

National Capital Region Transportation Planning Board

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TO: TPB Technical Committee

FROM: John Swanson, Senior Transportation Planner

SUBJECT: Development of the TPB Participation Plan

DATE: March 2, 2007

SAFETEA-LU, the 2005 federal transportation reauthorization act, requires the TPB to approve a new Participation Plan as part of the approval of this year's Constrained Long-Range Plan (CLRP) and Transportation Improvement Program (TIP). Attached you will find sections of the Metropolitan Planning Regulations of February 14, 2007 regarding the development of MPO Participation Plans.

To provide input in the development of the Participation Plan, the TPB in November 2006 contracted with the firm Circle Point to conduct an evaluation of the TPB's public involvement activities. The Technical Committee was briefed on this evaluation at its meeting on December 1, 2006. The evaluation will: 1) document current public involvement activities and a comparison to other MPOs; 2) obtain feedback from representatives of stakeholders and decision-makers about the current process; 3) assess current techniques and make recommendations for improvements; and 4) provide recommendations for the development of the Participation Plan, as required by SAFETEA-LU. The final report from Circle Point is scheduled for presentation to the TPB on April 18.

TPB staff has developed the following framework for the development of the new Participation Plan:

1. Initial Inputs

An outline and working draft for the Participation Plan will be developed using the following initial inputs:

- Current TPB Public Involvement Process, as amended in 1999 (copy attached)
- Lessons-learned from public involvement activities since 1999
- Federal Metropolitan Planning Regulations of February 14, 2007 (copy of relevant section attached)
- Final report by Circle Point of the Evaluation of the TPB's Public Involvement Activities

2. Outreach

The new federal planning regulations call for the Participation Plan to be developed in "consultation with all interested parties..." The plan should define "a process for providing

citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.”

TPB staff will conduct outreach on the plan with key constituencies. This outreach will include the various TPB committees and subcommittees, including the Technical Committee, the Citizens Advisory Committee and the Access for All Advisory Committee.

In addition, it is proposed that outreach be conducted, perhaps in the form of focus groups, to key groups identified in the federal regulations.

3. Timeline

The following schedule is proposed for development of the Participation Plan:

- April – The final report of the Evaluation of TPB Public Involvement Activities, which is being prepared by consultants, will be presented to the TPB Technical Committee, TPB Citizens Advisory Committee, TPB Access for All Advisory Committee. The final report will be presented to the TPB on April 18.
- May – Outreach for the Participation Plan will be conducted.
- June – A draft of the Participation Plan will be released for a 45-day public comment period.
- September – TPB committees, including the Technical Committee, will receive final briefings on the Plan. The TPB will be asked to approve the Participation Plan on September 19.

metropolitan transportation planning processes for affected MPOs should, to the maximum extent possible, reflect coordinated data collection, analysis, and planning assumptions across the MPAs. Alternatively, a single metropolitan transportation plan and/or TIP for the entire urbanized area may be developed jointly by the MPOs in cooperation with their respective planning partners. Coordination efforts and outcomes shall be documented in subsequent transmittals of the UPWP and other planning products, including the metropolitan transportation plan and TIP, to the State(s), the FHWA, and the FTA.

(e) Where the boundaries of the urbanized area or MPA extend across two or more States, the Governors with responsibility for a portion of the multistate area, the appropriate MPO(s), and the public transportation operator(s) shall coordinate transportation planning for the entire multistate area. States involved in such multistate transportation planning may:

(1) Enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

(2) Establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

(f) If part of an urbanized area that has been designated as a TMA overlaps into an adjacent MPA serving an urbanized area that is not designated as a TMA, the adjacent urbanized area shall not be treated as a TMA. However, a written agreement shall be established between the MPOs with MPA boundaries including a portion of the TMA, which clearly identifies the roles and responsibilities of each MPO in meeting specific TMA requirements (e.g., congestion management process, Surface Transportation Program funds suballocated to the urbanized area over 200,000 population, and project selection).

§ 450.316 Interested parties, participation, and consultation.

(a) The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users

of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

(1) The participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:

(i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;

(ii) Providing timely notice and reasonable access to information about transportation issues and processes;

(iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;

(iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;

(v) Holding any public meetings at convenient and accessible locations and times;

(vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;

(vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;

(viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that 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;

(ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and

(x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

(2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation

process required under the EPA transportation conformity regulations (40 CFR part 93), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.

(3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.

(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, metropolitan transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:

(1) Recipients of assistance under title 49 U.S.C. Chapter 53;

(2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and

(3) Recipients of assistance under 23 U.S.C. 204.

