PUBLIC PARTICIPATION PLAN

Prepared by:

Kingsport Metropolitan Transportation Planning Organization

In Cooperation with:

Tennessee Department of Transportation,
Virginia Department of Transportation,
Federal Highway Administration,
Federal Transit Administration

Adopted: August 8, 2019

TABLE OF CONTENTS

RESOLUTION **1**

ABBREVIATIONS **2**

1.0 INTRODUCTION **3**

1.1 PURPOSE OF PUBLIC PARTICIPATION PLAN (PPP) 3
1.2 BACKGROUND 3
1.3 TECHNICAL COORDINATING COMMITTEE AND EXECUTIVE BOARD 5

2.0 CONSULTATION **6**

2.1 CONSULTATION WITH INTERESTED PARTIES 6
2.2 CONSULTATION WITH LOCAL, STATE, AND FEDERAL AGENCIES 7

3.0 OPPORTUNITIES FOR EARLY INVOLVEMENT AND INPUT **8**

3.1 PUBLIC NOTIFICATION POLICY 8
3.2 PUBLIC INPUT 8
3.3 KEY MTPO WORK PRODUCTS 9
3.4 PUBLIC DISPLAY OF DOCUMENTS 11

4.0 PUBLIC INVOLVEMENT TECHNIQUES **11**

4.1 PUBLIC MEETINGS 13
4.2 MEETING TIME, LOCATION, AND ACCESSIBILITY 13
4.3 PUBLIC WORKSHOPS/OPEN HOUSES 13
4.4 WEBSITE 14
4.5 SOCIAL MEDIA 14
4.6 PAID ADVERTISING 14
4.7 FLYERS/POSTERS 14
4.8 TRADITIONAL LETTERS 14
4.9 PRESS RELEASES 14
4.10 EMAIL DISTRIBUTION LIST 14
4.11 ONE-ON-ONE MEETINGS 15
4.12 VISUALIZATION 15

5.0 PPP DEVELOPMENT AND EVALUATION **15**

5.1 DEVELOPMENT 15
5.2 EVALUATION 16
5.3 MEASURES OF EFFECTIVENESS 17
5.4 PUBLIC PARTICIPATION PLAN REVIEW AND REVISION 17
5.5 KINGSPORT MTPO CONTACT INFORMATION 17

6.0 CONSISTENCY WITH APPLICABLE REGULATIONS **18**

APPENDIX A – SURVEY RESULTS **20**

APPENDIX B – SAMPLE PUBLIC COMMENT FORM **26**

APPENDIX C — SAMPLES OF PUBLIC OUTREACH **27**

APPENDIX D — SAMPLE EMAIL DISTRIBUTION LIST SIGN UP FORM **28**

APPENDIX E — SAMPLE CONSULTATION COMMUNICATIONS **29**

APPENDIX F – CODE OF FEDERAL REGULATIONS, TITLE 23, PART 450 ..... **30**

APPENDIX G – TENNESSEE OPEN MEETINGS ACT **32**

RESOLUTION

RESOLUTION BY THE EXECUTIVE BOARD OF THE KINGSPORT METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION (MTPO) TO APPROVE AND ADOPT THE UPDATED PUBLIC PARTICIPATION PLAN

WHEREAS, the Kingsport MTPO is the designated Metropolitan Planning Organization (MPO) for the Kingsport urbanized area in Tennessee and Virginia and is responsible for carrying out a comprehensive, cooperative, and continuing transportation planning process; and

WHEREAS, the development of a Public Participation Plan (PPP) was first required by the Inter-modal Surface Transportation Efficiency Act (ISTEA) and was further emphasized by the Transportation Equity Act for the 21st Century (TEA-21), the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Moving Ahead for Progress in the 21st Century (MAP-21), and most recently upheld in the Fixing America's Surface Transportation (FAST) Act; and

WHEREAS, the previous Public Participation Plan was adopted in 2007 and has recently been reviewed for past performance and has been updated accordingly; and

WHEREAS, the updated Public Participation Plan has completed the required 45-day public review and comment period from June 23, 2019 through August 6, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE KINGSPORT METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION EXECUTIVE BOARD AS FOLLOWS:

The Kingsport Metropolitan Transportation Planning Organization Executive Board does hereby approve and adopt the updated Kingsport Metropolitan Transportation Planning Organization's Public Participation Plan.

James Phillips, Chairman
MTPO Executive Board

8/8/19
Date

Lesley Phillips
MTPO Staff

8/8/19
Date

ABBREVIATIONS

ADA	Americans with Disabilities Act
CFR	Code of Federal Regulations
EPA	Environmental Protection Agency
FAST Act	Fixing America's Surface Transportation Act
FCC	Federal Communications Commission
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GIS	Geographic Information System
ISTEA	Intermodal Surface Transportation Efficiency Act
KATS	Kingsport Area Transit Service
LENOWISCO	Lee Norton Wise Scott (Virginia Planning District)
LEP	Limited English Proficiency
LRTP	Long Range Transportation Plan
MAP-21	Moving Ahead for Progress in the 21st Century Act
MEOC	Mountain Empire Older Citizens (public transportation provider)
MPO	Metropolitan Planning Organization
MTPO	Metropolitan Transportation Planning Organization
NEPA	National Environmental Protection Act
NET Trans	Northeast TN Rural Transportation (through First TN Human Resource Agency)
NETWORKS	Northeast TN WORKS - Economic development organization for Sullivan County
PPP	Public Participation Plan
RPO	Rural Planning Organization
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
TAP	Transportation Alternatives Program
TCC	Technical Coordinating Committee
TDOT	Tennessee Department of Transportation
TEA-21	Transportation Equity Act for the 21st Century
TIP	Transportation Improvement Program
TRS	Telecommunications Relay Service
TTD	Telecommunications Device for the Deaf
TTY	Telephone Typewriter, Teletypewriter, Text Phone
UPWP	Unified Planning Work Program
USC	United States Code
VDOT	Virginia Department of Transportation

1.0 INTRODUCTION

1.1 Purpose of Public Participation Plan (PPP)

The Kingsport Metropolitan Transportation Planning Organization (MTPO), as the agency responsible for transportation planning activities, makes public participation and communication a priority to ensure transportation improvements meet the needs of its users and all interested parties. The awareness and involvement of interested persons in governmental processes are critical to successful transportation planning and programming.

The Public Participation Plan (PPP) is an adopted document of the Kingsport MTPO that serves as a guide for public involvement among its stakeholders, partners, and interested parties to ensure the ongoing opportunity for broad-based participation in the development and review of regional transportation plans and programs. The purpose of the plan is to ensure broad public participation during the development, review, and refinement of regional transportation plans and programs, including documents such as the Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP), Unified Planning Work Program (UPWP), and programs including the Americans with Disabilities Act (ADA). The Kingsport MTPO is committed to:

1) Informing the community about a range of transportation system and transportation related urban design issues;
2) Identifying and addressing community concerns about transportation and transportation related issues;
3) Providing opportunities for the community to identify priorities and determine the relative importance of various alternative transportation system improvements and transportation-related land use actions, as well as the relative merits of community travel behavior choices; and
4) Meaningfully involving citizens, affected agencies, and other interested parties in planning their regional transportation system.

1.2 Background

Transportation planning is a complex web of project development, research, and decision-making over long timelines. Plans at different geographic scales and areas are developed by different agencies at different times and are routinely integrated to guide system decisions at the regional and state levels. Further, plans and prioritization of projects are updated cyclically. Public outreach in transportation planning has long been a federal requirement. In 1991, the Inter-modal Surface Transportation Efficiency Act (ISTEA) was signed into law requiring urban areas, through a Metropolitan Planning Organization (MPO), to develop and use a documented participation plan that defines a process for providing reasonable opportunities for all interested parties to be involved in the transportation planning and programming process. This requirement was further emphasized in 1998 by the Transportation Equity Act for the 21st Century (TEA-21). In 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) increased interagency consultation and emphasized visualization techniques and electronically accessible information. More recent federal legislation, including Moving Ahead for Progress in the 21st Century (MAP-21) in 2012 and the Fixing America's Surface Transportation (FAST) Act in 2015, has upheld these requirements.

As the designated MPO for our community, the Kingsport MTPO is responsible for the planning of the transportation systems of regional significance, as well as ensuring that all plans and programs conform to federal and state requirements. The Kingsport MTPO is considered to be a bi-state MPO, meaning that its member jurisdictions are located in both the State of Tennessee and the Commonwealth of Virginia. Its member jurisdictions in Tennessee include portions of Sullivan, Hawkins, Washington, and Greene counties and the municipalities/towns of Kingsport, Mount Carmel, and Church Hill. Its member jurisdictions in Virginia include a portion of Scott County and the towns of Weber City and Gate City (figure 1).

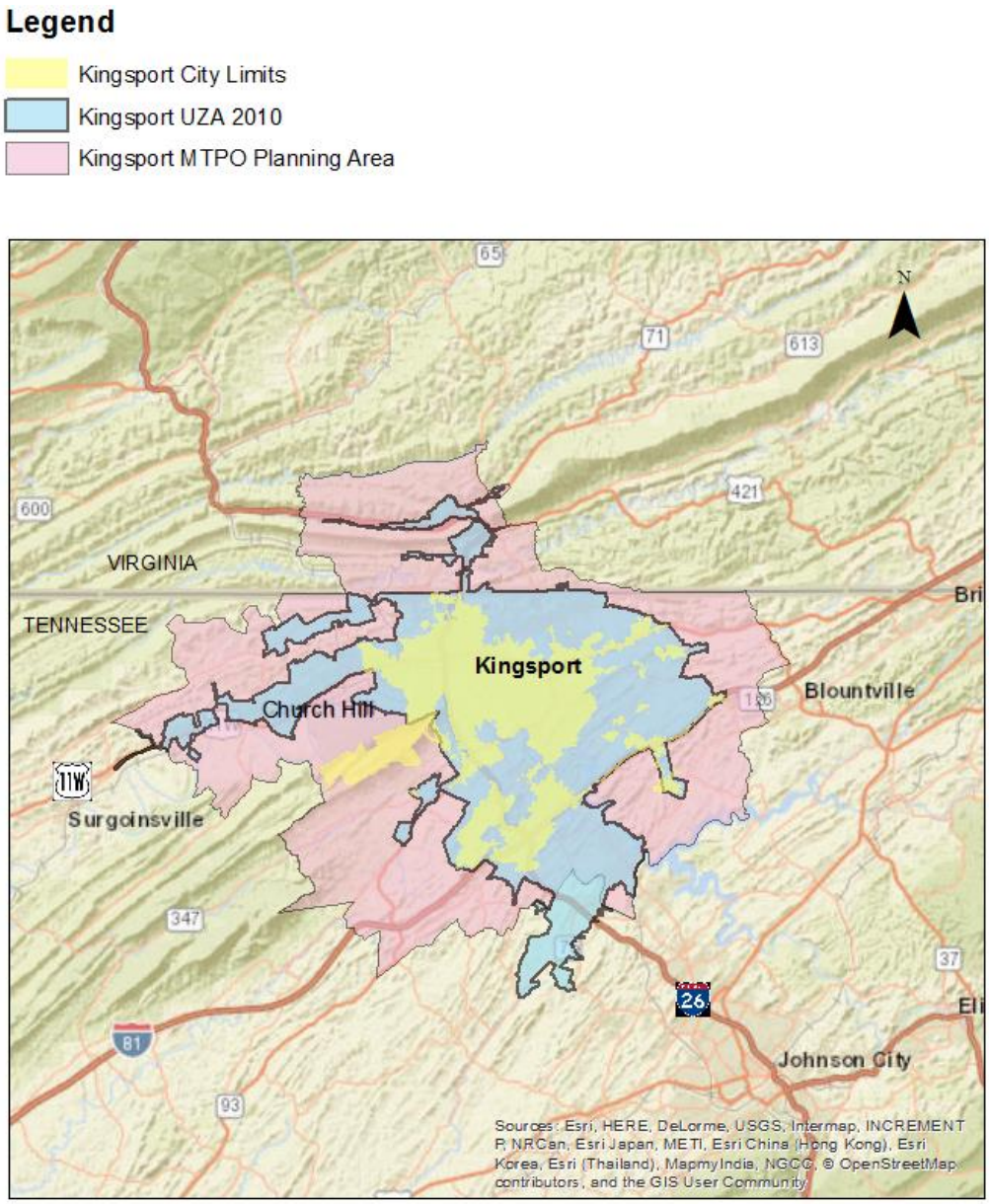


Figure 1 Kingsport MTPO Planning Area

Three major components of the planning process are the Long Range Transportation Plan (LRTP), the Transportation Improvement Program (TIP), and the Unified Planning Work Program (UPWP). The LRTP provides guidance for the development of transportation programs and establishes strategies and actions necessary to achieve long term transportation goals. It identifies transportation improvements that may be needed to support projected growth, provide improved safety, adequately maintain the existing system, and improve mobility for a minimum 20-year planning horizon. The TIP, a short-term fiscally constrained program, lists all road, bridge, and transit projects scheduled for construction and identifies available funds needed to implement projects over the next four years. All transportation projects using federal funds or projects of regional significance (regardless of funding source) must be listed in the TIP. The UPWP is a one-to-two-year plan developed by staff to focus work efforts and planning funds anticipated in the upcoming fiscal year(s). All federally funded planning activities must be in the UPWP and must be developed through required planning factors. In order to develop plans that are derived from public sentiment, there must be adequate public participation in the development of all of these documents. The Code of Federal Regulations (CFR), Title 23, Section 450.316 pertaining to the public outreach process is attached as Appendix F.

Public participation is a key element of the transportation planning process. Public involvement incorporates public concerns, needs, and values into governmental decision making. The MTPO has developed this PPP to build agreement among stakeholders, partners, interested parties, agencies that make up the MTPO, and the public; to develop a regional transportation plan that has the support of the community; and to ensure the success of the transportation planning effort.

1.3 Technical Coordinating Committee and Executive Board

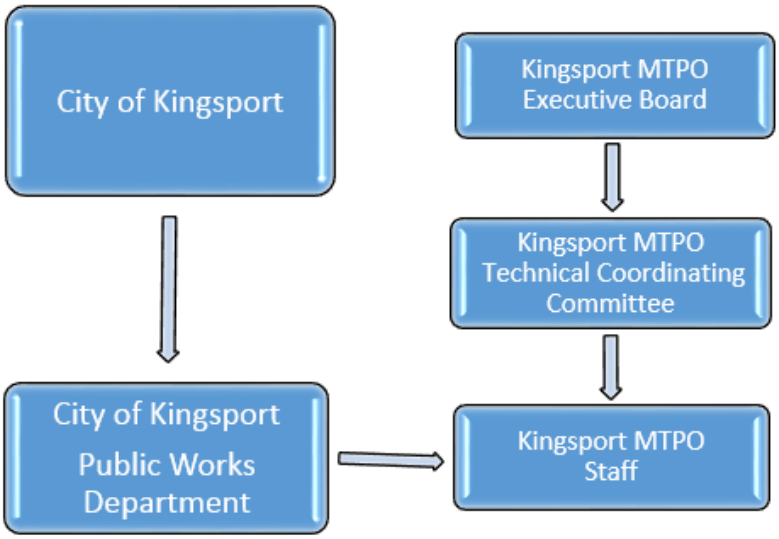
The MTPO has established a Technical Coordinating Committee (TCC) to ensure coordination of the regional transportation planning process. The TCC will make recommendations to the MTPO Executive Board at key points during the planning process. Members of the TCC include technical specialists from the Kingsport MTPO member jurisdictions and transportation agencies.

TCC Voting Members	
City Manager	City of Kingsport
Highway Superintendent	Sullivan County
Planning Director	City of Kingsport
Planning Director	Sullivan County
Public Works Director	City of Kingsport
Public Works Director	Town of Mount Carmel
Public Works Director	City of Church Hill
MTPO Coordinator	Kingsport MTPO
MTPO Planner	Kingsport MTPO
Traffic Engineer	City of Kingsport
City Engineer	City of Kingsport
Regional Planner	LENOWISCO
TDOT	State of Tennessee
VDOT	Commonwealth of Virginia
Kingsport Area Transit Service Manager	City of Kingsport

The Kingsport MTPO Executive Board is the formal decision-making body for matters relating to regional transportation planning. The Executive Board has the authority to adopt regional transportation plans and programs. The Executive Board normally meets once every quarter and also has the ability to hold special called meetings.

Executive Board Voting Members	
TDOT	State of Tennessee
VDOT	Commonwealth of Virginia
Mayor	City of Kingsport
Mayor	Sullivan County
Mayor	Hawkins County/Church Hill/Mount Carmel
Regional Planner	LENOWISCO
Regional Planner	First Tennessee Development District

Kingsport MTPO Organizational Chart



2.0 CONSULTATION

2.1 Consultation with Interested Parties

The MTPO actively targets outreach to those most directly affected by transportation planning. Involving and engaging representatives of the general public, affected public agencies, representatives of public transportation providers, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties in the metropolitan transportation planning process is an important function given the significance these entities serve in the understanding of transportation issues and opportunities in the region. The PPP has been developed to provide all interested parties

with reasonable opportunities to participate in the transportation planning process and comment on transportation documents developed by the MTPO.

The MTPO maintains an email distribution list of interested parties that serves as a point of reference for public outreach efforts and notification of meetings. Anyone wishing to be added to the distribution list can easily do so by either contacting MTPO staff or submitting your contact information to MTPO@KingsportTN.gov. The MTPO will provide notice of upcoming public meetings or review periods being held on the draft versions of the LRTP, TIP, UPWP, and PPP. Notification of meetings and documents will be made in a timely manner to provide adequate time and opportunities to comment on documents. In order to afford reasonable opportunity for consideration of public information, the MTPO will hold any public meetings at convenient and accessible locations and times, employ visualization techniques to describe plans or documents, and make public information available in an electronically accessible format and means.

2.2 Consultation with Local, State, and Federal Agencies

The Kingsport MTPO seeks to actively consult, as appropriate, with federal, state, and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of the LRTP, TIP, and UPWP. This consultation shall include, as appropriate, contacts with regional, local, and private agencies responsible for planned growth, economic development, environmental protection, airport operations, freight movements, land use management, natural resources, conservation, and historic preservation. An increased emphasis is placed on consultation with resource agencies responsible for natural resource management and historic preservation. Formal coordination with these agencies helps to identify effective mitigation strategies for potential impacts of projects included in the MTPO's LRTP, TIP, and UPWP.

The MTPO will coordinate its consultation and participation process for stakeholders, partners, and interested parties with the Tennessee Department of Transportation (TDOT) and the Virginia Department of Transportation (VDOT) statewide consultation processes by way of review and communications when appropriate. TDOT and VDOT participate in the MTPO planning process as voting members of both the Technical Coordinating Committee and Executive Board. Likewise, the MTPO participates in plans, studies, and reports conducted by the states.

The MTPO will also contact the following regional and local agencies for coordination and input on the development of the LRTP and TIP:

Regional Agencies
First Tennessee Development District
Kingsport Regional Planning Commission (Land-use, Zoning, Historic, etc.)
LENOWISCO Planning District Commission (Virginia)
NETWORKS – Joint Economic Development Partnership (Tennessee)
Sullivan County Regional Planning Commission (Land-use, Zoning, Historic, etc.)
Tri-Cities Regional Airport

Local Agencies
City of Kingsport
City of Church Hill

Town of Mount Carmel
Town of Gate City, VA
Town of Weber City, VA
Sullivan County Highway Department
Hawkins County Highway Department
Scott County, VA Highway Department
Kingsport Area Transit Service (KATS)
NET Trans
Mountain Empire Older Citizens (MEOC)
Healthy Kingsport

Coordination with these agencies is primarily conducted through email correspondence but may also consist of phone calls or face to face meetings. These agencies are included in our email distribution list so they receive notices of MTPO meetings or other events and also receive notice of the development of MTPO plans/programs, including public review/comment periods. Interagency agreements are maintained between the MTPO and other local, regional, and state agencies such as the Bristol MPO, Johnson City MTPO, TDOT, and VDOT/Commonwealth of Virginia. These agreements describe the MTPO's role and responsibility in relation to the other agencies' work.

3.0 OPPORTUNITIES FOR EARLY INVOLVEMENT AND INPUT

Transportation planning activities continually take place at the local, regional, state, and federal levels. Numerous venues for identifying and reporting transportation needs exist. Also, opportunities are available to participate in formulating projects to address those needs. This section describes the core public involvement opportunities for the key MTPO work products: the Long Range Transportation Plan (LRTP), the Transportation Improvement Program (TIP), and the Unified Planning Work Program (UPWP). Each MTPO agency is a public contact point for influencing investment priorities and identifying transportation needs. The public's connection to transportation decision-making begins by finding out what specific participation opportunities are available in the local community. Often times the most direct way for the public to express an interest or concern about the transportation planning process is by contacting the MTPO.

3.1 Public Notification Policy

It is the policy of the Kingsport Metropolitan Transportation Planning Organization to advertise any public meeting of the Kingsport MTPO at least seven (7) calendar days prior to the date of the meeting. In urgent situations, a special meeting may be called and notices shall be published a minimum of three (3) calendar days prior to the meeting date. In order to gain attendance of a representative group of citizens and interested parties of the Kingsport MTPO and its urbanized area, notice will be posted on the MTPO's website at www.kptmtpo.com. In addition, the MTPO may post notices on social media, in other publications, and send news releases and media alerts as needed.

3.2 Public Input

Opportunities for public input will be provided at public hearings, workshops/open houses, and Executive Board meetings. A public comment period will be conducted at each scheduled MTPO Executive Board meeting for the purpose of soliciting citizen input concerning planning and programming activities. Prior to adoption, a specified period for receiving comments is provided to the public for plans such as the PPP, TIP, and the LRTP

(as discussed in Section 3.3). Stakeholders, partners, and other interested parties may also contact MTPO staff by phone at 423-224-2670, by email at MTPO@KingsportTN.gov, or in person at the MTPO office. Public Involvement Techniques are discussed in Section 4.0.

3.3 Key MTPO Work Products

Document	Public Comment Period (for adoption or amendment)	Additional Review Period (if necessary)
Long Range Transportation Plan	30	15
Transportation Improvement Program	10	7
Unified Planning Work Program	10	7
Public Participation Plan	45	15

Long-Range Transportation Plan

The metropolitan transportation planning process shall include the development of a Long-Range Transportation Plan (LRTP) addressing no less than a 20-year planning horizon as of the effective date. The LRTP shall include both long-range and short-range strategies/actions that lead to the development of an integrated multimodal transportation system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

The MTPO shall review and update the LRTP at least every five years to confirm the transportation plan's validity and consistency with current and forecasted transportation and land use conditions and trends and to extend the forecast period to at least a 20-year planning horizon. In addition, the MTPO may revise the transportation plan at any time using the procedures in this section without a requirement to extend the horizon year.

The MTPO shall consult, as noted in the Consultation section of this document, with stakeholders, partners, interested parties and local, state, and federal agencies regarding the development of the LRTP. Public engagement begins early in the development of the LRTP and continues through adoption of the plan. Progress of the development of the plan will be discussed at MTPO Executive Board meetings and public comments will be accepted throughout the development and adoption process.

For both LRTP updates and amendments there will be at least a thirty (30) day public review/comment period prior to adoption. The public review/comment period starts on the date of public notice. Before the MTPO Executive Board meets to adopt LRTP updates or amendments, a public notice will be published in accordance with the Public Notification Policy section. All public comments either oral or written will be given to the MTPO Executive Board for review.

In the event the MTPO Executive Board determines there are significant unresolved comments on the LRTP, it may defer the adoption of the plan until a subsequent meeting. The MTPO staff will then prepare a written response to the comments to be incorporated into the document, or suggest amendments to the draft document as a means of summarizing, analyzing, and reporting on the disposition of the comments. Should these

amendments be significant, an additional fifteen (15) day review period shall be allotted for public feedback.

The LRTP will be made publicly available and accessible as noted in the Public Display of Documents section. In addition, opportunities for public comments about the LRTP will be provided at MTPO Executive Board meetings as stated in the Public Meetings section.

Transportation Improvement Program

The Transportation Improvement Program (TIP) is the region's short-term transportation investment plan. The TIP prioritizes the region's transportation-related projects within the constraints of federal, state, and local funding that the region can reasonably expect to receive within the next four years. Projects that are included in the TIP must be selected from or be consistent with an approved LRTP.

The MTPO shall consult, as noted in the Consultation section of this document, with stakeholders, partners, interested parties and local, state, and federal agencies regarding the development of the TIP. Public engagement begins early in the development of the TIP and continues through adoption of the plan. Progress of the development of the plan will be discussed at MTPO Executive Board meetings and public comments will be accepted throughout the development and adoption process.

The Transportation Improvement Program as well as any amendments to the TIP will be presented to the Executive Board for approval. Before the MTPO Executive Board meets to adopt TIP updates or amendments, a public notice will be published in accordance with the Public Notification Policy section.

For both TIP adoption and amendments there will be at least a ten (10) day public comment period prior to adoption. All public comments, either oral or written, will be given to the MTPO Executive Board for review.

In the event the MTPO Executive Board determines there are significant unresolved comments on the TIP it may defer adoption of the program until a subsequent meeting. The MTPO staff will then prepare a written response to the comments to be incorporated into the document, or suggest amendments to the draft document as a means of summarizing, analyzing, and reporting on the disposition of the comments. Should these amendments be significant, the public shall be granted an additional seven (7) day review period.

The TIP will be made publicly available and accessible as noted in the Public Display of Documents section. In addition, opportunities for public comments about the TIP will be provided at MTPO Executive Board meetings as stated in the Public Meetings section.

Unified Planning Work Program

The Unified Planning Work Program (UPWP) is a one-to-two-year plan developed by staff to focus work efforts and planning funds anticipated in the upcoming fiscal year(s). All federally funded planning activities have to be in the UPWP and have to be developed through required planning factors. The UPWP is reviewed and discussed at the Executive Board public meeting along with being made available on the website.

For both UPWP adoption and amendments, there will be at least a ten (10) day public comment period. The public comment period starts on the date of public notice. Before

the MTPO Executive Board meets to adopt UPWP updates or amendments, a public notice will be published in accordance with the Public Notification Policy section. All public comments either oral or written will be given to the MTPO Executive Board for review.

In the event the MTPO Executive Board determines there are significant unresolved comments on the UPWP, it may defer the adoption of the program until a subsequent meeting. The MTPO staff will then prepare a written response to the comments to be incorporated into the document, or suggest amendments to the draft document as a means of summarizing, analyzing, and reporting on the disposition of the comments. Should these amendments be significant, the public shall be granted an additional seven (7) day review period.

The UPWP will be made publicly available and accessible as noted in the Public Display of Documents section. In addition, opportunities for public comments about the UPWP will be provided at MTPO Executive Board meetings as stated in the Public Meetings section.

Annual Listing of Obligated Projects

On an annual basis, no later than 90 calendar days following the end of the federal program year (September 30), the Kingsport MTPO will cooperatively develop a listing of projects (including investments in pedestrian walkways and bicycle transportation facilities) for which funds under 23 U.S.C. or 49 U.S.C. Chapter 53 were obligated in the preceding program year. The listing shall be prepared in accordance with §450.314(a) and shall include all federally funded projects authorized or revised to increase obligations in the preceding program year. The listing shall at a minimum include the TIP information under §450.324(e)(1) and (4) and identify, for each project, the amount of Federal funds requested in the TIP, the Federal funding that was obligated during the preceding year, and the Federal funding remaining and available for subsequent years. The listing will be distributed and discussed at the Executive Board public meeting. The list should be made publicly available and accessible as noted in the Public Display of Documents section of this document. Public comment is welcomed and will be recorded.

3.4 Public Display of Documents

During public review periods, **DRAFT COPIES** of the Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP), Unified Planning Work Program (UPWP), and Public Participation Plan (PPP) will be available to the public at Kingsport City Hall, the Kingsport Public Library, in the Kingsport MTPO office, and on the MTPO's website at www.kptmtpo.com.

FINAL VERSIONS of the Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP), Unified Planning Work Program (UPWP), Public Participation Plan (PPP), and the Annual Listing of Obligated Projects will be available to the public in the Kingsport MTPO office and on the MTPO's website at www.kptmtpo.com.

4.0 PUBLIC INVOLVEMENT TECHNIQUES

The Kingsport MTPO constantly seeks public participation on the services the agency performs. There are many different techniques the MTPO uses in order to reach a vast range of stakeholders, partners, and interested parties in the planning area. The type of public outreach efforts employed for a particular project will be determined based on the

project's overall regional and local impact. Highly localized projects may require more specialized outreach within the project's area of influence, rather than the broad outreach efforts required by others.

Title VI of the Civil Rights Act of 1964 protects persons from discrimination based on their race, color, or national origin in programs and activities that receive Federal financial assistance. The Kingsport MTPO receives federal funding, so all transportation planning processes of the MTPO must comply with this law. Environmental Justice stems from Title VI, focusing on including low-income and minority populations in federally funded programs. Environmental Justice has three general principles:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

By providing the opportunity for everyone to participate in the transportation planning process, the MTPO is ensuring that the needs of all people can be met and that their desires for how the whole community should function and develop will be considered. To accomplish this, the MTPO staff primarily uses knowledge of the community to determine where concentrations of the underserved or underrepresented reside. Decennial Census and American Community Survey data, including demographic, social, economic, and housing characteristics, are also used to identify these populations. Using this knowledge and data, the MTPO will:

- Identify and initiate contact with community organizations such as faith-based organizations, civic clubs, school groups, transportation providers, and any organizations serving those traditionally underserved and underrepresented.
- Hold public meetings that are convenient to these geographic concentrations in terms of walkability and available transit options, which tend to be used more by low-income individuals than other forms of transportation.
- Make all draft documents available for public review at the Kingsport Public Library.
- Include individuals or organizations that express an interest by attending public meetings or notifying us by other means in the email distribution list to receive information about future events and plan development.
- Continue to research creative methods of reaching these populations with information, documents, and invitations.
- Seek out community leaders or representatives of traditionally underserved or underrepresented groups to participate in our planning processes, as appropriate.
- Meet and make presentations to organizations that represent these segments of the population, as requested.

The Kingsport MTPO uses a telephonic language interpreter service to assist in providing meaningful access to its programs and activities to Limited English Proficiency (LEP) individuals. LEP individuals are persons who do not speak English as their

primary language and have a limited ability to read, write, speak, or understand English. This service is used in conjunction with language identification cards. Language translation services can be requested in-person at the MTPO office.

Individuals with hearing impairment, speech impairment, or who use a text phone (TTY/TTD) may use the Federal Communications Commission (FCC) 711 dialing code to access a Telecommunications Relay Service (TRS) to forward comments to the MTPO.

In carrying out the Public Participation Plan, federal legislation requires that the MTPO shall, to the maximum extent practicable, hold any public meetings at convenient and accessible locations and times, employ visualization techniques to describe plans, and make public information available in electronically accessible formats and means, as appropriate, to afford reasonable opportunity for consideration of public information. The following sections explain the techniques the MTPO may utilize to fulfill these requirements and ensure all area residents, including traditionally underserved groups, have the opportunity to be involved in the transportation planning process.

4.1 Public Meetings

All meetings of the Metropolitan Transportation Planning Organization Executive Board and Technical Coordinating Committee will be open to the public. In order to gain attendance of a representative group of citizens and interested parties of the Kingsport MTPO and its urbanized areas, a public notice will be published in accordance with the Public Notification Policy section regarding public meetings. At each scheduled public meeting, time for members of the public to discuss agenda items or specific concerns will be provided. Citizens and interested parties will be encouraged to ask questions and make comments about MTPO programs and projects. If a person is not able to attend a specific meeting they may request copies of their input be distributed to those at the meeting.

4.2 Meeting Time, Location, and Accessibility

The Kingsport MTPO makes every effort to hold public meetings at convenient and accessible locations and times. In most cases, meetings will be held during regular business hours and at transit accessible locations in order to give transit-dependent populations the opportunity to attend and participate. All MTPO meeting locations shall comply with the Americans with Disabilities Act (ADA). The ADA Coordinator for the City of Kingsport/Kingsport MTPO can be reached at (423) 229-9401 extension #5 or ADAcontact@KingsportTN.gov.

4.3 Public Workshops/Open Houses

These are public meetings that are generally open and informal, with information displays, handouts, and project team members interacting with the public on a one-on-one basis. These meetings are usually set up on a drop-in basis but may include short presentations. The purpose of the workshop is to provide information to the public and to solicit public comment. The times and locations of these workshops/open houses will be established to accommodate those most affected. The MTPO has found this format works well with project based informational meetings. For example, when applying for a Transportation Alternatives Program (TAP) Grant to extend the Kingsport Greenbelt, the local agency and MTPO held an open house in the affected neighborhood for members of the public to drop by, view maps, ask questions, and provide feedback. An attendance

record is kept and attendees are given the opportunity to sign-up for the email distribution list.

4.4 Website

The Kingsport MTPO's website, www.kptmtpo.com, will be employed as a tool for disseminating information on meetings, plan development, project updates, and background information. The MTPO's website is a tool used to describe and visually represent MTPO plans, programs, meetings, and other appropriate information. The MTPO website is continually updated to keep the public informed of the agency's activities, meetings, and key work products. All MTPO planning documents that seek public input can be found on the website, as well as in the MTPO office. All Kingsport MTPO public meetings, public hearings, workshops/open houses, and other events are listed on the website.

4.5 Social Media

The Kingsport MTPO posts notices of public meetings, public hearings, workshops/open houses, and other events to Facebook and Twitter. Also, notices are posted when draft documents are available for public input. On Facebook, the notices are posted on the Kingsport Alerts page (https://www.facebook.com/KingsportAlerts/) and the Kingsport Public Works page (https://www.facebook.com/KingsportPublicWorks/). The notices are posted on the Kingsport Public Works Twitter page (https://twitter.com/kptpublicworks).

4.6 Paid Advertising

Various projects may require paid advertising in the form of newspaper, radio, or television ads. These will be more detailed than a standard Public Notice.

4.7 Flyers/Posters

When appropriate, participation from target populations will be sought by posting flyers/posters and meeting notices in locations such as government centers, neighborhood shops, religious institutions, social service agencies, employment centers, bus stops/transit hubs, senior centers, public health clinics, public libraries, community centers, and other public buildings. Posters and flyers may also be distributed directly to residents.

4.8 Traditional Letters

When appropriate, or when requested, traditional letters and/or postcards about plans, studies, projects or any other information deemed important for public input will be mailed out to interested parties, public libraries, and to members of advisory committees.

4.9 Press Releases

Press releases can be utilized to ensure interested parties and the press is up-to-date on news and information concerning MTPO activities.

4.10 Email Distribution List

The Kingsport MTPO maintains an email distribution list of all Executive Board and Technical Coordinating Committee members. Other interested city/state/federal agencies, stakeholders, and citizens are added at the individual's request. At each MTPO meeting or open house a form will be available for individuals to sign up for the email distribution list. Anyone can request to be added to or removed from the list.

Individuals may opt out of the email list at any time by making the request in person, by phone, or by email. As individuals leave their organization or elected office, they are removed from the list unless they request to remain on the distribution list as an interested party.

4.11 One-on-One Meetings

The Kingsport MTPO staff is readily available and willing to discuss transportation related projects and documents. To schedule a meeting please contact our office either by phone at (423) 224-2670 or email at MTPO@KingsportTN.gov.

4.12 Visualization

Visualization techniques shall be used to enhance the public's understanding of the Kingsport MTPO plans and programs. Such techniques shall be used in an appropriate manner when presenting and describing MTPO plans and programs. The MTPO currently uses graphs, charts, tables, infographics, and maps to display information whenever possible. Using a multi-media room with a large format presentation screen to present visualization items helps assure the information is clear and consistent. The MTPO will also work to incorporate a broad variety of visualization techniques in public meetings and documents. This will aid people that comprehend visual images more fully than written documentation.

5.0 PPP DEVELOPMENT AND EVALUATION

5.1 Development

The original Public Participation Plan was developed in 2007 through consultation with an expanded list of known interested parties by utilizing direct mailings and creating a participation survey that was distributed and placed in public buildings and on the MTPO's website. The MTPO contacted more than 200 individuals in our contact database, directed them to the draft Public Participation Plan and survey, and requested their feedback in order to collect their preferences and gain a better understanding of how the general public and our interested parties prefer to be contacted and involved in the transportation planning process.

For the present update to the PPP, a survey was created online to ask participants how they currently receive notice of public meetings and other events and how they prefer to receive these notices. The link for the survey was emailed to over 700 individuals and was also posted on Facebook, Twitter, and the MTPO website. The results of the survey can be found in Appendix A.

A rapidly changing world and new technology offer new opportunities for quick and cost-effective ways to get information out to the public. Busy schedules mean that citizens appreciate convenient, comfortable, and quick ways to stay informed about government services and issues. The results of the Kingsport MTPO's PPP survey found similar results from our interested parties. Survey respondents were asked how they prefer to receive information regarding upcoming meetings, public hearings, open houses, etc. (respondents could select up to three options). An overwhelming majority of respondents

preferred to receive documents in a digital format, either by email (69%), social media (52%), or from a website (26%).

The MTPO will use the results of the PPP survey to enhance and expand the use of technology and digital formats for outreach purposes. The MTPO will work to maximize the use of the its website, email contact database, and social media to better engage the public in the transportation planning process.

This Public Participation Plan was developed in consultation with federal, state, and local agencies and other interested parties as required by federal rules and regulations. Before it was adopted, the amended PPP was available for public review and comment from June 23, 2019 through August 6, 2019 (required 45 days). This includes the draft document being emailed directly to stakeholders, partners, and interested parties for review. Any resulting feedback has been addressed and incorporated as appropriate into this plan. In the event the MTPO Executive Board determines there are significant unresolved comments on the PPP, it may defer the adoption of the plan until a subsequent meeting. The MTPO staff will then prepare a written response to the comments to be incorporated into the document, or suggest amendments to the draft document as a means of summarizing, analyzing, and reporting on the disposition of the comments. Should these amendments be significant, the public shall be granted an additional fifteen (15) day review period.

5.2 Evaluation

The Kingsport MTPO seeks to continually work to improve its public participation processes by identifying strengths and weaknesses in its methods, gauging the level of participation of stakeholders, partners, and interested parties, and modifying its methods accordingly. The MTPO invites the public to evaluate the agency's effectiveness of conducting public participation activities and allows the public to comment on how it could improve the public participation process.

Kingsport MTPO staff will review the Public Participation Plan periodically based on changes in local, state, or federal legislation and to evaluate the effectiveness of the public involvement techniques that are being used. Evaluation covers a broad range of purposes. It highlights improvements needed in the Public Participation Plan, identifies additional outreach activities, and allows ineffective tools to be discontinued. In order to determine the effectiveness of public involvement tools, they must be documented, evaluated, and compared to established performance goals. In order to gauge the effectiveness of the PPP and to identify opportunities for improvement, the following activities will be utilized to quantify public input in the transportation planning process:

- Attendance and input at MTPO meetings, public hearings, and other events.
- Number of organizations and groups receiving communications from the MTPO.
- Communications received from the public by mail, email, or comments at public meetings.

The MTPO will continue to research new and innovative ways to further involve the public in the transportation planning and programming process.

5.3 Measures of Effectiveness

The strategies contained in the Public Participation Plan will be reviewed, as needed, to determine if modification of any particular strategy is necessary or if additional strategies need to be incorporated into the plan. Evaluation tools to measure the effectiveness in terms of reaching desired demographic groups or attaining stated goals will also be employed. Evaluation strategies could include, but are not limited to:

- Surveys
- Comment/feedback cards
- Website polling
- Periodic review and updating of outreach mailing lists

Based on recent evaluation of outreach methods, the Kingsport MTPO has updated the method of distributing hard-copy documents. Draft versions of documents will still be available at three physical locations and on the MTPO website during the public review/comment period; however, final/adopted versions of the documents will only be available in the MTPO office and on the MTPO website. All public libraries in the region have internet access available to the public in which to view documents on the website. Additionally, with the strong preference for electronic communication, the requirement to advertise in the newspaper has been removed.

5.4 Public Participation Plan Review and Revision

The Public Participation Plan may require updates due to changes of official planning regulations and procedures. Minor changes, such as a change in contact information or items for clarification, are considered Administrative Modifications and do not require a 45-day public review/comment period or Executive Board action. Amendments, or major revisions to the plan, require a 45-day public review/comment period and Executive Board action. Once adopted, the plan as amended becomes the policy document of the Kingsport MTPO for the purposes of public participation in the transportation planning and programming process.

The Kingsport MTPO extends its appreciation to all those who reviewed and commented on the draft of this plan.

5.5 Kingsport MTPO Contact Information

The Kingsport MTPO welcomes additional comments about public participation, our plans/programs, and/or transportation related issues in general. The MTPO will keep comments on file and use them to evaluate and revise the public participation procedures in the future.

Please submit comments to:

Mail: Kingsport MTPO
201 West Market Street
Kingsport, TN 37660

Phone: 423-224-2670
Fax: 423-224-2756
Email: MTPO@KingsportTN.gov
Online: www.kptmtpo.com

You may also comment in person at any public meeting. Upcoming meeting notices are listed on the MTPO website.

6.0 CONSISTENCY WITH APPLICABLE REGULATIONS

Along with the desire to include a diversified public in its planning processes, the Kingsport MTPO relies on various federal and state statutes to help guide its participation activities. Under Federal Highway Administration, Department of Transportation regulations, the public must be involved in transportation planning and decision-making at both the state and regional levels. The MTPO is responsible for ensuring that the public is involved in regional planning programs and projects. The MTPO's PPP is consistent with all applicable federal and state regulations.

Federal Legislation includes a number of specific requirements and expectations for state departments of transportation and metropolitan transportation planning organizations. The core requirements have been updated and reinforced through additional legislation and orders addressing environmental justice and persons with disabilities. In 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) was signed into law requiring urban areas, through a Metropolitan Transportation Planning Organization (MTPO), to develop and use a documented participation plan that defines a process for providing reasonable opportunities for all interested parties to be involved in the transportation planning process. Additionally, SAFETEA-LU increased interagency consultation and emphasized visualization techniques and electronically accessible information. More recent federal legislation, including Moving Ahead for Progress in the 21st Century (MAP-21) in 2012 and the Fixing America's Surface Transportation (FAST) Act in 2015, has upheld these requirements. The Code of Federal Regulations, Title 23, Section 450.316 pertaining to the public outreach process is attached as Appendix F.

NEPA, The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) regulations implementing the National Environmental Policy Act (NEPA) of 1969 (as amended) outline requirements to go through an environmental review process for implementing projects from a TIP. NEPA has its own set of public participation requirements for review periods and notification of interested parties on a project basis. These requirements are not a substitute for earlier participation at the planning and programming stages.

The Americans with Disabilities Act of 1990 (ADA), which was updated in 2010, states that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity." The act requires coordinating with disabled communities in the development and improvement of transportation services. Additionally, sites for participation activities, as well as the information presented, must be accessible to persons with disabilities. Requests for reasonable accommodation may be made no less than three (3) business days prior to the meeting.

Title VI of the Civil Rights Act of 1964, together with related statutes and regulations, provide that "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial

assistance." The entire institution, whether educational, private or governmental must comply with Title VI and related Federal civil rights laws, not just the program or activity receiving federal funds.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994, states 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." Traditionally underserved groups such as low-income and minority populations must be identified and given increased opportunity for involvement in order to ensure effective participation.

Tennessee Open Meetings Act, Tennessee Code Annotated § 8-44-101 *et seq.* declares it to be the policy of Tennessee that the formation of public policy and decisions is public business and shall not be conducted in secret. This part shall not be construed to limit any of the rights and privileges contained in Article I Section 19, of the constitution of the State of Tennessee. All meetings of any governing body should be open to the public at all times, except as provided by the Tennessee Constitution. The full text of TCA 8-44-101, *et seq.* can be found in Appendix G.

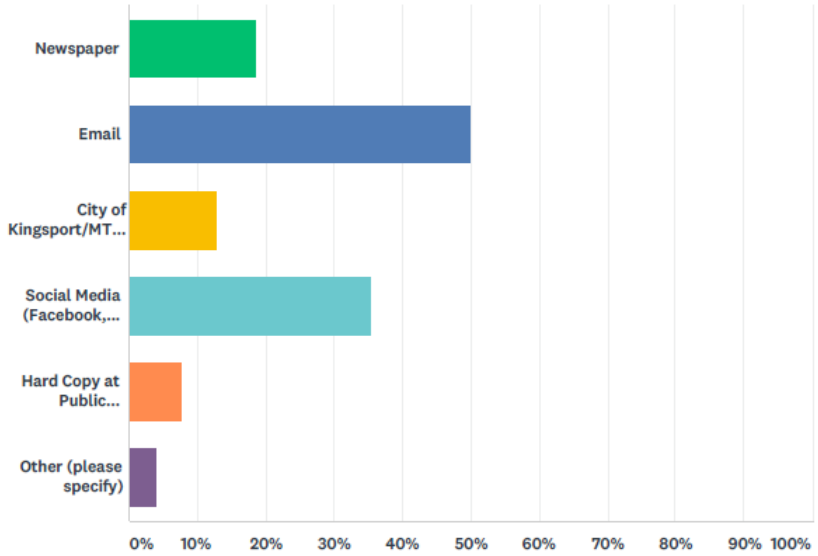
Virginia Freedom of Information Act (FOIA), Code of Virginia § 2.2-3700 *et seq.* guarantees citizens of Virginia and representatives of the media access to public records held by public bodies, public officials, and public employees. The purpose of the FOIA is to promote an increased awareness by all persons of governmental activities.

APPENDIX A – SURVEY RESULTS

Kingsport MTPO Public Participation Survey SurveyMonkey

Q1 How do you CURRENTLY receive information regarding upcoming meetings, public hearings, open houses, etc.? Select all that apply.

Answered: 102 Skipped: 0



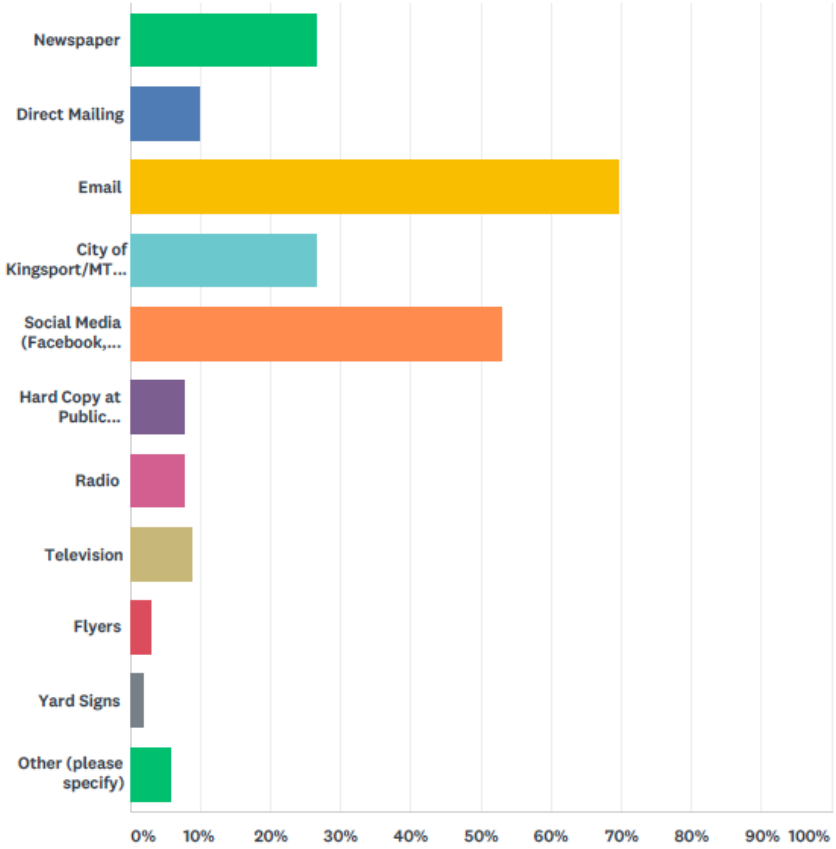
ANSWER CHOICES	RESPONSES	
Newspaper	18.63%	19
Email	50.00%	51
City of Kingsport/MTPO website	12.75%	13
Social Media (Facebook, Twitter, etc.)	35.29%	36
Hard Copy at Public Locations (MTPO office, Library, City Hall)	7.84%	8
Other (please specify)	3.92%	4
Total Respondents: 102		

"Other" Responses:

1. I don't hear much from Kingsport. I live in Colonial Heights. (3/5/19 12:46 pm)
2. None (3/5/19 10:58 am)
3. I do not receive notices (2/21/19 10:30 pm)
4. You don't put out enough for regular people to see them! (2/20/19 12:17 pm)

Q2 How do you PREFER to receive information regarding upcoming meetings, public hearings, open houses, etc.? ~ OR ~ What do you think are the most effective methods of public outreach? Select up to three options.

Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
Newspaper	26.47%	27
Direct Mailing	9.80%	10
Email	69.61%	71
City of Kingsport/MTPO website	26.47%	27
Social Media (Facebook, Twitter, etc.)	52.94%	54
Hard Copy at Public Locations (MTPO office, Library, City Hall)	7.84%	8
Radio	7.84%	8

Television	8.82%	9
Flyers	2.94%	3
Yard Signs	1.96%	2
Other (please specify)	5.88%	6
Total Respondents: 102		

"Other" Responses:

1. Text (3/5/19 4:00 pm)

2. Notification on smart phone - could come from app run by the city that citizens install. (2/20/19 3:30 pm)

3. text message (2/20/19 2:34 pm)

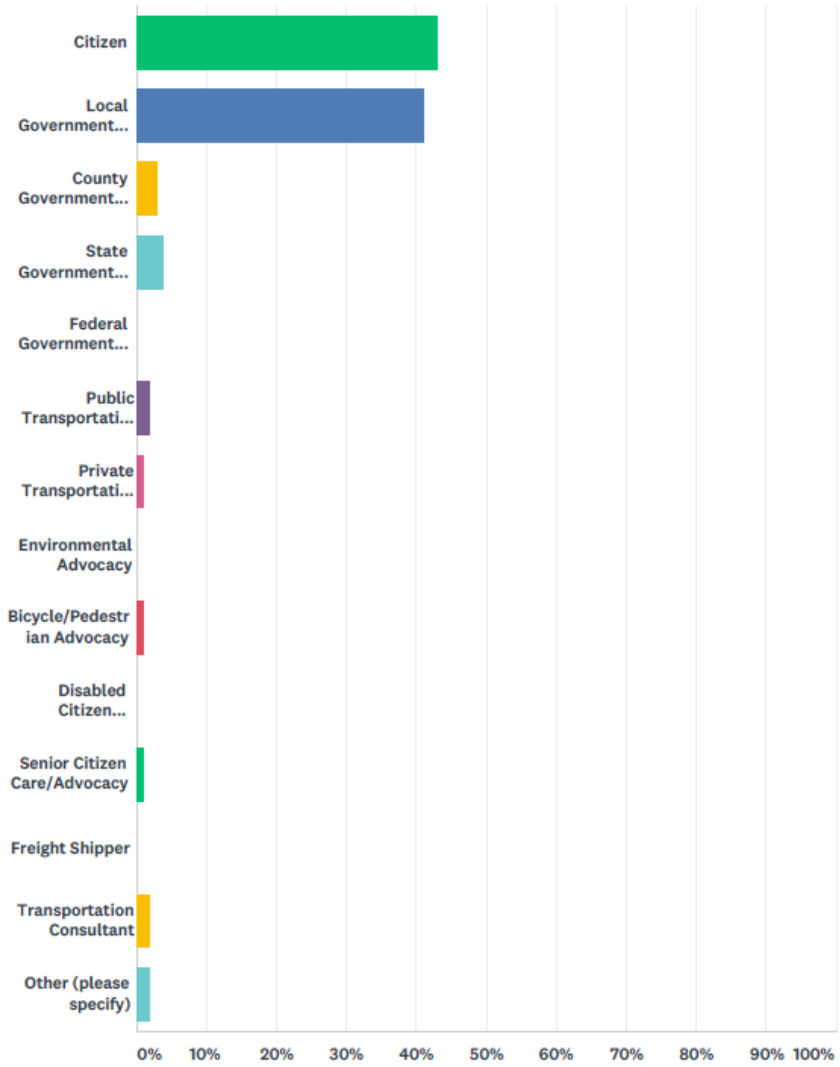
4. I am on the board, so I prefer email. General public should view on website, social media and TV most effective. (2/20/19 1:02 pm)

5. Text alert (2/20/19 12:21 pm)

6. Flyers in areas where the average citizen will see. You did NOT do this with those committees and attendees you want to control for your benefit. (2/20/19 12:17 pm)

Q3 Which of the following categories best describes your affiliation/organization?

Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
Citizen	43.14%	44
Local Government Agency	41.18%	42
County Government Agency	2.94%	3
State Government Agency	3.92%	4

Federal Government Agency	0.00%	0
Public Transportation/Transit Provider	1.96%	2
Private Transportation/Transit Provider	0.98%	1
Environmental Advocacy	0.00%	0
Bicycle/Pedestrian Advocacy	0.98%	1
Disabled Citizen Care/Advocacy	0.00%	0
Senior Citizen Care/Advocacy	0.98%	1
Freight Shipper	0.00%	0
Transportation Consultant	1.96%	2
Other (please specify)	1.96%	2
TOTAL		102

"Other" Responses:

1. City employee (2/22/19 4:00 pm)

2. Support Staff - Finance Local Govt (2/22/19 8:28 am)

Q4 If you wish to join the Kingsport MTPO Email Distribution List, please provide your email address (approximately 8 to 10 emails per year).

There were 27 new additions to the MTPO email distribution list.

Q5 Please provide any other comments/suggestions you feel will assist us with public outreach efforts.

Answered: 8 Skipped: 94

#	RESPONSES	DATE
1	Reach out to Colonial Heights annexed by the city residents. We have little input.	3/5/2019 1:46 PM
2	Add a side walk on Tranbarger Dr	3/5/2019 1:42 PM
3	The reverse 911 is supposed to be used to reach citizens when an emergency occurs. It was not used during the last BAE explosion. Moreover, 911 operators were clueless. The City's communications were a total fail.	3/5/2019 1:26 PM
4	More topics as pertaining to the younger up and coming generation. Don't know what some of those topics would be. But maybe reach out to them. You know, more like the 16 to 25 year old age group.	2/20/2019 2:57 PM
5	please share summary of survey at our next MPO mtg. thanks	2/20/2019 2:02 PM
6	Please remember to reach out to everyone. This city, it's representatives and its decisions are extremely short sighted. Handpicked, preferred, and controlled come to mind. I do not say this randomly. I've expressed this many times. I've opted to move to a better city soon, rather than to continue to fit in where I'm not considered relevant.	2/20/2019 1:17 PM
7	thanks	2/20/2019 1:10 PM
8	Great Survey! Thanks for asking for input.	2/20/2019 10:53 AM

APPENDIX B – SAMPLE PUBLIC COMMENT FORM

Kingsport Greenbelt – "West End" Project

Public Comments

(Public Hearing – September 13, 2018)

PLEASE PRINT

Name: _____ Email: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone (include area code): _____

Which describes your primary interest in the project? Concerned Citizen _____ Affected Resident _____

Affected Landowner _____ Affected Business _____ Name of Business _____

Do you have issues and/or concerns about the concepts and scope of work of this project? _____

If so, please explain. _____

_____

_____

_____

_____

Are there any initial suggestions you would make for this project? _____

If so, please explain. _____

_____

_____

_____

Any additional comments/suggestions/questions. _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

For comments to be included in the grant application process they must be received by **September 21, 2018**.

Comments may be mailed to 225 West Center Street, Kingsport, TN 37660, ATTN: MTPO or emailed to MTPO@KingsportTN.gov

APPENDIX C — SAMPLES OF PUBLIC OUTREACH

Postcard Direct Mailer for Public Meeting

Planning and Public Input Meeting

City of Kingsport
"Greenbelt – West End Project"

KINGSPORT
TENNESSEE

Please be notified the City of Kingsport is developing plans to extend the Greenbelt pedestrian and Bike Pathway westward from the Rotherwood Mansion area to Lewis Lane at Stone Drive (SR 1 / US 11-W). You are invited to attend an informational and planning session that will allow the City to learn more about and receive your questions, comments, and recommendations on this project. This Planning and Public Input Meeting will be held at the Crossroads United Methodist Church sanctuary foyer on the church campus at the intersection of Bays Cove Trail and Netherland Inn Road from 4:30 p.m. to 7 p.m. on Thursday, September 13, 2018. For more information concerning this event please call City Staff at (423) 224-2677 or 224-2670 or email at MTPO@KinggsportTN.gov . If you cannot attend you may forward or email comments to the Kingsport MTPO Offices at 225 West Center Street, Kingsport, TN 37660. **Your input is being sought on this project!**

Long Range Transportation Plan Survey Cards

KINGSPORT METRO
Transportation Planning Organization

https://www.surveymonkey.com/r/KingsportTransportationSurvey

Have an opinion about our transportation system around Kingsport?

Here's your chance to tell us what you think.

Take this survey and help us plan for your future.

https://www.surveymonkey.com/r/KingsportTransportationSurvey

APPENDIX D — SAMPLE EMAIL DISTRIBUTION LIST SIGN UP FORM

Kingsport MTPO E-Mail Distribution List

If you would like to be added to our e-mail list (for information related to meetings, public hearings, etc.), please print your information below.

	Name	E-mail Address
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

11/01/18 - Kingsport MTPO Executive Board Meeting

APPENDIX E — SAMPLE CONSULTATION COMMUNICATIONS

Email:

Kingsport Metropolitan Transportation Planning Organization (MTPO) Stakeholders, Partners, and Interested Parties:

Kingsport MTPO's amended Public Participation Plan (PPP) is available for a required 45-day public review/comment period (which ends August 6, 2019). The PPP guides how all new transportation plans and improvement programs are brought to the public and intergovernmental agencies for review and comment. It is very important to our organization, and to our resulting transportation plans, that we seek input and ideas from our stakeholders, partners, and interested parties affected by transportation planning in the region. Please use this opportunity to share with us what you think can increase the public's opportunities to be conveniently and actively involved in developing plans and to share your comments with us regarding the amended PPP (draft attached to this email). Hard copies of the draft PPP are available for public review at Kingsport City Hall, the Kingsport Public Library, and the MTPO office (201 W Market St, Kingsport, TN). If you have any questions, comments, or would like more information please call Kingsport MTPO at (423) 224-2670 or email MTPO@KingsportTN.gov.

Please feel free to share this email with others who may be interested.

Thank you for your assistance.

Legal Notice:

NOTICE IS HEREBY GIVEN to all citizens of the Kingsport Tennessee-Virginia area and the public at large, the Kingsport Metropolitan Transportation Planning Organization's (MTPO) amended Public Participation Plan (PPP) is available for a required 45-day public review/comment period (which ends August 6, 2019). The PPP guides how all new transportation plans and improvement programs are brought to the public and intergovernmental agencies for review and comment. It is very important to our organization, and to our resulting transportation plans, that we seek input and ideas from our stakeholders, partners, and interested parties affected by transportation planning in the region. Please use this opportunity to share with us what you think can increase the public's opportunities to be conveniently and actively involved in developing plans and to share your comments with us regarding the amended PPP. Please visit the MTPO website at www.kingsporttn.gov/city-services/kmtpo to view a draft copy of the PPP. Hard copies of the draft PPP are also available for public review at Kingsport City Hall, the Kingsport Public Library, and the MTPO office (201 W Market St, Kingsport, TN). If you have any questions, comments, or would like more information please call Kingsport MTPO at (423) 224-2670 or email MTPO@KingsportTN.gov.

APPENDIX F – CODE OF FEDERAL REGULATIONS, TITLE 23, PART 450

23 CFR 450

§ 450.316 Interested parties, participation, and consultation.

- The MPO shall develop and use a documented participation plan that defines a process for providing individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.
  - **(1)** The MPO shall develop the participation plan in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:
    - **(i)** Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;
    - **(ii)** Providing timely notice and reasonable access to information about transportation issues and processes;
    - **(iii)** Employing visualization techniques to describe metropolitan transportation plans and TIPs;
    - **(iv)** Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;
    - **(v)** Holding any public meetings at convenient and accessible locations and times;
    - **(vi)** Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;
    - **(vii)** Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;
    - **(viii)** Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues that interested parties could not reasonably have foreseen from the public involvement efforts;
    - **(ix)** Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and
    - **(x)** Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

- **(2)** When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93, subpart A), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.
- **(3)** A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.

- **(b)** In developing metropolitan transportation plans and TIPs, the MPO(s) should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, the MPO(s) shall develop the metropolitan transportation plans and TIPs with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:
  - **(1)** Recipients of assistance under title 49 U.S.C. Chapter 53;
  - **(2)** Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and
  - **(3)** Recipients of assistance under 23 U.S.C. 201-204.
- **(c)** When the MPA includes Indian Tribal lands, the MPO(s) shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.
- **(d)** When the MPA includes Federal public lands, the MPO(s) shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.
- **(e)** MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under § 450.314.

APPENDIX G – TENNESSEE OPEN MEETINGS ACT

TENNESSEE CODE ANNOTATED
TITLE 8 - PUBLIC OFFICERS AND EMPLOYEES
CHAPTER 44 - PUBLIC MEETINGS
PART 1 - GENERAL PROVISIONS

8-44-101. Policy -- Construction.

(a) The general assembly hereby declares it to be the policy of this state that the formation of public policy and decisions is public business and shall not be conducted in secret.
(b) This part shall not be construed to limit any of the rights and privileges contained in the Constitution of Tennessee, Article I, § 19.

8-44-102. Open meetings -- "Governing body" defined -- "Meeting" defined.

(a) All meetings of any governing body are declared to be public meetings open to the public at all times, except as provided by the Constitution of Tennessee.
(b) (1) "Governing body" means:
(A) The members of any public body which consists of two (2) or more members, with the authority to make decisions for or recommendations to a public body on policy or administration and also means a community action agency which administers community action programs under the provisions of 42 U.S.C. § 2790 [repealed]. Any governing body so defined by this section shall remain so defined, notwithstanding the fact that such governing body may have designated itself as a negotiation committee for collective bargaining purposes, and strategy sessions of a governing body under such circumstances shall be open to the public at all times;
(B) The board of directors of any nonprofit corporation which contracts with a state agency to receive community grant funds in consideration for rendering specified services to the public; provided, that community grant funds comprise at least thirty percent (30%) of the total annual income of such corporation. Except such meetings of the board of directors of such nonprofit corporation that are called solely to discuss matters involving confidential doctor-patient relationships, personnel matters or matters required to be kept confidential by federal or state law or by federal or state regulation shall not be covered under this chapter, and no other matter shall be discussed at such meetings;
(C) The board of directors of any not-for-profit corporation authorized by the laws of Tennessee to act for the benefit or on behalf of any one (1) or more counties, cities, towns and local governments pursuant to title 7, chapter 54 or 58. This subdivision (b)(1)(C) shall not apply to any county with a metropolitan form of government and having a population of four hundred thousand (400,000) or more, according to the 1980 federal census or any subsequent federal census;
(D) The board of directors of any nonprofit corporation which through contract or otherwise provides a metropolitan form of government having a population in excess of five hundred thousand (500,000), according to the 1990 federal census or any subsequent federal census, with heat, steam or incineration of refuse;
(E) (i) The board of directors of any association or nonprofit corporation authorized by the laws of Tennessee that:
(a) Was established for the benefit of local government officials or counties, cities, towns or other local governments or as a municipal bond financing pool;

(b) Receives dues, service fees or any other income from local government officials or such local governments that constitute at least thirty percent (30%) of its total annual income; and
(c) Was authorized as of January 1, 1998, under state law to obtain coverage for its employees in the Tennessee consolidated retirement system.
(ii) This subdivision (b)(1)(E) shall not be construed to require the disclosure of a trade secret or proprietary information held or used by an association or nonprofit corporation to which this chapter applies. In the event a trade secret or proprietary information is required to be discussed in an open meeting, the association or nonprofit corporation may conduct an executive session to discuss such trade secret or proprietary information; provided, that a notice of the executive session is included in the agenda for such meeting.
(iii) As used in this subdivision (b)(1)(E):
(a) "Proprietary information" means rating information, plans, or proposals; actuarial information; specifications for specific services provided; and any other similar commercial or financial information used in making or deliberating toward a decision by employees, agents or the board of directors of such association or corporation; and which if known to a person or entity outside the association or corporation would give such person or entity an advantage or an opportunity to gain an advantage over the association or corporation when providing or bidding to provide the same or similar services to local governments; and
(b) "Trade secret" means the whole or any portion or phrase of any scientific or technical information, design, process, procedure, formula or improvement which is secret and of value. The trier of fact may infer a trade secret to be secret when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.
(2) "Meeting" means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. "Meeting" does not include any on-site inspection of any project or program.
(c) Nothing in this section shall be construed as to require a chance meeting of two (2) or more members of a public body to be considered a public meeting. No such chance meetings, informal assemblages, or electronic communication shall be used to decide or deliberate public business in circumvention of the spirit or requirements of this part.

