



## **Public Participation Plan**

for the

**Bismarck-Mandan  
Metropolitan Planning Organization**

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## **PUBLIC PARTICIPATION PLAN PURPOSE**

The Bismarck-Mandan Metropolitan Planning Organization (MPO), with the aid of this Public Participation Plan, desires the participation and involvement of a broad range of interest groups, organizations, governments, and citizens to result in more creative and effective decision-making. Public participation:

- Educates the public on transportation issues and opportunities
- Builds public knowledge and trust about processes and issues
- Identifies public concerns and values
- Gathers information, develops consensus, resolves conflicts, and produces better decisions
- Enhances the accountability of government decisions through increased opportunity for citizen participation
- Gains the fresh perspective of empowered citizens leading to creative approaches
- Allows plans to be evaluated and refined
- Reduces delays and costs from not having public involvement

### **Public Participation Regulations**

Public participation in transportation planning and programming gained new emphasis under the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 and was further expanded by the 1998 Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the 1994 Environmental Justice Executive Order 12898.

More recently, the Infrastructure Investment and Jobs Act (IIJA, Pub. L. 117-58) became the most current transportation authorization as it was signed into law November 15, 2021. Each transportation authorization differs in some regards to the one which preceded it. However, one thing has remained constant, and that is the requirement for a continuous, cooperative, and comprehensive metropolitan transportation planning process for the plans and programs developed by the MPO.

Federal regulations, such as those contained within 23 CFR 450.316, require MPOs to include public participation in development and implementation of their programs, plans, and activities, including the development and approval of their Metropolitan Transportation Plans (MTP) and Transportation Improvement Programs (TIP).

In developing MTPs and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the area that are affected by transportation (including, but not limited to, State and local planned growth, economic development, environmental protection, airport operations, and freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, the MPO shall develop MTPs and TIPs with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area provided by:

- Recipients of assistance under title 49 U.S.C. Chapter 53

- Governmental agencies and non-profit organizations (including their representatives) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services
- Recipients of assistance under 23 U.S.C. 201-204

Federal regulations require early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts. It is policy of the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), which are both oversight agencies of the MPO, to actively involve the public in a process that is transparent, cooperative, collaborative, and continuing.

Federal regulations further state that public participation must:

- Be proactive
- Provide complete information
- Provide timely public notice
- Enable full public access to key decisions
- Give opportunities for early and ongoing involvement to enable review and comment prior to any formal decisions
- Give explicit consideration and response to public input received during development of all MPO programs, plans, and activities, including the MTP and the TIP
- Consider the needs of those traditionally underserved by existing transportation systems

### **Role of the MPO**

The MPO shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to be involved in the metropolitan transportation planning process.

The MPO should provide complete information, timely public notice, and access to public decisions. The intent of these mandates is to solicit public comment on ideas, issues, and scope on alternatives, allowing the public to have a real influence throughout the planning stages and decision-making process.

In carrying out the public process, the MPO shall, to the maximum extent practicable:

- Hold any public meetings at convenient and accessible locations and at varying times;
- Employ visualization techniques to describe plans; and
- Make public information available in electronically accessible formats, such as websites or remote meetings, as appropriate to afford reasonable opportunity for consideration of public information

## **Goals & Objectives**

### **Goal 1: Early Involvement**

The public will be involved early in the decision-making process.

Objective: Initiate the public involvement process once adequate information has been gathered to identify planning scope and to enable beneficial communication with the public and interested parties.

Objective: Actively encourage and facilitate early public participation and examination of regional issues.

### **Goal 2: Opportunity**

All citizens will be given the opportunity to participate in transportation decision-making processes.

Objective: The MPO will evaluate notification methods and select the most appropriate for enhancing opportunity for public input. The MPO will take appropriate steps to give input opportunities to vulnerable and underserved populations in the community.

