



## NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

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# PUBLIC PARTICIPATION PLAN

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

**For**

**THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION  
(NWARPC)**

**As The**

**METROPOLITAN PLANNING ORGANIZATION (MPO)**

**For The**

**NORTHWEST ARKANSAS REGIONAL TRANSPORTATION STUDY (NARTS)**

**Approved by the Northwest Arkansas Regional Planning Commission/Policy Committee on  
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September 24, 2014

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### FEDERAL PARTICIPATION

This document was funded in part through grant(s) from the Federal Highway Administration, the Federal Transit Administration, and/or the United States Department of Transportation. The views and opinions of the NWARPC expressed herein do not necessarily state or reflect those of the United States Department of Transportation.

### 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/Title VI 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](mailto:cscott-silkwood@nwarpc.org).

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

**TABLE OF CONTENTS**

- I. INTRODUCTION
- II. FEDERAL PLANNING REQUIREMENTS FOR AN MPO
- III. ENVIRONMENTAL JUSTICE AND ADDITIONAL FEDERAL LEGISLATION
- IV. FREEDOM OF INFORMATION ACT
- V. REASONABLE PUBLIC ACCESS TO TECHNICAL AND POLICY COMMITTEE INFORMATION
- VI. POLICIES AND ACTIVITIES TO FURTHER ENHANCE PUBLIC PARTICIPATION IN THE TRANSPORTATION PLANNING PROCESS
  - 1) THE NWARPC PUBLIC PARTICIPATION AND OUTREACH POLICIES
  - 2) PUBLIC PARTICIPATION – AN ONGOING ACTIVITIY OF NWARPC
  - 3) ACTIVITIES INCORPORATED INTO THE PUBLIC PARTICIPATION AND OUTREACH PROGRAMS
- VII. MODIFICATIONS TO THE PUBLIC PARTICIPATION PLAN
- VIII. TRANSIT PROJECTS
- IX. TECHNICAL ADVISORY COMMITTEE AND NWARPC/POLICY COMMITTEE MEETINGS
- X. NARTS WORK PRODUCTS
  - A. NWA METROPOLITAN TRANSPORTATION PLAN (MTP)
  - B. AMENDMENTS TO THE MTP
  - C. UNIFIED PLANNING WORK PROGRAM (UPWP)
  - D. TRANSPORTATION IMPROVEMENT PROGRAM (TIP)
  - E. AMENDMENTS TO THE UPWP AND TIP
- XI. PUBLIC COMMENTS
- APPENDIX I. COMPLAINT PROCEDURES FOR THE GENERAL PUBLIC
- APPENDIX II. COMPLAINT PROCEDURES FOR TITLE VI AND GENERAL AND TITLE VI COMPLAINT FORM

**I. INTRODUCTION**

The Northwest Arkansas Regional Planning Commission (NWARPC) is the federally designated Metropolitan Planning Organization (MPO) for Benton and Washington Counties, Arkansas and a portion of McDonald County, Missouri. The MPO is charged with maintaining and conducting a “continuing, cooperative, and comprehensive” regional transportation planning and project programming process for the Northwest Arkansas Regional Transportation Study (NARTS) area. The study area is defined as the area projected to become urbanized within the next 20 years. See Figure 1 on page 5 for the NWARPC transportation study area.

The **NWARPC Public Participation Plan (PPP)** has been developed to ensure that the transportation planning process conducted by the NWARPC 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 NWARPC will, to the extent reasonable and practical, ensure that the Public Participation Plan will address the requirements for public involvement.

