



Draft Public Participation Plan:
A Strategy for Citizen Involvement

January 2012

The Delaware Valley Regional Planning Commission is dedicated to uniting the region's elected officials, planning professionals, and the public with a common vision of making a great region even greater. Shaping the way we live, work, and play, DVRPC builds consensus on improving transportation, promoting smart growth, protecting the environment, and enhancing the economy. We serve a diverse region of nine counties: Bucks, Chester, Delaware, Montgomery, and Philadelphia in Pennsylvania; and Burlington, Camden, Gloucester, and Mercer in New Jersey. DVRPC is the federally designated Metropolitan Planning Organization for the Greater Philadelphia Region — leading the way to a better future.



The symbol in our logo is adapted from the official

DVRPC seal and is designed as a stylized image of the Delaware Valley. The outer ring symbolizes the region as a whole while the diagonal bar signifies the Delaware River. The two adjoining crescents represent the Commonwealth of Pennsylvania and the State of New Jersey.

DVRPC is funded by a variety of funding sources including federal grants from the U.S. Department of Transportation's Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), the Pennsylvania and New Jersey departments of transportation, as well as by DVRPC's state and local member governments. The authors, however, are solely responsible for the findings and conclusions herein, which may not represent the official views or policies of the funding agencies.

DVRPC fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. DVRPC's website (www.dvrpc.org) may be translated into multiple languages. Publications and other public documents can be made available in alternative languages and formats, if requested. For more information, please call (215) 238-2871.

Introduction

The Delaware Valley Regional Planning Commission (DVRPC) has a long history of public participation and citizen involvement in regional and transportation planning initiatives. Throughout DVRPC's history, the basic tenet of public participation has always remained the same: to reach out to and engage as many citizens as possible in the decision-making process. Through a constructive dialogue, decision-makers, planners, and the public can share their opinions and mutually shape a vision for their community, county, or region.

DVRPC's *Public Participation Plan* is designed as a resource for DVRPC's Board, staff, and the general public to better understand the Commission's overall public participation strategy and procedures, as well as the federal mandates that inform DVRPC's public participation efforts. The plan conveys DVRPC's commitment to a transparent and proactive public participation process that strives to engage all residents of the Delaware Valley.

What is DVRPC?

DVRPC, created in 1965 under a compact between Pennsylvania and New Jersey, plans for the growth and development of the bi-state Greater Philadelphia region, and serves as the Metropolitan Planning Organization (MPO) for the nine-county Greater Philadelphia Region. An MPO is a regional organization responsible for comprehensive transportation planning and programming for urbanized areas, and is responsible for approval of federal transportation funding for the region. Federal law requires the formation of an MPO for urban areas with a population of more than 50,000 people.

Mission Statement

The Delaware Valley Regional Planning Commission is dedicated to uniting the region's elected officials, planning professionals, and the public with a common vision of making a great region even greater. Shaping the way we live, work, and play, DVRPC builds consensus on improving transportation, promoting smart growth, protecting the environment, and enhancing the economy.

We serve a diverse region of nine counties: Bucks, Chester, Delaware, Montgomery, and Philadelphia in Pennsylvania; and Burlington, Camden, Gloucester, and Mercer in New Jersey. DVRPC is the federally designated Metropolitan Planning Organization for the Greater Philadelphia Region - leading the way to a better future.

MPO Activities

As the MPO for the Delaware Valley region, DVRPC undertakes two significant, ongoing planning processes: the development and adoption of a Long-Range Plan, and the adoption and management of the Transportation Improvement Program (TIP).

Long-Range Planning

DVRPC has a mandated responsibility to develop a regional plan with a 20-year timeframe, with long-range forecasts of population, land use, employment, and travel trends that determine how federal transportation funds will be spent. In recent years, DVRPC's long-range plan has expanded beyond the traditional transportation element to encompass land use, economic competitiveness, and environmental issues. All of these factors are taken into account because transportation is affected by and affects each of these other components.

Accompanying the Long-Range Plan update is a significant public participation component, which includes visioning workshops or charrettes, other public events, focus group meetings, stakeholder outreach, newsletters, and surveys. Before the long-range plan is adopted, a public comment period of at least 30 days must be held.

The Transportation Improvement Program

The Transportation Improvement Program (TIP) is an agreed-upon list of priority projects. The TIP lists all projects for which federal funds are anticipated, along with non-federally funded projects that are regionally significant. The Pennsylvania and New Jersey TIPs cover a four-year period and are updated every other year.

To help establish priorities for the TIP, DVRPC solicits the public's opinion. A public comment period of at least 30 days and public meeting(s) give the public an opportunity to pose questions about the TIP process and projects. Public outreach for the TIP conducted by DVRPC is in cooperation with the Pennsylvania and New Jersey departments of transportation to satisfy the requirements placed on both states by federal legislation and regulation for all projects in the TIP. Public involvement for the TIP is used to satisfy public involvement requirements for the Pennsylvania Department of Transportation Section 5307 program of projects as well.

