

**Background**

The current 2010-2011 Unified Planning Work Program (UPWP) was initially adopted by the Transportation Policy Council (TPC) on July 24, 2009. The 2010-2011 UPWP describes the transportation plans and related air quality planning activities that will be undertaken in the region during fiscal years 2010 and 2011. Through the development of the UPWP, changes in regional transportation planning priorities are identified.

**Current Situation**

Staff requests that the 2010-2011 UPWP be amended to reflect the following changes:

- Creation of an Access Management website to explain key concepts, benefits and examples;
- A reduction in funding for travel time/speed data collection activities to more accurately reflect costs;
- A transfer of \$570,000 to TxDOT for the execution of household travel surveys on behalf of H-GAC;
- Funding to begin analysis of greenhouse gas emissions from on-road sources and potential mitigation strategies for our region;
- Funding for the analysis of waybill data to be performed by TxDOT contractors to enhance our ongoing work in freight planning and to improve our travel demand model;
- An assessment of regional incident management practices in partnership with METRO;
- Addition of language to reflect the environmental impact study work being conducted by METRO in the US-90A corridor for suburban rail;
- The study of a traffic roundabout in Meadows Place; and
- An update of Federal Transit Administration 5303 and Federal Highway Administration PL-112 funds to reflect the FY2010 appropriations amount.

The full text of the proposed amendments is as follows:

**UPWP AMENDMENTS – JUNE 2010**

**AMENDMENT 2 – TASK I: PROGRAM MANAGEMENT**

**Revision 2a** – Adds a new product for the creation of an Access Management program website to provide information on Access Management resources and studies at a cost of \$18,000. Subsequent products in Subtask 1.2 will be renumbered.

**New Product**

**1.2.7** Establish a main webpage for the Access Management program that will give a better introduction to the overall topic of access management and link users to specific studies, technical resources, and other supporting subpages. (Consultant: \$18K TPF) [2010]

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**Revision 2b** – Revises the Task I Funding Table to reflect above amendment.

<b>TASK 1: Program Mgmt. 2010-2011 Funding Table</b>			
<b>Subtask</b>	<b>1.1</b>	<b>1.2</b>	<b>TASK</b>
<b>Agency</b>	<b>MPO</b>	<b>MPO</b>	<b>TOTAL<sup>2</sup></b>
TPF (2010-11) <sup>1</sup>	\$2,600,000	\$1,818,000	<b>\$4,418,000</b>
LOCAL	\$0	\$0	<b>\$0</b>
<b>TOTAL FUNDING</b>	<b>\$2,600,000</b>	<b>\$1,818,000</b>	<b>\$4,418,000</b>
<i>Includes FY09 unexpended TPF estimate of:</i>			\$320,000
<sup>2</sup> One-half of these funds may not necessarily reflect one year.			
<p><i>TxDOT will apply transportation development credits sufficient to provide the match for FHWA PL-112 and FTA Section 5303 programs. As the credits reflect neither cash nor man-hours, they are not reflected in the funding tables.</i></p>			

**AMENDMENT 3 – TASK II: DATA DEVELOPMENT AND MAINTENANCE**

**Revision 3a – Product 2.2.4, Travel Time/Speed Data:** Due to the equipment costs and data availability, this amendment changes the approach for acquiring roadway speed and travel time data from and reduces the cost by \$170,000.

<b>Original Text</b>	<b>Revised Text</b>
<b>2.2.4</b> Collect time-of-day arterial volume and speed data using new wireless technology for updating base-year model and new project ranking criteria. <b>(Consultant- \$250K TPF)</b> [2010]	<b>2.2.4</b> Purchase travel time and speed data from fleet and/or GPS data providers for updating base-year model, congestion management assessment and new project ranking criteria. <b>(Consultant- \$80K TPF)</b> [2011]

**Revision 3b – Product 2.2.5, Travel Surveys:** TxDOT has decided to fund all travel surveys without H-GAC funding assistance. This amendment removes \$400,000 in H-GAC Planning Funds for conducting travel surveys and replaces funding with \$400,000 TxDOT State Planning and Research (SPR) funds.

