

# **TMACOG**

## **Public Involvement Policy for Transportation**

Approved by Transportation Council, November 12, 2003

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# 1. Introduction

## 1.1 Background

TMACOG fully supports and has a strong tradition of public involvement – planning with the community to seek solutions to regional problems.

- The basic steps of a planning process are to
  - identify needs and opportunities,
  - identify possible alternatives,
  - evaluate alternatives based on stakeholder needs and objectives, and
  - select solutions.
- Public participation is crucial to each step of this process so that it produces relevant solutions to real needs.

## 1.2 Purpose of this Document

The purpose of this *Public Involvement Policy for Transportation* is:

- To outline TMACOG’s adopted public involvement policy as required by federal regulation, so that TMACOG can continue to be federally certified as the region’s Metropolitan Planning Organization for transportation.
- To serve as the guide for meaningful public participation in transportation planning.
- To make the public involvement process transparent to the public.

# 2. TMACOG Public Involvement Process

## 2.1. Federal Rules & Regulations

TMACOG is a Metropolitan Planning Organization (MPO), designated under federal regulations to be responsible for carrying out the metropolitan transportation planning process. This is to be done cooperatively with the State and with area transit operators.

- These federal rules list several factors that must be considered as part of the planning process. (See *Appendix A*.)
- Federal rules also require “a proactive public involvement process.” These requirements are included in *Appendix B*.

TMACOG’s public involvement process shall be in compliance with these and other applicable federal regulations. Even if the public involvement requirements (*Appendix B*) are not spelled out elsewhere in this document, they are part of TMACOG’s Public Involvement Policy, and shall be followed in TMACOG’s transportation planning process.

## **2.2. State Law**

TMACOG transportation planning shall meet the requirements of Ohio's Open Meetings Act.

- This law, section 121.22 of the Ohio Revised Code, requires all public bodies to take official actions and to conduct all deliberations upon official business only in open meetings, unless specifically excepted by law.

## **2.3 TMACOG Bylaws**

The TMACOG Bylaws provide for public participation through the agency purpose and membership structure.

- Official actions of TMACOG are approved by the TMACOG General Assembly, the Board of Trustees and the TMACOG Executive Committee.
- For the complete bylaws text, see the TMACOG web site, [www.tmacog.org](http://www.tmacog.org), under "About Us," or contact TMACOG.

## **2.4 Major Transportation Work Products**

Federal rules governing Metropolitan Planning Organizations (MPO's) require TMACOG to produce and maintain a Regional Transportation Plan, a Transportation Improvement Program, and an annual work program ("unified planning work program"). As part of TMACOG's planning responsibilities, special studies are conducted. Public involvement is a central component of each of these activities.

### **2.4.1 Regional Transportation Plan**

Federal regulations require a transportation plan with a twenty-year planning horizon.

- Required: adequate opportunity for public official and citizen involvement, including in the early stages
- Public involvement in TMACOG's Plan or Update shall include at minimum:
  - Broad-based Plan task force; all meetings open to the public
  - Early opportunity for input on needs via public meetings, the TMACOG web site, and written comment (on paper or via e-mail).
  - Draft plan available for review at TMACOG, on the web site, and via paper copies picked up at TMACOG or mailed at requester's expense
  - Comment on the draft plan via public meetings, the TMACOG web site, e-mail and in writing. The draft document will include information on where to send comments.
  - Public notice of participation opportunities via the web site, news releases to public media, the TMACOG newsletter, and posting public meeting schedule at TMACOG offices.

### **2.4.2 Transportation Improvement Program (TIP)**

It is a Federal requirement that TMACOG develop a TIP in cooperation with the State and public transit operators.

- TIP must be updated at least every two years and approved by MPO and the Governor; becomes part of the State TIP.

