

Chapter II Public Involvement

Public involvement is solicited and strongly encouraged in the coordinated metropolitan transportation planning process. Increasing the communication among citizens, elected officials, and staff permits stakeholders to work together to achieve desired goals and objectives. The public involvement program emphasizes the importance of involvement from all levels of government to individual citizens. When the public is involved, the direction and content of the planning efforts are more likely to address the wide range of issues that impact decision makers. Involving the public during the planning phase of any project will reduce the time and cost of project implementation.

The North Central Texas Council of Governments (NCTCOG) and the Texas Department of Transportation (TxDOT) hold public meetings as part of their public involvement process. Public meetings are held during development and update of the Transportation Improvement Program/Statewide Transportation Improvement Program (TIP/STIP) and during individual project implementation, which ensures compliance with the National Environmental Policy Act (NEPA) process. The TxDOT public involvement process also ties into a statewide process overseen by the Texas Transportation Commission. Assurance of adequate local input is required prior to final approval by the Commission.

In March 2010, the Regional Transportation Council (RTC) adopted a revised NCTCOG Transportation Public Participation Plan. The Public Participation Plan is consistent with provisions in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) guidance. These procedures require that a public meeting on the draft TIP be conducted at least 30 days prior to RTC approval, which includes a 30-day written comment period.

Additional components of the Public Involvement Process include reasonable public access to technical and policy information, open public meetings, and explicit consideration and response to public input. The public notification form is available at all public meetings to allow interested individuals the opportunity to receive notification of future public meetings. A copy of the current NCTCOG Public Participation Process is provided in the following pages of this chapter. Public meeting notices and comments received at the public meetings and during the 30-day comment period can be found at <http://www.nctcog.org/trans/outreach/meetings>.

North Central Texas Council of Governments | Regional Transportation Council



PUBLIC MEETINGS

TRANSPORTATION AGENCY PROGRAMS OF PROJECTS
The public is encouraged to comment on the proposed transit projects funded by the Federal Transit Administration through the Fiscal Year (FY) 2012 Urbanized Area Formula Program. The following agencies' programs of projects (POPs) will be presented:

- City of Arlington/Handitran
- City of Grand Prairie/Grand Connection
- City of Mesquite/MTED
- City/County Transportation
- Collin County Area Regional Transit (CCART)
- Fort Worth Transportation Authority (The T)
- Northeast Transportation Service (NETS)
- Public Transit Services (PTS)
- Special Programs for Aging Needs (SPAN)
- STAR Transit

This opportunity for comment meets the federal requirement for public participation in programs of projects. For information about the FY 2012 POPs for the Dallas Area Rapid Transit and the Denton County Transportation Authority, please contact them directly.

DRAFT PROJECT RECOMMENDATIONS: JOB ACCESS/REVERSE COMMUTE AND NEW FREEDOM PROGRAMS
State and local governmental entities, non-profit organizations and providers of public transportation were eligible to submit projects through a call for projects to receive a portion of nearly \$8.2 million in Federal Transit Administration funds. Projects designed to transport residents to suburban employment opportunities or to transport low-income individuals to work or work-related activities were eligible for funds under the Job Access/Reverse Commute Program. The New Freedom Program supports new public transportation alternatives for persons with disabilities beyond those required by the Americans with Disabilities Act. Staff will present a summary of projects received and recommendations for funding.

DRAFT RECOMMENDATIONS: TRANSPORTATION IMPROVEMENT PROGRAM
A comprehensive list of funded transportation projects through 2014 is maintained in the current Transportation Improvement Program (TIP). Projects with committed funds from federal, State and local sources are included in the TIP. To maintain an accurate project listing, this document is updated on a regular basis. The current set of project modifications will be presented for public review and comment. Additionally, staff is developing a new TIP which will list projects funded between 2013 and 2016. The draft list of projects for the new TIP will be presented.

GENERAL AVIATION AND HELIPORT SYSTEM 2035
General aviation is any civilian flying other than scheduled commercial airline service. Some of the most recognizable services that general aviation provides are overnight mail delivery, medical evacuation and airborne law enforcement. In addition to these services, general aviation has many other purposes such as flight training and corporate and personal transportation. The Dallas-Fort Worth area is home to more than 400 public- and private-use aviation facilities. Both based aircraft and aircraft operations are expected to steadily increase through 2035, according to the draft long-term general aviation and heliport system plan. Staff will present the draft plan that sets a new strategic vision for advancing general aviation and heliport resources in and around the Dallas-Fort Worth area and outline next steps.

Audio and information from the public meetings will be posted at www.nctcog.org/meetings.

For special accommodations due to a disability or language translation, contact Janice Stolt at 817-608-2335 or jstolt@nctcog.org at least 72 hours prior to the meeting. Reasonable accommodations will be made.

Para ajustes especiales por discapacidad o para interpretación de idiomas, llame al 817-608-2335 o por e-mail: jstolt@nctcog.org con 72 horas (mínimo) previas a la junta. Se hacen las adaptaciones razonables.

facebook.com/nctcogtrans twitter.com/nctcogtrans YouTube youtube.com/nctcogtrans



North Central Texas Council of Governments

During development of the 2013-2016 TIP, public meetings were held to obtain a consensus of the constituency served by the program. Draft project listings were presented to the public at Public Meetings held on **March 12 and 13, 2012 in Lewisville, Dallas, and Fort Worth.**

These meetings were held to educate, inform, and seek comments from the public on transportation issues and the specific projects proposed for funding listed in the TIP. Comments were solicited from those present who wished to speak for the record and any other citizens who wished to submit comments in writing during the comment period ending April 2012.

NCTCOG regularly supports and holds meetings for the NCTCOG Executive Board, the Regional Transportation Council (RTC), and the Surface Transportation Technical Committee (STTC). These committees review, endorse, or approve the development of the TIP and the supporting air quality conformity analysis. These meetings are open to the public, and meeting agendas are available to all interested parties.

Throughout the year, modifications to the programmed projects in the TIP are often necessary to either update project information or to facilitate changes to TxDOT's project letting schedules. Based

on the nature of the change, these modifications are either processed administratively or require STTC and RTC approval to proceed. Then, significant project modifications are transmitted to TxDOT for incorporation into the Statewide TIP (STIP) in accordance with the State's rules for modification of the STIP. This process will be discussed in greater

detail in the next chapter. These project modifications are communicated to the public through the public participation process.

Public meeting locations are selected based on:

- Minority and low-income communities,
- Transit accessibility, transportation issues within a particular community,
- Convenient times of the day to conduct meetings.

NCTCOG staff considers environmental justice issues in the transportation planning process when conducting public meetings.

Given the large Metropolitan Area, staff also attempts to avoid repeat locations. Other efforts to involve minority communities include publication of newspaper display ads in local minority publications.

Invitations are mailed to approximately 8,000 individuals and organizations contained in NCTCOG's public notification database. All public meetings are posted on the Texas Secretary of State's Texas Register web site as part of the Open Meetings requirement. Public meeting notices are also mailed to public libraries and city/county offices for posting.

For more information or minutes of public meetings, please visit <http://www.nctcog.org/trans/outreach/meetings>.

THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS TRANSPORTATION PUBLIC PARTICIPATION PLAN (March 2010)

THE NEED FOR PUBLIC PARTICIPATION

An effective public participation process provides for an open exchange of information and ideas between the public and transportation decision makers. The overall objective of the North Central Texas Council of Governments' (NCTCOG's) Transportation Department public participation plan is that it is proactive, provides complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement. Not only does the public participation plan provide a mechanism for NCTCOG Transportation Department to solicit ideas and public comments, it also builds support among the public who are stakeholders in transportation investments that impact their communities.

Key elements for effective public participation are:

1. Clearly defined purpose and objectives for initiating a public dialogue on transportation plans, programs, projects, policies and partnerships;
2. Identification of specifically who the affected public and other stakeholder groups are with respect to the plans, programs, projects, policies and partnerships under development;
3. Identification of techniques for engaging the public in the process;
4. Varied notification procedures which effectively target affected groups;
5. Education and assistance techniques which result in an accurate and full public understanding of the transportation problem, potential solutions, and obstacles and opportunities within various solutions to the problem; and
6. Follow-through by public agencies demonstrating that decision makers seriously considered public input.
7. Multiple mediums and opportunities to submit input.

NCTCOG Transportation Department reviews guidance on public participation from the Federal Highway Administration/Federal Transit Administration on a regular basis.

ENVIRONMENTAL JUSTICE AND TITLE VI REQUIREMENTS

NCTCOG is committed to incorporating Environmental Justice elements and Title VI considerations into its Public Participation Plan. During the public participation process, populations that have been traditionally underserved by existing transportation systems, including but not limited to low-income and minority households, are sought out and their needs considered.

