



Public Participation Plan

Fargo Moorhead Metropolitan Council of Governments

May 2016



Table of Contents

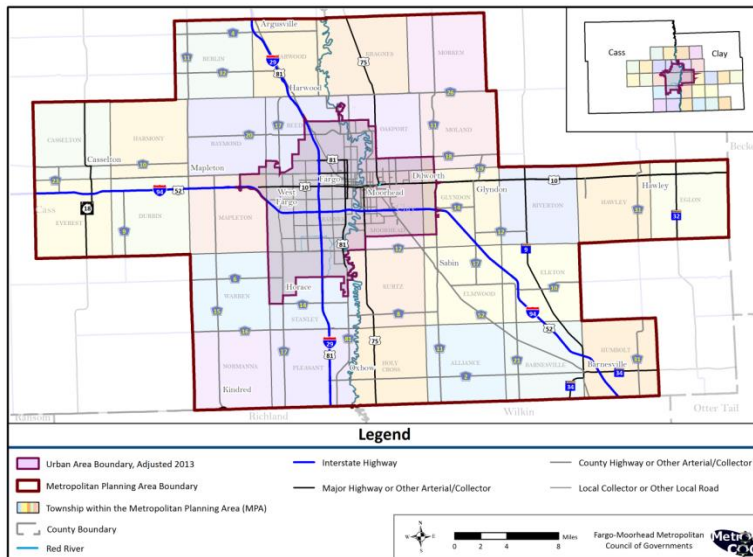
1. INTRODUCTION	1
METRO COG POLICY BOARD AND TRANSPORTATION TECHNICAL COMMITTEE	1
FEDERAL REQUIREMENTS	2
PURPOSE	2
2. GOALS, OBJECTIVES, AND STRATEGIES	3
GOAL 1 - INFORM THE PUBLIC AND ENGAGE CITIZENS IN THE TRANSPORTATION PLANNING PROCESS.	4
GOAL 2 – FACILITATE TWO-WAY COMMUNICATION BETWEEN THE PUBLIC AND KEY DECISION-MAKERS.	5
GOAL 3 – EVALUATE EFFECTIVENESS OF PUBLIC PARTICIPATION STRATEGIES.	5
3. TOOLBOX FOR PUBLIC PARTICIPATION	5
PUBLIC MEETINGS AND HEARINGS	6
SUBCOMMITTEE MEETINGS	8
COMMUNITY OUTREACH	8
PUBLIC NOTIFICATION PROCESS	9
OPEN MEETING AND OPEN RECORD REQUESTS	10
PUBLIC COMMENT PERIODS	10
PUBLIC HEARINGS	10
PUBLIC APPEARANCES	10
CONSIDERATION AND RESPONSE TO PUBLIC INPUT	11
VISUALIZATION TECHNIQUES	11
PUBLIC NOTIFICATION LIST	12
NEWSLETTER	13
MEDIA RELEASES	13
NEWSPAPER NOTICES	13
BROCHURES, HANDOUTS, AND FLIERS	14
WEBSITE	14
CITIZEN SURVEYS	14
FOCUS GROUPS	14
STUDY REVIEW COMMITTEES	14
TARGETED OUTREACH TO KEY STAKEHOLDERS	15
SOCIAL NETWORKING	16
EXPLORING FUTURE TOOLS	16
4. SOCIAL RESPONSIBILITY	16
SPECIAL ACCOMMODATIONS	16
NON-ELECTRONIC OUTREACH	16
TITLE VI AND ENVIRONMENTAL JUSTICE	17
LIMITED ENGLISH PROFICIENCY	18
ACCESS BY PERSONS WITH DISABILITIES	18
5. METRO COG PLANS AND PROGRAMS	18
METROPOLITAN TRANSPORTATION PLAN	19
TRANSPORTATION IMPROVEMENT PROGRAM (TIP)	20

UNIFIED PLANNING WORK PROGRAM (UPWP).....	20
PUBLIC PARTICIPATION PLAN	21
OTHER PLANS AND STUDIES.....	21
6. CONTINUOUS PROCESS IMPROVEMENT	23

1. INTRODUCTION

The U.S. Congress in 1966 enacted legislation creating Metropolitan Planning Organizations (MPO) to serve the public and to ensure that existing and future expenditures of governmental funds for transportation projects and programs are based on a continuing, cooperative, and comprehensive (“3C”) planning process. The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is the designated MPO for the greater Fargo-Moorhead metropolitan area. Its study area covers 14 townships in Cass County North Dakota and 16 townships in Clay County Minnesota (Figure 1). As of 2014 (US Census estimate), the population of the region is 208,756, spread over a total of 1,073 square miles (195 persons per square mile).

Figure 1. Metro COG Study Area Map



Source: Metro COG 2016

responsibilities of the Policy Board are contained in the *Metro COG Policy Board Bylaws*. It is supported by various committees, most importantly the Transportation Technical Committee (TTC). The TTC is comprised of local city and county engineers, planners, state department of transportation representatives and representatives from major stakeholders in the area. The composition and responsibilities of the TTC are contained in the *Transportation Technical Committee Bylaws*.

Transportation planning for a region requires collaboration between many different interested and affected parties and individuals, as well as a comprehensive view of the region. The responsibility of the MPO is to create a forum where transportation planning decisions are made jointly with input from federal, state and local agencies;

METRO COG POLICY BOARD AND TRANSPORTATION TECHNICAL COMMITTEE

Metro COG is governed by a 22-member Policy Board comprised of 15 elected and appointed members (voting members) from the region and seven Associate (non-voting) members. Composition and

Public Comment Opportunities

The Metro COG Policy Board meets the 3rd Thursday of each month at 4:00pm. The Metro COG Transportation Technical Committee meets the 2nd Thursday of each month at 10:00am.

private organizations; non-profits; and interested citizens. In short, any person, business, or agency that is affected by transportation decisions should have input into those decisions.

FEDERAL REQUIREMENTS

Public participation is vital to determine the values, visions, and needs of a diverse group of citizens. Under 23 CFR 450.316 (Appendix A.), Metro COG must establish procedures and a plan that defines a process providing a reasonable opportunity for the public to be involved in the metropolitan transportation planning process. Per 23 CFR 450.316, the participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies and desired outcomes for:

- Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the Transportation Improvement Program (TIP);
- Providing timely notice and reasonable access to information about transportation issues and processes;
- Employing visualization techniques to describe metropolitan transportation plans and TIPs;
- Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;
- Holding any public meetings at convenient and accessible locations and times;
- Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;
- Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;
- Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts;
- Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and
- Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.



PURPOSE

Metro COG believes citizens should be a part of the planning process, not simply learn about plans after the fact. Metro COG strives for a planning process that is transparent, understandable, and allows for two-way communication. The purpose of Metro COG's Public Participation Plan (PPP) is to identify opportunities for the public to get involved in the

transportation planning process for the Metro COG region. The plan includes methods to increase public awareness and understanding, as well as policies to provide complete and timely information to the public and transportation stakeholders.