**II. FEDERAL PLANNING REQUIREMENTS FOR AN MPO**

On July 6, 2012, President Obama signed the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) into law (P.L. 112-141). In general, MAP-21 legislation built upon previous transportation legislation to provide states and MPOs specific direction in conducting and promoting broad-based public involvement activities. Previous transportation legislation includes:

- Intermodal Surface Transportation Efficiency Act (ISTEA) enacted December 18, 1991 (Public Law 102-240)
- Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), enacted June 9, 1998 (Public Law 105-178)
- Safe, Accountable, Flexible, Efficient Transportation Equity Act-A legacy for Users (SAFETEA-LU), enacted August 10, 2005 (Public Law 109-59)

As delineated in MAP-21, regulations require each MPO to conduct a planning process that must consider projects, planning, and strategies that will:

- A. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- B. Increase the safety of the transportation system for motorized and nonmotorized users;
- C. Increase the security of the transportation system for motorized and nonmotorized users;
- D. Increase the accessibility and mobility of people and for freight;
- E. 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;

- F. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- G. Promote efficient system management and operation; and
- H. Emphasize the preservation of the existing transportation system.

MAP-21 requires MPOs to *“provide 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 a reasonable opportunity to comment on the transportation plan.”*

In addition, MAP-21 states that a public participation plan –  
*“(i) shall be developed in consultation with all interested parties; and  
(ii) shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan.”*

Furthermore, MAP-21 states that MPOs shall, to the maximum extent practicable –  
*“(i) hold any public meetings at convenient and accessible locations and times;  
(ii) employ visualization techniques to describe plans; and  
(iii) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information”.*

