



Florida Department of Transportation

RICK SCOTT
GOVERNOR

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ANANTH PRASAD, P.E.
SECRETARY

June 11, 2014

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

**SUBJECT: Palm Beach Metropolitan Planning Organization (MPO)
Metropolitan Transportation Planning Process
2014 Modified Joint State/MPO Certification Review Package**

Dear Mayor Haynie:

Enclosed is the 2014 State Certification Review Package for the Palm Beach MPO including the joint certification statement to be executed by the MPO and the District Four Secretary. In addition, the package includes your signed 2014 Assurances and Agreements.

Thank you for your MPO's continued participation in the district-wide MPO-FDOT partnership. The District commends the Palm Beach MPO Executive Director's effort to consistently keep the Advisory Committees and MPO Board focused on their role in the transportation planning process and apprised of key information to making educated decisions for the community. We look forward to working with the MPO on implementation of the recommendations in this report, to further enhance the transportation planning process in the coming year and in preparation for the MPO's upcoming federal review. Please contact Arlene Tanis at arlene.tanis@dot.state.fl.us or by phone at 954-777-4651 if you have any questions.

Sincerely,

Stacy L. Miller-Novello, P.E.
Interim District Modal Development Administrator
District Four

SLM/at

cc:
Jeff Weidner, FDOT District Four
Nick Uhren, Palm Beach MPO

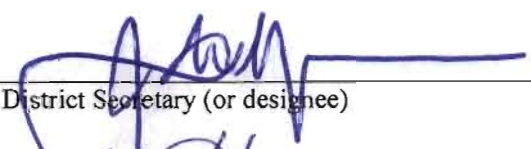
**JOINT CERTIFICATION STATEMENT ON THE METROPOLITAN TRANSPORTATION
PLANNING (MPO) PROCESS**

Pursuant to the requirements of 23 U.S.C. 134 (k)(5), 23 CFR 450.334(a), the Department and the MPO have performed a review of the certification status of the metropolitan transportation planning process for the 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 SAFETEA-LU (Public Law 109-59) and 49 C.F.R. Part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
5. 23 C.F.R. Part 230 regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
6. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and the regulations found in 49 C.F.R. Parts 27, 37, and 38;
7. The Older Americans Act, as amended (42 U.S.C. 6101) prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
8. Section 324 of 23 U.S.C. regarding the prohibition of discrimination on the basis of gender; and
9. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 C.F.R. Part 27 regarding discrimination against individuals with disabilities.

Included in this certification package is a summary of noteworthy achievements by the MPO, attachments associated with these achievements, and (if applicable) a list of any recommendations and/or corrective actions. The contents of this Joint Certification Package have been reviewed by the MPO and accurately reflect the results of the joint certification review meeting held on December 13, 2013.

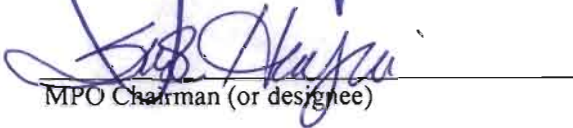
Based on a joint review and evaluation, the Florida Department of Transportation and the Palm Beach MPO recommend that the Metropolitan Planning Process for the Palm Beach MPO be certified.



District Secretary (or designee)

6/20/14

Date



MPO Chairman (or designee)

June 19, 2014

Date

**Miami Urbanized Area (UZA)/Transportation Management Area (TMA)
2014 Joint State/MPO Modified Certification Review**

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

June 2, 2014

The Florida Department of Transportation (FDOT) District Four has conducted a Modified (the 3rd year of 3 years permitted for a modified review) State Certification Review of the Palm Beach MPO. The MPO implemented recommendations from the 2013 State Modified Certification Review as well as corrective actions from the 2011 Federal Certification Review.

This report assesses the written and verbal answers to the questions presented to the MPO staff. FDOT staff determined the specific areas for which certain questions were asked based on information from the 2013 Modified Joint State Certification process, 2011 Federal Certification Review, observation of, and coordination with, MPO staff and attendance at MPO Board and committee meetings. Areas that are not commented on in this report are considered satisfactory by the Department.

The Palm Beach MPO should be commended for being proactive in advancing public involvement through various campaigns and workshops, including the significant improvements to the MPO's Public Involvement Plan (PIP). Additionally the MPO should be commended for their efforts in promoting transportation alternatives through partnerships with other agencies, including FDOT and South Florida Commuter Services (SFCS).

Summary of Key Activities to Support Planning Process

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

- ✓ Signed 2013 Certification Package
- ✓ Signed 2013 DBE Verification
- ✓ Adopted 13/14 Transportation Improvement Program
- ✓ Held informal unfunded priorities meeting in 2013 with FDOT and stakeholders
- ✓ Transmitted official unfunded priorities
- ✓ Adopted 2014/2015 to 2018/2019 FDOT Tentative Work Program
- ✓ Held Modified Certification Review meeting with FDOT on December 13, 2013
- ✓ Responded to Certification Review Questions/Issues

**Progress on Implementation of Remaining
2011 Federal Certification Corrective Actions**

Agreement(s) – The MPO staff needs to update, revise and sign its staff services agreement by March 15, 2012.

