

# **Wilmington Metropolitan Planning Organization Public Involvement Policy**



Adopted September 9, 2009

## **I. Introduction**

### **Overview**

The Wilmington Urbanized Area Metropolitan Planning Organization's (WMPO's) Public Involvement Policy is an umbrella policy, encompassing the plans and programs of the greater Wilmington Urban Area's transportation planning process. Public participation is an integral part of the WMPO's planning efforts. The Public Involvement Policy is comprised of the public involvement programs for all the major planning activities, including the Long Range Transportation Plan (LRTP), Metropolitan Transportation Improvement Program (MTIP), the Planning Work Program (PWP) and federal requirements (ISTEA, TEA-21, SAFETEA\_LU, Civil Rights Act, Environmental Justice, Limited English Proficiency and Americans with Disabilities Act).

The WMPO is an intergovernmental transportation planning agency created by an agreement among the City of Wilmington, the Town of Belville, Town of Carolina Beach, Town of Kure Beach, Town of Leland, Town of Navassa, Town of Wrightsville Beach, Brunswick County, New Hanover County, Pender County, Cape Fear Public Transportation Authority and the North Carolina Board of Transportation. State and Federal laws require the formation of MPOs in urbanized areas with populations of greater than 50,000 in order for surface transportation projects to be eligible for Federal transportation funding.

The WMPO is responsible for conducting a continuing, cooperative, and comprehensive transportation planning process for all of the members within the WMPO urbanized area. The WMPO must plan for the movement of both people and goods within the WMPO boundaries by all modes of travel, including highways, public transportation, bicycles, and pedestrians). It also plans for the connections (such as airports, seaports, buses, railroads, and pipeline terminals) linking these modes and connecting the greater Wilmington area to the rest of the state, country, and world.

### **The Wilmington MPO's Mission Statement**

*[T]o develop and implement a comprehensive multi-modal transportation plan that supports the existing and future mobility needs and economic vitality of the Wilmington Urban Area. This shall be accomplished by protecting the environment, safeguarding the social equity, improving the quality of life for citizens of the community improving the local economy and providing for safe and efficient mobility throughout the region. This is achieved through the long range transportation planning process which includes a comprehensive, continuous and cooperative approach from citizens and participating members.*

### **Transportation Advisory Committee (TAC)**

The TAC is the policy and decision-making body for the WMPO. The TAC is comprised of elected and appointed officials from the City of Wilmington, the Towns of Belville, Carolina Beach, Kure Beach, Leland, Navassa, Wrightsville Beach, Brunswick County, New Hanover County, and the North Carolina Board of Transportation. The TAC is ultimately responsible for providing opportunities for citizen participation in the transportation planning process.

***WMPO Voting Members:***

**Brunswick County:** One elected official

**New Hanover County:** One elected official

**Pender County:** One elected official

**City of Wilmington:** Two elected officials

**Town of Belville:** one elected officials

**Town of Carolina Beach:** one elected officials

**Town of Kure Beach:** One elected official

**Town of Leland:** One elected official

**Town of Navassa:** One elected official

**Town of Wrightsville Beach:** One elected official

**Cape Fear Public Transportation Authority:** One elected official (appointed by the New Hanover County Board of Commissioners to the Authority Board)

**North Carolina Board of Transportation:** One appointed official

***WMPO Non-Voting Members:***

***Federal Highway Administration***

***Cape Fear Council of Governments***

***North Carolina State Ports Authority***

***Wilmington Airport Authority***

***North Carolina Turnpike Authority***

**Transportation Coordination Committee (TCC)**

The TCC is made of planners and engineers on staff at each of the member agencies to facilitate coordination of the WMPO's planning activities and transportation planning and related activities occurring within each member agency's jurisdiction. The TCC reviews plans and programs and makes recommendations to the TAC.

**Purpose**

The purpose of the WMPO Public Involvement Policy is to create an open decision-making process whereby citizens have the opportunity to be involved in all stages of the transportation planning process. This policy is designed to ensure that transportation decisions will reflect public priorities.

**Policy Elements**

The WMPO's Public Involvement Policy is comprised of a number of sub-policies. All planning programs and activities are required to go through the Transportation Advisory Committee's (TAC) public process. In addition, the WMPO has initiated specific public involvement programs for the LRTP, the MTIP, the UPWP and federal requirements (ISTEA, TEA-21, SAFETEA\_LU, Civil Rights Act, Environmental Justice, Limited English Proficiency and Americans with Disabilities Act).

**Regular Public Involvement Opportunities**

Regular schedules will be adopted by the TAC at the first meeting of the calendar year. These meetings will typically be held 10 times per calendar year unless otherwise approved and be in accordance with the open meetings laws. Notice of these meetings will be published in the Star News and Wilmington Journal at least 5 days prior to the day of the meeting. These meetings and agendas will also be published on the WMPO's website. These meetings are open to

members of the public and upon request anyone can be placed on the TAC mailing list. At the beginning of each regular meeting, a sign-in sheet will be available before each meeting for those who wish to speak. Each speaker is limited to three minutes and the entire public comment period shall not exceed 15 minutes. If necessary, the chairman can extend the Public Comment Period by a vote of the board.

### **Response to Public Comment**

The TAC typically acknowledges public comments in one of the following two ways: the TAC may incorporate a summary of public comments and the WMPO's response, as an appendix, into the specific planning document, or, depending on the number of comments, the TAC may instruct the planning staff to respond directly by letter. Acknowledging public comments is a way to let the public know that its comments are being addressed and is part of the public involvement feedback process.

### **GOALS:**

The goals of the WMPO's Public Involvement Policy are:

- A. The WMPO will actively seek and consider public input and incorporate or otherwise respond to the views of its stakeholders in making its decisions.
- B. The public will be informed in a timely manner about and empowered to participate in the WMPO's decision-making processes, which are open, understandable, and consistently followed. Access points for public input will be clearly defined from the earliest stages of a decision process and provide adequate time for stakeholders to participate.
- C. Credible, effective public participation processes will be consistently incorporated into the WMPO's program operations, planning activities, and decision-making processes, at headquarters and in the field. Every employee within the WMPO will share responsibility to promote, practice, and improve public participation.

### **Objectives**

- Bring a broad cross-section of the public into the public policy and transportation planning decision-making process.
- Maintain public involvement from the early stages of the planning process through detailed project development.
- Use different combinations of public involvement techniques to meet the diverse needs of the general public.
- Determine the public's knowledge of the metropolitan transportation system and the public's values and attitudes concerning transportation.
- Educate citizens and elected officials in order to increase general understanding of transportation issues.
- Make technical and other information available to the public.

- Establish a channel for an effective feedback process. Evaluate the public involvement process and procedures to assess their success at meeting requirements specified in the ISTEA, TEA-21, SAFETEA\_LU, NEPA and FTA/FHWA Guidance on Public Participation.

The WMPO will seek public input through a menu of techniques, including public notices, comment periods, workshops, charrettes, public hearings, newsletters, surveys, media relations, periodic transportation summits, and the Citizen's Advisory Committee (CAC). The techniques employed will vary, depending on the specific planning task. The MPO will hold a forty-five (45) day public comment period for amendments to the Public Involvement Policy and will seek input and feedback on the MPO's public involvement efforts.

### **Federal Requirements**

The Federal Laws and processes covering public participation in the transportation planning process include the following:

- *The Intermodal Surface Transportation Efficiency Act (ISTEA), Transportation Equity Act for the 21st Century (TEA-21) and Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA\_LU);*
- *Title VI of the Civil Rights Act of 1964;*
- *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994);*
- *Executive Order 13161, Improving Access to Services for Persons with Limited English Proficiency (2000); and*
- *The Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973 (Section 504), and the Rehabilitation Act Amendments of 1998 (Section 508).*

#### **1. ISTEA, TEA-21 and SAFETEA\_LU**

As mandated in *ISTEA* and other supporting Federal regulations, *and continued in TEA-21 and SAFETEA\_LU*, Metropolitan Planning Organizations (MPOs) must establish, periodically review, and update public involvement processes. These processes should assure early and continued public awareness of and access to the transportation decision-making process. The planning regulations contain a number of performance standards for public involvement, including:

- *Providing reasonable public access to technical and policy information used in the development of plans and Transportation Improvement Programs (TIPs);*
- *Requiring adequate public notice of public involvement activities and time for public review and comment at key decision points; and,*
- *Demonstrating explicit consideration and response to public input received during the planning and program development processes*
  - *The use of visualization techniques*
  - *Ensuring that all documents are available in electronic format*

#### **2. Title VI of the Civil Rights Act of 1964**

*Title VI of the Civil Rights Act of 1964* states that “no person in the United States shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

### **3. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994)**

The basis of *Executive Order 12898* lies in *Title VI of the Civil Rights Act of 1964*. It directs that “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* defines minority populations as belonging to any of the following groups:

- *Black – a person having origins in any of the black racial groups of Africa;*
- *Hispanic – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;*
- *Asian American – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; and,*
- *American Indian and Alaskan Native – a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.*

It defines low-income populations as those whose household incomes are *at or below* the U.S. Department of Health and Human Services poverty guidelines. The three fundamental environmental justice principles include:

- *To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;*
- *To ensure full and fair participation by all potentially affected communities in transportation decision-making; and*
- *To prevent the denial of, reduction in, of significant delay in the receipt of benefits by minority and low-income populations.*

### **4. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (2000)**

The basis of *Executive Order 13166* lies in *Title VI of the Civil Rights Act of 1964*. It requires that Federal agencies work to ensure that recipients of Federal financial assistance provide “meaningful access” to their limited English proficiency applicants and beneficiaries.

### **5. The Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973 (Section 504), and the Rehabilitation Act Amendments of 1998 (Section 508)**

*The Americans with Disabilities Act of 1990* mandates that public facilities be made accessible to people with disabilities and has been the basis for requiring that transit buses and street curbs be retrofitted or reconstructed with appropriate equipment and design details.

*The Rehabilitation Act of 1973* (Section 504) states that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that receives Federal financial assistance. *The Rehabilitation Act Amendments of 1998* (Section 508) states that Federal agencies must ensure that electronic and information technology is accessible to employees and members of the public with disabilities to the extent it does not pose an “undue burden.” All notices for planning activities of the Metropolitan Planning Organization will include an announcement that states that persons with disabilities will be accommodated. Special provisions will be made if notified 48 hours in advance (i.e. having available large print documents, audio material, someone

proficient in sign language, a translator or other provisions requested). Public meetings will be held in locations accessible to persons with disabilities and will be located near or on a transit route if possible.

### ***Outreach Efforts***

#### **Stakeholder Interviews**

A stakeholder is defined as any person or group that is affected by a transportation plan, program or project, including those who are not aware they will be affected. In accordance with ISTEA, TEA-21 or SAFETEA\_LU, stakeholders will include “citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight services, private providers of transportation, representatives of users of public transportation and other interested parties.” Citizens will include the general public; environmental, health, neighborhood, citizen and civic organizations; and, traditionally underserved communities such as people with disabilities, and/or low-income, minority, and elderly.

Individual stakeholders and representative stakeholders groups will be included in a WMPO database. WMPO will continually work to identify new stakeholders interested in and or affected by the transportation planning process. With their consent, these names, addresses, phone numbers and e-mail addresses will be included in a stakeholder database.

Ongoing meetings with stakeholders will be conducted to share information on a one-on-one basis. These meetings will give the stakeholders to provide individual feedback on transportation issues throughout the community and region.

#### **Develop and Implement a Plan to Reach Non-participating Minority and Low Income Populations**

Reaching people and groups that have not traditionally been participants in the transportation planning process are of particular emphasis. These traditional non-participants include low-income, minority, elderly and disabled; have no vehicles; and low literate or have limited English proficiency. Staff will identify and meet with these organizations and community leaders who represent these populations. The purpose of these meetings will be to build relationships with the groups and leaders as well as identify strategies to bring traditional non-participants into the planning process. The identified strategies will be implemented in cooperation with the organizations and community leaders. Detailed plans will outline the meetings with group leaders and implementing strategies.

#### **Develop Outreach and Education Programs**

The outreach and education program will be designed to educate the public about the regional transportation planning process and its relevancy to all stakeholders. English and Spanish materials may be produced as part of this program and may include such tools as pamphlets and brochures which can be used in various presentations and for distribution. It will be necessary to periodically review and update the program and materials.

Special considerations and arrangements will be made to design a program that is tailored for non-participants such as minority, low income, those who do not have vehicles, those who are limited English proficient and disabled communities. These considerations will include developing materials specifically targeted to those communities.

#### **Publicize WMPO Activities**

Media coverage will be actively cultivated to ensure that mainstream and ethnic radio, television and newspaper outlets understand the importance of providing information on transportation

planning activities. In addition articles, new releases and/or media releases will be used to disseminate information to announce public review and comment periods and public meetings. In order to accomplish this task, a current list of media outlets such as mainstream and ethnic television and radio stations and newspapers, including small community-based publications, will be established and maintained.

