



# Public Engagement Policy & Report

2018

**Wake Transit Plan**  
**GO FORWARD**  
A COMMUNITY INVESTMENT IN TRANSIT



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# INTRODUCTION

In November 2016, voters in Wake County approved a local ½ cent option sales tax, paired with other local, federal, and state revenues to fund public transit improvements in Wake County. The Wake Transit Plan consists of four big moves: connect the region, connect all Wake County communities; create frequent reliable urban mobility; and enhance access to transit. Additional information about the Wake Transit Plan can be found at [www.goforwardnc.org/wake](http://www.goforwardnc.org/wake). The Plan will be implemented over the next 10 years, and beyond. The funding for transit projects is slated to continue flowing with additional improvements to the system. With this new funding source, the Wake Transit Plan partners are embarking on an ambitious public investment strategy that will include a tripling of bus service, as well as implementation of bus rapid transit and commuter rail, plus a slate of capital projects designed to support the service investments.

The Wake Transit Plan represents a direct investment by the Wake County community. As such, an integral component of the Wake Transit Plan is active, ongoing participation and engagement from members of the public.

This report is comprised of three main components that make up the Wake Transit Public Engagement strategy overall: the Public Engagement Policy, a Toolkit, and a Guidebook. The purpose of the policy is to establish guiding principles and practices for public engagement related to projects funded through the Wake Transit Plan. The policy adds further clarity to the overarching Master Participation Agreement, which states that projects should have an element of public engagement. The Guidebook and Toolkit are intended to be supplemental, administrative documents.



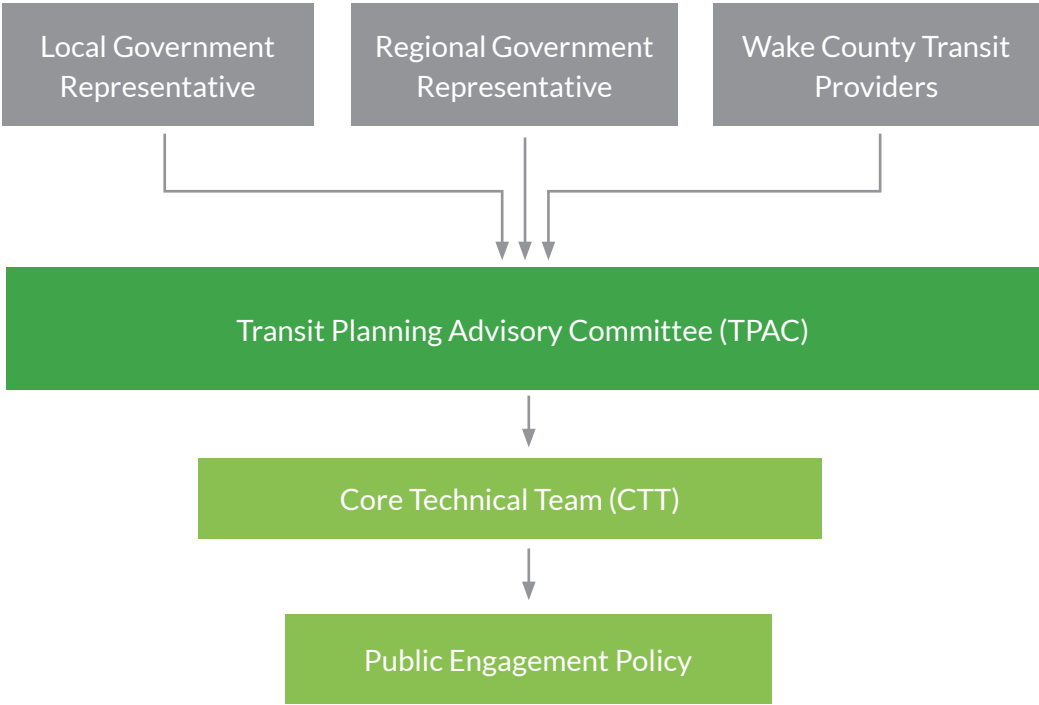
# WAKE TRANSIT PLAN GOVERNANCE

As a new funding source, responsibility for implementation of the Wake Transit Plan has been assigned to the governing boards (the CAMPO Executive Board and the GoTriangle Board of Trustees). They are also responsible for approval and implementation of the following Public Engagement Policy (PEP).

The Wake Transit Governance Interlocal Agreement (Governance ILA) established a staff-level advisory committee to coordinate planning and implementation of the Wake Transit Plan, known as the Wake County Transit Planning Advisory Committee (TPAC). The TPAC is comprised of representatives from regional and

local governments as well as Wake County transit providers (GoTriangle, City of Raleigh, GoCary and GoWake Access) and major institutions. These entities, who were all invited to be signing parties to the Master Participation Agreement, are known as the Wake Transit Partners. The TPAC oversees the development of the Public Engagement Policy. The TPAC assigned hands-on management and development of this policy to a Public Engagement Policy Core Technical Team (CTT). This document was prepared under the direction of the PEP CTT. Information on CTT and TPAC membership may be found in the appendices.

