

**THE NORTHWEST ARKANSAS
METROPOLITAN PLANNING ORGANIZATION
Northwest Arkansas Regional
Transportation Study (NARTS)**

**PUBLIC PARTICIPATION PLAN
Providing Public Participation Opportunities for Involvement
in the Metropolitan Planning Process**

**Approved by the NARTS Policy Committee on
June 27, 2007**

NWARPC NOTICE OF NONDISCRIMINATION

The Northwest Arkansas Regional Planning Commission (NWARPC) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the NWARPC does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in the admission, access to and treatment in NWARPC's programs and activities, as well as the NWARPC's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the NWARPC's nondiscrimination policies may be directed to Celia Scott-Silkwood, AICP, Regional Planner – EEO/DBE (ADA/504/TitleVI Coordinator), 1311 Clayton, Springdale, AR 72762, (479) 751-7125, (Voice/TTY 7-1-1 or 1-800-285-1131) or the following email address: cscott-silkwood@nwarpc.org.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

Procedures Revised in November 2010 to include the
Corrective Action Plan,
and Notification of the Press of TAC Work Group meetings.
Procedures Revised in March 2011 to include the
Complaint Procedures for the General Public and specifically for Title VI Complaints.

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THE NORTHWEST ARKANSAS REGIONAL TRANSPORTATION STUDY (NARTS)

PUBLIC PARTICIPATION PLAN

A. INTRODUCTION

The Northwest Arkansas Regional Transportation Study (NARTS) Public Participation Plan has been developed to ensure that the transportation planning process conducted by the NARTS complies with Federal requirements for public involvement and participation. This document outlines procedures that are designed to promote and encourage public participation and involvement in the transportation planning process. These procedures will provide opportunities for citizens, employers, and transportation providers to contribute ideas and opinions early and at every stage of the planning process. Efforts will be made to assure participation by traditionally underserved individuals, including elderly, low income and minority individuals, persons with disabilities, and persons with limited English proficiency.

The NARTS will, to the extent reasonable and practical, ensure that the Public Participation Plan will address the requirements for MPO public involvement as identified in 23 CFR 450.316 Interested parties, participation, and consultation. (A copy of these requirements is found in the Appendix of this document.)

B. FEDERAL PLANNING REQUIREMENTS FOR AN MPO

As delineated in the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU), Federal law and regulations require each MPO to conduct a planning process that must consider projects, planning, strategies, and implementation methods that will:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency,
2. Increase the safety of the transportation system for motorized and nonmotorized users,
3. Increase the security of the transportation system for motorized and nonmotorized users,
4. Increase the accessibility and mobility of people and freight,
5. 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,
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight,
7. Promote efficient system management and operation, and
8. Emphasize the preservation of the existing transportation system.

C. FREEDOM OF INFORMATION ACT

In order to ensure adequate public notice and provision of timely information, all meetings of the NARTS Policy Committee, Technical Advisory Committee and all subcommittees and focus groups are subject to the provisions of the Arkansas Annotated Statutes, 25-19-101.

D. REASONABLE PUBLIC ACCESS TO TECHNICAL AND POLICY INFORMATION

The NARTS staff is available during normal business hours to discuss technical and policy information with citizens and other interested parties. NARTS staff is also available to meet with outside groups after normal business hours. Arrangements for staff to attend meetings after normal business hours must be made at least one (1) week in advance of the meeting. Copies of relevant documents and other materials are available to the public.

E. ENVIRONMENTAL JUSTICE

The principles of environmental justice, as outlined by the Federal Highway Administration, will be used to ensure that the process of transportation planning is consistent with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, dated February 11, 1994, and the subsequent U.S. Department of Transportation Order 5680.3, issued April 15, 1997. Three fundamental environmental justice principles, which require the inclusion of traditionally under served population(s) are:

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

These procedures augment and reaffirm the NARTS policy to adhere to and advance the principles of:

- The National Environmental Policy Act of 1969 (NEPA),
- Title VI of the Civil Rights Act of 1964 (Title VI) (*See the Corrective Action Plan on page 11*),
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended,
- The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA),
- Transportation Equity Act for the 21st Century (TEA-21) as amended,
- The Safe, Accountable, Flexible, Efficient Transportation Act: A legacy for Users (SAFETEA-LU), and

- Other statutes, regulations and guidance that address or affect infrastructure planning and decision making; social, economic, or environmental matters; public health; and public involvement.

