



# ***Public Participation Plan***

***Adopted: August 13, 2013***

Prepared by the  
**Gainesville-Hall Metropolitan Planning Organization**

In cooperation with the  
**Georgia Department of Transportation  
Federal Highway Administration  
Federal Transit Administration**



***Gainesville - Hall  
Metropolitan Planning Organization***

**GHMPO**

**Flowery Branch - Gainesville - Hall County - Oakwood**

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**A Resolution by the Gainesville-Hall Metropolitan  
Planning Organization Policy Committee Adopting  
the Public Participation Plan**

**WHEREAS**, the federal regulations, Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU) and reaffirmed by the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21), mandate that Metropolitan Planning Organizations have a Public Participation Plan; and

**WHEREAS**, the Gainesville-Hall County Metropolitan Planning Organization (GHMPO) has been designated by the Governor of the State of Georgia as the body responsible for the transportation planning process for Hall County and municipalities within the County; and

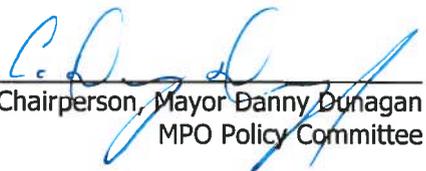
**WHEREAS**, the Public Participation Plan describes a public review of transportation planning activities consistent with a comprehensive, cooperative and continuing transportation planning process; and

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Gainesville-Hall Metropolitan Planning Organization adopts the Public Participation Plan.

**IT IS FURTHER RESOLVED**, that a certified copy of this resolution be furnished to the Georgia Department of Transportation.

**I HEREBY CERTIFY** that the Gainesville-Hall MPO Policy Committee adopted the foregoing resolution.

This 13<sup>th</sup> day of AUGUST 2013

  
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Chairperson, Mayor Danny Dunagan  
MPO Policy Committee

  
\_\_\_\_\_  
Attest:  
Connie Daniels, GHMPO Secretary

## **BACKGROUND AND INTRODUCTION**

With the completion of the 2000 Census, the Gainesville-Hall area was officially designated as an urbanized area. Essentially, this means that the City of Gainesville and the surrounding area attained a population in excess of 50,000 within a concentrated geographical area, having a population density exceeding 1,000 people per square mile. In February of 2003, the Hall County Planning Department was designated, by the Governor of Georgia, as host agency for the Gainesville-Hall Metropolitan Planning Organization (GHMPO).

In 1991 the Intermodal Surface Transportation Efficiency Act (ISTEA) extended the opportunity for public involvement into the transportation planning process. Subsequent legislation - the Transportation Equity Act for the 21st Century (TEA-21) in 1998 and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in 2005 - continued to broaden opportunities for public participation in transportation decision-making. On February 14, 2007, the FHWA and FTA promulgated new regulations in the Federal Register (Vol. 72, No. 30) pertaining to Metropolitan and Statewide Transportation Planning, including rules regarding MPO participation plans (see Appendix B). On July 6, 2012, President Obama signed into law P.L. 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21). Funding surface transportation programs for fiscal years (FY) 2013 and 2014, MAP-21 was the first long-term highway authorization enacted since 2005. MAP-21 made no major changes to the Public Participation Plan (PPP) element leaving SAFETEA-LU standards as the basis for how all Metropolitan Planning Organizations (MPO) seek public input.

## **PURPOSE OF THE PUBLIC PARTICIPATION PLAN**

Under SAFETEA-LU the GHMPO is required to develop a Public Participation Plan (PPP) that expands on the former Public Involvement Plan to include consulting with representatives of various intermodal transportation agencies and other interested parties on various ongoing transportation planning activities.

There will be specific emphasis on meeting with local, regional, and state agencies responsible for land use management, natural resources, and environmental protection concerning transportation related planning activities. GHMPO consulted with the Greater Hall Chamber of Commerce, held outreach meetings, and coordinated with the local Planning and Public Works Departments. This document will outline these ongoing activities. In addition, GHMPO while developing a PPP will consult with representatives of public transportation employees, providers of freight transportation services, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, agencies responsible for safety/security operations and providers of non-emergency transportation services. A detailed list of these agencies can be found in later part of this document in Consultation Process under the Participation Guidelines section.