For Wake Transit Plan implementation, different agencies “sponsor” or “lead” various transit projects or transit plan implementation activities, respectively, with the support of other agencies and municipalities in the County. For example, the annual development of the Wake Transit Work Plan (WTWP) is jointly led and managed by CAMPO and GoTriangle; however, the projects in the WTWP may be undertaken by other Wake Transit Partners in a capacity of project ‘sponsor’. Over time, the Partners will continue to implement projects from the Wake Transit Plan both individually and collaboratively.



## WAKE TRANSIT PARTNERS INVITED AS PARTIES TO THE MASTER PARTICIPATION AGREEMENT:

Capital Area MPO

Go Triangle, Go Cary, Go Raleigh

City of Raleigh

Wake County

NC State University

Research Triangle Foundation

Towns of:

Apex

Car

Holly Springs

Fuquay-Varina

Garner

Knightdale

Morrisville

Rolesville

Wake Forest

Wendell

Zebulon

The following section attempts to:

- Ensure early resource planning and review of anticipated public engagement activities at the onset of a project, and,
- Outline the roles and responsibilities of the project team and Wake Transit partners as it relates to public engagement.

The Master Participation Agreement sets the framework that future projects and operating agreements must include public engagement elements.

### Capital Funding, Operating, and Special Agreements

As directed by the Wake Transit Governance Interlocal Agreement (Governance ILA) and reaffirmed by the Wake Transit Master Participation Agreement (Participation Agreement), annual appropriations for operating and

capital projects in the Wake Transit Work Plan require capital funding agreements and operating agreements. These project level agreements detail the expectations, roles and responsibilities of all parties. Wake Transit funds cannot be spent prior to execution of an operating or capital agreement by all parties.

**Capital funding or operating or special agreements entered into after the approval of this Public Engagement Policy should include the following language:**

- **Public Engagement: The project sponsor agrees to follow, at a minimum, engagement standards outlined in the Wake Transit Public Engagement Policy.**

# REPORT ORGANIZATION

This report is organized into the following three sections: the public engagement policy, the public engagement planning guidebook, and the toolkit. **Please note, the supplemental Guidebook and Toolkit are not part of the approved Policy in order to ensure flexibility in customizing plans to each project and phase of engagement.** Those supplemental materials provide additional detail on how to develop customized project-level and individual phase public engagement plans, as well as a toolkit of public engagement resources.

The **Public Engagement Policy (PEP)** is adopted by the **Wake Transit governing boards** (the CAMPO Executive Board and the GoTriangle Board of Trustees). It is designed to provide a high-level overview of what the public can expect from public engagement activities associated with the implementation of the Wake Transit Plan, while retaining flexibility in the way individual project teams and agencies carry out their work.

The **Public Engagement Planning Guidebook** is not adopted by the governing boards, rather, it is maintained by the Public Engagement and Communications (PE&C) Subcommittee under the TPAC. The Guidebook provides guidance and detailed suggestions for the development of custom public engagement plans, their implementation activities and performance measures.

The **Public Engagement Toolkit** is also not adopted by the governing boards and is maintained by the PE&C Subcommittee under the TPAC. The toolkit provides explanations and detailed information on a variety of tools and techniques that can be used to facilitate public engagement. Some of the tools and techniques included are known to be successful in the Triangle region, while others were generated from best practices in the public engagement industry.

Many of the public engagement requirements included in the Policy and supplemental Planning Guidebook and Toolkit are extracted from the preliminary research, data



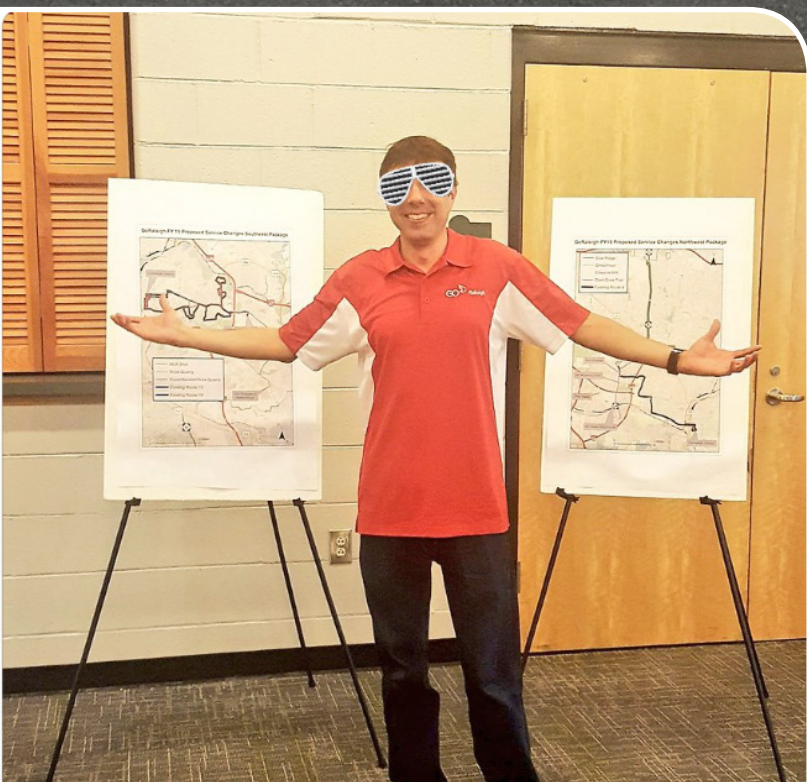
collection, and analysis conducted as part of developing this report. A more detailed explanation of these preliminary resources can be found in the Appendices:

