

Process for Non – Metropolitan Local Official Participation in the Statewide Transportation Planning Process

I. Definitions:¹

“*Consultation* means that one or more parties confers with another identified party in accordance with an established process and, prior to taking action(s), considers the views of other parties and periodically informs them about actions(s) taken.”

“*Cooperation* means that the parties involved in carrying out the transportation planning and programming processes work together to achieve a common goal or objective.”

“*Non-metropolitan areas* mean the geographic areas outside designated metropolitan planning areas, as designated under 23 U.S.C. 134 and 49 U.S.C. 5303.”

“*Non-metropolitan local official* means the elected and appointed officials of general purpose local government, in non-metropolitan areas, with responsibility for transportation.”

II. Consultation Process: In carrying out the statewide transportation planning process prescribed in 23 CFR Part 450, Subpart B, the Vermont Agency of Transportation (VTrans) will elicit and consider the concerns of non-metropolitan local officials in three ways.

A. The Transportation Planning Initiative (TPI): This consultative planning process is based on enacted state and federal legislation. The 1988 amendments to the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117 (frequently referred to as “Act 200”), encourages community and citizen participation in the planning process. The amendments specify that regional planning efforts be in consultation with their member municipalities and that state plans be compatible with regional and municipal plans. In addition, the 1991 federal Intermodal Surface Transportation Efficiency Act (ISTEA) and successive Acts mandate states consult with non-metropolitan officials in their statewide transportation processes. In 2012, MAP-21 further strengthened the role of municipalities and regions in transportation planning by replacing “consultation” with “cooperation”.

In 2007, the Vermont legislature amended the Vermont Highways law, 19 V.S.A. §10L, to recognize the unique expertise of the regional planning commissions in performing rural transportation planning and local consultation activities that build upon the integration of land use, environmental, and economic development inputs.

In the spirit of these laws, VTrans, in consultation with Vermont’s regional planning commissions and the Vermont League of Cities and Towns (VLCT), created the Transportation Planning Initiative (TPI) as a means of organizing a transportation planning process in which municipalities, citizens and stakeholders could participate directly. The fundamental principle is to enable all levels of the community to influence

¹ Source: Federal Regulation 23 CFR, part 450.204 Definitions.

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the transportation policy, planning, and projects and to foster compatibility in local, regional, and state plans. Thus, through the TPI, statewide transportation plans, priorities and projects are meant to reflect local, regional, and statewide goals and interests.

VTrans maintains a programmatic Manual and Guidebook the most recent version of which was updated in 2018. The TPI Manual and Guidebook, 2018 is available at: https://vtrans.vermont.gov/sites/aot/files/planning/documents/planning/TPI%20Manual_Final%20v3.pdf

In 2007, the duties of regional planning commissions serving areas of the state not qualifying as a Metropolitan Planning Area under federal regulations were codified in 19 V.S.A. §10L under the TPI. This program provides the mechanism by which the Agency coordinates policy development and planning to ensure the involvement by Vermont citizens and rural local officials.

Local official consultation within the TPI happens in many ways, including in the engagement of regional Transportation Advisory Committees (TACs), in project local concerns meetings, through municipal approval of the regional transportation plans, review and comment on the state long range transportation plan, modal plans and through other projects and planning activities coordinated through the TPI.

Each regional commission has a transportation advisory committee (TAC), or the equivalent, with representation of member municipalities and, in many instances, representatives from local stakeholder groups. Municipal representatives are appointed by local legislative bodies (i.e. as defined in 24 V.S.A. §4303). The broad responsibilities of the TAC are to concur in the region's annual work plan, approve the transportation planning products developed in the region, and to recommend plans, projects, project priorities, and transportation policies. The TAC also act as a liaison between local communities and VTrans, providing local and regional input on transportation issues important to their regions.

An annual work plan delineates the planning projects and tasks to be conducted by the regional planning commission during the course of a TPI program year. The work plan is developed by the regional planning commission in consultation with the TAC and VTrans. The work plan includes how the TAC members communicate back with their local planning commissioners and select board on a regular basis. Evidence of TAC support accompanies the proposed work plan when submitted to the Agency of Transportation.

As indicated in the annual TPI program guidance, a broad array of long range, short range, project development planning and public participation activities and tasks are eligible to be performed by regional planning commissions and TACs under the TPI program – most directed to evaluating specific local and/or regional transportation problems/issues, and providing input and recommendations to the state's transportation decision making processes; including the state long range transportation plan, annual project prioritization and selection process, the Transportation Capital Program, the Statewide Transportation Improvement Program and in direct testimony to the Vermont

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General Assembly. With respect to planning studies, a program stipulation is that local governments be actively involved in all local planning projects from inception to completion – the final planning work product to be endorsed by the affected community or communities.

Regional transportation plans are prepared or updated in each region, reflecting the input of local officials in a substantive way. The regional transportation plans describe the long-term transportation goals of each region and are adopted into the Regional Plan, pursuant to 24 V.S.A. §4348. Upon completion of draft regional transportation plans, TAC input and RPC Board approval is solicited before adoption of final plans. Each plan is updated at intervals of no more than eight years. The regional transportation plan is furnished to the VTrans as a basis of the Statewide Long Range Transportation Plan.

No less than annually, VTrans will request TAC input with respect to the priority of transportation projects proposed for their respective regions. TAC's and RPCs can nominate regionally identified transportation needs via the VT Project Prioritization and Selection Process (VPSP2). VTrans will coordinate with RPC staff and provide the information and data necessary to support the TAC/RPC prioritization process. The input from each region will be used by VTrans in its on-going process of identifying needs and relative priorities throughout the state and preparing the Capital Program and the Statewide Transportation Improvement Program (STIP).

B. Statewide Long Range Transportation Plan: In accordance with the requirements of 23 CFR 450.214, the Agency of Transportation has prepared a Statewide Long Range Transportation Plan. The statewide long range transportation plan will be updated at approximately five-year intervals and will document responsiveness to the public involvement requirements of relevant portions of 23 CFR 450.212 via use of a process as follows:

While preparing the plan, regional meetings will be held in conjunction with the ongoing Transportation Planning Initiative. During these meetings, in accordance with the requirements of 23 CFR 450.214 (g), input will be sought from affected local officials. Upon completion of a draft long-range plan, local official comments and concerns will be solicited through the regional planning process before adoption of a final plan. The draft plan will be published and a public notice about its availability will be issued statewide. The notice will provide information on how copies of the plan may be obtained, and it will solicit comments on the draft plan. In addition, a copy of the draft accompanied by a written invitation for comments will be provided to each regional planning commission TAC. Written comments on the draft plan will be accepted for five weeks from the date of the notice and invitations. Comments will be carefully considered in the development of the final plan. After publication of the final plan, a responsiveness summary discussing the comments made on the plan will be provided to each TAC. The final plan will be published and a statewide notice will be issued advising of its availability.

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Minor changes to the plan may be made by the Vermont Agency of Transportation. Two weeks prior to making any such minor changes, a notice to each TAC soliciting comments and concerns will be issued outlining the proposed minor changes. The Agency of Transportation will consider the comments received prior to finalizing the minor changes.

C. Statewide Transportation Improvement Program (STIP): In accordance with 23 CFR 450.218 the state is responsible for developing a statewide transportation improvement program for all areas of the state. In developing the statewide transportation improvement program, affected local officials with responsibility for transportation shall be involved on a consultation basis for the portions of the program in non-metropolitan areas of the State.² The Agency of Transportation will use the regional planning commission Transportation Planning Initiative to facilitate and consolidate input.

Each year, the Agency of Transportation adopts a Statewide Transportation Improvement Program (STIP). The STIP is a four-year, financially constrained schedule for obligation of federal transportation funds. It is closely linked to, and must be consistent with, a four-year capital budget for expenditures, forwarded by the Agency of Transportation to the Vermont General Assembly annually. Non-metropolitan local official involvement in the development of the STIP will be achieved in the following ways:

(1) Once each year as soon as possible following adjournment of the General Assembly, the Agency of Transportation, in cooperation with the regional planning commissions, will hold a public meeting to solicit public comment on the STIP. Online webinar facilities may be used to provide simultaneous dispersed geographic access for public input. The public meeting will discuss: 1) needed amendments to the current year's STIP, arising either from legislative action or from other causes; and 2) input and comment on the coming year's STIP. In addition to soliciting comment from the general public, notice of this meeting and an invitation to submit comments will also be offered to regional planning commission TACs and to affected municipalities. Two weeks prior to the meeting, the draft STIP will be printed and a public notice about its availability will be issued statewide. The notice will provide information on how copies of the draft STIP may be obtained, will solicit comments on the draft STIP, and will provide a schedule for the public meeting. Copies of the notification and a copy of the draft will be provided to each regional planning commission. Written comments on the draft STIP will be accepted for two weeks following the public meeting. All comments will be carefully considered in the development of the final STIP.

(2) Major changes to the STIP will be made using a public involvement process similar to that found in part (1) above. Major changes shall consist of the addition of new large projects (over \$10,000,000) to the STIP, or cumulative changes which would drop a large project out of the STIP. The process shall be the same as found

² 23 CFR 450.218(c) Development and content of the statewide transportation improvement program,

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above, accepting that one meeting will be held in a suitable central location and comments will be accepted for three (3) days after the meeting. Affected regional planning commission's TACs and municipalities will be notified directly in writing of proposed major STIP changes one week prior to the meeting.

(3) The Agency of Transportation may make minor changes to the STIP. Minor changes may include but are not limited to moving a project from year one to year two or three of the STIP, or vice versa; \$10,000,000 or larger changes to a project already in the STIP; or, the addition or deletion of projects of \$10,000,000 or less. One week prior to making such minor changes, a statewide notice outlining the proposed changes will be issued. Affected regional planning commissions will receive this notice directly. The notice will provide information on how comments can be made about the proposed minor changes. Public comment will be accepted up to the effective date of the change as stated in the statewide notice, but shall not be less than seven days from the appearance of the public notice.

(4) No comments from TACs or other non-metropolitan local officials will be pursued for the addition of a new project during an emergency, cost changes to a project in the STIP of less than \$10,000,000, for adding a phase of work for less than \$10,000,000 for a project already on the STIP, or changes to the description of a project already on the STIP, although comments on changes are accepted.

III. Periodic Review: Within five (5) years of the effective date of this document, or no later than March 1, 2026, the Agency of Transportation will review and solicit comments from non-metropolitan local officials and other interested parties for a period of no less than 60 days regarding the effectiveness of the consultation process and proposed modifications, and thereafter at least once every 5 years.³ A specific request for comments shall be directed to the Vermont League of Cities and Towns (as being the state municipal league cited in the federal regulations) and to the TACs of each regional planning commission participating in the TPI program.

In accordance with federal policy, the state, at its discretion, shall be responsible for determining whether to adopt any proposed modifications.⁴ If a proposed modification is not adopted, the state shall make publicly available its reason for not accepting the proposed modification by written notification to the Vermont league of Cities and Towns and regional planning commission TACs.

³ In accordance with 23 CFR 450.210 Interested parties, Public involvement and consultation.

⁴ 23 CFR 450.212 Public involvement, (i); adopted January 23, 2003.