

**NCDOT Cooperative Process for Engaging
Non-Metropolitan Local Officials in Statewide Transportation Planning**
(Formerly the 'Rural Consultation Plan')

The 'NCDOT Cooperative Process for Engaging Non-Metropolitan Local Officials in Statewide Transportation Planning' is intended to meet the federal requirements of 23 Code of Federal Regulations (CFR) 450.210(b), which requires a documented process(es) for consulting with and considering the concerns of non-metropolitan officials when making transportation decisions in their statewide transportation planning (STP) and programming processes. This process must be discrete and separate from the normal public involvement process defined in 23 CFR 450.210. The NCDOT non-metropolitan consultation process is required to be reviewed every 5 years per 23 CFR 450.210(b). The previous cooperative process for non-metropolitan and rural officials was completed in 2016 and can be found in Section 3 of the 'Unified Public Engagement Process for Public Involvement and Local Officials Consultation (UPEP)'.

North Carolina's Rural Planning Organizations (RPOs) are the primary conduits to non-metropolitan local officials for transportation issues. The North Carolina RPO program parallels the Metropolitan Planning Organization (MPO) program and utilizes process driven engagement. There are 18 Rural Planning Organizations (RPOs) in North Carolina, which provides every location in the state with representation by either an MPO or an RPO. Per North Carolina General Statute 136-211(b), each RPO is comprised of three to fifteen counties or a total population total of at least 50,000. The RPO represents a group of counties and the municipalities within those counties. RPOs have a Memorandum of Understanding, prospectus and internal bylaws that establish the RPO and its voting structure. The RPO structure includes a Transportation Advisory Committees (TAC) composed of local officials representing the counties and municipalities and an NCDOT Board of Transportation Member. Technical planning and engineering staff level expertise reviews projects at the Technical Coordination Committee (TCC) for each RPO.

MPOs are required by federal law to develop and use a documented Public Involvement Plan (PIP) to define the process by which stakeholders are provided reasonable opportunities to be involved in the MPO planning process, including development of the MTP. Similarly, NCDOT requires state-established RPOs to have PIPs for stakeholder consultation of planning documents. The RPOs also produce Title VI plans.

RPOs perform four core duties as prescribed by North Carolina General Statutes 136-210 to 136-213:

- Developing, in cooperation with the Department, long-range local and regional multimodal transportation plans.
- Providing a forum for public participation in the transportation planning process.
- Developing and prioritizing suggestions for transportation projects the organization believes should be included in the State's Transportation Improvement Program.
- Providing transportation-related information to local governments and other interested organizations and persons

Currently, the RPO program is funded using federal State Planning and Research (SPR) funds. Additional funds are available to the RPOs (and MPOs) through a competitive call for projects that awards SPR funding for specific planning projects.

The NCDOT process driven engagement with non-metropolitan officials ensures that local officials from non-metropolitan counties and municipalities are represented through their RPO during the development of comprehensive transportation plans (CTP), statewide transportation plans (STP), strategic transportation corridor studies (STC), project prioritization process, the State Transportation Improvement Plan (STIP), NCDOT work groups on various initiatives and project development (NEPA/SEPA/Merger) processes. The roles of RPOs and the rural consultation process associated with each of those plans and planning processes are described below.

Comprehensive Transportation Plans (CTP)

NCDOT is responsible for carrying out the transportation planning process in non-metropolitan areas, in cooperation with the RPO and other local officials. These plans are used to inform decisions in the planning, project prioritization, STIP development, and project development processes. NCDOT assigns staff from the NCDOT Transportation Planning Division (TPD) to complete tasks and oversee the study. At the beginning of each CTP study, RPO, local government and TPD staff members discuss and determine the role of each party in the CTP. RPO roles typically include, but are not limited to, leading the CTP Steering Committee, engaging in the public involvement process (as described below), preparing a community understanding report and coordinating with local governments and local officials during the CTP process.

