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of Transportation

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April 12, 2021

IN REPLY REFER TO:
HDA-OR/
HDA-WA/
FTA-TRO-10

Ms. Lynn Peterson
Chair
Metro
600 NE Grand Avenue
Portland, OR 97232

Mr. Scott Hughes
Chair
Southwest Washington Regional Transportation Council (RTC)
P.O. Box 1366
Vancouver, WA 98666-1366

Re: 2021 Portland-Vancouver Transportation Management Area (TMA) Certification

Dear Ms. Peterson and Mr. Hughes:

This letter notifies you that the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly certify the planning process for the Metro and Southwest Washington Regional Council (RTC) TMAs. This certification is based on the findings from the Federal Certification Review conducted December 7 – 10, 2021. Enclosed is the report that documents our findings and associated corrective actions and recommendations for enhancing the planning process.

The overall conclusion of the Certification Review is that the planning process for the Metro and RTC complies with the spirit and intent of Federal metropolitan transportation planning laws and regulations under 23 USC 134 and 49 USC 5303. The planning processes at Metro and RTC are continuing, cooperative, and comprehensive process and reflects a significant professional commitment to deliver quality in transportation planning.

We would like to thank Deputy Director Bradway, Executive Director Ransom, and their staff for their time and assistance in planning and conducting the review.

If you have any questions regarding this Certification Review process or action, please direct them to either Ms. Rachael Tupica, Senior Planner of the FHWA Oregon Division, at (503) 316-2549, Mr. Matthew Kunic, Community Planner of the FHWA Washington Division, at (360)

753-9487, Mr. Jeremy Borrego, Transportation Program Specialist of the FTA Region 10, at (206) 220-7956, or Mr. Ned Conroy, Community Planner of the FTA Region 10, at (206) 220-4318.

Sincerely,

Phillip A. Ditzler, Division Administrator
Oregon Division
Federal Highway Administration

Linda M. Gehrke, Regional Administrator
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Daniel M. Mathis, Division Administrator
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CC:
Enclosure

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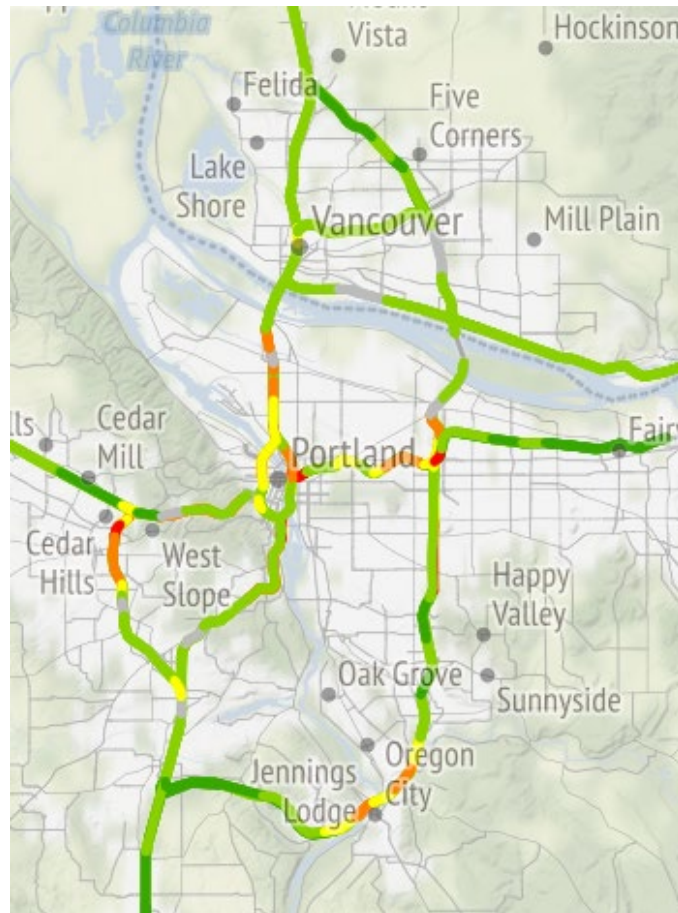
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Transportation Management Area Planning Certification Review

Portland, OR – Vancouver, WA Transportation Management Area Metro & Southwest Washington Regional Transportation Council



Certification Issued: April 12, 2021



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Executive Summary

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are required to jointly review and evaluate the transportation planning process for each urbanized area over 200,000 in population at least every four years to determine if the process meets the Federal planning requirements. The objective is to determine if the process meets the Federal planning requirements in 23 U.S.C. 134, 40 U.S.C. 5303, and 23 CFR 450.

This certification review collectively covers the two Metropolitan Planning Organizations (MPO) in the Portland-Vancouver urbanized area:

- Portland, Oregon – Metro
- Vancouver, Washington – Southwest Washington Regional Transportation Council (RTC).

The Federal review team conducted a desk review of transportation planning process, requested public comment, and on December 7-10, 2020 conducted a virtual onsite review of the transportation planning processes conducted by Metro and RTC. The corrective actions from the 2017 certification review were assessed during the desk review and virtual onsite review. Any findings that were not fully resolved are included in the 2021 findings. FHWA and FTA determined portions of Metro's 2017 corrective actions had been resolved and all RTC's 2017 corrective actions had been resolved. See [Appendix A](#) for Metro's 2017 certification findings disposition and [Appendix B](#) for RTC's 2017 certification findings disposition, as provided by the MPOs.

2021 Certification Status & Findings

On April 12, 2021 FHWA and FTA certified the transportation planning process conducted by Metro and RTC, subject to the corrective actions of this certification report.

Metro Findings Summary:

4 Corrective Actions
14 Recommendations

RTC Findings Summary:

0 Corrective Actions
15 Recommendations

A detailed summary of Metro's 2021 findings can be found in [Table 1](#). A detailed summary of RTC's 2021 findings can be found in [Table 2](#). Additional details of the regulatory basis, current status, and findings for each topic of this review are contained in the full report.

Metro and RTC are responsible for addressing all corrective actions by the due date identified in the certification report. ODOT and WSDOT, as the oversight agencies for the Metro and RTC, respectively, are responsible for ensuring corrective actions are being sufficiently addressed by the identified due date. FHWA and FTA are committed to working closely with Metro and RTC, ODOT, WSDOT, and TriMet, SMART, and C-Tran to ensure expectations are understood, and provide stewardship and technical assistance.

Table 1. Summary of 2021 Metro TMA Certification Review

Topic Area	Metro 2021 Corrective Action / Recommendation
1. Metropolitan Transportation Plan (MTP)	<p>Corrective Action 1: By December 23, 2023, with the update of the MTP, Metro must create a financial plan that meets the requirements of 23 CFR 450.324(f)(11), including:</p> <ul style="list-style-type: none"> • Document revenue and cost estimates in YOY dollars • In revenue estimation, develop one consistent process for all agencies and separate out ODOT revenues from Federal funding • Define operations and maintenance for highway and transit to use in MTP and TIP financial planning processes.
	<p>Recommendation 1: As part of fiscal constraint documentation, Metro should develop cost and revenue estimates for functional categories (e.g., preventive maintenance, operations and management, capital), time periods (e.g., 2020-2030, 2030-2040) and by major travel modes (e.g., roadways, public transit, bike and pedestrian) to provide more specific detail describing how available revenues can meet projected costs overtime.</p>
	<p>Recommendation 2: Metro should develop a single definition for a regionally significance project and use it consistently throughout all documents and processes.</p>
	<p>Recommendation 3: Metro should look at MTPs of peer MPOs and consider changes to provide a more user-friendly and accessible MTP format.</p>
	<p>Recommendation 4: Metro should include the timelines for re-evaluation points, equity milestones, and follow-up actions to ensure accountability and benchmarks for success in the <i>Transportation Equity Evaluation</i> section of the MTP/RTP.</p>
2. Transportation Improvement Program	<p>Recommendation 5: Metro should include a breakdown of each federal funding source by amount and by year within the main document of the MTIP.</p>
	<p>Recommendation 6: Metro should address ADA Transition Plan implementation in the TIP project prioritization and selection processes.</p>
3. Congestion Management Process	<p>Recommendation 7: Metro should continue to address the following portions of their congestion management process (CMP):</p> <ul style="list-style-type: none"> • Methods to monitor and evaluate the performance of the multimodal transportation system by identifying the underlying causes of recurring and non-recurring congestion; identifying and evaluating alternative strategies; providing information supporting the implementation of actions; and evaluating the effectiveness of implemented actions; • Identification and evaluation of the anticipated performance and expected benefits of appropriate congestion management strategies that contribute to the more effective use of and improved safety of existing and future transportation systems based on the established performance measures.

Topic Area	Metro 2021 Corrective Action / Recommendation
	<ul style="list-style-type: none"> Implementation of a process for periodic assessment of the effectiveness of implemented strategies, in terms of the area's established performance measures.
4. Consultation	Corrective Action 2: By June 30, 2022 , Metro must document its formal consultation process developed with applicable agencies that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies defined in 23 CFR 450.316(b), (c), and (d), as required in 23 CFR 450.316(e).
5. Public Participation	Corrective Action 3: By June 30, 2023 Metro must update the PPP to meet all requirements of 23 CFR 450.316, including: <ul style="list-style-type: none"> Simplifying the PPP document through summaries, visualization, and other techniques to make the document accessible and comprehensible to the widest possible audience Explicit procedures for outreach to be conducted at the identified key decision points. Specific outreach strategies to engage traditionally underserved populations. Criteria or process to evaluate the effectiveness of outreach processes. A minimum public comment period of 45 calendar days shall be provided before the revised participation plan is adopted by the MPO.
	Recommendation 8: Metro should use just one document as the MPO's Public Participation Plan to make it easier for the public participation processes.
	Recommendation 9: Metro should include information in the PPP on how the public can volunteer to serve on committees.
	Recommendation 10: Metro should update the <i>Language Assistance</i> link on its website so it's stated in the prominent languages in the region, as determined in the LEP Four-Factor Analysis and the Safe Harbor Provision.
6. Civil Rights (Title VI, EJ, LEP, ADA)	Corrective Action 4: By December 31, 2022 , Metro must complete an ADA self-evaluation of all Metro programs, services, and activities that identifies universal access barriers and describes the methods to remove the barriers, along with specified timelines to come into compliance with Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990. The self-evaluation and transition plan should include a list of advocacy groups/individuals consulted with as part of the self-evaluation/transition plan process and be posted on Metro's website for public information and opportunity to provide feedback.
	Recommendation 11: Metro should ensure the ADA Notice can be easily located on its website, and in Metro buildings, and include the basics of ADA requirements of the State or local government, written in

Topic Area	Metro 2021 Corrective Action / Recommendation
	<p data-bbox="480 258 1409 321">easy to understand plain language format, and contact information of the ADA Coordinator.</p> <p data-bbox="480 331 1419 394">Recommendation 12: Metro should work with ODOT’s Title VI staff to:</p> <ul data-bbox="529 405 1419 814" style="list-style-type: none"> <li data-bbox="529 405 1279 436">• Clarify compliance reporting procedures and timelines; <li data-bbox="529 447 1419 552">• Ensure that USDOT Standard Assurances associated with FHWA financial assistance are signed and incorporated into Metro’s Title VI Plan; <li data-bbox="529 562 1393 625">• Confirm ODOT’s expectations related to collection and analysis of Title VI data; <li data-bbox="529 636 1349 699">• Revise its Title VI complaint procedures to include FHWA’s guidance on processing Title VI complaints; <li data-bbox="529 709 1398 814">• Remove age and disability from the Title VI Plan, complaint procedures, and any other associated documents and ensure only appropriate groups are included. <p data-bbox="480 825 1341 961">Recommendation 13: Metro should use the U.S. Census <i>American Community Survey</i> data as the primary data sources for identifying Limited English Proficiency populations and incorporating a more comprehensive, multiple data-set, approach.</p>
<p data-bbox="204 972 415 1066">7. Transit Representation on MPO Board</p>	<p data-bbox="480 972 1419 1320">Recommendation 14: Metro should work with the JPACT members and regional transit agencies to define how regional transit interests are represented on the committee. The JPACT By-Laws should explicitly and clearly describe the role of the regional transit representation seat, currently held by TriMet. The representation of transit agencies on JPACT could be further supported by interlocal agreements between the transit agencies. It is also recommended Metro consider direct representation of regional transit agencies on technical advisory boards and committees such as the Transportation Policy Alternative Committee (TPAC).</p>

Table 2. Summary of 2021 RTC TMA Certification Review

Topic Area	RTC 2021 Corrective Action / Recommendation
1. MPO Structure and Agreements	Recommendation 1: While RTC’s self-certification demonstrates adherence to 2 CFR 200 for procuring and rendering contractor and consultant services; and further adheres to following 23 CFR 450.220 and 23 CFR 450.336; RTC should update all contracts and agreements with Appendices A & E of the USDOT Title VI assurances, when services will be provided by consultants or contractors.
	Recommendation 2: With respect to the metropolitan planning agreement, per 23 CFR 450.314, and metropolitan planning (PL/5303) funding agreement with WSDOT, RTC should continue monitoring tasks and responsibilities that are being completed within the metropolitan planning area, to ensure that planning tasks are not duplicated, and that the appropriate agency is handling the respective tasks in alignment with each agreement.
2. Metropolitan Planning Area Boundaries	None
3. Transportation Planning Process	None
4. Unified Planning Work Program	Recommendation 3: RTC should continue to use the UPWP as a tool to track tasks and activities with respect to revenues and expenditures. In addition, RTC should hold check-in meetings throughout the year with WSDOT to review timelines for various deliverables.
	Recommendation 4: RTC should include research and other initiatives in the UPWP that will generate data that can be used to further advance equity in the transportation planning process. TCRP Report 214 is an example of one resource that may provide RTC with insight on this recommendation.
5. Performance-Based Planning and Programming	None
6. Metropolitan Transportation Plan	Recommendation 5: RTC should expand its EJ analysis to include an equity analysis to better determine whether planned transportation investments will create a benefit or a burden on affected communities.
	Recommendation 6: As part of the next MTP update, RTC should include a well-documented analysis of future transportation problems by major subareas or corridors that describes the transportation needs the MTP projects and programs are anticipated to address.
	Recommendation 7: As part of the next MTP update, the financial constraint demonstration should include sufficient detail – functional categories, time-periods, major travel modes – to more clearly demonstrate the total costs associated with meeting long-term regional and local transportation needs. If new revenues options are included in

Topic Area	RTC 2021 Corrective Action / Recommendation
	<p>the plan, they should be specifically identified and supported with assumptions that establish that they are reasonable.</p> <p>Recommendation 8: As part of the next MTP update, RTC should expand their analysis of emerging transportation technologies to include the potential long-term impacts of shared, autonomous, and/or connected vehicles on future travel demand.</p>
7. Congestion Management Process	None
8. Transportation Improvement Program	None
9. MPO Self-Certification	None
10. Public Participation	Recommendation 9: RTC should add an ADA nondiscrimination statement (similar to the Title VI statement) to the inside cover of the Public Participation Plan, ending the statement with the existing information regarding how to obtain materials in alternative formats.
	Recommendation 10: RTC should continue to review its methods of public outreach/participation, and make changes as necessary to ensure that communications with the public includes equal access for traditionally underserved populations, and recognizes that not all populations have internet access.
	Recommendation 11: RTC should clearly document the process for selecting underrepresented populations and community-based organizations to be invited to public participation events and decision-making points.
11. Civil Rights (Title VI, EJ, LEP, ADA)	Recommendation 12: RTC should retitle the Title VI Complaint form to more accurately reflect the range of complaints that may be filed using this form (e.g., Discrimination Complaint Form), consistent with a previous recommendation in the 2017 certification review. In addition, RTC should update the complaint procedures to add, under No. 4 (the section pertaining to dismissal of a complaint), “The complaint was not filed within the 180-day time limit”
	Recommendation 13: RTC should consider providing a more prominent language link on its website.
	Recommendation 14: RTC should revise the Title VI Assurances contained in its Title VI Plan to more accurately reflect the USDOT Title VI Assurances template. WSDOT Title VI staff should be consulted in updating the Title VI Plan to include detail on data collection and equity analyses. RTC should also refer to FTA’s Title VI Circular (C 4702.1B), specifically Chapters III and VI, as appropriate.

Topic Area	RTC 2021 Corrective Action / Recommendation
	<p>Recommendation 15: RTC should update its 2018 ADA Self-Evaluation & Program Access Plan to address feedback from FHWA that will be provided to RTC's ADA Coordinator under separate cover. RTC should post its updated ADA Self-Evaluation & Process Access Plan to its website for public information.</p>

Purpose and Objective

Since the enactment of the Intermodal Surface Transportation Efficiency Act of 1991, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), are required to jointly review, evaluate, and certify the transportation planning process in all Transportation Management Areas (TMAs), urbanized areas over 200,000 in population, every four years. The objective is to determine if the process meets the Federal planning requirements in 23 U.S.C. 134, 49 U.S.C. 5303, and 23 CFR 450.

Certification of the planning process is a prerequisite to the approval of Federal funding for transportation projects in TMAs. In addition to assessing compliance, the certification review is also an opportunity to assist the TMA on new programs and to enhance the ability of the metropolitan transportation planning process to provide decision makers with the knowledge they need to make well-informed capital and operating investment decisions.

Background

The Portland-Vancouver urbanized area is a bi-state TMA located in both Oregon and Washington States. Two metropolitan planning organizations (MPOs) are responsible for transportation planning for the urbanized area: Metro for Oregon and Southwest Regional Transportation Council (RTC) for Washington.

Metro became the federally designated MPO for the urbanized area in 1979 and is responsible for the Oregon portion of the urbanized area. Metro covers three counties (Clackamas, Multnomah, and Washington), which includes 25 cities, with the City of Portland being the largest population center. The planning area has approximately 1.5 million residents. The Oregon Department of Transportation (ODOT) is the responsible State agency and TriMet and SMART are the responsible public transportation operators.

The Southwest Washington Regional Transportation Council (RTC) became the federally designated MPO area in 1992 for the Washington portion of the urbanized area which contains Clark County and its eight cities. RTC is also the state-designated Regional Transportation Planning Organization for the region consisting of Clark County, Skamania County, and Klickitat County, Washington. The RTC planning area has approximately 499,200 residents. The City of Vancouver is the largest population center. The Washington State Department of Transportation (WSDOT) is the responsible State agency and C-Tran is the responsible public transportation operator.

FHWA and FTA issued a formal letter on November 12, 2020 to Metro and RTC notifying them of the dates of the formal site review (see [Appendix C](#)). The 2021 certification process consisted of four primary activities:

- A desk review of planning products (in advance of the site visit)
- A virtual site review, held December 7-10, 2020, conducted via Microsoft Teams. Attendees of the virtual onsite review can be found in [Appendix D](#).
- Public comment. Public notices posted and a summary of public comments received can be found in [Appendix E](#).
- Preparation of this certification report that summarizes the review findings.

For each topic covered during this certification review, this report documents:

Regulatory Basis – Summarizes Federal transportation planning requirements and defines where information regarding each planning topic can be found in the Code of Federal Regulations (CFR).

Current Status - Defines what the TMA is currently doing in regards to each planning topic.

Findings – Statements of fact that define the conditions found during FHWA and FTA’s routine stewardship and oversight as well as with information collected through public participation, the desk review, and the onsite review. Findings may result in the following Federal actions:

Corrective action: Indicates a compliance issue where the transportation planning process/product fails to meet one or more requirements of the transportation planning statute and regulations. The expected outcome is change that brings the metropolitan planning process into compliance with a planning statute or regulation.

Recommendation: Ideas for improvement to processes and practices. Although not a compliance issue, recommendations are made to improve the transportation planning process and products.

Commendation: A process or practice that demonstrates noteworthy procedures for implementing the planning requirements.

2021 Certification Status

On April 12, 2021, FHWA and FTA certified the transportation planning process conducted by Metro and RTC, subject to the corrective actions noted in this certification report.

Addressing Certification Findings

Metro and RTC are responsible for addressing all corrective actions identified in this certification report by the identified due date specified. ODOT and WSDOT, as the oversight agencies for Metro and RTC, respectively, are responsible for ensuring corrective actions are being sufficiently addressed by the specified due date.

FHWA and FTA are committed to working closely with Metro, RTC, ODOT, WSDOT, and TriMet, SMART, and C-Tran to ensure requirements and expectations are understood, and to provide stewardship and technical assistance.

The following process will be used to monitor and ensure corrective actions are resolved by the due date specified in this certification report.

1. FHWA and FTA will jointly discuss the findings in the final report to Metro and RTC to ensure understanding of the findings, deadlines, and expectations. FHWA and FTA will also present the findings to the respective policy boards, if requested.
2. Metro and RTC will develop a plan of action, to be included in the Unified Planning Work Program (UPWP), that demonstrates how they can resolve corrective actions by the due dates specified in this report. Although not a current compliance issue, the MPOs are encouraged to indicate how recommendations can be implemented. A plan of action in the UPWP will be used as a tool for interagency coordination and communication, ensuring the MPOs allocate sufficient funding and resources to resolve findings, and accountability to ensure performance goals are met by established deadlines.

The plan of action should include the following elements:

- Targeted completion date, meet the specified due date in the corrective action(s)
- Quarterly reporting on progress
- Specific task(s) needed to resolve corrective action(s)
- The lead person/agency for each task
- Timeline of expected completion date of tasks
- Specific deliverable(s) and associated dates
- Training, technical assistance needs
- List of any resources needed, such as additional staff or consultant assistance.