**Revision 3c** – Adds a new product for the development of a greenhouse gas emission analysis tool for \$60,000, which includes \$50K in planning funds, \$5K in TxDOT in-kind, and \$5K in in-kind from the Houston Advanced Research Center (HARC). This new product results in the renumbering of subsequent products in Subtask 2.2

<b>New Product</b>
<b>2.2.10</b> Develop an analysis tool to calculate green house gases emission reductions from different control strategies at project and county level for on-road mobile sources. {Consultant \$60K (H-GAC - \$50K TPF, TxDOT - \$5K in-kind, HARC - \$5K in-kind)} [2010-2011]

**Revision 3d** – Adds a new product for the processing and analysis of waybill data for assisting in freight modeling.

<b>New Product</b>
<b>2.2.11</b> Processing of waybill data by TxDOT for use in modeling freight movements. [2010]

**Revision 3e** – **Product 2.2.11:** Reduces the anticipated cost of Cube Voyager model assistance by \$5,000 and renumbers it as Product 2.2.13. No change in text required.

**Revision 3g** - Revises the Task II Funding Table to reflect above amendments.

<b>TASK 2: Data Develop. &amp; Maint. 2010-11 Funding Table</b>			
Subtask	2.1	2.2	TASK
Responsible Agency	C & E PLANNING	MPO / TxDOT / METRO	TOTAL <sup>3</sup>
TPF: 2010-111	\$1,300,000	\$2,331,994	<b>\$3,631,994</b>
STP	\$0	\$800,000	<b>\$800,000</b>
TxDOT SPR	\$0	\$1,125,000	<b>\$1,125,000</b>
TxDOT MPO2	\$0	\$700,000	<b>\$700,000</b>
TxDOT In-Kind	\$0	\$5,000	<b>\$5,000</b>
Other Local	\$10,000	\$200,000	<b>\$210,000</b>
<b>TOTAL FUNDING</b>	<b>\$1,310,000</b>	<b>\$5,125,000</b>	<b>\$6,435,000</b>
<i>1 Includes FY09 unexpended TPF estimate of:</i>			<i>\$800,000</i>
<i>2 Includes PL112 funds [TPF] retained by TxDOT in 2007 for Travel Surveys.</i>			
<i>3 One-half of these funds may not necessarily reflect one year</i>			
<p><i>TxDOT will apply transportation development credits sufficient to provide the match for FHWA PL-112 and FTA Section 5303 programs. As the credits reflect neither cash nor man-hours, they are not reflected in the funding tables.</i></p>			

**AMENDMENT 4 – TASK III: SHORT RANGE PLANNING**

**Revision 4a** – **Product 3.3.5:** Reduces the anticipated cost of ITS systems engineering template development by \$61,000. No change in text required.

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**Revision 4b** – Adds a new product to carry out an assessment of regional incident management practices along with a peer review/interactive forum for improving methods with the assistance of METRO for \$61,000.

<b>New Product</b>
<b>3.3.11</b> In conjunction with METRO, conduct an assessment of regional incident management practices, including the holding of a peer review and an interactive forum. ( <b>Pass-thru to METRO-\$61K TPF</b> ) [2011]

**NOTE:** Task III Funding Table does not require any changes

**AMENDMENT 5 – TASK IV: LONG RANGE PLANNING**

**Revision 5a** – Adds a new product for a feasibility study for a roundabout in Meadows Place for \$4,500.

<b>New Product</b>
<b>4.1.17</b> Conduct a roundabout feasibility study for Meadows Place. ( <b>Consultant-TTI \$4.5K TPF</b> ) [2010-11]

**Revision 5b** - Revises the Task IV Funding Table to reflect above amendments

<b>TASK 4: Long-Range Planning 2010-2011 Funding Table</b>					
Subtask	4.1	4.2	4.3	4.4	TASK
Responsible Agency	MPO	MPO /TCEQ / EPA	C&E Planning (H-GAC)	C&E Planning (H-GAC)	TOTAL <sup>3</sup>
<b>TPF (2010-11)<sup>1</sup></b>	<b>\$4,374,500</b>	\$1,360,000	\$680,000	\$550,000	<b>\$6,964,500</b>
<b>STP</b>	\$0	\$0	\$0	\$1,790,137	<b>\$1,790,137</b>
<b>TCEQ Local<sup>2</sup></b>	\$0	\$502,000	\$0	\$0	<b>\$502,000</b>
<b>Other Local</b>	\$100,000	\$50,000	\$187,500	\$447,534	<b>\$785,034</b>
<b>TOTAL FUNDING</b>	<b>\$4,474,500</b>	<b>\$1,912,000</b>	<b>\$867,500</b>	<b>\$2,787,671</b>	<b>\$10,041,671</b>
<i>1 Includes FY09 unexpended TPF estimate of:</i>				\$1,490,000	
<i>2 Includes \$395,000 passed from TCEQ to EPA, via 3-way CRADA with H-GAC.</i>					
<i>3 One-half of these funds may not necessarily reflect one year.</i>					
<i>TxDOT will apply transportation development credits sufficient to provide the match for FHWA PL-112 and FTA Section 5303 programs. As the credits reflect neither cash nor man-hours, they are not reflected in the funding tables.</i>					