- There must be reasonable opportunity for public comment, and in nonattainment Transportation Management Areas, an opportunity for at least one formal public meeting during the TIP development process.
- The proposed TIP shall be readily available for review and comment. The approved TIP shall be published or otherwise be available for information purposes.
- In accordance with these requirements, public involvement in TMACOG's TIP shall include at minimum:
  - TIP Committee representing area stakeholders; all meetings open to the public
  - Draft TIP available for review at TMACOG, on the TMACOG web site, and at offices of all County Engineers and city governments.
  - Draft TIP paper copies available for pick up at TMACOG or mailed at requester's expense, and available at a minimum of one public meeting.
  - Public comment on the draft TIP at a minimum of one public meeting, or in writing (on paper, via e-mail, or via the TMACOG web site). The draft document will include information on where to send comments.
  - Public notice of participation opportunities via the web site, the TMACOG newsletter, legal notice in newspapers of record, and posting public meeting schedule at TMACOG offices.

### **2.4.3 Annual Work Program (AWP)**

Each year, TMACOG develops a federally required planning work program. This Annual Work Program (AWP) describes the transportation planning activities to be completed during the upcoming fiscal year. Public transit and transportation-related air quality planning activities are included. The AWP gives details on the specific items to be produced, when they will be completed, and how these work items are to be funded.

- The AWP is important because it determines how staff time and money are to be spent. Therefore, TMACOG will involve the public as follows:
  - The Annual Work Program shall be developed with input from the TMACOG transportation committees. These committees all hold open meetings, which are publicized according to TMACOG policy (see Section 3.1. of this document). Their memberships represent a broad base of community stakeholders.
  - The draft AWP will be available for public review at TMACOG's offices and on the TMACOG web site.
  - The public may comment on the draft Annual Work Program in writing, via e-mail, via the TMACOG web site, at a meeting of the TMACOG Transportation Council, and/or at a meeting of the TMACOG Board of Trustees or Executive Committee. The draft document will include information on where to send comments.
  - The AWP shall be discussed and approval shall be recommended at one or more meetings of the TMACOG Transportation Council during the first four months of the calendar year (January-April). The Council's meetings are open to the public, and their date, time, and location are posted on the TMACOG web site, in the TMACOG

newsletter, and in the TMACOG lobby. Meeting agendas shall be posted on the TMACOG web site.

- The AWP shall be adopted at a meeting of the TMACOG Board of Trustees or Executive Committee, usually during May. These meetings are open to the public and publicized according to TMACOG policy.

#### **2.4.4 Special Studies**

TMACOG conducts special studies on significant transportation issues.

- These studies and intended dates of completion are noted in the Annual Work Program, which is itself subject to public involvement requirements. (See S. 2.4.3. above.)
- Public involvement in TMACOG special studies shall include at minimum:
  - A study stakeholder task force, which may be a specially convened group or a standing TMACOG volunteer committee. All meetings open to the public.
  - Early input to the study via at least one public meeting, the TMACOG web site and written comment (on paper or via e-mail).
  - Draft study report and recommendations available for review at TMACOG and via paper copies picked up at TMACOG or mailed at requester's expense. Draft report summary (and/or full report) available for review on the TMACOG web site.
  - Comment on the draft study report and recommendations via at least one public meeting, the TMACOG web site, e-mail, and in writing.
  - Public notice of participation opportunities via the web site, the TMACOG newsletter, and posting the meeting schedule at the TMACOG offices. Other means of public notice, such as news releases, will be used as appropriate.

### **3. Public Participation Tools**

In engaging the public in the regional transportation planning process, TMACOG's objective is to use a variety of effective means of involvement. New techniques are tried and incorporated as they emerge and are shown to be useful.

#### **3.1 TMACOG Committees and Task Forces**

##### **3.1.1 Transportation Council and Standing Committees**

The TMACOG Transportation Council oversees and manages the transportation planning and implementation functions of TMACOG.

- Council membership is structured to represent a wide range of transportation-related interests, levels of government, and geographic diversity.
- The Council has several standing subcommittees that take an active role in guiding and participating in the planning process, currently the Planning; Freight; Transportation Improvement Program (TIP); Pedestrian & Bikeways; Data, Modeling, & Standards; and Rail Passenger subcommittees.
- All Transportation Council and subcommittee meetings are open to the public.

