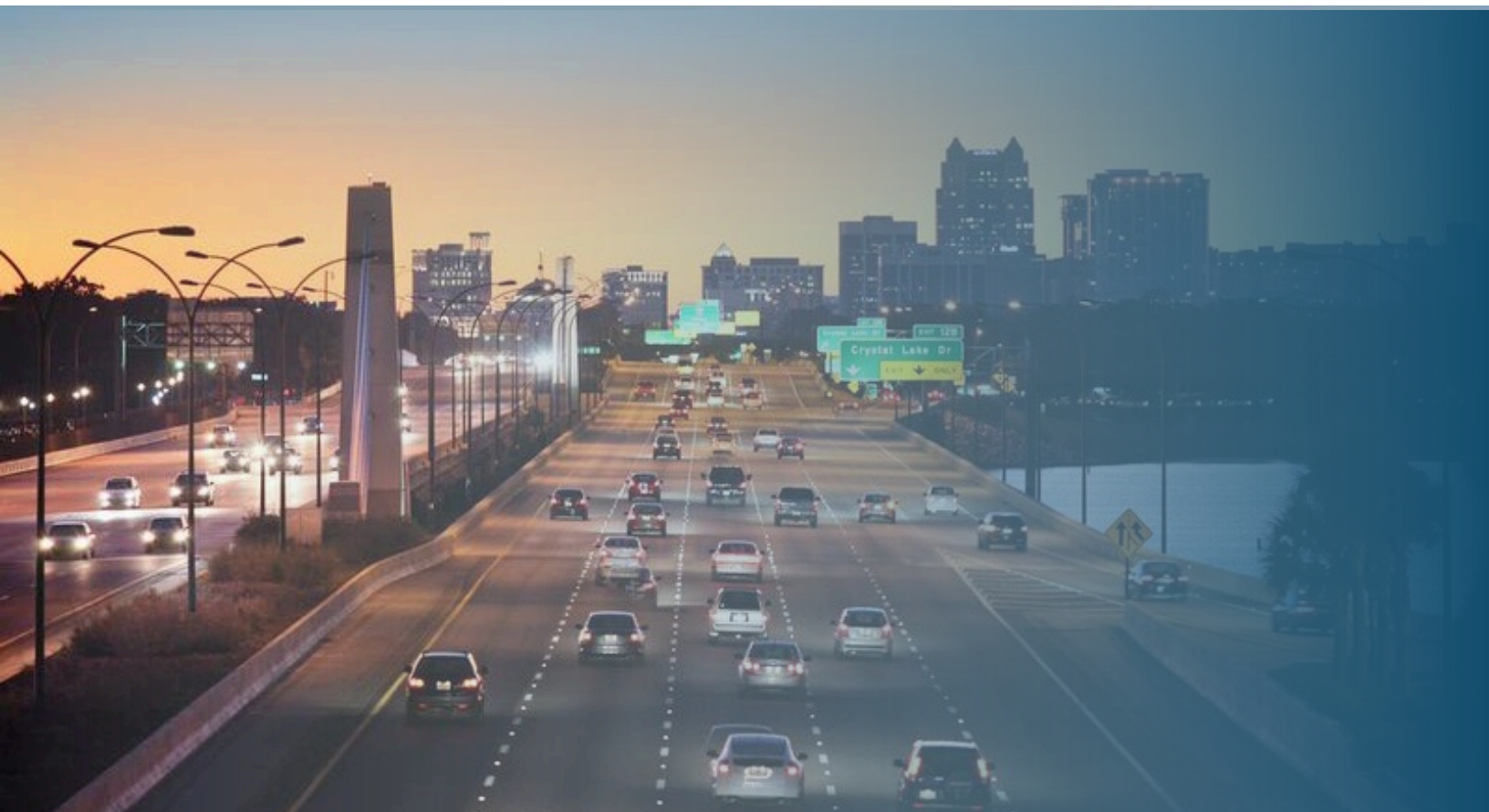
Regarding the order of the selection of projects for implementation from the approved FDOT Five-Year Work Program and four-year STIP:

- ❖ [Title 23 CFR 450.332](#) states that the projects in the first year of an approved TIP shall constitute an agreed list of projects for funding and implementation, and the implementing agency requires no further action to proceed. This also applies to all projects in the STIP, including those outside the jurisdiction of the MPOs.
- ❖ According to [s.339.135, FS](#), FDOT shall advance for implementation by one fiscal year all projects included in the second year of the previous year's adopted FDOT Five-Year Work Program. This ensures that projects in the first year of the newly adopted Work Program constitute an agreed-upon list of projects for funding and implementation, consistent with federal requirements.
- ❖ According to [s.339.135\(4\)\(b\), FS](#), "It is the intent of the Legislature that the first three years of the adopted work program stand as a commitment of the state to undertake transportation projects that local governments may rely on for planning and concurrency purposes and in the development and amendment of capital improvement elements of their local government comprehensive plans."

Regarding the need to revise, modify, advance, or delete projects in the approved Work Program, STIP, or TIPs before implementation, both Florida and federal laws and regulations make provisions for this flexibility:

- ❖ [Title 23 CFR 450.326](#) states that an MPO TIP may be revised at any time under procedures agreed to by the state, MPOs, and public transportation operators, consistent with TIP development procedures established in that section of federal regulations.
- ❖ The Work Program Amendment process is defined by [s.339.175, FS](#), and is further defined in FDOT's Work Program Instructions. The process requires notification of all affected parties, who are given an opportunity to comment on how the amendment affects local and regional transportation planning efforts. The [Grant Applications Program \(GAP\)](#) facilitates the TIP Modification or Amendment process described later in this chapter.

For more information on TIP revisions, including modifications and amendments, see section [4.3.1 TIP and STIP Revisions](#).



4.1.2 Projects to Be Included in the TIP

The TIP must include:

- ❖ Capital and noncapital surface transportation projects (or phases of projects) within the boundaries of the Metropolitan Planning Area (MPA) proposed for funding under [23 USC](#) and [49 USC Chapter 53](#) (including transportation alternatives¹; associated transit improvements; Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program projects; HSIP projects; trails projects; accessible pedestrian walkways; and bicycle facilities). [\[23 CFR 450.326\(e\)\]](#)
- ❖ All regionally significant projects defined in [40 CFR 93.101](#), requiring an action by the Federal Highway Administration (FHWA) or Federal Transit Administration (FTA), regardless of funding source. [\[23 CFR 450.326\(f\)\]](#)
- ❖ For information purposes, all regionally significant projects proposed to be funded with federal funds other than those administered by FHWA or FTA, as well as all regionally significant projects to be funded with non-federal funds. [\[23 CFR 450.326\(f\)\]](#)

The following types of projects may be included in the TIP but are not required: [\[23 CFR 450.326\(e\)\]](#)

- ❖ Safety projects funded under [23 USC 402](#) and [49 USC 31102](#);
- ❖ Metropolitan planning projects funded under [23 USC 104\(d\)](#), and [49 USC 5305\(d\)](#);
- ❖ State planning and research projects funded under [23 USC 505](#) and [49 USC 5305\(e\)](#);
- ❖ Metropolitan planning projects funded with Surface Transportation Program funds, if available to the MPO;
- ❖ Emergency relief projects (except those involving substantial functional, locational, or capacity changes); [\[23 CFR 667\]](#)
- ❖ National planning and research projects funded under [49 USC 5314](#); and
- ❖ Project management oversight projects funded under [49 USC 5327](#).

¹ The Infrastructure Investment and Jobs Act (IIJA) replaced the Fixing America's Surface Transportation (FAST) Act with a set-aside of funds under the Bipartisan Infrastructure Law (BIL).

The TIP must include, for each project or phase (e.g., preliminary engineering, environment/National Environmental Protection Act (NEPA), right of way, design, or construction), the following: [\[23 CFR 450.326\(g\)\]](#)

- ❖ Sufficient descriptive material (i.e., type of work, termini, and length) to identify the project or phase.
- ❖ Estimated total project cost, which may extend beyond the four years of the TIP.
- ❖ The amount of federal funds proposed to be obligated during each program year for the project or phase (for the first year; this includes the proposed category of federal funds and source(s) of non-federal funds. For the second, third, and fourth years, this consists of the likely category or possible categories of federal funds and sources of non-federal funds).
- ❖ Identification of the agencies responsible for carrying out the project or phase.
- ❖ In nonattainment and maintenance areas, identify projects identified as Transportation Control Measures (TCM) in the applicable State Implementation Plan (SIP).
- ❖ In nonattainment and maintenance areas, projects that shall be specified in sufficient detail (design concept and scope) for air quality analysis following the Environmental Protection Agency (EPA) transportation conformity regulations [\(40 CFR Part 93, Subpart A\)](#).
- ❖ In areas where the Americans with Disabilities Act (ADA) requires paratransit and key station plans, identify the projects that will implement these plans.

The MPO may group projects that are not considered to be of appropriate scale for individual identification in a given program year. [\[23 CFR 450.326\(h\)\]](#)

Each project or project phase included in the TIP must be consistent with the approved LRTP. [\[23 CFR 450.326\(i\) and s.339.175\(8\)\(c\)\(2\), FS\]](#)

4.1.3 Relationship between Work Program, LRTP, and TIP

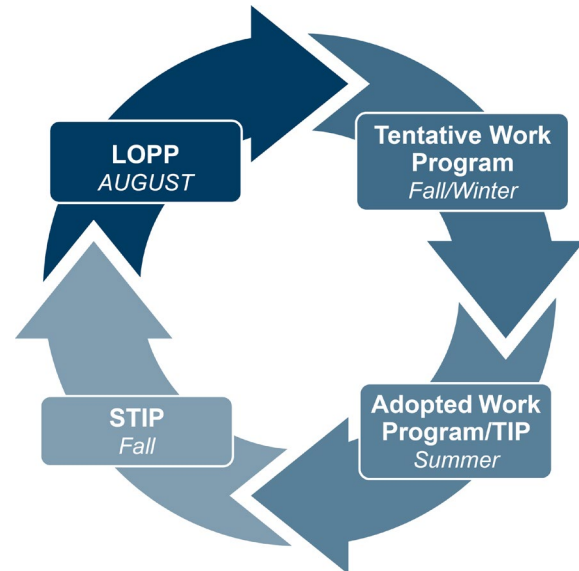
4.1.3.1 LRTP

The LRTP is the MPO's vision for the next 20 years, which is updated every five years. Some MPOs use a 25 year horizon, but it is not required by federal or state law.

The TIP includes projects planned and funded in the metropolitan area for the next five years. The LOPP) is an input in the development of the Tentative Work Program and the new fifth year of the TIP. The MPO approves the LOPP by August 1 of each year. The LOPP is then used to develop the Tentative Work Program, which is FDOT's list of programmed projects for the next five fiscal years and is updated annually.

The Tentative Work Program is submitted in the fall of the same year and becomes the Approved Work

Program in July the following year. The TIP is updated by July 15 of every year, and is approved by the FDOT Secretary by August 31, and becomes effective on October 1, which is then incorporated into the STIP. The STIP includes all MPO TIPs and lists projects using federal and state funds for the next four fiscal years and is approved by September 30 and becomes effective on October 1. The LRTP, TIP, and Work Program must be consistent with each other and is discussed more in the next section.



4.1.3.2 Work Program

The Tentative Work Program is cooperatively developed with public and MPO input. It is then submitted to the Governor and the Legislature in January for even years (i.e., 2024, 2026, etc.) and in March for odd years (i.e., 2025, 2027, etc.). The MPOs begin to develop the new draft TIP, usually in March/April. On **July 1**, the Legislature approves the budget, minus project phases deferred from the last fiscal year. Once the Tentative Work Program is approved by the Legislature, it becomes the Adopted Work Program. The TIP is also adopted by the MPO by July 15. In August, the Legislature amends the budget to approve project phases deferred from last fiscal year. These projects are automatically “rolled forward” in the Work Program but not in the MPO TIPs. The MPOs must process a “Roll Forward” TIP Amendment for these projects. This process is discussed in **Section 4.3.1.4: Roll Forward Amendment (Authorization of Roll Forward Projects)**.

Although the newly Adopted Work Program is effective July 1 at the start of the state fiscal year, the newly adopted TIP becomes effective October 1 at the start of the federal fiscal year.

The TIP must be incorporated into the STIP to ensure continued federal funding for metropolitan areas. An adopted LRTP must be in place when the MPO submits the annual TIP to FDOT for the Secretary’s approval and inclusion in the STIP. The Secretary cannot approve a TIP for inclusion in the STIP that does not come from a currently adopted LRTP or a TIP that includes projects that have not been adequately amended into the LRTP and adopted by the MPO. In other words, a clear and identifiable link must be between projects included in the TIP and LRTP, also known as planning consistency.

4.1.4 TIP/STIP Inclusion and NEPA Approval

As stated in [Chapter 5: Long Range Transportation Plan](#), FDOT assumed FHWA’s responsibilities under the [National Environmental Policy Act \(NEPA\)](#) for highway projects on the State Highway System (SHS) and Local Agency Program (LAP) projects off the SHS as per the [Memorandum of Understanding \(MOU\)](#) renewed May 26, 2022. [\[23 USC 327\]](#) In general, FDOT is responsible for all highway and roadway projects funded by FHWA or that constitutes a federal action through FHWA. This includes responsibilities for environmental review, interagency consultation, and other regulatory compliance-related actions about reviewing or approving NEPA projects. Therefore, whereas FHWA was previously identified as the Lead Federal Agency, this function is now served by FDOT with approval authority resting in the [Office of Environmental Management \(OEM\)](#). OEM’s guiding document for NEPA approval is titled [Meeting Planning Requirements for NEPA Approval](#).

For an environmental document to be approved by FHWA, the TIP/STIP funding for the “entire project length and termini” must be consistent with what is described in the LRTP. The “project” includes the entire project length (e.g., 30 miles) studied in the Project Development and Environment (PD&E) phase. If the project is to move forward in segments, the first segment (e.g., a 10-mile segment) must be funded for design in the TIP/STIP before the Environmental Document can be approved. If funding for the design of the project is outside of the current adopted TIP/STIP at the time the Environmental Document is complete, there should be a written explanation in the current adopted TIP/STIP indicating the design for the project falls outside the current TIP/STIP; this explanation should indicate when funding will be in the TIP/STIP, explain what the source of funding is expected to be, and is to be included in the TIP/STIP as a footnote. All of this should be discussed with FHWA on a case-by-case basis. The remaining phases for the segment(s) (i.e., right of way and construction) would be addressed in the TIP/STIP for information purposes, including when they are generally expected to be funded.

In Chapter 5: Long Range Transportation Plan, Emergency Relief (ER) projects (except those involving substantial functional, locational, or capacity changes) may be exempt from planning consistency documentation requirements [\[23 CFR 450.218\]](#).

4.1.5 TIP Schedule

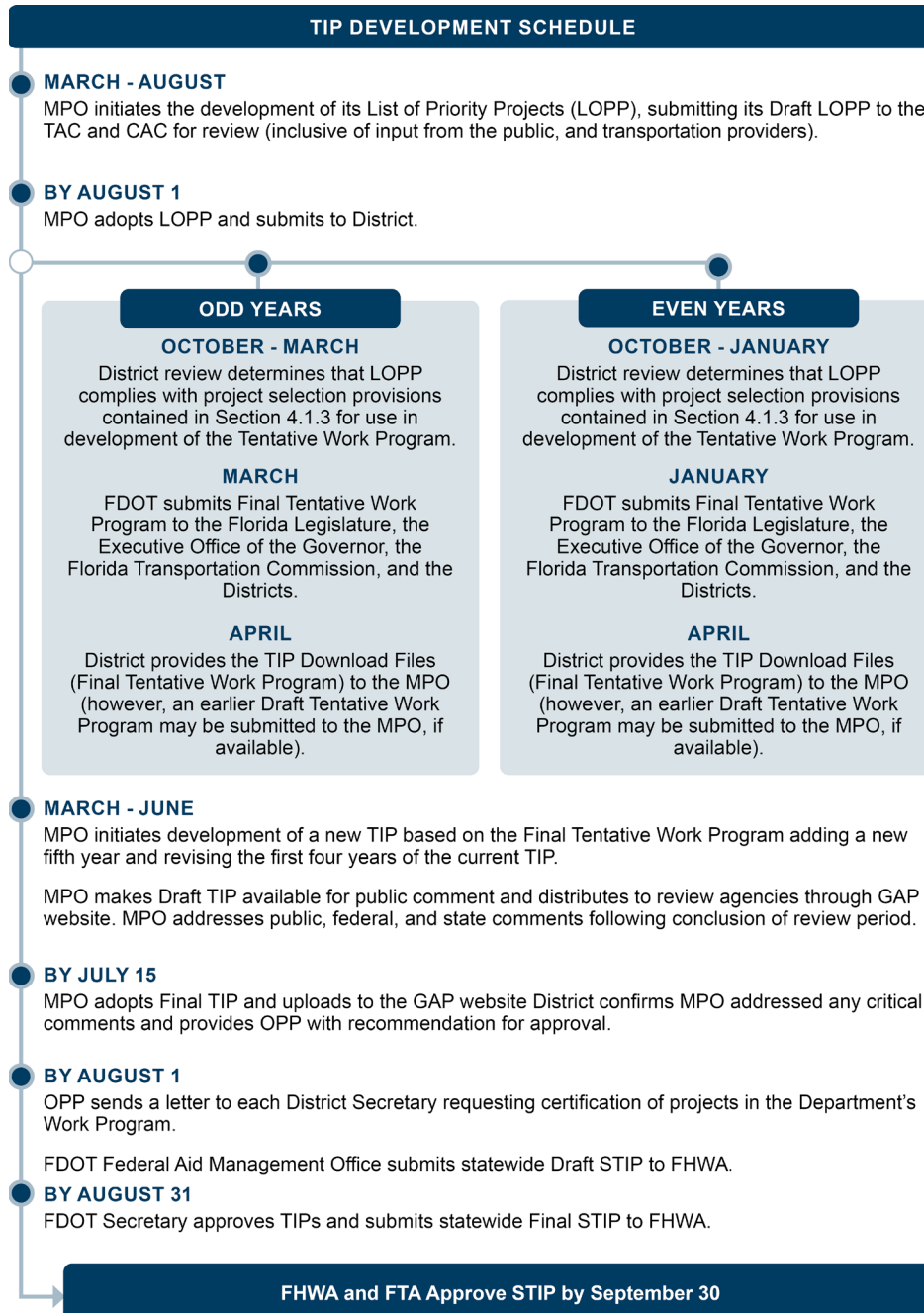
Under state law, the TIP is updated annually and approved by the MPO, the Governor, or the Governor's delegate. The FDOT Secretary has been delegated the authority to review and approve TIPs in Florida. [\[23 USC 134\(j\)\(1\)\(D\); 23 CFR 450.326\(a\); s.339.175\(8\)\(a\) and \(f\), FS\]](#) The schedule for the development of the TIP must be compatible with the schedule for the development of the FDOT Five-Year Work Program and the STIP since the TIP is based on FDOT's Five-Year Work Program and is incorporated into the STIP. [\[23 USC 135\(g\)\(5\)\(D\)\(i\); 23 CFR 450.218\(b\)\]](#) For a discussion on how projects are selected and incorporated into the STIP, refer to [Section 4.3.1 TIP and STIP Revisions](#).



By **September 30** of each year, FHWA and FTA make a joint finding that each MPO's TIP is consistent with their LRTP. The finding is based on the self-certification statement submitted by the state and the MPO, their review of the LRTP, and other reviews deemed necessary. [\[23 CFR 450.330\(a\)\]](#) **Figure 4.1** shows the key deadlines for the development of the TIP/STIP (which includes the MPO's LOPP and the FDOT Five-Year Work Program) when the Florida legislative session begins in March or January. The Florida Legislature meets in March of each odd-numbered year and January of each even-numbered year. The figure also shows the key deadlines for when the Florida legislative session begins in January (accelerated schedule). During the accelerated schedule, it is best practice for the MPO to submit the LOPP before August 1 to avoid delays when FDOT begins developing the Tentative Work Program.

Figure 4.1 provides an overview of the TIP development process, beginning with the development of the LOPP, then the Tentative Work Program and draft TIP, followed by the Adopted Work Program, final TIP, and STIP.

Figure 4.1 TIP Development Schedule



4.2 TIP Preparation

4.2.1 List of Priority Projects (LOPP)

Development of the TIP begins with the development of the LOPP. The MPO is required to develop a list of project priorities in coordination with the public and District planning staff and submit the list to the District by **August 1** of each year in preparation for TIP development the following March. The District and the MPO may agree in writing to vary the August 1 submittal date. [\[s.339.175 \(8\)\(a\) and \(b\), FS\]](#)

The MPO's annual LOPPs must be based upon project selection criteria that, at a minimum, considers the following: [\[s.339.175\(8\)\(b\), FS\]](#)

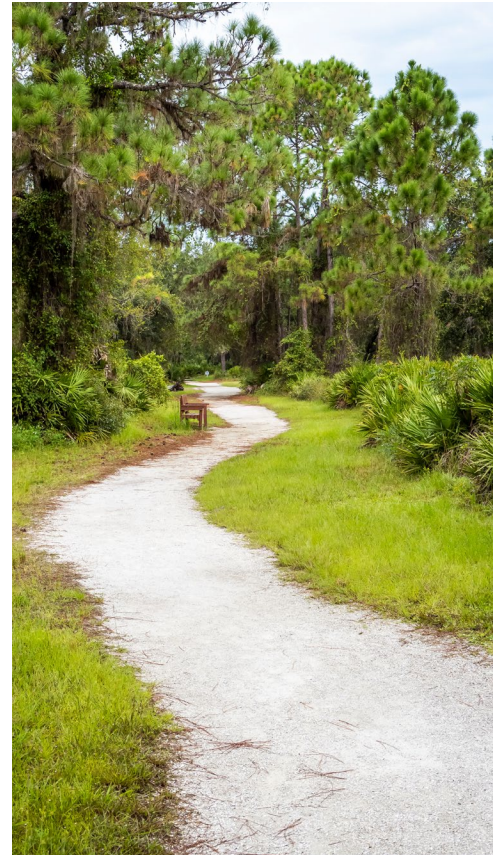
- ❖ The approved MPO LRTP;
- ❖ The Strategic Intermodal System Plan developed under [s.339.64, FS](#);
- ❖ The Transportation Regional Incentive Program (TRIP) priorities developed under [s.339.2819\(4\), FS](#);
- ❖ The results of the transportation management systems outlined under [s.339.177, FS](#) and
- ❖ The MPO's public involvement procedures.



The MPO's LOPP must be formally reviewed by the technical and citizens' advisory committees and approved by the MPO before being transmitted to the District. The approved LOPP must be used by the district in developing the District Work Program and by the MPO in developing its TIP. [\[s.339.175 \(8\)\(b\), FS\]](#)

4.2.1.1 Efficient Transportation Decision-Making (ETDM) Screening Process

ETDM was developed by FDOT, FHWA, and state and federal partners in 1999 to support the environmental process and for conducting efficient environmental reviews related to highway projects. ETDM is split into two screening phases, planning and programming. The ETDM planning screen focuses on project feasibility, early consideration on topics addressed in the programming screen, consideration for project mitigation, identifying impacts, and data gathering for project analysis. The information in the planning screen helps provide information about project feasibility used in the development of LRTP's. The ETDM programming screen is used to identify significant environmental and social issues about priority projects and to develop a methodology for focused technical studies to address potentially significant issues [\[40 CFR 1500.5\(f\)\]](#). Examples of significant issues would include a project that does not conform to a resource agency's statutory requirements or has a severe negative impact on an affected community.



Following [\[23 USC 139\(g\)\(1\)\(A\)\]](#), the lead agency [FDOT] shall establish a plan for coordinating public and agency participation in and comment on the environmental review process for a project or category of projects. The ETDM Programming Screen provides for the continuous coordination between agencies. Resource and community agencies can comment on priority transportation projects in the TIP. These agency comments are documented in the Programming Summary Report, available on the [Public Access Website](#), and can be used to supplement TIP public involvement activities.

All major capacity projects included in the LOPP, except for Strategic Intermodal System (SIS) and bridge replacement projects, should be screened through the ETDM process (programming screen). FDOT screens SIS and bridge replacement projects. MPOs are encouraged to screen state and locally funded projects not on the State Highway System (SHS) but are not required to. Refer to the [ETDM Manual](#) for specific information about the ETDM programming screen.

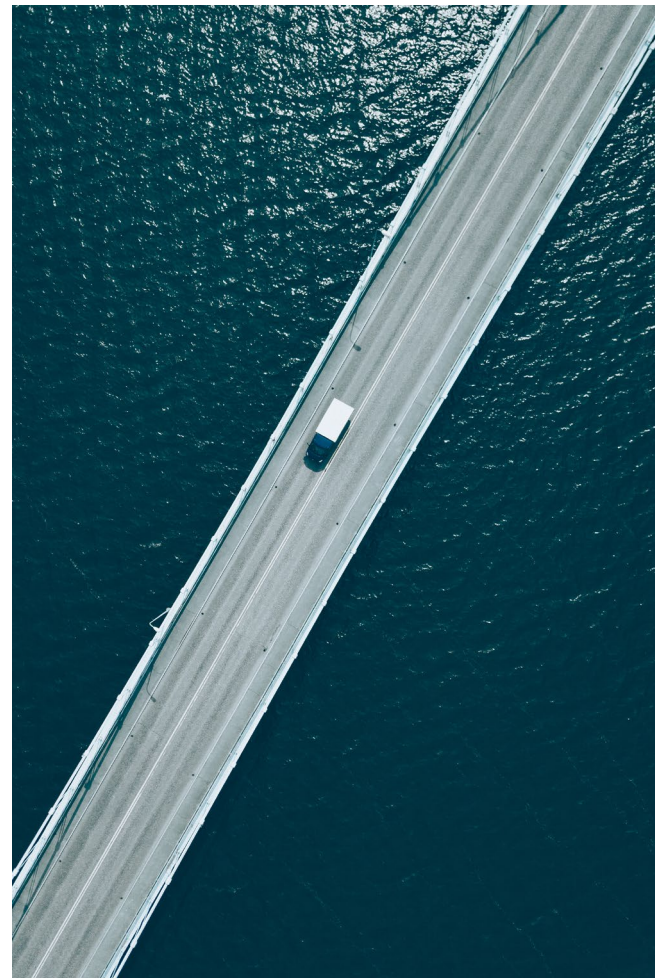
4.2.1.2 District Review of Priority Projects

The District’s review of the MPO’s LOPP should ascertain that, at a minimum, it is based on the project selection criteria listed in **4.2.1 List of Priority Projects (LOPP) [s.339.175 (8)(b), FS]**.

Florida Statute 339.175(8) requires each MPO to cooperatively develop, with its partners the LOPP. In this context, “cooperation” means that “the parties involved in carrying out the transportation planning and programming processes work together to achieve a common goal or objective.” The LOPP is submitted by the MPO to the appropriate FDOT District Office consistent with Florida Statutes. This list is the foundation for each MPO’s TIP and the District’s annual work program. Other factors considered during the project selection and programming process include project readiness, cost, schedule, and funding availability.

The Department assumes that the projects listed in each LOPP are in sequential order of priority and will be programmed in priority order by the District’s Office of Work Program to the maximum extent possible. If the District or MPO expresses concern, the parties will consult to ensure projects programmed in the TIP reflect the MPO’s top priorities. In this context, “consult” is defined as “the party confers with other identified parties by an established process and, before acting, considers the views of the other parties and periodically informs them about the action taken.”

For more information regarding coordination with MPOs, see the **[FDOT Office of Policy Planning \(OPP\) Memorandum on Programming STBG Urban Funds \(SU\)](#)**.



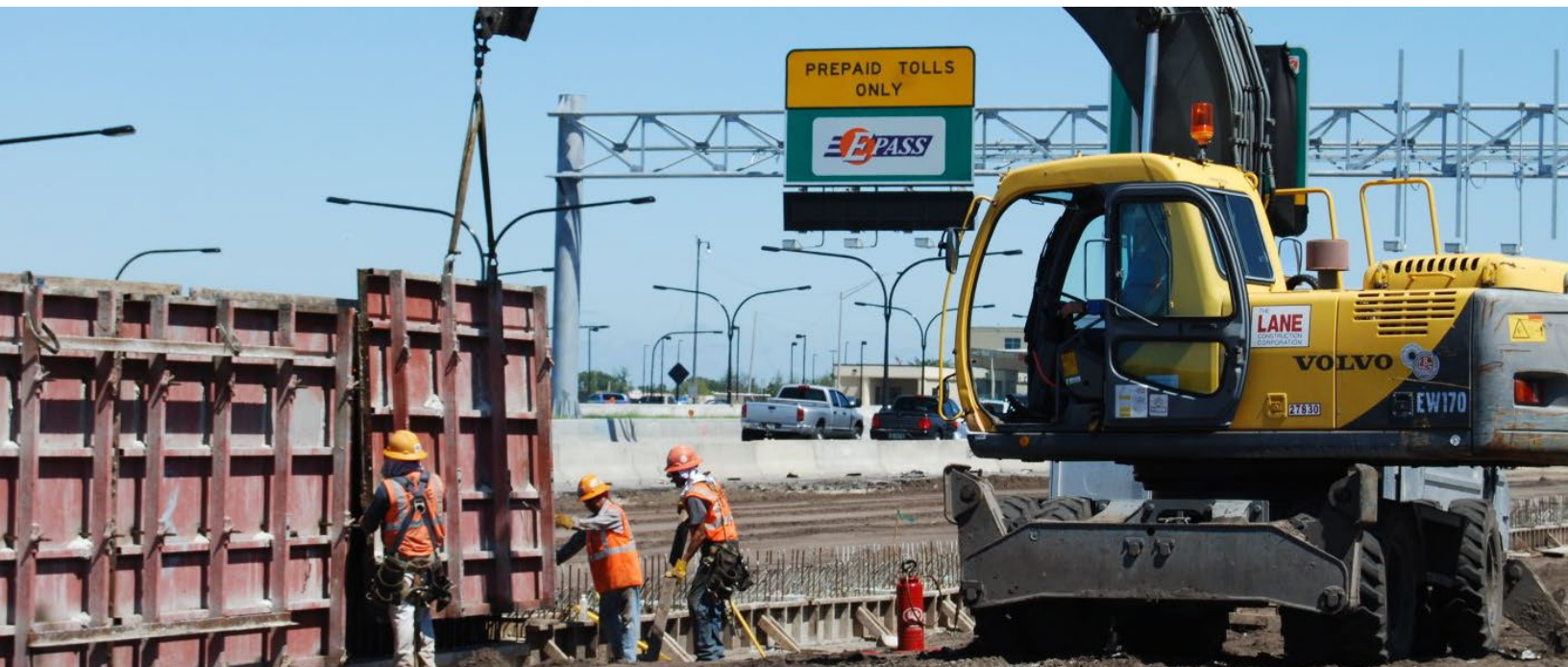
4.2.2 Format and Content of the TIP

While no format for the TIP is specified in federal or state laws or rules, the following outline meets legal requirements and is acceptable to FHWA and FTA. A checklist to assist in the review of the TIP can be found in the Liaison Toolkit on the [MPO Partner Site](#).

4.2.2.1 Introductory Materials

The introduction must include:

- ❖ The official MPO name on the Cover or Title Page, state fiscal years covered, and the MPO Board approval date and subsequent revision dates.
- ❖ A table of contents with the title of each section and beginning page number.
- ❖ An endorsement that the TIP was developed following federal and state requirements and the date of official MPO approval. The endorsement may be a copy of the MPO resolution approving the TIP or a signature block on the document cover page signed by the MPO Chairperson. In air quality nonattainment or maintenance areas, the MPO must approve the conformity determination report before the TIP approval.
- ❖ A list of definitions, abbreviations, funding and phase codes, and acronyms used within the text.



4.2.2.2 Narrative

The narrative must include:

- ❖ A statement that the purpose of the TIP is to provide a prioritized listing of transportation projects covering five years that are consistent with the metropolitan LRTP. It should be indicated that the TIP contains all transportation projects within the designated MPA to be funded by [23 USC](#) and [49 USC Chapter 53](#) funds and includes all regionally significant projects regardless of funding source.
- ❖ A discussion of the TIP's financial plan.
 - Explain that the TIP is financially constrained for each year.
 - Provide a financial plan that demonstrates how the TIP can be implemented. The plan needs to indicate the public and private financial resources that are reasonably expected to be available to accomplish the program. Innovative financing techniques that may be used to fund needed projects and programs should be identified. Additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available may be identified under [s.339.175\(8\)\(c\)\(3\), FS](#)
 - State that the MPO developed the TIP in cooperation with the state and the public transit operator, who will provide the MPO with estimates of available federal and state funds for the MPO to develop the financial plan. [\[23 CFR 450.326\(a\)\]](#) and [s.339.175\(8\), FS](#)
- ❖ A description of the project selection process and state that it is consistent with the federal requirements in [23 CFR 450.332\(b\)](#) for non-TMA MPOs or [23 CFR 450.332\(c\)](#) for TMA MPOs.
- ❖ A description of how projects are consistent with the MPO's LRTP and, to the maximum extent feasible, with port and aviation master plans, public transit development plans, and approved local government comprehensive plans for those local governments located within the metropolitan area. [\[s.339.175\(8\)\(c\)\(7\), FS\]](#) When possible, the TIP should cross-reference projects with the corresponding LRTP project. [\[s.339.175\(8\)\(a\), FS\]](#)
- ❖ An identification of the MPO's criteria and process for prioritizing implementation of the transportation plan elements (including multimodal tradeoffs) for inclusion in the TIP and explain any changes in priorities from the previous TIP. [\[23 CFR 450.326\(n\)\(1\)\]](#) The MPO's TIP project priorities must be consistent with the LRTP.

- ❖ The annual listing of projects from FDOT for which FHWA funds have been obligated in the preceding year. The annual listing of projects for which FTA funds have been utilized in the preceding year must be cooperatively developed with the appropriate transit agencies. The MPO should either include this list in the TIP or state in the TIP that it has been published and otherwise made available for public review. [\[23 CFR 450.334 and s.339.175\(8\)\(h\), FS\]](#)
- ❖ Documentation of the MPO's activities to seek public comment and how the draft TIP was made available for public review. [\[23 CFR 450.316 and 23 CFR 450.326\(b\)\]](#) The MPO should document the techniques used to reach citizens, such as Internet access to documents, flyers, meeting notices, billboards, media outreach, and other ways to seek the involvement of citizens and groups. The MPO should also document feedback received through this process and any revisions. The ETDM process can be used to document all public involvement activities.
- ❖ The completion date of the current FDOT MPO Annual Joint Certification. MPOs within TMAs also should include the date of the last FHWA/FTA certification and, if known, the anticipated date of the next FHWA/FTA certification.
- ❖ A discussion of the congestion management process that is in place at the MPO. TMAs (urban areas with populations over 200,000) are required by [23 CFR 450.322](#) to have a congestion management process that effectively manages and operates new and existing facilities through travel demand reduction and operational management strategies. [Section 339.175\(6\)\(c\)\(1\), FS](#), requires all MPOs to have a congestion management process.
- ❖ A discussion of the Transportation Disadvantaged (TD) services developed under [s.427.015\(1\) FS](#) and [41-2.009\(2\), FAC](#). A description of costs and revenues from TD services should be included, and those improvements should be funded using such funds.
- ❖ A discussion of how, once implemented, it will make progress toward achieving the performance targets for safety, system, bridge, and pavement performance measures, as well as state asset management and state freight plans. [\[23 CFR 450.326\(c\)\]](#)
- ❖ A discussion of the anticipated effect of achieving the performance targets identified in the LRTP, linking investment priorities to those performance targets for safety, system, bridge, and pavement performance measures, as well as state asset management and state freight plans. [\[23 CFR 450.326\(d\)\]](#)

4.2.2.3 Detailed Project Listings for Five Fiscal Years

The TIP shall include for each project or phase (e.g., preliminary engineering, environment/NEPA, right of way, design, or construction) the following information:

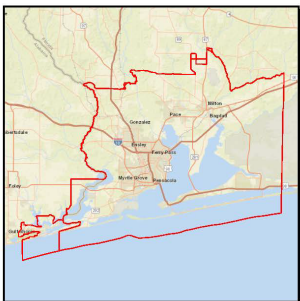
- ❖ Sufficient descriptive material (i.e., type of work, termini, and length) to identify the project or phase.
- ❖ Financial Project Number (FPN).
- ❖ FDOT Work Program fund code.
- ❖ Estimated total project cost.
- ❖ Year of anticipated funding.
- ❖ Summary tables showing the financial constraint of the program.
- ❖ Page number or identification number where it can be found in the LRTP.
- ❖ Category of federal funds and source(s) of non-federal funds.
- ❖ The FTA section number should be indicated for FTA projects. This is accomplished by putting the section number in the description line of the work program for the project.

Figure 4.2 shows a sample TIP from the Florida-Alabama TPO.

