

## **Public Participation Policy**

### **Introduction**

The Capital District Transportation Committee (CDTC) is the designated Metropolitan Planning Organization (MPO) responsible for carrying out federal requirements for cooperative transportation planning and programming within Albany, Rensselaer, Saratoga, and Schenectady Counties in New York State.

In 1991, the Intermodal Surface Transportation Efficiency Act (ISTEA) strengthened the role of MPOs in urban transportation planning processes. In 1998 the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) built upon ISTEA and required the planning process to include **proactive** public involvement and input gathering as well as providing complete information and timely public notice to communities, stakeholders and interested parties.

The Safe, Accountable, Flexible, Efficient, Transportation Equity Act, A Legacy for Users (SAFTEA-LU) was signed into law on August 10, 2005. SAFETEA-LU succeeded TEA-21 as the federal authorization act guiding federal highway and transit programs. A key provision of SAFETEA-LU requires that all Metropolitan Planning Organizations (MPOs) develop and utilize a Participation Plan that provides reasonable opportunities for interested parties to comment on the content of the Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP).

SAFETEA-LU also requires MPOs to advance the following eight factors when considering planning projects, policies and strategies.

- Support the economic vitality of the metropolitan planning area, especially by enabling global competitiveness, productivity and efficiency
- Increase the safety of the transportation system for motorized and non-motorized users
- Increase the security of the transportation system for motorized and non-motorized users
- Increase the accessibility and mobility options available to people and for the movement of freight
- Protect and enhance the environment, promote energy conservation, and improve the regional quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns
- Enhance the integration and connectivity of the transportation system, across and between modes for both people and freight

- Promote efficient transportation system management and operation
- Emphasize preservation of existing regional transportation system infrastructure

Public participation continues to be an ongoing, interactive and collaborative process at CDTC. Allowing stakeholders and other interested parties to have a voice in the planning process is highly encouraged and improves the plans and programs that are produced. It provides a level of credibility to the planning process and ultimately, the transportation actions taken. Proper public participation leads to more informed decisions and can effectively move a project from the planning stages through implementation.

CDTC's Public Participation Policy encompasses the public involvement programs and outreach for all the major planning activities including the Regional Transportation Plan (RTP), *New Visions*, Transportation Improvement Program (TIP), Air Quality Determinations (if needed), the Unified Planning Work Program (UPWP).

*This document contains CDTC's strategy and policy. A good public participation process will not eliminate conflict, but does allow early involvement in the process so that alternatives can be explored cooperatively rather than confrontationally.*

The primary objective of the Public Participation Policy is to invite and facilitate **informed** public participation in CDTC's regional transportation planning and programming process.

### **Other Federal Requirements**

Basic public participation requirements have been established by law, as in the Administrative Procedures Act and the National Environmental Policy Act (NEPA), and by regulations and guidance issued by federal agencies including the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the Environmental Protection Agency (EPA). These regulations establish the minimum requirements for making information available, providing notice to and consulting the public, holding public hearings and meetings, establishing advisory groups, and inviting comment from the public.

#### Clean Air Act Amendments of 1990

The Albany-Schenectady-Troy metropolitan region is classified as a Clean Air Act Subpart 1 Basic non-attainment area for the 8-hour ozone standard. By law, the New York State Department of Environmental Conservation (NYSDEC) is required to produce a plan, known as the *State Implementation Plan (SIP)* that details how sufficient emission reductions, including reductions in the mobile source sector, will be achieved to meet the National Ambient Air Quality Standards (NAAQS). CDTC is responsible for demonstrating that all transportation plans and programs in the CDTC planning area are in conformity with the SIP, in accordance with the transportation conformity rules published by Environmental Protection Agency (EPA) and NYSDEC. The conformity demonstration is updated when the TIP or the Regional Plan are updated, and when amendments to the TIP or Plan add or change the scope of non-exempt

projects, and at other times as required. Whenever conformity demonstration is updated, CDTC will make the demonstration available for public comment for a minimum of thirty (30) days.

#### Americans with Disabilities Act (ADA)

All events for programs or projects funded with federal-aid and open to the general public must be made accessible to everyone, including those with vision, hearing or mobility limitations. Accessible facilities are always required and at times special circumstances may require sign language interpreters or large print materials. CDTC is committed to providing access to and an opportunity to comment on all projects, programs, and plans to anyone that is interested and when possible, will accommodate any special circumstances.

#### National Environmental Policy Act (NEPA)

Projects funded with federal-aid funds are required to go through the environmental review process specified by NEPA and further EPA regulations. This process results in either a Record of Decision or a Finding of No Significant Impact by the FHWA and/or FTA and has its own public participation requirements. This should not be considered a substitute for early public involvement in the planning and programming stages of project development. New York State has corresponding law, the State Environmental Quality Review (SEQR) that applies to non-federal aid transportation projects. Public involvement is a critical part of the SEQR process and offers another opportunity for input and information gathering. Mailing lists are specifically developed for each project. The New York State Department of Transportation (NYSDOT) Region 1 office at 328 State Street in Schenectady is the contact for highway projects. The Capital District Transportation Authority (CDTA) at 110 Watervliet Avenue in Albany is the contact for Capital District transit projects.

