



Public Involvement Policy (PIP)

**FRENCH
BROAD
RIVER**
METROPOLITAN PLANNING
ORGANIZATION

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Prepared by: French Broad River MPO Staff, Asheville
Regional Transit, Land of Sky Regional Council, and the
North Carolina Department of Transportation

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I. Introduction

A. French Broad River MPO

1) Overview

The French Broad River Metropolitan Planning Organization (FBRMPO) is a federally designated regional transportation planning entity for urbanized portions of Buncombe, Haywood, Madison and Henderson Counties, and a small urbanized portion of Transylvania County. In an effort to create intelligent and sustainable transportation systems, the agency seeks to find ways of including the public in all phases of planning. An effective public involvement process provides an open exchange of information and ideas between the public and transportation decision makers. Public Participation also includes education about the planning process and ongoing transportation projects.

The FBRMPO seeks public input with a diversity of techniques, including but not limited to public notices, comment periods, workshops, charrettes, public hearings, newsletters, surveys, media relations, and the use of committees and work groups with citizen representatives as appointed. The techniques employed vary depending on the specific planning task. The information and data collected through such techniques serve as a blueprint throughout the planning process.

The French Broad River Metropolitan Planning Organization's (FBRMPO's) Public Involvement Policy encompasses all MPO transportation planning and programming processes. These include the Metropolitan Transportation Plan (MTP, also known as Long Range Transportation Plan or LRTP), the Metropolitan Transportation Improvement Program (TIP), the Air Quality Conformity Determination (if needed), the Congestion Management Plan, the Unified Planning Work Program (UPWP) and the MPO's provisions for the American with Disabilities Act (ADA). Public involvement is an integral part of the FBRMPO's planning efforts. It is our belief that sound transportation plans are a result of involving the public at multiple stages of the planning process. 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.

2) Purpose, Goals and Objectives

The purpose of the FBRMPO 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. It seeks to promote an active role by the public in the development of transportation plans, programs, and projects from the early stages of the planning process to detailed project development. The MPO implements and designs a combination of different public involvement techniques to meet the diverse needs of the public.

The goals and objectives of the FBRMPO Public Involvement Policy include the following:

- 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 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, SAFTEA-LU, MAP-21 and the Interim FTA/FHWA *Guidance on Public Participation*.

- Carefully evaluate effectiveness of procedures used for public outreach and modify procedures following evaluation and public feedback.

3) Policy Elements

The FBRMPO's Public Involvement Policy is comprised of a number of sub-policies. All planning programs and activities are required to go through the MPO Board public process. In addition, the MPO will initiate public involvement programs for the Long Range Transportation Plan, the Metropolitan Transportation Improvement Program (MTIP), the Air Quality Conformity Determination (if needed), the Congestion Management Plan, the Planning Work Program (PWP) and the MPO's provisions for American with Disabilities Act (ADA). The final component of the Public Involvement Policy is the policy review element designed to ensure that the programs are meeting their goals.

B. Federal Requirements

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

- MAP-21: Moving Ahead for Progress in the 21st Century
- 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 13166, Improving Access to Services for Persons with Limited English Proficiency (2000);
- The Americans with Disabilities Act of 1990, the rehabilitation Act of 1973(Section 504), and the Rehabilitation Act Amendments of 1998(Section 508); and,
- The Clean Air Act Amendments of 1990.

1) MAP-21

Under MAP-21 regulations, public involvement remains a hallmark of the planning process. Under Title 23, CFR 450.316 MPOs are required to require that MPOs establish, periodically review and update public involvement processes. Specific provisions should allow affected bodies with a reasonable opportunity to comment on transportation plans. These affected bodies include, but are not limited to, 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. These federal regulations require an opportunity for public involvement to be provided throughout the planning process. MAP-21 requires that metropolitan area plans include a "participation plan", with a minimum public comment period of 45 days required when a Public Involvement Plan is updated. Plans involving federal participants must be made available for public review in an electronic format.

2) Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground 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." (42 U.S.C. Section 2000d). The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal aid recipients and contractors whether those programs and activities are federally funded or not. Section 324 of the Federal Aid Highway Act, the enabling legislation of the Federal Highway Administration, prohibits discrimination based on sex. The French Broad River MPO works to ensure nondiscriminatory transportation planning in support of our mission to treat affected bodies equitably and to comply with federal law.

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

Executive Order 12898 requires federal agencies and their sub recipients achieve environmental justice as part of its mission. MPOs must identify and address as appropriate disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects of its programs, policies, and activities on minority populations in the United States.

4) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency

Executive Order 13166 requires public outreach to include people of limited English proficiency. Combined with nondiscrimination statutes, meaningful access would extend to people who cannot read and understand what is read: thus the need to include outreach to low-literate populations is needed as well. MPOs must work to 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.”

6) The Clean Air Act Amendments of 1990

The Clean Air Act Amendments of 1990 establishes a timetable and program to improve the nations air quality, emphasizes mobile source emissions, and requires the Environmental Protection Agency to invoke penalties if states fail to submit adequate plans to attain standards. Should the French Broad River Metropolitan Planning Organization (FBRMPO) become designated as non-attainment for air quality, and become required to make conformity determination on its Transportation Plan, it will comply with the *Air Quality Conformity Public Involvement Procedure* found in Section V:E of this plan.

II. Regular Public Involvement Opportunities

A. MPO Board Meetings

The French Broad River MPO Board, formerly known as the Transportation Advisory Committee (TAC) holds advertised meetings on a regular schedule. These meetings are open to members of the public and, upon request, anyone can be placed on the MPO Board mailing list. At the beginning of each regular meeting, the Board provides time to receive public comments as a set part of its agenda. The public and concerned parties are welcome to provide public comment through telephone, email and in writing to MPO staff at anytime. The meeting schedule is established at the beginning of each year and approved by the MPO Board. It is accessible through the MPO website or by contacting MPO staff.

B. Public Comment

The MPO Board (formerly known as TAC) typically acknowledges public comments in one of several ways. The Board may incorporate a summary of public comments and the MPO's response, as an appendix, into the specific planning document. Or, depending on the number of comments, the MPO Board 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.

MPO staff can separate requests for data submitted by the public from the public comments. MPO staff can respond to requests for data submitted by phone or in writing directly, without submitting those to the MPO Board for review. Where the distinction is not clear, MPO staff will present the comment to the Board.

III. Public Involvement Toolkit

A. Identify and Build Relationships with Stakeholders

In order to create and implement transportation plans with long-lasting benefits, appropriate stakeholders must be identified. MPO staff will seek to identify stakeholders that are critical to the success of a specific transportation plan or policy. MPO staff will create a Community Stakeholder Contact List. A Community Stakeholder is defined as any person or group that is affected by a transportation plan, program, or project, including those who may not be aware they are affected. In accordance with MAP-21, stakeholders will include “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. Citizens 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.

B. Publicize FBRMPO Activities

Activities of the FBRMPO will be advertised by utilizing various media and social outlets. These activities may include distributing press releases to the media, inviting the media to regular Board and TCC meetings, conducting radio interviews, posting public involvement activities on the MPO website, and presenting drafts of plans at social events. MPO staff will develop publicity strategies appropriate to the scope and timeframe of the specific project or plan.

Articles, news releases and/or media alerts will be disseminated to announce public review and comment periods for the FBRMPO’s Long Range Transportation Plan, the Long Range Transportation Plan amendments, Transportation Involvement Program, Unified Planning Work Program, Public Involvement Plans and other major activities. All Press Releases shall be approved by either the Chair or Vice-Chair of the FBRMPO Board prior to publication.

A current list of media outlets such as mainstream local and ethnic radio stations, newspapers, and small community-based publications will be established and maintained. Our current list is available in Appendix C. A “listserv” is maintained that includes citizens, the clerks of each county and municipality and other stakeholders. LOSRPO activities are also publicized through this email list.

C. Partner with Outreach Professionals

In an effort to maximize public involvement, MPO staff will collaborate with outreach professionals. Such professionals have long-standing relationships with the public and are aware of the various concerns expressed by the citizens they represent. Utilizing their resources to publicize MPO events and programs will promote increased levels of public participation.

Presentations will be made to interested civic organizations on French Broad River MPO activities, the transportation planning process in general, or specific transportation projects. Presentations will be made by French Broad River MPO staff and/or NCDOT staff.

- Public Outreach activities will include efforts to involve traditionally underserved groups (i.e., minorities, elderly, low-income persons) in the transportation planning process. These efforts may include, but not be limited to, the following: Identifying areas in the French Broad River MPO region with concentrations of minority, elderly, and low income populations
- Including organizations that deal directly with minority groups on the Stakeholder List
- Posting notification of meetings, public hearings, and open houses in county health departments and senior centers
- Publishing notification of meetings, public hearings, and open houses in Spanish

D. Outreach Non-Participating Minority, Low-Income, Limited English-Proficiency and Low-Literacy Populations

MPO staff will create and periodically update a Community Stakeholder Contact List. Community Stakeholder Contact List will include neighborhood liaisons and representatives of organizations serving the populations historically underrepresented in the transportation planning process including minority, low-income, Limited English Proficiency and Low-Literacy Population. MPO staff will consult with the Community Stakeholders on the list on methods and opportunities to better publicize transportation planning efforts and opportunities for public input in the future.

E. Develop an Outreach and Education Program

Public involvement is at its best when the general public is thoroughly informed of the complex issues surrounding a project. Such outreach will also include informing the public and other agencies about the roles and responsibilities of the MPO. When necessary, the MPO will develop outreach and educational programs to inform various parties of the public involvement process for a particular project or to provide technical framework. English and Spanish materials will be a part of this program. Adequate outreach also includes taking different meeting times and locations into consideration in an effort to reach a diverse cross section of the affected population.

F. Establish a Speaker's Bureau

The Speaker's Bureau will respond to requests from civic groups, professional organizations, neighborhood associations, and other groups for presentations about the regional transportation planning process and transportation plans. The Bureau will consist of MPO staff, TCC members, Land of Sky Staff and designated volunteers. The MPO will market the availability of the Bureau to local groups and organizations.

G. Maintain Website

The FBRMPO website is a tool that provides timely information to the public. Various Transportation plans are accessible through our website in conjunction with additional resources. Interested parties also have the ability to access updates on the status of specific plans and projects, along with the time remaining within public comment periods. A calendar is used to provide dates of upcoming meetings and public involvement opportunities. Anyone can access the FBRMPO website at www.fbrmpo.org

H. Produce and Distribute Newsletters

The FBRMPO will provide information to be included as part of Land-of-Sky Planning (LGS) Newsletter to keep the general public and agencies informed of MPO activities. The newsletter is distributed through mail and e-mail on a bi-weekly basis. Citizens and agencies have the opportunity to remain engaged in the public involvement process through updates provided in our newsletter. In addition to the

newsletter, regular updates will be provided regarding upcoming events and projects through “e-news.”

I. Create and Maintain New Forms of Technology and Media

MPO staff seek to utilize all available forms of media in an effort to increase public involvement. Government agencies are taking advantage of progressive and interactive media formats to communicate with citizens. Strategies to encourage public input may include social marketing mediums such as Facebook, Twitter and blogs. Such mediums are not a required aspect of each transportation public participation plan, but efforts to include them will be made when deemed appropriate.

J. Produce and Distribute Brochure

A brochure will be created to provide interested parties with information about the FBRMPO and the planning process. Copies of the brochure will be made available to identified stakeholders and online. Additional translations will be maintained. MPO staff may find it appropriate to develop a brochure specific to a project, MPO policy or plan.

K. Hold Open Houses and Information Workshops

MPO staff may decide to hold open houses to provide the public with information regarding the transportation planning process, or to provide further information about a plan prior to a public hearing. These open houses are informal and allow the public to engage with the material in a relaxed format. The format may include but is not limited to maps of projects, PowerPoint presentations, and surveys. MPO staff will be available to facilitate questions from the public or organization representative. Open houses also provide an opportunity to expand the MPO mailing list. Information workshops are topic specific and conducted on an as-needed basis. These workshops are informal and allow MPO staff to gain immediate feedback that may be incorporated in a transportation plan.

L. Provide for Public Input at FBRMPO meetings

Formal MPO business is conducted during MPO Board (TAC) and TCC meetings. MPO Board and TCC meetings allot time for public comment. These public comments are documented and become a part of the meeting minutes. In the event that an individual seeks to address a specific agenda item, they must sign up at least ten minutes prior to the meeting to comment on that specific agenda item. The individual may also contact the secretary prior to the meeting to sign up for the public comment list. At the conclusion of a public comment period, public comments will be taken at the beginning of the meeting, prior to the public hearing. The chair has the discretion to address anyone wishing to speak on a particular agenda item whose name is not on the list previously mentioned. In the event that the public is unable to make comments during a meeting time, comments may be submitted in written, verbal or electronic form.