Figure 4.2 Sample TIP from Florida-Alabama TPO

Florida-Alabama TPO Transportation Improvement Program - FY 2023/24 - 2027/28

| | | |
|----------------|----------------------------|----------------|
| 4217172 | FLORIDA-ALABAMA TPO | Non-SIS |
|----------------|----------------------------|----------------|



Work Summary: MODAL SYSTEMS PLANNING

From:

To: SECTION 5305

Lead Agency: TPO

LRTP #: #31 in Mod. Report p.41

| Phase | Fund Source | 2023/24 | 2024/25 | 2025/26 | 2026/27 | 2027/28 | Total |
|--------------|-------------|----------------|----------------|----------------|----------|----------|----------------|
| PLN | DU | 172,720 | 177,901 | 180,808 | 0 | 0 | 531,429 |
| PLN | DPTO | 21,589 | 22,237 | 22,601 | 0 | 0 | 66,427 |
| PLN | LF | 21,589 | 22,237 | 22,601 | 0 | 0 | 66,427 |
| Total | | 215,898 | 222,375 | 226,010 | 0 | 0 | 664,283 |

Prior Cost < 2023/24: 2,062,698

Future Cost > 2027/28: 0

Total Project Cost: 2,726,981

Project Description: TPO Public Transportation Project Priority
Florida Alabama TPO FTA 5305 Planning Grant

Transportation Improvement Program FY24-28 (Amended February 7, 2024)
Section 7- Public Transportation, Page 5

Please note for FTA-funded projects. FTA guidance states that projects in the TIP or STIP need to be described in detail, delineating between minor projects (bus shelters, signs, facility rehabilitation, preventative maintenance, operating assistance) and major projects (rolling stock, new facilities). Major projects must be listed in an approved Transportation Development Plan (TDP). Minor activities that are not considered to be of an appropriate scale for individual identification could be grouped by function.

The MPO should identify any project(s) rescheduled in the proposed TIP that had advanced to the design stage of preliminary engineering and had been removed from a previous TIP. The MPO should document that such removal or rescheduling resulted from a joint action of the MPO and FDOT. Such projects cannot be rescheduled by the MPO in a subsequent TIP earlier than the fifth year of such program, except when the District Secretary provides written justification that for good cause, the project should be rescheduled earlier. [\[s.339.175\(8\)\(d\), FS\]](#)

4.2.3 Fiscal Constraint

The MPO must demonstrate that the TIP is financially constrained by year and maintain that financial constraint. [\[23 CFR 450.326\(k\)\]](#) It is recommended the TIP include a table(s) that compares the funding sources and amounts by year to the total project costs by year. The TIP shall include a financial plan demonstrating how the approved TIP can be implemented, with resources from public and private sources that are reasonably expected to be available to carry out the TIP. In addition, the TIP shall include any recommendations regarding financing strategies for needed projects and programs. [\[23 CFR 450.326\(j\)\]](#) When developing the TIP, the MPO, state, and public transportation operator(s) shall cooperatively develop estimates of funds that are reasonably expected to be available. [\[23 CFR 450.326\(j\)\]](#)

The TIP shall include a project or phase of a project only if total funding can reasonably be anticipated for the time contemplated to complete the project. [\[23 CFR 450.326\(k\)\]](#) The TIP may include projects not fully funded in the four federally recognized years of the TIP, so long as that project or project phase is fully funded within the 20-year time horizon of the LRTP.

4.2.4 Performance Management

Federal statute establishes national performance goals for federal-aid highway programs and directs the U.S. Department of Transportation (U.S. DOT) to establish performance measures for fatalities and serious injuries on all public roadways, pavement conditions on the Interstate and non-Interstate National Highway System (NHS), bridge conditions on the NHS, freight movement on the Interstate system, traffic congestion and on-road mobile source emissions assessment for public roads, and transit state of good repair/asset management relating to transit services. [\[23 USC 150\]](#) States and MPOs set performance targets for their required measures. See [Chapter 9: Performance Management](#) for more information on performance management.



Now that performance management rules have become effective, the TIP must be designed to make progress toward achieving the performance targets established by the MPO under [23 CFR 450.306\(d\)](#). The TIP shall include, to the maximum extent practicable, a description of the anticipated effect of the TIP toward achieving the performance targets identified in each MPO's long-range transportation plan (LRTP), linking investment priorities to those performance targets. [\[23 CFR 450.326\(c\)\(d\)\]](#)

See [Chapter 9: Performance Management](#) for detailed information about the federally required performance management approach to metropolitan transportation decision-making.

4.2.5 Public Involvement

MPOs are required to develop and use a documented Public Participation Plan (PPP) that defines a process for providing reasonable opportunities to be involved in the metropolitan transportation planning process to individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties. [\[23 CFR 450.316\(a\)\]](#)



In developing the TIP, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including state and local planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, the MPO shall develop the TIP with due consideration of other related planning activities within the metropolitan area. [\[23 CFR 450.316\(a\)\(3\)\(b\)\]](#)

When the MPA includes Indian Tribal Lands, the MPO shall appropriately involve Indian Tribal Governments. If the MPA includes federal public land, the MPO shall appropriately involve federal land management agencies.

[Chapter 6: Public Involvement](#) details MPO public involvement requirements and practices.

4.2.6 TIP Submittal and Review Process

The MPO must make the draft TIP available to all reviewing agencies and affected parties; they must provide adequate opportunity to review and comment on it when it is circulated for public review.

The MPO must circulate the TIP for review and comment to various local, state, and federal agencies. The MPO shares the draft TIP with local agencies and the public according to their public participation plan.

The [GAP](#) facilitates the TIP submittal and review process and houses all documents and comments for state and federal agencies. MPOs upload the TIP and associated documents to the [GAP](#), which then notifies the following agency contacts for review:

- ❖ FDOT – District Staff.
- ❖ FDOT – Central Office Planning.
- ❖ Florida Commission for the Transportation Disadvantaged.
- ❖ Florida Department of Commerce - Bureau of Community Planning.
- ❖ Federal Transit Administration Region IV.
- ❖ Federal Highway Administration.

If you need to contact a staff person, check the latest [Metropolitan Planning Program Staff List](#) for their contact information.

For additional information navigating the GAP website, refer to the [FL GAP State Guide](#)

The steps involved in submitting, reviewing, and approving the TIP are summarized below.

- **Step 1:** In March or April, MPO initiates the development of a new TIP based on the Final Tentative Work Program, adding a new fifth year and revising the first four years of the current TIP.
- **Step 2:** By the end of June, the MPO makes the draft TIP available for public comment and distributes it to review agencies through the GAP system. Following the conclusion of the review period, the MPO addresses comments from the public, as well as federal and state review agencies.
- **Step 3:** By July 15, the MPO will adopt the final TIP and upload it into the GAP system. The District confirms that the MPO addressed any critical comments and provides OPP with a recommendation for approval.
- **Step 4:** By August 1, OPP sends a letter to each District Secretary requesting certification of projects in the Department's Work Program. FDOT Federal Aid Management Office submits the STIP to FHWA.
- **Step 5:** By August 31, the FDOT Secretary will approve the TIPs and submit the STIP documents to FHWA.

4.2.6.1 Submittal to the District

MPOs must submit the draft TIP to the District and other parties through the **GAP** system between March and June. The District will review the draft TIP using the TIP checklist and prepare comments within **14 calendar days** of receiving it from the MPO. The District will upload the TIP checklist and comments into the **GAP** system.

4.2.6.1.1 DISTRICT TIP REVIEW CRITERIA

Using the TIP checklist, the District review should assess the draft TIP's consistency with:

- ❖ Federal and state laws and regulations, including **23 CFR 450** and **s.339.175, FS**, and the authorities listed in this chapter.
- ❖ The FDOT Five-Year Work Program, including changes in priorities, phasing, project cost estimates, and funding resources and categories, as required by **23 CFR 450.326** and **s.339.175(8), FS**
- ❖ The LRTP's priorities, projects, funding and policy, goals, and objectives, as required by **23 CFR 450.326(i)** and **s.339.175(8)(c)(5), FS**

District review should verify:

- ❖ Estimates of total costs and revenues for the program period, as required by **23 CFR 450.326(i)** and **s.339.175(8), FS**
- ❖ Transit projects or service needs are identified in the TDP, if applicable.



When reviewing the draft and final versions of the TIP, Districts should employ the following system when providing comments to the MPOs. This will give the MPOs perspective for each comment. This system is graduated from editorial to enhancement to critical, as shown below.

- **Editorial:** These comments may be addressed, but such corrections would not affect approval of the document. Examples of editorial comments include grammatical, spelling, and other related errors.
- **Enhancement:** These comments may be addressed, but the document already meets the minimum requirements for approval. Enhancement comments would greatly improve the quality of the document and the public's understanding. These comments may pertain to improving graphics, repackaging the document, using plain language, reformatting for clarity, removing redundant language, or suggesting alternative approaches to meet minimum requirements, etc.
- **Critical:** These comments must be addressed to meet minimum federal and state requirements. The reviewer must clearly identify the applicable federal or state policies, regulations, guidance, procedures, or statutes with which the document does not conform.

If the District cannot recommend approval upon review of the TIP, the District should coordinate with the MPO to resolve deficiencies and issues before any other party reviews the TIP. A checklist to assist in the review of the TIP can be found in the Liaison Toolkit on the [MPO Partner Site](#). The [GAP](#) system will notify all parties involved in the review process once everyone reviews and approves the document. This will initiate OPP's process for approving the TIPs with the STIP.

4.2.6.1.2 TIP CHECKLIST

Federal or state laws and rules do not specify a particular format for the TIP. The TIP Checklist is provided to assist in the review of the TIP. This checklist should be used to review the draft TIP, and MPOs must address critical comments for the District to recommend approval to OPP. The TIP Checklist can be found in the Liaison Toolkit on the [MPO Partner Site](#). It is best practice to provide a comment if checking "No" to a question and to categorize all comments.

4.2.6.2 Coordination by the Office of Policy Planning

OPP will coordinate with the Districts, FHWA, and FTA in their review of all draft and final TIPs for compliance with federal and state laws and regulations. Once the MPO distributes the final TIP to all review agencies, all issues are resolved, and the Districts have formally recommended approval of all TIPs, OPP prepares all TIPs for approval by the Secretary and incorporation into the STIP by reference.

4.2.6.3 Approval by the Secretary of Transportation

The Governor has designated the Secretary of FDOT to approve TIPs. The Secretary must approve all TIPs by **August 31** of each year to allow adequate time for review of the STIP by FHWA and FTA so federal approval of the STIP can occur by **October 1**, which is the beginning of the federal fiscal year.

4.2.6.4 Review by Federal Agencies

OPP will request FHWA review the TIPs and provide written comments in GAP within **30 calendar days** of receipt. FTA will receive a digital copy from the MPO Liaisons for review and provide written comments within **30 calendar days**. Once the FHWA Florida Division Office provides the OPP written comments on the TIPs in GAP, the OPP will prepare all TIPs for approval by the Secretary and incorporation into the STIP by reference. The approval of the STIP by **September 30** ensures continued federal-aid funding for projects and programs.

Through GAP, FHWA will notify OPP and the District in the event they find any TIP to be deficient or incomplete. The District will coordinate with the MPO to resolve issues as soon as possible since federal-aid funding cannot be approved until the TIP is approved and incorporated into the STIP by **September 30** each year. Upon resolution of deficiencies, the MPO will resubmit the corrected TIP to the District. The District will then advise OPP of the correction. And then OPP will notify the FHWA Florida Division Office. Upon confirmation that the issues have been resolved to the satisfaction of the FHWA and the FTA, OPP will recommend the TIP to the Secretary for approval and incorporation into the STIP.

4.2.6.5 Review by the Florida Department of Commerce

The MPO must submit the adopted TIP to the Florida Department of Commerce (FloridaCommerce) at least **45 days** before FDOT submits the STIP to the FHWA and the FTA for approval. This submittal date may vary if FDOT, FloridaCommerce, and the MPO agree in writing to an alternative submittal date.

[\[s.339.175\(8\)\(f\), FS\]](#) This review is completed in [GAP](#).

The FloridaCommerce will review the TIP for consistency with the approved comprehensive plans of affected local governments. The projects and project phases listed in the TIP must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government located within the MPO's jurisdiction. [\[s.339.175\(8\)\(c\)\(1\), FS\]](#) FloridaCommerce shall review the TIP of each MPO for consistency with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of each MPO and shall identify those projects that are inconsistent with such comprehensive plans. FloridaCommerce will identify projects inconsistent with local

comprehensive plans and notify the MPO. [\[s.339.175\(8\)\(g\), FS\]](#) If a project is inconsistent with an affected comprehensive plan, the MPO must justify the project(s) in the TIP. [\[s.339.175\(8\)\(c\)\(6\), FS\]](#) FloridaCommerce must forward copies of its findings to the Florida Transportation Commission and FDOT. If the inconsistent project(s) is in the first year of the TIP, the District will coordinate with the MPO to resolve the issue before a project authorization request. If the inconsistent project(s) is in the second year or beyond, the MPO must resolve the issue before the submittal of next year's TIP.



4.3 TIP and STIP Implementation

4.3.1 TIP and STIP Revisions

At times, TIPs and the STIP may require revisions. These revisions can be processed as either a *TIP/STIP Amendment* or as a *Modification*. **TIP Modifications** are used for minor changes and are performed by the MPO Executive Director. TIP Modifications do not require an amendment to the STIP. **TIP/STIP Amendments** are processed for project changes that meet the thresholds as described below, and generally require MPO Board approval for the TIP Amendment and FHWA/FTA approval for the STIP Amendment. Two specific types of TIP Amendments may occur between the start of the new state fiscal year and the end of the old federal fiscal year (July 1 – September 30): **Roll Forward TIP Amendments** and **Administrative TIP Amendments**. Copies of any updated TIPs must be provided to FHWA and FTA through the [GAP](#) system.

Figure 4.3 Types of TIP Revisions

| | |
|--|---|
| TIP Modification | Minor changes to project costs (i.e., less than 20 percent and \$2 million), funding sources of previously included projects, termini changes for minor changes in length, and project initiation dates. |
| TIP/STIP Amendment | Major change including addition or deletion of a project, project cost increase (more than 20 percent and \$2 million), or change in design concept or project scope (i.e., changing project termini - increase or decrease of 1/2 mile and 20%, or the number of through traffic lanes). TIP/STIP Amendment requests that are received by OPP/FAMO for review by the 10th of each month will be included in the STIP Amendment for that month. This will enable FHWA to routinely approve the amendment by the end of the month. |
| Roll Forward Amendment | If there is a project in any of the four federally recognized years of the old TIP that did not get authorized by June 30 , the project can still be authorized based on the old TIP, as long as the request is made between July 1 and September 30 . There is a need to ensure such projects are in the new TIP if the projects are to be authorized after September 30 . This is accomplished through the Roll Forward TIP Amendment which must be adopted by the MPO before October 1 . |
| Administrative TIP/STIP Amendment | <i>During the Tentative Work Program development cycle</i> , if a new project is added to Year One, this project will appear in the new TIP, but it is not recognized by FHWA until October 1 . This becomes an issue between July 1 and September 30 , when FHWA does not yet recognize the new TIP as being in effect and the project requires federal authorization prior to October 1 . FHWA and FTA allow Administrative TIP/STIP Amendments during the three-month gap between the start of the new state fiscal year and the beginning of the new Federal fiscal year- without the requirement of full Board Action. Administrative TIP/STIP Amendments may take place between July 1 and August 31 only. |

TIP Amendments are required when a new project is added to the FDOT Five-Year Work Program and the project is not yet in the TIP/STIP. The appropriate District office should identify the need for amending the TIP and STIP and work with the MPO to prepare and approve the TIP Amendment following [23 CFR 450.326](#) and [23 CFR 450.328](#) in advance of the Federal Authorization Request to the Federal Aid Management Office. This may require FDOT project schedule changes to allow time for MPO Board action and FHWA or FTA approvals. Some TIP Amendments also may require FDOT Five-Year Work Program Amendments.

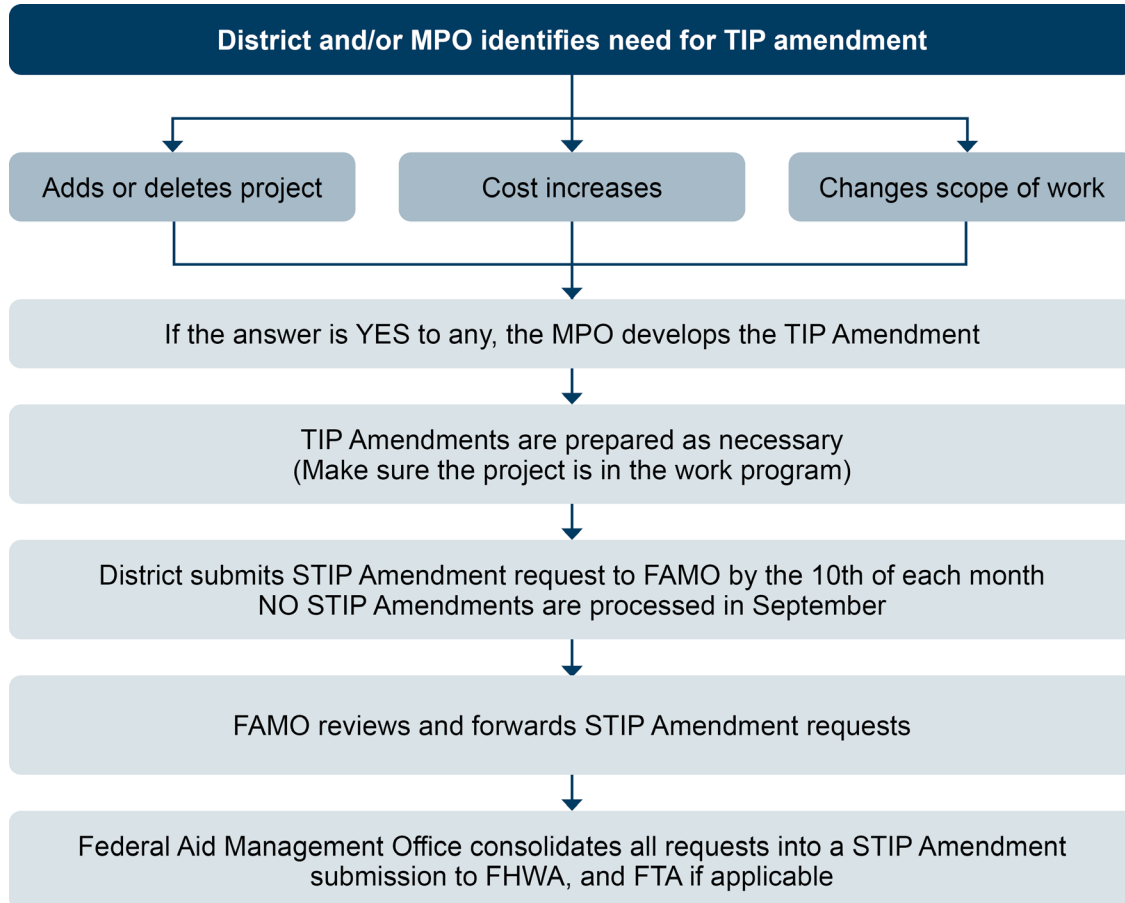
In many cases, projects that require TIP Amendments also require the FDOT Five-Year Work Program Amendments. The Work Program Amendment process is authorized by [s.339.135\(7\), FS](#), and outlined in FDOT's [Work Program Instructions](#). Any TIP/STIP Amendments requiring a FDOT Five-Year Work Program Amendment cannot be processed until the FDOT Five-Year Work Program Amendment has been approved. This entire amendment process may require two months or more. TIP/STIP Amendments that require FDOT Five-Year Work Program Amendments will be initiated by the District and will only be forwarded to the Central Office for processing when the FDOT Five-Year Work Program actions have been completed. **Note: No STIP Amendments are processed in September due to the new federal fiscal year starting October 1.**

For further details about amending the STIP, see the Work Program Instructions Part IV, Chapter 5 Section E. This section includes information outlining TIP/STIP Amendment requirements, minimum federal criteria, the content of the TIP/STIP Amendment package, and the routing of STIP Amendment requests.

Florida law does not require TIP/STIP Amendments for non-regionally significant, non-federally funded projects. However, the FDOT Five-Year Work Program Amendment process does apply to changes to non-federally funded projects in the Work Program. Please refer to the [Work Program Instructions](#) for further details on requirements for processing FDOT Five-Year Work Program Amendments.

Figure 4.4 shows the process for amending the MPO's approved TIP.

Figure 4.4 TIP Amendment Process



4.3.1.1 Determining if a TIP/STIP Amendment Is Required

This section defines changes to MPO TIPs and STIP that require state review and federal approval before the included federally funded projects can be authorized for federal participation. These guidelines **do not** affect any other federal or state law provisions or departmental procedure governing how projects are initially incorporated into FDOT’s Work Program, MPO TIPs, or the STIP.

The “Work Program Amendment” process should not be confused with the “TIP/STIP Amendment” process described herein. The two processes are different, and one cannot be substituted for the other. Different criteria apply to each process; the reporting, notification, and approval provisions for FDOT Five-Year Work Program Amendments differ significantly from those governing TIP/STIP Amendments. Please refer to FDOT’s [Work Program Instructions](#) for a detailed explanation of the FDOT Five-Year Work Program and the FDOT Five-Year Work Program Amendment process.

4.3.1.1.1 DETERMINING IF A CHANGE IS AN AMENDMENT OR MODIFICATION

Not all changes to the TIP/STIP require state review and federal approval. Changes requiring formal state review and federal approval are referred to as TIP/STIP Amendments and are based on criteria established under federal law.

4.3.1.2 Modifications

A **modification** is a minor revision to a TIP or STIP that includes minor changes to project/project phase costs, minor changes to funding sources of previously included projects, and minor changes to project/project phase initiation dates. If applicable, an administrative modification does not require public review and comment, demonstration of fiscal constraint, or a conformity determination. [\[23 CFR 450.104\]](#)

See the [STIP Information page](#) for more information.

4.3.1.3 Amendments

An **amendment** is a revision to a TIP or STIP that involves a major change to a project in a TIP or STIP, including the addition or deletion of a project, a major change in project cost, project phase initiation dates, or a major change in design concept or design scope (i.e., changing project termini or the number of through traffic lanes). [\[23 CFR 450.104\]](#) An amendment requires public review and comment, demonstration of financial constraint, or a conformity determination, if applicable.

TIP Amendment requests may be made by the District to the MPO and require MPO Board approval. TIP Amendments brought before the MPO Board that affect projects in the first three years of the TIP must be approved by the MPO with a **recorded roll call vote** of a majority of the membership present. [\[s. 339.175, FS\]](#) TIP Modifications or Amendments will be processed through the [GAP](#), which then notifies the appropriate agency contacts for review.

STIP Amendments are performed following the MPO Board approval of the TIP Amendment. OPP and the Federal Aid Management Office will review all STIP Amendment requests to ensure they are accurate and complete before submitting them to the FHWA or the FTA for their review and approval.

The following five subsections describe common scenarios that result in a TIP/STIP Amendment.

4.3.1.3.1 THE CHANGE ADDS A NEW INDIVIDUAL PROJECT

Any new project added to the first four years of the TIP/STIP will require a TIP/STIP Amendment. A “project” for TIP/STIP purposes is a Federal Aid Project, which generally aligns with the phase group. For example, if the Preliminary Engineering and Right of Way phases already are in the TIP/STIP and Construction must be added, the Construction phase would be considered a new project being added to the TIP/STIP.

The TIP/STIP covers five years according to state law. Of those five, the first four are recognized by the federal government. The federal government regards the fifth year as illustrative. Any federally funded project listed in the first four years of the TIP/STIP may be advanced or deferred within those four years without requiring a TIP/STIP Amendment. However, a FDOT Five-Year Work Program Amendment will still be required (if dollar thresholds are exceeded). All the necessary notifications (including those for MPOs) will also be required. See FDOT’s [Work Program Instructions](#) for further details.

If a project is listed in the first four years of the TIP but without federal funding and the funding is subsequently changed to add federal funds, this will not require a TIP/STIP Amendment.

Any “regionally significant” project, as defined by [23 CFR 450.104](#), that requires FHWA or FTA approval must have a TIP/STIP Amendment regardless of the funding source. [See 4.1.2 Projects to Be Included in the TIP](#) of this chapter.

4.3.1.3.2 THE CHANGE ADVERSELY IMPACTS FINANCIAL CONSTRAINTS

Federal law requires the TIPs/STIP to be financially constrained to the amount of funds projected to be available by year over the four-year period of the approved TIPs/STIP. This means the cost of new projects and cost increases on existing projects must be offset by decreases in other areas of the TIP/STIP to maintain the financial constraints upon which the TIP/STIP was originally developed unless new sources of funds are identified.

If **new projects** are added to the TIP/STIP, or if a project is amended to reflect a cost increase, the STIP Amendment transmittal to FHWA/FTA must identify the source of funds for the new project. This information can be obtained project-by-project from the District Office of Work Program or Federal Aid Office.

4.3.1.3.3 THE CHANGE RESULTS IN MAJOR SCOPE CHANGES

A TIP/STIP Amendment is required if there are major changes to the scope of a project. In this context, a major scope change is defined as one that changes or significantly expands the basic attributes or nature of a project (such as the design concept). Examples include, but are not limited to, the following:

- ❖ Any changes to project limits such as the length changing by more than 20% and 1/2 mile as determined by the milepost limits;
- ❖ Any changes to capacity (e.g., adding additional lanes);
- ❖ Any changes to the type of work (e.g., adding bridge repairs to resurfacing job or changing modes from highway to transit); and
- ❖ Any scope changes significant enough to affect the priority order of projects in the TIP/STIP or to affect consistency with the MPO's LRTP.

See [Part IV, Chapter 5 of the Work Program Instructions](#) for more information.

4.3.1.3.4 THE CHANGE DELETES A PROJECT

Deleting any individually listed project in the four years of the TIP/STIP requires a TIP/STIP Amendment and an amendment to the LRTP. If a project is listed in the first four years of the TIP with federal funding and that funding is subsequently deleted, a TIP/STIP Amendment is required.

4.3.1.3.5 THE CHANGE RESULTS IN A COST INCREASE GREATER THAN 20 PERCENT AND \$2 MILLION

This TIP/STIP Amendment criterion was added in 2006 because of the frequent occurrence of project cost increases. FDOT, FHWA, and FTA adopted the 20 percent **AND** \$2 million threshold as the guideline for what requires an amendment. Both criteria must be met. If the cost increase meets only one of the criteria, no TIP/STIP Amendment is necessary.



4.3.1.4 Roll Forward Amendment (Authorization of Roll Forward Projects)

During the three-month gap between the start of the state fiscal year (**July 1**) and the start of the federal fiscal year (**October 1**), FHWA and FTA regard the old STIP and TIPs as still being in effect. Therefore, if there was a project in any of the four federally recognized years of the old TIP that did not get authorized by **June 30**, the project can still be authorized based on the old TIP if the request is made between **July 1** and **September 30**. **There is no need to amend the old TIP**. However, there is still a need to ensure such projects are in the new TIP if the projects are to be authorized after **September 30**. This is accomplished through the Roll Forward TIP Amendment mentioned below and must occur before **October 1**.

4.3.1.4.1 ROLL FORWARD TIP AMENDMENTS (FHWA PROJECTS)

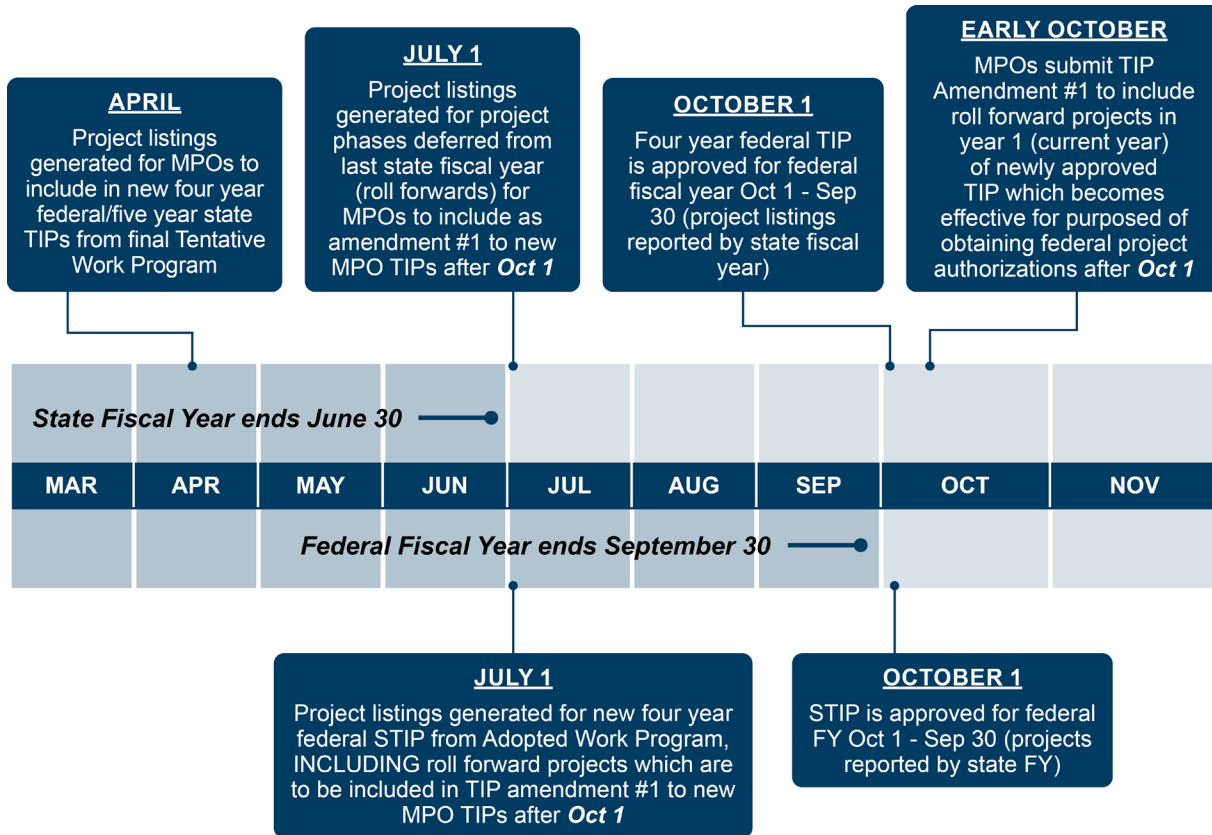
Each March or April, the Work Program Office provides the Districts with the Tentative Work Program, which will be adopted on **July 1**. The MPO's TIP incorporates the Tentative Work Program and is adopted by **July 1**. Year one of the TIP and the Work Program should always match. However, when the new TIP and Work Program is adopted on **July 1**, there are often projects that were supposed to get authorized and encumbered before **June 30** (i.e., when the previous TIP and Work Program were in effect) but did not. These projects will automatically roll forward in the Work Program but will not roll forward in the TIP. Hence, the TIP must be amended to include these projects and match the Work Program. This is accomplished by what is known as a Roll Forward TIP Amendment.

Following the adoption of the Work Program, the Work Program Office posts the Roll Forward Report online. This report lists, by District, those projects that were not authorized by the end of the last fiscal year and have been rolled forward in the newly adopted Work Program. The District provides this list to the MPO, and the MPO uses it to process a Roll Forward TIP Amendment.

Figure 4.5 presents the Roll-Forward Amendment process. An MPO can process a Roll-Forward TIP Amendment as soon as the Roll-Forward Report is published. However, FHWA will not recognize the approval of the Roll-Forward TIP Amendment until after **October 1**, the effective date of the new MPO TIP.

Please note there is no need for the MPOs to request a Roll Forward STIP Amendment because these Roll Forward projects are included in FDOT's submittal of the STIP on August 31.

Figure 4.5 Process Flow for Roll Forward Amendments



4.3.1.4.2 ROLL FORWARD TIP AMENDMENTS (FTA PROJECTS)

Unlike all other projects, FTA projects do not automatically roll forward in the Work Program. Non-budgeted projects that utilize 49 USC Sections [5307](#), [5337](#), and [5339](#) funds that are not obligated in the previous year will not roll forward. A limited number of budgeted projects will roll forward into the new STIP. Unless District MPO Liaisons and the Public Transportation Office are mindful of rolling forward FTA-funded projects, there is a risk that they could mistakenly drop out of the Work Program and, consequently, the STIP. If that happens, the project will not be eligible for FTA funding when the time comes to authorize it, and an STIP Amendment will have to be executed to put the project back in. **Therefore, special care must be taken to ensure the Roll Forward TIP Amendment includes FTA-funded projects.** The District Public Transportation Office (PTO) should cooperate with the Central Office PTO and the respective transit agencies to identify these projects. The District MPO Liaison must work closely with the District Public Transportation Office (PTO) to ensure all projects not previously obligated are in the new STIP. See the

[Work Program Instructions Part IV, Chapter 5](#) Section F for further details about Roll Forward TIP/STIP Amendments.

4.3.1.5 Administrative TIP Amendment between the Start of the State and Federal Fiscal Years

An administrative TIP Amendment does not have to go to the full MPO Board for approval. FHWA and FTA will allow an administrative TIP Amendment during the three-month gap between the start of the new state fiscal year and the end of the old federal fiscal year (July 1 to September 30) **for new projects added during the Tentative Work Program development cycle.**

Every April, the Districts provide the MPOs with the Final Tentative Work Program for developing the new TIP. If a new project is added to Year One during the Tentative Work Program development cycle, it will appear in the new TIP but not in the current TIP. This becomes an issue because of the three-month gap between **July 1** and **September 30**, when FHWA recognizes the old TIP as being in effect.

In these instances, the old TIP must be amended to include the project. Still, FHWA and FTA have agreed to allow the MPO Executive Director to process an Administrative TIP Amendment for these types of projects rather than having to go before the full MPO Board. FHWA and FTA will allow this only under the following conditions:

- ❖ The amendment takes place between **July 1** and **September 30**;
- ❖ The project must appear in the amendment exactly as it appears in the newly adopted TIP; and
- ❖ The Board has authorized the MPO Director to approve administrative TIP Amendments.

District and MPO staff should not confuse the Administrative TIP/STIP Amendment process with the TIP/STIP Modification process, as these processes are unique and have different approval requirements. Doing so may result in miscommunication regarding the process for changing a project in the TIP, which could result in project delays. More information on the Administrative TIP/STIP Amendment process can be found in Federal Aid Technical Bulletin 10-03 and 20-02 from FDOT's Federal Aid Management Office, available on the **Federal Aid Tech Bulletin Internal SharePoint Site**.

4.3.1.6 Emergency TIP/STIP Amendments

Occasionally, a project will undergo a change that requires an amendment to the TIP, either as a new project or a change in project scope. However, the project schedule and timing of MPO Board meetings necessitate the amendment be performed before the MPO Board meeting.

In these instances, the MPO may perform an emergency TIP Amendment, provided that the Board has authorized the MPO Director or the MPO Board Chair to do so, and the process is addressed in the MPO's operational procedures, bylaws, and public involvement plan. Such changes should be rare, as District and MPO staff should be coordinating early in the project development process.

The STIP Amendment package from an emergency TIP Amendment must include a confirmation from the MPO that an emergency TIP Amendment has been performed. Such confirmation might consist of correspondence between the MPO and the District.

4.3.1.7 Contents of TIP/STIP Amendment Package

TIP Amendment packages must include specific documents and information regarding project changes and be uploaded to the [GAP](#) system. The accompanying STIP Amendment (prepared by the Federal Aid Office) will draw upon the contents of individual TIP Amendments as the basis for its preparation.

TIP Amendments must contain the following information:

For **new projects**, include the following:

- ❖ Project name, limits, length, detailed project description, and type of work;
- ❖ Financial Project Number (FPN);
- ❖ FDOT Work Program fund code;
- ❖ For FTA Amendments, the section number needs to be in the description line of the Work Program entry and on the TIP Amendment;
- ❖ Estimated cost;
- ❖ Phase of work;
- ❖ State fiscal year in which work is to commence;
- ❖ Reason for the proposed change;
- ❖ Effect of the change to financial constraints;

- ❖ LRTP page number;
- ❖ TIP page number;
- ❖ Date TIP was amended (on amended TIP page);
- ❖ Indication whether a STIP Amendment is required;
- ❖ Signature of MPO Chairman or designee (if approval authority has been delegated to MPO staff and documented);
- ❖ Signature of FDOT's District representative; and
- ❖ Statement that the TIP Amendment was developed and approved in compliance with applicable laws and procedures.

For **existing projects**, include the information listed above and the following:

- ❖ As listed in the current TIP (include TIP page number);
- ❖ As proposed to be amended (include new TIP page number); and
- ❖ The page number in the existing STIP where it may be found.
- ❖ Documents that must be included in the amendment package with file naming convention.

The STIP Amendment tool is at FDOT's [Federal Aid Management Office STIP Amendment website](#). District staff will be notified via email when the FHWA approves TIP/STIP Amendment(s), and approved amendment packages will be posted to the website.

4.3.1.8 Schedule for Processing TIP/STIP Amendments

TIP/STIP Amendment requests received by OPP for review by the **10th of each month** will be included in the STIP Amendment for that month, provided the requests are complete and require no clarifications or other District or MPO input. This will enable the FHWA to approve the amendment by the end of the month routinely.

This schedule does not apply in September. No STIP Amendments will be processed during September due to the new federal fiscal year beginning on October 1.

An incomplete STIP Amendment request may not be included in the consolidated STIP Amendment for that month if needed information cannot be obtained prior to the due dates for that month, as outlined above.

Additional guidance on STIP Amendments may be found in the [Work Program Instructions](#) and Federal Aid Technical Bulletins.

4.3.1.9 Routing of TIP/STIP Amendment Requests

STIP Amendment requests within MPO planning areas are generally accompanied by corresponding TIP Amendments already prepared and approved by the MPOs. However, the need for TIP/STIP Amendments can come from many sources (e.g., Planning, Public Transportation, Program Development, etc.). It can cause a lack of consistency that often results in errors and delays in the authorization of funds.

- ❖ STIP Amendment requests for projects within an MPO's planning area (i.e., those requiring TIP Amendments) will be reviewed by OPP in consultation with the District point of contact to ensure they are complete. After their review, the STIP Amendment Application forwards these requests to the Federal Aid Management Office.
- ❖ STIP Amendment requests for projects outside of MPO planning areas are to be submitted following the same process as above but do not require documentation.

The Federal Aid Management Office then consolidates all requests into a single STIP Amendment for submission to FHWA.

4.3.1.10 Close-out of Federal Fiscal Year and TIP Amendments

During September, FDOT's Federal Aid Management Office is closing the federal fiscal year; the FHWA Florida Division Office is involved in the review process for the new MPO TIPs. Because of this workload and the deadlines associated with each activity, **no TIP/STIP Amendments will be processed by OPP, the Federal Aid Office, or FHWA during September of each year.** The MPOs may continue to amend their TIPs and send them to the Districts. However, the amendments will not be processed until **after October 1**, when the new federal fiscal year begins. Those amendments received by OPP before September 1 will be processed, provided the amendments include the complete information required in [Section 4.3.1.7 Contents of TIP/STIP Amendment Package](#).

4.3.2 Federal Authorization Requests

A project must be included in the approved TIP and STIP for FHWA and the FTA to participate in the cost of any federally funded transportation project in order to issue a Federal Project Authorization.

Federal Authorization Requests are prepared by the District Federal Aid Coordinator (or by various Central Office Program Coordinators) and submitted electronically to FDOT's Federal Aid Management Office (FAMO). The Request is reviewed for compliance against the required criteria and transmitted electronically to FHWA/FTA for approval.

A properly filed Federal Authorization Request (FAR) will generally be approved by FHWA within **two weeks** of submission by FDOT's Federal Aid Management Office. However, if the project is not listed correctly in the TIP/STIP, a TIP Amendment requiring MPO Board action may be required to obtain initial Federal Authorization. This could delay commencement of work by weeks or months. A STIP Amendment request generally needs to accompany the TIP Amendment.

For this reason, District staff (e.g., Planning, Work Program, Estimates, Right of Way) must verify the project is correctly listed in the TIP/STIP before submitting an initial Federal Authorization Request to the Federal Aid Management Office. The project must be listed correctly in the federally mandated four-year STIP, and if the project is located within the MPO's boundary, it must be listed in the first four years of the MPO's five-year TIP. For more information about the FAR process, refer to [Part IV, Chapter 6: Authorizing Federal Projects With Federal Highway Administration](#).

This verification should take place at least **two months** before the District submits the federal authorization request to the Federal Aid Management Office to ensure adequate time to process a TIP/STIP Amendment if required. If a project has undergone a change that falls within the formal TIP/STIP Amendment criteria, District planning staff will notify the MPO of the need to process a TIP Amendment; District staff will notify OPP/FAMO of the need to process an STIP Amendment. Following approval of the TIP Amendment, OPP will review the submitted STIP Amendments with the Federal Aid Management Office for electronic transmission to FHWA or FTA for review and approval. For more information on the TIP/STIP Amendment process, see [Work Program Instruction Part IV, Chapter 5: Statewide and Local Transportation Improvement Programs \(STIP and TIP\)](#), and [Section 4.2.6.1.2 TIP Checklist](#).

The following reporting tool has been developed to provide advanced warning on projects that may need TIP/STIP Amendments: [Federal Aid Management - Work Program and Budget](#).

4.4 Federal and State Requirements for Developing the TIP

Table 4.1 presents the federal and state statutes, regulations, and rules related to the development of the TIP and provides a list of references/definitions from federal or state law, including key plans and guidance about MPOs.

Table 4.1 Federal and State Statutes and Codes and References

METROPOLITAN TRANSPORTATION PLANNING

Citation: [23 USC 134\(j\) and \(k\)\(3\) and \(4\)](#); and [49 USC 5303](#)

Description: Scope of the metropolitan planning process and development of the TIP.

FEDERAL LANDS ACCESS PROGRAM

Citation: [23 USC 204](#)

Description: Roads on federal lands are to be included in the TIP, where applicable.

PLANNING ASSISTANCE AND STANDARDS

Citation: [23 CFR Part 450 Sections 326, 328, 330, 332, and 334](#)

Description: Development and content of the TIP, TIP revisions and relationship to the STIP, TIP action by FHWA and FTA, project selection from the TIP, and annual listing of projects.

TRANSPORTATION FINANCE AND PLANNING

Citation: [s.339.175, FS](#)

Description: MPO responsibilities and TIP requirements.

Citation: [s.339.135\(4\)\(c\) and \(4\)\(d\), FS](#)

Description: Statute clarifies the preparation, adoption, execution, and amendments to the Work Program.

SPECIAL TRANSPORTATION AND COMMUNICATIONS SERVICES

Citation: [s.427.015\(1\), FS](#)

Description: Requirements for the transportation disadvantaged.

WORK PROGRAM INSTRUCTIONS

Citation: [FDOT Work Program Instructions](#)

Description: Instructions to guide the development of FDOT's Work Program.

FDOT'S OFFICE OF ENVIRONMENTAL MANAGEMENT ETDM MANUAL

Citation: [FDOT's Efficient Transportation Decision-Making \(ETDM\) Manual](#)

Description: For use in reviewing qualifying transportation projects during the Efficient Transportation Decision Making (ETDM) Process Planning and Programming Screens.

SCE EVALUATION PROCESS WEBSITE

Citation: [Practical Application Guides for SCE Evaluations: ETDM Phase](#)

Description: Describes the process for evaluating sociocultural effects (SCE) for projects undergoing Planning screen or Programming screen reviews as part of Florida's Efficient Transportation Decision Making (ETDM) Process.

GRANT APPLICATION PROGRAM

Citation: [GAP](#) and [FL GAP State Guide](#)

Description: Websites through which MPOs upload TIPs, TIP modifications, TIP Amendments, and guidance on the GAP website.

PROJECT DELIVERY AND ENVIRONMENT

Citation: [Project Development and Environment Manual Part II, Chapter 4](#)

Description: Sociocultural effects (SCE) chapter and how to develop it in the evaluations.

Note: *The Governor of the State of Florida has delegated the authority to review and approve MPO TIPs and TIP Amendments to the Secretary of the FDOT.*

MPO

PROGRAM MANAGEMENT
HANDBOOK

CHAPTER 5 Long Range Transportation Plan



OFFICE OF POLICY PLANNING



5. Long Range Transportation Plan

Key Chapter Changes

The Long Range Transportation Plan (LRTP) chapter was updated to provide additional information on the LRTP process, including housing integration, resources, and organization. The chapter has been formatted for accessibility. (June 25, 2024)



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5.1 Introduction

This chapter provides guidance to Metropolitan Planning Organizations (MPO) and District MPO Liaison staff of the Florida Department of Transportation (FDOT) to assist in developing, implementing, and managing the MPO's Long Range Transportation Plan (LRTP), which is required by federal and state laws and regulations. MPOs may choose to refer to their LRTP by other names such as Metropolitan Transportation Plan, Regional Mobility Plan, or Regional Transportation Plan; however, the content of the plan does not change. The MPO must develop an LRTP that addresses no less than a 20-year planning horizon. This would include the 5-year Transportation Improvement Program (TIP) period, to a common horizon of approximately Fiscal Year (FY) 2050. The intent and purpose of the LRTP is to encourage and promote the safe and efficient management, operation, and development of a cost-feasible intermodal transportation system that will serve the mobility needs of people and freight; the system should also foster economic growth and development within and through urban areas with a population of 50,000 or more people in the state, while minimizing transportation-related fuel consumption, and air pollution. The LRTP must include long and short-range strategies consistent with federal, state, and local goals and objectives. The MPOs use the LRTP as their transportation vision for their region and member jurisdictions.



5.1.1 Federal LRTP Regulations

Federal regulations require MPOs to develop LRTPs through a performance-driven, outcome-based approach to planning for metropolitan areas of the state and is summarized in [Table 5.1](#). The metropolitan transportation planning process shall be [continuous, cooperative, and comprehensive \(3-C\)](#). It should also provide for consideration and implementation of projects, strategies, and services that will address the following 10 planning factors: [\[23 Code of Federal Regulations \(CFR\) 450.306\(a\) and \(b\)\]](#):

- ❖ **Economic Vitality:** Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency
- ❖ **Safety:** Increase the safety of the transportation system for motorized and non-motorized users
- ❖ **Security:** Increase the security of the transportation system for motorized and non-motorized users
- ❖ **Accessibility & Mobility:** Increase the accessibility and mobility of people and freight
- ❖ **Environmental Quality:** Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns
- ❖ **Multimodal Connectivity:** Enhance the integration and connectivity of the transportation system across and between modes for people and freight
- ❖ **System Efficiency:** Promote efficient system management and operations
- ❖ **System Preservation:** Emphasize the preservation of the existing transportation system
- ❖ **Resiliency & Reliability:** Improve the resiliency and reliability of the transportation system, and reduce or mitigate storm water impacts of surface transportation
- ❖ **Travel & Tourism:** Enhance travel and tourism



In addition to the 10 planning factors, federal law and regulation requires the LRTP shall include, at a minimum:

- ❖ The current and projected transportation demand of persons and goods in the Metropolitan Planning Area (MPA), also known as the MPO planning boundary, over the period of the transportation plan. [\[23 CFR 450.324\(f\)\(1\)\]](#)
- ❖ Existing and proposed transportation facilities (including major roadways, public transportation facilities, intercity bus facilities, multimodal and intermodal facilities, non-motorized transportation facilities (e.g., pedestrian walkways and bicycle facilities), and intermodal connectors), which should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions over the period of the transportation plan. In addition, the locally preferred alternative selected from an Alternative Analysis under the Federal Transit Administration's (FTA) Capital Investment Grant Program needs to be adopted as a part of the plan. [\[23 CFR 450.324\(f\)\(2\)\]](#)
- ❖ A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with the required performance management approach. [\[23 CFR 450.324\(f\)\(3\)\]](#) See chapter 9: Performance Management for detailed information about the federally required performance management approach to metropolitan transportation decision-making.
- ❖ A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the required performance targets, including progress achieved by the MPO in meeting the performance targets in comparison with system performance recorded in previous reports, including baseline data; and, for MPOs that voluntarily elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system, and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets. [\[23 CFR 450.324\(f\)\(4\)\]](#) See chapter 9: Performance Management for detailed information about the federally required performance management approach to metropolitan transportation decision-making.
- ❖ 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. [\[23 CFR 450.324\(f\)\(5\)\]](#)
- ❖ Consideration of results of the congestion management process in Transportation Management Areas (TMA), including identification of single-occupancy vehicle (SOV) projects that result from a

congestion management process in TMAs that are nonattainment for ozone or carbon monoxide.

[\[23 CFR 450.324\(f\)\(6\)\]](#)

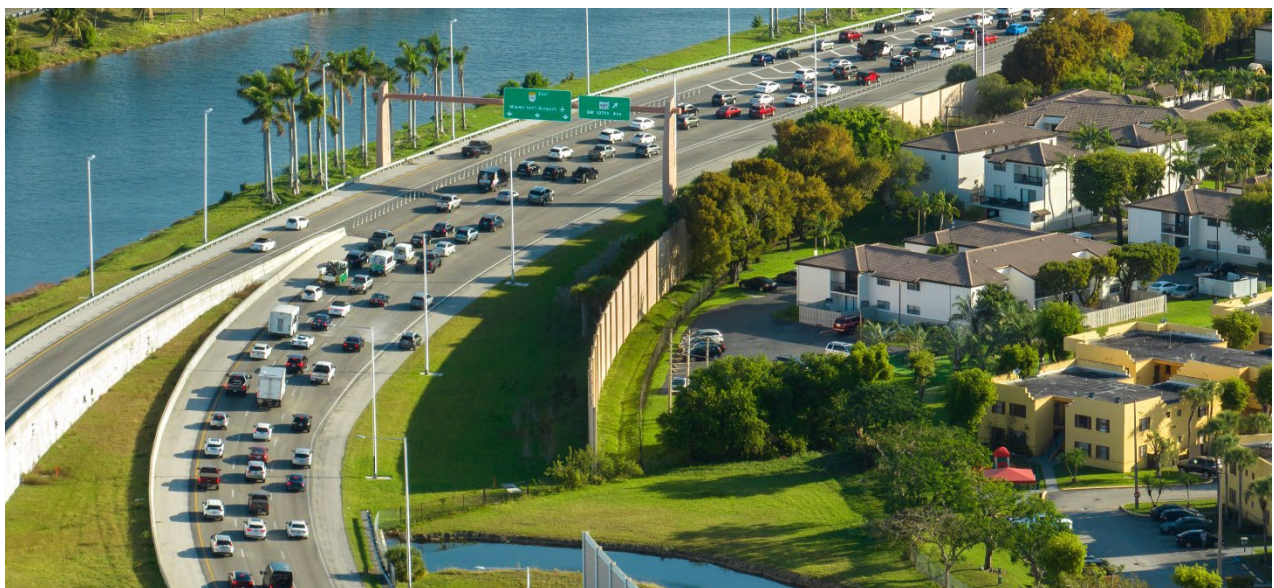
- ❖ Assessment of capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure, provide for multimodal capacity increases based on regional priorities and needs, and reduce the vulnerability of the existing transportation infrastructure to natural disasters. The LRTP may consider projects and strategies that address areas or corridors where current or projected congestion threatens the efficient functioning of key elements of the metropolitan area’s transportation system. [\[23 CFR 450.324\(f\)\(7\)\]](#)
- ❖ Transportation and transit enhancement activities, including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems. Activities would also include systems that are privately owned and operated, such as transportation alternatives, as defined in [23 United States Code \(USC\) 101\(a\)](#), and associated transit improvements, as described in [49 USC 5302\(a\)](#), as appropriate. [\[23 CFR 450.324\(f\)\(8\)\]](#)
- ❖ Descriptions of proposed improvements in sufficient detail to develop cost estimates (e.g., design concept and design scope descriptions). [\[23 CFR 450.324\(f\)\(9\)\]](#)
- ❖ A 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 LRTP. The discussion may focus on policies, programs, or strategies, rather than at the project level. The MPO shall develop the discussion in consultation with applicable federal, state, tribal land management, wildlife, and regulatory agencies. The MPO may establish reasonable timeframes for performing this consultation. [\[23 CFR 450.324\(f\)\(10\)\]](#)
- ❖ A financial plan that demonstrates how the adopted transportation plan can be implemented. Revenue and cost estimates must use an inflation rate(s) to reflect “year of expenditure dollars,” based on reasonable financial principles and information, developed cooperatively by the MPO, state(s), and public transportation operator(s). For illustrative purposes, the financial plan may include additional projects that would be included in the adopted transportation plan if additional resources beyond those identified in the financial plan were to become available. [\[23 CFR 450.324\(f\)\(11\)\]](#)

- ❖ Pedestrian walkway and bicycle transportation facilities in accordance with [23 USC 217\(g\)](#). [\[23 CFR 450.324\(f\)\(12\)\]](#)
- ❖ Both long and short-range strategies/actions that provide for development of an integrated multimodal transportation system (including accessible pedestrian walkways and bicycle transportation facilities) to facilitate safe and efficient movement of people and goods in addressing current and future transportation demand. [\[23 CFR 450.324\(b\)\]](#)
- ❖ The MPO, the state(s), and public transportation operator(s) shall validate data used in preparing other existing modal plans for providing input to the transportation plan. In updating the transportation plan, the MPO shall base the update on the latest available estimates and assumptions for population, land use, travel, employment, congestion, and economic activity. The MPO shall approve transportation plan contents and supporting analyses produced by a transportation plan update. [\[23 CFR 450.324\(e\)\]](#)
- ❖ Integrate the priorities, goals, countermeasures, strategies, or projects for the MPA contained in the Highway Safety Improvement Program (HSIP), including the Strategic Highway Safety Plan (SHSP) required under [23 USC 148](#), the Public Transportation Agency Safety Plan (PTASP) required under [49 USC 5329\(d\)](#) and [49 CFR Part 673](#); and may incorporate or reference applicable emergency relief and disaster preparedness plans and strategies and policies that support homeland security, as appropriate, to safeguard the personal security of all motorized and non-motorized users. [\[23 CFR 450.324\(i\)\]](#)



Furthermore, the Infrastructure Investment and Jobs Act (IIJA) establishes federal regulations on LRTP documents. These regulations are summarized in the [Federal Highway Administration \(FHWA\) Bipartisan Infrastructure Law Fact Sheets](#) and include the following:

- ❖ **Fiscal Constraint on Long Range Transportation Plans:** The IIJA requires the United States Department of Transportation to amend federal regulations to define an LRTP's (referred to as a metropolitan transportation plan in federal law and regulation) outer years as beyond the first four years. [\[23 CFR 450.324\(f\)\(11\)\(v\)\]](#)
- ❖ **Housing Integration in Long Range Transportation Plans:** The IIJA requires that MPO LRTPs include housing considerations, including:
 - Considering projects and strategies that will promote consistency between transportation improvements and state and local housing patterns (in addition to planned growth and economic development patterns); [\[PL 117-58, 11201\(d\)\(3\); 23 U.S.C. 134\(h\)\(1\)\(E\)\]](#)
 - Adding assumed distribution of population and housing to a list of recommended components to be included in optional scenarios developed as part of the LRTP; and [\[PL 117-58, 11201\(d\)\(4\)\(A\); 23 U.S.C. 134\(i\)\(4\)\(B\)\]](#)
 - Adding affordable housing organizations to a list of stakeholders MPOs are required to provide a reasonable opportunity to comment on the LRTP. [\[PL 117-58, 11201\(d\)\(4\)\(B\); 23 U.S.C. 134\(i\)\(6\)\(A\)\]](#)



5.1.2 *State LRTP Regulations*

The following represents the state regulations related to the LRTP. Some of the state regulations are similar to federal regulations, however they are all listed for consistency and completeness.

Section 339.175(6)(b), Florida Statutes (FS), requires the LRTP provide for consideration of projects and strategies that will:

- ❖ Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency
- ❖ Increase the safety and security of the transportation system for motorized and non-motorized users
- ❖ Increase the accessibility and mobility options available to people and for freight
- ❖ Protect and enhance the environment, promote energy conservation, and improve quality of life
- ❖ Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight
- ❖ Promote efficient system management and operation
- ❖ Emphasize the preservation of the existing transportation system; and
- ❖ Prepare a congestion management system for the contiguous urbanized metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law **[s.339.175(6)(c)(1)]**

In addition to these considerations, Florida Statutes require MPOs to develop, in cooperation with state and public transit operators, transportation plans and programs for each metropolitan area that provide for development and integrated management and operation of transportation systems and facilities. These include pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area based upon the prevailing principles provided in **s.334.046, FS** and **s.339.175(1), FS**.

The process for developing such plans and programs shall provide for consideration of all modes of transportation. The 3-C process shall be **continuing, cooperative, and comprehensive**, to the degree appropriate, based on the complexity of the transportation problems to be addressed. [\[s.339.175\(1\), FS\]](#)

To ensure the process is integrated with the statewide planning process, MPOs shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. These include facilities on the Strategic Intermodal System (SIS) designated under [s.339.63, FS](#) and facilities for which projects have been identified pursuant to [s.339.2819\(4\), FS](#) (Transportation Regional Incentive Program). [\[s.339.175\(1\), FS\]](#)

The LRTP must address at least a 20-year planning horizon, include both long-range and short-range strategies, and comply with all other federal and state requirements. The LRTP must also consider these prevailing principles: preserving the existing transportation infrastructure, enhancing Florida’s economic competitiveness, and improving travel choices to ensure mobility. [\[s.339.175\(7\), FS\]](#)

The LRTP must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the MPO. [\[s.339.175\(7\), FS\]](#)

Each MPO is encouraged to consider strategies that integrate transportation and land use planning in order to provide for sustainable development and reduce GHG emissions.

[\[s.339.175\(7\), FS\]](#)

The approved LRTP must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. [\[s.339.175\(7\), FS\]](#)



The LRTP must, at a minimum address the following statutes (summarized below):

- ❖ Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. [\[s.339.175\(7\)\(a\), FS\]](#)
- ❖ Give emphasis to those transportation facilities that serve national, statewide, or regional functions; and must consider the goals and objectives identified in the [Florida Transportation Plan \(FTP\)](#). If a project is located within the boundaries of more than one MPO, the MPOs must coordinate plans regarding the project in their LRTPs. [\[s.339.175\(7\)\(a\), FS\]](#)
- ❖ Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources that are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted LRTP if reasonable additional resources beyond those identified in the financial plan were available. [\[s.339.175\(7\)\(b\), FS\]](#)
- ❖ Assess capital investment and other measures necessary to ensure the preservation of the existing metropolitan transportation system, including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities. [\[s.339.175\(7\)\(c\)\(1\), FS\]](#)
- ❖ Assess capital investment and other measures necessary to make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems and other developments. [\[s.339.175\(7\)\(c\)\(2\), FS\]](#)
- ❖ Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising. [\[s.339.175\(7\)\(d\), FS; s.339.175\(7\)\(e\)\]](#)
- ❖ Be approved by each MPO on a recorded roll-call vote or hand-counted vote of the majority of the MPO membership present. [\[s.339.175\(13\), FS\]](#)

5.2 Methods for Developing the LRTP

The LRTP must address federal and state requirements identified in this chapter and must consider the goals and objectives identified in the [Florida Transportation Plan \(FTP\)](#). [s.339.175(7)(a), FS] While no single methodology or process must be used for developing LRTPs, **Figure 5.1** shows the basic process for the development and approval of the LRTP. Best Practices for LRTP documentation can be found in **Figure 5.2**. The steps are described below and in the following sections.

Figure 5.1 LRTP Development and Approval Process

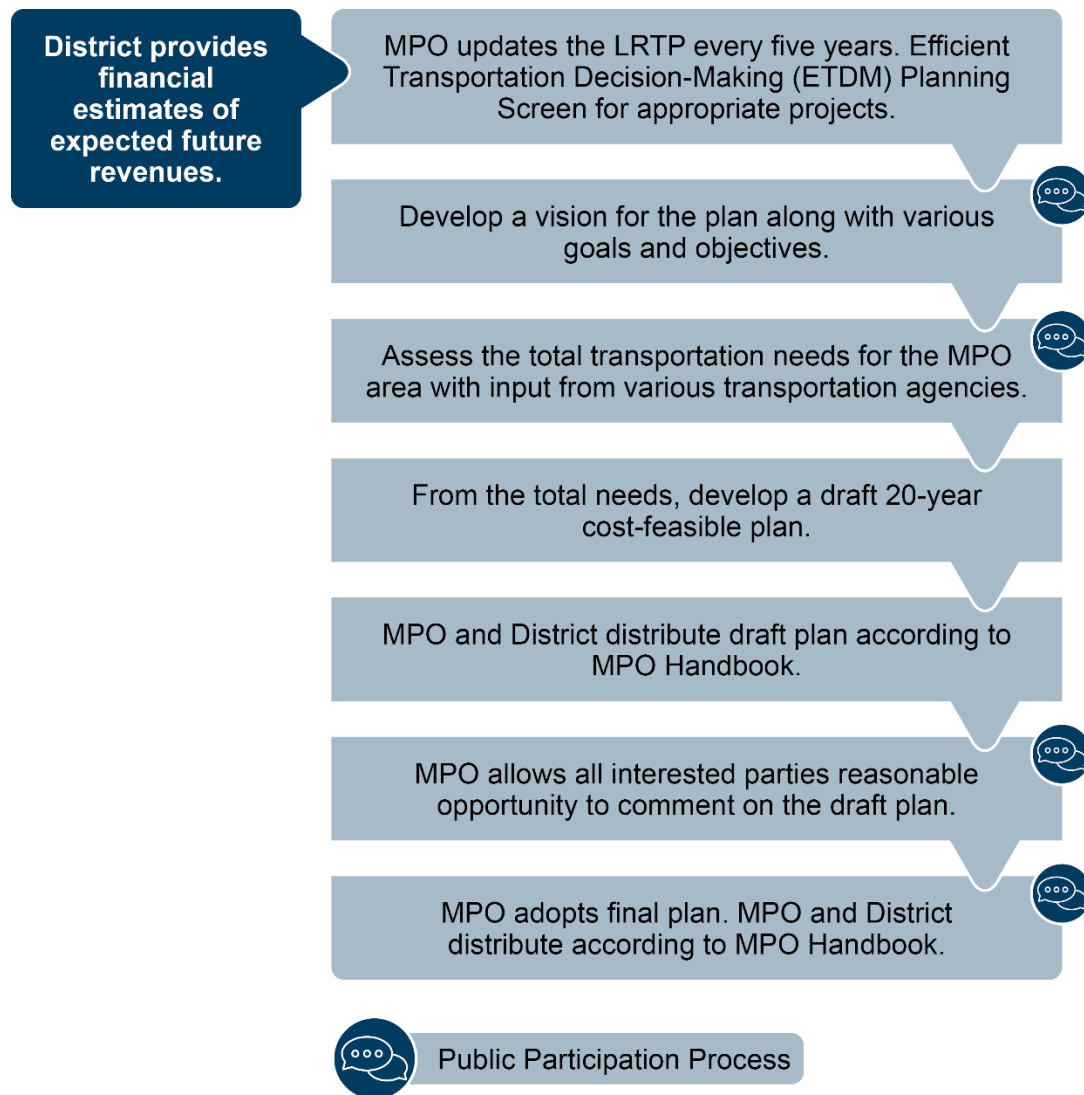


Figure 5.2 Best Practices for LRTP Documentation

Best Practices for LRTP Documentation

- ✓ Developed with a clear vision
- ✓ Easy to access via the MPO's website
- ✓ Easy to read and understandable by the general public
- ✓ Of a reasonable page-length
- ✓ Sub-divided into meaningful sections
- ✓ Free of excess information that could reasonably be located in ancillary documents
- ✓ Inclusive of appropriate methods for presenting the report's content
- ✓ Accessible to all users

5.2.1 Planning Factors & Planning Emphasis Areas

Federal law requires an MPO to address ten Planning Factors as a part of its planning processes. The degree of consideration and analysis of the factors should be based on the scale and complexity of the area's issues and will vary depending on the unique conditions of the area. [\[23 CFR 450.306\(b\)\]](#)

Consistent with the planning factors, FHWA, FTA, and FDOT periodically issue Planning Emphasis Areas (PEAs) in order to encourage transportation planning agencies to give priority to particular issues in the Unified Planning Work Programs (UPWP). MPOs are encouraged to consider the PEAs in modal planning for future system improvements. This may include addressing the PEAs in the LRTP. FDOT provides [Planning Emphasis Area guidance](#) on the PEAs that are encouraged to be incorporated (or given priority and emphasis) in the UPWP.

In Florida, FHWA has issued Expectation Letters. The letters outline areas of focus for MPO LRTPs. All letters need to be considered as well as the most recent version and can be found on the [Partner Library](#).

5.2.2 Documentation

The LRTP development process concludes with completion of the document. The documentation should summarize the major elements noted in this chapter and address federal and state requirements. Major elements of the plan include existing conditions, goals and objectives, public involvement, Needs Plan development and outcomes, system performance report, financial resources, and development of the Cost Feasible Plan. MPOs may choose to include supporting material used to satisfy these requirements within the main document itself or within supporting appendices. LRTP documents can be organized in whatever manner the MPO finds to be best suited to their needs. However, the document should contain all of the elements in the LRTP Checklist, described in more detail in **5.2.8.1 LRTP Checklist**.

5.2.3 LRTP Needs Plan

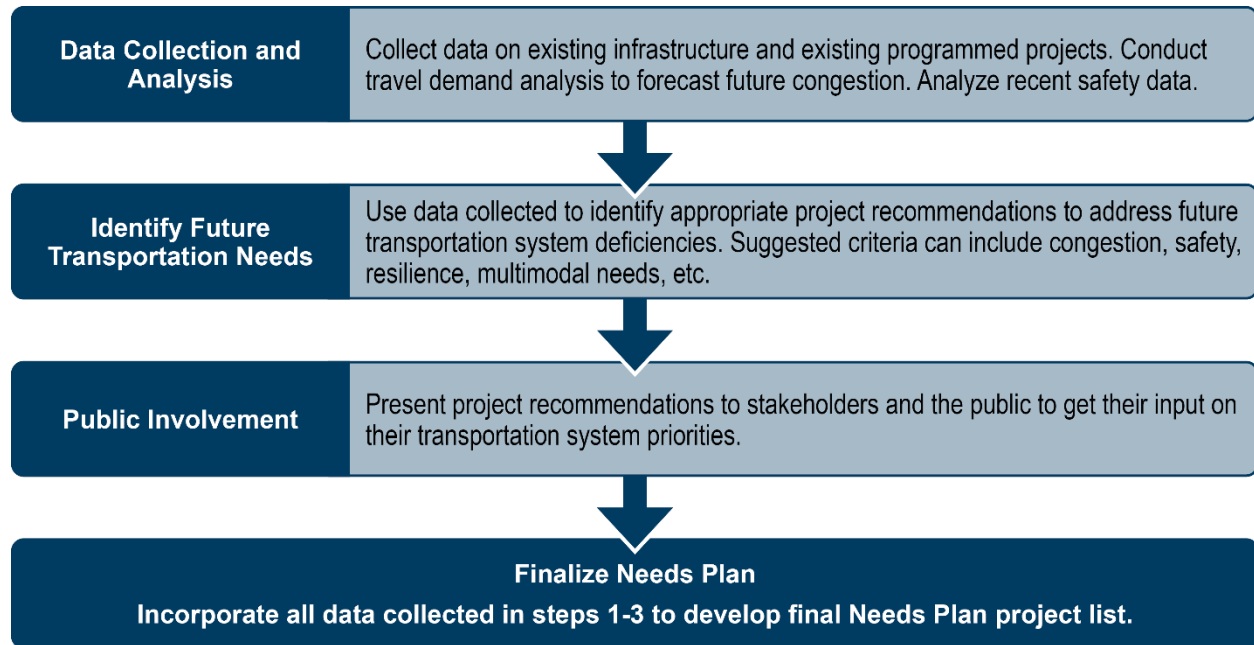
The LRTP should contain a Needs Plan. The Needs Plan considers current and future transportation needs without consideration of financial constraints. While not required by federal regulation, a Needs Plan can aid in inventorying a region's transportation needs to prioritize which projects should be funded to achieve a more efficient and interconnected transportation system.

FDOT adopted the **Revenue Forecast Handbook** to improve uniformity in the reporting of financial data and estimating transportation needs in MPO

LRTPs. MPOs should coordinate with their Districts for the funds estimated on the District level. Through cooperative coordination, the District and MPOs can determine how funds are distributed between the MPOs and District. The Needs Plan should include only transportation projects that are necessary to meet identified future transportation demands or advance the goals, objectives, and policies of the MPO, the region, and the state.



Figure 5.3 Needs Plan



The final step in development of the Needs Plan is for MPOs to develop a cost estimate for identified needs in the LRTP. The needs estimate should include all costs (operations, maintenance, capacity expansion, etc.) of all projects. Although there is no federal or state requirement to include an estimate of needs, the Florida Metropolitan Planning Organization Advisory Council (MPOAC) agreed to include this information in their respective MPO LRTPs.

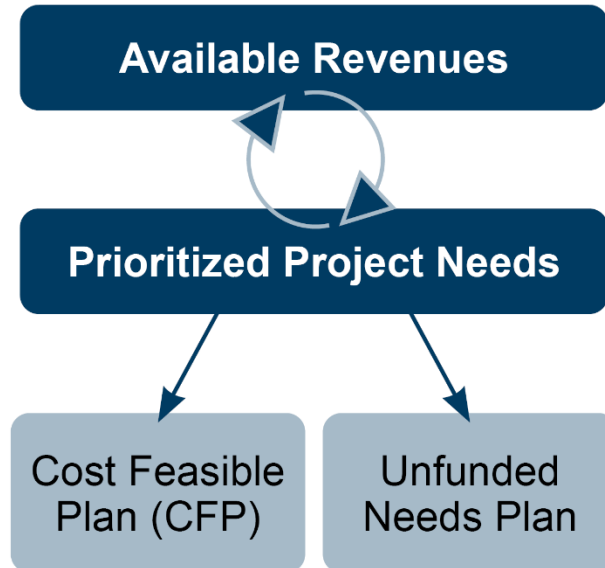
5.2.4 LRTP Cost Feasible Plan

The LRTP must also include a Cost Feasible Plan. The LRTP must demonstrate fiscal constraint as defined by [\[23 CFR 450.104\]](#), which means the plan includes sufficient financial information for demonstrating that projects in the plan can be implemented using committed, available, or reasonably available revenue sources, with reasonable assurance the federally supported transportation system is being adequately operated and maintained.

Projects from the TIP must be incorporated directly into the LRTP and should not be incorporated by reference. The reason for this is that if the TIP was incorporated by reference and later amended, the LRTP would also be amended without its required public engagement process. See [Technical Memorandum 21-02 FDOT LRTP Fiscal Constraint Guidance](#) on the [MPO Partner Site](#).

The LRTP must include a revenue estimate that reflects a reasonable expectation of future funding levels at the federal, state, and local levels. Federal and state revenues are obtained from the [Revenue Forecast Handbook](#), while local revenues will be obtained through regional, county, and municipal sources. Cost estimates that support the LRTP must use an inflation factor(s) to reflect year of expenditure (YOE) dollars, based on reasonable financial principles and information, developed cooperatively by the MPO, state(s), and public transportation operator. [\[23 CFR 450.324\(f\)\(11\)\(iv\)\]](#) MPOs should use inflation factors to adjust project costs from “present day cost” dollars for recent years (i.e., 2022/23, 2023/24) to future YOE dollars. Inflation factors and guidance for converting project costs estimates to year of expenditure dollars are provided in the [Revenue Forecast Handbook](#) in Appendix E. **Revenues provided in this handbook are already presented in YOE dollars.** This Handbook includes program estimates for the expenditure of federal and state funds expected from current revenue sources. It also provides guidance for using this forecast information in updating LRTPs. FDOT developed MPO and District level estimates from the 2050 Revenue Forecast for capacity programs.

Figure 5.4 CFP Development



5.2.4.1 Consistency between Planning Documents

To effectively develop the cost feasible plan for an LRTP, the MPO must coordinate between several planning activities. The following sections provide more details on these coordination efforts.

5.2.4.1.1 RELATIONSHIP OF THE LRTP TO THE TRANSPORTATION IMPROVEMENT PROGRAM (TIP)/STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)

An approved, or properly amended, LRTP must be in place at the time the MPO submits the annual TIP to FDOT for the Secretary's approval. The TIP must be incorporated into the STIP to ensure continued federal funding for the metropolitan area. The Secretary cannot approve a TIP for inclusion in the STIP that does not come from a currently approved LRTP or a TIP that includes projects that have not been properly amended into the LRTP and approved by the MPO. This effort should include projects funded using all of the available federal and state funding sources, including the Strategic Intermodal System (SIS).

5.2.4.1.2 LRTP AND NEPA CONSISTENCY (PLANNING CONSISTENCY)

Planning Consistency means the LRTP, TIP, STIP, and environmental documents all reflect consistent project descriptions and information. Planning Consistency must be met before a final environmental document decision (Record of Decision, Finding of No Significant Impact, or Categorical Exclusion) can be approved by FHWA.

Pursuant to [23 USC 327](#), FDOT has assumed FHWA's responsibilities under the [National Environmental Policy Act \(NEPA\)](#) for highway projects on the State Highway System (SHS) and Local Agency Program (LAP) projects off the SHS. In general, FDOT's assumption includes all highway and roadway projects in Florida whose source of federal funding comes from FHWA, or which constitute a federal action through FHWA. This includes responsibilities for environmental review, interagency consultation and other regulatory compliance-related actions pertaining to the review or approval of NEPA projects. Whereas FHWA was previously identified as the Lead Federal Agency, this function is now served by FDOT with approval authority resting in the [Office of Environmental Management \(OEM\)](#). FDOT's guiding documents for Planning Consistency include [Section 1. Florida LRTP Amendment Thresholds](#) and [Section 2. Meeting Planning Requirements for NEPA Approval](#).

A NEPA document is consistent with the LRTP and STIP/TIP when the NEPA discussion of the project scope, cost, general funding sources, description, and logical termini are reflected with the same information in the LRTP and TIP/STIP. Amendments to either the LRTP or STIP/TIP are not needed if the limits in the NEPA document (logical termini) are addressed in the LRTP, regardless of the constructible segments.

This means if logical termini of a PD&E study are described in the LRTP to match the NEPA document, then future phases such as design and construction (CST) with project limits within the overall PD&E study limits do not require an amendment to the LRTP.

