

PUBLIC PARTICIPATION PLAN

GENESEE TRANSPORTATION COUNCIL

RESOLUTION

RESOLUTION 07-33 **Adopting the Genesee Transportation Council *Public Participation Plan***

WHEREAS,

1. Title 23, Section 450.316 of the Code of Federal Regulations requires that the Metropolitan Planning Organization (MPO) develop and use a documented participation plan that defines a process for providing 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 with reasonable opportunities to be involved in the metropolitan transportation planning process;
2. Title 23, Section 450.316 of the Code of Federal Regulations requires that the public involvement process be periodically reviewed by the MPO in terms of its effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process;
3. GTC Staff has worked with the GTC Planning Committee to update the existing *Public Participation Policy* by developing a *Public Participation Plan* that ensures the public has meaningful opportunities to participate in the development and execution of programs and activities undertaken by or on behalf of GTC in its role as the designated MPO for the Genesee-Finger Lakes region;
4. Title 23, Section 450.316 of the Code of Federal Regulations requires a minimum public comment period of 45 days before the public involvement process is initially adopted or revised;
5. The Draft *Public Participation Plan* was made available for public review from August 22, 2007 to October 5, 2007 and was advertised as such via a legal notice in the Democrat & Chronicle and direct notification to interested parties; and
6. Said Plan has been reviewed by GTC staff and member agencies through the GTC committee process and has been found to be consistent with Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the current *Public Participation Policy* and worthy of guiding public participation activities conducted by or on behalf of GTC.

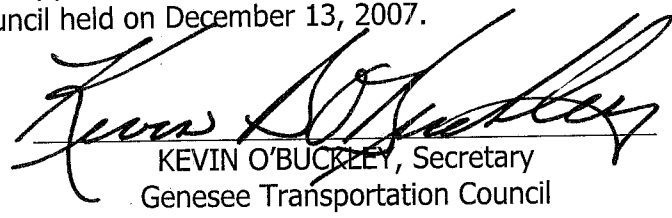
NOW, THEREFORE, BE IT RESOLVED

1. That the Genesee Transportation Council hereby adopts the *Public Participation Plan* effective immediately.

CERTIFICATION

The undersigned duly qualified Secretary of the Genesee Transportation Council certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Genesee Transportation Council held on December 13, 2007.

Date 12/13/07



KEVIN O'BUCKLEY, Secretary
Genesee Transportation Council

TABLE OF CONTENTS

Plan Overview

Purpose	1
Background	1
Standards & Requirements	3
Agency Applicability	3
Project Applicability	3
Review & Revision	4

Specific Requirements & Standards

Baseline Requirements & Standards	5
Additional Project-Specific Requirements	7
Long Range Transportation Plan (LRTP) – Document Development	7
Unified Planning Work Program (UPWP) – Document Development	9
Unified Planning Work Program (UPWP) – Funded Projects	10
Transportation Improvement Program (TIP) – Document Development	11
Transportation Improvement Program (TIP) – Funded Projects	13
Transportation Conformity Statement	13
Public Participation Plan Update Requirements	14

Appendix A: Public Participation Toolbox

Passive Public Information Techniques	19
Active Public Information Techniques	20
Small Group Public Input Techniques	20
Large Group Public Input Techniques	20
Small Group Problem-Solving Techniques	20
Large Group Problem-Solving Techniques	21
Additional Resources	21

Appendix B: Samples and Templates

Sample Meeting Announcement (Media Release)	25
Sample Legal Notice	26
Sample Project Fact Sheet	27

Appendix C: Relevant Excerpts of Federal and State Regulations

FHWA & FTA Planning Assistance and Standards	33
Environmental Impact and Related Procedures	35
Executive Order 12898 (Environmental Justice)	37
Title VI of the Civil Rights Act of 1964 – Nondiscrimination in Federally Assisted Programs ...	39
The Americans with Disabilities Act of 1990	40
New York State Open Meetings Law	41

If you have any questions or comments on this document, please contact the Genesee Transportation Council at 50 West Main Street, Suite 8112, Rochester, New York 14614; telephone (585) 232-6240, fax (585) 262-3106, or via e-mail at contactgtc@gtcempo.org.

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Plan Overview

PURPOSE

The purpose of the Genesee Transportation Council (GTC) *Public Participation Plan* is to provide GTC staff, member agencies, and sponsors of projects funded through GTC with readily accessible and easily understandable guidelines for ensuring that the public has meaningful opportunities to participate in the development and execution of programs and activities (i.e., the planning process) undertaken by or on behalf of GTC in its role as the designated Metropolitan Planning Organization (MPO) for the Genesee-Finger Lakes region.

BACKGROUND

The United States Department of Transportation (USDOT) requires every metropolitan area with a population over 50,000 to have a designated MPO to qualify for receipt of federal highway and transit funds. The Governor of New York State designated GTC as the MPO responsible for transportation planning in the Genesee-Finger Lakes Region, which includes Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, and Yates counties.

Because of the size of the nine-county region, the primary focus of GTC's transportation planning efforts is the Rochester Transportation Management Area (TMA). The Rochester TMA includes all of Monroe County plus the adjacent developed areas of Livingston, Ontario, and Wayne counties (see [Exhibit 1](#)).

The mission of GTC is to maximize the contribution of the transportation system to the social and economic vitality of the Genesee-Finger Lakes Region.

To establish and maintain the certifiable transportation planning process required by the federal government as a precondition for receipt of federal transportation funding, GTC as the designated MPO for the region must at a minimum produce and maintain three major products: 1) the Long Range Transportation Plan (LRTP), 2) the Unified Planning Work Program (UPWP), and 3) the Transportation Improvement Program (TIP). Please note that, for purposes of the TIP, GTC's responsibilities and the application of this Plan is limited to the Rochester TMA.

In addition, GTC and the New York State Department of Transportation (NYSDOT) are required to determine if the current, fiscally-constrained LRTP and TIP conform to federal air quality standards for ground-level ozone. As established in GTC Resolution 04-41, GTC is responsible for determining conformity in the Rochester TMA and NYSDOT-Region 4 is responsible for determining conformity in the remainder of the five counties included in the ground-level ozone nonattainment area.

This Plan establishes a minimum standard for public participation in all programs and activities associated with the LRTP, UPWP, TIP, and related GTC functions. This Plan wholly incorporates applicable federal requirements associated with funding sources programmed through GTC.

STANDARDS & REQUIREMENTS

In order to ensure the public has meaningful opportunities to participate in the development and execution of programs and activities undertaken by or on behalf of GTC, the Public Participation Plan must:

1. Establish minimum performance standards for public participation in all programs and activities associated with the LRTP, UPWP, TIP, and related GTC functions.
2. Address Federal and State public participation requirements, including:
 - Federal Highway Administration (FHWA) & Federal Transit Administration (FTA) Planning Assistance and Standards (23 CFR 450);
 - Executive Order 12898 (Environmental Justice);
 - Title VI of the Civil Rights Act of 1964;
 - The Americans with Disabilities Act of 1990;
 - Environmental Impact and Related Procedures (23 CFR 771);
 - New York State Open Meetings Law (Public Officers Law, Article 7); and
 - Federal requirements applicable to individual funding sources.