Public participation in the transportation planning process is important for a variety of reasons:

- Public involvement is an important element of a high quality transportation planning process, not a simple “add on” to meet federal requirements;
- Effective transportation planning must include the participation of those whose everyday lives are critically affected by how they are able to get to work, home, school, shopping, and local services;
- Citizens have the right to participate in transportation decisions that affect their community and way of life;
- Citizens have knowledge and insight into local problems that Metro COG staff planners and the Policy Board need to make informed decisions; and
- Robust citizen participation strengthens the democratic process and improves the likelihood that plans will be implemented.

Metro COG is charged with many transportation planning requirements. One of the most important of these is to proactively seek public participation and involvement in the regional transportation planning process. Informing and educating the public about transportation planning issues and the transportation planning process is the key to obtaining good quality public input.



Public participation can help develop a sense of community and ownership, promote accountability, and encourage cooperation and compromise. It is essential to ask for public participation, not just wait for it. It is essential to respect and seriously consider public input that is received, not just collect it. It is also important to periodically review and evaluate, revise, and adjust the effectiveness of the tools Metro COG uses to gain public input.

This document builds the foundation for Metro COG’s public participation efforts. It is broken up into five parts; Goals, Objectives, and Strategies; Toolbox for Public Participation; Social Responsibilities; Policies for Metro COG Plans and Programs; and Continuous Process Improvement.

2. GOALS, OBJECTIVES, AND STRATEGIES

Metro COG strives to provide a proactive public involvement process that ensures the distribution of complete information, timely public notices, transparency in program development and implementation, and supports early and continuing involvement of the public in Metro COG’s transportation planning process and programs. Metro COG has set three basic goals to maximize its public participation efforts. Objectives and strategies for each goal have also been identified to focus public participation efforts. The strategies are reflected in a variety of products and activities identified in the Metro COG Public Participation Toolbox (Section 3), which is aimed at making the public aware of transportation issues and provides a proactive approach to receiving public input on those issues. The toolbox currently identifies public

participation strategies to be employed. New tools may be employed to reflect changes in public participation strategies or expanded to reflect their effectiveness.

GOAL 1 - INFORM THE PUBLIC AND ENGAGE CITIZENS IN THE TRANSPORTATION PLANNING PROCESS.

- **Objective 1:** Inform the public about the role and structure of the Fargo Moorhead Metropolitan Council of Governments (Metro COG).
 - Strategy 1: Create and distribute MPO Citizen's Guide.
 - Strategy 2: Give presentations to interested parties.
- **Objective 2:** Provide accurate, understandable, and timely information to the public.
 - Strategy 1: Distribute quarterly newsletters.
 - Strategy 2: Maintain public notification lists.
 - Strategy 3: Use a variety of visualization techniques at meetings, open houses and public comment opportunities.
- **Objective 3:** Actively reach out to all segments of the population in the development of transportation plans, programs and projects which are representative of local, regional and state priorities/needs while incorporating a range of transportation options.
 - Strategy 1: Provide public notices and survey forms at neighborhood community centers.
 - Strategy 2: Strive to hold public hearings at venues accessible by public transit.
 - Strategy 3: To actively seek input and involvement from a wide variety of individuals, groups, and organizations affected by the transportation system;
 - Strategy 4: To establish and facilitate effective public involvement early in the planning process, before key decisions are made and while there is ample opportunity to influence decisions;
- **Objective 4:** Increase the network base of interested citizens.
 - Strategy 1: Provide the option to members of the public to be added to email distribution, public notification list on the Metro COG website.
 - Strategy 2: Develop meeting notice fliers to be distributed to local libraries, community centers, commercial business, etc. in advance of a public meeting or open house.
 - Strategy 3: Solicit and consider the needs of those who are commonly underserved by existing transportation systems, including households with low income, minorities and people with disabilities, and assure participation in compliance with Title VI of the Civil Rights Act and Executive Order 12898 - Environmental Justice;
- **Objective 5:** Improve regional intergovernmental and interagency coordination.
 - Strategy 1: Collaborate with and attend necessary meetings of local governments, transportation providers, and other agencies.
 - Strategy 2: Coordinate Metro COG's PPP with statewide public participation plans to enhance public consideration and understanding of the issues, plans, and programs as well as to reduce redundancies and costs.
 - Strategy 3: Provide opportunities and facilitate collaboration between and among local nits of government.

GOAL 2 – FACILITATE TWO-WAY COMMUNICATION BETWEEN THE PUBLIC AND KEY DECISION-MAKERS.

- **Objective 1:** Provide opportunities for public input.
 - Strategy 1: Hold Public Meetings for Metro COG products and processes.
 - Strategy 2: Provide opportunities at the TTC and Policy Board for the public to speak on issues related to Metro COG or the meeting agenda.
 - Strategy 3: Provide surveys and questionnaires to the public to garner its input on various activities being pursued by Metro COG.
- **Objective 2:** Provide the Transportation Technical Committee (TTC) and the Policy Board with public input.
 - Strategy 1: Provide copies of all public comments to the Policy Board and TTC for review and disposition.
 - Strategy 2: Provide a complete listing of all public feedback and post on the website.
- **Objective 3:** Provide the public with information on recommendations and decisions made by the TTC and Policy Board.
 - Strategy 1: Post Policy Board and TTC minutes from meetings on the Metro COG website.
 - Strategy 2: Provide on request hard copies of the Policy Board and TTC meeting minutes.

GOAL 3 – EVALUATE EFFECTIVENESS OF PUBLIC PARTICIPATION STRATEGIES.

- **Objective 1:** Identify the effectiveness of the Toolbox strategies (section 3).
 - Strategy 1: Link performance measures to the level of participation using quantitative and qualitative performance measures.
- **Objective 2:** Continuous process improvement.
 - Strategy 1: Coordinate with the North Dakota and Minnesota Departments of Transportation's statewide public involvement process, when possible.
 - Strategy 2: Evaluate various aspects of the PPP process in relation to the best practices in the field.
 - Strategy 3: Evaluate annually and report on the effectiveness of public participation efforts and revise activities accordingly.

Specific actions to achieve these goals are contained in the Metro COG toolbox for public participation.

3. TOOLBOX FOR PUBLIC PARTICIPATION

A toolbox is important for any line of work. It helps a person or agency complete the required tasks in the most efficient way. As with any toolbox, this toolbox is meant to be the building block for public participation. As with the entire document, this toolbox will be reevaluated when needed to identify if the tools are working, if they need to be improved upon, or if new tools need to be added. Metro COG will review annually the efforts used to garner public input and adjust those efforts accordingly.



PUBLIC MEETINGS AND HEARINGS

Public meetings are held to present and distribute information to the public, provide a setting for public discussion, and get feedback from the community on transportation issues. Comments



made during these meetings are documented and reviewed and hard copies of all comments are provided to the Policy Board. Additionally, a summary of all significant comments and responses is incorporated into final plan documents. Also included will be an assessment of the disposition of these comments.