DVRPC utilizes an online TIP commenting feature which the public may access, in addition to submitting comments through more traditional means, such as by letter and fax. To assist the public in accessing and reviewing the TIP, specific projects can be easily mapped online at www.dvrpc.org/TIP.

DVRPC has adopted Memorandums of Understanding (MOUs) for Pennsylvania and New Jersey, which define the procedures for making amendments and modifications to the TIP. Such agreements between the states, transit operators, and DVRPC outline major and minor amendments as well as the degree of public review required for each type of action. The MOUs are included with each TIP document.

Other Activities

Beyond these two mandated activities, DVRPC undertakes a variety of other regional planning activities, which are outlined in greater detail on the Commission's website (www.dvrpc.org).

The DVRPC Board

DVRPC is governed by an eighteen-member decision-making board comprised of state, county, and city representatives from the region's member governments, as well as various non-voting members. All DVRPC Board meetings are open to the public to attend, and include an opportunity for public comment.

DVRPC Committees

DVRPC's committees advise the Board on specific regional issues, while ensuring that interested parties, including member governments and concerned citizens, have an opportunity to participate in the planning process. Meeting dates are advertised on DVRPC's web calendar. All committee meetings are open to the public to attend and may receive public input from the Commission's various constituencies.

Public notification of all meetings of DVRPC's Board-established committees is provided at least ten (10) days prior to each meeting. The public notification includes a copy of the draft agenda

and/or a notice that includes the date, time, and location of the meeting. Changes to the agenda may be made up to the day of the meeting. Meeting dates and agendas are available at DVRPC's website (www.dvrpc.org).

Public Participation Task Force

Since the 1970s, DVRPC has maintained a continuous forum for the public to participate in the regional planning process. This forum has taken various forms throughout the years to respond to the outreach needs of the public and the Commission. The DVRPC Board took action in October, 2011 to replace the long-standing DVRPC Regional Citizens Committee with a Public Participation Task Force that will be comprised of appointed members as well as citizens at-large. The mission of the task force is to provide ongoing access to the regional planning and decision-making process, to review timely issues, to serve as a conduit for DVRPC information to organizations and communities across the region, and to assist the Commission in implementing public outreach strategies. The Task Force will be active in mid-2012.

Each county (Bucks, Montgomery, Chester, Delaware, Philadelphia, Camden, Burlington, Gloucester, and Mercer) and city (Chester, Trenton, and Camden) represented on the DVRPC Board will appoint one member and one alternate to the task force. At-large members (approximately 12) will be selected through an application process. In addition to geographic diversity, the Public Participation Task Force will strive to represent the racial, ethnic, cultural, and economic diversity of the region, with members from throughout Greater Philadelphia bringing their own individual experiences to the planning table. While not mandated to represent a particular segment of the population, the ideal Public Participation Task Force candidate will represent one or more of the following:

- ▶ regional civic associations
- ▶ the physically or intellectually disabled
- ▶ minority groups
- ▶ Limited English Proficient (LEP) populations
- ▶ transportation or transit advisory groups
- ▶ low-income individuals
- ▶ senior citizens
- ▶ affordable housing organizations
- ▶ environmental groups
- ▶ environmental justice groups
- ▶ public health organizations
- ▶ bicycle or pedestrian advocacy groups
- ▶ youth programs
- ▶ community development organizations
- ▶ economic development organizations

- ▶ private sector business organizations
- ▶ ethnic organizations

A task force fact sheet and a copy of the application, which examines individual experience and community involvement, are available on the DVRPC website.

Task Force members will serve staggered two-year terms, and may serve up to two consecutive terms. Meetings are held bimonthly or as needed. Four task force members will be selected each year to sit on the Regional Transportation Committee (RTC), which reviews TIP amendments, other actions, and advises the DVRPC Board.

Mandates Related to Public Participation

A number of federal mandates guide DVRPC's overall public participation efforts. Together, these laws establish a foundation for involving the public and ensuring that every project undertaken by the Commission considers public comments, engages Delaware Valley residents in the planning process, and provides a transparent record.

These guidelines and requirements are all addressed in Appendix A, and form the basis of DVRPC's ongoing outreach strategy and procedures.

DVRPC's Public Participation Strategy

DVRPC believes that planning must be done with the public's input. Decisions made at the Commission affect the future of all those who live and work in the Delaware Valley region. DVRPC is committed to understanding the diverse needs and concerns of the public as well as those of our non-profit organizations, business interests, and local governments. Outlined below is the strategy that summarizes DVRPC's philosophy and intent to place public participation at the forefront of our priorities.

What is Public Participation?

Public participation is the process by which interested and affected individuals, organizations, agencies and government entities are consulted and included in the decision-making process.

Public participation consists of three related, and often overlapping, processes: information dissemination, consultation, and stakeholder participation. Information dissemination refers to the availability and distribution of timely and relevant information about DVRPC programs and projects. Consultation pertains to information exchanges among the MPO, implementing agency, and stakeholders. Stakeholders are the individuals, groups, or institutions that have an interest in the outcome of a project. The term also applies to those potentially affected by a project.

Our Philosophy

DVRPC believes that effective public involvement and participation is a dynamic and ongoing process that is essential to meeting the future transportation and land use needs of all citizens in Greater Philadelphia. In order to implement any plan, there needs to be cooperative and coordinated action among the public, private, and non-profit sectors as well as the general public.

Effective planning cannot be achieved without the consideration and cooperation of citizens throughout the region. The Commission commits to promote and sustain a responsive public

participation program that supports and actively seeks citizen input and timely response at all levels of planning.

Every DVRPC staff member is informed about the importance of public participation. Even when they do not have direct contact with citizens, they know that their actions ultimately have an impact on how our region functions and on how DVRPC is perceived by the public.

Public Participation Goals

DVRPC's public participation goals are to:

- ▶ provide opportunities for interested parties to identify regional concerns and priorities;
- ▶ encourage public involvement among our various audiences, including traditionally underserved groups;
- ▶ publicize public participation opportunities and activities throughout the development of DVRPC projects and programs;
- ▶ obtain meaningful public input to inform the Commission's planning and decision-making process; and
- ▶ inform and educate our stakeholders, share information, and increase overall awareness of regional planning, land use, and transportation issues and activities in the Delaware Valley region.

Public Participation Objectives

In order to ensure that DVRPC has a proactive and meaningful public involvement process that provides complete information, timely public notice, full citizen input to key decision-making processes, and supports early and continuing involvement in developing regional plans and projects, the Commission pursues the following objectives:

- ▶ The dissemination of information will be thorough to promote the broadest understanding of the region's needs, as a means of strengthening regional policy-making.
- ▶ DVRPC's constituency will be broadened by increasing public and private sector and inter-governmental communications, and by reaching out to those who are underserved in the region.
- ▶ The Commission will ensure that the public has ample opportunity to participate in the decision-making process for regional projects and plans, including the Transportation Improvement Program (TIP) and the Long-Range Plan.
- ▶ DVRPC will coordinate its Public Participation strategy with ongoing public involvement processes of its member governments, whenever possible, to enhance public participation.

Development of the Public Participation Plan

Federal guidelines require the participation of interested parties in the development of public participation plans. SAFETEA-LU defines “interested parties” as:

- ▶ citizens
- ▶ affected public agencies
- ▶ representatives of public transportation employees
- ▶ freight shippers
- ▶ private providers of transportation
- ▶ representatives of users of public transportation
- ▶ representatives of users of pedestrian walkways and bicycle transportation facilities
- ▶ representatives of the disabled
- ▶ providers of freight transportation services
- ▶ other interested parties

To develop this plan, DVRPC conducts a public comment and review process for members of the public, federal and state planning partners, and other stakeholders.

Evaluation of Public Participation Activities

DVRPC, in conjunction with other interested parties, evaluates the effectiveness of its public participation program as needed following major planning efforts, and, at a minimum, at the end of each fiscal year.

Public Participation Procedures: Engaging our Citizens

To ensure a rich and diverse public participation process, interested parties must be informed and educated about regional issues as well as about ongoing and planned projects. DVRPC utilizes the following strategies to guarantee that all audiences receive timely information in a variety of formats, and that various opportunities are available for public engagement:

Public Meetings and Other Events

Public meetings, open houses, workshops, charrettes, and information sessions will be scheduled, when deemed appropriate, to allow the greatest opportunity for attendance by the general public and interested groups (i.e., evening or lunch meetings) based upon available staff and resources. In addition, the Commission utilizes a number of timely public participation strategies that may include listening sessions, the Regional Student Forum, and the Environmental Justice Work Group, as resources to gather input and disseminate information.

Public meetings will be held prior to the adoption of DVRPC's Long-Range Plan, TIP, and other major amendments. Authorization to proceed with public distribution of pertinent materials and to hold public meetings must be sought from DVRPC's Board.

Meetings will be conducted in locations that are ADA accessible and convenient to public transit, when possible. Sign language interpreters or other auxiliary aid requests can be accommodated if requested in advance.

Where appropriate, visualization techniques will be employed throughout DVRPC's public participation activities to aid the public in understanding proposed plans. Examples of visualization techniques include sketches, drawings, artist renderings, physical models and maps, simulated photos, videos, computer modeled images, GIS based scenario planning tools, and computer simulation.

Notification of Meetings and Events

The scheduled meeting dates of the DVRPC Board are published annually in newspapers of general circulation in both New Jersey and Pennsylvania. Notice of additional meetings will also be sent to these same media outlets at least 48 hours prior to the meeting. All DVRPC-sponsored meetings are also posted on an events calendar at www.dvrpc.org.

Notification via legal advertisements in newspapers of general circulation as well as minority and alternative language newspapers is required for DVRPC Long-Range Plan public meetings, adoption and amendment, and for TIP public meetings and adoption.

The initial public meeting or activity used to kick off a major public involvement effort or project will be announced broadly to the news media, as well as to the state, county, and municipalities involved most directly in the event. Advance notice will depend upon the project and its timeline, but a minimum of fifteen (15) days' notice should be given for public participation events. Email and mail databases will be updated regularly to ensure proper notification to as many contacts as possible.

Draft documents for public review will be placed in regional libraries, DVRPC's Resource Center, and other community locations as determined by staff. DVRPC's website contains draft documents for review, as well as other pertinent public notices and information.

Notification of Public Comment Periods

As per federal requirements, DVRPC will provide adequate time for public review of draft documents. The length of review and comment period should be at least 30 days for the TIP, Long-Range Plan, and other major documents, and at least 45 days for review of the Commission's Public Participation Plan. Major Commission actions are advertised as legal notices in a variety of regional newspapers, including a Spanish language newspaper.

Use of Public Comments

All public input should be derived from as diverse a range of sources as possible. As appropriate and whenever possible, public comments should be used to inform work scopes, plans, and programs.

DVRPC staff is responsible for responding to comments received during a public review period in a timely manner and/or for forwarding these comments to appropriate regional agencies for their response.

Comments submitted to DVRPC are considered part of the record. Summaries of comments received will be updated, made available to the public and forwarded to policy makers considering action. Public comments are reviewed and forwarded to the appropriate agency, and

are also provided to the various DVRPC advisory committees, and the DVRPC Board for consideration before final action of the Board.

If a final document, plan or TIP varies substantially from the one which was made available for public comment and review, an updated copy will be made available for public comment.

Public Comment on Board Action Items

DVRPC Board meetings will include a time for public comments concerning agenda and non-agenda items during the consideration of business; however, the Board Chair may limit the length of comments or provide other options for public comments as he or she deems fit.

The public can also comment on Board Action items using an online commenting feature on the DVRPC website. Information related to Board Action items will be posted approximately 10 days before a scheduled Board Meeting. The online commenting feature will be live until 12 noon the day before the Board Meeting. The public may also submit comments:

- ▶ by U.S. Mail (c/o Public Affairs Office, DVRPC, 190 N. Independence Mall West, 8th Fl., Philadelphia, PA 19106);
- ▶ by fax at 215-592-9125; or,
- ▶ via e-mail at public_affairs@dvrpc.org.

DVRPC staff will follow up on any questions or comments; all comments submitted will be forwarded to DVRPC Board members. DVRPC reserves the right to delete comments submitted that are offensive, abusive, or off-topic. An archive of comments received and responses issued is available on DVRPC's website.

DVRPC's Communication Tools

DVRPC's extensive website is a continuously updated source of information on every aspect of the regional and transportation planning process. A wide scope of resource material, covering all of DVRPC's planning areas is available, as well as an event calendar, regional data, community resources, meeting notices and agendas, information related to public participation activities, and Environmental Justice. The website also includes staff, Board member, member government contact information, and links to related agencies and municipalities. The DVRPC website may be translated into multiple languages through GoogleTranslate. The DVRPC Publications Database (located at <http://www.dvrpc.org/asp/publicationsearch/>), lists publication abstracts and/or full PDF versions of over 800 reports from 1988 to the present.

DVRPC News is the Commission's newsletter and is published digitally every month. The newsletter provides information about the Commission's various projects and activities, and includes information on how to contact the Commission and its staff. The newsletter is emailed, is available in a printed format (if requested) and is posted online. To receive this newsletter by mail or e-mail, please contact the Office of Communications and Public Affairs at 215-238-2871 or public_affairs@dvrpc.org.

Media Communications

DVRPC regularly releases, as deemed appropriate, press advisories to the region's 350-plus electronic and print media outlets. In addition to DVRPC programs and activities, media releases are provided for upcoming events and actions.

DVRPC Resource Center

The DVRPC Resource Center serves as a clearinghouse for the many publications that DVRPC produces annually, including a variety of newsletters, studies, and assorted transportation, data and planning-related documents that are available both online and in print. The Commission also issues an annual report that summarizes the activities of the agency for the prior fiscal year and encompasses environmental, transportation, regional planning, and public outreach issues.

The Resource Center is open during regular business hours. Alternately, one may contact our resource librarian by phone at 215-238-2828 to make an appointment. The resource librarian can assist with a specific research question or provide a print copy of a DVRPC publication. The use of the library is free; some fees may apply to some publications or photocopies of documents.

DVRPC can translate Commission documents into any language or format, if requested. For more information, see Appendix 4: DVRPC Policy for Engaging Individuals with Limited English Proficiency (LEP) in the DVRPC *Title VI Compliance Plan*.

Speakers Bureau

The Commission maintains a Speakers Bureau to promote presentations to citizens, organizations, and communities. DVRPC's staff, which is comprised of professionals in a variety of planning and transportation specialties, is available to speak at meetings on a variety of topics. For more information, please contact DVRPC's Office of Communications and Public Affairs.