Relevant excerpts of these Federal and State regulations are included in Appendix C starting on page 31 of this Plan.

AGENCY APPLICABILITY

GTC is ultimately responsible for ensuring that the public participation component of all projects funded through GTC is conducted in a fashion that is consistent with the *GTC Public Participation Plan*. Accordingly, project sponsors requesting funding through GTC and GTC staff must adhere to the minimum requirements and performance standards established by this Plan.

Project sponsors should strive to exceed the minimum performance standards established by this Plan to assure early and continuous public involvement in their projects. Project sponsors should seek out and consider the needs of those populations traditionally underrepresented in the transportation planning process. While public participation opportunities sponsored by or on behalf of GTC may satisfy requirements of other agencies, their primary purpose will be to satisfy the requirements of this Plan.

It should be noted that project sponsors may use their own public participation process provided it meets the minimum requirements and performance standards established by this Plan.

PROJECT APPLICABILITY

The *GTC Public Participation Plan* applies to the *development of* the LRTP, UPWP, TIP, and air quality conformity statement. GTC staff members are responsible for working with the appropriate committees to develop these documents and for coordinating associated public participation. The minimum requirements and performance standards for public participation during the development of these documents are detailed in the Specific Requirements & Standards section starting on page 5 of this Plan.

The *GTC Public Participation Plan* also applies to projects *funded through* the UPWP and TIP. Individual projects (e.g., transportation studies, construction projects, etc.) carry their own public participation plan. The magnitude of a project dictates how extensive this plan is. The minimum performance standards for public participation during the conduct of UPWP- and TIP-funded projects are detailed in their respective portions of the Specific Requirements & Standards section starting on page 10 of this Plan.

In addition, GTC public participation activities will be coordinated with member agencies' public participation opportunities and consultation processes to the maximum extent practical.

REVIEW & REVISION

The *GTC Public Participation Plan* should be reviewed and revised as necessary to maintain its relevance and effectiveness. At a minimum, the Plan will be reviewed and revised as appropriate every four years to coincide with the update of the LRTP. It may also be appropriate for this Plan to have intermediate revisions as regulations, expectations, and/or technology change. Additionally, the conclusion of major projects and the adoption of the LRTP, UPWP, and TIP provide natural opportunities to review and revise this Plan.

Specific Requirements & Standards

BASELINE REQUIREMENTS & STANDARDS

The following minimum requirements and performance standards for public participation will apply to all activities conducted by or on behalf of GTC.

Requirement: Facilitate public access to the status and recommendations of GTC programs and projects

Performance standards:

1. Provide contact and address information for GTC staff and the GTC office such that it is readily available to a broad-based audience through standard resources. (responsibility: GTC staff)
2. Provide information via the GTC website on current and historic programs, projects, and activities to the maximum extent practical, including the use of alternative formats to facilitate dissemination of information to persons with disabilities. (responsibility: GTC staff)
3. Provide a library of current and historic copies of the LRTP, the UPWP, the TIP, the products of UPWP-funded projects, and other publications related to transportation planning. (responsibility: GTC staff)
4. Seek out and consider the needs of those populations traditionally underrepresented in the transportation planning process. (responsibility: project sponsor)

Requirement: Public notification of meetings in accordance with New York State Public Officers Law, Article 7 -- Open Meetings Law, Section 104 (see page 42)

Performance standards:

5. GTC quarterly Board meetings will be announced via a legal notice in the Democrat & Chronicle newspaper, a media release to television stations, radio stations, and weekly and daily general circulation newspapers in the region, and on the GTC website. (responsibility: GTC staff)
6. GTC Planning Committee meetings will be announced via a media release to television stations, radio stations, and weekly and daily general circulation newspapers in the region and on the GTC website. (responsibility: GTC staff)
7. Public meetings sponsored by GTC or held in conjunction with UPWP- or TIP-funded projects will be announced via a media release to television stations, radio stations, and weekly and daily general circulation newspapers with significant coverage in the area impacted by the project. (responsibility: project sponsor)
8. All meeting notices will provide contact information to enable access to more project information upon request. (responsibility: project sponsor)
9. GTC will maintain a list of contact information for media outlets throughout the region; this list will be continually updated as information becomes available. (responsibility: GTC staff)

Requirement: Location and time of meetings and accommodation of persons with disabilities

Performance standards:

10. All public meetings sponsored by GTC or held in conjunction with UPWP- or TIP-funded projects will be conducted at convenient locations and times to afford reasonable opportunities for interested parties to participate. (responsibility: project sponsor)
11. All public meetings sponsored by GTC or held in conjunction with UPWP- or TIP-funded projects will be conducted in wheelchair accessible locations. (responsibility: project sponsor)
12. Any reasonable accommodation that allows persons with disabilities to participate in a public meeting will be honored provided a request to do so is made in advance. Anyone seeking accommodation is requested to contact GTC staff or the project sponsor at least 48 hours before the meeting so there is sufficient time to make arrangements necessary to fulfill their request. (responsibility: project sponsor)

Requirement: New York State Open Meetings Law

Performance standards:

13. All GTC Board and committee meetings are open to the public. It is noted that the New York State Open Meetings Law allows for the conduct of an "executive session", which excludes the public from a portion of a meeting under limited circumstances and that from time to time it may be necessary for the GTC Board and/or committees to do so. (responsibility: GTC staff)
14. A meeting agenda will be prepared for each public meeting sponsored by GTC or held in conjunction with UPWP- or TIP-funded projects. Meeting agendas will be incorporated into the appropriate project file and will be made available to the public upon request. (responsibility: project sponsor)
15. The agenda for each GTC Board meeting will include a "Public Forum" near the beginning of the meeting to allow for comments from the general public. The agenda for each GTC Planning Committee meeting will include a "Public Forum" near the beginning and end of the meeting to allow for comments from the general public. The Chairperson may, at their discretion, set a time limit for individual comments and/or the entire comment period, provided the time limit is made known to the audience prior to the start of the comment period. The Chairperson may, at their discretion, allow for additional opportunities for the public to comment during the meeting. (responsibility: GTC staff)
16. Meeting minutes will be prepared for each GTC quarterly Board meeting and GTC Planning Committee meeting within two weeks of the meeting. Meeting minutes will be labeled "Draft" until they have been approved at the next meeting of the GTC Board or GTC Planning Committee, as appropriate, and may be amended prior to being approved. Draft meeting minutes will be made available to the public by request. The approved meeting minutes will be posted to the GTC website and otherwise made available to the public by request. (responsibility: GTC staff)

17. A meeting summary will be prepared for each public meeting sponsored by GTC or held in conjunction with UPWP- or TIP-funded projects within two weeks of the meeting. Meeting summaries will be incorporated into the appropriate project file and will be made available to the public upon request. (responsibility: project sponsor)

ADDITIONAL PROJECT-SPECIFIC REQUIREMENTS

The following additional requirements and performance standards for public participation will apply to individual projects conducted by or on behalf of GTC. The requirements and performance standards are organized by the three major products that GTC must produce and maintain: the LRTP, the UPWP, the TIP. Requirements for the transportation conformity statement are also included.

