

DRAFT PUBLIC INVOLVEMENT POLICY UPDATE – *Early Public Review Draft*
January – February 2008

BACKGROUND

The Oregon Transportation Commission (OTC) and the Oregon Department of Transportation (ODOT) are dedicated to the goals of developing an integrated, balanced multimodal transportation system that improves safety; moves people, goods, and services safely and efficiently throughout the state; and improves Oregon's livability and economic prosperity. Achieving these goals requires a unified transportation system plan that considers all modes of Oregon's transportation system as a single system.

In pursuit of these goals, ODOT has made a substantial commitment to system wide planning and research. It is through this system wide planning effort that future transportation needs will be met most effectively and efficiently. The products of this planning effort are the statewide long-range transportation plan (the Oregon Transportation Plan and its modal/topic and facility plans) and the Statewide Transportation Improvement Program (STIP).

The Oregon Transportation Plan (OTP), the state's long-range multimodal transportation plan is the overarching policy document among a series of plans that together form the state transportation system plan. The OTP considers all modes of Oregon's transportation system as a single system and addresses the future needs of Oregon's airports, bicycle and pedestrian facilities, highways and roadways, pipelines, ports and waterway facilities, public transportation, and railroads through 2030. The Statewide Transportation Improvement Program, (the STIP), is Oregon's four-year transportation capital improvement program, and includes a prioritized listing/program of projects that identify the funding for, and scheduling of, transportation projects and programs. The STIP is consistent with the OTP, metropolitan transportation plans, and required projects to be eligible for funding under title 23 U.S.C. and title 29 U.S.C chapter 53.

GOALS

The OTC establishes the following policy and procedures to assist in meeting Federal and State public participation requirements in carrying out the statewide transportation planning processes, and intends to provide:

- a) Statewide consistency for public involvement processes,
- b) Improved coordination in the development and major revisions of the long-range statewide multimodal transportation plans and the STIP, and
- c) Advice and assistance to agency regions and staff for public involvement processes; and expected coordination during the development and major revisions of the regional long-range transportation plans (RTP) and transportation improvement programs (TIP).

POLICY

The OTC and ODOT will meaningfully involve the public in important decisions by providing for early, open, continuous, and effective public participation in and access to key decision-making processes.

PROCEDURES

The purpose of the public involvement procedures is to implement the policy and reflect guidance received from the OTC, recent federal, state, and local regulations regarding public involvement, and other related ODOT policies and procedures, and incorporate comments received through a broad distribution of a draft policy and procedures to interested parties. Additionally, the procedures include the part of Policy on Formation and Operation of the Area Commissions on Transportation (ACT) relating to ODOT's advisory role to the ACT in the development of the STIP.

Attachment A is a diagram of the Integrated Transportation Planning Framework for public involvement. Attachment B provides definitions.