Public meetings held throughout the planning process are tailored to specific issues or community groups. While the technique of holding public meetings itself is not innovative, some creative applications (charrettes, games, etc.) can make the public meeting more fun and interesting.

Metro COG follows general guidelines when holding public meetings in order to facilitate greater participation and to encourage the exchange of ideas and information. Metro COG staff continually looks for creative best practices in this area and implements practices that are consistent with the

guidelines listed below. Title VI and Environmental Justice aspects are always considered when selecting meeting sites.

Metro COG General Public Meeting Guidelines:

- Timely notice will be given to the public on meeting time, location, and topic.
- Notices will be posted on the website and emailed to the stakeholders on the public notification list.
- For larger studies, public notice will be more widely advertised through methods such as flyers, posters, and media coverage.
- Meetings will be held in buildings that are in compliance with the Americans with Disabilities Act of 1990.
- Public meetings and open houses will generally be conducted between the hours of 4:00pm and 7:00pm, and during the week (Monday through Friday). Additional blocks of time will be provided, when warranted and in relation to the document or process being reviewed (e.g. public input for the Metropolitan Transportation Plan), to better accommodate the general public.
- Supporting documentation will be available at all meetings when needed.
- An informal meeting environment will be created that allows attendees to ask questions and submit comments.
- For meetings focusing on a specific project, efforts will be taken to hold the meeting(s) near the transportation corridor(s) or project that would be directly affected by the project.
- Metro COG will make every effort to accommodate attendees with special needs if they provide sufficient notice. Reasonable accommodations will be available upon request for persons with disabilities, including sign and foreign language interpreters and handouts

in large print or Braille. Sufficient advance notice is required for these arrangements to be provided.

- All Policy Board and TTC meetings are recorded and archived. The option to record other meetings, either audio or video, may not be feasible depending on the meeting format and venue.
- Meetings and comment periods will be held prior to major decision points, e.g. prior to Policy Board action on the Metropolitan Transportation Plan (MTP) or Transportation Improvement Program (TIP).

Metro COG will provide other informational items at public meetings upon citizen's request.

Metro COG Transportation Policy Body Meetings

The Metro COG Policy Board is the governing board that provides policy guidance and oversees the operations of the agency. The Policy Board is comprised of fifteen (15) voting members and 7 Associate members that generally meet the 3rd Thursday of each month at 4:00pm. The public is invited to attend for the purposes of gathering information, speaking on issues that are pending before the Board, or just to learn more of what is happening with transportation planning in the region. There is an official agenda for every Policy Board meeting that determines the order of business. A public notice announcing the yearly meeting schedule of regular Metro COG Policy Board meetings is published in the newspaper of record (Fargo Forum) in December of each year for the following year's meetings. Meeting notices are also posted on the Metro COG web page and are sent by email (or letter if applicable) to those on the public notification list.

The public has the opportunity to make public comments and provide input to the Policy Board in several ways:

- **Public Comment Opportunity Agenda Item** – a standing agenda item in which the public may address the Policy Board on transportation-related concerns in the region. Time made available is limited to five (5) minutes, but may be extended at the discretion of the Policy Board Chair.
- **Specific Agenda Items** - The public is encouraged to comment on agenda items pending before the Policy Board. Time made available is limited to five (5) minutes, but may be extended at the discretion of the Policy Board Chair.
- **Written comments to the Policy Board** – the public may email, write, or fax comments to the Policy Board, in care of the Metro COG Executive Director. All written comments will be presented to the Policy Board for review and consideration.

Special Policy Board Meetings

Special meetings of the Policy Board may be called to handle issues of an emergency nature. Special meetings will be governed by the Policy Board Bylaws. Public notice for special Policy Board meetings will be posted to the Metro COG web page, www.fmmetrocog.org and broadcast to the Public Notification List at least 24 hours in advance of the meeting.

Transportation Technical Committee Meetings

The Transportation Technical Committee (TTC) provides technical assistance to the policy Board. The TTC generally holds meetings on the 2nd Thursday of each month at 10:00am. The Policy Board approves the schedule of meeting dates each year and the meeting schedule is printed in the newspaper of record (Fargo Forum) in December of each year in advance of the following year. As with the Policy Board meetings, a Public Comment Opportunity is provided as a standard agenda item in which the public may address the Committee. Written comments provided to the TTC will also become part of the public record and forwarded to the Policy Board for review and consideration.

SUBCOMMITTEE MEETINGS

The Metro COG Policy Board has the authority to organize subcommittees to guide the development of projects and to provide expertise on technical transportation issues. The subcommittees are called together on a project-by-project basis. The composition of these groups is at the discretion of the Policy Board and may include members of the general public. Notice of these meetings is posted on the Metro COG website and broadcast on social media and email/mail contact list. The public is encouraged to attend.

COMMUNITY OUTREACH

Metro COG emphasizes involvement of the public in its transportation planning process and inclusive and collaborative citizen participation procedures will be employed to better assure that the public is afforded the opportunity to both participate in plan development and comment on plan alternatives and recommendations. It is Metro COG's goal to make decisions about plans or projects after the public is aware of proposals and has been able to comment on them. Metro COG believes that identifying audiences which might be affected by particular decisions or plans is very important. All views and opinions should be heard, including not only minority ethnic views, but also those of other groups whose perspectives and ideas might not be the same as those of the larger segments of the public.

Metro COG will continuously look for ways to involve organizations and individuals that may have potential interests in transportation planning efforts.

Metro COG's goal is to bring information to the public and special groups on its transportation planning products and process. Metro COG will educate and present information about the regional planning process and its role in that process in nontechnical terms so that it can be understood by all parts of the population. Information about transportation issues and processes will be timely.

Metro COG will consider traditionally underserved areas of the region and individuals. Participation efforts will be stressed with potential environmental justice communities. The three fundamental environmental justice principals will be used:



- Ensure full and fair participation by all potentially affected communities in the transportation decision-making process.
- Avoid, minimize or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, of programs, policies and activities on minority populations and low-income populations.
- Prevent the denial of, reduction of, or significant delay in the receipt of transportation benefits by minority and low-income populations.

PUBLIC NOTIFICATION PROCESS

It is impossible to receive public input if the public is not aware that the opportunity to participate exists. Metro COG maintains a minimum of seven days' notice of all public meetings and open houses. Generally, Metro COG provides as much notice as possible to provide the public notice for comments and review. Metro COG uses a variety of means to notify the public of our outreach efforts. Such means include:

- Metro COG Website posting
- Metro COG Newsletter
- Public Notification List
- Public Notice in the newspaper of record
- General media release (television and radio stations, newspapers)
- Public meetings and open houses
- Public postings at various locations (e.g. grocery stores, social service agencies, etc.)
- Public presentations (as requested)
- City Commissions and Councils
- County Commissions
- Transit Coordinating Board
- Civic Organizations (Rotary Clubs, Chambers of Commerce, ethnicity-based groups, neighborhood groups, etc.)