In response to Executive Order 12898: Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, NCTCOG's policy reflects that no segment of the region should, because of race, economic makeup, age, sex, or disability, bear a disproportionate share of the adverse human health or environmental effects, including social and economic effects, of its programs, policies, and activities or be denied equal access to environmental benefits. Other fundamental concepts of Environmental Justice included in NCTCOG's policy are to ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and to prevent the denial of, reduction in, or significant delay in receipt of benefits by minority and low-income populations.

NCTCOG addresses Environmental Justice concerns throughout the transportation planning process, and it is the responsibility of all staff to consider the needs of traditionally underserved communities during planning, project selection and project implementation. As the Public Participation Plan is implemented, special consideration is given to ensure all residents have reasonable access to information and opportunities to give input. Demographic data is analyzed to identify communities of concern that can be used for public meeting location and outreach event selection as well as identification of need for more targeted or diverse outreach efforts. NCTCOG annually publishes a report outlining how Environmental Justice concerns are addressed in the Department's activities.

A Language Assistance Plan (LAP) (Appendix E) outlines NCTCOG's efforts to make information available to limited English proficient (LEP) persons. According to U.S. Department of Transportation Guidelines, a four-factor analysis is used to evaluate the extent to which language assistance measures are required to ensure meaningful access to LEP persons.

The four-factor analysis considers:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity or service provided by the federal-funding recipient to people's lives.
4. Resources available to federal-funding recipients and costs of language assistance.

The LAP outlines demographic information, analysis of Department activities, language assistance provided and communication to LEP persons about the availability of language assistance.

Title VI states 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. Title VI prohibits discrimination: whether intentional or where the unintended effect is unduly burdensome.

Title VI Complaint Procedures (Appendix F) outlines the NCTCOG Title VI policy, how an individual may submit a complaint, how the complaint will be investigated and potential resolution scenarios.

PUBLIC PARTICIPATION REQUIREMENTS

Prior to the passage of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA),

there were no formal public involvement procedures for metropolitan transportation planning. However, all technical committee meetings and Regional Transportation Council meetings were open to the public, and meeting notices were mailed to several hundred interested parties. A concerted effort to contact private sector and government interests was achieved. In addition, local government hearings were held prior to the adoption of the Metropolitan Transportation Plan and Transportation Improvement Program.

ISTEA and subsequent federal transportation legislation include requirements for proactive public involvement as part of the metropolitan transportation planning process. This Public Participation Plan was updated in May 2007 in accordance with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU) and related federal rules.

The federal rules for metropolitan transportation planning contain additional guidelines in 23 CFR 450.316. Ten requirements are specified and are summarized in Appendix A, along with NCTCOG's response as to how the requirement will be met. Appendix B specifically lists the types of interested parties identified in SAFETEA-LU.

PUBLIC PARTICIPATION COMPONENTS

There are six main components to the NCTCOG Transportation Public Participation Plan, as described below:

1. Public meetings will occur prior to NCTCOG's Regional Transportation Council (RTC) approval of the Transportation Improvement Program (TIP), the Metropolitan Transportation Plan (MTP), Air Quality Conformity, and the Unified Planning Work Program (UPWP). Public meetings will also occur prior to TIP revisions and MTP updates.
2. Notification of UPWP modifications and TIP administrative amendments can be conducted by mailings, newspaper ads, and/or e-mail, if not addressed at public meetings.
3. Open meetings include RTC and the standing technical, policy and strategic committees.
4. NCTCOG's Government Applications Review Committee provides a forum for the review of applications for various federal and State programs as part of the Texas Review and Comment System.
5. Whenever NCTCOG is involved in the development of environmental documents following National Environmental Policy Act (NEPA), staff will coordinate with implementing agencies for public involvement and, when applicable, the Texas Department of Transportation Environmental Manual.
6. Additional public information is available through NCTCOG staff and Web site.

The following tables contain details concerning each component of the public participation plan:

1. Public Meetings

PUBLIC PARTICIPATION COMPONENT	PUBLIC MEETING DATE	COMMENT PERIOD²	ADDITIONAL COMMENTS
Development of Transportation Improvement Program, including Air Quality Conformity ¹	At least 30 days prior to RTC approval	30 days	All public comments received on the TIP and MTP will be included in the documentation of the TIP and MTP or by reference to Air Quality Conformity documentation. Whenever possible, each of these topics will be covered in the same public meetings.
Development of Metropolitan Transportation Plan (including Air Quality Conformity and population and employment forecasts)	A public meeting shall be held at least 60 days prior to requesting RTC action. A second public meeting will be held at least 30 days prior to RTC approval.	30 days following each meeting	
TIP Revisions	At least 30 days prior to RTC approval ³	30 days ³	Revisions are project modifications that require RTC action; rules regarding various types of TIP modifications are outlined in the TIP Modification Policy (Appendix D).
Metropolitan Transportation Plan Amendments	At least 30 days prior to RTC approval	30 days	
Development of Unified Planning Work Program	Once every two years, at least 30 days prior to RTC approval	30 days	
Congestion Management Process	At least 30 days prior to RTC approval	30 days	
Development or update of the Public Participation Plan	At least 45 days prior to RTC approval if changes reducing public participation proposed	45 days	

¹Sometimes conformity is re-evaluated, because of changes due to the transportation system, as well as changes in the emission budget of the State Implementation Plan. Public Meetings will be held under both conditions.

² In the event that more than one public meeting is scheduled; the public comment period will begin following the first meeting.

³ With increased focus on expediting project implementation and funding allocation, there may be rare occasions in which issues arise that require urgent modification of the TIP due to funding requirements or timelines. In these cases, exceptions to the 30-day comment period may be required in order to avoid not being able to secure funding. In these cases, there will be adequate public notice and clear communication of the abbreviated comment period. An abbreviated comment period will be at least 72 hours. Longer comment periods are preferred and will be offered whenever possible.

2. Notification

PUBLIC PARTICIPATION COMPONENT	PUBLIC MEETING DATE	COMMENT PERIOD ²	ADDITIONAL COMMENTS
UPWP modifications	Notification by mailings, newspaper ads, and/or e-mail if modifications do not impact air quality conformity. At least 30 days prior to RTC approval if modifications are expected to impact air quality conformity.	30 days	UPWP modifications that do not impact air quality conformity can be transmitted by notification if not presented at public meetings.
TIP Administrative Amendments and modifications supporting previous RTC action	Summary of modifications provided at next public meeting as well as notice about how to access the complete list of administrative amendments.	N/A	TIP modifications supporting previous RTC action that do not impact air quality conformity can be transmitted by notification if not presented at public meetings.

3. Open Meetings

Regional Transportation Council (RTC)	Regular meeting on second Thursday of each month	N/A	TIP Administrative Amendments and other items not specifically requiring public involvement will be presented and discussed at the RTC and standing technical, policy and strategic committee meetings.
All Other Committees as determined by Open Meetings Act including those identified in RTC bylaws as standing technical, policy and strategic committees.	(determined individually)	N/A	

4. Government Applications Review Committee

Government Applications Review Committee	As Needed	N/A	Various federal and State programs are reviewed for regional consistency under the Texas Review and Comment System (TRACS).
--	-----------	-----	---

5. Additional Public Information

PUBLIC PARTICIPATION COMPONENT	PUBLIC MEETING DATE	COMMENT PERIOD²	ADDITIONAL COMMENTS
Public Information	As Needed	N/A	See Appendix A. Requests for public information and presentations are coordinated through NCTCOG staff.
Presentations	As Needed	N/A	Staff presentations and other information are available for public review by contacting NCTCOG's Transportation Department or through the NCTCOG Web site.
Publications	As Needed	N/A	Publications are available by contacting NCTCOG's Transportation Department or through the NCTCOG Web site
Opportunity to review draft environmental documents	N/A	To be determined by agency publishing document.	As the Metropolitan Planning Organization for the Dallas-Fort Worth area, NCTCOG receives copies of draft environmental documents to make available to the public for review and comment during business hours.
Web site	As Needed	N/A	Public information will be made available in electronically accessible format and means, such as the World Wide Web, whenever possible.
Community Events	As Needed	N/A	Public information is distributed at a variety of community events, such as local government events, Earth Day celebrations, bike rallies, etc. in order to increase public awareness of NCTCOG transportation and related air quality plans and programs.

6. Environmental Documents and Implementing Agency Coordination

Development of NEPA environmental documents and in coordination with implementing agency.	According to requirements established in the Texas Department of Transportation Environmental Manual or similar documents for implementing agency.	TBD depending on requirements established	NCTCOG will work with the implementing agency to establish and meet public involvement requirements including when applicable those outlined in the Texas Department of Transportation Environmental Manual.
---	--	---	--

NOTIFICATION OF PUBLIC PARTICIPATION ACTIVITIES

All public meeting notices will be sent to select newspapers to ensure regional coverage. Translated notices will also be sent to non-English newspapers. Notification is also sent to local libraries, city halls, county court houses, chambers of commerce (including minority chambers), and the Texas Register. In addition, NCTCOG will maintain a comprehensive mailing list containing the names of individuals and organizations that wish to be notified of all public meetings as well as stakeholders identified in Appendix B. To be included on the mailing list, please submit the attached Public Notification form or go to the NCTCOG Web site, www.nctcog.org.

