

**Winston-Salem Urban Area Metropolitan Planning Organization
Transportation Advisory Committee
Action Request**

Meeting Date: January 18, 2022 **Agenda Item Number:** 8

Action Requested: Review of a checklist certifying the Winston-Salem Urban Area Metropolitan Planning Organization's (MPO) Transportation Planning Process for fiscal year 2022-2023

SUMMARY OF INFORMATION: **Attachments:** Yes X No

The federal Moving Ahead for Progress in the 21st Century Act (MAP-21) requires the North Carolina Department of Transportation (NCDOT) and all Metropolitan Planning Organizations (MPOs) in the state to annually certify to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) that their transportation planning processes are addressing the major issues of the urban area and are being conducted in accordance with all applicable provisions of federal law.

To guide this self-certification process, NCDOT has provided the attached checklist. Staff has reviewed the checklist and provided a response to each of the items. Staff believes the Winston-Salem Urban Area MPO transportation planning process is adequately addressing the major issues of the urban area and is being conducted in accordance with all applicable provisions of federal law governing transportation planning.

In the fall of 2020, the FHWA and FTA conducted a formal review of the Winston-Salem Urban Area MPO's transportation planning process, and found that the process is being carried out in substantial compliance.

TAC Vote: Motion by: _____ **Second by:** _____

Vote: For _____ **Against** _____

**RESOLUTION
CERTIFYING THE WINSTON-SALEM URBAN AREA
METROPOLITAN PLANNING ORGANIZATION (MPO)
TRANSPORTATION PLANNING PROCESS
FOR FISCAL YEAR 2022-2023**

A motion was made by TAC Member _____ and seconded by TAC member _____ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, the Winston-Salem Urban Area Transportation Advisory Committee (TAC) has found that the Metropolitan Planning Organization (MPO) is conducting transportation planning in a continuous, cooperative, and comprehensive manner in accordance with 23 U.S.C. 134 and 49 U.S.C. 1607; and

WHEREAS, the TAC has found that the transportation planning process to be in compliance with Sections 174 and 176 (c) and (d) of the Clean Air Act (42 U.S.C. 7504, 7506 (c) and (d)); and, with Title VI of the Civil Rights Act of 1964 and the Title VI Assurance executed by each state under 23 U.S.C. 324 and 29 U.S.C. 794; and

WHEREAS, the TAC has considered how the transportation planning process will affect the involvement of the Disadvantaged Business Enterprises (DBE) in the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funded planning projects (Sec. 105 (f), Public Law 97-424, 96 Stat. 2100, 49 CFR part 23); and

WHEREAS, the TAC has considered how the transportation planning process will affect the elderly and the disabled per the provisions of the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327, as amended) and the USDOT implementing regulations; and

WHEREAS, the Winston-Salem Urban Area 2045 Metropolitan Transportation Plan meets all the requirements for an adequate transportation plan; and

WHEREAS, the Winston-Salem Urban Area Metropolitan Transportation Improvement Program (MTIP) for Fiscal Year 2020-2029 is a subset of the currently conforming Winston-Salem Urban Area 2045 Metropolitan Transportation Plan; and

WHEREAS, the federal certification review conducted by FHWA and FTA in the fall of 2016 determined that the MPO's transportation planning process is being carried out in substantial compliance with applicable provisions of 23 U.S.C. 134 and 49 U.S.C. 5304.

NOW, THEREFORE, BE IT RESOLVED that the Winston-Salem Urban Area Metropolitan Planning Organization's (MPO) transportation planning process is addressing the major issues of the urban area and is being conducted in accordance with all applicable provisions of federal law.

Adopted on this the 17th day of February, 2022.

