

Appendix B.

Public Participation

Procedures for the Regional
Transportation Plan and the
Transportation Improvement
Program

FINAL

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Public Participation Procedures for the Regional Transportation Plan and the Transportation Improvement Program

The long-range regional plan looks at least 20 years into the future and charts the course for the nine-county San Francisco Bay Area, connecting the dots between transportation, housing, economic development, and environmental resilience. The current plan, known as Plan Bay Area 2050, serves as both the federally-required Regional Transportation Plan (RTP) and the region’s Sustainable Communities Strategy (SCS), which is required by state law. Plan Bay Area 2050 identifies a path to make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges through 35 long-range strategies complemented by 80+ near-term implementation priorities.

The Transportation Improvement Program (TIP) is a comprehensive four-year regional spending plan for near-term transportation projects, programs and investment priorities. The TIP lists projects or programs that have a federal interest — meaning projects or programs for which federal funds or actions by federal agencies are anticipated — along with local- and state-funded projects that are regionally significant.

Federal regulations require MTC to engage in a planning process that creates opportunities for public involvement, participation and consultation throughout the development of the RTP and the TIP. This Appendix B outlines how to get involved in the development of these two important regional transportation documents.

Public Participation in the RTP and TIP

Because of its comprehensive, long-term vision, the long-range regional plan, which includes the RTP, provides the earliest and best opportunity for interested persons and public agencies to influence MTC’s policy and investment priorities for the Bay Area. It is during the development of Plan Bay Area where investment priorities are established, and broad, regional policy decisions are made.

Another opportunity for public participation, but further along in the process, is the TIP, which is a programming document that identifies funding only for those programs and

projects that are already included in the RTP and have secured at least partial funding. A mid-point between the RTP and TIP is the project- selection process. Interested residents can become versed in how a transportation project moves from an idea to implementation in a publication titled “A Guide to the San Francisco Bay Area’s Transportation Improvement Program, or TIP,” available on MTC’s website: mtc.ca.gov/funding/transportation-improvement-program-tip.

An easy way to become involved in the development of Plan Bay Area and the TIP is to sign up to receive updates from MTC: mtc.ca.gov/about-mtc/public-participation/get-involved. MTC also has a dedicated mailing list for Plan Bay Area available at planbayarea.org/get-involved/mailling-list. To receive updates about the TIP, contact MTC’s Public Information Office at info@bayareametro.gov or (415) 778-6757 and request to be added to the TIP email distribution list.

A. Regional Transportation Plan

The long-range Regional Transportation Plan (RTP) prioritizes and guides Bay Area transportation development for at least the next 20 years. The RTP integrates transportation strategies — public policies and packages of investments — and establishes the financial foundation for how the region invests in its surface transportation system by identifying how much funding is reasonably expected to be available to address critical transportation needs and describing how it should be prioritized. Per federal requirements, the RTP must be updated at least once every four years to reflect reaffirmed or new planning priorities and includes a reasonable forecast of future transportation revenues available to the region.

Under California Senate Bill 375 (Steinberg, Chapter 728, Statutes of 2008) the RTP must include a Sustainable Communities Strategy (SCS) for achieving a state-mandated target for reducing per-capita greenhouse gas (GHG) emissions from cars and light trucks and identify specific areas in the nine-county Bay Area to accommodate all the region’s projected population growth, including all income groups, for at least the next 25 years. The law requires MTC and ABAG to jointly develop the Sustainable Communities Strategy to integrate planning for growth and housing with transportation. These two statutory planning requirements are fulfilled as part of the broader regional plan, known as Plan Bay Area. The current plan, adopted in October 2021, is called Plan Bay Area 2050 (planbayarea.org/finalplan2050). The next update of the RTP/SCS will be known as Plan Bay Area 2050+. SB 375 calls for a separate Public Participation Plan for development of

the Regional Transportation Plan and the Sustainable Communities Strategy, and therefore Appendix C describes the Public Participation Plan for Plan Bay Area 2050+.

