



## MEMORANDUM

**To:** MPO Policy Committee

**From:** CMAP Staff

**Date:** June 3, 2021

**Re:** Self-Certification

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The MPO Policy Committee is charged with implementing the metropolitan planning process in accordance with applicable federal requirements, including the Fixing America's Surface Transportation Act (FAST Act), the Clean Air Act, the Civil Rights Act and the Americans with Disabilities Act. By federal law, agencies providing transportation services and/or receiving federal money must comply with the requirements described below. Considered at its meeting in April, CMAP's Transportation Committee recommends approval of the self-certification by the MPO Policy Committee.

### 1. Highway and Public Transportation

- **23 U.S.C. 134** – Highways, Sec. 134. Metropolitan Planning  
Describes the legal framework for metropolitan planning areas (MPAs) and the conduct of the metropolitan transportation planning processes, development of transportation plans, programs, and activities to encourage and promote the safe and efficient management, operation and development of transportation systems.
- **49 U.S.C. 5303** – Public Transportation, Sec. 5303. Metropolitan Transportation Planning  
Provides the legal framework to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people, as well as freight and foster economic growth and development within and between States and urbanized areas. It also encourages the continued improvement of the metropolitan and statewide transportation planning processes.
- **23 CFR 450.336 (a)**, Self-certifications and Federal certifications  
Regulations to ensure the State and MPAs certify at least every four years that the metropolitan planning process is being carried out in accordance with applicable requirements.

## 2. **Clean Air Act and Related Regulations**

- **Clean Air Act (CAA)**

The law that defines the Environmental Protection Agency's responsibilities for protecting and improving the nation's air quality and the stratospheric ozone layer, per the Clean Air Act Amendments of 1990.

- **40 CFR part 93 – Determining Conformity of Federal Action State or Federal Implementation Plans**

Sets forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to an applicable implementation plan developed pursuant to the CAA. This section also provide procedures for air quality nonattainment and maintenance to implement requirements with respect to the conformity of transportation plans, programs, and projects which are developed, funded, or approved by the United States Department of Transportation (USDOT), and by MPOs or other recipients of highway or transit funds.

## 3. **Title VI of the Civil Rights Act of 1964**

The law states "No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Title VI of the Civil Rights Act of 1964 set a standard which authoritatively outlawed discrimination in the conduct of all federal activities. Subsequent laws and Presidential Orders added handicap, sex, age, and income status to the criteria for which discrimination is prohibited.

## 4. **49 U.S.C. 5332**

States a person may not be excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance under this chapter because of race, color, religion, national origin, sex, disability, or age.

## 5. **Section 1101(b) of the FAST Act (Pub. L. 114-357) and 49 CFR part 26**

Provides the legal and regulatory framework regarding the involvement of disadvantaged business enterprises in USDOT funded projects.

## 6. **23 CFR part 230**

Provides regulatory standards for the implementation of an equal employment opportunity program on federal and federal-aid highway construction contracts.

## 7. **The American Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq)**

Prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities. It prohibits the discrimination on the basis of disability by public accommodations and in commercial facilities.

- **49 CFR part 27** specifies nondiscrimination on the basis of disability in programs or activities receiving federal assistance;
- **49 CFR part 37** covers transportation services for individuals with disabilities; and
- **49 CFR part 38** covers ADA accessibility specifications for transportation vehicles.

**8. The Older Americans Act, as amended (42 U.S.C. 6101)**

Prohibits discrimination on the basis of age in programs or activities receiving federal assistance.

**9. Section 324 of title 23 U.S.C.**

Prohibits discrimination based on gender.

**10. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27**

Prohibits discrimination against individuals with disabilities

ACTION REQUESTED: Approval

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# Chicago Metropolitan Agency for Planning (CMAP)

## MPO Self-Certification

The MPO Policy Committee of CMAP is the Metropolitan Planning Organization (MPO) designated by the Governor and northeastern Illinois officials as being responsible, together with the State of Illinois and public transportation operators, for carrying out the provisions of Section 234 Title 23 U.S. Code, and Title 49 U.S. Code 5304-5306 for the seven counties in northeastern Illinois and part of Grundy and DeKalb counties. By statute, the MPO and the State are required to certify every four years that the planning process is meeting the requirements as described in Title 23, U.S. Code of Federal Regulations Section 450.336. Transportation planning work addressing major issues in the region is documented in the United Work Program (UWP), the Transportation Improvement Program (TIP) and long-range plan, the minutes and notes from CMAP committees, task forces, staff publications, and reports from all participating agencies. All work to carry out the planning process is conducted in accordance with applicable requirements of the Fixing America's Surface Transportation Act (FAST), the Clean Air Act, the Civil Rights Act, and the American with Disabilities Act. The MPO Policy Committee certifies that the transportation planning process is conducted in accordance with all applicable requirements of:

1. 23 U.S.C. 134, 49 U.S.C. 5303, and Title 23 CFR Subpart 450(C).
2. Sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d) and 40 CFR part 93.
3. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21.
4. 49 U.S.C. 5332.
5. Section 1101(b) of the FAST Act (Pub. L. 114-357) and 49 CFR part 26.
6. 23 CFR part 230.
7. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq) and 49 CFR parts 27, 37, and 38.
8. The Older Americans Act, as amended (42 U.S.C. 6101).
9. Section 324 of title 23 U.S.C.
10. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27.

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Omer Osman  
Chairman, MPO Policy Committee

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Erin Aleman  
Executive Director, Chicago Metropolitan Agency for Planning (CMAP)

Subscribed and sworn to before me, this \_\_\_\_ day of \_\_\_\_\_, 2021

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My commission expires: