

**Winston-Salem Urban Area Metropolitan Planning Organization
Transportation Advisory Committee
Action Request**

Meeting Date: May 17, 2012 **Agenda Item Number:** 7

Action Requested:

Consideration of a resolution and checklist certifying the Winston-Salem Urban Area Metropolitan Planning Organization's (MPO) transportation planning process is addressing the major issues of the urban area and is being conducted in accordance with all applicable provisions of federal law.

SUMMARY OF INFORMATION: **Attachments:** Yes X No

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requires the North Carolina Department of Transportation (NCDOT) and all Metropolitan Planning Organizations (MPOs) in the state to annually certify to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) that their transportation planning processes are addressing the major issues of the urban area and are being conducted in accordance with all applicable provisions of federal law.

To guide this self certification process, NCDOT has provided the attached checklist. Staff has reviewed the checklist and provided a response to each of the items. Staff believes the Winston-Salem Urban Area MPO transportation planning process is adequately addressing the major issues of the urban area and is being conducted in accordance with all applicable provisions of federal law governing transportation planning.

Also, in 2008, the FHWA and FTA conducted a formal review of the Winston-Salem Urban Area MPO's transportation planning process, and found that the process is being carried out in substantial compliance with the applicable provisions of 23 U.S.C. 134 and 49 U.S.C. 5304. Another formal review is scheduled to occur in October - December, 2012.

Recommendations From:

TAC Vote: Motion by: _____ **Second by:** _____

Vote: For _____ **Against** _____

Motion Description:

**RESOLUTION
CERTIFYING THE WINSTON-SALEM URBAN AREA
METROPOLITAN PLANNING ORGANIZATION (MPO)
TRANSPORTATION PLANNING PROCESS
FOR FISCAL YEAR 2012-2013**

A motion was made by TAC Member _____ and seconded by TAC member _____ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, the Winston-Salem Urban Area Transportation Advisory Committee (TAC) has found that the Metropolitan Planning Organization (MPO) is conducting transportation planning in a continuous, cooperative, and comprehensive manner in accordance with 23 U.S.C. 134 and 49 U.S.C. 1607; and

WHEREAS, the TAC has found that the transportation planning process to be in compliance with Sections 174 and 176 (c) and (d) of the Clean Air Act (42 U.S.C. 7504, 7506 (c) and (d)); and, with Title VI of the Civil Rights Act of 1964 and the Title VI Assurance executed by each State under 23 U.S.C. 324 and 29 U.S.C. 794; and

WHEREAS, the TAC has considered how the transportation planning process will affect the involvement of the Disadvantaged Business Enterprises (DBE) in the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funded planning projects (Sec. 105 (f), Public Law 97-424, 96 Stat. 2100, 49 CFR part 23); and

WHEREAS, the TAC has considered how the transportation planning process will affect the elderly and the disabled per the provisions of the Americans with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, as amended) and the U.S. DOT implementing regulations; and

WHEREAS, the Winston-Salem Urban Area 2035 Transportation Plan and its recent amendments meets all the requirements for an adequate transportation plan; and

WHEREAS, the Winston-Salem Urban Area Metropolitan Transportation Improvement Program (MTIP) for Fiscal Years 2012-2018 is a subset of the currently conforming Winston-Salem Urban Area 2035 Transportation Plan; and

WHEREAS, the federal certification review conducted by FHWA and FTA in 2008 determined that the MPO's transportation planning process is being carried out in substantial compliance with applicable provisions of 23 U.S.C. 134 and 49 U.S.C. 5304.

NOW, THEREFORE, BE IT RESOLVED that the Winston-Salem Urban Area Metropolitan Planning Organization's (MPO) transportation planning process is addressing the major issues of the urban area and is being conducted in accordance with all applicable provisions of federal law.

The resolution was adopted on this the 17th day of May, 2012.

Larry T. Williams, Chairman
Transportation Advisory Committee

Margaret C. Bessette, Secretary
Transportation Advisory Committee

2012
Winston-Salem Urban Area
Metropolitan Planning Organization (MPO)
Self-Certification Process

Introduction

CFR 450.334 requires the North Carolina Department of Transportation (NCDOT) and the Winston-Salem Urban Area Metropolitan Planning Organization (MPO) to annually certify to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) that their planning processes are addressing the major issues facing the urban area and are being conducted in accordance with all applicable requirements of:

- Section 134 of Title 23 U.S.C., section 8 of the Federal Transit Act (49 U.S.C. app. 1607); and
- Section 174 and 176 (c) and (d) of the Clean Air Act (42 U.S.C. 7504, 7506 (c) and (d)); and
- Title VI of the Civil Rights Act of 1964 and Title VI assurance executed by each state under 23 U.S.C. 324 and 29 U.S.C. 794; and
- Section 103 (b) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Public Law 102-240) regarding the involvement of disadvantaged business enterprises (DBE) in the FHWA and FTA funded planning projects; and
- The provisions of the Americans with Disabilities Act of 1990 (ADA) (Public Law 101-136) 104 Stat. 327, as amended and U.S. DOT regulations “Transportation for Individuals with Disabilities” (49 CFR parts 27, 37, and 38).

In addition, the following checklist was provided by NCDOT to help guide the Winston-Salem Urban Area MPO as they review their processes and programs for self-certification. There are several transportation acronyms that have been defined above and several more that will be used frequently below including: CFR – Code of Federal Regulations; U.S.C. – United States Code; LRTP - Long Range Transportation Plan; CMP – Congestion Management Process/Plan; TIP – Transportation Improvement Program; TMA – Transportation Management Area; and, EO – Executive Order.

The MPO’s responses are in **bold**.

2012
Winston-Salem Urban Area
Metropolitan Planning Organization (MPO)
Self-Certification Checklist

1. Is the MPO properly designated by agreement between the Governor and 75% of the urbanized area, including the central city, and in accordance in procedures set forth in state and local law (if applicable)? [23 U.S.C. 134 (b); 49 U.S.C. 5303 (c); 23 CFR 450.306 (a)]

Response: Yes.

2. Does the policy board include elected officials, major modes of transportation providers and appropriate state officials? [23 U.S.C. 134 (b); 49 U. S. C. 5303 (c) 23 CFR 450.306 (i)]

Response: Yes, however, we want to include additional representatives of major modes of transportation in our community like the railroads, trucking companies, commercial intercity bus companies, etc.

3. Does the MPO boundary encompass the existing urbanized area and the contiguous area expected to become urbanized within the next 20 year forecast period? [23 U.S.C. 134 (c), 49 U.S.C. 5303 (d); 23 CFR 450.308 (a)]

Response: Yes.

4. Is there a currently adopted (Unified) Planning Work Program (U/PWP)? 23 CFR 450.314

Response: Yes.

- a. Is there an adopted prospectus? **Response: Yes.**
b. Are tasks and products clearly outlined? **Response: Yes.**
c. Is the U/PWP consistent with the LRTP? **Response: Yes, in that work tasks in the UPWP are completed that will aid the development and maintenance of the LRTP.**
d. Is the work identified in the U/PWP completed in a timely fashion?
Response: Yes.

5. Does the urban area have a valid transportation planning process? 23 CFR 450.322

Response: Yes.

- a. Is the transportation planning process continuous, cooperative, and comprehensive?
Response: Yes.
b. Is there a valid LRTP? **Response: Yes.**
c. Did the LRTP have at least a 20 year horizon at the time of its adoption?
Response: Yes.

- d. Does it address the 8 planning factors? **Response: Yes.**
 - e. Does it cover all modes of applicable to the area? **Response: Yes.**
 - f. Is it financially constrained? **Response: Yes.**
 - g. Does it include funding for the maintenance and operation of the system?
Response: Yes.
 - h. Does it conform to the State Implementation Plan (SIP) if applicable?
Response: Yes.
 - i. Is it updated/reevaluated in a timely fashion (at least every 4 or 5 years)?
Response: Yes.
6. Is there a valid TIP? 23 CFR 450.324, 326, 328, 332 **Response: Yes.**
- a. Is it consistent with the LRTP? **Response: Yes.**
 - b. Is it fiscally constrained? **Response: Yes.**
 - c. Is it developed cooperatively with the state and local transit operators?
Response: Yes.
 - d. Is it updated at least every 4 years and adopted by the MPO and Governor?
Response: Yes.
7. Does the urban area have a Congestion Management Process (CMP)? (TMA only)
23 CFR 450.320 **Response: Yes.**
- a. Is it consistent with the LRTP? **Response: Yes.**
 - b. Was it used for the development of the TIP? **Response: Yes.**
 - c. Is it monitored and reevaluated to meet the needs of the area? **Response: Yes.**
8. Does the urban area have a process for including environmental mitigation discussions in the planning process? **Response: Yes.**
- a. How? **Response: Yes, in consultation with NCDOT.**
 - b. Why not? **Response: N/A.**
9. Does the planning process meet the following requirements of 23 CFR 450.316 (2) (3), EO 12898? **Response: Yes.**
- a. Title VI
Are there procedures in place to address Title VI complaints and does it comply with federal regulations? [23 CFR 200.9 (b) (3)]
Response: Yes, a Policy Statement and procedures were adopted in February, 2012 by the TAC.
 - b. Environmental Justice
Has the MPO identified low-income and minority populations within the planning area and considered the effects of the planning process?
Response: Yes. Staff has identified and mapped all of the qualified MLI populations in the MPO.

- c. ADA
Are there procedures in place to address ADA complaints of non-compliance and does it comply with federal regulations? [49 CFR 27.13]
Response: Yes, through the City of Winston-Salem.
- d. DBE
Does the MPO have a DBE policy statement that expresses commitment to the DBE program?
Response: No, but the MPO uses the City's DBE policy statement as its own.
10. Does the urban area have an adopted Public Involvement Plan (PIP)/Public Participation Plan? **Response: Yes.**
- a. Did the public participate in the development of the PIP? **Response: Yes.**
- b. Was the PIP made available for public review for at least 45-days prior to adoption?
Response: Yes.
- c. Is adequate notice provided for public meetings? **Response: Yes.**
- d. Are meetings held at convenient times and at accessible locations?
Response: Yes.
- e. Is the public given an opportunity to provide oral and/or written comments on the planning process? **Response: Yes.**
- f. Is the PIP periodically reviewed and updated to ensure its effectiveness?
Response: Yes, it will be updated in 2012.
- g. Are plans/program documents available in an electronic format , i.e. MPO website?
Response: Yes.
11. Does the urban area have a process for including environmental, state, other transportation, historical, local land use and economic development agencies in the planning process? (SAFETEA-LU) **Response: Yes.**
- a. How? **Response: The Technical Coordinating Committee (TCC) has many of these agencies on the committee and participating in the planning process.**
- b. Why not? **Response: N/A.**