8-44-103. Notice of public meetings.

(a) Notice of Regular Meetings. Any such governmental body which holds a meeting previously scheduled by statute, ordinance, or resolution shall give adequate public notice of such meeting.
(b) Notice of Special Meetings. Any such governmental body which holds a meeting not previously scheduled by statute, ordinance, or resolution, or for which notice is not already provided by law, shall give adequate public notice of such meeting.
(c) The notice requirements of this part are in addition to, and not in substitution of, any other notice required by law.

8-44-104. Minutes recorded and open to public -- Secret votes prohibited.

(a) The minutes of a meeting of any such governmental body shall be promptly and fully recorded, shall be open to public inspection, and shall include, but not be limited to, a record of persons present, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in the event of roll call.
(b) All votes of any such governmental body shall be by public vote or public ballot or public roll call. No secret votes, or secret ballots, or secret roll calls shall be allowed. As used in this chapter, "public vote" means a vote in which the "aye" faction vocally expresses its will in unison and in which the "nay" faction, subsequently, vocally expresses its will in unison.

8-44-105. Action nullified -- Exception.

Any action taken at a meeting in violation of this part shall be void and of no effect; provided, that this nullification of actions taken at such meetings shall not apply to any commitment, otherwise legal, affecting the public debt of the entity concerned.

8-44-106. Enforcement -- Jurisdiction.

(a) The circuit courts, chancery courts, and other courts which have equity jurisdiction, have jurisdiction to issue injunctions, impose penalties, and otherwise enforce the purposes of this part upon application of any citizen of this state.
(b) In each suit brought under this part, the court shall file written findings of fact and conclusions of law and final judgments, which shall also be recorded in the minutes of the body involved.
(c) The court shall permanently enjoin any person adjudged by it in violation of this part from further violation of this part. Each separate occurrence of such meetings not held in accordance with this part constitutes a separate violation.
(d) The final judgment or decree in each suit shall state that the court retains jurisdiction over the parties and subject matter for a period of one (1) year from date of entry, and the court shall order the defendants to report in writing semiannually to the court of their compliance with this part.

8-44-107. Board of directors of Performing Arts Center Management Corporation.

The board of directors of the Tennessee Performing Arts Center Management Corporation shall be subject to, and shall in all respects comply with, all of the provisions made applicable to governing bodies by this chapter.

8-44-108. Participation by electronic or other means.

(a) As used in this section, unless the context otherwise requires:
(1) "Governing body" refers to boards, agencies and commissions of state government, including state debt issuers as defined in this section and municipal governing bodies. For the purpose of this section only, "municipal governing bodies" means only those municipal governing bodies organized under title 6, chapter 18, and having a city commission of three (3) members, and having a population of more than two thousand five hundred (2,500), according to the 2000 federal census or any subsequent federal census;
(2) "Meeting" has the same definition as defined in § 8-44-102;
(3) "Necessity" means that the matters to be considered by the governing body at that meeting require timely action by the body, that physical presence by a quorum of the members is not practical within the period of time requiring action, and that participation by a quorum of the members by electronic or other means of communication is necessary; and
(4) "State debt issuers" means the Tennessee state funding board, Tennessee local development authority, Tennessee housing development agency, and Tennessee state school bond authority, and any of their committees.
(b) (1) A governing body may, but is not required to, allow participation by electronic or other means of communication for the benefit of the public and the governing body in connection with any meeting authorized by law; provided, that a physical quorum is present at the location specified in the notice of the meeting as the location of the meeting.

(2) If a physical quorum is not present at the location of a meeting of a governing body, then in order for a quorum of members to participate by electronic or other means of communication, the governing body must make a determination that a necessity exists. Such determination, and a recitation of the facts and circumstances on which it was based, must be included in the minutes of the meeting.
(3) If a physical quorum is not present at the location of a meeting of a governing body other than a state debt issuer, the governing body other than a state debt issuer must file such determination of necessity, including the recitation of the facts and circumstances on which it was based, with the office of secretary of state no later than two (2) working days after the meeting. The secretary of state shall report, no less than annually, to the general assembly as to the filings of the determinations of necessity. This subdivision (b)(3) shall not apply to the board of regents, to the board of trustees of the University of Tennessee or to the Tennessee higher education commission.
(4) Nothing in this section shall prohibit a governing body from complying with § 8-44-109.
(c) (1) Any meeting held pursuant to the terms of this section shall comply with the requirements of the Open Meetings Law, codified in this part, and shall not circumvent the spirit or requirements of that law.
(2) Notices required by the Open Meetings Law, or any other notice required by law, shall state that the meeting will be conducted permitting participation by electronic or other means of communication.
(3) Each part of a meeting required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting. Any member participating in such fashion shall identify the persons present in the location from which the member is participating.
(4) Any member of a governing body not physically present at a meeting shall be provided, before the meeting, with any documents that will be discussed at the meeting, with substantially the same content as those documents actually presented.
(5) All votes taken during a meeting held pursuant to the terms of this section shall be by roll call vote.
(6) A member participating in a meeting by this means is deemed to be present in person at the meeting for purposes of voting, but not for purposes of determining per diem eligibility. However, a member may be reimbursed expenses of such electronic communication or other means of participation.
(d) Notwithstanding this chapter to the contrary, members of an emergency communications district board of directors may participate in meetings by any electronic means approved by such board. A board member who participates in a meeting electronically under this subsection (d) is present for purposes of creating a quorum and voting on matters presented to the board for consideration during the meeting to the same extent as a board member who is physically present at the meeting. Subdivisions (c)(1), (2), and (3) shall apply to meetings held pursuant to this subsection (d).

8-44-109. Electronic communication via Internet forum.

(a) A governing body may, but is not required to, allow electronic communication between members by means of a forum over the Internet only if the governing body:
(1) Ensures that the forum through which the electronic communications are conducted is available to the public at all times other than that necessary for technical maintenance or unforeseen technical limitations;
(2) Provides adequate public notice of the governing body's intended use of the electronic communication forum;

(3) Controls who may communicate through the forum;
(4) Controls the archiving of the electronic communications to ensure that the electronic communications are publicly available for at least one (1) year after the date of the communication; provided, that access to the archived electronic communications is user-friendly for the public; and
(5) Provides reasonable access for members of the public to view the forum at the local public library, the building where the governing body meets or other public building.
(b) Electronic communications posted to a forum shall not substitute for decision making by the governing body in a meeting held in accordance with this part. Communications between members of a governing body posted to a forum complying with this section shall be deemed to be in compliance with the open meetings laws compiled in this part.
(c) Prior to a governing body initially utilizing a forum to allow electronic communications by its members that meets the requirements of this section, including the public notice required in subsection (a), the governing body shall file a plan with the office of open records counsel. The plan shall describe how the governing body will ensure compliance with subsection (a). Within thirty (30) days of receipt of the plan, the office of open records counsel shall acknowledge receipt of the plan and shall report whether or not the plan and the proposed actions comply with subsection (a). If the office determines that compliance with subsection (a) has not been met, the office shall provide written comments regarding the plan to the governing body. Until such time as the governing body complies with the written comments provided by the office and the office issues a report of compliance, the governing body shall not be allowed to establish or utilize such forum. This subsection (c) shall not apply to any governing body that had established a forum pursuant to this section prior to May 7, 2009.
(d) No member participating in an electronic communication pursuant to this section is deemed to be eligible for per diem for such participation.
(e) As used in this section, "governing body" means the elected governing body of a county, city, metropolitan form of government or school board.

8-44-110. [Repealed.]

8-44-111. Open meetings -- Development of educational program required -- Materials.

(a) The municipal technical advisory service (MTAS) for municipalities and the county technical assistance service (CTAS) for counties, in order to provide guidance and direction, shall develop a program for educating their respective public officials about the open meetings laws codified in this chapter, and how to remain in compliance with such laws.
(b) The Tennessee school board association shall develop a program for educating elected school board members about the open meetings laws and how to remain in compliance with such laws.
(c) The utility management review board shall develop a program for board members of water, wastewater and gas authorities created by private act or under the general law and of utility districts, in order to educate the board members about the open meetings laws and how to remain in compliance with such laws.
(d) The state emergency communications board created by § 7-86-302 shall develop a program for educating emergency communications district board members about the open meetings laws and how to remain in compliance with such laws.
(e) The office of open records counsel established in chapter 4, part 6 of this title shall establish educational programs and materials regarding open meetings laws in this state, to be made available to the public and to public officials.

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