

# **SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION**

## **STAFF MEMORANDUM**

### **PUBLIC PARTICIPATION PLAN FOR TRANSPORTATION PLANNING CONDUCTED BY THE SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION**

#### **INTRODUCTION**

The Southeastern Wisconsin Regional Planning Commission (SEWRPC) is the official areawide planning agency for the seven-county Southeastern Wisconsin Region, including Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha Counties. The Commission also serves as the Metropolitan Planning Organization (MPO) for the Kenosha, Milwaukee, Racine, and Round Lake Beach (Wisconsin portion) urbanized areas and the federally designated six county transportation management area, including Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha Counties.

The Commission is responsible for preparing the regional transportation plan and improvement program for the seven county Region, including the four urbanized areas and the six county transportation management area.

The purpose of this public participation plan document is to outline how the Commission proposes to achieve public involvement in its regional transportation planning and improvement programming, including with respect to:

- providing information about, and access to, regional transportation planning and programming activities;
- obtaining public input during regional transportation planning and programming activities;
- considering public input received when regional transportation planning and programming recommendations are made; and
- evaluating the effectiveness of the public participation plan and continuing to improve public participation when possible.

#### **RECOMMENDED PUBLIC PARTICIPATION PLAN**

The Commission's public participation goal is to ensure early and continuous public notification about regional transportation planning and programming activities, provide meaningful information concerning such regional transportation planning and programming activities, and obtain participation in and input to regional transportation planning and improvement programming efforts.

The Commission will work to achieve this goal cooperatively with other public agencies and units of government—local, State, and Federal—by coordinating public participation processes when possible. The Commission views these other agencies and governments as partners in the public participation process. In particular, the Commission will coordinate with the Wisconsin Department of Transportation regarding public participation efforts.

The remainder of this document describes how the Commission proposes to achieve this overall public participation goal, and outlines a framework for public participation to be followed for each type of transportation planning and programming effort.

### **Public Notification and Access**

Timely notification of, and provision of access to, Commission regional transportation planning and programming activities will be achieved to encourage early and continuous public participation. The Commission's planning and programming efforts benefit from having a well-informed citizenry. The ability for the general public to become actively involved and to provide meaningful input on needs, plans, and programs depends on knowledge of the issues under consideration and the study being undertaken to address those issues. The techniques listed below are means which will be used by the Commission to raise awareness of, and provide public access to, regional transportation planning and programming efforts.

### ***Advisory Committees***

Advisory Committees will be formed by the Commission for each planning and programming effort to guide the development of the desired plan or program. The membership of the Advisory Committees will primarily, although not exclusively, consist of concerned and affected local government elected and appointed public officials who will have the authority and expertise to represent the residents of their local units of government. The membership will also include representatives of State and Federal transportation and environmental resource agencies. The Commission will seek diversity -- specifically, members of minority population groups -- as it considers, solicits, and makes appointments to Advisory Committees. The use of Advisory Committees promotes intergovernmental and interagency coordination and broadens the technical knowledge and expertise available to the Commission. The members of Advisory Committees serve as direct liaisons between the Commission planning and programming efforts and the local and State governments that will be responsible for implementing the recommendations of those planning and programming efforts. The Advisory Committees will be responsible for proposing to the Commission, after careful study and evaluation, recommended plans and programs. Information regarding public comment received will be provided to the Advisory Committees, which will consider that public comment prior to determining final recommended plans and programs. In some cases, non-governmental officials will be asked to serve on Advisory Committees to represent different interests.

### ***Advisory Committee Meeting Notifications/Agendas***

The agendas for all meetings of the Commission's Advisory Committees will normally be posted on the Commission website and at the offices of the Commission as soon as available, but at least five business days prior to each meeting. Meeting notifications will request that persons with special needs contact the Commission a minimum of three business days in advance of the meeting they wish to attend so that appropriate arrangements can be made.

