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Stakeholders' Perceptions of the Administrative Rules Governing Public Participation in the Hampton Roads Transportation Planning Organization

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Abstract

This paper explores multiple stakeholders' perceptions with regard to administrative rules governing public participation in the Hampton Roads Transportation Planning Organization (HRTPO) in Virginia. In 2007, the HRTPO received conditional certification during its quadrennial review with seven corrective actions related to public participation. Subsequently, it started to reform its public participation practices, and in 2012 it received full certification. This study explores how the HRTPO stakeholders perceive the administrative rules that govern public participation processes, more positively or more negatively, relying on in-depth interviews as well as archival documents. Before 2007, top management officials had pessimistic perceptions of public participation in general and the rules in particular. The negative perceptions changed when new senior staff arrived in 2008 and initiated many reforms. Guided by green tape attributes (DeHart-Davis 2009), this study found that stakeholders perceived the rules more positively than they did in 2007. These findings showed more nuances than the attributes of green tape suggests.

Keywords: Stakeholders' Perceptions, Administrative Rules, Public Participation, Hampton Roads Transportation Planning Organization

1.0 INTRODUCTION

This is a study of attitudes toward public bureaucracy. Broadly, the goal of this paper is to improve our understanding of the U.S governmental bureaucracy, as administrative rules are part of bureaucracy, and public participation is increasingly a key responsibility of bureaucracies. The existing public participation scholarship tends to focus on the mechanisms and outcomes of public participation. The mechanisms include the nature and function of public participation tools, such as advisory committees, open houses, public meetings/hearings, surveys, websites and social-media (Rowe and Frewer 2000 and Wang 2001). The main concern with outcomes is whether participation mechanisms and processes result in better decision making and the extent to which they are able to influence public policy (Rosner 1978). To evaluate outcomes is not an easy task given that the concept of public participation itself is complex, and no specific criteria for evaluation apply across all circumstances (Rowe and Frewer 2004).

Although many studies have examined the effectiveness¹ of mechanisms of public participation in relation to “meaningful/ authentic/ successful” public participation, the focus of this study is on the administrative rules for public participation. More importantly, relatively little is known about the perceptions of stakeholders regarding the administrative rules of public participation, specifically in transportation planning. In fact, as Nabatchi and Amsler (2014) contend, the legal framework (e.g., administrative rules) that governs public participation is often omitted as a variable in research on public participation.

In addition, despite increasing administrative rules for public participation in transportation planning, mandated rules for public participation such as public hearings still have not been able to attract many people to participate (Dabney 2003). Dabney (2003) further argues that this is because the regulations tend to focus on process rather than performance. As administrative rules are part of the process of public participation, it is important to understand stakeholders’ perceptions of the administrative rules.

Specifically, the main aim of this paper is to explore the perceptions of multiple stakeholders toward the administrative rules that govern public participation processes in a transportation planning agency in Virginia, the Hampton Roads Transportation Planning Organization (HRTPO). Understanding such perceptions matters for several reasons. First, there is a relative lack of theoretical discussion and empirical evidence about stakeholders’ perceptions of administrative rules, especially in qualitative work. Second, as Moon and Bretschneider (2002) argue, perceptions are often accurate reflections of reality. Third, perceptions also may influence behavior. For instance, positive perceptions of administrative rules among stakeholders can elicit cooperation, which can enhance performance (DeHart-Davis 2009). On the other hand, negative perceptions of administrative rules can encourage bending or ignoring rules (Borry 2013). Finally, as public participation practices present challenges to evaluation and measurement, understanding the perceptions of participants on both sides of the process can shed light on future progress toward establishing appropriate metrics for participation practices.

Leighninger (2014) argues that most administrative rules that govern public participation are outdated and fail to engage citizens in productive ways, an assertion based on required public hearings that often receive criticisms due to their ineffectiveness in engaging the public. Although this argument has merit, little is known of other stakeholders’ perceptions of rules on mandated public hearings. Nor is much known about why this rule is perceived negatively (do regulators, administrators, and citizens perceive this rule as, e.g., burdensome, frustrating, or unnecessary?). Distinguishing between negative and positive perceptions of the administrative rules that govern public participation processes may help practitioners to further strengthen those processes. In line with Pandey and Yang’s (2011) suggestion, although public officials cannot choose to eliminate mandated regulations, they need to figure out which administrative rules hinder public participation and develop alternative ones that better facilitate public participation. In light of this call for updating the administrative rules structuring public participation this study has salient implications for the practice of public administration.

¹ There is no general consensus on what constitutes “effective” public participation. Effectiveness is not just a measurement issue; it also depends on goals being sought. I use the term “effectiveness” loosely to refer to rules governing public participation at achieving the rules’ objectives/purposes.

The paper is structured as follows. First, it provides a brief background on the nature and function of Metropolitan Planning Organizations (MPOs) in general and the HRTPO in particular. It also describes the context of this study, public participation in the HRTPO, including the administrative rules governing participation processes. Second, it discusses the scholarship on public participation and public participation in transportation planning, and perceptions of administrative rules of public participation in general. Third, the data and methods applied are set out. Fourth, the result is presented based on interviews and archival documents guided by green tape attributes (DeHart-Davis 2009). Finally, the article concludes with some practical and theoretical implications to the field of public administration.

2.0 CASE DESCRIPTION

Public participation in transportation planning serves as the setting for this study, and perceptions of administrative rules,² one of the main elements of bureaucracy, are at the center of the inquiry. More specifically, this study looked at perceptions, attitudes, and experiences of multiple stakeholders with regard to administrative rules that govern public participation processes in the Hampton Roads Transportation Planning Organization (HRTPO).

2.1 Metropolitan Planning Organizations

An MPO is a transportation planning and policy-making organization; states are required to establish an MPO in every urbanized area (UZA) with a population of over 50,000 (Virginia DRPT 2004). Creation of MPOs was a response to the increasing construction of the interstate highway system and the planning of routes in urban areas (U.S. DOT 1988). In the early years of their existence, many MPOs did not thrive as expected due to weaknesses in the legislation that defined them. However, this changed significantly after the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) that served to empower MPOs (Taylor 2007).

The main functions of an MPO are:

- a) Establish and maintain a fair and impartial setting for effective regional decision making with regard to metropolitan transportation planning;
- b) Evaluate transportation alternatives appropriate to the region in terms of its unique needs, issues, and realistically available options;
- c) Develop and maintain a fiscally-constrained, Long-Range Transportation Plan (LRTP), with at least a 20-year horizon for the metropolitan planning area;
- d) Develop and maintain a fiscally-constrained Transportation Improvement Program (TIP) — a short range, four-year plan, containing all transportation projects that require an action by the FHWA or FTA;
- e) Develop an annual Unified Planning Work Plan (UPWP)— an agenda of planning activities which when approved by the FHWA is the MPOs authority to receive and expend federal funds;
- f) Involve the public in all of these functions (FHWA/ FTA 2007, 4 and Taylor 2007).

