

CHAPTER 4: Public Participation Requirements

Public participation is integral to crafting sound transportation policies, programs and projects. Without meaningful public involvement, there is a risk of making decisions which may produce unintended negative consequences. While the Hillsborough TPO firmly believes that encouraging meaningful public participation is necessary for good decision-making, federal and state requirements establish the minimum standards. The TPO is responsible for actively involving all affected parties in an open, cooperative and collaborative process that provides meaningful opportunities to influence transportation decisions.

FEDERAL AUTHORIZING LEGISLATION

Under 23 U.S.C. Sec. 134(h), Congress requires TPOs to consider transportation projects and strategies that:

- Support the economic vitality of the United States, the States, metropolitan areas, and non-metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;
- Increase the safety of the transportation system for motorized and non-motorized users;
- Increase the security of the transportation system for motorized and non-motorized users;
- Increase accessibility and mobility of people and freight;
- Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- Enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;
- Promote efficient system management and operation;
- Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts upon surface transportation;
- Enhance travel and tourism; and
- Emphasize the preservation of the existing transportation system.



The TPO is charged with preparing plans and programs that consider such projects, and providing for participation by interested parties, including “citizens, affected public agencies,

representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit and other interested parties.” The 2015 FAST Act also added public ports, intercity bus operators, and employer-based commuting programs as interested parties.

TITLE VI of the CIVIL RIGHTS ACT of 1964

Title VI, 42 U.S.C. §2000d et seq., otherwise known as “Title VI,” was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance.

As President John F. Kennedy said in 1963:

Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.

The Hillsborough TPO adheres to the provision of Title VI of the Civil Rights Act of 1964, prohibiting discrimination in any program receiving federal assistance. As the TPO develops and conducts its public involvement activities, it strives to seek out and consider the needs and input of the general public, including interested parties and those traditionally underserved by existing transportation systems and those who may face challenges accessing employment and other services, such as minorities and persons with limited proficiency in English.

Communities of Concern

Communities of Concern are some of the most vulnerable populations residing in Hillsborough County. Members of a Community of Concern may face unique and often overwhelming

Title VI Nondiscrimination Plan

The Hillsborough TPO updated its Title VI Nondiscrimination Plan in 2018. The update contained a new set of indicators called Communities of Concern, which identifies characteristics that may significantly burden individuals with regard to transportation and/or participation in the TPO’s public engagement processes. The Plan outlines engagement strategies, plan equity considerations, and outreach effort evaluation measures.

This update is the first standalone Title VI plan update in over a decade – the last was composed in 2006, and the Hillsborough TPO has adopted FDOT’s Title VI plan in the interim years. As part of the TPO’s commitment to inclusivity, the agency will review its Nondiscrimination Plan triennially or alongside the Public Participation Plan, whichever is more frequent.

The **Title VI Nondiscrimination Plan** is available on the web at **PlanHillsborough.org**.



obstacles related to transportation and engagement in TPO participation processes. Although the definition of this term varies across the country, the Hillsborough TPO has operationally defined a Community of Concern as any block group at least one standard deviation above the median in two or more of the following characteristics: minority population, elderly population, Limited English Proficiency population, disability, zero vehicle households, low income, or youth.

The Hillsborough TPO engages with Communities of Concern through established civic and social service groups that serve the county. The TPO also provides translation and interpretation services and makes accommodations to ensure that citizens with disabilities can access information and reasonably participate in decision-making.

Figure 1 on page 13 shows the location of Communities of Concern within Hillsborough County. This map and associated data enable the Hillsborough TPO to identify neighborhood and civic groups active in the areas of higher concentrations of protected population groups. Successful outreach can then be conducted by using established civic and social service groups to communicate.

EXECUTIVE ORDER 12898, FEDERAL ACTIONS to ADDRESS ENVIRONMENTAL JUSTICE in MINORITY POPULATIONS and LOW-INCOME POPULATIONS

As a recipient of federal funds, the Hillsborough TPO also conforms to the 1994 *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. According to the US Environmental Protection Agency, Environmental Justice (EJ) is the “fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”

The Executive Order directed that:

Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.

