

**Resolution 2021-09**

**Adoption of Revised Orange County Transportation Council Operating Procedures**

**WHEREAS**, the Orange County Transportation Council (OCTC) has been designated by the Governor of the State of New York as the Metropolitan Planning Organization responsible, together with the State, for the comprehensive, continuing, and cooperative transportation planning process for the Orange County area of the Poughkeepsie-Newburgh NY-NJ Urbanized Area; and

**WHEREAS**, in view of its transportation planning responsibilities the Orange County Transportation Council has prepared an update to its Operating Procedures to demonstrate compliance with the various Federal requirements as well as to generally update the procedures through which the Orange County Transportation Council carries out its activities; and,

**WHEREAS**, the draft Operating Procedures document was available throughout the drafting process on the Orange County Transportation Council website and the final draft document was made available for the required forty-five-day public comment period, during which no comments were received; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Orange County Transportation Council hereby adopts the revised Operating Procedures.

**CERTIFICATE**, the undersigned, duly qualified and acting Secretary of the Orange County Transportation Council, certifies that the foregoing is a true and correct copy of a resolution adopted by a vote on October 12, 2021.

Date: \_\_\_\_\_

By: \_\_\_\_\_

Lance McMillan, P.E, Secretary  
Orange County Transportation Council

# Operating Procedures

*As Amended on October 12, 2021*



124 Main Street  
Goshen, NY 10924  
Phone: 845.615.3840  
Fax: 845.291.2533  
Email: [octc@orangecountygov.com](mailto:octc@orangecountygov.com)  
Website: [www.orangecountygov.com/octc](http://www.orangecountygov.com/octc)

## Contents

PURPOSE.....	3
FUNCTIONS.....	3
MEMBERSHIP.....	4
OFFICERS.....	1
POLICY BOARD MEETINGS.....	6
DECISION-MAKING .....	6
UNIFIED PLANNING WORK PROGRAM (UPWP) .....	8
TRANSPORTATION IMPROVEMENT PROGRAM AND AMENDMENTS.....	8
TIP Modification Procedure.....	9
PUBLIC INVOLVEMENT PROCEDURES .....	12
Public Participation for the Metropolitan Transportation Plan (Long-Range Plan):.....	14
Public Participation for Transportation Improvement Program:.....	15
Public Participation at OCTC Meetings:.....	15
CORRESPONDENCE.....	6
COUNCIL STAFF.....	6
PLANNING COMMITTEE .....	7

## **PURPOSE**

The Orange County Transportation Council (OCTC) was formed in 1982 by designation of the Governor of the State of New York. OCTC is the Metropolitan Planning Organization (MPO) for the Orange County portion of the Poughkeepsie-Newburgh, NY large urban area and the Middletown, NY small urban area. The MPO planning area extends to include all of Orange County. Federal surface transportation law and implementing regulations require and provide for designated MPOs to develop transportation plans and programs for urbanized areas, including long range plans and transportation improvement programs. Certain federally funded projects are subject to these metropolitan planning requirements, for which certain Federal Highway and Federal Transit planning funds may be made available for this purpose. OCTC determines the distribution and appropriate use of these planning funds in the annual Unified Planning Work Program (UPWP) in coordination with the New York State Department of Transportation (NYSDOT). Federal law also requires certain activities be coordinated with other MPOs within designated Transportation Management Areas and also within designated air quality non-attainment areas. Federal law also sets forth factors to be considered in planning, sets requirements for federal certification of the metropolitan planning process, provides for MPO member consultation and coordination for the Transportation Plan and TIP, and provides for the selection of projects from the TIP.

The Orange County Transportation Council, being a consortium which cannot enter into contracts or employ staff, has designated the County of Orange as its host agency. The host agency, through a contract with the State of New York, employs staff, coordinates OCTC activities and administers the UPWP. The Orange County Transportation Council has a voting body known as the Policy Board and a staff-level Planning Committee. These OPERATING PROCEDURES describe how OCTC will conduct business and carry out the required MPO activities.