**AMENDMENT 6 – TASK V: SPECIAL PLANNING STUDIES**

**Revision 6a – Product 5.4.5**, for the validation of a Cube Cargo model, is eliminated. The product is being funded with ARRA Funds in Product 5.5.5.

**Revision 6b** - Revises the Task V Funding Table to reflect above amendment

<b>TASK 5: Special Studies - 2010-2011 UPWP</b>							
<b>Subtask</b>	<b>5.1</b>	<b>5.2</b>	<b>5.3</b>	<b>5.4</b>	<b>5.5</b>	<b>5.6</b>	
<b>Responsible Agency</b>	MPO	Multi-Agency	Multi-Agency	MPO	MPO / ARRA	MPO / FAA	<b>TOTAL2</b>
<b>TPF (2010-11)1</b>	\$290,000	\$570,000	\$535,000	\$400,000	\$235,000	\$0	<b>\$2,030,000</b>
<b>FTA 5309</b>	\$0	\$636,800	\$0	\$0	\$0	\$0	<b>\$636,800</b>
<b>STP</b>	\$729,600	\$1,640,000	\$26,410	\$0	\$0	\$0	<b>\$2,396,010</b>
<b>ARRA</b>	\$0	\$0	\$0	\$0	\$4,500,000	\$0	<b>\$4,500,000</b>
<b>FAA</b>	\$0	\$0	\$0	\$0		\$570,000	<b>\$570,000</b>
<b>TxDOT PPF</b>	\$0	\$3,500,000	\$0	\$0	\$0	\$0	<b>\$3,500,000</b>
<b>TxDOT SPR</b>	\$0	\$0	\$4,570	\$0	\$0	\$0	<b>\$4,570</b>
<b>TxDOT DDF</b>	\$0	\$0	\$69,020	\$0	\$0	\$0	<b>\$69,020</b>
<b>TxDOT in-kind</b>	\$0	\$410,000	\$0	\$0	\$0	\$0	<b>\$410,000</b>
<b>LOCAL</b>	\$182,400	\$159,200	\$0	\$0	\$0	\$30,000	<b>\$371,600</b>
<b>TOTAL</b>	<b>\$1,202,000</b>	<b>\$6,916,000</b>	<b>\$635,000</b>	<b>\$400,000</b>	<b>\$4,735,000</b>	<b>\$600,000</b>	<b>\$14,488,000</b>
<i>1 Includes FY09 unexpended TPF estimate of:</i>				\$755,000			
<i>2 One-half of these funds may not necessarily reflect one year.</i>							
<i>TxDOT will apply transportation development credits sufficient to provide the match for FHWA PL-112 and FTA Section 5303 programs. As the credits reflect neither cash nor man-hours, they are not reflected in the funding tables.</i>							

**AMENDMENT 7 – FUNDING SUMMARY**

**Revision 6a – FHWA PL-112 Funding:** Adjusts PL-112 funding to reflect revised authorization figures for FY 2010 from TxDOT, as well as a reduction of \$590,832.80 retained by TxDOT for the execution of travel surveys and processing of freight waybill data on behalf of H-GAC.

**Revision 6b – FTA Section 5303 Funding:** Increases FTA Section 5303 funding amount by \$518 to \$3,836,383 to reflect the actual FTA allocation for FY 2011.

**Revision 6c –Table 6, Funding Summary:** Revises Table 6, Funding Summary, to incorporate all preceding amendments. Changed figures highlighted in yellow.