Long Range Transportation Plan (LRTP) – Document Development

The LRTP provides a 20-year perspective of existing and projected transportation system capabilities, needs, and associated objectives, as well as recommended policies and actions to meet these objectives. This assessment is performed in the context of the eight major transportation planning factors established by the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), enacted in 2005. It provides the framework for guiding federally-funded planning and investment decision making in the region. The LRTP must be updated at least every four years.

In addition to the Baseline Requirements & Standards noted above, development of the LRTP must address the following requirement:

Requirement: Opportunity for public input and consultation

Performance standards:

1. The development of the LRTP will be guided by the LRTP Development Committee (LDC) which, at a minimum, consists of a GTC Planning Committee representative from each county in the TMA, the City of Rochester, the Rochester Genesee Regional Transportation Authority, the Genesee/Finger Lakes Regional Planning Council, and the New York State Department of Transportation. (responsibility: GTC staff)
2. GTC staff will identify techniques (e.g., direct mailing, etc.) that will be used to improve the awareness of opportunities for interested parties (including those identified in 23 CFR Part 450.316 (a)) to participate in the development of the LRTP and/or to improve the quality of guidance to GTC staff and review committees during the development of the LRTP. Concerted efforts will be made to reach those traditionally underrepresented in the transportation planning process, such as low-income and minority persons. (responsibility: GTC staff)
3. Development of the LRTP will include two sets of public meetings. The first set of meetings will be held early enough in the development on the LRTP to ensure that interested parties have the opportunity to provide input of the direction of the plan, regional needs and issues, and the desired state of the region. The second set of

meetings will be held during the public review period for the draft LRTP to ensure that interested parties have the opportunity to provide input on the recommendations of the plan. (responsibility: GTC staff)

4. Public meetings held in conjunction with the development of the LRTP will employ visualization techniques to describe the LRTP. The final LRTP will use visualization techniques to the maximum extent practical. (responsibility: GTC staff)
5. The GTC Planning Committee must approve a draft LRTP for a 30-day public review. (responsibility: GTC Planning Committee)
6. The public review document will be made available at public locations throughout the region. (responsibility: GTC staff)
7. The availability of a public review document and the schedule of public meetings held in conjunction with the 30-day public review will be announced via a legal notice in the Democrat & Chronicle newspaper and a media release to television stations, radio stations, and weekly and daily general circulation newspapers in the region and on the GTC website. (responsibility: GTC staff)
8. Consultation with parties identified in 23 CFR Part 450.316 (a) will be accomplished by directly distributing the draft LRTP public review document to these parties, to the maximum extent practical. (responsibility: GTC staff)
9. A written summary of comments will be provided to the GTC Planning Committee as part of the meeting package distributed in advance of the meeting at which the draft LRTP will be considered for recommendation to the GTC Board. The GTC Planning Committee will consider comments received during the public review prior to recommending a final draft LRTP for GTC Board consideration. Copies of public comments will be provided to GTC Planning Committee Members upon request. (responsibility: GTC staff)
10. If the GTC Planning Committee deems any changes made in response to the public comments significant, the Committee must approve a revised draft LRTP for a subsequent 10-day public review. (responsibility: GTC Planning Committee)
11. The GTC Planning Committee will consider comments received during the 10-day public review period, if conducted, prior to recommending a final draft LRTP for GTC Board consideration. (responsibility: GTC Planning Committee)
12. A written summary of comments will be provided to the GTC Board as part of the meeting package distributed in advance of the meeting at which the draft LRTP will be considered for adoption. Analysis of and a report on the disposition of comments will be provided to the GTC Board, which will consider comments received during the public review prior to adopting the LRTP. Copies of public comments will be provided to GTC Board Members upon request. (responsibility: GTC staff)

Unified Planning Work Program (UPWP) – Document Development

The UPWP programs federally-funded transportation planning activities that further develop the policies and actions contained in the LRTP into concept-level projects and programs. The UPWP allocates funding for both specific planning projects and on-going programmatic activities. The UPWP must be updated at least every two years.

In addition to the Baseline Requirements & Standards noted previously, development of the UPWP must address the following requirement:

Requirement: Opportunity for public input

Performance standards:

13. The development of the UPWP will be guided by the UPWP Development Committee (UDC), which consists of a GTC Planning Committee representative from each county in the TMA, the City of Rochester, the Rochester Genesee Regional Transportation Authority, the Genesee/Finger Lakes Regional Planning Council, and the New York State Department of Transportation. (responsibility: GTC staff)
14. Project sponsors seeking funding through the UPWP are not required to conduct specific public participation efforts prior to proposing projects for UPWP funding; however, funded projects will have specific public participation requirements (see UPWP – Funded Projects on page 10). (responsibility: project sponsor)
15. The GTC Planning Committee must approve a draft UPWP for a 30-day public review. (responsibility: GTC Planning Committee)
16. The public review document will be made available at public locations throughout the region. (responsibility: GTC staff)
17. The availability of a public review document will be announced via a legal notice in the Democrat & Chronicle newspaper, a media release to television stations, radio stations, and weekly and daily general circulation newspapers in the region, and on the GTC website. (responsibility: GTC staff)
18. A written summary of comments will be provided to the GTC Planning Committee as part of the meeting package distributed in advance of the meeting at which the draft UPWP will be considered for recommendation to the GTC Board. The GTC Planning Committee will consider comments received during the public review and revise the draft UPWP, as appropriate, prior to recommending a final draft UPWP for GTC Board consideration. Copies of public comments will be provided to GTC Planning Committee Members upon request. (responsibility: GTC staff)
19. A written summary of comments will be provided to the GTC Board as part of the meeting package distributed in advance of the meeting at which the draft UPWP will be considered for adoption. Analysis of and a report on the disposition of comments will be provided to the GTC Board, which will consider comments received during the public review prior to adopting the UPWP. Copies of public comments will be provided to GTC Board Members upon request. (responsibility: GTC staff)

Unified Planning Work Program (UPWP) – Funded Projects

In addition to the Baseline Requirements & Standards noted previously, UPWP-funded projects must address the following requirement:

Requirement: Establish public input opportunities

Performance standards:

20. For purposes of determining the nature of public input required, GTC staff will recommend a classification for each UPWP-funded project. This classification will be one of three categories: Administrative, Technical/Data Collection, or Planning/Policy. The GTC Planning Committee must concur with the classification of each project. The following guidance is offered to help determine the recommended classification:
 - Administrative Projects are generally limited to those UPWP tasks that enable GTC staff to carry out its day-to-day activities, with no material direct or indirect impact on the public expected (e.g., GTC Administration, Community Relations, etc.).
 - Technical/Data Collection Projects are generally limited to those UPWP tasks that support some other element of the UPWP or some other function of the project sponsor, but are not in-and-of-themselves expected to have a material direct or indirect impact on the public (e.g., Monroe County Land Use Monitoring, Pavement Condition Monitoring, etc.).
 - Planning/Policy Projects are generally limited to those UPWP tasks that are expected to result in recommendations or actions that have a material direct or indirect impact on the public (e.g., Route 14 Truck Study, Strategic Plan for Public Transportation in Livingston County, etc.). (responsibility: GTC Planning Committee and GTC staff)
21. UPWP-funded projects that are classified as Administrative or Technical/Data Collection do not require any additional public input. However, the results of the project may need to be reported at a GTC Planning Committee meeting. This will be determined in conjunction with the project sponsor on a case-by-case basis. (responsibility: project sponsor)
22. UPWP-funded projects that are classified as Planning/Policy require a public input component as part of an approved Scope of Work. Project sponsors should keep the following in mind:
 - a. The sponsor of a Planning/Policy Project must develop a Scope of Work for GTC Planning Committee consideration and approval prior to starting the project. Project activity conducted prior to Planning Committee approval of a Scope of Work may not be eligible for reimbursement or qualify for match against federal funds. The public input component for a Planning/Policy Project must be wholly consistent with this Plan. The magnitude of a project dictates how extensive the public input component is.
 - b. The following actions are suggested whenever a Planning/Policy Project is conducted:
 - Convene a steering/advisory committee of stakeholders. All affected GTC member agencies should be given the opportunity to participate. The project

sponsor, in consultation with other member agencies and GTC staff, should decide who to include on a steering/advisory committee.

- Conduct one public meeting early in the process to seek public input on the identification of goals and objectives, issues, concerns, opportunities, etc.
 - Conduct one public meeting to review draft findings and recommendations and give the public the opportunity to provide input before finalizing the study.
- c. Efforts should be made to identify interested parties prior to conducting the public meetings. Project sponsors should try to engage groups that have not traditionally been involved in transportation projects but have a vested interest in the outcome of the project. Project sponsors should be cognizant of the impact the project has on minority and low-income populations.
- d. Efforts should be made to identify effective outlets for advertising public meetings in the project area, such as community newsletters, weekly newspapers, etc.
- e. Advertising for the public meetings must be in compliance with the New York State Open Meetings Law (see page 41).
- f. Efforts should be made to provide project-related information via the project sponsor's website. (responsibility: project sponsor)

Transportation Improvement Program (TIP) – Document Development

The TIP identifies and schedules the specific transportation improvements in the region that will receive federal funding over the next five years. Projects included in the TIP typically emerge from recommendations identified in projects and programs in the UPWP and infrastructure needs identified by member agencies. The TIP must be updated at least every four years.

In addition to the Baseline Requirements & Standards noted previously, development of the TIP must address the following requirement:

Requirement: Opportunity for public input

Performance standards:

23. The development of the TIP will be guided by the TIP Development Committee (TDC), which consists of a GTC Planning Committee representative from each county in the TMA, the City of Rochester, the Rochester Genesee Regional Transportation Authority, and the New York State Department of Transportation. The Genesee/Finger Lakes Regional Planning Council serves in an advisory role to the TDC.
(responsibility: GTC staff)
24. GTC staff will identify techniques (e.g., direct mailing, etc.) that will be used to improve the awareness of opportunities for interested parties (including those identified in 23 CFR Part 450.316) to participate in the development of the TIP and/or to improve the quality of guidance to GTC staff and review committees during the development of the TIP. Concerted efforts will be made to reach those traditionally underrepresented in the transportation planning process, such as low-income and minority persons.
(responsibility: GTC staff)

25. Project sponsors seeking funding through the TIP are not required to conduct specific public participation efforts prior to proposing projects for TIP funding; however, funded projects will have specific public participation requirements (see TIP – Funded Projects on page 13). (responsibility: project sponsor)
26. The GTC Planning Committee must approve a draft TIP for a 30-day public review. (responsibility: GTC Planning Committee)
27. The public review document will be made available at public locations throughout the TMA. (responsibility: GTC staff)
28. The availability of a public review document and the schedule of public meetings held in conjunction with the 30-day public review will be announced via a legal notice in the Democrat & Chronicle newspaper and a media release to television stations, radio stations, and weekly and daily general circulation newspapers in the region and on the GTC website. (responsibility: GTC staff)
29. Public meetings held in conjunction with the development of the TIP will employ visualization techniques to describe the TIP. The final TIP will use visualization techniques to the maximum extent practical. (responsibility: GTC staff)
30. Consultation with parties identified in 23 CFR Part 450.316 will be accomplished by directly distributing the draft TIP public review document to these parties, to the maximum extent practical. (responsibility: GTC staff)
31. A written summary of comments will be provided to the GTC Planning Committee as part of the meeting package distributed in advance of the meeting at which the draft TIP will be considered for recommendation to the GTC Board. The GTC Planning Committee will consider comments received during the public review and revise the draft TIP, as appropriate, prior to recommending a final draft TIP for GTC Board consideration. Copies of public comments will be provided to GTC Planning Committee Members upon request. (responsibility: GTC staff)
32. If the GTC Planning Committee deems any changes made in response to the public comments significant, the Committee must approve a revised draft TIP for a subsequent 10-day public review. (responsibility: GTC Planning Committee)
33. The GTC Planning Committee will consider comments received during the 10-day public review period, if conducted, prior to recommending a final draft TIP for GTC Board consideration. (responsibility: GTC Planning Committee)
34. A written summary of comments will be provided to the GTC Board as part of the meeting package distributed in advance of the meeting at which the draft TIP will be considered for adoption. Analysis of and a report on the disposition of comments will be provided to the GTC Board, which will consider comments received during the public review prior to adopting the TIP. Copies of public comments will be provided to GTC Board Members upon request. (responsibility: GTC staff)
35. The GTC *TIP Procedures Manual* documents the process used to develop and manage the TIP, including more detail on public participation, and must be consistent with this Plan. (responsibility: GTC staff)

Transportation Improvement Program (TIP) – Funded Projects

In addition to the Baseline Requirements & Standards noted previously, TIP-funded projects must address the following requirement:

Requirement: Establish public input opportunities

Performance standards:

36. The implementation of TIP-funded projects and the associated public involvement must comply with the National Environmental Policy Act (NEPA) (42 USC 4321) and the New York State Environmental Quality Review (SEQR) (6 NYCRR Part 617) procedures. (responsibility: project sponsor)
37. The magnitude of a project dictates how extensive these efforts are. (responsibility: project sponsor)
38. The public must be afforded meaningful opportunities to participate in the development and implementation of the project. (responsibility: project sponsor)

