



## Introduction

The following guidance is provided as a means of directing staff in meeting Title VI and environmental justice (EJ) mandates at the project or study level, as defined by the DVRPC Work Program. This *Planners' Methodology* offers background on Title VI and EJ and provides a protocol for DVRPC staff to meet standards set by the federal mandates. Information is also included on utilizing DVRPC's *Degrees of Disadvantage Methodology*.

In addition, this document offers suggestions for meeting the Commission's goals and objectives for public participation, as set forth in the DVRPC *Public Participation Plan: A Strategy for Citizen Involvement*. How meaningful public participation is gathered and implemented into the planning process varies, depending on the type and scope of a project. The *Planners' Methodology* establishes a framework for developing individual public participation plans for Work Program projects and offers a "tool kit" of public participation strategies.

*What does this mean to you as a Planner or Engineer?*

Integrating Title VI and EJ into your programs and plans means that you may need to approach a project with more sensitivity when addressing the needs of the underserved; it means that you must ensure that you are not proposing recommendations that may have adverse impacts on a specific population; and it can help assemble an audience to target in public outreach activities. Title VI and environmental justice mandates establish a foundation for involving the public that is intended to ensure that every land use and transportation project considers the human environment.

Incorporating public outreach and participation activities into your programs and projects builds upon DVRPC's philosophy and intent to place public participation at the forefront of the Commission's priorities. Public participation can help planners better understand a project's issues from the user's perspective and the issues related to a particular project, and it can assist in developing a range of solutions to a planning problem. Staff should encourage opportunities to involve many and various audiences, and allow for public comment and participation at different points during the planning process.

## Staff Dedicated to Assistance and Outreach

In addition to the resources presented here, DVRPC's commitment to public participation, Title VI, and EJ includes staff exclusively dedicated to assisting you in all matters related to these facets of the planning process. The staff of the Office of Communications and Public Affairs can assist you in all areas of public participation and media outreach and in meeting or responding to Title VI and EJ concerns. The Title VI Liaison in Planning and Technical Services can also assist in all work related to integrating environmental justice methodology into your study or project.

### *Primary Staff Contacts:*

Candace Snyder, Director, Office of Communications and Public Affairs  
Elise Turner, Communications Specialist  
Jane Meconi, AICP, Manager of Public Involvement and Title VI Compliance  
Eric Grugel, Regional Planner, Title VI Liaison

## Additional Resources

*DVRPC Public Participation Plan: A Strategy for Citizen Involvement  
Environmental Justice at DVRPC: FY 2007  
Equity & Opportunity: The Title VI Compliance Plan.  
DVRPC Title VI/Environmental Justice Quick Reference Guide*

## **Title VI**

### What is Title VI?

"Title VI" refers to Title VI of the Civil Rights Act of 1964, which states that no individual or group shall be excluded from participation in, or denied the benefits of, any program or activity utilizing federal funds. As a metropolitan planning organization MPO, DVRPC is mandated to comply with federal nondiscrimination laws and stipulates that all Commission projects and programs must follow Title VI mandates.

### *DVRPC Title VI General Policy Statement*

The Delaware Valley Regional Planning Commission (DVRPC) assures that no person shall on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any agency sponsored program or activity. Nor shall sex, age, or disability stand in the way of fair treatment of all individuals. DVRPC further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event that DVRPC distributes federal aid funds to another entity, DVRPC will include Title VI language in all written agreements and will monitor for

compliance. Title VI compliance is a condition of the receipt of federal funds. DVRPC's Executive Director and Title VI Compliance Manager are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of Title 23 Code of Federal Regulation (CFR) 200 and Title 49 CFR 21. DVRPC acknowledges its responsibility for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 CFR 200 and by Title 49 CFR 21.

*What is required of DVRPC staff to be Title VI compliant?*

A renewed commitment to Title VI has been, and continues to be, reflected in DVRPC's Work Program, publications, communications, public involvement efforts, and general way of doing business. DVRPC's efforts to ensure compliance with Title VI and related statutes regarding nondiscrimination and EJ are evident in the work we do and how we conduct our plans, programs, and projects. The DVRPC Title VI Policy Statement above should describe how staff approaches a project, the types of recommendations made within a plan, and how public outreach is conducted or public comment sought for a program or plan.