F. ACTIVITIES TO FURTHER ENHANCE PUBLIC PARTICIPATION IN THE TRANSPORTATION PLANNING PROCESS.

The following activities will be incorporated into the NARTS public participation and outreach programs as well as into the overall planning process:

- A CONTACT LIST will be developed and periodically updated by NARTS. This list will be used to communicate to interested parties information concerning MPO meetings, documents and transportation plan review. The list will include:
 - minority organizations,
 - human service organizations and providers,
 - elected officials,
 - environmental organizations,
 - citizens who have attended public forums,
 - and appropriate state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.
- In an effort to engage the traditionally underserved population(s) in Northwest Arkansas, notice of MPO meetings and meetings relating to documents requiring public comment, in particular the Transportation Improvement Program (TIP), the Unified Planning Work Program (UPWP), the Regional Transportation Plan, the Transit Coordination Plan, the Annual List of Obligated Projects, and the Public Participation Plan, will be provided to newspapers of general circulation and TV and radio stations, including but not limited to, Spanish speaking media.
- Upon request and within reason, NARTS will provide appropriate language translators for the non-English speaking, as well as translations for the hearing and visually impaired.
- NARTS will provide on-line maps of the area that will present all appropriate information pertaining to the NWA Regional Transportation Plan elements and proposed amendments, and TIP projects and proposed amendments.
- NARTS will employ maps and GIS products as well as charts and graphs to aid in the visual understanding of transportation related documents. These visualization products will be available on the NWARPC web page and at public forums and meetings. A link, in Spanish, will be provided to view these visualization products.
- All maps, charts and graphs, as well as documents, will be available at the Northwest Arkansas Regional Planning Commission office.
- Annual productions of maps presenting the Annual Listing of Projects.

G. MODIFICATIONS TO THE PUBLIC PARTICIPATION PLAN

1. A TAC sub-committee will be formed to develop the new proposed document.
2. After TAC approval, legal notices and a press release will establish a 45-day comment period. Notice will be provided to newspapers of general circulation and radio stations.
3. The public will be able to pick up a copy, have one mailed or emailed to them, or view it on the NWARPC web page.
4. A copy will be available in the Departments of Human Services of member jurisdictions.
5. The Policy Committee can approve the new Procedures in two ways:
 - a. At the end of the 45-day comment period, they can meet and approve the document or send it back to the TAC.
 - b. They can meet in no less than three (3) weeks after TAC approval of the document and approve it pending no negative comment during the remainder of the 45-day comment period.

H. TRANSIT PROJECTS

The public participation procedures outlined in these procedures serve as the public participation process required for the development of transit projects as per FTA Circular 9030. The NARTS and any and all public transit operators will address the Program of Projects requirements as per Federal Transit Administration Circular 9030. Additionally, any and all public transit operator's capital projects and operational costs are included in the NARTS Transportation Improvement Program which is developed through a cooperative and collaborative process with interested parties and other private and public transportation providers.

I. TECHNICAL ADVISORY COMMITTEE (TAC) AND POLICY COMMITTEE MEETINGS

1. A legal notice will be placed in area newspapers of general circulation at least one (1) week prior to the meeting.
2. A press release will be sent to area newspapers of general circulation at least one (1) week prior to the meeting. Notice will be provided to TV and radio stations.
3. Information about the meeting will be posted on the NWARPC web page at least one (1) week prior to the meeting.
4. A meeting notice will be sent, either via email or USPS, to minority organizations, human service organizations, environmental organizations, and appropriate state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation
5. If subsequent meetings are needed to finish business, the committee can suspend the meeting and meet again with no additional legal notice or press release required. The web page should be updated to reflect the continued meeting, but the one (1) week prior policy will not be required.