#### Title VI of the Civil Rights Act of 1964

Title VI prohibits discrimination in any program receiving federal assistance. CDTC's planning process must adhere to the provisions of Title VI. The FHWA and FTA have established guidance to MPOs to establish performance standards that include:

- Early and continuous public involvement
- Reasonable public access to all technical information and planning documents
- Collaborative input on alternatives, evaluation criteria, and mitigation needs
- Open public meetings where matters related to transportation planning studies, policies and recommended projects are being considered and offered for review and comment and,
- Reasonable access to those involved in the decision making process prior to closure

A separate section of Title VI discusses Disadvantaged Business Enterprises (DBEs). It is the policy of the Capital District Transportation Committee to ensure that DBEs have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy -

- To ensure nondiscrimination in the award and administration of DOT assisted contracts;
- To create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
- To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT assisted contracts; and
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

CDTC reports DBE participation to NYSDOT on a semi-annual basis for transmittal to USDOT to ensure that DBE goals are being met.

#### Environmental Justice (EJ)

On February 11, 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" which is closely related to Title VI. Executive Order 12898 was created to bring federal attention to environmental and human health conditions in low-income and minority communities with the goal of achieving EJ. The goal of Environmental Justice is to ensure that any adverse human health or environmental effects of any government activities do not disproportionately affect minority or low-income populations. EJ does not intend to provide preferential treatment to these populations, but rather fair treatment to all populations. Specific to transportation, Executive Order 12898 has been issued in order to ensure that all federally funded transportation-related programs, policies, and activities that have the potential to cause adverse affects, specifically consider the effects on minority and low-income populations. EJ is a public policy objective that has the potential to improve the quality of life for those whose interests have traditionally been overlooked.

As the primary forum for the cooperative development of regional transportation plans, MPOs need to be in compliance with Title VI and incorporate EJ concerns. *MPO responsibilities include:*

- Identify low-income and minority populations so that their needs can be identified and addressed and that the benefits as well as the burdens of transportation investments can be fairly distributed throughout the planning area.
- Enhance existing analyses processes to ensure that the Long Range Plan and TIP comply with Title VI requirements.

- Evaluate the existing public involvement processes and improve if necessary to include minority and low-income populations in the decision making process.

CDTC has documented its Environmental Justice procedures and methodology in *The Capital District Transportation Committee's Environmental Justice Analysis*. The document is continuously updated to accommodate changes and to meet federal requirements. The report is available on CDTC's website as a PDF file ([www.cdtcmpo.org](http://www.cdtcmpo.org)) or available in hardcopy by request. At all times, CDTC will seek to keep the EJ/Title VI measures integrated into the overall system planning and project-level measures used for decision-making.

### **Policy Guidelines**

CDTC has found that a varied strategy of public participation, with a mix of formal and informal techniques, yields the best results. Public participation - in whatever form - must occur BEFORE major decisions are made or policy is set to be useful. Informed, articulate stakeholders and other citizens can be genuinely helpful to both professional staff and policy makers. CDTC's process encourages such input.

Public participation:

- Builds public knowledge about the process and issues;
- Identifies public concerns and values;
- Gathers information, develops consensus, resolves conflict, and leads to better decisions;
- Gains the fresh perspectives of empowered citizens which can lead to creative approaches;
- Enhances the accountability of government decisions;
- Reduces later delays and costs from not having involved the public; and
- Builds trust and partnerships.

At CDTC, the intent and practice is to conduct an open and accessible planning process that:

- Often exceeds federal, state and local requirements;
- is proactive and creative;
- uses a variety of mechanisms to solicit participation and involvement;
- has input opportunities early in the development of major documents;
- provides for continuing involvement of local officials, individuals and representative community goals in specific CDTC studies, plans, and programs through their completion and implementation;
- has on-going communication between technical staff and the community at large through clearly written and accessible reports and publications and well established Task Forces;
- includes education as a key component to facilitate active and informed participation;
- ensures that the views of those traditionally underserved by transportation and their organizations are solicited;
- uses the world wide web and other media to reach the widest possible audience; and

- provides timely, clear, accurate, and complete information and sufficient response times.

The policy outlined in this document is based on the understandings that:

*Participation levels will vary.* Those with more to gain or lose will be more willing to participate over a longer period of time, or more intensively in the CDTC planning process. Implementing agencies, such as the New York State Department of Transportation (NYSDOT), the Capital District Transportation Authority (CDTA), and local governments are directly impacted by many of CDTC actions. Other interests and agencies are less and/or indirectly affected, and thus their interest and ability to participate will vary accordingly.

*Some groups don't realize that they have a stake.* Education must therefore be an integral part of the process. Different public participation techniques should be utilized as a way to heighten overall public awareness of CDTC's existence, role in transportation planning and programming, and any significant actions.

*Different interests are motivated to participate at different stages of the process.* The "general" public needs information in "digestible" form, early in the process and before decisions are made but typically are not included in the day-to-day project development processes. Large stakeholders want to have a say in articulating these day-to-day choices and processes. A mechanism needs to be provided for each -- as well as publicity for the fact that there are opportunities for differing levels of involvement.

*CDTC's public participation and involvement policy needs to be flexible enough to allow for changing conditions and situations.* The public participation technique must be carefully matched with public interest and the issue at hand. As policies and programs are developed, the need for changes in strategies can emerge, often as a result of public input. The ability to react to input received is absolutely essential if CDTC is to continue to be an effective and responsible organization. Historically, changes in public participation strategy have always been implemented to do more -- not less.

*The CDTC Policy Board ultimately sets CDTC policies.* Public participation influences the way that issues are resolved, but does not substitute for the legitimate decision-making responsibility of the CDTC. The CDTC operates on the basis of a "consensus of the affected parties". For major policy documents like the Regional Transportation Plan (RTP), the Transportation Improvement Program (TIP), and the Unified Planning Work Program (UPWP), this requires unanimity of voting members. CDTC is primarily, although not exclusively, composed of locally elected officials and representatives from State and regional agencies. Political acceptability is a major consideration when regional transportation policy is developed. The comprehensive public participation policy set forth here is meant to enhance and maximize the political acceptability of CDTC products and policies. CDTC's process continues to receive national-level attention for its successes, which is solidly based on the cooperation and collaboration of its members. This Public Participation Policy document is written in such a way as to anticipate, and plan for, evolving changes in transportation planning, programming and implementation in the Capital District.

## **“Reasonable Access” is the Baseline**

CDTC is committed to providing “reasonable access” to all technical documents and plans produced at major planning process milestones. The Linkage Program materials will have separate criteria that are published in the annual solicitation material for that program.

“Reasonable access” consists of:

- Utilizing the World Wide Web to display and advertise any project, plan, or program materials for public access.
- Use of Geographic Information Systems to add visualization and graphic content to plans and documents;
- Mailing to a full list of known interested parties of the availability of documents and processes including a deadline for public comment;
- Press releases or public service announcements in the major media to the general public of the availability of the document or plans;
- The deadlines being far enough in the future (30 to 60 days) to allow for reasonable time for thorough review;
- Placement of the document in public libraries in the affected geographic area at the very beginning of the review period;
- Designation of an informed and available staff person to answer inquiries;
- When available, a summary document in accessible formats will be provided (free of charge) to anyone that requests it; and
- Provision of the full document or plan (printing and/or postage charges may apply) to anyone that requests it.

In all documents, acronyms are spelled out the first time they are used, and jargon is avoided. Glossaries are often included as a standard appendix. The goal is the provision of timely, clear, accurate, complete, and accessible information.

## **Public Participation Opportunities**

The goals of the CDTC outreach efforts are to ensure that all persons, regardless of race, color, religion, income status, national origin, age, gender, disability, marital status, or political affiliation have an equal opportunity to participate or comment on CDTC’s projects, plans, and programs. CDTC regularly offers public participation opportunities for information, interest, and involvement. These opportunities and the valuable public input gathered from them, help ensure that policy decisions, funding, and planning recommendations are fair and local priorities or concerns are considered.

There is no right or wrong public participation technique. A technique is used if it meets the planning phase objective, is appropriate for the scale of the area or project, reaches target public groups, can be implemented within budgetary and time constraints, and is compatible with community structure, politics and style. The following is an array of techniques that CDTC will use to provide information, educate the public, sample public opinion, check for the acceptability of proposed plans and programs, and to conduct a collaborative planning process.

## **Capital District Transportation Committee's Policy Board**

The CDTC Policy Board is responsible for establishing and implementing regional transportation policies, principles and priorities. It is responsible for assuring that all interested parties have adequate opportunities to participate, assuring that information presented is clear, complete and timely, listening attentively to citizen's views, giving full consideration and response to citizens' concerns, comments, and recommendations, working towards consensus, and making final decisions.

The Policy Board is composed of elected officials from each city and county, and representation of federal, state and regional agencies and any municipality with a population of more than 50,000, including the Town of Colonie. Other towns and villages are represented permanently through the counties, as well as through two additional positions that rotate from community to community on an annual basis.

Four meetings are scheduled (March, June, September, and December) annually; others are scheduled as necessary to accommodate adoption schedules for major CDTC products. The meetings are traditionally held on the first Thursday of the month at 3:00 pm. Policy Board meetings are held at the CDTC offices and are accessible to the elderly and handicapped. The Capital District Transportation Authority (CDTA) provides bus service along Wolf Road making the meetings accessible to those that require or choose alternative modes.

