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Public involvement policy for transportation planning

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Metro's web site: www.oregonmetro.gov

Metro is the federally mandated metropolitan planning organization designated by the governor to develop an overall transportation plan and to allocate federal funds for the region. The Joint Policy Advisory Committee on Transportation (JPACT) is a 17-member committee that provides a forum for elected officials and representatives of agencies involved in transportation to evaluate transportation needs in the region and to make recommendations to the Metro Council. The established decision-making process assures a well-balanced regional transportation system and involves local elected officials directly in decisions that help the Metro Council develop regional transportation policies, including allocating federal transportation funds.

NONDISCRIMINATION NOTICE TO THE PUBLIC

Metro hereby gives public notice that it is the policy of the Metro Council to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which Metro receives federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with Metro. Any such complaint must be in writing and filed with the Metro's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, see the web site at www.oregonmetro.gov or call 503-797-1536.

1.0 INTRODUCTION

This document presents policies and procedures for public involvement to ensure

- that Metro, as the federally mandated, state designated Metropolitan Planning Organization (MPO) for the Portland metropolitan region, meets the spirit and intent of applicable federal and state public involvement laws, regulations and authorities contained in the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU)ⁱ and the guidance in Oregon state planning goal 1: citizen involvementⁱⁱ
- that Metro, as a recipient of federal dollars, promotes equity and environmental justice to meet the spirit and intent of Title VI of the Civil Rights Act of 1964ⁱⁱⁱ, The Civil Rights Restoration ACT of 1987, ^{iv}Executive Order 12898 on Environmental Justice^v; Executive Order 13166 on Limited English Proficiency^{vi}; the National Environmental Policy Act of 1969 (NEPA) ^{vii}; and the Americans with Disabilities Act (ADA)^{viii}
- that regional transportation plans and projects reflect public priorities and values
- transparency and accountability in Metro’s planning and decision-making and promote excellence in regional planning.

Scope

The policies in this document apply to all development of and updates to these policies and to Metro administered transportation planning and investments, including updates to the Regional Transportation Plan (RTP), the Metropolitan Transportation Improvement Program (MTIP) and corridor planning.

For jurisdictions and agencies to receive federal funding through Metro-administered programs or projects, they must certify that they have conducted appropriate public involvement.

Schedule review and revision

These policies will be reviewed at least every four years and revised to reflect changes in federal or state public involvement requirements. A 45-day public comment period will be held prior to adoption of new public involvement policies or major revisions to existing policies.^{ix}

Definitions

A glossary of terms as they are used in this context is included at the end of this document.

2.0 METRO COMMITTEE FOR CITIZEN INVOLVEMENT

The Metro Committee for Citizen Involvement (MCCI) was established under Metro's home-rule charter in 1992 to assist with the development, implementation and evaluation of Metro's citizen involvement program and advise on how to best involve residents in regional planning activities. This committee also fulfills the guideline in state planning goal 1, which calls for regional agencies to use existing local citizen involvement programs established by counties and cities.

MCCI reviews and comments on public involvement plans agency-wide, including those developed for transportation plans and projects. The composition of the committee is not specified in the Metro charter, but state goal 1 (above) requires that the committee include representatives of the geographic areas of interest in land-use decisions. MCCI currently recruits representatives from county citizen involvement organizations, representatives from areas outside Metro's boundary, residents from Council districts in region, and at-large representatives. Recruitment is openly publicized. Terms are for two years, and members have the option of serving up to three terms.

3.0 METRO PUBLIC INVOLVEMENT POLICIES AND PROCEDURES

Metro public involvement policies reflect requirements in SAFETEA-LU; The National Environmental Policy Act of 1969 (NEPA), Title VI of the 1964 Civil Rights Act; Executive Order 12898 on Environmental Justice; Executive Order 13166 on Limited English Proficiency; the Americans with Disabilities Act (ADA); and Oregon state planning goal 1: public involvement.

SAFETEA-LU expanded public involvement requirements first introduced in 1991 with the Intermodal Surface Transportation Equity Act (ISTEA) and strengthened in 1998 in the Transportation Equity Act for the 21st Century (TEA-21). The expanded requirements added the need for early and continuous public involvement in planning, and for information to be presented in ways that make it understandable and accessible to the general public.