- Best Practices Review
- Review of Existing Wake Municipalities' and Transit Agencies' Public Engagement Policies
- Key Stakeholder Interviews
- Wake Transit Specific Gaps and Needs Analysis











## 1

# PUBLIC ENGAGEMENT POLICY

Trust and credibility are the foundation of effective and authentic public and stakeholder engagement programs. This is especially true when efforts are coordinated across multiple agencies and partners. This Public Engagement Policy (PEP) is intended to provide a high-level overview of what the public can expect from public engagement activities associated with the implementation of the Wake Transit Plan, while retaining flexibility in the way individual project teams and agencies carry out their work.

Though the meaningful engagement of diverse interests may be challenging at times, transportation decisions are ultimately more responsive to local needs as a result of the public participation process. Public engagement provides decision-makers with relevant, applicable information prior to decision-making, and provides the public an opportunity to raise concerns and share perspectives that can be considered with discussion of technical, political and economic issues.

# POLICY STATEMENT

The Wake Transit Partners are committed to early and continuous participation by the Wake County community in developing transit policies, plans, and services. With this policy, the Partners seek to establish a system that encourages public reflection, reaction and discussion of the wide-ranging and evolving issues associated with implementation of the Wake Transit Plan. Investing in high-quality, meaningful, public engagement from the beginning of projects through to their completion will be paramount to our success.

## GUIDING PRINCIPLES

The following principles will guide Wake Transit Plan public engagement efforts, including the development of customized engagement plans.



### COLLABORATIVE

**Build trust among Wake County businesses, residents, agencies, government officials, advocacy and civic groups, and other stakeholders and promote lasting relationships and partnership with the community.**

- Maintain transparency and ongoing, two-way, communication by conducting outreach regularly with residents, businesses, key stakeholder/advocacy groups, elected officials and funding partners, groups within the project corridors, and others as pertinent.
- Proactively distribute project information in a clear, comprehensive manner with a unified voice to ensure that stakeholders receive consistent communication from all members of any Wake Transit project team.

## APPLICABILITY

Requirements included in the following policy are applicable to projects that have a Wake Transit capital, operating, or special agreement, as well as the following items outlined in Section 3.03 of the Wake Transit Governance Interlocal Agreement (Governance ILA). Specifically, the:

- Wake County Transit Work Plan;
- Multi-Year Service Implementation Plan;
- Program Management Policy and Plan for Community Funding Areas;
- Project Prioritization Policy;
- Wake Transit Vision Plan (Multi-Year Vision Plan);
- This Public Engagement Policy; and,
- Any major amendments or updates to the policies and plans listed above.

**The TPAC, or its designee, should identify which projects to exempt from this requirement** when it reviews the annual draft of the WTWP capital and operating budgets during their development process. Exemptions are described later in this policy. *This policy is not intended to take the place of the public engagement policies of transit agencies or other partner organizations.*





## INCLUSIVE

Engage populations that have been traditionally underengaged in meaningful and community-centered ways.

- This includes minorities, low-income individuals, populations with limited English proficiency and environmental justice populations, communities outside of the core areas of Raleigh and Cary, persons with disabilities, seniors, and youth, and others depending on the project's potential impacts and location(s).



## ACCESSIBLE

Present information in easy-to-access formats and ensure that input opportunities are both dispersed across Wake County and are near

any impacted project areas, as well as being reachable by transit, when feasible.

- While not everyone in the community will elect to participate in any given engagement process, it is important that a broad range of potential participants are aware of the opportunity to participate and of the ways they can access information.
- Communicate about projects and components using simple and effective language that the entire community can understand.
- Communicate in a variety of formats – virtually (on the internet), visually, literally, audibly



## MEANINGFUL

Ensure all public engagement has a clear purpose, is relevant, and is intentional.

- Be flexible and responsive to community needs related to tools and tactics for effective public engagement unique to the Wake County community and the project.



## ACCOUNTABLE

Honor the community's investment and partnership throughout implementation projects by encouraging, reviewing, documenting and incorporating input in ways that promote lasting relationships of trust.

- Documentation of public input should be publicly accessible and shared with both the project team and decision makers.
- Regularly communicate back to participants to share updates and information on how public input influenced the project.
- Document and exhibit public engagement processes and participation over time in order to share context, set expectations, and bring newcomers along—thus continuously valuing participation across the lifetime of a project.



## INFORMATIVE

Enhance awareness and understanding of the Wake Transit Plan implementation, including general benefits of transit as well as

explanations of individual projects, to enable informed engagement and meaningful participation from a wide range of community members.

