

**PUBLIC PARTICIPATION PLAN FOR THE NORTHERN
MIDDLESEX REGION**

January 2010

Prepared for:


Northern Middlesex Metropolitan Planning Organization

By:


Northern Middlesex Council of Governments

NORTHERN MIDDLESEX METROPOLITAN PLANNING ORGANIZATION

ENDORSEMENT OF THE NORTHERN MIDDLESEX METROPOLITAN PLANNING ORGANIZATION'S PUBLIC PARTICIPATION PLAN AMENDMENT OF JANUARY 27, 2010

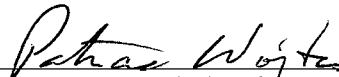
 1-27-2010

Jeffrey B. Mullan, Secretary, Date
Massachusetts Department of Transportation

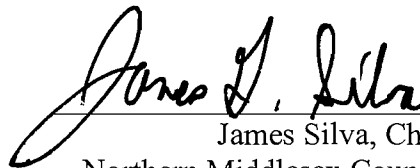
 1-27-2010 for

Luisa Paiewonsky, Highway Administrator, Date
Massachusetts Department of Transportation

Arthur Doyle, Chair, Date
Lowell Regional Transit Authority

 1-27-2010

Patricia Wojtas, Chelmsford Representative, Date
Lowell Regional Transit Authority

 1/27/10

James Silva, Chair, Date
Northern Middlesex Council of Governments

Patrick Murphy, City Councilor, Date
City of Lowell

 1/27/10

David Gay, Selectman, Date
Town of Tewksbury

I. THE TRANSPORTATION PLANNING PROCESS AND THE ROLE OF THE NORTHERN MIDDLESEX METROPOLITAN PLANNING ORGANIZATION

Federal funding for planning and implementing transportation projects requires that projects be derived through a continuing, comprehensive and cooperative (3C) planning process. The Northern Middlesex Metropolitan Planning Organization (NMMPO) is the body charged with carrying out the 3C process in the Northern Middlesex region. The NMMPO is comprised of the Chairpersons of the Northern Middlesex Council of Governments (NMCOG) and the Lowell Regional Transit Authority (LRTA), the Secretary of the Massachusetts Department of Transportation (MassDOT) who serves as the MPO chair, and the Administrator for the Highway Division of MassDOT. In addition, the following are also voting members: the chief elected official from the City of Lowell elected to serve as the City's representative to NMCOG, a selectman elected to serve on the Council and further elected by the Council to serve as that town's representative to the NMMPO, and an LRTA Advisory Board member representing a community within the NMMPO boundaries other than the City of Lowell, who may also be an elected official. A representative from the Federal Highway Administration (FHWA) and a representative from the Federal Transit Administration (FTA) serve as ex-officio, non-voting members of the MPO.

The Northern Middlesex Council of Governments, formed under Chapter 40B of the General Laws of Massachusetts, is one of thirteen regional planning agencies in the Commonwealth. NMCOG's policy board is comprised of three representatives from each member community: a chief elected official; a planning board member; and an alternate. NMCOG serves as the technical staff to the NMMPO and administers the public participation process for this decision-making body.

FHWA and FTA must certify that a 3C process is being carried out on all transportation projects receiving federal funding. This certification process requires the preparation of three documents: the Regional Transportation Plan (RTP), the Transportation Improvement Program (TIP), and the Unified Planning Work Program (UPWP). The NMCOG carries out the technical and administrative functions of the NMMPO, including the preparation of these three documents.