(c) When the MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.

(d) When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.

(e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which

may be included in the agreement(s) developed under § 450.314.

§ 450.318 Transportation planning studies and project development.

(a) Pursuant to section 1308 of the Transportation Equity Act for the 21st Century, TEA-21 (Pub. L. 105-178), an MPO(s), State(s), or public transportation operator(s) may undertake a multimodal, systems-level corridor or subarea planning study as part of the metropolitan transportation planning process. To the extent practicable, development of these transportation planning studies shall involve consultation with, or joint efforts among, the MPO(s), State(s), and/or public transportation operator(s). The results or decisions of these transportation planning studies may be used as part of the overall project development process consistent with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*) and associated implementing regulations (23 CFR part 771 and 40 CFR parts 1500-1508). Specifically, these corridor or subarea studies may result in producing any of the following for a proposed transportation project:

- (1) Purpose and need or goals and objective statement(s);
- (2) General travel corridor and/or general mode(s) definition (e.g., highway, transit, or a highway/transit combination);
- (3) Preliminary screening of alternatives and elimination of unreasonable alternatives;
- (4) Basic description of the environmental setting; and/or
- (5) Preliminary identification of environmental impacts and environmental mitigation.

(b) Publicly available documents or other source material produced by, or in support of, the transportation planning process described in this subpart may be incorporated directly or by reference into subsequent NEPA documents, in accordance with 40 CFR 1502.21, if:

- (1) The NEPA lead agencies agree that such incorporation will aid in establishing or evaluating the purpose and need for the Federal action, reasonable alternatives, cumulative or other impacts on the human and natural environment, or mitigation of these impacts; and
- (2) The systems-level, corridor, or subarea planning study is conducted with:
 - (i) Involvement of interested State, local, Tribal, and Federal agencies;
 - (ii) Public review;
 - (iii) Reasonable opportunity to comment during the metropolitan transportation planning process and

development of the corridor or subarea planning study;

(iv) Documentation of relevant decisions in a form that is identifiable and available for review during the NEPA scoping process and can be appended to or referenced in the NEPA document; and

(v) The review of the FHWA and the FTA, as appropriate.

(c) By agreement of the NEPA lead agencies, the above integration may be accomplished through tiering (as described in 40 CFR 1502.20), incorporating the subarea or corridor planning study into the draft Environmental Impact Statement (EIS) or Environmental Assessment, or other means that the NEPA lead agencies deem appropriate.

(d) For transit fixed guideway projects requiring an Alternatives Analysis (49 U.S.C. 5309(d) and (e)), the Alternatives Analysis described in 49 CFR part 611 constitutes the planning required by section 1308 of the TEA-21. The Alternatives Analysis may or may not be combined with the preparation of a NEPA document (e.g., a draft EIS). When an Alternatives Analysis is separate from the preparation of a NEPA document, the results of the Alternatives Analysis may be used during a subsequent environmental review process as described in paragraph (a).

(e) Additional information to further explain the linkages between the transportation planning and project development/NEPA processes is contained in Appendix A to this part, including an explanation that it is non-binding guidance material.

§ 450.320 Congestion management process in transportation management areas.

(a) The transportation planning process in a TMA shall address congestion management through a process that provides for safe and effective integrated management and operation of the multimodal transportation system, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 through the use of travel demand reduction and operational management strategies.

(b) The development of a congestion management process should result in multimodal system performance measures and strategies that can be reflected in the metropolitan transportation plan and the TIP. The level of system performance deemed

acceptable by State and local transportation officials may vary by type of transportation facility, geographic location (metropolitan area or subarea), and/or time of day. In addition, consideration should be given to strategies that manage demand, reduce single occupant vehicle (SOV) travel, and improve transportation system management and operations. Where the addition of general purpose lanes is determined to be an appropriate congestion management strategy, explicit consideration is to be given to the incorporation of appropriate features into the SOV project to facilitate future demand management strategies and operational improvements that will maintain the functional integrity and safety of those lanes.