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**ORIGINAL TABLE**

<b>Table 6 Funding Summary</b>						
	<b>Task 1</b>	<b>Task 2</b>	<b>Task 3</b>	<b>Task 4</b>	<b>Task 5</b>	<b>TOTAL</b>
	<b>Admin. / Mgmt.</b>	<b>Data Modeling &amp; Maintenance</b>	<b>Short Range Planning</b>	<b>Long-Range Planning</b>	<b>Special Studies</b>	
<b>Funding Source</b>	FTA 44.21	FTA 44.22	FTA 44.24, 44.25	FTA 44.23	FTA 44.26, 44.27	
FHWA-FTA TPF	\$4,400,000	\$4,000,000	\$2,250,000	\$6,960,000	\$2,630,000	<b>\$20,240,000</b>
STP - Cat 7	\$0	\$800,000	\$0	\$1,790,137	\$2,396,010	<b>\$4,986,147</b>
TxDOT SPR	\$0	\$725,000	\$0	\$0	\$4,570	<b>\$729,570</b>
TxDOT PPF	\$0	\$0	\$0	\$0	\$3,500,000	<b>\$3,500,000</b>
TxDOT Dist. Discret.	\$0	\$0	\$0	\$0	\$69,020	<b>\$69,020</b>
TxDOT MPO	\$0	\$700,000	\$0	\$0	\$0	<b>\$700,000</b>
TxDOT in-kind	\$0	\$0	\$0	\$0	\$410,000	<b>\$410,000</b>
ARRA	\$0	\$0	\$0	\$0	\$4,500,000	<b>\$4,500,000</b>
FAA	\$0	\$0	\$0	\$0	\$570,000	<b>\$570,000</b>
TCEQ-local	\$0	\$0	\$0	\$502,000	\$0	<b>\$502,000</b>
Other Local	\$0	\$210,000	\$0	\$785,034	\$371,600	<b>\$1,366,634</b>
FTA 5304 / 5307/ 5309	\$0	\$0	\$3,184,113	\$0	\$636,800	<b>\$3,820,913</b>
<b>TOTAL</b>	<b>\$4,400,000</b>	<b>\$6,435,000</b>	<b>\$5,434,113</b>	<b>\$10,037,171</b>	<b>\$15,088,000</b>	<b>\$41,394,284</b>
<i>Statewide match ***</i>	<i>\$880,000</i>	<i>\$800,000</i>	<i>\$450,000</i>	<i>\$1,392,000</i>	<i>\$526,000</i>	<i>\$4,048,000</i>
<i>FY 2009 carryover</i>	<i>\$320,000</i>	<i>\$800,000</i>	<i>\$1,130,000</i>	<i>\$1,490,000</i>	<i>\$755,000</i>	<i>\$4,495,000</i>
<b>TRANSPORTATION PLANNING FUNDS (TPF) ONLY</b>						
<b>Federal Highway Admin. (FHWA PL-112) funding estimate:</b>					<b>\$16,345,448</b>	*
<i>*includes pre-FY2010 FHWA carryover of:</i>				<b>\$4,495,000</b>		
<b>Federal Transit Admin. (FTA Section 5303 [Sec. 8]) funding estimate:</b>					<b>\$3,835,802</b>	**
					<b>\$20,181,250</b>	
					<b>\$20,240,000</b>	
					<b>(\$58,750)</b>	
*, ** 2010 and 2011 estimates based on 2009 actual work orders, expect more.						
***Identifies TxDOT's state-wide match estimate for the H-GAC MPO using toll credits to provide 20% match for FHWA (PL-112) funds. Applied statewide, the two funding categories may not be 80/20 for any single MPO.						