- Membership in the subcommittees is generally open to all interested, with members appointed by the Transportation Council chair.
- The TIP committee membership is more structured to insure representation of key stakeholders, with some seats appointed and some elected (including at large seats).

### **3.1.3 Task Forces/Ad Hoc Committees**

TMACOG convenes stakeholder task forces, special purpose committees, and ad hoc committees for special projects and initiatives.

- Meetings of these groups are open to the public except as otherwise allowed under Ohio Sunshine Law.

### **3.2 TMACOG Newsletter**

The TMACOG newsletter (“Big Picture”) is sent on a regular schedule throughout the year to a mailing list of 2,500, including all local government jurisdictions in the area, all committee members, and others on request.

- It includes articles on current initiatives and a calendar of meetings and events.
- Inserts include registration forms for major public events and public input surveys.

### **3.3 TMACOG Web Site**

The TMACOG web site, [www.tmacog.org](http://www.tmacog.org), provides information to the public on opportunities for participation.

- Regular features include: the calendar of meetings and events, standing committee meeting agendas, and a “contact us” e-mail link.
- In addition, the web site includes interactive surveys, details on current initiatives, and informational pieces (plans, maps, and data).
- As indicated elsewhere in this Policy, the web site is used to post draft documents for public comment.
- The goal for the TMACOG web site is incremental improvement to make it increasingly user-friendly, informational, and interactive so that it becomes a major component of TMACOG’s public participation process. However, it will never replace other forms of involvement and notice to insure that non-computer users continue to be fully engaged.

### **3.4 Mail, E-Mail, and Voice Mail**

All public information pieces, including newsletters and draft documents for public review, will include information on how to contact TMACOG via mail (agency address) and telephone number. As appropriate, a specific staff name and phone extension will be included to increase accessibility.

- In addition, public information pieces as appropriate will include the fax number, e-mail address, and web site address.
- For special studies or initiatives, a special voice mail box may be set up for public comment.

### **3.5 Public Meetings**

Public meetings afford the community an opportunity to interact with TMACOG staff, members and other members of the public and to provide direct input to the planning process.

#### **3.5.1 Accessibility of Public Meetings**

- All public meetings shall be held in facilities accessible to the disabled.
- If a series of three or more meetings is held throughout the region to capture general public input region-wide:
  - one or more of the meetings will be at a location served by public transportation, and
  - the series will include both daytime (regular business hours) and evening or weekend (non-business hours) meetings.
- If special accommodations are requested, TMACOG will provide such persons an opportunity to participate, either by providing special accommodations at the meeting site, or providing an alternative opportunity to participate.

#### **3.5.2 Notification of Public Meetings**

- Notice of public meetings includes at minimum:
  - Posting at the TMACOG offices (on the bulletin board in the Grand Lobby just outside the TMACOG entrance.)
- Additional notice of meetings should be made via the TMACOG web site calendar, TMACOG newsletter, news release to the public media as available, and/or legal notice to newspapers of record, and/or through e-mail notice to clerks of Transportation Area jurisdictions for posting in local notices.
- See additional notification policy under section 2.4 above.
- Any person may, upon request and payment of a reasonable fee, obtain advance notification of any specific committee meetings.
- Any person who inquires, in person or by telephone, concerning the date, time and place of such meetings shall be so informed.

#### **3.5.3 Components of Public Meetings**

Public meetings include:

- A sign-in sheet to document attendance.
- Information on the meeting topic that will enable participation, for example, agenda, displays, informational handouts.
- Clearly explained opportunity for public participation in the meeting.
- Documentation of input.

#### **3.5.4 Types of Public Meetings**

Public meetings are defined as including:

- Public Hearings (usually a required hearing, announced via legal notice, with formal rules of participation).
- Public Forums (usually single-topic meetings, with or without speakers, and affording full opportunity for attendee discussion).