The notification options, and the minimum time frame used for public comment and review of Metro COG projects and processes, and amendments to those documents and processes are identified Figure 2 on page 22 of this document.



These efforts are solely incumbent on Metro COG. Metro COG works closely with our planning partners; North Dakota Department of Transportation, Minnesota Department of Transportation, Federal Highway Administration, Federal transit Administration MATBUS and local jurisdictions to coordinate with their public outreach efforts. Metro COG will coordinate its public involvement processes with local and statewide public involvement processes wherever possible to enhance public consideration of the issues, plans and programs and reduce costs and redundancies. Metro

COG assures that each partner is aware of its outreach efforts. Conversely, Metro COG requests to be apprised of public outreach efforts of our planning partners. Guidelines and

agreements for coordinating with our state and federal planning partners, as well as MATBUS, are included in the 3C agreement among the parties.

OPEN MEETING AND OPEN RECORD REQUESTS

All meetings of the Metro COG Policy Board, TTC, subcommittees, and public meetings hosted by Metro COG are governed by the Chapter 44-04 of the North Dakota Century Code. Open Records Act. Some portions of Policy Board meetings dealing with budget, personnel, finance, and other sensitive issues may be held in Executive Session and will be governed by Chapter 44-04-19.2 Duties, Records and Meetings. Extracts of Chapter 44-04 relevant to this plan are identified in Appendix B.

PUBLIC COMMENT PERIODS

Public Comment Periods are a specified period of time in which the public can make comments on a plan prior to a key decision point. Public comment periods are set up and arranged by Metro COG staff. Public notices and draft copies of plans are published on the Metro COG website. Reminders of public comment periods are sent via email to stakeholders on the Metro COG public notification list. When necessary, public notice and draft copies may be distributed to area community centers and city halls. Once the comment period has expired, Metro COG staff reviews all comments and provides a list of these comments to the TTC and Policy Board. A summary of all significant public comments is incorporated into final plan documents. If a plan is significantly revised after the comment period has been concluded, additional opportunities for public comment may be provided.

PUBLIC HEARINGS

Public Hearings are more formal than public meetings. After public comments have been incorporated in a plan, public hearings are held. These hearings are held during TTC meetings. The TTC forwards to the Policy Board recommendations as to what action should be taken. The hearing gives the public an opportunity to provide input and voice concerns prior to Policy Board action. Official public notices are indicated on the TTC agenda which are posted to the Metro COG website a minimum of five (5) calendar days prior to the meeting.

When appropriate, a press release may be sent to local media outlets. Public notices may also be posted at community centers or other venues in areas that may be affected. A summary of all comments and responses will be incorporated into the meeting minutes.

PUBLIC APPEARANCES

Metro COG staff are available to explain transportation information and project details to local civic, professional, and other types of groups that have an interest in transportation. Metro COG has a list of local organizations with which it maintains contact and adds to that list as more groups notify Metro COG about presentations or Metro COG becomes aware of them through other efforts. These presentations are a good way to gather information from the public in a relaxed setting as most are given at the monthly or quarterly meetings of the various groups.

CONSIDERATION AND RESPONSE TO PUBLIC INPUT

Metro COG recognizes and values public input and will review each comment submitted. Metro COG Staff will forward all public comments received to the TTC and Policy Board for consideration. The Policy Board has final authority on the disposition of all public comments. All official public comments will be documented as part of the public record. Acknowledgement of written comments received, if contact information is provided, will be provided. Additionally, disposition of written comments, if required, will be forwarded to the author following the outcome of the Policy Board action related to those comments.

VISUALIZATION TECHNIQUES

Metro COG uses a variety of visualization techniques to communicate proposed plans to the public, strengthen citizen participation, and to promote public understanding of the information being provided. A visualization technique could be as simple as a dry erase board for small group discussions focused on specific issues. Other techniques include: PowerPoint slide presentations, detailed maps with aerial photography, and kiosk with important information (e.g. flow charts; color tables, graphs, and charts; definitions, descriptions, and additional information; etc.). More complicated projects might involve 3-D computer modeling, or interactive maps that allow for proposal comparison. These techniques allow the public to better understand how a project might look or affect a certain area. These approaches are consistent with federal requirements to incorporate “visualization” of transportation material into public involvement. Metro COG continually seeks to improve visualization techniques and use appropriate techniques at public outreach opportunities, committee meetings, and the products that we produce.



Metro COG continually seeks to improve visualization techniques and use appropriate techniques at public outreach opportunities, committee meetings, and the products that we produce.

Metro COG currently employs several visualization techniques at our public meetings and open houses. These include:

PowerPoint Presentations on Metro COG Products and Programs

Metro COG can, on demand, develop standard PowerPoint presentations that will be suitable for various public groups and advertise various products as part of Metro COG’s Public Outreach efforts.

Displays/Posters

Metro COG provides display boards or posters that publicize the transportation process, program and/or projects. These media are available to other organizations for display and can be supplemented with other distributable data.

At a minimum, Metro COG provides maps of the affected areas; tables, graphs, and charts of information being presented; and copies of any document being presented.

Public Participation Database

Metro COG maintains a database of public involvement activities throughout the year. Staff records various elements of public meetings such as the venue, how the meeting was announced, the number of attendees, comments received, visualization techniques used, etc. Metro COG collects and uses this information to gauge the effectiveness of the tools used at each meeting. A report generated from this database is included in Metro COG's annual Title VI report.

Metro COG Logo

The Metro COG logo is used to create community awareness and familiarize the public with Metro COG roles and activities. The logo is used on all Metro COG publications; including those developed by consultants working on Metro COG sponsored projects.

PUBLIC NOTIFICATION LIST

Metro COG maintains an extensive database of interested persons in the metro area. This list is a culmination of individuals and groups Metro COG has determined to be relevant to the metropolitan transportation planning process. A number of individuals or groups have specifically requested inclusion as an interested person so as to remain informed regarding Metro COG's transportation planning process.

The public notification list currently identifies over 1,250 individuals and organizations that receive email or hard copy notices of Metro COG activities. Metro COG maintains this list internally, with a periodic review and update of the individuals and organizations to ensure the list is current and active. Any interested individual(s), groups, organizations or associations can be added to Metro COG's interested persons list by simply contacting Metro COG at either 701.232.3242 or via email at metrocog@fmmetrocog.org. This list includes:



- Elected officials of cities, counties, and townships from within Metro COGs study area;
- State and local agencies responsible for land use management;
- City and County planning commissions;
- Formal and informal traffic safety committees, transportation and transit advisory committees;
- Bicycle and pedestrian users and affiliated interest groups;
- State and local environmental agencies/groups;
- State and local resource preservation and conservation agencies/groups;
- Freight generating businesses and freight hauling businesses;

- Public and private transit and taxi operators, including public and private demand responsive operators;
- Non-profit and human service transportation agencies with low income, minority, elderly, disabled, and refugee clients;
- Neighborhood associations, citizens' advisory committees, environmental organizations, historical/archeological preservation groups, parking authorities, park districts, school boards, etc.;
- Traffic safety and enforcement agencies;
- Chambers of commerce; economic development organizations; business representatives, including private developers;
- Members of each State Legislature representing the study area;
- Appropriate state and federal agencies (E.g. modal divisions of MnDOT and NDDOT, Minnesota Pollution Control Agency and ND Department of Health, FHWA, FTA, etc.);
- Members of Metro COGs Transportation Technical Committee and other interested local staff from within the study area;
- Contacts with local and regional print and broadcast media outlets;
- Outreach to traditionally underserved groups (Title VI, Affirmative Action, Environmental Justice).