3. The MPOs are encouraged to form a certification action team composed of local, state, and federal partners to assist in the successful and timely resolution of findings. The certification action team should meet on a routine basis to ensure timely progress on findings.

4. ODOT and WSDOT, as the pass-through and oversight agencies for MPOs, are responsible for ensuring compliance of the processes with applicable federal requirements, monitoring the achievement of performance goals, and ensuring the MPOs sufficiently addresses compliance issues by the identified deadline. When corrective actions have been sufficiently addressed, MPOs should formally their State ODOT review updated processes and related documents.

5. Upon the State DOT review and determination the MPO processes and documents comply with the Federal requirements and sufficiently address the corrective actions identified in this report, the will send a letter to FHWA and FTA with a recommendation to close out the corrective action(s).

6. FHWA and FTA will review requests to close out the corrective action(s) and supporting documentation and issue a letter with a determination that:

- The corrective action(s) has been sufficiently addressed, or
- The corrective action(s) has not been sufficiently addressed and documents outstanding compliance issues.

Metro Planning Certification Findings

1. Metropolitan Transportation Plan

Regulatory Basis

23 U.S.C. 134(c), (h) & (i) and 23 CFR 450.324 set forth requirements for the development and content of the Metropolitan Transportation Plan (MTP). Among the requirements are that the MTP address at least a 20-year planning horizon and that it includes both long and short range strategies that lead to the development of an integrated and multi-modal system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

The MTP is required to provide a continuing, cooperative, and comprehensive multimodal transportation planning process. The plan needs to consider all applicable issues related to the transportation systems development, land use, employment, economic development, natural environment, and housing and community development.

23 CFR 450.324(c) requires the MPO to review and update the MTP at least every four years in air quality nonattainment and maintenance areas and at least every 5 years in attainment areas to reflect current and forecasted transportation, population, land use, employment, congestion, and economic conditions and trends. Under 23 CFR 450.324(f), the MTP is required, at a minimum, to consider the following:

- Projected transportation demand
- Existing and proposed transportation facilities
- Operational and management strategies
- Congestion management process
- Capital investment and strategies to preserve transportation infrastructure and provide for multimodal capacity
- Design concept and design scope descriptions of proposed transportation facilities
- Potential environmental mitigation activities
- Pedestrian walkway and bicycle transportation facilities
- Transportation and transit enhancements
- A financial plan

Under Title VI of the Civil Rights Act (ref. 49 CFR Part 21.5), no person shall be excluded from participating in, denied the benefits of, or subjected to discrimination (intentional or unintentional) by an entity receiving Federal financial assistance. Federal Executive Order 12898 (Environmental Justice) requires, among other things, that public documents, are concise, understandable, and readily accessible to the public.

Current Status

The current MTP at the time of the review was the 2018 Regional Transportation Plan (RTP) and was developed to meet both the Federal MTP requirements and State RTP requirements. The

2018 RTP consists of a policy plan, many technical appendices, and is informed by multiple modal/topical plans. The Metro Council adopted the MTP on December 6, 2018. There was one corrective action and one recommendation identified in the 2017 certification review that were assessed for compliance during this certification review. In the 2018 RTP, Metro addressed some portions of the corrective action, as documented in the findings below.

Findings

- Metro's 2018 RTP revenue forecast composed of many different processes:
 - ODOT's Long Range Funding Assumptions Working Group, which includes ODOT's Senior Economist and MPOs
 - The Metro Regional Transportation Plan Finance work group consisting of city, county, ODOT Region 1, TriMet, SMART and the Port of Portland staff.
 - Metro staff worked directly with individual cities and three counties on revenue assumptions.
- Metro "discounts" the revenue projections to 2016 dollars and does not apply a year of expenditure (YOE) rate to project costs.
- Metro does not have common definition of operations and maintenance used to develop systems-level estimates of costs and revenue reasonably expected to be available for the MTP and TIP. Preservation projects appear to be included in the operations and maintenance estimates.
- ODOT revenue forecasts combine Federal and state revenue in a way that precludes disaggregation.
- The financial plan generally demonstrates fiscal constraint but does not breakout the total costs and revenues into meaningful functional categories (e.g., preventive maintenance, operations and management, capital), time periods (e.g., 2020-2030, 2030-2040) or by major travel modes (e.g., roadways, public transit, bike and pedestrian).
- Transportation investment costs equal total available revenue over the life of the MTP. The financial plan does not include long-term investment needs, and associated costs, to meet RTP goals and objectives. As a result, transit operations and maintenance revenues reflected in the financial plan are significantly larger (\$4.4 billion) than identified needs.
- Unclear how the MTP goals and policies are being met through their project selection or how projects were identified or selected.
- The MTP includes several definitions of regional significance and examples of facilities that are considered regionally significant.
- Although Metro did make formatting changes to the MTP for readability, the Metro's MTP is quite voluminous, and difficult to navigate. This could discourage some members of the public from engaging in the transportation planning process, and potentially exclude underserved populations, resulting in a disparate/disproportionate impact.
- In the *Transportation Equity Evaluation*, the *Oregon Education Department School Enrollment Data (Limited English Proficiency (LEP) only)* appears to be the sole source of data used to identify LEP populations. Using one source of data could result in a more exclusionary (rather than inclusionary) data set.

- In the *Transportation Equity Evaluation*, the Summary and Conclusions, timelines, re-evaluation points, equity milestones, and their connection to the project selection process and the development of the TIP, are not clearly articulated.

Corrective Action 1: By December 23, 2023, with the update of the MTP, Metro must create a financial plan that meets the requirements of 23 CFR 450.324(f)(11), including:

- Document revenue and cost estimates in YOY dollars
- In revenue estimation, develop one consistent process for all agencies and separate out ODOT revenues from Federal funding
- Define operations and maintenance for highway and transit to use in MTP and TIP financial planning processes.

Recommendation 1: As part of fiscal constraint documentation, Metro should develop cost and revenue estimates for functional categories (e.g., preventive maintenance, operations and management, capital), time periods (e.g., 2020-2030, 2030-2040) and by major travel modes (e.g., roadways, public transit, bike and pedestrian) to provide more specific detail describing how available revenues can meet projected costs overtime.

Recommendation 2: Metro should develop a single definition for a regionally significance project and use it consistently throughout all documents and processes.

Recommendation 3: Metro should look at MTPs of peer MPOs and consider changes to provide a more user-friendly and accessible MTP format.

Recommendation 4: Metro should include the timelines for re-evaluation points, equity milestones, and follow-up actions to ensure accountability and benchmarks for success in the *Transportation Equity Evaluation* section of the MTP/RTP.

2. Transportation Improvement Program

Regulatory Basis

23 U.S.C. 134(c), (h) & (j) set forth requirements for the MPO to cooperatively develop a Transportation Improvement Program (TIP). Under 23 CFR 450.326, the TIP must meet the following requirements:

- Must cover at least a four-year horizon and be updated at least every four years.
- Surface transportation projects funded under Title 23 U.S.C. or Title 49 U.S.C., except as noted in the regulations, are required to be included in the TIP.
- List project description, cost, funding source, and identification of the agency responsible for carrying out each project.
- Projects need to be consistent with the adopted MTP.
- Must be fiscally constrained.
- The MPO must provide all interested parties with a reasonable opportunity to comment on the proposed TIP.

Current Status

The current TIP at the time of the review was the 2021-2026 Metropolitan Transportation Improvement Program. Metro Council adopted the TIP on July 23, 2020.

There were two corrective actions and three recommendations identified in the 2017 certification review that were assessed for compliance during this certification review. In the 2021-2024 TIP, Metro partially resolved corrective action 1, as documented in the findings below, and fully resolved corrective action 2.

Findings

- The TIP has projects programmed for six years, the first four years of the Federally approved TIP plus two additional illustrative years, to better align with a realistic project development and implementation schedule.
- There are definitions for what constitutes capital and maintenance, though those definitions do not align with the definitions used by FHWA.
- Local agencies are asked to apply a YOY rate to projects. The year of expenditure rate nor the methodologies used to develop the rates are not documented.
- Revenue estimation process largely takes place at a quarterly Statewide Transportation Improvement Program (STIP) meeting.
- Revenue growth rates are different for ODOT controlled funding versus funding for local agency projects.
- Metro updated their amendment criteria to distinguish amendments and administrative modifications. The criteria were updated to reflect the ODOT's amendment criteria, resolving the 2017 corrective action.
- The TIP amendment process can be a timely process. Multiple committees review the amendment before being submitted to Oregon DOT and FHWA/FTA for approval.
- TIP generally does a good job of including primary required elements, including public outreach, complete project listings, financial plan, annual listing of obligated projects, and performance-based planning requirements.
- Demonstration of financial constraint in the main TIP document includes a summary of all state, local, and federal funding sources. The TIP technical appendix includes a complete breakdown of each state, local, and federal funding source by amount and by year, which would be better suited in the main body of the document.
- *Table 5.5 Demonstration of fiscal constraint – all 2021-2024 MTIP programming* shows Metro is over programmed for every year of the TIP
- Metro programs projects over a six-year timeframe to align with the realistic project development and implementation schedule.

Recommendation 5: Metro should include a breakdown of each federal funding source by amount and by year within the main document of the MTIP.

Recommendation 6: Metro should address ADA Transition Plan implementation in the TIP project prioritization and selection processes.

3. Congestion Management Process

Regulatory Basis

23 U.S.C. 134(k)(3) and 23 CFR 450.322 set forth requirements for the congestion management process (CMP) in TMAs. The CMP is a systematic approach for managing congestion through a process that provides for a safe and effective integrated management and operation of the multimodal transportation system. TMAs designated as non-attainment for ozone must also provide an analysis of the need for additional capacity for a proposed improvement over travel demand reduction, and operational management strategies.

23 CFR 450.324(f)(5) requires the MTP include Management and Operations (M&O) of the transportation network as an integrated, multimodal approach to optimize the performance of the existing transportation infrastructure. Effective M&O strategies include measurable regional operations goals and objectives and specific performance measures to optimize system performance.

Current Status

Metro, as a TMA, is required to develop and integrate a congestion management process in the long-range planning and short-range programming of projects. 2018 RTP Appendix L constitutes Metro's CMP, per documentation submitted by the MPO, though portions of the process are included in various chapters of the RTP.

There were two recommendations identified in the 2017 certification review that were assessed for compliance during this certification review. Metro addressed some portions of the recommendations, as documented in the findings below.

Findings

- With the CMP update in the 2018 RTP, Metro updated the CMP network, reducing the size of the network to the National Highway System and the High Capacity Transit corridors, to a more management scope for data collection, monitoring, and evaluation.
- Metro has both system-wide and corridor-specific performance measures for the CMP.
- The Federal performance measures are incorporated into the system-wide CMP performance measures.
- There appears to be three key components to the CMP.
 - Cost of Congestion Study – Adopted 2005
 - Regional Transportation Functional Plan – Adopted 2012
 - Mobility Atlas – Adopted 2015
- More current data is available than what is used in these plans. Metro has an extensive data program, as discussed during the TMA Certification review. However, it's unclear how Metro's data program links to the CMP.
- It's not clearly documented how Metro continues to monitor or update the CMP based on new data or performance measures.

- It's not clearly documented how the CMP is used in project selection processes for both the MTP and TIP.
- When reviewing the CMP, the Federal review team found it difficult to follow the process and how it was utilized in the MTP and TIP processes.
- The Portland area is rapidly growing in population and employment, and congestion is becoming a more pressing issue.
- FHWA and FTA would like to work with agency CMP experts to conduct a separate comprehensive review of Metro's CMP to better understand the process and offer further area(s) for improvement, if any.

Recommendation 7: Metro should continue to address the following portions of their congestion management process (CMP):

- Methods to monitor and evaluate the performance of the multimodal transportation system by identifying the underlying causes of recurring and non-recurring congestion; identifying and evaluating alternative strategies; providing information supporting the implementation of actions; and evaluating the effectiveness of implemented actions;
- Identification and evaluation of the anticipated performance and expected benefits of appropriate congestion management strategies that contribute to the more effective use of and improved safety of existing and future transportation systems based on the established performance measures.
- Implementation of a process for periodic assessment of the effectiveness of implemented strategies, in terms of the area's established performance measures.

4. Consultation

Regulatory Basis

23 U.S.C. 134(g) & (i)(5)-(6) and 23 CFR 450.316(b-e) sets forth requirements for consultation in developing the MTP and TIP. Consultation is also addressed specifically in connection with the MTP in 23 CFR 450.324(g)(1-2) and in 23 CFR 450.324(f)(10) related to environmental mitigation.

In developing the MTP and TIP, the MPO shall, to the extent practicable, develop a documented process that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies as described below:

- Agencies and officials responsible for other planning activities (State, local, economic development, environmental protection, airport operations, or freight)
- Other providers of transportation services
- Indian Tribal Government(s)
- Federal land management agencies

Current Status

There was one corrective action identified in the 2017 certification review that was assessed for compliance during this certification review. Metro made progress in addressing this corrective action, as documented in the findings below, but has not fully resolved this finding.

Findings

- Developed a survey for consultation agencies to fill out indicating which steps in the TIP and RTP update processes they would like to be consulted and how to be consulted. Both the 2021-2024 TIP and 2018 RTP updates used the same consultation processes and both document the consultation conducted.
- Metro developed and utilized a consultation process, however the process used for consultation that outlines roles, responsibilities, and key decision points during the MTP and TIP updates has not been documented despite the 2017 corrective action.
- Metro consulted with four Tribes during the RTP and TIP update process, though documentation doesn't specify how Metro determined these were the appropriate Tribes or how the consultation process with the Tribes was initiated or developed.
- Metro hired a Tribal liaison in 2020 to build relationship and continue to build consultation processes.
- The 2018 RTP Appendix D - Public and Stakeholder Engagement and Consultation Summary is very well developed and comprehensive. The stakeholders included is well documented and detailed.
- It is not clear from the documentation reviewed that Metro coordinated with US Fish and Wildlife Service or the Bureau of Indian Affairs. Further discussion with Metro staff suggested both agencies were contacted during RTP development with no response, which clarified this gap.
- Metro did not sufficiently document the overall process, including listing all applicable consultation agencies and Tribes, agency roles and responsibilities, and key decision points for consulting with applicable agencies.

Corrective Action 2: By June 30, 2022, Metro must document its formal consultation process developed with applicable agencies that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies defined in 23 CFR 450.316(b), (c), and (d), as required in 23 CFR 450.316(e).

5. Public Participation

Regulatory Basis

Sections 134(i)(5), 134(j)(1)(B) of Title 23 and Section 5303(i)(5) and 5303(j)(1)(B) of Title 49, require a Metropolitan Planning Organization (MPO) to provide adequate opportunity for the public to participate in and comment on the products and planning processes of the MPO. The requirements for public involvement are detailed in 23 CFR 450.316(a) and (b), which require the MPO to develop and use a documented participation plan that includes explicit procedures

and strategies to include the public and other interested parties in the transportation planning process.

Specific requirements include giving adequate and timely notice of opportunities to participate in or comment on transportation issues and processes, employing visualization techniques to describe metropolitan transportation plans and TIPs, making public information readily available in electronically accessible formats and means such as the world wide web, holding public meetings at convenient and accessible locations and times, demonstrating explicit consideration and response to public input, and a periodically reviewing of the effectiveness of the participation plan.

Under Title VI of the Civil Rights Act (ref. 49 CFR Part 21.5), no person shall be excluded from participating in, denied the benefits of, or subjected to discrimination (intentional or unintentional) by an entity receiving Federal financial assistance.

Federal Executive Order 12898 (Environmental Justice) requires, among other things, that public documents, are concise, understandable, and readily accessible to the public.

Current Status

Metro created the public participation plan (PPP) document *Be involved in transportation planning* in January 2019. This document is separate from the *Public Engagement Guide* (2013).

There was one corrective action and one recommendation identified in the 2017 certification review that were assessed for compliance during this certification review. Metro made progress in addressing this corrective action, as documented in the findings below, but has not fully resolved this finding.

Findings

- The participation plan doesn't state how people can submit comments or how Metro considers and responds to comments
- The PPP doesn't specify how community members can apply to serve on committees
- Metro identified key decision points in MTP and TIP development and amendment process where the MPO requests public comment.
- The PPP includes a link for where the document is located on Metro's website, which is a good practice
- Metro's website offers Language Assistance for people with limited English proficiency (LEP), however the link for this resource is in English and may make it difficult for those needing language assistance to access. The link for the Language Assistance link should be stated in the key languages determined to be prominent based on the outcome of the LEP Four-Factor Analysis and the Safe Harbor Provision.
- The review team found it hard to find the PPP on Metro's website
- In the *Be involved in transportation planning* document, it was unclear how the public, and community stakeholder input, was gathered and incorporated or if it went through a 45-day public review period as required. The process for selecting your outreach methods

did not appear to include what community-organizations and groups of people you targeted for outreach, and why; particularly environmental justice and limited-English proficiency populations. Relatedly, key decision-making points, for the public to understand when and where to have their input, was not clear. The timelines, re-evaluation points, equity milestones, and follow-up actions to ensure accountability and benchmarks for success are not clearly articulated.

Corrective Action 3: By June 30, 2023 Metro must update the PPP to meet all requirements of 23 CFR 450.316, including:

- Simplifying the PPP document through summaries, visualization, and other techniques to make the document accessible and comprehensible to the widest possible audience
- Explicit procedures for outreach to be conducted at the identified key decision points.
- Specific outreach strategies to engage traditionally underserved populations.
- Criteria or process to evaluate the effectiveness of outreach processes.
- A minimum public comment period of 45 calendar days shall be provided before the revised participation plan is adopted by the MPO.

Recommendation 8: Metro should use just one document as the MPO's Public Participation Plan to make it easier for the public participation processes.

Recommendation 9: Metro should include information in the PPP on how the public can volunteer to serve on committees.

Recommendation 10: Metro should update the *Language Assistance* link on its website so it's stated in the prominent languages in the region, as determined in the LEP Four-Factor Analysis and the Safe Harbor Provision.

6. Civil Rights (Title VI, EJ, LEP, ADA)

Regulatory Basis

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin. Specifically, 42 U.S.C. 2000d states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The Civil Rights Restoration Act of 1987, restored the original intent of Title VI to cover the entire operations of recipients/subrecipients regardless of funding source. In addition to Title VI, other nondiscrimination statutes afford legal protection. These statutes include: Section 162(a) of the Federal-aid Highway Act of 1973 (23 USC 324), Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990.

49 CFR Part 27 are USDOT's regulations pertaining to implementation of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) as amended. Section 504 prohibits discrimination on the basis of disability such that "No otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be

denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

49 CFR Part 27.19 requires recipients to also comply with the Americans with Disabilities Act (42 U.S.C. 12101-12213) including the Department’s ADA regulations (49 CFR Parts 37 and 38), the regulations of the Department of Justice implementing Titles II and III of the ADA (28 CFR Parts 35 and 36), and the regulations of the Equal Employment Opportunity Commission (EEOC) implementing Title I of the ADA (29 CFR Part 1630). ADA specifies that programs and activities funded with Federal dollars are prohibited from discrimination based on disability.

Executive Order #12898 (Environmental Justice) directs Federal agencies to develop strategies to address disproportionately high and adverse human health or environmental impacts of their programs on minority and/or low-income populations. In compliance with this Executive Order, USDOT and FHWA issued orders to establish policies and procedures for addressing environmental justice in transportation programs and activities. The planning regulations, at 23 CFR 450.316(a)(1)(vii), require that the needs of those “traditionally underserved” by existing transportation systems, such as low-income and/or minority populations, be sought out and considered.

Executive Order #13166 (Limited English Proficiency) requires Federal agencies to ensure, consistent with Title VI, that persons who are limited in English proficiency have meaningful access to the programs, services, and activities of Federal recipients and sub-recipients.

Current Status

Metro’s Title VI Plan is dated July 2017. The last annual compliance report submitted to ODOT is dated August 2014 (per Metro’s website). Metro’s LEP Plan was created in September 2018.

There was one corrective action and two recommendation identified in the 2017 certification review that were assessed for compliance during this certification review. Metro made progress in addressing this corrective action, as documented in the findings below, but has not fully resolved this finding.

Findings

- Metro designated the Human Resources Director to serve as coordinator for Section 504 and ADA matters.
- Metro staff indicated that an ADA self-evaluation pertaining to the Metro Regional Center building, where Metro offices/meeting space are housed, was completed in July 2018, though the review team could not locate it on the website. The website does include a copy of Metro’s ADA Self-Evaluation and associated Transition Plan specific to Metro Parks.
- The ADA self-evaluation and transition plan is expected to conclude in Spring 2021. The self-evaluation needs to include all programs, services, and activities (e.g., evaluation of agency policies, how the transportation plans/decisions consider the needs of individuals with disabilities (in regards to pedestrian facilities), et al). The MPO should engage the public and advocacy groups in this process, and publish and get feedback.