### ***Open Meetings***

Meetings of the Commission and its Advisory Committees will be open to the public to ensure that interested persons have access to that element of regional transportation planning and programming. Advisory Committee meetings will be held at transit accessible locations, to the extent practicable, particularly meetings addressing plan alternatives, and preliminary and final recommended plans.

### ***Environmental Justice Task Force***

The Commission will form an Environmental Justice Task Force to enhance the consideration and integration of environmental justice throughout the regional planning process. The purposes of the Task Force include to further facilitate the involvement of low-income, minority, and disabled individuals and communities in regional planning; to make recommendations on issues and analyses relevant to the needs and circumstances of low-income, minority, and disabled communities; to help identify the potential benefits and adverse effects of public infrastructure and services addressed in regional planning programs

with respect to minority, low-income, and disabled populations; to advise and recommend methods to prevent the denial of benefits, and to minimize or mitigate disproportionately high and adverse negative impacts on minority, low-income, and disabled populations; and, to enhance awareness and implementation of plans, with emphasis on the needs of minority, low-income, and disabled populations. The membership shall be appointed by the Regional Planning Commission, after consultation with organizations representing low-income, African-American, Latino, Asian, Native American, disabled and transit-dependent populations, including those organizations that have been regularly consulting with SEWRPC on low-income, minority and disability issues, and additional organizations that submitted comments to the Federal Highway Administration and Federal Transit Administration during the Commission's 2004 Federal certification review. The EJTF members shall be from and represent low-income, minority, disabled and/or transit-dependent communities, and thereby enhance representation from low-income, African-American, Latino, Asian, Native American, disabled and transit-dependent populations. Seven of the EJTF members shall be selected to represent the counties in the region (one per county). Three additional members shall be chosen to represent the largest city in the region; three more shall be chosen to represent the three next-largest cities in the region (one per city); and one shall be chosen from the remainder of the region. The fifteenth member shall be selected as an at-large regional representative. The Task Force will meet as appropriate and necessary, usually on a quarterly basis. All meetings will be held in locations that are physically accessible to persons with disabilities and served by public transportation. All meetings will be publicly announced, including advertising as appropriate in specialized media for Environmental Justice populations. All meetings will be open to the public. All meetings will include a reasonable opportunity for public comment. After two years, the impact of the EJ Task Force should be evaluated by the Task Force and the Commission in terms of process (the extent to which public involvement of low-income, minority, and disabled groups has been enhanced) and outcomes (the extent to which regional plans and planning processes balance the benefits and burdens of decisions, particularly as related to the interests of low-income, minority and disabled groups). The evaluation should include measures to determine the degree to which Task Force recommendations have been adopted or otherwise acted upon by the Commission and the extent to which those recommendations have been implemented in practice.

### ***Document Availability***

All Commission draft proposed preliminary plans will be available for public review at the Commission offices, and will be available on the Commission website. Copies of draft proposed preliminary plans will be available upon request. Draft proposed preliminary regional plans will be summarized in newsletters which will be widely distributed and available upon request.

All Commission published final plans and documents are provided to all public libraries within southeastern Wisconsin and will also be available for public review at the Commission offices. Published plans and documents may be obtained from the Commission. A charge may be levied for copies of publications to cover the approximate cost of producing and, if applicable, mailing the publication. In addition, Commission final plans and documents will be available on the Commission website.

### ***Outreach***

Beyond Commission efforts to notify and inform, and obtain input from, the general public, the Commission will seek opportunities to notify and inform, and obtain input from, those most likely to be impacted by transportation proposals. The Commission will, for example, contact community groups of an affected and concerned area, and offer briefings and presentations to those groups at meetings held expressly for that purpose or during regularly scheduled meetings of those groups. Outreach contacts and materials will be done in user-friendly, lay language. Outreach efforts will also particularly be made to notify and inform, and obtain input from, low-income and minority populations. Elected officials and citizen leaders may be offered such briefings and presentations as well. Briefings and presentations will be offered during two periods in each study—in the early stages of study prior to the consideration of alternatives, and later in the study after alternatives have been developed and evaluated. The Commission

will also use in regional land use and transportation planning efforts other means to obtain public involvement and input, including for example, focus groups, small group techniques, visioning, or brainstorming, and obtaining participation and input at non-traditional meeting places and events, such as fairs, festivals and others.

