

***BENTON-FRANKLIN COUNCIL OF GOVERNMENTS
PUBLIC AND AGENCY PARTICIPATION PROCEDURES
FOR
TRANSPORTATION PLANNING***

Adopted January 18, 2008

BACKGROUND

Enacted in 2005, SAFETEA-LU, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, is the current set of federal transportation regulations. In 2007, the Federal Highway and Federal Transit Administrations released 23 CFR 450, the Statewide and Metropolitan Planning Rule. The final rule revises planning regulations to reflect any changes made by SAFETEA-LU.

Section 450.316: "Interested Parties, Participation, and Consultation" outlines requirements for developing a participation plan that defines a process for providing interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

The new federal law requires that a Public Participation Plan be developed in consultation with all interested parties, including "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". This requirement is intended to afford parties who participate in the metropolitan planning process a specific opportunity to comment on the plan prior to its approval.

This document revises Benton-Franklin Council of Governments (BFCG) public and agency involvement procedures for transportation planning to address the additional requirements of SAFETEA-LU.

THE BENTON-FRANKLIN COUNCIL OF GOVERNMENTS PROCESS

The BFCG process for development of plans and programs affords opportunity for participation by public officials, private citizens, public agencies, special interest groups, community groups and organizations, minority groups, low-income populations and private transportation providers. Major activities incorporating public involvement are Transportation Improvement Programs (TIPs) and TIP amendments, Metropolitan Transportation Plan (MTP), Regional Transportation Plan (RTP), selection and prioritization of STP Enhancement projects, and regionally significant transportation planning studies.

An intended outcome of this process is informed and involved citizens with access to records and information, and the opportunity to participate in and influence the decision making process prior to commitments to specific proposals. Another goal is community support for projects and programs through early identification and resolution of issues, including adverse effects on minority or low-income populations, and removal of potential barriers or opposition caused by a poorly informed citizenry.

Public and agency involvement for some activities consists of advertising the availability of information for public review and comment. At the other end of the spectrum, public meetings

or informal hearings are necessary. Methods used to present information to the public and encourage participation include public meetings, scoping sessions, meetings with community and special interest groups, meetings with public officials, news releases, news letters, public opinion surveys, open houses and information centers, and formation of citizen advisory committees. Often, elements of the document or study under consideration are available for public review on the BFCG website.

Public notification is tuned to specific plans or programs. Direct mailings, newspaper items, paid advertisements, and radio and TV announcements are made when appropriate.

BFCG holds informal open houses to facilitate public comment on the MPO/RTPO Transportation Improvement Programs. Public meetings are held and project specific newsletters are disseminated at key stages of major transportation studies. Updating of the Regional Transportation Plan includes key public meetings. Additionally, the monthly BFCG Newsletter is mailed to radio and TV stations, newspapers, and a wide spectrum of agencies, jurisdictions, interest groups, organizations, and individuals.

Tri-MATS Technical Advisory Committee and Policy Advisory Committee meetings are open to the public, and the monthly BFCG Board Meeting has two agenda slots that encourage public comment. A mailing list of agencies and jurisdictions is attached for reference. However, those jurisdictions and/or agencies contacted will vary based on the nature of the document or planning study under consideration.

AGENCY CONSULTATION

SAFETEA-LU requires consultation, as appropriate with "State, local, Indian Tribal, and private agencies responsible for planned growth, economic development, environmental protection, airport operations, freight movements, land use management, natural resources, conservation, and historic preservation".

Development of metropolitan plans and TIPs is described in detail in later sections of this report. Review of those sections and the mailing list at the end of the report will verify BFCG compliance.

VISUALIZATION TECHNIQUES

Data and information are conveyed through a variety of visualization techniques at BFCG public meetings. Large maps are generated to present project information. PowerPoint presentations are used to convey relevant data to meeting attendees and hand outs are available based on the presentations. A variety of frequently used maps are available on the BFCG website. A revised color newsletter is now utilized to encourage interest in transportation planning and policy making.

RESPONSE TO PUBLIC INPUT

Through open houses, BFCG committee meetings and the availability of draft documents on the BFCG website, interested agencies and the public are afforded the opportunity to review and comment on TIPs, the MTP and the RTP.

During public meetings on TIPs and the MTP, public comments are responded to directly, or if necessary, referred to a specific jurisdiction. Significant written and oral comments are noted in the final version of the document, as well as a response detailing the disposition of the comment.

If the final MTP or TIP differs significantly from the version that was initially made available for public comment, additional opportunity for public comment will be provided.

MEDIA STRATEGIES

The degree of investment in media campaigns is tailored to project budgets, to the complexity and scope of the information to be disseminated, to the extent of the targeted audience or market area, and to the other aspects of the specific public participation program or process. That program or process is defined at the scoping or initial project development phase, and further refined or modified as appropriate to project developments.

