

August 15, 2023  
Patricia Taylor— PLEASE ACKNOWLEDGE RECEIPT.  
Dylan Stone (author)  
Troy McNeil.

Here are my initial comments on your proposed draft 2023 Public Participation Plan.

### **I. Perspective is upside down**

Overall, the draft is written from inside out and should be from the outside in. My first blush reaction is that it was written by MCTC for MCTC and not for the public. It should be written for the public, which is the first word in the title. When I say that, I'm talking about the language and style used and the emphasis of the document.

### **II. Emphasis is questionable**

It goes on for 27 pages about who you are and what you do and the various organizations you deal with, which are of little interest to the public. The Public Participation Strategies cover only 5 pages and doesn't begin until page 28. This section should be at the front of the document, and the 27 pages of organizations should be somewhere after that. Less than 15% of the document is more or less focused on the public. Otherwise, the title simply doesn't fit.

### **III. Purpose of Doc is not clear.**

We recently learned in conversation that the document is about public input to the **planning processes and various documents** and is totally unrelated to the forthcoming 2024 Measure T Renewal. The document should say that clearly and should do so right up front...in almost the opening sentence. The public cannot tell the difference between the planning processes, and Measure T, especially since the document uses "MCTC" in the title. It is all MCTC to the public. Maybe even a cover letter with an explanation about that is needed. I realize that the organizations and relationships are important, but not very much so to the public that this draft claims to serve.

### **IV. What changes are planned?**

The Public Participation Strategies are almost identical to those in the 2020 document. And the question is, *"if you use the **same** 'strategies' as before, how can you expect to get a different result?"* Or maybe the better question is *"Do you really want public input, or is this just a show? ... a box that gets checked off?"* I encourage some out-of-the-box thinking. Maybe there should be some frequencies, or schedules included in the list of strategies.. For example, how often will you hold public meetings?... one time? once a year? every time a document is produced?

Assuming this to be the launch of the 2024 Measure T campaign, my colleagues and I remain opposed to the vagueness of your plans and to the undue influence of valley developers. Our concern is with the public, whose needs and wants you have so far failed to elicit. Our priority is public safety and fairness in the allocation of taxpayer dollars. MCTC and MCTA are not viewed as reliable, service-oriented public entities. They suffer from a lack of credibility that will not be salvaged through public relations efforts alone.

I thought I should get these initial comments to you right away, in case you want to think about them early, and possibly work on some changes, rather than wait until the 28th drop dead date. We likely will have other comments but probably on specific elements.

Thanks for the opportunity to comment.

Dan Metz, Sierra Citizens for Sensible Government.

August 25, 2023

Patricia Taylor, PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL

Kendall Flint,

Troy McNeil,

Dylan Stone

Thank you for the opportunity to comment on the draft PPP. On August 15, we sent some high-level comments and said we would take a more in-depth look and possibly provide additional comments. These are those comments and supplements the August 15 communique. Key phrases and words have been highlighted herein to point out the area at issue, or for emphasis.

## I. "AUDIENCE" OR "PARTICIPANTS"?

Here is an excerpt found on page 3 of MCTC's Draft Public Participation Plan.

access to key decisions. This Public Participation Plan defines an approach for public engagement and participation, along with the processes for communicating with the public about MCTC's programs, plans, projects, and decisions. MCTC's audiences include:

and reach their full potential."

**General Public** – all residents of the region, with special consideration for the needs of systemically excluded groups, including people of color, communities with low incomes, persons with disabilities, youth, communities with limited English proficiency, and elderly individuals.

**Community Organizations** – especially those that serve Equity Priority Communities and other groups such as environmental advocates, special interest nonprofit organizations, neighborhood groups, homeowner associations, and others.

**Government Agencies** – public agencies like local transit operators, City of Chowchilla, City of Madera, and County of Madera, regional agencies like the Air District, public health agencies, water districts, and agencies at the state and federal levels.

**Business Community** – private-sector entities whose work intersects with transportation and land use planning, including business associations, private transportation providers, freight shippers, consulting firms, technology developers, and non-profit business interest groups.

**Elected Officials** – elected representatives at all levels, including city councils and mayoral offices, county supervisors, and state and federal legislators.

**Tribal Governments and Communities** – federally recognized Tribal governments within the county including the North Fork Rancheria of Mono Indians of California and the Picayune Rancheria of Chukchansi Indians of California.

The use of the term “audience” is revealing. The term means: *“a group of people who gather together to listen to something (such as a concert) or watch something (such as a movie or play)”*. It signifies one-way communication, which is contrary to a key element in the document title, “Public Participation . . .”.

Business owners represent themselves as general tax payers. While they may benefit from various components, they pay no sales tax and don’t represent the public. They only collect and process the taxes paid by the public. They probably should have limited voice in the “Public Participation Plan”, or perhaps we should say the general public, who pays the taxes, should have a greater voice.

Tribal Governments, and Community Organizations can be communications channels by educating the tax-paying public.

However, “Government Agencies” and Elected Officials have no place in providing inputs on behalf of the “Public” in the “Public Participation Plan”. They are decision makers and regulators and are not the “public”.

## **RECOMMENDATION**

The sentence containing the word “audience” should be replaced with a sentence similar to:

*“The primary groups invited to engage and participate in two-way communications are:”*

And omit the “Governmental Agencies” and “Elected Officials” groups.

The highlighted phrase in the General Public section “region with special consideration” should read

*“. . .all residents of the region, with due consideration of constraints on time, travel, and noticing, and with special consideration . . . ”*

=====

## II. COC "ADVISORY" OR INDEPENDENT?

Page 14 of the draft says that the COC was formed as an advisory body to MCTC as highlighted here.

### MEASURE T CITIZENS' OVERSIGHT COMMITTEE

The Measure T Citizens' Oversight Committee was developed as an advisory body to Madera County Transportation Authority to inform the public, and to ensure that the Measure T funding program revenues and expenditures are spent as promised to the public. MCTC staffs the Committee and provides technical and administrative assistance to support and publicize the Committee's activities.

The statement of that role, "advisory body", is not supported by the 2006 Investment Plan which states the purpose of the COC as to inform the public and ensure accountability along with some specifics. Furthermore, it does not report to the MCTC although it may be permissible to provide advice.

#### Committee Purpose

To inform the public and to ensure that the Transportation Measure (Measure) funding program revenues and expenditures are spent as promised to the public.

Further, during the pre-election period in 2022, the COC was proclaimed by Supervisor Poythress as being "completely independent".

## RECOMMENDATION

Although the committee may play an "advisory role", that is not the primary purpose of the committee and should be subordinated to its primary role to inform the public and ensure accountability. We recommend the comment about the "advisory role" be omitted.

The highlighted statement should be deleted, and replaced with " . . . *was established as an independent committee to inform* . . . "

Also, there should be a reference to the roles and responsibilities of the COC as stated in the 2006 Investment Plan.

=====

## III DEFINE "AMPLE" AND "EARLY"

The section below says early enough to allow "ample opportunity to help shape" outcomes. How much time is "ample"? Who defines that term and decides what is ample?

As an example, this Draft Public Participation plan provides barely over 3 weeks from end of comment period to final approval by the MCTC Policy Board. That seems an inordinately short turn-around time. Either it assumes changes will be few, or staff can quickly make changes.

Moreover, it clearly provides only one shot at the recommendations from the public. It does not provide ample opportunity for the public to review the consolidated group of changes which may

come from many sources. Changes from one group or party may not be acceptable to another party.

In addition, 23 CFR §450.316 requires the Metropolitan Planning Organization (MPO) to describe “explicit procedures” and not vague hand waving.

The commitment is "early" engagement, suggesting that it is before something. How early is "early"? There are no concrete terms to establish a true commitment. It seems there should be a forum for the public to provide input to the process, before staff puts pen to paper.

### **MCTC'S COMMITMENT TO PUBLIC PARTICIPATION**

#### **Commitment 1: Early Engagement**

MCTC will structure major planning initiatives and funding decisions in a manner that **allows the public ample opportunity to help shape those outcomes.** MCTC will provide timely information to raise awareness of upcoming projects, key milestones, and opportunities to influence the policy development and decision-making processes. This includes major initiatives such as the Regional Transportation Plan (RTP), Sustainable Communities Strategy (SCS), and the Federal Transportation Improvement Program (FTIP). In each case MCTC will strive to:

### **RECOMMENDATION**

Please define “ample” in concrete, measurable terms, such as “not less than 45 days” or greater as specified in 23 CFR §450.316. Also, the provisions should be expanded to include all documents and not limited to the RTP, SCS, and FTIP.

Similarly, define "early" and add specific descriptions, activities, or time tables.

=====

**IV. The Commitment to THE COLLABORATIVE PROCESS SHOULD APPLY** to this draft PPP and the suggestions you receive.

This collaborative process should not be limited to the RTP and FTIP but rather should have wide application.

As to specifics, how and when will the responses in the 2nd highlighted phrase below be provided? Or are comments offered and the provider is left to figure out whether comments were accepted or why not?

#### **Commitment 3: Commitment to a Collaborative Process**

MCTC aims to conduct engagement activities that design and create solutions **in partnership and collaboration with communities and agencies affected by policies and decisions.** We want to encourage honest, open, and productive dialogue with MCTC stakeholders to provide meaningful opportunities to shape the Madera County region and influence key decisions. MCTC is

committed to responding to all correspondence received and summarizing comments heard from participants on impending actions, so decision-makers and the public have a clear understanding of the depth and breadth of opinions on a given issue. MCTC will also strive to inform participants about how their input and feedback helped shape or contribute to key decisions and actions. When outcomes do not correspond to the views expressed, every effort is made to explain why. To that end MCTC will:

- Document comments received and demonstrate explicit consideration and response to public input received during the development of the RTP and the FTIP.
- Ensure that all formal public comments are provided to the MCTC Policy Board or appropriate committee for consideration prior to decision making.

## RECOMMENDATION

Expand the 1st bullet point to include all major documents or significant changes, for documents such as this PPP.

Be explicit about responding to all correspondence received. Include the obligation to provide feedback. If written feedback is not feasible, either hold a public meeting or at minimum make a phone call.

=====

## V. The TRANSPARENCY COMMITMENT IS TOO NARROW

As written, this commitment applies only to the RTP and FTIP and only if there are substantial changes after the 1st round of inputs. This commitment must apply to all aspects of MCTC operations. As it relates to the PPP, it must apply to the entire array of activities associated with Public Participation and it must apply to this drafting process of the PPP itself.

Also, the language in the last bullet point, “Coordinate with statewide transportation planning public”, doesn’t make sense and we cannot determine what is intended. If the intent truly is to “coordinate” with state agencies in some fashion, how does that relate to “Transparency”? Whatever the point is, the item should be clear, and placed properly in this PPP.

Further, the concept of transparency includes avoiding obscurity and hidden, or difficult to follow information such as overuse of acronyms.

**Commitment 4: Transparent Process**

Should a document previously released for public comment differ or change, raising new concerns or issues, MCTC will ensure that the public has ample time to provide additional review and comments:

- Provide additional opportunities for public comment if the final RTP or FTIP differs significantly from the version that was made available for public comment by the MCTC and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts.
- Coordinate with the statewide transportation planning public involvement and consultation processes.

**RECOMMENDATIONS:**

a) Expand the applicability to include all aspects of MCTC operations and the PPP, and also to major documents and especially those seeking input from the public. AND report back to each contributor during this comment period, the response to each point made. AND if the changes resulting from these comments are substantial, provide another opportunity to review the revisions in red-line mark-up format.

b) Reword the last bullet point so it is clear what is intended. Also, if it doesn't fit under the topic of "Transparency", either delete it, or place it in another appropriate topic.

c) Follow the recommendations of the 2017-2018 Grand Jury about avoiding using acronyms and technical jargon. Such practices obscure the content from the general public. Put the cookie on the lower shelf.

=====

**VI. PERFORMANCE MEASURES**

Highlighted in blue, below, found in Chapter 5 on page 27, is a commitment to set performance measures for PPP effectiveness and report results. Have those measures been set? What are the measures? Can you provide copies of the past reports?

How does the 2017-18 Grand Jury Report finding that communications had been inadequate, figure into these performance measures?

As part of every public outreach and involvement program developed for the regional transportation plan, MCTC will set performance measures for the

effectiveness of the participation program and report on the results. These performance reports will serve to inform and improve future outreach and involvement programs, including future updates to this Public Participation Plan. Additionally, MCTC will periodically evaluate various components of the items identified under Chapter 5 "Public Participation Strategies" which form the core of MCTC's public involvement activities.

**RECOMMENDATION**

This PPP document has been around for years and should be old enough that the performance measures should have been set already. With that in mind, we recommend that those measures be stated in this document, at minimum as an example.

=====

**VII Chapter 6 PUBLIC PARTICIPATION STRATEGIES.**

The strategies reasonably include Public Meetings, Visualization Techniques, Polls/Surveys and examples of specifics following each of those headings. However, there should by this time be quantifiable examples: How often? When (dates, or time spans)? How many? etc. As is, the examples are so vague that they become meaningless categories and concepts.

For Publications and Local Media strategies, where and in what publications will newsletters and articles be published?

There are over 60 bullet points in these multiple strategies and it comes across as the result of some brainstorming session. There are so many that it raises the question of how many, or which ones have actually been used over the last 15 years or so?

**RECOMMENDATION**

**BE SPECIFIC**

Rather than list dozens of options in random order, we recommend you list the top few (3-4) activities (bullet points) under each strategy, with specifics...timelines, dates, publication titles, etc,for each bullet point. Then add the remaining bullet points as a menu of options in lieu of, or in addition to the top 3-4 for each of the multiple strategies.

Again, 23 CFR §450.316 requires specifics.

=====

=====

Based on these comments and our earlier comments, we also recommend you defer the topic from the September agenda of the approving Committee to allow more time for thoughtful consideration, and the potential changes.

Again, thanks for the opportunity to comment. We trust that these suggestions are helpful. If some point(s) is unclear, we would be happy to explain, and discuss.

Dan Metz on behalf of Sierra Citizens for Sensible Government

Attention: Dylan Stone      Dylan@maderactc.org

This Public Participation Plan defines an approach for public engagement and participation, along with the processes for communicating with the public about MCTC's programs, plans, projects, and decisions. MCTC's audiences include:

Please describe the direction step by step, in detail for public participation activities conducted by MCTC. What requirements, procedures, strategies, and techniques that should be used to communicate with the public.

This plan should define a process that outlines the roles, responsibilities, and key decision points for consulting and affected public agencies, the transportation sector, transportation providers, and other interested parties like the public.

Please identify your public outreach program that includes all of Madera County. Informing all the public of your task to plan for the future in Madera County using their taxpayer dollars.

This requires service to those with limited English proficiency and develop and implement a system to provide those services so all persons can have meaningful access to services

**Citizens oversight committee** – Responsibilities as outlined by MCTC & MCTA.

The Madera County Transportation Authority (MCTA) will staff the Committee and provide technical and administrative assistance to support and publicize the Committee's activities, with the staff assignment subject to approval of the Committee. Not just a P & L statement.

A. Review, receive, inspect and recommend action on independent financial and performance audits related to MEASURE "T": This includes individual audits for all projects to see if they come within the budget set for them. This has never been done.

B. Receive, review and recommend action on the other periodic reports, studies and plans from responsible agencies. Such reports, studies and plans must be directly related to Measure programs, revenues or expenditures:

C. Review and comment upon Measure T expenditures to ensure that they are consistent with the Investment Plan. This has never been done.

D. Annually review how sales tax receipts are being spent and publicize the results:. This has never been done.

E. Present committee recommendations, findings, and requests to the public and the Authority in a formal annual report: This has never been done.

Public notice of hearings, including the date, time, location and specific purpose is provide at least 30-days in advance of the meeting through publication in one or more identified newspapers of general circulation, including a Spanish language publications and Social Media locations and other identified locations. Written notification is also provided to those persons and organizations that have indicated an interest. The criteria shall include whether there is: Substantial controversy concerning the proposed action, substantial interest in holding the hearing, or a request for a hearing by another agency with jurisdiction over the action.

Respectfully

Bruce Gray, MOC

August 28, 2023

Dylan, these suggestions are submitted by me as a Madera County resident, and not in my capacity as COC member.

Index of Contents:  
Draft omits Chapter 3.

Chapter 3:

For reasons both known and unknown, the COC is misperceived by many EMC residents as weak and ineffective. The Draft PPP should propose to modify and reinforce the COC with the goal to change this misperception. The draft language appears to be status quo, and there are many residents who want that to change.

Respectfully submitted,

Terry Flanagan  
Madera County Resident