NEWSLETTER

Metro Connection is Metro COG's newsletter which is distributed three to four times annually. Metro Connection serves as a tool to notify those included on Metro COG's public notification list regarding public input opportunities which support the metropolitan transportation planning process.

MEDIA RELEASES

Recognizing the news media as a major conduit to the general public, Metro COG enjoys a working relationship with the local newspapers, radio and television stations. News releases are utilized to ensure that the news media is kept informed of activities being conducted at Metro COG. Accordingly, the media is invited to attend Metro COG meetings as well as to work with staff on informing the general public of planning activities and issues.

NEWSPAPER NOTICES

Metro COG will publish in the legal section of the newspaper of record (Fargo Forum) notices for public comment on the development of products required as a Council of Governments and Metropolitan Planning Organization, including but not limited to our Metropolitan Transportation Plan and Transportation Improvement Program as a means to draw attention to the current and future transportation issues in the region. Metro COG will also annually publish a list of Policy Board and Transportation Technical Committee meetings for the year.

BROCHURES, HANDOUTS, AND FLIERS

Metro COG has developed several brochures that inform the public about the various functions of Metro COG. These brochures are routinely available at all Metro COG open houses and public meetings, as well as at the Metro COG offices. Metro COG also produces handouts to be available at public meetings and open houses to provide information to the public on the nature of the public opportunity. Metro COG will, as warranted, distribute fliers to local business, libraries, social service organizations, etc. advertising the notice and location of public comment meetings and open houses.

WEBSITE

The Metro COG website, www.fmmetrocog.org, is constantly updated to provide the public with up-to-date information on committee representation, staff contact information, news, maps, plans, transportation projects, the quarterly newsletter, and other information and publications produced by Metro COG. The website is the core tool used by Metro COG to disseminate information on the transportation planning process, but is supplemented by non-electronic means stated previously. Public comment periods are posted with links to the plans requiring comment and email addresses to contact the appropriate staff. The agenda and minutes from both the Policy Board and the Transportation Technical Committee meetings can also be accessed through the website. Additionally, links to member government and partner agency websites are available on the Metro COG website. Conversely, links to the Metro COG website are provided on websites of many of our transportation planning partners.

Online Translation Tool

Metro COG provides a link to Google's translation program on our homepage to allow website visitors the ability to translate the Metro COG web pages into multiple languages. The translation service is available by clicking the link at the top right of the home page on the Metro COG website.

CITIZEN SURVEYS

On a project-specific basis citizen surveys will be used to collect data and other relevant information. This information is generally documented within the transportation plan or study.

FOCUS GROUPS

This meeting format is utilized by Metro COG to facilitate discussion amongst a defined group of stakeholders in regards to a single topic.

STUDY REVIEW COMMITTEES

Study review committees are structured by Metro COG to oversee certain projects and typically represent a distinct segment of the community and/or interest groups. These are most often formed as a committee of affected technical staff and interested persons to oversee the implementation of metropolitan wide, sub area, or corridor level transportation planning studies. If a study review committee is established it shall be the responsibility of Metro COG to ensure

that it includes balanced representation from a variety of transportation interests. Study review committees typically make recommendations to the Transportation Technical Committee and Policy Board. If a study review committee is not established the Transportation Technical Committee and Policy Board shall actively serve in an advisory capacity during the Plan's development.

TARGETED OUTREACH TO KEY STAKEHOLDERS

Based on guidance from state and Federal agencies, as well as Policy Board expectations, Metro COG strives to ensure special effort is undertaken to maintain outreach to several groups, individuals, and organizations considered critical to its transportation planning process. Metro COG intends to specifically maintain outreach to the following individuals, groups, organizations or populations. These groups are specifically identified and grouped in Metro COG's list of interested persons, and are specifically targeted for input as part of the metropolitan transportation planning process.

Freight Industry

Metro COG works to ensure the coordinated involvement of freight representatives in the development of the LRTP and TIP through the inclusion of numerous freight and freight related stakeholders within the interested persons list. Metro COG continues to include a representative from the Greater Fargo-Moorhead Economic Development Corporation (GFMEDC) on its Transportation Technical Committee.

Public Transportation and Human Service Transportation: Metro COG utilizes the Metropolitan Transportation Initiative (MTI) to oversee and facilitate discussion in regards to the LRTP and TIP with agencies that represent low income, minority, elderly, disabled and refugee clients. In addition Metro COG maintains a grouping of individuals who are specifically targeted for transit and transit related planning studies, and who generally represent the needs of transit dependent individuals and agencies.

Environmental Justice Groups (Including ADA & Title VI)

To support Metro COG's overall Title VI Plan and to ensure compliance with Executive Order 12898, Metro COG ensures the interests of low income, minority, individuals with disabilities, senior citizens, and other traditionally underserved individuals are taken into consideration by including them as a part of its overall interested persons list. Individuals and groups representative of these populations are grouped together and notified of all metropolitan transportation planning studies, specifically any special purpose or corridor level studies which may be shown to have a possible impact on these populations.

Environmental Interests

Metro COG will utilize the already established Environmental Review Group to oversee and facilitate a discussion in regards to the LRTP and TIP. This group includes representation from the following industries/interests: land use management, natural resources, conservation, environmental protection, recreation and agricultural.

SOCIAL NETWORKING



Metro COG maintains a Facebook account to provide forums for the public to provide input into the regional transportation planning process. A link to our Facebook account is provided on the Metro COG home page at www.fmmetrocog.org.

EXPLORING FUTURE TOOLS

Metro COG makes every effort to assure that the tools used in public outreach efforts are effective and efficient. There are several tools that may be used in the future to add to Metro COG's outreach efforts and used to supplement the range of our public participation plan strategies. Such tools will be explored and implemented as warranted.

4. SOCIAL RESPONSIBILITY

Metro COG takes seriously its responsibilities as a government agency in providing access to its transportation planning process to all of the region's citizens. Metro COG is committed to ensuring all individuals regardless of race, color, sex, age, national origin, disability/handicap, sexual orientation, or income status have access to Metro COG's programs and services.