CTPs are developed for small urban and rural areas by NCDOT, usually on a county or multi-county level, in coordination with RPOs, counties, and incorporated municipalities. The CTP process typically includes opportunities for public input at the following steps:

- Defining the community vision, goals, and objectives
- Conducting a needs assessment to identify transportation deficiencies
- Analyzing alternatives and developing the draft CTP
- Finalizing the CTP

The public involvement process for each CTP study is developed and documented at the beginning of the study. The public involvement process must adhere to both the RPO's PIP and Title VI Plan as well as the TPD's 'Public Involvement Guidance for the CTP Process' and 'Consideration of Title VI and Other Nondiscrimination Requirements Guidance for the CTP Process'.

The CTP process includes an opportunity for public meetings/input during the following process steps:

Public involvement for CTPs is tailored to each area based on the locality's policies. A public hearing is recommended prior to the local government adopting the CTP. Documentation from the CTP should capture public and agency comments made throughout the study in order for it to be used as an input into the project development process.

After the public hearing, the county and/or municipality(ies) adopt the CTP maps, and the RPO endorses the plan. The CTP maps are then presented to the North Carolina Board of Transportation to be adopted on behalf of NCDOT. The plan then becomes a component of the state's inventory of local plans that support project prioritization when developing the STIP. The RPO assists the Department in monitoring each CTP in its area and keeps its TAC apprised of progress and any public input received from meetings and open houses.

RPOs assist NCDOT or act as the local transportation planning agency in carrying out public involvement for the CTP process. NCDOT is responsible for ensuring adherence to the process for obtaining general public input through the RPOs and encourages the general public to attend local RPO meetings for more information and to provide comments through their local RPO. Prior to plan adoption, the adopting body provides a final opportunity for general public comment

NCDOT identifies and includes federal and state environmental resource, land management agencies, and others in development of the CTP as appropriate (refer to the NCDOT Interagency Coordination Protocol for North Carolina's Transportation Planning Process). These agencies include those with environmental review and permitting responsibility (for example the Environmental Protection Agency, U.S. Army Corps of Engineers, North Carolina Division of Water Quality, and North Carolina Division of Air Quality) and those with public land management responsibility (for example the National Park Service, National Forest Service and North Carolina Division of Forestry). As the CTP is being developed, NCDOT, MPOs, and RPOs work with these agencies to share data and information and to get input at multiple stages in the planning process. The CTP process includes an environmental screening which is documented as part of the CTP report.

Statewide Transportation Plan

The statewide transportation plan represents a multimodal long-range transportation plan for the State of North Carolina. Development of the statewide transportation plan (STP) involves a public engagement campaign to reach the citizens of North Carolina as well as consulting with local officials, RPOs and MPOs. RPOs are specifically engaged in the following ways:

- Work with the RPOs to identify key contacts in non-metropolitan communities who should receive information about the STP activities.
- Notify RPO contacts at the start of the STP development process.
- Present information to RPOs about the STP at various times during the STP planning period. This information will include an explanation about how RPO input has been incorporated into the STP.
- Work with RPOs to incorporate feedback applicable to the RPO into the long-range plan throughout the planning period.

In addition to the RPOs, other organizations are capable of reaching non-metropolitan local officials; these include the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, and the individual regional Councils of Governments. During the STP update cycles, NCDOT works with the leaders of these organizations to disseminate information about the STP and to gather feedback from non-metropolitan local officials.

In addition to specific RPO engagement, the RPOs and MPOs are members of the STP work group, which is comprised of NCDOT Transportation Planning Division staff, NCDOT modal division staff, NCDOT Planning and Programming staff, and statewide RPO and MPO representatives. The purpose of the work group is to establish an on-going dialogue to develop plan goals, measurements, and targets as well as provide technical oversight and guidance, and to serve as the primary ambassadors for the plan. STP stakeholder engagement is also focused to state, county, regional and local government agencies and public transportation providers to share information about the plan, obtain feedback on their general sense of transportation needs, and solicit their support as ambassadors for the plan.

Specific rural outreach, beyond RPOs and direct local government engagement, is provided by working with the NC Rural Center and the North Carolina Association of County Commissioners to provide plan information and feedback opportunities to their constituents and staff and to identify additional opportunities for outreach. Additionally, general public outreach for rural areas is provided by conducting a public school survey and participating in rural festivals and community events.