While the requirements for MPOs are similar, the organizations themselves vary in size, organizational structure, and scope of planning responsibility. Their roles also differ, largely shaped by factors such as “their relationship to the state department of transportation (SDOT), the

² The term “administrative rules” is used interchangeably with terms such as rules and organizational rules. Specifically, I define administrative rules to include agencies’ rules, plans, policies, and procedures based on federal and state laws.

number of local governments in the regions, the presence of an international border, the age and maturity of the MPO, the population growth rate, economic climate, and the number and types of transportation modes in the region” (ACIR 1995, 34). In 2014, there were 425 MPOs in the United States, with 14 in Virginia. Typically, the decision making process in an MPO involves participation by numerous stakeholders. These include representatives of the policy board, the executive committee, the technical advisory committee, the citizen advisory committee, and professional staff (Hamroun 2006).

2.2 Administrative Rules for Public Participation in MPOs

One of the core functions of an MPO is to involve the public, and the main objective is to identify and address every issue related to the affected public in all proposed transportation plans (FHWA/FTA n.d.). The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) define the “public” broadly as “including all individuals or groups who are potentially affected by transportation decisions. This includes anyone who resides in, has interest in, or does business in a given area which may be affected by transportation decisions” (FHWA/FTA n.d., 39). The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 1995 (SAFETEA-LU) further specified interested stakeholders as “...freight shippers, providers of freight transportation services...representatives of users of public transportation, representatives of users of pedestrian walkaways and bicycle transportation facilities, representatives of the disabled...” (SAFETEA-LU 1995, 119 Stat. 1554). Additional requirements for public participation include representation and the use of citizen input in decision making (Figueredo 2005). The emphasis on representativeness is reflected in Title VI of the Civil Rights of 1964 and the Environmental Justice Executive Order of 1994. Title VI guarantees that nobody should be discriminated against on the basis of race, color, or national origin in public agencies whose programs received federal funds. In addition, the Environmental Justice Executive Order requires that minority and low-income populations not be excluded from participating. Figueredo (2005) argues that even though the law encourages the use of citizen input in decision making, there is little guidance on how to incorporate it.

Goetz et al. (2002) consider one of the elements of success of an MPO is to have vibrant and innovative public participation strategies that go beyond public hearings. Significantly, the U.S Department of Transportation (U.S. DOT) considers meaningful public participation as fundamental to good decision making, especially in the transportation arena where agency actions affect many stakeholders (FHWA/FTA n.d.). Not surprisingly, numerous federal regulations mandate that states conduct planning processes in order to be eligible to receive federal transportation funds. These administrative rules strongly suggest that public participation should matter in MPOs. It matters because it is a “process of two-way communication between the MPO and the public by which the MPO gives information and uses public input in decision making” (O’Connor et al. n.d., 5). As Gazillo et al. (2013, 3) emphasize, “for transportation projects, developing and implementing public involvement plans is the law.”

Prior to ISTEA in 1991, public participation was required in transportation planning processes but to a lesser extent. For instance, the Federal Aid Highway Act of 1968 required public hearings, notifications and availability of project information (Gazillo 2013 and Giering 2011). Comments were invited near the end of the process, which tended to reduce their impact (McDowell 1999). In 1969, the National Environmental Policy Act (NEPA) took a tentative step toward recognizing the importance of public participation by requiring that it be included in the

early phases of transportation planning (Dabney 2003 and Childress 2008). Giering (2011, 9) considers the Americans with Disabilities Act of 1990 (ADA) as the first federal statute that advocates for public participation in transportation planning, since it “mandated involving the community, particularly those with disabilities, in the development and improvement of transportation services.”

Other transportation advocates consider ISTEA as a turning point for public participation in transportation planning processes, since it established a formal framework for interested stakeholders including the general public to participate (Childress 2008, Schweppe 2001, Giering 2011, Barnes and Langworthy 2004). The U.S Advisory Commission on Intergovernmental Relations found that ISTEA brought positive changes to public participation (ACIR 1995). ISTEA urged that public participation be included “early and often” (McDowell 1999, 17) and be “early, proactive and sustained” (Childress 2008, 7). This was a major shift from NEPA’s more reactive mode to a more proactive approach (Giering 2011). Over the years, subsequent federal statutes included several additional requirements that strengthened the language of public participation.

2.3 Mandated Rules and Regulations for Public Participation in MPOs

Significantly, SAFETEA-LU (1995) requires each MPO to have its own public participation plan (PPP). The PPP outlines the strategies to be utilized to provide and receive information from the public in the transportation planning and programming process including projects, studies, plans, and committee actions. The PPP directs public participation activities conducted by MPOs and contains the goals and strategies for public participation. The statute mandates that MPOs develop such plans with interested parties and at a minimum explicitly describe procedures, strategies, and outcomes of public participation. Table 1 contains the requirements for MPOs based on the federal laws.

Mandated for MPOs	
Public Participation Plan	<ul style="list-style-type: none"> - Explicitly describe strategies, procedures and desired outcomes - Include mechanism for measuring effectiveness - Periodically review the effectiveness of procedures and strategies in PPP (TEA-21) - Develop PPP with public/ interested parties
Public Meeting/ Public Hearing	<ul style="list-style-type: none"> - Give timely and reasonable notice (ISTEA 1990) - Publish a newspaper advertisement - Provide reasonable access to the information - Held at a convenient place and time - Employ visualization techniques (SAFETEA-LU)

Maintenance of a website	- Make public information available (technical info, meeting notice, meeting minutes)
Demonstration of explicit consideration and response to public input received (ISTEA 1990)	- Provide copies of the approved plan to the FHWA and FTA - Post plan on the website
Public comments	- Give public comment period of 45 days - Provide summary, analysis and report of comments received. - Provide an additional opportunity for public comment, if the final Metropolitan Transportation Plan (MTP) or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts.
Outreach to and consideration of the needs of traditionally underserved groups (low-income and minority) (ISTEA 1990)	- Establish outreach programs
Consultation	- Consult with interested parties, affected agencies and other stakeholders (users of pedestrian walkways and bicycle transportation (SAFETEA-LU) - Coordinate with statewide transportation planning public involvement and consultation processes
Title VI and Environmental Justice	- Include plan for non-discrimination among participating citizens
American Disabilities Act (ADA)	- Comply with the requirements of ADA

Table 1: Mandated Administrative Rules for Public Participation (Source: FHWA and HRTPO websites, 2014).