**AMENDED TABLE**

<b>Table 6 Funding Summary</b>						
	<b>Task 1</b>	<b>Task 2</b>	<b>Task 3</b>	<b>Task 4</b>	<b>Task 5</b>	<b>TOTAL</b>
	<b>Admin. / Mgmt.</b>	<b>Data Modeling &amp; Maintenance</b>	<b>Short Range Planning</b>	<b>Long-Range Planning</b>	<b>Special Studies</b>	
<b>Funding Source</b>	FTA 44.21	FTA 44.22	FTA 44.24, 44.25	FTA 44.23	FTA 44.26, 44.27	
FHWA-FTA TPF	\$4,418,000	\$3,631,994	\$2,250,000	\$6,964,500	\$2,030,000	\$19,294,494
STP - Cat 7	\$0	\$800,000	\$0	\$1,790,137	\$2,396,010	\$4,986,147
TxDOT SPR	\$0	\$1,125,000	\$0	\$0	\$4,570	\$1,129,570
TxDOT PPF	\$0	\$0	\$0	\$0	\$3,500,000	\$3,500,000
TxDOT Dist. Discret.	\$0	\$0	\$0	\$0	\$69,020	\$69,020
TxDOT MPO	\$0	\$700,000	\$0	\$0	\$0	\$700,000
TxDOT in-kind	\$0	\$5,000	\$0	\$0	\$410,000	\$415,000
ARRA	\$0	\$0	\$0	\$0	\$4,500,000	\$4,500,000
FAA	\$0	\$0	\$0	\$0	\$570,000	\$570,000
TCEQ-local	\$0	\$0	\$0	\$502,000	\$0	\$502,000
Other Local	\$0	\$210,000	\$0	\$785,034	\$371,600	\$1,366,634
FTA 5304 / 5307/ 5309	\$0	\$0	\$3,184,113	\$0	\$636,800	\$3,820,913
<b>TOTAL</b>	<b>\$4,418,000</b>	<b>\$6,471,994</b>	<b>\$5,434,113</b>	<b>\$10,041,671</b>	<b>\$14,488,000</b>	<b>\$40,853,778</b>
<i>Statewide match ***</i>	<i>\$880,000</i>	<i>\$800,000</i>	<i>\$450,000</i>	<i>\$1,392,000</i>	<i>\$526,000</i>	<i>\$4,048,000</i>
<i>FY 2009 carryover</i>	<i>\$320,000</i>	<i>\$800,000</i>	<i>\$1,130,000</i>	<i>\$1,490,000</i>	<i>\$755,000</i>	<i>\$4,495,000</i>
<b>TRANSPORTATION PLANNING FUNDS (TPF) ONLY</b>						
<b>Federal Highway Admin. (FHWA PL-112) funding estimate:</b>					<b>\$15,783,049</b>	*
<i>*includes pre-FY2010 FHWA carryover of:</i>				<i>\$4,495,000</i>		
<b>Federal Transit Admin. (FTA Section 5303 [Sec. 8]) funding estimate:</b>					<b>\$3,836,383</b>	**
<b>TOTAL TPF AVAILABLE</b>					<b>\$19,619,432</b>	
<b>TOTAL TPF PROGRAMED</b>					<b>\$19,294,494</b>	
<b>UNDER (OVER) PROGRAMMED</b>					<b>\$324,938</b>	
*, ** 2010 and 2011 estimates based on 2009 actual work orders, expect more.						
***Identifies TxDOT's state-wide match estimate for the H-GAC MPO using toll credits to provide 20% match for FHWA (PL-112) funds. Applied statewide, the two funding categories may not be 80/20 for any single MPO.						

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**CHANGES BY FUND**

<b>Table 6 Funding Summary</b>						
	<b>Task 1</b>	<b>Task 2</b>	<b>Task 3</b>	<b>Task 4</b>	<b>Task 5</b>	<b>TOTAL</b>
	<b>Admin. / Mgmt.</b>	<b>Data Modeling &amp; Maintenance</b>	<b>Short Range Planning</b>	<b>Long-Range Planning</b>	<b>Special Studies</b>	
<b>Funding Source</b>	FTA 44.21	FTA 44.22	FTA 44.24, 44.25	FTA 44.23	FTA 44.26, 44.27	
FHWA-FTA TPF	\$18,000	(\$368,006)	\$0	\$4,500	(\$600,000)	(\$945,506)
STP - Cat 7	\$0	\$0	\$0	\$0	\$0	\$0
TxDOT SPR	\$0	\$400,000	\$0	\$0	\$0	\$400,000
TxDOT PPF	\$0	\$0	\$0	\$0	\$0	\$0
TxDOT Dist. Discret.	\$0	\$0	\$0	\$0	\$0	\$0
TxDOT MPO	\$0	\$0	\$0	\$0	\$0	\$0
TxDOT in-kind	\$0	\$5,000	\$0	\$0	\$0	\$5,000
ARRA	\$0	\$0	\$0	\$0	\$0	\$0
FAA	\$0	\$0	\$0	\$0	\$0	\$0
TCEQ-local	\$0	\$0	\$0	\$0	\$0	\$0
Other Local	\$0	\$0	\$0	\$0	\$0	\$0
FTA 5304 / 5307/ 5309	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$18,000</b>	<b>\$36,994</b>	<b>\$0</b>	<b>\$4,500</b>	<b>(\$600,000)</b>	<b>(\$540,506)</b>
<i>Statewide match ***</i>	<i>\$880,000</i>	<i>\$800,000</i>	<i>\$450,000</i>	<i>\$1,392,000</i>	<i>\$526,000</i>	<i>\$4,048,000</i>
<i>FY 2009 carryover</i>	<i>\$320,000</i>	<i>\$800,000</i>	<i>\$1,130,000</i>	<i>\$1,490,000</i>	<i>\$755,000</i>	<i>\$4,495,000</i>
<b>TRANSPORTATION PLANNING FUNDS (TPF) ONLY</b>						
<b>Federal Highway Admin. (FHWA PL-112) funding estimate:</b>					(\$562,399)	*
<i>*includes pre-FY2010 FHWA carryover of:</i>				\$4,495,000		
<b>Federal Transit Admin. (FTA Section 5303 [Sec. 8]) funding estimate:</b>					\$581	**
		<b>TOTAL TPF AVAILABLE</b>			(\$561,818)	
		<b>TOTAL TPF PROGRAMED</b>			(\$945,506)	
		<b>UNDER (OVER) PROGRAMMED</b>			\$383,688	
*, ** 2010 and 2011 estimates based on 2009 actual work orders, expect more.						
***Identifies TxDOT's state-wide match estimate for the H-GAC MPO using toll credits to provide 20% match for FHWA (PL-112) funds. Applied statewide, the two funding categories may not be 80/20 for any single MPO.						

