South Central Regional Transportation Planning Organization (RTPO) Public Participation Program Plan

March 8, 2017

South Central RPO

I. Introduction

The South Central Regional Transportation Planning Organization (SCRTPO) is the entity responsible for transportation planning in the region comprised of Socorro, Sierra, and Dona Ana counties in New Mexico per New Mexico Law. Regional planning organizations were originally founded by the New Mexico State Legislature in 1978 to orchestrate planning in nonmetropolitan areas.[1] The purpose of this document is to outline the State and Federal requirements for a Public Participation Plan for use by RTPOs. As an organization receiving Federal financial assistance for transportation planning, design, construction and maintenance, it is a requirement of State and Federal law that our organization develop and implement a program to foster continuing, cooperative and comprehensive (3-C) public participation. This program may be general, or project specific. In addition to being a regulatory requirement, public participation maximizes the benefits of transportation planning processes and outcomes. Accordingly, our organization recognizes that the travelling public has valuable insight to offer, in addition to a right to contribute to the planning process.

II. State and Federal Requirements

RTPOs have numerous responsibilities including the development and contribution to Long Range Plans (LRPs), Regional Transportation Improvement Plan Recommendations (RTIPRs), provision of technical assistance to local officials, coordination of local planning across multiple disciplines, interagency/ tribal coordination of local planning, and creating opportunities for public participation. The Federal government defines public participation as "an open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals".[2] Our public participation program is an opportunity to provide for this process and pertinent State and Federal requirements are summarized below.

a) Responsibilities early in the process (23 CFR 450.210-316)

i) General

-Establish early and continuous opportunities for the public participation process
-Provide adequate public notice of opportunities for public comment and at key decision points
-Provide relevant information in a timely fashion
-Provide access to policy and technical information
-Make information, including plans, publically accessible in electronic format

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[1] 4 NMSA 57 and 58
[2] 23 CFR 200.5 (c)

-Provide adequate public notice of opportunities for public review of plans
-Hold meetings at convenient and accessible times and locations
-Include a process for considering needs of low income and minority families
-Utilize documented process for nonmetropolitan official participation

ii) Guidelines for meetings per the New Mexico Open Meetings law (NMSA 10-15-1-5)

-All meetings of public bodies or agencies are to be public (10-15-1 (a-b))
-Activities applicable to Open Meetings Law include any formation of policy, discussion of public business or any action that the body has authority to take
-Public bodies to determine in public, what notice for public meeting is appropriate for that body and documented/advertised through physical postings on publicly accessed buildings throughout the region and on the SCRTPO website; also, through FCC licensed broadcast stations and newspapers of general circulation (10-15-1 (d)) that have provided a written request for such notice of the public meeting.
-Any reconvention of a meeting must be scheduled prior to recess of that meeting, and date and time of meeting must be posted in writing near the door of the original meeting and only matters scheduled to be discussed at the initial meeting may be discussed at the reconvened meeting (10-15-2(e))
-Meeting notices to include agenda of items to be discussed and be made publically available at least 24 hours prior to the meeting (f)
-Meeting bodies are to keep minutes that document, at minimum, date, time, place, persons in attendance and absent, material considered, a record of decisions and votes according to member. Minutes are to be made public and to be prepared no later than 10 working days after the meeting, subsequently reviewed by quorum, then made official (g)

iii) Methods

-Utilize visualization techniques and plan illustrations such as maps, diagrams charts, display boards, and slide presentations to clearly illustrate projects, plans and programs developed for committee meetings and public events.
-Allow minimum of 45 days for comment prior to adopting, revising or updating plans
-Provide opportunity for public comment any time an update or revision to a plan is made
-Social and economic statistics for the region are to be collected, analyzed and processed at regular intervals and results are to be made available to the public" (NMSA 3-56-5 (c))
-Entities are to provide information to the public at large, in order to foster public awareness and understanding of the objectives of the regional plan and the functions of local and regional planning, and to stimulate public interest and participation in the orderly, integrated development of the region" (NMSA 3-56-3 (f))

iv) Review

-Demonstrate explicit consideration of public input
-Document reasons for changes to plans not adopted in public and accessible format
-Periodically review effectiveness of strategies for public participation
-When significant written and oral comments are received, prepare summary analysis of disposition of comments to include in final plan draft
-Periodically review public participation process

b) Guidelines for inclusion of affected parties (23 CFR 450.200-316)

-Citizens
-Affected public agencies (including but not limited to land management, natural resources, environmental protection, conservation and historic preservation)
-Representatives of public transportation employees
-Freight shippers
-Private providers of transportation
-Representatives of users of public transportation
-Representatives of users of pedestrian walkways and bicycle transportation facilities
-Representatives of the disabled
-Providers of freight transportation services
-Other interested parties
-Coordinate with Tribal governments and US Secretary of Interior regarding areas of the State under Tribal Jurisdiction
-Plans affecting metropolitan areas developed in coordination with MPOs
-Plans affecting nonmetropolitan areas developed in consultation with nonmetropolitan elected officials and relevant land management agencies with responsibility for transportation
-When appropriate, the use of "peer exchange" which Federal regulations define as the exchange of information and best practices between agencies, institutions and firms (public and private) with responsibility for transportation (23 CFR 420.203)
-Cooperation with statewide trade and economic development interests
-Consideration of interstate issues and coordination with appropriate agencies; use of interstate compacts when appropriate
-Coordination with State air quality agencies

III. Persons of Limited English Proficiency: considerations and requirements

The SCRTPO is cognizant of the fact that for many persons living within our State and region, English is a second language and often, publicly accessible documents, processes and meetings may not be fully accessible to these populations. Accommodation of these populations is considered an element of compliance with Title VI of the Civil Rights Act of 1964's prohibition on discrimination on the basis of national

origin. To this end, and in compliance with Executive Order 13166, the SCRTPO is committed to providing access to public materials and processes for persons of Limited English Proficiency (LEP). Minimum compliance standards followed are found in the LEP Guidance document in the Federal Register and include:

-That recipients of Federal assistance accommodate persons of LEP based on a four-factor analysis including:
    a) Ratio or proportion of LEP persons served or encountered
    b) Frequency LEP individuals come into contact with a program
    c) Nature and importance of a program to people's lives
    d) Resources available to the recipient of services
-Services provided in accommodation of LEP individuals can include
    a) Oral translation services
    b) Written translation services
-Development of a LEP action plan that includes:
    a) Identification of individuals needing assistance
    b) Language assistance measures/ methods
    c) Staff trainings
    d) Provision of notice to LEP persons of services available
    e) Monitoring and update of LEP plan[3]

IV. Environmental Justice

In accordance with Executive Order 12898 regarding Environmental Justice, it is the mission of the SCRTPO to document and address concerns related to the spatial distribution of low-income and minority populations especially in relation to the positive and negative benefits associated with past, present and future transportation projects. The impact of projects can be wide ranging and significantly affect the ability of low-income minority families to access jobs, housing and services. In accordance with EO 12898, it is the mission of the SCRTPO to foster public participation with regard to:

-the effect of public projects on human and environmental health in areas with minority populations
-ensure greater public participation in areas with low income and minority families
-improve research and data collection related to human and environmental health in areas with minority and low-income families
-identify differential patterns of consumption of natural resources among minority and low income populations

[3] 67 FR 41455-41472

-Inform the public of their right to submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into programs and policies[4]

Approved by:

Gordy Hicks, Chairman

3-8-17

Date

[4] 59 FR 7629