Transportation Conformity Statement

In addition to the Baseline Requirements & Standards noted above, development of the Transportation Conformity Statement must address the following requirement:

Requirement: Establish public input opportunities

Performance standards:

39. The Transportation Conformity Statement must be developed when the TIP and/or LRTP are updated or significantly amended. The Transportation Conformity Statement is developed cooperatively by GTC staff and NYSDOT – Region 4 staff to address the entire Rochester MSA. Only FHWA and FTA can make a Conformity Determination. (responsibility: GTC staff and NYSDOT – Region 4 staff)
40. The GTC Planning Committee must approve a draft Transportation Conformity Statement for a 30-day public review. (responsibility: GTC Planning Committee)
41. To the extent practical, the public review for the draft Transportation Conformity Statement will be held in conjunction with the public review period for the draft LRTP and/or the draft TIP. (responsibility: GTC staff)
42. The public review document will be made available at public locations throughout the Rochester MSA. (responsibility: GTC staff)
43. The availability of a public review document and the schedule of public meetings held in conjunction with the 30-day public review will be announced via a legal notice in the Democrat & Chronicle newspaper, a media release to television stations, radio stations, and weekly and daily general circulation newspapers in the region, and on the GTC website. (responsibility: GTC staff)
44. A written summary of comments will be provided to the GTC Planning Committee as part of the meeting package distributed in advance of the meeting at which the draft

Transportation Conformity Statement will be considered for recommendation to the GTC Board. The GTC Planning Committee will consider comments received during the public review prior to recommending a final draft Transportation Conformity Statement for GTC Board consideration. Copies of public comments will be provided to GTC Board Members upon request. (responsibility: GTC staff)

45. It recognized that it may be necessary to conclude the public review period after the Planning Committee meeting at which the draft Transportation Conformity Statement will be considered for recommendation to the GTC Board. If this is the case, the Planning Committee will consider comments received to date and make a recommendation to the GTC Board pending consideration of any additional public comments. (responsibility: GTC Planning Committee)
46. A written summary of comments will be provided to the GTC Board as part of the meeting package distributed in advance of the meeting at which the draft Transportation Conformity Statement will be considered for adoption. Analysis of and a report on the disposition of comments will be provided to the GTC Board, which will consider comments received during the public review prior to adopting the Transportation Conformity Statement. Copies of public comments will be provided to GTC Board Members upon request. (responsibility: GTC staff)

PUBLIC PARTICIPATION PLAN UPDATE REQUIREMENTS

The following requirement and performance standards for public participation will apply to the development of and any subsequent revisions to the *Public Participation Plan*.

Requirement: Opportunity for public input

Performance standards:

1. The development of the *Public Participation Plan* and any subsequent revisions will be guided by the GTC Planning Committee. (responsibility: GTC staff)
2. The GTC Planning Committee must approve a draft *Public Participation Plan* for a 45-day public review. (responsibility: GTC Planning Committee)
3. Written notice of the availability of a draft revised Public Participation Plan for public review will be provided to the parties identified in 23 CFR Part 450.316 (a) to the maximum extent practical. Concerted efforts will be made to reach those traditionally underrepresented in the transportation planning process, such as low-income and minority persons. (responsibility: GTC staff)
4. A written summary of comments will be provided to the GTC Planning Committee as part of the meeting package distributed in advance of the meeting at which the draft UPWP will be considered for recommendation to the GTC Board. The GTC Planning Committee will consider comments received during the public review and revise the draft Public Participation Plan, as appropriate, prior to recommending a final draft Public Participation Plan for GTC Board consideration. Copies of public comments will be provided to GTC Planning Committee Members upon request. (responsibility: GTC staff)

5. A written summary of comments will be provided to the GTC Board as part of the meeting package distributed in advance of the meeting at which the draft Public Participation Plan will be considered for adoption. Analysis of and a report on the disposition of comments will be provided to the GTC Board, which will consider comments received during the public review prior to adopting the Public Participation Plan. Copies of public comments will be provided to GTC Board Members upon request. (responsibility: GTC staff)

Appendix A

Public Participation Toolbox

The following list of tools and techniques for soliciting public input was extracted from *Public Involvement Techniques for Transportation Decision-making*, which was prepared for the Federal Highway Administration and the Federal Transit Administration and published in September 1996.

These tools and techniques should be considered when developing a Public Involvement Plan for a UPWP- or TIP-funded project. This list is not exhaustive and some tools and techniques are not appropriate for some projects. This list is presented as a resource for project sponsors who are developing a Public Involvement Plan for a specific project; however, other tools and techniques may be more appropriate for a given project.

As noted earlier, the magnitude of a project dictates how extensive the Public Involvement Plan is. An appropriate mix of tools and techniques is required to ensure the public has meaningful opportunities to participate in the execution of a project.

Passive Public Information Techniques

1. Printed public information materials, including:
 - Fact sheets
 - Newsletters
 - Brochures
 - Issue papers
2. Information repositories, including:
 - Libraries
 - County office building *
 - City/Town/Village halls
 - Schools
 - Other public buildings
3. Technical reports of research or policy findings
4. Paid advertisements in newspapers and magazines
5. Newspaper inserts
6. Feature story on general project-related issues
7. Bill stuffer included with utility bill
8. Media releases
9. News conferences
10. Television programming to present information and elicit audience response
11. Websites containing project information, announcements, and documents (including those listed above)

Active Public Information Techniques

1. Briefings to social and civic clubs and organizations
2. Central information contact designated as official liaison for the public and the media
3. Information hotline with prerecorded project information or direct contact to project team members who can answer questions or obtain public input
4. Technical assistance to individuals and organizations
5. Simulation games
6. Information centers and field offices
7. Expert panel
8. Field trips for key stakeholders, elected officials, advisory group members, and the media
9. Open houses
10. Community fairs

Small Group Public Input Techniques

1. Interviews with stakeholders
2. In-person survey
3. Focus groups *
4. Coffee klatches (small meetings with neighborhood, usually at a person's home)
5. Small format meetings with existing groups or in conjunction with another event

Large Group Public Input Techniques

1. Response sheets (mail back forms)
2. Mailed surveys and questionnaires
3. Telephone survey/polls
4. Internet survey/polls
5. Computer-based participation (survey)
6. Public hearings

Small Group Problem-Solving Techniques

1. Design charrettes
2. Community facilitators
3. Mediation/negotiation
4. Consensus building techniques for project decisions such as criteria and alternatives selection
5. Focus Groups

6. Advisory committees
7. Task forces to develop a specific product or policy recommendation
8. Panels to debate or provide input on specific issues
9. Citizen juries
10. Role-playing

