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ERIE AREA TRANSPORTATION STUDY • METROPOLITAN PLANNING ORGANIZATION

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# Erie MPO

## PUBLIC PARTICIPATION PLAN

Approved by the Erie MPO Coordinating Committee  
May 16, 2007

# Table of Contents

<b>SECTION</b>	<b>Page</b>
<b>PURPOSE</b>	<b>3</b>
<b>PUBLIC MEETINGS</b>	<b>4</b>
<b>ACTIVITIES SUBJECT TO PUBLIC INVOLVEMENT</b>	<b>5</b>
<b>DEFINITION OF PUBLIC &amp; STAKEHOLDERS</b>	<b>5</b>
<b>ADEQUATE TIME FOR PUBLIC COMMENT</b>	<b>6</b>
<b>METHODS OF NOTIFYING THE PUBLIC</b>	<b>6</b>
<b>DOCUMENTATION OF PUBLIC COMMENT &amp; RESPONSE</b>	<b>7</b>
<b>ADOPTION OF A “FINAL” TRANSPORTATION PLAN</b>	<b>8</b>
<b>ADOPTION OF A TIP</b>	<b>9</b>
<b>PUBLIC INFORMATION REQUIREMENTS FOR SECTION 5307 GRANTS</b>	<b>10</b>
<b>ACCESS TO TECHNICAL INFORMATION</b>	<b>10</b>
<b>REASSESSMENT OF PUBLIC PARTICIPATION PLAN</b>	<b>10</b>
<b>APPENDIX I</b>	<b>11</b>

# Public Participation Plan

## Erie MPO

### Purpose

It is the policy of the Erie Area Transportation Study - Erie MPO to have a proactive public involvement process that provides complete information, timely public notice, and full public access to Erie MPO activities at all key stages in the decision making process. It is also Erie MPO policy to involve the public early in the planning process, and to actively seek out the involvement of communities most affected by particular plans or projects. Furthermore, it is a goal of the community involvement policy that the Region's transportation plans and programs are developed in a manner that assures that the public, and affected communities in particular, are afforded ample opportunity to participate in the development of such plans.

The Erie MPO's Public Participation Plan also provides a framework for focused efforts to identify, seek out and engage populations that have traditionally been underserved by existing transportation systems, including: minority populations, low-income populations, non-English speakers and those with limited English proficiency, older persons and persons with disabilities.

The foundation for these efforts is stated in Title VI of the Civil Rights Act of 1964:

*"...No person in the United States shall, on the basis of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program receiving Federal financial assistance..."*

--Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000)

Further reinforcement was established by the President's 1994 Executive Order on Environmental Justice, which states:

*"...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..."*

--Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994

The Erie MPO will coordinate its public involvement processes with those of the Pennsylvania Department of Transportation, the Erie Metropolitan Transit Authority, the Erie-Western Pennsylvania Port Authority, Erie Municipal Airport Authority, the Erie County Department of Planning and the municipalities of Erie County to improve public involvement and reduce costs where agencies are reviewing similar issues.

## 1. PUBLIC MEETINGS

### A. Meeting Accessibility

- i. With the exception of those meetings that are appropriate executive sessions, all meetings of the Erie MPO and the meetings of MPO committees shall be open to the public.
- ii. Assistance for the sight and/or hearing-impaired, those with limited English proficiency or non-English speakers shall be provided with advanced notice. When possible, written materials will be made available in languages other than English that are relevant to local populations.
- iii. The MPO Staff will provide contact information for assistance to individuals in need of auxiliary aids and services in the below mentioned meeting notice. In addition, the MPO Staff will provide information in regards to the status of the building's accessibility.
- iv. With consideration to the geographical area and diverse topics of concern to the public, the Commission shall schedule meetings at convenient and accessible facilities, locations, and times which will encourage attendance by the general public, and that are accessible and accommodating to persons with disabilities, older persons and the sight and/or hearing-impaired. Where possible, meeting places will be accessible by public transportation. Meeting locations shall be compliant with the Americans with Disabilities Act (ADA).

### B. Meeting Notice

- i. Advertising shall be display advertising or equivalent or superior editorial form. Display advertisements need not be duplicated by legal advertisements.
- ii. In an effort to actively engage minority and low-income populations, non-English speakers and those with limited English proficiency, older persons and persons with disabilities, and other populations traditionally underserved by the existing transportation system, announcements of regularly scheduled meetings will be distributed to newspapers or other media that specifically target these groups as appropriate.
- iii. Meeting announcements shall be provided on MPO's web site ([www.eriecountyplanning.org](http://www.eriecountyplanning.org)), where they can be translated into languages other than English. With advance notice, many written materials can be formatted specifically for use by devices to assist the sight-impaired.
- iv. All additional or rescheduled MPO meetings, committee meetings, or special meetings of the public, shall be announced on the agency's web site ([www.eriecountyplanning.org](http://www.eriecountyplanning.org)) no less than 72 hours prior to the meeting time.

- v. Any special MPO meetings that may be necessary for emergency action shall be advertised in a newspaper of general circulation within the region no less than 72 hours prior to the meeting time, and shall be announced on the agency's web site ([www.eriecountyplanning.org](http://www.eriecountyplanning.org)) no less than 72 hours prior to the meeting time.
- vi. In the event that a major decision, as defined in this document, is to be considered for action at a meeting of the MPO, the MPO shall provide notice in a newspaper of general circulation within the region at least 30 days prior to said meeting summarizing the major decision which is subject to action, indicating where copies of any document for review can be obtained and where to send comments.

## **2. ACTIVITIES SUBJECT TO PUBLIC INVOLVEMENT**

The Erie MPO shall provide early and continuing public involvement opportunities throughout the transportation planning and programming process.

### **A. Planning Activities**

Special emphasis shall be given to engaging the public in planning studies that form the basis for later programming decisions. Planning activities include corridor studies and special regional studies, environmental assessment studies, and development of the Long Range Transportation Plan. These activities offer the public the earliest opportunity to participate in the development of project proposals that might eventually be programmed for funding. Thus, the Erie MPO shall make an extra effort to involve the affected community through methods such as local advisory committees, public information meetings, and newsletters.

### **B. Programming Activities**

Opportunities for the public to participate shall also be provided through the project selection, programming, and project development phases. These activities include the selection of Surface Transportation Program -Urban projects, and the adoption or amendment of Transportation Improvement Program (TIP).

## **3. DEFINITION OF PUBLIC & STAKEHOLDERS**

The Erie MPO shall make an effort to inform and engage both the general public and stakeholders as appropriate.

### **A. General Program**

As part of its general planning and programming process, the Erie MPO will try to involve the following: citizens, member municipalities, affected public agencies, representatives of transportation agency employees or unions, public and private providers of transportation, representatives from disability groups, and other parties who have expressed an interest in the process.

## B. Special Studies

For special studies that the Erie MPO conducts, it shall make an effort to identify and involve persons and groups that might be affected by potential changes to the particular transportation service or facility under review. Examples include abutting property owners, neighborhoods associations, representatives from disability groups, and businesses within the study area.

## C. Outreach to Special Groups – Environmental Justice (EJ)

The Erie MPO shall also make a special effort to seek out and consider the needs of groups or communities traditionally not well served by existing transportation systems. These include, but are not limited to low-income households and minority households.

It is sometimes necessary to conduct an outreach effort to EJ communities, beyond that which is normally expended. At a minimum, the Erie MPO shall identify groups that it needs to involve, add them to the appropriate mailing lists, and define methods for engaging them in relevant programs or projects. This requirement for special outreach efforts shall apply to both sections A and B above.

Erie MPO efforts in this regard shall be consistent with the Environmental Justice Executive Order (EO 12898) dated February 11, 1994, and other related guidance from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).

## 4. **ADEQUATE TIME FOR PUBLIC COMMENT**

The Erie MPO shall allow reasonable time for public review and comment at key decision points. These include, but are not limited to, action on the Long Range Transportation Plan and the Transportation Improvement Program (TIP). Minimum notification periods shall be as follows:

- Amendments to the Erie MPO's Public Participation Policy – 45 days
- Adoption of the TIP & major TIP amendments – 30 days
- Adoption of the Long Range Transportation Plan & major amendments – 30 days
- Policy Board & Committee meetings – 7 days

## 5. **METHODS OF NOTIFYING THE PUBLIC**

The Erie MPO shall use appropriate methods to notify the public of its activities and of opportunities for public involvement. Determination of which methods to use must be done for each individual planning project or study. However, the minimum requirements are listed below.

### A. Schedule of Meetings

For committees with regularly scheduled meetings (Coordinating and Technical

Committees), the annual schedule of meetings shall be published in the Erie Times-News, posted in the Courthouse, and sent to each municipality at the beginning of each calendar year.

