

# TMA CERTIFICATION REVIEW STATE-OF-THE-PRACTICE REVIEW REPORT: 2015

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## Introduction

In support of FHWA's Risk Based Stewardship and Oversight (RBSO) program, FHWA's Office of Planning established the State-of-the-Practice Review Program as a means of assessing consistency in Division Office-led planning oversight processes. The State-of-the-Practice Review is designed to be an ongoing assessment and will continue to document Federal oversight procedures to support consistency and effective practices.

This report documents the 2015 State-of-the-Practice Review,<sup>1</sup> which focused on Division Office oversight processes for conducting Transportation Management Area (TMA) Planning Certification Reviews. Four FHWA Division Offices (one for each Director of Field Services [DFS] region) were reviewed: District of Columbia, Louisiana, Michigan and Washington.

This is the fifth review of Division Offices, but the first review on this topic. For the years 2011 to 2014, the program's focus was on the Federal Planning Finding and fiscal constraint. Prior State-of-the-Practice review reports are available on the Office of Planning's [StaffNet site](#).

This report outlines the background, goals, methodology, process, and focus areas for the 2015 program. In addition, the report provides a summary of the current state of the practice, descriptions of effective practices, and specific recommendations to support improved FHWA oversight.

## Background

The catalyst for the Transportation Planning State-of-the-Practice Review Program was a 2009 DFS Consistency Review where FHWA Division Offices' oversight of transportation planning requirements was examined. This review revealed a number of variances and inconsistencies nationally. In response, FHWA established the State-of-the-Practice Review Program, with the first series of reviews focusing on the Federal Planning Finding, with a specific focus on fiscal constraint.

In 2014, the State-of-the-Practice Program began to be included in the agency's State Implementation Plan (SIP) and was aligned with the FHWA RBSO framework. In 2015, FHWA planning leadership selected TMA Certification Reviews as the program topic examining how Division Offices plan, conduct, and document TMA Certification Reviews. The Congestion Management Process (CMP) was also examined as a "drill-down topic" within these broader review categories.

## TMA Certification Reviews

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) included provisions to help ensure implementation of Federal regulations by requiring a joint FHWA- Federal Transit Agency (FTA) Certification of the transportation process in each TMA (areas with populations over 200,000).<sup>2</sup>

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<sup>1</sup> Calendar Year 2015

<sup>2</sup> This proactive Federal Certification requirement was continued in the Transportation Equity Act for the 21st Century (TEA-21) of 2002, the Safe, Accountable, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005, and the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) of 2012.

FHWA Division Offices, in coordination with FTA Regional Offices, are responsible for conducting TMA Certification Reviews, as required under 23 U.S. Code (U.S.C.) 134(k)(5) and 23 Code of Federal Regulations (CFR) 450.334(b)<sup>3</sup>. To support field planners with these responsibilities, FHWA and FTA developed an internal guide, the [TMA Certification Process Field Handbook](#). This handbook, first developed in 2000, and updated periodically provides specific guidance on how to conduct effective Certification Reviews.

The primary purpose of a Certification Review is to formalize the continuing oversight and evaluation of the transportation planning process and to document these findings on a periodic basis (at least every four years). Fundamentally, the Certification Review process ensures that the planning requirements of 23 U.S.C. 134 and 49 U.S.C. 5303 are being satisfactorily implemented. The reviews should build upon regular and ongoing FHWA/FTA interactions with TMA planning staff and officials (Metropolitan Planning Organization (MPO), State, and transit operators). In contrast to these regular communication forums, the formal assessment involved in Certification Reviews provides a higher-level oversight analysis and documentation of the process.

In addition to their primary purpose, Certification Reviews can also be valuable opportunities for:

- Providing advice and guidance to a TMA for enhancing the planning process and improving the quality of transportation investment decisions;
- Suggesting specific technical assistance and training opportunities to the TMA staff and their member entities;
- Discussing improvements in the planning process to help ensure that major issues facing a metropolitan area are being addressed; and
- Identifying noteworthy practices which can be shared nationally.

## Goals

In support of the agency's RBSO framework, the State-of-the-Practice Review Program had three main goals in 2015:

1. Assess current oversight practices<sup>4</sup> for conducting TMA Certification Reviews in selected FHWA Division Offices;
2. Identify effective practices<sup>5</sup> in preparing for, conducting, and documenting TMA Certification Reviews; and
3. Recommend improvements to current oversight practices and processes to support enhanced consistency in the conduct of TMA Certification Reviews.

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<sup>3</sup> For more information about the applicable laws and regulations and related guidance, see Appendix A: Legislation, Regulations, and Resources

<sup>4</sup> Identifying current Certification Review practices is critical to understanding the level of consistency in oversight processes nationally.

<sup>5</sup> Effective practices serve as models for other Division Offices and help support ideas and concepts that foster consistency throughout FHWA

## Methodology and Approach

Each year, the State-of-the-Practice Review is implemented with a cross-unit team of FHWA staff, including representatives from the FHWA Office of Planning, Resource Center, and Division Offices, with support from the Volpe Center.<sup>6</sup> Given the State-of-the-Practice topic for 2015, FTA Headquarters and Regional staff also participated in this year's review. The cross-unit team approach helped ensure that different perspectives were part of the State-of-the-Practice Review Program. The diverse experiences and backgrounds of each team member contributed to the development of a stronger 2015 State-of-the-Practice Review Program, as well as better deliverables.

As part of their roles, team members had five key areas of responsibility for the State-of-the-Practice Review Program:

- Developing review questions;
- Reviewing relevant documents;
- Participating in one or more of the on-site reviews;
- Documenting review observations and findings; and
- Developing the annual State-of-the-Practice Review Report.

One of the team's key assignments was to develop a general set of questions to ask the Division Offices about their oversight processes for conducting their TMA Certification Reviews. The team also developed a separate list of questions focused on Division oversight and review of the CMP during a Certification Review.<sup>7</sup>

Prior to any of the on-site visits, the State-of-the-Practice Review Team also reviewed background documents and supporting materials from each Division Office. Based on these assessments, site specific questions were added to the general set of discussion questions for each Division Office. The Review Team designed the site-specific questions to help them fully understand how the Division Office plans, conducts, and documents TMA Certification Reviews.

During the on-site visits, State-of-the-Practice Review Team members met with Division Office and FTA Regional staff to explore the Division Office's process for conducting TMA Certification Reviews. Team members also met with one TMA in each State to understand how the TMA Certification Review process worked from their perspective. At the conclusion of each on-site visit, the Review Team developed a set of initial observations and shared these with Division Office staff. Following each site visit, a memo was shared with each Division Office outlining specific observations, including examples of effective practices and areas the Division Office might consider for enhancement as they conduct TMA Certification Reviews.

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<sup>6</sup> 2015 SOP team members are listed in Appendix B.

<sup>7</sup> A list of these questions, organized by topic, is provided in Appendix C: Discussion Topics

## Summary of Findings, Priority Recommendations, and Notable Practices

The 2015 State-of-the-Practice Review on TMA Certification Review processes resulted in number of key recommendations for FHWA planning staff and field leadership.<sup>8</sup> Some of these recommendations apply to all aspects of the TMA Certification Review process; others pertain specifically to preparing for a review, conducting the on-site review, and developing and delivering the final review report. Overall, the 2015 Review resulted in 22 recommendations for FHWA staff to consider that could improve the agency's risk based stewardship and oversight of the TMA Certification Review process.

### Cross-Cutting Themes for TMA Certification Reviews

There are seven cross cutting recommendations. The highest priority of these is to **“Enhance Leadership Awareness of and Engagement in Certification Reviews.”** This priority recommendation is focused on heightening involvement of FHWA field leadership in the Certification Review process as part of the agency's risk based stewardship and oversight. Given the compliance nature of Certification Reviews, it is critical for FHWA Division Administrators (DA) and FTA Regional Administrators (RA) to be aware of and engaged with the process. At a minimum, field leadership must be made aware of the upcoming TMA Certification Reviews and be briefed on the findings after the conclusion of the site visit. Ideally, they would also present these findings to the MPO Policy Board once they are finalized. Other cross-cutting recommendations focus on enhancing FHWA/FTA collaboration during Certification Reviews; documentation of internal unit process and procedures; improved coordination on bi-state reviews; implementation of mock reviews (as appropriate); and enhancement of staff professional capacity. More details on each of these are included in Table 1.

### Preparing for the TMA Certification Review

There are four recommendations focused on preparing for a Certification Review. The highest priority of these is to **“Strategically Form the Federal Team.”** This priority recommendation is focused on having the right members of the Federal Team involved, which is critical to the effective oversight of the Certification Review. The Federal Team may include core team members who are involved in the entirety of the process; it may also include others who are consulted on particular topics or during a particular point in the process. Federal Team members may include planning staff within the Division Office as well as others in the Division with specific expertise based on a strategic assessment of the topics of focus for the review. FTA regional staff are also members of the Federal Team. Based on topics and risks identified, Division staff should also regularly consult with Headquarters and Resource Center staff, and engage them in the review process, as needed. Other recommendations around preparing for Certification Reviews focus on early coordination with the TMA; the planning or and scheduling of a Certification Review; and the development of a conflict resolution strategy. More details on each of these are included in Table 2.

### Conducting the TMA Certification Review

There are five recommendations focused on conducting a Certification Review. The highest priority of these is to **“Use Desk Review Questions Appropriately.”** This priority recommendation is focused on

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<sup>8</sup> The 2015 review also revealed many notable practices and these are documented in a separate section of this report.

enhancing national consistency in the use of desk review questions during a Certification Review. Some Divisions have found such questions to be a helpful resource to prepare for and structure the Certification Review site visit. They have also been shown to be similarly beneficial to a few of the TMAs as they prepare content and materials for the Federal Team. Many Divisions do not submit desk review questions. However, in those that do, there is inconsistency in practice nationally in how Federal Teams are using desk review questions. Federal Teams must not use desk review questions as a means to replace our professional due diligence in performing the desk review, nor can we require TMAs to prepare written responses to these questions. Other recommendations around conducting Certification Reviews focus on agenda development for the on-site review; encouragement of MPO Policy Board and partner agencies to participate in the on-site discussions; and maximizing engagement during the federally led public meeting. More details on each of these are included in Table 3.

### **TMA Certification Review Report Development and Delivery**

There are six recommendations focused on developing and delivering Certification Review reports. The highest priority of these is to “**Develop Appropriate Federal Actions.**” Consistency in use and interpretation of Federal Actions is crucial to the national program and to effective Federal oversight. Improvements in the understanding and application of Federal Actions need to occur amongst field planning staff and field leadership. In particular, there is a lack of consistency in the use of recommendations and corrective actions. When the TMA is not in compliance for a specific Federal law and/or regulation, the Federal Team must issue a corrective action to document the compliance issue to be addressed and the timeframe for correction. If an activity or process is not governed by Federal law or regulation, but could be improved based on best practice or agency guidance, the report should document the issue as a recommendation. Other recommendations concerning “report development and delivery” focus on consistent report structure; delivery timelines; and transmittal of the report within DOT and with the TMA. More details on each of these are included in Table 4.

Tables 1-4 highlight the recommendations, provide detailed rationales, and identify potential strategies and a lead unit to address the recommendations. Additionally, the Federal Review Team discovered ten notable practice examples that Division Offices can use to enhance the TMA Certification Review Process. Tables 5-8 highlight these effective practices and the associated Division Offices.

## 2015 State of the Practice Recommendations

**Table 1: Recommendations - Cross-Cutting Themes for TMA Certification Reviews**

Recommendation	Rationale and Explanation	Strategies to Address Findings	
		HQ/RC	Division Office
<b>Enhance Leadership Awareness of and Engagement in Certification Reviews</b>	Active and engaged FHWA and FTA leadership involvement is critical part of DOT's oversight role and also reinforces the strategic importance of these reviews to external partners. Given the compliance nature of Certification Reviews, it is critical for FHWA DAs and FTA RAs to be aware of and engaged with the process. At a minimum, field leadership must be made of aware of the upcoming TMA Certification Reviews and be briefed on the findings at the conclusion of the site visit. Ideally, they would also present these findings to the MPO Policy Board.	<p><b>HQ:</b> Develop risk-based messaging and guidance on the role and importance of TMA Certification Reviews. Communicate this through a variety agency leadership forums (including but not limited to the FHWA Office of Planning, Environment, and Realty (HEP) DA advisory group; the DA Council and the Directors of Field Services (DFSs).</p> <p><b>RC:</b> Develop training and resources to assist Headquarters with outreach education and awareness building for agency leadership.</p>	Field planning staff should proactively engage with FHWA DAs and FTA RAs in advance of and throughout Certification Review process. Field staff should work to ensure that their leadership understands the nature of Federal actions, the specific findings of a particular review, and provide them with communication materials for discussion with the MPO Policy Board. If a DA or RA is not available, field staff should work to ensure that the DA's or RA's responsibilities are delegated to another senior Division and/or Regional leader to present findings to the MPO Policy Board.
<b>Document the Division's Certification Review Process</b>	Documentation of the approach and process that a Division Office uses to conduct a Certification Review is crucial for effective internal succession planning and knowledge transfer. Documentation also helps identify specific timelines and schedules for the review as well as roles and responsibilities. Detailed documentation enhances a Division's oversight process and helps ensure consistency in this process from review to review and when/if new Division staff assumes the responsibility for conducting Certification Reviews.	<p><b>HQ:</b> Develop and provide an internal SOP template and include this in an update to the TMA Certification Process Field Handbook.</p> <p><b>RC:</b> Highlight example Division SOPs already in use. Provide training and technical assistance to Divisions on the benefits of and actual development of an internal SOP.</p>	Division Offices should document the processes and procedures they use for planning, conducting, and documenting Certification Reviews. This can be done as part of an internal SOP which could reside on a Division SharePoint site. Documentation should include the step-by-step process, milestones and timelines that a Division uses in conducting TMA Certification Reviews in the State. Such documentation should be assessed and used as a reference tool before the initiation of any particular Certification Review. Internal Division