## **FUNCTIONS**

The member agencies agree that the Orange County Transportation Council (OCTC), as the State-designated Metropolitan Planning Organization for Orange County, shall be responsible for:

- a. carrying out the metropolitan transportation planning process and developing the unified planning work program, transportation management systems, the metropolitan transportation plan (also known as the long-range transportation plan), and transportation improvement program in cooperation with relevant Federal, State, and local agencies;
- b. being the forum for cooperative decision-making on transportation issues by local elected officials and transportation providers, especially those related to the planning, programming and expenditure of Federal surface transportation funds;
- c. developing and approving the Unified Planning Work Program (UPWP) annually and carrying out transportation planning within the OCTC planning area which includes all of Orange County;
- d. approving the Transportation Improvement Program (TIP) and amendments thereto;
- e. reviewing and updating the metropolitan transportation plan as necessary at least every four years, utilizing Federal surface transportation planning factors and meeting procedural requirements as specified in the USDOT metropolitan transportation planning regulations;
- f. providing citizens as well as public and private agencies with the opportunity to participate in transportation planning and programming processes;
- g. establishing the Urbanized Area boundary and delineating the Federal-Aid Urban Highway System within these boundaries;
- h. coordinating its plans and programs, and its planning and programming processes, with adjacent metropolitan planning organizations, especially for the purposes of air quality conformity processes, and for activities to be coordinated within the Mid-Hudson Valley Transportation Management Area (which includes

## Orange County Transportation Council Operating Procedures

OCTC, the Dutchess County Transportation Council (DCTC), and the Ulster County Transportation Council (UCTC), as well as the North Jersey Transportation Planning Authority), such as congestion management and sub-allocation of transit funding apportionments. This coordination will be conducted in accordance with the MHVTMA Memorandum of Understanding as well as other cooperatively developed guidance and procedures, such as the methodology for the sub-allocation of FTA Section 5307/5340 funds and the memorandum of agreement on air quality conformity coordination.

- i. Cooperation, coordination and consultation with FTA Designated Recipients and public transit operators, including cooperative development of the UPWP, financial plans for the TIP and metropolitan transportation plan, and other plans and programs as required or prudent, such as the Coordinated Public Transit Human Services Transportation Plan, in accordance with Federal surface transportation legislation and the metropolitan planning implementing regulations (23 CFR Parts 450 & 500 and 49 CFR Part 613).
- j. Reviewing and updating the Operating Procedures as needed.

### **MEMBERSHIP**

As outlined in the Memorandum of Understanding (MOU) with New York State, and most recently modified by OCTC Resolution 2016-12, the Orange County Transportation Council shall include the following voting and non-voting members:

#### **Permanent Voting Members**

- Orange County Executive (Permanent Chair)
- NYS Department of Transportation Commissioner (Permanent Secretary)
- City of Newburgh City Manager
- City of Middletown Mayor
- City of Port Jervis Mayor
- Metropolitan Transportation Authority Chairman / Chief Executive Officer
- NYS Thruway Authority Executive Director

#### **Towns:**

Two voting members from the towns in each of the following transportation areas:

#### ***Newburgh Urbanized Area***

- Town of Cornwall
- Town of Montgomery
- Town of New Windsor
- Town of Newburgh

#### ***Southern Area***

- Town of Blooming Grove
- Town of Chester
- Town of Highlands
- Town of Monroe
- Town of Palm Tree
- Town of Tuxedo
- Town of Warwick
- Town of Woodbury

#### ***Western Gateway Area***

- Town of Crawford
- Town of Deerpark
- Town of Goshen
- Town of Greenville
- Town of Hamptonburgh
- Town of Minisink
- Town of Mt. Hope
- Town of Wallkill
- Town of Wawayanda

The two town voting members from each transportation area shall be determined through consultation among the Town Supervisors in each area. The terms of the representatives shall be two years, with the most recent term beginning January 1, 2019. At the conclusion of each subsequent two-year period, the member towns of each of the transportation areas shall select two new representatives from among the Town Supervisors of the towns comprising the transportation area.

## Orange County Transportation Council Operating Procedures

### Villages:

Two voting members from all the villages of Orange County:

- Village of Chester
- Village of Cornwall-on-Hudson
- Village of Florida
- Village of Goshen
- Village of Greenwood Lake
- Village of Harriman
- Village of Highland Falls
- Village of Kiryas Joel
- Village of Maybrook
- Village of Monroe
- Village of Montgomery
- Village of Otisville
- Village of South Blooming Grove
- Village of Tuxedo Park
- Village of Unionville
- Village of Walden
- Village of Warwick
- Village of Washingtonville
- Village of Woodbury

The two voting members from the villages shall be selected by the villages of Orange County. The terms of the two members representing the villages of Orange County shall be two years. This term shall commence and end on the same schedule as the term of the rotating town voting members of the Council. No village shall be a voting member of the Council during the same term the town or towns in which it is located is a voting member of the Council.