II. OVERVIEW OF THE PUBLIC PARTICIPATION PROCESS

Public participation is an integral and vital part of the overall transportation planning process. The information, viewpoints and perspectives provided through the public involvement process help guide decision makers and leads to a more meaningful and comprehensive planning process. The goals of the public involvement plan are as follows:

- Solicit and respect the viewpoints of all transportation constituents;
- Provide multiple opportunities for public involvement that are open, meaningful and inclusive, and that consider needs for accessibility, scheduling, informational materials format and the language needs of those with limited English proficiency;
- Provide a predictable process that is understandable with notification provided well in advance (30 days for the TIP, UPWP, and RTP; 45 days for the Public Participation Plan);

- Periodically evaluate new tools for improving, update and refining the NMMPO's existing public process; and
- Strive to increase public participation and improve outreach to minority, low-income, elderly, youth, and accessibility-challenged communities.

The NMMPO conducts an ongoing consultation process with low-income and minority residents and with groups representing their interests, such as the Coalition for a Better Acre (CBA) and ONE Lowell. NMMPO staff also meets regularly with economic development interests and other groups charged with providing community support, job training, housing and other services in neighborhoods with high percentages of low-income and minority residents. The information gathered during these sessions is incorporated into the transportation planning process and considered during the development of the certification documents. To further address the needs of low-income and minority households who may face challenges accessing employment and other services, notices will be posted at the Kennedy Transit Hub/ Gallagher Terminal, as well as at the Social Security Office, the Department of Employment Security, the WIC office, Community Teamwork, Inc., and at the Department of Transitional Assistance Office.

The NMMPO also consults with the other four MPOs within the Boston Urbanized Area (UZA): the Boston MPO, the Merrimack Valley MPO, the Old Colony MPO, and the Southeastern Massachusetts MPO. This consultative process is standard for all federally required certification documents. The NMCOG website: www.nmcog.org is the primary location for up-to-date information about NMMPO activities. Furthermore, NMMPO documents and meeting notices are posted on this website and NMMPO technical staff can be contacted through email links provided on the website. Public notification is also provided through newspaper advertising, press releases, flyers, correspondence and email messages. All NMMPO activities are conducted at locations that are accessible to people with disabilities.

III. Title VI and Environmental Justice Requirements

Certification documents and other reports and informational materials are available on the NMCOG website, on CD or in printed format. The NMMPO develops materials that are easily understood and clear. Maps, graphics and visualization techniques are utilized to assist in this effort. Federal regulations include requirements that reasonable efforts be made to address Title VI, Executive Order 12898 (Environmental Justice) and Executive Order 13166 (Limited English Proficiency).

Title VI of the Civil Rights Act of 1964 states that “no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.” All federal agencies which provide financial assistance for any program are authorized and directed by the United States Department of Justice to apply provisions of Title VI to each program by issuing applicable rules, regulations, or requirements.

Executive Order 12898, issued in 1994, expanded the impact of the 1964 Civil Rights Act and responded to the concern that everyone within the United States deserves equal protection under the country's laws; thus the concept known as "environmental justice" was developed. The Executive Order organized and explained in detail the Federal government's commitment to promote environmental justice. Each Federal agency was directed to review its procedures and to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on minority populations and low-income populations.

The U.S. Department of Transportation issued its order to address Environmental Justice in Minority Populations and Low-Income Populations in 1997. As partners of DOT, MPOs are expected to embrace the principles of environmental justice as well. The USDOT Order states, in part, that *"In undertaking the integration with existing operations ...DOT (and by extension MPOs) shall observe the following principles:*

- (1) Planning and programming activities that have the potential to have a disproportionately high and adverse effect on human health or the environment shall include explicit consideration of the effects on minority populations and low-income populations. Procedures shall be established or expanded, as necessary, to provide meaningful opportunities for public involvement by members of minority populations and low-income populations during the planning and development of programs, policies, and activities (including the identification of potential effects, alternatives, and mitigation measures).*
- (2) Steps shall be taken to provide the public, including members of minority populations and low-income populations, access to public information concerning the human health or environmental impacts of programs, policies, and activities, including information that will address the concerns of minority and low-income populations regarding the health and environmental impacts of the proposed action."*

The RTP for the Northern Middlesex Region created outlines the process utilized by the NMMPO to ensure compliance with these requirements. Title VI and Environmental Justice concerns are typically raised during project development, it is important to recognize that the law applies directly to the planning process. As a result, the following measures are being undertaken in the Northern Middlesex region to ensure conformity to this law.

A demographic profile of the metropolitan area has been developed that includes identification of socio-economic groups, including low-income and minority populations as covered by the Executive Order on Environmental Justice and Title VI provisions.

- A process has been developed to assess the distribution of impacts on different socio-economic groups for the investments identified in the Northern Middlesex Regional Transportation Plan and Northern Middlesex Transportation Improvement Program. This methodology utilizes income information and race information available from the 2000 U.S. Census. The objective of the analysis is to ensure that the needs of low income and minority

populations are identified in the regional planning process for the Northern Middlesex region. This Public Outreach Plan includes strategies for engaging minority and low-income populations in the transportation decision-making process.

- A methodology has been constructed to determine if proposed transportation investments and strategies are appropriate for low-income and minority areas. This process includes evaluation of the social, economic and environmental effects of the proposed alternative. In the event a proposed improvement is found to have negative impacts, appropriate mitigation will be developed to offset any adverse effects.
- Projects are considered with respect to their potential impacts, with the goal of not impacting any single community or group (positively or negatively) more than another.

Executive Order 13166, issued in 2000, also expanded the impact of the 1964 Civil Rights Act and responded to the concern that persons with limited English proficiency deserve equal participation in the transportation planning process. In accordance with the Executive Order, the U.S. DOT issued *Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons*, which is modeled after the U.S. Department of Justice's general LEP policy guidance document. As described in the guidance, DOT recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The guidance applies to all DOT funding recipients, which include MPOs.

The US DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

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 or grantee.
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 recipient to people's lives.
4. The resources available to the recipient and costs.

The NMCOG website is currently being re-designed with a focus upon making the web site more accessible to those with limited English speaking skills and those with specific disabilities. The NMMPO staff will be working with the LRTA to determine what improvements can be made to the LRTA web site to improve access to those with limited English proficiency and other disabilities.

IV. Outreach Efforts

The most recent revisions to the Public Participation Plan were initiated as a result of requirements set forth in SAFETEA-LU. SAFETEA-LU highlights the need to develop MPO public participation plans "in consultation with all interested parties", and stresses the importance of establishing and maintaining an inclusive and interactive process. On February 14, 2007, the Federal Highway Administration (FHWA) and the Federal Transit Administration

(FTA) jointly released final rules governing the transportation planning process in metropolitan areas. Included in these rules are specific criteria that must be followed in developing and amending Regional Transportation Plans (RTP) and Transportation Improvement Programs (TIPs). Section 450.316 of these final rules entitled “Interested parties, participation, and consultation”, requires that all MPOs develop a Public Participation Plan (PPP) that “defines a process for providing citizens” includes various specified groups, “reasonable opportunity to be involved in the metropolitan transportation planning process.” These specified groups include but are not limited to:

- Public Agencies
- Representatives of Public Transportation Employees
- Freight Shippers
- Providers of Freight Transportation Services
- Representatives of Users of Public Transportation
- Representatives of Users of Pedestrian Walkways and Bicycle Transportation
- Representatives of the Disabled

NMMPO Public Participation Plan distribution list includes the following stakeholders and interested parties:

- **Citizens:**
 - Libraries
 - City/Town Clerks
 - Area Congressional Delegation
 - State Legislators
 - Interested Citizens
 - Local Neighborhood Organizations
- **Affected Public Agencies and Government Entities:**
 - MassDOT-Executive Office (MPO Member)
 - MassDOT- Highway Division (MPO Member)
 - LRTA (MPO Member)
 - FHWA (Ex-officio MPO Member)
 - FTA (Ex-officio MPO Member)
 - US Environmental Protection Agency
 - Massachusetts Department of Environmental Protection
 - Local Chief Elected Officials
 - Nashua Regional Planning Commission
 - Merrimack Valley Planning Commission
 - Metropolitan Area Planning Council
 - Montachusetts Regional Planning Commission
 - MassRides
 - Local DPWs
 - Local Planning Boards
 - City/Town Engineers

City/ Town Managers
City/Town Conservation Commissions
Lowell National Historical Park
Middlesex Canal Commission
Transportation Coordinators for Municipal School Departments

- **Representatives of Public Transportation Employees**
Teamsters Local
Amalgamated Transit Union

- **Freight Transportation Services:**
United Parcel Service
PanAm/Guilford Transportation
U.S. Postal Service

- **Private Providers of Transportation:**
Local Taxi Companies
Private Transportation Providers Listed in the RTP

- **Representatives of Users of Public Transportation**
Councils on Aging
Local Senior Centers

- **Representatives of Users of Pedestrian Walkways and Bicycle Transportation Facilities**
Friends of the Bruce Freeman Rail Trail
Lowell Parks and Conservation Trust

- **Representatives of the Disabled**
Northeast Independent Living Program
Renaissance Club
Greater Lowell Association for the Blind

- **Populations Traditionally Underserved by Existing Transportation Systems**
Community Teamwork, Inc
Coalition for a Better Acre
ONE Lowell
Lowell Transitional Living Center
Cambodian American League of Lowell
Cambodian Mutual Assistance Association

- **Agencies and Officials responsible for State and Local Planned Growth**
Local Planning Boards
City/Town Planners
Zoning Boards of Appeal
Northern Middlesex Council of Governments

- **Economic Development Interests**
 - Greater Lowell Chamber of Commerce
 - Greater Lowell CEDS Committee
 - Lowell Plan
 - Lowell Development Finance Corporation
 - Tyngsborough Economic Development Committee
 - Billerica Plan
 - Greater Lowell Workforce Investment Board
 - Chelmsford Business Association
 - University of Massachusetts Lowell
 - Merrimack Valley Venture Forum
 - Merrimack Valley Economic Development Council
 - Middlesex Community College
 - Massachusetts Office of Business Development
 - MassDevelopment
 - Billerica Development and Finance Corporation

The NMMPO also receives input from other ad hoc groups established as part of the overall planning process. Based upon the extensive experience of the NMCOG and LRTA staffs and the valuable input of their Board members, the MPO is well-informed regarding the needs, values and issues of the low-income and minority populations in the region. The MPO is quite sensitive to addressing the needs of low-income and minority populations within the financial constraints faced by the MPO and to ensuring that these community groups are not negatively impacted by the transportation decisions made for the region.

Besides receiving input from representative groups, such as Community Teamwork, Inc. (CTI), OneLowell, the Coalition for a Better Acre (CBA) and various neighborhood associations, NMCOG receives feedback from its minority and low-income representatives on the Greater Lowell Comprehensive Economic Development Strategy (CEDS) Committee, which reviews regional development on a comprehensive basis. NMCOG has also benefited from the comments received at its public meetings related to the development of the Affordable Housing Productivity Plans in Dracut and Billerica, the economic development component of the Westford Master Plan Update, the Economic Development and Comprehensive Development Plans in Tyngsborough and the Comprehensive Master Plan in Tewksbury. NMCOG has also received input through its CEDS “grass-roots” planning process and will continue to receive input as it finalizes the *Annual CEDS Update*. These activities are all in addition to the regular transportation planning processes.

V. DEVELOPMENT OF THE PUBLIC PARTICIPATION PLAN

The Public Participation Plan is the document that outlines the public involvement and notification requirements and methods that apply to the development of the TIP, UPWP, RTP, Section 5307 Grant Applications, and the Public Participation Plan itself. This Public

Participation Plan incorporates the provisions of the Intermodal Surface Transportation Efficiency Act (ISTEA), the Transportation Equity Act for the 21st Century (TEA-21), the Safe, Accountable, Flexible, Efficient, Transportation Equity Act – A Legacy for Users (SAFETEA-LU), Executive Order 12898 on Environmental Justice, and Federal Highway Administration/Federal Transit Administration Joint Planning Regulations (23 CFR Part 450 and 49 CFR Part 613).

