

## Governing Board (TAC)

---

January 28, 2021 – 1:00 P.M., Virtual Meeting via Zoom

Login: <https://zoom.us/j/98391853553>

Meeting ID: 983 9185 3553

Call-In: (646)-558-8656

### Agenda

1. **WELCOME AND HOUSEKEEPING (10 min)** Larry Harris

---

    - A. Welcome and Introductions, Approval of Agenda
    - B. Ethics Statement for MPO Board Members
  
  2. **PUBLIC COMMENT**

---
  
  3. **CONSENT AGENDA** Larry Harris

---

    - A. November 19, 2020 Minutes
  
  4. **BUSINESS (45-60 min)**

---

    - A. Amendments to the 2020-2029 Transportation Improvement Program (TIP) MPO Staff
    - B. Amendments to the Public Involvement Policy (PIP) MPO Staff
    - C. Presentation on the Black Mountain Parking Study MPO Staff
  
  5. **REGULAR UPDATES (15 min)**

---

    - A. NCDOT Division 13 and 14 Updates Mark Gibbs/Brian Burch or Designee
    - B. Transportation Planning Branch Daniel Sellers
    - C. FHWA/FTA Updates Michael Dawson
    - D. Subcommittee/Workgroup Reports, Staff Updates, and Housekeeping MPO Staff
    - E. Legislative Updates MPO Staff
  
  6. **ANNOUNCEMENTS, NEWS, SPECIAL UPDATES (15 min)**

---
  
  7. **TOPICS FOR NEXT MEETING**

---
  8. **PUBLIC COMMENT**

---
  9. **ADJOURNMENT**

---
-

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

## Staff Report & Recommendations

# Item 3:

## Consent Agenda

Item 3A: November 19, 2020 Board Minutes

DRAFT

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

## Staff Report & Recommendations

# Item 3A:

## November 19, 2020 Minutes

### French Broad River Metropolitan Planning Organization Virtual Meeting via the Zoom Platform

Minutes from the Governing Board meeting on November 19, 2020

#### Remote Attendance via Zoom

Chair Bill Lapsley (Henderson County)  
Julie Mayfield (City of Asheville)  
Kevin Ensley (Haywood County)  
Rep Chuck McGrady (Board of Transportation, At-Large)  
Brian Burch (NCDOT Division 14)  
Brownie Newman (Buncombe County)  
Wanda Austin (NCDOT Division 14)  
Steve Williams (NCDOT Division 14)  
Mike Sule (Asheville on Bikes)  
Linda Giltz (Connect Buncombe)  
Emily Scott-Cruz (FBRMPO)  
Michael Dawson (FHWA NC Division)  
Matthew Cable (Buncombe County)  
George Webb (Citizen's Advisory Committee)  
Adrienne Isenhower (Town of Woodfin)  
Daniel Sellers (NCDOT- TPD)  
Eric Rufa (Town of Fletcher)  
Pat Christie (Village of Flat Rock)  
Hannah Cook (NCDOT Division 13)  
Jessica Morriss (City of Asheville)  
Marshall Williams (NCDOT Division 13)  
John Ridout (FBRMPO)  
Elizabeth Teague (Town of Waynesville)  
Dan Baechtold (City of Asheville)  
Chris Lee (NCDOT Division 14)  
Steve Cannon (NCDOT Division 14)

David Wasserman (NCDOT-STIP Western Region)  
Kim Roney (City of Asheville, Council Member-Elect)  
Stephen Sparks (NCDOT Division 14)  
Alex Carmichael (Town of Montreat)  
David White (WCCA- Urban Transit)  
Mark Gibbs (NCDOT Division 13)  
Erica Anderson (LOSRC)  
Troy Wilson (NCDOT Division 14)  
Larry Harris (Town of Black Mountain)  
Jerry Vehaun (Town of Woodfin)  
Nick Kroncke (FBRMPO)  
Bob Davy (Town of Fletcher)  
Tom Carpenter (Village of Flat Rock)  
Brian Caskey (Town of Mills River)  
Rebecca McCall (Henderson County)  
Anne Coletta (Village of Flat Rock)  
Jennifer Hensley (City of Hendersonville)  
Anthony Sutton (Town of Canton)  
Jeff McKenna (Town of Weaverville)  
Autumn Radcliff (Henderson County)  
Peyton O'Conner (Buncombe County)  
William High (Buncombe County/Mountain Mobility)  
Daniel Cobb (Town of Mills River)  
Jessica Morriss (City of Asheville)  
Gwen Wisler (City of Asheville)  
Tom Widmer (Town of Montreat)

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

## Staff Report & Recommendations

Tyler Morrow  
Ed Evans  
Kenny Armstrong  
Joel Setzer

Clark Mackey  
Ali Glackin

### **In-Person Attendance at the Land of Sky Office**

Tristan Winkler (FBRMPO Director)

Zia Rifkin (Staff to the FBRMPO)

DRAFT

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

## Staff Report & Recommendations

### WELCOME & INTRODUCTIONS AND ROLL CALL

Chair Bill Lapsley called the meeting to order at approximately 1:00pm and welcomed everyone to the meeting. Tristan Winkler called the roll and announced quorum for the Board to conduct business.

The Ethics Statement was read and Board members were requested to inform the Board if there were any conflicts of interest to note for today's meeting. No conflicts were noted

### CONSENT AGENDA

***Larry Harris moved to approve the consent agenda consisting of the A. September 24, 2020 minutes, the Board's 2021 Meeting Schedule and the 5310 Letters of Support. Bob Davy seconded, and the motion carried unanimously upon a roll call vote, and without further discussion.***

### REGULAR UPDATES

- Divisions 13 & 14 provided updates.
- A Transportation Planning Division Update was provided.
- An FHWA/FTA Update was provided
- FBRMPO Committee & Workgroup Updates:
  - Prioritization – Met October 1; next meeting on December 1.
  - Regional Trail Working Group – Met in August; next meeting December.
  - Transit Operators Workgroup – Meeting on November 20; next meeting TBD.
  - Citizens' Advisory Committee – Met on October 16; next meeting in January.
- Regional Transit Study- AECOM was selected as the consultant on this study and has so far developed a Scope of Work, Public Engagement Plan, and Existing Conditions Report. In the next few months, FBRMPO staff will be leading public engagement efforts that follow AECOM's Public Engagement Plan. These efforts include two virtual public meetings, focus groups, and outreach through an Ambassador Program. Please visit the study's webpage (<http://frenchbroadrivermpo.org/regional-transit-feasibility-study/>) for updates.
- Hendersonville Road Corridor Study- the study is approximately 80% complete with additional public input on draft materials planned for early, 2021
- Tunnel Road Corridor Study- the study is approximately 50% complete with virtual public engagement planned for early, 2021
- Legislative Updates – None provided this month.

### ADJOURNMENT OF THE TCC MEETING

Chair O'Conner adjourned the TCC meeting, as there was no further business for their consideration.

### PUBLIC COMMENT

#### Public Hearing on the Removal of Merrimon Avenue Intersection Projects from the TIP

No public comments were received.

#### Public Hearing on Amendments to the 2020-2029 TIP

Tristan Winkler shared that some of the amendments pertain to the programming of STP-DA funding, while other amendments push projects out by several years.

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

## Staff Report & Recommendations

Mike Sule, Executive Director of Asheville on Bikes, commented that the organization is active supporters of the FBRMPO. He noted that the recent state funding shortfall has necessitated difficult funding decisions for the region. He expressed concern that the decisions on funding priorities were not transparent, nor available for public input. He articulated several points that he would like addressed for the citizens of the region. He communicated that it appears that feedback to NCDOT, provided now, might arrive too late. He expressed concerns about the multi-modal process and the pushing-out of projects by many years, which disenfranchise local jurisdictions who have invested in their portions of the greenways and multi-modal facilities.

Tristan Winkler commented that Mike Sule has raised a number of relevant questions and concerns, at many levels. He noted that the association of North Carolina Association of Metropolitan Planning Organizations (NCAMPO) discussed the STIP process recently, as many MPO directors in the State feel that it was not a collaborative process. The hope is that opportunities will arise and more collaboration would become be the norm.

Linda Giltz, President of Connect Buncombe, commented about the importance of greenways construction throughout the county and expressed appreciation that many of the multi-modal projects have not been delayed. On behalf of her organization, she encouraged the continued improvement of Swannanoa River Road, noting that the amended TIP pushes the two projects slated for that roadway out by two years. She also drew attention to the Amboy Road Bridge, which is in poor condition and does not currently accommodate walkers/bikers, noting that the project has been pushed-out several years.

George Webb commented that the TIP has a high level of changes proposed and he wondered how other transportation regions had fared with the diversion of projects in their regions and the associated costs.

### NEW BUSINESS

#### 5310 & JARC Call for Projects

The French Broad River MPO holds Calls for Projects for Federal Transit Administration (FTA) Section 5310 and Jobs Access Reverse Commute (JARC) funds, the two transit and human services transportation funding categories allocated to the Asheville Urbanized Area. While the City of Asheville is the Designated Recipient of these funds and is required to provide contracting, administration, and oversight, the FBRMPO is required to determine how these funds are to be used and distributed across the region.

#### 5310

FTA's Enhanced Mobility of Seniors & People with Disabilities (Section 5310) is a funding source that comes directly to large MPOs, including the FBRMPO. The program aims to improve mobility for seniors and individuals with disabilities by removing barriers to transportation service and expanding transportation mobility options.

The 5310 Grant has two categories for funding:

- Traditional/Capital Projects: at least 55% of the total funding amount has to go to "traditional" projects
- Other/Operations type projects: no more than 45% of the total funding amount can go to those projects

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

## Staff Report & Recommendations

The table below shows the available funding for Section 5310 FY2020 requiring distribution:

FY 2020 FTA Section 5310 Funding Available to the Asheville Urbanized Area <sup>1</sup>	\$ 346,676
Section 5310 Admin at 10%	\$ 34,668
Remaining Section 5310 Funding Available for Projects after Admin	\$ 312,008

\*It is important to note that 10% of the original allocation is set aside for Administrative funds for the City of Asheville, so “Other” projects will only receive up to 35% of total funding as a result since Traditional projects are required to receive a minimum of 55% of the allocation before administrative costs are considered.

FBRMPO Staff seeks Board approval to hold the next Section 5310 Call for Projects in Winter 2020 (from November 20<sup>th</sup> to December 31<sup>st</sup>)

### **JARC**

Jobs Access Reverse Commute (JARC) is a type of public transportation funding that was consolidated into FTA Section 5307 urban transit funding in 2012. JARC is geared towards transportation for low-income individuals to jobs and job training. Transit capital and operating expenses are eligible, with an appropriate local match required (20% for capital/ 50% for operating).

The FBRMPO sets aside 10% of 5307 funds for Regional JARC and holds a Call for Projects to determine distribution of that funding.

Regional JARC – FY 2020 at 10% of FTA 5307 Amount allocated to the Asheville Urbanized Area <sup>1</sup>	\$ 324,069*
Regional JARC – 10% Administration	\$ 32,681*
<b>Regional JARC – FY2020 Funding Available (after subtracting Admin costs)</b>	<b>\$ 290,514</b>

\*This funding includes \$23,019 leftover funds from the Spring 2020 Call for Projects. 10% of that \$23,019 was added to the Administrative costs and the remainder was added to the total FY2020 funding.

### **Timeline for 5310 and JARC:**

2020 FTA Section 5310 Call for Projects Application Timeline	
November 20, 2020	5310 and JARC Call for Projects opens

<sup>1</sup> See FTA table at <https://www.transit.dot.gov/funding/apportionments/table-8-fy-2018-section-5310-enhanced-mobility-seniors-and-people>

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

## Staff Report & Recommendations

December 31, 2020	5310 and JARC applications due to FBRMPO
January	FBRMPO Prioritization Subcommittee meets to review 5310 and JARC applications
January 2021	TCC approves 5310 and JARC project selection
January 2021	MPO Board votes on 5310 and JARC project selection
January 2021	MPO Board approves TIP Amendments for 5310 and JARC Projects

***Anne Coletta moved to approve the timeline for 5310 and JARC call for projects for the winter of 2020. Larry Harris seconded and the motion carried upon a roll call vote, and without further discussion.***

### Removal of Merrimon Avenue Intersection Projects from the TIP

Two intersection projects, U-5782 and U-5781 have been requested to be removed from the MPO's Transportation Improvement Program (TIP) and the State's State Transportation Improvement Program (STIP.) This request has come from NCDOT Division 13 and has been coordinated and recommended by City of Asheville staff.

U-5781: intersection improvements at US 25 (Merrimon Avenue) and Edgewood Road in North Asheville. \$1,697,000 has been programmed towards this project, \$667,000 has already been spent on engineering and design.

U-5782: intersection improvements at US 25 (Merrimon Avenue) and W.T. Weaver Boulevard in North Asheville. \$2,063,000 has been programmed towards this project. \$268,000 has already been spent on engineering and design.

Both projects were funded in P3.0 (the prioritization process that was carried out 2013-2015) as projects that were intended to provide some congestion relief by adding turn lanes at the intersections to go along with complete streets improvements. However, during design for the projects it was determined that the turn lanes would need to stretch the entire length between the two intersections, resulting in a five-lane cross-section for that stretch of US 25 (Merrimon Avenue.)

At the public meeting, community members voiced a number of concerns regarding potential impacts to properties, historic resources, and a lack of multimodal facilities. NCDOT engaged the City in discussions on the projects and have moved in the direction of pursuing a road diet (a four-to-three lane conversion) over intersection improvements.

Due to funding requirements, funding for the intersection projects cannot be reallocated for other purposes or other projects, so the recommendation is to remove the projects from the TIP and pursue funding for other improvements along the corridor.

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

## Staff Report & Recommendations

Discussion occurred about the feasibility of doing a road diet on Merrimon and Tristan Winkler noted that the City recently completed a road diet on Charlotte Street, if anyone was interested in seeing how that is working.

***Information only. Formal vote planned for January 2021.***

### Amendments to the 2020-2029 TIP

The Transportation Improvement Program (TIP) is our region's document that reflects planned transportation investments over a ten-year period and is required to be in conformity with North Carolina's State Transportation Improvement Program (STIP). The TIP describes each project, a schedule for implementation, funding sources, and estimated costs.

This round of amendments includes a large number of project delays due to reduced financial capacity of NCDOT, and the addition of programmed projects through the 2020 Locally Administered Projects Program (LAPP). Given the significance of these project delays, a summary table and maps of major highway project delays are provided for reference. The reprogrammed TIP schedule is available on [www.frenchbroadrivermpo.org](http://www.frenchbroadrivermpo.org). (link tip amendments)

Given the recess requirements for public hearings, these amendments are being provided for informational purposes and will be considered for adoption at the January 2021 Board meeting.

Discussion occurred about what could happen if the FBRMPO doesn't adopt the TIP amendments that affect local projects and Tristan Winkler shared that would be the nuclear option and would put the region out of compliance with the STIP. He noted that he was not aware of any other MPOs in the state that planned to vote against these amendments. In discussions at the statewide level, the hope is that there needs to be a more collaborative process in order to work through MPO concerns and to move forward. He communicated that this is likely not the end of cost delays or increases in the costs for projects. The need for a study to make sure the cuts were equal across regions was advocated for. Tristan Winkler noted that many cuts go back to prior SPOT funding tiers. He also noted that approval of the TIP amendments does not have a hard deadline at this time. This could provide an opportunity for the region to determine priority projects and those that could be pushed back. David Wasserman shared that NCBuild Bonds have been sold and those funds could pay for and advance future projects. Additionally, projects under the Locally Administered Projects Program (LAPP) may be some of those projects that could be turned back on. It is going to take time, but projects are projected to be turned back on. David Wasserman shared that the BuildNC Bonds are limited by the legislature on the level of funding that can be utilized for transportation. The NC First Commission determines the distribution of bond funding. In addition, about \$2 Billion in gas tax funding was lost during the early months of the pandemic. Tristan Winkler communicated that cost increases have played a major part in the cash flow issues NCDOT is experiencing. David Wasserman shared that the plan is to balance the STIP at the end of the summer, but there would still be high dollar projects that could be pushed out to future years of the STIP. It is a wait and see environment. Daniel sellers shared that eventually, movement would come on the next federal project. It was noted that the purpose of the MPO is to have planning come from the bottom up rather than from NCDOT down. Too much is at stake to take the nuclear option. The goal should be to fix the process going forward, so that future cash flow issues are handled in a more transparent manner. Chuck McGrady, NC Board of Transportation At-Large member for the western region, shared that this is an issue that needs to be sorted out, noting that a substantial change to the law, the unforeseen impact to the gas tax, cost increases, etc.

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

## Staff Report & Recommendations

has led to this situation. This absolutely needs to be a bottom-up process. David Wassermann, noted that if there are adjustments that the MPO would like NCDOT to look at, those might be considered.

**Information only. Formal vote in January 2021.**

### MPO Prioritization Subcommittee Appointment

The MPO’s Prioritization Subcommittee is made up of seven members- four TCC members and three Board members. The subcommittee meets once a month on the first Tuesday at 9:00 AM. The subcommittee was initially formed to deal with the prioritization process but has evolved into the general steering committee for all MPO efforts, including updating the MTP, land use projections, and any other regional plan underway.

The current roster is:

MPO TCC Representatives	MPO Board Representatives
Autumn Radcliff (Henderson County)	Jerry Vehaun (Town of Woodfin)
Dan Baechtold (City of Asheville)	Anthony Sutton (Town of Waynesville)
Elizabeth Teague (Town of Waynesville)	<b>Julie Mayfield (City of Asheville)</b>
Peyton O’Conner (Buncombe County)	

The seat currently held by Julie Mayfield will be vacant after December 1, requiring a replacement from the MPO Board.

Mayor Larry Harris expressed his willingness to serve on the subcommittee

**Julie Mayfield moved to appoint Larry Harris to the MPO Prioritization Subcommittee. Gwen Wisler seconded and the motion carried upon a roll call vote and without further discussion.**

### MPO Board Leadership Elections

Per the MPO Board bylaws, the Board is required to elect leadership positions (a chair and vice-chair) every two years. Positions may be held for no more than two terms. The current chair, Bill Lapsley (Henderson County) has served two consecutive terms and the vice chair position has also served two terms and will be vacant after December 1.

For the most part, the responsibilities of the chair and vice-chair are to lead and facilitate the Board meetings. In recent years, the chairs and vice-chairs of the TCC and Board have been requested to attend “leadership” meetings to discuss planned meeting items, general strategy, and more internal items.

For the position of chair, Larry Harris (Black Mountain) has informed staff that he would be willing to serve in that position. For the position of vice-chair, Anthony Sutton (Waynesville) and Gwen Wisler (City of Asheville) have informed staff that they would be willing to serve in that position.

The new leadership positions would officially begin at the next Board meeting in January.

**Julie Mayfield moved to appoint Larry Harris as the Chair and Anthony Sutton as the Vice Chair of the Board. Anne Coletta seconded and the motion carried upon a roll call vote and without further discussion.**

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

## Staff Report & Recommendations

### **ANNOUNCEMENTS, NEWS, AND SPECIAL UPDATES**

#### **PUBLIC COMMENT**

Chair Bill Lapsley called for any public comments. No public comments were heard.

#### **ADJOURNMENT**

*Chair Bill Lapsley adjourned the meeting, as there was no further business.*

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

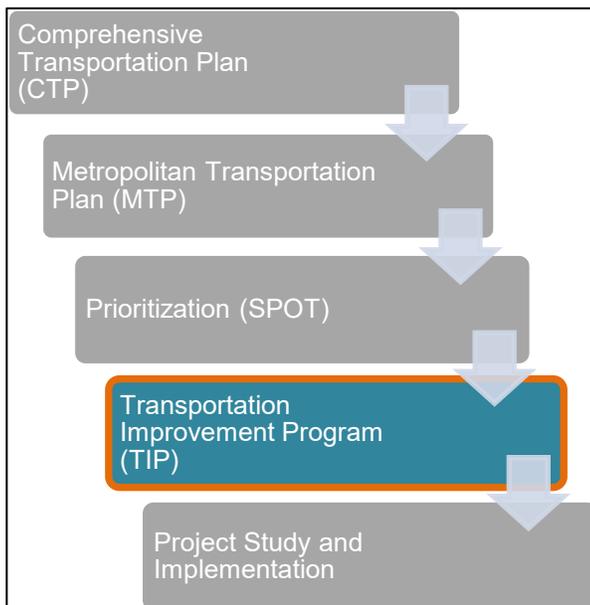
## Staff Report & Recommendations

# Item 4A:

## Amendments to the 2020-2029 TIP

### Brief Overview

The Transportation Improvement Program (TIP) is our region's document that reflects planned transportation investments over a ten-year period and is required to be in conformity with North Carolina's State Transportation Improvement Program (STIP). The TIP describes each project, a schedule for implementation, funding sources, and estimated costs. The 2020 – 2029 TIP was adopted by the MPO Board on October 24, 2019.



### TIP Amendments Overview

This round of amendments was provided for informational purposes at the November 2020 meeting. The amendments have been amended since then to exclude proposed NCDOT project delays. The proposed amendments reflect the programming of Locally Administered Projects Program (LAPP) funding and the deletion of U-5781 and U-5782 from the TIP (US 25/Merrimon Avenue intersection improvement projects). The updated amendments are provided in full below.

### Action Required

## 2020 – 2029 TIP AMENDMENTS

### TIP Amendments and Modifications for Consideration

#### Amendments #3

[Link to FBRMPO TIP Page](#)

The following TIP amendments were **updated on January 6, 2021** after initial consideration by the MPO TCC and Board at their November 17, 2020 meeting. These updated amendments includes the programming of LAPP projects and the removal of two projects from the TIP, both items previously considered by the TCC and Board. At this time, amendments and modifications approved by the NCDOT Board of Transportation "Item N" handouts on August 6, September 3, October 8, and November 5 are not going to be considered for adoption by the FBRMPO TCC and Board at their respective January meetings. The omitted projects includes a large number of project delays and cost increases due to the reduced NCDOT financial capacity.

The original amendments as proposed in November 2020 are posted on the FBRMPO TIP page, linked above, for reference purposes.