## PUBLIC PARTICIPATION PLAN OBJECTIVES

Meaningful public and stakeholder involvement is critical to the long-term success of the GHMPO. The objective of this Participation Plan is three-fold:

- Ensure that transportation planning requirements and public participation goals, as identified in federal regulations and state and regional plans and policies, are met.
- Establish guidelines for public participation that bridge statewide and metropolitan planning processes for current studies and future projects.
- Detail how public comment will be obtained, distributed, considered, documented, acted upon, and evaluated.

Special attention will be given to encouraging participation from a wide array of stakeholders, including representation from low-income and minority communities.

This plan outlines a specific approach to public participation for the GHMPO that takes into consideration local needs and conditions. The plan takes advantage of existing community resources to achieve the following public participation guiding principles:

- **Involve** the stakeholders with early opportunities for participating in the decision-making process, particularly minority and low-income persons;
- **Listen** to the concerns and issues of the stakeholders living in the community;
- **Inform** the stakeholders in a timely manner of progress and recommendations;
- **Learn** from the stakeholders ideas for solutions to transportation problems;
- **Consult** with stakeholders and provide reasonable opportunity to comment; and
- **Develop** an effective outreach process that includes an integrated feedback process for evaluation and improvement.

## TRANSPORTATION PLANS AND PARTICIPATING ACTIVITIES

GHMPO is responsible for the creation of the following four fundamental planning documents:

### **Long Range Transportation Plan (LRTP):**

The most recent LRTP developed by the GHMPO is the 2040 Metropolitan Transportation Plan (2040 MTP) and is the foundation of the community's transportation planning program, providing at least a 20-year look at the improvements needed to assure the mobility of people and goods in Hall County. The LRTP must be amended at least every four (4) years, due to the County's inclusion in an Air Quality Non-Attainment area.

Participation activities include consultation with appropriate public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, visioning exercises, dialogues on needs assessment, small group discussions to get input on draft elements of the plan, open houses on draft plans, public opinion

surveys, and public hearings. Public and interested agencies can access the LRTP on the GHMPO website and/or request an electronic or a hardcopy.

**Transportation Improvement Program (TIP):**

The TIP is the implementation plan for the LRTP. The TIP reflects the schedule of the engineering, right-of-way acquisition and construction activities for transportation improvements for the next 4 years, along with a second tier of projects for an additional 2 years.

Participation activities include public and private entities as well as the public giving input on prioritizing a project list, public opinion surveys on the impact of the TIP, and attending open houses or reviewing documentation for the draft TIP. Participation activities also include consultation with private agencies responsible for planned growth, economic development, environmental protection, airport operations, freight movements, land use management, natural resources, conservation, and historic preservation. Public and interested agencies can access the TIP on the GHMPO website and/or request an electronic or a hardcopy.

**Unified Planning Work Program (UPWP):**

The GHMPO is responsible for the development, in cooperation with the state and operators of publicly-owned transit, of a Unified Planning Work Program as an instrument for coordinating transportation planning in the region. The document outlines what the GHMPO has done on six major work elements and planning activities for the future. Annual budget figures for both Planning (PL) and transit Section 5303 funds are provided. The UPWP is developed annually and is available for public review on the GHMPO website or in hard copy upon request.

**Public Participation Plan (PPP):**

The Public Participation Plan provides GHMPO with a formal consultation process as well as participation policy and procedures. It also provides interested parties with an understanding of what to expect in the transportation planning process and how to get involved. It includes certain specific requirements as well as a series of strategies for matching appropriate publicity and involvement techniques into various ongoing GHMPO activities.

Participation activities include review of the draft plan electronically or in hard copy upon request. Participation activities also include consultation with public, affected public agencies, representatives of freight shippers, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, agencies or entities responsible for safety/security operations, and providers of non-emergency transportation services. Outreach efforts to Title VI populations are addressed.

## **PUBLIC PARTICIPATION PLAN GUIDELINES**

MPOs must develop a written public participation plan. This is a plan that lays out the process for collecting public input on MPO documents. Following are requirements for the PPP:

1. Make metropolitan transportation plans and TIPs available for public viewing in advance of board meetings where documents will be adopted.
2. The PPP should provide for meetings where the public can enter commentary. These meetings should be scheduled at convenient and accessible places and times.
3. The PPP must use visualization techniques. These techniques may vary, but can include maps, transportation models, and animation. If the agency will be using these visual tools, it must be stated in the PPP.
4. Publish the metropolitan transportation plan and TIP by electronic means. This includes publishing on the Internet.

