

a Strategy for Citizen Involvement



Introduction

The Delaware Valley Regional Planning Commission (DVRPC, “the Commission”) has a long history of public participation and citizen involvement in regional and transportation planning initiatives. Throughout DVRPC’s history, the basic tenet of public participation has remained the same: to reach out to and engage as many members of the public as possible in the decision-making process. Through a constructive dialogue, decision makers, planners, and the public can share their opinions and mutually shape a vision for their community, county, and region.

DVRPC’s *Public Participation Plan* is designed as a resource for DVRPC’s Board, staff, and the general public to better understand the Commission’s overall public participation strategy and procedures, as well as the federal mandates that inform DVRPC’s public participation efforts. The plan conveys DVRPC’s commitment to a transparent and proactive public participation process that strives to engage all residents of Greater Philadelphia.

What is DVRPC?

DVRPC, created in 1965 by an interstate compact between Pennsylvania and New Jersey, plans for the growth and development of the bi-state Greater Philadelphia region, and serves as the Metropolitan Planning Organization (MPO) for the nine-county Greater Philadelphia region. An MPO is a regional organization responsible for comprehensive transportation planning and programming for urbanized areas, and is responsible for approval of federal transportation funding for the region. Federal law requires the formation of an MPO for urban areas with a population of more than 50,000 people.

Vision and Mission Statement

The Delaware Valley Regional Planning Commission is the federally designated Metropolitan Planning Organization for a diverse nine-county region in two states: Bucks, Chester, Delaware, Montgomery, and Philadelphia in Pennsylvania; and Burlington, Camden, Gloucester, and Mercer in New Jersey.

DVRPC's vision for the Greater Philadelphia Region is a prosperous, innovative, equitable, resilient, and sustainable region that increases mobility choices by investing in a safe and modern transportation system; that protects and preserves our natural resources while creating healthy communities; and that fosters greater opportunities for all.

DVRPC's mission is to achieve this vision by convening the widest array of partners to inform and facilitate data-driven decision-making. We are engaged across the region, and strive to be leaders and innovators, exploring new ideas and creating best practices.

Adopted by DVRPC Board September 2017

MPO Activities

As the MPO for the Delaware Valley region, DVRPC undertakes three significant, ongoing planning processes: the development and adoption of a Long-Range Plan, the adoption and management of the Transportation Improvement Program, and the creation of the annual Planning Work Program.

Long-Range Planning

DVRPC has a mandated responsibility to develop a regional plan that has a timeline of 20 years or greater, with long-range forecasts of population, land use, employment, and travel trends that determine how federal transportation funds will be spent. DVRPC's Long-Range Plan has expanded beyond the traditional transportation element to encompass land use, economic competitiveness, environmental stewardship, and equity issues. All of these factors are taken into account because transportation is affected by and affects each of these other components.

The Long-Range Plan has a significant public participation component, which may include visioning workshops, other public events, focus group meetings, stakeholder outreach, newsletters, and surveys. Before the Long-Range Plan is adopted, a public comment period of at least 30 days must be held.

Transportation Programming

The Transportation Improvement Program (TIP) is an agreed-upon list of priority projects. The TIP lists all projects for which federal funds are anticipated, along with non-federally funded projects that are regionally significant. In Pennsylvania and New Jersey, each TIP covers a four-year period and is updated every other year.

To help establish priorities for the TIP, DVRPC solicits the public's opinion. A public comment period of at least 30 days and public meeting(s) give the public an opportunity to pose questions about the TIP process and projects. The public involvement process for the TIP conducted by DVRPC is in cooperation with the Pennsylvania Department of Transportation (PennDOT) and the New Jersey Department of Transportation (NJDOT) to satisfy the requirements placed on both states by federal legislation and regulation for all Federal Transit Administration and Federal Highway Administration (FHWA) funded

projects in the TIP. For the NJ TIP, public comment meetings are conducted jointly with NJDOT and also serve as an opportunity to comment on the Draft New Jersey Statewide Transportation Improvement Program (often referred to as the STIP). For the PA TIP, DVRPC's public involvement activities also satisfy public involvement requirements for PennDOT's Section 5307 funds – federal transit formula funds.

DVRPC utilizes an online TIP commenting feature that the public may access, in addition to submitting comments through more traditional means, such as by letter and fax. To assist the public in accessing and reviewing the TIP, specific projects can be easily mapped online at www.dvrpc.org/TIP.

DVRPC has adopted Memorandums of Understanding (MOUs) for Pennsylvania and New Jersey, which define the procedures for making amendments and modifications to the TIP. Such agreements between the states, transit operators, and DVRPC outline major and minor amendments, as well as the degree of public review required for each type of action. The MOUs are included with each TIP document.

Annual Planning Work Program

An Annual Planning Work Program (often referred to as the Work Program) incorporates the planning programs and support activities of an MPO and its member governments for a specified time period or fiscal year. DVRPC's fiscal year runs from July 1 to June 30. DVRPC develops its Work Program annually with the DVRPC Board, its committees, and planning partners to reflect the region's short-range planning needs. DVRPC solicits public input while drafting the Work Program, as well as during a public comment period of at least 30 days. Comments are accepted by mail, fax and email.

Other Activities

Beyond these three mandated activities, DVRPC undertakes a variety of other regional planning activities outlined in greater detail on the Commission's website (www.dvrpc.org). Many of these other program areas and projects also provide opportunities for public participation and input.

The DVRPC Board

DVRPC is governed by an 18-member decision-making Board comprising of state, county, and city representatives from the region's member governments, as well as various non-voting members. The governor of each state has three appointees; each county has a voting seat, and the cities of Camden, Chester, and Trenton each have a voting seat. The Executive Committee of the Board is a subset of 10 members, of which at least two seats are rotating among the county Board members.

All DVRPC Board meetings are open to the public to attend, and include an opportunity for public comment. Notifications of DVRPC Board meeting dates and locations are legally published in newspapers of record at the beginning of the calendar year. As part of its

enhanced public participation, DVRPC issues a call for public comments on action items about 10 days before the Board meeting.

DVRPC Committees

DVRPC's committees advise the Board on specific regional issues while ensuring that interested parties, including member governments and interested residents, have an opportunity to participate in the planning process. Meeting dates are advertised on DVRPC's website. All committee meetings are open to the public to attend.

Notification of all meetings of DVRPC's standing committees is provided approximately 10 days prior to each meeting. The public notification includes a copy of the draft agenda, the date, time, and location of the meeting. Changes to the agenda may be made up to the day of the meeting. Auxiliary services, such as interpretation, can be provided to individuals who submit a request at least seven days prior to a public meeting. Requests will be accommodated to the greatest extent possible. Meeting dates and agendas are available at DVRPC's website (www.dvrpc.org).

Public Participation Task Force

Since the 1970s, DVRPC has maintained a continuous forum for the public to participate in the regional planning process. This forum has taken various forms throughout the years to respond to the outreach needs of the public and the Commission. The DVRPC Board took action in October, 2011 to replace the long-standing DVRPC Regional Citizens Committee with a Public Participation Task Force (PPTF) that comprises appointed members and members at-large. The mission of the task force is to provide ongoing access to the regional planning and decision-making processes, to review timely issues, to serve as a conduit for DVRPC information to organizations and communities across the region, and to assist the Commission in implementing public outreach strategies.

Member cities and counties represented on the DVRPC Board may appoint members to the PPTF. At-large members are selected through an annual application process. Task force members serve a two-year term and may serve a maximum of two consecutive terms. Meetings are held approximately every six weeks, or as needed. Two task force members are selected to sit on the Regional Technical Committee (often referred to as the RTC), which reviews TIP amendments and other actions, and advises the DVRPC Board. Task Force members may also participate on other DVRPC committees and study advisory committees.

In addition to geographic diversity, the PPTF strives to represent the racial, ethnic, cultural, gender, age, and economic diversity of the region, with members from throughout Greater Philadelphia bringing their own individual experiences to the table. While not mandated to represent a particular segment of the population, ideal Public Participation Task Force candidates may belong to one or more of the following organizations or population groups:

- ▶ regional civic associations;
- ▶ the physically or intellectually disabled;
- ▶ minority groups;
- ▶ Limited English Proficient (LEP) populations;
- ▶ transportation or transit advisory groups;
- ▶ low-income individuals;
- ▶ older adults;
- ▶ affordable housing organizations;
- ▶ environmental groups;
- ▶ environmental justice groups;
- ▶ public health organizations;
- ▶ bicycle or pedestrian advocacy groups;
- ▶ youth programs;
- ▶ community development organizations;
- ▶ economic development organizations;
- ▶ private-sector business organizations; and
- ▶ ethnic organizations.

For more information, visit the PPTF page on www.dvrpc.org. Information is also available by contacting the Office of Communications and Engagement at 215-592-1800.

Mandates Related to Public Participation

A number of federal mandates guide DVRPC’s overall public participation efforts. Together, these laws establish a foundation for involving the public and ensuring that every project undertaken by the Commission considers public comments, engages Delaware Valley residents in the planning process, and provides a transparent public record.

These guidelines and requirements are all addressed in Appendix A, and form the basis of DVRPC’s ongoing outreach strategy and procedures.

DVRPC’s Public Participation Strategy

DVRPC believes that planning must be done with the public’s input. Decisions made at the Commission affect the future of all those who live and work in the Delaware Valley region. DVRPC is committed to understanding the diverse needs and concerns of the public, as well as those of non-profit organizations, business interests, and local governments. Outlined below is the strategy that summarizes DVRPC’s philosophy and intent to place public participation at the forefront of our priorities.

What is Public Participation?

Public participation is the process by which interested and affected individuals, organizations, agencies, and government entities are consulted and included in the decision-making process.

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 about DVRPC programs and projects.
2. Consultation pertains to information exchanges among the MPO, implementing agency, and stakeholders.
3. Stakeholders are the individuals, groups, or institutions that have an interest in the outcome of a project. The term also applies to those potentially affected by a project.

Effective public participation can also be defined by the following eight criteria:

- ▶ transparency and integrity;
- ▶ coordination;
- ▶ information;
- ▶ appropriateness;
- ▶ responsiveness;
- ▶ inclusiveness;
- ▶ monitoring and evaluating; and
- ▶ learning and sharing¹

Our Philosophy

DVRPC believes that effective public involvement and participation is a dynamic and ongoing process that is essential to meeting the future transportation, land use needs, and economic concerns of all residents in Greater Philadelphia. In order to implement any regional plan or site-specific project, there needs to be cooperative and coordinated action among the public, private, and non-profit sectors, as well as the general public.

Effective planning cannot be achieved without the consideration and cooperation of residents. The Commission commits to promote and sustain a responsive public participation program that supports and actively seeks the public's input and timely response at all levels of planning.

Every DVRPC staff member is informed about the importance of public participation through an orientation program and ongoing interaction with the DVRPC Office of Communications and Engagement. Even when they do not have direct contact with the general public, they know that their work has an impact on how our region functions and on how DVRPC is perceived by the public.