Eye-catching newspaper advertisements, particularly in the local section, tend to reach more of the general public than legal advertisements. Press releases may result in general interest articles at the discretion of the editorial staff. Editorials may also be effective. In addition to general mailings of brochures, newsletters, or flyers, radio and television public service announcements are considered when deemed appropriate.

The remainder of this document details specific BFCG public involvement processes for TIPs, MTPs, Transportation Enhancements and planning studies.

TIPs & TIP AMENDMENTS

Planning and development of local jurisdiction's and agency's six-year transportation improvement programs afford initial opportunities for public participation through their respective council or board meetings. BFCG then compiles the first four years of the individual programs into metropolitan and regional TIP documents. An informal open house is held to afford public review and comment on the TIP documents. Regional maps depicting each project location are provided for display. WSDOT, BFCG staff, and local agency representatives are on hand to explain projects, answer questions and receive comments. Pertinent comments are referred to the local agencies for evaluation and response.

Advertisement of the open houses is accomplished through regional newspapers, the BFCG Newsletter, and direct mailings to regional agencies, elected officials, special interest groups, and a general mailing list of individuals interested in the regional transportation planning process.

TIP amendments are generally of insufficient magnitude to warrant public involvement beyond that provided at the agency level. When significant amendments do occur, BFCG will either advertise availability of the amended information for individual review and comment or, if warranted, provide another open house.

METROPOLITAN TRANSPORTATION PLAN

By federal mandate, BFCG must develop a transportation plan for the Tri-Cities metropolitan area. The MTP is an integral part of the overall work program, which provides a continuing, comprehensive, cooperative transportation planning process. The process includes review and approval by local elected officials, agency staff members and citizens. The MTP serves as the basis for transportation planning decisions and guides the expenditure of available federal transportation funds.

The MTP must be periodically reviewed and updated or amended to maintain its currency with issues, problems, and policies affecting regional planning. Agency and citizen participation is encouraged at multiple stages during the development of the MTP update.

The primary components of the MTP are, for the most part, prepared by the individual jurisdictions, in many instances with the assistance of citizen advisory committees. The jurisdictions also have a public meeting or hearing process to further attain citizen input. BFCG then compiles these locally adopted components, along with other components developed at BFCG, into a draft MTP. The draft MTP is circulated to all jurisdictions and responsible agencies for thorough review and comment.

The BFCG hosts a public meeting in the Tri-Cities to facilitate citizen review and comment. Pertinent comments are referred to the appropriate jurisdictions for response and resolution. The revised draft MTP is processed through the Tri-MATS committees (TAC and PAC) and the Council of Governments Board. Upon adoption the document is published in final form.

Advertisements of the public meetings to discuss the draft MTP are published in regional newspapers and the BFCG newsletter. The newspaper advertisements are made for two consecutive weeks, the second being no less than one week prior to the meetings. These advertisements indicate availability of the draft document for public review at local libraries, city/county facilities, and BFCG. Similar notices are mailed to appropriate state and regional agencies, elected officials, special interest groups, and a general list of individuals known to have interest in regional planning. Additionally, the MTP is available for review on the BFCG website.

TRANSPORTATION PLANNING STUDIES

At the outset of a regionally significant transportation planning study, a project steering committee is formed, consisting of interested and affected agencies and jurisdictions. During the initial project scoping phase, the committee must develop an effective public involvement plan appropriate to the size and complexity of the project. The plan ensures adequate public input at key stages of project development. Furthermore, the plan must identify the public involvement methods proposed, and the appropriate project stages to allow meaningful input into the decision making processes.

The initial public involvement generally occurs during the project evaluation or scoping phase. The objective is to identify significant issues and concerns and also potential courses of action which might be taken to solve or alleviate short term and long term transportation challenges.

The second major phase of public involvement generally occurs when an assessment of future conditions has been made, with and without various alternative improvements factored in. This provides citizen input into the merits or ramifications of the alternatives being considered and also the opportunity to suggest others.

The third and final phase of citizen involvement presents and seeks comments on the study conclusions and recommendations.

Public involvement techniques appropriate to regional transportation studies include public meetings, public surveys, special interest group meetings, agency and public officials meetings, newsletters, news releases, availability of study information on the BFCG website, drop-in centers, and at times, citizens' advisory committees. The intent is a well-informed citizenry in support of proposed projects.

STP TRANSPORTATION ENHANCEMENT PROGRAM

The process outlined below describes how the Transportation Enhancement program has historically been administered by BFCG. Due to legislative actions a truncated process was applied in 2007. The Enhancement Program in Washington State is in flux. It is possible the process below will be utilized for the next iteration of the program.