SPECIAL ACCOMMODATIONS

Metro COG will make a good faith effort to accommodate requests for translation services for meeting proceedings and related materials. All meeting notices distributed by Metro COG include a standard disclaimer notifying the public regarding the options available to request special accommodations to participate in a specific meeting or to review specific documents. As part of Metro COG's approved Title VI Plan, Metro COG maintains a list of auxiliary aids and services. All Metro COG meetings are held in handicapped accessible locations and are accessible to mobility impaired individuals; and in locations considered generally served by public transportation.

NON-ELECTRONIC OUTREACH

The Metro COG public involvement process includes multiple electronic means to receive information, make public comments and solicit public input. Metro COG is responsible to acknowledging that the electronic means are an efficient means to include the

“Metro COG is committed to ensuring all individuals regardless of race, color, sex, age, national origin, disability/handicap, sexual orientation, income status have access to Metro COG's programs and services. Meeting facilities will be accessible to mobility impaired individuals. Metro COG will make a good faith effort to accommodate requests for translation services for meeting proceedings and related materials. Please contact Nakhaly Swearingen, Metro COG Executive Secretary at 701.232.3242 at least five days in advance of the meeting if any special accommodations are required for any member of the public to be able to participate in the meeting.”

Metro COG Standard Disclaimer

public in its planning efforts. Metro COG also recognizes that not everyone has access to electronic devices or have the expertise to use such devices effectively. Metro COG will make attempts to reach out to those in the region that do not have access to computers, smart phones or other devices.

In addition to those means identified in the Toolbox, Metro COG will, when prudent:

- Providing local social service organizations written announcement of public meetings for distribution to their clients.
- Provide hard copies of Metro COG core documents and other select documents to local public libraries.
- Distribute various flyers, information sheets, and other materials at public meetings.

When conducting outreach activities for transportation planning efforts, methods will be employed to reach individual populations that include, but are not limited to, minority, low-income, elderly, immigrant, and disabled populations. These populations will be identified through Census data and consultation with agencies that serve them. They will then be added to mailing lists so they may be notified of the transportation planning process and ways they may become involved. These efforts will be in accordance with Executive Order 12898, “Federal Actions to Address Minority Populations and Low Income Populations” issued in 1994, and Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” issued in 2000.



In addition to MPO requirements for public participation, Metro COG is subject to other federal legislation such as the Americans With Disabilities Act, Title VI of the Civil Rights Act of 1964, and Executive Order 12898 (1994) for Environmental Justice.

TITLE VI AND ENVIRONMENTAL JUSTICE

Title VI assurance and Environmental Justice (EJ) is a critical goal for Metro COG. Minority populations are protected groups under Title VI of the 1964 Civil Rights Act, and the President’s Executive Order 12898, issued in 1994, entitled “Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low Income Populations”. Title VI prohibits discrimination on the basis of race or national origin under any program or activity receiving federal financial assistance. The EJ Order further amplified Title VI and added low-income populations to the protected list.

Metro COG also includes the elderly, persons with a disability, and people without private automobiles as additional target public involvement efforts and assessments. Metro COG uses underserved populations are planning process. Techniques community groups, providing neighborhood community venues accessible by public newspapers that serve minority



population groups for inclusion in for transportation needs several techniques to ensure that involved in the transportation include staff presentations to public notices and survey forms at centers, holding public hearings at transit, and advertising in populations. Further information on

Metro COG's efforts to include the previously mentioned populations is laid out in Metro COG's Title VI Environmental Justice Policy. This Policy also outlines Metro COG's process for analyzing the effects of transportation projects on the identified populations and how to file a discrimination complaint.

LIMITED ENGLISH PROFICIENCY

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be considered Limited English Proficient, or "LEP." These individuals are entitled to language assistance under Title VI of the Civil Rights Act of 1964. Metro COG has an established LEP policy and will follow that policy in providing assistance to LEP populations in the region.

Language assistance will be provided for LEP individuals, as requested through the translation of some key materials, as well as through oral interpretation when necessary or possible.

ACCESS BY PERSONS WITH DISABILITIES

It is the policy of Metro COG to make accommodations for those in the region with disabilities. A reasonable effort will be made to provide, in alternative formats, options for presenting data and products. Additionally:

- All public meetings and formal events will be held in facilities that are accessible to persons with disabilities. Additional accommodations will be provided on an as-needed basis.
- All public notices of Metro COG events will state that accommodations for qualified individuals with disabilities will be provided upon request. One-week notice is required for provisions of appropriate aids and services.
- All documents available to the public will be provided, upon request, in alternative formats for qualified individual with disabilities.

5. METRO COG PLANS AND PROGRAMS

As the designated MPO for the region, Metro COG is responsible for the development and maintenance of various documents and plans. There are five (5) core documents that Metro COG is responsible for:

- Metropolitan Transportation Plan
- Transportation Improvement Program
- Unified Planning Work Program

- Public Participation Plan
- Transit Development Plan (in conjunction with MATBUS)

Additionally, Metro COG develops and maintains such documents as:

- Bicycle Pedestrian Plan
- Title VI Annual Report
- Metro Profile
- Congestion Mitigation Process
- Intelligent Transportation System (ITS) Deployment Strategy
- Regional Intelligent Systems Architecture

Each plan is subject to public review and comment during its development and revision. The minimum public review period on documents, except the Public Participation Plan (PPP), is seven (7) days. Federal regulations mandate a minimum of a forty-five (45) day public review period for the PPP. Standard time requirements for public meetings/hearings and public comment opportunities for plans are identified in Figure 2 on page 22 of this document.

METROPOLITAN TRANSPORTATION PLAN

The Metropolitan Transportation Plan (MTP) (also known as the Long Range Transportation Plan) addresses long range (minimum 20-year horizon) multimodal transportation planning. The MTP addresses what the transportation needs of the growing region are and how to meet those needs. The multimodal plan includes roadway improvements, public transportation, bicycle and pedestrian facilities, aviation, freight, and environmental concerns. Federal regulations state that the MTP must be updated every five years. Metro COG hosts public meetings to involve citizens in the early stages of the MTP development. A minimum of three public meetings will be held throughout the region for each MTP update: an initial kick off meeting, a midpoint meeting, and a final public meeting at least 14 days prior to Policy Board action. A final draft MTP is presented to the Policy Board along with public comments. A public hearing is held during the TTC meeting prior to the Policy Board meeting in which takes action. A unique public involvement process/schedule detailing public participation will be created for each update of the MTP.



Amendments to the MTP

Changes or amendments to the MTP are classified as either administrative modification or amendments. A description and discussion of the applicable public process for each follows.

- **Administrative Modifications.** Administrative modifications are tantamount to technical corrections that do not require a coordinated review by the MPO, FWHA and FTA or a determination of conformity by these entities. Administrative modifications shall be inclusive, but not limited to the following: descriptive material, forecasts, data bases, project costs (provided fiscal constraint is maintained), project descriptions, time frames, etc. No public notifications are required for administrative amendments. Administrative modifications may require coordination with the respective State DOT. Administrative modifications

are approved by the Policy Board at the recommendation of the Transportation Technical Committee.