Furthermore, in that same year, the Federal Highway Administration (FHWA) expanded the definition of “environment” to include “the natural environment, the built environment, the cultural and social fabric of our county and our neighborhoods, and the quality of life of the people who live here. This quality of life is enhanced not only by economic security and ample natural resources, but by enduring community values and thriving neighborhoods where all citizens have access to safe, comfortable, and efficient transportation.”

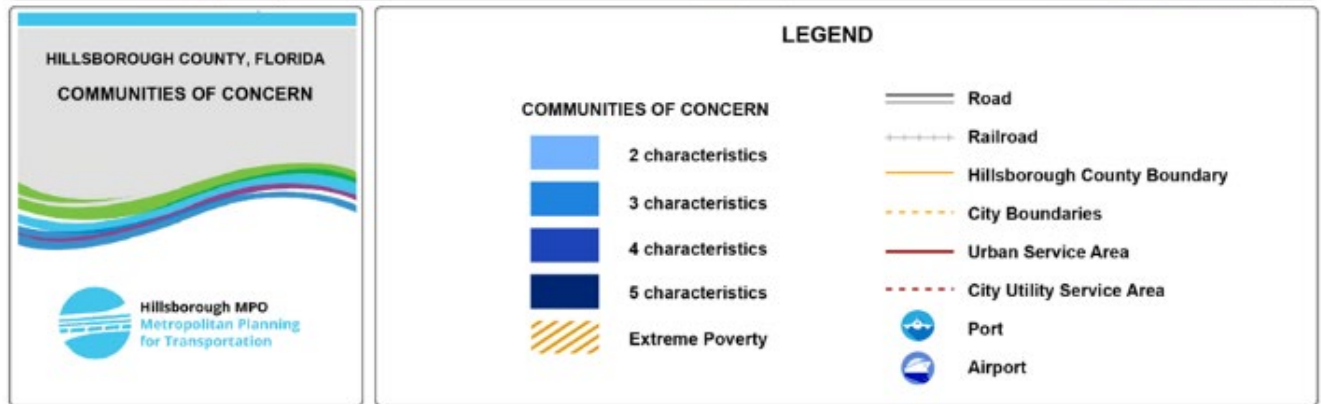
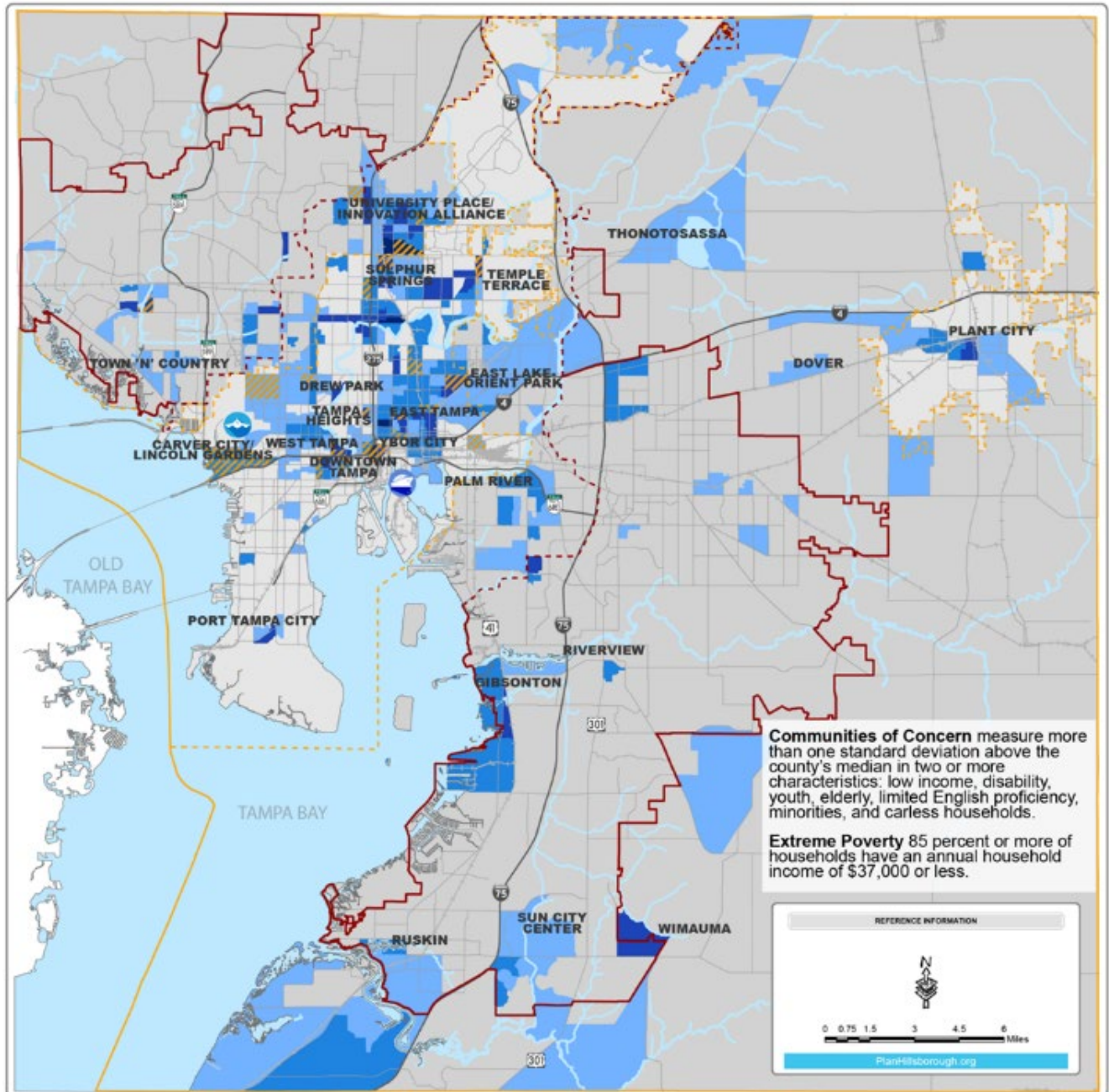