Comment: A new staff services agreement with Palm Beach County was executed on March 12, 2013. All corrective actions from the 2011 Federal Certification Review have been satisfactorily addressed. Confirmation from FHWA is expected before the close of state FY2013.

SATISFIED; Outstanding required corrective actions have been addressed per Palm Beach MPO submittal to FHWA April 4, 2013.

**Progress on Implementation of
2013 State Recommendations**

1. **Transportation Improvement Program (TIP) Amendments:** For the purposes of public involvement and ensuring full disclosure of public documents, the MPO should incorporate TIP amendments and related documents in its interactive TIP application within 14 days of amendment being approved.

Comment:

Amendments are posted to the TIP page of the MPO website and incorporated into the official PDF of the TIP also posted to that page at <http://palmbeachmpo.org/TIP/>

These amendments are also incorporated into the interactive TIP application with a goal to meeting the 14 day window but the process of data management is cumbersome and frustrating. Specifically, the use of the "Report Manager" module is not intuitive or user friendly.

Finally, we are not convinced that the interactive TIP has provided a useful interface to the public.

SATISFIED

2. **TIP:** The MPO has successfully partnered to implement and maintain the Interactive TIP tool. The MPO should continue to further develop the tool by investigating features and additives to enhance public use (e.g. graphics, maps and detailed project descriptions).

Comment:

The mapping interface was significantly improved in 2013. It is now a much more fluid system that allows a user to quickly identify a project location and backup information. However, we need to explore efficient ways to create a single GIS data set for projects included in the FDOT work program and MPO TIPs. Right now this information is being created manually by multiple entities. We also need to further understand the link between the published data set and the map interface. It seems that updating the published report in the TIP system seems to break data connections between the map interface and the project data sets.

The mapping tool is the single most important component to enhance public use. The interactive search feature and ability to create a report dynamically are of little value to the public. Most users will refer to a static PDF document posted to a website, not the interactive TIP tool.

SATISFIED AND ONGOING; See recommendation 3 below.

3. **MPO Website:** Websites and other internet based media have become prevalent public involvement tools. The MPO should consider updating the design of its website to feature more graphics and less text on the main pages similar to popular private sector websites. The website should also have a “search” feature.

Comment:

The MPO has contracted with South Florida Commuter Services and budgeted in-house staff time to accomplish a comprehensive update to its website to provide more graphics, less text, and easily accessible links to frequently requested information.

SATISFIED AND ONGOING

4. **Regional Coordination:** Working with FDOT, the MPO should complete efforts to identify and implement enhancements to the regional planning and coordination process for the Miami Urbanized Area served by the Miami-Dade, Broward, and Palm Beach MPOs. As part of those efforts, continue coordinating to ensure delivery of a complete and complementary set of regional and local plans for the 2040 transportation planning cycle. Complete other remaining steps in the post-2010 U.S. Census consultative process by July 1, 2013, or as extended by FDOT.

Comment:

The post-census consultative process is complete. The Palm Beach MPO is actively working with the Miami-Dade and Broward MPOs to complete a complimentary 2040 regional plan through the Southeast Florida Transportation Council (SEFTC) while updating its own local LRTP.

SATISFIED AND ONGOING

5. **Public Outreach:** South Florida Commuter Services is a program of the Department’s that helps promote ride sharing options for commuters in Miami-Dade, Broward, Palm Beach, Martin and St. Lucie Counties. This program also helps identify commuter concerns and provides support to relieve said concerns. The MPO should consider using this program to further expand public outreach efforts related to transit and ridesharing, in general.

Comment:

The Palm Beach MPO has contracted with SFCS to promote alternatives to driving alone with a specific focus on employees in the PGA corridor in Palm Beach Gardens. The contract also includes a general scope to promote public awareness of the MPO planning process and transit and ridesharing opportunities as a partnership with Broward MPO.

SATISFIED AND ONGOING

6. **Disadvantaged Business Enterprise (DBE) Plan:** The MPO has an adopted and FDOT approved DBE Plan. The MPO should post the DBE plan on its website in an effort to make the website an all-inclusive source of information to the public.

Comment:

It is the policy of the PBMPO that disadvantaged businesses, as defined by 49 Code of Federal Regulations, Part 26, shall have an opportunity to participate in the performance of PBMPO contracts in a nondiscriminatory environment. The PBMPO uses the Palm Beach County

procurement process to further promote opportunities for DBE participation. The DBE policy for the MPO is included in the adopted UPWP.

SATISFIED AND ONGOING

7. **Title VI:** In order to ensure all residents of Palm Beach County are receiving adequate consideration to benefit from MPO services, the MPO should collect and analyze demographic data of participants in and beneficiaries of programs and activities of the MPO. At a minimum, census data should be used as a base against which said information should be measured.

Comment:

The MPO acts as transportation planning and funding agency for all of Palm Beach County and seeks to prioritize projects with diverse geographic and demographic benefits. Further, the MPO makes many of its publications and opportunities for public involvement available in English, Spanish and Creole to ensure maximum participation by all demographic groups.

