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Transportation Planning (../default.aspx) Capacity Building

PLANNING TOPICS

PUBLIC INVOLVEMENT

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What is public participation?

Public participation (used interchangeably with public involvement) is an integral part of the transportation process, and helps to ensure that decisions are made in consideration of and to benefit public needs and preferences. Early and continuous public involvement brings diverse viewpoints and values into the decision-making process. Conducting meaningful public participation involves seeking public input at specific and key points in the decision-making process, where such input has a real potential to help shape the final decision or set of actions.

CHARACTERISTICS OF AN EFFECTIVE PUBLIC PARTICIPATION PROCESS

- · Clearly defined purpose and objectives
- · Proper identification of the public and affected stakeholder groups
- Clear identification of techniques for engaging the public
- · Concerted effort to identify how future visions and goals of the community will affect transportation
- · Effective procedures for notifying groups of meetings, progress, and benchmarks
- · Methods and measures for evaluating whether a public involvement program is effective
- · Education techniques that lead to an accurate and full public understanding of transportation issues
- · Follow-through by the MPO to demonstrate that decision-makers fully considered public input
- Feedback from the public on whether involvement process is effective

Source: Transportation Planning Process Briefing Book (2019)

How does public participation impact the way transportation planners operate?

Public involvement affects transportation planners early in the long-range planning process, through the project programming and project development phases of the transportation decision-making process. Effective public involvement allows transportation practitioners to access the public's rich source of ideas and information, which allows for the early identification of opportunities and issues that may affect efficient project delivery. Planners should strive to employ an array of traditional and virtual public involvement techniques and strategies to broaden its engagement to all communities within a planning area. To ensure maximum effectiveness, planners should also routinely monitor the performance of their engagement techniques and strategies.

WHAT ROLE SHOULD DIFFERENT TRANSIT BODIES PLAY IN THE PUBLIC PARTICIPATION PROCESS?

Os	STATE DOTs	TRANSIT OPERATORS	
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 Responsible for actively involving affected parties in an open, cooperative, and collaborative participation process Provide meaningful opportunities to influence transportation decisions Consider social, economic, and environmental consequences Demonstrate to the public that transportation projects support land use plans and community values Consult with interested parties to develop and document a Public Participation Plan (PPP) Evaluate the effectiveness of the PPP 	 Document process for statewide engagement of public and stakeholder interests outside of metropolitan areas May carry out public involvement process through, or in coordination with, RTPOs Coordinate with MPOs to create effective public involvement processes 	 Work with MPOs to advocate for system improvements Represent interests of traveling customers If appropriate, and if proper public notice is provided, transit operators may rely on an MPO's public engagement process to complement or satisfy their own requirements associated with changes in service or fare structure

Source: Transportation Planning Process Briefing Book (2019)

What are the federal regulations for public participation?

ACCESSIBLE LOCATIONS AND ACTIVITIES FOR PERSONS WITH DISABILITIES

- Americans with Disabilities Act (ADA) (Title II, Subpart D-Program Accessibility §35.149 (https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35149))
- Rehabilitation Act of 1973 (Section 504 (https://www.dol.gov/agencies/oasam/civil-rights-center/statutes/section-504rehabilitation-act-of-1973))

AIR QUALITY CONFORMITY PUBLIC INVOLVEMENT PROCEDURES (40 CFR §93.105(e) (https://www.ecfr.gov/cgi-bin/text-idx? SID=a46c3c2d2c0d214d52207b80e7e74868&mc=true&node=se40.22.93_1105&rgn=div8))