For an environmental document to be approved, the entire project length and termini must be fully described in the LRTP in order to be found consistent with the plan. The project includes the entire length studied in the PD&E study (e.g., a 30-mile length of roadway). If construction of the entire length of roadway is to be accomplished in multiple segments, it must be documented in the LRTP and the NEPA document. Below are possible scenarios for a project to be described in the LRTP:

- ❖ If a project is planned to be fully funded through construction during the life of the LRTP (e.g., by 2050), the cost of and source of funding (federal, state, local, toll, developer) for each phase PE, Right of Way (ROW), and CST needs to be documented in the LRTP. It is **not necessary to document the costs of each segment individually** (e.g., three 10-mile segments).
- ❖ If a project is not planned to be fully funded through construction during the life of the LRTP, the LRTP must document the length and phases of the project that can be funded (e.g., 20 miles) and the cost of and source of funding for each phase (PD&E, ROW, CST) that is funded in the plan. The LRTP should reference, for informational purposes, a written description of any project segments and the associated phases that could not be funded in the LRTP with a reference to the overall project in the Needs Plan. The written description should include an estimate of the cost of any unfunded phases, expressed in year of expenditure (YOE) dollars equal to the last 10-year time band (e.g., FY 2040/41 to FY 2049/50).
- ❖ When undertaking a PD&E phase, the project must be described in the LRTP by the time the approval for the environmental document is requested in order to obtain the environmental document approval for the entire project. This may require early coordination with the MPO to process an amendment to the LRTP and this effort should be incorporated into the project schedule.

Emergency Relief (ER) projects (except those involving substantial functional, locational, or capacity changes) may be exempt from planning consistency documentation requirements. [\[23 CFR 450.218\]](#)

5.2.4.1.3 MAJOR PROJECT GUIDANCE

Title 23 of the U.S. Code defines Major Projects as those with a total cost of \$500 million or greater that receive federal aid. A Project Management Plan (PMP) and an Annual Financial Plan are required to be submitted to FHWA by the Districts for all Major Projects. [\[23 USC 106 \(h\)\]](#) The FTA also has requirements for Major Capital Investment Projects. [\[49 CFR Part 611\]](#) The update of the annual finance plan could necessitate an update to the LRTP.

It is important that any Major Projects be identified as such in the MPO's LRTP. FHWA has issued [Major Project Financial Plan Guidance](#) requesting the cost estimates reported for Major Projects in the first five years of the LRTP be based on more precise cost estimate information than a project reflected in the latter years of the LRTP. MPOs should also consider the locally relevant Comprehensive Plan(s) to identify consistencies or provide guidance to resolve inconsistencies.

5.2.5 Social and Environmental Screening

Social and environmental considerations are an important element of the development of a LRTP. The following sections provide more information on key components that will shape the development and documentation of the LRTP.



5.2.5.1 Efficient Transportation Decision-Making (ETDM) Process

The Efficient Transportation Decision-Making (ETDM) process is Florida's procedure for reviewing transportation projects to consider potential environmental effects in the Planning phase. The intent of the ETDM process is to provide a method for early consideration of ecosystem, land use, social, and cultural issues, prior to a project moving into the Work Program and into the PD&E study phase. Information gathered may be incorporated later into the PD&E study to satisfy NEPA requirements.

The ETDM process allows resource and regulatory agencies, as well as the public, an opportunity to review and comment on potential impacts of proposed transportation projects during development of the LRTP. Based on feedback from the ETDM process, transportation planners may adjust project concepts to avoid or minimize adverse impacts, consider mitigation alternatives, and improve project cost estimates.

The ETDM process is composed of two project-screening events: 1) Planning and 2) Programming. During the Planning Screen, comments received help FDOT and MPOs identify environmental considerations that assist in assessing projects for inclusion or advancement in the LRTP. During the Programming Screen, qualifying projects are reviewed when being considered for funding in the FDOT Five-Year Work Program or TIP, or if already funded, before advancing to the PD&E phase.

The ETDM Planning and Programming Screens provide for continuous coordination with federal and state resource agencies during plan development. The Planning Screen for major transportation projects should be conducted in conjunction with the update of the Needs Plan and Cost Feasible Plan but completed before the final approval of the plan. Resource and community agencies can provide official comment regarding potential transportation projects included in the LRTP.

The coordinated review and screening process in ETDM provides the mechanism for required consultation with over 20 resource agencies at both the federal and state levels. These agencies comprise the Environmental Technical Advisory Teams (ETAT) for each FDOT District. The ETATs include environmental, land use management, historical preservation, and tribal government representatives.

Requests for additional meetings or consultations with the MPO to discuss environmental issues or resource impacts in more detail can be made through the Environmental Screening Tool (EST). As part of the ETDM Planning Screens, agencies are requested to provide information regarding their resource-specific conservation plans and they are also requested to identify future key issues and/or effects that projects might have related to resources.

It is recommended that the LRTP include a section that lists all projects screened through the ETDM Planning Screen to document the level of agency consultation that has occurred. A Purpose and Need Statement must be included for each project entered into the ETDM Planning Screen, as well as a summary of the major issues and comments noted by resource agencies during their review. The project list and summary of major issues and comments assists in focusing on specific geographic areas and strategies for project mitigation purposes.

The public can review project information and maps in the public screening tool to provide email comments to the District MPO Liaison. The MPO's website should link to the [ETDM public website](#).

To the extent possible, MPOs should notify their various committees, other local municipalities, and the general public once projects are uploaded to the ETDM Planning Screen. In addition, the public can comment on projects through traditional public involvement activities coordinated by the MPO or the Community Liaison Coordinator (CLC), defined in the [ETDM Manual Chapter 2, Section 2.5.5](#). The CLC works in conjunction with the ETDM Coordinator and project team during the Planning and Programming Screens.

All major transportation projects in the LRTP should be screened under the ETDM process (Planning Screen), including major LAP projects. See [Figure 5.5](#) for recommended guidance for the Planning/Programming Screen. MPOs should build sufficient time into the LRTP development process to conduct Planning Screen reviews, as well as prepare the accompanying summary reports prior to approving the LRTP. Examples of major transportation improvement projects include:

- ❖ Widening existing roadways to include additional through lanes.
- ❖ Addition of High-Occupancy Vehicle (HOV) lanes.
- ❖ Bus Rapid Transit (BRT) lanes.
- ❖ New roadways.
- ❖ New interchanges and major interchange modifications.
- ❖ New bridges and bridge replacements;
- ❖ Major public transportation projects, such as Intermodal Passenger Centers and new fixed guideway service.

The purpose of the ETDM Planning Screen review is to provide additional information to the MPO to make the determination whether a proposed project should be included in the LRTP. Other projects can be run through the Planning Screen at the discretion of the ETDM coordinators (MPO and FDOT) and the respective ETAT members. Screening of local projects not on the State Highway System is optional.

Figure 5.5 ETDM Screening Matrix for Qualifying Projects

| SYSTEM | FEDERAL DOLLARS <i>(any FHWA, FTA, or FRA funds, or Federal Authorizations)</i> | | STATE DOLLARS <i>(TRIP, Transit/Intermodal System Grants, etc.) No Federal Dollars Involved</i> | | LOCAL DOLLARS ONLY | |
|---|--|---------------------|--|----------------|--------------------|----------------|
| | Responsible Agency | ETDM Screening | Responsible Agency | ETDM Screening | Responsible Agency | ETDM Screening |
| Highways on the State Highway System (SHS) and on the Strategic Intermodal System (SIS) | FDOT | YES FDOT Lead | FDOT | YES | FDOT | YES |
| | Local | | Local and FDOT | Local Option | Local and FDOT | Local Option |
| Highways on the SHS but not on the SIS | FDOT | YES FDOT Lead | FDOT | YES | FDOT | YES |
| | Local | | Local and FDOT | Local Option | Local and FDOT | Local Option |
| Highways not on SHS but on the SIS | FDOT | YES FDOT Lead | FDOT | YES | FDOT | YES |
| | Local | | Local and FDOT | Local Option | Local and FDOT | Local Option |
| Highways not on SHS nor on the SIS | FDOT | YES FDOT Lead | FDOT | YES | Local | N/A |
| | Local | | Local | Local Option | | |
| Major Transit Projects (new fixed guideway, New Starts) or Major Freight Projects | FDOT | YES Local Option | FDOT | YES | Local | N/A |
| | Local | | Local | Local Option | | |

Note: Local applies to any local government agency, other state agency, expressway authority, bridge authority, or private entity.

If a potential issue is identified during the ETDM Planning Screen, the MPO should try to resolve the issue before approving the LRTP. Examples of potential issues include a response by a reviewing agency that a project does not conform to agency statutory requirements and may not be permitted, responses indicating very strong community opposition to a project and/or potentially severe negative impacts to the affected community.

The ETDM review period for each project is 45 calendar days and may be extended an additional 15 days based upon a written request of a resource/regulatory agency. The MPO has 60 days from the end of the review period to complete the ETDM Planning Screen Summary Report, which summarizes the identified issues and recommendations and other project-specific and system-wide information. The information gained from the ETDM Planning Screen should be conveyed to the MPO Board to be utilized in the decision-making process. Once a project in the LRTP has undergone an ETDM Planning Screen, that project would not normally undergo a second Planning Screen review unless the parameters of the project significantly change.

Refer to the [ETDM Manual](#) for specific information about the ETDM Planning Screen.

5.2.5.2 Sociocultural Effects (SCE) Evaluations

MPO and FDOT District staff are expected to evaluate and provide comments about potential social and cultural effects of projects included in the LRTP based on available information as part of the ETDM Planning Screen process. The SCE evaluation addresses six issues:

- ❖ Social
- ❖ Economic
- ❖ Land use
- ❖ Mobility
- ❖ Aesthetics
- ❖ Relocation

MPO staff have primary responsibility for performing SCE evaluations for non-SIS projects in the MPO area. District staff have responsibility for SIS projects in all areas of the state, including MPO areas. However, District and MPO staff must take a collaborative approach in conducting SCE evaluations for their areas of responsibility. For further information, refer to the [Practical Application Guides for SCE Evaluations: ETDM Phase](#) and at the [SCE Toolbox](#) on OEM's website.



5.2.5.3 Addressing Environmental Mitigation in the LRTP

The LRTP must include a discussion of the 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 LRTP. The discussion may focus on policies, programs, or strategies, rather than at the project level. The MPO shall develop the discussion in consultation with applicable federal, state, and tribal land management, wildlife, and regulatory agencies. The MPO may establish reasonable timeframes for performing this consultation. [\[23 CFR 450.324\(f\)\(10\)\]](#)

Federal regulation defines environmental mitigation activities as strategies, policies, programs. It also defines activities as actions which, over time, will serve to avoid, minimize, rectify, reduce, or eliminate impacts to environmental resources associated with the implementation of an LRTP. [\[23 CFR 450.104\]](#)

The LRTP mitigation discussion could identify specific challenges to mitigation implementation, such as areas where the ability to mitigate for a particular resource may be limited. Mitigation discussion could also identify activities that may have the greatest potential to restore and maintain the environmental features affected by the plan. The mitigation text should be accompanied by maps depicting existing and future areas designated for mitigation, conservation, or preservation.

The ETDM EST, discussed in [Efficient Transportation Decision-Making \(ETDM\) Planning Screen](#), can be used to map and provide inventories for most of these resources. The EST database provides access to maps and inventories of natural and historic resources that also are used to support resource agency comments on project reviews. There are over 500 data layers in the EST available for these purposes. Examples of available data layers that can be mapped include conservation lands, wetlands, priority habitat, historical/archaeological sites, socioeconomic characteristics, and future land use designations.

One technique to identifying potential mitigation activities could be to load all projects from the LRTP and create system level maps against priority layers such as conservation lands. These maps would illustrate the relationship between the conservation lands and the proposed projects. The ETDM Coordinator and/or the resource agencies should be consulted to determine the most appropriate data layers to use for the mitigation discussion. The EST is set up to accept projects into the system, perform standard GIS analyses, and generate quality maps of the projects without requiring a complete ETDM screening.

If adequate GIS resources are available to the MPO, a second technique could be to access and download the GIS files from the [Florida Geographic Data Library Explorer](#); or coordinate with the sponsoring agency to generate maps in-house.

Regardless of the technique used, it is important to keep in mind some data sets are exempt from Florida's Sunshine Law, such as archeological sites and threatened and endangered species locations. Therefore, these data must not be provided to the public. Please contact the local FDOT ETDM Coordinator to determine which data might be exempt from public access.



5.2.6 Performance Measurement

In 2012, [Moving Ahead for Progress in the 21st Century \(MAP-21, PL 112-141\) Act](#) ushered in a national Transportation Performance Measure (TPM) framework to strengthen the U.S. transportation system and improve decision-making through better informed transportation planning and programming. MAP-21 established performance-driven and outcome-based requirements to align federal transportation funding with national goals and track progress toward achievement of these goals. The purpose of this performance-based program is for state departments of transportation, MPOs, and public transportation providers to invest resources in projects which, collectively, make progress toward achievement of national goals. Refer to Chapter 9: Performance Management for more detail on this topic.

5.2.6.1 System Performance Report

The LRTP must include a description of all applicable performance measures and targets used in assessing the performance of the transportation system in an MPO planning area. [\[23 CFR 450.324\(f\)\(3\)\]](#) The LRTP must also include a system performance report. The system performance report must evaluate the condition and performance of the transportation system with respect to the MPO's performance targets, including progress achieved by the MPO in meeting the performance targets in comparison with system performance recorded in previous reports, including baseline data. [\[23 CFR 450.324\(f\)\(4\)\(i\)\]](#) The requirement to include a system performance report in the LRTP must be met at the time that the LRTP is updated. A system performance report does not have to be updated when the LRTP is amended. For more information refer to Chapter 9: Performance Management.

5.2.7 Public Involvement

MPOs are required to develop and use a documented Public Participation Plan (PPP) that defines a process for providing reasonable opportunities for the public to be involved in the metropolitan transportation planning process. The plan must consider participation for individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties. [\[23 CFR 450.316\(a\)\]](#)

In developing the LRTP, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation decisions, including state and local planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, or freight movements so the planning process can be coordinated to the maximum extent practicable with such planning activities. [\[23 CFR 450.316\(a\)\(3\)\(b\)\]](#) Chapter 6: Public Participation Plan (PPP) provides detailed information about MPO public involvement requirements.

5.2.7.1 LRTP-Specific Public Participation Plan (PPP)

It is recommended that each MPO develop a PPP specific to the LRTP. The LRTP-specific PPP would build off the content and assumptions contained within the adopted PPP and provide additional information such as specific stakeholders to be engaged during LRTP development, a list of proposed engagement activities specific to LRTP development, and a schedule of milestone events. This document may also contain performance targets related to LRTP participation if the MPO chooses to identify them. The LRTP-specific PPP should guide engagement activities for the LRTP and may also be used as an outline to compile feedback. Chapter 6: Public Participation Plan provides detailed information about LRTP public involvement requirements.

5.2.8 Publication and Distribution of the LRTP

The MPO must publish the LRTP and make it available to the public for review in electronically accessible formats. [\[23 CFR 450.316\(a\)\(1\)\(iv\)\]](#) The draft and final versions of the LRTP will be uploaded to the [Grant Applications Program \(GAP\)](#) by the MPO. The [GAP](#) website facilitates agency review by notifying the following partners for review at the appropriate time:

- ❖ FDOT – District Staff
- ❖ FDOT – Central Office Planning
- ❖ Federal Transit Administration Region IV
- ❖ Federal Highway Administration

Please refer to the [Metropolitan Planning Program Staff List](#) on the [MPO Partner Site](#), Liaison Toolkit for staff contact information.

The MPO should provide access to the draft LRTP for the public in accordance with the MPO's adopted PPP. FDOT review of the LRTP (and if applicable an initial federal agency review) will take place concurrently with public review of the draft LRTP.

The Districts shall review the draft LRTP for consistency with federal and state regulations using the LRTP Checklist. The checklist is available for download in the Liaison Toolkit on the [MPO Partner Site](#). MPO Liaisons will coordinate with the MPO regarding comments on the draft LRTP. Following the conclusion of the public and agency review period of the draft LRTP, the MPO is allowed a minimum of **14 days** to respond to public and agency comments before proceeding to the MPO Board for adoption of the final LRTP.

Note: The MPO must have a completed LRTP report available for adoption by their MPO Board. However, the MPO has up to **90 days** following adoption to furnish supporting documentation such as appendices and model documentation to FHWA. FHWA requires one copy of all supporting documentation submitted including model documentation.

5.2.8.1 LRTP Checklist

The LRTP Checklist is not required to be used when reviewing the LRTP. This is simply a tool for MPO Liaisons and MPO staff to use when reviewing or drafting the LRTP. It is intended to assist in meeting in federal and state requirements and regulations in statute for LRTPs. If the checklist is used, MPOs should address all critical comments. The LRTP Checklist can be found in the Liaison Toolkit on the [MPO Partner Site](#). It is a best practice to provide a comment if checking “no” to a question and categorize all comments. In addition, the following documents are available for MPOs and MPO Liaisons to consult when developing and reviewing an LRTP:

- ❖ [Technical Memorandum 21-02 FDOT LRTP Fiscal Constraint Guidance](#)
- ❖ FHWA LRTP Expectations Letters ([2008](#), [2012](#), and [2018](#))
- ❖ [FHWA Fiscal Constraint Guidance](#)

The LRTP checklist references FHWA expectation letters, which are available in the Partner Library on the [MPO Partner Site](#).

5.3 LRTP Administration

The LRTP process is directed by a series of federal requirements which dictate how the LRTP is updated and maintained. The following sections detail these requirements.

5.3.1 LRTP Update Frequency and Planning Horizon

An LRTP is updated every five years. An update is defined as the process of making information in an LRTP current through a comprehensive review.

The MPO shall review and update the LRTP at least every five years in attainment areas (every four years in air quality nonattainment and maintenance areas) to confirm the transportation plan's validity and consistency with current and forecasted transportation and land use conditions and trends, as well as to extend the forecast period to at least a 20-year planning horizon. [\[23 CFR 450.324\(d\)\]](#)

FDOT provides travel demand modeling standards for use by all Florida MPOs to determine current and forecasted transportation and land use conditions, as well as trends for the 20-year planning horizon. The MPO may use any analytical techniques and/or software after consultation with FDOT. The MPO must document the models and methodology used and prepare technical memoranda documenting how the techniques can be used in various planning applications.

The schedule for the five-year update of the LRTP will be determined cooperatively by the MPO, FDOT, FHWA, and FTA. The LRTP must be adopted **no later than five years** to the day from when the MPO adopted the last update. FDOT maintains a [list of LRTP adoption dates](#) for MPOs in Florida.

5.3.2 LRTP Revisions

Besides the five-year update cycle, there are times an MPO may find it necessary to revise the LRTP.

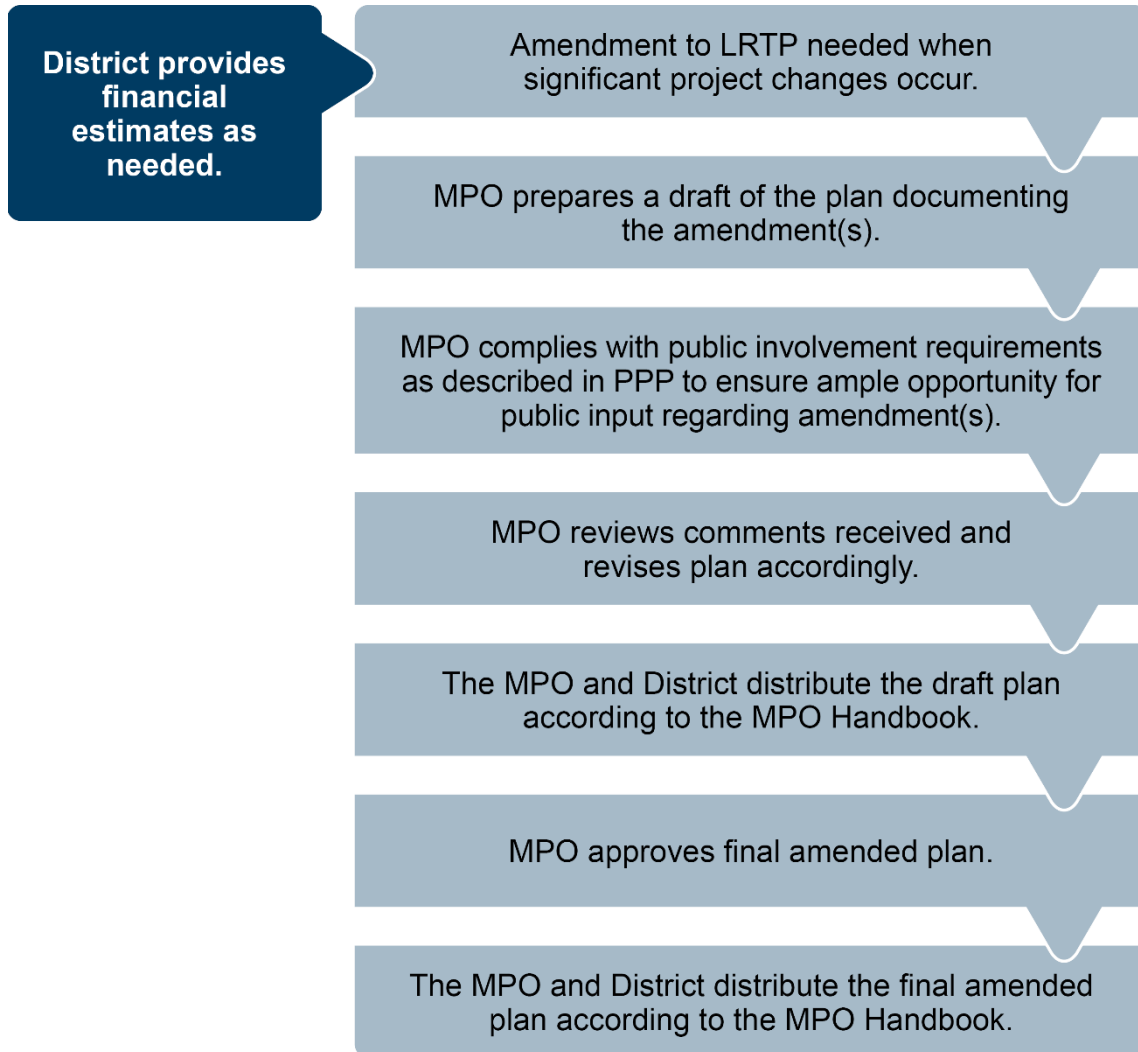
[FDOT Guidance](#) provides minimum thresholds for project changes that trigger an LRTP amendment. The CFR defines two types of revisions:

- ❖ A **modification** is a minor revision to the LRTP that includes minor changes to project/project phase costs, minor changes to funding sources of previously included projects, and minor changes to project/project phase initiation dates. A modification is a revision that does not require public review and comment, redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas). [\[23 CFR 450.104\]](#)
- ❖ An **amendment** is a revision that involves a major change to a project such as adding or deleting a project, a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini, the number of through traffic lanes or changing the number of stations in the case of fixed guideway transit projects). An amendment is a revision that requires public review and comment and redemonstration of fiscal constraint. If an amendment involves nonexempt projects in nonattainment and maintenance areas, a conformity determination is required. [\[23 CFR 450.104\]](#)
- ❖ Changes to projects that are included only for illustrative purposes do not require an amendment.

The LRTP can be revised at any time. It is important to note the MPO does not have to extend the LRTP planning horizon out another 20 years for modifications and amendments.

Florida Statutes require the MPO Board adopt amendments to the LRTP by a recorded roll-call or hand-counted vote of the majority of the membership present. [\[s.339.175\(13\), FS\]](#) **Figure 5.6** shows the LRTP amendment process.

Figure 5.6 LRTP Amendment Process

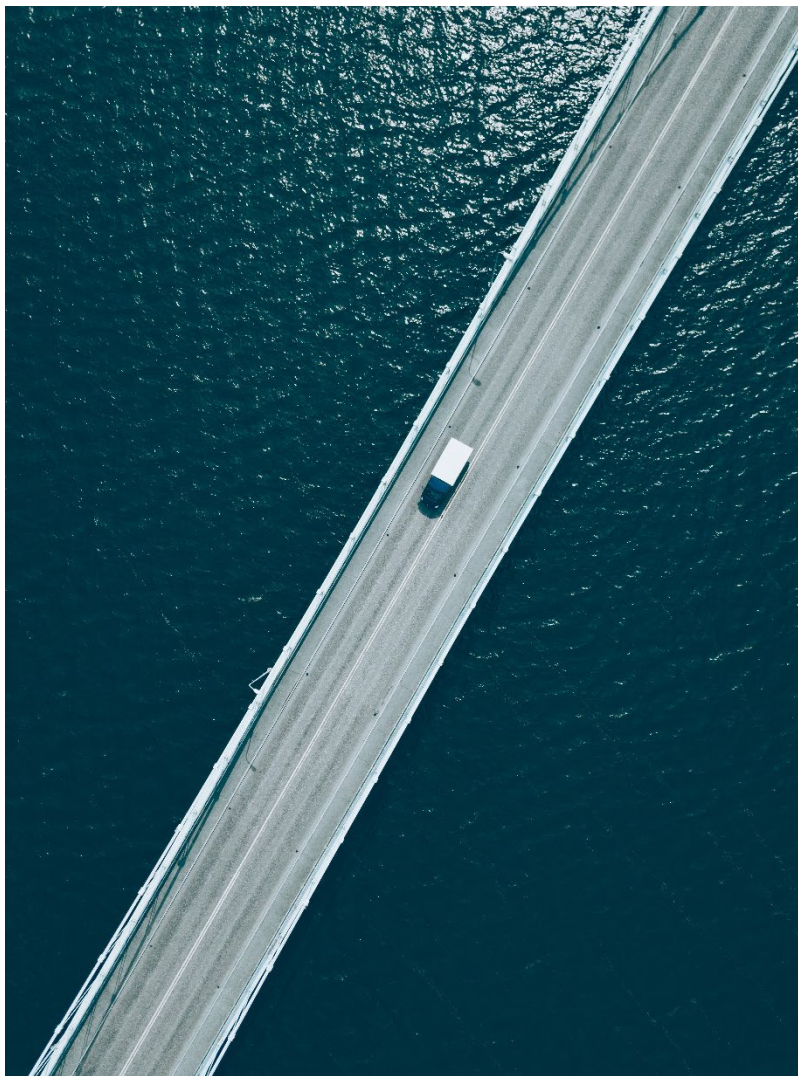


5.3.3 LRTP Approval and Distribution

The MPO Board must approve the final LRTP by a recorded roll-call vote or hand-counted vote of the majority of the membership present. [\[s.339.175\(13\), FS\]](#) Although the LRTP does not require approval by FHWA or FTA, these agencies must be involved during the development of the plan and be provided an opportunity to comment on the draft plan.

The LRTP is reviewed by FHWA and FTA during the quadrennial TMA certification for areas classified as TMAs (urban area population in excess of 200,000), or as part of the MPO self-certification process for non-TMA areas. Copies of any new and/or revised plans must be provided to each agency as well as FDOT. [\[23 CFR 450.324\(d\)\]](#)

Distribution of the draft and final adopted LRTP is facilitated through [GAP](#). Using [GAP](#), new or revised plans are provided to FHWA, FTA, and the appropriate FDOT Central and District offices prior to the MPO's annual self-certification.



5.4 References

Table 5.1 presents the federal and state statutes, regulations, and rules related to development of the LRTP and provides a list of references/definitions from federal or state law, including key plans and guidance about MPOs.

Table 5.1 Federal and State Statutes and References

METROPOLITAN TRANSPORTATION PLANNING

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

Description: Scope of the metropolitan planning process and development of the LRTP.

PLANNING ASSISTANCE AND STANDARDS

Citation: [23 CFR 450.322](#), [23 CFR 450.324](#), and [Appendix A to Part 450, Title 23](#)

Description: Congestion management process, and development and content of the LRTP.

TRANSPORTATION FINANCE AND PLANNING

Citation: [Section 334.046, Florida Statutes](#)

Description: Transportation administration responsibility in planning.

Citation: [Section 339.175, Florida Statutes](#)

Description: MPO responsibilities and LRTP requirements.

Citation: [Section 339.63, Florida Statutes](#)

Description: Transportation system facilities designations.

Citation: [Section 339.2819\(4\), Florida Statutes](#)

Description: Transportation Regional Incentive Program.

TITLE VI AND NONDISCRIMINATION

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

Description: Title VI of the Civil Rights Act of 1964, as amended.

FDOT

Citation: [Florida Transportation Plan](#)

Description: The single overarching statewide plan guiding Florida's transportation future.

FDOT'S OFFICE OF ENVIRONMENTAL MANAGEMENT ETDM MANUAL

Citation: [FDOT's Efficient Transportation Decision-Making \(ETDM\) Manual, December 2021](#)

Description: For use in reviewing qualifying transportation projects during the Efficient Transportation Decision Making (ETDM) Process Planning and Programming Screens.

SEC EVALUATION PROCESS WEBSITE

Citation: [Practical Application Guides for SCE Evaluations: ETDM Phase](#)

Description: Describes the process for evaluating sociocultural effects (SCE) for projects undergoing Planning Screen or Programming Screen reviews as part of Florida's Efficient Transportation Decision Making (ETDM) Process.

GRANT APPLICATION PROGRAM

Citation: [GAP](#) and [FL GAP State Guide](#)

Description: Websites through which MPOs upload draft, adopted LRTPs, and guidance.

Citation: [Revenue Forecasting Guidebook](#)

Description: Documents the state's long-range transportation revenue forecast.

MPOAC

Citation: [Florida MPOAC](#)

Description: Metropolitan Planning Organization Advisory Council.

MPO

PROGRAM MANAGEMENT
HANDBOOK

CHAPTER 6 Public Participation Plan



OFFICE OF POLICY PLANNING



6. Public Participation Plan

Key Chapter Changes

The Public Participation Plan (PPP) chapter has been updated from the previous Public Involvement chapter and re-ordered for ease of access and organization. The chapter has been reformatted for improved accessibility. (November 8, 2024)



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6.1 Introduction

This chapter documents federal and state public participation requirements for Metropolitan Planning Organizations (MPOs) in Florida. The primary public participation document that MPOs must develop and maintain is a Public Participation Plan (PPP) which defines a process for providing interested parties reasonable opportunities to review and comment on MPO plans and work products.



6.2 Public Participation Plan

Federal and state transportation planning regulations describe the requirements for MPOs to conduct public participation activities during the transportation planning process and to develop the PPP.

6.2.1 *Public Participation Plan Development*

MPOs are required to develop a PPP. The requirements for this plan are contained in [23 Code of Federal Regulations \(CFR\) 450.316](#) and are described below.

The MPO must develop and use a documented PPP that defines a process for providing opportunities for the following stakeholders to give input on MPO planning products:

- ❖ Individuals;
- ❖ Affected public agencies;
- ❖ Representatives of public transportation employees;
- ❖ Public ports (i.e. seaports, airports, spaceports, etc.);
- ❖ Freight shippers;
- ❖ Providers of freight transportation services;
- ❖ Private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool programs, vanpool programs, transit benefit programs, parking cash-out programs, shuttle programs, or telework programs);
- ❖ Representatives of users of public transportation;
- ❖ Representatives of users of pedestrian walkways and bicycle transportation facilities;
- ❖ Representatives of people with disabilities; and
- ❖ Other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process. [\[23 CFR 450.316\(a\)\]](#)

Pursuant to [23 CFR 450.316\(a\)\(1\)](#), the MPO is required to develop the PPP in consultation with all interested parties and must, at a minimum, describe explicit procedures, strategies, and desired outcomes to:

- ❖ Provide adequate public notice of public participation activities and adequate time for public review and comment at key decision points of the planning process. This includes reasonable opportunities to comment on the proposed LRTP and TIP;
- ❖ Provide timely notice and reasonable access to information about transportation topics and processes;
- ❖ Employ visualization techniques (charts, graphs, maps, etc.) to describe the content of the LRTP and the TIP effectively;
- ❖ Make technical information and meeting notices available to the public in electronically accessible formats, such as the Internet;
- ❖ Hold public meetings at convenient and accessible locations and times;
- ❖ Demonstrate explicit consideration and response to public input received during the development of the LRTP and the TIP;
- ❖ Seek and consider the needs of traditionally underserved users and populations of the existing transportation system, including low-income and minority households, who may face challenges accessing transportation services for employment and other services;
- ❖ Provide an additional opportunity for public comment if the final LRTP or TIP differs significantly from the version that was made available for public comment by the MPO if new and significant information arises that interested parties could not reasonably have foreseen from initial public involvement efforts;
- ❖ Coordinate with the statewide transportation planning public involvement and consultation processes (such as the development of the Florida Transportation Plan (FTP)); and
- ❖ Periodically review the effectiveness of public involvement procedures and strategies in the PPP to ensure a full and open participation process.

A minimum public comment period of **45 calendar days** must be provided before the MPO adopts the initial or revised PPP. For informational purposes, copies of the approved PPP must be provided to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). These copies must be posted on the Internet to the maximum extent practicable. [\[23 CFR 450.316\(a\)\(3\)\]](#)

When an MPO area includes Indian tribal lands, the MPO must appropriately involve Indian tribal government(s) in the development of the PPP, LRTP, and TIP. [\[23 CFR 450.316\(c\)\]](#)

When an MPO area includes federal public lands, the MPO must appropriately involve federal land management agencies in the development of the PPP, LRTP, and TIP. [\[23 CFR 450.316\(d\)\]](#)

MPOs must also develop a documented process that outlines the roles, responsibilities, and key decision points for consulting with other governments and agencies as per [23 CFR 450.316\(e\)](#). These responsibilities shall be clearly identified in written agreements among the MPO, the state, and the providers of public transportation, including specific provisions supporting the development of the LRTP, TIP, and annual listing of obligated projects. [\[23 CFR 450.314\(a\)\]](#)

Note that MPOs are required to conduct the activities listed in their PPP. For instance, if the PPP indicates the MPO will conduct a public hearing to adopt the LRTP, it is required that a hearing becomes a requirement for the MPO even if it is not required by law or regulation. Likewise, if the PPP states newspaper advertisements for public involvement activities will be published, the MPO is required to publish advertisements in the local newspaper. MPOs should identify the minimum public participation activities they will conduct for LRTPs, TIPs, and additional planning activities. MPOs should anticipate the potential for additional meetings beyond the minimum and identify in the PPP how the public will be informed of additional meetings. While MPOs are exempt from state law which requires meeting notices to be published in the Florida Administrative Register (FAR) [\(s.120.525, Florida Statutes \(FS\)\)](#), the MPO must follow the meeting notices requirements in their PPP and ensure adequate notice to the public of meetings are provided.

The PPP should be updated at least **once every five years** (preferably prior to the initiation of the development of a new LRTP) to ensure that it remains accurate and effective.

The [FHWA PPP checklist](#) is available on the [MPO Partner Site](#) to aid with the development and review of PPPs.

6.2.2 *Public Participation Plan Specific to the LRTP*

When developing the LRTP, the MPO must provide interested parties with a reasonable opportunity to comment on the draft LRTP using the strategies identified in the MPO's adopted PPP. In some cases, the MPO may develop a PPP specific to the LRTP as part of the scope of that project. In this case, the PPP for the LRTP must be consistent with the overall PPP of the MPO. The PPP for the LRTP may provide additional details about engagement strategies and individuals, groups, or agencies that will be engaged in the process pursuant to [\[23 CFR 450.316\(a\)\]](#). The PPP for the LRTP may also include outreach opportunities beyond those identified in the PPP to develop a documented process that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies previously listed in [Section. 6.2.1 Public Participation Plan Development](#), such as applicable Indian tribal governments and federal land management agencies [\(23 CFR 450.316\(e\)\)](#).

According to [23 CFR 450.316\(b\)](#), the development of the LRTP and TIP requires the MPO to consult with agencies and officials responsible for other planning activities within the MPO area. This consultation should include entities affected by transportation, including state and local organizations involved with planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, and freight movements. In addition, the MPO must develop the LRTP and TIP with consideration of other related planning activities within the metropolitan area. The process must provide for the design and delivery of transportation services within the area for:

- ❖ Recipients of FTA assistance under [49 United States Code \(USC\) Chapter 53](#);
- ❖ Government agencies and nonprofit organizations that receive federal assistance from a source other than the U.S. Department of Transportation (DOT) to provide nonemergency transportation services; and
- ❖ Recipients of assistance under [23 USC 201-204](#) (federal lands and tribal transportation programs).

The MPO must publish the LRTP or otherwise make it readily available for public review, utilizing electronically accessible formats and means (the Internet) to the maximum extent practicable. [\[23 CFR 450.324\]](#) The MPO must provide public stakeholders with a reasonable opportunity to comment on the LRTP. [\[s.339.175\(7\), FS\]](#) A summary of comments received is required to be included in the final LRTP and TIP document when significant written and oral comments are received on the draft LRTP and TIP as a result of the public participation process or the interagency consultation process for U.S. Environmental

Protection Agency (EPA) transportation conformity regulations ([40 CFR Part 93 Subpart A](#)) [[23 CFR 450.316\(a\)\(2\)](#)].

FHWA and FTA may provide additional requirements or guidance when developing the LRTP. For example, FHWA and FTA typically develop a summary of “expectations” for subsequent updates of LRTPs, *Federal Strategies for Implementing Requirements for LRTP Update for the Florida MPOs*, which is available in the Partner Library on the [MPO Partner Site](#). This additional guidance states the MPO Board, advisory committees, and the public, should have the opportunity to periodically review draft LRTP products, interim tasks, and reports that result in the final LRTP documentation. The guidance also states that the LRTP must document how public feedback and input shaped the final LRTP.

Following the conclusion of the public and agency review period of the draft LRTP, the MPO has **14 days** to respond to public and agency comments before proceeding with the adoption of the final LRTP. The MPO has up to **90 days** following the adoption of the LRTP to include additional supporting documentation such as appendices in the final adopted plan. The final LRTP document must be published and made available to the public for review in electronically accessible formats. [[23 CFR 450.316\(a\)\(1\)\(iv\)](#)] More information on LRTPs can be found in [Chapter 5 of the MPO Handbook: Long Range Transportation Plans](#).

6.2.3 *Public Participation Plan Specific to the TIP*

The MPO must allow all interested parties to comment on the proposed TIP. In addition, the MPO must publish or otherwise make the TIP readily available for public review, including (to the maximum extent practicable) in electronically accessible formats and means (the Internet). [[23 USC 134 \(i\)\(6\) and \(7\)](#)] [[23 CFR 450.326\(b\)](#)] During the development of the TIP, the MPO must, in cooperation with all interested parties, provide reasonable notice of opportunities for individuals, groups, or agencies to comment on the draft TIP. Parties that should be included in the development of the TIP have been previously listed in [Section 6.2.1 Public Participation Plan Development and Section 6.2.2 Public Participation Plan Specific to the LRTP](#) ([s.339.175\(8\)\(e\), FS](#)).

In the event an MPO revises (formal amendments) its TIP, the MPO must use public participation procedures consistent with the MPO’s PPP. However, public participation is not required for administrative modifications unless specifically addressed in the PPP. [[23 CFR 450.328\(a\)](#)] More information on TIPs can be found in [Chapter 4 of the MPO Handbook: Transportation Improvement Program](#).

6.2.4 Public Participation Plan Specific to the UPWP

Each MPO shall develop a UPWP which lists all planning tasks the MPO will conduct during the two years of the program. The UPWP is developed in cooperation with FDOT and public transportation providers. The UPWP must provide a complete description of each planning task and an estimated budget that complies with applicable state and federal laws. [\[s.339.175\(9\), FS\]](#) The UPWP shall describe major work tasks with sufficient detail indicating who will perform the work, the schedule for completing the work, resulting products/deliverables, proposed funding by task, and a summary of total amounts and sources of federal and matching funds. [\[23 CFR 450.308\(c\)\]](#)

While public participation **is not required** to develop the UPWP, it may be required during UPWP development, depending on the requirements included in the PPP by the MPO.



6.3 Additional Considerations for Public Participation Plans

Other state and federal regulations and executive orders affect how an MPO's public participation activities are planned and conducted. This section describes these requirements.

Most MPOs consider their standing committees fundamental to their public participation activities. The formation of a technical advisory committee (TAC) and citizens' advisory committee (CAC) are required pursuant to [s.339.175\(6\)\(d\), FS](#) and [s.339.175\(6\)\(e\), FS](#), and formation guidance is provided in [Chapter 2: Metropolitan Planning Organization Formation and Modification](#). As an alternative to a CAC, [s.339.175\(6\)\(e\)\(2\), FS](#) provides provisions for MPOs to adopt a program or mechanism that ensures adequate citizen involvement in the transportation planning process **following approval of FHWA, FTA, and FDOT**. MPOs may also consider additional standing committees as a public participation activity to address specific needs, such as bicyclists, pedestrians, multiuse trails, safety, goods/freight movement, etc. MPOs must address and include their committee activities in the PPP and are encouraged to detail how the schedule for meetings, agenda packages, and actions of the committees will be communicated with the public and how the public can participate in meetings.

6.3.1 *Americans with Disabilities Act*

The Americans with Disabilities Act of 1990 (ADA) prohibits the exclusion of persons with disabilities from participation in services, programs, or activities of a public entity, including MPOs. In addition, the MPO is responsible for providing reasonable accommodation to those with disabilities who require special services to access information or participate in MPO activities. [\[42 USC 12131-12134\]](#)

For a discussion of ADA requirements pertaining to MPOs, see [Chapter 10: Title VI and Nondiscrimination Program Guidance for Metropolitan Planning Organizations](#).

6.3.2 *Title VI of the Civil Rights Act*

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. [\[42 USC 2000d-1\]](#)

Title VI provides the following as it relates to public involvement:

- ❖ Encourage participation of minorities as members of planning or advisory bodies for programs receiving federal funds;

- ❖ Require information and services to be provided in languages other than English when significant numbers of potential beneficiaries have limited English proficiency; and
- ❖ Require entities to notify the entire eligible population about programs.

For a discussion of other Title VI requirements pertaining to MPOs, see [Chapter 10: Title VI and Nondiscrimination Program Guidance for Metropolitan Planning Organizations](#).

6.3.3 *Executive Orders 12898 and 14096, and Environmental Justice*

[Executive Order \(EO\) 12898](#), Environmental Justice (EJ), issued in 1994, requires all federal agencies to identify and address disproportionately high and adverse health or environmental effects of its activities on minority and low-income populations. EO 12898 also promotes access to public information and public participation for minority and low-income communities. MPOs must provide and document early, continuous, and meaningful opportunities for involvement in these communities.

[Executive Order \(EO\) 14096](#), Environmental Justice (EJ), issued in 2023, expands on the requirements established in EO 12898 to further emphasize robust public participation and transparency for federal actions, including early and continuous community engagement, particularly with underserved and overburdened communities.

For a discussion of EJ requirements pertaining to MPOs, see [Chapter 10: Title VI and Nondiscrimination Program Guidance for Metropolitan Planning Organizations](#).

6.3.4 *Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency*

[Executive Order \(EO\) 13166](#), Improving Access to Services for Persons with Limited English Proficiency (LEP), requires agencies to develop plans so that people for whom English is not their primary language or who have a limited ability to read, speak, write, or understand English can have meaningful access to services provided. Factors for determining when meaningful access is necessary include:

- ❖ Number or proportion of LEP persons in the affected area;
- ❖ Frequency of contact with LEP persons;
- ❖ Importance of the service provided to LEP persons; and
- ❖ Resources available.

MPOs must use these four factors to determine when and to what extent LEP services are required. Translation of vital documents into languages other than English and oral interpretation through translators or other interpretive services are methods of communication that may constitute meaningful access.

For a discussion of LEP requirements pertaining to MPOs, see [Chapter 10: Title VI and Nondiscrimination Program Guidance for Metropolitan Planning Organizations](#).

6.3.5 *Government-in-the-Sunshine Law*

Florida's Government-in-the-Sunshine Law [\[s.286.011, FS\]](#) mandates that all meetings of any board or commission of any state, county, municipal, or political subdivision, agency, or authority transparently conduct business to provide the public a right of access to proceedings. This includes the MPO Governing Board, general members (voting and nonvoting members), and active committees designed to advise the MPO Board, such as TACs and CACs. The Sunshine Law guides how to conduct MPO Board, and committee meetings and workshops. It also offers guidance on how to process public records, communications, notices, minutes, and general ethics issues.

The Sunshine Law secures the public's right to attend or record meetings, have reasonable opportunity to be heard, and for all meetings to be open to the public. Therefore, MPOs must provide reasonable notice of meetings, make adequate accommodations to hold open meetings and provide an opportunity for public input. Minutes of meetings must be available for public inspection. MPOs are prohibited from holding public meetings at a facility or location that discriminates based on sex, age, race, creed, color, origin, or economic status. It is also forbidden to hold meetings at places that otherwise restrict public access. The statute establishes penalties for violations of these provisions and exceptions for specific situations. MPOs should consult legal counsel for any questions regarding Florida's Government-in-the-Sunshine Law.

6.3.6 *Jessica Lunsford Act*

The Jessica Lunsford Act [\[s.1012.465, FS\]](#) requires background checks of all persons entering school grounds when children are present. MPOs should consult legal counsel before planning to meet on school property.

6.4 References

For more information about public involvement, please consult [FDOT's Public Engagement Resource Guide](#). This resource provides in-depth guidance for public involvement activities in general.

Table 6.1 summarizes the federal and state statutes, regulations, and rules related to public participation plans for MPOs and provides a list of references/definitions from state law, including key plans and guidance related to MPOs.

Table 6.1 Federal and State Statutes and References

FEDERAL

Citation: [23 CFR 450.316](#)

Description: Describes the requirement for MPOs to develop a PPP and provide reasonable opportunities for all parties to participate and comment on MPO planning products.

Citation: [23 USC 134](#)

Description: Describes the requirement for MPOs to provide reasonable opportunities for all parties to participate and comment on LRTPs and TIPs.

Citation: [Title VI of the Civil Rights Act](#)

Description: Prohibits federally assisted programs from discrimination based on race, color, or national origin.

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

Description: Title VI of the Civil Rights Act of 1964, as amended.

Citation: [Executive Order 12898](#)

Description: Describes requirements for federal actions to address environmental justice concerns for low-income and minority populations.

Citation: [Executive Order 13166](#)

Description: Describes requirements to develop plans for people for whom English is not their primary language or who have limited ability to read, speak, write, or understand English to ensure the LEP individuals can participate meaningfully in the transportation planning process.

Citation: [Executive Order 14096](#)

Description: Expands on the requirements established in EO 12898 to further emphasize robust public participation and transparency for federal actions, including early and continuous community engagement, particularly with underserved and overburdened communities.

Citation: [Americans with Disabilities Act \(ADA\)](#)

Description: Prohibits discrimination and ensures equal opportunity for persons with disabilities.

STATE

Citation: [Government-in-the Sunshine Law s.286.011, FS](#)

Description: Provides the public with the basic right of access to most meetings and records of boards, commissions, and other governing bodies of state and local governmental agencies and requires meeting minutes to be publicly accessible.

Citation: [s.339.175\(6\), FS](#)

Description: Describes public involvement requirements for MPO planning activities to ensure that the public can actively participate in the transportation planning process.

Citation: [s.1012.465, FS](#)

Description: The Jessica Lunsford Act requires background checks of all persons entering school grounds when children are present.

Citation: [Office of Environmental Management Web Page](#)

Description: FDOT's Environmental Justice Information.

Citation: [Public Engagement Resource Guide](#)

Description: FDOT Guidance for public involvement activities.

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 was updated to provide clarified language on the FDOT/MPO Joint Certification Process and has been reformatted for improved accessibility. (February 5, 2025)



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7.1 Introduction

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



There are two MPO certification reviews: - the annual FDOT/MPO Joint Certification 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. [\[23 CFR 450.336\]](#)

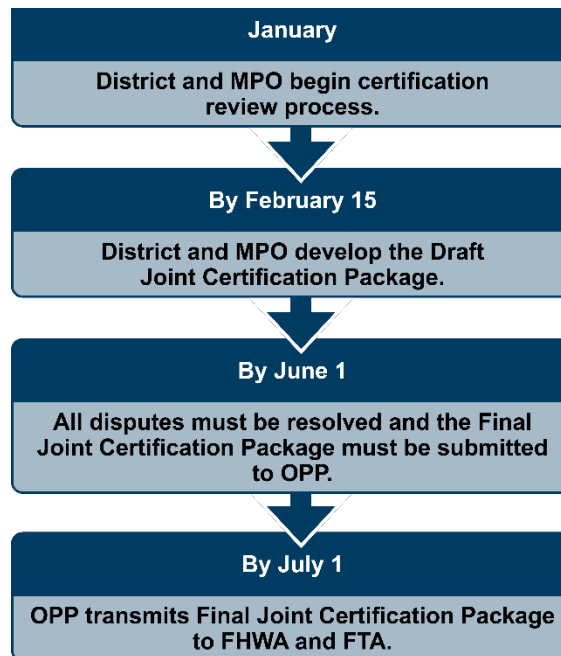
7.2 FDOT/MPO Joint Certification Process

The District and the MPO must jointly certify the metropolitan transportation planning process each year. 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 Final FDOT/MPO Joint Certification 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 Joint Certification Process.

The Final FDOT/MPO Joint Certification Package and statement must be submitted to the Central Office, Office of Policy Planning (OPP) no later than **June 1**.

Districts no longer have the option of doing a full or 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



The Certification Process Section of the FDOT/MPO Joint Certification Document, which can be downloaded from the MPO [Partner Site](#), provides instructions on completing the FDOT/MPO Joint Certification.

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 District MPO Liaison and includes 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 District MPO 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 and MPO should cooperatively develop the Draft FDOT/MPO Joint Certification Package by **February 15**. Review of the draft certification package ensures the transportation planning process is being carried out in accordance with applicable requirements listed in [\[23 CFR 450.336\(a\)\]](#) and referenced in [7.1.1. Overview of Federal Certification Requirements](#). Issues will be identified, discussed, and resolution will be sought by all parties, as appropriate. The District will upload the Final FDOT/MPO Joint Certification Package to OPP in the [Liaison Toolkit](#) no later than **June 1**. OPP will review the final certification and transmit all 27 Final FDOT/MPO Joint Certification Packages to FHWA and FTA by **July 1**.

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. This will allow the implementation of recommendations into the Draft UPWP, which is due on **March 15**.

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](#). Under special circumstances, the District and the MPO may 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 Draft FDOT/MPO Joint Certification Package

The District and MPO will cooperatively develop the Draft FDOT/MPO Joint Certification Package by **February 15**. The Draft FDOT/MPO Joint Certification Package is not formally submitted to the [Liaison Toolkit](#), but the District MPO Liaisons should combine all of the items below into a single Draft Master FDOT/MPO Certification Package. The Draft FDOT/MPO Joint Certification Package must include the following:

- ❖ 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 unsigned 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 Final FDOT/MPO Joint Certification Package. Disagreements between the District and the MPO must be resolved prior to the District submitting 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

If the District cannot certify the metropolitan transportation planning process, it will consult with OPP and the MPO. This three-way consultation process will identify strategies and actions 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 Development of 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](#). OPP then submits the package via email to the Florida Division of FHWA and FTA by July 1. This will allow OPP ample time for review. All FDOT/MPO Joint Certifications must be approved before the FDOT Secretary can request the State Transportation Improvement Program (STIP) approval 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:

- ❖ 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 states 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, requirements may be added as federal guidance or regulations are developed. Certification questions will be reviewed and updated after each certification cycle. Therefore, the certification questions will no longer be included in this Handbook. The certification questions can be viewed within the FDOT/MPO Joint Certification documents, available at the [Liaison Toolkit](#).

If the answer to a certification question is negative, and the problem cannot be corrected before 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 District MPO Liaison reviews the MPO's supporting documentation for invoices. 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 involves 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 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 the FHWA Florida Division. FHWA and FTA will conduct quadrennial reviews on a multiyear cycle, 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 the 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 \(d\), and 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 has FHWA and FTA jointly review and evaluate the transportation planning process 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 when deciding 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

Before the quadrennial certification review, FHWA contacts the MPO and the District to schedule the metropolitan planning process certification review. FHWA's advance notification letter will be sent to the MPO, and copies will be sent to the appropriate district staff and OPP. The federal review team is comprised of 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** thoroughly examines 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 LRTP, TIP, UPWP, 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 discuss the PPP and its implementation with MPO staff. 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 for review for factual accuracy before the report is 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 the grounds 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 the 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

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CHAPTER 8 Metropolitan Planning Organization Compliance



OFFICE OF POLICY PLANNING



8. Metropolitan Planning Organization Compliance

Key Chapter Changes

The Metropolitan Planning Organization Compliance chapter has been reformatted to allow for improved accessibility. (July 15, 2024)



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8.1 Introduction

This chapter provides guidance to the Districts to assess and review the administration and management of Metropolitan Planning Organizations (MPOs) related to compliance with progress reporting and invoice submittals. MPOs have 90 days after the close of the reporting period to submit invoices to Florida Department of Transportation (FDOT). Progress reports are submitted quarterly by the Liaisons in the [Liaison Toolkit](#). The timeframe for reporting can be found in [Table 8.1](#). It should be noted that for MPO invoices, a progress report will also need to be submitted for each invoice period. This is discussed further in [8.2 Steps and Actions to Achieve/Maintain Compliance](#).

Table 8.1 Progress Report Timeline

| Quarter | Timeframe Reported | Report Deadline |
|---------|--------------------|-----------------|
| 1 | July-September | December 31 |
| 2 | October-December | March 31 |
| 3 | January-March | June 30 |
| 4 | April-June | September 30 |

In addition to all the planning requirements, MPOs are also expected to comply with federal and state laws and regulations pertaining to the successful administrative operation of the MPO (i.e., the development and timely submittal of progress reports and invoices). Districts will work with their MPOs to establish a process that will result in full compliance with federal and state laws and regulations. To achieve this goal, each District and MPO will follow a series of steps and actions that are clearly understood and adhered to by each MPO and District. As stipulated in [2 CFR 200.208](#), FDOT has the authority to impose additional monitoring requirements.

8.2 Steps and Actions to Achieve/Maintain Compliance

Districts will follow the steps below to assist MPOs in maintaining their administrative compliance:

- ❖ The District will work with each MPO to establish an ongoing dialogue to discuss issues related to the administrative operations of the MPO. Such dialogue should occur regularly via scheduled meetings, conference calls, and/or through other mutually agreed upon methods of communication.
- ❖ Upon receipt of an invoice and corresponding progress report from an MPO, the District MPO Liaison will review the invoice and progress report for completeness and adherence to established submittal guidelines. The District MPO Liaison serves as the primary point of contact between FDOT and the MPO.
- ❖ If there is a deficiency with an invoice or progress report, the District MPO Liaison shall notify the MPO so the MPO can address and correct the issue.
- ❖ If the re-submittal is still deficient, or if the invoice or progress report are not re-submitted in a timely manner, the District shall notify the MPO, through a letter to the Staff Director, of an *Administrative Corrective Action*. An *Administrative Corrective Action* means that the MPO must undergo a process to correct its actions or practices related to the administrative operations of the MPO.
- ❖ *Administrative Corrective Actions* should be identified by the District for deficiencies found in MPO invoice/progress reports that do not meet requirements. The District will apply the following graduated scale to address and remedy any identified deficiencies:
 1. **Limited Deficiency:** At this level, communication consists of informal correspondence between the District and MPO, possibly through consultative meetings or other means of effective communication, such as a phone call or email.. Deficiencies at this level are limited in nature and should be easily correctable. An *Administrative Corrective Action* does not require formal documentation since the intent is to avoid a formalized process for minor issues

2. **Minor Deficiency:** If the issue(s) becomes slightly more significant than a limited issue but does not rise to the level of needing MPO Board involvement, the District will formalize the process by submitting a letter to the MPO Staff Director to address its minor deficiency.
 3. **Moderate Deficiency:** If the deficiency rises to the level of MPO Board involvement, the District will submit a letter to the MPO Staff Director and MPO Board Chair. The District will then make a formal presentation to the MPO Board at its next regularly scheduled meeting. At this level the MPO must prepare an *MPO Administrative Compliance Plan* (see the section below for details).
 4. **Major Deficiency:** At this level, the District will start a consultative process that will involve Central Office Management, the District, and the MPO Board to assist in rectifying any/all identified deficiencies. At this level the MPO must prepare an *MPO Administrative Compliance Plan* (see the section below for details).
 5. **Critical Deficiency:** For deficiencies at this level, FDOT (Central Office and the District) will contact the Federal Highway Administration (FHWA) to intervene. Additional outside parties may also be contacted and/or consulted, such as the Executive Office of the Governor, individual county and municipal elected officials, and other local representatives. At this level the MPO must prepare an *MPO Administrative Compliance Plan* (see the section below for details).
- ❖ The District shall report the findings and provide status updates of *Administrative Corrective Action(s)* to the MPO Staff Director and MPO Board for Moderate, Major or Critical Deficiencies.
 - ❖ Minor Deficiencies only require MPO Staff Director involvement.
 - ❖ Once the MPO has resolved any *Administrative Corrective Action(s)* to the satisfaction of the District, the District shall report the resolution of the *Administrative Corrective Action(s)* to the MPO Staff Director and MPO Board.

8.3 When Deficiencies are not Addressed

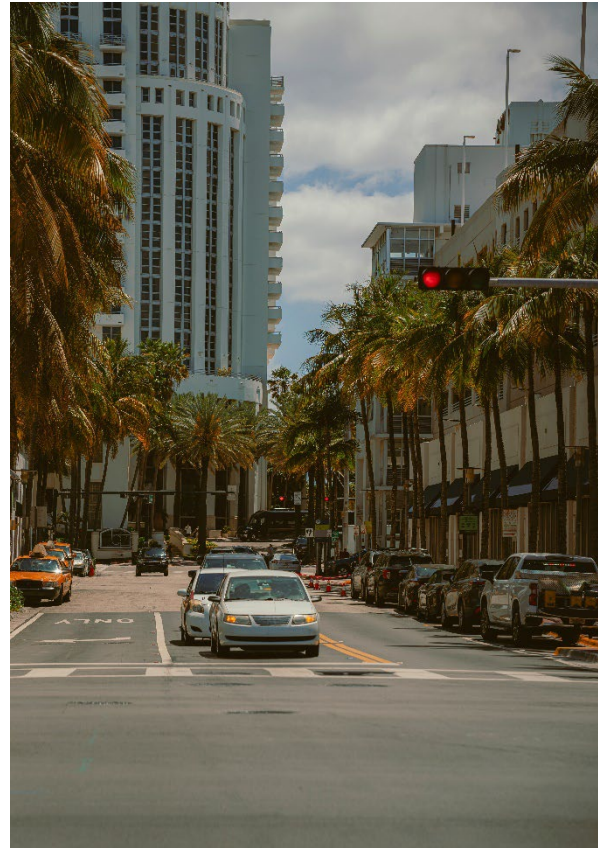
In instances where the District determines there has not been sufficient action taken by the MPO to address and resolve its *Administrative Corrective Action(s)*, the following steps will be initiated:

- ❖ District staff will hold a meeting with the MPO Staff Director to discuss the District’s findings regarding the unresolved *Administrative Corrective Action(s)*.
 - The District shall transmit their findings in writing to the MPO Staff Director and to the Chairperson of the MPO board.
 - The MPO shall coordinate with the District so a meeting can be scheduled to discuss and review the District’s findings.
 - A copy of the District’s findings shall also be transmitted to the FDOT Office of Policy Planning, Statewide Metropolitan Planning Coordinator and Metropolitan Planning Administrator.
 - Immediately following the meeting between the MPO and the District, the MPO must prepare a detailed summary of the meeting that includes the meeting’s key discussion points as well as the outcomes, expectations and timelines that were agreed upon by the District and MPO to resolve the deficiencies and necessary corrections.



❖ Continuing or incomplete Administrative Corrective Action(s):

- The District will notify the MPO Board and the FDOT Secretary of Transportation of any failure by an MPO to meet the outcomes, expectations or timelines as detailed within the summary of the above meeting.
- At this point, the MPO must develop an *MPO Administrative Compliance Plan* to bring the MPO into compliance with the requirements of the transportation planning process. The District must approve the *MPO Administrative Compliance Plan*. Elements of the *MPO Administrative Compliance Plan* may include, but are not limited, to the following:
 - Technical assistance, training, and workshops by FDOT and FHWA staff and their consultant teams.
 - Peer-to-Peer exchanges and meetings with other MPOs and other FDOT District office representatives.
 - Staffing and organizational evaluations and recommendations for such areas as human resource management, budgeting and financial operations, and employee development and performance.
- The MPO Staff Director, in cooperation with appropriate District staff, will present the *MPO Administrative Compliance Plan* (which must be approved by the District) to the MPO Board at a regularly scheduled MPO Board meeting. Included will be a presentation on the outcomes, expectations, and timelines that must be adhered to by the MPO to achieve and maintain compliance with the metropolitan transportation planning process.



8.4 References

Table 8.2 provides a list of references and definitions from federal and state laws, rules, and regulations, including key procedures and forms related to MPO compliance.

Table 8.2 Federal and State Statutes and Codes

CRIMES AND CRIMINAL PROCEDURES

Citation: [18 USC 1001](#)

Description: Consequences for providing false or fraudulent information related to federal grants.

ADMINISTRATIVE REMEDIES FOR FALSE CLAIMS AND STATEMENTS

Citation: [31 USC 3729-3730](#) and [31 USC 3801-3812](#)

Description: Consequences for providing false or fraudulent information related to federal grants.

METROPOLITAN TRANSPORTATION PLANNING

Citation: [23 USC 104\(d\)\(2\)\(B\)](#)

Description: Addresses timing for MPO reimbursement by state DOTs.

Citation: [23 USC 134](#)

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

Citation: [49 USC 5303](#)

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

FEDERAL OFFICE OF MANAGEMENT AND BUDGET

Citation: [2 CFR Part 200](#)

Description: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

PLANNING AND RESEARCH PROGRAM ADMINISTRATION

Citation: [23 CFR Part 420](#)

Description: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

METROPOLITAN AND STATE PLANNING

Citation: [FTA Circular C 8100.1C](#)

Description: Program guidance and application instructions for applying for grants under the Metropolitan Planning Program (MPP) and the State Planning and Research Program (SPRP) authorized in 49 USC 5305.

TRANSPORTATION FINANCE AND PLANNING

Citation: [Section 339.175, FS](#)

Description: MPO authorities, powers, duties, and responsibilities.

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CHAPTER 9

Performance Management



OFFICE OF POLICY PLANNING



9. Performance Management

Key Chapter Changes

The Performance Management chapter was updated to provide additional information, resources and provide clarification on performance measures. Format was updated to meet accessibility compliance (June 24, 2024).

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9.1 Introduction

This chapter provides an overview of the federal Transportation Performance Management (TPM) framework. It provides information on each federal performance measure and highlights requirements for Metropolitan Planning Organizations (MPO) to set performance targets, report performance in Transportation Improvement Programs (TIP) and Long-Range Transportation Plans (LRTP) and integrate TPM into the MPO planning process.



9.1.1 Performance Management Terminology

Table 9.1 lists key TPM-related terms and definitions as they are defined in federal statutes, regulations, and guidance. Because TPM is a requirement for all transportation agencies, Florida Department of Transportation (FDOT), MPOs, and public transportation providers should have a solid understanding of these definitions and how they are applied in the planning process.

Table 9.1 TPM Terminology

| Term | Definition |
|----------------------------|--|
| Goal | A broad statement that describes a desired end state. ¹ |
| Objective | A specific, measurable statement that supports achievement of a goal. ² |
| Performance Measure | An expression based on a metric that is used to establish targets and to assess progress toward meeting the established targets. [23 Code of Federal Regulations (CFR) 450.104] and [23 CFR 490.101] |
| Metric | A quantifiable indicator of performance or condition. [23 CFR 490.101] |
| Target | A quantifiable level of performance or condition, expressed as a value for a measure, to be achieved within a time period. [23 CFR 490.101] |

9.1.2 Overview – Federal TPM Framework

In 2012, [Moving Ahead for Progress in the 21st Century \(MAP-21, PL 112-141\) Act](#) ushered in a national TPM framework to strengthen the U.S. transportation system and improve decision-making through better informed transportation planning and programming. MAP-21 established performance-driven and outcome-based requirements to align federal transportation funding with national goals and track progress towards achievement of these goals. The purpose of this performance-based program is for state departments of transportation, MPOs, and public transportation providers to invest resources in projects that, collectively, make progress toward achievement of the national goals.

¹ FHWA Performance-Based Planning and Programming Guidebook. Page 12. http://www.fhwa.dot.gov/planning/performance_based_planning/pbpp_guidebook/.

² FHWA Performance-Based Planning and Programming Guidebook. Page 12. http://www.fhwa.dot.gov/planning/performance_based_planning/pbpp_guidebook/.

MAP-21 established the framework for TPM. In the legislation, Congress defined national goals and updated general purposes for the transportation system and required the United States Department of Transportation (USDOT) to establish performance measures related to those goals and purposes. States, MPOs, and public transportation providers must establish performance targets for each measure to be achieved within a specified time period and must monitor and periodically report on progress toward achievement of the targets. **Figure 9.1** presents the TPM framework and the agencies that lead each step. **Figure 9.2** lists the national goals and general purposes defined by Congress.

This represents the first time all states, MPOs, and public transportation providers are required to measure, monitor, and report on the performance of the transportation system using a national framework of consistent performance measures. Prior to MAP-21, there were no explicit requirements to do so.

Figure 9.1 Federal Transportation Performance Management Framework

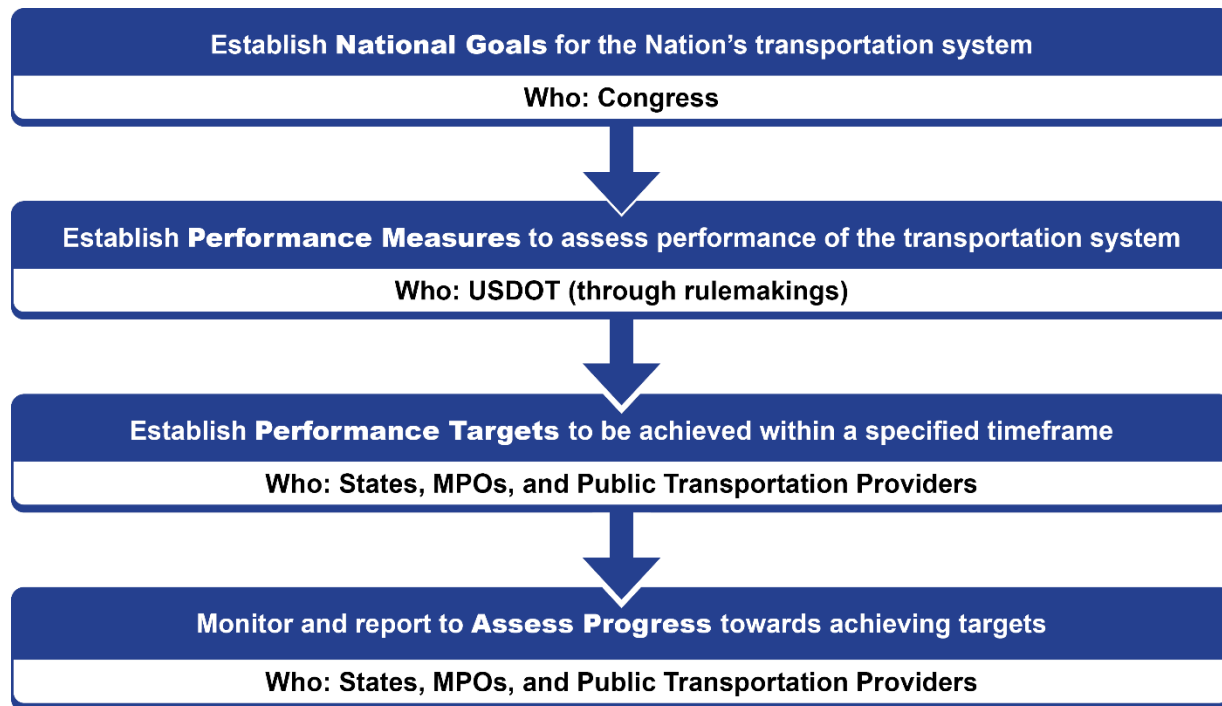


Figure 9.2 National Goals and General Purposes

**National Goals [23 United States Code (USC) 150(b)]
and General Purposes [49 USC 5301]**

National Goals

-  **Safety**
Achieve a significant reduction in traffic fatalities and serious injuries on all public roads
-  **Infrastructure Condition**
Maintain the highway infrastructure asset system in a state of good repair
-  **Congestion Reduction**
Achieve a significant reduction in congestion on the National Highway System (NHS)
-  **System Reliability**
Improve the efficiency of the surface transportation system
-  **Freight Movement and Economic Vitality**
Improve the National Highway Freight Network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development
-  **Environmental Sustainability**
Enhance the performance of the transportation system while protecting and enhancing the natural environment
-  **Reduced Project Delivery Delays**
Reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices

General Purposes

-  Establish standards for the state of good repair of public transportation infrastructure and vehicles
-  Promote continuing, cooperative, and comprehensive planning that improves the performance of the transportation network

9.2 Federal Performance Measures

USDOT promulgated a series of rulemakings that established performance measures tied to the national goals and general purpose areas. [\[23 USC 150\(c\), 49 USC 5301\]](#). The federal performance measure rules fall into three primary categories – safety, asset maintenance, and system performance.

- ❖ Safety performance measures track the number and rate of roadway and transit fatalities and serious injuries, the number of pedestrian and bicyclist fatalities and serious injuries, and transit derailments, collisions, fires, or evacuations.
- ❖ Asset management performance measures track the condition of roads, bridges, and transit equipment, vehicles, and facilities to assess how well these assets are being maintained.
- ❖ System performance measures track highway travel reliability, freight movement reliability, congestion, and emissions to assess how well a corridor is moving people and freight, not just vehicles.



The Federal Highway Administration (FHWA) issued three performance measure rules that address highway safety (PM1), pavement and bridge condition (PM2), and system performance (PM3). The Federal Transit Administration (FTA) issued two performance measure rules that address transit assets and transit safety.

In addition to the performance measure rules, FHWA and FTA published a final rule for Statewide and Nonmetropolitan Transportation Planning and Metropolitan Transportation Planning, [\[23 CFR Part 450\]](#) known as the planning rule, to incorporate the performance management framework presented in [Figure 9.2](#) and associated requirements for target setting and reporting. [Table 9.2](#) provides regulatory citations for the planning rule and the five performance measure rules. Each performance measure rule is then described.

Table 9.2 Federal TPM Rules and Regulatory Citations

| Rule | Regulatory Chapter |
|--|--|
| Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning | <u>23 CFR Part 450</u> |
| Highway Safety Performance Management Measures (PM1) | <u>23 CFR Part 490 Subpart B</u> |
| Assessing Pavement and Bridge Condition for the National Highway Performance Program (PM2) | <u>23 CFR Part 490, Subpart C (Pavement)</u> and <u>Subpart D (Bridge)</u> |
| Assessing Performance of the National Highway System (NHS), Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program (PM3) | <u>23 CFR Part 490, Subpart E (NHS), Subpart F (Freight), Subpart G (CMAQ Congestion), Subpart H (Emissions)</u> |
| Transit Asset Management | <u>49 CFR Part 625</u> |
| Public Transportation Agency Safety Plan | <u>49 CFR Part 673</u> |

9.2.1 Highway Safety Performance Measures (PM1)

The first of the performance measures rules issued by FHWA establishes five performance measures to assess road safety and carry out the Highway Safety Improvement Program (HSIP). The HSIP is a federal-aid funding program intended to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. The PM1 (safety performance) performance measures are listed in [Table 9.3](#).

Table 9.3 Highway Safety Performance Measures (PM1)

| Highway Safety Performance Measures (PM1) |
|---|
| Number of fatalities |
| Number of serious injuries |
| Rate of fatalities per 100 million vehicle miles traveled (VMT) |
| Rate of serious injuries per 100 million VMT |
| Number of non-motorized fatalities and serious injuries |

The non-motorized performance measure is one measure. It combines non-motorized fatalities and non-motorized serious injuries.

The Florida Department of Highway Safety and Motor Vehicles (FLHSMV) is the official custodian of traffic crash records for the State of Florida. All crash data originates from FLHSMV. FDOT derives state VMT data from Highway Performance Monitoring System (HPMS) and estimates it for each MPO and/or planning area.



MPOs may access MPO-specific safety performance measures through the [FDOT Source Book](#). Safety performance measures are calculated and published in the [FDOT Source Book](#) by **August 31** of each year for the prior calendar year. For the purposes of estimating or monitoring safety performance using current crash data, MPOs may also use [Signal 4 Analytics](#). The safety measures are calculated based on a 5-year rolling average.

9.2.2 Pavement and Bridge Condition Performance Measures (PM2)

FHWA's Pavement and Bridge Condition Performance Measures Final Rule, which is also referred to as the PM2 (pavement & bridge performance) rule, requires state DOTs and MPOs to establish targets for pavement and bridge condition on Interstate and non-Interstate National Highway System (NHS) roads in each state. [Table 9.4](#) presents the PM2 (pavement & bridge performance) performance measures.

Table 9.4 Pavement and Bridge Condition Performance Measures (PM2)

| Pavement and Bridge Condition Performance Measures (PM2) |
|--|
| Percent of pavements on the Interstate system in Good condition |
| Percent of pavements on the Interstate system in Poor condition |
| Percent of pavements on the non-Interstate NHS in Good condition |
| Percent of pavements on the non-Interstate NHS in Poor condition |
| Percent of NHS bridges (by deck area) classified as in Good condition |
| Percent of NHS bridges (by deck area) classified as in Poor condition |

Pavement condition is assessed based on roughness, cracking, rutting, and faulting. Pavement in good condition suggests that no major investment is needed and should be considered for preservation treatment. Pavement in poor condition suggests major reconstruction investment is needed due to either ride quality or a structural deficiency.