Figure 1: Communities of Concern

In 1997, USDOT issued its *DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations*, which states that a principled EJ approach will:

- Make better transportation decisions that meet the needs of all people;
- Design transportation facilities that fit more harmoniously into communities;
- Enhance the public-involvement process, strengthen community-based partnerships, and provide minority and low-income populations with opportunities to learn about and improve the quality and usefulness of transportation in their lives;
- Improve data collection, monitoring, and analysis tools that assess the needs of, and analyze the potential impacts on minority and low-income populations;
- Partner with other public and private programs to leverage transportation-agency resources to achieve a common vision for communities;
- Avoid disproportionately high and adverse impacts on minority and low-income populations; and
- Minimize and/ or mitigate unavoidable impacts by identifying concerns early in the planning phase and providing offsetting initiatives and enhancement measures to benefit affected communities and neighborhoods.

In 2015, the Florida Department of Transportation (FDOT) updated its MPO Program Management Handbook to reflect the full incorporation of EJ principles in programs, policies, and activities.

In addition to the principles in the 1997 USDOT Order, the 2015 FDOT update requires MPOs to:

- Ensure and document early, continuous and meaningful opportunities for involvement by minority and low-income communities; and
- Scrutinize demographic data to ensure that planning activities will not have disproportionately high or adverse impacts on underserved communities, and where impacts are unavoidable, that documented steps are taken to avoid, minimize or mitigate impacts.

In its capacity, the TPO assesses potential effects of its plans on minority and low-income populations and strives to avoid disproportionate impacts. Furthermore, the TPO proactively reaches out to such populations and seeks to overcome barriers that may prevent them from participating in the transportation planning process.

The FHWA and Federal Transit Administration also encourage TPOs to establish performance standards, including:

- Adequate public notice of opportunities to get involved;
- Early and continuous opportunities to review and comment on key decisions;
- Reasonable public availability of technical and other information;
- Collaborative input on alternatives, evaluation criteria, and mitigation needs;
- Open public meetings and access to the decision-making process prior to closure; and
- Explicit consideration and response to public input.