**Policy Board:** The voting members of the Council shall constitute the OCTC Policy Board. Voting members may be represented by designated alternates from the municipality or agency that is empowered to attend meetings and act on their behalf with the authority to make decisions, so long as such designation or proxy is in writing to the Chairperson prior to the meeting at which the designated alternate would vote. This written designation may be temporary or permanent. The designee may be an elected official (e.g. Town/Village Board member) or a non-elected, paid employee of the municipality or agency. Written designations must receive the concurrence of the Chairperson prior to Council vote. All written designations from a Council member shall be nullified upon their departure from the elected office or official position upon which their membership was based. One person, One Proxy: For the purposes of quorum and voting, any one person can represent only one voting member (that is, no person shall be counted twice for the purposes of determining quorum and no person shall vote a proxy for more than one member).

**Attendance at Policy Board Meetings:** Attendance at Policy Board meetings is necessary to fulfill the obligations entrusted to OCTC. All voting members must make the effort to attend Policy Board meetings or to designate an alternate in writing to be provided in person or via email in advance of the meeting. If a Town or Village voting representative fails to attend or designate an alternate for two Policy Board meetings in a calendar year, the Chairman shall write to the absentee representative stating the attendance requirements and of the absences. If said voting representative fails to attend three meetings in a calendar year, the Chairman shall write a letter to the towns in the absentee representative's town sub-area or to the villages in the county requesting that those represented by the absentee representative appoint another representative.

### Non-Voting Members

- All municipalities in Orange County not presently serving as voting representatives
- Federal Transit Administration Region II Administrator
- Federal Highway Administration NY Division Administrator
- New York State Bridge Authority
- Port Authority of New York & New Jersey
- Reviewing and updating the Operating Procedures as needed.
- Reviewing and updating the Operating Procedures as needed.

## **OFFICERS**

The Orange County Executive shall serve as permanent Chairperson of the Council and of its Policy Board. The Regional Director of the New York State Department of Transportation, Region 8, shall serve as permanent Secretary to the Council. The Council may establish and fill any other offices necessary to carry out its work.

## **CORRESPONDENCE**

All members will receive all materials distributed by mail or email to the voting members.

## **COUNCIL STAFF**

The Host Agency for the Transportation Council is the County of Orange. The Orange County Planning Department and the NYSDOT Region 8 staff shall serve as Staff to the Council, and will undertake the administrative, technical, and other duties to assist the Council in fulfilling its requirements. The Staff shall be accountable to the Council for results of that portion of the planning program assigned to the staff. The Orange County Deputy Commissioner of Planning is authorized to represent OCTC at meetings of the New York State Association of MPOs ([www.nysmpos.org](http://www.nysmpos.org)).

## **POLICY BOARD MEETINGS**

Policy Board Meetings will be held as necessary to accomplish the functions of the Council, but not less than once a year. Any individual member may request that the Chairperson convene the Policy Board. Written notice of meetings, including an agenda and any meeting materials (or a web link to the agenda and materials), will be sent by mail or email at least seven (7) calendar days in advance of the Policy Board meeting date to the OCTC distribution list, the host agency's official newspapers, the Times Herald Record, and posted on the OCTC website. Meetings of the OCTC Policy Board are open to the public. Representatives to the Planning Committee are invited to attend all Policy Board meetings. At any meeting of the Policy Board, the general principles of parliamentary procedure shall be observed and held in accordance with the New York State Open Meetings Law. The regular order of business, unless otherwise modified by the Policy Board shall be as follows:

- a. Call to Order
- b. Introductions & Quorum Determination
- c. Call for Citizen Participation
- d. Approval of Meeting Minutes
- e. Communications and Announcements
- f. Reports and Actions on Old Business
- g. New Business
- h. Adjournment

## **DECISION-MAKING**

All actions taken by the Council through the Policy Board shall be by consensus of the voting members. Consensus is defined to be unanimity of affected parties. Consensus can result from a vote taken at a Policy Board meeting or from determination at a Policy Board meeting that there are no objections.

The Chairperson will judge the extent to which voting members are affected by proposed Council actions and will declare a consensus or the lack thereof as the case may be.

A quorum, consisting of a majority of voting members or their official designated representatives, must be present for the Policy Board to act.

## **PLANNING COMMITTEE**

The Planning Committee shall work in conjunction with the Council staff and shall be responsible for identifying transportation planning issues for consideration by the Council and its Policy Board. The Planning Committee shall be responsible for identifying specific transportation planning issues for inclusion in the Metropolitan Transportation Plan, the Unified Planning Work Program, the Transportation Improvement Program, and special studies. The membership of the Planning Committee is comprised of representatives of all the voting and non-voting members. The Orange County Department of Planning MPO staff representative and the New York State Department of Transportation MPO representative shall serve as the co-chairpersons for the Planning Committee.

