

WILMAPCO Council

Action Item Summary Sheet

Meeting Date: March 11, 2021

Action Item #9: To Certify the Metropolitan Transportation Planning Process for FY 2022

Description/Summary of Item: According to federal regulation (23 CFR Part 450.336), WILMAPCO is required to prepare a self-certification of the metropolitan planning process. Staff will present the draft self-certification for FY 2022 including documentation, showing how we are addressing all federal requirements of the metropolitan transportation planning process.

Summary of Action Taken by PAC: The PAC did not take action on this item.

Summary of Action Taken by TAC: At the February 18 meeting, the TAC recommended that Council certify the metropolitan transportation planning process for FY 2022.

Summary of Action Taken by Subcommittee/Task Force (if applicable):

No action taken

WILMAPCO Staff Recommendations: Staff recommends that Council certify the metropolitan transportation planning process.

Wilmington Area Planning Council

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DRAFT **RESOLUTION**

BY THE WILMINGTON AREA PLANNING COUNCIL CERTIFYING THE METROPOLITAN TRANSPORTATION PLANNING PROCESS FOR FISCAL YEAR 2022

WHEREAS, the Wilmington Area Planning Council (WILMAPCO) has been designated the Metropolitan Planning Organization for Cecil County, Maryland and New Castle County, Delaware by the Governors of Maryland and Delaware, respectively; and is responsible for the performance of the transportation planning process in the Wilmington Urbanized Area; and

WHEREAS, it is the responsibility of WILMAPCO to ensure that said policy, planning, and programming process is consistent with applicable Federal Law; and

WHEREAS, the USDOT Fixing America's Surface Transportation (FAST) Act legislation and Continuing Resolution require WILMAPCO to certify that its transportation planning process is in conformance with regulations; and,

WHEREAS, the Federal Regulations for metropolitan transportation planning in 23 CFR 450.336 state that the State(s) and the MPO shall certify to the FHWA and the FTA that the planning process is addressing the major issues facing the area and is being conducted in accordance with all applicable requirements of:

- (1) 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart;
- (2) In nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
- (3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- (4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex or age in employment or business opportunity;
- (5) Section 1101 (b) of the FAST Act –Pub. L. 114-357 and 49 CFR Part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- (6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- (7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) and 49 CFR parts 27, 37, and 38;
- (8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- (9) Section 324 of title 23, U.S.C., regarding the prohibition of discrimination based on gender; and
- (10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

NOW, THEREFORE, BE IT RESOLVED, that WILMAPCO does hereby certify that the planning process is being carried on in conformance with all applicable requirements.

BE IT FURTHER RESOLVED, that WILMAPCO does hereby request that the Maryland and Delaware Departments of Transportation join this certification, as signified by their signatures on the attached, and forward this joint self-certification to both FHWA and FTA.

Date:

John Sisson, Chairperson
Wilmington Area Planning Council



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**METROPOLITAN TRANSPORTATION PLANNING PROCESS
SELF-CERTIFICATION**

(To be submitted with each Metropolitan Transportation Improvement Program)

The Maryland Department of Transportation and the Delaware Department of Transportation and the Wilmington Area Planning Council (WILMAPCO), the metropolitan planning organization for the Wilmington urbanized area, hereby certify that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

- 1) 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart;
- 2) In nonattainment and maintenance areas, sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506(c) and (d)) and 40 CFR part 93;
- 3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- 4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- 5) Section 1101(b) of the FAST Act (Pub. L. 114-357) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in DOT funded projects;
- 6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- 7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
- 8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- 9) Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- 10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

**Wilmington Area Planning
Council**

**Maryland Department of
Transportation**

**Delaware Department of
Transportation**

Signature

Signature

Signature

Tigist Zegeye
Printed Name

Gregory Slater
Printed Name

Nicole Majeski
Printed Name

Executive Director
Title

Secretary
Title

Secretary
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Date

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Self-Certifications

Summary of Statutory Requirements

Metropolitan Planning

The State and the MPO shall certify to FHWA and FTA at least every four years that the planning process is addressing major issues facing their area and is being conducted in accordance with all applicable transportation planning requirements. The planning process will undergo joint review and evaluation by FHWA, FTA, and State DOT to determine if the process meets requirements.

