

PUBLIC PARTICIPATION PLAN GUIDELINES

»»» For Iowa MPOs and RPAs



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NOTE: The following guidance should be used in development of an agency’s Public Participation Plan (PPP). It will help agencies consider related federal regulations and state laws, summarize a collection of PPP requirements, assist in identifying requirements for federal and state planning, public involvement, Title VI, limited English proficiency (LEP), non-discrimination, and open access, and ensure the PPP meets the requirements of public participation plans as described in [23 CFR § 450.316](#) and the procedures for Title VI regulations as described in [FTA C 4702.1B](#).

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Introduction

The Public Participation Plan (PPP) is the one document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin an agency's public participation activities. It helps an agency to ensure that all community members who might be affected by a transportation decision are invited to engage in the decision-making process. This guidance document summarizes the transportation planning requirements from federal code and Title VI of the Civil Rights Act of 1964 (Title VI) requirements related to public involvement for a PPP. While the focus is on transportation planning requirements, references to additional related regulations and guidance are also linked within the document.

Its purpose is to provide guidance to Iowa's Metropolitan Planning Organizations (MPOs) and Regional Planning Affiliations (RPAs) to assist in their development of a PPP. It will not provide a comprehensive overview of the public input processes referenced within, or of all public involvement-related regulations that agencies are required to complete for various activities they undertake. It is ultimately the responsibility of the planning agencies to fully review the requirements outlined to ensure they are meeting all federal and state planning, public involvement, Title VI, limited English proficiency (LEP), non-discrimination, and open access requirements.

It is the responsibility of a transportation agency to involve the public and other stakeholders throughout the transportation process, including when developing transportation plans, programs, or projects. It is through the public's participation and involvement that they are:

- Informed of potential projects.
- Obtaining relevant local information.
- Joining a venue to express their ideas, views, opinions, concerns, and values to improve and inform decision-making.
- Allowed to influence project development.
- Building confidence in transportation agencies through transparency and improved accountability.
- Expressing diverse viewpoints and voicing consensus.

Background on Public Involvement Requirements

Many movements and events for civil rights, social, environmental, and economic justice have occurred over the last half century that still have an impact on how transportation agencies handle decision making and involving the public. These movements and events have ultimately led to early and continuous public involvement requirements through legislation, regulations, executive orders, and guidance, like Title VI, the National Environmental Policy Act of 1969, United States Code (U.S.C.) Title 23 § 134 and 135, Code of Federal Regulations (CFR) Title 23 § 450.210 and 450.316, and Executive Order 12898 on Environmental Justice (EJ).

Legislation

Below are some of the most significant pieces of established law requiring public involvement.

Civil Rights Act of 1964, Title VI

Congress enacted the Civil Rights Act of 1964. Title VI specifically prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. State Departments of Transportation (DOT), MPOs, and other recipients of Federal-aid funds must ensure compliance with Title VI in their transportation public involvement processes.

National Environmental Policy Act, or NEPA 1969

The National Environmental Policy Act (NEPA) requires Federal agencies to assess the environmental effects of their proposed actions prior to making decisions. This process includes specific requirements for public involvement.

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability by recipients of federal-aid funds. This Act requires recipients to ensure that public involvement meetings are accessible to individuals with disabilities. The Americans with Disabilities Act of 1990 (ADA) later extended protections for individuals with disabilities to the activities of public agencies regardless of whether the agency receives federal-aid funds.

Age Discrimination Act of 1975

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs or activities receiving federal-aid funds. Public involvement should be open to people of all ages for full compliance with this Act.

Americans with Disabilities Act of 1990

The Americans with Disabilities Act of 1990 prohibits public entities from discriminating against individuals with disabilities in their programs and activities, such as public involvement activities. For example, public entities must ensure that public meeting facilities are accessible and must provide auxiliary aids and services to individuals with vision or hearing disabilities.

United States Code Title 23 Section 109(h)

U.S.C. Title 23 Section 109(h) requires U.S. DOT to ensure transportation investment decisions are made in the best interest of the public good. Engaging community stakeholders is critical to effective compliance with these requirements.

Federal Regulations

Involving the public is a federal requirement as part of the FAST Act. In these planning regulations, it sets out the requirements for what activities are and are not in accordance with public involvement legislation and can be found in 23 CFR § 450.316 entitled “Interested parties, public involvement, and consultation”. These regulations are applicable to organizations and entities responsible for the transportation planning and programming process in metropolitan planning areas and are required to develop and use a documented participation plan that defines a process for providing interested parties with reasonable opportunities to be involved in the metropolitan planning process. Part 613.100 confirms consistency with Title 23 CFR regulations for metropolitan planning, including public involvement requirements.

The Iowa DOT extends the same requirements to organizations responsible for the transportation planning and programming process in Iowa’s regional planning areas.

Title 49 CFR, specifically Chapter 6 parts 613.1 and 613.2, links Federal Transit Administration’s (FTA) transit planning regulations to the 23 CFR Federal Highway Administration (FHWA) regulations and confirm consistency with the regulations for metropolitan and statewide planning, including public involvement. FTA Circular 4702.1B, which outlines guidance and instructions for recipients and subrecipients of FTA financial assistance to carry out U.S. DOT Title VI regulations, requires agencies to have a PPP. (All Iowa MPOs, RPAs, and public transit agencies receive FTA financial assistance and are required to follow FTA procedures in order to comply with the U.S. DOT’s Title VI regulations.)

Executive Orders

The topics of public involvement and nondiscrimination are closely related, for allowing the full and fair participation of the public means ensuring that no individuals or groups are discriminated against. The nondiscrimination executive orders with specific public involvement implications include Executive Order 12898 on EJ and Executive Order 13166 on LEP. These directives help implement the laws noted above.

- EJ is a separate but overlapping nondiscrimination policy similar to Title VI. Executive Order 12898 directs each federal agency to develop an EJ strategy to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. Public involvement requirements related to EJ include engaging low income and minority persons equitably in all aspects of the decision-making process.
- Signed as an executive order in 2000, Executive Order 13166 on LEP is a separate policy that provides guidance on how to implement nondiscrimination on the basis of national origin under Title VI. It compels transportation agencies to examine the services they provide, identify any need for services to those with limited English proficiency, and develop and implement a system to provide those services so LEP persons can have meaningful access to them. Public involvement requirements for LEP include conducting a Four Factor Analysis of LEP populations, providing materials in a variety of formats including alternative languages and visualizations.

There are other nondiscrimination statutes that afford legal protections, such as federal and state laws that prohibit employment and/or public accommodation discrimination on the basis of age, color, creed,

disability, gender identity, national origin, pregnancy, race, religion, sex, sexual orientation or veteran's status.

Transportation agencies are tasked with ensuring that decisions are made in consideration of, and to benefit public needs and preferences. This important task in transportation planning is supported by gathering diverse viewpoints and values through public participation and nondiscrimination practices.

Federal legislation, regulations, executive orders, and guidance resources for public participation

- Transportation Planning Requirements
 - Development of PPP ([23 CFR § 450.316\(a\)\(1\)](#))
- Accessible Locations and Activities for Persons with Disabilities
 - [Rehabilitation Act of 1973 \(Section 504\)](#)
 - [Americans with Disabilities Act of 1990 \(Title II, Subpart D-Program Accessibility § 35.149\)](#)
- Environmental Justice
 - Traditionally Underserved By Existing Transportation Systems ([23 CFR § 450.316\(a\)\(1\)\(vii\)](#))
 - Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations ([Executive Order #12898](#))
 - U.S. DOT Actions to Address Environmental Justice in Minority Populations and Low-Income Populations ([DOT Order 5610.2\(c\)](#))
 - FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations ([FHWA Order 6640.23A](#))
 - Environmental Justice Policy Guidance for Federal Transit Administration Recipients ([FTA Circular 4703.1](#))
 - FHWA EJ Website ([History, Policy Documents, FAQ's, Case Studies, Training, and Resources](#))
- Prohibiting Discrimination
 - Basis of Age ([Age Discrimination Act of 1975 – 42 U.S.C. § 6101](#))
 - Basis of Disability
 - [Americans with Disabilities Act of 1990 \(Title II, Subpart D-Program Accessibility § 35.149\)](#)
 - [Rehabilitation Act of 1973 \(Section 504\)](#)
 - Basis of Limited English-Proficiency
 - Improving Access to Services for Persons with Limited English Proficiency ([Executive Order #13166](#))
 - [U.S. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient \(LEP\) Persons](#)
 - Basis of Race, Color, or National Origin ([Title VI of the Civil Rights Act of 1964](#))
 - Basis of Sex (Section 162 (a) of the Federal-Aid Highway Act of 1973; [23 U.S.C. § 324](#))
- Title VI
 - Civil Rights Act of 1964 ([Title VI – Nondiscrimination in Federally Assisted Programs](#))
 - Title VI Requirements and Guidelines for Federal Transit Administration Recipients ([FTA Circular 4702.1B](#))
 - FHWA Title VI ([Overview, General Responsibilities, and Authorities](#))
 - The U.S. DOT Title VI Program ([DOT Order 1000.12C](#))
- Visualization Techniques ([23 CFR § 450.316\(a\)\(1\)\(iii\)](#))

State

In addition to federal legislation, regulations, and executive orders, there are two state laws that relate to an agency's responsibilities for public access – the Official Meetings Open to Public (Open Meetings) law ([Iowa Code Chapter 21](#)) and the Examination of Public Records (Open Records) law (Iowa Code Chapter 22). The [Iowa Public Information Board](#) offers many resources related to the open meetings and public records laws, and includes frequently asked questions for both [Chapter 21](#) and [Chapter 22](#). Iowa DOT has hosted a Board and Commission training in the past; the video for this is [available online](#) and is another resource for understanding agency Board responsibilities.

These regulations are provided for reference within an agency's PPP so the public understands their rights related to the access of governmental decisions and requesting, examining, copying, publishing, or disseminating public records, or the information contained in a public record. The two laws are briefly summarized.

Open Meetings Law

For the full intent of the open meetings law, please refer to [Iowa Code Chapter 21](#). Key points related to an agency PPP include:

- Requiring public notice of the time, date, and place of the meeting, and the tentative agenda.
- Holding each meeting at a place reasonably accessible to the public and at a time reasonably convenient to the public.
- Holding each meeting in open session, unless closed sessions are expressly permitted by law.
- Keeping minutes of all its meetings showing the date, time, and place, the members present, and the action taken at each meeting.
- Electronic meetings may be conducted only in circumstances where such a meeting in person is impossible or impractical (the agency still needs to make the meeting accessible to the public and keep minutes of the meeting).

Public Records Law

For the full intent of the public records law, please refer to [Iowa Code Chapter 22](#). Key points related to an agency PPP include:

- Every person has the right to examine and copy public record, and to publish or otherwise disseminate a public record or the information contained in a public record of the agency.
- The agency, as the lawful custodian, may adopt and enforce reasonable rules regarding the examination and copying of the records.
- A person's right to examine a public record shall include the right to examine a public record without charge while the public record is in the physical possession of the agency.
- The agency may charge a reasonable fee for time and expense required for supervising examination and copying the records, not to exceed the actual cost of providing the service.
- There are several records that an agency can keep confidential and are not subject to public release in the absence of a court order; these are outlined in Chapter 22.7.

PPP Requirements

Requirements for an agency PPP are provided below in three separate sections. They are as follows.

1. Transportation planning PPP requirements (applicable to MPOs and RPAs) based on 23 CFR § 450.316.
2. Title VI PPP and LEP requirements (applicable to MPOs, RPAs, and transit agencies) based on FTA Circular 4702.1B.
3. Transit agency-specific requirements, based on U.S.C. 5307, FTA Circular 9030.1E, and Iowa DOT's Transit Manager's Handbook.

This is not a comprehensive overview of all public involvement-related regulations that agencies may be required to complete for various activities they undertake (e.g., NEPA), and it is ultimately the responsibility of the planning agencies to fully review requirements outlined in these various sources to ensure they are meeting all federal and state planning, public involvement, Title VI, non-discrimination, and open access requirements. Please note that only select Title VI requirements relating to public involvement will be highlighted below.

Section 1. Transportation Planning PPP Requirements *(applicable to MPOs and RPAs)*

General Iowa DOT Requirements

PPP Update Cycle

The PPP is required to be updated at least every five years at a due date one-year before the agency's Long-Range Transportation Plan (LRTP) due date. As the LRTP is generally an agency's most extensive planning process, the beginning of LRTP development is common practice for reviewing and updating the PPP before an agency seeks public input into the LRTP.

PPP Review and Submittal Process Reminders

- The PPP is required to be developed in consultation with all interested parties (23 CFR § 450.316(a)(1)).
- There is a minimum public comment period of 45 calendar days before the initial or revised PPP is adopted (23 CFR § 450.316(a)(1)(x)).
- An electronic copy of the draft PPP should be provided to the Systems Planning Bureau and District Transportation Planner for review.
- An electronic copy of the final board-approved PPP shall be provided to the Iowa DOT, FHWA, and FTA for informational purposes, and shall be posted online, to the maximum extent possible (23 CFR § 450.316(a)(3)).

Required content related to planning document processes

Transportation planning agencies in Iowa are responsible for developing five key transportation planning documents – the LRTP, PPP, Public Transportation Plan (PTP), Transportation Improvement Program (TIP), and Transportation Planning Work Program (TPWP).

Agencies are required to outline the public-related procedures for each of these documents in the PPP. Some of these procedures are captured throughout the federal requirements table below, but a summarized list is provided here for clarity. (Note, in most cases this information will be cross referencing the Iowa DOT guidance document for that specific planning document and/or information contained within the planning document itself.)

Planning procedures and public input opportunities for the five key groups of documents as part of the transportation planning process shall be outlined, including at a minimum the following information.

- Description of the planning document
 - Define what it is, its primary purpose, and typical contents.
 - Update the document requirements and document timeframe.
- Development process of the planning document
 - Responsibility for developing the document
 - Include all parties involved and if stakeholder or public input is sought.
 - Note the public input techniques/tools to be used.
 - If public input is sought prior to the draft, note how many opportunities will be held and when they will be held.
 - Responsibility for reviewing the draft document, if applicable
 - Note whether Iowa DOT, FHWA, FTA review the draft.
 - Note the public review period, if applicable, where the draft is made available, and the length of the review period.
 - If a public input meeting is held prior to adoption, note how many meetings are held and when they will be held.
 - Adoption process
 - Note who recommends adoption and who adopts the document after reviewing, considering, and incorporating public comments.
 - Note where and in what formats and means the final document is made available
 - Approval process, if applicable
 - Note whether Iowa DOT, FHWA, or FTA approve the document or if the agency forwards it to them for informational purposes.
 - Update procedures
 - Note the revision process for amendments and administrative modifications to the document.

Federal Requirements (23 CFR § 450.316)

The remainder of the requirements in this section are the federal requirements from 23 CFR § 450.316, and includes content to incorporate in the PPP to meet federal and state requirements. Where applicable, specific Iowa DOT expectations have been noted.

<p>Federal requirement from 23 CFR § 450.316 <i>While federal code references MPOs, Iowa DOT applies the same requirements to RPAs.</i> <i>Some code sections have been reordered to group similar requirements.</i></p>		<p>Content to incorporate in the PPP to meet requirements <i>Where Iowa DOT has established a minimum expectation that is not specified in the federal requirement, details are noted with “(Iowa DOT req)”</i></p>
<p>§ 450.316 (a)</p>	<p>The MPO shall develop and use a documented participation plan that defines a process for providing individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), 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.</p>	<ul style="list-style-type: none"> • Discuss information about the agency and its activities essential to carrying out the transportation planning process. • Discuss information on meetings/hearings and decision points for the different planning processes. • Discuss information on when and how the public (interested parties listed in § 450.316(a)) are/will be notified.
<p>§ 450.316 (a)(1)</p>	<p>The MPO shall develop the participation plan in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:</p>	<ul style="list-style-type: none"> • Ensure the PPP describes explicit procedures, strategies, and desired outcomes for items (i) – (x) under § 450.316(a)(1).
<p>§ 450.316 (a)(1)(i)</p>	<p>Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;</p>	<ul style="list-style-type: none"> • Describe the procedures and strategies for notification for activities that offer public involvement opportunities. <ul style="list-style-type: none"> • Specify the minimum timeframes for a public review and comment period. • Explicitly detail how information will be provided for each activity, such as via the internet, mailing lists, newspapers, physical locations, etc.
<p>§ 450.316 (a)(1)(ii)</p>	<p>Providing timely notice and reasonable access to information about transportation issues and processes;</p>	<ul style="list-style-type: none"> • (Iowa DOT req) At a minimum, outline timeframes and notification procedures/strategies for other transportation issues and processes: <ul style="list-style-type: none"> • Meeting agendas <ul style="list-style-type: none"> e.g., Published 7 calendar days ahead of the meeting e.g., Posted on agency bulletin board, website, social media, etc. • Public hearing notices <ul style="list-style-type: none"> e.g., Published between 4 and 20 days ahead of the meeting. e.g., Posted in the newspaper, on agency bulletin board, website, social media, etc.

		<ul style="list-style-type: none"> Public comment periods e.g., From (date) to (date) (Also explain what type of comments will be accepted – written, email, phone, social media, etc.)
§ 450.316 (a)(1)(iii)	Employing visualization techniques to describe metropolitan transportation plans and TIPs;	<ul style="list-style-type: none"> Discuss visualization techniques used in key document development efforts, particularly the LRTP and TIP. Describe how the agency will communicate plans, programs, and policies in an easy, understandable format to ensure anyone who is interested in participating can understand.
§ 450.316 (a)(1)(iv)	Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;	<ul style="list-style-type: none"> Comment on where various information (plans, programs, technical information, and meeting notices) can be found online. (Iowa DOT req) At a minimum, post the following items on the MPO/RPA website: <ul style="list-style-type: none"> Various meeting agendas and minutes. The current five key planning documents, as well as other plans, studies, or programs. Title VI notice to the public, complaint form, and related documents.
§ 450.316 (a)(1)(v)	Holding any public meetings at convenient and accessible locations and times;	<ul style="list-style-type: none"> Discuss standing meeting dates, locations, and times (or how meetings are typically scheduled). Discuss how meeting times and locations are determined, particularly for public input meetings. Discuss how the agency ensures locations are accessible for people with disabilities and are accessible via public transit.
§ 450.316 (a)(1)(vi)	Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;	<ul style="list-style-type: none"> Discuss the documenting procedures for considering the results of meetings and responding to public input received for planning documents, particularly the LRTP and TIP. (Documentation could include meeting minutes, written statements, and sign-in sheets.)
§ 450.316 (a)(1)(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 that interested parties could not reasonably have foreseen from the public involvement efforts;	<ul style="list-style-type: none"> Discuss the process for providing additional opportunity for public review and comment on the LRTP or TIP if there are significant changes made after the draft version was initially made available to the public.
§ 450.316 (a)(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, subpart A), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.	<ul style="list-style-type: none"> Discuss the procedures for incorporating received comments into planning documents, particularly the LRTP and TIP. (Iowa DOT req) It is the expectation that all draft planning documents are in a final draft form (i.e., no substantive changes anticipated prior to consideration of public comment and potential approval) when they are made available for public review and comment.
§ 450.316 (a)(1)(vii)	Seeking out and considering the needs of those traditionally underserved by existing	<ul style="list-style-type: none"> Document the outreach tools and activities that are used to reach and consider the needs of those

	transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;	traditionally underserved by existing transportation systems, such as low-income households, minority households, LEP individuals, older persons, young persons, people from unique religious and cultural groups (e.g., Amish), and those with disabilities. <ul style="list-style-type: none"> • Incorporate the agency’s LEP Plan into the PPP (or reference the LEP in the PPP)
§ 450.316 (a)(1)(ix)	Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and	<ul style="list-style-type: none"> • Briefly describe how State DOTs (multi-state planning agencies also work with the neighboring DOTs) are involved in the agency’s transportation planning activities, and how the agency participates in state-level planning activities. • (Note: Subpart B of this part refers to 23 CFR § 450.316(b) below and how the agency consults with agencies and officials responsible for other planning activities within the regional planning area that are affected by transportation.)
§ 450.316 (a)(1)(x)	Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.	<ul style="list-style-type: none"> • Discuss the review and update cycle for the PPP. <ul style="list-style-type: none"> • (Iowa DOT req) In addition, the review and update cycle must be discussed for the other four key planning documents (LRTP, PTP, TIP, TPWP). • Discuss how the agency will revisit the PPP at milestones or between various plan updates to identify and address barriers that limit people from participating. • Discuss how the agency will evaluate its effectiveness to reach people and receive input/comments, such as through quantitative efforts (e.g., counting the number of participants, number of meetings, size of distribution lists, website visits, media coverage, or total responses) and also through qualitative assessments to evaluate the agency’s performance (e.g., a follow-up survey of whether people thought their comments were considered through the process, weighing the relevancy of public comments received, and determining if comments or input are helping the planning and programming process). • (Iowa DOT req) The PPP should be updated every five years and at a minimum, one year prior to the LRTP due date.
§ 450.316 (a)(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.	<ul style="list-style-type: none"> • Confirm the PPP has a comment period of at least 45 days and is posted online following approval. <ul style="list-style-type: none"> • (Iowa DOT req) Public comment periods for draft documents must be discussed for the PPP, LRTP, and TIP, and are recommended to be discussed for the UPWP and PTP if they have been established for those documents. There are not federally defined minimums for comment period lengths outside of the PPP, but 15, 30, or 45 days are most typical among agencies. • Provide FHWA and FTA a copy of the approved PPP and post it online, to the maximum extent possible. <ul style="list-style-type: none"> • (Iowa DOT req) An agency must provide a copy of the final PPP to the Systems Planning Bureau and District Transportation Planner.
§ 450.316 (b)	In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning	<ul style="list-style-type: none"> • Discuss how the agency consults with agencies and officials responsible for other planning activities within the regional planning area that are affected by

<p>§ 450.316 (b)(1)</p> <p>§ 450.316 (b)(2)</p> <p>§ 450.316 (b)(3)</p>	<p>activities within the MPA that are affected by transportation (including State and local planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, the MPO shall develop the metropolitan transportation plans and TIPs 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:</p> <p>Recipients of assistance under title 49 U.S.C. Chapter 53;</p> <p>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</p> <p>Recipients of assistance under 23 U.S.C. 201-204.</p>	<p>transportation, particularly when developing the LRTP and TIP.</p> <p>Note: 49 U.S.C. Chapter 53 covers public transportation.</p> <p>Note: 23 U.S.C. 201-204 covers federal lands and tribal transportation programs</p>
<p>§ 450.316 (c)</p> <p>§ 450.316 (d)</p>	<p>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.</p> <p>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.</p>	<ul style="list-style-type: none"> • If applicable in the area, discuss how the agency will involve the Indian tribal governments in the planning process for the LRTP and TIP. • (Iowa DOT req) If applicable in the area, the agency shall provide the Indian tribal governments the opportunity to participate in all planning activities.
<p>§ 450.316 (e)</p>	<p>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.</p>	<ul style="list-style-type: none"> • (MPO only) This is referencing joint participation agreements that exist among States, MPOs, and transit agencies. Such agreements, and other similar such agreements, could be referenced in the PPP.

Section 2. Title VI PPP and LEP Requirements (*applicable to MPOs, RPAs, and transit agencies*)

Title VI Requirements

Title VI of the Civil Rights Act of 1964 requires transportation agencies that receive federal funds to ensure that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under the agencies' programs, including the planning process, on the basis of race, color, or national origin. Agencies must ensure they provide meaningful access to the planning process for individuals with limited English proficiency under Executive Order 13166. Furthermore, FHWA's planning regulations require planners to consider the needs of individuals traditionally underserved by existing transportation services, such as low-income households and minority communities.

Traditionally underserved populations may also include other types of people who may face challenges accessing employment and other services, such as older adults, persons with disabilities, and people from unique religious and cultural groups. In addition, agencies must ensure that the planning process is accessible to individuals with disabilities under the ADA.

MPOs, RPAs, and public transit agencies all receive funding from FTA and are subject to the requirements documented in [FTA Circular 4702.1B](#), (*Title VI Requirements and Guidelines for Federal Transit Administration Recipients*). This includes requirements related to Title VI which may be addressed through other plans and compliance efforts. However, there are specific public participation related requirements noted in the Title VI guidance that relate to or should be included in public participation plans.

Requirements from FTA Circular 4702.1B that most directly relate to the PPP or may be incorporated into a PPP include the following. These Title VI requirements apply to all subrecipients:

- Every Title VI Program shall include a public participation plan that includes an outreach plan to engage minority and LEP populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A recipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.
- Every Title VI Program shall include a copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance. (See following section)
- Promoting Inclusive Public Participation
 - The content and considerations of Title VI, the executive order on LEP, and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities).
 - Recipients have wide latitude to determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate. Recipients should make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available.

LEP Requirements

Please note that only select Title VI requirements relating to public involvement have been highlighted below. Please review the FTA Circular 4702.1B and other Iowa DOT guidance for additional information on Title VI requirements.

Executive Order 13166 requires agencies to consider the needs of individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English, therefore making LEP persons entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter. Recipients of FHWA and FTA funding shall take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. **The corresponding analysis and implementation plan (Language Assistance Plan, or LEP Plan) are not a FHWA PPP document requirement, but it agencies are encouraged to include them in the PPP as they relate to outreach to underserved individuals (See § 450.316 (a)(1)(vii)). Agencies are required to submit a PPP (including information about outreach methods to engage minority and LEP populations) and a LEP Plan (for providing language assistance to persons with LEP, based on the DOT LEP Guidance) as part of their FTA Title VI Program.**

A summary of the requirements of the Four Factor Analysis and LEP Plan is provided below, however, further detail on completing the Four Factor Analysis, developing an LEP Plan, the Safe Harbor Provision, and suggestions and resources for assisting LEP individuals is available through the [U.S. DOT LEP guidance](#) and [FTA Circular 4702.1B](#).

Agencies are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons, and the starting point is through an individualized assessment of the following four factors (Four Factor Analysis).

1. Demographics – the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.
2. Frequency – how often LEP persons use or need (come into contact with) the program, activity, or service.
3. Importance – how the program, activity, or service provided by the program impacts individuals lives.
4. Resources and costs – what resources the agency has available for LEP outreach, and what are the costs and funding associated with that outreach.

After completing the Four Factor Analysis, the agency shall use the results to determine which language assistance services are appropriate. This could include oral interpretation services (e.g., providing in-person interpreters or having an on-demand service available via phone) and written translation services (e.g., providing translations of full documents or short descriptions of documents). An agency should develop an LEP Plan to address the specific strategies for identifying the needs of the LEP populations it serves. **FTA has determined it necessary to require recipients to develop an assistance plan in order to ensure compliance. Agencies have considerable flexibility in developing an LEP Plan but, at a minimum, shall:**

- A. Include the results of the Four Factor Analysis, including a description of the LEP population(s) served.
- B. Describe how the recipient provides language assistance services by language;

- C. Describe how the recipient provides notice to LEP persons about the availability of language assistance;
- D. Describe how the recipient monitors, evaluates and updates the language access plan; and
- E. Describe how the recipient trains employees to provide timely and reasonable language assistance to LEP populations.

Safe Harbor Provision

U.S. DOT has adopted U.S Department of Justice’s Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations only. The Safe Harbor Provision stipulates that, **if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations**. Translation of non-vital documents, if needed, can be provided orally. **If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials** but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

Summary of Safe Harbor Provision Standards

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents.
More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number	Translated vital documents.
More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

Further detail on completing the Four Factor Analysis, developing an LEP Plan, the Safe Harbor Provision, and suggestions and resources for assisting LEP individuals is available through the [U.S. DOT LEP guidance](#) and [FTA Circular 4702.1B](#). Appendix D has additional information on safe harbor and guidance on completing an LEP analysis based on U.S. Census Bureau data.

Section 3. Transit Agency-specific Requirements

(applicable to transit agencies)

FTA 5307 Funding Recipient (Large Urban Systems in Iowa) Requirements

A transit agency receiving FTA 5307 funding (large urban systems in Iowa) should outline in their PPP the processes they will utilize to meet the following public involvement requirements. If a transit agency is utilizing their MPO's PPP to meet applicable public participation requirements under Title VI and/or Section 5307 funding, the MPO will need to ensure these specific large urban transit requirements are addressed within the MPOs PPP.

[49 U.S.C. § 5307](#) *Urbanized area formula grants*

Requirements for Program of Projects (POP) (49 U.S.C. § 5307 (b)(1-7))

- Make available to the public information on amounts available to the recipient under this section
- Develop, in consultation with interested parties, including private transportation providers, a proposed POP for activities to be financed
- Publish a proposed POP in a way that affected individuals, private transportation providers, and local elected officials have the opportunity to examine the proposed program and submit comments on the proposed program and the performance of the recipient
- Provide an opportunity for a public hearing in which to obtain the views of individuals on the proposed POP
- Ensure that the proposed POP provides for the coordination of public transportation services assisted under section 5336 of this title with transportation services assisted from other United States Government sources
- Consider comments and views received, especially those of private transportation providers, in preparing the final POP
- Make the final POP available to the public
- Note: Regarding satisfying the requirement for public participation in development of the POP using the TIP process, [FTA Circular 9030.1E](#) states:

“Federal transit law and joint FHWA/FTA planning regulations governing the metropolitan planning process require a locality to include the public and solicit comment when the locality develops its metropolitan long-range (twenty-year) transportation plan and its (four-year) metropolitan TIP. Accordingly, FTA has determined that when a recipient follows the procedures of the public involvement process outlined in the FHWA/FTA planning regulations, the recipient satisfies the public participation requirements associated with development of the POP that recipients of Section 5307 funds must meet.

...A recipient that chooses to integrate the two should coordinate with the MPO and make sure the public knows that the recipient is using the public participation process associated with TIP development to satisfy the public hearing requirements of Section 5307(b). The recipient must ensure the TIP document explicitly states that public notice of public involvement activities and time established for public review and comment on the TIP will satisfy the POP requirements of the Section 5307 Program. Furthermore, if recipients intend to follow such an ongoing practice, FTA encourages them to include such a reference in the

metropolitan planning agreement required between public transportation operators, MPOs, and states, as called for in 23 CFR 450.314.”

Grant recipient requirement (49 U.S.C. § 5307 (c)(1)(I))

- Have a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation

Title VI requirements (FTA Circular 4702.1B)

- To comply with FTA Circular 4702.1B “Title VI Requirements and Guidelines for Federal Transit Administration Recipients,” grant recipients (transit providers) that operate fifty (50) or more fixed route vehicles in peak service and are located in an Urbanized Area (UZA) of 200,000 or more population must conduct, prior to implementation, service equity analyses for all major service changes in order to determine whether those changes have a discriminatory impact. As part of a transit agency’s Title VI document, they are required to have a public engagement process for setting the major service change policy, disparate impact policy, and disproportionate burden policy. It makes sense to incorporate these items into the transit agency’s PPP.

All Iowa Transit Agency Requirements

All transit agencies in Iowa should consult the Iowa DOT Modal Transportation Bureau developed [Transit Manager’s Handbook and Policy Manual](#) for specific and detailed PPP requirements. The following summarizes public involvement processes that should be outlined in the agency’s PPP.

Funding Applications and Agreements (Chapter 5)

- **Public Hearing Documentation**

The Consolidated Transit Funding Application requires the transit agency to hold a public hearing to explain the state and federal funding requests. The agency’s PPP needs to outline the process for conducting the public hearing, in accordance with the guidelines in the Transit Manager’s Handbook.

General Operations (Chapter 15)

- **Fare and Service Changes – Public Comment**

FTA requires that each large urban transit operator have a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transit service (FTA Circular 9030.1E). The Modal Transportation Bureau has the same requirement for small urban and regional transit systems. Transit systems are required to have a written policy describing the public comment process on increases in the basic fare structure and on major service reductions. The agency’s PPP needs to outline the process in accordance with the guidelines in the Transit Manager’s Handbook.

- The following topics are also discussed in Chapter 15 and may be applicable to Iowa’s public transit agencies, depending on how they are organized. These processes should be described in the PPP: open meetings, public hearing notices, public records, and publishing of meeting minutes.

Appendix A: Frequently Asked Questions

Q: What is this document?

A: This document provides guidance for Iowa’s MPOs and RPAs to assist in their development of a PPP.

Q: What is a PPP?

A: A PPP is the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the agency’s public participation activities. It helps an agency to ensure that full collaboration with all community members who might be affected by a transportation decision are invited to engage in all phases of the planning and decision-making process.

Q: Is a PPP required?

A: Yes, it is. Federal regulations applicable to organizations and entities responsible for the transportation planning and programming process in metropolitan planning areas are required to develop and use a documented participation plan that defines a process for providing interested parties with reasonable opportunities to be involved in the metropolitan planning process.

The Iowa DOT extends the same requirements to organizations responsible for the transportation planning and programming process in Iowa’s regional planning areas.

A PPP is also required by FTA Circular 4702.1B, which outlines guidance and instructions for recipients and subrecipients of FTA financial assistance to carry out U.S. Department of Transportation Title VI regulations. (All Iowa MPOs, RPAs, and public transit agencies receive FTA financial assistance and are required to follow FTA procedures in order to comply with the U.S. DOT’s Title VI regulations.)

Q: Does this document cover the universe of public participation requirements?

A: No, it does not. This document is only meant to outline the public participation **plan** requirements that are specific to the transportation planning and programming process and Title VI. It does not cover all public input **processes** that agencies are required to complete for various activities they undertake. Agencies are encouraged to include information on these processes in their PPPs.

Q: Why is Title VI referenced throughout this document?

A: Public participation and Title VI are related topics. General requirements and guidelines of the U.S. DOT Title VI regulations promote inclusive public participation by integrating the content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance into each agency’s established public participation plan. The regulations also require agencies to take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their program and activities for individuals who are LEP persons.

Q: Why are items that are not required to be in the PPP, such as the LEP Plan, discussed in this document?

A: While the LEP Plan can be a separate plan from the PPP, all MPOs, RPAs, and public transit agencies are required to have an LEP Plan. Since PPPs are required to discuss efforts to reach underserved individuals, the LEP Plan is recommended to be included or referenced in the agency's PPP.

Q: Why are public transit agency requirements referenced in this document?

A: A planning agency and a transit agency must have a PPP to meet FTA Title VI requirements. Since both agencies also have activities that involve requirements to seek public participation or provide notice to the public, the PPP is viewed as a reasonable location to document similar procedures and processes. Additionally, some MPOs/RPAs and public transit agencies are housed under the same umbrella organization. Even when public transit is provided by a separate agency, that agency is likely coordinating and working with its local planning agency for transportation planning and public participation activities.

Q: What if our organization has more than one planning or transit agency (e.g., a Council of Governments that houses an MPO or an RPA, or an RPA and a regional transit service)? Can there be a single PPP for two planning agencies (or planning agency and transit)?

A: Yes. A single PPP can be developed if that is preferred. However, the PPP should be clear on which agency provides services to different areas, and reference which agency is responsible for the PPP's various procedures and strategies being discussed. This will likely be most effective when the planning and transit agencies are housed under the same umbrella agency and serve the same geographic area, though it could be explored in other situations. If the PPP is being used for both a planning and transit agency, all applicable regulations and requirements for each agency need to be met.

Q: With most of this document referencing federal transportation planning requirements, does a transit agency on its own need to meet those requirements? How should a transit agency use this document?

A: No, transit agencies are not required to meet the federal transportation planning requirements under 23 CFR § 450.316, although they are required to have a PPP per Title VI requirements (see FTA Circular 4702.1B). The requirements section of this document has been structured such that the first section is specific to MPOs and RPAs, the second section outlines items that relate to Title VI and LEP requirements for MPOs/RPAs and transit agencies, and the third section discusses transit agency-specific requirements. The remainder of this guidance document may still provide useful guidance to transit agencies as they develop or update their PPPs.

Q: Why does the document discuss some requirements specific to large urban transit agencies?

A: Even though large urban systems are direct recipients of FTA funding, they may be utilizing their MPO's PPP to meet applicable public participation requirements under Title VI and/or Section 5307 funding. If this is the case, this would be an example where the MPO will need to ensure these specific large urban transit requirements are addressed within the MPO PPP.

Q: Is a planning or transit agency required to include example content shown in the appendix?

A: No. The example content is based on the review of commonly found content in existing PPPs and is meant to only provide agencies with ideas and examples of the type of information to include in a PPP. Agency PPPs are not required to address every item included in the example content so long as the PPPs are addressing requirements. It is not expected that an agency follows the example outline and content and it is encouraged that an agency makes the PPP their own.

Q: Could an agency combine the PPP and Title VI documentation into one document?

A: Yes. This may make sense for some agencies; however, the document would need to meet the minimum requirements of all transportation planning and Title VI regulations (e.g., the required update cycle would be every three years to meet FTA's requirement for Title VI programs.) A template for a Title VI Program and Plan will be made available.

Appendix B: Example PPP Outline and Content

The example outline and content discussed below is meant to provide agencies with additional ideas and examples of what to include in a PPP to meet the requirements discussed earlier in the document. An agency may consider using the example outline and content as much or as little as they like in making the PPP their own. This should not be perceived as an additional or overlapping checklist to cross reference with the requirements, but as an example based on a review of outlines and content from existing PPPs and other guidance documents.

Example PPP Outline

- Purpose of the PPP
 - Introduce the document; explain why it exists and how it was created; discuss overall goals for public participation
- Agency overview
 - Provide an overview of the agency; provide area and agency context; discuss structure of the agency and relevant committees and stakeholders; provide contact information
- Regulations
 - Discuss regulations that the agency must meet and that the document is trying to address
- Routine activities and procedures
 - Discuss recurring activities and typical outreach methods
- Routine planning documents
 - Discuss the planning processes for routine planning documents (LRTP, PPP, PTP, TIP, TPWP); provide summary table of key steps
- Outreach to underserved populations
 - Document activities the agency undertakes to seek out and consider the needs of those traditionally underserved by existing transportation systems; incorporate LEP Plan

Example PPP Content

Purpose of the PPP

The purpose of this section of the PPP would be to introduce the reader to the document, explain why it exists, and discuss how it was created. It may be appropriate to discuss overall goals for public participation.

Example content

- Discuss the importance of public participation and how the agency will utilize it
- Explain what the PPP is
- Discuss how the PPP was developed and any feedback that was received during development
- Public participation goals

Agency Overview

The purpose of this section of a PPP is to inform the reader of the agency. This section also should give the reader enough context for them to understand how to learn more about what the agency is, the services it provides, and participate in its activities. It should help the reader become more familiar with the agency, if the reader is not already. Also, if this type of content is provided in an engaging manner, the reader may become interested in learning more about the agency or participating in its activities or committees.

Example content

- Area context – can help orient the reader to what areas are, and are not, covered by the agency.
 - Map, demographic information, and/or other overview of the geographic area served by the agency
 - Stakeholders – for example, local, state, and federal agencies or organizations that may be involved in the planning process or partners for the agency’s operations/services.
- Provide a description of the agency’s services
 - Map of service area; map of routes
 - Basic information, such as type of service, hours of service, website
- Structure of the agency (so the reader understands who works for the agency, who has the decision-making authority, whether the agency is a standalone entity, part of a larger organization, organized as a 28E or in some other manner, etc.)
 - Staff or organization chart
 - Umbrella organization if part of a council of government, city, etc.
 - Governance structure (board members)
- Related agencies and committees and an explanation of relationships between agencies (committees can be an important way for the public to get involved in planning activities)
 - MPOs/RPAs
 - Policy Board
 - Technical Committee
 - Additional committees
 - Transit agencies
 - Governing board or entity
 - Transportation Advisory Group
- Contact information and ways people can engage with the agency
 - Address and phone number, office hours
 - Website, email address(es)
 - Social media

Regulations

This section of the PPP helps inform the reader about some of the regulations the document is addressing and that the agency must meet. It can also serve as a good reminder of individuals' rights, particularly for items like Title VI, EJ, ADA, and open access. At the same time, an overly detailed explanation of regulations is a bit counter to the idea of a public-friendly document, so streamlining the document by summarizing the regulations or referencing them with additional detail in an appendix would help make the document easier to read.

Example content

- Discussion on federal and state regulations that the PPP is addressing. Regulations to consider including, as applicable:
 - Transportation planning requirements
 - FTA regulations, such as 5307 requirements
 - Iowa DOT requirements
 - Title VI
 - EJ
 - ADA
 - Iowa Open Meetings
 - Iowa Public Records

Routine activities and procedures

This section of the PPP helps give the public an idea of what the agency does on a recurring basis, and how the public can be involved. For many of these items, the document could discuss routine procedures that exist or how various public input/outreach methods are typically used. Some procedures may be very regimented, such as always publishing a notice of a public hearing a certain number of days prior to the meeting, or having a standing date and location for a recurring meeting. Some procedures may be more ad hoc and only able to be described in a general manner in the PPP, such as using surveys for certain types of projects.

Example content

- Description of regular activities and public engagement methods utilized by the agency, including specific procedures for EJ and Title VI populations, such as any applicable items from the following (describe procedures, strategies, and desired outcomes for applicable items).
 - Board meetings – purpose, schedule, location, accessibility, notice of meeting, publishing of agendas/minutes, streaming of meetings, etc.
 - Other advisory or stakeholder group meetings
 - Public comment periods, public hearings, public meetings, open houses
 - Stakeholder, community, or ridership surveys
 - Community outreach, such as attending community events or service group meetings
 - Travel trainer or mobility manager outreach
 - Press releases, newsletters, email lists, social media, website
 - Printed materials such as riders guide, brochures, comment cards
 - ADA, language, and other assistance methods
 - Analysis efforts, such as mapping service in relation to minority, LEP, and low-income populations, mapping walk distances from transit stops, or calculating employees within a certain distance from transit stops

- Educational events
- Recorded videos, radio, news interviews, podcasts
- For those activities that occur regularly, such as board meetings or an annual public hearing on projects, discuss specific processes that are in place.
 - An example of when and how the public is notified that a meeting is occurring would be to disclose where agendas will be published/posted and how far in advance of the meeting.
 - An example of informing individuals who need accommodation to be able to participate in meetings would be to note in the PPP that the agency provides standard accommodation language on all meeting notices. This statement should clarify a deadline for when someone needs to contact the agency to request accommodations (e.g., two business days before a meeting).
 - An example of telling the reader how a meeting will be accessible could be to note typical meeting times; note that meetings will be held in ADA-accessible facilities; discuss whether transit access will be available for public meetings; discuss whether translation services will be available. Perhaps the agency uses a checklist for determining whether a facility is an acceptable public meeting location, or has pre-determined a list of locations that can be used for public meetings. If so, this information could be documented in the PPP.
- Particularly for public comment periods and hearings:
 - Discussion on the minimum comment period lengths for draft documents, how action will be taken (e.g., at a regularly scheduled board meeting), and how the public will be notified of the pending hearing and action (e.g., when and how the notice of public hearing will be published.)

Routine planning document

This section of the PPP would outline the MPO and RPA planning processes for their routine planning documents (LRTP, PPP, PTP, TIP, TPWP). The same information may apply to items such as a transit agency's fare or service change decisions, the annual consolidated funding application, and program of projects.

Example content

- Required content (refer to General Iowa DOT Requirements in Section 1 for detail)
 - Description of the planning document
 - Development process of the planning document
 - Discuss who develops the document
 - Discuss who reviews the draft document, if applicable
 - Note the public review period, if applicable, and where the draft is made available, what is the length of the review period
 - Adoption process
 - Note where and in what formats and means the final document is made available
 - Approval process, if applicable
 - Lifespan and revision procedures
- Summary table or graphic highlighting key attributes of each planning document

Outreach to underserved populations

This section of the PPP needs to specifically document activities the agency undertakes to seek out and consider the needs of those traditionally underserved by existing transportation systems, such as low-income households, minority households, and LEP individuals.

Example content

- Description of how the agency considered the composition of the area to determine whether various underserved populations are present.
- Description of the methods that the agency utilizes for reaching out to these individuals or groups. Examples could include:
 - Placing ads with minority language radio stations or newspapers for major planning efforts, such as the LRTP.
 - Posting public input opportunities at locations that may serve individuals in one or more of these populations, such as ethnic grocery stores, refugee services, human service agencies such as WIC offices, religious facilities with large minority congregations.
 - Utilizing existing distribution methods with a broad audience, such as city utility bills.
 - Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
 - Employing different meeting sizes and formats.
 - Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
 - Placing radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.
 - Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Description on how issues raised by these individuals or groups are documented in considered in the planning process.
- Description on how effectiveness is measured for the strategies used for this outreach
- Description of the language assistance methods used by the agency; incorporation of the agency's LEP Plan into the PPP is recommended.

Appendix C: Available Resources

Here are available resources to learn more about public participation, Title VI, and EJ.

Public Participation

- Public Involvement Techniques for Transportation Decisionmaking (FHWA, 2015)
https://www.fhwa.dot.gov/planning/public_involvement/publications/pi_techniques/fhwahep15044.pdf
 - Overview of engagement methods and various ways to run a meeting or conduct public input activities, providing a variety of tools to secure meaningful input from the public on transportation plan, programs, and projects. The Appendix has a list of federal statutes, regulations, and executive orders to consider for general guidelines toward developing public involvement plans that work for most communities.
- FHWA Public Involvement/Public Participation
https://www.fhwa.dot.gov/planning/public_involvement/index.cfm
 - FHWA planning homepage for public involvement/public participation. This site provides links to relevant information and exemplary case studies and examples to assist those who would like to improve public participation processes and strategies.
- Transportation Planning Capacity Building Resource Hub
https://www.planning.dot.gov/resource_hub.aspx
 - Search for public engagement or public involvement to find over 70 results for resources linking case studies, web resources, courses or reports.
- FTA Public Involvement
<https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/public-involvement-outreach>
 - FTA Public Involvement & Outreach homepage that includes links to various resources. Additional resources related to [Public Involvement](#).
- FHWA Visualization in Planning site
https://www.fhwa.dot.gov/planning/scenario_and_visualization/visualization_in_planning/visplanning.cfm
 - The site describes what visualization is and provides links to noteworthy practices, innovative uses, and additional resources.

Title VI and Environmental Justice

- FTA EJ Policy Guidance for FTA Recipients (FTA Circular 4703.1)
<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/environmental-justice-policy-guidance-federal-transit>
 - The purpose of this circular is to provide recipients of FTA financial assistance with guidance in order to incorporate EJ principles into plans, projects, and activities that receive funding from FTA.

- FTA Title VI Guidance
<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/title-vi-guidance>
 - FTA landing page with links for Title VI, LEP, EJ, and other resources.
- FTA Title VI Requirements and Guidelines for FTA Recipients (FTA Circular 4702.1B)
<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/title-vi-requirements-and-guidelines-federal-transit>
 - The purpose of this circular is to provide recipients of FTA financial assistance with guidance and instructions necessary to carry out U.S. DOT Title VI regulations and to integrate into their programs and activities considerations expressed in the DOT's Policy Guidance Concerning Recipients Responsibilities to Limited English Proficient Persons.
- FHWA EJ
https://www.fhwa.dot.gov/environment/environmental_justice/
 - FHWA landing page for EJ, containing information on EJ history, policy documents, FAQ's, case studies, training, and resources.
- FHWA Title VI
<https://www.fhwa.dot.gov/civilrights/programs/tvi.cfm>
 - FHWA landing page for Title VI, containing information on Title VI overview and authorities, guidance, technical assistance, and case decisions.
- FHWA Environmental Review Toolkit, Environmental Justice:
https://www.environment.fhwa.dot.gov/projdev/guidance_ej_nepa.asp
 - FHWA listing of environmental topics on EJ, including guides, NEPA case studies, actions, orders, and other guidance.
- EPA EJSCREEN: Environmental Justice Screening and Mapping Tool:
<https://www.epa.gov/ejscreen>
 - EPA's EJSCREEN is an environmental justice mapping and screening tool that provides a nationally consistent dataset and approach for combining environmental and demographic indicators.
- Center for Neighborhood Technology Interactive tools
<http://www.cnt.org/tools>
 - Includes interactive tools such as Housing + Transportation Affordability Index and Location Affordability Index.
- US Census Bureau
<https://data.census.gov/>
 - Explore Census data about the nation's people and economy, including the decennial census and American Community Survey

Appendix D: Analyzing LEP populations with American Community Survey data

This appendix provides a brief overview of using the U.S. Census Bureau’s American Community Survey (ACS) data for an LEP Plan and/or safe harbor analysis, and is to help provide, but not mandate, a standardized approach to LEP guidance. The approach is a best practice identified by the Iowa DOT and is only meant to provide tips on how to analyze LEP data. It is not required for agencies to use this guidance if another method is identified or preferred by the agency.

The U.S. DOT LEP guidance requires a Four Factor Analysis, which includes determining the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient. The guidance also references the U.S. Department of Justice’s safe harbor provision as part of its Title VI and LEP guidance. The following language regarding the safe harbor threshold is from the U.S. DOT’s LEP guidance.

Safe Harbor. Many recipients would like to ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. Paragraphs (a) and (b) below outline the circumstances that can provide a “safe harbor” for recipients regarding the requirements for translation of written materials. A “safe harbor” means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient’s written translation obligations under Title VI.

The failure to provide written translations under the circumstances outlined in paragraphs (a) and (b) does not mean there is noncompliance. Rather these paragraphs merely provide a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Safe Harbor. The following actions will be considered strong evidence of compliance with the recipient’s written translation obligations:

- a) **The DOT recipient provides written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or***
- b) **If there are fewer than 50 persons in a language group that reaches the 5% trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.***

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

An agency can find quantitative data on language and English proficiency through the U.S. Census Bureau's ACS program and use of this quantitative data can help form the basis of a safe harbor and/or LEP analysis. However, MPOs/RPAs may also be able to learn more about languages spoken in their area from local communities' ambassadors, business leaders, neighborhoods, community-based organizations, and other resource agencies. This can be particularly important for determining specific dialects that may not be reflected in the ACS data.

ACS data is available through the U.S. Census Bureau at <https://data.census.gov/>. The ACS is conducted through continuous sampling of the country's population. Data for larger population areas may be available as one-year estimates, but smaller population areas and geographies will typically have five-year data estimates available. MPOs/RPAs are encouraged to use the most current five-year estimates for this type of analysis.

There are various data tables that include language-related information. Some tables are provided for the household level, while some are for the individual person level. For the purposes of an LEP Plan or safe harbor analysis, the individual person level is recommended. The most useful tables for this analysis are Table B16001 (Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over) and Table C16001 (Language Spoken at Home for the Population 5 Years and Over). Both tables include information for language spoken at home for the population 5 years and over and include a breakout of various languages. For each language, it also includes whether the individual also speaks English "very well" or speaks English less than "very well." LEP individuals would be those that speak English less than "very well."

B16001 and C16001 contain the same information, but at different specificity levels for geography and languages. Table B16001 includes more individual languages but is only available for larger geographic areas. Table C16001 has fewer individual languages than B16001 but includes smaller geographic areas. For five-year ACS data, B16001 is available at the Public Use Microdata Area (PUMA) level, while C16001 is available at the Census Tract level. While most agencies will likely focus on the C16001 data at the Census Tract level, some PUMAs may be similar enough to MPO/RPA boundaries for planning agencies to glean additional detail on specific languages in the area from the B16001 data. The following tables and map show the languages in each ACS dataset and the granularity of Census Tracts versus PUMAs.

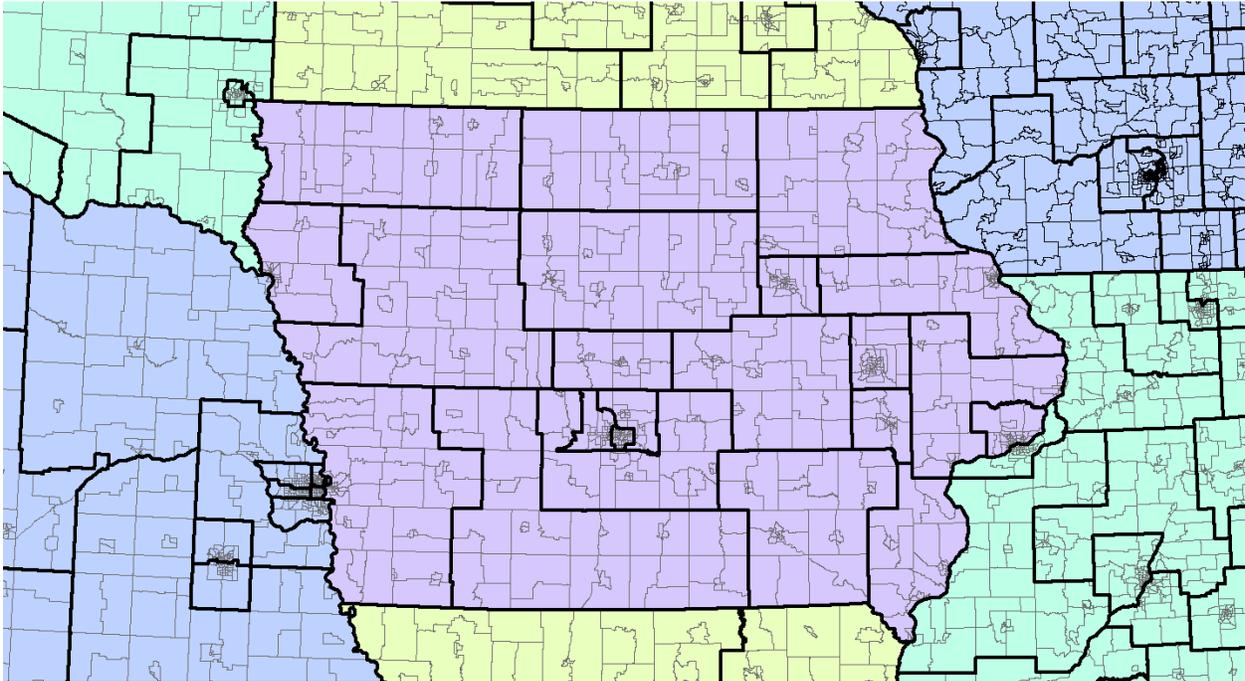
Languages included in Table B16001 (available at Public Use Microdata Area level)

Speak only English	Gujarati	Khmer
Spanish	Hindi	Thai, Lao, or other Tai-Kadai languages
French (incl. Cajun)	Urdu	Other languages of Asia
Haitian	Punjabi	Tagalong (incl. Filipino)
Italian	Bengali	Ilocano, Samoan, Hawaiian, or other Austronesian languages
Portuguese	Nepali, Marathi, or other Indic languages	Arabic
German	Other Indo-European languages	Hebrew
Yiddish, Pennsylvania Dutch or other West Germanic languages	Telugu	Amharic, Somali, or other Afro-Asiatic languages
Greek	Tamil	Yoruba, Twi, Igbo, or other languages of Western Africa
Russian	Malayalam, Kannada, or other Dravidian languages	Swahili or other languages of Central, Eastern, and Southern Africa
Polish	Chinese (incl. Mandarin, Cantonese)	Navajo
Serbo-Croatian	Japanese	Other Native languages of North America
Ukrainian or other Slavic languages	Korean	Other and unspecified languages
Armenian	Hmong	
Persian (inc. Farsi, Dari)	Vietnamese	

Languages included in Table C16001 (available at Census Tract level)

Speak only English	Chinese (incl. Mandarin, Cantonese)
Spanish	Vietnamese
French, Haitian, or Cajun	Tagalong (incl. Filipino)
German or other West Germanic languages	Other Asian and Pacific Island languages
Russian, Polish, or other Slavic languages	Arabic
Other Indo-European languages	Other and unspecified languages
Korean	

Visualization of 2019 Iowa Census Geography: PUMA (thick black lines) and Census Tracts (thin gray lines)



B16001 information is available at the thick black line level shown in the above map. Known as PUMA, these are non-overlapping, statistical geographic areas that partition each state or equivalent entity into geographic areas containing no fewer than 100,000 people each. Some of the PUMAs in this visualization may be similar enough to MPO/RPA boundaries for planning agencies to gather additional detail on specific languages in the area.

C16001 information is available at the thin gray line level shown in the above map. Known as Census Tracts, their primary purpose is to provide a stable set of geographic units for the presentation of statistical data, generally have a population size between 1,200 and 8,000 people, and are delineated with the intention of being maintained over a long time so that statistical comparisons can be made from census to census. Most agencies will likely focus on the C16001 data at the Census Tract level.

How to use the Census website to find and download LEP data

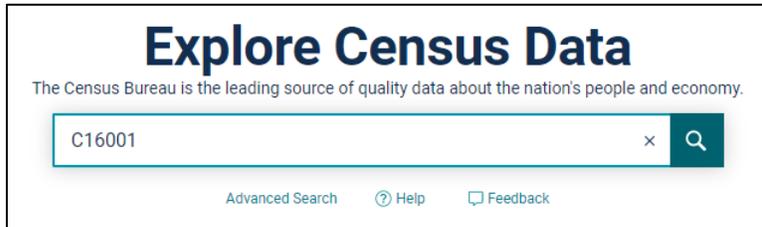
The following information and screenshot provide additional background on using ACS data step-by-step. Please note this is to help provide tips to a standardized approach to analyzing LEP content from the U.S. Census. It is not required for agencies to use this approach if another method by the agency is identified or preferred. For further reference on completing a walk-through, please visit https://www.fhwa.dot.gov/civilrights/programs/title_vi/lep_fourfactor.cfm under Selecting Geographies - Table Search Method as well as Selecting Geographies – Map Method.

Additional Background Information

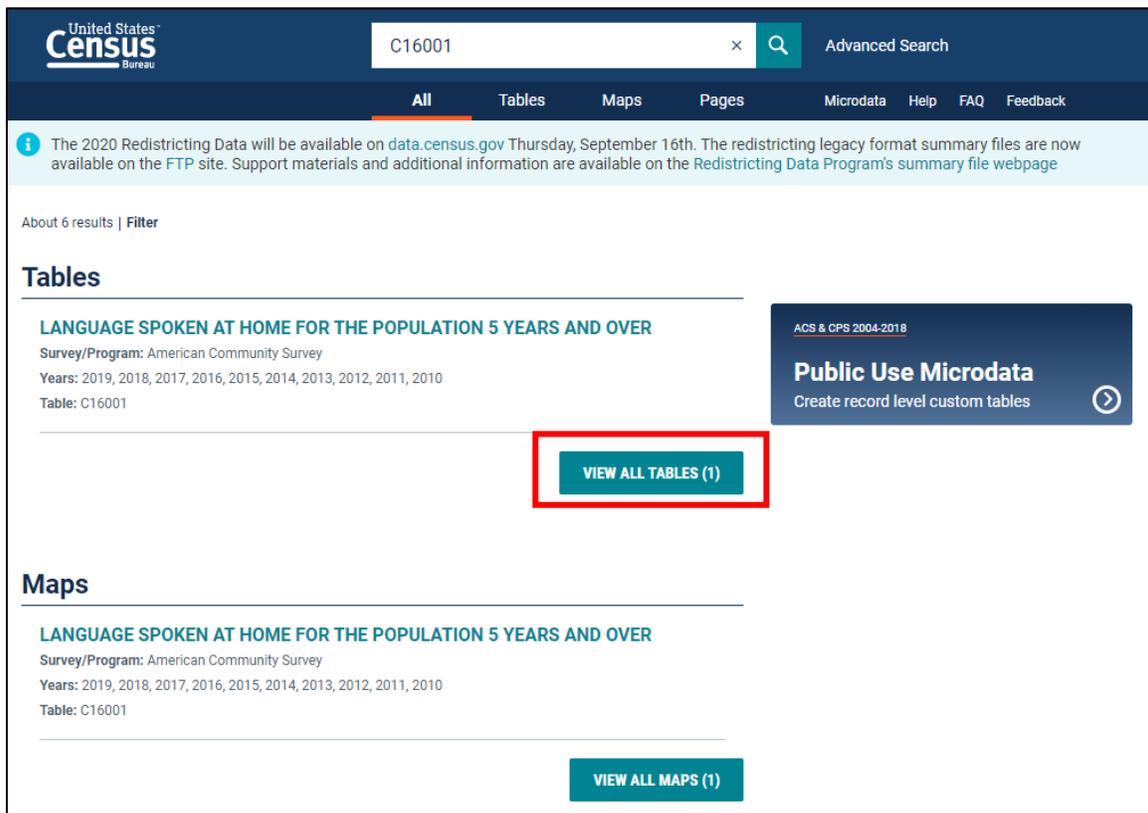
- ACS data is located at <https://data.census.gov/>.
- The screenshot section provides a step-by-step example of querying a table and downloading data. If a specific table number is not known, an alternative way to narrow in on potential data is to use their Advanced Search filter feature, which can help limit some parameters. For example:
 - Selecting “Geography” enables a user to choose the levels (i.e., county, tract, etc.) and locations of interest.
 - Selecting “Years” enables a user to limit the results to the desired timeframe.
 - Selecting “Surveys” enables a user to limit the result to the specific survey of interest. Due to the limited nature of sampling, particularly in lesser populated areas, the ACS 5-Year Estimates tables would generally be recommended for data not contained within the decennial census.
 - Searching by keywords can then help a user narrow in on the most helpful tables.
- Data from tables can be joined to shapefiles based on the geographic ID field. To map the data in GIS, a user can download shapefiles at <https://www.census.gov/geographies/mapping-files/time-series/geo/tiger-line-file.html>
 - Select the desired year.
 - Select the web interface icon to download by year and layer type (geography).
- Guidance to help data users understand how to use and access the ACS information: <https://www.census.gov/programs-surveys/acs/guidance.html>
- ACS data release schedule, notes about new estimates or new guidance, and technical information about geography and product changes: <https://www.census.gov/programs-surveys/acs/news/data-releases.html>
 - The 5-Year ACS estimates are typically released about a year after the final data year in the 5-year series. For example, 2014-2018 ACS data was released in December 2019 and January 2020.
- Since the ACS provides estimates for the population based on sampling, data is provided with margins of error. The Census Bureau provides several resources for understanding margins of error, including the following.
 - A handbook entitled “Understanding and Using American Community Survey Data: What All Data Users Need to Know”, September 2020. (See chapters 7-8) <https://www.census.gov/programs-surveys/acs/guidance/handbooks/general.html>
 - A recorded webinar presentation entitled “Using American Community Survey Estimates and Margins of Errors”, April 2018. <https://www.census.gov/programs-surveys/acs/guidance/training-presentations/acs-moe.html>

Screenshot Step-by-Step Instructions

- Navigate to the Census data website at <https://data.census.gov/>
- Enter table number (i.e., C16001) in the search field.



- Select “View All Tables”



- Select the drop down for “Product” and change to the most recent 5-Year Estimates Detailed Tables.

The screenshot shows the Census Bureau website interface. The search bar contains 'C16001'. The 'Product' dropdown menu is highlighted with a red box and set to '2019: ACS 1-Year Estimates Detailed Tables'. The table below shows data for 'LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER' for the United States.

Label	Estimate	Margin of Error
▼ Total:	308,834,688	±22,314
Speak only English	241,032,343	±213,182
▼ Spanish:	41,757,391	±139,962

- Change to the most recent 5-Year Estimates Detailed Tables.

The screenshot shows the 'Product' dropdown menu open, with '2019: ACS 5-Year Estimates Detailed Tables' selected. The table below shows data for 'LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER' for the United States.

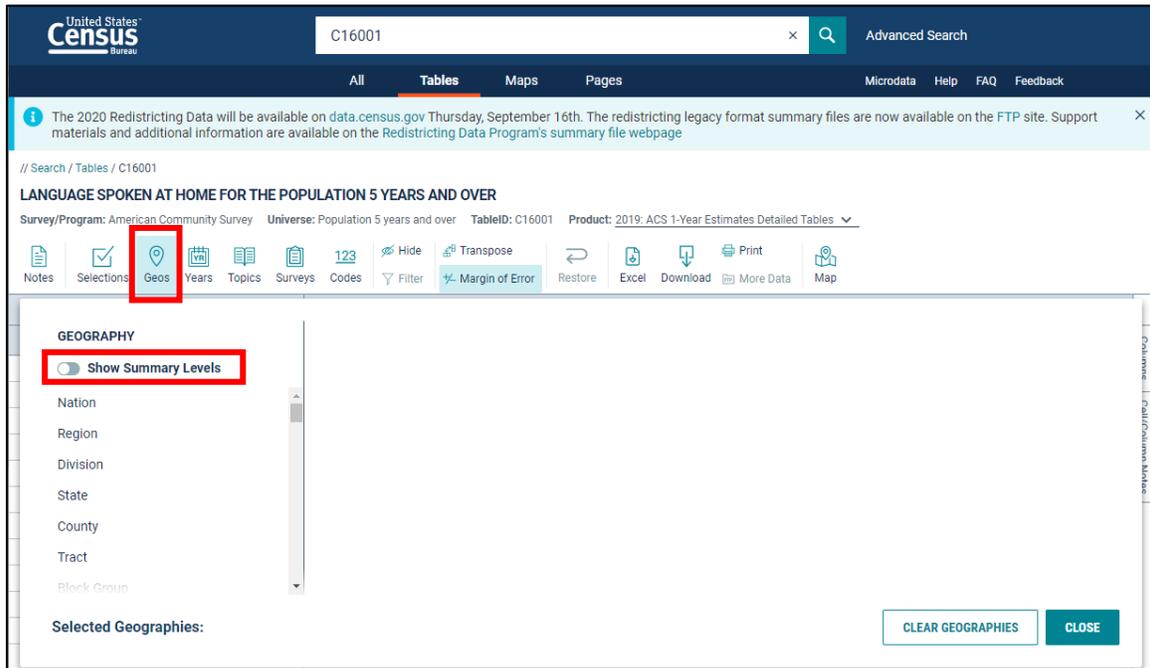
Label	Estimate	Margin of Error
▼ Total:	308,834,688	±22,314
Speak only English	241,032,343	±213,182
▼ Spanish:	41,757,391	±139,962
Speak English "very well"	9,478	±3,962
Speak English less than "very well"	9,478	±3,962
▼ French, Haitian, or Cajun:	4,027	±1,238
Speak English "very well"	1,532,110	±36,131

- Select “Customize table”

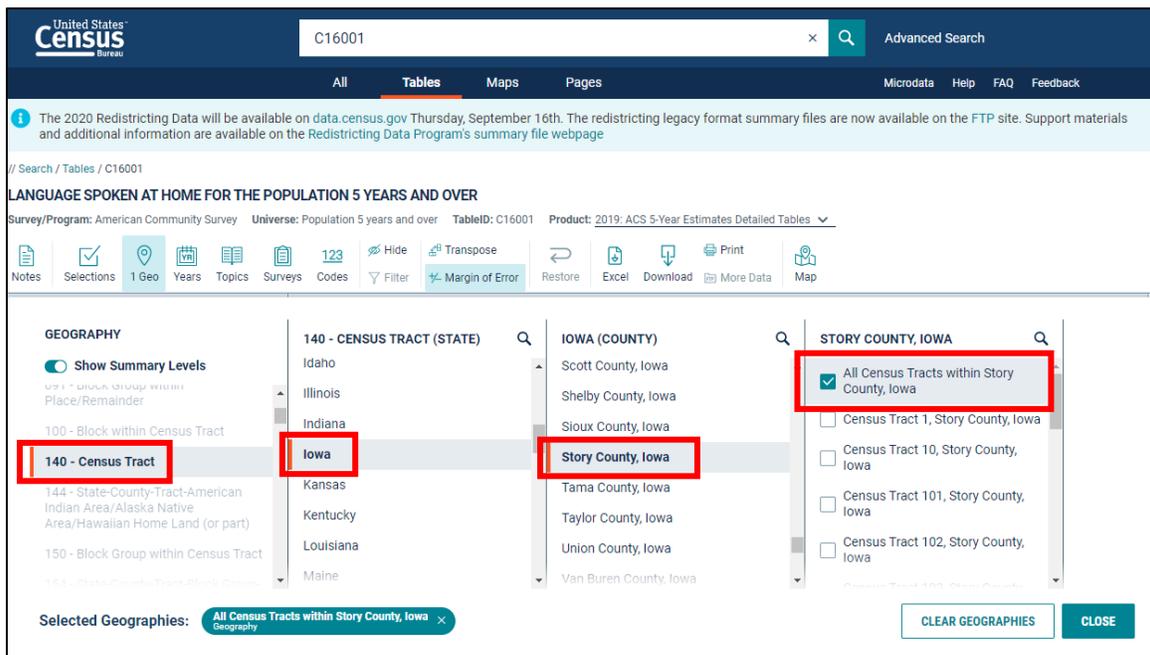
The screenshot shows the 'CUSTOMIZE TABLE' button highlighted with a red box. The table below shows data for 'LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER' for the United States.

Label	Estimate	Margin of Error
▼ Total:	308,834,688	±22,314

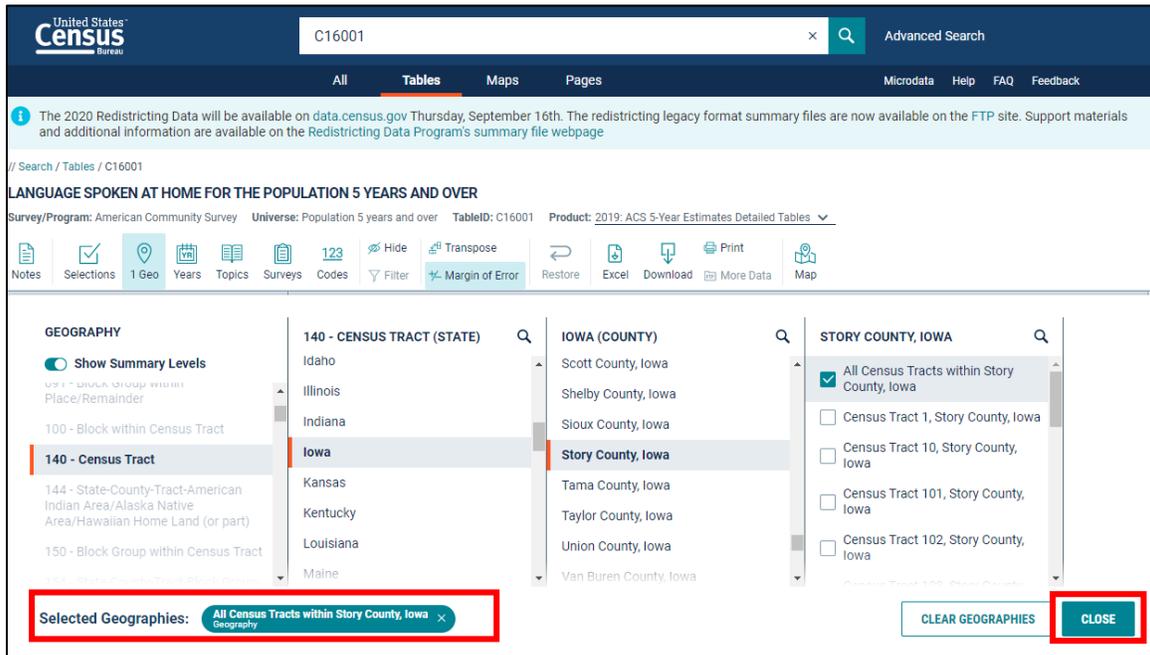
- Select “Geos”. (Note: If you toggle on “Show Summary Levels”, only available summary levels will be highlighted.)



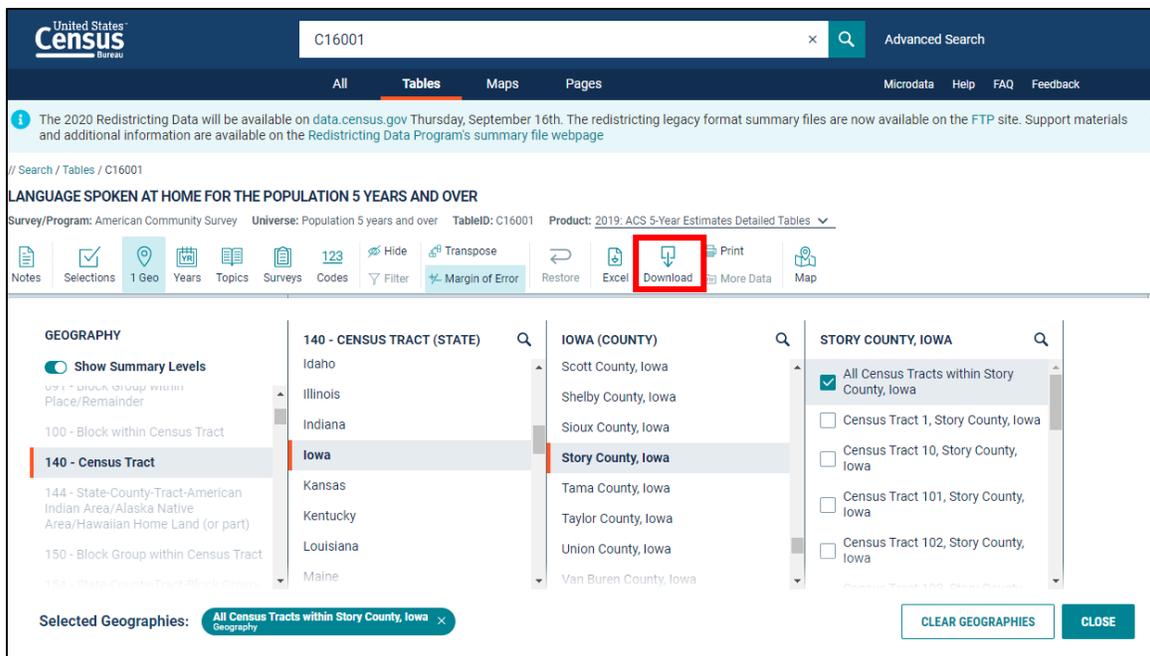
- Select the desired summary level (i.e., Census Tract), select State (i.e., Iowa), select County (i.e., Story County, Iowa), and select desired tract (i.e., All Census Tracts within Story County, Iowa).



- Once a tract(s) has been selected, it will appear next to Selected Geographies. After selecting all desired geographies, select Close. The table will refresh with the selected geographies.



- To work with the data in Excel, select Download.



- Select the desired table vintages, select CSV as the file type, and then select Download.

The screenshot shows the Census Bureau's data portal interface. At the top, the search bar contains 'C16001'. Below the navigation tabs, a message states: 'The 2020 Redistricting Data will be available on data.census.gov Thursday, September 16th. The redistricting legacy format summary files are now available on the FTP site. Support materials and additional information are available on the Redistricting Data Program's summary file webpage'.

The main content area displays the table title 'LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER' and the table ID 'C16001'. A toolbar includes options like 'Notes', 'Selections', '1 Geo', 'Years', 'Topics', 'Surveys', 'Codes', '123', 'Hide', 'Transpose', 'Margin of Error', 'Restore', 'Excel', 'Download', 'Print', 'More Data', and 'Map'. The 'Download' button is highlighted.

Below the toolbar is a table with columns for 'Census Tract 1, Story County, Iowa' and 'Census Tract 2, Story County, Iowa'. The table has columns for 'Label', 'Estimate', and 'Margin of Error'. The data rows include 'Total', 'Speak only English', 'Spanish', 'Speak English "very well"', 'Speak English less than "very well"', and 'French, Haitian, or Cajun'.

The 'Download' section is expanded, showing 'Select Table Vintages' with a table where the '2019' column is checked. Below this, the 'File Type' section shows 'CSV' selected over 'PDF'. The 'What You're Getting' section lists: '1 .csv files (metadata)', '1 .csv files (data)', and '1 .txt files (table title)'. A 'Compressed Size Estimate: 3.6 kB' is shown. A 'DOWNLOAD' button is located at the bottom right.