- Public Open Houses (informational displays, staff available to take written or spoken comments and questions)
- Modified Open House Meetings (including an unstructured open house portion plus a traditional meeting portion).
- Board, Committee and Task Force Meetings (primarily for member participation, with public comment period provided)
- Live radio or TV forums (public comment via telephone, e-mail or fax)

### **3.6 Other Input Events**

#### **3.6.1 Stakeholder Interviews and Focus Groups**

Interviews or discussions with individuals or small groups of stakeholders may be arranged to listen to their concerns on a particular topic or on transportation in general.

#### **3.6.2. Public Outreach Events and Presentations**

TMACOG will use a variety of other means of providing public information and seeking public. Examples are:

- presentations to area organizations,
- booths at public events and sites, and
- participation in broadcast media events.

### **3.7 Surveys**

- Scientifically-valid surveys (usually conducted via telephone) will be used as needed to gage specific levels of public opinion.
- When open (non-scientific) surveys are used, they will be distributed via a variety of appropriate means (TMACOG newsletter and web site, newspapers, public sites, local government jurisdictions, etc.).

### **3.8 Public Media**

For public notice and information, TMACOG will maintain and use a comprehensive distribution list of area commercial news media, including minority and non-English outlets.

### **3.9 Printed Materials**

TMACOG will provide clear and understandable printed informational materials appropriate to the particular planning process or event.

- Where appropriate and feasible, these materials will be made available on the web site.
- TMACOG may charge for maps, major reports and other materials to cover printing or photocopying cost, based on current TMACOG policy.
- TMACOG may also charge for shipping and handling costs if materials are requested to be mailed.

## **4. Environmental Justice Considerations for the Public Involvement Process**

“Environmental Justice” refers to federal mandates to insure that projects and programs using federal funds are used fairly, so that low income and minority groups benefit along with the rest of the population. Also, care must be taken so these groups do not suffer disproportionately from negative impacts of transportation projects.

The Ohio Department of Transportation has published guidance on Environmental Justice. (See *Appendix C* for more information.) As recommended by this guidance, TMACOG will:

### **4.1 Identify Target Populations**

- Identify neighborhoods where low income and minority communities live.
- Identify organizations and neighborhood leaders who can assist with outreach efforts.

### **4.2 Adapt Advertising**

- Meeting notices and materials will use appropriate understandable language, and acronyms and other jargon will be avoided.
- TMACOG will seek assistance from neighborhood leaders and organizations in publicizing meetings, distributing questionnaires, etc.
- Announcements will be sent to ethnic radio stations and newspapers.
- As needed, notices or surveys may be translated into Spanish.

### **4.3 Choose Appropriate Meeting Times and Locations**

- When appropriate to the particular planning process (examples, Regional Transportation Plan update; transit plan), meetings will be held in target neighborhoods
  - in familiar locations
  - near transit routes
  - building accessible to the disabled.
- Meetings may be held in conjunction with a regularly-scheduled community meeting.
- Meetings may be held during daytime to accommodate seniors, second-shift workers, after-dark safety concerns, and transit schedules.

### **4.4 Structure Meetings to Encourage Participation**

- Refreshments and child care may be provided to encourage attendance.
- The room set-up and meeting structure will aim at providing an inviting atmosphere.
  - Techniques may include small-group discussions; recording all comments on a tablet easel; use of a smaller, less intimidating space
- TMACOG will strive for diversity in the meeting leadership and visual images used in presentations. Example, neighborhood leaders may be invited to open the meeting.
- Keep meetings reasonably brief.

#### **4.5 Availability Of Public Documents**

- Plan or project-related documents will be placed in locations convenient to the low income and minority target populations.
- These locations should be open evenings and weekends.
- Copies will be free or low cost.