In addition, there are several items that planners need to keep in mind when conducting a program or developing a plan:

#### *Title VI Statements*

The following Title VI statements have been developed for inclusion in various DVRPC documents as follows:

1. This first statement should be added to any meeting announcement to which the public and/or outside agencies or organizations may attend (such as public meetings and open houses, both on-site and off-site, seminars, and DVRPC committee meetings)

*DVRPC fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. DVRPC public meetings are always held in ADA-accessible facilities and in transit-accessible locations when possible. Auxiliary services can be provided to individuals who submit a request at least seven days prior to a meeting. For more information, please call (215) 238-2871.*

2. The statement below should be added to all DVRPC public documents (such as meeting minutes) and publications. For publications, the statement can be added at the bottom of the DVRPC page.

*DVRPC fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. DVRPC's website may be translated into Spanish, Russian, and Traditional Chinese online by visiting [www.dvrpc.org](http://www.dvrpc.org). Publications and other public documents can be made available in alternative*

languages or formats, if requested. For more information, please call (215) 238-2871.

### Limited English Proficiency

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be Limited English Proficient (LEP) and are therefore entitled to language assistance under Title VI of the Civil Rights Act of 1964. Language barriers may prohibit people who are LEP from obtaining information relating to various services and programs and may limit individuals' participation in public planning processes. It is essential that DVRPC personnel and its subrecipients be informed of their diverse clientele in order to create a more inclusive public planning process. Federal guidelines require that recipients of federal financial assistance take reasonable steps to ensure meaningful access to federally funded programs, activities, and publications for LEP (Limited English Proficiency) persons. The "reasonable" standard is based on the following four guidelines, as set forth by the federal government:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee;
- The frequency with which LEP individuals come in contact with the program;
- The nature and importance of the program, activity, or service provided by the recipient to people's lives;
- The resources available to the recipient and their costs.

As indicated above, the intent of these guidelines is to find a balance that ensures meaningful access by LEP persons to critical services and programs while not imposing undue burdens on recipients or subrecipients.

LEP needs may be identified via field work, by utilizing DVRPC's *Degrees of Disadvantage Methodology*, or through initial public outreach. The DVRPC Office of Communications and Public Affairs can assist you in translating documents or developing specific outreach materials in various languages.

### Americans with Disabilities Act

Title II of the Americans with Disabilities Act (ADA) of 1990, P.L. 101-336, provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of the state or local government."

All public meetings and events need to be held in ADA-accessible facilities. If requested, sign language interpreters and other assistance for visually or hearing impaired individuals can be secured for meetings, and documents can be translated into alternative formats.

## For More Information

For more information about DVRPC's Title VI mandates and activities, see *Equity & Opportunity: The Title VI Compliance Plan*.

## **Environmental Justice**

### What is Environmental Justice?

Environmental justice (EJ) is the fair treatment and meaningful involvement of all people, regardless of religion, race, ethnicity, income, or education level, in environmental decision making. EJ programs promote the protection of human health and the environment, empowerment via public participation, and the dissemination of relevant information to inform and educate affected communities. EJ was codified by a 1994 Presidential Executive Order.

EJ requires the MPO to:

- Examine the allocation of benefits and burdens of plans, programs or projects, currently and in the planned future;
- Ensure that minority and low-income communities are treated equitably in the provision of transportation services and projects; and
- Provide an ample opportunity for full participation for minority and low-income communities to advise the MPO during its planning and decision-making process

### DVRPC Environmental Justice Technical Work Program

Concurrent with our public involvement efforts, DVRPC has developed a technical work program that adheres to governmental requirements stemming from Title VI of the Civil Rights Act of 1964 and the 1994 President's Executive Order on Environmental Justice. Federal agencies are required to identify any disproportionately high and adverse environmental health effects of its programs on minority and low-income populations.

DVRPC has created an internal methodology to identify disadvantaged populations within the Delaware Valley region. This information can then be used to recommend solutions that may mitigate adverse project or program consequences, or to direct public outreach efforts. Using 2000 Census data, DVRPC currently analyzes eight possible Degrees of Disadvantage (DOD) within census tracts in the nine-county area:

- Poverty
- Non-Hispanic Minority
- Hispanic
- Elderly
- Carless households
- Physically Disabled

- Limited English Proficiency
- Female Head of Household with Child

### *Environmental Justice Degrees of Disadvantage Methodology How-To*

1. When starting a project with an EJ component (or potential component), meet with the Title VI Liaison/ EJ Planning staff member, who can work with you directly to complete the DOD methodology portion of your project. An initial EJ DOD review is not intended to be burdensome and can be completed quickly.

