

Northeastern Pennsylvania Metropolitan Planning Organization (MPO) Documentation of Self Certification Process for 2019-2022 Transportation Improvement Program

The Northeastern Pennsylvania Metropolitan Planning Organization (NEPA MPO) has certified that the metropolitan transportation planning process is being carried out in accordance with all applicable federal requirements and that the local process to enhance the participation of the general public, including the transportation disadvantaged, has been followed in developing the Transportation Improvement Program (TIP) and the Long Range Transportation Plan (LRTP). Below is the documentation for the self certification process.

Requirement

WHEREAS, 23 CFR Part 450.336 specifies that, concurrent with submittal of a proposed TIP to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) as part of the State TIP (STIP) approval, Metropolitan Planning Organizations (MPOs) shall certify that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements; and

Certification Documentation

The NEPA MPO's Self Certification Resolution was endorsed by the NEPA MPO Technical Planning Committee and adopted by NEPA MPO Policy Board at a joint meeting held on July 17, 2018. The resolution certifies that the metropolitan transportation planning process is being carried out in accordance with all applicable federal requirements and that the local process to enhance the participation of the general public, including the transportation disadvantaged, has been followed in developing the Transportation Improvement Program (TIP) and the Long Range Transportation Plan (LRTP).

Requirement

WHEREAS, Section 134 of Title 23 USC, 49 USC 5303, and 23 CFR Part 450 set forth the national policy that the MPO designated for each urbanized area is to carry out a continuing, cooperative, and comprehensive multimodal transportation planning process, including the development of an LRTP and TIP, and establish policies and procedures for MPOs to conduct the metropolitan planning process; and

Certification Documentation

At a joint meeting held on July 17, 2018 the NEPA MPO Technical Planning Committee endorsed the 2019-2022 Transportation Improvement Program Amendments and Administrative Actions MOU which was then adopted by the NEPA MPO Policy Board. The MOU establishes a set of procedures to be used in the Commonwealth of Pennsylvania for processing modifications to the 2019-2022 Statewide Transportation Improvement Program (STIP) and MPO/RPO TIPs. This statutory requirement is also addressed in the NEPA MPO Operational

Procedures and ByLaws (October 2, 2013) and MPO designation Resolutions adopted by the NEPA MPO counties (March 2013). The NEPA MPO Summary of Project Selection Process for the 2019-2022 TIP was included in the TIP submission packet.

Requirement

WHEREAS, the TIP continues to be financially constrained as required by 23 CFR Part 450.326(j) and FTA policy on the documentation of financial capacity, published in FTA Circular 7008.1A; and

Certification Documentation

In accordance with the 2019-2022 NEPA MPO Administrative Actions and Amendments Guidelines and Memorandum of Understanding (page 6), any administrative actions or amendments to the 2019-2022 TIP must take place through a fiscal constraint chart. All revisions must maintain year-to-year fiscal constraint for each of the four years of the STIP/TIP. Furthermore, separate Transit Fiscal Capacity Reports were prepared by the Carbon County Community Transportation (CCCT) Monroe County Transportation Authority (MCTA) Schuylkill Transportation System (STS), were posted for review and submitted as part of the NEPA MPO 2019-2022 TIP.

Requirement

WHEREAS, the requirements of Sections 174 and 176(c) and (d) of the Clean Air Act as amended [42 U.S.C. 7504, 7506(c) and (d)] and 40 CFR Part 93 have been met for non-attainment and maintenance areas; and

Certification Documentation

An air quality conformity analysis was conducted for the County of Carbon which has been designated as an ozone nonattainment area under EPA's 2008 eight-hour ozone standard.

On February 16, 2018, the U.S. Court of Appeals for the D.C. Circuit issued a decision in *South Coast Air Quality Management District v. EPA* addressing air quality requirements for former 1997 ozone areas, and Monroe County was maintenance for the 1997 ozone standard at the time the 1997 ozone revocation in 2015. Air quality analysis and conformity determination reports addressing air quality significant projects within Monroe and Carbon on the 2019-2022 TIP have been prepared in accordance with the 1997 ozone standard.