### **Citizens Advisory Committee**

The Citizens Advisory Committee (CAC) consists of individuals who provide a broad representation of the community. The function of this committee is to inform and advise the community of the process, recommendations and results of the GHMPO activities and to offer any suggestions, which would benefit the area. The CAC also advises the GHMPO Policy Committee on matters of public opinion from individual citizens and citizen groups regarding transportation plans and programs. The CAC will be utilized to the fullest extent possible in the outreach activities of informing their counterparts of any transportation plans, programs, and projects.

The CAC consists of 17 appointees from the member jurisdictions as follows: Hall County (8), City of Gainesville (5), City of Flowery Branch (2), and City of Oakwood (2) (See Appendix A- GHMPO Organizational Structure for all GHMPO committees).

### **Access to Participation**

The ability to communicate and access GHMPO planning efforts are primary considerations in developing outreach activities. The goal is for those interested to be able to easily, efficiently and effectively participate. To provide this, GHMPO ensures that communication channels are open and that information is available in multiple formats and is understandable by the general public.

Planning information is provided in written and electronic formats. Outreach activities for planning studies as well as the Long Range Transportation Plan and Transportation Improvement Program include meeting with the public to provide direct access to planning information and opportunities to talk with planning staff and/or decision-makers. Effort will always be made so that the meeting locations are accessible by wheelchair and other ambulatory devices.

## **Visualization Resources**

To strengthen participation in the planning process and specifically to aid the public in understanding proposed plans, GHMPO utilizes a variety of visualization techniques. GHMPO extensively uses maps with aerial photography and display boards to communicate visually its plans when in scenario development or demonstrating networks and regional linkages. A visualization technique can be simply a marker and a piece of paper for small group discussions examining specific issues.

## **Internet**

For the purpose of public outreach, GHMPO maintains a comprehensive website ([www.ghmpo.org](http://www.ghmpo.org)) to efficiently communicate with the public on its planning activities and policies.

The following illustrates what GHMPO makes available to the public on its website:

- Public meeting announcements
- Committee structure
- Committee meeting schedules and agenda materials
- News articles relating to transportation planning activities
- Planning documentation, presentations, and reports
- Archives for planning documents and meeting minutes
- Project specific sites for studies and other planning activities
- Surveys and questionnaires
- Links to other pertinent websites
- Contact boxes to communicate with GHMPO or seek information

If an individual can not download a document or print it, GHMPO provides compact discs that make thousands of pages of documentation or resource material available. Most important of all, the informational resource is the GHMPO staff itself which is available to provide information about various transportation planning activities. The inquirer can access the staff through e-mail, mail, telephone, and fax or at meetings to be provided direct service.

## **Consultation Process**

As an ongoing activity the GHMPO will meet with local, regional, state, and federal agencies responsible for land use management, natural resources, economic development, public transportation, bicycle and pedestrian facilities, freight shippers, safety and security operations, and environmental protection concerning transportation planning activities. The consultation process will provide agencies a reasonable opportunity to comment on various transportation planning activities. Undertaking outreach meetings with the freight community, consulting with the local Chamber of Commerce, coordinating with the local Planning and Public Works Departments are some techniques for an effective consultation process.

GHMPO will consult with the following agencies and provide them opportunity to comment on various transportation planning activities:

#### Affected Public Agencies

- Hall County Planning Department
- Hall County Public Works
- Hall County School Board
- Hall County Black Society
- Hall County Black Historical Society
- City of Gainesville Planning Department
- City of Gainesville Public Works
- City of Clermont
- City of Gillsville
- City of Lula
- Gainesville City Schools
- City of Flowery Branch Planning Department
- City of Oakwood Planning Department
- Main Street Gainesville
- Northeast Georgia Medical Center
- Georgia Department of Transportation
  - Office of Planning
  - District 1 Office
  - Intermodal Office
- Georgia Mountains Regional Commission
- Georgia Department of Community Affairs
- Georgia Department of Economic Development
- Georgia Department of Natural Resources
  - Historic Preservation Division
  - Environmental Protection Division
  - Wildlife Resource Division
  - State Parks & Historic Sites
- Federal Highway Administration
- Federal Transit Administration
- Atlanta Regional Commission