A workshop is held to begin the annual process of scoping, prioritizing and selecting regional enhancement project candidates for statewide funding competition. Any local entity or group, with the sponsorship of a qualified "lead agency", is encouraged to recommend or submit a qualifying project for consideration. All interested persons are encouraged to participate.

Upon receipt of project applications, another public meeting is held. Therein, the project sponsors are afforded the opportunity to orally present their projects' attributes to the Tri-MATS Technical and Policy Advisory Committees and interested citizens. All participants are encouraged to ask questions and provide pertinent comments. The joint committee then scores and ranks the projects.

Notification of the enhancement program workshop and subsequent meetings is placed in the BFCG Newsletter a week or more prior to the event. Notices are also mailed to eligible agencies, elected officials, special interest groups, and a general list of individuals known to have an interest.

SPECIAL CONSIDERATIONS

Where feasible, public meetings hosted by BFCG are situated in facilities accessible to the handicapped and to people who rely on public transit. Dial-A-Ride service is available in both the Walla Walla and Tri-Cities urban areas to facilitate travel needs of the handicapped. When needed and requested, special accommodations will be made for the hearing impaired.

FUTURE CONSIDERATIONS

To further educate the public concerning the Council of Governments and its programs and functions, staff may, when deemed appropriate, set up information booths at the regional malls, annual fairs, or other functions of regional attraction.

ENVIRONMENTAL JUSTICE

Environmental justice acknowledges that the quality of our environment affects the quality of our lives and negative environmental impacts should not disproportionately burden low-income or minority communities. President Clinton's *Executive Order 12898* directs federal agencies to make environmental justice part of their missions "by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations."

The Order builds upon Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. According to *Executive Order 12898*, the three main principles of environmental justice are:

1. To minimize, or mitigate disproportionately high and adverse human health or environmental effects on minority and/or low-income populations.
2. To ensure the full and fair participation by all potentially affected communities.

3. To prevent the denial of, reduction in, or significant delay in the receipt of benefit by both these populations.

These public involvement procedures are being conducted in accordance with applicable requirements of:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination in any program receiving federal assistance.
- The 1969 National Environmental Policy Act (NEPA) section 109 (h), requiring that the “human condition” be considered when contemplating any action having federal support.
- Executive Order 12898, signed in 1994, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, that reaffirms the importance of environmental justice as a key topic in federally-aided programs and establishes a process of assuring that such issues are considered by federal agencies.
- Federal Highway Administration and Federal Transit Administration policy guidance on how environmental justice concerns can be incorporated into metropolitan transportation planning.

TRIBAL CONSULTATION

Washington State agencies are required to have effective procedures for government-to-government relations with Native American tribes. WSDOT’s Centennial Accord Plan implements the consultation policy to provide consistent and equitable standards for working with the tribes. The goal is to create durable intergovernmental relationships that promote coordinated transportation partnerships in service to all citizens. Consultation means respectful, effective communication in a cooperative process that works toward a consensus, before a decision is made or an action is taken.

The Umatilla Confederated Tribes’ (Umatilla, Cayuse, Walla Walla) reservation is in Oregon. The Yakama Nation’s reservation is in Yakima County. Both tribal nations have traditional homelands in the BFCG three-county area. In the spirit of the Centennial Accord, the BFCG will consult with the tribes when deemed appropriate.

REVIEW AND ADOPTION OF PROCEDURES

These public involvement procedures were subject to a 45 day public review and written comment period prior to adoption. The procedures may be reviewed and modified at any time deemed appropriate. At a minimum, these procedures shall be reviewed for adequacy and reaffirmed every two years in conjunction with WSDOT recertification of the Benton-Franklin Council of Governments as the Metropolitan Planning Organization for the Tri-Cities metropolitan area. Any substantial revisions will again stimulate a 45 day public review prior to adoption.

***Benton Franklin Council of Governments
Public and Agency Involvement
Generalized Mailing List***

News Media (radio, TV, newspapers)
Federal and State Legislators
Local and County Elected Officials
Cities (All Cities in the three county area)
Counties (Benton, Franklin, Walla Walla)
Ports (including airports)
Public Transit Systems
Private Transportation Providers
State Department of Transportation
Local City and County Public Works Departments
State and Local Planning Departments and Agencies
Chambers of Commerce
State and Federal Environmental Agencies
State and Federal Land Management Agencies
State Office of Historical Preservation
Minority Groups and Organizations
Developmentally Challenged Groups and Organizations
Senior Citizen Groups and Organizations
Freight Companies
Major Hanford Employers
School Districts
Service Organizations
Bicycle Groups and Advocates
Builders Associations
Labor Unions
Private Industry
Private Citizens

A detailed mailing list is available upon request. Please contact Len Pavelka at (509) 943-9185 or lpavelka@bfcog.us.