Notification and announcement of Policy Board meetings is done in different ways. Display advertisements are purchased in seven area newspapers prior to each Committee meeting: the Times Union (circulation 99,242), the Daily Gazette (circulation 48,890), The Saratogian (circulation approx 12,000), the Troy Record (circulation 22,922), and the four Albany County Spotlight newspaper from Colonie, Delmar, Guilderland and New Scotland (circulation varies by municipality). The advertisements note the meeting date, time, location and main agenda items, as well as an invitation to the public to participate. A press release noting agenda items and the opportunity for citizen involvement is sent to area media, including newspapers, AM and FM radio stations and local television stations. The current mailing list consists of thirty-three (33) different media contacts. The press release is also sent to five community affairs editors for inclusion in Community Bulletin columns. An announcement will also be posted on CDTC's website ([www.cdtmpo.org](http://www.cdtmpo.org)) that includes the agenda and any relevant materials one week prior to the meeting.

All meetings are open to the public. To encourage citizen participation in CDTC activities, time is scheduled at all Policy Board meetings for non-Policy Board members to comment on any agenda item. A final opportunity for comment is also offered by the Policy Board Chairman at the close of each meeting. Written comments are also accepted and will be incorporated into the minutes prepared after each meeting. All relevant background documents, staff memos, studies, reports, or analyses are made available to interested members of the public upon request.

The Policy Board has been instrumental in reaching and implementing a regional vision through collaboration and reaching consensus at multiple tables. At no time in the past thirty years have so many local leaders, and so many of the region's residents, been voluntarily engaged in thinking about the region's future. Because of explicit effort to have many individuals and institutions participate at multiple discussion tables, the individual initiatives have grown to become a strong collaboration. The choice has been made to encourage a high level of overlap and coordination of initiatives rather than force integration into a single effort. This type of collaboration has been extremely successful in forging a common agenda while maintaining creativity and achievement within each of the initiatives. The key regional initiatives in which CDTC's members are engaged include:

Capital District Transportation Committee / Capital District Regional Planning Commission "New Visions for a Quality Region." a jointly-staffed, multi-disciplined task force has been established within the structure of these regional planning entities. A landmark document, "Pursuing Quality in the Capital Region" was published in 2003 and followed up by the work of six task forces on issues of common interest best led by the MPO. These include: alternative growth scenarios; the future of the expressway system; "big idea" and "big ticket" concepts; larger-than-regional policy issues; improving local planning in a regional context; and transportation finance.

Business/ Higher Education Roundtable. This group of University presidents, corporate CEOs and local government leaders work collaboratively on the future of the region. Subjects include local planning processes, high tech opportunities, workforce development, the regional transportation system, and structural issues affecting the ability of Upstate New York to compete in a global marketplace.

Center for Economic Growth. "Regional Development Strategy." A private-sector initiative to expose regional leaders to high tech development opportunities and to train them on issues associated with high tech development. The initiative has led to efforts to foster intelligent local planning; the creation of a regional "cabinet" of CEG, CDTC, CDRPC and the Tech Valley Chamber Coalition; a Regional Development Coordinating Council of all multi-county public and private entities; and promotion of a regional development compact. A joint CDTC/CDRPC/CEG/University at Albany study will be completed as part of the New Visions 2030 update to articulate the fiscal impacts of alternative growth scenarios on transportation, sewer, water, public protection and schools. This document will meet the SAFETEA-LU requirement to '...promote consistency between transportation improvements and state and local planned growth and economic development patterns as a part of the long-range plan'.

Tech Valley Chamber Coalition. A coalition of seventeen counties' chambers (well beyond the traditional metropolitan core) engaged in exploring ways of capitalizing on high tech growth for benefits throughout the region. In cooperation with other regional partners, the Coalition has pursued regional "branding", has developed a web portal for the region and has embraced the "quality of life" aspirations developed in other initiatives.

ARISE. Arise is a four-county faith, neighborhood and labor-based group focusing on smart growth, urban revitalization, inner-city housing, workforce development and other planning-

related issues. Arise has sponsored regional summits on sprawl (funded in large part by CDTC) and has created a statewide network to seek stronger planning legislation in New York State.

The high level of interest and energy by regional leaders, including CDTC members and many others engaged in these efforts is unprecedented.

### **Planning Committee (technical group)**

The Planning Committee provides technical expertise in the preparation and analysis of transportation plans and programs. Members are responsible for expressing the viewpoints of their municipality or agency and keeping their Policy Board member aware of current activities. Actions of the Policy Board are preceded by recommendations of the Planning Committee.

The more than 20 voting members of the Planning Committee are designated by the CDTC Policy Board members from city and county governments and from federal, state, regional and local agencies. Representatives of towns and villages are chosen on an annual basis. Other interested parties, including consulting firms, attend the meetings and participate in discussions but are not eligible to vote on action items.

The Planning Committee meetings are usually held on the first Wednesday of each month, at 9:30 am at the CDTC offices. The meeting schedule may be adjusted to allow for public comment periods to expire prior to Planning Committee action on recommendations to the Policy Board. Additional meetings are scheduled as necessary as workload and/or program deadlines require.

Notification of Planning Committee meetings is sent using an extensive mailing list of more than 60 contacts. An announcement including agenda and any relevant materials will be posted on the CDTC website at least one week prior to the meeting.