For additional information on the North Central Texas Council of Governments' Transportation Public Participation Plan, contact NCTCOG's Transportation Department:

North Central Texas Council of Governments
Transportation Department
P.O. Box 5888
Arlington, Texas 76005-5888

(817) 695-9240 metro
(817) 640-3028 fax
transinfo@nctcog.org

**PUBLIC NOTIFICATION
NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
TRANSPORTATION DEPARTMENT**

Please add my name to the Public Notification list:

Name: _____

Title: _____

Agency: _____

Address: _____

Phone: _____

Email: _____

Please mail, email or fax to:

North Central Texas Council of Governments
Transportation Department
P.O. Box 5888
Arlington, Texas 76005-5888

Fax (817) 640-3028
E-mail: transinfo@nctcog.org
Web site: www.nctcog.org

**THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
TRANSPORTATION PUBLIC PARTICIPATION PLAN
(March 2010)**

APPENDIX A

Summary of Public Involvement Requirements - 23 CFR 450.316 (a)(1)

REQUIREMENT	NCTCOG RESPONSE
(i) Provide adequate public notice of public participation activities and time for public review and comment	Public meeting notices will be sent to selected newspapers to ensure regional coverage. Translated notices will also be sent to non-English newspapers. Notification is also sent to local libraries, city halls, county court houses, chambers of commerce (including minority chambers), and the <u>Texas Register</u> . In addition, NCTCOG will maintain a comprehensive mailing list containing the names of individuals and organizations that wish to be notified of all public meetings as well as stakeholders identified in Appendix B.
(ii) Provide timely information on transportation issues and processes	Information is disseminated through NCTCOG's publications, reports, public meetings and other outreach events, the NCTCOG Web site, local newspapers, and open meetings.
(iii) Employ visualization techniques to describe metropolitan transportation plans and TIPs	To the maximum extent possible, NCTCOG will employ visualization techniques such as maps, charts, graphs, photos, and computer simulation in its public involvement activities.
(iv) Make public information available in electronically accessible formats, such as the World Wide Web	Reports, plans, publications, recent presentations, and other information are available on the NCTCOG Web site. Public comments may also be submitted on the NCTCOG Transportation Department Web site and via e-mail. Interested parties may subscribe to receive topic-specific e-mail correspondence. Additional web-related communication tools are evaluated continuously for implementation.
(v) Hold public meetings at convenient and accessible locations and times	Public meetings are held in diverse locations throughout the region, accessible to individuals with disabilities, preferably near transit lines or routes, at both day and evening times. Public meeting materials and summaries are archived online and hard copies can be mailed upon request.

REQUIREMENT	NCTCOG RESPONSE
(vi) Demonstrate explicit consideration and response to public input received during development of the MTP and TIP	Public meetings will be held during development of the TIP and MTP as well as upon proposal of revisions/updates to these documents. All public comments will be reviewed and considered by the RTC and standing technical, policy and strategic committees. Public comments received on the TIP and the MTP shall be included in documentation of the TIP and the MTP or via reference to Air Quality Conformity documentation.
(vii) Seek out and consider the needs of those traditionally underserved, including, but not limited to low income and minority households	A comprehensive mailing list will be maintained. Public meetings are held in diverse locations throughout the region, accessible to individuals with disabilities, preferably near transit lines or routes, at both day and evening times.
(viii) Provide additional opportunity for public comment if final MTP or TIP differs significantly from version made available for public review	If the TIP or MTP requires significant revisions, additional public meetings will be held.
(ix) Coordinate with statewide transportation planning public involvement process	When possible, public meetings will be coordinated with the Texas Department of Transportation.
(x) Periodic review of Public Participation Plan (PPP)	NCTCOG regularly reviews its Transportation Public Participation Plan. If modified in a more restrictive fashion, a 45-day comment period will be held following the meeting.

**THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
TRANSPORTATION PUBLIC PARTICIPATION PLAN
(March 2010)**

APPENDIX B

**Participation by Interested Parties
23 CFR 450.134 (a)**

Interested Parties
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
other interested parties
<ul style="list-style-type: none"> • Local and State Emergency Response agencies
<ul style="list-style-type: none"> • State and Local agencies responsible for growth and economic development
<ul style="list-style-type: none"> • Federal, State and Tribal wildlife, land management, and regulatory agencies
<ul style="list-style-type: none"> • Airport operators

**THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
TRANSPORTATION PUBLIC PARTICIPATION PLAN
(March 2010)**

APPENDIX C

IMPLEMENTATION STRATEGIES FOR PUBLIC OUTREACH AND INVOLVEMENT

This document describes the North Central Texas Council of Governments (NCTCOG's) Transportation Department's ongoing public outreach efforts, which are utilized in conjunction with the formal public participation procedures. In addition, Appendix C describes the implementation process for the formal public participation procedures. The public participation procedures were originally adopted by the Regional Transportation Council (RTC) in June 1994 and represent the standard practices the NCTCOG Transportation Department follows in involving the public in regional transportation planning. These procedures were updated pursuant to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU), the most recent federal transportation authorization legislation, and related federal rules.

In addition to these procedures, the NCTCOG Transportation Department has developed many avenues to increase public outreach. Public outreach efforts identify three critical actions:

- inform, which consists of providing information and outreach to the public;
- input, which provides an opportunity for the public to provide comments; and
- support, which follows the first two actions.

To receive effective input from the public, it is important that the public have an understanding of the issues that surround transportation and related air quality planning, programs, projects and policies. The purpose of public outreach efforts is to equip the public with that understanding.

Generally, when the public has been informed and has had the opportunity to provide input, sufficient consensus building can take place, which provides the support base for whatever transportation decisions are made.

Public Outreach Components

For projects requiring development of environmental documents pursuant to the National Environmental Policy Act (NEPA), the public involvement requirements of implementing agencies and, when applicable, the Texas Department of Transportation Environmental Manual will be met. During this process, NCTCOG will continuously coordinate with the implementing agency. One or several additional communication tools may also be used.

Public outreach serves to educate and inform the public about transportation issues and the planning process. Extensive public outreach activities should motivate public interest in transportation issues and lead to greater attendance and involvement at public meetings. Public meetings provide a useful opportunity for transportation stakeholders and the general public to submit formal, written comments or oral comments on transportation issues and planning activities. It also provides an opportunity for the NCTCOG Transportation Department to learn of public needs and opinions on various transportation issues.

In order to effectively communicate transportation and related air quality issues to the public, the NCTCOG Transportation Department employs various communication strategies. One or several of the following elements can be used as a means to educate the public on transportation issues.

- **Mailing List:** The Public Notification Database, a comprehensive mailing list of member governments, state agencies, neighborhood associations, civic organizations, transportation advocacy groups, social service organizations, freight companies, transit providers, chambers of commerce (including minority chambers), churches, and citizens has been developed, and is continually maintained and expanded. Individuals on this list receive public meeting notices; notices of workshops or open houses; educational brochures; newsletters; and other material suitable for mass mailings.

The current Public Notification Database contains approximately 9,000 individuals and is updated continuously to include new entries from the NCTCOG Transportation Department web page (an on-line form is available for submission), returned mail, and requests for additions and deletions from various sources. The NCTCOG Transportation Department also conducts an annual survey of the mailing list via return post card to track interests and for correction of information.

- **Publications:** The NCTCOG Transportation Department, in conjunction with the Public Affairs Department, takes an active roll in producing publications designed to educate the public on transportation issues and encourage their active involvement. Such publications include the *Mobility Matters* quarterly newsletter, initiated in December 2001, to provide information on the Transportation Department's activities and initiatives. This newsletter is mailed to the entire Public Notification Database, and made available at all public meetings, community events, at Regional Transportation Council and subcommittee meetings and is available through the NCTCOG Web site. Other publications include, but are not limited to:
 - *Citizen Guide to Transportation Planning and Programming in the Dallas-Fort Worth Metropolitan Area*
 - Educational pamphlets
 - *It's Your Region* (a monthly newsletter produced by NCTCOG)
 - *Local Motion*, (a monthly newsletter for local elected officials and transportation decision makers)
 - *Metropolitan Transportation Plan Executive Summary*
 - *Mobility Matters* (a quarterly newsletter mailed to the Public Involvement list)
 - Notices of Public Meeting, Workshops, and Open House events
 - *Regional Mobility Initiatives* (an ongoing educational report series)
 - *Transportation State of the Region* annual report

Since 1996, 22 issues of Regional Mobility Initiatives have been produced and distributed, and are accessible through the NCTCOG Web site:

- *Advanced Transportation Management*, March 1996
- *Air Quality*, July 1996
- *Traffic Congestion*, October 1996
- *Multimodal Solutions in the North Central Corridor*, July 1997
- *Toll Roads*, February 1998
- *Major Investment Studies*, August 1998