As required by Federal legislation, a forty-five (45) day comment period shall be provided prior to adopting the public participation plan. The following procedures and policies delineate the proposed public participatory process for the Northern Middlesex MPO.

- A. Notice of the availability of the Public Participation Plan and a Public Meeting Notice providing an opportunity for public comment shall be published in the Lowell Sun, as well as other local news media, and posted at the Town and City Clerk offices. The Public Meeting Notice and Plan will also be posted on the NMCOG web site at: www.nmcog.org . A notice and link will also be provided on the LRTA website at: www.lrta.com .
- B. Copies of the Public Participation Plan shall be forwarded to the NMMPO members and all stakeholders and interested parties described in Section II above.
- C. During the 45-day public comment period, a public meeting shall be held to receive comments. Comments may also be submitted in writing, through conventional mail, by email or fax.
- D. Upon completion of the comment period, public comments shall be incorporated into the Public Participation Plan. The NMMPO will then be asked to endorse the Plan.
- E. Future substantive changes or amendments to the Public Participation Plan will require an additional 45-day public comment period.

All of the stakeholders identified in Section IV above were afforded the opportunity to participate in the development of the Public Participation Plan. Two public meetings were conducted relative to the draft Public Participation Plan, on May 11, 2007 and June 6, 2007. Comments were received from the City of Lowell, University of Massachusetts Lowell, NMCOG, and the Billerica Plan. These comments have been incorporated into the final PPP.

VI. THE REGIONAL TRANSPORTATION PLAN

All future transportation projects funded in part or entirely with federal monies must be drawn from a conforming Regional Transportation Plan. The Regional Transportation Plan is updated every four years, as presently required by Federal regulation. The RTP is developed in consultation with the agencies and officials responsible for other planning activities within the metropolitan area that are affected by transportation (including state and local planned growth, economic development, environmental protection, airport operations, and freight movements, as

set forth in 23 CFR 450.316 (3)(b). The following procedures and policies will be utilized to ensure adequate public review of the draft RTP document:

- A. Notice of the availability of the Regional Transportation Plan and a Public Meeting Notice providing an opportunity for public comment shall be published in the Lowell Sun, as well as other local news media, and posted at the Town and City Clerk offices. The Public Meeting Notice and Plan will also be posted on the NMCOG web site at: www.nmcog.org. A notice and link will also be provided on the LRTA website at: www.lrta.com.
- B. Copies of the Regional Transportation Plan shall be forwarded to the NMMPO members and all stakeholders and interested parties described in Section II above.
- C. During the 30-day public comment period, a public meeting shall be held to receive comments. Comments may also be submitted, in writing, through conventional mail, email or by fax. A consultative process will also be provided for environmental permitting agencies and advocacy groups.
- D. Upon completion of the comment period, public comments shall be incorporated into the Regional Transportation Plan as appropriate. The NMMPO will then be asked to endorse the Plan.
- E. Future substantive changes or amendments to the Regional Transportation Plan will require an additional 30-day public comment period.

VII. THE TRANSPORTATION IMPROVEMENT PROGRAM

The Transportation Improvement Program (TIP) is the official programming document for transportation projects in the region. Upon NMMPO approval, the regional TIP is incorporated into the Statewide Transportation Improvement Program. The TIP is updated annually and may be amended more often if necessary. The RTP is developed in consultation with the agencies and officials responsible for other planning activities within the metropolitan area that are affected by transportation (including state and local planned growth, economic development, environmental protection, airport operations, and freight movements, as set forth in 23 CFR 450.316 (3)(b). The following procedures and policies will be utilized to ensure adequate public review of the draft TIP document:

- A. Notice of the availability of the TIP and a Public Meeting Notice providing an opportunity for public comment shall be published in the Lowell Sun, as well as other local news media, and posted at the Town and City Clerk offices. The Public Meeting Notice and the TIP will also be posted on the NMCOG web site at: www.nmcog.org. A notice and link will also be provided on the LRTA website at: www.lrta.com.