Strategic Transportation Corridor Studies (STCS)

NCDOT adopted a Strategic Transportation Corridors (STC) Network in 2015 to establish a multimodal, high-priority system of highways, rail lines, ports, and airports vital to the state's economic prosperity. The North Carolina Transportation Network and Strategic Transportation Corridors Framework (STC Framework), calls for development of individual strategic corridor master plans for each of the designated corridors. The master plans will result in consistent transportation visions for each corridor, based on stakeholder input and sound technical assessment that recognizes statewide economic development objectives, advances subsequent regional planning and corridor project development activities, and can streamline the project development process.

In addition to complying with federal and state planning public involvement requirements, the plans also will incorporate the Interagency Coordination Protocol developed by NCDOT for communications with resource agencies. RPOs, MPOs and local officials are engaged in the STC planning process. The RPOs and MPOs have been a part of the planning process from the start of the STC study process, including kickoff presentations to the TACs and TCCs, one-on-one meetings with the RPOs and MPOs to better understand the local priorities for the corridor, having RPO and MPO staff on the steering committees. At each stage of the project, recommendations have been presented to the TAC and TCC, and RPOs and MPOs adopt resolutions for the final recommendations for corridors in their area.

To engage local officials, both rural and metropolitan, a series of one-on-one or group interviews are conducted with mayors, city managers, county leaders, chamber officials, large employers and institutions to provide information about the STC Master Plan process and gather feedback about opportunities for and challenges to the study. Officials and stakeholders will be asked to serve as ambassadors for the Master Plans by forwarding notices of MPO and RPO briefings to their respective communities via websites or social media.

Strategic Prioritization (SPOT) Prioritization Process

Strategic Prioritization is the initial step in the process in which NCDOT seeks input from the public and local agencies on projects that those groups would like to have considered for inclusion in the Department's Program and Resource Plan (10-Year Plan), STIP, and Work Program (5-Year). The process is responsive to North Carolina Executive Order Number 2 (January 12, 2009), which requires the Department to implement a professional approval process for all plans, programs, and projects based on professional standards that meet the needs of the residents of the state and not simply reflect political considerations. This process is inclusive of NCDOT's planning partners, specifically RPOs and MPOs, and internal staff. The Strategic Planning Office of Transportation (SPOT) is tasked with the management of this process.

Projects included in the prioritization process are categorized and scored through a matrix that is weighted by goal (Safety, Mobility, and Infrastructure Health) and tier of the North Carolina Multimodal Investment Network. Tiers designate the state's transportation network as being of Statewide, Regional, or Sub-regional significance. This evaluation process leads to rankings of individual projects to be included in years 6-10 of the next STIP. RPOs and MPOs have an allocated number of projects to submit to the prioritization process, allowing RPOs to serve as the mechanism for consulting non-metropolitan local officials in the prioritization process.

Once the project list is released to the public, during strategic prioritization, NCDOT holds a series of investment summits involving RPOs, MPOs, and internal staff to assist the Department in determining funding allocations. Once the summit recommendations are finalized, the Department uses these along with other programming considerations (e.g., Division equity, preconstruction readiness/deliverability including document status, logical segment progression within a larger project, special funding eligibility, suitability for using funds prioritized separately, and fiscal year balancing) to develop a draft STIP and Work Program. This process results in the release of the draft Program and Resource Plan, which includes release of the draft STIP (for description of rural consultation on the development of the STIP, see the next section '*State Transportation Improvement Plan (STIP)*').

Following release of the draft STIP, NCDOT holds a series of public meetings to seek input on the projects in the STIP document. At the end of the 2-year Strategic Prioritization cycle, NCDOT reviews the prioritization process and updates it as necessary.

The Strategic Prioritization process is inclusive of non-metropolitan local officials. Beginning with each phase of process implementation, RPO staff members assist with the development of the initial draft STIP. RPO staff are members of the work groups that consider revisions and improvements on the prioritization processes prior to the publication of the draft STIP. RPO consultation continues from the prioritization process through the final STIP development.

State Transportation Improvement Plan (STIP)

Federal code (23 CFR 450, Subpart B - Statewide Transportation Planning) requires that states develop a STIP and provide opportunities for stakeholder input into the development of the plan.

The state is required to provide for local official participation and general public involvement in the development of the STIP and during points of key decision making. The process for incorporating local input is documented in the state's PIP for the statewide transportation planning process.

NCDOT publishes a federal- and state - required STIP that is a 10-year plan identifying the construction funding and scheduling of transportation projects throughout the state. Potential projects are prioritized by staff from NCDOT, RPOs, MPOs and the public. The goals include improving safety, mobility, and infrastructure health based on crash data, congestion levels, pavement conditions, and other criteria.

The STIP is generally updated on a two-year cycle, with public comment meetings held at the beginning of the planning process and reviews of the draft STIP by each of the 14 highway divisions. The first six years of the STIP is known as the 'Delivery STIP' and the last four years cover what is considered the development period. Projects within the development period are intended to let the public know what NCDOT has started work on for the delivery portion of a future STIP.

Consultation with officials in non-metropolitan areas builds and expands on activities conducted during the prioritization process. Specific consultation with NCDOT on the development of the STIP occurs

through meetings conducted after the release of draft STIP. These meetings provide an opportunity for effective coordination between the RPOs and NCDOT in the refinement of the STIP.

Through the process of developing CTPs and submitting projects through the prioritization process, RPOs participate in the development of the STIP. The RPOs assist NCDOT in the public involvement process and provide a mechanism for consultation with local non-metropolitan officials.

Representation on NCDOT Workgroups

NCDOT invites representatives from both the RPO and MPO communities to sit on relevant work groups, allowing the RPO community to provide feedback on NCDOT processes. The North Carolina Association of RPOs (NCARPO) selects the RPO representatives for each of these work group opportunities. Some work groups invite representatives from other local government associations, including those representing county commissioners, local economic development regions and rural advocacy groups. RPOs and MPOs are represented on work groups that engage in specific planning topics, such as resilience planning, equity, tolling pre-assessment tools, and community understanding reports. RPOs are also engaged in preparing planning guidance, such as CTP planning processes guidance and RPO administrative guidance updates. Two noteworthy work groups that RPOs and MPOs serve on are the NCDOT Strategic Prioritization (SPOT) Work Group and the Integrated Project Delivery Work Group. These two workgroups are presented below.

NCDOT Strategic Prioritization (SPOT) Work Group:

As prescribed in NCSG NCGS 136-189.11 (h), four RPO and four MPO representatives join representatives from NC Regional Council of Governments, NC Association of County Commissioners, NC Rural Center, NC League of Municipalities and NC Metropolitan Mayors coalition to represent local governmental on the work group. The group is tasked with continually improve the prioritization process per NCGS 136-189.11 (h), which states:

...the Department shall endeavor to continually improve the methodology and criteria used to score highway and non-highway projects pursuant to this Article, including the use of normalization techniques, and methods to strengthen the data collection process...

Integrated Project Delivery Work Group:

NCDOT has developed the Integrated Project Delivery (IPD) to examine every part of the project delivery process, with a focus on the planning, environmental, final design, and construction phases of the project delivery life cycle. Work groups were established for each phase with TPD, RPOs and MPOs being members of the planning and environmental groups, as well as there being separate coordination meetings regularly for MPO and RPO involvement on topics affecting them. This provided an opportunity for the RPOs to have input in NCDOT's project delivery life cycle.

Project Development (SEPA, NEPA and MERGER) Processes

Opportunities for public involvement and consultation with local officials continue throughout project development. Information from the public involvement process in long range transportation planning should be used as input and a starting point for conducting public involvement into the project development process.

During the project development process, NCDOT will comply with all public involvement requirements of National Environmental Policy Act (NEPA), the Fixing America's Surface Transportation Act, and the North Carolina State Environmental Policy Act (SEPA), other applicable laws (which could include the Clean Water Act, National Historic Preservation Act, and others), and their implementing regulations and applicable executive orders. Public involvement in project development has regulatory requirements at key points. These requirements serve as a basic framework onto which additional, project-specific public involvement events can occur as needed.

Compliance with the Clean Water Act of 1972 (CWA) and other federal laws often occurs as part of the NEPA process. In North Carolina, Section 404 of the CWA has been formally combined with the NEPA process through a "Merger" agreement. The Section 404 NEPA Merger Process (Merger) is used to coordinate and develop surface transportation projects with the United States Army Corps of Engineers' (USACE) responsibilities in relation to "Waters of the U.S." Waters of the U.S. include wetlands and surface waters formally determined to be within USACE's jurisdiction. For projects involving fill in waters of the United States, the U.S. Army Corps of Engineers is responsible for issuing permits and assessing whether the project is appropriate. The Corps follows the requirements of Section 404 of the Clean Water Act. Merging the FHWA, NEPA, and Section 404 permit processes expedites project decision making and leads to one overall public interest decision.

The Merger streamlines the project development, permitting practices, and agency consultation and coordination processes associated with NEPA and Section 404 of the CWA. The Merger has been agreed to by USACE, N.C. Department of Environment and Natural Resources, FHWA, and NCDOT and is supported by other stakeholder agencies and local units of government. The Merger provides a forum for agency representatives to discuss and reach consensus on ways to facilitate meeting the regulatory requirements of Section 404 of the CWA during the environmental documentation and decision-making phase of transportation projects. The Merger is based on coordination and concurrence among the agencies at seven key milestones in the project development process, referred to as Concurrence Points.

The North Carolina Department of Transportation fulfills its requirement for a public involvement plan approved by the Federal Highway Administration for highway projects through the North Carolina Highway Action Plan of 1977 (Action Plan), where not superseded by the Section 404/NEPA Merger Process (Merger Process). Screening of projects to determine whether they will enter the Merger process is completed during the NEPA scoping process for a project. This is where the public has an opportunity to comment. The decision of whether or not to apply the Merger process involves considering the size and scope of a project and the likelihood of an individual permit being required under Section 404.

If a project is covered by the Merger Process, specific public involvement requirements in the process are followed at a minimum. Projects that are not covered by the Merger Process follow the public involvement requirements of the Action Plan at a minimum.

As the sponsoring agency in the development of environmental documents responsive to NEPA or SEPA, NCDOT provides many opportunities for municipal and county elected officials and professional staff (local officials) to provide input during the project development and environmental review processes.

NCDOT recognizes that local official consultation is critical during project development. RPOs and MPOs will typically represent the area during the project development process; however, this does not exclude individual governments from representing themselves or providing input.

When projects covered under this chapter are subject to the NCDOT NEPA/404 Merger Process, local officials will participate through the RPO(s) covering the project's geographic area. RPOs are invited to participate as advisory members for projects within their geographical area but do not sign concurrence forms at this time. As advisory members, RPOs will be invited to attend all meetings that are part of the NEPA process and provide input. County government elected officials and professional staff are provided opportunities for input as part of the public involvement and project development processes.

Conclusion

The 'NCDOT Cooperative Process for Engaging Non-Metropolitan Local Officials in Statewide Transportation Planning' is intended to meet the federal requirements of 23 Code of Federal Regulations (CFR) 450.210(b), which requires a documented process(es) for consulting with and considering the concerns of non-metropolitan officials when making transportation decisions in their statewide transportation planning (STP) and programming processes. This process must be discrete and separate from the normal public involvement process defined in 23 CFR 450.210. North Carolina's Rural Planning Organizations (RPOs) are the primary conduits to non-metropolitan local officials. The North Carolina RPO program parallels the Metropolitan Planning Organization (MPO) program and utilized process driven engagement. There are 18 Rural Planning Organizations (RPOs) in North Carolina, which provides every location in the state with representation by either an MPO or an RPO.

The NCDOT process driven engagement with non-metropolitan officials ensures that local officials from non-metropolitan counties and municipalities are represented through their RPO during the development of statewide transportation plans, the State Transportation Improvement Plan (STIP), local comprehensive transportation plans, project prioritization, NCDOT working groups and project development (NEPA/SEPA/Merger) processes.