



Florida Department of Transportation

RICK SCOTT
GOVERNOR

3400 West Commercial Blvd.
Fort Lauderdale, FL 33309

JIM BOXOLD
SECRETARY

July 7, 2016

The Honorable Susan Haynie, Chairperson
Palm Beach Metropolitan Planning Organization
2300 North Jog Road, 4th Floor
West Palm Beach, FL 33411

Dear Mayor Haynie:

**SUBJECT: Palm Beach Metropolitan Planning Organization (MPO)
Metropolitan Transportation Planning Process
2016 Modified Joint State/MPO Certification Review Package**

Enclosed please find a fully-executed 2016 Standard Joint State/MPO Certification Review Package for the Palm Beach MPO, including the joint certification statement executed by the MPO and the District Four Secretary.

The District looks forward to working with the MPO on implementation of the recommendations listed in this report and any others included in the Federal quadrennial review, to further enhance the transportation planning process in the coming year.

Please contact Arlene Tanis, MPO Liaison Supervisor by email: arlene.tanis@dot.state.fl.us or phone: 954-777-4651 should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Braun", with a long, sweeping underline.

Steven C. Braun, P.E.
District Planning & Environmental Engineer
District Four

SB:at

cc: Nick Uhren, Palm Beach MPO

**Miami Urbanized Area (UZA)/Transportation Management Area (TMA)
2016 Modified Joint State/MPO Certification Review**

**Palm Beach Metropolitan Planning Organization (MPO)
Findings, Recommendations and Noteworthy Practices Report**

May 5, 2016

The Florida Department of Transportation (FDOT) District Four conducted a Modified Joint State/MPO State Certification Review of the Palm Beach MPO. The Modified Joint State/MPO Review includes the outstanding 2015 Federal Certification Review "Corrective Actions" and "Recommendations" and implemented recommendations from the 2015 State Modified Certification Review.

This report assesses the written and verbal responses to the questions presented to the MPO staff by FDOT in February 2016 via email. The questions were asked based on information from the January 2016 Best Practices Meeting, the 2015 Modified Joint State/MPO Certification Review process, regular coordination with MPO staff and attendance at MPO Board and committee meetings. Areas that are not commented on in this report have met, or exceeded, requirements.

Summary of Key Activities to Support Planning Process

The MPO has successfully completed the annual coordination and reporting efforts on schedule as follows:

- ✓ Signed 2015 Certification Package
- ✓ Signed 2015 Disadvantaged Business Enterprise (DBE) Verification
- ✓ Adopted 15/16 Transportation Improvement Program (TIP)
- ✓ Held informal unfunded priorities meeting in 2015 with FDOT and stakeholders
- ✓ Transmitted official List of Project Priorities
- ✓ Adopted 2016/2017 to 2020/2021 FDOT Tentative Work Program
- ✓ Held Modified Certification Review meeting with FDOT on January 8, 2016
- ✓ Held Unified Planning Work Program (UPWP) Kick-Off Meeting with FDOT on January 8, 2016
- ✓ Provided comprehensive responses to 2016 Modified Joint State/MPO Certification Review Questions/Issues

**Progress on Implementation of
2015 Joint State/MPO Certification Recommendations**

1. **Recommendations from the 2015 Federal Certification:** Implement the recommendations as addressed, in the 2015 Federal Certification Report. (Anticipated for release in late summer, 2015).

FDOT Response: SATISFIED AND UNDERWAY

2. **UPWP:** Track and expend PL and Federal Transit Administration (FTA) 5305(d) funds consistent with the UPWP budget, tasks and timeframe.

MPO Comment: On a quarterly basis, actual budget expenditures are reviewed for alignment with the UPWP Budget. Budget modifications are made as necessary to ensure fulfillment of UPWP tasks in coordination with available budget and funding timelines. The Palm Beach MPO is reviewing past budget variances in the development of the new budget to be implemented with the next UPWP.