### ***Mailing List***

The Commission will maintain a regional listing of individuals, groups, agencies, and organizations that have expressed interest in receiving information regarding Commission activities. This mailing list will include all organizations and media associated with minority and low-income populations. Newsletters prepared for Commission transportation planning studies will utilize this mailing list.

### ***Website***

The Commission will maintain a website. The website will include general information about the Commission as well as more detailed information regarding regional transportation planning and programming activities. A portion of the website will be dedicated to public participation, highlighting how the public can obtain additional information regarding Commission planning efforts, including methods of contacting Commission staff other than through the website. The website will also include this public participation plan document.

The website will provide comprehensive information about each Commission regional and subregional transportation planning and programming effort underway. The information provided for each planning and programming effort will include:

- background information, including the purpose of the effort;
- notification of meetings, including Advisory Committee, Environmental Justice Task Force, and public meetings, and also Commission meetings addressing initiation or adoption of a regional transportation plan;
- Advisory Committee and Environmental Justice Task Force meeting materials such as agendas, minutes, and presentation materials;
- summary materials such as newsletters and brochures;
- draft sections of reports;
- contact information for Commissioners and Commission staff;
- a means to submit comments regarding the planning or programming effort; and
- records of public comments.

### ***Public Meetings***

Public meetings provide opportunities to obtain public comment and input, as well as to notify and inform the public about transportation planning and programming. Public meetings will typically utilize a variety of techniques to provide information about transportation planning and programming, including the distribution of materials, the use of visual displays, the availability of Commission staff to answer questions, and summary presentations by Commission staff. Study Advisory Committee members and SEWRPC Commissioners will be encouraged to attend and participate. Public meetings will also use a variety of techniques to obtain public comment. All meetings will include the opportunity for written comment and to provide comments one-on-one to Commission staff. Some meetings may include question and answer sessions. Some meetings -- specifically including those at which alternative plans and a preliminary recommended plan are being presented -- will also include the opportunity to offer oral comment formally. Oral comment will either be taken in a town hall format or one-on-one with a court reporter, or sometimes both, if suitable facilities are available at meeting locations. Annually, at least one public meeting would be held whether for a major or routine regional transportation plan update, transportation improvement program preparation, or other major regional or sub-regional study. At these meetings, the regional transportation plan will be available for review and comment.

During the conduct of major regional transportation plan updates—anticipated to occur about every 10 years—and during other major regional studies, at least two series of meetings will be held. One series would be held early in the study and may be expected to address topics such as study scope and inventory findings, and may also describe potential alternatives to be considered. The second series of meetings will be held later in the study, with alternatives considered being presented for review and comment, and potentially a preliminary recommended plan as well.

During the conduct of a routine regional transportation plan review and reaffirmation—anticipated to occur about every three or four years—and during the conduct of subregional studies, one meeting may be held. The meeting will be held when alternatives considered may be presented for review and comment, and potentially when a preliminary recommended plan may be presented as well.

During the preparation of the transportation improvement program, a public meeting will be held. In the event of an amendment to the transportation improvement program – adding or deleting a transportation capacity expansion project, adding or deleting a project of more than \$3 million in construction costs, or a significant change in project scope, cost, or timing -- appropriate opportunity for public review and comment will be provided.

In all cases, the number and locations of public meetings will be tailored to each transportation planning and programming study. For example, it may be appropriate to hold public meetings in each county of the Region for a major regional planning study. The Commission will attempt to select locations that are accessible to minority and low-income populations, and the selection of locations for public meetings and hearings will take into consideration the potential availability of transit-accessible locations. In all cases, meetings and hearings will be held in venues that substantially comply with the Americans with Disabilities Act of 1990.

