

INTRODUCTION

Under the Federal Highway (FHWA) and the Federal Transit Administrations' Metropolitan Planning Regulations (23 CFR 450), all Metropolitan Planning Organizations (MPOs) are required to develop a Public Involvement Process for Transportation Plans, Transportation Improvement Programs (TIPs), and major amendments.

The purpose of this document is to assure the transportation planning process includes "... 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".

The Metropolitan Planning Regulations contain a list of criterion by which the MPO Public Involvement Process should be evaluated. This list will be used by the MPO to periodically review the Process:

- (1) A minimum public comment period of 45 days must be provided before the public involvement process is initially adopted or revised.
- (2) Timely information about transportation issues and processes must be provided 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).
- (3) 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.
- (4) Require adequate public notice of public involvement activities and time for public review and comment at key decisions points, including, but not limited to, approval of Plans and TIPs.
- (5) Demonstrate explicit consideration and response to public input received during the planning and program development processes.
- (6) Seek out and consider the needs of those traditionally under-served by existing transportation systems, including but not limited to low-income and minority households.
- (7) When significant written and oral comments are received on the draft transportation plan or TIP 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.

- (8) 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 (not less than 10 days).
- (9) 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.
- (10) These procedures will be reviewed by the FHWA and FTA to assure that full and open access is provided to MPO decision making processes.
- (11) 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.

RELATIONSHIP TO THE SENSIBLE TRANSPORTATION POLICY ACT AND RULE (STPA)

The STPA Rule states that "In the MPO areas, the MPOs will perform all functions of the regional transportation advisory committees..." outlined in the rule (Subchapter 1,4C). The KACTS Public Involvement Process will cover all public participation requirements of the STPA Rule.

The MPO will also coordinate with the Region 8 Transportation Advisory Committee (RTAC) in the public involvement process for projects affecting both the MPO and RTAC areas. These projects may include, but are not limited to, Significant Highway Projects defined in Subchapter 1, ?3(K) and Substantial Public Interest Projects as described in Subchapter 1, ?7 of the STPA Rule.

MPO COMMITTEE MEETINGS

All Committee meetings are open to the public. Meeting Notices and Agendas will be sent out (at least 10 days prior to a meeting) to the media sources listed below, and also to anyone in the "interested and affected parties" list appearing later in this document.

Media Sources:

Newspapers: Foster's Daily Democrat, Dover N.H.

York Weekly
Portsmouth Herald
York County Coast Star
Portland Press Herald
Journal Tribune

Procedures and protocol for KACTS Committee meetings will not be discussed in this document, but can be reviewed by obtaining a copy of the Committee By-Laws from the Southern Maine Regional Planning Commission.

PUBLIC INVOLVEMENT FOR THE TRANSPORTATION PLAN

List of Interested and Affected Parties

The following (in addition to KACTS non-voting members and media sources) interested and affected parties will receive notices of Transportation Plan development and KACTS MPO Committee meetings. The list will remain open to any new agencies or individuals wishing to be notified of MPO activities. Also, if warranted, agencies or individuals may be dropped from the list or replaced.

1. Bicycle Coalition of Maine
2. Kittery Conservation Commission
3. Seacoast Area Bike Routes (SABR)
4. Natural Resources Council of Maine
5. Maine Turnpike Authority
6. Maine Transit Association
7. Littlebrook Airport
8. Harbor Masters in Kittery and Eliot
9. Private transportation providers
 Cape Neddick Limousine - Eliot
10. Region 8 Transportation Advisory Committee (RTAC) members
11. Maine Department of Environmental Protection - Bureau of Air Quality Control
12. Federal Environmental Protection Agency
13. Eliot Conservation Commission
14. South Berwick Conservation Commission
15. Planning Boards (Chairperson)
16. Road Commissioners
17. Members of State Legislature
18. Human Service Agencies
19. Dinneen Bus Company
20. McCrillis Transportation
21. C&C Carriers

Notices of Public Meetings and Transportation Plan development will contain the following information:

1. What action is being undertaken and an explanation of the process
2. Who should be interested/concerned
3. How decisions may affect the region
4. Schedule for the process
5. Who may be contacted to offer comments and/or suggestions
6. Future opportunities for comment and participation
7. The intent, schedule, location, and time of the meeting
8. The location where technical and/or policy information is available
9. Length of the comment period

The MPO will hold at least one Public Information Meeting during the development of the Transportation Plan to solicit comments and ideas from the public. Notice of the informational meeting(s) will be sent to the interested and affected parties list and to media sources not less than 10 days prior to the meeting date.

The MPO may also choose to utilize other techniques to increase public involvement during the development of the Transportation Plan such as newsletters, radio, advisory committees, or other techniques listed in the document entitled Innovations in Public Involvement for Transportation Planning. This document was published by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

Once the Transportation Plan development process has reached the Final Draft stage, the MPO will make the Draft Plan available for a comment period of not less than 15 days. Interested and affected parties and media sources will be notified of its availability, and copies of the Draft Plan will be made available at the SMRPC office and at each of the town halls located within the KACTS area. The MPO may also choose to hold an additional Public Information Meeting once the Draft Plan is completed.