2. Census tracts that have higher concentrations of a particular population than the regional average threshold are considered to be at a disadvantage, and should be further analyzed to uncover challenges and concerns that relate to the population group. Studies with EJ population groups more than twice the concentration level of the regional threshold should be brought to the attention of the Title VI Liaison/ EJ Planning staff member for further assistance.

3. The EJ DOD methodology is an integral tool that can be used to understand study area demographics. Along with windshield surveys, other qualitative and quantitative methods may be used to identify EJ issues. In some instances, an EJ issue may be evident in a study area but not be directly related to the residential population of a study area (for instance, there may be an issue that affects workers or other users of places or services within a study area).

4. Once degrees of disadvantage are identified for users (residential and/or otherwise) for a study area, this information can be used to target specific populations as part of a public participation plan. EJ and outreach staff can assist with contacting representatives of population groups (such as nonprofits or county agencies), and planners are encouraged to include EJ representatives on a project's Study Advisory Committee (SAC). The DOD findings also offer the planner additional information to guide project recommendations. While each study and its recommendations will be different, there are several underlying principles that can guide recommendations:

- Promote recommendations that would positively impact the EJ communities identified;
- Ensure that recommendations made in the project or study do not adversely impact EJ communities and/or ensure that the benefits and burdens of a specific recommendation are equitably distributed;
- Be aware that a neutral policy or practice may have a disparate impact on protected groups.

## Public Participation

### What is Public Participation?

Public participation is broadly defined as a process or processes by which interested and affected stakeholders are consulted and included in the decision-making process. Effective public involvement is a dynamic and ongoing process that is essential to meeting the future needs of all citizens in the Delaware Valley, and DVRPC's work must be undertaken in conjunction with the consideration, cooperation, and consent of stakeholders throughout the region.

Public participation consists of three related, and often overlapping, processes: information dissemination, consultation, and stakeholder participation.

1. Information dissemination refers to the availability and distribution of timely and relevant information on DVRPC programs and projects. Aspects of dissemination include appropriate notification and disclosure of project information and proper public access to it.
2. Consultation pertains to information exchanges among the implementing agency, project executing agencies, and stakeholders. Consultation provides opportunities for communities and local groups to contribute to a project's scope, implementation, and evaluation.
3. Stakeholder participation involves stakeholders collaboratively engaging, as appropriate, in the identification of project concepts and objectives, selection of sites, design and implementation of activities, and monitoring and evaluation of projects. Developing strategies for incorporating stakeholder participation throughout the program or project cycle is particularly necessary in projects which impact the incomes and livelihoods of local groups, especially disadvantaged populations at risk in and around project sites.

### Stakeholders

The current federal legislation governing transportation planning—The Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU) defines stakeholders, or interested parties as:

- Public/Citizens;
- Affected public agencies;
- Representatives of public transportation employees;
- Freight shippers;
- Private providers of transportation;
- 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;
- Other interested parties.

### Public Participation Operating Principles

- Equal opportunity for participation and receipt of information: As much as possible, all parties who express interest in, who can contribute to a decision or who are affected by the outcome should have an equal opportunity to influence decisions and receive equal access to information;
- Mutual understanding: A clear, mutual understanding of the purpose of public involvement, and of the roles and expectations of all parties involved, should be established at the outset and revisited or redefined over time if necessary;
- Early public involvement: The public should be involved early in defining the issues, in the definition of public participation processes, and in providing input before decisions are made. When partnerships or joint decision-making processes are in place, accountability may be shared by DVRPC and other parties;
- Neither decisions nor outcomes are predetermined: All those in a decision-making process need to be open to considering ideas and solutions brought forward by the public;
- Shared responsibility and evaluation: Those who participate share responsibility for the success of the process, agree to participate in good faith and meet public participation objectives, and help evaluate the results of the process and related health outcomes;
- Decisions widely communicated: Decisions, including their rationale and the impact of public involvement in their development, should be communicated widely;
- Evaluation of results, and of the public involvement process: The public should be involved in evaluating the success of the process and in identifying lessons learned that will contribute to the success of future public involvement plans.

### The Importance of Environmental Justice in the Public Participation Process

Public involvement is an integral part of transportation planning and project development decision making. The U.S. Department of Transportation Order (5610.2) on Environmental Justice directs the Department to provide minority populations and low-income populations greater access to information on, and opportunities for public participation in, matters that may impact human health and the environment. The current federal legislation governing transportation planning—The Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU) —also emphasizes meaningful involvement by the public in transportation decision-making.