The National Environmental Policy Act of 1969 (NEPA) established a national policy for the protection of the environment. NEPA requires the consideration of potential impacts on social and natural resources during transportation decision-making.

The Americans with Disabilities Act (ADA) requires reasonable efforts be made to accommodate citizens with disabilities who wish to attend public meetings.

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance. Executive Order 12898 on Environmental Justice requires equity in distribution of benefits and burdens of transportation plans and projects, and Executive Order 13166 on Limited English Proficiency requires proactive efforts to engage people with limited English proficiency in the planning process.

Oregon state planning goal 1: citizen involvement requires each governing body to adopt and publicize a program for citizen involvement that is appropriate to the scale of its planning effort. The public involvement program should allow for continuity of information and enable citizens to understand the issues. Goal 1 also calls for regional agencies to use existing local citizen involvement programs established by counties and cities.

These Federal and state requirements form the foundation of Metro public involvement policies with certain procedures required to implement those policies. In addition to the required procedures, Metro may recommend additional activities to help promote more meaningful or effective involvement, greater transparency and accountability in decision-making, and excellence in regional planning.

3.1 Early and continuous public involvement^{xxi}

Required procedures

Plans and programs: Metro will involve the public early and continuously throughout the planning process in developing major plans and programs, including the RTP, the Metropolitan Transportation Improvement Program (MTIP), corridor plans, and high-capacity transit lines plans.

Draft Environmental Impact Statement (DEIS): Metro will involve the public early in developing the DEIS, beginning the Purpose and Need statement and including a formal public comment opportunity.^{xii}

Recommended procedures

Early contact with stakeholders: Stakeholders in the planning process should be identified at the beginning of the planning process and notified of key decision points or opportunities to provide input.

3.2 Reasonable access to information

Required procedures

Access to information: The public will be provided reasonable access to technical information, and public information will be made available in electronically assessable formats, such as the World Wide Web.

Visualization techniques: Metro will employ electronic methods and visualization techniques, such as maps and charts, to provide information to the public. Metro will maintain a project web site where current information on major projects will be posted.

Languages other than English: If a plan or project significantly affects a population known to speak a language other than English, key information about the plan or project, the effect on the area, schedule of events and notices of public involvement opportunities will be made available in that language. Significance can refer either to the impact of the project or to the fact that the project will affect an area in which 5% or more of the people speak another language.

Contact information: Contact information for a staff person who can answer questions and provide more information will be included in all public notices and major publications.

Recommended procedures

Plain language: Information that the public needs to understand a program, project or plan should be written in plain language, with unusual terms defined and a minimum of jargon.

Interactivity: Where appropriate, information should be presented in an interactive format.

3.3 Access to public meetings

Required procedures

Convenient times and locations: All Metro's public meetings will be held at convenient times and in locations that meet the requirements of the Americans with Disabilities

Recommended procedures

Accessible by public transportation: All Metro's public meetings should be held in locations accessible by public transportation. Notices of those meetings should include information about the transit lines that serve those locations as well as the TriMet web address for route-planning and scheduling information.

3.4 Timely information

Required procedures

Timely manner: Information about projects and plans will be provided to the general public, affected public agencies, representatives of transportation agencies, private sector transportation entities and other interested parties, including segments of the community affected by transportation plans, programs, and projects in a timely manner.

3.5 Adequate public notice^{xiii}

Required procedures

Timing of notices: Notice of public involvement opportunities will be provided with adequate time for public review and comment prior to key decisions. Notice of RTP, MTIP and DEIS public comment opportunities must be published on Metro's web site 45 days prior to the opening of the opportunity.

Notice to minority, low-income, and people with limited English proficiency: Staff must take steps to notify minority and low-income people and people with limited English proficiency of comment opportunities. Notices must describe how to request translators, interpreters or services for those with a hearing disability.

Recommended procedures

Notice to organizations: Interested organizations that hold monthly meetings should receive notice of RTP, MTIP and DEIS public involvement opportunities 45 days prior to the opportunity, to allow time for one meeting cycle to occur where members can be informed of the opportunity. The general public should receive notice at least one week before the opportunity.

Notice content: At a minimum, notices should name the project, plan or program; describe how to participate in the opportunity at hand; provide the location of events or how and where to submit comments; and provide the beginning and ending times and dates for all public comment opportunities.