All Planning Committee meetings are open to the public. Each agenda incorporates an item listed as "Visitor's Issues" which provides visitors with an opportunity to comment on transportation related issues. To encourage participation, this item is scheduled as one of the first items on the agenda, and written comments are also accepted. This allows any participants the opportunity to comment and receive a response without having to attend the entire meeting. In addition, discussion on other scheduled agenda items is not limited in participation to voting Committee members. Any interested person(s) or organization may receive notices of all CDTC meetings upon request.

All relevant background documents, staff memos, studies, reports or analyses are made available to interested members of the public upon request.

### **Task Forces**

Task forces are working groups assigned a specific task, with a time limit, whose work is subject to ratification by the CDTC. Task forces are responsible to the Planning Committee for recommendations regarding their subject matter. CDTC currently has several issue-oriented task

forces to address major issues in the CDTC planning processes. Task Force participation is encouraged during TIP, UPWP, and long-range transportation plan development.

Task force composition is flexible and can accommodate varying viewpoints, due to the orientation towards producing a specific product. Task forces focus on specific issues with those that have either technical expertise and/or an important stake in the recommendations. Ownership of task force products by its members can be rather strong because of this focus.

Generally, task forces meet at their own schedule and pace, within overall guidelines for the process that they are contributing to. A mailing list for meeting notices is developed and regularly updated to include all interested parties. Task Forces will have their own 'section' of the CDTC website where products and other relevant materials are posted. These meetings are open to the public. All relevant background documents, staff memos, studies, reports, or analyses are made available to interested members of the public upon request.

### **Community and Transportation Linkage Planning Linkage Program**

CDTC's Community and Transportation Linkage Planning Program (the Linkage Program) provides consultant or CDTC staff technical assistance for joint regional-local planning initiatives that link transportation and land use. It is a key implementation activity of New Visions which is predicated on reducing the growth of vehicular travel in the Capital Region. The Linkage Program is also the cornerstone of CDTC's local planning assistance **and public outreach efforts**. CDTC's transportation and land use policy focuses on good site and community design which are essential to achieving regional transportation system goals.

**The Linkage Program is one of the most significant cooperative regional efforts in the nation to reflect, in practice, what representatives of the region's counties, cities, towns and villages as well as state and local transportation providers have adopted as policy. CDTC's Linkage Program provides a significant public participation component to the development and refinement of regional policies and their implementation at the local level. Because of the Linkage Program, CDTC has experienced greater success in regional transportation policy implementation through local land use action than most MPOs in the nation.**

CDTC has funded a total of 55 collaborative, jointly-funded studies. Study sponsors have included 30 separate urban, suburban and rural municipalities and counties as well as not-for-profits and other public entities. Over \$3.3 million in federal, state and local funds have been committed to the Linkage Program since its inception in 2000.

Federal funding for the Linkage Program is set aside annually in CDTC's UPWP using FHWA's planning (PL) funds. A solicitation for the Linkage Program is usually undertaken on an annual basis. A mailing list has been developed and utilized to send Linkage Program solicitation material, program guidelines, and submission deadlines. This information is also posted on CDTC's website. Studies are selected for the program through a competitive process and are listed in CDTC's UPWP.

Each linkage study utilizes an advisory committee developed jointly between CDTC and the study sponsor to guide the study's progress. The committee is composed of, at a minimum, one staff member of the CDTC, CDRPC, NYSDOT, CDTA, and the county(ies) in which the study is located, and at least two representatives from the community(ies) in which the study is located. Task Force members are invited to participate on study advisory committees on a project by project basis. Members of the public can also participate in study advisory committee meetings.

Each Linkage study also has a minimum of two formal public participation opportunities in the planning process. The first is typically held early in the process to gather information on the study area context including the issues and opportunities that exist as they relate to the study being undertaken. The second is usually held at the end of the planning process to allow for public comment on the ideas and concepts being proposed and to get 'buy-in' from key stakeholders. These meetings are usually held in the evening so that they are accessible to the greatest number of people. Public comment is accepted and encouraged at any point in the Linkage study planning process. The type of public outreach (charrettes, workshops, surveys, neighborhood meetings, etc.) varies depending on the scale of the study, what is appropriate to reach stakeholders, and what is compatible with the community structure, politics and style. Because Linkage studies are joint efforts between CDTC and the study sponsor, the sponsor may have their own requirements regarding public involvement opportunities, meeting announcements, access to interim products, etc.

Final products from Linkage Program studies are posted on the CDTC website in a user-friendly format. Often, interim products or working papers from varying levels of project completion are also posted encouraging additional input and/or public comment. Hardcopies of final products may also be provided (printing and/or postage charges may apply) to anyone that requests them.

### **World Wide Web ([www.cdtcmpo.org](http://www.cdtcmpo.org))**

The World Wide Web has become a very valuable tool to share information, post announcements and provide a central location for all CDTC products to be easily viewed. To the greatest extent possible, CDTC's website is organized and formatted to accommodate persons with visual disabilities.