In order to keep the Council members informed, it is the responsibility of each Planning Committee representative to discuss all issues with their respective Council member prior to the Planning Committee meetings and brief them after each Planning Committee meeting.

The Planning Committee shall meet as necessary (monthly if possible) to provide direct technical input into areas being studied, as identified below and in the Metropolitan Transportation Plan, the Unified Planning Work Program, or the Transportation Improvement Program. The Planning Committee representatives will make recommendations to their voting representatives. Notice of Planning Committee meetings shall be provided seven (7) calendar days in advance of meetings or in accordance with the NYS Open Meetings Law. Meeting notices and materials will be emailed or mailed to the OCTC distribution list including the host agency's official newspapers, plus the Times Herald Record, and posted on the OCTC website.

**Responsibilities:** It is the Planning Committee's responsibility to:

1. Review and make recommendations to the Policy Board regarding proposed changes to the Transportation Improvement Program.
2. Annually review and develop draft updates to the Unified Planning Work Program for approval by the Policy Board; assist as necessary in carrying out UPWP studies and planning programs. Disadvantaged Business Enterprise guidance from NYSDOT will be used when soliciting for consultant assistance in carrying out UPWP studies and planning programs. OCTC County Planning Staff will prepare the required UPWP DBE reports for NYSDOT reporting to FHWA and FTA.
3. Review and develop a draft update to the Metropolitan (long range) Transportation Plan at least every four years for approval by the Policy Board.
4. Review and develop a draft update to the Coordinated Public Transit Human Service Transportation Plan as necessary for approval by the Policy Board.
5. Coordinate the preparation and review of Air Quality Conformity analyses and determinations for consideration and approval by the Policy Board.
6. Undertake special studies and plans as necessary and with the approval of the Policy Board.
7. Identify other specific areas of concern for further analysis of transportation related issues.
8. Report TIP fiscal constraint and performance at least annually.
9. Monitor delivery of the TIP program.



## **SUBCOMMITTEES**

Subcommittees or advisory committees may be established for particular tasks by the Policy or Planning Committee. These tasks may include acting in an advisory role, dealing with Committee issues, completing specific work items or special tasks. Subcommittees may be formed or dissolved as needed. Information regarding subcommittees will be posted on the OCTC website.

**One example of a subcommittee is the Transit Subcommittee. The Transit Subcommittee would aim to maintain and develop a cohesive and responsive countywide transit system. Members would include voting and non-voting members of the Council, the Planning Committee, local transit providers, transit rider representatives from the public, and other partner agencies. UNIFIED PLANNING WORK PROGRAM (UPWP)**

A Unified Planning Work Program will be prepared annually and updated as necessary to guide the planning and administrative activities of the council. Preparation, management, and amendment of the UPWP will be in accordance with USDOT Metropolitan Planning Regulations; the MPO Host Agency Agreement between NYSDOT and Orange County; and the NYSDOT UPWP Handbook. Management of the UPWP activities will be through the County Planning Department, as host agency.

Major (or 'formal') revisions of the UPWP require approval of the OCTC Policy Board and subsequent federal approval by USDOT. Major revisions are described by NYSDOT as:

- a. Any revision that would result in the need to adjust the total approved UPWP budget (either increase or decrease)
- b. Cumulative transfers between different Activity Line Item (ALI) codes which exceed or are expected to exceed ten percent (10%) of the current total approved budget, whenever the federal agency's share of the budget exceeds \$100,000
- c. Transfer of funds allotted for training allowances (i.e., from direct payments to trainees as reimbursement of training expenses to other expense categories).

Following local approval of the major revision by the OCTC Policy Board, a notification letter is forwarded to the NYSDOT Statewide Planning Bureau (SPB) and the NYSDOT Regional Planning Office together with the approving resolution and the revised budget tables, plus any other justification for the revision. The SPB will review the changes and update all internal accounting records to reflect the changes. The SPB MPO Coordinator will forward a copy of the revision and all supporting documentation to the appropriate federal agency. For FHWA PL amendments, SPB will send a request to the NYSDOT Accounting Federal Funds Section to process a Federal Aid Project agreement modification to reflect the amendment. Coordination with NYSDOT and USDOT must be timely, as any costs incurred on a project before approval of the federal-aid project modification to increase the funding are ineligible for federal reimbursement. Once the above process has been completed, the SPB MPO Coordinator will notify the MPO that it can begin submitting reimbursement requests reflecting the amended UPWP.