- Develop and maintain broad public understanding and support of the Wake Transit Plan and associated implementation projects.



## TIMELY

Ensure all public engagement is conducted at the appropriate stage or phase of each project, and that the information is shared so the

necessary time to spread awareness is provided.

- Facilitate opportunities to partner with stakeholders and the public through relevant, timely public engagement activities.
- Provide sufficient notice to the public and stakeholders for public engagement periods.
- Proactively distribute project information in an ongoing, open and timely manner..

# PUBLIC ENGAGEMENT REQUIREMENTS

This policy reflects the diversity of projects and investments associated with implementing the Wake Transit Plan. It is designed so the recommendations are relevant, logical and appropriate, while allowing for the scalability and organization of engagement activities by project type and building upon public engagement requirements associated with other funding sources.

Accordingly, the following engagement expectations and requirements are organized around three different elements of Wake Transit Plan implementation: future updates to the Wake Transit Vision Plan; the annual WTWP; and, more generally, other implementation projects. This policy provides high-level guidance on requirements associated with public engagement planning and execution.

- » Be a **collaborative** public engagement process. As such, a steering committee made up of community stakeholders shall be convened to review and provide advice and feedback at regular intervals throughout the update process. This is in addition to a project level technical team or working group.
- » Occur at multiple times across the various phases of the update process.
- » Include in-person activities across Wake County, and in each town, during each outreach or engagement phase. (Additional guidance can be found in the Guidebook)
- » Include opportunities for online engagement during each phase.

## WAKE TRANSIT VISION PLAN (OR MULTI-YEAR VISION) UPDATE

In 2016, Wake County residents voted to fund the Wake Transit Plan, which included a vision and investment strategy for public transportation in Wake County. The Wake Transit Partners are currently working to implement this vision and over time it will need to be updated. Any process to make changes or updates to this multi-year vision should involve the broader Wake County community.

- The Vision Plan Update process is anticipated to take over one year to complete (15-18 months). It should occur every four to five years and completion should align with the early phases of development of the region's long-range transportation plan.
- Public engagement during development of the Vision Plan Update will:
  - » Be refined in a discrete public engagement plan specific to the particular update.

### Formal Adoption Process:

The Wake Transit Vision Plan Update will be approved by the Wake Transit Governing Boards - the CAMPO Executive Board and the GoTriangle Board of Trustees.

- **Public Comment Period** - In advance of adoption by the governing boards, and in addition to the public comment guidelines outlined later in this policy, there should be one joint public comment period open for a minimum of **40 days prior to action to adopt by either governing board**.
  - » Notice must be posted, at a minimum, on the Wake Transit and/or TPAC website.
- **Public Hearing** - The two governing boards should convene one joint public hearing for the Vision Plan update, at least **14 days prior to action to adopt by either governing board**.

## VISION PLAN UPDATE MINIMUMS

### Governing Boards:

- 40 day public comment period
- 14 day notice of joint public hearing
- 14 day notice for adoption

» Notice must be posted at least **14 days prior to the hearing** on the Wake Transit and/or TPAC website as well as the websites of both governing boards.

- **Public Comment Summary** – The Wake Transit lead agency for public engagement is responsible for providing a public comment summary to both governing boards before they approve or adopt the Update. In advance of, or as part of, the staff report and/or staff presentation, the governing boards will receive a public engagement summary that includes a synthesis of engagement activities, themes or a summary of public input received and a staff response or explanation of how the input influenced the final recommendation before the governing boards.
- **Adoption** – Notice must be posted on the websites of both governing boards at least **14 days prior to adoption** by either governing board.
- Following adoption, the project partners should conduct a performance review (“after-action”) of the public engagement that took place throughout the process and document outcomes, best practices, and where opportunities for improvement exist. This review may be hosted by TPAC or its designee.

## WAKE TRANSIT WORK PLAN (WTWP)

The annual work plan process allocates funding to projects and identifies project sponsors. The Wake Transit Plan partners make these decisions collectively and produce a Draft Transit Work Plan and subsequent Recommended Transit Work Plan each by fiscal year. This work program must be shared and vetted with members of the public

each year during the development process, before the funding allocations are finalized. The Lead Agency for Public Engagement is responsible for managing public engagement related to the development and approval of the WTWP.

While the broader Wake County community may desire to be involved in the development of large capital projects and key policy decisions, it is generally less interested in participation during the development of detailed annual work plans. The purpose of public engagement related to the WTWP is to make sure that members of the public are aware that the WTWP draft has been released for review and that the opportunity to access the information and provide input exists. The other goal of engagement during the WTWP development is general outreach – to educate the community about accomplishments of the prior year as well as provide information about upcoming, short-term, improvements outlined in the next year’s draft WTWP.