Large Group Problem-Solving Techniques

1. Electronic democracy, including:
 - Project website
 - Televoting
 - On-line dialogue
 - On-line delivery of Government services
2. Samoan Circle (leaderless meeting that stimulates active participation)
3. Open space technology (participants offer topics and others participate according to interest)
4. Workshops
5. Future search conference (focuses on the future of an organization, a network of people, or a community)
6. Deliberative polling

* Added by GTC

Additional Resources

Project sponsors may find the following resources useful:

- FHWA Visualization in Planning website - <http://www.fhwa.dot.gov/planning/vip/index.htm>
- FHWA/FTA Transportation Planning Capacity Building Public Involvement Techniques website - http://www.planning.dot.gov/PublicInvolvement/pi_documents/toc-foreword.asp
- FHWA website for Public Participation/Public Involvement - <http://www.fhwa.dot.gov/environment/pubinv2.htm>
- *How to Identify and Engage Low-Literacy and Limited-English-Proficiency Populations in Transportation Decisionmaking* - <http://www.fhwa.dot.gov/hep/lowlim/index.htm>

Please note, the web addresses listed above are current as of the writing of this Plan and are subject to change.

Appendix B

Samples and Templates

Sample Meeting Announcement (Media Release)

FOR IMMEDIATE RELEASE
June 15, 2007

Contact: Richard Perrin, Executive Director
(585) 232-6240

MEETING ANNOUNCEMENT

The Genesee Transportation Council (GTC), the Metropolitan Planning Organization (MPO) for the Genesee-Finger Lakes Region, will be holding one of its regularly-scheduled Board meetings on Thursday, June 21, 2007 at 8:30 a.m. at the Radisson Hotel, 175 Jefferson Road in Henrietta. The meeting agenda is available on the GTC website – www.gtcmppo.org.

The United States Department of Transportation requires every metropolitan area with a population over 50,000 to have a designated MPO to qualify for receipt of federal highway and transit funds. GTC is the MPO for the nine-county region, which includes Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, and Yates counties.

For those needing special accommodation please contact Jim Stack of GTC at (585) 232-6240 at least 48 hours before the meeting. Persons who are hearing impaired and/or require an interpreter please call GTC at (585) 232-6240 via the NYS Relay Service (800) 662-1220 or 711.

Meetings are subject to change so please check the GTC website regularly for scheduling updates at www.gtcmppo.org, or call GTC at (585) 232-6240.

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MEETING NOTICE

The Genesee Transportation Council (GTC), the Metropolitan Planning Organization (MPO) for the Genesee-Finger Lakes Region, will be holding one of its regularly-scheduled Board meetings on Thursday, June 21, 2007 at 8:30 a.m. at the Radisson Hotel, 175 Jefferson Road in Henrietta. The meeting agenda is available on the GTC website www.gtcmpo.org. For those needing special accommodation please contact Jim Stack of GTC at (585) 232-6240 at least 48 hours before the meeting. Persons who are hearing impaired and/or require an interpreter please call GTC at (585) 232-6240 via the NYS Relay Service (800) 662-1220 or 711.

GTC Fact Sheet

Intelligent Transportation Systems (ITS) Planning Initiative

Purpose

To position the Genesee-Finger Lakes region to take advantage of technology that maximizes the safety and efficiency of the transportation system by working with member agencies to identify appropriate Intelligent Transportation Systems (ITS) applications and funding strategies for the region.

The ITS Planning Initiative will build on existing ITS efforts by coordinating and advancing the planning and deployment of Intelligent Transportation Systems in the Genesee-Finger Lakes Region. This will be accomplished through:

1. Clear identification of appropriate roles for local agencies in ITS planning and implementation that are consistent with federal expectations and the local situation
2. Creation and maintenance of a clearinghouse of all existing and planned ITS applications in the region, as well as educational and informational materials pertaining to ITS for local officials and the general public
3. Enhancement of regional transportation officials' ITS experience by developing a project-level ITS architecture case study of the Port of Rochester, the results of which will be transferable to future project-level architectures

Background

A safe and efficient transportation system is a key component of this region's quality of life. It has direct bearing on mobility and the accessibility of people and goods to employment, shopping, and other opportunities; economic development; and the patterns of growth in the region. In many respects, the Genesee-Finger Lakes region's transportation system provides it with a comparative advantage over many other areas in the state and nation. We need to protect and enhance this advantage.

ITS represents the next step in the evolution of the overall transportation system. As information technologies and advances in electronics continue to revolutionize all aspects of the modern-day world, they are also being applied to the transportation system. These technologies include the latest in computers, electronics, communications, and safety systems.

What is ITS?

Intelligent Transportation Systems are information and communications technologies that are used to better manage and improve the performance of transportation facilities, services, and the system as a whole. Urban and rural ITS applications can be employed on this region's transportation infrastructure of highways, streets, railways and bridges, as well as to a growing number of modes, including cars, buses, trucks, trains, ships, bicycles and pedestrians. The results are improved mobility, safety, security, air quality and productivity.

Key elements of ITS include:

1. Traffic signal control (e.g., coordinated signal timing, traffic/emergency signal preemption, etc.)
2. Freeway management (e.g., ramp metering, lane use control, variable message signs (VMS), etc.)
3. Transit management (e.g., advanced vehicle locator (AVL), computer-aided dispatching, etc.)
4. Incident management / emergency response (e.g., automated incident detection systems, computer-aided dispatching, E-911, etc.)
5. Electronic toll collection (E-Z Pass)
6. Electronic fare payment (smart cards)
7. Railroad crossings (e.g., side-mounted radar, vehicle warning systems, gate controls, etc.)
8. Regional multi-modal traveler information (e.g., internet, cell phone, kiosks, etc.)

Study Area/Participants

The initial focus of the ITS Planning Initiative will be on the Rochester Transportation Management Area (TMA). The TMA covers Monroe County and the adjacent urbanized municipalities in Livingston, Ontario, and Wayne Counties. ITS, however, has the potential to be applied in various forms throughout the entire nine-county GTC region.

GTC will serve as the lead agency on this project. Partners include the City of Rochester, NYSDOT, Monroe County, and other interested parties. Representatives from each of these organizations will comprise the ITS Planning Working Group, which will guide the development and implementation of ITS in the region.

Public input is a key component of any GTC initiative. Although the ITS Planning Initiative is principally a technical endeavor, public input will be welcomed at all GTC Committee Meetings. In addition, products of the ITS Planning Initiative will be developed for local officials and the general public. These products include a GTC Project Fact Sheet and an ITS clearinghouse including all existing and planned ITS applications in the region as well as other educational and informational materials.