As part of the TIP adoption process, at a joint meeting held on July 17, 2018 the NEPA MPO Technical Committee endorsed the Air Quality Conformity Resolution. Subsequently, the NEPA MPO Policy Board adopted the Air Quality Conformity Resolution. The Air Quality Conformity Resolution authorizes the adoption of the Air Quality Conformity Analysis reports for Monroe County and Carbon County. The Air Quality Conformity Analysis determined that the air quality significant projects in Monroe and Carbon counties that are included in the 2019-2022 TIP and LRTP conform to the Clean Air Act Amendments of 1990.

This conformity determination demonstrates that the requirements of 40 CFR Part 93 are met. The Air Quality Conformity Analyses for Carbon County and Monroe County and the Air Quality Conformity Resolution were included in the TIP submission packet.

Requirement

WHEREAS, the requirements of Title VI of the Civil Rights Act of 1964 as amended (42 USC 2000d-1) and 49 CFR Part 21; 49 USC 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex or age in employment or business opportunity; The Older Americans Act, as amended (42 USC 6101), prohibiting discrimination on the basis of age in programs or activities receiving federal financial assistance; 23 USC Section 324, prohibiting discrimination based on gender; Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the Americans with Disabilities Act of 1990 (42 USC 12101 et seq.), and 49 CFR Parts 27, 37, and 38, regarding discrimination against individuals with disabilities have been met; and

Certification Documentation

All of the NEPA MPO meetings, including the public hearing for the 2019-2022 TIP, are advertised with information about special accommodations for individuals with disabilities or individuals requiring language services. The advertisement is also translated into Spanish and Polish which is in compliance with the NEPA MPO Public Involvement Plan which was adopted in November 2016 and includes a Limited English Proficiency (LEP) plan. NEPA Alliance includes provisions in all contracts requiring compliance with the cited Title VI, ADA and Non-Discrimination statutes. In a review letter dated January 24, 2017, NEPA was deemed in full compliance with the above statutes and cited with several commendations as “Best Practices” by PennDOT Bureau of Equal Opportunity reviewers.

Requirement

WHEREAS, the requirements of Section 1101(b) of the Fixing America’s Surface Transportation (FAST) Act (Public Law 114-357) and 49 CFR Part 26 regarding the involvement of disadvantaged or minority business enterprises in FHWA-funded planning projects and FTA-funded projects have been met; and

Certification Documentation

NEPA had one subcontract in 2017-2018 for a consultant for the Jim Thorpe Parking Analysis and Complete Streets Evaluation. Language was included in the Request for Qualifications solicitation regarding Small and/or Certified Minority & Women Owned or Disadvantaged Business Enterprises. A list of appropriate DBE, W/MBE and veteran owned enterprises were contacted as part of the procurement process. The contract was awarded to Chance Management Advisors, a woman-owned business enterprise.

Requirement

WHEREAS, the provisions of 23 CFR Part 230, regarding the implementation of an equal employment opportunity program on federal and federal-aid highway construction contracts have been addressed; and

Certification Documentation

All requirements for EEO contract provisions and compliance involving Federal Aid Highway construction are addressed by PennDOT Districts and Central Office personnel.

Requirement

WHEREAS, the requirements of Executive Order 12898 (Federal Order to Address Environmental Justice in Minority Populations and Low Income Populations) have been met; and

Certification Documentation

The NEPA MPO completed an Environmental Justice Benefits and Burdens Analysis as part of the 2019-2022 TIP process. The analysis was included in the TIP submission package. The greater Environmental Justice and, Benefits and Burdens Plan is an integral part of the NEPA MPO's Public Involvement Plan which was adopted in November 2016 and also reviewed and deemed in compliance in January 2017 by PennDOT Bureau of Equal Opportunity reviewers.

Requirement

WHEREAS, the provision of 49 CFR Part 20 prohibiting recipients of federal funds from using those funds for lobbying purposes has been met; and

Certification Documentation

An officer of NEPA alliance has signed the Lobbying Certification Form "Exhibit K" dated March 30, 2016 of the Open-End Master Agreement between the Northeastern Pennsylvania Alliance and the Commonwealth of Pennsylvania Department of Transportation.