

TMACOG

Public Involvement Policy for Transportation

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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 to ensure that the process 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 which was developed in consultation with interested stakeholders 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 in our Transportation Management Area (urbanized area with a population of 200,000 or more). Planning is to be done cooperatively with the State and with area transit operators. The current rules are based on federal law, the “Safe, Accountable, Flexible, Efficient, Transportation Equity Act – A Legacy for Users” (SAFETEA-LU), signed into law on August 10, 2005.

- These federal regulations list several factors that must be considered as part of the planning process. (See **Appendix A.**)
- The federal rules also require that TMACOG “...develop and use a documented participation plan...” that defines how citizens and various affected stakeholder groups can effectively participate in the area’s transportation planning 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, these federal rules 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 website, www.tmacog.org, under "About Us/Administration," 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 (TIP), and an annual work program ("unified planning work program"). As part of TMACOG's planning responsibilities, special studies are also 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 20-year planning horizon. The plan is to be updated every four years.

- Required: adequate opportunity for public involvement and comment. Federal rules state that TMACOG "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." 23 CFR Section 450.322 (i).

- Required: use of visualization; consideration of and response to public comment; and consultation with other agencies and officials responsible for other planning activities affected by transportation. 23 USC Section 134 (i).
- Public involvement in TMACOG’s plan or update shall include at minimum:

Regional Transportation Plan Involvement Procedure	Strategy	Desired Outcome
Establish broad-based plan task force	Task force serves as leadership group for plan development	Plan will reflect concerns of and be supported by all sectors of community
Provide early opportunity for input on needs via public meetings, TMACOG standing transportation committees, direct mailings to local governments and key stakeholders, TMACOG website, and written comment (See Section 3 for specific procedures)	TMACOG committees include a wide variety of stakeholders, including groups noted in federal rules (see above). Additional key stakeholders will be contacted by mail or invited to meetings. Task force considers public comment prior to drafting plan or plan update	Plan will be based on community needs and opportunities, plus knowledge of area plans and expected development.
Make the draft plan available for review at TMACOG, on the website, at public meetings, and via paper copies picked up at TMACOG, mailed to local governments, or mailed on request	Availability of plan on the website, in addition to traditional means, for wider distribution	All interested parties can review the draft plan.
Use visualization techniques to describe the plan	Use maps, pictures, video, and/or displays to make the plan clear.	The plan will be understandable, and the public will provide meaningful comment.
Accept comment on the draft plan via public meetings, the TMACOG website, e-mail, telephone, and in writing. (See Section 3.) The draft document will include details on where to send comments.	Provide many different methods for people to review materials, and communicate their comments.	Comment will be received from across the community, both geographically and by sectors (public, private, etc.).
Consider and respond to public comment.	Provide comments to plan task force; document response to significant comment.	The draft plan will be revised as appropriate.
Provide public notice of participation opportunities via the website, the TMACOG newsletter, and posting public meeting schedule at TMACOG offices, disseminate information to local media and invite news coverage.(See Section 3)	Widely publicize all participation opportunities.	Public notice will be available across the entire region from multiple sources.

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 four 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 (urbanized areas that do not meet federal air quality standards), 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.
- Also required: use of visualization; consideration of and response to public comment; and consultation with other agencies and officials responsible for other planning activities affected by transportation.
- In accordance with these requirements, public involvement in TMACOG's TIP shall include at minimum:

TIP Involvement Procedure	Strategy	Desired Outcome
Maintain a TIP Committee representing area stakeholders; all meetings open to the public.	Committee serves as leadership group for plan development.	TIP will reflect area values and concerns and will be broadly supported.
Whenever a project application round is undertaken, information on project applications and proposed rankings be made available for review at TMACOG and on the TMACOG website.	Publicize availability of proposed TIP projects for wider distribution, citizen input and impact.	TIP Committee will have additional exposure to potential area concerns and be able to consider input received in the context of the regional improvement plan.
Draft TIP available for review at TMACOG, on the TMACOG website, and at offices of all County Engineers and city governments. Paper and/or electronic copies available for pick up at TMACOG or mailed at requester's expense, and available at a minimum of one public meeting.	Publicize availability of plan on the TMACOG website, in addition to traditional means, for wider distribution.	All interested parties can review the draft plan.
Use visualization techniques to describe the TIP	Use maps and other visuals as appropriate to make the TIP clear.	The public will understand the TIP and be able to provide meaningful comment.