To assist the MPO in providing a more detailed response, please clarify what type of analysis this question is seeking and for what programs. Please also provide the relevant regulations requiring this analysis. Finally, please provide examples of the type of analysis requested as is currently being conducted by other MPOs.

SATISFIED AND ONGOING; Please see recommendation 4 below.

2014 FDOT Recommendations

- 1) **TIP/STIP Amendments:** Staff should continue to take an active role in partnering with FDOT and FHWA in all aspects to improve the TIP/STIP amendment process.
- 2) **2040 LRTP:**
 - a) The MPO should ensure that the upcoming 2040 LRTP meets the requirements outlined in the 2012 FHWA Expectations Letter.
 - b) The upcoming 2040 LRTP should provide more information on cost breakdowns and project cost derivations for each project.
- 3) **Interactive TIP:** Continue to evaluate the usefulness of the current Interactive TIP, as it will be an agenda item at the annual "Best Practices" meeting.
- 4) **2015 Federal Certification:** In preparation for the MPO's upcoming quadrenial Federal Certification process, the MPO should continue their efforts to review and evaluate the public involvement process through the assessment and evaluation of current and new techniques and activities. The Federal Review Team is focused on and will continue to look for improvements to the MPO's Public Involvement Plan (PIP) and public involvement strategies. The District recommends the MPO feature a Best Practice for Measures of Effectiveness in its PIP for the upcoming federal certification review.
- 5) **2040 Regional LRTP:** Continue to work with the Southeast Florida Transportation Council MPOs to develop a 2040 Regional Long Range Plan that includes regional project priorities.

2013 Noteworthy Practices

- The District commends the MPO for advancing its commitment to Transportation Demand Management. Over 2013, the MPO has taken on new initiatives in partnership with FDOT's South Florida Commuter Services program to obtain statistical data for the percentage of commuters traveling to major employment centers in Palm Beach County (PGA vicinity in Palm Beach Gardens, downtown West Palm Beach, and Arvida Park in Boca Raton) by various modes (drive alone, carpool, public transit, walk, bike, flex/work from home) and conducting an audit of public transit, bike and pedestrian facilities in these areas. The goal of these two exercises is to identify projects and strategies to reduce the percentage of commuters who drive alone by 5% for each area. The MPO has clearly demonstrated through this partnership that it recognizes the importance of non-motorized modes of transportation as part of a holistic approach.
- Public outreach and interaction has been significantly enhanced by MPO staff attending meetings that are already occurring throughout the planning area instead of conducting stand-alone meetings for MPO initiatives and programs. This highly engaged approach has increased the visibility of the MPO.
- The MPO should be recognized for its participation in the Fare Interoperability Project and was instrumental in steering the team towards a solution that is in the best interest of the region in implementing EASY Card technology and exploring new fare payment technologies (i.e. mobile ticketing).
- The MPO is seeking to streamline and simplify the major plans and programs adopted by the Board, including the LRTP, the TIP and the UPWP, to improve public awareness and readability of these traditionally complex documents. One example is that the MPO staff modified the UPWP to display funding through a graphical format. This can be considered to be a best practice.
- The MPO has revised the Board and committee agenda formats to more clearly identify action and information items, to provide a description of each item in the agenda, and to provide a PDF document for each agenda with bookmarks and hyperlinks to facilitate electronic navigation. The MPO staff has a proven track record of publishing agenda packages and MPO products in a timely manner.
- The MPO has reached out to private sector stakeholders for assistance in identifying appropriate transportation investments to spur economic development and provide adequate infrastructure for existing and planned development projects.

FEDERAL FY 2015-16 CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of her or his knowledge and belief, that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any Federal Contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal 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 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 undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

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 \$10,000.00 and not more than \$100,000.00 for each such failure.

Date 5-15-2014

Signed


Chair

FEDERAL FISCAL YEAR 2015-16 DEBARMENT AND SUSPENSION CERTIFICATION

As required by U.S. Regulations on Government wide Debarment and Suspension (Non-procurement) at 49 CFR 29.510

- (1) The Metropolitan Planning Organization hereby certifies to the best of its knowledge and belief, that it and its principles:
 - (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 Metropolitan Planning Organization 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. DOT.

Date 5-15-2014

Signed


Chair

**PALM BEACH MPO
DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION**

It is the policy of the PBMPPO that disadvantaged businesses, as defined by 49 Code of Federal Regulations, Part 26, shall have an opportunity to participate in the performance of PBMPPO 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 PBMPPO, 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 (insert name of MPO) in a non-discriminatory environment.

The PBMPPO shall require its consultants to not discriminate on the basis of race, color, national origin, sex, age, handicap/disability, or income status 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.

Date 5-15-2014

Signed


Chair

TITLE VI / NONDISCRIMINATION POLICY STATEMENT

The PBMPO assures the Florida Department of Transportation 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 and the Florida Civil Rights Act of 1992 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The PBMPO further agrees to the following responsibilities 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 *Appendix A* of this agreement 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.

Date 5-15-2014

Signed


Chair

APPENDIX A (To be inserted in every contract subject to the Acts and the Regulations)

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 (6) 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.