



**Palm Beach TPA**

**Joint Certification – 2019**

**February 13, 2020**

**Updated July 15, 2020**

FLORIDA DEPARTMENT OF TRANSPORTATION  
**MPO JOINT CERTIFICATION**

Part 1 – FDOT District Four

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## **Purpose**

Each year, the District and the Metropolitan Planning Organization (MPO) must jointly certify the metropolitan transportation planning process as described in [23 C.F.R. §450.336](#). The joint certification begins in January. This allows time to incorporate recommended changes into the Draft Unified Planning Work Program (UPWP). The District and the MPO create a joint certification package that includes a summary of noteworthy achievements by the MPO and, if applicable, a list of any recommendations and/or corrective actions.

The Certification Package and statement must be submitted to Central Office, Office of Policy Planning (OPP) no later than June 1.

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## **Certification Process**

Please read and answer each question within this document.

Since all of Florida's MPOs adopt a new Transportation Improvement Program (TIP) annually, many of the questions related to the TIP adoption process have been removed from this certification, as these questions have been addressed during review of the draft TIP and after adoption of the final TIP.

As with the TIP, many of the questions related to the Unified Planning Work Program (UPWP) and Long-Range Transportation Plan (LRTP) have been removed from this certification document, as these questions are included in the process of reviewing and adopting the UPWP and LRTP.

Note: This certification has been designed as an entirely electronic document and includes interactive form fields. Part 1 Section 9: Attachments allows you to embed any attachments to the certification, including the MPO [Joint Certification Statements and Assurances](#) document that must accompany the completed certification report. Once all the appropriate parties sign the Statements and Assurances, scan it and attach it to the completed certification in Part 1 Section 9: Attachments.

Please note that the District shall report the identification of and provide status updates of any corrective action or other issues identified during certification directly to the MPO Board. Once the MPO has resolved the corrective action or issue to the satisfaction of the District, the District shall report the resolution of the corrective action or issue to the MPO Board.

The final Certification Package should include Part 1, Part 2, and any required attachments and be transmitted to Central Office no later than June 1 of each year.

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## **Risk Assessment Process**

Part 1 Section 1: Risk Assessment evaluates the requirements described in [2 CFR §200.331 \(b\)-\(e\)](#), also expressed below. It is important to note that FDOT is the recipient and the MPOs are the subrecipient, meaning that FDOT, as the recipient of Federal-aid funds for the State, is responsible for ensuring that Federal-aid funds are expended in accordance with applicable laws and regulations.

*(b) Evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described in paragraphs (d) and (e) of this section, which may include consideration of such factors as:*

*(1) The subrecipient's prior experience with the same or similar subawards;*

*(2) The results of previous audits including whether the subrecipient receives a Single Audit in accordance with Subpart F—Audit Requirements of this part, and the extent to which the same or similar subaward has been audited as a major program;*

*(3) Whether the subrecipient has new personnel or new or substantially changed systems; and*

*(4) The extent and results of Federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a Federal awarding agency).*

*(c) Consider imposing specific subaward conditions upon a subrecipient if appropriate as described in §200.207 Specific conditions.*

*(d) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include:*

*(1) Reviewing financial and performance reports required by the pass-through entity.*

*(2) Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and other means.*

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*(3) Issuing a management decision for audit findings pertaining to the Federal award provided to the subrecipient from the pass-through entity as required by §200.521 Management decision.*

*(e) Depending upon the pass-through entity's assessment of risk posed by the subrecipient (as described in paragraph (b) of this section), the following monitoring tools may be useful for the pass-through entity to ensure proper accountability and compliance with program requirements and achievement of performance goals:*

*(1) Providing subrecipients with training and technical assistance on program-related matters; and*

*(2) Performing on-site reviews of the subrecipient's program operations;*

*(3) Arranging for agreed-upon-procedures engagements as described in §200.425 Audit services.*

After coordination with the Office of Policy Planning, any of the considerations in 2 CFR §200.331 (b) may result in an MPO being assigned the High-risk level.

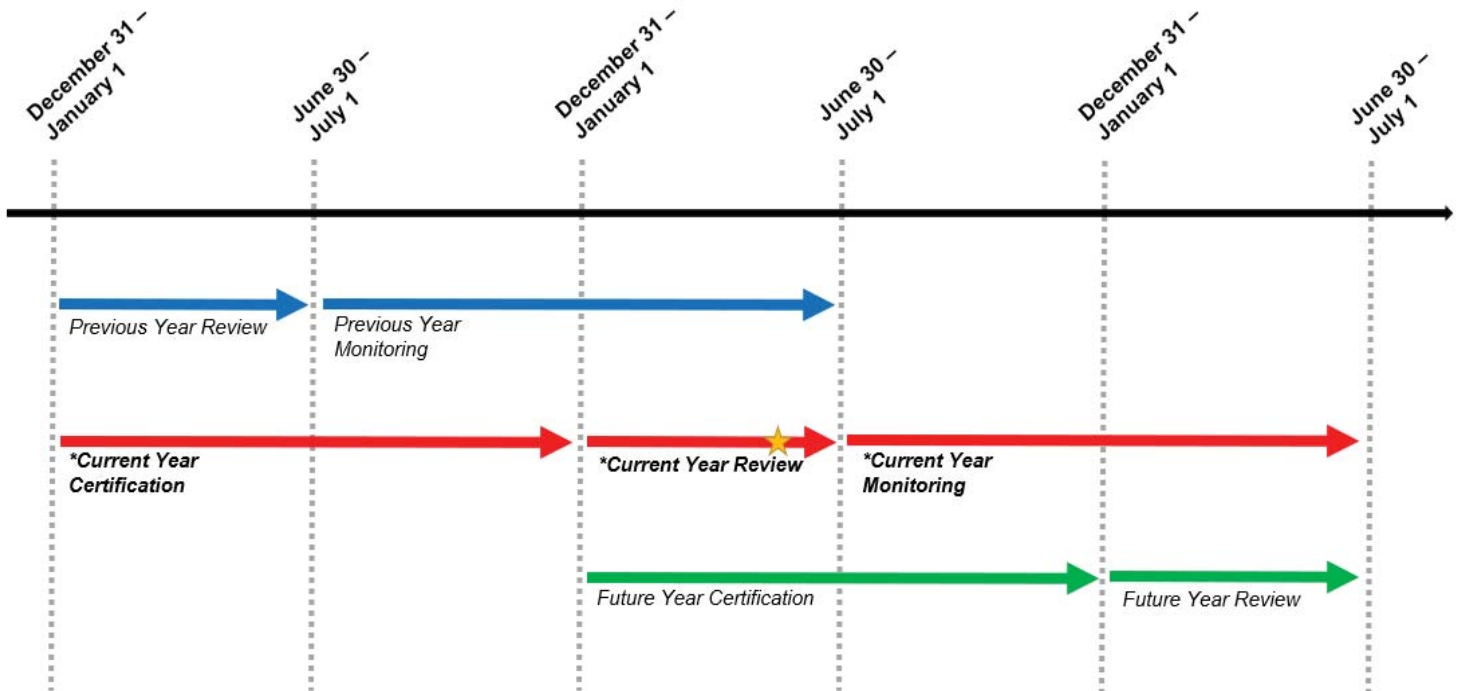
The questions in Part 1 Section 1: Risk Assessment are quantified and scored to assign a level of risk for each MPO, which will be updated annually during the joint certification process. The results of the Risk Assessment determine the minimum frequency by which the MPO's supporting documentation for their invoices is reviewed by FDOT MPO Liaisons for the upcoming year. The frequency of review is based on the level of risk in **Table 1**.

**Table 1. Risk Assessment Scoring**

Score	Risk Level	Frequency of Monitoring
> 85 percent	Low	Annual
68 to < 84 percent	Moderate	Bi-annual
52 to < 68 percent	Elevated	Tri-annual
< 52 percent	High	Quarterly

The Risk Assessment that is part of this joint certification has two main components – the Certification phase and the Monitoring phase – and involves regular reviewing, checking, and surveillance. The first step is to complete this Risk Assessment during the joint certification for the current year (*The red line in Figure 1*). The current year runs for a 12-month period from January 1 to December 31 of the same year (*Example: January 1, 2018 through December 31, 2018*). There is a 6-month period when the joint certification for the current year is reviewed before the Risk Assessment enters the Monitoring phase. The joint certification review runs from January 1 to June 30 (*Example: January 1, 2019 through June 30, 2019*). After the review has been completed, the Risk Assessment enters the Monitoring phase, where the MPO is monitored for a 12-month period (*Example: July 1, 2019 to June 30, 2020*). The entire Risk Assessment runs for a total of 30-months. However, there will always be an overlapping of previous year, current year, and future year Risk Assessments. **Figure 1** shows the timeline of Risk Assessment phases and how Risk Assessments can overlap from year to year.