#### Representatives of Public Transportation Providers

- Hall Area Transit
- Georgia Regional Transportation Authority
- Georgia Transit Association

#### Representatives of Freight Shippers

- Freight Representatives with the Greater Hall Chamber of Commerce
- Georgia Motor Trucking Association

#### Representatives of Users of Pedestrian and Bicycle Facilities

- Chicken City Cyclists
- Friends of the Parks
- Hall County Parks and Leisure
- Bike Town USA
- North Georgia University

- Brenau University

#### Representatives of the Disabled Agencies

- Gainesville Disability Resource Center
- Georgia Disability Resource Group

#### Representatives of Wildlife Preservation

- Elachee Nature Center
- Georgia Sierra Club

#### Providers of Non-Emergency Transportation Services

- North Georgia Medical Transport

#### Entities Responsible for Safety/Security Operations

- Hall County 9-1-1 / Central Communications Information Department
- Hall County Sheriff's Department
- City of Gainesville Police Department
- City of Oakwood Police Department
- City of Flowery Branch Police Department

#### Private Agencies Responsible for Planned Growth

- Council for Quality Growth
- Lake Lanier Islands Development Authority

#### Private Agencies Responsible for Airport Operations

- Lee Gilmer Memorial Airport

#### Private Agencies Responsible for Economic Development

- Greater Hall Chamber of Commerce

#### Private Agencies Responsible for Historic Preservation

- The Georgia Trust for Historic Preservation

### **How Information Resources are Used**

The ultimate purpose for the use of all of these resources is to open up the planning process and results to any interested person. The resources are used to communicate planning concepts, alternatives, impacts, decisions, and results. The goal is to make sure these resources are understandable and provided in “people talk” so they will be of value to the user. Specifically, they are used throughout the planning process to communicate and illustrate and, after the completion of the process, to educate and explain. In all cases, these resources are in formats for and obtainable by any interested user.

### **Public Notice/Review Period Guidelines**

Public notices are placed in local newspapers, prior to all public review periods for the Long Range Transportation Plan (LRTP) and the Transportation Improvement Program (TIP). Public review periods for draft plans and programs run at least 30 days. If the Policy Committee determines that the final plan or program differs significantly from the

one which was made available for public comment and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts, an additional 15 days for public comment on the revised plan or program shall be made available.

If the Policy Committee determines it necessary to amend the final plan or program, the Policy Committee may approve the proposed amendment(s) subject to an additional public review and comment period. For an amendment, those changes that are controversial and/or regionally significant in nature and would affect the conformity determination of an LRTP or a TIP, there will be a 15 day public review and comment period. For an administrative modification, projects that would not affect the conformity determination or the financial constraint of a plan, no public review and comment period is required (see Appendix C). If no significant comments are received, the amendment(s) will stand as approved with no further action required by the Policy Committee. Results of the public review and comment period will be provided to the Policy Committee, for its information, at the next regularly scheduled meeting. If comments are received which the MPO staff considers potentially significant, the comments will be presented to the Policy Committee for consideration and appropriate action.

### **Process Conclusion**

When significant written and oral comments are received on the draft transportation plan or program, as a result of the public involvement process, a summary, analysis or report on the content of comments and the MPO responses, is prepared and made part of the final document. This summary report is then distributed throughout the established network of committees and to the individuals.

Plan and/or program amendments and the resulting public comments, will be made part of the Policy Committee minutes and will be kept on file in the MPO office. Amendments and comments also will be incorporated into copies of the affected plans and programs, made available at central locations.

### **Process Review**

Currently, transportation planning documents and items to be considered for adoption by the Policy Committee (PC), are first reviewed by the Technical Coordinating Committee (TCC) and then by the Citizens Advisory Committee (CAC). The full Policy Committee (PC) is the policy making body of the GHMPO and the Chairman of the CAC is also a member of the PC. Citizens are encouraged to attend and participate in the TCC, CAC, or PC meetings. But large groups of citizens should notify the MPO before scheduled meetings to make arrangements to accommodate for seating and number of paper handouts.

The GHMPO Committees meet four times a year, as long as there are sufficient items to discuss and act on by the members. The meeting time, location, and the agenda materials are posted on the GHMPO website.