TIP Involvement Procedure	Strategy	Desired Outcome
Consult with other agencies and officials responsible for area planning (including planning and economic development agencies, environmental protection agencies, and major transportation facilities)	Provide key stakeholders opportunity to comment.	The TIP process will be conducted with knowledge of area plans and expected development.
Accept comment on the draft TIP at two public meetings held jointly with ODOT District 2, by telephone, and in writing (on paper, via e-mail, or via the TMACOG website). The draft document will include information on where to send comments.	Provide many different methods for people to view the materials and communicate their comments.	All interested parties will have the ability to comment.
Consider and respond to public comment.	Provide comments to TIP Committee; document response to significant comment.	The TIP will be revised as appropriate.
Provide public notice of participation opportunities via the website, the TMACOG newsletter, legal notice in newspapers of record, and posting public meeting schedule at TMACOG offices.	Widely publicize all participation opportunities.	Public notice will be available across the entire region.
When a new TIP project round is undertaken, information on project applications and proposed rankings are available for review at TMACOG and on the TMACOG website	Public availability of proposed TIP projects for wider distribution and citizen input and impact	TIP Committee will have additional exposure to potential area concerns and be able to consider input received in the context of the TIP

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:

AWP Involvement Procedure	Strategy	Desired Outcome
The Annual Work Program shall be developed with input from the TMACOG transportation committees.	These committees all hold open meetings, publicized according to TMACOG policy (see Section 3.1. of this document). Memberships represent a broad base of community stakeholders.	The AWP will reflect area priorities and concerns of community stakeholders.
The draft AWP will be available for public review at TMACOG's offices and on the TMACOG website.	Availability of plan on the website for wider distribution	All interested parties can review the AWP.
Public may comment on the draft AWP in writing, via e-mail, via website, at a meeting of the TMACOG Transportation Council, and/or at a meeting of the TMACOG Board of Trustees or Executive Committee. The draft will include information on where to send comments.	Provide many different methods for people to view the materials and communicate their comments.	All interested parties will have the ability to comment.
The AWP shall be discussed and approval recommended at a meeting of the TMACOG Transportation Council during the first five months of the calendar year (January-May).	Discuss and act on the AWP at a public meeting. (Council meetings are open to the public, with dates posted on the website, in the TMACOG newsletter, and in the TMACOG lobby. Meeting agendas are posted on the website.)	The public can participate in discussion of the Annual Work Program.
The AWP shall be adopted at a meeting of the TMACOG Board of Trustees or Executive Committee, usually during June.	Discuss and approve at a public meeting. (These meetings are open to the public and publicized according to TMACOG policy.)	The public can provide input to the TMACOG ruling body.

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 2.4.3. above.)
- Public involvement in TMACOG special studies shall include at minimum:

Special Studies Involvement Procedure	Strategy	Desired Outcome
Form a study stakeholder task force, which may be a specially convened group or a standing TMACOG committee.	Task force serves as leadership group for study. Meetings are open to the public. Membership will represent community stakeholders.	The studies will be guided by area priorities and concerns of community stakeholders.
Provide for early input to the study via at least one public meeting, the TMACOG website and written comment (on paper or via e-mail).	Study task force considers public comment prior to drafting study recommendations.	Study will reflect community needs and concerns.
Make 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 will be available for review on the TMACOG website.	Availability of the study report on the website for wider distribution.	All interested parties can review the draft study report.
Provide for comment on the draft study report and recommendations via at least one public meeting, the TMACOG website, e-mail, and in writing.	Provide many different methods for people to view the materials and communicate their comments.	All interested parties will have the ability to comment.
Public notice of participation opportunities will be provided via the website, the TMACOG newsletter, and posting the meeting schedule at the TMACOG offices. Strategies to increase public notice, such as news releases and online events calendars, will be used as appropriate.	Widely publicize all participation opportunities.	Public notice will be available across the entire region.

2.5 Review and Update of Public Involvement Policy

Federal rules call for TMACOG to periodically review the effectiveness of the procedures and strategies contained in this Public Involvement Policy to ensure a full and open participation process. Annually the TMACOG transportation planning committee will review the results of public participation efforts and consider any changes needed. Information to be documented and reviewed will include:

- Number and location of public meetings for preparation of the transportation plan, the TIP, the Annual Work Program, and special studies.

- Number and category (example: citizen, public agency representative, transportation provider, etc.) of people who participated in public meetings or who provided comments by other means
- Number and type of efforts aimed at involving minority and low income neighborhoods. (See section 4. and Appendix C regarding Environmental Justice.)