- **Amendments.** The addition or deletion of any project or group of projects constitutes an amendment. An amendment to the LRTP is subject to the requirements of the public involvement process outlined herein. The public notice requirements as outlined earlier in this section (Section 6) are followed for amendments to the LRTP. Following the public input process, amendments are approved by the Policy Board at the recommendation of the Transportation Technical Committee.

When significant written and or oral comments are received on the draft MTP or proposed amendments to the MTP, as a result of the public outreach efforts identified in this plan, a summary, analysis, and report on the disposition of the comments will be included in the final MTP.

TRANSPORTATION IMPROVEMENT PROGRAM (TIP)



Transportation Improvement Program

2016-2019 Final Version

Metro COG is required to adopt a transportation improvement program (TIP) which schedules and programs Federal aid for surface transportation projects in the FM Metropolitan area. The TIP is also inclusive of projects determined to be of Regional Significance. The TIP has a four (4) year programming horizon. While required to be updated at least once every four years, Metro COG typically updates the TIP annually. In order for a project to be in the TIP and be eligible for Federal aid, it must be derived from

the LRTP, or one of its modal sub elements. At minimum, the TIP shall include the following:

- A list identifying all regionally significant projects requiring action by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA) within the defined four-year period after the initial adoption of the TIP;
- A financial plan demonstrating how the approved TIP can be implemented and an indication of resources (public or private) that can be reasonably expected to be available in order to finalize the project;
- Identification of other financial alternatives/strategies to implement projects;
- A list identifying additional projects that would be included in the approved TIP if reasonable additional resources beyond the funds recognized in the required financial plan were available; and
- An outline of project descriptions and applicable project phases.

UNIFIED PLANNING WORK PROGRAM (UPWP)

In order to ensure the timely implementation of the metropolitan transportation planning process, Metro COG is required to adopt a Unified Planning Work Program (UPWP). The

Unified Planning Work Program

2015 - 2016

As Amended August, 2015



UPWP is a 24-month work program and is reflective of the actions and activities to maintain a comprehensive, continuous, and coordinated transportation planning process. The UPWP represents the planning priorities to be carried out within the FM Metropolitan area. Public involvement in the development for the UPWP is not explicitly required of Metro COG.

PUBLIC PARTICIPATION PLAN

The Public Participation Plan contains the guidelines and expectations for public involvement during transportation planning activities and processes used by Metro COG. It contains a toolbox of strategies used to engage the public in the transportation planning efforts in the region. As the guiding document for public input, there is a 45-day public review and comment period prior to Policy Board action on revisions and amendments.

OTHER PLANS AND STUDIES

Metropolitan wide/Subarea/Corridor Planning Studies

In order to support the overall metropolitan transportation planning program Metro COG completes a number of metropolitan wide, subarea, and corridor level planning studies. These studies are considered critical to ensuring that detailed area wide or corridor level transportation planning is done on issues considered to be of significance to the metropolitan transportation planning process.

Imminent Corridor Studies/Cooperative Project Concept Reports

Metro COG and its state and Federal partners are committed to ensuring that certain planning processes developed by Metro COG are compliant with the National Environmental Protection Act (NEPA). Metro COG initiates *Imminent Corridor Studies* or *Cooperative Project Concept Reports* to assist with linking planning and NEPA. These studies are related to projects currently programmed within the TIP or projects for which programming is considered *imminent*. This is typically accomplished by having Metro COG conduct the required planning elements of the project development process. In these cases, Metro COG develops subarea corridor level planning studies to ensure conformance with NEPA so that planning products of Metro COG can be directly integrated into NEPA required documents. The public outreach that has been identified for these projects has been developed so that it is compliant with NEPA.

For more extensive studies, a public involvement plan may be created. The public involvement plans may include; identification of stakeholders, the desired level of public involvement (such as how many meetings will be held), an assessment of community awareness and knowledge about the project, listing of which public participation tools will be used, and description of how the public feedback will guide the decision making process. All plans, regardless of the lead agency, will have at a minimum a seven-day public review and comment period, and a public hearing prior to action by the TPB. For more extensive studies, Metro COG or the lead agency will host a minimum of three public meetings.

Figure 2. Public Participation Comment Periods and Public Notifications

Document	Public Meetings/Hearings	Minimum Comment Period ¹	EJ/Title VI	Public Notifications						
				Website	Newsletter ²	Public Notification List	Public Meeting/Open House	Public Postings ³	Newspaper Legal Ad	Public Presentations ⁴
Public Participation Pan (PPP)	A public meeting shall be held at least 14 days prior to Policy Board action.	45 day public comment period prior to Policy Board action.	Direct notification (see Target Outreach to Key Stakeholders on page 15)	✓	✓	✓	✓	✓	✓	✓
PPP Amendment			Same							
Unified Planning Work Program (UPWP)	If needed, a public meeting shall be held at least 7 days prior to Policy Board action.	If needed, 14-day public comment period prior to Policy Board action	Direct notification (see Target Outreach to Key Stakeholders on page 15)	✓	✓	✓	✓	✓	✓	✓
UPWP Amendment			Same							
Transportation Improvement Program (TIP)	A public meeting shall be held at least 7 days prior to Policy Board action.	14-day public comment period prior to Policy Board action.	Notified as part of public notification list.	✓	✓	✓	✓	✓	✓	✓
TIP Amendment			Same							
Metropolitan Transportation Plan (MTP)	A minimum of 3 public meetings will be held: an initial, midpoint, and a final.	14-day public comment period prior to Policy Board action.	Notified as part of public notification list.	✓	✓	✓	✓	✓	✓	✓
MTP Amendment			Same							
Corridor and other Plans/Studies	A separate PPP for each project will be developed with the number of public meetings.	A separate PPP for each project will be developed with the number of public meetings.	Direct notification required if project(s) shown to have potential impact; or if a transit or bike/pedestrian related issue.	✓	✓	✓	✓			✓

¹ Notice of the public comment period will be published in the newspaper of record prior to the start of the public comment period.
² as scheduling permits.

³ Postings will be mailed or placed at public places, e.g. grocery stores, social service agencies, etc.

⁴ Presentations to the public or other agencies is upon request.

6. CONTINUOUS PROCESS IMPROVEMENT

Metro COG completes an annual assessment of its public participation program during the Transportation Improvement Program's self-certification process. The assessment reviews the level of public participation in Metro COG modal plans or major Metro COG transportation studies completed during the year. The assessment is accomplished by providing quantitative and qualitative data on the measures taken to reach target populations to promote participation.

Metro COG will update its Public Participation Plan no less than every five (5) years so as to coincide with an update to the LRTP. Updates or amendments to the Public Participation Plan will be made as needed based on guidance from state and Federal agencies. Updates will be done in consideration of any findings or recommendations developed as part annual assessments. Updates or amendments to the Public Participation Plan require a forty-five (45) day comment period.

Appendix A. Excerpt of Title 23 Code of Federal Regulation Section 450

§450.316 Interested parties, participation, and consultation.