Recommendation	Rationale and Explanation	Strategies to Address Findings	
		HQ/RC	Division Office
			documentation should be updated and enhanced based on “lessons learned” and as the Division oversight process evolves over time.
<b>Develop Conflict Resolution Strategy/Plan</b>	Effective oversight requires strong communication, facilitation and negotiation skills. It also requires awareness of potential areas of conflict, the severity of these and strategies for how to address conflicts. Discussion of conflict resolution strategies (both with the Federal Team and with external partners) should be part of the planning for any Certification Review.	<p><b>HQ:</b> Provide guidance and interpretation on policy issues that may cause conflict between members of the Federal Team and with partner agencies.</p> <p><b>RC:</b> Identify available resources on conflict resolution. Provide training and technical assistance to mitigate conflicts within the Federal Team and with the Federal Team and partners (as needed).</p>	Division staff should assess possible conflicts with the Federal Team and with external partners as they prepare for a Certification Review. They should identify strategies and actions that can be taken to resolve/mitigate these possible conflicts. There may be value in documenting some of these strategies in an SOP. Division staff should review FHWA training resources on conflict resolution generally. Division staff should also review FHWA Planning discipline resources available that may assist as they deal with potential topics and issues that are causing conflict during a review. In particular, Divisions may want to review Planning Discipline Boot Camp modules on FTA coordination and facilitating difficult meetings.
<b>Develop and/or Update a Joint FHWA/FTA MOA</b>	FHWA and FTA are jointly responsible for oversight of the transportation planning process and TMA Certification Reviews. However, FTA’s limited staff capacity has challenged their ability to fully participate in some Certification Reviews. One strategy to overcome this is to ensure the FHWA Division Office and corresponding FTA Regional Office have a MOA with clearly	<p><b>HQ:</b> Remind Divisions of the recommended development of FHWA/FTA field MOAs that define agency roles and responsibilities in conducting TMA Certification Reviews. Make these accessible on the Planning <a href="#">StaffNet</a>.</p> <p><b>RC:</b> Provide training and technical</p>	FHWA and FTA field offices should review, update, and adopt an MOA that clearly defines roles and responsibilities of each agency in the TMA Certification Review process.

Recommendation	Rationale and Explanation	Strategies to Address Findings	
		HQ/RC	Division Office
	defined roles and responsibilities for joint actions, including conducting Certification Reviews.	assistance to FHWA Division Offices on FHWA/FTA MOAs in order to reinforce the guidance provided within the TMA Certification Process Field Handbook.	
<b>Engage FTA as Equal Partners</b>	FHWA and FTA are jointly responsible for oversight of the transportation planning process and TMA Certification Reviews. Both agencies should ensure the oversight process for Certification Reviews is done collaboratively.	<p><b>HQ:</b> Advise Divisions to incorporate effective FWHA/FTA collaborative practices for conducting TMA Certification Reviews in the joint MOA.</p> <p><b>RC:</b> Identify notable collaborative practices between FHWA and FTA in the oversight of Certification Reviews. Disseminate these throughout training and technical assistance venues and resources.</p>	Field staff should reference their MOAs as they prepare for specific Certification Review. For each reviews, the Federal Team should discuss how to best include FTA in the entire process, understanding FTA’s limitations in staff resources and time. If concerns cannot be addressed locally, discuss these with FTA and FHWA Headquarters. Division staff can also reference the <a href="#">Coordinating with FTA Planning Boot Camp module</a> .
<b>Improve Coordination and Collaboration for Bi-State Reviews</b>	Challenges can arise when two Division Offices (in addition to an FTA Region) share oversight responsibility for a TMA. In these cases, it is critical for the Division Offices and FTA Region to work closely throughout the entire planning process, especially through the Certification Review process. Field offices ensure roles and responsibilities are defined and clearly understood and that communications with partners is consistent.	<p><b>HQ:</b> Develop additional guidance on how to conduct Certification Reviews with bi-State TMAs. Guidance should encourage that FHWA/FTA MOAs and unit SOPs include specific references to bi-state TMAs, if applicable.</p> <p><b>RC:</b> Identify notable practices on federal oversight for bi-state TMAs. Work with Headquarters to include these in the TMA Certification Process Field Handbook.</p>	Where there is a bi-State TMA, field staff should begin the review process earlier and in close coordination with the partner Division and Regional Offices. As part of these early discussions, bi-State roles and responsibilities should be clearly defined. Field staff should coordinate closely during the on-site review, the development of findings and in communications with the TMA.
<b>Enhance Staff Professional Knowledge on Requirements and Oversight Process for Certification Reviews</b>	Effective oversight requires that Federal Team members have a high level of knowledge of transportation planning requirements, products and processes. One of the primary goals for the FHWA Planning	<b>HQ/RC:</b> Promote the use of FHWA planning discipline materials and resources (e.g., webinars, training modules, TMA Certification Process Field Handbook). Identify additional	Field staff should ensure they are aware of, and utilize, as needed, the variety of FHWA planning discipline materials listed in Appendix A. These resources are designed to support

Recommendation	Rationale and Explanation	Strategies to Address Findings	
		HQ/RC	Division Office
	Discipline is to ensure that FHWA staff has access to learning and education resources to develop and enhance their professional skills and abilities. Certification Reviews are one of a FHWA planner's " <a href="#">CORE Functions</a> ."	needs and determine strategies and opportunities to meet these through the FHWA corporate planning program and the FHWA Planning Discipline.	field staff in their oversight of the <i>entire</i> Certification Review process. Field staff should ensure they understand Certification Reviews as one of a FHWA planner's " <a href="#">CORE Functions</a> ."
<b>Implement Mock or Pre-Certification Reviews When Appropriate</b>	Mock Certification Reviews for new TMAs and pre-Certification Review discussions with TMAs are effective ways to prepare TMAs for what to expect during the site visit. These can have benefits to both the Federal Team and the TMA partners.	<b>HQ/RC:</b> Provide guidance and training/technical assistance to Division Offices seeking to conduct mock Certification Reviews and pre-Certification Review discussions. Encourage field units to include these in the development of their FHWA/FTA MOA and unit SOP.	Field staff should consider conducting a mock Certification Review for new TMAs that are established in their State. They should also consider the value of conducting pre-Certification Review discussions. Field staff should document their processes and roles and responsibilities for these in their unit SOP and in their FHWA/FTA MOA.

**Table 2: Recommendations – Preparing for the TMA Certification Review**

Recommendation	Rationale and Explanation	Strategies to Address Findings	
		HQ/RC	Division Offices
<b>Continue to Foster Early and Ongoing Conversations with the TMA</b>	Early and active engagement between FHWA staff and TMA partners is an essential element of effective Certification Review oversight. This helps ensure mutual understanding of planning areas that may be of particular concern. Regular communication also helps assess and discuss the priorities and structure of each review. Ongoing engagement also helps Division Office staff determine the types of backgrounds and expertise needed as part of the federal Certification Review team.	<b>HQ/RC:</b> Document notable practices on early and ongoing engagement in support of Certification Reviews and communicate these notable practices to field staff.	Field staff should initiate discussions with staff from the TMA(s), transit provider(s), and State DOT(s) as early as possible in the process, in order to discuss and plan for the Certification Review. Early engagement is also an opportunity to educate partners, to identify concerns or issues, and to seek input on format, timeline, and content. Continuous and early engagement also provides field staff with a fuller

Recommendation	Rationale and Explanation	Strategies to Address Findings	
		HQ/RC	Division Offices
			understanding of the planning issues in the region, and helps them prepare for the Review.
<b>Strategically Form Federal Review Team</b>	Having the right members of the Federal Team is critical to the effective oversight of the Certification Review. The Federal Team may include core team members who are involved in the entirety of the process, as well as others who are consulted on particular topics or during a particular point in the process. Federal Team members may include planning staff within the Division Office as well as others in the Division with specific expertise based on a strategic assessment of the topics of focus for the review. FTA Regional staff are also members of the core Federal Team. Based on topics and risks identified, Division staff should regularly consult with Headquarters and the Resource Center staff and engage them in the review process, as needed.	<b>HQ/RC:</b> Provide Divisions with listings of Headquarters/Resource Center staff expertise, guidance on when and how to request Headquarters and Resource Center assistance during TMA Certification Reviews, and example “risk triggers” to consider in assessing Headquarters/Resource Center involvement.	Division staff should work strategically with FTA Regional staff in the identification of the Federal Team, based on priority topics and risks identified for review. Based on the identification of these, Division staff should strategically engage other Division expertise and Headquarters/Resource Center staff to support part or all of the Certification Review.
<b>Plan and Schedule Review Process Early</b>	Effective Certification Review oversight requires Division staff to anticipate and plan sufficient time to prepare for, conduct, and document findings and observations.	<b>HQ:</b> Remind each Division Office to utilize the TMA Certification Process Field Handbook (Table 1-2.1: Timetable for Scheduling a Certification Review). Highlight agency risk if FHWA and FTA fail to adhere to Certification Review timelines and schedules.  <b>RC:</b> Provide training and technical assistance to reinforce the timeline and schedule information included in the TMA Certification Process Field Handbook.	Field staff should develop an overall schedule for the entire Certification Review Process. Specific milestone points, deliverables and time allotments for each part of the process should be identified and documented. This information should be included in a Division’s SOP for conducting Certification Reviews.

**Table 3: Recommendations – Conducting the TMA Certification Review**

Recommendation	Rationale and Explanation	Strategies to Address Findings	
		HQ/RC	Division Offices
<b>Use Desk Review Questions Appropriately</b>	Some Division Offices have found that asking desk review questions can be helpful to prepare for and structure the Certification Review site visit. They have also been shown to be beneficial to a few of the TMAs as they prepare content and materials for the Federal Team. Many Divisions do not use desk review questions. However, in those that do, there is inconsistency in practice in how Federal Teams are using desk review questions. Federal Teams must not use desk review Questions as a means to replace our professional due diligence in performing the desk review, nor can we require TMAs to prepare written responses to these questions.	<p><b>HQ:</b> Provide/enhance guidance in in the TMA Certification Process Field Handbook on the proper use of the Certification Review questions to prepare for the site visit.</p> <p><b>RC:</b> Develop and deliver training and technical resources that review Certification Review best practices and agency policies, including desk review processes.</p>	Field staff cannot require a TMA to provide answers to a list of questions in advance of the site visit. Instead, Field staff can provide a list of questions or focus areas to the TMA ahead of the Certification Review site visit as a resource for the TMA in their preparations. The Federal Team must clearly communicate with the TMA that they are not required to respond in writing to these questions or focus areas. Additionally, the questions should be considered a way to help the Federal Team prepare an agenda and site visit questions. In instances where the Federal Team has clarifying questions concerning desk review documents, the TMA can be contacted informally with these targeted requests.
<b>Collaborate on Site Review Agenda Development</b>	The site visit is a critical part of Federal oversight of the TMA Certification Review process. A well-defined agenda is key to the success of a Certification Review site visit. The Federal Team leads the development of the agenda and then seeks input from the TMA partners. It is important that the agenda focus on critical issues and priorities from a risk-based perspective. The agenda should clearly identify topics for the site visit and time allotments. The agenda should not include discussion items unrelated to the Federal Team’s priorities. In addition, the agenda should be designed in a way to avoid	<b>HQ/RC:</b> Provide/enhance guidance on the development of on-site agendas. Identify notable examples of approaches to the development of site visit agendas and provide training/technical assistance, as needed.	Field staff should work with FTA and using the MOA determine who is the lead for the development of the Certification Review site visit agenda. Based on the risk and priorities determined for a review, field staff should assess the amount of discussion time for specific topics and who will lead the discussion.

Recommendation	Rationale and Explanation	Strategies to Address Findings	
		HQ/RC	Division Offices
	having the TMA make presentations, but rather should support a facilitated discussion led by the Division and FTA that results in the TMA clarifying the questions needed to identify the level of compliance.		
<b>Encourage MPO Policy Board Participation</b>	The MPO Policy Board serves as the leadership of the TMA. As such, it is critical for the Policy Board and its members to be aware of and engaged with the Certification Review. It exemplifies effective oversight for Federal Teams to seek their input and involvement. In particular, it is important for the Federal Team to actively encourage the involvement and participation of the Policy Board members throughout the Certification Review process, including during the site visit meetings.	<b>HQ/RC:</b> Provide/enhance guidance on the importance of MPO Policy Board participation in the Certification Review. Provide training/technical assistance, as needed.	Field staff should engage with the MPO Policy Board as they begin preparing for a particular Certification Review. In particular, they should strongly encourage their participation during the site visit session. The Federal Team could meet with at least the Chair and Vice-Chair of the MPO Policy Board to discuss any issues that would be relevant to the planning process.
<b>Ensure Participation from the Appropriate Partner Agencies</b>	A successful Certification Review includes all State and regional partners in the process. It is incumbent on the Federal Team to ensure that the appropriate partner agencies (including leadership and staff from the TMA, State DOTs, transit operators, and the MPO Policy Board) are invited and can fully participate in the site visit discussions.	<b>HQ:</b> Provide clearer guidance on the different external partners and parties that should be invited to the site visit, as well as their role under certain topic areas. Update the TMA Certification Review Handbook to reflect this new guidance.  <b>RC:</b> Provide training on the updated guidance on the different partners and parties that should be invited to the Certification Review site visit.	Field staff must invite all appropriate partner agencies and parties to the Certification Review site visit. Dates for the site visit should be discussed with external partners to ensure maximum participation.
<b>Maximize Involvement at Public Meetings</b>	Public involvement during the Certification Review site visit is a statutory and regulatory requirement. It is a critical part of the process to gauge the public's understanding of the TMA planning processes. The Federal Team is ultimately responsible for planning, scheduling, and hosting an effective public	<b>HQ:</b> Provide/enhance guidance on the Federal role in scheduling, planning, and conducting the public meeting during the Certification Review process. Guidance should also discuss the requirements on the Federal Team for responding to	Field staff should proactively plan, schedule, and host the public meeting component of the Certification Review process. Field staff should view this as a key responsibility and dedicate sufficient time and effort to proactively engage

Recommendation	Rationale and Explanation	Strategies to Address Findings	
		HQ/RC	Division Offices
	meeting. As such, the Federal Team should dedicate sufficient time and effort to proactively engage the public and to plan a meeting that maximizes public input.	<p>public comments raised during the Certification Review process. Update the Handbook to reflect this new guidance.</p> <p><b>RC:</b> Identify notable practices public meetings and develop and provide training and technical on how to conduct the effective public meetings during Certification Reviews.</p>	the public and to plan a meeting that maximizes public input.

**Table 4: Recommendations – TMA Certification Review Report Development and Delivery**

Recommendation	Rationale and Explanation	Strategies to Address Findings	
		HQ/RC	Division Offices
<b>Develop Consistent Report Structure</b>	Communication of findings and observations is a foundational part of the oversight process for Certification Reviews. Effective documentation through a formal report is one part of the Federal communication strategy. In support of this, the Certification Report must be well developed with a consistent structure. Federal Teams should use the Certification Review Report Template, included in the TMA Certification Process Field Handbook, or the FTA/FHWA Certification Review Report Template. Regular use of a consistent report structure will reduce the time allotted for report development and produce greater national consistency.	<p><b>HQ:</b> Revise the TMA Certification Process Field Handbook to provide clearer guidance on using the Report Template or the FTA/FHWA Certification Review Report Template. Enhance the template as needed.</p> <p><b>RC:</b> Provide training and technical assistance for how to develop and structure a TMA Certification Review report following the template outline in the Handbook.</p>	Field staff should use the FTA/FHWA Certification Review Report Template included in the TMA Certification Process Field Handbook so that the report structure meets the needs of the Federal Team and TMA planning partners, but also remains consistent, concise, and clear for the intended audience.
<b>Develop Appropriate Federal Actions</b>	Consistency in use and interpretation of Federal Actions is crucial to the national program and to effective Federal oversight. Improvements in the understanding and	<b>HQ:</b> Reinforce and highlight the guidance in the TMA Certification Process Field Handbook on specific Federal actions. Clarify the	Field staff must apply a consistent methodology for developing Federal actions. Federal actions must be based on compliance with FHWA/FTA

Recommendation	Rationale and Explanation	Strategies to Address Findings	
		HQ/RC	Division Offices
	application of Federal Actions need to occur amongst field planning staff and field leadership. In particular, there is a lack of consistency in in the use of recommendations and corrective actions. When the TMA is not in compliance for a specific Federal law and/or regulation, the Federal Team must issue a corrective action to document the compliance issue to be addressed and the timeframe for correction. If an activity or process is not governed by Federal law or regulation, but could be improved based on best practice or agency guidance, the report should document the issue as a recommendation.	<p>distinctions between recommendations versus corrective actions. Provide guidance and communications on the Federal actions to field planning staff and field leadership.</p> <p><b>RC:</b> Develop and provide <a href="#">training materials</a> to complement the existing TMA Certification Process Field Handbook guidance around identifying key findings, recommendations and corrective actions, and how to best document these in the TMA Certification Report.</p>	policy and guidance. Field staff should consistently use agency policy and guidance when determining whether findings should result in recommendations and/or corrective actions. Field staff must clearly document the rationale and explanations for the findings in the TMA Certification Review report. Field staff should make continuous use of <a href="#">training materials</a> created for Federal Teams as they consider and develop Federal actions for a particular Certification Review.
<b>Share Draft Report with TMA Partners.</b>	Communication of findings and observations is a foundational part of the oversight process for Certification Reviews. Effective discussion and communication of the draft report is one part of the Federal communication strategy. To establish buy-in and improve collaborative working relationships, the Federal Team should consider sharing the draft Certification Review report with the TMA planning partners to gain feedback on the accuracy of statements.	<p><b>HQ:</b> Highlight language within the TMA Certification Process Field Handbook that discusses the options for seeking TMA planning partner feedback on the draft Certification Review report.</p> <p><b>RC:</b> Develop and provide training on best practices for collaborating on the development of the Certification Review report and communication of findings.</p>	Field staff must follow guidance in the TMA Certification Process Field Handbook on the external review process. Once the draft report has been developed and the Federal Team has reviewed it and achieved consensus, field staff should strongly consider sharing the draft Certification Review report's findings and Federal actions with the TMA, State, and transit service providers for their review and comments, making clear that they are being asked to review for clarity and factual statements; they should not be commenting on whether they feel a finding should result in a corrective action or recommendation.
<b>Format Transmittal Letter Correctly</b>	Communication of findings and observations is a foundational part of the oversight	<b>HQ:</b> Reinforce agency guidance on developing and delivering transmittal	Field staff must follow the TMA Certification Process Field Handbook

Recommendation	Rationale and Explanation	Strategies to Address Findings	
		HQ/RC	Division Offices
	process for Certification Reviews. The joint FHWA/FTA transmittal letter is one part of the federal communication and oversight strategy. There is inconsistency among Division Offices on how the transmittal letter is addressed.	<p>letters for Certification Reviews.</p> <p><b>RC:</b> Provide training on examples of an appropriately formatted transmittal letter that Federal Teams can use to ensure all the necessary components are included.</p>	guidance on transmittal letters: “Letters transmitting the Certification Report are jointly signed by FTA and FHWA and are generally addressed to the chairperson of the MPO Policy Board, with copies sent to the State, the TMA director, and transit operators.”
<b>Follow Protocol for Final Report Delivery within DOT</b>	Transmittal of final Certification Review reports to Headquarters is a requirement. It is also critical for national program purposes and to enhance risk based stewardship and oversight. There are inconsistencies in how and when Division Offices transmit Certification Review reports internally within the agency. FHWA Division Offices must ensure that Certification Review reports are transmitted to FHWA Headquarters so that they can be included in the FHWA/FTA Certification Review Database. Division offices are also encouraged to include the reports and corrective actions in FHWA’s INPUT System.	<p><b>HQ:</b> Provide clear guidance to FHWA staff and leadership regarding the expectations for and process of transmitting final Certification Review reports to Headquarters. Update the TMA Certification Process Field Handbook to include how and when to use FHWA’s <a href="#">INPUT</a> database during the transmittal process.</p> <p><b>RC:</b> Include discussion of internal DOT report transmittal in appropriate training and technical assistance resources on Certification Reviews.</p>	FHWA Division staff must simultaneously upload Certification Review reports to FHWA’s <a href="#">INPUT</a> database and email them to the Headquarters liaison for entry in the Certification Review Database. FHWA staff should incorporate these tasks into their unit SOPs.
<b>Avoid Delayed Final Report Delivery</b>	Delays in the release of the final Certification Review report can jeopardize the effectiveness of the Federal oversight process for Certification Reviews. Delays impact the Division and Region Offices’ credibility, the working relationship with the TMA, and can put the TMA at risk for defaulting on its Certification status. Federal Teams must ensure that they transmit the Certification Review report within the four-year window in regulation and within the recommended 60-90 day time frame from the conclusion of the site visit.	<b>HQ:</b> Reiterate and enhance guidance to clarify expectations for final report delivery. This should address: inclusion of letter with the final report indicating the TMA’s Certification status; the timeline for final report delivery; and procedures to follow when a final formal report cannot be completed within the four-year window in regulation. Provide enhanced guidance in the TMA Certification Process Field Handbook.	Field staff must establish a realistic schedule for the development and delivery of the final Certification Review report. The schedule must include strategic milestones and, consider the amount of time needed to address possible delays or the resolution of issues. If a final Certification Review report will not be delivered within the four-year window in regulation or the recommended 60-90 day time frame from the conclusion of the site visit,

Recommendation	Rationale and Explanation	Strategies to Address Findings	
		HQ/RC	Division Offices
		<p><b>RC:</b> Develop and deliver training and technical assistance resources to complement the enhanced guidance in the TMA Certification Process Field Handbook reinforcing the process the Federal Team should take to deliver a final Certification Review report.</p>	<p>field staff must inform FHWA and FTA Headquarters and issue a letter stating that the TMA is certified, but the final report is pending. Field staff must transmit the final Certification Review report, at a minimum, by the expiration of the TMA's four-year Certification date. Field staff should document their processes and timelines for report development and delivery in their FHWA/FTA MOA and unit SOP.</p>

## 2015 State of the Practice Notable Practices

**Table 5: Notable Practices – Cross-Cutting Themes for TMA Certification Reviews**

Notable Practice	Description
<b>Proactive and Continuous Engagement with TMAs</b>	The Division Offices reviewed in 2015 usually take the lead role in initiating and planning TMA Certification Reviews. While all Divisions coordinated with their TMAs early in the process, some Divisions have implemented effective practices around coordination and consultation. In Louisiana, beyond the Certification Review process, planning staff have made an effort to attend most TMA meetings throughout the year, fostering a positive working relationship with TMA staff and making sure to stay informed on any challenges the agencies are experiencing. This feeds directly into the background information needed for the Certification Review. In Washington, Division Office staff organize pre-meetings with its TMAs three to four months in advance of the Certification Review in order to address any concerns that staff may have when preparing materials or other related documentation.
<b>Providing Targeted Support to TMAs</b>	FHWA and FTA planners in Louisiana decided to conduct a Certification Review three years after the prior review because the TMA had an unprecedented amount of corrective actions in the last Certification Review. By condensing this time frame, the TMA and Federal Team were able to document the progress that had been achieved in the planning processes in a timely manner.
<b>Utilizing Tools for Effective Organization and Collaboration</b>	By utilizing existing tools and establishing a plan to strategically and comprehensively assess a TMA's planning process, Federal Teams have illustrated good practices. In Michigan, additionally, its use of SharePoint made it easy for the Federal Team to share information and collaborate; this includes the development of Division Office MPO profiles, which provide key information and summary statistics for each MPO across the State, to assist staff and the Federal Team prepare.
<b>Organizing Mock Certification Reviews</b>	As a way to introduce a newly established TMA to the Certification Review process, the Michigan Division Office organized a mock Review with the Kalamazoo Area Transportation Study. The Division conducted an abbreviated mock Certification Review of the TMA's documents and profile, including a risk-based review on a limited number of planning topics. The Division's use of webinars was an effective use of technology in engaging the planning partners remotely to run the mock review. The mock review was primarily a way for the TMA to go through the steps of the Certification Review process, understand the expectations, and ask questions prior to the official Certification Review, which is scheduled for Spring 2016. It was also a good opportunity for the Division and FTA Region to build a stronger working relationship with the TMA.

**Table 6: Notable Practices – Preparing for the TMA Certification Review**

Notable Practice	Description
<b>Early Coordination Helps Bring Together the Right Federal Team</b>	It is a common practice among the Divisions and Regions to carefully choose Federal Team members based on planned focus areas to be covered during the Certification Review. Using a multidisciplinary team draws on everyone’s strengths to conduct a successful Review. In Michigan, in advance of the starting the Review, Division staff reviewed the findings from the last Certification Review with the TMA, and proactively asked the TMA staff questions on where they have experienced obstacles and could use technical assistance or training. Through this process, the TMA was in a better position to structure a Review that focused on issues areas, which included bringing on specific Federal staff to offer expertise.

**Table 7: Notable Practices – Conducting the TMA Certification Review**

Notable Practice	Description
<b>Risk-Based Approach to Desk Review</b>	In Michigan, the Federal Team used a risk-based approach to identify topics to address during the desk review. The selected topics were areas where the Federal Team felt that TMA could improve performance and other areas where Division staff sought to commend the TMA. This was an effective method for streamlining and focusing the Certification Review on the most important topics at the time.
<b>Increasing Engagement with the MPO Policy Board</b>	Involving the MPO Policy Board in the site visit meetings is a good practice that some Federal Teams have made a priority throughout the Certification Review process. In particular, the Michigan Division Office has encouraged the MPO Policy Board to increase its engagement with the Certification Review process by inviting them to participate during the entire site visit rather than holding separate meetings with them at the conclusion of the visit.
<b>Strategic Public Meeting Coordination</b>	While some Divisions have trouble attracting public participation in the TMA Certification Review process, Washington, D.C. overcame this challenge by coordinating with the TMA partners to gather public input at a regularly scheduled Citizen’s Advisory Committee meeting. Since there is already a group of people who regularly attend the meeting on a given day and time, the TMA and Federal Team thought this would be the best way to meet with the greatest number of people, and therefore planned the Certification Review site visit to be near this date. While traditional advertising practices were used to attract additional individuals, the TMA reached out to its mailing list with postcard invitations to complement this approach, and this led to increased attendance.

**Table 8: Notable Practices – TMA Certification Review Report Development and Delivery**

Notable Practice	Description
<b>Summarizing Federal Actions in a Concise Format</b>	The format for communicating Federal Actions within the Certification Review report can vary. The Washington Division Office’s practice of providing a table within the Executive Summary, summarizing all the Federal Actions together with the topic area and appropriate regulatory citation, is an effective

Notable Practice	Description
	way to display the information in a concise format. It also makes it easy for the reader to capture the most important findings and actions items from the review.
<b>Addressing Federal Actions with Strategic TMA Resources and Action Plans</b>	Some Federal Teams have taken steps to provide additional guidance and support for TMAs to overcome obstacles, adopt effective practices, and meet Federal requirements. For instance, along with the recommendations, the Michigan Division Office provided information on trainings, technical assistance, and other resources that the TMAs should take advantage of in their effort to address weaknesses. These examples come from the knowledge of the Federal Team, additional research, and conversations with Headquarters and Resource Center staff. For another TMA, the Federal Team and TMA mutually agreed upon milestone dates for addressing recommendations, illustrating not only an effective approach toward managing progress, but also the good working relationship between the field staff and the TMA.

## Detailed Discussion of Current Practice, Notable Examples, and Recommendations

### 1. Cross-Cutting Themes for TMA Certification Reviews

This section addresses practices that Federal Teams should consider throughout the entire TMA Certification Review process. It has the following subsections, each with notable practices and recommendations:

- Leadership Engagement
- Internal Process Documentation
- Coordination with Planning Partners
- Use of Materials
- Coordination with TMAs and Federal Team Members

#### Leadership Engagement

The TMA Certification Review is the formal opportunity for FHWA and FTA to come together and ensure that a TMA is carrying out its planning responsibilities in accordance with the Federal regulations. Beyond this, TMA Certification is important because it is directly linked to the funding available to the metropolitan planning area. Since this is such a critical part of the planning process, senior management at the FHWA Division Office and FTA Regional Office, and particularly the FHWA DA and FTA RA, should be engaged early and throughout the Review process. This includes providing advance notice of TMA Certification Reviews, requesting participation at that the Kickoff and Closeout Meetings, reviewing the draft Report, and briefing the MPO Policy Board of the Federal Team's findings. While the Review Team understands that the level of participation will vary depending on the capacity of the FHWA Division and FTA Region, as well as its geographic jurisdictions, DAs and RAs should be made aware and given the opportunity to participate at a realistic capacity; at a minimum, DAs and/or RAs are expected to be available to present the findings to the MPO Policy Board. In the event that a DA or RA is not available, they should delegate another representative to present the findings. It is also a good practice for Divisions and Regions to add TMA Certification Reviews to their unit plans.

#### *State of the Practice*

Engagement with FHWA Division and FTA Region leadership varied between the Federal Teams reviewed in 2015. Some Federal Teams have provided DAs and RAs with a calendar of upcoming TMA Certification Reviews but have received limited participation throughout the process, beyond requesting a briefing on the findings before signing the transmittal letter. Other Federal Teams have had greater engagement from leadership, including participation at MPO Policy Board briefing meetings, and a review of the draft report prior to its transmittal. The Review Team discovered that the DAs and RAs put their trust in the planning staff to complete the Certification Reviews, so have found it unnecessary to participate more fully during the site visits.

## *Recommendations:*

### **Enhance Leadership Awareness of and Engagement in Certification Reviews**

Active and engaged FHWA and FTA leadership involvement is critical part of DOT's oversight role and also reinforces the strategic importance of these reviews to external partners. Given the compliance nature of Certification Reviews, it is critical for FHWA DAs and FTA RAs to be aware of and engaged with the process. At a minimum, field leadership must be made of aware of the upcoming TMA Certification Reviews and be briefed on the findings at the conclusion of the site visit. Ideally, they would also present these findings to the MPO Policy Board.

- **Headquarters:** Develop risk-based messaging and guidance on the role and importance of TMA Certification Reviews. Communicate this through a variety agency leadership forums (including but not limited to the FHWA Office of Planning, Environment, and Realty (HEP) DA advisory group; the DA Council and the DFSes).
- **Resource Center:** Develop training and resources to assist Headquarters with outreach education and awareness building for agency leadership.
- **Division Offices:** Field planning staff should proactively engage with FHWA DAs and FTA RAs in advance of and throughout Certification Review process. Field staff should work to ensure that their leadership understands the nature of Federal actions, the specific findings of a particular review, and provide them with communication materials for discussion with the MPO Policy Board. If a DA or RA is not available, field staff should work to ensure that the DA's or RA's responsibilities are delegated to another senior Division and/or Regional leader to present findings to the MPO Policy Board.

### **Internal Process Documentation**

While FHWA Division and FTA Region staff should be familiar with the work of their TMAs prior to conducting a Certification Review, including its strengths and weaknesses, the Certification Review is the time for the Federal Team to comprehensively assess the TMA to ensure that they are meeting the requirements. Due to the length and complexity of the Certification Review process, and taking into account the unique characteristics and relationships existing among and between planning partners (e.g., Regions, Divisions, State DOTs, transit providers, MPOs, etc.) of each metropolitan area, the steps taken to complete a Certification Review will vary. Therefore, it is important for Divisions and Regions to document the process it takes from start to finish. This will ensure consistency in conducting TMA Certification Reviews even when there is turnover in TMA staffing.

### ***State of the Practice***

All Division Offices reviewed in 2015 reported that the TMA Certification Process Field Handbook is a valuable resource when preparing for and conducting a TMA Certification Review. When asked about documentation, Division Office staff consistently pointed to the Handbook as their guiding document as it relates to timeframes for completing the necessary steps when coordinating with TMA planning partners throughout the process.

None of the reviewed Division Offices has developed a Standard Operating Procedures (SOP) document that provides detailed step-by-step instructions for conducting Reviews, recognizing the unique aspects of the State or TMA not covered in the TMA Certification Process Field Handbook.

### ***Recommendation:***

#### **Document the Division's Certification Review Process**

Documentation of the approach and process that a Division Office uses to conduct a Certification Review is crucial for effective internal succession planning and knowledge transfer. Documentation also helps identify specific timelines and schedules for the review as well as roles and responsibilities.

Detailed documentation enhances a Division's oversight process and helps ensure consistency in this process from review to review and when/if new Division staff assumes the responsibility for conducting Certification Reviews.

- **Headquarters:** Develop and provide an internal SOP template and include this in an update to the TMA Certification Process Field Handbook.
- **Resource Center:** Highlight example Division SOPs already in use. Provide training and technical assistance to Divisions on the benefits of and actual development of an internal SOP.
- **Division Offices:** Division Offices should document the processes and procedures they use for planning, conducting, and documenting Certification Reviews. This can be done as part of an internal SOP which could reside on a Division SharePoint site. Documentation should include the step-by-step process, milestones and timelines that a Division uses in conducting TMA Certification Reviews in the State. Such documentation should be assessed and used as a reference tool before the initiation of any particular Certification Review. Internal Division documentation should be updated and enhanced based on "lessons learned" and as the Division oversight process evolves over time.

### **Coordination with Planning Partners**

In order to conduct a successful TMA Certification Review, it is important that FHWA and FTA jointly take ownership over the process, working together to ensure that the appropriate steps are taken to collectively assess whether TMAs are meeting the planning process requirements. Depending on the State and region, there are various factors that could impact the process (e.g., staff capacity, number of TMAs) and the level of participation in the Certification Review. The joint Memorandum of Agreement (MOA) between the FHWA Division Office and FTA Regional Office should be reviewed and revised as necessary to define each agency's roles and responsibilities for conducting Certification Reviews.

In October 2013, the FHWA and FTA Headquarters Offices of Planning issued a [memorandum](#) that provided tools to assist with updating FHWA/FTA MOAs. These tools include several templates to help the FHWA Division Offices and FTA Regional Offices to develop a comprehensive MOA that details the roles and responsibilities of each agency in the planning process. Updated 2015 MOAs can be found at <http://intra.fhwa.dot.gov/hep/staffep/fieldmoas.htm>.

Beyond an FTA and FHWA agreement, language is provided in the Federal regulations, under 23 CFR 450.314, requiring all planning partners serving a TMA, including the MPO, State and public transit operators, to cooperatively develop an agreement outlining responsibilities.

For more information about how to work effectively with FTA, see the [Coordinating with the Federal Transit Administration Planning Boot Camp Module](#).

### *State of the Practice*

It is clear that all the Division Offices reviewed in CY 2015 have good working relationships with their TMAs. The Division Office planners described the efforts they have taken to provide early and continuous communication with the TMAs to prepare for and conduct the TMA Certification Reviews. While not as strong, the Division Offices also discussed their engagement and coordination efforts with FTA Regional Office planners and offered some ideas on how to fully implement provisions of the joint FHWA/FTA MOA related to the Certification Reviews. While some Regions and Divisions have current MOAs, about half of the agreements have not been updated in many years and do not reflect the desired shared responsibilities between the two agencies. Whether or not there is an updated agreement, there is a shared consensus from the Divisions that FTA's participation can be limited, making it difficult, at times, to conduct a coordinated planning process.

### *Recommendations:*

#### **Develop Conflict Resolution Strategy/Plan**

Effective oversight requires strong communication, facilitation and negotiation skills. It also requires awareness of potential areas of conflict, the severity of these and strategies for how to address conflicts.

Discussion of conflict resolution strategies (both with the Federal Team and with external partners) should be part of the planning for any Certification Review.

- **Headquarters:** Provide guidance and interpretation on policy issues that may cause conflict between members of the Federal Team and with partner agencies.
- **Resource Center:** Identify available resources on conflict resolution. Provide training and technical assistance to mitigate conflicts within the Federal Team and with the Federal Team and partners (as needed).
- **Division Offices:** Division staff should assess possible conflicts with the Federal Team and with external partners as they prepare for a Certification Review. They should identify strategies and actions that can be taken to resolve/mitigate these possible conflicts. There may be value in documenting some of these strategies in an SOP. Division staff should review FHWA training resources on conflict resolution generally. Division staff should also review FHWA Planning discipline resources available that may assist as they deal with potential topics and issues that are causing conflict during a review. In particular, Divisions may want to review Planning Discipline Boot Camp modules on FTA coordination and facilitating difficult meetings.

#### **Develop and/or Update a Joint FHWA/FTA MOA**

FHWA and FTA are jointly responsible for oversight of the transportation planning process and TMA Certification Reviews. However, FTA's limited staff capacity has challenged their ability to fully participate in some Certification Reviews. One strategy to overcome this is to ensure the FHWA Division Office and corresponding FTA Regional Office have a MOA with clearly defined roles and responsibilities for joint actions, including conducting Certification Reviews.

- **Headquarters:** Remind Divisions of the recommended development of FHWA/FTA field MOAs that define agency roles and responsibilities in conducting TMA Certification Reviews. Make these accessible on the Planning [StaffNet](#).
- **Resource Center:** Provide training and technical assistance to FHWA Division Offices on FHWA/FTA MOAs in order to reinforce the guidance provided within the TMA Certification Process Field Handbook.
- **Division Offices:** FHWA and FTA field offices should review, update, and adopt an MOA that clearly defines roles and responsibilities of each agency in the TMA Certification Review process.

### **Engage FTA as Equal Partners**

FHWA and FTA are jointly responsible for oversight of the transportation planning process and TMA Certification Reviews. Both agencies should ensure the oversight process for Certification Reviews is done collaboratively.

- **Headquarters:** Advise Divisions to incorporate effective FHWA/FTA collaborative practices for conducting TMA Certification Reviews in the joint MOA.
- **Resource Center:** Identify notable collaborative practices between FHWA and FTA in the oversight of Certification Reviews. Disseminate these throughout training and technical assistance venues and resources.
- **Division Offices:** Field staff should reference their MOAs as they prepare for specific Certification Review. For each reviews, the Federal Team should discuss how to best include FTA in the entire process, understanding FTA's limitations in staff resources and time. If concerns cannot be addressed locally, discuss these with FTA and FHWA Headquarters. Division staff can also reference the [Coordinating with FTA Planning Boot Camp module](#).

### **Improve Coordination and Collaboration for Bi-State Reviews**

Challenges can arise when two Division Offices (in addition to an FTA Region) share oversight responsibility for a TMA. In these cases, it is critical for the Division Offices and FTA Region to work closely throughout the entire planning process, especially through the Certification Review process. Field offices ensure roles and responsibilities are defined and clearly understood and that communications with partners is consistent.

- **Headquarters:** Develop additional guidance on how to conduct Certification Reviews with bi-State TMAs. Guidance should encourage that FHWA/FTA MOAs and unit SOPs include specific references to bi-state TMAs, if applicable.
- **Resource Center:** Identify notable practices on federal oversight for bi-state TMAs. Work with Headquarters to include these in the TMA Certification Process Field Handbook.
- **Division Offices:** Where there is a bi-State TMA, field staff should begin the review process earlier and in close coordination with the partner Division and Regional Offices. As part of these early discussions, bi-State roles and responsibilities should be clearly defined. Field staff should coordinate closely during the on-site review, the development of findings and in communications with the TMA.

## Use of Materials

Federal Team members should take advantage of the Handbook and other resources available in order to gather materials and information needed to fully understand the level to which the TMA is in compliance with Federal regulations. Federal Teams can utilize the knowledge they have from their routine contact and meetings with the TMA planning partners and examine former Certification Review reports and assess progress on past corrective actions or recommendations.

Additionally, there are a variety of tools and resources available to Federal Teams that will help guide the Certification Review process. For instance, the TMA Certification Process Field Handbook includes a checklist (see Figure 2) that can be used to evaluate TMA compliance. FHWA has also developed a [Boot Camp Series Training Module](#) to provide an overview of TMA Certification Reviews, including the roles and responsibilities throughout the process. Federal Teams can also utilize the FHWA SharePoint website to share and collaborate on desk review documents to assist with preparation for the site visit. This is particularly useful for team members that are unable to meet in person prior to the site visit.

**Figure 1: Certification Task List<sup>9</sup>**

**Certification Task List**      TMA: \_\_\_\_\_

	<b>Task</b>	<b>Target Date</b>	<b>Completion Date</b>
1	Identify and secure commitment from Federal team members		
2	Negotiate and agree on date for site visit with team, MPO, State, and transit operator		
3	Formal site-visit notification sent to MPO, State, and transit operator		
4	Preliminary review of past certification actions and planning products		
5	Assemble appropriate background material and send to team members		
6	Conduct desk review of past certification findings and planning products – assess compliance status and risk for certification topics and identify approach for each: future review/desk review/site visit (see Figure 1- 3.1)		
7	Team agrees on scope of review and preliminary agenda for site visit		
8	Team assignments made for each review topic		
9	Review questions developed and agreed upon		
10	Arrange time and location for public involvement		
11	Public involvement notice sent out		
12	Final agenda developed and sent to review team, MPO, State, and transit operator		
13	Conduct public involvement		
14	Conduct site visit		
15	Review tem huddle to assess outcome and preliminary discussion of Commendations, Recommendations, and Corrective Actions		
16	Review team agrees on writing assignments and due date(s)		
17	Prepare initial draft		
18	Distribute initial draft to review team for comment		
19	Prepare final draft and resubmit for review if necessary		
20	Prepare Final Report		
21	Prepare transmittal letter to MPO, State, and transit operator		
22	Get signatures and send report and cover letter		
23	Coordinate time for certification briefing at MPO policy committee meeting		
24	Present certification findings at MPO policy committee meeting		

**State of the Practice**

The State-of-the-Practice Review demonstrated that Division Offices are relying on the TMA Certification Process Field Handbook throughout the Certification Review process. However, not all Divisions are following all of the guidance in the Handbook, as evidenced in the observations noted in this report.

<sup>9</sup> The Certification Task List is under Section 1-2 of the TMA Certification Process Field Handbook

That said, there seems to be a lack of awareness concerning additional training materials and web-based resources that have been created for Federal Teams' use during the Certification Review process.

### ***Recommendations:***

#### **Enhance Staff Professional Knowledge of Requirements and Oversight Process for Certification Reviews**

Effective oversight requires that Federal Team members have a high level of knowledge of transportation planning requirements, products and processes. One of the primary goals for the FHWA Planning Discipline is to ensure that FHWA staff has access to learning and education resources to develop and enhance their professional skills and abilities. Certification Reviews are one of a FHWA planner's "[CORE Functions](#)."

- **Headquarters/Resource Center:** Promote the use of FHWA planning discipline materials and resources (e.g., webinars, training modules, TMA Certification Process Field Handbook). Identify additional needs and determine strategies and opportunities to meet these through the FHWA corporate planning program and the FHWA Planning Discipline.
- **Division Offices:** Field staff should ensure they are aware of, and utilize, as needed, the variety of FHWA planning discipline materials listed in Appendix A. These resources are designed to support field staff in their oversight of the *entire* Certification Review process. Field staff should ensure they understand Certification Reviews as one of a FHWA planner's "[CORE Functions](#)."

#### **Coordination with TMAs and Federal Team Members**

As discussed in detail in *Certification Review Site Visit: Participation*, Federal Team members should be chosen strategically to match the intended focus areas outlined in the agenda so that the appropriate individuals are available to provide valuable insight. Federal Teams should decide on roles and responsibilities prior to the site visit to ensure that each discussion topic is covered and led by the appropriate individual. While all Federal Team members share the responsibility to fully participate in the desk review and throughout site visit discussions, assigning agenda items provides an opportunity for Federal Team members to focus their attention on specific interview questions and background materials related to their topics.

Another role of the Federal Team is to ensure that the TMA and its planning partners are properly prepared for the Certification Review. For new TMAs, Division Offices may wish to hold consultation meetings, or pre-certification discussions, leading up to the site visit to provide guidance and address any questions or concerns.

#### ***State of the Practice***

Division Offices reviewed in 2015 shared that they have provided oversight support to TMAs in preparing for a Certification Review as part of their role as a partner in the planning process. This practice ensures that the site visit runs smoothly and helps prevent a TMA's Certification status from expiring within the four-year cycle. Divisions have provided additional support to new TMAs that are going through the Certification Review process for the first time, as well as those veteran TMAs that have struggled meeting regulations in the past. Web-based and teleconference technologies have also

been an asset for Divisions seeking to effectively collaborate with team members when it is difficult to meet face-to-face during site visit preparation.

#### ***Notable Practice: Proactive and Continuous Engagement with TMAs***

The Division Offices reviewed in 2015 usually take the lead role in initiating and planning TMA Certification Reviews. While all Divisions coordinated with their TMAs early in the process, some Divisions have implemented effective practices around coordination and consultation. In Louisiana, beyond the Certification Review process, planning staff have made an effort to attend most TMA meetings throughout the year, fostering a positive working relationship with TMA staff and making sure to stay informed on any challenges the agencies are experiencing. This feeds directly into the background information needed for the Certification Review. In Washington, Division Office staff organize pre-meetings with its TMAs three to four months in advance of the Certification Review in order to address any concerns that staff may have when preparing materials or other related documentation.

#### ***Notable Practice: Providing Targeted Support to TMAs***

FHWA and FTA planners in Louisiana decided to conduct a Certification Review three years after the prior review because the TMA had an unprecedented amount of corrective actions in the last Certification Review. By condensing this time frame, the TMA and Federal Team were able to document the progress that had been achieved in the planning processes in a timely manner.

#### ***Notable Practice: Utilizing Tools for Effective Organization and Collaboration***

By utilizing existing tools and establishing a plan to strategically and comprehensively assess a TMA's planning process, Federal Teams have illustrated good practices. In Michigan, additionally, its use of SharePoint made it easy for the Federal Team to share information and collaborate; this includes the development of Division Office MPO profiles, which provide key information and summary statistics for each MPO across the State, to assist staff and the Federal Team prepare.

#### ***Notable Practice: Organizing Mock Certification Reviews***

As a way to introduce a newly established TMA to the Certification Review process, the Michigan Division Office organized a mock Review with the Kalamazoo Area Transportation Study. The Division conducted an abbreviated mock Certification Review of the TMA's documents and profile, including a risk-based review on a limited number of planning topics. The Division's use of webinars was an effective use of technology in engaging the planning partners remotely to run the mock review. The mock review was primarily a way for the TMA to go through the steps of the Certification Review process, understand the expectations, and ask questions prior to the official Certification Review, which is scheduled for Spring 2016. It was also a good opportunity for the Division and FTA Region to build a stronger working relationship with the TMA.

#### ***Recommendation:***

##### **Implement Mock or Pre-Certification Reviews When Appropriate**

Mock Certification Reviews for new TMAs and pre-Certification Review discussions with TMAs are effective ways to prepare TMAs for what to expect during the site visit. These can have benefits to both the Federal Team and the TMA partners.

- **Headquarters/Resource Center:** Provide guidance and training/technical assistance to Division Offices seeking to conduct mock Certification Reviews and pre-Certification Review discussions. Encourage field units to include these in the development of their FHWA/FTA MOA and unit SOP.
- **Division Offices:** Field staff should consider conducting a mock Certification Review for new TMAs that are established in their State. They should also consider the value of conducting pre-Certification Review discussions. Field staff should document their processes and roles and responsibilities for these in their unit SOP and in their FHWA/FTA MOA.

## 2. Preparing for the TMA Certification Review

This section addresses how Federal Teams prepare for TMA Certification Reviews. It has the following subsection, with its own notable practice and recommendations:

- Assembling the Federal Team
- Early Planning and Scheduling

### Assembling the Federal Team

One of the initial steps in the TMA Certification Review process is selecting the members of the Federal Team. FHWA and FTA hold the joint responsibility to conduct the Certification Reviews and therefore are mutually responsible for organizing and conducting the Review. However, it is up to the discretion of the individual Regions and Divisions to decide on how to organize roles throughout the process, including the lead convener. See *Coordination with Planning Partners* for more information.

From start to finish, the Certification Review process should take around six to nine months, depending on the size and complexity of the TMA. With that, Federal Team members should be carefully selected based on their ability to commit to the necessary amount of time and resources required throughout the process. Establishing a site visit date and general timetable for the overall review will be useful to complete this step. Additionally, if there is an understanding at this early stage for a general scope of the Review, or topics to be covered, this could be helpful when inviting participation from particular FHWA/FTA representatives within the Division/Region or from other offices as needed. At minimum, a representative from each of FHWA and FTA offices where the TMA is located is required to participate on the Federal Team.

### State of the Practice

Among the offices reviewed, it is common practice for FHWA Division Offices to take the lead in administering the TMA Certification Review, including the role of assembling the Federal Team. Division Offices have an understanding with FTA Regions concerning this organizational structure, and it is primarily due to the fact that the Regions have limited staffing capacity and are less accessible geographically to take a lead role. The Divisions, however, coordinate with FTA Regions throughout the planning stages, including the selection of team members. For TMAs that cover multiple States, the relevant Division Offices share this responsibility.

Within each State, the size and complexity of the Federal Teams are similar from one TMA Certification Review to another. In addition to an FTA Region representative and lead FHWA Division planner, a core

group of Division planners usually participates on the team. Depending on the topics identified for Review, additional Division Office staff may be requested to join the team based on their specific skill set or area of expertise. While a detailed agenda may come later in the process, the Federal Team process for identifying focus areas occurs during early coordination with the TMA partners (MPO, transit providers, and State DOT) to assess strengths and weaknesses in the planning process. Federal Teams may also request contributions from the FHWA Resource Center, Headquarters, or the Volpe Center, if there is a particular area they could use additional support.

### ***Notable Practice: Early Coordination Helps Bring Together the Right Federal Team***

It is a common practice among the Divisions and Regions to carefully choose Federal Team members based on planned focus areas to be covered during the Certification Review. Using a multidisciplinary team draws on everyone's strengths to conduct a successful Review.

In Michigan, in advance of the starting the Review, Division staff reviewed the findings from the last Certification Review with the TMA, and proactively asked the TMA staff questions on where they have experienced obstacles and could use technical assistance or training. Through this process, the TMA was in a better position to structure a Review that focused on issues areas, which included bringing on specific Federal staff to offer expertise.

### ***Recommendations:***

#### **Continue to Foster Early and Ongoing Conversations with the TMA**

Early and active engagement between FHWA staff and TMA partners is an essential element of effective Certification Review oversight. This helps ensure mutual understanding of planning areas that may be of particular concern. Regular communication also helps assess and discuss the priorities and structure of each review. Ongoing engagement also helps Division Office staff determine the types of backgrounds and expertise needed as part of the federal Certification Review team.

- **Headquarters/Resource Center:** Document notable practices on early and ongoing engagement in support of Certification Reviews and communicate these notable practices to field staff.
- **Division Offices:** Field staff should initiate discussions with staff from the TMA(s), transit provider(s), and State DOT(s) as early as possible in the process, in order to discuss and plan for the Certification Review. Early engagement is also an opportunity to educate partners, to identify concerns or issues, and to seek input on format, timeline, and content. Continuous and early engagement also provides field staff with a fuller understanding of the planning issues in the region, and helps them prepare for the Review.

#### **Strategically Form Federal Review Team**

Having the right members of the Federal Team is critical to the effective oversight of the Certification Review. The Federal Team may include core team members who are involved in the entirety of the process, as well as others who are consulted on particular topics or during a particular point in the process. Federal Team members may include planning staff within the Division Office as well as others in the Division with specific expertise based on a strategic assessment of the topics of focus for the review. FTA Regional staff are also members of the core Federal Team.

Based on topics and risks identified, Division staff should regularly consult with Headquarters and the Resource Center staff and engage them in the review process, as needed.

- **Headquarters/Resource Center:** Provide Divisions with listings of Headquarters/Resource Center staff expertise, guidance on when and how to request Headquarters and Resource Center assistance during TMA Certification Reviews, and example “risk triggers” to consider in assessing Headquarters/Resource Center involvement.
- **Division Offices:** Division staff should work strategically with FTA Regional staff in the identification of the Federal Team, based on priority topics and risks identified for review. Based on the identification of these, Division staff should strategically engage other Division expertise and Headquarters/Resource Center staff to support part or all of the Certification Review.

### **Early Planning and Scheduling**

As mentioned earlier, the entire Certification Review process, from start to finish, averages around six to nine months. For each Certification Review, there are numerous stakeholders and competing schedules that need to be accommodated in the planning process. Therefore, it is critical for Federal Teams to begin the planning process as early as possible to ensure that the Certification deadline is met. It is advisable for Federal Teams to create a timeline of Certification Review tasks and milestones to keep on track. Table 1-2.1 within TMA Certification Process Field Handbook is provided in Figure 2 to illustrate a schedule that Federal Teams can consider when customizing their own schedule of activities, deadlines, and deliverables. It is good practice for teams to incorporate a buffer in the event that a Certification Review takes longer than planned.

### **State of the Practice**

The amount of time to plan and complete the Certification Reviews varies among Federal Teams. Some teams are more proactive and stringent on planning in advance and following the established schedule of activities, while others have allowed more flexibility, leading to delays in completing tasks (e.g., Final Report Delivery). Overall, however, Federal Teams understand that advanced planning for Certification Reviews is necessary to properly prepare and meet Federal requirements.

Figure 2: Timetable for Scheduling a Certification Review

Certification Review for:		Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9
Organize Review	Establish a Review Date	■	■							
	Develop Overall Schedule	■	■							
	Establish Review Team	■	■							
	Notify State, MPO, Transit Operators		■							
	Account for Expenses		■	■						
Establish Scope of Review	Draw on Routine Contacts	■	■	■	■					
	Examine Past Reviews & Assess Progress		■	■	■					
	Look at External Factors		■	■						
	Office/Desk Review		■	■	■					
	Involve MPO, State, & Transit Operator		■	■	■	■				
	Determine Scope of Review		■	■	■	■				
Prepare for On-Site Review	Assign Team Responsibilities			■	■					
	Develop Agenda				■	■				
On-Site Review	Kick-off Meeting					■				
	Discussion Topics									
	Public Meeting(s)									
	Outreach and Training (Optional)									
	Close Out									
Post Site Visit	Findings and Actions					■				
	Certification Report						■	■	■	■
	Presentation of Findings								■	
	Transmitting Report								■	■
	Briefing Policy Committee								■	■
	Certification Follow-up								■	■

### *Recommendation:*

#### **Plan and Schedule the Review Process Early**

Effective Certification Review oversight requires Division staff to anticipate and plan sufficient time to prepare for, conduct, and document findings and observations.

- **Headquarters:** Remind each Division Office to utilize the TMA Certification Process Field Handbook (Table 1-2.1: Timetable for Scheduling a Certification Review). Highlight agency risk if FHWA and FTA fail to adhere to Certification Review timelines and schedules.
- **Resource Center:** Provide training and technical assistance to reinforce the timeline and schedule information included in the TMA Certification Process Field Handbook.
- **Division Offices:** Field staff should develop an overall schedule for the entire Certification Review Process. Specific milestone points, deliverables and time allotments for each part of the process should be identified and documented. This information should be included in a Division's SOP for conducting Certification Reviews.

### **3. Conducting the TMA Certification Review**

This section addresses how Federal Teams conduct TMA Certification Reviews. It has the following subsections, each with their own notable practices and recommendations:

- Conducting the Desk Review
- Certification Review Site Visit: Agenda
- Certification Review Site Visit: Participation
- Certification Review Public Meeting

#### **Conducting the Desk Review**

The desk review is an opportunity for the Federal Team to request and review documents to determine whether the TMA is adequately addressing the planning topics in their processes. If the Federal Team determines, based on their review of the documents submitted, that further discussion is necessary on a topic, the Team can develop questions to ask during the site visit. The TMA Certification Process Handbook provides a list of sample questions that Federal Teams can consider asking during the site visit.

Federal Teams must perform the desk review based on information gathered from the TMA's website, through the Division's oversight activities, and what the TMA submits in advance of the site visit. Federal Teams must not require TMAs to submit answers to questions submitted in place of the desk review. Doing so is a burden to the TMA and requires them to describe elements of the planning process that are already well documented in existing reports and plans.

There are numerous metropolitan planning topics that could be covered during a TMA Certification Review, many of which are listed in the TMA Certification Process Field Handbook. Federal Teams may take a risk-based approach to deciding which topics to address during the desk review. This can help focus the desk review on the areas in which the Federal Team feels the TMA may need improvement, or

areas where the TMA is doing a commendable job and should be highlighted in the report for others to learn from.

### *State of the Practice*

The 2015 Review showed that some Federal Teams submit questions to and require responses from TMAs prior to the site visit as part of the desk review. The Review Team heard from one TMA that they found the exercise to be helpful but time-consuming. In other instances the Federal Team sent the TMA all the sample questions found in the Handbook; this is not an acceptable practice. Some Federal Teams strategically developed questions or focus areas that were directly related to the focus areas of the Certification Review and shared them with the TMA only as a resource for them to use in preparation of the site visit – responses were not requested. One TMA mentioned they appreciate having advanced notice of the questions that will be asked during the site visit.

### *Notable Practice: Risk-Based Approach to Desk Review*

In Michigan, the Federal Team used a risk-based approach to identify topics to address during the desk review. The selected topics were areas where the Federal Team felt that TMA could improve performance and other areas where Division staff sought to commend the TMA. This was an effective method for streamlining and focusing the Certification Review on the most important topics at the time.

### *Recommendations:*

#### **Use Desk Review Questions Appropriately**

Some Division Offices have found that asking desk review questions can be helpful to prepare for and structure the Certification Review site visit. They have also been shown to be beneficial to a few of the TMAs as they prepare content and materials for the Federal Team.

Many Divisions do not use desk review questions. However, in those that do, there is inconsistency in practice in how Federal Teams are using desk review questions. Federal Teams must not use desk review questions as a means to replace our professional due diligence in performing the desk review, nor can we require TMAs to prepare written responses to these questions. Doing so places an unnecessary burden on the TMA.

- **Headquarters:** Provide/enhance guidance in the TMA Certification Process Field Handbook on the proper use of the Certification Review questions to prepare for the site visit.
- **Resource Center:** Develop and deliver training and technical resources that review Certification Review best practices and agency policies, including desk review processes.
- **Division Offices:** Field staff cannot require a TMA to provide answers to a list of questions in advance of the site visit. Instead, Field staff can provide a list of questions or focus areas to the TMA ahead of the Certification Review site visit as a resource for the TMA in their preparations. The Federal Team must clearly communicate with the TMA that they are not required to respond in writing to these questions or focus areas. Additionally, the questions should be considered a way to help the Federal Team prepare an agenda and site visit questions. In instances where the Federal Team has clarifying questions concerning desk review documents, the TMA can be contacted informally with these targeted requests.

## Certification Review Site Visit: Agenda

Beyond helping the Federal Team understand the TMA's strengths and weaknesses, the desk review should be the basis for establishing the site visit agenda. There are too many potential topics to fit within a typical two-day Certification Review site visit, so the Federal Team should focus its attention on topics identified during the initial risk assessment. Agenda items can also come directly from the TMA or its planning partners if there are specific areas they want to highlight or seek targeted guidance on. However, the Federal Team should maintain control of the agenda to ensure that the site visit will yield answers to the questions it wishes to ask. The Federal Team should share the agenda with the TMA planning partners in advance of the site visit; this will give them the opportunity to provide feedback and prepare for the site visit discussion.

## State of the Practice

From the Division Offices reviewed, it is common practice to share the Certification Review agenda with the TMA in advance of the site visit. Some TMAs have directly requested input on discussion topics. While this is valuable to both the Federal Team and TMA partners, Federal Teams shared the fact that TMAs, on occasion, have prepared extensive presentations for site visits which can dominate the discussion, focusing on areas that may not fit within the scope of the Review.

## Recommendation:

### Collaborate on Site Visit Agenda Development

The site visit is a critical part of Federal oversight of the TMA Certification Review process. A well-defined agenda is key to the success of a Certification Review site visit. The Federal Team leads the development of the agenda and then seeks input from the TMA partners. It is important that the agenda focus on critical issues and priorities from a risk-based perspective. The agenda should clearly identify topics for the site visit and time allotments. The agenda should not include discussion items unrelated to the Federal Team's priorities. In addition, the agenda should be designed in a way to avoid having the TMA make presentations, but rather should support a facilitated discussion led by the Division and FTA that results in the TMA clarifying the questions needed to identify the level of compliance.

- **Headquarters/Resource Center:** Provide/enhance guidance on the development of on-site agendas. Identify notable examples of approaches to the development of site visit agendas and provide training/technical assistance, as needed.
- **Division Offices:** Field staff should work with FTA and use the MOA to determine the lead for the development of the Certification Review site visit agenda. Based on the risk and priorities determined for a review, field staff should assess the amount of discussion time for specific topics and who will lead the discussion.

## Certification Review Site Visit: Participation

The Federal Team is responsible for inviting the appropriate individuals to participate in the Certification Review site visit, including representatives from the TMA, State DOT, and regional transit provider staff, and the MPO Policy Board.

The Federal Team should be sure to invite staff from the TMA, State DOT, and transit providers who work on the metropolitan planning topics on which the Federal Team plans to focus to the site visit. These will be the key individuals who answer most of the questions posed by the Federal Team. The Federal Team should also consider inviting the MPO Policy Board to participate throughout the Certification Review process. As the TMA governing body, the MPO Policy Board is responsible for the process and the overall operation of the TMA. MPO Policy Board members should be engaged in the Certification Review process, which should include the opportunity to attend the site visit discussions.

In addition, the Federal Team should be prepared to be solicited by members of the public or representatives of various interest groups who may want to be included in the Certification Review site visit, either as active listeners or as a way to call attention to particular concerns or issues. While the Federal Team can decide to invite the public to the Certification Review site visit, they are certainly not required to do so. The Federal Team should consult with the TMA planning partners to make a decision on the best approach.

### *State of the Practice*

The 2015 Review found that, while State DOTs and transit operators should be equal partners within the TMA Certification Review process, these agencies tended to have low representation during the Certification Review site visit.

To varying degrees, the Federal Teams engaged with MPO Policy Board members. Some Federal Teams refrain from meeting the Policy Board directly during the site visit and only transmit the report of findings when finalized. In these instances, it is unclear whether or not the Division Office understood that meeting with the Policy Board is an option. One Division reported they typically set up meetings with the Policy Board to present findings once the report is finalized, while another Division has recently invited the Policy Board to participate throughout the entire site visit session.

The Review Team also found that there was no public participation throughout Certification Review site visit discussions beyond the public meeting.

### *Notable Practice: Increasing Engagement with the MPO Policy Board*

Involving the MPO Policy Board in the site visit meetings is a good practice that some Federal Teams have made a priority throughout the Certification Review process. In particular, the Michigan Division Office has encouraged the MPO Policy Board to increase its engagement with the Certification Review process by inviting them to participate during the entire site visit rather than holding separate meetings with them at the conclusion of the visit.

### *Recommendations:*

#### **Encourage MPO Policy Board Participation**

The MPO Policy Board serves as the leadership of the TMA. As such, it is critical for the Policy Board and its members to be aware of and engaged with the Certification Review. It exemplifies effective oversight for Federal Teams to seek their input and involvement. In particular, it is important for the Federal Team to actively encourage the involvement and participation of the Policy Board members throughout the Certification Review process, including during the site visit meetings.

- **Headquarters/Resource Center:** Provide/enhance guidance on the importance of MPO Policy Board participation in the Certification Review. Provide training/technical assistance, as needed.
- **Division Offices:** Field staff should engage with the MPO Policy Board as they begin preparing for a particular Certification Review. In particular, they should strongly encourage their participation during the site visit session. The Federal Team could meet with at least the Chair and Vice-Chair of the MPO Policy Board to discuss any issues that would be relevant to the planning process.

### **Ensure Participation from the Appropriate Partner Agencies**

A successful Certification Review includes all State and regional partners in the process. It is incumbent on the Federal Team to ensure that the appropriate partner agencies (including leadership and staff from the TMA, State DOTs, transit operators, and the MPO Policy Board) are invited and can fully participate in the site visit discussions.

- **Headquarters:** Provide clearer guidance on the different external partners and parties that should be invited to the site visit, as well as their role under certain topic areas. Update the TMA Certification Review Handbook to reflect this new guidance.
- **Resource Center:** Provide training on the updated guidance on the different partners and parties that should be invited to the Certification Review site visit.
- **Division Offices:** Field staff must invite all appropriate partner agencies and parties to the Certification Review site visit. Dates for the site visit should be discussed with external partners to ensure maximum participation.

### **Certification Review Public Meeting**

23 CFR 450.334(b)(4) and 23 U.S.C. 134 (k)(5)(D) require that a public meeting be held as part of the TMA Certification Review process. The purpose of this meeting is two-fold: 1) for FHWA and FTA to inform the public about the Federal transportation planning requirements and Certification Review process; and 2) to gain further insight on the community by engaging with the public to hear about any issues or thoughts they have concerning the transportation planning process.

Public meetings are typically held on one of the days or evenings of the site visit. Depending on the size of the TMA, it may be appropriate to hold multiple public meetings in various parts of the region. Public meetings should be held at a convenient and accessible location, and at a time that is convenient for the majority of the public. It is the responsibility of the Federal Team to advertise, prepare materials, and lead the public meeting, though the TMA, State DOT, and transit operators may be involved to assist with meeting logistics. After a brief presentation to introduce the Certification Review process and Federal planning requirements, as well as summarize previous findings, the public is invited to speak in an open forum and/or provide comments and ask questions on anything related the Certification Review and the TMA transportation planning process. The public is also welcome to provide written comments for a pre-determined period of time (e.g., 30 days). Lastly, the Federal Team must consider public comments when formulating the final Certification Review findings. The method for addressing comments, however, is at the Federal Team's discretion. The TMA Certification Process Field Handbook provides more detailed information on the public meeting process, including templates for materials (e.g., presentation, meeting notice).

The Certification Review Report should summarize both the approach used by the Federal Team for public outreach and the input received. The input received can be summarized in common themes and then related to the Certification findings.

### *State of the Practice*

All Divisions reviewed in 2015 have planned and led public meetings as part of their Certification Reviews. However, a common challenge for Divisions has been attendance at public meetings. Even if the Federal Teams have followed recommendations in the Handbook, including coordination with TMA partners to help advertise and plan logistics, attracting public participation has been difficult. Division Offices shared the thought that the scope of the Certification Review meeting could be too abstract for the public to clearly understand the objective going into it, and how their participation could make a difference in the process.

Additionally, there were differences among Divisions about whether TMA partners should be expected to attend meetings, and what topics to cover during the presentation. For instance, one Division makes a point to ask all TMA partners not to be present during the public meeting so that the public feels free to share questions, issues, or criticisms they have about the planning process. Another Division was not sure how to prepare a presentation for the public or provide a well targeted overview for the public to explain the purpose and their role in the process. Divisions requested more guidance on how to plan, run, and manage the public participation requirement of the Certification Review process.

### *Notable Practice: Strategic Public Meeting Coordination*

While some Divisions have trouble attracting public participation in the TMA Certification Review process, Washington, D.C. overcame this challenge by coordinating with the TMA partners to gather public input at a regularly scheduled Citizen's Advisory Committee meeting. Since there is already a group of people who regularly attend the meeting on a given day and time, the TMA and Federal Team thought this would be the best way to meet with the greatest number of people, and therefore planned the Certification Review site visit to be near this date. While traditional advertising practices were used to attract additional individuals, the TMA reached out to its mailing list with postcard invitations to complement this approach, and this led to increased attendance.