### **Establish a Speaker Bureau**

The Speaker's Bureau will consist of WMPO members and staff who can speak to civic organizations, professional organizations, neighborhood associations and other groups about the regional transportation planning process. Members of the Speakers Bureau will present information in order to educate the public regarding the MPO planning process and on-going transportation projects within the region. A receptacle of this Speaker's Bureau will be that WMPO staff will be able to be educated by the public on issues/concerns and transportation needs in the region.

### **Maintain a Website**

WMPO's website ([www.wmpo.org](http://www.wmpo.org)) provides information about WMPO meetings and activities, including listing all upcoming meetings. This website includes a calendar, agendas and minutes; plans and documents and updates on current transportation projects. This website should provide the public with an opportunity to provide input and formal comments on an ongoing basis through the e-mail links.

### **Develop and Distribute Brochures**

The WMPO should produce a brochure in English and Spanish dedicated to explaining the WMPO and its roles and responsibilities. If requested, this brochure should be provided in large print format. The brochure should be available on-line and distributed to all identified stakeholders, made available to libraries, government buildings, WMPO offices and other locations. Specialized brochures may be required to be provided to targeted groups.

### **Conduct Public Informational Workshops, Charrettes and Public Open Houses**

Public Informational workshops, Charrettes and Public Open Houses should be conducted on topics associated with the transportation planning process. Such workshops, charrettes and/or open houses should be designed to educate the participants on specific topics, i.e. transportation projects, the transportation model, planning efforts, etc. Public Informational Workshops, Charrettes and Public Open Houses provide a means for allowing the public to express their ideas and concerns in an informal setting. The workshops, charrettes and open houses should be conducted on an as-needed basis.

### **Conduct Surveys**

Surveys may be used to gather information from people's perceptions, preferences and practices. In areas where low literacy exists; surveys should be conducted in person. In limited English proficient communities, these surveys should be published in Spanish. In areas where the public is literate, surveys may be mailed, e-mailed or using the WMPO's website.

### **Create Newsletters**

The WMPO may produce a quarterly newsletter in both English and Spanish dedicated to transportation planning activities in the Wilmington region. If requested, this newsletter should be provided in a large print format. This newsletter should include information regarding technical issues written in layman's terms for the general public. In addition, the newsletter should provide the public with periodic updates of WMPO activities. The newsletter should be available on-line and distributed to all identified stakeholders, made available to libraries,

government buildings, WMPO offices and other locations. Additionally, a specialized newsletter may be needed to provide timely information on targeted projects/topics.

### **Periodic Transportation Summits**

Periodic Transportation Summits will be conducted by the WMPO to educate local elected officials, business, transportation, and community leaders on topics in the transportation industry. These summits will be focused on federal, state and local transportation issues and serves as an avenue to bring these leaders together to discuss transportation concerns and needs. The WMPO will also sponsor a Transportation Summit with every update of the Long-Range Transportation Plan that will be comprised of state and local leaders to discuss local and regional transportation issues.

### **Citizen Advisory Committee (CAC)**

The CAC will be the foundation of the WMPO's public involvement process. The CAC is a volunteer group consisting of representatives from community organizations, professional associations, neighborhood associations, civic and community organizations and the private sector. The CAC provides an avenue for obtaining public input for the TAC deliberations on transportation issues. Besides providing input directly to the TAC, the CAC will assist in developing public involvement programs to solicit general public input for the TAC. Comments received from the CAC members and non-members are treated equally.

The CAC will meet approximately once a month with a meeting schedule approved at the first meeting of the calendar year. These meetings are open to the public and provide an opportunity for interested parties to hear and discuss transportation issues.

## **II. Long Range Transportation Plan (LRTP)**

### **Long Range Transportation Plan Public Involvement Procedure**

The WMPO will provide an opportunity for meaningful public involvement in the development and update of the Transportation Plan. The public comment period will be for a minimum thirty (30) day period, effective from the date of the public notice publication. Written comments will be received during the comment period and will be directed to the WMPO. The WMPO's contact person, phone number and e-mail address will be included in the public notice. The WMPO will assemble all comments and forward comments to the Technical Coordinating Committee (TCC) and the TAC. The TAC shall hold at least one public hearing for the Long Range Transportation Plan.

