

Self-Certification Procedural Guide



July 2014

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ABSTRACT

The Hampton Roads Transportation Planning Organization (HRTPO) Self-Certification Procedural Guide serves as a reference for staff, reviewing agencies, and the public to assure that metropolitan transportation planning and programming processes are being carried out in accordance with applicable requirements. This guide includes self-certification questions and information about pertinent authorities.

ACKNOWLEDGEMENTS

This report was prepared in cooperation with the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Virginia Department of Transportation (VDOT), the Virginia Department of Rail and Public Transportation (DRPT), Hampton Roads Transit (HRT), and the Williamsburg Area Transit Authority (WATA). The contents of this report reflect the views of the Hampton Roads Transportation Planning Organization (HRTPO). The HRTPO staff is responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the FHWA, FTA, VDOT, or DRPT. This report does not constitute a standard, specification, or regulation. FHWA, FTA, VDOT or DRPT acceptance of this report as evidence of fulfillment of the objectives of this guide does not constitute endorsement/approval of the need for any recommended improvements nor does it constitute approval of their location and design or a commitment to fund any such improvements. Additional project level environmental impact assessments and/or studies of alternatives may be necessary.

NON-DISCRIMINATION

The HRTPO assures that no person shall, on the ground of race, color, national origin, handicap, sex, age, or income status as provided by Title VI of the Civil Rights Act of 1964 and subsequent authorities, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity. The HRTPO Title VI Plan provides this assurance, information about HRTPO responsibilities, and a Discrimination Complaint Form.

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PURPOSE

In accordance with Federal regulations (23 CFR 450.334), metropolitan planning areas (MPAs) must certify at least every four years, concurrent with the submittal of the entire proposed Transportation Improvement Program (TIP) as part of the Statewide Transportation Improvement Program, that the metropolitan transportation planning and programming process is being carried out in accordance with applicable requirements. These requirements include highway, transit, and air-quality regulations and laws, as well as Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities. The questions within this document serve as a guide to issues considered during the self-certification process.

HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION

The Hampton Roads Transportation Planning Organization (HRTPO) is the metropolitan planning organization (MPO) for the Hampton Roads area. As such, it is a federally mandated transportation policy board comprised of representatives from local, state, and federal governments, transit agencies, and other stakeholders and is responsible for transportation planning and programming for the Hampton Roads MPA. Any highway or transit project or program to be constructed or conducted within the MPA and to be paid for with Federal funds, must receive approval by the HRTPO before any Federal funds can be expended. In addition, any highway or transit project deemed to be regionally-significant, regardless of the source(s) of funding, must receive HRTPO approval to proceed. The Hampton Roads MPA includes the cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; the counties of Isle of Wight, James City, and York; and a portion of Gloucester County.

INTRODUCTION

The Hampton Roads Transportation Planning Organization (HRTPO) Self-Certification Procedural Guide was developed to serve as a reference for staff, reviewing agencies, and the public to assure that metropolitan transportation planning and programming processes are being carried out in accordance with applicable requirements.

This Guide is organized as follows:

- **Self-Certification Questions** – This section includes the questions used to ascertain that the HRTPO transportation planning and programming processes comply with pertinent laws and regulations.
- **Appendix A** – Enumerates and defines applicable requirements. Items 1 and 2 of this section list and briefly explain highway, transit, and air-quality regulations and laws. Items 3 through 10 provide information about Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes.
- **Appendix B** – Includes the HRTPO Self-Certification Form. When the Self-Certification Form is submitted, it will be accompanied by an **Accomplishments Report** highlighting HRTPO initiatives and accomplishments achieved through the regional transportation planning and programming processes since the previous self-certification.

The self-certification process takes place at least every four years, concurrent with the submittal of the entire proposed HRTPO Transportation Improvement Program (TIP). The FY 2015-2018 TIP is scheduled for approval by the HRTPO Board on July 17, 2014.