3.6 Public comment opportunities

Required procedures

General: Public comment will be sought prior to adoption of a final RTP, the allocation of funding to projects in the MTIP process and public involvement policies and on major changes or amendments to these plans and policies.

Public involvement policies: The public comment period on new or revised public involvement policies shall be at least 45 days.

RTP and MTIP: The public comment period on a draft RTP or MTIP and major amendments to the RTP or MTIP shall be at least 30 days for transportation plans and 45 days for those that involve land-use actions that trigger requirements for local plan updates. If the final plan or project differs significantly from the review draft, a second public comment opportunity must be offered.

RTP and MTIP Air-quality conformity: The draft conformity determination of the RTP and MTIP and supporting documentation shall be made available for a 30-day public comment period. Written notice shall be made of the availability of this material, and the material shall be provided to anyone who requests it. Comments made during the comment period shall be made part of the final decision record.^{xiv}

DEIS: The lead agency must involve participating agencies and the public in developing the DEIS purpose and need statement. Timing of the involvement is flexible,--i.e., it may take place early in the process before the statement is adopted or during the environmental review. The completed DEIS must offer a public comment opportunity. Unless the lead agency and all participating agencies agree to a longer comment period, the length of the comment period may not exceed *60 days* beginning on the day the document is published in the *Federal Register*.

Recommended procedures

Early input on DEIS: Input should be sought from participating agencies and the public earlier rather than later, and prior to adopting the statement of purpose and need. Although later review of purpose and need is acceptable, early involvement is strongly encouraged as it allows for any discrepancies to be addressed early in the process.

Decisions with short timelines: When a decision has a very short timeline over which Metro has no control, notice will be sent as soon as possible after learning of the opportunity, and the length of the comment period shall be as long as possible. *This section shall not apply to major amendments made to the RTP.*

3.7 Consideration of public comments

Required procedures

Consideration of public comment: Decision makers will consider public comment in all major decisions related to adoption of regional transportation plans and programs. Metro will compile and respond to or summarize as appropriate, substantive comments submitted on the draft RTP, MTIP, and DEIS.

Record of public comment: A public comment report on major transportation plans, programs and projects will be compiled and made available to decision-makers and the public. The public comments received during formal, specified public comment periods will be archived and retained for a period of time specified by an official retention schedule that meets federal, state and regional requirements.

Recommended procedures

Availability of public comment records: The full text of public comments will be made available to the public in electronic formats, with hard copies provided upon request.

3.8 Consideration of the needs of traditionally underserved

Required procedures

Proactive consideration: The needs of populations traditionally underserved in the transportation arena, including low-income and minority people and people with limited English proficiency, will be considered in the planning process. Metro will seek input from minority and low-income populations in developing major transportation plans and programs, including proactive recruitment for Citizen Advisory Committees and, as appropriate, for

technical or policy advisory committees that are integral to the planning process. The needs of those populations will be explicitly considered in developing those plans and programs.

Interpreter and translator services: Services for people with hearing impairments or limited English proficiency will be provided at any public meeting with 24-hour advance notice.

Recommended procedures

Proactive notification and recruitment: Recruitment notices for community members on advisory committees that are integral to transportation plan development and decision-making and notices of public involvement opportunities will be sent to media outlets that serve minority populations and those with limited English proficiency.

3.9 Evaluation of public involvement activities

Required procedures

Activities to be evaluated: The public involvement program associated with each major plan, program or project will be evaluated for effectiveness and include an evaluation of the outreach to underrepresented populations as defined by Title VI and Executive Order 12898 on Environmental Justice. Metro's public involvement procedures will be reviewed by FHWA and the FTA during certification reviews.^{xv} Metro shall collect demographic information for major comment opportunities and public events and analyze the results at least annually.

Timing of evaluation: To ensure full and open access to all, Metro will review its public involvement efforts at least every four years, when the public involvement policies and procedures are reviewed and updated.

Recommended procedures

Timing of evaluation: At the close of major public involvement efforts, the success of those efforts should be evaluated for effectiveness using, for example, checklists, surveys or before and after tests. If the effort involved collection of demographic information, that information should be analyzed and the results captured in order to improve the next public involvement effort.