- A Section 504/ADA nondiscrimination notice was developed and Metro staff said it was posted on the website, however the review team could not locate the notice. The notice needs to be easy to locate.
- Metro staff indicated an ADA Notice to the Public was developed that includes relevant information regarding Title II of the ADA, and how it applies to all of Metro's programs, services, and activities, however the review team could not locate the notice.
- The Title VI Plan:
 - Contains references to age and disability which are outside the reach/scope of Title VI. These bases are covered by separate nondiscrimination laws, and should not be co-mingled with information pertaining to Title VI.
 - The "Title VI Notice" linked on the webpage (under *Know Your Rights*) also extends to age and disability and should be removed.
 - Contains FTA Standard Assurances, but does not contain signed USDOT Assurances associated with receipt of FHWA financial assistance (ref. https://www.faa.gov/about/office_org/headquarters_offices/acr/com_civ_support/non_disc_pr/media/dot_order_1050_2A_standard_dot_title_vi_assurances.pdf).
 - Does not contain information on the collection of Title VI data (e.g., what is collected, when it is collected, and how it is utilized for Title VI purposes).
 - Complaint procedures appear to conflict with FHWA's instructions regarding processing Title VI complaints (ref. https://www.fhwa.dot.gov/civilrights/programs/title_vi/titleviqa.cfm).
- The last Title VI annual compliance report submitted to ODOT is dated August 2014 (per Metro's website), but is required to be completed annually.
- Metro requires Project Sponsors to document and certify (using Form A/B) that their respective transportation plans and processes provided meaningful opportunities for the public to engage.

Corrective Action 4: By December 31, 2022, Metro must complete an ADA self-evaluation of all Metro programs, services, and activities that identifies universal access barriers and describes the methods to remove the barriers, along with specified timelines to come into compliance with Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990. The self-evaluation and transition plan should include a list of advocacy groups/individuals consulted with as part of the self-evaluation/transition plan process and be posted on Metro's website for public information and opportunity to provide feedback.

Recommendation 11: Metro should ensure the ADA Notice can be easily located on its website, and in Metro buildings, and include the basics of ADA requirements of the State or local government, written in easy to understand plain language format, and contact information of the ADA Coordinator.

Recommendation 12: Metro should work with ODOT's Title VI staff to:

- Clarify compliance reporting procedures and timelines;
- Ensure that USDOT Standard Assurances associated with FHWA financial assistance are signed and incorporated into Metro's Title VI Plan;
- Confirm ODOT's expectations related to collection and analysis of Title VI data;

- Revise its Title VI complaint procedures to include FHWA’s guidance on processing Title VI complaints;
- Remove age and disability from the Title VI Plan, complaint procedures, and any other associated documents and ensure only appropriate groups are included.

Recommendation 13: Metro should use the U.S. Census *American Community Survey* data as the primary data sources for identifying Limited English Proficiency populations and incorporating a more comprehensive, multiple data-set, approach.

7. Transit Representation on MPO Board

Regulatory Basis

Moving Ahead for Progress in the 21st Century (MAP-21) was signed into law on July 26, 2012. The Fixing America’s Surface Transportation (FAST) Act was signed into law on December 4, 2015. MAP-21 and FAST Act require that transportation management areas (TMAs) have transit representation on an MPO policy board.

23 CFR 450.310(d) requires, not later than October 1, 2014, each metropolitan planning organization that serves a designated TMA shall consist of officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and...

Designation or selection of officials or representatives shall be determined by the MPO per the bylaws or enabling statute of the organization. Subject to the bylaws or enabling statute of the MPO, a representative of a provider of public transportation may also serve as a representative of a local municipality.

Current Status

The Joint Policy Advisory Committee on Transportation (JPACT) By-Laws were written and adopted by the Metro Council and JPACT in 1990, and amended February 28, 2008.

Findings

- Comments from South Metro Area Rapid Transit (SMART), cities of Clackamas County, Clackamas County, City of Wilsonville, Metro, and TriMet were provided on the topic of transit representation on JPACT. Those comments were submitted during the virtual site visit, and in writing. The written comments are included at the end of the report for reference.
- TriMet holds a transit representation seat on the JPACT. In this role, the by-laws state TriMet will “periodically coordinate” with SMART regarding board business.
- The Cities of Clackamas Counties seat represents South Metro Area Rapid Transit (SMART).
- The Clackamas County seat represents the regional transit service providers Sandy Area Metro (SAM), South Clackamas Transit District (SCTD) or City of Molalla, and Canby Area Transit (CAT) that provide services within the MPO boundary.

- It is unclear from the 2020 JPACT meeting minutes which agency represents public transportation on the committee. TriMet interests are clearly represented. Less often TriMet discusses regional transit issues. It is unclear if all transit agencies are represented by TriMet's regional transit seat or the transit agencies are represented by their respective seats on JPACT.

Recommendation 14: Metro should work with the JPACT members and regional transit agencies to define how regional transit interests are represented on the committee. The JPACT By-Laws should explicitly and clearly describe the role of the regional transit representation seat, currently held by TriMet. The representation of transit agencies on JPACT could be further supported by interlocal agreements between the transit agencies. It is also recommended Metro consider direct representation of regional transit agencies on technical advisory boards and committees such as the Transportation Policy Alternative Committee (TPAC).

RTC Planning Certification Findings

1. MPO Structure & Agreements

Regulatory Basis

23 USC 134 outlines the requirements for a Metropolitan Planning Organization (MPO) to operate. Subsection (d) of 23 USC 134 focuses on the MPO's representation and includes the election and appointments of officials. Federal legislation (23 U.S.C. 134(d)) requires the designation of an MPO for each urbanized area with a population of more than 50,000 individuals. Each MPO that serves a TMA, when designated or re-designated under 23 CFR 450.310(d), shall consist of local elected officials, officials of public agencies that administer or operate major modes of transportation within the metropolitan area, and appropriate State transportation officials.

When appropriate, MPOs may increase the representation of local elected officials, public transportation agencies, or appropriate State officials on their policy boards and other committees as a means for encouraging greater involvement in the metropolitan transportation planning process. The voting membership of an MPO that was designated or re-designated prior, will remain valid until a new MPO is re-designated. Re-designation is required whenever the existing MPO seeks to make substantial changes to the proportion of voting members representing individual jurisdictions, or the state or the decision-making authority or procedures established under MPO bylaws.

In accordance with 23 USC 134 and 23 CFR 450.314, MPOs are required to establish relationships with the State and public transportation agencies using specified agreements between the parties to cooperate in carrying out a continuing, cooperative and comprehensive metropolitan planning process. The agreements must identify the mutual roles and responsibilities and procedures governing their cooperative efforts.

In urbanized areas with a population of 50,000 or more, Federal planning law (23 USC 134 and 49 USC 5303 and 23 CFR 450) calls upon local officials to cooperate with states and public transportation providers in undertaking a continuing, comprehensive, and cooperative (3C) multimodal transportation planning process.

In metropolitan areas, Federal planning law (23 U.S.C 134 and 49 USC 5304) requires each MPO to cooperate with the state and local officials, to develop a long-range metropolitan transportation plan, transportation improvement program, and Unified Planning Work Program (UPWP). These planning and programming documents are developed through a 3C process carried out on a statewide level, but coordinated with the metropolitan planning processes of the MPO. Funding is available from FHWA and FTA to support metropolitan transportation planning. Planning programs are jointly administered by FHWA and FTA.

Current Status

RTC is the MPO for Clark County, the Washington portion of the Portland-Vancouver urbanized area. The Board of Directors serves many functions, including the adoption of the Regional Transportation Plan and programming projects using grant funding. The Regional Transportation Advisory Committee is a subcommittee of the Board, representing the MPO functions within Clark County. RTC by-laws were first adopted in 1992 and have been amended several times over the years, with the most recent amendment occurring in December 2020. RTC maintains a current metropolitan transportation planning agreement, which explains the duties of carrying out the 3C planning process between the Washington State Department of Transportation (WSDOT), RTC, and C-TRAN. RTC ensures that the duties and tasks are handled by the respective agencies listed in the agreement, and all parties are signatories. RTC also executes a funding agreement with WSDOT, which ensures that all Federal requirements are adhered to when receiving and spending Federal funds and/or passing through Federal funds to local agencies.

Findings

- RTC's Agreements do not include Title VI non-discrimination provisions (Appendices A and E), as required by the USDOT Order 1050.2A (USDOT Title VI Assurances) and committed to in RTC's Title VI Plan.
- RTC demonstrates significant coordination between staff, the Policy Board, and Technical Advisory Committee, for key decisions to be made appropriately. The Policy Board and TAC are provided with an understanding of how Federal grant funding is provided to RTC, RTC staff continues to educate the Policy Board on Transportation Performance Management (TPM) requirements and consequences, and RTC staff creates a shortened version of the Congestion Management Process (CMP) that provides Policy Board members with an understanding of the annual data being captured, all with the intent of making more informed decisions.
- RTC's Bylaws have been updated on December 1, 2020, and an update to the Interlocal Agreement is coming soon. Section 8 within the Interlocal Agreement specifically relates to the Duties of RTC. The section has a very detailed description of the functions/responsibilities of the RTC Board related to those duties. The Duties of RTC are detailed with specific references to the RTP, TIP, the CMP, with references to public comment on the core planning documents. RTC includes an organizational chart of decision-making in all planning documents; including the Unified Planning Work Program (UPWP), TIP, and MTP.
- RTC also includes the Cowlitz Tribe as a full voting member on the Policy Board and Technical Advisory Committee, which allows the Tribe to provide input on the TIP, MTP, and Human Services Transportation Plan.

Recommendation 1: While RTC's self-certification demonstrates adherence to 2 CFR 200 for procuring and rendering contractor and consultant services; and further adheres to following 23 CFR 450.220 and 23 CFR 450.336; RTC should update all contracts and agreements with Appendices A & E of the USDOT Title VI assurances, when services will be provided by consultants or contractors.

Recommendation 2: With respect to the metropolitan planning agreement, per 23 CFR 450.314, and metropolitan planning (PL/5303) funding agreement with WSDOT, RTC should continue monitoring tasks and responsibilities that are being completed within the metropolitan planning area, to ensure that planning tasks are not duplicated, and that the appropriate agency is handling the respective tasks in alignment with each agreement.

2. Metropolitan Planning Area Boundaries

Regulatory Basis

The metropolitan planning area (MPA) boundary refers to the geographic area in which the metropolitan transportation planning process must be carried out. The MPA covers the Census-defined, urbanized area (UZA) and the contiguous geographic area likely to become urbanized within the 20-year forecast period covered by the Metropolitan Transportation Plan (MTP). In accordance with 23 USC 134 (e) and 23 CFR 450.312, the boundary should foster an effective transportation planning process that ensures connectivity among modes and promotes overall efficiency.

Current Status

RTC contains a Metropolitan Planning Area (MPO) Boundary that includes the Metropolitan Statistical Area (MSA) of Clark County, WA, which is compliant with 23 CFR §450.312. Consultation with member jurisdictions occurs for all entities located within Clark County.

Findings

- In Washington, State Law indicates that an MPO also serves as the lead for the Regional Transportation Planning Organization (RTPO). While RTC staff work with their MPO partners within Clark County, they also work with transportation partners in Klickitat and Skamania Counties, in adherence with State Law. This overlap of the MPO and RTPO allows for RTC to have a true regional impact with the TIP, MTP, and in other planning documents.

No corrective actions or recommendations were identified.

3. Transportation Planning Process

Regulatory Basis

Federal regulations 23 CFR 450.306 and 450.318 define the scope of the metropolitan transportation planning process and the relationship of corridor and other subarea planning studies to the metropolitan planning process and National Environmental Policy Act (NEPA) requirements. In addition, 23 CFR 450.316 (c), (d), and (e) address the need for participation by Federal lands management agencies and Tribal governments in the development of key products in the planning process.

Key provisions of 23 CFR 450.306 are related to required planning factors, coordination, and consistency with related planning processes, asset management, and possible differences in requirements for TMAs and non-TMAs.

Current Status

The collaborative planning activities completed by RTC and explained in the UPWP contributes to the successful execution of the 3C planning process.

Findings

- RTC completes required transportation planning activities, and ensures that all member jurisdictions are included in planning and project level decisions made by the RTC Policy Board.
- RTC has established a strong leadership role and developed effective partnerships with member agencies. Its organizational structure supports a positive framework for conducting a continuing, comprehensive, and cooperative (3C) planning process.
- RTC has made significant enhancements to its data management system by developing and maintaining appropriate data sets used in its regional GIS mapping system, and an annual data report with respect to the Congestion Management Process. A summarized version of this report is provided annually to the RTC Policy Board to enhance effective decision-making.

No corrective actions or recommendations were identified.

4. Unified Planning Work Program

Regulatory Basis

MPOs are required to develop Unified Planning Work Programs (UPWPs) in Transportation Management Areas (TMAs) to govern work programs for the expenditure of FHWA and FTA planning and research funds (23 CFR 450.308). The UPWP must be developed in cooperation with the state and public transit agencies, and include the required elements, such as a discussion of transportation planning priorities, work proposed for the next 1- or 2-year period by major activity and tasks in sufficient detail to indicate who will perform the work, the schedule for completing the work, the resulting products, the proposed funding by activities and tasks, and a summary of the total amounts and sources of Federal and matching funds.

Current Status

The UPWP at the time of the review was the FY 2021 UPWP, which covers the period of July 1, 2020 to June 30, 2021. The UPWP is updated annually. Because RTC is part of the bi-state Portland-Vancouver urbanized area, it is developed in coordination with Metro.

Findings

- RTC staff prepares for their annual UPWP review coordination meeting with WSDOT and FHWA/FTA, providing finance and project data and updates as appropriate, and engaging USDOT in conversations about plans. FHWA/FTA and RTC use the UPWP meetings to discuss TMA certification-related topics, as well as other updates.
- RTC identifies Title VI, Environmental Justice (EJ), Section 504 and the Americans with Disabilities Act planning priorities and activities as part of its annual UPWP.
- Documents prepared by RTC contain clear documentation, such as technical citations, dates for activities, meetings, past or planned deliverables or updates.

Recommendation 3: RTC should continue to use the UPWP as a tool to track tasks and activities with respect to revenues and expenditures. In addition, RTC should hold check-in meetings throughout the year with WSDOT to review timelines for various deliverables.

Recommendation 4: RTC should include research and other initiatives in the UPWP that will generate data that can be used to further advance equity in the transportation planning process. TCRP Report 214 is an example of one resource that may provide RTC with insight on this recommendation.

5. Performance-Based Planning and Programming

Regulatory Basis

States and Metropolitan Planning Organizations (MPOs) are required to take a performance-based approach to planning and programming. 23 USC 150 Performance-based Planning and Programming (PBPP) regulations, establish requirements for metropolitan planning organizations to coordinate with the state DOT to set performance targets and integrate those performance targets and performance plans into their planning documents by certain dates, per 23 CFR 450.306. MPOs are also required to reference performance targets and performance-based plans into their TIPs and Metropolitan Transportation Plans, per 23 CFR 450.324 and 23 CFR 450.326. The planning products must include a description of the performance measures and performance targets used in assessing the performance of the transportation system and should include, to the maximum extent practicable, a description of the anticipated effect toward achieving the performance targets identified in the metropolitan transportation plan and TIP, linking investment priorities to performance targets.

MPOs must initiate discussions with transit agencies, state DOTs and planning partners to update Metropolitan Planning Agreements, per 23 CFR 450.314. This presents an opportunity for MPOs and planning partners to clarify roles and responsibilities for developing and sharing performance data, setting performance targets, reporting of targets, and tracking progress towards meeting targets, through a formal agreement.

Current Status

The MTP includes PBPP requirements as of the date of adoption. RTC programs projects in accordance with transportation performance management.

Findings

- RTC staff has engaged its member jurisdictions, and works closely with WSDOT to ensure that active collaboration and coordination related to performance measures occur.
- The MTP includes references to Federal performance-based planning requirements and outlines regional targets established at the time of plan adoption. Deadlines for regional targets for transit asset management (June 2017) and transit safety (January 2021) have since been established.
- To adhere to the new requirements of 23 CFR 450.314 (h), RTC, WSDOT, and C-TRAN annually develop and submit a TPM Collaboration Memo, which provides a summary of the TPM work that has occurred over the past year, as well as what future work will be completed in the upcoming year. Data sharing, performance measures, target setting, and decision-making are highlights of this TPM Collaboration Memo.
- WSDOT uses a tiered approach in collaborating with MPOs – a framework group, working group, and technical teams (for each performance measure). This information is also available on the WSDOT performance measures website. RTC is an active participant in these meetings, and often pushes the state to deliver on deadlines and consider MPO challenges when going through the target-setting process for each performance measure.

No corrective actions or recommendations were identified.

6. Metropolitan Transportation Plan

Regulatory Basis

23 U.S.C. 134(c), (h) & (i) and 23 CFR 450.324 set forth requirements for the development and content of the Metropolitan Transportation Plan (MTP). Among the requirements are that the MTP address at least a 20-year planning horizon and that it includes both long and short range strategies that lead to the development of an integrated and multi-modal system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

The MTP is required to provide a continuing, cooperative, and comprehensive multimodal transportation planning process. The plan needs to consider all applicable issues related to the transportation systems development, land use, employment, economic development, natural environment, and housing and community development.

23 CFR 450.324(c) requires the MPO to review and update the MTP at least every four years in air quality nonattainment and maintenance areas and at least every 5 years in attainment areas to reflect current and forecasted transportation, population, land use, employment, congestion, and

economic conditions and trends. Under 23 CFR 450.324(f), the MTP is required, at a minimum, to consider the following:

- Projected transportation demand
- Existing and proposed transportation facilities
- Operational and management strategies
- Congestion management process
- Capital investment and strategies to preserve transportation infrastructure and provide for multimodal capacity
- Design concept and design scope descriptions of proposed transportation facilities
- Potential environmental mitigation activities
- Pedestrian walkway and bicycle transportation facilities
- Transportation and transit enhancements
- A financial plan

Under Title VI of the Civil Rights Act (ref. 49 CFR Part 21.5), no person shall be excluded from participating in, denied the benefits of, or subjected to discrimination (intentional or unintentional) by an entity receiving Federal financial assistance. Federal Executive Order 12898 (Environmental Justice) requires, among other things, that public documents, are concise, understandable, and readily accessible to the public.

Current Status

RTC refers to the MTP as the Regional Transportation Plan (RTP). The current RTP at the time of the certification review was the Regional Transportation Plan for Clark County, adopted in March 2019.

There was one corrective action identified in the 2017 certification review that was assessed for compliance during this certification review and determined to be resolved (see [Appendix B](#) for detail).

Findings

- The updated RTP includes a more robust RTP section addressing bicycle and pedestrian modes. The RTP Appendix addressing Environmental Justice also includes analysis relating to accessibility.
- The Accessible Transportation Coalition Initiative (ATCI) meets quarterly to address ongoing needs relating to access to transportation including for those with disabilities, low income and rural area residents.
- RTC works with the region's underserved populations either directly or through representative agencies and organizations. RTC has partnered with graduate college students to interview representatives of the EJ populations in Clark County and to research public involvement.
- Bi-state coordination on the regional travel forecast model and on Portal data collection will continue. There are plans to carry out an updated travel behavior survey in 2020/21 (dependent on COVID impacts).

- RTC is working on a Regional Active Transportation Plan, that will be completed soon, that will provide additional detail on active transportation needs. Elements of this plan will become part of the MTP/RTP and identify how needs have changed from the last plan update.
- MTP includes discussion of various emerging transportation technologies that could influence future travel, however there is little analysis regarding how shared, autonomous, and/or connected vehicles might impact future travel demand or capacity needs.
- MTP includes a well-documented regional/system-wide analysis of future problems and needs, but does not provide a subarea geographic analysis to highlight transportation issues that the proposed list of projects/ programs will address.
- The MTP financial plan analysis balances cost and revenue data for defined regional projects (Designated Regional System). Total costs for planned ‘local’ transportation needs are identified, but no information is provided for available local revenue.
- The financial plan generally demonstrates fiscal constraint, but does not breakout the total costs and revenues into meaningful functional categories (e.g., preventive maintenance, operations and management, capital), time periods (e.g., 2020-2030, 2030-2040) or by major travel modes (e.g., roadways, public transit, bike and pedestrian).
- The financial plan identifies a \$30.9m shortfall over the time-period of the plan that could be covered by a 1.1 cent gas tax equivalent, implemented in 2021. Various regional and local revenue options are discussed, but no specific revenue source(s) are identified and defended specifically as reasonable to assume.

Recommendation 5: RTC should expand its EJ analysis to include an equity analysis to better determine whether planned transportation investments will create a benefit or a burden on affected communities.

Recommendation 6: As part of the next MTP update, RTC should include a well-documented analysis of future transportation problems by major subareas or corridors that describes the transportation needs the MTP projects and programs are anticipated to address.

Recommendation 7: As part of the next MTP update, the financial constraint demonstration should include sufficient detail – functional categories, time-periods, major travel modes – to more clearly demonstrate the total costs associated with meeting long-term regional and local transportation needs. If new revenues options are included in the plan, they should be specifically identified and supported with assumptions that establish that they are reasonable.

Recommendation 8: As part of the next MTP update, RTC should expand their analysis of emerging transportation technologies to include the potential long-term impacts of shared, autonomous, and/or connected vehicles on future travel demand.

7. Congestion Management Process

Regulatory Basis

A congestion management process (CMP) requirement applies to transportation management areas (TMAs) that are MPOs with populations greater than 200,000, and is a systematic approach for managing congestion through a process that “provides for safe and effective integrated management and operation of the multimodal transportation system, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 USC, and Title 49 USC 53 through the use of travel demand reduction and operational management strategies.” (23 CFR 450.320[a]).