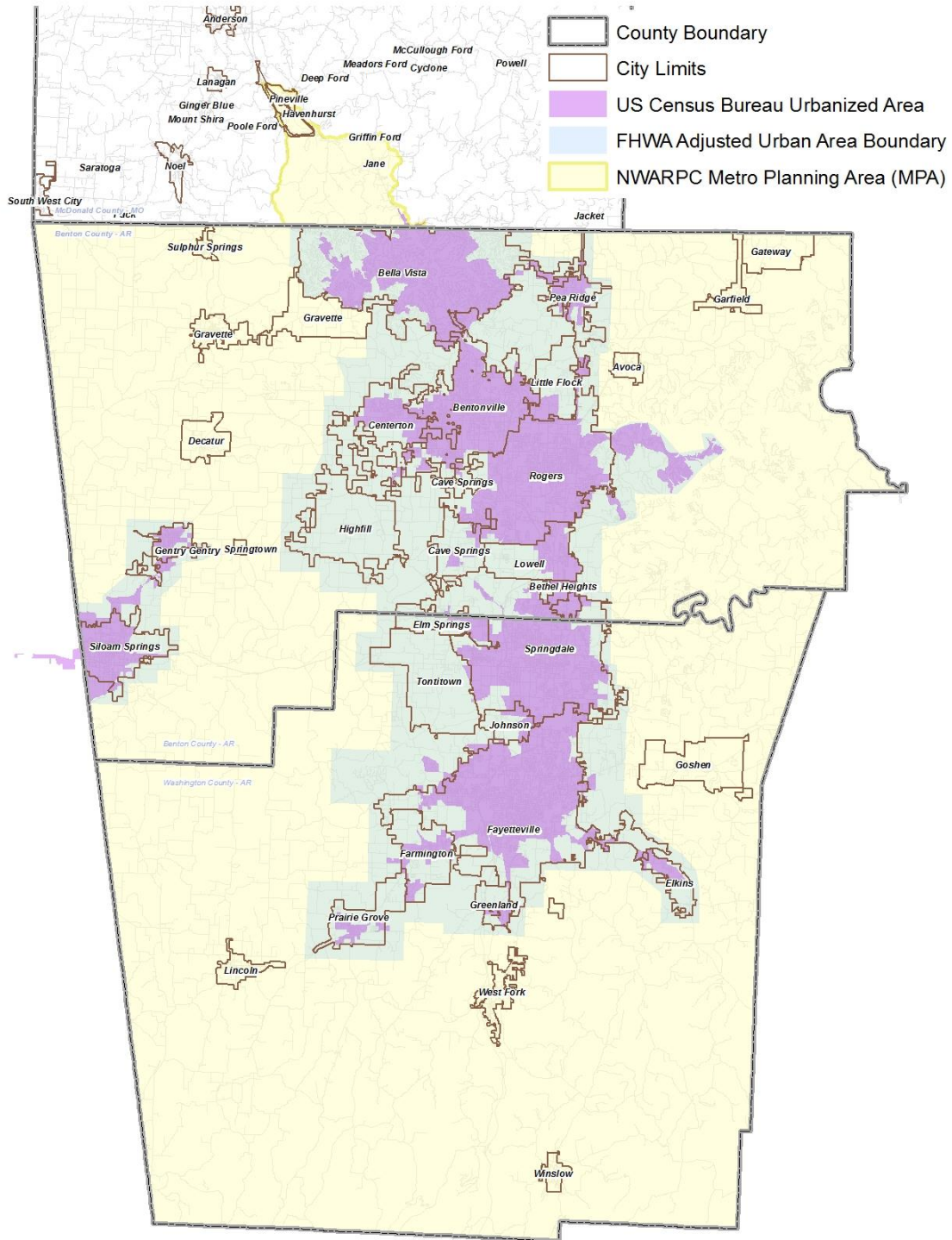


Figure 1 – NWARPC Study Area

### **III. ENVIRONMENTAL JUSTICE AND ADDITIONAL FEDERAL LEGISLATION**

The principles of Environmental Justice, as outlined by the Federal Highway Administration and Federal Transit 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 underserved populations, 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.

The Public Participation Plan procedures augment and reaffirm the NWARPC 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);
- 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 21<sup>st</sup> Century (TEA-21) as amended;
- The Safe, Accountable, Flexible, Efficient Transportation Act: A legacy for Users (SAFETEA-LU);
- Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP 21); 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.

### **IV. FREEDOM OF INFORMATION ACT**

In order to ensure adequate public notice and provision of timely information, all meetings of the NWARPC/Policy Committee, Technical Advisory Committee (TAC) and all committees, subcommittees, and special groups are subject to the provisions of the Arkansas Annotated Code, 25-19-101.

### **V. REASONABLE PUBLIC ACCESS TO TECHNICAL AND POLICY INFORMATION**

The NWARPC staff is available during normal business hours to discuss technical and policy information with citizens and other interested parties. NWARPC 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.

**VI. POLICIES AND ACTIVITIES TO FURTHER ENHANCE PUBLIC PARTICIPATION IN THE TRANSPORTATION PLANNING PROCESS**

**1) THE NWARPC PUBLIC PARTICIPATION AND OUTREACH POLICIES ENDEAVOR TO:**

- Provide ongoing and timely information about transportation issues and processes to NWA citizens, affected public agencies, representatives of transportation agencies, private providers of transportation, other interested parties and segments of the community affected by transportation plans, program and projects;
- Provide reasonable public access to technical and policy information used in the development of the Metropolitan Transportation Plan (MTP), the Transportation Improvement Plan (TIP), and other appropriate transportation plans and projects;
- Conduct open public meetings where matters related to the Federal-aid highway and transit programs and are being considered;
- Give adequate public notice of public participation activities and allow time for public review and comment at key decision points, including, but not limited to, development and approval of plans and TIPs, and other appropriate transportation plans and projects;
- Provide additional opportunity for public comment if the final transportation plan or TIP differs significantly from the one which was made available for public comment by NWARPC and/or raises new material issues which interested parties could not have reasonably foreseen from the public involvement efforts;
- Solicit the opinions of those under-served by existing transportation systems, including but not limited to, the transportation disadvantaged, minorities, elderly, low-income households, and people with disabilities;
- Periodically review adopted public comment processes to determine their effectiveness in assuring that the process provides full and open access to all;
- Coordinate the public participation process with statewide public participation process wherever possible to enhance public consideration of the issues, plans and programs, and reduce redundancies and cost;
- Improve the effectiveness of the Public Participation Plan (PPP):
  - With an annual staff review.
  - A review by the TAC and NWARPC/Policy Committee occurring as part of the regular update cycle for the Metropolitan Transportation Plan (MTP).