Figure 2 on page 17 shows the location of the top quintile of Environmental Justice protected populations within Hillsborough County. The Hillsborough TPO uses this information to engage in outreach to established civic and social groups, plan events at times and in locations accessible to EJ populations and determine the cumulative impacts of transportation investments on minority and low-income populations.

Title VI Checklist

The TPO is in the process of developing a checklist for interacting with Communities of Concern. This internal process is intended to identify Communities of Concern surrounding project areas and proposes different steps depending on the demographics of the area for how meetings should be conducted. For instance, a Community of Concern that contains low-income populations may more easily access a meeting held after business hours.

EXECUTIVE ORDER 13166, NATIONAL ORIGIN DISCRIMINATION AGAINST PERSONS WITH LIMITED ENGLISH PROFICIENCY

Executive Order 13166 directed that persons in the United States will not be excluded from participation in USDOT-assisted programs and activities simply because they face challenges communicating in English. To prevent exclusion of the residents in Hillsborough County who do not speak or read English proficiently, a Limited English Proficiency (LEP) Plan was adopted by the TPO to ensure access to the planning process and published information. For further information regarding the LEP, please refer to [Appendix E](#).



Limited English Proficiency (LEP)

For the TPO's purposes, a LEP person is any person five and older who reported speaking English less than "very well" as classified by the US Census Bureau. Individuals who do not speak English as their primary language AND who have a limited ability to read, speak, write or understand English must be included in the TPO transportation planning process. Therefore, executive summaries for key documents will be made available in Spanish and may be presented in alternative formats, such as brochures or newsletters. PlanHillsborough.org is a key document and includes a *Select Language* feature that enables users to translate it into more than 100 languages. Public engagement pieces like *A Citizens Guide to Transportation Planning* as well as the It's Time Hillsborough 2045 Long Range Transportation Plan and the FY 2017-18 Transportation Improvement Program have been translated into Spanish and are available for download on the PlanHillsborough.org website at planhillsborough.org/TPO-documentos-en-espanol/.

In considering how to engage LEP persons, a four-factor analysis is used to determine which language assistance services are appropriate to address the identified needs of the LEP population. The four factors are as follows:

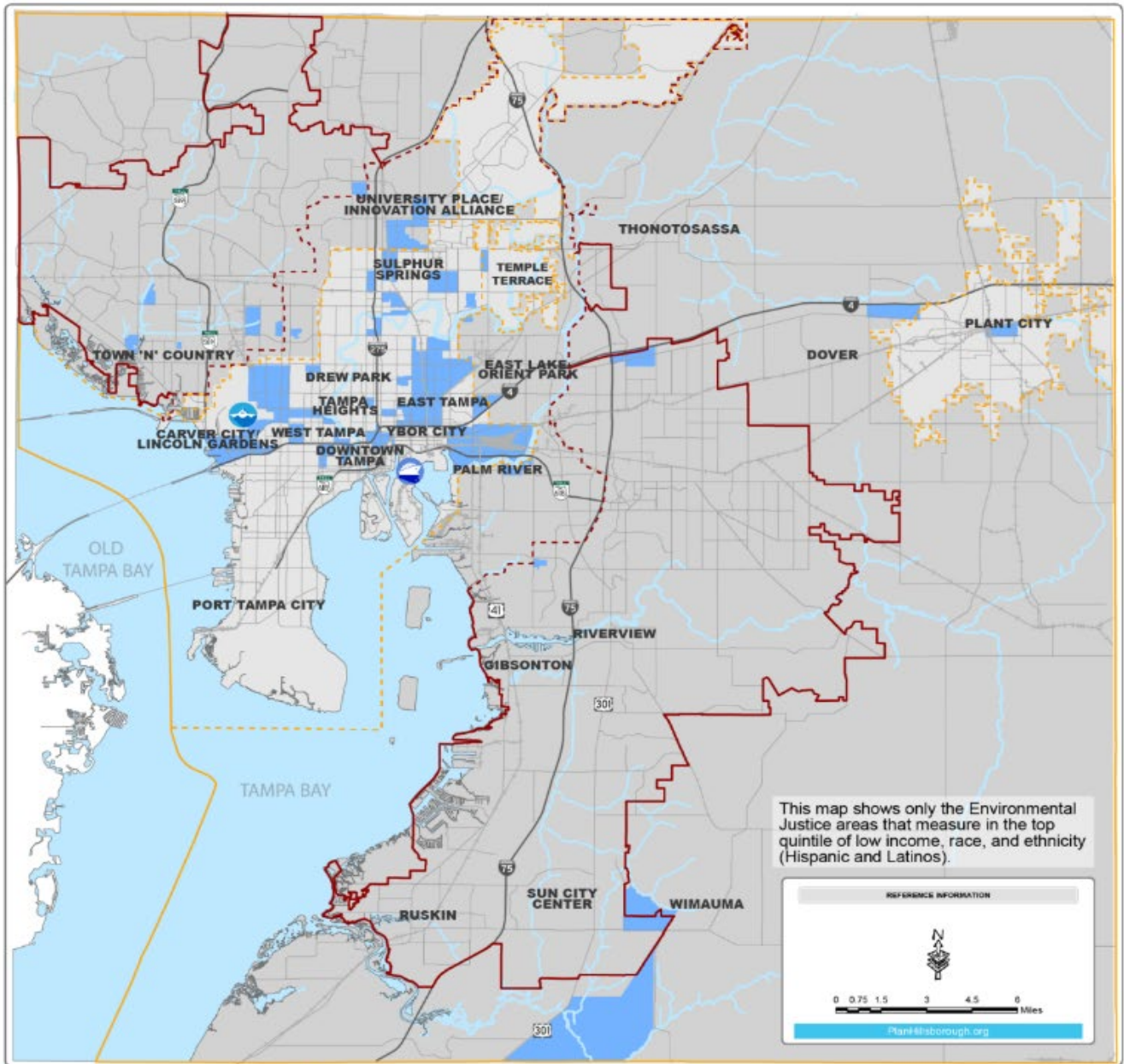
Factor 1: Demography: Assessment of the number and proportion of the LEP persons likely to be served or encountered in the eligible service population;

Factor 2: Frequency: Determining how often the populations are contacted or engaged by the agency;

Factor 3: Importance: Determining if the issues under consideration are important to these communities; and

Factor 4: Resources: Keeping an inventory of the resources available to engage these populations, including language assistance services.

These four factors must be used in conjunction with the TPO's area demographics, Public Participation Plan, measures of effectiveness, community partners, and funding levels to determine when and to what extent LEP services are required. The plans must analyze and discuss the four aforementioned factors to determine the steps, activities and resources the TPO uses to ensure access is meaningful for LEP populations. Furthermore, plans should use plain language and be accessible in length and content for the general population. These plans must be available for public access and comment.



HILLSBOROUGH COUNTY, FLORIDA

TOP QUINTILE OF ENVIRONMENTAL JUSTICE PROTECTED POPULATIONS

Hillsborough MPO
Metropolitan Planning
for Transportation

LEGEND

| | |
|---|--|
| <ul style="list-style-type: none"> Top Quintile of Environmental Justice Protected Populations Road Railroad Port Airport | <ul style="list-style-type: none"> Hillsborough County Boundary City Boundaries Urban Service Area City Utility Service Area |
|---|--|

Figure 2: Top Quintile of Environmental Justice Protected Populations

TPOs in the state of Florida are allowed, but are not required, to comply with Safe Harbor Provisions. These provisions provide affirmative defenses to findings of noncompliance by demonstrating that all vital documents are translated for any LEP language group constituting 5% of the affected population, or 1,000 persons, whichever is less. Based on the agency's assessment of the 2nd Factor of Analysis, we proactively translate key documents into Spanish. Although other language groups within the county do meet the threshold of the Safe Harbors Provision, individuals from those language groups are infrequently contacted or engaged by the agency. Therefore, the TPO may utilize other resources, such as interpreter services and bilingual family members, to communicate short messages to those LEP populations. Within its staff, the TPO has created a Spanish-speaking working group to translate planning jargon. The group discusses the language of public information material and assures that translations are understandable. **Table 1** shows the top ten LEP language groups in Hillsborough County by number of speakers.