Bridge condition is assessed by inspecting each bridge deck, superstructure, substructure, and culverts. A bridge in good condition suggests that no major investment is needed. A bridge in poor condition is safe to drive on; however, it is nearing a point where substantial reconstruction or replacement is needed.

FDOT collects pavement and bridge data for the NHS each year. Historical data and current targets for the federal performance measures are available from the [FDOT Source Book](#). The [FDOT Source Book](#) is updated by **August 31** of each year with the applicable data for the prior calendar year.

9.2.3 Highway System/Freight/CMAQ Performance Measures (PM3)

FHWA's System Performance/Freight/CMAQ Performance Measures Final Rule assesses passenger and freight travel performance on the Interstate and non-Interstate NHS, and traffic congestion and on-road mobile source emission reductions in areas that do not meet federal air quality standards. The rule, which is referred to as the PM3 (system performance) rule, defines the six performance measures listed in

Table 9.5.

Table 9.5 Highway System Performance Measures (PM3)

| Performance Measures |
|--|
| Percent of person-miles traveled on the Interstate system that are reliable |
| Percent of person-miles traveled on the non-Interstate NHS that are reliable |
| Truck Travel Time Reliability Index (TTTR) |
| Annual hours of peak-hour excessive delay (PHED) per capita* |
| Percent of non-single occupant vehicle travel (non-SOV)* |
| Cumulative 2-year and 4-year reduction of on-road mobile source emissions* |

*Not required in Florida

Three of the six PM3 (system performance) measures (PHED, percent non-SOV travel, and cumulative emission reduction) apply only to areas that include any part of a designated air quality nonattainment or maintenance area for ozone, carbon monoxide, or particulate matter. Because all areas in Florida are currently designated as attainment for these pollutants, these three measures do not apply to FDOT or the MPOs.

The data used to calculate the first three measures is provided by FHWA via the National Performance Management Research Data Set (NPMRDS). This dataset contains travel times, segment lengths, and Annual Average Daily Travel (AADT) for Interstate and non-Interstate NHS roads. If FDOT and the MPOs

wish to use a different dataset for travel times and reporting segments in the future, they would need to coordinate with each other to secure agreement on the alternate data. FDOT would then need to request FHWA approval for the use of the alternate data no later than **October 1** before the beginning of the calendar year in which the alternate data would be used. FHWA must approve the use of the data source(s) prior to FDOT and MPO implementation and use of the data source(s).

9.2.3.1 Percent of Person-Miles Traveled that are Reliable

These two performance measures assess the percent of person-miles traveled on the Interstate or the non-Interstate NHS that are reliable. Reliability for these two measures is defined as the ratio of longer travel times (80th percentile) to a normal travel time (50th percentile) over all applicable roads. Travel times are analyzed for each highway segment. A level of travel time reliability (LOTTR) is calculated for each segment for four time periods that cover the hours of 6:00 am to 8:00 pm each day:

1. AM Peak 6:00 a.m. – 10:00 a.m. Monday through Friday
2. Mid-day 10:00 a.m. – 4:00 p.m. Monday through Friday
3. PM Peak 4:00 p.m. – 8:00 p.m. Monday through Friday
4. Weekends 6:00 a.m. – 8:00 p.m. Saturday and Sunday

A segment is reliable if its LOTTR is less than 1.5 during all four time periods. If one or more time periods has a LOTTR of 1.5 or above, that segment is unreliable. The two measures are expressed as the percent of person-miles traveled on the Interstate or Non-Interstate NHS system that are reliable. Person-miles take into account the number of people traveling in buses, cars, and trucks over these roadway segments. The length of each segment is multiplied by its AADT and average occupancy factor for all vehicles, which results in person-miles. This calculation is done for reliable segments and for all segments. The sum of reliable segment person-miles is divided by the sum of all segment person-miles to calculate the measure. Average vehicle occupancy is obtained from either the most recently available data tables published by FHWA or from other sources chosen by the state, as long as the alternate data is allowed by FHWA. Current FHWA guidance advises using an occupancy factor of 1.7.

9.2.3.2 *Truck Travel Time Reliability Index*

The TTTR performance measure assesses the reliability index for trucks traveling on the interstate. A TTTR ratio is generated by dividing the 95th percentile truck travel time by a normal travel time (50th percentile) for each segment of the Interstate system over five time periods throughout weekdays and weekends:

1. AM Peak 6:00 a.m. – 10:00 a.m.
on Monday – Friday
2. Mid-day 10:00 a.m. – 4:00 p.m.
on Monday – Friday
3. PM Peak 4:00 p.m. – 8:00 p.m.
on Monday – Friday
4. Weekend 6:00 a.m. – 8:00 p.m.
on Saturday – Sunday
5. Overnight 8:00 p.m. – 6:00 a.m.
on all days of the week



For each segment, the highest TTTR value among the five time periods is multiplied by the length of the segment. The sum of all length-weighted segments is then divided by the total length of Interstate to generate the TTTR Index. Historical data and current targets for the federal reliability performance measures are available from the [FDOT Source Book](#). The [FDOT Source Book](#) is updated by **August 31** of each year with the applicable data for the prior calendar year.

9.2.4 Transit Asset Management Performance Measures

FTA’s Transit Asset Management (TAM) rule applies to all recipients and subrecipients of federal transit funding that own, operate, or manage public transportation capital assets. The rule requires that public transportation providers develop and implement TAM plans and established state of good repair standards and performance measures for four asset categories: rolling stock, equipment, transit infrastructure, and facilities. Transit asset performance in each category is measured by asset class, which is the subgroup of capital assets within an asset category. **Table 9.6** lists the asset categories and associated transit asset performance measures.

Table 9.6 Transit Asset Management Performance Measures

| Asset Category | Performance Measure |
|---|--|
| Equipment: Non-revenue support-service and maintenance vehicles | Percent of non-revenue vehicles that have met or exceeded their Useful Life Benchmark |
| Rolling Stock: Revenue vehicles by mode | Percent of revenue vehicles that have met or exceeded their Useful Life Benchmark |
| Infrastructure: Only rail fixed-guideway, track, signals and systems | Percentage of track segments with performance restrictions |
| Facilities: Maintenance and administrative facilities; and passenger stations (buildings) and parking facilities | Percentage of facilities rated in marginal or poor condition on the Transit Economic Requirements Model (TERM) Scale |

For equipment and rolling stock classes, Useful Life Benchmark (ULB) is defined as the expected lifecycle of a capital asset, or the acceptable period of use in service, for a particular transit provider’s operating environment. ULB considers a provider’s unique operating environment such as geography, service frequency, etc. and is not the same as an asset’s useful life.

The TAM rule also established two tiers of agencies. A Tier I provider is one that owns, operates, or manages either rail or more than 100 vehicles in revenue service during peak regular service across all fixed route modes or in any one non-fixed route mode. A Tier II provider is one that is either a sub-recipient of FTA 5311 funds, or is an American Indian Tribe, or has 100 vehicles or less in revenue service during peak regular service across all non-rail fixed route modes or in any one non-fixed route mode.

A Tier I provider must develop its own TAM plan. Tier II agencies may develop their own plans or participate in a group TAM plan, which is compiled by a group TAM plan sponsor. FDOT is the sponsor of a Group TAM plan for subrecipients of [Section 5311](#) and [Section 5310](#) grant funds.

9.2.5 Public Transportation Agency Safety Measures

FTA’s Public Transportation Agency Safety Plan (PTASP) rule requires certain operators of public transportation systems that receive federal financial assistance under [49 USC Chapter 53](#) to develop and implement a PTASP based on a management systems approach. The rule applies to all operators of public transportation that are a recipient or sub-recipient of FTA Urbanized Area Formula Grant Program funds under [49 USC 5307](#), or that operate a rail transit system that is subject to FTA’s State Safety Oversight Program. The rule does not apply to certain modes of transit service that are subject to the safety jurisdiction of another Federal agency, including passenger ferry operations that are regulated by the United States Coast Guard, and commuter rail operations that are regulated by the Federal Railroad Administration.

The provider’s PTASP must include targets for the performance measures established by FTA in the [National Public Transportation Safety Plan](#). These transit safety performance measures are based on data transit providers already submit to the National Transit Database (NTD) and are listed in [Table 9.7](#).

Table 9.7 Public Transportation Agency Safety Plan (PTASP) Performance Measures

| Performance Measures |
|---|
| Total number of reportable fatalities and rate per total vehicle revenue miles by mode |
| Total number of reportable injuries and rate per total vehicle revenue miles by mode |
| Total number of reportable safety events and rate per total vehicle revenue miles by mode |
| System reliability – mean distance between major mechanical failures by mode |

Once completed and certified, transit providers must make their safety plans and targets available to their state and MPO(s) in which their transit services are programmed in the MPO’s Transportation Improvement Program (TIP).

In Florida, each [49 USC 5307](#) and [49 USC 5311](#) transit provider must develop a System Safety Program Plan (SSPP) under [Chapter 14-90, Florida Administrative Code \(FAC\)](#). FDOT technical guidance recommends that Florida’s transit agencies revise their existing SSPPs to be compliant with the new FTA PTASP requirements.

9.3 Establishing Performance Targets

The next step in the TPM framework is for states, MPOs, and providers of public transportation to set targets for each measure that applies in the planning area. This section discusses the target setting process and highlights key dates and other considerations MPOs should be aware of.

States and MPOs set targets on a recurring schedule that differs by performance area. MPOs must establish performance targets not later than 180 days after the date on which the state or public transportation provider establishes the performance targets. [\[23 CFR 450.306\(d\)\(3\)\]](#) There are two ways to do this:

Option 1: The MPO agrees to plan and program projects so that they contribute toward the accomplishment of the relevant state or public transportation provider target for that performance measure. (The MPO numeric target is the same as the relevant state or public transportation provider numeric target.)

Option 2: The MPO evaluates performance data and establishes a numeric target for the MPO planning area that is different than the numeric target established by the state or public transportation provider. (The MPO will plan and program projects that contribute toward the accomplishment of the MPO target for that performance measure.)

Deadlines for establishing targets vary. Annual targets are required for PM1 (safety performance) and transit measures, while two-year or four-year targets are required for PM2 (pavement & bridge performance) and PM3 (system performance) measures. [Table 9.8](#) summarizes the dates initial targets were or are required to be established by the state or provider of public transportation and the MPO, the frequency with which targets must be established, and target update frequency. This is followed by discussion of each measure area.

After MPOs establish targets, the state DOT must be able to provide these targets to FHWA upon request. [\[23 CFR 490.105\(f\)\(9\) 23 CFR 490.209\(c\)\(3\)\]](#) Therefore, MPOs must report target-related status information to FDOT upon request.

Table 9.8 Target Frequency and Due Dates

| Performance Area | Target Setting Frequency | Target Due Dates |
|-------------------------------------|--|--|
| PM1 (safety performance) | Annual | State: August 31 of each year MPOs: February 27 of each year |
| PM2 (pavement & bridge performance) | New targets every 4 years, with optional target adjustment at midpoint | State: October 1 of each 4 year period (2022, 2026, etc.) MPOs: 180 days after state (March 30, 2023, 2027, etc.) |
| PM3 (system performance) | New targets every 4 years, with optional target adjustment at midpoint | State: October 1 of each 4 year period (2022, 2026, etc.) MPOs: 180 days after state (March 30, 2023, 2027, etc.) |
| Transit Assets | Providers set annual targets | Providers: Varies based on Fiscal Year MPOs: When updating the LRTP |
| Transit Safety | Providers set annual targets | Providers: Varies based on Fiscal Year MPOs: When updating the LRTP |

9.3.1 Establishing PM1 Targets

Performance for the PM1 (safety performance) measures is assessed on an annual basis. Accordingly, targets for the PM1 (safety performance) safety measures are established annually by FDOT and the MPOs. FDOT reports safety targets in its HSIP Annual Report that is due to FHWA each year by **August 31**. Targets are applicable to all public roads regardless of functional classification or ownership.

MPOs must then establish PM1 (safety performance) targets within 180 days of the date that the state established targets. If a state submits its HSIP report prior to **August 31**, FHWA still considers the PM1 (safety performance) targets as being established and reported on **August 31**. Therefore, MPOs must establish their HSIP targets no later than **February 27** each year.

If an MPO elects to establish a PM1 (safety performance) target specific to the MPO planning area for one of the rate measures, the MPO must report the VMT estimate used for rate target and the methodology used to develop the VMT estimate.

In addition to reporting PM1 (safety performance) targets in the HSIP annual report, FDOT must also describe the progress toward achieving safety outcomes and performance targets, and include an overview of general highway safety trends, a discussion of the basis of each established target and how the established target supports FDOT safety goals established in the Strategic Highway Safety Plan, and a discussion of reasons for differences in the actual outcomes and targets.

9.3.2 Establishing PM2 and PM3 Targets

Performance for the PM2 (pavement & bridge performance) and PM3 (system performance) measures is assessed over a four-year performance period. The first performance period was January 1, 2018 through December 31, 2021. The second runs from January 1, 2022 through December 31, 2025, and so on. States are required to report on performance at the beginning, midpoint, and end of each performance period (see [9.4 Monitoring and Reporting](#) for more information on reporting).

Targets for the PM2 (pavement & bridge performance) and PM3 (system performance) measures are established every four years by FDOT and the MPOs for the associated performance period. Additionally, FDOT is required to establish two-year targets for each measure. Note that in areas where the percent non-SOV travel and total emissions reduction measures apply, MPOs establish both two-year and four-year targets. At the time of this writing, the percent non-SOV travel and total emissions reduction measures do not apply in Florida.

Two-year targets reflect the anticipated performance level at the midpoint of the associated four-year performance period, while four-year targets reflect the anticipated performance level at the end of the performance period.



9.3.2.1 *Adjusting PM2 and PM3 Targets*

States may adjust an established four-year target for any PM2 (pavement & bridge performance) or PM3 (system performance) measure after the midpoint of the four-year performance period. This adjustment would take place on or before October 1 of the third year of the performance period, which is the due date for states to report performance to FHWA for the first two years. Within 180 days of the state reporting the adjusted target to FHWA, the MPO must report to the state whether it will either agree to plan and program projects so that they contribute to the adjusted state DOT target for that performance measure or commit to a new quantifiable target for that performance measure for its metropolitan planning area. The primary forum for coordination between FDOT and the MPOs on selecting performance targets and related policy issues is the regular meetings of the MPOAC.



Note that if an MPO agreed to plan and program projects so that they contribute toward the accomplishment of the state DOT targets, and the state DOT does not adjust a four-year target at the midpoint of the performance period, the MPO cannot establish its own target at the midpoint. The MPO must continue to contribute to the state targets established at the beginning of the performance period.

9.3.3 Establishing Transit Asset Management Targets

Performance for the transit asset measures is assessed on an annual basis. Accordingly, providers of public transportation annually establish performance targets for the following fiscal year for each asset class included in its TAM plan. FDOT annually establishes collective transit targets for all providers that participate in the Group TAM plan.

Within four (4) months of the end of each transit provider's fiscal year, the provider establishes and submits to FTA's NTD performance targets for the next fiscal year, an asset inventory and condition assessment, as well as a narrative on changes in transit system conditions and progress toward achieving previous performance targets. Once the public transportation provider establishes transit asset targets it must make the targets available to MPOs.

Unlike PM1 (safety performance), PM2 (pavement & bridge performance), and PM3 (system performance) measures, MPOs are not required to establish new transit asset targets annually each time the transit provider establishes targets. Instead, MPOs may choose to update their transit targets when the transit provider(s) updates theirs, or when the MPO updates its LRTP.

Multiple Transit Providers in an MPO Area: In cases where two or more transit providers operate in an MPO planning area and establish a different target for a given measure, the MPO has the option of either coordinating with the providers to establish a single target for the MPO planning area, or establishing a set of targets for the MPO planning area that reflects the different transit provider targets. For both options, the MPO must set the target in coordination with the transit providers.

9.3.4 Establishing Transit Safety Targets

Performance for the transit safety measures is assessed on an annual basis. Accordingly, providers of public transportation annually establish transit safety targets for the following fiscal year. Once the public transportation provider establishes safety targets it must make the targets available to MPOs.

As with the transit asset targets, MPOs are not required to establish new transit safety targets annually each time the transit provider establishes targets. Instead, MPOs may choose to update their transit targets when the transit provider(s) updates theirs, or when the MPO updates its LRTP.

Multiple Transit Providers in an MPO Area: In cases where two or more transit providers operate in an MPO planning area and establish a different safety target for a measure, the MPO may establish a single target for the MPO planning area or establish a set of targets for the MPO planning area that reflect the different transit provider targets.

9.4 Monitoring and Reporting

Accountability and transparency in transportation decision-making is a key provision of the TPM framework. To ensure this, states, MPOs, and public transportation providers are required to report on progress towards meeting performance targets.

States and providers of public transportation are required to submit performance information directly to FHWA or FTA on an ongoing basis through reports and plan updates. The frequency of reporting varies with each performance rule. In contrast, MPOs are not required to report performance information directly to FHWA or FTA. Instead, MPOs provide ongoing performance information and progress towards achieving performance targets in the LRTP, and an assessment of the anticipated effect of the TIP in achieving progress towards targets, as described in the following sections.

9.4.1 TPM Reporting Requirements in the MPO LRTP

The LRTP must include a description of all applicable performance measures and targets used in assessing the performance of the transportation system in the MPO planning area. [\[23 CFR 450.324\(f\)\(3\)\]](#)

The LRTP must also include a system performance report. The system performance report must evaluate the condition and performance of the transportation system with respect to the MPO's performance targets, including progress achieved by the MPO in meeting the performance targets in comparison with system performance recorded in previous reports, including baseline data. [\[23 CFR 450.324\(f\)\(4\)\(i\)\]](#) The system performance report can be included in the body of the LRTP or as an appendix.

For MPOs that elect to develop multiple scenarios when developing their LRTP, the system performance report must include an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets. [\[23 CFR 450.324\(f\)\(4\)\(ii\)\]](#)

FDOT has created [templates the](#) MPOs may use to develop LRTP language specific to each MPO. The requirement to include a system performance report in the LRTP has to be met at the time that the LRTP is updated. A system performance report does not have to be updated when the LRTP is amended.

9.4.2 TPM Reporting Requirements in the MPO TIP

MPOs must design the Transportation Improvement Program (TIP) such that once implemented, it makes progress toward achieving the MPO's performance targets. [\[23 CFR 450.326\(c\)\]](#)

To the maximum extent practicable, the TIP must include a description of the anticipated effect of the program of projects in the TIP will have toward achieving the performance targets identified in the LRTP; linking investment priorities to those performance targets. [\[23 CFR 450.326\(d\)\]](#) FHWA defines maximum extent practicable as capable of being done after taking into consideration the cost, existing technology, and logistics of accomplishing the requirement. FDOT has created [templates](#) the MPOs may use to develop TIP language to meet the TPM requirements.

[FHWA's PBPP Roadmap](#) addresses the basic steps of incorporating the PBPP approach into the TIP and documenting the anticipated effect of the TIP toward achieving the performance targets and linking investment priorities to those performance targets. In addition, [FHWA Florida Division documentation](#) states that in general, this description of effect should be at a systems or program level and not at the level of individual projects. As a minimum, it should discuss the effect that the program of projects in the TIP would have toward achieving the federally required performance targets. It should be consistent with and include or reference the goals, objectives, strategies, performance measures and targets in the LRTP (as applicable) and in other plans and processes as they relate to the federally required performance targets. The requirement to assess the effect of the TIP in achieving performance targets only has to be done at the time the TIP is updated, it does not have to be updated with a TIP amendment.



PBPP Implementation Roadmap

9.5 Additional MPO TPM Requirements

MPOs must meet the following performance management requirements in addition to the target setting and performance reporting requirements described above.

9.5.1 *Use of a Performance-Based Planning and Programming Process*

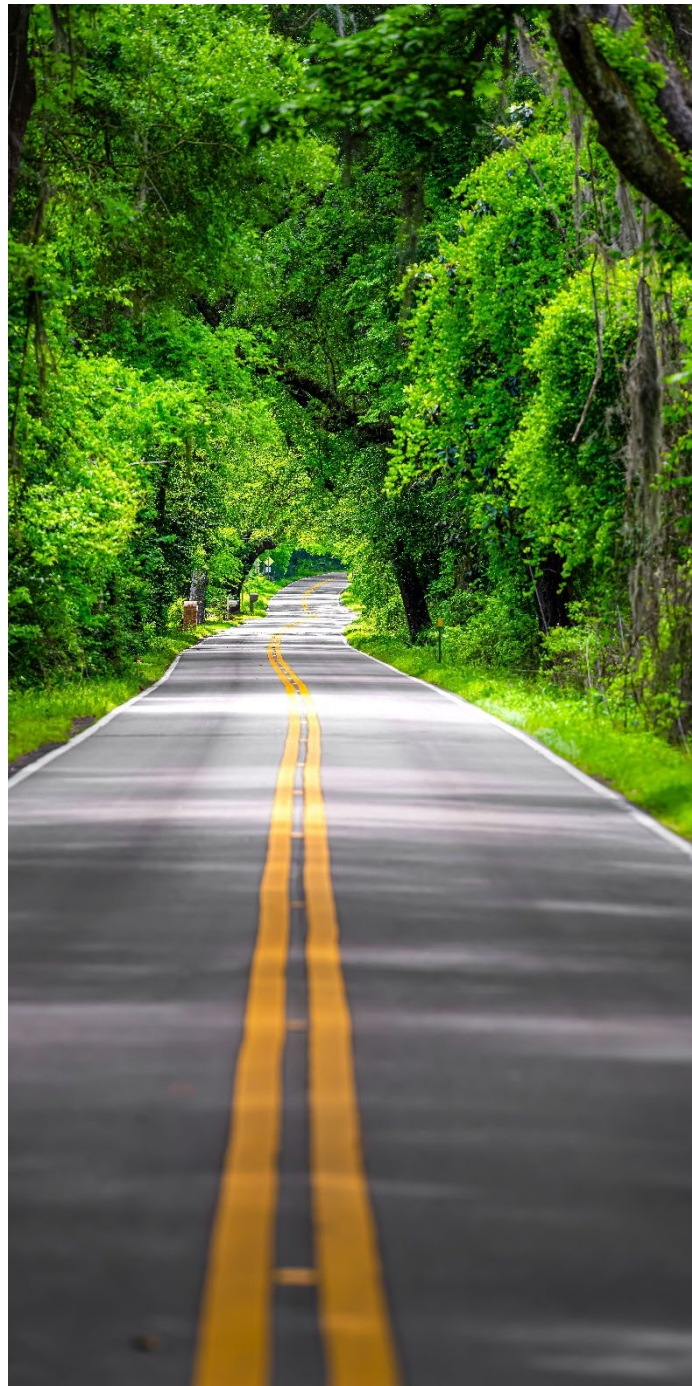
MPOs, in cooperation with the state and public transportation operators, must develop LRTPs and TIPs through a performance-driven, outcome-based approach to planning for metropolitan areas of the state. [\[23 CFR 450.306\(a\)\]](#)

The MPO planning process must provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals. [\[23 CFR 450.306\(d\)\(1\)\]](#)



MPOs must integrate in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other state or public transportation provider transportation plans and processes required as part of a performance-based program. These include:

- ❖ The state asset management plan for the NHS, referred to as the Transportation Asset Management Plan (TAMP)
- ❖ The Transit Asset Management Plan.
- ❖ Applicable portions of the Highway Safety Improvement Program, including the Strategic Highway Safety Plan.
- ❖ The Public Transportation Agency Safety Plan.
- ❖ Other safety and security planning and review processes, plans, and programs, as appropriate.
- ❖ The Congestion Mitigation and Air Quality Improvement Program performance plan, as applicable.
- ❖ Appropriate metropolitan portions of the State Freight Plan, referred to in Florida law as the Freight Mobility and Trade Plan.
- ❖ The Congestion Management Process, if applicable.



- ❖ Other state transportation plans and transportation processes required as part of a performance-based program.

Regarding the TAMP, FHWA's "Asset Management Plans and Periodic Evaluations of Facilities Repeatedly Requiring Repair and Reconstruction Due to Emergency Events" rule requires states to develop and implement the TAMP for the NHS to improve or preserve the condition of assets and the performance of the system. [\[23 CFR Part 515\]](#) The rule also requires the state to conduct periodic evaluations to determine if reasonable alternatives exist to roads, highways, or bridges that repeatedly require repair and reconstruction activities. [\[23 CFR Part 667\]](#)

Although this rule is not a performance measure rule, it does require that the TAMP include investment strategies leading to a program of projects that would make progress toward achievement of state targets for pavement and bridge condition. In addition, the planning rule requires the state DOT to integrate into the statewide transportation planning process the goals, objectives, performance measures, and targets of other state transportation plans, including the TAMP. These provisions mean that, in carrying out the transportation planning process, the state DOT must consider its TAMP, including the TAMP's investment strategies, as part of the decision-making process during planning. Similarly, MPOs, as listed above, must integrate in the metropolitan transportation planning process the goals, objectives, performance measures, and targets contained in the TAMP.

[FDOT's current TAMP](#) was submitted to FHWA on December 30, 2022. FDOT will update the TAMP every four years or whenever an asset management process changes. FDOT updated its [Part 667 evaluation](#) for NHS roads, highways, and bridges on March 1, 2024. The report documents permanent repairs on NHS roads (with two or more occurrences), and permanent repairs on NHS bridges (with one occurrence). FDOT must also prepare an evaluation for all other roads, highways, and bridges prior to including any project for the repeatedly damaged facility in the STIP and must consider the evaluation when developing the project (i.e., project planning, the environmental review process, and preliminary and final design that move a highway project to construction). FDOT and the MPOs are encouraged, but not required, to consider the information during development of transportation plans and programs and during the environmental review process.

FDOT will incorporate the results of the evaluation into each TAMP update, and will update the evaluations after every emergency event, as well as on a regular 4-year cycle.

9.5.2 *Coordination Requirements and Consensus Planning Document*

States, MPOs and public transportation providers have overlapping performance management roles and responsibilities. For example, they may draw from the same data sources when addressing performance measures. Because of this, Federal legislation and regulations require the agencies to coordinate when establishing targets and assessing progress.

MPOs must coordinate the selection of targets with the relevant state(s) and public transportation providers to ensure consistency, to the maximum extent practicable. [\[23 CFR 450.306\(d\)\]](#) In turn, each state shall select and establish performance targets in coordination with the relevant MPOs to ensure consistency to the maximum extent practicable. [\[23 CFR 450.206\(c\)\(2\)\]](#) Providers of public transportation must coordinate with states and MPOs in the selection of state and MPO transit asset and transit safety performance targets, to the maximum extent practicable. [\[49 CFR 625.45\(e\), 49 CFR 673.15\(b\)\]](#)

FHWA defines maximum extent practicable as capable of being done after taking into consideration the cost, existing technology, and logistics of accomplishing the requirement.

Coordination is defined in this context as the cooperative development of plans, programs, and schedules among agencies and entities with legal standing and adjustment of such plans, programs, and schedules to achieve general consistency, as appropriate. [\[23 CFR 450.104\]](#)

This coordination process must be formalized. The MPO, state, and providers of public transportation must jointly agree upon and develop specific written provisions for: [\[23 CFR 450.314\(h\)\(1\)\]](#)

- ❖ Cooperatively developing and sharing information related to transportation performance data.
- ❖ Selection of performance targets.
- ❖ Reporting of performance targets.
- ❖ Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the MPO.
- ❖ Collection of data for the state asset management plans for the NHS.

These provisions must be documented either as part of the metropolitan planning agreements required under [23 CFR 450.314\(a\), \(e\), and \(g\)](#), or in some other means outside of the metropolitan planning agreements as determined cooperatively by the parties to the agreement. [\[23 CFR 450.314\(h\)\(2\)\]](#)

To satisfy this requirement for written provisions FDOT and the MPOAC developed the [Transportation Performance Measures Consensus Planning Document](#) to describe the general processes through which FDOT, the MPOs, and the providers of public transportation in MPO planning areas will cooperatively develop and share information related to transportation performance management to ensure consistency to the maximum extent practicable. Each individual MPO adopted the Consensus Planning Document by incorporation in its annual TIP or by separate board action as documented in a resolution or meeting minutes, which also serves as documentation of agreement by the provider(s) of public transportation in the MPO planning area to carry out their roles and responsibilities as described in the document.

9.5.3 *Role of the FDOT MPO Liaison in TPM*

FDOT, MPOs, and transit providers are mutually responsible for implementing TPM regulations and coordinating with each other on performance data collection and analysis, setting performance targets, reporting on performance, and developing and implementing performance-based plans. MPO Liaisons have the following specific TPM-related responsibilities:

- ❖ **Communicate** the status of FDOT target setting progress and actions.
- ❖ **Monitor** MPO decisions about supporting FDOT targets or setting their own targets.
- ❖ **Review** TIPs and LRTPs and **provide guidance and technical support** for incorporating performance-based planning language and required performance information (e.g., targets).

9.6 References

This section cites federal laws and regulations, and provides references related to Performance Management requirements for MPOs and supporting materials related to TPM.

Table 9.9 Federal TPM Laws, Regulations, and References

Citation: 23 USC 150

Description: Describes the national goals, establishment of performance measures and performance targets, and reporting requirements for the federal-aid highway program.

Citation: 49 USC 5301

Description: Describes the national policy and general purposes for funding public transportation systems.

Citation: 23 USC 134

Description: Describes the metropolitan transportation planning process.

Citation: 49 USC 5303

Description: Describes the metropolitan transportation planning process.

Citation: 23 CFR Part 450

Description: Describes planning assistance and standards.

Citation: 23 CFR Part 490

Description: Describes national performance measures for highways.

Citation: 49 USC 5326

Description: Describes national performance measures for transit assets and transit safety.

Citation: 49 USC 5329

Description: Describes national performance measures for transit assets and transit safety.

Citation: MAP-21 (PL 112-141)

Description: MAP-21 Legislation.

Citation: FDOT Performance Management Policy

Description: Establishes FDOT's policy on performance management.

Citation: FHWA Performance-Based Planning and Programming Guidebook

Description: FHWA's guidance on performance-based planning and programming.

Citation: FHWA Transportation Performance Management Website

Description: FHWA's guidance on transportation performance management.

Citation: FHWA Performance-Based Planning and Programming Roadmap

Description: Summarizes TPM requirements, describes available resources, and addresses the basic steps of incorporating the PBPP approach into the planning process.

Citation: Performance Data Integration Space

Description: Hub for information produced and curated by the FDOT Systems Forecasting and Trends Office to assist department stakeholders with data-driven transportation decisions.

Citation: FDOT Source Book

Description: Historical data and current targets for the federal performance measures. The Source Book is updated by August 31 of each year with the applicable data for the prior calendar year.

Citation: MPO Performance Resources

Description: FDOT has worked with the MPOAC to develop TPM factsheets and to develop templates MPOs may use to address TPM in the TIP and LRTP.

MPO

PROGRAM MANAGEMENT
HANDBOOK

CHAPTER 10 Title VI and Nondiscrimination Program Guidance for Metropolitan Planning Organizations

OFFICE OF POLICY PLANNING



10. Title VI and Nondiscrimination Program Guidance for Metropolitan Planning Organizations

Key Chapter Changes

The Title VI and Nondiscrimination Program Guidance for MPOs chapter was updated with current Title VI and nondiscrimination procedures, requirements, and resources. The chapter was reformatted for improved accessibility. (December 19, 2024)

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10.1 Introduction

This chapter guides Metropolitan Planning Organizations (MPOs) and Florida Department of Transportation (FDOT) staff on developing, maintaining, and reviewing metropolitan planning process consistency with [Title VI of the Civil Rights Act of 1964](#), [the Civil Rights Restoration Act of 1987](#), [the Americans with Disabilities Act \(ADA\)](#), [the Florida Civil Rights Act of 1992](#), and other nondiscrimination requirements.

All **primary**, **direct**, and **subrecipient** recipients of federal financial assistance must comply with several federal civil rights requirements. These include Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin. Title VI states, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” [\[42 United States Code \(USC\) 2000d\]](#). The Civil Rights Restoration Act restored broad coverage of Title VI and other federal civil rights legislation, requiring all recipients of federal funds to comply with nondiscrimination authorities in all programs and activities, not just in those that receive the funding.

As defined by [Federal Transit Administration \(FTA\) Circular 4702.1B](#) and pursuant to [49 USC Chapter 53](#) and [49 Code of Federal Regulations \(CFR\) Part 21](#), a **primary recipient** is a recipient of federal funds that extends federal financial assistance to a subrecipient. A **direct recipient** is an entity that receives federal funding directly from the Federal Highway Administration (FHWA) or the FTA. A **subrecipient** is an entity that receives federal financial assistance from FHWA or FTA through a primary recipient. FDOT is the primary recipient, and an MPO can be both a direct recipient and subrecipient, depending on how federal funds are received.

In addition to Title VI, other nondiscrimination statutes prohibit discrimination based on sex, age, or disability. These include Section 162(a) of the Federal-Aid Highway Act of 1973 [\[Public Law \(PL\) 93-87, 162\(a\) and 23 USC 324\]](#) (sex), the Age Discrimination Act of 1975 [\[42 USC 6101\]](#) (age), and Section 504 of the Rehabilitation Act of 1973 [\[29 USC 701\]](#) and the ADA of 1990 [\[42 USC 12131\]](#) (disability). Further, the Florida Civil Rights Act of 1992 forbids discrimination against anyone based on race, color, national origin, sex, pregnancy, handicap, familial status, or religion in places of public accommodation, including transportation facilities [\(s.760.08, Florida Statute \(FS\)\)](#). Together, these requirements define a broad Title VI/ Nondiscrimination Program, which is described in more detail below. In addition to this chapter, [FDOT’s Equal Opportunity Office \(EOO\)](#) website provides updated resources and an overview of Title VI and Nondiscrimination requirements.

10.2 Title VI and Related Statutes and Nondiscrimination Requirements

Title VI Programs must comply with [23 CFR Part 200](#), which provides the elements required for Title VI compliance. Each year, FDOT updates and submits to FHWA a [Title VI Implementation Plan](#) that describes its compliance practices in detail. However, in summary, FDOT is responsible for each of the following requirements, only some of which also pertain to MPOs:

- ❖ Executing and submit Assurances that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation, denied benefits, or be otherwise subjected to discrimination under any program or activity for which the recipient receives federal assistance. [\[23 CFR 200.9\(a\)\(1\) & \(a\)\(2\)\]](#)
- ❖ Taking affirmative action to correct any deficiencies found by FHWA within a reasonable time period, not exceeding 90 days to be compliant with Title VI using state-signed assurances and required guidelines. The FDOT Secretary is ultimately responsible for implementing Title VI requirements. [\[23 CFR 200.9\(a\)\(3\)\]](#)
- ❖ Conducting annual reviews of all pertinent program areas to determine the effectiveness of program area activities at all levels. [\[23 CFR 200.9\(a\)\(4\)\]](#)
- ❖ Establishing a civil rights unit and designating a coordinator who holds a responsible position in the organization and has easy access to the head of the agency, tasked with initiating and monitoring Title VI activities and preparing required reports. [\[23 CFR 200.9\(b\)\(1\)\]](#)
- ❖ Adequately staffing the civil rights unit to implement the FDOT civil rights requirements effectively. [\[23 CFR 200.9\(b\)\(2\)\]](#)



- ❖ Developing procedures for prompt processing and disposition of Title VI and Title VIII (Fair Housing and Immigration) complaints. [\[23 CFR 200.9\(b\)\(3\)\]](#)
- ❖ Developing procedures for collecting and analyzing statistical data (race, color, national origin, and sex). [23 CFR 200.9\(b\)\(4\)](#)
- ❖ Developing a program to conduct Title VI reviews of program areas. [23 CFR 200.9\(b\)\(5\)](#)
- ❖ Conducting annual reviews of special emphasis program areas to determine the effectiveness of program area activities at all levels. [\[23 CFR 200.9\(b\)\(6\)\]](#)
- ❖ Conducting Title VI reviews of cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients of federal-aid highway funds. [\[23 CFR 200.9\(b\)\(7\)\]](#)
- ❖ Reviewing state program directives in coordination with state program officials and as applicable, including Title VI and related requirements. [23 CFR 200.9\(b\)\(8\)](#)
- ❖ Conducting training programs on Title VI and related statutes for state programs and civil rights officials. [23 CFR 200.9\(b\)\(9\)](#)
- ❖ Preparing an annual report of Title VI accomplishments, including goals for the next year. [23 CFR 200.9\(b\)\(10\)](#)
- ❖ Annually submit an updated Title VI implementing plan to the Division Federal Highway Administrator for approval or disapproval. [\[23 CFR 200.9\(b\)\(11\)\]](#)
- ❖ Developing Title VI information for dissemination to the public and, as appropriate, in languages other than English. [\[23 CFR 200.9\(b\)\(12\)\]](#)
- ❖ Establishing procedures to identify and eliminate discrimination when it is found to exist. [\[23 CFR 200.9\(b\)\(14\)\]](#)
- ❖ Establishing procedures for prompt resolution of deficiencies and writing the remedial action agreed to be necessary, all within a period not to exceed 90 days. [\[23 CFR 200.9\(b\)\(15\)\]](#)

[Title 49 CFR Part 21](#) provides additional compliance information MPOs must consider regarding compliance reporting and cooperation. FTA also provides additional requirements for state departments of transportation and MPOs in [FTA Circular 4702.1B, Chapter 6](#). These requirements include documentation and reporting responsibilities.

The federal Title

VI/Nondiscrimination program [\(42 USC 2000d\)](#) includes several

prohibitions and requirements:

- ❖ Prohibits entities (FDOT/MPOs) from intentionally denying anyone a service, program, or activity for which they are eligible.
- ❖ Prohibits entities (FDOT/MPOs) from delivering programs, services, or activities in a manner that, even if unintentional, tends to disparately impact anyone based on protected class membership.
- ❖ Requires robust inclusion of the public and consideration of public input for all programs, services, and activities. This includes encouraging representative participation of minorities and their service groups (such as nonprofits and civil rights groups) as members of planning or advisory bodies for programs receiving federal funds.
- ❖ Requires information and services to be provided in languages other than English when significant numbers of the public have limited English-speaking ability.
- ❖ Requires signed assurances and inclusion of nondiscrimination clauses in legal instruments for purchasing services.



10.3 Incorporating Title VI and Nondiscrimination Requirements into the MPO Planning Process

An MPO's Title VI Program documents the methods the MPO uses to prevent, identify, and eliminate discrimination, how compliance is achieved for work products (LRTP, TIP, etc.), planning activities, public participation; and the process used to address discrimination complaints. Each MPO must also develop and maintain a Community Characteristics Inventory (CCI) to ensure its programs, services, and activities are equitably provided and free from discrimination, fulfilling requirements in [23 CFR 200.9](#) as required by the [FDOT Title VI Implementation Plan](#). A CCI is a collection of data showing demographics for a jurisdictional area.

10.3.1 *Components of a Title VI Program*

According to the [FDOT Title VI Implementation Plan](#), each MPO must demonstrate compliance with Title VI requirements to FDOT. Minimum expectations include:

- ❖ Establishing and broadly distributing a Title VI policy;
- ❖ Developing and maintaining a CCI showing race and ethnicity demographics for the jurisdictional area;
- ❖ Identification of the Title VI point of contact for the MPO;
- ❖ Implementing a complaint procedural filing and processing procedure document consistent with [Form #275-010-010-g](#) on FDOT's [Procedural Document Library \(PDL\)](#); and
- ❖ Regularly executing and submitting to FDOT a Title VI/Nondiscrimination assurance.

The [Title VI Review Sheet](#) is available on the [Partner Site](#) and provides MPOs with a helpful tool for achieving and demonstrating Title VI compliance. The review sheet includes Title VI policy and procedures, Limited English Proficiency (LEP), Environmental Justice (EJ), Americans with Disabilities Act (ADA), Disadvantaged Business Enterprise (DBE), and a section to track annual goals and accomplishments. The review sheet identifies the minimum requirements of compliance with Title VI and assists MPOs with ensuring that key requirements are met, including:

- ❖ Executed Title VI and ADA Assurance has been provided to FDOT;
- ❖ Ensuring Title VI Coordinator has been designated and contact information;
 - The coordinator has easy access to the head of the MPO.

- ❖ Posting a Title VI/Nondiscrimination policy and the procedure for accepting and processing discrimination complaints;
- ❖ Ensuring a process for collection and analysis of protected class statistical data on beneficiaries of those impacted by its programs and services;
- ❖ Demonstrating how reviews are conducted on various programs to ensure nondiscrimination;
- ❖ Documenting that nondiscrimination training is provided to staff;
- ❖ Proof of collection of annual goals and accomplishments in its nondiscrimination program; and
- ❖ Ensuring effective dissemination of nondiscrimination responsibilities to the public and as appropriate, in languages other than English.

When updated, MPOs shall submit Title VI plans and documentation to FDOT as the primary recipient in its compliance efforts. These requirements can be fulfilled in several ways. Some MPOs create a Title VI Plan as a best practice to document and fulfill the Title VI program requirements concisely. Others fulfill requirements individually by documenting on the MPO's website. Others use the Checklist to record each aspect of the Title VI/Nondiscrimination Program, including where they are housed and when they were last updated. Regardless, documentation of nondiscrimination policies, procedures, outreach, and similar information is critical to demonstrate compliance with Title VI and related nondiscrimination requirements.

Best Practices for Title VI Compliance

1. All complaint information, including a tracking log of the complainant, date of the complaint, basis for complaint, and complaint disposition.
2. A scrapbook of outreach events intended to increase participation and solicit feedback from low-income and minority communities.
3. Measures of effectiveness reports detailing representative public involvement.
4. Lists of MPO committee members by race, ethnicity, age, and whether they represent the community with disabilities.
5. Updated CCI showing the MPO's geographic area broken down by socioeconomic factors.
6. Community Impact Assessments that evaluate the enhancements and negative impacts of the MPO's plans.
7. The MPO's LEP, Title VI, Environmental Justice (EJ), and nondiscrimination assurance documents.
8. Samples of the MPO's meeting advertisements, contracts, and other documents containing nondiscrimination information.
9. Records of all internal and external Title VI/Nondiscrimination reviews, results, and corrective action (if applicable).
10. Lists of nondiscrimination training provided to staff, including the date, number of attendees, and the training subject.
11. Documents that show strong practices, lessons learned, nontraditional partnerships, etc.

Creating a Title VI Plan is the recommended best practice to fulfill documentation requirements. A **Title VI Plan** is recommended to include the components shown in **Figure 10.1** to create a comprehensive document that captures the MPO's efforts to ensure Title VI compliance. MPOs that choose to develop a Title VI/Nondiscrimination Plan should treat it as a living document, reviewing and updating it at least once a year. Title VI Plans streamline requests from FDOT, FHWA, and FTA to verify compliance.

Figure 10.1 Components of a Title VI Program

| | |
|---|--|
| Title VI/Nondiscrimination Policy | MPOs must develop a policy stating they will not discriminate on the basis of race, color, national origin, sex, age, disability, religion, or family status and post it for public view. |
| Data Collection and Review | MPOs must develop and maintain a CCI that includes race, ethnicity, and income, at a minimum. The MPO must use the CCI to ensure its programs, services, and activities are equitably provided and free from discrimination. |
| Title VI/Nondiscrimination Coordinator | MPOs must appoint a Title VI/Nondiscrimination Coordinator who has access to the MPO Executive Director when possible discrimination issues arise. |
| Nondiscrimination Complaint Procedure | MPOs must develop and post for public use a procedure for processing discrimination complaints based on race, color, national origin, sex, age, and disability. |
| Title VI/Nondiscrimination Assurance | Lists the Title VI requirements for an MPO receiving federal funds. |
| Nondiscrimination Training | The MPO's Title VI/Nondiscrimination Coordinator must provide or arrange for periodic staff training in Title VI and nondiscrimination requirements. |
| Outside Reviews | MPOs should be prepared for reviews of their nondiscrimination activities by federal agencies. |

Nondiscrimination Policy - MPOs must develop and post a comprehensive policy for public viewing that states the MPO will not discriminate in any program, service, or activity based on race, color, national origin, sex, age, disability, religion, or family status. As appropriate, this policy should be published in languages other than English which are prevalent in the MPO area.

Data Collection and Review - The MPO must develop procedures for collecting statistical data (race, color, sex, national origin, age, disability, the transportation disadvantaged, head of household status, poverty level, etc.) of participants and beneficiaries of state highway programs. This ensures that programs and services are free of discrimination and provide equitable services to protected populations. [\[23 CFR 200.9\(b\)\(4\)\]](#)

Title VI/Nondiscrimination Coordinator - MPOs must appoint a Title VI/Nondiscrimination Coordinator with easy access to the MPO Executive Director. At a minimum, the coordinator should hold a responsible position within the organization, and the coordinator's name and contact information should be listed in the MPO Public Participation Plan (PPP). While the coordinator may report to a lower-level supervisor in other professional duties, he or she must be able to directly and easily access the head of the MPO when discrimination issues arise [\[23 CFR 200.9\(b\)\(1\)\]](#). The MPO may demonstrate this easy access using an organizational chart in the Title VI plan showing direct but dotted line access of the Title VI/ Nondiscrimination Coordinator to the MPO Executive Director.

Nondiscrimination Complaint Procedure - MPOs must develop and post procedures for public use to promptly process complaints of discrimination. The procedures must specify that all complaints alleging race, color, or national origin discrimination will be provided to the appropriate FDOT Title VI Coordinator¹ [\[23 CFR 200.9\(b\)\(3\), \(b\)\(14\), and \(b\)\(15\)\]](#).

MPOs have the flexibility to develop a complaint resolution procedure that corresponds to the organization's operations with two limitations:

1. MPO processes to resolve complaints must be time-sensitive and never exceed 90 days. [\[23 CFR 200.9\(b\)\(15\)\]](#)
2. Copies of all MPO nondiscrimination complaints alleging race, color, or national origin as bases must be provided to the FDOT District Title VI/Nondiscrimination Coordinator. The FDOT Coordinator is an important resource who can assist with investigation and resolution. The coordinator is also responsible for recording, tracking, and reporting complaint status to FDOT Central Office and FHWA. [\[23 CFR 200.9\(b\)\(3\)\]](#) Finally, the coordinator serves as a clearinghouse by transferring to the appropriate authority complaints without jurisdiction or outside FDOT/MPO purview to the appropriate entity.

Nondiscrimination Assurance - As an FDOT subrecipient, each MPO must sign and submit to FDOT a Title VI and Related Statutes Nondiscrimination Assurance to ensure compliance with all requirements. [\[49 CFR 21.7\]](#) The Title VI/Nondiscrimination Assurance is included in each MPO's Unified Planning Work

¹ FHWA asserts its right to investigate and issue findings for complaints filed under the Title VI Statute. The MPO can and should investigate all complaints and attempt resolution in keeping with its policy. However, FDOT is required to collect race, color and national origin complaints and forward them to FHWA.

Program (UPWP) Statements and Assurances ([Form #525-010-08](#)) and is available from the [FDOT Procedural Document Library](#). The Title VI/Nondiscrimination Assurance must be signed **every two years** with the other UPWP statements and assurances or when the MPO changes executive leadership.

The Assurance acts as the MPO's Title VI commitment under [23 CFR Part 200](#). It lists all Title VI requirements that an MPO agrees to perform in return for receiving federal Planning (PL) funds, including developing a nondiscrimination policy and discrimination complaint procedure. The Assurance also contains appendices that must be included in all MPO RFP/RFQs, contracts, subcontracts, and agreements. The MPO is responsible for ensuring that its contracting documents, including subcontracts, include the required assurances.

District Liaisons are encouraged to work with the District's Title VI Program Area Officer to annually review the MPO's Title VI/Nondiscrimination Assurance to ensure compliance with the Title VI Program and related statutes. More information about required Assurances can be found on [United States Department of Transportation \(USDOT\) Order No. 1050.2A](#) or [FDOT's Equal Opportunity Office](#) web page.

Nondiscrimination Training - The MPO Title VI Coordinator is responsible for developing and coordinating periodic training on Title VI and Nondiscrimination for MPO staff. In the Annual FDOT/MPO Joint Certification, a record should be kept of MPO employees who attend training, and the dates training was held. FDOT can provide helpful training resources, including links to short videos that explain Title VI and its attendant requirements.

Outside Reviews - Before signing the Annual FDOT/MPO Joint Certification and submitting it to FDOT for review, the MPO must review each program area (Public Involvement, UPWP, Transportation Improvement Program (TIP), and Long Range Transportation Plan (LRTP)) to ensure nondiscrimination. The MPO must review demographic data, measures of effectiveness matrices, committee reports, and other available documentation to provide programs, services, and activities in these areas during the year that were free from discrimination. [\[23 CFR 200.9\(b\)\(5\)\]](#) More information on the certification process can be found in [Chapter 7 of the MPO Handbook: Certification of the Metropolitan Transportation Planning Process](#).

10.3.2 *Certification of the MPO Planning Process*

Title 23 CFR 450.336 (Self-certifications and Federal certifications) provides the FDOT/MPO Joint Certification process authority, including Title VI and related nondiscrimination requirements.

Federal metropolitan planning requirements state FDOT, and each MPO certifies the metropolitan transportation planning process at least every four years. This is typically done concurrently with submitting the proposed TIP to FHWA and FTA as part of the State Transportation Improvement Program (STIP) for approval. **[23 CFR 450.336(a)]** FDOT and MPOs complete the FDOT/MPO Joint Certification annually. Title VI and nondiscrimination statutes and regulations to be addressed during certification include the following:

- ❖ Title VI of the Civil Rights Act of 1964 **[42 USC 2000d-1, 49 CFR Part 21]**;
- ❖ **Title 49 USC 5332** prohibits discrimination based on race, color, creed, national origin, sex, or age in employment or business opportunity;
- ❖ Section 60307(a) of the Infrastructure and Investment and Jobs Act (IIJA) **[PL 117-58]** and **49 CFR Part 26** regarding the involvement of DBEs in federally funded projects;
- ❖ **Title 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 ADA of 1990 **[42 USC 12101, 49 CFR Part 27, 49 CFR Part 37, and 49 CFR Part 38]**;
- ❖ The Older Americans Act, as amended **[42 USC 6101]**, prohibiting discrimination based on age in programs or activities receiving federal financial assistance;
- ❖ Prohibition of discrimination based on gender **[23 USC 324]**; and
- ❖ Section 504 of the Rehabilitation Act of 1973 **[29 USC 794]** and **49 CFR Part 27** regarding discrimination against individuals with disabilities.

10.4 Limited English Proficiency (LEP)

Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, as well as related Department of Justice (DOJ) Guidance from August 2000, requires federal agencies and their recipients, including MPOs, to take reasonable steps to provide meaningful access to programs and services for persons who have a limited ability to read, speak, write, or understand English. Doing so is an important component of Title VI compliance based on national origin. To comply, MPOs must develop a written LEP plan that analyzes four factors.

MPOs must use the **Four Factor Analysis (FTA Circular 4702.1B, Chapter 3)** in conjunction with their area demographics, PPP, measures of effectiveness, community partners, and funding to determine when and to what extent LEP services are required. LEP plans are tools for providing better customer service, obtaining more representative public input, and demonstrating Title VI compliance.

The plans should effectively discuss the four-factor analysis and list the steps, activities, or other resources the MPO uses to provide meaningful access. LEP plans must be available for public review and comment and should use plain language. Plans should not be needlessly long or contain so much background or legal information that it creates a barrier to public understanding. While a federal requirement, these are, first and foremost, practical plans for the MPO to use in assessing the need for language services. See the [Limited English Proficiency](#) web page for resources to assist MPOs with LEP plan development.

I Speak Statements

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| <input type="checkbox"/> Ես խոսում եմ հայերեն (Armenian) | <input type="checkbox"/> म नेपाली बोल्छु (Nepali) |
| <input type="checkbox"/> আমি বাংলা ভাষী (Bengali) | <input type="checkbox"/> Mówię po polsku. (Polish) |
| <input type="checkbox"/> Ja govorim bosanski jezik (Bosnian) | <input type="checkbox"/> Eu falo Portugês. (Portuguese) |
| <input type="checkbox"/> ကျွန်ုပ်တို့ပြောဆိုသောစကားပြောသည်။ (Burmese) | <input type="checkbox"/> ਇ ਸੁਪਾਅ ਪੰਜਾਬੀ (Punjabi) |
| <input type="checkbox"/> 我说中文 (Chinese Simplified) | <input type="checkbox"/> Cunosc limba Română. (Romanian) |
| <input type="checkbox"/> 我說中文 (Chinese Traditional) | <input type="checkbox"/> Я говорю по-русски. (Russian) |
| <input type="checkbox"/> Ja govorim hrvatski. (Croatian) | <input type="checkbox"/> Ou te tautala faaSamoa. (Samoaan) |
| <input type="checkbox"/> اینجانب به زبان فارسی صحبت می کنم (Farsi) | <input type="checkbox"/> Govorim srpski. (Serbian) |
| <input type="checkbox"/> Je parle français. (French) | <input type="checkbox"/> Waxaan ku hadlaa Somali. (Somali) |
| <input type="checkbox"/> Je parle le Français haïtien (French Creole) | <input type="checkbox"/> Yo hablo español. (Spanish) |
| <input type="checkbox"/> Μιλώ ελληνικά. (Greek) | <input type="checkbox"/> أتحدث السودانية (لغوي سوداني) (Sudanese) |
| <input type="checkbox"/> હું ગુજરાતી બોલું છું (Gujarati) | <input type="checkbox"/> Marunong po akong magsalita ng Tagalog. (Tagalog) |
| <input type="checkbox"/> Mwen pale Kreyòl. (Haitian Creole) | <input type="checkbox"/> ภาษาไทย (Thai) |
| <input type="checkbox"/> म हिंदी बोलता हूँ (Hindi) | <input type="checkbox"/> አነ ትግርኛ ይዳረብ አየ. (Tigrinya) |
| <input type="checkbox"/> Kuv hais lus hmoob. (Hmong) | <input type="checkbox"/> Я розмовляю українською. (Ukrainian) |
| <input type="checkbox"/> Ana m a sù Igbo (Igbo) | <input type="checkbox"/> میں اردو بولتا/بولتی ہوں. (Urdu) |
| <input type="checkbox"/> Parlo italiano (Italian) | <input type="checkbox"/> Tôi nói tiếng Việt. (Vietnamese) |
| <input type="checkbox"/> 私は日本語を話します (Japanese) | <input type="checkbox"/> איך רעד יידיש (Yiddish) |
| <input type="checkbox"/> Mi chat Jamiekian langwjjij (Jamaican Creole) | <input type="checkbox"/> Mo gbọ Yoruba (Yoruba) |
| <input type="checkbox"/> ខ្ញុំនិយាយភាសាខ្មែរ (Khmer) | |
| <input type="checkbox"/> 본인의 모국어는 한국어입니다 (Korean) | |
| <input type="checkbox"/> نه ز زماني كوردی ده ناختم. (Kurdish) | |

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MPOs must develop an LEP Plan that includes an analysis of four factors [FTA Circular 4702.1B, Chapter 3]:

1. Estimate the number or proportion of LEP persons eligible to be served and/or encountered by the program or recipient identified:
 - a. How LEP persons interact with the recipient's agency (MPO);
 - b. LEP communities and assess the number or proportion of LEP persons from each language group to determine the appropriate language services for each;
 - c. Literacy skills of LEP populations in their native languages to determine whether translation of documents will be an effective practice; and
 - d. Whether LEP persons are underserved by the MPO due to language barriers.
2. Frequency with which LEP people come in contact with the program. MPOs should survey key program areas and assess major points of contact with the public, including:
 - a. Use of bus and rail service;
 - b. Purchase of public transit passes and tickets through vending machines, outlets, websites, and over the phone;
 - c. Participation in public meetings;
 - d. Customer service interactions;
 - e. Ridership surveys; and
 - f. Operator surveys.
3. The nature and importance of the program, activity, or service provided by the program to people's lives.
4. The resources available to the MPO for LEP outreach and associated costs.

After completing the Four Factor Analysis, the MPO will use the results to determine which language assistance services are appropriate and develop a plan to address the identified needs of LEP populations to be served.

MPOs have considerable flexibility in developing an LEP and shall, at a minimum, include [\[FTA Circular 4702.1B, Chapter 3\]](#):

1. The results of the Four Factor Analysis, including a description of the LEP populations served.
2. A description of how the MPO provides language assistance services by language.
3. A description of how the MPO provides notice to LEP people about the availability of language assistance.
4. A description of how the MPOs monitor, evaluate and update the language access plan.
5. A description of how the MPO trains employees to provide timely and reasonable language assistance to LEP people.

Though not required by the Executive Order or related Memoranda, MPOs may choose to comply with **Safe Harbor** provisions. Safe harbors are affirmative defenses to a finding of noncompliance by demonstrating written translation of *all* vital documents based on the size of an LEP population. The **Safe Harbor** only applies to the written translation of documents and when all critical documents are translated where there is an LEP language group constituting 5 percent or 1,000 people, whichever is less. Given the size and scope of vital MPO documents, complete translation could be cost-prohibitive. Therefore, the MPO should carefully consider the wisdom of safe harbor compliance and whether other reasonable steps might more efficiently provide LEP compliance.

Further guidance on LEP compliance can be found in FDOT's [Public Engagement Resource Guide](#), [LEP Guidance](#), [Quick Guide for Engaging People with LEP](#), and the [Title VI Review Sheet](#).

Finally, like all nondiscrimination programs and plans, LEPs are living documents that must be periodically revisited to reflect changing communities and their needs. As such, the MPO should review its LEP **annually** to ensure it remains accurate and effective.

10.5 Environmental Justice (EJ)

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, first issued in 1994, was reaffirmed by the White House in 2011. A consortium of federal agencies, including the USDOT, participated in a working group to revise and update EJ guidance for its modal agencies and recipients of federal assistance. This included MPOs. The result was the **USDOT Order on EJ, 5610.2(a)** and the **FHWA Order on EJ, 6640.23A** in May 2012.² Additional guidance can be found in **FTA Circular 4703.1**.

Executive Order 14096, Revitalizing Our Nations Commitment to Environmental Justice for All, issued in 2023, emphasizes the requirements established in Executive Order 12898 for robust public participation and transparency of federal actions, including early and continuous community engagement, particularly with underserved and overburdened communities.

USDOT defines three fundamental EJ principles, which are described in the text box below.

The goals of Environmental Justice remain constant:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations.
2. To ensure full and fair participation by all potentially affected communities in the transportation decision-making process.
3. To prevent the denial of, reduction in, or significant delay in receiving benefits by minority and low-income populations.

USDOT Order on EJ, 5610.2(a) states that it will “promote the principles of Environmental Justice (as embodied in the Executive Orders) by incorporating those principles in all USDOT programs, policies, and activities. This will be done by fully considering environmental justice principles throughout planning and decision-making processes in developing programs, policies, and activities.” The Order also requires collecting and analyzing demographic data (race, color, national origin, and income level) through existing statutory and regulatory authority to ensure that EJ objectives are achieved.

² Unlike Title VI, which covers all programs, services and activities of recipients, the Executive Order on EJ applies only to those projects or plans that are federally-funded.

To implement these requirements, the MPO must use all reasonable and available means to better understand the demographics and needs of communities within their areas. Sources of information may include Census and American Community Survey (ACS) data, information collected and maintained by school, emergency, and social service providers, religious, community, or charitable organizations, planning and community development committees and boards, homeowners and civic groups, surveys, blogs, and other social media sources.

MPOs may find it helpful to create a Sociocultural Data Report (SDR) to supplement CCI data with community demographics, low-income and minority populations, and potential partner organizations that may serve or have more information about the community. Once complete, the MPO may then use the SDR to analyze transportation plans, list the benefits and impacts of its plans on underserved communities, and assess whether they are disproportionately high or adverse. The SDR is included within FDOT's [Environmental Screening Tool](#). More information about the Sociocultural Data Report and other demographic identification tools can be found on FDOT's [Sociocultural Effects Resources web page](#).

MPOs have two responsibilities regarding Environmental Justice:

1. **Access to Information:** MPOs must ensure and document early, continuous, and meaningful opportunities for involvement by minority and low-income communities.
2. **Data Collection and Analysis:** MPOs must scrutinize demographic data to ensure that planning activities will not have a disproportionately high or adverse impact on underserved communities and, where impacts are unavoidable, that documented steps are taken to avoid, minimize, or mitigate impacts.

Like all nondiscrimination programs and activities, MPOs should annually examine their EJ strategy for effectiveness. This includes ensuring that it captures significant changes in the area's minority and low-income populations. More information on EJ compliance can be found on [FDOT's Environmental Justice](#) web page, [FHWA's Environmental Justice](#) web page, and [FTA's Environmental Justice](#) web page.

10.6 Americans with Disabilities Act (ADA) and Related Authorities

Under the Americans with Disabilities Act of 1990 [\[42 USC 12131\]](#), MPO programs and services may not exclude from participation, deny benefits, or be subject to discrimination of anyone based on a disability. Moreover, MPOs are responsible for providing reasonable accommodation to those with disabilities who require special services to access information or participate in MPO activities. The figure below describes ADA requirements for all government entities, including MPOs.

Figure 10.2 ADA Requirements for All Government Entities

| | |
|--|--|
| Assurances | MPOs must complete a nondiscrimination assurance agreement stating that programs and activities will be conducted in compliance with ADA requirements. |
| Nondiscrimination Policies and Complaint Procedures | MPOs must develop a nondiscrimination policy and complaint procedure for persons with disabilities. |
| Notice | MPO documents for public distribution must contain a notification that the MPO does not discriminate in its programs and services. |
| Access Planning | MPOs should develop program access plans to ensure that facilities and services are accessible to those with disabilities. |

Assurances [49 CFR 27.9](#) requires all federal aid recipients to complete a nondiscrimination assurance stating that programs and activities will be conducted in compliance with ADA requirements. If an MPO has executed the [FDOT Nondiscrimination Assurance](#) (including disability), it does not need to sign a separate ADA Assurance.

Nondiscrimination policies and complaint procedures: [Title 49 CFR 27.13](#) requires MPOs to develop a nondiscrimination policy and complaint filing process/procedure. The person responsible for coordinating disability nondiscrimination activities must be named. While this part only applies to entities with 15 or more employees, all MPOs are encouraged to comply.

Note: If the MPO has a comprehensive complaint policy and procedure that includes *disability and has named a Title VI/Nondiscrimination Coordinator*, then *developing separate policies and procedures for disability is not required*.

Notice: [Title 49 CFR 27.15\(b\)](#) requires all publications or other general information for public distribution to contain a notification statement the MPO does not discriminate in admission or access, treatment, or employment of its programs and services. MPOs also must provide reasonable accommodation upon request to those with disabilities to access programs and services. FDOT developed a standard statement for use on all public documents and notifications for MPOs to use:

The MPO does not discriminate on the basis of race, color, national origin, sex, age, religion, disability, and family status. Those with questions or concerns about nondiscrimination, those requiring special assistance under the Americans with Disabilities Act (ADA), or those requiring language assistance (free of charge) should contact [enter Title VI/Nondiscrimination Coordinator or Public Information Office] at (XXX) XXX-XXXX or coordinator@anympo.org.

Access Planning: [Title 28 CFR 35.150\(d\)](#) states that government entities with 50 or more employees having ownership/control over pedestrian rights-of-way must have an ADA transition plan to prioritize, schedule, and detail structural changes necessary to bring facilities into compliance. As MPOs generally do not meet the thresholds for employment or sidewalk ownership/control, they are not required to develop transition plans. However, under [28 CFR 35.105](#), all public entities, including MPOs, are required to conduct a self-evaluation of programs and services for accessibility and, where deficiencies are discovered, develop program access plans to make required modifications for compliance. In addition, MPOs must ensure all planning products include accessibility considerations and the involvement of communities with disabilities and their service representatives in the planning process. [Title 28 CFR 35.130\(b\)](#) lists additional prohibitions against discrimination, including the prohibition of denying a qualified individual with a disability the opportunity to participate as a member of a planning or advisory board. MPOs also can enhance ADA

compliance by providing technical assistance to local agencies within their jurisdictions. Examples of assistance that MPOs can provide are:

- ❖ Conduct and share roadway surveys and other information regarding accessibility and connectivity of pedestrian rights-of-way.
- ❖ Gather and distribute input from partner organizations that serve the community with disabilities.
- ❖ Collect, analyze, or share crash and other data related to high-priority pedestrian areas.
- ❖ Provide safety and accessibility outreach to schools, neighborhoods, community service groups, and other similar organizations.
- ❖ Ensure that Bike/Ped Master Plans and similar documents are shared with public works and maintenance departments of the local agencies within MPO jurisdiction.



10.7 Disadvantaged Business Enterprise (DBE)

[Title 49 CFR Part 26](#) establishes the federal guidelines for participation of DBE in USDOT-funded contracts. As a recipient of federal planning funds, MPOs must comply with these requirements. The MPO certification process certifies that the metropolitan planning process is being carried out, including all applicable DBE requirements. [\[23 CFR 450.336\(a\)\(5\)\]](#)

The DBE Certification Program is a federal program designed for business owners deemed “socially and economically disadvantaged.” To achieve DBE status, a business must meet the criteria listed on the [FDOT's Equal Opportunity Office](#) web page under [49 CFR 26.63](#).

Under [49 CFR 26.21\(a\)\(1\)](#), FHWA's **primary** recipients must have an approved DBE program plan. Under FHWA's financial assistance program, its **direct** and **primary** recipients must have an approved DBE program plan, while **subrecipients** are expected to operate under the primary recipient's FHWA-approved DBE program plans. Thus, all FHWA funding provided to MPOs through FDOT is subject to FDOT's DBE Program Plans. MPOs may not use an alternative DBE plan for FHWA funds passed through FDOT. All FTA direct recipients receiving planning, capital, or operating assistance must maintain an approved DBE program that is compliant with FTA's [DBE program requirements](#). Since the FTA 5305(d) planning funds are converted to PL funds for MPOs as part of the Consolidated Planning Grant (CPG), the MPOs will operate under the FHWA-approved DBE program.

Per [49 CFR 26.51\(f\)](#), state transportation agencies must achieve their overall goals for DBE participation through race-neutral means for two consecutive years. A race-neutral program must be continued until they can no longer achieve the approved goal. Consequently, since 2001, FDOT has operated an entirely race-neutral DBE program in that it achieves DBE goals through the normal competitive bid process. This means that MPOs must ensure their procurement and contracting documents carefully follow FDOT's specifications and do not specify a project goal or contract sanctions for failing to meet DBE availability.

Setting DBE goals is outlined in [49 CFR 26.45](#) with a 2-step process

1. Determine a base figure for the relative availability of DBEs (such as using DBE directories, bidders list, disparity studies, etc.).
2. After calculating a base figure, examine all evidence available in your jurisdiction to determine if any adjustment is needed for the base figure to arrive at your overall goal.

As per the [Florida Unified Certification Program Agreement](#), the state maintains a Florida Unified Certification Program Disadvantaged Business Enterprise (UCP DBE) Directory to help contractors and consultants identify subcontractors and subconsultants eligible to participate in federally funded contracts, which would assist in attaining DBE goals.

It is a best practice for MPOs to check the UPC DBE Directory to ensure that DBE contractors and subcontractors are certified as DBEs for the work tasks required by the MPO. MPOs also may contact FDOT's EOO [DBE Supportive Services Providers](#) for more information. [FDOT's Equal Opportunity Office](#) web page provides relevant contact information.

MPOs are required to manually provide their Bidders Opportunity Lists (BOLs) and keep them with their internal records. Commitments and payments are tracked through the progress reports provided by MPOs. MPOs are also required under [49 CFR 26.29](#) to ensure contractors and consultants adhere to prompt payment requirements, paying subcontractors within **30 days of receiving payment from the MPO**. This includes the return of retainage, if any, within 30 days of a subcontractor's satisfactory completion of its subcontracted work.

MPOs must ensure DBEs are performing a Commercially Useful Function (CUF), meaning that they are 1) working within their area of certification, 2) self-controlling their contracted work and their own workforce, and 3) are obtaining/using supplies or other materials without the assistance of the prime contractor. [Title 49 CFR 26.55](#) further describes the verification of DBE CUF. More information and specific instructions can be found on the [DBE Certification](#) page on the [FDOT's Equal Opportunity Office](#) web page.

10.7.1 *DBE Contract Assurances*

Per [49 CFR 26.13](#), MPOs must have a signed policy statement expressing their commitment to DBE participation. The DBE Assurance is included in the UPWP Statements and Assurances ([Form #525-010-08](#)) and is available through the [FDOT Procedural Document Library](#). The Title VI/Nondiscrimination Agreement must be signed every two years along with the other UPWP Statements and Assurances.

In addition, each contract an MPO signs with a consultant or subconsultant must include the following assurance:

In accordance with [49 CFR 26.21](#) and the FDOT DBE Program Plan, DBE participation on FHWA-assisted contracts must be achieved through race-neutral methods. 'Race-neutral' means that the MPO can likely achieve the overall DBE goal of 10.54% through ordinary procurement methods. Therefore, no specific DBE contract goal may be applied to this project. Nevertheless, the MPO is committed to supporting the identification and use of DBEs and other small businesses and encourages all reasonable efforts to do so. Furthermore, the MPO recommends the use of certified DBEs listed in the Florida UCP DBE Directory, who by reason of their certification are ready, willing, and able to provide and assist with the services identified in the scope of work. Assistance with locating DBEs and other special services are available at no cost through FDOT's EOO DBE Supportive Services suppliers. More information is available by visiting <http://www.fdot.gov/equalopportunity/serviceproviders.shtm>.

Consistent with [49 CFR 26.13\(b\)](#), the contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of [49 CFR Part 26](#) in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;*
- (2) Assessing sanctions;*
- (3) Liquidated damages; and/or*
- (4) Disqualifying the contractor from future bidding as non-responsible.*

10.8 References

This section provides references, procedures, forms related to Title VI/Nondiscrimination requirements for MPOs, and federal and state statutes and codes.

Table 10.1 Federal and State Statutes and Codes

NONDISCRIMINATION

Citation: [20 USC 1681 et seq.](#), Civil Rights Restoration Act of 1987

Description: Clarifies congressional intent to prohibit discrimination in all programs and activities of federal aid recipients, regardless of whether they are federally assisted.

Citation: [23 USC 324](#), Highway Act of 1973

Description: Adds sex as a protected class and authorizes the use of Title VI enforcement measures for sex discrimination.

Citation: [29 USC 701 et seq.](#), Section 504 of the Rehabilitation Act of 1973

Description: Prohibits discrimination based on disability in federally funded programs or services.

Citation: [42 USC 2000d-2000d-7](#), Title VI of the Civil Rights Act of 1964

Description: Provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from, participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Citation: [42 USC 6101](#), Age Discrimination Act of 1975

Description: Prohibits discrimination based on age in any federally funded program or activity.

Citation: [42 USC 12131](#), ADA of 1990

Description: Prohibits discrimination based on disability in programs or services operated by government entities.

Citation: [49 CFR 27](#), Nondiscrimination Based on Disability in USDOT-Assisted Programs

Description: Codifies ADA/504 for USDOT programs, services, and activities.

Citation: [Nondiscrimination Handbook for Local Agencies](#)

Description: Handbook for local agencies to comply with nondiscrimination.

Citation: [Title VI/Nondiscrimination Complaint, 275-010-010](#)

Description: Establishes FDOT's process for implementing the FHWA Title VI compliance program and conducting Title VI program compliance reviews.

Citation: [Unified Planning Work Program Statements and Assurances](#)

Description: This agreement can be found on [FDOT's Procurement Document Library web page](#).

TITLE VI

Citation: [23 CFR 200](#), State Transportation Agency Nondiscrimination

Description: Codified Title VI for FHWA programs, services, and activities.

Citation: [23 CFR 450.336](#), Self-certifications and Federal Certifications

Description: Requires the metropolitan transportation planning process to be carried out under Title VI and other nondiscrimination requirements.

Citation: [49 CFR 21](#), Nondiscrimination in USDOT Assisted Programs

Description: Codifies Title VI for U.S. Department of Transportation programs, services, and activities.

Citation: [FTA Circular 4702.1B](#)

Description: Provides Title VI requirements and guidelines for FTA recipients.

Citation: [Title VI Assurance, DOT 1050.2A](#)

Description: Executed by the FDOT Secretary, committing to Title VI/Nondiscrimination compliance in all programs, services, and activities.

Citation: [Title VI Review Sheet](#)

Description: A checklist to assist MPOs with verifying compliance.

Citation: [Title VI Implementation Plan](#)

Description: FDOT's Title VI/Nondiscrimination Program Implementation Plan describes the policies, procedures, and practices to comply with nondiscrimination requirements

DISADVANTAGED BUSINESS

Citation: [49 CFR 26](#), DBE

Description: Establishes federal guidelines for DBE participation in USDOT-funded contracts.

Citation: [Disadvantaged Business Enterprise Program Plan](#)

Description: Establishes FDOT's DBE Program Plan under 49 CFR Part 26.

Citation: [Grant Application Program](#)

Description: FDOT web page for DBE documentation

ENVIRONMENTAL JUSTICE

Citation: [Executive Order 12898](#) (1994)

Description: Directs federal agencies to address disproportionately high and adverse human health or environmental effects in programs, policies, and activities on minority and low-income populations.

Citation: [DOT Environmental Justice Order 5610.2\(a\)](#) (2012)

Description: Reaffirms USDOT's commitment to EJ and provides steps to prevent and address disproportionately high and adverse effects on minority or low-income populations through Title VI analyses and environmental justice analyses conducted as part of federal transportation planning and National Environmental Policy Act (NEPA) provisions.

Citation: [Environmental Justice Web Page](#)

Description: FDOT's Environmental Justice information.

Citation: [FHWA Environmental Justice Order 6640.23A](#) (2012)

Description: Provides FHWA policies and procedures for complying with Executive Order 12898.

LIMITED ENGLISH PROFICIENCY

Citation: [Executive Order 13166](#) (2000)

Description: Requires federal agencies to improve access to programs and services for limited English proficiency and guide federal aid recipients on taking reasonable steps to provide meaningful access for those who are Limited English Proficient (LEP).

Citation: [LEP Guidance](#)

Description: An FDOT guidance document for additional background on LEP.

