~ PUBLIC NOTICE ~

The New Hampshire Department of Transportation (NH DOT) is opening a public comment period on:

PUBLIC CONSULTATION PROCESS FOR REGIONAL AND LOCAL OFFICIALS
INVOLVED WITH TRANSPORTATION EFFORTS IN
NEW HAMPSHIRE

Copies of the document report and supporting materials are available for review and comment by contacting William Watson, (603) 271-3344 or visiting the Department of Transportation's website at http://www.nh.gov/dot/org/projectdevelopment/planning/documents/PublicConsultationProcess.pdf. The public comment period will be open from March 21, 2016 through the close of business (4:00 PM) on May 20, 2016.

Comments should be addressed to:

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or may also be sent by email to Bureau46@dot.state.nh.us

All comments must be received no later than 4:00 PM on
May 20, 2016.

William Watson, PE
Administrator, Planning & Community Assistance
Dated at Concord, NH
this 16th day of March, 2016

Public Consultation Process for Regional and Local Officials Involved with Transportation Efforts in New Hampshire

New Hampshire Department of Transportation

Draft

March 17, 2016

New Hampshire DOT
Department of Transportation

Background

The Fixing America's Surface Transportation (FAST) Act, signed into law on December 4, 2015, encourages and promotes the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight, foster economic growth and development within and between States and urbanized areas, and take into consideration resiliency needs while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes and to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators. The statewide transportation plan shall be developed in cooperation with affected nonmetropolitan officials with responsibility for transportation or, if applicable, through regional transportation planning organizations.

Federal regulations found under 23 CFR 450.210(b) state that "...The State shall provide for non-metropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The State shall have a documented process(es) for consulting with non-metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range statewide transportation plan and the STIP. Although the FHWA and the FTA shall not review or approve this consultation process(es), copies of the process document(s) shall be provided to the FHWA and the FTA for informational purposes.....". Though the local officials' consultation procedures have been established through federal regulations, NHDOT has been having ongoing local consultation since the early 1990s.

As part of this effort, NHDOT is defining consultation as "NHDOT conferring with other parties in accordance with established processes and procedures, and prior to taking actions, considering the other parties' views and periodically informing the parties of actions taken." Where formalized processes and procedures are not in place, NHDOT will attempt to document the practices followed, and comment on the practices for consideration as future formal processes and procedures.

The purpose of this document is to identify the many processes that allow for non-metropolitan local official participation in numerous efforts led by NHDOT, not only in the development of the federally recognized Long-Range Transportation Plan (LRTP) and the STIP, but also the State of NH Ten Year Transportation Improvement Plan process, local project selection and ongoing public involvement efforts. Public involvement, at all levels of state, regional and local levels are critical to the success of transportation projects in New Hampshire and NHDOT is committed to ensuring that the partnerships established by this involvement and communication continue to improve and expand in the future.

Regional Planning Commissions in NH

New Hampshire is divided into nine Regional Planning Commission areas. Five of them – Central, Lakes Region, North Country, Southwest, and Upper Valley/Lake Sunapee – are rural in nature but may contain small urban areas (5,000 – 50,000 population). They are known as RPCs. The four remaining planning commissions – Nashua, Rockingham, Southern, and Strafford – cover areas with a central city, or group of cities that have a population greater than 50,000. These areas are designated by the governor as Metropolitan Planning Organizations, or MPO's, to meet federal requirements. The RPCs and MPOs are responsible for identifying transportation concerns and projects through a regional public involvement process. The regional listing of these projects is called a Transportation Improvement Program (TIP).

The MPOs are required to develop a 20-year, project specific long-range transportation plan and a four-year financially constrained TIP. The development of these two items must be done cooperatively with the NHDOT and the providers of public transit services. In addition, there must be ample opportunity for public involvement during the development of these documents. Each of the MPOs has established a public involvement process.

The non-MPO RPCs, although not required by federal regulations, prepare long-range transportation plans that outline recommended approaches for addressing regional transportation needs which may or may not be project specific. In addition, they prepare TIPs that cover a ten year period and updates are completed every two years. These RPCs also have an active public involvement process.

Other key participants in the transportation planning process include the general public, legislators, federal, state and local officials, transit agencies, other agencies, public ports, certain private providers of transportation, and special interest groups. You are encouraged to become familiar with your RPC or MPO public involvement process and to take an active role in the plan and program development for New Hampshire.

In all of the processes noted below, regardless of the MPO/non-MPO status of the nine regional planning commissions, public involvement, coordination and consultation is addressed in the same manner by NHDOT, unless there is a federal regulation that requires separate treatment. That is, whenever statewide transportation planning processes occur, all of the regional planning commissions and communities represented are equally able to be fully involved in the transportation planning process.

Long-Range Transportation Plan

The Long-Range Transportation Plan (LRTP) is an essential tool for identifying future transportation needs. By looking at the present transportation system, the transportation needs into the future are identified through a series of long-range transportation goals and objectives.