3.10 Coordination with state public involvement efforts

Required procedures

Coordination with state public involvement: Metro will coordinate public involvement efforts with those of the Oregon Department of Transportation whenever possible. Coordination may include holding joint open houses or hearings, forming joint citizen advisory committees, or developing joint public notices.

Recommended procedures

Joint public events: Metro will coordinate public events with ODOT in developing the MTIP and State TIP when timelines and schedules coincide. Coordination includes issuing joint public notices, holding joint public open houses and offering joint public hearings. Regional transit agencies may also be invited to participate in open houses where transit is a key part of the plan or program.

3.11 Development and maintenance of a public participation policy

Required procedures

Consultation with interested parties: Metro will develop and update public involvement policies in consultation with interested parties as defined in the current federal transportation authorization. Interested parties as defined in SAFETEA-LU include the general public, affected public agencies, public transportation employees, private transportation providers, public transportation users, freight shippers, users of bicycle and pedestrian facilities, disabled, and others as appropriate to the plan or project.

Policy review and updating: Those policies will be reviewed and updated every four years or sooner if there are major changes in federal or state requirements.

Recommended procedures

Plain language: Policies should be succinct and clearly written in plain language, with a minimum of jargon. A glossary should be included to define unfamiliar terms.

Numbering: Policy elements should be numbered for easy reference.

3.12 Development of public involvement plans

Required procedures

Public participation plans for major plans, projects and programs: SAFETEA-LU stipulates that MPOs must develop and utilize a public participation plan prior to adopting the RTP and the MTIP. Those public participation plans must be developed in consultation with interested parties, and the public must have input. In keeping with this requirement and the requirement for early and often involvement of the public in major planning projects, Metro will develop a public involvement plan before beginning the RTP or the MTIP in consultation with interested parties. The plan will be reviewed by the Metro Committee for Citizen Involvement (MCCI) as a representative of the general public.

Recommended procedures

Public review of plans: Public involvement plans for major plans, programs and projects, such as the RTP, the MTIP and corridor plans and projects, should be reviewed by interested parties and the general public in addition to MCCI.

Content of plans: Plans should list the types of public involvement opportunities that will be offered (e.g., citizen advisory committees, workshops, open houses, comment periods and formal public hearings), when the opportunities will be offered, strategies for addressing the concerns of minority and low-income populations, and key decision points where public comment will be sought.

Citizen Advisory Committee (CAC): If a CAC is used, it should be recruited as early as possible in the planning process. Application and service requirements should be widely disseminated. Major stakeholders and/or geographic should be represented. Special effort should be made to recruit people who can represent the interests of minority, low-income, elderly and disabled people.

GLOSSARY

Corridor—A transportation corridor is a swath of land in which at least one main line for transportation, such as a road to rail line, has been built. New transport lines may be built in existing corridors to minimize pollution or supplement mobility. Corridor plans may include plans for new light rail lines, parallel arterials or multi-use paths.

DEIS and FEIS—Draft and Final Environmental Impact Statements required by the National Environmental Policy Act for federal government agency actions that significantly affect the quality of the human environment. The document has four parts:

- (1) statement of the Purpose and Need
- (2) description of the Affected Environment,
- (3) description of the Range of Alternatives
- (4) description of the environmental impacts of the alternatives

The lead agency is required to seek public input on the Purpose and Need statement and seek public comment on the completed DEIS, but is generally not required to seek public comment on the FEIS.

Federal Register—Official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents. The *Federal Register* is published by the Office of the Federal Register, National Archives and Records Administration (NARA).

High capacity transit (HCT)—Public transit that has an exclusive right of way, a non-exclusive right of way or a combination and that make fewer stops, travels at higher speeds and carries more people than local service transit. Examples include light rail, commuter rail and bus rapid transit.

Major amendment (to the RTP or MTIP)—Changes to an RTP or MTIP that involve additions or deletions of projects or a significant change in scope of the project location or function. The addition of project details, minor elements or the adjustment of funding levels to previously approved projects or programs are not considered major amendments.