2.4 Non-Mandated Rules and Regulations for Public Participation in MPOs

The rules that govern public participation processes in MPOs depend on the MPOs' interpretation of the mandated rules, which allow them some discretion. Such interpretations are normally reflected in the PPP. MPOs adopt a variety of mechanisms in their pursuit of public

participation. Many factors, such as resources (e.g., budget and staff), characteristics of the MPO (its size and age), and the attitudes of administrators toward public participation can influence which specific mechanisms are implemented. For instance, some MPOs may adopt open-house style meetings in addition to traditional public hearings and establish advisory committees to provide more opportunity for involvement.

2.5 The Hampton Roads Transportation Planning Organization (HRTPO)

In 1973, Hampton Roads established two MPOs (Peninsula and South Side); in July 1991, they merged to form the Hampton Roads Metropolitan Planning Organization (HRMPO). The merger reflected the conclusion that the two agencies could meet federal requirements in a more coordinated, effective, and efficient manner (Milliken 1991). The HRMPO was tasked with carrying out the metropolitan transportation planning process with the help of the Virginia Department of Transportation, transit operators in the region, and the Hampton Roads Planning District Commission (HRDPC)³.

The HRTPO is one of Virginia's largest Metropolitan Planning Organizations (MPOs) and ranks among the biggest 30 in the entire country (PBS&J 2009). The HRTPO received \$211,673,696 from the federal government in FY 2015 (HRTPO Transportation Improvement Plan 2015, II-2). The HRTPO "plans the region's transportation system, allocates federal transportation funds, approves the implementation of transportation projects through a continuing, comprehensive, and cooperative transportation process" (HRTPO 2014, 17). The transportation plans that the HRTPO has developed include the Unified Planning Work Program (UPWP), which describes the transportation planning work and associated funding for the area; the Long Range Transportation Plan (LRTP), which is a 20-year plan of transportation strategies and actions; and the Transportation Improvement Plan (TIP), which is a multi-year program for the implementation of surface transportation projects. The HRTPO staff consists of one interim executive director (as of January 2015), five engineers, five planners, one public involvement administrator, and 14 administrative staff. The HRTPO includes various stakeholders from local, state, and federal governments and both government and for profit transit agencies.

³ In 2008, the FHWA certified the HRMPO as a Transportation Management Area (TMA) and changed its name to the Hampton Roads Transportation Planning Organization (HRTPO). A TMA is an area designated by a state's secretary of transportation, having an urbanized population of over 200,000, or upon special request from the governor and the MPO designated for the area. The status allows the HRTPO to enjoy certain benefits and incur additional requirements beyond those of smaller urbanized areas (23 USC 134 a). As a TMA, the HRTPO is therefore required to undergo a certification review every four or five years. The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) conduct the certification review, which involves all agencies related to transportation planning in the area. The main goal of the certification review is to ensure compliance with federal regulations to enhance transportation planning processes in technical and administrative areas. The three possible results of the certification review are full certification, conditional certification, or non-certification (HRMPO Meeting Minutes 2007). Full certification means the agency complies with all requirements; conditional certification refers to certification subject to corrective actions; and non-certification results in a region losing eligibility to receive federal funds and several other benefits for transportation projects.

2.6 Public Participation in the HRTPO and its Problems

As the 21st century began, the HRTPO was in bad shape. In 2001, the federal team made several recommendations regarding its public participation practices. The team found problems with methods of receiving public comments, closed technical advisory committee meetings, and public notices and technical advisory meeting minutes were not being posted on the MPO website. By 2007, the HRTPO had not taken any action to address the problems (HRMPO Meeting Minutes 2007), received a conditional certification during their federal compliance review. The FHWA/FTA found 11 problems that required corrective actions, seven of these related to public participation processes. These findings were disturbing for all involved. The federal team indicated that this was the largest number of federally mandated corrective actions it had ever encountered (PBS&J 2009). In addition to these technical problems of public participation, the HRTPO faced broader issues related to public participation such as lack of resources (money and staff in charge of public participation), unclear organizational structure between HRTPO and Hampton Roads Planning District Commission (HRPDC), pessimistic views of public participation by the top management, and disagreement with the FHWA. The recommended corrective actions involved implementing open meetings and notification requirements for public meetings; greater effectiveness, openness, and completeness of the transportation planning and programming process (including advisory committees); revising the public participation plan; developing procedures for applying environmental justice and outreach activities in low-income and minority communities to solicit input; updating the Title VI Plan; conducting a comprehensive Title VI review; and drafting procedural guidance for verifying the process and implementation of self-certification with regard to Title VI of the Civil Rights Act of 1964 and ADA (FHWA/ FTA 2007).

In 2009, the HRTPO hired an FHWA community planner officer as a public involvement officer to address the problems with public participation; the following year it hired a new person with public participation background as its public involvement administrator. With this person in charge of public participation, things started to change, with noteworthy results. Most importantly, in 2012 the public involvement administrator updated the cornerstone document of public participation, the Public Participation Plan (PPP), making a number of changes. In addition, the perceptions, attitudes, and experiences of staff in the HRTPO evidently shifted from being negative to positive. The public participation processes have improved significantly, and they are now considered among the “best practices” not only among Metropolitan Planning Organizations (MPOs) in Virginia, but also in the nation (personal communication, May and July 2014 and HRTPO Quadrennial Federal Certification Review Report 2012).

Like other MPOs, the HRTPO makes regional transportation decisions to ensure sustainable transportation policies for all affected citizens in the area. The HRTPO defines “the public” as “those who have the potential to affect or be affected by the Hampton Roads transportation system” (HRTPO PPP 2012, 9). Especially since the population of the Hampton Roads area is racially, culturally, and economically diverse, public participation is crucial. To ensure full representation, the HRTPO is formally committed to public participation programs that are “inclusive, transparent, consistent, accountable, thoughtful and dynamic” (HRTPO PPP 2012, 10). The HRTPO’s main goal for public participation is to provide varied opportunities for public input into transportation planning in the region. In doing so, it encourages the public to sign up for community conversations, attend HRTPO Board meetings, take surveys via its

website, and write to the HRTPO staff as well as invite the staff to give talks at various events. Mechanisms identified to engage and inform the public are “news media; contact lists; website and social-media; public information meetings, workshops and open houses; public information presentations; surveys; information booths/ kiosks; visualization techniques; e-newsletter; radio and television” (HRTPO PPP 2012, 20).

