

Public Consultation Process for Regional and Local Officials Involved with Transportation Efforts in New Hampshire

New Hampshire Department of Transportation



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Background

The Fixing America's Surface Transportation (FAST) Act, signed into law on December 4, 2015, encourages and promotes the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight, foster economic growth and development within and between States and urbanized areas, and take into consideration resiliency needs while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes and to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators. The statewide transportation plan shall be developed in cooperation with affected nonmetropolitan officials with responsibility for transportation or, if applicable, through regional transportation planning organizations as required by 23 CFR 450.214(g).

Federal regulations found under 23 CFR 450.210(b) state that "...The State shall provide for non-metropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The State shall have a documented process (es) for consulting with non-metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range statewide transportation plan and the STIP. Although the FHWA and the FTA shall not review or approve this consultation process (es), copies of the process document(s) shall be provided to the FHWA and the FTA for informational purposes.....". Though the local officials' consultation procedures have been established through federal regulations; NHDOT has been having ongoing local consultation since the early 1990s.

As part of this effort, NHDOT is defining consultation as "NHDOT conferring with other parties in accordance with established processes and procedures, and prior to taking actions, considering the other parties' views and periodically informing the parties of actions taken." Where formalized processes and procedures are not in place, NHDOT will attempt to document the practices followed, and comment on the practices for consideration as future formal processes and procedures.

The purpose of this document is to identify the many processes that allow for non-metropolitan local official participation in numerous efforts led by NHDOT, not only in the development of the federally recognized Long-Range Transportation Plan (LRTP) and the STIP, but also the State of NH Ten Year Transportation Improvement Plan process, local project selection and ongoing public involvement efforts. Public involvement, at all levels of state, regional and local levels are critical to the success of transportation projects in New Hampshire and NHDOT is committed to ensuring that the partnerships established by this involvement and communication continue to improve and expand in the future.

Regional Planning Commissions in NH

New Hampshire is divided into nine Regional Planning Commission areas. Five of them – Central, Lakes Region, North Country, Southwest, and Upper Valley/Lake Sunapee – are rural in nature but may contain small urban areas (5,000 – 50,000 population). They are known as RPCs. The four remaining planning commissions – Nashua, Rockingham, Southern, and Strafford – cover areas with

a central city, or group of cities that have a population greater than 50,000. These areas are designated by the governor as Metropolitan Planning Organizations, or MPO's, to meet federal requirements. The RPCs and MPOs are responsible for identifying transportation concerns and projects through a regional public involvement process. The regional listing of these projects is called a Transportation Improvement Program (TIP). The MPOs are required to develop a 20-year, project specific long-range transportation plan and a four-year TIP; both plans are required to be financially constrained. The development of these two items must be done cooperatively with the NHDOT and the providers of public transit services. In addition, there must be ample opportunity for public involvement during the development of these documents. Each of the MPOs has established a public involvement process.

The non-MPO RPCs, although not required by federal regulations, prepare long-range transportation plans that outline recommended approaches for addressing regional transportation needs which may or may not be project specific. In addition, they prepare TIPs that cover a ten year period and updates are completed every two years. These RPCs also have an active public involvement process.

Other key participants in the transportation planning process include the general public, legislators, federal, state and local officials, transit agencies, other agencies, public ports, certain private providers of transportation, and special interest groups. You are encouraged to become familiar with your RPC or MPO public involvement process and to take an active role in the plan and program development for New Hampshire.

In all of the processes noted below, regardless of the MPO/non-MPO status of the nine regional planning commissions, public involvement, coordination and consultation is addressed in the same manner by NHDOT, unless there is a federal regulation that requires separate treatment. That is, whenever statewide transportation planning processes occur, all of the regional planning commissions and communities represented are equally able to be fully involved in the transportation planning process.

Long-Range Transportation Plan

The Long-Range Transportation Plan (LRTP) is an essential tool for identifying future transportation needs. By looking at the present transportation system, the transportation needs into the future are identified through a series of long-range transportation goals and objectives.

NHDOT's LRTP was most recently updated in July of 2010, and included review through and by the nine regional planning commissions through public meetings and staff reviews to achieve consistency between regional and state transportation plans. In addition, public comment periods were announced through the NHDOT website and the New Hampshire Union Leader, and information hearings and discussions occurred through the Legislature. This cooperative effort is advantageous when planning major construction improvements and developing management strategies.

The LRTP requires continuous evaluation and revision. NHDOT developed a formalized process for communications, review and comment. NHDOT is committed to include as part of this process presentation to regional planning commission technical advisory committees and policy committees. NHDOT shall invite the regional planning commissions to share this document with

their communities for further review and input. NHDOT may also include additional public opportunity for input through public meetings. Notification of these meetings will be published in a newspaper of general circulation in the State of New Hampshire, NHDOT website and by other interested parties. Notifications will be made through statewide newspapers, the NHDOT website, and other sites such as the regional planning commissions (which we will request) that allow for electronic access to LRTP documents for review and comment. The DOT also uses an e-mail service that notifies registered users of meetings, comment periods, and documents to allow for public comment. Facebook and Twitter are used to provide links to information on the NHDOT website, and news releases are distributed to statewide and local media outlets. The RPCs assist NHDOT in our public outreach process by posting information and links on their websites and using Constant Contact to send e-mails to individuals and organizations. The NHDOT is committed to using technology as much as possible to maximize the opportunities for comments.

Through these opportunities for comment, the proposed LRTP is compiled to reflect public input. Federal regulation 23 CFR 450.210 (a)(1)(i) declare that, "...the State shall provide 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 and bicycle facilities, representatives of the disabled, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed plan." The NHDOT identifies at risk groups, special interest groups, and other working groups by coordinating with the Office of Federal Compliance. NHDOT uses regionally specific and statewide press releases, Twitter feeds, and Facebook postings, in their outreach program to the public, along with e-mail service that directs e-mails to the RPCs, municipalities, the Legislators, and organizations and individuals that may have an interest in participating in the long range transportation planning process.

The final LRTP reflecting the comments of all of the above mentioned communications methods is adopted by the NHDOT as a guide for the future development of the transportation system.

In the public consultation process used by the Department for the development, revision and update of the LRTP, all regional planning commissions and public officials are consulted with equally, regardless of their status as a metropolitan or non- metropolitan regional planning commission or community. Not only will the NHDOT use the public outreach methods mentioned above for the LRTP public consultation process, but will schedule public meetings to gather input for the plan. NHDOT will work with the RPCs and MPOs in the development of their UPWP to include their support of this outreach effort.

Ten Year Plan Process

The process of involving local planning officials is specified under the New Hampshire RSA 228:99. The decision by New Hampshire Legislature to fully involve the local communities served by all of the regional planning commissions in the State Transportation Improvement Program's/Plans development has proved successful in all of the past development rounds. One measure of this success is that the NH Legislature typically does not touch any of the projects recommended through the public hearing process, which is described in more detail below. Key to the initiation of the process is the input of local officials through their regional planning commission.

Once the programs have been evaluated and a draft statewide program is produced, local officials have the opportunity for input at a series of statewide hearings held by the Governor's Advisory Commission on Intermodal Transportation (GACIT). In the most recent update of the 2017-2026 Ten Year Plan, 16 public hearings were held throughout the state in the fall of 2015.

Each Regional Planning Commission (RPC) works with their member communities in developing recommendations for changes (including a list of regional priorities) they would like to see added or continued to be part of the States Ten Year Plan. As part of the process, the RPC recommendations are transmitted to NHDOT for consideration. NHDOT reviews the recommendations submitted as well as other input from other NHDOT sources and creates the draft TYP for consideration by GACIT. In the update of the 2015-2024 Ten Year Plan, the RPCs and the Department significantly improved the process they are both involved in. Improvements allowed for RPCs to submit recommendations for inclusion in the TYP using the Decision Lens tool and using the same rating criteria to be prioritized. The NHDOT solicited input from the RPCs on potential project additions/modifications. The outcome is that the RPCs have an understanding of the process and the ability to explain how the TYP was developed and how recommendations were made to their communities. There was discussion and consensus achieved between all of the parties that criteria should be simplified further and that all RPCs should also utilize the same criteria weights that were developed by staff of each RPC in coordination with NHDOT.

In the public consultation process used by the Department for the development, revision and update of the State's Ten Year Plan, all regional planning commissions and public officials are consulted equally, regardless of their status as a metropolitan or non-metropolitan regional planning commission or community.

Statewide Transportation Improvement Program (STIP)

Federal regulations, as codified in title 23 part 135 and 49 part 5305 of the United States Code (USC), stipulate that each state will develop a continuing, cooperative, and comprehensive statewide multimodal transportation planning process, including the development of a statewide transportation improvement program (STIP).

In New Hampshire the STIP is updated every two years and is developed through a coordinated statewide and metropolitan planning process. The metropolitan planning process, as defined in 23 USC part 134 and 49 USC part 5303, is carried out by the four MPOs. Each of the MPOs has adopted a metropolitan transportation plan (MTP) and a Transportation Improvement Program (TIP). The TIPs were developed and approved in accordance with 23 part 450.322 of the Code of Federal Regulations (CFR) and include a financially constrained program of transportation projects within their regions. The MPO TIPs are consistent with the regulations outlined in 23 CFR §450.324, including requirements related to financial constraint, and have been incorporated, without change, most recently into the approved 2015-2018 NH STIP. This process will continue as outlined in the future.

The NH Department of Transportation (NHDOT), through cooperation and coordination with all of the regional planning commissions maintains the STIP. The approved STIP is frequently revised to reflect changes in project status. Changes in project schedules, funding needs, and project scopes require revising the approved STIP. These changes may be initiated from the NHDOT or at the

MPO and depending upon their significance and complexity, require coordination from several agencies and may also require Federal approval. STIP Revisions procedures were adopted by NHDOT in consultation with the MPO's, rural RPCs, EPA and NHDES and then approved by FHWA and FTA on November 18, 2015. These are available for public inspection through the NHDOT website, as noted at the end of this document.

Through monthly interagency coordination, whether in person or via teleconference, the NHDOT participates with representatives from the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Environmental Protection Agency (EPA), the NH Department of Environmental Services (NHDES), the MPOs and the RPCs to discuss issues, effects of, and requirements regarding revisions of the STIP. In preparation for the meetings, representatives are e-mailed meeting agendas, STIP revision reports (showing proposed changes), project estimates supporting the changes, brief explanation of the changes, and instructions on how to attend the meeting via teleconference. STIP revision issues include MPO public comments and participation periods, statewide comment periods, financial constraint and air quality conformity determinations. NHDOT is committed to improving the STIP revision process through education by hosting STIP Update Workshops NHDOT is also committed to participate in and share STIP revision information to regional planning commission technical advisory committees and policy committees as part of their approval process. As resources allow, NHDOT attends TAC and Policy Committee meetings of all the RPCs and MPOs in order to discuss STIP revisions and transportation concerns.

For non-MPO areas, the NHDOT utilizes the TIPs prepared by the RPC during the development of the Ten Year Plan although project by project inclusion is not required. During the development of the regional TIPs and the STIP, the opportunity for public involvement is open through contact with the regional planning commission and the NHDOT.

In the public consultation process used by the Department for the development, revision and update of the STIP, all regional planning commissions and public officials are consulted with equally, regardless of their status as a metropolitan or non-metropolitan regional planning commission or community and regardless of the requirements that govern metropolitan planning organizations that do not govern rural regional planning commissions.

Other opportunities for consultation

A number of additional initiatives have been advanced through the years to facilitate project development and expedite interagency coordination. Through this approach of Context Sensitive Solutions, local Officials and Communities have an opportunity to participate in open forums as a project advances through the design. Context Sensitive Solutions (CSS) utilizes a public involvement approach to planning and designing transportation projects based on active and early partnerships with communities and project stakeholders. CSS involves a commitment to a process that encourages transportation officials to collaborate with stakeholders from the community and environmental resource groups so the design of the project reflects the goals of the people who live, work and travel in the area. Such collaboration results in creative and safe transportation solutions.

All regional planning commissions also participate in the Congestion Mitigation and Air Quality (CMAQ) project selection process. All have the opportunity to be directly involved in other program application and funding rounds including Transportation Alternatives Program (TAP)

projects and the Highway Safety Improvement Program (HSIP) projects, as well as corridor studies and other related local assistance activities through biennial contracts the regional planning commissions have with NHDOT. All of these opportunities provide direct involvement, participation and consultation opportunities to regional and local officials.

NHDOT also has created or been invited to be part other communication and outreach opportunities with the regional planning commissions. These include more formal Unified Planning Work Program (UPWP) development efforts to provide greater understanding, transparency and consistency among all of the regional planning commissions, a Transportation Planning Collaborative (TPC), which consists of planning staff from NHDOT and all of the regional planning commissions who meet on a regular basis, and NHDOT is regularly invited to participate regional planning commission Executive Director meetings, which are held monthly.

In addition, during the development of projects managed by the Department, there are requirements and numerous opportunities for local consultation through development of engineering concepts, during the assessment of environmental studies and impacts, through the identification of preferred design alternatives, public hearings, through final design and construction.

Numerous NHDOT engineers, planners, project managers and community relations representatives, as well as consultants and community leaders have been trained in CSS techniques: flexible design process, respectful communication, consensus-building and community participation, negotiation and conflict resolution.

The Department has published Public Involvement Procedures in 2012, these procedures outline many of the items addressed here, but in greater detail; the procedures are available on the NHDOT website. The Department is committed to updating these procedures at least once every five years, using all of the communication methods identified here in this documentation for other efforts such as the STIP and LRTP. The NHDOT website provides two pages, "Doing Business with DOT" and "Project Center", that gives information on how to get involved in the transportation planning process and provides information on transportation plans and studies along with project information.

In the public consultation process used by the Department for the development, revision and update of many locally focused transportation programs, all regional planning commissions and public officials are consulted with equally, regardless of their status as a metropolitan or non-metropolitan regional planning commission.

Conclusion

It is clear that the State shall provide for non-metropolitan local official participation in the development of the Long-Range Transportation Plan, the Ten Year Plan, the STIP, and individual project development. All opportunities for participation and involvement offer the accommodations of resources to allow for accessibility by all wanting to be involved. The State shall have a documented process (es) for consulting with non- metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation. From the information presented here, the Department is confident through this documentation that it is complying with the regulations that are in place.

The Department will continue to strive and document its efforts to provide for regional and local official participation in all of its transportation programs, regardless of metropolitan status.

The NHDOT continues to be committed to reviewing and updating these consultation procedures as deemed necessary, using all of the communication methods identified here in this documentation for other efforts such as the STIP and LRTP.

Additional Reference Information:

Long Range Transportation Plan Information:

<http://www.nh.gov/dot/org/projectdevelopment/planning/lrtbp.htm>

Ten Year Plan Legislation:

<http://www.gencourt.state.nh.us/rsa/html/xx/228/228-mrg.htm>

<http://www.gencourt.state.nh.us/rsa/html/xx/240/240-mrg.htm>

Ten Plan Document:

<http://www.nh.gov/dot/org/projectdevelopment/planning/typ/index.htm>

STIP:

<http://www.nh.gov/dot/org/projectdevelopment/planning/stip/index.htm>

STIP Revision Procedures:

<http://www.nh.gov/dot/org/projectdevelopment/planning/stip/documents/NHSTIPAmendmentProcess.pdf>

Locally Administered Projects:

<http://www.nh.gov/dot/business/municipalities.htm>

NHDOT CSS Process:

<http://www.nh.gov/dot/org/projectdevelopment/highwaydesign/contextsensitivesolutions/index.htm>

NH Regional Planning Commissions:

<http://www.nh.gov/oep/resource-library/regional.htm>

NH Transit Providers:

http://www.nhtmc.com/Rail_and_Transit/transit_services.html