(c) The congestion management process shall be developed, established, and implemented as part of the metropolitan transportation planning process that includes coordination with transportation system management and operations activities. The congestion management process shall include:

(1) Methods to monitor and evaluate the performance of the multimodal transportation system, identify the causes of recurring and non-recurring congestion, identify and evaluate alternative strategies, provide information supporting the implementation of actions, and evaluate the effectiveness of implemented actions;

(2) Definition of congestion management objectives and appropriate performance measures to assess the extent of congestion and support the evaluation of the effectiveness of congestion reduction and mobility enhancement strategies for the movement of people and goods. Since levels of acceptable system performance may vary among local communities, performance measures should be tailored to the specific needs of the area and established cooperatively by the State(s), affected MPO(s), and local officials in consultation with the operators of major modes of transportation in the coverage area;

(3) Establishment of a coordinated program for data collection and system performance monitoring to define the extent and duration of congestion, to contribute in determining the causes of congestion, and evaluate the efficiency and effectiveness of implemented actions. To the extent possible, this data collection program should be coordinated with existing data sources (including archived operational/ITS data) and coordinated with operations managers in the metropolitan area;

NATIONAL CAPITAL REGION
TRANSPORTATION PLANNING BOARD (TPB)

PUBLIC INVOLVEMENT PROCESS

As Amended October 20, 1999

A. Policy Statement

It is the policy of the TPB to provide public access and involvement under a true collaborative planning process in which the interests of all of the stakeholders — public and private — are reflected and considered. Accordingly, it is the TPB's intent to make both its policy and technical process inclusive of and accessible to all of these stakeholders. The TPB notes in structuring this public involvement process that many additional opportunities for access and involvement exist at the state and local jurisdictional levels through local, subregional, and state sponsored activities associated with transportation planning in the Washington region.

B. General Requirements and Criteria

The TPB will fulfill all of the requirements and criteria provided for public involvement under § 450.316 of the metropolitan planning rule published in the *Federal Register* on Thursday, October 28, 1993, as follows:

"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; and
 - (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."

C. Specific Activities

The TPB will carry out the following specific activities in support of the above policy statement and general requirements and criteria:

- (1) Prepare and update as necessary a guide to TPB goals and expectations for public involvement in transportation planning in the Washington region, including information about the regional transportation planning process, the relationship between the TPB and other state, regional, and local agencies, and how transportation projects are developed and funded.
- (2) Expand the distribution of the monthly newsletter, *TPB News* (first issued in December 1992), to inform as broad a regional audience as possible of the activities of the TPB and CAC. The newsletter will be distributed to any person or group requesting it. The newsletter will include a summary of the previous monthly TPB meeting, key agenda items for the next monthly TPB meeting, a calendar of all TPB Committee/Subcommittee meetings over the coming two months, a brief summary of the previous CAC meeting, an announcement of the time and place for the next CAC meeting, and other relevant news items.
- (3) Dedicate a period of time (approximately twenty minutes) during each TPB meeting for public comment by interested citizens and groups on transportation issues under consideration by the Board, and provide follow-up acknowledgment and response as appropriate.

- (4) Post on an Internet web site the TPB guide to public involvement, an annual calendar of regularly scheduled TPB meetings, TPB News, and to the extent feasible and appropriate, the same materials as are mailed to the TPB and TPB Technical Committee and its subcommittees, as well as other relevant TPB materials.
- (5) Hold special public forums and workshops at convenient locations and times to inform and obtain comment from interested citizens and groups on key actions to be taken by the TPB, including the development and review of the six-year Transportation Improvement Program (TIP) and the Constrained Long Range Plan (CLRP), and the analysis of the TIP and CLRP conformity to State(s) or Federal Implementation Plans for attaining and maintaining federal air quality standards. Identify opportunities to provide information to the public on regional transportation plans, programs, and issues, including placing staffed, temporary information booths at convenient locations.
- (6) Publicize special TPB meetings, forums, and workshops prominently in local newspapers and on local radio and TV, including cable TV bulletin boards.
- (7) Seek media coverage through radio and TV programs and newspaper op-ed pieces.
- (8) Seek participation by TPB members and staff in meetings of citizen, business, environmental, and other organizations interested in regional transportation matters.
- (9) Provide fact sheets about TPB outreach activities to interested groups to insert into their regular mailings.
- (10) Use representative polling techniques, well-designed focus groups, and the Internet Web Site to obtain the views of the public on key regional transportation issues.
- (11) Establish and maintain a Citizens Advisory Committee (CAC) in accordance with section VII.c of the TPB Bylaws, with the participation of individual citizens and representatives of environmental, business, and civic interests concerned with regional transportation matters as well as representatives of minority, low-income, and disabled groups.