MTC prepares several technical companion documents for Plan Bay Area updates. These include a program-level Environmental Impact Report (EIR) per California Environmental Quality Act (CEQA) guidelines, and transportation air quality conformity analyses (to ensure clean air mandates are met) per federal Clean Air Act requirements. Certain revisions or updates to Plan Bay Area may warrant a revision or update to these technical documents. The process for preparing and conducting interagency consultation on the conformity analysis is described in MTC Resolution No. 3757, Revised.

MTC also prepares an equity analysis of Plan Bay Area to determine whether systemically-excluded and low-income communities in the Bay Area share equitably in the benefits of the long-range regional plan without bearing a disproportionate share of the burdens. As an assessment of the region's long-range transportation investments, this analysis is conducted at a regional, program-level scale. This assessment of the long-range plan is intended to satisfy federal requirements under Title VI of the Civil Rights Act and federal policies and guidance on environmental justice. For each update of Plan Bay Area, MTC will prepare a public participation plan (see below "Plan Bay Area Update") that will provide more information on how the equity analysis will be conducted throughout that update of the RTP.

Updating and Revising the Regional Transportation Plan

An update of an existing RTP/SCS (Plan Bay Area) is required at least once every four years. Plan Bay Area also may be revised in between major updates under certain circumstances, as described below:

Plan Bay Area (RTP/SCS) Update

This is an update to the current long-range regional plan, which includes the RTP, and is prepared pursuant to state and federal requirements.

Plan Bay Area updates include extensive public consultation and engagement involving thousands of Bay Area residents; local and partner agency officials and staff; private sector stakeholders; community-based and advocacy organizations; and others over many months. MTC's Policy Advisory Council also plays a key role in providing feedback on the strategies contained in the plan, which are public policies and investments that can be implemented in the Bay Area at the city, county, regional or state level. Local and Tribal governments, transit operators, and other federal, state and regional agencies also

actively participate in the development of the Plan Bay Area update via existing and ad hoc forums.

For each Plan Bay Area update, MTC will prepare a multi-phased public outreach and engagement program to ensure that all those with a stake in the outcome are actively involved in its preparation. See Appendix C for specific information on public engagement for Plan Bay Area 2050+, the next update to the long-range regional plan (RTP/SCS) that is slated to be completed by 2025.

Public Participation Process for a Plan Bay Area Update

- 1.** Prepare a public participation plan to provide early and continuing opportunities to comment.
- 2.** Review public participation plan with the public and advisory groups.
- 3.** Implement public outreach and engagement program, which may include:
 - A. Numerous targeted in-person and/or virtual workshops/meetings with local governments, partner agencies, advisory groups (including MTC’s Policy Advisory Council), and the general public.
 - B. Opportunities to participate online and/or by phone, such as web- and text-based surveys, webinars, statistically valid telephone poll, etc.
 - C. Posting plan-related documents to the web for public review and comment.
 - D. Making documents available for viewing by appointment at the MTC-ABAG library.
- 4.** Notify the public of opportunities to participate using e-mail announcements and newsletters, mailers, press releases, web postings, MTC’s social media channels, etc.
- 5.** Conduct intergovernmental consultation, as required and as appropriate.
- 6.** Conduct interagency consultation, as appropriate, based on Air Quality Conformity Protocol (MTC Resolution No. 3757, Revised).
- 7.** Post draft plan to the Plan Bay Area website and release for at least a 45-day public review period:
 - A. Hold at least three public hearings.
 - B. Respond to comments.
 - C. Provide an additional review and comment opportunity of five days if the final Plan Bay Area differs significantly from the draft plan and raises new material issues.
- 8.** Adoption by the MTC Commission and ABAG Executive Board at a joint public meeting.
- 9.** Post final Plan Bay Area Update to the planbayarea.org website.
- 10.** Notify the public about the Commission and Board action via electronic mailings.

Plan Bay Area (RTP/SCS) Amendment

An amendment is a major revision to the long-range regional plan, including adding or deleting a transportation project; major changes in transportation project/project phase costs (e.g., having to remove or postpone a named project to accommodate higher costs); initiation dates (e.g., when the expected opening day of operation changes from short-term to long-term or vice versa); and/or design concept and scope (e.g., changing project locations or the number of through traffic lanes). Changes to transportation projects that are included in the RTP only for illustrative purposes (such as in a potential financially unconstrained “vision” element) do not require an amendment.

An amendment requires public review and comment, demonstration that the project can be completed based on expected funding, and/or a finding that the change is consistent with federal transportation air quality conformity mandates. Amendments that require an update to the air quality conformity analysis will be subject to the conformity and interagency consultation procedures described in MTC Resolution No. 3757, Revised.

Public Participation Process for a Plan Bay Area Amendment

- 1.** Release proposed amendment for a 30-day public review period:
 - D. Notify the public of opportunities to participate using e-mail announcements/newsletters, mailers, press releases, web postings and/or MTC’s social media channels.
 - E. Post amendment on the Plan Bay Area website for public review.
 - F. Make amendment available for viewing by appointment at the MTC-ABAG library.
- 2.** Plan Bay Area Amendment reviewed at a public meeting of the Joint MTC Planning Committee with the ABAG Administrative Committee.
- 3.** Approval by the MTC Commission and ABAG Executive Board at public meetings.
- 4.** Post approved Plan Bay Area Amendment on the Plan Bay Area website.
- 5.** Notify the public about the Commission and Board action via electronic mailings.

Plan Bay Area (RTP/SCS) Administrative Modification

This is a minor revision to the long-range regional plan for minor changes to transportation project/project phase costs, funding sources and/or initiation dates. An administrative modification does not require public review and comment, demonstration that the transportation project can be completed based on expected funding, nor a finding that the change is consistent with federal transportation conformity requirements. As with a Plan

Bay Area amendment, changes to transportation projects that are included in an RTP’s potential financially unconstrained “vision” element may be changed without going through this process.

Public Participation Process for a Plan Bay Area Administrative Modification

1. No formal public review
2. Approval by MTC Executive Director
3. Plan Bay Area Administrative Modification posted on the Plan Bay Area website following approval

Other Federal and State Requirements

Countywide Transportation Plans

Bay Area counties are authorized by state law to develop Countywide Transportation Plans (CTP) on a voluntary basis approximately once every four years. MTC, however, is required to develop guidelines for the development of CTPs by the County Transportation Agencies (CTAs). The intent of these guidelines is to achieve compatibility between CTPs and the RTP through a common planning framework, even though the plans differ in scope.

CTPs assess transportation needs and guide transportation priorities and funding decisions for that county over a 20- to 25-year horizon. These countywide plans inform the transportation projects and programs that are forwarded to MTC for consideration in the RTP. Information on the CTP process is available here: mtc.ca.gov/planning/long-range-planning/countywide-transportation-plans.

Congestion Management Process

Under federal regulations, MTC is required to [prepare a congestion management process \(CMP\) for the Bay Area](#) that provides, “accurate, up-to-date information on transportation system performance and assesses alternative strategies for congestion management that meet state and local needs.” In addition to the regional CMP, county-level planning work by CTAs also informs MTC’s decisions on program and investment priorities, including the RTP. Examples of this local planning work include county CMPs, Countywide Transportation Plans, corridor studies, sales tax investment plans, among others. Generally, MTC’s Planning Committee adopts guidelines every two years to guide the development and ensure consistency between the RTP and countywide CMPs. Those interested in this planning effort may obtain copies of the relevant memoranda via MTC’s

website, or by requesting to be added to the Planning Committee’s mailing list at info@bayareametro.gov.

B. Transportation Improvement Program

The Transportation Improvement Program (TIP) helps implement the policy and investment priorities expressed by the public and adopted by MTC in Plan Bay Area. In this way, public comments made as part of the plan are reflected in the TIP as well. The TIP covers at least a four-year timeframe, and all projects included in the TIP must be consistent with Plan Bay Area, which covers 20 or more years. The TIP is a comprehensive listing of Bay Area surface transportation projects — including transit, highway, local roadway, bicycle and pedestrian investments — that:

- receive federal surface transportation funding, or
- are subject to a federally required action, or
- are regionally significant, for federal air quality conformity purposes.

The TIP does not contain all funds, projects or programs identified in Plan Bay Area. The majority of revenues identified in the plan are never included in the TIP. These include local and state funds used to operate and maintain the transportation network that do not meet the criteria listed above. The TIP itself does not implement the plan, but rather is a subset of projects that contribute to the achievement of the plan’s goals.