**2) PUBLIC PARTICIPATION – AN ONGOING ACTIVITY OF NWARPC:**

It is an integral aspect of one-time activities such as specific corridor studies, and of regularly repeated activities such as NWARPC meetings, the Metropolitan Transportation Plan updates and the TIP process. Participation techniques employed by NWARPC include:

- **MEETING LOCATIONS** – NWARPC, whenever feasible, holds public meetings, hearings or forums at a site convenient to potentially affected citizens and/or on a public transportation route.

- **VISUALIZATION TECHNIQUES** – NWARPC employs visualization techniques to aid in the understanding of transportation related documents. These visualization products are available on the NWARPC web page and at public forums and meetings.
  - Provides on-line maps of the area that presents all appropriate information pertaining to documents such as the Metropolitan Transportation Plan elements and proposed amendments, TIP projects and proposed amendments.
  - Employs maps, GIS products, charts, graphs, photo interpretation, artist renderings, physical models, and/or computer simulation.
- **NWARPC WEBSITE** – This site was established to provide basic information about the MPO/transportation process, NWARPC members, meeting times, and contact information. The site also includes information about specific projects undertaken by NWARPC, such as the Unified Planning Work Program (UPWP), TIP, MTP, PPP, and transit studies. Other activities are also accessible on the website. All publications and work products are available electronically to the public and in hard copy at the NWARPC offices.
- **MASTER DATABASE** – NWARPC maintains a database of federal, state and local agencies, committee members and interested public. The database is used for maintaining up-to-date committee membership and special interest group lists, and is used to establish and maintain a list of email contacts for electronic meeting notification and announcements. NWARPC works with community organizations to help distribute information to identified target audiences when planning studies are conducted by NWARPC.
- **NOTICES OF MEETINGS** – Notices of all NWARPC/Policy Committee and TAC meetings, complete with date, time, location and preliminary agendas are forwarded to members, media and other interested parties, customarily, at least one week prior to the date of the meeting. Public meetings on specific issues may be held independently or at the same time as NWARPC/Policy Committee and/or TAC meetings. Notices of these public meetings are subject to legal notice requirements as stated below.
- **LEGAL NOTICES** – NWARPC publishes a legal notice in the newspaper of greatest general circulation for any public meeting where a decision could be made by the TAC or NWARPC/Policy Committee. Additionally, legal notices are published for many other meetings, public comment periods, public input meetings, etc. Display ads are also published for certain meetings and activities in the English and local Spanish newspapers.
- **PRESS RELEASES** – Formal press releases are sent to local media (newspaper, TV, and radio) to announce upcoming meetings and activities and to provide information on specific issues being considered by NWARPC/Policy Committee, TAC or other committees.
- **EMAIL ANNOUNCEMENTS** – Meeting announcements and NWARPC information are emailed to interested persons that have submitted their email addresses to NWARPC staff.
- **COMMENT FORMS** – Comment forms or cards are often used to solicit public comment on specific issues being presented at a public input meeting. Comment forms can be very general in nature, or can ask for very specific feedback. NWARPC collects and tracks all comments received.
- **SURVEYS** – Electronic and paper surveys are used when a specific input from the public is desired, or to gather technical data, such as daily travel patterns. NWARPC collects, compiles, and analyzes all survey information received and incorporates that information into the development of plans and projects.