**AMENDMENT 8 – APPENDIX G: MAJOR CORRIDOR STUDIES**

This amendment adds to the list an Environmental Impact Study to be performed by METRO to determine the feasibility for suburban rail service along US 90-A from the Fannin Park-and-Ride to the Harris County Line.

**AMENDMENT 9 – SELF CERTIFICATION**

This amendment adds an Appendix K, containing the MPO Self-Certification.

**Action Requested**

For information only



# Resolution

NO. 902-UPWP

## MPO SELF-CERTIFICATION

WHEREAS, In accordance with Title 43, Part 1, Chapter 15, Subchapter A, Rule §15.5 of the Texas Administrative Code, the Texas Department of Transportation, and the Houston-Galveston Area Council Metropolitan Planning Organization for the Houston, Galveston, Texas City, La Marque, Lake Jackson, and Woodlands urbanized areas hereby certify that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

- (1) 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart; (compliance with Metropolitan Planning)
- (2) In non-attainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
- (3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- (4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- (5) Section 1101(b) of the SAFETEA-LU (Public Law 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- (6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- (7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
- (8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- (9) Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- (10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

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Witness these signatures this 25<sup>th</sup> day of June, 2010

\_\_\_\_\_  
Delvin Dennis, P.E. District Engineer  
Texas Department of Transportation  
Houston District

\_\_\_\_\_  
Date

\_\_\_\_\_  
James Patterson, Chairman  
Transportation Policy Council for the Houston-  
Galveston Transportation Management Area

\_\_\_\_\_  
Date

## **MPO Self Certification Compliance**

*Metropolitan Planning Organizations must certify annually their compliance with federal, state, environmental, and civil rights regulations. This document summarizes the H-GAC MPO's compliance with these regulations. The 2035 Regional Transportation Plan, the 2008-2011 Transportation Improvement Program, and the 2010-11 Unified Planning Work Program were developed in accordance with DBE, ADA, and CAA requirements. In addition, these plans met all federal requirements prohibiting lobbying, payment or influence of federal employees regarding the award of federal contracts, grants, loans, or cooperative agreements.*

### **Metropolitan Planning:**

The State and the MPO shall annually certify to FHWA and FTA that the planning process is addressing major issues facing their area and is being conducted in accordance with all applicable transportation planning requirements. The planning process will undergo joint review and evaluation by FHWA, FTA, and TxDOT to determine if the process meets requirements. The Federal administrators will take the appropriate action for each TMA to either issue certification action, or deny certification if the TMA planning process fails to substantially meet requirements. If FHWA and FTA jointly determine that the transportation planning process in a TMA does not substantially meet the requirements, they may withhold, in whole or in part, the apportionment attributed to the relevant metropolitan planning area or they may withhold approval of all or certain categories of projects. Upon full, joint certification by FHWA and FTA, all funds withheld will be restored to the metropolitan area, unless they have lapsed. For non-TMA areas TxDOT will determine whether a MPOs transportation planning process substantially meets requirements and act accordingly. (23 CFR 450.334; 49 CFR 613; USC Title 23, Sec. 134; and USC Title 49, Ch. 53, Sec's 5303 – 5306)

***H-GAC MPO Response: The 2008-2011 TIP and the 2008-09 UPWP includes the MPO Self Certification, which certifies that in accordance with 23 CFR 450.334 & 450.220, TxDOT and the MPO for the Houston-Galveston, Texas City, La Marque, Lake Jackson and Woodlands urbanized areas have been conducted in accordance with 23 CFR 450.334; 49 CFR 613; USC Title 23, Sec. 134; and USC Title 49, Ch. 53, Sec's 5303 – 5306. In 1997, 2001, 2004 and most recently in November 2008, H-GAC hosted a certification review by officials from FHWA, FTA and TxDOT. Final comments from the first two reviews were received and no significant problems were encountered with the MPO planning process during the desktop review or interviews with MPO staff, TxDOT, TPC officers, or transit providers. Each of the five areas of concern were addressed during 2002. Comments on the 2004 review indicated satisfaction***

*with all aspects and encouraged increased due diligence with public participation. Comments from the 2008 desktop review are still pending from FTA and FHWA. This document is no longer required to be included in the UPWP per instructions from TxDOT Planning and Programming Division.*

### **Statewide Planning:**

The process for developing the transportation plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed. The State shall coordinate transportation planning activities for metropolitan areas of the State, and shall carry out its responsibilities for the development of the transportation portion of the State implementation plan (STIP) to the extent required by the Clean Air Act. The State will carry out the long range planning processes and the STIP in cooperation and consultation with designated metropolitan planning organizations, affected local transportation officials and affected tribal governments. Transportation improvement programs should include financial plans that demonstrate how the programs can be implemented, indicates resources from public and private sources reasonably expected to be made available for carrying out the programs, and recommend any additional financing strategies for needed projects. (23 CFR 450.220; USC Title 23, Sec. 135; and USC Title 49, Ch. 53, Sec's 5307 – 5311, 5323(l))

*H-GAC MPO Response: The Unified Planning Work Program (UPWP), the Regional Transportation Plan (RTP) [UPWP Subtask 4.1], and the Transportation Improvement Program (TIP) [UPWP Subtask 3.1] have been developed in accordance with the consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate. Further, the RTP and TIP include financial summaries of the projects scheduled for implementation within their respective timeframes. A new element was added to the 2035 RTP in Appendix F in response to the State HB 3588 requirement for regional transit service planning and coordination between the Health and Human Services Division and the Texas Department of Transportation. A regional transit coordination plan was submitted to TxDOT in December 2006 and the highest priorities from that plan are being implemented incrementally. A subcommittee to the Technical Advisory Committee has been formed to guide that implementation process. Background information is available on the project website at [www.ridethegulfcoast.com](http://www.ridethegulfcoast.com).*

### **Title VI, Civil Rights Act of 1964:**

Title VI prohibits exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on grounds of race, color, or national origin. Title VI assurance regulations were also executed by each State, prohibiting discrimination based on sex or disability. (USC Title 23, Sec. 324 and USC Title 29, Sec. 794)

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*H-GAC MPO Response: Sections 2.05 Equal Employment Opportunity, 2.06 Affirmative Action, and 2.07 Sexual Harassment of the H-GAC Personnel Policies, adopted January 8, 2007 as amended April 21, 2009, cite the MPO's compliance with the Title IV, Civil Rights Act of 1964.*

**Environmental Justice:**

In support of Title VI regulations, each Federal agency must identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. State Highway agency responsibilities are to develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocatees, affected citizens and affected communities. Recipients of federally assisted programs shall keep documentation, for federal review, demonstrating extent to which members of target populations are beneficiaries of such programs. (EO 12898, 23 CFR 200.9 (b)(4), and 49 CFR 21.9 (b))