### *Recommendation:*

#### **Maximize Involvement at Public Meetings**

Public involvement during the Certification Review site visit is a statutory and regulatory requirement. It is a critical part of the process to gauge the public's understanding of the TMA planning processes. The Federal Team is ultimately responsible for planning, scheduling, and hosting an effective public meeting. As such, the Federal Team should dedicate sufficient time and effort to proactively engage the public and to plan a meeting that maximizes public input.

- **Headquarters:** Provide/enhance guidance on the Federal role in scheduling, planning, and conducting the public meeting during the Certification Review process. Guidance should also discuss the requirements on the Federal Team for responding to public comments raised during the Certification Review process. Update the Handbook to reflect this new guidance.

- **Resource Center:** Identify notable practices public meetings and develop and provide training and technical on how to conduct the effective public meetings during Certification Reviews.
- **Division Offices:** Field staff should proactively plan, schedule, and host the public meeting component of the Certification Review process. Field staff should view this as a key responsibility and dedicate sufficient time and effort to proactively engage the public and to plan a meeting that maximizes public input.

#### 4. Review Report: Development and Delivery

This section addresses how Federal Teams document and present findings from the TMA Certification Reviews. It has the following subsections, each with their own notable practices and recommendations:

- Draft Report: Report Structure
- Draft Report: Identifying Findings and Federal Actions
- Draft Report: Sharing with TMA
- Final Report: Transmittal

##### Draft Report: Report Structure

FHWA and FTA have developed a [generic report template](#) to aid Federal Teams in organizing findings and drafting clear and consistent TMA Certification Review Reports; the template is designed only to provide guidance. Federal Teams should provide detail on only those topics that were covered during the Certification Review site visit; it is not necessary to cover all 24 topics covered in the TMA Certification Process Field Handbook, or document that the TMA is in compliance with all Federal regulations. It is necessary, however for the Certification Review Report to include key findings and details that support the report's Federal actions. This is to provide context to the TMA who will be addressing the actions, but also for the FHWA and FTA planners who might be reviewing these actions within the TMA Certification Review Database; the contextual information is key to understanding the basis for the action. The TMA Certification Process Field Handbook includes templates and examples from published reports that Federal Teams can reference when writing their own reports. See Figure 3 for a sample preface that can be used by Federal Teams for inclusion in the Final Report.

### Figure 3: Sample Preface to Define Certification Process

#### PREFACE

Pursuant to 23 U.S.C. 134(k) and 49 U.S.C. 5303(k), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly certify the metropolitan transportation planning in Transportation Management Areas (TMAs) at least every four years. (A TMA is an urbanized area, as defined by the U.S. Census Bureau, with a population of over 200,000. There are 182 TMAs in the United States, according to the 2010 Census.) In general, the reviews consist of three primary activities: a site visit, a review of planning products (in advance of and during the site visit), and preparation of a report that summarizes the review and offers findings. The reviews focus on compliance with Federal regulations, challenges, successes, and experiences of the cooperative relationship between the MPO, the State DOT, and transit operators in the conduct of the metropolitan planning process. Joint FTA/FHWA Certification Review guidelines provide agency field reviewers with latitude and flexibility to tailor the review to reflect local issues and needs. As a consequence, the scope and depth of the Certification Review reports will vary significantly.

The Certification Review process is only one of several methods used to assess the quality of a local metropolitan planning process, compliance with applicable statutes and regulations, and the level and type of technical assistance needed to enhance the effectiveness of the planning process. Other activities provide opportunities for this type of review and comment, including Unified Planning Work Program (UPWP) approval, the LRTP, metropolitan and statewide Transportation Improvement Program (TIP) findings, air-quality conformity determinations (in nonattainment and maintenance areas), as well as a range of other formal and less formal contact provide both FHWA/FTA an opportunity to comment on the planning process. The results of these other processes are considered in the Certification Review process.

While the Planning Certification Review report itself may not fully document those many intermediate and ongoing checkpoints, the “findings” of Certification Review are, in fact, based upon the cumulative findings of the entire review effort.

The review process is individually tailored to focus on topics of significance in each metropolitan planning area. Federal reviewers prepare Certification Reports to document the results of the review process. The reports and final actions are the joint responsibility of the appropriate FHWA and FTA field offices, and their content will vary to reflect the planning process reviewed whether or not they relate explicitly to formal “findings” of the review.

To encourage public understanding and input, FHWA/FTA will continue to improve the clarity of the Certification Review reports.

#### *State of the Practice*

The Division Offices reviewed in 2015 consistently have used the resources within TMA Certification Process Field Handbook as a basis for developing a standard Certification Review report customized to meet the interests of the Federal Team and TMA partners. Generally speaking, the Federal Teams have made good efforts to streamline the Certification Review process, including making the reports consistent, user-friendly, and easy to read across Certification Review cycles.

#### *Recommendation:*

##### **Develop Consistent Report Structure**

Communication of findings and observations is a foundational part of the oversight process for Certification Reviews. Effective documentation through a formal report is one part of the Federal

communication strategy. In support of this, the Certification Report must be well developed with a consistent structure. Federal Teams should use the Certification Review Report Template, included in the TMA Certification Process Field Handbook, or the FTA/FHWA Certification Review Report Template. Regular use of a consistent report structure will reduce the time allotted for report development and produce greater national consistency.

- **Headquarters:** Revise the TMA Certification Process Field Handbook to provide clearer guidance on using the Report Template or the FTA/FHWA Certification Review Report Template. Enhance the template as needed.
- **Resource Center:** Provide training and technical assistance for how to develop and structure a TMA Certification Review report following the template outline in the Handbook.
- **Division Offices:** Field staff should use the FTA/FHWA Certification Review Report Template included in the TMA Certification Process Field Handbook so that the report structure meets the needs of the Federal Team and TMA planning partners, but also remains consistent, concise, and clear for the intended audience.

### **Draft Report: Identifying Findings and Federal Actions**

After the Certification Review site visit, the Federal Team is tasked with identifying Federal actions and documenting them, along with the overall findings, in the Certification Review report. The Certification Review report should provide adequate information as a basis for any commendation, recommendation, and corrective action issued by the Federal Team.

One of the key elements of the Certification Review process is sorting out the important findings, and more importantly, deciding on the specific Federal actions that will be highlighted within the report.

- **Commendations** are opportunities for the Federal Team to highlight innovative and effective practices, or where a TMA has shown marketed improvement since its last Certification Review.
- **Recommendations** are actions or processes that the Federal Team believes the TMA can improve upon, but are not necessarily related to regulations.
- **Corrective Actions** are used to highlight areas where the TMA is failing to meet regulatory compliance.

Figure 4 illustrates the precise definitions to help guide the Federal Team's decisionmaking process. The TMA Certification Process Handbook also provides tools and Federal action examples that Federal Teams can reference to assist with this process.

Figure 4: Key Definitions for Federal Actions

### Key Definitions

\* **Findings:** Statements of fact that define the conditions found during the data-gathering phase of the review. These statements provide the primary basis for determining the actions (Corrective Actions, Recommendations, or Commendations), if any, contained in the Certification Report.

\* **Corrective Action:** Items that fail to meet the requirements of the transportation statute and regulations, thus seriously impacting the outcome of the overall process. The expected change and timeline for accomplishing it are clearly defined.

\* **Recommendation:** Items that, while somewhat less substantial and not regulatory, are still significant enough that FHWA and FTA are hopeful that State, local officials and transit operator(s) will consider taking some action. Typically, Recommendations involve the state of the practice or technical improvements instead of regulatory requirements. The suggestions are clearly defined.

\* *Corrective Actions* and *Recommendations* describe what needs to be done and are the primary vehicles by which FHWA and FTA convey the need for improvement and change. The primary difference between a *Recommendation* and a *Corrective Action* is that the former addresses technical improvements to processes and procedures that would be enhancements but are not specifically required by law, whereas the latter indicates a serious situation that does not meet one or more requirements of the transportation planning laws and regulations. The expected outcome of a *Corrective Action* is change that brings the metropolitan planning process into compliance with a law or regulation; failure to respond will likely result in a more restrictive Certification. The expected outcome of a *Recommendation* is also change. While the change suggested by a *Recommendation* would improve the process, there is no Federal mandate, and failure to respond will not necessarily result in more restrictive Certification.

\* **Commendations and noteworthy practices:** Elements that demonstrate innovative, highly effective, well-thought-out procedures for implementing the planning requirements. Elements addressing items that have frequently posed problems nationwide could be cited as noteworthy practices. Also, FHWA and FTA may wish to offer Commendations for significant improvements and/or resolution of past findings. Recognizing noteworthy practices through Commendations helps to build good relations with the area under review and also provides a way to identify and share good practices with others through technical assistance such as the Transportation Planning Capacity-Building program.

### State of the Practice

Across the Divisions reviewed in 2015, the style and format used to document Federal actions varied. One of the biggest inconsistencies between and within Divisions was the terminology used to indicate the importance of a recommendation, and further, what constitutes a recommendation versus a corrective action. For instance, some Divisions elected to use language in their recommendations to prioritize the level of importance (e.g., “strongly recommends,” “needs to do,” “must do,” etc.) and have set deadlines for TMAs to address these recommendations. The practice of prioritizing recommendations, or non-compliance issues, is appropriate. However, if the Federal Team decides to

structure findings in this way, they must also provide justification for why certain recommendations are more important than others.

For some Federal Teams, however, a selection of recommendations that were prioritized using language such as “strongly recommends” or “needs to,” should have been corrective actions because they were in non-compliance with the law. The Federal Team observed that some Divisions, however, appear to shy away from issuing too many corrective actions to avoid pushback from the TMAs and to attract attention to the idea that the Division itself might be performing poorly. With this, the Divisions felt that issuing strongly worded recommendations would be better received. The number of corrective actions should have no impact on the need to identify as corrective action any time the TMA is not compliant with the law or regulation.

While the FHWA and FTA provide guidance on the appropriate class of action to take to reflect the seriousness of the finding, the Federal Teams in the Divisions reviewed during 2015 were not consistent when it comes to making this determination. What constitutes a corrective action in one TMA may have been considered a recommendation in another TMA. It is clear that further consistency is needed to ensure understanding and practice among Federal Teams in forming Federal Actions.

#### ***Notable Practice: Summarizing Federal Actions in a Concise Format***

The format for communicating Federal Actions within the Certification Review report can vary. The Washington Division Office’s practice of providing a table within the Executive Summary, summarizing all the Federal Actions together with the topic area and appropriate regulatory citation, is an effective way to display the information in a concise format. It also makes it easy for the reader to capture the most important findings and actions items from the review.

#### ***Notable Practice: Addressing Federal Actions with Strategic TMA Resources and Action Plans***

Some Federal Teams have taken steps to provide additional guidance and support for TMAs to overcome obstacles, adopt effective practices, and meet Federal requirements. For instance, along with the recommendations, the Michigan Division Office provided information on trainings, technical assistance, and other resources that the TMAs should take advantage of in their effort to address weaknesses. These examples come from the knowledge of the Federal Team, additional research, and conversations with Headquarters and Resource Center staff. For another TMA, the Federal Team and TMA mutually agreed upon milestone dates for addressing recommendations, illustrating not only an effective approach toward managing progress, but also the good working relationship between the field staff and the TMA.

#### ***Recommendation:***

##### **Develop Appropriate Federal Actions**

Consistency in use and interpretation of Federal Actions is crucial to the national program and to effective Federal oversight. Improvements in the understanding and application of Federal Actions need to occur amongst field planning staff and field leadership. In particular, there is a lack of consistency in the use of recommendations and corrective actions.

When the TMA is not in compliance for a specific Federal law and/or regulation, the Federal Team must issue a corrective action to document the compliance issue to be addressed and the timeframe for correction. If an activity or process is not governed by Federal law or regulation, but could be improved based on best practice or agency guidance, the report should document the issue as a recommendation.

- **Headquarters:** Reinforce and highlight the guidance in the TMA Certification Process Field Handbook on specific Federal actions. Clarify the distinctions between recommendations versus corrective actions. Provide guidance and communications on the Federal actions to field planning staff and field leadership.
- **Resource Center:** Develop and provide [training materials](#) to complement the existing TMA Certification Process Field Handbook guidance around identifying key findings, recommendations and corrective actions, and how to best document these in the TMA Certification Report.
- **Division Offices:** Field staff must apply a consistent methodology for developing Federal actions. Federal actions must be based on compliance with FHWA/FTA policy and guidance. Field staff should consistently use agency policy and guidance when determining whether findings should result in recommendations and/or corrective actions. Field staff must clearly document the rationale and explanations for the findings in the TMA Certification Review report. Field staff should make continuous use of [training materials](#) created for Federal Teams as they consider and develop Federal actions for a particular Certification Review.

### **Draft Report: Sharing with TMA**

The Federal Team should review the draft Certification Review report, verify the information, and agree upon the Federal actions. After the draft Certification Review report is complete, the Federal Team may consider sharing the draft report with the TMA, State DOT, and transit operators for their review. There is no agency policy on instituting an external review process, but it is good practice. The TMA Certification Process Field Handbook explains that field offices have found the act of sharing the draft Certification Review Report with the TMA partners a useful exercise in confirming key information, others have found this to hold-up publication of the final report because they have allowed the TMA to debate specific findings or Federal actions.

To avoid delays, Federal Teams may wish to hold briefing meetings with the TMA partners, either at the conclusion of the site visit, or to summarize the findings and Federal actions established within the draft Report. Federal Teams are encouraged, in one way or another, to share the draft report with the TMA planning partners for a brief fact-based review prior to the publication of the final report.