Interpreter services are made available free of charge courtesy of Hillsborough County Communications & Digital Media Services. Interpretation services are available in 30 different languages upon request, which must be made at least 10 business days prior to TPO Board and committee meetings, workshops, forums or events. The Hillsborough TPO will make every effort to provide these services. Other special accommodations, including transportation to TPO meetings and events, are offered for those who qualify as transportation disadvantaged. Arrangements can be made by calling Joshua Barber at (813) 273-3774, ext. 313 or by emailing barberj@plancom.org at least three business days in advance.

Table 1: Limited English Proficiency Population by Language in Hillsborough County

| Language | Number of Speakers | Number of Speakers Who Do Not Speak English "Very Well" |
|---|--------------------|---|
| Spanish | 273,082 | 107,434 |
| Vietnamese | 7,833 | 4,983 |
| French Creole | 9,527 | 2,363 |
| Arabic | 7,741 | 2,377 |
| French | 6,945 | 1,457 |
| Chinese | 3,005 | 1,474 |
| Korean | 2,574 | 1,215 |
| Other Asian Languages | 5,812 | 1,279 |
| Portuguese | 3,248 | 989 |
| German | 3,863 | 697 |
| Total: | 310,707 | 121,303 |
| <i>Source: American Community Survey 2010-2014.</i> | | |

[Appendix E](#) in this document contains a portion of the *Title VI Nondiscrimination Plan* pertaining to Limited English Proficiency populations. In order to minimize costs, Hillsborough TPO staff and services provided by Hillsborough County, the local jurisdictions or other agencies will be used whenever possible. Some resources outside the Hillsborough TPO staff include but are not limited to:

Hillsborough County Customer Service

(Multi-lingual “Language Line” assistance for telephone customers)

Phone: (813) 272-5900

Hillsborough County Communications & Digital Media

Phone: (813) 272-5314

Hillsborough County Communications Department – Language Services

Contact: Luis Lopez | Phone: (813) 307-8377

Communication Access Real Time Translation (Speech to Text)

Contact: Joshua Barber | Phone: (813) 273-3774, ext. 313

Figure 3 on page 20 shows the location of high concentrations of LEP households in Hillsborough County. The Hillsborough TPO uses this data to notify LEP persons for whom it proactively provides language services of the availability of these services. Example notifications include signage, presentations at schools and/or faith-based organizations and working with community-based organizations and other stakeholders to inform LEP individuals of the TPO’s services and the availability of language assistance. This data is also used to identify community organizing agencies and advocacy groups that represent LEP populations as a means to invite them to participate in the transportation planning process.



Public Records and Open Meetings

In Florida, every person has been granted the constitutional right to inspect or copy any public record, with some exceptions, at both the state and local levels. Almost all written communication, including e-mails and messages posted to the TPO’s social networking sites, fall under the definition of public records. Notices will be placed on these media so that the public is aware that their communications to the TPO are subject to disclosure. All meetings of the TPO Board, advisory committees and subcommittees are governed by the Sunshine Law. This assures

accountability and a transportation planning process that is transparent and fully accessible. Excerpts from the *Government-in-the-Sunshine Manual* are available in [Appendix D - Section 3](#), of this document. For more information, visit:

myfloridalegal.com/sunshine.