EARLY AND CONTINUOUS OPPORTUNITIES FOR PUBLIC ENGAGEMENT

- Establish early and continuous public involvement opportunities in statewide and non-metropolitan planning and programming (23 CFR §450.210 (a)(1)(viii) & (ix) (https://www.ecfr.gov/cgi-bin/text-idx? SID=ba42551dc8242a2e60cdf1d071010119&mc=true&node=se23.1.450_1210&rgn=div8))
- Development of Statewide Public Involvement Process (23 CFR §450.210(a) (https://www.ecfr.gov/cgi-bin/text-idx? SID=3ef9d7d0f78503fb274d7a279b6e3ecf&mc=true&node=se23.1.450_1210&rgn=div8))
- Establish early and continuous public involvement opportunities in metropolitan transportation planning and programming (23 CFR §450.316 (a)(1)(vii) (https://www.ecfr.gov/cgi-bin/text-idx? SID=ba42551dc8242a2e60cdf1d071010119&mc=true&node=se23.1.450_1316&rgn=div8))
- Development of MPO Public Participation Plan (23 CFR §450.316(a) (https://www.ecfr.gov/cgi-bin/text-idx? SID=3ef9d7d0f78503fb274d7a279b6e3ecf&mc=true&node=se23.1.450_1316&rgn=div8))
- Early coordination, public involvement, and project development (NEPA) (23 CFR §771.111(a)(1) and 23 CFR §771.111 (h) (https://www.ecfr.gov/cgi-bin/text-idx?
 SID=ba42551dc8242a2e60cdf1d071010119&mc=true&node=se23.1.771_1111&rgn=div8))

ELECTRONICALLY PROVIDED INFORMATION (23 CFR §450.210(a)(vi) (https://www.ecfr.gov/cgi-bin/text-idx? SID=ba42551dc8242a2e60cdf1d071010119&mc=true&node=se23.1.450_1210&rgn=div8))

ELECTRONICALLY PROVIDED INFORMATION (Federal Agencies) (Rehabilitation Act of 1973, Section 508 (https://www.fcc.gov/general/section-508-rehabilitation-act))

LIMITED-ENGLISH-PROFICIENCY (Executive Order #13166 (https://www.lep.gov/executive-order-13166#:~:text=Executive%20Order%2013166%2C%20%22Improving%20Access%20to%20Services%20for,LEP%20persons%20can%20have%20meaning

PUBLIC INPUT ON PERFORMANCE-BASED PLANNING (23 U.S.C §135 (h)(1)

(https://www.fhwa.dot.gov/map21/docs/title23usc.pdf))

PUBLIC MEETINGS AND HEARINGS

- Legal Requirement for Public hearings (23 U.S.C. §128 (https://www.govinfo.gov/app/details/USCODE-2011-title23/US
- Regulations that ensure that public meetings are held at convenient and accessible locations and times (23 CFR §450.210 (https://www.ecfr.gov/cgi-bin/text-idx?
 SID=01f2f91060c28c73b2192973d5025658&mc=true&node=se23.1.450_1210&rgn=div8) and §450.316 (https://www.ecfr.gov/cgi-bin/text-idx?
 SID=01f2f91060c28c73b2192973d5025658&mc=true&node=se23.1.450_1316&rgn=div8))
- Regulation to provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected (CEQ Regulations 40 CFR §1506.6(b) (https://www.ecfr.gov/cgi-bin/text-idx? SID=01f2f91060c28c73b2192973d5025658&mc=true&node=se40.37.1506_16&rgn=div8))

PUBLIC MEETINGS AND HEARINGS (Federal Agencies)

 Sunshine Act: Federal requirements for announcing public meetings in an early and transparent manner (5 U.S.C. §552b (https://www.govinfo.gov/app/details/USCODE-2011-title5/USCODE-2011-title5-partl-chap5-subchapII-sec552b))

PROHIBITING DISCRIMINATION

 Prohibiting discrimination on the basis of race, color, or national origin (Title VI of the Civil Rights Act of 1964 (https://www.justice.gov/crt/fcs/TitleVI)) ~