Planner's Methodology

DVRPC has developed a Planner's Methodology, which is designed to provide guidance to staff in meeting federal nondiscrimination mandates and in structuring a public participation plan at the project or study level. How meaningful public participation is implemented into the planning process may differ widely, depending on the type and scope of a project. The Planner's Methodology sets a framework for developing public involvement for specific projects, offers a "tool kit" of public participation strategies to meet the goals in DVRPC's Public Participation Plan, and builds upon the Commission's philosophy of placing public participation at the forefront of our priorities. The Planner's Methodology is available at <http://www.dvrpc.org/GetInvolved/TitleVI/>.

Promoting Open and Accessible Involvement

Several state laws affect the environment in which DVRPC plans—Pennsylvania's Right-to-Know Law and Sunshine Act: Open Meetings Law; and New Jersey's Open Public Records Act and Open Public Meetings Act.

- ▶ The Right-to-Know Law creates a presumption that every record of a state agency or a division of a state agency is a public record, subject to certain exceptions, accessible to the public. There have been significant amendments and developments under these statutes in recent years. DVRPC's policy on Public Disclosure can be found at <http://www.dvrpc.org/policies/index.htm#disclosure> and in Appendix B.
- ▶ The New Jersey Open Public Records Act provides that any document made, maintained, kept on file, or received during the course of business is available to the public unless it falls into certain narrowly defined exceptions. Examples of those exceptions include attorney-client privileged documents, proprietary commercial or financial information, matters of security, and certain personnel records. Further information on the policies can be found in

Appendix B, on the Commission's website (as noted above), and through the New Jersey Government Records Council (www.nj.gov/grc).

- ▶ The Sunshine Act and the Open Public Meetings Act outline the right of the public to be present at meetings and to witness the deliberations of agencies vital to the enhancement of the democratic process.
- ▶ DVRPC meetings held for the purpose of deliberating agency business, are open to the public. In accordance with the afore-mentioned laws, there are a few exceptions such as executive sessions involving employment, and conferences in which the agency is authorized to participate but which do not include agency business.
- ▶ DVRPC provides notice of meetings and opportunities at each meeting for the public to comment on matters before the Board.

For More Information

For additional information about DVRPC, the Public Participation Task Force, to have your name added to our e-mail and mailing lists, or if you have any questions regarding public participation activities at the Commission, please contact the staff at the Office of Communications and Public Affairs:

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Federal Mandates

Federal Transportation Legislation

MPO public participation plans are required by the 2005 federal transportation reauthorization legislation known as the *Safe, Accountable, Flexible, and Efficient Transportation Equity Act — A Legacy for Users (SAFETEA-LU)*. Beginning in the 1990s, federal transportation legislation increasingly focused on public participation in planning and the decision-making process. DVRPC has published a formal public participation plan since 2001, with additional iterations in 2004 and 2008.

Federal transportation statutes require early, continued, and reasonable public access to information and the decision-making process. The MPO shall provide:

- ▶ adequate public notice of public participation activities and comment periods at key decision points;
- ▶ timely notice of and reasonable access to transportation information;
- ▶ employment of visualization techniques illustrating the Long-Range Plan, the TIP, and other MPO Work Program projects;
- ▶ electronically available information (e.g., via the internet);
- ▶ public meetings held at convenient and accessible times and locations;
- ▶ explicit consideration of public input received during the development of the Long-Range Plan and the TIP;
- ▶ solicitation and consideration of the needs of those traditionally underserved by transportation;
- ▶ additional public comment opportunities if the final Long-Range Plan or the TIP differs significantly from the draft version reviewed by the public;
- ▶ coordination with statewide public participation activities;
- ▶ periodic evaluation of the effectiveness of the public participation plan; and
- ▶ a summary of comments received and the disposition of those comments as well as consultation with federal, state, county and local planning agencies impacting or affected by the transportation planning process.

Title VI and Environmental Justice

DVRPC firmly believes that Title VI and Environmental Justice (EJ) statutes are inherent to all work completed by the Commission and should be incorporated into all aspects of DVRPC's public participation activities. The *Public Participation Plan*, DVRPC's *Title VI Compliance Plan*,

and *Environmental Justice at DVRPC* all work concurrently to integrate federal mandates for Title VI and EJ throughout DVRPC's Work Program.

Title VI of the Civil Rights Act of 1964

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 subjected to discrimination under any program or activity receiving federal financial assistance."

DVRPC, as the MPO for the Delaware Valley region, serves as the primary forum where state departments of transportation, transit providers, local agencies and the public work together to develop local transportation plans and programs that address the region's needs. To meet the requirements of these laws, the Commission shall:

- ▶ enhance its analytical capabilities to ensure that the Long-Range Plan and the TIP comply with Title VI;
- ▶ identify residential, employment, and transportation patterns of low-income and minority populations so that their needs may be addressed, and the benefits and burdens of transportation fairly distributed; and
- ▶ evaluate and, where necessary, improve the public involvement process to eliminate barriers and engage minority, disabled, elderly, and low-income populations in regional decision-making.