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; System Performance & Monitoring; and Passenger Rail 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).

3.1.2 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's Open Meetings Act.

3.2 TMACOG Newsletter

The TMACOG newsletter (the Big Picture) is sent on a monthly basis 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.
- Information is included on how to register for major public events and public input opportunities for the transportation plan, TIP, etc.
- It references where additional information can be found on the TMACOG website.

3.3 TMACOG Website

The TMACOG website, 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 address.
- In addition, the website includes interactive surveys, details on current initiatives, and informational pieces (plans, maps, and data).
- Visual information including Geographic Information System (GIS) maps, charts, and slide shows.
- As indicated elsewhere in this policy, the website is used to post draft documents for public comment.
- The goal for the TMACOG website is continual improvement to make it increasingly user-friendly, informational, and interactive so that it continues to be strengthened as 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), telephone number, fax number, and e-mail. As appropriate, a specific staff name and phone extension will be included to increase accessibility.

- In addition, public information pieces will note if comment can be provided via the TMACOG website.
- 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 website calendar, TMACOG newsletter, posting to other local electronic events calendars as appropriate, 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.
- Press releases will be sent to encourage additional media announcements.
- 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 welcome and 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, Presentations, and Displays

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

- presentations to area organizations,
- booths and displays at public events and sites (example, public libraries), and
- participation in broadcast media events.

3.7 Surveys

- Scientifically-valid surveys (usually conducted via telephone) will be used as needed to gauge 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 website, 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 website.
- 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 federal funds available for projects and programs 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 and in compliance with federal law and rules, TMACOG will:

4.1 Identify and Involve Target Populations

- Identify low-income and minority neighborhoods.
- Identify organizations and neighborhood leaders who can assist with outreach efforts to those communities.
- Seek out and consider 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.

4.2 Adapt Advertising

- Meeting notices and materials communicate clearly, and acronyms and other jargon will be avoided.
- TMACOG will seek assistance from neighborhood leaders and organizations to help publicize meetings, distribute 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
 - all buildings accessible to those with disabilities.
- 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 to provide an inviting atmosphere.
 - Techniques may include small-group discussions; recording all comments on a tablet easel; use of a familiar neighborhood gathering spot, for example a library or house of worship.
- TMACOG will strive for diversity in the meeting leadership. Example, neighborhood leaders may be invited to open the meeting.
- Visual images will be used in presentations to make information clear and understandable
- Meetings will be kept 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 (example, public libraries in target population neighborhoods).
- 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 for Metropolitan Transportation Planning)

United States Department of Transportation
Federal Highway Administration – 23 CFR Parts 450 And 500
Federal Transit Administration – 49 CFR Part 613
Statewide Transportation Planning; Metropolitan Transportation Planning
FINAL RULE

As published in the *Federal Register* Volume 72, Number 30, Pages 7223-7286, February 14,
2007

Effective March 16, 2007

excerpt from Sec. 450.306 Scope of the metropolitan transportation planning process.

- (a) The metropolitan transportation planning process shall be **continuous, cooperative, and comprehensive**, and provide for consideration and implementation of projects, strategies, and services that will address the following factors:
- (1) Support the **economic vitality** of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
 - (2) Increase the **safety** of the transportation system for motorized and non-motorized users;
 - (3) Increase the **security** of the transportation system for motorized and non-motorized users;
 - (4) Increase **accessibility and mobility** of people and freight;
 - (5) Protect and enhance the **environment**, promote **energy conservation**, improve the **quality of life**, and promote consistency between transportation improvements and State and local **planned growth and economic development patterns**;
 - (6) Enhance the **integration and connectivity** of the transportation system, across and between modes, for people and freight;
 - (7) Promote **efficient system management** and operation; and
 - (8) Emphasize the **preservation of the existing transportation system**.

(note: emphasis added by TMACOG)

Appendix B

Federal Regulations on Public Involvement (from Federal Rules for Metropolitan Transportation Planning)

United States Department of Transportation
Federal Highway Administration – 23 CFR Parts 450 And 500
Federal Transit Administration – 49 CFR Part 613
Statewide Transportation Planning; Metropolitan Transportation Planning
FINAL RULE

As published in the *Federal Register* Volume 72, Number 30, Pages 7223-7286, February 14,
2007

Effective March 16, 2007

excerpt from 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.

(note: emphasis added by TMACOG)

Appendix C

Environmental Justice

Excerpt from:

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

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:

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