**Figure 1. Risk Assessment: Certification Year vs. Monitoring**



★ June 1<sup>st</sup> - Joint Certifications are due to FDOT



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## **Part 1**

Part 1 of the Joint Certification is to be completed by the FDOT MPO Liaison.

## Part 1 Section 1: Risk Assessment

### MPO Invoice Submittal

List all invoices and the dates that the invoices were submitted for reimbursement during the certification period in **Table 2** below.

**Table 2. MPO Invoice Submittal Summary**

Invoice #	Invoice Period	Date the Invoice was Forwarded to FDOT for Payment	Was the Invoice Submitted More than 90 days After the End of the Invoice Period? (Yes or No)
<b>WAG0Y8403</b>	7/1/2018 to 1/31/2019	4/24/2019	YES (95 days)
<b>WAG0Y8404</b>	10/1/2018 to 2/28/2019	6/6/2019	YES (98 days)
<b>WAG0Y8405</b>	9/30/2018 to 3/31/2019	7/5/2019	YES (96 days)
<b>WAG0Y8406</b>	4/1/2019 to 4/30/2019	9/5/2019	YES (128 days)
<b>WAG0Y8407</b>	5/1/2019 to 5/31/2019	9/5/2019	YES (97 days)
<b>WAG0Y8408</b>	6/1/2019 to 6/30/2019	9/5/2019	NO (67 days)
<b>WAG0Y8409</b>	1/1/2019 to 9/30/2019	11/22/2019	NO (53 days)
<b>WAG0Y8410</b>	2/1/2019 to 11/30/2019	1/9/2020	NO (40 days)
<b>MPO Invoice Submittal Total</b>			
<b>Total Number of Invoices that were Submitted on Time</b>			<b>3 (+3 excused)</b>
<b>Total Number of Invoices Submitted</b>			<b>8</b>

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**Notes provided by TPA on Friday, 2/28/2020 in response to Partner Agency Certification Meeting:**

*“Clarification on invoice No.’s 3,4,5,6, and 7 regarding the submittal dates.*

- *Invoice 3 was late due to the compilation of the consultant invoices.*
- *Invoice 4 appears to have been returned for a correction and then resubmitted.*
- *Invoice 5 was late due to an unknown reason, we are still investigating.*
- *Invoices 6 & 7 were delayed pending the release of the budget amendment.*
- *The TPA met with consultants in Q2 of 2019 to establish acceptable timeframes for invoice submittals. Submittal timeframes have improved from more than 45-60+ days to 20-30 days. In addition, the TPA now has greater control over the financial processes for the agency. The TPA will soon fill a financial staff position vacant since November 2018. The TPA expects a reduction in the submittal timeframe and improved efficiency in their production in FY20 Q4.”*

**FDOT District 4 Responses to TPA Invoice Notes:**

- *Invoice 3 – Not accepted.*
- *Invoice 4 – Excused.*
- *Invoice 5 – Not accepted.*
- *Invoice 6 & 7 – Excused.*

**MPO Invoice Review Checklist**

List all MPO Invoice Review Checklists that were completed in the certification period in **Table 3**. Identify the total number of materially significant finding questions that were correct on each MPO Invoice Review Checklist (i.e. checked yes). The MPO Invoice Review Checklist identifies questions that are considered materially significant with a red asterisk. Examples of materially significant findings include:

- Submitting unallowable, unreasonable or unnecessary expenses or corrections that affect the total amounts for paying out.
- Exceeding allocation or task budget.
- Submitting an invoice that is not reflected in the UPWP.
- Submitting an invoice that is out of the project scope.
- Submitting an invoice that is outside of the agreement period.
- Documenting budget status incorrectly.

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Corrections or findings that are not considered materially significant do not warrant elevation of MPO risk. Examples of corrections or findings that are not considered materially significant include:

- Typos.
- Incorrect budgeted amount because an amendment was not recorded.
- Incorrect invoice number.

**Table 3. MPO Invoice Review Checklist Summary**

MPO Invoice Review Checklist	Number of Correct Materially Significant Finding Questions
WAG0Y8403	7/7
WAG0Y8404	7/7
WAG0Y8405	7/7
WAG0Y8406	7/7
WAG0Y8407	7/7
WAG0Y8408	7/7
WAG0Y8409	7/7
WAG0Y8410	7/7
<b>MPO Invoice Review Checklist Total</b>	
<b>Total Number of Materially Significant Finding Questions that were Correct</b>	<b>56/56</b>

*\*Note: There are 7 materially significant questions per MPO Invoice Review Checklist.*

### MPO Supporting Documentation Review Checklist

List all MPO Supporting Documentation Review Checklists that were completed in the certification period in **Table 4**. Identify the total number of materially significant finding questions that were correct on each MPO Supporting Documentation Review Checklist (i.e. checked yes). The MPO Supporting Documentation Review Checklist identifies

questions that are considered materially significant with a red asterisk. Examples of materially significant findings include:

- Submitting an invoice with charges that are not on the Itemized Expenditure Detail Report.
- Submitting an invoice with an expense that is not allowable.
- Failing to submit supporting documentation, such as documentation that shows the invoice was paid.
- Submitting travel charges that do not comply with the MPO's travel policy.

**Table 4. MPO Supporting Documentation Review Checklist Summary**

MPO Supporting Documentation Review Checklist	Number of Correct Materially Significant Finding Questions
WAG0Y8405	5/5
<b>MPO Supporting Documentation Review Checklist Total</b>	
<b>Total Number of Materially Significant Finding Questions that were Correct</b>	<b>5/5</b>

*\*Note: There are 24 materially significant questions per MPO Supporting Documentation Review Checklist.*

#### Technical Memorandum 19-02: Car Allowance or Mileage Reimbursements

Was car allowance or mileage recorded appropriately based on the number of business-related miles an employee drives and the cost associated with operating a personal vehicle?

Please Check: Yes  No

#### Technical Memorandum 19-04: Incurred Cost and Invoicing Practices

Were incurred costs billed appropriately at the end of the contract period?

Please Check: Yes  No

## Technical Memorandum 19-05Rev: Director's Timesheets and Expenses

Were the Director's timesheets and expenses reviewed at least quarterly by the MPO Board, Executive Committee, Board Chair, or Board Treasurer?

Please Check: Yes  No

### Risk Assessment Score

Please use the Risk Assessment worksheet to calculate the MPO's risk score. Use **Table 5** as a guide for the selecting the MPO's risk level.

**Table 5. Risk Assessment Scoring**

Score	Risk Level	Frequency of Monitoring
> 85 percent	Low	Annual
68 to < 84 percent	Moderate	Bi-annual
52 to < 68 percent	Elevated	Tri-annual
< 52 percent	High	Quarterly

**Risk Assessment Percentage:** 93%

Level of Risk: **MEDIUM Risk Level**<sup>(1)</sup>

(1) The calculated risk level for this certification period is **LOW Risk** based on the invoicing risk assessment worksheet.

However, due to the recent change in status of the TPA in CY 2019, in which the Agency moved to "independent" status, the level of risk has been elevated to **Moderate Risk** level.

*The elevation of this risk level is not intended to be punitive or corrective.* This assessment will allow for, and promote, closer coordination with the TPA during CY 2020 certification period as the TPA begins conducting business within a substantially changed system.

## Part 1 Section 2: Long-Range Transportation Plan (LRTP)

1. Did the MPO adopt a new LRTP in the year that this certification is addressing?

**Please Check:** Yes  No

If yes, please ensure any correspondence or comments related to the draft or final LRTP and the LRTP checklist used by Central Office and the District are in the [MPO Document Portal](#) or attach it to Part 1 Section 9: Attachments. List the titles and dates of attachments uploaded to the MPO Document Portal below.

Title(s) and Date(s) of Attachment(s) in the MPO Document Portal

FDOT District Four Notes:

- Date of 2040 LRTP Expiration – 10/16/2019
- Original Scheduled Date of 2045 LRTP Adoption – 10/17/2019
- Date of Actual 2045 LRTP Adoption – 12/12/2019
- Date of LRTP Amendment – 2/20/2020 *(Not part of this certification)*

Description:

The TPA's 2045 Long Range Transportation Plan adoption was scheduled to occur on October 17, 2019 but was delayed. The 2040 LRTP expired on October 16, 2019, at which time the 2020 TIP document, which had been adopted on October 1, 2019, became "locked" until the 2045 LRTP was adopted on December 12, 2019. During this period, between October and December, the LRTP and TIP were considered "inconsistent," since no adopted LRTP existed in that period. Furthermore, the modifications and amendments needed to ensure consistency between the TIP and STIP, which are necessary to obtain funding authorization from federal agencies or necessary to maintain project letting schedules for TPA prioritized projects, were jeopardized, and in some cases federal approvals were postponed.

**FDOT 7/1/2020 Additional Comments:**

<sup>DS</sup>  
SB

7/27/2020 | 6:09 PM EDT

Citing the reasons for the LRTP delay, the following was observed by FDOT: The TPA's LRTP coordination struggled for support/consensus by the TPA's local agency constituent partners in advance of the originally scheduled (October 2019) and the actual TPA Board adoption date in December 2019. District Four staff was notified in October 2019 of the delayed adoption schedule during a milestone meeting with the TPA staff.

