

March 4, 2004

To: Metropolitan Policy Committee

From: Tom Schwetz

Subject: Item 4c (i): Overview of MPO Public Involvement Objectives and Issues

Action Recommended: Discuss Public Involvement Objectives and Issues.

Issue Summary:

At its March 11 meeting, staff will provide MPC with materials for discussion of several topics related to the MPO's public involvement process:

1. An overview of the requirements for and challenges of public involvement in the MPO process;
2. An overview of the MPO Public Involvement Plan;
3. Information on the advantages and disadvantages of options for citizen representation in the MPO process.

The intent of this series of topics is to provide MPC members with the broad scope of the MPO's public involvement effort, some of the key challenges associated with public involvement in the MPO process, and an understanding of the proposed plan for involving the public in the many products of the MPO process. This broad overview is meant to provide useful context for MPC's discussion of the specific options for citizen representation in the MPO's committee structure, which is just one of the many strategies employed by the MPO for public involvement.

This memo covers the MPO public involvement requirements and challenges. Separate memos are provided for the public involvement plan overview and the advantages and disadvantages of options for citizen representation in the MPO process

MPO Public Involvement Requirements and Challenges

Federal requirements related to the public involvement in the MPO planning process can be generally summarized below. The Public Involvement process must provide:

- A proactive process
- Complete information

- Timely public notice of public involvement activities and information about transportation issues and processes
- Full public access to key decisions and time for public review and comment
- Early and continuing public involvement in developing the TIP
- A minimum public comment period of 45 days before adoption or revision of the public involvement plan
- Explicit consideration and response to public input
- Consideration of the needs of people traditionally underserved by transportation systems, including low-income and minority households; consistency with Title VI of the Civil Rights Act of 1964, including actions necessary to comply with the Americans with Disabilities Act of 1990
- Periodic review of public involvement effectiveness
- Coordination of metropolitan and statewide public involvement processes

Attachment 1 provides the specific language on federal requirements for public involvement.

For the most part, these requirements are similar to those required under the State's Goal 1 requirements. Over the years and through many public planning processes, these requirements have been met by the MPO and other public agencies in the Central Lane MPO region. However, there continue to be challenges in obtaining broad public input on the MPO process. In general, these challenges are as follows:

- There are competing priorities – perhaps one of the main challenges in obtaining and sustaining broad public engagement in any planning process is the presence of competing priorities. Be it family or friends, most people have a life beyond the planning issues for which we look for input.
- Long range is abstract- while important to consider, a 20-year planning horizon is too far away for most people to relate to.
- Regional seems irrelevant – Logically, many people are most interested in those issues “closest to home”. Like the 20-year planning horizon, it is difficult to engage the public in discussions of the regional “good”, particularly if it's not likely to impact the neighborhood.
- The topic is complex – even without all its acronyms, regional transportation planning and the related project and financial issues are inherently complex. It is difficult for most people to access the issues in a way that makes sense to them.
- Focus of outreach is sometimes too narrow – Oftentimes the specific need for outreach is quite narrow. For example, STIP priority setting looks at a fairly limited set of projects. This can conflict with or hinder the desire to discuss broader issues, or as discussed above, more neighborhood focused issues.

Meeting the Requirements and Addressing the Challenges

While these challenges are real, they are not insurmountable. Over time and for various purposes this region's public agencies have developed successful approaches to addressing them. The next two memos for this agenda topic (4c(ii) and 4c(iii)), are

oriented to providing MPC with options for continuing to meet the federal requirements and address the challenges of public involvement in the MPO process.

Memo 4c(ii) provides an overview of the broad range of public involvement activities associated with the Central Lane MPO process. It identifies the core techniques currently used to involve the public in the MPO process in the course of meeting the federal requirements. These core techniques are included in development of the MPO's Public Involvement Plan (PIP). The memo also identifies additional techniques that can be employed depending upon the need. The PIP is a useful context for discussing strategies to address the challenges outlined above.

Memo 4c(iii) provides the advantages and disadvantages of three options for involving citizens on an ongoing basis in MPO's committee structure. While important to consider, these options represent just one part of the overall effort necessary to meet the requirements summarized above.

Attachments:

Attachment 1 – Federal Regulations on Public Involvement Process

Attachment 1

Federal Regulations on Public Involvement Process

The federal regulations in 23 CFR 450.316(b) govern the public involvement process for metropolitan transportation planning:

- (b) In addition, the metropolitan transportation planning process shall:
 - (1) Include a proactive public involvement process that provides complete information, timely public notice, full public access to key decisions, and supports early and continuing involvement of the public in developing plans and TIPs and meets the requirements and criteria specified as follows:
 - (i) Require a minimum public comment period of 45 days before the public involvement process is initially adopted or revised;
 - (ii) Provide timely information about transportation issues and processes to citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, other interested parties and segments of the community affected by transportation plans, programs and projects (including but not limited to central city and other local jurisdiction concerns);
 - (iii) Provide reasonable public access to technical and policy information used in the development of plans and TIPs and open public meetings where matters related to the Federal-aid highway and transit programs are being considered;
 - (iv) Require adequate public notice of public involvement activities and time for public review and comment at key decision points, including, but not limited to, approval of plans and TIPs (in nonattainment areas, classified as serious and above, the comment period shall be at least 30 days for the plan, TIP and major amendment(s));
 - (v) Demonstrate explicit consideration and response to public input received during the planning and program development processes;
 - (vi) Seek out and consider the needs of those traditionally underserved by existing transportation systems, including but not limited to low-income and minority households;
 - (vii) When significant written and oral comments are received on the draft transportation plan or TIP (including the financial plan) as a result of the public involvement process or the interagency consultation process required under the U.S. EPA's conformity regulations, a summary, analysis, and report on the disposition of comments shall be made part of the final plan and TIP;
 - (viii) If the final transportation plan or TIP differs significantly from the one which was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts, an additional opportunity for public comment on the revised plan or TIP shall be made available;
 - (ix) Public involvement processes shall be periodically reviewed by the MPO in terms of their effectiveness in assuring that the process provides full and open access to all;
 - (x) These procedures will be reviewed by the FHWA and the FTA during certification reviews for TMAs, and as otherwise necessary for all MPOs, to assure that full and open access is provided to MPO decisionmaking processes;

- (xi) Metropolitan public involvement processes shall be coordinated with statewide public involvement processes wherever possible to enhance public consideration of the issues, plans, and programs and reduce redundancies and costs;
- (2) Be consistent with Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State under 23 U.S.C. 324 and 29 U.S.C. 794, which ensure that no person shall, on the grounds of race, color, sex, national origin, or physical handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program receiving Federal assistance from the United States Department of Transportation;
- (3) Identify actions necessary to comply with the Americans With Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, as amended) and U.S. DOT regulations “Transportation for Individuals With Disabilities” (49 CFR parts 27, 37, and 38);
- (4) Provide for the involvement of traffic, ridesharing, parking, transportation safety and enforcement agencies; commuter rail operators; airport and port authorities; toll authorities; appropriate private transportation providers, and where appropriate city officials; and
- (5) Provide for the involvement of local, State, and Federal environment resource and permit agencies as appropriate.

These federal regulations apply when:

- initiating a major transportation investment study, 23 CFR 450.318(b),
- developing the metropolitan transportation plan (TransPlan), 23 CFR 450.322(c),
- developing the Transportation Improvement program (TIP), 23 CFR 450.324(c), or
- amending the Transportation Improvement program (TIP), 23 CFR 450.326.