Citation: [Limited English Proficiency Plan](#)

Description: FDOT's LEP guidance.

Citation: [Quick Guide for Engaging People with LEP](#)

Description: FDOT Resource for engaging people with LEP.

RESOURCES

Citation: [Sociocultural Data Report](#)

Description: Displays information about communities in a project area that may be affected by the project.

Citation: [Sociocultural Effects Evaluation](#)

Description: FDOT's Sociocultural Effects Evaluation resources.

Citation: [Equal Opportunity Office Web Page](#)

Description: FDOT's Equal Opportunity Office Web Page.

MPO

PROGRAM MANAGEMENT
HANDBOOK

CHAPTER 11 Other Planning Products and Processes



OFFICE OF POLICY PLANNING



11. Other Planning Products and Processes

Key Chapter Changes

The Other Planning Products and Processes chapter was updated to include current resources, a new section on the Resilience Action Plan, updated Rail, bicycle, and pedestrian plans, and reformatted to improve accessibility. (November 22, 2024)





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11.1 Introduction

This chapter describes several other planning products and processes required of the Florida Department of Transportation (FDOT) and other agencies. Metropolitan Planning Organizations (MPOs) should consider these in the metropolitan transportation planning process. The topics discussed in this chapter are safety planning, the Congestion Management Process (CMP), resilience planning, bicycle and pedestrian planning, and freight planning.



11.2 Safety Planning

Safety planning plays a critical role in reducing transportation-related fatalities and serious injuries in Florida. FDOT and Florida MPOs develop, update, and implement transportation safety plans and programs to address safety issues across all modes.

The primary safety-focused plans and programs produced by FDOT that are of importance to MPOs are:

- ❖ Florida Strategic Highway Safety Plan ([SHSP](#));
- ❖ Florida Highway Safety Plan ([HSP](#)); and
- ❖ Florida Highway Safety Improvement Program ([HSIP](#))

The statewide and metropolitan transportation plans and programs that are required to consider safety and align with these safety-focused plans are:

- ❖ Florida Transportation Plan ([FTP](#));
- ❖ Long Range Transportation Plan (LRTP); and
- ❖ Statewide Transportation Improvement Program (STIP) and the Transportation Improvement Program (TIP)

The following section describes each state safety plan and program and how they are addressed in Florida.

11.2.1 Florida Strategic Highway Safety Plan (SHSP)

The [SHSP](#) is a statewide-coordinated safety plan developed by each state Department of Transportation (DOT) in consultation with [\(23 United States Code \(USC\) 148\)](#):

- ❖ A highway safety representative of the Governor of the state;
- ❖ Regional transportation planning organizations and MPOs;
- ❖ Representatives of major modes of transportation;
- ❖ State and local traffic enforcement officials;
- ❖ A highway-rail grade crossing safety representative of the Governor of the state;
- ❖ Representatives conducting a motor carrier safety program under [49 USC 31102](#) and [49 USC 31106](#);
- ❖ Motor vehicle administration agencies;
- ❖ County transportation officials;
- ❖ State representatives of non-motorized users; and
- ❖ Other major federal, state, tribal, and local safety stakeholders.

The SHSP provides a comprehensive framework for reducing transportation-related fatalities and serious injuries on all public roads. The SHSP must use a data-driven approach to identify transportation safety needs and emphasis areas and be updated at least every five years. Safety programs and projects identified for HSIP funding must be consistent with the SHSP emphasis areas. The SHSP also provides strategic direction for other state and regional transportation plans.

The most recent and previous Florida SHSP documents are available on FDOT's [State Safety Office](#) webpage. The 2021-2025 SHSP is Florida's five-year comprehensive roadway safety plan. The update was coordinated with Florida's 27 MPOs. It included a review of safety-related goals, objectives, and strategies in MPO plans and targeted outreach sessions through [Florida's Metropolitan Planning Organization Advisory Council \(MPOAC\)](#). The Plan is data-driven, sets a vision of zero traffic-related fatalities in Florida, addresses safety needs for all public roads, and identifies strategies and emphasis areas that guide Florida's safety efforts. These emphasis areas and accompanying strategies prioritize HSIP projects and guide safety policies, programs, and projects in FDOT and MPO transportation plans and programs.

11.2.2 *Florida Highway Safety Plan (HSP)*

The [HSP](#) is a state's application to the National Highway Traffic Safety Administration for federal funds available from the State and Community Highway Safety grant program [\(23 USC 402\)](#) and National Priority Safety Program [\(23 USC 405\)](#). The HSP is data-driven and identifies the key behavioral safety problems in a state, establishes performance measures and targets for 15 core performance measures, identifies other performance measures and targets as applicable, reports on how targets from the previous year were met, and identifies countermeasures for addressing safety needs. The HSP content is coordinated with the SHSP, and the annual targets for fatalities, serious injuries, and fatality rates are the same targets in the HSIP.

The HSP is developed annually by FDOT's [State Safety Office](#). It is based on Florida's SHSP goals and objectives, crash data analyses, and related requirements. It sets safety priorities and targets for the upcoming year and identifies programs and projects for funding.

11.2.3 Florida Highway Safety Improvement Program (HSIP)

The purpose of the [HSIP](#) is to significantly reduce traffic fatalities and serious injuries on all public roads. The HSIP is not a plan but a program of highway safety improvement projects. The projects are identified through data-driven analysis. A highway safety improvement project is a strategy, activity, or project on a public road consistent with the data-driven SHSP that corrects or improves a hazardous road segment, location, or feature, or addresses a highway safety problem. At the planning level, HSIP projects must be part of the statewide and metropolitan transportation planning processes. They are included in the STIP and TIP at the project level. The HSIP also establishes targets for five performance measures discussed in more detail in [Chapter 9 of the MPO Handbook: Performance Management](#). They are [\(23 CFR 490.207\)](#):

- ❖ Number of Fatalities
- ❖ Fatality Rate
- ❖ Number of Serious Injuries
- ❖ Serious Injury Rate
- ❖ Number of Non-Motorized Fatalities and Number of Non-Motorized Serious Injuries

Performance targets must be identical between the HSIP and HSP.

FDOT's [State Safety Office](#) is responsible for administering the HSIP program, reviewing and evaluating all potential projects in coordination with FDOT's Districts, and assessing the effectiveness of a project. In Florida, funding for HSIP projects is based on identified safety needs versus a formula or sub-allocation. FDOT's District staff, often in coordination with the local MPO and Community Traffic Safety Team (CTST), utilize the results of crash analyses for the District planning area to determine safety projects and programmatic needs. Eligible HSIP projects and programs must be identified through a data-driven process that addresses an SHSP crash type or emphasis area. Once projects are identified, District staff work with the State Safety Office to program and fund them.

11.2.4 Florida Transportation Plan (FTP)

The [FTP](#) is a comprehensive statewide blueprint guiding Florida's 30-year transportation future. Updated every five years, the Florida Transportation Plan is a collaborative effort of state, regional, and local transportation partners in the public and private sectors. The plan is developed through Steering Committee guidance, Focus Group support, and comprehensive community engagement.

The SHSP is an implementation activity supporting the FTP's vision of a fatality-free transportation system with the long-range goal of ensuring safety and security for residents, visitors, and businesses. The FTP seeks to enhance safety by identifying areas where strategies can be developed to reduce fatalities and serious injuries on the state's multimodal transportation system to reach the goal of zero fatalities.

11.2.5 MPO LRTPs, TIPs, and the Metropolitan Transportation Planning Process

Federal and state statutes and planning regulations specify the following safety-related requirements that MPOs must address in the metropolitan transportation planning process.

- ❖ Safety of the transportation system for motorized and non-motorized users is one of the ten factors MPOs must address in the planning process. [\[23 Code of Federal Regulations \(CFR\) 450.306\(b\)\(2\)\]](#)
- ❖ Integrate into the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in the HSIP, SHSP, and other safety and security planning and review processes, plans, and programs, as appropriate. [\[23 CFR 450.306\(d\)\(4\)\]](#)
- ❖ The LRTP must include 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. [\[23 CFR 450.324\(f\)\(5\)\]](#) More information on the LRTP can be found in [Chapter 5 of the MPO Handbook: Long Range Transportation Plan.](#)
- ❖ The LRTP must also integrate the priorities, goals, countermeasures, strategies, or projects for the MPO area contained in the HSIP. This includes the SHSP and public transportation agency safety plans. [\[23 CFR 450.324\(h\)\]](#)
- ❖ The TIP must include HSIP projects. [\[23 CFR 450.326\(e\)\]](#) More information on the TIP can be found in [Chapter 4 of the MPO Handbook: Transportation Improvement Program.](#)
- ❖ [Section 339.175, Florida Statutes \(FS\)](#), describes Florida's MPOs. It specifically cites the need to consider safety during the long-range transportation planning process. The MPO's Technical Advisory Committee must coordinate its actions with other regional agencies, including the community traffic safety teams.
- ❖ [Section 339.177, FS](#), states that FDOT, in cooperation with the MPOs, shall develop and implement a separate and distinct system for managing several program areas, including highway safety.

11.2.6 *Safety in Performance Management*

23 USC 150 describes the national goals and performance management measures in more detail in **Chapter 9 of the MPO Handbook: Performance Management** and specifies seven national goal areas. One goal is to significantly reduce traffic fatalities and serious injuries on all public roads. More specifically, safety performance management is addressed in Federal Highway Administration (FHWA) performance measures regulations **[23 CFR Part 490]**.

- ❖ **23 CFR 490.207** establishes five performance measures for carrying out the HSIP: number of fatalities, rate of fatalities, number of serious injuries, rate of serious injuries, and number of non-motorized fatalities and non-motorized serious injuries. Each performance measure is based on a 5-year rolling average. Calculations for each measure are described in this section of the CFR.
- ❖ **23 CFR 490.209** requires state DOTs to establish performance targets annually for each of the five safety performance measures listed above. The targets must be identical to those in the state's HSP and reported in the HSIP Annual Report. FDOT must develop and report on targets, starting with the HSIP Annual Report.
- ❖ **23 CFR 490.209** also requires MPOs to establish performance targets for each of the five safety performance measures listed above no later than 180 days after the state DOT establishes and reports on the targets in the HSIP Annual Report. MPOs can agree to plan and program projects that contribute towards accomplishing the state DOT goal or establish quantifiable targets for their planning areas. To ensure consistency between the state and metropolitan targets, the state DOT and MPOs must coordinate the development of targets to the maximum extent practicable.
- ❖ **23 CFR 490.213** states that MPOs must report their established safety targets annually to the state DOT. MPOs must also report baseline safety performance, a vehicle miles traveled (VMT) estimate and methodology (if a quantifiable rate was established), and progress toward achieving their targets in the MPO's LRTP.

11.2.7 *Stand Alone Safety Plans*

FDOT and the MPOs may develop standalone plans exploring safety issues and needs. These plans may focus on a transportation mode, topic area (e.g., bicyclists and pedestrians, older drivers), or geographic area (e.g., MPO region, corridor plan). The [Florida Pedestrian and Bicycle Strategic Safety Plan](#) is an example of a modal plan focusing explicitly on safety policies, programs, and projects for bicyclists and pedestrians. Several MPOs have created similar modal safety plans. These plans review crash data, including locations and characteristics, to develop modal safety goals, objectives, and project recommendations. Like modal plans, topic plans may address safety issues for a specific demographic segment or issue area. These plans can be used to prioritize safety programs and projects further, either statewide or at the regional or local level.

The Infrastructure Investment and Jobs Act (IIJA) provides funding opportunities for safety improvements through several programs, most notably the Safer Streets for All (SS4A) grant program. This program offers grants to local, regional, and Tribal communities for implementation, planning, and demonstration activities as part of a systematic approach to prevent deaths and serious injuries on the nation's roadways. The program funds planning and demonstration grants and implementation grants. Planning grants provide funding to develop Comprehensive Safety Action Plans to help build a pipeline of projects for future funding. Implementation grants provide funding for projects identified in an existing Safety Action Plan.

Many MPOs are developing Safety Action Plans, or Vision Zero Plans, to help eliminate traffic fatalities and serious injuries while increasing safe, healthy, and equitable mobility. Many regional safety plans utilize crash characteristics analyses and network screening to identify locations for implementing behavioral programs and safety infrastructure projects. A safety plan developed for a specific geographic area may focus on safety issues and needs more narrowly. MPOs should use the USDOT's [SS4A Self Certification Eligibility Checklist](#) when developing Safety Action Plans to ensure SS4A eligibility in the future.

11.3 Congestion Management Process (CMP)

The [Congestion Management Process \(CMP\)](#) is a federally mandated process to help larger urban areas analyze and manage traffic congestion. This section briefly explains the CMP requirements and provides resources for additional information.

The purpose of the CMP is to provide effective management and operation of the existing transportation system and identify areas where improvements are most needed. It is intended to enhance the linkage between the planning and environmental review processes based on cooperatively developed travel demand reduction, operational management strategies, and capacity increases.

11.3.1 CMP Requirements

As defined in federal regulation, the CMP only applies to MPOs designated as a Transportation Management Area (TMA). A TMA is an urban area with a Census-designated population greater than 200,000. [23 CFR 450.322](#) presents the CMP requirements for TMA MPOs. The transportation planning process for a TMA must address congestion management through a process that provides for safe and effective integrated management and operation of the multimodal transportation system. This process must be a cooperatively developed and implemented strategy for the entire TMA. It should include new and existing transportation facilities eligible for federal funding and use travel demand reduction, job access projects, and operational management strategies.

Developing a CMP should result in multimodal system performance measures and strategies that can be reflected in the LRTP and TIP.

Consideration should be given to strategies that manage demand, reduce single-occupant vehicle (SOV) travel, improve transportation system management and operations, and improve efficient service integration within and across all modes (highway, transit, passenger, freight rail operations, and non-motorized transport).

While adding general-purpose lanes is deemed an appropriate congestion management strategy, explicit consideration is given to incorporating appropriate features into an SOV project to facilitate future demand management strategies and operational improvements to maintain SOV lanes' functional integrity and safety.

The CMP must include methods to monitor and evaluate the transportation system's performance, a definition of objectives and performance measures, a system of data collection, an evaluation of strategies, identification of an implementation schedule, implementation responsibilities, and possible funding sources for each strategy or combination of strategies proposed for implementation. Evaluation results must be provided to decision-makers and the public to guide the selection of effective strategies for future implementation. Additional requirements are specified for TMA MPOs in air quality nonattainment areas.

Section 339.175, FS, requires all MPOs in Florida, including non-TMA MPOs, to prepare a congestion management system for the metropolitan area and cooperate with FDOT in developing all other transportation management systems required by federal or state law.

11.3.2 *CMP Guidance*

The federal CMP requirements are not prescriptive regarding the methods and approaches an MPO must use to implement a CMP so that an area's unique travel conditions and visions may be addressed appropriately for each community.

FHWA issued the **Congestion Management Process Guidebook** to assist MPOs in developing a CMP. The Guidebook outlines and discusses the following steps in developing a CMP:

- ❖ Develop regional objectives for congestion management;
- ❖ Define the CMP network;
- ❖ Develop multimodal performance measures;
- ❖ Collect data/monitor system performance;
- ❖ Analyze congestion problems and needs;
- ❖ Identify and assess strategies;
- ❖ Program and implement strategies; and
- ❖ Evaluate strategy effectiveness.



11.4 Resilience Planning

Florida's unique location, geography, and environment put the state at risk for flooding, major storms, and rising sea levels. These hazards threaten Florida's transportation system with temporary and permanent impacts, which can affect the quality of life for residents and the local economy. Through its planning processes, FDOT is committed to addressing vulnerabilities to weather events and ensuring the state's transportation infrastructure can withstand or rapidly recover from hazard impacts.

11.4.1 FDOT Resilience Action Plan

Section 339.157, FS, requires FDOT to develop a **Resilience Action Plan (RAP)** for the State Highway System (SHS) based on current conditions and forecasted future events. The goals of this plan must include:

- ❖ Recommend strategies to enhance infrastructure and the operational resilience of the SHS that may be incorporated into the **Transportation Asset Management Plan (TAMP)**;
- ❖ Recommend design changes to retrofit existing state highway facilities and construct new ones; and
- ❖ Enhance partnerships to address multijurisdictional resilience needs.

The first version of the RAP, completed in 2023, was developed through collaboration with local governments, metropolitan planning organizations, state and federal agencies, and other partners. The RAP focused on the 12,121 roadway centerline miles on the SHS owned and maintained by FDOT. Development of the RAP included four key activities:

- ❖ Alignment with the long-range and policy plans of FDOT and its partners;
- ❖ A systematic review of FDOT's existing policies, procedures, manuals, tools, and guidance documents;
- ❖ An assessment of the SHS's vulnerabilities to tidal, rainfall, and storm surge flooding using existing data for current and forecasted future events; and
- ❖ Collaborate with internal and external partners to identify strategies to improve the resilience of the SHS.

The analysis performed in the RAP helps identify where SHS infrastructure may be exposed to water-related hazards and provides a starting point for prioritizing improvements to address resilience issues. Furthermore, the resilience strategies in the RAP provide a framework for FDOT to collaborate with local, regional, and statewide partners to enhance infrastructure and operational resilience in all phases of planning and managing the SHS. The strategies align with the FTP's goal of providing agile, resilient, and quality infrastructure throughout the state and FDOT's overarching commitment to identify and mitigate risks throughout Florida's transportation system. Per statutory requirements, FDOT will provide a status report every three years reviewing updates to the RAP and associated implementation activities.

11.4.2 Resilience Improvement Plans

The IIJA establishes the [Promoting Resilient Operations for Transformative Efficient, and Cost-Saving Transportation \(PROTECT\)](#) grant program to help make surface transportation more resilient to natural hazards, including flooding, extreme weather events, and other natural disasters, through the support of planning activities, resilience improvements, community resilience, and evacuation routes, and at-risk coastal infrastructure. The PROTECT Program includes formula and discretionary funds.

MPOs or state departments of transportation that prepare a resilience improvement plan consistent with 23 USC 176(e) are eligible to receive a reduced non-federal share for projects funded by the PROTECT Program. These voluntary plans identify short and long-range planning activities and investments with respect to the resilience of surface transportation within the boundaries of the state or MPO and demonstrate a systematic approach to transportation system resilience. The plans must include a risk-based assessment of vulnerabilities of transportation assets and systems to current and future weather events and natural disasters. The non-federal share can be reduced by developing a plan (7%) and incorporating it into long-range plans (3%). MPOs may also apply for a discretionary grant to prepare a resilience improvement plan. The American Association of State Highway and Transportation Officials (AASHTO) provides additional [resources](#) for consideration.

11.5 Bicycle and Pedestrian Planning

This section provides information about conducting bicycle and pedestrian planning (active transportation planning) through regulations, guidance, and policies in the metropolitan transportation planning process.

11.5.1 Bicycle and Pedestrian Planning Requirements

MPOs are not required to develop stand-alone bicycle and pedestrian plans or include a separate bicycle and pedestrian section (active transportation) in the LRTP. However, federal and state laws and regulations require the MPO planning process to address bicycle and pedestrian facilities and other transportation infrastructure. These requirements include:

- ❖ Bicycle transportation facilities and accessible pedestrian walkways must be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities [\[23 CFR 450.300\(a\)\]](#);
- ❖ MPOs must provide representatives of users of bicycle transportation facilities and pedestrian walkways, among others, with reasonable opportunities to be involved in the metropolitan

transportation planning process [\[23 CFR 450.316\(a\)\]](#) and comment on the LRTP [\[23 CFR 450.324\(j\)\]](#):

- ❖ The LRTP must include long-range and short-range strategies and actions to develop an integrated multimodal transportation system, including accessible bicycle transportation facilities and pedestrian walkways, to facilitate the safe and efficient movement of people and goods while addressing current and future transportation demand [\[23 CFR 450.324\(b\) and \(g\)\(12\)\]](#);
- ❖ Annually, the state, public transportation operators, and the MPO must cooperatively develop a listing of transportation projects using federal funds. This list must include investments in bicycle transportation facilities and pedestrian walkways. [\[23 CFR 450.334\(a\)\]](#);
- ❖ MPO plans and programs must provide for the development and integrated management and operation of transportation systems and facilities, including bicycle transportation facilities and pedestrian walkways, which will function as an intermodal transportation system for the metropolitan area [\[s.339.175\(1\), FS\]](#); and
- ❖ The LRTP must indicate proposed transportation enhancement activities, including bicycle and pedestrian facilities. [\[s.339.175\(7\)\(d\), FS\]](#)

11.5.2 *Developing Bicycle and Pedestrian Plans*

While MPOs are not required to develop a bicycle or pedestrian plan, an MPO may do so to conduct a more detailed analysis of facilities and develop projects. MPOs can also provide targeted recommendations to support regional planning and programming. An MPO may develop a bicycle and pedestrian element of its LRTP or establish a stand-alone bicycle or pedestrian plan. A stand-alone plan may address bicycle and pedestrian policy and infrastructure in more depth than a component of the LRTP. If an MPO chooses to develop a bicycle or pedestrian plan, the plan should be consistent with the goals and objectives of the LRTP to inform the MPO's TIP. These plans do not need to be fiscally constrained. This allows an MPO to identify an aspirational list of projects and articulate specific solutions to improve safety and increase accessibility.

MPO bicycle and pedestrian plans vary in focus and content. Some are general and policy-oriented, while others recommend specific facility improvements. Plans often include some or all these components:

- ❖ Set regional goals, objectives, and performance measures related to bicycling and walking;
- ❖ Collect and analyze bicycle and pedestrian data such as use of facilities, safety, and monitoring of trends;
- ❖ Forecast bicycle and pedestrian facility demand and mode choice within regional travel modeling;
- ❖ Evaluate infrastructure deficiencies and areas of need;

- ❖ Use information on existing and potential demand, safety needs, and other network gaps or deficiencies to prioritize types of projects, specific projects, or areas for funding;
- ❖ Set policies and criteria for prioritizing projects to incorporate bicycle and pedestrian improvements in project scopes and
- ❖ Provide funding and technical assistance (e.g., model policies or design standards) to local jurisdictions to implement bicycle and pedestrian improvements on local streets.

11.5.3 *Bicycle and Pedestrian Policies and Guidance*

The U.S. DOT issued a [Transportation Policy Statement on Bicycle and Pedestrian Accommodation Regulations and Recommendations](#) on **March 11, 2010**. The guidance reflects the Department's support for fully integrated networks. The policy states that every transportation agency, including DOT, is responsible for improving conditions for bicycling and walking and incorporating them into their transportation systems.

FDOT's policies, plans, and guidance related to metropolitan bicycle and pedestrian planning include:

- ❖ The [Florida Transportation Plan](#);
- ❖ FDOT's [Complete Streets Policy and Implementation Plan](#);
- ❖ The [Florida SHSP](#) and [Pedestrian and Bicycle Strategic Safety Plan](#); and
- ❖ FDOT's [Clean Air & Transportation webpage](#).

11.5.3.1 *Florida Transportation Plan (FTP)*

The [FTP](#) recognizes the importance of bicycle and pedestrian safety, facility improvements/choices, changing cultural attitudes, and healthy lifestyles. The FTP includes seven long-range goals for Florida, four of which can be tied directly to pedestrian and bicycle planning: quality infrastructure, transportation choices, quality places, and environment and energy conservation. If an MPO chooses to develop a bicycle or pedestrian plan, the plan should be consistent with the current FTP.

11.5.3.2 *Complete Streets and Facility Design*

FDOT adopted a [Complete Streets Policy](#) in **September 2014**. The policy states that FDOT will routinely plan, design, construct, reconstruct, and operate a context-sensitive system of "Complete Streets." Complete Streets shall serve the transportation needs of users of all ages and abilities, including but not limited to cyclists, pedestrians, transit riders, motorists, and freight handlers.

FDOT's [Complete Streets Implementation Plan](#) provides a detailed description of the actions that will be undertaken to implement this policy. Action areas include:

- ❖ Revising guidance, standards, manuals, policies, and other documents;
- ❖ Updating decision-making processes;
- ❖ Modifying approaches for measuring performance;
- ❖ Managing internal and external communication and collaboration during implementation; and
- ❖ Providing ongoing education and training.

The [Florida Greenbook](#), formally called the *Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways*, provides design standards and criteria for state and local roads. It is one method for implementing the Complete Streets policy. Chapter 8 of the Greenbook addresses pedestrian facilities, and Chapter 9 addresses bicycle facilities. The Greenbook states that bicycle facilities should be established in conjunction with construction, reconstruction, or other changes to any transportation facility, and special emphasis should be given to projects within one mile of an urban area. A [draft update to the Greenbook](#) proposes to require the provision of sidewalks along both sides of roadways within one mile of an urban area. It proposes additional standards for bicycle and pedestrian facilities, such as a minimum five-foot sidewalk width.

While MPOs are typically not responsible for street design, they may choose to include adherence to state standards and Complete Streets policies as criteria for project prioritization and funding.

11.5.3.3 Bicycle and Pedestrian Safety Plans

Florida is required to develop and update a SHSP as a condition for receiving federal-aid highway safety funding. [Florida's SHSP](#) is organized into areas of emphasis, one of which includes bicycle and pedestrian safety. Within this emphasis area, the SHSP identifies several strategies on which to focus safety efforts:

- ❖ Develop and deploy engineering solutions and best practices;
- ❖ Develop and implement clear, consistent, context-sensitive target outreach and communication strategies;
- ❖ Provide law enforcement officers with training, tools, and resources;
- ❖ Advance target strategies for emergency response to crashes;
- ❖ Promote collection, analysis, distribution, and use of quality data and tools;
- ❖ Develop and test technologies that can improve safety;
- ❖ Reduce disparities in transportation safety risks; and
- ❖ Prioritize projects providing a demonstrated safety benefit and accessibility.

Florida's Pedestrian and Bicycle Strategic Safety Plan (PBSSP) supports the SHSP with a more detailed focus on bicycle and pedestrian safety and implementing safety initiatives for people biking and walking over a 5-year planning horizon. It establishes a vision to “provide a safe transportation system where people of all ages and abilities can walk, bike, utilize transit, and travel by automobile safely and comfortably in a bicycle and pedestrian-friendly environment.” The plan is organized into seven emphasis areas:

- ❖ Data analysis and evaluation;
- ❖ Law enforcement;
- ❖ Emergency medical services;
- ❖ Driver education, licensing, and legislation;
- ❖ Planning, design, and operations;
- ❖ Communication, outreach, and education; and
- ❖ Vision Zero

The plan also includes statewide bicycle and pedestrian crash analysis covering:

- ❖ Review of facilities with transit service;
- ❖ Comparing fatal or serious injury crashes; and
- ❖ Transit services with non-transit corridors.

Florida's Pedestrian and Bicycle Safety Coalition is a diverse group of federal, state, local, and public partners and stakeholders charged with implementing goals, objectives, and strategies within the PBSSP. Each PBSSP emphasis area is led by a **Goal Leader** who directs the implementation of key strategies to reduce traffic crashes that result in serious or fatal injuries to bicyclists and pedestrians.

11.6 Freight Planning

This section provides information about the consideration of freight in the metropolitan transportation planning process.

11.6.1 *Freight Planning Requirements and Guidelines*

MPOs are not required to develop a metropolitan freight plan. However, federal transportation and state laws and regulations require that MPOs address freight in the planning process. These requirements include:

- ❖ Using a multimodal transportation planning process that encourages and promotes safe and efficient development, management, and operation of surface transportation systems to serve the mobility needs of people and freight [\[23 CFR 450.300\(a\)\]](#);
- ❖ Consider and implement projects, strategies, and services that will increase accessibility and mobility of people and freight [\[23 CFR 450.306\(b\)\(4\), s.339.175\(6\)\(b\)\(3\), FS\]](#) and enhance integration and connectivity of the transportation system, across and between modes [\[23 CFR 450.306\(b\)\(6\), s.339.175\(6\)\(b\)\(5\), FS\]](#);
- ❖ Integrate goals, objectives, performance measures, and targets described in the state freight plan either directly or by reference into the LRTP and other MPO plans as appropriate [\[23 CFR 450.306\(d\)\(4\)\(vi\)\]](#);
- ❖ Provide public ports, freight shippers, and providers of freight transportation services with reasonable opportunities to be involved in the metropolitan transportation planning process [\[23 CFR 450.316\(a\)\]](#) and comment on the LRTP [\[23 CFR 450.324\(j\)\]](#); and
- ❖ Consult with agencies and officials responsible for other planning activities within the MPO area affected by transportation, including freight movement activities during LRTP and TIP development. [\[23 CFR 450.316\(b\)\]](#).
- ❖ When developing the LRTP and the TIP, each MPO must provide freight shippers and providers of freight transportation services with a reasonable opportunity to comment on the LRTP. [\[s.339.175\(7\)\(e\) and \(8\)\(e\), FS\]](#)

The 2015 Fixing America's Surface Transportation (FAST) Act established the [National Highway Freight Network \(NHFN\)](#) to strategically direct federal resources and policies toward improved performance of highway portions of the US freight transportation system. In some cases, MPOs are responsible for designating public roads for critical rural freight corridors (CRFC) and critical urban freight corridors (CUFC)

consistent with the FAST Act and the 2021 IIJA. The [National Highway Freight Network Visual Tool](#) shows the current network in Florida.

11.6.1.1 Freight Performance Management

[23 USC 150](#) describes the national goals and performance management measures in more detail in [Chapter 9 of the MPO Handbook: Performance Management](#). It specifies seven national goal areas: safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays.

11.6.2 Florida Freight Planning

FDOT's key transportation plans that address freight planning include the [FTP](#), the [Freight Mobility and Trade Plan](#) (FMTP), and the [Rails System Plan](#). Additional resources are on FDOT's [Rail Office](#) webpage.

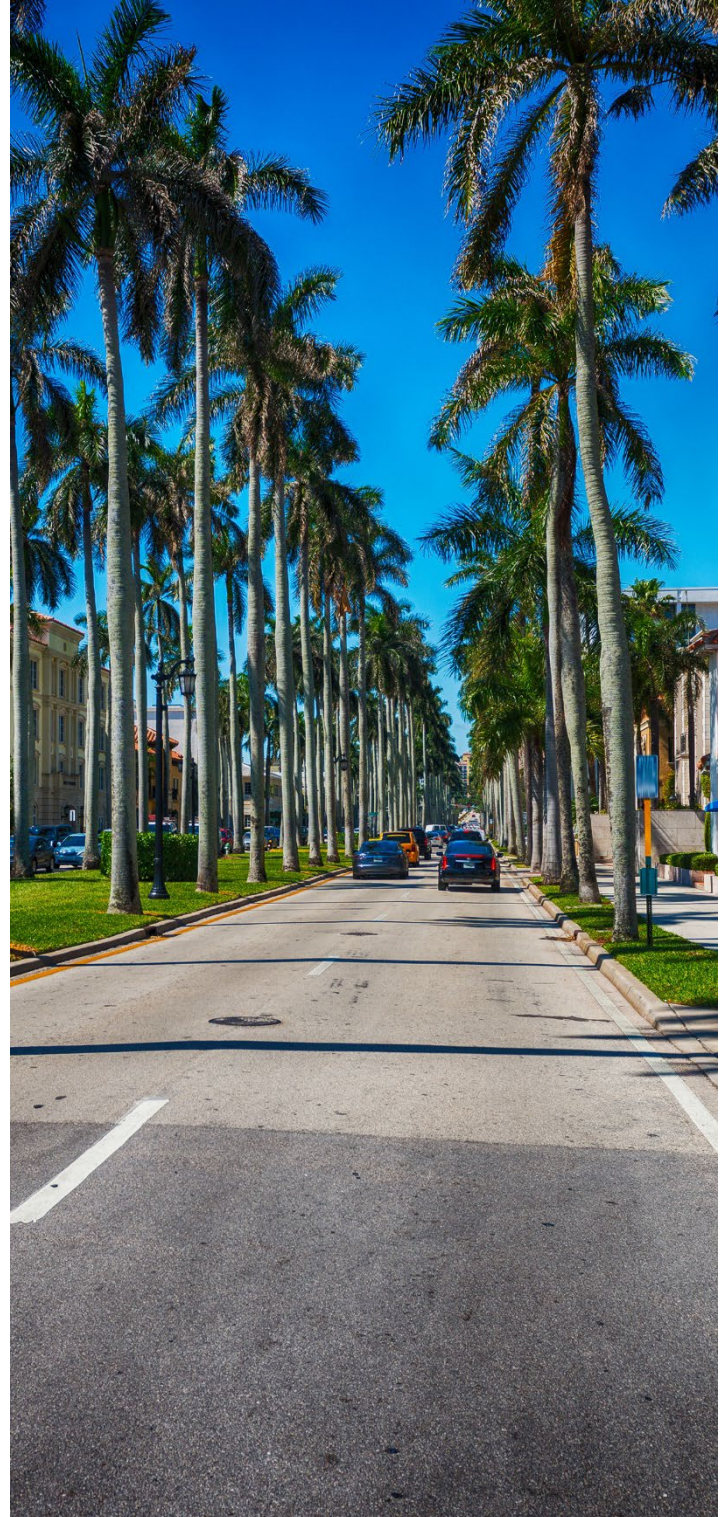
The [FMTP](#) is a comprehensive plan developed by FDOT with private and public sector partners. The FMTP identifies objectives and strategies for improving freight mobility and trade activity in Florida, along with more than 700 identified freight investment needs with a total cost of \$32 billion. In support of the FMTP, FDOT established an Office of Freight, Logistics, and Passenger Operations office, appointed a freight coordinator for each district, and established a Trade and Logistics Academy to train FDOT and partner staff on freight-related issues. The FMTP is closely coordinated with regional freight plans developed by FDOT Districts, MPOs, and other partners across the state.

The [Rail System Plan](#) was developed to guide the state's rail freight and passenger transportation planning activities and project development plans. The plan describes the state's existing rail network, its challenges and opportunities, and the economic and socio-economic impacts of each mode of rail transport. The plan integrates the FTP and the FMTP to further the statewide vision and strategy for the future development and operation of intercity passenger service, commuter rail, and rail transit.

11.6.3 *Florida MPOAC Freight Committee*

The [MPOAC Freight Committee](#) was created in **April 2013** as a clearinghouse of actionable ideas allowing Florida's MPOs to foster and support sound freight planning and freight initiatives. The members of the Freight Advisory Committee seek to understand the economic effects of proposed freight-supportive projects, foster relationships between public agencies with responsibilities for freight movement and private freight interests, and reduce policy barriers to goods movement to, from, and within Florida.

The [MPOAC Freight Advisory Committee webpage](#) lists Committee members, Committee meeting summaries, and other resources, including links to MPO freight webpages and reports.



11.7 Partnering with FDOT: A Resource Guide for Local Governments

[Partnering with FDOT: A Resource Guide for Local Governments](#) is available to local governments to support collaboration with FDOT to construct safe and efficient transportation facilities. The Resource Guide describes FDOT's planning and project development processes, funding programs, and appropriate District staff to contact for support. Through collaboration, FDOT and Florida's communities can develop a transportation system that better coordinates land use and transportation infrastructure at the local and regional levels. Collaboration and coordination are essential for growing Florida's economy, protecting natural resources, and supporting communities.



11.8 References

This section references safety planning, congestion management, resilience planning, bicycle and pedestrian planning, freight planning, and other planning documents.

Table 11.1 Federal and State Plans and Programs

| PLANS AND PROGRAMS | RESOURCES |
|--|--|
| <p>Citation: Florida Transportation Plan Description: Florida's Long Range Statewide Transportation Plan.</p> | <p>Citation: Florida's Highway Safety Improvement Program Description: Florida's program of highway safety improvement projects.</p> |
| <p>Citation: Strategic Highway Safety Plan Description: Florida's statewide-coordinated safety plan.</p> | <p>Citation: Clean Air & Transportation Webpage Description: Provides policy recommendations to FDOT and its partners on the state's walking, bicycling, and trail facilities.</p> |
| <p>Citation: Highway Safety Plan Description: Serves as a state's application to the National Highway Traffic Safety Administration for federal funds.</p> | <p>Citation: FHWA Congestion Management Process Guidebook Description: Guides conducting a CMP.</p> |
| <p>Citation: FDOT Complete Streets Implementation Plan Description: Provide a detailed description of FDOT's actions in implementing this policy.</p> | <p>Citation: FDOT Complete Streets Policy Description: Specifies FDOT's approach and policy for a statewide Complete Streets policy.</p> |
| <p>Citation: Pedestrian and Bicycle Strategic Safety Plan Description: Supports the SHSP with a more detailed focus on pedestrian and bicycle safety.</p> | <p>Citation: Florida Greenbook Description: Provides design standards and criteria for state and local roads.</p> |
| <p>Citation: Freight Mobility and Trade Plan Description: Identifies objectives and strategies for improving freight mobility and trade activity in Florida.</p> | <p>Citation: Partnering with FDOT: A Resource Guide for Local Governments Description: Resource to local governments to support the collaboration with FDOT to construct safe and efficient transportation facilities.</p> |
| <p>Citation: Rail System Plan Description: Guides the state's rail freight and passenger transportation planning activities and project development plans.</p> | |
| <p>Citation: Resilience Action Plan (RAP) Description: Prepares for potential hazards that could impact the SHS and the communities it serves</p> | |