## EVALUATION OF PUBLIC PARTICIPATION EFFORTS

Periodic review of the participation activities to evaluate program effectiveness is beneficial for maintaining a good public participation program. Overall evaluation of participation efforts on a regular basis helps answer whether the program is meeting the key Participation Plan objectives. Specific evaluation measures can be used to quantify the level of participation. This can help to determine under what circumstances participation tools are effective or not. Through the evaluation process, the participation strategies can be refined and improved.

The evaluation of the GHMPO participation process will focus on an assessment of each program's overall success and effectiveness in achieving its participation goals. Strong participation numbers and inclusion of a broad range of interests is of particular concern to the GHMPO staff. As additional participation techniques are developed, each new strategy will be evaluated for effectiveness. Table 1 outlines the evaluation criteria, both qualitative and quantitative, of GHMPO's past and current participation techniques.

**Table 1 - Evaluation Criteria**

Participation Tool	Evaluation Criteria	
	Quantitative	Qualitative
<b>Outreach Meetings</b>	Attendance	Was Input Used in Planning Process?
	Diversity of Representation	Meeting Convenience: Time, Place, and Accessibility
	Quantity of Feedback Received	Effectiveness of Meeting Format
<b>Media Relations</b>	Extent and Quantity of Media Coverage	Timing of Notification
	Number of Avenues Used to Reach Non-English Speaking Communities	Effectiveness of Notification and Communication Tools
		How Often Contact is Made
<b>Mailing List</b>	Number of Additions to a Mailing List	Concise and Clear Information Portrayed
	Diversity of Representation	Effectiveness of Notification Format
<b>E-Mail List</b>	Number of Additions to an E-Mail List	Concise and Clear Information Portrayed
	Diversity of Representation	Effectiveness of Notification Format
<b>Public Information Meetings</b>	Number of Meetings/Opportunities for Public Involvement	Effectiveness of Meeting Format
		Public Understanding of Process
	Number of Comments Received	Quality of Feedback Obtained

	Number of Participants	Timing of Public Participation
	Number of Avenues Used to Reach Minorities and Non-English Speaking Communities	Meeting Convenience: Time, Place, and Accessibility
	Diversity of Attendees	Was Public's Input Used in Developing the Plan?
<b>Consultation Process</b>	Number of Agencies Invited	Effectiveness of Communication Format
	Number of Agencies Attended	Coordination Between the Agencies
	Number of Specific Small Group Meetings	Agencies Understanding of Process
	Number of One-on-One Meetings	

### Participation Plan Evaluation

The Participation Plan shall be formally reviewed every five years and updated as necessary by the GHMPO to assure that it is promoting an effective process, which provides full and open access to public and interested public agencies. After changes have been implemented the revised plan will go through the GHMPO Committees – Technical Coordinating, Citizen Advisory and Policy – followed by a 45 day comment period before official adoption. The Participation Plan's 45 day comment period will be advertised in the local newspaper, *The Gainesville Times*. During this period, the draft plan will be made available on the GHMPO website, and, upon request, a hard-copy will be available. All comments received will be reviewed, considered, and incorporated, as appropriate, into the plan. A report documenting the participation and review process, including comments received, will be made part of the final document, which will be available on the GHMPO website.

## APPENDIX A: GHMPO ORGANIZATIONAL STRUCTURE

The GHMPO is administered through three committees, which hold quarterly meetings.

**The Policy Committee** is the decision making body for the organization. It is made up of the following officials or their designees:

- Mayor, City of Flowery Branch
- Mayor, City of Gainesville
- Chairman, Hall County Commission
- Mayor, City of Oakwood
- Commissioner, Georgia Department of Transportation

**The Technical Coordinating Committee** provides recommendations from a technical perspective on the plans and programs adopted by the GHMPO. The voting membership is made up of administrators, engineers and planners from the member jurisdictions, Hall Area Transit, and GDOT. The non-voting membership includes representatives of various state and federal transportation agencies, local law enforcement, chamber of commerce, school boards, and major local institutions.

**The Citizens Advisory Committee** provides recommendations from the public's perspective, and consists of 17 appointees from the member jurisdictions as follows: Hall County (8), Gainesville (5), Flowery Branch (2), and Oakwood (2).

**The GHMPO staff**, which is housed in the Hall County Planning Department, administers the planning program and provides technical guidance and administrative support to the committees.