## FUNDING SOURCES KEY (HIGHWAY AND NON-HIGHWAY)

FUNDING	FUNDING DESCRIPTION	FUNDING	FUNDING DESCRIPTION
ADTAP	Appalachian Development Transportation Assistance Program	FSPR	State Planning and Research
APD	Appalachian Development	FUZ/5307	Urbanized Area Formula Program (5307)
BA	Bonus Allocation	HFB	Highway Fund Bridge Replacement Program
BG	Surface Transportation Block Grant Program (Uncategorized)	HP	Federal-Aid High Priority
BGANY	Surface Transportation Program (Any Area)	HSIP	Highway Safety Improvement Program
BGBA	Surface Transportation Program (Bonus Allocation)	JARC	Job Assistance and Reverse Commute (5316)
BGDA	Surface Transportation Program (Direct Attributable)	L	Local
BGLT5	Surface Transportation Program (Less than 5K)	NHP	National Highway Performance Program
BGOFF	Surface Transportation Program (Off System Bridge)	NHPB	National Highway Performance Program(Bridge)
BOND R	Revenue Bond	NHPBA	National Highway Performance Program(Bonus Allocation)
CMAQ	Congestion Mitigation	NHPIM	National Highway Performance Program (Interstate Maintenance)
DP	Discretionary or Demonstration	O	Other - Local, Non Federal or State Funds
FBBF	Bus and Bus Facilities Formula (5339)	RR	Rail-Highway Safety
FBUS	Bus and Bus Facilities (5339)	RTAP	Rural Transit Assistance Program
FED	Unidentified Federal Funding	S	State
FEPD/5310	Elderly and Persons with Disability (5310)	S(M)	State Match
FF	Federal Ferry	SMAP	Operating Assistance and State Maintenance
FLTP	Federal Lands Transportation Program	SRTS	Safe Roads to School
FMOD	Fixed Guideway Modifications	STHSR	Stimulus High Speed Rail
FMPL	Metropolitan Planning (5303)	T	State Highway Trust Funds
FNF	New Freedom Program (5317)	TA	Transportation Alternatives Program (Uncategorized)
FNS	New Starts - Capital (5309)	TAANY	Transportation Alternatives Program (Any Area)
FNU	Non Urbanized Area Formula Program (5311)	TADA	Transportation Alternatives Program (Direct Attributable)
FSGR	State of Good Repair (Rail) (5337)	TALT5	Transportation Alternatives Program (Less than 5K)

## WORK TYPE (ACTIVITY)

CODE	ACTIVITY DESCRIPTION	CODE	ACTIVITY DESCRIPTION
A	Acquisition	P	Paving
C	Construction	PL	Planning / Design
CB	Construction (BUILD NC)	PE	Preliminary Engineering
CG	Construction (GARVEE)	R	Right of Way
CP	Capital	RB	Right of Way (BUILD NC)
F	Feasibility Study	RG	Right of Way (GARVEE)
O	Operations	U	Utilities

PROPOSED AMENDMENTS AND MODIFICATIONS TO HIGHWAY PROJECTS IN THE 2020-2029 FBRMPO TIP - Amendment #3 - November 2020

PROJECT / TIP ID (Sorted A-Z)	ROUTE(S)	DIVISION(S)	COUNTY	PROJECT DESCRIPTION	TIP Amendment Detail	TOTAL COST (in thousands)	ACTIVITY	FUNDING	COST ( in thousands)										POST YEARS
									2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	
HL-0003	US 19/23 Business (Haywood Road)	13	Buncombe	Upgrade roadway (including resurfacing and pedestrian improvements) from US 19/23/74 (Patton Avenue) to Ridgelawn Road	Add project to TIP based on FY 2020 LAPP	\$ 7,724	C	BGDA			1,057	1,057							
								BGANY			1,450	1,450							
								S(M)			2,710								
HL-0012	I-240	13	Buncombe	US 70 (Charlotte Street) Intersections. Construct pedestrian improvements and a right turn lane on the I-240 eastbound off-ramp	Add project to TIP based on FY 2020 LAPP	\$ 1,402	PE	HF	100										
								R	HF	64									
								C	BGDA			668							
									S(M)			570							
HL-0013	9th Street	13	Buncombe	Replace bridge 100522 over Tomahawk Branch in Black Mountain	Add project to TIP based on FY 2020 LAPP	\$ 680	C	BGDA			544								
								L			136								
HL-0014	SR 3214 (Biltmore Avenue)	13	Buncombe	White Fawn Drive intersection. Install a traffic signal and construct pedestrian improvements	Add project to TIP based on FY 2020 LAPP	\$ 440	PE	BGDA			32								
								L			8								
								C	BGDA			320							
									L			80							
U-5781	US 25 (Merrimon Avenue)	13	Buncombe	Intersection of US 25 (Merrimon Avenue) and Edgewood Road. Improve intersection.	Delete from STIP at request of MPO	<del>\$ 1,697</del>	R	T											<del>180</del>
								C	T										
U-5782	US 25 (Merrimon Avenue)	13	Buncombe	Intersection of US 25 (Merrimon Avenue) and W.T. Weaver Boulevard. Improve intersection.	Delete from STIP at request of MPO	<del>\$ 2,063</del>	R	T											<del>45</del>
								C	T										

PROPOSED AMENDMENTS and MODIFICATIONS TO BIKE/PED PROJECTS IN THE 2020-2029 FBRMPO TIP - Amendment # 3 - November 2020

PROJECT / TIP ID (Sorted A-Z)	ROUTE(S)	DIVISION(S)	COUNTY	DESCRIPTION	TIP Amendment Detail	TOTAL COST (in thousands)	ACTIVITY	FUNDING	COST (in thousands)										
									2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	POST YEARS
BL-0005	SR 1781 (Broadway)/ NC 251	13	Buncombe	Construct pedestrian improvements from US 19/23 northbound exit ramp to north of SR 1477 (Riverside Drive)	Add project to TIP based on 2020 LAPP	\$388	PE	BGDA			51								
								S(M)			13								
							C	BGDA			259								
								S(M)			65								
BL-0006	Various - City of Asheville	13	Buncombe	Construct pedestrian improvements at various locations within the City of Asheville (primarily within school zones)	Add project to TIP based on 2020 LAPP	\$825	PE	BGDA			60								
								L			15								
							C	BGDA					600						
								L					150						
BL-0007A	Ecusta Rail-Trail	14	Henderson	Construct multi-use path from Kanuga Road to 5th Avenue West	Add project to TIP based on 2020 LAPP	\$1,428	PE	BGDA			150								
								L			37								
							C	BGDA					993						
								L					248						
BL-0007B	Ecusta Rail-Trail	14	Henderson	Construct multi-use path from 5th Avenue West to Landia Drive	Add project to TIP based on 2020 LAPP	\$1,897	PE	BGDA			181								
								L			45								
							C	BGDA					1,337						
								L					334						
BL-0007C	Ecusta Rail-Trail	14	Henderson	Construct multi-use path from Landia Drive to intersection of US 64/Battle Creek Road	Add project to TIP based on 2020 LAPP	\$3,018	PE	BGDA			274								
								L			69								
							C	BGDA					2,140						
								L					535						

PROPOSED AMENDMENTS and MODIFICATIONS TO BIKE/PED PROJECTS IN THE 2020-2029 FBRMPO TIP - Amendment # 3 - November 2020

PROJECT / TIP ID (Sorted A-Z)	ROUTE(S)	DIVISION(S)	COUNTY	DESCRIPTION	TIP Amendment Detail	TOTAL COST (in thousands)	ACTIVITY	FUNDING	COST (in thousands)										
									2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	POST YEARS
BL-0008	Clear Creek Greenway	14	Henderson	Construct multi-use path from Berkeley Mills Park to Lakewood Road	Add project to TIP based on 2020 LAPP	\$2,110	PE	BGDA			154								
								L			39								
							R	BGDA			78								
								L			20								
							C	BGDA				1,455							
								L				364							
EB-5547	Black Mountain Riverwalk Greenway	13	Buncombe	Construct multi-use path from existing Flat Creek Greenway trailhead north of US 70 to the Into the Oaks Trail	Add construction funding in FY 22 based on 2020 LAPP	\$5,343	PE	BGDA		80									
								L		20									
							C	BGANY			2,300								
								BGDA			1,894								
L			1,049																
EB-5822	North RAD Greenway	13	Buncombe	Construct multi-use path along Riverside Drive from Hill Street to US 19/23/70 at Broadway	Add additional construction funding in FY 25 based on FY 2020 LAPP	\$4,429	PE	TAANY		240									
								L		60									
							R	TAANY			103								
								L			26								
							C	TAANY				2,200							
								BGDA				1,000							
L				800															
EB-5831	Coxe Avenue	13	Buncombe	Coxe Avenue, Patton to Short Coxe Avenue. Improve Bicycle and Pedestrian Infrastructure	Add right-of-way funding in FY 24 and construction funding in FY 25 based on FY 2020 LAPP	\$11,825	PE	BGDA	420										
								L	105										
							R	BGDA			240								
								L			60								
							C	BGDA				4,300	4,500						
								L				1,075	1,125						

a program of Land of Sky

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

## RESOLUTION APPROVING AN AMENDMENT TO THE 2020-2029 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

**WHEREAS**, the French Broad River Metropolitan Planning Organization (MPO) provides transportation planning services for the jurisdictions and transit providers within the French Broad River MPO Planning Area; and

**WHEREAS**, the Board has found that the French Broad River MPO is conducting transportation planning in a continuous, cooperative, and comprehensive manner; and

**WHEREAS**, the French Broad River MPO Board adopted the 2020-2029 Transportation Improvement Program on October 24, 2019; and

**WHEREAS**, the FBRMPO Board (Transportation Advisory Committee) has reviewed the proposed amendments and modifications that are listed below and finds them satisfactory for addition to the TIP; and

**WHEREAS**, the French Broad River MPO has made these amendments available for public comment in accordance with the MPO's Public Involvement Policy;

**NOW THEREFORE, BE IT RESOLVED** that the Board of the French Broad River Metropolitan Planning Organization hereby adopts the following modifications to the 2020-2029 Transportation Improvement Program (see next page):

**ADOPTED:** This the 28<sup>th</sup> Day of January, 2021

---

Larry Harris, FBRMPO Board Chair

---

Attest, Tristan Winkler, Director  
French Broad River MPO

# Item 4B:

## Amendments to the Public Involvement Policy

Public involvement is an integral part of the planning process and involves a diversity of techniques to be effective. The Public Involvement Policy (PIP) provides guidance and outlines federal requirements for how the MPO involves the public in developing transportation plans and related policy documents. The current PIP was adopted in 2014 and most recently amended in 2019. In order to keep up with evolving engagement strategies and federal requirements, it is important to periodically update the PIP.

In summary, the proposed amendments to the PIP reflect:

- ❖ FHWA and the North Carolina Open Meetings Law guidance on the holding of public meetings electronically and accepting of public comments held online
- ❖ Added language referencing the FAST Act
- ❖ Clarifying language for public comment during meetings. Adds language stating that the Chair *may* limit public comment to three (3) minutes per speaker \*
- ❖ Clarification on what constitutes a TIP amendment versus a modification. Modifications (minor changes to TIP) do not require public involvement and Board approval, this aligns the PIP with FHWA/FTA/NCDOT guidance regarding modifications.
- ❖ Adds requirement for public involvement during CMP development (as required per the FAST Act)
- ❖ Updates to Appendix A – Timelines and Public Hearing Requirements. For amendments to the MTP, TIP, Prioritization List and PIP, public comment is accepted prior to approval but a public hearing is not required.
- ❖ Adds online participation guidelines for social media and release of liability
- ❖ Includes revisions to the format to be more user-friendly and better organized

\*3 minute limit language (page 10 of PIP) added per TCC recommendation

Per the 45-day minimum public comment requirements, the PIP was published for advertisement on 10/28/20 and discussed with the Citizens Advisory Committee on 10/14/20. The summary of changes and full PIP with amendments highlighted in red is below.

### Action Required

## Public Involvement Policy – Amendments Summary

Published for Public Comment on 10/28/2020

The French Broad River MPO Public Involvement Policy (PIP) provides guidance and outlines federal requirements for how the MPO involves the public in developing transportation plans and related policy documents. It aims to create an open decision-making process whereby citizens have the opportunity to be involved in all stages of transportation planning. Public involvement is an integral part of the planning process and involves a diversity of techniques to be effective. The current PIP was adopted in 2014 and most recently amended in 2019. To ensure that the organization keeps up with evolving public engagement strategies and federal requirements, it is important to periodically update the PIP.

In April 2020, the Federal Highway Administration (FHWA) released guidance affirming that MPOs could hold public meetings and accept public comments during meetings that are solely held online, or electronically, and that such information should be reflected by MPOs. The North Carolina Open Meetings Law, which the MPO also abides by as stated in the PIP, includes language enabling electronic meetings and voting. Some of the amendments are a result of these updates to reflect virtual involvement strategies and open meetings laws.

The PIP amendments are available for public comment starting October 28, 2020 and will be proposed for MPO Board adoption on January 28, 2021. These amendments were discussed with the Citizens Advisory Committee on October 14, 2020.

The PIP is attached is full with amendments and changes highlighted throughout in red. The following is a summary of what changes were made:

- ❖ Added language referencing requirements in the FAST Act
- ❖ Clarifying language for public comment during meetings. Adds language stating that the Chair may limit public comment to three (3) minutes per speaker.\*
- ❖ Permits “alternative” meeting methods such as virtual and remote meetings
- ❖ Provides online participation guidelines for social media and release of liability
- ❖ Clarifies what constitutes a TIP amendment versus a modification. Language is added to state that modifications (minor changes to TIP) do not require public involvement and Board approval although they will be made aware of changes. This aligns the PIP with FHWA/FTA/NCDOT guidance regarding modifications.
- ❖ Adds requirements for public involvement during CMP development as outlined in FAST Act
- ❖ Updates to Appendix A – timelines and public hearing requirements
- ❖ Includes revisions to the format and some of the content in order to be more user-friendly and easy to understand.