- *The Transportation Equity Act for the 21st Century*, October 1998
 - *High Occupancy Vehicle (HOV) Lanes*, December 1998
 - *Travel Demand Forecasting Procedures*, June 1999
 - *Commuter Traffic*, December 2000
 - *Pedestrian Transportation*, August 2002
 - *Metropolitan Planning Organization*, November 2002
 - *Rail Station Access*, February 2003
 - *Commuter Traffic Update*, October 2004
 - *Regional Rail*, October 2005
 - *Goods Movement and Freight Traffic*, January 2006
 - *Intelligent Transportation Systems*, December 2006
 - *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)*, June 2007
 - *Metropolitan Planning Organization*, August 2007
 - *Air Quality*, September 2007
 - *Congestion Management Process*, March 2008
 - *Traffic Congestion*, December 2008
- **Surveys:** Where appropriate, the NCTCOG Transportation Department may conduct surveys to determine public awareness and/or sentiment with regard to certain planning issues. Surveys may be relatively small endeavors designed to shed light on one or two issues, or may be large-scale planning endeavors.
 - **Planning Documents:** Various planning documents and other publications are made available upon request. Environmental documents received by the Metropolitan Planning Organization are also available to the public. Most can also be viewed via the NCTCOG Web site. These publications include, but are not limited to:
 - Metropolitan Transportation Plan
 - Transportation Improvement Program
 - Congestion Management Process
 - Other Management System Reports
 - Air Quality Conformity Analysis
 - Technical Report Series Reports
 - Unified Planning Work Program
- Upon request, any NCTCOG Transportation Department publication will be converted into alternative formats or languages.
- **Relationships with Local Media:** Relationships with media are continually being cultivated by increasing the frequency with which media releases are distributed, compiling and updating a media e-mail distribution list which includes more than 150 reporters at almost 100 local print and broadcast media outlets, and by fostering personal contact with local editors and news directors by providing timely and accurate information upon their request. NCTCOG Transportation Department staff attends professional organization meetings designed to improve media relations and develop further contacts with individual

representatives of local media. The goal of furthering these relationships with local media is to foster greater public awareness and understanding among Dallas-Fort Worth area citizens regarding transportation issues in a positive and proactive manner.

- ***Electronically Accessible Information:*** Information is also available online via the NCTCOG Transportation Department Web site www.nctcog.org/trans. This site includes a Public Involvement web page, www.nctcog.org/trans/outreach/involve/index.asp, to provide the latest information on public meetings, media releases, public surveys, and NCTCOG Transportation Department's Public Participation Plan. Public meeting presentations, handouts, schedules, flyers, and minutes are made available on this site as well. A printable public notification form for mailing or an online version that can be used via e-mail is available. Interested parties may also directly access all Transportation Department staff members via e-mail, phone, fax or postal mail.

- ***Consensus Building:*** For appropriate planning activities, NCTCOG Transportation Department will utilize, to the greatest extent possible, certain outreach efforts early in the planning process to gather input and build consensus among various transportation stakeholders. The public outreach plan for each activity will detail specific activities to be undertaken. Such efforts may include, but are not limited to:
 - Open Houses
 - Listening Sessions
 - Roundtables
 - Conferences and Forums

- ***Public Meetings:*** In addition to these public outreach activities, the Transportation Department follows general public procedures in holding public meetings to facilitate greater participation and to encourage the exchange of ideas and information. Environmental Justice aspects are always considered when selecting meeting sites.

General Public Meeting Guidelines

1. Meetings will be held in accessible locations, preferably near transit lines or routes.
2. Meetings will be held in buildings that are in full compliance with the Americans with Disabilities Act of 1990.
3. Presentations and supporting documentation, as needed, will be available at all meetings.
4. An informal meeting environment will be cultivated, allowing attendees to ask questions and submit comments.

5. For meetings on a specific project, the meeting(s) will be held in corridor(s) directly affected by the project.
6. The NCTCOG Transportation Department will make every effort to accommodate attendees with special needs if they provide sufficient notice. Facilities will be available on request for persons with disabilities, including sign and foreign language interpreters, and handouts in large print or Braille. A minimum of 3 business days

advance notice is required for these arrangements to be provided. Public meeting notices will provide the telephone number and e-mail address to request special arrangements.

7. At a minimum, the meeting will be audio taped. Videotaping may be preferable in certain situations.

NCTCOG Transportation Department will, on occasion, provide other informational items at public meetings. Any additional information or materials may be requested at public meetings and NCTCOG can assure that information is mailed to citizens upon their request.

Notification of Public Meeting Activities

All public meeting notices will be sent to select newspapers, as necessary, to ensure regional coverage. All public meetings are posted on the Texas Register Web site as part of the Open Meetings requirement. Public meeting notices are mailed to meeting location facilities, more than 160 public libraries, more than 190 city and county offices for posting, and to approximately 9,000 individuals and organizations in our public notification database. NCTCOG Transportation Department staff will contact public information officers of the cities in which meetings are scheduled, to request assistance in posting information, often on the city cable television channel and Web sites.

- **Community Outreach Events:** In an effort to educate the public and increase public awareness of NCTCOG transportation plans and programs, information is distributed at a variety of community events such as local government events, Earth Day celebrations, bike rallies, etc. Transportation Department staff also frequently makes presentations to community groups and civic organizations.

**THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
TRANSPORTATION PUBLIC PARTICIPATION PLAN
(March 2010)**

APPENDIX D

**TRANSPORTATION IMPROVEMENT PROGRAM MODIFICATION POLICY
Policies and Procedures to Streamline Project Delivery**

The Transportation Improvement Program (TIP) is a staged, multi-year program of projects approved for funding with federal, State, and local funds within the Dallas-Fort Worth area. A new TIP is approved every two years by the Regional Transportation Council (RTC), which serves as the policy board for the Dallas-Fort Worth Metropolitan Planning Organization (MPO). Due to the changing nature of projects as they move through the implementation process, the TIP must be modified on a regular basis.

Please note certain project changes require collaboration with our State and federal review partners. This collaboration occurs through the Statewide Transportation Improvement Program (STIP) revision process. Therefore, modification of the Dallas-Fort Worth TIP will follow the quarterly schedule established for revisions to the Statewide Transportation Improvement Program (STIP).

This policy consists of four sections:

General Policy Provisions: Overall policies guiding changes to project implementation

Project Changes Not Requiring TIP Modification: Changes related to administration or interpretation of Regional Transportation Council Policy

Administrative Amendment Policy: Authority granted to the MPO Director to expedite project delivery and maximize the time the RTC has to consider policy level (vs. administrative) issues

Revision Policy: Changes only the Regional Transportation Council can approve or recommend for State and federal concurrence

General Policy Provisions

1. All projects inventoried in the Transportation Improvement Program fall under this modification policy, regardless of funding source or funding category.
2. Air quality conformity, Mobility Plan consistency, congestion management system compliance, and financial constraint requirements must be met for all TIP modifications.
3. Project modifications will only be made with the consent of the implementing/impacted agency.

4. The Dallas-Fort Worth MPO will maintain a cost overrun funding pool. Program funds must be available through the cost overrun pool or from other sources in order to process modifications involving project cost increases.
5. All funding from deleted projects will be returned to the regional program for future cost overruns or new funding initiatives, unless the deleted funds are needed to cover cost overruns in other currently selected projects. However, it is important to note that funds are awarded to projects, not to implementing agencies. Therefore, funds from potentially infeasible projects cannot be saved for use in future projects by implementing agencies. MPO staff will manage timely resolution of these projects/funds.
6. For projects selected using project scoring methodologies, projects must be rescored and achieve the minimum score acceptable for programming before a cost increase is considered.
7. Cost increases for strategically-selected projects fall under the same modification policy provisions, although project rescoring may not be necessary.
8. As a general policy, new projects are proposed through periodic regional funding initiatives. However, the RTC may elect to add new projects to the TIP, with Congestion Mitigation and Air Quality Improvement Program (CMAQ) or Surface Transportation Program – Metropolitan Mobility (STP-MM) funding, outside of a scheduled funding initiative under emergency or critical situations. Projects approved under this provision must be an immediate need and be ready for implementation or construction before the next RTC funding initiative or funding cycle.
9. Local match commitments (i.e., percentages) will be maintained as originally approved. Cost overruns on construction, right-of-way, and engineering costs will be funded according to original participation shares.
10. Additional restrictions may apply to projects selected under certain funding initiatives. For example, projects selected through the 2001 Land Use/Transportation Joint Venture program are not eligible for cost increases from RTC-selected funding categories.
11. Cost overruns are based on the total estimated cost of the project, including all phases combined, and are evaluated once total project cost is determined to exceed original funding authorization.
12. Cost indicators may be evaluated on cost overruns to alert project reviewers to potential unreasonable cost estimates (examples include cost per lane-mile, cost per turn lane). The cost indicators are developed by the MPO, in consultation with TxDOT, using experience from the last several years. If a project falls out of this range, the MPO may either:
 - (a) require a more detailed estimate and explanation,
 - (b) require value engineering,
 - (c) suggest a reduced project scope, or
 - (d) determine that a cost increase will come from local funds, not RTC funds.