Many of the issues resulting in the delayed adoption of the LRTP were project-specific objections stated by the TPA's local agency partners (municipalities and Palm Beach County).

Noteworthy objections to the LRTP expressed by local agencies during the document development included the following:

- SR 7 Extension Objection:
  - Project opposition was provided by the City of West Palm Beach related to Environmental (and other) objections. The December 12, 2019 Board adoption included removal of the SR 7 Extension project from the LRTP. The project had been consistently identified to FDOT in prior years as a TPA priority project, is funded in FDOT's work program, and had appeared in the TPA's annually updated TIP. The project had progressed beyond the design stage, at which time Florida Statute 339.175(8)(d) governed, stating that the MPO/TPA may only remove a project from the TIP by joint action of the MPO and the Department. Removal of the project from the LRTP by the TPA Board action taken on December 12, 2019 created an inconsistency with the project's programmed status in the Department's Work Program, and was followed by a subsequent action to amend the adopted LRTP to add the SR 7 Extension project back into the LRTP. The LRTP amendment action spurred legal action (currently under way) by the City of West Palm Beach against the TPA.
- Revenue Forecast Objections:
  - The revenue forecasting methodology from local funding sources (Impact Fees vs. Mobility Fees) were disputed by members of the TPA board. Specifically, objections were provided by Palm Beach County relative to the forecasting and use of Impact Fees in certain areas within the County that may have been inconsistent with modeled growth patterns.
  - The revenue forecasting document provided by FDOT was reevaluated independently by the TPA staff, resulting in differences between the State's revenue forecast and the anticipated revenues within the TPA boundaries. These differences were reconciled between the TPA and FDOT staff prior to adoption of the LRTP document.

DS  
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7/27/2020 | 6:



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- Public Outreach:
  - A number of objections/concerns were raised by the Public at the November 15, 2019 TPA Governing Board Public Workshop with regard to the collaboration and outreach efforts completed by the TPA.



7/27/2020 | 6:0

Final/Adopted/Amended LRTP Documents uploaded on 4/7/2020 are listed below:

- Appendices.pdf
- Exec Summary.pdf
- ExecSummary\_Amend1.pdf
- LRTP.pdf
- LRTP\_Amend1.pdf
- TPA Resolution 2020-02 Approving Amend 1 2045 LRTP.pdf
- TPA Resolution 2020-02 Exhibit A - LRTP Amendment 1.pdf

### Part 1 Section 3: Transportation Improvement Program (TIP)

1. Did the MPO update their TIP in the year that this certification is addressing?

**Please Check:** Yes  No

If yes, please ensure any correspondence or comments related to the draft or final TIP and the TIP checklist used by Central Office and the District are in the [MPO Document Portal](#) or attach it to Part 1 Section 9: Attachments. List the titles and dates of attachments uploaded to the MPO Document Portal below.

Title(s) and Date(s) of Attachment(s) in the MPO Document Portal

FDOT District 4 notes:

- FDOT final TIP review checklist attached
- Signed TIP Transmittal letter attached

The TIP was invalid ("frozen") from October 17, 2019 to December 12, 2019 due to inconsistency with the LRTP.

## Part 1 Section 4: Unified Planning Work Program (UPWP)

1. Did the MPO adopt a new UPWP in the year that this certification is addressing?

**Please Check:** Yes  No

If yes, please ensure any correspondence or comments related to the draft or final UPWP and the UPWP checklist used by Central Office and the District are in the [MPO Document Portal](#) or attach it to Part 1 Section 9: Attachments. List the titles and dates of attachments uploaded to the MPO Document Portal below.

Title(s) and Date(s) of Attachment(s) in the MPO Document Portal

N/A – No UPWP was adopted in the subject certification year.

## **Part 1 Section 5: Clean Air Act**

The requirements of [Sections 174](#) and [176 \(c\) and \(d\)](#) of the Clean Air Act.

The Clean Air Act requirements affecting transportation only applies to areas designated nonattainment and maintenance for the National Ambient Air Quality Standards (NAAQS). Florida currently is attaining all NAAQS. No certification questions are required at this time. In the event the Environmental Protection Agency issues revised NAAQS, this section may require revision.

### Title(s) of Attachment(s)

N/A – All MPO Agencies in FDOT District 4 are in attainment.

## **Part 1 Section 6: Technical Memorandum 19-03: Documentation of FHWA PL and Non-PL Funding**

Did the MPO program all FHWA Planning Funds (PL and non-PL) into the TIP?

**Please Check:** Yes  No

FDOT District Four Notes:

Palm Beach TPA programmed, but did not use, non-PL FHWA Planning Funds in FY 2019/2020.

## Part 1 Section 7: District Questions

The District may ask up to five questions at their own discretion based on experience interacting with the MPO that were not included in the sections above. Please fill in the question, and the response in the blanks below. This section is optional and may cover any topic area of which the District would like more information.

2. Please describe the MPO/TPO/TPA process used to cooperatively develop, coordinate and apply the revenue forecast used to support the implementation of the Long-Range Transportation Plan and its related Cost Feasible Plan. Include a discussion of the sources, agencies and reference documents used. (F.S. 339.175 (7) (b))

### **Other Roads Construction & ROW (TPA Projects on State Roads)**

FDOT provided the “2045 Revenue Forecast Palm Beach TPA/Palm Beach Metropolitan Area” for the TPA to utilize. Table 5 “County Level Capacity Program Estimates” has estimates for “Other Roads Construction & ROW” for the TPA to use in the prioritization of TPA projects on the State Highway System.

TPA staff wanted to reflect the true funding programs and amounts instead of showing the funding lumped into a generalized category. The overall goal was to provide a greater understanding of how projects are funded from the TPA LRTP and the true limitations of the various funding sources.

Based on an analysis of historic obligations, TPA staff noticed the funding projections for “Other Roads Construction & ROW” to be much higher than the actual programmed amounts going towards TPA priority projects over the past few years. Because of the broad category name and the higher than expected projection, TPA staff created its own projection based on historic revenue received.

The TPA assumed the “Other Roads Construction & ROW” to be made up of District Dedicated Revenue (DDR), Primary Highways & Public Transportation Office (DS), and Surface Transportation-Any Area funding. These funding sources made up the bulk of previous and currently programmed TPA Priority Projects. Based on a review of FY 17-24, the final amounts came out to be roughly \$22.8 Million/year (DDR = \$10.62 M, DS = 9.73 M, STP-A = 2.53 M).

[Note: FDOT guidance states that 10% of the “Other Roads program” estimates can be used for “off system” roads. TPA staff assumes this to be the Surface Transportation-Any Area funding. As such, the TPA has chosen to show this under its Local Initiatives program to prioritize its use off the state highway system.]

### **TMA and TA Funds (TPA Local Initiatives and Transportation Alternatives)**

Transportation Management Area (TMA) and Transportation Alternatives (TA) projects are taken from FDOT.

### **FDOT Operations and Maintenance**

State Roadway Operations and Maintenance are taken from FDOT. Since O&M projections are provided at the district level, TPA staff assumed a share of the total for the district based on total state owned lane miles in Palm Beach County compared to the district.

### **Local Funding for Capacity and Operations and Maintenance**

County capacity improvements are taken from two main revenue sources: Impact Fees and Gas Taxes. Impact Fees were forecasted based on development projects and the collection of the impact fee out to the 2045 plan year. Gas taxes are based on gas tax projections provided from the county.

County operations and maintenance was based on County 5-Year Road program as well as projected collections from County revenue resources.

#### **Palm Tran**

The Palm Tran Transit Development Plan (TDP) provides 10-year revenue projects. TPA staff used the numbers as the main basis of the available revenues for Palm Tran. FDOT did provide a transit capacity forecast at the county level, but the sources making up the total were not identified. TPA staff assumes this total is most likely FTA Section 5307, FTA Section 5339, State Block Grant assistance (DPTO and DDR if necessary), and State Transportation Disadvantaged (TD).

The additional local sources are also included based on the TDP.

Sources:

FDOT 2045 Revenue Forecast Palm Beach TPA/Palm Beach Metropolitan Area

FDOT Adopted Work Program snapshots

Palm Tran Transit Development Plan

Palm Beach County 5-Year Road Program

- 3. Describe the TPA's process for ensuring consistency of projects between the current Long-Range Transportation Plan (LRTP) / Metropolitan Transportation Plan (MTP) and current Transportation Improvement Plan (TIP). Have there been any instances where this process was unsuccessful? If so, please describe the circumstances involving the inconsistency(ies) and the steps implemented to help prevent a reoccurrence. F.S. 339.175 (8)(b) (6)**

Timing between update of the FDOT SIS Plan and FDOT Work Program can sometimes throw off the timing phases.