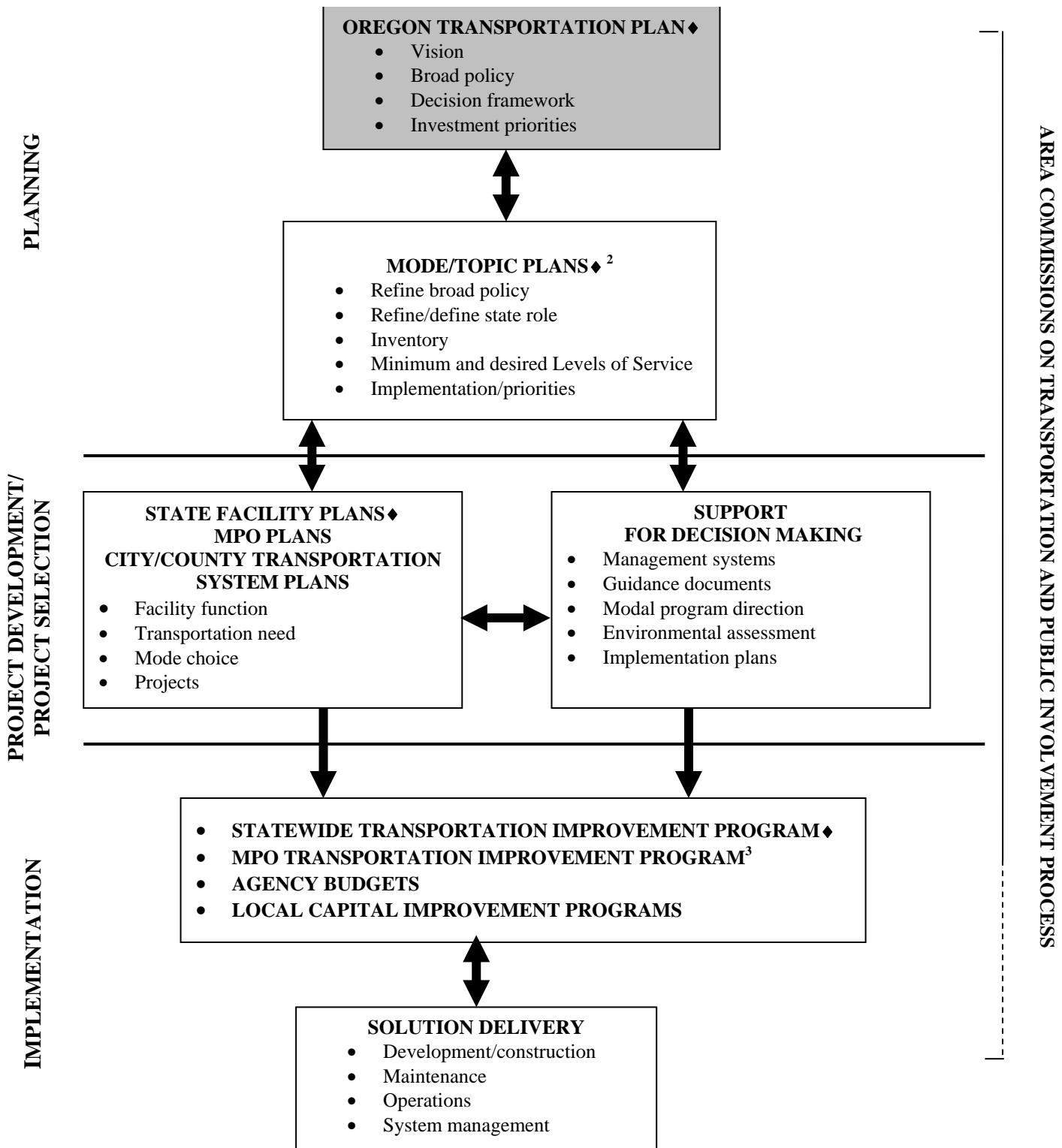
The following procedures implement the public involvement policy. The OTC and ODOT will:

1. Abide by all applicable state and federal laws and rules in implementing its public involvement processes for the development and major revisions of the statewide long-range transportation plan (the Oregon Transportation Plan and its modal/topic and facility plans) and the STIP.
2. Follow the requirements of the Oregon Public Meetings Law (ORS 192.610 to 192.690) for all advisory committees appointed by or reporting to the OTC, such as holding meetings at convenient and accessible locations and times.
3. Maintain a broad based, statewide list of stakeholders: individuals and organizations that are interested in or affected by transportation decisions such as members of the public; representatives of public transportation employees; freight shippers; private providers of transportation; representatives of users of public transportation; representatives of users of pedestrian walkways and bicycle transportation facilities; representatives of the disabled; providers of freight transportation services; other interested parties; and organizations who are interested in or affected by transportation decisions; including but not limited to representatives of Indian tribal governments; organizations traditionally underserved by existing transportation systems such as low-income minority households; and, others who may face challenges accessing employment and other services.
4. Provide an ODOT representative to advise the Area Commissions on Transportation (ACT) and other advisory bodies or committees on transportation technical or policy issues; provide technical and policy information in a timely manner; and assist with public involvement processes ensuring appropriate meeting support.
5. Seek out and consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services in the development of statewide long-range transportation plans and the STIP.
6. Develop the statewide long-range transportation plan and the STIP in consultation and cooperation with affected metropolitan planning organizations; state and federal agencies such as natural resources agencies