The process for developing the MTPs and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

[23 CFR 450.336; U.S.C. Title 23, Sec. 134, and U.S.C. Title 49, Ch. 53, Sec. 5303]

WILMAPCO Actions

WILMAPCO (Wilmington Area Planning Council) is the metropolitan planning organization (MPO) for Cecil County, Maryland and New Castle County, Delaware. As the MPO, we are required by the federal government to bring local government, state transportation agencies and the public into the transportation decision making process. A range of stakeholders come together through WILMAPCO to develop:

- Regional Transportation Plan (RTP), <http://www.wilmapco.org/rtp/>
- Congestion Management System (CMS), <http://www.wilmapco.org/cms/>
- Unified Planning Work Program (UPWP), <http://www.wilmapco.org/upwp/>
- Transportation Improvement Program (TIP), <http://www.wilmapco.org/tip/>
- Performance Based Planning through the regional progress report and TIP Appendix H, <http://www.wilmapco.org/regional-progress-report/> and <http://www.wilmapco.org/tip/>
- Public Participation Plan, <http://www.wilmapco.org/ppp/>

Planning is done using a collaborative process that fosters involvement by the public and stakeholders, informs transportation decisions, reflects community's vision, goals and objectives, considers a variety of alternative strategies and a diverse set of concerns, and accounts for all forms of transportation and their impacts. Guidance is provided through the Technical Advisory Committee and its subcommittees, and the Public Advisory Committee.

Measures prohibiting discrimination and exclusion, and requiring equal opportunity

Title VI, Civil Rights Act of 1964

Title VI prohibits exclusion from participation in, denial of benefits of, and discrimination under Federally assisted programs on grounds of race, color, or national origin. Title VI assurance regulations were also executed by each State, prohibiting discrimination on the basis of sex or disability.

[23 U.S.C. 324 and 29 U.S.C. 794]

Disadvantaged Business Enterprises (DBE)

The DBE program ensures equal opportunity in transportation contracting markets, addresses the effects

of discrimination in transportation contracting, and promotes increased participation in Federally-funded contracts by small, socially and economically disadvantaged businesses, including minority- and women-owned enterprises. The statute provides that at least 10 percent of the amounts made available for any Federal-aid highways, mass transit, and transportation research and technology program be expended with certified DBEs.

[Section 1101(b) of the FAST Act (Pub. L. 114-357); CFR 49, Subtitle A, Part 26]

Americans with Disabilities Act of 1990 (ADA)

Programs and activities funded with Federal dollars are prohibited from discrimination based on disability. Compliance with the applicable regulations is a condition of receiving Federal financial assistance from the DOT.

Older Americans Act

Confirms opportunity for employment with no discriminatory personnel practices because of age. Also, the Older American Act Amendments of 2006 included provisions relating to transportation in Title III-B (Grants for State and Community Programs on Aging, Title IV [Technical Assistance and Innovation to Improve Transportation for Older Individuals], Title V [Senior Community Service Employment Program], and Title VI [Native American Aging Programs].

[Pub. L. 89-73, as amended, and 42 U.S.C. 6101]

Section 324 of 23 U.S.C.

No one on the basis of gender shall be denied participation in or benefits of any program or activity receiving Federal assistance under Title 23.

Rehabilitation Act of 1973

This law protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency, including the U.S. Department of Health and Human Services (DHHS).

[29 U.S.C. 794 and 49 CFR, Part 27]

WILMAPCO Actions

It is the policy of WILMAPCO to afford equal opportunity for participation in programs, activities and employment. All participation decisions are made without regard to race, color, age, sex, religion, national origin, ancestry, marital status, physical or mental handicap that can reasonably be accommodated, or status as a military veteran.

Public involvement is a key component of the transportation planning and programming process. A proactive public involvement process is one that provides complete information, timely public notice, and full public access to major transportation decisions, and supports early and continuing involvement of the public in developing transportation plans and programs.

It is the policy of WILMAPCO to afford equal opportunity for employment. All employment decisions are made without regard to race, color, age, sex, religion, national origin, ancestry, marital status, physical or mental handicap that can reasonably be accommodated, or status as a military veteran.

<http://www.wilmapco.org/titlevi/>

As an agency, we are committed to incorporating Title VI throughout our planning process. Contracts with third-party firms, as well as our personnel manual, feature all federally-required non-discriminatory clauses and Disadvantaged Business Enterprises (DBE) assurances.

We are also asked to reach out to people who are traditionally left out of the transportation planning process, such as low-income and minority households. Periodically the Public Participation Plan undergoes an evaluation of its public participation activities and initiatives. The PPP is then revised or amended to enhance public participation in the transportation planning process. Evaluation examines geographic distribution of the WILMAPCO Transporter (the newsletter), literature distribution at minority group event(s), contact with minority population media, and creation of foreign language documents and low literacy documents.

<http://www.wilmapco.org/ppp/>

In addition to conducting special outreach to these communities, we must show if transportation investments are adversely impacting these populations and that improvements are equitably distributed. Our Transportation Justice (TJ) and Title VI initiatives seeks to identify and mitigate the transportation burdens low-income and minority groups carry. It aims to direct spending into these communities, via our project prioritization process, to improve EJ public participation, as well as to plan for and help guide the implementation of community-based transportation projects. Our Transportation Justice (TJ) initiative goes beyond federal mandates, assessing the challenges faced by three other mobility-constrained populations: the elderly, the disabled, and zero-car households. The TJ Report contains a Title VI, Environmental Justice, Americans with Disability Act, and Language Assistance Plan for the WILMAPCO Region-
- <http://www.wilmapco.org/tj/>.

WILMAPCO also coordinates with DeDOT's Civil Rights Department as needed. WILMAPCO's Title VI assurance may be found online at <http://www.wilmapco.org/titlevi/>.

WILMAPCO is fully committed to the spirit and intent of the ADA legislation. To facilitate participation by people with disabilities, the following guidelines and activities apply:

- All WILMAPCO public meetings and formal events will be held in facilities that are accessible to persons with disabilities.
- All documents available to the public will be provided in alternative formats for qualified individuals with disabilities, upon request.
- The website will be accessible to and usable by individuals with vision impairments.
- Additional accommodations will be provided on an as-needed basis.

Clean Air Act: Air-Pollution Prevention and Control

All State and local transportation officials will take part in a 3C planning process in nonattainment and maintenance areas to determine which planning elements will be developed, adopted, and implemented to maintain or improve the air quality for said area. In nonattainment and maintenance areas that include more than one State, the affected States may jointly undertake and implement air-quality-planning procedures.

The Federal government will not financially support activities that do not conform to approved plans. Priority of funding will be given to those projects or programs that achieve and maintain national primary ambient air-quality standards.

[42 U.S.C., Ch. 85, §§ 7408, 7410, 7504, 7505a, 7511, 7512, 7506(c) and (d), and 7604; 49 U.S.C., Ch. 53, 23 U.S.C., § 134]

WILMAPCO Actions

The WILMAPCO Air Quality Subcommittee has 13 members representing federal, state and local agencies in Delaware and Maryland. The AQS assesses the air quality impacts of transportation projects in

WILMAPCO's Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP). Their recommendations help our region attain its air quality goals. WILMAPCO does not adopt or amend a RTP or TIP until conformity has been demonstrated with the State Implementation Plan for Air Quality, including the air quality conformity requirements as set forth in the Clean Air Act Amendments of 1990. Resources are allocated annually as part of the UPWP to ensure the coordination of the transportation and air quality planning activities, and support determination of the air quality conformity process of the RTP and TIP. The WILMAPCO Air Quality Subcommittee meets regularly to foster coordination and provide guidance to WILMAPCO Council.

<http://www.wilmapco.org/aqs/>