

Merced County Association of Governments
Public Participation Plan

Adopted February 21, 2008

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1. Introduction

Merced County Association of Governments

As a Regional Transportation Planning Agency (RTPA), the Merced County Association of Governments (MCAG) addresses issues of mutual concern to the county and the cities in the Merced County region, and satisfies Federal and State transportation planning and programming mandates. MCAG provides a forum for planning, discussion, and study of area-wide issues, prepares and adopts regional plans and programs, serves as the regional agency for federal and state transportation programs and funding opportunities and addresses other area-wide issues based on the desires of the member jurisdictions. MCAG represents its member jurisdictions as planner, programmer, and broker in developing an efficient and effective inter-modal transportation system that provides for the mobility needs of people, goods, and services while protecting the environment.

MCAG and its member agencies are responsible for determining policy, adopting plans and programs, and awarding funds to implement these plans. This procedural document is intended to give the MCAG elected officials and staff guidance in providing for public involvement and interagency consultation in the regional planning process. It contains procedures and strategies MCAG uses to instigate, seek and foster greater public involvement regarding transportation matters within its discretion. MCAG's documented participation plan defines a process for providing reasonable opportunities to be involved in the metropolitan transportation planning process.

Purpose of the Public Participation Plan

MCAG has developed this Public Participation Plan (PPP) as a guide to meeting the requirements for public participation outlined in PPP. The PPP is intended to provide direction for public participation activities to be conducted by MCAG and contains the procedures, strategies and techniques used by MCAG for public participation. In its public participation process, MCAG will:

- Provide 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 Regional Transportation Plan (RTP) and the Federal Transportation Improvement Program (FTIP);
- Provide timely notice and reasonable access to information about MCAG's issues and processes;
- Employ visualization techniques to describe the RTP and FTIP;
- Make public information (technical information and meeting notices) available in electronically accessible formats and means, such as the internet;
- Hold any public meetings at convenient and accessible locations and times;
- Demonstrate explicit consideration and response to public input received during the development of the RTP and the FTIP;

- Seek out and consider 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;
- Provide an additional opportunity for public comment, if the final RTP or FTIP differs significantly from the version that was made available for public comment by the MCAG and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts;
- Coordinate with the statewide transportation planning public involvement and consultation processes;
- Periodically review the effectiveness of the procedures and strategies contained in this PPP to ensure a full and open participation process.

2. Federal Requirements

SAFETEA-LU

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users — better known as SAFETEA-LU — signed into law in 2005, underscores the need for public involvement and requires metropolitan planning agencies such as MCAG to “provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation and other interested parties with a reasonable opportunity to comment” on transportation plans and programs.

SAFETEA-LU legislation also requires MCAG — when developing the Regional Transportation Plan (RTP) and the Federal Transportation Improvement Program (FTIP) — to coordinate transportation plans with expected growth, economic development, environmental protection and other related planning activities within our region. Toward this end, this Public Participation Plan outlines key decision points for consulting with affected local, regional, state and federal agencies and Tribal governments.

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 requires that transportation planning and programming be non-discriminatory on the basis of race, color, national origin or disability. The federal statute was further clarified and supplemented by the Civil Rights Restoration Act of 1987 and a series of federal statutes enacted in the 1990s relating to the concept of environmental justice. The fundamental principles of environmental justice include:

- Avoiding, minimizing or mitigating disproportionately high and adverse health or environmental effects on minority and low-income populations;
- Ensuring full and fair participation by all potentially affected communities in the transportation decision-making process; and
- Preventing the denial, reduction or significant delay in the receipt of benefits by minority populations and low-income communities.

Executive Orders

An Executive Order is an order given by the President to federal agencies. As a recipient of federal revenues, MCAG assists federal transportation agencies in complying with these orders.

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

In February 1994, President Clinton signed Executive Order 12898, Federal Actions to Address Environmental Justice for Minority Populations and Low-Income Populations, which mandates that federal agencies make achieving environmental justice part of their missions. This order requires that disproportionately high and adverse human health or environmental effects on minority and low-income populations be identified and addressed in order to achieve environmental justice. Minority populations are defined in the order as Black/African-American, Hispanic, Asian/Pacific Islander, American Indian and Alaskan Native. Low-income populations are defined in the order as persons whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines, with those at 0 percent of median income classified as low income and those at 50 percent of median income classified as very-low income.

Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency

Executive Order 13166 states that people who speak limited English should have meaningful access to federally conducted and federally funded programs and activities. It requires that all federal agencies identify any need for services to those with limited English proficiency and develop and implement a system to provide those services so all persons can have meaningful access to services.

The Brown Act (State of California Government Code sections 54950-54962)

The Brown Act governs the meeting and actions of governing boards of local public agencies and their created bodies. Requirements of the Brown Act also apply to any committee or other subsidiary body of a local agency, whether permanent or temporary, decision-making or advisory, which is created by such a governing board. The Brown Act sets minimum standards for open meetings relative to access to the public, location of meetings, notice posting, agenda distribution, and public input. The public agency may adopt reasonable regulations ensuring the public's right to address the agency, including regulations to limit the total amount of time allocated for public testimony. The MCAG Board and its standing committees all adhere to these requirements involving proper noticing, access and the ability to address the Board and committees.

Due to time constraints, unscheduled comments by the public may be limited to 3 minutes in length, however the agency encourages interested citizens to provide written copies of presentations to the Board/Committees, particularly if the statement is too long to be presented in its entirety. Citizens unable to attend the meetings may submit their concerns and ideas in writing

to staff, who will then present the comments to the respective Board/Committee in either a written or oral format.

Americans with Disabilities Act

The Americans with Disabilities Act of 1990 (ADA) stipulates involving the community, particularly those with disabilities, in the development and improvement of services. All events held for programs or projects with Federal aid and open to the general public must be made accessible to everyone, including the disabled.

MCAG complies with the ADA by having accessible formats and public hearings, consulting with individuals from the disabled community, and conducting outreach by maintaining an extensive mailing and email lists , developing contacts, and other means of notification to participate in the planning process.

Other Requirements

A number of other federal and state laws call on MCAG to involve and notify the public in its decisions. MCAG complies with all other public notification requirements of the California Public Records Act, the California Environmental Quality Act, as well as other applicable state and federal laws.

3. Project/Plan Specific Public Participation Requirements

There are two key transportation initiatives that are specially called out in federal law as needing early and continuing opportunities for public participation — development of the Regional Transportation Plan (RTP) and the Federal Transportation Improvement Program (FTIP).

Because of its comprehensive, long-term vision, the RTP provides the earliest and the best opportunity for interested residents and public agencies to influence MCAG’s policy and investment priorities for Merced County transportation. It is at this earlier RTP stage where investment priorities and major planning-level project design concepts are established, and broad, regional impacts of transportation on the environment are addressed.

A. Regional Transportation Plan (RTP)

The long-range Regional Transportation Plan (RTP) prioritizes and guides all Merced County transportation development over 20-25 years. The RTP is the comprehensive blueprint for transportation investment (transit, highway, local roads, bicycle and pedestrian projects), and establishes the financial foundation for how the region invests in its surface transportation system by identifying how much money is available to address critical transportation needs and setting the policy on how projected revenues are to be spent. The RTP is generally updated every four years, with a limited number of amendments as needed. Opportunities for public participation for the RTP are different for RTP updates versus RTP amendments. RTP Updates include significant revisions to the RTP document, while RTP amendments are generally specific to project scopes, schedules, or costs.

RTP Update

The RTP update reflects reaffirmed or new planning priorities and changing projections of growth and travel demand based on a reasonable forecast of future revenues available to the region. As necessary, MCAG prepares two technical companion documents for RTP updates: a program-level Environmental Impact Report per California Environmental Quality Act (CEQA) guidelines, and transportation air quality conformity analyses (to ensure clean air mandates are met) per federal Clean Air Act requirements. Certain revisions to the RTP may warrant a revision or update to these technical documents. See the update outreach requirements listed below.

RTP Amendment

An amendment is a major revision to a long-range RTP, including adding or deleting a project, major changes in project costs, and/or design concept and scope (e.g., changing project locations, open to traffic dates, or the number of through traffic lanes). Changes to projects that are included in the financially unconstrained portion of the RTP (as information only) do not require an amendment. An amendment requires public review and comment, demonstration that the project can be completed based on expected funding, and/or a finding that the change is consistent with federal transportation conformity mandates. Amendments that require an update to the air quality conformity analysis will be subject to conformity and interagency consultation procedures. See the update outreach requirements listed below.