B. Meeting Notices

A notice of each committee or subcommittee meeting shall be filed with every municipality office. In an effort to actively engage minority and low-income populations, non-English speakers and those with limited English proficiency, older persons and persons with disabilities, and other populations traditionally underserved by the existing transportation system, announcements of regularly scheduled meetings will be distributed to newspapers or other media that specifically target these groups as appropriate. For studies or committees that involve only a few municipalities, the notice shall be filed only in with the municipalities of the affected communities.

C. Public Comment

Every meeting conducted by the Coordinating Committee of the Erie MPO will include on the agenda an opportunity for public comment.

D. Mailing Lists

The Erie MPO shall maintain mailing lists for each committee or study. Notices of meetings shall be sent to all persons on the mailing list. Anyone may request that his or her name be added to a particular mailing list, by indicating the appropriate list and providing either an email address or a regular mail address.

E. Erie MPO Website

The Erie MPO through [www.eriecountyplanning.org](http://www.eriecountyplanning.org) shall maintain a calendar of meetings and activities on its website. All Erie MPO meeting agendas will be posted approximately one week prior to the meeting date. Minutes from the MPO meetings will be posted within two weeks of their approval by the MPO members. The website shall also include copies of appropriate reports and plans that individuals can read online or download to their own computer. All documents that are available on the website shall comply with Section 508 of the Rehabilitation Act. The Act requires that all electronic products prepared for the Federal Government be accessible to persons with disabilities, including those with vision, hearing, cognitive, and mobility impairments.

F. Legal Notices in Newspapers

Anytime the Erie MPO initiates a formal 30-day or 45-day public comment period, notice of the opportunity to comment shall be posted in a legal ad in the area's major daily newspaper.

G. Interested Parties

The Erie MPO shall send meeting notices to persons who have expressed a special interest in the Erie MPO's overall transportation program, or specific studies. Further, the Erie MPO shall proactively send meeting notices to organizations and individuals that represent minority sections of the population.

H.

### Additional Methods

The Erie MPO shall give consideration to alternative methods of involving the public appropriate to the project. Such methods may include, but are not limited to newsletters, distributing information through public libraries and community groups (especially those serving EJ and Limited English Proficiency (LEP) communities, the elderly and persons with disabilities), using open house format meetings, conducting surveys, involving focus groups for specially selected topics, preparing press releases, and holding events at special locations like shopping malls.

## **6. DOCUMENTATION OF PUBLIC COMMENT & RESPONSE**

The Erie MPO shall document public comments received during the course of a study or an amendment of the Public Participation Plan (PPP), Long Range Transportation Plan (LRTP), or Transportation Improvement Plan (TIP). The Erie MPO shall also document how it responded to public comments.

### **A. Comments Received**

Documentation of comments may be accomplished in a manner appropriate to the project and the nature of the comments. Documentation may consist of meeting minutes, a file of letters, or a special memo that summarizes the comments. A written summary is preferred at key points in the decision-making process when members of the relevant study committee must decide to narrow the range of alternatives, select a preferred alternative, or make a decision of similar nature. The written summary of comments made at public information meetings shall be given to the committee members prior to any committee action.

### **B. Response to Comments**

The Erie MPO shall provide a descriptive summary of how it responded to significant public comments during the development of a plan or document such as the TIP. The summary may be produced as a separate report or included as a short section in the final plan or document.

## **7. ADOPTION OF A “FINAL” TRANSPORTATION PLAN**

The following describes the minimum public involvement program required during the review of a draft Long Range Transportation Plan, or a draft of a major amendment to the Plan. These steps must be taken before the Erie MPO acts to adopt the draft document as the Final Plan.

### **A. Legal Notice**

A legal notice shall be printed in the Erie Times-News and other local newspapers as appropriate. The notice shall include a statement that translator services may be requested in advance. The notice shall also be submitted to each municipality in the county.

B.

### Comment Period and Public Meeting

The Erie MPO shall allow a minimum of 30 days for public comments and shall hold a public information meeting during the public comment period. Opportunity for public comment on the plan shall also be provided at every Coordinating and Technical Committee meeting during the comment period.

### C. Summary & Disposition of Comments.

A summary of significant comments and the disposition of the comments shall be provided in the final document.

## **8. ADOPTION OF A TIP**

The following describes the minimum public involvement program required during the review of a draft Erie TIP, or the draft of a major amendment. These steps must be taken before the Erie MPO acts to adopt a draft document as the final or official document.

### A. Legal Notice

A legal notice shall be printed in the Erie Times-News and other local newspapers as appropriate. The notice shall also be submitted to each municipality in the county.

### B. Comment Period and Public Meeting

The Erie MPO shall allow 30 days for public comments and shall hold a public information meeting during the 30-day period. Opportunity for public comment on the TIP shall also be provided at every Transportation Committee and Policy Board meeting during the comment period.