# Appendix A

## Required Planning Factors for Metropolitan Planning Organizations (from Federal Rules & Regulations for Regional Transportation Planning)

23 CFR

Highways -- CHAPTER I  
Federal Highway Administration, Department Of Transportation  
Subchapter E -- Planning And Research

### PART 450 -- PLANNING ASSISTANCE AND STANDARDS

#### §450.316 Metropolitan transportation planning process: Elements.

- a. Section 134(f) of title 23, U.S.C., and Federal Transit Act section 8(f) (49 U.S.C. app. 1607(f)) list 15 factors that must be considered as part of the planning process for all metropolitan areas. The following factors shall be explicitly considered, analyzed as appropriate, and reflected in the planning process products:
  1. Preservation of existing transportation facilities and, where practical, ways to meet transportation needs by using existing transportation facilities more efficiently;
  2. Consistency of transportation planning with applicable Federal, State, and local energy conservation programs, goals, and objectives;
  3. The need to relieve congestion and prevent congestion from occurring where it does not yet occur including:
    - i. The consideration of congestion management strategies or actions which improve the mobility of people and goods in all phases of the planning process; and
    - ii. In TMAs, a congestion management system that provides for effective management of new and existing transportation facilities through the use of travel demand reduction and operation management strategies (e.g., various elements of IVHS) shall be developed in accordance with §450.320;
  4. The likely effect of transportation policy decisions on land use and development and the consistency of transportation plans and programs with the provisions of all applicable short- and long-term land use and development plans (the analysis should include projections of metropolitan planning area economic, demographic, environmental protection, growth management, and land use activities consistent with metropolitan and local/central city development goals (community, economic, housing, etc.), and projections of potential transportation demands based on the interrelated level of activity in these areas);
  5. Programming of expenditures for transportation enhancement activities as required under 23 U.S.C. 133;
  6. The effects of all transportation projects to be undertaken within the metropolitan planning area, without regard to the source of funding (the analysis shall consider the effectiveness, cost effectiveness, and financing of alternative investments in meeting transportation demand and supporting the overall efficiency and effectiveness of

- transportation system performance and related impacts on community/central city goals regarding social and economic development, housing, and employment);
7. International border crossings and access to ports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation areas, monuments and historic sites, and military installations (supporting technical efforts should provide an analysis of goods and services movement problem areas, as determined in cooperation with appropriate private sector involvement, including, but not limited to, addressing interconnected transportation access and service needs of intermodal facilities);
  8. Connectivity of roads within metropolitan planning areas with roads outside of those areas;
  9. Transportation needs identified through the use of the management systems required under 23 U.S.C. 303 (strategies identified under each management system will be analyzed during the development of the transportation plan, including its financial component, for possible inclusion in the metropolitan plan and TIP);
  10. Preservation of rights-of-way for construction of future transportation projects, including future transportation corridors;
  11. Enhancement of the efficient movement of freight;
  12. The use of life-cycle costs in the design and engineering of bridges, tunnels, or pavement (operating and maintenance costs must be considered in analyzing transportation alternatives);
  13. The overall social, economic, energy, and environmental effects of transportation decisions (including consideration of the effects and impacts of the plan on the human, natural and man-made environment such as housing, employment and community development, consultation with appropriate resource and permit agencies to ensure early and continued coordination with environmental resource protection and management plans, and appropriate emphasis on transportation-related air quality problems in support of the requirements of 23 U.S.C. 109(h), and section 14 of the Federal Transit Act (49 U.S.C. 1610), section 4(f) of the DOT Act (49 U.S.C. 303) and section 174(b) of the Clean Air Act (42 U.S.C. 7504(b));
  14. Expansion, enhancement, and increased use of transit services;
  15. Capital investments that would result in increased security in transit systems; and
  16. Recreational travel and tourism.

[58 FR 58064, Oct. 28, 1993, as amended at 61 FR 67175, Dec. 19, 1996]

Source -- <http://www.fhwa.dot.gov/hep/23cfr450.htm#sec.450.316>

“This file was obtained from the national archives and records administration electronic CFR and is current as of the federal register dated October 16, 2001.”