Objective: Provide relevant jurisdictions, agencies, transportation modes, and interested parties the opportunity for ongoing involvement in regional decision making through representation on MPO committees and advisory bodies which develop recommendations on transportation issues.

### **Goal 3: Information**

The public will be provided with clear, timely, and accurate information.

Objective: Expand the public's awareness and understanding of regional issues and MPO activities by disseminating information through an effective and multifaceted effort.

Objective: Employ visualization techniques wherever they may be effectively used. Key planning information will be made available either on the MPO's website or a website for each individual project, as well as on social media, as appropriate.

### **Goal 4: Techniques**

The public participation process will be flexible and varied. Several techniques will be utilized and combined to yield the most effective results and to meet a particular need.

Objective: Increase interaction and dialogue with local governments on day-to-day metropolitan transportation issues to yield input on solutions. Coordinate informal meetings to discuss transportation issues and designate a transportation contact for each jurisdiction.

Objective: Prior to the beginning of each planning project, establish methods and a schedule for public participation that best fits the unique characteristics of the given planning effort.

Objective: Periodically review the effectiveness of public involvement techniques utilized by the MPO.

## **PUBLIC PARTICIPATION PROCEDURES FOR REQUIRED MPO DOCUMENTS**

Transportation professionals must provide technical and professionally sound guidance, must be fiscally responsible, and must educate the public sufficiently to enable them to offer informed opinions about transportation issues.

### **\* Procedures for the Metropolitan Transportation Plan (MTP)**

The following steps are considered minimum procedures that will be followed to fulfill the public participation requirements for completion of a Metropolitan Transportation Plan. Additional efforts may be performed when deemed beneficial to the overall public involvement process.

1. The MPO or its representative will meet with each metropolitan jurisdiction to ask them to detail their short and long-term transportation goals.
2. Public meetings will be held on each side of the Missouri River to discuss these lists and generate input on other transportation issues in the metro area.
3. The MPO or its representative will consult with Federal, State, Tribal, wildlife and land management, and regulatory agencies. Additionally, the MPO shall provide reasonable opportunity for comment to interested citizens and groups covered in the MPO's master contact list, which, in general, may include, but is not limited to:
  - Public agencies
  - Representatives of public transportation employees
  - Freight shippers
  - Providers of freight transportation services
  - Private providers of transportation
  - Representatives of users of public transportation
  - Representatives of pedestrians
  - Representatives of bicyclists
  - Representatives of the disabled
  - Representatives of the elderly
  - Environmental review agencies
  - Other interested parties
4. Once a Draft MTP is developed, it will be released for 30-day public comment. A legal notice or advertisement will be published in The Bismarck Tribune at least 30 days prior

to the end of the public comment period. The day of publication does not count toward the 30-day requirement; however, the final day of the comment period does count toward the required minimum. In addition, a legal notice or advertisement will be published in the Mandan News but is not subject to the same 30-day notice period as the Mandan News is currently only published once per week.

5. A press release will be sent to the City of Bismarck's media contacts list in conjunction with the legal notice or advertisement detailed in the previous procedure.
6. At the end of the comment period, the MTP will be presented to local jurisdictions' governing bodies for final review and acceptance. Comments will be compiled and the final MTP will be presented to the TAC and Policy Board for approval.
7. The MPO or its representative will follow the advertisement policy contained within the Public Participation Plan.
8. The MPO will publish the Draft and Final versions of the MTP accessible from the following website: [www.bismarcknd.gov/mpo](http://www.bismarcknd.gov/mpo)

### **Addressing Public Comment Related to the MTP**

Prior to MPO Policy Board action public comments will be summarized, answered (where appropriate) and suggested modifications presented. If public comment leads to significant changes in the proposed MTP, an additional 15-day comment period will be provided for the public to comment on those revisions. All public comments received will be included in the appendices of the final plan.