M. Conduct Surveys

Surveys and focus groups allow MPO staff to directly collect feedback from the general public. Strategies for disseminating surveys will consider differences in language and technology access among affected citizens. Some methods may include inserting surveys in water or power bills, and providing links to surveys on government websites. MPO staff may also gather small groups of citizens to create focus groups that will provide feedback regarding a specific topic or transportation plan. The composition of a focus group may include residents of an affected neighborhood.

IV. Public Involvement Structure

A. Open Meetings

All MPO Committee meetings will be open to the public and subject to the North Carolina Open Meetings Law. All materials presented during MPO Committee meetings will be public record and made available for review at the Land-of-Sky office. Copies of archived records can be made available upon request.

B. Access by Persons with Disabilities

All MPO meetings will be held in facilities that are accessible to people with disabilities. The FBRMPO website will be in compliance with the Rehabilitation Act Amendments of 1998 (Section 508). Where permitted, clear directional signs will be posted at outdoor entrances to buildings.

C. Adequate Notice

The FBRMPO will provide at least a week notice to citizens and media outlets of meetings in Accordance with North Carolina Open Meetings Law. Meeting notices will be posted on the FBRMPO website and publicized during FBRMPO events. The meeting schedule for the year is also posted outside of Land-of-Sky offices and on the FBRMPO website.

D. Public Comments

Public Comments may be obtained in a number of ways. The FBRMPO will accept comments in writing, through email, by fax, with TTY (teletypewriter) or TDD (telecommunications device for the deaf), verbally at a public meeting or during a MPO public outreach opportunity.

E. Time Period for Public Comments

Public comments will be taken no later than close of the business day specified in requests for public comment unless otherwise specified.

F. Format of Public Meetings

Public meetings allow MPO staff the opportunity to interact with citizens that may be directly affected by specific transportation plans. FBRMPO staff seek to conduct meetings in a format conducive to generating public feedback. The general format of public meetings will include: a presentation by FBRMPO staff; a question and answer period, and a summary of materials covered. Meetings may also incorporate using maps to identify where citizens are located, and an interactive activity.

V. Implementation Plan

A. Metropolitan Transportation Plan (MTP/LRTP)

1) Minimum MTP/LRTP Public Involvement Procedure

French Broad River MPO will initiate a major Metropolitan Transportation Plan (MTP, previously known as LRTP or Long Range Transportation Plan) update process as required by federal regulations. A Metropolitan Transportation Plan (MTP/LRTP) is updated at least once every five years in air quality attainment areas and once every four years for non-attainment areas. Elements of the Plan, and/or amendments will meet all current Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Environmental Protection Agency (EPA), and the North Carolina Department of Transportation (NCDOT) requirements.

A work program and schedule for the MTP (LRTP) update process will be developed by the TCC and provided to the MPO Board for approval. It will be made available to the public for their information. The work program will detail the strategy for the Plan update process including work elements and a tentative schedule. The TCC and the Board may elect to receive public comment and involvement on the work program.

The French Broad River Metropolitan Planning Organization will provide opportunity for meaningful public involvement in the development and update of the Metropolitan Transportation Plan (MTP/LRTP). At least one public meeting on the draft MTP/LRTP will be held prior to final approval. The public comment period will be for a minimum 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 FBRMPO. The FBRMPO's contact person, phone number and e-mail address will be included in the public notice. The FBRMPO will assemble all comments and forward them to the Board. The MPO Board shall hold at least one public hearing for the Transportation Plan. The availability of the Plan will be publicized using our media resources provided in Appendix C.

2) Purpose, Goals and Objectives of MTP/LRTP Public Involvement Process

The purpose of the MTP/LRTP public involvement process is to establish and implement strategies to inform and involve citizens in the development and update of the Metropolitan Transportation Plan (MTP/LRTP). The Policy is meant to encourage public ownership of the Transportation Plan. The goal of the program is to ensure that policy decisions will reflect the values, needs, and priorities of those affected by the decisions (i.e. the public).