Public participation is a cornerstone of most transportation activities in the HRTPO, including developing important plans such as the LRTP and TIP. Four key documents guide public participation in the HRTPO: the public participation plan (PPP), Title VI, the Limited English Proficiency Plan (LEP), and the Citizen’s Guide to Transportation. As mentioned previously, the PPP is the guidebook that contains the administrative rules that govern public participation processes in the HRTPO. Over the years, the HRTPO has altered its PPP in line with the federal regulations.

The HRTPO developed its current PPP in 2012. It is by far the most comprehensive document outlining the HRTPO’s strategies and goals related to public participation. In comparison with its predecessor, the 2012 PPP more fully reflects the diverse populations and cultures of Hampton Roads and outlines the HRTPO’s commitment to Environmental Justice (EJ) in all its programs and planning processes. It also contains brief guidelines for EJ programs, although the HRTPO has a separate document for Title VI (EJ) and the LEP that was updated in 2013.

The HRTPO implements several strategies to reach traditionally under-represented populations such as “targeted ads and notices; language outreach strategies; transit accessible meetings; convenient meeting times; partnerships with other organizations; community conversations and coordination with schools” (HRTPO PPP 2012, 26). The LEP includes strategies the HRTPO uses to reach out and provide assistance to those who have limited English proficiency.

This newer commitment is striking since the HRTPO faced seven corrective actions related to public participation processes in 2007, as mentioned before. Moreover, the perceptions of public participation and specifically the administrative rules that governed the processes were largely negative (Personal communication, July 2014).

3.0 THE RELEVANT LITERATURE

Having outlined the federal regulatory framework for public participation in transportation planning and laying out the organizational context in which the HRTPO operates, the article turns to exploring the literature which explores the interaction between stakeholders and the administrative rules governing public participation. In particular, it examines multiple stakeholders’ perceptions of the administrative rules which govern public participation in the HRTPO.

The public participation literature on transportation agencies does not provide a comprehensive view of current public involvement practices at MPOs. According to Barnes and Langworthy (2004, 31), much of the literature on public participation in transportation planning tends to be “data-focused” such as mechanisms used and the outcomes of public participation.

The extant literature on public participation focuses on different meanings and definitions of the mechanisms, evaluation, and predictors of public participation. Public participation is commonly defined as “the involvement of stakeholders in administrative functions and decision making” (Wang and Van Mart 2007, 217). The term “public participation” is used interchangeably with public involvement and public engagement or civic engagement. “Public” is defined broadly to include “community, stakeholder, citizen, and consumer” (Figuredo 2005, 15). Public participation mechanisms can be divided into passive and active (Figuredo 2005). Passive mechanisms, such as “press releases, websites, printed materials, and advertisements,” are generally used to disseminate information to the public (Figuredo 2005, 17). Active mechanisms of public participation include public hearings, citizen advisory boards, citizen focus groups, business community meetings, and social media exchanges (Dabney 2013).

Scholarship on public participation also focuses on the advantages of having the public participate in decision-making processes. Giering (2011, 10) points out several benefits of public participation, including “public ownership of policies, better decisions that are sustainable, supportable, and reflect community values; agency credibility; less opposition; and faster implementation of plans and projects.” In general, the goal of public participation is to offer benefits for both organizing and participating parties. On one hand, the organizing party will get input and feedback, and on the other hand, the participating party will have a say in the project or program that will impact their life.

3.1 Public Participation in Transportation Planning

Transportation planning involves the following important and complicated processes:

- i. Monitoring existing conditions;
- ii. Forecasting future population and employment growth, including assessing projected land uses in the region and identifying major growth corridors;
- iii. Identifying current and projected transportation problems and needs and analyzing, through detailed planning studies, various transportation improvement strategies to address those needs;
- iv. Developing long-range plans and short-range programs of alternative capital improvement and operational strategies for moving people and goods;
- v. Estimating the impact of recommended future improvements to the transportation system on environmental features, including air quality; and
- vi. Developing a financial plan for securing sufficient revenues to cover the costs of implementing strategies.

Regardless of the complexity and technical nature of transportation issues, public participation is crucial since citizens often have a lot at stake in transportation issues. Transportation projects and plans may shape access to employment and services and affect property values, personal routines, and time management. Lewis and Sprague (1997, 4) observe that “transportation policy shapes the American landscape by determining the accessibility of competing locations and the mobility of people and goods.” Public participation in transportation

planning also offers benefits such as projects and plans which are better developed, improved relationship between members of the public and MPOs, improved public trust toward MPOs, and increased MPOs credibility (Kramer et al. 2006).

Public participation in transportation planning is defined as "...the process of two-way communication between citizens and government by which transportation agencies and other officials give notice and information to the public and use public input as a factor in decision making" (TRB Committee on Public Involvement, 20), which is quite similar to the more general definition offered by Wang and Van Mart (1995). It is also a "process through which transportation agencies inform and engage people in the transportation decision-making processes" (Giering 2011, 1). These definitions make it clear that the main purposes of public participation in transportation are to provide information to the public and other stakeholders and to obtain feedback from them. Needless to say, meeting legal requirements is also a purpose of public participation.

The most common participation mechanisms used by MPOs are public meetings/hearings, advisory committees, press releases, newspaper advertisements, websites, newsletters and brochures, and surveys (Kramer et al. 2006; Dilley and Gallagher 1998; U.S. DOT 1994). Evaluating public participation is a crucial but often difficult task to undertake. Public participation means different things to different people--there is no consensus about what public participation means, and there are many stakeholders in the process (Szyliowicz 2002). As Beierle observes, "no consistent method has emerged for evaluating the success of individual processes or the desirability of the many participatory methods" (cited in Szyliowicz 2002, 37).

Similar to public participation in other policy areas, public participation in transportation planning emphasizes the effectiveness of public participation mechanisms and practices in engaging the public (Barnes and Longworthy 2004; O'Leary et al. 2003; Kramer et al. 2004; Kramer et al. 2006; Morris and Fragala 2010; Graves and Casey undated; and Dilley and Gallagher undated; O'Connor et al. undated; Szyliowicz 2002). Yet, there is a lack of attention to the rules governing the processes. This study aims to fill this gap.

3.2 Perceptions of and Attitudes toward Administrative Rules of Public Participation

Many criticisms of public participation rules tend to be directed at public meetings and hearings. Lindstrom and Nie (2000, 34) indicate that based on their survey of state transportation officials responsible for public participation, mandated public meetings and public hearings are the most common techniques used, but they rank next to last in perceived effectiveness of all techniques. Public hearings and meetings are often criticized as ineffective due to their "failing to attract sufficient numbers of participants, encouraging only the most vocal opponents of a project or plan to attend, ignoring the time and financial constraints that limit the public's ability to participate, and serving as an agency formality to meet legal requirements rather than an honest and open forum to gather meaningful input" (Giering 2011, 15).

Similarly, Leighninger (2014) argues that conventional public meetings and public hearings fail to foster interaction between administrators and citizens, which in turn limit meaningful participation. Despite these weaknesses, transit providers still conduct public hearings and meetings due to legal requirements as well as a lack of resources to use more

proactive techniques. Still, in some cases public hearings and meetings can achieve their intended purposes (Giering 2011).

In general, evidence suggests that most stakeholders that are involved in public participation processes tend to perceive the administrative rules governing the processes negatively. By way of illustration, Plumlee et al. (1985) found citizen perceptions of the mandated process for participation in Environmental Protection Agency (EPA) water planning projects generally were negative, though the authors did not elaborate on the mandated rules.

Ethridge (1980) reports that agencies respond differently to administrative rules that govern public participation. For instance, the attitudes of administrators toward public participation and the nature of decisions involved are important factors in meeting participation requirements. His findings showed that the majority of the administrators have negative feelings about the public participation requirements due to perceptions that they add delays with few positive effects. Similarly, Figueredo (2005, 142) recommends that state departments of transportation (SDOTs) review the administrative rules that govern public participation to identify any obstacles to public participation including rules that are “repetitious, onerous, and unjustified in their reasoning or logic.”

More specifically in transportation planning, rules that govern public participation were designed many decades ago and tend to focus on who needs to be involved and how they can become involved (Barnes and Langworthy 2004). Indeed, this is in line with others who view the rules as outdated and not having evolved over time (Leighninger 2014). Hence, the criticism regarding the lack of innovation in public participation processes. Meanwhile, several regulations tend to be restrictive, such as provisions in the Sunshine Law that requires advance notice and restrict public meetings’ topics to a specific agenda (Amsler 2013; Leighninger 2014).

In addition, the federal statutes tend to be “high-level guidance” (Graves and Casey 2000, 100). Graves and Casey (2000) assert that these statutes act as “performance standards” because they do not offer prescriptions for how something should be done, but rather describe the end goals that need to be achieved. Since many statutes are ambiguous without specific or clear approaches, approaches across agencies tend to vary (Dabney 2013). Figueredo (2005) argues that without specific requirements, it is hard to achieve high levels of participation. Not surprisingly, many state departments of transportations failed to meet the broad requirement of federal laws (Hoover 1994).

3.3 Green Tape

Rules that are perceived more positively can bring benefits to organizations (Borry 2013). DeHart-Davis (1999) refers to such rules as green tape. The attributes of green tape include of: “written requirements with valid means-ends relationships (logical requirement), which employ optimal control, are consistently applied, and have purposes understood by stakeholders” (DeHart-Davis 2009a, 362).

These attributes were identified through a grounded theory approach. DeHart-Davis (2009a, 362) contends that:

These attributes are expected to make rules technically capable as well as acceptable to stakeholders, those who must explain, enforce, or comply with rules. The

consideration of stakeholder reactions is consistent with the notion that private acceptance of authority furthers voluntary compliance (Weber 1968, 251) and that eliciting such cooperation is far more efficient and effective than coercing it (Tyler 2006, 376).

Each attribute is expected to contribute to rule performance, with the combined presence of all attributes anticipated to increase the probability of rule effectiveness.

4.0 DATA AND METHODS

Since this study focuses on perceptions, a qualitative approach to data collection and analysis is an appropriate choice. For this study, a qualitative research design illuminates stakeholders' perceptions of the administrative rules that govern public participation. It also provides them the opportunity to articulate these perceptions, in addition to their relevant attitudes, experiences, and understandings of the nexus between the nature of public participation and administrative rules. This is in line with Creswell (1994) who argues that a qualitative approach illuminates meanings and perceptions as well as processes.

The data come from two sources: interviews with stakeholders in the processes (N=16) and archival documents. A form of triangulation (multiple sources of data) is used to provide greater accuracy and more convincing findings and conclusions (Yin 2009). In addition, the problem of construct validity was minimized because the multiple sources of evidence are measuring the same phenomenon (Yin 2009). The stakeholders were selected across three roles associated with the HRTPO: partner, staff, and public participant. The partners were the FHWA and VDOT officials. The HRTPO staff consists of two former executive directors, the public involvement/ Title VI administrator, a former officer in charge of public participation, the principal transportation engineer, senior transportation engineer, senior transportation planner, and former principal transportation engineer. The public participants were made up of citizen representatives on the board of the Citizen Transportation Advisory Committee (CTAC). The selection of these individuals can be understood by keeping in mind the focus of the study on identifying multiple stakeholders' perceptions of administrative rules, a perspective that is often neglected in the literature. In order to identify variations in stakeholder perceptions, attitudes, and experiences, stakeholders with different relationships to the process of participation needed to be sought out.

In total, 16 interviews were conducted over a period of eight weeks. According to Marshall and Rossman (2011), interviewing elites is beneficial because their positions allow them to provide more comprehensive views of an organization or places, such as its histories, policies, plans, and staff. The public participants were selected from the members of the Citizen Transportation Advisory Committee (CTAC). All 25 members were contacted, but only four agreed to participate. Two declined and the rest did not respond. The members who agreed to be interviewed were mostly social activists who tend to be involved in several community services. They either have some background in transportation or are commuters using local public transportation. All of them claimed to be interested in area transportation issues.

The interviews were conducted via telephone due to scheduling conflicts and time constraints, as the distance did not allow the author to travel frequently to Hampton Roads. Most

interviews lasted between 45 minutes and one hour. All but one of the interviews was audio-recorded and later transcribed for analysis. The interviews were conducted according to a research protocol approved by the Virginia Tech Institutional Review Board (IRB).

“Extant texts” as supplementary sources of data were also used (Charmaz 2006, 37). This included documents such as the relevant administrative rules that govern public participation processes in the HRTPO, as well as other documents, such as reports and records of meetings, policy manuals, letters, and memoranda. In addition, other written non-governmental materials such as newspaper clippings that provided relevant information were included as well. Data analysis was conducted simultaneously with data collection. The interview data were analyzed using NVivo Version 10.0. To tap the perceptions of stakeholders with regard to the administrative rules, several categories were developed based on positive and negative perceptions. Next, the initial data analysis was developed by coding responses under each category. The next step involved identifying themes. The codes were reviewed and identified under similar themes across the categories. Ultimately, this activity led to interpreting the data and to comparing the findings with literature (Creswell 2009). For the purpose of this study, the author follow Marshall and Rossman’s (2011, 161) approach to content analysis, which they describe as “a method for describing and interpreting the written productions of a society or social group.” Meaningful and relevant text was identified to help contextualize the interview data.