Current Status

RTC has developed a CMP appropriate to the needs of the region. The MPO continually captures data on the CMP network and develops an annual report.

Findings

- This CMP annual report aids in allowing RTC to use data more efficiently as it pertains to the TIP, MTP, and prioritization of projects in the region. The map tool that RTC has available on the RTC website is clear, concise, and helpful to the public who may not truly understand how data is used in planning and programming transportation projects.
- RTC works with its member jurisdictions to use the CMP data in analyzing current and future investments for transportation projects.

No corrective actions or recommendations were identified.

8. Transportation Improvement Program

Regulatory Basis

23 U.S.C. 134(c), (h) & (j) set forth requirements for the MPO to cooperatively develop a Transportation Improvement Program (TIP). Under 23 CFR 450.326, the TIP must meet the following requirements:

- Must cover at least a four-year horizon and be updated at least every four years.
- Surface transportation projects funded under Title 23 U.S.C. or Title 49 U.S.C., except as noted in the regulations, are required to be included in the TIP.
- List project description, cost, funding source, and identification of the agency responsible for carrying out each project.
- Projects need to be consistent with the adopted MTP.
- Must be fiscally constrained.
- The MPO must provide all interested parties with a reasonable opportunity to comment on the proposed TIP.

Current Status

RTC adopted the 2021-2024 TIP October 6, 2020. FHWA and FTA approved the TIP for inclusion in the STIP January 8, 2021. The TIP is updated annually.

Findings

- RTC demonstrates that the TIP projects are fully funded by phases, and meets fiscal constraint requirements in programming projects that have funds that are reasonably expected to be available.
- RTC has developed a TIP Guidebook, which outlines funding sources and assists with stakeholders, Policy Board, and TAC members with project prioritization.
- Additionally, RTC requires a “before and after report” to be completed by local jurisdictions that receive Federal funds. This is an additional check on local agencies that spend pass through funding. This contributes to RTC’s project showcase dashboard, which is a project tracking tool available to the public on the RTC website.
- RTC includes a clear link between projects and performance-based planning and programming. While WSDOT chooses the maintenance and preservation projects on the state system, RTC is actively involved in this process. In addition, RTC is actively involved in discussions that occur within the Washington Legislature with respect to mobility projects.
- RTC includes a notice of its Section 504/ADA nondiscrimination commitment (i.e., ADA Nondiscrimination Statement) and the Title VI Nondiscrimination Statement in the TIP document.
- The TIP generally does a good job of including primary required elements, including public outreach, complete project listings, financial plan, annual listing of obligated projects, and performance-based planning requirements.

No corrective actions or recommendations were identified.

9. MPO Self-Certification

Regulatory Basis

Quadrennial self-certification of the metropolitan planning process is required under 23 CFR 450.334. The State and the MPO certify to FHWA and FTA that the planning process addresses major issues facing the area and follows all applicable requirements of 23 CFR 450.300 and:

- 23 USC 134 and 49 USC 5303 and Sections 174 and 176(c) and (d) of the Clean Air Act (as applicable)
- Title VI of the Civil Rights Act of 1964; Title VI assurance executed by each State
- 49 USC 5332, prohibiting discrimination based on race, color, creed, national origin, sex, or age in employment or business opportunity
- Section 1101(b) of SAFETEA-LU and 49 CFR Part 26, regarding involvement of DBE in USDOT-funded planning projects

- 23 CFR Part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts
- ADA and USDOT regulations governing transportation for people with disabilities [49 CFR Parts 27, 37, and 38]
- Older Americans Act as amended, prohibiting discrimination based on age
- 23 USC 324, regarding the prohibition of discrimination based on gender
- Section 504 of the Rehabilitation Act of 1973 and 49 CFR 27, regarding discrimination against individuals with disabilities
- All other applicable provisions of Federal law (e.g., while no longer specifically noted in a self-certification, prohibiting use of Federal funds for “lobbying” still applies and should be covered in all grant agreement documents (see 23 CFR 630.112).

Current Status

RTC self-certifies that all Federal regulations and requirements are being followed with the annual submittal of the four-year TIP.

Findings

- RTC submits the self-certification on schedule each year.
- RTC adheres to Federal regulations and requirements to develop the TIP, and is on schedule with this required self-certification of the transportation planning process.

No corrective actions or recommendations were identified.

10. Public Participation

Regulatory Basis

Sections 134(i)(5), 134(j)(1)(B) of Title 23 and Section 5303(i)(5) and 5303(j)(1)(B) of Title 49, require a Metropolitan Planning Organization (MPO) to provide adequate opportunity for the public to participate in and comment on the products and planning processes of the MPO. The requirements for public involvement are detailed in 23 CFR 450.316(a) and (b), which require the MPO to develop and use a documented participation plan that includes explicit procedures and strategies to include the public and other interested parties in the transportation planning process.

Specific requirements include giving adequate and timely notice of opportunities to participate in or comment on transportation issues and processes, employing visualization techniques to describe metropolitan transportation plans and TIPs, making public information readily available in electronically accessible formats and means such as the world wide web, holding public meetings at convenient and accessible locations and times, demonstrating explicit consideration and response to public input, and a periodically reviewing of the effectiveness of the participation plan.

Under Title VI of the Civil Rights Act (ref. 49 CFR Part 21.5), no person shall be excluded from participating in, denied the benefits of, or subjected to discrimination (intentional or unintentional) by an entity receiving Federal financial assistance.

Federal Executive Order 12898 (Environmental Justice) requires, among other things, that public documents, are concise, understandable, and readily accessible to the public.

Current Status

RTC's Public Participation Plan was adopted in December 1, 2020 as documented in resolution 12-20-30. The PPP went through a 45-day public comment period that began October 9, 2020.

Findings

- The inside cover of RTC's Public Participation Plan (PPP) contains an abbreviated Title VI nondiscrimination statement, but does not contain an ADA nondiscrimination statement.
- RTC publishes a language flyer containing information on who to contact that is posted online and at all in-person meetings.
- The MTP/RTP does not clearly identify the process for developing methods that will be used overtime to evaluate whether the needs of underrepresented populations, or the process for identifying underrepresented populations are effective.
- The process for selecting community-based organizations to be invited to public participation events and decision-making points was not described. It was not clear if contacting these organizations was based upon any criteria, such as considering underrepresented and LEP populations through census data, ridership data, economic reports, or other available information.

Recommendation 9: RTC should add an ADA nondiscrimination statement (similar to the Title VI statement) to the inside cover of the Public Participation Plan, ending the statement with the existing information regarding how to obtain materials in alternative formats.

Recommendation 10: RTC should continue to review its methods of public outreach/participation, and make changes as necessary to ensure that communications with the public includes equal access for traditionally underserved populations, and recognizes that not all populations have internet access.

Recommendation 11: RTC should clearly document the process for selecting underrepresented populations and community-based organizations to be invited to public participation events and decision-making points.

11. Civil Rights (Title VI, EJ, LEP, ADA)

Regulatory Basis

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin. Specifically, 42 U.S.C. 2000d states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The Civil Rights Restoration Act of 1987, restored the original intent of Title VI to cover the entire operations of recipients/subrecipients regardless of funding source. In addition to Title VI, other nondiscrimination statutes afford legal protection. These statutes include: Section 162(a) of the Federal-aid Highway Act of 1973 (23 USC 324), Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990.

49 CFR Part 27 are USDOT’s regulations pertaining to implementation of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) as amended. Section 504 prohibits discrimination on the basis of disability such that “No otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

49 CFR Part 27.19 requires recipients to also comply with the Americans with Disabilities Act (42 U.S.C. 12101-12213) including the Department’s ADA regulations (49 CFR Parts 37 and 38), the regulations of the Department of Justice implementing Titles II and III of the ADA (28 CFR Parts 35 and 36), and the regulations of the Equal Employment Opportunity Commission (EEOC) implementing Title I of the ADA (29 CFR Part 1630). ADA specifies that programs and activities funded with Federal dollars are prohibited from discrimination based on disability.

Executive Order #12898 (Environmental Justice) directs Federal agencies to develop strategies to address disproportionately high and adverse human health or environmental impacts of their programs on minority and/or low-income populations. In compliance with this Executive Order, USDOT and FHWA issued orders to establish policies and procedures for addressing environmental justice in transportation programs and activities. The planning regulations, at 23 CFR 450.316(a)(1)(vii), require that the needs of those “traditionally underserved” by existing transportation systems, such as low-income and/or minority populations, be sought out and considered.

Executive Order #13166 (Limited English Proficiency) requires Federal agencies to ensure, consistent with Title VI, that persons who are limited in English proficiency have meaningful access to the programs, services, and activities of Federal recipients and sub-recipients.

Current Status

RTC’s adopted the Title VI Plan was adopted in 2002 with the most recent update in 2016, the LEP Plan was adopted 2014 with the most recent update in 2016, and the ADA Self-Evaluation & Program Access Plan in 2018.

There was one corrective action identified in the 2017 certification review that was assessed for compliance during this certification review and determined to be resolved (see [Appendix B](#) for detail).

Findings

- RTC's ADA Self-Evaluation & Program Access Plan provides a good foundation for addressing ADA compliance, but is missing some key elements and is not available on the MPO website.
- The Complaint Form linked on RTC's website is titled "Title VI", yet the complaint form appears to cover other bases of discrimination outside the reach of Title VI (e.g., disability, age, Veteran status).
- The procedures associated with filing complaints of discrimination mentions three reasons that a complaint may be dismissed. One of the key reasons, however, is missing: If a complaint is not filed within 180-days of the alleged occurrence RTC may dismiss the complaint for untimely filing.
- The language link on RTC's website (lower right-hand corner) is nearly undetectable and may inadvertently exclude persons with Limited English Proficiency (LEP) from meaningful access to RTC's information/planning process.
- Appendix 1 of RTC's Title VI Plan contains Title VI Assurances that deviate from the USDOT Title VI Assurances template (USDOT Order 1050.2A). The USDOT Title VI Assurances are not intended for modification, except where indicated (e.g., insertion of the recipient/subrecipient name).
- RTC's Title VI Plan does not contain sufficient information on the collection of Title VI data (e.g., what is collected, when it is collected, and how it is analyzed utilized for Title VI purposes).
- RTC's Title VI Plan does not contain sufficient information regarding RTC's responsibilities as a recipient/subrecipient of FTA funds.
- As presented, the information in *Appendix K – Environmental Justice Analysis* seems to suggest that a project's existence in a minority or low-income area provides a net benefit, when this conclusion may not always apply.

Recommendation 12: RTC should retitle the Title VI Complaint form to more accurately reflect the range of complaints that may be filed using this form (e.g., Discrimination Complaint Form), consistent with a previous recommendation in the 2017 certification review. In addition, RTC should update the complaint procedures to add, under No. 4 (the section pertaining to dismissal of a complaint), "The complaint was not filed within the 180-day time limit".

Recommendation 13: RTC should consider providing a more prominent language link on its website.

Recommendation 14: RTC should revise the Title VI Assurances contained in its Title VI Plan to more accurately reflect the USDOT Title VI Assurances template. WSDOT Title VI staff should be consulted in updating the Title VI Plan to include detail on data collection and equity analyses. RTC should also refer to FTA's Title VI Circular (C 4702.1B), specifically Chapters III and VI, as appropriate.

Recommendation 15: RTC should update its 2018 ADA Self-Evaluation & Program Access Plan to address feedback from FHWA that will be provided to RTC's ADA Coordinator under separate cover. RTC should post its updated ADA Self-Evaluation & Process Access Plan to its website for public information.

Appendix A: Metro 2017 Certification Findings Disposition, Submitted by Metro

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Planning Topic	2017 USDOT Findings	2020 Metro Response	Corrective Actions Due Date	Certification Status (December 20, 2020)
	Recommendation 1: The Federal review team recommends Metro create a corrective action plan and a certification review action team to assist in the successful resolution of corrective actions.	<p>Metro continues to convene an MPO management group within the agency on a bi-monthly basis to ensure ongoing consistency with federal and state regulations and compliance with corrective actions identified through the federal certification process. This group is led by MPO managers within the Planning & Development Department and includes management staff from Metro's Research Center and Communications Department who are responsible for core MPO functions.</p> <p>Metro tracks and annually updates our progress on both corrective actions and recommendations as part of our self-certification process. This self-assessment is documented in Appendix A of the 2020-21 UPWP, found here:</p> <p>https://www.oregonmetro.gov/unified-planning-work-program</p>		

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Metropolitan Transportation Plan (MTP)	<p>Corrective Action 1: By December 31, 2018, with the update of the 2018-2040 MTP, Metro must create a financial plan that meets all of the requirements of 23 CFR 450.324(f)(11), including documentation of systems-level operations and maintenance costs, the cooperative revenue estimation process, and a clear demonstration of financial constraint.</p>	<p>Metro recognizes the importance of existing asset maintenance and operations costs relative to forecasted revenues and the context this provides for spending trade-offs for these purposes relative to investing in system expansion to serve growing demand for access and mobility.</p> <p>Metro staff is investigating how to utilize existing Oregon DOT data on system conditions and forecasted maintenance costs for the National Highway System and TriMet/SMART data on transit system operations costs relative to forecasted revenues as part of the current RTP update.</p> <p>We are also monitoring the ODOT efforts to respond to mandates from recent state legislation to standardize and report on pavement management conditions for how that data can be utilized in the long-range planning process.</p> <p>Finally, we are cooperating with ODOT and are leading development within the region on implementation of</p>	12/31/2018	<p>Metro completed a forecast of reasonably expected transportation revenues and systems level costs for adequately maintaining the transportation system for the time period of the 2018 RTP in collaboration with our city, county, regional and state agency partners. This work formed the basis for demonstration of financial constraint in the RTP project solicitation.</p> <p>Metro staff participated in and utilized the cooperative statewide long-range transportation revenue forecast of federal and state generated revenues by the ODOT Long-Range Funding Workgroup. This periodic cooperative process develops statewide revenue control totals and served as the basis for Metro's 2018 regional transportation plan. The LRFA operates in a cooperative fashion among ODOT, the MPOs, and transit agencies. The group develops expected federal and state revenues, develops and agrees upon revenue growth factors, determines annual inflation rates, and general future revenue expectations (e.g. economic stability, possible impacts from macro-economic impacts (population shifts, population growth, changing funding priorities, etc.), along with a detailed analysis and forecast of future state revenues. Metro staff is also participating in the current update to the cooperative statewide long-range transportation revenue forecast for future plan updates.</p>

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		<p>MAP-21 performance measure and target setting requirements for pavement assets and will be incorporating those measures and targets into the RTP and TIP update processes.</p> <p>The current MTP update will describe the cooperative revenue estimation process that has been undertaken. Metro participated in an ODOT led statewide process to forecast state and federal revenues to the state and MPO levels.</p> <p>Metro led the regional process to forecast local transportation revenues developed within the region. How to account for the impacts of the recent state funding legislation (HB 2017) within the long-range plan is still under development with ODOT estimates of fiscal impacts.</p> <p>The 2018 RTP will demonstrate financial constraint by showing that project costs do not exceed forecasted revenues.</p>		<p>Local transportation revenues were derived from local agency Transportation System Plans (TSPs). A Regional Transportation Plan Finance work group worked with Metro staff to review funding methodologies and served as conduits to facilitate any updates to local revenue forecasts from TSP data.</p> <p>To determine transportation system maintenance and operations costs, the RTP process utilized Oregon DOT data on system conditions and forecasted maintenance costs for the National Highway System and TriMet/SMART data on transit system operations and maintenance costs. Local agency data on systems conditions and forecasted maintenance costs for the locally-owned transportation system assets was derived from local TSPs, updated by local agency staff as needed. The ability to update this data was augmented by new state requirements for local agencies to report on asset conditions in order to be eligible for new state funding provided by HB2017.</p> <p>This data on revenue forecasts and costs to maintain and operate the existing transportation system provided the basis for revenues forecasted as reasonably available for new capital projects and transportation programs. Project and program costs were forecasted in year-of-expenditure dollars by time periods and balanced to the reasonably expected revenue forecast. Tables demonstrating</p>

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				financial constraint are provided in RTP Section 5.3. More detailed information about the forecasting assumptions, sources of funding accounted for, and process used to develop the financially constrained revenue forecast can be found in Appendix H, found here: https://www.oregonmetro.gov/regional-transportation-plan
	<p>Recommendation 2: To help the public understand Metro's long-range planning processes and outcomes, the Federal review team recommends Metro:</p> <ul style="list-style-type: none"> Consider the audience and purpose of the MTP when determining structure, format, and content, Use plain language and visualization 	<p>Metro continues to explore new ways to make our planning documents and processes more accessible to the public. In 2016, we launched our Regional Snapshot web series, and that continues to be our main forum for creating public awareness on major issues facing the region, including transportation. Our transportation snapshots have used text, photography and video to explore topics like congestion, safety, freight and affordability.</p> <p>We have also made major upgrades to our website to make it simpler and more accessible to the community. We actively use social media and our Opt-in polling program to keep the</p>		

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	<p>techniques to present complex information in an easy to understand format,</p> <ul style="list-style-type: none"> • Document the MTP's purpose in the introduction of the MTP, and • Describe the relationship between the MTP and the modal plans to help ensure the long-range plan remains multimodal and the full scope of the MTP planning process is understandable to the public. 	<p>public engaged on a continuous basis and connect the community to new web content.</p> <p>These web-based tools will continue to be our main focus for translating complex planning topics and using visualization techniques present our planning documents in understandable terms.</p> <p>Metro formatted the 2018 RTP and 2021-2024 MTIP for increased readability and accessibility.</p> <p>For the RTP, a high level and graphic summary is available on the webpage. Graphics are used throughout the document. The 2018 RTP was significantly reformatted as part of this update, and includes a clear purpose statement of its federal, state and regional purpose in the introduction. Our 2018 RTP adoption also includes a summary document aimed at the broader public (RTP summary).</p>		

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		<p>Similarly, the Executive Summary for the 2021-2024 MTIP uses accessible language and graphics to summarize the purpose and findings of the MTIP.</p> <p>Chapter 1 of the 2021-24 MTIP uses plain language to explain the role of the MTIP. Sidebars and visuals are used throughout the document to highlight information.</p> <p>We will also continue to improve the readability of our RTP, MTIP, UPWP, modal plans and other formal documents to the extent possible, given their legal and regulatory function. In most cases, we publish a summary version of these documents as an alternative for interested public and our elected officials.</p> <p>Our 2018 RTP adoption (including the associated transit, freight and safety modal plans) will include summary documents aimed at the broader public.</p> <p>The RTP will be significantly reformatted as part of this update,</p>		

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		and will also include a clear purpose statement of its federal, state and regional purpose in the introduction.		
Transportation Improvement Program (TIP)	Corrective Action 2: By July 1, 2020, with the update of the next TIP, Metro must provide clear documentation of a cooperative revenue estimation process, that ensures adequate funding is available by year to operate and maintain the system, adequate revenue is available to deliver projects on the schedule proposed in the TIP, and all other financial planning and fiscal constraint requirements	Metro will work with ODOT, the region's transit agencies, FHWA and FTA staff to document the cooperative revenue process and processes to demonstrate fiscal constraint within the TIP. This work will require the active cooperation of the agencies that administer federal funding within the region and guidance from USDOT staff on acceptable practices between Metro as the MPO and the other administering agencies to prioritize projects for programming in the TIP and to demonstrate fiscal constraint of those projects.	7/1/2020	<p>A cooperative revenue forecasting process to determine the urban-STBG, TAP set-aside, and CMAQ funds expected to be available through the next allocation cycle was performed by ODOT's finance team and Oregon MPO staff, and is documented in the 2021-24 MTIP. See Chapter 5 pages 104-108, found here:</p> <p>https://tinyurl.com/y57a22ew</p> <p>Metro was also able to work with transit agency staff on the forecast of reasonably expected local transit revenues, which are also documented in the 2021-24 MTIP. The detailed fiscal constraint demonstration tables, sorted by fund and by agency, can be found in Appendix IV, pages 1-34, found here:</p> <p>https://tinyurl.com/y6fotnbs</p> <p>MPOs are still struggling to effectively participate in a cooperative process under the current construct for ODOT-administered funding. When ODOT defines its</p>

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	identified in 23 CFR 450.326 are met.			<p>funding allocation programs (Fix-It, Non-Highway Enhance, etc.) and distributes forecasted revenues to those allocation programs, the needs of the ODOT-owned system and the ODOT policy objectives are considered, but it is not clear how ODOT actively considers the policy objectives and comprehensive transportation needs of the metropolitan transportation systems or findings from prior MTIP cycle analyses during this process. MPOs request briefings and are given the opportunity to provide public comments. Consideration of MPO comments does not rise to the federal definition of a cooperative process in this important step of determining how ODOT-administered revenues will be distributed to their various funding allocation programs.</p> <p>Active engagement by ODOT regarding both the revenue distribution to funding allocation programs and in the selection of projects within those funding allocations is reserved for their Area Commissions on Transportation (ACTs). ACTs provide a forum for which ODOT staff proactively reach out to gather local agency and stakeholder input on various ODOT activities including the STIP, major projects, and planning activities being undertaken by ODOT.</p> <p>However, ACTs are not planning entities but are public input bodies that are not subject to federal</p>