CDTC will continue to develop its website to clearly display products and make announcements. The use of Geographic Information Systems (GIS) and other relevant software will also continue to provide visual devices such as maps, graphs and tables to display information.

CDTC will provide opportunities for web-based comments to be received and considered. Specific portions of the website will be established to receive comments regarding specific plans, programs, policies, and any other transportation related issue.

CDTC is exploring the technology that would allow for, at a minimum, web-based Policy Board and Planning Committee meetings. This would allow interested parties that are not able to attend in person to view the meetings and hear the discussion on the actions taken in order to increase access to CDTC's processes.

## **Meetings and Presentations**

Members of the CDTC, its committees and staff regularly agree to requests to speak before community or business groups on any transportation related topic. Members and staff also have been invited to present different CDTC projects or processes at state, national, and international conferences as well as to staff display tables at state and regional events to promote CDTC's activities. These presentations and display tables are very informative and invite interested people or groups to contact CDTC for further information and comment allowing a wider audience to become familiar with CDTC programs, policies, and principles. CDTC will continue to fulfill requests to speak and participate in events as schedules and budget allow.

## **Newspaper, Radio, and Television Interviews**

Interviews on current transportation issues are granted to the press and to radio stations as requested to provide information and perspective. CDTC's press releases generate some of these requests; however, requests for phone and in-person interviews on current transportation issues are regularly granted. CDTC will continue to have an open relationship with the press and will grant reasonable interview requests.

## **Press Releases and Public Service Announcements**

Press releases and public service announcements are circulated to the local media when significant plans, programs, or policies are released for public review or scheduled for adoption.

## **Mailing List(s)**

CDTC maintains an overall mailing list of over 1,000 names of individuals who have expressed an interest in CDTC activities. This list is sub-divided into express interest areas, so that subgroups to receive specific mailings can be designated. It is regularly updated and periodically reviewed so that it includes up-to-date information.

To meet the SAFETEA-LU requirement for MPOs to consult, as appropriate with state and local agencies responsible for land use management, natural resources, environmental protection, conservation and historic preservation, CDTC has researched and listed the appropriate agencies. These contacts have been included on the overall mailing list. Major updates to the long range plan, TIP, and UPWP will now be sent to these agencies for an opportunity to comment.

## **Surveys**

Surveys are used to assess the opinions of either a specific interest group or the general public. They provide a possible avenue for public influence if used in conjunction with the methods outlined above. CDTC has used surveys to provide input on the structure of public participation in New Visions, to assess bicycle and pedestrian trails, and to establish household travel patterns in the Capital District. Surveys have also been used in major planning efforts such as the Route 5 Corridor Land Use and Transportation Study.

## **Newsletter**

CDTC is in the process of developing a newsletter that will be used to highlight current planning programs or processes. This will provide another tool for the public to become familiar with the workings of CDTC. CDTC will formalize the newsletter, with the format, content, and frequency of distribution still under discussion. Each new version will be mailed to the overall mailing list and posted on the CDTC website.

## **Specific Policies for Major Decision Points**

### **Regional Transportation Plan (RTP) and its Amendments**

Development of the RTP calls for multiple points for public input, starting with initial proposal, process and schedule for RTP development. After that, at key “milestones” that are defined at the inception of the process, the “reasonable access” provisions outlined above are followed. Mechanisms for ongoing input focus on the Planning Committee. Other public participation opportunities listed above can be, and often are, used. Draft action documents are subject to a 60 day public review period. Policy action is considered after the Planning Committee makes its recommendations.

CDTC feels that it is inappropriate to introduce major RTP revisions via amendments. In general, RTP amendments are deferred to the next RTP update, if possible.

### **Transportation Improvement Program (TIP) and its Amendments**

Public involvement in the development of the CDTC TIP starts with widespread notice of:

- a) the start of the TIP process;
- b) the amount of money, if any, that is available for new programming
- c) project eligibility limitations
- d) the criteria by which the projects will be screened – or how those criteria will be determined; and
- e) the schedule for TIP development, including any deadlines that will be adhered to.

In TIP development, the second major point of public review is the result of the application of the evaluation criteria, usually accompanied by a preliminary recommended program of projects. This is a formal 60-day public review period. A summary document is used to disseminate the information widely, with the full document containing detailed project listings available upon request and posted on the CDTC’s website.

Lastly, notice of availability of the final adopted program is given and the adopted TIP itself made readily available to interested parties. The final TIP includes disposition of comments received during the public comment period.

The following table indicates how TIP Amendments are handled at CDTC. Changes requiring Planning Committee action are minor TIP amendments. The Planning Committee may defer approval to the Policy Board, if desired. Changes requiring Policy Board action are major TIP amendments.

