

2009 Public Participation Plan



*for the South Western Region
Metropolitan Planning Organization*

Endorsed by:
South Western Region
Metropolitan Planning Organization
May 28, 2009

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***2009 Public Participation Plan
for the South Western Regional Planning Organization***

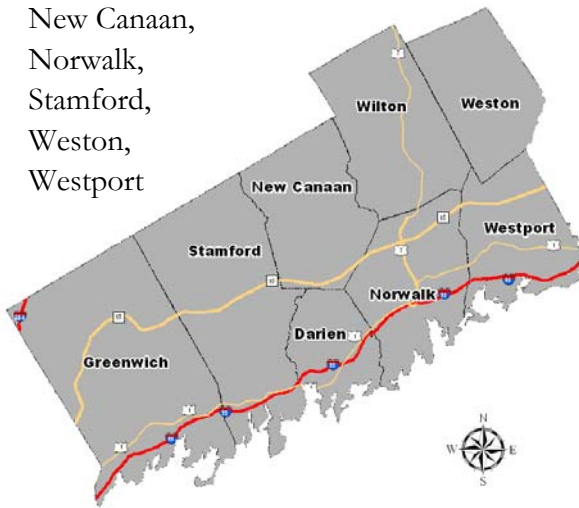
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Introduction

The South Western Region Metropolitan Planning Organization (SWRMPO) is responsible for the transportation policy development, planning, and programming for the 8 communities in the region:

- ◆ Darien,
- ◆ Greenwich,
- ◆ New Canaan,
- ◆ Norwalk,
- ◆ Stamford,
- ◆ Weston,
- ◆ Westport



Regulations guiding the public participation process for the SWRMPO include:

- ◆ Federal regulation 23 C.F.R. §450.316 requires new participation techniques be included in public participation plans, such as the employment of visualization techniques, more information available online, and involvement of the public in the creation of public participation plans.
- ◆ Executive Order #12898 of February 11, 1994, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.”
- ◆ Executive Order #13166 of August 11, 2000, “Improving Access to Services for Persons with Limited English Proficiency”

In addition to addressing federal mandates, the SWRMPO will continue to update its policies, as it has done in the past, in order to conform to new regulations, utilize changing technology and trends, and maintain effective public participation practices.

Overview

The Public Participation Plan is the SWRMPO’s official policy on involving the public in the transportation planning process. The Public Participation Plan provides an overview of the objectives for public involvement, and the activities of the MPO and the Transportation Technical Advisory Group (TTAG). The Public Participation Plan also outlines the MPO’s adoption and amendment processes for transportation plans, projects, and tasks; comment periods; opportunities for public participation; noticing practices; techniques to address regulations guiding the public participation process, such as environmental justice; plan evaluation; and strategies for public participation.

A table detailing specific strategies used to engage the public in the planning process is included. Appendices providing an evaluation of legal noticing methods, a current list of media resources, and comments received during the public review are also included as part of the plan.

Objectives for Public Participation

- ◆ **Educate and inform** the public about transportation planning, projects, and issues within their communities and the region.
- ◆ **Involve the public** in the transportation planning process.
- ◆ Ensure that **information is easily accessible** to all interested parties in the community.
- ◆ **Improve the decision making process** to include the interest/needs of stakeholders through informed consent.
- ◆ **Continue to evaluate and improve** public participation strategies

MPO Major Activities – TIP, LRTP, UPWP

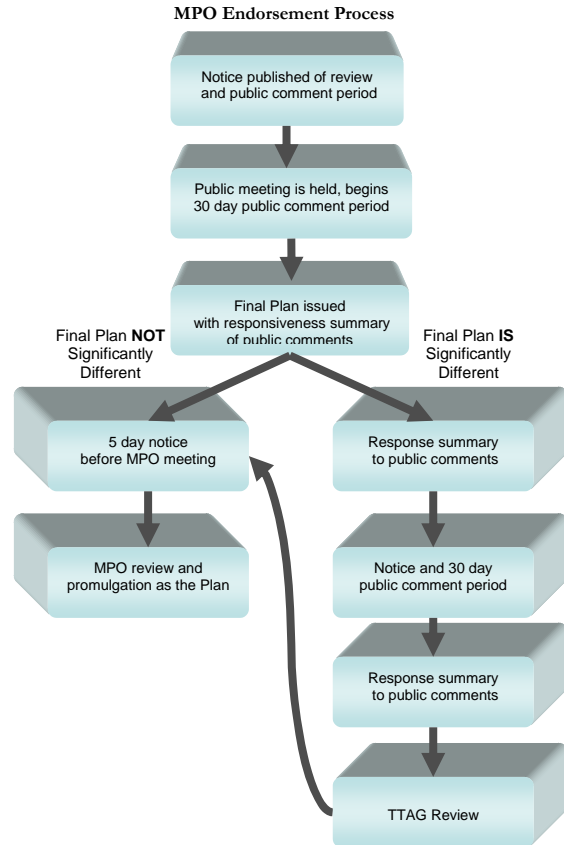
The SWRMPO is responsible for three major transportation planning programs, the Long Range Transportation Plan (LRTP), the Transportation Improvement Program (TIP), and the Unified Planning Work Program (UPWP). The SWRMPO is also responsible for the creation of the Public Participation Plan and conducting special transportation studies.

TIP – The Transportation Improvement Program is a list of all federally funded projects in the region, and all capacity projects whether federally funded or not.

LRTP – The Long Range Transportation Plan is a 20-30 year look into the future. The LRTP is updated every few years and seeks to envision long term transportation needs for the region.

The Process - TIP and LRTP (Implementation and Update)

1. Notice will be given at the beginning of the 30 day review period that the draft is available for public review at the local libraries (listed below), at SWRPA offices (888 Washington Blvd. 3rd Floor, Stamford, CT 06901), and online at www.swrpa.org.
2. A public meeting is held prior to endorsement of the TIP or LRTP.
3. The final TIP/LRTP is issued, including a responsiveness summary on public comments received.
4. If the final TIP/LRTP is **NOT** significantly different than the draft, a 5 days notice is given prior to the MPO meeting for endorsement of the TIP/LRTP.
5. If the final TIP/LRTP **IS** significantly different from the draft, the document is revised. A notice is given for a 30 day comment period of the revised TIP/LRTP. Next a response summary to public comments is prepared, and TTAG reviews the revised draft TIP/LRTP.
6. Finally, 5 days notice is given prior to the MPO meeting for endorsement of the TIP/LRTP. The final document is posted online and a legal notice announcing endorsement is published.



UPWP – The unified planning work program is an annual listing of the MPO’s planning work projects to be completed.

- ◆ The Draft UPWP is reviewed by TTAG.
- ◆ Opportunities for public comment are provided at scheduled TTAG and MPO meetings prior to endorsement.
- ◆ The endorsed UPWP is posted online at www.swrpa.org.

Draft copies SWRMPO plans are available online at www.swrpa.org and at local libraries:

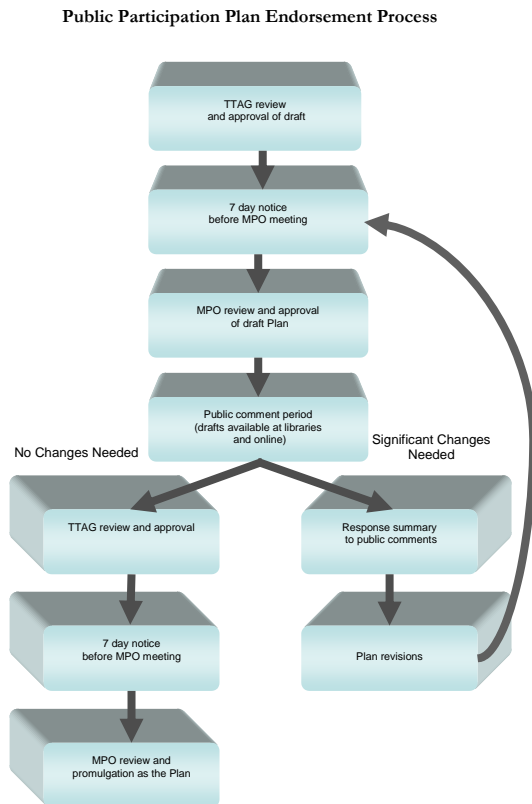
Darien Library	1441 Post Rd. Darien, CT 06820
Greenwich Library	101 W. Putnam Ave. Greenwich, CT 06830
New Canaan Library	151 Main St. New Canaan, CT 06840
Norwalk Public Library	1 Belden Ave. Norwalk, CT 06850
Ferguson Library (Stamford)	One Public Library Plaza Stamford, CT 06904
Weston Public Library	56 Norfield Rd. Weston, CT 06883
Westport Public Library	20 Jesup Rd. Westport, CT 06880
Wilton Library Assoc.	137 Old Ridgefield Rd. Wilton, CT 06897

2009 Public Participation Plan for the SWRMPO

Public Participation Plan – the SWRMPO’s Public Participation Plan outlines the methods for public participation and outreach strategies for MPO programs and activities.

The Process - Public Participation Plan (Implement and Update)

1. TTAG review and recommendation of approval of the draft Public Participation Plan.
2. Notice issued 7 days before MPO meeting where it will be reviewed and approved as the draft Public Participation Plan.
3. The 45 day public comment period begins, with drafts of the plan available at local libraries, SWRPA offices and online (www.swrpa.org).
4. If the final plan is **NOT** significantly different then it is forwarded for TTAG review and approval. A notice is provided seven days before the MPO meeting, where the plan is reviewed and promulgated as the official Public Participation Plan. The final document is posted online and a legal notice announcing endorsement is published.
5. If the final plan **IS** significantly different from the draft plan a response summary to public comments is prepared, the plan is revised and the process is repeated.



Special Studies and Projects - As needed the SWRMPO conducts or sponsors planning studies to address a variety of transportation issues or concerns.

For studies, projects, and certain tasks conducted under the metropolitan transportation planning program, public participation opportunities may include:

- ◆ The **need and scope for public involvement** will be determined for each project, study and UPWP tasks prior to initiation.
- ◆ When necessary a public involvement task will be included as part of the scope of work and a **Public Involvement Plan** will be created.
- ◆ A **summary of public involvement** will also be prepared as part of the final report.
- ◆ A **webpage** on the SWRPA website will be developed and will provide information on the project, including scope, schedule, project manager, how to get involved, how to provide comments, and links to resources related to the project.
- ◆ **Media releases** will be issued on the project to keep the public informed of study activities and opportunities for involvement and comment.
- ◆ An **interested parties list** will be established to identify persons and organizations interested in being informed of project activities.
- ◆ Study **progress reports and presentations** will be given at TTAG and MPO meetings.
- ◆ Methods for **public comment** on draft final documents will be provided and will be tailored to meet the needs and objectives for specific studies.
- ◆ An **executive summary** of the study will be prepared in English and in Spanish.*
- ◆ **Visual presentations** (i.e. Power Point) will be prepared for key study deliverables and presentations will be posted on the study web site.*

*indicates future public participation goals

Comment periods

Drafts of all major transportation programs, studies, and tasks will be made available for public comment and review. Comments must be provided in writing. Comments can be sent by mail to:

SWRPA
888 Washington Blvd. Suite 300
Stamford, CT 06901

or electronically to the identified SWRPA staff person.

All comments received will be documented and be handled according to SWRMPO policy. The public review and comment period is typically:

- ◆ 30 days for a new TIP or major amendment
- ◆ 30 days for the LRTP
- ◆ 45 days for the Public Participation Plan

Opportunities for Public Participation

One of the easiest ways for the public to become involved in the transportation planning process is through attendance at MPO or TTAG meetings. A schedule of all meetings is posted on the SWRPA website and an item entitled “public participation,” where members of the public can be heard, is included in the agenda for each meeting.

MPO and specific project information will be available on SWRPA’s website, where users will also be able to subscribe to project specific email lists. A project specific public involvement plan will be developed for special studies conducted by the SWRMPO, which will identify means of public participation. A template will be developed as to ensure all required and recommended elements are included in project specific plans. The SWRMPO meetings are held in ADA compliant buildings and in locations accessible to public transit. Meetings schedules and their agendas are posted on the SWRMPO website at www.swrpa.org.

Noticing

The annual MPO and TTAG meeting schedules are sent to the Secretary of State and Town Clerks of the South Western Region municipalities each December and a legal notice is published at the beginning of each year with the dates of scheduled meetings. The Secretary of State and Town Clerks are also notified of additional meetings or schedule changes that may occur during the year.

As shown in Appendix A, the \$6,400 spent on legal notices for 30 SWRMPO meetings between 2005 and 2008 did not generate any public participation. In order to reach a larger number of the MPO’s constituents and to be fiscally responsible, media releases (public service announcements or PSAs) will be used to convey information instead of the traditional legal notices, which have been used in the past.

A standard format will be developed and used to advise the media, and the public, of MPO and TTAG activities. Notices will continue to be posted on SWRPA’s website (www.swrpa.org). SWRMPO will also explore other methods of outreach, such as the use of public access community calendars and new noticing formats and venues. Specific noticing techniques are detailed below as part of the Strategies for Public Participation table beginning on page 7.

Types of Transportation Program Meetings

<u>SWRMPO</u>	<u>TTAG</u>	<u>Public Information Sessions</u>
<ul style="list-style-type: none"> ◆ Policy board. comprised of chief elected officials and transit district representatives ◆ Held once per month. ◆ This body sets the official policy and passes action items. ◆ Open to the public 	<ul style="list-style-type: none"> ◆ Members of this body, typically transportation and planning experts, provide technical advice to the SWRMPO. ◆ Generally held once per month. ◆ Open to the public 	<ul style="list-style-type: none"> ◆ Held as needed ◆ Provide information related to specific projects. ◆ Convey project specific information, via presentations and open houses. ◆ Project staff is available to provide additional information and to answer any questions raised. ◆ Open to the Public

Online

In order to increase accessibility to information, the SWRMPO will continue to make information available online. Notices, documents (including this Public Participation Plan) and other information will be available at www.swrpa.org. Additionally, interested parties will have the option to join the SWRMPO contact list and receive meeting and project information via e-mail.