RTP Administrative Modification

This is a minor revision to the RTP for minor changes to project/project phase costs, or funding sources. An administrative modification does not require public review and comment, demonstration that the project can be completed based on expected funding, nor a finding that the change is consistent with federal transportation conformity requirements.

Outreach for RTP Updates

Public Meetings, workshops, and surveys during the RTP development period to solicit public dialogue and comment on the RTP process including, but not limited to issues such as:

- Overview of the planning process
- RTP goals, objectives, performance indicators
- RTP project lists
- RTP funding scenarios
- Legally noticed public comment period on the Draft RTP Update. The length of the public comment period is generally 30 days
- Legally noticed public hearing

RTP Updates may also require an amendment to the Federal Transportation Improvement Program (FTIP) and a new Air Quality Conformity Analysis.

B. Federal Transportation Improvement Program (FTIP)

The Federal Transportation Improvement Program (FTIP) implements the policy and investment priorities expressed by the public and adopted by MCAG in the Regional Transportation Plan (RTP). In this way, public comments made as part of the RTP are reflected in the FTIP as well. The FTIP covers a four-year timeframe, and all projects included in the FTIP must be consistent with the RTP. The FTIP is a comprehensive listing of Merced County Area surface transportation projects — including transit, highway, local roadway, bicycle and pedestrian investments — that:

- Receive federal funds, or are
- Subject to a federally required action, or are
- Regionally significant, for federal air quality conformity purposes.

The FTIP includes a financial plan that demonstrates there are sufficient revenues to ensure that the funds committed (or “programmed”) to the projects are available to implement the projects or project phases. Adoption of the FTIP also requires a finding of conformity with federal transportation-air quality conformity mandates. The FTIP is updated every two years, with amendments occurring as needed. FTIP updates are generally considered similar to the Type 5 amendment (see below), and follow a similar public participation process.

Expedited Project Selection Procedures (EPSP) allows eligible projects to be moved between FTIP fiscal years as long as the project cost and scope do not change. MCAG staff is federally authorized to utilize EPSP without additional State or Federal approval action. MCAG does not require a formal public participation process for EPSP actions. A more detailed description of the EPSP is available from MCAG staff upon request.

Federal rules allow MPOs to group or combine projects that are not considered to be of appropriate scale for individual listing. Such grouped projects are often referred to as “Lump Sum Project Listings.” MCAG uses this ability to program lump sums within the FTIP. Such projects may be grouped by function (e.g., bike lanes), work type (e.g., maintenance), or geographical area. Once grouped, the MPO is required to maintain, outside of the FTIP, a detail list of the projects contained in each group.

Modifications to the projects or costs within the lump sum listings are conducted on an as needed basis and do not require a formal public participation process. However, any changes to the overall lump sum costs or scope are done in accordance with the amendment types below. Lump sum project listings are made available through the MCAG website and distributed to Caltrans and FHWA.

Amendment Type 1. Administrative

Administrative amendments include minor changes to project cost, schedule, scope, or funding sources. Administrative amendments require action by MCAG and approval by Caltrans. Federal agencies are notified, but do not take approval action on Type 1 amendments. Public notification of an administrative amendment is posted on MCAG’s website at the time of action, and subsequently posted on Caltrans website after Caltrans’ approval.

Amendment Type 2. Formal Amendment – Funding Changes

Type 2 amendments primarily include project cost changes that are greater than 20% of the total project cost or \$2 million, whichever is higher. Type 2 amendments require approval by MCAG, Caltrans, and FHWA. Publicly accessible notification of a Type 2 formal amendment is posted on MCAG's website at least 14 days prior to action, and distributed to local agency partners through MCAG's standing committees. MCAG will consider public comments on the amendment prior to approval action.

Amendment Type 3. Formal Amendment – Exempt Projects

Type 3 amendments primarily include adding or deleting projects that are exempt from regional air quality emissions analyses. These amendments typically include transit or safety projects. Type 3 amendments require approval by MCAG, Caltrans, and FHWA. Public notification of a Type 3 formal amendment is posted on MCAG's website at least 14 days prior to action, and distributed to local agency partners through MCAG's standing committees. MCAG will consider public comments on the amendment prior to approval action.