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

The Commission will place paid advertisements in newspapers appropriate for the study area and meeting locations, with the amount and timing of the advertisements to be determined based upon the individual planning or programming effort. Paid advertisements will also be placed in newspapers serving minority and low-income populations. Advertisements providing notification of public meetings will be published at least five to 10 business days prior to the first meeting date announced. Additionally, press releases announcing the public meetings may be distributed for an area appropriate to each planning or programming effort. Any notification of meetings will request that persons with special needs contact the Commission a minimum of three business days in advance of the meeting they wish to attend so that appropriate arrangements can be made.

Notification of public meetings may also be accomplished through the development and distribution of summary materials—brochures and newsletters. A summary publication or “brochure” will be developed for each study, and may be updated during the course of the study as appropriate. A newsletter—or series of newsletters depending upon the planning study—will also be developed and may serve this summary purpose. The summary materials will provide general information regarding the study; updates on study progress, findings, and recommendations; and information regarding upcoming public meetings and hearings. These materials will be used to inform the general public and distributed to media representatives along with press releases. Brochures and public meeting notices and to the extent possible newsletters, will be prepared in user-friendly lay language.

### ***Media List***

The Commission will maintain and use a list of significant media outlets in the Region—including minority media outlets—for use in distributing materials such as news releases and newsletters as appropriate for each work effort.

### ***Commission Briefings***

Commission staff will provide briefings or presentations upon request from units of government, and interested groups and individuals.

### ***Obtaining Public Input***

The public will be encouraged to contribute to the transportation planning and programming efforts and opportunities will be available to facilitate participation.

### ***Public Meetings***

As previously noted, public meetings provide opportunities to notify and inform the public about planning and programming and to obtain public input. Meeting attendees will be provided with opportunities to provide written comments and oral comments in a town hall format or to a court reporter. At some public meetings, where facilities would permit, both oral comment to a court reporter and in a town hall format will be available. The comments received by the Commission at public meetings—written and oral comments—will be recorded for consideration prior to preparing the final recommendation of the plan or program under consideration. The public meetings will be scheduled during a formal public comment period as discussed below. As was previously discussed, at least two series of meetings will be held during the conduct of major regional transportation plan updates and during other major regional studies. Additionally, one meeting may be held during the conduct of a routine regional transportation plan review and reaffirmation, and during the conduct of other subregional studies.

### ***Public Comment Periods***

Formal public comment periods will be established for regional transportation planning and programming efforts. Minimum comment periods will be as follows: 30 days for the update or amendment of the regional transportation plan, adoption of the transportation improvement program, amendment of the transportation improvement program (when such amendment requires amendment of the regional transportation plan), adoption of a transit system development plan, and adoption of a jurisdictional highway system plan; and 45 days for the adoption of the public involvement process. As previously indicated, a public meeting will be conducted for some of these planning efforts—regional plan update and other major regional and subregional studies—and will be scheduled during this formal comment period. The public will be notified of the duration of the formal comment period in conjunction with the announcement of a public meeting, or in a manner similar to that announcing a public meeting. Should it be determined by the Commission or one of its Advisory Committees guiding the effort that a public meeting will be held for a planning or programming effort other than those previously listed, a formal public comment period of at least 30 days will be established.

### ***Website***

The Commission's website will provide a means for website visitors to provide comments to Commission staff. Plan and program specific portions of the website will be established to receive comments regarding specific plans and programs, and a means will also be provided for visitors to submit comments pertaining to any Commission-related issue.

### ***Commission Outreach and Briefings***

As previously indicated, Commission staff will conduct outreach to low-income and minority populations and provide briefings to interested groups, local governmental agencies, elected officials, and individuals upon request. The objective of this outreach and briefings is to obtain public input on background issues and on the planning effort.