If the Final Plan differs significantly from previous draft versions that have been made available, and contains substantial new ideas or issues, these changes/additions will be made known to the public and an additional comment period of not less than 10 days will be provided.

Also, substantial written or oral comments on the Transportation Plan will be addressed by the KACTS Committee and included, with responses, as part of the Final Plan.

PUBLIC INVOLVEMENT FOR THE TRANSPORTATION IMPROVEMENT PROGRAM

When developing the Transportation Improvement Program (TIP), the MPO will follow the public involvement procedures described above for the Transportation Plan.

These procedures also satisfy the public hearing requirements that pertain to the development of the Program of Projects for regular Federal Transit Administration (FTA) Section 5307, Urbanized area Formula Program, grant applications including the provision for public notice and the time established for public review and comment. For FTA projects that are not routine (i.e. Section 5307 applications that require an environmental assessment or an environmental impact statement) the public involvement provided for herein for TIP review is not sufficient. Additional public involvement, as presented in the joint FHWA/FTA environmental regulations (23 CFR part 771) will be required by FTA for grant approval.

When substantial changes are to be made to the TIP Project Selection Procedure (adopted by the KACTS Committee 11/25/92), these changes will be made known to all interested and affected parties and media sources. There will also be a public comment period on the proposed changes of not less than 15 days.

If the TIP is developed concurrently with the Transportation Plan, no separate Public Involvement Process will be required for the TIP, with the exception of a change in the Project Selection Procedure.

TRANSPORTATION PLAN AND TIP AMENDMENTS

The MPO will notify interested and affected parties and media sources when an Amendment is to be made to the Transportation Plan or TIP. A public comment period of not less than 10 days will also be provided before the KACTS Committee votes on the Amendment.

Pursuant to 23 CFR 450.324(i) of the Metropolitan Planning Regulations, certain projects proposed for FHWA and/or FTA funding may be grouped together in the TIP by the classifications contained in the U.S. EPA conformity requirements (40 CFR part 51?460 and 461). An addition or deletion of one or more projects within these groups will not be considered an Amendment. The Committee may choose to include these projects in the Public Involvement Process, as well as any new projects added to the TIP which are not included in this section.

An **Amendment** is defined as one or more of the following actions:

- (1) Adding or deleting a Significant Highway Project or Substantial Public Interest Project as defined in Subchapter 1, §3(K) and §7 of the Sensible Transportation Policy Act (STPA) Rule¹.
- (2) Adding or deleting a Regionally Significant project as defined in 40 CFR part 51.392, or as determined by the Conformity Consultation Group set forth in the State Implementation Plan (SIP) §402.
- (3) A change in a project or grouped project scope and dollar amount resulting in the addition or deletion of more than 25% of the original project or grouped project estimate.

Copies of the proposed Plan or TIP Amendment will be made available at the SMRPC office, and at each town hall in the KACTS area.

The KACTS Committee will conduct a Public Information Meeting on the proposed Amendment if three or more separate requests for such a meeting are received from the public.

TIP Adjustments

It may be necessary to make scope or cost changes to an individual project or a project within a group that are not considered amendments. The KACTS Committee still will need to approve of these changes, and notify MDOT of their approval/denial in a timely manner.

Documents Referenced as part of the KACTS Public Involvement Process

Federal Metropolitan Planning Regulations, USDOT - FHWA,FTA. October 1993.

Innovations in Public Involvement for Transportation Planning, U.S. Department of Transportation (USDOT) - Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). January 1994.

Public Participation Procedures for Transportation Planning, Submitted to the Seacoast N.H. MPO by the Conservation Law Foundation. February 1994.

Rule for the Sensible Transportation Policy Act 17-229-103, Transportation Policy Advisory Committee (TPAC). 1992.

Draft Public Involvement Process for Transportation Planning, Seacoast N.H. MPO and Salem/Plaistow/Windham MPO. April 1994.

Statewide Public Participation Process, Maine Department of Transportation. February 1994.

¹ Definitions are located in APPENDIX A at the end of this document

APPENDIX A

Regionally Significant project as defined in 40 CFR part 51.392:

"... a transportation project (other than an exempt project) that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel."

Significant Highway Project as defined in Subchapter 1.3(k) of the Sensible Transportation Policy Act Rule:

"Significant Highway Projects are ones which increase capacity by constructing (1) one or more through travel lanes, (2) a new highway on a new location, (3) a new bridge on a new location. Any highway project which requires an environmental impact statement pursuant to the National Environmental Policy Act (NEPA) ... shall be deemed to be significant. Any interchange which requires an environmental impact statement pursuant to NEPA shall be deemed to be a significant highway project. Highway projects which require an environmental impact statement but do not increase capacity may not require a transportation demand management or transportation system management analysis.

Interchanges are generally deemed to be substantial public interest projects, but some interchanges may also be significant highway projects. If the comprehensive traffic analysis as required in Section 7 for the new interchange indicates that within the reasonably foreseeable future any of the adjacent highways connected by the interchange are likely to require additional through travel lanes due to the interchange, the proposed interchange shall be deemed to be a Significant Highway Project. If the connector to the proposed interchange provides access beyond the nearest state highway, the proposed interchange shall be deemed to be a Significant Highway Project."