- **TRANSLATIONS** – Upon request and within reason, NWARPC will provide appropriate language translators for the non-English speaking, as well as translations for the hearing and visually impaired.
  - **ANNUAL LISTING OF PROJECTS** – Annual production of maps presenting the Annual Listing of Projects (ALOP).
- 3) THE FOLLOWING ACTIVITIES WILL BE INCORPORATED INTO THE NWARPC PUBLIC PARTICIPATION AND OUTREACH PROGRAMS AS WELL AS INTO THE OVERALL PLANNING PROCESS:**
- The NWARPC will undertake efforts to educate, inform and involve the public in area-wide transportation issues and processes. These efforts may include, but are not limited to, the following:
    - Booths at fairs and community events
    - Briefings
    - Direct mailings
    - Focus/special groups
    - Flyers and brochures
    - Glossaries of acronyms and terms in all published reports, plans and TIPs
    - Legal Notices
    - Media releases
    - Newsletters/Annual Reports
    - Newspaper inserts
    - Provide materials in large-print, audio tape or Braille
    - Provide sign language interpreter for hearing impaired
    - Provide Spanish translations
    - Printed materials distributed to city halls, libraries, community centers, city buses
    - Public meetings and hearings
    - Public Service Announcements (PSAs)
    - Public appearances and speeches
    - Social media, such as Facebook and Twitter
    - Surveys
    - Telephone and website information on all printed materials
    - Website with calendar of events and documents
    - Workshops/Open-houses
  - The NWARPC will, to the extent reasonable and practical, maintain an up-to-date database of contacts to be used to communicate to interested parties information concerning NWARPC meetings, documents and transportation plan review. The database may contain the following:
    - Elected officials
    - Local government staff
    - Transportation agencies (transit, airports, rail)
    - Local media (Print, radio, TV)
    - Civic groups
    - Special interest groups and other interested parties
    - Libraries (for public display)

- Federal, state and local agencies responsible for land use management, natural resources, environmental protection, conservation and historic preservation, and others
  - Parties that would have an interest in the planning and development of the transportation network including affected public agencies in the metropolitan planning area
  - Private freight shippers
  - Providers of freight transportation services
  - Private providers of transportation
  - Representatives of users of public transportation
  - Representatives of users of pedestrian walkways
  - Representatives of users of bicycle transportation facilities
  - Representatives of the disabled
  - Minority groups
  - Area school districts
- A Public Comment option will be added to the web site, where feasible, along with an email address, set up specifically for comments that are received and monitored and posted to the website’s Public Comment page with NWARPC responses.

**VII. MODIFICATIONS TO THE PUBLIC PARTICIPATION PLAN (PPP)**

1. A TAC PPP subcommittee will be formed to develop the updated or 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 obtain a copy or view it on the NWARPC web site.
4. The NWARPC/Policy Committee can approve the updated or new PPP 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.

**VIII. TRANSIT PROJECTS**

The public participation procedures outlined here serve as the public participation process required for the development of transit projects as per FTA Circular 9030. Specifically, the public participation procedures outlined here will serve to satisfy the Program of Projects (POP) requirements of the Section 5307, Urbanized Area Formula Grant Program for the University of Arkansas/Razorback Transit and Ozark Regional Transit.

The NARTS and any and all public transit operators will address the POP requirements as per FTA Circular 9030. Additionally, any and all public transit operator’s capital projects and operational costs are included in the NARTS TIP which is developed through a cooperative and collaborative process with interested parties and other private and public transportation providers.

## **IX. TECHNICAL ADVISORY COMMITTEE (TAC) AND NWARPC/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 site at least one (1) week prior to the meeting.
4. A meeting notice will be sent, either via email or standard mail, 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 NWARPC 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 NWARPC/Policy Committee meetings referenced in the following sections will follow these guidelines for public involvement.

## **X. NARTS WORK PRODUCTS**

### **A. NORTHWEST ARKANSAS METROPOLITAN TRANSPORTATION PLAN (MTP)**

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 2011, the *2035 NWA Regional Transportation Plan* was adopted and serves as the region's long range transportation plan. In accordance with federal guidelines, the Metropolitan Transportation Plan (previously titled Regional Transportation Plan) will be updated every five (5) years.