The mission and specific operating procedures for the CAC shall be as follows:

- (i) The mission of the CAC shall be:
 - (a) to promote public involvement in transportation planning for the National Capital Region; and
 - (b) to provide independent, region-oriented citizen advice to the TPB on transportation plans, programs, and issues in the Region, including responding to requests from the TPB for comment on specific issues or subject matter.
- (ii) The CAC shall have 15 members approved by the TPB. Membership appointments shall be recommended to the TPB as follows:
 - (a) By the end of November of each calendar year, the then current CAC shall designate six individuals to serve on the CAC for the next calendar year. These six individuals, two from each of the District of

- Columbia, Suburban Maryland, and Northern Virginia, should represent the environmental, business, and civic interests in transportation, including appropriate representation from low-income, minority, and disabled groups and from the geographical area covered by the TPB.
- (b) Following receipt of the six designees from the CAC, the TPB officers shall nominate an additional nine members, three from each of the District of Columbia, Suburban Maryland, and Northern Virginia. These nine members should represent the environmental, business and civic interests in transportation, including appropriate representation from low-income, minority and disabled groups and from the geographical area served by the TPB.
 - (c) The Chair of the CAC for each calendar year shall be appointed from the 15 members by the Chair of the TPB for that calendar year. The CAC shall elect two Vice Chairs such that the Chair and Vice Chairs are from the District of Columbia, Suburban Maryland, and Northern Virginia.
 - (d) The appointments to the CAC for each calendar year shall be approved by the TPB no later than the January meeting of the TPB.
- (iii) The CAC shall meet at least two days prior to the day of each TPB meeting. Mailout materials for the TPB meeting shall be available for the CAC meeting. At least six of the CAC meetings each calendar year shall be held outside of the COG offices, with two meetings in each of the District of Columbia, Suburban Maryland, and Northern Virginia. The meeting locations shall be rotated over time so that each of the TPB member jurisdictions has an opportunity to host a CAC meeting. The schedule of meeting times and locations for the calendar year shall be developed by the CAC at its first meeting of the calendar year, and notice of the schedule shall be provided to the general public.
 - (iv) The CAC chair shall encourage members of the general public to participate in the discussions at the CAC meetings to the maximum extent possible under the time constraints imposed by the agendas.
 - (v) The CAC Chair shall prepare a report on the CAC meeting which shall be made available to the TPB members at least one day prior to the day of the TPB meeting.
 - (vi) Time (up to ten minutes maximum) shall be reserved on each TPB meeting agenda for the CAC Chair to report to the Board on CAC activities.
 - (vii) TPB staff shall be available at the CAC meetings to brief the CAC on TPB procedures and activities as requested, and to answer questions. TPB staff shall assist the CAC Chair in preparing meeting agendas, assembling and mailing meeting materials to CAC members, and preparing the CAC Chair's Report to the TPB.

- (viii) An evaluation of the activities of the CAC shall be provided to the TPB by the Chair of the CAC by the end of November of each calendar year for the first three years, and thereafter every three years to correspond to the triennial federal certification process.
- (12) Provide access to the specialized technical and policy activities of the TPB through open attendance at meetings of the TPB Technical Committee and its Subcommittees. The chairs of TPB committees and subcommittees will recognize members of the public who wish to ask questions or make comments at these meetings, to the maximum extent possible under the time constraints imposed by the agendas.
- (13) Ensure further that reasonable public access is provided to technical and policy information used in the TPB process through the following activities:
 - (i) Provide comprehensive descriptions of the technical and policy procedures used in the TPB process in terms understandable to the public. These descriptions will be updated as new procedures are developed and adopted.
 - (ii) Invite members of the public to participate in the review of technical work programs and analysis results through attendance at the appropriate technical committee and subcommittee meetings, and the TPB meetings. In addition to participation in these meetings, concerns and issues on such technical work can be raised formally with the TPB either through the CAC or by raising the concern during the public comment period provided at each TPB meeting.
 - (iii) Invite members of the public to request copies of reports and other technical information (other than proprietary software or legally confidential data). These requests will be handled as follows:
 - (a) Relevant reports and technical information will be distributed free of charge at meetings of the TPB, the TPB Technical Committee and its Subcommittees, TPB Advisory Committees and Task Forces, and the TPB Citizen Advisory Committee. To the extent practical within budget limitations, relevant reports and technical information will also be made available free of charge for other meetings and outreach activities related to TPB activities.
 - (b) In circumstances other than (a), requests for reports and technical information will be fulfilled on an "at cost" basis, including duplication costs and staff time associated with responding to the requests. For state and local agencies, WMATA, and consultants under contract to these agencies, miscellaneous services budgets specified in the Unified Planning Work Program (UPWP) can be used to cover these costs, once written approval has been obtained from the appropriate state agency or WMATA. For other organizations, a direct charge will be made to the requesting organization.
 - (c) TPB staff will seek opportunities to make suitable reports and

technical information available through electronic bulletin board services.

- (14) Maintain active communication and consultation with the Board of Directors and other interested committees at the Metropolitan Washington Council of Governments.