All other changes to the UPWP are considered by NYSDOT to be administrative in nature. Administrative changes to the UPWP may be accomplished with the approval of the Chairman following communication of the changes to the OCTC Planning Committee. No approval by NYSDOT or USDOT is required for such changes. Notice of all UPWP administrative changes shall be forwarded to the SPB MPO Coordinator for their information, with such changes highlighted in the UPWP document.

## **TRANSPORTATION IMPROVEMENT PROGRAM AND AMENDMENTS**

The OCTC Transportation Improvement Program (TIP) is a list of transportation projects selected to receive federal

## Orange County Transportation Council Operating Procedures

highway and transit funds during the current 5-year period. The TIP is cooperatively developed by member agencies. The frequency and cycle for updating the TIP must be compatible with the Statewide Transportation Improvement Program (STIP) development and approval process established by the New York State Department of Transportation. The OCTC TIP becomes a part of the STIP. TIP and STIP development and approval generally occurs on a two-year cycle. The TIP is required to show all Federal surface transportation funding which is expected to be obligated for eligible transportation projects and programs within Orange County, together with all required funding matches. The OCTC TIP has customarily shown agency transportation capital programs in their entirety, including projects not funded with Federal funds. The TIP is posted on the OCTC website.

There are times during the TIP cycle when it becomes necessary to make changes to the TIP. OCTC is committed to assisting the public agencies responsible for implementing TIP projects by responding promptly to requests for necessary TIP changes. Revisions to the TIP are classified as either minor (administrative modification) or major (amendment).

### **TIP Modification Procedure**

This procedure is to be used as a guide for modifying the OCTC TIP. These procedures are consistent with 23 CFR Part 450 of the Statewide Transportation Planning; Metropolitan Transportation Planning; Final Rule.

#### **Definitions**

- **Administrative Modification**

A minor revision to the TIP. This includes minor changes to project/project phase costs, minor changes to funding sources of previously included projects, and minor changes to project/project phase initiation dates. An administrative modification does not require public review and comment, re-demonstration of fiscal constraint, or a conformity determination (in transportation/air quality nonattainment and maintenance areas).

- **Amendment**

A major revision to the TIP. This includes the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope. An amendment requires public review and comment, re-demonstration of fiscal constraint, or a conformity determination.

These operating procedures are to be used as a guide in administering all OCTC TIP administrative modifications and/or amendments.

- **Fiscal Constraint**

Given that OCTC is presently designated as being in a transportation / air quality non-attainment area, projects included in the first two years of the TIP shall be limited to those for which funds are available or committed. (Federal guidance on financial planning and fiscal constraint is available at <http://www.fhwa.dot.gov/planning/guidfinconstrqa.htm>.)

- Fiscal constraint must be maintained for all actions. For the purpose of these Operating Procedures, fiscal constraint for FHWA funds means that OCTC's annual programming of FHWA fiscally constrained fund types (CMAQ, HSIP, NHPP, STP Urban, STP Flex, and STP Off-System Bridge) does not exceed the total of these funds available in any TIP year. Funds available are equal to OCTC's annual allocation plus any carryover from the previous year. (NOTE: carryover can be negative.) In addition, the 5-year TIP total for each of these fund types cannot exceed the 5-year total available for that fund type. Fiscal constraint shall be documented for each action.
- In the case of FTA funded projects, future year TIP allocation estimates are based on federal transportation authorization. The Federal government is supposed to enact appropriations bills

## Orange County Transportation Council Operating Procedures

annually, with apportionments and allocations subsequently published by the FTA in the *Federal Register*. As a result, in order to maintain and document fiscal constraint, FTA funds programmed on the TIP need to be consistent with the amounts shown in the *Federal Register*.

### ▪ **Earmarks and Discretionary Funds**

To the extent that Congress may have or may in the future so apportion and appropriate, earmarks and other discretionary funds are new revenue sources that can only be used for a specific purpose as outlined in the *Federal Register* and are by their nature fiscally constrained. Adding or increasing these fund types does not require the re-demonstration of fiscal constraint. Transit earmark amounts need to be consistent with the amounts published by the FTA in the *Federal Register*, including any rescissions.

### ▪ **Public Review**

An amendment to the TIP for a project which is not subject to air quality conformity review (i.e., Exempt projects) requires fourteen (14) calendar days for public review.

- An amendment to the TIP for a project which is subject to air quality conformity review (i.e., Non-Exempt projects) requires thirty (30) calendar days for public review. Such public review for non-exempt projects may be combined with the public notice for the draft OCTC Conformity Determinations.
- All TIP public review notices will be sent to the OCTC mailing list via e-mail or mail. If an e-mail address is available, the notice shall be sent by e-mail. If not, mail will be utilized. The mailing list is updated on a regular basis. The proposed amendment will be posted on the OCTC website during the public review period and paper copies will be made available upon request. Public comments will be forwarded to the Policy Board in advance of consideration of the proposed amendment.

