

Key Chapter Changes

Key chapter changes highlighted **yellow** are new changes.

- No changes have been made since November 15, 2022.

9 Public Involvement

Chapter Contents (last updated on November 15, 2022)

9	Public Involvement	9-2
9.1	Purpose	9-5
9.2	Authority	9-5
9.3	Federal Requirements for Public Involvement.....	9-6
9.3.1	Development of a Public Participation Plan	9-6
9.3.2	Federal Public Involvement Requirements Specific to the LRTP	9-10
9.3.3	Federal LRTP Requirements Specific to Florida	9-11
9.3.4	Federal Public Involvement Requirements Specific to the TIP.....	9-11
9.3.5	Public Involvement for the Federal Certification Review	9-12
9.3.6	Americans with Disabilities Act	9-12
9.3.7	Title VI of the Civil Rights Act.....	9-12
9.3.8	Executive Order 12898, Environmental Justice	9-13
9.3.9	Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency	9-13
9.4	State Requirements for Public Involvement	9-14
9.4.1	State Public Involvement Requirements Specific to the LRTP	9-14
9.4.2	State Public Involvement Requirements Specific to the TIP	9-14
9.4.3	Public Involvement for the Annual List of Prioritized Projects	9-14
9.4.4	Public Involvement for the Annual List of Federally Obligated Projects ..	9-15
9.4.5	Public Involvement and MPO Committees.....	9-15
9.4.6	Government-in-the-Sunshine Law	9-15

9.4.7	Jessica Lunsford Act.....	9-16
9.4.8	FDOT Resources	9-16
9.5	References.....	9-16

List of Tables

Table 9.1 Federal and State Statutes and Codes 9-5

Table 9.2 References..... 9-16

9.1 Purpose

This chapter documents Federal and State public involvement requirements for Metropolitan Planning Organizations (MPO) in Florida. The primary public involvement document that MPOs must develop and maintain is a Public Participation Plan (PPP) that defines a process for providing interested parties reasonable opportunities to review and comment on MPO work products. In addition, MPOs must make Long-Range Transportation Plans (LRTP) and Transportation Improvement Plans (TIP) readily available for public review.

9.2 Authority

Table 9.1 summarizes the Federal and State statutes, regulations, and rules related to public involvement for MPOs.

Table 9.1 Federal and State Statutes and Codes

Citation	Description
Federal	
23 C.F.R. 450.316	Describes the requirement for MPOs to develop a PPP and provide reasonable opportunities for all parties to participate and comment on MPO planning products.
23 U.S.C. 134	Describes the requirement for MPOs to provide reasonable opportunities for all parties to participate and comment on LRTPs and TIPs.
Title VI of the Civil Rights Act	Prohibits Federally assisted programs from discrimination based on race, color, or national origin.
Executive Order 12898	Describes requirements for Federal actions to address environmental justice concerns for low-income and minority populations.

Citation	Description
Executive Order 13166	Describes requirements to develop plans for people for whom English is not their native language or who have limited ability to read, speak, write, or understand English.
Americans with Disabilities Act (ADA)	Prohibits discrimination and ensures equal opportunity for persons with disabilities.
State	
Government-in-the-Sunshine Law s.286.011, F.S.	Provides the public with basic right of access to most meetings and records of boards, commissions, and other governing bodies of State and local governmental agencies; and requires meeting minutes to be publicly accessible.
s.339.175, F.S.	Describes public involvement requirements for MPO planning activities.
s.1012.465, F.S.	Jessica Lunsford Act, which requires background checks of all persons entering school grounds when children are present.

9.3 Federal Requirements for Public Involvement

Federal transportation planning regulations describe the requirements for MPOs in conducting public involvement activities during the transportation planning process. In addition, other Federal regulations and executive orders affect how an MPO’s public involvement activities are planned and conducted. These requirements are described in this section.

9.3.1 Development of a Public Participation Plan

MPOs are required to develop a Public Participation Plan (PPP). The requirements for this plan are contained in [23 C.F.R. 450.316](#), and are described below. More information

on these requirements is contained in the “PY19 Program Accountability Results (PAR) Public Participation Plans,” conducted in August 2019. While this assessment was conducted for non-TMA MPOs, the requirements cited in the assessment apply to all MPO PPPs.

The MPO must develop and use a documented PPP that defines a process for providing individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking 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, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

[\[23 C.F.R. 450.316\(a\)\]](#)

The MPO is required to develop the participation plan in consultation with all interested parties and must, at a minimum, describe explicit procedures, strategies, and desired outcomes for: [\[23 C.F.R. 450.316\(a\)\(1\)\]](#)

- Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed LRTP and the TIP;
- Providing timely notice and reasonable access to information about transportation issues and processes;
- Employing visualization techniques to describe LRTPs and TIPs;
- Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the Internet;
- Holding any public meetings at convenient and accessible locations and times;
- Demonstrating explicit consideration and response to public input received during the development of the LRTP and the TIP;

- 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;
- Providing an additional opportunity for public comment, if the final LRTP or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues that interested parties could not reasonably have foreseen from the public involvement efforts;
- Coordinating with the statewide transportation planning public involvement and consultation processes; and
- Periodically reviewing the effectiveness of the public involvement procedures and strategies contained in the PPP to ensure a full and open participation process.

When developing the PPP, it is important to allow enough time to receive and respond to public input in order to find a balance between addressing appropriate public comments and adopting the LRTP within the required timeframe; this would include any meetings or hearings that take place during that time.

When significant written and oral comments are received on the draft LRTP and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required for air quality nonattainment or maintenance areas under the U.S. Environmental Protection Agency (EPA) transportation conformity regulations (40 C.F.R. Part 93, Subpart A), a summary, analysis, and report on the disposition of comments are required to be included in the final LRTP and TIP. [\[23 C.F.R. 450.316\(a\)\(2\)\]](#)

A minimum public comment period of **45 calendar days** must be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved PPP must be provided to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) for informational purposes. These copies must be posted on the Internet to the maximum extent practicable. [\[23 C.F.R. 450.316\(a\)\(3\)\]](#)

In developing LRTPs and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPO area. This consultation should include entities that are affected by transportation, including State and local planned growth, economic development, tourism, natural disaster risk reduction, environmental

protection, airport operations, or freight movements. In addition, the MPO must develop the LRTPs and TIPs with due consideration of other related planning activities within the metropolitan area; the process must provide for the design and delivery of transportation services within the area that are provided by: [\[23 C.F.R. 450.316\(b\)\]](#)

- Recipients of FTA assistance under [\[49 U.S.C. Chapter 53\]](#);
- Governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. DOT to provide nonemergency transportation services; and
- Recipients of assistance under [23 U.S.C. 201-204](#) (Federal lands and Tribal transportation programs).

When the MPO area includes Indian Tribal lands, the MPO must appropriately involve the Indian Tribal government(s) in the development of the PPP, LRTP, and TIP. [\[23 C.F.R. 450.316\(c\)\]](#)

When the MPO area includes Federal public lands, the MPO must appropriately involve the Federal land management agencies in the development of the PPP, LRTP, and TIP. [\[23 C.F.R. 450.316\(d\)\]](#)

MPOs also must develop a documented process that outlines the roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs in this section, which may be included in the MPO's Metropolitan Planning Agreement. [\[23 C.F.R. 450.316\(e\)\]](#)

Note that MPOs are required to conduct the activities listed in their plans. If the PPP calls for a public hearing for LRTPs, for instance, that hearing becomes a requirement; this is even if it is not required by law or regulation. Likewise, if the PPP calls for newspaper advertisements, the MPO must publish those advertisements. MPOs should clearly identify the minimum public involvement activities they will undertake for LRTPs, as well as any additional activities they may undertake. MPOs should anticipate the potential for additional meetings beyond the minimum and clearly identify in the PPP how the public will be informed of additional meetings. Please note MPOs are exempt from the state law that requires publishing meeting notices in the Florida Administrative Register (see [Section 120.52, FS](#)), but the MPO must follow the

meeting noticing requirements in their PPP and should provide adequate notice to the public of their meetings.

PPPs are living documents that must be revisited periodically to reflect changing communities and their needs. As such, the MPO should update its PPP at a minimum of once every five years (preferably prior to the initiation of the development of a new LRTP) to ensure that it remains accurate and effective.

The FHWA PPP checklist is available on the [MPO Partner Site](#) to aid in the development and review on MPO PPPs.

9.3.2 Federal Public Involvement Requirements Specific to the LRTP

When developing the LRTP, the MPO must provide interested parties with a reasonable opportunity to comment on it using the strategies identified in the MPO's adopted PPP. In some cases, the MPO may develop a PPP specific to the LRTP as part of the scope of that project. If this is done, the PPP for the LRTP must be consistent with the overall PPP of the MPO. The PPP for the LRTP may provide additional detail about engagement strategies being used or individuals, groups, or agencies being engaged. The PPP for the LRTP may also include outreach opportunities beyond those identified in the MPO's adopted PPP. Parties that should be included in the development of LRTPs include:

- Public agencies,
- Indian Tribal governments,
- Representatives of public transportation employees,
- Public ports and airports,
- Freight shippers,
- Providers of freight transportation services,
- Private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking 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, and
- Other interested parties using the participation plan developed consistent with 23 C.F.R. 450.316(a). [\[23 C.F.R. 450.324\(k\)\]](#)

The MPO must publish or otherwise make readily available the LRTP for public review, including (to the maximum extent practicable) in electronically accessible formats and means (e.g., the Internet). [\[23 C.F.R. 450.324\(l\)\]](#)

9.3.3 Federal LRTP Requirements Specific to Florida

The MPO must be aware of additional requirements or guidance provided by FHWA and FTA when developing the LRTP. For example, in November 2012 and January 2018, the FHWA and FTA developed a summary of “expectations” for the subsequent update of LRTPs, *Federal Strategies for Implementing Requirements for LRTP Update for the Florida MPOs*, which are available in the Partner Library on the [MPO Partner Site](#). This additional guidance states that for LRTPs, MPO Boards, their advisory committees, and the public, should have the opportunity to periodically review the LRTP products, interim tasks, and reports that result in the final LRTP documentation. Furthermore, this guidance also states that final adopted LRTP documentation should be posted to the Internet; it should be available at the MPO offices, no later than 90 days after adoption.

9.3.4 Federal Public Involvement Requirements Specific to the TIP

The MPO must provide all interested parties with a reasonable opportunity to comment on the proposed TIP, as required by the PPP. In addition, the MPO must publish or otherwise make readily available the TIP for public review, including (to the maximum extent practicable) in electronically accessible formats and means (e.g., the Internet), as described in the PPP. [\[23 C.F.R. 450.326\(b\)\]](#), [\[23 U.S.C. 134 \(i\)\(6\) and \(7\)\]](#)

In the event an MPO revises its TIP, the MPO must always use public participation procedures consistent with the MPO’s PPP. However, public participation is not required for administrative modifications unless specifically addressed in the PPP. [\[23 C.F.R. 450.328\(a\)\]](#)

9.3.5 Public Involvement for the Federal Certification Review

In conducting a certification review for a Transportation Management Area (TMA)/MPO, the FHWA and the FTA provide opportunities for public involvement within the metropolitan planning area under review. The FHWA and the FTA are required to consider the public input received in arriving at a decision on a certification action. This process can be used by the MPOs to improve the overall delivery of future public outreach based on the input received during the certification review process. [\[23 C.F.R. 450.336\(b\)\(4\)\]](#)

9.3.6 Americans with Disabilities Act

The Americans with Disabilities Act of 1990 (ADA) prohibits the exclusion of persons with disabilities from participation in services, programs, or activities of a public entity, including MPOs. In addition, the MPO has the responsibility of providing reasonable accommodation to those with disabilities who require special services to access information or participate in MPO activities. [\[42 U.S.C. 12131-12134\]](#)

See [Chapter 10: Title VI and Nondiscrimination Program Guidance for Metropolitan Planning Organizations](#) for a discussion of ADA requirements as they pertain to MPOs.

9.3.7 Title VI of the Civil Rights Act

Title VI of the Civil Rights Act of 1964 provides 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 benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. [\[42 U.S.C. 2000d-1\]](#) Title VI provides the following protection and activities relative to public involvement:

- Encourages the participation of minorities as members of planning or advisory bodies for programs receiving Federal funds;
- Requires information and services to be provided in languages other than English when significant numbers of potential beneficiaries have limited English-speaking ability; and
- Requires entities to notify the entire eligible population about programs.

See [Chapter 10: Title VI and Nondiscrimination Program Guidance for Metropolitan Planning Organizations](#) for a discussion of other Title VI requirements as they pertain to MPOs.

9.3.8 Executive Order 12898, Environmental Justice

[Executive Order \(EO\) 12898](#), Environmental Justice (EJ), requires all Federal agencies to identify and address disproportionately high and adverse health or environmental effects of its activities on minority and low-income populations. EO 12898 also promotes access to public information and public participation for minority and low-income communities. MPOs must ensure and document early, continuous, and meaningful opportunities for involvement for these communities.

See [Chapter 10: Title VI and Nondiscrimination Program Guidance for Metropolitan Planning Organizations](#) for a discussion of EJ requirements as they pertain to MPOs.

9.3.9 Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency

[Executive Order 13166](#), Improving Access to Services for Persons with Limited English Proficiency (LEP), requires agencies to develop plans so that people for whom English is not their native language or who have a limited ability to read, speak, write, or understand English can have meaningful access to services provided. Factors for determining when meaningful access is necessary include:

- Number or proportion of LEP persons in the affected area;
- Frequency of contact with LEP persons;
- Importance of the service provided to LEP persons; and
- Resources available.

MPOs must use these four factors to determine when, and to what extent, LEP services are required. Translation of vital documents into languages other than English and oral interpretation through translators or other interpretive services are methods of communication that may constitute meaningful access.

See [Chapter 10: Title VI and Nondiscrimination Program Guidance for Metropolitan Planning Organizations](#) for a discussion of LEP requirements as they pertain to MPOs.

9.4 State Requirements for Public Involvement

State public involvement requirements related to MPOs are described in this section.

9.4.1 State Public Involvement Requirements Specific to the LRTP

In the development of its LRTP, each MPO must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the LRTP. [\[s.339.175\(7\), F.S.\]](#)

9.4.2 State Public Involvement Requirements Specific to the TIP

During the development of the TIP, the MPO must, in cooperation with FDOT and any affected public transit operation, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program. [\[s.339.175\(8\)\(e\), F.S.\]](#)

9.4.3 Public Involvement for the Annual List of Prioritized Projects

Each MPO annually must prepare a list of project priorities and submit the list to the appropriate FDOT District by **August 1** of each year. The list must have been reviewed by the technical and citizens' advisory committees and approved by the MPO Board/Commission before submission to the District. The annual list of project priorities must be based upon project selection criteria that consider, among other items, the MPO's public involvement procedures. [\[s.339.175\(8\)\(b\)\(5\), F.S.\]](#)

9.4.4 Public Involvement for the Annual List of Federally Obligated Projects

The MPO is required annually to publish or otherwise make available for public review the annual listing of projects for which Federal funds have been obligated in the preceding year. [\[s.339.175\(8\)\(h\), F.S.\]](#)

9.4.5 Public Involvement and MPO Committees

Most MPOs consider their standing committees to be a fundamental part of their public involvement activities. The formation of a technical advisory committee (TAC) and citizens' advisory committee (CAC) are required pursuant to [s.339.175\(6\)\(d\), F.S.](#) and [s.339.175\(6\)\(e\), F.S.](#); and formation guidance is provided in [Chapter 2: Metropolitan Planning Organization Formation and Modification](#). As an alternative to the use of a CAC, Florida Statute provides provisions for MPOs to adopt an alternate program or mechanism that ensures adequate citizen involvement in the transportation planning process following approval by FHWA, FTA, and FDOT. MPOs may also consider additional standing committees as a public involvement activity to address specific needs, such as bicyclists, pedestrians, and multiuse trails, safety, goods/freight movement, etc. MPOs must address and include their committee activities in the PPP; they are encouraged to detail how the schedule for meetings, agenda packages, and actions of the committees will be communicated with the public and how the public can participate in those meetings.

9.4.6 Government-in-the-Sunshine Law

Florida's Government-in-the-Sunshine Law [\[s.286.011, F.S.\]](#), mandates that all meetings of any board or commission of any state, county, municipal, or political subdivision, agency, or authority conduct business in a transparent manner to provide the public a right of access to proceedings. This includes an MPO's Governing Board, general members (voting and nonvoting members), and any active committees designed to advise the MPO Board such as TACs and CACs. The Sunshine Law provides guidance on how to conduct MPO and the MPO advisory committee meetings and workshops; it also shows how to process public records, communications, notices, minutes, in addition to general ethics issues.

The Sunshine Law secures the public's right to attend or record meetings, for the public to have reasonable opportunity to be heard, and for all meetings to be open to the public. Therefore, MPOs must provide reasonable notice of meetings and make adequate

accommodations to hold open meetings and provide an opportunity for public input. Minutes of meetings must be available for public inspections. MPOs are prohibited from holding public meetings at a facility or location that discriminates on the basis of sex, age, race, creed, color, origin, or economic status; they are also forbidden to hold meetings at places that otherwise restrict public access. The statute establishes penalties for violations of these provisions and exceptions for specific situations. MPOs should consult legal counsel for any questions regarding Florida’s Government-in-the-Sunshine Law.

9.4.7 Jessica Lunsford Act

The Jessica Lunsford Act [\[s.1012.465, F.S.\]](#) requires background checks of all persons entering school grounds when children are present. MPOs should consult legal counsel before planning to hold a meeting on school property.

9.4.8 FDOT Resources

For more information about public involvement, please consult [FDOT's Public Involvement Resource Guide](#), which includes the Public Engagement Resource Guide. This resource provides in-depth guidance for public involvement activities in general. Other resources include policies, quick references, manuals, and websites covering a range of topics, from guidance on how to host virtual or hybrid (in-person and virtual) public meetings to resources on how to engage people with limited English proficiency.

9.5 References

Table 9.2 provides a list of references/definitions from State law, including key plans and guidance related to MPOs.

Table 9.2 **References**

Reference	Description
42 U.S.C. 2000d et. seq.	Title VI of the Civil Rights Act of 1964, as amended
Office of Environmental Management Web Page	FDOT’s Environmental Justice Information.
FDOT Limited English Proficiency Guidance	FDOT’s LEP guidance.

Reference	Description
Public Involvement Resource Guide	FDOT Guidance for public involvement activities