



**Palm Beach TPA**  
**Joint Certification 2023**  
**2/6/2023**

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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.

## 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 Statement](#) document must accompany the completed Certification report. Please use the electronic form fields to fill out the document. Once all the appropriate parties sign the MPO Joint Certification Statement, 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.

## **Part 1**

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

## Part 1 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 (ICAR) agreement; and any other applicable agreements? Please list all agreements and dates that they need to be readopted. The ICAR Agreement should be reviewed every five years and updated as necessary. Please note that the ICAR Agreement template was updated in 2020.

**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 and is reviewed every five years and updated as necessary. This document does not require re-adoption.

The TPA's current MPO Agreement with FDOT for FHWA planning funds is dated June 17, 2022 and expires June 30, 2024.

The TPA's current Public Transportation Grant Agreement G2373 with FDOT for FTA federal fiscal year 2021 planning funds is dated February 1, 2022 and expires December 31, 2025.

The TPA's current Transportation Disadvantaged Planning Grant Agreement with the Commission for the Transportation Disadvantaged (CTD) for FY 23 planning funds is dated July 1, 2022 and expires June 30, 2023 (G2971).

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.

The Memorandum of Understanding (MOU) 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. A second MOU for acquisition of regional travel data is dated September 1, 2020 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 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 SEFTC Regional Transportation Plan, with the current 2050 Plan being administered by Miami Dade TPO, and the regional travel demand model. The maintenance of the Southeast Regional Planning Model (SERPM8) is administered by FDOT, the creation of SERPM 9 is administered by the Miami Dade TPO, and regional travel data was administered by Broward MPO. TPA staff actively participates in the development and coordination of these efforts.

3. How does the MPOs planning process consider the 10 Federal Planning Factors ([23 CFR § 450.306](#))?

**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:**
  - a. Present information and seek input from local governments, chambers of commerce, civic organizations, neighborhood associations, etc. to ascertain infrastructure and service needs to support economic development, promote

community health, enhance safety, and grow travel and tourism. (UPWP Task 1-B)

- b. Plan the transportation system, including fixed route transit system, multimodal corridor studies, non-motorized transportation system, freight system and prioritization of freight projects, and administer mobility studies (UPWP Task 2 Activities)

**2. Increase the safety of the transportation system for motorized and non-motorized users:**

- a. Plan the non-motorized transportation system, including evaluating TPA's pedestrian and bicycle priority networks, upcoming resurfacing projects, and high crash locations to identify pedestrian and bicycle infrastructure improvements and collect pedestrian and bicycle count and safety data. (UPWP Task 2-C)

The TPA also updated its Vision Zero Action Plan in 2021 and continues to strive towards achieving the identified actions, including supporting local municipalities towards advancing Vision Zero efforts.

**3. Increase the security of the transportation system for motorized and non-motorized users:**

- a. Plan the fixed route transit system, including multimodal corridor studies to improve access to transit service, amenities, transit-supportive land uses, and health impact assessments; TDP updates; and analysis of rail crossing safety and quiet zone eligibility. (UPWP Task 2-A)

**4. Increase the accessibility and mobility of people and freight;**

- a. Plan the freight system, including prioritization of freight projects, participation on committees, and coordinating with stakeholders (UPWP Task 2-D).

**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;**

- a. Update the performance measures dashboard (inclusive of the CMP) to track progress and to serve as a resource for committees, stakeholders, and the



public. Partner with FDOT, transit providers, and other stakeholders to adopt new performance measure targets as required (UPWP Task 5-B)

- b. Provide input on TIP existing and proposed transportation projects constructed by partner agencies to encourage final design and construction plans are consistent with the TPA's goals. (UPWP Task 5-C)

**6. Enhance the integration and connectivity of the transportation system, across and between modes for people and freight;**

- a. Plan the fixed route transit system, including multimodal corridor studies, transit supportive land use analysis, and health impact assessments to improve access to transit service; TDP updates; and analysis of rail crossing safety and quiet zone eligibility; (UPWP Task 2-A)
- b. Plan the TD system, including TD Service Plan updates (UPWP Task 2-B).
- c. Plan the non-motorized transportation system, including evaluating the TPA's pedestrian and bicycle priority networks, upcoming resurfacing projects, and high crash locations to identify pedestrian and bicycle infrastructure improvements and collect pedestrian and bicycle count and safety data (UPWP Task 2-C);
- d. Develop transportation data related to the LRTP and travel demand model, including population, employment, hotel/motel, school enrollment data, and transportation facility updates. (UPWP Task 2-D)
- e. Plan the freight system, including prioritization of freight projects, participation on committees, and coordinating with stakeholder (UPWP Task 3-B)

**7. Promote efficient system management and operation**

- a. Plan the fixed route transit system, including multimodal corridor studies, transit supportive land use analysis, and health impact assessments to improve access to transit service; TDP updates; and analysis of rail crossing safety and quiet zone eligibility (UPWP Task 2-A)
- b. Plan the TD system, including TD Service Plan updates (UPWP Task 2-B).
- c. Plan the non-motorized transportation system, including evaluating the TPA's pedestrian and bicycle priority networks, upcoming resurfacing projects, and high crash locations to identify pedestrian and bicycle

infrastructure improvements and collect pedestrian and bicycle count and safety data (UPWP Task 2-D)

d. Plan the freight system, including prioritization of freight projects, participation on committees, and coordinating with stakeholder. (Task 2-G)

**8. Emphasize the preservation of the existing transportation system;**

a. Develop and update the Transportation Improvement Program (TIP) through the following process: 1. Develop an annual List of Priority Projects (LOPP) including SRM, LI, TA, and Safety Projects 2. Review FDOT Draft Work Program for consistency with the LRTP and adopted priorities of the TPA Governing Board 3. Prepare TIP, including update to performance-based planning when required. Also includes creation of an interactive online project map layer. 4. Process required TIP amendments and modifications as needed (UPWP Task 4-B)

**9. Improve the resiliency and reliability of the transportation system and reduce or mitigate storm water impacts of surface transportation;** the TPA continues to monitor sea level rise and storm surge as part of the performance measures. FDOT provided an update on Sea Level Rise implementation to the Citizen Advisory Committee in March of 2021. TPA staff participated in the Palm Beach County climate compact resiliency survey and the 2022 Palm Beach North Chamber Disaster Resiliency Action Plan.

**10. Enhance travel and tourism;**

a. Present information and seek input from local governments, chambers of commerce, civic organizations, neighborhood associations, etc. to ascertain infrastructure and service needs to support economic development, promote community health, enhance safety and grow travel and tourism. (UPWP Task 1-B)

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 neighboring MPOs, transportation and regional agencies and the public on a continuous basis.
- In a continuing and collaborative nature provides updates to local area governments to solicit feedback and ensure collaboration.
- Comments on project scoping for FDOT, County and City projects to ensure advancement of the TPA’s vision.
- Aligns corridor studies and planning efforts with those of the LRTP and of local planning efforts, including partial funding of local studies and completing comprehensive corridor visioning and safety analyses.
- 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 maintains updated performance measures adopted in the 2045 LRTP. An interactive dashboard is available at [PalmBeachTPA.org/PM](http://PalmBeachTPA.org/PM). This dashboard includes the Congestion Management Process (CMP) and provides enhanced focus on the monitoring of selected targets for federally mandated and locally identified performance measures based on the Goals and Objectives of the LRTP. The dashboard is updated throughout the year as new data becomes available. Presentation and selection of new performance targets by the TPA Governing Board occurs annually in February.

The performance measures related specifically to congestion management include the federal travel time reliability measures, increases in walk-bike-transit mode split, increases in pedestrian and bicycle facilities, improved transit efficiency, and safety.

6. Has the MPO recently reviewed and/or updated its Public Participation Plan (PPPs)? If so, when? For guidance on PPPs, see the Federal Highway Administration (FHWA) checklist in the [Partner Library](#) on the MPO Partner Site.