The TIP includes a financial plan that demonstrates there are sufficient revenues to ensure that the funds committed (or “programmed”) to the projects are in fact available to implement the projects or project phases. Adoption of the TIP also requires a finding of conformity with federal air quality standards.

Individual project listings may be viewed through MTC’s web-based Fund Management System at fms.bayareametro.gov. As part of MTC’s commitment to public engagement, many projects in the TIP are mapped to present a visual location of the project. Individuals without access to the internet may view a printed copy of the project listings in the MTC-ABAG library by scheduling an appointment by calling 415-778-5236 or emailing library@bayareametro.gov.

In addition to a Transportation Improvement Program that is accessible online at mtc.ca.gov/funding/transportation-improvement-program-tip, MTC maintains free, subscription-based e-mail distribution lists to inform interested individuals, transportation officials and staff of changes and actions related to the TIP. Through this

list, individuals may be alerted as needed regarding the development and approval of a new TIP and updates, such as the notice of a TIP update or notice and approval of the TIP amendments. These notifications facilitate public review and comments as well as coordination with transportation and other public agencies. Sign up for the service by contacting MTC at info@bayareametro.gov.

To further assist in the public assessment of the TIP, and specifically to analyze the equity implications of the proposed TIP investments, MTC conducts an analysis for the TIP with a focus on specific populations, including systemically-excluded and low-income communities.

Updating and Revising the TIP

Federal regulations require that the TIP be updated at least once every four years. State statute requires that the TIP be updated every two years. From time to time, circumstances dictate that revisions be made to the TIP between updates, such as adding a new project. MTC will consider such revisions when the circumstances prompting the change are compelling. The change must be consistent with Plan Bay Area, be consistent with (“conform to”) the federal air quality plan known as the State Implementation Plan (SIP), and it must be financially feasible.

In addition to a TIP update, revisions to the TIP may occur as TIP Amendments, TIP Administrative Modifications, or TIP Technical Corrections. The criteria for administrative modifications and amendments are defined in federal regulations, specifically Title 23, CFR part 450.104.

The Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and California Department of Transportation (Caltrans) have developed amendment and administrative modification procedures for the TIP. These procedures are posted online at: mtc.ca.gov/sites/default/files/TIP_Revision_Procedures.pdf. Further explanation about TIP updates and how different types of revisions are processed are described below.

TIP Update

This is a complete update of the existing TIP, to reflect new or revised transportation investment strategies and priorities. Federal regulations require an update of the TIP at least once every four years, while state statute requires an update of the TIP every two years. Because all projects included in the TIP are consistent with Plan Bay Area, MTC’s extensive public outreach for development of Plan Bay Area is reflected in the TIP as well. The TIP supports implementation, in the short-term, of the financially constrained element

of Plan Bay Area and is responsive to comments received during the development of Plan Bay Area. TIP updates will be subject to the conformity and interagency consultation procedures described in MTC Resolution No. 3757, Revised.

State law requires a TIP update more frequently than the federally-required four-year update cycle, for which MTC may perform a limited and less robust update and outreach effort by simply updating project information using prior TIP reports, analysis and methodologies. In such circumstances, significant modification of analytical approaches and additional features to the TIP will be made on the federal four-year update cycle, and more in-line with the four-year update cycle of Plan Bay Area.

TIP Amendment

This is a revision that involves a major change to the TIP, such as the addition or deletion of a project; a major change in project cost; a significant change in project schedule; or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes). An amendment is a revision that requires public review and comment, re-demonstration of fiscal constraint, or an air quality conformity determination. Amendments requiring a transportation air quality conformity analysis will be subject to the conformity and interagency consultation procedures described in MTC Resolution No. 3757, Revised.

TIP Administrative Modification

An administrative modification includes minor changes to a project's costs or to the cost of a project phase; minor changes to funding sources of previously included projects; and minor changes to the initiation date of a project or project phase. An administrative modification does not require public review and comment, re-demonstration of fiscal constraint or conformity determination.

TIP Technical Correction

Technical corrections may be made by MTC staff as necessary. Such corrections are not subject to an administrative modification or an amendment, and may include revisions such as: changes to information and projects that are included only for illustrative purposes; changes to information outside of the TIP period; changes to information not required to be included in the TIP per federal regulations; use of toll credits; identification of Advance Construction (AC) or conversion of AC for funds already in the TIP; changes to the informational expanded project description, if such change does not change the TIP-required project description; changes to funding in prior years (if outside the TIP period); changes to a project phase following federal authorization to proceed for that phase of

work; or changes to correct simple errors or omissions including data entry errors. By definition, these technical corrections do not significantly impact the cost, scope or schedule within the TIP period. Accordingly, they are not subject to a public review and comment process, re-demonstration of fiscal constraint, or a conformity determination.

Public Participation Process for Updating and Revising the Transportation Improvement Program

Update	Amendment	Administrative Modification	Technical Correction
<ol style="list-style-type: none"> 1. Notify the public, interested parties and the Bay Area Partnership technical committees and/or working groups of opportunities to participate using e-mail notifications/ announcements and/or e-newsletters. 2. Conduct intergovernmental review and consultation, as appropriate. 3. Release Draft TIP for public review and comment as required by the air quality conformity consultation process¹: <ol style="list-style-type: none"> A. Post on MTC’s website B. Make available for viewing by appointment at the MTC-ABAG library. 4. Respond to significant material comments pertinent to the TIP; include MTC’s response in an appendix in the final TIP. 5. Provide additional review and comment opportunity of five days if the final TIP differs significantly from the Draft TIP and raises new material issues. 6. Review by MTC’s Programming & Allocations Committee at a public meeting; refer to Commission for final adoption. 7. Adoption by the Commission at a public meeting. 8. Approval by Caltrans. 9. Approval by FHWA and FTA. 	<ol style="list-style-type: none"> 1. Notify the public, interested parties and the Bay Area Partnership technical committees and/or working groups of opportunities to participate using e-mail notifications/ announcements and/or e-newsletters. 2. Post on MTC’s website for public review and make available for viewing by appointment at the MTC-ABAG library. <ul style="list-style-type: none"> → Amendments deleting, adding and/or changing a project subject to a new air quality conformity analysis: <ol style="list-style-type: none"> A. Public review and comment period, as required by the air quality conformity consultation process. B. Review by an MTC standing committee at a public meeting. C. Approval by the Commission at a public meeting. → Amendments deleting or adding a project not subject to an air quality conformity analysis (such as a roadway rehabilitation): <ol style="list-style-type: none"> A. Review and approval by an MTC standing committee or the Commission at a public meeting. → Amendments changing an existing project that is not subject to an air quality conformity analysis; or changing an existing grouped project listing (such as the highway bridge program); or bringing a previously listed project or phase back into the TIP for financial purposes; or changing TIP funding revenues: <ol style="list-style-type: none"> A. Approval by the MTC Executive Director or designee, following a 5-day notice on MTC’s website; or B. Review and approval by an MTC standing committee or the full Commission at a public meeting. 3. Approval by Caltrans 4. Approval by FHWA and FTA 	<ol style="list-style-type: none"> 1. No public review 2. Approval by MTC Executive Director or designee by delegated authority (authority is delegated by the Federal Highway Administration/Federal Transit Administration), or Caltrans. 	<ol style="list-style-type: none"> 1. No public review 2. Technical corrections by staff 3. No approval required
After approval...	After approval...	After approval...	After approval...
<ol style="list-style-type: none"> 1. Post on MTC website. 2. Make available for viewing by appointment at the MTC-ABAG library. 3. Notify the public, interested parties and the Bay Area Partnership technical committees and/or working groups about the Commission’s action. 	<ol style="list-style-type: none"> 1. Post on MTC website. 2. Make available for viewing by appointment at the MTC-ABAG library. 3. Notify the public, interested parties and the Bay Area Partnership technical committees and/or working groups about the Executive Director’s or the Commission’s action. 	<ol style="list-style-type: none"> 1. Post on MTC website. 2. Make available for viewing by appointment at the MTC-ABAG library. 	N/A

¹ MTC staff may make minor, technical edits to the Draft TIP during the review and comment period. In these instances, staff will post the technical edits on MTC’s website and notify interested parties via e-mail notification.

Other Federal Requirements

Federal Transit Administration Program of Projects (POP) Public Participation Requirements

Federal transit law and joint FHWA-FTA planning regulations governing the metropolitan planning process require a locality to include the public and to solicit comment when the locality develops its metropolitan long-range transportation plan and its metropolitan TIP. FTA has determined that when a recipient follows the procedures of the public involvement process outlined in the FHWA-FTA planning regulations, the recipient satisfies the public participation requirements associated with development of the Program of Projects (POP) that recipients of Section 5307, Section 5337 and Section 5339 funds must meet.

This Public Participation Plan is being used by the recipients listed below to satisfy their public participation process for the POP. This Public Participation Plan (PPP) follows the procedures for public involvement associated with TIP development and therefore satisfies public participation requirements for the POP. All public notices of public involvement activities and times established for public review and comment on the TIP will state that they satisfy the POP requirements for applicable funds.

Recipients using MTC's PPP to satisfy their public participation process for the POP include:

1. AC Transit (Alameda-Contra Costa Transit District)
2. ACE (Altamont Corridor Express)
3. BART (Bay Area Rapid Transit District)
4. Caltrain (Peninsula Corridor Joint Powers Board)
5. County Connection (Central Contra Costa Transit Authority)
6. FAST (Fairfield/Suisun Transit System)
7. Golden Gate Transit (Golden Gate Bridge, Highway and Transportation District)
8. LAVTA (Livermore-Amador Valley Transit Authority/ Wheels)
9. Marin Transit (Marin County Transit District)
10. Petaluma Transit
11. SamTrans (San Mateo County Transit District)
12. San Francisco Bay Ferry (WETA/Water Emergency Transportation Authority)
13. Santa Rosa CityBus
14. SFMTA (San Francisco Municipal Transportation Agency)

15. SMART (Sonoma Marin Area Rail Transit)
16. SolTrans (Solano County Transit)
17. Sonoma County Transit
18. Tri Delta Transit (Eastern Contra Costa Transit Authority)
19. Union City Transit
20. Vacaville City Coach
21. VINE (Napa Valley Transportation Authority)
22. VTA (Santa Clara Valley Transportation Authority)
23. WestCAT (Western Contra Costa Transit Authority)

Annual Listing of Obligated Projects

By federal requirement, MTC at the end of each calendar year publishes an annual listing of obligated projects, which is a record of federally-funded transportation projects that have been delivered the previous year. The listing also is intended to increase public awareness of government spending on transportation projects. Copies of this annual listing may be obtained from MTC's website: mtc.ca.gov/funding/federal-funding/project-delivery or by contacting MTC's Public Information Office at (415) 778-6757 or info@bayareametro.gov.

Interagency and Tribal Government Consultation Procedures for the Regional Transportation Plan and the Transportation Improvement Program

A. Public Agency Consultation

The Infrastructure Investment and Jobs Act is the federal surface transportation legislation that specifies a public participation process, directing metropolitan transportation agencies like MTC to consult with officials responsible for other types of planning activities that are affected by transportation in the area, be that conservation and historic preservation or local planned growth and land use management.

Like the public, the most effective time to involve governmental agencies in the planning and programming process is as early as possible. As such, the development of the RTP (Plan Bay Area), with its long-range timeframe, is the earliest key decision point for the

interagency consultation process. It is at this stage where funding priorities and major projects' planning-level design concepts and scopes are introduced, prioritized and considered for implementation. Furthermore, MTC's funding programs and any projects flowing from them are derived directly from the policies and transportation investments contained in Plan Bay Area. Because Plan Bay Area governs the selection and programming of projects in the TIP, MTC considers the agency consultation process as a continuum starting with the regional transportation plan. Plan Bay Area is the key decision point for policy decisions regarding project and program priorities that address mobility, congestion, air quality and other planning factors. The TIP is a short-term programming document detailing the funding for only those investments identified and adopted in the RTP.

MTC will use the following approaches to coordinate and consult with affected agencies in the development of the RTP and the TIP. Throughout the process, consultation will be based on the agency's needs and interests. At a minimum, all agencies will be provided an opportunity to comment on the RTP and TIP updates.

Regional Transportation Plan (Plan Bay Area)

In addition to the public agency consultation described in the previous section, MTC's compliance with CEQA further serves as a framework to consult, as appropriate, in the development of Plan Bay Area with federal, state and local resource agencies responsible for land use management, natural resources, environmental protections, conservation and historic preservation. This consultation will include other agencies and officials responsible for other planning activities in the MTC region that are affected by transportation to the maximum extent practicable.

As required by CEQA, the Notice of Preparation (NOP) stating that MTC and ABAG, as the lead agencies, will prepare a program-level Environmental Impact Report (EIR) for Plan Bay Area is the first step in the environmental process. The NOP gives federal, state and local agencies, as well as the public, an opportunity to identify areas of concern to be addressed in the EIR and to submit them in writing to MTC and ABAG. Further, MTC and ABAG also will hold a public scoping meeting (see Appendix C for complete details on the Plan Bay Area EIR process) to explain the environmental process and solicit early input on areas of concern. During the development of the Draft EIR, MTC will consult with the relevant agencies on resource maps and inventories for use in the EIR analysis.

MTC and ABAG will consider the issues raised during the NOP period and scoping meeting during its preparation of the EIR. Subsequently, as soon as the Draft EIR is completed, MTC and ABAG will file a Notice of Completion (NOC) with the State Clearinghouse and release the Draft EIR for a 45-day public review period. MTC will seek written comments from agencies and the public on the environmental effects and mitigation measures identified in the Draft EIR. During the comment period, MTC and ABAG may consult directly with any agency or person with respect to any environmental impact or mitigation measure. MTC and ABAG will respond to written comments received prior to the close of the comment period and make technical corrections to the Draft EIR where necessary. The Commission will be requested to certify the Final EIR, and MTC and ABAG will file a Notice of Determination (NOD) within five days of Commission certification.

Note that while the RTP is not subject to the federal National Environmental Policy Act (NEPA), MTC and ABAG will consult with federal agencies as appropriate during the preparation of the CEQA environmental document. Additionally, the involvement of federal agencies in Plan Bay Area can link the transportation planning process with the federal NEPA process. As the projects in Plan Bay Area and TIP continue down the pipeline toward construction or implementation, most must comply with NEPA to address individual project impacts.

Transportation Improvement Program (TIP)

As discussed above, crucial decisions about whether or not to support or fund a transportation program or project in the region start at the RTP level. The TIP translates recommendations from Plan Bay Area into a short-term program of improvements focused on projects that have a federal interest. Therefore, the earlier and more effective timeframe for public comment on the merits of a particular transportation project is during the development of the long-range plan. The TIP defines project budgets, schedules and phasing for those programs and projects that are already part of the RTP. The TIP does not provide any additional information regarding environmental impacts, beyond that found in the program-level environmental analysis prepared for the RTP.

As such, starting at the Plan Bay Area development stage, MTC staff will concurrently consult with all agencies regarding the TIP. Subsequent to the RTP, additional consultations at the TIP stage will be based on an agency's needs and interests. At a minimum, all agencies will be provided with an opportunity to review and comment on the TIP. Project sponsors — including the California Department of Transportation (Caltrans), local jurisdictions, transit operators and county transportation agencies (CTAs) — review

and consult with MTC on each of their respective projects in the TIP. These agencies (and any other interested agency) are involved every step of the way in the establishment of MTC programs, selection of projects and their inclusion in the TIP.

B. Other Protocols for Working with Public Agencies

The Bay Area Partnership Review and Coordination

MTC established the Bay Area Partnership to collaboratively assist the Commission in fashioning consensus among its federal, state, regional and local transportation agency partners regarding the policies, plans and programs to be adopted and implemented by the Commission. More recently, that focus has shifted to advising the Commission on specific transportation investment policies and matters related to Plan Bay Area.

Membership includes a chief staff officer from all public agencies representing the following transportation interests:

- Transit operations
- Transportation facilities
- Congestion management agencies
- Public works agencies
- Airports and seaports
- Regional, state and federal transportation, environmental, and land use agencies

The Partnership Board and its Partnership Technical Advisory Committee (PTAC) and working group(s) consider the ongoing and more technical aspects of transportation funding issues. The Partnership Board and PTAC meetings are open to the public. The Partnership Board's meetings are webcast live and later archived on MTC's website. Offsite Board meetings and all PTAC meetings are recorded, and recordings may be requested by contacting the MTC Public Information Office at (415) 778-6757 or info@bayareametro.gov. The status of TIP revisions are provided to the Partnership through email notifications. For TIP updates, PTAC and working group(s) will be kept informed and consulted throughout the process by e-mail notifications or presentations as appropriate.