Amendment Type 4. Formal Amendment – Conformity Determination that Relies on a Previous Regional Emissions Analysis

Type 4 amendments primarily include adding or deleting projects that have already been appropriately modeled for air quality purposes as part of the RTP. In this case, the Federal approving agencies can use a previous analysis of the project's impact on air quality for approval purposes. Type 4 amendments may be accompanied by an RTP amendment to maintain consistency. The FTIP amendment and RTP Amendment (if applicable) follow the same public process. Type 4 amendments require approval by MCAG, Caltrans, and FHWA. Public notification of a Type 4 formal amendment includes:

- Legally noticed 30-day public comment period
- Legally noticed public meeting
- Posting of amendment information on MCAG's website during public comment period
- Publishing amendment information as part of the following publicly available MCAG agendas: Transportation Technical Committee, Policy Advisory Committee and MCAG Policy Board
- Consideration and response to public comments received during comment period

Amendment Type 5. Formal Amendment – Conformity Determination and New Regional Emissions Analysis

Type 5 amendments are the highest level amendment and primarily involve adding or deleting new projects that must be modeled for their air quality impacts, or significantly changing the design concept, scope, or schedule of an existing project. Type 5 amendments are accompanied by a new Air Quality Conformity Document that demonstrates conformity with applicable air quality requirements, and if applicable, an RTP amendment to maintain consistency. The FTIP amendment, Air Quality Conformity Document, and RTP Amendment (if applicable) follow the same public process. Type 5 amendments require approval action by MCAG, Caltrans, and FHWA. Public notification of a Type 5 formal amendment includes:

- Legally noticed 30-day public comment period
- Legally noticed public meeting
- Posting of amendment information on MCAG’s website during public comment period
- Publishing amendment information as part of the following publicly available MCAG agendas: Transportation Technical Committee, Policy Advisory Committee, and MCAG Policy Board
- Consideration and response to public comments received during comment period

Public Participation Plan

Major revisions or updates to the MCAG Public Participation Plan include a 45-day public review period and public hearing. MCAG staff will conduct a periodic review of the effectiveness of the Public Involvement Process to determine if current strategies are effective.

4. Development of the Public Participation Plan

While updating the Public Participation Plan in compliance with Federal legislation (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, known as SAFETEA-LU), MCAG embarked upon an evaluation of our current public participation practices by requesting input and consultation on how to best engage the public and interested parties in our transportation planning process. This was accomplished via online and hard copy survey and through committee. The survey results and focus group communication summaries are included in Appendices C and D in this Public Participation Plan.

5. Public Participation Techniques

MCAG Staff uses several techniques to provide interested parties with reasonable opportunities to be involved in the planning process. Staff understands that prior to involvement in MCAG’s planning activities, members of the public must understand what MCAG’s mission is, and what issues are under consideration.

A list of participation strategies follows that includes tried-and-true approaches as well as new suggestions received during the Public Participation Plan development process. MCAG staff will define appropriate outreach strategies for each plan/program on a case-by-case basis, and select appropriate options from the following lists.

Public Meetings/Workshops

- Participate in or speak at meetings of existing agencies/community groups
- Co-host workshops with community groups, business associations, etc.
- Partner with community-based organizations in low-income and minority communities for targeted outreach

Techniques for Public Meetings/Workshops

- Open Houses

- Facilitated discussions
- Question-and-Answer sessions with planners and policy board members
- Break-out sessions for smaller group discussions on multiple topics
- Interactive exercises
- Customized presentations
- Vary time of day for workshops (day/evening)

Visualization Techniques

- Maps
- Charts, illustrations, photographs
- Table-top displays and models
- Web content and interactive games
- Electronic voting
- PowerPoint slide shows

Polls/Surveys

- Telephone polls
- Electronic surveys via Web
- Intercept interviews where people congregate, such as at transit hubs
- Printed surveys distributed at meetings, transit hubs, on-board transit vehicles, etc.