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				<p>planning or state planning rules. Furthermore, ACT and MPO geographic boundaries overlap, creating confusion among stakeholders, particularly policy/decision-makers who are active members on both the MPO and ACT committees, as to the role of the MPO in the cooperative development of the STIP/MTIP with ODOT. Despite these challenges, some areas of progress were made in the cooperative revenue estimation process during the 2021-2024 MTIP development. In Spring 2018, Metro worked with ODOT and the transit agencies to develop a Portland metropolitan region financial forecast as a starting point to frame the selection and funding allocation to take place between 2018 and 2019. While still constrained with the challenges of the ODOT construct of distributing forecasted revenues to those allocation programs, ODOT and Metro were able to come to an agreement on a forecast with a number of caveats, most significantly that the forecast did not constrain ODOT in its distribution of funds to or within the region. This information was shared at TPAC and JPACT. JPACT took action to formally acknowledge receipt of the forecast. See appendix 2021-2024 MTIP Appendix IV for the spring 2018 forecast materials.</p> <p>https://tinyurl.com/y6fotnbs</p>

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				<p>Throughout the OTC discussion of the revenue estimates and allocation of revenues to ODOT-administered funding allocation programs (Fix-It, Non-Highway Enhance, etc.) between summer 2017 to early 2018, the MPO actively commented to the OTC on the various decisions the Commission would make in shaping the STIP, about how those decisions impact the MPO areas. As part of those comment letters, Metro reiterated federal responsibilities related to cooperative development of the STIP and MTIP.</p> <p>Metro will continue to communicate to ODOT staff and the OTC on the need to actively engage with MPOs to consider the needs of the holistic transportation system within the MPO areas before defining the policy direction of their fund allocation programs and the amount and type of revenues distributed to those ODOT funding allocation programs.</p> <p>Additionally, MPOs have requested to participate in the ODOT funding allocation programs administered at the statewide level. If MPOs were provided a better understanding of an order of magnitude forecast of potentially available funds in an MPO area from these statewide funding allocation programs, MPOs could more effectively analyze and communicate MPO area priorities for those ODOT</p>

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				<p>fund allocation programs. A more proactive engagement by ODOT statewide allocation programs to solicit cooperative development of their spending and communicate how they could consider MPO long-range planning goals and performance targets that are relevant to their program purpose would be helpful.</p> <p>Within Region 1, the cooperative process with ODOT in the selection of projects from ODOT allocation programs administered at the Region level was successful in that ODOT was able to provide a financial forecast for the three "Leverage" programs to add Active Transportation, Safety, or Highway elements to "Fix-It" asset management projects during the FFY 2022-2024 allocation process. The Metro MPO boundary contains a large portion of the ODOT Region 1 transportation assets, making it possible for the MPO to analyze and communicate its priorities for these ODOT funding programs. Metro worked with ODOT Region 1 staff to engage at MPO committees on its development and prioritization of the Fix-It and Leverage priorities, by having ODOT staff provide regular updates on process and progress at TPAC and JPACT and to allow for regional discussion. Through this effort, ODOT Region 1 staff were able to be proactive in engaging local agency staff in the project scoping refinement process as a</p>

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				<p>part of the process to define and select priority projects for funding from these allocation programs.</p> <p>All TIP amendments are checked and documented to maintain financial constraint. For ongoing financial constraint of ODOT-led projects and ODOT-administered funding, Metro has instituted a new tool. Metro is now using an Advance Construction fund code programming translation matrix approach. Instead of just programming Advanced Construction to a project, Metro has created multiple Advance Construction fund type codes that contain the expected federal conversion code. Example: If the expected conversion code for Advance Construction is NHPP, then the Advance Construction fund code programmed in the MTIP is "AC-NHPP". The Advance Construction funding is committed against NHPP, enabling a more accurate fiscal constraint of major fund types to be developed and maintained. When the actual conversion code is received, a simple administrative modification occurs to identify the final fund code.</p> <p>Finally, the requirements of the FAST Act and of Oregon HB 2017 have greatly improved the understanding and documentation of adequately</p>

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				operating and maintaining the transportation system by ODOT, transit agencies, and local jurisdictions. ODOT Headquarters has begun to undertake the cooperative revenue forecast for long-range metropolitan planning. We expect this process to not only serve the needs of the long-range forecast but to provide a foundation for a better understanding of how revenues are forecasted, distributed to ODOT fund allocation programs, and then programmed in the TIP on projects. At this time, however, it is not yet clear how these two processes are coordinated.
	Corrective Action 3: By May 27, 2018, Metro must update amendment "Exceptions" in the TIP management procedures to clearly distinguish what changes affect fiscal constraint and ensure those happen via a full amendment per 23 CFR 450.328.	The TIP amendment management procedures were updated in March 2018 to be consistent with the statewide matrix developed by ODOT and FHWA to define when a project change affects fiscal constraint. Those that do are processed as a full amendment with public notification and comment period and adoption by Metro Council resolution prior to submission for inclusion in the STIP.	5/27/2018	Compliance with this corrective action, as described in the Metro Response, continues. In addition, Chapter 8 of the 2021-2024 MTIP outlines the administration and implementation of the MTIP. The statewide matrix is included on page 203.
	Recommendation 3: The Federal review team recommends	The description of the purpose of the STIP, its relationship to the MTIP, how ODOT projects meet the needs of the		

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	Metro update the STIP discussion in the TIP to accurately reflect the purpose of the STIP, its relationship to Metro's TIP, and how ODOT projects meet the needs of the Metro area and how they get programmed in the TIP.	<p>Metro area, and how ODOT projects get programmed in the TIP has been updated in the 2021-24 MTIP. The 2021-2024 MTIP focused more on providing a more clear-cut explanation on the role of the MTIP and how the content of the MTIP must be included in the STIP without change. This discussion is spread throughout Chapters 4 and 5 of the 2021-2024 MTIP, in efforts to organize content by partner agency in a consistent predictable manner for the reader.</p> <p>Descriptions of how ODOT projects meet the needs of the Metro area are shown as part of the results of the 2021-2024 MTIP evaluation (see Chapter 3), the discussion of the policy direction to guide the prioritization of ODOT administered funds (see Chapter 4), and in the discussion of the 2021-2024 MTIP policy direction (see Chapter 5). At certain times in the development of the 2021-2024 MTIP, the nature of how the MPO areas needs or the RTP goals were considered in the selection</p>		

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		<p>of projects and programs by ODOT Region 1 is clear and direct. An example is with the ODOT Region 1 ARTS funding selection, Metro staff participated in the evaluation committee as a means of coordinating the region's safety policy priorities in the allocation. At other times in the development of the 2021-2024 MTIP, the consideration of the region's transportation needs and goals was implicit, such as with the Fix-It Leverage, where asset management drove the identification of initial priorities and the Metro region provides comments on how the metropolitan region's goals should get factored into final selection.</p> <p>Additionally, the development of the 2021-2024 MTIP had an interesting challenge as every partner agency – ODOT, SMART, and TriMet had significant staffing changes during its development. The key person working with Metro on MTIP coordination was changed and replaced with a person new to</p>		

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	<p>Recommendation 4: The Federal review team recommends Metro clarify the Regional Flex Fund Process in the FY 2018-2021 TIP to clearly document the process and ensure Metro is not sub-allocating Federal funding to individual modes or jurisdictions.</p>	<p>Metro staff updated both the 2018-21 MTIP and the 2021-24 MTIP descriptions of the Regional Flexible Funding Allocation process of the metropolitan STBG, TAP, and CMAQ funds. It is clear from the descriptions that Metro is not sub-allocating Federal funding to individual modes or jurisdictions.</p> <p>There are no geographical or agency/jurisdictional references in the policies or process to distribute funding, other than one policy goal of “funding projects throughout the region” (with a clarifying statement quoting the CFR that sub-allocation of funds is not allowed) that is considered and balanced against other policy goals to achieve desired outcomes by decision makers.</p> <p>Funding targets designated for Active Transportation/Complete Streets and the Freight and Economic Development project categories are guidance to help achieve desired policy outcomes of equity, safety, climate emission reductions, and</p>		

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		congestion relief. Enhancements and modifications to facilities serving all modes are eligible in both categories and as evidenced by the projects funded in the most recent cycle, most projects are multi-modal and include demand and system management elements.		
	Recommendation 5: The Federal review team recommends Metro consider the audience(s) and purpose of the TIP so the public can easily understand the TIP's purpose, how the TIP implements the priorities identified in the MTP, and can easily find information they are looking for. Consider using plain language and visualization techniques to present the information in an easy to understand	<p>The 2021-24 MTIP utilized more plain language and incorporated more graphic and visual elements to more clearly and easily communicate the TIP purpose, process and content. It also consolidated documentation of compliance with TIP regulations in a technical appendix to help simplify the main body of the document and ease federal staff review of the TIP for meeting regulations.</p> <p>An executive summary brochure was also created and utilized this cycle for the public comment and MTIP adoption process, to further clarify the purpose and projected impacts of the MTIP, whose link can be found here:</p>		

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	format. This will help the reader understand the processes and outcomes as they read through the document.	https://tinyurl.com/y5z9ezmz This complemented other efforts to make MTIP materials more public friendly, such as updated content on the website and how the public comment process was structured and approached. For example, the public comment survey for the 2021-2024 MTIP focused on communicating the results and outcomes of the MTIP investment package and asked respondents to rate the region's performance by different outcome areas.		
	Commendation 1: The Federal review team commends Metro and ODOT for taking initiative to review project proposals for project readiness and to address the local project delivery concern.	Metro staff will continue to work on project readiness and local project delivery issues through continuous improvement of regional reporting tools, participation in the state Certification User Group process, and if additional resources are available will conduct more in-depth risk assessment and readiness review of projects seeking RFFA funds. Metro has worked with ODOT and the other Oregon TMA MPOs to develop		

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		<p>obligation targets and a certification process that incentivize on-time delivery of local federal-aid projects to further address this concern.</p> <p>Metro is also in the process of obtaining ODOT certification for procurement of planning services and delivery of planning products to improve our capabilities for on schedule delivery of planning activities.</p>		
Congestion Management Process (CMP)	Recommendation 6: The Federal review team recommends Metro determine what are the basic requirements for CMP evaluation and monitoring and create a sustainable data collection approach that meets the CMP requirements. Metro can then determine any data needs that go above and beyond	Adopted by JPACT and the Metro Council as part of adoption of the 2018 Regional Transportation Plan, Appendix L to the 2018 RTP documents the region's approach to addressing the federal transportation performance-based planning and congestion management requirements contained in the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Fixing America's Surface Transportation (FAST) Act. Appendix L also constitutes the region's official Congestion Management Process (CMP). The CMP has been updated to address recommendations from the		

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	the basic requirements.	<p>2017 Federal Certification Review and to incorporate federal transportation performance measures and targets identified through MAP-21-related rulemaking. The appendix can be found here: Federal performance-based planning and congestion management process documentation</p> <p>Key updates to the CMP include:</p> <ul style="list-style-type: none"> • The addition of: Table 2 (pg. 11) documenting key elements of the region's congestion management process. • Scaling back the CMP network to a more manageable scope for data collection, management and reporting purposes, focusing on multimodal transportation facilities and services located on the National Highway System (NHS) and the region's high capacity transit network. The NHS includes the region's interstates and some state-owned arterials and frequent and enhanced transit corridors. See Figure 4 and text on pg. 16 documenting the Congestion Management Network, and Table 4 		

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		<p>(pg. 24) documenting transportation data to support on-going CMP monitoring and reporting.</p> <ul style="list-style-type: none"> • The addition of Table 5 (pg. 24) documenting the toolbox of strategies to address congestion in the region and Table 6 (pg. 25) documenting RTP performance measures used to forecast potential effectiveness of strategies. These measures are also used in evaluation of future MTIPs. • The addition of Federal MAP-21/FAST Act transportation performance measures and targets in Tables 7 to 14 (pgs. 31-34). • Together, the federal performance targets defined in Appendix L and regional performance targets defined in Chapter 2 of RTP reflect a comprehensive and multimodal performance-based planning approach to address growing congestion and improve mobility options for people and goods movement, while achieving a broader set of land use, economic, equity and environmental 		

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		<p>outcomes. This approach includes modeling tools, analysis and research combined with meaningful public engagement to help quantify and better understand the potential outcomes of policy decisions and investment actions. The framework also guides data collection, tool development and monitoring/reporting activities identified in Chapter 8 (Section 8.5) of the 2018 RTP. The updated CMP continues the region's transition to using observed data for performance monitoring consistent with federal requirements, and can be expanded in the future as data collection and resources allow. The CMP will be re-evaluated as part of scheduled updates to the RTP to respond to new requirements, information learned through monitoring activities and changes in the availability of data and tools so that they can be refined as necessary.</p> <p>As part of the TIP process, RFFA funding application questions provide</p>		

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		<p>links to relevant CMP data so the applicant can use that data in providing information about their candidate project.</p> <p>As part of the development of the 2021-2024 MTIP, Metro reported on the monitoring data and performance of the federal performance measures and targets. (See Chapter 3 and 5) The MTIP also discussed, in a qualitative manner, how the package of investments is expected to move the region towards established performance targets. This information is expected to assist with other existing conditions data as part of the CMP and inform the prioritization and allocation of funding.</p>		
	<p>Recommendation 7: The Federal review team recommends Metro develop a congestion management plan that documents the tools and data used and how they are applied to the MTP</p>	<p><i>(This is addressed in response to Recommendation 6)</i></p>		

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	and TIP to help the public and decision-makers understand how the CMP informs Metro's processes. This plan could be an effective tool to document a complex process.			
Public Participation	<p>Corrective Action 4: By January 30, 2018, Metro shall update the PPP to meet all requirements of 23 CFR 450.316 and 326(b), including:</p> <ul style="list-style-type: none"> • Identification of key decision points for each major planning process where the MPO requests public comment and the explicit procedures for outreach at these milestones. 	<p>Metro is committed to updating the PPP to meet all requirements of 23 CFR 450.316 and 326(b).</p> <p>To meet this corrective action, Metro has decided to split its Public Engagement Guide to reflect the need for both the public's understanding of public engagement in transportation planning processes (through a Public Participation Plan) and a best practices guide for practitioners (the focus of the Public Engagement Guide). The update to the Public Engagement Guide portion of this new "split" document is expected to be completed later in 2018.</p>	3/16/2018	<p>Metro completed and posted the updated PPP for transportation planning on Jan. 30, 2019, entitled "Be involved in building a better system for getting around greater Portland." The document is published on several pages of the Metro website, including the "Public projects" page (oregonmetro.gov/public-projects). The agency's larger Public Engagement Guide is expected to be updated to incorporate this information and update other engagement practices. Metro also worked to diversify membership in its standing advisory committees during this period, introducing new community leaders as members of MPAC, and most recently to TPAC where a new stipend policy has removed financial barriers that previously limited the socioeconomic diversity in membership. Three new TPAC members and three alternates were appointed in 2020 through a application process. Metro's current Public Engagement Guide includes evaluation criteria for measuring the effectiveness of</p>

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	<ul style="list-style-type: none"> • Specific outreach strategies to engage traditionally underserved populations. • Criteria or process to evaluate the effectiveness of outreach processes • In each major planning document, a demonstration of how the explicit processes and procedures identified in the PPP were followed and a summary that characterizes the extent to which public comments influenced TIP development. 			<p>outreach processes. The evaluation criteria can be found on pages 36 – 38.</p> <p>The two most recent planning documents, 2018 RTP update and the 2000-20 MTIP demonstrate how the explicit procedures identified in Metro’s Public Engagement Guide and the new “Be involved in building a better system for get around greater Portland” document were followed. Each plan includes a summary of engagement which explains specific activities, including those to engage traditionally underserved populations.</p> <p>For the 2018 RTP, there were nearly 19,000 touch points with community members through discussion groups, community and regional leadership forums, online surveys, committee and organization briefings and workshops—all tools prescribed in Metro’s Public Engagement Guide. (2018 RTP Appendix D)</p> <p>Recognizing that communities of color and other historically marginalized communities are typically under-represented among online survey respondents, Metro’s engagement strategy included discussion groups with members of Russian/Slavic, youth, African Immigrant, Asian Pacific Islander, Native American, Latinx, and African American communities. In addition, community leaders were invited to participate in regional leadership forums and community leader’s forums at key points to further inform the RTP.</p>

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				<p>The projects and programs in the MTIP continue to implement feedback received through these various means. Following the adoption of the 2018 RTP, the region adopted the policy direction for the 2021-2024 MTIP, which reaffirmed the regional priorities of safety, equity, climate and congestion established in the RTP through extensive public comment. The regional policy direction was taken into account for the different funding allocations processes undertaken by each MTIP partner and Metro through its RFFA process. For the 2021-24 MTIP, Metro conducted a performance evaluation to understand if and how the MTIP package of investments are making progress toward the regional priorities defined by the RTP.</p> <p>Public comments received on the 2021-24 MTIP are summarized in Chapter 7 (2021-24 MTIP) together with an explanation of the engagement process (a public hearing and online survey) as prescribed by Metro's Engagement Guide. The same chapter summarizes major themes from the comments and how they influenced plan development. More detail is available in MTIP Appendix V, p. 54.</p>
	Recommendation 8: The Federal review team recommends Metro identify ways to make Metro's	Metro is following a protocol for removing outdated draft documents and clearly labeling document status (discussion draft, public review draft, final, etc.)		

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	website navigation easier, taking special consideration for populations that have limited skills using the Internet, and ensure all outdated draft documents are removed after final adoption occurs.	Metro is currently scoping and budgeting for an upgrade to its website server, with the project anticipated to start in early 2021. As part of this process, Metro will continue its user testing to improve navigation.		
	Commendation 2: The Federal review team commends Metro for providing information on their website in languages other than English. This practice enables constituents with limited English proficiency to learn how to participate in decisions that affect their community.			
Consultation	Corrective Action 5: By June 30, 2018, Metro shall develop and document a	Metro will complete this work in tandem with the current UPWP process and self-certification for 2018.	6/30/2018	Metro has continued to use the annual UPWP process as the hub for consultation across the many transportation planning projects and programs across our region.

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	formal consultation process for the MPO to meet all requirements in 23 CFR 450.316(b-e).	<p>Our goal is to more directly connect consultation to the UPWP in order to create a blanket finding for smaller projects that would therefore also be eligible for administrative amendments, thus streamlining maintenance for the UPWP. Under our proposed process, larger projects would require separate consultation from the UPWP and would be subject to a legislative amendment.</p> <p>As part of this reform, we are also seeking FHWA clarification on UPWP convening responsibilities for Metro and ODOT. Our objective is for Metro to carry this responsibility, including meeting logistics, agency notices and public notice to improve upon and streamline our current process.</p>		<p>The role of consultation in developing the UPWP is described on page 6 of the document and referenced in many of the individual project narratives:</p> <p>https://www.oregonmetro.gov/unified-planning-work-program</p> <p>Consultation in the UPWP process is also set forth in the statewide protocols for all Oregon MPOs developed by ODOT.</p> <p>Metro's consultation with ODOT and the major transit providers in the region is more specifically set forth in a planning agreement that is updated regularly and enacted as a rolling intergovernmental agreement.</p> <p>Planning projects described in the UPWP must also conduct consultation consistent with the general framework required by the UPWP and statewide protocols. This work must be documented as part of this projects. Most notable are updates to the RTP and MTIP. Consultation in the development of the 2018 RTP can be found on page Chapter 1 (page 1-18) and referenced throughout the plan and Appendix D (Public and stakeholder engagement and consultation summary) and documented in the final public comment report</p>

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				<p>(pages 44-49), located here:</p> <p>https://www.oregonmetro.gov/regional-transportation-plan</p> <p>Consultation done in the development of the 2021-24 Metropolitan Transportation Improvement Program is described in Chapter 7 (page 196) of the final public review draft of the document, located here:</p> <p>https://www.oregonmetro.gov/metropolitan-transportation-improvement-program</p> <p>This most recent update to the MTIP followed the same consultation practices with tribes and agencies that was piloted with the 2018 RTP. In this process, participants are asked to identify process stages of MTIP and RTP updates where and how they would like information or consultation. This information is used to continually improve the consultation process in periodic updates to MTIP and RTP.</p> <p>In early 2020, Metro hired a full-time Tribal Liason to expand our coordination and consultation with tribes across a range of Metro's activities in the region. This includes ensuring the tribes are consulted early and often in our regional transportation planning activities.</p>

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Civil Rights and Environmental Justice	<p>Corrective Action 6: By October 1, 2018, to come into compliance with Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990, Metro must:</p> <ul style="list-style-type: none"> Designate an employee who will serve as coordinator for Section 504 and ADA matters. Conduct an ADA self-evaluation that identifies universal access barriers and describes the methods to remove the barriers along with specified timelines. Develop a Section 504/ADA nondiscrimination 	<p>Metro is committed to coming into full compliance with Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990, including:</p> <ul style="list-style-type: none"> designating an employee who serves as coordinator for Section 504 and ADA Titles II and III (the Director of Human Resources will continue to be responsible for Title I) (July 2018). conducting an ADA self-evaluation that identifies universal access barriers and describes the methods to remove the barriers along with specified timelines was completed in July 2018. Work continues on the programs evaluation and engagement. Metro expects to publish the ADA Self-Evaluation & Facilities Update Plan for Metro Regional Center in spring 2021. developing a Section 504/ADA nondiscrimination notice, to be posted internally and externally (for employees' and the public's information), which has been posted online and will be included 	10/1/2018	<p>An employee for Section 504 and ADA matters was designated before Oct. 1, 2018 (Mary Rowe, HR director). The new HR Director, Julio Garcia, holds the designation currently.</p> <p>An ADA self-evaluation that identifies universal access barriers and describes the methods to remove the barriers was completed in July 2018. Many improvements are slated as part of the building's maintenance schedule; a full specified timeline and budget forecast was also completed. The development of the self-assessment and transition plan for the Metro Regional Center building included engagement of staff and the public. The evaluation of programs is underway, the self-evaluation and transition plan is expected to conclude in spring 2021. This process also includes engagement with staff and the public.</p> <p>A Section 504/ADA nondiscrimination notice was developed and posted to the Metro website and included in federal documents.</p>