The following types of projects are *not* considered a major amendment: Bridge repair or replacement projects less than \$5 million in total cost; Preservation projects less than \$5 million on the Interstate system or less than \$2 million on the arterial system; Operations projects less than \$2 million; bicycle or pedestrian projects less than \$500,000; general planning or corridor studies less than \$200,000; appropriations for projects previously identified and approved by Metro resolution as regional priorities for federal earmarks; grants awarded through the ODOT Public Transit Division discretionary grant program; and emergency additions where imminent public safety hazard is involved. Additionally, projects that are exempt from air quality conformity analysis by federal rule or are determined to not be regionally significant for air quality purposes are not considered major amendments.

Metropolitan Planning Organization (MPO)—A federally mandated, state-designated transportation policy-making organization made up of representatives from local government and transportation authorities Urbanized areas with populations greater than 50,000 must have an MPO in order to receive federal transportation funding.^{xvi}

Metropolitan Transportation Improvement Program (TIP)—The federally required documentation of transportation investments scheduled for a metropolitan region during a four-year cycle. In the Portland metropolitan area, the MTIP includes federal funding for

transportation projects and programs administered by the Oregon Department of Transportation, Metro, TriMet and SMART.

Public involvement plan—A plan for involving key stakeholders and the general public in developing a specific, time-limited project, program, or plan. Public involvement plans identify key stakeholders, communication media, public involvement strategies and a timetable.

Public involvement policy—An organization’s overarching public involvement guidelines, such as those in this document. In this document, the public involvement policies are distinguished from public involvement plans by their general rather than specific application.

Regional Transportation Plan (RTP)— A plan that MPOs are required to develop for their metropolitan area and update every four years. The plan includes policies to guide the design of the transportation system and transportation system plan that looks ahead at least 20 years. Federal regulations may refer to this as the Metropolitan Transportation Plan.

Stakeholders—Individuals and organizations with an interest in or who are affected by the transportation planning process. Stakeholders include federal, state, regional and local officials, jurisdictions, institutions, community groups, transit operators, freight companies, shippers, the general public. SAFETEA-LU specifically names bicycle, pedestrian and freight interests and people who have traditionally been underrepresented in the planning process as stakeholders in transportation planning process.

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- i SAFETEA-LU emphasizes strong planning processes and public involvement.
- ii Oregon’s Statewide Planning Goals and Guidelines, goal 1: citizen involvement OAR 660-015-0000(1).
- iii Title VI of the Civil Rights Act of 1964 declares that no person shall be excluded from participating in any program receiving federal assistance on the basis of race, color or national origin.
- iv The Civil Rights Restoration Act of 1987 restored the broad application of the Civil Rights Act of 1964 to include the entire agency or organization that receives federal funding as well as sub-recipients and contractors, 20 USC 1681.
- v Executive Order 12898 on Environmental Justice requires mitigation or avoidance of actions that disproportionately and adversely affect minority and low income populations.
- vi Executive Order 13166 on Limited English Proficiency requires providing access to services for people with limited English proficiency.
- vii National Environmental Policy Act (NEPA) requires consideration of impacts on human environments.
- viii 28 CFR 36 Americans with Disabilities Act requires government programs to be accessible to people with disabilities.
- ix 23 CFR part 450, sub-part C, (i) requires a 45-day public comment period prior to adoption of public involvement process.
- x 23 CFR 450.210 and 450.316 requires early and continuous public involvement.
- xi FHWA/FTA Interim Policy on Public Involvement requires effective public involvement processes custom tailored to local conditions.
- xii 23 CFR 771 Environmental Impact and Related Procedures requires early coordination and public involvement in project development.
- xiii 23 USC 135 Provides for reasonable access to comment on proposed plans .
- xiv State Conformity rule 340-252-0060 describes required consultations on air-quality determinations, including required public involvement.
- xv 23 CFR part 450, subpart C, (x) addresses FHWA and FTA evaluation of the effectiveness of public involvement procedures as part of their MPO certification review.
- xvi 23 USC 134 and 135 govern statewide and metropolitan transportation planning.



Metro | *People places. Open spaces.*

Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy and good transportation choices for people and businesses in our region. Voters have asked Metro to help with the challenges that cross those lines and affect the 25 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to protecting open space, caring for parks, planning for the best use of land, managing garbage disposal and increasing recycling. Metro oversees world-class facilities such as the Oregon Zoo, which contributes to conservation and education, and the Oregon Convention Center, which benefits the region's economy.

Metro representatives

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