Focus Groups

- Participants recruited randomly from telephone polls
- Participants recruited by interest area

Printed Materials

- User-friendly documents (including use of executive summaries and simplified language)
- Post cards
- Maps, charts, photographs, and other visual means of displaying information

Targeted Mailings/Flyers

- Work with community-based organizations to hand deliver flyers
- Mail to targeted database lists
- Distribute flyers to key community organizations
- Place notices on board transit vehicles and transit hubs

Utilize local media

- News Releases
- Submit human interest stories that center around projects
- Invite reporters to news briefings
- Meet with editorial staff
- Opinion pieces/commentaries
- Purchase display ads/radio & TV advertising

- Negotiate inserts into local printed media
- Visit minority media outlets to encourage use of news releases
- Place speakers on Radio/TV talk shows
- Public Service Announcements on radio and TV
- Develop content for public access/cable television programming
- Civic journalism partnerships

Electronic Access to Information

- Web site with updated content and simplified layouts
- Audio/videocasts of current and past public meetings/workshops
- Electronic duplication of open house/workshop materials
- Interactive Web with surveys, comment line
- Access to maps, charts, plans
- Provide information in advance of public meeting
- Post event/meeting information on online news sites, calendars, community & discussion websites

Notify Public via

- E-mail
- Notice widely disseminated through new partnerships with community-based and interest organizations
- Newsletters
- Printed materials
- Electronic access to information
- Local Media
- Notices placed on board transit vehicles and at transit hubs

Newsletters

- MCAG's newsletter
- Project specific email and print newsletters
- Board Action Summaries
- Submit articles for publication in community/corporate/online newsletters

Techniques for Involving Environmental Justice Communities

- Make regular reports to MCAG's ongoing committees
- Grants to community-based organizations to organize & tailor meetings, customize presentation materials, provide incentives and remove barriers to participation in their communities
- Flyers on transit vehicles and transit hubs
- Outreach in the community (flea markets, churches, health centers, etc.)
- Translate materials; have translators available at meetings as requested
- Include information on meeting notices on how to request translation assistance
- Robust use of "visualization" techniques, including maps and graphics to illustrate trends, choices being debated, etc.

- Use of community and minority media outlets to announce participation opportunities

Techniques for Reporting on Impact of Public Comments

- Summarize key themes of public comments in staff reports to MCAG standing committees
- Direct mail and email to participants from meetings, surveys, etc. to report final outcomes
- Newsletter articles
- Updated and interactive Web content

Other Outreach

- Information/comment tables or booths at community events and public gathering spaces

6. Additional Public Participation Policies

The following requirements will apply as deemed appropriate by the MCAG management staff and Governing Board Chair:

1. No person shall be denied participation.
2. As required, a public notice will be placed in the legal advertising sections of at least one newspaper of general circulation within the affected community, including a Spanish-language publication when possible.
3. MCAG shall provide appropriate assistance, auxiliary aids, a translator/interpreter for non-English speaking and hearing impaired individuals and/or services when necessary if requested 3 working days in advance of the meeting, to afford disabled individuals an equal opportunity. If MCAG is unable to accommodate a request for a public hearing then the hearing will be continued on a specified date when accommodations are available.
4. Meeting agendas and minutes are currently made available upon written request via regular mail, and they are added regularly to MCAG's internet website. Agendas are also posted at meeting locations are posted at least 72 hours before regular meetings of advisory or standing committees or 24 hours before special meetings. The Brown Act (CA Government Code 54954.1) also states that any person may request a copy of the agenda or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. That request is valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service.
5. Public hearings will be held prior to a decision point as a formal means to gather citizen comments and positions from all interested parties for public record and input into the decision making process. MCAG hearings are required for the adoption of major plans, programming of money and for the annual Unmet Transit Needs analysis. Notices for public hearings will be published in a general circulation newspaper. MCAG will accept prepared comments from the public during the period between the notice and hearing date. These comments will be

considered part of the public record. Also during this period, MCAG staff will accept questions and provide clarification on issues raised by the public.

6. MCAG's media list includes newspapers, radio and television broadcast media, and appropriate business or government publications and contacts serving Merced County.

7. If major amendments are made to any plans or programs during the review and comment period, the plan(s) will be made available for an additional 30-45 day (as appropriate) public review and comment period prior to final adoption. Such changes shall also be advertised via news release to all media outlets, on community flyers and on the MCAG website as deemed necessary in the specific project area prior to final adoption.

8. The Executive Director or her designee will coordinate with the state to enhance public consideration for the State Transportation Plan or the State Transportation Improvement Plan.

9. For high-profile projects/plans MCAG may form a citizens' advisory committee specific to that particular plan or project, or determine what, if any, existing committees would appropriately review the plan or project.