Mike Horn, Chairman
Transportation Advisory Committee

Kelly Garvin, Interim Secretary
Transportation Advisory Committee

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Self-Certification Process

Introduction

CFR 450.334 requires the North Carolina Department of Transportation (NCDOT) and the Winston-Salem Urban Area Metropolitan Planning Organization (MPO) to annually certify to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) that their planning processes are addressing the major issues facing the urban area and is being conducted in accordance with all applicable requirements of:

- Section 134 of Title 23 U.S.C., section 8 of the Federal Transit Act (49 U.S.C. app. 1607); and
- Section 174 and 176 (c) and (d) of the Clean Air Act (42 U.S.C. 7504, 7506 (c) and (d)); and
- Title VI of the Civil Rights Act of 1964 and Title VI assurance executed by each state under 23 U.S.C. 324 and 29 U.S.C. 794; and
- Section 103 (b) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Public Law 102-240) regarding the involvement of disadvantaged business enterprises (DBE) in the FHWA and FTA funded planning projects; and
- The provisions of the Americans with Disabilities Act of 1990 (ADA) (Public Law 101-136) 104 Stat. 327, as amended and U.S. DOT regulations “Transportation for Individuals with Disabilities” (49 CFR parts 27, 37, and 38).

In addition, the following checklist was provided by NCDOT to help guide the Winston-Salem Urban Area MPO as they review their processes and programs for self-certification. There are several transportation acronyms that have been defined above and several more that will be used frequently below including: CFR – Code of Federal Regulations; U.S.C. – United States Code; MTP – Metropolitan Transportation Plan; CMP – Congestion Management Process/Plan; TIP – Transportation Improvement Program; TMA – Transportation Management Area; and, EO – Executive Order.

The MPO’s responses are in **bold**.

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Checklist

1. Is the MPO properly designated by agreement between the Governor and 75% of the urbanized area, including the central city, and in accordance in procedures set forth in state and local law (if applicable)? [23 U.S.C. 134 (b); 49 U.S.C. 5303 (c); 23 CFR 450.306 (a)]

Response: Yes.

2. Does the policy board include elected officials, major modes of transportation providers and appropriate state officials? [23 U.S.C. 134 (b); 49 U. S. C. 5303 (c) 23 CFR 450.306 (i)]

Response: Yes, the Winston-Salem Urban Area Transportation Advisory Committee (TAC) (MPO policy board) is primarily comprised of elected officials. However, the TAC amended the Memorandum of Understanding (MOU) to include the Winston-Salem Transit Authority (WSTA) as a formal member of the TAC. The WSTA Board member is not an elected official.

3. Does the MPO boundary encompass the existing urbanized area and the contiguous area expected to become urbanized within the next 20 year forecast period? [23 U.S.C. 134 (c), 49 U.S.C. 5303 (d); 23 CFR 450.308 (a)]

Response: Yes, the Winston-Salem Urban Area MPO has recently expanded its MPO boundary to encompass a portion of the recently defined urbanized area (UZA) boundary, as designated by the 2010 United States Census. The MPO has expanded farther north into Stokes County, further west into Davie County, further east into Guilford County, and further south and west into Davidson County.

The Winston-Salem UZA expanded farther south into Davidson County taking in the community of Welcome and most of the City of Lexington along the US 52 corridor. In 2012, the Winston-Salem, High Point and Cabarrus-Rowan MPOs developed and informally agreed on a new Metropolitan Area Boundary (MAB) map subject to the approval of the City of Lexington, the Davidson County Commission and the NCDOT. Those approvals were received and a new MAB for each MPO has been established.

The MPOs agreed that the Winston-Salem MPO would only take in some additional area north of Welcome and west over to the Yadkin River, while the High Point MPO would expand greatly to take in Welcome, the entire City of Lexington, and the entire rest of Davidson County to the west and south, including the small portion of the Cabarrus-Rowan UZA.

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In separate TAC approved actions in February 2013, a Memorandum of Agreement (MOA) was completed that transfers the authority and responsibility of conducting transportation planning in those Winston-Salem urbanized areas located in Guilford County and Davidson County to the High Point Urban Area and Greensboro Urban Area MPOs, respectively.