FDOT Response: SATISFIED

3. **Public Outreach:** Continue to find creative and innovative ways to educate and involve the public.

MPO Comment: Following are creative and innovative ways to educate and involve the public that the MPO has implemented since the 2015 Certification Review:

- **New website (Oct, 2015):** The new version of www.PalmBeachMPO.org is much more attractive and user-friendly than the former website, and more clearly distinguishes the MPO as a separate entity from Palm Beach County. New features include Google Translate, adjustable font sizes, direct links to MPO social media, a robust calendar that can be sorted by various categories, a self-subscribe feature to request updates, online forms for funding applications, a search bar and improved navigation.
- **Video creation and distribution (July 2015):** A video produced jointly between the Palm Beach and Broward MPOs, through South Florida Commuter Services, was completed and distributed. The goal is to create public awareness of the MPO and how the public can get involved. The video was publicly launched through a cinema media buy that began with the July 4 holiday weekend. The video was shown before each feature movie for two weeks in three geographically distributed movie theaters in Palm Beach County. The video was also distributed through online media buys where it was promoted on Pandora, on Facebook, and on the website for the Palm Beach Post newspaper. The video was made available for local government cable TV

channel distribution, and has been embedded on the home page of the new MPO website. The video is also available for viewing on the MPO's YouTube channel.

- Palm Beach County's Channel 20: The local county government channel produces original content for their cable TV channel and website content. Since the 2015 certification, the MPO has used this TV and website resource for coverage of the ceremony hosted by the MPO at the Boca Raton Tri-Rail Station in Nov. 2015 to announce the Regional Transportation Plan. Coverage of the complete ceremony including speeches by elected officials and transportation agency representatives has been available on the Palm Beach County website, as a link on the MPO website, and has been frequently rebroadcast on the cable TV channel. PBC Channel 20 also interviewed MPO staff for a segment on "Complete Streets" and produced a segment based on the MPO's second annual MPO Board Retreat in Jan. 2016.
- Tri-county event to announce the Regional Transportation Plan (Nov. 2015): As members of the Southeast Regional Transportation Council (SEFTC), the Palm Beach, Broward and Miami-Dade MPOs coordinated a public event in a single day in all three counties to announce the 2040 Regional Transportation Plan adoption. Each MPO hosted an event at a Tri-Rail station in their county. Event organizers rode the train between the events, and handed out paper fans to promote the 2040 RTP to riders on the trains.
- Paper fans (Nov. 2015): Rather than create a flyer to distribute to event attendees and Tri-Rail riders, the Palm Beach MPO suggested colorful paper fans on a stick, printed in English on one side and Spanish on the reverse. The imprint promoted SEFTC as our regional organization, and included social media icons and hashtags and a 1-800 telephone number for information. Because it was an extremely hot day, the fans were welcomed and were less likely to become litter.
- MPO "Rolling Retreat" (Jan. 2016): For the second year, the MPO conducted a "rolling retreat" to have Board Members experience transit, view MPO funded projects for all travel modes, and hear presentations of relevance for the entire county. MPO Board members and staff were joined by a Palm Beach Post reporter and photographer, as well as a few members of the public and municipal staff.
- USTREAM live video feed (Jan. 2016): The first MPO "Rolling Retreat" in Jan. 2015 offered an opportunity for any member of the public to participate in person or to come to the MPO office to view the activities live via Google + and a smartphone from the retreat. For the Jan. 2016 "Rolling Retreat," the MPO was additionally able to offer the opportunity for the public to view events live from any computer from a link provided on the MPO website, and without having to download any software. For the first time, video of the entire event was also recorded to make available on YouTube or the website for future viewing.

FDOT Response: SATISFIED

- 4. Performance Measures:** The MPO should continue its collaborative efforts with the Department, transit operators and other stakeholders as appropriate for a coordinated approach to performance measurement and selection of targets to ensure consistency to the extent practicable.

