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# **PUBLIC PARTICIPATION PLAN**

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## INTRODUCTION

The Stanislaus Council of Governments (StanCOG) is the Regional Transportation Planning Agency (RTPA) and Metropolitan Planning Organization (MPO) for Stanislaus County and the incorporated cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford. Our mission is to bring local government and the community together to solve regional problems, particularly in transportation. This is done by implementing a proactive public involvement process that assures the opportunity for the public to be involved in all phases of the transportation planning and project development process.

With the realization that transportation decision-making is critical to balancing the needs of the community, StanCOG's Public Participation Plan (The Plan) has the following goals and objectives:

- ◆ To strive for a balanced representation of all stakeholders in the planning process.
- ◆ To educate local officials and the citizens of Stanislaus County in the realm of transportation-related services and planning documents.
- ◆ To be proactive, with early and continuous public input
- ◆ To be responsive to the needs of the community

Meeting these goals and objectives will improve our region's ability to reach consensus on the highest priority transportation needs. In addition to the goals identified above, various state and federal rules and regulations have been implemented to foster greater public involvement in the decision-making process.

The Plan will highlight those rules and regulations, describe StanCOG's organizational structure and list of stakeholders, and clarify the public involvement process used by StanCOG to maintain compliance in the development and approval of its various transportation plans and programs.

The Plan will also summarize special outreach techniques planned by StanCOG to focus on the unique demographic characteristics of Stanislaus County and will identify StanCOG's intended methods to measure the effectiveness of those techniques.

### **I. Public Involvement Rules and Regulations**

#### **Compliance with Federal Requirements (SAFETEA-LU)**

The Stanislaus Council of Governments Public Participation Plan was originally adopted in 2004 following the requirements of the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA). In 1998, ISTEA was succeeded by the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), which was subsequently succeeded by the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) on August 10, 2005. TEA-21 and SAFETEA-LU continue the strong federal emphasis on public participation from the 1991 ISTEA, requiring that the public participation plans of metropolitan planning processes “shall be developed in consultation with all interested parties and shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan.”

As outlined in the bill, methods to accommodate these goals, to the maximum extent possible, include:

- (i) Holding any public meetings at convenient and accessible locations and times;
- (ii) Employing visualization techniques to describe plans; and
- (iii) Making public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information.

Metropolitan public participation or involvement processes shall be coordinated with statewide public involvement processes wherever possible to enhance public consideration of the issues, plans, and programs and reduce redundancies and costs.

A key change between ISTEA/TEA-21 and SAFETEA-LU is the expanded definition of and participation by “interested parties.” Broadly defined, StanCOG includes as its partners groups and individuals who are affected by or involved with transportation in Stanislaus County and the surrounding region. Examples include 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 a reasonable opportunity to comment on the transportation plan.

***Title 23 Code of Federal Regulations Part 450.212 states,***

*“Public involvement processes shall be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement.”*

**Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act of 1990 (ADA) stipulates involving the community, particularly those with disabilities, in the development and improvement of services. All events held for programs or projects with Federal aid and open to the general public must be made accessible to everyone, including the disabled.

**Title VI**

Title VI is a statute provision of the Civil Rights act of 1964. Under this statute, each Federal agency is required to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, disability, or religion.

**Executive order 12898**

On February 11, 1994, President Clinton signed Executive Order 12898: *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. The Executive Order requires that each Federal agency shall, to the greatest extent allowed by law, administer and implement its programs, policies and activities that affect human health or the environment so as to identify and avoid “disproportionately high and adverse” effects on minority and low-income populations. Executive order 12898 instructed each federal agency and their departments to develop a strategy to address E.O. 12898 with the following actions:

- ◆ Identify activities that should be revised to promote enforcement of all health and

- environmental statutes in areas with minority and low-income populations
- ◆ Improve public participation by minority and low-income populations
- ◆ Improve data collection related to minority and low-income populations
- ◆ Identify differential consumption patterns of natural resources by minority and low-income populations

To comply, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) issued a memorandum Implementing Title VI Requirements in Metropolitan and Statewide Planning on October 7, 1999. The memorandum provides clarification for field offices on how to ensure that environmental justice is considered during current and future certification reviews of Regional Transportation Planning Agencies (RTPA), such as StanCOG. While Title VI and environmental justice have often been raised during project development, it is important to recognize that the law also applies equally to the processes and products of planning. The Federal Highway Administration considers 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.

As a governmental agency receiving federal funds, StanCOG is responsible for implementing Title VI and its associated Environmental Justice requirements.

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

The Ralph M. Brown Act governs the meeting and actions of governing boards 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 the public, location of meetings, notice posting, agenda distribution, and public input. The public agency may adopt reasonable regulations ensuring the public's right to address the agency, including regulations to limit the total amount of time allocated for public testimony. The StanCOG Policy Board and its standing committees all adhere to these requirements involving proper noticing, access and the ability to address the Board and committees.

#### **CEQA/NEPA**

Both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) define the minimum standards for reasonable public access to the decision-making process of project development. Not all of StanCOG's products fall under this category. However, the ones StanCOG determines to be "projects" must abide by the statutory requirements as outlined in CEQA/NEPA. Per these requirements, all written and oral comments submitted during the public review process shall be responded to, in writing, within the specified time period.

## **II. StanCOG's Formal Decision-Making Process**

### **Policy Board**

Policy decisions are made by the StanCOG Policy Board. The Board is composed of City Council members of each incorporated city and the Stanislaus County Board of Supervisors, or their designated representatives. A Policy Board meeting is normally held the second Wednesday of every month, unless that day falls on a recognized holiday or a special meeting is required. The Policy Board agenda is posted outside the StanCOG office at 900 H Street, Suite D in Modesto and on our website, at [www.stancog.org](http://www.stancog.org) at least 72 hours prior to the meeting. Copies are available at our office during business hours or on the website. In addition, the meeting notice is posted in the local Spanish newspaper, *Vida*, covering Stanislaus and San Joaquin Counties with a weekly circulation of approximately 30,000 papers.

Time is included for general public comment at each Policy Board and advisory committee meeting (described below), in addition to plan and/or program-specific public hearings, which are posted 30-45 days in advance. Notices for public hearings are also posted in the Spanish language *Vida* and the English language *Modesto Bee* newspapers. Documents containing the proposals to be considered at StanCOG public hearings are made available to interested citizens upon written request. These documents are placed on file in the StanCOG Library and mailed to major libraries throughout Stanislaus County prior to the public hearing. The names and addresses of libraries that receive the public hearing documents can be obtained by contacting the StanCOG office at (209) 558-7830.

### **Technical Advisory Committee**

The Technical Advisory Committee (TAC) is composed of the Chief Administrative Officer of each member agency or their designated representative. With the exception of urgency matters, all items must first be considered by the TAC before submission to the Policy Board. The TAC meets on the Thursday following the last Wednesday of every month and, similar to the Policy Board, the agenda is posted at the StanCOG office and on our website at least 72 hours prior to the meeting. An opportunity for the public to comment is included on each TAC agenda.

### **Citizen's Advisory Committee**

The Citizen's Advisory Committee (CAC) is composed of up to fifteen voting members appointed by the Executive Committee of the StanCOG Policy Board. The CAC strives to include individuals who are interested in different facets of transportation, including streets and highways, transit, pedestrian, bicycles, airport, railroads, trucking, etc., and encourages membership from individuals or groups that are traditionally underrepresented in the transportation planning process. With the upcoming Regional Transportation Plan update in 2008, StanCOG will be conducting presentations to various groups (See Outreach Strategies). As part of these presentations, StanCOG will explain the role of the CAC and distribute applications to individuals interested in becoming a CAC member.

The CAC provides "general public" comments and advisory recommendations to StanCOG staff and the StanCOG Policy Board on various regional issues with a focus on transportation. The Committee is a vital part of StanCOG's proactive public involvement

process. The agenda for the monthly CAC meeting consists of transportation related topics, including items on existing and future roadway improvements, public transit, bicycle and pedestrian concerns, air quality matters and funding priority issues. The members discuss each item, provide their comments and suggestions to staff, and often make recommendations to the elected officials on the StanCOG Policy Board.

The CAC meets on the last Wednesday of each month. Meeting posting requirements are the same as the Technical Advisory Committee and Policy Board.

### **Social Services Transportation Advisory Council**

In accordance with state law, StanCOG has established an advisory group known as the Social Services Transportation Advisory Council (SSTAC). The SSTAC membership includes representatives of people or groups that are typically somewhat dependent upon public transit. These include senior citizens, the disabled, organizations serving disabled residents, and organizations serving low- income residents.

The SSTAC meets several times annually, in various communities around this County. A general goal/assignment for the SSTAC is to remain current regarding transit issues throughout this County. As a part of updating the SSTAC on transit issues, most transit related reports generated by StanCOG are reviewed by the SSTAC, and their recommendations are forwarded to the Policy Board.

The SSTAC has two specific assignments as well. The first relates to the annual “Unmet Transit Needs” process, which helps determine what transit services are provided, as well as the level of Transportation Development Act (TDA) funding required for public transit (see Unmet Needs section on page 7). The second requires scoring Federal Transit Administration Section 5310 grant applications for either public or private transit operators anywhere in Stanislaus County.

All SSTAC meetings are open to the public and are usually held the third Wednesday of every month. Citizens can request to be placed on the mailing list to receive committee agendas.

### **III. General Meeting Information**

Citizens are welcome to present their views to StanCOG at all Policy Board and advisory committee meetings. As stated above, notices of all regular StanCOG meetings, complete with the date, time, location and preliminary agenda are mailed out prior to the date of the meeting. Final agendas are posted at least 72 hours in advance of the meeting time at the StanCOG office, located at 900 H Street, Suite D, in Modesto. Interested citizens can request to be added to the mailing list for particular meetings, or can access general meeting information on our website, at [www.stancog.org](http://www.stancog.org). Agendas and meeting notices are also available upon request from StanCOG at (209) 558-7830.

The Brown Act (CA Government Code 54954.1) states copies of all documents constituting the agenda packet of any meeting of a legislative body shall be mailed to persons requesting such copies. The request is valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. StanCOG maintains a database of all mailing requests, and normally does not remove or change these requests unless officially requested.

The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service.

All StanCOG public meetings include an opportunity for the public to bring issues and concerns to the attention of StanCOG. Anyone wishing to speak before the Board or its committees will be heard. Due to time constraints, unscheduled comments by the public may be limited to 5 minutes in length. The public is encouraged to comment on issues when they are before a StanCOG committee. Comments also may be made on an agenda item when it is before the StanCOG Policy Board. Other non-agenda items may be brought up during the portion of the agenda when the meeting Chair requests items from the floor. This avenue is used to introduce a topic; however, no action can be taken except to place the item on a future agenda. Citizens are encouraged to provide a written copy of presentations to the Board or its committees, particularly if the statement is too long to be presented in its entirety. Citizens unable to attend StanCOG meetings can submit their concerns and ideas in writing to the StanCOG office. StanCOG staff will then present the information to the appropriate committee.

Written materials that accompany agenda items are made available to the public at the meetings. The materials are also available upon request from the StanCOG office.

#### **ADA**

The Policy Board and committee agendas shall be made available upon request in alternative formats to persons with a disability, as required by the Americans With Disabilities Act of 1990 (42 U.S.C. § 12132) and the Brown Act (CA Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact StanCOG staff, at (209) 558-7830, during regular business hours, at least twenty-four hours prior to the time of the meeting.

#### **Non-English Speakers**

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, all proceedings before the StanCOG Policy Board shall be in English and anyone wishing to address the Board is required to have a translator present who will take an oath to make an accurate translation into the English language.

### ***IV. Regular StanCOG Public Involvement Opportunities***

#### **Overall Work Program**

The Overall Work Program (OWP) is the critical document necessary for the scheduling and distribution of work, especially the allocation of resources needed to address each task in StanCOG's work elements. In effect, the OWP constitutes a set of instructions for the planning and project development work to be carried out by staff or consultants.

The OWP concentrates on activities that will be performed during each fiscal year, and is developed through an on-going process by staff. Through the course of the year, staff works