In January 2007, the DVRPC Board approved the Commission's *Title VI Compliance Plan*, which established a framework for DVRPC's efforts to ensure compliance with Title VI as well as with other EJ and non-discrimination mandates. Updated in 2010, the plan outlines how Title VI and EJ considerations are reflected in the Commission's Work Program, publications, communications, public involvement effort, and general way of doing business. The *Title VI Compliance Plan* is available by contacting 215-238-2871 or in the "Get Involved" section of DVRPC's website.

Title VI Statements

DVRPC has developed two Title VI Statements to include in DVRPC's public documents as a means of informing the public of compliance with Title VI and of the provision of alternative language services and formats.

The first statement is added to meeting announcements to which the public and/or outside agencies/organizations are invited (such as public meetings/open houses, both on-site and off-site, seminars, and DVRPC committee meetings):

DVRPC fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. DVRPC public meetings are always held in ADA-accessible facilities and in transit-accessible locations when possible. Auxiliary services can be provided to individuals who submit a request at least seven days prior to a meeting. For more information, please call (215) 238-2871.

The second statement below is added to all DVRPC public documents (such as meeting minutes) and publications:

DVRPC fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. DVRPC's website (www.dvrpc.org) may be translated into multiple languages. Publications and other public documents can be made available in alternative languages or formats, if requested. For more information, please call (215) 238-2871.

Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of religion, race, ethnicity, income, or education level in the planning and decision-making process. EJ programs promote the protection of human health and the environment, empowerment via public participation, and the dissemination of relevant information to inform and educate affected communities.

EJ policy was formalized with the signing of *Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, which mandates that federal agencies or those receiving federal funds must include environmental justice as part of their mission.

EJ encompasses three basic fundamental principles:

- ▶ to 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;
- ▶ to ensure full and fair participation by all potentially affected communities in the transportation decision-making process; and
- ▶ to prevent the denial of, reduction of, or significant delay in the receipt of benefits by minority and low-income populations.

EJ requires MPOs to:

- ▶ examine the allocation of benefits and burdens, currently and in the planned future;
- ▶ ensure that minority and low-income communities are treated equitably in the provision of transportation services and projects; and
- ▶ provide an ample opportunity for full participation for minority and low-income communities to advise the MPO during its planning and decision-making process.

Environmental Justice at DVRPC, a publication which is updated every fiscal year, includes data that directs the Commission's public participation efforts, and provides an overview of DVRPC's EJ technical analysis and descriptions of projects/programs that utilize DVRPC's EJ (*Degrees of Disadvantage*) methodology. DVRPC's EJ Work Group also meets to discuss EJ-related issues in the region. In addition, DVRPC has launched an Interactive Web Map and Data Application (www.dvrpc.org/GetInvolved) that enables the public to view and identify EJ sensitive areas within the DVRPC region. Users may also review Degree of Disadvantage (DOD) analysis, tract level population and household demographics, as well as download Census tract level data.

The Importance of Environmental Justice in the Public Participation Process

Effective public involvement in the planning and project development process can alert state and local agencies about EJ concerns. Continuous interaction between community members, transportation and planning professionals, and decision-makers is critical to successfully identify and address potential EJ issues. State, regional, and local agencies should all have established public involvement procedures that provide an inclusive, representative, and equal opportunity for two-way communication while addressing EJ concerns.

Executive Order 13166: Improving Access for Persons with Limited English Proficiency

Executive Order 13166, Improving Access for Persons with Limited English Proficiency (LEP), was issued in 2000 to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency. It requires federal agencies to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries. For more information, please see Appendix 4: DVRPC Policy for Engaging Individuals with Limited English Proficiency (LEP) in the DVRPC *Title VI Compliance Plan*.

Americans With Disabilities Act

The Americans with Disabilities Act (ADA) of 1990 provides "no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district or other instrumentality of the state or local government." For more information, please see Appendix 5: DVRPC Policy for Meeting ADA Requirements in the DVRPC *Title VI Compliance Plan*.

Doing Our Share for Cleaner Air

The Clean Air Act Amendments (CAAA) were signed into law in 1990, setting an aggressive timetable and program to improve the nation's air quality. Under the CAAA, the Philadelphia region has been designated as a "non-attainment" area for both ground-level ozone and fine particulate matter. Because the DVRPC region does not meet federal air quality standards for these pollutants the Commission is required to demonstrate that projects and programs in the TIP and Long-Range Plan do not impede the region's progress towards meeting federal air quality standards.



Public Disclosure Policy

Introduction

The State of New Jersey has enacted PL 2001 c. 404, an Open Public Records Act, as of January 8, 2002. The Commonwealth of Pennsylvania has enacted the Right-To-Know-Law, 65 P.S. §§ 67.101-67.3104. The Delaware Valley Regional Planning Commission ("DVRPC") has adopted and prominently posted a policy for the release of "Public Records".