6. All TAC and Policy Committee meetings referenced in the following sections will follow these guidelines for public involvement.

J. NARTS WORK PRODUCTS

J.1. NORTHWEST ARKANSAS REGIONAL TRANSPORTATION PLAN

A long range transportation plan must be in place for the NARTS area in order to comply with Federal guidelines and in order to facilitate efficient utilization of transportation resources. In April 2006, the 2030 NWA Regional Transportation Plan was adopted and serves as the region's long range transportation plan. In accordance with Federal guidelines, the Regional Transportation Plan will be updated every five (5) years.

1. The MPO will consult as appropriate, with state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning development of the transportation plan.
2. At least three (3) public forums will be conducted as part of the development of the Regional Transportation Plan. When the Regional Transportation Plan is undergoing a major update, there will be a minimum of a 60-day public comment period from the first legal notice of intent to update the Plan, to final adoption by the Policy Committee.
3. The first two forums will be for the public to view preliminary plans and to make public comment. The two forums will be at different locations in the two counties with the idea to facilitate maximum public involvement. There will be a 30-day public comment period after the first two public forums and prior to TAC consideration of the Plan.
4. A legal notice will be placed in area newspapers of general circulation one (1) week prior to the public forums giving the time, place and purpose of the forums.
5. A press release will be sent to area newspapers of general circulation, no later than one (1) week prior to the public forums, concerning the time, place and purpose of the forum. Notice will be provided to TV and radio stations.
6. A display ad will be placed in the local news section of area newspapers of general circulation, no later than one (1) week prior to the public forums, giving the time, place and purpose of the forum.
7. The information described above will be placed on the NWARPC web page, in the Departments of Human Services for member jurisdictions, and NWARPC office.
8. A meeting notice will be sent, either via email or USPS, to minority organizations, human service organizations, environmental organizations, and appropriate state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.
9. TAC approval of the Plan must come after the 30-day public comment period following the public forums.
10. A third public forum will be conducted after the TAC recommends a proposed Plan to the Policy Committee. This forum will adhere to the same public notification process as the first two forums.

11. The Policy Committee must allow a 30-day comment period after the last public forum before adopting the final Plan. If the Policy Committee desires, it can send the Plan back to the TAC for modification.
12. When significant written and oral comments are received as a result of the public participation process, a summary, analysis, and report on the disposition of comments will be made part of the final Plan.

J.2. AMENDMENTS TO THE NORTHWEST ARKANSAS REGIONAL TRANSPORTATION PLAN

1. A TAC meeting will be held to discuss and formulate the amendment. Public comment will be received.
2. A 30-day comment period will be established for the public to comment on the proposed amendment. Information about the amendment and the comment period will be advertised by a legal notice and press release in newspapers of general circulation and a web page posting. Notice will be provided TV and radio stations.
3. A Policy Committee meeting will be scheduled to adopt the amendment.
4. All interested parties will be encouraged to attend this Policy Committee meeting. The Transportation Study Director will provide a summary of any public comments to the Policy Committee, and public comment will be encouraged at the meeting. The Policy Committee can adopt the amendment or send it back to the TAC for more consideration.

J.3. UNIFIED PLANNING WORK PROGRAM (UPWP)

In the spring of each year, the NARTS staff and AHTD transportation planners will draft a proposed work program for the coming fiscal year. The UPWP must be adopted by the Policy Committee by June 30th of each year.