## Project/Study Level Public Participation Guidance

### 1. Identify planning issues

This should be a cooperative effort among the general public, affected nonprofits and other organizations, planners and other technical personnel, and elected officials and representatives from local governments. A Study Advisory Committee (SAC), comprised of representatives from the above categories, may also be convened at this time to meet throughout the entire planning process. The SAC can also act as a resource in identifying the best public outreach strategies to utilize. Early and often participation, information dissemination, and continued interaction with a community helps agencies develop relationships that establish trust, build community support for projects, and assure that the public has the opportunity to help shape plans that affect its communities.

### 2. Identify and assess stakeholders and interested parties and their issues.

A stakeholder is any person or group that is affected by a planning project, issue, or long-range plan, including those that are not aware that they may be affected, or those that may live or work outside of the primary study area. Stakeholders may also be any person or group that thinks that it is affected, even if in reality it is not. Stakeholders often include nongovernmental organizations, such as environmental, health, neighborhood, and civic organizations; residents of specific geographic areas; transportation service providers; and government agencies.

Traditionally underserved groups, such as low-income, racial and ethnic minorities, and disabled individuals, should be given consideration. Use of the *Environmental Justice Degrees of Disadvantage Methodology* can assist in determining the scope of this portion of your outreach.

The Office of Communications and Public Affairs can offer support in helping identify relevant organizations to reach out to throughout the project's planning process. DVRPC uses extensive US and electronic mailing lists to disseminate information and give notice for public comment and participation opportunities. Both mailing lists include community groups that represent Title VI protected groups throughout the region.

The Commission uses voluntary attendance forms at Commission meetings that are open to the public to collect statistical data on meeting attendees as a means of meeting federal guidance designed to track representation of all segments of the population. Groups representing Title VI populations are added to the Commission's US and electronic mailing lists regularly, as they are identified. The Office of Communications and Public Affairs continually updates the Public Participation/ Environmental Justice Database. Please submit any relevant organizations you feel should be included or have worked with.

3. Define the objectives of your involvement effort.

Establish objectives that broadly address stakeholder concerns, as well as planning and project development goals. What decisions (both formal and informal) need to be made? What public input is needed? The objectives set forth early in your planning process will guide the outreach activities throughout your project and should take you beyond conducting participation activities simply because they are required.

4. Identify pertinent public participation activities.

Consider who you are trying to reach, what message you are trying to convey, and what combination of techniques seem appropriate and are within budget constraints. There is no “one size fits all” approach to public participation. Instead, a variety of techniques should be used to ensure that you are reaching as many individuals and groups as possible, while still fulfilling your plan’s objectives. The Office of Communications and Public Affairs will work with you to develop a set of strategies that are keyed to the objectives of your project and the characteristics of your target audience.

5. Evaluate your effort based on the achievement of your objectives.

Set milestones at important points during the process. As issues and concerns change over time, your public participation plan should reflect those changes. Remember to work with DVRPC’s Office of Communications and Public Affairs to document your efforts. Public Participation strategies can be evaluated to learn their usefulness in telling the public about agency plans and programs or educating them about planning options. During the public involvement process, establish a system for tracking the distribution of informational materials, requests for additional information, and other correspondence (e.g., comments) received as a result of the public outreach. Some of the data that should be collected include:

- The number of brochures or newsletters produced, distributed, and requested.
- The number of people observed reading displays or attending meetings. Are key groups being represented?
- The number of requests for additional information based on the brochure, newsletter, display, web site, or media placement.
- The number of people attending public involvement activities (such as meetings or workshops).
- Information related to how meeting/event attendees learned about an event.
- The number of individuals who returned comment cards or questionnaires included with a newsletter, brochure, or web site.
- The various types of organizations or citizen groups that participated in the outreach.
- The geographic range (local and regional) of individuals and groups participating in the process.

## Public Participation Techniques

The techniques below run the spectrum from public notification to active consensus building. Not all techniques will be appropriate for all projects; techniques can be chosen in consultation with the Office of Communications and Public Affairs. Most public participation plans will incorporate a variety of outreach techniques.

### **Inform, Educate, Ask**

In order to have an effective public participation process, stakeholders, interested parties, and/or the general public must be equally informed of projects, educated on regional planning and transportation issues, and informed that input is being solicited. The following techniques can help inform stakeholders of your project, as well as solicit input. For all matters related to the media and/or initial outreach, contact the Office of Communications and Public Affairs.