The public review and participation process is designed to provide adequate opportunities for citizens and public officials to be involved in the FBRMPO MTP/LRTP development. The public participation is designed to provide gradual progression from the general information (such as vision setting and/or formulation of goals, objectives and policies) pertaining to the plan to specific information regarding alternatives and plan selections. Each public forum or input technique will use information progressively collected at previous "forums" concluding with the adoption of the Transportation Plan. The goals and objectives of MTP/LRTP Public Involvement Process are as follows:

- Encourage citizens to take a proactive role in the development of Transportation Plans.
- Bring a broad cross-section of members of the public into the public policy and transportation planning decision-making process.
- Educate the public and elected officials in order to increase public understanding both the options and constraints in transportation alternatives.
- Determine public concerns and/or perceived impacts of Transportation Plan elements. Determine which elements of the Long Range Transportation Plan would support or diminish the citizens' desired lifestyle. Establish a channel for an effective feedback process.

3) MTP/LRTP Public Involvement Techniques

The Metropolitan Transportation Plan update will be subject to a public comment process which at a minimum will include the following:

- Posting a copy of the draft MTP documents throughout different stages of the planning process on the FBRMPO website
- Publicizing the MTP update and request for public input through local media outlets
- Holding a public comment period for a minimum of 30 days on the draft MTP
- At least one public meeting will be held during the 30-day public review and comment period
- Upon completion of a 30 day public review and comment period, a public hearing will be held at the MPO Board meeting prior to final adoption of the plan

As a method of increasing public involvement and participation in the process, the MTP Public Involvement techniques may also include any or all of the following techniques:

- Information dissemination, notification of meetings and publication of proposed plans.
- Proactive participation techniques may be employed to involve citizens and provide fuller access to information and technical data on the Transportation Plan. The techniques may include, but not be limited to, public meetings/hearings, surveys, focus groups, newsletters, public service announcements, charrettes, transportation advisory group, mass media, etc.
- Public meetings may be held to formulate a vision for the Transportation Plan Development, provide the public background information on the metropolitan transportation system and other issues as well as the proposed framework of the Transportation Plan 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.
- Copies of the draft Transportation Plan will be distributed to member jurisdictions, citizen groups and agencies, and will be placed in the local libraries. The plan will also be accessible through the MPO website. Notification of the draft Transportation Plan may be provided through various media outlets.
- The notification will inform the public of the availability of the draft Transportation Plan for review and comment where to send written comments, and addresses and phone numbers of contact persons. The notices also will include an announcement stating 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 Transportation Plan are on file for public review at the Land-of-Sky Regional Council Office, the member government's municipal offices, available in a PDF format for downloading from the FBRMPO website and at branch libraries throughout the area.
- The public comment period will cover a minimum 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 FBRMPO. The MPO's contact person, phone number and e-mail address will be included in the public notice.
- Involvement of the public in key decision points may be desirable. Decision points are those stages where the MPO Board may consider endorsement of the work in progress or take action on particular work elements. These may include some of the following:
 - a) Formulation of vision, goals and objectives
 - b) Review of multi-modal goals and elements
 - c) Review and approval of socio-economic and demographic projections
 - d) Review and determination of transportation deficiencies
 - e) Evaluation of alternatives and selection of preferred option

4) Amendments to the MTP/LRTP

Amendments to the MTP can occur outside of a five-year MTP/LRTP update cycle when funding sources change, a project moves between prioritization tiers, project scope and termini change and the purpose and need for a project change. Opportunities to comment on proposed amendments to the MTP/LRTP will be publicized by sending out a notice of the proposed amendments to the public. Any significant revisions, or amendments, to the Metropolitan Transportation Plan (MTP/LRTP) will be subject to a public comment process which includes the following:

- Posting a copy of the proposed amendments on the FBRMPO website
- Publicizing the proposed amendment and request for public input through local media outlets

- Holding a public review and comment period for a minimum of 30 days
- Upon completion of a 30 day public review and comment period, a public hearing will be held at the MPO Board meeting prior to final MTP/LRTP amendments approval

B. Metropolitan Transportation Improvement Program

1) Transportation Improvement Program Overview

The Metropolitan Transportation Improvement Program (TIP) is the document that describes the funding and scheduling of transportation improvement projects (highway, bicycle, pedestrian, and transit capital and operating assistance) using state and federal funds. The TIP serves as the project selection document for transportation projects and, therefore, is the implementation mechanism by which the objectives of the Transportation Plan are reached. The public participation process for the Metropolitan Transportation Improvement Program described here is also used to satisfy the public participation process for the FTA Transit Program of Projects for the following grantees: City of Asheville and Henderson County.

