

A. Corrective Actions

- 1. Linking Planning and NEPA - Mitigation Strategies.** In accordance with 23 CFR 450.322 (f)(7) “A metropolitan transportation plan shall include, a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the metropolitan transportation plan. The discussion may focus on policies, programs, or strategies, rather than at the project level. The discussion shall be developed in consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies. The MPO may establish reasonable timeframes for performing this consultation.” While site visit discussions indicated mitigation strategies were considered, the Federal Review Team did not locate this information in the LRTP. **The MPO needs to modify the Commitment 2040 Long Range Transportation Plan to include a narrative regarding potential environmental mitigation activities that has been developed in consultation with Regulatory Agencies. This modification needs to be completed by or before February 28, 2016.**

Status: The MPO addressed this corrective action to the satisfaction of the Federal review team (see the attached letter from FHWA dated April 17, 2017) through an amendment to the *Commitment 2040* LRTP in May 2016. As stated in the letter, the amendment added narrative to describe the MPO’s environmental mitigation strategies and policies followed during the LRTP development process. This amendment also added a discussion describing the MPO’s work with regulatory agencies and included a map and a narrative describing the environmentally sensitive wetlands and forested uplands within the County that were considered during the plan development as well. MPO staff collaborated with FHWA staff throughout the amendment process as well as requested a deadline extension, which was granted, to ensure that the corrective actions were completely addressed.

- 2. Long Range Transportation Plan - Project Phases.** In accordance with 23 CFR 420.322 (f)(10) the metropolitan transportation plan shall, at a minimum include, “A financial plan that demonstrates how the adopted transportation plan can be implemented.” During the review of the MPO’s 2040 Long Range Transportation Plan the Federal Review Team observed that the MPO’s LRTP Cost Feasible table does not include project phase information for projects identified in the Cost Affordable Plan. As stated in the November 2012 letter on LRTP Expectations, revenues to support the costs associated with the work/phase must be demonstrated. For a project to be included in the cost feasible plan, an estimate of the cost and source of funding for each phase of the project being funded (including the Project Development and Environment (PD&E) phase) must be included. The

phases to be shown in LRTPs include Preliminary Engineering, ROW and Construction (FHWA and FTA support the option of combining PD&E and Design phases into "Preliminary Engineering"). **The MPO needs to modify the Commitment 2040 Long Range Transportation Plan's Cost Affordable Plan tables to include this project detail. The modification to the Long Range Transportation Plan needs to be completed by February 28, 2016.**

Status: The MPO addressed this corrective action to the satisfaction of the Federal review team (see the attached letter from FHWA dated April 17, 2017) through an amendment to the *Commitment 2040* LRTP in May 2016. As stated in the letter, the amendment ensured that phases being funded for all projects in the Cost Feasible Plan were identified. Upon Federal review of the amendment package submittal, it was noted that the project phase breakout for the Fiscal Years 2015-2018 was still needed. MPO staff coordinated with the Federal review team to ensure that all concerns were addressed to the fullest extent. With final concurrence in November 2016, the MPO subsequently updated the Cost Feasible Plan to include those phase costs for the Capacity Improvement/Regionally Significant projects.

- 3. Long Range Transportation Plan - Financial Plan/Fiscal Constraint.** The *Commitment 2040 Plan* provides the often complex financial information in an easy to read format with infographics for the public and its partners. However, in translating this information to this new format, the importance of the first five (5) years of the Plan were moved to the back pages and delegated to essentially background or resource information. The project information, costs, and revenue information for the first five years of the Plan (2015-2019) were missing. Because of this missing information, the Federal Review Team could not determine if the Plan was fiscally constrained. As noted in 23 CFR 450.322(a) and discussed in the November 2012 FHWA/FTA LRTP development expectations letter, the LRTP must show projects and funding for the entire time period covered by the LRTP, from the base year to the horizon year. **An amendment to the LRTP that clearly demonstrates fiscal constraint of the entire plan must be adopted by the MPO Board by February 28, 2016.**

Status: The MPO addressed this corrective action to the satisfaction of the Federal review team (see the attached letter from FHWA dated April 17, 2017) through an amendment to the *Commitment 2040* LRTP in May 2016. As stated in the letter, this amendment updated the language and project tables in the Plan and referenced technical reports to include the current TIP and cost-feasible projects from the base year to the horizon year. Upon Federal review of the amendment package submittal, additional information was needed and the MPO was asked to include clarifying language in the LRTP to show the full costs and revenues of the Plan during the first five years of the TIP. Like the above corrective actions, MPO staff coordinated with the Federal review team to ensure that all concerns were addressed to the fullest

extent. In January 2017, fiscal constraint for the entire Plan was demonstrated.