Schedule/Next Steps

Key steps include:

1. Identify/clarify appropriate roles (April 2002)
2. Document Existing and Planned ITS Applications (April – June 2002)
3. Develop Project-Level Architecture Case Study (May – September 2002)
4. Develop GTC Project Fact Sheet (May – August 2002)
5. Develop Other Informational Materials (On-going)
6. Evaluate and Monitor ITS in the Genesee-Finger Lakes Region (On-going)

Appendix C

Relevant Excerpts of Federal and State Regulations

FHWA & FTA Planning Assistance and Standards (as of April 1, 2007)

TITLE 23--HIGHWAYS

CHAPTER I--FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 450--PLANNING ASSISTANCE AND STANDARDS

Subpart C--Metropolitan Transportation Planning and Programming

Sec. 450.316 Interested parties, participation, and consultation.

- (a) The MPO shall develop and use a documented participation plan that defines a process for providing 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 with reasonable opportunities to be involved in the metropolitan transportation planning process.
- (1) The participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:
- (i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;
 - (ii) Providing timely notice and reasonable access to information about transportation issues and processes;
 - (iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;
 - (iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;
 - (v) Holding any public meetings at convenient and accessible locations and times;
 - (vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;
 - (vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;
 - (viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts;
 - (ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and

- (x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.
 - (2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.
 - (3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.
- (b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, metropolitan transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:
- (1) Recipients of assistance under title 49 U.S.C. Chapter 53;
 - (2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and
 - (3) Recipients of assistance under 23 U.S.C. 204.
- (c) When the MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.
- (d) When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.
- (e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under Sec. 450.314.

Sec. 450.322 Development and content of the metropolitan transportation plan.

- (i) The MPO shall provide 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 with a reasonable opportunity

to comment on the transportation plan using the participation plan developed under Sec. 450.316(a).

- (j) The metropolitan transportation plan shall be published or otherwise made readily available by the MPO for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.

Sec. 450.324 Development and content of the transportation improvement program (TIP).

- (c) There must be reasonable opportunity for public comment in accordance with the requirements of Sec. 450.316(b)(1) and, in nonattainment TMAs, an opportunity for at least one formal public meeting during the TIP development process. This public meeting may be combined with the public meeting required under Sec. 450.322(c). The proposed TIP shall be published or otherwise made readily available for review and comment. Similarly, the approved TIP shall be published or otherwise made readily available for information purposes.
- (b) The MPO shall provide all interested parties with a reasonable opportunity to comment on the proposed TIP as required by Sec. 450.316(a). In addition, in nonattainment area TMAs, the MPO shall provide at least one formal public meeting during the TIP development process, which should be addressed through the participation plan described in Sec. 450.316(a). In addition, the TIP shall be published or otherwise made readily available by the MPO for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, as described in Sec. 450.316(a).

PART 771--ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Sec. 771.111 Early coordination, public involvement, and project development.

- (a) Early coordination with appropriate agencies and the public aids in determining the type of environmental document an action requires, the scope of the document, the level of analysis, and related environmental requirements. This involves the exchange of information from the inception of a proposal for action to preparation of the environmental document. Applicants intending to apply for funds should notify the Administration at the time that a project concept is identified. When requested, the Administration will advise the applicant, insofar as possible, of the probable class of action and related environmental laws and requirements and of the need for specific studies and findings which would normally be developed concurrently with the environmental document.
- (b) The Administration will identify the probable class of action as soon as sufficient information is available to identify the probable impacts of the action. This is normally no later than the review of the transportation improvement program (TIP).
- (c) When FHWA and FTA are involved in the development of joint projects, or when FHWA or FTA acts as a joint lead agency with another Federal agency, a mutually acceptable process will be established on a case-by-case basis.
- (d) During the early coordination process, the Administration, in cooperation with the applicant, may request other agencies having special interest or expertise to become cooperating

agencies. Agencies with jurisdiction by law must be requested to become cooperating agencies.

- (e) Other States, and Federal land management entities, that may be significantly affected by the action or by any of the alternatives shall be notified early and their views solicited by the applicant in cooperation with the Administration. The Administration will prepare a written evaluation of any significant unresolved issues and furnish it to the applicant for incorporation into the environmental assessment (EA) or draft EIS.
- (f) In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each EIS or finding of no significant impact (FONSI) shall:
 - (1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope;
 - (2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
 - (3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.
- (g) For major transportation actions, the tiering of EISs as discussed in the CEQ regulation (40 CFR 1502.20) may be appropriate. The first tier EIS would focus on broad issues such as general location, mode choice, and areawide air quality and land use implications of the major alternatives. The second tier would address site-specific details on project impacts, costs, and mitigation measures.
- (h) For the Federal-aid highway program:
 - (1) Each State must have procedures approved by the FHWA to carry out a public involvement/public hearing program pursuant to 23 U.S.C. 128 and 40 CFR parts 1500 through 1508.
 - (2) State public involvement/public hearing procedures must provide for:
 - (i) Coordination of public involvement activities and public hearings with the entire NEPA process.
 - (ii) Early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions.
 - (iii) One or more public hearings or the opportunity for hearing(s) to be held by the State highway agency at a convenient time and place for any Federal-aid project which requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest.
 - (iv) Reasonable notice to the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information. The notice shall also provide information required to comply with public involvement requirements of other laws, Executive orders, and regulations.
 - (v) Explanation at the public hearing of the following information, as appropriate:
 - (A) The project's purpose, need, and consistency with the goals and objectives of any local urban planning,
 - (B) The project's alternatives, and major design features,
 - (C) The social, economic, environmental, and other impacts of the project,

- (D) The relocation assistance program and the right-of-way acquisition process.
- (E) The State highway agency's procedures for receiving both oral and written statements from the public.
- (vi) Submission to the FHWA of a transcript of each public hearing and a certification that a required hearing or hearing opportunity was offered. The transcript will be accompanied by copies of all written statements from the public, both submitted at the public hearing or during an announced period after the public hearing.
- (3) Based on the reevaluation of project environmental documents required by Sec. 771.129, the FHWA and the State highway agency will determine whether changes in the project or new information warrant additional public involvement.
- (4) Approvals or acceptances of public involvement/public hearing procedures prior to the publication date of this regulation remain valid.
- (i) Applicants for capital assistance in the FTA program achieve public participation on proposed projects by holding public hearings and seeking input from the public through the scoping process for environmental documents. For projects requiring EISs, a public hearing will be held during the circulation period of the draft EIS. For all other projects, an opportunity for public hearings will be afforded with adequate prior notice pursuant to 49 U.S.C. 5323(b), and such hearings will be held when anyone with a significant social, economic, or environmental interest in the matter requests it. Any hearing on the action must be coordinated with the NEPA process to the fullest extent possible.
- (j) Information on the FTA environmental process may be obtained from: Director, Office of Human and Natural Environment, Federal Transit Administration, Washington, DC 20590. Information on the FHWA environmental process may be obtained from: Director, Office of Project Development and Environmental Review, Federal Highway Administration, Washington, DC 20590.

Executive Order 12898 (Environmental Justice)

FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY POPULATIONS AND LOW-INCOME POPULATIONS

Section 1 - 1. IMPLEMENTATION.