**Newspaper Inserts:** A “fact sheet” within the local newspaper that provides community-wide distribution of information.

**Advertisements:** Paid advertisements in newspapers and magazines that reach a broad audience.

**Feature Stories:** Focus stories on general, project-related issues that are used to garner interest in a project and to convey information to the general public.

**Media Release:** A concise review of the project/issue that is released to electronic and print media in the region; useful in announcing kick-offs, project completions, or other milestones.

**News Conference:** An opportunity to reach the media in a larger way. Should be limited only to extremely newsworthy events.

**Television:** Cable or network television programming that presents information and elicits a response.

**Web:** Links that contain project information, announcements, and documents that are capable of reaching very large audiences at low cost. Online video and/or Public Service Announcements may also be uploaded to video sharing sites.

**Newsletter:** A study, project, plan, or program newsletter developed at the beginning, middle, and end of the work to inform and solicit input from stakeholders

**Information Hot Line:** A separate line for public access to prerecorded project information.

**Information Centers:** Sites established to distribute information and respond to questions.

**In-Person Surveys:** Focus groups with standardized questionnaires or methodology.

**Focus Group:** Message-testing forum with random members of a target audience to obtain input for planning decisions.

**Advisory Committee:** A group of representative stakeholders assembled to provide public input.

**Interviews:** One-on-one meetings with stakeholders to gain information about public concerns for refining public involvement in a particular planning process.

**Task Force:** A group of experts or stakeholders formed to develop a specific policy recommendation.

**Panel:** A group assembled to debate or provide input on specific issues.

**Field Trips:** Tours for stakeholders, elected officials, advisory group members, and the media to project areas in order to open discussion and enhance familiarity with study area issues.

**Telephone/Web Surveys:** Telephone and web surveys often provide a higher response rate than mail-in surveys.

**Community Fairs:** Central event with multiple activities to provide information and raise awareness.

**Some things to keep in mind when advertising a project, working with the media, or convening a task force/advisory committee:**

- Who is your audience?
- What type of information is most important for the public to know?

**How the Office of Communications and Public Affairs can assist:**

- Create media advisories and press releases
- Identify information dissemination opportunities
- Plan media and other events
- Work with you and local reporters

**Public Meetings, Workshops, Open Houses, Charrettes, etc.**

Public meetings, workshops, open houses, and charrettes can all be used to present information to interested parties, to educate participants on issues, projects, or plans, and to allow for public input and participation.

**Public Meetings:** Informal gatherings with or without presentations.

**Open Houses:** Facilities set aside to allow the public to tour and interact at its own pace; fosters one-on-one communications and builds credibility.

**Charrettes:** Intensive session where participants share in problem solving, create partnerships, and brainstorm on issues.

**Workshop:** An informal public meeting that may include presentations, exhibits, and interactive exercises

**Public Hearings:** Formal meetings with scheduled presentations and public comments scheduled for legal purposes.

**Consensus Building Techniques:** Techniques that encourage compromise among different interests and provide structured and trackable decision making.

**Some things to keep in mind when planning an event:**

- Utilization of existing meetings of civic or special interest organizations can be an effective way to inform and educate and also to elicit public comment and response. Most importantly, there is a built-in audience for your presentation.
- A best practice should be to plan meetings for all phases of the planning process: a kick-off event, progress meetings, etc. Projects should never be presented as a *fait accompli* at the end of a planning process.
- Work with community-based organizations (including organizations/agencies that represent EJ populations) for targeted outreach.

- Sponsor or co-host a forum/conference with partner agencies or other organizations.
- Visualization techniques, such as maps, photographs, renderings, models and web content are very important in presenting a plan to the public.
- Meetings need to be located in places that are ADA accessible, and if possible, transit accessible.

**How the Office of Communications and Public Affairs can assist:**

- Identify best outreach technique(s) for your project
- Complete logistical/venue planning for event
- Advertise the event
- Assist in event facilitation and evaluation

**A Note About Formal Public Comment Periods**

Many of DVRPC's programs and projects require formal public comment periods before Board adoption. If you have a study or project that will be released for public comment, please notify the Office of Public Affairs as soon as possible to establish a timeline. Public comment periods generally last at least 30 days. The Office of Public Affairs will also assist you in creating a public comment period and/or meeting announcement flyer to send to the Public Participation/Environmental Justice database, release legal notices to the appropriate newspapers, and distribute draft publications to public libraries and other venues for public review.