## **APPENDIX B: FEDERAL REGULATORY REQUIREMENTS GOVERNING THE PUBLIC PARTICIPATION PROCESS**

**Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Federal Register, Vol. 72., No. 30, February 14, 2007 Statewide Transportation Planning; Metropolitan Transportation Planning Final Rule**

### **Section 450.316 –Interested Parties, Public Involvement, 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 § 450.314.

### **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.

### **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, because 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.

## **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations**

This order was signed by President Clinton in 1994 reinforced the requirements of Title VI of the Civil Rights Act of 1964 that focused federal attention on the environmental and human health condition in minority and low-income communities:

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.

## **APPENDIX C: STATE OF GEORGIA REGULATORY REQUIREMENTS GOVERNING THE PUBLIC PARTICIPATION AND TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AMENDMENT/ADMINISTRATIVE MODIFICATION PROCESS**

### **State of Georgia's Open Meetings Law (Georgia Code 50-14-1)**

Georgia's Open Meetings Law requires that state and local governmental bodies conduct their business so citizens can review and monitor their elected officials and others working on their behalf. The Law requires that government meetings be open to the public. The Law also requires governmental bodies to provide reasonable notice of all meetings. (*Georgia's Sunshine Laws: A Citizen's Guide to Open Government, Office of the Georgia Attorney General, 2001*)

### **Georgia Open Records Process (Georgia Code 50-18-70)**

Open records requests may be made to any custodian of the desired records. A written request is not required, but is advisable to eliminate any dispute as to what was requested or when the request was made. The records custodian is allowed a "reasonable amount of time" to determine whether the records requested are subject to access under the Law. However, the custodian must respond to all requests within three business days. If the records exist and are subject to inspection but are not available within three business days, a written description of such records and a timetable for their inspection and copying must be provided within that time period. Records maintained by computer shall be made available where practicable by electronic means, including Internet access, subject to reasonable security restrictions preventing access to non-requested or non-available records. If access to a record is denied in whole or in part, the records custodian must provide in writing the specific legal authority exempting such record from disclosure. (*Georgia's Sunshine Laws: A Citizen's Guide to Open Government, Office of the Georgia Attorney General, 2001*)

### **State Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP) Amendment Process Georgia Department of Transportation December 2009**

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) issued the Final Rule to revise the Statewide and Metropolitan Transportation Planning regulations incorporating changes from the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users on February 14, 2007 with an effective date of March 16, 2007. The revised regulations clearly define administrative modifications and amendments as actions to update plans and programs. 23 Code of Federal Regulations (CFR) Part 450.104 defines administrative modifications and amendments as follows:

- Administrative modification "means a minor revision to a long-range statewide or metropolitan transportation Improvement Program (STIP) that includes minor

changes to project/project phase costs, minor changes to project/project phase initiation dates. Administrative Modification is a revision that does not require public review and comment, redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas).”

- Amendment “means a revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP, or STIP, including the addition or deletion of a project or major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing projects termini or the number of through traffic lanes). Changes to projects that are included only for illustrative purposes do not require an amendment. An amendment is a revision that requires public review and comment, redemonstration of fiscal constraint, or a conformity determination (for metropolitan transportation plans and TIPs involving “non -exempt” projects in nonattainment and maintenance areas). In the context of a long-range statewide transportation plan, an amendment is a revision approved by the State in accordance with its public involvement process.”

The following procedures have been developed for processing administrative modifications and amendments to the STIP and Metropolitan Planning Organizations (MPOs) TIPs and Long Range Transportation Plans (LRTPs). Processes described below detail procedures that are to be used to update an existing approved STIP or TIP and associated plan, if applicable. A key element of the amendment process is to assure that funding balances are maintained.

### **Administrative Modification**

The following actions are eligible as Administrative Modifications to the STIP/TIP/LRTP:

- A. Revise a project description without changing the project scope, conflicting with the environmental document or changing the conformity finding in nonattainment and maintenance areas (less than 10% change in project termini). This change would not alter the original project intent.
- B. Splitting or combining projects.
- C. Federal funding category change.
- D. Minor changes in expenditures for transit projects.
- E. Roadway project phases may have a cost increase less than \$2,000,000 or 20% of the amount to be authorized. The 20% scenario amount may not exceed \$10,000,000.
- F. Shifting projects within the 4 year STIP as long as the subsequent annual draft STIP was submitted prior to September 30.
- G. Projects may be funded from lump sum banks as long as they are consistent with category definitions.