### C. Summary & Disposition of Comments

A summary of significant comments and the disposition of the comments shall be provided in the final document.

#### i. Definition of Major TIP Amendment

A major TIP amendment is defined as one for which the Pennsylvania Department of Transportation (PennDOT) must prepare an air quality conformity report. State and federal guidelines require that an air quality conformity report must be prepared if one or more projects is of sufficient size, or of a certain type, that is apt to have a significant air quality impact.

#### ii. Minor Amendments

Following the standard procedures for Coordinating and Technical Committee meetings shall satisfy the public involvement requirements for minor amendments. So long as the proposed minor amendment is listed on the respective Coordinating and Technical Committee agendas, and those agendas have been sent to municipalities and respective committee mailing lists seven days in advance of the meeting, the public involvement requirements shall be satisfied.

iii. Administrative Adjustments

Administrative adjustments to the TIP are made when the change involves a simple matter such as moving a project from one year to another, a change in funding source, an increase in federal funds with no change in scope, or a decrease in the cost. PennDOT makes the determination as to whether a change is a simple administrative adjustment (called administrative actions by PennDOT.) Since these changes are minor in nature and since the projects have already been reviewed by the public through the earlier TIP adoption process described above, there will be no need for a formal vote by the MPO.

**9. PUBLIC INFORMATION REQUIREMENTS FOR SECTION 5307 GRANTS**

The public involvement process adopted by the Erie MPO for its TIP shall also serve to satisfy the public involvement requirements of the Erie Metropolitan Transit Authority as applicant for regular Section 5307 (FTA Transit Capital) funds. This applies to the Authority's annual purchase of replacement vehicles for programs such as the town dial-a-ride services, the regional ADA service, or the commuter bus services. This does not apply to non-routine capital projects that require an environmental assessment or environmental impact statement. For major projects the Authority shall conduct its own separate public involvement process.

**10. ACCESS TO TECHNICAL INFORMATION**

The Erie MPO shall provide reasonable public access to technical and policy information used in the development of the Erie LRTP, the TIP and related studies, the PPP, special studies, plans, programs, and visualization tools. All documents will be available digitally through department website ([www.eriecountyplanning.org](http://www.eriecountyplanning.org)) or by request.

**11. REASSESSMENT OF PUBLIC PARTICIPATION PLAN**

The Erie MPO shall conduct an annual review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all. Amendments shall be initiated when public comment deems reassessment necessary, or the MPO Staff recommend changes. Amendments shall occur whenever Federal law dictates change in public involvement to correspond with the current transportation planning legislation.

## **Appendix Definitions**

### **Air quality conformity determination**

A process in which transportation plans and programs are reviewed to ensure that they are consistent with federal clean air requirements. Changes to the transportation system collectively must not worsen air quality; in areas where air quality does not meet federal standards, transportation plans and programs are expected to improve the air quality.

### **Long-range transportation plan**

A transportation plan addressing at least a twenty-year planning horizon, including both long-range and short-range strategies/actions of an integrated, intermodal transportation system that facilitates the efficient movement of people and goods and meets Federal requirements (23CFR Part 450.322).

### **Major amendment**

Any amendment to a long-range transportation plan or Transportation Improvement Program (TIP) that does not qualify as a minor amendment, or an amendment that meets the criteria for a minor amendment but is treated as a major amendment because of controversy or high visibility. Procedures for TIP modifications and amendments are provided in the TIP document.

### **Major decision**

The adoption or major amendment of the long-range transportation plan, Transportation Improvement Program (TIP), air quality conformity determination, or other significant transportation plan or program.

### **Minor TIP or long-range transportation plan amendment**

Correction of clerical errors; changes that are air quality neutral (projects and project types which are not required to be included in regional air quality conformity assessments for transportation plans and programs as listed in Sections 126 and 127 of Environmental Protection Agency's Transportation Conformity Rule, 40CFR Part 93). Procedures for TIP modifications and amendments are provided in the TIP document.

### **Metropolitan Planning Organization (MPO)**

Regional planning entity responsible for transportation planning and approval of federal transportation funding for the region.

### **MPO Staff**

The staff of the Erie County Department of Planning.

### **Transportation Improvement Program (TIP)**

A staged, multiyear, fiscally constrained, intermodal program of transportation projects which is consistent with the long-range transportation plan. The TIP develops a prioritized program of projects and its financing plan based on estimated funding available. The TIP covers a four-year period and is updated every other year.