



AUGUSTA REGIONAL TRANSPORTATION STUDY PUBLIC PARTICIPATION PLAN



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This public participation process for the Metropolitan Transportation Plan, Transportation Improvement Program, Special Projects, other plans and programs satisfies the Federal Transit Administration's Program of Projects public participation requirement for Georgia Department of Transportation and participating transit grantees in the ARTS urbanized area, including Augusta Public Transit and Lower Savannah Council of Government in South Carolina part of the urbanized area served by Best Friend Express and Dial-a-Ride transit system.

Amended and Adopted December 7, 2017
Revised June 30, 2017
Amended September 6, 2012
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"No person in the United States shall, on the grounds of race, color, sex, age, national origin, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights of 1964, the Civil Rights Restoration Act of 1987, and any other related non discrimination Civil Rights laws and authorities under any program or activity receiving federal financial assistance." (Pub. L. 88-352)

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USDOT/FHWA/FTA:

The contents of this report reflect the views of the persons preparing the document and those individuals are responsible for the facts and the accuracy of the data presented herein. The contents of this report do not necessarily reflect the views or policies of the Georgia Department of Transportation, South Carolina Department of Transportation, the Federal Highway Administration, or the Federal Transit Administration. This report does not constitute a standard, specification, or regulation.

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A. The Purpose of a Public Participation Plan

The public participation plan seeks to establish a model and forum to ensure timely and meaningful public input into the metropolitan transportation planning process. The plan outlines the process to engage all interested parties in planning the regional transportation network and the development of major transportation studies undertaken as part of the ARTS. The overall objective is to provide a process that is proactive, provides complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement.

The Federal-Aid Highway Act of 1962 established the requirement for transportation planning in urban areas throughout the country. In order to create an environment for sustained economic growth, efficient resource consumption, modal safety, and multimodal transportation planning, the Moving Ahead for Progress in the 21st Century Act (MAP-21) was signed into law on July 6, 2012. Building on the legacy of the previous Federal laws governing surface transportation funding, MAP-21 reinforces the 3-C principles of planning, e.g., cooperative, continuous, and comprehensive. The public participation plan seeks to fully demonstrate the 3-C principles of planning.

The ARTS planning process is cooperative, continuous, and comprehensive. The planning process is cooperative because it brings together local elected officials, state and federal transportation personnel, citizens, and other interested parties to plan and program transportation projects. ARTS participants continuously evaluate transportation needs and plan for long-term improvements. The ARTS process is comprehensive because it considers all modes of transportation, including cars, trucks, buses, airplanes, railroads, bicycles, and pedestrians.

The Fixing America's Surface Transportation Act (FAST Act), signed into law on December 4, 2015, and emphasizes public involvement as a hallmark of the planning process. The regulations implementing FAST require that the Metropolitan Planning Organization (MPO) develop and use a participation plan that provides a variety of stakeholders the opportunity to participate fully in the regional transportation planning process. The regulations require that the MPO board include officials of public agencies that administer or operate major modes of transportation, including providers of public transportation. FAST and the regulations require that the development of the regional transportation plan and transportation improvement program be developed in consultation with agencies and officials responsible for other planning activities in the region.

B. Metropolitan Planning Organization: Augusta Regional Transportation Study (ARTS)

ARTS is the regional transportation planning process for the Augusta, GA – Aiken, SC urbanized area. The Augusta Planning & Development Department (APDD) coordinates the transportation planning process for the ARTS by achieving the following:

- Providing information and technical support to all of the committee members.
- Preparing documents, studies, programs, and plans.
- Fostering interagency coordination across all of the committees and other sub or ad-hoc committees.
- Facilitating input and feedback from the public.
- Recommending documents/processes to the committees for approval.

1. MPOs Function

As the regional transportation policy-making and planning body, the MPO seeks to ensure that federal and state spending on transportation occurs through a comprehensive, cooperative, and continuing process. ARTS functions can be classified into four goals:

- 1) Establish a setting that is fair and impartial
- 2) Evaluate transportation alternatives
- 3) Cooperatively develop, update, and approve:
 - Unified Planning Work Program (UPWP)
 - Metropolitan Transportation Plan (MTP/formerly LRTP)
 - Transportation Improvement Program (TIP)
- 4) Involve the public (residents and key affected groups)

2. ARTS-MPO Area Makeup (Land Mass, Population, Jobs, Residents and Boundary Map)

The ARTS area includes the urbanized part of the Augusta region, as defined by the U. S. Bureau of Census, and the area expected to become urbanized over the next twenty years. The study area encompasses 793 square miles and includes all of Richmond County, Georgia, part of Columbia County, Georgia, the Fort Gordon Military Reservation, part of Aiken County, South Carolina, and part of Edgefield County, South Carolina. Incorporated places within the study area include the Georgia cities of Augusta, Hephzibah, Blythe and Grovetown, and the South Carolina cities of Aiken, North Augusta, New Ellenton, and Burnetown. The Savannah River bisects the study area. Interstate 20 crosses the study area and connects to the I-75 and I-85 corridors in Atlanta, the I-26 and I-77 corridors in Columbia, South Carolina, and the I-95 corridor in Florence, South Carolina (*Figure 1*).

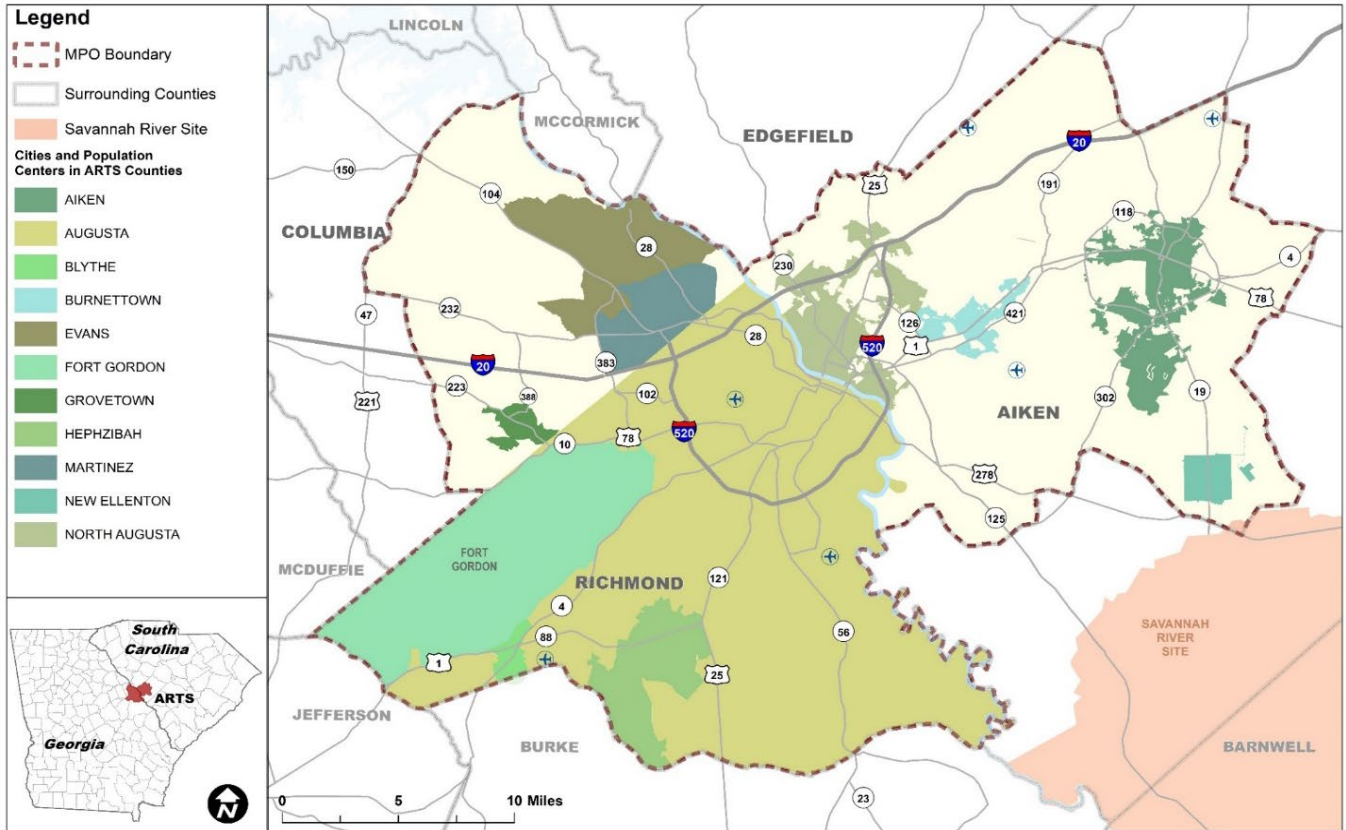


Figure 1: ARTS Planning Area

C. ARTS Organizational Structure

The ARTS planning process is implemented by four (4) committees: The Policy Committee (PC), the South Carolina Policy Subcommittee, the Citizens Advisory Committee (CAC), the Technical Coordinating Committee (TCC). The South Carolina Technical Coordinating Committee is also involved in the process. *Figure 2* shows the basic organizational structure of the ARTS.

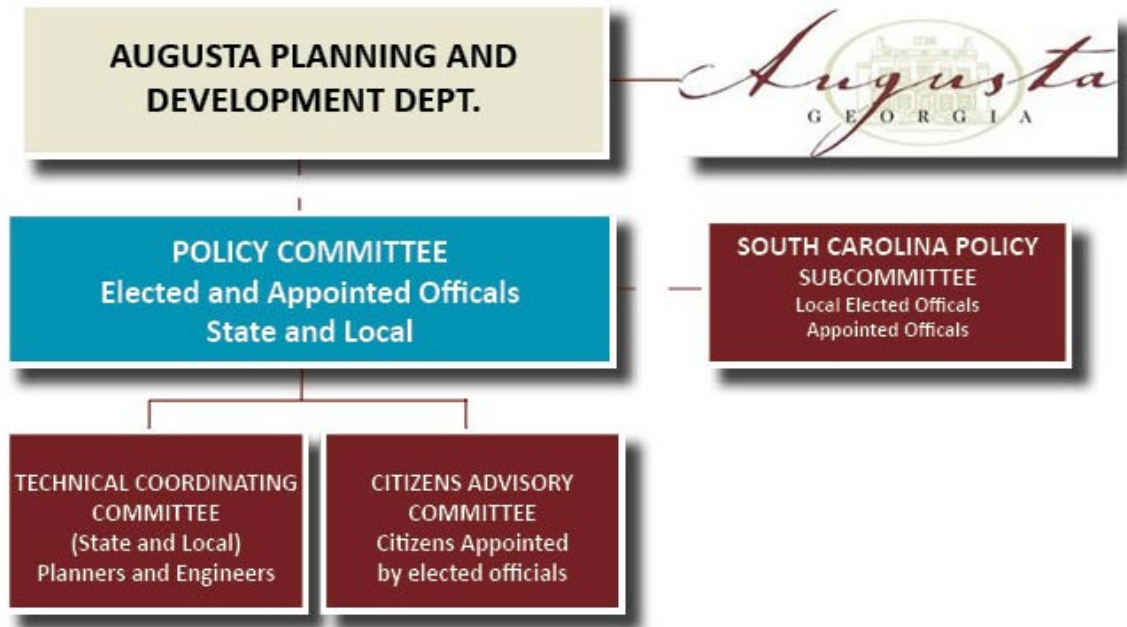


Figure2: ARTS Organizational Structure

The *Policy Committee* meets bi-monthly and is responsible for prioritizing and making final decisions on ARTS planning, projects, and programming issues. Voting members of the committee include local elected officials, representatives of the Georgia and South Carolina Departments of Transportation, representatives of the public transit agencies, and the Garrison Commander at Fort Gordon. The South Carolina Policy Subcommittee serves in an advisory capacity to the ARTS Policy Committee and is responsible for ensuring that the South Carolina portion of ARTS is kept up-to-date. The South Carolina Subcommittee is comprised of local elected officials (voting members), and federal, state, and local appointed personnel (nonvoting members) representing the South Carolina part of the study area.

The *South Carolina Policy Subcommittee* serves in an advisory capacity to the Policy Committee and coordinates projects in the South Carolina part of the study area. The Subcommittee meets quarterly and includes local elected officials and federal, state, and local appointed personnel.

The *Technical Coordinating Committee* (TCC) is responsible for completing all technical work related to the ARTS planning process. The TCC maintains all of the required transportation-related documentation and serves in an advisory capacity to both the Policy Committee and Citizens Advisory Committee. The TCC is comprised of transportation engineers, planners, and managers from the federal, state, and local levels.

The *Citizens Advisory Committee* (CAC) is responsible for providing citizen input on all aspects of the ARTS planning process. The CAC is comprised of citizens from throughout the urban area. The role of the CAC is crucial to the success of the ARTS transportation planning process. The committee is responsible for advising the Policy Committee on public concerns and opinions regarding the ARTS study findings and recommendations. Its duties include providing a forum to obtain public views on transportation issues and problems, reviewing transportation reports and recommendations to ensure that local goals are considered, and directing issues of public concern to the attention of the TCC and PC.

APDD also works with several ad-hoc and advisory committees such as the Transit Citizen Advisory Committee for the Augusta Public Transit. The MPO also collaborates with SC ARTS Bicycle and Pedestrian Committee (BPAC) which was formed in June 2013, and its mission is to advise SC ARTS and the County and Local Jurisdictions on implementation of the Urbanized Aiken County Bicycle and Pedestrian Plan and other opportunities to promote safe bicycling and walking in Aiken County.

D. PARTICIPATION STRATEGY

The ARTS PP encompasses six (6) components: Consultation, Public Access, Public Outreach and Education, Public Input, Evaluation of Public Participation Plan, and Public Participation Reports.

1. Consultation

OBJECTIVE: To ensure that major regional transportation documents, including the Participation Plan, are developed in consultation with the general public and other interested parties and reflect existing and future plans for the development of the region. This also involves efforts to identify and include all interested parties in the transportation planning process. The following strategies achieve this objective:

Consultation Strategies

1. The ARTS staff has identified and involved groups that are traditionally underserved in the transportation planning process. The ARTS staff will create and initiate a method (through census, GIS, or other similar means) to identify those communities with high concentrations of minority, low-income, disabled and elderly populations. In addition, the staff will also identify media that serves these communities and maintain a mailing/contact list to notify these media outlets of all regularly scheduled ARTS committee meetings.
2. Transportation plans, programs, and studies shall be prepared and/or amended by the MPO in consultation, as appropriate, with agencies and officials responsible for other planning activities in the study area. This consultation shall include, as appropriate, contacts with state, local, Indian Tribe, and private agencies responsible for planned growth, economic development, environmental protection, airport operations, freight movements, land use management, natural resources, conservation, and historic preservation.
3. During the development of the ARTS transportation planning documents, available plans, maps, and inventories from state and local resource agencies will be reviewed to determine which resource will be directly or indirectly affected by the plan or program. The consultation process will include the following steps:
 - Initial identification of the resources and responsible agencies likely to be affected by the plan or program.
 - A review of available information (plans, maps, and inventories) derived from agency websites, and all other sources.
 - Consult with the responsible agency or agencies regarding the potential impact of the plan or program.
 - Document the action taken in the consultation process, including acknowledging the receipt of comments and suggestions from resource agencies, for inclusion in the ARTS MTP and TIP.
4. The transportation plans and programs prepared by the MPO shall be completed with consideration of governmental agencies and nonprofit organizations (including

representatives of the agencies and organizations) that receive federal assistance from a source other than the U.S. Department of Transportation.

5. MPO staff will partner with all local media outlets, be guest speakers, interview, and engage them in the public participation process.
6. ARTS will coordinate outreach efforts with GDOT and SCDOT when the DOTs are conducting public meetings on transportation projects in the region. When a public meeting is held by SCDOT in the ARTS planning area, this public meeting will be in lieu of a public meeting by ARTS staff. SCDOT will notify ARTS staff of such public meetings, use local media, and outreach strategies for public notification.

2. **Public Access**

OBJECTIVE: To ensure that the general public and other interested parties have timely and convenient access to agendas, meetings, documents, and other information related to the regional transportation planning process. The following strategies achieve this objective:

Public Access Strategies

1. All ARTS plans and documents are available for the public to review at the ARTS office. Copies and summaries of draft documents also will be available for public review in planning offices and other locations in Richmond, Aiken, Columbia, and Edgefield counties (see Appendix for locations). **Single copies of the adopted ARTS plans and documents shall be provided free of charge upon request.** All participating agencies receive copies of the Transportation Improvement Program (TIP) and the Metropolitan Transportation Plan (MTP).
2. Updates to amendments of the MTP and TIP will be available for a 21-30-day public review and comment period.
3. The development of the ARTS Participation Plan, and any amendments to the plan, will be subject to a 45-day public review and comment period.
4. The MPO shall provide reasonable access to technical and policy information used in the development of the transportation planning plans, programs, and studies.
5. The MPO shall provide, upon request and 48-hour notice, assistance to those with special needs, at ARTS meetings.
6. Public meetings will be held at convenient and accessible locations and times. All ARTS meetings, public hearings, and formal events of the ARTS shall be held in facilities that are accessible by persons with disabilities. Generally speaking, meetings will be held at public facilities (see Appendix for locations), on weekday evenings, and at locations that are handicapped accessible and served by public transit.
7. Virtual meetings, voting, and surveys will be part of the ARTS platform, and whenever possible ARTS meetings will be streamed online and/or recorded and archived for viewing by the public on the ARTS web page.

8. ARTS maintains and updates a website and online public forum ensuring all project information is made available to the public for review, comments, and general knowledge. This website and public forum are located at www.augustaga.gov/arts and <http://www.augustaga.gov/2135/Online-Public-Forum>
9. Ensure that adequate transportation options are available to and from venue locations to constituents who would like to attend a meeting.
10. Consider a safe, supervised area for children who come with a parent or legal guardian to the meetings.
11. Disabled persons should contact the Augusta Planning and Development Department for assistance.

3. Public Outreach and Education

OBJECTIVE: To use effective tools and techniques to provide information about the regional transportation plans and issues to the general public and other stakeholders. The desired outcome is that the public provides meaningful input on a transportation plan or issue-based upon accurate and complete information and the potential impact of alternative actions. The following strategies achieve this objective:

Public Outreach and Education Strategies

1. The MPO shall maintain and update a list of stakeholders, and potential stakeholders, for disseminating information about ARTS transportation plans and projects. Special attention is given to Environmental Justice population groups. This involves GIS mapping to identify underserved population groups, including:
 - a. Minorities
 - b. Low-income
 - c. Elderly
 - d. Households with No Vehicle Available
 - e. Hispanic
2. Use the following tools and techniques to inform the media, general public, and other interested parties about transportation plans, programs, and activities:
 - a. **Press Releases** – Used to announce upcoming meetings and activities and to provide information on specific issues related to transportation planning.
 - b. **Print Display Ads** – Used to advertise public meetings and review and comment periods for transportation plans and projects. Display ads are published in area newspapers and distributed at public facilities throughout the ARTS area.
 - c. **Fact Sheets and Brochures**– Used to provide general information about ARTS plans and programs, such as the MTP, TIP, and Unified Planning Work Program (UPWP). Fact sheets are to be available in print and electronic format. Brochures will be used to provide summary information about ARTS and its transportation planning activities.

- d. **Direct Mailings** – Used to advertise public meetings and review and comment periods for transportation plans and projects, or to provide information to a targeted area.
 - e. **Flyers and Bill Drop** – Flyers in multiple languages will be included in all water bills detailing the location and time of all public meetings. The languages include Korean, Chinese, Spanish, and English. Examples of community meeting flyers in these languages are found in the appendix.
 - f. **ARTS Newsletter** – A quarterly publication used to provide information on transportation issues, projects, documents, contacts, and resources.
 - g. **ARTS Website** – Used to display general information about ARTS, copies of major ARTS transportation documents, committee meeting schedules, agendas and minutes, project updates, and the ARTS Newsletter. The website is also used to advertise public meetings and review and comment periods for transportation plans and projects.
 - h. **Speaking Engagements** – The MPO staff is available to speak to civic groups, neighborhood associations, and other interested parties about ARTS transportation planning and projects.
 - i. **Social Media** – ARTS maintains and updates a Facebook and Twitter site providing information on public meetings, events, and gathers information from them.
 - j. **Live-ARTS** will use social media platforms to live stream and record meetings and events while garnering public opinion on proposed initiatives.
 - k. **Surveys**- ARTS will use online surveys to expand the reach and receipt of public comments.
3. All ARTS meeting agendas will be distributed at least seven (7) days in advance to all committee members, area media outlets, and other interested parties. Agendas and minutes of meetings will be posted on the ARTS website.
 4. All public meeting notices will be published at least seven (7) days in advance of the meeting date or the start of the review and comment period. The notices also will be posted on the ARTS website.
 5. Letters of introduction will be sent to the media outlets in the ARTS region. These letters will highlight the public involvement objectives of advertising meetings or publicizing press releases through the media.
 6. Two-color or full-color formats will be considered for print advertisements. Color captures the reader's attention and has the potential of increasing the readership of the advertisement or announcement. The placing of color ads will be weighed against the advertising costs and the return on investment (i.e., the numbers of persons responding to the ad or notice).
 7. Actively pursue speaking engagements at various venues and meetings. ARTS staff will proactively identify upcoming meetings and establish contact with meeting hosts in order to seek speaking opportunities.

- a. For example, meetings of the Rotary Club, Kiwanis Club, neighborhood associations, or homeowners associations provide opportunities for speaking engagements.
8. Develop active partnerships with ARTS regional leaders, e.g., commissioners. ARTS staff will seek interviews or meetings with ARTS regional leaders in order to increase their awareness of ARTS and ultimately seek their buy-in as ARTS ambassadors.
9. Participation will be sought in ARTS regional events, e.g., community fairs, church meetings, cultural festivals. Several of these events occur throughout the years in the ARTS region and can provide informal speaking engagements for ARTS staff or distribution opportunities of ARTS materials.
10. Hosting meetings at smaller more localized venues. Through dialogue with community associations, ARTS will seek to host meetings at more localized venues, e.g., churches, neighborhood association meetings, etc. Hosting meetings at localized venues may require fewer resources in terms of person hours and facility set-up, be more conducive to increasing diversity in meeting attendees and increase ARTS awareness as ARTS will piggyback on a meeting that was already scheduled.
11. Encourage involvement by educational institutions. Increasing ARTS awareness and involvement by students may be achieved by ARTS presentations at careers days, guest lectures, or seeking ideas from students as to how they see the ARTS region in 2050.
12. Television and Radio engagements. It is proposed that local television and radio engagements will be pursued significantly increasing public awareness about ARTS's purpose and initiatives. ARTS representatives may seek to be invited as a guest on a local TV or radio program to field questions from listeners or viewers.
13. ARTS website and social media. Active and more aggressive use will be made by strengthening the ARTS online presence and engaging social media. Currently, all ARTS announcements, documentation, funding opportunities, etc., are available online.
14. Additional opportunities for public comment will be provided on revised regional transportation plans if changes were made to the draft document provided during the formalized public review and comment process. This includes both administrative modifications and amendments. The public will have the opportunity to view the changes on the ARTS website and/or the online public forum mapping application. ARTS MPO staff will accept comments through all communication formats identified in the Public Participation Plan.

4. *Public Input*

OBJECTIVE: To obtain meaningful and diverse input from the general public and other interested parties on regional transportation needs, plans, programs, and activities. Inherent in this objective is the MPO's responsibility to provide timely response to public input, document input, and recommend plans changes/amendments based on public comments and suggestions.

Public Input Strategies

1. **Identify Interested Parties** – An interested party or stakeholder is defined as any person or group that is affected by a transportation plan, program, or project, including those who may not be aware that they are affected. Stakeholders may include the general public; environmental, health, neighborhood, citizen, and civic organizations; traditionally underserved communities, such as people with disabilities, low income, and minorities; as well as affected public agencies. This list of interested parties will include, but is not limited to:
 - Neighborhood & Homeowners Associations
 - Civic Associations
 - Special interest groups
 - Chambers of Commerce
 - Ministerial Associations
 - Speaker's Bureau
2. **Citizens Advisory Committee** – The ARTS Citizens Advisory Committee will continue to be a source of ongoing input on behalf of the public. Efforts will be made to ensure that the committee membership reflects the diverse needs and interests of the region.
3. **ARTS Committee Meetings** – The ARTS committee meetings will be a regularly-scheduled forum for the discussion of, and updates on regional transportation needs, plans, programs, and activities.
4. **ARTS Public Meetings** – ARTS public meetings will be held in conjunction with the update of the MTP and the TIP, and the development of any special studies related to regional transportation issues.
5. **Comment Cards** – Comment cards will be distributed at public meetings to obtain feedback on regional transportation needs, plans, programs, and activities.
6. **Project Steering Committees** – Ad-hoc committees will be used as needed to coordinate and participate in the completion of special regional transportation studies. Committee members will participate in facilitated meetings/workshops, complete surveys, and provide input during all phases of the study (e.g. needs assessment, background research, setting goals, objectives, and strategies, identifying projects). Project steering committees have been used effectively in past special studies.
7. **Surveys** – Surveys will be used to obtain information from the public and other stakeholders.

8. **Online Surveys.** A variety of online survey tools like Survey Monkey will be used to evaluate ARTS constituents' views and perspectives on ARTS issues. Online surveys have the potential to reach a significantly wider audience in the ARTS region.
9. **Wireless polling.** Wireless polling offers the ability to conduct surveys during a meeting and provides immediate feedback to participants. Wireless polling allows participants to provide input anonymously, and the results are used in planning documents.
10. **Visualization Techniques** – The MPO will use GIS maps, sketches, drawings, and similar tools at public meetings to convey information and elicit public input about transportation plans and projects.
11. **Project Web Pages** – Project web pages will be used in conjunction with special studies to provide information and elicit input on the planning process, project schedule, and project updates. Project web pages may include surveys and comment cards.
12. **ARTS Public Forum** – An online tool informing the public about project specifications and gathering input from them.

5. *Evaluation of Participation Plan*

OBJECTIVE: To continually evaluate the effectiveness of the strategies, tools, and techniques used as part of the Participation Plan. The desired outcomes include increased public involvement in, and awareness of, the regional transportation planning process, and the use of tools and techniques that generate increased public input in regional transportation plans and programs.

Evaluation Strategies

The MPO will use the following mix of quantitative and qualitative criteria to evaluate the effectiveness of public participation tools and techniques used in the regional transportation planning process.

1. Clarity and adequacy of presentation materials, displays, and materials can be measured by the percentage of attendees who found presentation materials, displays, and materials visually appealing.
2. Comment forms or questions can be measured by the number of completed comment forms returned and the number of questions asked at community meetings.
3. Community meeting evaluation forms can be measured by the percentage of attendees completing the forms.
4. Community transportation surveys can be measured by persons completing online surveys and the percentage of attendees at community meetings completing the survey.
5. The convenience of community meeting venue locations can be measured by the percentage of meeting attendees satisfied with venue location.
6. Engage citizens and other public at public events can be measured by the number of meetings and attendees.
7. Engage citizens at private or civic events can be measured by the number of meetings and attendees.
8. Engage citizens from environmental justice populations can be measured by meetings in environmental justice areas.
9. Inquiries from the public can be measured by the percentage of attendees who felt questions were answered adequately.
10. The nearness of community meeting venues to public transit can be measured by the number of meetings within $\frac{1}{4}$ mile of a transit stop.
11. Newspaper and legal advertisements can be measured by the number of newspapers and public notices published.
12. Public awareness of community meetings can be measured by the percentage of attendees hearing about community meetings from different sources.

13. Understanding of presentations, map displays, and materials can be measured by the percentage of attendees who had a clear understanding of presentations, map displays, and materials
14. The number of media interviews and appearances.
15. Online presence and accessibility can be measured by the number of visits, aka "hits", and downloads from the website.

6. *Public Participation Reports*

OBJECTIVE: To document all public outreach and gathering activities, consolidate all information into clear and a concise report, and demonstrate to the public how their involvement shapes regional transportation planning. This is an essential component of the transportation planning process.

Public Participation Strategies

1. Goal Setting Survey – All plans consist of goals and objectives. The public plays a critical role in determining the goals and objectives of all transportation plans. They provide information through surveys, questionnaires, and comments.
2. Meeting Evaluation Survey – The public also provides invaluable information on public meeting access, comfort, convenience, legibility, opportunity to get answers, sufficient information, and other qualitative factors shaping public meetings.
3. Public Transit Surveys – ARTS staff periodically travels via public transit vehicles and engages riders in conversation, gathering information from them regarding public transit service. Public transit agencies use the survey results to improve public transportation service.

E. Inclusive Involvement

1. Limited English Proficiency (LEP)

Limited English Proficiency Plan

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, was signed by President Clinton on August 11, 2000. The purpose of this executive order was to ensure that people who had very limited ability to read, write, and speak English were provided the necessary assistance so they may access the same service as those who knew English proficiently. This order was geared to safeguard the use of federal funds. Each Federal agency is required to follow Title VI stipulations; any agency receiving federal funds is equally required to follow them as well. U.S. Department of Transportation's publication of *Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons* ensures people are not excluded from DOT-assistance programs and activities simply due to communication.

Elements

The essential elements of a Limited English Proficiency Plan are as follow:

1. Identification of LEP persons
2. Identification of Language Assistance
3. Training Staff
4. Notices to LEP persons

Four-Factor Analysis

The first two elements – Identification of LEP Persons and Language Assistance - are conducted through a four-factor analysis as stipulated in the Department of Transportation's guidance these factors include:

1. Number or Proportions of LEP persons in ARTS
2. Frequency of LEP persons contact with ARTS
3. Nature or importance of the program for LEP persons
4. Available resources and overall costs

Safe Harbor Stipulation

This stipulation of Title VI provides recipients of federal funds an absolute means of verifying their compliance with Limited English Proficiency requirements through written translation. Safe Harbor is met when agencies provide a written translation of all vital documents for any language for groups of people that constitute 5% or 1,000 – whichever is less – of the people serviced by the agency. Not providing all translation does not constitute a breach of safe harbor, but is simply a guideline in the event they seek to ensure absolute compliance. Oral communication can also be conducted in situations where extensive writing may overburden the agency.

LEP Plan Development

ARTS uses the Four-Factor Analysis to identify the number of LEP persons, the frequency of LEP persons utilizing the regional transportation planning program, the nature of the program, and the availability and cost of resources. Data is compiled using the U.S. Census and the MTP.

LEP Notifications

ARTS regularly publicizes a newsletter in a variety of languages to ensure LEP persons are kept up to date on local transportation planning projects. ARTS also publicize through a variety of media informing LEP persons about public transportation projects, services, and meetings. Examples include:

- Signs in Spanish and Asian on buses and at transit stations
- Local newspapers, news outlets, television and radio stations
- Neighborhood and faith-based organizations, as well as stakeholder groups
- Presentations in schools, civic leagues, and speaker bureaus

Monitoring and Updating the LEP Plan

The LEP Plan is monitored and updated along with the ARTS Participation Plan. Both plans are also part of the ARTS MTP and updated accordingly. All documents are available to the public in any language they require.

LEP Complaint Processing

The public can use the Title VI Complaint forms for any violations they feel may have been made against them in regards to the LEP Plan. The Title VI Complaint Form is included in the Appendix, as well as online.

2. Georgia's Open Meetings Law (Georgia Code 50-14-1)

Georgia's Open Meetings Law requires state and local governmental bodies to conduct business so citizens can review and monitor their elected officials and others working on their behalf. The law requires that government meetings be open to the public and governmental bodies provide reasonable notice of all meetings. (*Georgia's Sunshine Laws: A Citizen's Guide to Open Government, Office of the Georgia Attorney General, 2001*)

3. South Carolina's Open Meeting Law (South Carolina Code 30-4-60)

The South Carolina General Assembly finds that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy. Toward this end, provisions of this chapter must be construed to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials at a minimum cost or delay to the persons seeking access to public documents or meetings.

4. Georgia Open Records Process (Georgia Code 50-18-70)

Open records requests may be made to any custodian of the desired records. A written request is not required but is advisable to eliminate any dispute as to what was requested or when the request was made. The records custodian is allowed a "reasonable amount of time" to determine

whether the records requested are subject to access under the Law. However, the custodian must respond to all requests within three business days.

If the records exist and are subject to inspection but are not available within three business days, a written description of such records and a timetable for their inspection and copying must be provided within that time. Records maintained by computer shall be made available where practicable by electronic means, including Internet access, subject to reasonable security restrictions preventing access to none requested or none available records. If access to a record is denied in whole or in part, the records custodian must provide in writing the specific legal authority exempting such record from disclosure. (*Georgia's Sunshine Laws: A Citizen's Guide to Open Government, Office of the Georgia Attorney General, 2001*)

5. *The Americans with Disabilities Act of 1990*

The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA is divided into five titles (or sections) that relate to different areas of public life. Title II of the act prohibits discrimination based on disability by "public entities," which are programs, services, and activities operated by state and local governments.

F. *Environmental Justice*

Both FTA and FHWA are unique in that they address Title VI and Environmental Justice as a means to ensure local jurisdictions receiving their funds comply with federal regulations. The primary goal of the ARTS Participation Plan is to ensure all transportation plans and programs are accessible to all people regardless of race, national origin, or income, including meaningful participation in the planning process. Environmental Justice Analysis is used by ARTS to determine community meeting venues. Appendix J includes a detailed analysis of Environmental Justice in the study area.

Environmental Justice is defined by the U.S. Environmental Protection Agency, Office of Environmental Justice, as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."

Executive Order 12898, Environmental Justice in Minority Populations and Low-Income Populations, 1994, directs federal agencies to make achieving environmental justice part of their mission. The order highlights Title VI of the Civil Rights Act of 1964, which prevents discrimination of any kind by any programs receiving financial assistance from the federal government.

Executive Order 12898 requires Federal agencies to achieve environmental justice by identifying and addressing disproportionately high and adverse human health or environmental effects, including the interrelated social and economic effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

Adverse effects are defined by the Department of Transportation as predominately borne by a minority or low-income population, and the burdens imposed area appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority and non-low-income population.

Environmental Justice operates in tandem with Title VI of the Civil Rights Act of 1964 to ensure everyone's transportation needs are met, that the benefits and burdens of transportation projects are distributed evenly, adverse effects are mitigated and there is no presence of discrimination at any level.

Regulations and Circulars

FHWA Order 6640.23 Purpose: This directive establishes policies and procedures for compliance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (EO 12898). FTA circular 4703.1 is an equally valuable resource for Environmental Justice. FTA Circular 4703.1 Purpose: Provide recipients of Federal Transit Administration financial assistance with guidance in order to incorporate environmental justice principles into plans, projects, and activities that receive funding from FTA.

FTA Principles of Environmental Justice:

- Avoid disproportionately high and adverse human and environmental effects
- Ensure full and fair participation by all potentially affected communities
- Prevent the denial, reduction, or delay in benefits

U.S. Department of Transportation (DOT) defines guiding Environmental Justice principles as:

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

As indicated in the Executive Order, the foregoing requirements are to be carried out to the greatest extent practicable, permitted by law, and consistent with the principles set forth in the report on the National Performance Review. Compliance with FHWA and FTA is a key element in the environmental justice strategy adopted by FHWA to implement Executive Order 12898 and can be achieved within the framework of existing laws, regulations, and guidance.

Definitions of Minority and Low-Income under FHWA Order 6640.23 and FTA Circular 4703.1

- Minority – a person who is Black or, Hispanic or Latino, Asian American, American Indian, and Alaskan Native, or Native Hawaiian and Other Pacific Islander including elderly and disabled.
- Low-Income – a person whose household income is at or below the 150% of the Department of Health and Human Services (HHS) poverty guidelines.

FTA recommends local authorities establish their own thresholds similar to those used when applying for programs such as Community Services Block Grant. They are investigated independently but their results may overlap. In an effort to ensure a more comprehensive Environmental Justice analysis, ARTS methodology incorporates three additional socioeconomic categories: Elderly (65 years old and over), Vehicle Limitation (one vehicle or less), and Hispanic population.

The changing landscape of Federal policies plays an important role in setting guidelines and regulations, influencing the state and regional transportation planning process. The most recent transportation laws include:

- Intermodal Surface Transportation and Efficiency Act of 1991 (ISTEA)
- Transportation Equity Act of 21st Century of 1994 (TEA-21)
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005 (SAFETEA-LU)
- The Moving Ahead for Progress in the 21st Century Act of 2012 (MAP-21)
- The Fixing America's Surface Transportation Act (FAST) of 2015

Of these laws, the U.S. Department of Transportation, Federal Transit Administration continues to enforce SAFETEA-LU for projects funded in Fiscal Year 2012 and prior years that are still not completed. All of these are also reflected in the Georgia Department of Transportation's Environmental Justice Identification and Proposed Outreach Report. Both GDOT and ARTS are subject to FHWA and FTA regulations. ARTS is further required to meet these requirements through the FHWA certification review process. The ARTS Environmental Justice Plan promotes a fair transportation planning process while meeting state and federal requirements.

1. Analysis Method

FHWA and FTA provide MPOs with the Environmental Justice Planning Guidelines necessary to meet federal Title VI regulations. These terms and analytical concepts in the guidelines include:

Minority Population – any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons who will be similarly affected by a proposed USDOT program, policy, or activity.

Low-Income Population – any readily identifiable groups of low-income persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons who will be similarly affected by a proposed USDOT program, policy, or activity.

Disabled Population – people with mobility and/or self-care limitations.

Elderly Population – people 65 years and older.

Children – people 16 years and younger.

Adverse Effects – means the totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects such as increased traffic congestion, isolation, exclusion within a given community or denial of, reduction in or significant delay in the receipt of benefits by minority and low-income populations.

Disproportionately high and adverse effect on Minority and Low-Income Populations – Adverse Effect that is primarily on a minority and/or low-income population or they suffer a great adverse effect than non-minority and/or non-low-income population.

Benefits – Specific project, corridor or sub-area, benefits are in the purpose and needs statement. How the Long Range Transportation Plan and Transportation Improvement Program promotes safety, mobility, economic productivity, human and natural environment, and other goals identified in the local plans for all population served by the transportation agency.

Evaluation is based on:

1. Identification of impacts
2. Quantitative and qualitative tests on positive and negative impacts

2. ARTS Methodology

The ARTS Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP) include certain principles to address Environmental Justice:

1. Identify, address, and ensure there are no disproportionate or adverse impacts on regional communities, especially minority and low-income populations.
2. Promote and market full and fair participation by all residents and communities in the planning process through the Participation Plan.
3. Assure benefits from federal transportation projects and programs are received equally in all populated areas.

ARTS utilizes a simplified version of GDOT's Environmental Justice Planning Guidelines as their procedures while following strict FTA analysis standards:

1. **Analysis:** Identify Target Population, burdens, and benefits and correlate them to one another
2. **Plan:** Present mitigation strategies for identified burdens and make Environmental Justice Recommendations
3. **Public Involvement:** Document public participation methodologies used
4. **Implementation:** Evaluate the implementation of the Environmental Justice process as part of the public involvement process

3. Unit of Geographic Analysis

The ARTS area includes all of Richmond County and portions of Columbia, Aiken, and Edgefield counties. This area consists of 95 census tracts, all with data provided by the U.S. Census and based on their TIGER/Line Data files. The primary data used for all Environmental Justice analysis is the five-year, 2008-2012 American Community Survey and 2010 Decennial Census data.

4. Environmental Justice Criteria and Measurement

Data is compiled for each census tract for the following population and household groups:

- Non-Hispanic Minority Population
- Hispanic Minority Population
- Elderly Population (65 and over)
- Low-Income Population (150% HHS Poverty Guidelines)
- Households with No Vehicle Available

Determine Disproportionate High and Adverse Effect

Socioeconomic data is compiled for the ARTS area. The Environmental Justice analysis determines if there are any adverse impacts on the community cohesion and economic vitality based on the following thresholds – elderly, minority Hispanic, minority non-Hispanic race, low-income, and vehicle limitation – rather than just two as recommended by FTA and DOT. These five criteria and their relationship to one another also help determine if there are any adverse effects related to a proposed transportation project in the study area.

5. Effect Analysis

Environmental Justice factors are also studied in conjunction with one another. Individual census tracts may meet multiple criteria. These particular census tracts are considered highly and adversely affected. A second analysis of each individual census tract, based on thresholds for each category, is conducted to determine which census tracts are adversely affected and to what extent. The results of this analysis are summarized in the Environmental Justice map (Figure 10) illustrating which census tracts meet single or multiple criteria based on the following classifications of adverse effects.

- Not adversely effected
- Least adversely effected (1 criterion)
- Moderate adversely effected (2 criteria)
- Severely adversely effected (3 or more)

G. Public Involvement

Input from the public is an important part of the ARTS transportation planning process. Presentations to local organizations, public meetings, and surveys are some of the methods used to obtain public input. Information obtained will be documented and incorporated into the ARTS Environmental Justice Plan.

Committee Involvement

The ARTS is composed of four committees: Citizen Advisory Committee (CAC), Technical Coordinating Committee (TCC), the South Carolina Policy Subcommittee, and Policy Committee (PC). The CAC and TCC evaluate plans, programs, and initiatives presented to them by ARTS staff and make their recommendations to the Policy Committee. The South Carolina Policy Subcommittee serves in an advisory capacity to the Policy Committee and coordinates projects in the South Carolina part of the study area. The Policy Committee makes the final decision on all plans, programs, and studies.

1. Methodology

The CAC works in conjunction with the TCC reviewing various planning documents, including but not limited to the Metropolitan Transportation Plan, Transportation Improvement Program, Congestion Management Process, Unified Planning Work Program, and Title VI Plan. Both the CAC and TCC provide comments on plans and projects and make recommendations to the Policy Committee. Staff is responsible for public outreach and education activities on behalf of ARTS, and for coordinating the completion of all work elements in the Unified Planning Work Program.

Public Participation Contacts

ARTS staff maintains a contact list that includes many individuals, neighborhood organizations, faith-based organizations, interest groups, elected and appointed officials, to name a few. The list keeps people informed about ARTS, fosters input on transportation projects and issues, and is a source of referrals to additional individuals and groups. All ARTS committee meetings are open to the public and advertised through the media. Meeting agendas are posted online and distributed to people and organizations on the contact list.

Notices are published advertising public comment periods and/or public meetings concerning the Long Range Transportation Plan, Transportation Improvement Plan, and special transportation studies. Plan documents are accessible to the public at more than thirty (30) locations in the region. These locations include public facilities, libraries, community centers, and government buildings.

Environmental Justice Issues

ARTS has publicized the Title VI Complaint Form through their webpage, so people can submit civil rights complaints related to the transportation planning process. Each complaint is given due consideration, and any problems are identified and resolved in an expedient manner.

2. Implementation

The Augusta Regional Transportation Study has always satisfied FTA requirements for Title VI. In their latest 2020 Triennial Review, they stated, "no deficiencies were found with the FTA requirements for Title VI." It is the MPO's hope this Environmental Justice Plan will demonstrate to both FTA and FHWA that the region's Environmental Justice needs are met and will continue to expand on them through their continued assistance.

3. Monitor and Update

The Augusta Planning and Development Department developed the Environmental Justice Plan with the help of local residents. It is maintained, monitored, and updated periodically by ARTS as new information becomes available

H. Specific Plan Requirements

The Augusta Regional Transportation Study is a bi-state metropolitan planning organization and as such it must adhere to the criteria set by both Georgia's and South Carolina's Department of Transportation offices. Each state has established public comment and review periods that though similar are different. ARTS has established one unified process for adoption and changes to the Public Participation Plan. However, ARTS has identified a hybrid method for obtaining compliance with both states as it pertains to the three essential transportation planning plans and programs.

1. Public Participation Plan

ARTS will provide a forty-five calendar day public comment/review period prior to the adoption or amendment of the Public Participation Plan. Notice will be advertised in the local newspaper, ARTS website, and online media platforms.

2. Adopting a New Plan or Program

The Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP), and Unified Planning Work Program (UPWP) will follow the same process for adoption. The process for adopting a new MTP, TIP, and UPWP is outlined below:

- 1. Project Submittal-** Sponsors submit detailed project information including name, location, termini, project description, length, total costs by each phase, phase years, and funding (both federal and state).
- 2. Consultation and Evaluation-**ARTS MPO Staff evaluate to ensure the project meets the goals and objectives of the long-range transportation plan.
- 3. Financial Constraint-** Fiscal constraint per phase must be reaffirmed and documented as part of the adoption process.
- 4. Prioritization of Projects-** Objectives, and goals within the long-range transportation plan in addition to project readiness and available funding must be exhibited in the ranking of projects.
- 5. Committee Review and Approval (1st Round) -** Multiple committees meet to review and reconcile the technical and procedural implications of adoption.

6. *Public Review*- The adoption of a new MTP and TIP will require a minimum of 21 days of public comment not including the first date that the notification is advertised. The UPWP will not be reviewed by the public.
7. *Committee Review and Approval (2nd Round)* - Incoming public comments are presented to staff and the committees prior to adoption by the Policy Committee.
8. *Additional Public Comment and Notification or Revisions*- In the event the draft version undergoes changes in scope, projects, funding, and character, a second round of public comments is to be afforded for 21 days, not including the initial date that the notice is advertised.
9. *Adoption by Policy Committee*- After all of the public reviews, The Policy Committee provides final review and adoptions of the new MTP, TIP, and UPWP.
10. *Publish Final Adopted Version*- ARTS MPO Staff will place the final version of the document along with a table of all the public comments on the ARTS website.

3. Amendments and Modifications to Adopted Plans and Programs

Georgia and South Carolina DOTs have two classifications for official changes: modifications or amendments. However, the DOTs differ on the criteria and timelines for modifications. ARTS MPO has two policies for amendments and modifications based on each state's guidelines.

i. **Georgia Modifications and Amendments**

- Georgia administrative modifications will not require a public review and comment period.
- Provisions of 23 CFR Part 450 for amendments require public review and comment and responses to all comments, either individually or in summary form. For amendments and modifications, there shall be a 14-day public review and comment period, not including the initial date the notice was advertised. All amendments should be approved by FHWA and/or FTA.
- For a more detailed explanation of the STIP and TIP process, see *Appendix D: Georgia STIP and TIP Amendment Process*

ii. **South Carolina Modifications and Amendments**

- South Carolina administrative modifications and Amendments will require a 21-day public comment and review period.
- For a more detailed explanation of the STIP and TIP process see *Appendix E: South Carolina and TIP Amendment Process*.

I. Appendices

Appendix A: Adoption Resolution

(Place Holder)

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Appendix B: Public Notice of Meetings & Review of ARTS Documents

The participation plan will be updated accordingly following the public comment period of 45 days.

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Appendix C: Public Participation Checklist & ARTS Stakeholder List

i. Public Participation Checklist

Project: _____

Date: _____

Public Participation Tool	Description	Method Used Yes / No
Transportation Planning web site	Public web site for dissemination of information	
Transportation Planning Feedback Database	Database that compiles feedback for evaluation	
Identify Interested Parties or Stakeholders	Method used to identify different groups that would be affected by a project	
Display Ad	Newspaper or print advertisements	
Direct Mailings	Used to more accurately target affected areas.	
Press Releases	Press releases to announce meetings, projects, et cetera.	
TV Message Boards	Government access channel announcement board.	
Project specific web sites	For use with other tools to provide detailed information	
Citizen Advisory Committee	Committee which is part of most planning studies.	
Small Group Meetings	Meetings that are held at the request of affected groups.	
E-mail Announcements	Used with other tools to increase public announcements	
Public Hearings	Used for the adoption of documents such as the TIP or UPWP.	
Comment Forms	Used to solicit public feedback and used for evaluation purposes.	
Surveys	Used to solicit public feedback on specific issues	
Posters and Flyers	Distributed in public areas to increase visibility	
Visualization Techniques	Drawing/sketches, aerial photography, pictures, “visual choice” surveys	
Public information	Available in an electronically accessible format (e.g. PDF documents)	
Public meetings	Held at convenient and accessible locations and times.	

ii. **ARTS Stakeholder List**

STATE RESOURCE AGENCIES				
GEORGIA				
<u>ORGANIZATION</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>WEBSITE</u>	<u>INFORMATION AVAILABLE</u>
Georgia Department of Natural Resources	2 Martin Luther King Jr. Drive	800-241-4113	http://www.gaepd.org	Data, maps and regulations on air quality
Environmental Protection Division	Suite 1152, East Tower Atlanta, GA 30334			
Georgia Department of Transportation	One Georgia Center 600 W Peachtree St NW Atlanta, GA 30308, US		www.dot.ga.gov	Transportation plans, multimodal transportation
Georgia Department of Transportation Air Quality Branch	One Georgia Center 600 W Peachtree St NW Atlanta, GA 30308, US	404-657-6698	www.dot.ga.gov/DOT/plan-prog/planning/aq/	Data, maps and regulations on congestion mitigation and air quality improvement
Georgia Department of Transportation Office of Intermodal Programs	One Georgia Center 600 W Peachtree St NW Atlanta, GA 30308, US	404-651-9200	www.dot.ga.gov/	Data, maps and regulations on Georgia's aviation, rail, transit, and waterways
Georgia Government		800-496-7442	www.georgia.gov	Data, information on state government, tourism, transportation, employment
Georgia Department of Natural Resources, Historic Preservation Division	254 Washington Street SW Ground Level Atlanta, GA 30324	404-656-2840	www.gashpo.org	Data and information on historic and archeological sites
Georgia Department of Parks and Historic Sites	2 MLK Jr. Dr., Suite 1352 East Atlanta, GA 30334	800-864-7275	www.gastateparks.org/	Maps and information on state parks
Georgia Forestry Commission	2615 Tobacco Road Hephzibah, GA 30815	706-771-4922	richmondunit@gfc.state.ga.us	Maps & information on forest management and enforcement
Historic Augusta	415 Seventh Street Augusta, GA 30903	706-724-0436	http://www.historicaugusta.org/	Data, maps and information on historic resources
CSRA Regional Commission	3023 Riverwatch Parkway, Ste A Augusta, GA 30907-2016	706-210-2000 x 130	www.csrarc.ga.gov	Data, maps and information on transportation, transit, planning, environmental & landuse management.
Augusta Metro Chamber of Commerce	701 Greene Street Augusta GA 30903	706-821-1308	www.augustachamber.net	Maps, information on tourism, environment, business, manufacturing
Chamber of Commerce - Columbia County	4424 Evans to Locks Road Evans, GA 30809	803-651-0018		Maps, information on tourism, environment, business, manufacturing

Destination 20/20 Task Force	701 Greene Street Augusta GA 30903	706-821-1300		Maps, information on environment, business, cultural
Augusta Housing Authority	1425 Walton Way P. O. Box 3246 Augusta, GA 30903	706-312-3112	www.augustapha.org	
CSRA Area Agency on Aging	3023 Riverwatch Parkway, Ste A Augusta, GA 30907	706-210-2000	www.csrarc.org	
Easter Seals of East Georgia	1500 Wrightsboro Road Augusta, GA 30904	706-667-9695		

iii. Neighborhood Associations

Richmond County Neighborhood Alliance
 Summerville Neighborhood Association
 West Augusta Alliance
 Olde Town Neighborhood Association
 East Augusta Neighborhood Association
 Harrisburg – West End Neighborhood Association
 Heritage Pine Neighborhood Association
 Turpin Hill Neighborhood Association
 Sandridge Community Association
 Sand Hills Neighborhood Association
 Laney Walker – Bethlehem Neighborhood Association

iv. Environmental Justice/Community Meeting Venues

ENVIRONMENTAL JUSTICE /COMMUNITY MEETING VENUES	ADDRESS	CITY	STATE	ZIP
Augusta-Richmond County Municipal Building	535 Telfair Street	Augusta	GA	30901
Carrie J. Mays Family Life Center	1014 Eleventh Ave	Augusta	GA	30906
Diamond Lakes Community Center	103 Diamond Lakes Way	Hephzibah	GA	30815
Gracewood Community Center	2309 Tobacco Rd	Augusta	GA	30906
Hephzibah City Hall	2530 GA-88	Hephzibah	GA	30815
Oak Pointe Community Center	730 E Boundary	Augusta	GA	30901
Sand Hills Community Center	2540 Wheeler Rd	Augusta	GA	30904
Unitarian Universalist Church of Augusta	3501 Walton Way Ext	Augusta	GA	30909
Warren Road Community Center	300 Warren Rd	Augusta	GA	30907
Evans Government Complex	630 Ronald Reagan Drive	Evans	GA	30809
First Baptist Church of Evans	515 N. Belair Road Evans	Evans	GA	30809
Liberty Park Community Center	1040 Newmantown Rd	Grovetown	GA	30813
Aiken County Government Center	1930 University Pkwy	Aiken	SC	29801
North Augusta Community Center	495 Brookside Ave	North Augusta	SC	29841

Odell Weeks Activity Center	1700 Whiskey Rd	Aiken	SC	29803
Riverview Park Activities Center	100 Riverview Park Drive	North Augusta	SC	29841
Dyess Park	902 James Brown Blvd	Augusta	GA	30901
Eastview Park	644 Aiken St	Augusta	GA	30901
Henry Brigham Community Center	2463 Golden Camp Rd	Augusta	GA	30906
McDuffie Woods Park	3431 Old McDuffie Rd	Augusta	GA	30906
Smith Hazel Recreation Center	400 Kershaw St NE	Aiken	SC	29801

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Appendix D: Georgia STIP and TIP Amendment Process

Georgia Statewide Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP) Amendment Process

The federal Highway Administration (FHWA) and Federal Transit Administration (FTA) issued the Final Rule to revise the Statewide and Metropolitan Transportation Planning regulations incorporating changes from the Fixing America's Surface Transportation Act (FAST). The revised regulations clearly define administrative modifications and amendments as actions to update plans and programs. Part 23 Code of Federal Regulations (CFR) Part 450.104 defines administrative modifications and amendments as follows:

- Administrative modification “means a minor revision to a long-range statewide or metropolitan transportation plan, Transportation Improvement Program (TIP), or Statewide Transportation Improvement Program (STIP) that 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. Administrative Modification is a revision that does not require public review and comment, redemonstration of fiscal constraint, or a conformity determination (in nonattainment and maintenance areas).”
- Amendment “means a revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP, or STIP, including the addition or deletion of a project or major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes). Changes to projects that are included only for illustrative purposes do not require an amendment. An amendment is a revision that requires public review and comment, redemonstration of fiscal constraint, or a conformity determination (for metropolitan transportation plans and TIPs involving “non-exempt” projects in nonattainment and maintenance areas). In the context of a long-range statewide transportation plan, an amendment is a revision approved by the State in accordance with its public involvement process.”

The following procedures have been developed for processing administrative modifications and amendments to the STIP and Metropolitan Planning Organizations (MPOs) TIPs and Long Range Transportation Plans (LRTPs). Processes described below detail procedures that are to be used to update an existing approved STIP or TIP and associated plan, if applicable. A key element of the amendment process is to assure that funding balances are maintained.

Administrative Modifications for Initial Authorizations

The following actions are eligible as Administrative Modifications to the STIP/TIP/LRTP:

- A. Revise a project description without changing the project scope, conflicting with the environmental document or changing the conformity finding in nonattainment and maintenance

areas (less than 10% change in project termini). This change would not alter the original project intent.

- B. Splitting or combining projects.
- C. Federal funding category change.
- D. Minor changes in expenditures for transit projects.
- E. Roadway project phases may have a cost increase up to \$2,000,000 or 20% of the amount to be authorized.
 - If the STIP amount is \$10,000,000 or less, the cost may be increased up to \$2,000,000.
 - If the STIP amount is greater than \$10,000,000, the cost may be increased by a maximum of 20%.
- F. Shifting projects within the 4-year STIP as long as the subsequent annual draft STIP was submitted prior to September 30.
- G. Projects may be funded from lump sum banks as long as they are consistent with category definitions.

An administrative modification can be processed in accordance with these procedures provided that:

- 1. It does not affect the air quality conformity determination.
- 2. It does not impact financial constraint.
- 3. It does not require public review and comment.

The administrative modification process consists of a monthly list of notifications from GDOT to all involved parties, with change summaries sent on a monthly basis to the FHWA and FTA by the GDOT.

The GDOT will submit quarterly reports detailing projects drawn from each lump sum bank with remaining balance to the FHWA.

Amendments for Initial Authorizations

The following actions are considered amendments to the STIP/TIP/MTP:

- A. Addition or deletion of a project.
- B. Addition or deletion of a phase of a project.
- C. Roadway project phases that increase in cost over the thresholds described in the Administrative Modification section.
- D. Addition of an annual TIP.
- E. Major change to scope of work of an existing project. A major change would be any change that alters the original intent i.e. a change in the number of through lanes or a change in termini of more than 10 percent.
- F. Shifting projects within the 4-year STIP which require re-demonstration of fiscal constraint, or when the subsequent annual draft STIP was not submitted prior to September 30. (See Administrative Modification item F.)

Amendments to the STIP / TIP / MTP are developed in accordance with the provisions of 23 CFR Part 450. This requires public review and comment and responses to all comments, either individually or in summary form. For amendments in MPO areas, the public review process should be carried out in accordance with the procedures outlined in the Participation Plan. The GDOT will assure that the amendment process and the public involvement procedures have been followed. Cost changes made to the second, third and fourth years of the STIP will be balanced during the STIP yearly update process. All amendments should be approved by FHWA and/or FTA.

Notes:

1. The date a TIP becomes effective is when the Governor or his designee approves it. For nonattainment and maintenance areas, the effective date of the TIP is based on the date of U.S. Department of Transportation's positive finding of conformity.
2. The date the STIP becomes effective is when FHWA and FTA approve it.
3. The STIP is developed on the state fiscal year which is July 1-June 30.
4. Funds for cost increases will come from those set aside in the STIP financial plan by the GDOT for modifications and cost increases. Fiscal Constraint will be maintained in the STIP at all times.

Additional Funding Request After the Initial Authorization

Additional funding requests for all phases after the receiving initial authorization for those phases shall be a modification and be reported at each month's end except under the following conditions:

- A. The Initial Work Authorization for the phase is older than 10 years.
- B. The additional funding request exceeds the Initial Work Authorization by greater than \$10 million.

Appendix E: South Carolina STIP and TIP Amendment Process

**South Carolina Statewide Transportation Improvement Program (STIP) and
Transportation Improvement Program (TIP) Amendment Process**

Administrative modification for projects in the South Carolina portion of ARTS is based on the Sliding Scale for Statewide Transportation Improvement Programs (STIP). Table 4 shows the sliding scale. The sliding scale only applies to initial authorizations that vary from the STIP entry for statewide programs.

Table 4: Cost Threshold – South Carolina

STIP Budget (in Millions by Phase of Work)	Limit Requiring Right Sizing (in Millions by Phase of Work)	Limit Requiring Correction (in Millions by Phase of Work)	Limit Requiring Amendment (in Millions by Phase of Work)
< \$1	Increase less than 100%	100 % or greater	Not applicable for phase of work less than \$10 million
> \$1 to \$3	Increase less than \$1.5	Increase greater than \$1.5	
> \$3 to \$5	Increase less than \$2	Increase greater than \$2	
> \$5 to \$10	Increase less than \$3	Increase greater than \$3	
>\$10	Increase less than \$3	Increase greater than \$3 million	Increase of 50% or greater. Any increase greater than \$10 million

The following table provides guidance on the thresholds for Administration Modifications and Amendments to the MTP and TIP within the ARTS MPO. The table is a summary of the processes from both SCDOT and GDOT.

Table 5: Guidance on Administrative Modification or Amendment

Type of Action	Administrative Modification	Amendment
Adding or deleting a project	No	Yes
Adding or deleting lump sum projects and Statewide Program projects that do not involve new capacity	Yes	No
Adding or deleting an entire phase	No	Yes
Change in project intent or scope	No	Yes (ex. change in # of through lanes)
Change in termini	<10%	10% or more
Splitting or Combining Projects	Yes	No
Federal funding category change	Yes	No
Shift project phase within 4-year window	Inside 4-year window	Outside 4-year window

Addition of an annual TIP	No	Yes
Georgia Project cost increase	Phase has a cost increase of <\$2 million or 20% of the original amount to be authorized	Phase has a cost increase of \$2 million or greater and >20% of amount to be authorized
South Carolina Project cost increase	Total original cost for phase of work in TIP/STIP is \$10,000,000 or less and will remain at or below <\$50,000,000 after cost change.	Total original cost for phase of work in TIP/STIP is >\$10 million to \$50 million and cost change is greater than \$10 million OR Total original cost for phase of work in TIP/STIP is >\$50 million and cost change is increases by 25% or greater
Does the project affect air quality in non-attainment areas?	No	Not applicable to ARTS area
Does the project affect financial constraint?	Financial constraint remains as a positive balance	Project creates negative balance for financial constraint
Change in transit program cost (FTA)[South Carolina]	Within 25% difference of original cost	25% or more above or 25% or move below original cost
Change in transit funding source (FTA) [South Carolina]	No	Yes

Notes:

1. The date a TIP becomes effective is when the Governor or his designee approves it. For nonattainment and maintenance areas, the effective date of the TIP is the date of U.S. Department of Transportation's positive finding of conformity.
2. The date the STIP becomes effective is when FHWA and FTA approve it.
3. The STIP is based on the state fiscal year, which is July 1 - June 30.
4. Funds for cost increases will come from those set aside in the STIP financial plan by the GDOT for modifications and cost increases. Fiscal constraint will be maintained in the STIP at all times.

Appendix F: TMA Certification

CERTIFICATION OF THE AUGUSTA REGIONAL TRANSPORTATION STUDY

Be it known to all, the below signees do hereby endorse and certify the Metropolitan Planning Process for the Augusta Regional Transportation Study (ARTS), and further certify that the Metropolitan Planning Process is being conducted in accordance with all applicable requirements of:

I. 23 U.S.C. 134, 49 U.S.C. 5305, and this subpart

- Agreements are in place to address responsibilities of each MPO for its share of the overall Metropolitan Planning Area (MPA), where multiple Metropolitan Planning Organizations share geographic portions of a Transportation Management Area (TMA).
- All major modes of transportation are members of the MPO.
- Any changes to the MPA boundaries were reflected in the Policy Board representation.
- Agreements or memorandums are signed and in place for identification of planning responsibilities among the MPO, GDOT, public transit operator(s), air quality agency(ies), or other agencies involved in the planning process.
- Roles and responsibilities are defined for the development of the Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP), Unified Planning Work Program (UPWP) and other related planning documents.

UPWP

- The UPWP documents detail the activities to be performed with Title 23 and the Federal Transit Act.
- The UPWP activities are developed, selected and prioritized with input from the State and public transit agencies.
- The UPWP provides funding for the professional development of MPO staff.
- The final UPWP is submitted in a timely manner to GDOT with authorization occurring before the MPO's fiscal year begins.
- Amendments to the UPWP are developed and processed in accordance with procedures outlined in the MPO's Participation Plan.
- Planning activities and status reports are submitted quarterly by the MPO to GDOT.

MTP

- The MTP incorporates a minimum 20-year planning horizon.
- The MTP identifies both long-range and short-range strategies and actions leading to the development of an intermodal transportation system.
- The MTP is fiscally constrained.
- The development of the MTP and the TIP are coordinated with other providers of transportation (e.g. regional airports, maritime port operators).
- All of the Moving Ahead for Progress in the 21st Century Act (MAP-21) planning factors were considered in the planning process.

- The MTP includes a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities in consultation with federal, state and tribal land management and regulatory agencies.
- The Congestion Management Process (CMP) was developed as part of the MTP in TMA's.
- The MPO approves the MTP in a timely manner without entering into a planning lapse.
- Amendments to the MTP/STIP/TIP follow the approved Amendment Process.
- The MPO approves MTP amendments in accordance with the procedures outlined in the MPO's Public Participation Plan.
- The transit authority's planning process is coordinated with the MPO's planning process.
- In non-attainment and maintenance areas the MPO, as well as FHWA and FTA, must make a conformity determination on any updated or amended MTP in accordance with 40 CFR Part 93.

TIP

- The TIP is updated at least every 4 years, on a schedule compatible with STIP development.
- Each project included in the TIP is consistent with the MTP.
- The MPO, GDOT, SCDOT and the transit operators collaborate on the development of the TIP.
- The TIP contains all projects to be funded under Title 23 U.S.C. and Title 49 U.S.C. Chapter 53.
- The TIP is financially constrained by year and revenue estimates reflect reasonable assumptions.
- The MPO TIP is included in the STIP by reference, without modification.
- Amendments to the MTP/STIP/TIP follow the approved Amendment Process.
- In non-attainment and maintenance areas, the MPO as well as the FHWA and FTA must make a conformity determination on any updated or amended TIP in accordance with 40 CFR Part 93.

Participation Plan

- A 45-day comment period is provided before the Participation Plan process is adopted/revised.
- Transportation plans, programs and projects provide timely information about transportation issues and processes to citizens and others who may be affected.
- Opportunities are provided for participation at the local, state, and federal level for environmental resources and permit agencies where appropriate.
- The public involvement process demonstrates explicit consideration and responsiveness to the public input received during the planning and program development process.
- The transportation planning process identifies and addresses the needs of those traditionally underserved, including low-income and minority households.
- The disposition of comments and changes in the final MTP and /or TIP are documented and reported when significant comments are submitted.
- Additional time is provided if the "final" document is significantly different from the draft originally made for public review.
- The MPO undertakes a periodic review of the public involvement process to determine if the process is efficient and provides full and open access for all.

Congestion Management Process (CMP) (applies to Transportation Management Areas)

- In TMA's, the planning process includes the development of a CMP that provides for effective management of new and existing transportation facilities through the use of travel demand reduction and operational management strategies, thus meeting the requirements of 23 CFR Part 500.
- The CMP is fully integrated into the overall metropolitan planning process.
- The CMP has established performance measures.
- The MPO has a process for periodically evaluating the effectiveness of the CMP.
- The CMP is updated on a periodic basis to reevaluate network strategies and projects.
- The CMP work activities are included in the UPWP.

List of Obligated Projects

- The MPO provides a listing for all projects for which funds are obligated each year, including bicycle and pedestrian facilities.
- The annual listing is made available to the public via the TIP or the MTP.

II. In non-attainment and maintenance areas, sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506(c) and (d)) and 40 CFR part 93

- The MPO's UPWP incorporates all of the metropolitan transportation-related air quality planning activities addressing air quality goals, including those not funded by FHWA/FTA.
- Agreements exist to outline the process for cooperative planning within full nonattainment/maintenance areas that are not designated by the MPO planning area.
- The MPO coordinates the development of the MTP with TIP development and the development of Transportation Control Measures (TCM) if applicable.
- The MTP includes design concept and scope descriptions of all existing and proposed transportation facilities in sufficient detail, regardless of funding source, to permit conformity determinations.
- The MPO's TIP includes all proposed federally and non-federally funded regionally significant transportation projects, including intermodal facilities.
- If applicable, the MPO ensures priority programming and expeditious implementation of TCMs from the STIP.

III. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21

- The MPO has adopted goals, policies, approaches and measurements to address Title VI and related requirements.
- The public involvement process is consistent with Title VI of the Civil Rights Act of 1964 and the Title VI assurance execution by the State.
- The MPO has processes, procedures, guidelines, and/or policies that address Title VI, ADA, and DBE.
- The MPO has a documented policy on how Title VI complaints will be handled.
- The MPO has a demographic profile of the metropolitan planning area that includes identification of the locations of protected populations.

- As appropriate, the planning process identifies/considers/addresses the needs of protected/traditionally underserved populations (low-income/minority as defined by the U.S. Census Bureau).

IV. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment of business opportunity

- The MPO adheres to all requirements prohibiting discrimination against a person under, a project, program, or activity receiving financial assistance because of race, color, creed, national origin, sex, or age.

V. Section 1101(b) of MAP-21 (Pub. L. 112-141) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects

- GDOT establishes overall goals for the percentage of work to be performed by DBE's based on the projections of the number and types of federal-aid highway contracts to be awarded and the number and types of DBE's likely to be available to compete for the contracts.

VI. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts

- The MPO as required by Title VI of the Civil Rights Act of 1964, does not discriminate on employment opportunities based on race, color, religion, sex, or national origin;

VII. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38

- The MPO as required by 49 U.S.C. 5332 prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity, otherwise known as Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, and U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21 at 21.7.

VIII. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance

- The MPO has identified strategies and services to meet the (transportation planning and programming) needs of older persons'.

IX. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender

- The MPO adheres to the Act on Equality between women and men and prohibits both direct and indirect discrimination based on gender.
- The MPO adheres to the Equal Pay Act of 1963 (EPA), which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;

X. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

- The MPO adheres to Title I and Title V of the Americans with Disabilities Act of 1990 (ADA), which prohibits employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments.

Dr. William Molnar, ARTS Chairman of Policy Committee Date

Radney Simpson, Assistant State Transportation Planning Administrator Date
Georgia Department of Transportation, Office of Planning

Matt Markham, Planning Deputy Director/Office Administrator Date

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Appendix G: Title VI Certification and Assurances



Title VI Assurances

AUGUSTA GEORGIA (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program.

1. That the Recipient agrees that each "program" and each "facility" as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program and in adapted form in all proposals for negotiated agreements:

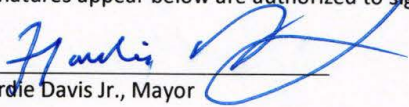
"Augusta Georgia in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d—42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award."

3. That the Recipient shall insert the clauses of Appendix A of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clause of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.



6. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.


Hardie Davis Jr., Mayor 06/22/2016
Date

ACM
6/21/16

Attachments: Appendices A, B and C.

APPENDIX A

The text below, in its entirety, is in all contracts entered into by AUGUSTA GEORGIA. All of the text except the final section, entitled “Incorporation of Provisions,” should be included in any contract entered into by any AUGUSTA GEORGIA contractor.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “Contractor”), agree as follows:

1. Compliance with Regulations

The Contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. Information and Reports

The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Augusta Georgia or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to Augusta Georgia, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the Contractor’s noncompliance with the nondiscrimination provisions of this contract, Augusta Georgia shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the Contractor under the contract until the Contractor complies; and/or
- b. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The Contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontractor or procurement as Augusta Georgia or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request Augusta Georgia enter into such litigation to protect the interests of the state and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.

Granting Clause

NOW, THEREFORE, Augusta Georgia—as authorized by law, and upon the condition that the state of Georgia will accept title to the lands and maintain the project constructed thereon, in accordance with and in compliance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways; the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation; and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d-4)—does hereby remise, release, quitclaim, and convey unto the state of Georgia all the right, title, and interest of AUGUSTA GEORGIA in and to said land described in Exhibit A attached hereto and made a part thereof.

Habendum Clause

TO HAVE AND TO HOLD said lands and interests therein unto the state of Georgia, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the state of Georgia, its successors, and assigns.

The state of Georgia, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree, as a covenant running with the land for itself, its successors and assigns, that (1) no person shall, on the grounds of race, color, sex, disability, national origin, age, or religion, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed*, (2) that the state of Georgia shall use the lands, and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination of Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the agency shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in, and become the absolute property of, AUGUSTA GEORGIA and its assigns as such interest existed prior to this instruction.¹

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by AUGUSTA GEORGIA pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which AUGUSTA GEORGIA program or activity is extended, or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by AUGUSTA GEORGIA pursuant to the provisions of Assurance 7.

The LESSEE, for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant, and agree as a covenant running with the land, that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation— Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the [license, lease, permit, etc.] and to reenter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

*[Include in deeds subject to a reverter clause]

That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the STATE and its assigns.

¹ Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title

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