An administrative modification can be processed in accordance with these procedures provided that:

1. It does not affect the air quality conformity determination.
2. It does not impact financial constraint.

3. It does not require public review and comment.

The administrative modification process consists of a monthly list of notifications from GDOT to all involved parties, with change summaries sent on monthly basis to the FHWA and FTA by GDOT. GDOT will submit quarterly reports detailing projects drawn from each lump sum bank with remaining balance to the FHWA.

### **Amendment**

The following actions are eligible as Amendments to the STIP/TIP/LRTP:

- A. Addition or deletion of a project
- B. Addition or deletion of a phase of a project
- C. Roadway project phases that increase in cost over the thresholds described in the Administrative Modification section.
- D. Addition of an annual TIP.
- E. Major change to scope of work of an existing project. A major change would be any change that alters the original intent i.e. a change in the number of through lanes, a change in termini of more than 10 percent.
- F. Shifting projects within the 4-year STIP which require redemonstration of fiscal constraint or when the subsequent annual draft STIP was not submitted prior to September 30. (See Administrative Modification item F)

Amendments of the STIP/TIP/LRTP will be developed in accordance with the provisions of 23 CFR Part 450. This requires public review and comment and responses to all comments, either individually or in summary form. For amendments in MPO areas, the public review process should be carried out in accordance with procedures outlined in the Participation Plan. The GDOT will assure that the amendment process and the public involvement procedures have been followed. Cost changes made to the second, third and fourth years of the STIP will be balanced during the STIP yearly update process. All amendments should be approved by FHWA and/or FTA.

#### Notes:

1. The date a TIP becomes effective is when the Governor or his designee approves it. For nonattainment and maintenance areas, the effective date of the TIP is based on the date of U.S. Department of Transportation's positive finding of conformity.
2. The date the STIP becomes effective is when FHWA and FTA approve it.
3. The STIP is developed on the state fiscal year which is July 1- June 30.
4. Funds for cost increases will come from those set aside in the STIP financial plan by the GDOT for modifications and cost increases. Fiscal Constraint will be maintained in the STIP at all times.

**APPENDIX D: SUMMARY TABLE OF PUBLIC PARTICIPATION POLICIES  
AND SAMPLE LEGAL AD**

<b>Program Adoption</b>	<b>Public Meetings</b>	<b>Comment Period</b>	<b>Notes</b>
Long Range Transportation Plan (LRTP)	3 meetings prior to Policy Committee approval	30 days	A summary of all oral or written comments will be provided to the Policy Committee and made available for public review.
Transportation Improvement Program (TIP)	3 meetings prior to Policy Committee approval	30 days	
Unified Planning Work Program (UPWP)	N/A	30 days	
Public Participation Plan (PPP)	N/A	45 days	Updates as needed with formal review every five years
<b>Amendments</b>			
Long Range Transportation Plan (LRTP)	Goes through regular quarterly committee meetings open to public	15 days	
Transportation Improvement Program (TIP)	Goes through regular quarterly committee meetings open to public	15 days	
Unified Planning Work Program (UPWP)	N/A	15 days	
Public Participation Plan (PPP)	N/A	45 days	

**SAMPLE OF GHMPO LEGAL ADVERTISEMENT**

The Gainesville-Hall Metropolitan Planning Organization’s (GHMPO) Public Participation Plan (PPP) outlines how the organization seeks public input for proposed transportation plans. The PPP requires a 45 day minimum public comment period before official adoption. The formal 45-day public comment period begins on June 30, 2013 and runs through August 13, 2013. The proposed plan will be available for the public and interested agencies to review and comment on the GHMPO website [www.ghmpo.org](http://www.ghmpo.org). A hardcopy of the document will be made available at the Hall County Planning Department, located in the Hall County Government Center at 2875 Browns Bridge

Road, Gainesville, Georgia. Official adoption of the PPP will be on the agenda of the GHMPO Policy Committee at their regular meeting on August 13, 2013.

The GHMPO meetings are conducted in accessible locations and materials can be provided in accessible formats and in languages other than English. If you would like or require accessibility or language accommodation, please contact the GHMPO at 770-297-2625 (voice), 770-531-3902 (fax) or [www.ghmpo.org](http://www.ghmpo.org).

If you need further information, please contact Sam Baker, Senior Transportation Planner at 770-297-2604 or [sbaker@hallcounty.org](mailto:sbaker@hallcounty.org).