NHDOT's LRTP was most recently updated in July of 2010, and included review through and by the nine regional planning commissions through public meetings and staff reviews to achieve consistency between regional and state transportation plans. In addition, public comment periods were announced through the NHDOT website and the New Hampshire Union Leader, and information hearings and discussions occurred through the Legislature. This cooperative effort is advantageous when planning major construction improvements and developing management strategies.

The LRTP requires continuous evaluation and revision. NHDOT developed a formalized process for communications, review and comment. NHDOT is committed to include as part of this process presentation to regional planning commission technical advisory committees and policy committees. NHDOT shall invite the regional planning commissions to share this document with their communities for further review and input. NHDOT may also include additional public opportunity for input through public meetings. Notification of these meetings will be published in a newspaper of general circulation in the State of New Hampshire, NHDOT website and by other interested parties. Notifications will be made through statewide newspapers, the NHDOT website, and other sites such as the regional planning commissions (which we will request) that allow for electronic access to LRTP documents for review and comment. The NHDOT is committed to using technology as much as possible to maximize the opportunities for comments.

Through these opportunities for comment, the proposed LRTP is compiled to reflect public input. Federal regulation 23 CFR 450.210 (a)(1)(i) declare that, "....the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian and bicycle facilities, representatives of the disabled, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed plan."

The final LRTP reflecting the comments of all of the above mentioned communications methods is adopted by the NHDOT as a guide for the future development of the transportation system.

In the public consultation process used by the Department for the development, revision and update of the LRTP, all regional planning commissions and public officials are consulted with equally, regardless of their status as a metropolitan or non- metropolitan regional planning commission or community.

Ten Year Plan Process

The process of involving local planning officials is specified under the New Hampshire RSA 228:99. The decision by New Hampshire Legislature to fully involve the local communities served by all of the regional planning commissions in the State Transportation Improvement Program's/Plans development has proved successful in all of the past development rounds. One measure of this success is that the NH Legislature typically does not touch any of the projects recommended through the public hearing process, which is described in more detail below. Key to the initiation of the process is the input of local officials through their regional planning commission.

Once the programs have been evaluated and a draft statewide program is produced, local officials have the opportunity for input at a series of statewide hearings held by the Governor's Advisory Commission on Intermodal Transportation (GACIT). In the most recent update of the 2017-2026 Ten Year Plan, 16 public hearings were held throughout the state in the fall of 2015.

All regional planning commissions have participated in the presentation at the GACIT Public Hearings and shall continue to be invited to be actively involved in the future, explaining their process and identified regional needs. Additional opportunities for local input occurs during the hearings on the Ten Year Transportation Improvement Plan held by New Hampshire Legislature as the Plan is reviewed and ultimately enacted into law. All of these hearings are publicly noticed in advance by the Legislature and are open to the public.

In the public consultation process used by the Department for the development, revision and update of the State's Ten Year Plan, all regional planning commissions and public officials are consulted with equally, regardless of their status as a metropolitan or non-metropolitan regional planning commission or community.

Statewide Transportation Improvement Program (STIP)

Federal regulations, as codified in title 23 part 135 and 49 part 5305 of the United States Code (USC), stipulate that each state will develop a continuing, cooperative, and comprehensive statewide multimodal transportation planning process, including the development of a statewide transportation improvement program (STIP).

In New Hampshire the STIP is updated every two years and is developed through a coordinated statewide and metropolitan planning process. The metropolitan planning process, as defined in 23 USC part 134 and 49 USC part 5303, is carried out by the four MPOs. Each of the MPOs has adopted a metropolitan transportation plan (MTP) and a Transportation Improvement Program (TIP). The TIPs were developed and approved in accordance with 23 part 450.322 of the Code of Federal Regulations (CFR) and include a financially constrained program of transportation projects within their regions. The MPO TIPs are consistent with the regulations outlined in 23 CFR §450.324, including requirements related to financial constraint, and have been incorporated, without change, most recently into the approved 2015-2018 NH STIP. This process will continue as outlined in the future.

The NH Department of Transportation (NHDOT), through cooperation and coordination with all of the regional planning commissions maintains the STIP. The approved STIP is frequently revised to reflect changes in project status. Changes in project schedules, funding needs, and project scopes require revising the approved STIP. These changes may be initiated from the NHDOT or at the MPO and depending upon their significance and complexity, require coordination from several agencies and may also require Federal approval. STIP Revisions procedures were adopted by NHDOT in consultation with the MPO's, rural RPCs, EPA and NHDES and then approved by FHWA and FTA on November 18, 2015. These are available for public inspection through the NHDOT website, as noted at the end of this document.

Through interagency consultation, the NHDOT participates with representatives from the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Environmental Protection Agency (EPA), the NH Department of Environmental Services (NHDES), the MPOs and the RPCs to discuss issues, effects of, and requirements regarding revisions of the STIP. These issues include MPO public comments and participation periods, statewide comment periods, financial constraint and air quality conformity determinations. NHDOT is also committed to participate in and share STIP revision information to regional planning commission technical advisory committees and policy committees as part of their approval process.