As projects and other resources are completed they will be made available online and may include: a glossary of common transportation terms, a list of commonly used acronyms, a basic guide to metropolitan planning organizations, and a description of MPO and TTAG meetings. Documents such as an executive summary of the Public Participation Plan and the description of MPO and TTAG meetings will be made available in Spanish to engage members of the community with limited English proficiency. Additional resources that will be made available on line are indicated below as part of the Strategies for Public Participation table beginning on page 7.

Visualization Techniques

The TIP, LRTP and Public Participation Plan have been developed using user-friendly formats, which include flow charts and formatting to ease comprehension.

Additionally, the SWRMPO will seek to enhance visualization at meetings through various methods, such as maps, charts, graphs, and simulations. The SWRMPO will also explore broadcasting meetings on local cable stations and websites. Specific techniques are detailed below as part of the Strategies for Public Participation table beginning on page 7.

Environmental Justice (EJ)

Executive order #12898, which addresses Environmental Justice in low-income and minority populations, was in effect for the development of the 1997 Public Participation Plan. As such, many of the requirements of the Executive Order have been addressed. Since the mid 1990's an Environmental Justice report has been created annually to evaluate the TIP and LRTP.¹

The SWRMPO will continue to identify, reach out to, and include communities of concern in the region through a variety of techniques, including: creative noticing techniques and venues, developing working relationships with community leaders, and maintaining the current environmental justice reports. Specific techniques to engage communities of concern are indicated as part of the Strategies for Public Participation table beginning on page 7.

Limited English Proficiency (LEP)

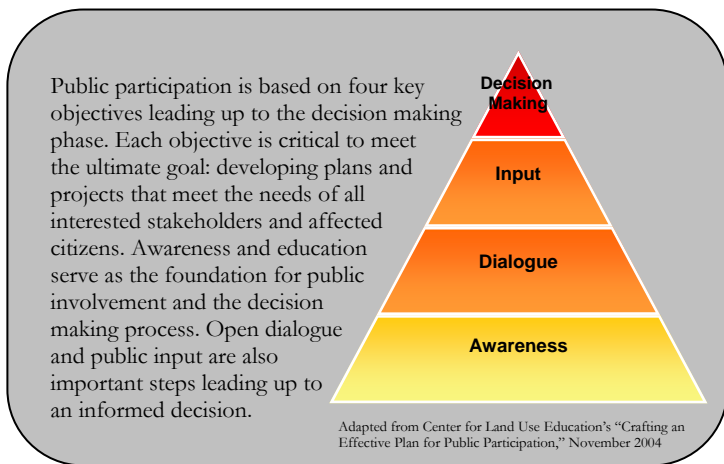
Some residents of the South Western Region are native speakers of a language other than English and may have limited English proficiency. Spanish has been identified as the second most common language spoken in the region.¹ The current Environmental Justice report has identified strategies to reach out to native Spanish speakers, which include working with faith based organizations to reach a broader audience, keeping a current database of Spanish language media, and offering executive summaries in Spanish. The SWRMPO has incorporated many of these strategies into the Public Participation Plan. Specific techniques to engage residents with limited English proficiency is included as part of the Strategies for Public Participation table beginning on page 7.

¹ South Western Regional Planning Agency (SWRPA). 2007. South Western Region Environmental Justice Annual Assessment, July 2007

Plan Evaluation

In an effort to ensure the Public Participation Plan is effective, and compliant with federal and state regulations the plan will be evaluated annually. An evaluation survey will be developed and handed out at MPO, TTAG, and public meetings to assess the effectiveness of noticing methods used and the techniques used to convey information. A framework will also be developed for internal evaluation of the Public Participation Plan and the recommended strategies. Amendments to the plan will be made as necessary, to ensure the strategies for public involvement remain effective.

In addition, reports on all public participation activities conducted will also be included in transportation planning quarterly and annual reports. The reports will include the status of strategies recommended in the Public Participation Plan, and project specific Public Involvement Plans that have been developed. The reports will help to evaluate progress towards meeting the objectives of the plan and engaging the public in the transportation decision making process.



Strategies for Public Participation

A variety of strategies have been identified to facilitate public involvement in the transportation planning process.

Goals for 2008/2009

- ◆ Complete Public Participation Plan evaluation.
- ◆ Explore the use of diverse media outlets.
- ◆ Explore broadcasting MPO meeting on-line and on local cable stations.
- ◆ Promote the use of visualization techniques.
- ◆ Add to interested parties contact list.
- ◆ Consider recommendations from the Environmental Justice Report.
- ◆ Continue to evaluate and improve methods to engage all members of the community.
- ◆ Provide a list of acronyms and glossary of transportation terms.
- ◆ Offer a guide to metropolitan transportation planning organizations and a guide to public participation.
- ◆ Expand and update notice practices to increase effectiveness.
- ◆ Offer Spanish translations.
- ◆ Engage the public in the creation of the Public Participation Plan.

Future Year Goals and Ongoing Practices

- ◆ Ensure project specific public involvement.
- ◆ Offer translation services when appropriate.
- ◆ Increase notice availability.
- ◆ Continue meeting accessibility practices.
- ◆ Annual evaluation and update of the Public Participation Plan.

The Strategies for Public Participation table outlines specific strategies that will be used by the SWRMPO to effectively engage the community, and encourage public participation. The table will serve as a tool to evaluate the Public Participation Plan, and as a benchmark to measure the success of the plan. The identified strategies will also act as a platform from which the plan may evolve, as new strategies are identified and implemented strategies are evaluated.

The following table provides descriptions of the tasks, the objectives that each strategy fulfills the target implementation timeline, and the status of each item.

Strategies for Public Participation¹

Strategy	Description	Implementation Timeline	Objective	Online	Status
Public Participation Plan Evaluation ¹	Develop a framework for evaluation of the plan and its recommendations	2008/09	Continue to improve Public Participation (PP), Improve the decision making process, Involve the public		In Progress
	Develop and provide an evaluation survey for all public meetings and information sessions to evaluate the effectiveness of the Plan	2009/On Going		√	In Progress
	Conduct annual reviews of the Plan for compliance and effectiveness. Continue to be sensitive to needs of stakeholders and make enhancements without necessarily changing official policy each time.	2008/09 and annually thereafter			In Progress
Evaluation and Update the Public Participation Plan ^{1,2,3}	Modify the layout of meeting and amendment procedures to make everything more user-friendly. Include flow-charts and other visualizations to ease comprehension and make the Plan available online.	2008/09	Continue to improve PP, Improve the decision making process, Involve the public	√	Standard Practice
	Continue to identify and update methods to involve the public and communities of concern, to enhance comprehension and accessibility to transportation planning programs and information.	On Going			In Progress
Explore the Use of Diverse Media Outlets ³	Research opportunities to engage the public through local access television, public service announcements, radio, mass media, and other local publications.	2008/09	Involve the public, Easily accessible information, Educate and inform, Continue to improve PP		In Progress
	Explore options for engaging communities of concern through Spanish language media.	2009/10			In Progress
	Investigate the feasibility of adding a blog.	2009/10		√	Future Task