MAP-21 mandates an opportunity for public review of the TIP. The following is the proposed public involvement procedure for the French Broad River Metropolitan Transportation Improvement Program.

The Metropolitan TIP 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 TIP and STIP are planning documents and do not include design details. It is critical to note that once programmed in the TIP and STIP, activities such as land use decisions by the public and private sectors, scheduling, environmental analysis, design and other activities begin take place. Therefore the program should be carefully thought out, and not casually changed.

The TIP and STIP updates operate on a two-year cycle in North Carolina. In the first year, the French Broad River Metropolitan Planning Organization (FBRMPO) will prepare a Prioritization List (previously know as Priority Needs List, or PNL), which lays out the projects desired to be included in the last years of the TIP program. FBRMPO will consider projects in the MTP, CTP and in the locally-adopted plans for inclusion on the Prioritization List first. Further, should the MPO desire to consider a change in the schedule or scope of a project, this should be clearly communicated at this time. As the TIP and STIP are fiscally constrained documents, any movement forward on or changes in current projects must identify a corresponding delay in projects also within the area.

The Prioritization List shall be provided to the State for consideration and inclusion in the draft STIP. The FBRMPO shall coordinate with the State with regards to the project changes and additions desired by the MPO. Upon development of the draft STIP, the State shall provide a subset of the STIP that covers the FBRMPO area to the MPO. It is anticipated that the resulting document be appropriate to be released as the draft TIP for public input.

Should there be substantial problems with the draft STIP in the eyes of FBRMPO, the MPO shall immediately open discussions with the State on the discrepancies. The TCC shall recommend to the MPO Board (TAC) what should be used for the TIP, and the public involvement process.

2) Minimum TIP Public Involvement Procedures

Prior to adopting a TIP, FBRMPO Board will consider and adopt a Prioritization list of projects. See section 3 below for for additional information on Prioritization List.

A minimum public comment period for TIP adoption shall be 30 days. Written comments will be received during the comment period and will be directed to the FBRMPO. The MPO's contact person, phone number and e-mail address will be included in the public notice. The FBRMPO public participation process will meet all FTA standards for public involvement in transit planning and will assemble all comments regarding transit and other transportation considerations for the MPO Board (TAC). FBRMPO shall advertise a draft TIP prior to adoption on the website and via regional newsmedia. The Board shall hold at least one public hearing for the Transportation Improvement Program (TIP) prior to adoption of the draft TIP. Additional steps included in the TIP public involvement process will be as follows:

- The State shall produce a draft STIP and provide a subset of that document to FBRMPO for consideration as the draft TIP. The TCC will develop and review the document and recommend to the Board if it is appropriate to be used as the draft TIP. Should the TCC and Board approve the document, it will become the draft TIP.
- The FBRMPO Board will publish the draft TIP for public review and comment. Copies of the draft TIP will be distributed to TCC and Board members. Each jurisdiction will also have copies available for public review.
- The minimum public comment period for a draft TIP shall be 30 days
- The public comments will be assembled and presented to the FBRMPO TCC and the FBRMPO Board. The Board will hold a public hearing on the draft TIP. The public hearing will be held at a location which is accessible to persons with disabilities. Public comments will be addressed and considered in the adoption of the TIP.
- Written public comments and their responses will be published as an appendix to the final Metropolitan TIP.

3) Transportation Improvement Program Amendments

If a substantial change is made to the TIP, such TIP amendments will be available for public review and comment. A 20-day public comment period will be provided for a TIP amendment or substantial change. For a TIP modification (typically a smaller, administrative change), a public hearing is not required. A TIP amendment is classified if one of the following criteria apply:

- Change in project cost beyond a predetermined threshold; increases in highway projects that exceed both \$2 million and 25% of the original cost and may affect fiscal constraint
- Change in federally-funded or state-funded regionally significant transit, bicycle or pedestrian project that exceeds either \$1 million or 25% of the project cost
- Any addition or deletion of a federally funded or state funded regionally significant project to the first 4 years of the TIP
- Change in the project design or scope that significantly changes the termini or project type, purpose, or number of through lanes on a non-exempt (for transportation conformity purposes) project
- Any addition, deletion or significant modification of non-traditional funding sources to a project (traditional sources of revenue include federal, state, or local government tax revenues. Non-traditional sources include state bonding and/or private participation)
- Project schedule shifts that move ROW, major capital acquisitions, or construction authorization dates either in or out of the 4 year TIP time window
- Project schedule shifts in years 1 through 4 that move project completion dates across Horizon Years as determined by the Long Range Transportation Plan
- Project schedule shifts to incorporate the project from an out-year into the current (four-year) TIP
- Public comment on project additions or deletions of less than \$1 million may be sought at the discretion of the MPO Board (TAC) by majority vote. As long as a project's description, scope or expected environmental impact has not materially changed, the MPO Board may approve changes to project funding without a separate public meeting.

4) TIP Modifications

When a TIP change is not substantial enough to trigger a TIP amendment, a TIP administrative modification takes place. A public hearing and 20-day public notice is not required for a TIP administrative modification; however there will be public comment opportunity provided at the Board meeting where the TIP modifications are being adopted. A TIP administrative modification takes place under one of the following criteria:

- Any change to projects in years 5 or later
- Minor change to project descriptions, scopes, sponsor funding
- Minor cost increases in highway projects that do not exceed both \$2 million and 25% of the original project cost
- Addition to the TIP or changes to locally-funded bicycle or pedestrian projects
- Schedule changes that move project authorization dates within the first 4 year TIP time window and do not affect local air quality conformity findings
- Funding source changes between traditional funding sources (i.e. substituting available Congestion Mitigation Air Quality (CMAQ) funds for FTA section 5307 formula transit funds)
- Projects approved for Emergency Relief funds do not generally have to be included in the TIP, so any changes made for emergency projects may be considered minor modifications.

C. Prioritization List Public Involvement Process

Prioritization List serves as the bridge between the long term plans (such as MTP, CTP, and locally-adopted transit, bicycle and pedestrian and other transportation plans) and the Metropolitan Transportation Improvement Plan. The FBRMPO TCC will develop a draft Prioritization List from the local project priorities of the MPO jurisdictions as reflected in the MTP, CTP and in the locally-adopted plans. Each MPO municipality and county should provide to the MPO their priorities for consideration, and an indication of the plan where those projects are reflected (MTP, CTP or locally-adopted plan). Other modes of projects that may not be listed in the MTP specifically may be selected due to its ability to meet the intent of the MTP (i.e. transit, bicycle, pedestrian, enhancement projects included in locally-adopted plans). These may be developed as each governing agency sees fit (for example, they may come from staff, the elected boards, or the elected boards with public involvement).

Public Involvement Process for the Prioritization List will include the following steps:

- After consideration and preliminary adoption by the MPO Board (TAC), the draft Prioritization List will be published for a minimum two-week (14-day) public comment period and the notice will be advertised using our media resources provided in [Appendix C](#).¹
- The notices for the public comment period and the public hearing will include an announcement stating 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). The Prioritization List will be on file for review at the Land-of-Sky Regional Council Office, and available in a PDF format for downloading from the FBRMPO website. Written comments will be received during the comment period and will be directed to the FBRMPO. The FBRMPO's contact person, phone number and e-mail address will be included in the public notice. The FBRMPO will assemble all comments and forward comments to the MPO Board.
- The Board will hold a public hearing on the draft Prioritization List. The public hearing will be held at a location which is accessible to persons with disabilities. The Board will approve a final Prioritization List after considering the public comments received. The Prioritization List shall be

¹ Under NCDOT Strategic Prioritization Process known as SPOT,, a list of projects ranked by the MPO, with points assigned, will be considered the Prioritization List. The full list of projects initially submitted by the MPO for SPOT scoring will not be considered as the Prioritization List.

submitted to the NCDOT at or before the NCDOT public hearings for input into the STIP. The MPO Board may elect to open a dialogue with the State on specific project priorities.

D. Air Quality Conformity Determination

1) Air Quality Conformity Introduction

Should the French Broad River Metropolitan Planning Organization (FBRMPO) become designated as non-attainment for air quality, and become required to make conformity determination on its Transportation Plan, the following shall apply. The North Carolina Department of Transportation (NCDOT) assists the MPO in making a conformity determination by performing a systems level conformity analysis on the highway portion of the fiscally constrained Transportation Plan. The Metropolitan Transportation Improvement Program is a subset of the Transportation Plan and is therefore covered by the conformity analysis.