\*The 3 minute limit was added per TCC recommendation at their 1/21/2021 meeting.



# Public Involvement Policy (PIP)

**FRENCH  
BROAD  
RIVER**  
METROPOLITAN PLANNING  
ORGANIZATION

Adopted by the Board on March 27, 2014  
Amended: March 24, 2016  
February 28, 2019

**DRAFT 2020 AMENDMENTS**

Prepared by: French Broad River MPO Staff, Asheville  
Regional Transit, Land of Sky Regional Council, and the  
North Carolina Department of Transportation

## **Public Involvement Policy**

**Adopted by the FBRMPO Board on 3/27/2014 with Amendments 3/24/2016, and  
2/28/2019, and XX/XX/XXXX.**

# TABLE OF CONTENTS

*Table of contents to be re-numbered upon adoption*

## I. Introduction

- A. French Broad River MPO
  - 1) Overview 5
  - 2) Purpose, Goals and Objectives 5
  - 3) Policy Elements 6
- B. Federal Requirements
  - 1) MAP-21 and FAST Act 6
  - 2) Title VI of the Civil Rights Act of 1964 6
  - 3) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low- Income Populations (1994) 7
  - 4) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency 7
  - 5) The Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973 (Section 504) and the Rehabilitation Act Amendments of 1998 (Section 508) 8
  - 6) The Clean Air Act Amendments of 1990 8

## II. Regular Public Involvement Opportunities

- A. MPO Board Meetings 8
- B. Public Comment 8

## III. Public Involvement Toolkit

- A. Identify and Build Relations with Stakeholders 9
- B. Public Relations and Outreach 9
- C. Outreach to Non-Participating Minority, Low-Income, Limited English Proficiency and Low-Literacy Population 10
- C. Develop an Outreach and Education Program 10
- D. Establish a Speaker’s Bureau 11
- E. Maintain Website 11
- F. Produce and Distribute Newsletters 11
- G. Create and maintain new forms of technology and media 11
- H. Produce and Distribute Newsletter 11
- I. Hold Public Meetings, Open Houses and Information Workshops 11
- J. Hold Small Group Meetings 12
- K. Provide for Public Input at FBRMPO meetings 12
- L. Conduct Surveys 12

## IV. Public Involvement Structure

- A. Open Meetings 13
- B. Access by Persons with Disabilities 13
- C. Adequate Notice 13
- D. Public Comments 13
- E. Time Period for Public Comments 13
- F. Format of Public Meetings 13

## **V. Implementation Plan**

A. Metropolitan Transportation Plan (MTP/LRTP)	13
1) Minimum MTP/LRTP Public Involvement Procedure	13
2) Purpose, Goals and Objectives of MTP/LRTP Public Involvement Process	14
3) MTP/LRTP Public Involvement Techniques	14
4) Amendments to the MTP/LRTP	15
B. Metropolitan Transportation Improvement Program	16
1) Overview of the Transportation Improvement Program	16
2) Minimum TIP Public Involvement Procedures	16
3) Transportation Improvement Program Amendments	17
4) Transportation Improvement Program Modifications	18
C. Prioritization List Public Involvement Process	18
D. Air Quality Conformity Determination	19
D. The Unified Planning Work Program (UPWP)	19

## **VI. Americans with Disabilities Act (ADA) Provisions** 20

## **VII. Title VI Plan** 20

## **VIII. Limited English Proficiency Plan** 20

## **IX. Appendices**

A. Appendix A: Public Outreach Timelines Table	A-1
B. Appendix B: Glossary	B-1
C. Appendix C: FBRMPO Media Contacts	C-1

# HOW TO GET INVOLVED IN TRANSPORTATION PLANNING

	<p><b>CALL US</b> 828-251-6622 during normal business hours 8:00 a.m. to 4:30 p.m. Monday through Friday</p>
	<p><b>WRITE TO US</b> French Broad River MPO 339 New Leicester Highway, Suite 140 Asheville, NC 28806</p>
	<p><b>EMAIL US</b> General Inquiries: <a href="mailto:mpo@landofsky.org">mpo@landofsky.org</a></p>
	<p><b>VISIT OUR WEBSITE</b> <a href="http://frenchbroadrivermpo.org">http://frenchbroadrivermpo.org</a> or <a href="http://frenchbroadrivermpo.org/get-involved/">http://frenchbroadrivermpo.org/get-involved/</a></p>
	<p><b>FOLLOW US ON SOCIAL MEDIA</b> On Twitter <a href="#">@FBRMPO</a> On Facebook at <a href="#">French Broad River MPO</a></p>
	<p><b>COME TO AN EVENT</b> French Broad River MPO hosts and participates in special events throughout the planning area for citizens to learn about projects where they live and work. Visit the FBRMPO website (Above) to view opportunities.</p>
	<p><b>PARTICIPATE IN PERSON</b> Make a public comment at a FBRMPO Board or committee meeting. Meeting schedule and location on website.</p>

## I. Introduction

### A. French Broad River MPO

#### 1) Overview

The French Broad River Metropolitan Planning Organization (FBRMPO) is a federally designated regional transportation planning entity for urbanized portions of Buncombe, Haywood, Madison and Henderson Counties, and a small urbanized portion of Transylvania County. In an effort to create intelligent and sustainable transportation systems, the agency seeks to find ways of including the public in all phases of planning. An effective public involvement process provides an open exchange of information and ideas between the public and transportation decision makers. Public Participation also includes education about the planning process and ongoing transportation projects.

The FBRMPO seeks public input with a diversity of techniques, including but not limited to public notices, comment periods, workshops, charrettes, public hearings, newsletters, surveys, media relations, and the use of committees and work groups with citizen representatives as appointed. The techniques employed vary depending on the specific planning task. The information and data collected through such techniques serve as a blueprint throughout the planning process.

The French Broad River Metropolitan Planning Organization's (FBRMPO's) Public Involvement Policy encompasses all MPO transportation planning and programming processes. These include the Metropolitan Transportation Plan (MTP, also known as Long Range Transportation Plan or LRTP), the Metropolitan Transportation Improvement Program (TIP), the Air Quality Conformity Determination (if needed), the Congestion Management Plan, the Unified Planning Work Program (UPWP) and the MPO's provisions for the American with Disabilities Act (ADA). Public involvement is an integral part of the FBRMPO's planning efforts. It is our belief that sound transportation plans are a result of involving the public at multiple stages of the planning process. The MPO will hold a forty-five (45) day public comment period for amendments to the Public Involvement Policy and will seek input and feedback on the MPO's public involvement efforts.

#### 2) Purpose, Goals and Objectives

The purpose of the FBRMPO Public Involvement Policy is to create an open decision making process whereby citizens have the opportunity to be involved in all stages of the transportation planning process. This policy is designed to ensure that transportation decisions will reflect public priorities. It seeks to promote an active role by the public in the development of transportation plans, programs, and projects from the early stages of the planning process to detailed project development. The MPO implements and designs a combination of different public involvement techniques to meet the diverse needs of the public.

The goals and objectives of the FBRMPO Public Involvement Policy include the following:

- Bring a broad cross-section of the public into the public policy and transportation planning decision-making process.
- Maintain public involvement from the early stages of the planning process through detailed project development.
- Use different combinations of public involvement techniques to meet the diverse needs of the public.
- Determine the public's knowledge of the metropolitan transportation system and the public's values and attitudes concerning transportation.
- Educate citizens and elected officials in order to increase general understanding of transportation issues.
- Make technical and other information available to the public.
- Establish a channel for an effective feedback process.

- Evaluate the public involvement process and procedures to assess their success at meeting requirements specified in the ISTEA, TEA-21, SAFTEA-LU, MAP-21 and the Interim FTA/FHWA *Guidance on Public Participation*.
- Carefully evaluate effectiveness of procedures used for public outreach and modify procedures following evaluation and public feedback.

### 3) Policy Elements

The FBRMPO's Public Involvement Policy comprises a number of sub\_policies. All planning programs and activities are required to go through the MPO Board public process. In addition, the MPO will initiate public involvement programs for the Long Range Transportation Plan, the Metropolitan Transportation Improvement Program (MTIP), the Air Quality Conformity Determination (if needed), the Congestion Management Plan, the Planning Work Program (PWP) and the MPO's provisions for American with Disabilities Act (ADA). The final component of the Public Involvement Policy is the policy review element designed to ensure that the programs are meeting their goals.

## B. Federal Requirements

The Federal laws and processes covering public participation in transportation planning include the following:

- [FAST ACT: Fixing America's Surface Transportation](#)
  - MAP-21: Moving Ahead for Progress in the 21st Century
  - Title VI of the Civil Rights Act of 1964;
  - Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994)
  - Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (2000);
  - The Americans with Disabilities Act of 1990, the rehabilitation Act of 1973(Section 504), and the Rehabilitation Act Amendments of 1998(Section 508); and,
  - The Clean Air Act Amendments of 1990.

### 1) MAP-21 and FAST Act

Under MAP-21 regulations, public involvement remains a hallmark of the planning process. Under Title 23, CFR 450.316 MPOs are required to require that MPOs establish, periodically review and update public involvement processes. Specific provisions should allow affected bodies with a reasonable opportunity to comment on transportation plans. These affected bodies include, but are not limited to, 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. These federal regulations require an opportunity for public involvement to be provided throughout the planning process. MAP-21 requires that metropolitan area plans include a "participation plan", with a minimum public comment period of 45 days required when a Public Involvement Plan is updated. Plans involving federal participants must be made available for public review in an electronic format. [The FAST Act continues all these federal regulations while explicitly adding public ports and certain private providers of transportation, including intercity bus operators and employer-based commuting programs to the list of interested parties that the MPO must provide reasonable opportunity to comment on the transportation planning process.](#)

### 2) Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground 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." (42 U.S.C. Section 2000d). The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal aid recipients and contractors whether those programs and activities are federally funded or not. Section 324 of the Federal Aid Highway Act, the enabling legislation of the Federal Highway Administration, prohibits discrimination based on sex. The French Broad River MPO works to ensure nondiscriminatory transportation planning in support of our mission to treat affected bodies equitably and to comply with federal law.

Effective public involvement is a key element in addressing Title VI in decision-making. This Public Participation Plan describes how the French Broad River MPO will disseminate vital agency information and engage the public. We will seek out and consider the input and needs of interested parties and groups traditionally underserved by transportation systems who may face challenges accessing our services, such as minority and limited English proficient (LEP) persons. Underlying these efforts is our commitment to determining the most effective outreach methods for a given project or population.

General public involvement practices will include:

- Expanding traditional outreach methods. Think outside the box: Go to hair salons, barbershops, street fairs, etc.
- Providing for early, frequent and continuous engagement by the public.
- Use of social media and other resources as a way to gain public involvement
- Coordinating with community and faith-based organizations such as the Hispanic Liaison, educational institutions, and other entities to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Considering radio, television or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP persons could also include audio programming available on podcasts.

We will inform people of their rights under Title VI and related authorities with regard to our program. The primary means of achieving this will be posting and disseminating the policy statement and notice. Additional measures may include verbally announcing agency obligations and the public's rights at meetings, placing flyers at places frequented by targeted populations, and an equal opportunity tag-on at the end of radio announcements. The method of notification will be determined through an initial screening of the area.

#### *Dissemination of Information*

Information on Title VI and other programs will be crafted and disseminated to employees, contractors and subrecipients, stakeholders, and the general public. Public dissemination efforts may vary depending on factors present, but will generally include: posting public statements setting forth our nondiscrimination policy in eye-catching designs and locations; placing brochures in public places, such as government offices, transit facilities, and libraries; having nondiscrimination language within contracts; including nondiscrimination notices in meeting announcements and handouts; and displaying our Notice of Nondiscrimination at all our public meetings.

At a minimum, nondiscrimination information will be disseminated on our website and on posters in conspicuous areas at our office(s). Project-related information and our most current Title VI-related information will be maintained online.

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

Executive Order 12898 requires federal agencies and their sub recipients achieve environmental justice as part of its mission. MPOs must identify and address as appropriate disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects of its programs, policies, and activities on minority populations in the United States.

### **4) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency**

Executive Order 13166 requires public outreach to include people of limited English proficiency. Combined with nondiscrimination statutes, meaningful access would extend to people who cannot read and understand what is read: thus the need to include outreach to low-literate populations is needed as well. MPOs must work to provide “meaningful access” to their limited English proficiency applicants and beneficiaries.

### **5) The Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973 (Section 504), and the Rehabilitation Act Amendments of 1998 (Section 508)**

The Americans with Disabilities Act of 1990 mandates that public facilities be made accessible to people with disabilities and has been the basis for requiring that transit buses and street curbs be retrofitted or reconstructed with appropriate equipment and design details. The Rehabilitation Act of 1973 (Section 504) states that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that receives Federal financial assistance. The Rehabilitation Act Amendments of 1998 (Section 508) states that Federal agencies must ensure that electronic and information technology is accessible to employees and members of the public with disabilities to the extent it does not pose an “undue burden.”

### **6) The Clean Air Act Amendments of 1990**

The Clean Air Act Amendments of 1990 establishes a timetable and program to improve the nations air quality, emphasizes mobile source emissions, and requires the Environmental Protection Agency to invoke penalties if states fail to submit adequate plans to attain standards. Should the French Broad River Metropolitan Planning Organization (FBRMPO) become designated as non-attainment for air quality, and become required to make conformity determination on its Transportation Plan, it will comply with the *Air Quality Conformity Public Involvement Procedure* found in Section V:E of this plan.

## **II. Regular Public Involvement Opportunities**

### **A. MPO Board and TCC Meetings**

The French Broad River MPO Board, formerly known as the Transportation Advisory Committee (TAC) holds advertised meetings on a regular schedule. These meetings are open to members of the public and, upon request, anyone can be placed on the MPO Board mailing list. At the beginning of each regular meeting, the Board provides time to receive public comments as a set part of its agenda. The public and concerned parties are welcome to provide public comment through telephone, email and in writing to MPO staff at anytime. The meeting schedule is established at the beginning of each year and approved by the MPO Board. It is accessible through the MPO website or by contacting MPO staff.

Formal MPO business is conducted during MPO Board (TAC) and TCC meetings. MPO Board and TCC meetings allot time for public comment. These public comments are documented and become a part of the meeting minutes. In the event that an individual seeks to address a specific agenda item, they must sign up at least ten minutes prior to the meeting to comment on that specific agenda item. The MPO will allow the opportunity for members of the public to provide comments during the allotted public comment periods.

The Chair may require that all public comments be limited to three (3) minutes per speaker. This procedure is applicable for both general public comment periods and public hearings. The chair has the discretion to address anyone wishing to speak on a particular agenda item whose name is not on the list previously mentioned. In the event that the public is unable to make comments during a meeting time, comments may be submitted in written, verbal or electronic form. The Board will be made aware of written, verbal or electronic comments received prior to taking action on the applicable business item.

## **B. Public Comment Response**

The MPO Board (formerly known as TAC) typically acknowledges public comments in one of several ways. The Board may incorporate a summary of public comments and the MPO's response, as an appendix, into the specific planning document. Or, depending on the number of comments, the MPO Board may instruct the planning staff to respond directly by letter. Acknowledging public comments is a way to let the public know that its comments are being addressed and is part of the public involvement feedback process.

MPO staff can separate requests for data submitted by the public from the public comments. MPO staff can respond to requests for data submitted by phone or in writing directly, without submitting those to the MPO Board for review. Where the distinction is not clear, MPO staff will present the comment to the Board.

## **III. Public Involvement Toolkit**

There is no one-size-fits-all approach to public involvement. A variety of comprehensive and targeted public participation methods will be used to facilitate meaningful public involvement. Methods for engaging stakeholders and target audiences, including traditionally underserved and excluded populations (i.e. minorities, youth, low-income, the disabled, etc.) will include the following:

- A. Identify and Build Relations with Stakeholders
- B. Public Relations and Outreach
- C. Outreach to Non-Participating Minority, Low-Income, Limited English-Proficiency and Low-Literacy Populations
- D. Develop an Outreach and Education Program
- E. Establish a Speaker's Bureau
- F. Maintain Website
- G. Produce and Distribute Newsletters
- H. Create and Maintain New Forms of Technology and Media
- I. Produce and Distribute Brochure
- J. Hold Public Meetings, Open Houses and Information Workshops
- K. Hold Small Group Meetings
- L. Provide for Public Input at FBRMPO meetings
- M. Conduct Surveys

### **A. Identify and Build Relations with Stakeholders**

In order to create and implement transportation plans with long-lasting benefits, appropriate stakeholders must be identified. MPO staff will seek to identify stakeholders that are critical to the success of a specific transportation plan or policy. MPO staff will create a Community Stakeholder Contact List. A Community Stakeholder is defined as any person or group that is affected by a transportation plan, program, or project, including those who may not be aware they are affected. In accordance with MAP-21, stakeholders will include “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. Citizens include the general public, environmental health, neighborhood, citizen, and civic organizations, and traditionally underserved communities such as people with disabilities, and /or low-income, minority, and elderly.

## **B. Public Relations and Outreach**

Public relations and outreach (PRO) strategies aim to conduct well-planned, inclusive and meaningful public participation events that foster good relations and mutual trust through shared decision-making with the communities we serve.

- We will seek out and facilitate the involvement of those potentially affected
- Public events will aim to be collaborative, fun and educational for all, rather than confrontational and prescriptive.
- Activities of the FBRMPO will be advertised by utilizing various media and social outlets. These activities may include distributing press releases to the media, inviting the media to regular Board and TCC meetings, conducting radio interviews, posting public involvement activities on the MPO website, and presenting drafts of plans at social events. MPO staff will develop publicity strategies appropriate to the scope and timeframe of the specific project or plan.
- A current list of media outlets such as mainstream local and ethnic radio stations, newspapers, and small community-based publications will be established and maintained. Our current list is available in Appendix C. A “listserv” is maintained that includes citizens, the clerks of each county and municipality and other stakeholders. Land of Sky Rural Planning Organization (LOSRPO) activities are also publicized through this email list.
- Abstract objectives will be avoided in meeting announcements. Specific “attention-grabbing” reasons to attend will be used, such as “Help us figure out how to relieve congestion on (corridor name), Let us know on (date)”.
- Efforts will be made to show how the input of participants can, or did, influence final decisions.
- We will do our best to form decision-making committees that look like and relate to the populations we serve
- We will seek out and identify community contacts and partner with local community- and faith-based organizations that can represent, and help us disseminate information to, target constituencies
- Presentations will be made to interested civic organizations on French Broad River MPO activities, the transportation planning process in general, or specific transportation projects. Presentations will be made by French Broad River MPO staff and/or NCDOT staff.
- Public Outreach activities will include efforts to involve traditionally underserved groups (i.e., minorities, elderly, low-income persons) in the transportation planning process. These efforts may include, but not be limited to, the following:
  - Identifying areas in the French Broad River MPO region with concentrations of minority, elderly, and low income populations

- Including organizations that deal directly with minority groups on the Stakeholder List
- Posting notification of meetings, public hearings, and open houses in county health departments and senior centers
- Publishing notification of meetings, public hearings, and open houses in Spanish
- Demographic data will be requested during public meetings, surveys, and from community contacts and committee members.

### **C. Outreach to Non-Participating Minority, Low-Income, Limited English-Proficiency and Low-Literacy Populations**

MPO staff will create and periodically update a Community Stakeholder Contact List. The Community Stakeholder Contact List will include neighborhood liaisons and representatives of organizations serving the populations historically underrepresented in the transportation planning process including minority, low-income, Limited English Proficiency and Low-Literacy Population. MPO staff will consult with the Community Stakeholders on the list on methods and opportunities to better publicize transportation planning efforts and opportunities for public input in the future.

### **D. Develop an Outreach and Education Program**

Public involvement is at its best when the general public is thoroughly informed of the complex issues surrounding a project. Such outreach will also include informing the public and other agencies about the roles and responsibilities of the MPO. When necessary, the MPO will develop outreach and educational programs to inform various parties of the public involvement process for a particular project or to provide technical framework. English and, when necessary, Spanish materials will be a part of this program. Adequate outreach also includes taking different meeting times and locations into consideration in an effort to reach a diverse cross section of the affected population.

### **E. Establish a Speaker's Bureau**

The Speaker's Bureau will respond to requests from civic groups, professional organizations, neighborhood associations, and other groups for presentations about the regional transportation planning process and transportation plans. The Bureau will consist of MPO staff, TCC members, Land of Sky Staff and designated volunteers. The MPO will market the availability of the Bureau to local groups and organizations.

### **F. Maintain Website**

The FBRMPO website is a tool that provides timely information to the public. Various Transportation plans are accessible through our website in conjunction with additional resources. Interested parties also have the ability to access updates on the status of specific plans and projects, along with the time remaining within public comment periods. A calendar is used to provide dates of upcoming meetings and public involvement opportunities. Anyone can access the FBRMPO website at [www.fbrmpofrenchbroadrivermpo.org](http://www.fbrmpofrenchbroadrivermpo.org)

### **G. Produce and Distribute Newsletters**

The FBRMPO will provide information to be included as part of Land-of-Sky Regional Newsletter to keep the general public and agencies informed of MPO activities. The newsletter is distributed through e-mail on a monthly basis. Citizens and agencies have the opportunity to remain engaged in the public involvement process through updates provided in our newsletter. In addition to the newsletter, regular updates will be provided regarding upcoming events and projects through "e-news."

### **H. Create and Maintain New Forms of Technology and Media**

MPO staff seek to utilize all available forms of media in an effort to increase public involvement. Government agencies are taking advantage of progressive and interactive media formats to communicate with citizens. Strategies to encourage public input may include social marketing mediums such as Facebook, Twitter and blogs. Such mediums are not a required aspect of each transportation public participation plan, but efforts to include them will be made when deemed appropriate.

### **I. Produce and Distribute Brochure**

A brochure will be created to provide interested parties with information about the FBRMPO and the planning process. Copies of the brochure will be made available at FBRMPO offices and online. Additional translations will be maintained if deemed necessary. MPO staff may find it appropriate to develop a brochure specific to a project, MPO policy or plan.

### **J. Hold Public Meetings, Open Houses and Information Workshops**

“Public meeting” refers to any meeting open to the public, such as hearings, charrettes, open houses and board meetings.

- Public meetings will be conducted at times, locations, and facilities that are convenient and accessible.
- Meeting materials will be available in a variety of predetermined formats to serve diverse audiences.
- An assortment of advertising means may be employed to inform the community of public meetings.
- Assistance to persons with disabilities or limited English proficiency will be provided, as required.

MPO staff may decide to hold open houses to provide the public with information regarding the transportation planning process, or to provide further information about a plan prior to a public hearing. These open houses are informal and allow the public to engage with the material in a relaxed format. The format may include but is not limited to maps of projects, PowerPoint presentations, and surveys. MPO staff will be available to facilitate questions from the public or organization representative. Open houses also provide an opportunity to expand the MPO mailing list. Information workshops are topic specific and conducted on an as-needed basis. These workshops are informal and allow MPO staff to gain immediate feedback that may be incorporated in a transportation plan.

MPO staff may hold public meetings virtually, remotely, or by means other than in-person as needed. Offering meetings by alternative means provides an additional and convenient way for citizens to provide input. When possible, recordings of the virtual public meeting(s) should be posted on the FBRMPO website. Adequate notice should still be given for alternative or virtual public meetings, including a link or means to access to access the meeting. If the meeting is held virtually, this would include a link to the meeting and a call-in option.

### **K. Hold Small Group Meetings**

A “small group meeting” is a targeted measure where a meeting is held with a specific group, usually at their request or consent. These are often closed meetings, as they will typically occur on private property at the owner’s request.

- If it is determined that a targeted group has not been afforded adequate opportunities to participate, the group will be contacted to inquire about possible participation methods, including a group meeting with them individually
- Unless unusual circumstances or safety concerns exist, hold the meeting at a location of the target group’s choosing
- Share facilitation duties or relinquish them to members of the target group

- Small group discussion formats may be integrated into larger group public meetings and workshops. When this occurs, the smaller groups will be as diverse as the participants in the room.

#### **L. Provide for Public Input at FBRMPO meetings**

~~Formal MPO business is conducted during MPO Board (TAC) and TCC meetings. MPO Board and TCC meetings allot time for public comment. These public comments are documented and become a part of the meeting minutes. In the event that an individual seeks to address a specific agenda item, they must sign up at least ten minutes prior to the meeting to comment on that specific agenda item. The individual may also contact the secretary prior to the meeting to sign up for the public comment list. The chair has the discretion to address anyone wishing to speak on a particular agenda item whose name is not on the list previously mentioned. In the event that the public is unable to make comments during a meeting time, comments may be submitted in written, verbal or electronic form.~~

#### **M. Conduct Surveys**

Surveys and focus groups allow MPO staff to directly collect feedback from the general public. Strategies for disseminating surveys will consider differences in language and technology access among affected citizens. Some methods may include inserting surveys in water or power bills, and providing links to surveys on government websites. MPO staff may also gather small groups of citizens to create focus groups that will provide feedback regarding a specific topic or transportation plan. The composition of a focus group may include residents of an affected neighborhood.

Surveys will be translated into languages other than English, when appropriate as outlined in the Title VI plan.

### **IV. Public Involvement Structure**

#### **A. Open Meetings**

All MPO Committee meetings will be open to the public and subject to the North Carolina Open Meetings Law. All materials presented during MPO Committee meetings will be public record and made available for review at the Land-of-Sky office. Copies of archived records can be made available upon request. Emergency or special meetings, should they ever be needed, will follow the emergency meetings requirements of the law, as well.

#### **B. Access by Persons with Disabilities**

All MPO meetings will be held in facilities that are accessible to people with disabilities. The FBRMPO website will be in compliance with the Rehabilitation Act Amendments of 1998 (Section 508). Where permitted, clear directional signs will be posted at outdoor entrances to buildings.

#### **C. Adequate Notice**

The FBRMPO will provide at least a week notice to-citizens and media outlets of meetings in accordance with North Carolina Open Meetings Law. Meeting notices will be posted on the FBRMPO website and publicized during FBRMPO events. The meeting schedule for the year is also posted outside of Land-of-Sky offices and on the FBRMPO website.

#### **D. Public Comments**

Public Comments may be obtained in a number of ways. The FBRMPO will accept comments in writing, through email, by fax, with TTY (teletypewriter) or TDD (telecommunications device for the deaf), verbally at a public meeting or during a MPO public outreach opportunity.

#### **E. Time Period for Public Comments**

~~F.—~~

~~Public comments will be taken no later than close of the business day specified in requests for public comment unless otherwise specified.~~

#### **G. Format of Public Meetings**

~~Public meetings allow MPO staff the opportunity to interact with citizens that may be directly affected by specific transportation plans. FBRMPO staff seek to conduct meetings in a format conducive to generating public feedback. The general format of public meetings will include: a presentation by FBRMPO staff; a question and answer period, and a summary of materials covered. Meetings may also incorporate using maps to identify where citizens are located, and an interactive activity.~~

#### **E. Online, Electronic, Alternative Meeting Formats**

During States of Emergency or similar scenario, MPO meetings may be held online, electronically, or by other means than in-person. In such instances, the MPO must take reasonable steps to make the meetings publicly accessible. An electronic meeting is simply a regular, special, emergency, or recessed meeting conducted by electronic means.

To the extent feasible:

- If held virtually, meetings should be streamed live on an online platform that allows the public to see and hear the meetings.
- A phone number should be provided so that people without internet access can call to listen to the meetings.
- Meeting agenda, materials, and presentations should be posted online in advance of the meeting with adequate notice given
- If public comments can't be made in person, provide means for people to provide their comment by phone call, email, or video. The deadline for public comments should be no sooner than 48 hours prior to the meeting.

#### **G. Online Public Participation Guidelines**

The MPO uses online participation as a limited public forum for stakeholders and members of the public to conduct orderly and civil discourse. To promote that objective, the MPO will try to monitor, but cannot take responsibility for, all postings and comments on MPO social media. We ask that comments and/or postings be clean, respectful and truthful. Comments, postings, and links from non-MPO sources that appear on the MPO's sponsored social media or digital media sites (or links within those comments or postings) do not reflect views or act as an endorsement by the MPO of specific viewpoints, policies, practices, or products.

Specific questions submitted through our social or digital media platforms are not guaranteed a response. For questions or inquiries, please also use the MPOs contact information as posted on the

website. The information will only be maintained as an active file as long as needed to respond to the request. However, information may be archived for historical purposes or made available for North Carolina Open Records Request, but will not be used beyond the stated purpose of the communication and will not be shared or distributed to third parties with any identifiable personal information.

When using our online platforms, we want people to feel safe in expressing diverse opinions and beliefs. Therefore, material that the MPO determines is in violation of this policy, including unlawfully disseminated materials or postings that constitute a possible crime in North Carolina, makes threats; abuses, or harasses or seeks to intimidate others; uses fear or disseminates misinformation, may be removed or archived. All social media platforms are subject to the laws of North Carolina. The MPO reserves the right to remove any comments or posts from their social media sites that contain the following:

- Vulgar, abusive, or threatening language
- Defamatory statements
- Nudity in profile pictures or attachments
- Personal attacks, hate speech, or offensive terminology that is targeted against individuals or groups of individuals
- Suggestions or encouragement of illegal activity
- Unsolicited business proposals, endorsements, promotion of commercial services, products, or entities
- Infringement of copyrights, trademarks, or other intellectual property
- Endorsement of political parties, candidates, or groups
- Off-topic comments/posts, spam or links to unrelated material

## **H. Use or Reuse of Information**

Information may be printed or downloaded from the website for non-commercial, personal use only, provided all copyrights, licenses and other proprietary notices contained on the material are retained. The FBRMPO logo should not be reused without explicit written permission. No person may sell, distribute, modify, transmit, reuse, repost, use or create derivative works based on the content of the website in whole or part for any purpose without the written permission in each instance from FBRMPO staff or the owner of such content.

## **V. Implementation Plan**

### **A. Metropolitan Transportation Plan (MTP/LRTP)**

#### **1) Minimum MTP/LRTP Public Involvement Procedure**

French Broad River MPO will initiate a major Metropolitan Transportation Plan (MTP, previously known as LRTP or Long Range Transportation Plan) update process as required by federal regulations. A Metropolitan Transportation Plan (MTP/LRTP) is updated at least once every five years in air quality attainment areas and once every four years for non-attainment areas. Elements of the Plan, and/or amendments will meet all current Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Environmental Protection Agency (EPA), and the North Carolina Department of Transportation (NCDOT) requirements.

A work program and schedule for the MTP (LRTP) update process will be developed by the TCC and provided to the MPO Board for approval. It will be made available to the public for their information. The work program will detail the strategy for the Plan update process including work elements and a tentative schedule. The TCC and the Board may elect to receive public comment and involvement on the work program.

The French Broad River Metropolitan Planning Organization will provide opportunity for meaningful public involvement in the development and update of the Metropolitan Transportation Plan (MTP/LRTP). At least one public meeting on the draft MTP/LRTP will be held prior to final approval. The public comment period will be for a minimum 30 day period, effective from the date of the public notice publication. Written comments will be received during the comment period and will be directed to the FBRMPO. The FBRMPO's contact person, phone number and e-mail address will be included in the public notice. The FBRMPO will assemble all comments and forward them to the Board. The MPO Board shall hold at least one public hearing for the Transportation Plan. The availability of the Plan will be publicized using our media resources provided in Appendix C.

## **2) Purpose, Goals and Objectives of MTP/LRTP Public Involvement Process**

The purpose of the MTP/LRTP public involvement process is to establish and implement strategies to inform and involve citizens in the development and update of the Metropolitan Transportation Plan (MTP/LRTP). The Policy is meant to encourage public ownership of the Transportation Plan. The goal of the program is to ensure that policy decisions will reflect the values, needs, and priorities of those affected by the decisions (i.e. the public).

The public review and participation process is designed to provide adequate opportunities for citizens and public officials to be involved in the FBRMPO MTP/LRTP development. The public participation is designed to provide gradual progression from the general information (such as vision setting and/or formulation of goals, objectives and policies) pertaining to the plan to specific information regarding alternatives and plan selections. Each public forum or input technique will use information progressively collected at previous "forums" concluding with the adoption of the Transportation Plan. The goals and objectives of MTP/LRTP Public Involvement Process are as follows:

- Encourage citizens to take a proactive role in the development of Transportation Plans.
- Bring a broad cross-section of members of the public into the public policy and transportation planning decision-making process.
- Educate the public and elected officials in order to increase public understanding both the options and constraints in transportation alternatives.
- Determine public concerns and/or perceived impacts of Transportation Plan elements. Determine which elements of the Long Range Transportation Plan would support or diminish the citizens' desired lifestyle. Establish a channel for an effective feedback process.

## **3) MTP/LRTP Public Involvement Techniques**

The Metropolitan Transportation Plan update will be subject to a public comment process which at a minimum will include the following:

- Posting a copy of the draft MTP documents throughout different stages of the planning process on the FBRMPO website
- Publicizing the MTP update and request for public input through local media outlets
- Holding a public comment period for a minimum of 30 days on the draft MTP
- At least one public meeting will be held during the 30-day public review and comment period

- Upon completion of a 30 day public review and comment period, a public hearing will be held at the MPO Board meeting prior to final adoption of the plan

As a method of increasing public involvement and participation in the process, the MTP Public Involvement techniques may also include any or all of the following techniques:

- Information dissemination, notification of meetings and publication of proposed plans.
- Proactive participation techniques may be employed to involve citizens and provide fuller access to information and technical data on the Transportation Plan. The techniques may include, but not be limited to, public meetings/hearings, surveys, focus groups, newsletters, public service announcements, charrettes, transportation advisory group, mass media, etc.
- Public meetings may be held to formulate a vision for the Transportation Plan Development, provide the public background information on the metropolitan transportation system and other issues as well as the proposed framework of the Transportation Plan update process, and to receive citizen input.
- Public meetings (forums) designed to solicit public comment may be held at various locations around the metropolitan area to encourage the greatest public participation. Public meetings will be held at a location which is accessible to persons with disabilities and preferably located on a transit route.
- Copies of the draft Transportation Plan will be distributed to member jurisdictions, citizen groups and agencies, and will be placed in the local libraries. The plan will also be accessible through the MPO website. Notification of the draft Transportation Plan may be provided through various media outlets.
- The notification will inform the public of the availability of the draft Transportation Plan for review and comment where to send written comments, and addresses and phone numbers of contact persons. The notices also will include an announcement stating that persons with disabilities will be accommodated. Special provisions will be made if notified 48 hours in advance (i.e. having available large print documents, audio material, someone proficient in sign language, a translator, or other provisions as requested). Additionally, the notice will inform the public that copies of the draft Transportation Plan are on file for public review at the Land-of-Sky Regional Council Office, the member government's municipal offices, available in a PDF format for downloading from the FBRMPO website and at branch libraries throughout the area.
- The public comment period will cover a minimum 30 day period, effective from the date of the public notice publication. Written comments will be received during the comment period and will be directed to the FBRMPO. The MPO's contact person, phone number and e-mail address will be included in the public notice.
- Involvement of the public in key decision points may be desirable. Decision points are those stages where the MPO Board may consider endorsement of the work in progress or take action on particular work elements. These may include some of the following:
  - a) Formulation of vision, goals and objectives
  - b) Review of multi-modal goals and elements
  - c) Review and approval of socio-economic and demographic projections
  - d) Review and determination of transportation deficiencies
  - e) Evaluation of alternatives and selection of preferred option

#### **4) Amendments to the MTP/LRTP**

Amendments to the MTP can occur outside of a five-year MTP/LRTP update cycle when funding sources change, a project moves between prioritization tiers, project scope and termini change and the purpose and need for a project change. Opportunities to comment on proposed amendments to the MTP/LRTP will be publicized by sending out a notice of the proposed amendments to the public.

Any significant revisions, or amendments, to the Metropolitan Transportation Plan (MTP/LRTP) will be subject to a public comment process which includes the following:

- Posting a copy of the proposed amendments on the FBRMPO website
- Publicizing the proposed amendment and request for public input through local media outlets

- Holding a public review and comment period for a minimum of ~~30~~20 days
- Upon completion of a ~~30~~20 day public review and comment period, a public hearing will be held at the MPO Board meeting prior to final MTP/LRTP amendments approval

## **5) Modifications to the MTP/LRTP**

When a change that is administrative in nature is needed to update the MTP, a MTP modification takes place. This includes minor changes to project/project phase costs, minor changes to funding sources of previously-included projects, and minor changes to project/project phase initiation date. Additionally, this may include non-substantial items such as grammar edits and clarifying text. No public participation or hearing is required for administration modifications.

## **B. Metropolitan Transportation Improvement Program**

### **1) Transportation Improvement Program Overview**

The Metropolitan Transportation Improvement Program (TIP) is the document that describes the funding and scheduling of transportation improvement projects (highway, bicycle, pedestrian, and transit capital and operating assistance) using state and federal funds. The TIP serves as the project selection document for transportation projects and, therefore, is the implementation mechanism by which the objectives of the Transportation Plan are reached. The public participation process for the Metropolitan Transportation Improvement Program described here is also used to satisfy the public participation process for the FTA Transit Program of Projects for the following grantees: City of Asheville and Henderson County.

MAP-21 and the FAST Act mandates an opportunity for public review of the TIP. The following is the proposed public involvement procedure for the French Broad River Metropolitan Transportation Improvement Program.

The Metropolitan TIP and the State Transportation Improvement Program (STIP) must match exactly in projects, schedule, and scope, for projects to move forward with federal funding. It is therefore critical that close coordination be held with the State to assure that both parties are in agreement with the program and thus allow projects and programs (including transit elements) to move forward. The TIP and STIP are planning documents and do not include design details. It is critical to note that once programmed in the TIP and STIP, activities such as land use decisions by the public and private sectors, scheduling, environmental analysis, design and other activities begin take place. Therefore the program should be carefully thought out, and not casually changed.

The TIP and STIP updates operate on a two-year cycle in North Carolina. In the first year, the French Broad River Metropolitan Planning Organization (FBRMPO) will prepare a Prioritization List (previously known as Priority Needs List, or PNL), which lays out the projects desired to be included in the last years of the TIP program. FBRMPO will consider projects in the MTP, CTP and in the locally-adopted plans for inclusion on the Prioritization List first. Further, should the MPO desire to consider a change in the schedule or scope of a project, this should be clearly communicated at this time. As the TIP and STIP are fiscally constrained documents, any movement forward on or changes in current projects must identify a corresponding delay in projects also within the area.

The Prioritization List shall be provided to the State for consideration and inclusion in the draft STIP. The FBRMPO shall coordinate with the State with regards to the project changes and additions desired by the MPO. Upon development of the draft STIP, the State shall provide a subset of the STIP that covers the FBRMPO area to the MPO. It is anticipated that the resulting document be appropriate to be released as the draft TIP for public input.

Should there be substantial problems with the draft STIP in the eyes of FBRMPO, the MPO shall immediately open discussions with the State on the discrepancies. The TCC shall recommend to the MPO Board (TAC) what should be used for the TIP, and the public involvement process.

## 2) Minimum TIP Public Involvement Procedures

Prior to adopting a TIP, FBRMPO Board will consider and adopt a Prioritization list of projects. See section 3 below for additional information on Prioritization List.

A minimum public comment period for TIP adoption shall be 30 days. Written comments will be received during the comment period and will be directed to the FBRMPO. The MPO's contact person, phone number and e-mail address will be included in the public notice. The FBRMPO public participation process will meet all FTA standards for public involvement in transit planning and will assemble all comments regarding transit and other transportation considerations for the MPO Board (TAC). FBRMPO shall advertise a draft TIP prior to adoption on the website and via regional newsmedia. The Board shall hold at least one public hearing for the Transportation Improvement Program (TIP) prior to adoption of the draft TIP. Additional steps included in the TIP public involvement process will be as follows:

- The State shall produce a draft STIP and provide a subset of that document to FBRMPO for consideration as the draft TIP. The TCC will develop and review the document and recommend to the Board if it is appropriate to be used as the draft TIP. Should the TCC and Board approve the document, it will become the draft TIP.
- The FBRMPO Board will publish the draft TIP for public review and comment. Copies of the draft TIP will be distributed to TCC and Board members. Each jurisdiction will also have copies available for public review.
- ~~The minimum public comment period for a draft TIP shall be 30 days.~~
- The public comments will be assembled and presented to the FBRMPO TCC and the FBRMPO Board. The Board will hold a public hearing on the draft TIP. The public hearing will be held at a location which is accessible to persons with disabilities. Public comments will be addressed and considered in the adoption of the TIP.
- Written public comments and their responses will be published as an appendix to the final Metropolitan TIP.

## 3) Transportation Improvement Program Amendments

If a substantial change is made to the TIP, such TIP amendments will be available for public review and comment. A 20-day public comment period will be provided for a TIP amendment or substantial change before MPO Board (TAC) approval. Public comments can also be presented to the MPO Board at the meeting before adoption. Any comments received during the public review period will be summarized and presented to the MPO Board.—A TIP amendment is classified as substantial if one of the following criteria apply:

- Change in project cost beyond a predetermined threshold; increases in highway projects that exceed both \$2 million and 25% of the original cost and may affect fiscal constraint
- Change in federally-funded or state-funded regionally significant transit, bicycle or pedestrian project that exceeds either \$1 million or 25% of the project cost
- Any addition or deletion of a federally funded or state funded regionally significant project to the first 4 years of the TIP
- Change in the project design or scope that significantly changes the termini or project type, purpose, or number of through lanes on a non-exempt (for transportation conformity purposes) project

- Any addition, deletion or significant modification of non-traditional funding sources to a project (traditional sources of revenue include federal, state, or local government tax revenues. Non-traditional sources include state bonding and/or private participation)
- Project schedule shifts that move ROW, major capital acquisitions, or construction authorization dates either in or out of the 4 year TIP time window
- Project schedule shifts in years 1 through 4 that move project completion dates across Horizon Years as determined by the Long Range Transportation Plan
- Project schedule shifts to incorporate the project from an out-year into the current (four-year) TIP
- ~~Public comment on project additions or deletions of less than \$1 million may be sought at the discretion of the MPO Board (TAC) by majority vote. As long as a project's description, scope or expected environmental impact has not materially changed, the MPO Board may approve changes to project funding without a separate public meeting.~~
- Modifications to a project's scope that will cause a revision of the NEPA documentation or will alter any NEPA determination

#### 4) TIP Modifications

When a TIP change is not substantial enough to trigger a TIP amendment, a TIP administrative modification takes place. A TIP administrative modification is a process recommended in the FHWA/FTA/NCDOT Joint STIP Review in 2011 to streamline the project process. The MPO Board (TAC) will be notified about TIP Modifications for information purposes but they will not need to be approved by the Board. Additionally, a public hearing and public notice are not required for modifications that meet the criteria outlined below. A TIP administrative modification takes place under one of the following criteria:

- Any change to projects in years 5 or later
- Minor change to project descriptions, scopes, sponsor funding
- Minor cost increases in highway projects that do not exceed both \$2 million and 25% of the original project cost
- Minor cost change in federally-funded or state-funded regionally significant transit, bicycle or pedestrian project that do not exceed either \$1 million or 25% of the original project cost
- ~~Addition to the TIP or changes to locally-funded bicycle or pedestrian projects~~
- ~~Schedule changes that move project authorization dates within the first 4 year TIP time window and do not affect local air quality conformity findings~~
- Funding source changes between traditional funding sources (i.e. substituting available Congestion Mitigation Air Quality (CMAQ) funds for FTA section 5307 formula transit funds)
- Projects approved for Emergency Relief funds do not generally have to be included in the TIP, so any changes made for emergency projects may be considered minor modifications.
- A change requested by NCDOT that is considered an administrative modification on their behalf that does not require NCDOT Board of Transportation approval
- Modifications to TIP projects, including a project as a phased improvement to a larger project, as long as the modifications do not materially change the project's intended function, nature, costs or environmental impact.
- Data entry or typographical errors.
- In accordance with federal rules and regulations, in the event that the State of North Carolina or the federal government declares a state of emergency, FBRMPO may process any TIP modification or amendment that is related to mitigation of the emergency as an administrative modification.

#### C. Prioritization List Public Involvement Process

Prioritization List serves as the bridge between the long term plans (such as MTP, CTP, and locally-adopted transit, bicycle and pedestrian and other transportation plans) and the Metropolitan Transportation Improvement Plan. The FBRMPO TCC will develop a draft Prioritization List from the local project priorities of the MPO jurisdictions as reflected in the MTP, CTP and in the locally-adopted plans. Each MPO municipality and county should provide to the MPO their priorities for consideration, and an indication of the plan where those projects are reflected (MTP, CTP or locally-adopted plan). Other modes of projects that may not be listed in the MTP specifically may be selected due to its ability to meet the intent of the MTP (i.e. transit, bicycle, pedestrian, enhancement projects included in locally-adopted plans). These may be developed as each governing agency sees fit (for example, they may come from staff, the elected boards, or the elected boards with public involvement).

Public Involvement Process for the Prioritization List will include the following steps:

- After consideration and preliminary adoption by the MPO Board (TAC), the draft Prioritization List will be published for a minimum two-week (14-day) public comment period and the notice will be advertised using our media resources provided in [Appendix C](#).<sup>1</sup>
- The notices for the public comment period and the public hearing will include an announcement stating that persons with disabilities will be accommodated. Special provisions will be made if notified 48 hours in advance (i.e. having available large print documents, audio material, someone proficient in sign language, a translator or other provisions as requested). The Prioritization List will be on file for review at the Land-of-Sky Regional Council Office, and available in a PDF format for downloading from the FBRMPO website. Written comments will be received during the comment period and will be directed to the FBRMPO. The FBRMPO's contact person, phone number and e-mail address will be included in the public notice. The FBRMPO will assemble all comments and forward comments to the MPO Board.
- The Board will hold a public hearing on the draft Prioritization List. The public hearing will be held at a location which is accessible to persons with disabilities. The Board will approve a final Prioritization List after considering the public comments received. The Prioritization List shall be submitted to the NCDOT at or before the NCDOT public hearings for input into the STIP. The MPO Board may elect to open a dialogue with the State on specific project priorities.

## **D. Air Quality Conformity Determination**

### **1) Air Quality Conformity Introduction**

Should the French Broad River Metropolitan Planning Organization (FBRMPO) become designated as non-attainment for air quality, and become required to make conformity determination on its Transportation Plan, the following shall apply. The North Carolina Department of Transportation (NCDOT) assists the MPO in making a conformity determination by performing a systems level conformity analysis on the highway portion of the fiscally constrained Transportation Plan. The Metropolitan Transportation Improvement Program is a subset of the Transportation Plan and is therefore covered by the conformity analysis.

