

2018

# Kittery Area Comprehensive Transportation System Public Participation Plan



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Southern Maine Planning  
and Development  
Commission  
110 Main Street, Saco,  
Maine 04072

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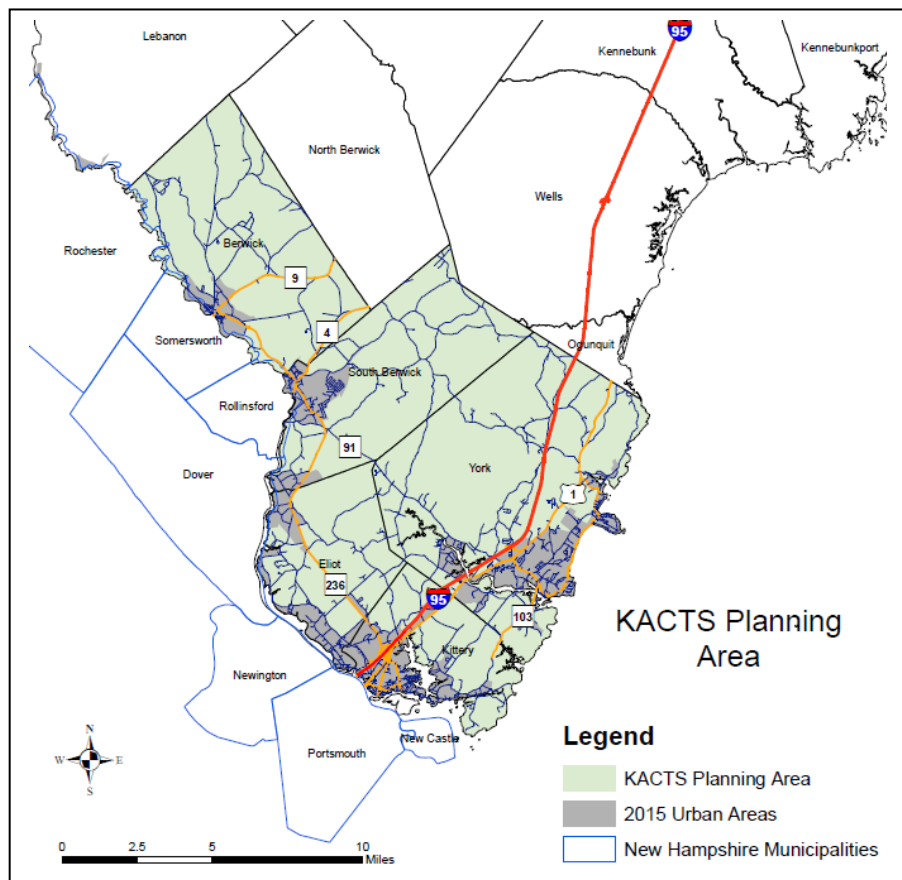
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## **Introduction**

The Kittery Area Comprehensive Transportation System (KACTS) is one of Maine's four Metropolitan Planning Organizations (MPO) that is the federally designated entity to oversee transportation infrastructure spending in the Kittery urban area. With a population of over 43,000 in the 5 towns of Berwick, Eliot, Kittery, South Berwick and York, the KACTS transportation system includes major corridors like Interstate 95 and Route 1, and several smaller arterial routes with local significance in Southern Maine. The Region is both coastal and rural, and has regional proximity to urban areas such as Portland, Maine (50 miles), Boston (60 miles) and Lowell (55 miles), Massachusetts, as well as Portsmouth (3 miles), New Hampshire. As a result of this proximity, high volumes of traffic are common during summer months coming into and out of Maine on the Piscataqua River Bridge. The transportation system and road network is also prone to the extremes of Maine's winter weather.

Not only is our transportation system unique, but it is essential to the daily functions of southern Maine's economy. Transportation projects can affect a person's community, property and work schedule and should consider any and all applicable effects on the public. In doing so, it is crucial that transportation and transit providers alike keep the public interest in mind on any given project, plan or proposal. It is central to Maine's commitment of being "Open for Business" and "The Way Life Should Be".