Public engagement activities will:

- Begin following the release of the Draft Wake Transit Work Plan by the TPAC.
- Be a **consultative** process – providing an opportunity to obtain public feedback on the recommendations in the draft work plan. This includes a commitment to provide feedback, in return, to the public explaining how their input influenced the final plan.
- Primarily be in the form of informational outreach which should occur across Wake County, and in each town. As described further in the Toolkit, outreach includes activities beyond in-person engagement, such as the utilization of internet and social media, communication to traditional media, sharing information with local community networks, etc.
- Provide an initial public comment period of at least 30 days before the TPAC takes action to send a Recommended Annual Work Plan to the governing boards.



## WORK PLAN MINIMUMS

### TPAC:

- 30 day public comment period

### Governing Boards:

- 14 day public comment period
- 7 day notice IF public hearing

### Formal Adoption Process:

The WTWP is ultimately approved by the Wake Transit Governing Boards - the CAMPO Executive Board and the GoTriangle Board of Trustees.

- **Public Comment Period** - In advance of adoption by the governing boards, and following the public comment guidelines outlined later in this policy, there may be one joint public comment period open for a minimum of 14 days prior to adoption.

- **Public Hearing** - The two governing boards may each host their own, separate, public hearing for the WTWP prior to adoption. At a minimum, notice should be posted on the official TPAC and/or Wake Transit website as well as the website of any governing board hosting a hearing at least **7 days in advance of the hearing**.
- **Public Engagement Summary Report** - The Wake Transit Lead Agency for Public Engagement is responsible for developing the draft WTWP public comment summary to both governing boards before they approve or adopt the item. In advance of, or as part of, the staff report and/or staff presentation, the governing boards will receive a public engagement summary that includes a synthesis of engagement activities, themes or summary of public input received and a staff explanation of how the input influenced the final recommendation before the governing boards.

Following adoption, the project partners should conduct a performance review ("after-action") of the public engagement that took place throughout the process and document outcomes, best practices, and where opportunities for improvement exist. This review may be hosted by TPAC or its designee.



# PUBLIC COMMENT AND PUBLIC NOTIFICATION

## WAKE TRANSIT GOVERNING BOARD PUBLIC COMMENT PERIODS

In addition to the requirements set in this policy for the annual Wake Transit Work Plan and the Wake Transit Vision Plan Update, any other item specifically listed under **Applicability at the beginning of this policy** (Multi-Year Service Implementation Plan, Program Management Policy and Plan for Community Funding Areas, Project Prioritization Policy, Public Engagement Policy, and any major amendments or updates to these policies and plans), **that is to be adopted or approved by the Wake Transit governing boards (the CAMPO Executive Board and the GoTriangle Board of Trustees), shall ensure that all interested parties have reasonable opportunities to comment by providing:**

- **A combined (Joint) Public Comment Period** - A single public comment period of **at least 14 days** may be provided for the governing boards and the TPAC altogether.\* In this scenario, all public comments should be directed to one source, the Lead Agency for Public Engagement, who will compile and distribute all comments to the lead agency for the item. (See Roles and Responsibilities under the Coordination and Collaboration section of the Guidebook)
  - » Public Notice: At a minimum, public comment periods should be posted on the official TPAC or Wake Transit and governing board websites. The TPAC and/or Wake Transit Plan website should clearly distinguish between items that are coming before TPAC and the governing boards, as well as include information on how to provide input.

- **Public Engagement Summary Report** - The lead agency for the item is responsible for providing a public comment summary to both governing boards before they approve or adopt the item. In advance of, or as part of, the staff report and/or staff presentation, the governing boards will receive a public engagement summary that includes a synthesis of engagement activities, themes or summary of public input received and, if known at the time, a staff response or explanation of how the input influenced the final recommendation before the governing boards.
- **Opportunity for In-person Public Comment** – Any meeting of a governing board where board action is anticipated to occur on an “Applicable” item shall provide an opportunity for the public to speak to the item before action is taken by the decision-making body.
  - » Public Notice: At a minimum, notice via meeting agenda should be posted on the official TPAC or Wake Transit and associated governing board website at least **7 days in advance of the meeting**. The TPAC and/or Wake Transit Plan website should clearly distinguish between items that are coming before TPAC and the governing boards.

## Project-Level Public Comment Periods

For independent public comment periods occurring as part of the public engagement for a project, **the project sponsor can establish the length, tools, and tactics necessary**. Public comment periods that are incorporated into a project’s public engagement processes do not have official requirements under this policy.

## OTHER WAKE TRANSIT IMPLEMENTATION PROJECTS

The individual pieces of the Wake Transit Plan include changing and updating existing bus services; development of new transit service types (i.e. bus rapid transit and commuter rail); and capital investments in passenger amenities, vehicles and technology (among others). Because implementation takes place over the course of multiple

\* While it would be ideal to end the single public comment period before the TPAC acts to recommend an item to the governing boards, it may not always be feasible and therefore is not a minimum requirement. (The TPAC is not required to hold public comment periods or public hearings during their process of providing advice or recommendations to the governing boards.)