### **Amendments to the MTP**

MTP Amendments will be released for a 15-day public comment period if they are significant in nature. Significant amendments may include:

- Adding or removing short, medium, and/or long-range projects
- Any other projects that have the potential to affect the fiscal constraint of the MTP
- Projects negatively impacting air quality or environmental justice areas (concentrated populations of low income and minorities)

The MPO will host a public hearing and publish a legal notice or advertisement in The Bismarck Tribune at least 15 days prior to the public meeting if the proposed amendment is deemed significant in nature. The day of publication does not count toward the 15-day requirement; however, the final day of the comment period does count toward the required minimum. In addition, a legal notice or advertisement will be published in the Mandan News but is not subject to the same 15-day notice period as the Mandan News is currently only published once per week. Significant MTP Amendments will require MPO Policy Board approval.

MTP Administrative Modifications may include minor changes which do not materially alter the purpose, scope, or use of the document. The MPO TAC and Policy Board, as well as NDDOT,

FHWA, and FTA, will be notified regarding an MTP Administrative Modification. Public notification is not required for an MTP Administrative Modification.

**\*Procedures for the Transportation Improvement Program (TIP)**

The MPO maintains a master contact list of local transportation stakeholders. To the extent possible the MPO will consult with officials responsible for other types of planning activities that are affected by transportation in the area (including, but not limited to, State and local planned growth, economic development, environmental protection, airport operations, and freight movements). Once the Draft TIP is prepared, individuals/agencies on the MPO master contact list will be made aware that it is available for review and comment.

1. Once the Draft TIP is prepared, a legal notice or advertisement will be issued in local newspapers stating:
  - The purpose of the TIP
  - A brief description of the anticipated planning process
  - Actions to be taken
  - The location where locally proposed project lists can be viewed or secured
  - The time and place to obtain information or provide public input on the preliminary proposals
  - The MPO contact, if further information is desired
2. The Draft TIP will be released for 15 days for public comment during which oral and written comments may be submitted (the public can also submit them at the Technical Advisory Committee (TAC) meetings). A legal notice or advertisement will be published in The Bismarck Tribune at least 15 days prior to the end of the public comment period. The day of publication does not count toward the 15-day requirement; however, the final day of the comment period does count toward the required minimum.
3. In addition, a legal notice or advertisement will be published in the Mandan News but is not subject to the 15-day notice period as the Mandan News is currently only published once per week.
4. The MPO will host a public hearing on submitted Draft TIP projects. Notification for the public meeting may occur in conjunction with the aforementioned 15-day public comment period legal notice or advertisement in the Bismarck Tribune and the Mandan News *or* could occur in addition to the legal notice or advertisement. If notification for the public meeting is published independently of the 15-day public comment period legal notice or advertisement, it will be published at least 15 days prior to the meeting.
5. A press release will be sent to the City of Bismarck's media contacts list in conjunction with the legal notice or advertisement detailed in procedure 3.
6. The MPO will compile oral and written comments and provide them to each jurisdiction and the MPO Policy Board prior to approval.

7. The MPO will publish the Draft and Final versions of the TIP on the following website: [www.bismarcknd.gov/mpo](http://www.bismarcknd.gov/mpo)
8. The final MPO TIP, once approved by the Policy Board, will be submitted to the state DOT for incorporation into the Statewide Transportation Improvement Program (STIP).

### **Addressing Public Comment Related to the TIP**

Prior to MPO Policy Board action, public comments will be summarized, answered (where appropriate), and suggested modifications presented. If public comment leads to significant changes in a proposed TIP, an additional 15-day comment period will be provided for the public to comment on those revisions. All public comments received will be incorporated into the final TIP.

### **Amendments/Modifications to the TIP**

The TIP will be amended or modified when there are project changes to the first programming year, known as the in-year. Out-year programs will be updated with each annual TIP update.