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	<p>n notice, to be posted internally and externally (for employees' and the public's information).</p>	<p>in planning reports and meeting agendas and posted internally in 2018 (March 2018).</p> <ul style="list-style-type: none"> Metro has completed a review of the region's demographics as part of the 2015-18 MTIP and as part of the 2018 RTP. In early 2019, Metro will use American Community Survey data analysis to assess shifting demographics for communities of color and communities with lower income since the 2010 Census (January 2019). <p>To inform the 2018 RTP development and adoption, the Transportation Equity Analysis will assess and contrast the benefits and burdens for EJ and non-EJ populations as part of the 2018 RTP development and adoption. This work was piloted in the 2015-18 MTIP and will continue to frame subsequent MTIP updates (December 2018)</p>		
	<p>Recommendation 9: The Federal review team recommends Metro ensure they are addressing the</p>	<p>Currently, Metro prepares a biennial summary of community representative demographics for our MPO committees as part of its annual Title VI report to ODOT. Additionally,</p>		

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	needs of underserved populations, particularly when the demographics of the region are changing and to continue to identify how projects and programs would benefit and/or burden environmental justice (EJ) populations compared to non-EJ populations. Metro should consider using the MTP goals, objectives, and indicators as criteria for this EJ benefits and burden analysis. Metro should also review the demographic composition of the MPO Committees and explicitly document how Metro will ensure they are	<p>Metro has proposed 2-year reviews of all Metro committees as part of our Diversity Action Plan.</p> <p>While capacity constraints have limited Metro's ability to meet this reporting goal agency-wide, we intend to bring this review into the Title VI Plan for all members (rather than just community representatives) of MPO committees as part of the next update to the plan. Metro conducted a pilot processes for collecting demographic information from committee members in 2019, the next survey will occur in 2021.</p> <p>To address benefits and burdens for EJ and non-EJ populations, the 2018 RTP included a transportation equity evaluation of the financially constrained 2018 RTP investment strategy (Appendix E - Transportation equity evaluation).</p> <p>To ensure that recent input from historically marginalized communities informed the equity assessment, and were ultimately reflected in the RTP,</p>		

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	representative of community.	<p>project staff analyzed six public engagement results from transportation-related planning efforts since 2014, focusing on what was heard from people of color and people with lower incomes. The transportation-related planning efforts included the 2014 RTP, the Southwest Corridor Plan, the Powell-Division transit and development strategy, and the early phases of the 2018 RTP development.</p> <p>A civil rights analysis of the 2021-2024 MTIP was undertaken as part of the broader 2021-2024 MTIP performance assessment. The civil rights analysis focused on the outcomes defined in the 2018 RTP transportation equity analysis, which focused on the transportation priorities identified by historically marginalized communities, namely communities of color, people with limited English proficiency, and lower-income households. The discussions of the results and formal determination of findings can be</p>		

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		found in Chapter 5 of the 2021-2024 MTIP.		
	Commendation 3: The Federal review team commends Metro for implementing their 2015 LEP Plan by customizing public outreach translation needs based on the geography of projects.			
	Recommendation 10: The Federal review team recommends Metro identify stakeholders solicited for public comments on their Title VI Plan, Title VI Analysis Reports and other federally required documentation.	<p>Metro completed a review of changing demographics in the region as part of the 2015-18 MTIP and as part of the 2018 RTP.</p> <p>Metro uses ACS Data analysis to see if communities of color have shifted geographically since the 2010 Census (January 2019).</p> <p>Metro tracks participation in public comment periods for the RTP, MTIP and RFFA as well as other community engagement initiatives.</p> <p>The RTP process involved community members and stakeholders through a</p>		

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		<p>variety of activities (see the Public and Stakeholder Engagement and Consultation summary, p. 3)</p> <p>Participants were asked to provide demographic information during the following activities related to the RTP, MTIP and RFFA to help Metro know if we are hearing from a representative group of people that reflects our diverse communities and a broad range of experiences in our region:</p> <ul style="list-style-type: none"> • 2018 Regional Transportation Plan Update Online Quick Poll 1 Report (October 2015) • 2018 Regional Transportation Plan Comment summary Winter 2016 comment opportunity • 2017 Public Comment Report: Priorities For our Transportation Future (May 2017) • 2018 Public Comment Report: Building a Shared Strategy: Priorities For our Transportation Future (April 2018) • 2018 Public Comment Report: Adopting a Plan of Action • 2021-24 MTIP Appendix 5.3 2021-2024 MTIP Public Comment Report 		

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		<ul style="list-style-type: none"> Public comments on proposed projects for 2022-24 regional flexible funds (October 2019) (p. 66) <p>Metro uses ACS Data analysis to see if communities of color have shifted geographically since the 2010 Census.</p> <p>Currently, we prepare an annual summary report of community representative demographics for our MPO committees. Metro has proposed 2-year reviews of for all Metro committees as part of our Diversity Action Plan. While capacity constraints have limited Metro's ability to meet this reporting goal agency-wide, we intend to bring this review into the Title VI Plan for MPO committees as part of the next update to the plan.</p>		
Performance-Based Planning and Programming	Recommendation 11: The Federal review team recommends Metro continue to work with ODOT and TriMet to implement Federal planning requirements for	Metro adopted our first outcomes-based Regional Transportation Plan (RTP) that relies on targets and performance measures to ensure progress toward plan goals. While the range of outcomes and correlating performance measures in the RTP are much more		

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2017 USDOT Findings and 2020 Metro Response**

Planning Topic	2017 USDOT Findings	2020 Metro Response	Corrective Actions Due Date	Certification Status (December 20, 2020)
	<p>performance-based planning and programming, including:</p> <ul style="list-style-type: none"> • Discussing the new requirements, identify which processes need updating to meet new requirements and a plan for updates, data collection and sharing requirements to be ready for PBPP. • Making necessary connections to other performance-based plans, including Statewide Plans. • Further develop data needs to ensure that future MTP and TIP updates implement an 	<p>comprehensive than required under new federal regulations, the framework in our RTP closely matches federal requirements where they overlap.</p> <p>In late 2018, Metro will adopt our third performance-based RTP and as part of this major update to the plan, we are conducting a significant overhaul of the plan's targets and performance measures. This work is partly driven by capacity constraints within our agency, and our ability to sustainably monitor, model and report data for performance measures, and the need to align our measures with federal requirements for efficiency.</p> <p>We are still working through our approach to meeting some federal measures, and have been coordinating with ODOT and TriMet to ensure that we can collectively meet these new requirements. Because of our capacity constraints, we expect to rely heavily on ODOT</p>		

**2020 Federal Certification Review
2017 USDOT Findings and 2020 Metro Response**

Planning Topic	2017 USDOT Findings	2020 Metro Response	Corrective Actions Due Date	Certification Status (December 20, 2020)
	<p>objective-driven, performance-based planning process</p> <ul style="list-style-type: none"> Updating Planning Agreements that describe how transportation planning efforts will be coordinated between the agencies and document specific roles and responsibilities each agency has in the performance of transportation planning for the region. Reviewing MTP and TIP project prioritization and decision-making processes and how they support a performance-based process. 	<p>data in the near term to meet the new requirements.</p> <p>Currently, we expect to have an initial approach and agreement on responsibilities with our agency partners this year, and on schedule to meet minimum federal requirements.</p> <p>As discussed previously, Metro and ODOT plan to follow the 2018 RTP adoption with an update to our regional mobility policy (which regulates both the RTP and the Oregon Highway Plan for the Metro region). Our goal is to continue linking our mobility policy to the 24 mobility corridors that make up our Regional Mobility Atlas, and we believe this approach strongly meets the intent of federal regulations for tailoring our performance-based planning and programming to conditions on the ground. As part of this work, we will likely fine-tune our performance targets and measures as they relate to federal requirements.</p>		

**2020 Federal Certification Review
2017 USDOT Findings and 2020 Metro Response**

Planning Topic	2017 USDOT Findings	2020 Metro Response	Corrective Actions Due Date	Certification Status (December 20, 2020)
	<ul style="list-style-type: none"> Identifying a way to categorize MTP and TIP projects in a way that will assist the MPO in meeting the new performance-based planning and programming requirements. Reviewing publications, tools, and resources available on FHWA and FTA's websites for good practices and assistance in implementing Transportation Performance Management and PBPP. 	<p>This work will be completed prior to the next update to the RTP, and will either result in an amendment to the plan or will be incorporated into the 2023 update. Once the new policy has been adopted into the RTP (either through amendment or a scheduled update), it will then apply to subsequent MTIP updates.</p>		

Appendix B: RTC 2017 Certification Findings Disposition, Submitted by RTC

Follow up from RTC's MPO Certification Held in January 2017
Status Report on Corrective Actions, Recommendations, and Commendations Summary (as of September 17, 2020)

Topic	FHWA/FTA Corrective Actions	FHWA/FTA Recommendations/ Commendations	Status (September 17, 2020)
Regional Transportation Plan The latest RTP update was adopted by the RTC Board on March 5, 2019 (RTC Board Resolution 03-19-04)	Corrective Action 1: The 2018 update of the RTP must evaluate bicycle and pedestrian programs, policies and practices, and identify any barriers that may prevent individuals with disabilities from equal opportunity to reach the same level of achievement that is provided to others. Where barriers are found to exist, the public entities must develop strategies/actions to remedy them.		The updated RTP for Clark County (March 2019) includes a more robust RTP section addressing bicycle and pedestrian modes. The RTP Appendix addressing Environmental Justice also includes analysis relating to accessibility. The Accessible Transportation Coalition Initiative (ATCI) meets quarterly to address ongoing needs relating to access to transportation including for those with disabilities, low income and rural area residents. RTC is working on a Regional Active Transportation Plan that will be concluded in winter 2020. The RATP is coordinated with WSDOT's ATP update (draft now due in fall 2020) and with local Transportation System Plan updates. The RATP will be integrated into the next update to RTC's RTP. The RATP will be updated periodically.
		Recommendation 1: The Federal review team recommends the 2018 RTP update include additional information for all new revenues sources (local, state, federal) that are assumed to support long-term needs. For all new sources of funding the plan should identify the total	This recommendation was addressed in the RTP update (adopted March 2019).

Follow up from RTC's MPO Certification Held in January 2017
Status Report on Corrective Actions, Recommendations, and Commendations Summary (as of September 17, 2020)

Topic	FHWA/FTA Corrective Actions	FHWA/FTA Recommendations/ Commendations	Status (September 17, 2020)
		funding that could be generated, future year implemented, and a clear rationale for why each source is reasonable to assume. A summary table demonstrating fiscal constraint, including constant year and year of expenditure (YOE) comparisons, should be developed to clearly demonstrate how long-term revenue forecasts support investment needs.	
		Recommendation 2: The Federal review team recommends RTC include in the 2018 RTP update a summary of procedures used by member agencies to evaluate transportation needs and how this approach leads to identifying projects, programs, and strategies in the RTP. The description could include graphics (see Transportation Programming Guidebook, page 3, for example) that defines the decision-making authority of member agencies and the screening criteria used by the MPO to evaluate regional consistency/ value of elements included as part of RTP.	This recommendation was addressed in the RTP update (adopted March 2019).
		Recommendation 3: The Federal review team recommends RTC expand the 2018 RTP EJ analysis to identify the relative accessibility of low-income and minority populations that is supported by planned transportation investments	Accessibility was addressed in the RTP update (March 2019) RTC works with the region's underserved populations either directly or through representative agencies and organizations. RTC worked with a

Follow up from RTC's MPO Certification Held in January 2017
Status Report on Corrective Actions, Recommendations, and Commendations Summary (as of September 17, 2020)

Topic	FHWA/FTA Corrective Actions	FHWA/FTA Recommendations/ Commendations	Status (September 17, 2020)
		in the short-term (first 5 years) and long-term (plan horizon). The analysis should include a description of efforts made to reach out to the region's underserved populations as part of the 2018 update.	WSU-V student and graduate to interview representatives of the EJ populations in Clark County and to research public involvement. This work is documented in the 2019 RTP update.
		Recommendation 4: The Federal review team recommends that RTC's 2018 RTP update include a description of the existing bicycle and pedestrian system, identify long-term travel and facility needs, and integrate local bicycle-pedestrian plans and projects as part of a regional non-motorized system.	The RTP update (March 2019) includes a more robust section addressing bicycle and pedestrian modes in Chapter 3 of the RTP. The Regional Active Transportation Plan (underway) will provide additional detail on active transportation needs.
		Commendation 1: The Federal review team commends RTC and Metro for coordination of the Travel Demand Model and Portal data collection system to archive data for both MPOs. The data integration effort will provide a multi-modal, one-stop shop for planners and operations.	Bi-state coordination on the regional travel forecast model and on Portal data collection will continue. There are plans to carry out an updated travel behavior survey in 2020/21 (dependent on COVID impacts).
Transportation Improvement Program (TIP)		Commendation 2: The Federal review team commends RTC for the Transportation Programming Guidebook, which not only helps to inform member jurisdictions about the TIP process, but is also an excellent resource for the public in understanding the regional transportation programming process.	RTC's <u>Transportation Programming Guidebook</u> is available on RTC's website.

Follow up from RTC's MPO Certification Held in January 2017
Status Report on Corrective Actions, Recommendations, and Commendations Summary (as of September 17, 2020)

Topic	FHWA/FTA Corrective Actions	FHWA/FTA Recommendations/ Commendations	Status (September 17, 2020)
		Recommendation 5: The Federal review team recommends that equitable distribution of projects include consideration of the transportation needs of the underserved populations as part of RTC's project prioritization process. To this end, RTC should consider including Accessibility/Equity as an evaluation criteria for all MPO discretionary funding programs and the screening criteria under TAP funds should be amended to show that TA funds can be used to pay for the sidewalk portion on an existing road project.	<p>Accessibility/equity is already part of RTC's TA evaluation criteria (page 2)</p> <p>Since 2015 RTC has included criteria for Environmental Justice in project selection to ensure that local agencies give consideration of the transportation needs of the underserved populations (low income and minority populations). Page 10 of the 2020-2023 TIP explains the process in more detail. The TIP guidebook has been amended to show that TAP funds can be used to pay for sidewalks.</p> <p>RTC's TIP Sub-Committee usually reviews TIP evaluation criteria annually.</p>
		Recommendation 6: The Federal review team recommends the TIP financial feasibility documentation include a final summary table that pulls together all sources and uses of funds to clearly demonstrate for all readers that programmed revenue totals (federal, state, and local) support project cost totals by year.	<p>The 2018-2021 TIP for Clark County included a summary financial feasibility table by program and year on pages 26-27 of the TIP document.</p> <p>Subsequent adopted TIPs for the region address financial feasibility in a similar manner as the 2018-2021 version. The most recent adopted TIP, 2020-2023, shows financial feasibility on pages 28-29 of the TIP document.</p> <p>In the DRAFT 2021-2024 TIP, the financial feasibility table has been enhanced to show the financial feasibility more clearly.</p>

Follow up from RTC's MPO Certification Held in January 2017
Status Report on Corrective Actions, Recommendations, and Commendations Summary (as of September 17, 2020)

Topic	FHWA/FTA Corrective Actions	FHWA/FTA Recommendations/ Commendations	Status (September 17, 2020)
Congestion Management Process (CMP)		Commendation 3: The Federal review team commends RTC for the Congestion Process Summary annual report, a best practice for summarizing CMP results for various audiences (e.g., elected officials, transportation planners, and the public).	
		Recommendation 7: The Federal review team recommends RTC provide cross-referencing among the data (tables and maps) provided for the public in its CMP document, and the modeling data used to create these tables and maps. Technical appendices should be created so that the public can understand the information.	RTC's CMP webpage includes annual CMP reports including full annual report, summary report and technical appendix with all of the supporting data. Cross reference of data is included in the CMP's Supporting Data which has always been available for download from RTC's Website. This has always been a stand-alone document, but in essence serves as an appendix to the full CMP report.
Public Participation		Commendation 4: The Federal review team commends RTC for working with community groups who provide special emphasis for low-income and other marginalized populations.	
Civil Rights	Corrective Action 2: By June 30, 2018, to come into compliance with Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990, RTC must: • Designate an employee who		All corrective actions are now addressed. ADA is addressed on RTC's website. An ADA internal inventory has been completed. RTC's ADA Self-Evaluation and Program Access Plan .

Follow up from RTC's MPO Certification Held in January 2017
Status Report on Corrective Actions, Recommendations, and Commendations Summary (as of September 17, 2020)

Topic	FHWA/FTA Corrective Actions	FHWA/FTA Recommendations/ Commendations	Status (September 17, 2020)
	<p>will serve as RTC's coordinator for Section 504 and ADA matters.</p> <ul style="list-style-type: none"> Conduct an ADA self-evaluation that identifies universal access barriers and that describes the methods to remove the barriers along with specified timelines. Develop a Section 504/ADA nondiscrimination notice, to be posted internally and externally (for employees' and the public's information). 		
		Recommendation 8: The Federal review team recommends RTC revise the Title VI complaint procedures and form so that they can be used to process any complaint, regardless of the law under which the complaint falls.	The Title VI complaint procedures and form are available on RTC's website.
		Recommendation 9: The Federal review team recommends RTC explore alternatives to the Google translate "Select Language" message (such as putting "En Español" on the page), and clarify in the LEP and Public Participation Plans that certified translation will be used when translation is requested. Google Translate may be acceptable for some situations, but is not recommended when translating documents more technical in nature	Espanol and Russian translation is available (see bottom right of web pages) for RTC's website. Clicking on the Spanish and Russian links takes the user to professionally translated pages with information on Title VI and Limited English Proficiency.

Follow up from RTC's MPO Certification Held in January 2017
Status Report on Corrective Actions, Recommendations, and Commendations Summary (as of September 17, 2020)

Topic	FHWA/FTA Corrective Actions	FHWA/FTA Recommendations/ Commendations	Status (September 17, 2020)
		(such as RTC's Public Participation Plan).	
		Recommendation 10: The Federal review team recommends RTC include an EJ analysis in the TIP that addresses equity in short-term transportation investments or expand the EJ analysis in the RTP to incorporate project phasing to consider impacts of short-term (TIP) investments as well as long-term RTP improvements.	This recommendation was addressed in an EJ Appendix to the latest RTP (adopted March 2019). The TIP uses the RTP's EJ analysis as a guide in TIP development.
		Recommendation 11: The Federal review team recommends RTC work with WSDOT to ensure that its Title VI Plan reflects guidance from both FHWA and FTA appropriately.	RTC will continue to work with WSDOT to ensure the Title VI Plan is in compliance.
		Recommendation 12: The Federal review team recommends RTC place Title VI information on its webpage more prominently (to ensure that Title VI information is more readily available to the public).	Information on Title VI is easily located through use of RTC's website search function. Civil Rights/ADA is given prominence in the "Information" section of RTC's website.
Performance Based Planning and Programming		Recommendation 13: The Federal review team recommends RTC continue to work with WSDOT to implement new planning requirements for performance-based planning and programming, including: <ul style="list-style-type: none"> Discuss the new requirements; identify which processes need updating to meet new 	RTC continues to work in close coordination with WSDOT in implementing performance-based planning and programming. WSDOT communicates with FHWA and MPO's on planning agreements. Performance based planning, management, target setting and

Follow up from RTC's MPO Certification Held in January 2017
Status Report on Corrective Actions, Recommendations, and Commendations Summary (as of September 17, 2020)

Topic	FHWA/FTA Corrective Actions	FHWA/FTA Recommendations/ Commendations	Status (September 17, 2020)
		<p>requirements and a plan for updates, data collection and sharing requirements to be ready for PBPP.</p> <ul style="list-style-type: none"> • Make necessary connections to other performance-based plans. • Further develop data needs to ensure that future MTP and TIP updates implement an objective-driven, performance-based planning process. • Update planning agreements that describe how transportation planning efforts will be coordinated between the agencies, and document specific roles and responsibilities of each agency in the performance of transportation planning for the region. • Review MTP and TIP project prioritization and decision-making processes and how they support a performance-based process. • Identify how to capture safety projects, or components of projects, in the MTP and TIP to assist the MPO in meeting the new performance-based planning and programming requirements. 	<p>monitoring are addressed in both RTC's RTP and TIP and documented in a Performance Based Planning section of RTC's website.</p> <p>Tables 3-6 (page 32-40 of the 2020-2023 TIP) includes which performance measures are address by each project included in the TIP. In addition, page 13-16 of the TIP includes a summary of how performance measures are included within the TIP and coordinated with WSDOT and C-TRAN.</p> <p>The adopted Regional Transportation Plan for Clark County (March 2019) addresses performance-based planning, measures and targets on pages 160-164 of the Plan.</p>

RTC-MPOCertification2017-Statusasof20200917.docx

Appendix C: Certification Notification Letter



U.S. Department
of Transportation

U.S. DEPARTMENT OF TRANSPORTATION

Federal Highway Administration
Oregon Division
530 Center Street, Suite 420
Salem, Oregon 97301
503.399.5749

Federal Highway Administration
Washington Division
711 S. Capital Way, Suite 501
Olympia, WA 98501
360.753.9480

Federal Transit Administration
Region 10
915 Second Avenue, Room 3142
Seattle, Washington 98174-1002
206.220.7954

November 12, 2020

IN REPLY REFER TO:
HDA-OR/
HDA-WA/
FTA-TRO-10

Ms. Margi Bradway
Deputy Director, Planning and Development
Metro
600 NE Grand Avenue
Portland, OR 97232

Mr. Matt Ransom
Executive Director
Southwest Washington Regional Transportation Council
P.O. Box 1366
Vancouver, WA 98666-1366

RE: Portland-Vancouver Planning Certification Review

Dear Ms. Bradway and Mr. Ransom:

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) will conduct a virtual certification review site visit to discuss the transportation planning process for the Portland-Vancouver metropolitan area December 7 – 10, 2020. The review team will meet with Metro on December 7 and 8 and the Southwest Washington Regional Transportation Council (RTC) on December 9 and 10. An agenda for each site visit will be shared prior to the site visits. The review will assess the joint planning process as conducted by Metro and RTC in cooperation with the State, transit operators, and local governments in the area.

The Fixing America's Surface Transportation Act (FAST-Act) requires certification of the transportation planning process in urbanized areas over 200,000 in population once every four years. FHWA and FTA conduct certification reviews to evaluate the transportation planning process in the spirit of highlighting good practices, exchanging information, and identifying opportunities for improvement. During the certification process, the federal review team will rely on information gained through participation in the area's planning process, a desk review of planning processes and products, and the virtual certification review site visit.

The public is also invited to send comments to FHWA and FTA to express their perspectives on the transportation planning process. We would like to thank Metro and RTC for agreeing to notify the public of the opportunity to submit comments. A sample Notice of Public Involvement has been shared with both agencies.

If you have any questions, please contact FHWA representatives Rachael Tupica at (503) 316-2549 or Matt Kunic at (360) 753-9487, or FTA representatives Jeremy Borrego at (206) 220-7956 or Ned Conroy at (206) 220-4318.

Sincerely,

**PHILLIP A
DITZLER**

Digitally signed by
PHILLIP A DITZLER
Date: 2020.11.13
11:29:35 -08'00'

Phillip A. Ditzler, Division Administrator
Oregon Division
Federal Highway Administration

**LINDA M
GEHRKE**

Digitally signed by
LINDA M GEHRKE
Date: 2020.11.12
15:01:22 -08'00'

Linda M. Gehrke, Regional Administrator
Region 10
Federal Transit Administration

**DANIEL M
MATHIS**

Digitally signed by DANIEL M
MATHIS
Date: 2020.11.13 10:09:18
-08'00'

Daniel M. Mathis, Division Administrator
Washington Division
Federal Highway Administration

cc

Metro	Lynn Peterson, Metro Council President Shirley Craddick, Joint Policy Advisory Committee on Transportation Chair Elissa Gertler, Planning & Development Director
RTC	Scott Hughes, RTC Chair Lynda David, Senior Transportation Planner
ODOT	Jon Makler, Region 1 Planning Manager Glen Bolen, Region 1 Planner Erik Havig, Planning Section Manager
WSDOT	Laurie Lebowski, Southwest Region Planning Manager Gabe Phillips, Tribal and Regional Planning Office Manager Doug Cox, Senior Transportation Planner
TriMet	Doug Kelsey, General Manager Jeff Owen, Strategic Planning Coordinator Tom Mills, Director, Planning and Policy
C-Tran	Shawn Donaghy, Chief Executive Officer Scott Patterson, Director of Planning, Development, and Public Affairs Randy Parker, Transit Planner

Appendix D: Certification Review Attendees

All meetings were held via video and/or audio conference calls, with accessibility for all participants.

December 7-8, 2020: Metro TMA Certification Review Meetings

December 9-10, 2020: RTC TMA Certification Review Meetings

Meetings Attendees

Federal Review Team:

Ned Conroy, Federal Transit Administration, FTA Region 10

Jeremy Borrego, Federal Transit Administration, FTA Region 10

Mark Stojak, Federal Transit Administration, FTA Region 10

Rachael Tupica, Federal Highway Administration, FHWA Oregon Division

Matt Kunic, Federal Highway Administration, FHWA Washington Division

Jodi Petersen, Federal Highway Administration, FHWA WA Division

Theresa Hutchins, Federal Highway Administration, FHWA Office of Planning

Michael Barry, Federal Highway Administration, FHWA Office of Planning

Nicholas Grisham, FHWA – Western Federal Lands

Metro Attendees:

Benjamin Ruef

Chris Johnson

Cindy Pederson

Daniel Kaempff

Donovan Smith (Community Rep)

Eliot Rose

Eryn Kehe

Grace Cho

Jodie Kotrlik

John Mermin

Kim Ellis

Margi Broadway

Mark Lear

Patrick Dennis

Ted Leybold

Tim Collins

Tom Kloster

ODOT Attendees:

Alice Bibler

Erik Havig

Glen Bolen

Jon Makler

TriMet Attendees:

Jeff Owen

SMART Attendees:

Dwight Brashear

Mark Ottenad

RTC Attendees:

Matt Ransom, Southwest Washington Regional Transportation Council (RTC)

Lynda David, Southwest Washington Regional Transportation Council (RTC)

Dale Robins, Southwest Washington Regional Transportation Council (RTC)

Mark Harrington, Southwest Washington Regional Transportation Council (RTC)

Bob Hart, Southwest Washington Regional Transportation Council (RTC)

WSDOT Attendees:

Laurie Lebowsky, WSDOT Southwest Region Planning

Doug Cox, WSDOT Headquarters

Gabe Philips, WSDOT Headquarters

C-TRAN Attendee:

Taylor Eidt, C-TRAN

Appendix E: Public Comment

In lieu of holding a formal public meeting, Metro and RTC placed notices on their web pages on behalf of USDOT requesting written comments.

RTC Public Notice

(Posted in both in English and Spanish, November 15 – December 31, 2020):

The U.S Department of Transportation (USDOT) is required by federal law to review and evaluate the transportation planning processes of Transportation Management Areas (TMAs) every four years. The Southwest Washington Regional Transportation Council (RTC) is the federally designated Metropolitan Planning Organization (MPO) for the Vancouver, WA region within the State of Washington, and is also designated as a TMA. USDOT is soliciting public feedback on RTC's work in transportation. Examples may include the areas below or any area of specific interest to you:

- *Working with RTC's member agencies*
- *Congestion Management Process (CMP)*
- *Transportation Planning*
- *Transportation Improvement Program*
- *Metropolitan Transportation Plan*
- *Transportation Data*
- *Travel Forecasting*
- *Active Transportation*

More information about RTC is available on RTC's web pages in the headers at the top of this page.

If you have any comments related to RTC transportation planning work or any of the above topic areas, please submit comments to RTC and/or the following agencies.

Comments will be accepted until December 31, 2020.

Comments may be submitted to: (RTC Email and Phone Number)

Comments may also be submitted to the following federal agencies:

*Ned Conroy
Community Planner
FTA Region 10 Office
915 Second Avenue, Suite 3142
Seattle, WA 98174-1002
Email: Ned.Conroy@dot.gov*

*Jeremy Borrego
Transportation Program Specialist
FTA Region 10 Office
915 Second Avenue, Suite 3142
Seattle, WA 98174-1002
Email: Jeremy.Borrego@dot.gov*

*Matt Kunic
Community Planner
FHWA Washington Division
711 Capitol Way South, Suite 501
Olympia, WA 98501
Email: Matthew.Kunic@dot.gov*

*Rachael E. Tupica
Senior Planner
FHWA Oregon Division
530 Center Street NE, Suite 420
Salem, OR
Email: Rachael.Tupica@dot.gov*

*Jodi Petersen
Civil Rights Program Manager
FHWA Washington Division
711 Capitol Way South, Suite 501
Olympia, WA 98501
Email: Jodi.Petersen@dot.gov*

FHWA and FTA did not receive comments from the public regarding the RTC TMA Certification Review.

Metro Public Notice

(Posted November 3, 2020 for public comments to be accepted until December 7, 2020)

The screenshot shows a web browser window with the address bar displaying <https://www.oregonmetro.gov/news/public-notice-transportation-planning-certification-review>. The browser's address bar also includes a search icon and a search box. The browser's menu bar shows "File", "Edit", "View", "Favorites", "Tools", and "Help". The browser's toolbar shows icons for home, back, forward, print, and other functions. The main content area of the browser displays a public notice titled "Public notice: transportation planning certification review". The notice is dated "Nov. 3, 2020 2:23 p.m." and is titled "Opportunity to comment on the transportation planning process conducted in the Portland-Vancouver urbanized area". The notice text states: "The Federal Highway Administration and Federal Transit Administration are requesting comments on the transportation planning process conducted in the Portland-Vancouver urbanized area by Metro and Southwest Washington Regional Transportation Council." A callout box on the right side of the notice states: "Comment by Dec. 7" and "Comments should be submitted by 5 p.m. on Monday, Dec. 7 by email." Below the notice text, there is a section titled "Please email comments to:" which lists four contact persons: Rachael Tupica (Federal Highway Administration, Oregon Division, rachael.tupica@dot.gov), Matt Kunic (Federal Highway Administration, Washington Division, matthew.kunic@dot.gov), Jeremy Borrego (Federal Transit Administration, Region 10, jeremy.borrego@dot.gov), and Ned Conroy (Federal Transit Administration, Region 10, ned.conroy@dot.gov).

Public notice: transportation planning certification review

Nov. 3, 2020 2:23 p.m.

Opportunity to comment on the transportation planning process conducted in the Portland-Vancouver urbanized area

The Federal Highway Administration and Federal Transit Administration are requesting comments on the transportation planning process conducted in the Portland-Vancouver urbanized area by Metro and Southwest Washington Regional Transportation Council.

This request for public comment is part of a transportation planning certification review that will assess compliance with Federal regulations pertaining to the transportation planning process conducted by Metro and RTC, the Oregon and Washington Departments of Transportation, transit agencies, and local units of government in the Portland-Vancouver metropolitan area.

Comment by Dec. 7

Comments should be submitted by 5 p.m. on Monday, Dec. 7 by email.

Please email comments to:

Rachael Tupica
Federal Highway Administration, Oregon Division
rachael.tupica@dot.gov

Matt Kunic
Federal Highway Administration, Washington Division
matthew.kunic@dot.gov

Jeremy Borrego
Federal Transit Administration, Region 10
jeremy.borrego@dot.gov

Ned Conroy
Federal Transit Administration, Region 10
ned.conroy@dot.gov

FHWA and FTA received comments from the public regarding the Metro TMA Certification Review. Comments were considered during the review.



Wed 11/18/2020 12:21 PM

Terry Parker

Metro's flawed transportation measure and vision

To: Tupica, Rachael (FHWA); Kunic, Matthew (FHWA); Borrego, Jeremy (FTA); Conroy, Ned (FTA)

If there are problems with how this message is displayed, click here to view it in a web browser.

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Although the primary reason Metro's huge transportation measure failed at the ballot box was the opposition to the wage tax; the measure itself was flawed as is Metro's vision for the movement of people and goods is flawed.

To start with, measure 26-218 had no sunset date, and Metro could change who pays, the tax rate and what the money could be used for without voter approval. The projects identified in the measure had more losers than winners. Bulldozing a path for a light rail line along Barbur Boulevard would demolish nearly 300 homes and multitude of small businesses. That would be treating the communities along the Southwest corridor similar to what took place in Albina in the 1960s when I-5 was constructed to replace Interstate Avenue (99W) and Union Avenue (99E) as the primary route for North-South traffic through North Portland.

Moreover, the majority of roadway projects identified as being paid for by the measure were not truly roadway projects at all. They were being branded as road projects but in actuality are transit, bicycle and sidewalk projects that likely will reduce motor vehicle capacity and therefore create more congestion region wide. Chances are that gas tax dollars will also be utilized to augment the costs for some if not all of the projects. To establish equity, the users of alternative modes of transport, specifically bicyclists and transit riders, need to pay their share for the costs of the infrastructure they utilize.

Metro's vision for transportation in the region is one of dictatorial social engineering (mostly through taxation) that lacks equity and proportional seats at the advisory tables for the motorists that pay the taxes. Nearly 80% of the trips made in the Metro area are by motor vehicle. 59% of low income people drive to their place of employment. Instead of more of the same that includes the practice of stacking the decks on advisory committees with an anti-car bias membership often representing the people who continually want to travel on somebody else's dollar; Metro's advisory committees must become more opinion diverse. Metro councilors need to reach out to seat members who represent the people who make those auto related trips, vote by driving and directly pay for what they utilize.

With a diversity of opinion at the table that includes proportional representation based on the mode split for all transport modes, transportation projects can be developed in an atmosphere where common ground is a forefront priority.

Terry Parker
Northeast Portland



Thu 11/19/2020 2:57 PM

Ottenad, Mark <ottenad@ci.wilsonville.or.us>

Participation in Portland MPO transportation planning process

To Tupica, Rachael (FHWA)

Cc Brashear, Dwight

Good day Rachael,

I am writing to follow-up on a voice-message that I left today.

The City of Wilsonville is the operator of the South Metro Area Regional Transit (SMART) agency, the Portland metro region's other FTA urbanized-area public-transit provider that works in conjunction with both Tri Met (Tri-County Metropolitan Transportation District) as well as the Salem MPO urban-area transit provider (Salem Area Mass Transit District) and several vital rural transit providers that feed into the greater Portland metro transit system.

The City/SMART understands that the Federal Highway Administration and Federal Transit Administration are requesting comments on the transportation planning process conducted in the Portland-Vancouver urbanized area by Metro and Southwest Washington Regional Transportation Council.

We understand that this process is part of a transportation planning certification review that will assess compliance with Federal regulations pertaining to the transportation planning process conducted by Metro and RTC, the Oregon and Washington Departments of Transportation, transit agencies, and local units of government in the Portland-Vancouver metropolitan area.

The City/SMART is interested in participating in this process in order to utilize provisions of the FAST Act that are relevant to Selection of MPO officials and Transportation and transit enhancement activities, as outlined in FHWA and FTA documents.

Regarding the selection of MPO officials, the City/SMART understands that while the FAST Act clarifies that metropolitan planning organization (MPO) representation is selected by an MPO according to its bylaws/enabling statute, the FAST Act also changes the selection criteria for MPO officials to:

- grant a representative of a transit provider authority equal to that of other MPO officials; and
- allow a representative of a transit provider to also represent a local community.

Additionally, the City/SMART understands that the FAST Act continues to require a metropolitan transportation plan to include transportation and transit enhancement activities. When proposing these activities, the plan must now include:

- consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner; and
- strategies and investments that preserve and enhance intercity bus systems.

As the Portland metro's other urban-area transit provider, SMART plays a crucial role in providing intercity public-transit service via bus, with current fixed routes to locations in the cities of Wilsonville, Tualatin, Salem and Canby, and pending new routes in conjunction with the Oregon Department of Transportation to Oregon City and Tualatin utilizing new bus-on-shoulder service on Interstates 5 and 205.

The City/SMART is interested in pursuing direct representation on the MPO, which in the Portland metropolitan area is accomplished or organized via Metro's Joint Policy Advisory Committee on Transportation (JPACT). Currently, SMART is represented at the MPO JPACT through the Clackamas County Cities representative to JPACT.

As Portland MPOs other FTA urban-area public-transit provider and the area's second largest public transit utility, SMART provides regular fixed-route and ADA/paratransit services in all three primary Portland MPO counties, as well as to Salem MPO counties and area rural public-transit providers. However, SMART is unable to participate directly in the MPO, and only via a County Cities representative that is insufficient to represent public transit services that are offered in a much larger region than just Clackamas County.

In effect, the current JPACT bylaws and representations are a relic of the past SAFETEA-LU era and do not provide for newer FAST Act MPO representation requirements that pertain to MPO urbanized-area transit providers.

Please advise on your recommendation for how the City/SMART may best pursue this issue by participating in the in MPO transportation planning process.

Thank you.

- Mark

Mark C. Ottenad
Public/Government Affairs Director
City of Wilsonville / South Metro Area Regional Transit (SMART)
29799 SW Town Center Loop East
Wilsonville, OR 97070
General: 503-682-1011
Direct: 503-570-1505
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Wilsonville City Hall is now open, with physical distancing controls in place. During COVID-19, we wish to remain responsive while prioritizing the health and safety of the Wilsonville community. We are happy to meet by call or teleconference as an alternative to face-to-face meetings.



Mon 12/7/2020 10:05 AM

Ottenad, Mark <ottenad@ci.wilsonville.or.us>

RE: Participation in Portland MPO transportation planning process

To Borrego, Jeremy (FTA); Tupica, Rachael (FHWA); Kunic, Matthew (FHWA); Conroy, Ned (FTA)

Cc Brashear, Dwight; Stojak, Mark (FTA); Ziglar, Kristine (FTA)

If there are problems with how this message is displayed, click here to view it in a web browser.



Wilsonville-SMART Ltr...
265 KB

Good day FHWA and FTA Administrators,

I am writing to follow-up with additional comments that contain information for your consideration regarding transit representation during the TMA Certification Review. The attached letter of comment provides specific citations to authorities that illuminate the issues at hand and a feasible resolution.

Please feel free to contact me or SMART Director Dwight Brashear for any additional information that you may need.

Dwight Brashear, SMART Transit Director
City of Wilsonville / South Metro Area Regional Transit (SMART)
503-570-1576
brashear@ridesmart.com

Thank you.

- Mark

Mark C. Ottenad
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WILSONVILLE
OREGON

SMART
SOUTH METRO AREA REGIONAL TRANSIT

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December 7, 2020

Submitted via email to:

Rachael Tupica, Federal Highway Administration, Oregon Division *rachael.tupica@dot.gov*

Matt Kunic, Federal Highway Administration, Washington Division *matthew.kunic@dot.gov*

Jeremy Borrego, Federal Transit Administration, Region 10 *jeremy.borrego@dot.gov*

Ned Conroy, Federal Transit Administration, Region 10 *ned.conroy@dot.gov*

RE: Comments on transportation planning certification review for Portland, OR, MPO

Dear FHWA and FTA Administrators:

The City of Wilsonville, operator of the award-winning South Metro Area Regional Transit (SMART) agency, is providing comment and recommendation regarding the transportation planning certification review for the Portland, OR, Metropolitan Planning Organization (MPO) that is administered through Metro regional government's Joint Policy Advisory Committee on Transportation (JPACT) policy board that serves the transportation management area (TMA) of Portland, OR.

SMART is the Portland metropolitan area's only other FTA urbanized-area transit provider, working in partnership with the Tri-County Metropolitan Transit District (TriMet), as well as the adjacent Salem, OR, MPO transit operator (Salem Area Mass Transit District (SAMTD) and rural transit providers located outside of the Portland and Salem MPO boundaries. SMART plays a strategic role as the sole transit operator in providing service in the greater South Metro urban region with connections to the Salem MPO and adjacent growing rural Canby area.

SMART operates a full range of public transit services, including fixed-route and ADA/paratransit service, that focus on the rapidly growing South Metro region of Portland with connections to the cities of Salem and Canby. SMART provides highly-rated transit services within Wilsonville, a community of 25,000 residents that hosts 20,000 jobs where approximately 90% of the workforce commutes to employment in Wilsonville.

SMART provides connecting transit service to TriMet's high-capacity Westside Express Service (WES) at the Wilsonville Transit Center, as well as to the state capital of Salem and to the rural city of Canby. SMART is working with the Oregon Department of Transportation (ODOT) to improve public transit service in the South Metro Portland area through a new

CITY OF WILSONVILLE, OREGON • SOUTH METRO AREA REGIONAL TRANSIT (SMART)

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pilot program for bus-on-shoulder transit services along the heavily congested I-5 Wilsonville-to-Tualatin corridor and along the I-205 Wilsonville-to-Oregon City corridor.

SMART constantly receives requests from nearby elected officials in the South Metro region of the MPO and adjacent rural areas for public transit service that is not provided for currently at the desired level to their communities. Leaders of the South Metro area cities of Oregon City, Tualatin, and West Linn, and adjacent rural areas of Canby and Woodburn have over the past several years inquired about SMART providing transit service in or connections to their communities.

In some instances, SMART has been able to obtain special grant funds from the FTA and ODOT's Statewide Transportation Improvement Fund (STIF) to provide new transit service to the South Metro cities of Tualatin, and is now examining the feasibility for new service to Oregon City, the Clackamas County seat of government. In a similar manner, new regular transit service connects the rural Canby area with Wilsonville and transit services of the Portland MPO.

In terms of the transportation planning certification review for Portland, OR, MPO, the JPACT policy board bylaws do not provide public transit with the level of direct representation at the MPO policy board that Congress intended in passing the Moving Ahead for Progress in the 21st Century Act (MAP-21), which requires representation by providers of public transportation in each metropolitan planning organization (MPO). As the Portland MPO's only other public transit provider, SMART has no direct representation at JPACT and pursuant to the JPACT bylaws is indirectly represented by the Cities of Clackamas County representative, who may or may not have any awareness and understanding of how public transit works and the role of public transit in MPO transportation planning; see JPACT Bylaws, page 4 (attached).