2) Public Involvement Procedure for the Air Quality Determination

The FBRMPO in conjunction and cooperation with the North Carolina Department of Transportation will prepare an air quality conformity analysis for the FBRMPO MTP and/or TIP. Air quality conformity analysis will include the following public involvement steps:

- The FBRMPO Technical Coordinating Committee will receive the draft Conformity Report from NCDOT, review it, and forward it to the MPO Board. The Board will then publish the draft Conformity Report and supporting or accompanying MTP and Metropolitan TIP for public review and comment.
- Copies of a draft Conformity Report will be distributed to the Board members. Each jurisdiction will also have copies available for public review. Notices regarding the draft Air Quality Conformity Report will be advertised by the FBRMPO using our media contact resources. The notice will inform the public that a draft Conformity Report has been published by the FBRMPO and that copies are available for review at the Land of Sky Regional Council office, at municipal offices of MPO member governments, available in a PDF format for downloading from the FBRMPO website, and in hard copy form at branch libraries throughout the area. The notices will include an announcement stating 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).
- The public review period will be a minimum 30 day period, effective from the date of public notice publication. Written comment will be received during the public review period, and will be directed to the FBRMPO. The FBRMPO contact person, phone number and e-mail will be included in the public notice.
- The public comments will be assembled and presented to the FBRMPO Board. The Board will hold a public hearing on the draft Air Quality Conformity Report. The MPO will strive to hold public hearings at a location accessible to persons with disabilities and located on a transit route. Public comments will be addressed and considered in the Air Quality Conformity Determination and included as an appendix to the report.
- The Air Quality Conformity Determination is valid for four years, unless changes are made to the Transportation Plan (or Metropolitan TIP) that would have an impact on the air quality analysis. If such changes are made a new analysis needs to be conducted, including the public involvement procedure outlined above.

E. Unified Planning Work Program (UPWP)

MAP-21 requires that each Metropolitan Planning Organization (MPO) prepare an annual work program known as the Unified Planning Work Program (UPWP). The UPWP must identify the MPO planning tasks to be undertaken with the use of federal transportation funds, including highway and transit tasks.

The purpose of public involvement in the Planning Work Program process is to keep the public apprised of the planning activities to be undertaken by the Metropolitan Planning Organization and to encourage receipt of public input on these activities.

UPWP Public Involvement Process includes the following steps:

- The Distribution Formula for FTA Section 5303 (Formerly Section 8) and FHWA Planning Funds for the appropriate federal fiscal year are submitted to the MPO Board for approval. The MPO Board meetings are open to the public and comments on the Distribution Formula may be received at this time.
- The local jurisdictions will prepare a list of tasks and funding for the federal fiscal year according to the approved Distribution Formula. These lists are submitted to the FBRMPO for compilation into a draft Planning Work Program.
- The draft Unified Planning Work Program is reviewed by the Technical Coordinating Committee (TCC). The TCC meetings are open to the public. The TCC then endorses a draft UPWP and forwards the document to the MPO Board.
- The draft UPWP is then reviewed by the MPO Board. Public comments may be provided at this time. The draft is sent to the Public Transportation Division for comments.
- The final UPWP comes back again to the MPO Board for approval. Upon MPO Board approval, the UPWP is then forwarded on to the State and FHWA/FTA.

VI. Americans with Disabilities Act (ADA) Provisions

All notices for planning activities of the French Broad River 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). Notices for the public comment period and the public hearing will be advertised using the media list described in Appendix B. Public meetings will be held in locations accessible to persons with disabilities and will be located near or on a transit route if possible.

FBRMPO staff will utilize the North Carolina Department of Health and Human Services database of sign language interpreters in our region to secure a sign language interpreter for a scheduled meeting upon request. Currently the database is available at <http://www.ncdhhs.gov/dsdhh/directories.htm>

VII. Title VI Plan

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “no person in the United States shall, on the ground 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” (42 U.S.C. Section 2000d).

This plan is adopted by both the FBRMPO and the Land of Sky Regional Council as the LPA. The FBRMPO adheres to the plan for Title VI-related issues and includes the Title VI Plan in this document by this reference.

VIII. Limited English Proficiency Plan

This plan was developed to guide FBRMPO in its public outreach and comply with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (2000) and is included in this plan by this reference.