¹ *Planning Aid for Scotland, "SP=EED™ Scottish Planning= Effective Engagement and Delivery: A Practical Guide to Better Engagement in Planning in Scotland," accessed March 27, 2012, www.planningaidscotland.org.uk/.*

Public Participation Goals

DVRPC's public participation goals are to:

1. Provide opportunities for interested parties to identify regional concerns and priorities.
2. Encourage public involvement among our various audiences, including traditionally underserved groups.
3. Increase the public's awareness of opportunities and activities to actively participate in DVRPC plans and programs.
4. Obtain meaningful public input to inform the Commission's planning and decision-making process.
5. Inform and educate our stakeholders, share information, and increase overall awareness of regional planning, land use, economic, environmental, equity, and transportation issues and activities in the Delaware Valley region.

Public Participation Objectives

In order to ensure that DVRPC has a proactive and meaningful public involvement process that provides complete information, timely public notice, full public input to key decision-making processes, and supports early and continuing involvement in developing regional plans and projects, the Commission pursues the following objectives:

- ▶ The dissemination of information will be broad and wide, using multiple communication channels in order to understand the region's needs and strengthen regional policy making.
- ▶ DVRPC's constituency will be broadened by increasing public- and private-sector and intergovernmental communications, and by reaching out to those who are underserved in the region.
- ▶ The Commission will ensure that the public has ample opportunity to participate in the decision-making process for regional projects and plans, including, but not limited to, the TIP and the LRP.
- ▶ DVRPC will coordinate its public participation strategy with ongoing public involvement processes of its member governments, whenever possible, to enhance public participation and reach new stakeholders.

Development of the Public Participation Plan

Federal guidelines require the participation of interested parties in the development of transportation plans. The Fixing America's Surface Transportation (FAST) Act defines "interested parties" as citizens, affected public agencies, representatives of public transportation employees, public ports, 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.

To initially develop this plan in 2014, DVRPC conducted a public comment and review process for members of the public, federal and state planning partners, and other

stakeholders to participate. It was amended in 2018 when the Commission updated its Access to Records Policy, Appendix B of this document.

Evaluation of Public Participation Activities

DVRPC's Public Participation Plan is not a static document but an ongoing strategy to meet public outreach needs of DVRPC plans and programs. There is no singular approach to public engagement, and outreach and participation for specific projects may be different. The residents of this region are also not a homogeneous entity; therefore, methods of outreach may also be different depending on the intended audience. At the same time, in order to maintain a successful participation program, the Commission must evaluate what worked and what did not work in the public participation process.

The FHWA recommends the following elements for effective public participation:

- ▶ clearly defined purpose and objectives for initiating a public dialogue on transportation issues;
- ▶ specific identification of the affected public and other stakeholder groups with respect to the plans and programs under development;
- ▶ identification of techniques for engaging the public in the process;
- ▶ notification procedures that effectively target affected groups;
- ▶ methods and measures for evaluating the effectiveness of the public involvement program;
- ▶ education and assistance techniques that result in an accurate and full public understanding of transportation issues;
- ▶ follow-through demonstrating that decision makers seriously considered public input; and
- ▶ solicitation of feedback from the public and stakeholders on the effectiveness of the public involvement process.²

DVRPC uses performance measures, analytics (website, social media, and email), event evaluations, and flash surveys to determine the effectiveness of DVRPC public participation efforts. Staff will monitor and evaluate public participation activities on a regular basis and document efforts in monthly reports available to the DVRPC Board and the general public, upon request. Documentation of public participation and outreach efforts will also be included in DVRPC's mandated documents, specifically the LRP and TIP. Evaluation methods may include both quantitative data and qualitative methods.

Public Participation Procedures: Engaging the Region

To encourage a rich and diverse public participation process, interested parties must be informed and educated about regional issues, as well as about ongoing and planned

² Federal Highway Administration, *Transportation Planning Capacity Building Program*. "The Transportation Planning Process Key Issues: A Briefing Book for Transportation Decision makers, Officials, and Staff." www.transit.dot.gov/about/regional-offices/region-4/transportation-planning-process-key-issues-briefing-book. Accessed April 3, 2018.

projects. DVRPC utilizes the following strategies to ensure that all audiences receive timely information in a variety of formats, and that various opportunities are available for public engagement.

Public Meetings and Other Events

Public meetings, open houses, workshops, and information sessions will be scheduled, when deemed appropriate, to allow the greatest opportunity for attendance by the general public and interested groups (e.g., evening or lunch meetings, meetings held on weekends) based upon available staff and resources. In addition, the Commission utilizes a number of timely public participation strategies that may include listening sessions, facilitated exercises, online surveys, and qualitative research to gather input. The PPTF and DVRPC's standing committees are also resources to gather in-depth input and disseminate information.

Public meetings will be held prior to the adoption of DVRPC's LRP, TIP, and other major amendments. Authorization to proceed with public distribution of pertinent materials, to open public comment periods, and to hold public meetings must be sought from DVRPC's Board.

Meetings will be conducted in locations that are American with Disabilities Act (ADA)-accessible and convenient to public transit, when possible. Sign language interpreters or other auxiliary aid requests can be accommodated if requested seven days in advance. When DVRPC knows there may be a community that has LEP populations within a study area, staff will arrange for language interpretation proactively and promote the availability of language assistance.

Where appropriate, visualization techniques will be employed throughout DVRPC's public participation activities to aid the public in understanding proposed plans. Examples of visualization techniques include sketches, drawings, artistic renderings, physical models and maps, simulated photos, videos, computer modeled images, geographic information systems- (GIS-) based scenario planning tools, wall sized maps, web maps, slide presentations, and computer simulation.