Generally, TPA staff only include projects in the TIP that are first included as line items or programs in the LRTP. Occasionally, FDOT will propose funding for a project on the SIS for inclusion in the 5-year TIP that is not in the adopted LRTP. In those instances, and subject to proposed funding occurring outside the first few years of the TIP, we recommend TPA Board adoption the TIP with direction to FDOT to prepare a requested LRTP amendment to introduce the SIS projects into our LRTP and allow federal aid for them.

Proposed modifications at the I-95/Northlake interchange fell into this category.

Going forward, funding for I-95 managed lanes and/or widening north of Blue Heron Blvd may also fall into this category.

Generally, TPA staff are committed to working collaboratively with FDOT when FDOT seeks federal funding for large capital projects that are not included in the TPA's LRTP.

4. Please discuss the key stakeholders (individuals, groups, agencies, and other businesses) identified in your Public Participation Plan (PPP) and discuss the outreach events and activities used to seek their participation in the development of the 2045 Long-Range Transportation Plan (LRTP) / Metropolitan Transportation Plan (MTP) and 2019 Transportation Improvement Plan (TIP). Please describe the methods used to inform them of their opportunities to participate along with copies of the associated collateral (e.g. copies of new paper ads, flyers, posters, screen-captured advertisements, etc) to demonstrate a reasonable opportunity was provided to participate in the development and review of key deliverables used in the transportation planning process.
- 23 C.F.R. 450.316 (a)

**PPP Overview:**

The PPP describes the TPA website as the official form of public notification on page 13. Website features to assist viewers include a font size adjustment and Google Translate. Per the PPP, draft documents are posted online a minimum of 30 days prior to adoption. Proposed amendments are posted online 14 days prior to adoption. Draft documents and public comment opportunities are promoted in various places on the TPA website. These typically include the subject matter page (i.e. LRTP page or TIP page), the home page (PalmBeachTPA.org) and the meetings page (PalmBeachTPA.org/meeting) when agendas are posted in advance of each TPA meeting including those of the Governing Board and advisory committees. Each notice outlines various ways for the public to provide comments including completing an online comment form and speaking at upcoming TPA meetings. Additionally, the TPA promotes these public comment opportunities in issues of the TPA e-newsletter and in purchased newspaper display ads and social media when deemed appropriate.

**2045 LRTP and Amendment 1:**

Please review the following attachments regarding public input gathered through a survey to inform development of the LRTP; summaries of the many TPA meetings and opportunities throughout the process for the public to ask questions or comment on components as they were considered for adoption; and public comment opportunities for the draft LRTP and Executive Summary documents and for LRTP Amendment 1.

*1. LRTP Public Outreach Survey Overview*

*o Data collection process, goals and targets, messaging, methods, promotion, outreach, intercept events, results*

*2. LRTP Public Involvement Chapter 3*

*o Outreach goals, survey, video, graphics, community presentations, newspaper article promotion of survey, intercept events, survey results and analysis, public workshop open house, timeline of public participation opportunities at TPA meetings throughout the process of LRTP development and adoption*

*3. LRTP Outreach Coordination Dates*

*o Includes coordination with agencies and other stakeholder groups*

*4. LRTP + TIP Online Public Comment Forms and Responses*

5. *LRTP Amendment 1 (amendment was requested by the TPA Board immediately after LRTP adoption on 12/12/2019, and was adopted at the following meeting on 2/20/2020) o Newspaper display ads purchased in the Palm Beach Post (2/9/20) and in Spanish in El Latino Semanal (2/14/20). Full newspaper pages and ad proofs are attached for both publications.*

*o Stakeholder Letters and Resolutions*

*o Online Public Comment Forms and Responses (1,200+ Responses)*

*o Map of addresses of online comments*

Public comment opportunities for the draft LRTP and its components during development were promoted in various issues of the TPA e-newsletter. Click to view the June 14, 2019 issue and click to view the Dec. 9, 2019 issue. Each issue is emailed to approximately 1,600 direct recipients. All issues of the e-newsletter are also posted to the TPA website for additional accessibility and for the availability of language translations using the website's Google Translate feature.

**Metropolitan Transportation Plan:** The TPA survey developed to inform the 2045 LRTP included a few regional travel and demographic questions that were agreed upon with the Broward MPO and Miami-Dade TPO through staff participation in the SEFTC Public Participation Subcommittee (PPS). This was done in an attempt to provide some commonality of survey responses to inform the MTP. Through the PPS, a video with regional emphasis was produced by the MTP team to inspire public participation. It was intentionally designed to be flexible to meet each agency's needs during development of the local LRTPs. The TPA used the video to promote participation in its online survey in English or Spanish. The video was posted to the TPA YouTube channel, embedded in the TPA website above links to the survey, and linked in multiple issues of the TPA e-newsletter to motivate the public to take the survey. (Refer to the "LRTP Survey Messaging" slide in the attached *LRTP Public Outreach Survey* and the "Regional Video" section on page 59 of the *LRTP Public Involvement Chapter 3*.) The PPS has met and discussed how to best support the continuing development of the MTP.

**2019 TIP (FY 2020-24):**

In accordance with the PPP, an opportunity to review occasionally updated drafts of the TIP and offer public comments was made available for a minimum of 30 days prior to adoption. In accordance with the PPP, amendments were made available for public review and comment for 14 days prior to adoption.

Public comment opportunities for the draft TIP were promoted in the June 14, 2019 issue of the TPA e-newsletter (click here to view) which was emailed directly to approximately 1,600 recipients. As with all issues of the e-newsletter, it is also posted online for additional accessibility and for available language translations using the website's Google Translate feature.

5. What is the MPO/TPO/TPA process for responding to public comments received during the development of the Long-Range Transportation Plan/Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP)? Based on your



process, please summarize the comments received during the development of the 2019 TIP and/or 2045 LRTP/MTP and explain how you received the comments (e.g. orally in a public forum, written comment at an event, etc...) and how you addressed the comments. 23 C.F.R. 450.316 (1) (vi)

**2045 LRTP and Amendment 1:**

*Please review the previously described attachments.*

**LRTP:** Pages 68-69 of the attached *LRTP Public Involvement Chapter 3* describe the various TPA Governing Board and advisory committee meetings where agendas specifically included LRTP related items for information, discussion or action. Each agenda was posted to the website in accordance with the PPP, including opportunities for the public to make comments or ask questions. The TPA process is to consider any comments and respond to questions during the meeting or to provide a prompt follow-up response if information is not readily available. No formal comments were received in response to posted drafts of the LRTP.

**Amendment 1:** The TPA Governing Board took actions to add and remove specific projects at the time of the LRTP adoption on 12/12/2019. As a result, two related projects that would extend SR-7 north to connect to Northlake Blvd. were deleted from the LRTP, after many years of TPA support and full funding through prior TIPs. An amendment to consider adding the SR-7 projects back into the LRTP was immediately proposed. The TPA and local news media (print and online newspapers and TV) widely advertised that amendment in the following ways, prior to its adoption by the TPA Governing Board on 2/20/2020:

- The TPA purchased newspaper display ads promoting the online public comment opportunity and the TPA Board meeting to consider the proposed amendment. A Palm Beach Post display ad was published on Sunday, 2/9/2020. A similar ad, translated into Spanish, was published on 2/14/2020 in a free weekly issue of el Latino Semanal. *(Copies of both ads and the full newspaper pages on which they appeared are included in the attachments.)*
- TPA staff members attended a public meeting of stakeholders on 2/11/2020 in the community, hosted by the Indian Trail Improvement District. The TPA Ex. Dir. served as a panelist to discuss the process and the public relations manager used four computers to assist attendees with making online comments at the meeting. Approximately 70 people attended the meeting and were provided with flyers that included the TPA website link for the online comment form.
- More than 1,200 online public comment forms were received when the form was deactivated at midnight on 2/18/20, leaving one day for TPA staff to compile and share those comments with Board members prior to the meeting. This overwhelming response demonstrated that the online comment form is a very viable method of communication when the public is motivated to voice opinions on draft documents or proposed amendments. Comments received were summarized in a spreadsheet and distributed to Board Members by email the day before the meeting, along with a map that showed locations of commenters and indicating their positions of support or opposition.
- Letters and resolutions expressing support or opposition from local governments and environmental organizations sent to the TPA were distributed to Board Members by email.
- Presentations at the TPA Governing Board meeting where Amendment 1 was adopted on 2/20/20 included FDOT presenting about the background and status of the proposed project; the City of West Palm Beach presenting their opposition views; and the Indian Trail Improvement District presenting their support for the proposed project.
- Approximately 150 members of the public attended the TPA Governing Board meeting where Amendment 1 was adopted on 2/20/20. The TPA coordinated a live stream of the meeting on its website and promoted the viewing opportunity on the TPA website and

three social media platforms. Approximately 60 members of the public used the opportunity to speak on the agenda item during the meeting, and many more attendees completed comment cards to express their opposition or support. Attendees seemed close to equally divided on the issue, which received a large amount of local news coverage prior to the meeting.