**Typically, any project that has a Wake Transit capital, operating, or special agreement should develop and implement a customized public engagement plan to be reviewed by TPAC, or its designee, as part of receiving funding. Project sponsors developing new projects with funding from the Wake Transit Plan should reference the Public Engagement Planning Guidebook for detailed expectations about developing a public engagement plan.**

years, public engagement activities will also be ongoing. The scale and effort required over the lifetime of each project, and during each phase of engagement along the way, will vary according to the anticipated level of public influence and the requirements of other funding sources (if any).

### Alternative Public Engagement Strategies and Exemptions

Not all projects receiving funding will need public engagement or a plan showing how it will be deployed. Exemptions should be determined by the TPAC. The TPAC, or its designee, should endeavor to identify which projects to exempt from this requirement during the development process for the annual draft of the WTWP capital and operating budgets. Project sponsors may also submit an exemption request to the TPAC, or its designee, or to CAMPO TPAC Administration staff. Project sponsors may need to do more than what is minimally required in their organization's established policy or plan based on the unique nature of individual projects and to ensure a holistic coordinated effort across Wake Transit implementation. Examples:

- If agencies already have a Federal Transit Agency (FTA) approved service change policy and associated public engagement plan, which will apply to most bus operating projects, they should be submitted for review, and anything additional that may be needed based on the unique nature of those projects can be recommended by the subcommittee.



- For large capital projects that receive federal funding, there will also be federal National Environmental Policy Act public engagement plans or process requirements that can be submitted for review, and anything additional that may be needed based on the unique nature of those projects can be recommended by the TPAC, or its designee.
- Projects budgeted to begin in Fiscal Years 2018 and 2019, before adoption of this policy, with public engagement activities that are already scoped.

### Other Local, State, and Federal Requirements

While the Wake Transit Plan will raise significant resources locally, it is also designed to leverage external funding, including federal and state resources. In cases where other local, state, or federal funds are used, public engagement activities will also be governed by the requirements associated with these funding programs, the majority of which are set by federal statute. All public engagement plans developed should adhere to relevant federal and state guidelines. This includes the N.C. Local Government Budget and Fiscal Control Act. The federal, state, and local requirements for public engagement may be found in the appendices.





# UPDATES TO THE PUBLIC ENGAGEMENT POLICY, PLANNING GUIDEBOOK AND TOOLKIT

As with most plans and policies, the Public Engagement Policy will need occasional updates to ensure the document stays current with best practices as well as state, federal, and local requirements. Updates are also useful as staff changes and the Wake Transit Plan Partners gain more experience executing and managing public engagement strategies related to implementation for the Plan across Wake County.

It is anticipated that this policy will guide the public engagement for the initial Wake Transit Vision Plan Update process. Following the initial Update, before future Wake Transit Vision Plan Update processes begin, the Wake Transit Plan partners, through the TPAC, shall endeavor to reconvene to update the Public Engagement Policy.

# APPENDIX A - Acronyms

**ACS** - American Community Survey

**ADA** - Americans with Disabilities Act –

**AN** - Advance Notification

**App** - An application, especially as downloaded by a user to a mobile device

**CAC** - Citizen Advisory Council

**CAMPO** - Capital Area Metropolitan Planning Organization

**CAP** - Community Awareness Plan

**CE** - Categorical Exclusion

**CEQ** - Council on Environmental Quality

**CFR** - Code of Federal Regulations

**CMT** - Communications Media Technology

**CTT** - Core Technical Team

**DOT** - Department of Transportation

**EA** - Environmental Assessment

**EIS** - Environmental Impact Statement

**EJ** - Environmental Justice

**EPA** - Environmental Protection Agency

**FHWA** - Federal Highway Administration

**FTA** - Federal Transit Administration

**GIS** - Geographic Information System

**ISTEA** - Intermodal Surface Transportation Efficiency Act

**LAPE** - Lead Agency for Public Engagement

**LEP** - Limited English Proficiency

**LRTP** - Long Range Transportation Plan

**MAP-21** - Moving Ahead for Progress in the 21st Century

**MOT** - Maintenance of Traffic

**MPO** - Metropolitan Planning Organization

**MTP** - Metropolitan Transportation Plan

**NEPA** - National Environmental Policy Act

**PDF** - Portable Document Format; a file format used to present documents in a manner independent of application software, hardware, and operating systems

**PE** - Public Engagement

**PEP** - Public Engagement Policy

**PIP** - Public Involvement Plan

**PIO** - Public Information Officer

**PIPM** - Public Involvement Performance Measurement

**PM** - Project Manager

**PSA** - Public Service Announcement

**ROW** - Right of Way

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

**STIP** - State Transportation Improvement Program

**TEA-21** - Transportation Equity Act for the 21st Century

**TIP** - Transportation Improvement Program

**TPAC** - Transit Planning Advisory Committee

**USC** - United States Code

**WTWP** - Wake Transit Work Plan (annual)



# APPENDIX B - Federal and State Rules on Public Participation

## INTRODUCTION

Minimum requirements for public participation are based on a number of federal rules that speak to the inclusion of all individuals. These rules ensure participation and accommodations made for individuals with disabilities, those with limited English proficiency, older adults, and minority populations. In addition to federal rules, states (and some municipalities) have differing rules for public engagement and open meetings for the public. The federal, state, and local rules that are applicable to the Wake Transit Plan are captured in this appendix.