Notification of Meetings and Events

DVRPC Board Meetings

The scheduled meeting dates of the DVRPC Board are published annually in newspapers of general circulation in both New Jersey and Pennsylvania. Any changes to those meetings' dates, times, or locations will require legal notice at least 48 hours prior to the meeting's start time.

Public Meetings for Ongoing Planning Processes

Notification via legal advertisements in newspapers of general circulation, as well as minority and alternative language newspapers, is required for DVRPC Long-Range Plan public meetings, adoption and amendment, and for TIP public meetings and adoption.

Additionally, DVRPC will send out a media advisory announcing the public meeting and public comment period for these significant processes.

Other DVRPC-Sponsored Meetings

All DVRPC-sponsored meetings open to the public are also posted on an events calendar at www.dvrpc.org.

The initial public meeting or activity used to kick off a major public involvement effort or project will be announced broadly to the news media, as well as to the state, county, and municipalities involved most directly in the event. Advance notice will depend upon the project and its timeline, but a minimum of 15 days' notice should be given for public participation events. Email and mail databases will be updated regularly to ensure proper notification to as many contacts as possible. Meeting notification may also be sent to area libraries, community centers, organizations, schools, municipalities, and other entities as required. Community organizations and non-profit groups may be consulted as a source to reach certain constituencies more effectively.

Notification of Public Comment Periods

As per federal requirements, DVRPC will provide adequate time for public review of draft documents. The length of the review and comment period should be at least 30 days for the TIP, LRP, and other major documents; and at least 45 days for review of major changes to the Commission's Public Participation Plan. The Public Participation Plan may be subject to minor changes that do not incur a 45-day public comment period. Major Commission actions are advertised as legal notices in a variety of regional newspapers, including a Spanish-language newspaper.

Draft documents for public review will be placed in regional libraries, DVRPC's Resource Center, and other community locations as determined by staff. DVRPC's website contains draft documents for review, as well as other pertinent public notices and information. Tribal Governments are also sent materials for review.

Use of Public Comments

All public input should be gathered from as diverse a range of stakeholders as possible. As appropriate and whenever possible, public comments should be used to inform work scopes, plans, and programs.

DVRPC staff is responsible for responding to comments received during a public review period in a timely manner and/or forwarding the original public comments to appropriate regional agencies, project sponsors, planning partners, or member governments for their responses.

Public comments submitted to DVRPC during a public comment period are considered part of the public record. Summaries of comments received will be updated, made available to the public, and forwarded to decision makers considering action. Public comments are

reviewed and forwarded to the appropriate agency, and are also provided to the various DVRPC advisory committees, and the DVRPC Board for consideration before final action of the Board.

If a final document, plan, or TIP varies substantially from the one which was made available for public comment and review, DVRPC will provide a summary of changes and may hold an additional public comment period if necessary.

Public Comment on Board Action Items

DVRPC Board meetings will include a time for public comments concerning agenda and non-agenda items during the consideration of business; however, the Board chair may limit the length of comments or provide other options for public comments as he or she deems fit.

The public can also comment on Board action items using an online commenting form on the DVRPC website, available at: www.dvrpc.org/GetInvolved/BoardActionItems/.

Information related to Board action items will be posted approximately 10 days before a scheduled Board meeting. The online commenting form will be live until 12:00 PM the day before the Board meeting. The public may also submit comments:

- ▶ by U.S. mail (c/o Office of Communications and Engagement, DVRPC, 190 N. Independence Mall West, 8th Fl., Philadelphia, PA 19106);
- ▶ by fax at 215-592-9125; or
- ▶ via e-mail at public_affairs@dvrpc.org.

The public may also submit public comments to the Board on non-action items by using a similar commenting form, also available at www.dvrpc.org/GetInvolved/BoardActionItems/, which remains open indefinitely.

DVRPC staff will follow up on any questions or comments; all public comments submitted will be forwarded to DVRPC Board members in their entirety. DVRPC reserves the right to delete comments submitted that are offensive, abusive, or off topic. An archive of comments received and responses issued is available on DVRPC's website with Board meeting minutes.

DVRPC's Communication Tools

DVRPC uses a variety of communication tools, including but not limited to: website, monthly newsletter, social media, HTML emails, media relations, and surveys. DVRPC's website is a continuously updated source of information on every aspect of the regional and transportation planning process. A wide scope of resource material, covering all of DVRPC's planning areas is available, as well as an event calendar, regional data, community resources, meeting notices and agendas, information related to public participation activities, and Title VI/EJ information. The website also includes staff, Board member, and member government contact information; and links to related agencies and

municipalities. The DVRPC website, including this Public Participation Plan, may be translated into multiple languages through Google Translate.

DVRPC's various products include publications, newsletters, web applications, interactive mapping applications and a gallery of maps available for download. Products are available via an online search: www.dvrpc.org/Products/. DVRPC can translate Commission documents into any language or format, if requested.

DVRPC News is the Commission's newsletter and is published digitally every month. The newsletter provides information about the Commission's various projects and activities, and includes information on how to contact the Commission and its staff. The newsletter is emailed, available in a printed format (if requested), and posted online. To receive this newsletter by mail or email, please contact the Office of Communications and Engagement at 215-592-1800 or public_affairs@dvrpc.org or subscribe to the Commission's email lists.

Media Communications

DVRPC regularly issues media advisories and press releases to the region's electronic and print media outlets. Occasions for media advisories or press releases may include announcements for funding programs, a high-profile event, significant Board actions, and high-profile publications.

DVRPC Resource Center

The DVRPC Resource Center serves as a clearinghouse for the many products that DVRPC produces, including a variety of brochures; studies; and assorted transportation, data and planning-related documents that are available both online and in print. The Commission also issues an annual report that summarizes major activities of the agency for the prior fiscal year.

The Resource Center is open during regular business hours. Alternatively, one may contact the Office of Communications and Engagement by phone at 215-592-1800 to make an appointment. Staff can assist with a relevant research question or provide a print copy of a DVRPC publication. The use of the Resource Center is free; however, some fees may apply to some publications or photocopies of documents.

Speakers Bureau

The Commission maintains a Speakers Bureau to promote presentations to residents, organizations, and communities. DVRPC's staff, which comprise professionals in a variety of planning and transportation specialties, are available to speak at meetings on a variety of topics, such as transit planning, freight planning, open space preservation, and regional transportation safety. For more information, please contact DVRPC's Office of Communications and Engagement. DVRPC's Communications Manager receives speaker requests and directs the opportunity to relevant staff members.

Planner's Methodology

DVRPC has developed a *Planner's Methodology*, which is designed to provide guidance to staff in meeting federal non-discrimination mandates and in structuring a public participation plan at the project or study level. Meaningful public participation may differ widely, depending on the type and scope of a project. The *Planner's Methodology* sets a framework for developing public involvement for specific projects, offers a "tool kit" of public participation strategies to meet the goals in DVRPC's Public Participation Plan, and builds upon the Commission's philosophy of placing public participation at the forefront of our priorities. The *Planner's Methodology* is available on DVRPC's website.

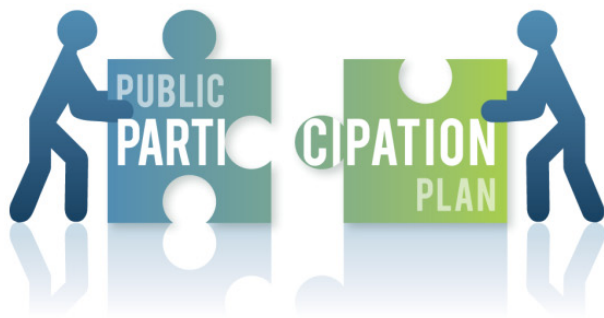
Promoting Open and Accessible Involvement

DVRPC is committed to an open and transparent planning process. The Commission's Access to Records Policy is included in Appendix B.

For More Information

For additional information about DVRPC or the Public Participation Task Force, to have your name added to our email lists, or if you have any questions regarding public participation activities at the Commission, please contact the Office of Communications and Engagement at public_affairs@dvrpc.org, 215-592-1800, or www.dvrpc.org/GetInvolved/.

Last Updated December 28, 2018



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Appendix A: **Federal Mandates**

Federal Mandates

Federal Transportation Legislation

MPO Public Participation Plans are required by federal transportation legislation. Beginning in the 1990s, federal transportation legislation increasingly focused on public participation in planning and the decision-making process. DVRPC has published a formal public participation plan since 2001, with additional significant updates in 2004 and 2008.

Federal transportation statutes require early, continued, and reasonable public access to information and the decision-making process. The MPO must provide:

- ▶ adequate public notice of public participation activities and comment periods at key decision points;
- ▶ timely notice of and reasonable access to transportation information;
- ▶ employment of visualization techniques illustrating the Long-Range Plan, the TIP, and other MPO Planning Work Program projects;
- ▶ electronically available information (e.g., via the internet);
- ▶ public meetings held at convenient and accessible times and locations;
- ▶ explicit consideration of public input received during the development of the Long-Range Plan and the TIP;
- ▶ solicitation and consideration of the needs of those traditionally underserved by transportation;
- ▶ additional public comment opportunities if the final Long-Range Plan or the TIP differs significantly from the draft version reviewed by the public;
- ▶ coordination with statewide public participation activities;
- ▶ periodic evaluation of the effectiveness of the Public Participation Plan; and
- ▶ a summary of comments received and the disposition of those comments, as well as consultation with federal, state, county, and local planning agencies impacting or affected by the transportation planning process.

Title VI and Environmental Justice

DVRPC firmly believes that Title VI and EJ statutes are inherent to all work completed by the Commission and should be incorporated into all aspects of DVRPC's public participation activities. The Public Participation Plan, DVRPC's Title VI Compliance Plan, and *Environmental Justice at DVRPC* all work concurrently to integrate federal mandates for Title VI and EJ throughout DVRPC's Work Program.

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 states that "no person in the United States, shall, on the grounds of race, color, or national origin, be excluded from participation in, be

denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

DVRPC, as the MPO for the Delaware Valley region, serves as the primary forum where state departments of transportation, transit providers, local agencies, and the public work together to develop local transportation plans and programs that address the region’s needs. To meet the requirements of these laws, the Commission shall:

- ▶ enhance its analytical capabilities to ensure that the Long-Range Plan and the TIP comply with Title VI;
- ▶ identify residential, employment, and transportation patterns of low-income and minority populations so that their needs may be addressed, and the benefits and burdens of transportation fairly distributed; and
- ▶ evaluate and, where necessary, improve the public involvement process to eliminate barriers and engage minority, disabled, elderly, and low-income populations in regional decision making.

In January 2007, the DVRPC Board approved the Commission’s Title VI Compliance Plan, which established a framework for DVRPC’s efforts to ensure compliance with Title VI as well as with other EJ and non-discrimination mandates. Updated in 2014, the plan outlines how Title VI and EJ considerations are reflected in the Commission’s Work Program, publications, communications, public involvement effort, and general way of doing business. The *Title VI Compliance Plan* is available by contacting 215-592-1800 and is located in the “Get Involved” section of DVRPC’s website.