**Metropolitan Transportation Plan** -The MTP is currently under development and a draft has not been made available for agency or public review and comment.

**2019 TIP (FY 2020-24)**

A draft TIP Executive Summary was presented as an information item (non-action) on the Board and advisory committee agendas during May 2019. The draft TIP was revised and reposted to the website during the public comment period. A final draft was presented at the June 2019 TPA meetings and was adopted by the Governing Board on June 20, 2019. Each meeting of the advisory committees and the Governing Board during May and June offered opportunities for the public to make comments and ask questions. No online form or written comments were received in response to posted drafts.

6. During the 2045 Long-Range Transportation Plan development process, please discuss instances where agency stakeholders (federal, state, local government and other agencies) had competing and/or conflicting opinions and views, and discuss how these instances were addressed/resolved as part of a continuous, cooperative, and comprehensive long-range planning process. (23 C.F.R. 450.306 (b); 23 C.F.R. 450.104; 23 C.F.R. 450.306 (b))

**Strategic Intermodal System (SIS) Cost Feasible Projects**

For the I-95 widenings and managed lanes projects in the 2045 LRTP, the TPA staff noted that updated cost estimates and termini in the I-95 Master Plan differed greatly from the adopted SIS Cost Feasible Plan. FDOT recommended to go with the older SIS Cost Feasible Plan estimates and requested opportunity to propose amendments the TPA's LRTP once the new SIS Cost Feasible Plan is released. TPA staff accepted the FDOT recommendation.

The TPA Board chose to include only PD&E funding for the Southern Blvd (SR-80) [SIS # 3393] capacity project in the TPA 2045 Cost Feasible Plan. Since the project description in the SIS is only "Add highway capacity" and the project would have a significant impact to Palm Beach County, the TPA Board did not feel comfortable endorsing funding for additional phases without PD&E results. FDOT accepted the TPA approach.

**Project descriptions in the SIS**

TPA staff requests additional clarity and content in the FDOT proposed description on SIS Cost Feasible projects. For example, "interchange modification" or "add capacity". FDOT recommended to use footnotes for studies where appropriate. The TPA staff decided to go with a parenthesis after the project description outlining the potential scope of work (e.g. "potentially widen X to X lanes").

**Locally funded county capacity projects**

The TPA worked with Palm Beach County (the largest roadway owner outside of FDOT for the county) to incorporate their planned long range local capacity projects for reference in the

TPA's LRTP. However, the initial list of 100+ projects submitted to the TPA were not all supported by municipal members of the TPA because the need for additional capacity was not clearly demonstrated, the projects did not contribute to the goals, objectives, and targets identified in the TPA LRTP, and/or the projects were not consistent with all local comprehensive plans.

The full list of County identified local projects was not adopted into the LRTP. If the county wishes to add a project, they are able to request it through the TPA as an amendment.

Although the projects serve as reference, meaning they do not impact financial constraints nor consume TPA prioritized or approved funding, the TPA felt it vital to use the LRTP as the venue for all impacted stakeholders to discuss major transportation investments within the County.

The late timing of submitting these capacity projects to the TPA led to a rushed discussion of their inclusion/exclusion into the LRTP. At the time of submittal to the TPA, the projects were not yet reviewed by any local municipalities that may have been impacted.

#### **Local funding projections**

Palm Beach County did not support the forecast of Impact Fee revenues included in the 2045 LRTP. These funds are collected and spent by Palm Beach County for roadway capacity projects. Palm Beach County requested the use of a lower total than was consistent with historical collections or projected growth totals. The TPA is continuing the discussion with the County in hopes of developing a consensus projection.

#### **Public Survey**

The TPA developed a public survey to gauge views towards transportation investments. The results of the survey also provided insight on those who took the survey (demographics, zip code, travel mode). Palm Beach County staff expressed concern that the survey was not statistically valid and therefore did not represent the perspective of existing residents, employees and visitors. The TPA will coordinate with partners initially to ensure future surveys create useful data to inform planning decisions.

## Part 1 Section 8: Recommendations and Corrective Actions

Please note that the District shall report the identification of and provide status updates of any corrective action or other issues identified during certification directly to the MPO Board. Once the MPO has resolved the corrective action or issue to the satisfaction of the District, the District shall report the resolution of the corrective action or issue to the MPO Board.

### Status of Recommendations and/or Corrective Actions from Prior Certifications

There were no corrective actions from the prior certification.

### Recommendations

In collaboration with the Palm Beach TPA Staff, FDOT District 4 offers the following recommendations resulting from the 2019 Joint Certification Process:

- **Invoicing:** Based on the calendar year 2020 invoice submissions, it is recommended that the TPA review the Agency's invoice submittal policies and procedures to ensure timely submittal within 90 days of the final invoice period date.
- **Long Range Transportation Plan Adoption:** A recommendation is made to the TPA to review the Agency's LRTP development policies and procedures. Further recommendation, based on collaborative discussion with the TPA, includes establishing firm intermediate deadlines during the LRTP development process, well in-advance of the scheduled adoption date, that tie to milestone elements of the plan development (e.g. revenue forecasting, needs plan development, and cost feasible plan development). It is recommended that the TPA seek corresponding element endorsements by advisory committees and the Governing Board at each milestone, and that projects are not endorsed on an individual basis.
- **Stakeholder Engagement:** A recommendation is made to the TPA that the Agency should establish a pre-determined process to ensure that cost feasible projects included in core planning documents are based on stakeholder consensus, necessary under a continuing, comprehensive, and cooperative (3C) process. In such cases that the Agency identifies a potential impasse preventing consensus on individual projects prior to completion of core planning document milestone(s),

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Part 1 – FDOT District*

FDOT District 4 recommends the TPA follow this pre-determined process intended to resolve conflict by addressing or mitigating stakeholder concerns, but without delaying timely document adoption.

- **TIP/LRTP Maintenance:** A recommendation is made that the TPA establish contingency plans designed to address federally funded work that becomes delayed or “frozen.”
- **S. 339.175(7) and S. 339.175(8), F.S.** – It is recommended that the TPA evaluate and pursue additional efforts to improve consistency with local agency comprehensive plans during the planning process(es). These efforts are identified as enhanced collaboration on development of socioeconomic data projections, and development of local funding projections, through increased technical stakeholder engagement (e.g. as suggested by TPA staff, (1) Include developing an employment allocation methodology in conjunction with Palm Beach County Planning and Zoning staff that better relates population allocations to Traffic Analysis Zones; (2) Pursue development of an agreed methodology for projection of local Transportation funds reflected in planning documents).

Corrective Actions

There are no corrective actions in this certification.

## Part 1 Section 9: Attachments

Please attach any documents required from the sections above or other certification related documents here or through the [MPO Document Portal](#). Link to [MPO Joint Certification Statements and Assurances \(year 1\)](#) or [MPO Joint Certification Statement \(year 2\)](#).

Title(s) and Date(s) of Attachment(s) in the MPO Document Portal

There are no attachments to this certification.

FLORIDA DEPARTMENT OF TRANSPORTATION  
**MPO JOINT CERTIFICATION**  
Part 2 – MPO



**Palm Beach TPA**

**Joint Certification – CY 2019**

**January 24, 2020**

Part 2 - MPO

*FDOT Joint Certification*  
*Part 2 – MPO*

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## Purpose

Each year, the District and the MPO must jointly certify the metropolitan transportation planning process as described in [23 C.F.R. §450.336](#). The joint certification begins in January. This allows time to incorporate recommended changes into the Draft Unified Planning Work Program (UPWP). The District and the MPO create a joint certification package that includes a summary of noteworthy achievements by the MPO and, if applicable, a list of any recommendations and/or corrective actions.

The certification package and statement must be submitted to Central Office, Office of Policy Planning (OPP) no later than June 1.



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*Part 2 – MPO*

## Certification Process

Please read and answer each question using the checkboxes to provide a “yes” or “no.” Below each set of checkboxes is a box where an explanation for each answer is to be inserted. The explanation given must be in adequate detail to explain the question.

FDOT’s [MPO Joint Certification Statements and Assurances](#) document must accompany the completed Certification report. Please use the electronic form fields to fill out the Statements and Assurances document. Once all the appropriate parties sign the Statements and Assurances, scan it and email it with this completed Certification Document to your District MPO Liaison.

Please note that the District shall report the identification of, and provide status updates of any corrective action or other issues identified during certification directly to the MPO Board. Once the MPO has resolved the corrective action or issue to the satisfaction of the District, the District shall report the resolution of the corrective action or issue to the MPO Board.

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*Part 2 – MPO*

## Part 2

Part 2 of the Joint Certification is to be completed by the MPO.

*FDOT Joint Certification*  
*Part 2 – MPO***Part 2 Section 1: MPO Overview**

1. Does the MPO have up-to-date agreements such as the interlocal agreement that creates the MPO, the intergovernmental coordination and review agreement; and any other applicable agreements? Please list all agreements and dates that they need to be readopted.