### Electronically Provided Information

*"Make public information available in electronically accessible format and means, such as the World Wide Web..."*

23 CFR 450.210 and 450.316

The Rehabilitation Act of 1973, Section 508 establishes requirements for electronic and information technology developed, maintained, procured, or used by the Federal government. Section 508 requires Federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public.

- Section 508 of the Rehabilitation Act of 1973, as amended 29 U.S.C. §794 (d) Electronic and information technology (a) Requirements for Federal departments and agencies

*"(1) Accessibility*

*Development, procurement, maintenance, or use of electronic and information technology*

*When developing, procuring, maintaining, or using electronic and information technology, each Federal department or agency, including the United States Postal Service, shall ensure, unless an undue burden would be imposed on the department or agency, that the electronic and information technology allows, regardless of the type of medium of the technology --*

*individuals with disabilities who are Federal employees to have access to and use of information and data that is comparable to the access to and use of the information and data by Federal employees who are not individuals with disabilities; and*

*individuals with disabilities who are members of the public seeking information or services from a Federal department or agency to have access to and use of information and data that is comparable to the access to and use of the information and data by such members of the public who are not individuals with disabilities."*

### Interested Parties

*"Providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the transportation planning process."*

### Limited-English-Proficiency

*"...to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP)"*

*(Goals) "...The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency."*

- Limited-English-Proficiency, Executive Order #13166

FHWA has made our Recipients and Sub-Recipients responsible for satisfying the requirements of LEP. Recipients and Sub-Recipients are responsible for satisfying the LEP requirements, including conducting a Four-Factor Analysis and developing a Language Access Plan.

*"The United States Department of Transportation (DOT) is publishing guidance concerning services and policies by recipients of Federal financial assistance from the Department of Transportation related to persons with limited English proficiency. The guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects limited English proficient persons."*

*Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, Federal Register Volume 70, Number 239, Wednesday, December 14, 2005*

### Public Input on Performance-based Planning

*"The Secretary shall establish criteria to evaluate the effectiveness of the performance-based planning processes of States, taking into consideration the following:*

*The extent to which the State is making progress toward achieving, the performance targets described in subsection (d)(2), taking into account whether the State developed appropriate performance targets.*

*The extent to which the State has made transportation investments that are efficient and cost-effective.*

*The extent to which the State has developed an investment process that relies on public input and awareness to ensure that investments are transparent and accountable; and provides reports allowing the public to access the information being collected in a format that allows the public to meaningfully assess the performance of the State."*

- 23 U.S.C. 135 (h)(1)

### Public Meetings and Hearings

*Public hearings –*

*"Any State transportation department which submits plans for a Federal-aid highway project involving the by passing of or, going through any city, town, or village, either incorporated*

*or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings..."*

- 23 USC §128

*"Ensure that public meetings are held at convenient and accessible locations and times..."*

- 23CFR450.210 and 450.316

*"Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected."*

- CEQ Regulations 40 CFR 1506.6(b)

*"Provide accessibility in programs, activities, and facilities. Not discriminate on the basis of disability regarding admission and access to its programs and activities and its employment practices."*

*"Ensure appropriate accessibility standards to all transportation facilities in an accessible and safe manner."*

- Section 504 of the Rehabilitation Act of 1973

### Program Accessibility, Discrimination prohibited.

*"Except as otherwise provided in §35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity." State and Local Government Activities, covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities.*

- Americans with Disabilities Act (ADA), Title II, Subpart D Sec.35.149

## Public Meetings and Hearings (Federal Agencies)

**Sunshine Act - Federal requirements (Pub.L. 94-409, 90 Stat. 1241, enacted September 13, 1976, 5 U.S.C. §552b)**

*Federal agencies,*

*"In the case of each meeting, the agency shall make public announcement, at least one week before the meeting, of the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the agency to respond to requests for information about the meeting... The agency shall make promptly available to the public, in a place easily accessible to the public, the transcript, electronic recording, or minutes (as required by paragraph (1)) of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the agency determines to contain information which may be withheld under subsection (c)."*

(Practitioners should check if state Sunshine or Open Meeting Laws apply in their state.)

## Prohibiting Discrimination

### Title VI of the Civil Rights Act of 1964

*"Title VI prohibits exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on grounds of race, color, or national origin."*

- (Pub. L. 88-352) (Title VII) (42 USC 2000)

In addition to Title VI, there are other Nondiscrimination statutes that afford legal protection. These statutes include the following: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/Americans With Disabilities Act of 1990 (disability) Taken together, these requirements define an over-arching Title VI/Nondiscrimination Program. It is important to also understand that Title VI and the additional Nondiscrimination requirements are applicable to Federal programs in addition to programs receiving federal financial assistance due to the Civil Rights Restoration Act of 1987.

### Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324)

*"No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee."*

### Rehabilitation Act of 1973, Section 504 provides:

*"No otherwise qualified individual with a disability in the United States, as defined in section 7(20) shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service."*

### Americans With Disabilities Act of 1990;

**(Pub. L. 101-336, 104 Stat. 327 as amended; 42 U.S.C. Sec. 12132.**

**Discrimination.**

*"... no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."*

### Limited-English-Proficiency

*"...to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP)"*

(Goals)

*"...The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn*

English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency.”

- Limited-English-Proficiency, Executive Order #13166

FHWA has made our Recipients and Sub-Recipients responsible for satisfying the requirements of LEP. Recipients and Sub-Recipients are responsible for satisfying the Limited-English- Proficiency requirements including conducting a Four-Factor Analysis and developing a Language Access Plan.

“The United States Department of Transportation (DOT) is publishing guidance concerning services and policies by recipients of Federal financial assistance from the Department of Transportation related to persons with limited English proficiency. The guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects limited English proficient persons.”

- Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, Federal Register Volume 70, Number 239, Wednesday, December 14, 2005

#### **Title VI Program and Related Statutes - Implementation and Review Procedures**

##### **Purpose**

“The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation.”

- 23 CFR 200

##### **Public Interest**

Recipients and Sub-Recipients to “assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decision

on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services and the costs of eliminating or minimizing such adverse effects and the following: (1) air, noise, and water pollution; (2) destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and the availability of public facilities and services; (3) adverse employment effects, and tax and property values losses; (4) injurious displacement of people, businesses and farming; and (5) disruption of desirable community and regional growth.”

- 23 USC 109 (h)

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

“...make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.”

#### **Age Discrimination Act of 1975**

42 U.S.C Section 6101. Statement of purpose

“It is the purpose of this chapter to prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance.”

- 42 U.S.C.

“Pursuant to regulations prescribed under section 6103 of this title, and except as provided by section 6103(b) of this title and section 6103(c) of this title, no person in the United States shall, on the basis of age, be excluded from participation, in be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance...”

#### **Traditionally Underserved by Existing Transportation Systems**

“Include a process for seeking out and considering the needs of those traditionally underserved by existing transportation



*systems, such as low-income and minority households, who may face challenges accessing employment and other services;"*

- 23 CFR 450.210(a)(1)(viii) and 450.316(a)(1)(vii)

## North Carolina Open Meetings Law

The North Carolina Open Meetings Law covers **public bodies**. The law defines a "public body" as

*any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function.*

- N.C. Gen. Stat. § 143-318.10(b).

Public bodies can be part of state, county, or municipal government, and they share two salient features. First, they involve **two or more persons acting jointly**. The Open Meetings Law thus do not apply to government officials who act in an individual capacity, like the governor or a mayor, when they meet with their subordinates. Second, to be covered by the Open Meetings Law, a body must **exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function**. This sounds complicated, but it means that groups carrying out most government functions are covered, with the exception of courts carrying out their traditional judicial function. Examples of public bodies include state boards and commissions, city councils, school boards, and governing boards affiliated with The University of North Carolina. The law also applies to any committee or subcommittee that carries out activities on behalf of a public body or advises a public body. It does not apply to federal government bodies.

The Open Meetings Law also applies to the North Carolina General Assembly and most of its committees, but slightly different notice rules apply to these bodies. See N.C. Gen. Stat. § 143-318.14A. The law specifically exempts from coverage certain government bodies, including grand juries, law enforcement agencies, the Judicial Standards Commission, and the Legislative Ethics Committee.

# APPENDIX C - TPAC Members and PE Policy CTT Members

## TPAC MEMBERS:

- Tim Gardiner, Wake County
- Nicole Kreiser, Wake County
- Chris Lukasina, CAMPO
- Shelby Powell, CAMPO
- John Tallmadge, GoTriangle
- Sandra Freeman, GoTriangle
- David Eatman, Raleigh
- Michael Moore, Raleigh
- Kelly Blazey, Cary
- Danna Widmar, Cary
- Shannon Cox, Apex
- Mark Matthews, Fuquay-Varina
- Het Patel, Garner
- Kendra Parrish, Holly Springs
- Jason Brown, Knightdale
- Ben Howell, Morrisville
- Danny Johnson, Rolesville
- Chip Russell, Wake Forest
- David Bergmark, Wendell
- Cathy Reeve, NC State University
- Tim Brock, RTP

## CTT MEMBERS:

- Mike Charbonneau, GoTriangle
- Shannon Cox, Town of Apex
- Matthew Cushing, CAMPO
- Juan Carlos Erickson, GoTriangle
- Timothy Gardiner, Wake County
- Jennifer Heiss, Wake County
- Ashley Hooper, GoTriangle
- Adam Howell, CAMPO
- Ben Howell, Town of Morrisville
- Bret Martin, CAMPO
- Ana Orlowski, Town of Cary
- Bonnie Parker, CAMPO
- Shelby Powell, CAMPO
- Elisabeth Raskopf, GoTriangle
- David Walker, City of Raleigh
- Brandon Watson, City of Raleigh
- Kelly Wright, City of Raleigh

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