

Public Participation Plan for Transportation Planning for the West Memphis-Marion Area Transportation Study

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Mr. Troy Keeping
Mr. John Rech
Mr. Murphy Smith

Glossary of Acronyms and Abbreviations

The following acronyms and abbreviations may appear in this document and are commonly used by the MPO when communicating transportation plans and initiatives to the public.

AASHTO	American Association of State Highway and Transportation Officials
ADA	Americans with Disabilities Act
ADEQ	Arkansas Department of Environmental Quality
ARDOT	Arkansas Department of Transportation
CAA	Clean Air Act (1970) as amended (42 USC 7401 et seq.)
CAC	Citizens Advisory Committee
CDL	Commercial driver license
CE	Categorical exclusion
CMAQ	Congestion Mitigation and Air Quality Improvement Program
CMS	Congestion Management System
CN	Construction
EA	Environmental assessment
EIS	Environmental impact statement
EPA	Environmental Protection Agency
ER	Emergency Relief Program
FAST Act	Fixing America's Surface Transportation Act
FEIS	Final environmental impact statement
FHWA	Federal Highway Administration
FMCSA	Federal Motor Carrier Safety Administration
FTA	Federal Transit Administration
FY	Fiscal Year
GIS	Geographical Information System
HSIP	Highway Safety Improvement Program
IRI	International Roughness Index
ISTEA	Intermodal Surface Transportation Efficiency Act
ITS	Intelligent Transportation System
MTP	Metropolitan Transportation Plan
MPO	Metropolitan Planning Organization
MAP-21	Moving Ahead for Progress in the 21st Century
MCSAP	Motor Carrier Safety Assistance Program
MOA	Memorandum of Agreement
MOE	Maintenance of effort
MPO	Metropolitan planning organization
MSA	Metropolitan Statistical Area
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NFN	National freight network

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NHPP	National Highway Performance Program
NHS	National Highway System
NHTSA	National Highway Traffic Safety Administration
PE	Preliminary Engineering
PPP	Public Participation Plan
RW	Right of Way
SAFETEA-LU ...	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SHRP	Strategic Highway Research Program
SHSP	Strategic Highway Safety Plan
SIP	State Implementation Plan
SPR	State Planning and Research Program
SRTS	Safe Routes to School
STIP	Statewide Transportation Improvement Program
STP	Surface Transportation Program
TAP	Transportation Alternatives Program
TCC	Technical Coordinating Committee
TCM	Transportation Control Measure
TE	Transportation Enhancements
TEA-21	Transportation Equity Act for the 21 st Century
TIGER	Transportation Investment Generating Economic Recovery
TIP	Transportation Improvement Program
TSAP	Transportation Safety Action Plan
UPWP	Unified Planning Work Program
US DOT	United States Department of Transportation
VMT	Vehicle miles traveled
WMATS	West Memphis-Marion Area Transportation Study

Public Participation Plan

INTRODUCTION

Federal legislation requires Metropolitan Planning Organizations (MPOs) to develop and use a documented participation plan that defines a process for interested parties to be involved in the metropolitan transportation planning process. The Public Participation Plan (PPP) has evolved since it was initially adopted by West Memphis MPO to meet the requirements of each new federal highway bill. For instance, the July 2012 passage of the federal transportation legislation, Moving Ahead for Progress in the 21st Century Act (MAP-21), continued and expanded the requirement for public participation in the transportation planning process for MPOs which began under previous legislation. MAP-21 required MPOs to develop and utilize a proactive public participation process that is developed “*in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes [of the MPO transportation planning process].*” FAST Act retains those requirements and this PPP outlines the process to ensure on-going public involvement opportunities in the development and review of MPO transportation planning documents, plans, programs, projects, and for the completion, adoption, and implementation of these documents.

Additionally, current legislation states that “*...It is in the national interest...to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, 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 general requirements of this are met in the development of the MTP and TIP as the MPOs work... “*in cooperation with the State and public transportation operators...[to] develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.*”

This participation plan is designed to meet these requirements as well as the current federal regulations on metropolitan transportation planning (23 CFR Part 450, Subpart C), as retained and amended by MAP-21 and, now, FAST Act. FAST Act continues to place increased emphasis on “environmental justice” (i.e., making special efforts to involve minority and low-income populations and addressing their transportation needs) and compliance with Title VI of the Civil Rights Act of 1964, prohibiting discriminatory practices in programs receiving Federal funds.