**Please Check:** Yes  No

The Palm Beach MPO, doing business as the Palm Beach Transportation Planning Agency (TPA), is created by an Interlocal Agreement between FDOT and all member local governments. The Agreement was executed on October 9, 2015. This document does not require re Adoption.

The TPA has an Intergovernmental Coordination and Review and Public Transportation Agreement with FDOT, the Treasure Coast Regional Planning Council (TCRPC), the South Florida Regional Transportation Authority (SFRTA), the Port of Palm Beach and Palm Beach County. The Agreement was executed on April 21, 2008. This document does not require re Adoption.

The TPA's current MPO Agreement (FHWA planning funds) is dated June 14, 2018 and expires June 30, 2020.

The TPA's current Public Transportation Joint Participation Agreement (FY 16-18 FTA planning funds) is dated October 1, 2015 and expires September 30, 2020.

The TPA's current Public Transportation Grant Agreement (FY 19-20 FTA planning funds) is dated April 1, 2019 and expires December 31, 2020.

The TPA's current Transportation Disadvantaged Planning Grant Agreement (FY 20 planning funds) is dated July 1, 2019 and covers the period from July 1, 2019 to June 30, 2020.

The TPA's Interlocal Agreement for Staff and Services with Palm Beach County was originally executed on March 12, 2013, amended on April 10, 2018, amended again on October 22, 2019 and was terminated on January 31, 2020.

The Interlocal Agreement creating the Southeast Florida Transportation Council (SEFTC) is dated January 9, 2006, has been amended twice, and automatically renews every five years.

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The Memorandum of Understanding between Broward MPO, Miami-Dade TPO, Palm Beach TPA, and FDOT Districts 4 & 6 for Coordination of Southeast Regional Planning Model related activities is dated October 4, 2019 and expires December 31, 2024.

2. Does the MPO coordinate the planning of projects that cross MPO boundaries with the other MPO(s)?

**Please Check:** Yes  No

The TPA coordinates the planning of projects that cross the southern county boundary with the Broward MPO and the Miami-Dade TPO through the South Florida Transportation Council (SEFTC). The SEFTC Interlocal Agreement was executed on January 9, 2006 and amended on April 30, 2009 and July 14, 2011. Additionally, the TPA coordinates with the Martin County MPO, St. Lucie TPO and the Indian River MPO on transportation projects that cross the northern county boundary and with the Heartland Regional TPO on projects that cross the western county boundary.

The TPA is a funding partner for the Southeast Regional Planning Model (SERPM) update that is being administered by FDOT and the update to the regional Long Range Plan that is being administered by the Broward MPO. TPA staff actively participates in the development and coordination of these efforts.

3. How does the MPOs planning process consider the 10 Planning Factors?

**Please Check:** Yes  No

As outlined in the TPA's UPWP, the 10 planning factors are considered in the planning process. These factors are to:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency; UPWP Task 5-D Coordinate with local economic boards and Chambers of Commerce to identify travel and tourism infrastructure needs.
2. Increase the safety of the transportation system for motorized and non-motorized users; UPWP Task 2-D Plan the non-motorized transportation system including: updates to the bike master plan, protected bicycle network plan, bikeshare plan, bicycle/pedestrian county program; Task 2-G Conduct corridor studies to evaluate

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safety and identify complete street infrastructure investment opportunities and health impact assessments.

3. Increase the security of the transportation system for motorized and non-motorized users; UPWP Task 2-B Plan the fixed route transit system, including TDP updates for Palm Tran and SFRTA, Tri-Rail service expansions, transit amenities and security, evaluation of access to transit hubs, analysis of rail crossing safety and quiet zone eligibility.
4. Increase the accessibility and mobility of people and for freight; UPWP Task 2-B Plan the fixed route transit system, including TDP updates for Palm Tran and SFRTA, Tri-Rail service expansions, transit amenities and security, evaluation of access to transit hubs, analysis of rail crossing safety and quiet zone eligibility; Task 2-C Plan the Transportation Disadvantaged (TD) Paratransit system...; Task 2-D Plan the non-motorized transportation system including: updates to the bike master plan, protected bicycle network plan, bikeshare plan, bicycle/pedestrian county program; Task 2-H Update the freight system plan, including the regional plan...; Task 2-K Plan for and coordinate with the Glades communities on freight, bike/pedestrian and commuter movements.
5. Protect and enhance the environment, promote energy conservation, improve quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns; UPWP Task 4-D Update the Congestion Management Process (CMP) Report Card to evaluate LRTP goals and objectives and identify potential projects for funding in the TIP.
6. Enhance the integration and connectivity of the transportation system, across and between modes for people and freight; UPWP Task 2-B Plan the fixed route transit system, including TDP updates for Palm Tran and SFRTA, Tri-Rail service expansions, transit amenities and security, evaluation of access to transit hubs, analysis of rail crossing safety and quiet zone eligibility; Task 2-C Plan the Transportation Disadvantaged (TD) Paratransit system...; Task 2-D Plan the non-motorized transportation system including: updates to the bike master plan, protected bicycle network plan, bikeshare plan, bicycle/pedestrian county program; Task 2-H Update the freight system plan, including the regional plan...; Task 2-K Plan for and coordinate with the Glades communities on freight, bike/pedestrian and commuter movements.

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7. Promote efficient system management and operation; UPWP Task 2-B Plan the fixed route transit system, including TDP updates for Palm Tran and SFRTA, Tri-Rail service expansions, transit amenities and security, evaluation of access to transit hubs, analysis of rail crossing safety and quiet zone eligibility; Task 2-C Plan the Transportation Disadvantaged (TD) Paratransit system...; Task 2-D Plan the non-motorized transportation system including: updates to the bike master plan, protected bicycle network plan, bikeshare plan, bicycle/pedestrian county program; Task 2-H Update the freight system plan, including the regional plan...; Task 2-K Plan for and coordinate with the Glades communities on freight, bike/pedestrian and commuter movements.
8. Emphasize the preservation of the existing transportation system; UPWP Task 3-A Develop an annual Priority Project list...; Task 3-C Review FDOT Draft Work Program for consistency with the LRTP and adopted priorities of the TPA Governing Board; Task 3-D Prepare the TIP...
9. Improve the resiliency and reliability of the transportation system and reduce or mitigate storm water impacts of surface transportation; UPWP Task 4-D Update the Congestion Management Process (CMP) Report Card to evaluate LRTP goals and objectives and identify potential projects for funding in the TIP.
10. Enhance travel and tourism. UPWP Task 5-D Coordinate with local economic boards and Chambers of Commerce to identify travel and tourism infrastructure needs.

4. How are the transportation plans and programs of the MPO based on a continuing, comprehensive, and cooperative process?

**Please Check:** Yes  No

The TPA routinely:

- Cooperates with our neighboring MPOs, transportation and regional agencies and the public on a continuous basis.
- Monitors land use and zoning activities by local governments within the planning area, provides input and comments upon request, and responds to changes by routinely updating the planned transportation facilities and services necessary to support the evolving transportation demands created by these actions.

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- Comments on project scoping for FDOT, County and City projects to ensure advancement of the TPA's vision.
- Reaches out to airport, seaport, railway and road-based shipping partners to ensure that its plans are comprehensive of all modes of travel.
- Conducts coordination meetings with Palm Tran and SFRTA on key projects and initiatives.
- Presents to area local governments to solicit feedback and ensure collaboration.

5. When was the MPOs Congestion Management Process last updated?

**Please Check:** Yes  No  N/A

The TPA reports periodically on the performance of its transportation system as part of the Congestion Management Process (CMP), focusing on the establishment of performance measures based on the Goals and Objectives of the LRTP and providing detailed information on the steps in the process in measuring these outcomes.

The most recent update of the measures and targets was published in March 2019 and the next update to the CMP is underway.

The CMP mirrors the Goals and Objectives identified in the 2045 LRTP and incorporates the adopted goals, performance measures and targets required by the FAST Act and included in the adopted LRTP to ensure greater focus on performance-based planning.

The original document and latest report card can be viewed at [www.PalmBeachTPA.org/CMP](http://www.PalmBeachTPA.org/CMP).

6. Has the MPO recently reviewed and/or updated its Public Participation Plan? If so, when?

**Please Check:** Yes  No

The TPA adopted an updated version of the Public Participation Plan (PPP) on October 19, 2017. It is user-friendly, visually appealing and up to date with the latest regulations. It can be viewed at [www.PalmBeachTPA.org/public-participation-plan](http://www.PalmBeachTPA.org/public-participation-plan).

Additionally, the TPA provides an annual report card to evaluate the usefulness of its PPP engagement strategies.

7. Was the Public Participation Plan made available for public review for at least 45 days before adoption?

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*Part 2 – MPO***Please Check: Yes  No** 

The public review period began September 1, 2017 and ended with adoption of the document on October 19, 2017.