TIP Amendments will be released for a 15-day public comment period for changes that include the following:

- Major scope changes (including, but not limited to, changing work type such as bridge rehabilitation to replacement, resurface to reconstruct, adding additional work/bridge/lane/intersection/route)
- Significant cost increases (greater than or equal to 25% of the total project cost)
- Adding new projects or removing projects in the TIP
- Capacity-increasing projects
- Projects negatively impacting air quality or environmental justice areas (concentrated populations of low income and minorities)
- Any other projects that have the potential to affect the fiscal constraint of the MTP

The MPO will host a public hearing and publish a legal notice or advertisement in The Bismarck Tribune at least 15 days prior to the hearing whenever a TIP amendment is proposed. The day of publication does not count toward the 15-day requirement; however, the final day of the comment period does count toward the required minimum.

In addition, a legal notice or advertisement will be published in the Mandan News but is not subject to the 15-day notice period as the Mandan News is currently only published once per week. TIP Amendments will require MPO Policy Board approval.

The MPO TAC and Policy Board, as well as NDDOT, FHWA, and FTA, will be notified regarding TIP Administrative Modifications. Public notification is not required for a TIP Administrative Modification. Modifications will be considered complete upon document development by MPO staff, and the public, MPO boards, and MPO oversight will be notified of the TIP Administrative Modification(s) at the soonest opportunity for public meeting.

TIP Administrative Modifications include the following:

- Minor scope changes
- Change in construction and/ or funding year, without significant cost increase or major scope change
- Minor cost changes (any decrease of total project cost or an increase less than 25% of the total project cost)
- Notice of advance construction by a local agency
- Change, addition, or deletion to the project phasing of a Regionally Significant Project or the Annual Lump-Sum Project Phase Estimates.

**\*Procedures for the Title VI and Non-Discrimination/ADA Plan (Title VI)**

1. Title VI is subject to an internal audit, performed by MPO staff, on an annual basis.
2. Deficiencies or updates identified by the audit must be remedied within 90 days from the date of the audit. These are generally considered administrative modifications and may include any of the following:
  - Updates to forms or tables
  - Grammatical corrections to existing text
  - Language or text modification or additions within existing sections of the document for purposes of clarification
3. Although a public notification period is required, neither a public hearing nor formal adoption by the Policy Board are required.
4. Modifications to the Title VI Plan will be released for 15-day public comment period. A legal notice or advertisement will be published in The Bismarck Tribune at least 15 days prior to the end of the period. The day of publication does not count toward the 15-day requirement; however, the final day of the comment period does count toward the required minimum. In addition, a legal notice or advertisement will be published in the Mandan News but is not subject to the same 15-day notice period as the Mandan News is currently only published once per week.
5. At the end of the comment period, the administrative modifications to the Title VI Plan will be presented to TAC and Policy Board for their information.

**Significant Revisions to Title VI**

Significant changes to Title VI, such as those resulting in a substantially alternative interpretation of an existing section of the document or the creation of a new section to the document, shall require the following procedure.

1. The MPO will release the revised Title VI Plan for a 30-day public comment period, will host a public hearing, and will publish a legal notice or advertisement in The Bismarck Tribune at least 30 days prior to the end of the public comment period. The day of publication does not count toward the 30-day requirement; however, the final day of the

comment period does count toward the required minimum. In addition, a legal notice or advertisement will be published in the Mandan News but is not subject to the same 30-day notice period as the Mandan News is currently only published once per week.

2. The MPO will compile oral and written comments and provide them to the MPO Policy Board prior to approval.
3. The MPO will publish the Draft and Final version of the Title VI on the following website: [www.bismarcknd.gov/mpo](http://www.bismarcknd.gov/mpo) .

### **\*Procedures for the Unified Planning Work Program (UPWP)**

1. The MPO will consult with the local MPO member jurisdictions in the development of the UPWP.
2. The MPO will publish the UPWP on the following website: [www.bismarcknd.gov/mpo](http://www.bismarcknd.gov/mpo)

### **Amendments to the UPWP**

Amendments can be made to the UPWP. Amendments must be approved by the MPO Policy Board, NDDOT and FHWA/FTA (as applicable) before becoming a part of the active UPWP.