MPO Comment: MPO staff continues to collaborate with key stakeholders to monitor performance measures identified in the 2040 LRTP. The MPO intends to monitor PM's yearly during the CMP effort and will adjust metrics as necessary.

FDOT Response: SATISFIED AND ONGOING

- 5. Local Initiatives:** Continue to work with your local agency partners in implementing the new funding program to expedite the implementation of non-regionally significant mobility projects.

MPO Comment: The MPO is working with FDOT to streamline the annual application process. The Local Initiatives Program was recently updated to create concise requirements so that all applications are more fully vetted for required information prior to submittal to the MPO and FDOT.

FDOT Response: SATISFIED AND ONGOING

- 6. Transit Fare Interoperability:** Work with the tri-county partners in implementation of an interoperable fare card.

MPO Comment: The MPO has been in communication with and has participated in meetings with Palm Tran, Broward County Transit (BCT), and SFRTA/Tri-Rail to advance the implementation of the regional fare card. The regional transit agencies have now incorporated a mobile ticketing component into the regional fare card. An RFP was advertised by BCT on 1/7/16 and closed on 2/8/16 to do a pilot project of the mobile ticketing interoperable fare card on 10% of the fleet of Palm Tran and BCT. This card would work across the region with other transit providers (i.e. Tri-Rail & Miami-Dade Transit). The MPO continues to communicate with the transit agencies to advance this effort and has requested to participate in a regional meeting between transit agencies to discuss mobile ticketing technology.

FDOT Response: SATISFIED AND ONGOING

- 7. Southeast Florida Transportation Council (SEFTC):** Continue to utilize SEFTC as the mechanism for formalized regional coordination processes.

MPO Comment: SEFTC formally adopted the 2040 Regional Transportation Plan (RTP) in October 2015. To commemorate and publicly promote the Plan, the MPO participated in a

series of public roll-out events in each of the three counties in a single day with elected officials speaking at each event. The Palm Beach MPO coordinated the opening event of the day at the Boca Raton Tri-Rail station. Participants then traveled by Tri-Rail to station events in Broward and Miami-Dade counties, and distributed paper fans with RTP information to Tri-Rail riders. The Palm Beach County event was filmed by Palm Beach County's government cable channel, and has been frequently re-broadcast on cable TV and is available on the Palm Beach County website, with a link to the video from the MPO website at the following page: <http://www.palmbeachmpo.org/RTP>

FDOT Response: SATISFIED AND ONGOING

8. **Florida Transportation Plan (FTP) and Strategic Intermodal System (SIS) Policy Plan Updates:** Continue to assist the Department in their outreach efforts in obtaining input to the plans, utilizing the MPO's outreach network.

MPO Comment: The MPO continues to promote FDOT public involvement opportunities for Palm Beach County residents, and the availability of FDOT draft documents for review. The MPO website is the primary vehicle used to notice FDOT workshops, local project meetings, draft documents for review and publications such as the FDOT Complete Streets Implementation Plan, issued Dec. 2015. The MPO specifically promoted local public workshops and feedback opportunities throughout the development of FDOT's FTP and SIS Policy Plan updates, using the MPO website and email distribution. Several MPO staff members participated in a Delray Beach visioning workshop. As of 2-16-2016, the MPO website includes promotion of the Draft SIS Policy Plan for public comment on the website home page and on a web page specifically dedicated to FDOT public involvement opportunities.

FDOT Response: SATISFIED AND ONGOING

2015 Federal Certification Review - Corrective Actions

1. The MPO needs to modify the Directions 2040 Long Range Transportation Plan to include a narrative regarding potential environmental mitigation activities that have been developed in consultation with Regulatory Agencies. This modification needs to be completed by or before February 28, 2016.

MPO Comment: Satisfied – On February 18, 2016, the MPO adopted Amendment #2 to the 2040 LRTP which addressed and satisfied the identified corrective action.

