



**Public Participation Plan**  
Adopted May 23, 2007

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## INTRODUCTION

The Madera County Transportation Commission (MCTC) is committed to public involvement in transportation planning activities. MCTC encourages public input in the planning process to ensure that the community's needs are met. Engaging the public early and often in the process of planning and decision making is critical to the success of any transportation plan or program.

The goal of MCTC's Public Participation Plan is to ensure continuous public notification and participation in major actions and decisions by the MCTC Policy Board. This report will establish a baseline for the communication policies and procedures, ensuring that the public is well informed during the decision making process. The Public Participation Plan will include goals, objectives and the corresponding methods to successfully reach all communities, including those that are traditionally underserved within the county. The elements in this plan will be based on the premise that education and awareness are critical in the transportation planning process.

The Public Participation Plan elements shall be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuous involvement. The elements will be built around the following Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) principles<sup>1</sup>:

1. Early and continuing public involvement opportunities throughout the transportation planning and programming process;
2. Timely information about transportation issues and processes to citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, other interested parties and segments of the community affected by transportation plans, programs, and projects;
3. Reasonable public access to technical and policy information used in the development of the plan and State Transportation Improvement Program (STIP);
4. Adequate public notice of public involvement activities and time for public review and comment at key decision points, including but not limited to action on the plan and STIP;
5. A process for demonstration explicit consideration and response to public input during the planning and program development process;
6. A process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households which may face challenges accessing employment and other amenities;
7. Periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all and revision of the process as necessary.

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<sup>1</sup> Title 23 Code of Federal Regulations Part 450.212 Public Involvement

## **BACKGROUND**

The Madera County Transportation Commission (MCTC) is the Regional Comprehensive Planning Agency, Regional Transportation Planning Agency (RTPA), Metropolitan Planning Organization (MPO) and Local Transportation Commission for Madera County. Major responsibilities of MCTC include the development and adoption of the Regional Transportation Plan (RTP), Regional Transportation Improvement Program (RTIP), and other environmental review documents related to transportation and required by state and Federal law. These documents provide a framework for project development and deployment within the region. The RTP in particular, is the regional long-range plan for federally funded transportation projects and serves as a comprehensive, coordinated transportation plan for all governmental jurisdictions within Madera County.

Beginning in July of 2003, MCTC assumed the newly designated role of MPO for Madera County. An MPO is the local decision making body that is responsible for carrying out the metropolitan transportation planning process and must be designated for each urban area with a population of more than 50,000 people. A Federal Register Notice regarding Qualifying Urban Areas for Census 2000 was published on May 1, 2002, listing 76 newly qualified urban areas for 2000 that were not part of an urban area in 1990. The City of Madera is among the new urban areas, with an urban population of 58,027 within the new urban boundary established by the Census Bureau. The Madera metropolitan boundary area shall cover the entire county of Madera.

The MPO's role in the transportation planning process is to foster intergovernmental coordination, undertake comprehensive regional planning with an emphasis on transportation issues, provide a forum for citizen input into the planning process, and to provide technical services to its member agencies.

In order to accomplish the objectives and responsibilities of a comprehensive transportation program, MCTC has established working relationships with a number of state, regional, and local agencies. Memoranda of Understanding (MOU) with these agencies provide a framework for the planning process, which ultimately result in the delivery of safe, efficient, and environmentally sensitive transportation projects.

In conjunction with a coordinated agency effort, the inclusion of public input is necessary. MPOs are required to solicit public input and the methods for participation shall be documented in the Public Participation Plan. This plan shall develop protocols to ensure active public participation in the development of all transportation planning activities.

## **REGULATORY SETTING**

Regulations governing public involvement are the crux of MCTC's Public Participation Plan. MCTC will strive to meet and in select instances exceed these requirements to best serve the community's rights and needs.

### **Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)**

On August 10, 2005, the President signed into law the **Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)**. With guaranteed funding for highways, highway safety, and public transportation totaling \$244.1 billion, SAFETEA-LU represents the largest surface transportation investment in our Nation's history. The two landmark bills that brought surface transportation into the 21<sup>st</sup> century—the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21)—shaped the highway program to meet the Nation's changing transportation needs. SAFETEA-LU builds on this firm foundation, supplying the funds and refining the programmatic framework for investments needed to maintain and grow our vital transportation infrastructure.

SAFETEA-LU addresses the many challenges facing our transportation system today – challenges such as improving safety, reducing traffic congestion, improving efficiency in freight movement, increasing intermodal connectivity, and protecting the environment – as well as laying the groundwork for addressing future challenges. SAFETEA-LU promotes more efficient and effective Federal surface transportation programs by focusing on transportation issues of national significance, while giving State and local transportation decision makers more flexibility for solving transportation problems in their communities.

### **The Ralph M. Brown Act (Government Code sections 54950-54962)**

The Ralph M. Brown Act governs meetings and actions of governing board members of local public agencies and their created bodies. Requirements of the Brown Act also apply to any committee or other subsidiary body of a local agency, whether permanent or temporary, decision-making or advisory, which is created by such a governing board.

The Brown Act sets minimum standards for open meetings relative to access to public, reasonable regulations ensuring the public's right to address the agency, including regulations to limit the amount of time allocated for public testimony.

The Brown Act requires the MCTC Board to conduct its business in meetings open to the public and allows boards to meet in private to discuss such issues as personnel, litigation, and labor negotiations. Time constraints for unscheduled comments may be limited to three minutes; however MCTC encourages citizens to provide written copies of their presentation to the Board if

the statement is longer than the allotted time. If citizens are unable to attend a meeting in person, relevant written comments submitted to staff will be presented to the respective governing body.

## **Americans with Disabilities Act**

The Americans with Disabilities Act of 1990 (ADA) requires involving the community, particularly those with disabilities, in the development and improvement of public services and capital facilities. Meetings and hearings must be held in ADA compliant buildings. Special accommodations must be made to assist those with disabilities to participate in meetings, planning, and programming activities.

## **Environmental Justice**

The goal of Environmental Justice is to ensure that all individuals, regardless of race, ethnicity, national origin or income are protected from disproportionate negative impacts and are given an equal distribution of benefits.

Title VI of the 1964 Civil Rights Act and Executive Order 12898 are the principle legal underpinnings for environmental justice. Title VI states that “No person . . . shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Title VI prohibits recipients of Federal funds from actions that reflect “intentional discrimination” or that exhibit “adverse disparate impact discrimination” on the basis of race, ethnicity or national origin. Later statutes prohibit discrimination on the basis of sex, religion, or disability.

In 1994, President Clinton signed Executive Order 12898 requiring that federal agencies shall, to the greatest extent of the law, carry out their activities, programs, and policies in a way that avoids disproportionately high and adverse health and environmental impacts on low-income and minority populations. E.O. 12898 thus applies to a wider population than does Title VI, which did not include low-income non-minority populations.

In terms of transportation planning, environmental justice ensures that under served communities participate in the planning and decision-making process for transportation projects and that their concerns are incorporated into plans and policies that will better serve all its users. Transportation Planning Agencies must plan against disproportionate negative impacts on low income and minority communities and must ensure an equal distribution of transportation benefits.

The Federal Highway Administration articulates three fundamental environmental justice principles:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision making process;

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

## GOALS, OBJECTIVES AND POLICIES

The effectiveness of any program and policy plan depends upon its success in meeting the expectations of the public. Further, plans and programs need to be reassessed periodically to determine if the public's evolving needs and expectations are adequately provided for through the plan. In order to ensure that this occurs, the public must be kept informed of activities and must be given a meaningful opportunity to participate in the development and review of public policy. Thus it is important to have an ongoing program to involve citizens through the use of advisory committees, public workshops, press releases, and other public outreach activities.

### Public Participation Goal

The public involvement process for transportation planning shall provide complete information, timely public notice, and full access to key decisions; and shall support early and continuing involvement of the public. Such federal legislation has placed an increased emphasis upon effective community involvement and MCTC continues its efforts to explore ways to reach a larger audience to provide information, develop public awareness, and to facilitate an enhanced level of public involvement in the decision making process.

#### **A. Objective 1: Public Access** – The public shall be provided timely notice and reasonable access to information about transportation issues and processes.

**Policy 1.1** MCTC plans and documents shall be made available for the public to review at the MCTC office as well as on the MCTC web site. Copies of the Regional Transportation Plan (RTP) shall be distributed to all public libraries in Madera County, local planning departments, and other participating agencies and through the Technical Advisory Committee.

**Policy 1.2** Notice and agendas of MCTC Board and Committee meetings shall be available to the public 72 hours before they occur, except in cases of emergency meetings when 24 hours is allowed under The Brown Act. Agendas and Minutes will be placed on the MCTC website at: [www.maderactc.org](http://www.maderactc.org).

**Policy 1.3** MCTC shall provide reasonable access to technical and policy information used in the development of plans, the Regional Transportation Plan, and the Transportation Improvement Programs.

**Policy 1.4** In compliance with the Americans with Disabilities Act, individuals needing special accommodations to participate in meetings should contact MCTC at least three working days prior to the scheduled meeting.

**Policy 1.5** Meetings and workshops of the MCTC Board and its advisory committees shall be held in ADA-compliant venues. Further accommodations will be evaluated upon request.

**Policy 1.6** Meetings and workshops of the MCTC Board and its advisory committees are open to the public, except as allowed by The Brown Act.

**B. Objective 2: Public Outreach** – Opportunities shall be created for all segments of the public to learn and become informed about issues and proposals under consideration by MCTC, particularly those communities which may be directly affected by the outcome.

**Policy 2.1** Information pertaining to the adoption, revision, or amendment of all MCTC plans and transportation project priorities shall be available 72 hours prior to the date of the final action, unless in the course of an emergency meeting as allowed under The Brown Act.

**Policy 2.2** MCTC shall inform the public about issues and proposals under consideration through public notices, workshops, the “Go Madera” newsletter, website, or other appropriate means, during the development of transportation plans, program, studies, and projects for which MCTC is responsible.

**Policy 2.3** MCTC shall annually review the Public Participation Plan in terms of effectiveness in soliciting broad-based public input and inclusiveness of transportation stakeholders and traditionally underserved groups.

**Policy 2.4** Madera County contains significant Hispanic and Spanish-speaking populations. MCTC will continue to outreach to those communities through appropriate available media that serves minority communities.

**Policy 2.5** MCTC is aware that Native American outreach differs from traditional public outreach. Native American Tribes are sovereign nations with governments that have jurisdiction over specific territories and individuals and therefore, must be involved on a government-to-government basis. Tribal governments must be formally notified of agency actions and proposals and should be given the same courtesies and opportunities for participation and review that are given to other governmental entities. It is not enough to simply inform tribal governments at the end of the planning process, but rather they should be included from the initial stages of development. Such “consultations” shall be arranged when necessary.

**C. Objective 3: Public Input** – Consideration of public input shall be an integral part of MCTC decision-making process.

**Policy 3.1** MCTC shall provide all significant public comments pertaining to the plans and projects for which MCTC is responsible to the Board prior to any action being taken.

**Policy 3.2** MCTC shall provide an opportunity for the public to comment during the MCTC Policy Board meeting.

## **PUBLIC NOTIFICATION AND PARTICIPATION PROCEDURES**

A variety of public notification and participation procedures will be used to encourage the early and continuous involvement of citizens, jurisdictions, communities, and other interests in the planning process as well as the decisions and actions. They will include, but are not limited to, the following:

### **Meetings**

MCTC Board meetings are generally held on the third Wednesday of each month. The meetings are held at 3:00 pm in the City of Madera Council Chambers, located at 200 West Fourth Street, Madera, California. A public comment period is always available at the beginning of each meeting. All MCTC Board meetings are open to the public.

#### **A. Agendas**

MCTC Board agendas will be posted at least 72 hours before regular meetings or 24 hours before special meetings. The agendas will be posted at the following locations to the extent possible:

1. Madera County Transportation Commission entrance, located at 1816 Howard Road, Suite 8, Madera, California, as well as the Madera County Board of Supervisors Chambers
2. Agendas shall be made available by regular mail to all upon request
3. Agenda shall be posted on the MCTC website at [www.maderactc.org](http://www.maderactc.org)
4. Agendas will also be sent to local media outlets

#### **B. Public Notices**

Public notices will be used to inform the general public and media of workshops and public hearings, as appropriate.

#### **C. Public Hearings**

MCTC shall hold or sponsor public hearings or public meetings whenever appropriate or in accordance with applicable statutory requirements. The criteria shall include whether there is substantial controversy concerning the proposed action, substantial interest in holding the hearing, or a request for a hearing by another agency with jurisdiction over the action.

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1. Public hearings are held prior to the MCTC Policy Board's actions to present and solicit information from the public regarding transportation issues. This can be a formal means to gather citizen comments and positions from all interested parties for the public record and as an input into the decision making process.
2. SAFETEA-LU and state law requires public hearings for the adoption of major plans and programs such as the Federal Transportation Improvement Program, Regional Transportation Plan, Unmet Transit Needs, and air quality conformity determinations.
3. Unless otherwise required by statute, MCTC will publish one public notice in a general circulation newspaper citing the time, date, and place of the hearing at least ten days in advance of that hearing. That notice will instruct individuals needing special accommodations to contact MCTC at least three working days prior to the scheduled meeting.
4. Public Hearings will be held in facilities that are accessible to people with disabilities.
5. MCTC will accept written comments from the public during the period between the notice and the hearing date. These comments will be considered part of the public record.
6. Staff will accept questions and provide clarification on issues raised by the public.
7. Certain plans and programs will include the required review periods noted below. This specific review period will allow agencies involved in the consultation process and the public to submit written comments to the draft document and supporting material. MCTC acknowledges that there may be other plans and programs not listed below for which a specified review and comment period is appropriate:
  - i. Regional Transportation Plan and . . . . . 30 days  
Conformity determinations for the RTP
  - ii. Federal Transportation Improvement Program . . . . 30 days  
and Conformity determinations for the FTIP
  - iii. Transportation Plan and FTIP amendments . . . . . 14 days
  - iv. Transportation Plan and FTIP amendments that . . . . 7 days  
only add or delete exempt projects
  - v. Air Quality Conformity Determinations . . . . . 30 days
  - vi. Unmet Transit Needs Hearing . . . . . 30 days
  - vii. Public Participation Policy . . . . . 45 days
  - viii. Disadvantaged Business Enterprise Program . . . . . 45 days

## Publications

The Brown Act requires that written materials provided to the MCTC Board be made available to the public upon request. All materials are available for viewing at the MCTC office or on the MCTC website.

## **A. Reports**

1. Copies of the draft and final reports will be made available to member agencies as well as the public. The first copy will be free; additional copies may require a nominal fee to offset copying costs.
2. These reports can include but are not limited to the: Regional Transportation Plan, Federal Transportation Improvement Plan, the Public Participation Plan, the Regional Bicycle Plan, etc.

## **B. Newsletters**

1. MCTC produces and publishes a regular newsletter, “Go Madera” that is distributed to stakeholders, elected and public officials, and members at large. MCTC will make copies available to anyone interested. Both printed and electronic copies are available, with the electronic copies either sent directly to a subscriber’s email address or downloaded from the website. Those who wish to be added to the mailing list should contact MCTC staff or visit the website ([www.maderactc.org](http://www.maderactc.org)) and subscribe online.
2. The newsletter provides up to date and current information on projects, meetings and important dates.

## **Other Public Notification and Participation Efforts**

### **A. Website**

MCTC maintains a website ([www.maderactc.org](http://www.maderactc.org)) that is targeted to a wide range of audiences ranging from transit riders seeking bus schedules to transportation professionals, elected officials, and news media seeking information on particular programs, projects and public meetings.

The site provides information about MCTC’s projects and programs, the agency’s structure and governing body, local transportation sales tax information, and upcoming meetings and workshops. It contains the names, email addresses, and phone numbers for staff, MCTC’s current planning documents, newsletters, and air quality information.

### **B. Public Speaking**

MCTC staff welcomes opportunities to speak before public groups, school groups, and interested organizations to provide transportation information on a regional basis.

## EVALUATION AND MONITORING

In order to regularly evaluate the Public Involvement Program, five performance measures are identified.

1. The **accessibility** of the outreach process to serve diverse geographic, language, and ability needs.
2. The extent or **reach** of the process in involving and informing as many members of the public as possible.
3. The **diversity** of participants in the outreach process and its ability to reflect the broad range of ethnicities, incomes, and special needs of Madera County residents.
4. The **impact** of public outreach and involvement on the plan/program and on Policy Board actions.
5. The **satisfaction** with the outreach process expressed by participants.

For each of these five performance measures there is a set of quantifiable indicators, which will be applied as appropriate to plans/programs.

### 1. Accessibility Indicators:

- Meetings are reasonably accessible by transit.
- Meetings are accessible under the requirements of the American with Disabilities Act.
- Meetings will be linguistically accessible to participants on a project by project basis.

### 2. Reach Indicators:

- Number of comments logged during the comment process and review period.
- Number of individuals actively participating in outreach program.

### 3. Diversity Indicators:

- Demographics of targeted individuals and organizational workshops.
- Percentage of targeted organizations and groups participating in at least one workshop.
- Participants represent a cross-section of people of various interests, places of residences, and primary modes of travel.

### 4. Impact Indicators:

- Significant written comments received will be logged, analyzed, summarized, and communicated in time for consideration by staff and the Policy Board.

**5. Participant Satisfaction: *(This information would be obtained via written surveys available at workshops and public meetings)***

- Accessibility to meeting locations.
- Materials presented in appropriate languages for targeted audiences and upon request.
- Adequate notice of the meetings provided.
- Sufficient opportunity to comment.
- Educational value of presentations and materials.
- Clear information at an appropriate level of detail.
- Clear understanding of items that are established policy versus those that are open to public influence.
- Quality of the discussion.
- Responsiveness to comments received.

## **COMMITTEES**

The Madera County Transportation Commission is organized into a Board of Directors supported by the Transportation Policy Committee and the Technical Advisory Committee. MCTC staff includes an Executive Director, three Transportation Planners, and one Administrative Assistant. There is currently one standing committee -- the Social Services Transportation Advisory Council (SSTAC), which reports through the Technical Advisory Committee. The relationship between the Board, its staff, and the committees is illustrated below.

### **Policy Board**

Policy decisions are made by the Madera County Transportation Commission Policy Board. The Commission Board of Directors is comprised of three (3) members from the Madera County Board of Supervisors, two (2) members from the Madera City Council, and one (1) member from the Chowchilla City Council.

The Transportation Policy Committee has the same membership as the Board with the addition of one (1) person representing the Caltrans District 06 Director. This committee reviews transportation plans and programs prior to action by MCTC, with particular emphasis on compliance with applicable state and federal planning and programming requirements. Both Board meetings are open to the public with time allocated at the beginning of each meeting for public comments not on the agenda.

### **Technical Advisory Committee (TAC)**

The Technical Advisory Committee (TAC) provides technical advice and recommendations to the MCTC Policy Board on transportation issues affecting the region. The TAC includes the Madera County Road Commissioner, Madera County Planning Director, City of Madera Engineer, City of Madera Planning Director, City of Chowchilla Administrator, and one representative from

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Caltrans District 06. The TAC reviews staff work conducted pursuant to the Overall Work Program, advises MCTC and Transportation Policy Committee on transportation issues, and makes recommendations on planning and programming actions to be taken by MCTC. The TAC also serves as a forum to exchange transportation related information among member agencies and the public. All TAC meetings are open to the public and provide an opportune time for the public to access technical and policy information used in the development of plans and projects.

### **Social Services Transportation Advisory Council (SSTAC)**

In accordance with state law, the Madera County Transportation Commission has established a citizen advisory group known as the SSTAC to aid in its review of transit issues with emphasis on the annual identification of unmet transit needs within Madera County. The Social Services Transportation Advisory Council serves as a citizen advisory committee to MCTC on matters related to public transportation needs of Madera County residents. The SSTAC generally has three meetings each year.

The first meeting is held in March prior to the “unmet transit needs” public hearing. This initial meeting is used to familiarize the members with their role as advisors to MCTC and to select Council officers. The second meeting is scheduled following the “unmet transit needs” hearing to provide the Council with an opportunity to consider commentary presented at the hearing. The Council works with staff to develop recommendations for MCTC towards finding that public transportation needs that are reasonable to meet are being met. This includes the needs of transit dependent and transit disadvantaged persons, including the elderly, disabled, and persons of limited means. All SSTAC meetings are open to the public. Citizens can request to be placed on the mailing list to receive committee agendas.