For non-MPO areas, the NHDOT utilizes the TIPs prepared by the RPC during the development of the Ten Year Plan although project by project inclusion is not required. During the development of the regional TIPs and the STIP, the opportunity for public involvement is open through contact with the regional planning commission and the NHDOT.

In the public consultation process used by the Department for the development, revision and update of the STIP, all regional planning commissions and public officials are consulted with equally, regardless of their status as a metropolitan or non-metropolitan regional planning commission or community and regardless of the requirements that govern metropolitan planning organizations that do not govern rural regional planning commissions.

Other opportunities for consultation

A number of additional initiatives have been advanced through the years to facilitate project development and expedite interagency coordination. Through this approach of Context Sensitive Solutions, local Officials and Communities have an opportunity to participate in open forums as a project advances through the design.

All regional planning commissions also participate in the Congestion Mitigation and Air Quality (CMAQ) project selection process. All have the opportunity to be directly involved in other program application and funding rounds including Transportation Alternatives Program (TAP) projects and the Highway Safety Improvement Program (HSIP) projects, as well as corridor studies and other related local assistance activities through biennial contracts the regional planning commissions have with NHDOT. All of these opportunities provide direct involvement, participation and consultation opportunities to regional and local officials.

NHDOT also has created or been invited to be part other communication and outreach opportunities with the regional planning commissions. These include more formal Unified Planning Work Program (UPWP) development efforts to provide greater understanding, transparency and consistency among all of the regional planning commissions, a Transportation Planning Collaborative (TPC), which consists of planning staff from NHDOT and all of the regional planning commissions who meet on a regular basis, and NHDOT is regularly invited to participate regional planning commission Executive Director meetings, which are held monthly.

In addition, during the development of projects managed by the Department, there are requirements and numerous opportunities for local consultation through development of engineering concepts, during the assessment of environmental studies and impacts, through the identification of preferred design alternatives, public hearings, through final design and construction.

Context Sensitive Solutions (CSS) is one NHDOT utilized public involvement approach to planning and designing transportation projects based on active and early partnerships with communities and project stakeholders. CSS involves a commitment to a process that encourages transportation officials to collaborate with stakeholders from the community and environmental resource groups so the design of the project reflects the goals of the people who live, work and travel in the area. Such collaboration results in creative and safe transportation solutions.

Numerous NHDOT engineers, planners, project managers and community relations representatives, as well as consultants and community leaders have been trained in CSS techniques: flexible design, respectful communication, consensus-building and community participation, negotiation and conflict resolution.

The Department has published Public Involvement Procedures in 2012, these procedures outline many of the items addressed here, but in greater detail; the procedures are available on the NHDOT website. The Department is committed to updating these procedures at least once every five years, using all of the communication methods identified here in this documentation for other efforts such as the STIP and LRTP.

In the public consultation process used by the Department for the development, revision and update of many locally focused transportation programs, all regional planning commissions and public officials are consulted with equally, regardless of their status as a metropolitan or non-metropolitan regional planning commission.

Conclusion

It is clear that the State shall provide for non-metropolitan local official participation in the development of the Long-Range Transportation Plan, the Ten Year Plan, the STIP, and individual project development. All opportunities for participation and involvement offer the accommodations of resources to allow for accessibility by all wanting to be involved. The State shall have a documented process(es) for consulting with non- metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation. From the information presented here, the Department is confident through this documentation that it is complying with the regulations that are in place.
The Department will continue to strive and document its efforts to provide for regional and local official participation in all of its transportation programs, regardless of metropolitan status.

The NHDOT continues to be committed to reviewing and updating these consultation procedures as deemed necessary, using all of the communication methods identified here in this documentation for other efforts such as the STIP and LRTP.

Additional Reference Information:

Long Range Transportation Plan Information:
http://www.nh.gov/dot/org/projectdevelopment/planning/lrtbp.htm

Ten Year Plan Legislation:
http://www.gencourt.state.nh.us/rsa/html/xx/228/228-mrg.htm
http://www.gencourt.state.nh.us/rsa/html/xx/240/240-mrg.htm

Ten Plan Document:
http://www.nh.gov/dot/org/projectdevelopment/planning/typ/index.htm

STIP:
http://www.nh.gov/dot/org/projectdevelopment/planning/stip/index.htm

STIP Revision Procedures:
http://www.nh.gov/dot/org/projectdevelopment/planning/stip/documents/NHSTIPAmendmentProcess.pdf

Locally Administered Projects:
http://www.nh.gov/dot/business/municipalities.htm

NHDOT CSS Process:
http://www.nh.gov/dot/org/projectdevelopment/highwaydesign/contextsensitivesolutions/index.htm

NH Regional Planning Commissions:
http://www.nh.gov/oep/resource-library/regional.htm

NH Transit Providers:
http://www.nhtmc.com/Rail_and_Transit/transit_services.html