- and land management agencies; local agencies responsible for land use management, natural resources, environmental protection, conservation and historic preservation; Indian tribal governments; non-metropolitan local governments; including advisory committees formed under Oregon Revised Statutes or otherwise appointed by the Governor, OTC or ODOT to assist with specific transportation issues.
7. Provide stakeholders (as in procedure 3) with timely information about transportation issues and decision-making processes and adequate notice of key decision points leading to the development or major revision of the statewide long-range transportation plan and statewide transportation improvement program.
 8. Work with metropolitan planning organizations to coordinate public involvement for the statewide long-range transportation plan and the STIP with public involvement for the metropolitan transportation plan and its transportation improvement program.
 9. Employ visual aides such as maps, photographs, display boards, and other devices as applicable to describe the proposed statewide long-range transportation plans and the STIP.
 10. Provide reasonable public access to technical and policy information used in the development or major revision of the statewide long-range transportation plan and the STIP and make such information available in an electronically accessible format and means such as the World Wide Web, and as required by the Oregon Public Records Law (ORS 192.420 to 192.505). (Charges will be assessed per ODOT Administrative Instruction #5.)
 11. Provide a 45-day public review and written comment period of the proposed statewide long-range transportation plan, a 45-day public review and written comment period of the proposed STIP, and a 45-day public review and written comment period of an update of either document prior to adoption of the plan or program by the OTC. In addition, facility plans will follow specific requirements provided in the State Agency Coordination Program (OAR 731-15-065).
 12. Provide statewide opportunities for public review and comment on the proposed statewide long-range transportation plan and the proposed STIP by scheduling at least two public meetings in each of ODOT's five regions prior to adoption of the plan or program by the OTC and at least one public meeting prior to the adoption of facility plan by the OTC.
 13. Consider and respond to all public comment on the proposed statewide long-range transportation plan and the proposed STIP and modal/topic and facility plans prior to adoption of the plan or program by the OTC.
 14. Publish, distribute, and make available in an electronically accessible format and means such as the World Wide Web, the adopted statewide long-range transportation plan including modal/topic and facility plans, and the adopted STIP.
 15. Coordinate public involvement for the statewide long-range transportation plan and the STIP with public involvement for project development.
 16. Submit the proposed public involvement policies and procedures to a 45-day public review before their adoption by the OTC, and submit any major revision of the adopted final document to a 45-day public review and comment.
 17. Publish and distribute the adopted public involvement policies and procedures and provide them in an electronically accessible format and means such as the World Wide Web.

18. Establish a separate and discrete documented process for consulting with non-metropolitan local officials representing units of general purpose local government and local officials with responsibility for transportation that provides for their participation in the development of the long-range statewide transportation plan and the STIP. Solicit and review comments from such officials and other interested parties regarding the effectiveness of these consultation procedures at least every 5 years, allowing a 60-day public review and comment period.
19. Periodically review the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate.

ATTACHMENT A - INTEGRATED TRANSPORTATION PLANNING ¹



♦ Oregon Transportation Commission action.

1. Influenced by the Transportation Planning Rule.

2. Aviation, Bicycle/Pedestrian, Freight, Highway, Public Transportation, Rail, Transportation Safety Action.

3. MPO TIPs must be included in ODOT’s STIP without modification. To ensure state priorities are considered, ODOT must be involved in the local planning project selection process.

Attachment B

DEFINITIONS

Area Commission on Transportation – The OTC established the ACTs as advisory bodies to improve communication and interaction between the OTC and local stakeholders who share transportation focused community of interest. ACT policy, a stand-alone policy adopted by the OTC. One of the purposes of establishing the policy was to encourage statewide consistency while balancing local needs for flexibility and uniqueness. The ACT policy establishes membership requirements that include voting and non-voting membership. The voting share, which is 50%, consists of elected officials that is comprised of City, County, and MPO officials, Tribal Governments, Port Officials, and Transit Officials The remainder of the stakeholder representation includes and does not limit to: freight, trucking, bicycle, pedestrian, public transportation system, public interest advocacy groups, environmental, land use, local citizens, business, education, public safety providers.