**Please Check:** Yes  No

The current PPP was last updated in September 2020. An update to the PPP is currently under public review, pending adoption by the TPA Governing Board on March 16, 2023. The latest revision includes information about the TPA’s website redesign to be more ADA accessible; updates to include the Vision Zero Advisory Committee (VZAC), previously the Bicycle-Trailways Pedestrian Advisory Committee (BTPAC); information about the TPA’s printed and digital collateral used for outreach; social media channels; and outreach methods including public meetings, digital tools, meeting minutes and more. The revised PPP under public review can be viewed at [www.PalmBeachTPA.org/PPP](http://www.PalmBeachTPA.org/PPP).

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

**Please Check:** Yes  No

The revised PPP public review period began on January 30, 2023 and will end with the adoption of the revised PPP on March 16, 2023.

## Part 1 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. TPA finance staff reviews all new expenditures against 2 C.F.R. §200, Florida Purchasing Statutes, and FDOT Technical Memo 20-01. Additionally, the TPA periodically reviews its procurement policy and purchasing procedures for conformity.

Purchases that require prior approval are brought to the attention of FDOT and FHWA staff for approval.

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

The TPA routinely invoices monthly. Occasionally, the TPA will invoice less frequently than monthly 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?

The TPA is an independent, standalone entity and receives funding through sub-recipient agreements with FDOT. The TPA has contracted with an external auditor to perform the single audit and is currently in the process of completing its single audit for FY 2022.

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. The TPA monitors Governmental Accounting Standards Board (GASB) statements and industry practices for currency and best practices.

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. The TPA maintains dual redundancy data systems and verifies completion of documentation on a regular basis..

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 and applicable State laws?

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

8. Does the MPO have an existing negotiated indirect cost rate from the Federal government or use the de minimis rate (currently set at 10% of modified total direct costs which may be used indefinitely [\(2 C.F.R. 200.414\(f\)\)](#)?

*In general, only those MPOs that are hosted by agencies that receive direct Federal funding in some form (not necessarily transportation) will have available a Federally approved indirect cost rate. If the MPO has a staffing services agreement or the host agency requires the MPO to pay a monthly fee, the MPO may be reimbursed for indirect costs.*

Please Check: Indirect Rate  De Minimis Rate  N/A

- a. If the MPO has an existing negotiated indirect cost rate, did the MPO submit a cost allocation plan?

Not applicable

## Part 1 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 Assurance was signed by the TPA Executive Director on May 21, 2020 as included in the TPA’s Unified Planning Work Program. It is also included in the PPP under public review pending adoption on March 16, 2023.

The TPA’s Public Relations Director, Melissa Murray, 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 Assurance can be viewed on the TPA website at [PalmBeachTPA.org/nondiscrimination](http://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 Federally funded agreements and contracts include the following wording:

**Title VI – Nondiscrimination Policy Statement.**

The Palm Beach Transportation Planning Agency (TPA) values diversity and both welcomes and actively seeks input from all interested parties, regardless of cultural identity, background or income level. Moreover, the TPA does not tolerate discrimination in any of its programs, services or activities. The TPA will not exclude participation in, deny the benefits of, or discriminate against anyone on the grounds of race, color, national origin, sex, age, disability, religion, income, or family status. Additionally, the TPA extends these same assurances to any protected class as recognized by any of the local governments within its service area. The TPA will actively work to ensure inclusion of everyone in our community so that our programs, services and activities represent the diversity we enjoy.



The purpose of the TPA Title VI program is to establish and implement procedures that comply with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Americans with Disabilities Act of 1990 (ADA), as well as other related federal and state statutes and regulations. These procedures have been adopted to conform to Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) regulations, as well to Florida Department of Transportation (FDOT) guidelines.

During the performance of this Agreement, the CONTRACTOR agrees for itself, its assignees and successors in interest as follows:

A. Compliance with Regulations: The CONTRACTOR shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. DOT Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.

B. Nondiscrimination: The CONTRACTOR, with regard to the work performed during the Agreement, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The CONTRACTOR shall not participate either directly or indirectly in the discrimination prohibited by section 21.5, of the Regulations, including employment practices when the Agreement covers a program set forth in Appendix B of the Regulations.

C. Solicitations for Subcontractors, including Procurements of Materials and Equipment: In all solicitations made by the CONTRACTOR, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the CONTRACTOR of the CONTRACTOR's obligations under this Agreement and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.

D. Information and Reports: The CONTRACTOR shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the FDOT, FHWA, FTA, Federal Aviation

Administration (FAA), and/or the Federal Motor Carrier Safety Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the CONTRACTOR is in the exclusive possession of another who fails or refuses to furnish this information, the CONTRACTOR shall so certify to the FDOT, FHWA, FTA, FAA, and/or the Federal Motor Carrier Safety Administration as appropriate and shall set forth what efforts it has made to obtain the information.

E. Sanctions for Noncompliance: In the event of the CONTRACTOR's noncompliance with the nondiscrimination provisions of this Agreement, the FDOT shall impose such contract sanctions as it or the FHWA, FTA, the FAA, and/or the Federal Motor Carrier Safety Administration may determine to be appropriate, including, but not limited to:

1. Withholding of payments to the CONTRACTOR until the CONTRACTOR complies; and/or
2. Cancellation, termination, or suspension of the Agreement, in whole or in part.

F. Incorporation of Provisions: The CONTRACTOR shall include the provisions of paragraphs (A) through (E) of this section in every subcontract, including procurements of materials and leases of equipment, unless excepted by the Regulations, or directives issued pursuant thereto. The CONTRACTOR shall take such action with respect to any subcontract or procurement as the FDOT, FHWA, FTA, the FAA, and/or the Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event the CONTRACTOR becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the CONTRACTOR may request the FDOT to enter into such litigation to protect the interests of the FDOT, and, in addition, the CONTRACTOR may request the United States to enter into such litigation to protect the interests of the United States.

G. The CONTRACTOR does hereby represent and certify that it will comply with all the requirements imposed by Title VI of the Civil Rights Acts of 1964 and Title VII of the Civil Rights Act of 1968, as they have been and may be

modified from time to time (42 U.S.C. 2000d, *et. seq.* and 3601 *et. seq.*), and all applicable implementing regulations of the U.S.DOT and its agencies.

H. Accessibility: The CONTRACTOR will abide by Title II and Title III of the Americans with Disabilities Act of 1990. Where CONTRACTOR work items include assessing or planning pedestrian rights of way, it will follow the FDOT Design Manual or Florida GreenBook, as applicable. The CONTRACTOR does hereby represent and certify that it will comply with all the requirements of the Americans with Disabilities Act (42. U.S.C. 12102, *et. seq.*) and all applicable implementing regulations of the U.S.DOT and its agencies.

I. The CONTRACTOR shall report all grievances or complaints pertaining to its actions and obligations under this Article to the TPA.

J. Compliance with Nondiscrimination Statutes and Authorities: Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*, 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin), and 49 CFR Part 21. The Uniform Relocation Assistance and Real Estate Acquisition Policies Act of 1970 (42 U.S.C. §4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal Aid highway Act of 1973 (23 U.S.C. §324 *et seq.*) (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794 *et seq.*), as amended; (prohibit discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 *et seq.*), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 U.S.C. §471, Section 47123), as amended, (prohibits discrimination based on age, creed, color, national origin, or sex); The Civil rights Restoration Act of 1987 (P.L. 100-209) (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, be expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R., parts 37 and 38; The Federal Aviation Administration’s Non-discrimination status (49 U.S.C. §47123)(prohibits discrimination of the basis race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority and low-income populations by discouraging programs, policies, and effects on minority and low-income populations); Executive Order 13166, Improving Access

to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. §1681 *et seq.*).

K. Required Activities for Compliance. Pursuant to Section 9 of the U.S. DOT Order 1050.2A, the TPA assures the Florida Department of Transportation (FDOT) that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1992 and other nondiscrimination authorities be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity. The TPA and the CONTRACTOR further assure FDOT that they will undertake the following with respect to programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the Recipient's Chief Executive Officer;
2. Issue a policy statement signed by the Chief Executive Officer, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated through the Recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English;
3. Insertion of the clauses set forth in Section 21. A.- E. and J. of this Agreement;
4. Development a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against the Recipient shall immediately be forwarded to the FDOT District Title VI Coordinator;
5. Participate in training offered on Title VI and other nondiscrimination requirements;
6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days; and
7. Have a process to collect racial and ethnic data on persons impacted by your agency's programs.