The Self-Certification Form and Accomplishments Report will be included in the appendix of the approved FY 2015-2018 TIP.

SELF-CERTIFICATION QUESTIONS

ORGANIZATION AND STRUCTURE

1. Is the HRTPO 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?
2. Does the HRTPO Board include elected officials, providers of major modes of transportation, and appropriate state officials?
3. Is training about the transportation planning process provided for the HRTPO Board and its advisory committees?
4. Does the HRTPO boundary encompass the existing urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period?

TRANSPORTATION PLANNING AND PROGRAMMING PROCESS

1. Is the transportation planning process continuous, cooperative and comprehensive?
2. Is there a currently adopted Unified Planning Work Program (UPWP)?
 - a. Are tasks and products clearly outlined?
 - b. Does the UPWP include sufficient detail of who will perform the work, the schedule for completing work, the resulting products, proposed funding and a summary of the total amounts of federal and matching funds?
 - c. Is the work identified in the UPWP completed in a timely fashion?
3. Is there a valid Long Range Transportation Plan (LRTP)?
 - a. Does the LRTP have at least a 20-year horizon at the time of adoption?
 - b. Does it address the eight planning factors?
 - c. Does it cover all modes applicable to the area?
 - d. Does the LRTP specify the HRTPO's project selection methodology?
 - e. Is it financially constrained?
 - f. Does it include funding for the maintenance and operation of the system?
 - g. Is it updated/reevaluated in a timely fashion (at least every four or five years)?
 - h. Does the area have a process for including environmental mitigation discussions in the planning process?
4. Is there a valid Transportation Improvement Program (TIP)?
 - a. Is it consistent with the LRTP?
 - b. Is it fiscally constrained?
 - c. Is it developed cooperatively with the state and local transit operators?

- d. Is it updated at least every four years and adopted by the HRTPO and submitted to the Governor?
5. Does the area have a valid Congestion Management Process?
 - a. Is it consistent with the LRTP?
 - b. Is it used for the development of the TIP?
 - c. Is it monitored and reevaluated to meet the needs of the area?
6. Does the area have a process for including environmental, state, other transportation, historical, local land use and economic development agencies in the planning process?

TITLE VI AND RELATED AUTHORITIES

1. Does the planning process meet the following requirements of federal law?
 - a. Title VI: Are there procedures in place to address complaints related to Title VI of the Civil Rights Act of 1964 and related statutes and do they comply with federal regulation?
 - b. American Disabilities Act (ADA): Are there procedures in place to address ADA complaints of non-compliance and do they comply with federal regulation?
 - c. Disadvantaged Business Enterprises (DBE): Does the HRTPO have a DBE policy statement that expresses commitment to the DBE program?
2. Environmental Justice: Has the HRTPO identified low-income and minority populations within the planning area and considered the effects in the planning process?

PUBLIC PARTICIPATION PLAN

1. Does the area have an adopted Public Participation Plan (PPP)?
 - a. Did the public participate in the development of the PPP?
 - b. Was the PPP made available for public review for at least 45-days prior to adoption?
 - c. Is adequate notice provided for public meetings?
 - d. What sources does the HRTPO use to educate and inform the public about plans, programs, and activities (i.e. website, press releases, newspapers, mailers, etc.)?
 - e. Are meetings held at convenient times and at accessible locations?
 - f. Is the public given an opportunity to provide oral and/or written comments on the planning process?
 - g. Does the HRTPO seek out and consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households?
 - h. Is the PPP periodically reviewed and updated to ensure its effectiveness?
 - i. Are plans/program documents available in an electronic accessible format?

2. Does the area participate in an interagency process designed to facilitate communication among involved agencies and make decisions on the transportation conformity process and air quality improvement matters?

DOCUMENTATION AND REPORTING

1. What supporting documentation/information is provided to the HRTPO Board when the self-certification is approved?
2. How is the self-certification provided to the Federal agencies?
3. Is there continuity and consistency between the self-certification and quadrennial Federal Certification?