- 1 - 101. Agency Responsibilities. To the greatest extent practicable and permitted by law, and consistent with the principles set forth In the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Marian islands.
- 1 - 103. Development of Agency Strategies. (a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b) - (e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The

environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

Sec. 2 - 2. FEDERAL AGENCY RESPONSIBILITIES FOR FEDERAL PROGRAMS.

Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such, programs, policies, and activities, because of their race, Color, or national origin.

Sec. 6 - 6. GENERAL PROVISIONS.

6 - 601. Responsibility for Agency Implementation. The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct

internal reviews and take such other steps as may be necessary to monitor compliance with this order.

- 6 - 604. Scope. For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.
- 6 - 608. General. Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.
- 6 - 609. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance of the United States, its agencies, its officers, or any other person with this order.

Title VI of the Civil Rights Act of 1964 – Nondiscrimination in Federally Assisted Programs

SEC. 601. 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.

SEC. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such non-compliance has been so found, or (2) by any other means authorized by law: Provided, however, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

SEC. 604. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

SEC. 605. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

The Americans with Disabilities Act of 1990

SEC. 201. DEFINITION.

As used in this title:

(1) Public entity.--The term "public entity" means--

(A) any State or local government;

(B) any department, agency, special purpose district, or other instrumentality of a State or States or local government; and

(C) the National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

(2) Qualified individual with a disability. The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

SEC. 202. DISCRIMINATION.

Subject to the provisions of this title, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

New York State Open Meetings Law

NEW YORK STATE PUBLIC OFFICERS LAW, ARTICLE 7
OPEN MEETINGS LAW

Section	Section
100. Legislative declaration.	106. Minutes.
101. Short title.	107. Enforcement.
102. Definitions.	108. Exemptions.
103. Open meetings and executive sessions.	109. Committee on open government.
104. Public notice.	110. Construction with other laws.
105. Conduct of executive sessions.	111. Severability.

§100. Legislative declaration. It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonwealth will prosper and enable the governmental process to operate for the benefit of those who created it.

§101. Short title. This article shall be known and may be cited as "Open Meetings Law".

§102. Definitions. As used in this article:

1. "Meeting" means the official convening of a public body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the public body.
2. "Public body" means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body of such public body.
3. "Executive session" means that portion of a meeting not open to the general public.

§103. Open meetings and executive sessions.

- (a) Every meeting of a public body shall be open to the general public, except that an executive session of such body may be called and business transacted thereat in accordance with section one hundred five of this article.
- (b) Public bodies shall make or cause to be made all reasonable efforts to ensure that meetings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in subdivision five of section fifty of the public buildings law.
- (c) A public body that uses videoconferencing to conduct its meetings shall provide an opportunity to attend, listen and observe at any site at which a member participates.

§104. Public notice.

1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.
2. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.
3. The public notice provided for by this section shall not be construed to require publication as a legal notice.
4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

§105. Conduct of executive sessions.

1. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:
 - a. matters which will imperil the public safety if disclosed;
 - b. any matter which may disclose the identity of a law enforcement agent or informer;
 - c. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
 - d. discussions regarding proposed, pending or current litigation;
 - e. collective negotiations pursuant to article fourteen of the civil service law;
 - f. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
 - g. the preparation, grading or administration of examinations; and
 - h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.
2. Attendance at an executive session shall be permitted to any member of the public body and any other persons authorized by the public body.

§106. Minutes.

1. Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.
2. Minutes shall be taken at executive sessions of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the freedom of information law as added by article six of this chapter.

3. Minutes of meetings of all public bodies shall be available to the public in accordance with the provisions of the freedom of information law within two weeks from the date of such meeting except that minutes taken pursuant to subdivision two hereof shall be available to the public within one week from the date of the executive session.

§107. Enforcement.

1. Any aggrieved person shall have standing to enforce the provisions of this article against a public body by the commencement of a proceeding pursuant to article seventy-eight of the civil practice law and rules, and/or an action for declaratory judgment and injunctive relief. In any such action or proceeding, the court shall have the power, in its discretion, upon good cause shown, to declare any action or part thereof taken in violation of this article void in whole or in part. An unintentional failure to fully comply with the notice provisions required by this article shall not alone be grounds for invalidating any action taken at a meeting of a public body. The provisions of this article shall not affect the validity of the authorization, acquisition, execution or disposition of a bond issue or notes.
2. In any proceeding brought pursuant to this section, costs and reasonable attorney fees may be awarded by the court, in its discretion, to the successful party.
3. The statute of limitations in an article seventy-eight proceeding with respect to an action taken at executive session shall commence to run from the date the minutes of such executive session have been made available to the public.

§108. Exemptions. Nothing contained in this article shall be construed as extending the provisions hereof to:

1. judicial or quasi-judicial proceedings, except proceedings of the public service commission and zoning boards of appeals;
2. a. deliberations of political committees, conferences and caucuses.
b. for purposes of this section, the deliberations of political committees, conferences and caucuses means a private meeting of members of the senate or assembly of the state of New York, or of the legislative body of a county, city, town or village, who are members or adherents of the same political party, without regard to (i) the subject matter under discussion, including discussions of public business, (ii) the majority or minority status of such political committees, conferences and caucuses or (iii) whether such political committees, conferences and caucuses invite staff or guests to participate in their deliberations; and
3. any matter made confidential by federal or state law.

§109. Committee on open government. The committee on open government, created by paragraph (a) of subdivision one of section eighty-nine of this chapter, shall issue advisory opinions from time to time as, in its discretion, may be required to inform public bodies and persons of the interpretations of the provisions of the open meetings law.

§110. Construction with other laws.

1. Any provision of a charter, administrative code, local law, ordinance, or rule or regulation affecting a public body which is more restrictive with respect to public

- access than this article shall be deemed superseded hereby to the extent that such provision is more restrictive than this article.
2. Any provision of general, special or local law or charter, administrative code, ordinance, or rule or regulation less restrictive with respect to public access than this article shall not be deemed superseded hereby.
 3. Notwithstanding any provision of this article to the contrary, a public body may adopt provisions less restrictive with respect to public access than this article.
- §111. Severability. If any provision of this article or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction such judgment shall not affect or impair the validity of the other provisions of the article or the application thereof to other persons and circumstances.

TRANSPORTATION ACRONYMS

CFR	Code of Federal Regulations
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GTC	Genesee Transportation Council
LDC	Long Range Transportation Plan Development Committee
L RTP	Long Range Transportation Plan
MPO	Metropolitan Planning Organization
MSA	Metropolitan Statistical Area
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NYSDOT	New York State Department of Transportation
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Use
SEQR	State Environmental Quality Review
TIP	Transportation Improvement Program
TMA	Transportation Management Area
UDC	Unified Planning Work Program Development Committee
UPWP	Unified Planning Work Program
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency