

MPO

PROGRAM MANAGEMENT
HANDBOOK

CHAPTER 6 Public Participation Plan



OFFICE OF POLICY PLANNING



6. Public Participation Plan

Key Chapter Changes

The Public Participation Plan (PPP) chapter has been updated from the previous Public Involvement chapter and re-ordered for ease of access and organization. The chapter has been reformatted for improved accessibility. (November 8, 2024)



Contents

6. Public Participation Plan.....	1
6.1 Introduction.....	4
6.2 Public Participation Plan.....	5
6.2.1 Public Participation Plan Development.....	5
6.2.2 Public Participation Plan Specific to the LRTP.....	8
6.2.3 Public Participation Plan Specific to the TIP	9
6.2.4 Public Participation Plan Specific to the UPWP	10
6.3 Additional Considerations for Public Participation Plans.....	11
6.3.1 Americans with Disabilities Act.....	11
6.3.2 Title VI of the Civil Rights Act	11
6.3.3 Executive Orders 12898 and 14096, and Environmental Justice	12
6.3.4 Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency	12
6.3.5 Government-in-the-Sunshine Law	13
6.3.6 Jessica Lunsford Act.....	13
6.4 References	14



List of Tables

Table 6.1 Federal and State Statutes and References..... 14

6.1 Introduction

This chapter documents federal and state public participation requirements for Metropolitan Planning Organizations (MPOs) in Florida. The primary public participation document that MPOs must develop and maintain is a Public Participation Plan (PPP) which defines a process for providing interested parties reasonable opportunities to review and comment on MPO plans and work products.



6.2 Public Participation Plan

Federal and state transportation planning regulations describe the requirements for MPOs to conduct public participation activities during the transportation planning process and to develop the PPP.

6.2.1 *Public Participation Plan Development*

MPOs are required to develop a PPP. The requirements for this plan are contained in [23 Code of Federal Regulations \(CFR\) 450.316](#) and are described below.

The MPO must develop and use a documented PPP that defines a process for providing opportunities for the following stakeholders to give input on MPO planning products:

- ❖ Individuals;
- ❖ Affected public agencies;
- ❖ Representatives of public transportation employees;
- ❖ Public ports (i.e. seaports, airports, spaceports, etc.);
- ❖ Freight shippers;
- ❖ Providers of freight transportation services;
- ❖ Private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool programs, vanpool programs, transit benefit programs, parking cash-out programs, shuttle programs, or telework programs);
- ❖ Representatives of users of public transportation;
- ❖ Representatives of users of pedestrian walkways and bicycle transportation facilities;
- ❖ Representatives of people with disabilities; and
- ❖ Other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process. [\[23 CFR 450.316\(a\)\]](#)

Pursuant to [23 CFR 450.316\(a\)\(1\)](#), the MPO is required to develop the PPP in consultation with all interested parties and must, at a minimum, describe explicit procedures, strategies, and desired outcomes to:

- ❖ Provide adequate public notice of public participation activities and adequate time for public review and comment at key decision points of the planning process. This includes reasonable opportunities to comment on the proposed LRTP and TIP;
- ❖ Provide timely notice and reasonable access to information about transportation topics and processes;
- ❖ Employ visualization techniques (charts, graphs, maps, etc.) to describe the content of the LRTP and the TIP effectively;
- ❖ Make technical information and meeting notices available to the public in electronically accessible formats, such as the Internet;
- ❖ Hold public meetings at convenient and accessible locations and times;
- ❖ Demonstrate explicit consideration and response to public input received during the development of the LRTP and the TIP;
- ❖ Seek and consider the needs of traditionally underserved users and populations of the existing transportation system, including low-income and minority households, who may face challenges accessing transportation services for employment and other services;
- ❖ Provide 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 if new and significant information arises that interested parties could not reasonably have foreseen from initial public involvement efforts;
- ❖ Coordinate with the statewide transportation planning public involvement and consultation processes (such as the development of the Florida Transportation Plan (FTP)); and
- ❖ Periodically review the effectiveness of public involvement procedures and strategies in the PPP to ensure a full and open participation process.

A minimum public comment period of **45 calendar days** must be provided before the MPO adopts the initial or revised PPP. For informational purposes, copies of the approved PPP must be provided to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). These copies must be posted on the Internet to the maximum extent practicable. [\[23 CFR 450.316\(a\)\(3\)\]](#)

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

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

MPOs must also develop a documented process that outlines the roles, responsibilities, and key decision points for consulting with other governments and agencies as per [23 CFR 450.316\(e\)](#). These responsibilities shall be clearly identified in written agreements among the MPO, the state, and the providers of public transportation, including specific provisions supporting the development of the LRTP, TIP, and annual listing of obligated projects. [\[23 CFR 450.314\(a\)\]](#)

Note that MPOs are required to conduct the activities listed in their PPP. For instance, if the PPP indicates the MPO will conduct a public hearing to adopt the LRTP, it is required that a hearing becomes a requirement for the MPO even if it is not required by law or regulation. Likewise, if the PPP states newspaper advertisements for public involvement activities will be published, the MPO is required to publish advertisements in the local newspaper. MPOs should identify the minimum public participation activities they will conduct for LRTPs, TIPs, and additional planning activities. MPOs should anticipate the potential for additional meetings beyond the minimum and identify in the PPP how the public will be informed of additional meetings. While MPOs are exempt from state law which requires meeting notices to be published in the Florida Administrative Register (FAR) [\(s.120.525, Florida Statutes \(FS\)\)](#), the MPO must follow the meeting notices requirements in their PPP and ensure adequate notice to the public of meetings are provided.

The PPP should be updated at least **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 with the development and review of PPPs.

6.2.2 *Public Participation Plan Specific to the LRTP*

When developing the LRTP, the MPO must provide interested parties with a reasonable opportunity to comment on the draft LRTP 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. In this case, the PPP for the LRTP must be consistent with the overall PPP of the MPO. The PPP for the LRTP may provide additional details about engagement strategies and individuals, groups, or agencies that will be engaged in the process pursuant to [\[23 CFR 450.316\(a\)\]](#). The PPP for the LRTP may also include outreach opportunities beyond those identified in the PPP to develop a documented process that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies previously listed in [Section. 6.2.1 Public Participation Plan Development](#), such as applicable Indian tribal governments and federal land management agencies [\(23 CFR 450.316\(e\)\)](#).

According to [23 CFR 450.316\(b\)](#), the development of the LRTP and TIP requires the MPO to consult with agencies and officials responsible for other planning activities within the MPO area. This consultation should include entities affected by transportation, including state and local organizations involved with planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, and freight movements. In addition, the MPO must develop the LRTP and TIP with 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 for:

- ❖ Recipients of FTA assistance under [49 United States Code \(USC\) Chapter 53](#);
- ❖ Government agencies and nonprofit organizations that receive federal assistance from a source other than the U.S. Department of Transportation (DOT) to provide nonemergency transportation services; and
- ❖ Recipients of assistance under [23 USC 201-204](#) (federal lands and tribal transportation programs).

The MPO must publish the LRTP or otherwise make it readily available for public review, utilizing electronically accessible formats and means (the Internet) to the maximum extent practicable. [\[23 CFR 450.324\]](#) The MPO must provide public stakeholders with a reasonable opportunity to comment on the LRTP. [\[s.339.175\(7\), FS\]](#) A summary of comments received is required to be included in the final LRTP and TIP document when significant written and oral comments are received on the draft LRTP and TIP as a result of the public participation process or the interagency consultation process for U.S. Environmental

Protection Agency (EPA) transportation conformity regulations ([40 CFR Part 93 Subpart A](#)) [[23 CFR 450.316\(a\)\(2\)](#)].

FHWA and FTA may provide additional requirements or guidance when developing the LRTP. For example, FHWA and FTA typically develop a summary of “expectations” for subsequent updates of LRTPs, *Federal Strategies for Implementing Requirements for LRTP Update for the Florida MPOs*, which is available in the Partner Library on the [MPO Partner Site](#). This additional guidance states the MPO Board, advisory committees, and the public, should have the opportunity to periodically review draft LRTP products, interim tasks, and reports that result in the final LRTP documentation. The guidance also states that the LRTP must document how public feedback and input shaped the final LRTP.

Following the conclusion of the public and agency review period of the draft LRTP, the MPO has **14 days** to respond to public and agency comments before proceeding with the adoption of the final LRTP. The MPO has up to **90 days** following the adoption of the LRTP to include additional supporting documentation such as appendices in the final adopted plan. The final LRTP document must be published and made available to the public for review in electronically accessible formats. [[23 CFR 450.316\(a\)\(1\)\(iv\)](#)] More information on LRTPs can be found in [Chapter 5 of the MPO Handbook: Long Range Transportation Plans](#).

6.2.3 *Public Participation Plan Specific to the TIP*

The MPO must allow all interested parties to comment on the proposed TIP. In addition, the MPO must publish or otherwise make the TIP readily available for public review, including (to the maximum extent practicable) in electronically accessible formats and means (the Internet). [[23 USC 134 \(i\)\(6\) and \(7\)](#)] [[23 CFR 450.326\(b\)](#)] During the development of the TIP, the MPO must, in cooperation with all interested parties, provide reasonable notice of opportunities for individuals, groups, or agencies to comment on the draft TIP. Parties that should be included in the development of the TIP have been previously listed in [Section 6.2.1 Public Participation Plan Development and Section 6.2.2 Public Participation Plan Specific to the LRTP](#) ([s.339.175\(8\)\(e\), FS](#)).

In the event an MPO revises (formal amendments) its TIP, the MPO must 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 CFR 450.328\(a\)](#)] More information on TIPs can be found in [Chapter 4 of the MPO Handbook: Transportation Improvement Program](#).

6.2.4 Public Participation Plan Specific to the UPWP

Each MPO shall develop a UPWP which lists all planning tasks the MPO will conduct during the two years of the program. The UPWP is developed in cooperation with FDOT and public transportation providers. The UPWP must provide a complete description of each planning task and an estimated budget that complies with applicable state and federal laws. [\[s.339.175\(9\), FS\]](#) The UPWP shall describe major work tasks with sufficient detail indicating who will perform the work, the schedule for completing the work, resulting products/deliverables, proposed funding by task, and a summary of total amounts and sources of federal and matching funds. [\[23 CFR 450.308\(c\)\]](#)

While public participation **is not required** to develop the UPWP, it may be required during UPWP development, depending on the requirements included in the PPP by the MPO.



6.3 Additional Considerations for Public Participation Plans

Other state and federal regulations and executive orders affect how an MPO's public participation activities are planned and conducted. This section describes these requirements.

Most MPOs consider their standing committees fundamental to their public participation activities. The formation of a technical advisory committee (TAC) and citizens' advisory committee (CAC) are required pursuant to [s.339.175\(6\)\(d\), FS](#) and [s.339.175\(6\)\(e\), FS](#), and formation guidance is provided in [Chapter 2: Metropolitan Planning Organization Formation and Modification](#). As an alternative to a CAC, [s.339.175\(6\)\(e\)\(2\), FS](#) provides provisions for MPOs to adopt a program or mechanism that ensures adequate citizen involvement in the transportation planning process **following approval of FHWA, FTA, and FDOT**. MPOs may also consider additional standing committees as a public participation activity to address specific needs, such as bicyclists, pedestrians, multiuse trails, safety, goods/freight movement, etc. MPOs must address and include their committee activities in the PPP and 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 meetings.

6.3.1 *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 is responsible for providing reasonable accommodation to those with disabilities who require special services to access information or participate in MPO activities. [\[42 USC 12131-12134\]](#)

For a discussion of ADA requirements pertaining to MPOs, see [Chapter 10: Title VI and Nondiscrimination Program Guidance for Metropolitan Planning Organizations](#).

6.3.2 *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. [\[42 USC 2000d-1\]](#)

Title VI provides the following as it relates to public involvement:

- ❖ Encourage participation of minorities as members of planning or advisory bodies for programs receiving federal funds;

- ❖ Require information and services to be provided in languages other than English when significant numbers of potential beneficiaries have limited English proficiency; and
- ❖ Require entities to notify the entire eligible population about programs.

For a discussion of other Title VI requirements pertaining to MPOs, see [Chapter 10: Title VI and Nondiscrimination Program Guidance for Metropolitan Planning Organizations](#).

6.3.3 *Executive Orders 12898 and 14096, and Environmental Justice*

[Executive Order \(EO\) 12898](#), Environmental Justice (EJ), issued in 1994, 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 provide and document early, continuous, and meaningful opportunities for involvement in these communities.

[Executive Order \(EO\) 14096](#), Environmental Justice (EJ), issued in 2023, expands on the requirements established in EO 12898 to further emphasize robust public participation and transparency for federal actions, including early and continuous community engagement, particularly with underserved and overburdened communities.

For a discussion of EJ requirements pertaining to MPOs, see [Chapter 10: Title VI and Nondiscrimination Program Guidance for Metropolitan Planning Organizations](#).

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

[Executive Order \(EO\) 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 primary 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.

For a discussion of LEP requirements pertaining to MPOs, see [Chapter 10: Title VI and Nondiscrimination Program Guidance for Metropolitan Planning Organizations](#).

6.3.5 *Government-in-the-Sunshine Law*

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

The Sunshine Law secures the public's right to attend or record meetings, have reasonable opportunity to be heard, and for all meetings to be open to the public. Therefore, MPOs must provide reasonable notice of meetings, make adequate accommodations to hold open meetings and provide an opportunity for public input. Minutes of meetings must be available for public inspection. MPOs are prohibited from holding public meetings at a facility or location that discriminates based on sex, age, race, creed, color, origin, or economic status. It is 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.

6.3.6 *Jessica Lunsford Act*

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

6.4 References

For more information about public involvement, please consult [FDOT's Public Engagement Resource Guide](#). This resource provides in-depth guidance for public involvement activities in general.

Table 6.1 summarizes the federal and state statutes, regulations, and rules related to public participation plans for MPOs and provides a list of references/definitions from state law, including key plans and guidance related to MPOs.

Table 6.1 Federal and State Statutes and References

FEDERAL

Citation: [23 CFR 450.316](#)

Description: Describes the requirement for MPOs to develop a PPP and provide reasonable opportunities for all parties to participate and comment on MPO planning products.

Citation: [23 USC 134](#)

Description: Describes the requirement for MPOs to provide reasonable opportunities for all parties to participate and comment on LRTPs and TIPs.

Citation: [Title VI of the Civil Rights Act](#)

Description: Prohibits federally assisted programs from discrimination based on race, color, or national origin.

Citation: [42 USC 2000d et. seq.](#)

Description: Title VI of the Civil Rights Act of 1964, as amended.

Citation: [Executive Order 12898](#)

Description: Describes requirements for federal actions to address environmental justice concerns for low-income and minority populations.

Citation: [Executive Order 13166](#)

Description: Describes requirements to develop plans for people for whom English is not their primary language or who have limited ability to read, speak, write, or understand English to ensure the LEP individuals can participate meaningfully in the transportation planning process.

Citation: [Executive Order 14096](#)

Description: Expands on the requirements established in EO 12898 to further emphasize robust public participation and transparency for federal actions, including early and continuous community engagement, particularly with underserved and overburdened communities.

Citation: [Americans with Disabilities Act \(ADA\)](#)

Description: Prohibits discrimination and ensures equal opportunity for persons with disabilities.

STATE

Citation: [Government-in-the Sunshine Law s.286.011, FS](#)

Description: Provides the public with the 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.

Citation: [s.339.175\(6\), FS](#)

Description: Describes public involvement requirements for MPO planning activities to ensure that the public can actively participate in the transportation planning process.

Citation: [s.1012.465, FS](#)

Description: The Jessica Lunsford Act requires background checks of all persons entering school grounds when children are present.

Citation: [Office of Environmental Management Web Page](#)

Description: FDOT's Environmental Justice Information.

Citation: [Public Engagement Resource Guide](#)

Description: FDOT Guidance for public involvement activities.