### ▪ **Changing Project Funding from Non-Federal Funding to Federal Funding**

An Amendment is required to add federal funds to a project shown as 100% non-federally funded.

### ▪ **Rollover**

“Rollover” is the addition of a project phase to the first year of the current TIP by administrative modification rather than by amendment. To rollover, a phase must meet five conditions:

- be listed in the last year of the previous TIP or in the committed column of the current TIP;
- not have been authorized/obligated before the end of the previous TIP as expected;
- not already listed in one of the five years of the current TIP;
- maintains TIP fiscal constraint and the amount of funds programmed is consistent with the allocation in the *Federal Register*; and
- be authorized/obligated by the end of the first year of the current TIP.

This process is consistent with the rollover clause in the OCTC TIP approval resolution.

### ▪ **Withdrawn Projects/Phases**

Projects/phases which have been removed from the TIP due to withdrawal by the project sponsor will need to be added back onto the TIP as an amendment if the sponsoring agency subsequently seeks to progress the project and funds are available.

### ▪ **De-obligated Projects/Phases**

Projects/phases which are de-obligated by FHWA or FTA may be added back onto the TIP by Administrative Modification, provided that the federal amount is less than \$10 (ten) Million and provided the project/phase authorization occurred from the current STIP.

### ▪ **Cost**

For federally funded projects, amendments are required when the federal funding is proposed to increase by 25% or more.

## Orange County Transportation Council Operating Procedures

- OCTC will work with project sponsors to determine the total project cost if necessary, such as when a project is programmed over multiple years, assigned multiple project identification numbers (PINs), or represented in multiple phases in the TIP and/or Long-Range Transportation Plan.

### **Steps in the Amendment Process**

- a. If a local project, the sponsor completes a request form as provided by the NYSDOT Local Projects Unit (LPU) and submits to LPU; following its review, LPU forwards the request to OCTC staff. State on-system projects that require amendments are vetted by the NYSDOT Region 8 Program Management staff who send the proposed amendments to OCTC.
- b. OCTC staff determines if the change is an administrative modification or amendment based on these Operating Procedures and works with NYSDOT Region 8 to prepare a draft TIP strip. If requested by OCTC staff, the project sponsor shall provide additional information on the proposed TIP change.
- c. OCTC staff, in coordination with the project sponsor, submits the draft project TIP strip for NYSDOT Environmental Services Bureau notification. If ESB determines appropriate, the information is forwarded to the Interagency Consultation Group review and concurrence.
- d. OCTC staff initiates public review, as applicable.
- e. For amendments, an OCTC Policy Board meeting is held to consider approval of the proposed amendment. If approved, OCTC and NYSDOT staffs process the action in e-STIP to await subsequent approval/disapproval by the federal agencies as necessary.
- f. For Administrative Modifications, OCTC first notifies the project sponsors for final check of the draft modification then works with NYSDOT staff to process the action in e-STIP to await subsequent approval/disapproval by the federal agencies as necessary.
- g. Project sponsors notified of completed actions by the OCTC staff.

## Orange County Transportation Council Operating Procedures

The following table summarizes the aforementioned parameters:

<b>Table of Procedures</b>	<b>Administrative Modification</b>	<b>Amendment</b>
Federal Cost Increase		
▪ Below 25% Threshold	√	
▪ At or above 25% Threshold		√
Planned Obligation Date		
▪ Within the 4-years of the STIP	√	
▪ Outside the 4 years of the STIP		√
▪ Change to a non-exempt project affecting the regional conformity determination		√
Rollover		
▪ Within resources	√	
▪ When re-demonstration of fiscal constraint is needed		√
Fund Sources		
▪ Local to Federal		√
▪ Federal to Federal	√	
▪ Earmarked funds added to existing project	√	
Addition or Deletion		
▪ Addition of a new federally funded project		√
▪ Deletion of a federally funded project		√
▪ Split out of a block project	√	
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▪ Addition of a minor phase	√	
▪ Addition of a R.O.W. acquisition or construction phase		√
▪ Project under construction below 25% federal fund threshold	√	
▪ Project under construction at or above 25% federal fund threshold		√
▪ Project split into multiple PINs for implementation/construction	√	
▪ Separate project combined for implementation/construction into one PIN.	√	
▪ Addition of a de-obligated project/phase (< \$10M fed., within STIP)	√	
▪ Addition of a withdrawn project		√

### **PUBLIC INVOLVEMENT PROCEDURES**

Public participation is an essential part of the transportation planning process. The OCTC has an approved Public Participation Plan that helps to guide public participation in the Orange County planning area and region. The OCTC is committed to encouraging meaningful and informed public participation that promotes opportunities and resources for all community members and interested stakeholders to confidently participate in the transportation planning process. All goals, objectives, and strategies evaluate equity impacts, and the design and development of OCTC programs and projects are inclusive of all and effectively engage underrepresented populations.

