2020 PUBLIC PARTICIPATION PLAN

An information resource for the public

pennsylvania
DEPARTMENT OF TRANSPORTATION

PUB 823 (5-20)

ACKNOWLEDGEMENTS

The Pennsylvania Department of Transportation (PennDOT) appreciates the expertise, time, and effort invested in the update of the Statewide Public Participation Plan. In addition to the public, the update process for the 2020 Plan involved a Stakeholders Group, Steering Committee, and a Project Team responsible for guiding the process and producing the final plan.

Members of the Stakeholders Group represent various organizations and service providers for diverse populations across the state. Representatives of the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Municipal and Rural Planning Organizations, and PennDOT served on the Steering Committee. The Project Team was led by PennDOT's Center for Program Development and Management with support from the PennDOT Bureau of Equal Opportunity, FHWA, and FTA.

The following is a list of the Stakeholders Group member organizations:

Center for Independent Living of Central PA
Commuter Services of Pennsylvania
Council on American Islamic Relations
County Commissioners Association of Pennsylvania
Governor's Advisory Commission on African American Affairs
Governor's Advisory Commission on Asian Pacific American Affairs
Governor's Advisory Commission on Latino Affairs
Governor's Cabinet and Advisory Committee for People with Disabilities
International Service Center
Jewish Federation of Greater Harrisburg
Office of Vocational Rehabilitation
Pennsylvania Commission on LGBTQ Affairs
Pennsylvania Department of Human Services
Pennsylvania Municipal League
Pennsylvania Public Transportation Association
Pennsylvania State Association of Boroughs
Pennsylvania State Association of Township Supervisors
Pennsylvania Human Relations Commission
The Pennsylvania Immigrant and Refugee Woman's Network
The United Way of Pennsylvania

PREFACE

The purpose of the Public Participation Plan is to provide the public with an understanding of statewide transportation planning and programming, the associated update processes, and the methods the Pennsylvania Department of Transportation (PennDOT) uses for public engagement. PennDOT's goal is to provide you with enough information to make the first step toward participating in our transportation planning processes a little easier.

PennDOT will make all reasonable modifications to policies, programs, and documents to ensure that people with disabilities and those with limited English proficiency have an equal opportunity to enjoy all of its programs, services, and activities.

PennDOT is committed and required to plan for the future needs of the statewide transportation system which supports the safe and efficient movement of people and transport of goods. In doing so, a number of plans and programs are prepared for the Commonwealth's multimodal transportation system including this document – PennDOT's 2020 Public Participation Plan (PPP).

This document outlines PennDOT's public participation methods used when developing the **Statewide Long Range Transportation Plan (LRTP)**, the **Twelve Year Program (TYP)**, the **Statewide Transportation Improvement Program (STIP)**, and the **PPP**. These four documents are updated on a recurring basis with support from Pennsylvania's Metropolitan Planning Organizations (MPOs), Rural Planning Organizations (RPOs), and the public. A customized public participation process is used for each document update, geared to their distinct functions. Procedures in this PPP will be implemented for planning processes initiated after January 1, 2020.

PennDOT is dedicated to providing public outreach efforts that comply with, and whenever possible exceed, the requirements in the following federal laws, regulations, and executive orders. There are additional laws; however, that PennDOT abides by that are not referenced below.

- Federal planning regulations for statewide public participation (23 CFR 450.210)
- Title VI of the Civil Rights Act of 1964
- Executive Order on Environmental Justice (Executive Order 12898, February 11, 1994)
- Americans with Disabilities Act (ADA) of 1990
- Executive Order on Limited English Proficiency (Executive Order 13166, August 11, 2000)

Anyone who requires an auxiliary aid or service for effective communication, documents in alternative formats or languages, or a modification of policies or procedures to participate in a program, service, or activity of PennDOT, should contact the Bureau of Equal Opportunity at (800) 468-4201 as soon as possible but no later than seven (7) days before scheduled events.

PennDOT's public outreach efforts also comply with the Pennsylvania Sunshine Act, 65 Pa.C.S. §§ 701-716 (Open Meetings Law). We provide timely access to transportation decision-making processes for all by providing fair and inclusive opportunities for public participation. As a result, we can better align transportation priorities and programs with the needs of diverse users and fairly distribute transportation benefits.

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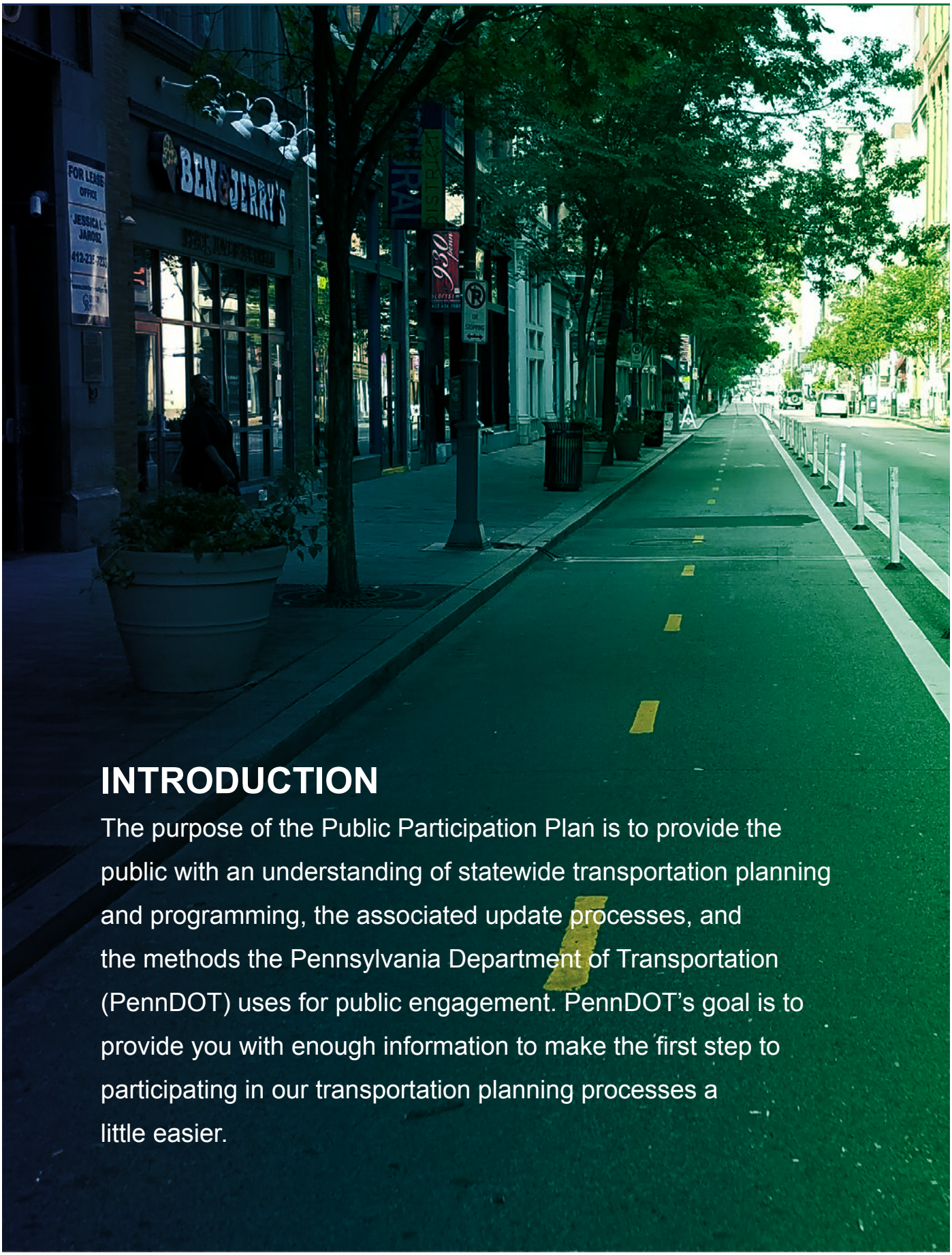
STATEWIDE TRANSPORTATION PLANS AND PROCESSES

	LONG-RANGE (25 YEARS)	MID-RANGE (12 YEARS)	SHORT-RANGE (4 YEARS)	PUBLIC PARTICIPATION PLAN
PLAN	STATEWIDE LONG RANGE TRANSPORTATION PLAN (LRTP)	TWELVE YEAR PROGRAM (TYP)	STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)	PUBLIC PARTICIPATION PLAN (PPP)
GOALS/UPDATE FREQUENCY	• To present a broad direction for PA's multi-modal transportation system through a vision, goals and objectives • To align federal, state and regional priorities for transportation • To provide the best performing transportation system for people, businesses, and places	• To act as a blue print for improving and maintaining PA's transportation system • To build on the overall policy direction set in the LRTP, as well as emerging needs and opportunities throughout PA • To make decisions regarding the allocations of funding proposed for projects	• To implement the Statewide LRTP • To advance the projects in the TYP to implementation • To list all transportation projects for which federal funding is proposed over the next four years, incorporating the regional TIPs	• To outline methods for meaningful statewide public participation • To document commitment to provide statewide public participation opportunities • To ensure the public's ideas and concerns are identified and addressed
	Updated every 5-6 years	**Updated every 2 years**	**Updated every 2 years**	**Updated every 5 years**
MINIMUM PUBLIC INVOLVEMENT OPPORTUNITIES	• 30-day public comment period – Public review and comment on the draft LRTP • Website and webinars • A survey	• 45-day public comment period – Public review of the Transportation Performance Report (TPR) • A public meeting • A survey	• 15-day public comment period – Public review and comment on the draft STIP • Public review and comment on the regional TIP at each MPO/RPO – Each MPO/RPO has their own Public Participation Plan	• 45-day public comment period – Public review and comment on the draft PPP • Website • A comment form



INTRODUCTION

The purpose of the Public Participation Plan is to provide the public with an understanding of statewide transportation planning and programming, the associated update processes, and the methods the Pennsylvania Department of Transportation (PennDOT) uses for public engagement. PennDOT's goal is to provide you with enough information to make the first step to participating in our transportation planning processes a little easier.

You rely on various modes of transportation every time you travel from place to place – driving a car, walking to the store, riding a bus or train, bicycling to work, or vanpooling. Additionally, you rely on transportation for the delivery and transport of goods, such as packages to your home, produce to grocery stores, and fuel to gas stations.

We rely on transportation for delivery of goods.

When PennDOT develops statewide transportation plans and programs, your needs and the needs of your community are a very important part of the planning process. PennDOT, in collaboration with the Metropolitan Planning Organizations (MPOs) and Rural Planning Organizations (RPOs), creates plans and programs that aim to reflect your priorities, enhance your quality of life, and improve the state's economy.

State DOTs are no longer just held accountable for the transportation system; they are also held accountable for how the system supports and improves the quality of life for communities.[1] To better understand your transportation needs, PennDOT encourages you to get involved during the update of statewide transportation plans. When you get involved you can make a difference in the transportation system for yourself and everyone who uses our services and resources.

With your participation and the help of PennDOT staff, actively engaged stakeholders, and the MPOs and RPOs, we can continue to sustain and grow a statewide transportation system that enables the quality of life in Pennsylvania to thrive.

[1] National Cooperative Highway Research Program Report 798

WHAT IS STATEWIDE TRANSPORTATION PLANNING AND PROGRAMMING?

Statewide transportation planning and programming considers all transportation modes important to you and the statewide system. Statewide transportation **planning** sets goals and ranks transportation needs for the entire state. Transportation **programming** chooses and funds projects that meet the needs of the statewide plans and priorities.

Transportation system management has required more of PennDOT's limited resources due to an aging system and federally mandated transportation performance management requirements. Consequently, a high priority is placed on projects that rehabilitate, reconstruct, and renew the existing transportation infrastructure.

Transportation planning is a continuous process that develops statewide and regional long-range transportation plans. The plans guide us toward the development and start of specific projects. This publication, however, focuses on the planning and programming phase of the overall process – not specific to an individual project. Details about public involvement at the project level are addressed in PennDOT's Public Involvement Handbook, Publication 295.

Publication 295, The Public Involvement Handbook

Publication 295 is a guide for PennDOT personnel, consultants, and staff from other administrative jurisdictions - such as local project sponsors - engaged in individual transportation project development activities ranging from the beginning of project development to physical project construction. Publication 295 describes requirements, approaches, and techniques used for meaningful public involvement on a project-by-project basis.

WHAT ARE THE STATEWIDE TRANSPORTATION PLANS AND PROGRAMS?

The following information addresses PennDOT's Statewide **Long Range Transportation Plan** (LRTP), **Twelve Year Program** (TYP), **Statewide Transportation Improvement Program** (STIP), and **Public Participation Plan** (PPP). It also covers the primary tools PennDOT uses for public involvement and what you can expect when you take part during the update processes.

The **LRTP** is PennDOT's largest and most comprehensive statewide transportation plan that covers a 25-year forecast period. Due to the range of topics in this plan, it is important to call for the involvement of many stakeholders, including you. The public participation efforts for the LRTP update will take place over a period of months and provide opportunities to take part in the LRTP development from beginning to end. This includes developing the direction and specific actions for implementing the plan's strategies.

The **TYP** is a mid-range collaborative planning tool that provides a 12 year outlook and is updated by PennDOT with input from the MPOs and RPOs for adoption by the State Transportation Commission every two years. Public participation is an important component of updating the TYP.

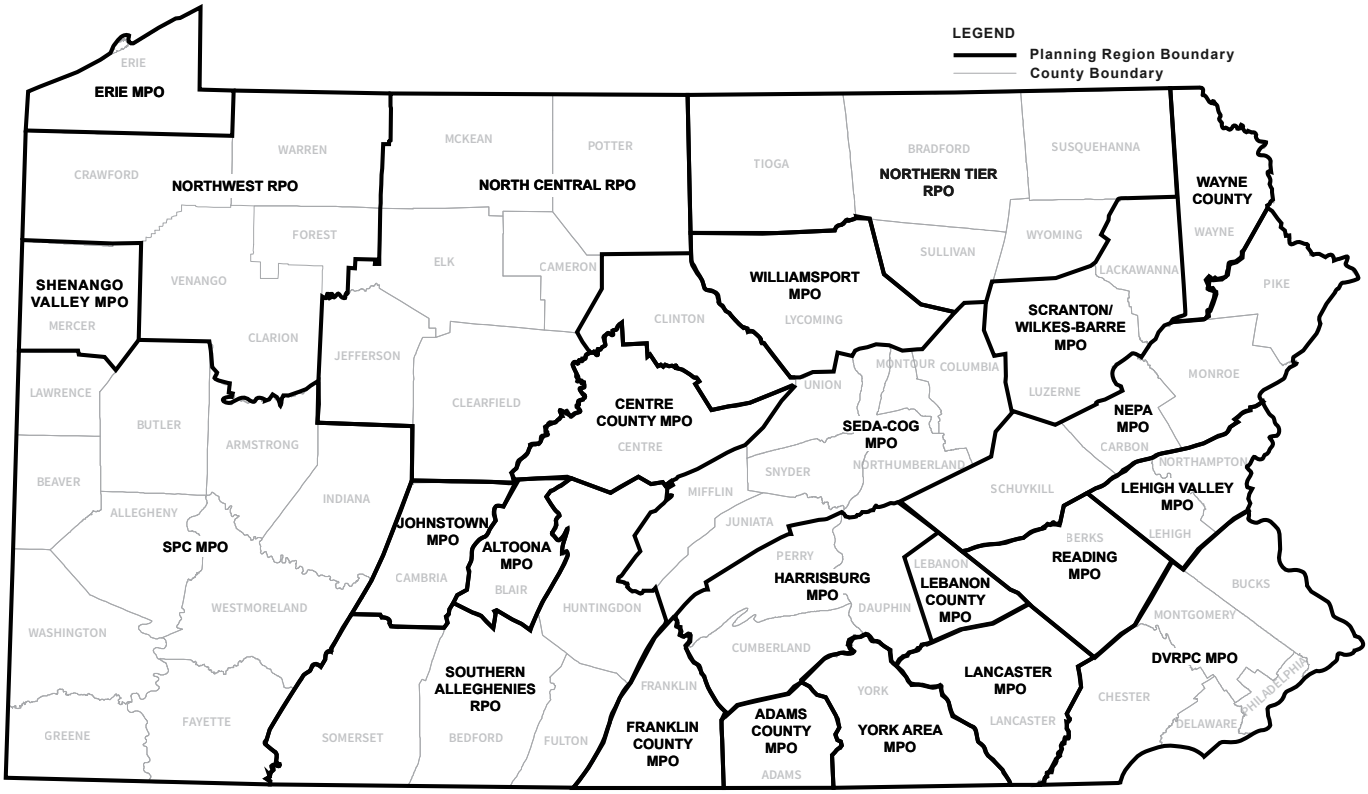
The **STIP**, by federal guidelines, must cover a period of no less than four years. PennDOT's STIP is comprised of the projects included in the first four years of the TYP. These projects are initially identified, prioritized and approved by regional MPOs and RPOs who conduct their own local public participation process. Each MPO and RPO submits their approved projects to PennDOT in the form of a Transportation Improvement Program (TIP). The regional TIPs are then combined to form the first four years of the TYP and the STIP.

The **PPP** is a requirement for compliance with federal guidelines for statewide transportation planning. States are required to have a documented process for providing the public opportunity to participate in statewide transportation planning including review and comment at key decision points (23 CFR 450.210 [a]). This resource is PennDOT's documented process. It demonstrates PennDOT's commitment to effective public participation and its importance to the statewide planning process.

When PennDOT updates each of these documents, it is announced to the public and a wide range of interested parties are invited to get involved. These parties include you, affected public agencies, and stakeholders, such as:

- Public transportation employees
- Public ports operators
- Freight shippers
- Private providers of transportation (including intercity bus operators)
- Users of public transportation
- Users of pedestrian walkways
- Users of bicycle transportation facilities
- Providers of freight transportation services
- Representatives of individuals with disabilities
- Federally recognized Tribes with ancestral ties to Pennsylvania
- Other interested parties

PennDOT also works closely with the MPOs and RPOs, state and local elected officials, and municipal governments who are directly connected with you and the communities that make up planning regions. They are central to PennDOT's local outreach efforts across the state. You can continue reading to learn more about the LRTP, TYP, STIP, and the PPP.



THE STATEWIDE LONG RANGE TRANSPORTATION PLAN

The Statewide LRTP is PennDOT's planning tool used to set goals for all types of transportation needs over a 25-year period. Statewide LRTPs must be updated periodically (23 CFR 450.216 [p]). PennDOT's LRTP is updated every five to six years.

What is its purpose?

The purpose of the Statewide LRTP is to develop policies, visions, and goals to move people and goods safely and improve the quality of life throughout the Commonwealth.

What is updated?

As noted previously, the Statewide LRTP is PennDOT's largest and most comprehensive statewide transportation plan that covers a 25-year forecast period. Many years pass between updates and, as a result, everything in the plan undergoes a detailed re-evaluation and is subject to change.

How do I get involved?

PennDOT provides opportunities for you to get involved in the update process including a survey, public workshops, and focus groups. The types of outreach tools and opportunities may vary from one update to the next, but the details on public participation opportunities will be defined and publicized in advance of the events. PennDOT has held as many as 17 special interest focus groups; 36 regional outreach workshops; and 20 implementation workshops supported by interested individuals and solicited representatives from around the state as a part of the update process for the Statewide LRTP. During the update process, PennDOT will hold one public forum at a minimum.

When the Statewide LRTP update is scheduled, PennDOT will announce specific information on how to get involved on its website and in the media. The plan will be placed on a webpage for direct access to the policy and technical information under development, and a feature for responding to your suggestions and comments will be provided. This feature may be an email address and/or a form that you can complete and send to PennDOT. Visuals are used at PennDOT's public meetings and on related websites to enhance understanding of the plan, supporting studies, mapping, and other related items and technical materials. The visual aids may also include informational charts, animations, mapping, videos, aerial photography and other graphic explanations depending on the type of information to be conveyed.

Once PennDOT has developed a draft of the updated Statewide LRTP, a 30-day public comment period will be held for you to review and provide your comments. The public comment period is communicated and coordinated using:

- Media announcements
- PennDOT's website
- PennDOT's social media accounts (Facebook and Twitter)
- Email to those who sign up for email updates

PennDOT will provide all of the details you need to participate in the comment period as a part of the initial public notification. This information includes where to access the draft document, how to submit comments, the start and end dates for the comment period, and who to contact if you have questions or need assistance.

What happens after I get involved?

PennDOT documents all the comments shared in the survey, workshops, focus groups, and other public forums. The comments are then reviewed and analyzed to better understand your needs and requests. The analysis is used for the update of the Statewide LRTP.

PennDOT also documents comments and responds to questions on the draft Statewide LRTP. A summary of the public participation process, comments, and responses generated during the update will be made available to the public upon request.

PennDOT makes the final Statewide LRTP available for public review on its website, and the most current version is available at
https://www.penndot.gov/ProjectAndPrograms/Planning/Pages/default.aspx

TWELVE YEAR PROGRAM

The TYP is PennDOT's mid-range planning tool used to match available monies with transportation projects statewide, scheduled over a 12-year period. This program is updated every two years with the help of the MPOs and RPOs.

What is its purpose?

The TYP conveys the best use of available monies for transportation projects to meet the goals set by the Statewide LRTP. The TYP is the Commonwealth's official transportation program, and is a multimodal, fiscally constrained program of transportation improvements spanning a 12-year period. Multimodal means that the TYP includes all travel modes, including highways, bridges, public transit, aviation, rail, and bicycles and pedestrian facilities. Fiscally constrained means that the program contains only those funds that PennDOT expects to be available within the 12-year period.

What is updated?

PA State Law Act 120 of 1970, as amended, requires PennDOT to prepare, update, and submit Pennsylvania's TYP every two years to the State Transportation Commission (STC). It is then sent to the Governor, the General Assembly, and the Secretary of Transportation. The STC is responsible for approving Pennsylvania's TYP every two years. Projects are grouped into three time frames:

Transportation Program Development Process

Twelve Year Program Cycle

How do I get involved?

Participation in the TYP begins with the release of the Transportation Performance Report. This report contains information about how PA's transportation system performed over the most recent two year period. The public is encouraged to review this report before the STC seeks public input and feedback on local and statewide transportation priorities.

The STC, PennDOT, MPOs, and RPOs partner to provide opportunities for you to get involved in the TYP update process. This 45-day public comment period includes a customized survey and public meeting.

The public meeting is hosted by the PennDOT Secretary who is the Chair of the STC. Other members of the STC and PennDOT Executive staff may also attend the public meeting and take part in a question and answer session following the main presentation.

The public comment period is communicated and coordinated through the use of several tools:

- Media announcements
- The STC website
- Toolkits for MPOs and RPOs (made available on website)
- PennDOT's social media accounts (Facebook and Twitter)
- Email to those who sign up for email updates

These tools will direct you to the Transportation Performance Report and the survey. You can learn more about the public meeting, the start and end dates for the comment period, and who to contact if you have questions or need assistance by visiting www.TalkPATransportation.com.

What happens after I get involved?

When you complete the survey, PennDOT collects, analyzes, and uses your feedback to inform the development of the updated TYP and STIP. The survey results are also posted on the STC website to be shared with the public and the MPOs and RPOs for use in the update of the STIP and regional Transportation Improvement Programs (TIP).

When you attend the public meeting and take part in the question and answer session, the questions received are documented and answered accordingly. The questions and answers are then posted on the STC website along with a recording of the public meeting.

Having received all of this feedback, PennDOT begins work on the development of the updated TYP and the STIP. This process generally takes nearly a year to complete.

Once the final draft of the TYP is completed, PennDOT presents it to the STC for their review and adoption. The adopted and most current version of the TYP is available at www.TalkPATransportation.com.

The TYP isn't required to comply with federal guidance for public involvement, but as noted earlier, PennDOT is dedicated to providing public outreach efforts that comply with, and whenever possible exceed, the requirements in the noted federal laws and executive orders. Additionally, the TYP public outreach efforts must reflect PennDOT's commitment to provide timely access to transportation decision-making processes for all by providing fair and inclusive opportunities for public participation.

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM

The STIP is PennDOT's short-range planning tool and is composed of projects in the first four years of the TYP. It includes the 24 regional Transportation Improvement Programs (TIPs) and two Statewide TIPs for projects that span multiple regions including the Interstate Program and statewide initiatives. The STIP is updated every two years (23 CFR 450.218 [a]).

What is its purpose?

The STIP is a four-year fiscally-constrained prioritized transportation program of highway, bridge and transit projects to be implemented with federal, state and local funding. Fiscally constrained means that the program contains only those funds that PennDOT expects to be available within the four-year period. Projects must be listed in the STIP to utilize federal funds authorized by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).

What is updated?

All of the content in the STIP is updated every two years. The majority of content is comprised of TIPs as adopted by the MPOs and RPOs. The TIPs are incorporated into the STIP without modifications. It also includes the centrally managed Interstate Management TIP, the Statewide Items TIP, and all statewide and regionally significant projects regardless of funding source.

How do I get involved?

Since the STIP is part of the TYP, you may initially get involved by participating in the TYP public outreach opportunities as referenced previously in the TYP section. PennDOT, MPOs, and RPOs consider comments received in the TYP outreach during the development of the STIP and TIPs.

Public involvement opportunities for the STIP coincides with the regional TIP updates. The most efficient way to provide input is during the regional TIP update process by contacting your local MPO or RPO (see Appendix C and D). Each MPO and RPO has their own Public Participation Plan. Ways to get involved regionally may include, but aren't limited to:

- Public Meetings
- Minimum 30-day public comment period
- Comment Forms
- Surveys

Information on how to get involved in each regional TIP update, including individual public comment periods, will be provided at www.TalkPATransportation.com. Each region will also include the Statewide Programs as part of their regional public comment period.

To supplement the regional TIPs public comment periods, PennDOT will provide a minimum 15-day public comment period on the draft STIP. The public comment period will be communicated and coordinated through the use of several tools:

- Media announcements
- PennDOT's website
- PennDOT's social media accounts (Facebook and Twitter)
- Email to those who sign up for email updates

PennDOT will provide all of the details you need to participate in the comment period as a part of the public notification. This information includes where to access the draft STIP, how to submit comments, the start and end dates for the comment period, and who to contact if you have questions or need assistance.

What happens after I get involved?

Each region has their own practice for how they use your comments during their TIP update process. Learn more by contacting your local MPO or RPO.

On the statewide level, PennDOT will work with the MPOs and RPOs to review the comments and better understand your needs and requests. PennDOT also documents comments and responds to questions on the draft STIP. A summary of the public participation process, comments, and responses generated during the update will be made available to the public upon request. The final version of the STIP is posted on the STC website at www.TalkPATransportation.com.

PUBLIC PARTICIPATION PLAN

This plan (the PPP) outlines PennDOT's methods for providing inclusive and accessible opportunities for meaningful public participation in the preparation of the LRTP, TYP, STIP, and in the complete update of this public information resource. The plan must be reviewed periodically and revised as appropriate to ensure that it is effective and provides full and open access to all interested parties (23 CFR 450.210 (ix)). PennDOT evaluates the PPP routinely and conducts a detailed assessment every five years.

What is its purpose?

This plan documents and characterizes PennDOT's commitment to providing opportunities for public participation in statewide transportation decision-making. PennDOT's statewide transportation planning and programming processes are collaborative and involve many organizations and individuals. PennDOT's approaches help to make sure the public's ideas and concerns are identified and addressed. This results in better transportation outcomes and satisfies federal requirements.

What is updated?

All of the content in the PPP is subject to change as needed. Minor revisions are made on a routine basis as needed without formal public notification. An example of a minor revision is the update or removal of references in the document. Major revisions are made as required and will include a public participation process for the update. A major revision includes a change that impacts the public's ability to participate in PennDOT's statewide planning processes. An example of a major revision is the removal of a comment period.

How do I get involved?

Public comment on how PennDOT can improve its public participation process in statewide planning is always welcome. You may provide your comments for consideration by contacting PennDOT's Bureau of Equal Opportunity at:

- 1-800-468-4201; TTY (711) or
- penndot_eoreports@pa.gov

Formal public participation in the maintenance and update of this resource is initiated through an evaluation process. PennDOT conducts a detailed assessment of our PPP document every five years.

An evaluation form is used to help determine if revisions are necessary and if the revisions warrant a public comment period. A copy of PennDOT's evaluation form is provided in Appendix G. PennDOT makes minor revisions on a routine basis as needed without formal public notification.

If a major revision is required after a detailed assessment, a public participation process is initiated for the update. A Stakeholder Committee, organized by PennDOT's Bureau of Equal Opportunity (BEO), is formed to help with the review of the existing document content and the development of new content. PennDOT's BEO invites individuals and organizations representative of Pennsylvania's diverse population including the traditionally underserved, vulnerable, and social advocates or disenfranchised organizations or groups, to become members. The Stakeholder Committee meets as needed throughout the draft document development process.

Once PennDOT develops the draft updated PPP, a 45-day public comment period is held for you to review and provide your comments. The public comment period is communicated and coordinated through the use of several tools:

- The Pennsylvania Bulletin
- PennDOT's Planning website
- PennDOT's social media accounts (Facebook and Twitter)
- Email to those who sign up for email updates

The details you need to participate in the comment period will be included as a part of the initial public notification. The notification includes where to access the draft document, how to submit comments, the start and end dates for the comment period, and who to contact if you have questions or need assistance.

PennDOT also asks the Stakeholder Committee to share the information about the plan, public comment period, and public participation opportunities with their networks, communities, and friends.

What happens after I get involved?

PennDOT documents and responds to comments and questions on the draft PPP. PennDOT organizes an internal Steering Committee to review and approve the final version of the document. Representatives from the FHWA, FTA, municipal officials, MPOs, RPOs, and other key stakeholders are invited to serve on the Steering Committee for concurrence on the final Plan. The final PPP is posted on PennDOT's Planning website, and the most recent version is available at https://www.penndot.gov/ProjectAndPrograms/Planning/Pages/default.aspx.

Members of the Stakeholder Committee will also be asked to:

- Review a digital copy of the final plan
- Provide feedback on the Stakeholder Committee Process

The BEO may also invite Stakeholder Group members to remain on the Committee for future major revisions of the PPP.

PennDOT has other statewide plans and programs that do not have to follow the guidelines in this document; however, as with the TYP, you may be invited to get involved during the updates. To learn more about these plans, programs, and their public involvement opportunities, please visit PennDOT's website.

WHAT IF I NEED HELP TO GET INVOLVED?

If you need help getting involved in statewide transportation planning and programming, **please let PennDOT know**. PennDOT is committed to offering full access to transportation planning processes for all who use its services and resources. This includes all people regardless of their disability, race, color, religious creed, sex, national origin, income, or limited English proficiency (LEP).

PennDOT helps you get involved by providing inclusive resources. As noted previously, anyone who requires an auxiliary aid or service for effective communication, documents in alternative formats or languages, or a modification of policies or procedures to participate in a program, service, or activity of PennDOT, should contact the Bureau of Equal Opportunity at (800) 468-4201. Other steps that PennDOT takes to support full public access to transportation planning processes include:

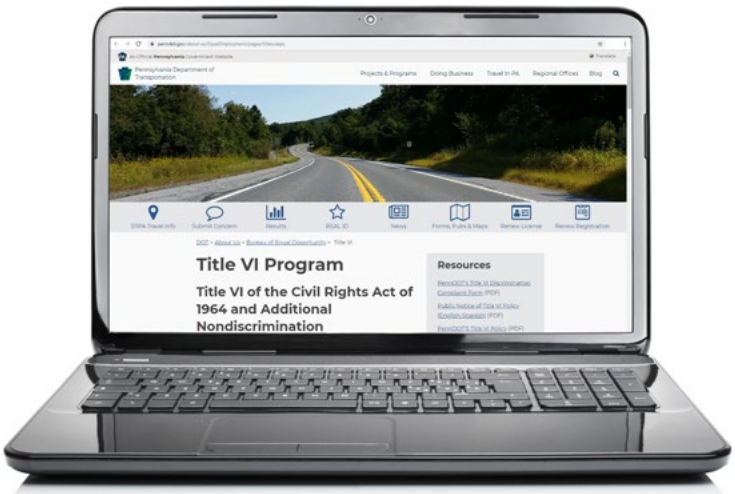
- Holding public meetings in places that are ADA accessible
- Holding public meetings that are accessible to public transportation whenever possible
- Providing screen reader compliant website content
- Providing easy to translate website content
- Providing materials and announcements translated in other languages or braille upon request
- Providing interpretation services upon request

PennDOT is also dedicated to providing involvement opportunities that follow:

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act states that "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

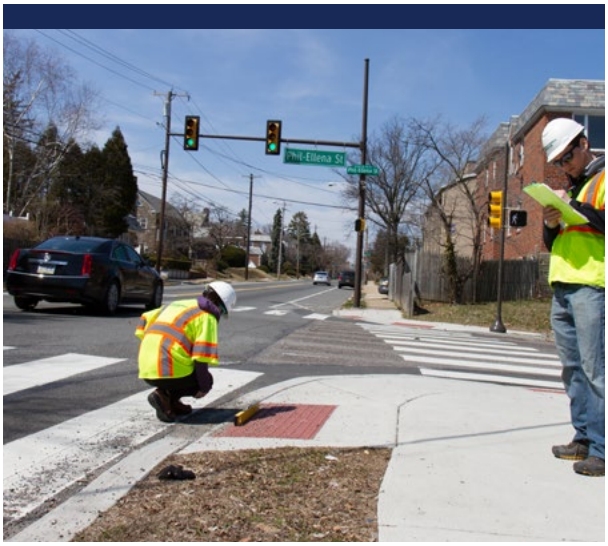
PennDOT's Title VI Program includes other federal and Commonwealth nondiscrimination authorities which prohibit discrimination based on age, sex, religious creed, disability, limited English proficiency (LEP), and low-income. The types of discrimination prohibited, includes those mentioned in 49 CFR 21.5. You may find more information in PennDOT's Title VI Policy, Title VI Compliance and Implementation Plan (Publication 478) and additional information through the Bureau of Equal Opportunity's Title VI website.



Executive Order on Environmental Justice (Executive Order 12898, February 11, 1994)

The U.S. Environmental Protection Agency (EPA) defines environmental justice as, "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."

This executive order makes environmental justice part of each federal agency's mission. PennDOT is committed to providing full access to public involvement for all people, including minority and low-income communities. You may find more information in PennDOT's Environmental Justice Plan entitled Every Voice Counts (Publication 737) and in our Project Level Environmental Justice Guidance (Publication 746).



Americans with Disabilities Act (ADA)

The Americans with Disabilities Act of 1990 prohibits discrimination against any person on the basis of a disability in everyday activities. PennDOT is committed to providing full access to public involvement programs and information for all people including people with disabilities. You may access additional information on ADA through the Bureau of Equal Opportunity's Title VI website.

Executive Order on Limited English Proficiency (Executive Order 13166, August 11, 2000)

This executive order improves access to federally assisted programs and activities for people who, as a result of national origin, are limited in their English proficiency (LEP). The U.S. Department of Transportation published Policy Guidance Concerning Recipients' Responsibilities to LEP Persons in 2015. The guidance includes methods for transportation agencies to determine the need for translation and interpretation.

PennDOT is committed to providing full access to public involvement for all people including people with LEP. You may access PennDOT's Language Access Plan for LEP Individuals and find more information on its Bureau of Equal Opportunity's LEP website.

These mandates ensure that planning and public involvement activities are conducted fairly and in consideration of all people. It is important to PennDOT that all people have an equal voice and chance to share their needs and concerns of the transportation network.

PennDOT also works directly with its Bureau of Equal Opportunity to determine the best strategies for reaching traditionally underserved groups, such as low-income and minority households, so their needs can be considered. As part of that effort, representatives of social advocates or disenfranchised organizations or groups are invited to serve on the task forces or advisory committees that support planning efforts. PennDOT uses focus groups and workshops to engage representatives of economically disadvantaged persons, minorities, LEP populations, and other groups not traditionally represented in the planning process. These methods are supplemented with other approaches detailed in PennDOT's Publication 737, Every Voice Counts.

Although there are no areas in Pennsylvania under the jurisdiction of Indian Tribal governments, PennDOT considers federally-recognized Tribes to be interested parties. Therefore, PennDOT mails transportation planning and programming materials to representatives of the 15 federally recognized Tribes that have interests in Pennsylvania to provide opportunities for review and comment. Additional details on PennDOT's tribal consultation process is provided in PennDOT's Cultural Resources Handbook, Publication 689.

When PennDOT advertises public meetings, contact information is included for you to request assistance to participate. If you have other questions or challenges, please contact PennDOT's Bureau of Equal Opportunity to request help at:

1-800-468-4201; TTY (711)
penndot_eoreports@pa.gov

Requests for assistance should be made as soon as possible, but no later than seven (7) days before scheduled events.

Complaints that a program, service, or activity provided by PennDOT or one of its member agencies is not accessible to persons with disabilities should also be reported at the telephone number or email address listed above, or submitted in writing through the US Postal Service to:

PennDOT Bureau of Equal Opportunity
Title VI Program Specialist
400 North Street – 5 West
Harrisburg, PA 17120-0041

PennDOT will not place a surcharge on an individual with a disability or those with LEP to cover the costs of providing auxiliary aids/ services or reasonable modifications of policy.

At a minimum, PennDOT's public participation plans for statewide transportation planning complies with 23 CFR 450.210 as it applies to the following specific statewide plans and public outreach criteria:

1) Early and continuing public involvement opportunities that provide timely information about transportation issues and decision-making processes to individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, private providers of transportation (including intercity bus operators) representatives of users of public transportation, pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services and other interested parties;

2) Provide reasonable public access to technical and policy information used in the development of the Statewide LRTP and the STIP;

3) Provide adequate public notice of public involvement activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed Statewide LRTP and STIP;

4) To the maximum extent practicable, ensure that public meetings are held at convenient and accessible locations and times;

5) To the maximum extent practicable, use visualization techniques to describe the proposed long-range statewide transportation plan and supporting studies;

6) To the maximum extent practicable, make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information;

7) Demonstrate explicit consideration and response to public input during the development of the long-range statewide transportation plan and STIP;

8) Include a process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services; and

9) Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process as appropriate.

KEY PARTNERS IN STATEWIDE TRANSPORTATION PLANNING

Metropolitan and Rural Planning Organizations

MPOs and RPOs support statewide transportation planning and programming on a regional level. Regional transportation planning and programming was established in all metropolitan and rural areas throughout the commonwealth to comply with federal, state, and local transportation objectives. There is also one independent county – Wayne County who relies on PennDOT to conduct transportation planning activities.

The MPOs and RPOs are decision-making bodies comprised of state and local government officials, modal agencies, and transportation stakeholders. They are responsible for the development and periodic review of regional LRTPs and regional TIPs.

MPOs and RPOs revise their TIPs every two years, and then PennDOT combines the TIPs to form the STIP. The projects on the STIP are prioritized to become the first four years of the TYP. To ensure that reasonable opportunity is provided on the regional level, each MPO and RPO must also develop their own Public Participation Plan.

Non-Metropolitan Local Officials

PennDOT consults with non-metropolitan local officials on statewide plans and programs through the RPOs and one independent county. Pennsylvania has RPOs which cover the non-metropolitan regions with less than 50,000 in population. PennDOT provides support for and maintains continual communication with the RPOs which function similar to the MPOs. The RPOs provide staff support to Executive Committees. The Executive Committees serve as forums for local officials to participate in regional transportation decisions.

PennDOT staff are actively involved in transportation planning with the RPOs. RPOs engage in the development of guidance for Statewide Planning:

- Financial Guidance for STIP update
- General and Procedural Guidance for STIP update
- Public Participation Plan Guidance for Statewide Planning

PennDOT will seek feedback from non-metropolitan local officials every five years on the effectiveness of this process during a 60-day comment period. Federal regulations require the consultation process to be reviewed every five years.

PennDOT has a history of successful collaboration with the RPOs in their process for consulting with non-metropolitan local officials on statewide plans and programs. The operation of the RPOs aligns with the purpose and role of the **Regional Transportation Planning Organization** (RTPO) as defined in Moving Ahead for Progress in the 21st Century (MAP-21) and in 23 CFR 450.210(d). Accordingly, PennDOT does not propose re-establishing the RPOs as RTPOs at this time.

Local Municipal and County Staff

PennDOT Connects is a commitment to engage with local municipal and county staff before a project is programmed on a regional TIP to improve the transportation system. PennDOT Connects is an example of better planning and communication statewide and across various government levels. It is focused on bettering transportation systems and improving communities through collaborative planning. It is also focused on project-level planning, however, ideas for other future projects that are identified through PennDOT Connects may be included on the Statewide LRTP, TYP, or STIP.

This document provides the outline for PennDOT's statewide public participation processes. We define the details of each public participation program as each LRTP, TYP, STIP, and PPP update is scheduled. We choose the details based on the most current and applicable technologies, resources, and best practices that are available. We provide thoughtful planning for each public participation program to:

- Maximize the return on resources
- Engage an inclusive and diverse population
- Generate useful feedback and data, and
- Build public trust

Comments on how PennDOT may improve its public participation process are always welcome. You may provide your comments for consideration by contacting PennDOT's Bureau of Equal Opportunity at:

1-800-468-4201; TTY (711) or
penndot_eoreports@pa.gov

Thank you for your time and attention. PennDOT looks forward to working with you as a stakeholder in the statewide transportation planning process!

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION ACCOMMODATION PROCEDURES

English

ATTENTION: If you speak another language, language assistance is available to you FREE OF CHARGE. Call 800.468.4201 (TTY: 711)

Español

Atención: Si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 800.468.4201 (TTY: 711)

中文

注意：如果您講廣東話或普通話， 您可以免費獲得語言援助服務。請致電 800.468.4201（TTY：711）

Tiếng Việt

CHÚ Ý: Nếu bạn nói Tiếng Việt, có các dịch vụ hỗ trợ ngôn ngữ miễn phí dành cho bạn. Gọi số 800.468.4201 (TTY: 711)

한국어

주의: 한국어를 사용하시는 경우, 언어 지원 서비스를 무료로 이용하실 수 있습니다. 800.468.4201 (TTY: 711) 번으로 전화해 주십시오.

Français

ATTENTION: Si vous parlez français, des services d'aide linguistique vous sont proposés gratuitement. Appelez le 800.468.4201 (ATS: 711)

العربية

ملحوظة: إذا كنت تتحدث اللغة العربية، فإن خدمات المساعدة اللغوية تتوافر لك بالمجان. اتصل برقم المبرقة الكاتبة: 800.468.4201: (TTY: 711)

עברית

שים לב: אם אתה מדבר עברית, סיוע בשפה, ללא תשלום, זמינים עבורך. התקשר 800.468.201 (TTY: 711)

Hmoob

LUS CEEV: Yog tias koj hais lus Hmoob, cov kev pab txog lus, muaj kev pab dawb rau koj. Hu rau 800.468.4201 (TTY: 711)

Русский

ВНИМАНИЕ: Если вы говорите на русском языке, то вам доступны бесплатные услуги перевода. Звоните 800.468.4201 (TTY: 711)

Tagalog

PAUNAWA: Kung nagsasalita ka ng Tagalog, maaari kang gumamit ng mga serbisyo ng tulong se wika nang walang bayad. Tumawag sa 800.468.4201 (TTY: 711)

ไทย

ความสนใจ: หากคุณพูดภาษาไทยคุณสามารถขอความช่วยเหลือด้านภาษาฟรีได้ โทร 800.468.4201 (TTY: 711)

ภาសាខ្មែរ

ចំណាំ៖ ប្រសិនបើលោកអ្នកនិយាយជាភាសាខ្មែរ
សេវាកម្មជំនួយផ្នែកភាសាមានផ្តល់ជូនសម្រាប់លោកអ្នកដោយមិនគិតថ្លៃ។ សូមទំនាក់ទំនងតាមរយៈលេខ៖ 800.468.4201 (TTY: 711). ។

Deutsche

ACHTUNG: Wenn Sie Deutsch sprechen, erhalten Sie kostenlose sprachliche Unterstützungsdienste. Telefonnummer 800.468.4201 (TTY: 711).

हिंदी

ध्यान दें: यदि आप हिन्दी बोलते हैं तो आपके लिए मुफ्त में भाषा सहायता सेवाएं उपलब्ध हैं। 800.468.4201 पर कॉल करें (TTY: 711)

日本人

注：日本語を話す人は、無料で言語サポートを利用することができます。電話番号800.468.4201（TTY：711）

Italiano

ATTENZIONE: se parli italiano, l'assistenza linguistica, a titolo gratuito, è a tua disposizione. Chiama il numero 800.468.4201 (TTY: 711)

Português

POR FAVOR, OBSERVE: se você fala português, assistência linguística, grátis, está à sua disposição. Ligue para 800.468.4201 (TTY: 711)

Nederlands

LET OP: als u Nederlands spreekt, is taalondersteuning gratis. Bel 800.468.4201 (TTY: 711)

Ελληνικά

ΠΡΟΣΟΧΗ: αν μιλάτε ελληνικά, η υποστήριξη γλώσσας είναι διαθέσιμη δωρεάν. Καλέστε 800.468.4201 (TTY: 711)

Polskie

UWAGA: jeśli mówisz po polsku, obsługa języków jest dostępna bezpłatnie. Zadzwoń 800.468.4201 (TTY: 711)

Српски

ПАЖЊА: Ако говорите српски, на располагању вам је бесплатна помоћ. Позив 800.468.4201 (TTY: 711)

Hrvatski

Pažnja: Ako govorite hrvatski, besplatna vam je pomoć dostupna. Nazovite 800.468.4201 (TTY: 711)

Українська

Увага: якщо ви розмовляєте по-українськи, ви можете отримати безкоштовну допомогу. Зателефонуйте за номером 800.468.4201 (TTY: 711)

فارسی

توجه: اگر حرف فارسی رایگان دریافت کمک. تماس(TTY: 711).800468.4201

ગુજરાતી

સુચના: જો તમે ગુજરાતી બોલતા હો, તો નિ:સુલ્કુ ભાષા સહાય સેવાઓ તમારા માટે ઉપલબ્ધ છે. ફોન કરો 800.468.4201 (TTY: 711)

اردو

نوٹ :اگر آپ اردو بولتے ہیں، تو آپ مفت مدد حاصل کرسکتے ہیں .800.468.4201 کو کال کریں)ٹی ٹی آئی 711:

বাঙালি

নোট: আপনি যদি বাংলা বলতে পারেন তবে আপনি বিনামূল্যে সহায়তা পেতে পারেন। কল করুন 800.468.4201 (টিটিআই: 711)

ਪੰਜਾਬੀ

ਨੋਟ: ਜੇ ਤੁਸੀਂ ਪੰਜਾਬੀ ਬੋਲਦੇ ਹੋ ਤਾਂ ਤੁਸੀਂ ਮੁਫਤ ਮਦਦ ਲੈ ਸਕਦੇ ਹੋ. ਕਾਲ 800.468.4201 (ਟੀ.ਟੀ.ਆਈ.: 711)

नेपाली

नोट: यदि तपाईं नेपाली बोल्नुहुन्छ भने, तपाइँ निःशुल्क मद्दत प्राप्त गर्न सक्नुहुनेछ। फोन 800.468.4201 (टीटीआई: 711)

Română

Atenție: Dacă vorbești limba română, poți obține ajutor gratuit. Telefon 800.468.4201 (TTI: 711)

Albanian

Kujdes: Nëse ju flisni gjuhën shqipe, mund të merrni ndihmë falas. Telefoni 800.468.4201 (TTI: 711)

Laotian

ຂໍ້ຄວນລະວັງ: ຖ້າທ່ານເວົ້າພາສາລາວ, ທ່ານຈະໄດ້ຮັບການຊ່ວຍເຫຼືອຟຣີ. ໂທ 800.468.4201 (TTY: 711)

Türk

Dikkat: Türkçe konuşursanız, ücretsiz yardım alırsınız. 800.468.4201 'i arayın (TTY: 711)

తెలుగు

శ్రద్ధ: మీరు తెలుగు మాట్లాడితే, మీకు ఉచిత సహాయం లభిస్తుంది. కాల్ చేయండి 800.468.4201 (TTY: 711)

മലയാളം

ശ്രദ്ധിക്കുക: നിങ്ങൾ മലയാളം സംസാരിക്കുകയാണെങ്കിൽ നിങ്ങൾക്ക് സ്വതന്ത്ര സഹായം ലഭിക്കും. കോൾ ചെയ്യുക 800.468.4201 (TTY: 711)

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கவனம்: நீங்கள் தமிழ் பேசினால், இலவச உதவி பெறலாம். அழைப்புக்கு 800.468.4201 (TTY: 711)

မြန်မာ

အာရုံစူးစိုက်မှု: သင်မြန်မာစကားပြောဆိုလျှင်, သင်အခမဲ့အကူအညီလက်ခံရယူနိုင်ပါသည်။ 800.468.4201 Call (TTY: 711)

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Perhatian: Jika Anda berbicara bahasa Indonesia, Anda dapat menerima bantuan gratis. Hubungi 800.468.4201 (TTY: 711)

አማርኛ

ማስጠንቀቂያ: በአማርኛ የሚናገሩ ከሆነ, ነጻ እርዳታ ማግኘት ይችላሉ. በ 800.468.4201 ላይ መደወል (TTY: 711)

Yorùbá

Ifarabalẹ: Ti o ba sọ ni Yorùbá, o le gba iranlọwọ ọfẹ. Pe 800.468.4201 (TTY: 711)

Igbo

Ntị: Ọ bụrụ na ị na-asụ Igbo, ịnwere ike ịnweta enyemaka n'efu. Kpọọ 800.468.4201 (TTY: 711)

ລາວ

ໂປດຊາບ: ຖ້າວ່າ ທ່ານເວົ້າພາສາ ລາວ, ການບໍລິການຊ່ວຍເຫຼືອດ້ານພາສາ, ໂດຍບໍ່ເສັຽຄ່າ, ແມ່ນມີພ້ອມໃຫ້ທ່ານ. ໂທຣ 800.468.4201 (TTY: 711)

日本語

注意事項：日本語を話される場合、無料の言語支援をご利用いただけます。800.468.4201 (TTY: 711).まで、お電話にてご連絡ください。

ગુજરાતી

સુચના: જો તમે ગુજરાતી બોલતા હો, તો નિ:શુલ્ક ભાષા સહાય સેવાઓ તમારા માટે ઉપલબ્ધ છે. ફોન કરો 800.468.4201 (TTY: 711)

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A. FEDERAL LAWS

Title VI of the Civil Rights Act of 1964

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DEPARTMENT OF JUSTICE

Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Policy Guidance

AGENCY: Civil Rights Division, Department of Justice.

ACTION: Policy guidance document.

SUMMARY: This Policy Guidance Document entitled ''Enforcement of Title VI of the Civil Rights Act of 1964 '' National Origin Discrimination Against Persons with Limited English Proficiency (LEP Guidance)'' is being issued pursuant to authority granted by Executive Order 12250 and Department of Justice Regulations. It addresses the application of Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency. This policy guidance does not create new obligations, but rather, clarifies existing Title VI responsibilities. The purpose of this document is to set forth general principles for agencies to apply in developing guidelines for services to individuals with limited English proficiency. The Policy Guidance Document appears below.

DATES: Effective August 11, 2000.

ADDRESSES: Coordination and Review Section, Civil Rights Division, P.O. Box 66560, Washington, D.C. 20035–6560.

FOR FURTHER INFORMATION CONTACT: Merrily Friedlander, Chief, Coordination and Review Section, Civil Rights Division, (202) 307–2222.

Helen L. Norton,

Counsel to the Assistant Attorney General, Civil Rights Division.

Office of the Assistant Attorney General

Washington, D.C. 20530

August 11, 2000.

TO: Executive Agency Civil Rights Officers

FROM: Bill Lann Lee, Assistant Attorney General, Civil Rights Division

SUBJECT: Policy Guidance Document: *Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency* (''LEP Guidance'')

This policy directive concerning the enforcement of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*, *as amended*, is being issued pursuant to the authority granted by Executive Order No. 12250 [1] and Department of Justice regulations.[2] It addresses the application to recipients of federal financial assistance of Title VI's prohibition on national origin discrimination when information is provided only in English to persons who do not understand English. This policy guidance does not create new obligations but, rather, clarifies existing Title VI responsibilities.

Department of Justice Regulations for the Coordination of Enforcement of Non-discrimination in Federally Assisted Programs (Coordination Regulations), 28 C.F.R. 42.401 *et seq.*, direct agencies to ''publish title VI guidelines for each type of program to which they extend financial assistance, where such guidelines would be appropriate to provide detailed information on the requirements of Title VI.'' 28 CFR § 42.404(a). The purpose of this document is to set forth general principles for agencies to apply in developing such guidelines for services to individuals with limited English proficiency (LEP). It is expected that, in developing this guidance for their federally assisted programs, agencies will apply these general principles, taking into account the unique nature of the programs to which they provide federal financial assistance.

A federal aid recipient's failure to assure that people who are not proficient in English can effectively participate in and benefit from programs and activities may constitute national origin discrimination prohibited by Title VI. In order to assist agencies that grant federal financial assistance in ensuring that recipients of federal financial assistance are complying with their responsibilities, this policy directive addresses the appropriate compliance standards. Agencies should utilize the standards set forth in this Policy Guidance Document to develop specific criteria applicable to review the programs and activities for which they offer financial assistance. The Department of Education [3] already has established policies, and the Department of Health and Human Services (HHS) [4] has been developing guidance in a manner consistent with Title VI and this Document, that applies to their specific programs receiving federal financial assistance.

Background

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating against or otherwise excluding individuals on the basis of race, color, or national origin in any of their activities. Section 601 of Title VI, 42 U.S.C. § 2000d, provides:

> 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.

The term ''program or activity'' is broadly defined. 42 U.S.C. § 2000d–4a.

Consistent with the model Title VI regulations drafted by a Presidential task force in 1964, virtually every executive agency that grants federal financial assistance has promulgated regulations to implement Title VI. These regulations prohibit recipients from ''restrict[ing] an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program'' and ''utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination'' or have ''the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.''

In *Lau* v. *Nichols*, 414 U.S. 563 (1974), the Supreme Court interpreted these provisions as requiring that a federal financial recipient take steps to ensure that language barriers did not exclude LEP persons from effective participation in its benefits and services. *Lau* involved a group of students of Chinese origin who did not speak English to whom the recipient provided the same services—an education provided solely in English—that it provided students who did speak English. The Court held that, under these circumstances, the school's practice violated the Title VI prohibition against discrimination on

[1] 42 U.S.C. § 2000d–1 note.

[2] 28 C.F.R. § 0.51.

[3] Department of Education policies regarding the Title VI responsibilities of public school districts with respect to LEP children and their parents are reflected in three Office for Civil Rights policy documents: (1) the May 1970 memorandum to school districts, ''Identification of Discrimination and Denial of Services on the Basis of National Origin,'' (2) the December 3, 1985, guidance document, ''The Office for Civil Rights' Title VI Language Minority Compliance Procedures,'' and (3) the September 1991 memorandum, ''Policy Update on Schools Obligations Toward National Origin Minority Students with Limited English Proficiency.'' These documents can be found at the Department of Education website at www.ed.gov/office/OCR.

[4] The Department of Health and Human Services is issuing policy guidance titled: ''Title VI Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency.'' This policy addresses the Title VI responsibilities of HHS recipients to individuals with limited English proficiency.

the basis of national origin. The Court observed that ''[i]t seems obvious that the Chinese-speaking minority receive fewer benefits than the English-speaking majority from respondents' school system which denies them a meaningful opportunity to participate in the educational program—all earmarks of the discrimination banned by'' the Title VI regulations.[5] Courts have applied the doctrine enunciated in *Lau* both inside and outside the education context. It has been considered in contexts as varied as what languages drivers' license tests must be given in or whether material relating to unemployment benefits must be given in a language other than English.[6]

Link Between National Origin And Language

For the majority of people living in the United States, English is their native language or they have acquired proficiency in English. They are able to participate fully in federally assisted programs and activities even if written and oral communications are exclusively in the English language.

The same cannot be said for the remaining minority who have limited English proficiency. This group includes persons born in other countries, some children of immigrants born in the United States, and other non-English or limited English proficient persons born in the United States, including some Native Americans. Despite efforts to learn and master English, their English language proficiency may be limited for some time.[7] Unless grant recipients take steps to respond to this difficulty, recipients effectively may deny those who do not speak, read, or understand English access to the benefits and services for which they qualify.

Many recipients of federal financial assistance recognize that the failure to provide language assistance to such persons may deny them vital access to services and benefits. In some instances, a recipient's failure to remove language barriers is attributable to ignorance of the fact that some members of the community are unable to communicate in English, to a general resistance to change, or to a lack of awareness of the obligation to address this obstacle.

In some cases, however, the failure to address language barriers may not be simply an oversight, but rather may be attributable, at least in part, to invidious discrimination on the basis of national origin and race. While there is not always a direct relationship between an individual's language and national origin, often language does serve as an identifier of national origin.[8] The same sort of prejudice and xenophobia that may be at the root of discrimination against persons from other nations may be triggered when a person speaks a language other than English.

> Language elicits a response from others, ranging from admiration and respect, to distance and alienation, to ridicule and scorn. Reactions of the latter type all too often result from or initiate racial hostility * * *. It may well be, for certain ethnic groups and in some communities, that proficiency in a particular language, like skin color, should be treated as a surrogate for race under an equal protection analysis.[9]

While Title VI itself prohibits only intentional discrimination on the basis of national origin,[10] the Supreme Court has consistently upheld agency regulations prohibiting unjustified discriminatory effects.[11] The Department of Justice has consistently adhered to the view that the significant discriminatory effects that the failure to provide language assistance has on the basis of national origin, places the treatment of LEP individuals comfortably within the ambit of Title VI and agencies' implementing regulations.[12] Also, existing language barriers potentially may be rooted in invidious discrimination. The Supreme Court in *Lau* concluded that a recipient's failure to take affirmative steps to provide ''meaningful opportunity'' for LEP individuals to participate in its programs and activities violates the recipient's obligations under Title VI and its regulations.

All Recipients Must Take Reasonable Steps To Provide Meaningful Access

Recipients who fail to provide services to LEP applicants and beneficiaries in their federally assisted programs and activities may be discriminating on the basis of national origin in violation of Title VI and its implementing regulations. Title VI and its regulations require recipients to take reasonable steps to ensure ''meaningful'' access to the information and services they provide. What constitutes reasonable steps to ensure meaningful access will be contingent on a number of factors. Among the factors to be considered are the number or proportion of LEP persons in the eligible service population, the frequency with which LEP individuals come in contact with the program, the importance of the service provided by the program, and the resources available to the recipient.

(1) Number or Proportion of LEP Individuals

Programs that serve a few or even one LEP person are still subject to the Title VI obligation to take reasonable steps to provide meaningful opportunities for access. However, a factor in determining the reasonableness of a recipient's efforts is the number or proportion of people who will be excluded from the benefits or services absent efforts to remove language barriers. The steps that are reasonable for a recipient who serves one LEP person a year may be different than those expected from a recipient that serves several LEP persons each day. But even those who serve very few LEP persons on an infrequent basis should utilize this balancing analysis to determine whether reasonable steps are

[5] 414 U.S. at 568. Congress manifested its approval of the *Lau* decision requirements concerning the provision of meaningful education services by enacting provisions in the Education Amendments of 1974, Pub. L. No. 93–380, §§ 105, 204, 88 Stat. 503–512, 515 codified at 20 U.S.C. 1703(f), and the Bilingual Education Act, 20 U.S.C. 7401 *et seq.*, which provided federal financial assistance to school districts in providing language services.

[6] For cases outside the educational context, *see, e.g., Sandoval* v. *Hagan*, 7 F. Supp. 2d 1234 (M.D. Ala. 1998), *affirmed*, 197 F.3d 484, (11th Cir. 1999), *rehearing and suggestion for rehearing en banc denied*, 211 F.3d 133 (11th Cir. Feb. 29, 2000) (Table, No. 98–6598–II), *petition for certiorari filed* May 30, 2000 (No. 99–1908) (giving drivers' license tests only in English violates Title VI); and *Pabon* v. *Levine*, 70 F.R.D. 674 (S.D.N.Y. 1976) (summary judgment for defendants denied in case alleging failure to provide unemployment insurance information in Spanish violated Title VI).

[7] Certainly it is important to achieve English language proficiency in order to fully participate at every level in American society. As we understand the Supreme Court's interpretation of Title VI's prohibition of national origin discrimination, it does not in any way disparage use of the English language.

[8] As the Supreme Court observed, ''[l]anguage permits an individual to express both a personal identity and membership in a community, and those who share a common language may interact in ways more intimate than those without this bond.'' *Hernandez* v. *New York,* 500 U.S. 352, 370 (1991) (plurality opinion).

[9] *Id.* at 371 (plurality opinion).

[10] *Alexander* v. *Choate,* 469 U.S. 287, 293 (1985).

[11] Id. at 293–294; *Guardians Ass'n* v. *Civil Serv. Comm'n,* 463 U.S. 582, 584 n.2 (1983) (White, J.), 623 n.15 (Marshall, J.), 642–645 (Stevens, Brennan, Blackmun, JJ.); *Lau* v. *Nichols,* 414 U.S. at 568; *id.* at 571 (Stewart, J., concurring in result). In a July 24, 1994, memorandum to Heads of Departments and Agencies that Provide Federal Financial Assistance concerning ''Use of the Disparate Impact Standard in Administrative Regulations Under Title VI of the Civil Rights Act of 1964,'' the Attorney General stated that each agency ''should ensure that the disparate impact provisions of your regulations are fully utilized so that all persons may enjoy equally the benefits of federally financed programs.''

[12] The Department's position with regard to written language assistance is articulated in 28 CFR § 42.405(d)(1), which is contained in the Coordination Regulations, 28 CFR Subpt. F, issued in 1976. These Regulations ''govern the respective obligations of Federal agencies regarding enforcement of title VI.'' 28 CFR § 42.405. Section 42.405(d)(1) addresses the prohibitions cited by the Supreme Court in *Lau*.

possible and if so, have a plan of what to do if a LEP individual seeks service under the program in question. This plan need not be intricate; it may be as simple as being prepared to use one of the commercially available language lines to obtain immediate interpreter services.

(2) Frequency of Contact with the Program

Frequency of contacts between the program or activity and LEP individuals is another factor to be weighed. For example, if LEP individuals must access the recipient's program or activity on a daily basis, *e.g.*, as they must in attending elementary or secondary school, a recipient has greater duties than if such contact is unpredictable or infrequent. Recipients should take into account local or regional conditions when determining frequency of contact with the program, and should have the flexibility to tailor their services to those needs.

(3) Nature and Importance of the Program

The importance of the recipient's program to beneficiaries will affect the determination of what reasonable steps are required. More affirmative steps must be taken in programs where the denial or delay of access may have life or death implications than in programs that are not as crucial to one's day-to-day existence. For example, the obligations of a federally assisted school or hospital differ from those of a federally assisted zoo or theater. In assessing the effect on individuals of failure to provide language services, recipients must consider the importance of the benefit to individuals both immediately and in the long-term. A decision by a federal, state, or local entity to make an activity compulsory, such as elementary and secondary school attendance or medical inoculations, serves as strong evidence of the program's importance.

(4) Resources Available

The resources available to a recipient of federal assistance may have an impact on the nature of the steps that recipients must take. For example, a small recipient with limited resources may not have to take the same steps as a larger recipient to provide LEP assistance in programs that have a limited number of eligible LEP individuals, where contact is infrequent, where the total cost of providing language services is relatively high, and/or where the program is not crucial to an individual's day-to-day existence. Claims of limited resources from large entities will need to be well-substantiated.[13]

Written vs. Oral Language Services

In balancing the factors discussed above to determine what reasonable steps must be taken by recipients to provide meaningful access to each LEP individual, agencies should particularly address the appropriate mix of written and oral language assistance. Which documents must be translated, when oral translation is necessary, and whether such services must be immediately available will depend upon the factors previously mentioned.[14] Recipients often communicate with the public in writing, either on paper or over the Internet, and written translations are a highly effective way of communicating with large numbers of people who do not speak, read or understand English. While the Department of Justice's Coordination Regulation, 28 CFR § 42.405(d)(1), expressly addresses requirements for provision of written language assistance, a recipient's obligation to provide meaningful opportunity is not limited to written translations. Oral communication between recipients and beneficiaries often is a necessary part of the exchange of information. Thus, a recipient that limits its language assistance to the provision of written materials may not be allowing LEP persons ''effectively to be informed of or to participate in the program'' in the same manner as persons who speak English.

In some cases, ''meaningful opportunity'' to benefit from the program requires the recipient to take steps to assure that translation services are promptly available. In some circumstances, instead of translating all of its written materials, a recipient may meet its obligation by making available oral assistance, or by commissioning written translations on reasonable request. It is the responsibility of federal assistance-granting agencies, in conducting their Title VI compliance activities, to make more specific judgments by applying their program expertise to concrete cases.

Conclusion

This document provides a general framework by which agencies can determine when LEP assistance is required in their federally assisted programs and activities and what the nature of that assistance should be. We expect agencies to implement this document by issuing guidance documents specific to their own recipients as contemplated by the Department of Justice Coordination Regulations and as HHS and the Department of Education already have done. The Coordination and Review Section is available to assist you in preparing your agency-specific guidance. In addition, agencies should provide technical assistance to their recipients concerning the provision of appropriate LEP services.

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[13] Title VI does not require recipients to remove language barriers when English is an essential aspect of the program (such as providing civil service examinations in English when the job requires person to communicate in English, *see Frontera* v. *Sindell,* 522 F.2d 1215 (6th Cir. 1975)), or there is another ''substantial legitimate justification for the challenged practice.'' *Elston* v. *Talladega County Bd. of Educ.,* 997 F.2d 1394, 1407 (11th Cir. 1993). Similar balancing tests are used in other nondiscrimination provisions that are concerned with effects of an entity's actions. For example, under Title VII of the Civil Rights Act of 1964, employers need not cease practices that have a discriminatory effect if they are ''consistent with business necessity'' and there is no ''alternative employment practice'' that is equally effective. 42 U.S.C. § 2000e–2(k). Under Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, recipients do not need to provide access to persons with disabilities if such steps impose an undue burden on the recipient. *Alexander* v. *Choate,* 469 U.S. at 300. Thus, in situations where all of the factors identified in the text are at their nadir, it may be ''reasonable'' to take no affirmative steps to provide further access.

[14] Under the four-part analysis, for instance, Title VI would not require recipients to translate documents requested under a state equivalent of the Freedom of Information Act or Privacy Act, or to translate all state statutes or notices of rulemaking made generally available to the public. The focus of the analysis is the nature of the information being communicated, the intended or expected audience, and the cost of providing translations. In virtually all instances, one or more of these criteria would lead to the conclusion that recipients need not translate these types of documents.

Executive Order on Environmental Justice (Executive Order 12898, February 11, 1994)

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Federal Register
Vol. 59, No. 32
Wednesday, February 16, 1994

Presidential Documents

Title 3—

The President

Executive Order 12898 of February 11, 1994

Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1–1. *Implementation.*

1–101. *Agency Responsibilities.* To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

1–102. *Creation of an Interagency Working Group on Environmental Justice.* (a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency (''Administrator'') or the Administrator's designee shall convene an interagency Federal Working Group on Environmental Justice (''Working Group''). The Working Group shall comprise the heads of the following executive agencies and offices, or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall: (1) provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(2) coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1–103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;

(3) assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3–3 of this order;

(4) assist in coordinating data collection, required by this order;

(5) examine existing data and studies on environmental justice;

(6) hold public meetings as required in section 5–502(d) of this order; and

(7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1–103. *Development of Agency Strategies.* (a) Except as provided in section 6–605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)–(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

1–104. *Reports to the President.* Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1–103(e) of this order.

Sec. 2–2. *Federal Agency Responsibilities for Federal Programs.* Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.

Sec. 3–3. *Research, Data Collection, and Analysis.*

3–301. *Human Health and Environmental Research and Analysis.* (a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

3–302. *Human Health and Environmental Data Collection and Analysis.* To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a): (a) each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency strategies in section 1–103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are: (1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001–11050 as mandated in Executive Order No. 12856; and (2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.

(d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

Sec. 4–4. *Subsistence Consumption of Fish and Wildlife.*

4–401. *Consumption Patterns.* In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

4–402. *Guidance.* Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or

wildlife. Agencies shall consider such guidance in developing their policies and rules.

Sec. 5–5. *Public Participation and Access to Information.* (a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

Sec. 6–6. *General Provisions.*

6–601. *Responsibility for Agency Implementation.* The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

6–602. *Executive Order No. 12250.* This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

6–603. *Executive Order No. 12875.* This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

6–604. *Scope.* For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

6–605. *Petitions for Exemptions.* The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

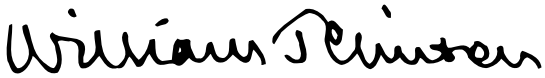
6–606. *Native American Programs.* Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

6–607. *Costs.* Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

6–608. *General.* Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

6–609. *Judicial Review.* This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance

of the United States, its agencies, its officers, or any other person with this order.



THE WHITE HOUSE,
February 11, 1994.

[FR Citation 59 FR 7629]

Americans with Disabilities Act (ADA) of 1990

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An Overview of the Americans with Disabilities Act

The Americans with Disabilities Act (ADA), enacted in 1990, is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The ADA is divided into five titles (or sections) that relate to different areas of public life.

Title I - Employment

- Designed to help people with disabilities access the same employment opportunities and benefits available to people without disabilities.
- Applies to employers with 15 or more employees.
- Requires employers to provide reasonable accommodations to qualified applicants or employees. A "reasonable accommodation" is a change that does not cause the employer "undue hardship" (too much difficulty or expense).
- Defines disability, establishes guidelines for the reasonable accommodation process, addresses medical examinations and inquiries, and defines "direct threat" when there is risk of substantial harm to the health or safety of the individual employee with a disability or others.
- Regulated and enforced by the U.S. Equal Employment Opportunity Commission. http://www.eeoc.gov/laws/types/disability.cfm

Title II - Public Services: State and Local Government

- Prohibits discrimination on the basis of disability by "public entities," which are programs, services and activities operated by state and local governments.
- Requires public entities (programs, services and activities operated by state and local governments) to be accessible to individuals with disabilities.
- Outlines requirements for self-evaluation and planning; making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination; identifying architectural barriers; and communicating effectively with people with hearing, vision and speech disabilities.
- Regulated and enforced by the U.S. Department of Justice. http://www.ada.gov

Title III - Public Accommodations and Services Operated by Private Entities

- Prohibits places of public accommodation from discriminating against individuals with disabilities. Public accommodations include privately-owned, leased or operated facilities like hotels, restaurants, retail merchants, doctors' offices, golf courses, private schools, sports stadiums, theaters, and so on.
- Sets the minimum standards for accessibility for alterations, new construction and barrier removal.

Directs businesses to make "reasonable modifications" to their usual ways of doing things when serving people with disabilities.

- Requires that businesses take steps necessary to communicate effectively with customers with vision, hearing, and speech disabilities.
- Regulated and enforced by the U.S. Department of Justice. http://www.ada.gov

Title IV - Telecommunications

- Requires telephone and Internet companies to provide a nationwide system of interstate and intrastate telecommunications relay services that allows individuals with hearing and speech disabilities to communicate over the telephone.
- Requires closed captioning of federally funded public service announcements.
- Regulated by the Federal Communication Commission. http://www.fcc.gov

Title V - Miscellaneous Provisions

- Contains a variety of provisions relating to the ADA as a whole, including its relationship to other laws, state immunity, its impact on insurance providers and benefits, prohibition against retaliation and coercion, illegal use of drugs, and attorney's fees.
- Provides a list of certain conditions that are not to be considered as disabilities.

Transportation

- Public Transportation offered by a state or local government (such as bus and passenger train (rail) service) is covered by Title II of the ADA.
- Transportation offered by a private company (such as taxicabs, airport shuttles, and intercity bus companies) is covered by Title III.
- The U.S. Department of Transportation, Federal Transit Administration releases information, guidance and regulations on public transportation and the ADA. http://www.fta.dot.gov/ada

For more information contact the ADA National Network: http://www.adata.org

The ADA National Network provides information, guidance and training on the ADA, tailored to meet the needs of business, government and individuals at local, regional and national levels.

Content was developed by the Mid-Atlantic ADA Center, and is based on professional consensus of ADA experts and the ADA National Network.

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Executive Order on Limited English Proficiency (Executive Order 13166, August 11, 2000)

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Federal Register

Wednesday,
August 16, 2000

Part V

The President

Executive Order 13166—Improving Access to Services for Persons With Limited English Proficiency

Department of Justice

Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Notice

Federal Register
Vol. 65, No. 159
Wednesday, August 16, 2000

Presidential Documents

Title 3—

The President

Executive Order 13166 of August 11, 2000

Improving Access to Services for Persons With Limited English Proficiency

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. *Goals.*

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. *Federally Conducted Programs and Activities.*

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. *Federally Assisted Programs and Activities.*

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order,

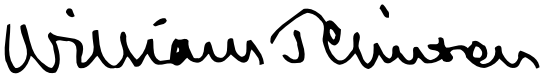
each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the **Federal Register** for public comment.

Sec. 4. *Consultations.*

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

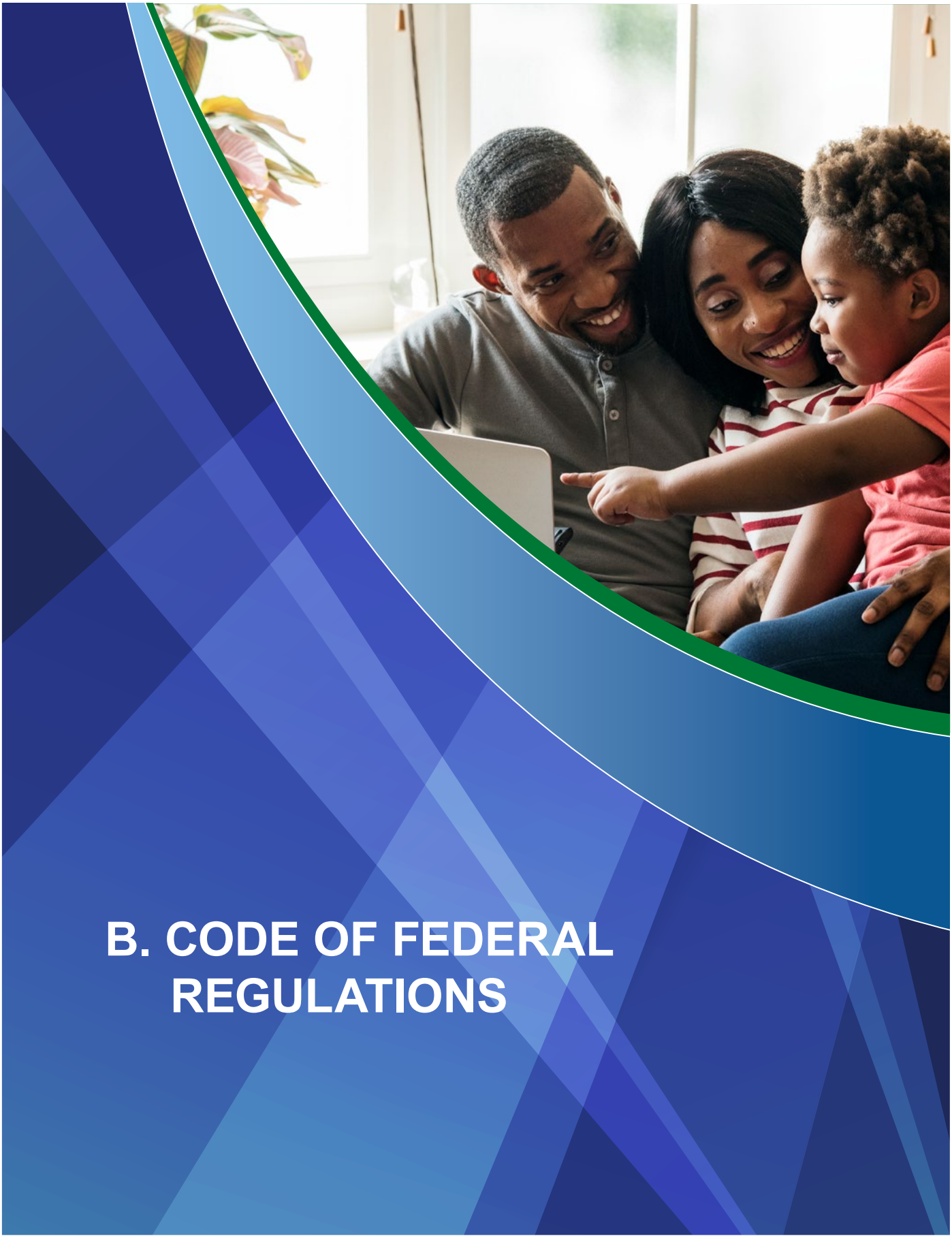
Sec. 5. *Judicial Review.*

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.



THE WHITE HOUSE,
August 11, 2000.

[FR Doc. 00–20938
Filed 8–15–00; 8:45 am]
Billing code 3195–01–P



B. CODE OF FEDERAL REGULATIONS

Title 23: Highways: Part 450 - Planning Assistance and Standards

210 – Interested parties, public involvement, and consultation

CLICK HERE TO RETURN TO PAGE ii

(a) In carrying out the statewide transportation planning process, including development of the long-range statewide transportation plan and the STIP, the State shall develop and use a documented public involvement process that provides opportunities for public review and comment at key decision points.

(1) The State's public involvement process at a minimum shall:

(i) Establish early and continuous public involvement opportunities that provide timely information about transportation issues and decision making processes to individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, private providers of transportation (including intercity bus operators), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties;

(ii) Provide reasonable public access to technical and policy information used in the development of the long-range statewide transportation plan and the STIP;

(iii) Provide adequate public notice of public involvement activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed long-range statewide transportation plan and STIP;

(iv) To the maximum extent practicable, ensure that public meetings are held at convenient and accessible locations and times;

(v) To the maximum extent practicable, use visualization techniques to describe the proposed long-range statewide transportation plan and supporting studies;

(vi) To the maximum extent practicable, make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information;

(vii) Demonstrate explicit consideration and response to public input during the development of the long-range statewide transportation plan and STIP;

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

(ix) Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate.

(2) The State shall provide for public comment on existing and proposed processes for public involvement in the development of the long-range statewide transportation plan and the STIP. At a minimum, the State shall allow 45 calendar days for public review and written comment before the procedures and any major revisions to existing procedures are adopted. The State shall provide copies of the approved public involvement process document(s) to the FHWA and the FTA for informational purposes.

3) With respect to the setting of targets, nothing in this part precludes a State from considering comments made as part of the State's public involvement process.

(b) The State shall provide for nonmetropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The State shall have a documented process(es) for cooperating with nonmetropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range statewide transportation plan and the STIP. Although the FHWA and the FTA shall not review or approve this cooperative process(es), the State shall provide copies of the process document(s) to the FHWA and the FTA for informational purposes.

(1) At least once every 5 years, the State shall review and solicit comments from nonmetropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the cooperative process and any proposed changes. The State shall direct a specific request for comments to the State association of counties, State municipal league, regional planning agencies, or directly to nonmetropolitan local officials.

(2) The State, at its discretion, is responsible for determining whether to adopt any proposed changes. If a proposed change is not adopted, the State shall make publicly available its reasons for not accepting the proposed change, including notification to nonmetropolitan local officials or their associations.

(c) For each area of the State under the jurisdiction of an Indian Tribal government, the State shall develop the long-range statewide transportation plan and STIP in consultation with the Tribal government and the Secretary of the Interior. States shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with Indian Tribal governments and Department of the Interior in the development of the long-range statewide transportation plan and the STIP.

(d) To carry out the transportation planning process required by this section, a Governor may establish and designate RTPOs to enhance the planning, coordination, and implementation of the long-range statewide transportation plan and STIP, with an emphasis on addressing the needs of nonmetropolitan areas of the State. In order to be treated as an RTPO for purposes of this Part, any existing regional planning organization must be established and designated as an RTPO under this section.

(1) Where established, an RTPO shall be a multijurisdictional organization of nonmetropolitan local officials or their designees who volunteer for such organization and representatives of local transportation systems who volunteer for such organization.

(2) An RTPO shall establish, at a minimum:

(i) A policy committee, the majority of which shall consist of nonmetropolitan local officials, or their designees, and, as appropriate, additional representatives from the State, private business, transportation service providers, economic development practitioners, and the public in the region; and

(ii) A fiscal and administrative agent, such as an existing regional planning and development organization, to provide professional planning, management, and administrative support.

3) The duties of an RTPO shall include:

(i) Developing and maintaining, in cooperation with the State, regional long-range multimodal transportation plans;

(ii) Developing a regional TIP for consideration by the State;

(iii) Fostering the coordination of local planning, land use, and economic development plans with State, regional, and local transportation plans and programs;

(iv) Providing technical assistance to local officials;

(v) Participating in national, multistate, and State policy and planning development processes to ensure the regional and local input of nonmetropolitan areas;

(vi) Providing a forum for public participation in the statewide and regional transportation planning processes;

(vii) Considering and sharing plans and programs with neighboring RTPOs, MPOs, and, where appropriate, Indian Tribal Governments; and

(viii) Conducting other duties, as necessary, to support and enhance the statewide planning process under §450.206.

(4) If a State chooses not to establish or designate an RTPO, the State shall consult with affected nonmetropolitan local officials to determine projects that may be of regional significance.

212 – Transportation planning studies and project development.

(a) Pursuant to section 1308 of the Transportation Equity Act for the 21st Century, TEA-21 (Pub. L. 105-178), a State(s), MPO(s), or public transportation operator(s) may undertake a multimodal, systems-level corridor or subarea planning study as part of the statewide transportation planning process. To the extent practicable, development of these transportation planning studies shall involve consultation with, or joint efforts among, the State(s), MPO(s), and/or public transportation operator(s). The results or decisions of these transportation planning studies may be used as part of the overall project development process consistent with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq.) and associated implementing regulations (23 CFR part 771 and 40 CFR parts 1500-1508). Specifically, these corridor or subarea studies may result in producing any of the following for a proposed transportation project:

(1) Purpose and need or goals and objective statement(s);

(2) General travel corridor and/or general mode(s) definition (e.g., highway, transit, or a highway/transit combination);

(3) Preliminary screening of alternatives and elimination of unreasonable alternatives;

(4) Basic description of the environmental setting; and/or

(5) Preliminary identification of environmental impacts and environmental mitigation.

(b) Publicly available documents or other source material produced by, or in support of, the transportation planning process described in this subpart may be incorporated directly or by reference into subsequent NEPA documents, in accordance with 40 CFR 1502.21, if:

(1) The NEPA lead agencies agree that such incorporation will aid in establishing or evaluating the purpose and need for the Federal action, reasonable alternatives, cumulative or other impacts on the human and natural environment, or mitigation of these impacts; and

(2) The systems-level, corridor, or subarea planning study is conducted with:

(i) Involvement of interested State, local, Tribal, and Federal agencies;

(ii) Public review;

(iii) Reasonable opportunity to comment during the statewide transportation planning process and development of the corridor or subarea planning study;

(iv) Documentation of relevant decisions in a form that is identifiable and available for review during the NEPA scoping process and can be appended to or referenced in the NEPA document; and

(v) The review of the FHWA and the FTA, as appropriate.

(c) By agreement of the NEPA lead agencies, the above integration may be accomplished through tiering (as described in 40 CFR 1502.20), incorporating the subarea or corridor planning study into the draft Environmental Impact Statement or Environmental Assessment, or other means that the NEPA lead agencies deem appropriate. Additional information to further explain the linkages between the transportation planning and project development/NEPA processes is contained in Appendix A to this part, including an explanation that is non-binding guidance material. The guidance in Appendix A applies only to paragraphs (a)-(c) in this section.

(d) In addition to the process for incorporation directly or by reference outlined in paragraph (b) of this section, an additional authority for integrating planning products into the environmental review process exists in 23 U.S.C. 168. As provided in 23 U.S.C. 168(f):

(1) The statutory authority in 23 U.S.C. 168 shall not be construed to limit in any way the continued use of processes established under other parts of this section or under an authority established outside this part, and the use of one of the processes in this section does not preclude the subsequent use of another process in this section or an authority outside of this part.

(2) The statute does not restrict the initiation of the environmental review process during planning.

216 – Development and content of the long-range statewide transportation plan.

(a) The State shall develop a long-range statewide transportation plan, with a minimum 20-year forecast period at the time of adoption, that provides for the development and implementation of the multimodal transportation system for the State. The long-range statewide transportation plan shall consider and include, as applicable, elements and connections between public transportation, non-motorized modes, rail, commercial motor vehicle, waterway, and aviation facilities, particularly with respect to intercity travel.

(b) The long-range statewide transportation plan should include capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated. The long-range statewide transportation plan may consider projects and strategies that address areas or corridors where current or projected congestion threatens the efficient functioning of key elements of the State's transportation system.

(c) The long-range statewide transportation plan shall reference, summarize, or contain any applicable short-range planning studies; strategic planning and/or policy studies; transportation needs studies; management systems reports; emergency relief and disaster preparedness plans; and any statements of policies, goals, and objectives on issues (e.g., transportation, safety, economic development, social and environmental effects, or energy), as appropriate, that were relevant to the development of the long-range statewide transportation plan.

(d) The long-range statewide transportation plan should integrate the priorities, goals, countermeasures, strategies, or projects contained in the HSIP, including the SHSP, required under 23 U.S.C. 148, the Public Transportation Agency Safety Plan required under 49 U.S.C. 5329(d), or an Interim Agency Safety Plan in accordance with 49 CFR part 659, as in effect until completion of the Public Transportation Agency Safety Plan.

(e) The long-range statewide transportation plan should include a security element that incorporates or summarizes the priorities, goals, or projects set forth in other transit safety and security planning and review processes, plans, and programs, as appropriate.

(f) The statewide transportation plan shall include:

(1) A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with §450.206(c); and

(2) A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in §450.206(c), including progress achieved by the MPO(s) in meeting the performance targets in comparison with system performance recorded in previous reports.

(g) Within each metropolitan area of the State, the State shall develop the long-range statewide transportation plan in cooperation with the affected MPOs.

(h) For nonmetropolitan areas, the State shall develop the long-range statewide transportation plan in cooperation with affected nonmetropolitan local officials with responsibility for transportation or, if applicable, through RTPOs described in §450.210(d) using the State's cooperative process(es) established under §450.210(b).

(i) For each area of the State under the jurisdiction of an Indian Tribal government, the State shall develop the long-range statewide transportation plan in consultation with the Tribal government and the Secretary of the Interior consistent with §450.210(c).

(j) The State shall develop the long-range statewide transportation plan, as appropriate, in consultation with State, Tribal, and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation. This consultation shall involve comparison of transportation plans to State and Tribal conservation plans or maps, if available, and comparison of transportation plans to inventories of natural or historic resources, if available.

(k) A long-range statewide transportation plan shall include a discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the long-range statewide transportation plan. The discussion may focus on policies, programs, or strategies, rather than at the project level. The State shall develop the discussion in consultation with applicable Federal, State, regional, local and Tribal land management, wildlife, and regulatory agencies. The State may establish reasonable timeframes for performing this consultation.

(l) In developing and updating the long-range statewide transportation plan, the State shall provide:

(1) To nonmetropolitan local elected officials, or, if applicable, through RTPOs described in §450.210(d), an opportunity to participate in accordance with §450.216(h); and

(2) To individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, private providers of transportation (including intercity bus operators, employer-based cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed long-range statewide transportation plan. In carrying out these requirements, the State shall use the public involvement process described under §450.210(a).

(m) The long-range statewide transportation plan may include a financial plan that demonstrates how the adopted long-range statewide transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. In addition, for illustrative purposes, the financial plan may include additional projects that the State would include in the adopted long-range statewide transportation plan if additional resources beyond those identified in the financial plan were to become available. The financial plan may include an assessment of the appropriateness of innovative finance techniques (for example, tolling, pricing, bonding, public-private partnerships, or other strategies) as revenue sources

(n) The State is not required to select any project from the illustrative list of additional projects included in the financial plan described in paragraph (m) of this section.

(o) The State shall publish or otherwise make available the long-range statewide transportation plan for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, as described in §450.210(a).

(p) The State shall continually evaluate, revise, and periodically update the long-range statewide transportation plan, as appropriate, using the procedures in this section for development and establishment of the long-range statewide transportation plan.

(q) The State shall provide copies of any new or amended long-range statewide transportation plan documents to the FHWA and the FTA for informational purposes.

218 – Development and content of the statewide transportation improvement program (STIP).

(a) The State shall develop a statewide transportation improvement program (STIP) for all areas of the State. The STIP shall cover a period of no less than 4 years and shall be updated at least every 4 years, or more frequently if the Governor of the State elects a more frequent update cycle. However, if the STIP covers more than 4 years, the FHWA and the FTA will consider the projects in the additional years as informational. In case of difficulties developing a portion of the STIP for a particular area (e.g., metropolitan planning area, nonattainment or maintenance area, or Indian Tribal lands), the State may develop a partial STIP covering the rest of the State.

(b) For each metropolitan area in the State, the State shall develop the STIP in cooperation with the MPO designated for the metropolitan area. The State shall include each metropolitan TIP without change in the STIP, directly or by reference, after approval of the TIP by the MPO and the Governor. A metropolitan TIP in a nonattainment or maintenance area is subject to a FHWA/FTA conformity finding before inclusion in the STIP. In areas outside a metropolitan planning area but within an air quality nonattainment or maintenance area containing any part of a metropolitan area, projects must be included in the regional emissions analysis that supported the conformity determination of the associated metropolitan TIP before they are added to the STIP.

(c) For each nonmetropolitan area in the State, the State shall develop the STIP in cooperation with affected nonmetropolitan local officials with responsibility for transportation or, if applicable, through RTPOs described in §450.210(d) using the State's consultation process(es) established under §450.210(b).

(d) For each area of the State under the jurisdiction of an Indian Tribal government, the STIP shall be developed in consultation with the Tribal government and the Secretary of the Interior.

(e) Tribal Transportation Program, Federal Lands Transportation Program, and Federal Lands Access Program TIPs shall be included without change in the STIP, directly or by reference, once approved by the FHWA pursuant to 23 U.S.C. 201(c)(4).

(f) The Governor shall provide all interested parties with a reasonable opportunity to comment on the proposed STIP as required by §450.210(a).

(g) The STIP shall include capital and non-capital surface transportation projects (or phases of projects) within the boundaries of the State proposed for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 (including transportation alternatives and associated transit improvements; Tribal Transportation Program projects, Federal Lands Transportation Program projects, and Federal Lands Access Program projects; HSIP projects; trails projects; and accessible pedestrian walkways and bicycle facilities), except the following that may be included:

(1) Safety projects funded under 23 U.S.C. 402 and 49 U.S.C. 31102;

(2) Metropolitan planning projects funded under 23 U.S.C. 104(d) and 49 U.S.C. 5305(d);

(3) State planning and research projects funded under 23 U.S.C. 505 and 49 U.S.C. 5305(e);

(4) State planning and research projects funded with Surface Transportation Program funds;

(5) Emergency relief projects (except those involving substantial functional, locational, or capacity changes);

(6) Research, development, demonstration, and deployment projects funded under 49 U.S.C. 5312, and technical assistance and standards development projects funded under 49 U.S.C. 5314;

(7) Project management oversight projects funded under 49 U.S.C. 5327; and

(8) State safety oversight programs funded under 49 U.S.C. 5329.

(h) The STIP shall contain all regionally significant projects requiring an action by the FHWA or the FTA whether or not the projects are to be funded with 23 U.S.C. Chapters 1 and 2 or title 49 U.S.C. Chapter 53 funds (e.g., addition of an interchange to the Interstate System with State, local, and/or private funds, and congressionally designated projects not funded under title 23 U.S.C. or title 49 U.S.C. Chapter 53). For informational and conformity purposes, the STIP shall include (if appropriate and included in any TIPs) all regionally significant projects proposed to be funded with Federal funds other than those administered by the FHWA or the FTA, as well as all regionally significant projects to be funded with non-Federal funds.

(i) The STIP shall include for each project or phase (e.g., preliminary engineering, environment/NEPA, right-of-way, design, or construction) the following:

(1) Sufficient descriptive material (i.e., type of work, termini, and length) to identify the project or phase;

(2) Estimated total project cost or a project cost range, which may extend beyond the 4 years of the STIP;

(3) The amount of Federal funds proposed to be obligated during each program year. For the first year, this includes the proposed category of Federal funds and source(s) of non-Federal funds. For the second, third, and fourth years, this includes the likely category or possible categories of Federal funds and sources of non-Federal funds; and

(4) Identification of the agencies responsible for carrying out the project or phase.

(j) Projects that are not considered to be of appropriate scale for individual identification in a given program year may be grouped by function, work type, and/or geographic area using the applicable classifications under 23 CFR 771.117(c) and (d) and/or 40 CFR part 93. In nonattainment and maintenance areas, project classifications must be consistent with the “exempt project” classifications contained in the EPA’s transportation conformity regulations (40 CFR part 93, subpart A). In addition, projects proposed for funding under title 23 U.S.C. Chapter 2 that are not regionally significant may be grouped in one line item or identified individually in the STIP.

(k) Each project or project phase included in the STIP shall be consistent with the long-range statewide transportation plan developed under §450.216 and, in metropolitan planning areas, consistent with an approved metropolitan transportation plan developed under §450.324.

(l) The STIP may include a financial plan that demonstrates how the approved STIP can be implemented, indicates resources from public and private sources that are reasonably expected to be available to carry out the STIP, and recommends any additional financing strategies for needed projects and programs. In addition, for illustrative purposes, the financial plan may include additional projects that would be included in the adopted STIP if reasonable additional resources beyond those identified in the financial plan were to become available. The State is not required to select any project from the illustrative list for implementation, and projects on the illustrative list cannot be advanced to implementation without an action by the FHWA and the FTA on the STIP. Revenue and cost estimates for the STIP must use an inflation rate to reflect "year of expenditure dollars," based on reasonable financial principles and information, developed cooperatively by the State, MPOs, and public transportation operators.

(m) In nonattainment and maintenance areas, projects included in the first 2 years of the STIP shall be limited to those for which funds are available or committed. Financial constraint of the STIP shall be demonstrated and maintained by year and shall include sufficient financial information to demonstrate which projects are to be implemented using current and/or reasonably available revenues, while federally supported facilities are being adequately operated and maintained. In the case of proposed funding sources, strategies for ensuring their availability shall be identified in the financial plan consistent with paragraph (l) of this section. For purposes of transportation operations and maintenance, the STIP shall include financial information containing system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways (as defined by 23 U.S.C. 101(a)(5)) and public transportation (as defined by title 49 U.S.C. 5302).

(n) Projects in any of the first 4 years of the STIP may be advanced in place of another project in the first 4 years of the STIP, subject to the project selection requirements of §450.222. In addition, subject to FHWA/FTA approval (see §450.220), the State may revise the STIP at any time under procedures agreed to by the State, MPO(s), and public transportation operators consistent with the STIP development procedures established in this section, as well as the procedures for participation by interested parties (see §450.210(a)). Changes that affect fiscal constraint must take place by amendment of the STIP.

(o) The STIP shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

(p) In cases where the FHWA and the FTA find a STIP to be fiscally constrained, and a revenue source is subsequently removed or substantially reduced (i.e., by legislative or administrative actions), the FHWA and the FTA will not withdraw the original determination of fiscal constraint. However, in such cases, the FHWA and the FTA will not act on an updated or amended STIP that does not reflect the changed revenue situation.

(q) A STIP shall include, to the maximum extent practicable, a discussion of the anticipated effect of the STIP toward achieving the performance targets identified by the State in the statewide transportation plan or other State performance-based plan(s), linking investment priorities to those performance targets.

[81 FR 34135, May 27, 2016, as amended at 81 FR 93470, Dec. 20, 2016; 82 FR 56543, Nov. 29, 2017]

Title 49: Part 21 - Transportation

5 - Descrimination Prohibited

(a) General. No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program to which this part applies.

(b) Specific discriminatory actions prohibited:

(1) A recipient to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin.

(i) Deny a person any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; or

(vii) Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of person to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program; may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

(4) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(6) Examples demonstrating the application of the provisions of this section to certain types of Federal financial assistance administered by the Department of Transportation are contained in appendix C of this part.

(7) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where prior discriminatory practice or usage tends, on the grounds of race, color, or national origin to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient must take affirmative action to remove or overcome the effects of the prior discriminatory practice or usage. Even in the absence of prior discriminatory practice or usage, a recipient in administering a program or activity to which this part applies, is expected to take affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin.

(c) Employment practices:

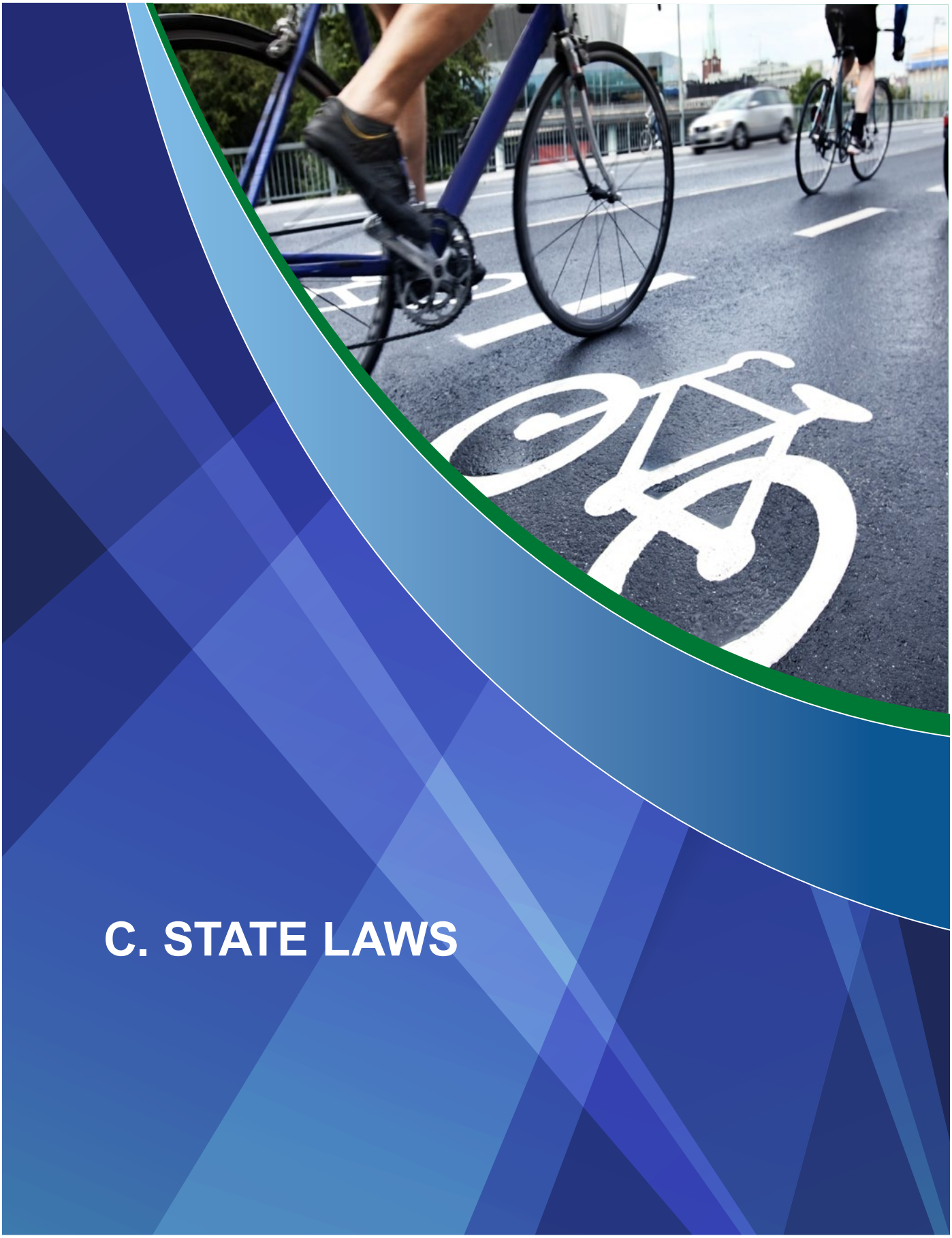
(1) Where a primary objective of the Federal financial assistance to a program to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). Such recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Federal financial assistance to programs under laws funded or administered by the Department which have as a primary objective the providing of employment include those set forth in appendix B to this part.

(3) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of paragraph (c)(1) of this section shall apply to the employment practices of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

(d) A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the grounds of race, color, or national origin; or if the purpose is to, or its effect when made will, substantially impair the accomplishment of the objectives of this part.

[35 FR 10080, June 18, 1970, as amended by Amdt. 72-2, 38 FR 17997, July 5, 1973; 68 FR 51389, Aug. 26, 2003]



C. STATE LAWS

TITLE 65
PUBLIC OFFICERS

Part

II. Accountability

Enactment. Unless otherwise noted, the provisions of Title 65 were added October 15, 1998, P.L.729, No.93, effective in 60 days.

PART II
ACCOUNTABILITY

Chapter

7. Open Meetings
11. Ethics Standards and Financial Disclosure
13. Lobby Regulation and Disclosure (Deleted by amendment)
13A. Lobbying Disclosure

Enactment. Part II was added October 15, 1998, P.L.729, No.93, effective in 60 days.

Special Provisions in Appendix. See sections 2 and 7 of Act 93 of 1998 in the appendix to this title for special provisions relating to transition provisions and legislative intent.

CHAPTER 7
OPEN MEETINGS

Sec.

701. Short title of chapter.
702. Legislative findings and declaration.
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707. Exceptions to open meetings.
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716. Confidentiality.

Enactment. Chapter 7 was added October 15, 1998, P.L.729, No.93, effective in 60 days.

Special Provisions in Appendix. See sections 4(a) and (b) and 5 of Act 93 of 1998 in the appendix to this title for special provisions relating to applicability and codification of existing law.

Cross References. Chapter 7 is referred to in section 13A10 of this title; sections 1511, 9311, 9319 of Title 3 (Agriculture); sections 1201.1, 1202.1 of Title 4 (Amusements); sections 1006, 1111, 1183, 1191, 24A04 of Title 8 (Boroughs and Incorporated Towns); sections 11005, 12416, 13706 of Title 11 (Cities); section 503 of Title 12 (Commerce and Trade); section 3115 of Title 27 (Environmental Resources); sections 5303, 8108 of Title 35 (Health and Safety); sections 9302, 9304 of Title 40 (Insurance); section 3305 of Title 58 (Oil and Gas); section 3753 of Title 62 (Procurement); sections 1511, 6017 of Title 64 (Public Authorities and Quasi-Public Corporations); section 2113 of Title 68 (Real and Personal Property); sections 3101, 5958 of Title 71 (State Government); sections 1741, 8205, 9103 of Title 74 (Transportation); section 3345.1 of Title 75 (Vehicles).

§ 701. Short title of chapter.

This chapter shall be known and may be cited as the Sunshine Act.

§ 702. Legislative findings and declaration.

(a) Findings.--The General Assembly finds that the right of the public to be present at all meetings of agencies and to witness the deliberation, policy formulation and decisionmaking of agencies is vital to the enhancement and proper functioning of the democratic process and that secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society.

(b) Declarations.--The General Assembly hereby declares it to be the public policy of this Commonwealth to insure the right of its citizens to have notice of and the right to attend all meetings of agencies at which any agency business is discussed or acted upon as provided in this chapter.

§ 703. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Administrative action." The execution of policies relating to persons or things as previously authorized or required by official action of the agency adopted at an open meeting of the agency. The term does not, however, include the deliberation of agency business.

"Agency." The body, and all committees thereof authorized by the body to take official action or render advice on matters of agency business, of all the following: the General Assembly, the executive branch of the government of this Commonwealth, including the Governor's Cabinet when meeting on official policymaking business, any board, council, authority or commission of the Commonwealth or of any political subdivision of the Commonwealth or any State, municipal, township or school authority, school board, school governing body, commission, the boards of trustees of all State-aided colleges and universities, the councils of trustees of all State-owned colleges and universities, the boards of trustees

of all State-related universities and all community colleges or similar organizations created by or pursuant to a statute which declares in substance that the organization performs or has for its purpose the performance of an essential governmental function and through the joint action of its members exercises governmental authority and takes official action. The term shall include the governing board of any nonprofit corporation which by a mutually binding legal written agreement with a community college or State-aided, State-owned or State-related institution of higher education is granted legally enforceable supervisory and advisory powers regarding the degree programs of the institution of higher education. The term does not include a caucus or a meeting of an ethics committee created under rules of the Senate or House of Representatives.

"Agency business." The framing, preparation, making or enactment of laws, policy or regulations, the creation of liability by contract or otherwise or the adjudication of rights, duties and responsibilities, but not including administrative action.

"Caucus." A gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action in the General Assembly.

"Conference." Any training program or seminar, or any session arranged by State or Federal agencies for local agencies, organized and conducted for the sole purpose of providing information to agency members on matters directly related to their official responsibilities.

"Deliberation." The discussion of agency business held for the purpose of making a decision.

"Emergency meeting." A meeting called for the purpose of dealing with a real or potential emergency involving a clear and present danger to life or property.

"Executive session." A meeting from which the public is excluded, although the agency may admit those persons necessary to carry out the purpose of the meeting.

"Litigation." Any pending, proposed or current action or matter subject to appeal before a court of law or administrative adjudicative body, the decision of which may be appealed to a court of law.

"Meeting." Any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency held for the purpose of deliberating agency business or taking official action.

"Official action."

(1) Recommendations made by an agency pursuant to statute, ordinance or executive order.

(2) The establishment of policy by an agency.

(3) The decisions on agency business made by an agency.

(4) The vote taken by any agency on any motion, proposal, resolution, rule, regulation, ordinance, report or order.

"Political subdivision." Any county, city, borough, incorporated town, township, school district, intermediate unit, vocational school district or county institution district.

"Public notice."

(1) For a meeting:

(i) Publication of notice of the place, date and time of a meeting in a newspaper of general circulation, as defined by 45 Pa.C.S. § 101 (relating to definitions), which is published and circulated in the political subdivision where the meeting will be held, or in a newspaper of general circulation which has a bona fide paid circulation in the political subdivision equal to or greater than any newspaper published in the political subdivision.

(ii) Posting a notice of the place, date and time of a meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.

(iii) Giving notice to parties under section 709(c) (relating to public notice).

(2) For a recessed or reconvened meeting:

(i) Posting a notice of the place, date and time of the meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.

(ii) Giving notice to parties under section 709(c).

"Special meeting." A meeting scheduled by an agency after the agency's regular schedule of meetings has been established.

(July 15, 2004, P.L.743, No.88, eff. imd.)

2004 Amendment. Act 88 amended the def. of "agency."

§ 704. Open meetings.

Official action and deliberations by a quorum of the members of an agency shall take place at a meeting open to the public unless closed under section 707 (relating to exceptions to open meetings), 708 (relating to executive sessions) or 712 (relating to General Assembly meetings covered).

Cross References. Section 704 is referred to in section 708 of this title.

§ 705. Recording of votes.

In all meetings of agencies, the vote of each member who actually votes on any resolution, rule, order, regulation, ordinance or the setting of official policy must be publicly cast and, in the case of roll call votes, recorded.

§ 706. Minutes of meetings, public records and recording of meetings.

Written minutes shall be kept of all open meetings of agencies. The minutes shall include:

(1) The date, time and place of the meeting.

(2) The names of members present.

(3) The substance of all official actions and a record by individual member of the roll call votes taken.

(4) The names of all citizens who appeared officially and the subject of their testimony.

§ 707. Exceptions to open meetings.

(a) Executive session.--An agency may hold an executive session under section 708 (relating to executive sessions).

(b) Conference.--An agency is authorized to participate in a conference which need not be open to the public. Deliberation of agency business may not occur at a conference.

(c) Certain working sessions.--Boards of auditors may conduct working sessions not open to the public for the purpose of examining, analyzing, discussing and deliberating the various accounts and records with respect to which such boards are responsible, so long as official action of a board with respect to such records and accounts is taken at a meeting open to the public and subject to the provisions of this chapter.

Cross References. Section 707 is referred to in sections 704, 708 of this title.

§ 708. Executive sessions.

(a) Purpose.--An agency may hold an executive session for one or more of the following reasons:

(1) To discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the agency, or former public officer or employee, provided, however, that the individual employees or appointees whose rights could be adversely affected may request, in writing, that the matter or matters be discussed at an open meeting. The agency's decision to discuss such matters in executive session shall not serve to adversely affect the due process rights granted by law, including those granted by Title 2 (relating to administrative law and procedure). The provisions of this paragraph shall not apply to any meeting involving the appointment or selection of any person to fill a vacancy in any elected office.

(2) To hold information, strategy and negotiation sessions related to the negotiation or arbitration of a collective bargaining agreement or, in the absence of a collective bargaining unit, related to labor relations and arbitration.

(3) To consider the purchase or lease of real property up to the time an option to purchase or lease the real property is obtained or up to the time an agreement to purchase or lease such property is obtained if the agreement is obtained directly without an option.

(4) To consult with its attorney or other professional advisor regarding information or strategy in connection with litigation or with issues on which identifiable complaints are expected to be filed.

(5) To review and discuss agency business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including matters related to the initiation and conduct of investigations of possible or certain violations of the law and quasi-judicial deliberations.

(6) For duly constituted committees of a board or council of trustees of a State-owned, State-aided or State-related college or university or community college or of the Board of Governors of the State System of Higher Education to discuss matters of academic admission or standings.

(7) To discuss, plan or review matters and records that are deemed necessary for emergency preparedness, protection of public safety and security of all property in a manner that if disclosed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection.

(b) Procedure.--The executive session may be held during an open meeting or at the conclusion of an open meeting or may be announced for a future time. The reason for holding the executive session must be announced at the open meeting occurring immediately prior or subsequent to the executive session. If the executive session is not announced for a future specific time, members of the agency shall be notified 24 hours in advance of the time of the convening of the meeting specifying the date, time, location and purpose of the executive session.

(c) Limitation.--Official action on discussions held pursuant to subsection (a) shall be taken at an open meeting. Nothing in this section or section 707 (relating to exceptions to open meetings) shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of section 704 (relating to open meetings).

(Oct. 24, 2018, P.L.1144, No.156, eff. 60 days)

2018 Amendment. Act 156 added subsec. (a)(7).

Cross References. Section 708 is referred to in sections 704, 707 of this title.

§ 709. Public notice.

(a) Meetings.--An agency shall give public notice of its first regular meeting of each calendar or fiscal year not less than three days in advance of the meeting and shall give public notice of the schedule of its remaining regular meetings. An agency shall give public notice of each special meeting or each rescheduled regular or special meeting at least 24 hours in advance of the time of the convening of the meeting specified in the notice. Public notice is not required in the case of an emergency meeting or a conference. Professional licensing boards within the Bureau of Professional and Occupational Affairs of the Department of State of the Commonwealth shall include in the public notice each matter involving a proposal to revoke, suspend or restrict a license.

(b) Notice.--With respect to any provision of this chapter that requires public notice to be given by a certain date, the agency, to satisfy its legal obligation, must give the notice in time to allow it to be published or circulated within the political subdivision where the principal office of the agency is located or the meeting will occur before the date of the specified meeting.

(c) Copies.--In addition to the public notice required by this section, the agency holding a meeting shall supply, upon request, copies of the public notice thereof to any newspaper of general circulation in the political subdivision in which the meeting will be held, to any radio or television station which regularly broadcasts into the political subdivision and to any interested parties if the newspaper, station or party provides the agency with a stamped, self-addressed envelope prior to the meeting.

(d) Meetings of General Assembly in Capitol Complex.--Notwithstanding any provision of this section to the contrary, in case of sessions of the General Assembly, all meetings of legislative committees held within the Capitol Complex where bills are considered, including conference committees, all legislative hearings held within the Capitol Complex where testimony is taken and all meetings of legislative

commissions held within the Capitol Complex, the requirement for public notice thereof shall be complied with if, not later than the preceding day:

(1) The supervisor of the newsroom of the State Capitol Building in Harrisburg is supplied for distribution to the members of the Pennsylvania Legislative Correspondents Association with a minimum of 30 copies of the notice of the date, time and place of each session, meeting or hearing.

(2) There is a posting of the copy of the notice at public places within the Main Capitol Building designated by the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(e) Announcement.--Notwithstanding any provision of this chapter to the contrary, committees may be called into session in accordance with the provisions of the Rules of the Senate or the House of Representatives and an announcement by the presiding officer of the Senate or the House of Representatives. The announcement shall be made in open session of the Senate or the House of Representatives.

Cross References. Section 709 is referred to in section 703 of this title; section 1511 of Title 3 (Agriculture).

§ 710. Rules and regulations for conduct of meetings.

Nothing in this chapter shall prohibit the agency from adopting by official action the rules and regulations necessary for the conduct of its meetings and the maintenance of order. The rules and regulations shall not be made to violate the intent of this chapter.

Cross References. Section 710 is referred to in section 711 of this title.

§ 710.1. Public participation.

(a) General rule.--Except as provided in subsection (d), the board or council of a political subdivision or of an authority created by a political subdivision shall provide a reasonable opportunity at each advertised regular meeting and advertised special meeting for residents of the political subdivision or of the authority created by a political subdivision or for taxpayers of the political subdivision or of the authority created by a political subdivision or for both to comment on matters of concern, official action or deliberation which are or may be before the board or council prior to taking official action. The board or council has the option to accept all public comment at the beginning of the meeting. If the board or council determines that there is not sufficient time at a meeting for residents of the political subdivision or of the authority created by a political subdivision or for taxpayers of the political subdivision or of the authority created by a political subdivision or for both to comment, the board or council may defer the comment period to the next regular meeting or to a special meeting occurring in advance of the next regular meeting.

(b) Limitation on judicial relief.--If a board or council of a political subdivision or an authority created by a political subdivision has complied with the provisions of subsection (a), the judicial relief under section 713 (relating to business transacted at unauthorized meeting void) shall not be available on a specific action solely on the basis of lack of comment on that action.

(c) Objection.--Any person has the right to raise an objection at any time to a perceived violation of this chapter at any meeting of a board or council of a political subdivision or an authority created by a political subdivision.

(d) Exception.--The board or council of a political subdivision or of an authority created by a political subdivision which had, before January 1, 1993, established a practice or policy of holding special meetings solely for the purpose of public comment in advance of advertised regular meetings shall be exempt from the provisions of subsection (a).

§ 711. Use of equipment during meetings.

(a) Recording devices.--Except as provided in subsection (b), a person attending a meeting of an agency shall have the right to use recording devices to record all the proceedings. Nothing in this section shall prohibit the agency from adopting and enforcing reasonable rules for their use under section 710 (relating to rules and regulations for conduct of meetings).

(b) Rules of the Senate and House of Representatives.--The Senate and House of Representatives may adopt rules governing the recording or broadcast of their sessions and meetings and hearings of committees.

§ 712. General Assembly meetings covered.

Notwithstanding any other provision, for the purpose of this chapter, meetings of the General Assembly which are covered are as follows: all meetings of committees where bills are considered, all hearings where testimony is taken and all sessions of the Senate and the House of Representatives. Not included in the intent of this chapter are caucuses or meetings of any ethics committee created pursuant to the Rules of the Senate or the House of Representatives.

Cross References. Section 712 is referred to in section 704 of this title.

§ 713. Business transacted at unauthorized meeting void.

A legal challenge under this chapter shall be filed within 30 days from the date of a meeting which is open, or within 30 days from the discovery of any action that occurred at a meeting which was not open at which this chapter was violated, provided that, in the case of a meeting which was not open, no legal challenge may be commenced more than one year from the date of said meeting. The court may enjoin any challenged action until a judicial determination of the legality of the meeting at which the action was adopted is reached. Should the court determine that the meeting did not meet the requirements of this chapter, it may in its discretion find that any or all official action taken at the meeting shall be invalid. Should the court determine that the meeting met the requirements of this chapter, all official action taken at the meeting shall be fully effective.

Cross References. Section 713 is referred to in section 710.1 of this title.

§ 714. Penalty.

(a) Fines and costs.--Any member of any agency who participates in a meeting with the intent and purpose by that member of violating this chapter commits a summary offense and shall, upon conviction, be sentenced to pay:

(1) For a first offense, the costs of prosecution plus a fine of at least $100 and, in the discretion of the sentencing authority, of not more than $1,000.

(2) For a second or subsequent offense, the costs of prosecution plus a fine of at least $500 and, in the discretion of the sentencing authority, of not more than $2,000.

(b) Payment.--An agency shall not make a payment on behalf of or reimburse a member of an agency for a fine or cost resulting from the member's violation of this section.

(July 7, 2011, P.L.270, No.56, eff. 60 days)

§ 714.1. Attorney fees.

If the court determines that an agency willfully or with wanton disregard violated a provision of this chapter, in whole or in part, the court shall award the prevailing party reasonable attorney fees and costs of litigation or an appropriate portion of the fees and costs. If the court finds that the legal challenge was of a frivolous nature or was brought with no substantial justification, the court shall award the prevailing party reasonable attorney fees and costs of litigation or an appropriate portion of the fees and costs.

§ 715. Jurisdiction and venue of judicial proceedings.

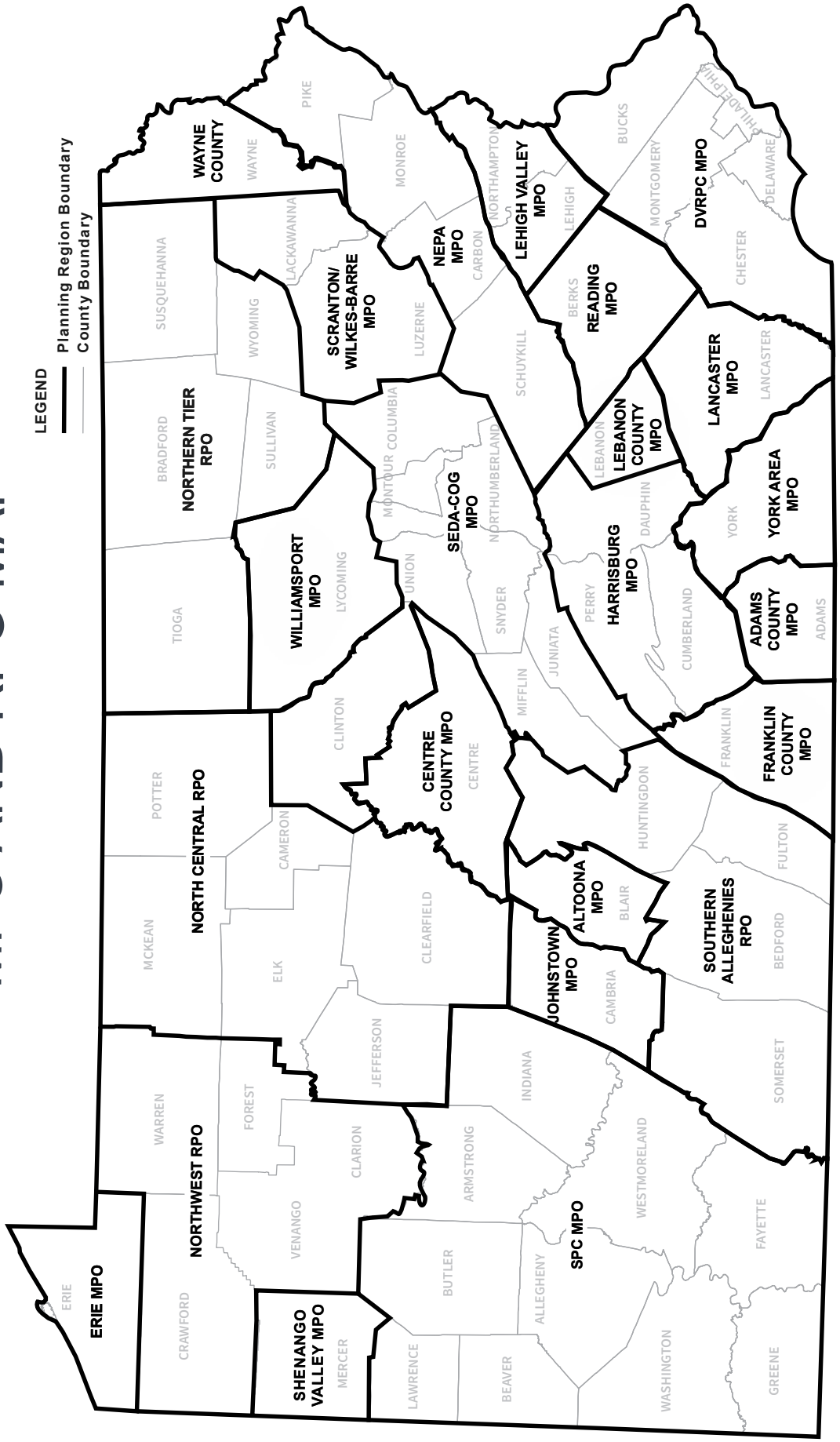
The Commonwealth Court shall have original jurisdiction of actions involving State agencies and the courts of common pleas shall have original jurisdiction of actions involving other agencies to render declaratory judgments or to enforce this chapter by injunction or other remedy deemed appropriate by the court. The action may be brought by any person where the agency whose act is complained of is located or where the act complained of occurred.

§ 716. Confidentiality.

All acts and parts of acts are repealed insofar as they are inconsistent with this chapter, excepting those statutes which specifically provide for the confidentiality of information. Those deliberations or official actions which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including matter related to the investigation of possible or certain violations of the law and quasi-judicial deliberations, shall not fall within the scope of this chapter.

D. METROPOLITAN PLANNING ORGANIZATIONS AND RURAL PLANNING ORGANIZATIONS (MPOs AND RPOs)

MPO AND RPO MAP



CLICK HERE TO RETURN TO PAGE 6

MPO and RPO Contact Information

Based on the most current information available online and subject to change.

Planning Region	Contact Information	Location	Website
Adams County MPO	Andrew Merkel, AICP (717) 337-9824 Ext. 354 amerkel@adamscounty.us	Adams County Office of Planning and Development 670 Old Harrisburg Rd. Suite 100 Gettysburg, PA 17325	www.adamscounty.us
Altoona MPO	Wesley L. Burket, AICP (814) 693-2080 Ext. 2 wburket@blairplanning.org	Blair County Planning Commission 423 Allegheny St., 046 Hollidaysburg, PA 16648	www.blairplanning.org
Centre County MPO	Tom Zilla, AICP (814) 231-3050 tzilla@crcog.net	Centre Regional Planning Agency 2643 Gateway Dr. State College, PA 16801	www.crcog.net
DVRPC MPO	Elizabeth Schoonmaker (215) 238-2938 eschoonmaker@dvrpc.org	Delaware Regional Planning Commission 190 N. Independence Mall W., 8th Floor Philadelphia, PA 19106	www.dvrpc.org
Erie MPO	Emily Aloiz (814) 451-7325 ealoiz@ericountypa.gov	Erie County Department of Planning 150 E. Front St., Suite 300 Erie, PA 16507	www.eriecountypa.gov
Franklin County MPO	Steven Thomas (717) 261-3855 sjthomas@franklincountypa.gov	Franklin County Planning Department 218 N. 2nd St. Chambersburg, PA 17201	www.franklincountypa.gov
Harrisburg MPO	Steve Deck, AICP (717) 234-2639 sdeck@tcrpc-pa.org	Dauphin County Veterans Memorial Office Building 112 Market St., 2nd Floor Harrisburg, PA 17101	www.tcrpc-pa.org
Johnstown MPO	Chris Allison (814) 472-2108 callison@co.cambria.pa.us	Cambria County Planning Commission 401 Candlelight Dr., Suite 215 Ebensburg, PA 15931	www.cambriaplanning.org
Lancaster MPO	Robert Bini, AICP (717) 299-8333 rbini@co.lancaster.pa.us	Lancaster County Planning Commission 150 N. Queen St., Suite 320 Lancaster, PA 17603	www.lancompo.org

MPO and RPO Contact Information

Based on the most current information available online and subject to change.

Planning Region	Contact Information	Location	Website
Lebanon County MPO	Jonathon Fitzkee (717) 228-4444 Ext. 2325 jfitzkee@lebcnty.org	Lebanon County Planning Department, Municipal Building 400 S. 8th St., Room 206 Lebanon, PA 17042	www.lebcounty.org
Lehigh Valley MPO	Charles Doyle (610) 264-4544 cdoyle@lvpc.org	Lehigh Valley Planning Commission 961 Marcon Blvd., Suite 310 Allentown, PA 18109	www.lvpc.org
NEPA MPO	Alan Baranski, AICP (570) 655-5581 abaranski@nepa-alliance.org	Northeastern Pennsylvania Alliance 1151 Oak St. Pittston, PA 18640	www.nepa-alliance.org
North Central RPO	Amy Kessler (814) 773-3162 amy@ncentral.com	North Central Pennsylvania Regional Planning and Development Commission 49 Ridgmont Dr. Ridgway, PA 15853	www.ncentral.com
Northern Tier RPO	Brian Baker (570) 265-9103 baker@northerntier.org	Northern Tier Regional Planning & Development Commission 312 Main St. Towanda, PA 18848	www.northerntier.org
Northwest RPO	Travis Siegel (814) 677-4800 Ext. 123 traviss@northwestpa.org	Northwest PA Regional Planning and Development Commission 395 Seneca St. Oil City, PA 16301	www.northwestpa.org
Reading MPO	Alan Piper (610) 478-6300 Ext. 6313 apiper@countyofberks.com	Berks County Services Center 633 Court St., 14th floor Reading, PA 19601	http://www.co.berks.pa.us
Scranton/Wilkes-Barre MPO	Steve Pitoniak (570) 963-6826 pitoniaks@lackawanna county.org	Lackawanna County Department of Planning and Economic Development 135 Jefferson Avenue, 2nd Floor Scranton, PA 18503	www.lltsmpo.com

MPO and RPO Contact Information

Based on the most current information available online and subject to change.

Planning Region	Contact Information	Location	Website
Scranton/Wilkes-Barre MPO (continued from previous page)	John A. Petrini (570) 825-1563 John.petrini@luzernecounty.org	Luzerne County Department of Planning & Zoning 20 N. Pennsylvania Ave., Suite 208 Wilkes-Barre, PA 18701	www.lltsmpo.com
SEDA-COG MPO	James Saylor, P.E. (570) 524-4491 jsaylor@seda-cog.org	SEDA-COG MPO Office 201 Furnace Rd. Lewisburg, PA 17837	www.seda-cog.org
Shenango Valley MPO	Matt Stewart (724) 981-2412 Ext. 3206 mstewart@mcrpc.com	Mercer County Regional Planning Commission 2491 Highland Rd Hermitage, PA 16148	www.mcrpc.com
Southern Alleghenies RPO	Brandon Peters (814) 949-6543 bpeters@sapdc.org	Southern Alleghenies Planning and Development Commission 3 Sheraton Dr. Altoona, PA 16601	www.sapdc.org
SPC MPO	Andy Waple, AICP (412) 391-5590 Ext. 310 awaple@spcregion.org	Southwestern Pennsylvania Commission, Two Chatham Center 112 Washington Pl., Suite 500 Pittsburgh, PA 15219	www.spcregion.org
Wayne County	Craig Rickard (570) 253-5970 Ext. 4060 crickard@waynecountypa.gov	Wayne County Department of Planning/GIS 925 Court St. Honesdale, PA 18431	www.waynecountypa.gov
Williamsport MPO	John Lavelle (570) 320-2138 jlavelle@lyco.org	Lycoming County Planning commission 48 W. 3rd St., 4th Floor Williamsport, PA 17701	www.lyco.org
York Area MPO	Will Clark, III, AICP (717) 771-9870 Ext. 1727 wclark@ycpc.org	York County Planning Commission 28 E. Market St., 3rd Floor York, PA 17401	www.ycpc.org

E. PENNDOT EXAMPLES FOR PUBLIC PARTICIPATION IN STATEWIDE PLANNING

The Twelve Year Program Process "From Planning to Projects"

FROM PLANNING TO PROJECTS

The Twelve Year Program Process

What is the Twelve Year Program?

The **TYP** is a multimodal, fiscally-constrained program of transportation improvements spanning a **12-year period**. Multimodal means that the **TYP** includes all travel modes, including highways, bridges, public transit, aviation, rail, freight, and bicycle and pedestrian facilities.

Input

Report Card
A
B
C

1 Report

The **State Transportation Commission (STC)** releases a **Transportation Performance Report** that contains information about how PA's transportation system performed over the most recent two year period. The public is encouraged to review this report before the STC seeks public input and feedback on local and statewide transportation priorities. The Transportation Performance Report and public feedback help guide the development of the **Twelve Year Program (TYP)**.

Input

2 Listen & Identify Needs

The **STC** and **Planning Partners** (Metropolitan and Rural Planning Organizations - MPOs/RPOs) request input from local stakeholders and the public on transportation needs to help identify projects that reflect community and regional goals. The STC's public outreach efforts for the update of the 2019 TYP received national recognition for effectiveness, innovation, participant diversity and quality feedback!

3 Share Information

The **STC** shares the information gathered with the **MPOs** and **RPOs** to help guide the update of their regional **Transportation Improvement Program (TIP)**. Federal Law requires TIPs to be updated every four years. Pennsylvania's MPOs and RPOs update their TIPs every two years during the TYP update process.

Our Planning Partners

MPO
RPO
Independent County

Limited $ means *Planning & Prioritizing*

4 Plan & Prioritize

MPOs and **RPOs** compare the transportation needs identified by local stakeholders and the public with the available funding and conduct an initial analysis of potential impacts of proposed projects in assembling a draft TIP.

TIP

5 Submit TIPs

MPOs and **RPOs** submit their individual draft **TIPs** to **PennDOT**.

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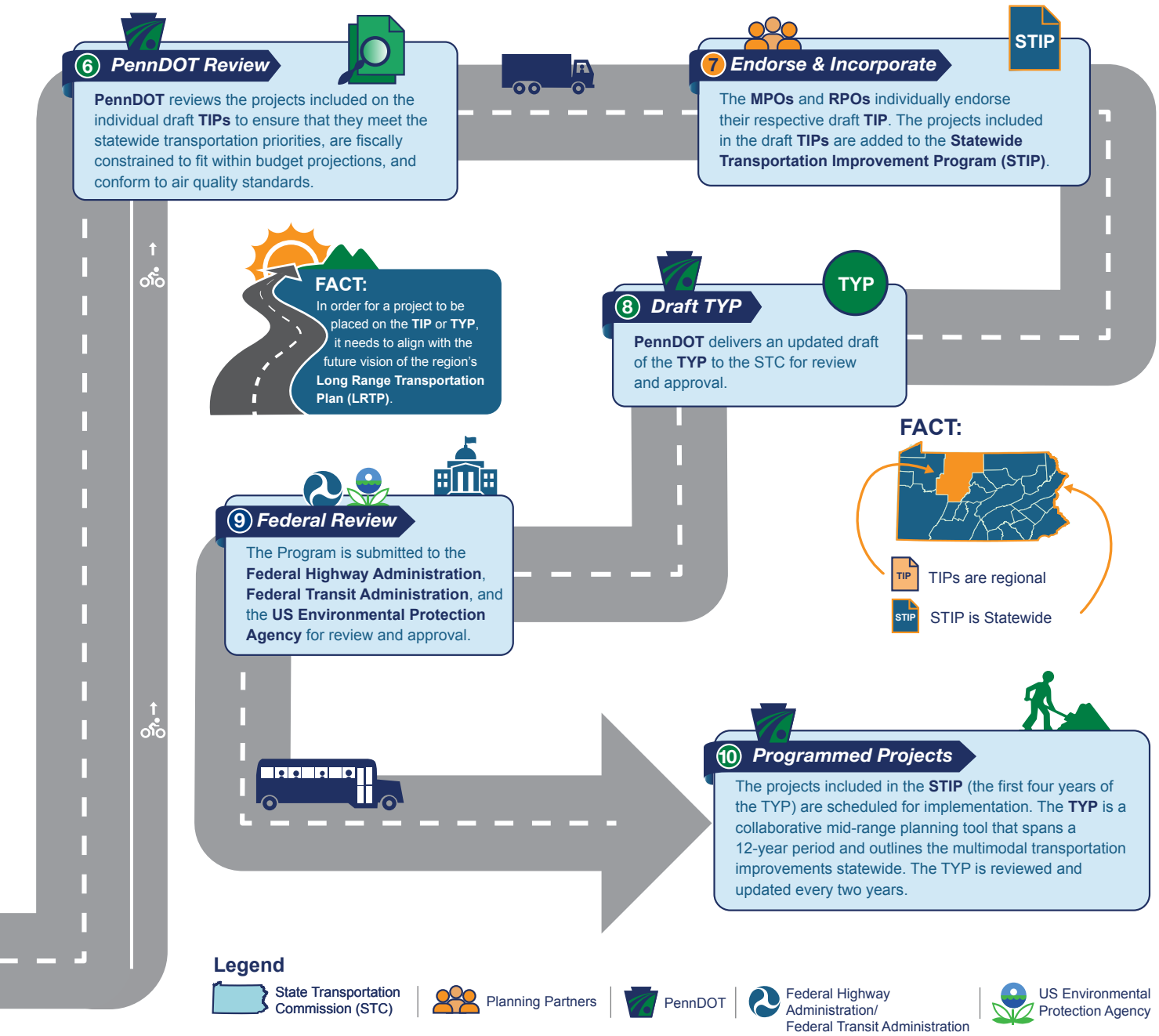
6 PennDOT Review
PennDOT reviews the projects included on the individual draft TIPs to ensure that they meet the statewide transportation priorities, are fiscally constrained to fit within budget projections, and conform to air quality standards.
7 Endorse & Incorporate
STIP
The MPOs and RPOs individually endorse their respective draft TIP. The projects included in the draft TIPs are added to the Statewide Transportation Improvement Program (STIP).
FACT:
In order for a project to be placed on the TIP or TYP, it needs to align with the future vision of the region's Long Range Transportation Plan (LRTP).
8 Draft TYP
TYP
PennDOT delivers an updated draft of the TYP to the STC for review and approval.
FACT:
TIP
TIPs are regional
STIP
STIP is Statewide
9 Federal Review
The Program is submitted to the Federal Highway Administration, Federal Transit Administration, and the US Environmental Protection Agency for review and approval.
10 Programmed Projects
The projects included in the STIP (the first four years of the TYP) are scheduled for implementation. The TYP is a collaborative mid-range planning tool that spans a 12-year period and outlines the multimodal transportation improvements statewide. The TYP is reviewed and updated every two years.
Legend
State Transportation Commission (STC)
Planning Partners
PennDOT
Federal Highway Administration/ Federal Transit Administration
US Environmental Protection Agency

2021 Twelve Year Program Update Statewide Transportation Survey Summary

State Transportation Commission

2021 TWELVE YEAR PROGRAM UPDATE
STATEWIDE TRANSPORTATION SURVEY SUMMARY

Thank you FOR TELLING US WHAT YOU THINK ABOUT TRANSPORTATION IN PA

Thank you for participating in the biennial Twelve Year Program Update. Our *goal* was **to receive input from more than 6,000 of you. AND YOU MADE IT HAPPEN!** Your input will help align our transportation priorities with your needs. Read below to learn about the outreach process.

OUTREACH TECHNIQUES

We provided information to you through **www.TalkPATransportation.com**, **social media**, **email blasts** and the **media**. We also provided an online toolkit full of outreach resources for our stakeholders.

ONLINE PUBLIC MEETING

On **March 20, 2019**, we hosted an **online public meeting** on a webinar platform. For the **FIRST time**, it was also available through **Facebook Live**. We had **over 2,000 meeting participants** from both the **webinar** and **Facebook Live**. You asked **84 questions** during the meeting that we answered and posted to our website.

"I'm excited to continue this journey together to make Pennsylvania an even better place to live."

Leslie S. Richards,
Secretary of Transportation

TRANSPORTATION SURVEY

The Transportation **Survey was available** March 11 – April 26, 2019. It **asked for** your **input** on **transportation modes**, **identifying your priorities** and **budget**. It also provided a map for specific transportation issues.

SURVEY RESULTS

We **received input from about 6,400 of you!** We also received almost 2,500 mapped issues; 425 of them are already being addressed by planned projects in the 2019 Twelve Year Program.

6,400 Survey Users

Page 1

2019 Public Outreach Program Statewide Survey Results
June 2019

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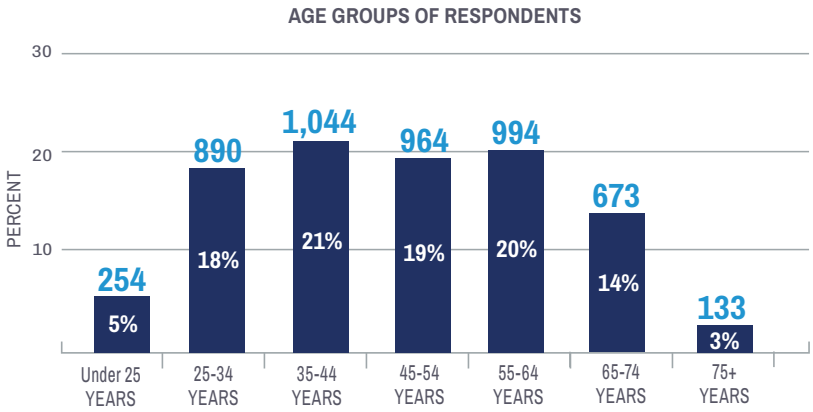
2021 TWELVE YEAR PROGRAM UPDATE
A *Journey* INTO THE SURVEY RESULTS

WE REACHED OUR GOAL OF
6,000 Participants

- About 6,400 participants
- Almost 90% identified as the general public

Male	2,738	55%
Female	2,094	42%
Third gender/nonconforming	28	1%
Prefer to self describe	8	0%
Prefer not to answer	119	2%



NOTE: Responses to demographic questions were optional.

How Do You Travel?

- We asked you to tell us how often you use different modes of transportation. 77% of you reported driving alone, 51% reported walking and/or bicycling, and 19% reported using public transit and/or passenger rail often or every day.
- Public transit and passenger rail were less frequently reported, however they are still an important necessity to many in Pennsylvania. Public transit connects communities and creates job access.
- Some of you use other modes of transportation such as boating, horse transportation and other modes.

THIS GRAPHIC LISTS THE MODES IN ORDER OF HOW OFTEN SURVEY PARTICIPANTS USE THEM

What Are Your Transportation Priorities?

We asked you to rank 10 transportation priorities and you ranked road pavement as most important to you.

#1 ROAD PAVEMENT
Repairing, restoring, reconstructing and maintaining Pennsylvania's 120,000 miles of state and local roadways to improve your travel

#2 TRAFFIC FLOW
Using technology to improve traffic flow and construction of new roads and additional travel lanes to safely move people and goods more efficiently

#3 BRIDGES
Repairing, replacing and maintaining Pennsylvania's 31,000 state and local bridges

We also gave you the chance to identify priorities we didn't list. The most common entries included:

- ELECTRIC VEHICLE UTILITIES
- RENEWABLE ENERGY SOURCES
- TRANSPORTATION DEMAND MANAGEMENT
- ACCESSIBILITY

4 INTERSTATE HIGHWAY
Specific, prioritized investments in reconstructing Pennsylvania's 1,868 miles of interstate highways

5 WALKING
Accessible and connected routes to get you where you need to go safely

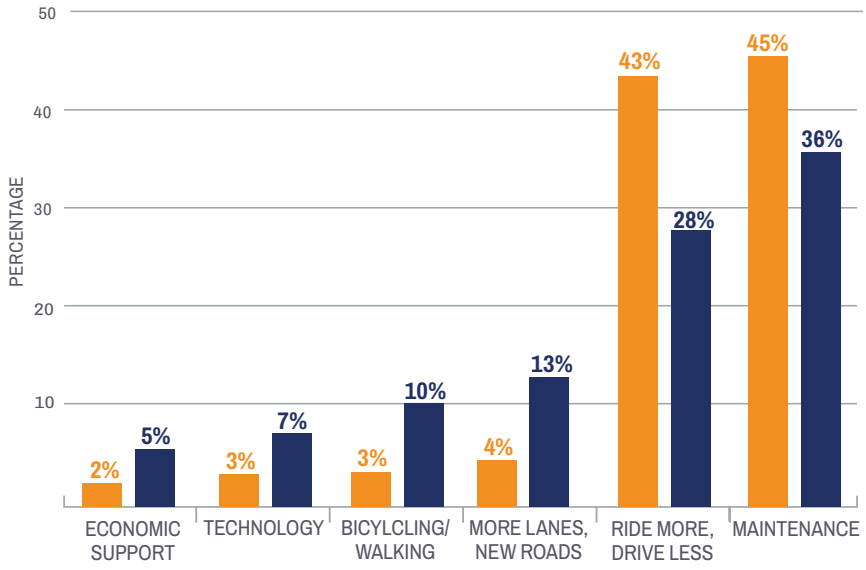
6 TRANSIT
Accessible and timely public transportation that covers an extensive service area and crosses regions

7 BICYCLING
Safe bicycle routes and facilities throughout the commonwealth to get you where you need to go

8 PASSENGER RAIL
Intercity and commuter rail service across Pennsylvania with out-of-state connections

9 AVIATION
Modern facilities, operations and a wide range of commercial airline choices at airports

10 FREIGHT
Modern highways, railways, airports and waterways to support the economy and ensure the efficient movement of goods and services



How Much Would You Spend?

We asked you to distribute our budget between six funding categories. Your responses show that you want more money to be spent on technology; pedestrian and bicycle access; and more lanes, new roads. You can use this chart to see how your responses compare with our current budget.

- PennDOT's Budget
- Participants' Budget

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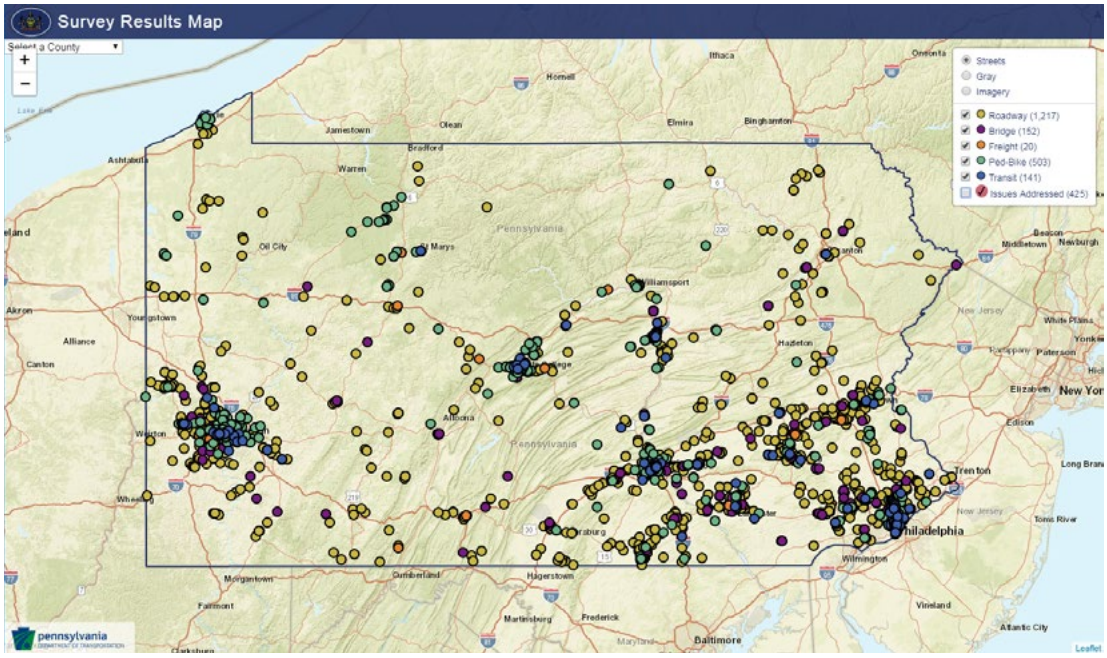
What Are Your Transportation Issues?

We asked you to map and describe your transportation issues. Of nearly 2,500 transportation issues submitted statewide, almost 50% were roadway concerns, followed by pedestrian and bicycle issues at 20%. You determined about 17% of your issues were already being addressed by planned projects, compared to only 14% being addressed in 2017. The planned project data was generated through PennDOT's One Map, which is a web-based GIS mapping application available to you at https://www.dot7.state.pa.us/OneMap.



EXPLORE THE MAP

NEXT STEPS:

Find Your Region's Results

This summary provides an overview of Pennsylvania's statewide 2021 Twelve Year Program Update transportation survey results. Visit the STC website, www.TalkPATransportation.com, to take a closer look at the survey results for your region.

Get Involved Locally

Thank you for your input and please continue to share your priorities for transportation investment.

Pennsylvania's 24 Planning Partners host public meetings and invite input on the development of regional transportation improvement plans. Visit the website www.TalkPATransportation.com/planningpartner to find your Planning Partner. Your feedback is necessary to ensure our transportation system is safe and efficient.

Office of the State Transportation Commission
and Transportation Advisory Committee
P.O. Box 3365 | Harrisburg, PA 17105
Phone: 717.783.2262
Email: RA-PennDOTSTC@pa.gov

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2021 Twelve Year Program Update Online Public Meeting Questions and Answers

Online Public Meeting Questions and Answers

On March 11, 2019 the State Transportation Commission (STC) and the Pennsylvania Department of Transportation (PennDOT) announced the opening of the open public comment period as part of the Twelve Year Program (TYP) update process. This compilation includes questions asked during the Online Public Meeting held on March 20, 2019. All questions are listed in the format received; however, inappropriate language and personal information has been removed.

Safety

1. **Many roads would be safer by routinely repainting lines which have been worn out over time. Line painting seems relatively inexpensive as opposed to repaving. Please consider. Driving I- 95 between Woodhaven Rd and Vine St on a regular basis it is very dirty. Would it be possible to sweep the road on a more regular basis? It contributes to people driving through the city of the perception of Filthadelphia! [sic] Thank you.**
   PennDOT repaints the highway system between the months of April and November every year. I-95 between Woodhaven Rd and Vine St is on the list to be redone. Due to the high volumes on the expressways mentioned in your email, the pavement markings do get eradicated by traffic quicker, and as such we target the month of May to complete this work - which includes coordinating with multiple active construction projects to do the same within their limits. It is worth noting that the scheduled completion date will depend on the weather conditions.

2. **Members of my community have given multiple complaints regarding several stretches of roadway that are absolutely dangerous but cannot find an answer. Where can we go, who can we call? Our state representative and senator are no help. We rely on liquid fuels money to pave our city streets, but there's not enough to fix them all. We're in Monongahela, PA, Washington County.**
   Safety is PennDOT's number one priority. Both Safety and Maintenance concerns related to a state-maintained roadway, such as potholes can be reported on PennDOT's Customer Care Website: https://customercare.penndot.gov/ or by calling:1-800-FIX-ROAD. For municipal roads, please address your concerns to your municipality.
   The Municipal Liquid Fuels Program funds a range of projects to support construction, reconstruction, maintenance and repair of public roads or streets. The amount of a municipality's allocation is based on its population and miles of roads on their approved Liquid Fuels Inventory.
   For the concerns about more funding, for the local roads, you can urge your legislators to support the Governor's Restore PA initiative.

3. **The awful rumbles remain on SR 743 which destroys the use of this road for many as the risk is great. A tourist cyclist who stayed at our home brought this up when he overnighted. He is an EX MARINE from Afghanistan action. He hit these rumbles suddenly and found them the WORST incident in his 1000 miles of biking between Baltimore and Boston.**
   Safety is PennDOT's number one priority. The use of rumble strips is a proven countermeasure that reduces the likelihood of cross centerline and run-off-the road vehicular crashes. In September 2018, PennDOT updated its guidance on rumble strips, including language regarding the accommodation of all road users. PennDOT, District 8-0 will reassess/ reconsider the use of rumble strips on SR 743 when the roadway is scheduled to be resurfaced in the future.

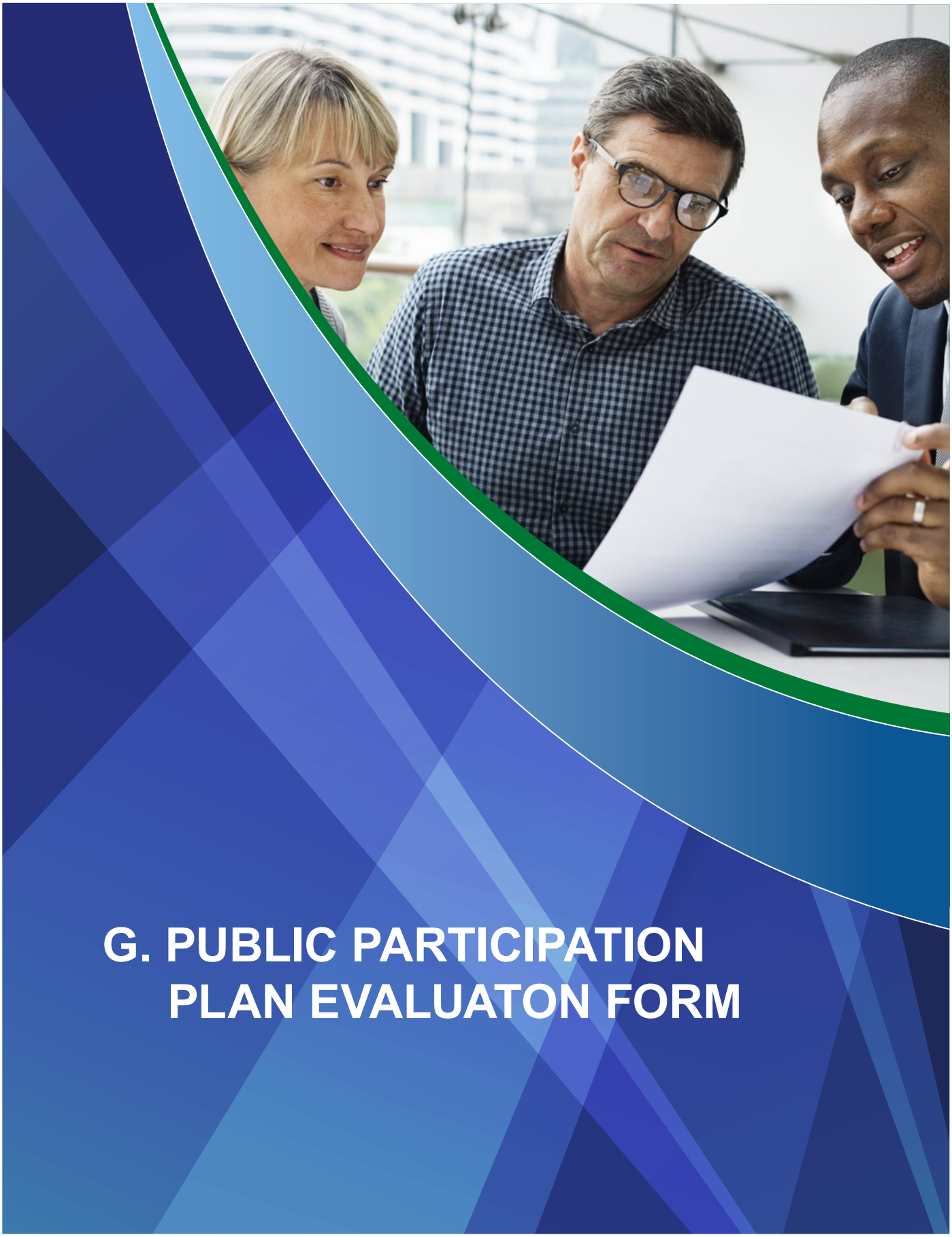
4. **Two years ago, bicyclists used the STC SURVEY map to pinpoint problems/risks. One of these is SR 72 in Lebanon County at the border with Lancaster County. The shoulder was minimized when a turning lane was added years ago. Bicyclists MUST travel this road and they risk being struck. This section of road is quite worn and maybe this is the time to repave and to restripe and make good shoulders on both sides of this roadway. You are talking about SAFETY first and caring about bicyclists. Roy Gothie, the portfolio Manager of 8-0 are aware of this as is the MPO staff. And the STC map of two years ago and again on the new survey. What good is it to pinpoint the Map if there is no response to the concerns identified? Do I seem grumpy? Yes. I'm 76 tomorrow and after 10 years of this advocacy, I'm worried.**
   PennDOT District 8-0 will coordinate with the appropriate Metropolitan Planning Organization, Municipality(ies) and other key stakeholders when this roadway is scheduled to be resurfaced. Any comprehensive plans, bike plans and other planning documents that would necessitate modifications to the existing roadway will be taken into consideration at that time.

This is included as an example. Additional questions and answers can be found on TalkPATransportation.com.

F. PUBLIC PARTICIPATION PROGRAMS AT A GLANCE MATRIX

STATEWIDE PUBLIC PARTICIPATION PROGRAMS AT A GLANCE MATRIX

	Statewide Long Range Transportation Plan	Twelve Year Program	Statewide Transportation Improvement Plan	Public Participation Plan
Agency Requirement for Public Participation in Statewide Planning and Programming				
Federal Highway Administration	✓		✓	✓
Federal Transit Administration	✓		✓	✓
United States Environmental Protection Agency			✓	
Pennsylvania State Legislation		✓		
Pennsylvania Department of Transportation	✓	✓	✓	✓
Frequency of Plan/Program Update				
Every Five/Six Years	✓			
Every Two Years		✓	✓	
As Required				✓
Length of Public Comment Period				
15 Days			✓	
30 Days	✓			
45 Days		✓		✓
Public Notification of Public Review/Comment Period				
Pennsylvania Bulletin	✓	✓	✓	✓
Online and Print Media	✓	✓	✓	✓
Regional Broadcast (TV/Radio)	✓	✓	✓	✓
Regional Organization Newsletters	✓	✓	✓	✓
PennDOT Social Media	✓	✓	✓	✓
Mass Email to Subscribers	✓	✓	✓	
Tools for Public Information, Education and Feedback				
Websites	✓	✓	✓	✓
Interactive Online Mapping	✓	✓		
Online Survey	✓	✓		
Questionnaire/Comment Form (Paper/Web)	✓	✓	✓	✓
Web-based Polling	✓	✓		
Stakeholder Group	✓			✓
Focus Group	✓			
Public Meeting/Webinar	✓	✓		
Social Media	✓	✓	✓	
Visualization Tools (animated infographics, interactive charts, recorded presentations, videos, etc.)	✓	✓		
Locations for Public Access to Documents				
PennDOT Website (Draft/Final Versions)	✓	✓	✓	✓
Downloadable PDF (Final)	✓	✓	✓	✓
Agency Review (R), Approval (A) or Concurrence (C) on Final Draft Document				
Federal Highway Administration	R		R, A	R, C
Federal Transit Administration	R		R, A	R
United States Environmental Protection Agency			R, A	
State Transportation Commission		A		
Pennsylvania Department of Transportation	R, A	R, A	R, A	R, A



G. PUBLIC PARTICIPATION PLAN EVALUATON FORM

EVALUATION FORM

This form is to be used to document the review of the PPP for the purpose of recommending an update and the extent of the update that may be required. Once the form is completed, a copy should be placed in the appropriate file for the current PPP and the original forwarded to the Center for Program Development and Management and to the Bureau of Equal Opportunity, for the determination of consensus with the recommendations for next steps.

Initial Evaluation Completed by: _____

Date: _____

Need for Public Participation Plan Update

1. Has new Federal or State legislation been enacted or new guidance, regulation or Executive Orders been issued that add, remove or modify the public participation requirements?

   ◯ yes ◯ no

2. Does a pending update or revision to another primary planning document (LRTP, TYP, STIP, etc.) require the PPP to be updated for plan consistency?

   ◯ yes ◯ no

3. Has FHWA or FTA issued a "corrective action" to PennDOT, identifying a deficiency in the PPP?

   ◯ yes ◯ no

4. Does the current PPP involve provisions, stipulations or commitments that are consistently not achieved or are onerous to implement consistently?

   ◯ yes ◯ no

5. Does current statewide public participation involve processes that are consistently implemented but not included in the PPP?

   ◯ yes ◯ no

6. Have surveys or measures of "satisfaction" indicated consistent dissatisfaction with the plan itself or any of the plan elements?

   ◯ yes ◯ no

   - Strategies of public involvement?

     ◯ yes ◯ no

   - Public involvement materials (visuals, graphics, organization of materials)?

     ◯ yes ◯ no

EVALUATION FORM *continued*

Open-Ended Review

To make the current PPP more effective, easier to implement, more understandable or better organized, please answer the following questions:

1. What elements of the current PPP require refinement, clarification or revision?

2. What materials, resources, tools or other elements could be added?

3. Is an update of the PPP warranted? ◯ yes ◯ no

If an update is warranted, what degree of update will be pursued?

- Full update / plan replacement (substantial changes to all parts of the PPP)
- Selective update (substantial changes to certain parts of the PPP)
- Minor administrative revisions (non-substantive corrections, clarifications and changes that have no impact on the PPP content or processes)

BUREAU OF EQUAL OPPORTUNITY

Form Reviewed by: _____

Date:

1. I have reviewed the PPP Evaluation Form and agree with the recommendations? ◯ yes ◯ no

2. What are the revised recommendations or comments?

CENTER FOR PROGRAM DEVELOPMENT AND MANAGEMENT

Form Reviewed by: _____

Date:

1. I have reviewed the PPP Evaluation Form and agree with the recommendations? ◯ yes ◯ no

2. What are the recommended next steps or revised recommendations?

H. GLOSSARY OF TERMS

Bureau of Equal Opportunity: PennDOT bureau that ensures compliance with all related federal and state non-discrimination laws, regulations, directives, and executive orders in all Department programs and activities.

Center for Program Development and Management: PennDOT's Program Center responsible for developing, managing, and updating the Commonwealth's statewide plans and programs. The program center also coordinates with county and regional agencies on transportation long range and short range planning. It is organized under PennDOT's Office of Planning.

Environmental Justice: Executive Order 12898 requires those receiving federal funding to take special care to identify and engage with minority and low-income populations during planning and programming stages to avoid disparately impacting communities traditionally excluded from the planning process. PennDOT is committed to the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income.

Every Voice Counts (Publication 737): PennDOT's environmental justice guidance which addresses environmental justice during the planning and programming processes for all aspects of transportation-related services.

Federal Highway Administration: An agency within the U.S. Department of Transportation (USDOT) that supports State and local governments in the design, construction, and maintenance of the Nation's highway system (Federal Aid Highway Program) and various federally and tribal owned lands (Federal Lands Highway Program). Through financial and technical assistance to State and local governments, the Federal Highway Administration is responsible for ensuring that America's roads and highways continue to be safe and technologically sound.

Federal Transit Administration: The Federal Transit Administration (FTA) is an agency within the USDOT and is one of the DOT's 10 modes of transportation. The FTA headquarters are in Washington, D.C. Pennsylvania is within FTA's Region 3. The FTA provides financial and technical assistance to local public transit systems, including buses, subways, light rail, commuter rail, trolleys and ferries. FTA also oversees safety measures and helps develop next-generation technology research.

Focus Group: A group of individuals selected to represent a specific demographic to provide responses on a specific topic or topics. The responses represent indications of how a larger group or population, similar in makeup, is likely to respond to the same topic or topics.

Limited English Proficiency (LEP): Executive Order 13166 defines LEP as those who speak or understand English "less than very well" or those who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English as a result of their national origin. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Metropolitan Planning Organization (MPO): Name for the transportation planning entity required by federal law for all urbanized areas over 50,000 in population in the United States. The organization is responsible for a coordinated, comprehensive, and continuous transportation planning program; must approve the use of federal funds for projects in its geographic area; and must prepare and maintain a transportation improvement program and a long-range transportation plan.

PennDOT Connects: PennDOT's approach to collaborative planning with local municipal and county staff, making the project-level planning process more efficient and cost effective to the benefit of all Pennsylvanians.

Pennsylvania Department of Transportation (PennDOT): State agency responsible for planning and implementing transportation programs and projects statewide; and managing Welcome Centers, Rest Stops, Driver and Vehicle Services, and DMVs. PennDOT's Central Office is in Harrisburg, and it also has 11 Engineering Districts located throughout the Commonwealth.

Project Level Environmental Justice Guidance (Publication 746): Document intended to assist PennDOT, its consultants, and other potential users in the completion of project level environmental justice analyses.

Project Level Public Involvement Handbook (Publication 295): PennDOT's project level public involvement handbook intended to guide Department personnel, consultants, and other personnel engaged in project development.

Public Comment Period: For the purposes of Statewide Transportation Planning, a public comment period is a mechanism by which the public and other stakeholders have the opportunity to provide input and feedback. It generally allows for the refinement or modification of information, or the review of recommendations in advance of an official action or final decision such as the adoption or approval of a draft document, or finalization of a plan.

Public Involvement: Public involvement is the inclusion of the public in activities of any organization or project. Through public involvement, PennDOT seeks to involve those potentially affected by or interested in a transportation planning process, decision, or anticipated outcome. As a result, PennDOT can better align transportation priorities and programs with the needs of diverse users and fairly distribute transportation benefits.

Public Meeting: Public meetings bring diverse groups of stakeholders together for a specific purpose. They can be formal and include a presentation and structured question and answer session, or informal like an open house event. They are an effective way to engage a wide audience in information sharing and discussion. Public meetings are open to anyone interested in attending.

Regional Long Range Transportation Plan (LRTP): Federal law requires that Metropolitan Planning Organizations adopt and update a long-range transportation plan to cover a period of at least 20 years.

Regional Transportation Planning Organization (RTPO): Name for the optional transportation planning entity with the purpose of assisting the state in addressing the needs of non-metropolitan areas. They comprise volunteer non-metropolitan local officials and their designees and volunteer representatives of local transportation systems. RPOs serve this function in Pennsylvania.

Rural Planning Organization (RPO): Name for the transportation planning entity of a non-metropolitan region. This organization is consistent with local development districts and acts the same as MPOs for rural areas in Pennsylvania.

Stakeholders Group: For the purpose of statewide transportation planning, a stakeholder is an individual, group, or organization interested in or impacted by activities or outcomes of statewide transportation planning activities. A stakeholders group provides individuals, representatives of groups and organizations the opportunity to provide input and engage in transportation planning processes in a meaningful way. A stakeholders group may be active for a specified period, will meet on an as needed basis, and conclude when it meets specific objectives or the associated activity concludes.

State Transportation Commission (STC): Created by Act 120 of 1970 to be responsible for adopting the state's Twelve Year Transportation Program. It is comprised of 15 members and chaired by the Commonwealth's Secretary of Transportation, with four members from the state legislature and ten members appointed by the Governor.

Statewide Long Range Transportation Plan (LRTP): Statewide plan, required by federal transportation policy, that articulates transportation policy for the state, addressing all applicable transportation modes and covering eight planning areas: economic vitality, safety, security, mobility, and accessibility for persons and freight, system integration and coordination, environmental protection, system management and operation, and system preservation for a period of at least 20 years.

Public Participation Plan (PPP): Document required by federal regulations to describe and commit to statewide public participation efforts for the statewide LRTP and STIP. Pennsylvania also describes and commits to statewide public participation efforts for the TYP, which is unique to Pennsylvania.

Statewide Transportation Improvement Program (STIP): Document required by federal law, by which states submit list of projects illustrating use of federal funds. It's updated every two years, composed of TIPs from all MPO and RPO areas and must be fiscally constrained.

Title VI Compliance and Implementation Plan (Publication 478): This document describes the system of requirements, procedures, actions, and sanctions through which the Department of Transportation enforces Title VI and related laws, regulations, and authorities effectuating it and ensures that discrimination does not occur in connection with programs and activities which receive financial assistance from PennDOT.

Title 23 of the Code of Federal Regulations (23 CFR): These regulations outline the role and requirements of highways in the nation and provide guidance for statewide planning, programming, and public involvement.

Transportation Improvement Program (TIP): Document required by federal law, by which MPOs approve the use of federal funds for surface transportation programs and projects. It is updated every two years and must be fiscally constrained.

TTY: TTY stands for Text Telephone, Teletype Terminal, or TeleTYpewriter. It allows communications by phone by typing text messages but can be used on both cell phones and landlines. TTY is often used for translation purposes.

Twelve Year Transportation Program (TYP): Document, required by ACT 120 of 1970, used to list transportation programs and projects to be funded in the next twelve years in Pennsylvania. It is approved by STC, includes projects from all modes (air, rail, public transit, ports, roadways, bridges, etc.) and is divided into three four-year segments. The first four-year segment is identical to the STIP (e.g. STIP is the first four year segment of the TYP).

U.S. Environmental Protection Agency (USEPA): The United States Environmental Protection Agency is an independent agency of the federal government for environmental protection. Its headquarters are in Washington, D.C. It has ten regional offices responsible for the execution of its programs within various states and territories. Pennsylvania is included in USEPA's Region III that covers the mid-Atlantic area. Region III also serves Delaware, the District of Columbia, Maryland, Virginia and West Virginia.

I. PUBLIC PARTICIPATION PLAN LINKS

Americans with Disabilities Act (ADA)
https://www.ada.gov/pubs/adastatute08.pdf

Cultural Resources Handbook, Publication 689
http://www.dot.state.pa.us/public/PubsForms/Publications/PUB%20689.pdf

Environmental Justice Plan – Every Voice Counts
https://www.dot.state.pa.us/public/pubsforms/Publications/PUB%20737.pdf

Executive Order on Environmental Justice (Executive Order 12898, February 11, 1994)
https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf

Executive Order on Limited English Proficiency (Executive Order 13166, August 11, 2000)
https://www.govinfo.gov/content/pkg/FR-2000-08-16/pdf/00-20938.pdf

Moving Ahead for Progress in the 21st Century (MAP-21)
https://www.fhwa.dot.gov/map21/qandas/qaplanning.cfm

PennDOT
https://www.penndot.gov/Pages/default.aspx

PennDOT Bureau of Equal Opportunity
https://www.penndot.gov/about-us/EqualEmployment/Pages/default.aspx

PennDOT Bureau of Equal Opportunity Email
penndot_eoreports@pa.gov

PennDOT Bureau of Equal Opportunity's Title VI Program
https://www.penndot.gov/about-us/EqualEmployment/pages/titlevi.aspx

PennDOT's Facebook
https://www.facebook.com/PennsylvaniaDepartmentofTransportation/

PennDOT's Language Access Plan for Limited English Proficient Individuals
https://www.penndot.gov/about-us/EqualEmployment/Documents/LEP%20Plan%20Version%20Edited%2011-29-18.pdf

PennDOT – Planning and Programs
https://www.penndot.gov/ProjectAndPrograms/Planning/Pages/default.aspx

PennDOT's Title VI Compliance and Implementation Plan
https://www.penndot.gov/about-us/EqualEmployment/Documents/2017%20Title%20VI%20Implementation%20Plan.pdf

PennDOT's Title VI Program Policy Statement
https://www.penndot.gov/about-us/EqualEmployment/Documents/Title%20VI%20Policy%20Statement%202018.pdf

PennDOT's Twitter
https://twitter.com/PennDOTNews

Pennsylvania Sunshine Act
https://www.openrecords.pa.gov/SunshineAct.cfm

Project Level Environmental Justice Guidance (Publication 746)
http://www.dot.state.pa.us/public/pubsforms/Publications/Pub%20746.pdf

Project Level Public Involvement Handbook (Publication 295)
http://www.dot.state.pa.us/public/PubsForms/Publications/PUB%20295.pdf

State Transportation Commission (STC)
https://talkpatransportation.com/

The Pennsylvania Bulletin
https://www.pabulletin.com/index.asp

The U.S. Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons
https://www.federalregister.gov/documents/2005/12/14/05-23972/policy-guidance-concerning-recipients-responsibilities-to-limited-english-proficient-lep-persons

Title VI of the Civil Rights Act of 1964
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