DVRPC serves both Pennsylvania and New Jersey, and will attempt to treat all requests for disclosure of public records as uniformly as possible. However, nothing in the DVRPC Disclosure of Public Records Policy is intended to subject DVRPC to any statute or regulation which otherwise would not apply. Requestors are asked to identify which law they are relying upon in making their Request.

This policy clarifies DVRPC's existing practices in an effort to inform the public how to obtain DVRPC records. The policies and procedures outlined in this guidance are intended to assist individuals who may be seeking records from DVRPC. Nothing in these policies or procedures shall alter any applicable regulatory requirements. DVRPC reserves the discretion to deviate from these policies and procedures if required by applicable law or regulation.

Procedure

To request a public record from the Delaware Valley Regional Planning Commission, the requester must:

Complete the attached Public Records Request Form and send to:

Candace Snyder
Director, Office of Public Affairs and Communications
Delaware Valley Regional Planning Commission
The American College of Physicians Building - 8th Floor
190 North Independence Mall West
Philadelphia, PA 19106-1520
Tel: (215) 238-2875
Fax: (215) 592-9125
csnyder@dvrpc.org

Copies of the respective request forms are available from the DVRPC Director of Public Affairs or on the DVRPC website at www.dvrpc.org/policies.

Requests must be sufficiently specific to enable DVRPC to ascertain which records are being requested.

If the request is to be provided in a medium other than hard copy, the requester must specify such medium, including, in the case of electronic transmittal, the appropriate format. DVRPC will **endeavor** to comply with non-hard copy requests.

Upon receipt of a request, the Public Affairs Director will review the request for: (a) completeness, (b) the Commission's obligation to fill the request in accordance with the definition of a public record under the applicable law and, (c) the ability to fulfill the request in the medium selected.

The Public Affairs Director will then recommend to the Executive Director that the request be fulfilled or denied.

IF THE REQUEST IS MADE PURSUANT TO THE NEW JERSEY OPEN PUBLIC RECORDS ACT:

If the request is to be fulfilled, the Public Affairs Director will notify the requester, in writing, by mail, by facsimile, or by email that the request is being fulfilled, that the records are available for delivery, and of any applicable fees as defined below, within seven (7) business days of the receipt of the request.

If the Executive Director deems it appropriate to deny the request, the Public Affairs Director will notify the requester, in writing, by mail, by facsimile, or by email, that the request is being denied, along with the reason for denial, and if applicable, providing a *Vaughn* Index of any documents that are exempt under the terms of the Open Public Records Act, within seven (7) business days of the receipt of the request. Such notification of denial will also indicate the appeals procedure, available to the requester as set forth below and include a copy of the "NJ Open Public Records Act (OPRA) - Denial Instructions".

IF THE REQUEST IS MADE PURSUANT TO THE PENNSYLVANIA RIGHT-TO-KNOW LAW:

If the request is to be fulfilled, the Public Affairs Director will notify the requester, in writing, by mail, by facsimile, or by email that the request is being fulfilled, and of any applicable fees as defined below, within five (5) business days of the receipt of the request.

The regular business hours of the DVRPC are 8 a.m. to 5 p.m., Monday through Friday. Any request for records received by DVRPC after the close of regular business hours shall be deemed to have been received on the following business day. For purposes of determining the end of the five business day period, the day that a request is received is not counted. The first day of the five business day period is DVRPC's next business day.

Denial of Requests

If the Executive Director deems it appropriate to deny the request, the Public Affairs Director will notify the requester, in writing, by mail, by facsimile, or by email, that the request is being denied, along with the reason for denial, and the name, business address, business telephone number

and signature of the person making the denial, within the time period required by law. Such notification of denial will also indicate the appeals procedure, as defined below, available to the requester.

Appeals Procedure

Nothing in the following internal appeals procedure shall deny, or abridge the requester's rights under the State of New Jersey Open Public Records Act, the Commonwealth of Pennsylvania Right-To-Know Law or any other applicable statute. With respect to requests made pursuant to the Pennsylvania Right-To-Know Law, the requester may file an appeal with the Office of Open Records (Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225) within 15 business days of the mailing date of DVRPC's response. Likewise, with respect to requests made pursuant to the New Jersey Open Public Records Act, the requester may file an appeal with the Government Records Council (101 South Broad Street, Trenton, NJ 08608-2401) or with Superior Court, in accord with the "NJ Open Public Records Act (OPRA) - Denial Instructions" which reads:

The New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) permits a person who believes he or she has been illegally denied access to a public record to file a complaint with the Government Records Council (GRC), or file suit in Superior Court to challenge the decision and compel disclosure.