## Public Involvement

*(from Federal Rules & Regulations for Regional Transportation Planning)*

### 23 CFR

Highways -- CHAPTER I  
Federal Highway Administration, Department Of Transportation  
Subchapter E -- Planning And Research  
**PART 450 -- PLANNING ASSISTANCE AND STANDARDS**

#### **§450.312 Metropolitan transportation planning: Responsibilities, cooperation, and coordination.**

- a. The MPO in cooperation with the State and with operators of publicly owned transit services shall be responsible for carrying out the metropolitan transportation planning process. The MPO, the State and transit operator(s) shall cooperatively determine their mutual responsibilities in the conduct of the planning process, including corridor refinement studies, described in §§450.316 through 450.318. They shall cooperatively **develop the unified planning work program, transportation plan, and transportation improvement program** specified in §§450.314 through 450.318. In addition, the development of the plan and TIP shall be coordinated with other providers of transportation, e.g., sponsors of regional airports, maritime port operators, rail freight operators, etc.
- b. The MPO shall approve the metropolitan transportation plan and its periodic updates. The MPO and the Governor shall approve the metropolitan transportation improvement program and any amendments.

#### **§450.316 Metropolitan transportation planning process: Elements.**

- a. [factors that must be considered as part of the planning process for all metropolitan areas -- see Appendix A]
- b. In addition, the metropolitan transportation planning process shall:
  1. Include a **proactive public involvement process** that provides complete information, timely public notice, full public access to key decisions, and supports **early and continuing involvement of the public in developing plans and TIPs** and meets the requirements and criteria specified as follows:
    - i. Require a minimum **public comment period of 45 days** before the public involvement process is initially adopted or revised;
    - ii. **Provide timely information about transportation issues and processes** to citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, other interested parties and segments of the community affected by transportation plans, programs and

- projects (including but not limited to central city and other local jurisdiction concerns);
- iii. **Provide reasonable public access to technical and policy information** used in the development of plans and TIPs and open public meetings where matters related to the Federal-aid highway and transit programs are being considered;
  - iv. **Require adequate public notice of public involvement activities and time for public review and comment at key decision points**, including, but not limited to, approval of plans and TIPs (in nonattainment areas, classified as serious and above, the comment period shall be at least 30 days for the plan, TIP and major amendment(s));
  - v. **Demonstrate explicit consideration and response to public input** received during the planning and program development processes;
  - vi. **Seek out and consider the needs of those traditionally underserved** by existing transportation systems, including but not limited to low-income and minority households;
  - vii. When significant written and oral comments are received on the draft transportation plan or TIP (including the financial plan) as a result of the public involvement process or the interagency consultation process required under the U.S. EPA's conformity regulations, a summary, analysis, and **report on the disposition of comments** shall be made part of the final plan and TIP;
  - viii. **If the final transportation plan or TIP differs significantly** from the one which 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, an **additional opportunity for public comment** on the revised plan or TIP shall be made available;
  - ix. **Public involvement processes shall be periodically reviewed** by the MPO in terms of their effectiveness in assuring that the process provides full and open access to all;
  - x. These **procedures will be reviewed by the FHWA and the FTA** during certification reviews for TMAs, and as otherwise necessary for all MPOs, to assure that full and open access is provided to MPO decisionmaking processes;
  - xi. Metropolitan public involvement processes shall be **coordinated with statewide public involvement processes** wherever possible to enhance public consideration of the issues, plans, and programs and reduce redundancies and costs;
2. **Be consistent with Title VI of the Civil Rights Act of 1964** and the Title VI assurance executed by each State under 23 U.S.C. 324 and 29 U.S.C. 794, which ensure that no person shall, on the grounds of race, color, sex, national origin, or physical handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program receiving Federal assistance from the United States Department of Transportation;

3. Identify actions necessary to **comply with the Americans With Disabilities Act** of 1990 (Pub. L. 101-336, 104 Stat. 327, as amended) and U.S. DOT regulations "Transportation for Individuals With Disabilities" (49 CFR parts 27, 37, and 38);
4. Provide for the **involvement of traffic, ridesharing, parking, transportation safety and enforcement agencies**; commuter rail operators; **airport and port authorities**; **toll authorities**; appropriate **private transportation providers**, and where appropriate **city officials**; and
5. Provide for the **involvement of** local, State, and Federal **environment resource and permit agencies** as appropriate.