Title VI Statement

DVRPC’s Title VI statement is included in DVRPC’s publications, website, and other communications as a means of informing the public of compliance with Title VI and of the provision of alternative language services and formats. That statement is reviewed on a regular basis (several times a year) and is updated to reflect relevant federal mandates and agency guidance. It is distributed to DVRPC staff on a regular basis and is always available and up to date on DVRPC’s website at www.dvrpc.org/policies.

As of October 23, 2018, the statement is as follows:

DVRPC fully complies with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related nondiscrimination statutes and regulations in all programs and activities. DVRPC's website, www.dvrpc.org, may be translated into multiple languages. Publications and other public documents can be made available in alternative languages and formats, if requested. 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 public meeting. Requests will be accommodated to the greatest extent possible. Any person who believes they have been aggrieved by an unlawful discriminatory practice by DVRPC under Title VI has a right to file a formal complaint. Any such complaint may be in writing and filed with DVRPC's Title VI Compliance Manager and/or the appropriate state or federal agency within 180 days of the alleged discriminatory occurrence. For more information on DVRPC's Title VI program or to obtain a Title VI Complaint Form, please visit: www.dvrpc.org/GetInvolved/TitleVI, call (215) 592-1800, or email public_affairs@dvrpc.org.

Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

EJ is the fair treatment and meaningful involvement of all people regardless of religion, race, ethnicity, income, or education level in the planning and decision-making process. 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 policy was formalized with the signing of Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which mandates that federal agencies or those receiving federal funds must include EJ as part of their mission.

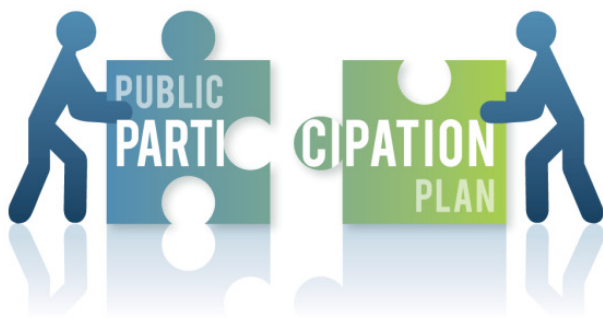
EJ encompasses three basic fundamental principles:

- ▶ to avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, of programs, policies and activities on minority populations, and low-income populations;
- ▶ to ensure full and fair participation by all potentially affected communities in the transportation decision-making process; and
- ▶ to prevent the denial of, reduction of, or significant delay in the receipt of benefits by minority and low-income populations.

EJ requires MPOs to:

- ▶ examine the allocation of benefits and burdens, 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.

Environmental Justice at DVRPC, a publication which is periodically updated, includes data that directs the Commission's public participation efforts, and provides an overview



a **Strategy**
for **Citizen Involvement**



Appendix B: Access to Records Policy

Access to Records Policy

I. Overview

The Delaware Valley Regional Planning Commission (DVRPC) was created through an interstate compact between the Commonwealth of Pennsylvania and the State of New Jersey. As such, DVRPC is governed by federal interstate compact law and is not subject to the unilateral control of any one state, including state open records laws. In October 2012, the Pennsylvania Commonwealth Court ruled that DVRPC is not subject to the Pennsylvania Right-to-Know Law, 56 A.3d 40 (Pa. Cmwlth. 2012). In June 2013, the New Jersey Government Records Council ruled that DVRPC is not subject to New Jersey's Open Public Records Act, GRC Case No. 2012-139.

This Access to Records Policy is intended to clarify existing practices of DVRPC regarding public access to DVRPC records and to assist staff in disclosing DVRPC records to the public.

This Policy is intended to balance the benefits of general public access to Commission records with other considerations of privacy, confidentiality, informed decision-making, and security. DVRPC favors the release of and access to records, and will endeavor to make as much information as possible available within the parameters of this Policy. This policy shall apply to all recorded information, regardless of whether the information exists in written or electronic format.

This Policy is not an adjudication or a regulation. It simply establishes a framework within which DVRPC will exercise its administrative discretion on records access issues.

II. Definitions

Certain terms as used herein are defined as follows:

- A. "Application materials" means applications, proposals, and related correspondence pertaining to an application to DVRPC for funding or services.
- B. "Commission" means the Delaware Valley Regional Planning Commission (also known as DVRPC).
- C. "Board" means the decision-making body composed of the 18 voting members of the Commission.
- D. "Executive Committee" means the 10-member body comprised from the full Board. Executive Committee membership consists of the 3 state officials from

each state, the City of Philadelphia, the City of Camden, and one county representative from each state as selected by their respective county members.

- E. "Records Officer" means the officer or employee of the Commission that acts as the records officer or records custodian.
- F. "Privilege" means the attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, the speech and debate privilege, or other privilege recognized by law.
- G. "Requester" means a person who requests a record pursuant to this policy. The term can also be applied to an individual representing an organization, business, or government agency that is requesting a record.
- H. "Response" means access to a record or the Commission's written notice to a requester granting, denying, or partially granting and partially denying access to a record.
- I. "Pre-decisional deliberation" means research, writing, communication, notes, or proceedings staff might undertake; and work-product produced by the review or selection committee members, prior to making a recommendation to the DVRPC Board for action.