- B. Copies of the TIP shall be forwarded to the NMMPO members and all stakeholders and interested parties described in Section II above.
- C. During the 30-day public comment period, a public meeting shall be held to receive comments. Comments may also be submitted, in writing, through conventional mail, email or by fax.
- D. Upon conclusion of the comment period, public comments shall be incorporated into the Transportation Improvement Program, as appropriate. The NMMPO will then be asked to endorse the TIP.
- E. Future substantive changes or amendments to the Transportation Improvement Plan will require an additional 30-day comment period. Future substantive changes or amendments to the Transportation Improvement Plan will require an additional 30-day comment period. However, at their discretion, the NMMPO may vote to abbreviate the public comment period, for no less than 10 days, when extraordinary circumstances arise. If the MPO elects to abbreviate the comment period, all other procedures for the comment period will be followed as stated above.

VIII. THE UNIFIED PLANNING WORK PROGRAM

The Unified Planning Work Program (UPWP) describes the scope and budget for the work tasks and transportation planning activities of the NMMPO staff for the coming year. The UPWP is updated annually and endorsed by the MPO. The following procedures and policies will be utilized to ensure adequate public review of the draft UPWP document:

- A. Notice of the availability of the UPWP and a Public Meeting Notice providing an opportunity for public comment shall be published in the Lowell Sun, as well as other local news media, and posted at the Town and City Clerk offices. The Public Meeting Notice and UPWP will also be posted on the NMCOG web site at: www.nmcog.org. A notice and link will also be provided on the LRTA website at: www.lrta.com.
- B. Copies of the UPWP shall be forwarded to the NMMPO members and all stakeholders and interested parties described in Section II above.
- C. During the 30-day public comment period, a public meeting shall be held to receive comments. Comments may also be submitted, in writing, through conventional mail, by email or by fax.
- D. At the completion of the comment period, public comments shall be incorporated into the Final UPWP. The NMMPO will then be asked to endorse the document.
- E. Future substantive changes or amendments to the UPWP will require an additional 30-day comment period.

IX. SECTION 5307 GRANTS

The TIP public review process will satisfy the opportunity for the public hearing requirement for most routine, traditional Section 5307 grants, per Section 5307 Circular C-9030.1B. Any Section 5307 grant that requires completion of an environmental analysis, or involves specific controversies or complications (such as issues relating to land acquisition, environmental factors such as Section 106, or 4(f) not addressed at the TIP stage, or having inadequate description at the TIP stage) will be required to follow the Section 5307 hearing process as well. These situations will be handled on a case-by-case basis between FTA and the grantee. It is expected that the majority of Section 5307 grant public hearing requirements shall be satisfied by the NMMPO TIP public involvement process.

The Lowell Regional Transit Authority, as the FTA Section 5307 applicant/recipient, has consulted with the NMMPO and concurred that the public involvement process adopted by the NMMPO for the development of the TIP satisfies the public hearing requirements that pertain to the development of the Program of Projects for regular Section 5307, Urbanized Area Formula grant applications, including the provision for public notice and the time established for public review and comment.

For FTA projects that are not routine, i.e. Section 5307 applications that require an environmental assessment or environmental impact statement, the public involvement provided for herein for TIP review is not sufficient. Additional public involvement, as presented in the joint FHWA/FTA environmental regulations, 23 CFR Part 771 will be required by FTA for grant approval.

X. Public Participation Plan Annual Review

The Public Participation Plan shall be reviewed annually for effectiveness and compliance with federal and state regulations and policies. Any necessary refinements shall be approved and implemented by the NMMPO as expeditiously as possible.