¹ Federal regulation 23 C.F.R. §450.316 – noticing, visualization techniques, online information and involvement of the public in the creation of the PPP

² Executive Order #12898 - Environmental Justice

³ Executive Order #13166 - limited English proficiency

Strategies for Public Participation¹

Strategy	Description	Implementation Timeline	Objective	Online	Status
Promote the Use of Visualization Techniques ^{1, 2, 3}	Enhance visualization at meetings through various methods such as electronic presentations (i.e. Microsoft Power Point), maps, posters, charts, graphs, and simulations, where appropriate. Provide a link to relevant graphics on the MPO website.	2008/09	Educate and inform, Easily accessible information, Involve the public, Improve the decision making process, Continue to improve PP	√	In Progress
	Explore the effectiveness of broadcasting meetings and presentations over public access stations.	2008/09			In Progress
	Post relevant presentations online.	2008/09		√	In Progress
	Employ visualization tools in the development of project brochures, notices, and other publications.	2009/10			In Progress
	Explore recording and broadcasting MPO meetings on local websites and public access stations.	2009/10		√	In Progress
	Research the use of interactive mapping tools (i.e. Google Earth) to display projects included in the TIP. Also considered including other local transportation projects.	2009/10		√	In Progress
Add to the Interested Parties Contact List ²	Give all meeting attendees and visitors to the MPO website the option to join the contact list.	2009/10	Continue to improve PP, Involve the public, Improve the decision making process,	√	Future Task
	Continue to develop the contact list through building on other program contacts such as LOCHSTP, housing and environment outreach, etc.	2008/09			On Going
	Compile a list of contacts of those traditionally underserved (from future outreach efforts) and add them to the database.	2008/09			On Going

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Strategies for Public Participation¹

Strategy	Description	Implementation Timeline	Objective	Online	Status
Consider Recommendations From the Environmental Justice Report ²	Include recommendations from the EJ report prepared for the TIP & LRTP in the Public Participation Plan.	2008/09	Improve the decision making process		Standard Practice
Explore Methods to Engage All Members of the Community ^{2,3}	Research options for engaging communities of concern such as through Spanish radio and print media.	2009/10	Involve the public, Educate and inform, Improve the decision making process, Continue to improve PP		In Progress
	Explore developing working relationships with members of the traditionally underserved community and their leaders, including faith and community based organizations, elderly groups, disabled advocacy groups, etc. Consider meeting with them on topics of concern in their neighborhood / community.	2008/09			In Progress
	Partner with local community groups and organizations to co-host input meetings and workshops on transportation issues, opportunities, projects and programs.	2009/10			Future Task
Integrate More Online Resources ¹	See "Online" column for items that contribute to this requirement.	2008/09	Easily accessible information	√	In Progress
Expand Notice Practices to Increase Effectiveness ^{1,2}	Explore the effectiveness of creative noticing methods (i.e. bill stuffers, project brochures, information booths etc.) and their appropriateness for MPO projects and studies.	2010/11	Continue to improve PP, Involve the public, Easily accessible information		Future Task
	Explore posting notices at new places such as transit stops, and local bulletin boards. Investigate new formats such as posters or more eye-catching notices.	2008/09			In Progress
	Interested parties will be able to join a list where "e-mail blasts" will be sent out with pertinent project information.	2009/10		√	In Progress

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Strategies for Public Participation¹

Strategy	Description	Implementation Timeline	Objective	Online	Status
Update Notice Methods ¹	Change the number of days before meetings that notice will be provided to allow incorporation of as many ConnDOT and other MPO action items to be added as late as possible.	2008/09	Improve the decision making process		Standard Practice
	Pursuant to the evaluation of current noticing methods (Appendix A) change noticing methods. Namely, use media releases (public service announcements or PSAs) as a more effective and fiscally responsible method of adequately notifying the public.	2008/09	Continue to improve PP		In Progress
Offer Spanish Translations ³	Provide an executive summary version of the Plan online in Spanish.	2009/10	Educate and inform, Involve the public, Easily accessible information, Improve the decision making process, Continue to improve PP	√	Future Task
	Evaluate the possibility of a Spanish page link from SWRPA's main webpage so that Spanish speakers can navigate the website.	2009/10		√	Future Task
	Provide the executive summary of the 2011 LRTP online in Spanish.	2010/11		√	Future Task
	Assess MPO action items for anticipated significant effects on Spanish speaking LEP communities of concern. When appropriate, translate notices into Spanish.	2008/On Going		√	Standard Practice
Offer a Guide to Public Participation ^{2,3}	Indicate how the public can get involved, such as where meeting information and plan drafts can be found, in order to improve accessibility to transportation planning programs.	2008/09	Educate and inform, Easily accessible information	√	In Progress
	Publish the guide online in Spanish.	2009/10		√	Future Task

¹ Federal regulation 23 C.F.R. §450.316 – noticing, visualization techniques, online information and involvement of the public in the creation of the PPP

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³ Executive Order #13166 - limited English proficiency

Strategies for Public Participation¹

Strategy	Description	Implementation Timeline	Objective	Online	Status
Include a Description of the MPO & TTAG on SWRPA's Website ³	A description of what MPO & TTAG meetings are, when public participation is allowed at them, etc. Provide as a link on the SWRPA website.	2008/09	Educate and inform, Easily accessible information	√	Standard Practice
Provide a List of Acronyms	A list of common acronyms used along with their definition.	2008/09	Educate and inform	√	In Progress
Provide a Glossary	Glossary defining common transportation terms which the general public is unlikely to know offhand.	2009/10	Educate and inform	√	In Progress
Offer a Guide to Metropolitan Transportation Planning Organizations ^{1,3}	Prepare a general guide to Metropolitan Transportation Planning and how the SWRMPO operates. Provide on SWRPA's website.	2008/09	Educate and inform, Easily accessible information	√	In Progress
	Publish the guide online in Spanish.	2009/10			Future Task
Ensure Project Specific Public Involvement ^{2,3}	Provide public outreach during special studies and projects through such methods as: creating project specific Public Involvement Plans, a project web page, media releases to keep the public up to date, an executive summary of the study in English and Spanish, and the ongoing use of visualization techniques, as appropriate.	2008/On Going	Educate and inform, Involve the public, Easily accessible information, Improve the decision making process, Continue to improve PP	√	In Progress
	Develop a framework for project specific public participation plans to ensure that appropriate elements are included and to enhance documentation of public involvement.	2008/09			In Progress

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Strategies for Public Participation¹

Strategy	Description	Implementation Timeline	Objective	Online	Status
Offer Translation Services When Necessary ³	Assess needs of LEP communities of concern and make translation accommodations as appropriate.	2010/11	Educate and inform, Easily accessible information		Future Task
Increase Notice Availability	Define in the Plan which newspapers and libraries will have draft plans available and note that draft plans and notices are also available online at the SWRMPO website.	2008/09	Involve the public, Easily accessible information, Continue to improve PP		Standard Practice
Meeting Accessibility ²	Continue to hold regular MPO meetings at ADA compliant facilities and in locations accessible by public transit.	On Going	Educate and inform, Easily accessible information		Standard Practice
	Develop a list of available public meeting rooms in the region.	2008/2009			In Progress
Update Process for Addressing Public Comments	Develop a system to be used by the SWRMPO to acknowledge and respond to all public comments received and include as part of the plan.	2008/09	Improve the decision making process, Continue to improve PP		Standard Practice
Engage the Public in the Creation of Public Participation Plan ¹	Include public comments received and responses as Appendix C to the plan.	2008/09	Improve the decision making process, Involve the public, Continue to improve PP		In Progress
	Notify interested parties currently on SWRPA's contact list and request their comments.	2008/09			In Progress
General Information and Comments Online	Meeting notices, project information and general information on the MPO will be made available on the SWRPA website.	2009/10	Easily accessible information, Educate and inform, Improve the decision making process, Continue to improve PP	√	In Progress
	A new feature on the SWRPA website will allow general comments to be posted and reviewed.	2009/10		√	In Progress

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Documentation of the Planning Process and Public Comments

In order to incorporate new regulations and update public participation strategies, the 1997 Public Participation Plan has been revised following the process outlined at the beginning of this document. The process began with an extensive review and evaluation of the current public participation plan and research of additional best practices to address deficiencies identified in the 1997 plan. Research brought forth several ideas and potential changes that would enhance the SWRMPO plan, and included the review of over 20 MPO plans, and ConnDOT's 2007 *Draft Public Involvement Guidance Manual*.

A preliminary draft of the 2009 public participation plan was sent out to the Connecticut Department of Transportation (ConnDOT), the Federal Highway Administration (FHWA) and the Federal Transit Authority (FTA) for review and comments in November of 2008. The preliminary draft was modified to incorporate suggestions made by the above reviewers and SWRPA staff to improve the plan's overall usability. The draft 2009 public participation plan was then submitted to TTAG for review on February 12, 2009, and to formulate a recommendation to the SWRMPO regarding readiness to issue the draft Public Participation Plan (PPP) for public review. The 45 day public comment period began March 2, 2009 after the SWRMPO's approval of the draft PPP for review, at the February 23, 2009 meeting.

At the beginning of the public review period a legal notice was published in the *Stamford Advocate* and *Norwalk Hour* announcing the release of the Draft PPP for public review, and the times and locations of public information sessions. The above information was also posted on the website and a press release was sent out to all local news agencies. Three public information sessions were held to provide the public with information on the draft plan and an opportunity to provide comments. Two sessions were held on March 31, and one on April 8. Prior to the final information session a second press release was issued, indicating the time and location of the session, and how the public could provide comments on the draft plan. Additionally two radio interviews were conducted for AM 1490WGCH.

The 45 day public comment period ended April 16, 2009, with no comments received. As a result no significant changes were needed and the final document was brought to TTAG on May 6, 2009 for approval and development of recommendations for SWRMPO action. The PPP was approved by the SWRMPO, as the official policy on public participation and procedures for the SWRMPO on May 18, 2009.

Acronyms Used:

- ADA** – American's with Disabilities Act
- CFR** – Code of Federal Regulations
- ConnDOT** – Connecticut Department of Transportation
- EJ** – Environmental Justice
- LEP** - Limited English Proficiency
- LOCHSTP** – Locally Coordinated Human Service Transportation Plan
- LRTP** – Long Range Transportation Plan
- MPO** – Metropolitan Planning Organization
- PP** – Public Participation
- PPP** – Public Participation Plan
- PSA** – Public Service Announcement
- SWRPA** – South Western Regional Planning Agency
- SWRMPO** – South Western Region Metropolitan Planning Organization
- TIP** – Transportation Improvement Plan
- TTAG** – South Western Region Transportation Technical Advisory Group
- UPWP** – Unified Planning Work Program

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Appendix A

Legal Noticing Review

As part of the requirement of 23 C.F.R. §450.316(a)(1)(x) to periodically review the “effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process” and to work towards fiscally responsible government, the legal noticing methods of the SWRMPO were recently evaluated.

Publishing legal notices is expensive. A legal notice in a regional newspaper averaged \$123.71 per notice for an MPO meeting in FY 2006-07 and \$122.90 for FY 2007-08. If the population of the region consistently read these notices such that the cost amounted to only a few dollars per public participant this method of notice would be reasonable. However, the region has seen the following participation numbers and noticing costs over the past three fiscal years.

Fiscal Year	Regular MPO meetings	Number of Public Participants	Cost of Legal Noticing
FY 2007-08	10	0 ²	\$2,212.13
FY 2006-07	10	0 ¹	\$2,226.73
FY 2005-06	10	0 ¹	\$2,065.48

This level of effectiveness is too low to justify the costs to government, making legal noticing in the region an ineffective procedure (*See* 23 C.F.R. §450.316(a)(1)(x)) and suggesting other methods should be pursued.

A more cost effective alternative, which would reach a larger number of the region’s population, is the use of media releases (public service announcements or PSAs). For this outreach a standard format will be developed and then used to advise the media, and hence the public, of MPO and TTAG activities. Additionally, notices will continue to be posted on SWRPA’s website (www.swrpa.org). Furthermore, in the future the SWRMPO will explore other methods of outreach, such as the use of public access community calendars and new noticing formats and placements such as posters at transit stops.

Moreover, moving to these more cost effective and broader outreach methods still satisfies the requirements of 23 C.F.R. §450.316(a)(1)(x) for “full and open participation process” and 23 C.F.R. §450.316(a)(1)(i) for “adequate public notice,” as no regulation specifically requires legal noticing. In fact, these new methods should reach a broader span of the region, more than just those who subscribe to area newspapers. Additionally, to ensure effectiveness, these new methods will be monitored and evaluated annually, with participation numbers and costs documented to provide substantiation.

² In FY 2007-08, FY 2006-07, and 2005-06 there were no public participants attributable to legal notices.

Appendix B

Regulations Governing Public Participation

§ 450.212 Public involvement.

(a) Public involvement processes shall be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement. The processes shall provide for:

- (1) Early and continuing public involvement opportunities throughout the transportation planning and programming process;
 - (2) 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;
 - (3) Reasonable public access to technical and policy information used in the development of the plan and STIP;
 - (4) Adequate public notice of public involvement activities and time for public review and comment at key decision points, including but not limited to action on the plan and STIP;
 - (5) A process for demonstrating explicit consideration and response to public input during the planning and program development process;
 - (6) A process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households which may face challenges accessing employment and other amenities;
 - (7) Periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all and revision of the process as necessary.
- (b) Public involvement activities carried out in a metropolitan area in response to metropolitan planning requirements in § 450.322(c) or § 450.324(c) may by agreement of the State and the MPO satisfy the requirements of this section.
- (c) During initial development and major revisions of the statewide transportation plan required under § 450.214, the State shall provide citizens, affected public agencies and jurisdictions, employee representatives of transportation and other affected agencies, private and public providers of transportation, and other interested parties a reasonable opportunity to

comment on the proposed plan. The proposed plan shall be published, with reasonable notification of its availability, or otherwise made readily available for public review and comment. Likewise, the official statewide transportation plan (see § 450.214(d)) shall be published, with reasonable notification of its availability, or otherwise made readily available for public information.

(d) During development and major revision of the statewide transportation improvement program required under § 450.216, the Governor shall provide citizens, affected public agencies and jurisdictions, employee representatives of transportation or other affected agencies, private providers of transportation, and other interested parties, a reasonable opportunity for review and comment on the proposed program. The proposed program shall be published, with reasonable notification of its availability, or otherwise made readily available for public review and comment. The approved program (see § 450.220(c)) if it differs significantly from the proposed program, shall be published, with reasonable notification of its availability, or otherwise made readily available for public information.

(e) The time provided for public review and comment for minor revisions to the statewide transportation plan or statewide transportation improvement program will be determined by the State and local officials based on the complexity of the revisions.

(f) The State shall, as appropriate, provide for public comment on existing and proposed procedures for public involvement throughout the statewide transportation planning and programming process. As a minimum, the State shall publish procedures and allow 45 days for public review and written comment before the procedures and any major revisions to existing procedures are adopted.

(g) The public involvement processes will be considered by the FHWA and the FTA as they make the planning finding required in § 450.220(b) to assure that full and open access is provided to the decision making process.

§ 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 nonprofit 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.

§ 450.322 Development and content of the metropolitan transportation plan.

(a) The metropolitan transportation planning process shall include the development of a transportation plan addressing no less than a 20-year planning horizon as of the effective date. In nonattainment and maintenance areas, the effective date of the transportation plan shall be the date of a conformity determination issued by the FHWA and the FTA. In attainment areas, the effective date of the transportation plan shall be its date of adoption by the MPO.

(b) The transportation plan shall include both long-range and short-range strategies/actions that lead to the development of an integrated multimodal transportation system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

(c) The MPO shall review and update the transportation plan at least every four years in air quality nonattainment and maintenance areas and at least every five years in attainment areas to confirm the transportation plan's validity and consistency with current and forecasted transportation and land use conditions and trends and to extend the forecast period to at least a 20-year planning horizon. In addition, the MPO may revise the transportation plan at any time using the procedures in this section without a requirement to extend the horizon year. The transportation plan (and any revisions) shall be approved by the MPO and submitted for information purposes to the Governor. Copies of any updated or revised transportation plans must be provided to the FHWA and the FTA.

(d) In metropolitan areas that are in nonattainment for ozone or carbon monoxide, the MPO shall coordinate the development of the metropolitan transportation plan with the process for developing transportation control measures (TCMs) in a State Implementation Plan (SIP).

(e) The MPO, the State(s), and the public transportation operator(s) shall validate data utilized in preparing other existing modal plans for providing input to the transportation plan. In updating the transportation plan, the MPO shall base the update on

the latest available estimates and assumptions for population, land use, travel, employment, congestion, and economic activity. The MPO shall approve transportation plan contents and supporting analyses produced by a transportation plan update.

(f) The metropolitan transportation plan shall, at a minimum, include:

- (1) The projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan;
- (2) Existing and proposed transportation facilities (including major roadways, transit, multimodal and intermodal facilities, pedestrian walkways and bicycle facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions over the period of the transportation plan. In addition, the locally preferred alternative selected from an Alternatives Analysis under the FTA's Capital Investment Grant program (49 U.S.C. 5309 and 49 CFR part 611) needs to be adopted as part of the metropolitan transportation plan as a condition for funding under 49 U.S.C. 5309;
- (3) Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods;
- (4) Consideration of the results of the congestion management process in TMAs that meet the requirements of this subpart, including the identification of SOV projects that result from a congestion management process in TMAs that are nonattainment for ozone or carbon monoxide;
- (5) Assessment of capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs. The metropolitan transportation plan may consider projects and strategies that address areas or corridors where current or projected congestion threatens the efficient functioning of key elements of the metropolitan area's transportation system;
- (6) Design concept and design scope descriptions of all existing and proposed transportation facilities in sufficient

detail, regardless of funding source, in nonattainment and maintenance areas for conformity determinations under the EPA's transportation conformity rule (40 CFR part 93). In all areas (regardless of air quality designation), all proposed improvements shall be described in sufficient detail to develop cost estimates;

(7) A discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the metropolitan transportation plan. The discussion may focus on policies, programs, or strategies, rather than at the project level. The discussion shall be developed in consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies. The MPO may establish reasonable timeframes for performing this consultation;

(8) Pedestrian walkway and bicycle transportation facilities in accordance with 23 U.S.C. 217(g);

(9) Transportation and transit enhancement activities, as appropriate; and

(10) A financial plan that demonstrates how the adopted transportation plan can be implemented.

(i) For purposes of transportation system operations and maintenance, the financial plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways (as defined by 23 U.S.C. 101(a)(5)) and public transportation (as defined by title 49 U.S.C. Chapter 53).

(ii) For the purpose of developing the metropolitan transportation plan, the MPO, public transportation operator(s), and State shall cooperatively develop estimates of funds that will be available to support metropolitan transportation plan implementation, as required under § 450.314(a). All necessary financial resources from public and private sources that are reasonably expected to be made available to carry out the transportation plan shall be identified.

(iii) The financial plan shall include recommendations on any additional financing strategies to fund projects and programs included in the metropolitan

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§ 450.322 Development and content of the metropolitan transportation plan. (continued)

transportation plan. In the case of new funding sources, strategies for ensuring their availability shall be identified.

(iv) In developing the financial plan, the MPO shall take into account all projects and strategies proposed for funding under title 23 U.S.C., title 49 U.S.C. Chapter 53 or with other Federal funds; State assistance; local sources; and private participation. Starting December

11, 2007, revenue and cost estimates that support the metropolitan transportation plan must use an inflation rate(s) to reflect "year of expenditure dollars," based on reasonable financial principles and information, developed cooperatively by the MPO, State(s), and public transportation operator(s).

(v) For the outer years of the metropolitan transportation plan (i.e., beyond the first 10 years), the financial plan may reflect aggregate cost ranges/cost bands, as long as the future funding source(s) is reasonably expected to be available to support the projected cost ranges/cost bands.

(vi) For nonattainment and maintenance areas, the financial plan shall address the specific financial strategies required to ensure the implementation of TCMs in the applicable SIP.

(vii) For illustrative purposes, the financial plan may (but is not required to) include additional projects that would be included in the adopted transportation plan if additional resources beyond those identified in the financial plan were to become available.

(viii) In cases that the FHWA and the FTA find a metropolitan transportation plan to be fiscally constrained and a revenue source is subsequently removed or substantially reduced (i.e., by legislative or administrative actions),

the FHWA and the FTA will not withdraw the original determination of fiscal constraint; however, in such cases, the FHWA and the FTA will not act on an updated or amended metropolitan transportation plan that does not reflect the changed revenue situation.

(g) The MPO shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of the transportation plan. The consultation shall involve, as appropriate:

(1) Comparison of transportation plans with State conservation plans or maps, if available; or

(2) Comparison of transportation plans to inventories of natural or historic resources, if available.

(h) The metropolitan transportation plan should include a safety element that incorporates or summarizes the priorities, goals, countermeasures, or projects for the MPA contained in the Strategic Highway Safety Plan required under 23 U.S.C. 148, as well as (as appropriate) emergency relief and disaster preparedness plans and strategies and policies that support homeland security (as appropriate) and safeguard the personal security of all motorized and non-motorized users.

(i) The MPO shall provide 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

a reasonable opportunity to comment on the transportation plan using the participation plan developed under § 450.316(a).

(j) The metropolitan transportation plan shall be published or otherwise made readily available by the MPO for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.

(k) A State or MPO shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (f)(10) of this section.

(l) In nonattainment and maintenance areas for transportation-related pollutants, the MPO, as well as the FHWA and the FTA, must make a conformity determination on any updated or amended transportation plan in accordance with the Clean Air Act and the EPA transportation conformity regulations (40 CFR part 93). During a conformity lapse, MPOs can prepare an interim metropolitan transportation plan as a basis for advancing projects that are eligible to proceed under a conformity lapse. An interim metropolitan transportation plan consisting of eligible projects from, or consistent with, the most recent conforming transportation plan and TIP may proceed immediately without revisiting the requirements of this section, subject to interagency consultation defined in 40 CFR part 93. An interim metropolitan transportation plan containing eligible projects that are not from, or consistent with, the most recent conforming transportation plan and TIP must meet all the requirements of this section.

§ 450.324 Development and content of the transportation improvement program (TIP).

(a) The MPO, in cooperation with the State(s) and any affected public transportation operator(s), shall develop a TIP for the metropolitan planning area. The TIP shall cover a period of no less than four years, be updated at least every four years, and be approved by the MPO and the Governor. However, if the TIP covers more than four years, the FHWA and the FTA will consider the projects in the additional years as informational. The TIP may be updated more frequently, but the cycle for updating the TIP must be compatible with the STIP development and approval process. The TIP expires when the FHWA/FTA approval of the STIP expires. Copies of any updated or revised TIPs must be provided to the FHWA and the FTA. In nonattainment and maintenance areas subject to transportation conformity requirements, the FHWA and the FTA, as well as the MPO, must make a conformity determination on any updated or amended TIP, in accordance with the Clean Air Act requirements and the EPA's transportation conformity regulations (40 CFR part 93).

(b) The MPO shall provide all interested parties with a reasonable opportunity to comment on the proposed TIP as required by § 450.316(a). In addition, in nonattainment area TMAs, the MPO shall provide at least one formal public meeting during the TIP development process, which should be addressed through the participation plan described in § 450.316(a). In addition, the TIP shall be published or otherwise made readily available by the MPO for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, as described in § 450.316(a).

(c) The TIP shall include capital and non-capital surface transportation projects (or phases of projects) within the boundaries of the metropolitan planning area proposed for funding under 23 U.S.C. and 49 U.S.C. Chapter 53 (including transportation enhancements; Federal Lands Highway program projects; safety projects included in the State's Strategic Highway Safety Plan; trails projects; pedestrian walkways; and bicycle facilities), except the following that may (but are

not required to) be included:

- (1) Safety projects funded under 23 U.S.C. 402 and 49 U.S.C. 31102;
- (2) Metropolitan planning projects funded under 23 U.S.C. 104(f), 49 U.S.C. 5305(d), and 49 U.S.C. 5339;
- (3) State planning and research projects funded under 23 U.S.C. 505 and 49 U.S.C. 5305(e);
- (4) At the discretion of the State and MPO, State planning and research projects funded with National Highway System, Surface Transportation Program, and/or Equity Bonus funds;
- (5) Emergency relief projects (except those involving substantial functional, locational, or capacity changes);
- (6) National planning and research projects funded under 49 U.S.C. 5314; and
- (7) Project management oversight projects funded under 49 U.S.C. 5327.

(d) The TIP shall contain all regionally significant projects requiring an action by the FHWA or the FTA whether or not the projects are to be funded under title 23 U.S.C. Chapters 1 and 2 or title 49 U.S.C. Chapter 53 (e.g., addition of an interchange to the Interstate System with State, local, and/or private funds and congressionally designated projects not funded under 23 U.S.C. or 49 U.S.C. Chapter 53). For public information and conformity purposes, the TIP shall include all regionally significant projects proposed to be funded with Federal funds other than those administered by the FHWA or the FTA, as well as all regionally significant projects to be funded with non-Federal funds.

(e) The TIP shall include, for each project or phase (e.g., preliminary engineering, environment/NEPA, right-of-way, design, or construction), the following:

- (1) Sufficient descriptive material (i.e., type of work, termini, and length) to identify the project or phase;
- (2) Estimated total project cost, which may extend beyond the four years of the TIP;
- (3) The amount of Federal funds proposed to be obligated during each program year for the project or phase (for the first year, this includes the proposed category of Federal funds and source(s) of non-Federal funds. For the second, third, and fourth years, this includes the likely category or possible categories of Federal funds and sources of non-Federal funds);

- (4) Identification of the agencies responsible for carrying out the project or phase;
- (5) In nonattainment and maintenance areas, identification of those projects which are identified as TCMs in the applicable SIP;
- (6) In nonattainment and maintenance areas, included projects shall be specified in sufficient detail (design concept and scope) for air quality analysis in accordance with the EPA transportation conformity regulation (40 CFR part 93); and
- (7) In areas with Americans with Disabilities Act required paratransit and key station plans, identification of those projects that will implement these plans.
- (f) Projects that are not considered to be of appropriate scale for individual identification in a given program year may be grouped by function, work type, and/or geographic area using the applicable classifications under 23 CFR 771.117(c) and (d) and/or 40 CFR part 93. In nonattainment and maintenance areas, project classifications must be consistent with the "exempt project" classifications contained in the EPA transportation conformity regulation (40 CFR part 93). In addition, projects proposed for funding under title 23 U.S.C. Chapter 2 that are not regionally significant may be grouped in one line item or identified individually in the TIP.
- (g) Each project or project phase included in the TIP shall be consistent with the approved metropolitan transportation plan.
- (h) The TIP shall include a financial plan that demonstrates how the approved TIP can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the TIP, and recommends any additional financing strategies for needed projects and programs. In developing the TIP, the MPO, State(s), and public transportation operator(s) shall cooperatively develop estimates of funds that are reasonably expected to be available to support TIP implementation, in accordance with § 450.314(a). Only projects for which construction or operating funds can reasonably be expected to be available may be included. In the case

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§ 450.324 Development and content of the transportation improvement program (TIP). (Continued)

of new funding sources, strategies for ensuring their availability shall be identified. In developing the financial plan, the MPO shall take into account all projects and strategies funded under title 23 U.S.C., title 49 U.S.C. Chapter 53 and other Federal funds; and regionally significant projects that are not federally funded. For purposes of transportation operations and maintenance, the financial plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways (as defined by 23 U.S.C. 101(a)(5)) and public transportation (as defined by title 49 U.S.C. Chapter 53). In addition, for illustrative purposes, the financial plan may (but is not required to) include additional projects that would be included in the TIP if reasonable additional resources beyond those identified in the financial plan were to become available. Starting December 11, 2007, revenue and cost estimates for the TIP must use an inflation rate(s) to reflect "year of expenditure dollars," based on reasonable financial principles and information, developed cooperatively by the MPO, State(s), and public transportation operator(s).