(a) The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

(1) The participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:

(i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;

(ii) Providing timely notice and reasonable access to information about transportation issues and processes;

(iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;

(iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;

(v) Holding any public meetings at convenient and accessible locations and times;

(vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;

(vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;

(viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts;

(ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and

(x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

(2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.

(3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.

(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, metropolitan transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:

(1) Recipients of assistance under title 49 U.S.C. Chapter 53;

(2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and

(3) Recipients of assistance under 23 U.S.C. 204.

(c) When the MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.

(d) When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.

(e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under §450.314.

Appendix B. Excerpt of North Dakota Century Code Chapter 44-04

CHAPTER 44-04 DUTIES, RECORDS, AND MEETINGS (Section 44-04-19 extract)

44-04-19. Access to public meetings.

Except as otherwise specifically provided by law, all meetings of a public entity must be open to the public. That portion of a meeting of the governing body of a public entity as defined in subdivision c of subsection 13 of section 44-04-17.1 which does not regard public business is not required to be open under this section.

1. This section is violated when any person is denied access to a meeting under this section, unless such refusal, implicitly or explicitly communicated, is due to a lack of physical space in the meeting room for the person or persons seeking access.
2. For purposes of this section, the meeting room must be accessible to, and the size of the room must accommodate, the number of persons reasonably expected to attend the meeting.
3. The right of a person to attend a meeting under this section includes the right to photograph, to record on audiotape or videotape and to broadcast live on radio or television the portion of the meeting that is not held in executive session, provided that there is no active interference with the conduct of the meeting. The exercise of this right may not be dependent upon the prior approval of the governing body. However, the governing body may impose reasonable limitations on recording activity to minimize the possibility of disruption of the meeting.
4. For meetings subject to this section when one or more of the members of the governing body is participating by telephone or video, a speakerphone or monitor must be provided at the location specified in the notice issued under section 44-04-20.

44-04-19.1. Open records and open meetings

Exemptions for attorney work product, attorney consultation, and negotiation preparation.

1. Attorney work product is exempt from section 44-04-18. Attorney work product and copies thereof shall not be open to public inspection, examination, or copying unless specifically made public by the public entity receiving such work product.
2. Attorney consultation is exempt from section 44-04-19. That portion of a meeting of a governing body during which an attorney consultation occurs may be closed by the governing body under section 44-04-19.2.
3. Active investigatory work product is exempt from section 44-04-18.
4. "Adversarial administrative proceedings" include only those administrative proceedings in which the administrative agency or institution of higher education acts as a complainant, respondent, or decision maker in an adverse administrative proceeding. This term does not refer to those instances in which the administrative agency or institution acts in its own rulemaking capacity.
5. "Attorney consultation" means any discussion between a governing body and its attorney in instances in which the governing body seeks or receives the attorney's advice regarding and in

anticipation of reasonably predictable civil or criminal litigation or adversarial administrative proceedings or concerning pending civil or criminal litigation or pending adversarial administrative proceedings. Mere presence or participation of an attorney at a meeting is not sufficient to constitute attorney consultation.

6. "Attorney work product" means any document or record that:

- a. Was prepared by an attorney representing a public entity or prepared at such an attorney's express direction;
- b. Reflects a mental impression, conclusion, litigation strategy, or legal theory of that attorney or the entity; and
- c. Was prepared exclusively for civil or criminal litigation, for adversarial administrative proceedings, or in anticipation of reasonably predictable civil or criminal litigation or adversarial administrative proceedings.

7. "Investigatory work product" means records obtained, compiled, or prepared by a public entity in an effort to monitor and enforce compliance with the law or an order. Investigatory work product must be considered active as long as it is related to monitoring or enforcement activity conducted with a reasonable good-faith belief that it will lead to enforcement of the law or an order.

8. Following the final completion of the civil or criminal litigation or the adversarial administrative proceeding, including the exhaustion of all appellate remedies, attorney work product must be made available for public disclosure by the public entity, unless another exception to section 44-04-18 applies or if disclosure would have an adverse fiscal effect on the conduct or settlement of other pending or reasonably predictable civil or criminal litigation or adversarial administrative proceedings, or the attorney work product reflects mental impressions, opinions, conclusions, or legal theories regarding potential liability of a public entity.

9. A governing body may hold an executive session under section 44-04-19.2 to discuss negotiating strategy or provide negotiating instructions to its attorney or other negotiator regarding litigation, adversarial administrative proceedings, or contracts, which are currently being negotiated or for which negotiation is reasonably likely to occur in the immediate future. An executive session may be held under this subsection only when an open meeting would have an adverse fiscal effect on the bargaining or litigating position of the public entity.

10. Nothing in this section may be construed to waive any attorney-client privilege of a public entity as defined in subdivision c of subsection 13 of section 44-04-17.1 regarding matters that do not pertain to public business.

44-04-19.2. Confidential or closed meetings.

1. A governing body may hold an executive session to consider or discuss closed or confidential records.

2. Unless a different procedure is provided by law, an executive session that is authorized by law may be held if:

- a. The governing body first convenes in an open session and, unless a confidential meeting is required, passes a motion to hold an executive session;
- b. The governing body announces during the open portion of the meeting the topics to be discussed or considered during the executive session and the body's legal authority for holding an executive session on those topics;
- c. The executive session is recorded under subsection 5;

- d. The topics discussed or considered during the executive session are limited to those for which an executive session is authorized by law and that have been previously announced under this subsection; and
 - e. Final action concerning the topics discussed or considered during the executive session is taken at a meeting open to the public, unless final action is otherwise required by law to be taken during a closed or confidential meeting. For purposes of this subsection, "final action" means a collective decision or a collective commitment or promise to make a decision on any matter, including formation of a position or policy, but does not include guidance given by members of the governing body to legal counsel or other negotiator in a closed attorney consultation or negotiation preparation session authorized in section 44-04-19.1.
3. The remainder of a meeting during which an executive session is held is an open meeting unless a specific exemption is otherwise applicable.
 4. The minutes of an open meeting during which an executive session is held must indicate the names of the members attending the executive session, the date and time the executive session was called to order and adjourned, a summary of the general topics that were discussed or considered that does not disclose any closed or confidential information, and the legal authority for holding the executive session.
 5. All meetings of the governing body of a public entity that are not open to the public must be recorded electronically or on audiotape or videotape. The recording must be disclosed pursuant to court order under subsection 2 of section 44-04-18.11 or to the attorney general for the purpose of administrative review under section 44-04-21.1. The attorney general may not disclose to the public any recording received under this subsection and must return the recording to the governing body upon completion of the administrative review. The recording may be disclosed upon majority vote of the governing body unless the executive session was required to be confidential. Disclosure of the recording by a public servant except as provided in this subsection is a violation of section 12.1-13-01. All recordings under this subsection must be retained for a minimum of six months after the executive session that is the subject of the recording.
 6. A public entity may sequester all competitors in a competitive selection or hiring process from that portion of a public meeting wherein presentations are heard or interviews are conducted.