### **2) Public Involvement Procedure for the Air Quality Determination**

The FBRMPO in conjunction and cooperation with the North Carolina Department of Transportation will prepare an air quality conformity analysis for the FBRMPO MTP and/or TIP. Air quality conformity analysis will include the following public involvement steps:

- The FBRMPO Technical Coordinating Committee will receive the draft Conformity Report from NCDOT, review it, and forward it to the MPO Board. The Board will then publish the draft

---

<sup>1</sup> Under NCDOT Strategic Prioritization Process known as SPOT,, a list of projects ranked by the MPO, with points assigned, will be considered the Prioritization List. The full list of projects initially submitted by the MPO for SPOT scoring will not be considered as the Prioritization List.

Conformity Report and supporting or accompanying MTP and Metropolitan TIP for public review and comment.

- Copies of a draft Conformity Report will be distributed to the Board members. Each jurisdiction will also have copies available for public review. Notices regarding the draft Air Quality Conformity Report will be advertised by the FBRMPO using our media contact resources. The notice will inform the public that a draft Conformity Report has been published by the FBRMPO and that copies are available for review at the Land of Sky Regional Council office, at municipal offices of MPO member governments, available in a PDF format for downloading from the FBRMPO website, and in hard copy form at branch libraries throughout the area. The notices will include an announcement stating that persons with disabilities will be accommodated. Special provisions will be made if notified 48 hours in advance (i.e. having available large print documents, audio material, someone proficient in sign language, a translator or other provisions as requested).
- The public review period will be a minimum 30 day period, effective from the date of public notice publication. Written comment will be received during the public review period, and will be directed to the FBRMPO. The FBRMPO contact person, phone number and e-mail will be included in the public notice.
- The public comments will be assembled and presented to the FBRMPO Board. The Board will hold a public hearing on the draft Air Quality Conformity Report. The MPO will strive to hold public hearings at a location accessible to persons with disabilities and located on a transit route. Public comments will be addressed and considered in the Air Quality Conformity Determination and included as an appendix to the report.
- The Air Quality Conformity Determination is valid for four years, unless changes are made to the Transportation Plan (or Metropolitan TIP) that would have an impact on the air quality analysis. If such changes are made a new analysis needs to be conducted, including the public involvement procedure outlined above.

#### **E. Unified Planning Work Program (UPWP)**

MAP-21 requires that each Metropolitan Planning Organization (MPO) prepare an annual work program known as the Unified Planning Work Program (UPWP). The UPWP must identify the MPO planning tasks to be undertaken with the use of federal transportation funds, including highway and transit tasks.

The purpose of public involvement in the Planning Work Program process is to keep the public apprised of the planning activities to be undertaken by the Metropolitan Planning Organization and to encourage receipt of public input on these activities.

UPWP Public Involvement Process includes the following steps:

- The Distribution Formula for FTA Section 5303 (Formerly Section 8) and FHWA Planning Funds for the appropriate federal fiscal year are submitted to the MPO Board for approval. The MPO Board meetings are open to the public and comments on the Distribution Formula may be received at this time.
- The local jurisdictions will prepare a list of tasks and funding for the federal fiscal year according to the approved Distribution Formula. These lists are submitted to the FBRMPO for compilation into a draft Planning Work Program.
- The draft Unified Planning Work Program is reviewed by the Technical Coordinating Committee (TCC). The TCC meetings are open to the public. The TCC then endorses a draft UPWP and forwards the document to the MPO Board. No public hearing or public notice is required for the UPWP.
- The draft UPWP is then reviewed by the MPO Board. Public comments may be provided at this time. The draft is sent to the Public Transportation Division for comments.
- The final UPWP comes back again to the MPO Board for approval. Upon MPO Board approval, the UPWP is then forwarded on to the State and FHWA/FTA.

- The MPO Board (TAC) will be notified about UPWP modifications and amendments. Additionally, a public hearing and public notice are not required for UPWP amendments and modifications.

#### **F. Congestion Management Process and Congestion Management Plan (CMP)**

A Congestion Management Plan (CMP) is a management system and process used by an MPO to improve traffic operations and safety by using strategies that reduce vehicle miles traveled during peak commuting hours and provide other congestion relief. A CMP usually identifies low-cost improvements with short timeframes (5-10 years), in comparison to traditional infrastructure projects that can cost significantly more and have longer timeframes.

The CMP is federally required to be updated and adopted every four years. The public involvement process for the CMP at a minimum will include:

- Holding and publicizing a 30-day public review and comment period; including posting a copy of the draft CMP document on the FBRMPO website
- Consultation with employers, private and nonprofit providers of public transportation, transportation management organizations, and organizations that provide JARC or job-related services to low-income individuals. This may take place during a public meeting and/or a small group meeting(s) as outlined in section III-J and III-K.
- Upon completion of the 30-day public review and comment period, the MPO Board will accept comments during the public comment period prior to final adoption of the plan
- The MPO Board (TAC) will be notified about CMP modifications and amendments. A public hearing and public notice are not required for CMP amendments and modifications.

#### **G. Locally Administered Projects Program (LAPP), Special Studies and similar planning programs**

Various programs carried out by the MPO including but not limited to the LAPP and Special Studies are undertaken periodically to address specific modes, issues, target areas, or corridors. These studies are included and funded as part of the UPWP and typically identify issues, concerns, or desires that are relevant to a specific segment of the population or to a particular geographic area within the county. Each of these planning programs has a specific public engagement and outreach plan to involve the appropriate participants and stakeholders.

## **VI. Americans with Disabilities Act (ADA) Provisions**

All notices for planning activities of the French Broad River Metropolitan Planning Organization will include an announcement that states that persons with disabilities will be accommodated. Special provisions will be made if notified 48 hours in advance (i.e. having available large print documents, audio material, someone proficient in sign language, a translator or other provisions requested). Notices for the public comment period and the public hearing will be advertised using the media list described in Appendix C. Public meetings will be held in locations accessible to persons with disabilities and will be located near or on a transit route if possible.

FBRMPO staff will utilize the North Carolina Department of Health and Human Services database of sign language interpreters in our region to secure a sign language interpreter for a scheduled meeting upon request. Currently the database is available at <http://www.ncdhhs.gov/dsdhh/directories.htm>

## **VII. Title VI Plan**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “no person in the United States shall, on the ground 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” (42 U.S.C. Section 2000d).

This plan is adopted by both the FBRMPO and the Land of Sky Regional Council as the LPA. The FBRMPO adheres to the plan for Title VI-related issues and includes the Title VI Plan in this document by this reference.

## **VIII. Limited English Proficiency Plan**

This plan was developed to guide FBRMPO in its public outreach and comply with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (2000) and is included in this plan by this reference.

**Appendices**

DRAFT

**FBRMPO Public Participation Timelines**

Type of Planning Document	Update	Amendment	Administrative Modification
Metropolitan Transportation Plan (MTP/also known as LRTP)	Public Review and Comment Period to last 30 days prior to approval	Public Review and Comment Period to last <del>30-20</del> days prior to approval	No public participation required for <del>administrative modifications correcting small non-substantial items such as correcting spelling and adding project IDS to the project table</del>
	At least one public meeting during the 30 days public review period prior to approval	<del>Public Hearing held during the MPO Board Meeting prior to final approval</del> Public Comments accepted prior to approval	
	Public Hearing on the MTP/LRTP held during the MPO Board Meeting prior to final approval		
Transportation Improvement Program (TIP)	Public Review and Comment Period to last 30 days prior to approval	Public Review and Comment Period to last 20 days prior to approval	<del>Committee Meeting Public Comments accepted prior to approval</del> No public participation required for administrative modifications
	Public Hearing on the TIP held during the MPO Board Meeting prior to final approval	<del>Public Hearing held during the MPO Board Meeting prior to final approval</del> Public Comments accepted prior to approval	
Prioritization List <del>(Replaces Priority Needs List or PNL)</del>	Public Review and Comment Period to last 14 days after initial MPO Board approval	Public Review and Comment Period to last 14 days after initial MPO Board approval	No public participation required
	Public Hearing held during the MPO Board Meeting prior to final approval	<del>Public Hearing held during the MPO Board Meeting prior to final approval</del> Public Comments accepted prior to approval	
Public Involvement Policy (PIP)	Public Review and Comment Period to last 45 days prior to approval	Public Review and Comment Period to last 45 days prior to approval	Committee Meeting; Public Comments accepted prior to approval
	<del>Committee Meeting</del> Public Comments accepted prior to approval	<del>Committee Meeting</del> Public Comments accepted prior to approval	
Unified Planning Work Program (UPWP)	Committee Meeting; Public Comments accepted prior to approval	Committee Meeting; Public Comments accepted prior to approval	No public participation required
Congestion Management Process (CMP)	Public Review and Comment Period to last 30 days prior to approval; Public Hearing held during the MPO Board Meeting prior to final approval	Committee Meeting; Public Comments accepted prior to approval	No public participation required

a program of Land of Sky

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

## RESOLUTION TO ADOPT AMENDMENTS TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION PUBLIC INVOLVEMENT POLICY (PIP)

**WHEREAS**, the Board of the French Broad River Metropolitan Planning Organization approved the Public Involvement Policy on October 31, 2013; and

**WHEREAS**, the French Broad River MPO Board has reviewed the proposed amendments and finds them satisfactory; and

**WHEREAS**, these proposed amendments to the French Broad River MPO Public Involvement Policy were made available for public comment for a 45-day period; and

**NOW THEREFORE, BE IT RESOLVED** that the Board of the French Broad River Metropolitan Planning Organization adopt amendments to the Public Involvement Policy as summarized below and highlighted in the updated policy (see next pages):

**ADOPTED:** This the 28<sup>th</sup> Day of January, 2021

---

Larry Harris, FBRMPO Board Chair

---

Attest, Tristan Winkler, Director  
French Broad River MPO

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

## Staff Report & Recommendations

# Item 4C:

## Presentation on the Black Mountain Parking Study

In FY 2019, the French Broad River MPO provided funding to the town of Black Mountain for a study looking at parking and circulation throughout Black Mountain's central business district. The study evaluated current parking and traffic patterns while identifying areas for improvement. Town of Black Mountain staff will present on the study and its findings.

Additional studies like the Black Mountain Parking Study are eligible for funding with the MPO's Unified Planning Work Program (UPWP) which provides 80% of the cost of the project from federal funds that are passed-through the MPO; the other 20% is required to come from local or other non-federal sources. Other similar studies that have been funded this way recently include: the Hendersonville Oklawaha Greenway Extension Study, the Asheville Transit Master Plan, Buncombe County's Bent Creek Greenway Feasibility Study, and on-going studies on Hendersonville Road, Tunnel Road, the Mud Creek Greenway (Henderson), and the Richland Creek Greenway (Waynesville.)

**No Action Required**

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

## Staff Report & Recommendations

# Item 5A:

## Division Project Updates

Division 13 Updates: [http://frenchbroadrivermpo.org/wp-content/uploads/2021/01/D13\\_Jan21.pdf](http://frenchbroadrivermpo.org/wp-content/uploads/2021/01/D13_Jan21.pdf)

Division 14 Updates: [http://frenchbroadrivermpo.org/wp-content/uploads/2021/01/D14\\_Jan21.pdf](http://frenchbroadrivermpo.org/wp-content/uploads/2021/01/D14_Jan21.pdf)

# Item 5B:

## TPD Updates

TPD Updates: [http://frenchbroadrivermpo.org/wp-content/uploads/2021/01/FBRMPO\\_Newsletter\\_2021\\_1\\_January.pdf](http://frenchbroadrivermpo.org/wp-content/uploads/2021/01/FBRMPO_Newsletter_2021_1_January.pdf)

# Item 5C:

## FHWA/FTA Updates

# FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

## Staff Report & Recommendations

# Item 5D:

### Committee & Workgroup Updates

**Prioritization Subcommittee**— met January 5<sup>th</sup>; next meeting February 2<sup>nd</sup>

**Transit Operators' Workgroup**— next meeting TBD.

**Citizens' Advisory Committee**- January 13<sup>th</sup> meeting canceled; next meeting TBD

**Regional Transit Study**- public meetings and survey made available in December

**Corridor Studies**- Hendersonville Road Public Meeting on January 13<sup>th</sup>

### Recommended Actions:

Accept the reports.

# Item 5E:

### Legislative Updates