B. Recommendations

- 1. Public Participation Plan.** The Speak Up Broward PEP ‘mini-grants’ are not in fact federal grants in the traditional sense, but rather consultant managed contracts, requiring standard nondiscrimination clauses including 49 CFR 26.13(b) and Appendix A/E of the FDOT annual Nondiscrimination Assurance. To the extent Broward MPO does decide to issue municipal or similar grants, the Federal Review Team recommends that the MPO develops a process to ensure the grantee has appropriate nondiscrimination programs and processes.

Status: Should the MPO offer mini grants in the future, applicants will be asked to provide backup to show they have the appropriate nondiscrimination programs and processes in place. To date we have not offered these mini grants.

- 2. Title VI and Related Requirements.** The Broward MPO uses demographic data to target and assess its public involvement program, and also to analyze needs/impacts in areas like safety, bike/pedestrian and corridor studies. As with other Florida MPOs, Broward is beginning to appreciate that environmental justice considerations are required in all federally funded programs, services and activities, including the LRTP and TIP. While the Outreach Planner is an excellent source of data and good start, the Federal Review Team recommends that demographics and other data be used to screen plans and/or projects for potentially high and adverse impacts to minority and low income communities. The Team understands that EJ in planning is a broader approach than during Project Development and Environment (PD&E). Nevertheless policies, projects and other activities advanced to benefit or to avoid, minimize or mitigate adverse impacts on minority and other communities should be described in MPO plans. FHWA is currently releasing an EJ Reference Guide and corresponding training that should provide some practical strategies.

Status: The MPO utilized an EJ screening in the 2040 LRTP project identification and selection process. In addition, the MPO developed demographic maps which included overlaid projects in the TIP; and the MPO’s completed corridor studies included project prioritization criteria related to EJ metrics. Metrics, such as high bus transfer rate and zero-car households, are proxies for EJ characteristics were included in corridor studies as part of the project selection and prioritization process. Further, the MPO is currently developing the Transportation Planning Equity Assessment which creates a standardized process to use in evaluating plans, programs and projects and to make informed decisions regarding equity in

our communities. The goal of the equity assessment is to create an approach that is fair, inclusive and proactive during all phases of the planning process. This assessment is the more current way in which the Broward MPO is implementing Title VI and EJ. The Metropolitan Transportation Plan (MTP, formally known as LRTP) is currently applying the Equity Assessment by prioritizing projects for inclusion into the final plan. The assessment will also be applied to our other plans and programs in future.

- 3. Title VI and Related Requirements.** Under 28 CFR 35.105, all public entities, including MPOs are required to conduct a self-evaluation of programs and services for accessibility and where deficiencies are discovered, make necessary modifications for compliance. MPOs share a common minimum obligation; to ensure all planning products include accessibility considerations and to involve the community with disabilities or their service representatives in the planning process. More specific guidance on ADA/504 requirements for planning agencies from FHWA should be available soon. In the meantime, the Review Team recommends that the Broward MPO consider taking strong practice steps to assist its local governments with compliance, which could include sharing data and other pedestrian facility information; identifying partners in need of training or assistance; and reporting to FDOT or FHWA innovative programs or cost effective tools that might assist public agencies with meeting accessibility requirements.

Status: The MPO makes many of its datasets available to the public and its partners through its Web site. Additionally, the Broward MPO utilizes visualization techniques, such as interactive mapping, to provide information in an accessible and readable manner. The MPO also understands the importance of addressing the transportation requirements of all users on the road, including those with different abilities. As part of the Complete Streets Initiative contract, the MPO provides guidance in the form of training and technical assistance to local governments as it relates to the development of ADA Transition Plans. In order to determine the best and/or most appropriate content for the training series, the MPO conducted research and gathered information regarding ADA Transition Plans from local governments in the Broward. This information helped understand the level of compliance of the municipalities, their Transition plan status and their need to start or continue with a plan.