### ***Meetings of Commission and its Committees***

Meetings of the Commission and its Advisory Committees will be open to the public. Numerous opportunities for submitting public comment for consideration by the Commission and advisory committees—including written comments, oral comments at public meetings, comments received through

the Commission website, comments received through outreach activities, and other means—will be documented as described below and will be provided to the Commission and advisory committees, and is intended as the primary source of comment, to the Commission and advisory committees. The Commission’s Planning and Research Committee and the Commission’s Advisory Committees on Regional Land Use and Transportation Planning will also include in their meetings a short period (up to 15 minutes) of public comment with the time allowed for each speaker to be divided between the registered speakers, but limited to a maximum of three minutes each.

### **Incorporation of Public Input**

The results of the public participation process will be documented and taken into account by the Commission and its Advisory Committees guiding regional transportation planning and programming.

### ***Documentation of Public Input***

The results of each public participation process will be documented and published. The documentation of public comment will be provided to the study Advisory Committee and the Commission and will be published on the Commission website and available at the Commission offices for review by the public. The documentation may be contained within the primary plan or program document being produced or within a separate, additional document. If a separate document—other than the primary planning or programming document—is produced to provide the full record of public comments, the primary planning or programming document will contain a summary of the public comment. Responses to public comments will also be documented, addressing each issue raised in public comments, and will be included in the primary planning or programming document being produced. The summarization and documentation will occur prior to the consideration of any final recommended action.

### ***Consideration of Public Input***

The public input will be considered by the Commission and its Advisory Committees prior to determination of final recommended plans or programs.

### ***Supplemental Opportunity for Public Review and Comment***

Final recommended plans and programs are typically very similar to the preliminary plans and programs reviewed by the public. Normally, when changes are made following review of preliminary plans and programs, the changes are not significant, and the changes are made to respond to public comment. Also, when changes are made, they often reflect alternatives previously considered and reviewed during the public involvement process. Therefore, no additional public involvement is typically necessary following the completion of the planned public involvement process. However, it is possible that significant changes that were not previously available for public review and comment may be made to a preliminary plan or program following the completion of a public involvement process. In such a circumstance, either the Commission or Advisory Committee may direct what additional public notification and opportunity for public comment may be provided regarding the revised plan or program prior to adoption.

### **Evaluation of Public Participation**

The effectiveness of the Commission’s public participation policies and practices will be monitored and evaluated, and modified as needed based on experience. The Commission will continue to seek improvements to its public participation processes when possible.

### ***Evaluation of Individual Public Participation Efforts***

Following the conclusion of each planning and programming effort, Commission staff will complete an evaluation of the public participation process for that particular effort. The evaluation will be reviewed by the Advisory Committee guiding the planning and programming effort. The evaluation will indicate the effort being evaluated, the Commission publications where the effort is documented, the public involvement techniques used with brief evaluations of those techniques, and conclusions regarding the overall public involvement effort undertaken for the specific planning or programming study. The

evaluation will also identify how public involvement and input shaped the planning effort and final plan, and explain the public comment incorporated, and not incorporated, in the final plan. The Commission staff will consider any comments that were made during the plan or program preparation effort regarding public involvement when completing such an evaluation. Each evaluation completed by the Commission will be provided to the Wisconsin Department of Transportation and the U.S. Department of Transportation in the Commission's Project Activity Report, in which the Commission reports on the progress of the Commission's transportation work program every six months.

### ***Modification of Public Participation Efforts***

While the Commission's evaluation of public participation efforts will occur after the completion of each regional or subregional planning effort, Commission staff will modify ongoing public participation while a planning effort is underway, as necessary and practicable. The Commission will in particular consider public comments made regarding the public participation efforts underway when considering any potential modification.

### ***Consideration of Public Participation Plan Document***

The Commission will periodically review this public participation plan document, considering the evaluations of public participation following completed studies, public comment regarding public participation efforts, and new applicable regulations and guidance. Should the Commission determine that a substantial modification of this public participation plan document is in order, the Commission will review and revise this public participation plan document, including a 45 day public comment period, prior to its update.