4. Is there a currently adopted (Unified) Planning Work Program (U/PWP)? 23 CFR 450.314 **Response: Yes.**
- a. Is there an adopted prospectus? **Response: Yes.**
- b. Are tasks and products clearly outlined? **Response: Yes.**
- c. Is the U/PWP consistent with the MTP? **Response: Yes, in that work tasks in the UPWP are completed that will aid the development and maintenance of the MTP.**
- d. Is the work identified in the U/PWP completed in a timely fashion?
Response: Yes.
5. Does the urban area have a valid transportation planning process? 23 U.S.C. 134; 23 CFR 450
Response: Yes. The recent federal certification review indicated that result.
- a. Is the transportation planning process continuous, cooperative, and comprehensive?
Response: Yes.
- b. Is there a valid MTP? **Response: Yes.**
- c. Did the MTP have at least a 20 year horizon at the time of its adoption?
Response: Yes.
- d. Does it address the 8 planning factors? **Response: Yes.**
- e. Does it cover all modes of applicable to the area? **Response: Yes.**
- f. Is it financially constrained? **Response: Yes.**
- g. Does it include funding for the maintenance and operation of the system?
Response: Yes.
- h. Does it conform to the State Implementation Plan (SIP) if applicable?
Response: Yes.
- i. Is it updated/reevaluated in a timely fashion (at least every 4 or 5 years)?
Response: Yes. It was updated and approved by the TAC in November of 2020.
6. Is there a valid TIP? 23 CFR 450.324, 326, 328, 332 **Response: Yes.**
- a. Is it consistent with the MTP? **Response: Yes.**
- b. Is it fiscally constrained? **Response: Yes, see 5f above.**
- c. Is it developed cooperatively with the state and local transit operators?
Response: Yes.

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- d. Is it updated at least every 4 years and adopted by the MPO and Governor?
Response: Yes.
7. Does the urban area have a Congestion Management Process (CMP)? (TMA only)
23 CFR 450.320 **Response: Yes.**
- a. Is it consistent with the MTP? **Response: Yes.**
b. Was it used for the development of the TIP? **Response: Yes.**
c. Is it monitored and reevaluated to meet the needs of the area? **Response: Yes.**
8. Does the urban area have a process for including environmental mitigation discussions in the planning process? **Response: Yes.**
- a. How? **Response: Yes, in consultation with NCDOT.**
b. Why not? **Response: N/A.**
9. Does the planning process meet the following requirements:
- a. 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart? **Response: Yes**
b. 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 **Response: Yes**
c. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21 **Response: Yes**
d. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity **Response: Yes**
e. The appropriate sections of the current federal transportation funding bill regarding the involvement of disadvantaged business enterprises in USDOT funded projects **Response: Yes**
f. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts; **Response: Yes**
g. 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 **Response: Yes**
h. 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; **Response: Yes**
i. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender **Response: Yes**
j. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities **Response: Yes**
k. All other applicable provisions of Federal law. (e.g. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations) **Response: Yes**

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10. Does the urban area have an adopted Public Involvement Plan (PIP)/Public Participation Plan? 23 CRR 450.316 (b)(1) **Response: Yes.**
- a. Did the public participate in the development of the PIP? **Response: Yes.**
 - b. Was the PIP made available for public review for at least 45-days prior to adoption?
Response: Yes.
 - c. Is adequate notice provided for public meetings? **Response: Yes.**
 - d. Are meetings held at convenient times and at accessible locations?
Response: Yes.
 - e. Is the public given an opportunity to provide oral and/or written comments on the planning process? **Response: Yes.**
 - f. Is the PIP periodically reviewed and updated to ensure its effectiveness?
Response: Yes, it was updated in January 2021.
 - g. Are plans/program documents available in an electronic format, i.e. MPO website?
Response: Yes.
11. Does the area have a process for including environmental, state, other transportation, historic, local land use and economic development agencies in the planning process? (23 CFR 450.324(h)) **Response: Yes.**
- a. How? **Response: The Technical Coordinating Committee (TCC) has many of these agencies on the committee and participating in the planning process.**
 - b. Why not? **Response: N/A.**