To file a complaint with the Government Records Council:

- ▶ Contact the GRC by phone at: 1-866-850-0511, by e-mail at grc@dca.state.nj.us, or review the GRC web site at www.nj.gov/grc for information and to register your complaint.
- ▶ The GRC staff may be able to help resolve the problem over the phone. If not, you can receive the complaint form through the mail or from the website
- ▶ When you file a written complaint, the GRC will offer you and the public agency non-adversarial, impartial mediation.
- ▶ If mediation is not agreed to or fails, the GRC will investigate the complaint.
- ▶ The investigation may result in findings or a formal decision by the GRC, which may include a hearing by the Council.
- ▶ In some cases, the Council can award attorney fees or fine a records custodian for failing to provide records.
- ▶ Details of this process are available from the GRC.
- ▶ There is no fee to file a complaint with the GRC.

To file a complaint in Superior Court:

- ▶ A requester may start a summary (expedited) lawsuit in the Superior Court. A written complaint and order to show cause must be filed with the court.

- ▶ The Court requires a \$200 filing fee, and you must serve the lawsuit papers on the appropriate public officials.
- ▶ The court will schedule a hearing and resolve the dispute.
- ▶ If you disagree with the court's decision, you may appeal the decision to the Appellate Division of Superior Court.
- ▶ If you are successful, you may be entitled to reasonable attorney fees.
- ▶ You may wish to consult with an attorney to learn about initiating and pursuing a summary lawsuit in Superior Court.

For more information, contact the Government Records Council toll-free at 866-850-0511, at grc@dca.state.nj.us, or PO Box 819, Trenton, New Jersey 08625-0819.

Whenever a request for a DVRPC public record is denied, the requester may appeal that decision to the Board of the Delaware Valley Regional Planning Commission. To do so the requester must:

Address the appeal, in writing, by mail, or by facsimile, to the:

Chairman of the Board
 Delaware Valley Regional Planning Commission
 The American College of Physicians Building – 8th Floor
 190 North Independence Mall West, 8th Floor
 Philadelphia, PA 19106-1520
 Fax (215) 592-9125

The appeal must include all information, including copies of the original request and all DVRPC responses, as well as any other information deemed appropriate for DVRPC Board review.

Upon receipt of an appeal to a denial issued under this policy, the appeal will be placed on the next available Board meeting agenda for review and action.

If the Board finds that the Executive Director correctly denied the request, a written explanation of the Board's affirmation of the denial will be provided to the requester.

If the finding of the Board is that the request should be fulfilled, the Delaware Valley Regional Planning Commission will begin immediately to fulfill the request in accordance with the provisions of this policy.

Fees

For reproduction of existing hard copy information, DVRPC will charge a reproduction fee per page in accordance with the applicable fees in New Jersey or Pennsylvania. All reproduction in other formats shall be at the actual cost of the format for reproduction.

If the cost estimate of fulfilling the request is less than \$100.00, the fee is due at the time the request is completed. Should the cost estimate of fulfilling the request exceed \$100.00, the fee must be paid before fulfillment is begun and the applicable timeline for response shall begin upon receipt of the fee.

If the requester refuses to pay the applicable fee, the request will be deemed denied and subject to the applicable appeal procedures outlined above.

Note: The Delaware Valley Regional Planning Commission will waive all fees that total Ten Dollars (\$10.00) or less.

Request for Public Records Form

Date: _____

Name of Requestor: _____

Organization (if any): _____

Address: _____

Telephone (day): _____

Fax: _____

E-mail: _____

All information requested will be provided in accordance with the terms and conditions of the DVRPC Disclosure of Public Records Policy.

Information Requested

Copies of Minutes (Please specify committee, date, topic, or other identifying information)

Maps, Plans, Studies (Please specify date, topic, or other identifying information)

Other (Please specify date, topic, or other identifying information)

Date Received: _____

Date Response Provided: _____

Authorized DVRPC Signature: _____

Publication Title: DVRPC Public Participation Plan: *A Strategy for Citizen Involvement (Draft)*

Publication Number: 12050

Date Published: January 2012 (draft)

Geographic Area Covered: Nine-County Delaware Valley Region, comprised of Bucks, Chester, Delaware, Montgomery and Philadelphia counties in Pennsylvania, and Burlington, Camden, Gloucester and Mercer counties in New Jersey.

Key Words: federal mandates, long-range plan, Transportation Improvement Program (TIP), committee management, public participation, DVRPC public participation philosophy, public participation goals and objectives, procedures, Planners Methodology, public comment periods and public meetings, visualization, environmental equity, Title VI, Environmental Justice, SAFETEA-LU, Clean Air Act Amendments, Americans with Disabilities Act, public disclosure.

Abstract: The DVRPC Public Participation Plan, *A Strategy for Citizen Involvement*, outlines how the Commission is meeting all federal public participation mandates, and will be updated to reflect the Commission's current outreach activities, particularly the Public Participation Task Force. Last adopted in 2008, this revised Public Participation Plan will also include more recent outreach initiatives such as the Regional Student Forum and the Environmental Justice Work Group. The update provides an excellent opportunity for the Commission to reaffirm its commitment to a transparent, open, and inclusive planning process.

Staff Contact:

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