[58 FR 58064, Oct. 28, 1993, as amended at 61 FR 67175, Dec. 19, 1996]

Source -- <http://www.fhwa.dot.gov/hep/23cfr450.htm#sec.450.316>

“This file was obtained from the national archives and records administration electronic CFR and is current as of the federal register dated October 16, 2001.”

(note: emphasis added by TMACOG)

## ENVIRONMENTAL JUSTICE

*Excerpt from:*

*Environmental Justice, “Guidance for Best Practices for Incorporating Environmental Justice into Ohio Transportation and Environmental Processes” August, 2002*

### A. DEFINITION OF ENVIRONMENTAL JUSTICE

The U.S. Environmental Protection Agency (EPA) Office of Environmental Justice (EJ) defines EJ as:

“The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. Fair treatment means that no group of people, including racial, ethnic, or socio-economic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local and tribal programs and policies.”

EJ applies to all programs and activities of Federal-aid recipients, whether those programs and activities are federally funded or not. This means that any agency which receives federal funds must:

- make a meaningful effort to involve low income and minority populations in the processes established to make decisions regarding its programs and activities, and
- evaluate the nature, extent, and incidence of probable and adverse human health or environmental impacts of its programs and activities upon minority or low-income populations.

### B. WHAT IS ENVIRONMENTAL JUSTICE?

Environmental Justice is not a new concern. The principles it embodies are rooted in Title VI of the Civil Rights Act of 1964 and previous civil rights legislation. Today, because of the evolution of the transportation planning process, EJ is simply a matter of increased awareness of the effects and impacts of transportation decisions on the human environment. There are three fundamental EJ principles:

C to avoid, minimize or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations,

C to ensure the full and fair participation by all potentially affected communities in the transportation decision making process, and

C to prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

### **C. WHY DO ODOT AND MPOs NEED TO ADDRESS EJ?**

The Ohio Department of Transportation (ODOT) and Ohio's Metropolitan Planning Organizations (MPOs) receive federal funding to support many of their programs and activities. Therefore, both ODOT and Ohio's MPOs must address the federal EJ requirements as a condition to receiving those funds. Local governments, serving as Local Public Agency (LPA) project coordinators must also comply.

EJ requirements are not new. On February 11, 1994 President Clinton signed Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations. However, the need to consider EJ was already embodied in many laws, regulations and policies such as Title VI of the Civil Rights Act of 1964 as previously mentioned, the National Environmental Policy Act of 1969 (NEPA), Title 23 of the United States Code (USC) Section 109 (h), and the Uniform Relocation and Real Property Acquisitions Policy Act of 1970, long before Executive Order 12898.

Title VI of the 1964 Civil Rights Act states that, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Title VI prohibits intentional discrimination as well as disparate impact discrimination (i.e., a neutral policy or practice that has a disparate impact on low income and minority groups).

The 1994 Environmental Justice (EJ) Executive Order amplifies Title VI by providing that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs policies and activities on minority and low-income populations."

Increasingly, concerns for compliance with provisions of Title VI and the EJ Orders have been raised by citizens and advocacy groups with regard to broad patterns of transportation investments and impacts considered in metropolitan and statewide planning. While Title VI and EJ concerns have most often been raised during project development, it is important to recognize that the law also applies equally to the processes and products of planning and environmental analysis. The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) are to ensure compliance with Title VI in the planning process during their planning certification reviews conducted for Transportation Management Areas (TMAs) and through the statewide planning finding rendered at approval of the Statewide Transportation Improvement Program (STIP).

**Source of excerpt: Ohio Department of Transportation web site --  
<http://www.dot.state.oh.us/planning/Environ-Just/EJ-Main.htm>**