5.0 RESULTS AND DISCUSSION

The results are discussed in several themes such as: negative perceptions such as rules as burdensome, ineffective, unclear, and “checking-the-box” and positive perceptions (green tape attributes) such as extent of understanding of rules’ purposes, formalization, control, and valid means-ends relationship.

5.1 Burdensome

Most HRTPO stakeholders agreed that the administrative rules are not burdensome (but with some conditions) and are necessary for public participation. Several elaborated, for example, reflecting on the 2007 certification review, Interviewee S9⁴ argued that the administrative rules can be burdens if the HRTPO lacks staff, or if it does not have a public involvement administrator. This is because understanding the language of the administrative rules requires someone with a public participation background (January 5, 2015). Staff member S4 added that since the administrative rules merely serve as goals, without the public involvement administrator, it can be burdensome to implement those rules because staffers lack guidance on how to achieve the goals (November 13, 2014). Two other staff members, S4 and S6, agreed that the administrative rules do not provide clear guidance. S4 emphasized that “I just find that the public involvement guidelines are lacking.” Guidance comes from the FHWA, but it tends to be “theoretical” rather than providing illustrations of possible activities.

⁴ A system of pseudonyms was devised to maintain the anonymity of participants in the study. Staffer members were coded with a combination of the letter “S” and a number, while Partners and Citizens followed a similar logic.

One other seemingly negative response came from a staff member who admitted that he had a “philosophical disagreement” with the rules, but declined to elaborate (S3 December 11, 2014). Nonetheless, he contended that he understands the purpose of having public participation, which he does not oppose (December 11, 2014). S2 maintained that some parts of the rules are unnecessary (“outdated”) as they have not changed much since the 1960s. He added that the rules evolve, but certainly not hand-in-hand with the advancement of technology and the internet.

5.2 Ineffective

Effectiveness is a controversial term as it is difficult to determine whether the administrative rules achieve their intended purposes. One staffer (S2, November 24, 2014) and two partners (P4, December 22, 2014; P2, January 23, 2015) agreed that it is difficult to measure the effectiveness of the rules. In fact, P2 pointed out that doing so can be stressful because there are no specific tools or guidelines on how to measure effectiveness despite the requirement to do so (January 23, 2015). The process needs ongoing attention because public participation is a process of encouraging and inviting people to participate (P3, December 17, 2014). Evaluation of public participation can lead to constant debate, and the rules do not provide any criteria or guidance for evaluating the process. To some extent, this also added burdens for the HRTPO.

5.3 Clarity

Partners emphasized that the rules are clear enough; if the HRTPO has difficulty applying them, many resources are available including training, websites, and an FHWA resource person. On the other hand, one of the staff members, S6, argued that even though the rules are generally clear, some parts remain ambiguous. The FHWA offers help, but for some issues, its explanations are “theoretical” rather than concrete. He lamented: “What we need is to know the real activities that have been tried and found to be effective and here’s the person that can tell you how to do it and what they did. That’s what we need. That’s what MPOs that are struggling with their public participation processes need” (December 19, 2014).

5.4 “Checking-the-box”

Some stakeholders considered following the rules as a “standard practice” or a means of “checking-the-box” (S2, November 24; S8, October 7, 2014). In fact, for some MPOs, the lack of resources encourages them to implement rules as a means of checking-the-box (doing the minimum) (S2, November 24, 2014). As mentioned before, stakeholders considered staff attitudes toward the rules were more of “checking-the-box” prior to 2007 but this changed more recently (P2, January 23, 2015; S8, October 7, 2014; S9, January 5, 2015).

5.5 Extent of Stakeholders’ Understanding of Rules’ Purposes

The public participants who sit on the CTAC seem to have a varied understanding of the purpose of the administrative rules, such as the rules emphasis on the need for public participation. C2 stated that the rules indicate that “they have to have public participation. They have to solicit feedback from the public population, that’s basically it. Do they have to listen to it? No” (December 16, 2014). C1 viewed the rules as encouraging the HRTPO to reach out to the most vulnerable populations, and she thought that the rules are most successful in helping voices to be heard, especially those of racial and ethnic minorities (December 18, 2014). Upon closer inspection, these purposes match the goals of public participation outlined in the HRTPO’s PPP.

Among others the agency committed to “collaborate with traditionally underserved communities to understand and consider their needs by implementing Environmental Justice procedures recommended by federal transportation agencies” (HRTPO 2012, 10).

S6 believed that public participation is conducted not because of the rules, but because it is the right thing to do, especially when people’s money is involved. He also mentioned that people have the right to be involved and question everything including how money is spent (December 19, 2014).

Other stakeholders gave more specific comments about the purposes of particular rules such as the establishment of CTAC, website, and having public meetings/ hearings.

5.5.1 CTAC

The nature of CTAC membership requires members to represent the interests of their own communities. According to S2, while CTAC members are supposed to be representatives of their community, their method of selection does not necessarily ensure such representation. For instance, he noted:

When you have a citizen advisory committee that is tied closely to the elected leadership on your MPO Board, I’m going to tell you quite candidly there is no elected official who’s going to want to start off on a citizen advisory committee member from their jurisdiction who is going to cause them severe problems (November 24, 2014).

S2 further suggested that ordinary people should be on the committee rather than those with specific vested interests (November 24, 2014). By way of illustration, S2 pointed out:

And we have some of those people, but those people are our school bus drivers, and we had one of those, and she was so intimidated at the caliber of people on there, she was very reluctant to speak out and eventually she just resigned. It was too much stress. You know, as I say, grab people out of Walmart and Food Lion and put them on there. The City of Chesapeake put the former city transportation engineer on there after he retired. That’s ridiculous (November 24, 2014).

In the same vein, a public comment noted: “Several regular citizen attendees at TPO meetings who applied were not selected as members. The candidate selection process was held in closed session, which, although likely legal, was not necessary since members do not receive compensation” (DOT 2012b, 122).

5.5.2 Website

The stakeholders also supported the rule that requires the establishment of a website. C4 noted that the website is a significant time saver, since people who cannot go to meetings can watch the meetings online and submit their comments via the website (January 2, 2015; S6, December 17, 2014). P3 did not see this rule as a constraint and applauded the efforts to disseminate information and encourage interacting via the website (December 17, 2014). Despite this praise, a citizen reports that at times, people find it hard to find videos of the meetings, and suggests that perhaps the videos could be distributed to member cities and counties for presentation (DOT 2012b, 123).

5.5.3 Public Hearings and Public Meetings

The purpose of public meetings and public hearings is for the HRTPO to be transparent, to inform, and to get feedback. Often people are misinformed, uninterested, or lack knowledge about certain issues (C3, December 21, 2014). Public meetings and public hearings provide platforms to inform, clarify, and interest people in the issues discussed. As discussed before, requirements for public meetings and public hearings are the most controversial. Not surprisingly, the stakeholders also had various perceptions about public meetings and hearings. C1 maintained that the positive side of the rule is that it is a requirement for MPOs to advertise and accommodate places for meetings. This shows the general importance of public participation, which is a responsibility of MPOs (December 18, 2014).

C4 echoed that public meetings and public hearings provide platforms for people to speak publicly as well as the opportunity for the HRTPO to present information that otherwise might not be available (January 2, 2015). The positive perceptions appear to be consistent with one of the HRTPO's goals, which is to strive for a transparent and convenient public participation process (HRTPO 2012). Yet, a commenter noted that, while public meetings and hearings allow citizens to address the HRTPO, citizens should also be able to speak during board discussion. "Citizens only speak at the beginning of the meetings, a time when many board members aren't present or aren't seated or attentive. I realize that excessive citizen participation would disrupt the meetings, but some minor concessions could be made" (DOT 2012b, 122).

A negative side of public hearings is frequent difficulties in finding the most convenient time and place for public sessions as well as getting out notices (C1, P4, and S6, December 18, 22, 19, 2014). C2 observed that the locations usually are not sufficiently convenient or accessible and that it is important for the HRTPO to find more suitable rooms and meeting places (December 16, 2014). At least as important, P4 talked about those who show up at public meetings. She contended that turnout depends mostly on the issues. Sometimes people come to complain rather than discuss (December 22, 2014).

Indeed, the biggest challenge the HRTPO faces is getting the public to engage. It is difficult to get members of the general public to participate given that many issues are not immediate, but rather longer term (C3, P3, S2, S6, S9 December 21, 17, 19, November 29, 2014, January 5, 2015). This is not uncommon, as the HRMPO Best Practices Study Report verifies: "other MPOs noted that they frequently have had difficulties in getting people to attend meetings that were not associated with a particular (or controversial) project" (PBS&J 2009, ES-9). Another concern is that those who attend meetings do not necessarily represent the whole community (S3, December 11, 2014). The people who attend public meetings tend to be the same and represent only certain groups' interests (S2, December 24, 2014).

Yet, people who are well-informed do come to discuss and make public meetings and public hearings worth conducting. Public meetings and public hearings are still useful depending on whom the HRTPO reaches out to (P4, December 22, 2014). Some prefer face-to-face rather than electronic interaction, so for some, the rules still appear relevant despite some argument that they are outdated and ineffective.

These statements show varying perceptions among stakeholders about public meetings and public hearings. By and large, they understand the purpose of public meetings and public

hearings, but differ on the values and the mechanics of implementing them. The HRTPO evidently realizes these concerns as it aims to “exceed federal requirements” (HRTPO 2012, 10) by having other alternative strategies to engage the public.

5.6 Formalization

One of the aspects of formalization is written rules. The stakeholders perceived formalization (the PPP) in a positive light. They associated formalization with “transparency, accountability, and a form of contract.” This is consistent with many scholars’ views that formalization contributes to legitimacy and transparency. Nonetheless, written rules are open to multiple interpretations, which can give rise to ambiguity and in turn lead to more negative perceptions. This is contrary to many arguments that written rules provide clarity and orderliness, and unwritten rules provide room for interpretation (DeHart-Davis et al. 2014).

P1 contended that the PPP serves as a documentation of complying with the federal rules. It is important to show the process of public participation to the public (November 21, 2014), and the PPP is a “thoughtful framework” for doing so (S5 December 5, 2014). P2 highlighted the importance of having the PPP as a written document for the purposes of transparency and of informing the public about what to expect and the details of public participation processes (January 23, 2015). P3 commented that having written rules is good as they provide explicit goals, mechanisms, and a framework for public participation (December 17, 2014). P4 acknowledged that the PPP is a comprehensive document (December 22, 2014).

The majority of the staff agreed that written rules are important for several reasons: they make it easy to assess the performance of public participation, they create forms of accountability and transparency to the public and the FHWA, they form a contract with the public, they provide framework in accordance with rules, and they are references and resources for both staff and public. For the staff, the written rules are very important for both the HRTPO and the public: it is good to “know the rules of the game” (S7, October 3, 2014). S9 described the PPP as a “very appealing document” (January 5, 2015).

Three of the public participants (C2, C3, and C4) were unaware of the PPP. The other public member, C1, believed that the PPP is well written (December 18, 2014). Most of the public is not necessarily aware of written rules, but the one who is aware is the more experienced member of the committee. One of the CTAC members, C4 noted that written rules should provide enough clarification, but at the same time interpretation of those rules can be frustrating (January 2, 2015). P1 mentioned that the rules are open to interpretation: “provide timely notice and reasonable access to information about transportation...and processes... ‘Timely notice’...what does that mean? I mean, the MPO can certainly establish something that’s reasonable” (November 21, 2014).

5.7 Control

Control is one of the criteria discussed in the literature on perceptions of administrative rules. For there to be what DeHart-Davis (2009) considers as “optimal” control of rules, rules must be perceived positively.

Over-control is reflected when rules are considered useless (e.g., inflexible and nitpicking) in achieving their objectives (DeHart-Davis 2009). The majority of the stakeholders

described the rules as flexible. P3 argued that the rules are flexible given that the nature and characteristics of MPOs vary across the country. It would be difficult for MPOs to adhere to the rules if they were rigid, and the flexibility can accommodate MPOs of different sizes and types (December 17, 2014). The rules are considered flexible because they use broad language, and some require just minimum standards (S2, November 24, 2014). The rules also provide the “basics” and are “straightforward” (S5, December 5, 2014). S5 seemed to equate basic/minimum requirements with flexibility. He elaborated that if the HRTPO had been doing the “basic things,” meeting minimum requirements in 2007, it would have not gotten the conditional certification (December 5, 2014).

According to one of the partners, P2, the flexibility of the rules provides room for innovation by the HRTPO. For instance, even though the rules do not mention usage of social media, the HRTPO can utilize this medium in its outreach strategies (January 23, 2015). The other partner, P1 (November 21, 2014), and one of the staff, S2 (November 24, 2014), shared similar views that the rules provide enough room for innovation. In the same vein, S4 pointed out that innovation should be at the initiative of the MPO itself if it were to have effective public participation (November 13, 2014). Elsewhere in the discussion too, many stakeholders reported that rules are relevant and encouraging (P3, P4 and S8, December 17 and 22, October 7, 2014). Based on these responses, the rules evidently provide the HRTPO ample control of the public participation process.

5.8 Valid means-ends relationship

De-Hart Davis (2009) describes a valid means-ends relationship as the requirement that a rule connects rationally and legitimately with its ends. Stakeholders had mixed reactions about whether the rules governing public participation as reflected valid means-ends relationships. Most notably, CTAC members who had somewhat limited knowledge of the rules perceived such relationships skeptically. Staff and partners reported more positive perceptions, but some observed that “achieving objectives” was not necessarily the same as being “effective.”

In general, the stakeholders believed that the administrative rules are meeting their intended objectives, which suggests positive perceptions of the rules. Yet, some of the stakeholders’ responses depended on several factors. P2 pointed out that the rules act as a checklist and provide minimum requirements. In other words, she acknowledged that the rules are designed to generate comments and feedback from the public. P1 added that the rules set minimum standards that the HRTPO should be able to meet. For instance, despite the negative certification review in 2007, the HRTPO did improve as evidenced in the 2012 certification review (November 21, 2014). P3 claimed that perhaps in a broader sense the rules are meeting their objectives.

S2 commended the rules as beneficial, especially in bringing everyone to the table, which otherwise would not happen; if implemented correctly, public participation will improve. Even so, he emphasized that meeting the objectives does not necessarily mean the rules are effective at achieving their purposes to enhance transportation planning (November 24, 2014). Even though the objectives of the rules are not always explicit, they are attainable and reasonable (S8, October 7, 2014). One of the rules mandates evaluating the effectiveness of the public participation process. Evaluating effectiveness is not an easy task, even though one staffer, S5, suggested that the recent regulation (MAP-21) provides some tools for doing so (December 5, 2014).

The partner group seemed to believe that whether the rules meet their intended objectives will depend on factors such as how well the HRTPO uses specific public participation strategies. Some of the staff members shared this view. They pointed out that despite many improvements, some outreach strategies did not achieve what they were intended to. For instance, S7 disclosed that some surveys had low response rates. Another reason may be that transportation issues involve technical matters that the public finds hard to comprehend (October 3, 2014). S3 elaborated, noting that he agreed that some of the objectives of the rules have been accomplished, but, public apathy can be an obstacle that keeps other objectives from being met (December 11, 2014). Indeed, successful public participation requires the willingness of citizens to participate (HRCCE 2013).

Although the members of CTAC are not directly involved in implementing the rules, they perceived the rules as something common in bureaucracy that might not necessarily achieve their intended objectives. For instance, C4 related how, although the rules for public hearings are well intended, the meetings hardly gained attention from the public, and at times the same people showed up (January 2, 2015). Another member, C2, observed that “they are going through the process as any government agency is supposed to do...” (December 16, 2014).

In sum, after the 2007 certification review, the stakeholders, particularly the staff members, overall had positive perceptions of the administrative rules governing public participation in the HRTPO.

Feeney and Bozeman (2009) and Walker and Brewer (2008) similarly argue that how one perceives rules largely depends on their positions in an organization. The literature of public participation suggests that administrators with technical backgrounds tend to perceive rules less favorably than others (Ethridge 1980). The findings in this study did not necessarily suggest that stakeholders with planning and engineering backgrounds had less unfavorable perceptions of the rules. Yet, the findings do indicate that the negative perceptions of the rules before the 2007 certification review may have been consistent with the backgrounds of top management in engineering. The partners who monitor the compliance process (i.e., the certification review) tend to perceive public participation rules more positively. For instance, both partners saw the rules as generally prescriptive, while the staff members disagreed.

The public participants who sit on the CTAC have a limited knowledge of the rules but some did perceive the rules positively because they value the larger purpose of public participation. Perhaps surprisingly, some did not know about the PPP. The PPP can be referred to as the heart of public participation in the HRTPO, and for some CTAC members to have no knowledge about it is quite striking. This raises a question about whether the HRTPO conveys sufficient knowledge to CTAC members.

6.0 CONCLUSIONS

The importance of administrative rules in bureaucracy cannot be stressed enough (Weber 1952). How one perceives rules can influence certain stakeholders’ behavior, attitudes, performance, and motivation (Walker and Brewer 2009; Pandey and Kingsley 2000; Bozeman and Feeney 2011; Moynihan et al 2012; Borry 2013; DeHart-Davis et al 2014). This study further deepens our understanding of perceptions of administrative rules. Moreover, it suggests that

although administrative rules are intended to help organizations achieve their goals, how one frames the appreciation, perceptions, and implementation of the rules still matters.

Research on government-mandated public participation revolves around the effects of participation on agencies or policy outcomes (Goldsmith 2009) as well as on the effectiveness of mechanisms of public participation (Rosner 1978, Rowe and Frewer 2004). This study looked specifically at the administrative rules (mandated and otherwise) governing public participation in transportation planning organization. This is especially significant given that the administrative rules that govern public participation are often missing from the literature (Nabatchi and Amsler, 2014). The findings from this study are not entirely consistent with scholarship on public participation; here, for instance most stakeholders had mixed perceptions of and reactions to the rules relating to public hearings. In addition, this study delved into stakeholders' perceptions of rules about websites and explicit responses to public input, which the majority of stakeholders viewed favorably. Importantly, the rules provide ample room for innovation, and this gives agencies opportunity to come up with various outreach strategies, rather than relying only on conventional public hearings/meetings.

Perceptions of the rules can change when they are understood in the larger context of public participation, which in turn may lead to better understanding of the rules. Indeed, perceptions of rules may affect behavior (Bozeman and Feeney 2009). This was evidenced here when the stakeholders, particularly staff members, had better understanding of public participation and its accompanying rules. This in turn resulted in the HRTPO aggressively changing its public participation processes following the 2007 certification review and the arrival of new staff.

Although criticisms of public participation rules and strategies have merits, this study suggests that a public agency can be innovative in adopting different outreach strategies such as conducting surveys, creating websites, and using social media. The establishment of CTAC is relatively recent; hence, there is still room for improvement. For instance, the roles and goals of Committee members should be clearly laid out and the process of membership appointment should be more transparent. Perhaps most importantly, CTAC members need to be familiarized with important public participation documents in the HRTPO, such as the PPP.

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