The Public Participation Plan also aims to increase public involvement in the transportation planning processes as well as the local transit planning activities coordinated by MPO Host Agency Orange County. Public participation efforts will be conducted generally and at the OCTC sub-regional level with the goal of obtaining a balanced view of

## Orange County Transportation Council Operating Procedures

community interests and to assist as many people as possible in their understanding of transportation issues, projects, and services.

**Federal Requirements:** Federal transportation legislation includes requirements for public participation activities for states and metropolitan planning organizations (MPOs). The regulations require that MPOs provide proactive, timely information; reasonable public access to technical and policy information; adequate notice of public involvement activities; explicit consideration and response to public input; and consideration of the needs of those traditionally under served by the transportation system. Examples of the public include: citizens, affected public agencies, representatives of transportation agencies, private providers of transportation, and other interested parties.

**General Public Participation Activities:** The OCTC Policy Board, Planning Committee and staff will continue to expand outreach efforts to various individuals and public interest groups in the region.

1. The OCTC distribution/notification list will be maintained by the Orange County Planning Department and updated regularly with input from OCTC member agencies. The OCTC staff will continue its efforts to identify and include citizens and groups that are traditionally under served by the transportation system.
2. Any person or agency expressing an interest in receiving announcements will be added to the list.
3. For OCTC Policy Board meetings at which amendments to the TIP, Long Range Transportation Plan, or Operating Procedures will be considered for approval, OCTC staff will notify the distribution list and the host agency's official newspapers plus the Times Herald Record about the proposed amendments based on the time periods stated in these Operating Procedures [namely fourteen (14) calendar days for TIP amendments with no air quality conformity; thirty (30) calendar days for TIP amendments with air quality conformity; thirty (30) calendar days for long range transportation plan amendments with or without air quality conformity; and forty-five (45) calendar days for Operating Procedures revisions.] Notice of all other Policy Board meetings, Planning Committee meetings and other public involvement meetings will be provided seven (7) calendar days in advance of the meetings, or, for emergency meetings, a shorter period as may be provided under state laws. Such notices will include date, time, location, purpose/topic of the meeting.
4. The written comments and a synopsis of any verbal comments received during public comment periods will be prepared by the Orange County Planning Department, provided to the OCTC Policy Board and will be posted to the OCTC website.
5. Documentation and synopsis of all public OCTC meetings will be prepared and retained by the Orange County Planning Department. Copies will be posted on the OCTC website and available upon request.
6. Technical and policy information will be available from the OCTC staff at the County Planning Department and through the OCTC website. Requests for data which can be fulfilled will be made available within a reasonable period of time.
7. Transportation Providers such as Passenger Rail, Freight Rail, Taxi, School Bus, Interstate Bus, Fixed Route Local Bus, Dial-a-Bus, Auto Industry, Airplane-Passenger/Freight, Truck Freight, and Human Service Agency transportation providers will be included on the OCTC distribution list and invited to participate with OCTC meetings and activities.
8. Visualization techniques and tools, such as those outlined in the Public Participation Plan, will be used to describe plans, studies and analyses and will also be utilized where appropriate for OCTC meetings and other public involvement activities.

9. The Orange County Planning Department will make public information available in electronically accessible formats and will maintain an OCTC website for presenting general information regarding the Council, its activities, documents, meeting notices, air quality conformity process notices and documents, educational materials, draft and final plans and studies, and other such information.
10. Efforts to enhance participation for persons with limited English proficiency will be utilized as necessary or recommended through Title VI planning and assessments.
11. Meetings of the Policy Board and Planning Committee, and public meetings for planning and programming efforts will be conducted in convenient locations and which meet access standards of the Americans with Disabilities Act. Meetings will be conducted at convenient and accessible times.
12. Representatives of users of pedestrian walkways, bicycle transportation facilities, and the disabled will be provided with the opportunity to participate in planning processes.
13. The OCTC public participation process satisfies the Orange County transit planning public participation requirements for its Program of Projects (POP).

**Public Participation for the Metropolitan Transportation Plan (Long-Range Plan):**

In addition to the activities discussed under General Public Participation Activities, the following procedures apply to the preparation and update of the Metropolitan Transportation Plan.

1. The Transportation Plan will be reviewed and updated if necessary, at least every four years. The OCTC staff working with OCTC Planning Committee will have primary responsibility for developing the transportation plan.
2. There will be a minimum of three forums organized and held with the express purpose of discussing current transportation issues; goals; and potential actions and recommendations (one in each OCTC sub-region). Notice of the public meetings and relevant support material will be mailed to all those listed on the MPO distribution list.
3. OCTC will consult, as appropriate, with State and local agencies responsible for land use management, natural resources and environmental protection, conservation and historic preservation concerning the development and revision of the long-range transportation plan. OCTC will in addition consult with and reach out to relevant Federal, State, and local agencies including the NYS Office of Parks, Recreation and Historic Preservation; Various divisions/programs of the NYSDEC; NYS Department of State; Environmental Protection Agency; the Army Corps of Engineers; and Tribal governments, as appropriate during the planning process so as to meet the federal requirement to discuss potential environmental mitigation activities along with potential sites to carry out the activities to be included. The discussion is to be developed in consultation with Federal, State, and Tribal wildlife, land management, and regulatory agencies.
4. Transit operators will be included in the cooperative development of funding estimates for the financial plan section of the plan.
5. All significant written or verbal comments, and the responses if any, will be summarized and included in the final Metropolitan Transportation Plan.

## Orange County Transportation Council Operating Procedures

6. If the final Transportation Plan differs significantly from the one discussed at the open forums an additional public meeting will be held prior to its consideration by the OCTC Policy Board.
7. The draft plan update and any accompanying air quality conformity determination will be provided for public review at least thirty (30) calendar days in advance of the meeting at which the Policy Board would consider adoption.

### **Public Participation for Transportation Improvement Program:**

In addition to the activities discussed in the TIP revision section of this document or under the General Public Participation procedures, the following procedures apply to the preparation and update of the TIP.

1. In those years in which a TIP update is being done and new projects are being solicited, a public notice or "call letter" will be sent to the OCTC distribution list (including media, municipalities, participating agencies, and interested parties) announcing the beginning of the TIP update process. The notice/call letter will include information on how municipalities and agencies can request a specific transportation project be considered for federal funding and information on how to participate in the transportation planning process. In addition, a schedule of the proposed TIP update and any other pertinent information will be included in the call letter. The public notice shall state that the notice itself, the public involvement activities, time established, and comments on the TIP will satisfy Orange County local transit POP requirements.
2. The OCTC Planning Committee will review all project proposals received. Proposals for projects on the state system will be directed to the New York State Department of Transportation. All rail transit projects will be referred to Metro-North Railroad/Metropolitan Transportation Authority, and any other transit project will be referred to the Orange County Planning Department and the NYS Department of Transportation for review and comment.
3. A public meeting will be held by the OCTC Planning Committee to discuss the TIP development process, projects on the existing TIP, and proposed projects being considered for addition to the TIP, and air quality conformity analysis for the TIP. Any suggestion for a new project not previously considered by the Planning Committee will be referred to the appropriate agency or transportation provider for consideration.
4. After the final TIP and associated air quality conformity statement are approved by the Policy Board, the TIP document will be posted to the OCTC website.

### **Public Participation at OCTC Meetings:**

The following procedures will be followed at all OCTC Policy Board and Planning Committee meetings.

1. All persons attending OCTC Policy Board and Planning Committee meetings, including OCTC members and the general public, will be asked to record their name, address, email address, and the interest or group they represent.
2. The general public will be given the opportunity to speak at each OCTC Policy Board and Planning Committee meeting under the public participation section of the agenda on any item pertinent to the agenda or the transportation planning process. This does not preclude the general public from commenting on any agenda item as it is being discussed, with the approval of the chairperson and time permitting.



## Orange County Transportation Council Operating Procedures

3. The Chairperson of the Policy Board shall be the official spokesperson for the Council to inform the public of the work of the transportation planning program, and to maintain good relations with the press and media. Upon request, any Council member can make a public statement or issue a press release on behalf of their organization. Any public statement issued on behalf of OCTC must receive prior approval by the Policy Board.

### **Review Period for Changes to Operating Procedures**

1. The general public will have forty-five (45) calendar days to review and comment on any proposed changes to these OCTC Operating Procedures through a public notice to the OCTC distribution list and posting of the proposed changes to the OCTC website. Comments from the public will be documented and reported to the OCTC Policy Board prior to consideration of any proposed changes to the Operating Procedures.
2. There will be a periodic review of the OCTC Operating Procedures to address changes that may, from time to time, be needed.