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- · Prohibiting discrimination on the basis of sex (Section 162 (a) of the Federal-Aid Highway Act of 1973; 23 USC §324 (https://www.govinfo.gov/app/details/USCODE-2011-title23/USCODE-2011-title23-chap3-sec324))
- Prohibiting discrimination on the basis of disability (Rehabilitation Act of 1973, Section 504 (https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973))
- Prohibiting discrimination on the basis of disability (Americans with Disabilities Act of 1990; Pub. L. 101-336, 104 Stat. 327 (https://www.ada.gov/pubs/ada.htm), as amended)
- Prohibiting discrimination on the basis of Limited English-Proficiency (Executive Order #13166 (https://www.lep.gov/executiveorder-

13166#:~:text=Executive%20Order%2013166%2C%20%22Improving%20Access%20to%20Services%20for,LEP%20persons%20can%20have%20m

- · Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Executive Order 12898 (https://www.transportation.gov/sites/dot.gov/files/docs/eo12898.pdf))
- Prohibiting Discrimination on the basis of age (Age Discrimination Act of 1975 42 U.S.C. §6101 (https://www.govinfo.gov/app/details/USCODE-2010-title42/USCODE-2010-title42-chap76-sec6101))
- Traditionally Underserved By Existing Transportation Systems (23 CFR §450.210(a)(1)(viii) (https://www.ecfr.gov/cgi-bin/textidx?SID=4fb59b77237d07ff0570388d89bf6ed7&mc=true&node=se23.1.450_1210&rgn=div8) and §450.316(a)(1)(vii) (https://www.ecfr.gov/cgi-bin/text-idx?SID=4fb59b77237d07ff0570388d89bf6ed7&mc=true&node=se23.1.450_1316&rgn=div8))

PUBLIC INTEREST (23 U.S.C. §109 (h) (https://www.govinfo.gov/app/details/USCODE-2011-title23/USCODE-2011-title23-chap1sec109))

PUBLIC RECORDS (The Freedom of Information Act (5 U.S.C. §552 (https://www.govinfo.gov/app/details/USCODE-2011title5/USCODE-2011-title5-partl-chap5-subchapII-sec552)))

IMPROVING AGENCY DISCLOSURE OF INFORMATION (Federal Agencies) (Executive Order 13,392 (https://www.justice.gov/oip/doj-eo-13392-foia-improvement-plan))

TRIBAL TRANSPORTATION INVOLVEMENT https://www.fhwa.dot.gov/tribal/references/

(https://www.fhwa.dot.gov/tribal/references/))

FEDERAL TRANSIT ADMINISTRATION PUBLIC INVOLVEMENT PROCESS https://www.transit.dot.gov/regulations-andguidance/transportation-planning/public-involvement-outreach (https://www.transit.dot.gov/regulations-and-guidance/transportationplanning/public-involvement-outreach)

Regulations related to the use of VISUALIZATION TECHNIQUES to describe the proposed planning documents (23 CFR §450.210(a) (https://www.ecfr.gov/cgi-bin/text-idx?SID=0bf7931a61863919c97308917540f396&mc=true&node=se23.1.450_1210&rgn=div8) and §450.316(a) (https://www.ecfr.gov/cgi-bin/text-idx?

SID=0bf7931a61863919c97308917540f396&mc=true&node=se23.1.450_1316&rgn=div8))

What resources are available to learn more about Public Involvement?

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- · Promising Practices for Meaningful Public Involvement in Transportation Decision-Making (https://www.transportation.gov/public-involvement)
- A Guide to Transportation Decisionmaking (../documents/Guide_to_Transportation_Decisionmaking_Report.pdf)
- · PlanWorks (https://fhwaapps.fhwa.dot.gov/planworks/Home)
- Virtual Public Involvement (https://www.fhwa.dot.gov/innovation/everydaycounts/edc_6/virtual_public_involvement.cfm)
- Public Involvement Techniques for Transportation Decisionmaking (https://www.fhwa.dot.gov/planning/public_involvement/publications/pi_techniques/index.cfm)

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