AUTHORITIES: LAWS AND REGULATIONS

1. Highway and Public Transportation

a. 23 U.S.C. 134 – Highways

Sec. 134. Metropolitan Planning

This section describes the legal framework for metropolitan planning areas (MPAs) and the conduct of the metropolitan transportation planning processes, development of transportation plans, programs, and activities to encourage and promote the safe and efficient management, operation and development of transportation systems.

b. 49 U.S.C. 53 – Public Transportation

Sec. 5303. Metropolitan Transportation Planning

This section provides the legal framework to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas. This section also encourages the continued improvement and evolution of the metropolitan and statewide transportation planning processes.

c. 23 CFR part 450.334 (a) – Self certifications and Federal certifications

Regulations to ensure the State and MPAs certify at least every four years that the metropolitan planning process is being carried out in accordance with all applicable requirements.

2. Clean Air Act and Related Regulation

a. The Clean Air Act (CAA) is the law that defines the Environmental Protection Agency’s responsibilities for protecting and improving the nation's air quality and the stratospheric ozone layer. The last major change in the law, the Clean Air Act Amendments of 1990, was enacted by Congress in 1990.

b. 40 CFR part 93 – Determining Conformity of Federal Action State or Federal Implementation Plans

This section sets forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to an applicable implementation plan developed pursuant to the CAA. This section also provide procedures for air quality nonattainment and maintenance to implement requirements with respect to the conformity of transportation plans, programs, and projects which are developed, funded, or approved by the United States Department of Transportation (USDOT), and by MPOs or other recipients of highway or transit funds.

3. **Title VI of the Civil Rights Act of 1964** states, "No person in the United States shall, on the ground 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." Title VI of the Civil Rights Act of 1964 set a standard which authoritatively outlawed discrimination in the conduct of all federal activities. Subsequent laws and Presidential Orders added handicap, sex, age, and income status to the criteria for which discrimination is prohibited.

Executive Order 12898 directs Federal agencies to make Environmental Justice part of their missions by identifying and addressing disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations.

Executive Order 13166 requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. This Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to LEP applicants and beneficiaries.

4. **49 U.S.C. 5332** prohibits discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity.
5. **Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59)** and **49 CFR part 26** provide the legal and regulatory framework regarding the involvement of disadvantaged business enterprises in USDOT funded projects.
6. **23 CFR part 230** provides regulatory standards for the implementation of an equal employment opportunity program on federal and federal-aid highway construction contracts.
7. The **American Disabilities Act (ADA)** prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities. It prohibits the discrimination on the basis of disability by public accommodations and in commercial facilities.
8. The **Older Americans Act** prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.
9. **Section 324 of title 23 U.S.C.** prohibits discrimination based on gender.
10. **Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794)** and **49 CFR part 27** prohibit discrimination against individuals with disabilities.

APPENDIX B

CERTIFICATION OF THE TRANSPORTATION PLANNING AND PROGRAMMING PROCESS

The Hampton Roads Transportation Planning Organization, Virginia Department of Transportation, and Virginia Department of Rail and Public Transportation hereby certify that the conduct of the metropolitan planning and programming process complies with all applicable requirements as listed below, and that this process includes activities that support the development and implementation of the Long-Range Transportation Plan and associated Air Quality Conformity Determination, the Transportation Improvement Program and associated Air Quality Conformity Determination, and the Unified Planning Work Program.

1. 23 U.S.C. 134, 49 U.S.C. 5303, and 23 CFR part 450.334 (a);
2. Sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
3. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
4. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
5. Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
6. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
7. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) and 49 CFR parts 27, 37, and 38;
8. 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;
9. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
10. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

**Hampton Roads Transportation
Planning Organization**

**Virginia Department of
Transportation**

**Virginia Department of
Rail & Public Transportation**

Signature

Signature

Signature

Printed Name

Printed Name

Printed Name

Title

Title

Title

Date

Date

Date