Air Quality Conformity and Interagency Consultation

A dialogue between agencies over transportation air quality conformity considerations must take place in certain instances prior to MTC's adoption of its RTP or TIP. These consultations are conducted through the Air Quality Conformity Task Force, which

includes representatives of the U.S. Environmental Protection Agency, the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), the California Air Resources Board (CARB), Caltrans, the Bay Area Air Quality Management District and other state and local transportation agencies. These agencies review updates and, in certain instances, amendments to Plan Bay Area and the TIP to ensure they conform to federal transportation air quality conformity regulations.

In accordance with Transportation Air Quality Conformity and Interagency Consultation Protocol procedures (MTC Resolution No. 3757, Revised), MTC must implement the interagency consultation process for the nine-county San Francisco Bay Area before making a transportation conformity determination on Plan Bay Area or the TIP. In developing an update to Plan Bay Area/TIP, MTC will bring important issues to the Partnership Board or its technical committees/working groups for discussion and feedback. All materials that are relevant to interagency consultation, such as the Plan Bay Area/TIP schedule, important Plan Bay Area/TIP-related issues and the draft Plan Bay Area/TIP, will also be transmitted to the Conformity Task Force for discussion and feedback. Similar consultation will occur for Plan Bay Area/TIP amendments requiring an air quality conformity analysis.

Intergovernmental Review via State Clearinghouse

The intent of intergovernmental review, per Executive Order 12372, is to ensure that federally funded or assisted projects do not inadvertently interfere with state and local plans and priorities. Applicants in the Bay Area with programs/projects for intergovernmental review are required to submit documentation to the State Clearinghouse via the Office of Planning and Research in Sacramento, which is the Single Point of Contact for the intergovernmental review of federal grant proposals and other activities. In this capacity, it is also the function of the clearinghouse to coordinate state and local review of federal financial assistance applications, federally required state plans, direct federal development activities and federal environmental documents. The purpose of the clearinghouse is to facilitate state and local participation in federal activities occurring within California. The Executive Order does not replace public participation, comment or review requirements of other federal laws, such as the National Environmental Policy Act (NEPA), but rather gives states an additional mechanism to ensure federal agency responsiveness to state and local concerns.

The clearinghouse also receives and distributes environmental documents prepared pursuant to CEQA and coordinates the state-level environmental review process. The RTP is subject to CEQA and therefore is reviewed through the clearinghouse.

C. Tribal Government Consultation

MTC also consults with the region's Native American Tribal governments. There are six federally recognized Native American tribes in the San Francisco Bay Area:

- Cloverdale Rancheria of Pomo Indians
- Dry Creek Rancheria Band of Pomo Indians
- The Federated Indians of Graton Rancheria
- Kashia Band of Pomo Indians of the Stewarts Point Rancheria
- Lower Lake Rancheria Koi Nation
- Lytton Rancheria Band of Pomo Indians

The groundwork for consultation with our region's Tribal governments will occur early in the process of developing Plan Bay Area/the TIP. Engagement activities with the Tribes will be conducted according to Tribal preference. As required, MTC and ABAG also will invite and encourage Tribal leaders and their representatives to request government-to-government consultation at any time during the development of Plan Bay Area/the TIP. Tribal Summits will continue in order to offer Tribes the ability to collaborate with MTC and ABAG and several of their partners as appropriate. MTC and ABAG will also conduct individual meetings at each Tribe's request in a forum that is convenient for them.

As required by Assembly Bill 52, MTC and ABAG will provide written notification to all Tribes in the region, including federally recognized Tribes and all California Native American Tribes on the Native American Heritage Commission List with Tribal Cultural Resources in the Bay Area, about the opportunity for engagement in the Plan Bay Area update process. Additionally, MTC and ABAG will be available for consultation at the Tribe's request.