8. Does the MPO utilize one of the methods of procurement identified in [2 C.F.R. 200.320 \(a-f\)](#)?

**Please Check: Yes  No** 

The TPA adopted a Procurement Policy on December 14, 2017 that utilizes all of the methods in 2 CFR 200.320. It addresses the handling of micro-purchases, small purchases, competitive bidding and non-competitive bidding procurements in compliance with 2 C.F.R. 200. The TPA's adopted Procurement Policy is posted at [www.PalmBeachTPA.org/business](http://www.PalmBeachTPA.org/business).

9. Does the MPO maintain sufficient records to detail the history of procurement? These records will include, but are not limited to: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

Note: this documentation is required by 2 C.F.R. 200.324 (a) to be available upon request by the Federal awarding agency, or pass-through entity when deemed necessary.

**Please Check: Yes  No** 

Detailed records are maintained as required by the procurement type and defined within the TPA Procurement Policy.

10. Does the MPO have any intergovernmental or inter-agency agreements in place for procurement or use of goods or services?

**Please Check: Yes  No** 

As of September 27, 2019, the TPA is operating as a fully independent agency and does not rely on other governmental agencies for the procurement of goods or services.

11. What methods or systems does the MPO have in place to maintain oversight to ensure that consultants or contractors are performing work in accordance with the terms, conditions and specifications of their contracts or work orders?

**Please Check: Yes  No**



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The TPA employs a deliverable based task order system wherein the terms, conditions, specifications and deliverables are all identified during the task order generation phase. TPA staff reviews completion of the deliverables for compliance with the terms, conditions and specifications prior to authorization of payment for any work completed.

## Part 2 Section 2: Finances and Invoicing

1. How does the MPO ensure that Federal-aid funds are expended in conformity with applicable Federal and State laws, the regulations in 23 C.F.R. and 49 C.F.R., and policies and procedures prescribed by FDOT and the Division Administrator of FHWA?

The TPA ensures that all expenditures submitted for reimbursement are allowable under 2 C.F.R. §200. Additionally, the TPA periodically reviews its procurement policy and purchasing procedures for conformity.

2. How often does the MPO submit invoices to the District for review and reimbursement?

The TPA invoiced quarterly through September 30, 2017 and then began invoicing monthly. Occasionally, the TPA will invoice less frequently than monthly in order to consolidate staff costs, consultant invoices, and direct expenses into a single quarterly reporting period. However, pursuant to the TPA's agreements with FDOT, invoices are submitted no less frequently than quarterly.

3. Is the MPO, as a standalone entity, a direct recipient of federal funds and in turn, subject to an annual single audit?

As an independent agency designated as a subrecipient of federal funds, the TPA will conduct its first single audit in 2020.

4. How does the MPO ensure their financial management system complies with the requirements set forth in [2 C.F.R. §200.302](#)?

As an independent agency, the TPA has established a financial management system that complies with requirements of 2 CFR 200.302. Prior to independent operation, compliance was achieved in coordination with Palm Beach County Board of County Commissioners using their accounting system and financial management system.

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5. How does the MPO ensure records of costs incurred under the terms of the MPO Agreement maintained and readily available upon request by FDOT at all times during the period of the MPO Agreement, and for five years after final payment is made?

All records are maintained as required by state statute and federal regulation.

6. Is supporting documentation submitted, when required, by the MPO to FDOT in detail sufficient for proper monitoring?

The TPA submits all required documentation to FDOT with each invoice. Thorough supporting documentation is maintained by the TPA to facilitate auditing and monitoring.

7. How does the MPO comply with, and require its consultants and contractors to comply with applicable Federal law pertaining to the use of Federal-aid funds?

All contracts for services and/or goods include required language for federal grant reimbursement eligibility.

## Part 2 Section 3: Title VI and ADA

1. Has the MPO signed an FDOT Title VI/Nondiscrimination Assurance, identified a person responsible for the Title VI/ADA Program, and posted for public view a nondiscrimination policy and complaint filing procedure?”

**Please Check:** Yes  No

The FDOT Title VI/Nondiscrimination Policy Statement was signed by the TPA Chair on September 20, 2018.

The TPA’s Public Relations Manager, Malissa Booth, serves as the Title VI and ADA Officer.

The TPA’s Title VI and ADA Nondiscrimination Policy and Plan, the official complaint form and filing procedure, and the Title VI/Nondiscrimination Policy Statement can be viewed on the TPA website at [www.PalmBeachTPA.org/nondiscrimination](http://www.PalmBeachTPA.org/nondiscrimination).

2. Do the MPO’s contracts and bids include the appropriate language, as shown in the appendices of the [Nondiscrimination Agreement](#) with the State?

**Please Check:** Yes  No

All TPA agreements and contracts include the following wording:

“Civil Rights. The following requirements apply to this Agreement:

1. Nondiscrimination. In accordance with Title VI of the Civil Rights Act, as amended, 42 USC §2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 USC §6102, section 202 of the Americans with Disabilities Act of 1990, as amended, 42 USC §12132, and Federal transit law at 49 USC §5332, as each may be amended from time to time, CONSULTANT agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, CONSULTANT agrees to comply with all applicable federal implementing regulations and any other implementing requirements FTA may issue.

2. Equal Employment Opportunity:

(a) Race, Color, Creed, National Origin, Sex. In accordance with Title VII of the Civil Rights Act, as amended, 42 USC §2000e, and Federal transit laws at 49 USC §5332, CONSULTANT agrees to comply with all applicable equal employment opportunity

requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Agreement Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 CFR Parts 60, et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 USC §2000e note), and with any other applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the project. CONSULTANT agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age.

Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, CONSULTANT agrees to comply with any implementing requirements FTA may issue.

(b) Age. In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 USC §623 and federal transit law at 49 USC §5332, CONSULTANT agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, CONSUL TANT agrees to comply with any implementing requirements FTA may issue.

(c) Disabilities. In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 USC §12112, CONSULTANT agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 CFR Part 1630, pertaining to employment of persons with disabilities. In addition, CONSULTANT agrees to comply with any implementing requirements FTA may issue.

3. CONSULTANT also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only to identify the affected parties."

3. Does the MPO have a procedure in place for the prompt processing and disposition of Title VI and Title VIII complaints, and does this procedure comply with FDOT's procedure?

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**Please Check:** Yes  No

The TPA's Title VI and ADA Nondiscrimination Policy and Plan includes the complaint procedure and a complaint form in both English and Spanish, and can be viewed on the TPA website at [www.PalmBeachTPA.org/nondiscrimination](http://www.PalmBeachTPA.org/nondiscrimination).

4. Does the MPO collect demographic data to document nondiscrimination and equity in its plans, programs, services, and activities?

**Please Check:** Yes  No

The TPA monitors countywide statistical data for nondiscrimination and equity based on five-year average values in tables S0101, S0601, S1810 that can be obtained from [factfinder.census.gov](http://factfinder.census.gov)

5. Has the MPO participated in any recent Title VI training, either offered by the State, organized by the MPO, or some other form of training, in the past three years?

**Please Check:** Yes  No

TPA staff conducted an ADA transition plan training workshop in November 2018 in coordination with FHWA.

6. Does the MPO keep on file for five years all complaints of ADA noncompliance received, and for five years a record of all complaints in summary form?

**Please Check:** Yes  No

Yes, although there have been no documented ADA complaints in the past five years.

## Part 2 Section 4: Disadvantaged Business Enterprises

1. Does the MPO have a FDOT-approved Disadvantaged Business Enterprise (DBE) plan?

**Please Check:** Yes  No

The TPA has adopted the FDOT's DBE Program, including but not limited to FDOT's Methodology for Determining DBE Goals and FDOT's Annual Goal for DBE participation in solicitations and award of contracts. The DBE Utilization policy is posted at [www.PalmBeachTPA.org/business](http://www.PalmBeachTPA.org/business).

2. Does the MPO use the Equal Opportunity Compliance (EOC) system or other FDOT process to ensure that consultants are entering bidders opportunity list information, as well as accurately and regularly entering DBE commitments and payments?"

**Please Check:** Yes  No

The TPA tracks DBE participation with each contract and work order to determine compliance with the FDOT DBE goal. Additionally, there is an ongoing effort by FDOT to allow the MPOs to report payments via the EOC system. We also suggest that any expectations regarding DBE participation be formally incorporated into the MPO agreements that will be circulated this spring for execution prior to June 30.

3. Does the MPO include the DBE policy statement in its contract language for consultants and subconsultants?

**Please Check:** Yes  No

The following statement is included in contract language:

" A. This Agreement is subject to the requirements of 49 CFR Part 26. As required by 49 CFR 26.13, the CONSULTANT will not discriminate on the basis of race, color, national origin, or sex in the performance of any U.S. DOT- assisted contract or the requirements of 49 CFR Part 26. The CONSULTANT shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the performance of this Agreement. The TPA's DBE Program, as required by 49 CFR Part 26 and approved by U.S. DOT is incorporated by reference into this Agreement. Implementation of this program is a legal

obligation and the failure to carry out its terms shall be treated as a violation of this Agreement.

B. Neither the CONSULTANT nor any subcontractor it may use in the performance of this Agreement shall discriminate on the basis of race, color, national origin, or sex in the award of or the performance of this Agreement. The CONSULTANT shall carry out the applicable requirements of 49 CFR Part 26 in the award and administration of this Agreement and the Work associated with this U.S. DOT assisted contract. Failure by the CONSULTANT to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy or action as the TPA deems appropriate which may include but is not limited to:

1. Withholding monthly progress payments;
2. Assessing sanctions;
3. Liquidated damages, and/or
4. Disqualifying CONSULTANT from future contracts as nonresponsible.

C. CONSULTANT shall include the statements set forth in paragraphs A and B above in each subcontract or sub-consultant contract it lets which contract directly relates to this Agreement.

D. The CONSULTANT is encouraged to seek DBEs for participation in subcontracting opportunities.

E. The TPA has adopted the FDOT's DBE Program, including but not limited to FDOT's Methodology for Determining DBE Goals and FDOT's Annual Goal for DBE participation in solicitations and award of contracts. This DBE Program, as adopted by TPA, is incorporated into and made a part of this Agreement. The CONSULTANT acknowledges that it has reviewed and is familiar with the terms of the DBE Program. DBE participation towards overall and contract specific goals will be counted as provided in 49 CFR 26.55 and TPA's adopted DBE Program.

F. The CONSULTANT shall abide by the provisions of the TPA's adopted DBE Program, as it may be amended from time to time, and acknowledges that its failure to comply with said Program is a material breach which may result in the termination of this Agreement or such other sanctions or action deemed appropriate by the TPA under the circumstances, including but not limited to the sanctions identified in paragraph B. above.



G. The CONSULTANT understands that each DBE firm utilized in the performance of this Agreement must be certified by FOOT or other participant(s) in Florida's United Certification Program in order to be counted toward the DBE participation goal.

H. The TPA reserves the right to accept the use of a subcontractor or to reject the selection of a particular subcontractor and to inspect all facilities of any subcontractors in order to make a determination as to the capability of the subcontractor to perform properly under this Agreement.

I. The CONSULTANT will only be permitted to replace a certified DBE subcontractor who is unwilling or unable to perform. If a subcontractor fails to perform or make progress as required by this Agreement and it is necessary to replace the subcontractor to complete the work in a timely fashion, the CONSULTANT shall promptly do so, subject to acceptance of the new subcontractor by TPA. If a goal or preference points has been assigned to this Agreement, the CONSULTANT shall make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on this Agreement with another certified DBE, to the extent needed to meet the contract goal. The CONSULTANT shall notify the TPA immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation of such. The CONSULTANT must obtain the TPA's representative's prior approval to substitute a DBE. The CONSULTANT shall provide copies of new or amended subcontracts, or documentation of good faith efforts, as required by the TPA. If the CONSULTANT fails or refuses to comply in the time specified, the TPA may issue an order stopping all or part of the work and payments therefor until satisfactory action has been undertaken, terminate this Agreement for noncompliance/default, impose sanctions, or take other action deemed appropriate by the TPA under the circumstances.

J. The CONSULTANT shall provide the TPA with a copy of the CONSULTANT's contract with any subcontractor and any other related documentation requested by TPA's representative along with documentation evidencing the certification of DBEs to be used as subcontractors in the performance of this Agreement.

K. The CONSULTANT agrees to maintain in Palm Beach County, Florida or such other location in Florida approved by the TPA's representative, all relevant records, documents of payments and information necessary to document payments to DBEs for at least five (5) years following the termination of this Agreement. In the event litigation is commenced involving or relating to a DBE, the CONSULTANT agrees to maintain such records until the conclusion of all litigation and the expiration of any appeal periods. All such records and information shall be immediately made available for reproduction, examination or

inspection upon the request of TPA's representative or any authorized representative of FDOT or the U.S. DOT or any agency thereof. The CONSULTANT agrees to require all of its DBE subcontractors to comply with the same records and information maintenance and availability requirements that it is subject to in this Agreement.

L. The CONSULTANT shall, on a monthly basis or such other period required by the TPA's representative, submit payment certification(s) for all payments it is seeking and certifications from all subcontractors indicating who has been paid and how much. Such certifications shall be made in the manner required and/or on a form(s) furnished by the TPA's representative. Said form(s) shall be signed by the CONSULTANT, affirmed as true and accurate, and shall be subject to all statutory and legal requirements applicable to the submission of false statements. The CONSULTANT will fully participate and cooperate with TPA, FDOT, U.S. DOT or its agencies, and their authorized representatives, regarding any monitoring process it establishes pertaining to the use and review of all subcontractors, including all interim and final audits of payments to subcontractors. Audits may be conducted to review payments to DBE subcontractors to ensure that the actual amount paid to DBEs equals or exceeds the dollar amounts of the Work the CONSULTANT represented would be subcontracted to or performed by DBEs, or for which DBEs would be utilized.

M. Prior to receiving any progress payment due under this Agreement, the CONSULTANT shall certify that it has disbursed to all subcontractors and suppliers, having an interest in the Agreement or performing work or providing materials or supplies used by the CONSULTANT in its performance of the Work, their pro-rata share(s) of the payment received by the CONSULTANT from previous progress payments for all work completed and materials furnished in the previous period, less any retainage withheld by the CONSULTANT pursuant to an agreement with a subcontractor for payment, as approved by the TPA and FDOT, and as deemed appropriate by TPA. The CONSULTANT shall return all retainage payments withheld by the CONSULTANT within thirty (30) days after each subcontractor's work has been satisfactorily completed. The CONSULTANT shall not be entitled to any progress payment before certification, unless the CONSULTANT demonstrates good cause for not making any such required payment and furnishes written notification of such good cause, acceptable to the TPA, to both the TPA and the affected subcontractors and suppliers.

N. Within thirty (30) days of the CONSULTANT's receipt of any payment(s) received under this Agreement and any final progress payment received thereafter, the CONSULTANT

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shall pay all subcontractors and suppliers having an interest in the Agreement or performing work or providing materials or supplies used by the CONSULTANT in its performance of the Work, their pro-rata share(s) of the payment(s), unless the CONSULTANT demonstrates good cause, acceptable to the TPA, for not making any required payment(s) and furnishes written notification to the TPA and the affected subcontractors and suppliers within said thirty (30) day period.

O. The provisions of this section shall be construed in conformity with any requirement of state or federal law. In the event of any conflict, state or federal law will control the resolution of the conflict.”

## Part 2 Section 5: Noteworthy Practices & Achievements

One purpose of the certification process is to identify improvements in the metropolitan transportation planning process through recognition and sharing of noteworthy practices. Please provide a list of the MPOs noteworthy practices and achievements below.

### 1. Engage the Public

- Partnered in hosting the Safet Streets Summit in Miami
- Participated in Walk to School Day in Lake Worth Beach
- Hosted Vision Zero Workshop for local government and members of the public

### 2. Plan the System

- Adopted Vision Zero Action Plan with 25 distinct actions to be taken and/or supported by the TPA
- Participated in MPO Vision Zero Peer Exchange in Tampa
- Completed transit access plan for six high-ridership Palm Tran locations

### 3. Prioritize Funding

- Added performance measures and targets to project scoring system and TIP
- Conducted complete street corridor studies in local communities (West Palm Beach, Lake Worth Beach, Boca Raton, North Palm Beach)

### 4. Implement Projects

- Participated in Palm Tran electric bus demonstrations and Go Glades circulator kickoff event

### 5. Collaborate with Partners

- Conducted monthly Board meetings at various locations countywide
- Celebrated Florida Bicycle Month with TPA, County and city proclamations; organized a Bike to Work Day Ride with elected officials

6. Administer the Agency

- Transitioned from a hosted to an independent agency to ensure appropriate influence for all TPA board members and to allow for a more collaborative planning process.
- Moved from a County facility in a suburban industrial park to a downtown location to improve multimodal access to all TPA board meetings, committee meetings, and other events

## Part 2 Section 6: MPO Comments

The MPO may use this space to make any additional comments, if they desire. This section is not mandatory, and its use is at the discretion of the MPO.

As part of the TPA's transition from a hosted to an independent agency, we have ceased spending County funds and seeking reimbursement to Palm Beach County. Instead, starting in October 2019, we have begun expending TPA funds and seeking reimbursement payments directly to the TPA. Unfortunately, the transition of payee from Palm Beach County to the TPA has proven to be time consuming and difficult. This has negatively affected the TPA's ability to continue to administer the federal planning process and operate the agency.

Additionally, the TPA continues to recommend that FDOT provide a monthly update of the Check PL spreadsheet and FDOT's available planning budget to accommodate UPWP amendments. These documents should be provided to the MPOAC Executive Director by the tenth day of each month for distribution to the MPOs and should include an itemized list of those actions within the preceding month that have increased or decreased the available budget.

