



MID-OHIO REGIONAL
MORPC
PLANNING COMMISSION

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Memorandum

TO: Transportation Policy Committee
Transportation Advisory Committee
Community Advisory Committee

FROM: Nick Gill, Transportation Study Director

DATE: April 26, 2023

SUBJECT: Proposed Resolution T-7-23: “**Certification of the MORPC Metropolitan Transportation Planning Process**”

In urbanized areas, which have a population of 50,000 or more, federal planning law (49 U.S.C. 5303) calls upon local officials to cooperate with states and public transportation providers in undertaking a continuing, comprehensive, and cooperative (3C) multimodal transportation planning process. This metropolitan transportation planning process is carried out through MORPC as a federally designated metropolitan planning organization (MPO).

Every four years, the Secretary of the U.S. Department of Transportation (DOT) must certify that each MPO serving a transportation management area (TMA) – a designation by DOT of an urbanized area with a population over 200,000 as defined by the Bureau of the Census – is carrying out the metropolitan planning process in adherence with federal statutes and regulations. The Federal Highway Administration and Federal Transit Administration last conducted this review, on the Secretary’s behalf, at MORPC in 2022 and will conduct another recertification review of MORPC in September 2026.

However, federal regulations also specify that the state and MPO must annually self-certify to the FHWA and the FTA that the planning process is addressing the major issues facing the area and is being conducted in accordance with all applicable requirements.

Resolution T-7-23 self-certifies MORPC’s metropolitan transportation planning process and affirms that MORPC, as an MPO, is meeting all requirements in its transportation planning work.

Attachment: Resolution T-7-23

RESOLUTION T-7-23

“Certification of the MORPC Metropolitan Transportation Planning Process”

WHEREAS, the Transportation Policy Committee of the Mid-Ohio Regional Planning Commission is designated as the metropolitan planning organization (MPO) for the Columbus Urbanized Area; and

WHEREAS, 23 CFR 450.334 requires that the state and MPO certify, at least every four years, that the transportation planning process is being carried out in accordance with all applicable requirements, including:

- 1) 23 U.S.C. 134 and 49 U.S.C. 5303 (Metropolitan Transportation Planning requirements);
- 2) 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 11101(e) of the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58, also known as the “Bipartisan Infrastructure Law”) 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 the 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; and

WHEREAS, this “self-certification” is separate from the MPO certification done by the Federal Highway Administration and Federal Transit Administration, which was last conducted at MORPC in 2022 and will be conducted again in 2026; and

WHEREAS, as a prerequisite to the receipt of federal financial assistance (per 49 CFR Subtitle A, Section 21.7), MORPC is required to provide the Title VI Assurances included in Attachment A; and

WHEREAS, the Community Advisory Committee at its meeting on May 1, 2023 and the Transportation Advisory Committee at its meeting on May 3, 2023 recommended approval of this resolution by the Transportation Policy Committee; now therefore

BE IT RESOLVED BY THE TRANSPORTATION POLICY COMMITTEE OF THE MID-OHIO REGIONAL PLANNING COMMISSION:

Section 1. That it certifies that the urban transportation planning process is carried out in conformance with all the applicable federal requirements to the degree that is appropriate for the size and complexity of the area.

Section 2. That it provides the Title VI Assurances in Attachment A, Parts 1 and 2.

Section 3. That this committee finds and determines that all formal deliberations and actions of this committee concerning and relating to the adoption of this resolution were taken in open meetings of this committee.

Erik J. Janas, Chair
MID-OHIO REGIONAL PLANNING COMMISSION

Date

Prepared by: Transportation Staff

Attachments:

- A. Part 1 – Standard DOT Title VI Assurances
- Part 2 – Contractor Contractual Requirements

PART 1
STANDARD DOT TITLE VI ASSURANCES

The Mid-Ohio Regional Planning Commission (MORPC) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and all requirements imposed by 49 CFR Part 21 - Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") to the end 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 otherwise subjected to discrimination under any program or activity for which MORPC receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. Without limiting the above general assurance, MORPC agrees that:

1. Each "program" and "facility" (as defined in Sections 21.23(e) and 21.23 (b)) will be conducted or operated in compliance with all requirements of the Regulations.
2. It will insert the clauses of Part 2 of this assurance in every contract subject to the Act and the Regulations.
3. This assurance obligates MORPC for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates MORPC or any transferee for the longer of the following periods:
 - (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, or
 - (b) the period during which MORPC retains ownership or possession of the property.
4. It will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom they delegate specific authority to give reasonable guarantee that it, other sponsors, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants or Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.
5. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on MORPC, its contractor, subcontractors, transferees, successors in interest and other participants in the Project. The person whose signature appears on this resolution is authorized to sign this assurance on behalf of MORPC.

PART 2 CONTRACTOR CONTRACTUAL REQUIREMENTS

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations.** The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter "DOT"), Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination.** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, gender or sex (including pregnancy, gender identification or expression, and sexual orientation), age (including federally protected 40 years or older), disability or other handicap, low-income status, limited English proficiency, religion, genetic information, gender identification, creed, military status (past, present, or future), medical conditions, or marital/familial status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 49 CFR 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B to part 21 of the Regulations.
3. **Solicitations for Subcontracts, including Procurements of Materials and Equipment.** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, gender or sex (including pregnancy, gender identification or expression, and sexual orientation), age (including federally protected 40 years or older), disability or other handicap, low-income status, limited English proficiency, religion, genetic information, gender identification, creed, military status (past, present, or future), medical conditions, or marital/familial status.
4. **Information and Reports.** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Mid-Ohio Regional Planning Commission (MORPC), the Ohio Department of Transportation (ODOT), or U.S. DOT to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to MORPC, ODOT or U.S. DOT, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance.** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, MORPC shall impose such contract sanctions as it, ODOT or the U.S. DOT may determine to be appropriate, including, but not limited to:
 - a. Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - b. Cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions.** The contractor and subcontractor(s) shall include the provisions of paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor and subcontractor(s) shall take such action with respect to any subcontract or procurement as MORPC, ODOT

Attachment A

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or U.S. DOT may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a contractor or subcontractor(s) becomes involved in, or is threatened

with, litigation with a subcontractor or supplier as a result of such direction, the contractor or subcontractor(s) may request MORPC or ODOT to enter into such litigation to protect the interests of MORPC or ODOT and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.