III. Records Officer

- A. The Records Officer shall receive requests submitted to the Commission pursuant to this policy, direct requests for information to other appropriate persons within the Commission, track progress in responding to requests, and issue interim and final responses to requesters pursuant to this policy.
- B. Any employee, officer or commissioner of the Commission who receives a formal request for access to a Commission record shall immediately forward the request to the Records Officer.

IV. Access to Records

- A. Unless otherwise provided by this Policy or by law, DVRPC records will normally be accessible for inspection and duplication. The Records Officer shall permit Commission records to be inspected, and examined by a Requester during regular business hours; provided that nothing in this Policy shall be construed to require access to any computer owned by the Commission or a Commission employee.

- B. A record being provided to a Requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists. All electronic documents will be transmitted to a requester in Portable Document Format (PDF).
- C. When responding to a request for access, the Commission is not required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the Commission does not currently compile, maintain, format or organize the record.
- D. The Commission may make its records available through any publicly accessible electronic means, including the Commission's website. The Commission may respond to a request by notifying the Requester that the record is already available through publicly accessible electronic means, such as the Commission's website, or that the Commission will provide access to the record through its website at a specified time (example: after a Board action).

V. Exemptions

The following types of records (both in hard copy and digital formats) are not subject to public access under this Policy:

- A. Records related to the internal personnel matters of the Commission, including staff, officers, commissioners, alternates, professionals, and committee members.
- B. Records specifically exempted from disclosure by federal or state statute, law, regulation, court rule, court order, or common law privilege.
- C. Trade secrets, proprietary, commercial, or financial information obtained from any source, and considered privileged or confidential at the time it was obtained.
- D. Confidential business information obtained from a person requesting confidentiality.
- E. Any record subject to privilege, including medical files, attorney-client documents, and/or attorney-client work products. Information which is a communication between the Commission and its insurance carrier or manager.
- F. The internal pre-decisional deliberations of the Commission, its members, alternates, officers, legal counsel, committee members, contractors, employees, and the like, or such pre-decisional deliberations with another agency, its officers, legal counsel, employees, and the like relating to any recommendations

including, but not limited to, research, memos, budget, funding, procurement, contract, or contemplated or proposed policy or course of action used in pre-decisional deliberations.

- G. Information which, if disclosed, could give an advantage to competing applicants, competitors, or bidders, including the identity of procurement, review, and selection committee members, and their notes.
- H. Records and data that would impair present or imminent contract awards or negotiations, including records relating to contracts with independent contractors providing personal or professional services to the Commission.
- I. Minutes or notes of the Executive Committee, or any internal documents produced solely for use by the Executive Committee.
- J. Copyrighted material or information subject to a licensing, data-sharing or other legal agreement, the disclosure of which would violate the terms of such an agreement.
- K. A record, the disclosure of which creates a reasonable potential of endangering public safety or the security of a building, public utility, resource, infrastructure, facility or information storage system.
- L. It is the policy of the Commission that application materials shared with members of the Board or review or selection committees as part of carrying out Commission business shall not be subject to public access prior to final Board action. Following final Board action, persons interested in obtaining the applications or proposals may submit a request to DVRPC. The Commission will provide assistance in acquiring and distributing the information as determined by the applicant to be released. However, if such information is not made available to the Commission, the Requester will be directed to the original applicant.
- M. In the event a record involves the privacy rights of an individual, those rights shall be balanced against the public right to access in order to determine whether the record should be made public or declared exempt.

VI. Procedure for Requests

- A. To request a record from DVRPC, the Requester must complete the Access to Records Request Form and mail, fax, or email it to:

Records Officer

c/o Office of Communications and Engagement
Delaware Valley Regional Planning Commission
The American College of Physicians Building - 8th Floor
190 North Independence Mall West
Philadelphia, PA 19106-1520
Phone: (215) 592-1800; Fax: (215) 592-9125;
Email: public_affairs@dvrpc.org

- B. If the Requester needs assistance in completing the Access to Records Request form, the individual can contact the Commission's Office of Communications and Engagement. Copies of the respective request forms are available on the DVRPC website (www.dvrpc.org) or from the Office of Communications and Engagement.
- C. Requests must be sufficiently specific to enable DVRPC to ascertain which records are being requested. The Commission shall not be required to prepare new records in order to respond to a request for information.
- D. The Records Officer may deny a Requester access to a record if the Requester has made more than one request for that same record within a six month period and the record has been provided or previously denied to the Requester. Any such denial shall not restrict the ability of the Requester to request different records. The Records Officer may also deny a request based on any exemption set forth in this Policy or as required by law.

VII. Commission's Response

- A. Upon receipt of a written request, the Records Officer will review the request to determine:
 - a. whether the request is complete and sufficiently specific;
 - b. if the records are the Commission's records, and whether it has possession, custody and control of the requested records;
 - c. whether the records requested are subject to public access under this Policy; and
 - d. the Commission's ability to fulfill the request in the medium selected.
- B. The Records Officer will then recommend to the Executive Director that the request be granted, partially granted and partially denied, or denied.
- C. Pursuant to the Executive Director's review, the Records Officer shall respond to a request for access to a record as soon as possible, but not later than 30

calendar days after the day of receiving the request.

- D. The Record Officer's response may be in the form of:
- a. a grant of access, where the record(s) are immediately accessible;
 - b. a denial of access, where DVRPC does not have care, custody or control of the record, the record does not exist, or the record is exempt from production as provided in this Policy or by law;
 - c. a partial grant and partial denial of access; or
 - d. some other appropriate response including, but not limited to, an explanation that further time is required in order to respond.
- E. DVRPC may take an additional 30 calendar days to respond if additional time is required and may take additional time beyond that date if required to provide a complete response. In the case of an explanation of necessary additional time, the Records Officer will explain why additional time is required and will estimate the date on which a further response is to be expected.
- F. If the Records Officer asserts that part of a particular record is exempt from public access pursuant to this Policy, the Records Officer shall provide a redacted copy of the record, as the redacted portion is exempt from access.
- G. If the record requested is temporarily unavailable because it is in use, in storage, or pending a Board decision, the Records Officer shall so advise the Requester and shall make arrangements to promptly make available a copy of the record.
- H. If DVRPC requires an extension of time to respond to a request because (1) it requires redaction in accordance with this Policy, (2) a response cannot be accomplished due to bona fide and specified staffing limitations, (3) a legal review is necessary to determine whether the record is a record subject to access; or (4) the extent and nature of the request precludes a response within the required time period, the Records Officer shall so advise the Requester and will estimate the date on which a further response is to be expected.
- I. If the Requester has elected not to provide a name, mailing address, email address or telephone number, or other means of contacting the Requester, the Records Officer shall not be required to respond. The request form [link to Form] must be sufficiently completed to enable the Records Officer to respond.

VIII. Appeals Procedure

- A. If a request for DVRPC records is denied, the Requester may appeal that decision to the Executive Committee of the DVRPC Board. The requester shall have 30 days from the date of the denial to file an appeal.
- B. To file an appeal, the Requester must address the appeal in writing, and send by mail or facsimile to the:

Chairperson of the Board
c/o Delaware Valley Regional Planning Commission
The American College of Physicians Building – 8th Floor
190 North Independence Mall West, 8th Floor
Philadelphia, PA 19106-1520
Fax (215) 592-9125
- C. The appeal must include all information, including copies of the original request and all DVRPC responses, as well as any other information deemed appropriate for DVRPC Executive Committee review.
- D. Upon receipt of an appeal to a denial issued under this Policy, the matter will be placed on the next available Executive Committee meeting agenda for review and action.
- E. If the Executive Committee finds that the Executive Director correctly applied the approved policy and the denial was in compliance with the approved policy, a written explanation of the affirmation of the denial will be provided to the Requester. If the finding is that the request should be fulfilled, DVRPC will begin immediately to fulfill the request in accordance with the provisions of this Policy.
- F. DVRPC shall keep copies of documents it provides in response to written requests for records submitted under this Policy for five (5) years, or as instructed by the Commission's document retention policy, whichever is longer.

IX. Fees

- A. For reproduction of existing hard copy information, DVRPC will charge a reproduction fee per page. All reproduction in other formats shall be at the actual cost of the format for reproduction. DVRPC reserves the right to limit the number of copies of any document that will be provided to one person.
- B. Commission staff will estimate the total reproduction fee and the Records Officer will provide the estimate to the Requester.

- C. If the cost estimate of fulfilling the request is less than \$100.00, the fee is due at the time the request is completed. The Commission reserves the right to withhold documents until such time as the fee is paid.
- D. Should the cost estimate of fulfilling the request exceed \$100.00, the fee must be paid before fulfillment has begun.
- E. If the Requester refuses to pay the applicable fee, the request will be deemed denied and subject to the applicable appeal procedures outlined above.
- F. If the Requester owes fees on a prior request, the Requester shall be required to pay the outstanding fees prior to obtaining additional records.
- G. It is at the discretion of the Records Officer to waive all fees that total Ten Dollars (\$10.00) or less.

Adopted: July 2018

[Access to Records Request Form](#)



190 N INDEPENDENCE MALL WEST
8TH FLOOR
PHILADELPHIA, PA 19106-1520
Phone: 215-592-1800
Fax: 215-592-9125
www.dvrpc.org

Access to Records Request Form

Please complete and send to DVRPC by email (public_affairs@dvrpc.org),
U.S. mail, fax (215-592-9125), or in-person at DVRPC's offices.

Date Requested: _____

Request Submitted Via: Email U.S. mail Fax In-person

Name of Requester (required): _____

Street Address (required): _____

City/State/Zip (required): _____

Telephone (optional): _____

Email (optional): _____

Records Requested: Please provide as much specific detail as possible so that DVRPC can identify the information. Please use additional sheets if necessary.

Do you want to be notified in advance if the cost exceeds \$10? Yes No

For DVRPC Use Only

Date Received by Records Officer: _____

30-Calendar Day Response Deadline: _____ Extension (if applicable): _____

Date Response Provided: _____

Records Officer Signature: _____

The **Delaware Valley Regional Planning Commission** is the federally designated Metropolitan Planning Organization for a diverse nine-county region in two states: **Bucks, Chester, Delaware, Montgomery, and Philadelphia in Pennsylvania**; and **Burlington, Camden, Gloucester, and Mercer in New Jersey**.

DVRPC's vision for the Greater Philadelphia Region is a prosperous, innovative, equitable, resilient, and sustainable region that increases mobility choices by investing in a safe and modern transportation system; that protects and preserves our natural resources while creating healthy communities; and that fosters greater opportunities for all.

DVRPC's mission is to achieve this vision by convening the widest array of partners to inform and facilitate data-driven decision-making. We are engaged across the region, and strive to be leaders and innovators, exploring new ideas and creating best practices.

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Delaware Valley Regional Planning Commission (DVRPC) fully complies with Title VI of the Civil Rights Act of 1964 and related nondiscrimination mandates in all activities. Publications and other public documents can be made available in alternative languages and formats, if requested. For more information, visit www.dvrpc.org/GetInvolved/TitleVI.



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