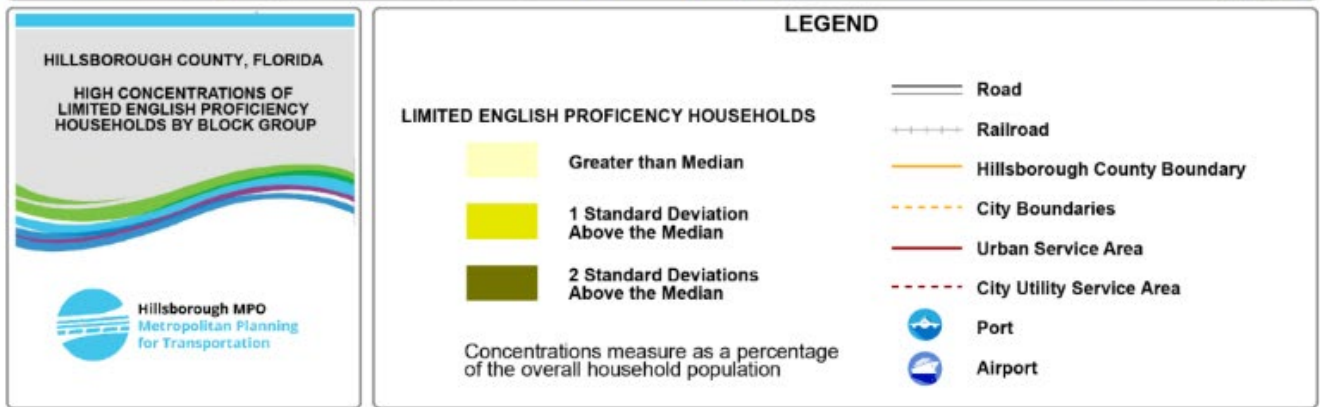
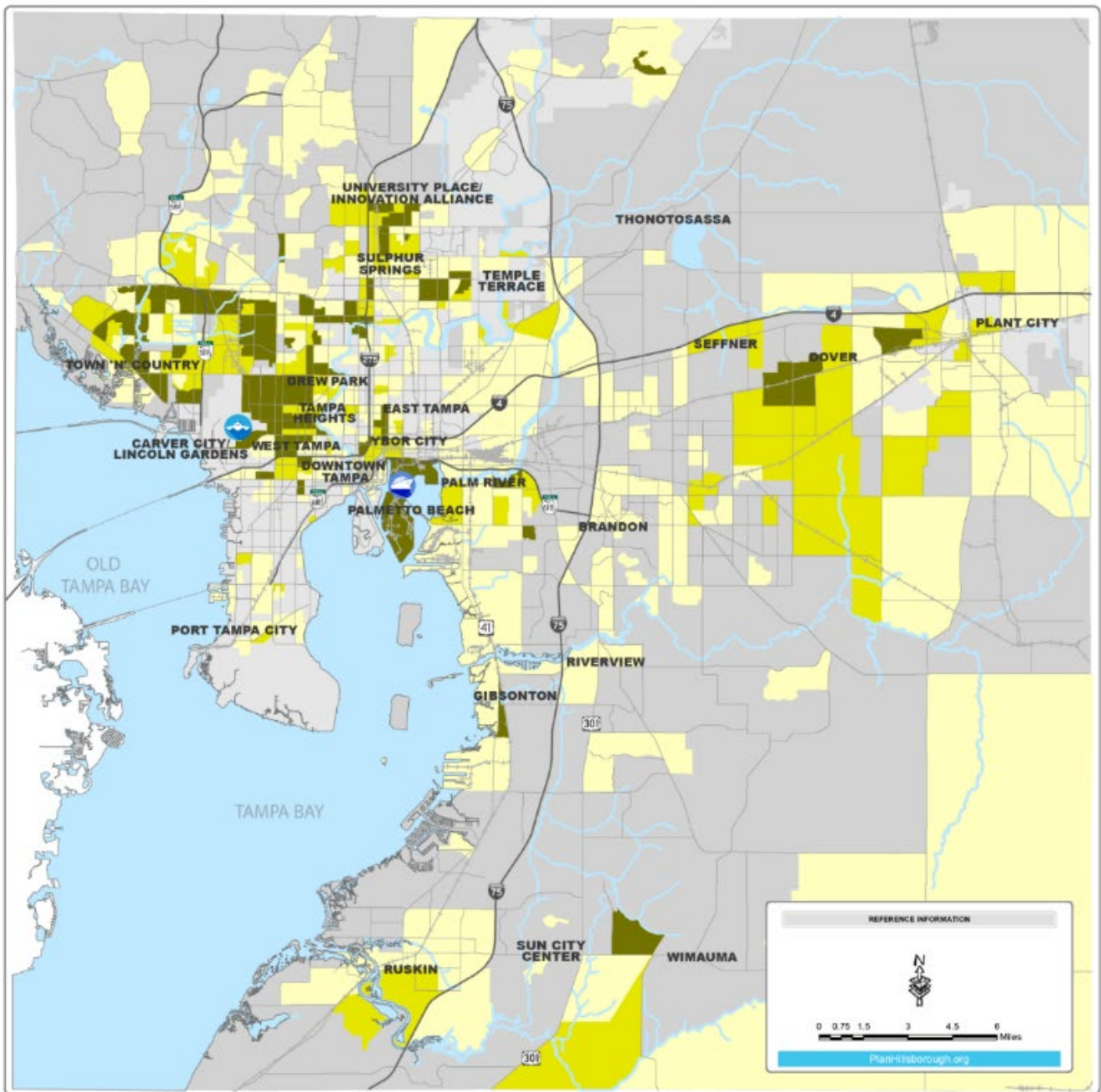