This assurance is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts, or other

federal financial assistance under all programs and activities and is binding. The TPA's signatory is authorized to sign this assurance on behalf of the Recipient.

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, CONTRACTOR 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, CONTRACTOR agrees to comply with all applicable federal implementing regulations and any other implementing requirements FTA may issue.

The TPA does not discriminate on the basis of race, color, national origin, sex, age, religion, disability and family status. Those with questions or concerns about nondiscrimination, those requiring special assistance under the Americans with Disabilities Act (ADA), or those requiring language assistance (free of charge) should contact Melissa Murray at (561) 725-0813 or [Info@PalmBeachTPA.org](mailto:Info@PalmBeachTPA.org).

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, CONTRACTOR agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract 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. CONTRACTOR 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, CONTRACTOR 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, CONTRACTOR agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, CONTRACTOR 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, CONTRACTOR 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, CONTRACTOR agrees to comply with any implementing requirements FTA may issue.

3. CONTRACTOR 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?

**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, which can be viewed on the TPA website at [PalmBeachTPA.org/nondiscrimination](http://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 and Block Group statistical data for nondiscrimination and equity based on American Community Survey (ACS) five-year estimates. The TPA recently updated its Traditionally Underserved Index that is used for planning and prioritization. Metrics include race, ethnicity, poverty, limited English proficiency, disability status, elderly, youth, zero vehicle households, and education attainment. This data is used in the scoring of transportation projects and is being researched for use in an equity analysis for all TIP projects.

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 attended the 2021 Southern Transportation Civil Rights Executive Council (STCREC) biennial Training Symposium on May 4 – 5, 2021. The TPA’s Public Relations Director/Title VI and ADA Officer also participated in the FHWA ADA Webinar on the role of MPOs in Transition Plan Implementation on June 30, 2021. Additionally, the PR Director attended the SWS – ADA session of the 2021 FDOT Transportation Symposium Webinar Series on July 8, 2021. TPA staff attended Title VI training during the Florida Planning Conference on September 1 – 2, 2021. Lastly, staff attended virtual sessions of the PRSA: ICON 2021 Conference through October 2021.

The TPA Public Relations Director participated in an Online Accessibility Training and Webinar on May 5, 2022. The PR Director also attended the Public Relations Society of America International Conference (PRSA ICON) November 13 – 15, 2022 which included Title VI sessions and training.

The TPA website was redesigned and launched in late 2022 and has an increased focus on accessibility for all. This allows for increased participation in TPA activities, public comment periods, general feedback and the transportation planning process.

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 1 Section 4: MPO Procurement and Contract Review and Disadvantaged Business Enterprises

1. Is the MPO using a qualifications based selection process that is consistent with [2 C.F.R. 200.320 \(a-c\)](#), [Appendix II to Part 200 - Contract Provision](#), and [23 C.F.R. 172](#), and Florida statute as applicable?

**Please Check:** Yes  No

The TPA prescribes the procurement method and necessary requirements within the TPA Procurement Policy. In addition, procurement and finance staff review the procurements individually to determine appropriate competitive processes. Procurements are separated by purchase amount into three classes. (1) Procurements less than \$5,000 require multiple vendor quotes when applicable, (2) Procurements \$5,000 or greater and less than \$25,000 are accomplished through a Request for Services (RFS) or Request for Quotes (RFQ). Procurements in excess of \$25,000 are accomplished through Request for Proposals (RFP), Invitation of Bids (IFB), or CCNA procurement. Procurements of \$5,000 and above have clear evaluation criteria, selection criteria, and public notification procedures. The TPA also utilizes General Services Agreements (GSA) to fulfill operational needs in compliance with Federal procurement standards.

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

Note: this documentation is required by [2 C.F.R. 200.325](#) to be available upon request by the Federal awarding agency, or pass-through entity when deemed necessary.

**Please Check:** Yes  No

The TPA maintains a complete record of rationale, submissions, evaluations, selections, public notices, and meeting recordings for procurements in excess \$5,000 and above. Smaller scale procurements contain cost comparisons in the associated files. Exempt procurements are contained within a file with all procurement notes, evaluations, justifications, and contracts.

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

**Please Check:** Yes  No

The TPA has an agreement with the Broward MPO for health insurance services and an agreement with the Florida League of Cities to participate in the Florida Municipal Trust Fund's 457b Deferred Compensation Plan.

4. 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

The TPA maintains Vendor Contract Summaries to track work orders and manage payments. In addition, the TPA uses Work Orders with associated agreements and maintains a record of all deliverable work provided as part of the agreement/work order. The TPA has routine communications with vendors to review contract status.

5. Does the MPO's contracts include all required federal and state language from the MPO Agreement?

**Please Check:** Yes  No

All contracts include the necessary MPO agreement language.

6. Does the MPO follow the FDOT-approved Disadvantaged Business Enterprise (DBE) plan?

**Please Check:** Yes  No

The TPA cooperates with FDOT directives for DBE reporting and the FDOT DBE participation goals.

7. Are the MPOs tracking all commitments and payments for DBE compliance?

**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. When this system is available to MPOs, and training has been provided, the TPA will utilize the EOC reporting program.

8. The MPO must be prepared to use the Grant Application Process (GAP) to record their professional services contract information starting on July 1, 2022. Has the MPO staff been trained on the GAP system? If yes, please provide the date of training. If no, please provide the date by when training will be complete (Recordings are available on the FDOT Local Programs [webpage](#)).

**Please Check:** Yes  No

TPA staff received training on the use of GAP as it relates to submittal and monitoring of competitive project applications on August 19, 2021.

TPA staff also received training on the GAP system and EOC system on January 25, 2022.

The TPA has worked within the GAP system and modified its procurement process to incorporate this process. The implementation of the GAP reporting system has been delayed. The TPA requests that FDOT central office coordinate with all MPO's in the state in the design and implementation of the GAP/DBE reporting process at the statewide level.

9. 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:

**Disadvantaged Business Enterprises (DBE) and Prompt Payment.**

A. This Agreement is subject to the requirements of 49 CFR Part 26. As required by 49 CFR 26.13, the CONTRACTOR 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 CONTRACTOR 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 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.

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

The TPA, the CONTRACTOR, and the TPA's other contractors, shall take all necessary and reasonable steps to ensure disadvantaged businesses have an opportunity to compete for and perform the contract work of the TPA, in a non-discriminatory environment.

The TPA requires that the CONTRACTOR, and the TPA's other contractors, shall not discriminate on the basis of race, color, national origin, and sex, in the award and performance of this contract. The policy covers in part the applicable federal regulations and the applicable statutory references contained therein for the Disadvantaged Business Enterprise Program Plan, Chapters 337 and 339, Florida Statutes, and Rule Chapter 14-78, Florida Administrative Code.

B. Subcontracting Required Statement. Under 49 CFR 26.13(b), each subcontractor agreement signed by the CONTRACTOR must include the following assurance:

"The CONTRACTOR, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The CONTRACTOR shall carry out the applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the CONTRACTOR 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 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 CONTRACTOR from future contracts as non-responsible.

C. The CONTRACTOR shall include the statements set forth in paragraphs A. and B. above in each subcontract or sub-consultant contract it lets.

D. Race Neutral Achievement. In accordance with 49 CFR Part 26.21, and the FDOT DBE Program Plan, DBE participation on FHWA-assisted contracts must be achieved through race-neutral methods. The TPA is required to implement the FDOT DBE Program on any contracts with FHWA funds. FDOT operates a 100% race and gender-neutral DBE program. This means that FDOT's current overall goal of 10.65% may be achieved without the use of contract DBE goals.

1. The TPA will not require use of DBEs by the CONTRACTOR as a matter of contract, nor will it seek sanctions for failing to use DBEs.

2. The TPA will not use bidder DBE commitments to evaluate bidder proposals or to select the winning CONTRACTOR.

3. The TPA will not employ local or regional preferences in the evaluation or award of the contract.

4. The TPA is precluded from using any business program besides the FDOT DBE program. County or municipal small, minority or women's programs will not be used in award, evaluation or delivery of the contract.

E. Eligible DBE Participants. For the purpose of this Agreement, the TPA will accept only DBE's who are:

1. Certified, at the time of bid opening or proposal evaluation, by the FDOT DBE & Small Business Development Program at 850-414-4745; or

2. An out-of-state firm who has been certified by either a local government, state government or Federal government entity authorized to certify DBE status or a TPA whose DBE certification process has received FTA approval; or

3. Certified by another TPA approved by the FDOT.

F. Availability of Supportive Services. The TPA and FDOT are committed to

sustainability and growth of DBEs and other small businesses. The TPA urges the selected CONTRACTOR to make considered efforts to identify and use these firms. For assistance with locating DBEs, the CONTRACTOR may access the Florida DBE Directory. Further assistance may be obtained by contacting FDOT DBE supportive services provider at <https://www.fdotdbesupportservices.com/>, 866-378-6653. Supportive services are offered free of charge to DBEs and contractors/consultants.

#### G. DBE Reporting Requirements.

1. All bidders must provide Bidders Opportunity List information in the FDOT Equal Opportunity Compliance (EOC) System. Instructions for doing so are located on the FDOT website at [https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/content/equalopportunity/eoc-help/bidders-opportunity-list/report-bidders-list.pdf?sfvrsn=dde4e3b5\\_0](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/content/equalopportunity/eoc-help/bidders-opportunity-list/report-bidders-list.pdf?sfvrsn=dde4e3b5_0)
2. The selected CONTRACTOR must use the FDOT EOC system to report the use (or lack thereof) of DBEs. The CONTRACTOR must enter both its DBE commitments and subcontractor list in EOC. Instructions for doing so are located on the FDOT website at <https://www.fdot.gov/equalopportunity/eoc.shtml>.
3. The selected CONTRACTOR must access FDOT at least every thirty (30) days to update commitments and enter EOC payments. Instructions for doing so are located on the FDOT website at <https://www.fdot.gov/equalopportunity/eoc.shtml>.

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.

H. The CONTRACTOR 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 CONTRACTOR shall promptly do so, subject to acceptance of the new subcontractor by TPA. The CONTRACTOR shall notify the TPA immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation of such. The CONTRACTOR must obtain the TPA's representative's prior approval to substitute a DBE. The CONTRACTOR shall provide copies of new or amended subcontracts, or documentation of good faith efforts, as required by the TPA. If the CONTRACTOR 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.

I. The CONTRACTOR shall provide the TPA with a copy of the CONTRACTOR's contract with any subcontractor and any other related documentation requested by TPA's representative.

J. The CONTRACTOR 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 CONTRACTOR 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 CONTRACTOR 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.

K. Prior to receiving any progress payment due under this Agreement, the CONTRACTOR 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 CONTRACTOR in its performance of the Work, their pro-rata share(s) of the payment received by the CONTRACTOR from previous progress payments for all work completed and materials furnished in the previous period, less any retainage withheld by the CONTRACTOR pursuant to an agreement with a subcontractor for payment, as approved by the TPA and FDOT, and as deemed appropriate by TPA. The CONTRACTOR shall return all retainage payments withheld by the CONTRACTOR within thirty (30) days after each subcontractor's work has been satisfactorily completed. The CONTRACTOR shall not be entitled to any progress payment before certification, unless the CONTRACTOR 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.

L. Within thirty (30) days of the CONTRACTOR's receipt of any payment(s) received under this Agreement and any final progress payment received thereafter, the CONTRACTOR shall pay all subcontractors and suppliers having an interest in the Agreement or performing work or providing materials or supplies used by the CONTRACTOR in its performance of the Work, their pro-rata share(s) of the payment(s), unless the CONTRACTOR 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.

M. Cooperation with TPA Oversight: The TPA is responsible for conducting and

documenting oversight of the RFP, bidding process, award and delivery of the CONTRACTOR contract for compliance with civil rights authorities. This includes but is not limited to conducting Commercially Useful Function (CUF) reviews on all DBEs used by the selected CONTRACTOR (or the CONTRACTOR itself, if a DBE), and by reviewing payments and retainage to ensure subcontractors are paid promptly as defined in Section 5 D. The selected contractor will cooperate fully with TPA oversight efforts, as well as those instituted by FDOT and/or FHWA.

N. 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.

O. Sanctions for Noncompliance: The selected contractor is responsible for compliance with this section, both for itself and its subcontractor, if any. Failure to comply with any provision of this section is a material breach of contract and could result in sanctions taken by the MPO or the primary recipient, FDOT, including but not limited to termination of the contract; withholding progress or final payments; assessing liquidated damages; disqualifying the CONTRACTOR from future work; or referral of noncompliance determination(s) to the FDOT or USDOT Offices of Inspector General, if appropriate.

P. 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.

10. Are the MPO procurement packages (Project Advertisements, Notices to Bidders, RFP/RFQs, contract templates and related documents) and contracts free from geographical preferences or bidding restrictions based on the physical location of the bidding firm or where it is domiciled?

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

11. Are the MPO procurement packages (Project Advertisements, Notices to Bidders, RFP/RFQs, contract templates and related documents) and contracts free of points or award preferences for using DBEs, MBEs, WBEs, SBEs, VBEs or any other business program not approved for use by FHWA or FDOT?

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

12. Please identify all locally required preference programs applied to contract awards by local ordinance or rule that will need to be removed from Federal-Aid solicitations and contract.



- a)  Minority business
- b)  Local business
- c)  Disadvantaged business
- d)  Small business
- e)  Location (physical location in proximity to the jurisdiction)
- f)  Materials purchasing (physical location or supplier)
- g)  Locally adopted wage rates
- h)  Other: \_\_\_\_\_

13. Do the MPO contracts only permit the use of the approved FDOT race-neutral program?

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

14. Do the MPO contracts specify the race neutral or 'aspirational' goal of 10.65%?

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

15. Are the MPO contracts free of sanctions or other compliance remedies for failing to achieve the race-neutral DBE goal?

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

16. Do the MPO contracts contain required civil rights clauses, including:

- a. Nondiscrimination in contracting statement (49 CFR 26.13)
- b. Title VI nondiscrimination clauses Appendices A and E (DBE Nondiscrimination Assurance & 49 CFR 21)
- c. FDOT DBE specifications

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

## Part 1 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.

### Engage the Public

- Redesigned the TPA website to create a better user experience, greater ADA accessibility, easier navigation, tools and resources and a new meeting platform.
- Updated the TPA's bi-weekly newsletter to increase our open rate to an average of 34% and our click rate to an average of 2%, both being above the industry average.
- Increased public awareness of the TPA by securing media placements in dozens of television, radio and print stories and establishing new relationships with local reporters to continue coverage in the future. The TPA has a goal of 75 unique media placements by June 30, 2023, with this goal more than 50% complete.
- Expanded TPA social media presence by increasing followers and impressions across all platforms, with a goal of reaching 4,500 total followers and 30,000 average monthly impressions by June 30, 2023. The total followers has already surpassed 4,700 followers.
- Presented to various partner agencies and groups about the TPA's work, mission and vision including local municipalities, community groups, Palm Beach County League of Cities, Safe Kids Palm Beach County, Leadership Palm Beach County, the Business Development Board of Palm Beach County, and local Chambers of Commerce.
- Hosted an in-person workshop for the Okeechobee Boulevard & SR 7 Multimodal Corridor Study and completed various other in-person and virtual outreach efforts including riding the corridor to speak with Palm Tran riders, with the study concluding in December 2022.
- Completed a "Mobility Options" video to inform the public about the ways to get around Palm Beach County, including major transit options, first-last mile connections and more.

- Provided and promoted online transportation comment map to receive public comments and suggestions to improve the transportation system.
- Created a TPA Resources print brochure handout and landing page for partner agencies and the public to find transportation planning tools and resources: [www.palmbeachtpa.org/resources](http://www.palmbeachtpa.org/resources)

### **Plan the System**

- Revised the evaluation process for all pedestrian & bicycle fatal crashes on a quarterly basis to be more in line with FDOT and County Partners who conduct similar reviews. Reports are published on a quarterly basis for distribution to the TPA advisory committees and Governing Board. The implementation and coordination of the crash safety countermeasures is still being refined, although this new process will assist in identifying corridors necessary for such improvements. The reports create a sense of urgency and reminder of the significance of safety in all decisions.
- Conducted pedestrian and bicycle safety field reviews and created an interactive map to showcase the findings. Available at: [PalmBeachTPA.org/WalkBikeAudits](http://PalmBeachTPA.org/WalkBikeAudits)
- Completed the multimodal transportation studies on the Okeechobee Boulevard & SR 7 transit plan corridors and began work on other enhanced transit corridors identified in the Long Range Transportation Plan.
- Assisted with the installation of 1 new location for FDOT to install a continuous pedestrian and bicycle count station.
- Assisted the Village of Royal Palm Beach with the development of a Transportation Mobility Plan slated for adoption in 2023.
- Worked towards the update of the Complete Streets Design Guidelines (version 2) in collaboration with FDOT and Palm Beach County.
- Hosted two Downtown Intermodal Coordination Workshops in West Palm Beach to bring together stakeholder to discuss downtown issues related to transportation, housing, and economic development and identify potential solutions and strategies.
- Finalized an evaluation of existing SUN Trail corridors and their current conditions, as well as recommended new alignments based on existing facilities.
- Assisted North Palm Beach with a US 1 Lane Repurposing Study and Resolution to support formal application to FDOT for approval.

- Assisted the Towns of Juno Beach and Jupiter with a US 1 Roadway Configuration Study and analysis to construct bicycle lanes and shared-use paths along this roadway, including prioritization of funds and coordination with FDOT.
- Assisted the City of Lake Worth Beach with the US 1 Lane Repurposing Study, Public Outreach and will be assisting the City with the formal application to FDOT to complete the study. The TPA also conducted a safety analysis focused on utilizing roundabouts in Lake Worth Beach along SR-5.
- Assisted the City of Boca Raton by coordinating transportation improvements along Camino Real with Palm Beach County to close a bicycle lane gap between Downtown Boca Raton and A1A.
- Assisted the City of Belle Glade by coordinating transportation improvements to replace a closed pedestrian bridge located near Gove Elementary School with Palm Beach County.
- Assisted five local governments with the implementation of quiet zones along the FEC/Brightline Railroad.
- Led local Vision Zero initiatives, including advancing the TPA's Vision Zero Action Plan goals and encouraging 12 local municipalities to adopt Vision Zero Resolutions.
- Encouraged local municipalities to advance Complete Streets initiatives and projects to increase the network of sidewalks and bicycle facilities and enable safe access for all users. This included encouraging the Village of Wellington to adopt a Complete Streets Policy in 2022 and providing letters of support for TPA Board Members, City of Palm Beach Gardens Mayor Reed (2021-2022) and City of West Palm Beach Commissioner Fox (2022-2023), to participate in the National Complete Streets Champions Institute.

### **Prioritize Funding**

- Provided letter of support to TCRPC for their application to the US Economic Development Administration for funding to add pedestrian and bicycle amenities along the East Coast Greenway.
- Provided nineteen (19) letters of support for municipalities and partner agencies seeking federal discretionary grants.

### **Implement Projects**

- Engaged with stakeholders on 91 project reviews to promote TPA vision.
- Provided an online TIP layer during public review of the TIP and continued to maintain the TIP layer through adoption.

### **Collaborate with Partners**

- Organized and hosted a regional Safe Streets Summit with the Broward MPO and Miami-Dade TPO in February 2022 that was held in downtown Miami.
- Hosted walk and bicycle safety audits with community and government partners in the Pine Gardens South and Limestone Creek neighborhoods of Jupiter and at Rosenwald Elementary School in South Bay to identify pedestrian and bicycle safety concerns by experiencing the built environment and recording findings through an internet-browser based tool created in-house.
- Held a Mobility and Economic Development Panel with local business, transportation and government leaders to discuss the connection between transportation and future development in Palm Beach County.
- Hosted two Downtown Intermodal Coordination Workshops with local leaders to discuss upcoming projects, challenges, and solutions in West Palm Beach.
- Coordinated a local Florida Bicycle Month ride in March 2022, inviting elected officials, municipal staff, partner agencies and the public.
- Encouraged local agencies to adopt Florida Bicycle Month Proclamations, resulting in 13 local municipal adoptions, Palm Beach County's Board of County Commissioners and the TPA Governing Board.
- Participated in the National Love to Ride Challenge in May 2022 and the Florida Love Challenge in November 2022 to compete with partner agencies and ranked #1 for agency size in Florida for the most bicycle miles logged.
- Hosted Park(ing) Day with the West Palm Beach Downtown Development Authority to draw attention to various uses for activating on-street parking spaces.
- Hosted and participated in regional partner meetings including the Business Development Board of Palm Beach County, Leadership Palm Beach County, Palm Beach County, Federal Railroad Administration, Chambers of Commerce, etc.

- Collaborated with local transportation partners, transit agency leaders, and regional MPO Directors to present on regional, statewide, and national panels.
- Coordinated with agency partners to plan and participate peer exchanges, including visiting the Miami-Dade TPO alongside elected officials from Palm Beach County to learn about Miami-Dade's enhanced transit system and partnerships to advance multimodal facilities and transit-oriented development.
- Participated in FDOT District 4's Community Traffic Safety Team quarterly meetings, including making presentations and sharing information.
- Participated in the FDOT's Pedestrian Bicycle Safety Coalition as a member of the Vision Zero emphasis area.
- Collaborated with Palm Beach County School District to encourage walk and bicycle safety education in K-12 schools and celebrating bike rWalk & Bike to School Days.
- Hosted weekly meetings with FDOT to coordinate ongoing planning efforts.
- Hosted monthly coordination meetings with Palm Beach County Engineering.
- Hosted monthly coordination meetings with Palm Tran, the local fixed route and transportation disadvantaged Community Transportation Coordinator
- Hosted quarterly coordination meetings with SFRTA.

### **Administer the Agency**

- Maintained Bicycle Friendly Business and renewed Commuter Friendly Workplace designations.
- Continued to offer hybrid meeting options for TPA Board and advisory committees to provide easy public access to participate and provide public comment. All virtual meetings utilized the Zoom webinar platform with live closed captioning for greater accessibility.
- Adopted the FY 23 Strategic Plan with specific actions and outcomes based on TPA Board and advisory committee feedback.
- Hired and onboarded a FDOT Student Planning Intern, Staff Accountant, Transportation Planner, Multimodal Planner, Long Range Transportation Plan Coordinator, and Executive Director.

- Promoted and trained staff into the positions of Executive Assistant, Pedestrian & Bicycle Coordinator, Transit Coordinator, and Deputy Director of Multimodal.
- Renamed the Bicycle Trailways and Pedestrian Advisory Committee to the Vision Zero Advisory Committee to create a greater focus on safety.
- Provided learning opportunities for TPA staff and board members, including attendance at local workshops as well as regional, state, and national transportation planning conferences.

## Part 1 Section 6: MPO Comments

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

### Obligated Projects Listing

TPA staff recently put in a request for more information on federal obligated projects. The intent of the obligation list is to compare it to the programmed amounts for the fiscal year. However, it can be difficult to provide a clear understanding of programmed amounts and obligated amounts when obligations do not include state funding sources.

### TIP Amendment Requests

TIP amendments can be difficult to present to committees and Board without more detailed explanations in the letters as to why the amendment is necessary. More background on why a location changes, why costs increase, etc. would be beneficial. Our FDOT liaison is now providing more information when possible, but wanted to see if that can just be something that is brought up to all project managers seeking amendments.

### Transit programming in the work program and transit project status

It is still very difficult to coordinate with the transit partners to stay on top of what the FDOT work program is showing for transit funding verse what transit partners are programming. We have trouble tracking: funding programmed, funding obligated (in an account), funding spent, status of projects. If MPOs had access to FTA's Transit Award Management System (TrAMS) or if there was some other good tracking mechanism, that would be helpful.

### Local Agency Program project status

It can be difficult to keep an updated project status for locally administered projects. They do not follow the same scheduling system that is provided in the work program software. If the GAP program is going to have that ability, that would be highly beneficial for us.





**Palm Beach TPA**  
**Joint Certification 2022**  
**5/8/2023**

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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.

## 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 2 Section 10: Attachments allows you to embed any attachments to the certification, including the [MPO Joint Certification Statement](#) document that must accompany the completed certification report. Once all the appropriate parties sign the MPO Joint Certification Statement, scan it and attach it to the completed certification in Part 2 Section 10: 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.

## Risk Assessment Process

Part 2 Section 1: Risk Assessment evaluates the requirements described in [2 CFR §200.332 \(b\)-\(e\)](#), 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 §200.208.*

*(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 written confirmation from the subrecipient, highlighting the status of actions planned or taken to address Single Audit findings related to the particular subaward.*

*(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.*

*(4) The pass-through entity is responsible for resolving audit findings specifically related to the subaward and not responsible for resolving crosscutting findings. If a subrecipient has a current Single Audit report posted in the Federal Audit Clearinghouse and has not otherwise been excluded from receipt of Federal funding (e.g., has been debarred or suspended), the pass-through entity may rely on the subrecipient's cognizant audit agency or cognizant oversight agency to perform audit follow-up and make management decisions related to cross-cutting findings in accordance with section §200.513(a)(3)(vii). Such reliance does not eliminate the responsibility of the pass-through entity to issue subawards that conform to agency and award-specific requirements, to manage risk through ongoing subaward monitoring, and to monitor the status of the findings that are specifically related to the subaward.*

*(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.*

If an MPO receives a Management Decision as a result of the Single Audit, the MPO may be assigned the high-risk level.

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 2 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 Risk Assessment Scoring Sheet is available [here](#) on the MPO Partner Library. The frequency of review is based on the level of risk in **Table 1**.

**Table 1. Risk Assessment Scoring**

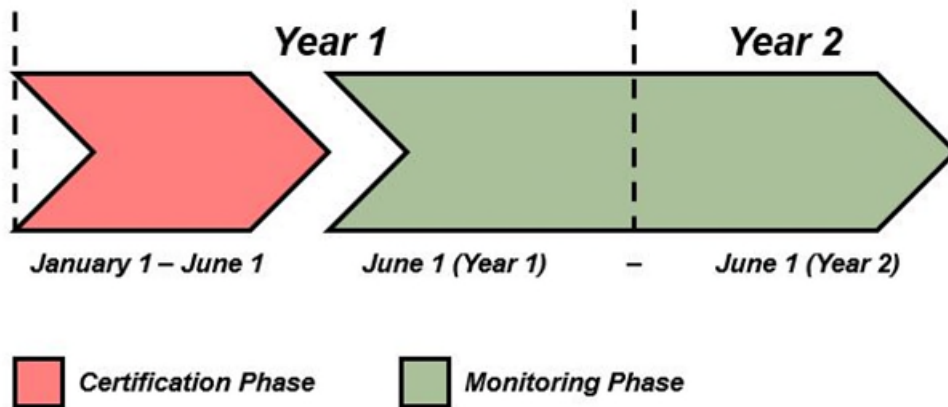
Score	Risk Level	Frequency of Monitoring
> 85 percent	Low	Annual
68 to < 84 percent	Moderate	Bi-annual
52 to < 68 percent	Elevated	Tri-annual
< 52 percent	High	Quarterly

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.

1. Certification phase: the first step is to complete this Risk Assessment during the joint certification review, which runs from January 1 to June 1 (*The red arrow in **Figure 1***). During this 6-month period, a Risk Assessment is performed assessing the previous calendar year.
2. Monitoring phase: After the joint certification review has been completed, the Risk Assessment enters the Monitoring phase, where the MPO is monitored for a 12-month period starting on June 1 (*The green arrow, Year 1 in **Figure 1***) and ending on June 1 of the following year (*The green arrow, Year 2 in **Figure 1***).

This process takes 18 months in total. On January 1 of each year, the new Certification phase will begin, which will overlap with the previous year’s Monitoring phase. **Figure 1** shows the timeline of Risk Assessment phases.

Figure 1. Risk Assessment: Certification and Monitoring Phases





## **Part 2**

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

## Part 2 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)
WAG103212	7/1/2021 – 10/31/2021	1/21/2022	NO
WAG103213	7/1/2021 – 12/31/2021	3/17/2022	NO
WAG103214	10/1/2021 – 1/31/2022	6/6/2022	YES
WAG103215	10/1/2021 – 3/31/2022	7/21/2022	YES
WAG103216	11/1/2020 – 6/30/2022	10/13/2022	YES
WAG103217	12/1/2021 – 6/30/2022	10/28/2022	YES
<b>MPO Invoice Submittal Total</b>			
<b>Total Number of Invoices that were Submitted on Time</b>			<b>2</b>
<b>Total Number of Invoices Submitted</b>			<b>6</b>

## MPO Invoice Review Checklist

List all MPO Invoice Review Checklists that were completed in the certification period in **Table 3** and attach the checklists to this risk assessment. 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.

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 UPWP revision number.
- Incorrect invoice number.

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

MPO Invoice Review Checklist	Number of Correct Materially Significant Finding Questions
WAG103212	7/7
WAG103213	7/7
WAG103214	7/7
WAG103215	7/7
WAG103216	7/7

<b>WAG103217</b>	<b>7/7</b>
<b>MPO Invoice Review Checklist Total</b>	
<b>Total Number of Materially Significant Finding Questions that were Correct</b>	<b>42/42</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** and attach the checklists and supporting documentation to this risk assessment. 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**

<b>MPO Supporting Documentation Review Checklist</b>	<b>Number of Correct Materially Significant Finding Questions</b>
<b>WAG103216</b>	<b>24/24</b>

MPO Supporting Documentation Review Checklist Total	
Total Number of Materially Significant Finding Questions that were Correct	24/24

*\*Note: There are 25 materially significant questions per MPO Supporting Documentation Review Checklist.*

### 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  N/A

### 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: 80%

Level of Risk: **Moderate**

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

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 and final LRTP and the LRTP checklist used by Central Office and the District are in the [MPO Document Portal](#) or attach it to Part 2 Section 10: 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
-----

## Part 2 Section 3: Transportation Improvement Program (TIP)

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 and final TIP and the TIP checklist used by Central Office and the District are in the [MPO Document Portal](#) or attach it to Part 2 Section 10: 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

FY22-26\_Final\_TIP\_Amendment\_1.pdf  
FY22-26\_Final\_TIP\_Amendment\_3-1.pdf  
FY22-26\_Final\_TIP\_Amendment\_4-1.pdf  
PBTPA – FY23-27\_Draft\_TIP. Pdf  
FY23-27\_TIP Final PBTPA.pdf  
FDOT Modification Request 7.29.2022 Complete Package  
FY23-27 Final TIP Amendment 1 Roll Forward Complete.pdf  
FY23-27 TIP Amendment 2 Complete Package.pdf  
FY23-27 TIP Amendment 3 Complete Package.pdf





## Part 2 Section 4: Unified Planning Work Program (UPWP)

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 and final UPWP and the UPWP checklist used by Central Office and the District are in the [MPO Document Portal](#) or attach it to Part 2 Section 10: 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

Palm Beach TPA FY 2023-2024 UPWP_draft 03022022.pdf
Palm Beach TPA FY 23-24 UPWP_Final (Adopted 20220519).pdf
Palm_Beach_TPA_FY_2023-2024_UPWP_draft 04282022.pdf
UPWP Checklist – Palm Beach TPA 20220428.pdf

## Part 2 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
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## **Part 2 Section 6: Technical Memorandum 19-03REV: Documentation of FHWA PL and Non-PL Funding**

Did the MPO identify all FHWA Planning Funds (PL and non-PL) in the TIP?

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

## Part 2 Section 7: MPO Procurement and Contract Review

To evaluate existing DBE reporting requirements, choose one professional services procurement package and contract between the MPO and a third party to answer the following questions. If the answer to any of the questions is no, there is no penalty to the MPO. FDOT is using this information to determine technical support and training for the MPOs. Any new procurements after July 1, 2022 must be compliant with the existing DBE reporting requirements.

1. Are the procurement package (Project Advertisements, Notices to Bidders, RFP/RFQs, contract templates and related documents) and contract free from geographical preferences or bidding restrictions based on the physical location of the bidding firm or where it is domiciled?

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

2. Are the procurement package (Project Advertisements, Notices to Bidders, RFP/RFQs, contract templates and related documents) and contract free of points or award preferences for using DBEs, MBEs, WBEs, SBEs, VBEs or any other business program not approved for use by FHWA or FDOT?

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

3. Does the contract only permit the use of the approved FDOT race-neutral program?

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

4. Does the contract specify the race neutral or 'aspirational' goal of 10.65%?

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

5. Is the contract free of sanctions or other compliance remedies for failing to achieve the race-neutral DBE goal?

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

6. Does the contract contain required civil rights clauses, including:
- a. Nondiscrimination in contracting statement (49 CFR 26.13)
  - b. Title VI nondiscrimination clauses Appendices A and E (DBE Nondiscrimination Assurance & 49 CFR 21)
  - c. FDOT DBE specifications

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

## Part 2 Section 8: 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(s), 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.

1. The Florida Transportation Plan (FTP) embraces a vision of how our transportation system meets the changing needs of our state. It also focuses on how we can work together to accomplish these seven goals:
  - a. Safety for all modes of transportation;
  - b. Maintaining infrastructure;
  - c. Enhance mobility;
  - d. Expand transportation choices;
  - e. Invest in the economy;
  - f. Support quality places and communities; all while
  - g. Minimizing impacts on the environment. In CY 2022, explain how and where the following were addressed and incorporated:
    - Safety
    - Enhanced Mobility
    - Resiliency and Sustainability
    - Autonomous, Connected, Electric, and Shared (ACES) mobility opportunities and impacts.

How did the MPO work with their partners to address/incorporate the four (4) above goals?

### Safety

- Continued to advance Vision Zero initiatives and encourage partner agencies to adopt Vision Zero resolutions and pursue Vision Zero Action Plans. So far, twelve (12) local municipalities have adopted a Vision Zero resolutions committing to safety.
- Updated the TPA's Quarterly Crash Reports to be more in-line with the SHSP and with Palm Beach County.
- Worked to prioritize the implementation of enhanced bicycle and pedestrian facilities on multiple FDOT roadways including US-1 in Juno Beach, Jupiter, Lake Worth Beach, and North Palm Beach, Lake Worth Beach Road (FL802), Florida A1A, on a continuing and collaborative basis.
- Participated in the FDOT D4 Community Traffic Safety Team Meetings and the Statewide Pedestrian Bicycle Safety Coalition.
- Reviewed FDOT and local projects to incorporate greater safety treatments for vulnerable non-motorized users.
- Continued to have discussions with partners regarding the appropriate type of bicycle facility that is safe and encourages bike use.

- Supported discretionary grant applications for local transportation safety plans and projects.

#### Enhanced Mobility

- Continue to focus and prioritize safe and convenient transportation options to shift to alternative modes of transportation.
- Coordinated with FDOT, Palm Beach County, and Palm Tran on transit signal prioritization and enhanced transit shelters.
- Collaborated with transit agencies, transportation planning partners, and local municipalities to raise awareness of local mobility options, including the creation of a Mobility Options Video, hosting and promoting active transportation events, coordinating walk and bike safety audits, and participating in mobility studies and presentations.

#### Resiliency and sustainability:

- The TPA continues to monitor the progress of the Broward MPO SLR corridor studies to see how the TPA can implement similar studies.
- Staff participated in the creation of the North Palm Chamber Disaster Resiliency Action Plan.
- Staff integrated a greater focus on resiliency and sustainability in the scope for the upcoming 2050 LRTP.

#### ACES opportunities and impacts:

- Programmed TPA funding for Palm Tran electric vehicles and charging stations. Funding is set for FY 2024 and FY 2026.
- Coordinated with Palm Beach County Resiliency office and FDOT on the designated alternative fuel corridors.
- Included ACES needs analysis in the 2050 LRTP scope.

Included ACES in a potential scenario for the 2050 Regional Transportation Plan scope.

2. How will the TPA plan and partner with FDOT in identifying state/on-system facility needs, to develop projects, and incorporate them into the variety of TPA planning documents (i.e.: LRTP, LOPP, TIP, etc.)?

- The TPA has partnered with FDOT to analyze multiple state and on-system improvements for inclusion into the LRTP, LOPP, and TIP. This includes corridor studies for major transit investments and minor events such as walk/bike audits to identify minor improvements. Example projects and coordination for project development include:

- US-1 Corridor Study Improvements: Lane Repurposing in Lake Worth Beach; Roadway Reconfiguration in Juno Beach, Jupiter, North Palm Beach, and Boca Raton; Transit Signal Priority; Enhanced Bus Shelters.
- The TPA completed the Okeechobee Boulevard and SR-7 Multimodal Corridor Study that provided recommendations for future transit investment. The next step is an FDOT feasibility study in FY 2025, Transit Signal Prioritization in FY 2024, and enhanced transit shelters in FY 2025-26.
- The TPA is also committed to studying and proposing enhancements to the 561 Plan Corridors, which primarily consist of FDOT roadways as identified in the Long Range Transportation Plan. The future projects will be included in the LRTP and prioritized in the LOPP.
- FDOT continues to provide notice of upcoming resurfacing projects that may be entering the work program to allow TPA staff early feedback to potentially include additional items in the scope.

3. Describe the MPO's relationship between FDOT and other partner agencies (i.e.: Palm Beach County, SFRTA, Local Municipalities, etc.) over the past year (2022). What collaboration efforts have take place? What is working well? What areas have been improved from the previous year? What ideas/coordination could be identified to enhance the relationships?

#### **SFRTA**

- The TPA continues to work closely with SFRTA and Palm Tran on transit planning and coordination efforts. The TPA holds quarterly leadership coordination meetings with SFRTA to touch base on transit planning initiatives and status of TPA funded projects. TPA staff also serves on SFRTA's Planning Technical Advisory Committee and ADA Advisory Committee. TPA staff also works with SFRTA on updates to their agency Transit Development Plan (TDP) and coordinates to include agency targets in the TPA's Transportation Improvement Program (TIP). The TPA is currently evaluating the Tri-Rail Extension to the Veterans Affairs Complex, and Tri-Rail Coastal Link cost estimates with the SFRTA to understand the total costs of



expanding the existing service. The TPA collaborates with SFRTA to support discretionary grant applications and prioritize funding for projects such as new rail vehicles, completion of the SFRTA Northern Layover Facility, and access to transit safety improvements..

### **Palm Tran**

- The TPA continues to work closely with Palm Tran on multimodal corridor planning studies and advancing funding and implementation for the transit and first last mile connections identified in these studies. The TPA holds monthly leadership coordination meetings with Palm Tran to touch base on transit planning initiatives and status of TPA funded projects. TPA staff also works with Palm Tran on updates to their agency TDP and coordinates to include agency targets in the TPA's TIP. In 2022, the TPA concluded a multimodal corridor planning study for Okeechobee Boulevard and SR 7, including transit supportive land use analysis, roadway and transit alternatives as well as a health impact assessment. These corridors are identified as enhanced transit corridors in the TPA's 2045 LRTP as the "561 Plan" that was developed in coordination with Palm Tran. The TPA collaborates with Palm Tran to support discretionary grant applications and prioritize funding for projects such as electric buses, transit shelters, TSP, and access to transit safety improvements.
- The TPA also works closely with Palm Tran Connection to administer the Palm Beach Transportation Disadvantaged Local Coordinating Board meetings and planning grant activities per the Florida Commission for Transportation Disadvantaged (CTD) requirements, including developing and annually updating the Transportation Disadvantaged Service Plan (TDSP), performing an annual evaluation of Palm Tran Connection's service, and reviewing and approving the Annual Operating Report (AOR) and Annual Expenditures Report (AER).
- Challenges with local partners and advancing pedestrian, bicycle and transit projects have included a reluctance to adopt new standards for comprehensive plan amendments or engineering standards that would encourage mode shift and create safe, multimodal facilities. Other challenges include turn over in staff / continuation of knowledge, change in leadership, lack of local funding for operations, and buy-in / competing interests from the County leadership level for roadway expansion projects (vehicle throughput) vs. (people throughput and safety first). TPA staff have

scheduled bi-weekly meetings with the new planning manager at Palm Tran to coordinate more closely on local planning studies and transit initiatives.

- For the 561 Plan corridor studies and overall refined countywide mobility vision, the TPA will involve local municipalities, health partners, transit agencies, FDOT, the County, Chambers of Commerce, major landowners, and local colleges to participate as key stakeholders in advancing a locally preferred alternative for each corridor.
- Moving forward, the TPA plans to work closely with municipalities, transit agencies, and local partners to tie in land use in the evaluation of corridor studies to support transit and first-last mile connections as well as develop a countywide mobility vision that incorporates local mobility desires that connect to the 561 Plan of regional enhanced transit corridors.

### **Local Government**

- The TPA works closely with Palm Beach County and its municipalities to provide planning support, resources, and coordination on projects that advance the TPA's vision of a safe, efficient, and connected multimodal transportation system. The TPA has assisted local municipalities in creating local mobility plans, evaluating upcoming roadway projects for Complete Streets improvements, and developing Complete Streets and Vision Zero policies. In addition, the TPA organizes and participates in educational and encouragement events throughout the year to engage local municipalities, including local workshops and regional summits, bicycle safety education webinars, bike rides and walk to school day events, mobile tours, and transit peer exchanges.
- Challenges to advance Vision Zero and Complete Streets projects include changes in local agency staffing, lack of staff time to devote to initiatives, and getting local buy-in for these types of projects and initiatives while the county continues to experience population growth and congestion. The TPA continues to work closely with local municipalities to help overcome challenges and shift to mobility solutions that enable people of all ages and abilities access and use the transportation system in a safe and efficient way. The TPA also works with its consultants to help provide local municipalities visuals of proposed improvements to educate and gain buy-in for multimodal facilities.

- Over the past year, the TPA provided several letters of support to local municipalities, the county, and transit agencies for discretionary grants for transportation projects and local Vision Zero Action Plans. The TPA plans to continue to share grant opportunities with local agencies and support those applications that align with the TPA's goals and vision. The TPA would like to explore the possibility of serving as the lead or co-applicant for discretionary grants to help local municipalities and partner agencies, when feasible.

#### **FDOT**

- TPA and FDOT communication and collaboration continue to improve. There is now a weekly reoccurring coordination meeting that has been helpful and the TPA Executive Director meets quarterly with FDOT D4 Secretary to discuss any issues and opportunities for collaboration.
- Requests for amendments to the TIP have become more streamlined and there has been less back and forth in understanding the requests.
- There was confusion on the funding programmed in FDOT's Draft Tentative Work Program (DTWP). Having a glimpse into how the funding is being programmed, even in an early draft form, would be beneficial. It can be difficult to review the DTWP in its entirety before it gets put into an agenda packet. It was very beneficial to receive the excel raw data of the projects. It helps in providing a timely review.

FDOT district meetings with MPOs have been helpful in sharing best practices, discussing areas of concern, and for additional training as needed.

## **Part 2 Section 9: 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. The District may identify recommendations and corrective actions based on the information

in this review, any critical comments, or to ensure compliance with federal regulation. The corrective action should include a date by which the problem must be corrected by the MPO.

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

During the previous year certification, it was recommended that the TPA only submit 1 reimbursement invoice at a time. The TPA has made certain that only one invoice is open at a time and that no invoices are submitted while an amendment/modification is under review.

### Recommendations

1. FDOT District 4 is assigning an “Elevated” Level of Risk for the Palm Beach TPA, with a Tri-Annual Frequency of Monitoring. This designation means 3 invoices from the 4 quarters of the Calendar year (CY) 2023 will require a full review by FDOT to evaluate compliance with Federal statutes, regulations, and terms and conditions of the current Agreement. Results will be included in next year’s Joint Certification process. This Level of Risk is based on the following:
  - Results from the CY 2022 invoice review – These reviews included invoice submittal dates/invoicing period, invoicing frequency (monthly versus quarterly), document accuracy, etc.;
  - Staff turnover – At the time of this Joint Certification Review, the Chief Financial Officer is no longer with the TPA and the remaining finance staff are fairly new additions to the TPA’s staff with little experience in preparing the invoices and progress reports;
  - CY 2022 UPWP amendments and modifications – Timeliness, complexity of revisions, frequency, completeness, methods, etc.;
  - 2021 Single Audit Review results provided in CY 2022 – The result of the Single Audit Review was for a “High” Level of Risk and was supported by Management Decision in the letter dated October 3, 2022; and
  - Missing checks – Due to the December 15, 2022, Mail Theft checks were stolen which were part of the Federal “PL” grant. Investigations are ongoing.
2. More frequent District monitoring will assist with identifying potential areas for improvements, e.g., accuracy, timely invoice submittals, maintaining proper documentation in support of invoices, etc. The FDOT District 4 MPO Liaison will continue weekly meetings with the TPA Finance staff (for as long as necessary) in calendar year 2023 to assist with training and answer questions about the UPWP and invoicing processes, and to ensure timely, accurate, and complete submittal of invoices and UPWP revisions (amendments/modifications), or to provide time extensions when needed.

3. The weekly coordination meetings between the TPA and the District 4 Planning team will continue. These have been extremely beneficial in facilitating communication, planning, and coordination of discussion items and projects with stakeholders (external departments, agencies, and municipalities).
4. The Department would like to emphasize the importance of meeting collectively to find the best solution to accurately account for regional activities within the UPWP and ultimately with invoice processing. Recommendations to meet with FDOT-D4, Broward MPO, and Miami-Dade TPO prior to the development of the next UPWP to work through the necessary details.
5. The Department appreciates the Palm Beach TPA's involvement with the collective planning and meeting the goals for safe and efficient mobility for Floridians.

**Corrective Actions**

N/A

**Part 2 Section 10: Attachments**

Please attach any documents required from the sections above or other certification related documents here or through the [MPO Document Portal](#). Please also sign and attached the [MPO Joint Certification Statement](#).

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

N/A

FLORIDA DEPARTMENT OF TRANSPORTATION  
**MPO JOINT CERTIFICATION STATEMENT**

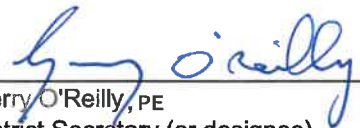
525-010-05c  
POLICY PLANNING  
02/18

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


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

Included in this certification package is a summary of noteworthy achievements by the MPO, attachments associated with these achievements, and (if applicable) a list of any recommendations and/or corrective actions. The contents of this Joint Certification Package have been reviewed by the MPO and accurately reflect the results of the joint certification review meeting held on February 13, 2023.

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

  
\_\_\_\_\_  
Name: Gerry O'Reilly, PE  
Title: District Secretary (or designee)

6-1-23  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Name: Valerie Neilson  
Title: Palm Beach TPA Executive Director

05/12/2023  
\_\_\_\_\_  
Date

FLORIDA DEPARTMENT OF TRANSPORTATION  
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**DEBARMENT and SUSPENSION CERTIFICATION**

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

- (1) The Palm Beach TPA hereby certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
  - (b) Have not, within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction, violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses listed in paragraph (b) of this certification; and
  - (d) Have not, within a three-year period preceding this certification, had one or more public transactions (federal, state or local) terminated for cause or default.
- (2) The Palm Beach TPA also hereby certifies that if, later, it becomes aware of any information contradicting the statements of paragraphs (a) through (d) above, it will promptly provide that information to the U.S.D.O.T.



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Title: Palm Beach TPA Executive Director

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**LOBBYING CERTIFICATION for GRANTS, LOANS and COOPERATIVE AGREEMENTS**

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

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



Name: Valerie Neilson

Title: Palm Beach TPA Executive Director

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**DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION**

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

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

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



\_\_\_\_\_  
Name: Valerie Neilson  
Title: Palm Beach TPA Executive Director

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**TITLE VI/ NONDISCRIMINATION ASSURANCE**

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

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

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

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



Name: Valerie Neilson  
Title: Palm Beach TPA Executive Director

05/12/2023

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**APPENDICES A and E**

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

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

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- (6) **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (7) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Florida Department of Transportation to enter into such litigation to protect the interests of the Florida Department of Transportation, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.
- (7) **Compliance with Nondiscrimination Statutes and Authorities:** Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq)