

IX. SELF-CERTIFICATION

Section 450.334 of the Metropolitan Planning Rules requires that the Metropolitan Planning Organization annually certify that the planning process is addressing the major issues facing the area and is being conducted in accordance with applicable federal laws and regulations. The applicable requirements are contained in the following sections from the following legislation and regulations:

- Section 134 of Title 23 USC, Section 8 of the Federal Transit Act (49 USC app. 1607), and the Metropolitan Planning Rules -- These sections require that the process for developing transportation plans and programs provide for consideration of all modes through a continuing, cooperative, and comprehensive planning process.
- Sections 174 and 176(c) and (d) of the Clean Air Act (42 USC 7504, 7506(c) and (d)) -- Section 174 discusses the planning and development of the air quality State Implementation Plan. Section 176 requires an air quality conformity analysis that demonstrates that the plans and programs developed through the transportation planning process are consistent with the objectives of the State Implementation Plan.
- Section 134 of Title 23 USC, and the Management and Monitoring Systems Final Rule outline requirements for operational Congestion Management Systems in Transportation Management Areas.
- Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State under 23 USC 324 and 29 USC 794, which prohibit discrimination in federally assisted programs.
- Section 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) regarding the involvement of disadvantaged business enterprises in federal funded transportation projects.
- The provisions of the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327, as amended) and U.S. Department of Transportation regulations "Transportation for Individuals with Disabilities" (49 CFR Parts 27, 37, and 38), which address requirements of public transportation for persons with disabilities.

The certification of these requirements by the metropolitan planning organization and the Texas Department of Transportation is provided in [Exhibit IX-1](#). The region's transportation authorities have also certified compliance with the transportation planning process as shown in [Exhibit IX-2](#).

EXHIBIT IX-1

MPO SELF-CERTIFICATION FOR NONATTAINMENT AREAS

In accordance with 23 CFR 450.334 and 450.220 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the Texas Department of Transportation, and the North Central Texas Council of Governments, Metropolitan Planning Organization for the Dallas-Fort Worth-Arlington Urbanized Area, Denton-Lewisville Urbanized Area, and the McKinney 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© and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506© 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 SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of Disadvantaged Business Enterprises in US 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.

TEXAS DEPARTMENT OF TRANSPORTATION
DALLAS DISTRICT

Will L. Hale
District Engineer

8/21/08
Date

TEXAS DEPARTMENT OF TRANSPORTATION
FORT WORTH DISTRICT

Maribel P. Chavez
District Engineer

8-22-08
Date

NORTH CENTRAL TEXAS COUNCIL OF
GOVERNMENTS
METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD CHAIR

[Signature]
Chair, Regional Transportation Council

8/21/2008
Date

MPO SELF-CERTIFICATION FOR NONATTAINMENT AREAS CERTIFICATION STATEMENT

The following information provides a summary of policies, procedures, and planning activities of the North Central Texas Council of Governments, the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth-Arlington, Denton-Lewisville, and McKinney urbanized areas, set forth to meet the requirements of federal transportation and air quality planning regulations in carrying out the FY2008 and FY2009 Unified Planning Work Program for Regional Transportation Planning and biennial development of the Transportation Improvement Program.

- **Metropolitan Planning:** U.S.C. Title 23, Sec. 134 and U.S.C. Title 49, Sec. 5303;

The NCTCOG metropolitan planning process is based on using state-of-the-art procedures, encompassing accurate data and methodologies, applied in a professional and unbiased manner. This planning process is carried out through an open approach that includes all local, state, and federal transportation and air quality related agencies and organizations, local elected officials, and the public in the decision-making process. The continued focus of the MPO planning process is on the use of innovative techniques, as well as facilitating communication and partnerships as key mechanisms for improving mobility and air quality.

This process is carried out through the implementation of the Unified Planning Work Program; the biennial development of the Transportation Improvement Program; the development and adoption of the Metropolitan Transportation Plan every four years; the ongoing implementation of the region's Congestion Management Process focusing on Travel Demand Management (TDM), Transportation Systems Management (TSM), and Intelligent Transportation System (ITS) technology; working closely with transportation providers throughout the region to conduct major investment and corridor feasibility studies which serve to evaluate, refine, and select transportation options for implementation; and ensuring that policies, programs, and projects when implemented will result in improved air quality for the region through the air quality conformity process.