Figure 3: Location of High Concentrations of LEP Households in Hillsborough County

Accessibility for Persons with Disabilities

The Hillsborough TPO recognizes and values the diversity within our county. We also recognize the importance of including those individuals and groups who have been traditionally underserved. Workshops and forums will occur at various locations and times throughout the county in order to give people a variety of participation opportunities. All TPO public meetings and formal events will be held in facilities that are accessible to persons with disabilities.

- Upon request, TPO plans and documents will be produced in large type or other formats for the visually impaired.
- TPO websites will conform to the WAI-AA and US Section 508, making use of World Wide Web Consortium standards, including XHTML and CSS.
- In addition, TPO audio-visual productions will provide for closed captioning for the hearing impaired.

Section 508 of the Rehabilitation Act requires federally funded departments or agencies that develop, procure, maintain, or use electronic and information technology to ensure that the electronic and information technology is accessible to all. The TPO is taking action to proactively convert key documents into a compliant format, using current professionally accepted methods. While this conversion process continues, the TPO has a designated staff person to assist anyone with disabilities in accessing, reading, or understanding documents or other electronically available information, as needed. The TPO's website provides access to many thousands of documents, as well as interactive mapping and data analysis tools, to provide information resources to the public as widely as possible. To lead the Section 508 compliance effort for the material made available on the website as well as the website structure itself, the TPO has formed an Accessibility Committee on staff.

Our Commitment to Diversity & Civil Rights

The TPO does not discriminate in any of its programs or services. The organization has adopted a policy that:

...no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and the Florida Civil Rights Act of 1992 be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

As part of the Unified Planning Work Program (UPWP), this policy statement is reaffirmed annually to fulfill the TPO's responsibilities under Title VI of the Civil Rights Act of 1964 and associated federal and state laws.

It is critical that the TPO communicate this commitment to nondiscrimination in plain language. Consequently, the following language shall appear on all TPO documents, plans and studies made available to the public:

The TPO does not discriminate in any of its programs or services. Public participation is solicited by the TPO without regard to race, color, national origin, sex, age, disability, family or religious status. To learn more about our commitment to nondiscrimination, visit planhillsborough.org/title-vi-and-accessibility/.

The TPO updated its *Title VI/Nondiscrimination Plan* in early 2021. This plan identifies the location of Communities of Concern and engagement protocols, lists ways the TPO determines plan equity, and states how the TPO evaluates effectiveness. The *Title VI/Nondiscrimination Plan* can be found on the web at planhillsborough.org/nondiscrim-plan/

The TPO has designated a Title VI Coordinator who reports directly to the TPO Executive Director on nondiscrimination matters and responds to any complaints of discrimination filed by the public. That role is currently filled by Joshua Barber, who can be contacted at (813) 576-2313 or barberj@plancom.org.

For further information regarding other statutes, please see Appendices C and D for requirements, related statutes and rules.