The MPO committed to provide Technical Assistance to municipalities by level of compliance (Noncompliance, Partial Compliance, Full compliance) and for the following different stages:

1. Knowledge of ADA regulations and guidelines
2. Accessibility and Notice of ADA Requirement on municipal website
3. Establishing and overseeing grievance procedures and ADA Coordinator
4. Data collection & Data Analysis

5. Conducting self-evaluation plans
6. Implementation of Transition Plans.

Further, the following activities took place in the 2018:

- The MPO established a program for providing technical assistance to municipalities related to ADA Transition Plans.
- The MPO created an ADA Transition Plan Clearinghouse - interactive map on the MPO Web site with ADA Transition Plan status contact information.
- The MPO hosted a half-day ADA Transition Plan introductory Training on 09/05/2018, providing the basics on ADA background, transition plan development process, lessons learned/best practices, available resources, requirements, etc. (50 participants)
- The MPO hosted a half-day ADA Transition Plan Training on 11/15/2018, providing a check list to participants for completing their own ADA Transition Plans and reviewing best practices, policies, design standards and ADA guidelines for pedestrian facilities in the public rights-of-way. (30 participants)
- The MPO added a section on the MPO web site to share all the presentations, forms and material related with the ADA trainings. <http://www.browardmpo.org/index.php/technical-assistance>

4. **Long Range Transportation Plan: Multimodal.** The supporting technical documentation for the Commitment 2040 Plan make it very clear that this is a multimodal plan developed with input from all the MPO's modal partners. This concept was not as clear in the actual *Commitment 2040* Plan as it could have been. If the Plan is read on its own without using the links to some of the supporting documents, this important aspect of the Plan could have been overlooked by the reader. The Federal Review Team recommends that in the next update of the LRTP, the multimodal nature of the Plan be given more emphasis and a more clear connectivity between all the modes be provided.

Status: With the current LRTP update ([Commitment 2045](#)), the MPO continues to emphasize the multimodal nature of our transportation system. The *Commitment 2045* LRTP scope specifically calls for the inclusion and assessment of roadway, freight, transit, bicycle, pedestrian, waterborne, and airborne projects. These projects are being identified in close coordination with all MPO transportation planning partners (including transit, port, and airport partners) and internal/external plans and programs (including Broward County Transit's Transit Development Plan, the MPO's Complete Streets Master Plan, Broward County Aviation Department's Master Plan, etc.). As part of the initial tasks for the LRTP, staff has met one-on-one with these planning partners in order to build a robust and diverse list of projects for the *Commitment 2045* needs assessment. In addition, the project prioritization process includes six (6) planning factors (Mobility, Accessibility, Safety, Equity, Economic Vitality, and Environmental Stewardship) which include

criteria for multimodal project elements. Further, the cost-feasible plan is currently being developed using a program-based approach which includes specific programs (and ultimately funding) for the Broward MPO's Complete Streets Master Plan (regional bicycle/pedestrian needs), the Complete Streets and Localized Initiatives Program (local bicycle and pedestrian needs), and the Mobility Hub Program (site specific amenities and infrastructure to enhance transit access). In support of this multimodal vision, *Commitment 2045* is also conducting alternative land use scenarios. Five (5) scenarios have been adopted by the MPO Board including Trend, Compact Development, Technology, Resiliency, and Community Vision. In particular, the Compact Development Scenario allocates future growth along Broward's major transit corridors and shifts focus to more non-motorized travel for short trips. A final hybrid scenario will be developed to establish a balanced vision for Broward's future transportation needs based on the above assumptions. The results of the scenario planning will ultimately be used to identify multimodal projects to address the deficiencies and opportunities identified in the hybrid scenario and help to supplement the LRTP needs assessment. Taken together, these efforts, including scenario planning and a focus on funding programs, should ensure *Commitment 2045* is the most inclusive and comprehensive multimodal LRTP to date.