*H-GAC MPO Response: In conjunction with the 2025 & 2035 RTP development, regional and sub regional environmental and socioeconomic analyses were conducted, including Title VI & environmental Justice Accessibility. 1.) Summary of average travel times to jobs and other trip purposes by mode for low-income and minority travelers compared to others; 2.) Assessment of the social impacts of transportation projects in low-income and minority areas; and 3) the development of a Transit Need Index to identify transit need in the region. (See 2008-09 UPWP Subtask 4.1: Development/Maintenance of the RTP). Staff has completed and begun implementing the methodology for the Title VI Environmental Justice elements of the 2025 RTP and 2035 RTP.*

**Disadvantaged Business Enterprises in Planning Projects**

The Disadvantaged Business Enterprise (DBE) program ensures equal opportunity in transportation contracting markets, addresses the effects of discrimination in transportation contracting, and promotes increased participation in Federally funded contracts by small, socially and economically disadvantaged businesses, including minority and women owned enterprises. The statute provides that at least 10% of the amounts made available for any Federal-aid highways, mass transit, and transportation research and technology program be expended with certified DBEs. (TEA-21, Pub. L. 105-178, Sec. 1101(b); CFR 49, Subtitle A, Part 26)

*H-GAC MPO Response: In accordance with FTA/FHWA/FAA annual reporting requirements, H-GAC filed its 2008-2009 DBE Plan with the Federal Aviation Administration on November 12, 2008, for fiscal years 2008 and 2009. The DBE goal for fiscal year 2008 was*

*18% and the DBE participation goal for 2009 is 19%. The H-GAC DBE Plan was adopted by the H-GAC Board of Directors in October 2008. This plan is being updated this summer. The MPO utilizes the Texas Unified Certification Program [TUCP] as its source for DBE certification. Development of the DBE Plan for 2010-2011 is underway and will be approved by the H-GAC Board of Directors in Summer 2010.*

**Americans with Disabilities Act of 1990:**

Programs and activities funded with Federal dollars are prohibited from discrimination based on disability. Compliance with the applicable regulations is a condition of receiving Federal financial assistance from the Department of Transportation. (Pub. L. 101-336, 104 Stat. 327 as amended; 49 CFR Parts 27, 37 and 38)

*H-GAC MPO Response: Section 2.08 of the H-GAC Personnel Policies, adopted January 8, 2007, cites the MPO's compliance with the American Disabilities Act of 1990. In addition, the H-GAC was instrumental in assuring its place of business, 3555 Timmons Lane, complies with all ADA requirements. All meetings, funded with Federal dollars or as part of doing business, are held only in ADA compliant facilities. Accessibility Consultants Incorporated performed a building property evaluation in March 1992. As of December 31, 2000, all noted discrepancies were corrected. As of December 31, 2001, ten additional handicapped spaces were added to the level 5 covered area of the parking garage. The most recent inspection was conducted in April 18, 2007. As a result of this inspection, all restrooms on the H-GAC floors have been updated to become ADA compliant during late 2008 and early 2009.*

**Restrictions on influencing certain Federal activities:**

No appropriated funds may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing a federal employee regarding the award of Federal contracts, grants, loans or cooperative agreements. (49 CFR, Part 20)

*H-GAC MPO Response: Sections 3.04 Outside Activities, 3.05 Gifts and Gratuities, 3.06 Conflict of Interest, and 3.07 Political Activity of the H-GAC Personnel Policies, adopted January 8, 2007, cites the MPO's compliance with the Restrictions on Influencing certain Federal Activities.*

**Clean Air Act: Air Pollution Prevention & Control:**

All State and local transportation officials will take part in a 3-C planning process in non-attainment areas to determine which planning elements will be developed, adopted and implemented to maintain or improve the air quality for said area. In non-attainment areas that

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include more than one state, the affected states may jointly undertake and implement air quality planning procedures. Activities not conforming to approved plans will not be financially supported by the Federal government. Priority of funding will be given to those projects or programs that achieve and maintain national primary ambient air quality standards. (42 USC, Ch. 85, Sec's. 7408, 7410, 7504, 7505a 7511, 7512, 7506 (c) and (d) and 7604; 49 USC, Ch. 53, 23 USC, Sec. 134)

***H-GAC MPO Response: UPWP Subtasks 1.2, 2.1, 3.2, 4.1, 4.2, 4.3, 4.4, 5.1, 5.2, 5.4, & 5.5 address various aspects of the CAA requirements, including public outreach, SIP development, air quality conformity attainment, financial constraints, alternative modes of travel, and contributions to maintaining national primary ambient air quality standards.***