1. The NWARPC will consult as appropriate, with federal, state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning development of the MTP.
2. A Community Outreach Plan (COP) will be developed at the on-set of Plan development, and continued throughout the update process.
3. At least three (3) public forums will be conducted as part of the development of the MTP. When the MTP is undergoing a five-year update, there will be a minimum of a 60-day public comment period from the first legal notice of intent to update the MTP, to final adoption by the Policy Committee.
4. 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 MTP.
5. 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.

6. 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.
7. 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.
8. The information described above will be placed on the NWARPC website and in the NWARPC office.
9. A meeting notice will be sent, either via email or standard mail, to minority organizations, environmental organizations, appropriate federal, state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation, and others as mentioned above in VI. #3).
10. TAC approval of the MTP must come after the 30-day public comment period following the public forums.
11. A third public forum will be conducted after the TAC recommends a proposed MTP to the NWARPC/Policy Committee. This forum will adhere to the same public notification process as the first two forums.
12. The NWARPC/Policy Committee must allow a 30-day comment period after the last public forum before adopting the final MTP. If the NWARPC/Policy Committee desires, it can send the MTP back to the TAC for modification.
13. 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 MTP.

**B. AMENDMENTS TO THE NORTHWEST ARKANSAS METROPOLITAN TRANSPORTATION PLAN (MTP)**

1. A TAC meeting will be held to discuss and formulate the amendment. Public comment will be received at the meeting.
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 website posting. Notice will be provided to TV and radio stations.
3. A NWARPC/Policy Committee meeting will be scheduled to adopt the amendment.
4. All interested parties will be encouraged to attend this NWARPC/Policy Committee meeting. The Transportation Study Director will provide a summary of any public comments to the NWARPC/Policy Committee, and public comment will be encouraged at the meeting. The NWARPC/Policy Committee can adopt the amendment or send it back to the TAC for more consideration.

**C. UNIFIED PLANNING WORK PROGRAM (UPWP)**

In the spring of each year, the NARTS staff and Arkansas Highway and Transportation Department (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 30<sup>th</sup> 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 or view the document on the NWARPC website. 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 website and in the NWARPC office.
5. A meeting notice will be sent, either via email or standard mail, to minority organizations, environmental organizations, appropriate federal, state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation, and others as mentioned above in VI. #3).
6. After a two (2) week comment period, the TAC and NWARPC/Policy Committee will meet to review and adopt the UPWP.

**D. TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

A TIP must be adopted by the NWARPC/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. NWARPC staff will work with the NWARPC member local governments and with AHTD to identify proposed projects for inclusion in the TIP. 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 standard mail, to minority organizations, environmental organizations, and appropriate federal, state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation, and others as mentioned above in VI. #3).
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 website and in the 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 NWARPC/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.

➤ **AHTD Revision Procedures:**

In accordance with the provisions of 23 CFR 450, TIPs developed by MPOs are incorporated into the STIP and as such, these procedures are also applicable to TIP revisions. Revisions to the STIP/TIP can be classified into two categories - Administrative Modifications and Formal Amendments.

- **Administrative Modifications** are revisions that do not require federal approval. If needed for clarification, these revisions to the STIP/TIP may be noted in the comment field on the Federal-aid Project Agreement form. The following identifies revisions to the STIP/TIP that are considered Administrative Modifications.
  1. Change in schedule within the STIP period (CFR 450.216 (c)).
  2. Modification to the project description / length / termini that does not significantly change the project scope, conflict with the environmental document, or impact transportation conformity in non-attainment areas, subject to coordination with the MPO.
  3. A project split or a combination of individually listed projects that do not result in a significant change to the overall scope.
  4. Funding increases or decreases that are less than 20 percent of the STIP project estimate for FTA funded projects.
  5. Change in source of funds including advanced construction.
  6. Change in the project's lead agency.
  7. Obvious data entry errors.
  