Additionally, in fulfilling its advisory role to the Oregon Transportation Commission, the ACT coordinates statewide, regional, and local transportation issues with the following agencies but not limited to - other ACTS within and across ODOT Regions, ODOT Advisory Committees, Community Solutions Team, Regional Partnerships and Regional Investment Boards, Tribal Governments, MPOs, Local Governments, Transit and Port Districts, Stakeholder groups that include environmental, business, state and federal agencies with landholdings within the ACT boundary. ACTs represent ten geographic areas around the state. More information on ACTs and their public involvement can be found on the ACT website at http://www.oregon.gov/ODOT/COMM/act_main.shtml.

Advisory Committees – During plan development, ODOT typically involves one or more advisory committees that represent a broad range of stakeholders that are specific to a mode or program. For example, the recently adopted Oregon Transportation Plan had one steering committee and three policy committees during plan development. Committee members represented alternate modes, city, and county governments, MPOs, special interest groups, private industry, ports, Indian tribes, state and federal agencies. Information on different advisory committees can be found on ODOT’s public involvement website at <http://www.oregon.gov/ODOT/involvement.shtml>.

Multimodal Statewide long-range transportation plan: This consists of the Oregon Transportation Plan and other modal plans such as Bike and Pedestrian Plan, Rail Plan, Public Transportation Plan, Transportation Safety Action Plans, along with other topic plans such as the Sustainability Plan

Visualization techniques means methods used by States and MPOs in the development of transportation plans and programs with the public, elected and appointed officials, and other stakeholders in a clear and easily accessible format such as maps, pictures, and/or displays, to promote improved understanding of existing or proposed transportation plans and programs.

Federal Register / Vol. 72, No. 30 / Wednesday, February 14, 2007 / Rules and Regulations Planning definitions:

Administrative Modification means a minor revision to a long-range statewide or metropolitan transportation plan, Transportation Improvement Program (TIP) or Statewide Transportation Improvement Program (STIP) that includes minor changes to project/project phase costs, minor changes to funding sources of previously included projects, minor changes to project/project phase initiation dates.

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 a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project 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

Consideration means that one or more parties takes into account the opinions, action, and relevant information from other parties in making a decision or determining a course of action.

Consultation means that one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken. This definition does not apply to the “consultation” performed by the States and the MPOs in comparing the long-range statewide transportation plan and the metropolitan transportation plan, respectively, to State and Tribal conservation plans or maps or inventories of natural or historic resources (see § 450.214(i) and § 450.322(g)(1) and (g)(2)).

Cooperation means that the parties involved in carrying out the transportation planning and programming processes work together to achieve a common goal or objective.

Freight shippers means any business that routinely transports its products from one location to another by providers of freight transportation services or by its own vehicle fleet

Provider of freight transportation services means any entity that transports or otherwise facilitates the movement of goods from one location to another for others or for itself.

Federal land management agency means units of the Federal Government currently responsible for the administration of public lands (e.g., U.S. Forest Service, U.S. Fish and Wildlife Service, Bureau of Land Management, and the National Park Service). **Metropolitan planning organization (MPO)** means the policy board of an organization created and designated to carry out the metropolitan transportation planning process.

Indian Tribal government means a duly formed governing body for an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, Public Law 103–454.

Long-range statewide transportation plan means the official, statewide, multimodal, transportation plan covering a period of no less than 20 years developed through the statewide transportation planning process.

Metropolitan transportation plan means the official multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO through the metropolitan transportation planning process.

Non-metropolitan area means a geographic area outside a designated metropolitan planning area.

Non-metropolitan local officials means elected and appointed officials of general purpose local government in a non-metropolitan area with responsibility for transportation.

Revision means a change to a long-range statewide or metropolitan transportation plan, TIP, or STIP that occurs between scheduled periodic updates. A major revision is an “amendment,” while a minor revision is an “administrative modification.”

Update means making current a long-range statewide transportation plan, metropolitan transportation plan, TIP or STIP through a comprehensive review.