### ***State of the Practice***

Establishing buy-in from the TMA planning partners varies between Federal Teams. Among the Divisions reviewed in 2015, it was common for the TMA to receive a draft Certification Review report to review, but not necessarily the State DOT, transit operators, and any other potential partner that might be affected by the Federal actions.

### ***Recommendation:***

#### **Share Draft Report with TMA Partners.**

Communication of findings and observations is a foundational part of the oversight process for Certification Reviews. Effective discussion and communication of the draft report is one part of the Federal communication strategy.

To establish buy-in and improve collaborative working relationships, the Federal Team should consider sharing the draft Certification Review report with the TMA planning partners to gain feedback on the accuracy of statements.

- **Headquarters:** Highlight language within the TMA Certification Process Field Handbook that discusses the options for seeking TMA planning partner feedback on the draft Certification Review report.
- **Resource Center:** Develop and provide training on best practices for collaborating on the development of the Certification Review report and communication of findings.
- **Division Offices:** Field staff should follow guidance in the TMA Certification Process Field Handbook on the external review process. Once the draft report has been developed and the Federal Team has reviewed it and achieved consensus, field staff should strongly consider sharing the draft Certification Review report's findings and Federal actions with the TMA, State, and transit service providers for their review and comments, making clear that they are being asked to review for clarity and factual statements; they should not be commenting on whether they feel a finding should result in a corrective action or recommendation.

#### **Final Report: Transmittal**

Once the Certification Review report has been finalized, the Federal Team must transmit it to the MPO Policy Board. The delivery of the Final Report is accompanied by a transmittal letter on joint letterhead, jointly signed by the FTA RA and FHWA DA. The transmittal letter should be addressed to the MPO Policy Board, with copies transmitted to the MPO Director, State DOT Secretary, and transit operator directors. Written in a concise manner, the transmittal letter should introduce the purpose of the Certification Review, outline the key dates and process milestones, and summarize the Federal actions. Since it is common for TMAs to begin addressing issues based on the initial presentation of findings, the transmittal letter should acknowledge and commend the TMA for any progress that has been made prior to the report being finalized. The transmittal letter provides the TMA's certification, and the date on the transmittal letter is the start of the four-year timeframe for completing the next Certification Review for that TMA. This is the date that should appear in the final report.

Once the Certification Review report has been transmitted, the Federal Team should send the transmittal letter and Final Report to FTA and FHWA Headquarters for entry into the TMA Certification Review Database. Additionally, it is the responsibility of the Division Office to upload the Certification Review Report, corrective actions and, transmittal letter to [INPUT](#).

Agency practice is for the Federal Team to present the findings from the Certification Review process directly to the MPO Policy Board once the Certification Review report has been finalized. It is customary

for either the FHWA DA or FTA RA to lead a concise briefing of key highlights at an MPO Policy Board meeting.

### *State of the Practice*

The 2015 review revealed that there is inconsistency in addressing transmittal letters. Most Federal Teams have addressed the transmittal letter to the MPO Policy Board, but one Division has traditionally addressed the State DOT Secretary. Also, most Federal Teams are typically submitting Certification Review report and transmittal letters in a timely manner to FHWA/FTA Headquarters, but few have successfully transitioned to using FHWA's [INPUT](#) database.

The time it takes for Federal Teams to prepare a Certification Review report for publication has often surpassed the recommended 60-90 day milestone once the site visit has concluded. One Federal Team exercises a strict policy to meet these expectations, but it is common for several more months to go by before the report is transmitted. The key statutory and regulatory requirement is that FHWA and FTA must review the TMA planning process not less than once every four years. If Divisions have historically had a difficult time getting the report finalized, that may mean that the site visit needs to be advanced earlier. Either way, if a TMA is approaching the end of its four year cycle and the report is not finalized, a letter should be transmitted indicating the TMA's Certification status, when the site visit and public meeting occurred, any significant findings, and that a formal report will follow. If a transmittal letter is not submitted by the end of this four-year period, a TMA's Certification will expire.

### *Recommendations:*

#### **Format Transmittal Letter Correctly**

Communication of findings and observations is a foundational part of the oversight process for Certification Reviews. The joint FHWA/FTA transmittal letter is one part of the federal communication and oversight strategy. There is inconsistency among Division Offices on how the transmittal letter is addressed.

- **Headquarters:** Reinforce agency guidance on developing and delivering transmittal letters for Certification Reviews.
- **Resource Center:** Provide training on examples of an appropriately formatted transmittal letter that Federal Teams can use to ensure all the necessary components are included.
- **Division Offices:** Field staff must follow the TMA Certification Process Field Handbook guidance on transmittal letters: "Letters transmitting the Certification Report are jointly signed by FTA and FHWA and are generally addressed to the chairperson of the MPO Policy Board, with copies sent to the State, the TMA director, and transit operators."

#### **Follow Protocol for Final Report Delivery within DOT**

Transmittal of final Certification Review reports to Headquarters is a requirement. It is also critical for national program purposes and to enhance risk based stewardship and oversight. There are inconsistencies in how and when Division Offices transmit Certification Review reports internally within the agency.

FHWA Division Offices must ensure that Certification Review reports are transmitted to FHWA Headquarters so that they can be included in the FHWA/FTA Certification Review Database. Division offices are also encouraged to include the reports and corrective actions in FHWA's INPUT System.

- **Headquarters:** Provide clear guidance to FHWA staff and leadership regarding the expectations for and process of transmitting final Certification Review reports to Headquarters. Update the TMA Certification Process Field Handbook to include how and when to use FHWA's [INPUT](#) database during the transmittal process.
- **Resource Center:** Include discussion of internal DOT report transmittal in appropriate training and technical assistance resources on Certification Reviews.
- **Division Offices:** FHWA Division staff must simultaneously upload Certification Review reports to FHWA's [INPUT](#) database and email them to the Headquarters liaison for entry in the Certification Review Database. FHWA staff should incorporate these tasks into their unit SOPs.

### **Avoid Delayed Final Report Delivery**

Delays in the release of the final Certification Review report can jeopardize the effectiveness of the Federal oversight process for Certification Reviews. Delays impact the Division and Region Offices' credibility, the working relationship with the TMA, and can put the TMA at risk for defaulting on its Certification status.

Federal Teams must ensure that they transmit the Certification Review report within the four-year window in regulation and within the recommended 60-90 day time frame from the conclusion of the site visit.

- **Headquarters:** Reiterate and enhance guidance to clarify expectations for final report delivery. This should address: inclusion of letter with the final report indicating the TMA's Certification status; the timeline for final report delivery; and procedures to follow when a final formal report cannot be completed within the four-year window in regulation. Provide enhanced guidance in the TMA Certification Process Field Handbook.
- **Resource Center:** Develop and deliver training and technical assistance resources to complement the enhanced guidance in the TMA Certification Process Field Handbook reinforcing the process the Federal Team should take to deliver a final Certification Review report.
- **Division Offices:** Field staff must establish a realistic schedule for the development and delivery of the final Certification Review report. The schedule must include strategic milestones and, consider the amount of time needed to address possible delays or the resolution of issues. If a final Certification Review report will not be delivered within the four-year window in regulation or the recommended 60-90 day time frame from the conclusion of the site visit, field staff must inform FHWA and FTA Headquarters and issue a letter stating that the TMA is certified, but the final report is pending. Field staff must transmit the final Certification Review report, at a minimum, by the expiration of the TMA's four-year Certification date. Field staff should document their processes and timelines for report development and delivery in their FHWA/FTA MOA and unit SOP.

## Next Steps

The 2015 State-of-the-Practice Review examined the practices of four Division Offices relating to how each conducts its TMA Certification Reviews. As all 52 Division Offices are different, the Review Team will build upon the information identified during the 2015 State-of-the-Practice Review for TMA Certification Reviews in the coming years. This annual evaluation helps identify future resources to support overall consistency of oversight and stewardship relative to planning, conducting, and documenting TMA Certification Reviews. The Review Team will share this report across FHWA and will submit the Division Office recommendations for 2015.

In 2016, a new State-of-the-Practice Review Team will meet with four additional Division Offices to continue to seek additional information on how Division Offices conduct TMA Certification Reviews.

## Appendix A: Legislation, Regulations, and Resources

### *Legislation:*

- 23 U.S.C. 134 (k)(5): <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title23/html/USCODE-2011-title23-chap1-sec134.htm>
- 49 U.S.C. 5303 (k)(5): <http://www.gpo.gov/fdsys/pkg/USCODE-2007-title49/pdf/USCODE-2007-title49-subtitleIII-chap53-sec5303.pdf>

### *Regulations:*

- 23 CFR 450.334(b): <http://www.gpo.gov/fdsys/pkg/CFR-2011-title23-vol1/pdf/CFR-2011-title23-vol1-sec450-334.pdf>

### *Resources:*

- TMA Certification Process Field Handbook: [https://www.oversight.volpe.dot.gov/CertificationDB/Handbook\\_09-17-2015.pdf](https://www.oversight.volpe.dot.gov/CertificationDB/Handbook_09-17-2015.pdf)
- TMA Certification Review Boot Camp Module: <https://connectdot.connectsolutions.com/boottma/>
- TMA Certification Review CORE Function: [http://our.dot.gov/office/fhwa.dss/planning/Page%20Library/CORE\\_Functions\\_Template.aspx?CFID=118&FLID=TMA Certification Review and Report](http://our.dot.gov/office/fhwa.dss/planning/Page%20Library/CORE_Functions_Template.aspx?CFID=118&FLID=TMA%20Certification%20Review%20and%20Report)

## Appendix B: Review Team Members

Isaac Akem	FHWA Oklahoma Division
Victor Austin	FTA Office of Planning
Ed Christopher	FHWA Resource Center
Jared Fijalkowski	U.S. DOT Volpe Center
Paul Foundoukis	FHWA Kansas Division
Theresa Hutchins	FHWA Office of Planning
Jocelyn Jones	FHWA Resource Center
Tameka Macon	FHWA Office of Planning
Candace Noonan	FTA Office of Planning
Lisa Randall	FHWA Resource Center
Spencer Stevens	FHWA Office of Planning
Christopher Timmel	U.S. DOT Volpe Center
Dwayne Weeks	FTA Office of Planning

## Appendix C: Discussion Topics

During the on-site discussions, the Review Team addressed the following topics:

### **Preparing for the TMA Certification Review**

#### *Assembling the Federal Team*

- Team members
- Internal process for identifying participants

#### *Preparing for the Review*

- Internal process documentation
- Coordination with FTA
- Task-sharing

### **Conducting the Review**

#### *Conducting the Desk Review*

- Materials requested
- Use of materials to prepare for site visit
- Questions for TMA

#### *Certification Review Site Visit*

- Agenda
- Participation
- Federal Team Roles
- TMA Roles
- Closeout

#### *Public Meeting*

- Public meeting notice
- Process for conducting meeting
- Federal Team and TMA roles
- Addressing comments

### **Review Report Development and Delivery**

#### *Draft Report*

- Roles and responsibilities
- Identifying findings, recommendations, corrective actions, and commendations
- Sharing with TMA

#### *Final Report*

- Transmittal
- Upload to INPUT/Review Tracker
- Other Questions

## **Review of CMP in TMA Certification Review**

### *Preparing for the Review*

- CMP review process

### *CMP Desk Review*

- CMP documents reviewed
- Analysis process

### *Certification Review Site Visit*

- Who is involved

### *Certification Review Findings*

- Federal Actions related to CMP
- Follow-up with TMA

## **Field Staff Feedback on the TMA Certification Review Process**

- What works well
- What could be improved
- Needs – Resources, Technical Assistance, Training
- Other

## **MPO Perspective on TMA Certification Review**

### *Goals for review*

- Understanding Federal, DOT, and TMA roles and technical processes
- Focus on DO review of CMP through the TMA Certification Review
- TMA comments on TMA Certification Review process

### *Site Visit Preparation and Execution*

- Communication from Federal Team
- TMA involvement

### *Follow-up*

- Follow-up on Federal Actions
- Draft report

### *CMP*

- CMP overview
- Cooperation with other agencies on CMP
- Review of CMP
- Changes to CMP

### *Feedback on the TMA Certification Review Process*

- What works well
- What could be improved
- Needs – Resources, Technical Assistance, Training
- Other

## Appendix D: Requested Desk Review Documents

The Review Team requested that the Division Offices participating in the CY 2011 State-of-the-Practice Review send the following documents for review:

- The latest Certification Review Report for one TMA
- The Division Office's Standard Operating Procedures for planning, conducting, and documenting TMA Certification Reviews
- Other documented Division Office processes for planning, conducting, and documenting TMA Certification Reviews (e.g., checklists, agenda templates)
- Agendas related to the most recent review of one TMA
- FTA Region/FHWA Division Office MOA
- Communications among the Certification Review Team and/or with the TMA that are relevant to the process for conducting the most recent review for one TMA
- One TMA's CMP

## Appendix E: Acronyms

CFR	Code of Federal Regulations
CMP	Congestion Management Process
DA	Division Administrator
DFS	Director of Field Services
DOT	Department of Transportation
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
HEP	Office of Planning, Environment, and Realty
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
MAP-21	Moving Ahead for Progress in the 21 <sup>st</sup> Century Act
MOA	Memorandum of Agreement
MPO	Metropolitan Planning Organization
RA	Regional Administrator
RBSO	Risk Based Stewardship and Oversight
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SIP	State Implementation Plan
SOP	Standard of Operating Procedures
TEA-21	Transportation Equity Act for the 21 <sup>st</sup> Century
TMA	Transportation Management Area
U.S.C.	U.S. Code