Project Changes Not Requiring TIP Modification

In certain circumstances, changes may be made to TIP projects without triggering a TIP modification. These circumstances are outlined below:

1. Changes in Control Section Job (CSJ) Number – changes to CSJ's do not require a TIP modification. Potential CSJ changes may include conversion from Planning CSJ's to Permanent CSJ's, identification of a new CSJ, delineation of Permanent CSJ into segments creating multiple CSJ's, etc.
2. Changes to TxDOT's Design and Construction Information System (DCIS) – the DCIS is a project tracking system, therefore, simply updating the DCIS to match previously approved TIP projects or project elements does not require TIP modification. MPO staff maintains the official list of projects and funding levels approved by the RTC.
3. At the end of each fiscal year, unobligated funds are moved to the new fiscal year as carryover funds. For example, if a project receives funding in FY 2005, but the project is not implemented by the end of the fiscal year, staff will automatically move the funds for that project into the next fiscal year. These changes do not require a TIP modification.

Please note that a STIP revision may be required to make these changes in the statewide funding document. In all cases, MPO information systems will be updated and changes will be noted in project tracking systems.

Administrative Amendment Policy

Administrative Amendments are TIP modifications that do not require action of the RTC for approval. Under the Administrative Amendment Policy, the RTC has authorized the Director of Transportation for the Dallas-Fort Worth MPO to approve TIP modifications that meet the following conditions. After they are approved, administrative amendments are provided to STTC and the RTC for informational purposes, unless they are merely processed to support previous RTC project approval (see Item 5).

1. **Cost Increases:** Administrative amendments are allowed for cost increases up to the following percentages based on the total project cost:

<u>Percent Increase</u>	<u>Total Project Cost (\$)</u>
75	0 - 250,000
30	250,001 - 1,000,000
20	1,000,001 - 3,000,000
15	>3,000,001

2. **Cost Decreases:** Administrative amendments are allowed for cost decreases.
3. **Funding Year Changes:** Administrative amendments are allowed for fiscal year changes that advance project implementation. Once projects are ready for construction (i.e., all federal and State requirements and procedures have been met), staff will advance the project to construction.

4. Changes in Federal Funding Categories that Do Not Impact RTC-Selected Funding Programs: RTC-Selected funding programs include: CMAQ, STP-MM, Urban Street Program, Category 2 - Metro Corridor (in coordination with TxDOT), Urbanized Area Formula Program - Transit Section 5307.

5. Statewide Transportation Improvement Program (STIP) Revisions Consistent with Previous RTC Action: (e.g., adding a project previously approved by the RTC)

6. Addition of Noncapacity, Conformity-Exempt Projects from TxDOT Funding Programs:

Examples include, but are not limited to:

Sign refurbishing	Intersection Improvements
Landscaping	Intelligent Transportation System
Preventive maintenance	Traffic Signal Improvements
Bridge rehabilitation/replacement	
Safety/Maintenance	

7. Changes to Implementing Agency: Requires written request/approval from the current implementing agency and the newly proposed implementing agency

8. Increased Flexibility for CMAQ and STP-MM Traffic Signal and Intersection Improvement “Grouped” Projects

Administrative amendments are allowed for funding and location changes as indicated below:

- a. Same locations, additional funding needed - see cost increase provisions above
- b. Fewer locations, same or additional funding needed - eligible, but requires evaluation and rescoring
- c. Fewer locations, decreased funding - eligible
- d. Additional locations, same or decreased funding - eligible, but:
 - New locations must be of the same project type,
 - Project does not change significantly, and
 - New locations must be part of a coordinated signal system or within the area of influence for intersection improvements.
- e. Additional locations, more funding needed - not eligible (requires a revision)

Administrative amendments are allowed for changes to project design or scope, but require:

- Evaluation and rescoring to ensure similar benefits,
- That the project does not change significantly, and
- That the funding must be for equal or less amount.

9. Addition of New Phases to STIP: Includes engineering, right-of-way, and construction

10. Potentially Controversial Projects - The administrative amendment policy does not restrict the Transportation Director from requesting Regional Transportation Council (RTC) action on potentially controversial project changes.

Revision Policy

Revisions are modifications that require approval of the Regional Transportation Council. A revision is required for any project modification that meets the following criteria or that does not fall under the Administrative Amendment Policy.

- 1. Adding or Deleting Projects from the TIP:** (except as outlined in #4 and #5 under the Administrative Amendment Policy)
- 2. Cost Increases:** A revision is required on any cost increase that does not fall under item #1 in the administrative amendment policy statement
- 3. Scope Changes:** (except as outlined in #7 under Administrative Amendment Policy):
 - Type of Work Being Performed
 - Physical Length of Project
 - Project Termini
- 4. Funding Year Changes:** A revision is required to move a project into a fiscal year that would delay project implementation.
- 5. Changes in the Funding/Cost Shares:** A change to the percentage of the total project cost paid by each funding partner requires a revision.

Approved by the RTC on October 13, 2005

**THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
TRANSPORTATION PUBLIC PARTICIPATION PLAN
(March 2010)**

APPENDIX E

LANGUAGE ASSISTANCE PLAN

NCTCOG is committed to incorporating Environmental Justice elements and Title VI considerations into the public participation process for transportation planning. Input and involvement from populations that have been traditionally underserved by existing transportation systems, including but not limited to low-income and minority households, are sought out and their needs considered. Various communication strategies and information formats seek to make information easily accessible and understandable.

Title VI states that no person shall be 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. Title VI prohibits discrimination: whether intentional or where the unintended effect is unduly burdensome. The North Central Texas Council of Governments Transportation Department Title VI Complaint Procedures (Appendix F) establishes a procedure under which complaints alleging discrimination in NCTCOG's provisions, services, or NCTCOG activities can be made by persons who are not employees of NCTCOG.

The US Department of Transportation defines Limited English Proficiency (LEP) as persons who do not speak English as their primary language and who have limited ability to read, write, or understand English.

Executive Order 13166

In 2000, President William J. Clinton signed Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency." The order provided clarification of Title VI in the Civil Rights Act of 1964, stating that recipients of federal funds must "ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin."

The order also required federal agencies and recipients of federal financial assistance to examine the services they provide and develop an implementation plan to provide meaningful access to LEP persons.

Guidance from the Federal Highway Administration, Federal Transit Administration and the Texas Department of Transportation stresses the importance of reducing language barriers that can prevent meaningful access by LEP persons to important services. NCTCOG values public involvement and feedback and encourages participation by all communities.

To ensure all communities have meaningful access to information and opportunities to participate in the planning process, the NCTCOG Transportation Department analyzes department activities and demographic information for the region in order to:

- Identify LEP persons who need language assistance and determine how these individuals are served or likely to be served by NCTCOG Transportation Department programs.
- Outline how language assistance will be available.
- Train staff for considering the needs of and interacting with LEP persons.
- Provide notice to LEP persons.
- Monitor and update plans and strategies that address how LEP individuals have access to information and opportunities for program participation.

Because transportation planning and services provided by NCTCOG can be both a benefit and a burden to economic development, employment, housing, education, healthcare, and social opportunities, NCTCOG staff is dedicated to assessing the location and needs of LEP communities and consequently, the services NCTCOG provides to these communities.

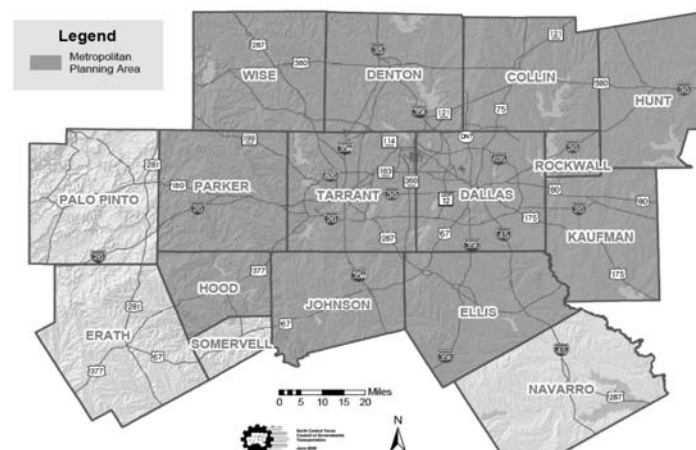
Identification of LEP populations and determination of how these individuals are served or likely to be served by NCTCOG Transportation Department Programs

The U.S. Department of Transportation issued Policy Guidance to federal financial assistance recipients regarding Title VI prohibition against national origin discrimination affecting LEP persons. In this guidance the US Department of Transportation provided the four factor analysis as an approach to evaluate the extent to which language assistance measures are required to ensure meaningful access to LEP persons.

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient grantee

The Metropolitan Planning Area boundary encompasses 12 counties (Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall, Tarrant and Wise).

Limited English Proficiency Service Area



Data for the 12-county Metropolitan Planning Area was gathered using the 2000 decennial census and the 2005-2007 American Community Survey. LEP persons were classified as anyone over the age of five that classified their ability to speak English as 'well,' 'not well,' and 'not at all.' Figures from both data sets were compiled to provide an approximation for the rate of growth of LEP persons in the service area. Data from the 2005-2007 American Community Survey was not available for the counties of Rockwall and Kaufman; thus, no comparison was made for those two counties and data from the 2000 Census was used when determining figures based on the 2005-2007 American Community Survey.

In 2007, the American Community Survey estimated population was 5,459,711 for the 12-county region. The LEP population was 776,083, approximately 14.2 percent of the total population. Data from the 2000 Census showed the LEP population to be 596,426; which is a 30.1 percent increase. Based on the most recent data available Spanish is the largest language represented among the LEP population with 12 percent of the total population identified as speaking Spanish, according to the 2007 American Community Survey. Asian languages were the second largest group among the LEP population comprising 1.5 percent of the total population.

LEP Population for the 12-County Dallas-Fort Worth Metropolitan Planning Area							
Total Metropolitan Planning Area (MPA) Population		Total MPA LEP Population	% LEP of Total Population	Total MPA Spanish Population	% Spanish of Total Population	Total MPA Asian Languages Population	% Asian Language of Total Population
2000 Census	4,782,849	596,426	12.5%	486,399	10.2%	66,633	1.4%
2007 American Community Survey	5,459,711	776,083	14.2%	645,235	11.8%	82,010	1.5%
% Change	14.2%	30.1%		32.7%		23.1%	
Source: 2000 Census and the 2007 American Community Survey www.census.gov							
Limited English Proficiency (LEP) is classified as any person whose primary language is other than English & answered that their ability to speak English was "well" "not well" & "not at all."							
The Dallas-Fort Worth Metropolitan Planning Area consists of; Collin, Dallas, Denton, Ellis, Hood, Hunt Johnson, Kaufman, Parker, Rockwall, Tarrant & Wise counties.							

Recognizing that low literacy could also result in limited English proficiency, data from the U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, 2003 National Assessment of Adult Literacy was analyzed. The study used population estimates for persons 16 years and older as of 2003. Individuals determined to lack basic literacy skills either scored below basic in prose or could not be tested due to language barriers.

The study found that 19 percent of the statewide population lacked basic literacy skills. Within the 12-county area, 21 percent of the Dallas County population lacked basic literacy skills. Dallas County was the only county in the region above the state percentage.

Location	Population size ¹	Percent lacking <i>basic literacy skills</i> ²
Texas	15,936,279	19%
Collin County	437,018	8%
Dallas County	1,650,735	21%
Denton County	371,897	8%
Ellis County	90,668	13%
Hood County	35,299	9%
Hunt County	60,001	13%
Johnson County	102,672	12%
Kaufman County	60,172	14%
Parker County	72,454	9%
Rockwall County	40,168	8%
Tarrant County	1,130,374	14%
Wise County	40,253	12%
¹ Estimated population size of persons 16 years and older in households in 2003.		
² Those lacking <i>Basic</i> prose literacy skills include those who scored <i>Below Basic</i> in prose and those who could not be tested due to language barriers.		
SOURCE: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, 2003 National Assessment of Adult Literacy		

This Language Assistance Plan outlines how needs of the LEP population in the service area will be addressed, how language services will be made available and how LEP persons will be notified of these services.

Factor 2: The frequency with which LEP individuals come in contact with the program

The nature of the programs associated with the Metropolitan Planning Organization dictate that the majority of contact with the public and LEP persons is through inquiries submitted to the MPO, public meetings, public outreach events, the MPO Web site and program implementation activities.

Factor 3: The nature and importance of the program, activity or service provided by the recipient to people's lives

NCTCOG is the agency responsible for the regional transportation planning process; in this capacity, NCTCOG must ensure that all segments of the population are involved or have the opportunity to be involved in the decision making process. As required by federal guidelines, NCTCOG produces a Metropolitan Transportation Plan that outlines long-range transportation investments, a Transportation Improvement Program (TIP) that provides short range planning for transportation investments, a Unified Planning Work Program (UPWP) that outlines tasks to be performed in the upcoming year and a Congestion Management Process for developing and

implementing operational and travel-demand strategies that improve transportation system performance.

Additionally, nine North Texas counties are classified by the U.S. Environmental Protection Agency as moderate nonattainment for eight-hour ozone levels. Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant counties are classified as nonattainment. MPO transportation plans must show transportation conformity and comply with rules established by the Clean Air Act Amendments of 1990. Therefore, NCTCOG is also responsible for developing and implementing plans, policies and programs that reduce transportation-related emissions that lead to ozone formation.

Factor 4: The resources available to the recipient and costs

NCTCOG currently has available, if needed, bilingual staff to assist in translation needs and/or translation review. NCTCOG also has agreements with translation services that cover many languages as well as American Sign Language. NCTCOG currently utilizes a translation service and department staff to translate documents. Visualization tools like animations, maps, renderings, photos and others are also used when possible to increase understanding among all audiences. These tools can also be especially beneficial for LEP persons.

Guidelines for making language assistance available

All language assistance will be provided at no charge to LEP individuals.

The four-factor analysis will be used as a tool for analyzing to what extent and how the needs of LEP communities are addressed during transportation planning and program implementation. For example, the four-factor analysis will be used to determine initial translation or alternative format needs for documents and the Web site. Department reports, newsletters, brochures, other publications and Web site information include instructions about how to request information be made available in another format. Translators and interpreters used by the NCTCOG Transportation Department will be evaluated to ensure accurate, high-quality language services are available to LEP persons.

Increased use of visualization tools will be used to make information more understandable and, in some cases, reduce the need for English proficiency.

Plans, projects and programs for areas with a high number of LEP persons will have materials that address needs of the population in that area. Environmental Justice communities, including non-English speakers, are mapped whenever possible to provide, as much as possible, plan- or project-specific data to be used.

The NCTCOG Transportation Department will make every effort to accommodate language translation needs, if provided sufficient notice. A minimum of 3 business days advance notice is required for these arrangements to be provided at public meetings.

NCTCOG Transportation Department staff will consistently seek out input and involvement from organizations and agencies which serve LEP populations to complement other language assistance and outreach efforts.

Staff training for considering the needs of and interacting with LEP persons

All NCTCOG Transportation Department staff members employed as of May 2009 completed training on the requirements and techniques for providing meaningful access to services for LEP persons. Training materials and resources continue to be available for review by all staff—including new employees.

Notice of assistance available for LEP persons

Public meeting notices include the telephone number and e-mail address to request special arrangements for language translation or disability. On each notice, this information is included in English and Spanish.

Notice of the North Central Texas Council of Governments Transportation Department Title VI Complaint Procedures is also included on publications like public meeting notices and department publications.

Language assistance can be obtained by contacting the NCTCOG Transportation Department:

North Central Texas Council of Governments, Transportation Department
P.O. Box 5888
616 Six Flags Drive
Arlington, TX 76005-5888
Phone: (817) 695-9240
Fax: (817) 640-3028
E-mail: transinfo@nctcog.org
Web site: www.nctcog.org/trans

Monitoring and updating plans and strategies that address how LEP individuals have access to information and opportunities for program participation

This Language Assistance Plan is intended to be reviewed and updated in conjunction with NCTCOG Transportation Public Participation Plan.

Environmental Justice and Title VI activities will be periodically summarized to provide information about how the NCTCOG Transportation Department:

- Addresses the needs of LEP persons and those traditionally underserved by existing transportation services.
- Facilitates opportunities for full and fair participation from all individuals.
- Makes information accessible and understandable.
- Ensures no person shall, on the basis of race, color, national origin, age, sex, disability, or religion, be excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving federal financial assistance.

T h i s p a g e i s i n t e n t i o n a l l y b l a n k

**THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
TRANSPORTATION PUBLIC PARTICIPATION PLAN
(March 2010)
APPENDIX F**



North Central Texas Council of Governments
Transportation Department

Title VI Complaint Procedures

Introduction

The North Central Texas Council of Governments (NCTCOG) serves as the federally designated Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth region. As a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related Title VI statutes, NCTCOG ensures that no person shall, on the grounds of race, religion, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any agency programs or activities. These prohibitions extend from the North Central Texas Council of Governments, as a direct recipient of federal financial assistance, to its sub-recipients (e.g., contractors, consultants, local governments, colleges, universities, etc). All programs funded in whole or in part from federal financial assistance are subject to Title VI requirements. The Civil Rights Restoration Act of 1987 extended this to all programs within an agency that receives federal assistance regardless of the funding source for individual programs.

This policy is intended to establish a procedure under which complaints alleging discrimination in NCTCOG's provisions, services, or NCTCOG activities can be made by persons who are not employees of NCTCOG.

Any person who believes NCTCOG, or any entity who receives federal financial assistance from or through NCTCOG (i.e., sub-recipients, sub-contractors, or sub-grantees), has subjected them or any specific class of individuals to unlawful discrimination may file a complaint of discrimination.

NCTCOG will follow timelines set forth in guidance from the Department of Transportation, the Federal Highway Administration, Federal Transit Administration and the Department of Justice for processing Title VI discrimination complaints.

When to File

A complaint of discrimination must be filed within 180 calendar days of the alleged act of Discrimination, or discovery thereof; or where there has been a continuing course of conduct, the date on which that conduct was discontinued. Filing means a written complaint must be postmarked before the expiration of the 180-day period. The filing date is the day you complete, sign, and mail the complaint form. The complaint form and consent/release form must be dated and signed for acceptance. Complaints received more than 180 days after the alleged discrimination will not be processed and will be returned to the complainant with a letter explaining why the complaint could not be processed and alternative agencies to which a report may be made.

Where to File

In order to be processed, signed original complaint forms must be mailed to:

North Central Texas Council of Governments
Transportation Department
Title VI Specialist
P.O. Box 5888
Arlington, TX 76005-5888

Or hand delivered to:
616 Six Flags Drive
Arlington, TX 76011

Upon request, reasonable accommodations will be made for persons who are unable to complete the complaint form due to disability or limited-English proficiency. A complaint may also be filed by a representative on behalf of a complainant.

Persons who are not satisfied with the findings of NCTCOG may seek remedy from other applicable state or federal agencies.

Required Elements of a Complaint

In order to be processed, a complaint must be in writing and contain the following information:

- Name, address, and phone number of the complainant.
- Name(s) and address(es) and business(es)/organization(s) of person(s) who allegedly discriminated.
- Date of alleged discriminatory act(s).
- Basis of complaint (i.e., race, color, national origin, sex, age, religion, or disability).
- A statement of complaint.
- Signed consent release form.

Incomplete Complaints

Upon initial review of the complaint, the Title VI Specialist will ensure that the form is complete and that any initial supporting documentation is provided. Should any deficiencies be found, the Title VI Specialist will notify the complainant within 10 working days. If reasonable efforts to reach the complainant are unsuccessful or if the complainant does not respond within the time specified in the request (30 days), the recipient may close the complainant's file. The complainant may resubmit the complaint provided it is filed within the original 180-day period.

Should the complaint be closed due to lack of required information, NCTCOG will notify the complainant at their last known address. In the event the complainant submits the missing information after the file has been closed, the complaint may be reopened provided it has not been more than 180 days since the date of the alleged discriminatory action.

Records of Complaints

The Title VI Specialist will keep a record of all complaints received. The log will include such information as:

- Basic information about the complaint such as when it was filed, who filed it, and who it was against.
- A description of the alleged discriminatory action.
- Findings of the investigation.

Complaint Process Overview

The following is a description of how a discrimination complaint will be handled once received by NCTCOG.

1. A complaint is received by NCTCOG:

Complaints must be in writing and signed by the complainant or their designated representative. If the complainant is unable to complete the form in writing due to disability or limited-English proficiency, upon request reasonable accommodations will be made to ensure the complaint is received and processed in a timely manner. Complainants wishing to file a complaint that do not have access to the Internet or the ability to pick up a form will be mailed a complaint form to complete. The complainant will be notified if the complaint form is incomplete and asked to furnish the missing information.

2. Complaint is logged into tracking database:

Completed complaint forms will be logged into the complaint tracking database; basic data will be maintained on each complaint received.

3. Determine jurisdiction:

NCTCOG's Title VI Specialist will complete an initial review of the complaint. The purpose of this review is to determine if the complaint meets basic criteria.

Criteria required for a complete complaint:

- Basis of alleged discrimination (i.e., race, religion, color, national origin, sex, age or disability).

-
- Determination of timeliness will also be made to ensure that the complaint was filed within the 180 day time requirement.
 - The program in which the alleged discrimination occurred will be examined to ensure that the complaint was filed with the appropriate agency. During this process, if a determination is made in which the program or activity that the alleged discrimination occurred is not related to a NCTCOG program or activity, every attempt will be made to establish the correct agency. Whenever possible, and assuming consent was granted on the Consent/Release form, the complaint will be forwarded to the appropriate agency.

4. Initial written notice to complainant:

Within 10 working days of the receipt of the complaint, NCTCOG will send notice to the complainant confirming receipt of the complaint; if needed the notice will request additional information, notify complainant that the activity is not related to a NCTCOG program or activity, or does not meet deadline requirements. Conclusions made in step three will determine the appropriate response to the complaint. Examples of response letters are located in Appendix A. If any additional information is needed from the complainant, it will be communicated at this point in the process. A copy of the written response, as well as the complaint form, will be forwarded to the Texas Department of Transportation, Office of Civil Rights, Contract Compliance Section for informational purposes only.

5. Investigation of complaint:

The Title VI specialist will confer with the Department Director to determine the most appropriate fact finding process to ensure that all available information is collected in an effort to reach the most informed conclusion and resolution of the complaint. The type of investigation techniques used may vary depending on the nature and circumstances of the alleged discrimination. An investigation may include but is not limited to:

- Internal meetings with NCTCOG staff and legal counsel.
- Consultation with state and federal agencies.
- Interviews of complainant(s).
- Review of documentation (i.e., planning, public involvement, and technical program activities).
- Interviews and review of documentation with other agencies involved.
- Review of technical analysis methods.
- Review of demographic data.

6. Determination of investigation:

An investigation must be completed within 60 days of receiving the complete complaint, unless the facts and circumstances warrant otherwise. A determination will be made based on information obtained. The Title VI Specialist, Department Director and/or designee will render a recommendation for action, including formal and/or informal resolution strategies in a report of findings to the NCTCOG Executive Director.

7. Notification of determination:

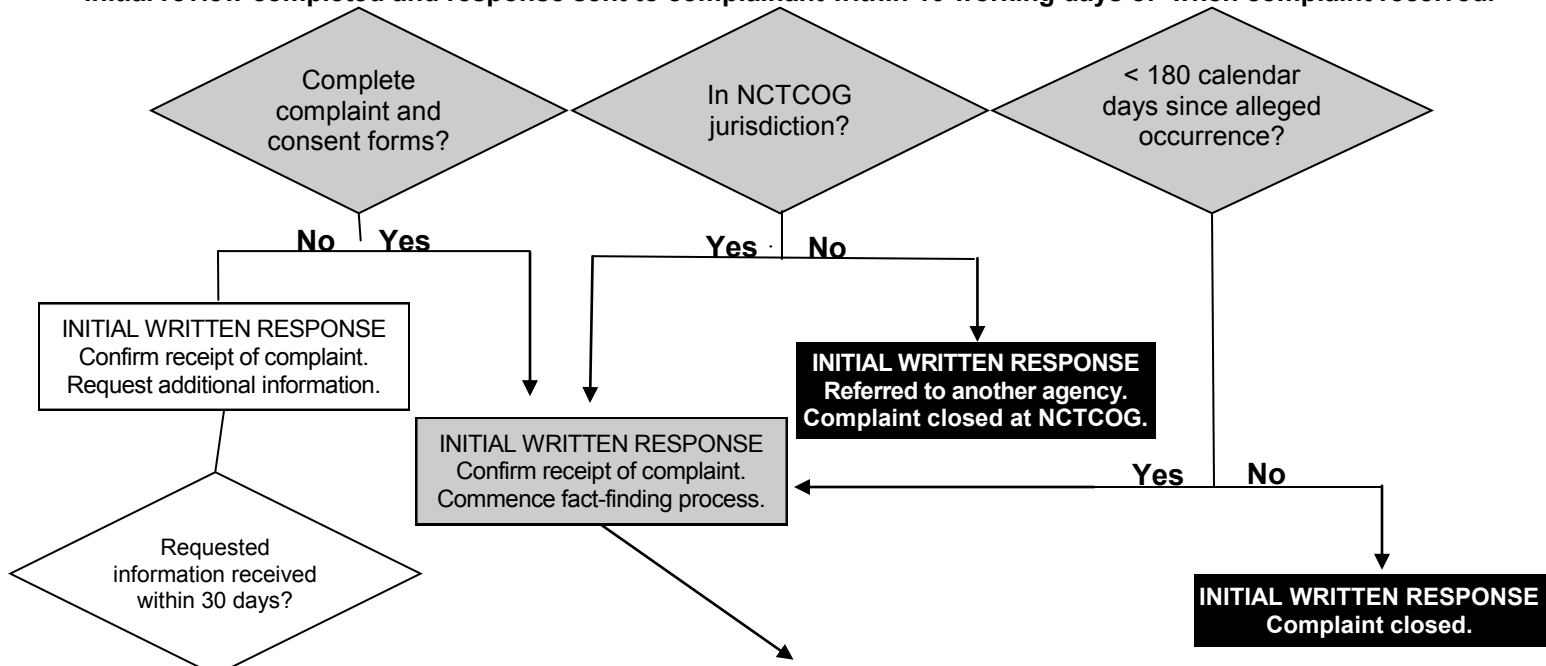
Within 10 days of completion of an investigation, the complainant must be notified by the NCTCOG Executive Director of the final decision. The notification will advise the complainant of his/her appeal rights with state and federal agencies if he/she is dissatisfied with the final decision. A copy of this letter, along with the report of findings, will be forwarded to the Texas Department of Transportation, Office of Civil Rights, Contract Compliance Section for information purposes.