(i) The TIP shall include a project, or a phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project. In nonattainment and maintenance areas, projects included in the first two years of the TIP shall be limited to those for which funds are available or committed. For the TIP, financial constraint shall be demonstrated and maintained by year and shall include sufficient financial information to demonstrate which projects are to be implemented using current and/or reasonably available revenues, while federally supported facilities are being adequately operated and maintained. In the case of proposed

funding sources, strategies for ensuring their availability shall be identified in the financial plan consistent with paragraph (h) of this section. In nonattainment and maintenance areas, the TIP shall give priority to eligible TCMs identified in the approved SIP in accordance with the EPA transportation conformity regulation (40 CFR part 93) and shall provide for their timely implementation.

(j) Procedures or agreements that distribute suballocated Surface Transportation Program funds or funds under 49 U.S.C. 5307 to individual jurisdictions or modes within the MPA by pre-determined percentages or formulas are inconsistent with the legislative provisions that require the MPO, in cooperation with the State and the public transportation operator, to develop a prioritized and financially constrained TIP and shall not be used unless they can be clearly shown to be based on considerations required to be addressed as part of the metropolitan transportation planning process.

(k) For the purpose of including projects funded under 49 U.S.C. 5309 in a TIP, the following approach shall be followed:

(1) The total Federal share of projects included in the first year of the TIP shall not exceed levels of funding committed to the MPA; and

(2) The total Federal share of projects included in the second, third, fourth, and/or subsequent years of the TIP may not exceed levels of funding committed, or reasonably expected to be available, to the MPA.

(l) As a management tool for monitoring progress in implementing the transportation plan, the TIP should:

(1) Identify the criteria and process for prioritizing implementation of transportation plan elements (including multimodal trade-offs) for inclusion in the TIP and any changes in priorities from previous TIPs;

(2) List major projects from the previous TIP that were implemented and identify any significant delays in the

planned implementation of major projects; and

(3) In nonattainment and maintenance areas, describe the progress in implementing any required TCMs, in accordance with 40 CFR part 93.

(m) During a conformity lapse, MPOs may prepare an interim TIP as a basis for advancing projects that are eligible to proceed under a conformity lapse. An interim TIP consisting of eligible projects from, or consistent with, the most recent conforming metropolitan transportation plan and TIP may proceed immediately without revisiting the requirements of this section, subject to interagency consultation defined in 40 CFR part 93. An interim TIP containing eligible projects that are not from, or consistent with, the most recent conforming transportation plan and TIP must meet all the requirements of this section.

(n) Projects in any of the first four years of the TIP may be advanced in place of another project in the first four years of the TIP, subject to the project selection requirements of § 450.330. In addition, the TIP may be revised at any time under procedures agreed to by the State, MPO(s), and public transportation operator(s) consistent with the TIP development procedures established in this section, as well as the procedures for the MPO participation plan (see § 450.316(a)) and FHWA/FTA actions on the TIP (see § 450.328).

(o) In cases that the FHWA and the FTA find a TIP to be fiscally constrained and a revenue source is subsequently removed or substantially reduced (i.e., by legislative or administrative actions), the FHWA and the FTA will not withdraw the original determination of fiscal constraint. However, in such cases, the FHWA and the FTA will not act on an updated or amended TIP that does not reflect the changed revenue situation.

[72 FR 7261, Feb. 14, 2007; 72 FR 11089, Mar. 12, 2007]

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Executive Order 12898 of February 11, 1994

Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1–1. Implementation.

1–101. Agency Responsibilities. To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

1–102. Creation of an Interagency Working Group on Environmental Justice.

(a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency (“Administrator”) or the Administrator’s designee shall convene an interagency Federal Working Group on Environmental Justice (“Working Group”). The Working Group shall comprise the heads of the following executive agencies and offices, or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall:

- (1) provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;
- (2) coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1–103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;
- (3) assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3–3 of this order;
- (4) assist in coordinating data collection, required by this order;
- (5) examine existing data and studies on environmental justice;
- (6) hold public meetings as required in section 5–502(d) of this order; and
- (7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1–103. Development of Agency Strategies.

(a) Except as provided in section 6–605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)–(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

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(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

1-104. Reports to the President. Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

Sec. 2-2. Federal Agency Responsibilities for Federal Programs. Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.

Sec. 3-3. Research, Data Collection, and Analysis.

3-301. Human Health and Environmental Research and Analysis.

(a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

3-302. Human Health and Environmental Data Collection and Analysis.

To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a):

(a) each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are: (1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and (2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law. (d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

Sec. 4-4. Subsistence Consumption of Fish and Wildlife.

4-401. Consumption Patterns. In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and

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appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

4-402. Guidance. Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife. Agencies shall consider such guidance in developing their policies and rules.

Sec. 5-5. Public Participation and Access to Information.

(a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

Sec. 6-6. General Provisions.

6-601. Responsibility for Agency Implementation. The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

6-602. Executive Order No. 12250. This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

6-603. Executive Order No. 12875. This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

6-604. Scope. For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

6-605. Petitions for Exemptions. The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

6-606. Native American Programs. Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

6-607. Costs. Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

6-608. General. Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

6-609. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance of the United States, its agencies, its officers, or any other person with this order.

EXECUTIVE ORDER 13166 of August 11, 2000

IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person

Appendix C

**SOUTH WESTERN REGION
METROPOLITAN PLANNING ORGANIZATION**

DARLEN • GREENWICH • NEW CANAAN • NORWALK • STAMFORD • WESTON • WESTPORT • WILTON
586 WASHINGTON BOULEVARD • STAMFORD, CT 06901 • (203) 316-5150 • FAX (203) 316-4995

RESOLUTION #2009-017

2009 Public Participation Plan for the South Western Region Endorsement

WHEREAS: The South Western Region MPO has reviewed current federal and state regulations and requirements for public participation in the metropolitan transportation planning process, and conducted a comprehensive evaluation of the MPO's process and practices.

WHEREAS: The *South Western Region Public Participation Plan Evaluation, October 2007* documents the evaluation and research into nationwide best practices which were used to develop the *2009 Public Participation Plan for the South Western Region MPO*.

WHEREAS: The public comment period for the *2009 Public Participation Plan for the South Western Region MPO* ran from March 2, 2009 through April 16, 2009, in compliance with the requirement for a 45 day review.

WHEREAS: No comments from the public were received and no substantive changes are needed.

WHEREAS: The TTAG reviewed the documents and public review process and results on May 6, 2009 and recommends that the South Western Region MPO adopt the *2009 Public Participation Plan for the South Western Region MPO*.

Be It resolved that the South Western Region Metropolitan Planning Organization hereby:

Approves the 2009 Public Participation Plan for the South Western Region Metropolitan Planning Organization

This resolution is effective May 28, 2009.

Date: May 28, 2009.

By: _____



Wendy Biss,
Chairman