The MPO is allowed to move funding between tasks to an amount up to 10% of the total cumulative yearly amount, without North Dakota Department of Transportation (NDDOT) and Federal Highway Administration/Federal Transit Administration (FHWA/FTA) approval.

Funding added over the contract amounts, new projects, or budgetary changes in excess of 10% (cumulative yearly amount) will continue to require NDDOT and FHWA/FTA approvals of amendments to the UPWP. In addition, the MPO must advise the NDDOT and FHWA/FTA of any budgetary changes within the 10% limits described above.

### **\*Procedures for the Public Participation Plan**

The Public Participation Plan (PPP), at a minimum, should be reviewed and updated as appropriate prior to the MTP development process.

1. The PPP will be released for a 45-day public comment period regarding significant revisions to the document.
2. A legal notice or advertisement will be published in The Bismarck Tribune at least 45 days prior to the end of the public comment period. The day of publication does not count toward the 45-day requirement; however, the final day of the comment period does count toward the required minimum. In addition, a legal notice or advertisement will be published in the Mandan News but is not subject to the 45-day notice period as the Mandan News is currently only published once per week.

3. At the end of the comment period, any comments will be compiled and the final PPP will be presented to the TAC and Policy Board for approval.
4. Copies of the approved PPP shall be provided to FHWA/FTA for informational purposes and shall also be posted to the MPO website at: [www.bismarcknd.gov/mpo](http://www.bismarcknd.gov/mpo).

## **OTHER PUBLIC PARTICIPATION PROCEDURES**

### **General Advertisement Policy**

The MPO or its representative will advertise public meetings, hearings, or events in the Bismarck Tribune, and/or the Mandan News. The goal is to place advertisements a minimum of 15 days in advance of the meeting, unless allowed otherwise by the MPO and involved local jurisdictions.

All public notices which publish in the Bismarck Tribune and/or the Mandan News will be posted in an online format to the MPO website at: [www.bismarcknd.gov/mpo](http://www.bismarcknd.gov/mpo).

Direct mailing notifications will be considered if appropriate and will be coordinated with local staff to achieve maximum reasonable coverage and response.

Additional notification, when available and applicable, may be provided through the issuance of a press release, and/or through electronic/online means.

### **Additional Public Outreach Efforts**

In addition to public involvement efforts previously identified in this document the MPO will consider the use of the following outreach efforts as appropriate, including, but not limited to:

- Presentations to professional, citizen, and/or student organizations
- Articles in local newsletters
- Press releases and meetings with the local media
- Interviews with local businesses and/or individuals affected by possible study recommendations
- Presentations/workshops by recognized experts in transportation planning related issues
- Online, e-mail, telephone, or mail-out surveys
- E-mail notification of MPO public meetings or events
- Use of Dakota Media Access for MPO meetings, projects, or events
- Use of visual aids such as, but not limited to, maps, charts, pictures, videos, animation, and graphs
- Use of the Internet and social media (including the MPO website, [www.bismarcknd.gov/mpo](http://www.bismarcknd.gov/mpo)) to provide increased access to MPO material, activities, meetings, projects or events
- Use of local events calendars to provide notification of MPO meetings or events
- An MPO Newsletter
- Develop posters which depict information about upcoming public meetings to be displayed at public, high school, and university libraries, significant shopping centers,

local community events (farmer’s markets or festivals), and popular business establishments (for example grocery stores, banks, coffee shops within a given study area)

- Public kiosks

### **Addressing Public Comment**

Public comments that are received will be documented, summarized to committees and addressed in the appropriate planning or programming documents. Significant public input shall be recognized and identified in final documents or appendices, as appropriate. Prior to MPO Policy Board action public comments will be summarized, answered (where appropriate) and suggested modifications presented.

### **Access to MPO Plans, Programs, and Studies**

Hard copies of the current Metropolitan Transportation Plan, Transportation Improvement Program, Title VI and Non-Discrimination/ADA Plan, Unified Planning Work Program, and other MPO planning efforts will be available to request at the MPO office located at:

The City/County Office Building  
221 North 5<sup>th</sup> Street (2<sup>nd</sup> Floor/Community Development Department)  
Bismarck, ND

Electronic versions of the aforementioned documents will also be made available on the following MPO website: [www.bismarcknd.gov/mpo](http://www.bismarcknd.gov/mpo)

### **Responsiveness to Special Needs**

All public notices will offer the provision of special accommodations or auxiliary aids for those needing such assistance. Upon request by individuals with special needs, the MPO will work with local resources to provide them with information in the format best suited for their request.

Meeting facilities should be accessible to mobility impaired individuals and meetings should be scheduled at various times to accommodate various work schedules. Additionally, options for remote (electronic) participation should be considered for all meetings and offered when practicable. Arrangements for assistance to people with any disability will be pursued.

All public notices shall contain the following language: “To request accommodations for disabilities and/or language assistance, contact Title VI/ADA Coordinator at 701-355-1332, MPO@bismarcknd.gov, or TTY 711 or 1-800-366-6888 at least five (5) days in advance of the meeting.”.

Additional information on ADA or Limited English Proficiency resources available can be found in the Bismarck-Mandan MPO’s Title VI and Non-Discrimination/ADA Plan at <http://www.bismarcknd.gov/1335/Title-VI-and-Non-Discrimination-Plan>.

## **Environmental Justice**

Environmental justice is the public policy goal of ensuring no government activities bear disproportionately high or negative impacts on low income or minority populations. MPOs are required to identify disproportionately high or adverse affects to these populations. Additionally, MPOs are to seek out and consider 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 as stated in 23 CFR Part 450.316 (1) (vii).

As required by the IJA, the MPO will assess the distribution of federal funds and evaluate their Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP) for environmental justice considerations.

In an effort to meet the intent of Environmental Justice, the MPO has identified known low income and minority populations. Agencies and groups representing these entities have been added to the MPO's master contact list. This list is updated as more individuals, groups and agencies pertaining to environmental justice are identified.

The MPO will evaluate the potential for adverse impacts on Environmental Justice populations by considering where low income and minority populations issues exist in ongoing transportation planning activities, seeking active participation by these populations, and evaluating Environmental Justice concerns that are identified.

## **Other Information**

The MPO's master contacts list includes, but is not limited to: citizens, elderly and disabled advocacy groups, public and private agencies, officials, government staff, and businesses. The MPO will continue to make additions to and refine its contacts list over time.

The MPO and Bis-Man Transit entered into a joint understanding (Memorandum of Understanding dated 5/23/02) regarding contact and involvement relating to transit and transportation issues. This agreement is available from the MPO upon request. In that agreement, Bis-Man Transit agrees to help the MPO in contacting and involving elderly and disabled individuals and representative groups. Although the MPO maintains contact information for such groups, it is recognized this is a specific area of strength for Bis-Man Transit. It may, at times, become necessary for the MPO to reach out to a more extensive set of recipients than allowed by the current list it maintains. It is understood in these instances Bis-Man Transit will assist in such an effort as requested by the MPO.

Federal regulations identify public participation requirements in the development of the Program of Projects (POP). Bis-Man Transit annually develops a POP for inclusion in the Transit Improvement Project section of the TIP. The public participation requirements identified in United States Code Chapter 49 Section 5307c.1-7 are satisfied by the Public Participation Procedures for the TIP identified in this document.

For a glossary of common MPO acronyms, including acronyms referenced in this plan, please visit the MPO website at: [www.bismarcknd.gov/mpo](http://www.bismarcknd.gov/mpo).