Indeed, given that the MPO JPACT policy board bylaws were last updated in 2008, it is highly unlikely that the bylaws comply with the updated MPO representation provisions as provided for in MAP-21, signed into law July 2012, and the subsequent FTA and FHWA jointly issued this guidance on implementation of provisions of MAP-21 as appearing in the Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations.

The City of Wilsonville, by and through its FTA urbanized-area transit provider SMART, should have direct representation at the JPACT table. Chapter 53 of title 49, United States Code, as amended by MAP-21 effective October 1, 2012, contains several relevant MAP-21 provisions pertaining to SMART transit having direct representation at the MPO table.

MAP-21 Sec. 5303 Metropolitan transportation planning states:

“(a) Policy. --It is in the national interest--

(1) to encourage and promote the safe and efficient management, operation, and development of **surface transportation systems that will serve the mobility needs of people** and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related

fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter;

(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 5304(d)."

Page 14, emphasis added.

Thus, MAP-21 demonstrates an intent by Congress for public transit operators to be fully engaged in MPO transportation planning efforts that "serve the mobility needs of people... between States and urbanized areas." SMART is unique in that it is the only transit operator that provides public transit service between the urbanized Portland MPO and Salem MPO.

MAP-21 Sec. 5303 Metropolitan transportation planning further states that the MPO membership composition should include:

"(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation;"

Page 16, emphasis added.

Currently, only one voting seat at JPACT represents "providers of public transportation"; however, Congress sought to have greater representation of "providers of public transportation."

The issue of Wilsonville/SMART representation at the MPO may be accomplished through a simple amendment of the JPACT bylaws without having to go through a restructuring process. MAP-21 Sec. 5303 Metropolitan transportation planning notes that:

"(B) Restructuring.—A metropolitan planning organization may be restructured to meet the requirements of paragraph (2) without undertaking a redesignation."

Page 16.

In 2014 the FTA and FHWA jointly issued this guidance on implementation of provisions of MAP-21 "that require representation by providers of public transportation in each metropolitan planning organization (MPO) that serves a transportation management area." FTA/FHWA Policy Guidance on Metropolitan Planning Organization (MPO) Representation, June 2, 2014. This guidance states:

"The clear intent of this legislative provision is to ensure that providers of public transportation are represented on the MPO board and should have equal decisionmaking rights and authorities as the other members that are on the policy board of an MPO that serves a TMA. Contrary to the conclusions of some of the commenters, 23 U.S.C. 134(d)(2) and 49 U.S.C. 5303(d)(2) expressly provide

that MPOs serving TMAs must alter their board compositions, if necessary, in order to attain the statutorily required structure.”

Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations, page 31214; emphasis added.

The FTA and FHWA jointly issued guidance on implementation of provisions of MAP-21 further strengthens the position that Wilsonville/SMART should have direct representation at the MPO JPACT “policy board”, and that doing so may be accomplished with a simple amendment of the JPACT bylaws:

“Congress amended 23 U.S.C. 134(d)(2)(B) and 49 U.S.C. 5303(d)(2)(B) to provide that, among other mandatory MPO members, MPOs serving an area designated as a TMA specifically “shall consist of . . . representation by providers of public transportation.” Congress also amended 23 U.S.C. 134(d)(5)(B) and 49 U.S.C. 5303(d)(5)(B) to provide that an MPO “may be restructured to meet the requirements of paragraph (2) without undertaking a redesignation.” Additionally, the Conference Report accompanying MAP- 21 states, **“The conference committee requires the structure of all Metropolitan Planning Organizations include officials of public agencies that administer or operate public transportation systems within two years of enactment.”** Congress also made clear that the term metropolitan planning organization refers to **“the policy board”** of the organization, not its advisory or non-decisionmaking elements.

Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations, page 31216; emphasis added, footnotes omitted.

Furthermore, it would appear that the current MPO JPACT policy board bylaws contradict FTA and FHWA jointly issued guidance on implementation of provisions of MAP-21. The JPACT bylaws currently require the “Cities of Clackamas County representative” to represent SMART at the MPO policy board; see JPACT Bylaws, page 4. The Cities of Clackamas County representative must be an elected official from a Clackamas County city whose primary responsibility is to serve the interests of cities rather than represent public transit provider:

“The policy guidance states that a public transportation representative on an MPO should not serve as one of the other mandatory MPO members set forth in 23 U.S.C. 134(d)(2) and 49 U.S.C. 5303(d)(2). For example, a member of an MPO board whose assignment comes by virtue of his or her position as an elected official should not also attempt to serve as a representative of providers of public transportation on the MPO board.”

Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations, page 31216; emphasis added.

Wilsonville/SMART anticipates that MPO representatives may claim that providing Wilsonville/SMART direct representation on the JPACT policy board “could introduce a

conflict or upset a carefully constructed balance on the MPO.” However, explicit FTA and FHWA jointly issued guidance rejects this argument:

“23 U.S.C. 134(a)(2) and 49 U.S.C. 5303(a)(2) state that ‘it is in the national interest...to encourage the continued improvement and evolution of the metropolitan and statewide planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators.’ The MAP-21’s establishment of a performance-based approach to transportation decisionmaking evolves and improves the metropolitan and statewide planning processes, increasing the accountability and transparency of the Federal surface transportation program and improving project decisionmaking.

“The inclusion of a representative of providers of public transportation in each MPO that serves a TMA is a critical element of MAP-21’s performance management framework as it will enable the MPO to establish balanced performance targets and improve its ability to develop plans and programs that support an intermodal transportation system for the metropolitan area. As such, it contributes to the continued improvement and evolution of the cooperative and collaborative metropolitan planning process.

“The guidance affirms that a representative of providers of public transportation on an MPO that serves a TMA, once designated, should have equal decisionmaking rights and authorities as the other members that are on the policy board of an MPO that serves a TMA.”

Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations, page 31216; emphasis added.

As a direct, urbanized-area FTA recipient, SMART meets the qualifications set out by FTA and FHWA jointly issued guidance for direct representation at the MPO policy board:

“The policy guidance clarifies that the representative of providers of public transportation on an MPO that serves an area designated as a TMA should be a provider of public transportation in the metropolitan planning area and a designated recipient, a direct recipient, or a subrecipient of Urbanized Area Formula funding, or another public transportation entity that is eligible to receive Urbanized Area Formula funding.”

Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations, page 31217; emphasis added.

The current MPO policy board structure violates the intent and FTA and FHWA jointly issued guidance for implementing MAP-21 by arbitrarily subordinating SMART’s representative to be the Cities of Clackamas County representative to JPACT and by not providing direct representation for SMART; see JPACT Bylaws, page 4. Currently, the only public transit operator with direct representation to the MPO policy board is TriMet, which

pursuant to the JPACT bylaws, does not consider the needs SMART, which pursuant to the JPACT bylaws is represented by the Cities of Clackamas County representative.

“An MPO serving a TMA should formally establish through a board resolution the role and responsibilities of a representative of providers of public transportation, including, at a minimum, that the transit representative should (1) consider the needs of all eligible providers of public transportation in the metropolitan planning area and to address those issues that are relevant to the responsibilities of the MPO, and (2) have equal decisionmaking rights and authorities as the other members that are on the policy board of an MPO that serves a TMA.”

Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations, page 31219; emphasis added.

The current JPACT policy board bylaws do not comply with MAP-21 and FTA and FHWA jointly issued guidance by failing to describe how all (both SMART and TriMet) public transit operators are to be represented at the MPO policy board. To date, JPACT has failed to implement the policy guidance to “determine how the MPO will meet the requirement to include representation by providers of public transportation.” The failure is demonstrated by the JPACT bylaws that provide direct representation to only one of two urbanized-area transit operators (to TriMet), while providing indirect representation to SMART under the aegis of the Cities of Clackamas County representative; see JPACT Bylaws, page 4.

Indeed, JPACT Bylaws demonstrate complete disregard for the and FTA and FHWA jointly issued guidance for implementation of MAP-21 that seeks to elevate the role of transit operators for key decisionmaking authority:

“As the regional transit representative, TriMet will periodically coordinate with the South Metro Area Rapid Transit (SMART).”

JPACT Bylaws, page 4; emphasis added.

In passing MAP-21, Congress demonstrated a keen intent that MPO transit operators should be working in close coordination with each other and with other MPO transit agencies, as opposed to “periodically” when one transit operator decides it may coordinate with another. The FTA and FHWA jointly issued guidance provides the organizational solution to this issue by providing direct representation for Wilsonville/SMART at the MPO JPACT policy board.

The FTA and FHWA jointly issued guidance provides several examples of how the MPO may comply with the provisions of MAP-21:

“There are multiple providers of public transportation within most TMAs. An MPO that serves an area designated as a TMA that has multiple providers of public transportation may need to cooperate with the eligible providers to determine how the MPO will meet the requirement to include representation by providers of public transportation. There are various approaches to meeting


this requirement. For example, an MPO may allocate a single board position to eligible providers of public transportation collectively, providing that one representative of providers of public transportation must be agreed upon through a cooperative process. The requirement for representation might also be met by rotating the board position among all eligible providers or by providing all eligible providers with proportional representation. **However the representation is ultimately designated, the MPO should formally adopt the revised structure through a board resolution, bylaws, a metropolitan planning agreement, or other documentation, as appropriate."**


Emphasis added; Federal Register, Vol. 79, No. 105, June 2, 2014, Rules and Regulations, page 31219.

Thus, cumulatively based on the FTA and FHWA jointly issued guidance for MPO compliance with the provisions of MAP-21, Wilsonville/SMART must be provided direct representation with a seat on the JPACT MPO policy board. Doing so allows the MPO to come into compliance with the provisions of MAP-21 that seek to improve the operations and provisioning of public transit service within the metropolitan area, between MPOs and connections to adjacent rural areas. As the Portland, OR, MPO's only other FTA urbanized-area transit operator that provides strategic service to the rapidly growing South Metro area with connections to TriMet's high-capacity WES, to the Salem MPO, and to rural Canby area, SMART is ideally positioned to be a highly productive partner with other jurisdictions on the JPACT MPO policy board. With a simple amendment of the JPACT bylaws providing Wilsonville/SMART with direct representation at the JPACT policy board, the MPO can come into compliance with the provisions of MAP-21.

We are ready and pleased to provide any additional information that may be needed in your review of this important issue. Thank you for your time and consideration.

Sincerely,


Tim Knapp, Mayor
City of Wilsonville


Dwight Brashear, Director
South Metro Area Regional Transit (SMART)

Attachment: Joint Policy Advisory Committee on Transportation (JPACT) Bylaws

cc: Metro JPACT Planning and Development Department
Tri-County Metropolitan Transportation District of Oregon
Clackamas County Coordinating Committee
Washington County Coordinating Committee

**JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION
(JPACT)**

BYLAWS

ARTICLE I

This committee shall be known as the JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION (JPACT).

**ARTICLE II
MISSION**

It is the mission of JPACT to coordinate the development of plans defining required regional transportation improvements, to develop a consensus of governments on the prioritization of required improvements and to promote and facilitate the implementation of identified priorities.

**ARTICLE III
PURPOSE**

Section 1. The purpose of JPACT is as follows:

- a. To provide the forum of general purpose local governments and transportation agencies required for designation of Metro as the metropolitan planning organization for the Oregon portion of the Portland metropolitan area, defined as the Metro jurisdictional boundary or the Metro urban growth boundary whichever is greater, and to provide a mechanism for coordination and consensus on regional transportation priorities and to advocate for their implementation.
- b. To provide recommendations to the Metro Council under state land use requirements for the purpose of adopting and enforcing the Regional Transportation Plan.
- c. To coordinate on transportation issues of bi-state significance with the Clark County, Washington metropolitan planning organization and elected officials.

Section 2. In accordance with these purposes, the principal duties of JPACT are as follows:

- a. To approve and submit to the Metro Council for adoption the Regional Transportation Plan (RTP) and periodic amendments.
- b. To approve and submit to the Metro Council for adoption short and long-range growth forecasts and periodic amendments upon which the RTP will be based.
- c. To approve and submit to the Metro Council for adoption the Unified Planning Work Program (UPWP) and periodic amendments for the Oregon and Washington portions of the metropolitan area. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.
- d. To approve and submit to the Metro Council for adoption the Transportation Improvement Program (TIP) and periodic amendments. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.
- e. To approve and submit to the Metro Council for adoption the transportation portion of the State Implementation Plan for Air Quality Attainment for submission to the Oregon Department of Environmental Quality. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.
- f. To periodically adopt positions that represent the region's consensus on transportation policy matters, including adoption of regional priorities on federal funding, federal transportation reauthorizations and appropriations, the State Transportation Improvement Program priorities and regional priorities for Light Rail Transit (LRT) funding. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.
- g. To review and comment on the RTP and TIP for the Clark County portion of the metropolitan area and include in the RTP and TIP for the Oregon urbanized portion of the metropolitan area a description of issues of bi-state significance and how they are being addressed.
- h. To review and comment, as needed, on the regional components of local comprehensive plans, public facility plans and transportation plans and programs of ODOT, Tri-Met and the local jurisdictions.

ARTICLE IV COMMITTEE MEMBERSHIP

Section 1. Membership

- a. The Committee will be made up of representatives of the following voting jurisdictions and agencies:

	<u>Members</u>	<u>Votes</u>
Multnomah County.....	1	1
Washington County.....	1	1
Clackamas County.....	1	1
City of Portland.....	1	1
Cities of Multnomah County.....	1	1
Cities of Washington County.....	1	1
Cities of Clackamas County.....	1	1
Oregon Department of Transportation...	1	1
TriMet.....	1	1
Port of Portland.....	1	1
Department of Environmental Quality....	1	1
Metro.....	3	3
State of Washington.....	3	3
TOTAL	17	17

- b. Alternates may be appointed to serve in the absence of the regular members.
 c. Members and alternates will be individuals in a position to represent the policy interests of their jurisdiction.

Section 2. Appointment of Members and Alternates

a. Members and alternates from the City of Portland and the Counties of Multnomah, Washington and Clackamas will be elected officials from those jurisdictions and will be appointed by the chief elected official of the jurisdiction. The member and alternate will serve until removed by the appointing jurisdiction. The Clackamas County seat shall represent the regional transit service providers Sandy Area Metro (SAM), South Clackamas Transit District (SCTD) or City of Molalla, and Canby Area Transit (CAT) that provide services within the MPO boundary.

b. Members and alternates from the Cities of Multnomah, Washington and Clackamas Counties will be elected officials from the cities represented by these positions of each county (except Portland) and will be appointed through the use of a mail ballot of all represented cities based upon a consensus field of candidates developed through a forum convened by the largest city being represented. The member and alternate will be from different jurisdictions, one of which will be from the city of largest population if that city's population constitutes the majority of the population of all the cities represented for that county. The member and alternate will

serve for two-year terms. In the event the member's position is vacated, the alternate will automatically become member and complete the original term of office. The member and alternate will periodically consult with the appropriate transportation coordinating committees for their area. The Cities of Clackamas County seat represents the City of Wilsonville, which as the governing body represents South Metro Area Rapid Transit (SMART).

c. Members and alternates from the two statewide agencies (Oregon Department of Environmental Quality and Oregon Department of Transportation) will be a principal staff representative of the agency and will be appointed by the director of the agency. The member and alternate will serve until removed by the appointing agency.

d. Members and alternates from the two tri-county agencies (TriMet and the Port of Portland) will be appointed by the chief board member of the agency. The member and alternate will serve until removed by the appointing agency. As the regional transit representative, TriMet will periodically coordinate with the South Metro Area Rapid Transit (SMART).

e. Members and alternates from the Metro Council will be elected officials and will be appointed by the Metro Council President and confirmed by the Metro Council and will represent a broad cross-section of geographic areas. The members and alternate will serve until removed by the Metro Council President.

f. Members and alternates from the State of Washington will be either elected officials or principal staff representatives from Clark County, the City of Vancouver, the Washington Department of Transportation, the Southwest Washington Regional Transportation Council and C-TRAN. The members will be nominated by Clark County, the City of Vancouver, the Washington Department of Transportation and C-TRAN and will serve until removed by the nominating agency. The three Washington State members will be selected by the Southwest Washington Regional Transportation Council.

h. Terms for all members and alternates listed above commence on January 1 of each year.

ARTICLE V MEETINGS, CONDUCT OF MEETINGS, QUORUM

a. Regular meetings of the Committee will be held monthly at a time and place established by the chairperson. Special or emergency meetings may be called by the chairperson or a majority of the membership. In the absence of a quorum at a regular monthly meeting or a special meeting, the chairperson may call a special or emergency meeting, including membership participation and vote by telephone, for deliberation and action on any matters requiring consideration prior to the next meeting. The minutes shall describe the circumstances justifying membership participation by telephone and the actual emergency for any meeting called on less than 24 hours' notice.

b. A majority of the voting members (or designated alternates) of the full

Committee (9 of 17 members) shall constitute a quorum for the conduct of business. The act of a majority of those present at meetings at which a quorum is present shall be the act of the Committee.

c. Subcommittees to develop recommendations for JPACT can be appointed by the Chair. The Chair will consult on subcommittee membership and charge with the full membership at a regularly scheduled meeting. Subcommittee members can include JPACT members, JPACT alternates and/or outside experts.

d. All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.

e. The Committee may establish other rules of procedure as deemed necessary for the conduct of business.

f. Each member shall be entitled to one (1) vote on all issues presented at regular and special meetings of the Committee. In the absence of the member, the alternate shall be entitled to vote.

g. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the chairperson to notify the appointing agency with a request for remedial action. In the case of the representative for the "cities" of Multnomah, Washington and Clackamas Counties, the chairperson will contact the largest city being represented to convene a forum of represented cities to take remedial action.

h. The Committee shall make its reports and findings public and available to the Metro Council.

i. Metro shall provide staff, as necessary, to record the actions of the Committee and to handle Committee business, correspondence and public information.

ARTICLE VI OFFICERS AND DUTIES

a. The chairperson and vice-chairperson of the Committee shall be appointed by the Metro Council President and confirmed by the Metro Council.

b. The chairperson shall preside at all meetings he/she attends and shall be responsible for the expeditious conduct of the Committee's business.

c. The chairperson shall vote only in the case of a tie.

d. In the absence of the chairperson, the vice-chairperson shall assume the duties of the chairperson.

**ARTICLE VII
RECOGNITION OF TPAC**

a. The Committee will take into consideration the alternatives and recommendations of the Transportation Policy Alternatives Committee (TPAC) in the conduct of its business.

**ARTICLE VIII
AMENDMENTS**

a. These bylaws may be amended or repealed only by a two-thirds vote of the full membership of the Committee and a majority vote of the Metro Council.

b. Written notice must be delivered to all members and alternates at least 30 days prior to any proposed action to amend or repeal Bylaws.



Mon 12/7/2020 10:48 AM

Axelrod, Russell <RAxelrod@westlinnoregon.gov>

Support for SMART inclusion on JPACT for transportation system federal review

To Tupica, Rachael (FHWA); Kunic, Matthew (FHWA); Borrego, Jeremy (FTA); Conroy, Ned (FTA)

Cc Ottenad, Mark; knapp@ci.wilsonville.or.us; Gabrielatos, Jerry; Axelrod, Russell

If there are problems with how this message is displayed, click here to view it in a web browser.

Dear Federal Highway and Transportation Administrators,

I'm writing to convey my strong support for the City of Wilsonville's South Metro Area Regional Transit (SMART) to have an official role in the JPACT (Joint Policy Advisory Committee) review for our Portland, OR Metropolitan Planning Organization (MPO) process being administered by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).

SMART has a proven track record of successful operations, leadership, sustainability and collaboration in our regions transportation systems. SMART's inclusion in this process will provide the direct representation and coordination needed among our transit operators to produce better quality public transit services, especially in our South Metro area.

Thank you for including SMART in the regional JPACT process, and please call me if you have any questions.

Sincerely,

Russ

Russell B. Axelrod

Russell Axelrod

Mayor

City Council

Pronouns: he, him, his

22500 Salamo Rd
West Linn, OR 97068

RAxelrod@westlinnoregon.gov

westlinnoregon.gov

503-742-6002

West Linn

West Linn

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Appendix F: Acronyms

ADA:	Americans with Disabilities Act
AQCD:	Air Quality Conformity Determination
CFR:	Code of Federal Regulations
CMP:	Congestion Management Process
C-Tran:	Vancouver Regional Transit Provider
DBE:	Disadvantaged Business Enterprise
EJ:	Environmental Justice
FAST:	Fixing America's Surface Transportation Act
FHWA:	Federal Highway Administration
FTA:	Federal Transit Administration
FY:	Fiscal Year
ITS:	Intelligent Transportation Systems
JPACT:	Joint Policy Advisory Committee on Transportation
LEP:	Limited-English-Proficiency
MPA:	Metropolitan Planning Area
MPO:	Metropolitan Planning Organization
MTP:	Metropolitan Transportation Plan
ODOT:	Oregon Department of Transportation
PBPP:	Performance-based Planning and Programming
PPP:	Public Participation Plan
RTC:	Southwest Regional Transportation Council
RTP:	Regional Transportation Plan
STIP:	State Transportation Improvement Program
TIP:	Transportation Improvement Program
TMA:	Transportation Management Area
TPM:	Transportation Performance Management
TSMO:	Transportation System Management and Operations
USC:	United States Code
UPWP:	Unified Planning Work Program
USDOT:	United States Department of Transportation
WSDOT:	Washington State Department of Transportation





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