1. By the end of April of every year, the proposed UPWP will be sent to the TAC.
2. A legal notice will be placed in area newspapers of general circulation, allowing for a two (2) week comment period. The public will be encouraged to request a copy, pick up a copy, or view the document on the NWARPC web page. Notice of meetings will be provided to TV and radio stations.
3. A press release will be sent to area newspapers of general circulation repeating the information in the legal notice.
4. The information described above will be placed on the NWARPC web page, in the Departments of Human Services for member jurisdictions, and NWARPC office.
5. A meeting notice will be sent, either via email or USPS, to minority organizations, human service organizations, environmental organizations, and appropriate state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation
6. After a two (2) week comment period, the TAC and Policy Committee will meet to review and adopt the UPWP, preferably by May 30 or earlier.

J.4. TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

A TIP must be adopted by the Policy Committee at least every four (4) years. The TIP covers a four fiscal year period and must be adopted by September 30 of the appropriate years.

1. MPO staff will work with the MPO member local governments and with AHTD to identify proposed projects for inclusion in the TIP. This typically would begin in spring of the necessary update year. After all proposed projects are identified, staff will, in conjunction with the TAC, prepare a draft TIP for public review.
2. A legal notice will be placed in area newspapers of general circulation, announcing a public forum, one (1) week in advance of the forum. Notice will be provided to TV and radio stations.
3. A meeting notice will be sent, either via email or USPS, to minority organizations, human service organizations, environmental organizations, and appropriate state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.
4. A two (2) week comment period will follow the public forum
5. A legal notice will be placed in area newspapers of general circulation, concerning the two (2) week comment period.
6. Press releases will be sent to area newspapers of general circulation, concerning the two (2) week comment period and the TIP approval process.
7. The information described above (in #2, 3, 4, 5, and 6) will be placed on the NWARPC web page, in the Departments of Human Services for member jurisdictions, and NWARPC office.
8. The TAC will meet to review the projects and formulate the proposed TIP. If needed, more meetings will be scheduled.
9. The Policy Committee will meet by the end of August to review and adopt the final TIP.
10. When significant written and oral comments are received as a result of the public participation process, a summary, analysis, and report on the disposition of comments will be made part of the final TIP.
11. Administrative modifications to the TIP can be made according to the AHTD TIP/STIP revision procedures.

J.5. AMENDMENTS TO THE UPWP AND TIP

BY MEETING:

1. A legal notice will be placed in area newspapers of general circulation, setting forth the proposed amendment, a two (2) week comment period, and the time and date of the TAC and Policy Committee meetings to approve the amendment.
2. A press release will be sent to area newspapers of general circulation, containing the information in the legal notice and further necessary information. Notice will be provided to TV and radio stations.
3. A meeting notice will be sent, either via email or USPS, to minority organizations, human service organizations, environmental organizations, and appropriate state and

local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation

4. The proposed amendment will be posted on the NWARPC web page.
5. After the two (2) week comment period, a TAC and Policy Committee meeting will be held to adopt the amendment.

BY BALLOT:

1. A legal notice will be placed in area newspapers of general circulation, setting forth the proposed amendment, a two (2) week comment period, and the date and time framework of the mail out balloting process.
2. A press release will be sent to area newspapers of general circulation, containing the information in the legal notice. Notice will be provided to TV and radio stations.
3. A meeting notice will be sent, either via email or USPS, to minority organizations, human service organizations, environmental organizations, and appropriate state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.
4. The proposed amendment will be posted on the NWARPC web page.
5. After the two (2) week comment period, a ballot with the proposed amendment and a summary of the comments will be sent to all TAC and Policy Committee members. Ballots can be sent by mail, fax, or email according to the preference of the recipient.
6. The ballot will specify a time framework for returned votes to count. The amendment will pass with an affirmative vote by a majority of the authorized voting membership. Votes will be received by mail, fax, and email.

K. PUBLIC COMMENTS

At all public forums and TAC and Policy Committee meetings the public will be requested to sign an attendance roll. Those desiring to make comment will be asked to provide their comments in writing. Oral comments at TAC and Policy Committee meetings will be received at the discretion of the Committee Chairs. Public forums will allow for a fuller expression of all verbal comments as well as written comments. Written comments will be encouraged and will be requested to be submitted within 30 days after public forums, and within the specified comment period on all other documents and meetings. The NARTS staff will maintain a file of written public comments for three (3) years, and will provide a summary for the appropriate TAC and Policy Committee meetings.

APPENDIX

1. Public Participation Federal Requirements 23 CFR 450.316

Section 450.316 Interested parties, participation, and consultation.

(a) The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, 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.

(1) The participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:

(i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;

(ii) Providing timely notice and reasonable access to information about transportation issues and processes;

(iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;

(iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;

(v) Holding any public meetings at convenient and accessible locations and times;

(vi) Demonstrating explicit consideration and response to public input received during the development

of the metropolitan transportation plan and the TIP;

(vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;

(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 which interested parties could not reasonably have foreseen from the public involvement efforts;

(ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and

(x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

(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), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.

(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.

(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, metropolitan transportation plans and TIPs shall be developed 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:

- (1) Recipients of assistance under title 49 U.S.C. Chapter 53;
- (2) Governmental agencies and nonprofit 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

(3) Recipients of assistance under 23 U.S.C. 204.

(c) 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.

(d) 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.

(e) 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 Section 450.314.

2. Corrective Action Plan, 9-30-10, Final Approval from AHTD on 11-5-10

Organization, Staffing and Training

Deficiency 1: The Nondiscrimination Statement does not identify the EEO officer by name, including address and telephone number where the EEO officer can be located.

Commitment: The Nondiscrimination Statement has been revised to include the EEO officer's name, address and telephone number, and posted on the NWARPC web site, as well as included on all documents. (See attached)

Deficiency 2: The NWARPC Nondiscrimination Statement does not include the voice/TTY telephone number in order to contact the NWARPC office or it's ADA/504/Title VI Coordinator.

Commitment: The Nondiscrimination Statement has been revised to include the TTY phone number. (See attached)

Deficiency 3: The Statement in the NWARPC Employee Handbook does not include a prohibition of discrimination based on disability.

Commitment: The Employee Handbook has been revised to include a prohibition of discrimination based on disability. (See attached)

Deficiency 4: The Nondiscrimination Statement has not been displayed at all public involvement meetings.

Commitment: The Nondiscrimination Statement has been prominently displayed on a poster at all public involvement meetings. (September 7 and 9, 2010, Public Input for the Long Range Transportation Plan.)

Deficiency 5: The Nondiscrimination Statement does not identify the ADA/Section 504 Coordinator, including his/her telephone number and address where he/she can be located.

Commitment: The Nondiscrimination Statement has been revised to include the name, telephone number, and address of the ADA/Section 504 Coordinator.

Deficiency 6: NWARPC has the Regional Planning Commission and a NARTS Technical Advisory Committee. However, none of the Commission or Committee members reflects the racial/ethnic composition of the community affected by NWARPC programs and/or activities.

Commitment: **The chief official of each Entity appoints members of the Regional Planning Commission/Policy Committee and the Technical Advisory Committee.** NWARPC will explore the creation of an advisory committee, with the chief official of each entity, which reasonably reflects the racial/ethnic composition of the community affected by NWARPC programs and/or activities.

Limited English Proficiency (LEP)

Deficiency 1: NWARPC has not conducted a review to determine if LEP persons should receive written and/or oral translation services at no cost.

Commitment: NWARPC will review the AHTD LEP plan to determine if any of the NWARPC documents should be translated to Spanish.

Deficiency 2: NWARPC was unable to provide documentation that minority and/or female media were utilized in all notification processes of public meetings or public review of agency documents. NWARPC failed to translate the notification into Spanish on its web site.

Commitment: NWARPC has complied a list of minority news media that has and will continue to receive press releases about public input meetings. Additionally, a display ad was published in a local Spanish newspaper advertising the September 7 and 9, 2010 public input meetings. The public notification was translated into Spanish and displayed on the NWARPC web site.

ADA/Section 504

Deficiency 1: NWARPC has not conducted a self-evaluation.

Commitment: NWARPC will conduct a self-evaluation.

Deficiency 2: NWARPC has not established auxiliary aids to assist individuals with hearing limitations or speech disabilities.

Commitment: NWARPC has included the TTY number with the regular office phone number on its web site.

Subcontracts

Deficiency 1: NWARPC did not provide documentation that minority and/or female firms were solicited and/or awarded any contracts, services, and/or supplies.

Commitment: NWARPC will develop a system to document

- a) Good faith efforts to solicit business from minority and/or female owned firms,
- b) Name of the firm, race and sex of the owner, for firms that have performed or are performing business with NWARPC.

NWARPC NOTICE OF NONDISCRIMINATION

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This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

AGREEMENT

If at any time in the future, the Federal Highway Administration or the Arkansas State Highway Commission or their successor(s) believe that NWARPC has violated any portion of this agreement, NWARPC shall be promptly notified of the fact in writing. This notification shall include a statement of the facts and circumstances relied upon in forming that belief. In addition, the notification shall provide NWARPC with 15 days to respond in writing to the notification except where the Federal Highway Administration or the Arkansas State Highway Commission alleges that such delay would result in irreparable injury. It is understood that enforcement proceedings for violation of this agreement may be initiated at any time after the 15-day period has elapsed (or sooner if irreparable injury is alleged) with issuance of a show cause notice.

It is recognized that where the Federal Highway Administration and/or the Arkansas State Highway Commission believes that NWARPC has breached this agreement, evidence regarding the entire scope of NWARPC's alleged non-compliance from which this agreement resulted, in addition to evidence regarding the NWARPC's alleged violation of this agreement, may be introduced at the enforcement proceeding.

Violation of this agreement may subject NWARPC to sanctions pursuant to the Arkansas State Highway Commission contract administration procedures.

Jeff Hawkins, Executive Director, NWARPC, 9-30-2010
Signature of Authorized Representative

Signature of AHTD Representative

3. Complaint Procedures for the General Public

NWARPC has established a process for investigating and resolving complaints alleging disability discrimination related to MPO services, programs and its office. Regulations implementing provisions of Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 can be found at 49 CFR Parts 27 and 37, and 28 CFR Part 35.

NWARPC's ADA/504/Title VI Coordinator is responsible for overseeing investigations and responses to complaints of discrimination based on disability.

- Required complaint information includes:
 - Complainant's name, mailing address and daytime phone number.
 - Specific information relating to the incident in question: date, time, location, how the person was discriminated based upon disability, and any other applicable details.

Complaints with incomplete information may result in delayed investigations and responses. NWARPC will not respond to complaints without the complainant's name and mailing address.

- Complaints may be submitted to NWARPC as follows:
 - By telephone to NWARPC, 479-751-7125. The ADA/504/Title VI Coordinator will speak to the complainant and obtain detailed information relating to the complaint. Information obtained from the telephone interview will be recorded in writing and read to the complainant.
 - In writing to the NWARPC ADA/504/Title VI Coordinator, Celia Scott-Silkwood, 1311 Clayton, Springdale, AR 72762. Complaints may also be faxed to 479-521-7150 or emailed to cscott-silkwood@nwarpc.org.
 - In person at NWARPC, 1311 Clayton, Springdale, AR 72762. Normal office hours are from 8:00 am until 5:00 pm, Monday through Friday. It is advisable to call the ADA/504/Title VI Coordinator in advance to schedule an appointment.

Within three business days upon receipt of a complaint, a letter will be mailed to the complainant with the following information:

- Acknowledgment that the complaint has been received and is pending investigation.
- Estimated date by which a response will be sent to the complainant.

The ADA/504/Title VI Coordinator will investigate the complaint and respond in writing within a reasonable time, not to exceed 30 days from the receipt of the complaint. The response will provide information concerning the resolution of the complaint.

A record of all ADA/504/Title VI complaints will be maintained by NWARPC for a minimum of five years. Each record will include the name and address of the complainant, nature of the complaint, problems identified, resolution of the complaint and any resulting modification made to a NWARPC program, service or its office facility.

4. Complaint Procedures for Title VI

NWARPC has established a process for investigating and resolving complaints alleging Title VI discrimination related to MPO services, programs and its office.

NWARPC's ADA/504/Title VI Coordinator is responsible for overseeing investigations and responses to complaints of discrimination based on disability. A Title VI discrimination complaint may be filed within 180 days from the date of the alleged discrimination.

- Required complaint information includes:
 - Complainant's name, mailing address and daytime phone number.
 - Specific information relating to the incident in question: date, time, location, how the person was discriminated upon, and any other applicable details.

Complaints with incomplete information may result in delayed investigations and responses. NWARPC will not respond to complaints without the complainant's name and mailing address.

- Complaints may be submitted to NWARPC as follows:
 - By telephone to NWARPC, 479-751-7125. The ADA/504/Title VI Coordinator will speak to the complainant and obtain detailed information relating to the complaint. Information obtained from the telephone interview will be recorded in writing and read to the complainant.
 - In writing to the NWARPC ADA/504/Title VI Coordinator, 1311 Clayton, Springdale, AR 72762. Complaints may also be faxed to 479-521-7150 or emailed.
 - In person at NWARPC, 1311 Clayton, Springdale, AR 72762. Normal office hours are from 8:00 am until 5:00 pm, Monday through Friday. It is advisable to call the ADA/504/Title VI Coordinator in advance to schedule an appointment.

Within three business days upon receipt of a complaint, a letter will be mailed to the complainant with the following information:

- Acknowledgment that the complaint has been received and is pending investigation.
- Estimated date by which a response will be sent to the complainant.

The ADA/504/Title VI Coordinator will investigate the complaint and respond in writing within a reasonable time, not to exceed 30 days from the receipt of the complaint. The response will provide information concerning the resolution of the complaint.

A record of all complaints will be maintained by NWARPC for a minimum of five years. Each record will include the name and address of the complainant, nature of the complaint, problems identified, resolution of the complaint and any resulting modification made to a NWARPC program, service or its office facility.

**NWARPC
Title VI Complaint Form**

Section I

Name: _____

Address: _____

Telephone Numbers:

(Home) _____ (Work) _____

Electronic Mail Address: _____

Accessible Format Requirements?

Large Print _____ Audio tape _____

TDD _____ Other _____

Section II

Are you filing this complaint on your own behalf?

Yes _____ No _____

[If you answered "yes" to this question, go to Section III.]

If not, please supply the name and relationship of the person for whom you are complaining:

Please explain why you have filed for a third party. _____

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.

Yes _____ No _____

Section III

Have you previously filed a Title VI complaint with NWARPC? Yes _____ No _____

If yes, what was your Complaint Number? _____

[Note: This information is needed for administrative purposes; we will assign the same complaint

number to the new complaint.]

Have you filed this complaint with any of the following agencies?

Transit Provider _____ Department of Transportation _____ Federal Transit Administration _____

Department of Justice _____ Equal Employment Opportunity Commission _____

Other _____

Have you filed a lawsuit regarding this complaint? Yes _____ No _____

If yes, please provide a copy of the complaint form.

[Note: This above information is helpful for administrative tracking purposes. However, if litigation is pending regarding the same issues, we defer to the decision of the court.]

Section IV

Name of public transit provider complaint is against:

Contact person: _____ Title: _____

Telephone number: _____

On separate sheets, please describe your complaint. You should include specific details such as names, dates, times, route numbers, witnesses, and any other information that would assist us in our investigation of your allegations. Please also provide any other documentation that is relevant to this complaint.

Section V

May we release a copy of your complaint to the transit provider?

Yes _____ No _____

May we release your identity to the transit provider?

Yes _____ No _____

Please sign here: _____

Date: _____

[Note - We cannot accept your complaint without a signature.]

Please mail your completed form to: Title VI Program Coordinator, NWARPC, 1311 Clayton Street, Springdale, AR 72762