

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

**POLICIES, PROCEDURES AND GUIDELINES FOR
PUBLIC PARTICIPATION AND INTERAGENCY CONSULTATION**

**Approved by the SCAG Regional Council
at the September 2, 1993 meeting.**

CONTACT: Nona Edelen, SCAG Government Affairs 213-236-1870

Introduction

This document is intended to give the Southern California Association of Governments' (SCAG) elected officials and staff guidance in providing for public participation and interagency consultation in the regional planning process. It contains the policies, guidelines and procedures SCAG is using in its regional plan development, review and adoption process. These have been broadened to include additional requirements under the 1990 Americans With Disabilities Act, 1990 Clean Air Act Amendments and the Intermodal Surface Transportation Efficiency Act of 1991.

SCAG carries out its transportation and air quality planning responsibilities in a continuing, cooperative and comprehensive (the 3C process) manner in conformance with United States Code Section 134 of Title 23. However, while this directive remains in effect, the federal government has now made it clear that more specific public participation and involvement is a critical element of the funding eligibility criteria.

Background

As a result of the 1990 Americans With Disabilities Act and the Intermodal Surface Transportation Efficiency Act of 1991, the federal government has stipulated that the public involvement in the metropolitan/regional transportation plan development and approval process include certain target groups. The determination of how effectively the responsible planning agencies have provided opportunities for public input and whether the process meets the interagency consultation requirements of the Environmental Protection Agency proposed rules for conformity determination of the Transportation Plan, the Regional Transportation Improvement Program and the Regional Comprehensive Plan are two of the factors used in the allocation of federal funds for local, regional and state projects and programs.

While the Intermodal Surface Transportation Efficiency Act broadened the scope of public participation in the planning and programming process, prior federal transportation acts also required public participation.

The Ralph M. Brown Act has long required actions of California agencies to be performed in full view of the public along with opportunities for public input. All environmental documents related to the plans have always included the public comment provisions of the California Environmental Quality Act. As a creation of California law, SCAG has always complied with California law in addition to meeting mandates of federal statutes.

On March 2, 1993, the U. S. Department of Transportation issued a series of Notices of Proposed Rulemaking to amend the Code of Federal Regulations to guide the implementation of the Intermodal Surface Transportation Efficiency Act. The proposed rules are expected to be made final by September 1, 1993. Among the pertinent sections are:

"450.116(b)(i)

Public involvement procedures shall reflect consultation with interested parties. As a minimum, the MPO shall publish the procedures to be used and allow 45 days for written public comment before the procedures are adopted;

"450.116(b)(ii)

When the MPO revises its established procedures, it shall publish the new procedures and allow 45 days for written public comment before the revised procedures are adopted.

"450.122(c)

There must be adequate opportunity for public official and citizen involvement in the development of the transportation plan before it is approved by the MPO, in accordance with the requirement of §450.116(b)(1). Such procedures shall include opportunities for interested parties (including citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation) to be involved in the early stages of the plan development/update process. The procedures shall include publication of the plan or other methods to make it readily available for public review and comment."

The expanded Regional Council and the formation of subregional organizations was initiated by the former Executive Committee in 1991. SCAG believes that these forums, coupled with the policy and standing committees and the Regional Advisory Council, our technical advisory committees, and the AB 1246 process (which is one mechanism for involving the county transportation commissions and California Department of Transportation) facilitate our ability to provide a framework for bottom up planning and more frequent and ongoing public and interagency participation at all stages of the process.

Outreach programs for SCAG products will be designed in cooperation with the subregional organizations and other transportation and air quality agencies. These programs will mirror the decentralized planning process which was established to increase participation in regional policy development (as described in the 1993-94 Overall Work Program Prospectus).

Effective public involvement requires that affected citizens (individuals and groups) be encouraged to take an interest in the development of local, regional and state plans. The following policies, guidelines and procedures are designed to encourage participation in the development and approval of the Regional Transportation Plan, Regional Transportation Improvement Program, the Regional Comprehensive Plan, Master Environmental Assessment and other environmental review documentation related to growth, transportation and air quality, and any product prepared by SCAG that statutorily requires public participation or for which the Regional Council determines it is necessary:

POLICIES

- SCAG will define for each product, a public participation program so that the final product will reflect the needs and desires of the affected community(ies) within the region. This includes establishing procedures and responsibilities for (1) informing, involving and incorporating public opinion into the planning process, (2) consultative involvement of designated agencies (i.e., county transportation commissions and air quality management/pollution control districts) on technical data and modeling used in developing regional plans and determining transportation improvement program and regional transportation improvement program conformity, (3) clearly designating a lead staff person who is knowledgeable about the entire planning process to be responsible for the public involvement program, and (4) providing adequate funds and schedule expenditures to implement the public participation program.

- SCAG, in conjunction with the subregions, will notify interested or affected public members that will be impacted by the plan, including but not limited to: elected officials, local government business and industry, labor, agriculture, academic and scientific communities, environmental and service organizations and advocacy groups, senior citizen groups, youth services groups, recreation groups, minorities, health and handicapped organizations, and non-English speaking groups. (Pursuant to Americans With Disabilities Act of 1990 and U. S. DOT regulations "Transportation for Individuals with Disabilities"), Native Americans, minorities, women, affected public agencies, representatives of transportation agency employees, local public transit operators, other operators of major modes of transportation, traffic, ridesharing parking, and enforcement agencies, airport and port authorities, toll authorities, and appropriate private transportation providers, local, State and Federal environmental resource and permit agencies as appropriate through customary meeting announcements, newspapers, public service announcements, press releases, special mailers, publications and agendas of committees, meetings and other opportunities to participate, as appropriate.
- SCAG encourages known proponents and opponents to participate and acknowledges the value of their input.
- SCAG will provide complete and easily understood information including summaries on the issues from the beginning of and throughout the planning process and will define the issues and alternatives in a realistic manner.
- SCAG will publish public comments in a newsletter or report and include specific agency responses, indicate the effect of citizen input on decisions, when appropriate, and keep updated reports of citizen participation.
- SCAG will conduct a thorough review of the program, including staff and citizen evaluation.

GUIDELINES

- Identify the targeted public members (refer to list in Policies).
- Develop a mailing system for targeted groups.
- Develop a public participation/interagency consultation program in cooperation with the subregional organizations and transportation and air quality agencies which includes a schedule of activities.
- Stress the mandate to encourage, assess and provide for public participation.
- Stress the importance of an inclusionary process and dialogue and encourage staff to regard citizens, subregional organizations, and agencies as working partners.
- Train staff in effective communication and group management skills, i.e., clear and direct answers to questions.
- Train staff or provide resources to write comprehensive summaries of technical data.

- Allocate the greatest portion of the budget for setting up the program and for later phases when the most public participation activities are scheduled.
- Follow-up on public notices to encourage participation. Assign staff to look out for non-participating public interests.
- Distribute draft product to all groups, individuals, agencies and subregional organizations.
- Keep all parties informed with progress reports during the product development, review and adoption phases.
- Develop and integrate public comments into the product.
- Evaluate public participation efforts at the end of each phase of the planning process so that necessary modifications can be made for subsequent phases.
- Distribute copies of the final product to all groups, individuals, agencies and subregional organizations upon request.

PROCEDURES

- Prepare the program description, schedule for mailings, meetings, workshops and public hearings, media strategy and budget, and make appropriate staff assignments.
- Procure required materials, related supplies and services and determine logistical needs.
- Complete target group and media mailing lists for English and non-English speaking groups (eliminating duplicates) and determine the best methods for distributing information: speaker's bureau, brochures, flyers, issue papers, plan summaries, newsletters, visual aids, press releases, public service announcements, press advisories, press conferences, telephone and personal interviews.
- Determine the appropriate staff and agency representatives on policy and technical issues. Provide training, orientation and information aids.
- Publish legal notices in newspapers, distribute event information through newsletters and the news media. Make planning documents and summary reports readily available to the public well in advance of the event date.
- Establish bottom up decision making process with subregional organizations and transportation and air quality agencies.
- Develop memoranda of understanding or agreements with appropriate agencies.
- Coordinate the outreach effort of the subregional organizations and transportation and air quality agencies into the SCAG process.

- Inform event participants and the general public when, where and how written and verbal reports on proceedings will be made available for public review.
- Acknowledge English and non-English citizens, groups, agencies and subregional organizations' participation at events and tell them how their involvement has affected the plan.
- Develop procedures for receiving testimony. Include the time to be allotted to each speaker and how the order of appearance is determined. A written explanation of adopted procedures should be distributed to participants both prior to and at the hearing.
- Make arrangements for the submission of written statements instead of, or in addition to, verbal comments.
- Choose the event site and time convenient for participants. It is preferable to hold the event in the affected community or a central location to a few or more communities or to hold separate events at different locations. All sites should be fully accessible to all citizens consistent with the required targeted groups described in the policy section.
- Selection of a meeting chairman, workshop moderator or hearing board may vary with regulations. Participation of elected officials is encouraged.
- Incorporate public comments into plans.
 - Written Summary/Verbal Presentation. The agency staff reviews all comments, synthesizes them and prepares a narrative summary which highlights the key points.
 - Listing All Comments. Using a summary chart format, the agency staff reviews and summarizes all comments categorizing them by topic and type of comments (i.e., question, fact, desire, opinion).
 - Providing the Full Record. The decision-making body is given copies of the meeting notes, the verbatim transcript (for public hearings), or taped transcripts.