### **Objectives**

- Proactive participation techniques may be employed to involve citizens and provide fuller access to information and technical data on the Transportation Plan. The technique may include, but not be limited to, public meetings/hearings, surveys, focus groups, newsletters, public service announcements, charrettes, transportation advisory group, mass media, etc.
- With every update of the LRTP the WMPO will sponsor a Transportation Summit comprised of state and local leaders to discuss local and regional transportation issues.
- Public meetings may be held to formulate a vision for the LRTP development, provide the public background information on the metropolitan transportation system

and other issues as well as the proposed framework of the LRTP update process, and to receive citizen input.

- Public meetings (forums) designed to solicit public comment may be held at various locations around the metropolitan area to encourage the greatest public participation.
- Public meetings will be held at a location which is accessible to persons with disabilities and preferably located on a transit route.

Notifications will inform the public of the availability of the draft LRTP for review and comment, where to send written comments, and addresses and phone numbers of contact persons. The notices also will include an announcement that states that persons with disabilities will be accommodated. Special provisions will be made if notified 48 hours in advance (i.e. having available large print documents, audio material, someone proficient in sign language, a translator, or other provisions as requested). Additionally, the notice will inform the public that copies of the draft LRTP will be on file for public review at the City of Wilmington Planning Department and WMPO member offices, and at area libraries. A copy will also be available in a PDF format for downloading on the WMPO website.

### **III. Metropolitan Transportation Improvement Program (MTIP)**

The Federally required Metropolitan Transportation Improvement Program, or MTIP, is a comprehensive listing of all the WMPOs transportation projects that receive federal funds. The MTIP sets forth the TAC's priorities, funding and scheduling of transportation improvement projects (highway, bicycle, pedestrian, transit capital and operating assistance, and other transportation improvements in the WMPO) using State and Federal funds. The MTIP serves as the project selection document for transportation projects and, therefore, is the implementation mechanism by which the objectives of the LRTP are reached.

The MTIP and the State Transportation Improvement Program (STIP) must match exactly in projects, schedule, and scope, for projects to move forward with Federal funding. It is therefore critical that close coordination be held with the State to assure that both parties are in agreement with the program and thus allow projects and programs (including transit elements) to move forward.

The TAC adopts the MTIP and STIP every two years. By law, the MTIP and STIP must cover at least a three-year period and contain a priority list of projects grouped by year. Further, the MTIP and STIP must be financially constrained by year (meaning that the amount of dollars programmed must not exceed the amount of dollars estimated to be available). Federal regulations also require an opportunity for public comment prior to MTIP approval.

TEA-21 and SAFETEA\_LU mandate an opportunity for public review of the MTIP. The minimum public comment period shall be 30 days on the final draft and any amendments to the MTIP. Written comments will be received during the comment period and will be directed to the WMPO. The WMPO's contact person, phone number and e-mail address will be included in the public notice. The WMPO will assemble all comments and forward comments to the TCC and the TAC. The TAC shall hold at least one public hearing for the MTIP.

#### **IV. Unified Planning Work Program (UPWP)**

TEA-21 and continued in SAFETEAU\_LU requires each MPO, as a condition to the receipt of Federal highway and transit capital or operating assistance, is required to conduct a documented comprehensive transportation planning process. A Unified Planning Work Program (UPWP), which includes planning and project development activities that address transportation issues in the area, is required by this process. Annual certification that the planning process is being carried on in conformance with stated requirements is necessary for the receipt of funding for surface transportation programs, air quality, national highway system, Interstate maintenance, state bridge replacement, and transit capital and operating funds. The purpose of the UPWP is to administer the MPO planning program and carry out the planning activities necessary to implement the Long Range Transportation Plan.. It also serves to document the proposed expenditures of Federal, State and Local transportation planning funds, and provides a management tool for the WMPO and the funding agencies in scheduling major transportation planning activities and projects.

The major elements of the Unified Planning Work Program include:

- Surveillance of Change
- Long Range Transportation Plan
- Planning Work Program
- Transportation Improvement Plan
- Civil Rights/Other Regulatory Requirements
- Incidental Planning/Project Development
- Management and Operations

The UPWP must identify the MPO's planning tasks to be undertaken with the use of Federal transportation funds, including highway and transit funds. The purpose of public involvement in the UPWP process is to keep the public apprised of and to receive input on the planning activities to be undertaken by the MPO.

The minimum public comment period on the UPWP shall be thirty (30) days. Written comments will be received during the comment period and will be directed to the WMPO. The WMPO's contact person, phone number and e-mail address will be included in the public notice. The WMPO will assemble all comments and forward comments to the TCC and the TAC.