## GUIDELINES FOR TIP CHANGES

*Amendments dependent on another amendment requiring a higher level of action, also requires that level of action.*

<b>Type of Change</b>	<b>Responsibility</b>		
	<b>CDTA or NYSDOT</b>	<b>Planning Committee<sup>1</sup></b>	<b>Policy Board<sup>2</sup></b>
<b>(1) Addition or Deletion</b>			
(a) Addition of project from regional set-asides	---	Approve	---
(b) Addition of project under or equal to \$0.250M	---	Approve	---
(c) Addition of project over \$0.250M	---	Recommend	Approve
(d) Addition of project element under or equal to \$0.250M <sup>3</sup>	Approve	---	---
(e) Addition of project element over \$0.250M <sup>3</sup>	---	Approve	---
(f) Addition of STP Enhancement Project after approval by state advisory committee	---	Approve	---
(g) Combining two or more existing projects	---	Approve	---
(h) Other	---	Recommend	Approve
<b>(2) Scope and Cost</b>			
(a) Over 25% (minimum \$250 k) or over \$500 k <sup>4</sup>	---	Approve	---
(b) Over 50% (minimum \$1M) or over \$3M <sup>4</sup>	---	Recommend	Approve
(c) Scope change necessitating recalculation of system-level air quality conformity of non-exempt project	---	Recommend	Approve
(d) Other significant scope change <sup>5</sup>	---	Approve	---
(e) Other	Approve	---	---
<b>(3) Fund Source Change</b>			
(a) Change between Title I federal fund sources <sup>6</sup>	Approve	---	---
(b) Change from federal to non-federal fund source	Approve	---	---
(c) Change from non-federal to federal fund source	---	Recommend	Approve
(d) Change between Title III federal fund sources	---	Approve	---
(e) Any other federal fund source change	---	Recommend	Approve
<b>(4) Schedule Change</b>			
(a) All affected project elements are contained in the first three years of the TIP before and after the schedule change <sup>7</sup>	Approve	---	---
(b) Any other schedule change	---	Approve	---

<sup>1</sup> Changes requiring Planning Committee action are minor TIP amendments. The Planning Committee may defer approval to Policy Board, if desired.

<sup>2</sup> Changes requiring Policy Board action are major TIP amendments.

<sup>3</sup> A project element is a phase of the project, such as construction or right-of-way acquisition.

<sup>4</sup> Percentages are percentages of total project five-year plus committed column federal cost.

<sup>5</sup> A significant scope change is a significant change to the project limits, type or scope.

<sup>6</sup> Change from a capital fund source to Metropolitan Planning Funds (PL) requires UPWP action by CDTC.

<sup>7</sup> This includes funds programmed in the "Committed" column of the TIP that are not obligated by September 30 of the Committed fiscal year.

## Unified Planning Work Program and its Amendments

CDTC's Unified Planning Work Program (UPWP) documents the transportation planning tasks to be undertaken for a two year period. The UPWP describes the MPO funded (and in-kind service matching) activities of the CDTC staff, Capital District Transportation Authority (CDTA), New York State Department of Transportation (NYSDOT) and Capital District Regional Planning Commission (CDRPC) staffs, and staffs of other participating agencies. Inclusion on the UPWP is required for all tasks for which the Federal Highway Administration (FHWA) planning (PL) and Statewide Planning and Research, Federal Transit Administration (FTA), or Federal Aviation Administration (FAA) systems planning funds are to be used. Additional CDTC staff funds (state, county, local) are also detailed in the work program.

### **Preparation and Adoption**

The UPWP is adopted every two years prior to the beginning of the fiscal year to which it pertains. In order to assure funding is available by April 1, the UPWP should be prepared several months in advance. Some lead time is necessary to prepare grant applications and to accommodate funding agency review and approval periods.

Preparation of the UPWP involves review of the status of current tasks, identification of tasks to be carried over or deleted, and identification of new tasks. The CDTC staff takes the lead on this activity, seeking input from all participating agencies. The CDTC Policy Board adopts the UPWP at the recommendation of the Planning Committee. The adopted UPWP includes task and auditable budgets, identification of agency responsibilities, and preliminary grant budgets. NYSDOT submits the requests for federal funding to FHWA and FTA on behalf of CDTC.

### **Routine Updates**

Changes in project scope, timing, or priority bring about the need to update the UPWP throughout the year. For tasks carried over from the previous Program, the UPWP is often based on rough estimates of how much work will be carried over. These estimates may have been made several months before the end of the year, and may prove to be inaccurate. Also, verification of fringe and indirect rates may warrant change to the adopted auditable budget. UPWP changes can be classified into four types;

- Addition or deletion of a task
- Budget transfers within a program (task budget) category
- Budget transfers from one program category to another
- Budget transfers from one auditable (project budget) item to another

Guidelines for approval of UPWP changes are given in the following table.

## GUIDELINES FOR UPWP CHANGES

Type of Change	Planning Committee	Policy Board
New contracts	All	---
Addition or deletion of a task in existing contract	All	---
Budget shift within one contract and task category	---	---
Budget shift within one contractor and across task category	All	---
Budget shift within one contract and across auditable budget categories	All	---

The "Reasonable" access provisions outlined above apply for UPWP changes over \$50,000 only.