A deliberate and concerted effort, as provided in this plan, is necessary to ensure adequate public involvement opportunities exist throughout the West Memphis Marion Area Transportation Study (WMATS). The citizen participation goals and techniques that the MPO intends to use in addressing and complying with FAST Act are outlined in this plan.

PREVIOUS WORK AND ACCOMPLISHMENTS

An advisory committee was formed in 1974, as part of the West Memphis-Marion Area Transportation Study. The advisory committee was formed in an attempt to involve the public in making decisions about how to allocate federal transportation funds in the metropolitan area. In a continuing effort to meet this objective, this advisory committee was reconstructed in April 1984, and again in April 1993. Efforts continue to mobilize this committee in order to provide maximum public involvement in MPO activities, to ensure an understanding of the transportation planning process by the citizens within the study area through education and information, and to gather and incorporate public input from a cross sectional representation of the county, various cities and towns, minority groups, and other groups within the study area.

According to the MPO bylaws, the chairperson of the West Memphis Transportation Policy Committee appoints the chairperson of the Citizens Advisory Committee for one year. The Citizens Advisory Committee meets at least once quarterly and on a call basis to review various aspects of the planning process, most particularly the TIP and MTP. A quorum constitutes those present and a majority of those present will be needed to pass any resolution. The duties and responsibilities of the Citizens Advisory Committee are as follows:

- Review community values and goals of the Urban Transportation System and make appropriate recommendations to the West Memphis Transportation Policy Committee;
- Review trends in the transportation industry and advise the other committees of the possible effects upon the approved transportation system and recommend solutions;
- Identify functional problems within the existing transportation system and recommend solutions; and,
- To provide further understanding and information, the chairperson of the Citizens Advisory Committee is invited and encouraged to attend the MPO Policy and Technical Committee meetings.

TITLE VI AND ENVIRONMENTAL JUSTICE

Over the past several years a renewed emphasis was given to Title VI of the Civil Rights Act of 1964 and environmental justice. Title VI declares:

“No person in the United States shall, on the basis of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

- *Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000)*

President Clinton’s 1994 Executive Order 12898 to address environmental justice concerns provided additional reinforcement to Title VI and requires:

“Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

- *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994*

Agencies that use federal funds, such as HATS, also must make a meaningful effort to involve low-income and minority populations in the process of making decisions regarding the use of those federal funds.

In support of Executive Order 12898, the United States Department of Transportation (DOT) issued an Order on Environmental Justice (DOT Order 5610.2) in 1997. The Federal Highway Administration (FHWA) followed with an Order on Environmental Justice (FHWA Order 6640.23) in 1998 to establish policies and procedures for compliance with Executive Order 12898.

The FHWA Order established three fundamental environmental justice principles:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

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Executive Order 12898 and the DOT and FHWA Orders on Environmental Justice address persons belonging to any of the following groups:

Black - a person having origins in any of the black racial groups of Africa.

Hispanic - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Asian - a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.

American Indian and Alaskan Native - a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

OMB, in its Bulletin No. 00-02, "Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement," issued March 9, 2000, provided guidance on the way Federal agencies collect and use aggregate data on race.

Added to the previous standard delineations of race/ethnicity was the category of:

Native Hawaiian or Other Pacific Islander - a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Low-Income - a person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines.

Adverse effects – the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness, or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community; the denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities.

Disproportionately high and adverse effect on minority and low-income populations- (1) is predominantly borne by a minority and/or a low-income population, or (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

The MPO will define non-discriminating plans and programs through inclusive and continuing

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public involvement. The manner of involving the public will change from one plan or program to the next since there is no 'one-size-fits-all' standard. The MPO will remain flexible and adaptable in this respect. Meeting the literal requirements of the law is the minimum acceptable level of effort, but experience has proven genuine public input demands more than the minimum accepted by regulations. This public involvement plan provides for a variety of methods to be used by the MPO as particular or unique local circumstances warrant. The MPO public involvement efforts will produce: non-discriminating transportation plans and programs responsive to public input; and, an engaged and informed citizenry of all socioeconomic, racial and ethnic backgrounds in matters of regional transportation planning; and, a sustained dialogue between the people and the transportation policymakers of the WMATS region.

Not only can public involvement improve the quality of decisions, but also effectively resolve conflict among competing interests, build trust, and educate and inform both the general public and policy-makers alike.

Overview of Public Notice and Accessibility ...

All MPO meetings are open to the public and advertised in the local newspaper and on the MPO web site at least 72 hours in advance of the meeting. An initial comment period is advertised at the beginning of the planning process to ensure that the public has the opportunity to comment and make recommendations on the proposed plan(s) and program(s) to be developed or revised. Following that time and after the draft development of the plan(s) or program(s) public review and comment periods are held prior to the adoption of WMATS transportation plans and programs. In the case of the Long Range Transportation Plan and Conformity Determination Reports, formal public meetings are held prior to the adoption by the MPO Policy Committee. Those formal public meetings are advertised at least 2 weeks in advance. Legal notices indicate where copies for review can be obtained and where to send comments. When comments are received, a summary, analysis, and report on the disposition of all comments is discussed at the MPO Citizens Advisory Committee and Technical Coordinating Committee meetings and made part of the final document. When the final document differs significantly from the one that was made available for public comment or raises new issues, an additional opportunity for public comment is provided. All meetings are held in places accessible to disabled individuals.

PLANS AND PROGRAMS

These public involvement guidelines are mainly concerned with the long-range (twenty-year minimum) ***Metropolitan Transportation Plan*** (MTP), and the short-range ***Transportation Improvement Program*** (TIP) and the corresponding conformity determinations and, this document, the ***Public Participation Plan*** (PPP). However, it is the policy of the West Memphis MPO to advertise the development of other policy documents and plans such as the ***Unified Planning Work Program*** (UPWP) to the public and to discuss the initial development and drafts of such documents at Citizens Advisory Committee meetings whenever possible.

The ***Metropolitan Transportation Plan*** (MTP) provides for the future transportation in the MPO study area by identifying needs and establishing priorities. This minimum twenty-year plan

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includes a transportation plan that supports the social, economic, environmental, and energy goals of the region, a narrative describing the planning process, a financially constrained project list, various maps supporting project selection, and maps indicating project location.

Due to air quality issues in Crittenden County and the entire Memphis Metropolitan Area, the West Memphis-Marion Area Transportation Study (WMATS) as part of Crittenden County the MTP must demonstrate that it meets the transportation conformity requirements of the Clean Air Act (CAA) as set forth in the transportation conformity rule and be comprehensively reassessed and updated by the MPO in at least four year intervals. Specifically, the MPO, in making the conformity determination, must demonstrate that the MTP does not create new violations of the NAAQS, increase the frequency or severity of NAAQS violations nor delay the timely attainment of the NAAQS.

Clean Air Act requirements related to transportation plans, programs and projects may be found at *42 USC Sections 7401-7671.*)

Once approved, the MTP is adopted as the master street plan for all jurisdictions within the West Memphis-Marion Study Area by each governing body.

The ***Transportation Improvement Program*** (TIP) is an ongoing four (4) year work plan and investment strategy for surface transportation projects that represents the short-range implementation of the Long Range Transportation Plan and as such must also demonstrate transportation conformity.

The TIP includes a yearly schedule of projects for the four-year period beginning with the current fiscal year, the projected cost of the projects and a financial summary indicating funding source.

The ***Public Participation Plan*** (PPP) describes the efforts to involve the public in the planning process as well as the methodologies utilized.

The ***Unified Planning Work Program*** (UPWP) is a document that identifies all anticipated major urban transportation planning work tasks and activities carried out by participating agencies within the MPO study area during the MPO fiscal year.

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PURPOSE AND OBJECTIVES

The goal of the WMATS PPP is:

- To involve all appropriate parties of the community in the transportation planning process, further ensuring that the public has equal opportunity to provide input and express their opinions on the current transportation issues affecting their environment.

PPP involvement objectives are:

- Provide reasonable opportunities for interested parties, including minorities, elderly, low-income people, and Limited English Proficiency (LEP) populations to obtain knowledge of the WMATS Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP), and Unified Planning Work Program (UPWP), by providing information encouraging their involvement /comment, and increasing their awareness of the transportation program.
- Ensure that all decisions made in the WMATS transportation planning process and programs are made and documented clearly and in consultation with all interested parties involved, through the identification of effective methods of obtaining public feedback.
- Ensure a proactive planning process by providing full and open access to the WMATS transportation program through utilization of multiple information sharing resources to keep Crittenden County residents informed about the process.
- Make available to all interested parties who participate in the WMATS planning process, an opportunity to comment on the public participation plan prior to its approval.

METHODOLOGY

All meetings of the WMATS including the MPO Policy Committee and related committees will be open to the public. Meetings will be held as necessary to ensure public involvement in the planning process.

Metropolitan Transportation Plan

Specifically, to allow for early public involvement in the planning process, the following steps will be taken:

1. A notice referring to the efforts to update the ***Metropolitan Transportation Plan*** (MTP) and conformity determination will be published in the local newspaper and on the MPO web site and provided to other interested parties;
2. A description of the MTP, the jurisdictions involved, the eligible types of projects (including transit, bikeways, etc.) and a brief summary of the ten (10) consolidated planning factors of

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FAST Act will be included and available to the public in an easy-to-understand format;

3. The public will have the opportunity to comment, in writing within fifteen (15) days, on the proposed document(s) development process. All comments shall be directed to the MPO; and,
4. The Citizens Advisory Committee will have the opportunity to review the public comments and to provide additional comments to the Policy Committee.

Following the initial comment period, the MPO will draft the proposed MTP. Then, to allow public involvement as an ongoing activity through the MTP adoption process, the following steps will be taken:

1. A notice will be published in the local newspapers and the MPO web site and provided to other interested agencies indicating that the MTP is being considered for adoption. A copy of the MTP draft will be placed in the following locations (**these locations will be referred to as the normal public review locations elsewhere in this document**) and will be made available for public review and comment:

Office of the MPO Study Director
796 West Broadway
West Memphis, AR 72301

West Memphis City Hall
205 South Redding
West Memphis, AR 72301

Marion City Hall
14 Military Road
Marion, AR 72364

Sunset City Hall
300 Highway 77 Bypass

MPO Web Site
wmats.org

Marion, AR 72364

Office of the Crittenden County
Judge
Court House
Marion, AR 72364

Public Library
Oliver and Avalon
West Memphis, AR 72301

Woolfolk Public Library
100 N. Currie Street
Marion, AR 72364

2. A description of the MTP, the jurisdictions involved, the eligible types of projects, a brief summary of the eight (8) planning factors the total amount of money being considered for expenditure in the twenty-year period will be provided in an easy-to-read format;
3. The public will have the opportunity to comment, in writing within 30 days, on the MTP and conformity determination. All comments shall be directed to the MPO and documented;
4. The Citizens Advisory Committee will also have the opportunity to review the public comments on the MTP and conformity determination and will then have the opportunity to provide additional comments to the Policy Committee.

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5. Formal public hearings (at least 2) will be advertised at least two weeks in advance and held in both the Marion and West Memphis area.
6. When the final document differs significantly from the one that was made available for public comment or raises new issues, an additional opportunity for public comment is provided before adoption.
7. The MTP and Conformity Report will be adopted by the MPO Policy Committee.

This procedure will be held at least every four years for the comprehensive reassessment and update of the MTP and conformity determination.

TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

The development and approval of the TIP usually occurs sometime in late August or September and allows for the distribution of federal and state funds to our study area for scheduled projects when the federal fiscal year that begins on October 1. Because the TIP is the short range planning document that generally follows the priorities of the MTP, a shortened public involvement process is preferred.

1. A notice will be published in the local newspaper and the MPO web site and provided to other interested agencies indicating that the TIP is being considered for adoption.
2. A copy of the TIP will be placed in **the normal public review locations** and will be made available for public review and comment.
3. The public will have the opportunity to comment in writing within 15 days on the TIP and conformity determination. All comments shall be directed to the MPO and documented.
4. The Citizens Advisory Committee will also have the opportunity to review the public comments on the TIP and conformity determination and will then have the opportunity to provide additional comments to the Policy Committee.
5. When the final document differs significantly from the one that was made available for public comment or raises new issues, an additional opportunity for public comment is provided before adoption.
6. The final document will be adopted by the MPO Policy Committee.

Most amendments that occur to the TIP will follow the above procedure. However, TIP amendments that are project specific generally would not call for public input but when such an amendment becomes necessary, notice, whenever possible will be publicized with a 15-day comment period. Again, after the comment period, the Citizens Advisory Committee will have the opportunity to review the public comments and provide additional comments and recommendations to the MPO Policy Committee before final approval.

THE PUBLIC PARTICIPATION PLAN (PPP)

When revisions to this document become necessary the following steps will be taken:

1. A notice will be published in the local newspaper and the MPO web site and provided to other interested agencies indicating that it is being considered for revision and adoption and a copy of the PPP will be placed in **the normal public review locations** and will be made available for public review and comment
2. The public will have the opportunity to comment in writing within 45 days. All comments shall be directed to the MPO and documented;
3. The Citizens Advisory Committee will also have the opportunity to review the public comments and will then have the opportunity to provide additional comments to the Policy Committee.
4. When the final document differs significantly from the one that was made available for public comment or raises new issues, an additional opportunity for public comment is provided before adoption.
5. The final document will be adopted by the MPO Policy Committee.

OTHER PROGRAMS AND DOCUMENTS

The UPWP and other documents of interest will be made available for public comment in a similar fashion as the TIP and will follow the same approval process as the TIP for amendments, updates and/or revisions.

ADDITIONAL GUIDELINES AND COMMENTS

- Because the TIP is a short range-planning document that specifies scheduled projects and the funds committed to those projects, under federal guidelines, the MPO Policy Committee must approve any change in the project schedule. Accordingly, because the MTP is the approved major road plan for the participating agencies in the study area, any change that would impact the integrity of the transportation plan would require the approval of the MPO Policy Committee. In each case, the ARDOT and FHWA are notified of all such changes.
- All meetings of the MPO shall be open to the public.
- The MPO staff will be available during normal working hours to discuss technical and policy information with citizens and other interested parties.
- Through prior arrangement the MPO staff will be available to meet with interested groups or persons outside of normal business hours.
- The MPO will maintain a library of past and current transportation planning

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studies and materials that will be available for review during normal business hours.

- Copies of material will be available for the cost of publication, reproduction and postage and handling.
- The MPO staff maintains a database of contacts, which serves as the foundation of e-mail and mailing lists. Efforts will be made to continue to build upon the current lists to reach as many people as possible, including under-served populations.
- The MPO will annually make available to the public a listing of federally funded projects from which funding was obligated in the previous year. This listing will be posted on the MPO's web site and will be available at the MPO's office.
- Federal transportation legislation defines ten specific planning factors to be considered when developing transportation plans and programs in MPO areas. The planning factors are found in Title 23 of the United States Code, Section 134(h). The ten planning factors and related federal initiatives are:

1. Economic Vitality – Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.

- Associated Federal Initiatives:

- o Transportation Performance Management
- o Economic Development
- o Financial Planning and Forecasting
- o Multimodal and intermodal freight planning and performance
- o Public Private Partnerships
- o Strategic Highway Research Program (SHRP)
- o Every Day Counts (EDC)

2. System Safety – Increase the safety of the transportation system for motorized and nonmotorized users.

- Associated Federal Initiatives:

- o Transportation Safety Planning and Performance

3. System Security – Increase the security of the transportation system for motorized and nonmotorized users.

- Associated Federal Initiatives:

- o Disaster Preparedness and Continuity of Operations (COOP) Planning
- o Climate Trends and Extreme Weather

4. Accessibility & Mobility – Increase the accessibility and mobility of people and freight.

- Associated Federal Initiatives:

- o Access Management and Corridor Management
- o ADA Accessibility
- o Congestion Management, Travel Time Reliability, and System Performance
- o Active Transportation and Transportation Alternatives
- o Multimodal and intermodal freight planning and performance

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5. Enhance Environment – Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.

- Associated Federal Initiatives:
 - o Livability
 - o Sustainability
 - o Title VI and Environmental Justice
 - o Planning and Environmental Linkages (PEL)
 - o Air Quality and Public Health
 - o Integrating Transportation and Land Use

6. Integration and Connectivity – Enhance the integration and connectivity of the transportation system, across and between modes throughout the metropolitan region, for people and freight.

- Associated Federal Initiatives:
 - o Active Transportation and Transportation Alternatives
 - o Multimodal and Intermodal Freight Planning and Performance

7. System Management and Operations – Promote efficient system management and operation.

- Associated Federal Initiatives:
 - o Planning For Operations
 - o Congestion Management, Travel Time Reliability, and System Performance
 - o Transportation System Management and Operations (TSMO)

8. System Preservation – Emphasize the preservation of the existing transportation system.

- Associated Federal Initiatives:
 - o Asset Management
 - o Pavement and Bridge Performance

9. System Resiliency – Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation.

- Associated Federal Initiatives:
 - o Sustainability
 - o Transportation Safety Planning and Performance
 - o Climate Trends and Extreme Weather

10. Travel & Tourism – Enhance travel and tourism.

- Associated Federal Initiatives:
 - o Transportation Performance Management
 - o Economic Development
 - o Livability