RECEIPT OF COMPLAINT

A written discrimination complaint is received and entered into tracking database.

INITIAL REVIEW

Initial review completed and response sent to complainant within 10 working days of when complaint received.

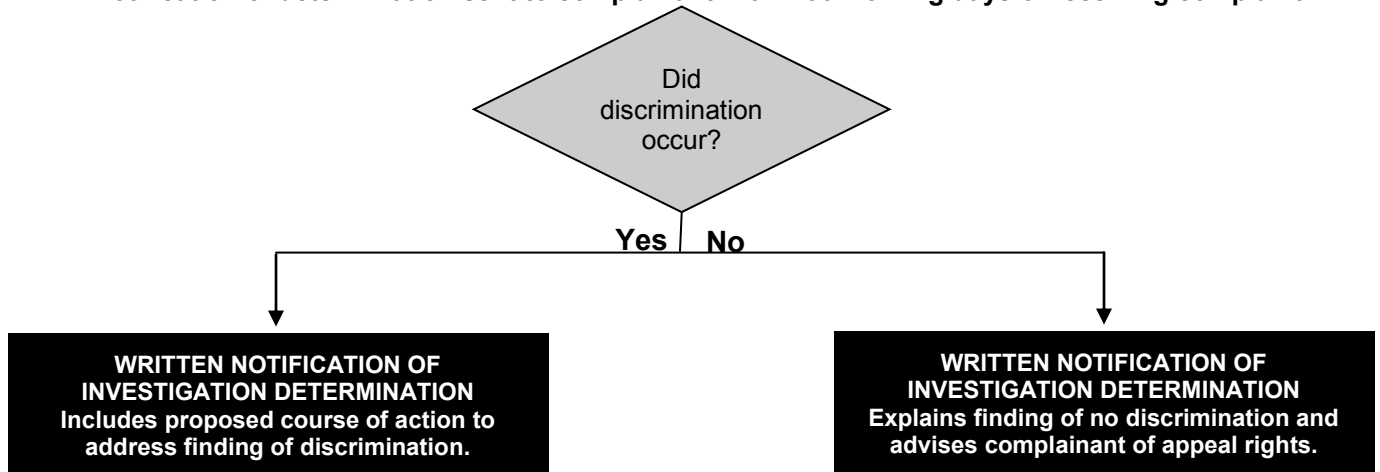


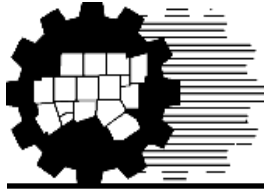
INVESTIGATION / FACT FINDING

Completed within 60 working days of receiving complaint. Findings summarized and report submitted to head of Agency.

DETERMINATION OF INVESTIGATION

Notification of determination sent to complainant within 90 working days of receiving complaint.





North Central Texas Council of Governments Discrimination Complaint Form

Please read the information on this page of this form carefully before you begin.

The North Central Texas Council of Governments (NCTCOG) serves as the federally designated Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth region. As a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, NCTCOG ensures that no person shall, on the grounds of race, religion, color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any agency programs or activities. These prohibitions extend from the North Central Texas Council of Governments, as a direct recipient of federal financial assistance, to its sub-recipients (e.g., contractors, consultants, local governments, colleges, universities, etc.). All programs funded in whole or in part from federal financial assistance are subject to Title VI requirements.

NCTCOG is required to implement measures to ensure that persons with limited-English proficiency or disability have meaningful access to the services, benefits and information of all its programs and activities under Executive Order 13166. Upon request, assistance will be provided if you are limited-English proficient or disabled. Complaints may be filed using an alternative format if you are unable to complete the written form.

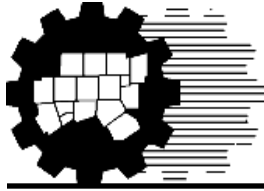
The filing date is the day you complete, sign, and mail this complaint form. Your complaint must be filed no later than 180 calendar days from the most recent date of the alleged act of discrimination. The complaint form and consent/release form must be dated and signed for acceptance. You have 30 calendar days to respond to any written request for information. Failure to do so will result in the closure of the complaint.

Submit the forms by mail to:

North Central Texas Council of Governments
Transportation Department
Title VI Specialist,
P.O. Box 5888
Arlington, TX 76005-5888

Or in Person at:
616 Six Flags Drive
Arlington, TX 76011

If you have any questions or need additional information, please call (817)695-9240 or e-mail titlevi@nctcog.org.



North Central Texas Council of Governments Discrimination Complaint Form

Please read the information on the first page of this form carefully before you begin.

1

 First Name MI Last Name

 Street Address City State Zip Code

 Telephone Number e-mail Address

2 Who do you believe discriminated against you?

 First Name MI Last Name

 Name of Business/Organization Position/Title

 Street Address City State Zip Code

 Person's Relationship to You

3 When did the alleged act(s) of discrimination occur?

Please list all applicable dates in mm/dd/yyyy format.

 Date(s):

Is the alleged discrimination ongoing? Yes No

4 Where did the alleged act(s) of discrimination occur? (Attach additional pages as necessary.)

 Name of Location

5 Indicate the basis of your grievance of discrimination.

Race: Color:

National Origin: Sex:

Age: Disability:

Religion:

6 Describe in detail the specific incident(s) that is the basis(es) of the alleged discrimination. Describe each incident of discrimination separately. Attach additional pages as necessary.

Please explain how other persons or groups were treated differently by the person(s)/ agency who discriminated against you.

Please list and describe all documents, e-mails, or other records and materials pertaining to your complaint.

Please list and identify any witness(es) to the incidents or persons who have personal knowledge of information pertaining to your complaint.

Have you previously reported or otherwise complained about this incident or related acts of discrimination? If so, please identify the individual to whom you made the report, the date on which you made the report, and the resolution. Please provide any supporting documentation.

Please provide any additional information about the alleged discrimination.

7 If an advisor will be assisting you in the complaint process, please provide his/her name and contact information.

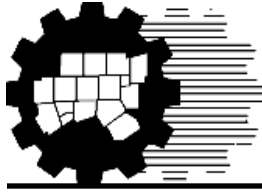
_____	_____	_____
First Name	MI	Last Name
_____	_____	_____
Name of Business	Position/Title	Telephone Number
_____	_____	_____
Street Address	City	State Zip Code

8 This complaint form must be signed and dated in order to address your allegations. Additionally, this office will need your consent to disclose your name, if needed, in the course of our investigation. The Discrimination Complaint Consent/Release form is attached. If you are filing a complaint of discrimination on behalf of another person, our office will also need this person's consent.

I certify that to the best of my knowledge the information I have provided is accurate and the events and circumstances are as I have described them. I also understand that if I will be assisted by an advisor, my signature below authorizes the named individual to receive copies of relevant correspondence regarding the complaint and to accompany me during the investigation.

Signature

Date



North Central Texas Council of Governments Discrimination Complaint Consent/Release Form

Please read the information on this form carefully before you begin.

First Name MI Last Name

Street Address City State Zip Code

As a complainant, I understand that in the course of an investigation it may become necessary for the North Central Texas Council of Governments to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of the North Central Texas Council of Governments to honor requests under the Freedom of Information Act. I understand that as a complainant I am protected from retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statues and regulations which are enforced by the Federal Highway Administration (FHWA) of the U.S. Department of Transportation.

Please Check one:

I CONSENT and authorize the North Central Texas Council of Governments (NCTCOG), as part of its investigation, to reveal my identity to persons at the organization, business, or institution, which has been identified by me in my formal complaint of discrimination. I also authorize NCTCOG to discuss, receive and review materials and information about me from the same and with appropriate administrators or witnesses for the purpose of investigating this complaint. In doing so, I have read and understand the information at the beginning of this form. I also understand that the material and information received will be used for authorized civil rights compliance activities only. I further understand that I am not required to authorize this release and do so voluntarily.

I DENY CONSENT to have the North Central Texas Council of Governments (NCTCOG), reveal my identity to persons at the organization, business, or institution under investigation. I also deny consent to have NCTCOG disclose any information contained in the complaint with any witnesses I have mentioned in the complaint. In doing so, I understand that I am not authorizing NCTCOG to discuss, receive, nor review any materials and information about me from the same. In doing so, I have read and understand the information at the beginning of this form. I further understand that my decision to deny consent may impede this investigation and may result in the unsuccessful resolution of my case.

Signature

Date