### ***Engaging Minority and Low Income Populations***

The recommended public participation plan seeks to encourage the participation from all concerned and interested persons in the Region, but there is a recognized need to take additional specific steps to engage minority and low-income populations in transportation planning and programming studies. The Environmental Justice Task Force is one additional step taken by the Commission. The Commission is committed to complying with both Title VI of the Civil Rights Act of 1964 and Executive Order 12898, concerning Environmental Justice, including as they relate to public involvement in the Commission's transportation planning and programming efforts. The Commission routinely maintains demographic data that allows for the identification of the general size and location of low-income and minority populations. The Commission has taken steps to increase planning process participation by minority and low-income populations, and to remove any barriers to their involvement. The Commission will continue working to improve its techniques, and to seek out and consider the needs of these populations.

The amount and type of efforts undertaken by the Commission to encourage increased participation by minority and low-income populations will be determined for each individual planning effort, with factors affecting which techniques will be applied, and to what extent. These factors include the following:

- The population that may potentially be affected as a result of the planning or programming process. The results of a regional study could potentially affect the entire population of the Region, but other studies may include only a single municipality.
- The potential benefits and impacts of the plan or program to be considered - what effects a plan or program may have on the population of the study area.

While Title VI and Environmental Justice will be considerations under any planning or programming effort, the measures taken will vary by planning effort due to the considerations noted above. The following are steps that the Commission has taken in the past, and will continue to use to encourage early and continuous participation of minority and low-income populations:

- Environmental Justice Task Force The Commission will involve the Environmental Justice Task Force in each major planning effort, seeking input on scope, alternatives, potential costs, benefits and impacts, and public involvement.
- Commission Outreach The Commission will actively conduct outreach to provide information to, and receive comments from, minority and low-income groups or organizations. The Commission will maintain a list of minority and low-income groups for this outreach.
- Public Meetings The number and location of public meetings will be selected to encourage participation of low-income and minority populations.
- Media List The list of media contacts in the Region to be used for purposes such as the distribution of news releases and newsletters will include minority media outlets.
- Newsletters Study newsletters will be mailed to all groups and organizations associated with minority and low-income populations.
- Notices in Additional Publications Paid advertisements will be placed in newspapers appropriate for the study area for formal notification of public meetings and comment periods, and will also be placed in minority community newspapers—and possibly in languages other than English as discussed below.
- Non-traditional Means or Strategies to Engage Involvement Particularly those means demonstrated to have provided successful results elsewhere and/or which have been requested by the minority and low-income populations themselves will be considered and used.
- Limited English Proficiency Considerations The Commission will also consider actions appropriate to each study effort to ensure that meaningful access is provided for persons having limited English proficiency. These measures include placing notifications of public meetings in minority publications in the Region’s predominant non-English languages. At public meetings, the Commission will have a translator available upon request. Summary materials, particularly those relating to alternative, preliminary, and final plans will be produced in the Region’s predominant non-English languages. The Commission will also contact leaders of the predominant limited English proficiency communities during studies to determine how best to inform, and obtain input from, their communities. These measures are provided to illustrate the types of activities that may be implemented by the Commission.

**Compliance with the Americans with Disabilities Act**

The Commission is also committed to complying with the Americans with Disabilities Act of 1990 (ADA), including as it relates to public involvement in its transportation planning and programming efforts. Measures will be taken to ensure that persons with special needs have opportunities to be involved in the Commission’s planning and programming studies. The Commission will take steps including, for example, that all Commission public meetings will be held in venues that are ADA compliant. The Commission offices will also be ADA compliant to ensure that persons with special needs could attend a meeting at the Commission offices or to conduct any other Commission-related business at the Commission offices. Additionally, the Commission will respond to requests to address special needs, and will arrange to accommodate those needs. As stated earlier in this document, all public notices and advertisements of public meetings will indicate that persons with special needs should contact the Commission offices to allow for arrangements to be made prior to the meeting date, as well as contact information.

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