Public participation may come from a myriad of stakeholders, whether citizens, agency partners, business owners, or civic and environmental coalitions that represent the traditionally underserved. Resources and transportation providers need to consider these organizations and populations, including but not limited to minorities, low-income individuals, the elderly and disabled, and those with limited English proficiency. Early incorporation of these groups as early

as possible in a project will be key to keeping the KACTS communities and their respective publics involved, especially in multiyear and long term projects.

This plan will be central in guiding KACTS to inform and engage the public about transportation issues in Southern Maine. Making transportation investments is an important task undertaken by an MPO, and will be incomplete without consideration of the needs of the public and other stakeholders. What follows in this document will describe the Federal and State requirements that need to be met by KACTS, and what steps will be taken to meet those requirements and beyond through goal setting, education and outreach efforts.

### **Federal and State Roles**

In Title 23 of the United States Code of Federal Regulations (CFR) Section 450, the United States Department of Transportation's MPO Regulations require that all Metropolitan Planning Organizations develop a Public Involvement Process for the development and update of Transportation Plans and Transportation Improvement Programs (TIPs). CFR Section 450.316 (b) mandates that the public involvement programs of metropolitan planning processes must allow for multiple, accessible participation formats, including electronic and in person, and shall include a proactive public involvement process that provides complete information, timely public notice, full public access to key decisions, and supports early and continuing involvement of the public in developing plans and transportation improvement programs (TIPs) and meets the requirements and criteria specified below. See more information at: <https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/public-involvement-outreach>.

- (i) Require a minimum public comment period of 45 days before the public involvement process is initially adopted or revised;
- (ii) Provide timely information about transportation issues and processes to citizens, affected public agencies, representatives of transportation agency employees, other interested parties and segments of the community affected by transportation plans, programs, and projects (including but not limited to local jurisdictions);
- (iii) Provide reasonable public access to technical and policy information used in the development of plans and TIPs and open public meetings where matters related to the Federal-aid highway and transit programs are being considered;
- (iv) Require adequate notice of public involvement activities and time for public review and comment at key decision points including, but not limited to, approval of plans and TIPs;
- (v) Demonstrate explicit consideration of and response to public input received during the planning and program development processes;

- (vi) Seek out and consider the needs of those traditionally underserved by existing transportation systems including, but not limited to, low-income and minority households in an effort to ensure that the requirements of Title VI and Environmental Justice have been met during the planning and project process;
- (vii) When significant written and oral comments are received on a draft transportation plan or TIP (including the financial plan) as a result of the public involvement process or the interagency consultation process required under the U.S. EPA's conformity regulations, a summary, analysis, and report on the disposition of comments shall be made part of the final plan and TIP;
- (viii) If the final transportation plan or TIP differs significantly from the one which was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts, an additional opportunity for public comment on the revised plan or TIP shall be made available;
- (ix) Public involvement processes shall be periodically reviewed by the MPO in terms of their effectiveness in assuring that the process provides full and open access to all;
- (x) These procedures will be reviewed by the Federal Highway Administration and the Federal Transit Administration during certification reviews for transportation management areas, and as otherwise necessary for all MPOs, to assure that full and open access is provided to the MPO decision-making processes;
- (xi) Metropolitan public involvement processes shall be coordinated with statewide public involvement processes wherever possible to enhance public consideration of the issues, plans, and programs and reduce redundancies and costs.

KACTS will continually review its measures in order to meet the criteria above when determining the effectiveness in providing transportation stakeholders and other interested parties with full and open access to the work of KACTS.

The Federal FAST Act and federal Metropolitan Planning Regulations (refer to this site for more details: <http://www.fhwa.dot.gov/fastact/factsheets/metropolitanplanningfs.pdf>.) also

list the following transportation stakeholders (which are generally referred to in this document as the general public) which must have an opportunity to participate in the MPO public involvement process:

- Citizens
- Affected public agencies
- Representatives of users of public transportation
- Representatives of public transportation employees
- Freight shippers
- Providers of freight transportation
- Privately owned passenger transportation providers
- Representatives of pedestrians and bicyclists
- Representatives of people with disabilities
- Public ports and certain private providers of transportation, including intercity bus operators and employer-based commuting programs

The Sensible Transportation Policy Act (STPA) requires MaineDOT and MPO's to establish and follow a public participation process that is effective, timely, and efficient. MaineDOT partners with Regional Planning Organizations (RPO's) and the state's MPO's to develop public outreach strategies that:

- are tailored specifically to their region,
- are consistent with the requirements of the STPA,
- encourage stronger regional partnerships,
- increase grassroots and local government involvement, and
- develop a more consistent statewide approach.

KACTS coordinates and works directly with MaineDOT, the Maine Turnpike Authority and the neighboring RPO's (including those in New Hampshire) in authoring and carrying out its public involvement process. Where a project has yet to be classified and where the project affects KACTS and the RPO, findings of Significant Highway Projects defined in Subchapter 1, Section 3(k) and Substantial Public Interest Projects described in Subchapter 1, Section 7 of the STPA rule will be determined cooperatively with the RPO and MaineDOT. The KACTS public involvement process envelops all STPA public participation requirements.

## **Public Participation and KACTS**

The input of the public is crucial to the success of any project. Giving citizens, stakeholders and others an adequate timeframe to review proposed plans, work, and funding allocations allows KACTS to have full information prior to moving forward in the decision making process. KACTS will actively solicit the public for comments, questions and gauge their interest in any transportation related project, decision or funding allocation. Acting as an extension of KACTS, staff of the Southern Maine Planning and Development Commission (SMPDC) will, along with holding public meetings, forums and workshops, incorporate appropriate relevant activities to make public communications and outreach part of KACTS’s general planning activities.

### **Goals**

1. Act as an extension of the public to facilitate regional needs and interests between the former and state and federal agencies
2. Actively solicit public input in a variety of formats. Including but not limited to tabloid advertisements, electronic mailings, postal mailings, and through updating town and KACTS web pages
3. Present accurate and relevant information in a range of formats – maps, charts, tables, graphs and documents. Both electronically and in hard copy.
4. Provide materials to individuals by request, whose native language isn’t English, are hearing or visually impaired, or cannot attend public events regarding KACTS projects. Such accommodations can be made with three (3) days notice prior to the public event.
5. Consider public concerns in decision making process

### **KACTS Policy Committee**

The KACTS Policy Committee is comprised of the representatives of table 1. Formed in 1982, it receives a biennial allocation of funds for its transportation programs. The committee meets as needed and notices are posted to the public in both electronic and hard formats. Each KACTS Policy Committee meeting provides an opportunity for public comment, including those received by KACTS electronically and in hard copy. Public comments may be sent to Southern Maine Planning and Development Commission, 110 Main St., Suite 1400, Saco, ME 04072 or [esanderson@smpdc.org](mailto:esanderson@smpdc.org).

**Table 1**

Voting Member	# of Representatives
York	2
Kittery	2
Eliot	1
South Berwick	1
Berwick	1
SMPDC	1
Public Transportation Providers	1
Maine Turnpike Authority	1
Maine Department of Transportation	1

## **Public Involvement for the Transportation Plan**

### List of Interested and Affected Parties

The following (in addition to KACTS non-voting members and media sources) interested and affected parties will receive notices of Transportation Plan development and KACTS MPO Committee meetings. The list will remain open to any new agencies or individuals wishing to be notified of MPO activities. Also, if warranted, agencies or individuals may be dropped from the list or replaced.

1. Bicycle Coalition of Maine
2. Kittery Conservation Commission
3. Seacoast Area Bike Routes (SABR)
4. Natural Resources Council of Maine
5. Maine Turnpike Authority
6. Maine Transit Association
7. Littlebrook Airport
8. Harbor Masters in Kittery and Eliot
9. Private transportation providers
10. GoMaine Commuter Program
11. Maine Department of Environmental Protection - Bureau of Air Quality Control
12. Federal Environmental Protection Agency
13. Eliot Conservation Commission
14. South Berwick Conservation Commission
15. Planning Boards (Chairperson)
16. Road Commissioners
17. Members of State Legislature
18. Human Service Agencies
19. Dinneen Bus Company
20. McCrillis Transportation
21. C&C Carriers
22. commuteSMART Seacoast NH



Notices of Public Meetings and Transportation Plan development will contain the following information:

1. What action is being undertaken and an explanation of the process
2. Who should be interested/concerned
3. How decisions may affect the region
4. Schedule for the process
5. Who may be contacted to offer comments and/or suggestions
6. Future opportunities for comment and participation
7. The intent, schedule, location, and time of the meeting
8. The location where technical and/or policy information is available
9. Length of the comment period

The MPO will hold at least one Public Information Meeting during the development of the Transportation Plan to solicit comments and ideas from the public. Notice of the informational meeting(s) will be sent to the interested and affected parties list and to media sources not less than 10 days prior to the meeting date.

The MPO may also choose to utilize other techniques to increase public involvement during the development of the Transportation Plan such as newsletters, radio, advisory committees, or other techniques. More information is available at the following links:

[https://www.fhwa.dot.gov/planning/public\\_involvement/publications/](https://www.fhwa.dot.gov/planning/public_involvement/publications/)

[https://www.planning.dot.gov/focus\\_publicEngage.asp](https://www.planning.dot.gov/focus_publicEngage.asp)

Once the Transportation Plan development process has reached the Final Draft stage, the MPO will make the Draft Plan available for a comment period of not less than 15 days. Interested and affected parties and media sources will be notified of its availability, and copies of the Draft Plan will be made available at the SMPDC office and at each of the town halls located within the KACTS area. The MPO may also choose to hold an additional Public Information Meeting once the Draft Plan is completed.

If the Final Plan differs significantly from previous draft versions that have been made available, and contains substantial new ideas or issues, these changes/additions will be made known to the public and an additional comment period of not less than 10 days will be provided.

Also, substantial written or oral comments on the Transportation Plan will be addressed by the KACTS Committee and included, with responses, as part of the Final Plan.

### **Public Involvement for the Transportation Improvement Program**

When developing the Transportation Improvement Program (TIP), the MPO will follow the public involvement procedures described above for the Transportation Plan.

These procedures also satisfy the public hearing requirements that pertain to the development of the Program of Projects for regular Federal Transit Administration (FTA) Section 5307, Urbanized area Formula Program, grant applications including the provision for public notice and the time

established for public review and comment. For FTA projects that are not routine (i.e. Section 5307 applications that require an environmental assessment or an environmental impact statement) the public involvement provided for herein for TIP review is not sufficient. Additional public involvement, as presented in the joint FHWA/FTA environmental regulations (23 CFR part 771) will be required by FTA for grant approval.

When substantial changes are to be made to the TIP Project Selection Procedure (adopted by the KACTS Committee 11/25/92), these changes will be made known to all interested and affected parties and media sources. There will also be a public comment period on the proposed changes of not less than 15 days.

If the TIP is developed concurrently with the Transportation Plan, no separate Public Involvement Process will be required for the TIP, with the exception of a change in the Project Selection Procedure.

### **Public Involvement for the Unified Planning Work Program**

The Unified Planning Work Program (UPWP) is KACTS' planning document that outlines administrative costs of running the MPO and its associated tasks such as technical planning assistance, collecting data and other transportation planning tasks. It is updated biennially to reflect KACTS working goals and federal and state funding sources. In developing the UPWP, KACTS will follow the public involvement procedures described above for the Transportation Plan.

### **Transportation Plan, TIP and UPWP Amendments**

The MPO will notify interested and affected parties and media sources when an Amendment is to be made to the Transportation Plan or TIP. A public comment period of not less than 10 days will also be provided before the KACTS Committee votes on the Amendment.

### **TIP AMENDMENT PROCEDURES**

In Maine, TIP amendments follow a process established by consensus among the MPOs, MaineDOT, FHWA and FTA:

- An MPO submits to the MaineDOT MPO Coordinator a letter from the MPO Director stating that the MPO has approved a TIP amendment. A description of the change(s) must accompany the letter.
- The MPO Coordinator informs the MaineDOT Office of Capital Resources of the MPO TIP amendment and puts the item on the agenda of the next meeting of the MaineDOT Work Plan Management Team for action, if necessary.
- The MPO Coordinator prepares a letter of approval for the signature of the Chief of the Bureau of Transportation Systems Planning. Once signed, the letter and MPO amendment request are sent to the Division Administrator at the FHWA regional office in Augusta for review and approval.
- If an MPO in an air quality non-attainment or maintenance area adds a non-exempt project designed to increase capacity, the MPO must seek a new conformity determination. This no longer applies to KACTS, as the area is now in attainment for air quality.

**Note:** An amendment to an MPO TIP remains incomplete until MaineDOT also has incorporated the change into its Statewide Transportation Improvement Program (STIP).

Amendment Thresholds:

- Any change to a project in the current STIP/TIP that impacts the regional air quality conformity emissions analysis used for the current conformity determination;
- Adding or removing a Regionally Significant project;
- Adding or removing a Non-Exempt phase of a project;
- Adding a new project;
- Removing a project;
- Adding a phase to a project that has a substantial cost, as defined in Table 1;
- Making a major change in the scope of a project; including, a significant change in project termini and/or
- Adding statewide projects not specific to a particular locale.

#### **TIP ADMINISTRATIVE MODIFICATIONS**

An MPO may request an administrative modification for relatively minor changes to its TIP that do not require a public comment period. Upon receipt of a request, the MPO Coordinator prepares a letter for the Chief of the Bureau of Transportation Systems Planning to send to the FHWA Division Administrator in Maine, concurring with the requested change. Administrative modifications cover the following:

- A moderate change in the total cost of a project, as defined in the following table;
- Combining or separating projects that are part of an approved TIP;
- Combining or separating phases of a project that are part of an approved TIP;
- Adding a new phase to an existing project that does not have a substantial cost associated with it, as defined in the Table 1 below;
- Creating a lineage PIN that does not have a substantial cost associated with it;
- Making a minor change in the scope of a project, including an insignificant change in the termini; and/or
- Making a change to the project termini with no change in overall project cost.

STIP FINANCIAL REVISION THRESHOLDS

<b>STIP Financial Revision Thresholds</b>			
<b>* &lt;\$250,000 Change = Information Only = No Federal Approval Required</b>			
Total Cost of Project Within Approved STIP Years	Amendment Required	Administrative Modification	Information Only*
< \$1 Million	> \$500K	\$250K - \$500K Limit	<\$250K
\$1 Million to \$5 Million	>\$750K	\$250K - \$750K Limit	<\$250K
> \$5 Million to \$10 Million	> \$3 Million	\$1 Million - \$3 Million Limit	<\$1 Million
> \$10 Million to \$50 Million	> \$5 Million	\$2 Million - \$5 Million Limit	<\$2 Million
Over \$50 Million	>\$10 Million	\$5 Million - \$10 Million Limit	<\$5 Million

ANNUAL LISTING OF OBLIGATED PROJECTS

In the interest of transparency, federal law requires MPOs to produce annual listings of projects in their regions for which federal funds have been obligated. MPOs must post these listings on their websites or otherwise make them publicly accessible via means such as printed reports, newsletters, and publication in local newspapers within 90 calendar days of the September 30 end of a federal fiscal year. This requirement is designed to give the public an accurate understanding of how federal transportation funds are being spent.

In Maine, MPOs rely on MaineDOT to provide them with listings of transportation improvements, including mass transit and bicycle-pedestrian projects, for which federal funds were obligated during the most recent federal fiscal year. MPOs submit requests for these listings to the MaineDOT MPO Coordinator, typically in November of each year. For each project, the annual listing must identify:

- The amount of federal funds requested in the TIP;
- The type of work done;
- The beginning and end points of the project;
- The project length, in miles;
- The federal funding that was obligated during the previous year; and

- The federal funding remaining and available for subsequent years.

Copies of the proposed Plan or TIP Amendment will be made available at the SMPDC office, and at each town hall in the KACTS area.

The KACTS Committee will conduct a Public Information Meeting on the proposed Amendment if three or more separate requests for such a meeting are received from the public.

#### TIP Adjustments

It may be necessary to make scope or cost changes to an individual project or a project within a group that are not considered amendments. The KACTS Committee still will need to approve of these changes, and notify MDOT of their approval/denial in a timely manner.

#### **Other Public Engagement and Participation Resources**

##### **Social Media**

The Southern Maine Planning and Development commission uses Facebook and Twitter accounts to alert the public of planning related and MPO activities, and that of neighboring and partner agencies. SMPDC's Facebook page has 95 followers, while the SMPDC Twitter account has 70 followers as of this document's publication.

##### **Electronic Newsletter**

An electronic newsletter is sent out to KACTS member towns and stakeholders on a monthly basis, and covers the work of SMPDC both involving projects within and outside of KACTS. It covers a range of topics from transportation, economic development and land use activities as well as recent activity and projects inside the KACTS region.