FDOT Response: **SATISFIED**

2. The MPO needs to modify the Directions 2040 Long Range Transportation Plan's Cost Feasible Plan tables to include this project detail. The modification to the Long Range Transportation Plan needs to be completed by February 28, 2016.

MPO Comment: Satisfied – On February 18, 2016, the MPO adopted Amendment #2 to the 2040 LRTP which addressed and satisfied the identified corrective action.

FDOT Response: **SATISFIED**

3. Revisions to the Directions 2040 LRTP Plan must be made to include this information to clearly demonstrate fiscal constraint for the entire Plan update by February 28, 2016.

MPO Comment: Satisfied – On February 18, 2016, the MPO adopted Amendment #2 to the 2040 LRTP which addressed and satisfied the identified corrective action.

FDOT Response: **SATISFIED**

2015 Federal Certification Review - Recommendations

1. **Bicycle and Pedestrian Planning.** The Federal Review Team encourages the MPO to continue its efforts to enlist a member of the disabled community to the BGPAC and to continue its efforts developing a strong partnership with disability service groups. This representation and partnering are critical to ensure this community has a comprehensive voice in the MPO's programs and planning process.

MPO Comment: The MPO has solicited the assistance of the Coalition for Independent Living Options, Inc. Pathways to Independence and the local AARP office for their involvement with the BGPAC, and is awaiting their response.

FDOT Response: **SATISFIED AND ONGOING**

2. **Public Participation Plan.** The MPO should examine its Public Involvement performance measures to ensure they are sufficient to adequately guide the process. After several years of using the measures in place, the MPO should have a good sense of which measures provide useful data and those that are of little or no value. While having measures of effectiveness is a regulatory requirement, they are essentially tools for the MPO to make data-driven decisions and decide which methods are useful.

MPO Comment: The complete recommendations states, “The MPO should examine its Public Involvement performance measures to ensure they are sufficient to adequately guide the process. After several years of using the measures in place, the MPO should have a good sense of which measures provide useful data and those that are of little or no value. While having measures of effectiveness is a regulatory requirement, they are essentially tools for the MPO to make data-driven decisions and decide which methods are useful.” With assistance from one of the MPO’s planning consulting teams contracted in Dec. 2015, the MPO intends to perform a major update of its Public Involvement Plan (PIP) in including provision of a limited number of measures of effectiveness that can be adequately measured to produce useful data to inform future outreach decisions.

FDOT Response: SATISFIED AND ONGOING

3. **Title VI and Related Requirements.** As with other Florida MPOs, the Palm Beach MPO is beginning to appreciate that environmental justice considerations are required in all federally funded programs, services and activities, including the LRTP and TIP. While the Outreach Planner is an excellent source of data and good start, the Team recommends that demographics and other data be used to screen plans and/or projects for potentially high and adverse impacts to minority and low income communities. The Team understands that EJ in planning is far broader approach than during Project Development and Environment (PD&E). Nevertheless policies, projects and other activities advanced to benefit or to avoid, minimize or mitigate adverse impacts on minority and other communities should be described in MPO plans. FHWA is currently releasing an EJ Reference Guide and corresponding training that should provide some practical strategies.

MPO Comment: The MPO recently partnered with Palm Tran to purchase the TransitMix software to analyze existing and potential transit routes. The software shows the demographic information of the population in the service area including low income, elderly, disabled, no car households, etc.

FDOT Response: SATISFIED AND ONGOING

4. **Title VI and Related Requirements.** 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, make necessary modifications for compliance. MPOs share a common minimum obligation; to ensure all planning products include accessibility considerations and to involve the community with disabilities or their service representatives in the planning process. More specific guidance on ADA/504 requirements for planning agencies from FHWA should be available soon. In the meantime, the Review Team recommends that the Palm Beach MPO consider taking strong practice steps to assist its local governments with compliance, which could include sharing data and other pedestrian facility information; identifying partners in need of training or assistance; and reporting to FDOT or FHWA innovative programs or cost effective tools that might assist public agencies with meeting accessibility requirements.

MPO Comment: The MPO is working with a team of consultants to create a geospatial file that details the existence of sidewalks throughout Palm Beach County. Additionally, the MPO has undertaken a pedestrian and bicycle count program that monitors usage of various facilities to help gauge how pedestrians and cyclists are travelling. The results of both efforts can and will be shared with local jurisdictions to help improve the allocation of resources and share best practices.

FDOT Response: SATISFIED AND ONGOING

- 5. Title VI and Related Requirements.** The Certification concluded with a public meeting and presentation from FHWA/FTA on the planning process. Though largely complimentary of the MPO and its staff, there were a number of scathing public comments about quality and equity of transit services. At least one member of the public specifically implied discrimination as to when and how transit routes were scheduled. The Review Team referred the comment to FTA's Office of Investigations and Adjudications for review. However, the Team recommends that the MPO work with the transit provider(s) to address public concerns over service equity.

MPO Comment: The MPO works closely with the transit providers in Palm Beach County, Palm Tran and SFRTA, and regularly participates in their public board and committee meetings where public concerns over service are expressed and addressed.

In addition, the MPO administers the Transportation Disadvantaged Local Coordinating Board meetings where public concerns over paratransit services are also expressed and discussed with Palm Tran Connection on how to address. The MPO also organizes an annual public hearing held separately from the local coordinating board meeting to provide residents an opportunity to comment on Palm Tran's paratransit service.

Representatives from both local transit providers are members of the MPO's advisory committees and MPO Board. These meetings are also open to public comment where any issues can be voiced and followed up on afterwards.

FDOT Response: SATISFIED AND ONGOING

- 6. Congestion Management Plan.** The Federal Review Team recommends that the MPO update and formalize their CMP. It was very clear in the Directions 2040 LRTP that the CMP was fully integrated into the plan, but the strategies and information were from a 5 year old CMP. With the importance and emphasis being placed on performance measures, an updated CMP becomes even more imperative for the MPO to use in its transportation planning.

MPO Comment: A new CMP is currently under development and scheduled to go before the MPO Board for approval in June 2016.

FDOT Response: SATISFIED AND ONGOING

2016 FDOT Recommendations

- 1. Public Participation:** The MPO should continue to investigate and implement proactive methods to engage traditionally underserved members of the population.
- 2. Public Participation:** The MPO should document coordination with the *FDOT Public Involvement Handbook* (Statewide Public Involvement Plan) in addition to its well defined regional efforts.
- 3. Public Involvement:** The MPO should transmit its annual assessment of its public involvement activities to the Department once completed. The performance measures and related goals and objectives should be established prior to initiating each public involvement effort in order to manage expectations.
- 4. Significant Public Comments in Final TIP and LRTP:** The MPO should work with FDOT to jointly agree on methods to most effectively incorporate a summary of significant public comments in the final TIP and LRTP. These agreed upon methods should be added to the MPO's PIP/PPP.
- 5. Tribal Coordination:** As future uses of Tribal lands adjacent to the MPO boundaries could impact the MPO's decision making process, the MPO should formulate policy that addresses coordination with said tribe's governing body(ies).
- 6. Title VI:** The MPO is applauded for taking steps that should make access to the metropolitan planning process more inclusive. The MPO should test the effectiveness of its efforts via an annual review of its Title VI Program.
- 7. Title VI:** The MPO should provide its policy that defines the steps taken to determine if a complaint should be treated as a Title VI related issues or not.

8. **UPWP:** The MPO must ensure that the final invoice to close out the current UPWP is submitted to the Department no later than 8/30/2016 as no time extensions will be considered this cycle.
9. **Board and Committee Meeting Dates:** The MPO Board should take into consideration deliverables and deadlines when scheduling the annual board and committee meeting dates.

2016 Noteworthy Practices

1. **Bicycle and Pedestrian Planning**

- a. **Bicycle/Pedestrian Count Pilot Program** - The Palm Beach MPO is one of only 10 MPOs in the nation - and the only Florida MPO - selected by the Federal Highway Administration (FHWA) to receive \$20,000 in funding for equipment and training to collect data on the number of bicyclists and pedestrians currently traveling select roadways in Palm Beach County. The program counts bicyclists and pedestrians and monitors usage of various facilities in an effort to gauge how pedestrians and cyclists are traveling. The data collected will provide baseline information to assist future planning efforts. Results will be shared with local jurisdictions to improve the allocation of resources and to share best practices.
- b. **USDOT Mayors Challenge** - The MPO joined the Challenge issued by the USDOT Secretary to encourage Mayors throughout the country to take the challenge for a year to advance safety for the non-motorized traveling public. The MPO gave presentations and used its website and social media to encourage participation and to highlight local government participants who accepted the challenge.
- c. **Complete Streets** - The MPO has assumed a leadership role in the promotion of Complete Streets throughout Palm Beach County. The MPO organized and hosted a day-long Complete Streets workshop in December of 2015 with approximately 40 local transportation planners, engineers, and bicycle-pedestrian advocates participating in extensive discussions and group exercises. The MPO has also advanced implementation of Complete Streets through its scoring criteria used to evaluate competitive funding applications.

2. **Public Participation**

- a. **Rolling Retreats** - The MPO hosted its first "Rolling Retreat" for its Board members, staff, partners, stakeholders, media and the general public. Participants began the tour at the West Palm Beach Intermodal Center and spent the day walking, riding trains and buses and exploring intermodal connections. Feedback has been overwhelmingly positive and allows the MPO Board to remain in touch with those they serve. The MPO advertised multiple public participation opportunities. Members of the public were offered an

opportunity to directly participate in the retreat or to come to the MPO office during the event to view a live broadcast of the retreat activities.

- b. **Community events** - The MPO participates in special events, fairs, festivals, and presentations to civic organizations, stakeholder groups, business organizations and community associations. These outreach efforts reach a wide variety of audiences that include traditionally underserved populations and aging residents. This approach is recognized by FHWA as a best practice and one of the most effective ways of reaching low income and low literacy populations. Although going to the public is more labor and resource intensive than traditional public involvement approaches, the MPO has found it to be a much more productive approach, especially as a replacement for hosting stand-alone special purpose public meetings that are poorly attended.

- c. **Bike valet partnership** - SunFest attracts tens of thousands of people from all walks of life to one of the southeast's most prominent annual music and art festivals. Through the MPO's partnership with the West Palm Beach Downtown Development Authority (DDA) which operates a free bike valet service during the five days of SunFest to reduce traffic congestion. The MPO promoted bike-ped safety through the distribution of safety information to bike valet users.

- d. **MPO Video** - A video was produced jointly by the Palm Beach and Broward MPOs, with customizations for each MPO, through a partnership with South Florida Commuter Services. The purpose was to create public awareness of MPOs and ways the public can get involved. The video was made available for broadcasting on local government cable TV stations, and has been embedded on the MPO website home page. The video is also available for viewing on the MPO's YouTube channel.

- e. **MPO Website** - The MPO designed a new website which went live in Oct. 2015. The new website is much more attractive, intuitive and user-friendly than the former website, and more clearly distinguishes the MPO as a separate entity from Palm Beach County. New features include Google Translate, adjustable font sizes, social media icons with direct links to MPO accounts, a robust calendar that can be sorted by multiple categories and views, a self-subscribe feature for newsletter updates, online forms, interactive maps and tools, a search bar and improved navigation.

- f. **Online visualization tools** - The MPO website (new as of Oct. 2015) includes various maps under the "Plans & Resources" tab. Also included throughout the site are interactive forms and maps. Examples:
 - i. **Quiet Zone interactive map** - At the bottom of the "Rail" web page is an interactive map of MPO funded supplemental safety infrastructure being installed along the FEC corridor to achieve a continuous Quiet Zone to replace the mandatory blowing of train horns. <http://www.palmbeachmpo.org/rail>
 - ii. **Traditionally underserved populations interactive map** - This custom map was developed by MPO staff to analyze proposed projects and competitive

applications with regard to the impact and benefits for traditionally underserved populations.

<http://www.palmbeachmpo.org/analysisistool>

g. **Online forms** - The MPO has added online website forms that may be submitted by the public for a variety of purposes including the following examples:

- i. For online submittal of public comments on draft documents and plans.
- ii. For the submittal of suggested transportation projects
- iii. For the submittal of applications for MPO administered grants and funding programs, including the attachment of relevant documents
- iv. For submittal of bike-ped related activities and events in the community for the MPO's BikePalmBeach.org calendar.
- v. Newsletter signup

h. **Limited English Proficiency / ADA tools and materials**

- i. The new MPO website, introduced in Oct. 2015, includes a Google Translate feature and a text resizing feature at the top of each page.
 - ii. In addition to Spanish text included in the plastic bag distribution, and Spanish transportation surveys, brochures were made available during development of the LRTP in Spanish and Creole in addition to English. Each included a basic overview of the MPO as well as the LRTP purpose and development process.
 - iii. For each newspaper ad purchased in the Palm Beach Post to advertise documents for public review and comment or MPO meetings and activities, an ad translated into Spanish is purchased in a free weekly newspaper distributed throughout the county.
 - iv. The MPO posts audio files of all Board and advisory committee meetings on the website.
- i. **Regional Public Outreach** -Regional Transportation Plan (RTP) Rollout event - On Nov. 6, 2015, the MPO joined with the Broward and Miami-Dade MPOs and agency partners through the Southeast Florida Transportation Council (SEFTC) to conduct a "rolling" public event in all three counties to announce adoption of the RTP. The event included brief ceremonies at Tri-Rail stations in each county including elected officials as speakers, transportation related exhibits, and media coverage.

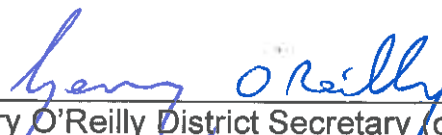
JOINT CERTIFICATION STATEMENT ON THE METROPOLITAN TRANSPORTATION PLANNING PROCESS

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

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

Included in this certification package is a summary of noteworthy achievements by the MPO, attachments associated with these achievements, and (if applicable) a list of any recommendations and/or corrective actions. The contents of this Joint Certification Package have been reviewed by the MPO and accurately reflect the results of the joint certification review meeting held on January 8, 2016.

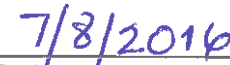
Based on a joint review and evaluation, the Florida Department of Transportation and the Palm Beach MPO recommend that the Metropolitan Planning Process for the **Palm Beach MPO** be certified.



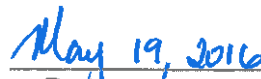
Gerry O'Reilly District Secretary (or designee)



Susan Haynie MPO Chair (or designee)



Date



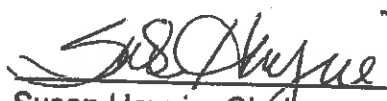
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DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION POLICY

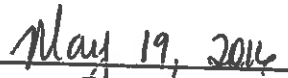
It is the policy of the Palm Beach MPO that disadvantaged businesses, as defined by 49 Code of Federal Regulations, Part 26, shall have an opportunity to participate in the performance of MPO contracts in a nondiscriminatory environment. The objectives of the Disadvantaged Business Enterprise Program are to ensure non-discrimination in the award and administration of contracts, ensure firms fully meet eligibility standards, help remove barriers to participation, create a level playing field, assist in development of a firm so it can compete successfully outside of the program, provide flexibility, and ensure narrow tailoring of the program.

The Palm Beach MPO and its consultants shall take all necessary and reasonable steps to ensure that disadvantaged businesses have an opportunity to compete for and perform the contract work of the Palm Beach MPO in a non-discriminatory environment.

The Palm Beach MPO shall require its consultants to not discriminate on the basis of race, color, national origin and sex in the award and performance of its contracts. This policy covers in part the applicable federal regulations and the applicable statutory references contained therein for the Disadvantaged Business Enterprise Program Plan, Chapters 337 and 339, Florida Statutes, and Rule Chapter 14-78, Florida Administrative Code.


Susan Haynie, Chair

Palm Beach MPO


Date

TITLE VI/ NONDISCRIMINATION ASSURANCE

Pursuant to Section 9 of US DOT Order 1050.2A, the Palm Beach MPO assures the Florida Department of Transportation (FDOT) that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Florida Civil Rights Act of 1992 and other nondiscrimination authorities be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.


The Palm Beach MPO further assures FDOT that it will undertake the following with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the Recipient's Chief Executive Officer.
2. Issue a policy statement signed by the Chief Executive Officer, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
3. Insert the clauses of *Appendices A and E* of this agreement (attached) in every contract subject to the Acts and the Regulations.
4. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against the Recipient shall immediately be forwarded to the FDOT District Title VI Coordinator.
5. Participate in training offered on Title VI and other nondiscrimination requirements.
6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.
7. Have a process to collect racial and ethnic data on persons impacted by your agency's programs.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the Recipient.


Susan Haynie, Chair

Palm Beach MPO


Date

APPENDICES A and E

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agrees as follows:

- (1.) **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- (2.) **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3.) **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.
- (4.) **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5.) **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the *Florida Department of Transportation* shall impose such contract sanctions as it or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - b. cancellation, termination or suspension of the contract, in whole or in part.
- (6.) **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1)

through (7) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the *Florida Department of Transportation*, the *Federal Highway Administration*, *Federal Transit Administration*, *Federal Aviation Administration*, and/or the *Federal Motor Carrier Safety Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event a Contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the Contractor may request the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation*, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

- (7.) **Compliance with Nondiscrimination Statutes and Authorities:** Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

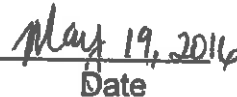
LOBBYING CERTIFICATION for GRANTS, LOANS and COOPERATIVE AGREEMENTS

In accordance with Section 1352 of Title 31, United States Code, it is the policy of the Palm Beach MPO that:

- (1) No Federal or state appropriated funds have been paid or will be paid by or on behalf of the (Palm Beach Metropolitan Planning Organization to any person for influencing or attempting to influence an officer or employee of any Federal or state agency, or a member of Congress or the state legislature in connection with the awarding of any Federal or state contract, the making of any Federal or state grant, the making of any Federal or state loan, extension, continuation, renewal, amendment, or modification of any Federal or state contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The Palm Beach MPO shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants and contracts and subcontracts under grants, subgrants, loans, and cooperative agreement), which exceeds \$100,000, and that all such subrecipients shall certify and disclose accordingly.
- (4) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.


Susan Haynie, Chair

Palm Beach MPO


Date

DEBARMENT and SUSPENSION CERTIFICATION

As required by the USDOT regulation on Government wide Debarment and Suspension at 49 CFR 29.510

(1) The Palm Beach MPO hereby certifies to the best of its knowledge and belief, that it and its principals:

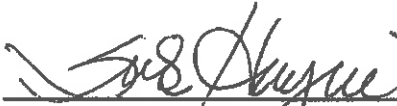
(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;

(b) Have not, within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction, violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;


(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses listed in paragraph (b) of this certification; and

(d) Have not, within a three-year period preceding this certification, had one or more public transactions (federal, state or local) terminated for cause or default.

(2) The Palm Beach MPO also hereby certifies that if, later, it becomes aware of any information contradicting the statements of paragraphs (a) through (d) above, it will promptly provide that information to the U.S.D.O.T.


Susan Haynie, Chair

Palm Beach MPO


Date