- **Statewide Planning:** U.S.C. Title 23, Sec. 135; U.S.C. Title 49, Ch. 53, Secs 5307-5311 and 5323(l); and 23 CFR 450.220;

NCTCOG works closely with the TxDOT Dallas-Fort Worth Regional Planning Office, both the TxDOT Dallas and Fort Worth Districts, the TxDOT Transportation Planning and Programming Division, and the Texas Transportation Commission to support the planning, funding, and implementation of transportation improvements. Whenever called upon, planning assistance is provided to assist TxDOT in meeting Statewide Planning requirements. The MPO and the State share financial information to carry out the financial constraint requirements of the planning process.

- **Title VI of the Civil Rights Act of 1964**, as amended (42 U.S.C. 2000d-1) and 49 CFR Part 21; Older Americans Act, as amended, (42 U.S.C. 6101) prohibiting discrimination on the basis of age; and 23 U.S.C. 324 prohibiting discrimination on the basis of gender;

NCTCOG is committed throughout the development of its plans and programs to ensure that no person on the grounds of age, gender, race, color, or national origin is excluded from participation in, denied the benefits of, or subjected to discrimination under any program receiving federal financial assistance. Further, that no plans, programs, or policies developed or implemented by NCTCOG will have a disproportionately high adverse human health or environmental effect on minority and low-income populations. Recent initiatives to address these policies based on compliance with Title VI and the Presidential Executive Order on Environmental Justice focused on the development of Mobility 2030 in which nine protected populations were identified as part of this assessment. The results of this analysis indicated that implementation of the Plan would have an overall positive impact on improving the accessibility of employment to the identified protected populations. In addition, many of the current MPO public meetings and listening sessions as well as those held during the Plan update process are specifically being held in minority and low-income communities in the region. Funding is allocated biennially as part of the Unified Planning Work Program to advancing the development of methodologies and data to assure and enhance compliance of the metropolitan planning process with Title VI of the Civil Rights Act of 1964.

- **Disadvantaged Business Enterprises in planning projects:** Sec. 1101(b) of SAFETEA-LU and CFR 49, Subtitle A, Part 26; 49 U.S.C. 5332 (discrimination in employment or business opportunities); and 23 CFR Part 230 (relating to Equal Opportunity Program on federal and federal-aid highway construction contracts, as applicable);

It is the policy of the North Central Texas Council of Governments that a minimum of 13 percent of third-party contracts involving the expenditure of state and federal transportation funds be awarded to a Disadvantaged Business Enterprise (DBE). While NCTCOG regularly receives proposals by DBE firms to serve as the prime contractor, to help facilitate this policy, NCTCOG provides a list of registered DBE firms to all prospective firms as part of the procurement process and encourages the submittal of joint venture proposals, as well as the use of DBE subcontractors. It is the policy of NCTCOG to ensure no discrimination on the basis of race, color, creed, national origin, sex, or age in any employment or business opportunity.

- **Americans with Disabilities Act of 1990:** Provisions related to transportation for individuals with disabilities; (42 U.S.C. 12101 et seq.); CFR 49, Parts 27, 37, and 38; and Section 504 of the **Rehabilitation Act of 1973** (29 U.S.C. 794) and 49 CFR Part 27;

It is the policy of the North Central Texas Council of Governments to ensure that all agency programs and services are accessible to people with disabilities. It is the policy of NCTCOG to make its employment application process, employee activities, working environment, employee benefits, employee training, and employee advancement process accessible to persons with disabilities. NCTCOG will make reasonable accommodations to a qualified individual with a disability who is an applicant or employee unless that accommodation will place undue hardship on NCTCOG operations. NCTCOG staff is provided training regarding Americans with Disabilities Act (ADA) requirements to ensure the workplace and work environment are responsive to persons with disabilities. In addition to ensuring that all on-site meeting offices and meeting facilities meet this requirement, every effort is made to

ensure that meeting facilities off-site are ADA accessible. A notice is published in advance of all MPO public meetings that reasonable accommodations will be provided for both meetings located at NCTCOG and at all off-site locations, with a phone number and contact persons listed to provide assistance if needed. In addition, NCTCOG staff is actively involved in various ADA-related initiatives which are being carried out as part of the Unified Planning Work Program including Elderly and Disabled Planning, the Job Access/Reverse Commute Program, and the review of ADA compliance documents developed by the region's transit and paratransit agencies, all of which focus on ensuring that transportation programs and services across the region are accessible to those citizens with disabilities.

- **Restrictions on influencing certain federal activities:** CFR 49, Part 20;

It is the policy of the North Central Texas Council of Governments that no state or federal funds received by the agency shall be paid to any person for the purpose of influencing the award of a federal contract, grant, or loan or the entering into of a cooperative agreement. Further, that no state or federal funds received by the agency shall be used directly or indirectly to influence any member of Congress, any member of the State Legislature, or any local elected official to favor or oppose the adoption of any proposed legislation pending before any federal, state, or local legislative body.

- **Clean Air Act: Air Pollution Prevention and Control:** (Nonattainment MPOs) U.S.C. Title 42, Secs. 7504 and 7506 (c) and (d); and 40 CFR, Part 93;

It is the policy of the North Central Texas Council of Governments and the Regional Transportation Council that the continuing, cooperative, and comprehensive transportation planning process carried out by the Metropolitan Planning Organization shall be done in coordination with the transportation-air quality planning process carried out by the State of Texas. Furthermore, it is the policy of the North Central Texas Council of Governments and the Regional Transportation Council to not adopt a Metropolitan Transportation Plan or a Transportation Improvement Program until each plan or program has been demonstrated to be in conformity 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 biennially as part of the Unified Planning Work Program to ensure the coordination of NCTCOG transportation and air quality planning activities, and support determination of the air quality conformity process of the Metropolitan Transportation Plan and Transportation Improvement Program. NCTCOG is an active partner with state and federal agencies as a member of the Air Quality Conformity Consultation Process.

AGREEMENT OF UNDERSTANDING

COORDINATION OF METROPOLITAN TRANSPORTATION PLANNING

Consistent with the Metropolitan Transportation Planning Regulations 23 CFR 450, the North Central Texas Council of Governments, as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth-Arlington, Denton-Lewisville and McKinney Urbanized Areas and the Fort Worth Transportation Authority, Dallas Area Rapid Transit, Denton County Transportation Authority, Dallas/Fort Worth International Airport, Texas Department of Transportation and North Texas Tollway Authority, concur that the Unified Planning Work Program (UPWP) and the Transportation Improvement Program (TIP) outlines the cooperative procedures for carrying out transportation planning and programming for the urbanized areas. Planning and analysis activities as outlined in the UPWP will be coordinated between the MPO and the transit providers in a manner consistent with the spirit of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users.

Agreed to by the undersigned signatories for the MPO and the agencies below as officers of said agencies with full and complete authority to enter into this agreement on behalf of the MPO and the public transportation providers.

DALLAS AREA RAPID TRANSIT:

By: [Signature]
Title: President/Executive Director
Date: 8/4/08

NORTH TEXAS TOLLWAY AUTHORITY:

By: [Signature]
Title: Executive Director
Date: 8-14-08

FORT WORTH TRANSPORTATION AUTHORITY:

By: [Signature]
Title: President / Executive Director
Date: 8-6-08

TEXAS DEPARTMENT OF TRANSPORTATION
Dallas District:

By: [Signature]
Title: District Engineer
Date: 8/14/08

DENTON COUNTY TRANSPORTATION AUTHORITY:

By: [Signature]
Title: President
Date: 8/21/08

TEXAS DEPARTMENT OF TRANSPORTATION
Fort Worth District:

By: [Signature]
Title: District Engineer
Date: 8-22-08

DALLAS/FORT WORTH INTERNATIONAL
AIRPORT:

By: [Signature]
Title: Chief Executive Officer
Date: 8/5/08

NORTH CENTRAL TEXAS COUNCIL OF
GOVERNMENTS:

By: [Signature]
Title: Director of Transportation
Date: 8/1/08