### Major Investment Analysis/Corridor Studies

When any of the implementing agencies or the CDTC wish to initiate a major investment study, a meeting will be convened to determine the extent of the analyses and agency roles in a cooperative process which involves CDTC, NYSDOT, CDTA, the New York Thruway Authority (NYSTA), environmental, resource and permit agencies, local officials, the FHWA and the FTA, and where appropriate community development agencies, major governmental housing bodies, and such other related agencies as may be impacted by the proposed scope of analysis. A reasonable opportunity shall be provided for citizens and interested parties including affected public agencies, representatives of transportation agency employees, and private providers of transportation to participate in the cooperative process. At CDTC, this includes the use of an Advisory Committee.

This cooperative process establishes the range of alternatives to be studied, such as alternative modes and techniques (including intelligent vehicle and highway systems), general alignment, number of lanes, the degree of demand management, and operating characteristics.

## UPWP/TIP Projects Where CDTC is the Responsible Agency

There are no regulatory requirements that apply to these types of projects, as the planning process is expressly exempted from NEPA requirements. However, the overall CDTC philosophy of maximizing public input applies.

### **Responding to Comment - Standard Practice**

At a minimum, everyone that provides written comments on a CDTC document gets a written response. Summaries of comments received are provided to both the Planning Committee and Policy Board prior to deliberations on recommendations, and the disposition of comments is included in the final document. All public comments are considered when making transportation policy decisions. If web-based comments are received, a written or electronic (email) response will be given. All web-based comments will be incorporated in the same manner as written comments.

CDTC often goes beyond this minimum, such as setting up meetings with the affected parties or delaying document adoption to allow for resolution of significant issues.

### **Special Efforts to Reach Traditionally Underserved Populations**

Special efforts to facilitate the participation of disabled, minority, and low-income persons are required. Examples of how CDTC exerts this effort include:

- Work with the Human Services Agencies on public education in relation to their community service function.
- Community meetings held in accessible neighborhood locations.
- Special outreach to seniors.
- Place notices in additional publications including minority community newspapers/newsletters
- When possible, accommodate those with limited English proficiency

Generally, CDTC accepts and integrates the fact that the planning community needs to go to the traditionally underserved populations for input, NOT expect them to come to the planners.

### **Evaluating Effectiveness**

CDTC will review and judge the effectiveness of its public participation strategy using the following performance measures:

- People were heard and respected during the conduct of CDTC business, particularly in the development of the RTP, TIP, UPWP, Linkage Program and major studies.

- The CDTC process is generally perceived by participants to be fair.
- Consensus was reached on major documents.
- Certification reviews reveal no deficiencies.

CDTC will review its public participation procedures, at a minimum during the Regional Transportation Plan update which is required every four years, and clarify/modify policies to meet legal requirements and provide additional opportunities for public input. This policy will undergo a forty-five (45) day public review period. Any major amendments will also require public review. Minor changes will be designated to the Planning Committee and Policy Board for adoption.

### **Conclusion**

Both federal regulations and general public sentiment have combined to generate the need for a truly comprehensive and continuous public involvement process in transportation decision making. CDTC understands public attitudes and values early in the development of programs, policies, and projects to allow all interested parties an opportunity to participate. A strategy that solicits input frequently with varied methods is required. Citizens that are engaged in the planning process give credibility to public decisions and offer 'buy-in' for the different stages of plan and project development.

## Glossary of Terms

**ADA** – American with Disabilities Act

**CDRPC** – Capital District Regional Planning Commission

**CDTA** – Capital District Transportation Authority

**CDTC** – Capital District Transportation Committee

**CEG** – Center for Economic Growth

**CEO** – Chief Executive Officer

**DBEs** – Disadvantaged Business Enterprises

**EJ** – Environmental Justice

**EPA** – Environmental Protection Agency

**FAA** – Federal Aviation Administration

**FHWA** – Federal Highway Administration

**FTA** – Federal Transit Administration

**GIS** – Geographic Information Systems

**ISTEA** – Intermodal Surface Transportation Efficiency Act

**Linkage Program** – CDTC’s Community and Transportation Linkage Planning Program

**MPO** – Metropolitan Planning Organization

**NAAQS** – National Ambient Air Quality Standards

**NEPA** – National Environmental Policy Act

**NYSDEC** – New York State Department of Environmental Conservation

**NYSDOT** – New York State Department of Transportation

**NYSTA** – New York State Thruway Authority

**PL** – Federal Highway Administration Metropolitan Planning Funds

**RTP** – Regional Transportation Plan

**SAFETEA-LU** – Safe, Accountable, Flexible, Efficient, Transportation Equity Act, A Legacy for Users

**SEQR** – State Environmental Quality Review

**SIP** – State Implementation Plan

**TEA-21** – Transportation Equity Act for the 21<sup>st</sup> Century

**TIP** – Transportation Improvement Program

**UPWP** – Unified Planning Work Program

**USDOT** – United States Department of Transportation