- **Formal Amendments** are revisions that require FHWA/FTA approval and must go through a public involvement process in accordance with AHTD's public involvement procedures or the appropriate urbanized area Public Participation Plan. The following identifies revisions to Federally-funded projects in the STIP/TIP that require Formal Amendments.
  1. Funding a new or illustrative project or phase of a project.
  2. Deleting a project or a phase of a project.
  3. Funding increases or decreases that are more than 20 percent of the STIP project estimate for FTA funded projects.
  4. Modifications to the project description/length/termini that significantly changes the project scope, conflicts with the environmental document, or impacts transportation conformity in non-attainment areas.



**E. 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 NWARPC/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 standard mail, to minority organizations, environmental organizations, and appropriate federal, state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation, and others as mentioned above in VI. #3).
4. The proposed amendment will be posted on the NWARPC website.
5. After the two (2) week comment period, a TAC and NWARPC/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 notice will be sent, either via email or standard mail, to minority organizations, environmental organizations, and appropriate federal, state and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation, and others as mentioned above in VI. #3).
4. The proposed amendment will be posted on the NWARPC website.
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 NWARPC/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.

**XI. PUBLIC COMMENTS**

- At all public forums and TAC and NWARPC/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 NWARPC/Policy Committee meetings will be received at the discretion of the Committee Chairs.
- 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 NWARPC staff will maintain a file of written public comments for three (3) years, and will provide a summary for the appropriate TAC and NWARPC/Policy Committee meetings. A method for tracking general comments, and specifically comments from minority groups, will be developed and used in the development of plans.
- NWARPC staff will respond to all comments that require an answer, through the most appropriate method – telephone, email, or standard mail. Where a significant number of comments are received (such as in the development of the MTP) NWARPC staff will tally and summarize the pertinent remarks.

**FEDERAL PARTICIPATION**

This document was funded in part through grant(s) from the Federal Highway Administration, the Federal Transit Administration, and/or the United States Department of Transportation. The views and opinions of the NWARPC expressed herein do not necessarily state or reflect those of the United States Department of Transportation.

**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](mailto:cscott-silkwood@nwarpc.org).

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

## **APPENDIX I. 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 (ADA) 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.

- The Americans with Disabilities Act (ADA) signed into law on July 26, 1990:
  - The ADA is one of America's most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life -- to enjoy employment opportunities, to purchase goods and services, and to participate in State and local government programs and services. Modeled after the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin – and Section 504 of the Rehabilitation Act of 1973 -- the ADA is an "equal opportunity" law for people with disabilities.
  - To be protected by the ADA, one must have a disability, which is defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.
  - Title II of ADA – Nondiscrimination on the basis of disability in state and local government services (as amended by the final rule published on September 15, 2010): Title II prohibits disability discrimination by all public entities at the local (i.e. school district, municipal, city, and county) and state level. Public entities must comply with Department of Justice regulations that cover access to all programs and services offered by the entity. Access includes physical access described in the ADA Standards for Accessible Design and programmatic access that might be obstructed by discriminatory policies or procedures of the entity.
  - Title II also applies to:
    - Public transportation provided by public entities through regulations by the U.S. Department of Transportation. It includes the National Railroad Passenger Corporation along with all other commuter authorities. This section requires the provision of paratransit services by public entities that provide fixed route services.
    - All state and local public housing, housing assistance, and housing referrals. The Office of Fair Housing and Equal Opportunity is charged with enforcing this provision.
- Section 504 of the Rehabilitation Act of 1973:
  - Section 504 is a national law that protects qualified individuals from discrimination based on their disability. It forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.

**COMPLAINT PROCEDURES FOR THE GENERAL PUBLIC**

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/504Title 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](mailto: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.

**APPENDIX II. COMPLAINT PROCEDURES FOR TITLE VI AND TITLE VI COMPLAINT FORM**

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

**COMPLAINT PROCEDURES FOR TITLE VI**

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 General and 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**